

MADRAS LEGISLATIVE COUNCIL DEBATES

NINTH SESSION OF THE LEGISLATIVE COUNCIL
UNDER THE CONSTITUTION OF INDIA

Volume XV (Nos. 1 to 6.)

24th to 29th September 1956.

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THE MADRAS LEGISLATIVE COUNCIL.

THE NINTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

Monday, the 24th September 1956.

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

I.—SWEARING-IN OF NEW MEMBER.

Sri T. P. Srinivasavaradan was sworn in.

II.—CONDOLENCE RESOLUTION ON THE DEATH OF SRI C. S. RATNASABAPATHY MUDALIAR, A FORMER MEMBER OF THE MADRAS LEGISLATIVE COUNCIL.

MR. CHAIRMAN: It is with deep regret that I have to announce to the House the death of Sri C. S. Ratnasabapathy Mudaliar, a former Member of the Madras Legislative Council on the 15th September 1956 at Madras. He was 70 years of age at the time of his death.

The public life of Sri C. S. Ratnasabapathy Mudaliar was rich and many-sided. Hailed as the Father of Coimbatore City, he was the author of many schemes of development in regard to that City of which particular mention must be made of his vision and foresight in bringing Siruvani water to that City. He entered public life in his 20th year and was the Chairman of the Coimbatore Municipality for 15 years and President of the Coimbatore District Board for 12 years. He made notable contribution to the cause of commerce, trade and industry. He was the President of the Federation of the Indian Chamber of Commerce, Coimbatore, for about a decade. He was a Director of the Central Board of the Reserve Bank and of the Imperial Bank of India for some time and Chairman of the Southern India Millowners' Association, Coimbatore, for nine years. The co-operative movement gained momentum in this State as a result of his prominent association with it in various capacities. He was a member of the old Legislative Council for a period of ten years from 1927.

His numerous social and cultural activities, his indefatigable energy in public service, his amiable and social disposition and his refined temperament endeared him to one and all.

I now move a Condolence Resolution which I request you all to pass unanimously by standing in silence for a few minutes as a mark of respect.

"That this House places on record its deep sense of sorrow at the demise of Sri C. S. Ratnasabapathy Mudaliar, a former Member of the Madras Legislative Council and conveys its sympathy to the members of his bereaved family."

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The Resolution was passed *nem. con.*, all the Members standing in silence for a few minutes.

MR. CHAIRMAN: I shall convey this to the members of the bereaved family.

III.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Constitution of a committee for finalizing the glossary of Tamil equivalents for the English administrative terms

* 44 Q.—SRI V. V. RAMASWAMI (on behalf of Sri A. Gajapathy Nayagar): Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government have issued any orders approving the constitution of a Committee by the Madras Presidency Tamil Sangam, for the purpose of finalizing the glossary of Tamil equivalents for the English administrative terms;

(b) if so, the progress made by the Committee so far; and

(c) whether any time-limit has been prescribed for the completion of the work?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister): (a) Yes, Sir.

(b) A Sub-Committee constituted by the Madras Presidency Tamil Sangam to do the detailed work has submitted its report to the Full Committee which is now engaged in finalizing the glossary. It is expected that the final glossary will be ready by the end of September 1956.

(c) The answer is in the negative.

SRI K. BALASUBRAMANYA AYYAR: Are Government taking care to see that the administrative terms are made intelligible so as to be understood by our ordinary people?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. Care is taken in that respect.

SRI V. V. RAMASWAMI: தமிழ் அகராதி செட்டம்பர் மாத இறுதியில் தயாராக இருக்குமென்று அமைச்சரவர்கள் சொன்னார்கள். அது அச்சடிக்கப்பட்டு வெளிவந்தவுடன் எல்லா அலுவலகங்களுக்கும் பொது மக்களுக்கும் விநியோகிக்கப்படுவதற்கு ஏற்பாடு செய்யப்படுமா?

THE HON. SRI M. BHAKTAVATSALAM: இப்பொழுது உப-கமிட்டி பரிசீலனை செய்துகொண்டிருக்கிறது. சீக்கிரத்திலேயே அது தன்னுடைய அபிப்பிராயத்தைத் தெரிவிக்கும். இதுபற்றிய முடிவு அநேகமாக செட்டம்பர் மாத முடிவுக்குள்ளேயே எதிர்பார்க்கப்பட்டது. இருந்தாலும் கூடிய சீக்கிரத்திலேயே இது முடியுமென்று தான் நான் கனம் அங்கத்தினருக்குச் சொல்ல விரும்புகிறேன்.

SRI V. CHAKKARAI CHETTY: May I ask the Hon. the Leader of the House how many such terms have been proposed and can he mention some so that we may have an idea of the kind of terms that have been proposed?

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THE HON. SRI M. BHAKTAVATSALAM: I am sorry I do not have all those particulars just now with me.

SRI V. V. RAMASWAMI: இந்த அகராதியைத் தயாரிப்பதற்கு ஆகும் செலவுக்கென எவ்வளவு தொகை ஒதுக்கப்பட்டிருக்கிறது? அப்படி ஒதுக்கப் பட்டவிட்டால், எவ்வளவு செலவானாலும் கொடுக்க முடியும் என்ற உத்தேசத்தின் பேரில் நடவடிக்கை எடுக்கப்பட்டிருக்கிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: தமிழ்ச் சங்கத்தார் ஒரு அளவுக்கு உதவி வேண்டுமென்று கேட்டார்கள். 'டோகன் கிரான்ட்' ஆக ஆயிரம் ரூபாய் 1955-56வது ஆண்டில் ஒதுக்கப்பட்டிருக்கிறது.

Inter-State allotment and transfers of officers and staff between Madras, Travancore-Cochin and Mysore States

* 45 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Chief Minister be pleased to state—

(a) the principles laid down for inter-State allotment and transfers of officers and staff between Madras, Travancore-Cochin and Mysore States consequent on the proposed transfer of territories; and

(b) the provisional arrangements made for the allotment of this State service personnel?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister): (a) & (b) In the allocation of personnel to Kerala and Mysore States consequent on the reorganization of States, it is the desire of this Government to go by the wishes of the officers to the extent feasible but without conceding any right of option. It is also the desire of the Government that the areas to be transferred to Kerala and Mysore should as far as possible be manned by officers with the respective linguistic affinities.

The number of Malayalee and Kannadiga officers who are actually willing to serve in the new States of Kerala and Mysore is accordingly ascertained informally by the Heads of Departments concerned. In allocating the staff, preference is given to those who have volunteered to serve in the new States.

SRI T. PURUSHOTHAM: Will the Government arrange for transfer of candidates recruited on the principle of territorial representation for different language areas to the States to which the territories will be transferred under the States Reorganization Scheme?

THE HON. SRI M. BHAKTAVATSALAM: The hon. Member may put a separate question, Sir.

SRI T. PURUSHOTHAM: Will the Government ensure that the claims of senior people in Madras State for promotion are not in any way affected by their allotment to other States or by the transfer of personnel from other States to this State?

THE HON. SRI M. BHAKTAVATSALAM: That aspect is also being looked into.

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SRI T. PURUSHOTHAM: Will the Hon. Minister tell us whether the Government have received any representation from the Madras Secretariat Association or any other Service Association and what action has been taken thereon and whether this question has been considered in the light of those representations?

THE HON. SRI M. BHAKTAVATSALAM: Sir, there have been so many representations and whatever representation could be looked into and whatever relief could be given, the Government are doing what they can.

SRI T. PURUSHOTHAM: Will the Government consider the representations made to them about hardship caused by these arrangements and have them sympathetically examined whatever the provisional arrangement may be that is arrived at now?

THE HON. SRI M. BHAKTAVATSALAM: Sir, subject to the general policy laid down by the Government which I have referred to, the Government will look into all reasonable cases of hardship and grant relief to the officers concerned.

SRI T. PURUSHOTHAM: May I know whether the Government have decided on the retention in this State of all officers who wished to be so retained irrespective of their territorial attachment and whether the Government have considered the hardship caused by this arrangement to certain persons in the service of this State and may I appeal to the Hon. Minister and the Government to see that such individual cases of hardship are sympathetically considered?

THE HON. SRI M. BHAKTAVATSALAM: Sir, when there are more officers belonging to any territory than what that territory could absorb, then it is inevitable and it cannot be helped that some officers belonging to the other territory have to be retained in that particular territory.

SRI T. PURUSHOTHAM: May I reiterate my appeal that individual cases of hardship may kindly be enquired into by Government and favourably dealt with?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. Subject to the policy laid down, individual cases of hardship are also being looked into.

SRI MOHAMED RAZA KHAN: Are not Government looking into the hardships of officials of other areas who never anticipated that reorganization would come about?

THE HON. SRI M. BHAKTAVATSALAM: All the aspects of the question are being gone into and Government are taking decisions in accordance with the general policy laid down.

DR. V. K. JOHN: May I enquire whether an officer whose mother-tongue is Kannada and who knows Tamil very well and who can read and write Tamil, will be considered as a Tamilian or a Kannadiga?

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THE HON. SRI M. BHAKTAVATSALAM: There is no question of any officer knowing Kanarese being inevitably transferred to the Karnataka area. Sometimes, it happens that there are more officers speaking different languages than those particular areas could absorb and particularly some officers speaking other languages than their mother-tongue are being retained even if they know such other languages also. That is an additional advantage and additional qualification.

SRI V. V. RAMASWAMI: இப்படி அதிகாரிகளைப் பரிமாறிக் கொள்வதால் தமிழ் நாட்டிலுள்ள அதிகாரிகளின் உடனடியான பதவி உயர்வுக்குத் தடை எதுவும் இல்லாமல் இருக்கும்படி சர்க்கார் பார்த்துக்கொள்வார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: அதிகாரிகளுக்கு எப்போது பதவி உயர்வு வருமோ அதுவரையில் கொஞ்சம் காத்துக்கொண்டு தான் இருக்கவேண்டும்; அதைப்பற்றியே நினைத்துக்கொண்டிருக்கக் கூடாது.

SRI M. P. GOVINDA MENON: In view of the fact that the appointed day happens to be the 1st of November, will the Government make arrangements to disburse the salary for the month of October to those officers who are transferred to other States before the 31st of October?

11-10
a.m.

THE HON. SRI M. BHAKTAVATSALAM: That is being looked into.

Development of tourist amenities in the State

* 46 Q.—**SRI T. PURUSHOTHAM:** Will the Hon. the Minister for Finance and Education be pleased—

(i) to state the financial arrangement arrived at between the Centre and the State Government for the development of tourist amenities in this State; and

(ii) to place on the table of the House—

(a) A list of schemes sponsored by the State Government for development of facilities for home tourists and included in the Second Five-Year Plan;

(b) the places in which tourist bureaux are to be located in this State with the date or dates on which they will begin to function;

(c) the decisions arrived at at the Conference of the Representatives of State Governments held in December 1954 with regard to promotion of tourist traffic; and

(d) the orders passed by this Government on each of the recommendations adopted at the Conference?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance and Education): (i) The Planning Commission, Government of India, have scrutinized the schemes furnished by this Government for the development of tourism in this State in the Second Five-Year Plan. The development programme so approved consists of three parts. The schemes in Part I have been included in the programme of the Ministry of

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Transport, Government of India, and will be financed exclusively by the Centre. Those in Parts II and III will be included in the State Plan, schemes in Part II having central assistance to the extent of 50 per cent of the cost, and schemes in Part III will have to be exclusively financed by the State, the expenditure to be met by the State being accommodated within the approved ceiling for the State.

(ii) (a) to (d) Answers * to questions (ii) (a) to (d) have been placed on the table of the House.

SRI T. PURUSHOTHAM: Have the State Government considered the proposal of the Central Government for the appointment of a separate State officer and a separate department at State level for tourist traffic and will the Hon. Minister kindly tell us at what stage the proposal stands?

THE HON. SRI M. BHAKTAVATSALAM: I would like to have notice.

SRI T. PURUSHOTHAM: May I know whether the State Government have agreed to meet a portion of the cost of the running of tourist bureaux at places where the Central Government Tourist offices do not exist now and, if so, why only one centre is proposed to be opened, that is, at Madurai, instead of at all important places where there are no Central Government Tourist offices?

THE HON. SRI M. BHAKTAVATSALAM: Financial commitment will be undertaken in accordance with the scheme of the Government of India and the Planning Commission which I have just now referred to.

SRI T. PURUSHOTHAM: Have not the Central Government repeatedly told the State Government that the State would do well to play a more active role in the matter of development of tourist traffic and will the State Government institute necessary measures by constituting a separate department for the purpose?

THE HON. SRI M. BHAKTAVATSALAM: I may tell the hon. Member that the State Government are fully aware of the importance of development of tourism and that this Government have been taking all necessary steps in the matter. They may not necessarily accept any particular proposal, but I may assure the hon. Member that this Government have been taking all necessary steps in co-operation and co-ordination with the Government of India.

SRI T. PURUSHOTHAM: As there is evidently a feeling that there is no co-ordination of the activities of the Central and State Governments with regard to tourist traffic, will the State Minister in charge have the matter discussed at Delhi in more detail and ensure quick progress in this matter?

* Printed as Appendix I on pages 42-45 infra.

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THE HON. SRI M. BHAKTAVATSALAM: I may again tell the hon. Member that there is no necessity for any specific discussion with the Government of India. This Government have been taking all necessary steps in consultation with the Government of India.

SRI V. CHAKKARAI CHETTY: May I know from the Hon. the Leader of the House whether any amenities similar to those that we are proposing are provided for the Indian tourists in other countries?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. I may tell the hon. Member that tourism in European countries has been developed as a regular industry.

SRI V. V. RAMASWAMI: இரண்டாவது ஐந்தாண்டுத் திட்டத்தில் யாத்ரிகர்களுக்கு வசதிகள் செய்துகொடுப்பதற்காக யாத்ரிக ஸ்தலங்களில் வசதிகள் செய்துகொடுக்கும் திட்டத்தில், நமது ராஜ்யத்தில் குற்றாலத்திற்கு முதலிடம் கொடுக்கப்பட்டிருக்கிறது. இது விஷயமாக குற்றாலத்தை அபிவிருத்தி செய்வதற்காக எவ்வளவு மதிப்பீடு தயாரிக்கப்பட்டு மத்திய அரசாங்கத்திற்கு அனுப்பப்பட்டிருக்கிறது என்று சொல்ல முடியுமா? குற்றாலத்தில் இந்தத் திட்டத்தின் வேலை எப்போது ஆரம்பிக்கப்படும் என்றும் அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: அது பற்றிய விவரங்களைக் கொடுப்பதற்கு எனக்கு நேரமில்லை வேண்டும்.

Report on the formation of a new Alangulam-Nagalkulam irrigation channel in Tenkasi taluk.

* 47 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Public Works be pleased to state with reference to the answer given to the Legislative Council Question No. 240 on 17th March 1955—

(a) whether the report in regard to the formation of a new Alangulam-Nagalkulam irrigation channel in Tenkasi taluk, Tirunelveli district, has been received from the Collector; and

(b) if so, the action taken thereon?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI: (a) No, Sir.

(b) Does not arise.

SRI V. V. RAMASWAMI: இது விஷயமாக மூன்று ஆண்டுகளாக கடிதப் போக்குவரத்துகள் மட்டும் நடந்துவருகின்றன. ஆகவே இது விஷயமாக சீக்கிரம் சிபாரிசுகளை தயாரித்து அனுப்பும்படி பிரதம நீர்ப்பாசன எஞ்சினியருக்கு அரசாங்கம் உடனடியாக உத்திரவு போடுமா? சிபாரிசுகள் சர்க்காருக்கு வந்தவுடன் சர்க்கார் அவற்றை இரக்கத்தோடு கவனிக்குமா?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI: ஏற்கெனவே இது விஷயமாக திருநெல்வேலி ஜில்லா கலெக்டரிடமிருந்தும், பிரதம நீர்ப்பாசன எஞ்சினியரிடமிருந்தும் தகவல்களை சர்க்கார் சிபாரிசுக்குக் கொண்டிருக்கிறது. அவர்களுடைய தகவல்கள் எப்படி இருக்கின்றன என்பது தெரிந்தபிறகு தான் இது விஷயமாக முடிவான உத்திரவாயம் சொல்ல முடியும்.

[24th September 1956]

Payment of house-rent allowance

* 48 Q.—SRI V. GURUNANDAN ROW (on behalf of Sri G. Krishnamoorthi): Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the payment of house-rent allowance to the employees of Srirangam Municipality for the year 1956-57 has not been sanctioned so far; and

(b) if so, the reasons for the delay?

THE HON. SRI S. S. RAMASWAMI PADAYATCHI: (a) & (b) The Government have since sanctioned the continuance of the payment by the Srirangam Municipal Council of house-rent allowance to its employees for a period of one year from 1st April 1956.

UNSTARRED QUESTION.

Rural electricity schemes taken up for execution in the year 1955-56 in the districts of Chingleput and North Arcot

2 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Public Works be pleased to lay on the table of the House a statement showing the rural electricity schemes taken up or proposed to be taken up for execution in the year 1955-56 in the districts of Chingleput and North Arcot and the cost and progress of each of those schemes?

A.—A list * of the rural electricity extension schemes taken up and completed and those under execution during 1955-56 in Chingleput and North Arcot districts showing the cost and the progress of execution of each of the schemes is appended.

MR. CHAIRMAN: Questions are over.

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

IV.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.**(1) MESSAGE FROM THE ASSEMBLY.**

MR. CHAIRMAN: I have to announce to the House that I have received the following message from the Hon. the Speaker, Madras Legislative Assembly, dated the 22nd September 1956:—

'In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), as passed by the Assembly on the 22nd day of September 1956 and signed by me for the concurrence of the Council.'

* Printed as Appendix II on pages 45-51 infra.

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(2) BILLS ASSENTED TO BY THE GOVERNOR.

MR. CHAIRMAN: I have also to announce to the House that the Madras Land Revenue (Surcharge) Amendment Bill, 1956 (L.A. Bill No. 11 of 1956) and the Madras Land Revenue (Additional Surcharge) Amendment Bill, 1956 (L.A. Bill No. 12 of 1956), which were passed by the Madras Legislature on the 27th August 1956, received the assent of the Governor on the 10th September 1956 and have been published as Acts Nos. XII and XIII of 1956 respectively in Part IV-B of the *Fort St. George Gazette*, dated the 19th September 1956.

V.—GOVERNMENT BILL.

THE MADRAS CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1956 (L.A. BILL NO. 10 OF 1956).

* DR. V. K. JOHN: May I rise to a point of order and make a submission, Sir, with your permission? This Bill was circulated yesterday late in the evening. I got a copy of it after half past six yesterday evening. It is a very complicated and controversial Bill. I find also that references have been made in this Bill to the principal Act and also to the Tanjore Tenants and Pannaiyal Protection Act and to the South Kanara Cultivating Tenants Protection Act. None of them has been circulated. Formerly, the practice was that an Amending Bill was to be introduced, to give the provisions of the original or principal Act as an appendix to enable the Members to follow the provisions of the Amending Bill. But the fact is that this Bill was circulated yesterday evening. I find that it was passed in the Legislative Assembly only on Saturday. I may bring to your notice, Sir, that under rule 126, 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 date of receipt of notice. The Chairman, of course, has got the power to waive notice.

MR. CHAIRMAN: I have waived notice.

* DR. V. K. JOHN: The motion may be made by the Hon. Minister but we may be given time to move amendments and allowed to speak on them tomorrow.

THE HON. SRI M. BHAKTAVATSALAM: Hon. Members are aware of the urgency in the matter. The present Act expires on the 27th instant and we should pass this legislation by the 27th and get the assent of the President. That is the nature of the urgency in the matter. The Hon. Minister may move his motion and there may be a general discussion on the Bill. If the hon. Members are particular and if the hon. the Deputy Leader of the Opposition is particular, voting on clauses might be adjourned to tomorrow.

* DR. V. K. JOHN: There is a clause in the Bill which gives retrospective effect.

MR. P. GOVINDA MENON: Mr. Chairman, there may be a point of order raised by the hon. the Deputy Leader of the Opposition.

[Sri M. P. Govinda Menon] [24th September 1956]

Leader of the Opposition. But, I wish to tell him that this is a very urgent matter. If this Bill does not become an Act on the 27th of this month, a large number of tenants will be put to difficulty and there will be no protection against eviction. So, I appeal to the hon. the Deputy Leader of the Opposition that he may waive this right. Let us go on with the discussion now and if necessary, as pointed out by the Hon. the Leader of the House, we can have the clause by clause discussion tomorrow. After all, this Bill has been in the air and this only extends the life of the old Act which is already there on the Statute-book, with some minor alterations. I submit we may proceed with the discussion.

* SRI K. BALASUBRAMANYA AYYAR: Sir, there is a serious inaccuracy in the statement made by my hon. Colleague Sri Govinda Menon. This Bill aims not merely at an extension of the life of the old Act. The Government have brought forward amendments of a very important character and they have really to be thought about carefully. Therefore, I wish to state that my friend is not right in saying that this aims merely at an extension of the life of the Act and that it has already been in the air and all that. It has been very much in our stomachs and hearts.

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

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

The life of the Madras Cultivating Tenants Protection Act, 1955, was originally restricted to one year as the Government hoped to bring forward comprehensive land reform legislation within that period. But due to constitutional and other difficulties, it has not been possible to finalize the Government's comprehensive proposal so far. The Bill, therefore, makes provision for the extension of the life of the Madras Cultivating Tenants Protection Act, 1955, by two years. The Bill also extends that Act to the areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 and the South Kanara Cultivating Tenants Protection Act, 1954, are now in force. There are also certain amendments in the Bill which were found necessary in the working of the Act.

After the publication of the Bill, the Government considered it necessary to give some relief to small landlords who are entirely dependent on the income from the lands owned by them. Provision has, therefore, been made so that a small landlord may resume possession for personal cultivation of one-half of the extent of the lands leased to a cultivating tenant, provided that thereby the total extent of lands in his possession does not exceed five acres of wet land or its equivalent. For this he has to apply to the Revenue Divisional Officer who will enquire into the matter and pass suitable orders. A person who owns land exceeding 13-1/3 acres of wet land or its equivalent on the day on which the

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amending Act comes into force or who has been assessed to any sales tax, profession tax or income-tax during 1954-55 or 1955-56, cannot resume land under the above provision. Provision has also been made for permitting the cultivating tenant to continue in possession of a land which the landlord wants to resume if the cultivating tenant offers to pay the landlord the rent at the rate which was payable to him before 27th September 1955. Thus it will be possible only for very small landlords without any other substantial avocation to resume lands under the above provision. Even in such cases the tenant has got the option of continuing to be in possession provided he pays rent at the old rate. The Government consider that as the stay against eviction has been in force for one year now and it is to remain in force for two years more, it is only fair that these small landlords should be given this consideration. If any landlord has resumed possession of any land for personal cultivation under a fraudulent misrepresentation or does not bring it under personal cultivation within a period of one year of such resumption or leaves the land fallow for more than a year, the cultivating tenant who has been evicted can apply for restoration. Provision has also been made for the execution of lease deeds in all cases of tenancy agreements in future. Tenants who have been forcibly evicted after the commencement of the main Act can now apply for restoration within two months. The Revenue Divisional Officers exercising functions under this Act, have been made subordinate to the High Court so that aggrieved persons may have remedy without recourse to a writ.

As regards the point raised by the hon. the Deputy Leader of the Opposition, I submit he need not get terrified by the mention of the South Kanara Cultivating Tenants Protection Act. It is only meant for prevention of eviction. Since we are making this amendment, we have included it here and provided that that provision may apply to those areas also. There is nothing more in it. He need not search for the Act and see what it is as I have already given a gist of the same. We are having only the general discussion to-day and the clause by clause discussion will take place tomorrow. Therefore, there is ample time to discuss the whole thing.

MR. CHAIRMAN: Motion moved—

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

* SRI T. M. NARAYANASWAMY PILLAI: Mr. Chairman, of course, one appreciates the intention of the Hon. the Revenue Minister in trying to give relief to small landholders. It is somewhat satisfactory to note that the Government do realize the necessity and justice of helping small landowners. But, I should like to ask the Hon. Minister whether by this Bill he is really helping the small landowners. It looks as though the Government are of two minds and are not able to make up their mind as to whether they are really to help the small landholders or the

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tenants. If, after the publication of the Bill, they thought it necessary to give the right of resumption to small landowners however hedged in it might be, why have they gone back upon it and tried to contradict themselves by some of the provisions that they have made at the last stage? If it was a mere question of extension, there might have been little difficulty. As pointed out by my hon. Friend Sri Balasubramanya Ayyar, this Bill is not meant merely for extending the duration of the Tenants Protection Act. It has with it two or three amendments of a very important character involving policy. One is the application of the Act to areas where the Tanjore Tenants and Pannaiyal Protection Act was in force. The essence of that Act was that it gave exemption to the small landholders owning upto one veli of land. The Legislature and the Government thought it extremely desirable that that protection should be given to the small landowners to the extent one veli. That policy was accepted even in 1955 and no attempt was made to take away or encroach upon the exemptions given in that Act. All of a sudden, in this Bill an attempt is made to take away that exemption and extend the principles of this Bill to those areas also where the Tanjore Tenants and Pannaiyal Protection Act is in force. Really, I do not see any justification for this and after all, that exemption is in line with the policy adumbrated now after the publication of the Bill. Therefore, much stronger reason is there now for upholding that exemption in favour of the small landholders. Apart from that principle now embodied in the Bill, viz., that these small landholders should be given the right of resumption, I ask sincerely why they are whittling down the right of resumption. When the Government feel that the small landholders have the right of resumption and should be exempted, why do they go back upon their own policy and nullify it? The Hon. Minister says he is not in favour of either the small landowners or the tenants. It is not a question of holding the scales even; he should do what is just and what is demanded in the interests of production and the country's progress. Let us consider whether the policy he has finally assented to in this Bill is either just or will favour production. To my mind, he has introduced fresh seeds of conflict, fresh points for attack and counter-attack. Possibly, this Bill will result in injury to production. At one stage, the small landholders were given the right of resumption. But now it is given the go-by by the introduction of a provision that if the tenant offers to pay the rent which was prevalent in September 1955, the landlord is not entitled to resumption. Now, the small landholder can resume not more than five acres. Let us see how this provision will work. I shall give a practical instance in order to make myself clear. An owner of land has got ten acres. He has leased five acres to a tenant called A, four acres to B and one acre to C. He can resume five acres in all. He takes back from A 2½ acres, from B two acres and from C half an acre. Let us take the case of the person from whom only half an acre could be resumed. Is the landlord to take only half an acre and the tenant to retain the

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other half? Suppose, in respect of the half acre which is sought to be resumed, the tenant is willing to give to the landlord rent which he was paying in September 1955 and which is 70 per cent of the produce. Then, there will be two kinds of rent prevailing in respect of that one acre of land. Will production go up by this means? Can that object be furthered by this legislation? I do not quite understand the wisdom of dividing one piece of land into two, which will be the result of the application of this provision, one piece governed by the rent fixed in the Fair Rent law and the other governed by the rent prevailing in September 1955. What will be the effect of this upon future agricultural operations? Will there not be people to set up that very same tenant against the landlord to agitate for a reduction of the rent paid in September 1955, to the level of the fair rent he may pay in respect of the other piece of land? Therefore, there will always be some hitch between the tenant who first promises to pay the September 1955 rent and then does not pay on account of various circumstances, and the landlord. The Government are allowing such tenants to fall a victim to possible agitators and this will adversely affect agricultural production. The Government concede that small landholders require relief. I agree they require relief and it would be much better if the Government go ahead and protect them so that they may do all they could, spend all they could and supervise cultivation and bring about greater production in the country. But there is another thing here, which I do not understand, viz., the introduction of a condition which would govern resumption. There is mention about 'physical labour'. What is the connotation of physical labour? Whether mere supervision will constitute physical labour or not is a question to be examined. We have seen small landholders, though they do not themselves till the soil and plough, going to the fields, standing at the hedges and supervising agricultural operations. Supervision is as much necessary as digging and ploughing. Any man who knows the psychology of labour would concede that labour has to be supervised in order to produce more. It is as important as labour itself. The expression 'physical labour' which has been newly introduced and its exact connotation have not been defined.

Then there is another provision. You have given the right of resumption to the landlord but are trying to take away that right by other means. If land is resumed under alleged fraudulent misrepresentation, it will go back to the tenant. This provision, I am sure, will give rise to a good deal of wrangling between the tenant and the small landholders. There are many such provisions which will not help production to go up. The manner of resumption provided for in the Bill, the case of two halves of a land governed by two different kinds of rent, the definition of 'physical labour' being absent, the clauses which relate to the reinstatement of the tenant or restoration of tenancy—all these contain seeds of conflict. The net result of all these will be that there will not only be bad relationship between the landlord and the tenant but production also will go down. More than all this,

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I am afraid, it will affect very seriously the law and order situation in the State. Even at present, on account of the agrarian situation prevailing now, there is a lot of trouble, there is a lot of ill-feeling and there is a lot of conflict between the various sections of the community. It will be very difficult for the Government to maintain law and order, if the situation deteriorates. It is not possible for the Government to maintain law and order by means of such an ideological legislation. I, for my part, would have no objection, if the Bill just seeks to extend the life of the existing Act. I do appreciate the difficulties of the Government and sympathise with them that they are not in a position to bring in the comprehensive land reform legislation just now. What is to be done then? They should maintain the *status quo*. They should extend the life of the existing Act by a year more and allow the rest to be considered calmly and dispassionately at leisure. Whether the small landholders require relief, and if so, to what extent, whether the Fair Rent Bill should cover their case also, whether tenants should be evicted on any ground and if so, on what—these and other questions require calm consideration. The Government should not spoil the good effects of the old Act by incorporating new ideas in the present Bill. I do not want the Government to be in two minds. Let them make up their mind and say that tenants should be protected or the small holders should be protected. Let them not say one thing now and say something else later on. They are now trying to satisfy both but in the end they will satisfy none. With these words, Sir, let me conclude that I do not feel very happy about the Bill.

SRI V. CHAKKARAI CHETTY: Mr. Chairman, Sir, while welcoming this Amending Bill, I must say that I was somewhat alarmed when I read in—not all newspapers—a journal devoted to the cause of labour—*Janasakthi*—in Tamil that there were innumerable cases of eviction going on with the aid of the Police. I understand that the landlords are driving out the tenants by terrorising and intimidating them with the help of the Police. I would like to know from the Minister in charge of this subject whether he could give us any information about this and whether any representations were made to him by various bodies in Tamil Nad regarding these unfortunate ejections.

11-40 a.m. • SRI K. BALASUBRAMANYA AYYAR: Sir, at the outset, I may assure the previous speaker that much of what he said was only in his imagination. One year before when this Cultivating Tenants Protection Act was introduced, it was said that there were unjust evictions. After the Act was passed, there could not be any question of unjust eviction by any landlord, however powerful he might be, even with the aid of the Police. I can say on this occasion, with full responsibility, that the landlords never get any aid from the Police. (Sri A. M. Allapichai: Who then gets aid from the Police?) The man who gets the upperhand gets aid from the Police. I would like the Deputy Chairman to view this question from a broader point of view than what we are doing at

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present. This particular Bill is for extension of the life of the Cultivating Tenants Protection Act by two years, to enable our Government to decide upon the policy of land reform which they are to introduce finally. When I think of this question of land reform and the way in which this Government are tackling that problem, I am reminded of the old Tamil story of Tiruvazhathan who when he was asked to paint a horse on a wall, struck one line which resembled the tail and another which resembled the face and said that the body of the horse was within the wall. He thus asked the people to imagine the horse according to their taste. Similarly, we have got some reforms here and there, a Fair Rent Bill, which is only fair in print, and a Bill to stop unjust evictions. The Hon. Minister has said in the Assembly that he is thinking of a Bill to give the land to the tiller of the soil. That is what I read in the papers. Just as there is talk about the common man who is hidden somewhere so also the talk is about the tiller of the soil! Ah! I would like to know who the tiller of the soil is. I leave it at that. Has the tiller of the soil the necessary capital with him, to take advantage of the Bill authorizing the distribution of lands to the tillers of the soil? Has the State the necessary money to purchase all the lands in our State? It is there only in the imagination of those people who talk about the tiller of the soil. It would take years and years for such a thing to materialise. It could materialise only when our national income rises to such an extent as that of America or the United Kingdom. Then we can talk of the tiller of the soil purchasing the lands. As a matter of fact, we have been told that Government intend to purchase the lands from the landlords for distribution among the tillers of the soil. (Sri V. Chakkarai Chetty: There is the Bhoodan movement.) Yes, the Bhoodan movement is run by Acharya Vinobha Bhave. It is not a movement sponsored by this Government even though the Chief Minister and other Ministers go behind Acharya Vinobha Bhave always. (Sri M. P. Govinda Menon: I have seen photographs of our Ministers walking before Acharya Vinobha Bhave.) I have seen photographs of our Ministers always walking behind him and leaving him alone afterwards. But those pictures are not published in the papers. But that is all beside the point. I am not concerned with it now. I am only stating that the land reform policy as a whole has not yet been enunciated by the Madras Government. I have mentioned it very often in this House. The Revenue Minister has given an indication in his recent speech in the Assembly that the land would ultimately go to the tiller of the soil. (Sri V. Chakkarai Chetty: What does the term "ultimately" mean?) I do not know its meaning. The hon. Member is the best judge to understand its meaning. We are concerned with this Bill seeking to extend the life of the Madras Cultivating Tenants Protection Act, 1955, by two years. In 1956, there has been an abnormal increase in the price of agricultural produce, viz., cereals, etc. Investigation has been carried on by both Government as well as by economists into the reason for the increase in prices. In May 1955 there was a fall in prices and people were anxious about the same then. But in 1956 prices

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have risen high. All are agreed that there has been an abnormal increase in the price of agricultural produce. There are many reasons for the same. But the economists are agreed on one thing, viz., that the production in our country is not keeping pace with the demand and the supply of money. The demand is becoming greater and, of course, the purchasing power of the people has improved to some extent. Suggestions have been made that people should eat less. I would not commend such a policy to hon. Members especially when we are asked to come at 11 o'clock. But that is a different question. One of the things on which our economists are agreed is that production in our country has gone down from what it was before and that it has not kept pace with the demand and supply of money. That is one of the economic factors which have contributed to the increase in prices. We should take that into consideration. Otherwise, we would be creating further difficulties. Any measure of land reform which we many pass must be viewed in the context of prevailing conditions and we should see that the agricultural economy is not disturbed so as to decrease production. In the agricultural sector, as in other sectors, capital is required. That is why we find that much emphasis is laid on agricultural indebtedness. That is why many steps were taken by our Government to give relief to the agriculturists. If it is now said that the tiller of the soil should become the owner of the land, where is the capital for him to purchase the land first? That is the difficulty. Therefore, I would request the Hon. the Minister for Revenue to view this question from the point of view of availability of capital and not from the point of view of making the tiller of the soil the owner of the land directly. Both the landlord and the tenant are equally important. I am not belittling the importance of the tiller. Skill in agriculture, labour and capital are the three factors which are absolutely necessary for the successful maintenance and stabilisation of the agricultural economy of our country. Therefore, when we talk of giving absolute encouragement to the tiller of the soil, we must also bear in mind that sufficient capital is also necessary. We have got to have sufficient capital and unless we have that and unless people are prepared to undertake large cultivation expenses and put forth money in the agricultural sector, it is no good. Otherwise, it will be found difficult for the State to bring about that production which is absolutely necessary to get self-sufficiency in food in our country and also for checking inflationary tendencies. Therefore it is I am stating that the right of resumption by the landlord—landowner I would put it—is as much important as the right of the tenant. My submission is that the landowner, being the owner of the property, has the fundamental right to resume it. But I am not stating that he can so resume it at any time and at any juncture; there should be sufficient security of tenure for the tenant. I am not stating that there should not be that at all. But the right of the landlord to resume land for his personal cultivation should also be recognized. That right, I am glad, they have recognized, for the first time in a statute. To that extent, I am happy and I welcome that. But if they had recognized that

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right in the magnanimous manner in which they originally thought of it, I should have congratulated them and I should have stood before you, Sir, to welcome this particular amendment. But, unfortunately, other forces have been at work and on the whole, it has been hedged in with many definitions and restrictions. In the light of these, the particular right of resumption that is given to the landlord vanishes into thin air and that is why I am here for the purpose of stating before you, Sir, that we are not able to welcome the whole of it, though we welcome the idea.

I am glad that the Hon. the Minister for Revenue has for the first time conceded that the landlord has got a right to get back the land for his own cultivation, if he wants. That is a valuable right that is associated with the ownership of lands especially in our State where, Sir, a kind of ideal peasant-proprietor relationship has been in existence from time immemorial. It is an unfortunate fact that it has not been fully appreciated by the Planning Commission, even though we have in the Planning Commission one of our own Members. The Planning Commission has not appreciated that fully and I hope the Hon. the Minister for Revenue will bear me out when I say that the Planning Commission was naturally carried away by the idea that there were zamindari landlords in the North and from that standpoint probably they have viewed the agricultural reforms in our State also. But in our State.

THE HON. SRI M. A. MANICKAVELU: I am sorry, Sir. I could not read the minds of the Members of the Planning Commission.

* SRI K. BALASUBRAMANYA AYYAR: Whatever it is, the Planning Commission makes a statement there in one of its draft programmes—fortunately they say it is a flexible one—"Under no justifiable circumstances the landowner is entitled to more than one-fifth of the share of the produce". "Under no justifiable circumstances", they say. Can we not turn round and directly say to the Planning Commission, "There are justifiable circumstances in our own State. Here it is ryotwari tenancy and the only landlord is the Government and the others are all proprietors and it is only within the last 50 or 70 years that there has been some accumulation of holdings in the hands of a few rich people, but the majority of the ryotwari proprietors are all small landowners?"

(Deputy Chairman in the Chair.)

Another question is, up till now, no attempt has been made to fix the extent of an economic holding in our State. There have been many reports—the Report of the Tamil Nad Congress Committee, the Subramaniam Committee Report and other reports. I have tried to look into all of them, even dissenting minutes. There has been a definite idea as to how much of land will constitute an economic holding in our State. In the absence of a satisfactory definition of an economic holding, we are put to great difficulties. That is why very easily an amendment has been

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brought in by the Government. They say that a small landowner who has two acres is entitled to resume one-half, that is, one acre. Is that an economic holding? Everybody is satisfied that it is not an economic holding, one acre and half-an-acre. How can he resume that for personal cultivation, and how can there be any personal cultivation at all? Therefore, so long as there is no definition of an economic holding, these things cannot take place. That is why we go on making various amendments, based not on any principle of on how much is an economic holding and how much a farmer can really cultivate. That is why there is a definition—my hon. Friend Mr. Narayanaswamy Pillai also referred to that—of personal cultivation, personal cultivation when he contributes his own physical labour or that of the members of his family. I ask, "Can there be an agricultural holding, however small it may be, where the physical labour of one person or that of the members of his family alone would be sufficient for carrying on cultivation?" No, not at all. Agriculture requires quick work according to seasons. It is not like other work, like construction of buildings. One can go on constructing a building for ten years if one likes. But agriculture requires quick work; Kuruvai crop requires attention in time. You cannot indulge in laziness. From our experience we have found that in agriculture, assistance of other available labour is always necessary and is taken advantage of. One cannot do the work oneself. I would ask even the Hon. Minister to take up a farm and carry on cultivation with his own physical labour or that of the members of his family alone. It is not possible. If rains alter the seasons, then we have to be much more quick in our operations. For example, now in October there are rains. Suppose there are crops; they will be protected if they are grown well. Therefore, we see that agriculture requires very quick work and it has become almost necessary for people to take the assistance of other farm labourers. Therefore, I find in the Subrahmanyam Committee Report that the cultivating tenant is defined as a person who has got control and supervision over farm servants; therefore, in addition to his own physical labour, he has to take in other labour which is absolutely necessary. Therefore, the provision about resumption of land for personal cultivation becomes a right granted on paper, hedged in as it is with so many conditions and restrictions, so that one cannot exercise that right in a manner satisfactory to himself, satisfactory to agriculture or satisfactory to the State. These three things have to be taken into consideration before we can accept any particular amendment. Therefore, I am sorry in this particular form, I am unable to appreciate it completely.

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noon. There are many provisions in this particular Amending Bill which will create trouble. Even for very small things the parties, both the landlord and the tenant, may have to go to the Courts of Law. Then, both of them will not have sufficient time to attend to the work of cultivation. It is in that way that I say that this Amending Bill is bad. The Government have thought of giving some relief to small landholders who form the majority in our

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country. But their imagination has been shrouded and obstructed by so many other factors which I need not mention. They have not had a bold vision to do justice to the various parts of the agricultural economy. I could never imagine any circumstance in our country where all these three parts will not be there. There must be farm servants. There must be cultivating tenants to attend properly to cultivation. There must also be people who will contribute the capital that is immediately necessary. Capital is required immediately in the agricultural industry. That is what we must remember. One cannot afford to approach a co-operative society and wait for one and a half years, having put in a loan application.

SRI S. NARSAPAYA : In a week or ten days the loan will be given.

* SRI K. BALASUBRAMANYA AYYAR : It would not be given in spite of the hon. Member Sri Narasapaya affirming to the contrary. I can state the experience of my friends. The hon. Member is there to state on behalf of the co-operators what all they do. I am here to state on behalf of the people who do not get loans that they do not get loans in proper time or that the sanction is hedged in with so many conditions that it is not possible for the agriculturists to take advantage of the loans. The whole State is honey-combed with co-operative societies not always manned by persons of the type of Sri Narasapaya. I know co-operators are of various types. There are co-operators who do not co-operate in this matter but who co-operate in other matters. I do not want to enlarge upon this. I am not here to talk about all those matters. A valuable report has been submitted to the Government. (Sri Chakkarai Chetty : What about non-co-operators?) Non-co-operators have all vanished. We are all here to co-operate with our great Government which is engaged in the great task of establishing a Welfare State in our country. I am proud to co-operate with our Revenue Minister. There is no question of non-co-operation at all. We are all here for offering friendly criticisms so that we may have a great State of ours established on a firm footing. That is what I am anxious about. I am not criticizing the Government from the point of view of elections. I am not interested in any election now. If I am not shoved away by the Chairman, I shall be here and I shall welcome again the Ministers here. But I am here to say that capital is required for the agricultural industry as much as any other industry. Fortunately for us, our country has produced peasant proprietors. There may be a few exceptions. A few lawyers and merchants may be there. But they are also necessary. Only then capital will flow. For example, many Muslim friends of mine have come from Singapore and as Muslims generally do not give loan on interest, they have invested money on the land. The Hon. Sri Bhaktavatsalam knows this well. A large number of Muslims have got lands in Tanjore district. They have invested a large amount on lands. There are such lands by the side of my own land in Mannargudi. Lending money on interest is prohibited by the Muslim Law. Therefore, the Muslims have invested a lot of money on lands. How do they

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cultivate those lands? They may not put their hand to the plough as we call it. It is not necessary at all. Therefore, I submit that the definition of "personal cultivation" should be changed suitably. Supervision and control of farm servants also should be considered as physical labour. The definition should be given such a wide meaning. But as the hon. Member Sri Narayanaswami Pillai said, there may be a number of people who will give a narrow meaning to it. Therefore, while I welcome the recognition of the right of resumption by the landowner, I have to point out that the Government have unfortunately hedged it in with so many restrictions. One of the restrictions is that the tenant may offer to pay rent prevalent as on the 27th September 1955 and that if he does so, he should not be disturbed. So far as that is concerned, I am satisfied with it. There may be some people who will pay higher than the fair rent proposed, namely, 40 per cent. I may be mistaken as blowing hot and cold. But that is the difficulty in the matter of land reforms. That was why I was always stating that we must have a comprehensive land reform legislation. We cannot have piecemeal reforms. The Government wanted to proceed cautiously. We are conservative and we want to take time. But, unfortunately, this legislation will not help the bringing about of land reforms. Agricultural economy is composed of many things. The present system has been in existence from time immemorial and it has been working very well, peacefully and happily all these years. Therefore, we must take all factors into consideration and do justice to all interests. That is why, while I welcome some portions, I am unable to welcome other portions of the Bill. Sometimes one portion is inconsistent with another portion. That is another difficulty. The Government want that the life of this Act should be extended by two years. I do not quarrel with it; they may extend it by even five years. Let them introduce reforms. I am not against reforms at all. I am not one of those who feel that everything is all right. But the tenant should be one educated in agriculture. He need not be one educated in other matters. Most tenants are nowadays ignorant of the elements of agriculture. They obey whatever direction is given to them. That has been the state of affairs till now. I am not blaming anybody for this state of things. We should improve the condition and it is only then that we should think of giving the tenants all rights. We cannot do it now by stating that the tiller of the soil will be given the right to purchase the land from the landlord. If we do that, we will be supplanting one class by another class which cannot contribute capital and then the State will be endangered. It is only from that point of view that I am stating that as far as possible, we should encourage the small landholders who are in a majority in our State, and that we must give the right of resumption to them whenever they feel compelled to do their work. It is their inherent and fundamental right. At the same time, let the tenants have security of tenure. I am for giving protection to tenants. But all these things should not clash with each other and disturb the agricultural economy.

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These are some of the general remarks that I want to put forth during the first reading of the Bill. I would reserve my comments on particular clauses when they are taken up.

* DR. V. K. JOHN : Mr. Deputy Chairman, before I say a few words on the principles underlying this Bill and the merits thereof, I must enter a most emphatic protest against the manner in which the Government have treated this House in regard to this measure. Before the original Act—the Cultivating Tenants Protection Act, 1955—was passed, the Government thought it necessary and expedient to have a Joint Select Committee to consider it. They thought that that matter was very important and constituted a Joint Select Committee with the Members of this House to examine it. I take it that the hon. Members of this House who were on the Committee made a useful contribution to the deliberations of the Joint Select Committee. But, when the present Bill—an equally important Bill as the original one—was introduced, the Government did not think it right or convenient or necessary to have a Joint Select Committee, and they constituted only a Select Committee consisting of the Members of the Assembly. I say that in all measures of such importance, the hon. Members of this House should certainly be associated with Select Committees. And a Joint Select Committee ought to have been appointed to consider this Bill. This the Government did not do and I cannot find any explanation why the Government have treated this House so shabbily as they have done in the present instance. Then, again, this Bill after so much of controversy, so much of discussion and the passing of certain amendments at the eleventh hour in the other House was passed by the other House on Saturday afternoon. Copies of the Bill as passed by the other House with typed sheets and not even printed ones, came to us yesterday. I actually received the same after 6-30 last evening. Now, this has been taken up early this morning and the Hon. Chairman thought it necessary to accede to the Government's request. I am quite sure he would not have acceded to their request but for the pressure brought on him by the Government that this Bill should be taken up and disposed of to-day even without giving time for moving amendments.

12.10
p.m.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I do not know what the hon. the Deputy Leader of the Opposition means when he says that some pressure was brought to bear by the Government on the Hon. Chairman.

* DR. V. K. JOHN : Sir, I think I am justified in my statement. When I raised a point of order this morning and stated that sufficient notice was not given to us though the rule provided for three days' notice, the Hon. the Leader of the House got up and said that the Bill should be passed immediately and that there was urgency and all that. In spite of the fact that I pointed out that there was a clause in the Bill giving retrospective effect, he wanted the Bill to be taken up at once. Is it not pressure by Government on the Chairman of the House? I say it is pressure.

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THE HON. SRI M. BHAKTAVATSALAM: Sir, the hon. the Deputy Leader of the Opposition may offer any comment against the Government. But, I would very humbly suggest that he should be very discreet in referring to the discretion that is used by the Hon. Chairman.

* DR. V. K. JOHN: Sir, I would certainly say that that discretion was not exercised by the Hon. Chairman of his own accord but on account of the request made by the Government that this Bill should be taken up immediately. That is how the Bill has come up before this House without giving sufficient notice for moving amendments and adequate time for studying and considering the provisions of the Bill.

SRI T. PURUSHOTHAM: Is it open to any hon. Member to question the ruling of the Chairman just now given?

* DR. V. K. JOHN: I am not questioning his ruling. I was referring to the discretion.

DEPUTY CHAIRMAN: The hon. Member may continue his speech on the Bill proper.

* DR. V. K. JOHN: I was only suggesting that this should not be repeated.

THE HON. SRI M. A. MANICKAVELU: Replies need not be addressed as in courts.

* DR. V. K. JOHN: I may submit that we require time to consider this Bill and suggest amendments. I wish to point out that the principles underlying this Bill serve as conclusive proof and evidence that the Government have no mind of their own. Sir, the Government introduced the Madras Tenants and Ryots Protection Bill and got it passed as an Act. In the Statement of Objects and Reasons, it is stated that this measure is a temporary measure for two years, pending the introduction of a comprehensive Bill on agrarian reform. Since 1946, we have had so many Bills on tenants' protection. Have the Government come forward at any time whatsoever to introduce a comprehensive measure? Can any civilized Government be proud of the fact that for ten years they have had no time at all to introduce a comprehensive measure? Last year, when this Bill was introduced, I put this question to the Hon. Minister who introduced the Bill whether that was actually for one year and whether the statement that it was for one year was *bona fide* or whether they would bring forward another measure to have its life extended. To that, the Hon. Minister gave the answer that he was not quite sure, but he hoped that it would not be extended. Now, we have a Bill for extending its life. In Bombay, a comprehensive Bill was passed year before last. Why can't we do like that? The Government wanted, it is said, to introduce a comprehensive Bill. When? I say this way of dealing with an important matter which affects the economy and the life and happiness of many people is something which we should strongly condemn. I therefore, say that this is evidence of the Government's inability

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and inefficiency to introduce a comprehensive Bill. The policy and principle of any Bill should be to regulate the relationship between the landlords and the tenants. But, I am sorry to observe that the Bill introduced by the Government has only created more and more friction between the two classes and has affected prejudicially the agricultural economy of the State. Can they point out one Bill of theirs which has brought about happiness and good relationship between landlords and tenants? I am afraid that measures of the type that we are now considering will only create more estrangement between landlords and tenants. I say that this is all wrong. The Government should have introduced a comprehensive Bill. One of the characteristics of British legislation is conflict, compromise and caution. Here, we have conflict, we tried compromise but the Government never had caution. That is where the weakness lies. What is the caution that they should exercise? First of all, they must examine what are the principles which ought to guide agrarian reform. There have been agrarian reforms all over the world. Not only here, but in other parts of the world as well, it is an accepted principle that the primary object of agrarian reform is to get the largest output from the land and to liquidate or destroy all impediments that stand in the way of getting this largest output from the land. The second principle is that you must distribute land as much as you possibly can to the largest number of people. Because, the world's surface is very limited and the population is ever growing. So, care must be taken to distribute the available land to the largest number of people. The third principle is that in no way there should be exploitation or expropriation. I repeat that the Government must be careful to see that the landlord is not expropriated and the tenant is not exploited. Now, let us see what the Government have done. In introducing this Bill, have the Government followed these principles? No. It is stated that the object of the Government is to make the cultivator the owner of the soil. That would be the best thing to do. I am expressing my personal opinion in this connection, because I think the only way to solve the agrarian problem is to make the tiller of the soil the owner of the soil, by asking the tiller to pay the market value of the land in instalments. It is stated by the Hon. Minister—I think I read reports in newspapers—that certain legal and constitutional difficulties stood in the way of making the tiller of the soil the owner of the land. This has been done about 150 years ago in many other parts of the world, particularly in Germany in 1811.

Now I want to know as a student of law, what is the legal difficulty. What is the constitutional difficulty in making the tiller of the soil the owner of the land by asking him to pay the market price of the land to the landlord so that the landlord may not be expropriated? P.m.

* SRI T. PURUSHOTHAM: That can come in due course.

* DR. V. K. JOHN: The former Whip of the Congress Party who says 'in due course', is touched by my criticism. I ask as

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a lawyer what constitutional difficulty stands in the way. The Hon. Minister is also an eminent lawyer and he must explain what the legal or constitutional difficulty is, which we cannot get over. What did they do in Bombay? How did they get over the difficulty? So, it is not that anything stands in their way. They cannot make up their minds simply because they have no minds of their own. They will not apply the right principles; they will not look at such measures from the correct point of view. I do not see any constitutional or legal difficulty at all in producing a measure on the lines of the Bombay Act dealing with agrarian reform, which was passed two years ago. I ask the Government why they should have this Act for two more years. They had it for a year and it is stated that they were pre-occupied all this one year. Is that a correct statement? Well, they were pre-occupied from 1946 to 1956. Do they expect to be pre-occupied for another two years more? Well, I assure this House that two years later—I hope the same Minister will be in charge of this subject then—he will say: 'Please let us extend this for another two years'. If it is extension of the present Act, I can understand it. It is not mere extension at all. You have introduced in it many provisions which seek to amend the principal Act. Why do you then call it extension? It is a misnomer to call it an Amendment Act. The modifications are so complicated and so important that you cannot call it an extension Bill. It is a new Act that will come into force. Why call it by a wrong name? I submit that this is not the way the Government should deal with agrarian reform with which is bound up the happiness and prosperity of the country. The one and the only pre-occupation the Government should have is agrarian reform. Why do the Government think they have other pre-occupations? This is a most important matter. This is an agricultural country and Madras is an agricultural State. If the Government are to be concerned with anything, that ought to be land reform, which should receive top priority. I suggest, 'let us not have this Bill'. I know, in spite of my appeal, this Bill will be passed. Even if we move amendments, nothing will be accepted. The other day, when the Presiding Officers were meeting, I had occasion to meet many people and I was told that in the Councils of other States like the Uttar Pradesh, Bombay and the Punjab, many amendments were accepted by the Government and the Bills, as amended, sent back to the Assembly for reconsideration. Why do they do so? They realize that the Council consists of Members who can effectively contribute to the discussion and throw much more light on the subjects under discussion, probably because they have the convenience to do and the learning to do it. When I say learning, I am not disparaging the learning of the Members of the other House. But it is admitted that this House functions usefully. The Government must accept the amendments moved in this House if they are good and send back the Bill to the other House for reconsideration. But is it done? Is there one instance in the history of this House

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the Bill back to the other House for reconsideration? Sir, I go back to what I said, viz., that this House was not even associated with the Select Committee that examined this Bill. A Joint Select Committee was necessary but it was not there. I end as I began. This House has not been treated in the way it ought to have been treated.

* SRI B. V. SUBRAMANYAM: Mr. Deputy Chairman, Sir, I must confess, at the outset, that I am tempted to speak on this occasion only because I found my friend, Mr. Balasubramanya Ayyar attacking not merely the Bill but Co-operators. It was somewhat more unfortunate that the attack should have been not merely against Co-operators in general but in a gratuitous way against Mr. Narsapaya too. I am not here to speak for Mr. Narsapaya or the class to which he belongs.

* SRI K. BALASUBRAMANYA AYYAR: I only said I was sorry that all co-operators were not of the type of Mr. Narsapaya. It is a compliment, a high compliment, I paid to Mr. Narsapaya.

* SRI B. V. SUBRAMANYAM: I stand corrected. I shall not then speak for Mr. Narsapaya, but shall speak on behalf of co-operators alone. It is unfortunate that the attack against the Bill should have taken the shape of an attack against the Co-operative Movement which, if given proper credit, should solve the agrarian problem in the country. It seems to me that, however inevitable a temporary measure of this nature may be, the ultimate solution to the agrarian problems of our country can be found only in the field of co-operation. The position short of the ultimate solution is always capable of mistakes and confusions. We see in the field of agriculture two powerful sides—the tenants representing one side and the landlords forming the other. This mutual conflict must be put an end to. The only way of bringing these two classes of people together is by forming a co-operative unit consisting of both to start with. Undoubtedly, Sir, this legislation which appears at first to be a mere extension Bill, is in fact, slightly more than that. As I read it, I find that it wants to create an illusion of a right of resumption for the small landholders so that the Government, or the party in power, may be able to say that they have also been trying to help the small landholders with a view to seeing that their votes are not wholly lost at the next elections. I hope I am wrong. It is, at any rate, a temptation thrown in the way of the landholders that they can expect further rights to be granted to them. Sir, may I point out that, if anything, the process is all in the other direction? I believe that is the right direction also. There is not likely to be such a thing as resumption of land hereafter. When I say so, I am aware of the fact that any comprehensive legislation will require more time. The matter has to be discussed and decided at the Cabinet level not merely of this Ministry but of the next, and until then, an extension of the life of the existing Act is necessary. It may also be correct, in my view, to extend the Act to the whole State. But, if there is any attempt

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to stop with this legislation, and to treat the problem of the relations between the landlord and the tenant as solved, I feel inclined to say that there is something wrong with the psychology of the people who are responsible for the governance of the country.

12-30
p.m.

This legislation, therefore, has to be looked at as a temporary measure. Looking at it in that light, it seems to me that we must consider some of the elementary principles of the existing Act and stop there, rather than once again go into the entire field of agricultural reform and try to attack this Bill from that larger angle. Therefore, I wish to state, instead of making this an excuse either to attack the idea or the view that agrarian reform is coming only to protect any particular class or section of the community, neglecting the other sections in the agricultural sector, let us for the present concentrate on the several clauses of the present Bill. If we concentrate on them, the discussion will not affect and cannot take in the general legislation that is yet to come. I plead that either this Bill or Act or any criticism against this Bill or Act should not in any way be detrimental to the final concept on which agrarian reform must be based in this country. That concept, I take it, is the co-operative way. When I say the co-operative way, I wish to make it clear that I do not mean the distribution of some loans here and there to some agriculturists. That is not the co-operative way which I have in mind. The Rural Credit Survey Committee Report, to which my brother Sri Venkatappiah was one of the important subscribers, does not go as far as it should go, for all it stresses is only State aid to co-operative institutions in order that the agriculturists in our country may have plenty of money to do what they want to do and what is good for the land. The reasoning on the Government side is that the agriculturists are in need of capital, the capital which the hon. Member Mr. Palasubramanya Ayyar so well represents, and, because of the absence of that capital, they are not able to do what they want to do. It is true that by trying to feed individual tenants with capital loans, we will be doing some economic good. But the real good to be done is not to the tenant who already owns a few acres and who wants to get some more acres to become a landlord himself, but to the large class of agriculturists in this country who do not own even one cent of land and who would not be affected if the land which they help to till is resumed by the landlord for his personal cultivation. I am talking of the landless labourers. I am talking of that class of persons who constitute 70 per cent of the agriculturist population in the countryside, whose case should be gone into and whose lot should be bettered before we talk of comprehensive land reforms. If you start thinking of that class, you will stop thinking only of landlord and tenant as the real problem. I venture to say, if you stop thinking of the landlord and the tenant, you will then start thinking of the village as a unit. The idea of the village as unit has not permeated either the co-operative field in this country (I am sorry to have to say that) or the Government circles, the top of which is represented by the Planning

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Commission. The Planning Commission when it talks of 1/5, 2/5 or 3/5 share of the produce as the normal rent, does not think of the village as a unit, which idea has to be first considered. Let us take the village as a unit and try to inculcate into the minds of the villagers the co-operative idea of land management. Let the Government take the lands of the landlords, paying them whatever compensation is possible or necessary and let the Government make a beginning with this co-operative idea of land management in the countryside, taking the landless labourers into the scheme. Let them take the village as a unit. There are so many absentee landlords. Take their lands in the village, make it a unit of management by a co-operative society and if you begin to spread the idea of co-operative land management in the villages, then the distinction between landlord and tenant will disappear. The experience of one hundred and fifty years or more—I am not enamoured of the hoary past—might have shown that there has been a continuous peasant proprietorship here in the Madras State, which requires to be protected. But more than that continuous peasant proprietorship, there has been in existence for the last 150 years and more a large class of landless labourers, whose lot should be bettered first and foremost. When we are trying to bring into force a legislation that gives satisfaction to all, we have to think first of this class. Obviously this class does not include the landlord group or the tenant group. It includes the group which contributes the bulk of the labour. When such is the case, it is on behalf of that class that any land legislation in its finality must take its shape. I am talking of the future which may be distant or which may not be distant, because that time factor depends on all of us. It is from that angle that we have to view the main questions. Instead of that, trying to exhibit emotional attitudes either on behalf of the tenants or on behalf of the landlords on a temporary or provisional measure like this is quite irrelevant in my view, and is not for the final good of the country or for the final good of the countryside.

(Mr. Chairman in the Chair.)

* SRI T. PURUSHOTHAM : Mr. Chairman, Sir, I rise to support the Bill moved by the Hon. the Minister for Revenue. This is a simple Bill and it does not seek to solve the whole question of agrarian reform. The general principles that should be followed with regard to agrarian reforms have been stated rather too strongly by the Deputy Leader of the Opposition and I am sure the Hon. Minister will give a suitable reply. But as far as the Bill is concerned, it only seeks to extend the operation of the Madras Cultivating Tenants Protection Act, 1955, for two more years. The need for it has been vehemently stressed by the hon. Member from Malabar and I do not think that any greater support is necessary for the Bill after that. The hon. Member Sri K. Balasubramanya Ayyar said that he was offering 'hot and cold' criticism with regard to this Bill. He is really welcoming the changes that have

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been introduced in regard to resumption of land for personal cultivation by small landholders, while extending the present life of the Act. Everybody agrees that there must be some protection for the small landholders and this has been accepted by Government and so they have made some provision in this Bill. We all wish that there should be inducement to 'go back to the village.' We have been saying this about absentee landlords and the slogants, 'go back to the village.' By this Bill the absentee landlord is given an opportunity to go to the village to resume his land, which has till now been cultivated by tenants, for personal cultivation. Mr. Balasubramanya Ayyar observed with regard to the definition of "personal cultivation" that it might not be possible for the landlords to do cultivation work. The purport of the definition is that he must contribute physical labour either by himself or by the members of his family. That does not debar any aid being taken by the landholders for cultivation work. Contribution of physical labour does not mean contribution 'entirely.' He must also contribute his labour and he may seek the aid of others also. It is in that spirit that a wide definition has been given, I believe, in the Bill to "personal cultivation."

As everyone agrees that there is need for some concession being shown to the small landholders, I welcome this amendment in this Bill, and with these words, I support the Bill that has been moved by the Hon. the Minister for Revenue.

12-40
P.m.

* SRI A. M. ALLAPICHAJ : Mr. Chairman, Sir, the highest compliment was given to the Government by the hon. Member Mr. Narayanaswami Pillai when he said that the Government had not pleased either the tenant or the small landlords. That was perhaps the highest compliment which one could give. That shows the fairness of the Government. The Government want to do what is just and it is not restrained either by pressure on the one side or pressure on the other. Sir, we have to remember some important things when we are dealing with this matter. Perhaps we may remember that in our country more than 80 per cent of the population live in the villages, that they are agriculturists and out of this 80 per cent—I am not able to give the exact figures; I read it some six or seven months ago, and if I had known that I would have to refer to it to-day, I would have got the figures—only a small percentage own lands. What happens is that always the Congress party and the Congress Governments follow the middle path. There is the extreme poverty grinding our people on the one hand and on the other, there are other people also who need help. We know almost every Indian is a poor man and we have to make a choice between these two alternatives. There are only the poor, poorer and the poorest.

Sometime ago, somebody in a light-hearted manner criticised the movement of Vinobhaaji as one of spreading poverty everywhere. It is not correct to say so. (Interruption.) Some Governor said

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that. Our people are poor and they have to be helped. In our blood there is the sense of duty to help the man that deserves and it is that tradition which our Government want to put into practice. When they are doing that, I cannot understand why we should get agitated over that matter.

We must remember another thing also. Indians are also human beings like the Russians and the French people. If some such thing is not done, catastrophe will overtake us. We must learn the lesson of history. When the great mighty French Revolution swept the whole of Europe, even the day before that, the nobles did not realize it. Therefore, we have to do the correct thing in some way or other. Some hon. Member was saying about the provision regarding resumption that it was placed under so many limitations and all that. The Government have done it to protect the poor man from being dishonestly deprived of his property. Suppose a landlord takes away the property. Then the law says that the tenant has a remedy. What is wrong there? I do not see anything wrong in it. On the other hand, there should be some such provision. Otherwise, there will be oppression. Therefore, we have to take a very common view of this matter and personally, I think, I have to appeal to the hon. Member Sri Balasubramanya Ayyar to remember that more than 80 per cent of our people are poor; our country is not a big industrial country. We have to take into account all these things. If we do not move carefully, we must remember that we are on the brink of a big revolution; if we do not move quickly, we may get enveloped by that. Therefore, I think what the Government are doing now is the right thing, in the right direction at the right time.

* SRI S. NARSAPAYA : Mr. Chairman, at the outset, I may be permitted to say that it is regrettable that this Bill was not referred to a Joint Select Committee. Time and again, it has been stated on the floor of this House by all sections that in matters like this, it would be advisable that a Joint Committee examines the question rather than a Select Committee of the other House alone. I hope at least in future, the Government will see their way to refer Bills of this type which are not Money Bills to a Joint Select Committee of both the Houses rather than to a Select Committee of one House only.

While I fully support the extension that is proposed in this Bill, I should submit that there are certain clauses which I do not know how the Government were persuaded to accept. In fact, so far as resumption of land for personal cultivation by the landlord is concerned, on principle either we agree that the small landholder must be permitted to resume a certain area for his own cultivation or that he is not entitled to resume land. If the Government once grant the principle that the landlord is entitled to resume land for personal cultivation, then I submit any offer of a higher amount of rent cannot in any manner take away that right from the landlord. It is not because there is the possibility of fixation of fair rent that

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the landlord wants to resume lands for his own cultivation. It is because he may have no other avocation or because he wants to settle on his own land that the right is given to him that he may resume a certain acreage for his own cultivation. If that is the principle of the right of resumption, then the provision in the other part of the clause, namely, 'if the tenant offers to pay the landlord the rent which was prevailing in September 1955, he should not be disturbed,' should not be there. For, then the right of resumption has no meaning. What is sought to be given by the right hand is taken away by the left hand. I do not know how the Government were persuaded to accept this amendment, when on principle they ought not to have done so.

12-50
P.M.

Then, there is another matter about South Kanara which I may bring to the notice of the Hon. the Revenue Minister. In the case of resumption by the landlord, there is a summary eviction on the orders of the Revenue Divisional Officer. There is a provision that if there is a crop existing on the land, the Revenue Divisional Officer may either direct a reasonable compensation to be paid for the crop or may wait till such time as the crop is harvested before the landlord is put in possession. In our district there are tenants, year-by-year tenants, who are liable to be evicted at any time but who have been in possession of property for years and years, fifty or hundred years, and have been improving the land by spending thousands of rupees over it. Under the customary law prevalent in South Kanara, the tenants are entitled to be paid the value of the improvements effected by them on the land. In cases of eviction coming up before the court, commissions are taken out for valuing the improvements, and it is not rare that we find that the improvements effected on the lands by the year-by-year tenants who have been there from the time of their forefathers have been valued at several thousands of rupees. The commissioners have valued them at even Rs. 10,000 sometimes. In the present case, there is absolutely no mention made about the value of the improvements payable to the tenant. Instead of protecting the cultivating tenant, we are practically throwing him out of the land, denying him the right to which he is entitled under the existing law, namely, payment of the value of the improvements that he and his forefathers have effected on the land, and are existent on the land. Unless the Revenue Divisional Officer is empowered to grant, along with grant of compensation for the crop existing on the land, compensation for the improvements effected by the tenant on the land, it would be a very great injustice done to the tenant and instead of protecting the tenants, it would be ousting them from the land and doing injustice to them.

Then, I do not know how this Bill has evoked so much of emotional upsurge. Particularly, the hon. Member Sri Balasubramanya Ayyar, as my friend Sri Subramanyam pointed out, instead of confining his remarks to the Bill and the provisions and repercussions thereof, started attacking right and left and he even

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went to the extent of attacking co-operative institutions. A landlord himself, a banker to boot, a person permanently residing in Madras City, he knows very little of co-operation in the villages that is obtaining to-day. I can excuse him if he is ignorant of that and if he says that the co-operative institutions have not done anything useful. Co-operation might not have done what we, the co-operators, wanted to do and what to-day the Government both in the Centre and in the State expect us to do and what, according to the All-India Rural Credit Survey Committee Report, is the only means of regeneration, economic regeneration, of the agriculturist. But, still, we are doing our best. The hon. Member Sri Balasubramanya Ayyar started a tirade about the provision of capital to the tenant. The co-operative societies are there to fulfil this job. Crores of rupees are placed at the disposal of co-operative societies and if he thinks that it will take twelve or eighteen months before a loan is sanctioned, he is very much mistaken. As I intervened and pointed out even while he was speaking, within a week or ten days from the date of receipt of the loan application, the money is made available to the agriculturist. Our aim is to see that all the credit requirements of a cultivator are met by the co-operative societies and we, the non-official and official co-operators, who are living and moving about in the villages, are here to say that their credit requirements are going to be met by the co-operative societies. I do not want to add anything more. But whenever a tenancy legislation or a piece of agrarian reform comes up, the hon. Member Sri Balasubramanya Ayyar is a bit emotional. One can understand it. He is still obsessed with the old, out-moded system of landlordism, capitalism and banking, which to-day is not acceptable. The hon. Member knows that we have accepted the policy of establishing a socialist pattern of society where all these old, out-moded ideas will no longer be in existence or prevalent. As he has been brought up in that atmosphere, to-day when he sees that all that he holds sacred or right is being trampled upon, as he thinks, by the legislators, by the Government and by the State, he is upset. (Sri K. Balasubramanya Ayyar: He is now in a world of imagination.) No. Let us move with the current. There is no use of moving against the current. If the hon. Member Sri Balasubramanya Ayyar or a gentleman like him cannot go with the current, it is better that he learns it.

I would once again appeal to the Hon. the Revenue Minister to find some method of giving relief to the tenants of South Kanara who would be ousted by the summary order of the Revenue Divisional Officer where resumption is asked for by the landlord. I tried to see whether there was any rule-making power for the Government and even that is not there. (Sri T. Purushotham: It is provided for in the principal Act.) In fact, I wanted to bring in an amendment. But I bow to the orders of the Leader. I am told that at this stage no amendment could be brought in. I wish that the Law Department and the Hon. the Revenue Minister see whether in the rules to be framed at least, this defect could be remedied.

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SRI M. P. GOVINDA MENON : Mr. Chairman, Sir, I want to enter my protest against the remark made by the hon. Member Sri Purushotham when he dubbed me as a Member from Malabar. I do not represent Malabar only. I have been elected by the Members of the Legislative Assembly.

MR. CHAIRMAN : You represent the whole State.

SRI M. P. GOVINDA MENON : I am afraid that there is a mischievous tendency on the part of the hon. Member Sri Purushotham . . . (Sri T. Purushotham : No, no.) Possibly it is in your hands on the 1st of November . . . (Sri T. Purushotham : It is not at all my intention.)

As far as this Bill is concerned, I certainly welcome it. Such a Bill is necessary till the question of agrarian reforms is settled once and for all. As far as the district of Malabar is concerned, the Tenants Protection Act did help the tenants. Till a permanent legislation is passed for the whole State, such a Bill is necessary and I welcome it. But what ought to be in the final law about land tenure is cleverly introduced in this Bill by means of new section 4-A. It is the provision about resumption of land for personal cultivation by the landlord. I smell 'election eve' in that provision. (An hon. Member : The evil of election eve.) It is the most important point which will have to be considered at the stage of final settlement of the agrarian question. This is the thin end of the wedge and a dangerous thin end of the wedge. A lot of tenants will be put to hardship by the introduction of this clause in the Bill. There is also a still greater danger in this. If a landlord wants to resume the land for personal cultivation, the tenant is offered a chance to avoid it by agreeing to pay the contract rent that existed before this Act came into force. Every landlord will claim to be a small landlord and will rush to the Revenue Divisional Officer with an application for resumption of land so that at least he may get a higher rent, not the fair rent fixed by the law. Such a clause has been unnecessarily introduced in this Bill. We cannot alter it now. Whatever it is, I welcome this Bill. Such a Bill is necessary till comprehensive agrarian reforms are introduced in this State.

IV.—ANNOUNCEMENTS BY THE HON. CHAIRMAN—cont.

(3) DECISIONS OF THE BUSINESS ADVISORY COMMITTEE.

MR. CHAIRMAN : I have to report to the House that at the meeting of the Business Advisory Committee held at 10-30 a.m. to-day, it has been decided to meet from 11 a.m. to 1 p.m. and from 3 p.m. to 5 p.m. to-day for the consideration of the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956) and for the presentation of the Supplementary Statement of Expenditure for 1956-57, Statement of Demands for Excess Expenditure in 1951-52 and the Statement of Demands for Excess Expenditure in 1952-53.

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It has also been decided to continue the consideration of the Madras Cultivating Tenants Protection (Amendment) Bill, 1956, and take up the resolution on the ratification of the Constitution (Seventh Amendment) Bill, 1956, and introduce the Madras Silk-worm Seed (Production, Supply and Distribution) Bill, 1956, on the 25th September 1956 and to transact non-official business on the 26th September 1956. The Council will meet from 3 p.m. to 5-30 p.m. on these days.

The Council will meet from 3 p.m. to 5-30 p.m. on the 27th September 1956 for the consideration of the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956), and again meet at 11 a.m. on the 28th September 1956 for the general discussion on the Supplementary Statement of Expenditure for the year 1956-57, etc.

The Council will meet at 3 p.m. on Saturday, the 29th September 1956, for the consideration of Appropriation Bills.

The House will now rise for lunch and meet again at 3 p.m.

The House then rose.

(After lunch—3 p.m.)

VII.—MOTION UNDER RULE 21 (3) OF THE COUNCIL RULES.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I move—

"That under rule 21 (3) of the Council Rules, consideration of the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), be resumed after the presentation of Supplementary Statement of Expenditure for 1956-57, Statement of Demands for Excess Expenditure in 1951-52 and the Statement of Demands for Excess Expenditure in 1952-53."

MR. CHAIRMAN : The question is—

"That under rule 21 (3) of the Council Rules, consideration of the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956) be resumed after the presentation of Supplementary Statement of Expenditure for 1956-57, Statement of Demands for Excess Expenditure in 1951-52 and the Statement of Demands for Excess Expenditure in 1952-53."

The motion was put and carried.

VII.—PRESENTATION OF THE SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR THE YEAR, 1956-57.

THE HON. SRI C. SUBRAMANIAM : Sir, I present the Supplementary Statement of Demands for Grants for the current financial year 1956-57 and the detailed estimates thereof. Copies of the Statement of Demands and the Estimates have been laid on the table of the House.

As explained in the Introductory Memorandum, the present supplementary statement relates mainly to 'new service' schemes sanctioned by the Government in the course of the year. Provision

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has also been made for payment of costs awarded by the Courts in certain suits in which the Government were impleaded as a party, and for expenditure which is likely to exceed the Budget provision in some cases.

The main item included in the present supplementary estimate relates to the large expenditure incurred on the rehabilitation of the persons who had suffered on account of the cyclone in the southern districts. The total sum asked for on this account is about Rs. 3½ crores out of the total supplementary estimate of about Rs. 4.25 crores. It is expected that this expenditure will be covered by loans and grants from the Government of India. Another large item relates to various schemes of industrial development, as explained in the detailed estimates. The total sum asked for under this Grant amounts to about Rs. 25 lakhs.

With these words, I commend the supplementary estimates for the acceptance of the House.

**VIII.—PRESENTATION OF THE STATEMENT OF DEMANDS FOR
GRANTS FOR EXCESS EXPENDITURE IN THE YEARS
1951-52 AND 1952-53.**

THE HON. SRI C. SUBRAMANIAM : Sir, I present the statements of Demands for Grants for excess expenditure in the years 1951-52 and 1952-53. The appropriations originally provided for in the Budget Estimates can never be expected to tally entirely with the actuals, and excesses under some Grants are inevitable. The explanatory notes appended to the statements give the reasons for the excesses in each case. The Public Accounts Committee constituted for the years 1955-56 and 1956-57 at its meetings held during the course of 1955-56 and 1956-57 examined the reasons for the excesses and recommended that Demands for Grants to cover the excess expenditure over the final sanctioned appropriation under each Grant might be presented to the Legislative Assembly. The reports of the Public Accounts Committee were published in January 1956 and May 1956 and action for moving the Demands for excess Grants could not be taken till now, owing to the pressure of other legislative business.

V.—GOVERNMENT BILL—cont.

**THE MADRAS CULTIVATING TENANTS PROTECTION (AMENDMENT)
BILL, 1956 (L.A. BILL NO. 10 OF 1956)—cont.**

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, as was pointed out by the hon. Member opposite, I think it was Mr. Subramaniam, we have to bear in mind that this measure is a temporary one and so all the incidents relating to a temporary measure are there. There are certain difficulties and they are difficulties which are found in Bills of this nature.

As regards the complaint that the Bill was not referred to a Joint Select Committee, I may submit that when the motion was moved in August in the Legislative Assembly, it was the intention

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of the Government to push through the Bill even without reference to a Committee. It was only at the last minute that it was decided to refer the matter to a Select Committee as some of the Members expressed the wish that the new clause had to be examined carefully. It should not be forgotten that the Act was expiring by about the 26th September and there was, therefore, urgency. We are extending the original Act with a new clause. We want that the Bill should be passed so that it may become law from 27th September. Under these circumstances, a reference to a Joint Select Committee could not be made. Therefore, it will be seen that it was not the deliberate intention of the Government to shut out the very valuable help that the lawyer-Members of this House would willingly give including the hon. the Deputy Leader of the Opposition, who has quoted the practice in Germany and other countries. He was stating that though the Government passed the original Act in 1946, they had done nothing else in the past ten years or so. I respectfully submit that the 1946 Act only related to tenancy in inams or estates. It did not refer to those in ryotwari areas and has not provided for protection against eviction. Even in 1955, the question of land reform was in the air and the landowners were anxious to evict the tenants from their tenancy so that they could continue to keep the land for themselves. With a view to stopping such indiscriminate and large-scale evictions of tenants from their holdings, it was thought fit to get that Act passed in 1955. It was also the intention of the Government to restrict it to one year. They thought of bringing forward a comprehensive land reform, but it was not possible. The hon. the Deputy Leader of the Opposition said that the Government had their own pre-occupations. Yes, the Government were pre-occupied with so many things. For instance, there was the question of reorganization of States and there were other things. All those had to be considered by the Government. I am sure the hon. the Deputy Leader of the Opposition is aware of the trouble experienced in various parts of the country, the riots that have taken place also. The Government's mind has been engaged in other respects also and so a large-scale, comprehensive land reform could not be ushered in all of a sudden.

