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MADRAS LEGISLATIVE COUNCIL
DEBATES

OFFICIAL REPORT

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CONTENTS

	PAGES
I Expression of sorrow at the demise of Sri Sami Venkatachalam Chetty, a former Member of the Madras Legislative Council ..	297
II Questions and Answers	297-310, 363
III Announcement by the Hon. Chairman re message from the Assembly	311
IV Government Bills—	
(1) The Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958 [Introduced] ..	311
(2) The Madras Panchayats Bill, 1958 (L.A. Bill No. 33 of 1958)—cont.	311-362
V Papers laid on the table of the House	362



GOVERNMENT OF MADRAS
1959

Legislature (Council) Department
Madras

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(H44)

THE MADRAS LEGISLATIVE COUNCIL

Monday, the 3rd November 1958.

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.—EXPRESSION OF SORROW AT THE DEMISE OF SRI SAMI VENKATACHALAM CHETTY, A FORMER MEMBER OF THE MADRAS LEGISLATIVE COUNCIL.

MR. CHAIRMAN : I have to announce to the House the death of Sri Sami Venkatachalam Chetty, a former Member of the Madras Legislative Council, on the 2nd November 1958 at his residence in T. Nagar. He was a Member of the Second, Third and Fourth Madras Legislative Councils from 1923 to 1929. He served as the Leader of the Congress Party in 1923 which was then in the Opposition in the Council. He took keen and lively interest in the proceedings of the House. He was a Congress Member of the Central Legislative Assembly. He was also a Member of the City Corporation Council for a period of twenty years and served as its President in 1925-26.

As a mark of respect to the deceased, I request all hon. Members to stand in silence for two minutes.

Accordingly, all the Members stood in silence for two minutes.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Palmyra fibre