As regards land reforms, the hon. the Deputy Leader of the Opposition asked, 'Why was there delay?' I may mention, for the information of the hon. Members of this House, that the Government are very earnest in having a comprehensive land reform legislation passed as early as possible. With that end in view, they appointed a Cabinet Sub-Committee. This Sub-Committee went into all aspects of the question and in fact, they prepared a scheme by which all these different phases of land reform were to be put in one integrated law. We all thought that that could be pushed through. But, suddenly, certain constitutional and legal difficulties arose and came in the way. It was also asked, "While other States have pushed through legislation in this regard, why should not this State also push through the

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legislation? ” We have our difficulty and it is this. Our scheme of land reform was with reference to making the tiller of the soil owner of the land—that phrase has now become a well-known phrase and I need not use any other in its place—that is, we want to give proprietary rights to the tiller of the soil with reference to the land that will be surplus. The landowner is given a very comfortable margin so that he could cultivate the land himself with the aid of the members of his family; he is left with a large slice of his land. There are a few people owning more than thousand acres. In such cases, the surplus or excess land will be given to the tenant on the basis of his compensating the landowner. Our scheme was that it should be a matter between the landowner and the tenant. The tenant should pay within ten or fifteen years the value of the land and become the proprietor or pattadar. But that scheme could not fructify since this constitutional difficulty arose. The Government can take over the surplus land themselves and distribute it to the landless or other people. But they have not got the right to attain it. That is, we cannot establish relationship between the landowner and the tenant by making the tenant pay compensation to the landowner straight. The Government must become a *banya*, distribute the land, get compensation from the tenant and pay it to the landowner. Our scheme was set on that model and now, we cannot switch over to the model of the State taking over and distributing the land. Probably, in the next set of reforms, there may be no other go than the Government taking over the surplus land, compensating the landowner therefor and making it over to the landless. We have now come forward with this Bill for stopping eviction. The Fair Rent Bill will come up before the House in the next few days. As far as that is concerned, there is no difficulty.

DR. V. K. JOHN : May I enquire whether it will be wrong or unconstitutional to provide for the tenants purchasing the land by paying the cost of the land in instalments?

* THE HON. SRI M. A. MANICKAVELU : If it is contractual purchase, there is no difficulty. But if it is by compulsion, we have no right to compel anyone to sell his land in the manner proposed. Only the State can take over the land. That is how the necessity arose for the Bill before the House. The existing Act was meant to stop eviction only for one year. But now we are providing for two years. Altogether it comes to three years. Hon. lawyer-Members are aware that in urgent cases before courts, the courts grant interim stay. This is a sort of interim remedy. Even in the case of interim stays, afterwards the case is required into and if the Court feels that too long a stay will be prejudicial to the party, then it makes an order as to the enjoyment of the property, etc. The period mentioned in this Bill is three years. Is it right to deprive the landowner for three years of

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the right to exercise his proprietary rights? Especially in the case of landowners whose sole means of living is agriculture, is it right to deny them ownership rights? Now, the right of resumption is very much restricted. A landowner paying income-tax or profession tax or sales tax is precluded from taking advantage of the provision for resumption. We are now giving this right to those small landholders who want to take to agriculture as profession. Even there, they can resume only half of the land the tenants possess. There is a further provision also which says that if the tenant agrees to pay the prevailing rent, he is allowed to continue on the land. If he prefers to pay a higher rent than the fair rent, why not he be allowed to continue as tenant? I agree there is an anomaly there but in the circumstances, we are forced to do this.

Then, we have defined ‘personal cultivation’. It has a restricted meaning. The hon. Member for the University wanted to know who is the tiller of the soil. I cannot give a legal or scientific definition. I can give only a layman’s definition. As I understand, a tiller of the soil is a person who, with a very scanty dress—he has no coat, no turban and no umbrella in hand—takes a plough and ploughs the land. There is sweat on his brow.

SRI A. M. ALLAPICHAJ : Is it a crime to wear coat?

* THE HON. SRI M. A. MANICKAVELU : No, not at all, even a long coat can be worn. (Laughter.) So, the tiller of the soil is the opposite of one who wears a coat and turban, holding a walking stick or umbrella in hand and goes round his field, comes back home, takes coffee and chews pansupari.

DR. V. K. JOHN : Is he too old or too young?

SRI A. M. ALLAPICHAJ : Suppose he applied his mind? Application of mind also is physical labour.

* THE HON. SRI M. A. MANICKAVELU : Yes, Sir. He must very much apply his mind because if he wants to take away the weeds, he should not pull out the crops in the process. Mind also plays its part.

Sir, reference was made to economic holdings. In this Bill we have not applied our minds to the question. It will come in later. What should be the ceiling on holdings and other allied things will come in later. This is a sort of stop-gap arrangement to see that tenants are not evicted on a large scale and that the small-scale landowners are not adversely affected by their being deprived of a chance to eke out their livelihood by taking to agriculture. After all, it is not a sin to own land, especially a small bit of land. The holder of that land should be placed on the same footing as the tenant. Both are economically poor. The

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Bill only tries to protect the interests of people who are under a handicap economically. Whether it is the tenant or the landlord, it is the duty of the Government to protect him.

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p.m.

It was also suggested that this is an Amendment Bill which was intended as a vote-catching device. I do not see any such device here. People, who are always interested in elections, think of elections and whenever the Government do something, they see something sinister in it. The Government want to be fair and just both to the tenants and to the landowners and also want production to go up. The Planning Commission and the Central Government are anxious to increase production in our country. First they fixed the target at 15 per cent. Now, they want to raise it to 40 per cent. As the Hon. the Minister for Agriculture said, let us try to raise it up to 30 per cent. Let our long-range plan be for 40 per cent. We must try to increase food production. Otherwise, all our national reconstruction schemes cannot go on. Therefore, the greatest emphasis should be laid on production. At the same time, we should keep in view the fact that we should not allow production to be impaired. The hon. Member from South Kanara had some fear that the Bill would not provide for sufficient compensation for the improvements made. I think he is under a misapprehension. What is provided for in the Bill is with regard to standing crops, etc. When the land is resumed for personal cultivation from the tenant, the landowner must compensate the tenant in respect of the standing crop. The Bill does not envisage compensation to the tenant for any long-range improvements made by him upon the land. This Bill is a temporary measure, wherein we are giving the right of resumption of land for personal cultivation to the landowner. For the present, when the land is resumed for personal cultivation, the landowner would compensate the tenant only in respect of the standing crop, for the seed bed and for the transplantation. To that extent, he must be compensated. That is why I do not think the Member from South Kanara should be apprehensive about the Mulganidars of South Kanara. The hon. Member, Sri M. P. Govinda Menon, said that the landowners would rush to the Courts and that there would be litigation. Even though there is this legislation, I personally think that the good sense of the agricultural community would prevail and that they would not abuse their relationship and take the cases to courts. They would have the inherent good sense to see to it that no dislocation is made in the interest of both the landlord and the tenant and they would at the same time try to step up production.

Mention was made about co-operation. It is all good to have co-operative farming and co-operative land management. A co-operative society or some such organization might be established in the village which could cater to the needs of the agriculturists. In that way, we might increase production. I do agree. But, unfortunately, in this country, people do not take to co-operation easily. I hear in other countries they have advanced very much

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in the co-operative field. I hear that in China, the agricultural operation in the whole country is carried on in the co-operative way. That is what I read in the papers though I do not know what the real state of affairs there is. Unfortunately, in our country the individualistic tendency is there. People want to be proprietors. The man wants to be the landlord. He does not very much like the co-operative idea. He does not want to join any co-operative organization. But Government are trying to wean him away from that attitude and they do want to bring him gradually into the co-operative fold. As I said previously, co-operative method of cultivation would surely increase the yield and step up production. These are the circumstances under which this Bill has been brought forward to extend the life of the Madras Cultivating Tenants Protection Act by two years. Certain difficulties have been expressed by hon. Members and I shall try to deal with them when the clause by clause consideration is taken up. I hope, with this explanation, hon. Members will be satisfied that the Government have really an arguable case to present this Bill in this form.

MR. CHAIRMAN: The question is—

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

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

MR. CHAIRMAN: We will take up the clause by clause consideration of the Bill to-morrow. The House will now adjourn and meet again at 3 p.m. to-morrow.

The House then adjourned.

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

1. Notification issued with G.O. Ms. No. 1897, Home, dated the 2nd July 1956, remitting court-fees for casual leave and long leave applications from village officers.
2. Notification issued with G.O. Ms. No. 1734, Home, dated 14th June 1956, amending Appendix I of the Madras Children Rules, 1940, for including the Seva Samajam Girls' Home, Adyar, Madras, as a certified school.
3. Notification issued with G.O. Ms. No. 2079, Home, dated the 20th July 1956, amending rule 70 of the Madras Children Rules, 1940, for the inclusion of blackgram dhall in the scale of diet for children in certified schools.
- *4. Statement VII showing action taken on assurances, promises, and undertaking given during the Seventh and Eighth Sessions, 1955-56 of the Madras Legislative Council.

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5. Notification issued with G.O. Ms. No. 1836, Home, dated 26th June 1956, amending the Madras Restriction of Habitual Offenders Rules, 1949, vesting the powers exercised hitherto by the Deputy Inspector-General of Police, Railways and C.I.D., in the Director of Harijan Welfare, Madras.

6. Notification issued with G.O. Ms. No. 2049, Home, dated the 17th July 1956, remitting Court-fees in regard to applications and petitions under the Madras Sales of Motor Spirit Taxation Act, 1939, and the Madras Tobacco (Taxation of Sales and Registration) Act, 1953.

7. Notification issued with G.O. Ms. No. 2050, Home, dated 18th July 1956, exempting Jeep No. IT-64431 belonging to the American Embassy at New Delhi (Technical Co-operation Mission) from payment of registration fees.

8. Notification issued with G.O. Ms. No. 2062, Home, dated 18th July 1956, remitting the Court-fees payable for applications and petitions presented to officers of the Madras Electricity department.

9. Notification issued with G.O. Ms. No. 2442, Revenue, dated 16th June 1956, exempting from payment of additional sales tax for woollen blankets payable under section 3 (2) of the Madras General Sales Tax Act, 1939.

10. Notification issued with G.O. Ms. No. 2521, Revenue, dated 23rd June 1956, regarding notification under Explanation I under item (II) under section 3 (2) issued under Madras General Sales Tax Act, 1939.

11. Notification issued with G.O. Ms. No. 2118, Home, dated 26th July 1956 amending the Madras Cinematograph Rules, 1933, for extending the period of licence to one year for licences issued to travelling cinematograph shows.

12. Notifications issued with G.O. Ms. No. 2764, Public (Services), dated 14th August 1956, amending regulation 17 (2) of the Madras Public Service Commission Regulations [Laid on the table of the House under Article 320 (5) of the Constitution of India].

13. Notification issued with G.O. Ms. No. 2185, Home, dated 1st August 1956, regarding orders cancelling Home Department Notification No. 48, dated 5th January 1956.

14. Parliamentary Proceedings on the Constitution (Seventh Amendment) Bill, 1956—Volume I.

15. The Constitution (Seventh Amendment) Bill, 1956. (As passed by the Houses of Parliament).

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16. Bill passed by the Legislative Assembly and received therefrom in the Council:

The Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956).

17. Notification issued with G.O. Ms. No. 2320, Home, dated the 14th August 1956, regarding remission of fees payable on applications for fishing licences.

18. Notification issued with G.O. Ms. No. 3172, Revenue, dated 16th August 1956, regarding issue of rules under section 44 (2) (a) and amendment to rules under section 44 (2) (b) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 [vide section 44 (3) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.]

Placed on the table of the House on 28th August 1956.

Sent by post on the 14th September 1956.

Sent by post on the 15th September 1956.

Circulated by registered book post and by Special messengers on the 21st September 1956.

Circulated by special messengers on 22nd September 1956.

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APPENDIX I.

[Vide answer to clause (ii) of starred question No. 46 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 24th September 1956, on page 6 supra.]

(a)

Part I.—(To be exclusively financed by the Central Government.)

	RS. LAKHS.
1 Madras (including Mahabalipuram and Kancheepuram)—	
(i) Canteen at Mahabalipuram	0.20
(ii) Canteen at Kancheepuram at the premises of the rest house.	0.50
(iii) Development of Vedanthangal Bird Sanctuary.	0.50
2 Madurai—	
Addition of eight rooms to the existing Circuit House.	2.50
3 Rameshwaram—	
8—room rest house	2.00
4 Tanjore—	
A small rest house	1.00
5 Tiruchirappalli (including Srirangam)—	1.00
Expansion of rest houses.	
6 Improvements to rest houses in South Kanara.	1.70
Total ..	9.40

Part II.

1 Madras—	
(i) Low income group rest house (25 beds) at Kancheepuram.	1.50
(ii) Renting and improvement of an existing building for low income group rest house at Ootacamund.	1.00
2 Madurai—	
Low income group rest house (50 beds) ..	2.50
3 Rameshwaram—	
Low income group rest house (25 beds) ..	1.50
4 Tanjore—	
Low income group rest house (25 beds) ..	1.50

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Part II—cont.

5 Tiruchirappalli—	
Low income group rest house at Tiruchirappalli (25 beds).	1.50
6 Low income group rest houses at Udipi and Karkal at Rs. 1 lakh each of 16 beds.	2.00
Total ..	11.00

Part III.

1 Rest house furnishing, etc., at Bekal	0.83
2 Rest house furnishing, etc., at Gurpur	0.83
3 Rest house furnishing, etc., at Mudabidri ..	0.56
4 Rest house at Kirimanjes	0.25
5 Rest house furnishing at Kirimanjeshwar ..	0.59
6 Rest house furnishing at Kollur	0.83
7 Extension of rest houses at Rani Mangammal Chattram, Madurai	0.65
8 Rest house furnishing, etc., at Sumpoje	0.83
9 Rest house at Chidambaram	0.50
10 Rest house at Tirunelveli	0.50
11 Rest house at Tiruchendur	0.50
12 Rest house at Kumbakonam	0.50
13 Rest house at Guruvayoor	1.00
14 Rest house at Courtallam	1.70
15 Rest house at Tiruvannamalai	0.40
16 Rest house at Mudumalai	0.50
17 Rest house at Kuduraimukh	0.50
18 Rest house at Subrahmunya	0.50
19 Development of Golf courses at Ootacamund and Kodaikanal	0.60
Total ..	12.57
Grand total ..	33.47

(b) A Tourist Bureau will be started in the first instance at Madurai. It is expected to begin functioning before October 1956.

(c) The decisions arrived at at the Conference of State Government representatives held at New Delhi in December 1954 were—

(1) The State Government should furnish to the Centre, information regarding the important tourist centres which were

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to be taken up for development under the Short Term Plan and the Long Term Plan of the Government of India with an estimate of cost for the improvements necessary.

(2) A comprehensive survey should be made of tourist resources and facilities already available for the lower income groups at places of importance from the point of internal tourism.

(3) Tourist Bureaux should be established at centres where there were no Government of India tourist offices.

(4) A programme for the production of tourist literature should be drawn up by States so as to avoid overlapping between the programmes of the Centre and the States.

(5) Accommodation should be reserved for foreign tourists in the Government Inspection bungalows and rest houses on the strength of the Tourists' Introduction Cards issued to them by the Government of India.

(6) A Tourist Advisory Committee for the State and local advisory Committees at important centres of tourist importance should be set up.

(d) (1) The Government recommended the following places for improvement under the Short Term Plan and the Long Term Plan :—

Short Term Plan—

Rameshwaram.
Tanjore.
Kancheepuram.
Mahabalipuram.
Madurai.

Long Term Plan—

1 Courtallam.	10 Tirunelveli.
2 Gingee.	11 Tiruchendur.
3 Mudumalai.	12 Ootacamund.
4 Chidambaram.	13 Coonoor.
5 Tiruvannamalai.	14 Kotsigiri.
6 Vellore.	15 Guruvayur.
7 Yercaud.	16 Udupi.
8 Kodaikanal.	17 Karkal.
9 Kumbakonam.	

(2) Government decided that information regarding the development of internal tourism should be obtained from the Collectors and furnished to the Government of India.

(3) It has been decided to start a tourist Bureau at Madurai in the first instance.

(4) It was decided to await the programme of the Centre for the production of tourist literature for deciding about the nature of the literature to be brought out by this Government.

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(5) Instructions have been issued that the foreign tourists should be allowed accommodation in Government Inspection bungalows and rest houses, on their showing to the watchman of the bungalow concerned the Tourist Introduction Cards issued by the Government of India.

(6) A State Advisory Committee was not considered necessary in view of the existence of the Regional Advisory Committee already set up by the Government of India. It was decided that local advisory committees should be formed at the following centres :—

Ootacamund	Tanjore
Kodaikanal	Tiruchirappalli
Madurai	Courtallam.

APPENDIX II.

[Vide answer to unstarred question No. 2 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 24th September 1956, on page 8 supra.]

Madras Electricity System—Chingleput district.

(A) Schemes taken up and completed in the year 1955-56.

Serial number and name of scheme.	Estimated cost. RS.
1 Extension of supply to Ponneri Panchayat and other villages.	3,16,050
2 Extension of supply to Keelakattalai, Moovarabam-pattu, etc., villages.	1,30,200
3 Extension of supply to Korattur and Padi villages ..	2,55,500
4 Extension of supply to Nanganallore, Thalakanan-chari, etc., villages.	24,200
5 Extension of supply to Madhavaram and Polai villages.	1,51,600
6 Extension of supply to Perumalagaram and Poladi villages.	68,600
7 Extension of supply to Nerkundram village ..	56,000
8 Extension of supply to Randankattalai village ..	35,700
9 Extension of supply to Kunnathur and Natham villages.	53,700
10 Extension of supply to Vellavedu, Neeman, etc., villages.	4,14,500
11 Extension of supply to Kovur, Thandalam, etc., villages.	3,48,700
12 Extension of supply to Maduravayal, Vanagaram, Chettiaragun, etc., villages.	2,62,700
13 Extension of supply to Adigathur and Egathur villages.	1,72,400
14 Extension of supply to Varadarajapuram, Venkata-puram, etc., villages.	2,71,500
15 Extension of supply to Nemilicheri village	35,000
16 Extension of supply to Periapannaicheri village ..	28,900
17 Extension of supply to Chinnapannaicheri and Paraniputhur villages.	46,200
18 Extension of supply to Old Tambaram	64,200
19 Extension of supply to Mahabalipuram	22,800

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Madras Electricity System—Chingleput district—cont.

(A) Schemes taken up and completed in the year 1955-56—cont.

Serial number and name of scheme.		Estimated cost.
		RS.
20	Extension of supply to Arani village	2,72,200
21	Extension of supply to Thalakancheri village ..	34,400
22	Extension of supply to Thiruverkadu and Sundera-cholavaram villages.	60,800
23	Extension of supply to Kilenanambedu village ..	34,500
24	Extension of supply to Andarkuppam village ..	30,400
25	Extension of supply to Pulidivakkam, Ulagaram, etc., villages.	62,800
26	Extension of supply to Mugalivakkam village ..	77,800
27	Extension of supply to Athipattu village	48,600
28	Extension of supply to Aranvoyal, Sriperumandur, etc., villages.	6,63,000
29	Extension of supply to Selai village	44,200
30	Extension of supply to Numbal village	20,700
31	Extension of supply to Aladu and Devadanam villages.	1,62,050
32	Extension of supply to Cholavaram and Orakkadu villages.	9,35,000
33	Extension of supply to Madurantakam, Karunguli, etc., villages.	6,59,100
34	Erection of 33 KV line from Chingleput to Madurantakam.	4,93,400
35	Erection of 11 KV line from Aranvoyal to Sriperumandur.	4,45,700
36	Extension of supply to Tirupachur and Siruvanur villages.	1,27,300
37	Erection of 33 KV line from Kilanur to Uthukkottai.	3,40,200
38	Extension of supply to Uthukkottai village	97,200
39	Extension of supply to Karai and Vedai villages ..	37,500
40	Extension of supply to street lighting at Irumbuliyur.	13,700
41	Extension of supply to Kilambi and Melambi villages.	23,900

(B) Schemes taken up in 1955-56 but incomplete at the end of the year.

Serial number and name of the scheme.		Estimated amount.	Percentage of progress made as on 30th June 1956.
		RS.	PER CENT.
1	Extension of supply to Manimangalam and Nadaverrapattu villages.	1,15,900	80
2	Extension of supply to Padappai, Mudichocr, etc., villages.	1,71,900	35
3	Extension of supply to Korattur, Pudukhatti-ran, Kottamedu, etc., villages.	1,44,100	75
4	Extension of supply to Pattabiram and Tandarai villages.	1,74,900	60
5	Extension of supply to Malapedu, Palavada, etc., villages.	1,02,900	60

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Madras Electricity System—Chingleput district—cont.

(B) Schemes taken up in 1955-56 but incomplete at the end of the year—cont.

Serial number and name of the scheme.		Estimated amount.	Percentage of progress made as on 30th June 1956.
		RS.	PER CENT.
6	Extension of supply to Chokkannallur, Vayanallur, etc., villages.	88,800	90
7	Extension of supply to Koyambedu village.	82,000	98
8	Extension of supply to Palanthandalem, Thirumudivakkam, etc., villages.	1,55,200	98
9	Extension of supply to Vandalur, Guduvancheri, etc., villages.	3,91,000 (For the first year.)	(First stage over ; second stage in program.)
10	Erection of 33 KV line from Poonamallee to Guduvancheri.	2,09,900	90
11	Extension of supply to Tirumanam and Chittakadu villages.	2,39,000	95
12	Extension of supply to Sivapuram village ..	49,200	Since completed.
3	Extension of supply to Naravarikuppam, Pallikuppam, etc., villages.	2,86,800	95
4	Extension of supply to Pandeeswaram, Arakkambakkam, etc., villages.	5,54,300	60
5	Extension of supply to Tadupperumbakkam, Kottamedu, etc., villages.	40,600	95
6	Extension of supply to Minjur and Ariyamvoyal villages.	2,19,900	70
7	Extension of supply to Nalur, Vannipakkam Mettupalayam, etc., villages.	2,43,800	76
8	Extension of supply to Menjenkarunai, Kannigaiperur, etc., villages.	5,04,400	50
9	Extension of supply to Perunagavoor, Arumandal, etc., villages.	72,000	80
10	Extension of supply to Kadapakkam, Ariyalur, etc., villages.	1,38,800	95
11	Extension of supply to Seemapuram village ..	64,700	95
12	Extension of supply to Madiyur and Vazhuthalambedu villages.	44,100	50
13	Extension of supply to Komakkambedu village.	50,800	50
14	Extension of supply to Vilanjiambakkam village.	33,700	50
15	Extension of supply to Naduveerambakkam village.	38,200	Since completed.
16	Extension of supply to Vairavankuppam village.	17,800	Do.
17	Extension of supply to Anoor and Vadakumpattu villages.	43,100	95
18	Extension of supply to Elavambedu, Anupambattu, etc., villages.	68,700	70
19	Extension of supply to Memandur, Meiyur and Athiyur villages.	2,00,700	90
20	Extension of supply to Ozhalur, Vembakkam, etc., villages.	2,51,600	40
21	Extension of supply to Kavithandalem, Kaliapettai, etc., villages.	1,43,300	80
22	Extension of supply to Palamittur, Pukkurai, etc., villages.	67,100	80

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Madras Electricity System—Chingleput district—cont.

(B) Schemes taken up in 1955-56 but incomplete at the end of the year—cont.

Serial number and name of the scheme.	Estimated amount.	Percentage of progress made as on 30th June 1956.
	RS.	PER CENT.
33 Extension of supply to Palapur village ..	26,800	80
34 Extension of supply to Vitchur, Mambakkam, etc., villages.	74,900	70
35 Extension of supply to Isur, Budur, etc., villages.	3,11,100	70
36 Extension of supply to Acharapakkam, Pakkam, etc., villages.	5,28,900	50
37 Extension of supply to Kothimangalam, Pulikundram, etc., villages.	98,700	70
38 Extension of supply to Sokandi, Thunjam, etc., villages.	1,64,300	40
39 Extension of supply to Cheyyur, Vedal, etc., villages.	8,93,200	75
40 Extension of supply to Damal, Melthivakkam, etc., villages, Damal III stage.	2,03,200	95
41 Extension of supply to Sittancheri, Kuruvancheri, etc., villages.	2,49,300	65
42 Extension of supply to Musaravakkam, Perambakkam, etc., villages.	3,03,700	30
43 Extension of supply to Thimmasamudram, Thulukandalam, etc., villages.	1,38,400	90
44 Extension of supply to Tangi and Seeyamangalam villages.	72,850	95
45 Extension of supply to Damal II stage extensions.	1,75,700	95
46 Extension of supply to Vengudi and Kilothevakkam villages.	80,000	Completed.
47 Extension of supply to Putheri and Gundukulam villages.	41,200	80
48 Extension of supply to Damarithangal and Engambakkam villages.	70,600	55
49 Extension of supply to Viahar, Mettukuppam, etc., villages.	66,200	50
50 Extension of supply to Kamalampoondi village.	41,700	30
51 Extension of supply to Kaliyampoondi, village.	61,000	30
52 Extension of supply to Visur, Punganandal, etc., villages.	77,200	60
53 Extension of supply to Kondancheri and Perambakkam villages.	2,26,500	60
54 Extension of supply to Senji, Seenavaram, etc., villages.	2,79,100	95
55 Extension of supply to Pattaraiperumandur village.	2,02,600	65
56 Extension of supply to Nemiliagaram, Attupakkam, etc., villages.	1,63,800	95
57 Extension of supply to Pandur village ..	57,300	35
58 Extension of supply to Kalyanakuppam village.	53,300	90
59 Extension of supply to Narasingapuram and Irulancheri villages.	1,64,100	60
60 Extension of supply to Kaivandoor village ..	43,100	75

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Madras Electricity System—Chingleput district—cont.

(B) Schemes taken up in 1955-56 but incomplete at the end of the year—cont.

Serial number and name of the scheme.	Estimated amount.	Percentage of progress made as on 30th June 1956.
	RS.	PER CENT.
61 Extension of supply to Koovam, Kumaran-cheri, etc., villages.	1,01,200	35
62 Extension of supply to Ramancheri village.	95,100	35
63 Extension of supply to Kilanur, Melanur, etc., villages.	4,22,200	70
64 Extension of supply to Sevvapet village ..	48,700	70
65 Extension of supply to Puttoor village ..	84,800	70
66 Extension of supply to Kakalur village ..	64,750	90
67 Extension of supply to Sittambakkam village.	43,700	Completed.
68 Extension of supply to Oddikkadu village ..	33,800	Do.
69 Extension of supply to Pondavakkam, Anandaraj villages.	1,20,400	35
70 Extension of supply to Mambakkam, Perithivakkam villages.	1,51,600	75
71 Extension of supply to Polivakkam village.	30,200	..
72 Extension of supply to Koilkuppam village.	44,300	25
73 Extension of supply to Melakaramanur, Hanumanthapuram, etc., villages.	88,100	90
74 Extension of supply to Erayur village ..	25,500	65
75 Extension of supply to Tottaikalai and Sirukalathur villages.	51,400	40
76 Extension of supply to Sembodu village ..	47,100	65
77 Extension of supply to Vengal and Pagalmeju.	62,700	75
78 Erection of 33 KV line from Puduchattiram to Tinnanur.	3,19,400	95
79 Erection of 33 KV line from Madurantakam to Nugambal.	5,33,600	95
80 Kanchee-Wandiwash extensions	19,73,100	10

Madras Electricity System—North Arcot district.

(A) Schemes taken up and completed in the year 1955-56.

Serial number and name of scheme.	Estimated cost.
	RS.
1 Pallikonda-Tirumani	5,74,200
2 Kilalathur-Pasumathur (first stage)	2,84,000
3 Anandapatti-Karuppanur	32,900
4 Valathur-Kulidigai	3,57,900
5 Adhiyur	33,800
6 Pakkam-Vekatapuram	36,500
7 Vengayapalli	55,700
8 Kandili-Narineri	3,45,200
9 Machampet-Nariampet	1,36,300
10 Singalpet-Kottayam	1,10,100
11 Jolarpet-Kottayam	38,100

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Madras Electricity System—North Arcot district—cont.

(A) Schemes taken up and completed in the year 1955-56—cont.

Serial number and name of scheme.	Estimated cost.
RS.	
12 Zamin-Kuldigai	31,400
13 Poondy street lights	15,230
14 Panapakkam street lights	27,400
15 Kavanoor-Kilkuppam	2,74,100
16 Vadakadappanthangal	3,26,100
17 Sendamangalam	73,700
18 Kilvenkatapuram	1,42,900
19 Kumminipet	58,000
20 Pallur-Govindavadi	2,71,000
21 Velappadi-Mottur Kallithangal	1,87,000
22 Irumbedu	52,200
23 Valavanoor-Essayanoor-Sakiramaallur	4,17,000
24 Kilpady-Ozalai	1,12,400
25 Randam-Morratur-Periamangalam	1,48,300
26 Nethapakkam	55,000
27 Mullipet	70,000
28 Valkadai-Kalanipakkam-Naval	1,84,100
29 Periangaram	1,22,400
30 Puder-Annaithangal	1,30,400
31 Anakavoor (part of big scheme)	12,73,100
32 Sengadu	96,500
33 Gudalur	1,96,500
34 Thenpallipet-Pillar	1,01,900

(B) Schemes taken up in 1955-56 but incomplete.

Serial number and name of scheme.	Estimated cost.	Percentage of progress.
RS.		
1 Kilalathur-Paumathur (second stage).	1,97,100	Almost completed.
2 Odugathur	5,42,500	40 per cent.
3 Kadirampalli-Sallandampalli	2,83,300	Nearing completion.
4 Kurichilipattu-Perumapattu	1,99,700	80 per cent.
5 Senkarapuram	21,200	Nearing completion.
6 Chendathur-Kothamarkuppam	1,61,500	Do.
7 Karkur-Pallalakuppam	1,23,100	80 per cent.
8 Melpulam-Panapakkam	3,88,200	89 per cent.
9 Sayanavaram	55,200	80 per cent.
10 Takkolam	1,94,700	Nearing completion.
11 Veeranarayanaapuram	1,40,500	50 per cent.
12 Parameswaramangalam	21,600	Nearing completion.
13 Kadambanallur	61,700	Do.
14 Santaravaram	54,200	Unremunative—not taken up.
15 Sombodu-Kaivedu	2,72,500	Nearing completion.

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Madras Electricity System—North Arcot district—cont.

(B) Schemes taken up in 1955-56 but incomplete—cont.

Serial number and name of scheme.	Estimated cost.	Percentage of progress.
RS.		
16 Timiri-Pazayanoor	5,59,800	52 per cent.
17 Perumallur-Ariyapadi	2,88,400	82 per cent.
18 Meligalpattu-Kotagaram	2,89,000	20 per cent.
19 Tiruvettipuram	1,29,100	Nearing completion.
20 Kanniyanoor	19,470	Do.
21 Mambakkam	1,31,500	40 per cent.
22 Varakur-Kambattur	2,04,100	Scheme proved unremunative. Reinvestigation.
23 Vanapuram	2,55,100	Do.
24 Avalurpet (only six villages in North Arcot district and the rest four villages in South Arcot district).	13,21,100	80 per cent.
25 Karpoondi-Kuralpakkam	1,58,300	Work to commence shortly.
26 Poondi-Periambattu	1,41,400	Nearing completion.

APPENDIX III

[Vide item V on page 9 supra.]

L.A. BILL No. 10 OF 1956.

(As passed by the Assembly.)

A Bill to amend and extend the duration of the Madras Cultivating Tenants Protection Act, 1955.

WHEREAS it is expedient to amend and extend the duration of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955);

Enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Cultivating Tenants Protection (Amendment) Act, 1956.

2. *Amendment of section 1, Madras Act XXV of 1955.*—In section 1 of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) (hereinafter referred to as the principal Act),—

(a) for sub-section (2) the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of the State of Madras other than the areas to which the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), extends.”;

(b) in sub-section (3), for the words “for a period of one year” the words “for a period of three years” shall be substituted.

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3. *Amendment of section 2, Madras Act XXV of 1955.*—In section 2 of the principal Act,—

(1) for clause (a), the following clause shall be substituted, namely:—

“(a) ‘cultivating tenant’ in relation to any land means a person who carries on personal cultivation on such land, under a tenancy agreement, express or implied, and includes—

(i) any such person who continues in possession of the land after the determination of the tenancy agreement, and

(ii) the heirs of such person, but does not include a mere intermediary or his heirs;”;

(2) after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘garden land’ means dry land irrigated by lifting water from wells or other sources;”;

(3) after clause (e), the following clause shall be inserted, namely:—

“(ee) a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land;”;

(4) after clause (f), the following clause shall be added, namely:—

“(g) one acre of wet land shall be deemed to be equivalent to one and a half acres of garden land or three acres of dry land and any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land;”.

4. *Amendment of section 3, Madras Act XXV of 1955.*—In section 3 of the principal Act—

(a) in sub-section (2)—

(i) for clause (a), the following clauses shall be substituted, namely:—

“(a) who, in the areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), and in the areas where the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954), were in force immediately before the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord does not pay such rent within six weeks after such commencement or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent becomes due; or

(aa) who, in the other areas of the State of Madras, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord and accrued due subsequent to the 31st March 1954, does not pay such rent within a month after

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such commencement, or who in respect of rent payable to the landlord after such commencement, does not pay such rent within a month after such rent becomes due; or”;

(ii) the Explanation shall be numbered as Explanation I, and after the Explanation as so numbered, the following Explanation shall be added, namely:—

“*Explanation II.*—In relation to areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), and to areas where the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954), were in force immediately before the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, the expression ‘commencement of this Act’ wherever it occurs in this Act shall be construed as referring to the date aforesaid.”;

(b) in sub-section (4), in clause (b), after the word, letter and brackets “clause (a)”, the words, letters and brackets “or clause (aa)” shall be inserted.

5. *Amendment of section 4, Madras Act XXV of 1955.*—In section 4 of the principal Act—

(1) in clause (ii) of sub-section (2), for the words “has been cultivating the land by his own labour or by that of any other member of his family or by hired labour under his supervision or control”, the words “has been carrying on personal cultivation on the land” shall be substituted;

(2) for the Explanation to sub-section (2), the following Explanation shall be substituted, namely:—

“*Explanation.*—The extent referred to in clauses (i) to (iii) above is 6-2/3 acres of wet land.”;

(3) after sub-section (4), the following sub-section shall be added, namely:—

“(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue Divisional Officer within two months from the date of such eviction or within two months from the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) shall, so far as may be, apply to such an application.”

6. *Insertion of new sections 4-A and 4-B in Madras Act XXV of 1955.*—After section 4 of the principal Act, the following sections shall be inserted, namely:—

“4-A. *Right of landlord to resume land for personal cultivation.*—(1) Notwithstanding anything contained in any other

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provision of this Act, a landlord shall be entitled to resume possession from any cultivating tenant possession for purposes of personal cultivation of lands not exceeding one-half of the extent of lands leased out to the cultivating tenant.

(2) Any landlord desiring to resume any land under sub-section (1) shall apply to the Revenue Divisional Officer and on receipt of such application, the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant in possession of the land to make their representations, hold a summary inquiry into the matter and pass an order either directing the cultivating tenant to put the landlord in possession of the land or dismissing the application. In passing an order directing the cultivating tenant to put the landlord in possession, the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including conditions in regard to the reimbursement, by the landlord, of the cultivating tenant in respect of the expenses incurred by him or the labour contributed by him on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation.—In lieu of imposing any condition relating to reimbursement as provided above, the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

(3) Any cultivating tenant from whom any land is sought to be resumed by the landlord for purposes of personal cultivation, may offer to pay to the landlord in respect of the extent of the land which the landlord is entitled to resume for personal cultivation the rent at the rate which was payable to him before the 27th September 1955 and the Revenue Divisional Officer shall thereupon pass an order permitting him to continue in possession on payment of such rent. The cultivating tenant shall, as long as he continues to cultivate that land, be bound to pay rent accordingly.

(4) Nothing in sub-section (1) shall be deemed to entitle any landlord to resume possession, if, on the day the Madras Cultivating Tenants Protection (Amendment) Act, 1956, comes into force, he owns land exceeding 13-1/3 acres of wet land or he has been assessed to any sales tax, profession tax or income-tax under the laws relating to the levy of such taxes during 1954-55 or 1955-56 nor shall sub-section (1) be deemed to confer on the landlord a right to resume possession of a greater extent than that which along with the extent he is already in possession of either as owner or as tenant or as both would make up an extent of five acres of wet land.

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(5) No person who is not entitled to resume possession under this section on the day the Madras Cultivating Tenants Protection (Amendment) Act, 1956, comes into force, shall be deemed to be so entitled by reason of any subsequent change in his circumstances.

(6) If any landlord who has resumed possession of any land under the provisions of this section does not carry on personal cultivation on the land within a year of such resumption or allows the land to lie fallow for more than a year, or has so resumed under fraudulent misrepresentations, the cultivating tenant from whom the land had been resumed shall, on application to the Revenue Divisional Officer, be entitled to be restored to possession of that land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) of section 4 shall, so far as may be, apply to such an application.

“4-B. *Execution of lease.*—(1) In the case of every tenancy agreement entered into after the coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, between a cultivating tenant and a landlord, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenants, the name (if any), survey number, description and extent of the land leased out, and the terms of the tenancy; and shall be signed both by the landlord or his agent and by the cultivating tenant. One of the three copies shall be kept by the landlord, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk office by the landlord or his agent within a fortnight of the date on which the cultivating tenant signs it:

Provided that if the landlord or the cultivating tenant refuses or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the landlord, as the case may be, to lodge the deed in the Taluk office with a declaration that the other party has refused or delayed unreasonably to execute it.

(2) No stamp need be affixed to the lease deed.

(3) In the case of any tenancy, if the landlord or his agent or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1), the Revenue Divisional Officer may impose on the landlord or the cultivating tenant, as the case may be, a penalty which may extend to fifty rupees; and any penalty so imposed may be recovered as if it were an arrear of land revenue.”

7. *Insertion of new sections 6-A and 6-B in Madras Act XXV of 1955.*—After section 6 of the principal Act, the following sections shall be inserted, namely:—

“6-A. *Transfer of certain suits to the Revenue Divisional Officer by Civil Courts.*—If in any suit before any Court for possession of, or injunction in relation to, any land, it is proved by affidavit

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or otherwise that the defendant is a cultivating tenant entitled to the benefits of this Act, the Court shall not proceed with the trial of the suit but shall transfer it to the Revenue Divisional Officer who shall thereupon deal with and dispose of it as though it were an application under this Act and all the provisions of this Act shall apply to such an application and the applicant.

6-B. Revision by High Court.—The Revenue Divisional Officer shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and his orders shall be liable to revision by the High Court under the provisions of that section."

8. Continuation in force of the principal Act.—The principal Act shall be deemed to have continued in force until the date of coming into force of this Act and the principal Act as amended by this Act shall continue in force for the period specified in sub-section (3) of section 1 of the principal Act as amended by this Act.

9. Repeal of Madras Act VI of 1954.—(1) The South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954), is hereby repealed.

(2) Notwithstanding such repeal, all proceedings taken under the said Act and which are pending on the date of coming into force of this Act shall be disposed of by the Court before which such proceedings are pending as if this Act had not been passed.

10. Act to override Madras Act XIV of 1952.—If any provision contained in the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), is repugnant to any provision contained in the principal Act as amended by this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be of no effect.

11. Transitory provision.—(1) Any application made to a Conciliation Officer under the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), and pending on the date of the coming into force of this Act, shall, if it relates to a matter falling within the purview of the principal Act, as amended by this Act, be transferred to and disposed of by the Revenue Divisional Officer who would have had jurisdiction to entertain such application under the principal Act, as if it had been made thereunder.

(2) All proceedings pending with the Revenue Court on the date of coming into force of this Act shall be disposed of by that Court as if this Act had not been passed.

12. Saving.—(1) Any proceeding under the principal Act which has been disposed of between the 27th September 1956 and the date of coming into force of this Act on the footing that the

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principal Act was not in force at the relevant time, shall be reopened and disposed of in accordance with the provisions of the principal Act.

(2) Any cultivating tenant who has been evicted from any land between the dates referred to in sub-section (1) on the footing that the principal Act was not in force at the relevant time, shall, on application, be entitled to be restored to the possession of such land on the same terms as those applicable to the possession of it under the principal Act.

(3) The provisions of section 4 of the principal Act shall, so far as may be, apply to an application made under sub-section (2).

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 25th September 1956.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Revival of chank cutting industry in the State

* 49 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether there is any proposal under the consideration of the Government for the revival of chank cutting industry in the State;

(b) if so, the stage at which the matter stands at present; and

(c) the steps taken or proposed to be taken by the Government to encourage and aid the manufacture of fancy articles from chanks and shells?

THE HON. SRI M. BHAKTAVATSALAM: (a) & (b) Yes, Sir. Proposals for the revival of the chank cutting industry in Keelakkarai, Ramanathapuram district, under the private sector is under the consideration of the Government.

(c) A private company by name Messrs. A.M.S.S.V.M. & Co., Keelakkarai, has asked for financial assistance under the State Aid to Industries Act for developing the industry. The All-India Handicrafts Board has been addressed to arrange for the deputation of ten artisans or, in the alternative, to depute an Instructor from West Bengal to train the local artisans in chank cutting and in manufacture of fancy articles from chank. A proposal to start an industry for the manufacture of buttons and utility articles from Mother of Pearls is under investigation and the Bihar State who have developed the industry well have been addressed for full details of the industry.

SRI T. PURUSHOTHAM: Will the Hon. Minister kindly enlighten us on whether any comprehensive survey of the possibility of development of this industry in our State has been conducted and if so, what are the districts in which raw material is available for the purpose so that we can have an all-round development in all these areas as well?

THE HON. SRI M. BHAKTAVATSALAM: This chank is available in the sea coasts of Ramanathapuram and Tirunelveli. There has been no comprehensive survey of the industry. We have first to train people to make attractive things from out of the

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chank and, therefore it is we are in correspondence with the Government of West Bengal and Bihar requesting them to depute artisans to give the necessary training.

New textile policy

* 50 Q.—SRI A. J. ARUNACHALAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the State Government was consulted by the Government of India before the announcement of the new textile policy;

(b) if so, the recommendations made by this Government in this regard;

(c) whether the State Government have consulted the concerned Handloom Weavers' Societies before implementation of the new textile policy;

(d) whether it is a fact that handloom weavers are required to register their looms; and

(e) if so, the reasons for the same and the arrangements made therefor?

THE HON. SRI M. BHAKTAVATSALAM: (a) No, Sir.

(b) In view of the answer to clause (a), this question does not arise.

(c) No, Sir.

(d) Yes, Sir.

(e) The Cotton Textiles (Production by Handlooms) Control Order, 1956, has been issued by the Government of India with a view to get accurate statistics regarding the number and types of handlooms in the several States. Sufficient publicity has been given to this order by publication in the Official Gazettes and in newspapers. Special staff have been sanctioned by the Government of Madras for getting through this work in the districts, where the Deputy Registrars of Co-operative Societies have been authorized to act as "Registering Authorities" in their circles. The Director of Handlooms has issued instructions to these District Officers that, in view of the peculiar conditions of the weavers, they should administer the Order with imagination and sympathy. Supply of necessary printed forms to the weavers is made free of charge and no fee is levied for the issue of the Registration Certificate.

SRI V. CHAKKARAI CHETTY: I should like to hear from the Hon. the Leader of the House whether the Government propose to make representations to the Government of India at this stage at least regarding the strong feeling against the textile policy announced, especially the conversion of handlooms into power looms. As the Hon. the Chief Minister knows, there is widespread agitation in at least the Tamil country against that policy.

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THE HON. SRI M. BHAKTAVATSALAM: Sir, whatever agitation there is, the Government of India are as well aware of it as this Government and we are. So far as the views of this Government are concerned, they have made quite clear to the Government of India what the views of this Government are.

SRI A. J. ARUNACHALAM: Sir, the policy being opposed by the weavers, by the Weavers' Organisations, by the Tamil Nad Congress Working Committee and by the State Handloom Board, will the Madras Government consider the desirability of requesting the Centre to drop this scheme?

THE HON. SRI M. BHAKTAVATSALAM: I have already stated that the Government have made clear their own views to the Government of India on the matter. There is no need to make any further representation.

SRI A. J. ARUNACHALAM: Whenever the Government introduce such schemes, is it not advisable to consult at least the organisations or the institutions interested in the matter?

THE HON. SRI M. BHAKTAVATSALAM: Sometimes there may also be vested interests. But anyhow, the Government do take into account the representations from various quarters before they take a decision.

SRI A. J. ARUNACHALAM: Sir, if the object of the Government is to gather statistics of looms, will it not be sufficient to take a census of looms instead of providing for registration and renewal of looms every year?

THE HON. SRI M. BHAKTAVATSALAM: Sir, the Government of India think that if the purpose which they have in view in getting sufficient data, namely, to frame and carry out the plan for the rehabilitation of the handlooms, should be carried out effectively, registration is necessary.

SRI A. J. ARUNACHALAM: Sir, there are certain penal conditions in the Government Order and the Hon. Minister is aware that most of the weavers are illiterate and they do not know exactly what is stated in the Government Order. Under these circumstances, will the Hon. Minister instruct the Director not to enforce the provisions very strictly, if they deviate from those conditions?

THE HON. SRI M. BHAKTAVATSALAM: Sir, Government have issued necessary instructions in this matter of registration. Nothing will be done which would affect the weavers seriously.

SRI V. V. RAMASWAMI: கைத்தறியாளர்கள் தங்களுடைய தறிதான் எத்தனை என்று பதிவு செய்துகொள்ளவேண்டும் என்ற உத்தரவு கூட்டுறவு இயக்கத்தில் சொந்தது எத்தனை, சேராமலிருப்பது எத்தனை என்று கணக்கிடுவதற்கா? அல்லது, அந்தக் கணக்கைக் கொண்டு, கிடைத்த

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தறியப் புகுத்துவது என்ற மத்திய அரசாங்கத்தாரின் கொள்கைப்படி, எத்தனை சதவீதம் விசைத்தறிகள் சென்னை ராஜ்யத்தில் புகுத்தலாம் என்று யோசனை செய்வதற்கா?

THE HON. SRI M. BHAKTAVATSALAM : விசைத் தறியைப் புகுத்துவதற்கும் தறிகளை ரிஜிஸ்டர் செய்து கொண்டுவதற்கும் ஒருவிதமான சம்பந்தமும் இல்லை. கைத்தறியாளர்களுடைய நிரந்தரமான கேட்கும் நிலைக் கருத்திற்கொண்டு எண்ணென்ன இடங்களை வகுத்து நிறைவேற்றலாம் என்பதற்கு விவரங்கள் இல்லாமல் ஒன்றும் முடியாது. ஆகவேதான், விவரங்கள் சரியாக சேகரிக்கவேண்டுமென்பதற்காக இந்த ரிஜிஸ்டிரேஷன் நடவடிக்கை எடுத்துக்கொள்ளப்பட்டிருக்கிறது.

Training of Hindi Pandits

* 51 Q.—**SRI T. P. SRINIVASAVARADAN** (on behalf of Sri G. Krishnamoorthi) : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether the training received by Hindi Pandits in the pracharak diploma course is recognized as training sufficient for their teaching other languages such as Sanskrit and Tamil; and

(b) if not, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM : (a) No, Sir.

(b) The reasons are the following :—

(1) The syllabus for the pracharak diploma course does not provide for the method of teaching of languages other than Hindi.

(2) The duration and the contents of pracharak diploma course do not stand in comparison with those of the Pandit's training course.

SRI K. BALASUBRAMANYA AYYAR : If the Pandits who have undergone training in Hindi are also qualified Siromanis who have passed in Sanskrit, will they be allowed?

THE HON. SRI C. SUBRAMANIAM : If the Pandits in addition have undergone any other Degree course, certainly they would be allowed, provided they are qualified as Pandits.

Ban on removal of stone and bronze images

3-10 P.M. * 52 Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Finance and Education be pleased to state—

(a) what steps have been taken by Government to ban the removal of stone and bronze images from rural areas by private collectors to other places; and

(b) whether the Government have any proposal to bring in legislation to prohibit traffic in icons and other antiquities?

THE HON. SRI C. SUBRAMANIAM : (a) Any attempt on the part of private collectors to remove stone and bronze images which are found buried is a cognizable offence under the Treasure Trove

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Act. The rules framed under section 100 (2) (g), (r) & (s) of the Madras Hindu Religious and Charitable Endowments Act, 1951, prohibit the removal by private collectors of any idol or image belonging to temples and other religious institutions. Instructions have also been issued regarding the preservation of valuable non-pooja objects such as mutilated idols and articles of art belonging to temples and other religious institutions. Transfer of such valuable articles outside the State without the prior sanction of the State Government is also prohibited.

(b) No, Sir.

SRI T. PURUSHOTHAM : Will the Hon. Minister enlighten us on what is the special machinery employed for the preservation of these articles of antiquity as there is a specific provision in Article 49 of the Constitution that such objects of artistic interest should not be allowed to be exported?

THE HON. SRI C. SUBRAMANIAM : Various instructions have been issued as far as images kept in temples are concerned. They have to be looked after by the trustees of the temple and by those who are in charge of these things. In respect of the bronze and stone images which are found buried, the Treasure Trove Act applies and nobody can remove them without the permission of the State Government. As I have already stated, it is a cognizable offence. In respect of mutilated idols and other articles of art belonging to temples and other religious institutions and which are not objects of worship, we have issued instructions that they should be kept in a safe place in the religious institutions concerned. With regard to images which do not come under any of the above three categories, no doubt there are no specific instructions. But we are now trying our best to have honorary Correspondents of Museum in all districts so that they may take note of these valuable objects and inform the Superintendent of the Government Museum here so that steps may be taken to remove these things to the Museum for preservation.

Parambikulam River and Upper Aliyar Scheme

* 53 Q.—**SRI V. V. RAMASWAMI :** Will the Hon. the Minister for Public Works be pleased to state whether there is any proposal under the consideration of the Government to start the Parambikulam River and Upper Aliyar Scheme in Coimbatore district?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Public Works) : The question of sanctioning the Parambikulam Upper Aliyar Project in stages is under consideration in consultation with the Government of India and the Government of the Travancore-Cochin State. The question of starting the scheme will be considered as soon as it has been sanctioned, funds provided and necessary preliminaries effected.

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SRI V. V. RAMASWAMI : இரண்டாவது ஐந்தாண்டுத் திட்டத்தில் முதல் ஆண்டிலேயே இது துவக்கப்படுமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : இரண்டாவது ஐந்தாண்டுத் திட்டத்தில் இதுபற்றி குறிப்பிடப்பட்டிருக்கிறது. இது இரண்டாவது ஐந்தாண்டுத் திட்டத்தில் துவக்கப்படும் என்று தான் எதிர்பார்க்கப்படுகிறது.

MR. CHAIRMAN : Questions are over.

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1956 (L.A. BILL NO. 10 OF 1956)—cont.

MR. CHAIRMAN : We will now take up consideration of the Madras Cultivating Tenants Protection (Amendment) Bill, 1956, clause by clause. There is no amendment to clause 2. Therefore, I put it to the vote of the House.

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 :** Mr. Chairman, I move the following amendment :—

“ In sub-clause (3) (ee), add the following words at the end :—

‘ or when cultivation is done under his direct supervision and control.’ ”

My amendment is with respect to the definition of the term ‘ personal cultivation ’. This term occurs in two or three places in this Amending Bill—in respect of the provision relating to resumption of leased lands and also in the beginning. Here, the new sub-clause says that a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land. As far as my amendment is concerned, I am fortified by the Report of the Subrahmanyam Committee of which the Hon. the Finance Minister was also a member. There ‘ personal cultivation ’ is defined as follows :—

“ ‘ To cultivate personally ’ means to cultivate on one’s own account—

(i) by one’s own labour, or

(ii) by the labour of any member of one’s family, or

(iii) by servants on wages payable in cash or kind but not in crop share, or by hired labour under one’s personal supervision or the personal supervision of any member of one’s family.’ ”

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This is the definition given in that Report. So far as cultivation is concerned, no holding can be entirely cultivated in the proper season by one’s own physical labour alone. It is not possible and it cannot be done satisfactorily. That is well-known and it is admitted. Of course, one interpretation was given by the hon. Member Sri Purushotham that one must contribute one’s own physical labour and that the employment of others also was not prohibited. But that must be made clear in the legislation itself. My difficulty is this. If it is stated ‘ his own physical labour ’, then people who do not contribute their own physical labour. . .

SRI T. PURUSHOTHAM : Walking from the home to the field is physical labour.

* **SRI K. BALASUBRAMANYA AYYAR :** I understand all that. But in this Report, personal cultivation has been defined as also cultivation by servants on wages payable in cash or kind. If this is put in in this Bill, it will obviate certain difficulties. The Government want to help small landowners who live upon the produce from the land. But in this particular Bill, no reforms are sought to be introduced which will have the effect of restricting the benefits conferred on landowners. This Bill is only for the purpose of continuing the present Act for two more years. In the principal Act personal cultivation was not defined as cultivation by one’s own physical labour.

THE HON. SRI C. SUBRAMANIAM : It may be considered from the point of view of the tenant also.

* **SRI K. BALASUBRAMANYA AYYAR :** The tenant also should be a cultivating tenant. There also difficulty will arise. No cultivating tenant can carry on cultivation by contributing his own physical labour alone.

THE HON. SRI C. SUBRAMANIAM : That is not the idea. It is enough if one contributes one’s physical labour.

* **SRI K. BALASUBRAMANYA AYYAR :** It has not been stated here. (Sri M. P. Govinda Menon : It is obvious.) Even in the Subrahmanyam Committee Report, personal cultivation is defined as cultivation by one’s own labour or by servants on wages payable in cash or kind. Moreover, as was mentioned yesterday, there may be fraudulent misrepresentation. If this term is not strictly and accurately defined, the tenant may say that the landlord has not been cultivating the land and that there has not been personal cultivation of the land by the landlord. Even so far as cultivating tenants are concerned, this definition is made applicable. What do they mean by it? Even a cultivating tenant cannot do everything himself with his own physical labour. There are many cultivating tenants who are like small landholders; they are on the same footing. That is why I said that, from the point of view of the cultivating tenant and from other points of view

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that I have made mention of, the *status quo* had to be maintained. The old definition was 'under personal supervision or hired labour'. Let it not be changed.

THE HON. SRI C. SUBRAMANIAM: Then, we have to take away the right of resumption. *Status quo* only means that.

* SRI K. BALASUBRAMANYA AYYAR: You are not going to do that, I know. The Bill has been passed in the Assembly and I am not here to speak about that aspect at all. You have taken it up and you have done it. So far as this particular portion is concerned, you will have to put the definition in the manner suggested by me. If you want to have the definition as it is found in the Bill, then the Government will only be restricting personal cultivation. They cannot have it both ways.

THE HON. SRI C. SUBRAMANIAM: I should level that charge against you.

* SRI K. BALASUBRAMANYA AYYAR: You may level that charge if you like. But, I am here to repel it. I am repelling it by saying that if they were to restrict personal cultivation as they propose to do, they will be cutting at the very root by their stricter definition. When they are introducing this amendment, why should they change the original thing? 'By hired labour or by personal supervision' is the wording given in the original Act. Let them keep it in this Bill also, because it applies to both the landowner and the cultivating tenant. Even if they want to put a stricter definition, that does not mean that personal cultivation should not be by hired labour. That does not follow. They need not change the old definition. Therefore it is I have brought forward my particular amendment to this clause.

DR. A. LAKSHMANASWAMI MUDALIYAR: Mr. Chairman, I second the amendment moved by my Friend Sri Balasubramanya Ayyar. It seems to me that the present definition precludes any hired labour being employed whatever the intention of the Government may be. The hon. Member Sri Purushothaman was suggesting that even if a person went round the field and inspected his land, it might be taken to mean personal cultivation. I do not know whether by that extreme stretch of imagination that individual could be taken to carry on personal cultivation. Only when he contributes his physical labour, he will be taken to do personal cultivation and not if he is simply going round his fields as a morning exercise. I think that will not apply. There are occasions when the cultivating tenant or his family will not be in a position to do this. Suppose, for instance, the reaping season comes; we know that sometimes the reaping season has got to be very carefully looked after, because a sudden rainfall will spoil the whole crop. Therefore, in anticipation of any such thing, one will have to be careful and employ much more hired labour to finish the work on any one day.

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THE HON. SRI C. SUBRAMANIAM: Even now it is not precluded. They can employ any number of people. The only thing is that they should also contribute something and not merely stand by just to watch what others do.

DR. A. LAKSHMANASWAMI MUDALIYAR: The old definition said that a cultivating tenant was a person who cultivated the land by his own labour or by the labour of any other member of his family or by hired labour under his supervision and control.

THE HON. SRI C. SUBRAMANIAM: The same provision will not do. He will have to contribute something.

DR. A. LAKSHMANASWAMI MUDALIYAR: The word 'hired labour' has been omitted. Specific mention must be made in this regard. Otherwise, it will be open at a future date for any authority not to take cognizance of the personal cultivation done through hired labour also. That authority may say that for personal cultivation, the cultivating tenant or his family must be responsible. If there is any possibility of overcoming this difficulty, I should like to be told by the Government how they propose to do it.

SRI S. NARSAPAYA: The word 'contribute' means something more.

DR. A. LAKSHMANASWAMI MUDALIYAR: It is said 'members of the family'. It may be anybody else. They have limited it to the members of the family. They have deliberately removed the words 'by hired labour'. What will be the inference of this after this Bill is passed? The deliberate exclusion of the term 'hired labour' involves and implies that no hired labour can be used by the cultivating tenants. I cannot think of any other explanation.

SRI M. P. GOVINDA MENON: Sir, I have heard with great respect the contribution made by the hon. Members of this House. As I said yesterday, the Government ought not to have thrust the thin end of the wedge and introduced the right of personal resumption here. This is simply a Bill to extend the term of protection to the ryots. That mischief is done, according to me, just on the eve of elections. Whatever it is, it has been done and we must be careful in the definition of 'cultivating tenant'. If we want to give protection to the small landholders by permitting them to resume land for active cultivation, it must be only to those who are really in need of the same and to him who would really contribute something himself—by his own labour and that of the members of his family—for personal cultivation. If he has extensive lands, he will not be able to do it.

SRI K. BALASUBRAMANYA AYYAR: It is limited to 5 acres.

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SRI M. P. GOVINDA MENON : If he is prepared to work along with the hired labourers, it is all right. One cannot exclude hired labour altogether. It is impossible. The one test whether a man is really in need of lands for personal cultivation is that he must be prepared to take to active cultivation himself and he must be capable of producing something himself by cultivation as such. For this purpose, the restriction of the definition is necessary. Because, it is a question of resumption and many landlords will approach the Revenue Divisional Officer and try to get the lands from the tenants. Suppose they apply for resumption to the Officer. Immediately, the tenant will be tempted to say, 'I am prepared to give you the contract rent or whatever it is. Withdraw your petition.' First of all, a person who wants land for personal cultivation must prove to the hilt that he and the members of his family are prepared to work actively and contribute to the cultivation. This definition is, therefore, absolutely necessary for the safety of the tenants. That is my humble opinion, Sir.

* SRI T. M. NARAYANASWAMY PILLAI : Sir, the words 'hired labour' have been omitted from the scope of the present definition. Secondly, 'personal cultivation' is defined so vaguely. One may agree that a man who merely walks for the sake of exercise along the fields cannot be said to contribute anything towards cultivation; but, if there is harvest going on, and if the owner were to stand by and supervise the work directly and sees to it that better work is turned out by those people who are actually employed, is it personal cultivation or not? They must really help such small landowners who have invested their capital and money and who directly supervise and contribute thereby to good cultivation of the land. Whatever might have been the intention of the Government to help such small landholders, the present definition given in the Bill cuts at the root of their very aim and I would, therefore, very much like that the old definition is retained.

2-30 p.m. * THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, there is no doubt a change in the definition of the term 'personal cultivation' and it was effected advisedly.

* SRI K. BALASUBRAMANYA AYYAR : Because it was done advisedly our difficulty arises.

* THE HON. SRI M. A. MANICKAVELU : It was done deliberately in order to suit two new principles which underlie the present Bill. One of them is we are now allowing resumption of land on the part of the landlord. We want to restrict this right to the man who takes to agriculture actually, fully and wholeheartedly and not to a small landholder who lives in a distant place and effects some sort of a supervision on the agricultural operations going on on his land. The landowner should have no other means of living; his entire means of living should be agriculture and he must take to agriculture fully and the right of resumption should

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be given only to such a person who turns a sod of earth, pours a bucket of water or transplants. He must perform some sort of operation.

The second principle is we want to do away with intermediaries. If the definition stood as it was in the parent Act, then any intermediary who did not actually till the soil and cultivate the land but who had a sub-tenant under him would also get the benefit of this Bill. We want only the actual cultivator to benefit and do not want any intermediary to enjoy the benefit of this provision.

As regards the difficulty expressed about hired labour being employed, there is no difficulty at all. What is required is, either a landlord or tenant should contribute his personal labour for cultivation. It does not preclude any extra labour, by way of hired labour, being employed. It is well-known that even a family of five or eight members, devoted fully to cultivation, cannot carry on without hired labour during harvest or weeding or threshing. The wording is quite clear and there cannot be any misapprehension about it. What is required is he must contribute his own physical labour or that of his family and in addition, he can employ hired labour. The difficulty arises only if he fails to put in his or his family's physical labour.

MR. CHAIRMAN : The question is—

"In sub-clause (3) (ee), add the following words at the end :

'or when cultivation is done under his direct supervision and control.' "

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4.

MR. CHAIRMAN : The motion is—

"That clause 4 do stand part of the Bill."

* SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendments :—

"In sub-clause (a) (i), for the words 'within six weeks', substitute the words 'within one month'."

"In section 3 (2) of the principal Act, add the following as new sub-section (e) :—

'(e) who has wilfully trespassed upon the land and forcibly harvested the crops and removed them'."

DR. V. K. JOHN : I second the amendments, Sir.

* SRI K. BALASUBRAMANYA AYYAR : Regarding my first amendment, the time allowed in the parent Act for payment of

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arrears of rent is one month. So far as the arrears of rent at the commencement of the Act are concerned, it is now stated that they could be paid within six weeks. The period has increased. On what ground? I very much thought about it but could not get at it. One would expect a person who does not pay the rent even at the commencement of this Act and who is in arrears to pay the rent immediately. At any rate, he would be expected to pay it within a month. Why should you increase that period to six weeks? Even in the original Bill, it was one month and now it is amended as six weeks. Merely stating that some more time should be given is something I cannot understand.

THE HON. SRI C. SUBRAMANIAM: What is the harm done in making it six weeks?

* SRI K. BALASUBRAMANYA AYYAR: A landlord has been deprived of his rent even at the commencement of the Act and now you ask him to pay it within six weeks. What is the harm if nothing is paid by him?

THE HON. SRI C. SUBRAMANIAM: By postponing it by two weeks, what is the harm done?

* SRI K. BALASUBRAMANYA AYYAR: You have followed a certain course. In the principal Act, it was stated that it could be paid within one month. You put both arrears at the commencement and after the commencement of the Act on the same footing. I do not see why it should be six weeks now. Because somebody wants six weeks, for the sake of harmony you make it six weeks. What is the harmony? Harmony must be there between the landlord and the tenant and not between us. It is not correct. Why give more time? If you do that, one will never pay rent. The only right the landowner has got now is to receive rent or to sell away his land. There is already the provision that under section 4, the Revenue Divisional Officer can give more time to the tenant for payment of rent. So, in the light of this provision, to allow six weeks' time for payment of arrears of rent is not just and equitable.

As regards the second amendment I have moved, I have found in cases before Courts about lease or tenancy, quarrels arise on account of the fact that more rent is demanded by the landlord or reduction of rent is demanded by the tenant. In such cases, even after the lease period is over, the tenants take the law into their own hands, trespass upon the land, harvest and remove the crop.

THE HON. SRI C. SUBRAMANIAM: He cannot be a tenant after the lease period is over.

* SRI K. BALASUBRAMANYA AYYAR: It has happened even after he ceased to be a tenant. Forcible harvesting has taken place.

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THE HON. SRI M. A. MANICKAVELU: There is the ordinary provision then.

* SRI K. BALASUBRAMANYA AYYAR: Yes; the Act lays down four conditions, viz. :—

“(a) . . . 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 1954, 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; or

(b) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land; or

(c) who has used the land for any purpose not being an agricultural or horticultural purpose; or

(d) who has wilfully denied the title of the landlord to the land.”

These are the various reasons for which the landlord is given the power to evict the tenant. I am stating another reason. Suppose there has been trespass upon the land and the crop is wilfully removed. Then the landlord should have power to evict the tenant.

3-40
p.m.

THE HON. SRI C. SUBRAMANIAM: If he is not a tenant, then the question of eviction does not arise. One cannot reconcile the trespass idea with the tenant's idea.

* SRI K. BALASUBRAMANYA AYYAR: Suppose there is agreement between the landlord and the tenant that they should share the produce in some way after harvest, and the tenant forcibly trespasses upon the land and removes the crop. Then, what to do? Can't he be evicted for trespass?

THE HON. SRI C. SUBRAMANIAM: Then it is breach of agreement. You cannot call it trespass. The term “trespass” has got a legal meaning.

* SRI K. BALASUBRAMANYA AYYAR: If the period is over, then the only duty of his is to harvest the crop with the permission of the landlord. Suppose he does not do so but trespasses upon the land and forcibly removes the crop. Then, what is to be done for this wilful act of the tenant? He should be evicted. That is the proposition that I want to put forth.

THE HON. SRI M. A. MANICKAVELU: As regards the period of six weeks, that was also fixed advisedly, because the information about the passing of this Bill and its several provisions, trickles down to the rural folk rather slowly. It is not as if they are legal-minded. We have found it from the practical working of this Act. There have been a number of cases where people came

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to us for condoning the delay that had occurred. Therefore, we are giving them another two weeks' time in addition to the usual period of one month. That is why we have put it as six weeks. I do not know why the hon. Member grudges it. After all, it is a short period.

* SRI K. BALASUBRAMANYA AYYAR: I am not grudging it.

THE HON. SRI C. SUBRAMANIAM: With regard to 'trespass', I would invite the hon. Member's attention to the definition we have given to the term "cultivating tenant". A "cultivating tenant" includes a person who continues to be in possession of the land after the determination of the tenancy agreement. That is what we have stated in clause 3 of the Bill. A breach of agreement cannot be considered as trespass. To put such a meaning will create difficulties. Therefore, I do not think the hon. Member can press his amendment in any event.

MR. CHAIRMAN: Is the hon. Member pressing his amendments?

* SRI K. BALASUBRAMANYA AYYAR: Yes, Sir.

MR. CHAIRMAN: The question is—

"In sub-clause (a) (i), for the words 'within six weeks' substitute the words 'within one month.'"

"In section 3 (2) of the principal Act, add the following as new sub-section (e):—

'(e) who has wilfully trespassed upon the land and forcibly harvested the crops and removed them.'"

The amendments were put and lost.

Clause 4 was put and carried.

Clause 5.

MR. CHAIRMAN: The motion is—

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

Sri K. Balasubramanya Ayyar may move his amendment.

* SRI K. BALASUBRAMANYA AYYAR: Sir, I move the following amendment:—

"Omit sub-clause (3)."

Sir, sub-clause (3) of clause 5 of this Bill is a new provision. It reads as follows:—

"(3) After sub-section (4), the following sub-section shall be added, namely:—

'(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue

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Divisional Officer within two months from the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956, for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) shall, so far as may be, apply to such an application.'"

In sub-section (2) of section 3 of the Act, four conditions (a), (b), (c) and (d) are imposed on which a cultivating tenant could be evicted. If the cultivating tenant is in arrears of rent, if he has been found guilty of any negligence which is destructive to the land, if he has used the land for any purpose not being agricultural and if he has wilfully denied the title of the landlord to the land—if the tenant has done any of these four things, then he could be evicted. I have already read out the four categories. What is now sought to be done under this Bill is this. A person who is liable to be evicted if he has done any of the acts mentioned in those four categories, is now entitled to apply for restoration of the land to him. A person who had used the land for any purpose not being agricultural, a person who had been found guilty of any negligence which is destructive to the land, a person who had not paid the arrears of rent, a person who had wilfully denied the title of the landlord to the land will now be entitled to claim restoration of the land to him. Sub-section (4) (a) states as follows:—

"Every landlord seeking to evict a cultivating tenant falling under sub-section (2) shall, whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, make an application to the Revenue Divisional Officer and such application shall bear a Court-fee stamp of one rupee."

I have already referred to the four conditions mentioned in sub-section (2). Therefore, it virtually amounts to saying that a person who is liable to be evicted because he has done any of the four things mentioned in sub-section (2) will now be entitled to claim restoration of the land to him. I shall give one instance. Suppose a person has been evicted on the ground that he wilfully denied the title of the landlord to the land. That person, within two months of the coming into force of the present Bill, can apply to the Revenue Divisional Officer for restoration of the land to him. That is why I say it is better to omit sub-clause (3) of this clause in order to remove misunderstandings. This is the submission that I want to make, Sir.

The amendment was duly seconded.

* THE HON. SRI M. A. MANICKAVELU: Sir, I think there is a little misunderstanding on the part of the hon. Member. What is stated in sub-section (4) of section 4 is, "The Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and

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pass an order either allowing the application or dismissing it." I think it will apply to such cases. It is intended to give the benefit to tenants who are forcibly and in violation of the provisions of the Act evicted and not to others. I think it is clear, as it is. Unless it is sought to be made complicated, I do not think there is any difficulty.

MR. CHAIRMAN : The question is—

"Omit sub-clause (3)."

The amendment was put and lost.

Clause 5 was put and carried.

Clause 6.

MR. CHAIRMAN : The motion is—

"That clause 6 do stand part of the Bill."

* SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendments :—

"In the proposed section 4-A (1), omit the following words :—

'not exceeding one half of the extent of lands'."

"In the proposed section 4-A (4) omit the following words :—

'or he has been assessed to any sales tax, profession tax or income-tax under the laws relating to the levy of such taxes during 1954-55 or 1955-56'."

"Omit proposed section 4-A (5)."

"In sub-section (i) of section 4 (2) of the principal Act, omit the words 'or if he has been assessed to any sales tax, income-tax or profession tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55'."

"In the proposed section 4 (2) of the principal Act, omit sub-section (b)."

This relates to resumption of land by the landlord for personal cultivation. There are conditions and I have not sought to amend them. For example, the total extent of land in possession after resumption is restricted to 5 acres and landlords who possess lands over and above 13 and 1/3rd acres will not have the right. That is all right. But when the power of resumption is given and if that is restricted to one-half of the lands leased to the tenants, then difficulties will arise. Suppose a man owns only three acres and he has leased them to a tenant, and now he wants to resume them for personal cultivation. He can get back only one and a half acres and nothing more. That will not be helping the small landowner. I am thankful to the Hon. the Revenue Minister for saying that people who are starving, the small people, must be protected. That was what he said. Let us now take a person owning one acre, who had leased it to a tenant. Perhaps he was in Madras at that time.

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Now, if he wants to get back the land and die on his own land—that is his last wish and desire—then he can get only half an acre. Are we allowing him to resume at least that one acre? No. Can we suppose that any person can get his subsistence from that half acre of land? (The Hon. Sri M. A. Manickavelu : Otherwise it will be equally a great harm to the tenant.) That is right; the starving tenant will be put to hardship : (Sri Narasapaya : Dividing hardship.) Yes, dividing hardship, that is all. Well, to help him, you have restricted the total extent in one's possession to five acres only and no landlord having more than 13 and 1/3rd acres can have that right of resumption. All those things are there. But this further restriction of having the right to resume only half of the extent which he has leased out, is, as Mr. Narasapaya said, 'dividing the hardship.'

* SRI T. M. NARAYANASWAMY PILLAI : I strongly second the amendments moved by the hon. Member Sri Balasubramanya Ayyar, and I think these require really some consideration by the Government. As was pointed out, if it was really the intention of the Government to help the small landholders who own not more than 2 velis, then this provision that one half of the extent leased out can be resumed, should not be there, because we have the outer limit in regard to resumption, viz., five acres. Then, if we say that he should not resume more than one half of the extent leased out, is that not against Government's own principle? If it was only 'dividing hardship,' one could agree. But, in fact it is not dividing hardship, but it is doubling difficulties and quadrupling hardship and naturally depriving the landowner of the benefit of his small holding. (Sri V. Chakkarai Chetty : Dividing the baby!) Yes, it is like that.* It is like those two who wanted to tear the baby into two. No other comparison can be more appropriate. Therefore, once we say that the landowner is entitled to resume, and if we put the outer limit at five acres, there should not be this restriction to half the extent. Can we imagine that any tenant will be willing to have two sets of rent payable by him? That is what exactly the Government's policy comes to. It is really sowing the seeds of conflict and differences between the landowner and the tenant. Therefore, this amendment is very reasonable and has to be accepted by Government.

* SRI K. BALASUBRAMANYA AYYAR : There are two other things. They are, deprivation of the right of resumption and deprivation of the right of eviction. It applies to both the tenant and the landowner. Whether any person is a small landowner or a small tenant, it applies equally to both. Here we have only small landowners, not big landlords. The provision is " . . . or he has been assessed to any sales tax, profession tax or income-tax, etc., shall be deemed to confer on the landlord a right to resume, etc." In the case of these small landowners, these are small taxes which they would be paying. For example, there is profession tax. Under the panchayat, a man may be getting Rs. 25 and he may be paying

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4 p.m. annas eight or Re. 1 as profession tax and, unfortunately, that man is not allowed to enjoy the income from his land. Because his income from the land is inadequate, he might have taken up some other job or business in the adjoining towns, just to supplement his income from the land. For that, he may be paying profession tax or sales tax. In these cases, there is an advantage also. They will have something to supplement their income and to meet expenses on the land, to some extent. We deny him that opportunity of helping himself and others. Thus, it is a process by which one helps the other. Therefore, it is not good to impose a condition that if a landlord is assessed to sales tax, profession tax or income-tax, he is not entitled to resume possession of the land. It is also not good to say that the total extent of land after the resumption should not exceed five acres. Many people have made representations to the Hon. the Chief Minister that these conditions would cause hardship to the small owners of land. They cannot get on with the produce from the land alone. Therefore, they have to engage themselves in some additional profession or trade. Therefore, the conditions imposed will work hardship on them, and not on the bigger landlords who pay income-tax. We are not concerned with the bigger landlords. We are only concerned with the cases of small landowners and also cultivating tenants. It will work hardship in both cases. Therefore it is that I have moved this amendment.

* DR. V. K. JOHN : Mr. Chairman, I am positively sure that none of these amendments will go through this House and will be accepted. Nevertheless, I am speaking about the illogical attitude adopted in regard to this Bill. What does it matter if a man is doing some other business? The question is how many acres of land he is cultivating. That is the only question that we are concerned with and not whether he is doing some business and paying some tax. Next year his business may work at a loss and he may not pay any tax. Therefore, that should not be the test. I am surprised that the Government should introduce in a Bill something absolutely extraneous to the principle underlying it, namely, that a small landholder having so many acres of land should have the protection. Therefore, I support this amendment. However, I cannot but express my feeling that no amendment, however reasonable it may be, will go through this House and will be accepted.

DR. A. LAKSHMANASWAMI MUDALIYAR : Mr. Chairman, I am afraid this will produce an impossible position with regard to cultivating tenants who may have a small piece of land that is supposed to be given to them. I was surprised myself when the Hon. the Revenue Minister stated that it was proposed that one should not have any subsidiary occupation. If that is the case, when a drought comes in, what is the position of this cultivating tenant who has got a small extent of land? I think that there is a confusion of ideas. With the idea that the cultivating tenant must cultivate the land and must not neglect it, conditions are

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superimposed which will make him an absolute pauper, and ultimately the land will not be cultivated and it will go to waste. That will be the effect of this particular clause if it is carried. I cannot understand why an incentive for other occupations should not be available. It has been expressly stated that the cultivating tenant should cultivate the land. In view of the amendment of the hon. Member Sri Balasubramanya Ayyar having been lost and the express statement that the definition was advisedly and after deep consideration put in, I think the Revenue Minister will have to explain how it is that he proposes to feed these people when drought overtakes them and when they have no other occupation.

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, this provision about resuming the land from the tenants and limiting it to one half of the extent leased is based on the principle that two lives are better than one. By this provision it is not implied that tenants should be evicted from the lands and thrown out of their occupation. That is why the extent of land that can be resumed by the landlord is limited to one half of the extent leased. But care has been taken to see that one half applies to the extent of land in the possession of one single tenant. A landowner may have three or four tenants. From each one of them he can take only half of the extent in his possession. He cannot take all the lands from one tenant. It is with that object that this provision has been made.

As far as the landholder is concerned, the reason why this restriction has been placed is this. Now, for a limited purpose, we have been forced to give to the small landholder this privilege of resuming the land from the tenant. In that respect, we want to restrict the extent of land that he can resume from the tenant, to the minimum possible, because if it is allowed on a large scale, quite a large number of tenants may be ousted from the lands. That is why we have restricted this privilege to only small landowners who do not pay sales tax, profession tax or income-tax. The idea is that the owners who are paying these taxes have other means of livelihood and personal cultivation is not absolutely necessary in their case. But in the case of landholders who do not get this extra income by other means, they must have some lands.

As regards drought conditions, that is a thing which applies even to big landlords. When drought occurs, they too suffer but they have other means of adjusting their budget. For that reason, I do not think that we can take away the wholesome provision from this Bill.

With regard to the other amendment, the idea is this. After the coming into force of this legislation, if there is any change by division of a holding or by any transfer, the benefit of this provision should not go to such a case. That is why a time-limit is fixed. All the cases that exist on the date the Act comes into force will get the benefit of this provision.

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As regards the last amendment what applies to the landholder applies to the tenant also. We have been fair to both. That is why we have put the same restriction on the tenant also

I oppose all the amendments.

Mr. CHAIRMAN : I shall now put the amendments to vote. The question is—

“ In the proposed section 4-A (1), omit the following words :—

‘ not exceeding one half of the extent of lands.’ ”

“ In the proposed section 4-A (4), omit the following words :—

‘ or he has been assessed to any sales tax, profession tax or income-tax under the laws relating to the levy of such taxes during 1954-55 or 1955-56.’ ”

“ Omit proposed section 4-A (5). ”

“ In sub-section (i) of section 4 (2) of the principal Act, omit the words ‘ or if he has been assessed to any sales tax, income-tax or profession tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55.’ ”

“ In the proposed section 4 (2) of the principal Act, omit sub-section (g). ”

The amendments were put and lost.

Clause 6 was put and carried.

Clauses 7 to 12 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, I move—

“ That the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), as passed by the Legislative Assembly, be passed.”

Mr. CHAIRMAN : Motion moved—

“ That the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), as passed by the Legislative Assembly, be passed.”

DR. V. K. JOHN : Mr. Chairman, I hope that a comprehensive Bill will be introduced at least within two years, during the life-time of this enactment.

THE HON. SRI M. A. MANICKAVELU : I too equally hope so, Sir. (Laughter.)

Mr. CHAIRMAN : The question is—

“ That the Madras Cultivating Tenants Protection (Amendment) Bill, 1956 (L.A. Bill No. 10 of 1956), as passed by the Legislative Assembly, be passed.”

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

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III.—GOVERNMENT RESOLUTION.

THE CONSTITUTION (SEVENTH AMENDMENT) BILL, 1956—
RATIFICATION BY STATE LEGISLATURE.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, I 4-10
move— p.m.

“ That this House ratifies the amendments proposed to be made to the Constitution of India by the Constitution (Seventh Amendment) Bill, 1956, as passed by the two Houses of Parliament.”

Sir, hon. Members are aware that this constitutional amendment arises out of the passing of the States Reorganization Bill into an Act. Under the States Reorganization Act, several changes have been introduced. Part ‘ B ’ and Part ‘ C ’ States have been abolished and there would be only the States and the Union territories. The retired Judges of the High Court are now to be allowed under this amendment to practise in States where they have not been Judges and also in the Supreme Court. This amendment is considered necessary in order to attract more suitable and better qualified and best men for the post of High Court Judges. There is also provision to have additional Judges over and above the strength fixed for the High Court. There are also provisions to constitute common High Courts for more than one State and also to have more than one State under one Governor. There is also a proposal to provide that the States might be empowered to delegate certain powers of theirs to the Centre in certain circumstances. Another important feature in this Amending Bill is that there is a provision for safeguarding the interests of language minorities in the States, and there are other changes also. I commend this motion for ratification of the Amending Bill for the acceptance of the House.

Mr. CHAIRMAN : Motion moved—

“ That this House ratifies the amendments proposed to be made to the Constitution of India by the Constitution (Seventh Amendment) Bill, 1956, as passed by the two Houses of Parliament.”

DR. A. LAKSHMANASWAMI MUDALIYAR : Sir, while giving my consent to the passing of this Bill, I should like to refer to some of its features which merit closer attention than they would have probably received. This is a very comprehensive Bill which will change the whole phase of the geography of our country. There are many persons who have actually supported this and there are a few who have not found it possible to support that particular position. However, now that the Parliament has passed this Bill, I feel it is our duty to see that it is given effect to loyally and worked to the best of our endeavours. At the same time, there are certain provisions which certainly will require very careful consideration. The question whether there can be a common Governor for more than one State with the additional responsibilities that have been entrusted to him under this particular constitutional

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amendment merits close consideration. I hope and trust that those who are responsible for this will not be in a hurry to give effect to this particular clause. As I have seen it, the Governor's responsibility will increase and as it is in most of the States, the area entrusted to the Governor will be so vast indeed that there is hardly any possibility of any Governor being responsible for more than one State. Even in those cases where the States may be smaller, the conditions in regard to many of the provisions and the Legislatures of States vary so widely that it is not uncomplimentary for any Governor to say that it will be very difficult to be so familiar with the constitutional position and the responsibilities of the Ministers in the different State. It all requires very active and deep study. This is a matter where I feel a certain amount of reticence in giving effect to this particular provision will be certainly useful from the point of view of all States.

Sir, there is another point here which also requires a certain amount of close consideration. The Hon. the Leader of the House has also referred to it. It is stated, 'Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its Officers functions in relation to any matter to which the executive power of the State extends.' It seems to me that the total ignoring of States' responsibilities and the responsibilities of the Ministers in this respect may produce great difficulties in the working of the Constitution. I cannot understand why it is said 'with the consent of the Government of India'. If I had anything to do with the Government of India either as a Member of the Lok Sabha or as a member with greater responsibility, I would not have shown such great avidity to take up any further responsibilities that are given in the executive functions of the States. On the other hand, the total ignoring of the responsibilities of the State Legislatures and the Ministries is certainly a matter that merits very much closer attention. If it had been provided that in emergencies the Governor may entrust the functions of such persons or whenever there was breakdown of the Constitution in any particular State a provision like this should be taken note of, then I would not have the serious objection that I have to express now and state that this power that totally detracts from the responsibilities of the State Legislatures and State Ministries may produce deadlocks in the administration of the States concerned.

Sir, so far as the question of Judges working in other States are concerned, I have nothing to say. Perhaps it is only right that this provision should have been made.

With regard to the composition, we find the distribution of representatives to the Council of States has been made in a particular manner. Perhaps that is inevitable. I must say that in the American Constitution, the procedure followed is a little bit different. The geographical area of the State has very little to do with the number of representatives that are given to that particular

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State and that is why each State, whether it is big or small, feels that it has as effective a voice in the federal administration as any other State. The State of Texas, for instance, is far bigger than the smaller States in the East Coast of the United States, but there is no difference, as far as I am aware, in the representation that is given to the State in regard to the shaping of the policies of the Federal Government. It may not be possible for us now to speak anything on that matter and I can well understand that. Even now we find that some States want to become more and more obese and more and more flabby in their structure, which certainly requires far more consideration than people might have given to it. That apart, I now come to two provisions with regard to the representation of the Members in the Legislative Councils of the different States. I am glad that it has been accepted that so far as this State is concerned, there should be a Legislative Council and I think in many more States also the Legislative Council will be functioning.

SRI A. M. ALLAPICHAJ: Perhaps with bigger powers!

DR. A. LAKSHMANASWAMI MUDALIYAR: Sir, I will be glad if the hon. the Deputy Chairman sees that the existing powers are maintained for us. (Laughter.) Only yesterday, the hon. the Deputy Leader of the Opposition had to refer to a very serious condition obtaining in this House. Now, to-day when I have to refer to this subject, I hope I shall have the unstinted support of the hon. the Deputy Chairman of this Council. What we want is to stabilise what we have got. If we ask for more powers, the other House will simply say, 'Abolish the Legislative Council' without realising what its utility is. I must say this now. The Bill has made it clear that the number of persons on the rolls of this particular Council will be one-third and not one-fourth. That is the amendment that has been accepted. I would press upon this Government to take immediate steps to see that injustice is not done to any of the sitting Members at least. I would even go further and say that the proper functioning of this House can be promoted if the number is increased. Some of the constituencies are so important, that I have no hesitation in saying, that they have not given due recognition to the utility of those bodies when trying to reduce or limit the number of their representatives. Let me refer to the number of Members. It may be 64. We are only 48. If economy is the thing that is aimed at, I would be the first to forgo all expenses so far as the Council is concerned. Incidentally, I may say that I have not drawn a pie for the last ten years that I have been a Member of this House, and I do not propose to do so. But, that is another matter. It seems to me that some of the very important constituencies that should have been given greater representation are to-day being denied even the little representation that they were having till now. Take the Graduates constituency, for instance. It is not because you, Sir, and I have been returned by that constituency that I am referring to that constituency. It is an ever-growing

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constituency. You cannot diminish the number of Graduates. Every year, we are turning out 4,000 to 5,000 Graduates and they will all be on the electoral rolls. Sir, we were first of all 8; when the Andhra State was formed, we reduced the number to 6 and now, thanks to the efforts of the Government, we are reduced to 4, I understand. Sir, this is a grave injustice done to a constituency that ought to, in the opinion of the Government, share more responsibility in regard to the various pieces of legislation brought in in this country. There are distinguished lawyers here, whose contribution, although the Government do not propose to acknowledge it on the floor of the House, has influenced the Ministers during their leisure hours and will influence, I trust, the Hon. the Minister for Revenue on this occasion. Apart from that, I do maintain that this is a point which the Hon. the Leader of the House should take up and examine. There will be no difficulty in getting an amendment moved in the Lok Sabha when it meets in November next to the effect that at least the *status quo* should be maintained. But I go further and I would request the Government to review the position with regard to the various categories under which representatives are being sent to this Council and to see whether they cannot enlarge, for the sake of usefulness of the Council—I will not say, of this Council alone, but of the Councils all over the country—the strength of these bodies so that their voice may be effective in the administration of the States. The Government need not be frightened that they will be having a very big Opposition on this side and that that Opposition will probably be a great deal of a block. As it is, we have given away with great pleasure many of the Members sitting on this side of the House until the other day, to the Government. But we do not believe in numbers. We believe in a small effective body which will study everything that is laid on the table of the House and speak without fear or favour. That is the attitude of the Opposition in the Council. It has no power of displacing the Treasury Bench and it has not got the advantage of occupying the Treasury Bench. I hope the Government will consider very seriously the question of sending proper representations to the Government of India in regard to this particular proposal.

Sir, these proposals will inevitably mean separation from our friends. I have expressed in no faltering terms my regret that that separation should take place. I have also stated that it is most unfortunate that some of the Members who have earned a seat in this Council by their work, capacity and for other reasons should be deprived of that elected capacity when they will be no longer Members of this House. This is a very serious matter and whatever may be the reasons for the non-functioning of a Legislature in a particular State before the Reorganization of States, the Government should see that the active deprivation of political rights of a large section of the people is not

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countenanced. I hope that things will soon remedy themselves and that our colleagues will play a very useful, a very critical and a very forceful part in future also, as they have played in the past here when it was a delight to hear their speeches even though we were not hundred per cent with them.

* SRI T. PURUSHOTHAM: Sir, I wish to associate myself with the emphatic views given expression to by the hon. the Leader of the Opposition.

SRI MOHAMED RAZA KHAN: Why not you come over to this side then? Some of us have gone over there.

* SRI T. PURUSHOTHAM: I entirely agree with the hon. the Leader of the Opposition in his remarks with regard to the constitution of the Council. When there is provision for the strength of the Legislative Councils being fixed as one-third of the strength of the Legislative Assembly, I think we have got a strong case for raising the strength of this House. We have got now only four Members to represent the Graduates' constituency. (Sri Mohamed Raza Khan: Most unfortunate.) The hon. the Leader of the Opposition said that this was an ever-growing constituency. We are opening more and more schools, secondary schools and elementary schools. The elementary school teachers have no right of voting now. They should also be given the right of voting in the Teachers' constituency. So, I feel that the Teachers' constituency is also an ever-growing constituency and deserves to be better represented. Teachers require more representatives than four. The number should be at least six in respect of Graduates and six in respect of Teachers. The Legislative Council should have at least 52 Members in Madras. Mysore has got 52 Members. I see no reason why we should not have 52 Members. (Sri K. Balasubramanya Ayyar: 64.) I welcome 64. The Local Authorities' constituency is also an ever-growing constituency. We are having more and more panchayats. We should have more Members to represent that constituency also. The Mysore Legislative Council will have 18 Members representing the Local Authorities and we are having only 16 Members. Even if that is not to be increased, let us have six for the Graduates and six for the Teachers. Also in refixing the constituencies of Graduates and teachers, the difficulties of the candidates for election should be borne in mind. They should not have to seek their electorate throughout the State. There must be regional redistribution of constituencies so that out of the seats allotted, two may go to each region. In other words, we might have two or three regions and each region might be represented by two Members. Sir, if that is not done, there will be much difficulty experienced by the candidates seeking election from Graduates' and Teachers' constituencies. Recently, the Member, who has been elected to this House, had to travel all over the State to cover his electorate; I refer to the Teachers' constituency. So, a reasonable delimitation of the

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constituencies for teachers and Graduates should be thought of and fixed on the basis of regional redistribution. I hope the Government will consider this aspect of the question also.

The hon. the Leader of the Opposition referred to delegation of powers. We find that in Article 258 (1) of the Constitution, it is stated—

“Notwithstanding anything in this Constitution, the President may, with the consent of the Government of the State, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the Union extends.”

A similar provision has been introduced now in respect of the States and I do not know why power is given to the Governor of a State. It should be given to the Government of the State and not the Governor. This is likely to be construed as discretionary power vested in the Governor and not constitutional power. If it is constitutional power, then it will devolve on the Ministers. Any way, the Governor of a State should not have the executive power which is vested in the representatives of the people, that is, Ministers. The mention of the Governor in this Constitution (Amendment) Bill is not very happy and I feel ‘Government of the State’ should be the proper expression. Though the Bill has been passed by the Parliament, I feel it is necessary that the Government should issue executive instructions so that the Governor of a State may not exercise this power as one vested in his discretion.

I also invite the attention of the House to another important matter that was discussed in this House, viz., the border-line between Madras and the new Kerala State. There was a certain discrepancy with regard to the non-inclusion of Puliya Pakuthi and Achanpakkam in Madras State. This question was raised by one of our representatives in Parliament, Dr. P. Subbaroyan, by way of an amendment he moved. Later on the amendment was withdrawn and Dr. Subbaroyan made a public statement that he had a discussion with the Home Minister at the Centre on this question and that the latter had assured him that though the Bill might be passed, the matter could be set right by the issue of a notification correcting the constitution of the new Shencottah taluk under the Reorganisation Scheme. I do not know whether the revised notification has been issued and, if not, I trust the State Government would take necessary steps to see that their original agreement with the Travancore-Cochin State and the Central Government is adhered to. I do not know why they gave up their rights while the States Reorganisation Commission had originally conceded the entire Shencottah taluk to the Madras State. As a sort of compromise, a certain territory was agreed to be retained in the Kerala State. The original agreement was not properly implemented.

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I trust the Hon. the Leader of the House will tell us at what stage the matter stands now and what the Government propose to do in the matter.

I should also invite the attention of hon. Members to clause 21 of the Bill, which seeks to introduce a new clause in Article 350 of the Constitution with regard to the appointment of a Special Officer to investigate into matters relating to linguistic minorities. It says that the report of that Special Officer should be submitted to the President and the President should cause such report to be laid before the Houses of Parliament and to be sent to the Governments of the States. Just as it has been laid down in the Constitution that the reports of the Public Service Commissions of the States should be placed on the table of the respective legislatures, so also it should be definitely laid down that this report on linguistic minorities should be placed on the table of the legislatures of the States. But now the Bill has been passed and it would shortly receive the assent of the President. But I hope that specific instructions would be issued that this report of the Special Officer with regard to linguistic minorities should be placed on the table of the State Legislatures. I hope this and other matters referred to would meet not only with the approval of this House but that the Government also would accept and put forward these views before the Central Government.

SRI MOHAMED RAZA KHAN: Sir, just now the hon. the Leader of the Opposition referred to the support that some Members of the Opposition had been giving to Government, because of their having felt happy over some actions of Government. We also feel happy over the consistent support that the hon. Member Sri T. Purushotham, who even though he sits on the Government's side, has been giving to the views expressed by the Opposition. (Sri T. Purushotham: Does it mean that the views of the Opposition should not be supported by those sitting on the Ministerial side?) It is a credit to us and we are also grateful to the Deputy Chairman who is always one with the views expressed by the Opposition.

I would like to express my strong feeling and sentiment against the manner in which this Government have treated the views of the Members here. I think my good Friend Mr. Bhaktavatsalam and my Friend Mr. M. P. Govinda Menon would remember that in the last Assembly whenever any Member began to criticize the Government, it used to be said that there should be a method even in madness. The same argument I could advance to Government now. I still cannot understand on what basis the Government have allowed the strength of this Legislative Council to be reduced to 48. They could have had the courage to say this, viz., “Well, we do not feel happy with this Council. We do not like to have it. But somehow it is continuing as a luxury”. If they had openly said so, I could understand their mind. Particularly, when

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the authorities at the Centre had said that they were increasing the maximum strength of Legislative Councils from 1/4th of the strength of the respective Assemblies to 1/3rd of the strength of respective Assemblies, this Government had allowed the strength of this Council to be reduced to 48. (The Hon. Sri M. Bhaktavatsalam: The hon. Member should remember that this House wanted the number to be fixed at 51, only three more than the number 48.) That was before the amendment to the Constitution raising the strength of the Legislative Councils from 1/4th of the Assembly strength to 1/3rd of the Assembly strength was thought of. At that time we thought in the fitness of things it would be better to have a strength of only 51, when the strength of the Assembly was only 205. But afterwards there had been the abovesaid amendment to the Constitution. Even then instead of increasing the strength of the Council, the Government had allowed it to be reduced to 48. Is it to effect economy? Let them appoint a committee consisting of Members from both Houses. Let them scrutinise the expenditure of each department of Government and let them then suggest savings. They would then see that the savings would be 100 times more than what they would have by reducing the strength of this House in this manner. As things stand at present, it is not easy for everyone to face the general elections, and get into the Assembly. That is why it has been provided in the Constitution that there would be seats in the Legislative Council for teachers, Graduates, etc. Especially the linguistic minorities could best be represented in the Council. I know that the Government have been giving proper regard to the views expressed in the Council. About the question of linguistic minorities, I would like to say one thing. It is all right to say that minorities would be given enough seats in the Assembly. But when it actually comes to the question of facing the electorate, the problem is quite different. The Council is the only place where the minorities could be best represented. I am not speaking for myself or for my community. I leave it to the Deputy Chairman to be the spokesman of the Muslim community. Mussalmans, Christians and other linguistic minorities could best be represented in the Council only. There is nothing wrong if the hon. Member Mr. Govinda Menon continues in the Council, if some way is found for the same, even after reorganisation of States. He is anxious to be here even after reorganisation. That is only by the way. There are States like Andhra which have yet to establish a Legislative Council. After some time, they may make representations to the Central Government for providing their State with a Legislative Council. When that proper time comes, this Government may make strong representations to the Central Government to increase the strength of this Council from 48 to 64. Now, this is not the proper time for it. The Bill has been passed by the Parliament. It is too late now. When the time comes, let our Government make strong representations to the Centre to increase the strength of the Legislative

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Council. I am sure the Hon. the Leader of the House would convey the views of this House to the Chief Minister and his Cabinet Colleagues and make strong representations in this matter to the Centre at the proper moment. After reorganisation of States, the strength of our Assembly will be only 205. Our population would be 3-00 crores. The population of the new Andhra Pradesh would be about 3-20 crores. But their Assembly strength would be about 300 while our Assembly strength would be only 205. I do not know how when we have approximately the same population, the strength of the Assemblies could differ so much. (The Hon. Sri M. Bhaktavatsalam: It is the same multiple that is prevailing all along.) I am sure the Hon. the Leader of the House would consider this question of increasing the strength of the Council. I shall now wholeheartedly support this Bill, because there is no other way out. Our Madras State is going to be reduced considerably in size and in population after reorganisation. On the population side we are going to be the 5th State and in the matter of area we are going to be the 10th State in the whole of India. But what Madras State would lose by way of population and area, she would gain by other ways. I am sure the Hon. the Leader of the House would consider the question of increasing the strength of this Council. When it comes to a question of reducing the strength from 51 to 48 and when the number of seats representing Graduates is reduced, it casts an onerous duty on the Chairman to decide as to who should be sent out. The framers of the Amendment should have thought of this contingency also. I repeat that the Hon. the Leader of the House will do his best and I know that once an assurance is given by him, it will be carried out. I am sure that he will give an assurance today and that that assurance would be implemented when the time and opportunity occur.

4-40
p.m.

* SRI A. M. ALLAPICHAJ: Mr. Chairman, Sir, I quite agree with the observations made by the hon. the Leader of the Opposition and the hon. Member Sri Mohamed Raza Khan. Sir, on the question of the strength of our House, if I am not misunderstood, I may say that, either knowingly or unknowingly, we keep something like an atom bomb on the head of our Chairman when we have asked him to exercise the power to eliminate two Members from this House. It is a very difficult question and I think the Government need not have put him in that difficulty. Now there are six Members representing Graduates. In the first group come Dr. Lakshmanaswami Mudaliar and Dr. Cherian, that is, our Chairman. Both of them are very eminent men.

* THE HON. SRI M. BHAKTAVATSALAM: May I point out to the hon. the Deputy Chairman that it is not even the States Reorganisation Act that is under consideration before this House, but that it is the constitutional amendment, arising out of the passing of the States Reorganisation Bill into an Act by the

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Parliament? Therefore, I do not think it would be necessary or appropriate to go into the details of the provisions of the States Reorganisation Act which is now on our Statute-Book.

DR. V. K. JOHN: May I submit, Sir, one thing? In this Constitution (Seventh) Amendment Bill, there is a provision, that is, clause 16, which deals with the strength of the Council and I take it that the hon. the Deputy Chairman is on that clause in the Bill and he is, therefore, in order to speak on that.

* THE HON. SRI M. BHAKTAVATSALAM: I do not think so, Sir. Even under this provision, we shall be not quite in order to go into the details of the provisions of the States Reorganisation Act.

* SRI A. M. ALLAPICHAJ: What I wished to suggest was this.

MR. CHAIRMAN: There is no point in pressing that. Everything is past.

* SRI A. M. ALLAPICHAJ: I think there was some suggestion that this view of the House has to be brought at least to the notice of the rule-framing body of the Union Government.

MR. CHAIRMAN: It is all finalised. There is no escape from it now.

* SRI A. M. ALLAPICHAJ: If the Hon. the Leader of the House says that there is no way of giving effect to some of our suggestions, then it is a different matter.

MR. CHAIRMAN: It is not a question of the Leader of the House saying it; it is on the Statute-Book.

* SRI A. M. ALLAPICHAJ: Cannot we bring some kind of pressure? That is what I beg to submit. I know it has been passed by the Parliament and as a lawyer, I know it. But, yet, I beg to submit that if a case is made out in a very effective way to the Central Government and if the Central Government feel convinced of the justness of our case, perhaps, if not to-day, at least some time in future, they may move in the matter. It is really a very difficult thing. There are six Members about two of whom I have already spoken. Then in the second group, there are Dr. John.

SRI M. P. GOVINDA MENON: Whatever be the views of individual Members, Sir, about the merits and demerits of the case, whether some Members should remain or go out, that is a matter which has been closed. We must not discuss it now and by our discussion we will be only putting some kind of embarrassment (Mr. Chairman: Pressure too) and pressure also on the Chairman by entering into details.

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MR. CHAIRMAN: I cannot enforce a rule too much on the Deputy Chairman.

SRI M. P. GOVINDA MENON: So long as he is there (not in the Chair), you, Sir, can enforce it against him as well as against me.

* SRI A. M. ALLAPICHAJ: I shall not put anybody in any difficulty. Whatever my Friend, Mr. Govinda Menon may say, I am here to respect you, Sir. I shall leave the matter at that. Therefore you know my feeling. What I beg to submit is that, though not now, at least in future a time will come when our Government must take the advantage of having one-third of the number of Members of the Assembly and our strength must be increased from 48 to 64. I quite agree with my Friend, Mr. Raza Khan that this will help a great deal; because as Panditji has said on one occasion very recently, the feeling of minorities should be taken into account, as in direct election there are difficulties. The feeling is there. By indirect election we will get so many who will be strengthening the hands of the Party in power, the Congress Party and the ruling Party. It will go a long way in helping them.

Another thing is whereas in the other House there is only one lady Member, here we have got more than one and that is because of indirect election. So, there are these advantages in having the number increased to 64.

Another thing is this. Previously there was the postal voting so far as Graduates constituencies were concerned. Now, it is abolished. That will lead to this. A Graduate living some 10 miles away from the booth, may have difficulty in coming and exercising his vote. Even under the postal voting system, if one or two had not exercised their votes in a fair manner, that does not matter and it should not be the reason for taking away that system. It may be a rainy day and one will not be able to go to the booth which may be some distance away. The result will be that many will not vote. This is also another factor which has to be taken note of.

Though you, Sir, have said that everything is past, there will be some kind of moral pressure of our observations here and it is bound to have some kind of effect. Thank you, Sir.

* SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, 4-50
Sir, I want to make one or two observations. One is about the P.M.
appointment of additional Judges. Clause 15 of the Bill reads as follows:—

‘For article 224 of the Constitution, the following article shall be substituted, namely:—

“224. (1) If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that

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Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify."

This clause refers to the appointment of additional Judges for a period 'not exceeding two years'. This question of appointment of additional temporary Judges has got a long history behind it. When additional Judges are appointed, after their term of two years is over, they cannot practise in the same High Court again. Therefore, many people fit to be appointed as Judges do not come forward and are not anxious to become Judges at all. One or two such important Judges were appointed during the British rule and great difficulty was experienced on account of this. It was found that that practice could not work well. Therefore, that practice of appointing temporary Judges was discontinued in our State. I do not think that the practice of appointing Judges temporarily for two years will work well. It is a question of principle. Laying too much of power in the hands of the Executive to appoint additional Judges is not a healthy practice so far as the absolute independence of the judiciary is concerned. During the British rule, when such Judges used to be appointed, even the Congress, I remember very well, passed Resolutions disapproving of that practice. I felt that some reference must be made to this matter while considering this Bill. I am not casting any aspersion on any Judges who may or will be appointed. I am only stating that it is found in practice that many qualified people do not come forward to accept the appointment of additional Judges because after their term of two years is over, they cannot practise in the same High Court; they must go either to the Supreme Court or to some other High Court for which they may not be prepared. Therefore, I think this is not a very salutary provision at all. If there is any increase in work, the number of Judges should be revised and increased.

The next clause to which I want to refer is clause 21 which seeks to introduce articles 350-A and 350-B in the Constitution. They come under a chapter called "Official Language—Special Directives". New article 350-A reads as follows:—

"It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities."

Suppose the President issues a particular directive. What is its effect? Is it in the form of an executive order binding upon the Government, or is it merely a directive such as the other directives about provision of primary education to children and other things? The article also only begins by saying, 'It shall be the endeavour of every State . . . to provide adequate facilities for instruction in the mother-tongue.' There may be directives and the States are expected to respect them. But they are not legal impositions. Therefore, I feel the issue of a directive does not

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help us in any way. Either we must say that the rights of linguistic minorities should be safeguarded—and there must be a provision for it—or we must say that the President is empowered to pass any particular emergency law. But so far as this directive is concerned, it is only a pious wish. Just like the other directives about Prohibition and other things, the States are only expected to respect them, but they are not legal impositions. Suppose the States do not respect them. Then, there is nobody to enforce them.

SRI A. M. ALLAPICHAJ: There will be some kind of moral force.

* SRI K. BALASUBRAMANYA AYYAR: There are directives in the Constitution. But if it is desired that there should be a provision for safeguarding of the rights of minorities, this is not the best way of doing it.

THE HON. SRI M. BHAKTAVATSALAM: The idea embodied in this legislation is this. When the Special Officer appointed to examine this question presents his report, that will be placed before the Parliament and before the States and it is then for the States and the Legislatures to take up this question and see how effectively the linguistic minorities could be protected.

* SRI K. BALASUBRAMANYA AYYAR: As far as that point is concerned, I have already submitted what I feel about it. So far as the States are concerned, there is no provision here that it will be sent to the State Legislatures. New article 350-B (2) only reads as follows:—

"It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Government of the States concerned."

The Government do not represent the Legislature. The Government may not take action at all. Then, who is there to take action? Therefore, the report must be placed before the Legislatures also. The report is to be placed before each House of Parliament for the purpose of enabling it to take some action. Similarly, the State Legislatures also should have the power to take some action upon it.

THE HON. SRI M. BHAKTAVATSALAM: When Parliament takes action, it will apply to all the States.

* SRI K. BALASUBRAMANYA AYYAR: Parliament may take action. But, unfortunately, in our case Parliament did not take such action as far as our Legislative Council is concerned. That is why I am now standing before you. I did not want to

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5p.m. refer to that particular matter, but the interjection of the Hon. the Leader of the House compels me to refer to it. We have got the right to have a strength of one-third of the number of Members of the Assembly. But why was the number reduced to 48? The number of Members of the Assembly will be 194. We will have only one-fourth of that strength. The Hon. the Leader of the House can convey to the Parliament that we shall be content with one-fourth of the strength of the Assembly and that the provision of one-third of the strength of the Assembly for the Council should not be passed. Why should not the Government of Madras take that attitude? The Deputy Chairman wanted to know what legal action we might take in the matter. When we ratify the Constitution (Seventh Amendment) Bill, 1956, we have got to say all these things. We can very well state that if they do not want to give us one-third of the strength of the Assembly, then it may be uniform for all States. That kind of remonstrance may be made by our Government. That is the suggestion that I would like to make. We will have to make that plain. Let them increase our seats so that we may be in line with other States. Therefore, I consider that it does not always follow that Parliament will take up our case. (Interruption.) They have put it at 48. The Parliament has not acted in the matter. That is why I say that the hon. Member Sri Allapichai's observations are not relevant. Therefore it is I say that there must be some provision by which these reports will also be placed before the State Assemblies concerned.

* DR. V. K. JOHN: Mr. Chairman, this motion has been made under article 368 of the Constitution of India. What the Parliament has passed as the Constitution (Seventh Amendment) Bill, 1956, will not become law and cannot be placed before the President for his assent unless this Bill, as passed by the Parliament, is ratified by not less than half the number of States, and, therefore, this Bill is before us to-day. It does not mean that we cannot refuse to ratify it. In fact, I would have suggested and suggested strongly that we do not want to ratify it if this Bill had provided for one-fourth of the Assembly's strength as the strength of the Council. As far as this Bill is concerned, it is seen in clause 10 that the word 'one-third' is substituted for 'one-fourth'. Therefore, we cannot take objection to this Bill. In fact, we must compliment Parliament on passing this Bill. But, the States Reorganization Act which was passed sometime ago reduced the number to 48. So, in my opinion, we must ratify this Bill. It has become the convention of Parliament to have Constitution Bills passed unanimously and I take it that this House will ratify the same.

SRI A. M. ALLAPICHAJ: But, there is conflict between the two Acts of Parliament. One says 48 and the other says something else.

* DR. V. K. JOHN: I will answer that doubt raised by the hon. the Deputy Chairman. In Article 171, it is stated that the

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strength shall not exceed one-fourth of the total number of Members of the Legislative Assembly of that State. It is stated here that the strength shall not exceed one-third. Forty-eighth, the present number, does not exceed one-third. Therefore, there is no conflict between the two. The only thing is that the present Bill enables you to go beyond 48. What I submit to this House is that we must ratify this Bill passed by Parliament unanimously. But, in doing so, it is open to us to make any observations that we like to make and those observations, I hope, will reach the authorities concerned or will be communicated by the State Government to them. Sir, I have a few observations to make.

This Constitution (Seventh Amendment) Bill is a most important thing. We are amending our Constitution rather too quickly. I think the Ninth Amendment is also being circulated. This amendment is the most important of all the amendments which have ever been passed. This has redrawn the map of India. I am definitely of the opinion that either we must be a unitary State or we must have States which are almost equal in population and representation both in the House of the People and in the Council of States. My friend Dr. Lakshmanaswamy Mudaliyar referred to the American Constitution and stated that whatever be the population or the area of a State, there is equal representation. Now, if the States are not equally represented, it is not good for this country at all. Because, even now, people are talking that India will be governed by Uttar Pradesh and Bombay. They have become very big States and we are reduced to a very small State. I am definitely of the opinion that what the Parliament should have done in this is to have States with almost equal population and equal representation in both the Houses of Parliament.

SRI T. PURUSHOTHAM: The remedy is in the hands of the people themselves.

* DR. V. K. JOHN: Yes, it could be done. I am suggesting that in future it may be done. But, the Central Government would like to know what our opinion in the matter is. I am expressing my opinion from my place in this House. There is a provision for a common Governor. Opinion may be divided and my friend Dr. Lakshmanaswamy Mudaliyar has stated that it is not in the interests of good Government. I do not quite agree with him in this matter. I think it is better to have a common Governor for a few States. But, I am more concerned with a common High Court. There is a provision in this Bill for a common High Court for two or more States. I think Parliament should introduce and give effect to this immediately. I wish that we have one common High Court for Madras, Mysore and Kerala. It would have been very much better, because our High Court would have attracted big men and, at the same time, it would have given greater satisfaction to the people concerned. So, I suggest and suggest very strongly that we should have a common High Court for a few States. I would also suggest—though there

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is no provision now and I hope that a provision will be made hereafter—that a common Public Service Commission may also be constituted for a few States. Then, we would have no narrow loyalties for appointments. I suggest a common Planning Board for many States. If we have that common Planning Board, a common Public Service Commission, a common High Court and a common Governor for a few States, I am sure all the narrow loyalties to linguism and parochialism will disappear and India will become strong.

Then, Sir, another friend here has made an observation about additional Judges. I agree with the hon. Member Mr. Balasubramanya Ayyar that the idea of having additional Judges which was given up when the Constitution was framed is not in the interests of administration of justice. Because, we want permanent Judges who would not be influenced by the executive. I quite agree that additional Judges ought not to have been provided for and if provided for should not be appointed.

About representation in the Council, many Members have spoken and I would strongly suggest that the number may be raised to at least 57. Under Article 172, one-third of the Members should retire on the expiry of two years. Now, you have got 48. How is this 48 constituted? We have got 16 to represent the Assembly, 16 to represent local bodies, 8 nominated Members, 4 Graduates and 4 from the Teachers' Constituency. None of them is a multiple of three.

5-10
p.m.

MR. CHAIRMAN : The expression is 'as nearly as possible'.

* DR. V. K. JOHN : None of them is a multiple of three. We should not have a number which is not a multiple of three. At the end of every two years, we have election to the Council. That means, at the end of the first two years hereafter, two Graduates will go; at the end of the second two years one will go and the fourth will go at the end of the third or last two years. Sixteen is not divisible by three. On the other hand, if we have 18, 18, 9, 6 and 6, each number would be divisible by three.

THE HON. SRI M. BHAKTAVATSALAM : But the ratio will vary.

* DR. V. K. JOHN : But then the expression 'as nearly as possible' would be helpful and convenient. We must remember what the Deputy Chairman has said. To this Council are returned representatives of linguistic minorities, ladies and others and it would be much better if the Government insist upon the Government of India to increase the strength of this House. An amendment can easily be made to the Representation of People Act and that amendment can even say that if some Members are to go out, they can come back. Anything can be done by Parliament except making a man, woman and a woman, man.

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Then, Sir, there is a provision for protection of minorities which states that adequate facilities for instruction in the mother-tongue at the primary stage of education should be provided for children. I doubt the wisdom of this provision. If a person comes to Madras or Tamil Nad and settles down here, it is better for him and his children to learn Tamil and not to insist on instruction being provided in Gujarati or Malayalam or Telugu or some other language. After all, language is a matter for study. It is not hereditary. Nothing should prevent one from learning one's mother-tongue also. We have now found that it is difficult for children to learn their mother-tongue, English, Hindi and the languages of the State. The State must insist on every linguistic minority to learn the language of the State. That is what should have been provided for. If that is done, if the children learn Tamil they become Tamilians. They can then talk and write and read the language of the State where they have settled down. Everyone who is permanently resident in Madras should be compelled to learn Tamil. Of course, arrangements can also be made for learning the mother-tongue during vacation or on Saturdays and Sundays. If the regional language is not compulsory, linguistic minorities will be perpetuated in every State. If a Tamilian settles down in Malabar, it must be made his duty to learn Malayalam so that he may not feel he belongs to a linguistic minority in that State. There are three million people in Tamil Nad who speak at home Telugu. Are they Telugus? They are Tamilians because they have learnt Tamil. I personally feel that the provision in the Bill will only perpetuate the problem of linguistic minorities. How many languages are you going to teach? There are 14 languages in India and there are people in this State belonging to almost everyone of these linguistic groups. Are the Government going to teach every language in this State? If that is to be done, then it is a great burden. Tamil must be compulsory for all in this State. Let us do this so that at least in the next generation there may not be any linguistic minority. We cannot liquidate linguistic minorities in this generation. Let us do it at least in the next generation. If the new States of Madras, Mysore and Kerala are to implement the provision in the Bill, then it will mean perpetuation of the problem of linguistic minorities. Everyone who settles down in Tamil Nad must learn Tamil, though his mother might have talked another language and his grandmother yet another. Therefore, I submit, it is my considered opinion that this clause 21 will do just the opposite of what it aims at.

* SRI V. V. RAMASWAMI : கனம் தலைவர் அவர்களே, ராஜ்யப் பிரதிநிதிகளின் அறிக்கையின் மீது எழுப்பப்பட்ட பலவிதமான விவாதங்களின் விளைவாக நமது நாடுக்கும் பெரிய குழப்பங்கள் உற்பத்தியாகியுள்ளன. அவைகளெல்லாம் ஒருவாறு ஒழிந்து, மொழியை முக்கிய அடிப்படையாகக்கொண்டு ராஜ்யங்களை அமைப்பதற்கான மசோதா திருத்திகளாக சட்டமாக நிறைவேற்றப்பட்டுவிட்டது; இதை நாம் எல்லோரும் வாழவேற்கவேண்டியதுதான். இதன் விளைவாக எழுந்த சமூக அமைப்பு (திருத்த) மசோதாவை ஊர்ஜிதம் செய்வதற்கான சட்டம் தீர்மானம் நம் சபையில் கொண்டுவரப்பட்டிருக்கிறது. ஒவ்வொரு

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அரசியலமைப்பு (திருத்த) மசோதாவை ஊர்ஜிதப்படுத்தவேண்டிய நிலையில் நாம் இருக்கிறோம். இது விஷயமாக சில விஷயங்களை மாத்திரம் நான் குறிப்பிட விரும்புகிறேன்.

நமது நாட்டிலுள்ள மக்கள் எல்லோரும் மொழியை அடிப்படையாக வைத்து ராஜ்யங்கள் எப்படி அமைக்கப்படவேண்டுமென்று விரும்பினார்கள் அந்த நோக்கங்கள் எல்லாம் ஒப்புக்கொள்ளப்பட்டு ராஜ்யப் புனரமைப்புக் காரியம் ஒருவாறு முடிந்திருப்பதை நாம் பாராட்டி வருவதே வேண்டும். பிற ராஜ்யங்களில் நடந்த பலவிதமான கொடூரச் செயல்கள் போன்றவை எதுவும் நமது ராஜ்யத்தில் நடக்காமல் அமைதியான முறையில் நமது ராஜ்யம் செயலாற்றியது குறித்து நம்மை நாமே போற்றிக்கொள்ளக்கூடிய உரிமை நமக்கு இருக்கிறது என்று சொல்லிக்கொள்கிறேன். ஆனால், இனிமேல் தனித்து எஞ்சி நிற்க விரும்பும் தமிழ் பேசும் நமது ராஜ்யத்தை தமிழ் நாடு என்று அழைக்க முடியாத இருப்பது குறித்து வருத்தப்படுவோமென்று இருக்கிறது; பாராளுமன்றத்தில் இருக்கும் உறுப்பினர்களிடம் தமிழ் நாடு என்று இந்த ராஜ்யத்திற்குப் பெயர் வைக்கவேண்டுமென்று சொல்லியதும் பயனற்றுப் போய்விட்டது என்பது மிகவும் வருந்தத்தக்கது. இந்த ராஜ்யத்தைத் தமிழ் நாடு என்று அழைக்க வேண்டுமென்பதற்கு நமது ராஜ்ய அரசாங்கத்தார் இணங்கியிருந்திருப்பார்களானால், எல்லோரும் சம்மதித்திருப்பார்கள், நாடெங்கும் அந்தக்கோரிக்கைக்கு ஆதரவு கொடுத்திருப்பார்கள்; பாராளுமன்றத்திலும் முழு மனதுடன் பிரரணையை ஒப்புக் கொண்டிருப்பார்கள் என்பதிலும் ஐயமில்லை. இந்த ராஜ்யத்திற்குத் தமிழ் நாடு என்று பெயரிடுவதற்கு இந்த அரசாங்கத்தார் காலாகாலத்தில் தக்க நடவடிக்கை எடுக்காமல் இருந்துவிட்டார்கள் என்பது மன்னிக்க முடியாத தவறாகும். இருந்தபோதிலும், இனிமேலாவது, நவம்பர் 1-ம் தேதி முதல் தமிழ் பேசும் பகுதிகள் தனி ராஜ்யமாக இயங்க வேண்டுமென்ற நிலை வரும்போது, இந்த ராஜ்யத்திற்குத் தமிழ் நாடு என்று பெயரிடுவதற்கு நடவடிக்கை எடுக்க நமது அரசாங்கத்தார் முன்வருவார்களா என்று பொதுத் தேர்தல் வாக்காளர்கள் எதிர் பார்க்கிறார்கள் என்று தெரிவித்துக்கொள்ள விரும்புகிறேன்.

அடுத்தபடியாக, முன்பு ஆந்திர ராஜ்யம் பிரிந்தபோது, எப்படியாவது ஆந்திரா பிரிந்துபோனால் போதும் என்ற நிலையில் நியாயமாக நமக்குக் கிடைக்கவேண்டிய திருத்தணி, திருப்பதி முதலிய பகுதிகளை நமது அரசாங்கம் விட்டுவிட்டது. அந்தப் பகுதிகள் சம்பந்தமான தகராறுகள் பற்றி இரு ராஜ்ய சர்க்கார்களும் கூடிப்பேசி ஒரு சுமுகமான முடிவுக்கு வராத நிலையில் இருக்கிறோம். ஆந்திரா பிரிந்தபோது திருத்தணியையும் திருப்பதியையும் பறிகொடுத்தது போன்று இப்போது ராஜ்யங்கள் புனரமைக்கப்படும்போது திருவாங்கூர் கொச்சிக்கு தேவிசுளம், பீரமேடு பகுதிகளை பறிகொடுத்தவிட்டோம்; செங்கோட்டையிலிருந்தும் நியாயமாக நமக்குச் சேரவேண்டிய பகுதிகள் திருவாங்கூர் கொச்சிக்குப் போய்விட்டன என்பது மிகவும் வருந்தத்தக்கது. மேலும், கொள்ளேகால் பகுதியும் நம்மை விட்டுப்போய்விட்டது மட்டுமன்றி, ஹொஸூர் பற்றிய விஷயமும் என்ன நிலையில் இருக்கிறதென்பதே தெரியவில்லை. ஹொஸூர் விஷயத்தில், கோலார் ஆந்திராவுக்குப் போகும் பக்கத்தில் ஹொஸூர் நம்முடன்தான் சேர்ந்திருக்கும் என்று கனம் அமைச்சர் அவர்கள் சொன்னதாகப் பத்திரிகைகளில் பார்த்தேன்; அப்படியென்றால், அந்தப் பிரச்சினையும் ஒருவாறு முடிந்ததாகக் கூறவேண்டும். தமிழர்கள் தங்களுடைய பண்பாட்டிற்கேற்ப எந்த விதமான சண்டையும் சச்சரவும் இல்லாமல் சுமுகமாகக் காரியங்களைச் செய்துவருவதால் நமக்கு நியாயமாகக் கிடைக்கவேண்டிய பகுதிகளும் மற்றவர்களுக்குப் போய்விட்டன; இது மிகவும் வருந்தத்தக்க விஷயம் என்பதை நான் தெரிவிக்காமல் இருக்க முடியவில்லை.

இனிமேல் பாராளுமன்றத்தில் நமது ராஜ்ய அங்கத்தினர்கள் குறைந்த எண்ணிக்கையில் இருப்பார்கள் என்றாலும், தமிழ் நாட்டை முன்னேற்ற மனப்போக்கோடு செய்யும் விஷயத்தில் அவர்கள் எல்லோரும் ஒருமுகப்பட்டு

25th September 1956] [Sri V. V. Ramaswami]

உழைத்தால் தமிழ் நாட்டை எல்லா விதத்திலும் உயர்ந்த நிலைக்குக் கொண்டுவர முடியும். விவசாய அபிவிருத்தியிலும், தொழில் அபிவிருத்தியிலும், மற்றெல்லாத் துறைகளிலும் தமிழ் நாட்டை ஒருங்கே முன்னேற்ற மனப்போக்கோடு செய்யவேண்டுமென்பதற்காக, நமது பாராளுமன்ற அங்கத்தினர்களும் ராஜ்ய சட்டசபை அங்கத்தினர்களும் ஒற்றுமையுடன் உழைத்தால் தென் பகுதி தம்முடனிருக்கவேண்டுமென்று விரும்பும் மத்திய அரசாங்கத்தினர் நமது கோரிக்கைகளுக்கு நிச்சயமாக இணங்குவார்களென்று நம்புகிறேன். நாம் எண்ணிக்கையில் குறைந்தவர்களாக இருந்தாலும், ஒன்றுபட்டு இருந்தால், நிச்சயமாக நமது கோரிக்கைகளை மத்திய அரசாங்கத்தார் மறுக்க முடியாது என்பதுதான் என் போன்றவர்களின் அபிப்பிராயம். ஆகவே நாம் எல்லோரும் ஒன்றுபட்டு உழைக்க வேண்டும்.

அடுத்தபடியாக, மண்டல சபை (ஜோனல் கவுன்சில்) அமைக்கப்பட்ட பிறகு தென் பகுதியில் இருக்கும் ராஜ்யங்கள் எல்லாம் ஒன்றுசூடிப் பேசி நமக்குள் இருக்கும் தகராறுகளை சுமுகமாகத் தீர்த்துக்கொள்ள முடியும்; இந்த விஷயத்தை நான் வற்புறுத்திக்கூற விரும்புகிறேன். மேலும், மண்டல சபையில் இருக்கக்கூடிய எல்லா ராஜ்யத்தினரும் ஒற்றுமையாக இருந்து கோரிக்கைகளை பாராளுமன்றத்திற்கு அனுப்பவேண்டும். மண்டல சபை அப்படி இயங்கினால், தென் பகுதி புறக்கணிக்கப்படாது; பாராளுமன்றத்தினர் தென் பகுதி விஷயத்தில் பராமுகமாக இருக்க மாட்டார்கள். தென் பகுதியிலுள்ள எல்லா ராஜ்யத்தினரும் ஒற்றுமையாக தங்கள் கோரிக்கைகளைத் தெரிவித்தால் பாராளுமன்றத்தார் கட்டாயம் நமக்குச் செவியாய்ப்பார்கள் என்று நம்புகிறேன். மேலும், இனிமேலாவது நமது ராஜ்யத்தின் உரிமைகளும் நமது ராஜ்யத்திற்குக் கிடைக்க வேண்டிய மானியங்களும் பறிபோகாமல் இருப்பதற்காக அரசியலார் தக்க நடவடிக்கை எடுக்கவேண்டுமென்று வற்புறுத்துகிறேன்.

கடைசியாக, இந்த மசோதாவிலுள்ள இரு திருத்தங்கள் பற்றி சில வார்த்தைகள் சொல்ல விரும்புகிறேன். இரண்டு அல்லது இரண்டுக்கு மேற்பட்ட ராஜ்யங்களுக்கு ஒரே கவர்னரை நியமிக்கலாம் என்ற ஷரத்தை சிலர் வரவேற்கிறார்கள். இந்த ஷரத்தை நான் முற்றிலும் எதிர்க்கிறேன். இரண்டு ராஜ்யங்களுக்கு ஒரு கவர்னர் இருக்கும் பக்கத்தில், அவர் எவ்வளவு நேரம்வராக இருந்துவந்தாலும், தகராறுக்குரிய விஷயங்களில் ஒரு ராஜ்யத்தினரின் கோரிக்கையை கவர்னர் அங்கீகரிக்கும்போது, இன்னொரு ராஜ்யத்திற்கு அந்த கோரிக்கை விரோதமாக இருக்கும் பக்கத்தில், அந்த ராஜ்யத்தினர் கவர்னர் மீது அவநம்பிக்கைகொள்ள நேரிடும். இப்படிப்பட்ட சந்தர்ப்பங்களில் கவர்னர் தன்னுடைய நன் மதிப்பைக் காப்பாற்றிக்கொள்ள முயற்சிக்கும்போது, அவர் தனது கடமையைச் சரிவரச் செய்யமுடியாத நிலைமை ஏற்படலாம். ஆகவே ஒரு கவர்னரை ஒரு ராஜ்யத்திற்குத்தான் நியமிக்கவேண்டும். ஒன்றுக்கு மேற்பட்ட ராஜ்யங்களுக்கு ஒரே கவர்னரை நியமிப்பது தவறு. கவர்னர்களுக்கு நாட்டில் பஞ்சம் இருக்காது என்றே நான் நினைக்கிறேன். மத்திய அரசாங்கத்தில் ஒவ்வொரு மாதத்திலும் ஒரு புது மந்திரி நியமிக்கப்படும் போது, ஒவ்வொரு ராஜ்யத்திலும் ஒரு கவர்னரை நியமிப்பதற்கு, தகுதியான கவர்னர்கள் கிடைக்காமல் போய்விட மாட்டார்கள் என்றே நம்புகிறேன்.

அடுத்தபடியாக, ஒன்றுக்கு மேற்பட்ட ராஜ்யங்களுக்கு ஒரே ஹைக் கோர்ட்டை ஸ்தாபிப்பதும் தவறு என்று சொல்லிக்கொள்கிறேன். மொழிவழி ராஜ்யங்கள் இல்லாதபோது அரசியலாருக்கும் மக்களுக்கும் தொடர்பு சரியாக இல்லை; இதனால் பல கஷ்டங்கள் இருந்தன. அதேபோல் வெவ்வேறு மொழிகள் பேசும் இரு ராஜ்யங்களுக்கு ஒரே ஹைக்கோர்ட் இருப்பதால் பல கஷ்டங்கள் ஏற்படும். இரு ராஜ்யங்களுக்கு ஒரே ஹைக்கோர்ட் இருக்குமானால், வழக்கறிஞர்கள் பொது பாஷையிலோ ஆங்கிலத்திலோ பேச முடிந்தாலும், தாய் மொழி மட்டுமே தெரிந்தவாறாகவும் பிரதிவாதிக்கும் கஷ்டப்படுவார்கள். தாய் மொழியே அரசாங்க மொழியாக இருக்கவேண்டுமென்று சொல்லிவருகிறோம். அப்படி

[Sri V. V. Ramaswami] [25th September 1956]

யிருக்கும்போது, இரு ராஜ்யங்களுக்கு ஒரே ஹைக்கோர்ட் என்று ஏற்பாடு செய்தால், ஹைக்கோர்ட்டுகளிலும் தாய் மொழி வெகுவாக உபயோகிக்கப் படுவதற்குத் தடை ஏற்படும். ஆகவே ஒரு ஹைக்கோர்ட் ஒரே ராஜ்யத்திற்குத் தான் இருக்கவேண்டும் என்று சொல்லிக்கொள்கிறேன்.

கடைசியாக, நான் மீண்டும் மீண்டும் வற்புறுத்திக் கூறியபடி, புனர்மைக்கப்படும் நமது ராஜ்யத்திற்குத் தமிழ் நாடு என்று பெயரிட வேண்டும் என்று சொல்லிக்கொள்கிறேன். இனிமேல் நமது அரசாங்கத்தாரின் நடவடிக்கைகள் எல்லாம் தமிழிலேயே நடத்தப்படுவதற்கு சீக்கிரம் எல்லா நடவடிக்கைகளையும் எடுக்கவேண்டுமென்றும் அரசாங்கத்தாரைக் கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக் கொள்கிறேன். வணக்கம்.

SRI M. P. GOVINDA MENON: Mr. Chairman, Sir, I was expecting that when this motion for ratifying the Constitution (Seventh Amendment) Bill was introduced, we would be supplied with a copy of the States Reorganization Act also. This Bill refers to various sections of that Act and, therefore, we were anxiously expecting that a copy of that Act would be supplied to us. I would request you, Sir, to exercise some pressure sometimes on the Ministers to help the legislators to take useful part in the discussion here. Without a copy of the States Reorganization Act, it is practically impossible to participate in this debate.

THE HON. SRI M. BHAKTAVATSALAM: If the hon. Member suffers so seriously under this handicap, he could have spoken at the beginning when the discussion started and then we could have seen whether we could not supply him a copy of the Act.

SRI M. P. GOVINDA MENON: The Hon. the Leader of the House knows that a Member is entitled to speak only when he is called upon to do so. Any way, I agree with the Hon. the Leader of the House that once the States Reorganization Act has been passed, whatever may be our feelings about the reorganization of States, we must accept it with grace and work it. The interest of our country demands that we must bury all disputes and internal quarrels with regard to these questions. I entirely agree with the Hon. the Leader of the House that the whole country must accept the decision now that it has been arrived at by our national Parliament. But I have to bring to the notice of this Government as well as the Union Government that there is a very grave anomaly created by the passing of this Constitution (Seventh Amendment) Bill and the States Reorganization Act by the Parliament. That anomaly is this. From the 1st of November, the district of Malabar will have no Legislature. It will be taken away from the Madras State and added on to the Kerala State, a great portion of which is under the President's rule through an Adviser. For no fault committed by the people, the electorate or the representatives of Malabar—although they have proved that they are entitled to have all the benefits of democracy—from that unfortunate date, the appointed day, the whole district is deprived of the democratic set-up and it is added on to a place which is not under democratic rule. That is the first anomaly

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to which I would like to refer. I am sorry that the Union Government have not taken serious notice of it. I am also sorry that the Hon. the Leader of the House and other Members of the Treasury Bench have not exercised their influence with the Union Government in making some provision to remove this anomaly. Another anomalous position is that the Members elected to the Madras Legislative Assembly from the district of Malabar have some more months to complete their term. Before their term is over, all of a sudden they are told that their membership would cease. There is nothing in this Constitution (Seventh Amendment) Bill and nothing in the States Reorganization Act mentioned about these Members. I do not know whether the Act is constitutional or not. Whatever it is, it is undemocratic to terminate the term of the Members elected by the people concerned before their term is over without proper reasons. These are some of the anomalies which I want to bring to the notice of this Government as well as the Union Government. I am not speaking about the Upper Chamber or the place which I occupy here. Sir, you are aware of the old saying of a great politician about the Upper Chamber. 'The Upper Chamber either agrees with the Lower Chamber or disagrees with it. If it agrees, it is superfluous and if it disagrees, it is mischievous.' That is the old argument of a politician of Europe. I agree there may be a middle term. As far as this House is concerned, we are not allowed even to disagree with the other House. In spite of the reasoning given by that great politician based on some logic, I agree that an Upper Chamber is necessary. As my Friend Mr. Mohamed Raza Khan pointed out, some of our best, talented men could not face the electorate on the basis of adult franchise. The services of such great persons are necessary for a State. It is also true that some of the minorities may not be able to come in unless there is an Upper Chamber. Luckily, we have one lady Member present in this House just now. Fortunately, we have more lady Members in this House than in the other House. All this has become possible because of the arrangement of the Upper Chamber that we have now. Unfortunately, we cannot have Upper Chambers for small States. I am glad that the Upper Chamber is retained in Madras and I hope that the number of Members will be considerably increased so that there may be effective functioning. I agree with the demand that the number fixed for the Upper Chamber may be increased so that there may be representation for wider interests. With these few words, I support the Resolution.

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, as very rightly commended by the hon. the Deputy Leader of the Opposition, I have no doubt that hon. Members of this House will unanimously ratify this Constitution (Seventh Amendment) Bill. It is no doubt unfortunate that some hon. Members of this House would have to part with us. It is really commendable that even those hon. Members who have to part with us have also unanimously given their support for ratification of this Bill. It is no

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doubt unfortunate that some hon. Members of this House will have to part with us from 1st November. I do not myself like it. It is not merely some hon. Members parting with us; it is most unfortunate that the membership of some would have to be cut on account of the passing of that Act. But, Sir, that has now become inevitable on account of the provisions of the Act that has become an Act of Parliament.

Regarding the remarks made by the hon. Member Sri Govinda Menon, I do sympathise with him entirely and with the position of the hon. Members who would not only have to part with us and part with this House, but would be nowhere for a while from 1st November. But, I would like to point out to him that the Malabar district is to be merged in Kerala State and it has to become part of that State. On account of certain circumstances, the President's Rule is there in force, and the hon. Members representing Malabar also will have to submit to that Rule. But, I do not know whether it is entirely undemocratic, and whether the democratic set-up is entirely taken out. If the people of certain areas are not to have a democratic Government at the State level, they will be ruled by the elected Parliament with the representatives of the people in the Parliament and they will be ruled there directly by the democratic Government of India. Anyhow, I do not propose to offer any consolation or solace to them. It is no doubt an unfortunate situation that has brought about this set-up.

Sir, the hon. the Deputy Leader of the Opposition referred to some of the provisions of this Bill which is under discussion in this House. Several other hon. Members referred to some of the provisions. Regarding the provision to have one Governor for more than one State, I would like to stress my own belief that whatever the provisions be in the Constitution Act, this will not be taken up for implementation for any of the States without the approval of the States concerned, through at least the State Governments. In the same way, if certain powers that are now exercised by the States are to be transferred to the Centre in certain circumstances which necessitate it, again I do believe that this provision will not be implemented and will not be taken up for implementation unless the States concerned do agree with that step.

Sir, the hon. the Deputy Leader of the Opposition referred to the question of providing educational facilities to linguistic minorities. He may not have taken up a commendable stand. But, still, I am afraid that is not the general view. In whatever meticulous way we may seek to divide the States on linguistic basis, still, it is inevitable that there will be people inhabiting such reorganized linguistic States who speak different languages as their mother-tongue. If they want to be educated or if they want their children to be educated in their mother-tongue, I think it is their right to have their children educated and to have themselves

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educated and I do not think it is right on the part of any State or any Constitution or any Legislature to deny that fundamental right. It is in that background, the provision for safeguarding the facilities for linguistic minorities has been introduced in this Constitution Act. Sir, many hon. Members referred to the possible reduction of the strength of this House on account of the passing of the States Reorganization Act. This has been discussed in this House more than once and I have no doubt that the hon. Members are fully aware of the constitutional position. In any case, it is inevitable that if under the provisions of the Act, the present strength of 51 is to be further reduced to 48, that will anyhow come into force on the 1st November and it is not a practical proposition to expect any revision of the provision before the Act comes into force on the 1st November. Therefore, I do not think it would be worthwhile taking up that question and discussing it in detail at this stage. I would leave it at that and I do hope that the House will unanimously ratify the amendments.

5-40
p.m.

DR. V. K. JOHN : May I know whether the Hon. the Leader of the House will convey to the Central Government the unanimous opinion of this House in regard to its strength?

* THE HON. SRI M. BHAKTAVATSALAM : This question, hon. Members will remember, was fully discussed at the previous sitting of the House and the proceedings of the House relating to that discussion are before the Government of India. Just when we are discussing the Resolution to ratify the amendments, it is not right to go into the question of strength of this House. I do hope that when we meet next month, sufficient time will be given to hon. Members to express their feelings on the subject and on separation. Also, we may offer our felicitations to those Members who will be parting from us on that occasion.

SRI MOHAMED RAZA KHAN : I know whether there is any provision to alter the strength at a future date?

* THE HON. SRI M. BHAKTAVATSALAM : When there is any other constitutional amendment before the Parliament relating to constitution of new Legislative Councils or to the strength of any particular Legislature, this Legislature might make a suggestion. The Government will in pursuance of that suggestion address the Government of India and it is for the Parliament then to enact the necessary legislation.

DR. V. K. JOHN : It is not a constitutional amendment that is required. What is required is an amendment to the States Reorganization Act.

* THE HON. SRI M. BHAKTAVATSALAM : Yes; that is what I meant.

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MR. CHAIRMAN: The question is—

“That this House ratifies the amendments proposed to be made to the Constitution of India by the Constitution (Seventh Amendment) Bill, 1956, as passed by the two Houses of Parliament.”

The motion was put and carried.

II.—GOVERNMENT BILLS—cont.

(2) THE MADRAS SILKWORM SEED (PRODUCTION, SUPPLY AND DISTRIBUTION) BILL, 1956 (L.C. BILL NO. 5 OF 1956).

MR. CHAIRMAN: The Hon. the Minister for Agriculture will introduce the Madras Silkworm Seed (Production, Supply and Distribution) Bill, 1956.

DR. V. K. JOHN: This is not a very innocent Bill. It has to be criticised clause by clause.

MR. CHAIRMAN: This is one of the few Bills originating in this House.

DR. V. K. JOHN: If it is introduced here, we will be pleased with it. But if it has to be passed within a few minutes, then it will be a great hardship on us.

* THE HON. SRI M. BHAKTAVATSALAM: If the hon. the Deputy Leader of the Opposition sees mischief in this Bill and wants time, I am not in a hurry and I will not press that it should be taken up to-day. But we have very few days before us. Originally, it was intended that this Bill should be introduced in the other House but I thought that there was time and that it could be considered first by this House. According to the time-table of the Government, this Bill is put down for consideration in its original form in the other House also. If hon. Members are particular that this should not be taken up, I should content myself that this is a very simple and salutary measure. If you will permit me, Sir, and if hon. Members agree, I shall introduce the Bill.

SRI MOHAMED RAZA KHAN: Why not do it tomorrow?

DR. V. K. JOHN: Part of tomorrow can be utilised for this and the rest for non-official business.

* THE HON. SRI M. BHAKTAVATSALAM: Tomorrow is put down for non-official business. If hon. Members would not again mind my encroaching on non-official business, I do not mind introducing the Bill tomorrow.

MR. CHAIRMAN: The Hon. Minister may introduce the Bill now and the discussion can be had tomorrow.

25th September 1956]

* THE HON. SRI M. BHAKTAVATSALAM: Sir, I beg to introduce the Madras Silkworm Seed (Production, Supply and Distribution) Bill, 1956 (L.C. Bill No. 5 of 1956) and move—

“That the Bill be taken into consideration.”

Sir, the silk industry is one of the important cottage industries in the Madras State and the Second World War has not only given a greater prominence but also has lent a great fillip to the industry. In order to develop the industry on right lines, it is necessary to improve the quality and quantity of indigenous raw silk and to achieve this, it must be ensured that disease-free layings of the silkworm eggs are used to produce the cocoons. Diseased worms have the habit of completely ruining even good cocoons produced in the same establishment or even in the neighbourhood. It is, therefore, necessary to exercise proper control over matters like rearing and utilization of disease-free silkworm seeds.

There has been keen competition between the cottage-charka-reeling industry and filature silk industry. Charka reelers are able to offer higher prices for cocoons and even after paying such prices, they produce silk at cheaper rates than the filatures mainly because there are no overheads, etc., for them. Consequently, the cost of production of filature silk exceeds the market price of charka silk with the result that the filatures are unable to work economically. For the successful working of the silk industry, it is, therefore, necessary to adopt measures for regulated supplies of disease-free cocoons at rates reasonable to both filatures and charka reelers and for affording adequate marketing facilities for the sale of cocoons.

In the circumstances, it is proposed to undertake legislation for the licensing of production, etc., of silkworm seeds, regulation of the rearing of silkworms from the silkworm seeds, control of cocoon markets and the licensing of reeling establishments. It is also proposed to fix the price of cocoons. The Madras Silkworm Seed (Production, Supply and Distribution) Bill, 1956, is intended to achieve this object. The financial implications of the Bill are explained in the Financial Memorandum^b copies of which have been laid on the table of the House.

The silk industry in this State is at present concentrated in the Kollegal area. This area may go over to Mysore. The proposed legislation has been based generally on the lines of the Mysore Silkworm Seed (Control of Distribution) Act, 1952, so that it would be easier for the Mysore Government to apply its own Act on the transfer of the Kollegal area to Mysore.

^a Published on pages 21-26 of Part IV-A of the Fort St. George Gazette, dated the 14th March 1956.

^b Printed as Appendix I on pages 105-106 *infra*.

[Sri M. Bhaktavatsalam] [25th September 1956]

Even after the merger of the Kollegal taluk with Mysore State, sericultural activities will be extensively practised in Hosur taluk of Salem district and Coonoor in the Nilgiris district. Large-scale extension of sericultural activities is also contemplated in Salem, the Nilgiris, Coimbatore and Tirunelveli districts. It is necessary that we should proceed with the proposed legislation as a number of schemes for the extension of sericultural activities in areas other than Kollegal which will be transferred to Mysore, are pending.

MR. CHAIRMAN : Motion moved—

“ That the Madras Silkworm Seed (Production, Supply and Distribution) Bill, 1956 (L.C. Bill No. 5 of 1956), be taken into consideration.”

The House will now adjourn and meet again at 3 p.m. tomorrow.

The House then adjourned.

25th September 1956]

APPENDIX.

[Vide item II (2) on page 103 supra.]

FINANCIAL MEMORANDUM.

There are four major cocoon markets run under State Funds at a cost of Rs. 17,800 per annum, and three junior markets subsidized by the Central Silk Board at a cost of Rs. 7,400 per annum, the total expenditure in respect of these markets being Rs. 25,200 per annum.

Under the proposed legislation which is intended for the regulation of buying and selling of silkworm cocoon crops, it is proposed to establish ten major cocoon markets at important Sericultural tracts, integrating the existing seven markets which will also continue to function. The recurring expenditure in respect of the market staff, supervising staff (i.e., one Assistant Sericultural Expert), and the ministerial staff, is expected to be to the tune of Rs. 40,000, Rs. 6,000 and Rs. 5,680 respectively. Fifty per cent of the expenditure on the supervising staff, i.e., Rs. 3,000 is proposed to be met from the State Funds. The net recurring expenditure debitable to the 'Market Fund' proposed to be constituted from out of the receipts, will therefore come to Rs. 48,680 per annum.

Besides the above, a non-recurring expenditure of Rs. 6,000 is also proposed to be incurred towards office equipment, purchase of furniture, etc., for the three additional cocoon markets, and the ministerial staff.

The effective acreage for the calculation of harvest of cocoons has been taken as 15,000 in Kollegal taluk, and the minimum yield is estimated at 220 lb. of cocoon per acre per year.

On this basis, about 33 lakhs of lb. of cocoons are likely to be produced per year and a total receipt of Rs. 1 lakh per annum is expected under the proposed legislation.

The scheme is thus expected to leave a surplus after meeting the expenditure involved in it.

[25th September 1956]

MEMORANDUM FOR THE DELEGATION OF
LEGISLATIVE POWER.THE MADRAS SILKWORM SEED (PRODUCTION, SUPPLY
AND DISTRIBUTION) BILL, 1956.

Clause 10.—Sub-clause (1) enables the State Government to establish by notification a market committee with jurisdiction over such area as may be specified in the notification. Sub-clause (3) enables the Government to prescribe by rules the powers, duties and functions of the market committee.

Clause 11.—Sub-clause (1) empowers the Government to specify the places at which cocoon market yards shall be located, to fix the basic price at which standard quality cocoon for reeling may be sold or bought, etc. Sub-clause (2) confers powers on the Government to determine the quota of silkworm cocoons to be sold to licensed buyers.

Clause 12.—This clause enables the Director of Industries and Commerce to authorize any officer to call for information for the purpose of ascertaining whether provisions of the Act or the rules, etc., made thereunder are complied with.

Clause 13.—Sub-clause (1) enables the Director of Industries and Commerce or any officer authorized by him to enter and inspect any premises, godown, land or place used for rearing silk worms or for storing cocoons or silk for the purpose of satisfying himself that the provisions of the Act or the rules, etc., made thereunder are complied with. Sub-clause (2) authorizes the Director of Industries and Commerce or the officer referred to in sub-clause (1) to seize silkworms, cocoons or silk if he is satisfied that any silkworms, cocoons or silk are reared or stored in any place referred to in the said sub-clause (1) in contravention of the provisions of the Act or rules, etc., made thereunder.

Clause 15.—Sub-clause (1) enables the Director of Industries and Commerce to compound any offence punishable under the Act on payment of such amount as may be prescribed by rules made in that behalf.

Clause 19.—Sub-clause (1) confers powers on the Government to make rules to carry out the purposes of the Act. Sub-clause (4) makes provision for the rules being placed on the table of the Legislative Assembly for its scrutiny.

The provisions specified above involve delegation of legislative power. But, the delegation is necessary to give effect to the purposes of the Act, namely, regulating the production, supply and distribution of silkworm seeds in this State. The delegation of legislative power is, therefore, normal in character.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 26th September 1956.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Police officers deputed to England

* 54 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Chief Minister be pleased to state—

(a) the number of Police officers deputed to England by the State Government since 1951;

(b) the purpose for which they were deputed; and

(c) whether they have submitted any report in this regard?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister): (a) Three.

(b) Two officers were deputed to undergo courses of training for Police officers in detection and investigation of crime and the third officer was deputed to study traffic problems.

(c) The two officers deputed for training in detection and investigation of crime have submitted reports. The third officer deputed to study traffic problems has not yet returned and has, therefore, not submitted any report.

SRI V. V. RAMASWAMI: இங்கிலாந்துக்குச் சென்றுவந்துள்ள போலீஸ் அதிகாரிகள் கொடுத்திருக்கின்ற அறிக்கையில் கண்டுகொள்ள முக்கியமான சிபாரிசுகள் என்னவென்பதையும், அந்தச் சிபாரிசுகளின் பேரில் அரசாங்கத்தார் எடுத்துக்கொண்டுள்ள நடவடிக்கைகள் என்னவென்பதையும் கனம் அமைச்சரவர்கள் தெரிவிக்கமுடியுமா?

THE HON. SRI M. BHAKTAVATSALAM: இரண்டு போலீஸ் அதிகாரிகளும், ரைட்-ஆன்-டன்ஸ்மோரிலுள்ள போலீஸ் காலேஜில் ஸீனியர் கோர்ஸும் ஜூனியர் கோர்ஸும், ஹட்ஸனிலுள்ள மெட்ரோபாலிடன் போலீஸ் டிபெக்டிவ் ட்ரெயினிங் ஸ்கூலில் 'டிபெக்டிவ்' ட்ரெயினிங் 'இன்வெஸ்டிகேஷன்' ட்ரெயினிங், மெட்ரோபாலிடன் போலீஸ் நியூ ஸ்காட்லாந்து யார்டில் Photography and Finger Print Course-ப., ததுக்கொண்டு வந்திருக்கிறார்கள். நாடிங்காம்பிலுள்ள பாரன்ஸிக் ஸயன்ஸ் லாபரட்டரிமும் படித்துவந்திருக்கிறார்கள். ஆனால், அவர்கள் ரிப்போர்ட் அனுப்பியிருக்கின்ற விவரங்கள் என்னிடம் இல்லை.

SRI V. V. RAMASWAMI: போலீஸ் கான்ஸ்டபிள்களும், ஜெட் கான்ஸ்டபிள்களும் குறைந்தபட்சம் எவ்வளவு படித்திருக்கவேண்டும் என்பதைப்பற்றியாவது அவர்கள் சிபாரிசு செய்திருக்கிறார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: போலீஸ் ஸ்டிரீட் லைட் கான்ஸ்டபிள்களும் எவ்வளவு படித்திருக்கவேண்டுமென்பதைத் தெரிந்து கொள்வதற்கு இங்கிலாந்துக்குச் செல்வதென்பது அவசியம் இல்லை.

[26th September 1956]

Bringing down the salaries of Government officials to a level below that of the Ministers

* 55 Q.—SRI M. ETHIRAJULU : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether there is any proposal by the Government to bring down the salaries of all the Government officials in this State to a level below that of the Ministers; and

(b) if so, when the proposal will be implemented?

THE HON. SRI C. SUBRAMANIAM : (a) No.

(b) Does not arise.

SRI M. ETHIRAJULU : 1931-ம் வருஷத்தில் கராச்சியிலே காங்கிரஸ் ஒரு தீர்மானம் நிறைவேற்றியிருக்கிறது. காங்கிரஸ் ஆட்சிக்கு வந்தால், சர்க்கார் உத்தியோகஸ்தர்களுக்கு உயர்ந்தபட்சம் ரூ. 500-க்கு மேல் சம்பளம் கொடுக்கக்கூடாது என்ற அந்தத் தீர்மானத்தை இப்பொழுது ஆட்சியில் இருக்கும் காங்கிரஸ் சர்க்கார் நிறைவேற்றிவைப்பார்களா?

THE HON. SRI C. SUBRAMANIAM : கராச்சி காங்கிரஸிலே தீர்மானம் நிறைவேற்றியதிலிருந்து இப்பொழுது பல வருஷங்கள் ஆகி விட்டன. இப்பொழுதிருக்கும் நிலைமைக்குத் தகுந்த பிரகாரம் நாம் நம்முடைய அபிப்பிராயங்களை மாற்றிக்கொள்ளவேண்டியது அவசியமாக இருக்கிறது.

SRI MOHAMED RAZA KHAN : While the Government are not prepared to revise the salary of high officials, at least are they prepared to increase the salary of Ministers?

THE HON. SRI C. SUBRAMANIAM : It is just to show that the status does not depend upon the pay. As a matter of fact, let this be a standing proof. Let us receive lower pay than even the high officials and, at the same time, let us have high status.

SRI V. V. RAMASWAMI : அதிகாரிகளின் சம்பளத்தைக் குறைக்காமலிருப்பதற்குக் காரணம் வாழ்க்கைத்தரம் உயர்ந்திருப்பதும், விலைவாசிகள் கூடியிருப்பதும் தான் என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : காரணம் அது அல்ல. அரசாங்க சர்விலிலே இருக்கின்றவர்களை எடுத்துக்கொள்ளும்போது நாம் சில ஒப்பந்தங்களைச் செய்துகொண்டிருக்கிறோம். அவைகளை நடைமுறையில் கடைப்பிடிக்கவேண்டியது நம்முடைய கடமையாக இருக்கிறது. நாம் அந்தச் சம்பளத்தைக் குறைப்பது நல்லதல்ல என்பது என்னுடைய அபிப்பிராயம்.

SRI MOHAMED RAZA KHAN : While I appreciate the high sentiment and noble philosophy of the Hon. the Finance Minister, is it not a fact that, compared to other States, our Ministers should draw salaries in keeping with their status and position?

THE HON. SRI C. SUBRAMANIAM : I am really happy that the hon. Member is so solicitous about the pay of Ministers. I thank him for that. We are able to keep up our status with the pay we are receiving now. It is an insinuation to say that we are not keeping up our status.

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SRI V. GURUNANDAN ROW : Have the Government any proposal to increase the salaries of the Government employees who are in the lower scale, to somewhere near the Ministers' scale?

THE HON. SRI C. SUBRAMANIAM : That is always under our consideration, namely, to increase the emoluments, especially, of the low paid staff.

SRI V. V. RAMASWAMI : அரசாங்க சிப்பந்திகளின் சம்பளத்தை உயர்த்தும் விஷயம் அரசாங்கத்தாரின் கவனத்தில் இருப்பதாகத் தெரிவிக்கப்பட்டது. அதுவிஷயத்தில் அரசாங்கத்தார் எப்பொழுது ஒரு முடிவுக்கு வருவார்கள் என்று தெரிவிக்கமுடியுமா?

THE HON. SRI C. SUBRAMANIAM : முதலிலே கேட்ட கேள்விக்கும் உப கேள்விகளுக்கும் கூடியவரையில் சம்பந்தம் இருக்கவேண்டும். நேரிடையாக சம்பந்தமில்லாமல் ஒரு கேள்வி அனுமதிக்கப்பட்டது என்றால், அதைத் தொடர்ந்து மேலும் மேலும் வெவ்வேறு கேள்விக்குப் போய்க் கொண்டிருக்கக்கூடாது என்று கனம் அங்கத்தினரைக் கேட்டுக் கொள்கின்றேன்.

SRI MOHAMED RAZA KHAN : While the Hon. the Finance Minister is most earnest that Ministers should draw much less salary than the highly paid officials, will he at least raise the salaries of Members of the Legislature? (Laughter.)

THE HON. SRI C. SUBRAMANIAM : That is a very pertinent question. It is for hon. Members to come to a decision in this matter.

Admission to the Government Medical Colleges

* 56 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Health be pleased to lay on the table of the House a list of candidates selected this year for admission to the Government Medical Colleges showing the marks obtained by each of the candidates—

(a) in the Intermediate Examination;

(b) in the oral examination; and

(c) the names of candidates who belong to the Backward Class, Scheduled Castes and Scheduled Tribes?

THE HON. SRI A. B. SHETTY : A list of the names of the candidates selected this year for admission to the M.B.B.S. course, showing separately the candidates selected under the Scheduled Castes, the Scheduled Tribes and the Backward Classes, has already been published by the Dean, Madras Medical College, Madras. The Government consider that the time and labour involved in collecting information about the marks obtained by the selected candidates in the Intermediate Examination will not be commensurate with its usefulness.

The marks awarded to the candidates by the Selection Committee at the interview are confidential and cannot be disclosed.

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SRI MOHAMED RAZA KHAN : May I ask which is not correct—the information that the time and labour involved in collecting the information will not be commensurate with its usefulness or the information that the matter is confidential? Which of the two is correct?

THE HON. SRI A. B. SHETTY : The time and labour involved in getting the information about the marks obtained in the Intermediate Examination will not be commensurate with its usefulness. That is what I stated.

SRI MOHAMED RAZA KHAN : May I make a submission? My idea in asking for the marks obtained in the Intermediate Examination is just to make a comparative study with the marks obtained at the oral examination. I wanted to know by such comparative study whether the marks obtained at the oral examination are commensurate with the marks obtained at the written Intermediate Examination. But the Minister has stated that the time and labour involved in getting the marks obtained at the Intermediate Examination will not be commensurate with its usefulness. I hope, in view of what I have stated, the Minister will consider that aspect of the question.

THE HON. SRI A. B. SHETTY : By trying to know the marks obtained at the Intermediate Examination, the hon. Member will not be in a position to judge the fitness of the candidates for admission to the Medical College. Fitness of the candidate is judged not merely by examination marks but by other tests which the Committee interviewing the students institute for finding out the aptitude, personality, character and fitness of the students.

2-10 p.m. SRI A. GAJAPATHY NAYAGAR : What are the marks allotted for oral examination?

THE HON. SRI A. B. SHETTY : One hundred and fifty.

SRI A. GAJAPATHY NAYAGAR : If 150 marks are given for oral examination, what proportion does it bear to marks obtained in the Intermediate Examination?

THE HON. SRI A. B. SHETTY : Only marks obtained in the Science Group are taken into consideration.

SRI MOHAMED RAZA KHAN : Is it a fact that some of the students who got high percentage of marks in the Intermediate Examination have failed to secure even adequate marks in the oral examination? Is it the Minister's view that those who do very well in the written examination invariably fail in the oral test?

THE HON. SRI A. B. SHETTY : The hon. Member's assumption is not correct, Sir.

SRI V. GURUNANDAN ROW : Will the Hon. Minister state whether the standard on the basis of which aptitude, fitness and

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personality, as the Minister said, have to be judged, is an objective standard or a subjective standard, dependent upon the persons who select them?

THE HON. SRI A. B. SHETTY : Even examination marks are subjective standards.

SRI A. GAJAPATHY NAYAGAR : May I know whether the Backward Class, Scheduled Caste and Scheduled Tribe candidates secure more marks in the oral examination than the other candidates?

THE HON. SRI A. B. SHETTY : The Scheduled Caste candidates are admitted, if they just get the minimum percentage of marks for a pass and no aptitude or personality tests are necessary in their cases. As a matter of fact, we do not get sufficient number of candidates for the 16 per cent of seats reserved for them in any year. Only one Scheduled Caste candidate has been admitted on merit this year. So far as Backward Class candidates are concerned, 143 candidates out of the 301 admitted, belong to the Backward Classes and they have thus got nearly 50 per cent of the seats though the percentage reserved for them is only 25 per cent.

Acquisition of land in the Andhra territory for Aranian Project

* 57 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Public Works be pleased to state with reference to Legislative Council Starred Question No. 308 answered on 3rd August 1955—

(a) the stage at which the matter relating to the acquisition of lands in the Andhra territory for the Aranian Project stands at present; and

(b) the cost of acquisition of the lands referred to above and whether the amount has been placed with the Andhra State for payment of compensation to the ryots concerned?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI : (a) The Government of Andhra have not yet completed the acquisition proceedings but have put forward some counter proposals stipulating certain conditions relating to the acquisition of lands on the Andhra side, irrigation rights, etc. After examining the several points raised by them, and finding them to be unacceptable, this Government suggested a conference at ministerial level, to settle the points of dispute and addressed the Andhra Government accordingly. The Andhra Government have since sent a reply wherein, without agreeing to a conference at ministerial level, they have suggested a conference of officials consisting of the Member, Board of Revenue, the Secretary, Public Works and Transport, the Collector of Cuddoor and the Special Chief Engineer (Irrigation) of Andhra State with their counterparts of this Government. This suggestion is under the active consideration of this Government.

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(b) According to the calculations of the Government of Andhra, the approximate amount which the Madras Government have to deposit with the Andhra Government works out to roughly between Rs. 25 to 30 lakhs. The amount demanded by the Government of Andhra is on the high side. This point will also be finally settled along with the other points of dispute and the amount actually found necessary will be adjusted to the credit of the Andhra Government.

SRI T. PURUSHOTHAM: May I invite the attention of the Hon. Minister and the Government to the fact that the Project works costing nearly Rs. 80 lakhs, reservoir regulators, etc., have all been completed, yet water could not be impounded and that there is great hardship felt by the ryots? May I appeal to the Hon. Minister to visit the area in person and see for himself how the matter stands and take up the same with the Andhra Government for expeditious completion of the acquisition proceedings?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI: Sir, I quite agree with the hon. Member in regard to the latter part of his suggestion to expedite matters. That is what we have been doing. I am not discrediting the facts that have been presented by the hon. Member. But my going and seeing the place will not fetch water. Until the bone of contention is disposed of, we won't be able to do anything. Of course, we are taking all necessary steps in the matter.

SRI T. PURUSHOTHAM: Sir, the question of acquiring the lands having been settled, may I invite the attention of the Government to the fact that there are emergency provisions in the Land Acquisition Act for execution of the works pending completion of these proceedings, and so could not the Madras Government approach the Andhra Government to enforce the emergency provision in the Land Acquisition Act, so that we may enter upon the lands, pending acquisition proceedings and payment of compensation?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI: That position may be considered. We have been doing that in fact. That is why we suggested a conference at ministerial level originally. They have not accepted that, but have suggested a conference of officials first whose report could be examined by Ministers. It will be done as expeditiously as possible.

SRI V. V. RAMASWAMI: அக்டோபர் மாதம் 10-ம் தேதி காநூலுக்குப் போகின்ற நமது முதல் அமைச்சர் அவர்கள் இந்த விவகாரத்தைப்பற்றி ஆந்திர அரசாங்கத்தாரோடு பேசி சீக்கிரம் ஒரு முடிவுக்கு வருவதற்கு ஏற்பாடு செய்வார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI: அமைச்சர் கூடிப்பேசி முடிவுக்கு வந்த பிறகு நடவடிக்கை எடுக்க வேண்டுமென்று சொல்லி விட்டதால் முதல் அமைச்சர் அவர்கள் இதைப் பற்றி ஆந்திர அரசாங்கத்தாரோடு பேசுவதற்கு ஏற்பாடு இல்லை.

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Fixation of pay of persons re-employed under local bodies

* 58 Q.—**SRI T. P. SRINIVASAVARADAN** (on behalf of Sri G. Krishnamoorthi): Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether a G.O. was passed on 2nd April 1954 in which instructions have been issued as to the fixation of the pay of persons re-employed under local bodies;

(b) whether this G.O. is based on the rules in force applicable to re-employed Government servants; and

(c) the circumstances that led to the passing of this G.O.?

THE HON. SRI S. S. RAMASWAMI PADAYATCHI: (a) & (b) Yes, Sir.

(c) The orders have been issued in accordance with the general policy of the Government to apply to employees of local bodies the principles applicable to Government servants in matters relating to service conditions.

SRI T. P. SRINIVASAVARADAN: As there is no parity in the conditions of service between teachers in the service of local bodies and those in Government service, may I ask the Hon. Minister whether it is fair that this rule regarding re-employment after retirement alone should be applied to local body employees when other rules relating to Government servants are not made applicable to them?

THE HON. SRI S. S. RAMASWAMI PADAYATCHI: I have no information about that. I want notice, Sir.

SRI T. P. SRINIVASAVARADAN: Sir, teachers employed in Government service get pension while those under local bodies do not get that pension. But in the case of re-employment after retirement, such employees, that is, teachers under local bodies are treated on a different level from teachers in Government service. May I know why it is so?

THE HON. SRI S. S. RAMASWAMI PADAYATCHI: The Minister in charge will answer that, Sir. (The Hon. Sri C. Subramaniam: A separate question may be put.)

MR. CHAIRMAN: Questions are over.

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

II.—GOVERNMENT BILL.

THE MADRAS SILKWORM SEED (PRODUCTION, SUPPLY AND DISTRIBUTION) BILL, 1956 (L.C. BILL NO. 5 OF 1956)—cont.

MR. CHAIRMAN: We will now start discussion on the Madras Silkworm Seed (Production, Supply and Distribution) Bill 1956 (L.C. Bill No. 5 of 1956).

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SRI K. BALASUBRAMANYA AYYAR : Sir, so far as I have seen, this Bill seems to be a very useful one. The silkworm manufacture is, as has been mentioned by the Hon. the Leader of the House, a cottage industry and there are the Charka Establishment and the Filature Establishment. This is similar to what obtained in regard to cotton spinning—there were the charka and the handloom industry and also the powerloom industry. Similarly, we have got here also two establishments.

3-20 p.m. As has been pointed out, the Government are interested in the development of this industry. There is also some financial commitment as stated in the financial memorandum. The Government have to spend money for running markets. The whole industry has got to be, to some extent, controlled and developed. For that purpose, some kind of general control is necessary so far as this industry is concerned. Therefore, the Government have brought in this Bill for the purpose of making provision for issuing licences to buyers, for establishing Market Committees and for controlling prices. The object of the Bill is a very salutary one. Of course, there is the fact that the industry is chiefly in the Kollegal taluk of our State which is going to be transferred to Mysore. But the Hon. Minister has pointed out that in the Hosur taluk and in other places like Coimbatore and Tirunelveli the silk industry may thrive. Therefore, I understand, it is necessary for us to have a Bill of this sort passed which is similar to the one now in force in Mysore. That Mysore Act will apply to the Kollegal taluk when it goes to Mysore. Therefore, it seems to me that this Bill is a very useful one. The Government have got powers to constitute Market Committees. In the constitution of such a Market Committee the elective principle has been given its due recognition. The silkworm rearers will elect two people, the charka establishment will elect one representative and the filature establishment will elect one. Only the Chairman will be appointed by the Government. Most probably he will be the Director of Industries and Commerce.

The only thing that seems to be relevant for our present purpose is this. Large powers are given to the various officers of the Government for framing rules. All those rules may be placed before this body also. I find that it is stated in the Bill that all rules made thereunder shall be placed on the table of the Legislature as soon as possible. As the Hon. the Mover has brought in this Bill here in the beginning, I hope and trust that he will see that all those rules are placed before this Council also. A small amendment will have to be made for that purpose to the effect that those rules will be placed on the table of both Houses of the Legislature.

Then, it is stated in clause 14—

“Any person who contravenes or fails to comply with all or any of the provisions contained in this Act or any rule, order or notification made thereunder or any of the conditions of a licence

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issued or renewed under this Act or the rules made thereunder shall be punishable with fine which may extend to five hundred rupees.”

Contravention of any rule, order or notification may sometimes be merely by mistake. Therefore, it is better to specify that only deliberate contravention of any rules or disobedience of the orders issued by the Government or by the licensing officers or others will be construed as an offence and the person concerned will be punishable with fine which may extend to five hundred rupees. In other cases, the officers may see whether there is room for excuse. This may be made clear. Otherwise, there will be great difficulty. For example, a date may be fixed within which a certain thing should be done. A person may not be able to do it within that date. There may be genuine reasons for it. Such a person should not be treated as guilty of an offence.

There is no other provision which merits serious comment. On the whole, I welcome this Bill.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I am very much obliged to the hon. Member Sri Balasubramanya Ayyar for the warm support he has given to this Bill. As regards placing the rules before the Legislature, we shall not mind at all placing them before this House. About the other suggestion made by him, I shall have the matter looked into while framing the rules. I do hope that this Bill will have the unanimous support of this House.

MR. CHAIRMAN : The question is—

“That the Madras Silkworm Seed (Production, Supply and Distribution) Bill, 1956 (L.C. Bill No. 5 of 1956), be taken into consideration.”

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

Clauses 2 to 19 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I move—

“That the Madras Silkworm Seed (Production, Supply and Distribution) Bill, 1956 (L.C. Bill No. 5 of 1956), be passed.”

The hon. Member Sri Purushotham seems to have given notice of an amendment for placing the rules on the table of this House also. He need not worry about it. We shall certainly place the rules on the table of both Houses of the Legislature.

MR. CHAIRMAN : The question is—

“That the Madras Silkworm Seed (Production, Supply and Distribution) Bill, 1956 (L.C. Bill No. 5 of 1956), be passed.”

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

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III.—NON-OFFICIAL BUSINESS.

Resolutions.

- (1) APPOINTMENT OF A COMMITTEE TO EXAMINE AND MAKE A REPORT ON THE QUESTION OF ADULT EDUCATION IN THIS STATE.

* SRI A. GAJAPATHY NAYAGAR: Mr. Chairman, Sir, I move—

“That this Council recommends to the Government that a Committee be appointed to examine and make a report on the question of adult education in the State.”

My first submission is this. I find in the Second Five-Year Plan that social education finds a place as part of education. There we find certain figures given. The Census of 1951 shows that only 16.6 per cent of the population were literate. Then, apart from the low percentage of literacy, there is a serious disparity in literacy between men—24 per cent—and women—7.9 per cent. As regards urban population, 34 per cent were literate and as regards rural population, only 12 per cent were literate. We, therefore, find that adult education is in a very deplorable state. I beg leave to introduce this resolution because the Second Five-Year Plan does not refer to this fact. The Plan speaks only of social education. I want a clarification from the Hon. Minister whether social education includes adult education also. Because, I find here a sentence—‘As the essential reforms proposed in this Plan are carried out, it should become possible to develop facilities for continuation classes and social education classes in increasing proportion in elementary or secondary schools.’ Previously attempts were made both by the District Boards and other bodies to impart adult education. But, for more than one reason, they failed. If the Government want to have adult suffrage, an intelligent population to understand the points placed before them and give their intelligent support to the Government, I say that adult education goes hand in hand with adult suffrage. I only want to impress this point, viz., that the method of carrying it out should be the correct one. Previously, if they had failed in their attempt, it was due to the fact that the method adopted by them was wrong. There are so many agencies who are very anxious to impart adult education. You may prescribe the syllabus and examinations and leave the other things to these agencies. If the adult gets more than 50 per cent of the marks, the Government may see its way to award Rs. 30 or Rs. 40 to the person concerned and the person engaged in imparting education to those persons may be given Rs. 25 or Rs. 35 or whatever the amount may be. In that way, every person who is interested in adult education will take more and more interest and impart education to the adults. The adults will also be greatly benefited and more and more will come forward to take advantage of the scheme. I find that there will be no difficulty in their learning. After all, everything will be taught in the regional language and there is not going to be any stagnation or any waste. Unless

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we take this matter more seriously and try to impart adult education in the manner suggested by me, I am afraid that our country cannot move forward progressively. Therefore, I submit that the Hon. Minister concerned may come forward to appoint a Committee or a Commission to go into the whole question and suggest ways and means by which adult education may be imparted and how the methods could be revised so that we may have an intelligent electorate and an intelligent population. By this way, I am sure the Backward Classes, that is, the under-developed classes will have an opportunity to receive education. We are spending so much on University education, secondary education and elementary education. But, the adults of the age of 18 years and above are utterly neglected. If we spend one rupee on an adult of say, 18 years, we will get four times its worth. He can learn in three months what it will take one year for other persons below that age. (Interruption.) I did not say, one is exclusive of the other. You can have elementary education, you can have secondary education and all those things. Simply because adult education has been omitted from the Second Five-Year Plan, I have to make mention of it. I do not know whether social education includes adult education also. Whatever it is, let us take it up. It is our household affair. After all, let us prepare them so that they may vote intelligently. It would not cost much. We can get very good and quick results, unlike in the old system. All these things have to be thrashed out. Not one, but there are several other things which could be thrashed out by the proposed Committee. It is high time that we moved in the matter. It is nine years since we attained Independence. With these few words, I commend my Resolution for the acceptance of the House.

SRI V. CHAKKARAI CHETTY: Mr. Chairman, I welcome the idea of the hon. Mover. But I am afraid that the views propounded by the various gentlemen interested in adult education are so wide of the mark that I cannot appreciate their zeal for adult education. What they mean by adult education is that the old gentlemen should be taught to learn the three R's. I am afraid that in our country, there is a great deal of reluctance on the part of several of the old people to sit down and learn from the beginning A, B or C or from A. ('Ana'). My idea of adult education is that the adults should be taught to understand the contemporary events both in our country and elsewhere so that they may have some general knowledge of the various things. I myself should try to learn as an adult various things such as those I am trying to learn and what I could not have possibly learnt when I was in College. For example, the recent discoveries in Science have gone so far that I am unable to follow even the ordinary discussions in the papers. Take, for example, the atomic energy and nuclear analysis and how those things are often referred to in the newspapers. I have very dim ideas about these subjects. I suppose in England the object that I have in view is carried out by University Extension Lectures

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by experts in different sciences and the various subjects of interest to the general public. I myself should like to learn a great deal about modern tendencies in mathematics. I am interested in mathematics as a student of science. I am unable to grasp all those things especially from text-books although there are plenty of books on these subjects. I would like someone interested in these subjects to make them interesting to the general public who are likely to take advantage of them and be benefited. That is my idea of adult education and not that older people should be brought together in a place and made to learn the elements of reading and writing. I am afraid it will be a difficult task to get people and make them sit down and learn something after the various daily avocations and business transactions which they have had to attend to during the day. It is very difficult to get them that way like little children. We cannot expect them to attend the schools with their books, note-books and things like that like small children. I find today the children carry a lot of note-books to the schools. I rarely carried in my school days so many note-books unless it was compulsory. I never carried a note-book, but only carried a slate. But, now the slates are banned, I hear, as being insanitary. So, the children carry various note-books, and special enterprising publishers bring out special editions and note-books suitable for boys and girls. With these remarks, I have great pleasure in recommending this resolution. While seconding the same, I should like my friend to define in detail what he means by adult education so that the Government may have some idea of the same and so that the Committee may go into this question with a little more interest than merely trying to solve the problem of literacy at the level of adults. With these words, I once again second the resolution and support it most wholeheartedly as I feel that the time has now arrived for taking some such measure in order to make our people competent to deal with the great problems that are facing our country and our State. All these things require intelligent appreciation. I hope the Committee proposed will go into all these matters and suggest suitable measures for making the adults take interest in the developments taking place in the country so that it may be good for the country as a whole.

Mr. CHAIRMAN : Resolution moved—

"That this Council recommends to the Government that a Committee be appointed to examine and make a report on the question of adult education in the State."

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, I support this Resolution. Of course, the Mover of the Resolution has presumed that adult education is necessary and that the Government also think like that. Therefore, he wants that the Government should appoint a Committee to examine and report on the question of adult education in this State. Adult education consists of two parts. One is making literacy much more prevalent than

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what is necessary. We feel it is necessary now because in our elections, we have adult suffrage and the people should be literate. We have now symbols like bulls, house, elephant, etc., one representing the Congress and the others representing other parties and a lot of confusion arises in the process of voting. There are many difficulties experienced by the voters during the election. There is what is called 'thumb-impression.' Why should we have this? People must be literate. But literacy is not education. That has been accepted. Recently, our educationists have stated that mere literacy is not education. We find also one difficulty with people who have become literates. They lapse into illiteracy after some years. They forget things. That is also our experience. Our Government have been interested in this problem and sometime ago, I believe, they had an Honorary Director of Adult Education also. (The Hon. Sri C. Subramaniam : He is still there but he is a paid officer now.) So, they are interested in seeing that adult education is provided.

The other aspect of adult education is providing education not merely through the eye—that is, making one learn the alphabets, etc.—but through the ear as well. From time immemorial, much of our education has been provided through the ear. Many of our old people, in the real sense of the term, are more educated in spiritual and cultural matters than many of our young men. They have heard and listened to expositions made in villages of our ancient scriptures. They are able to get as much education through the ear—if not more—as they can through the eye. Therefore, that kind of adult education is necessary and I may tell the House, in this connection, that the Madras Library Association has framed various schemes which are calculated to achieve this purpose. We have model carts containing books which can travel from village to village. Books in the mother-tongue of the villagers are taken cut and read out to them. The books cover various things like matters of cultural interest, etc. They are also well-illustrated. The Second Five-Year Plan is under execution and we have also appointed a Special Officer for the purpose of educating the people about the Plan. The Government must certainly take more interest in seeing that knowledge about the Plan is diffused as widely as possible so that our electorate may be an intelligent electorate. Our electorate has got commonsense, fundamental, rich commonsense. It is so especially in our State. Therefore, there is no difficulty about that. But they should acquire more knowledge and literacy. Both these aspects of the matter should be enquired into. The Government may feel that a committee is or is not necessary. I do not know their attitude. Whatever their attitude is, this thing must be fully investigated by the Government and vigorous steps taken for the purpose of ensuring that adult education is given not only through the eye but through the ear as well. There are many things that are going to take place in our country during the next five years. And the people must have knowledge about these things. Therefore it is, I make bold to support this Resolution.

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* SRI A. M. ALLAPICHAJ : Mr. Chairman, Sir, I do not know whether the Government will accept the suggestion for appointment of a committee or not. That is a different matter. The principle underlying the Resolution, the Government will accept. Everyone will agree that our people must be educated. There is no doubt about it. We may remember that the Greeks were supposed to be the most cultured people in the ancient world. As a matter of fact, all of them were not literate. In spite of their illiteracy, they were known as the most cultured people in those days. So much so, there is no aspect of human life which has not been influenced by them. Every aspect of human life even today is influenced by what they said and did in the past. As the hon. Member Mr. K. Balasubramanya Ayyar very correctly said, adult education has two aspects to it. One is, sending a teacher to a night school or whatever it is and making him teach A, B, C, etc.

SRI K. BALASUBRAMANYA AYYAR : Not A, B, C, but அ, ப, க.

* SRI A. M. ALLAPICHAJ : Yes, I agree. They may, in course of time, learn to read and write. That is admitted. Much more than that is the question of culture. One of our great emperors—Akbar—was not a literate but was yet a very highly cultured man because he used to hear learned men talk. Learned men used to grace his court with their presence and they used to provide discourses and discussions there. So much so, Akbar became perhaps one of the greatest intellectuals of all ages. What I beg to submit is this. Our country is a very great country and we ought to be proud of it. There are so many religions in this country and all religions say we must behave well and we must be good to all and things like that. Naturally, there is no conflict between religions. In spite of this, because our people are not literate, sometimes it happens that some people play upon their ignorance and teach them bad things. Our people believe they are good and create sometimes confusion. Our country is not a small country. It is big and has forty crores of people. Out of 200 crores of people that inhabit this globe, we are 40 crores. In the voters' list, there are 18 crores of our countrymen. It is, therefore, highly imperative that our people should be taught correct things and I am positively of opinion that our religions teach only good things. What happens is, our people are so ignorant, on account of foreign rule and for various other reasons, that they are exploited by interested parties.

Democracy is our aim. Democracy has become an established thing in our country. If that has to go forward, our people have got to be educated. That means it casts an imperative duty not only on the Government, but on every person concerned to see that our people are educated. As a matter of fact, let me tell my hon. Friend Mr. Gajapathy Nayagar that such things are not done by Government. Such things have to be taken up by private agencies and what private agencies can do in this direction, I am positively sure, Government cannot do. Government's resources are

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limited. There is the mighty Congress Organisation. But I am sure that it is not possible for a Government, with its limited resources, to maintain the Congress Organisation. If they do so, their resources would be eaten away in a short time by the organisation. Therefore, in all these things, it is the private agencies that have to come forward. A man with high school learning may teach some people. I may tell the hon. Member Sri Gajapathy Nayagar that he should not be disappointed if the Government do not accept his view. Let him carry on with his idea and let everyone help him and make his scheme a success. If democracy is to flourish in our country, our people must be educated. I am not saying anything new. We know in the last elections, how many appealed to our passions and prejudices. What happened then? Our people are not very highly educated. Some people did act upon those appeals, because they were not cultured enough to know that what all those people said were bad things. When such is the case, is it not the duty of every Indian to see to it that our people are educated? (The Hon. Sri C. Subramaniam : Educated in the proper manner.) Yes, Sir. They should be educated in the proper manner. They should be educated to such an extent that they might not be carried away when some people appeal to our prejudices.

THE HON. SRI C. SUBRAMANIAM : Even educated men have got prejudices.

* SRI A. M. ALLAPICHAJ : I do not contradict the statement of my friend. We have a limited objective in regard to education. Our object is to get jobs and the moment one gets a job, one is prepared to run down 100 million men. It is for leaders like Sri A. Gajapathy Nayagar, Sri K. Balasubramanya Ayyar and a scholar like our Leader of the Opposition to start private agencies which can do much better work than what the Government agencies can do. If possible, they could get help from Government. But the start should be made by private agencies. Orphanages should be organised by private agencies. This is a very grand idea because this idea can make or unmake the nation. Without education what can we do? We cannot do anything. With these words, I wholeheartedly support the Resolution.

DR. A. LAKSHMANASWAMI MUDALIYAR : Mr. Chairman, I am handicapped by the fact that I was not here to hear what must have been an interesting speech from the hon. Member Sri A. Gajapathy Nayagar. I am glad that I have now an opportunity to express my views on this important subject of adult education in the forum of a legislature. We have been talking about adult education, but I am afraid we do not know what is the content of adult education and what is the objective of adult education. I have had the opportunity of attending some seminars on adult education and the more often I have attended those seminars the more confused I have become. What exactly do we mean by adult

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education? In other countries, when they speak of adult education, they mean "further education". They do not refer to literacy as part of the adult education movement. "Further education" should be guaranteed to all our people, whatever may be the knowledge they possess, for in this work-a-day world there is a great need for "further education" for educated persons in the different fields of advancement like science, philosophy, politics, economics, etc. When we talk of adult education, I would say that those who are professors in the colleges require more than anybody else this type of education. It is for this purpose that the Government of India recently sent out a Commission to study what was generally known as "General Education". Viewed in that aspect, there is a great leeway to be made up. But people when they refer to "adult education", begin to speak of literacy and the necessity to make people literate.

I have two fundamental views to be placed before this House: Why is illiteracy prevailing? It is prevailing because we are not able to educate the children. Therefore, would you like these children to grow as adults and then give them adult education or would you stop talking of educating the adult and concentrate on educating the child? It is far more important to see that no young child is left illiterate at the age of 9, than to think of educating the adults even for political reasons, viz., electioneering.

The next point I would like to stress particularly after hearing my friend, the Deputy Chairman, is, "let us not believe that our villagers are uneducated or illiterate." If only we have the time and patience to listen to them in the villages, (I am not talking of the villagers who talk in the All-India Radio, but the villagers in rural surroundings), we might come to know that they know far more than what you and I know of the things that are going on, and about the political and other economic problems facing the country. Education has come to the rural folk from the past generations, from the grandmother to the grandchild. That type of education is far more complete than what the rural population in other countries possesses. Tradition, old habits and ancient literature—all these have been transmitted to us by our elder generation. Otherwise, how would we know of the Ramayana or the Mahabharatha or any other ancient scripture? Not by reading all of them but from the tales told by our grandmothers while asking us to eat something more or while cautioning us to behave better. That is the type of education that we have inherited from our grandfathers and grandmothers. If you want literacy to be your aim, there is no use of educating the adults, for even though you might spend crores of rupees on that account, the results may not be commensurate with the money you had spent. If you want to educate the adults although they may be literate, there are many ways of doing it. I hope this matter will merit the immediate consideration of Government. I am not for having this literate class. I would say that adult education must not be confounded with the principle of making people literate.

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The next point to consider is if these adults are to be educated, they must be tackled in their surroundings by people who know something of what is going on. The position unfortunately to-day is that we are educating our own children through persons who are still what may be called "adult illiterates". They have not had complete adult education. We are guiding the children to go to primary schools manned by men who are not sufficiently qualified to function as teachers.

If this Resolution recommending to the Government consideration of all aspects of adult education, those aspects, which I have ventured to place before the House, is accepted, perhaps we can evolve a more agreed scheme as to how best to spend the resources of the State for the furtherance of this object. 4 p.m.

What is the percentage of adult illiterates to-day? Taking our own State, I will not be far wrong, if I say that it is something between 50 and 60 per cent in spite of the advances we have made. (Interruption.) I am talking of the total population, including women. (Interruption.) It was long ago, I think. Of course, census figures have their own value. But there are also certain other points in it which have to be borne in mind. I cannot say that they are very accurate; but I am not far wrong, if I put those who are definitely illiterate at 60 per cent. There are those who have been trained up to a limit, but who lapse into illiteracy, and that is one of the problems which we have to investigate. There are adults who, as facilities are not available to keep up their literacy, lapse into illiteracy. In that direction, the library movement has been successful to some extent. There is no doubt that non-official agency has to play a large part in this. But, at the same time, there is a limit to the role of non-official agencies. They cannot play a very important role; as somebody put it some years ago, unless there is the steel-frame, that is, a certain amount of Governmental organization, even non-officials will not be in a position to do much. I entirely agree with that. There can be evening classes conducted in all our schools. There too, in the case of those who wish to have an opportunity of becoming literate, we must try to improve their capacity to become literate, and this, I believe, is more useful when it comes to those who have lapsed into illiteracy than teaching those who want to start with initial alphabets at the age of 35 or 40. After all, psychologists say that up to a certain age there is receptivity in the life of every individual. If you want me to learn a foreign language now, it is ten times more difficult than it would have been several years ago. This idea of adult literacy must not be altogether a sentimental idea. If it is to be practical, ways and means must be found to see how this adult literacy can be produced, far more than how adult education can be guaranteed. In that respect, I would welcome the appointment of a committee to examine this question.

[26th September 1956]

* **SRI O. P. RAMASWAMI REDDIAR :** கனம் தலைவர் அவர்களே. ஸ்ரீ கஜபதி நாயகர் அவர்களும், வைஸ்-சான்ஸலர் அவர்களும் ஸ்ரீ பால சுப்ரமணிய அய்யர் அவர்களும் சபைமுன் இருக்கும் தீர்மானத்தின்மீது பேசும்போது, நாட்டில் படித்தவர்களின் எண்ணிக்கை குறைவாக இருப்பதினால், மற்றவர்களும் படிக்கவேண்டுமென்றும், சாதாரண புல்துப்பு படிப்பு மாத்திரம் போதாது என்றும், பலதிறங்களிலே ஞானம் பெறவேண்டுமென்றும், நமது நாட்டிலுள்ள பெரியோர்கள் நல்ல ஞானத்தை அடைவதற்கு எந்தெந்த முறைகளைக் கையாண்டு சேவை செய்தார்களோ, அந்த முறைகளிலே நாமும் சேவை செய்யவேண்டுமென்றும் தெரிவித்தார்கள். அவர்களுடைய கருத்தை நானும் ஆமோதிக்கின்றேன்.

நமது நாட்டிலே ஒரு பக்கம் ராஜ்ய ஞானம் அதிகமாகிக்கொண்டு வருகிறது. ஒவ்வொருவருக்கும் தனக்குடைய உரிமையை அடைய வேண்டுமென்ற எண்ணம் இருக்கிறது. கடமையைச் செய்தால்தான் உரிமை வரும். கடமையைச் செய்யவேண்டுமென்றால், மக்களுக்குப் படிப்பு வசதியும் வேண்டும். படிப்பு வசதி இல்லாதபோது, படித்தவர்கள் மற்றவர்களுக்கு எந்தத் துறையிலே ஞானத்தைப் புகட்டவேண்டுமோ அந்தத் துறையிலே புகட்டுவதற்கும் ஏற்பாடு செய்யவேண்டும். அது சர்வகலாசாலை மாத்திரம் செய்யவேண்டிய வேலை அல்ல; எல்லோருடைய வேலையுங்கூட.

அதுமாத்திரமல்ல. நமது நாட்டிலே பெரியோர்கள் பொக்கிஷங்களாக அநேக புத்தகங்களை வைத்துச் சென்றிருக்கிறார்கள். ஆங்காங்கே புத்தகப் பண்டாரங்கள் இருக்கின்றன. அவைகளெல்லாம் செல் அரித்துப் போய்க் கொண்டிருக்கின்றன. செல் அரித்துக்கெட்டு விடாமல், எல்லோருக்கும் பயன்படும்படியான முறையிலே, அவைகளைக் காப்பாற்றி வந்தால்தான் பெரியோர்கள் பெற்று வந்த ஞானத்தை வாழையடி வாழையாக மற்றவர்களுக்குக் கொடுப்பதற்கு வசதி செய்தவர்களாவோம். ஆகையால், அது விஷயமாகவும் அரசாங்கம் கவனம் செலுத்தும் என்று நான் எதிர்பார்க்கிறேன்.

பழைய புத்தகங்களும் எட்டுச் சுவடிகளும் நல்ல முறையிலே காப்பாற்றப்படவேண்டுமென்பதற்காக லைப்ரரி செஸ் சட்டம் நிறைவேற்றப்பட்டது. அந்த இனத்தில் பணம் வசூலிக்கப்பட்டு சேர்ந்து கொண்டிருக்கிறது. பணம் சேர்ந்துவருகிறதெயொழிய, லைப்ரரிகள் அதிகமாகிக்கொண்டிருக்கின்றனவா என்று பார்த்தால், லைப்ரரிகள் எவ்வளவு அதிகமாக இருக்கவேண்டுமோ அவ்வளவு அதிகமாக இல்லை. ஏதோ அங்கும் இங்கும் சில இடங்களில், அதுவும் நகரப்புறங்களிலேதான் லைப்ரரிகள் இருக்கின்றன. (Interruption by the Hon. Sri C. Subramaniam). எந்த முறையிலே பணம் சிலவு செய்திருக்கவேண்டுமோ அந்த முறையிலே சிலவு செய்திருப்பதாக நான் எண்ணவில்லை. பணம் சிலவு செய்திருக்கலாம். நான் பார்த்தவரை, ஏதோ அங்கும் இங்கும் நகரப்புறங்களிலே சில இடங்களிலே லைப்ரரிகள் ஏற்பாடு செய்து, அதன் மூலமாகப் பணம் சிலவழிநிதிருக்கலாம். ஆனால், எல்லா இடங்களிலும் அந்த நிலை உண்டாகவேண்டுமென்பதற்காகத்தான் லைப்ரரி செஸ் சட்டம் அப்பொழுது நிறைவேற்றப்பட்டது.

லைப்ரரியிலே இருக்கும் பழைய சுவடிகள் கறையான் அரித்து, கவனிப்பார் அற்று கெட்டுப்போய்க்கொண்டிருக்கின்றன. அதற்காக ஒரு கமிட்டி ஏற்படுத்தி, அதற்கென பணமும் ஒதுக்கப்பட்டது. அதன் பிறகு அதைப்பற்றி நாளாவட்டத்தில் கவனம் குறைந்தகொண்டதான் வருகிறது. அவைகளை அச்சடித்து, எல்லா லைப்ரரிகளுக்கும் ஒவ்வொரு பிரதி கொடுத்து வைத்தால், ஒரு இடத்தில் இல்லாவிட்டாலும் இன்னொரு இடத்திலாவது இருந்து, மற்றவர்களுக்குப் பயன்படும்படியான முறையிலே நிலைத்து நிற்கும். ஆகவே, முதியோர் கல்வித் துறையிலே பணவழிகளைக் கையாளலாம்.

26th September 1956] [Sri O. P. Ramaswami Reddiar]

அறிவாளிகள் ஜனங்களுக்குப் பிரசங்கங்கள் மூலமாக சேவைசெய்ய வேண்டும். சர்வகலாசாலை மூலமாக மட்டும் நாட்டிலுள்ள எல்லோருக்கும் கல்வி அறிவு புகட்டிவிடமுடியாது. சினிமா பிலிம்களின் மூலமாகவும் மக்களுக்கு அறிவு புகட்டலாம். சினிமாக்களின் மூலமாக இப்பொழுது எந்தவிதமான அறிவு புகட்டப்படுகிறது என்று சொல்லவே வேண்டாம். அங்கே என்ன நடக்கிறது என்பது எல்லோருக்கும் தெரிந்த விஷயம். Visual Education என்ற முறையிலே சினிமா பிலிம்களின் மூலமாக நல்ல முறையிலே ஜனங்களுக்குப் பிரயோஜனப்படுத்திய முறையிலே, அறிவு புகட்டுவதற்கும் வழி இருக்கிறது.

SRI N. ANNAMALAI PILLAI : நண்பரவர்கள் சினிமாவுக்குப் போயிருக்கிறார்களா?

* **SRI O. P. RAMASWAMI REDDIAR :** நான் சினிமாவுக்குப் போவதில்லையானாலும், கேள்விப்பட்டதிலிருந்தே சொல்கிறேன். தெருக்களிலே போகும்போதே சுவரொட்டிகளின் மூலமாகவே சினிமாக்களின் லட்சணம் நன்றாகத் தெரிகிறதே; அவைகளைப் பார்த்துத்தான் சொல்கிறேன். ஆகவே, சினிமாக்களின் போக்கை மாற்றி, அதன் மூலமாகவும் ஜனங்களுக்குப் பயன்படும்படியான முறையிலே முதியோர்களுக்குக் கல்வி புகட்ட முடியும். குழந்தைகளுக்கு நல்ல கல்வி புகட்டும் படியான முறையிலும், நல்ல ஒழுக்கம் வளரும்படியான முறையிலும், தொழில் அறிவு பெறும்படியான முறையிலும், பாரமார்த்தீகத் துறையில் அறிவு பெறுவதற்கும் சினிமா பிலிம்களை உபயோகப்படுத்த முயற்சி செய்யவேண்டும் என்பதற்காகத்தான் நான் இதைச் சொல்கிறேன். இம்மாதிரி பல துறைகளிலே சேவைசெய்தால் நன்றாக இருக்கும். கல்வி அமைச்சர் நல்ல இளைஞர்; வேலையிலே உற்சாகம் இருக்கிறது. இன்னும் அதிகமாக, தகுந்த சிரத்தை எடுத்துக்கொண்டு சேவைசெய்ய ஆரம்பித்தால் நன்றாகச் செய்யமுடியும். ஸ்ரீ கஜபதி நாயகர் கொண்டுவந்த தீர்மானத்தை நானும் ஆதரிக்கிறேன்.

* **SRI N. ANNAMALAI PILLAI :** கனம் தலைவர் அவர்களே, முதியோர் கல்வி என்ற விஷயத்தைப்பற்றி சில வார்த்தைகள் சொல்ல விரும்புகிறேன். முதியோர் கல்வியைப் பரப்பவேண்டுமென்று சுமார் பத்து வருஷ காலமாக சர்க்கார் வேலை செய்துவருகிறார்கள் என்று நினைக்கிறேன். பத்து வருஷ காலமாகச் செய்து வந்த வேலையில் பலன் எவ்வளவு கிடைத்திருக்கிறது என்பதைப் பார்க்கும்போது, இது நிறைவேறுவதற்கு இன்னும் 100 வருஷம் ஆகும்போல் இருக்கிறது. முதியோர்களுக்குக் கல்வி அளிக்கப்பட்டு, அவர்களெல்லோரும் கல்வியாளர்கள் என்ற நிலைமையை நாட்டில் உண்டாக்கவந்திருக்கிற அதே நான் சொல்லும்போல் இருக்கிறது. நாம் எதிர்பார்க்கிறபடி சீக்கிரத்திலே இது நடைபெறுமா என்றால் முடியாது என்று நான் நினைக்கிறேன். இது விஷயத்தில் எனக்குத் தோன்றுகிறது ஒரு யோசனை. சில வருஷங்களுக்கு முன் அனுஷ்டிக்கப்பட்ட, ஸ்டைப்பெண்டு முறைப்படி படிக்கவரும் ஒவ்வொருவருக்கும் மாதம் ஐந்து ரூபாய் வீதம் ஸ்டைப்பெண்டு கொடுத்தால், படிப்பதற்கு முதியவர்தான்வர்களிடையே ஒரு உற்சாகம் ஏற்படும். நம் நாட்டில் ஜனங்கள் படிப்பு இல்லாமல் இருக்க விரும்புவது இல்லை. வயது முதிர்ந்தவர்களுக்குக் கல்வி புகட்டவேண்டுமென்று நினைத்து நாம் வேலை செய்கின்றோம். ஆனால், அவர்களுக்கு ஓய்வு என்பதே இருப்பதில்லை. சென்னைப் பட்டணத்திலோ, திருவண்ணாமலையிலோ, வேலூரிலோ இருப்பவர்களுக்கு ஒருவேளை ஓய்வு இருக்கலாம். ஆனால், கிராமந்திரங்களில் வசிக்கும் ஜனங்களுக்கு ஓய்வு என்பதே கிடையாது. இரவு 7, 8 மணிக்கு வீட்டுக்குத் திரும்புவார்கள். வந்தவுடன் மாடு கன்றுகளுக்குத் தண்ணீர் முதலியவைகளைக் காட்டிவிட்டு, அதன்பிறகு சாப்பிட்டு படுக்கப்போவதற்கு இரவு 10, 11 மணி ஆகிவிடுகிறது. மறுநாள் விடியற்காலே மூன்று மணி சுமருக்கே படுக்கையிலிட்டு எழுந்திருந்து வயல் காடுகளுக்குப் போகவேண்டியிருக்கிறது. இப்படி ஓய்வு என்பதே இல்லாமல் உழைப்பவர்களுக்கு தினம் ஏதோ இரண்டனு கிடக்கும்

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என்ற முறை இருந்தால், மாலை நேரங்களில் ஓய்வு ஏற்படுத்திக்கொண்டு படிக்க முற்படுவார்கள். ஆகவே, படிக்கிறவர்களுக்கு ஸ்டைப்பெண்டு கொடுக்கும் முறையை ஏற்படுத்தினால் வயதுவந்தோர்களிடையே கல்வி அறிவு பரவும் என்று தெரிவித்துக்கொள்ளின்றேன்.

4-10 P.m. படிக்கிறவர்களுக்கு ஸ்டைப்பெண்டு கொடுப்பதைப்போலவே, கல்வி கற்றுத்தருகிற உபாத்தியாயர்களுக்கும் பரீட்சையிலே தேறுகிற மாணவர்களின் எண்ணிக்கையின் பேரில் ஒரு அளவு ஊதியம் கொடுப்பதற்கும் ஏற்பாடு செய்தால், நன்றாக இருக்கும். உபாத்தியாயர்களுக்கு தேர்வு பெறுகிற மாணவர்களின் எண்ணிக்கைக்குத் தகுந்தாற்போல் ஏதாவது பணம் கொடுப்பதோடு, படிக்கிறவர்களுக்கும் மாதம் ஐந்து ரூபாய் வீதம் ஸ்டைப்பெண்டு கொடுக்கும் முறையை பரீட்சார்த்தமாக மூன்று வருஷம் கையாண்டுபார்த்தால், அந்த மூன்று வருஷங்களின் முடிவில் ஒரு தாலுகாவிலுள்ள 100 பேர்கள், அல்லது 500 பேர்கள், ஆயிரம் பேர்கள் வரையில் சேர்த்து வைத்து அவர்களைப் பரீட்சித்துப் பார்த்தால், நான் சொல்லும் யோசனையினால் ஏற்படும் பலன் தெரியும். அதனால் பலன் இருக்கிறதென்று தெரிந்தால், இதை மாகாணம் போடும் அமுல் நடத்திப் பரீட்சலாம். இதற்கெல்லாம் பணம் வேண்டுமே, பணம் இல்லையே, அதற்கு என்ன செய்வது என்று அரசாங்கத்தார் சமாதானம் சொல்லலாம். பணம் இல்லை என்பது ஒரு சமாதானமாக இருக்கமுடியாது. முறை சரியானதாக இருந்தால், பணம் தானாகவே வந்துவிடும். பணம் எப்படியாவது தேடிவிடலாம். ஜனங்கள் பணம் கொடுப்பதற்குத் தயாராக இருக்கிறார்கள். ஆனால், அவர்கள் கொடுக்கிற பணத்தினால் தங்களுக்குப் பலன் கிடைக்கிறதா இல்லையா என்றுதான் யோசிக்கிறார்கள். பலன் கிடைக்கிறது என்று தெரிந்தால் ஜனங்கள் உடனடியும் பணம் கொடுப்பதற்குத் தயாராக இருக்கிறார்கள். ஆகவே, நான் சொல்லியபடி ஸ்டைப்பெண்டு முறையை ஏற்படுத்தி மாணவர்களுக்கு மாதமொன்றுக்கு ஐந்து ரூபாய் பணம் கொடுப்பதோடு, உபாத்தியாயர்களுக்கு தேர்வு பெறுகிற மாணவர்களின் எண்ணிக்கைக்குத் தகுந்தாற்போல் சம்பளம் கொடுக்கிற முறையை அரசாங்கத்தார் கையாண்டு பார்த்தால், பெரிய அளவுக்கு நன்மை ஏற்படும் என்று நான் சொல்லுகின்றேன். இதுவரை அரசாங்கத்தார் கையாண்டுவந்த முறையினால் பலன் ஏற்படாத காரணத்தால், அந்த முறையை மாற்றி, நான் சொன்ன பிரகாரம் செய்தால் முதியோர்களுக்குக் கல்வி புகட்டும் வேலை சீக்கிரமே முடியும். எல்லோரும் கல்வியாளர்களாக மாறி, “எல்லோரும் இன்புற்றிருப்பதுவே யன்றி வேறென்று அறியேன் பராபரமே” என்ற முதமொழிக்கிணங்க எல்லோரும் இன்புற்றிருப்பதற்கு வாய்ப்பு ஏற்படும். செய்வதற்கு மனம் இருந்தால் இதைத்தான் செய்யவேண்டும். மாதம் ரூ 5 கிடைக்கிற தென்றூல், கிராமத்திலுள்ள ஏழை மக்கள் வேலைகளை விட்டுவிட்டு ஓரிடத்தில் இரண்டு மணி நேரம் உட்கார்ந்து படிப்பதற்கு வருவார்கள். ஆகவே கிராமத்திலுள்ள படிக்காத விவசாயிகளுக்கும் மற்றவர்களுக்கும் படிப்புச் சொல்லிக்கொடுப்பதற்கு வசதி செய்யவேண்டும் என்று நாம் உண்மையாக விரும்பினால், அந்த விருப்பத்தை நிறைவேற்றுவதற்கு இதைத்தவிர வேறு நல்ல யோசனை இருக்கும் என்று எனக்குத் தோன்றவில்லை. சிவகலாசாலை உப-அத்யாக்ஷர்கள் இந்த சபையில் இருக்கிறார்கள். டாக்டர் லக்ஷ்மணஸ்வாமி முதலியாரும் மற்ற நபுணர்களும் இங்கே இருக்கிறார்கள். அவர்கள் எல்லோரும் இந்த யோசனையை நன்கு பரிசீலிக்கவேண்டும். ஆகவே நன்கு பரிசீலிப்பதற்காக இந்தத் தீர்மானத்தை ஒத்திவைத்து, நன்கு ஆலோசனை செய்து, பிறகு ஒரு முடிவுக்கு வரவேண்டும்; கணம் கல்வி மந்திரி அவர்கள் நன்கு ஆலோசனை செய்து அதன் பிறகு பதில் சொன்னால் நன்றாக இருக்கும். அப்படியல்லாமல், “இந்தத் தீர்மானத்தை ஏற்றுக்கொள்ள முடியாது” என்று இப்போதே பதில் சொல்லிவிட்டால், “உடனடியாக அங்கத்தினர்கள் ஏதோ யசிக்கொண்டிருக்கிறார்களே தவிர ஒன்றும் நிறைவேற்றுவது இல்லை” என்றுதான் பிறர் நினைத்துக்கொள்ளார்கள். (சிரிப்பு) ஆகையால் இந்தத் தீர்மானத்தின்படி ஒரு முடிவுக்கு வருவதை ஒத்திவைக்கவேண்டும் என்று கேட்டுக்கொள்கிறேன்.

26th September 1956]

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I am particularly grateful to the hon. Members for the very useful contribution they have made to the debate on this very important issue. I am sorry that the hon. the Leader of the Opposition was not present when the hon. Member Sri Gajapathy Nayagar moved his Resolution and gave his own ideas of adult education and stated for what purpose he wanted it. According to the Mover of the Resolution, this is with reference to making the people literate and nothing more than that, and the appointment of a committee is only for the purpose of going into this aspect of making our adults literate. But I am glad that the hon. the Leader of the Opposition intervened in the debate and threw much light—as he always does whenever he intervenes in debates—on the question of adult education. As he very relevantly pointed out, adult education is something different from literacy, and when a person becomes literate, it does not mean that he has become educated. For example, if a child of 9 years becomes literate, it does not mean that he has become educated in any sense. When we say ‘adult education’, it should not be taken to mean adult literacy movement. Therefore, if the hon. Member wants to put his ideas properly in the Resolution, it should be adult literacy movement, instead of the adult education movement, and there should have been no reference to adult education in his Resolution. So, when he founded his ideas on the movement for adult literacy, I thought his Resolution was not properly drafted or worded for that purpose. Whatever it is, I take the idea which he was putting forward. Now, the question before the House is, as put forward by the Mover, whether we should take up this question of adult literacy and spend our resources on attempting to make our adults literate. This movement was started a few years ago, about a decade ago, and it was going on. The Government also sponsored this adult literacy movement. But, after going into the results achieved, I came to the conclusion that it was a mere waste of resources and mere waste of energy because the results achieved were not commensurate with the amount of money we spent on it and the the amount of energy of human beings wasted on it. Therefore, as it was pointed out by the Vice-Chancellor, should our attempt be to create adult illiterates and then make them literates or should we stop the very process of creating adult illiterates? In other words, should we concentrate and use all our resources for the purpose of seeing that at an early age, in one's boyhood or girlhood, one acquires literacy? Now, if we consider the present state of affairs, with reference to primary education, we find that we are imparting education only to 50 per cent of our children. So, every year 50 per cent of the children go uneducated and we are producing adult illiterates on that scale. Therefore, do we want to stop that manufacture, if I may say so, of these adult illiterates and stop it at the very source itself? I came to the conclusion that it was

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p.m.

better to utilize all our resources and canalise all our energies for the purpose of seeing that we do not produce adult illiterates. Therefore, the whole position was reviewed by the Education Department and I had a conference also to discuss this matter. After taking proper advice and after assessing the results achieved so far with reference to the adult literacy movement, I came to the conclusion that there was no use of attempting the impossible thing of making our adults literate. Therefore, I thought that we should be able to catch the persons in the younger age group who just escapes going to school and see whether it would be possible to make them literate. After all, a person, I mean a child, either goes to the school at the age of 5, 6 or 7 or does not go to the school at all. Therefore, I thought that when a child reached the age of 8, we could come to the conclusion that it would no longer attend any school. We should look into the causes why a child did not attend school. It is not because schools were not available. As a matter of fact, we have opened many schools. It is only due to the economic condition, the economic distress which compels every child to work for the benefit of the family and for its own benefit.

Because of the economic conditions prevailing in the country, it was not possible for these children to attend any school even though we had provided a number of schools for them. So, if we have to educate these children who do not have the benefit of entering any school, we should organize this literacy movement for the purpose of catching these people at a comparatively early age and making them literate so that they may not become adult illiterates. That is why in the reorganized adult literacy movement—it cannot be called the adult literacy movement as we do not go beyond the age of 18—it may be called the grown-up children literacy movement—we have selected the age-group between 8 years and 18 years. We propose to give them schooling in the three R's, reading, writing and arithmetic, for one or two hours every evening after they have attended to their work. There too, supervision is needed in running these schools. If we spread these schools in every area and if we do not have proper supervision, they would not be working well. So, we decided that these night schools for grown-up children of the ages between 8 and 18, be opened in the Community Project areas and National Extension Service areas where we have Social Education Officers and so many other officers so that there might be effective supervision. Thus, in the reorganized scheme of literacy movement we have taken only children in the age group 8 to 18 and we are establishing schools in the Community Project and National Extension Service areas for them. As the Community Projects and National Extension Service Schemes are expected to spread throughout the State within the Second Plan period, the night schools will also spread within that period. I am hoping that it would be possible to organize these night schools in such a way that we may be able to catch at least 50 per cent of the

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children who escape schooling at the present time, in the age group 8 to 18. If we are able to achieve this target, we can really be proud of the same. That is what we are aiming at. There are, of course, certain disadvantages in our adults being illiterates and mention was made about their inability to mark the ballot papers in the elections which took place once in 5 years or so. But, I may say, in this connection, that in the matter of judging candidates, they, the illiterate villagers, have done much better than the literate and educated persons. They do it in a more disinterested way and in a better way than the so-called educated classes. I am sorry to say this and I say with all sense of responsibility that they have done well. After all, I cannot say that our adult population in going to the polls have done anything of which we need be ashamed in any way. They have done well in the elections. They have selected the proper candidates, and I would go even further and say that even if it was the ruling party, they taught it a lesson in the elections when they wanted to do so. Therefore, we need not be under the impression that for the mere reason that they are not literates they are likely to be misled and will not vote for the proper candidates in the elections apart from their inability to mark the ballot papers correctly. That is why other devices are being evolved for the purpose of voting. Therefore, this problem should not be viewed from the angle of voting in the elections which may take place once in three or five years. Let us now concentrate on the process of making the grown-up children literate. That is one of the aspects. The other aspect was referred to by the Vice-Chancellor and that is literacy mortality. That refers to literate persons lapsing into illiteracy because of lack of opportunities to read books and things like that. In that connection, the library movement was serving a very useful purpose. My esteemed Friend Sri O. P. Ramaswamy Reddiar is not upto date in his information with regard to the spreading of the library movement during the last two years. We have made sufficiently good progress. I am not prepared to say that this is enough and there is no scope for further development of the library movement. But, I have to state that within these two years, we have made very considerable progress. As a matter of fact, I think every taluk has a library now. From the taluk, we are now trying to reach the various villages also. Therefore, that movement is spreading; even though it may be spreading a little bit slowly, it is spreading surely. I am glad to say the Cess Fund which was created in very good anticipation when the Act was passed is being utilized to the best advantage possible. So, there is no question of any stagnation of this fund. This movement will have to be made use of and several other movements will also have to be made use of to see that our literates do not lapse into illiteracy which will create another problem for us besides the general problem of adult education. It refers not only to the illiterates but also to the literate people and to the educated

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people also. That is a continuing process. Because, a man, if he is really a man and if he is to learn so many things lest he should become stagnated and senile, has to receive education till the end of his life. Therefore, this education is a life-long process. It does not stop with the schools or colleges or with the research institutions or even after entering life. As far as this is concerned, it is a bigger problem. So, a Commission was appointed with reference to general education which will have to be imparted to all our people. From that point of view, we have to utilize all the means available at our command for this purpose. Today, the cinema is a very potent force, whether we like it or not. Cinemas exist everywhere, not only in towns but in villages also. There are these tent cinemas even in the remotest villages. If we take statistics today and try to find out whether there is any man or woman who does not go to a cinema at least once a month or so, we will be surprised to find that their number will perhaps be a few hundreds. The statistics will surely reveal the fact that almost everybody goes to the cinema. I am not concerned for the moment with the regular cinema shows which are going on in the theatres. After all, they have also to develop. I am on the aspect of utilizing them for the purpose of educating our children instead of the reverse process of spoiling their minds. It would be a very good idea but that cannot be achieved overnight. We want to utilize the cinemas for giving general education to our people. With that end in view, we have arranged for the exhibition of a certified documentary for 20 minutes or so at the beginning before the regular picture is exhibited. There was a good deal of opposition from the cinema theatre-owners and other persons with vested interests in the cinema business to such exhibition of documentary films. But, we wanted to utilize these cinemas which have become widespread now for the purpose of imparting general education and general knowledge to all our people. That is why we have now made it compulsory that these documentaries should be shown in every show before the story films are shown. I think it is a move in the right direction and we would be able to produce more and more good documentaries. After all, there is also scope for further improvement and development in the production of our documentaries so that these cinemas could be effectively utilized for educating our people.

In the past these Katha Kalakshepams were playing a very useful part in imparting knowledge to the people. As a matter of fact, the persons concerned did not confine themselves to the narration of the story proper, but there were so many side issues which were further elaborated by the person who was doing the performance. In the very process of the narration of the story, so much useful information was imparted to our people. Unfortunately, it is now a dying art. It should be revived in my view. We are trying to do that. If only that happens, I am sure it would

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be a good means of imparting general education and general knowledge to the masses and particularly to persons living in the rural areas. So also, our religious Upanyasams, discourses and lectures given by the various learned men on the Kamba Ramayana, the Mahabharatham and all those things will serve a very useful purpose. All of them were not merely confining themselves to the story proper. They were able to cater to the people a fund of knowledge and a fund of information which would really make the rural folk educated and cultured which the hon. the Deputy Chairman wanted everyone of us to be.

SRI M. P. GOVINDA MENON: Now it is, more 'Kimaya-nam' than Ramayanam that is going on.

THE HON. SRI C. SUBRAMANIAM: It also serves some 4-50 purpose. It impresses upon us what should not be done. It is P.M. Saint Vivekananda that said that sinners are also teachers in disguise. Let us not be thinking of Kimayana. Let us be thinking of the real process of education—what should be the methods and means of education. Now, we are organizing exhibitions. They are the best means of imparting knowledge and education to our people. We are adopting all these methods and we should launch an all-out drive to see that we give general education to the people. In our Community Project and National Extension Service areas, we have got Social Education Officers also. My hon. Friend, Mr. Gajapathy Nayar was wondering who these officers were and what their functions were. This social education is for both adults and children. Social education is not confined to adults alone because children have got to be educated in social behaviour and taught to discharge their duties and responsibilities as useful citizens in the future. It is not as if the Government were not aware of the enormity of the problem, and the various difficulties and issues arising out of it. It is not as if we are going to get any fresh information or useful information by the appointment of a committee. The question is whether we are taking sufficient steps for reaching our goal quickly. We are taking proper and effective steps which will produce good results. Therefore, I would request the hon. Mover to withdraw his Resolution, having been assured that adult education is one of the accepted policies of the Government. We want to make not only our grown-up children literate but also the general masses of our people literate. We are making earnest attempts to see that this scheme is properly implemented. May I request the hon. Mover not to press for the appointment of a committee, especially, as even according to him, the question is confined to the narrow limit of adult literacy movement? Adult education is something more than what the hon. Mover wants the Government to attend to. We are trying to tackle it and I hope the Mover will be good enough to withdraw his Resolution, especially after

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he has heard men like Dr. A. Lakshmanaswami Mudaliyar and Mr. O. P. Ramaswami Reddiar expounding the idea of adult education.

* SRI A. GAJAPATHY NAYAGAR: Mr. Chairman, I feel greatly thankful to the Hon. the Minister for Education and my learned friends for having expressed their ideas about adult education. I was first impelled to move this Resolution for the reason that a large percentage of our population is illiterate in the sense that most of our people cannot read and write. Adult suffrage has come now, and such a state of affairs cannot be tolerated. Further, when we are going to have Tamil as the State language, there is every need to ensure that our people become literate. I also wanted to impress this fact upon the Government. That is, our educational authorities must adopt new methods and means by which adult education may be promoted. In fact, I feel thankful to the hon. Member Mr. Annamalai Pillai for his suggestion regarding grant of stipends. If we are able to impress the need for adult education both on the persons to be educated and on the persons to educate them in a manner that would get them some pecuniary benefit therefrom, then surely we will succeed in making adult education popular. As the hon. Member Mr. Ramaswami Reddiar said, we can easily learn in three months what a child takes one year to learn. There are many agencies in existence to-day. But in the olden days, people had no books to read. To-day, there are hundreds of books available. Besides, we have periodicals also. Every man is hungering to read newspapers. If one man reads, ten men gather around him and listen. In the context of things taking place, I moved this motion because, adult suffrage is very much at a discount. Our adults should become literate in view of the elections and Tamil becoming State language shortly.

I wish to impress upon the Government one thing. They have failed to provide education in the three R's to children between 5 and 8 years but are now trying to give education to persons between 8 and 18 years of age. In spite of their best efforts, they have not been able to give compulsory elementary education to all persons. What I would tell them is: 'You are now trying to give education to persons between 8 and 18 years of age; do it so that my purpose of providing adult education after 18 years of age may be fulfilled.' In that view, let me express my grateful thanks once again to the Hon. the Minister for Education and request the Government to implement their scheme of adult education so that our land may prosper in all ways.

MR. CHAIRMAN: Does the hon. Member withdraw his resolution?

SRI A. GAJAPATHY NAYAGAR: Yes, Sir.

The Resolution was, by leave, withdrawn.

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- (2) ADOPTING THE METHOD ADOPTED BY THE MADRAS GOVERNMENT IN THE RECENT MUNICIPAL AND DISTRICT BOARD ELECTIONS IN THE CASE OF THE COMING GENERAL ELECTIONS IN THE STATE OF MADRAS.

SRI MOHAMED RAZA KHAN: Sir, I move—

"That this Council recommends to the Government to urge upon the Government of India to adopt in the coming General Elections in the State of Madras the same method as was adopted by the Madras Government in the recent Municipal and District Board Elections."

I am happy that I have an opportunity to move my Resolution now firstly because the Hon. the Finance Minister who is in charge of elections is here and secondly because, I feared that I would be able to move this only after the next General Elections. I hope the Hon. the Minister for Finance will be able to throw some light on the subject-matter of my Resolution. I believe the Election Commission itself has asked our Government and various other State Governments whether they would recommend any change in the voting system. Recently I saw a Press report to the effect that the Election Commission wants to experiment in certain places the system I have suggested in my Resolution, viz., the system of marking on ballot papers. I think it was to the credit of the State of Madras that they introduced this system in the recent municipal elections and in the District Board elections held earlier. The existing system is not quite advisable for the reason that the majority of our people are illiterate. I do not want to argue that point further because just now the Finance Minister said that our people, in spite of their illiteracy, were able to scrutinize things and find out what was best. I have moved this Resolution because of our experience during the last election. In the last election, the Finance Minister knows, in many constituencies there were 15 or 16 candidates contesting and as many boxes as there were candidates had to be kept in the polling station. It is very difficult to keep so many boxes with all the necessary precautions taken as regards sealing, etc. I know that in the last general elections, elections in some places could not start at the scheduled time but had to start sometime later because the Presiding Officer concerned took more than two hours to seal all the boxes. If the system I propose is introduced, we will have only one ballot box and the procedure will thus be simplified. There is also another aspect of the problem to be considered. Every candidate has a symbol. It is only a question of marking a dash or tick across the symbol of the candidate in whose favour the vote is cast. There is one advantage in this. During elections whenever disputes arise later on, motives are attributed by saying that the vote of one voter has been transferred from one's box to the box of another. If we have this system, there will be only one ballot box and all the votes, marked against the concerned candidate, will be put in the one ballot box. By adopting this device, there will be no room for attributing such a motive as transfer of votes from one

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box to the other. Even though I myself know that such a transfer of votes could not take place even according to the present system, the public are apt to express their opinions.

The Government adopted the system of marking in the recent municipal elections. The names of all the candidates contesting the elections are entered and each is allotted a symbol. Even though a person may be illiterate, he may recognize the symbol and all that he has to do is only to put a mark, a cross or dash, against the symbol of the person in whose favour he wants to cast his vote. That is all what he is expected to do. Then all the ballot papers are put in one ballot box. There is no possibility of any confusion arising or any box being tampered with. I hope the Hon. the Finance Minister would be able to tell us that in the last elections, in some places the voters were not allowed to cast their votes but were asked to sell their votes to the agents. In my place such a thing happened. But if the system of marking is introduced, such a thing as mentioned now cannot take place. Such a corrupt practice cannot take place if we adopt the system of marking. Then the agents may not be able to purchase the votes from the voters and transfer them to the box of the candidate for whom they are agents because there will be one and only one ballot box and the Presiding Officer will be there near the only box to ensure the correct exercise of franchise by each and every voter.

There could be only one objection to this method of marking. It may be said that our people are not literate enough to mark properly with the result that a large number of votes may become invalid. In the recent municipal and district board elections wherein this marking system was introduced, I think the number of invalid votes was hardly 10 or 15 per cent. (The Hon. Sri C. Subramaniam: It was only 10 per cent.) That strengthens my argument. Moreover, the advantage or disadvantage in this system is common to all candidates. What is disadvantageous to one is disadvantageous to the other also.

The man who stands for election has some work to do in his constituency to gather support for his candidature. It would not be difficult for him to educate the people living in his constituency in the method of voting. He could say to them, "Well, here is my symbol. Put a mark, either a dash or dot as stipulated by the election authorities against my symbol and put it in the ballot box. That is all what you have got to do." He could educate the people on these lines and that would in a way be a sort of literacy campaign adumbrated so ably by the hon. Member Mr. Gajapathy Nayagar. From the experience of the last general elections and in view of the advantage in adopting the present method, the Chief Election Commissioner has given expression to the feasibility of this method being tried. He has not said so with authority but only advisedly because he did not

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want to force his view on the Government. He asked for the opinions of State Governments. The Government of Madras have made one or two experiments in that direction of marking. Because of its success, I do hope the Government of Madras would come to a definite decision on adopting this method of voting in the ensuing general elections. That is the proper thing to do. As I have said previously, this method will put an end to corrupt practices of transferring votes from one box to another, the practice of the agents taking the ballot papers from the voters and putting them in their candidate's box and things like that. What the voter should do now is to come to the polling booth, take the ballot paper, make a mark against the name of the candidate in whose favour he votes and then put the ballot paper in the ballot box in the presence of the Presiding Officer. That is all what he should do under this arrangement. Because of its advantages which I have mentioned above, I commend my Resolution for the acceptance of the House. If I have the time, I will reply to the arguments advanced by other Members who may oppose this Resolution. I am now waiting for the reply of the Hon. the Finance Minister.

* SRI T. PURUSHOTHAM: Mr. Chairman, I second the Resolution so ably moved by the hon. Member Sri Mohamed Raza Khan and I do so to show how we on this side of the House would always be ready to support any good proposition that might be put forward by the Opposition. That also indicates the spirit of responsive co-operation that is prevailing in all sections of this House.

Hon. Members are aware that we had our first nation-wide general elections in 1951-52, when all men and women above the age of 21 had the right to vote. Our statistics show that about 102 million people had voted in the last general elections. The holding of such a nation-wide general election based on adult franchise was hailed as a unique event. We have adult franchise but not adult literacy in our country. Each candidate was allotted a box with a symbol. The symbol was put on the top of the box and the voters were asked to put the ballot paper in the box of the candidate in whose favour they wanted to exercise their franchise. Hon. Members would agree that this is a primitive system. I do not think there is any country, any democratic country, where those contesting the elections are given symbols and the voters are to vote for symbols. When the municipal and district board elections were held after the general elections, a new form of ballot paper was introduced with the names of those contesting the elections printed in it. The symbol of each candidate was also printed side by side with his name. The voter had to put a mark across the candidate's name in whose favour he cast his vote. There was only one ballot box in which all the ballot papers were put. This system worked better than the previous system wherein we had a multiplicity of boxes and each

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candidate seeking election was allotted a separate box. Just now the Finance Minister has told us that this system proved a success. So, I have great pleasure in seconding the proposition of the hon. Member Sri Mohamed Raza Khan. I do hope the success with which we conducted this experiment in the case of elections to the local bodies would be followed in the ensuing general elections also. If not in the rural areas, at least in the urban areas, this experiment could be successfully carried out. I do hope that there would not be any difficulty in doing so. With these words, I second the Resolution moved by the hon. Member Sri Mohamed Raza Khan.

MR. CHAIRMAN : Resolution moved—

"That this Council recommends to the Government to urge upon the Government of India to adopt in the coming General Elections in the State of Madras the same method as was adopted by the Madras Government in the recent Municipal and District Board Elections."

SRI M. P. GOVINDA MENON : Sir, I very vehemently oppose this Resolution because I feel that greater harm would be done by this method at the time of general elections than what was done during the last elections. I speak from personal experience. We had some sort of elections in 1936-37 for the first time. At that time, we adopted the system of voting in coloured boxes. Each Party had one coloured box. The Congress Party had the yellow box. At that time, I was a Congressman and so, I know it. The party represented by the hon. Member Sri Mohamed Raza Khan had the green box. By adopting that system, a sort of adult education campaign was carried on and the villagers knew how to record their votes. There was a widespread campaign and people were trained to vote in the colour box system. That was followed in the district board elections also. But afterwards when we had adult franchise, we thought of improving the system and changed the coloured box system to symbol box system. If I remember aright, long ago it was in Mysore that that system was in vogue. Mysore as a Province adopted this symbol system even earlier and very common figures were adopted, just as 'Mattu potti', the bulls for the Congress, huts for my own Party and so on. Just now we were discussing about literacy of people and adult education. A large number of people are not literates. And yet, as the Hon. Minister said, it was a grand success, I mean the last General elections, and our people knew well how to exercise their votes. But all on a sudden a change comes again, prescribing marking on paper. The greatest difficulty of illiterate persons is that though they may write, it is difficult for them to hold the pen and make the mark. If we know anything of child psychology, the greatest difficulty when boys and girls are sent to schools, is for them to hold the pencils erect and draw a straight line. Now, according to the . . .

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SRI A. M. ALLAPICHAJ : Why not we teach them?

SRI M. P. GOVINDA MENON : After all the adult education process is over we can start doing that. Now, according to the new system, they are asked to make a 'cross' mark. Even if they make the mark, it is possible that it may cross over the other man's name. My experience of district board elections according to this system is . . . (The Hon. Sri C. Subramaniam : It was a very sad experience for you. Please do not speak about it.) The Hon. Mr. Subramaniam forgets that in 1951-52 it was a sad experience for him and I may tell him a sadder experience awaits him in 1956-57. (Interruption.) I am not interested in the success of this Party or that Party. I am interested in seeing that peoples' representatives are chosen according to the wishes of the people. If people are against me, I do not want a seat. (The Hon. Sri C. Subramaniam : You cannot get a seat.) The Hon. Minister must see that. People must be allowed to exercise their votes freely. This change is thought of because you feel that if people are allowed free voting, you will not get a chance. Under the symbol system every person knows how to vote. But under the new system, in a large number of constituencies, invalid votes were more than the votes secured by successful candidates.

THE HON. SRI C. SUBRAMANIAM : Nowhere did it exceed 5 or 6 per cent.

SRI M. P. GOVINDA MENON : A large number of invalid votes were there when I was present there. I am not in a position to give figures, as the Hon. Minister. (Sri Mohamed Raza Khan : That might have been so because you were defeated in the last district board elections!) Mr. Chairman, I thought we were discussing the Resolution and I never thought that hon. Members would go down to low levels about the chance of this man or that man getting elected. I know my responsibility as a Member and as I am a Member here, I am speaking on this.

THE HON. SRI C. SUBRAMANIAM : That is why the hon. Member is attributing motives to the Congress as trying to introduce this system so that they may get a chance. The hon. Member did go to a lower level and when he did it, I also did it.

SRI M. P. GOVINDA MENON : When the Hon. Minister goes down to that level, I am also tempted to do so. He tempted me and I am charging him with having tempted me to go to low levels.

We may try this method in the towns where literacy is high and it can be tried in Municipal and Corporation elections. But if we go to the villages and introduce this system there, we will be committing a great crime. Apart from the question of success of this or that man, all of us are interested, the Hon. Mr. Subramaniam also is interested, in seeing that democracy is a success

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in this country. If democracy should be a success, the poor illiterate adult voter must be able to exercise his vote without trouble and he must be able to do that within his own limitations and he should be given a chance.

Apart from the heat created by the Hon. Mr. Subramaniam, the best method is the symbol method and Government should not recommend at least universal adoption of this new system, especially in the villages. So, I oppose this Resolution.

THE HON. SRI C. SUBRAMANIAM: Sir, I am afraid we are a little too late in considering this Resolution because decisions have already been taken with reference to the method of voting, by the Election Commissioner. Therefore, it is only of academic interest and from that point of view, I am sure the hon. Member will not press the Resolution. But that does not take away the merits of the system as such.

Sir, after the last General Elections, when the district board elections were in the offing, it was Rajaji that thought that we should take a step forward as even the hon. Member Mr. Govinda Menon said that we took a step forward from the coloured box system to the symbol box system. We could not allow stagnation and we took a step further. He thought the time had come to make an experiment regarding the marking of ballot papers in view of the various disadvantages and malpractices which were likely to arise in the symbol box system and which were all marshalled before the House very ably by the hon. Member Mr. Raza Khan. The hon. Member Sri Govinda Menon does not know how money-bags were able to influence the elections when the symbol box system was adopted; they were able to purchase votes and deposit them in the boxes. If he represents a different Party, perhaps he would not have protested against this system so vehemently. This new system will end malpractices. Therefore, the symbol system has to be changed. The latter system has got many disadvantages; it gives an unfair advantage to the rich man who is prepared to adopt these malpractices and use money freely for influencing the voters. It has happened. Therefore, if we want that our people should vote freely, not being influenced by other considerations, then the time has come for us to devise some method by which these will be avoided. And the marking system is one of the methods. If the hon. Member has got any other method to suggest, I am prepared to consider it. He stopped with vehement opposition to any change which may be made. Whenever we want to make a change, that is always the feeling. Therefore, I would tell the hon. Members, particularly Mr. Govinda Menon, whether we make a change now or not, these are the disadvantages involved in the symbol box system. Unless we overcome them some day, we will find that democracy is not functioning properly, that free elections are not happening, and all that. Unless we devise some other method which will prevent

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corrupt practices, we will have to regret that we did not make a change at the proper time. I am really happy that we did take a step forward when we made this experiment.

As a matter of fact, the Election Commissioner was well impressed by this method and he thought that it would be a proper method to be adopted in the elections. Whether it should be immediately adopted in the rural areas is a matter which we have to consider. As far as we are concerned, we made this experiment, and our people know this method to some extent. But the other States did not make this experiment. If only all the other States make this experiment in their Local Body, Municipal and Panchayat elections and the people in the rural areas become accustomed to this method, then it will be time to consider its adoption in the General Elections—May be in 1961-62 or whenever it might be. If there should be an earlier election, we may adopt it at an earlier date.

SRI T. PURUSHOTHAM: Will it be adopted at least in the 5 p.m. next elections?

THE HON. SRI C. SUBRAMANIAM: As the hon. Member Sri Govinda Menon opposed it and as the leaders belonging to his Party and other Opposition leaders opposed even the introduction, the limited introduction, of it in the urban areas, the Election Commission thought that some more time should be given to the people to get familiarised with this idea.

SRI M. P. GOVINDA MENON: In the Congress also a large number of people opposed it.

THE HON. SRI C. SUBRAMANIAM: The Election Commission came to the conclusion that it would not be wise to adopt this for the next general elections. But this is a method which is a step forward. That cannot be denied. Either in this election or in the next election, it may have to be adopted and the hon. Member Sri Govinda Menon need not be under the impression that our people are so bad that they cannot even hold a pencil. On the other hand, they have proved that they can hold a pencil and mark correctly in many ballot papers. It might be an unfortunate experience as far as the hon. Member is concerned. The generality should not be judged by what happens in a particular constituency or to a particular Member. We do realise that this system could be experimented upon and could be adopted, if possible, on a future date. I would request the hon. Member to withdraw the Resolution.

SRI MOHAMED RAZA KHAN: In view of the statement made by the Hon. the Minister for Finance and also in view of the fact that no purpose will be served as the decision has already been taken, I beg leave to withdraw the Resolution. No purpose will be served in replying to the hon. Member Sri Govinda

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Menon also. He levelled a charge of my descending to a low level. I will never go down to his low level. I beg leave to withdraw my Resolution.

The Resolution was, by leave, withdrawn.

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

The House then adjourned.

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

1. Notification issued with G.O. No. 3730, Industries, Labour and Co-operation, dated the 20th August 1956, regarding issue of revised rules under Madras State Aid to Industries Act, 1922 (Madras Act V of 1923), amended by the Madras State Aid to Industries (Amendment) Act, 1956.

2. Notification issued with G.O. Ms. No. 1745, Agriculture, dated the 13th July 1956, regarding amendments to General Timber Transit Rules and Special Timber Transit Rules applicable to districts of Salem, Chingleput, South Arcot, Malabar and the Nilgiris and portions of Palghat Forest Division lying in Coimbatore district.

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, 27th September 1956.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Neyveli Lignite Project

* 59 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Agriculture be pleased to state the present phase of the investigation in the Neyveli Lignite Project?

THE HON. SRI M. BHAKTAVATSALAM: A note furnishing the information is placed on the table of the House.

SRI V. V. RAMASWAMI: தண்ணீர் இறைக்கிற பம்புகள் கோளாறு இல்லாமல் இப்பொழுது சரியாக வேலை செய்து வருகின்றனவா? எப்பொழுது நிலக்கரி எடுக்கத் தோதாக இருக்குமென்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: மேஜையின்மேல் வைக்கப் பட்டிருக்கின்ற காகிதத்திலிருந்தே முழு விவரங்களும் தெரியவரும். பரிசீலனை வெற்றிகரமாக நடந்து, பிராஜெக்டை எடுத்துக்கொள்ளலா மென்று தீர்மானித்து, மெஷினரிக்கு ஆர்டர் கொடுக்கப்பட்டிருப்பதால், இப்பொழுது நடத்தப்பட்ட பரிசோதனை முடிந்துவிட்டதென்றே வைத்துக் கொள்ளலாம்.

SRI A. GAJAPATHY NAYAGAR: Will the Government be pleased to submit a periodical report, say, once in three months or six months, about the progress of the work at Neyveli?

THE HON. SRI M. BHAKTAVATSALAM: I have just now said that the investigation is practically over. Perhaps, when construction work is taken up, Government may consider what reports they should submit to the House.

SRI MOHAMED RAZA KHAN: May I know whether the administration is entirely by the Government of India or whether the Madras Government are also having a hand in it?

THE HON. SRI M. BHAKTAVATSALAM: So far as the administration is concerned, that is by the Government of India.

SRI K. BALASUBRAMANYA AYYAR: When the water is pumped out, it can be used for irrigation purposes in the adjoining lands. Is it done?

THE HON. SRI M. BHAKTAVATSALAM: Even now, whatever water is pumped out is feeding some tanks and it will be used for irrigation purposes.

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SRI T. PURUSHOTHAM : May I know whether the Government have instituted a survey of the possible industries that could be developed in the Neyveli area and, if so, whether private agencies have been apprised of the same so that they could investigate the possibility of starting some industries in the area?

THE HON. SRI M. BHAKTAVATSALAM : The Government of India in consultation with this Government, have been examining what industries could be organised under the Neyveli Project. Some of those industries will go to the public sector. The State is not in a position to say when it could invite private enterprise to take up other subsidiary industries.

SRI V. V. RAMASWAMI : அங்கே இருக்கின்ற கனி மண்ணைக் கொண்டு மண் பாண்டங்கள் செய்வதற்கு ஏதாவது கம்பெனி முன் வந்திருக்கிறதா? அப்படியானால், அவர்களுடைய கோரிக்கை ஏதாவது அரசாங்கத்தாரால் பரிசீலனை செய்யப்பட்டிருக்கிறதா? வேலை எப்பொழுது துவக்கப்படும்?

THE HON. SRI M. BHAKTAVATSALAM : இதுவரை அம்மாதிரி யாரும் முன்வரவில்லை என்று நினைக்கிறேன். எல்லா விஷயங்களும் நெய்வேலி ப்ராஜெக்டைச் சார்ந்ததாக இருக்கின்றன.

SRI V. CHAKKARAI CHETTY : May I ask the Hon. Minister what qualifications are usually demanded of candidates who want to be appointed as administrative officers? Are they appointed directly by the Government of India or are they appointed by the various municipalities or local boards? The Corporation appoints its own men, but subject to confirmation by the Government.

THE HON. SRI M. BHAKTAVATSALAM : This relates to Neyveli Project which has been taken over by the Government of India. If the hon. Member refers to officers who may be appointed under this project—whether it is administrative officers or technical officers—it would depend upon the qualifications for the post concerned.

SRI T. PURUSHOTHAM : Will the Hon. Minister indicate to us what are the industries that would be reserved for Government to take up and what industries would be available for the private sector to develop?

THE HON. SRI M. BHAKTAVATSALAM : The main industries that are contemplated under the project would be a thermal power station and a factory for making chemical manures and there are certain other subsidiary industries that would also be taken up in the public sector. When these are finalized, that would be the time for considering what industries could be undertaken by the private sector.

SRI M. V. SUDARSANAM NAIDU : நெய்வேலித் திட்டத்தை கம்பெனி வரிசைமாக மாற்றப்போவதாகக் கேள்விப்படுகிறேன். அது நிஜம் என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : மத்திய அரசாங்கம் இந்தப் ப்ராஜெக்டை நடத்தும். நடத்துவதற்கு முறைபற்றிதான் இப்பொழுது

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கவனம் செலுத்தப்பட்டு வருகிறது. அதை மத்திய அரசாங்கமே தங்கள் டிபார்ட்மெண்ட் மூலம் நடத்துவதற்குப் பதிலாக இந்தியன் கம்பெனிகள் சட்டத்தின்படி ஒரு கம்பெனி நியமித்து, அந்தக் கம்பெனியின் மூலம் நடத்துவது என்பது யோசனை. அதபற்றி தான் கனம் அங்கத்தினர் கேள்விப்பட்டிருக்கக்கூடும். அவ்வாறுதான் சிந்திரி உர உற்பத்திச்சாலையும் ஏற்பட்டிருக்கிறது.

SRI M. V. SUDARSANAM NAIDU : நெய்வேலித் திட்டமானது கம்பெனியின் நிர்வாகத்திற்கு மாற்றினால் அதில் வேலை செய்யும் கூலி ஆட்களுக்கும் உத்தியோகஸ்தர்களுக்கும் கிடைக்கும் சம்பள விதிதங்களில் ஏதாவது மாற்றம் ஏற்படுமா?

THE HON. SRI M. BHAKTAVATSALAM : கம்பெனி உருவம் எடுத்தத்கொள்வதனால் மாற்றம் ஏற்படவேண்டிய அவசியம் இல்லை.

SRI T. PURUSHOTHAM : Is there any proposal to constitute a township for local administration of the area?

THE HON. SRI M. BHAKTAVATSALAM : All these things will arise when considering the question of taking up the project.

SRI V. V. RAMASWAMI : நெய்வேலித் திட்டத்தை நடத்துவதற்கு கார்ப்பரேஷனை ஏற்படுத்தினால் நமது மாகாண அரசாங்கத்திற்குக் கிடைக்கக் கூடிய லாபத்தின் சதவிகிதம் குறையாமல் இருக்குமா?

THE HON. SRI M. BHAKTAVATSALAM : மாகாண அரசாங்கத்திற்குக் கிடைக்கக்கூடியது குறைக்கப்படாமல் இருப்பதோடு கம்பெனியிலே கூட மாகாண அரசாங்கத்தின் பிரதிநிதிகள் இருப்பார்கள்.

Cyclone relief advance

* 60 Q.—**SRI K. BALASUBRAMANYA AYYAR** (on behalf of Sri G. Krishnamoorthi) : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether the non-teaching staff of aided secondary schools are eligible for cyclone relief advance, in cases where such advance has been sanctioned to the teaching staff of those schools; and

(b) if not, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM : (a) & (b) The Government are not convinced of the need for the payment of an advance, at this stage, to non-teaching staff employed in aided secondary schools in cyclone-affected areas.

Non-Gazetted Officers' Association, Madras

* 61 Q.—**SRI V. V. RAMASWAMI :** Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether any representations have been made recently by the Non-Gazetted Officers' Association, Madras; and

(b) if so, what they are and the action taken thereon?

THE HON. SRI C. SUBRAMANIAM : A representation has been received from the Non-Gazetted Officers' Association for enhancement of the dearness allowance. The Government have appointed a Committee to examine the question of revising the existing rates of dearness allowance within the available resources.

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SRI V. V. RAMASWAMI : புதிய ராஜ்ய அமைப்பு நவம்பர் முதல்கேதி அமுலுக்கு வரப்போவதால் அதற்குள்ளாக இது விஷயத்தில் அரசாங்கத்தார் ஒரு முடிவுக்கு வருவார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : கமிட்டி எல்லாவற்றையும் பரிசீலனை செய்து அதனுடைய முடிவைத் தெரிவிப்பதைப் பொறுத்திருக்கிறது.

SRI V. V. RAMASWAMI : நவம்பர் முதல் தேதிக்குள் ஒருவேளை சொல்லமுடியாவிட்டால், பிப்ரவரி மாதத்திற்குள்ளாகவாவது சொல்வார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : எவ்வளவு கூடியசீக்கிரம் சொல்ல முடியுமோ அவ்வளவு கூடியசீக்கிரம் சொல்வதற்கு முயற்சி செய்கிறோம்.

SRI MOHAMED RAZA KHAN : Is it a departmental committee?

THE HON. SRI C. SUBRAMANIAM : It is an official committee.

SRI MOHAMED RAZA KHAN : Whatever may be the decision of the official committee, I understand that the Hon. the Finance Minister is very very anxious to help them as much as possible.

THE HON. SRI C. SUBRAMANIAM : It is not only now; I have always been anxious to help particularly the low-paid officials and low-paid employees. The only difficulty is, as the hon. Member is aware, the emptiness of our purse.

SRI V. GURUNANDAN ROW : Has any time-limit been fixed for the official committee to submit its Report?

THE HON. SRI C. SUBRAMANIAM : No time-limit has been fixed. Since the officers are engaged in the work, I am sure they will submit the report as expeditiously as possible.

SRI V. V. RAMASWAMI : அரசாங்கத்தினிடம் நிதி வர்து குறைவாக இருக்கிறபடியினால் ஒன்றும் செய்ய முடியவில்லை என்ற வாதத்தை நமது அமைச்சரவர்கள் தெரிவித்தார்கள். அப்படியிருக்கும்பட்சத்தில் மத்திய அரசாங்கத்திடம் மான்யம் கோரிப் பெறுவதற்கு முயற்சி செய்வார்களா?

THE HON. SRI C. SUBRAMANIAM : அதைப்பற்றியும் கமிட்டி யோசனை செய்யலாம். மத்திய அரசாங்கத்திடமிருந்து மான்யம் பெறுவதற்கு முயற்சி செய்ய வேண்டியதுதான். அந்த முயற்சி எவ்வளவு தூரம் பலனைக்கும் என்பது இன்னும் ஊர்ஜிதமாகச் சொல்லக்கூடிய நிலைமையில் இல்லை.

SRI V. GURUNANDAN ROW : Will the Government consider the desirability of granting some interim increase in dearness allowance, pending the official committee's report?

THE HON. SRI C. SUBRAMANIAM : I do not think that any interim relief can be given particularly when the committee has been appointed. I do not think that it will take years or even months

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to submit the report. It will be submitted very soon. Therefore, I do not think that there is any necessity for granting any interim relief.

DR. V. K. JOHN : When do the Government expect to receive the report?

THE HON. SRI C. SUBRAMANIAM : As soon as the work is finished. (Laughter.)

Lung cancer

* 62 Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Health be pleased to state— 3.10 p.m.

(a) the causes of lung cancer;

(b) the incidence of the disease in our State;

(c) whether any investigation has been carried out by the Government to ascertain the effects of cigarette-smoking on different age-groups;

(d) the preventive steps taken so far or proposed to be taken to check the spread of the disease, viz., cancer of the lung; and

(e) the extent to which the problem of juvenile smoking has been tackled in our State?

THE HON. SRI A. B. SHETTY : (a) The cause of lung cancer is not definitely established. In recent years, statistical evidence shows some relation between heavy smoking for prolonged years and the incidence of cancer of the lungs. Other factors like tarring of the roads, contamination of the air by smoke and other industrial gases, also contribute to the cause of cancer of the lungs.

(b) The incidence of cancer of the lungs is not so much in India as in the Western countries. The surgical records of the Government General Hospital, Madras, show that 24 cases have been diagnosed as cancer of the lungs during the last five years.

(c) to (e) None so far.

SRI T. PURUSHOTHAM : Will the Hon. Minister tell us whether with the increase in smoking in recent years there has not been a rise in the lung cancer cases and some of them fatal too and whether the Government would take steps to bring home to the public the evil effects of tobacco and more particularly cigarette-smoking on the health of the people?

THE HON. SRI A. B. SHETTY : As I said, there has been great increase in cases of lung cancer in the last ten years in Britain and this increase was found particularly among heavy smokers and among people who inhale the smoke and among men more than in women. All these point to the fact that there is some relationship between lung cancer and heavy smoking. But, in India, cases of lung cancer are very few. As I have already mentioned, uterine cancer cases and mouth cancer cases are very much more common here.

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SRI V. CHAKKARAI CHETTY : May I know whether there is anything like a real agreement among the scientists who are competent to deal with cases of lung cancer? Because, I see in newspapers there are varieties of opinion expressed which are obviously in conflict with each other. So, no concrete steps can be taken by the Government unless the scientists are agreed on lung cancer cases. Conditions prevailing in Britain may not apply to people here in India and especially in Tamil Nád where chewing is more common than smoking.

THE HON. SRI A. B. SHETTY : Recently, two eminent medical scientists belonging to the research unit of the British Medical Research Council have published their views in the matter. They agree that there is definite relationship between lung cancer and heavy smoking.

SRI A. M. ALLAPICHAI : Is it not possible for the Government to see that smoking is restricted to some extent by law?

THE HON. SRI A. B. SHETTY : The question of banning juvenile smoking was considered by this Government more than once. Juvenile smoking has been banned by legislation in some States. But, it is very difficult to enforce it properly. There are many administrative difficulties. So, this State has not taken up the question of banning of juvenile smoking.

SRI T. PURUSHOTHAM : In view of the fact that medical evidence has made it clear that cigarette-smoking is very bad and more injurious than cigar smoking, will the Government institute an enquiry or order a research to be made into this dread disease and see if something could not be done by taking up the matter with the tobacco industry concerns, so that we can evolve a remedial process and also enforce an expert check on these products sent out of the factories before they are actually put on the market?

THE HON. SRI A. B. SHETTY : Sir, I have already stated that lung cancer has not become a serious problem in this country or in South India. Our problem is chewing betel with tobacco and lime which causes mouth cancer. Cancer of the cervix in women seems to be due to injuries caused during child birth which are left unattended to and which sometimes get infected.

SRI T. PURUSHOTHAM : As prevention is better than cure, may I appeal to the Government to take such immediate steps as may be considered necessary to see that we check the spread of this disease and also educate the public about the evil effects of heavy smoking?

THE HON. SRI A. B. SHETTY : Yes, Sir. Cancer weeks have been held and literature has been distributed to the public warning them about the dangers of cancer from such habits as I have mentioned.

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SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that the sum—total of questions put by the hon. Member Sri T. Purushotham—would create an apprehension among the heavy smokers, the result being that the number of smokers will become less and that will adversely affect the Minister for Finance and the Minister for Revenue as they levy a very heavy tax on cigarettes and beedis in this State?

THE HON. SRI A. B. SHETTY : Sir, it is very desirable that such a fear should be created in the minds of heavy and chain smokers and others.

SRI T. PURUSHOTHAM : Is it not a fact that the survey of this problem in western countries establishes beyond doubt that even apart from lung cancer, heart diseases are due to heavy smoking? If so, is it not necessary that we should take some steps for educating the public and also for conducting research into this matter?

THE HON. SRI A. B. SHETTY : Heavy smoking and chain smoking are all bad. Particularly, some people have the habit of inhaling smoke and it has become a great fashion nowadays. Such habits should be discouraged as far as possible.

DR. V. K. JOHN : Have the Government considered the question of introducing legislation for levying a heavy licence fee on smoking so that the revenue of the Government may be enhanced?

THE HON. SRI A. B. SHETTY : Experience in the working of Prohibition must make us wiser.

SRI T. PURUSHOTHAM : May I appeal to the Government to make a rule that the medical practitioners should not smoke in the presence of the patients at least, so that they may set an example to the patients?

THE HON. SRI A. B. SHETTY : It is left to their good sense.

SRI A. M. ALLAPICHAI : Is it not possible for the Government at least to make sufficient propaganda against this smoking so that our children and others may be weaned away from that habit?

THE HON. SRI A. B. SHETTY : It is very desirable that the parents, teachers and others concerned with the welfare and health of the younger people should make this propaganda.

SRI V. V. RAMASWAMI : Is there a proposal to ban betel chewing also?

THE HON. SRI A. B. SHETTY : Chewing betel with tobacco and keeping the cud in the mouth for a long time is really very bad.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware of the psychological effect of this smoking on those who have many

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worries? It may be due to other factors. But, in fact, they are able to forget their worries for the time being. Is he aware of that fact, Sir?

THE HON. SRI A. B. SHETTY : That is the reason given by those addicted to drink and drugs.

Thoppayar Scheme

* 63 Q.—SRI A. GAJAPATHY NAYAGAR : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have investigated the Thoppayar Scheme and prepared any estimates;

(b) whether the Thoppayar Scheme is included in the Second Five-Year Plan and if not, the reasons therefor; and

(c) whether it is a fact that Omalur taluk has been excluded from the Block Development area and if so, the reasons therefor?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Public Works) : (a) Yes, Sir.

(b) No, Sir; the scheme was considered as not worthwhile by the Planning Commission.

(c) No, Sir.

Marketing Society and Rural Bank in Taramangalam

* 63-A Q.—SRI A. GAJAPATHY NAYAGAR : Will the Hon. the Minister for Health be pleased to state—

(a) whether there is any Marketing Society and Rural Bank in Taramangalam, Salem district; and

(b) if not, the reasons therefor?

THE HON. SRI A. B. SHETTY : (a) No, Sir.

(b) Taramangalam is included in the area of operations of the Salem Co-operative Marketing Society and the Karaikattu Velayudar Co-operative Credit Society and there are no prospects of a separate rural bank being organized in this place.

Posts of District Health Officers and Municipal Health Officers.

3-30 p.m. * 63-B Q.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Health be pleased to state—

(a) the number of posts of District Health Officers and Municipal Health Officers sanctioned for this State;

(b) the number of posts which remain unfilled; and

(c) the reasons therefor?

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THE HON. SRI A. B. SHETTY : (a) Posts of District Health Officers—14; Posts of Municipal Health Officers—53.

(b) Four posts of Municipal Health Officers.

(c) Dearth of officers.

SRI M. ETHIRAJULU : May I know, Sir, whether the Government have any proposal to abolish the posts of Municipal Health Officers?

THE HON. SRI A. B. SHETTY : There is a proposal to extend the jurisdiction of the Municipal Health Officers by giving a portion of the revenue division for their work.

SRI V. V. RAMASWAMI : May I know the reason for the dearth of these officers? Is there any difference in their pay or is it due to prohibition of private practice?

THE HON. SRI A. B. SHETTY : The pay scales of Health Officers do not compare favourably with the earnings of clinicians. That is why the posts are not attractive.

SRI V. V. RAMASWAMI : Will the Government consider the question of allowing them private practice?

THE HON. SRI A. B. SHETTY : There is no such proposal.

SRI T. PURUSHOTHAM : Will the Hon. the Minister for Health tell us how many of the Health Officers are under re-employment after retirement?

THE HON. SRI A. B. SHETTY : Government have sanctioned the re-employment of 17 Health Officers recently. There was recently a selection for recruiting people for 50 vacancies. Only 15 candidates were selected and out of them two have been disqualified on medical grounds.

SRI T. PURUSHOTHAM : May I know what steps will be taken to get sufficient number of men trained as Health Officers in view of the statement just now made by the Hon. Minister?

THE HON. SRI A. B. SHETTY : We are now recruiting M.B.B.S. men as Health Officers and allowing them certain concessions so that they may take the required qualification of B.S.Sc., after they get into service.

SRI T. PURUSHOTHAM : In view of the fact that these people are denied private practice as stated by the Hon. Minister, will the Government consider the question of revising the scales of pay of the Health Officers to attract more medical men to take to this line?

THE HON. SRI A. B. SHETTY : That is one of the matters under consideration in connexion with the general revision of the scales of pay.

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DR. V. K. JOHN : What is the present scale of pay?

THE HON. SRI A. B. SHETTY : It is just the same as that of the Assistant Surgeons with a little additional pay.

Special allowance for workers in the Confidential section in the Government Press

* 63-C Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the special allowance for workers in the confidential section is paid to the concerned workers in the Government Press, Madras; and

(b) if not, whether the Government considered the proposal and with what result?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Public Works) : (a) Yes, Sir.

(b) Does not arise.

SRI T. PURUSHOTHAM : Will the Hon. Minister tell us how many are employed in the Confidential section and what is the nature of the allowance that will be given to them?

THE HON. SRI M. BHAKTAVATSALAM : About 18 or 19 are getting this extra allowance which ranges from 10 to 25 rupees per month.

SRI T. PURUSHOTHAM : From what date has this been sanctioned?

THE HON. SRI M. BHAKTAVATSALAM : From 4th August 1956.

MR. CHAIRMAN : Questions are over.

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

II.—ANNOUNCEMENT BY THE HON. CHAIRMAN *RE* MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN : I have to announce to the House that I have received the following messages from the Hon. the Speaker, Madras Legislative Assembly, dated the 26th and the 27th September 1956 :—

“(1) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956), as passed by the Assembly on the 26th September 1956 and signed by me, for the concurrence of the Council.

(2) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Agriculturists' Relief (Amendment) Bill, 1956 (L.A. Bill No. 19 of 1956), as passed by the Assembly on the 27th September 1956 and signed by me, for the concurrence of the Council.”

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III.—GOVERNMENT BILL.

THE MADRAS CULTIVATING TENANTS (PAYMENT OF FAIR RENT) BILL, 1956 (L.A. BILL NO. 4 OF 1956).

MR. CHAIRMAN : Hon. Mr. Manickavelu.

DR. V. K. JOHN : Sir, copies of the Bill were given to us only this morning and I am not standing in the way of the Hon. Minister moving the Bill. What I suggest is the general discussion may be had to-day—it may not be completed to-day—and the Bill may be taken up for consideration clause by clause to-morrow.

MR. CHAIRMAN : That is what we are going to do.

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

“That the Madras Cultivating Tenants (Payment of Fair Rent) Bill * 1956 (L.A. Bill No. 4 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

Sir, the Bill was introduced in the Legislature in January last. A Joint Select Committee to consider the Bill was appointed by the Assembly on the 28th January 1956 and by the Council on 31st January 1956. The Committee resolved to receive representations and oral evidence from persons interested in the Bill. At the meetings held on 20th and 21st April 1956 the Committee heard representations of landholders, Officers of the Hindu Religious and Charitable Endowments Department and other individuals connected with agriculture.

This Bill has been brought forward so that economic justice may be done to the small and poor tenants. While the majority of the Members of the Joint Select Committee considered that the Bill went a long way in helping the tenant and wanted only some slight changes to be made in the Bill, some of the Members opposed the measure on the ground that it will disturb the harmonious relationship now existing between the landholders and the tenants and that it will also hit hard the landowners, especially small and middle-class landowners who form the bulk of the agriculturists. Some other Members, on the other hand, suggested that the share of the tenant was not sufficient and should be increased to 75 per cent as has been recommended by the Planning Commission. I had discussions on the provisions of the Bill with the members of the Planning Commission when I had been to Delhi last month. I also visited Bombay and Hyderabad where the tenancy problem has been tackled very earnestly and studied at first hand the working of the land reforms in those two States. Taking into consideration the conditions prevailing in this State, the provisions in this Bill are deemed to be fair. They were subjected to a very careful scrutiny by the Joint Select Committee and this resulted in several changes being made in the Bill. The Assembly discussed the Bill and has

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made a few more changes. Some of the important changes made in the Bill by the Joint Select Committee and the Assembly are—

As it is very difficult in some areas to determine which is the principal crop and which is the catch crop, all crops should be shared without any distinction between the tenant and the landlord.

The benefit of the legislation should be restricted to the real tillers and not to those who take very large extents on lease and cultivate them with hired labour and, therefore, the Bill is to apply only to cultivating tenants with 6½ acres of wet land either as tenants or as owners or as tenant-cum-owners. To protect the marginal cases provision has been made that in the case of persons cultivating 10 acres of wet land they can surrender the excess over 6½ acres to get the benefit of the Bill. Instead of fixing a uniform rate of fair rent for all the lands, different rates of fair rent have been proposed for different classes of lands :—

	FAIR RENT
Wet lands	40
Wet lands where the irrigation is supplemented by lifting water	35
Other classes of lands	33½

If water is lifted by pumpsets installed at the cost of the landowner, the fair rent will be 40 per cent. It was also decided that one-fifth of the straw or stalk should be given to the landholder. In view of the peculiar nature of land tenure prevailing in South Kanara, it was decided that if any landowner is a mulgenidar, he should be entitled to have the rent payable by him to his superior landowner reduced in proportion to the reduction in the rent receivable by him from his cultivating tenant. In the case of intermediaries, they have been permitted to surrender the unexpired portion of their leases if the rent payable by them suffers a reduction by this Bill. In the case of lands cultivated with paddy, the landowner has been given the right to insist that the rent shall be paid in kind. Lands cultivated mainly with sugarcane and plantations were in addition to betel-vine excluded from the purview of the Bill. Rent Tribunals are to be presided over by officers not below the rank of District Munsifs and the Rent Courts and Rent Tribunals have been made subordinate to the High Court. I request that the Bill be considered.

MR. CHAIRMAN : Motion moved—

“ That the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

* DR. V. K. JOHN : Mr. Chairman, in any measure of agrarian reform the fair rent has to be fixed and I must compliment the Government on thinking at least now over this matter and trying to

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fix the fair rent. Whether the tiller is to become the owner of the soil and what market value should be paid to the owner should all depend upon the fair rent that is fixed. Therefore, I am glad that the Government have considered this matter, although I would have liked the question of fixation of fair rent to be part of a more comprehensive agrarian reform. The contention that sanctity of contract should be maintained, that the contract entered into between the landlord and the tenant should not be disturbed, will no more be available simply because the land is limited. Population is growing; we do not have many industries and there is also much of unemployment and consequently there is growing pressure on land. Therefore, the Government, while bringing in any measure of agrarian reform, should not only fix the fair rent but they should also see that the land is distributed to the landless persons. I do not know when the Government are going to bring in a Bill to distribute lands to persons who are landless.

Now, Sir, having read this Bill, I am of the opinion that it is very defective. First of all, it is too complicated for the layman to understand. This Bill, when it becomes an Act, is to apply to agriculturists. The agriculturists are illiterate people and I am quite sure, when even learned lawyers find difficulty in interpreting the various clauses of this Bill, the agriculturists will be very much embarrassed by the way in which this Bill has been drafted. I think this Bill could have been a simple one providing for fair rent. The assessment on land under the land revenue system is the share of Government in the produce. It may be one-sixth of the net produce. You can fix a standard for the share of Government. Suppose the assessment is one-sixth of the net produce; then five-sixths of the net produce remain. If we give three-fifths to the landlord and two-fifths to the tenant, that would be the proper way of fixing the fair rent. Instead of that, fair rent is fixed in a very complicated way in this legislation. There are three parties who share the produce. One is the Government, the other is the landlord and the third is the tenant. The Government collect the assessment as their share. Then there are the landlord and the tenant. If the tenant is cultivating the land, then the net produce that remains after the assessment is paid, should be shared between the landlord and the tenant. The fair rent that is fixed should be a multiple of the assessment. If the produce is thus shared, then I think all our problems could be easily solved. If the Bill had provided for this, it could have been a simple one. Only when you take away the land from persons who have got too much land or who own extensive acres, give the land to the landless and provide for the market value of the land being paid to the landlord in instalments, you can capitalise the net income from the land and for that also the fixation of fair rent as a multiple of the assessment would be very much better. Now, Sir, we have many provisions in this Bill which, I am quite sure, would lead to a flood of litigation. If you read this Bill carefully, you will find that, as soon as it

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becomes an Act and comes into operation, litigation will start. You have got authority to fix the fair rent. You have then the appellate authority. Then revisionary powers are given to the High Court. My opinion is that a Bill should not give room for litigation. A simple Bill, wherein the fair rent is fixed as a multiple of the assessment, would prevent much of the litigation which this Bill would certainly give rise to.

This Bill, in my opinion, would only accentuate the bad relationship between the landlord and the tenant. What we should do is to make them both live happily. We should so regulate their relationship that the agriculturists may live as a happy lot. But I do not think that this Bill would produce that result. This Bill is a complicated one and is not easily understandable. It will give room for litigation and it will also be a source of friction between the landlord and the tenant. I would suggest that Government must as early as possible, without taking two or three years for the same, introduce a comprehensive measure of land reform. As I said previously, in any measure of land reform, fair rent should be fixed. To-day there is much of rackrenting on account of pressure on land. I am not against the landlord or the tenant. I have my sympathy for the tiller of the soil. But I do not think that the landlords should be expropriated. We must see that no landlord is expropriated and, at the same time, we must see that no tenant is exploited. That is my firm view of doing justice to the agriculturists. What we should do in any agrarian reform is, in my opinion, to make the tiller of the soil the owner of the land, after the market value of the land is paid to the owner. Let the Government give him the option to purchase the land. No tenant should be compelled to purchase the land. But he must be given the option to purchase the land and pay the market value, which is a multiple, say, 20 times, of the rent payable to the landlord. This capitalized value may be paid in instalments and provision can be made for a bond which will be guaranteed by a co-operative society or a Government. That bond should be saleable in the market so that the landlord can sell the bond in the market. That bond must carry a fair rate of interest. This is the scheme which, in my opinion, Government ought to introduce. (Sri A. M. Allapichai: Can't the Government purchase the land?) I do not think it is necessary for Government to purchase the land. If the market value of the land is paid, the tenant becomes the owner of the land. That is what has been done in Germany, and in many other civilized countries which have introduced agrarian reforms. Agrarian reform is not new to this State alone. Germany introduced agrarian reform in 1811. The tenant was given a period of 30 years during which he could pay the market value of the land. Provision was made for a bond guaranteed by a co-operative society; the co-operative society collected the money from the tenant and paid it to the landlord. Annuities could be collected by the co-operative society and invested. At the end of the period when the full amount has been paid to the landlord, the bond is redeemed. That was the

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procedure which Germany adopted and later on many other countries followed that example. I do not see any constitutional objection to this procedure being adopted here. That can be easily done and that is what I suggest to Government. Government should know that the perpetuation of the relationship between the landlord and the tenant is an economic waste. This relationship will be a source of friction. You now give 40 per cent of the produce to the landlord and 60 per cent of the produce to the tenant. I assure you, within a few months, there will be an agitation that the tenant's share should be more than 60 per cent and that the landlord's share be further reduced. The only way to bring happiness and contentment to the agricultural population is to give option to the tenant to purchase the land that he cultivates. If he assigns his rights, the assignee will have that option also. Suppose the tenant leases the land to somebody else and that man is the tiller of the soil; the actual tiller of the soil should have the right to purchase the land, including the rights of the intermediary. This should be done without imposing any burden on the tiller of the soil. He should be allowed to pay the market value in instalments spread over a number of years. He will cultivate the land, raise the crops and pay the money that is due. In fact, one of the primary objects of agrarian reform should be to get the largest output from the land. I have read in books that after the agrarian reform in Germany was introduced giving option to the cultivating tenant to purchase the land from its owner, the production was thrice as much as it was before. It is not enough to make the cultivating tenant the owner of the soil. There are large numbers of people who are landless. Therefore, we must be able to take land from people who own extensive areas and distribute them to the landless. Now, Sir, there is an Act in England, called the Small Holdings Act of 1926. Under that Act, if any person wants to cultivate land, he applies to the local body concerned and that local body is bound to purchase a few acres of land for him and give it to him, and collect fair rent for 60 years, which will include the price of the land also. That was provided as early as 1926 in the Small Holdings Act in England. I do not see any reason why we should not develop our local bodies to discharge such a function. To-day they are not developed to such an extent, because the Government have neglected them and our people are also quarrelsome. But we cannot avoid it. It is inevitable that it is only through these local bodies that we can introduce these agrarian reforms and other things, for the betterment of our people and for the establishment of a Welfare State. Therefore, we must develop the local bodies and the local bodies must be able to purchase lands and give them to the landless people, if an application is made to them. The co-operative societies must be able to finance the landless person to whom some land is given. I would, therefore, very strongly suggest to the Government that they must consider agrarian reform in this agricultural State as one of great importance and give top priority to it. We have waited for a long time, as I said the other day, since 1946; we have had so many measures of agrarian reform.

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We are now in 1956. Still I do not know whether within the next ten years this Government, in spite of other pre-occupations, will bring in a comprehensive measure of agrarian reform which will satisfy the landlord and the tenant and which will also achieve the primary object of an agrarian reform, that is, getting the largest output from the land and distribution of land to as many persons as possible. (Interruption.) I am not sure whether the Government will do that at any time. It will be an indefinite period. I ask the Government to concentrate their attention on agrarian reform and to give top priority to it and not to allow other pre-occupations to stand in the way of their introducing that reform within a year or two. I hope the Government will do that.

* SRI T. M. NARAYANASWAMI PILLAI: Sir, we are obliged to the hon. the Deputy Leader of the Opposition for giving us ideas on the agrarian reforms which he requested the Government to introduce at the earliest possible opportunity. We are here concerned with the Fair Rent Bill. It is no doubt unsatisfactory to introduce a Bill on Fair Rent alone without its being made a part of a comprehensive scheme of reform. With regard to the objects enunciated by the hon. the Deputy Leader of the Opposition, viz., that there should be no expropriation and no exploitation, etc., there could be no objection to them and it is from these points of view that this Fair Rent Bill also has to be judged. But so far as the particular scheme referred to by the Deputy Leader is concerned, I have had occasion to go through some reports of experts like the Economic Adviser to the Madras Government; at the time when the Zamindari Abolition Bill was under consideration, a scheme was put forward by him. But there were so many difficulties that the Government thought it was not practicable then. I myself could not say why what was found practicable in Germany was not found practical here. We would reserve consideration of the merits of particular schemes. With regard to the acquisition of lands and distribution of them to the landless people, with regard to the scheme adumbrated by the hon. the Deputy Leader of the Opposition, I wish to say something. He wanted that not less than 4 or 5 per cent interest be given to the landlord whose lands were to be purchased and again he also said that the tenant ought to be allowed to pay that price in instalments. For how long? He did not specify that. "Leave the land in his hands for 20 or 30 years", that is what he said. Now, this 4 or 5 per cent interest, who is to pay and how to pay? Is it the tenant himself that is to pay in addition to the annuity he is called upon to pay or is it somebody else?

I have read something about the way in which the people of Israel have tried to have a Consolidated Fund with reference to the acquisition of lands in recent years. There is no better example than that of the people of Israel. Their lands are allotted piecemeal in bits of 3 or 4 or 5 acres. There is no expropriation. It is all outright purchase; it is all paid from out of the Jewish National Fund to which contributions are made by rich Jews all over the

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world. I do not know whether we would be able to constitute such a Consolidated Fund from which we can pay these landowners and by means of which we could afterwards distribute them to the landless people. Anyway it is worth considering. I leave it at that.

With regard to the actual measure under consideration, we have to consider the present circumstances. I for one do not say and do not lay a charge against the Government that it is a vote-catching device. In the Press and even in the Assembly, I found that the Government were charged with having brought in this measure merely as a device to help them in the coming elections. I do not know whether that is really the Government's motive. So far as we have seen the changes that have been made in the Bill from time to time during the sittings of the Select Committee and the passage of the Bill in the Assembly and the ultimate shape it has assumed, one can very well say that it is not entirely a Bill to help exclusively the tenants; the object seems to be more or less to help the tenants where they are in difficulties and if possible to help the small landholders; but in the second objective, they seem to have failed. So far as the tenants are concerned, the ultimate shape of the Bill after the passage by the Assembly, seems to be more or less a kind of equitable adjustment between the landlord and the tenant.

I was asking a landowner from Tanjore district this morning as to what he thought of the final shape of the Bill. He was furious and I think, for good reasons. For, so far as the people from Tanjore are concerned, on account of the changes that have been introduced, this measure perhaps hits these landlords much more than the landlords in other places. After the rent was fixed at 60 per cent in the Tanjore Tenants and Pannaiyal Protection Act, it has again been reduced to 40 per cent, without good reason and that is what he thinks and therefore it is hitting them in Tanjore in a harsh way. Apart from that, I have also been asking other landowners from other districts; they were also not satisfied with this measure, but only they were not so vehement as the landowners of the Tanjore district. Of course, as one who is neither a tenant nor a landowner I have been viewing it from more or less the standpoint of a citizen who is interested in the country, who is interested in fostering good relationship between the landlord and the tenant, who is interested in seeing that agricultural production is increased, and who is interested in seeing that really both the landlord and the tenant so work as to become members of a good family; this is a matter in which the Nation as a whole and the country as a whole is very much interested. Viewing it from this standpoint, I think the Government have not adequately realised the importance of the small landholder. Exemption ought to be given to him. Notwithstanding what all has been said, it is significant that the concession which they are trying to extend to the small tenant who wants to cultivate 6-2/3 acres has not been given to the small landholder. After all, what

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is the difference between the small landholder and the small tenant? If the small tenant should get the benefit of this Bill—he will get some benefit out of this Bill—why has not that concession been given to the small landowner? In regard to the small landowner, the Government have been, so to say, jumping from one blunder to another. They feel that his case ought to be supported and he ought to be helped; but at the same time, they hedge in his case with so many restrictions, practically nullifying the help proposed to be given to the small landowner. In a country like this with all its history and its association, it is more the small landowner that should be helped, in my opinion. After all, if this State has been progressing, it is because of this class of peasant proprietors. In our country, out of many lakhs of pattadars, these small landholders paying Rs. 30 and less as kist form more than 60 per cent and the extent of their holdings must be either 6-2/3 acres or much less than that. Therefore, if really the Government want to encourage production—and that is our main objective—they must encourage that class which has all along been doing this business of agriculture and which has been doing it in a thrifty way and trying its best to help itself and help others. On the other hand, if they do not want to help those people and if they want to help the tenant class even in respect of these small holdings, where are they to go? It is recognized that this class consists of many helpless women, disabled people and people who depend mainly upon the land for their livelihood. Now, what is the justice done? We must have social justice. I ask sincerely what is the social justice done in driving away people of this class and practically driving them away out of this important industry and then trying to help another class, the tenants. After all, the net result would be that the Government are going to help neither the tenants nor even the landlords. As was pointed out, it will end in creating discord and strife between two sectors of a very important industry which is bound ultimately to affect production. Therefore, if productivity is our objective—and it must be so at a time like this—surely this kind of neglecting or completely driving away the small landholder is very much to be regretted. That is one of the defects I see in this Bill. There is a difference between the way in which the tenant is treated and the small landowner is treated. The tenant is given 6-2/3 acres of land. Why should not the same concession be extended to the small landholder? Why should there be so many restrictions? The definition of "personal cultivation" is very vague and it creates difficulties. Therefore, it is very necessary that this definition of "personal cultivation" should be so revised as to include really people who want to resume lands for *bona fide* personal cultivation and take up the cultivation. No impediment should be placed in their way. That is one of the defects which I see in this Bill and I think the sooner it is remedied the better. If we read the history of the progress made, it looks as though the Government have a policy to try to import into this sector more people than it can even support. If one reads the history

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of some other countries, one will find that in America a man produces for 14 people and that in Scandinavia one man produces for about 4 people. But here, one man produces for himself and perhaps one-fifth of the needs of another person. More than 80 per cent of the population are engaged in agriculture. But one man produces for himself and for one-fifth of the needs of another person. That is not the way in which we can improve agriculture. Less people should be engaged in agriculture and more people should be diverted to other occupations or industries. The Government should be prepared for it. Otherwise, it is not as if the whole country would be better off. Whatever it is, those owners of land who have only 6-2/3 acres of land must be taken special care of and they could not be taken care of by merely saying that is a question of dividing hardship. They could not be helped by saying, 'I am helping two persons when one person alone could be helped.' We should not concentrate upon helping only the class of tenants. What now happens to the present landowner class will happen later on to the tenants. Now, I am not against tenants. I am not against help being given to them when they are in difficulties. I am not against increasing the share which ought to be given to the tenant. At the same time, some kind of concession or help ought to be given to the small landholder to the same extent and on the same basis as to such tenant. Otherwise, it amounts to discrimination; it is a discriminatory piece of legislation so far as the small landholders are concerned. That is what I want to say first.

With regard to the other changes which were mentioned by the Hon. Minister, no doubt they have improved the lot of the landholder during the passage of the Bill in the Assembly. Of course, the provision relating to his right to get a share of the produce in paddy if paddy is cultivated and then the other changes referred to by the Hon. Minister have improved his position. There is only one point which, I think, he might think of adding. That is with regard to the discretion about the kind of crop to be raised. Now, it looks as though the small landholder or the big landowner, whoever it is, cannot have any discretion in the matter of choice of the crop to be raised. The discretion is entirely left to the tenants. Is it just? What is the harm caused to the tenant if the landholder who is the owner of the property has the discretion with regard to the crop that is sought to be raised? I tried to find an answer to this question and I found none. Therefore, if along with the concessions now granted by the Assembly, this concession is also added, namely, giving discretion to the landholder to raise the crop which he thinks will be useful in respect of the land, I think we will be advancing agricultural productivity much more than otherwise. I am really glad about the provision granting liberty to the landlord to insist upon compulsory manuring of the lands by the tenants or to help the tenant with advance up to 10 per cent and to recover it from the share of the tenant. After all, one fault of the present system is that the tenant may

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not have the same incentive and may not cultivate and keep up the fertility of the land as much as is desirable. But, happily, something has been done and I think that defect has been rectified to some extent. At the same time, the approach is something which is not quite happy. What is the harm in a small landowner owning property? The whole matter has been viewed as if there is something wrong in being an owner of a land however small the extent might be. It might be on account of the concept of social justice and on account of the fact that undue concentration of wealth in big people ought to be prevented and that there should be wide distribution of property such as land. But, at the same time, what is wrong in one man being the owner of a property, a small land? On the other hand, what we have been doing is to take away from him the attributes of ownership. Happily, as I said, to some extent, it has been reduced and one other way it ought to be done is giving the landholder discretion in the choice of the crop to be raised.

4 p.m. Another point which strikes me is this. This Bill produces a system of sharing of the produce. No doubt, theoretically it may be good. Nobody says anything against it. But the tendency has been, in the history of this land reform, to reduce to as little as possible the waram. I understand that in Tirunelveli there are two kinds of systems including the pattom tenure, a kind of fixed rent. By this they helped the small landowner and also gave some incentive, I should say, sufficient incentive to the tenants to produce as much as possible, because what remained after paying the fixed rent went to the tenant entirely. That was the customary way in which wet lands were cultivated in that district. This system that was prevailing in the Tirunelveli district and possibly some other districts also has been given the go-by. I ask, "What advantage is it to give the go-by to such a system which would ensure to the tenant all that was necessary?" If on the other hand you have the sharing system, the landlord will not take much interest in improvements and will say, "Why should I bother myself? I am not going to get anything more. So, why should I put extra effort?" On the other hand, the tenant will also say, "Why should I trouble myself? If I put more work and increase the produce, a part of it will go to the landlord also. So, I will not do that". That is why, wherever the system of sharing was in existence, even in the case of the Estates Land Act, provision was made for commutation. We do not want commutation as such. At the same time, I feel that some sort of commutation with regard to the produce is necessary. I do not know why that system wherever it has been in existence has now been given the go-by and has been taken away as though by one stroke of the pen. The present system of sharing will be injurious to production as such. It will produce discord among the landlords and tenants. Already, we see it from the amendments moved in the other House. There were amendments about the place where the sharing is to take place. Now, we have the clause stating that this sharing will be done on the

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threshing floor. As pointed out by the hon. the Deputy Leader of the Opposition, all this will lead to friction, difficulties and embitterment between the landlord and the tenant. It is now too late to change the whole thing. I know it will be very difficult. But, any way, we must take the earliest opportunity to remedy this defect. So far as the Government are concerned, there may be resettlement for a period of say, 30, 20 or 10 years. We may fix the quantity which the tenant should give to the landlord taking into consideration the fertility of the land, nearness of the market, the prevailing situation and things like that, and also the source of irrigation. I look upon the question of sharing of the produce with some amount of apprehension. It is not a very happy introduction.

THE HON. SRI M. A. MANICKAVELU: Contract is not precluded. It will apply only in the absence of the contract.

* SRI T. M. NARAYANASWAMI PILLAI: We have to be clear in these matters. You may very well state "Subject to the custom prevailing in every district". It looks as though the other aspects have not been taken into account at all. That is what strikes me.

THE HON. SRI M. A. MANICKAVELU: Clause 5 only states, "The fair rent in respect of any land may be paid either in cash or in kind or partly in cash and partly in kind, in accordance with the terms of the contract between the landowner and the cultivating tenant; in the absence of such a contract, the fair rent may be paid at the option of the cultivating tenant in any one of the above ways . . ." There may be pattom and other things in existence. The only thing is that they must not go beyond the ratio fixed.

* SRI T. M. NARAYANASWAMI PILLAI: Therefore, there will be a dispute. You have provided for contract, you say. But, this sharing will come in. If the pattom rent is higher, it will be given the go-by and this sharing will come in. To me it looks as if the present Bill does not provide for the continuance of some of the old systems which are prevalent now.

With regard to the Rent Tribunals, Rent Courts and revision by the High Court, one does not wish that these questions should be taken to the High Court. It looks as though every question is going to be agitated. As pointed out by the hon. the Deputy Leader of the Opposition, we must do something to reduce bitterness among the landlords and tenants and establish good relationship between them. Of course, that could not be done single-handed by the Government. Having regard to the usefulness of the industry and to the fact that lands are our national asset, I think everybody should see that indefiniteness in the provisions is not taken advantage of and that the relationship between the landlord and the tenants does not deteriorate. If we allow such a

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relationship between them to deteriorate, I am afraid not only production will suffer, but also the law and order situation will deteriorate and perhaps we will be going in for some serious trouble which we cannot arrest at all. With these few words, I do welcome this measure.

(Deputy Chairman in the Chair.)

SRI K. BALASUBRAMANYA AYYAR : Mr. Deputy Chairman, I have been pursuing this Bill from the date on which it was introduced, when it was before the Joint Select Committee and now when it is before us. So, I do not propose to enter upon any general consideration. I have often stated my views about land reforms and other things connected with them. So, I should like to confine myself on this occasion to the particular Bill before us and the changes that have taken place in the Bill and certain changes which, I think, are still desirable not from the point of view of any particular section in the agricultural sector but from the point of view of the smooth, just and fair relationship that must exist between the landowner and the tenant. In all these discussions, we are handicapped by the fact that we have not got very accurate statistics for the various parts of our State. The land tenure, the cultivation expenses, the contracts between landlords and tenants, the crops that are produced on the land and all these things vary from district to district and sometimes from taluk to taluk even. Therefore, when one embarks upon a legislation of this kind, just as the Planning Commission has insisted, one must have statistics about the holdings, crops, the relationship between landlord and tenant and also a general picture of conditions obtaining in the various taluks and districts of our State. But, unfortunately, that literature is not completely forthcoming in our State. There was a land census report which was placed on the table of the House. It has been arranged in such a fashion that one finds it very difficult to understand in a real way what the situation is. First, they have converted everything into dry acreage and then this acreage has been converted into sixteen annas and so on. I looked into the report very carefully and it took a lot of time for me to understand even a little. It is not easy for one to find out what the report says and what the conclusions are. I would very much wish that the Government, after placing all these on the table of the House, had given us some of the conclusions they might have arrived at on the basis of this report. It would have helped us all in coming to correct conclusions. The Government are not very much bothered about criticism in this House. But, in the other House, they are subjected to very severe criticism by those who espouse the cause of the tenant. That is how they have worked out this 88 1/3 per cent. The Hon. the Minister for Revenue has acted like the father of the prodigal son. But I must point out that even the Government do not have full statistics. For example, we do not have figures about cultivation expenses. I tried to get figures from various sources, but sometimes those figures vary. But, on the whole, we can find out the average. There are very

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many difficulties in the way of our getting accurate statistics even as regards cultivation expenses. The Hon. the Minister for Revenue has been saying "roughly one-third". Recently, a memorandum has been submitted to all legislators by the Nagapattinam Chamber of Agriculture. This relates chiefly to Tanjore, though the Chamber does not say so. It is stated in the memorandum that the gross yield from 5 acres varies from taram to taram. In Tanjore, there are 12 tarams. Taram I refers to a first-class land. The gross yield per five acres of such land is 271 kalamas. The landholder's share, according to the present Bill, is 108 kalamas. The land revenue in terms of cash is 100 rupees or 20 kalamas in kind. This may become less since the Government are anxious to reduce agricultural prices. Then, for repairs and kudimaramaths, five kalamas have been set apart. So, land revenue and repairs take away 25 kalamas. The landholder's net share will be 108 minus 25 kalamas, that is, 83 kalamas. The tenant's share, on the other hand, is 163 kalamas. As we proceed further, we see the share becomes less. Let us take taram 12, for example. The gross yield for five acres is 73 kalamas. This is so in Tanjore. In other places, it will be much less. The landholder's share out of this is 29 kalamas. The land revenue will be Rs. 25. Kudimaramath takes away another five rupees. The balance left with him will be 19 kalamas. All this is for a five-acre holding and that is a proper unit to adopt. (The Hon. Sri M. A. Manickavelu : Cultivation expenses come to a fifth.) I am referring to all this not to help one party or another. These figures may not sometimes be in consonance with our impressions. In Tanjore district, the cultivation expenses are less than in other places. The figure for actual cultivation expenses has been adopted from the detailed statement furnished by experienced landholders in Tanjore district. Sri A. M. P. Subbarayalu Chettiar is a very responsible person. He says that these are the expenses. In places other than Tanjore, they will be much more. Then, one will find that in the case of small landholders, their share is a pittance. The Planning Commission, taking 16 ounces as the average requirement of an adult, has put the total requirements of a family of five members at 45 kalamas of paddy. What is it that the 12th taram man gets? 19 kalamas. Seventy-seven per cent of the people are those who are occupying from the 12th to the 4th tarams in Tanjore, according to this report. The 4th taram land will get him only 57 kalamas; the 5th, 51 kalamas; the 6th, 43 kalamas; the 7th, 36 kalamas; the 8th, 33 kalamas; the 9th, 31 kalamas; the 10th, 28 kalamas and the 11th, 26 kalamas. I have already referred to the 12th taram.

SRI O. P. RAMASWAMI REDDIAR : Tanjore is a fertile district.

SRI K. BALASUBRAMANYA AYYAR : Tanjore is a fertile district. Let us imagine what will be the fate of those landholders who have got five acres only. They are in a majority. The Deputy Chairman was under the impression that many people did

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not have lands and that lands were concentrated in the hands of a few persons. He thought that the extent of such lands was large. That is not correct. That is only our impression. You will find from the figures of the Planning Commission that the smaller holdings total more in extent than the lands which are in the hands of a few people.

DEPUTY CHAIRMAN: What I stated was with reference to the whole country.

SRI K. BALASUBRAMANYA AYYAR: Now I realize it. Unfortunately, as I have been constantly repeating, the situation here in our State has not been fully appreciated by our Planning Commission. That is the difficulty here. Small landowners are too numerous here.

SRI O. P. RAMASWAMI REDDIAR: Ninety-five per cent.

4-20 p.m. SRI K. BALASUBRAMANYA AYYAR: That fundamental fact has been lost sight of in this Bill. I have come in touch with many of them. So many of them are feeling very much over this Bill. They are very anxious. To-day I received three telegrams. The hon. Member Sri T. Purushotham also might have received some telegrams, from various parts of the districts, requesting that small landowners at least should be exempted from the operation of this Bill, just as they were exempted from the Tanjore Tenants and Pannaiyal Protection Act by the provision there that that Act would not apply to landlords owning less than 6-2/3 acres. But no such provision is found in this Bill. Ten acres should be the unit and all persons owning less than 10 acres should be exempted from the purview of this Bill. One plough unit is 5 acres. That is what is stated. With the proposed share of 40 per cent of the produce, people owning less than 10 acres cannot subsist.

There is also another factor. There is the kist. It is a figure that varies with the price of paddy. We are all anxious and the State Government and the Centre are anxious that the prices of agricultural produce should be reduced. When the prices of agricultural produce are reduced then the number of kalams that have to be set apart for paying the kist would become more. I cannot say that the price of agricultural produce should be high so that I may have to sell only a few kalams of paddy to pay the kist. During the years 1981 and 1982, one kalam of paddy sold at Re. 1 or Re. 0-14-0. Now it is selling at the rate of Rs. 7 per kalam. Therefore, it is now seven times the rate at which it used to be sold during the years 1931 and 1932. Suppose it sells now at Re. 0-14-0 per kalam. Then the 40 per cent of the produce that is now given as the share of the landlord would be eaten away by the kist, because the kist has been remaining stationary all along. In those days we used to clamour against the collection of land revenue. We used to say that it was very high and was causing havoc to our people because most of the paddy had to be sold for paying the kist. But now, because of the increase in the

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price of agricultural produce, we have forgotten about the land revenue. Prices of agricultural produce are soaring high. I mentioned some of the reasons for the same on the last occasion. I do not want to repeat them now. When the kist has not been reduced and when the prices of agricultural produce are soaring high, Government cannot by one stroke of the pen say that they would fix a uniform share of 40 per cent of the produce for the landlord. The kist has got to be paid in cash and for paying the same, some paddy has to be sold. If the price of paddy is high, the number of kalams to be sold for paying the kist becomes less. The kist has not been reduced. It is 30 years since the revenue settlement took place. Therefore it is I say that the fixation of 40 per cent as the share of the landlord in the produce is not correct. That percentage should be determined from time to time and not allowed to remain as it was. There should be exemption granted to the small landowner owning less than 10 acres. That provision should be there. But it is absent now. Without such a provision, there is no salvation for the small landowners, for whom my hon. Friend Sri T. M. Narayanaswami Pillai has been pleading very strongly. I am here to express on their behalf their grievances and to state how acutely they feel over this fixation of fair rent. Some exemption ought to be given to those people. That is the first important and fundamental proposition that I want to put forth. At least, on a future occasion that exemption should be given. The present moment may not be the opportune time. It is all over now. I know that my speech at present is like the one delivered at a funeral ceremony. The Assembly has discussed and passed the Bill. The matter is almost over. It has been said that the Government have been trying to support the views expressed by the Opposition in the Assembly. But I must say that the Government have been considering the whole problem with a view to do justice both to the landlord and to the tenant. I cannot say that they have not done so. But I am anxious that they should do justice at all points. Therefore it is that I am stressing the need for exempting the small landowners from the purview of this Bill. We should do them justice. Under the Tanjore Tenants and Pannaiyal Protection Act which was introduced in 1952, the landlord was given 60 per cent share of the produce. Four years have passed and we are now in the fifth year. But now suddenly the share of the landowner is reduced to 40 per cent. We gave five years' security of tenure to the tenant at Tanjore under the Tanjore Tenants and Pannaiyal Protection Act. There has been quiet in Tanjore district since then. There has not been any disturbance. Therefore, the example of Tanjore ought to have given some guidance to the Government to extend that Act to other parts of the State. But, instead of doing that, Government are now fixing the uniform rate of 40 per cent of the produce for the landlord throughout the State. The case of Tanjore is quite different. It is the granary of South India. Since the passing of the Tanjore Tenants and Pannaiyal Protection Act, there has been quiet there. Moreover, under the Tanjore Tenants and Pannaiyal Protection

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Act, those owning less than one veli (6-2/3 acres) were given exemption. But now even that exemption is taken away. This Bill supplants the Tanjore Act. I gave expression to my views in the Joint Select Committee. I said that because of the calm that was prevailing in Tanjore since the passing of the Tanjore Tenants and Pannaiyal Protection Act, it would be better to exempt Tanjore from the provisions of this Bill. I pleaded for keeping the Tanjore Tenants and Pannaiyal Protection Act separate, just like the Malabar Tenancy Act. But the Hon. the Finance Minister said that we should not make any distinction between the tenant at Tanjore and the tenant at any other place. He said that this Bill should apply to the whole State. I say it is very difficult to apply a uniform rule so far as tenancy legislation in our State is concerned. The sooner the Government give up such an idea, the better for them. Various circumstances have to be taken into consideration. Some changes have to be made. Have not changes been made so far as sugarcane cultivation is concerned? Very big landlords in Tanjore have taken to sugarcane cultivation. I am not speaking against them. Tanjore is the granary of South India. The major crop grown there is paddy. But either anticipating coming events or because of their interest in sugarcane cultivation, some big landlords have now taken to sugarcane cultivation. What do the tenants there do now? They do not now get any paddy at all. This 40 per cent share cannot apply there. Therefore it is that I say that we have to make a distinction between the tenant at one place and the tenant at another place. We cannot have a uniform procedure for the whole State.

We have tenants in various lands belonging to religious institutions or charitable endowments. The fixation of fair rent for those lands will reduce the income of those religious and charitable endowments very much. This 40 per cent share supports a large number of people including Harijans.

4.30 p.m. The Commissioner for Hindu Religious and Charitable Endowments submitted a memorandum to the Joint Select Committee when it was sitting and the Deputy Commissioner came and gave evidence before the Committee. I shall only read the last paragraph of the Commissioner's memorandum:—

“ If, for any reason, general exemption is not granted to the religious institutions from the provisions of the Bill, at least the State Government should pay such compensation to religious institutions for the loss that such institutions might suffer by diminution of the income under the provisions of this Bill. Similar compensation in favour of the religious institutions has been fixed and paid under the Rent Reduction Act and the Estates Abolition Act.”

(Mr. Chairman in the Chair.)

Under these two Acts, compensation has been paid and is being paid. I know very well the Education Society here in Madras which had lands from which the shrothriam was taken away by

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the Government; they are paying compensation for any reduction. Therefore, Government have to do the same thing here and that is the prayer of the Commissioner for Hindu Religious and Charitable Endowments. It was also supported and fortified by the evidence given before us by the Deputy Commissioner. Therefore, it is not possible for us to make the same rules as regards the tenants in various parts of our State. It is not at all possible because the circumstances are like that. Suppose in the case of widows maintenance is reduced suddenly, they will have to go to the Court for enhancement of maintenance and so many such complications will really arise. Lands are owned by different categories of people. We must take that into account and we cannot say that tenants are all of the same kind. It is not possible to do like that. In the Bill itself it was accepted in the case of lands enjoyed by religious and charitable institutions and many tenants were given lower rents, and services which they render during festivals were specially put here. Therefore, we have to make a difference. Though it appears logical and consistent, differences between tenants cannot be fitted in with the facts of the case or realities of the situation. Therefore it is I am stating these points.

This 40 per cent share has for the first time been mentioned here. The Tamil Nad Congress Committee which went throughout our State and which took evidence from many of the landowners as well as tenants, recommended in their Report that the share of the landowner and that of the tenant might be fixed at 50:50. Already we have the Tanjore Tenants and Pannaiyal Protection Act wherein the share of the landlord has been fixed at 60 per cent. Before that we had our Subramaniam Committee and also Raghavendra Rao Survey Committee. They all recommended 45 per cent or so. At no time was it put at 40 per cent up till now. They all took evidence; they didn't do it out of their own feelings for landlords and they did not do it for doing justice to one group or the other. After investigating the full problem and after taking evidence, they made their recommendations. (The Hon. Sri M. A. Manickavelu: Some other responsible people have suggested 20 and 25 per cent also.) I want to refer to those who, after careful survey and examination, made their recommendations rather than other people. The Congress Committee, the Committee of the ruling party, went into the whole question and they did not recommend this 40 per cent. This 40 per cent is mentioned for the first time only in this Bill and evidence was also given before the Joint Select Committee by all landowners of our State in which they categorically were of the opinion that the share was unfair. Simply because there is some general feeling that the tenant should be helped, we should not do unjust things. I am not against helping the tenants. But in what way they should be helped is the question. The share to which they should be made entitled should be fair and proper.

The Andhra Congress Land Reform Committee proposed only 50 per cent for lands with first-class sources of irrigation. There also the tenure is the same as here. But still in Tanjore district

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where the lands are fed by river irrigation, registered irrigation sources, well-protected by the Public Works Department, there is no difficulty for the tenant. Simply water comes into the land. That is all. Before the construction of Mettur Dam, even manuring was not necessary, because the river itself furnished all the beautiful manure that was required for the fertility of the land. But, unfortunately, after the Mettur Dam was constructed, that has been very much reduced. Still the work of the tenant is very little. Both of them are enjoyers of the land; both work equally. Therefore, there can be no difference between the two. So far as cultivation expenses are concerned, their labour is not dear or wage higher. I know in other districts at least, labour costs more and it is more difficult to get it. Therefore, some difference ought to be made in the case of lands which are river-fed, which have first-class irrigation sources. There, the Andhra Committee did it with a realistic sense and with due appreciation of the facts of the case and said that in the case of lands with first-class source of irrigation, the share of the produce given to the landlord may be 50 per cent. Somehow, I have begun to feel that the Andhras are progressing and all along the Andhras have been progressing step by step. They wanted Visala Andhra, they have got it; they are getting so many other things. While we in Madras have been reduced from district to district and even our border disputes have not been settled yet, they are becoming bigger and bigger, next only to Bombay and Uttar Pradesh . . .

DR. V. K. JOHN : May I ask whether the hon. Member thinks we are wiser in having reduced ourselves?

SRI K. BALASUBRAMANYA AYYAR : Events 'will show whether we are wiser or not. Let us see.

Therefore, I say that the fixation of this share is unfair, while I am not objecting to the various grades that have been made in the Bill. I still say that in the case of lands with first-class source of irrigation, in the case of lands which are river-fed, where the cultivating tenant has no trouble and where his work is almost equal to that of the landowner, their share may also be 50 and 50. With this object only, I have given notice of an amendment, though the fate of it I certainly know very well.

These are some of the aspects I wanted to put before the House. About determination of the crops, already my hon. Friend Mr. Narayanaswami Pillai has dealt with it and, therefore, I do not want to repeat them. There are many matters other than sharing of product. Merely saying that we must give a larger share to the tenant will not work all right. When it comes to a question of seeing that the land is manured, that the land is made fertile and that production is kept up, the Government look to the landlord. Therefore it is we find various provisions in the Bill in which it is stated that the landlord can undertake manuring expenses and recover the amount from the tenant. The landlord may also manure

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with oil-cakes and chemical manures up to 10 per cent of the total gross produce. How much is that? How can he know that? How can he have an estimate of the money to be spent? All these seem to be very difficult. What does that show? That shows when it comes to a question of production from the land, when it comes to the real crux of the problem, they look to the landowner. There was even a suggestion in the Joint Select Committee to compel the landowners to do that. That amounts to reducing the share with one hand and compelling the landowner with another to undertake all the expenses for the improvement of the land. However much the land would have been improved by the use of fertilizers, he can recover barely the expenses while all the benefit of production is given to the other person. All these things show that we cannot dispense with the landowner. We cannot raise the cry that the tiller of the soil will be the owner. That cry is quite right as a slogan. But when we come to the real facts of the case, it is otherwise. I am addressing all these things to the Hon. the Revenue Minister who is fully apprised of all these difficulties. That is why I am emboldened to say all these things. But the situation is very difficult. Several forces are at work and the Government are handicapped for want of facts and figures. The whole evidence tendered before the Joint Select Committee was not at all thought of at the time of the sitting of the Committee at Ootacamund. The attempt made to consider it made no impression upon any of the Members. That was the strange thing I found. So, I even felt hopeless. Landholder after landholder—I do not want to use the term 'landlord' as if he were a lord—representatives of Associations of landowners, Presidents, Secretaries and other officer-bearers came there and gave evidence on the facts submitted by them. The only request made on behalf of the tenants was, "Please go over to our places—so that we can stage demonstrations." They did not say the latter part, but I add that. That was the only thing that they said. All these things happened. I am not exaggerating things. If there is any exaggeration, I am subject to correction by the Hon. Minister. Still, some general theory was adumbrated. One Member—he knew the psychology of our legislators—stood up and said, "We have already said to our people that it would be 40 per cent." It has been decided by him and how can we interfere with it? (Laughter.) I am not putting it in any caricaturing form, but I am depicting the mentality or psychology behind the statement. That is why I say with all due respect to our Government and to our people that all these things have to be thrashed out by committees appointed specially for the purpose. There may be legislators on that committee; there may be experienced officers. From the Subrahmanyam Committee Report, not even the definition of "personal cultivation" has been taken. It has been shelved practically. Excepting myself, no other person ever takes care of the Subrahmanyam Committee Report though there were two Subrahmaniams on that Committee. One was Sri M. V. Subrahmanyam, Member of the Board of Revenue and the other Sri C. Subrahmaniam, our present Finance

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Minister. What I am stating is that we must do things based upon facts produced before us, and evidence tendered before us. Of course, evidence is a thing which one can accept or reject. But, still, we have to proceed upon some basis. Therefore it is that I say that the share of the landholder being fixed at 40 per cent does not do justice to the small landholder. That is my view. It does not do justice to the facts of the situation.

Of course, at the end, I have to concede that the original Bill has been improved during its passage through the Joint Select Committee and the Assembly. All credit for that is due to the Hon. the Revenue Minister. I am not unmindful of that. But, still, when I see the large number of small landowners who are coming to our doors and are asking us, as if we have got any power, to help them and speak in the Assembly or in the Council—you may be surprised when I say all that—I have to be here to voice forth their feelings. That was why the hon. Member Sri Narayanaswami Pillai, who generally speaks cautiously, to-day spoke very strongly. That was because some people had represented to him also, not because they were agitators. If they had been mere agitators, what would they have done? Like Sri Sivagnana Gramani and others, they would have been here for staging a demonstration and they would have been arrested. But they are not agitators. I am not discounting the agitation of these people, but they do not know this sort of agitation. They do not know how a democratic Government can be impressed by demonstrations, arrests and so on. All these small landholders only want their cause to be espoused before the Government and in the Council. Therefore it is that I am stating at some time or other—it is no longer possible in this Bill—when prices of agricultural produce go down and when the position becomes difficult, the share of the landholder may be raised a little, although the agitation might be there now and there may be walk-outs because people bargained for 33½ per cent.

* SRI T. PURUSHOTHAM: Mr. Chairman, having been a Member of the Joint Select Committee, I feel that I am at a disadvantage as I feel I could not refer to the various provisions of the Bill except with regard to the points raised by me in my dissenting minute. The Bill has undergone several changes even after the Joint Select Committee reported on it. I should just like to mention a few matters about which I feel very strongly and about which I had also mentioned in the Joint Select Committee during its sittings. Firstly, I should express my entire sympathy for the small landowners and agree with all that the hon. Members Sri Narayanaswami Pillai and Sri Balasubramanya Ayyar have just now said. I should particularly like to mention that in this class of landowners there is a large number of Government officers and middle class Government servants. They had to leave the village and go and work elsewhere. After retirement when they go back to the village, they will find themselves in a

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sorry predicament if this Fair Rent Bill is put into operation in their case. That is why, having been a Government servant myself and known their conditions too well, I cannot but support the able plea put forward on behalf of the small landowners that they should be exempted from the operation of this Fair Rent Bill.

I should also like to impress on the Government the position of lands belonging to religious endowments under the Fair Rent Bill. The 40 per cent share provided for in the Bill would adversely affect the income of the temples. As stated by the hon. Member Sri Balasubramanya Ayyar, the Commissioner for Hindu Religious and Charitable Endowments has pointed out in his reports to the Government and also in the evidence that he tendered before the Joint Select Committee on the subject that the temple income would go down in most cases as the 40 per cent share would be much less than the share they now receive from the endowments by the lease of the lands in public auction which is the procedure now adopted. I should, therefore, like to impress on the Government that in view of the imperative necessity for the preservation of temples and the preservation of the connected art and architecture, these lands should be exempted from the provisions of the Fair Rent Bill. If, however, the Government should take the view that no distinction could be made between the lands of the private landowners and those of the religious endowments, I would plead that the Government should consider the question of making good the income lost by these religious institutions by the passing of the Fair Rent Bill. This, I think, is a most reasonable proposition. The Government have provided for payment of a similar compensation in the case of the estate lands belonging to temples which have been taken over. If, however, nothing could be done for the payment of compensation and if they cannot accept any of the alternative proposals put forward now, I think the Government would do well to take over the lands of all these temples and constitute a Consolidated Fund as has been done by the Travancore-Cochin Government and make proportional annual grants from the Consolidated Fund for the administration of the temples on the basis of the average income that they got before the passing of this legislation. That seems to be the only possible way to preserve the temples and the temple arts and architecture.

4-50
p.m.

One other matter, and I have done. I have always said in this House that the Legislative Assembly and the Legislative Council should be treated alike with regard to the provisions made for the exercise of the rule-making powers delegated by the various Acts to the Government, subject to ratification of the Legislative Assembly and the Council. This subject of equal treatment of the Assembly and the Council was pressed by me on more than one occasion. Sri C. Rajagopalachari, when he was the Chief Minister, assured this House, that no distinction would be made between the two Houses in such matters of legislative control over the

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rule-making powers of the Government. I am constrained to refer to this, because, I am sincerely sorry that in spite of the vigorous pleas put forward here and in spite of the example that I quoted that in the Madras Cultivating Tenants Protection Act, there is a provision that such powers are vested equally in both the Houses of the State Legislature, the Government do not seem to care to consider this simple proposition of mine. Even yesterday, in the case of one Bill, this difficulty arose. I do not see any reason why the Government should not issue strict instructions to the Law Department to see that in drafting the Bills a uniform procedure is adopted and a uniform provision is made. I am only sorry that the Government have not thought it fit to consider the dissenting minute and the remarks made by me.

MR. CHAIRMAN: Will the Hon. the Minister for Revenue reply now or tomorrow?

* THE HON. SRI M. A. MANICKAVELU: Personally, I would like the first reading to finish to-day. But, if the general sense of the House is for continuing the discussion tomorrow I have no objection.

* SRI A. GAJAPATHY NAYAGAR: I want to speak, but I will take some time. There are certain points to be clarified.

MR. CHAIRMAN: I am not stopping the hon. Member from speaking. I am asking him to speak. The only thing is that we have to adjourn at 5 o'clock. He can continue his speech tomorrow.

* SRI A. GAJAPATHY NAYAGAR: All right, Sir. This Bill, called the Fair Rent Bill, must be understood in its proper perspective. It is intended for the purpose of determining fair rent. It does not pretend to touch all the aspects. It is not a comprehensive Bill, so to say, covering all aspects of land reform. We are conscious that there are several constitutional difficulties which prevent us now from bringing forward a comprehensive reform. If we understand that point clearly, much of the criticism now levelled against this can be taken away. I have been a member of the Joint Select Committee. No Bill has received a fairer consideration both inside the Committee and outside. In fact, all sorts of opinion were expressed. We are glad that this subject has been thoroughly thrashed out. The Bill as put before the Joint Select Committee was one thing. Now, when it has come before us, it has taken a different and advanced colour. It is more for the benefit of the landlords than for the tenants. I do not grudge it. Because, as a follower of Tirukkural, I will say, "தன்ன விஷயமும் தக்காரும் தழுவிலாச் செல்வரும் செல்வநாடு." A country must possess three types of persons. "தன்ன விஷயமும்", that is the person who produces things more and more and sees

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that the production is increased still more. That includes not only the agriculturists and tenants, but also the landowners. Then, there is the second set of people 'தக்காரும்' that is, the person who understands justice, equity and good conscience. We must bring in such legislation which will be suitable to the needs of the time. The third one is 'தாழ்விலாச் செல்வரும்' that is, the rich men who want to produce wealth by good means. We must see that the landlords do not get an undue and unjust share of anything produced by the tenants and poor people. In this matter, I wish to point out that the cultivating tenant must be a person who contributes his physical labour or labour of his family. Then only he can be called a cultivating tenant. A man who employs labourers on hire every now and then and lives in towns, goes to the village and sees his land occasionally and engages a few labourers on a monthly or daily basis, cannot be called a tenant. The purpose of the Bill is to help the tenants who devote their entire labour, time and energy to the production from the land. As I said, this Bill is restricted to the fixation of fair rent. So, let us not mix the issues and bring in all sorts of things. I am aware of the conditions of the landlords. I know in the year 1933, large extents of valuable lands worth lakhs of rupees were purchased for a mere song. We have observed it in so many places. Persons like doctors, lawyers and others who have earned large sums of money have purchased such lands.

MR. CHAIRMAN: The hon. Member can continue his speech tomorrow.

SRI A. GAJAPATHY NAYAGAR: Yes, Sir.

MR. CHAIRMAN: The House will now adjourn and meet again at 11 a.m. tomorrow.

The House then adjourned.

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APPENDIX I.

[Vide answer to starred question No. 59 asked by Sri V. V. Ramaswami at the meeting of the Legislative Council held on 27th September 1956, page 141 supra.]

Progress of lignite investigations at Neyveli.

Pumping tests were undertaken at Neyveli in order to find out whether it would be feasible to lower the pressure surface of the artesian aquifers below the lignite bed sufficiently to permit the safe mining of the lignite and to determine the pattern of wells and their spacing for large scale mining. The tests began on 29th February, and with 20 pumps working, the pressure level was drawn down from 60 feet to 219 feet below the surface, as against 260 feet considered necessary for safe mining. The pumping was suspended temporarily to permit the development of additional wells and installation of more pumps. It was resumed on 22nd June and on the 26th June with 25 large capacity pumps and 4 smaller capacity pumps in action, giving a total discharge of about 26,000 gallons per minute, the pressure surface came down to 267 feet in the centre of the pumping grid area, i.e., well below the bottom of the lignite seam. But further pumping experiments could not be continued to determine the pumping pattern for large scale mining, as power supply was not satisfactory and some of the pumps went out of order. The tests have however proved beyond doubt that the artesian aquifer could be controlled and kept at the desired level by suitably regulating the pumpage to facilitate safe mining of the lignite. The main object of the pumping tests having thus been achieved, it has been decided to go ahead with the implementation of the project. In pursuance of this decision, orders for part of the mining equipment for the initial removal of over-burden has already been placed and the excavation of the first cut of the mine will be started as soon as the equipment ordered has been received at site. Tenders for specialized mining machinery for the further development of the mine and mining of lignite are under scrutiny. Further pumping experiments will be conducted later to determine the most economic pattern, numbers and spacing of pump wells for the actual mining, and to study the time which is likely to be taken for the artesian aquifers to build up pressure, in the event of any of the pumps failing during mining. On the basis of these further tests, the system of ground water control for mining will be finalized.

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APPENDIX II.

[Vide item III on page 151 supra.]

L.A. BILL No. 4 OF 1956.

(As passed by the Assembly.)

A Bill to provide for the payment of fair rent by cultivating tenants in certain areas in the State of Madras.

WHEREAS it is expedient to provide for the payment of fair rent by cultivating tenants in certain areas in the State of Madras:
 BE it enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956.

(2) It extends to the whole of the State of Madras other than the areas to which the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), extends.

(3) It shall be deemed to have come into force on the 1st day of October 1956.

2. *Interpretation.*—(1) In this Act, unless the context otherwise requires—

(a) "agricultural year" means the year commencing on the 1st day of April, or, in respect of the whole or any part of any district on such other date as the Collector of the district may specify in that behalf by notification in the District Gazette;

(b) "cultivating tenant" means a person who contributes his own physical labour or that of the members of his family in the cultivation of 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 or the heirs of such person but shall not include a mere intermediary or his heirs;

(c) "fair rent" means the rent payable under this Act;

(d) "garden land" means dry land irrigated by lifting water from wells or other sources;

(e) "Government" means the State Government;

(f) "landowner" means the owner of the land let for cultivation by a cultivating tenant and includes the heirs, assignees, legal representatives of such owner, or person deriving rights through him;

(g) "normal gross produce in respect of any land" means the produce which would be obtained, if the rainfall and the seasons were of a normal character, from lands of the same class as the land in question, similarly situated and possessing similar advantages;

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(h) "paid" includes "delivered";

(i) "Rent Court" and "Rent Tribunal" mean in relation to any area the Rent Court and the Rent Tribunal respectively constituted under this Act for such area.

(2) If any question arises whether any land is wet, or dry or garden land, the question shall be decided on the actual facts on the date with reference to which the question arises.

3. Rights and liabilities of cultivating tenant and landowner.—

(1) With effect from the 1st day of October 1956, every cultivating tenant shall be bound to pay to the landowner and every landowner shall be entitled to collect from the cultivating tenant fair rent payable under this Act:

Provided that the provisions in respect of fair rent shall apply also in respect of crops which are normally due for harvest during the month of September in the year 1956.

(2) Where the irrigation of any land is irregular the landowner may, at his option, either take his share of the produce and bear the excess water-cess in respect of the irregular irrigation proportionate to his share or take the share of the produce which would have been obtained but for the irregular irrigation in which case the entire excess water-cess shall be borne by the cultivating tenant.

(3) Notwithstanding any neglect or failure on the part of the cultivating tenant to raise any crop, the landowner shall be entitled to collect fair rent.

(4) Subject to the proviso to sub-section (2) of section 4, all the cultivation expenses inclusive of cost of seed, ploughing, manuring, harvesting and threshing shall be borne by the cultivating tenant.

(5) The landowner shall be responsible for the payment of all dues payable to the Government and local authorities in respect of the land subject to his right to recover from the cultivating tenant the public charges which are expressly made payable by the cultivating tenant by this Act.

(6) The landowner shall bear all capital expenditure necessary to maintain the land and wells in a state of proper repair.

(7) Subject to the provisions of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), no landowner shall, after the commencement of this Act, claim or stipulate for—

(i) payment of any amount by the cultivating tenant in excess of the fair rent or in excess of the public charges which are expressly made payable by the cultivating tenant by this Act;

(ii) the delivery by the cultivating tenant of any article or thing in addition to fair rent; or

(iii) any service by the cultivating tenant or the free use of the land.

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Explanation I.—Nothing contained in this section shall affect the right of the landowner to claim from the cultivating tenant compensation for damages to the land or to anything that stood on the land at the time of lease.

Explanation II.—Where a cultivating tenant pays a contract rent lower than the fair rent payable under this Act, clause (iii) of sub-section (7) shall not apply.

(8) Any landowner who is a mulgenidar, and the rent receivable by whom from his cultivating tenant suffers a reduction as a result of the provisions of this Act shall be entitled to have the rent payable by him to his mulgar reduced in proportion to the reduction in the rent receivable by him from his cultivating tenant.

(9) Any landowner, the rent receivable by whom from any cultivating tenant in respect of any land suffers a reduction as a result of the provisions of this Act shall, if he is himself a tenant in respect of that land under another person, be entitled to surrender the lease of that land as from a date specified by him by notice given to his landlord.

(10) A landowner may advance to his cultivating tenant who is not a member of any co-operative society for better farming such loan as may be necessary for manuring his land. The loan so advanced shall be a first charge on the share of the produce to which the cultivating tenant is entitled under this Act.

(11) Notwithstanding anything contained in sub-sections (4) and (10), the landowner may with the consent of the tenant in the case of any wet land or garden land attend to the manuring of the land by chemical manures and oil cakes up to a sum equivalent to ten per cent of the normal gross produce and recover the same from the cultivating tenant. The amount payable by the cultivating tenant under this sub-section shall be in addition to the fair rent payable under this Act.

4. What is fair rent.—(1) Subject to the provisions of sub-section (2), fair rent shall be—

(i) in the case of wet land, 40 per cent of the normal gross produce or its value in money;

(ii) in the case of wet land where the irrigation is supplemented by lifting water, 35 per cent of the normal gross produce or its value in money;

(iii) in the case of any other class of land 33 per cent of the normal gross produce or its value in money;

Explanation.—In every harvest the landowner shall be entitled to one-fifth of the straw or stalk of all the crops.

(2) In the case of lands in items (ii) and (iii) of sub-section (1) in which water is lifted by pumpsets installed at the cost of the landowner the fair rent specified in sub-section (1) shall be increased to 40 per cent.

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Provided that the cultivating tenant shall bear all the maintenance charges and the landowner shall bear the charges for repairing the pumpsets. The installation of a pumpset shall be at the option of the landowner.

(3) Where the contract of tenancy provides for payment of a rent lower than the fair rent payable under the above provisions, the contract rent alone shall be payable during the contract period.

5. *Fair rent may be in cash or in kind.*—(1) The fair rent in respect of any land may be paid either in cash or in kind or partly in cash and partly in kind, in accordance with the terms of the contract between the landowner and the cultivating tenant; in the absence of such a contract, the fair rent may be paid at the option of the cultivating tenant in any one of the above ways :

Provided that the option shall be exercised in the case of a tenancy in force on the date on which this Act is first published in the *Fort St. George Gazette*, within three months from that date and in any other case within three months from the date on which the tenancy agreement takes effect; and if the cultivating tenant does not exercise the option, within the period aforesaid, the landowner shall, by notice in writing given to the cultivating tenant, specify the way in which the fair rent shall be paid by the cultivating tenant :

Provided further that the option once exercised or the way once specified shall not be changed except by mutual agreement :

Provided further that where the crop raised is paddy, the landowner shall have the right to insist that the rent shall be paid in kind.

(2) Whenever adverse seasonal conditions result in the reduction of the gross produce from any particular crop to the extent of more than 25 per cent, the landowner shall be bound to remit a proportionate part of the fair rent due to him from his cultivating tenant in respect of that land for that period :

Provided that before admitting or inquiring into an application made by a cultivating tenant for remission of fair rent under this section, the Rent Court may impose such conditions as it considers reasonable in the circumstances of the case including conditions as to deposit of admitted rent which has become due.

6. *Alteration or revision of fair rent.*—Where in respect of any land fair rent has been determined under this Act, it shall continue in force for five years :

Provided that the Rent Court may, on an application made by the cultivating tenant, reduce the fair rent, if it is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the cultivating tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation :

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Provided further that the Rent Court may, on an application made by the landowner, enhance the fair rent if it is satisfied that on account of any improvements made in the land by or at the expense of the landowner, the produce of the land has increased.

7. *Sharing of produce.*—Where the produce to be shared is grain the sharing shall be done at the threshing floor on which the threshing took place; and no portion of the produce shall be removed therefrom at such time or in such manner as to prevent the due division thereof at the proper time.

8. *Constitution of Rent Courts and Rent Tribunals.*—(1) The Government may, by notification, constitute Rent Courts and Rent Tribunals for the purposes of this Act with jurisdiction over such areas as may be specified in the notification.

(2) Every Rent Court shall be presided over by an officer not below the rank of Tahsildar and every Rent Tribunal shall be presided over by an officer not below the rank of District Munsif.

9. *Application to Rent Courts and Appeals to Rent Tribunals.*—(1) Notwithstanding any agreement between a landowner and the cultivating tenant, or any decree or order of a Court, either party may apply to the Rent Court for fixation of fair rent or for deciding any dispute arising under this Act.

(2) From every decision of a Rent Court, an appeal shall, within such time as may be prescribed, lie to the Rent Tribunal whose decision shall be final, subject to revision, if any, under section 11.

10. *Costs.*—The costs of and incident to all proceedings before the authorities referred to in sections 8 and 9 shall be in the discretion of the respective authority.

11. *Revision by High Court.*—The Rent Tribunal shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and its orders shall be liable to revision by the High Court under the provisions of that section.

12. *Collector to publish list of prices.*—(1) The Collector of the district shall publish in the months of January, April, July and October every year in the District Gazette the average market price during the immediately preceding three months at the headquarters of each taluk of the main crops of the district.

(2) Where, for the payment of fair rent by a cultivating tenant to whom the provisions of this Act apply, the cash value of any crop has to be fixed, such value shall be fixed—

(a) in the case of any of the crops referred to in sub-section (1), the market price at the taluk headquarters last published under sub-section (1) before the date when such fair rent became payable;

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(b) in the case of any other crop as may be agreed upon between the landowner and the cultivating tenant and in the case of disagreement, as may be deemed fair and reasonable by the Rent Court.

13. *Act to override contract and other laws, etc.*—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of a Court.

14. *Surrender of land in excess of certain extent.*—(1) The provisions of this Act shall not apply to any cultivating tenant who owns, or who cultivates either as tenant or as owner or as both, an extent of land in excess of one veli (6-2/3 acres) of wet land.

(2) Any cultivating tenant who owns, or who cultivates either as tenant or as owner or as both, an extent of land exceeding that specified in sub-section (1) but not exceeding 10 acres of wet land may, by notice in writing addressed to the landowner, relinquish at the end of the agricultural year ending in 1957 the tenancy, in respect of such portion of the land aforesaid, as may be necessary to entitle him to all the benefits of a cultivating tenant under this Act. Such cultivating tenant shall be entitled to all the benefits of this Act till the end of the agricultural year ending in 1957 and shall thereafter be entitled to all the rights of a cultivating tenant under this Act only on such relinquishment.

(3) For the purpose of computing the land owned or cultivated by a person all the lands owned or cultivated by him whether, wet, dry or garden shall be taken into account, and 3 acres of dry land or 1½ acres of garden land shall be taken as equivalent to one acre of wet land.

15. *Exemption.*—Nothing in this Act shall apply to any land during the period when such land is used for raising as main crop, sugarcane, plantain or betel vines or any crop which does not give any yield for a continuous period of two years or more from the time of cultivation or to any contract merely for collection or harvesting of the produce of any kind.

16. *Act to override Madras Act XIV of 1952.*—If any provision contained in the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be of no effect.

17. *Power to make rules.*—(1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed by Rent Courts and Rent Tribunals;

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(b) the matters to be taken into account in determining normal gross produce;

(c) the fees to be paid in respect of applications, and appeals under this Act;

(d) the time within which appeals may be presented under this Act;

(e) the notification of prices of agricultural or horticultural produce for the purpose of fixing the cash value of the fair rent.

(3) All rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.

18. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, 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 Legislature.

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 28th September 1956.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Burglaries and house-breakings in the City

* 64 Q.—SRI MOHAMMAD RAZA KHAN: Will the Hon. the Chief Minister be pleased state—

(a) the number of cases of burglaries and house-breakings reported in the City of Madras from 1st January 1956 up to 15th July 1956; and

(b) the number of cases detected?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister): (a) 309.

(b) 110.

SRI MOHAMED RAZA KHAN: Is the Hon. Minister aware that in the course of the last six or seven months, there have been too many burglaries, house-breakings and thefts in the City of Madras and that many of these cases remain undetected?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. That is no doubt true. But the percentage of detection of house-breaking cases this year is 35.6 as against 24.7 per cent in 1955. The Commissioner of Police is of the view that the percentage of detection is not low. The percentage of 35.6 is considered to be fairly satisfactory, as this is a type of offence difficult of detection.

SRI V. CHAKKARAI CHETTY: Has there been an excess in the number of these offences in recent months and if so, may I know the reasons therefor? We read of burglaries, etc., almost daily in the newspapers.

THE HON. SRI M. BHAKTAVATSALAM: It is so; it is not easy to assess the exact reasons for this. The offences are on the increase but I may tell the hon. Member that house-breakings by night in 1955 were 146 and in 1956, 241 in number; by day, they were 82 in 1955 and 68 in 1956, which records a decrease. As regards detection of house-breaking cases, the number in 1955 was 28 and in 1956, it was 81 (by night); the number of detections of house-breaking cases by day was 28 in 1955 and 29 in 1956.

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SRI T. PURUSHOTHAM: Will the Hon. Minister tell us what special steps are being taken to control this sort of thing?

THE HON. SRI M. BHAKTAVATSALAM: The Police have been doing their best and taking all the usual steps that could be taken in this matter.

SRI MOHAMED RAZA KHAN: Is the Hon. Minister aware that statistics are always confusing? Probably, some petty cases have been detected but a number of major cases which have appeared prominently in the Press remain undetected.

THE HON. SRI M. BHAKTAVATSALAM: Statistics, no doubt, are confusing. I may tell the hon. Member, however, that we cannot help it. We cannot carry on without statistics. Some cases do remain undetected. It is not quite satisfactory but the Police have been looking into these.

SRI A. GAJAPATHY NAYAGAR: Are the Police dogs really useful in the detection of crime?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. It is universally admitted that the Police dogs have been doing very useful work in the detection of crime.

SRI A. GAJAPATHY NAYAGAR: I find a case wherein one of the Police dogs was set in motion but it stopped before a tank as it could not proceed further in water. What has the Hon. Minister to say in this case?

THE HON. SRI M. BHAKTAVATSALAM: Everyone must admit that even the most efficient machinery that is set up has its own limitations.

SRI MOHAMED RAZA KHAN: Is the Hon. Minister aware that in recent months there have been major cases of house-breaking and theft and that the Police dogs have been put to so much strain that it has resulted in the death of one dog?

THE HON. SRI M. BHAKTAVATSALAM: Perhaps the death of one of the dogs was due to overwork. But I may tell the hon. Member that, while I was away recently for a few days in London, even those newspapers reported very serious offences like thefts, robbery, etc., in spite of the very efficient Police system that is available in the United Kingdom.

SRI MOHAMED RAZA KHAN: Is the Hon. Minister aware that while the Police are taking special steps to counteract such nefarious activities in the City of Madras, these have created a sense of insecurity among the people and may I point out, subject to correction, of course, that people in Mylapore and Mambalam never sleep in their houses during nights?

THE HON. SRI M. BHAKTAVATSALAM: I do not think there is any general sense of insecurity. But, at the same time, people

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should be warned that there must be no sense of absolute security so as to make them keep their doors open and go away from their homes without proper guard at home.

SRI JOHN ASIRVATHAM: Is the Hon. Minister aware of the panic prevailing on account of these burglaries and house-breakings?

THE HON. SRI M. BHAKTAVATSALAM: I do not think there is any panic prevailing in the City on account of these things.

SRI V. V. RAMASWAMI: 'கள்ளனைப் பிடிப்பதற்கு கள்ளனை உபயோகி' என்ற பொது வாக்கு இருப்பதால், அந்த முறையில் கள்ளர்களைப் பிடிக்கலாம் அல்லவா? அல்லது, அந்த முறையைக் கையாண்டதன் காரணமாக திருடர்கள் அதிகமாகி வருகிறார்களா? அல்லது அந்த முறையைக் கையாளுவதால்தான் திருடுகளைக் கண்டுபிடிக்க முடியவில்லையா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: பழமொழிகளில் கண்ட கருத்துக்களையெல்லாம் ஒளவுக்குத் தான் உபயோகிக்க முடியும்.

SRI A. M. ALLAPICHAJ: Are the Government in possession of this information, viz., whether these burglaries are committed by criminals belonging to our State or criminals belonging to other States who have come over here?

THE HON. SRI M. BHAKTAVATSALAM: I am sorry I do not have all these particulars with me. Perhaps, the Police have some information that way.

SRI MOHAMED RAZA KHAN: What does it matter whether they are our people or others?

SRI JOHN ASIRVATHAM: Is it a fact that gangs belonging to criminal tribes are operating in an organized manner to loot property in the City?

THE HON. SRI M. BHAKTAVATSALAM: I have no information about it.

SRI MOHAMED RAZA KHAN: May I have an assurance from the Government that the Police in the City of Madras will take special measures to counteract these activities, particularly in the field of detection?

THE HON. SRI M. BHAKTAVATSALAM: No assurance is necessary. I may tell the hon. Member that the Police have been taking all necessary precautionary measures to prevent this kind of crimes.

SRI A. GAJAPATHY NAYAGAR: Certain doubts have arisen in our minds. Is detection made more by the Police dogs or by the Police?

THE HON. SRI M. BHAKTAVATSALAM: I have no particulars about that with me.

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SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware of a sensational news which appeared in the Press recently that one of the Presiding Officers who visited our State recently had the misfortune to go to the Madras Zoo and allow his purse to be picked by some one? Is that not a sad reflection on our conduct and will not that officer carry with him very bad impressions about us?

THE HON. SRI M. BHAKTAVATSALAM : Whether there is a signboard or not, everyone going round the City must beware of the pickpockets.

SRI A. M. ALLAPICHAJ : There are a number of professional criminals in the City. Is it not possible for the Police to prevent them from moving about during particular hours?

THE HON. SRI M. BHAKTAVATSALAM : There are no criminal tribes and there is no Criminal Tribes Act on the Statute Book now. If the Police have any information that particular persons are criminals, they take precautionary measures within the limits of law against them.

SRI A. M. ALLAPICHAJ : I do not mean criminal tribes. What I wish to impress upon the Government is this. There are professional criminals in the sense that commission of crime is their profession which they practise, just as we practise law (laughter). As a criminal lawyer, I know about that profession and their one object is to commit such crimes and live on them. If the Police take some special interest and see that they are collected together or that they do not go about in the nights, to a great extent, crimes will be minimized.

THE HON. SRI M. BHAKTAVATSALAM : As the hon. the Deputy Chairman must be aware, whenever the Police have information that certain persons live on crime, they do keep a watch on their movement.

SRI T. PURUSHOTHAM : Have the Government taken steps to replace the Police dog that is dead and will they also add to the number of such dogs?

THE HON. SRI M. BHAKTAVATSALAM : It is not quite easy immediately to replace the Police dog with another dog. But, still, I have no doubt that the Police will take the necessary steps in the matter.

SRI V. CHAKKARAI CHETTY : May I know what the Police dogs are doing? Are they active or sleeping? There is a saying 'let sleeping dogs lie'.

THE HON. SRI M. BHAKTAVATSALAM : If the hon. Member expects information as coming direct from these dogs, it is not practicable. But the Police are taking as much service out of these dogs as possible after giving them training.

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SRI JOHN ASIRVATHAM : Will the Government consider the question of augmenting the City Police force by appointing special squads to combat the menace in the City?

THE HON. SRI M. BHAKTAVATSALAM : I do not think it is necessary at this stage.

English classes in High Schools

* 65 Q.—SRI V. V. RAMASWAMI (on behalf of Sri 11-10 G. Krishnamoorthi) : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether it is a fact that a circular has been issued by the Education Department to the effect that B.Sc., B.A. (Hons.) and B.Com. graduates should not handle English classes in High School forms; and

(b) if so, the reasons therefor?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance and Education) : (a) Yes, Sir.

(b) It is considered that Bachelors of Arts have better acquaintance with the English Language and Literature than graduates in Science and Commerce (B.Sc. Pass and Hons. and B.Com.).

SRI JOHN ASIRVATHAM : Sir, is it a fact that those who were teaching English, that is, B.A. (Hons.), B.Sc., etc., have been debarred by one stroke of the pen from teaching English in High School classes?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. The Education Department does feel that it would be better to have Bachelors of Art to teach English. But it does not mean that these B.Sc. (Hons.) and other graduates are thrown out of employment; only they are not to handle English classes. They can handle their own subjects perhaps more efficiently.

SRI V. GURUNANDAN ROW : Sir, was this order issued on the basis of experience that these teachers who are B.Sc. (Hons.), etc., are not capable of teaching English or otherwise even though they have been doing that all these years?

THE HON. SRI M. BHAKTAVATSALAM : It is not a question of their being incapable of teaching English. The Education Department felt that it would be better if only Graduates in Arts teach English and therefore this order has been issued.

Proposal to start new Universities

* 66 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Finance and Education be pleased to state whether there is any proposal before the Government to start two new Universities, one at Coimbatore and the other at Karaikudi?

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THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance and Education): Dr. Alagappa Chettiar has addressed the Government of India to constitute the group of colleges at Karaikudi into a Central University under the control of the Government of India. Certain leading citizens of Coimbatore have submitted a Memorandum to the State Government to start a University at Coimbatore. The matter is under examination.

SRI MOHAMED RAZA KHAN: What would be the contribution of this Government when the constitution of these two Universities is finalized?

THE HON. SRI M. BHAKTAVATSALAM: Sir, this matter is under discussion with the Government of India and this Government alone cannot take up this responsibility. When proposals take a concrete shape, then perhaps the Government will be in a position to tell hon. Members what this Government's contribution would be in the matter.

SRI MOHAMED USMAN: Since Malabar and South Kanara may go away from the Madras University, is there any real need for a University at Coimbatore?

THE HON. SRI M. BHAKTAVATSALAM: Sir, although South Kanara and Malabar may separate themselves from the Madras University, still, there cannot be any objection to our having more Universities.

SRI A. M. ALLAPICHAI: Sir, will the existence of separate Universities in different districts of our State lead to some kind of disunity in the long run?

THE HON. SRI M. BHAKTAVATSALAM: I do not think so, Sir. The hon. the Deputy Chairman, who knows that there are in other countries so many Universities, must know better.

SRI V. V. RAMASWAMI: மதுரையிலே ஒரு பல்கலைக் கழகம் ஏற்படுத்துவதற்கு யாரிடத்திலிருந்தாவது யோசனை வந்திருக்கிறதா, அதைப்பற்றி அரசாங்கம் ஏதாவது ஆராய்ந்திருக்கிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: இதுபற்றி இதுவரை ஒன்றும் யோசனை வரவில்லை. கனம் அங்கத்தினர் அவர்களுக்கு இதுபற்றி ரொம்ப அக்கறை இருந்தால், அவரே முயற்சி எடுத்துக்கொள்ளலாம்.

SRI M. ETHIRAJULU: தென்னாற்காடு ஜில்லாவில் கடலூரில், இரண்டாவதுதர கல்லூரியொன்று ஏற்படுத்தவேண்டுமென்று நெடுநாளாக கேட்டுவந்திருக்கிறார்கள். அதை இரண்டாவது ஐந்து வருஷத்திட்டத்திலாவது ஏற்படுத்த சர்க்கார் யோசிக்குமா?

THE HON. SRI M. BHAKTAVATSALAM: சர்வகலாசாலை என்பது ஒரு விஷயம். கல்லூரி என்பது அதில் அடங்கிய வேறு விஷயம். சிறிய விஷயமும் கூட. அதைப்பற்றி இப்பொழுது என்னிடம் தகவல் இல்லை.

SRI JOHN ASIRVATHAM: May I know what would happen to the Madras University if Karaikudi, Coimbatore and Madurai are to be constituted into separate Universities?

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THE HON. SRI M. BHAKTAVATSALAM: I have absolutely no doubt that the Madras University will not be affected, if one or two more Universities are organized in this State.

SRI V. V. RAMASWAMI: கோயமுத்தூரிலும், காரைக்குடியிலும் ஆரம்பிக்கப்படும் பல்கலைக்கழகம் Teaching University-யா, அல்லது Affiliated University-யா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: I do not know Sir; it is rather premature now. Even before the University is born, we cannot give the name of the University, give the composition of the University or the character of the University.

SRI MOHAMED USMAN: Will these new Universities be as efficient as the Madras University?

THE HON. SRI M. BHAKTAVATSALAM: Perhaps, Sir. But normally, we should not expect that much of efficiency in new Universities as in a very old University like the Madras University which is to celebrate its centenary shortly.

SRI MOHAMED RAZA KHAN: What is the meaning in making a reference to the Government of India? Are not the State Government competent to undertake the responsibility?

THE HON. SRI M. BHAKTAVATSALAM: Apart from other things, starting of a new University means so much financial commitment.

Account Test for Headmasters and Headmistresses

* 67 Q.—**SRI JOHN ASIRVATHAM** (on behalf of Sri G. Krishnamoorthi): Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether Headmasters and Headmistresses in high schools under local bodies are required to pass the Accounts Test;

(b) if so, whether all the probationers in service are required to pass the test;

(c) whether any representation has been received by the Government to exempt from such a test the probationers who are 50 years of age and above; and

(d) if so, the action taken thereon?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Finance and Education): (a) to (c) Yes, Sir.

(d) The probationers who are fifty years of age are being exempted from passing the test. The issue of a general order fixing the age-limit at 45 is under consideration.

SRI JOHN ASIRVATHAM: May I know the object of the Government in asking Headmasters to pass this Account Test?

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THE HON. SRI M. BHAKTAVATSALAM : The hon. Member is aware of the responsibilities that Headmasters of high schools have to discharge. They are primarily to keep accounts; they are responsible for accounts and there have been defaults and difficulties experienced. Therefore, Headmasters are required to pass the Account Test so that they may be fully equipped to keep the accounts in order.

SRI V. CHAKKARAI CHETTY : Are there not secretaries who are competent to deal with accounts? Why should these poor Headmasters keep accounts in addition to the miscellaneous and multifarious duties they have to discharge?

THE HON. SRI M. BHAKTAVATSALAM : Those who are in charge of high schools know quite well that it is not practicable to have fully equipped secretaries or managers to be in charge of accounts. Therefore, the Headmasters are generally held responsible for accounts also.

SRI V. V. RAMASWAMI : கணக்குகள் வைத்துக்கொள்ளத் தெரியாத காரணத்தால் எந்தப் பள்ளியிலாவது தவறுதல் ஏற்பட்டு அவ்விஷயம் அரசாங்கத்தின் கவனத்திற்குக் கொண்டுவரப்பட்டிருக்கிறதா? அப்படியிருந்தால் அதன் மீது அரசாங்கம் என்ன நடவடிக்கை எடுத்திருக்கிறார்கள்?

THE HON. SRI M. BHAKTAVATSALAM : அது பற்றி என்னிடம் இப்பொழுது தகவல் இல்லை. நோட்டீஸ் வேண்டும்.

Efficacy of B.C.G. Vaccination

* 68 Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Health be pleased to state—

(a) whether the attention of the Government has been drawn to the latest report on the efficacy of B.C.G. vaccination by Dr. Carroll E. Palmer, Medical Director of United States Health Department's Tuberculosis Programme; and

(b) if so, whether the Government have any proposal to revise their policy of Mass B.C.G. vaccination in the light of that report?

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

(b) No, Sir.

SRI T. PURUSHOTHAM : May I know how far the B.C.G. Campaign has been carried on in this State so far and have any steps been taken to evaluate the effects of the same in tackling the problem of T.B.?

THE HON. SRI A. B. SHETTY : Sir, the B.C.G. Campaign has gone one round and it is having a second round. I think it is now carried on in Coimbatore. The time has not come to assess the results of this B.C.G. vaccination in India, but this has been done elsewhere. Recently, in February 1956, the results of the findings of the British Medical Research Council's Committee were published in the British Medical Journal and they go to show that B.C.G.

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vaccination is of undoubted value in the case of young people. As many as 56,000 school children were subjected to this trial and the results have been very favourable. The policy of the Government in regard to B.C.G. vaccination gets enough support from the findings of this eminent and authoritative Research Council.

SRI T. PURUSHOTHAM : Is B.C.G. vaccination considered effective in treating tuberculosis cases or in preventing T.B. in those vaccinated with B.C.G.?

THE HON. SRI A. B. SHETTY : Sir, tuberculosis is treated very effectively by present-day drugs which everybody knows are streptomycin, P.A.S. and I.N.H. An investigation is just being started in the Madras City with the aid of the British Medical Research Council personnel into the effectiveness of these new anti-biotic drugs on patients in their own homes as compared with their effect on patients in the sanatorium. So far as B.C.G. is concerned, it is only one of the prophylactic measures.

SRI T. PURUSHOTHAM : In view of the fact admitted by 11-20 the Hon. Minister that Dr. Palmer himself was a well-known supporter of B.C.G. vaccination, should we not cry halt to this campaign now that we have been given a different verdict on this question?

THE HON. SRI A. B. SHETTY : Only some parts of Dr. Palmer's report have been given publicity in the daily papers; but we must read the whole report carefully. His conclusions have been given with great care. What Dr. Palmer has said in his report is with reference to his own country, the United States of America, where the incidence of T.B. is very low and where there are sufficient measures for the treatment of T.B. cases. But the conditions in India are different. The infection rate is high here whereas in the United States and in the Scandinavian countries, the incidence of this disease is very low. One Professor in Paris has recently written that the United States and the Scandinavian countries may be classified as "A class", because T.B. is almost eliminated in those countries. In some other countries, namely, in England, France and Italy, there is still T.B. though not to the extent we have it in India. In India, T.B. is Public Health enemy No. 1 at present because malaria has been controlled. Therefore it will not be wise on our part not to take advantage of this B.C.G. vaccination which has been tested and used in many countries, which are more advanced than we are.

SRI T. PURUSHOTHAM : With due regard to the authorities quoted by the Hon. the Minister for Health, is it not a fact that another famous doctor, Professor Wallgren of Sweden has stated something startling about progressive B.C.G. diseases occurring in human beings and therefore may I not appeal to the State Government to consult the Centre before proceeding with further mass experiments in B.C.G. vaccination?

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THE HON. SRI A. B. SHETTY: I am glad that my friend has made a close study of what has appeared in the papers, though he has not been able to get the original papers. What Dr. Wallgren has written is about the situation in his country, Sweden where this disease has been to a great extent eliminated.

SRI T. PURUSHOTHAM: May I point out that no less a person than Rajaji, who has made a deeper study of this question than myself or perhaps the Hon. Minister, has come forward with a very bold statement that this campaign should be stopped in the interests of the public and, will the Hon. Minister kindly consider taking up this matter with the Central Government and then decide what further course is to be adopted?

THE HON. SRI A. B. SHETTY: In a technical matter like this, Government must be guided by technical men. I do not understand what qualification Rajaji, however respectable a person he may be, has to give advice on this matter. It is using a lawyer-like mentality, arguing the case for a particular view picking out facts which are favourable. But that is not the way of scientific men. They have to take a very dispassionate view of things.

SRI T. PURUSHOTHAM: We are having famous medical men in this Council. May I appeal to the Hon. Minister to summon a conference of these medical men and consult them placing before them all available facts and then come to conclusions?

THE HON. SRI A. B. SHETTY: The Medical Committee of the Planning Commission have gone into this matter and have given their views to the Central Government. So far as I know, no T.B. Specialist in this country has said anything against B.C.G.

SRI A. M. ALLAPICHAJ: Is there any remedy in the world which is cent per cent sure of success?

THE HON. SRI A. B. SHETTY: Yes, Sir, there is no unanimity of opinion about any matter. It is very well-known that "Doctors differ and patients suffer".

SRI MOHAMED RAZA KHAN: May I make a suggestion? After Rajaji, Sri T. Purushotham seems to have taken a lot of interest in B.C.G. If the committee of experts is constituted, it will be better to have a non-expert as its President and for that I would suggest the name of Sri T. Purushotham.

Survey of the population problems in this State

* 68-A Q.—**SRI T. PURUSHOTHAM:** Will the Hon. the Minister for Health be pleased to state—

(a) whether a survey of the population problems has been conducted in this State;

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(b) the rationale of the family planning schemes instituted so far;

(c) the classes of society found prolific and how far family planning clinics have been started to benefit them;

(d) whether any standards at family limitations have been set up for educating the public at the clinics and the general principles followed in the matter; and

(e) the special steps taken to introduce family planning among

(i) the N.G.Os.;

(ii) teachers; and

(iii) those in low-income groups?

THE HON. SRI A. B. SHETTY: (a) No, Sir.

(b) The scheme is intended to secure a planned balance between births and deaths and thereby control the excessive growth of population in the country.

(c) Generally the lower social classes have more children. The clinics started are intended to serve all classes which seek advice and assistance.

(d) No specific standard has been laid down. The advice will depend on the needs and circumstances of each case.

(e) The question of introducing family planning measures among particular sections of the population including those in low income groups will be examined by the Family Planning Board constituted by the Government.

SRI T. PURUSHOTHAM: Will the Hon. Minister enlighten us on whether this is treated as an economic problem or one of public health?

THE HON. SRI A. B. SHETTY: Family planning is advocated both on economic grounds as well as for reasons of health.

SRI K. BALASUBRAMANYA AYYAR: Have the N.G.Os. been found prolific?

THE HON. SRI A. B. SHETTY: I can make only a general statement that the illiterate and poorer sections of the people are more prolific than the richer, more intelligent and more responsible sections of the community. It is true of all countries.

SRI T. PURUSHOTHAM: Has any maximum regarding the number of children which an average family should have, been prescribed for family planning to guide those attending the family planning clinics?

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THE HON. SRI A. B. SHETTY : There is no such restriction. But generally it is considered desirable that one should not have more than three children. There should be an interval of three years between births.

SRI T. PURUSHOTHAM : That is, irrespective of the economic and social status of the people concerned. Is that the idea of the Hon. Minister?

THE HON. SRI A. B. SHETTY : That is the general prescription.

SRI T. PURUSHOTHAM : May I know whether this is taken as a compulsory scheme? I mean this family-planning scheme of the Government. Then what about the religious sentiments of some and also the conscientious objectors?

THE HON. SRI A. B. SHETTY : It is not at all compulsory in any country.

SRI K. BALASUBRAMANYA AYYAR : Is having a large number of children an act of irresponsibility?

THE HON. SRI A. B. SHETTY : Yes. One must be responsible for the health of one's own wife and must have resources enough to bring up the family in the proper manner. That is what is called "responsibility".

SRIMATHI JOTHI VENCATACHELLUM : May I know the number of family-planning clinics in our State, Sir?

THE HON. SRI A. B. SHETTY : We have full-time family-planning clinics in all district headquarters hospitals and in the two women and children hospitals in the City. There are part-time clinics in some of the other hospitals. The Corporation is also running about 10 or 12 family-planning clinics. The idea is to give advice and service on family planning at all Government hospitals and health and maternity centres. That is the plan of the Planning Commission.

11-30 a.m. SRI T. PURUSHOTHAM : I was anxious to know, because we are actually launching on the scheme, whether there is any special Institute for training doctors in the family-planning work.

THE HON. SRI A. B. SHETTY : Yes, Sir. Training is given to Women Medical Officers at the Women and Children Hospital, Egmore, and the Government will shortly publish a manual on family planning.

Whooping cough

* 68-B Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Health be pleased to state—

(a) the number of whooping-cough cases reported in the City of Madras during 1955-56;

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(b) the causes and incidence of the disease; and

(c) the preventive and curative steps taken to control the same?

THE HON. SRI A. B. SHETTY : (a) Figures are not available for the year 1955-56. During the calendar year 1955, the number of whooping cough cases treated in medical institutions in the City of Madras was as follows:—

In-patients—282.

Out-patients—2,239.

Deaths—9.

(b) The disease is caused by a type of bacillary infection and is spread by human contact with patients.

(c) Whooping cough cases attending the Government hospitals are given treatment on recognized modern lines. When deaths due to whooping cough are reported, the Corporation Health authorities visit the place and advise the patients to take immediate prophylactic measures.

SRI T. PURUSHOTHAM : Are the Government aware that there is at present a large number of these cases in the City of Madras in a rather virulent form and may I know what action the Government propose to take to check the spread of the disease?

THE HON. SRI A. B. SHETTY : I am not aware wherefrom the hon. Member got this information. So far as I know, there is no spread of the epidemic in an alarming form at present.

SRI T. PURUSHOTHAM : May I appeal to the Hon. Minister to make further investigation into it because in Triplicane I am aware that there is a large number of these cases at present among school children and the school children are not even prohibited from attending the schools? Therefore it is that I make this appeal to the Government to investigate further into the matter and see that the affected school children are prevented from attending the schools.

THE HON. SRI A. B. SHETTY : Whooping cough is not notified as an infectious disease under section 52 of the Public Health Act and if deaths are reported, the Health authorities will visit the houses and advise the people to take immediate prophylactic measures.

MR. CHAIRMAN : Questions are over. We will now take up the discussion on the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956.

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

* **THE HON. SRI M. BHAKTAVATSALAM :** Sir, I would like to point out that the general discussion on the Supplementary Demands will have to be completed in the forenoon itself since the other House would be voting on the Demands. Therefore, I would suggest that if the discussion on the Fair Rent Bill could

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not be completed by 12-30 p.m., we might adjourn the discussion and take up the general discussion on the Supplementary Demands so that the Bill could be discussed further in the afternoon, if necessary.

MR. CHAIRMAN: If discussion on the Fair Rent Bill is not concluded by 12-30 p.m., we shall take up the general discussion on the Supplementary Demands and resume discussion on the Fair Rent Bill in the afternoon.

II.—GOVERNMENT BILL.

THE MADRAS CULTIVATING TENANTS (PAYMENT OF FAIR RENT) BILL, 1956 (L.A. BILL NO. 4 OF 1956)—cont.

* SRI A. GAJAPATHY NAYAGAR: Mr. Chairman, Sir, I was observing yesterday that pending comprehensive reforms, this Bill had been brought in. Because of certain constitutional difficulties, comprehensive land reforms could not be brought about. Therefore, in order to do bare economic justice, this Bill has been brought in just to see that the tenant makes his living in some way. No attempt is made now either to convert the tiller of the soil into the owner or the owner into the tiller. In the light of that, we must, first of all, see what steps we have taken to increase production. For increasing production, there has been a liability cast on the owner of the land to supply manure and other things. Equally, the tenant has been made to undertake cultivation expenses. Therefore, we find a fair allocation of the duties cast upon the owner as well as the tiller. Though the certain proportion of rents payable by the tenant has been fixed, we find, on the whole, that the landowner and the tenant will share half and half in the produce from the land. I think that this accords with the old custom of sharing of the produce from the land between the landlord and the tenant. I am glad to find that the fixing of the fair rent is to continue only for five years during the course of which we shall be able to find out what difficulties arise in the working of the Act. In a progressive measure of this kind, there may be defects and other difficulties. But as we go on working the measure, we will be able to find out the difficulties and solve them. Therefore, I submit that all of us should co-operate with the Government in seeing that the Fair Rent Bill is put into effective operation.

We find that there is no attempt to fix a ceiling on land. But there is also the prohibition that a person may not cultivate more than 6 2/3 acres. Certain doubts have been expressed whether the small landowner will be benefited by this measure. Therefore, I suggest that while we fix a maximum of 6 2/3 acres for any tenant or for any person to hold, a minimum may be fixed, say, 3 acres, below which no man may be affected. One may say that a person cannot have more than 6-2/3 acres. But it may so happen that a small landowner would be reduced to the position of

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having only one acre. Therefore, I suggest to the Government that a minimum of 3 acres at least may be fixed for a man to cultivate so that he may have an economic holding.

Now, I come to temple lands. There has been an agitation about them. But in this Bill all lands have been treated alike. Therefore, a duty has been cast upon the Government to come to the rescue of temples by grant of compensation for the loss that may be sustained.

As regards the rule-making powers, as pointed out by my learned colleague, there must be some measure of responsibility thrown upon the Council so that it may also play its part in the framing of the rules.

Whatever may be the difficulties that may arise, we reserve to ourselves power under clause 16 to remove those difficulties. Therefore, I welcome this measure and I appeal to all Members, both the landowners and the tenants, to pave the way for future agrarian reforms.

SRI O. P. RAMASWAMI REDDIAR: கனம் தலைவர் அவர்களே, நியாயவார மசோதா விஷயமாக அநேக மெம்பர்கள் தங்களுடைய அபிப்பிராயங்களை நன்றாக எடுத்துச் சொன்னார்கள். என்ன எடுத்துச் சொன்னாலும், அதை அரசாங்கம் கேட்கிற முறையிலே இருப்பதாகத் தெரியவில்லை. இருந்தாலும் கடமையைச் செய்யவேண்டுமென்ற முறையிலேதான் எல்லாவற்றையும் சொல்லவேண்டியிருக்கிறது. அதற்குமேல் என்ன செய்ய முடியுமென்பதை அரசாங்கத்தார் தான் யோசிக்கவேண்டும்.

நமது ராஜ்யத்திலே இருக்கிற ஜனங்களில் பெரும்பான்மையானவர்கள் விவசாயத்தில் ஈடுபட்டிருக்கிறார்கள். அதிலும் 100-க்கு 98 பேர் ஏழை விவசாயிகள். அந்த ஏழை விவசாயிகளுடைய வாழ்க்கைத்தரத்தை அதிகப்படுத்தவேண்டுமென்பது தான் அரசாங்கத்தின் கொள்கை. முதல் ஐந்தாண்டுத் திட்டம், இரண்டாவது ஐந்தாண்டுத் திட்டம், இதுபோன்ற அநேக ஐந்தாண்டுத் திட்டங்கள் வகுத்து, அதற்காக பணம் ஒதுக்குவது நாட்டில் சபிட்சத்தை உண்டாக்கவேண்டுமென்பதற்காகத்தான். ஒரு பக்கம் சபிட்சத்தை உண்டாக்கவேண்டுமென்று நினைத்து, நன்மை செய்யப் படுகிறது. ஆனாலும், அந்த நன்மை பெரும்பான்மையானவர்களுக்கு உண்டா என்பதையும் அரசாங்கம் யோசித்ததாகத் தெரியவில்லை. அல்லது யோசித்தும் தெரியாமல் இருப்பதாக நடிக்கிறார்களோ எனக்குத் தெரியவில்லை. ஆதலால், பெரும்பான்மையான விவசாயிகளுடைய வாழ்க்கைத்தரத்தை இன்னும் அதிகமாக்க வேண்டுமென்ற முறையிலே ஆரம்பித்த இந்த நியாய வார மசோதாவானது சிலருக்கு நியாயத்தையும் அநேகருக்கு அநியாயத்தையும் செய்கிறது என்பதையும் சொல்லாமல் இருக்க முடியவில்லை.

ஐந்து அல்லது பத்து ஏக்கருக்குக் குறைந்த நிலம் வைத்திருக்கும் ஒரு விவசாயி, எவ்வளவு பொருள் அல்லது தானியங்கள் வைத்திருந்தால் குடும்பத்தையும் வாழ்க்கையையும் நடத்த முடியுமென்பதை அரசாங்கமே இரண்டாவது ஐந்தாண்டுத் திட்டத்திலே குறித்திருக்கிறார்கள். குடும்பத்தை நடத்த ஒரு விவசாயிக்கு குறைந்தது வருஷத்திற்கு 1,200 ரூபாய் நிகர வருவாய் வேண்டுமென்று அவர்கள் குறிப்பிட்டிருக்கிறார்கள். மற்றத் துறைகளை எடுத்துக்கொண்டு பார்த்தால் அதிலுங்கூட வருஷத்திற்கு 4,000 ரூபாய் வேண்டுமென்று சொல்லியிருக்கிறார்கள். இதிலேகூட discrimination இப்பொழுது செய்யப்பட்டுவருகிற சட்டங்கள் பூராவையும் எடுத்துக்கொண்டு பார்த்தால் எந்த சட்டமும் பாரபட்சமாகவே செய்யப்படுகிறது. கோர்ட்டுகளிலும் அதனால் வேலை அதிகமாகி

[Sri O. P. Ramaswami Reddiar] [28th September 1956]

விட்டது. ஒருவருக்கொருவர் சண்டை போடவேண்டும், அதனால் வக்கீல் களுக்கு இன்னும் அதிகமாக வருவாய் உண்டாகவேண்டுமென்பதற்கு இப்பொழுது சட்டங்கள் செய்யப்படுகின்றன என்றுதான் தோன்றுகிறது. அவசரம் அவசரமாகச் சட்டங்கள் இயற்றப்படுவதைப் பார்த்தால் அப்படித் தான் தோன்றுகிறது. அவசரம் அவசரமாகச் சட்டங்கள் செய்யப்படுவதால், எந்த நோக்கங்களுக்காக சட்டங்கள் இயற்றப்படுகின்றனவோ, அந்த நோக்கங்கள் நடைமுறையிலே நிறைவேற்றமுடியாமல் வேறுவிதமாக முடிந்துவிடுகின்றன. இப்பொழுது வந்துகொண்டிருக்கிற தீர்ப்புகளிலிருந்தே அதை நாம் தெரிந்துகொள்ளலாம். கோர்ட்டுகள் தீர்ப்பு அளிப்பதை யொட்டி, சட்டங்களை அவசரம் அவசரமாகத் திருத்தவேண்டியிருக்கிறது. அதற்குமேல் "ரிட்" மனுக்களும் கோர்ட்டு முன் வந்துகொண்டிருக்கின்றன. ஆகவே, ஜனங்களுடைய நன்மைக்காக என்று சட்டங்களை நிறைவேற்றும்போது, சற்று யோசித்துச் செய்தால் நன்றாக இருக்கும். சபி பத்தில் தேர்தல் வரப்போகிறது என்ற ஒரு யோசனையை மாதிரி வைத்துக்கொண்டு செய்தால் போதாது. மற்ற விதத்திலும் யோசனை செய்து பார்க்கவேண்டும். சபிப்சம் எந்த அளவுக்குப் பெருகிவரும், எவ்வளவு பேர் இதனால் பாதிக்கப்படுவார்கள் என்பதையும் யோசிக்க வேண்டும்.

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க.ம.

விவசாயிகளில் 15 சத விதத்தினர் சாதாரணமாக வாரம் குத்தகைக்கு பயிரிடுகிறவர்களாக இருக்கிறார்கள். பதினாறு சதவிதத்தினர் சீமாராக தொழிலாளிகள். மற்றவர்கள் பூராவும் சொந்தப் பண்ணை வைத்து வேலை செய்கின்றவர்கள். ஆனால், அதற்கும் ஜவாப் சொல்ல முடியும். ஜவாப் சொல்வதற்காகத்தான் இருக்கின்றோம். பதினேழு சத விதத்தினர்தானே குத்தகை வாரத்திற்கு சாகுபடி செய்கிறார்கள், ஆகையால் அவர்களுக்குத் தானே பாதகம் ஏற்படும், மற்றவர்களுக்கு என்னவென்று கேட்கலாம். ஒருவரை பாதித்தாலும் கூட அவரை நம்பியுள்ள மற்றும் பலரும் பாதிக்கப்படுகிறார்கள். சாதாரணமாக, கிராமத்திலுள்ள ஒரு குடும்பத்தில் மூன்று, நான்கு பேர்கள் இருக்கிறார்கள் என்று வைத்துக்கொள்வோம்; அவர்களுக்கு 3 ஏக்கர் நிலம் இருக்கிறதென்றும் வைத்துக்கொள்வோம். அந்தக் குடும்பத்தை சரிவா நடத்தமுடியவில்லை என்றால், அப்போது அந்தக் குடும்பத்திலுள்ள சிலர் நகரங்களுக்குச் சென்று வேறு தொழில்களில் ஈடுபடுகிறார்கள்; அப்படி நகரங்களில் தொழில் செய்து, அதன் மூலம் கிடைக்கும் பணத்தில் தங்கள் வயிற்றுப்பிழைப்பை நடத்தி கிராமத்திலிருக்கும் விவசாய சகோதரனுக்கும் ஏதாவது பணம் அனுப்புகிறார்கள்.

விவசாயம் செய்ய வேண்டுமென்றால், மாடு வேண்டும், மாட்டைப் பராமரிக்க வேண்டும், ஜல வசதி வேண்டும், உபம் வேண்டும், பூச்சி புழுக்களின் தொல்லைகளைத் தடுக்க வேண்டும்; இவ்வளவும் தேவை. இப்போது அரசாங்கத்தார் பெரிசுலைஸ் உதவி அளிக்கிறார்கள். இதற்கு நிறையப் பணம் செலவுபிக்கப்படுகிறது. பூச்சி விஷம் மட்டுமல்ல, பூஞ்சாணம் வேறு இருக்கிறது. இதற்காக அநேக பூச்சி சாஸ்திரிகளும் பூஞ்சாண சாஸ்திரிகளும் வருகிறார்கள். பயிர்களிலிருந்து பூச்சிகளை நீக்குவதற்காக தகுந்த மருந்துகளை உபயோகித்து சிகிச்சைகளும் செய்கிறார்கள். இப்படி பல துறைகளிலும் செலவுசெய்யும்போது விவசாயிக்கு அதிகம் செலவு ஏற்படுகிறது. உற்பத்தியைப் பெருக்குவதற்காக இந்தக் காரியங்களை யெல்லாம் அவசியம் செய்யவேண்டியிருக்கிறது. விவசாயிகள் தங்கள் வாழ்க்கையையும் நடத்தவேண்டியிருக்கிறது, இந்தச் செலவுகளையும் செய்யவேண்டியிருக்கிறது. விவசாயிகள் நல்ல முறையில் வாழ்க்கை நடத்தவே முடியாமல் இருக்கும்போது அவர்கள் இந்தச் செலவுகளை யெல்லாம் செய்து உணவுப் பொருள் உற்பத்தியை பெருக்கவேண்டுமென்று அரசாங்கத்தார் சொல்கிறார்கள்; இப்படிப்பட்ட நிலைமையில் அரசாங்கமே பூராச் செலவையும் செய்யவேண்டியிருக்கிறது, விவசாயிக்கு என்ன உதவியையும் இலவசமாகவே கொடுக்கவேண்டியிருக்கிறது. ஆகையால், உணவுப் பொருள் உற்பத்தியை அதிகரிக்கவேண்டும் என்ற நல்லெண்ணம் அரசாங்கத்திற்கு இருந்தாலும், விவசாயிகளின்

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வாழ்க்கைத்தரம் உயருவதற்கு வசதி செய்யாவிட்டால், அரசாங்கத்தின் முயற்சி வெற்றியடையாது என்பதை நான் சுட்டிக்காட்டாமல் இருக்க முடியவில்லை.

இந்த விஷயங்களையெல்லாம் பார்க்கும்போது, நன்றாக யோசித்துத் திட்டம் போடவேண்டும் என்பது தெரிகிறது. ஒரு சட்டத்தை இயற்றும் முன்பு, அந்தச் சட்டத்தினால் எந்த எந்தத் துறையில் எவ்வளவு பேருக்கு நன்மை கிடைக்கும், எவ்வளவு பேருக்கு பாதகம் உண்டாகும், எவ்வளவு பேருக்கு பீதி உண்டாகும் என்பதைப்பற்றியெல்லாம் நன்றாக யோசிக்க வேண்டும். கொண்டுவரும் சட்டத்தின் காரணமாக எவ்வளவு பேர் ஊக்கத்தூடன் உணவு உற்பத்தியை அதிகரிப்பார்கள் என்று யோசித்துப் பார்க்கவேண்டும்; அதற்கேற்ற முறையில் வரப்போகும் சட்டம் தூண்டு கோலாக இருக்கவேண்டும் என்பதையும் பார்க்கவேண்டும். மறை முகமாக (indirectly) தூண்டுகோல்கள் உண்டாக்கவேண்டுமென்றால் நன்றாக யோசிக்கவேண்டும். மனிதன் மனதை உடையவன் என்பதை மறுக்க முடியாது. மக்களின் மனதைத் துண்டிப்பதும் முறையில் சட்டங்களைக் கொண்டுவந்தால், அதன் விளைவு என்னவாக இருக்கும்? அதன் விளைவாக, உணவு உற்பத்தி அதிகரிப்பதற்குப் பதிலாக குறையத் தான் செய்யும். ஆகையால் இந்த விஷயங்களையெல்லாம் நன்றாகக் கவனிக்கவேண்டும் என்று கனம் அமைச்சர்களுக்குச் சொல்லிக்கொள்கிறேன். சட்டம் செய்யாமல் இருக்க முடியாது; ஏனென்றால் ஒரு பக்கத்தில் சட்டமியற்றவேண்டுமென்று கிளர்ச்சி செய்யப்படுகிறது. கிளர்ச்சி இருப்பதால் சட்டம் செய்யத்தான் வேண்டும். ஆனால், நல்ல முறையில் சட்டம் செய்யவேண்டும். கொண்டுவரும் சட்டத்தினால் மற்றவர்களுக்கு எவ்வளவு பாதகம் ஏற்படக்கூடும் என்பதையும் கவனிக்கவேண்டும். பெரும்பாலோருக்கு அதிக பாதகம் ஏற்படாதவாறு சட்டம் செய்யவேண்டும். அப்படிச் செய்யாவிட்டால், உணவுப் பொருள் உற்பத்தி பாதிக்கப்படும்; எந்தப் பலன் ஏற்பட வேண்டுமென்று இரண்டாவது ஐந்தாண்டுத் திட்டம் ஆரம்பிக்கப்பட்டதோ அந்தப் பலன் ஏற்படாது, வேறு விதமான பலன்தான் ஏற்படும்; விவசாயிகளின் மனோநிலை பாதிக்கப்படும், அவர்களுடைய உற்சாகம் குறையும், உணவுப் பொருள் உற்பத்தி குறையும்.

விவசாயிகளை ஒரு விதமாகவும் மற்றவர்களை மற்றொரு விதமாகவும் நடத்தும் முறையில்தான் இன்று மத்தியிலும் ராஜ்யத்திலும் திட்டங்கள் போடப்படுகின்றன. இரண்டாவது ஐந்தாண்டுத் திட்டத்தில், விவசாயத் தொழில் செய்கிறவர்கள்மாதிரம் வருடத்திற்கு ரூ. 1,200-க்கு மேல் சம்பாதிக்க முடியாதபடியும், மற்றத் துறைகளிலுள்ளவர்கள் ரூ. 4,000 வரை சம்பாதிக்கக்கூடிய முறையிலும் திட்டங்கள் போடப்போவதாகச் சொல்லப்பட்டிருக்கிறது. விவசாயி மாதிரம் ரூ. 1,200-க்கு மேல் சம்பாதிக்கக் கூடாது என்று சொல்கிறார்கள். விவசாயிக்கு அதாவது கிடைக்கும்படி ராஜ்ய அரசாங்கம் சட்டம் செய்திருந்தா என்றால், விவசாயிக்கு ஐந்து ரூபாய், பத்து ரூபாய் கூடக் கிடைக்காமல் இருக்கக்கூடிய சூழ்நிலை தான் அரசாங்கம் சட்டம் செய்கிறது என்பதை நான் சொல்லாமல் இருக்கமுடியவில்லை.

ஒரு விவசாயி 5 ஏக்கர் நிலம் வைத்துக்கொண்டிருக்கிறார் என்று வைத்துக்கொள்வோம். அதில் 2 ஏக்கரை சாகுபடியாக்குகிறார் குத்தகைக்கு விட்டிருக்கிறார் என்று வைத்துக்கொள்வோம்; அல்லது 5 ஏக்கரையே குத்தகைக்கு விட்டிருக்கிறார் என்று வைத்துக்கொள்வோம். வருவாய் போதாததால் நிலச்சவான் குத்தகைக்கு விட்ட நிலத்தைச் சொந்த சாகுபடிக்கு திரும்ப எடுத்துக்கொள்ள விரும்பினால் அதைக் கட்டுப்படுத்துவதற்கு சட்டம் செய்யப்படுகிறது. ஐந்து ஏக்கர் நிலத்தைக் குத்தகைக்கு விட்டவர் 2½ ஏக்கரைத்தான் திரும்பப் பெறலாம் என்று சட்டம் செய்யப்படுகிறது. 2½ ஏக்கர் நிலத்தைத் திரும்ப எடுத்துக்கொண்டு அதில் சாகுபடிசெய்து விவசாயி வாழ்க்கை நடத்த முடியுமா என்று பார்க்கவேண்டும். ஆகவே விவசாயி செய்கிறவர்கள் மற்றத் தொழில்களில் ஈடுபடுவதற்கான வசதிகள் சட்டம் கொடுத்திருக்கின்ற இம்மாதிரிச் சட்டமியற்றினால் பரவாயில்லை.

சு.

[Sri O. P. Ramaswami Reddiar] [28th September 1956]

கள் ஏதாவது உப-தொழில்கள் செய்துவருகிறார்களா என்று பார்த்தால் அதுவும் இல்லை. ஆகவே இப்படிப்பட்ட நிலைமையில் இம்மாதிரிச் சட்டமியற்றினால் கிராமப்புறங்களிலுள்ளவர்கள் நகரங்களுக்கு வரக்கூடிய நிலைமைதான் ஏற்படும். 'கிராமங்களுக்குப் போங்கள்' என்று ஒரு பக்கம் கூச்சல். மற்றொரு பக்கத்தில் கிராமங்களிலுள்ளவர்களெல்லாம் நகரங்களுக்கு வரக்கூடிய முறையில் சட்டமியற்றப்படுகிறது. இப்போதே நகரங்களில் ஜன நெருக்கம் மிக அதிகமாக இருக்கிறது. நகரங்களில் பல்லாயிரக்கணக்கான ஏழைகள் நடைபாதைகளில் வசித்துவருகிறார்கள். இன்னும் எவ்வளவு பேர்களை இம்மாதிரிச் சட்டங்களியற்றி அரசாங்கத்தார் நகரப் புறங்களுக்குக் கூப்பிடுகிறார்களோ, தெரியவில்லை. இந்த விஷயங்களை யெல்லாம் நன்றாக பரிசீலனை செய்து சட்டமியற்றினால் நன்றாக இருக்கும். அப்படிச் செய்யாவிட்டால், அதன் பலன் என்னவாக இருக்கும்? வரப்போகும் தேர்தலிலேயே பலர் பாதிக்கப்படலாம், பல துன்பங்கள் ஏற்படலாம்.

எந்தக் கட்சியாக இருந்தாலும் கட்சி மனப்பான்மையை வைத்துக் கொண்டே ஆட்சி நடத்தக் கூடாது. ஜனங்களின் சுபிட்சத்திற்காக ஆட்சி நடத்த வேண்டும், தங்கள் கட்சிக்காக மாத்திரம் ஆட்சி நடத்தக் கூடாது. சர்க்காரின் கொள்கை ஜனங்களின் சுபிட்சத்திற்காக இருக்கவேண்டும்; இல்லாவிட்டால் ஜனங்களின் பொருளாதார நிலைமை பாதிக்கப்படும்; ஜனங்களில் ஒரு சாராருக்கு பாதகமான சட்டத்தை இயற்றுகிறோம் என்ற வசவுக்கு நாம் ஆளாவோம். ஒரு சாராருக்கு பாதகமான சட்டத்தை இயற்றினால் நம் மனச்சாட்சியே நம்மைக் குத்தும் என்று நினைக்கிறேன். ஆகவே இந்த விஷயங்களை யெல்லாம் நன்றாகக் கவனித்துச் சட்டமியற்ற வேண்டும்.

மசோதாவைக் கீழ் சபையில் நிறைவேற்றி இங்கே அனுப்பி விட்டார்கள். இங்கே சொல்வதையெல்லாம் கவனிக்காமல் அப்படியே நிறைவேற்றி விடுவது சரியல்ல. இங்கே ஒன்றும் பேச முடியாது; இங்கே ஏதாவது பேசினால், அது பத்திரிகைகளிலும் Official report of the proceedings of the Council-லும் வருவனதப் பார்க்கலாம்; அவ்வளவு தான். இப்படி ஏன் நேரத்தை வீணாக்க வேண்டுமென்று நானும் இப்போதெல்லாம் சபைக்கு வருவதில்லை.

SRI A. M. ALLAPICHAJ : மேல் சபைக்கு அதிகமான அதிகாரம் (power) கொடுத்தால் தேவலை.

SRI O. P. RAMASWAMI REDDIAR : அது வேறு விஷயம். இங்கே வந்திருக்கிறவர்கள் அமைச்சர்களாக ஆகியிருக்கிறார்கள். நமக்கு அதிகாரம் இருக்கிறதோ இல்லையோ, நியாயம் வேண்டாமா, நீதி வேண்டாமா? நியாயமான முறையில், யாருக்கும் பாதகம் இல்லாதபடி சட்டமியற்ற வேண்டும். நான் இங்கே கூறுவது எல்லாம் "செவிடன் காதில் சங்கு ஊதுவது" போலத் தான் இருக்கிறது, "காட்டிலே காய்ந்த நிலா" போலத்தான் இருக்கிறது. அதிகமாகப் பேச வேண்டுமென்று நினைத்துக் கொண்டிருந்தேன்; பேசியது போதும் என்று இத்துடன் நிறுத்திக்கொள்கிறேன்.

* **SRI V. V. RAMASWAMI :** கனம் தலைவர் அவர்களே, உணவு உற்பத்திப் பெருக்கத்தை அடிப்படையாகக் கொண்டு, நிலப் பிரச்சனையை ஒருவாறு தீர்ப்பதற்காக அரசாங்கத்தார் தீர ஆலோசித்து, முடிவாக இந்த நியாய வார மசோதாவைக் கொண்டுவந்து நிறைவேற்ற இருக்கிறார்கள். நாட்டிலே உணவுப் பிரச்சனையை முக்கியமாகத் தீர்க்கவேண்டுமென்பது தான் மக்களுடைய விருப்பம். ஒரு காலத்திலே, உணவு நெருக்கடி தீர்ந்துவிட்டது, போதிய அளவு உணவு உற்பத்தி இருக்கிறது, இனிமேல் உணவுப் பொருள்களைப்பற்றி பயம் கொள்ளவேண்டியதில்லை என்று விளம்பரப்படுத்தப்பட்டது. ஆனால், திடீரென்று நிலைமை மாறி, வெளி நாட்டிலிருந்து உணவுத் தானியங்கள் இறக்குமதி செய்தால்தான் விவசாயம் சம்பந்தத்த முடியும் என்ற நிலையும் வந்துவிட்டது. இந்த நிலைமையில் என்னப் போன்றவர்களுக்கு என்ன தோன்றுகிறதென்றால்

28th September 1956] [Sri V. V. Ramaswami]

மக்கள் உணவுப் பற்றாக்குறை இல்லாமல் நிம்மதியாக இருக்கக்கூடிய காலம் எப்பொழுது வருமோ, அல்லது வரவே வராது என்று கூட ஐயப்படவேண்டியிருக்கிறது.

தெரிந்தோ தெரியாமலோ இந்த நிலப் பிரச்சனையை ஒருவாறு தீர்த்து விடுவோம் என்று காங்கிரஸ் அரசாங்கம் சொல்லிவந்தது. அதிலிருந்து மக்களிடத்திலே திகில் இருந்ததே தவிர, ஏதாவது ஒரு முடிவுக்கு சேக்கிரம் வந்துவிடுவார்களா என்ற நம்பிக்கை ஏற்படவே இல்லை. இருந்தாலும் நமது ரெவின்யூ அமைச்சரவர்கள் இருக்கிற நிலைமையைச் சமாளித்து ஒருவாறு திருப்திகரமாக நியாய வார மசோதாவைக் கொண்டு வந்ததற்கு நாம் அவரைப் பாராட்டக் கடமைப்பட்டிருக்கிறோம். ஆனாலும், இந்த நியாய வார மசோதாவை நிறைவேற்றுவதில் சம்பந்தப்பட்ட நிலச்சுவாந்தார்களுக்கும் குடியானவர்களுக்கும் இடையே சுமுகமான உறவு நிலை ஏற்படுமா என்பதுதான் கேள்வி. இருவரிடையேயும் ஒரு சுமுகமான உறவு ஏற்பட்டுவிட்டால் அதுவே வெற்றி என்று சொல்லலாம்.

இந்த மசோதாவில் கண்டுள்ள குத்தகை வார விதிப்புகள் எப்படியிருந்தாலும், ஏதோ நிலச்சுவாந்தார்களுக்கு அதிகமாகக் கிடைத்து விட்டது, குடியானவர்களுக்குக் கிடைக்கவில்லை என்ற பிரச்சனையிலே மக்கள் இறங்காமல், எப்படியாவது இனிமேல் சுமுகமான காரியத்திலே இறங்கி, உணவு உற்பத்திப் பெருக்கத்திலே ஒத்துழைக்கும் சூழ்நிலையை அரசாங்கத்தார் ஏற்படுத்தவேண்டும் என்பதுதான் என்னுடைய வேண்டுகோள். அப்படி இல்லாவிட்டால், எந்தவிதமான சீர்திருத்தம் செய்த போதிலும் நமது அடிப்படையான உணவுப் பிரச்சனையைத் தீர்க்கவே முடியாது. ஆகவே, அவர்கள் சொல்லிய வண்ணம் எந்தமாதிரியான நிலப் பங்கீடு முறையைக் கொண்டுவரப் போகிறார்கள் என்பதில் ஒரு வழியாகச் சேக்கிரம் முடிவுக்கு வந்துவிட்டால்தான், மக்களிடத்திலே இருக்கிற திகில் ஒருவாறு தணியுமென்று அபிப்பிராயப்படுகிறேன். ஆகவே, இந்த உணவுப் பெருக்க விஷயத்திலே குடியானவர்களுக்கு எவ்வளவு அதிகமாகப் பங்கு கிடைக்கிறது என்பது மகிழ்ச்சியைத் தரக் கூடியது என்றபோதிலும், முக்கியமாக காலாகாலத்தில் பண உதவி கிடைக்கவேண்டியது மிக மிக அவசியம் என்பதை மனதிலே வைத்துக் கொள்ளவேண்டும். எவ்வளவு நிலம் கிடைத்தாலும்கூட, மரகூலில் அதிகமான பங்கு கிடைக்கும் என்ற நம்பிக்கை இருந்தாலும்கூட, சாகுபடிக்காரியங்களுக்கும், மற்றக் காரியங்களுக்கும் குறைந்த வட்டியிலே காலாகாலத்தில் வேண்டிய அளவு பணம் கிடைப்பதற்கான வழி செய்தால் தான் முடியும். நில அடமான பாங்குகளும், மற்ற கடன் கொடுக்கும் பாங்குகளும் துரிதமாக ஏற்பட்டு இயங்கும்படியான காரியங்களைச் செய்தால் தான் குடியானவர்கள் நில உடைமைக்காரர்களையோ மற்றவர்களையோ எதிர்பார்த்துக் கடன்படாமல், சுயேச்சையாக தங்களுடைய உழைப்பில், கவனம் செலுத்தி, உணவு உற்பத்திப் பெருக்கத்தில் ஈடுபடமுடியும் என்பதிலும் ஐயம் இல்லை. உழைப்பை அடிப்படையாக வைத்துக் கொண்டும் உழைப்புக்கேற்ற லாபம் கிடைக்கும் என்ற நம்பிக்கையின் பேரிலும்தான் அவர்கள் நிம்மதியாக இந்த முயற்சியிலே ஈடுபடவேண்டுமானால், அவர்களுடைய பொருளாதார நிலைமையைச் சீர்படுத்திக் கொடுப்பதற்கு வேண்டிய காரியங்களைச் செய்வார்கள் என்று எதிர்பார்த்து இந்த மசோதாவை நான் வரவேற்கிறேன். வணக்கம்.

SRI V. CHAKKARAI CHETTY : Mr. Chairman, Sir, I am not a landholder nor am I a tenant. But I am interested in the welfare of the toiling masses in our country and I believe that this Bill is so worded and so framed that I am not at all confident that it is going really to benefit the toiling masses. On the contrary, it has been stated elsewhere that this is going to benefit the landlords and that our Ministers have bowed down before this false god of landlordism. In the Bible, 'Baal' is the name given to the false god and I believe the Government have fallen before these Baals, fearing the coming elections. I am sure this Bill is not

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likely to benefit the poor tillers, whether they are cultivating tenants or ordinary labourers, in whom I am more interested than in others, and about whom much is talked. But, unfortunately, the Government are allowing private interests, whether they are tenants or landlords, to regulate our agricultural economy. It is not really going to help us. The Government perhaps expect that this measure will hold the balance evenly between the landlord and the tenant. Even then, it is not going to improve our agricultural economy. I do not know whether the Government have studied the condition in other countries and how they have stabilized their agricultural economy. Conditions similar to those now prevailing here existed in China, for example, before the Revolution. I think our Ministers are expecting a revolution from the agricultural population so that they may introduce reforms in the field of agriculture later. It is said that the French landlords who dominated French economy before the French Revolution, were quite forgetful of the interests of the toiling masses until the Revolution broke out. Even so, I read in newspapers here that Vivasaya Sanghams have been formed to agitate for a better living condition for the agricultural labourers. I believe the Government should take their views into consideration before they deal with a question like this. Some balance this way or that way is not likely to benefit the agricultural labourers or the tiller of the soil. The hon. Member, Mr. O. P. Ramaswamy Reddiar, whose experience is of considerable value to us and whose presence we all welcome, has just now spoken. Even though he did not feel that he was saying anything new, the presence of a statesman of the calibre of Mr. O. P. Ramaswami Reddiar is a source of great encouragement to all of us and what he says to us helps us to understand things better. For example, he said something about fertilisers. I was then reminded of a story relating to America. While we use the word "poochi" in Tamil for insects, Americans use the expression "bugs" to denote insects; even though we know the English language as taught by Englishmen, we do not use the word "bugs" to denote all insects. A great professor was at one time asked by a student who took an insect to him, as to what sort of "bug" it was, and the Professor replied, it was "humbug." Our Ministers may say all this is "humbug." This sort of reply given by the American Professor may not please the hon. Member, Sri O. P. Ramaswami Reddiar, or any one who uses the word "poochi." Therefore, I say that attention should be paid to all these subsidiary matters. I believe more money should be spent for helping the poor agricultural tenant so that he may place the land, which he cultivates, on a better footing. It is said that soil is now deteriorating. But, by the encouragement that we give to the tiller of the soil and as a result of the encouragement that is now given to the tenant by this Bill by way of grant of an increased share, I think the tiller of the soil will put forth all his efforts to increase the fertility of the soil much more than what the landlords, who were hitherto the guardians of the land, have done. A lot of money has to be spent to increase the fertility

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of the soil so that it may reach the requisite standard. Then only we could expect a higher yield from the land. I do hope that all these factors would be taken into consideration by the Government and that they would do the needful to the tiller of the soil and help him in all directions to increase the yield from the land. I do hope that Government, who are anxious to see that agricultural production is increased, would do the needful to the tenants and that the tenants would not be disappointed in their expectations. With these words, although I am not very enthusiastic about this measure, I still welcome the introduction of this Fair Rent Bill. I welcome it even though I have grave doubts whether this Bill is not going to benefit more the landlords than the poor labourers, who are the tillers of the soil.

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, the hon. the Deputy Leader of the Opposition initiated the debate. So, I shall start from that point. He referred to Germany and said that what was possible in Germany was possible here; he then asked why it was not done here in Madras State. He referred to the scheme in Germany whereby the tenant was made the proprietor of the land. Not only it has been possible in Germany but it has been possible in Bombay and Hyderabad also. In fact, in Bombay I understand that on a particular date, viz., 27th April 1957 (they call it the Tillers' Day), all the tenants would become automatically the owners of the land. They have a scheme under which they compensate the landlords for the lands taken over from them. In addition to paying the fair rent fixed, a small portion goes to the landlord towards payment of compensation. The tenant could pay the amount fixed as compensation for the land, in ten or twelve instalments. Ultimately, he becomes the complete owner of the land. Therefore, what Dr. John stated has been made possible in India also. This Government thought that they could frame a scheme by which this change could take place. The only trouble was this. Here this Government wanted that this problem should be solved between the landlord and the tenant. But there was difficulty about that. I have already stated it. In this process of changing the tenant into the proprietor of the land, Government should take up the responsibility and they should see to it that compensation is paid to the landlord for his land. Details have to be worked out for the same. But, we did not proceed on that basis. We tried to bring together the tenant and the landlord so that compensation, etc., may be between themselves. We came to know that any change in that scheme would take time. But because we had passed the Cultivating Tenants Protection Act, 1955, by which the tenant could not be evicted by the landlord, we thought that something should be done in the direction of fixation of fair rent. That is why this Bill has been brought forward now.

The hon. the Deputy Leader of the Opposition also said that the fair rent should be fixed as a multiple of land revenue. It may be easy to do so but it is not a scientific or correct method of fixing

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fair rent. I shall point out why it is so. This land revenue was fixed long ago and there has been no revenue settlement for the last 20 or 30 years. We have not revised it periodically. So, if we fix the fair rent as a multiple of land revenue, which was fixed 20 or 30 years ago, then the fair rent would be very low. If we fix a higher multiple, then the fair rent would be very high. It would cause disparities and discrepancies. That was why we did not adopt this method. Otherwise, I admit it is a simpler way of fixing fair rent. But in the present circumstances, it will not do justice either to the landlord or to the tenant. We have to see that the landlord is given his due share of the produce as also the tenant. We wanted to fix the fair rent, keeping in view the need to do justice to the landlord and the tenant. It is like a swinging board. It adjusts to the quantum of production. That is why we have adopted the percentage method as fixed in the Bill. If the landlord and the tenant come to an agreement, then it is all right. But the trouble starts when they do not agree. There is the impression that in the majority of cases the landlord and the tenant will have to go to Court to settle their differences. Only in certain cases probably they may have to go to the Court or the Tribunal. There is also the criticism everywhere that the landlord has been given less share. Therefore, we have to face the music, even the music coming from my Friend representing the University. Just as lawyers, when they take up cases, pick out some points advantageous to them and then argue, so also I have to argue but, at the same time, I have to do it in such a way that justice is rendered to both. It is from that angle that I have to reply to some of the arguments advanced by the Opposition. What is the basis on which we have fixed 40 per cent of the produce as the share of the landlord and 60 per cent as the share of the tenant? In the neighbouring State of Bombay the landlord's share is one-sixth of the total produce and in Hyderabad it one-fifth of the total produce. I find, Sir, that in certain areas, especially in Bombay and in Hyderabad, the rent has been reduced by five or six times and there is discontentment about that. No doubt, in other areas, there it is not so steep. We have to take the circumstances and the situation in our State into consideration. Having taken them into consideration, we have fixed this fair rent. It is now argued while the neighbouring State of Andhra has fixed 50 per cent as the share of the landlord and 50 per cent as the share of the tenant, why we should not adopt the same percentage here and why we should fix this proportion. I may tell hon. Members that, when I told the members of the Planning Commission that in the neighbouring State of Andhra the proportion was 50:50, that we had fixed 40 per cent as the share of the landlord and 60 per cent as the tenant's share and that as such we had fared better than Andhra, the parting words of the members of the Planning Commission were, "You should fix the share of the tenant at a level higher than the 60 per cent now fixed". That was the point of view that they held. But we have to consider the circumstances here and so, we have fixed the share in this manner. Now, the hon. Member said that however much,

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the share of the landlord might be reduced, though it might not affect people in other districts, it very sharply affected people in the Tanjore district, especially those in Kumbakonam taluk. That is true to some extent. The share that prevailed before the Tanjore Tenants and Pannaiyal Protection Act was passed, was between 25 and 30 per cent for the tenant and the balance went to the landlord. Only in that Act, it was fixed at 40 and 60 per cent for the landlord and the tenant respectively. Now they will find a very sharp increase in the tenant's share. That is true. But the hon. Member must also remember that simply because they have been receiving a higher share, they cannot continue to receive the same. In the light of other circumstances also, this has to be viewed. I had occasion to visit some of those villages in Tanjore district, and I went into the huts of many tenants. Their position is very miserable. A particular tenant starts his work with cold rice and he has no food for the noon; and his position in the night is precarious; he may have or may not have anything to eat. It may be asked why under these circumstances, he should stick on to that profession. Well, he has no other go; he has perforce to stick on to it. Many tenants sometimes starve. Taking that into account and also bearing in mind that we are out to raise the standard of living of the people, we have to view dispassionately. Now, the standard of living in India is very low and perhaps the lowest in the Southern States, I am told, especially in the Tamil districts. Perhaps that is why people from the Tamil districts migrate to Ceylon, Penang and other places; for, the pressure on land is so great here. What little may be got from the land, they are prepared to receive. So, can we any longer allow that state of affairs to continue? That is the question facing us. If we allow that to continue, what happens? Now, take the case of an epidemic. In a bungalow, there are out-houses. Suppose plague or cholera breaks out. What does an intelligent and shrewd owner do? There are some people who take care of themselves only; they think that if they keep their premises clean, everything is all right. But the intelligent fellow looks after his out-house and its occupants; he sees that their apartments are kept clean and the occupants cared for. Europeans especially do that, but I do not know about others. So, to prevent that disease, he takes measures to keep things clean in the out-houses. So also if this sort of disease, viz., the existence of underfed, discontented tenants, is allowed to continue, this is like the cholera germ and ultimately it will spread to others including landlords. Further, there is no dearth of agency for that. Ordinarily, it may not spread as fast as that. But there are interested persons who fan it and if that is done, the epidemic will break out and all will be affected. So, from the point of view of raising the standard of living of the famished, underfed man and also from the point of view of keeping the body politic in a healthy condition, we have to-day to see that this underfed man gets something.

Now, it was said that the small landlord also was more or less in a similar position. Of course, I cannot answer the

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border cases and the marginal cases. But if we take the majority of small landlords, they can just adjust, adjust in the sense that if their income is reduced, they can reduce their expenditure, by adjusting their menu. Certain items they can leave out. But, the other man has no menu at all; there is no question of his adjusting menu. (Sri K. Balasubramanya Ayyar: Has the small landowner a full menu?) He may cut off *Kozhambu* or *Rasam* or any other item can be given up. So, to the man who has no whole meal, we want to give some meal, even though it may affect some. Of course, it is very difficult for people who have been enjoying all along certain comforts and conveniences to reconcile themselves to the new position. But the times are changing and we have to adjust ourselves to those changes. The small landowner can really adjust, but it is not the case with the tenants; for them there is nothing to adjust. It is with that idea that an increased share has been given to the tenants.

Again, coming to Tanjore, landlords there have been living in comfort all these years; the share of the tenant was very low; they have the very accommodating river, the Cauvery; there was not much trouble about labour; before the Mettur Dam was constructed, the alluvial soil and silt were giving fertility to their lands. Now, Sir, in nature there is what is called cause and effect, like heat and cold, sunshine and darkness. A certain section of the people were enjoying all these years. If they have to suffer a little now, it is due to the working of the cause and effect principle. It is going on everywhere in the world. It is working in Tanjore also. It is, not as though we had a particular eye on Tanjore district. It is not so.

It was pleaded that small landholders should be exempted from the operation of this Bill. What happens if the small holders are exempted from the Bill? A large size of these holdings will come under that category and there will be no purpose served at all by bringing in this Bill. However, we have now made a provision that the small holders, if they want to take to cultivation, may resume land up to 5 acres of wet land and an equivalent extent of other lands. We have provided that, so that if he is deprived of his means of living, he could take to this cultivation. That was the reason why an amendment was also introduced.

It was said that sharing was compulsory. It is not so and even yesterday I pointed out the mode of adjustment.

The hon. Member Sri Narayanaswami Pillai referred to the Jewish Fund in Israel. We cannot think of any fund, unless there is a Vice-Chancellor's Fund and we get some money from that, I mean, the Annamalai University Vice-Chancellor's Fund. The only way the Government can take responsibility is to issue bonds and in that way compensate the landlords.

As regards the income of the religious endowments being lowered, that question was also examined. Now most of these

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endowments have farmed out their lands to intermediaries who take them at very low rates of rent; they make huge profits over that. Now the proprietors get into direct contact with the cultivating tenants and as a result of that, their rent also will be something higher. I think there will not be any difficulty. But in spite of this, if there is any difficulty, Government will look into that. I personally think that there will not be a very great decrease in income. They will be getting a fair amount of rent. The only thing is that the intermediaries will lose their income.

Doubt was expressed whether the fair rent would be sufficient or not. Here that question does not arise. It will arise in the case of the other reform, namely, what is an economic holding. The present arrangement is only a make-shift so that the small landowner may not be suddenly deprived of his right if he wants to cultivate his lands. So, some provision is made for this purpose. The next stage will be the determination of an economic holding. Therefore, there need not be any apprehension on that score now. 12-30 P.M.

The question of avoiding fragmentation will also arise in connection with the other reform. There is no meaning in allowing land to be divided into small bits. It must be prevented. So, there must be anti-fragmentation legislation. But that will come up later.

It was stated that a large area was allotted for sugarcane cultivation. Now, it should be noted that this State is in deficit in the matter in sugar. We are importing a lot of sugar. Some six years ago we had to pay crores of rupees to Uttar Pradesh and they dictated their own price. So, we had to pay a very high price for sugar. Therefore, it is necessary that we should become self-sufficient in the matter of sugar production. It is only with that view the Government have been encouraging sugar factories. I think one factory has been established already. We shall also examine whether it would adversely affect the production of paddy. It will not affect it. Now, there is great encouragement of intensive cultivation and we hope that there will be no difficulty about greater production of paddy. On the other hand, we will be solving this question of deficit in sugar, which is a very good thing because we will be saving a lot of money in that way. That is why opening of sugar factories is encouraged.

Then, as regards the provision about the jurisdiction of the High Court, it was made because, otherwise, a writ would have to be filed. It was with a view to avoiding this difficulty that that was provided.

Much was said about the landlord cultivating the land. He has come into the picture only now. All along he was only a sleeping partner in this agricultural business. He was merely getting his rent. There were, of course, some landlords who took personal

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interest in cultivation. But many of them considered investment in agriculture only as a source of getting a decent income. It cannot be so any longer. Now, we see the pressure on land is so great. So, we have to limit the ownership of land to the landholder to the extent that he could himself cultivate profitably and the rest must go to the tenants and to the landless people who are not even tenants. There are so many agricultural labourers and they have to be provided for. This Bill refers only to the question of fair rent. Fixing a ceiling on possession of land, avoiding fragmentation of holdings, etc., will come in at the next stage of reform. For the present, we have tried our best to see that all interests are properly safeguarded and that there is no injustice done to any section of the agriculturist population.

MR. CHAIRMAN: The question is—

“That the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

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

III.—MOTION UNDER RULE 21 (3) OF THE MADRAS COUNCIL RULES.

THE HON. SRI M. BHAKTAVATSALAM: Sir, I move—

“That under rule 21 (3) of the Madras Council Rules, consideration of the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956), be resumed after the general discussion on the Supplementary Statement of Expenditure for 1956-57, Statement of Demands for Excess Expenditure in 1951-52 and the Statement of Demands for Excess Expenditure in 1952-53 is over.”

MR. CHAIRMAN: The question is—

“That under rule 21 (3) of the Madras Council Rules, consideration of the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956), be resumed after the general discussion on the Supplementary Statement of Expenditure for 1956-57, Statement of Demands for Grants for Excess Expenditure in 1951-52 and the Statement of Demands for Excess Expenditure in 1952-53 is over.”

The motion was put and carried.

IV.—DISCUSSION ON THE SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR 1956-57, STATEMENT OF DEMANDS FOR EXCESS EXPENDITURE IN 1951-52 AND STATEMENT OF DEMANDS FOR EXCESS EXPENDITURE IN 1952-53.

* SRI T. PURUSHOTHAM: Mr. Chairman, Sir, two financial statements are before the House for discussion, one relating to excess expenditure in 1951-52 and 1952-53 and the other relating to Supplementary Demands for Grants for the year 1956-57. The Hon. the Minister for Finance and Education, in introducing the Supplementary Statement of Expenditure for 1956-57, said that

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the main item included in it related to cyclone relief in southern districts. The total sum asked for is about Rs. 3½ crores. This amount is expected to be covered by loans and grants from the Government of India. It is not stated how much amount has been received so far from the Central Government and how much will be spent by the State Government. The Explanatory Note under Grant XXVIII does not furnish these details. We shall be glad to be told how much of this will be received from the Government of India and how much will have to be met by the State Government. All the items included in the Supplementary Demands for 1956-57 relate to various schemes of development envisaged in the Second Five-Year Plan in the various departments especially Agriculture and Industries. I think hon. Members will agree with me that the Government should be congratulated on implementing these schemes in right earnest and for having sanctioned them as ‘new service’ schemes to ensure prompt execution.

Offering a few remarks on some of those items, I should like to state that a sum of Rs. 1 lakh is proposed for expenditure upon effecting improvements to the traffic arrangements in Madras City. I am sure hon. Members will agree that satisfactory traffic arrangements are being made in the City of Madras now. We have got beautiful R.C. railings at road corners and important turnings. An officer of the Police Department has recently been deputed abroad for special training in traffic arrangements and he has returned, and we hope that further schemes will be implemented to improve the traffic arrangements in the City of Madras. The traffic congestion in the Kotwal Bazaar area has also been recently tackled satisfactorily and thanks are due to the Home Department for their efforts in this direction. In this connection, it may be stated that the tramway posts in the middle of the roads have not yet been removed. I hope that the Government will impress on the Corporation of Madras the need for early removal of these tramway posts. (Interruption.) The Corporation have to repair the tramway tracks too.

SRI MOHAMED RAZA KHAN: In what way do the rails come in here? 12-30 p.m.

* SRI T. PURUSHOTHAM: It will be seen that the track between these rails is not properly repaired and that is why I suggested that while the central posts are removed, the rails also should be removed. I trust the Government will impress on the Corporation of Madras the need for taking early action in the matter.

Under Grant XI, we find that the Government propose to cover the entire State with National Extension Service Blocks. It is a welcome move and we should appreciate the efforts made by the Government in this direction. It has to be stated here that the subordinate officers—agricultural demonstrators, social education

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organizers and others posted for work in these Blocks are working under the administrative control of the Block Development Officers, but that they have no contact with the respective District Officers or the Heads of Departments. This arrangement does not seem to be correct, because in the matter of technical assistance, they will have to be guided by the District Officers and the Heads of Departments. While nobody would object to their being under the administrative control of the Block Development Officers, it would be a better arrangement if these officers instead of being independent officers, were placed under the technical or rather departmental control of the respective District Officers and Heads of Departments. This point has been conceded, as far as the Education Department is concerned by the Hon. the Minister for Education. I trust that all the officers who are now working in the extension or Development Blocks will be given specific instructions in this matter so that they can be brought under the technical control of the District Officers and the Heads of Departments concerned.

We are glad that some improvements to the College and School of Indigenous Medicine are contemplated. An X-ray plant is to be provided and also additional staff will be appointed. We should welcome all these improvements that are contemplated. But, it is regrettable to note that there are vacancies in the College of the posts of Lecturers which have not been filled for some time. There are qualified G.C.I.Ms. available to fill up these posts. But, it appears that they are proposed to be drafted as Demonstrators. These people have completed G.C.I.M. course and they have also worked as House Surgeons and so, there should be no objection to draft them as Lecturers directly. Instead of doing this, they are now asked to take up the post of Demonstrator. These difficulties are there and I would propose that a Committee should be appointed to enquire and set up better standards of administration and working in the College of Integrated Medicine. Hon. Members would have seen in the papers the welcome note sounded by the Hon. the Minister for Agriculture when he presided over a function in that College that the integrated courses of training in different systems of medicine should be introduced in all Medical Colleges and that as far as basic medical education is concerned, medical and surgical training for the first two years should be the same in all the Colleges including the College of Integrated Medicine, special emphasis being laid in the latter on the indigenous systems. I believe the Chopra Committee also has recommended some such improvement. I hope that improvements will be made in the College which will ensure the progress of the institution on right lines.

Under Grant XIX—Veterinary, we find certain new schemes included in the Second Plan for being taken up for execution. I find that provision for starting the Stockmen Course at the Livestock Research Station, Hosur, is made for training men in Animal

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Husbandry. We are glad that provision for these improvements has been made in the Supplementary Estimate. I think a few more improvements are needed for the Livestock Research Station at Hosur. There is electricity available right in front of the Farm; but there is no electricity inside the Farm. There is a hostel attached to the Livestock Research Station and it has no electricity connection. I do not know why electricity has not been provided at the Research Station and the Hostel. This should be done. When the Hon. Sri A. B. Shetty was in charge of this portfolio a couple of months ago, I brought this to his notice. The buildings belonging to the Hosur Farm are some old military buildings and they need repair and reconstruction. I trust the Government will take necessary action about this and also for providing electricity, especially for the Hostel. There is an old Dairy Farm and if electricity is supplied, the Dairy could be improved on modern lines. I trust these matters will receive the earnest attention of the Government.

Sir, I find that the Government have sanctioned the payment of a sum of Rs. 5,000 to the Indian Institute for Population Studies. We had a lot of interesting discussion on the population problem during the question-hour today. I do not know whether the Institute has been started by the Central Government. We have not got full details about it. (Interruption.) The Hon. the Minister for Finance tells me that it is a private institution. A demographic survey is proposed to be made in Mangadu village in Chingleput district. I wanted to know the full details about the working of this Institute. As the Hon. Minister has just now told us that it is a private institution for which this grant is proposed, I have nothing more to say about it except that it is a welcome move to give grants to carry on research in this important matter.

With regard to the Statement of Excess Expenditure in 1952-53, it is all expenditure already incurred and at best we can only have some academic discussion with regard to the items referred to there. There is an item of Rs. 26 lakhs or so shown there as 'excess due to less recovery than anticipated from the Government of India on account of National Highways and more expenditure on other road works than anticipated.' The maintenance of National Highways is a responsibility of the Central Government. It is a pity that a sum of Rs. 26 lakhs should be incurred by this State Government on that account. Anyway, I hope the Highways Department would see that there is sufficient allotment before they take up of any such schemes without specific allotment of funds. Such a large sum of Rs. 26 lakhs should not have been incurred before they knew exactly what the Budget provision was and what the anticipated grant from the Central Government was.

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Similarly, we find under 'Medical', that a sum of Rs. 8 lakhs and odd had to be paid towards the end of the year to the Medical Stores Department without sanction of funds. This amount should certainly have been anticipated. When the department made the indent, they should have made provision for it. There was no Budget provision. I do not know why the expenditure was not anticipated. They should have known it beforehand. When they sent the indent, they should have known what amount they would have to pay. True, supply having been received, payment has to be made; from the accounting point of view, the department concerned should have been careful in arranging for necessary allotment of funds before placing the indent instead of coming forward with a Demand for Excess Expenditure after two or three years.

In other cases, there is no great variation. The excess in each case would appear to be negligible. I am sure the hon. Members will agree to these items. Let me conclude by congratulating the Government once again on the prompt way in which they have begun to implement the schemes included in the Second Five-Year Plan.

12-40 * SRI A. GAJAPATHY NAYAGAR: Sir, I am interested in
p.m. one thing, that is, in the Ambar Charka programme, for which there is a provision of Rs. 3,47,000. I find all over the country a certain eagerness to know what this Ambar Charka is, how it works, how best it can be used for augmenting the income of a family and so on. Many persons are asking me questions about this and I would request the Government, if they really want to popularize the scheme, to have, in addition to the staff mentioned at page 50 of the Memorandum, persons who can go out to urban and rural areas alike, and impart knowledge about this charka and give training in its operation to the people so that it may be really useful in augmenting one's income. I very much admire this Ambar Charka but I do not know anything about it. I would very much like the Government to come forward to issue a pamphlet containing information about this scheme.

Then, Sir, though one may say that Supplementary Grants should not be asked for, I wish the Government spend more and more money and do more work in order to achieve the objective of a Welfare State. We have now had two Plans and I hope these will help to achieve this quickly.

Lastly, I would come to Veterinary Services. Much headway has not been made in the development of our livestock. The stockmen should have proper training and we require more and more stockmen to carry their knowledge to the remote parts of the villages. Then only our schemes of development of livestock will have been fully implemented.

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DR. A. LAKSHMANASWAMI MUDALIYAR: Sir, I was a little surprised when I got this note about excess expenditure in 1951-52. I do not see any purpose in sending this note to the Council except perhaps it be more or less a compliance with the rules. We do not know anything of this excess expenditure. The purpose of presenting Supplementary Demands for Grants is to enable Members who had the opportunity of studying the Budget at the time of its presentation to know in what way fresh expenditure has been warranted and to give some sort of support or approval or criticism or suggestion in regard thereto. I hope that this will be the last occasion when we are called upon to know the excess expenditure incurred four years earlier probably by a different Ministry and Heads of Departments who are not amenable to any criticism that we may offer now. I do not, therefore, propose to say anything about this excess expenditure in 1951-52.

Coming to the Demands for further expenditure this year, I am glad that the total amount that is asked for is not as much as the excess expenditure incurred in the year 1951-52, which was several crores of rupees at a time when the Budget was not probably so big in size as it is now. There are some points which arrest our attention. In regard to the expenditure that has been incurred or proposed to be incurred, I am glad that the Corporation has been given a lakh of rupees. I would like to mention that the Government should have some policy in regard to big cities in order to promote in the best way possible vehicular traffic, both fast and slow. There are bridges in the City of Madras which are, from the point of view of traffic, absolute 'bottlenecks'. These will increase as time passes. There are certain localities in the City of Madras, as there are in big cities like Madurai and Tiruchirappalli, where at present congestion is already great and in the course of the next ten years, it will be so much as not to render possible any sort of fast or slow-moving traffic. I have seen these problems in other places and I venture to suggest to the Government that a rational method or a long-term policy should be formulated so that in congested areas, pedestrians may be protected against traffic accidents. There must be underground passages and one of the best localities where an underground passage is very necessary is the Round Tana on the Mount Road. In Georgetown also, an underground passage is necessary in order to control traffic. I am glad that artificial fences made of reinforced concrete are provided at the edges of the platforms at some places where there is traffic congestion. But I would venture to suggest that in respect of each city of the type of Madras, the Government should take upon themselves the responsibility of getting expert studies made with a view either to widening the bridges or providing underground passages for pedestrians. In course of time, traffic conditions would be so difficult as to cause many human sacrifices whose number is growing even now. That, of course, is a long-term policy.

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But my object in referring to it is, instead of giving the Corporation of Madras and other municipalities loans, it would perhaps be very much better if the Government think of a long-term policy to help them.

Sir, though the presentation of Supplementary Demands is not an occasion to discuss policy, the hon. Member, Mr. Purushotham, with his usual freedom of speech, has gone into the question of policy. May I respectfully suggest that the Government need not take it that we all endorse it? I have some views to offer about the working of some of the departments, particularly about the Medical Department but I am not at present inclined to go into all that in detail because as far as Supplementary Demands are concerned, the question of policy-making is not generally dealt with when they are discussed.

My friend, Mr. Gajapathy Nayagar, referred to the Ambar charka and wanted to know something. I do not know what exactly he wanted to know. I think it will be good to demonstrate its working to the Members of the Legislative Assembly and the Council. Let us have an opportunity to know how it works and how it can be utilized. Let us know if what has been spoken of is correct and let us find out to what extent it can replace the old charka and to what extent it can supplant the mills to which we are supposed to be doing lot of injustice by the introduction of the Ambar charka. On this question I shall say nothing more. It would appear as if we are passing through a phase wherein large policies are being dictated to us from the Centre, policies which change from hour to hour, from month to month, and we do not know where we are. There is a certain amount of uneasiness all over the country. When that uneasiness is expressed, it is generally taken that that uneasiness is from interested quarters. Sir, this uneasiness must be felt by every person who is interested in the future of the country and who takes an intelligent view of the things that are going on and that are likely to come.

There is one other thing to which I shall refer before I close. Sir, the many items in respect of which Supplementary Demands for Grants are made are necessary and I welcome the increased expenditure that is going to be incurred on these items. They do not require any critical examination. But I should refer to one particular item—Highways. A sum of three lakhs of rupees is to be spent on asphaltting some roads in Tiruchirappalli town. Here again, I want a policy decision on the part of the Government, a decision which should be taken both by the Centre and the State Government. It is an invariable rule that all highways should skirt round the big cities and not go through the cities. I say this because if our highways are to run through the streets in cities, then they will cause great annoyance to the vehicles passing through those streets in the cities. Highways should always skirt round the cities. An excellent example of that is the road from Mysore

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to Bangalore. It is one of the finest roads and it skirts round the villages. It does not pass through any village. That is why I reiterate my argument that Highways should not pass through streets in cities but that they should skirt round cities. This running of the highway through big streets in Tiruchirappalli will cause great disturbance to the regular traffic passing through those streets in Tiruchirappalli. I went to the place of my great friend, viz., Virudunagar, the other day and I cannot imagine a more congested highway than the one through which I passed. I was trembling all along as to what would happen to me and to my vehicle. That was the thought that was uppermost in my mind while I was travelling. I suggest that this question might be taken up with the Highways Department and that Government might see that no highway is made to pass through congested streets of towns and cities. A highway should skirt round cities and villages and not pass through them. The motor vehicles that are used for transport of goods is such that almost everyday you hear of accidents. I ventured to raise this question with the Hon. Minister in charge of Transport, in the last session and as usual I think the matter is still "under consideration" of Government. Something must be done to exercise a certain amount of curbing. I do not think that the tramway post should be removed because they at least prevent accidents and allow our cars to be parked. If it comes to a question of removing tramway posts, then for doing so it would take a year or so and in the meantime all our roads would be under repair with the result, motor vehicles would not be able to move as freely as is the case now. With the observation that this supplementary statement of expenditure is entirely out of tune with present-day questions and does not call for serious attention, I generally welcome the Demand for Supplementary Grants that has been presented.

SRI MOHAMED RAZA KHAN: Sir, speaking after the hon. Member Sri T. Purushotham who has made an exhaustive survey of the whole situation, I would like to stress only one item, viz., small-scale industries and bring it to the attention of the Hon. the Minister for Industries. I do welcome the steps taken by the Government to develop small-scale and village industries in this State. We find that in recent months they have made great headway. Many small-scale industries, e.g., tanning industry, foot wear industry and match industry have been started. I would like the Government to let the public know of what has been going on in these centres and in what sort of productive activity they are engaged at present. Unless the Government take the public into their confidence, and unless they give enough publicity to the activities that are carried on in these new industries that have been started, I am afraid that they will not meet with that success which the Government desire, even though they might have started these small-scale industries with the best of intentions. Enough publicity should be given to the type of products that are manufactured

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in these industries, how the industry is working and how it has helped the small-scale industrialists. Such a publicity will evoke the admiration of other private agencies, who if they have the necessary capital would in their turn try to start those small-scale industries, with the help that the Government would be willing to give them. It is easy to organize a small-scale industry. But when the question of "marketing" the goods manufactured comes, it becomes a problem. If enough publicity is given to the small-scale industries that have been started and if the public come to know of the goods that are being manufactured in these industries, then "marketing" would become easy. We should find out where there is sufficient market for those goods in our country and in other foreign countries. That could be explored by giving enough publicity. Till now Sivakasi, the place of my friend here (Sri V. V. Ramaswami: That is not my place) has been noted for its match industry. But now I find Government have opened a match factory in Perambur in order to promote small-scale industries. I am glad that there they are employing about 900 people. What I say is, people should come to know of this industry started at Perambur. If enough publicity is given, then there will be enough scope for marketing those goods. Only by such public support can these small-scale industries and village industries flourish. I do not want to refer to other matters for there is nothing to talk about them. Most of them are of a routine nature. With these words, I support the Demand for Supplementary Grants moved by the Hon. the Finance Minister.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, at the outset, I have to explain myself with reference to the Excess Demands for 1951-52 and 1952-53 being placed for the consideration of this House now. Hon. Members may be aware that a Public Accounts Committee is constituted every year for the purpose of scrutinizing the report of the Auditor-General and then to go into the various defects and irregularities pointed out by the Auditor-General in his report. One of the irregularities is either excess expenditure or short-fall in expenditure. We are not able to estimate correctly and sometimes we find we have over-estimated and have received sanction for a higher amount than is necessary. Sometimes we find that we have under-estimated and that we have overspent. It is only for the purpose of deciding these cases that we bring forward these Supplementary Demands for Grants. When there is an excess amount left, we surrender that amount. There was a large amount of excess expenditure in the year 1951-52. The purpose of the Auditor-General's report and the scrutiny of it by the Public Accounts Committee are only to guide us so that we may learn by experience of the previous defects and irregularities and so that we may not commit those mistakes again. This scrutiny by the Public Accounts Committee can be taken up only after the Auditor-General submits his

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report; then the Public Accounts Committee will have to sit and scrutinize the report. That committee will submit its report to the Assembly. Then alone it has got to be taken into consideration by the House. Before the Constitution came into force, it was not necessary to have these Demands presented and the Grants made to cover the excess expenditure. Therefore, what was done before the coming into force of the Constitution was this. The Report of the Public Accounts Committee was simply placed on the table of the House and if necessary, discussion took place on the same. No Grants were made by the Legislature as such. But after the Constitution came into force, there can be no excess expenditure without the sanction of the Legislature. That is why even though it is late, we are bringing before this House these Supplementary Demands for Grants. As the Leader of the Opposition observed, it is a formal thing. But these formalities have to be gone through after the coming into force of the Constitution. The Auditor-General's report and the report of the Public Accounts Committee are important documents for the Finance Department and especially for the Finance Minister so that those mistakes that have been pointed out in the reports could be avoided in future.

It is in this sense that these statements of excess expenditure with regard to the previous years are being laid before the House. We are trying to close the gap and it will be done soon. For that purpose, we have to see that the Auditor-General's report comes in time and as early as possible and at the same time, our Legislature Committee also scrutinizes it early. That is being done now and hereafter there will be a gap of one or two years only and that cannot be avoided. But this four or five years' gap will have to be avoided. But this was due to unavoidable circumstances. We cannot blame anybody. I am hoping it would be possible to reduce the gap. Now, our Legislature Committee is becoming more prompt. I am sorry this House was not associated with the proceedings of the Public Accounts Committee. But hereafter, hon. Members of this House will be associated; we will have to examine how the delays occur, particularly with reference to items of excess expenditure and how irregularities occur and call for explanations from the particular departments. The previous practice was whenever explanations were called for, they were never answered; they were all put in a corner and they were never replied to; or in some cases it would take six months or one year for them to reply. That was the real difficulty then. Now, we have fixed a time-limit for submitting their explanations and if they do not do it in time, disciplinary action against particular officials who are responsible for the delay is taken. Of course, we are learning by experience. We are working in a new set-up with which we are not very much familiar. I can inform hon. Members that we are learning by and by. That is as far as the accounts of 1951-52 and 1952-53 are concerned.

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With reference to the Supplementary Demands for the current year, I am very glad that very many points were made by the hon. the Leader of the Opposition. Particularly, he referred to the traffic problem. It is a problem which requires not only study, but a regular research. We have in the past built our towns with reference to the circumstances existing then, say, some 10 or 20 years ago, when these fast-moving vehicles were a rarity. But nowadays, they are increasing and I think the average increase per year would be from two thousand to two thousand five hundred motor vehicles. I am sure it will be increasing at a great pace as the development of the country goes on. Our roads have been laid not for the purpose of providing for large numbers of fast-moving vehicles, but with reference to what happened before. That is why we find so many bottle-necks, particularly in places like Godown street and in the various other commercial centres. At that time they never thought that such big lorries would have to move on those roads and streets; so many cars are proceeding along that road now. In those days, only a single bullock cart or a double-bullock cart would have to go. Because of the present-day traffic problems. Once we were under the impression that our Mount Road was a very wide road. Now we find that it is a bottle-neck and it creates a traffic problem. (Interruption: The polite Broadway!) Broadway has ceased to be a broad way. It is causing a regular obstacle and there we have to go through a regular hurdles race. (Dr. A. Lakshmanaswami Mudaliar: It is much better after the tramways have closed.) Yes, due to this tramway going away, it is a little better. So, when we look at the problem, it is not only a question of broadening all the roads, but the type of buildings we put up in the various places also have got a repercussion on this. We are now allowing six-storeyed and eight-storeyed buildings to be erected in Mount Road. Now, where there was one office formerly, with these six-storeyed and eight-storeyed buildings, a huge number of offices also spring up there and to that extent traffic also increases. Therefore, we have to take into account not only laying of proper roads, but also the type of buildings which have got to be put up in the localities. It is a complicated but very important problem and it requires deep study and research. Unless we do that even now and are prepared to face what would be happening in the next 10 or 20 years, we will be in a regular hell: even the Mount Road and what is now the Broadway would be nothing. Therefore, we should be properly warned of the traffic problem, particularly in developing cities.

The hon. the Leader of the Opposition made a reference to the subways we are proposing to have. We are now contemplating to have a subway in Round Tana; a proposal has been made by the Corporation also to have a number of shops located there so that the space which will be available underground might be

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used to the best advantage and it might give us returns for the money we have to spend. We hope to take a decision soon. Some people seem to think that it will be a waste of money to have underground passages. I am glad the hon. the Leader of the Opposition referred to it and gave his support to this idea. We are hoping that it will be possible to take decisions with reference to Round Tana; we can start that in one place and on the basis of that experience, further subways in various other localities, and congested localities particularly, can be thought of.

The hon. the Leader of the Opposition made reference to the long National Highways and the State Highways passing through villages and suggested that there should be by-passes, particularly in villages. As a matter of fact, in many places we are providing by-passes. The difficulty is that people have got a tendency to build just on the border of the Highways. They think "Here is a Highway, a ready-made road" and, therefore, they begin to build what is known as ribbon-development, developing just on the side of Highways with the result that ere long what was a by-pass goes through the village. Therefore, unless we could positively prohibit putting up of buildings on the by-passes, on the side of National Highways, within five years, another problem will arise and then we will have to provide another by-pass to by-pass these buildings. Now, it is the policy of the Government to have by-passes in important villages. That is why in Tiruchirappalli a bridge across the Cauvery is built up so that there may be a by-pass and it may not be necessary to pass right through the town to go to Madurai and other places in the South. So also in Madurai, another bridge is built up across the Vaigai so that passing through the town might be avoided to go further south. That is the policy of the Government and it is on that basis that our National Highways and State Highways are being developed. All these things do require careful thought and not a haphazard way of thinking. Therefore, we should consider this problem in a consolidated way and as a whole and try to find solutions for these things with reference to circumstances prevailing and with reference to the future developments which are likely to take place. Unless we take up the problem now, this will become a greater problem than even strategic materials like cement, steel or any other thing. The traffic problem will be a regular bottle-neck in the developmental activities. Not only cars pass through our roads, but various heavy goods vehicles to which also the hon. the Leader of the Opposition made reference. Of these, particularly lorries moving during nights have become a regular menace to cars and passenger traffic. How the movement of lorries has got to be regulated is a problem. When lorry drivers come with lights dazzling right in front of us, we do not know what is happening. Only by good luck we pass them safely. Because we are destined to live a few more years, perhaps we escape. Whenever a lorry just passes through, it is necessary

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for the department to take note of this fact and see that its lights are properly shaded. It is necessary to regulate this traffic and make some arrangements with reference to headlights so that lorry traffic may not be a menace to passenger traffic along the road.

1-10 p.m. The hon. Member Sri Mohamed Raza Khan made a point about small-scale industries. They are one category of industries that we are trying to develop. I wish all Members take interest in them by visiting the various institutions that we are having. If only hon. Members visit these institutions, they will be able to make very useful suggestions. After all, this is a new department which we are developing. It is easy to start a heavy industry because the plants are already available and we have got the technical men also and the know-how with reference to the heavy industries. But the small-scale industries and the cottage industries form a new field altogether. Particularly when the Hon. the Minister for Industries, with all his enthusiasm, tried to organise small-scale industries, we found that we did not have the necessary men for the purpose. We did not have the trained men who would have some idea about small-scale industries. Therefore, we have started them almost from a scratch. Still, we have got a good number of industries and the Hon. Minister in charge is also taking sufficient interest in them. We find that we have made very great progress, I am prepared to say, in respect of small-scale industries. The hon. Member Sri Mohamed Raza Khan posed the problem whether these would be confined only to Government institutions. These are not intended to be institutions for producing more. These are all productive-cum-training centres and without production, you cannot give the necessary training. Therefore, the economics of production also should be studied and it is only when the person gets practical experience that he will be able to start the industry. Therefore, these Government institutions are intended for the purpose of not only producing but also training the necessary men. That is one aspect of the matter.

In starting the small-scale industries, we have got two things in mind. We have been improving the existing industries—small-scale industries and cottage industries—and giving assistance to the existing artisans by giving them improved implements and further facilities to develop their trade. That is one aspect of the matter. The second aspect of it is to take advantage of the raw materials available here and to start new industries which could utilise these raw materials available in our State. It is only with these two aspects in mind that we are trying to develop small-scale and cottage industries. We are making good progress and we shall make good progress. We are trying to study the problem in all its aspects and start new types of small-scale industries. This should be a growing thing and that is why we have just started it this year under the Second Five-Year Plan and we are hoping to make further progress and greater development in respect of small-scale

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industries which alone will solve the problem of rural unemployment, and improve the economy of the rural areas. I hope that we will have sufficient enthusiasm and sufficient trained men and equipment for the purpose of developing the small-scale and cottage industries in the rural areas. Particularly, we have here started the footwear industry. I wish hon. Members visit the place. If necessary, during the session of the Legislature, we can even arrange for visits to these units. There are some institutes in the mufassal areas also. More than anything else, we have an idea of starting an Industrial Estate wherein not only one industry but a large number of small industries will be located. For that purpose, we got a plot of land developed with reference to laying of streets and making available cheap power and water and provision of other facilities that are necessary for these industries. Marketing also will be arranged. But that question does not arise with reference to the Industrial Estate. That is a big problem to which the hon. Member Sri Mohamed Raza Khan also made reference. We are now trying to develop Industrial Estates, one in Guindy, another at Virudhunagar—my friend's place—and at various other places. This is a thing which we should take up and we should see that it is properly organized. If these Industrial Estates are properly organized, the various industries we have started will be such that one will be supplementing the other and helpful to the other. All facilities also will be made available. Cheap power will be provided. Water will be made available. Even the buildings are put up by the Government and made available for those who are unable to put up buildings and who are prepared to take them on rent. These are the various schemes we have taken up for which we have come before the House with a Supplementary Demand. I am sure ere long we will be able to say that we have made very rapid progress with regard to establishment of small-scale industries and cottage industries. It is for these purposes that I have asked for more money and I am sure the House will not grudge that. On the other hand, I am sure this House will encourage us to spend more and come before the House with a bigger Supplementary Demand in December or January. Thank you, Sir.

MR. CHAIRMAN : The House will now rise for lunch and meet again at 3 p.m.

The House then rose.

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(After lunch—3 p.m.)

II.—GOVERNMENT BILL—cont.

THE MADRAS CULTIVATING TENANTS (PAYMENT OF FAIR RENT) BILL,
1956 (L.A. BILL NO. 4 OF 1956)—cont.

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 following amendment:—

“In sub-clause (1)—

(i) For the words and figures ‘1st day of October 1956’
~~substitute the words and figures ‘1st day of April 1957.’~~

(ii) Omit the proviso.”

In the original Bill, it was 1st April 1956. At the Joint Select Committee stage, it was changed into 1st July 1956. When finally it came up before the Assembly, it was changed into 1st October 1956. I went just to alter it into 1st April 1957. This is my first amendment. There are certain difficulties in having the date as 1st October 1956. Otherwise, we could have accepted that date. Firstly, this Bill will not receive the assent of the President before the 1st October. That is very clear from the statement in the Bill, ‘It shall be deemed to have come into force on the 1st day of October 1956.’ Probably, they will get the assent on the 7th or 8th. Therefore, they have used the term ‘deemed to have come into force.’ There is another difficulty and that is sought to be mentioned by the proviso which states, ‘Provided that the provisions in respect of fair rent shall apply also in respect of crop which are normally due for harvest during the month of September in the year 1956.’ In some places, kuruvai harvest has already taken place. That is why, in order that this Act may apply in respect of fair rent, it is stated that the provisions in respect of fair rent shall apply also in respect of crops which are normally due for harvest during the month of September 1956. Practically, therefore, this must be deemed to have come into force from September. Otherwise, the provisions will not apply. Thus, there will be this inconsistency. They cannot give retrospective effect to the provisions. That is the difficulty so far as that is concerned. Both are inconsistent. They want to apply this provision in respect of the harvest which is over before the 1st of October. Because some people pleaded in this matter, they want to meet that contingency. So, they have stated, ‘in respect of crops which are normally due for harvest during the month of September 1956.’ There will be difficulty in deciding what is meant by ‘normally due’. Somebody will say that a particular crop was normally due for harvest and somebody else will say, ‘No, no, it is not normally due for harvest now.’ They may say like

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this purposely also. All these will give room for litigation. There is no use of saying, ‘Oh! all our people are very good people and they will understand the whole thing and adjust among themselves.’ The Hon. the Revenue Minister seems to be under that feeling and also in that happy mood. But, we have to remember that our people are not on their own. Most of them are in the hands of various other people who want to profit by disputes and litigation.

SRI A. M. ALLAPICHAJ: I think it has no reference to lawyers!

SRI K. BALASUBRAMANYA AYYAR: Lawyers exist in spite of these people. I am not afraid of those persons. I know the very persons who abuse lawyers are the first to go to lawyers.

MR. CHAIRMAN: They are compelled to do so.

SRI K. BALASUBRAMANYA AYYAR: So long as we have Legislatures and Acts and have got transactions, lawyers have to thrive and they will thrive. I am not, therefore, afraid of my class. Moreover, I am becoming old and so, I am not very much afraid even if they are completely extinguished. I am not bothered about it. What I am on at the present time is the fear that these poor people will be put to a lot of difficulties. There will be many disputes. That is why I have moved my amendment. We have already advanced to 1st October. There is nothing wrong in advancing a little further and putting it at 1st April 1957. The whole agricultural operations will begin properly from that date except in places where they begin in July. In respect of those places also 1st April 1957 will be all right.

There is another point. So far as the Tanjore Tenants and Pannaiyal Protection Act is concerned, the 5-year period will be generally over by then. They wanted to have some arrangement for a period of five years. Practically by 1st May, that period will be over. If it was 1st April 1957, there will be only one month left before the whole thing is completed. Thus, so far as that Act also is concerned, there will be no question of introducing a new thing in the middle of the 5-year period and causing replacements. Thus, it will be seen that there will be three difficulties in having the date as 1st October 1956. There will be difficulty about the crops harvested in September. There will be difficulty in coming to some conclusion as to what exactly is meant by ‘normally due’. There will also be difficulty in introducing the new system in the middle of the 5-year period in the case of the Tanjore Tenants and Pannaiyal Protection Act. These will cause much inconvenience to the people concerned. Some people say that the whole thing may be adjourned. I do not say like that. I do not support that view. I am only stating that this Bill may become law. Let the Government have the satisfaction that it has become law. Let us also be satisfied that there is this law. It is perfectly all

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right. If we put it as 1st April 1957, no harm will be done to anybody. After all, the provisions relating to 60 per cent and 40 per cent are there. One harvest between January and March will not matter very much. People have waited for many years. They can afford to wait for 1 more months. Nothing serious will take place during this period. My submission therefore is that for these various reasons—not one, there are three or four reasons which I have stated now—I have moved my amendment to fix 1st April 1957 as the date from which this Act is to come into force. I have also to state that from that point of view, the proviso need not be there. If it is 1st April 1957, there is no need for the proviso. Even otherwise, there will be difficulty in having this proviso. There will be inconsistency. As a matter of drafting, it has to be cleared. That is my feeling.

SRI T. M. NARAYANASWAMY PILLAI: I second the amendment, Sir.

3-10 P.M. * THE HON. SRI M. A. MANICKAVELU: Sir, it is true, as the hon. Member said, that the original date was fixed as 1st April 1956. We thought that that was a convenient date because the agricultural year starts from that. But the Bill could not be passed into law in time with the result that that provision became ineffective. At the Select Committee stage, we changed the date into 1st July 1956. Even that would not be useful and finally we have fixed it as 1st October 1956. The suggestion of the hon. Member is all right on the face of it. We have given the people all along to understand that this Bill will not be delayed any longer. We cannot put it off further. In the other House, it was said that the harvest was ready and that the concerned parties were tarrying, hoping that the Bill would soon become law. When the corn is ripe, it must be harvested. Otherwise, it will shed itself. Everybody is looking forward to 1st October. If I say now, '1st April 1957', it will not be all right. There will be disappointment and it will create greater confusion than we are trying to avoid. I do not think I can accept this date.

As for the omission of the proviso, as I said, we thought the harvest of kuruwai was over. But some are ripe even now, in September and unless we refer to September also, there will be difficulty. I understand that as a matter of fact, the crop has been harvested and only sharing has been put off, awaiting October. Of course, there may be some legal flaw but I am advised by the Law Department that it is all right.

MR. CHAIRMAN: The question is—

"In sub-clause (1)—

(i) For the words and figures '1st day of October 1956', substitute the words and figures '1st day of April 1957'.

(ii) Omit the proviso."

The amendment was put and lost.

Clause 3 was put and carried.

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Clause 4.

MR. CHAIRMAN: The motion is—

"That clause 4 do stand part of the Bill."

SRI K. BALASUBRAMANYA AYYAR: Sir, I move the following amendment:—

"In sub-clause (1), for the existing item (i) substitute the following:—

(i) in the case of wet land fed by river irrigation directly or through registered irrigation source, supplied by river water, 50 per cent and in the case of other wet lands 45 per cent of the normal gross produce or its value in money.'"

Sir, the provision contained in sub-clause (1) of clause 4 is one of the important provisions in the Bill. It is a fundamental provision upon which the Government rely, the cultivating tenant relies and in fact, everyone concerned with cultivation relies. I have already said what is contained in my amendment. Therefore, it is a very simple one. It will not, if accepted, very much alter the character of clause 4. The amendment covers lands which are fed by first-class irrigation sources as in the case of deltaic areas in Tanjore, and in Tirunelveli, where the Tambaraparani and Kannadiar(?) are the chief sources of irrigation. One of the chief arguments for raising the share of the tenants is that they have to pay wages to the labourers and attend to other kinds of work relating to cultivation. But so far as these areas are concerned, there is not very much work to be done by a tenant. Both the landlords and the tenants are practically on the same footing. These lands are irrigated by well-known irrigation channels and these channels have been in existence for a long time. There are small channels which supply water and in respect of which kudi-maramath work is always going on. If there is no timely supply of water for irrigation through these channels, the tenant simply goes to the landlord and says: 'There is no supply of water and work cannot go on'. He blames the landlord and breaks a coconut praying that the landlord may go to dogs. It is the landlord that runs to the Executive Engineer or to the Collector or to the Board of Revenue and arranges for supply of water. It is his look-out to see that timely supply of water is made. In the deltaic tracts, there are many riparian proprietors clamouring for water and the P.W.D. is responsible for supplying them water through irrigation sources. The only thing that the tenant does is to look after cultivation. Sir, yesterday I went through figures elaborately. I believe I supplied correct figures and if they are not correct, it is for the Government to see that they are proved incorrect and to supply correct figures. The cultivation expenses in deltaic areas are much less. Taking all this into consideration, the Andhra Land Reforms Committee have made their recommendations. We are of the same pattern as Andhra is. There is no use of bringing in the analogy of Bombay or Hyderabad. The Bombay Government,

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I would say, did not care for land. There, their economic structure is more commercial than agricultural. Once our Communist Leader of the Opposition in the Assembly said: "The Bombay reform was influenced more by the industrial magnates at the Centre". I am also inclined to take that view because they in Bombay do not attach so much importance to land as we do here or our neighbours in Andhra do. In Andhra and in our State, there are big rivers like the Godavari, the Krishna and the Cauveri and it is land revenue that has been giving a big slice of income to the Governments in these States. After the year 1938, sales tax has come to stay wherein we find another source of revenue as rich as land revenue. But before 1938, it was chiefly the land revenue that helped the Government. Land revenue shows the best collection. Sales tax is not so. More than half of the assessed sales tax is in arrears. We find in all our Acts the expression "shall be collected as if it were arrears of land revenue." The Government know that the best machinery for collection of tax is the one adopted for the collection of land revenue. What have they done now? Four years ago they fixed 60 per cent as the share of the landholder. The measure containing this provision was unanimously passed and it has been working all right these four years. Did you witness any demonstrations? Did you see any cultivating tenant saying: "I am having only one meal a day"? No; people were posing—labourers were posing—as cultivating tenants and raising the cry "we have not even one meal a day". They are old labourers. They have cold rice in the morning. Afterwards, they do not eat anything else. Before the introduction of Prohibition, they had the pleasure of drinks which made them avoid a meal in the evening. I am not saying now that Prohibition should be revoked so that these people may have those pleasures again. What I say is this sort of suggestion that the tenants are having only one meal a day is not true. Where are the labourers under the Bill now? Not a word is there about them. Mention was made about them in the Tanjore Tenants and Pannaiyal Protection Act. But here it is the "tenant" that comes in and not the labourer. By all means, let us relieve the poverty of the labourers. I am not against that. Both the cultivating tenant and the landlord should work to relieve the poverty of the labourers. But the labourer does not come into the picture in this Bill. Even the small landowner is neglected. Merely stating something and disposing of the matter is not the correct way of doing things. The small landowner should be exempted from the purview of this Bill. If that is not possible, at least he should be given the due share. I am not pleading for any big share for him. I am asking for what is just. I am bending to the circumstances prevailing now. Only what is just is now being asked for by me. I say in respect of lands with first-class sources of irrigation, that is, in deltaic areas in Tanjore, Tiruchirappalli and Tirunelveli, the landlord's share should be 50 per cent and the tenant's share should be 50 per cent. Let the produce be shared equally between the two. That is my

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submission. About areas wherein there is dry cultivation, wherein groundnuts and other crops are grown, we are not concerned with them. We are concerned with areas wherein paddy is grown extensively. What I ask for, namely, 50 per cent for the landlord and 50 per cent for the tenant, is what has been conceded by the Andhra Land Reforms Committee. It was mentioned in the papers that one of the chief members of the Planning Commission had said that the rent might vary from place to place. Sri V. T. Krishnamachari seems to have said that. He did not say that we should have a uniform rent of 25 per cent all over the State. Therefore, let us not say that we are following the principle advocated by the Planning Commission. Let us do what appeals to our own sense of justice. Therefore it is that I appeal to the Hon. the Revenue Minister to accept this 50-50 sharing of the produce between the tenant and the landlord. The Hon. Minister stated that he wanted to relieve the poverty of the cultivating tenant. But he did not care to relieve the poverty of the small landlord. I say that if this 40 per cent is fixed as fair rent, there would be no salvation for the small landowner. I have got the authority of the hon. Member Sri O. P. Ramaswami Reddier that 95 per cent of the ryots in our State are small landowners owning 5 acres and less. (Sri A. M. Allapichai: If there are no tenants, then there is no trouble.) No, that is not the case. A small landowner may be away from his place to attend to some other duties. That does not mean that he should not be protected. That shows that the Deputy Chairman has not correctly understood what the hon. Member Mr. O. P. Ramaswami Reddier stated. Government exist for all sections of the people and not for the tenants alone. The small landowners who form 95 per cent of the ryot population in our State should be protected. It is not correct for Government to say that they would protect the cultivating tenants alone, as though they exist only to protect one section of the people at the expense of the other section, namely, the small landowners. What I am pleading is, "let the produce be shared equally between the tenant and the landlord." I am not asking for an impossible thing. Moreover we should take into consideration the fact that when the price of agricultural produce goes down, the number of kalamas of paddy that one has to sell for paying the kist becomes more, and that as such, if we fix 40 per cent as the share of the landlord, what he would actually get after paying the kist would be only 25 per cent of the produce which is hardly sufficient for his subsistence. But, at the same time, the cultivating tenant's share would become big. If we take a balance and weigh, the share of the cultivating tenant would weigh more. (Sri A. M. Allapichai: So much the better.) Ah! you say "so much the better", after hearing me all along. It is like saying "Brutus is an honourable man". That shows that you have not listened to me, or that you do not want to understand me. Unfortunately, the attitude of the ruling party to-day is in favour of the cultivating tenants at the expense of the small landholders. I don't grudge anything for the tenant. But at the same time, he should not be benefited at the expense of the

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landowner. I am not casting aspersions on anybody. When the whole talk is about tenants and tenants alone, can I not voice forth the feelings of the small landowners who stand to suffer the utmost by this Bill? Am I not at liberty to do so? I say, Sir, in the interest of fair-play and justice, the landowner should get 50 per cent of the produce as his share. Let the produce be divided equally between the two. Because of this Bill, there would be serious repercussions. I tell you this to-day. Not only is the landowner given this small share of 40 per cent, but he is also asked to pay the land revenue, library cess, educational cess and other cesses that might be imposed hereafter. To this list might be added the burden which my friend, Sri G. Krishnamurthi has been pleading for, that is, contribution to the Teacher's Maintenance Fund (laughter). Even that might fall on the head of the landowner. Charges levied by the local authorities should also be borne by the landlord. In addition to the land revenue, he has to pay two surcharges on it. We have passed two "SurchARGE Amendment" Bills. The one was levied on a sliding scale and the other was a flat increase of two annas for every rupee of land revenue paid. All this has to be borne by the landlord within the 40 per cent share now fixed for him. Not being satisfied with all these, it is now said, he should pay for fertilisers and manures which the Planning Commission wants for increasing food production in the country. All these we put on the head of the landowner. Therefore it is I say that it is not correct to impose this heavy burden on the landlord. Let the landlord be given 50 per cent share of the produce. This principle has been accepted by the Andhra Land Reforms Committee. This 50 per cent share of the produce for the landlord has been fixed by the Tamil Nad Congress Committee after due investigation by its experts. These two committees fully support my amendment. After recording elaborate evidence, the Andhra Land Reforms Committee has come to the conclusion that the fair rent should be 50 per cent of the produce. I, therefore, appeal to the Hon. the Revenue Minister to accept this very reasonable proposition of mine, viz., to give 50 per cent share of the produce to the landlord and 50 per cent of the produce to the tenant, in respect of wet lands. I do believe that the Hon. the Revenue Minister, who is so generous would accept this reasonable amendment of mine.

SRI A. GAJAPATHY NAYAGAR : May I tell the hon. Member that in the last analysis 50 per cent of the produce can alone be accepted in the interest of both the landlord and the tenant?

SRI K. BALASUBRAMANYA AYYAR : If the hon. Member wants a clarification, I can do so. My submission is that after paying land revenue and the numerous cesses, what ultimately the landowner would get would be only 30 per cent and not 50 per cent. The hon. Member's question clearly shows that he has not listened to me carefully. If he has, then, I should be sorry for my advocacy.

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The amendment of the hon. Member Sri K. Balasubramanya Ayyar was duly seconded.

* THE HON. SRI M. A. MANICKAVELU : Sir, I do not minimise the difficulties of the very small landholders. What I want to state is that there is some scope for the small landholders, however much they may be inconvenienced, to adjust, but not so in the case of tenants. They cannot adjust at all unless they are given something to keep body and soul together. No doubt, the landowners also are not having a comfortable living even now, because the nature of agriculture is such. Now, a further reduction will certainly land them in more difficulties. But if we look at the balance of fair-play and justice, we have to decide things in favour of the tenant as against the landowner. That is the explanation I would give.

With regard to fixation of fair rent, all aspects were thoroughly discussed in the Joint Select Committee and many hon. Members suggested that more classifications of lands should be made. At that rate, we could have not 3 or 4, but 10 or 15 categories, because even in one district we have different categories of wet lands alone. To obviate all those difficulties, these particular classifications were put in and the ratio was fixed as 60:40.

Even now, some small benefits have been provided for the landlord. In the original Bill, there was no share for the landowner in respect of catch crops. But now, whatever is produced in the land, he has a share in it. That is one step forward. With regard to straw also, there was no provision in the original bill. It has now been provided, as hon. Members would find, that the landowner would get one-fifth. We remember, how graphically the hon. Member Sri Balasubramanya Ayyar described that claim in the Joint Select Committee. I do not want to repeat his exact words. He said 'give us straw at least to burn him'. With great difficulty, in the Assembly yesterday we retained that; they were not willing to accept that and they were for only the customary headloads of straw to be given to the landowner; they considered one-fifth was too much. Where we could make an adjustment, we have made. But we cannot accept any radical change. Already in the Assembly we have made three classifications. There was a lot of clamour and walk-out. Walk-out by itself does not make any impression in a case like this. But going into the merits of it, not because of the walk-out or other demonstrations, and considering all the circumstances, we felt that this would be fair. The hon. Member Sri Balasubramanya Ayyar referred to the position in the Andhra State. Andhra State is Andhra State and Tamil State is Tamil State. We are having our own way of doing things. There are things wherein we may not refer to Andhra. (Sri T. M. Narayanaswami Pillai : In the 1952 Act, it was 60 and 40.) That was in 1952. We are marching forward. We are in 1956 now and we will be soon in 1960 and 1970. We have to keep pace with the march of time. Ideologies change and

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other things also change. Still the hon. Member wears a turban and puts on a mark on his forehead. Turban has changed to cap and no-cap is the fashion now. Still he is wearing that for the last 20 or 30 years and he is constant.

SRI A. M. ALLAPICHAJ : He is already changed. What he fears is, if it is known he has changed, people will be more aggressive.

* THE HON. SRI M. A. MANICKAVELU : Therefore, I submit I am not able to accept the amendment. An appeal to the Revenue Minister is of no avail. By "Revenue Minister" he means the Ministry, and the Ministry considered all these things; now I have no time to consult them again and, therefore, I have to stick to this. That is all.

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

In sub-clause (1), for the existing item (i) substitute the following :—

(i) in the case of wet land fed by river irrigation directly or through registered irrigation source, supplied by river water, 50 per cent and in the case of other wet lands 45 per cent of the normal gross produce or its value in money.

The amendment was put and lost.

Clause 4 was put and carried.

Clauses 5 to 14 were separately put and carried.

Clause 15.

MR. CHAIRMAN : The motion is—

"That clause 15 do stand part of the Bill."

SRI K. BALASUBRAMANYA AYYAR : I move the following amendment :—

"The existing clause 15 be renumbered as sub-clause (a) and after sub-clause (a) so renumbered, add the following as sub-clauses (b) and (c) :—

(b) Nothing in the provisions of this Act shall apply in the case of landowners owning an extent up to ten acres of wet land.

(c) In the case of religious or charitable endowments, if the total income is reduced by the application of the provisions of this Act, the compensation shall be payable by the Government of the amount so reduced."

I am trying to introduce two other sub-clauses in clause 15 as exemptions. The existing exemption is in favour of people who raise sugarcane, plantain, betel vines, etc. This is the submission I want to make on behalf of the small landholders. Yesterday I gave figures in respect of yield for five acres in many of these

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wet areas. The surplus that is left is very little. In the case of most of the tarams, it is below 45 kalams; that is the bare requirement for subsistence for a family of five members, worked at 16 ounces per head per day. These 45 kalams are not at all sufficient and in most cases it is below 45 kalams. Therefore, I stated that if we reduced the income of the small owner still further, he would be reduced to nothing, that his subsistence would be rendered impossible and that he would be brought to the brink of starvation. We have also in this Bill prohibited, under the right of resumption, his having subsidiary occupations. For, even if he pays a small profession tax or sales tax, he is denied the right of resumption. Therefore, the only thing he could look to is income from the land and so far as that is concerned, income from this small extent of less than 10 acres will not be sufficient for him, if he gives the cultivating tenant 60 per cent. Therefore, I submit that the provisions of this Bill should be amended.

It is not a new thing. Even here I am fortified by the Statute. The Tanjore Tenants and Panhaiyal Protection Act exempts persons having an extent up to one veli, that is, 6-2/3 acres. While that Act gives 60 per cent to the owner, why not this Bill? After all, there has not been a world of difference between 1952 and 1956. I submit, in four years, we have not covered a track of centuries by moving at a giddy pace. There has been a revolution in 1947-48. (Sri A. M. Allapichai : Government averted it.) I want the Government to stick to the Tanjore Act. I base my arguments upon it and I am thankful to the hon. Deputy Chairman. I take his interjection. I know in 1952 the Government averted a calamity. But, now, we are in a prosperous condition. Therefore, there is no necessity for any change now. That is why I am stating that the same provisions may remain. I am only saying that a small extent may be given to the small landowner. I am not asking for anything more than that. Numerous landowners of our State have now been reduced to the brink of starvation. Therefore, I have suggested that the following sub-clause might be inserted in the bill :—

"Nothing in the provisions of this Act shall apply in the case of landowners owning an extent up to ten acres of wet land."

The other sub-clause which, I want, should be inserted in the Bill is—

"In the case of religious or charitable endowments, if the total income is reduced by the application of the provisions of this Act, the compensation shall be payable by the Government of the amount so reduced."

So, I ask the Government to investigate into every case. I am not saying that the Government should grant compensation in all cases. I am stating that the Government should investigate into the position of each institution. There are religious and charitable endowments. There may be people who may not care for religious

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endowments. So, we should take both of them for the purpose of investigation. I am glad that the Hon. the Minister for Religious Endowments is here. A memorandum was submitted before the Joint Select Committee by Sri A. Uthandaraman, Commissioner for Hindu Religious and Charitable Endowments and I think the Hon. Minister would have verified the correctness of the facts. In that memorandum, it has been stated in paragraph 22—

Most of the religious institutions are depending mainly from the income of the lands for their daily worship, festival, etc. The present income of the religious institutions will be reduced considerably if the Bill is passed. There are about 7,507 religious institutions in the State getting an annual income of Rs. 200 and above. Out of this, about 4,300 get an annual income below Rs. 1,000. This class of institutions will lead a precarious existence, if the Bill is passed.

This is not a statement made by me or by some other irresponsible person. It is made by the Commissioner for Hindu Religious and Charitable Endowments. The Government have taken upon themselves the responsibility of maintaining these religious endowments by a solemn Act passed in 1951. Now, therefore, the Commissioner says that this class of institutions will lead a precarious existence if the Bill is passed. He has stated further—

Most of these temples get income from lands. Unless institutions having at least 25 acres and less under each category are exempted from operation of the impending legislation, there is no hope for their survival.

Unless this is done, all these temples will cease to exist; the Commissioner for Religious and Charitable Endowments will also cease to exist. It is in that way that the matter is serious. Therefore it is that I am stating that this matter has to be investigated by the Government.

The Hon. the Revenue Minister mentioned about intermediaries. There are no intermediaries in respect of these temples. There may be intermediaries in the case of bigger temples. But in these cases, they are dealing directly with the cultivating tenants and their income is only from Rs. 200 to Rs. 1,000. There are 4,300 institutions like that. If we take charitable endowments, there may be more. All these institutions are likely to suffer on account of this Bill. I want to ask the Government, in all seriousness, one question. Our State may be a secular State. But so far as these endowments are concerned, the Government have undertaken the responsibility of maintaining them. But the Commissioner has made this statement. Not only did he make this statement but he also appeared before the Joint Select Committee and tendered evidence. Not he—I am sorry—the Deputy Commissioner gave evidence and Members put to him all sorts of questions. Therefore, the question has to be investigated with reference to each religious institution. Let us take the bigger temples. There the problem arises in a different way. The rules make it imperative that there

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should be leases in public auction and in public auction the man who bids the highest should generally be given the lease. There, it might be said that a little more might be got from the cultivating tenant. But there also, the share of the landholder, whoever he may be, or the person who has got the right to recover it may be reduced. I do not know whether hereafter there will be such leases in public auction. But there is the Act and there are the rules. Unless there is public auction, charges of impartiality may be levelled. Therefore, the lease has to be given in public auction. That is a reasonable thing. But, hereafter, there may not be any intermediary. Therefore, what shall we do? It will be a problem for the Government. There, too, the Commissioner for Hindu Religious and Charitable Endowments says—

Taking, for instance, the Palace Devasthanams, Tanjore, according to the rent fixed under Tanjore Tenants and Pannaiyal Protection Act, the aggregate demand would come to 7,547 kalams of paddy. If according to the new Bill, 40 per cent of the gross yield is taken as rent, the demand will come to 5,032 kalams. The difference is 2,525 kalams valued roughly at Rs. 16,347-8-0 at Rs. 6-8-0 per kalam. The total demand of straw is 1,648 bundles. The Palace Devasthanams consist of 88 temples. Most of the temples have no property. The income derived from the lands of some of the temples is pooled together and utilized for the pooja expenditure of all temples. Paddy required for paditharam is 5,316 kalams and cash required is Rs. 25,000. If the fair rent is fixed at 40 per cent and the devasthanam is deprived of straw, the day-to-day administration of 88 temples will be affected.

Therefore, that is one set of big temples. Then, there is the other temple. With reference to the Srirangam temple, the Commissioner has stated—

The total paddy income for Srirangam Devasthanam is about 5,000 kalams per year. This income is on the basis of 60 per cent of the gross produce. Now, according to the Bill, the Devasthanam will get only 40 per cent, viz., 3,333 kalams and there will be a loss of 1,667 kalams.

Suppose, for example, there is no public auction. Then, there should be a large establishment. Suppose there are 500 acres, 1,000 acres or 2,000 acres, as in the case of the Srirangam temple. A large establishment will be required for the purpose of seeing that at every harvest 40 per cent is got. There must be agents and accounts must be maintained. Therefore, what is called 'Pannai Vijarippu establishment' will be required. There are so many other expenses to be incurred by them. Salaries have to be paid. Direct dealings with the cultivating tenant will increase establishment charges. I do not know whether this lease business is possible or permissible. It is a matter for further investigation. It is for the Government to decide. They want to abolish and, as a matter of fact, have abolished in many cases the intermediaries. Whether, in the case of these temples alone, they would permit intermediaries, is a matter for the Government to decide. I do not know

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what they will decide. Whatever it is, so far as this Bill is concerned, it is against intermediaries. From the very beginning, the Hon. the Finance Minister was stating that they would get more. They will not get more and they will get only less. They will have to incur a heavy expenditure. The Commissioner for Hindu Religious and Charitable Endowments has clearly explained in his memorandum the great difficulty involved in dealing with a number of agents, as those people are likely to collude with the tenants. All these difficulties have been pointed out by him. I am not stating them myself. Public auction is a convenient thing. Otherwise, there will be great difficulty. Under these circumstances, I appeal to the Government to fully investigate and enquire into the matter. I am not here stating that what all I say are facts. They may take into consideration the statement made by the Commissioner for Hindu Religious and Charitable Endowments. I have quoted only from his statement. The Government's officer himself has made that statement. Let the Government, therefore, kindly investigate into the matter and see whether they could make due provision for payment of adequate compensation wherever it is necessary. I do not want exemption. I know any request for exemption at this stage will not meet with approval. I only state that in the case of religious institutions, if the total income is reduced—if it is not reduced, it is all right—the income so reduced may be duly reimbursed. The Government have instances in which such a thing has been done. In the case of the Estates Abolition Act and the Rent Reduction Act, they have paid compensation to the charitable institutions. They have that parallel. Acting on the same parallel, they can do the same thing here also. If they do not want to include a provision in the Bill at this stage, they can make ample provision in the rules. Let the Government first investigate into the whole matter. If necessary, they can even bring in an Amending Bill, which will be very small, I am sure, and which like the Silkworm Seed Bill, will be passed in two minutes. None will have any objection. If they are against temples, they will walk out and the whole thing will be all right and there will be no difficulties. I am not insisting on the inclusion of a provision right now in this Bill. If, however, the Government are gracious enough to accept at least one amendment of mine, well and good. I am not on that aspect. My only wish is that the temples should be protected. There are the temple officers. There is a very heavy salary bill in respect of the establishment. There are many people who render service in so many other ways and who are to be paid in kind. That is another difficulty. The archakas and other people are to be paid in kind. If the 'padi' and 'paditharam' get constantly reduced, there will be difficulty. As a matter of fact, they will get reduced. Let the Hon. Minister go through paragraph 6 of the memorandum of the Commissioner. These are the difficulties mentioned by the Commissioner himself. I appeal to the Government to make a thorough investigation into the whole matter and see whether the income of these temples will get reduced. If they come to the conclusion that the income will get reduced, there

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should be no hesitation on their part to make suitable provision in the rules or to bring in a separate legislative measure to make good the loss incurred by these temples as a result of the passing of this measure. Let the Government at least accept the principle of my amendment. If this is done by the Hon. the Minister for Revenue, I am satisfied for the present. Let the principle of the amendment that the Government may think of compensating these institutions in case there is reduction in the total income be first accepted. Let them investigate into the matter. Let them ask their own Commissioner. There is no use of saying that the Gods are satisfied. God never eats in these temples. We are not on that ground. There are other grounds, viz., that these religious institutions have to incur an enormous expenditure. These endowments were created by former rulers and other pious people. On account of their grants only, we have these endowments to-day. Therefore, we have got a duty to ourselves, to posterity and to the future generations. Therefore it is, I appeal to the Hon. Minister very earnestly to investigate into the matter. Whenever a reduction in the total income of these institutions occurs, as is made out by the report of the Commissioner of the Hindu Religious Endowments, the Government should immediately come forward to pay suitable compensation. Otherwise, they should exempt these temples from the operation of this Bill.

* SRI T. M. NARAYANASWAMY PILLAI : Mr. Chairman, while seconding the amendments moved by my hon. Friend Sri K. Balasubramanya Ayyar, I wish to point out that there are two amendments. One seeks exemption of landowners owning as many as 10 acres and the other seeks virtual exemption for religious endowments or asks for an assurance or undertaking on the part of the Government that they would make good and compensate the loss sustained by these religious institutions as a result of the passing of this Bill.

MR. CHAIRMAN : I have to tell the hon. Member that we have no right to pass the second amendment relating to payment of compensation by the Government. He can speak on the first amendment.

* SRI T. M. NARAYANASWAMY PILLAI : We will give our view on it. It is for the Government to decide.

SRI T. PURUSHOTHAM : There is financial commitment.

* SRI T. M. NARAYANASWAMY PILLAI : There is no such thing with regard to the powers of the Upper Chamber.

SRI K. BALASUBRAMANYA AYYAR : It is not a Money Bill at all.

* SRI T. M. NARAYANASWAMY PILLAI : The effect of the amendment is that we request the Government. We do not pass any Act which *ipso facto* binds them.

MR. CHAIRMAN : That involves financial commitment.

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* SRI T. M. NARAYANASWAMY PILLAI: The expression of opinion of this House will be useful to the Government in coming to a conclusion as to whether they should compensate the religious institutions or not. My friend invited my attention to this important aspect. Some of us are interested in these religious institutions and in their improvement. We gathered at a meeting, in response to the request of the managements of religious institutions and we felt something of this nature should be done by the Government. It is not as if the Government have no responsibility in respect of this matter. If we go into the history of these religious institutions or into the nature of the grants made and the usefulness of the services rendered by these institutions, it will be seen that in the interests of the public, the pujas and other services should continue to be conducted in the same manner and to the same extent as they are done now. The Government cannot treat them as private bodies; the Government have a direct responsibility. When the Bill was brought forward, no attention seems to have been paid to this aspect of the matter. If on account of other factors the Government are forced to bring in this Bill and apply it to public institutions like the religious institutions and temples which are doing very good service under the present conditions, then, the next best thing that the Government could do is to pay them something by way of compensation. It is not a new thing that we ask of the Government. My friend has already drawn the attention of the Government to the fact that under the Estates Abolition Act, whenever a temple, which owned an estate or estates, suffered on account of the new Act by the rent being reduced, the difference between the rent fixed by the Act and the rent which they were originally getting before the passing of that Act was made good by the Government. It is exactly on a par with that provision in the other Act that the religious institutions have to be treated in respect of the Fair Rent Bill also. This has been made clear in the Commissioner's memorandum also. There cannot be any vital objection to this course of action. It is very necessary that such a provision should be introduced in this Bill also. My hon. Friend referred to two significant cases, one relating to the Tanjore temple and the other relating to the Srirangam temple. For instance, the temple at Srirangam is of all-India importance. If all at once, its income gets reduced, how can they maintain the various services, the worship and other things? How can they keep the temple in proper sanitary condition? It is an endowment. It is not a question of one man getting the benefit. People from all over India come there for worship. The Government owe a duty to the public in respect of these temples. Similarly, let us take the temples under the trusteeship of the Rajah of Tanjore. They are temples for which endowments and inams were made by the Rajahs of Tanjore. The Government themselves undertook to support the temples. Having regard to the expenses of these temples, they said so much would be spent and they set apart that amount for those expenses. So, if on account of any act of the

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present Government, there should be a fall in income, they should, as inheritors or assignees in regard to that trust, see that the loss is made good and that the temple is enabled to meet its expenses.

Sir, I was not willing to intervene in this debate. But I did so because I could not really understand the argument of the Hon. the Minister for Revenue when he said that balancing of justice and fairplay required that the small landholders should not be helped. After all, if really social justice is our objective, it is the small landholders that should be taken care of first. If the tenants are really poor, let us all pool our resources and help them. Either approach the question recognising the sanctity of private ownership of property and examine to what extent you can interfere with the right of ownership in order to help another, or keep quiet. It is not as though the Government have armed themselves with powers to take away the fundamental right of the small holder of land to own land and help himself by cultivating it with his own labour. You cannot take away his property and then part it to another. If a man owns 1,000 acres of land—obviously he possesses more than he actually requires for his subsistence—you can then take away the surplus. I can understand the principle of social justice in that case. The case of the small man is different and the Government have failed to understand it. If the Government say, "We are not concerned with the small man now; we shall not take up his case and trouble him now; we shall do it when the time comes," I can understand that argument. But what is this policy? The Government should be definite in their policy. They cannot run with the hare and chase with the hounds. Be either a hare or a hound. When you considered and then conceded that the small landholders who owned 6-2/3 acres of land should be helped, why did you give that principle the go-by with respect to the other Bill—the Cultivating Tenants Protection Bill? Why do you say you will help a particular man and then hedge it with such restrictions as to nullify its effect? Either say, he deserves help or he does not deserve help. Do not say, "he deserves help" and at the same time, deny him that help in effect. Do not blow hot and cold in the same breath. In fact, if the Government are really anxious about increased production, their paramount objective should be productivity and then only the principle of social justice should come in. From both these points of view, the small landholders deserve help and protection. He is as much entitled to protection as the small tenant. If he wants to resume lands for personal cultivation, he must be helped much more than others. Have the Government studied the background to this situation? Do they know that only 14 per cent are tenants? Small landholders constitute 60 per cent. My friend here says it is more. Is it for the purpose of helping this 14 per cent of people that you are going to inflict injury on the 60 per cent of people? You must always have the good of the largest number of people at heart. That is the best maxim of legislation. That is the guiding

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principle of legislation. That has been the guiding principle of law right from the nineteenth century and I believe that holds good even in the case of Governments which have taken to other ideologies. So, if you really want to help this 11 per cent of the cultivating population, raise fresh taxes and help them. Start a tenants' relief fund, if you want. But do not interfere with the right to live of small landholders in the name of social justice. There are tenants' class, labourers' class, etc. I have enquired into the condition of the labouring class in the villages. I am assured that this class is more prosperous than the small land-owning class. The labourers form a migrant population. They migrate from village to village according as the season changes and their cumulative income is much more than the small land-owners'. I have even thought about organising co-operative societies with land-owners, tenants and labourers as members. But I was told in a village that it was not possible to get the labourers into the society. The Government have not gone into this aspect of this complicated question. The Government have no defence in the matter. All that they can now say is: "We have given an assurance to the tenants and have come to a decision; we cannot go back upon that." If the Government are really anxious to stand by the principle of social justice, they should see that one class is not discriminated against, I mean the small landholders. It is not too late even now to help them. It may be too late to help them with a provision in this measure. But the Government can bring in another measure and it is not too late for them to do it.

THE HON. SRI M. A. MANICKAVELU : Sir, the hon. Member who spoke just now waxed eloquent about fundamental rights and proprietary rights of the landholders. He forgets one thing when he refers to those rights. What are the rights of the landowner and what are the rights which we are now seeking to take away? The principle has been accepted that the man who cultivates the land should be made its owner . . .

* SRI T. M. NARAYANASWAMI PILLAI : Is this the beginning of the process of wiping out the owner? Is this the beginning of the process of depriving him of his land?

THE HON. SRI M. A. MANICKAVELU : I wonder whether the hon. Member was living in a dreamland. I have been telling the House all these days that the ultimate policy of the Government is to make the tiller of the soil the owner of the land, of course, after providing a large and generous margin for the landholder to take to cultivation for his own maintenance. The hon. the Deputy Leader of the Opposition also said something supporting this view.

* SRI T. M. NARAYANASWAMI PILLAI : He made it clear that land should be purchased by the Government and distributed. He did not suggest taking away the land from the landholder, as if he were a thief or one who was in wrongful possession of the land.

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* THE HON. SRI M. A. MANICKAVELU : Our method is to acquire land after paying compensation and not without compensation. Under the Constitution, we cannot take over land without paying compensation. The hon. the Deputy Leader of the Opposition referred to Germany and explained how lands were distributed to the tenants by providing for the payment of the cost of lands to their owners in instalments. The hon. Member Mr. Narayanaswami Pillai referred to Israel where a fund called the Jewish Fund was instituted and asked, "why not provide for compensation here also?" Only when we take away the land without compensation, we interfere with the fundamental or proprietary right of anyone. But what is done now? We are restricting the extent of land which one can cultivate for his maintenance. I submit there is not much point in saying that we interfere with any one's fundamental or proprietary rights. We are on the road to take over land and distribute it to the landless poor but that will be done within the four corners of law. The hon. Member wants to exclude from the purview of this Bill all landlords who own 10 acres and less. That point was considered and if that has to be done, then this Bill would not be applicable to the vast bulk of the area of cultivable land because the extent of land under tenancy even among those who own less than 10 acres is 50 per cent. The percentage is not 7 per cent as pointed out by the Opposition. I dispute that figure. If we exempt those owning less than 10 acres then the bulk of it is gone. I need not then proceed with this Bill at all. If such a big slice is taken away, we need not then bring forward this Bill. Therefore, we considered this matter and we decided finally that we should not exclude the small landholders. But, at the same time, we have made another provision. We have made the provision that the small landowner is entitled to take to personal cultivation to the extent of 5 acres. There was much opposition even to that. But we thought that the small landholder, if he was willing to take to personal cultivation, should be allowed to do so, so that he could increase the income from his land by putting in his own physical labour.

With regard to the plea that the income of these temples would be reduced by this Bill. I want to state that the income will not be reduced because all along these lessees and intermediaries have been making a lot of profit out of the lands belonging to the temples after paying only a small sum as is the case with jodi, etc. If once they come directly into contact with the tenants, then in some cases at least the income of the temple will be more than what they have been getting all along. Then it was said that the intermediary class would go. No: the intermediaries can still take the land on lease. They can bid. The only thing is they will have to be careful in bidding as their margin of profit has been reduced. They can surrender the lease also, if they so desire. All this has been done so that these people may not suffer. When the landholder is put to privation and his share is lessened; my humble submission is why

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we should make any distinction in the case of temples alone. Without interfering with the sanctity of worship, I am of the opinion that we could make some economies if only the rituals could be done not in the elaborate and costly way in which they are done now. I do not think such a thing is impossible. It is possible. It can be done. Another thing is also there; that is, we could increase the income of the temples. There is already criticism against those who manage the temple lands that they form a sort of "lazy people". That is the criticism against them. Therefore, if only they could start a model farm and concentrate on scientific farming, they could get better yield from the lands and this would go a long way to increase the income of the temples. By scientific farming the output could be increased by 3 or 4 times. In spite of all these things, I admit there would be some temples which may be affected by this Bill. But that is a question which has to be gone into. If in the actual working of this Act, we find that certain temples have really suffered, then that aspect of the question could be examined again.

Therefore I submit, Mr. Chairman, that I am unable to accept the amendment moved by the hon. Member Sri K. Balasubramanya Ayyar.

SRI K. BALASUBRAMANYA AYYAR: The question of "social justice" must be gone into. The Planning Commission is fully alive to this problem. Social justice should be for the State as a whole. If production is not decreased and if there is maximum output to cater to the needs of the population, then we can say that there is social justice. But it is not social justice if one section of the population alone is benefited at the expense of the other. The Planning Commission states that there should be collective farming. Sometimes big farms are necessary, for the purpose of making improvements in agriculture. For agricultural farms, a large extent of land is necessary. You cannot have two or three acres for the agricultural farm at Aduthurai. For the purpose of experimentation, they should have an extensive area. But we cannot expect the State to become progressive by making the tiller of the soil get 60 per cent of the produce, thus making the small landowner suffer. That is not a proposition which can be accepted even by the Planning Commission. We can expect the State to become progressive by giving each tiller of the soil 3 acres. With that small acreage and with one plough and old cattle, the poor tiller cannot make much out of the land. Production will thus be only decreased. If we want the State to be progressive, we must have intensive cultivation. We should have collective farming. As I said before, Aduthurai farm cannot have only 3 acres. For the purpose of experimentation, a large extent of land is necessary. I am sure this will be readily conceded by the Hon. the Minister for Agriculture. What is the extent of land required for tractor cultivation? Not 3 acres. The other day I was present when the

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Hon. the Planning Minister witnessed a tractor demonstration conducted by the Standard Motor Products, Ltd. It was said on that occasion that if a tractor was to work properly, 3 acres were not enough but that there should be a larger extent of land. Therefore 3 acres cannot be considered as an economic holding. The other day the Hon. the Revenue Minister was carried away by the felicity of expression when he said that the tiller of the soil would become the ultimate owner of the land. It should be noted that both the landlord and the tenant are a party to the transaction. Trying to make the tiller of the soil the owner of the land is not a scientific system. The State cannot be run on that ideology alone. That proposition is not truly applicable nowadays. Long ago, Sri K. S. Venkatramani wrote of "three acres and a cow". That may be an advertisement. But three acres and a cow cannot be an economic unit in the present circumstances. What we require to-day is intensive cultivation. The land has been cultivated from time immemorial. We want to adopt scientific methods of cultivation. We want to adopt improved techniques. We want to follow the American method. Let us be progressive and take into consideration practical things. The tiller with 3 acres becoming owner and the owner becoming tiller is a trite proposition. That will not do and I am sorry to state that proposition does not hold good. Here we are not concerned with all those things. I am really branching off. Here we are only concerned with the proposition whether the small holder should live or should be buried. It is a simple question. (Interruption.) There is no use of saying that God does not take food. We are convinced about that. But God has taken food in some cases and in our country that phenomenon taken place. Unless we say all that was false, even God has taken food. I am not on that point just now. Let us assume ordinarily God does not take food. It is not for that purpose land is there, but for the purpose of feeding the large numbers of temple servants who do service there during festivals and at other times, unless we say that there need not be any festivals at all—but we are allowing most festivals to be conducted and they are done by ubhayakars. So, there are difficulties in these things. It is not a question to be disposed of in a simple manner.

As for payment of compensation, that has to be considered. So far as the first part is concerned, that is not possible; I know that. The other thing is only a recommendation to the Assembly and the Assembly has got full powers. We cannot pass it here. If it is a financial measure, we can make recommendations to the Assembly. There is nothing wrong.

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

“ The existing clause 15 be renumbered as sub-clause (a) and after sub-clause (a) so renumbered, add the following as sub-clauses (b) and (c) :—

‘ (b) Nothing in the provisions of this Act shall apply in the case of landowners owning an extent up to ten acres of wet land.

(c) In the case of religious or charitable endowments, if the total income is reduced by the application of the provisions of this Act, the compensation shall be payable by the Government of the amount so reduced.’ ”

There was no voice of Noes.

SRI K. BALASUBRAMANYA AYYAR : We win, Sir. I claim it and I will ask for a poll, if necessary.

SRI T. PURUSHOTHAM : No poll is necessary.

The amendment was again put and lost.

MR. CHAIRMAN : The question is—

“ That clause 15 do stand part of the Bill.”

There was no voice of either ‘ Ayes ’ or ‘ Noes ’.

MR. CHAIRMAN : Members must vote; nobody voted now.

The question is—

“ That clause 15 do stand part of the Bill.”

The motion was put and clause 15 was carried.

Clauses 16 to 18 were put and carried.

Clause 1.

SRI K. BALASUBRAMANYA AYYAR : In view of my amendment to clause 3 not having been accepted, I am not moving the amendment, Sir.

Clause 1 was put and carried.

The Preamble was put and carried.

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

“ That the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : Motion moved—

“ That the Madras Cultivating Tenants (Payment of Fair Rent Bill, 1956) (L.A. Bill No. 4 of 1956), as passed by the Legislative Assembly, be passed.”

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SRI K. BALASUBRAMANYA AYYAR : Sir, I want to make one observation. Very important amendments were moved by me with a full sense of responsibility, because I felt convinced that if this Bill was finally passed, it will be a great harm to a large section of our people and it will not be social justice. I feel, Sir, that by passing this Bill, we may be leaving behind peace and prosperity in the agricultural sector. I can only say ‘ Oh, Father, please forgive them; they know not what they are doing ’.

* SRI T. PURUSHOTHAM : Sir, that is a complicated piece of legislation and the Hon. the Minister for Revenue, Mr. Manickavelu has steered it through so ably, so patiently and so indefatigably in the Joint Select Committee, in the other House and in this House. He had to travel all over to Delhi, Hyderabad and Bombay and study the conditions prevailing there before finalising this Bill. He had to withstand the onslaught of the hon. Member Sri Balasubramanya Ayyar who, though vanquished, would not yield. I am sure the Government are not unaware of, and are not unconvinced about, the arguments advanced by the Opposition and by the other Members over this Bill. They will certainly consider them and if necessary, amendments would be introduced especially with regard to temple lands about which the Commissioner for Religious and Charitable Endowments has also made his emphatic appeal and representation to Government. With these few words, I congratulate the Hon. Mr. Manickavelu and I support the motion before the House.

MR. CHAIRMAN : The question is—

“ That the Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956), as passed by the Legislative Assembly, be passed.”

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

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

The House then adjourned.

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

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

* 1. *The Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956 (L.A. Bill No. 4 of 1956).*

b 2. *The Madras Agriculturists Relief (Amendment) Bill, 1956 (L.A. Bill No. 19 of 1956).*

* Sent by special messengers on 26th September 1956.

b Circulated in the chamber on the 27th September 1956.

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 29th September 1956.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

National Extension Service Blocks in the State

* 69 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Agriculture be pleased to state whether there is any proposal before the Government to cover the entire State with National Extension Service Blocks?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir.

SRI V. V. RAMASWAMI: எப்போது இதற்கான நடவடிக்கை எடுக்கப்படும் என்றும், முதலில் நடப்பு வருஷத்தில் எத்தனை பிளாக்குகள் எடுத்துக் கொள்ளப்படும் என்றும் அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: 1956-57-ல் 54 பிளாக்குகளை எடுத்துக்கொள்வதாக உத்தேசம். 1960-61-ல் இந்த வேலை முடிந்து விடும்.

SRI V. V. RAMASWAMI: தேசிய விஸ்தரிப்புத் திட்டத்தில் ஒவ்வொரு பிளாக்கிற்கும் மத்திய அரசாங்கத்தின் மானியத் தொகை எவ்வளவு என்றும், ராஜ்ய அரசாங்கத்தின் மானியத் தொகை எவ்வளவு என்றும் அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: அந்த விவரங்களுக்கு எனக்கு நோட்டீஸ் வேண்டும்.

Remuneration for taking census of cattle

* 70 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether teachers under local bodies in this State were ordered to take census of cattle recently;

(b) whether any remuneration was fixed for such work; and

(c) if so, whether such remuneration has been paid in all cases where the work has been completed?

THE HON. SRI M. BHAKTAVATSALAM: (a) In Madras City the work was attended to by the Corporation school teachers. In the Municipal towns in the mufassal wherever there were no adequate number of karnams to take up the work, the work was ordered to be entrusted to the Municipal staff. Some Municipal school teachers might also have been, therefore, employed for this work in these areas.

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(b) At the instance of the Madras Corporation, the question of payment of remuneration to the enumerators is being examined in consultation with the Director of Statistics.

(c) Does not arise.

SRI T. PURUSHOTHAM : May I inform the Hon. Minister that the remuneration has not yet been paid to the teachers under the Corporation of Madras and may I request the Government to arrange for early payment as this small payment would help the elementary school teachers for the coming Deepavali?

THE HON. SRI M. BHAKTAVATSALAM : I have just answered that the question of granting remuneration is under the consideration of the Government.

SRI G. KRISHNAMOORTHY : May I know whether this work was entrusted to teachers outside their usual hours of work or within the school hours?

THE HON. SRI M. BHAKTAVATSALAM : They were asked to do it outside the school hours.

SRI G. KRISHNAMOORTHY : In view of the fact that these teachers have been given extra work, will the Government kindly order remuneration to be paid to these teachers?

THE HON. SRI M. BHAKTAVATSALAM : I have stated that the question is under the consideration of the Government.

SRI G. KRISHNAMOORTHY : While considering the question of payment of remuneration, will the Government see that this remuneration is paid according to the area covered by the teachers and not according to the statistics taken by them, I mean, the number of cattle and so on?

THE HON. SRI M. BHAKTAVATSALAM : All aspects of the question will be examined before the Government take a decision.

SRI V. CHAKKARAI CHETTY : Why were the teachers selected for the purpose? Is it because teachers are regarded as belonging to the same category as cattle?

THE HON. SRI M. BHAKTAVATSALAM : Teachers were considered to be quite qualified and fitted to do this work of enumerating cattle. If they were to be considered as good or as bad as cattle, then there is no question of their being appointed as enumerators.

SRI G. KRISHNAMOORTHY : Have the Government received any representation about the difficulties experienced by the teachers in getting the actual number of cattle in the various houses?

THE HON. SRI M. BHAKTAVATSALAM : I would like to have notice.

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SRI G. KRISHNAMOORTHY : Is it not better for the Government to depute the Revenue staff entirely for this work or at least to help these teachers in doing this work?

THE HON. SRI M. BHAKTAVATSALAM : That is being done. But, in municipal areas there is no adequate Revenue staff available for undertaking this work. Therefore, the services of teachers are requisitioned.

SRI MOHAMED RAZA KHAN : May I know whether the Government of Madras thought that the teachers in the City of Madras have a special aptitude for this type of work or whether the Government thought that it would be a way of helping them by means of their getting remuneration? What was the idea?

THE HON. SRI M. BHAKTAVATSALAM : The idea was that the teachers could do this work very efficiently—and this was a very important work—and that the teachers could do it with efficiency and a sense of appreciation.

SRI T. PURUSHOTHAM : Is it not a fact that the teachers did this job with great earnestness as a part of civic duty?

THE HON. SRI M. BHAKTAVATSALAM : I should believe it is so.

SRI V. V. RAMASWAMI : இப்படிப்பட்ட வேலைகளைக் கொடுப்பதால் அவர்களுக்கு தனியாக ஒரு ஊதியம் கிடைக்க வழி இருப்பதால், இன்னும் இப்படிப்பட்ட வேறு ஏதேனும் வேலைகளை அவர்களுக்குக் கொடுக்க சர்க்காருக்கு உத்தேசம் உண்டா?

THE HON. SRI M. BHAKTAVATSALAM : தகுதியான வேலை இருந்தால் இது பற்றி கவனிக்கப்படும்.

Railway line from Madras to Tirupathi via Uttukottai

* 71 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether this Government have recommended to the Government of India any proposal for the formation of a new railway line from Madras to Tirupathi (via) Uttukottai and Nagapuram in Chingleput district;

(b) whether this scheme has been investigated by the Central Government; and

(c) if so, the stage at which the matter now stands?

THE HON. SRI M. BHAKTAVATSALAM : (a) No, Sir.

(b) & (c) Do not arise in view of the answer to clause (a).

SRI T. PURUSHOTHAM : Is it not desirable to have this direct line and will the Government take steps to have it included in at least the next Plan?

THE HON. SRI M. BHAKTAVATSALAM : This Government have already recommended to the Government of India about 15 railway lines covering the entire area of the State and we are not

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sure of the prospect of all these lines being undertaken, even within the next Five-Year Plan period. Therefore, it is no good making other proposals.

SRI T. PURUSHOTHAM : Will the Hon. Minister kindly tell us what those lines are because it will be interesting to know it from the public point of view?

THE HON. SRI M. BHAKTAVATSALAM : They are Theni-Gudalur Line, Neyveli-Vridhachalam-Salem Line, Salem-Bangalore Line, Chinnasalem-Chingleput Line, Mangalore-Hassan Line, Tirunelveli-Cape Comorin Line, Salem-Tiruchirappalli Line, Manamadurai-Tuticorin Line, Tanjore-Pattukkottai Line, Kancheepuram-Vellore Line, Satyamangalam-Chamrajnagar Line, Tellicherry-Mysore Line, Kollengode-Trichur Line, Manamadurai-Virudhunagar Line and Mangalore-Bombay Coastal Line.

SRI T. PURUSHOTHAM : Is any phased programme being drawn up for the survey of these lines?

THE HON. SRI M. BHAKTAVATSALAM : We have indicated our sense of priority regarding these lines, and the Government of India also have been taking up some of these lines already.

SRI T. PURUSHOTHAM : If it is not of a confidential nature, will the Hon. Minister kindly indicate to us the priority drawn up for the purpose?

THE HON. SRI M. BHAKTAVATSALAM : I do not have that information with me. But I may tell the hon. Member regarding the following lines that surveys have already been undertaken in some cases and in some cases surveys will be undertaken during the year :—

Mangalore-Hassan Line .. Survey is nearing completion.

An aerial survey of difficult country in the West Coast area from Dasgaon up to Mangalore.

Survey has been completed.

Bangalore-Salem Line, Trivandrum-Tirunelveli-Cape Comorin Line.

Survey is in progress.

Vellore-Kancheepuram Line.

Manamadurai-Virudhunagar Line (via Aruppukkottai).

Surveys are to be taken up during the current year (1956-57).

Chinnasalem-Chingleput Line (via Kallakurichi, Tiruvannamalai and Wandiwash).

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Division of Devaswom Fund between Madras and Kerala States

* 72 Q.—**SRI V. V. RAMASWAMI :** Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether the State Government had any discussions with the Adviser to the Travancore-Cochin Government recently at Madras in regard to the division of Devaswom Fund between the Madras State and the proposed Kerala State; and

(b) if so, with what result?

THE HON. SRI B. PARAMESWARAN : (a) Yes.

(b) In accordance with the decision reached at a meeting held at New Delhi in May 1956 between the Government of India and the representatives of the Madras and Travancore-Cochin Governments, the assets of the Travancore Devaswom Board are to be divided between the Madras State and the Kerala State in the ratio of 135 : 37.5.

SRI V. V. RAMASWAMI : அந்தக் கோவில்களின் நிர்வாகம் திருவாங்கூரில் ராஜ்ய சட்டப்படி இருக்குமா? அல்லது நமது ராஜ்யத்திலுள்ள கோவில்களின் சட்டப்படி நிர்வகிக்கப்படுமா?

THE HON. SRI B. PARAMESWARAN : தற்பொழுது திருவாங்கூர் கொச்சி ராஜ்ய சட்டத்தின் பிரகாரம் தான் நிர்வகிக்கப்படும். பிறகு, நாம் தனியாக ஒரு மசோதா கொண்டுவந்து, நம் சட்டத்திற்குத் தகுந்தாற் போல் அதை அமுலுக்குக் கொண்டுவந்து நடத்த உத்தேசித்துக்கொண்டிருக்கிறோம்.

SRI A. GAJAPATHI NAYAGAR : What was the amount spent previously by the Kerala State on these temples? 3-10 p.m.

THE HON. SRI B. PARAMESWARAN : A separate question may be put, Sir.

Travelling allowance in respect of District Board Election Work

* 73 Q.—**SRI G. KRISHNAMOORTHY :** Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether travelling allowance in respect of election work at the last district board elections in the Pollachi taluk has not yet been paid to teachers of Gobichettipalayam in Coimbatore district; and

(b) if so, the reasons for such delay?

THE HON. SRI S. S. RAMASWAMY PADAYATCHI : (a) All the teachers except Sri K. T. Natarajan have been paid travelling allowance.

(b) The case of Sri K. T. Natarajan is reported to be under correspondence with the Tahsildar concerned.

[29th September 1956]

SRI G. KRISHNAMOORTHY : May I know what the reasons are for the delay in payment of this allowance?

THE HON. SRI S. S. RAMASWAMY PADAYATCHI : There is no special reason except that there is some delay in correspondence with the District Board President and the Tahsildar concerned.

SRI G. KRISHNAMOORTHY : May I know the date of the election and the date of payment in other cases?

THE HON. SRI S. S. RAMASWAMY PADAYATCHI : I have no information with me just now. If a separate question is put, I will give the answer, Sir.

SRI G. KRISHNAMOORTHY : As considerable time seems to have elapsed between the date of the election and the date of payment, sometimes exceeding even one year in this case or in some other cases, will the Government kindly see that teachers are paid advance travelling allowance whenever they are engaged in election work? Will they consider the desirability of granting 75 per cent of the amount that they are expected to spend as travelling allowance advance?

THE HON. SRI S. S. RAMASWAMY PADAYATCHI : Yes, Sir, it will also be considered in future.

SRI T. PURUSHOTHAM : May I invite the attention of the Hon. Minister to the fact that a similar allowance due for election work connected with the recent bye-election in the Trivellore Parliamentary constituency has also not yet been paid?

THE HON. SRI C. SUBRAMANIAM : That question cannot be put.

SRI T. PURUSHOTHAM : I only want the payment in respect of the recent election also to be expedited.

THE HON. SRI S. S. RAMASWAMY PADAYATCHI : The original question referred to district board elections. The hon. Member is referring to a recent bye-election in a Parliamentary constituency. Anyway, it will also be considered in a short time.

MR. CHAIRMAN : Questions are over.

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

II.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.

(1) MESSAGES FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received the following messages, dated the 29th September 1956, from the Governor of Madras :—

“(1) In pursuance of Article 207, clause (3), of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Appropriation (No. 8) Bill, 1956;

29th September 1956] [Mr. Chairman]

(2) In pursuance of Article 207, clause (3), of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Appropriation (No. 4) Bill, 1956;

(3) In pursuance of Article 207, clause (3), of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Appropriation (No. 5) Bill, 1956.”

(2) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN : I have also to announce to the House that I have received messages from the Hon. the Speaker, Madras Legislative Assembly, dated the 29th September 1956, transmitting copies of the following Bills as passed by the Assembly on the 29th September 1956 and signed by him for the recommendations of the Council—

(1) The Madras Appropriation (No. 3) Bill, 1956 (L.A. Bill No. 27 of 1956);

(2) The Madras Appropriation (No. 4) Bill, 1956 (L.A. Bill No. 28 of 1956);

(3) The Madras Appropriation (No. 5) Bill, 1956 (L.A. Bill No. 29 of 1956).”

He certifies that the above are Money Bills within the meaning of Article 199 of the Constitution of India.

I have also to announce to the House that I have received messages from the Hon. the Speaker, Madras Legislative Assembly, transmitting copies of the following Bills, as passed by the Assembly on the 28th September 1956 and signed by him, for the concurrence of the Council :—

“1. The Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956);

2. The Tanjore Tenants and Pannaiyal Protection (Amendment) Bill, 1956 (L.A. Bill No. 22 of 1956);

3. The Madras Cinemas (Regulation) Amendment Bill, 1956 (L.A. Bill No. 23 of 1956);

4. The Madras Civil Courts (Amendment) Bill, 1956 (L.A. Bill No. 24 of 1956);

5. The Code of Criminal Procedure (Madras Amendment) Bill, 1956 (L.A. Bill No. 25 of 1956);

6. The Madras Estates Land (Reduction of Rent) Amendment Bill, 1956 (L.A. Bill No. 26 of 1956)”

and I have also received the following message, dated 29th September 1956, from the Hon. the Speaker—

“In accordance with rule 130 of the Madras Assembly Rules, I transmit a copy of the Madras Sillawana Seed (Production,

[Mr. Chairman] [29th September 1956]

Supply and Distribution) Bill, 1956 (L.C. Bill No. 5 of 1956) as passed and agreed to by the Assembly without any amendment and signed by me."

III.—PROGRAMME OF SITTINGS OF THE HOUSE.

SRI T. PURUSHOTHAM: Sir, may I request the Hon. the Leader of the House to kindly indicate to us the programme of our sitting in October as hon. Members are very anxious to know what our programme will be?

* THE HON. SRI M. BHAKTAVATSALAM: Sir, it is proposed that we may meet on the 23rd of October 1956. The House will adjourn today and we will be meeting again at 3 p.m. on the 23rd October 1956 when we shall consider the subjects in the Agenda which are left over.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS APPROPRIATION (NO. 3) BILL, 1956 (L.A. BILL NO. 27 OF 1956).

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

"That the Madras Appropriation (No. 3) Bill 1956 (L.A. Bill No. 28 of 1956), as passed by the Legislative Assembly, be taken into consideration."

Sir, I do not think a speech is called for from me at this stage.

MR. CHAIRMAN: The question is—

"That the Madras Appropriation (No. 3) Bill, 1956 (L.A. Bill No. 27 of 1956), as passed by the Legislative Assembly, be taken into consideration."

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

Clauses 2 and 3 were put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

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

"That the Madras Appropriation (No. 3) Bill, 1956 (L.A. Bill No. 27 of 1956), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN: The question is—

"That the Madras Appropriation (No. 3) Bill, 1956 (L.A. Bill No. 27 of 1956), as passed by the Legislative Assembly, be passed."

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

* Printed as Appendix I on pages 275-276 infra.

29th September 1956]

(2) THE MADRAS APPROPRIATION (NO. 4) BILL, 1956 (L.A. BILL NO. 28 OF 1956).

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, I beg to move—

"That the Madras Appropriation (No. 4) Bill 1956 (L.A. Bill No. 28 of 1956), as passed by the Legislative Assembly, be taken into consideration."

MR. CHAIRMAN: The question is—

"That the Madras Appropriation (No. 4) Bill, 1956 (L.A. Bill No. 28 of 1956), as passed by the Legislative Assembly, be taken into consideration."

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

Clauses 2 and 3 were put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, I beg to move—

"That the Madras Appropriation (No. 4) Bill, 1956 (L.A. Bill No. 28 of 1956), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN: The question is—

"That the Madras Appropriation (No. 4) Bill, 1956 (L.A. Bill No. 28 of 1956), as passed by the Legislative Assembly, be passed."

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

(3) THE MADRAS APPROPRIATION (NO. 5) BILL, 1956 (L.A. BILL NO. 29 OF 1956).

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, I beg to move—

"That the Madras Appropriation (No. 5) Bill 1956 (L.A. Bill No. 29 of 1956), as passed by the Legislative Assembly, be taken into consideration."

MR. CHAIRMAN: Motion moved—

"That the Madras Appropriation (No. 5) Bill, 1956 (L.A. Bill No. 29 of 1956), as passed by the Legislative Assembly, be taken into consideration."

* SRI T. PURUSHOTHAM: Mr. Chairman, I beg to refer to a significant feature in the Schedule to this Bill covering the supplementary estimates. There is no supplementary demand for

* Printed as Appendix II on pages 276-278 infra.

* Printed as Appendix III on pages 278-279 infra.

[Sri T. Purushotham] [29th September 1956]

'Education'. Is it because the Hon. the Minister for Education, being also the Minister for Finance, wants to give preference to other Departments and wants to take up Education later on. I am aware that there is the Committee of the Legislature on "the White Paper on Education". But, there are non-controversial schemes which could be implemented this year. I believe they could be taken up as "new service" schemes without waiting for the White Paper Committee's recommendation. Especially with reference to teachers' salaries something could be done immediately and I know the Hon. Minister himself is anxious to give some relief to them. I would, therefore, appeal to the Hon. Minister to consider this aspect of implementation of such of the non-controversial schemes as could be taken up now.

3-20
p.m.

* SRI G. KRISHNAMOORTHY: Sir, this Bill is in respect of excess expenditure and the Demand is for four crores odd rupees for the current financial year. Of course, there is no excess demand in respect of Education. I shall come to Education later. I would like to submit that a major portion of the four crores of rupees now asked for is for cyclone relief. When the cyclone affected various tracts in various districts, it affected all including the teachers. But certain discrimination was made by the Government in respect of cyclone relief as among teachers themselves.

SRI T. PURUSHOTHAM: Teachers also got the benefit of cyclone relief in those areas. They were also given some relief.

* SRI G. KRISHNAMOORTHY: My submission is that some discrimination was made, subject to correction, among teachers serving under different agencies. Teachers under local bodies were given a certain amount of relief. Teachers in aided institutions were given a rather limited amount of relief. Another point is this. Great discrimination was made between the teaching and the non-teaching staffs in the same institution affected by the cyclone. If the Government cannot go to the relief of these men at this belated hour, I would humbly request them not to make this sort of discrimination in future at least in providing relief to men who are victims of *Force Majeure* circumstances beyond the control of man.

As regards the fact that no excess demand is made for Education, I cannot say that it is due to want of sympathy on the part of Government. In fact, Government have begun to sympathise with teachers and their lot and have sanctioned several things for their benefit. But many of these benefits have not reached the teachers. If the expenditure is not incurred in time, it is the teachers that suffer. I shall give one instance. Relief was promised to teachers under the Second Five-Year Plan. The Plan came into operation on 1st April 1956. The teachers are yet to receive the relief that was promised. I do not know whether the relief is delayed because of the proposed reorganisation of States. Even if it is so, I would like to point out that the relief promised is very small. The Government are going ahead with enacting laws with regard to

29th September 1956] [Sri G. Krishnamoorthi]

other matters even in spite of the proposed reorganisation of States and these affect Kerala and Karnataka also. When that is so, why should this small relief be delayed? There is an All-India move for securing increased salaries for teachers in the interests of national development itself. Still, there is delay in giving the promised relief. I do not know, Sir, whether the pension rules have been published. I am quite sure, however, that no teacher has got his pension so far. Some amount could have been provided for house-rent allowance for teachers. In respect of house-rent allowance also, teachers are discriminated against. Teachers in aided institutions are not paid any house-rent allowance. But teachers in local body and Government schools have been getting this allowance all these years. I am quite aware of the fact that the Hon. Minister has shown his sympathy for teachers by trying to bring all teachers on to a uniform level of pay. Pension has been granted to teachers in aided schools. He is trying to remove the disparity in scales of pay of teachers. I do not know what stands in the way of the Government giving this allowance to teachers. Even according to Government's own figures, it will cost them only ten lakhs of rupees. They are spending sixty ~~crores of rupees~~ annually over normal things and asking for four ~~crores of rupees~~ for excess expenditure through this Bill. Do they not deem it necessary to pay the teachers ten lakhs of rupees by way of house-rent allowance, especially teachers in cities like Madras where they have now to live in hovels and not regular houses?

Sir, with regard to the point whether we can debate matters of administration during the discussion on an Appropriation Bill or Supplementary Demands for Grants, I should like to have clarification from you and if need be, protection also. I think this is the appropriate time for hon. Members to refer to matters relating to Administration because such occasions are very limited in number.

An order has been passed by the Government to the effect that a teacher who has passed the Honours examination whether it is in Mathematics or any other subject—is not competent to handle English in the school. But the same order gives the authority to a man who has failed in that examination and for whom a Pass has been recommended to handle classes in English. If a person with Economics or Mathematics or History passes the Honours examination, he cannot handle English classes. But if he fails and gets a recommended Pass degree, the order says: 'Oh, he is a B.A. He can handle English'. I want this anomalous order to be cancelled. Further, any order passed by the Government should apply only to new entrants. It should not affect persons already in service. They were not given to understand when they joined the Honours course that they would not be declared competent to handle English. Had they been informed, they would not have joined the course. They were made to understand that an Honours degree was superior to the B.A. degree. These teachers have been handling English all these years and no harm has resulted therefrom. I would humbly request the Government to see that this anomalous order is withdrawn.

[29th September 1956]

THE HON. SRI C. SUBRAMANIAM : I have understood the point and the hon. Member need not elaborate.

SRI A. M. ALLAPICHAI : Is it the suggestion of the hon. Member that teachers who have been recommended Pass degrees should not handle English?

MR. CHAIRMAN : How does the hon. Member bring this subject here, under the Appropriation Bill?

SRI MOHAMED RAZA KHAN : We do not have a full Budget next year.

MR. CHAIRMAN : It is not found in the Schedule. The hon. Member is going beyond its scope.

* SRI G. KRISHNAMOORTHY : This is an opportunity . . .

MR. CHAIRMAN : This is not an opportunity.

* SRI G. KRISHNAMOORTHY : If that is your ruling, Sir, I submit to it. With regard to the Account Test, I really appreciate that the Government have introduced this as a qualification for Headmasters. The District Boards have prescribed this for Headmasters. But in regard to over-aged Headmasters, Government have given exemption. But there are Headmasters who have passed the departmental tests for which the text-books are the same as for the regular Account Test. I would like the Government just to see that those Headmasters who have passed such tests are exempted from passing the Account Test.

MR. CHAIRMAN : It is not an observation on the Bill. Any way, the hon. Member has had his say on it.

SRI A. GAJAPATHY NAYAGAR : Is there no distinction between a graduate who took his degree after studying for two years and a graduate who was recommended a Pass?

MR. CHAIRMAN : The hon. Member cannot go away from the scope of the Bill. That is the reason why I stopped Mr. Krishnamoorthi also.

* SRI V. V. RAMASWAMI : கனம் தலைவர் அவர்களே, நம் மாவட்ட நிர்வாகத்தைப் பொறுத்தமட்டிலும் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். பொதுவாக, இப்பொழுது ஜில்லாதோறும் பல துறைகளிலே அபிவிருத்தி வேலைகள் அதிகப்பட்டுக்கொண்டே வருகின்றன. துறைகளிலே அபிவிருத்தி வேலைகள் அதிகப்பட்டுக்கொண்டே வருகின்றன. மக்களுடைய ஒத்துழைப்பைப் பெற்று, தேசிய விஸ்தரிப்புத் திட்டம், ஸ்தல அபிவிருத்தித் திட்டம், சமுதாய நலத் திட்டம் என்ற முறைகளிலே பலவிதமான அபிவிருத்திக்குவேண்டிய காரியங்கள் நடந்து கொண்டிருக்கின்றபடியினால் மாவட்டத்திலே இருக்கின்ற அதிகாரிகளுடைய வேலைப் பளுவும் அதிகமாகிக்கொண்டேவருகின்றது. உதாரணமாகப் பார்த்தால் ஜில்லா கலெக்டர் ஆபீஸிலே கலெக்டருக்கு ஒன்றுக்கு மேற்பட்ட பெர்ஸனல் அவலிஸ்டெண்டுகள் நியமிக்கப்பட்டுக்கொண்டிருக்கிறார்கள். அவ்வளவு பேருக்கும் வேலை இருக்கிறதென்றும் நன்றாகத் தெரிகிறது. அதிகமான

[29th September 1956] [Sri V. V. Ramaswami]

பெர்ஸனல் அவலிஸ்டெண்டுகள் இருப்பதால் அநேக விதமான காரியங்கள் சீக்கிரம் முடிவதற்குத் தோதாக இருக்கிறது. ஆகவே, வேலைப்பளு அதிகரித்துக்கொண்டு வருவதை உத்தேசித்தும், ராஜ்யப் புரையமைப்பை முன்னிடும் ஒவ்வொரு ஜில்லாவையும் இரண்டாகப் பிரிப்பதற்கு உத்தேசம் இருக்கிறதா என்று அறிய விரும்புகிறேன். பெர்ஸனல் அவலிஸ்டெண்டுகளுக்குக் கொடுக்கப்படும் சம்பளத்தை உத்தேசித்தும், வேலையும் சீக்கிரம் நடைபெறுவதற்கு ஏதுகரமாக இருக்குமென்பதை உத்தேசித்தும், ஒவ்வொரு ஜில்லாவையும் இரண்டாகப் பிரிப்பது சௌகரியமாக இருக்காதா என்பதை அரசாங்கத்தார் கவனிப்பார்களா என்று அறிய விரும்புகிறேன்.

அடுத்தபடியாக, இப்பொழுது நகரங்களிலும் கிராமங்களிலும் 3-30 அபிவிருத்தி வேலைகள் ஏராளமாக நடைபெறுகின்றன; கட்டிட வேலைகளும் நடைபெறுகின்றன. அதற்கெல்லாம் சிமெண்டு ஏராளமாக வேண்டியிருக்கிறது. நமது ராஜ்யத்திலே உற்பத்தியாகும் சிமெண்டு நமது ராஜ்யத்தில் நடைபெறும் அபிவிருத்தி வேலைகளுக்கும் கட்டிட வேலைகளுக்கும் தேவைப்படுவதற்குமேல் இருந்தும், அதை மத்திய அரசாங்கம் தங்களுடைய திட்டப்படி விநியோகம் செய்வதால், நமது தேவைக்குக் குறைவாகவே கிடைப்பதாகத் தெரிகிறது. அப்படி கிடைப்பது சரியல்ல. ஆகவே, வெளி நாடுகளிலிருந்து இறக்குமதியாகும் சிமெண்டை மற்ற ராஜ்யங்களுக்கு வைத்துக்கொண்டு, நமது ராஜ்யத்தில் உற்பத்தியாகும் சிமெண்டு பூராவையும் நமது ராஜ்யத்திற்கே கிடைக்கும் வண்ணம் செய்தால், அநேக காரியங்கள் சீக்கிரம் முடிந்து, கட்டிடங்கள் பூர்த்தி யாவதற்கும் தோதாக இருக்குமென்று நம்புகிறேன்.

கூட்டுறவு முறையிலே கிராமங்களிலே மக்களுக்குக் கடன் கொடுப்பதற்கு ஒவ்வொரு தாலுகாவிலும் நில அடமான பாங்குகளையும், கிராமக் கூட்டுறவு பாங்குகளையும் தாமதமில்லாமல் ஏற்படுத்தினால், நிலத்தைப் பயிரிட்டு சாகுபடி பண்ணுகிறவர்களுக்கு காலா காலத்தில் கடன் கிடைப்பதற்குத் தோதாக இருக்குமென்றும் சொல்லிக்கொள்ள விரும்புகிறேன்.

பெரிய பெரிய நீர்ப்பாசனத் திட்டங்களை நிறைவேற்றுவதற்கு வசதி இல்லாதபடியினால் சிறு சிறு நீர்ப்பாசனத் திட்டங்களை எடுத்துக்கொள்வதற்கு அவ்விஷயத்தில் 'ரிடர்ன்' சரியாக வருமா என்று பார்த்துக்கொண்டிருப்பதால், அநேக திட்டங்கள் எடுத்துக்கொள்ளப்படாமலிருக்கின்றன. சிறு நீர்ப்பாசனத்தை நம்பியிருக்கவேண்டியிருப்பதால், வட்டி விகிதம் சரியாக வருமா என்பதை மட்டும் கணக்குப் பார்க்காமல், மக்களுடைய தேவையைப் பூர்த்தி செய்வதற்கு எந்த விதமாகச் செய்யமுடியுமோ அந்த விதமாகக் காரியங்களைச் செய்யவேண்டுமென்று கேட்டுக்கொண்டு, இத்துடன் முடித்துக்கொள்கின்றேன்.

THE HON. SRI C. SUBRAMANIAM : Sir, I am afraid that if I begin to deal with all points that have been raised, you will then come down on me, Mr. Chairman, saying that I am also talking something irrelevant. Therefore, I shall reply only to one valuable suggestion that was made by the hon. Member Sri V. V. Ramaswami with regard to cement. He said that the entire stock sufficient to meet the needs of our State should be stocked here and not exported to other places. If that same criterion is to be applied by other States which are manufacturing still more strategic materials than cement, then our position would be very pitiable indeed. If, for instance, the claim is put forward either in Bengal or Bihar that all stocks of iron required for that State should be stocked there and not exported to other States, then what is to be our position? It would be a really sorry spectacle then. That is why I say in all these things, the

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all-India requirements should be taken into consideration, and we cannot take a narrow view of things. Simply because iron factories are situated in the North it can't be said that those factories would cater to the needs of the North only and not the South. We have to take the all-India requirements into consideration. Especially with regard to production of strategic materials, we have to take the requirements of all States into consideration. We should have an all-India outlook. I can understand the hon. Member pleading for some more factories for the manufacture of cement or other strategic material, which is in short supply. But it cannot be said that simply because we have cement factories in Madras State, we should stock for our requirements first and not export anything to other States. I do not think that is a good suggestion to make even. Before suggestions of such a nature are made, we have to think over them. I do not have any other point to reply to with regard to this Bill. With these words, I would request the House to give its concurrence to this Bill.

SRI MOHAMED RAZA KHAN: The Hon. Minister started by saying that the suggestion of the hon. Member Sri V. V. Ramaswami was a valuable one but he concluded by saying that that suggestion was not worth making even. How could the two be reconciled, Sir? (Laughter.)

MR. CHAIRMAN: The question is—

"That the Madras Appropriation (No. 5) Bill, 1956 (L.A. Bill No. 29 of 1956), as passed by the Legislative Assembly, be taken into consideration."

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

Clauses 1 and 2 were put and carried.

The Schedule was put and carried.

The Preamble was put and carried.

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

"That the Madras Appropriation (No. 5) Bill, 1956 (L.A. Bill No. 29 of 1956), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN: The question is—

"That the Madras Appropriation (No. 5) Bill, 1956 (L.A. Bill No. 29 of 1956), as passed by the Legislative Assembly, be passed."

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

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(4) THE TANJORE TENANTS AND PANNAIYAL PROTECTION
(AMENDMENT) BILL, 1956 (L.A. BILL NO. 22 OF 1956).

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

"That the Tanjore Tenants and Pannaiyal Protection (Amendment) Bill, 1956 (L.A. Bill No. 22 of 1956), as passed by the Legislative Assembly, be taken into consideration."

This is because we have already passed the other two Bills, viz., the Cultivating Tenants Protection (Amendment) Bill, 1956 and the Fair Rent Bill. The provisions of the Tanjore Tenants and Pannaiyal Protection Act are now superseded by the passing of the two Bills that I referred to above. But only the provisions relating to the Pannaiyals are retained. The present Bill seeks to take away the provisions relating to tenants only from the Tanjore Tenants and Pannaiyal Protection Act.

MR. CHAIRMAN: The question is—

"That the Tanjore Tenants and Pannaiyal Protection (Amendment) Bill, 1956 (L.A. Bill No. 22 of 1956), as passed by the Legislative Assembly, be taken into consideration."

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

Clauses 2 to 6 were put and carried.

Clause 1 and the Preamble were put and carried.

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

"That the Tanjore Tenants and Pannaiyal Protection (Amendment) Bill, 1956 (L.A. Bill No. 22 of 1956), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN: The question is—

"That the Tanjore Tenants and Pannaiyal Protection (Amendment) Bill, 1956 (L.A. Bill No. 22 of 1956), as passed by the Legislative Assembly, be passed."

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

MR. CHAIRMAN: Item No. 5 is postponed. We will take up item No. 6.

(5) THE MADRAS CINEMAS (REGULATION) AMENDMENT BILL, 1956
(L.A. BILL NO. 23 OF 1956).

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

"That the Madras Cinemas (Regulation) Amendment Bill, 1956 (L.A. Bill No. 23 of 1956), as passed by the Legislative Assembly, be taken into consideration."

When we considered the Cinematograph Bill, Government gave an assurance that the procedure with regard to the application of grant of licence for cinema houses would be simplified. Now,

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there are a number of agencies to whom a person has got to go for getting permission. (Sri V. V. Ramaswami: They are 18 in number.) My friend says the number is 18. Probably he is speaking out of experience. In order to simplify the procedure and make it as agreeable as possible, we are now making a provision that there will be one central authority to whom application will have to be made. That authority may consult various other authorities with reference to electrification and other safety measures like fire extinguishing appliances, etc. We intend making the Collector responsible for this. I hope this measure will be agreed to by the House.

MR. CHAIRMAN: Motion moved—

“That the Madras Cinemas (Regulation) Amendment Bill, 1956 (L.A. Bill No. 23 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

2-40 P.M. * SRI G. KRISHNAMOORTHY: Mr. Chairman, Sir, I am glad that this measure aims chiefly at co-ordinating, if I may say so, the work of the various authorities concerned with the question of granting licences. It simplifies the procedure to this extent that the person who wants to construct, reconstruct or establish a cinema house has to apply to one high officer, viz., the Collector in the case of a district and the Police Commissioner in the case of the City. In spite of the various detailed agencies that were in control of the establishment of cinema houses, licensing, etc., all these days, we find cinema houses established in the heart of cities in between two houses in the middle of a very busy street and a bazaar. I do not know how the rules gave room for these things. I would request the Government to see that while they give relief to the establishers of these cinema houses by simplifying the procedure, they may also revise the rules in such a way that no cinema house is constructed or even allowed to be reconstructed in its own place, if it is in the middle of a street. It would be better if these cinema houses are just kept two or three furlongs away from the dust and din of the town or even the village.

Now, in the proposed section 6-A (power of licensing authority to issue directions), it is laid down: “The licensing authority may, from time to time, issue directions to any licensee or licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority”. I think this is a new clause through which the Government want certain slides to be shown to the public. But the exact nature of the slides is not to be inferred from the contents of the Bill. I would request the Government to see that the time allotted for it now, namely, four minutes, is extended a little more and spiritual matter or patriotic matter is put through these slides; certain of Gandhiji's sayings could be given out every day in each show; particular

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events in the lives of great men who worked for the salvation of our country could be shown especially on their birth days; their stories quoting their words of wisdom can be narrated. If necessary, the four minutes' time might be increased and the people told the words of wisdom of our ancestors who worked for our Swaraj; that way we will be doing a great service towards the preservation of the Swaraj won after hard work. With these few observations, I support this Bill.

* SRI A. GAJAPATHY NAYAGAR: Mr. Chairman, Sir, I understand that the Collectors will have to take the advice of five or six persons in the matter of issuing licences. I would like to know whether the Collector will be vested with authority to override their recommendations and if such is the case, I am not sure whether this centralization of authority would augur well for the industry. I do not say that this will always happen, but if the intention is that, then it is not good. That is my submission.

* SRI T. PURUSHOTHAM: Mr. Chairman, Sir, while I welcome the idea that there should be a centralized authority for grant of these licences and permissions, I should like to point out that this power to grant permission for construction or reconstruction of buildings, installation of machinery, etc., was till now vested in the local authorities. Now, that power is proposed to be taken away and I feel that the local bodies should have their say in this matter, at least in the location of cinema houses. Of course, there is provision that the licensing authority shall, after consulting such authority or officer as may be prescribed, grant or refuse permission. Under this provision, I should like to insist that in making the rules under the new Act, it should be specifically laid down that the respective municipalities, panchayats or district Boards should be consulted before the applications for permission are disposed of. We cannot brush aside the views of the local authorities, as they know exactly the local conditions. Therefore, they should have their say in this matter. I hope that while framing the rules the Government will provide that the local authorities should be consulted before disposing of these applications.

THE HON. SRI C. SUBRAMANIAM: Sir, the hon. Member Mr. Gajapathy Nayagar raised an objection that centralized authority might not promote the coming into existence of cinema houses, etc. We have consulted the cinema trade and they are in full accord with the measure. So, I think they should know better.

With reference to the suggestion made by the hon. Member Sri Purushotham, it is the intention of the Government that in the rules all these matters relating to consultation with local authorities should be specified. Otherwise, we cannot know whether a particular place is suitable or whether the necessary facilities have been provided in the cinema hall and all the other

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allied matters. Therefore, in the rules all these things will be provided for. (Interruption.) The licensing authority will consult and it will not be left to the applicant to do that.

* SRI V. V. RAMASWAMI : லைசென்ஸ் கொடுக்க வேண்டியவர்களுக்கு இருக்கலாம். ஆனாலும், மசோதாவிலுள்ளபடி, அவர் மற்ற பல அதிகாரிகளையும் காந்தாலோசித்த பிறகுதான் லைசென்ஸ் கொடுக்க வேண்டியிருக்கிறது. ஆகவே சுற்றிச் சுற்றித் தான் வா வேண்டியிருக்கிறது, சீக்கிரமாக லைசென்ஸ் கொடுக்கப்படமாட்டாது.

THE HON. SRI C. SUBRAMANIAM : No, Sir. It will not happen. When the Collector writes and asks for opinion, they will have to give and it will also be asked for within a prescribed time and the time-limit will be stated in the communication. Therefore, there will not be any difficulty. It will avoid the applicants going to every office and trying to get the order. We will also make it a rule that the licences should be issued within a prescribed time after the application is made to the Collector. In all these things, the licensing authority will have to consult various other authorities; he himself cannot know everything, whether electrification has been made, whether there are various sanitary arrangements, whether the location is suitable or whether it is objectionable with reference to the public, etc. He will have to consult others and that is why we have provided that he shall consult such authorities or officers as may be prescribed. That is absolutely necessary. We shall also see that unnecessary authorities are not brought in or unnecessary consultations are not made compulsory, making it difficult for the grant of licences.

The suggestions made by the hon. Member Sri Krishna-moorthi will be kept in mind and when it is possible to implement them, we shall try to do so.

MR. CHAIRMAN : The question is—

“ That the Madras Cinemas (Regulation) Amendment Bill, 1956 (L.A. Bill No. 23 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2, 3 and 4 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM : I move—

“ That the Madras Cinemas (Regulation) Amendment Bill, 1956 (L.A. Bill No. 23 of 1956), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : Motion moved—

“ That the Madras Cinemas (Regulation) Amendment Bill, 1956 (L.A. Bill No. 23 of 1956), as passed by the Legislative Assembly, be passed.”

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SRI V. GURUNANDAN ROW : Mr. Chairman, I rise only 3-50 p.m. because the Hon. Minister made some point while replying to the discussion during the first reading of the Bill. The main difficulty of these people who ask for licences, I think, is that they have to go to many people. What actually happens is that the licensing authority will say, ‘ We have not received any reply from there.’ Thus, the applicant for licence will be sent from pillar to post, one authority saying, ‘ You hasten it up. I have not received any reply.’ Actually, this will not serve the purpose for which it is intended unless the Government make some rule whereby it is made perfectly clear that the licence should be granted within a particular period, and see that the applicant has not to go from pillar to post to the various authorities to see that the matter is hastened and sent to the licensing authority. It is only to make that clear that I have risen to speak on this Bill.

* SRI A. M. ALLAPICHAJ : Sir, there is some force in the hon. Member's point. If I am not casting any reflection upon any office, I may say that we also have some little experience like that. What happens is this. If a paper is kept pending in one particular office for a long time, it gives some kind of encouragement to some petty officers there to tease the persons concerned. Therefore, if there is a rule that when a paper is received in a particular office, it should be disposed of in that particular office within the shortest possible time, it may have a good effect. That is what I want the Hon. Minister to bear in mind. In that way, to a very great extent, we can save our officers from earning a bad name. That is one suggestion I wish to make.

THE HON. SRI C. SUBRAMANIAM : That suggestion will be considered. As a matter of fact, I mentioned in my reply that some time-limit would have to be fixed. Otherwise, a long time may elapse before a licence is granted. All that will be taken into consideration and provided for in the rules.

MR. CHAIRMAN : The question is—

“ That the Madras Cinemas (Regulation) Amendment Bill, 1956 (L.A. Bill No. 23 of 1956), as passed by the Legislative Assembly, be passed.”

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

(6) THE MADRAS CIVIL COURTS (AMENDMENT) BILL, 1956
(L.A. BILL NO. 24 OF 1956).

THE HON. SRI C. SUBRAMANIAM : Sir, I beg to move—

“ That the Madras Civil Courts (Amendment) Bill, 1956 (L.A. Bill No. 24 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

I do not think any explanation is needed. The jurisdiction of the District Court is sought to be increased from

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Rs. 5,000 to Rs. 10,000. This has been done in consultation with the High Court and they are in full accord with the object and provisions of this Bill.

MR. CHAIRMAN: Motion moved—

“That the Madras Civil Courts (Amendment) Bill, 1956 (L.A. Bill No. 24 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

* SRI V. V. RAMASWAMI: ஹைக்கோர்ட்டின் வேலையில் பாக்கி விழுந்திருப்பதால் (pendency) ரூ. 10,000-க்கு உட்பட்ட மதிப்புடைய வழக்குகளை யெல்லாம் தீர்ப்பதற்கு ஜில்லா கோர்ட்டுகளுக்கு அதிகாரம் கொடுத்து விடலாம் என்று ஹைக்கோர்ட் சிபாரிசு செய்திருப்பதால், இந்த மசோதா கொண்டுவரப்பட்டிருக்கிறது. ஆனால், மலபார் ஜில்லா திருவாங்கூர் கொச்சி ராஜ்யத்திற்குப் போன பிறகு ஹைக்கோர்ட்டில் வேலை குறைந்ததால், அப்போது ஹைக்கோர்ட் நீதிபதிகளின் எண்ணிக்கை இப்படியே இருக்குமா அல்லது எண்ணிக்கையில் மாறுதல் ஏற்படுமா என்று அறிய விரும்புகிறேன்.

* SRI S. P. SIVASUBRAMANIA NADAR: Sir, I request the Hon. the Minister for Law to make a provision either in this Bill or in the rules to be framed that such of the appeals or other proceedings pending with the High Court as are within the jurisdiction of the District Courts may be transferred to the concerned District Courts so that the pendency in the High Court may be minimised and, at the same time, people may have the benefit of earlier and quicker disposal of the matter pending.

SRI V. GURUNANDAN ROW: Mr. Chairman, all that I wish to say is that I am not opposed to this Bill, but on reading through the Statement of Objects and Reasons, I find that it is apparently to relieve the work of the High Court that this Bill has been brought in. I do not see how really the work of the High Court can be relieved even though the right of appeal to the District Court is provided for in respect of matters of the pecuniary value between Rs. 5,000 and Rs. 10,000. After all, we lawyers know that there is a right of second appeal and people will go to the High Court. Therefore, it is only a question of postponing the day when the work will go to the High Court and I do not see how the work of the High Court is lessened by increasing the pecuniary value of appeals that can be filed in the District Court. The only relevant point may relate to the number of Judges who will sit in first appeal. Usually, first appeals are heard by benches of two Judges. That can be easily changed by a rule of the High Court saying that appeals involving Rs. 1,000 or more can be heard by one Judge. Therefore, I do not see how this Bill can serve the real purpose which it is intended to serve though I am certainly of the opinion that District Courts are equally competent to hear appeals from the decisions of Munsifs' Courts. But, at the same time, the point remains whether we are really lessening the work of the High Court or reducing the likely arrears of the High Court except possibly postponing the evil day of having more work and that

29th September 1956] • [Sri V. Gurunandan Row]

certain appeals which are now filed in the High Court will be filed hereafter in the District Court. In practice, it will be found that the work of the High Court is not decreased and that there is no easing of the situation in the High Court.

THE HON. SRI C. SUBRAMANIAM: Sir, a suggestion was made by the hon. Member Sri Sivasubramania Nadar that all the pending appeals within the pecuniary value assigned should be sent back to the District Court. I am afraid it cannot be done. The intention of the Government is that appeals which have already been filed in the High Court should be disposed of here because otherwise, it is likely to create difficulties for the clients. The clients would have already entrusted the work to some lawyers and paid some fees also. Therefore, to take it back to the District Court and then engage a new lawyer will create further difficulties. I do not think we should create such difficulties for the clients. Once the appeal has been filed in the High Court, it should go through the process here.

With reference to the points made by the hon. Member Sri V. Gurunandan Row, I was a little bit surprised because the scope of second appeal is limited. It is only the points of law that can be taken in second appeal. Naturally the scope for filing appeals in respect of cases is very much limited. Therefore, every case that is disposed of by the District Court does not come in appeal before the High Court. So, there is bound to be a reduction in work and from that point of view, there will be some relief to the High Court. But this is not a question of giving relief to the High Court alone. That is not the main objective. In view of the revision of the Court-fees and Suits Valuation Act, it has become necessary to increase the appellate jurisdiction of the District Courts. Mainly the intention is that, but incidentally there may be some relief to the High Court also. In any event, the hon. Member Sri V. Gurunandan Row does not oppose this measure even though the Advocates' Association has opposed it. I am glad that in spite of it, he is supporting the measure even though he tried to argue against it in a way.

MR. CHAIRMAN: The question is—

“That the Madras Civil Courts (Amendment) Bill, 1956 (L.A. Bill No. 24 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

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

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

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

“That the Madras Civil Courts (Amendment) Bill, 1956 (L.A. Bill No. 24 of 1956), as passed by the Legislative Assembly, be passed.”

[29th September 1956]

MR. CHAIRMAN: Motion moved—

“That the Madras Civil Courts (Amendment) Bill, 1956 (L.A. Bill No. 24 of 1956), as passed by the Legislative Assembly, be passed.”

SRI V. GURUNANDAN ROW: Sir, just now the Hon. Minister said that an appeal to the High Court would be on a point of law. I perfectly know that. I also know how many second appeals are admitted and also how many are pending in the High Court. The Hon. Minister also knows that. Further, there is more lenience in the admission of second appeals on points of law. As a lawyer, the Hon. Minister also must know how it is easy to make out a point of law. Therefore, the question is not whether there is a point of law and whether it is limited. The Hon. Minister is not, I think, justified in saying that, therefore, the litigation will be minimised.

As to the other point that the Advocates' Association has opposed it and the Hon. Minister is glad to find that I am not opposing this measure, all I have to say is that I am here as a representative of the Assembly Members. (Sri A. M. Allapichai: You cease to be an advocate here.)

THE HON. SRI C. SUBRAMANIAM: The arguments he advanced only go to show that he still tries to be an advocate. That is why he tries to put forward some arguments against it but he still does not want to oppose it. However, arguments have been advanced by him just to show that this is a useless measure.

MR. CHAIRMAN: The question is—

“That the Madras Civil Courts (Amendment) Bill, 1956 (L.A. Bill No. 24 of 1956), as passed by the Legislative Assembly, be passed.”

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

(7) THE CODE OF CRIMINAL PROCEDURE (MADRAS AMENDMENT) BILL, 1956 (L.A. BILL NO. 25 OF 1956).

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

“That the Code of Criminal Procedure (Madras Amendment) Bill, 1956 (L.A. Bill No. 25 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

Recently, the Criminal Procedure Code was amended by Parliament. All criminal appeals either from the decision of Second-class Magistrates or Third-class Magistrates have got to be disposed of by the Sessions Judge. That has created some difficulties. In order to get over those difficulties, we are making the District Magistrates and the Subdivisional Magistrates competent to try appeals from decisions of Second-class Magistrates and Third-class Magistrates. That is the only purpose of this

29th September 1956] [Sri C. Subramaniam]

Amending Bill. This has been pressed by very many lawyers, particularly those coming from the mofussil areas who have been representing that the disposal of appeals by Sessions Judges alone has been creating difficulty, especially for the parties. The parties, even if it is a small case, have to go all the way to the District Court for the purpose. To remove this difficulty, this Amending Bill has been brought in.

MR. CHAIRMAN: The question is—

“That the Code of Criminal Procedure (Madras Amendment) Bill, 1956 (L.A. Bill No. 25 of 1956) as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 to 5 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, I

“That the Code of Criminal Procedure (Madras Amendment) Bill, 1956 (L.A. Bill No. 25 of 1956), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN: The question is—

“That the Code of Criminal Procedure (Madras Amendment) Bill, 1956 (L.A. Bill No. 25 of 1956), as passed by the Legislative Assembly, be passed.”

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

V.—NON-OFFICIAL BUSINESS.

Bills.

(1) THE MADRAS AGRICULTURISTS RELIEF (AMENDMENT) BILL, 1956 (L.A. BILL NO. 19 OF 1956).

SRI T. PURUSHOTHAM: Mr. Chairman, under rule 127 of the Madras Council Rules, I beg to move—

“That the Madras Agriculturists Relief (Amendment) Bill, 1956 (L.A. Bill No. 19 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

Sir, this Bill was passed by the Legislative Assembly and it was placed on the table of this House on 27th September 1956. You have been pleased to permit the consideration of this Bill to-day. This is a simple Bill sponsored by Sri V. Balakrishnan in the Legislative Assembly and accepted by Government. The Bill provides for a single amendment to the Madras Agriculturist Relief Act, 1938 (Madras Act IV of 1938), viz., to omit

[Sri T. Purushotham] [29th September 1956]

the words 'or foreign Government' in proviso (A) to section 3 of the Act. By this amendment, persons paying income-tax to any foreign Government would not be deprived of the benefits of this Act if he could otherwise derive the same. Hon. Members, I am sure, are aware of the difficulties of our people living in Ceylon, Burma and Indo-China in the matter of remittances of money to India. Consequent on this, great hardship is felt by Indian agriculturists, I mean the agricultural debtors in those countries to clear their debts. Under these circumstances, hon. Members will agree that payment of income-tax to any foreign Government should not be a bar to any person deriving the benefits sought to be conferred on him by the Madras Agriculturists Relief Act. It may also be pointed out, in this connexion, that in the later enactments like the Moratorium Act of 1953 and the Agriculturists Debt Relief Act, 1955, payees of Indian income-tax alone have been brought under the mischief of the relevant clause, and no reference to income-tax laws of a foreign Government has been contemplated.

SRIMATHI JOTHI VENCATACHELLUM: I second the motion, Sir.

MR. CHAIRMAN: The question is—

"That the Madras Agriculturists Relief (Amendment) Bill, 1956 (L.A. Bill No. 19 of 1956), as passed by the Legislative Assembly, be taken into consideration."

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

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

SRI T. PURUSHOTHAM: Mr. Chairman, I move—

"That the Madras Agriculturists Relief (Amendment) Bill, 1956 (L.A. Bill No. 19 of 1956), as passed by the Legislative Assembly, be passed."

In doing so, I thank the hon. Members for their unanimous verdict in passing this Bill. I also thank the Government for allowing this non-official Bill to go through.

MR. CHAIRMAN: The question is—

"That the Madras Agriculturists Relief (Amendment) Bill, 1956 (L.A. Bill No. 19 of 1956), as passed by the Legislative Assembly, be passed."

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

29th September 1956]

(2) THE MALABAR TENANCY (AMENDMENT) BILL, 1956
(L.A. BILL NO 14 OF 1956).

* SRI P. P. UMMER KOYA: Sir, I beg to move—

"That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), as passed by the Legislative Assembly, be taken into consideration."

Sir, this is a very simple measure intended to remedy certain defects and overcome certain difficulties which are found in the implementation of the original enactment. The Government themselves have noticed certain difficulties in the working of the Act and wanted to rectify them through an amendment. I do not claim that this Bill is a comprehensive one seeking to make all the necessary amendments. But, I do claim, Sir, this goes a long way and will satisfy to some extent an urgent and immediate demand from the public of Malabar. This Bill does not include any new principle and does not involve any change of policy but only seeks to clarify and effectively implement the original enactment and to remove certain difficulties which have arisen out of certain interpretation of some sections by Civil Courts.

There is urgency in the matter in view of the impending Reorganization of States. If the Legislature of this State does not pass this Bill now, the people of Malabar will have to bear the difficulties and disadvantages found in the working of the Act and will have to wait for some time till the Kerala State takes up the matter. So, if this Bill is passed into law before 1st of November, the people of Malabar will derive the benefits immediately and this will be one of the last Acts of this Government for the benefit of the people of Malabar and I am sure they will be grateful for this parting gift.

I am very glad to say, Sir, that the Government have accepted the principles underlying these amendments and have extended their support to this Bill as there is unanimous demand from all the representatives of Malabar and by their amendment, the Government have put this Bill in proper perspective and phraseology.

Certain rules framed by the Government which held that in ascertaining the normal produce, the yield of the second or third crop shall be deemed to be half of that of the first crop or principal crop are held to be *ultra vires*. The court took this view as it was not embodied in a section of the Act but was enacted as a Rule. This Bill seeks to remedy this difficulty by incorporating the provision in the enactment that in ascertaining the normal produce the yield of the second crop shall be deemed to be half of that of the principal crop which shall be deemed to be the first crop.

Sir, it is an unfortunate fact that at present the kanomdar and customary verumpattomdar are excluded from the categories

[Sri P. P. Ummer Koya] · [29th September 1956]

of tenants who are entitled to apply for fixation of fair rent and they are without a remedy where they pay more than the fair rent. It is very unfair and hard on them. There are many of them who have to pay a rent in excess of fair rent. This was a defect noted by all the experts who went into the question of Malabar tenancy and all of them have recommended that this class also should be entitled to the benefit of the provision of fair rent. This amendment is an enabling one and gives the benefit to kanomdars and customary verumpattomdars.

In certain cases though application for fixation of fair rent has been pending before the Rent Courts, landlords have obtained decrees in Civil Courts for collection of rent and have also taken execution proceedings. This sort of action is defeating the very purpose of the original Act. So, provision is now sought to be made for reopening of such decrees already passed and for making proper adjustment of rents collected in excess. This is intended to remove the hardships caused by the courts holding that when once rent is merged in a decree, it can no longer be regarded as rent.

4-10 12m The right to resume land for *bona fide* cultivation for maintenance was a right given under the Malabar Tenancy Act of 1930. In 1941, the High Court held that the *bona fides* should be about the intention to cultivate and not the necessity for maintenance and as a consequence, they were of the view that once the landlord said that he wanted land for *bona fide* cultivation, he was entitled straightaway to a decree for possession. After this decision, the number of eviction suits grew alarmingly and even the Advisers' regime in 1945 had to intervene and pass legislation to the effect that eviction could be ordered only if personal cultivation was necessary for maintenance purposes. But this law was not retrospective and only applied to cases after 1945. In fact, the largest number of evictions were before that and the 1951 and the 1954 Amending Acts wanted to give the provision retrospective effect from 1942. But, unfortunately, section 4 of the Malabar Tenancy (Amendment) Act of 1945 was not repealed and the High Court held that inasmuch as that law was still in force, the 1951 Amending Act could not operate. The present Bill by repealing section 4 of the 1945 Act removes the defect.

Since 1946, there was the Madras Tenants and Ryots Protection Act in force which stayed eviction suits on condition that tenants deposited two years' arrears of rent and continued to deposit future rent also in a fixed period. Many tenants have continued to make deposits according to this provision. The 1951 Amending Act provided that if six years' arrears of rent were deposited, the tenant was entitled to full discharge of all arrears. This principle was also embodied in the 1954 Act and the application of the Madras Tenants and Ryots Protection Act to Malabar ceased. Courts have held that six years' arrears must be deposited after the commencement of the Act which was never the intention of the original legislation. The Amendment seeks to provide that the deposit may be before or after the commencement of that Act.

29th September 1956] [Sri P. P. Ummer Koya]

These are the main provisions of the Bill and I commend it to the House for acceptance.

SRI T. PURUSHOTHAM: Sir, I rise to second the motion before the House. I am glad that the Kerala Members have given their unanimous support to this Bill and I hope hon. Members will not have any objection to give this parting gift to our Kerala brethren.

MR. CHAIRMAN: Motion moved—

"That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), as passed by the Legislative Assembly, be taken into consideration."

SRI K. BALASUBRAMANYA AYYAR: Sir, may I say a few words against this Bill which concerns Malabar? Otherwise, somebody might suggest that the very fact that the Malabar Members in the Assembly gave their unanimous support to it shows that it is a good Bill and that its provisions are good and correct. They are not correct in law or in justice. I want to make a few observations on the Bill.

Let me first refer to the explanation proposed to be introduced in section 4 of the Act. It says: "In ascertaining the normal produce, the yield of the second crop shall be deemed to be half of the principal crop which shall be deemed to be the first crop. How many "deemed's" on a question of fact? When there is a second crop, one can always ascertain what its yield is. But we say here that it should be deemed to be half of the principal crop which shall be deemed to be the first crop. Why should anything be deemed, when we know facts? When there are two crops, the second may be half or three-fourths or even one-third of the first. Therefore, in a recent High Court judgment

THE HON. SRI C. SUBRAMANIAM: Don't say, "therefore".

SRI K. BALASUBRAMANYA AYYAR: I shall not say "therefore". In 1955, the High Court said: "The actual facts should be taken into consideration". But no Act can say and no Act shall ever say "shall be deemed to be half" when you can ascertain a thing. You can do it. I fail to see how anyone can support it, in spite of the fact that Malabar Members are unanimously for it. Unfortunately, there is no one in the Assembly to represent the landlord.

SRI A. M. ALLAPICHAJ: You are doing that here.

THE HON. SRI C. SUBRAMANIAM: Mr. Sankaravarma Raja and Mr. Kidav are there in the Assembly.

SRI K. BALASUBRAMANYA AYYAR: I was on the Joint Committee on the Malabar Tenancy (Amendment) Bill. I want to know something about Malabar. Nobody need say I

[Sri K. Balasubramanya Ayyar] [29th September 1956]

know nothing. May be, I do not know the actual circumstances in Malabar as I know the conditions in our own place. The law that is now proposed does not seem to be fair.

THE HON. SRI C. SUBRAMANIAM : Very big landlords gave their support to it.

THE HON. SRI M. A. MANICKAVELU : Lawyer landlords.

SRI K. BALASUBRAMANYA AYYAR : You want to complement both or strike at both? If a landlord becomes a lawyer or a lawyer becomes a landlord, is he a fool? You have already buried them deep; don't heap more earth on them. The High Court judgment seemed all right. Why should we give a parting gift of this Bill to Malabar? The parting gift should be a proper one. Then I would appreciate it.

Sir, clause 5 provides that the tenant shall be entitled to be restored to possession of the holding with all rights subject to all the liabilities of a tenant if he makes an application in that behalf in the Court within twelve months of the commencement of the Act. What is the position? In Madras Act XIV of 1945, for the first time, various restrictions were introduced as regards the right of eviction given to the landlord. As the landlords took advantage of the provisions of the Act and eviction started on a large scale, the 1946 Act came. Then came the Act of 1951. The High Court held that so long as the 1945 Act was there, even though it placed restrictions as regards eviction, it would not apply to cases that occurred before 1945. The High Court said : 'You cannot give relief in regard to any eviction that took place before 1945 because the Act itself did not cover such cases.' But now those cases also are included. Any period after 1945 may be all right. But it is objectionable to rope in the period between 1942 and 1945. The proviso is very liberal. It says that before such restoration is effected, the tenant shall be bound to return to the landlord the value, if any, paid by the landlord to the tenant for his improvements, the kanartham, if any, and the value of the improvements, if any, effected *bona fide* by the landlord, between the date on which he obtained possession of the holding and the date on which possession thereof is restored to the tenant. The effect of this is, one has to look into 1942-43 accounts. It is not right that we should reopen cases before 1945. As a lawyer, I felt so. Therefore it is that I say these points must be considered.

4-20
P.M.

As regards the rent, it is a curious provision in the Malabar Tenancy Act that only the tenant can apply for a reduction in the rent, and the landlord is never given any chance to enhance the rent. I even appealed to Rajaji during the deliberations of the Joint Select Committee, but that provision still remains. What I say is when you give the power to the tenant to appeal for a reduction in the rent, you must also in fairness give the power to the landlord to enhance the rent, if need be. I do not want to mention it now because it is all over now.

29th September 1956] [Sri K. Balasubramanya Ayyar]

These are the two most important points that I wanted to place before the House. I thought it my duty to do so, even though it is said that there has been unanimity about this measure among the Members of the both Houses coming from Malabar.

* SRI P. P. UMMER KOYA : I am thankful for the suggestions made by the hon. Member Sri K. Balasubramanya Ayyar but I am sorry I cannot agree with him on this subject. This Bill is only seeking to clarify certain things in the original enactment and there is general agreement in Malabar about this Bill. So I request that this Bill may be considered and unanimously passed by this House.

MR. CHAIRMAN : The question is—

"That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), as passed by the Legislative Assembly, be taken into consideration.

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

Clauses 2 to 7 were put and carried.

Clause 1 and the Preamble were put and carried.

* SRI P. P. UMMER KOYA : Sir, I move—

"That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), as passed by the Legislative Assembly, be passed."

The motion was duly seconded.

MR. CHAIRMAN : The question is—

"That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), as passed by the Legislative Assembly, be passed."

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

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Tuesday, the 23rd October 1956.

The House then adjourned.

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

1. Notification issued with G.O. Ms. No. 2378, Home, dated the 23rd August 1956, regarding issue of new rule to the Madras Motor Vehicles Rules, 1940, regarding permission of the Transport Authority or Registering Authority for illuminating advertisements on motor vehicles.

2. Notification issued with G.O. Ms. No. 2285, Home, dated the 11th August 1956, regarding amendment to Rule 291 of the Madras Motor Vehicles Rules, 1940, for inspection of public service vehicles.

[29th September 1956]

3. Balance sheet for the year ended 31st December 1955 of the Radio and Electricals, Limited, Madras.

4. Balance sheet as at 30th September 1954 of the Ramaraju Surgical Cotton Mills, Limited, Rajapalayam.

5. White Paper on Local Administration and its appendices.

6. Bills passed by the Legislative Assembly and received therefrom in the Council—

(i) The Madras Appropriation (No. 3) Bill, 1956 (L.A. Bill No. 27 of 1956).

(ii) The Madras Appropriation (No. 4) Bill, 1956 (L.A. Bill No. 28 of 1956).

(iii) The Madras Appropriation (No. 5) Bill, 1956 (L.A. Bill No. 29 of 1956).

(iv) The Tanjore Tenants and Pannaiyal Protection (Amendment) Bill, 1956 (L.A. Bill No. 22 of 1956).

(v) The Madras Estates Land (Reduction of Rent) Amendment Bill, 1956 (L.A. Bill No. 26 of 1956).

(vi) The Madras Cinemas (Regulation) Amendment Bill, 1956 (L.A. Bill No. 23 of 1956).

(vii) The Madras Civil Courts (Amendment) Bill, 1956 (L.A. Bill No. 24 of 1956).

(viii) The Code of Criminal Procedure (Madras Amendment) Bill, 1956 (L.A. Bill No. 25 of 1956).

(ix) The Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956).

* Sent by special messengers on 29th September 1956.

29th September 1956]

APPENDIX I.

[Vide item IV (1) on page 252 supra.]

L.A. BILL No. 27 OF 1956.

(As passed by the Assembly.)

A Bill to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1952, in excess of the amounts authorized or granted for the services.

WHEREAS it is necessary to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st March 1952 in excess of the amounts authorized or granted for the said services;

Enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Appropriation (No. 3) Act, 1956.

2. *Issue of Rs. 1,33,50,827 out of the Consolidated Fund of the State for the year ended on the 31st March 1952.*—The sums specified in column (5) of the Schedule amounting in the aggregate to the sum of one hundred and thirty-three lakhs, fifty thousand, eight hundred and twenty-seven rupees shall be deemed to have been authorized to be paid and applied from and out of the Consolidated Fund of the State to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the Schedule during the financial year ended on the 31st day of March 1952, in excess of the amounts authorized or granted for those services for that year.

3. *Appropriation.*—The sums deemed to have been authorized to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March 1952.

THE SCHEDULE.

(See sections 2 and 3.)

Demand number.	Services and purposes.	Voted by the Legislative Assembly.	Sums.	
			Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	
VI	Motor Vehicles Act.	6,556	23,480	30,036
	House of Ministers and Headquarters Staff.	2,00,500		2,00,500

[29th September 1956]

Demand number.	Services and purposes.	Sums.		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
		(3)	(4)	(5)
(1)	(2)	RS.	RS.	RS.
X	State Legislature ..	41,28,785	..	41,28,785
XVI	Medical	11,02,612	..	11,02,612
XXI	Industries	..	309	309
XXII	Cinchona and Fisheries.	..	10,348	10,348
XXIII	Marijan Uplift ..	1,38,895	..	1,38,895
XXVIII	Electricity	33,65,484	..	33,65,484
XXIX	Famine	22,579	..	22,579
XXX	Pensions	3,65,287	..	3,65,287
XXXI	Stationery and Printing.	18,40,929	3,127	18,44,056
XXXIII	Road Transport Schemes.	4,44,521	..	4,44,521
XXXV	Capital Outlay on Irrigation.	15,10,322	..	15,10,322
	Total ..	1,32,73,563	77,264	1,33,50,827

I certify that this is a Money Bill.

N. GOPALA MENON,
Speaker, Madras Legislative Assembly.

September 1956.

APPENDIX II.

[Vide item IV (2) on page 253 supra.]

L.A. BILL No. 28 OF 1956.

(As passed by the Assembly.)

A Bill to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1953 in excess of the amounts authorized or granted for the said services.

WHEREAS it is necessary to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st March 1953 in excess of the amounts authorized or granted for the said services;

BE it enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Appropriation (No. 4) Act, 1956.

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2. *Issue of Rs. 2,38,60,928 out of the Consolidated Fund of the State for the year ended on the 31st March 1953.*—The sums specified in column (5) of the Schedule amounting in the aggregate to the sum of two hundred and thirty-eight lakhs, sixty thousand nine hundred and twenty-eight rupees shall be deemed to have been authorized to be paid and applied from and out of the Consolidated Fund of the State to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the Schedule during the financial year ended on the 31st day of March 1953 in excess of the amounts authorized or granted for those services for that year.

3. *Appropriation.*—The sums deemed to have been authorized to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March 1953.

THE SCHEDULE.

(See sections 2 and 3.)

Demand number.	Services and purposes.	Sums		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
		(3)	(4)	(5)
(1)	(2)	RS.	RS.	RS.
II	State Excise Duties.	26,163	..	26,163
IV	Forest	..	7	7
VI	Motor Vehicles Acts.	..	1,570	1,570
X	State Legislature ..	2,13,807	2,506	2,16,313
XI	District Administration and Miscellaneous.	4,88,821	..	4,88,821
XII	Administration of Justice.	3,56,209	..	3,56,209
XXIII	Jails	71,935	..	71,935
XVI	Medical	8,40,256	..	8,40,256
XXI	Industries	..	33,871	33,871
XXII	Cinchona and Fisheries.	..	15,111	15,111
XXV	Civil Works—Works.	26,07,763	..	26,07,763
XXVII	Civil Works—Grants-in-aid.	2,61,261	..	2,61,261
XXVIII	Electricity	14,60,583	..	14,60,583
XXX	Pensions	5,65,305	..	5,65,305
XXXII	Miscellaneous	..	61	61
XXXIII	Road Transport Schemes.	5,19,540	3,797	5,23,337

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Demand number.	Services and purposes.	Sums.		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
XXXIX	Capital Outlay on Road Transport Schemes.	2,91,451	..	2,91,451
XLI	Capital Outlay on Schemes of State Trading.	1,61,00,911	..	1,61,00,911
	Total ..	2,32,04,005	56,923	2,32,60,928

I certify that this is a Money Bill.

N. GOPALA MENON,

September 1956. Speaker, Madras Legislative Assembly.

APPENDIX III.

[Vide item IV (3) on page 253 supra.]

L.A. BILL No. 29 OF 1956.

(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 financial year which commenced on the 1st April 1956.

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 financial year which commenced on the 1st April 1956;

BE it enacted in the Seventh Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Appropriation (No. 5) Act, 1956.

2. *Supplementary appropriation out of the Consolidated Fund for the financial year which commenced on the 1st April 1956.*—The State Government may appropriate out of the Consolidated Fund of the State, for the financial year which commenced on the 1st April 1956, a further sum not exceeding four crores, twenty-four lakhs, forty-eight thousand and six 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.

29th September 1956]

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.	6,00,000	..	6,00,000
VI	Motor Vehicles Acts—Administration.	1,00,000	..	1,00,000
XI	District Administration and Miscellaneous.	39,900	3,100	43,000
XVI	Medical	200	..	200
XVII	Public Health ..	100	..	100
XVIII	Agriculture and Fisheries.	6,19,200	..	6,19,200
XIX	Veterinary ..	100	..	100
XX	Co-operation ..	6,79,900	..	6,79,900
XXI	Industries and Commerce.	25,17,500	..	25,17,500
XXIV	Civil Works—Works.	300	..	300
XXV	Civil Works—Establishment and Tools and Plant.	100	..	100
XXVI	Civil Works—Grants-in-aid.	4,25,500	..	4,25,500
XXVII	Electricity ..	73,300	..	73,300
XXVIII	Famine ..	24,42,000	..	24,42,000
XXXI	Miscellaneous ..	67,000	..	67,000
XXXVI	Capital Outlay on Irrigation.	100	..	100
XXXIX	Capital Outlay on Industrial Development.	11,77,700	..	11,77,700
XL	Capital Outlay on Civil Works.	200	..	200
XLI	Capital Outlay on Electricity Schemes.	1,400	..	1,400
XLIV	Capital Outlay on Schemes of State Trading.	..	1,000	1,000
XLV	Loans and Advances by the State Government.	3,37,00,000	..	3,37,00,000
	Total ..	4,24,44,500	4,100	4,24,48,600

I certify that this is a Money Bill.

N. GOPALA MENON,

September 1956.

Speaker, Madras Legislative Assembly.

[29th September 1956]

APPENDIX IV.

[Vide item IV (4) on page 259 supra]

L.A. BILL No. 22 OF 1956.

(As passed by the Assembly.)

A Bill to amend the Tanjore Tenants and Pannaiyal Protection Act, 1952.

WHEREAS it is expedient to amend the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), for the purposes hereinafter appearing;

BE it enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tanjore Tenants and Pannaiyal Protection (Amendment) Act, 1956.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 1, Madras Act XIV of 1952.*—In section 1, sub-section (1), of the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952) (hereinafter referred to as the principal Act), the words "Tenants and" shall be omitted.

3. *Amendment of section 2, Madras Act XIV of 1952.*—In section 2 of the principal Act,—

(i) clauses (d), (h), (j), (k) and (m) shall be omitted;

(ii) for clause (g), the following clause shall be substituted, namely:—

"(g) 'landowner' in relation to a pannaiyal means the owner of a land or other person deriving any right from him in respect thereof, who has engaged the pannaiyal for cultivating the said land";

(iii) in clause (i), the words "or by the cultivating tenant" shall be omitted.

3-A. *Insertion of new section 5-A in Madras Act XIV of 1952.*—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5-A. *Revision by High Court.*—The Revenue Court shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and its orders shall be liable to revision by the High Court under the provisions of that section."

4. *Omission of sections 6 to 10, Madras Act XIV of 1952.*—Sections 6 to 10 of the principal Act shall be omitted.

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5. *Amendment of section 12, Madras Act XIV of 1952.*—Sub-section (7) of section 12 of the principal Act shall be omitted.

6. *Amendment of section 13, Madras Act XIV of 1952.*—In section 13 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Save as otherwise expressly provided in this Act, any dispute between a landowner and a pannaiyal including any matter which affects their mutual harmonious relationship in the cultivation of land, or any question which may arise as to the payment or non-payment of any wages shall, on application by any party, be decided by the Conciliation Officer.";

(ii) sub-section (5) shall be omitted.

APPENDIX V.

[Vide item IV (5) on page 289 supra.]

L.A. BILL No. 23 OF 1956.

(As passed by the Assembly.)

A Bill to amend the Madras Cinemas (Regulation) Act, 1955.

WHEREAS it is expedient to amend the Madras Cinemas (Regulation) Act, 1955 (Madras Act IX of 1955), for the purposes hereinafter appearing;

BE it enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras Cinemas (Regulation) Amendment Act, 1956.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Insertion of new section 5-A in Madras Act IX of 1955.*—After section 5 of the Madras Cinemas (Regulation) Act, 1955 (Madras Act IX of 1955) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"5-A. *Licensing authority to permit construction and reconstruction of buildings, installation of machinery, etc., for cinematograph exhibitions.*—(1) Any person who intends—

(a) to use any place for the exhibition of cinematograph films, or

(b) to use any site for constructing a building thereon for the exhibition of cinematograph films, or

(c) to construct or reconstruct any building for such exhibition, or

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(d) to instal any machinery in any place where cinematograph exhibitions are proposed to be given, shall make an application in writing to the licensing authority for permission therefor, together with such particulars as may be prescribed, and any provision contained in the enactments specified below or in the rules made under any of them in so far as it relates to any of the matters specified above shall not apply to any application made under this section:—

(i) The Madras Places of Public Resort Act, 1888 (Madras Act II of 1888);

(ii) The Madras City Police Act, 1888 (Madras Act III of 1888);

(iii) The Madras City Municipal Act, 1919 (Madras Act IV of 1919);

(iv) The Madras District Municipalities Act, 1920 (Madras Act V of 1920);

(v) The Madras District Boards Act, 1920 (Madras Act XIV of 1920); and

(vi) The Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(2) The licensing authority shall thereupon, after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions of sections 5, 8 and 9 relating to licences shall, so far as may be, apply to permission under this section.”

3. *Insertion of new section 6-A in Madras Act IX of 1955.*—After section 6 of the principal Act, the following section shall be inserted, namely:—

“6-A. *Power of licensing authority to issue directions.*—The licensing authority may, from time to time, issue directions to any licensee or licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority:

Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or more than four minutes in, any one show.”

4. *Amendment of section 10, Madras Act IX of 1955.*—In section 10, sub-section (2), of the principal Act, after clause (d), the following clauses shall be added, namely:—

“(e) the procedure to be followed by persons submitting applications for permission under section 5-A;

(f) the documents and plans to be submitted together with such applications, and the fees to be paid on such applications;

(g) the matters to be taken into consideration by the licensing authority before approving the site for the construction of the building, or the plans for the construction or reconstruction of the building or the installation of machinery;

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(h) the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in clause (g);

(i) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded;

(j) the procedure to be followed by the licensing authority before granting or refusing permission under section 5-A and any other matter incidental thereto.”

MEMORANDUM REGARDING DELEGATED LEGISLATION.

1. *Clause 2.*—New section 5-A (2) which is sought to be inserted in the Act by clause 2 empowers the licensing authority, after consulting such authority or officer as may be prescribed, to grant or refuse the permission for construction and reconstruction of buildings, installation of machinery, etc., for cinematograph exhibitions.

2. *Clause 4.*—This clause seeks to amend section 10 of the Act for empowering the Government to make rules for prescribing the procedure to be followed in submitting applications for permissions, the fees to be paid on such applications, the procedure to be followed by the licensing authority before granting or refusing permissions, etc.

3. The delegation is essential to carry out the purposes of the measure and is normal in character.

APPENDIX VI.

[Vide item IV (6) on page 263 supra]

L.A. BILL No. 24 OF 1956.

(As passed by the Assembly.)

A Bill further to amend the Madras Civil Courts Act, 1873.

WHEREAS it is expedient further to amend the Madras Civil Courts Act, 1873 (Central Act III of 1873), for the purposes hereinafter appearing;

BE it enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras Civil Courts (Amendment) Act, 1956.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 13, Central Act III of 1873.*—In section 13 of the Madras Civil Courts Act, 1873 (Central Act III of 1873), for the words “rupees five thousand”, the words “rupees ten thousand” shall be substituted.

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APPENDIX VII.

[Vide item IV (7) on page 266 supra.]

L.A. BILL No. 25 OF 1956.

(As passed by the Assembly.)

A Bill further to amend the Code of Criminal Procedure, 1898, in its application to the State of Madras.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Central Act V of 1898), in its application to the State of Madras, for the purposes hereinafter appearing;

BE it enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Code of Criminal Procedure (Madras Amendment) Act, 1956.

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

2. *Amendment of section 174, Central Act V of 1898.*—In section 174 of the Code of Criminal Procedure, 1898 (Central Act V of 1898) (hereinafter referred to as the said Code),—

(i) in sub-section (2), the words “or, as the case may be, to the Chief Presidency Magistrate in the Presidency-town of Madras” shall be added at the end;

(ii) in sub-section (5), for the words “and any Magistrate”, the words “any Presidency Magistrate and any Magistrate” shall be substituted.

3. *Insertion of new section 407 in Central Act V of 1898.*—After section 406-A of the said Code, the following section shall be inserted, namely:—

“407. *Appeal from sentence of Magistrate of the second or third-class and transfer of appeals to first-class Magistrate.*—(1) Any person convicted on a trial held by any Magistrate of the second or third-class, or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Subdivisional Magistrate of the second-class, may appeal to the District Magistrate.

(2) The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first-class subordinate to him and empowered by the State Government to hear such appeals, and thereupon such appeal or class of appeals may be presented to such subordinate Magistrate, or, if already presented to the District Magistrate, may be transferred to such Subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.”

4. *Amendment of section 408, Central Act V of 1898.*—In section 408 of the said Code, for the words “any other Magistrate”,

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the words “other Magistrate of the first-class” and for the words “any Magistrate”, the words “a Magistrate of the first-class” shall be substituted.

5. *Substitution of new section for section 409 in Central Act V of 1898.*—For section 409 of the said Code, the following section shall be substituted, namely:—

“409. *Appeals to Court of Session how heard.*—An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge:

Provided that an Additional Sessions Judge shall hear only such appeals as the State Government may, by general or special order, direct or as the Sessions Judge of the division may make over to him.”

APPENDIX VIII.

[Vide item V (1) on page 267 supra.]

L.A. BILL No. 19 OF 1956.

(As passed by the Assembly.)

A Bill to amend the Madras Agriculturists Relief Act, 1938.

WHEREAS it is expedient further to amend the Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938), for the purposes hereinafter appearing;

BE it enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title, and commencement.*—(i) This Act may be called the Madras Agriculturists Relief (Amendment) Act, 1956.

(ii) It shall come into force at once.

2. *Amendment of section 3, Madras Act IV of 1938.*—In proviso (A) to section 3 of the principal Act, the words “or foreign government” shall be omitted.

APPENDIX IX.

[Vide item V (2) on page 269 supra.]

L.A. BILL No. 14 OF 1956.

(As passed by the Assembly.)

A Bill further to amend the Malabar Tenancy Act, 1929.

WHEREAS urgent amendment to clarify the intendment of the Legislature in regard to some of the provisions of Act VII of 1954 and Act XXXIII of 1951 have become necessary in view of some decisions of courts and whereas the protection sought to be conferred by Act VII of 1954 would be lost to the tenantry if immediate amendments are not carried out;

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BE it enacted in the Seventh Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Malabar Tenancy (Amendment) Act, 1956.

2. *Amendment to section 4, Madras Act XIV of 1930.*—In sub-section (a) of section 4 of the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930) (hereinafter referred to as the principal Act), and at the end the following explanation, namely :—

“ *Explanation.*—In ascertaining the normal produce, the yield of the second crop shall be deemed to be half of that of the principal crop which shall be deemed to be the first crop.

3. *Amendment to section 16, Madras Act XIV of 1930.*—In section 16 of the principal Act, after the words “ either the tenant ” the words and brackets “ (including a kanamdar or a customary verumpattamdar) ” shall be inserted.

4. *Amendment to section 32, Madras Act XIV of 1930.*—In section 32 of the principal Act, after the expression “ Malabar Tenancy (Amendment) Act, 1951 ” insert the expression “ or the Malabar Tenancy (Amendment) Act, 1954 (Madras Act VII of 1954) ” and for the expressions “ the Act aforesaid ” and “ the Amending Act aforesaid ” substitute “ the Acts aforesaid ” and “ the Amending Acts aforesaid ” respectively.

5. *Repeal of section 4 of the Madras Act XXIV of 1945 and consequential provision.*—(1) Section 4 of the Malabar Tenancy (Second Amendment) Act, 1945 (Madras Act XXIV of 1945) is hereby repealed and shall be deemed to have been repealed as from the date of commencement of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951).

(2) Where before the commencement of the Malabar Tenancy (Amendment) Act, 1954 (Madras Act VII of 1954) a landlord has obtained possession of a holding in execution of a decree passed by a Court on or after the 1st July 1942 under clause (5) or clause (6) of section 14 or under clause (5) of clause (6) of section 20 of the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930) and such decree would not have been passed if the Principal Act as amended by the Malabar Tenancy (Second Amendment) Act, 1945 (Madras Act XXIV of 1945), the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951) and this Act had been in force at that time the tenant shall be entitled to be restored to the possession of the holding with all the rights and subject to all the liabilities of a tenant if he makes an application in that behalf in the Court which passed the decree within twelve months of the commencement of this Act :

Provided that before such restoration is effected, the tenant shall be bound to return to the landlord (i) the value, if any, paid by the landlord to the tenant for his improvements, (ii) the kanartham, if any, and (iii) the value of the improvements, if any,

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effected *bona fide* by the landlord, between the date on which he obtained possession of the holding and the date on which possession thereof is restored to the tenant.

(3) If a landlord has obtained possession of a holding in the circumstances specified in sub-section (2), and if at the time he obtained such possession there were intermediaries between him and the tenant, then, the provisions of sub-section (2) of section 41 of the said Act shall apply to such intermediaries as they apply in relation to the intermediaries referred to in that sub-section.

(4) Nothing contained in this section shall affect the rights of any *bona fide* transferee from the landlord.

6. *Amendment to section 53, Madras Act XXXIII of 1951.*—In section 53 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), for the words “ If before the expiry of twelve months from the commencement of the Malabar Tenancy (Amendment) Act, 1954 ” the words “ If before the commencement of the Malabar Tenancy (Amendment) Act, 1954, or after the commencement of that Act and before the expiry of twelve months from such commencement ” shall be substituted and to the section, the following Explanation shall be added :

“ *Explanation.*—Rent in respect of which a decree has been passed shall also be deemed to be rent due or payable.”

7. *Consequential provisions.*—(1) Where before the commencement of this Act any Court has passed a decree for rent against any tenant and a Rent Court has subsequently fixed fair rent under the provisions of the principal Act, any tenant may, within three months of the commencement of this Act, apply to the Court which passed the decree to amend the decree so as to give effect to the order of the Rent Court fixing fair rent and if as a consequence of such amendment, the decree is fully satisfied by giving credit to the payment already made, satisfaction of the decree shall be entered and only such amounts as may be outstanding after the decree has been so amended shall be recoverable from the tenant.

(2) Where before the commencement of this Act any Rent Court has fixed fair rent, the Rent Court shall on application by the tenant within three months of such commencement amend the order fixing fair rent by giving effect to the provisions of the principal Act as amended by this Act and the principal Act as amended by this Act shall also apply to petitions, appeals and other proceedings pending at such commencement.

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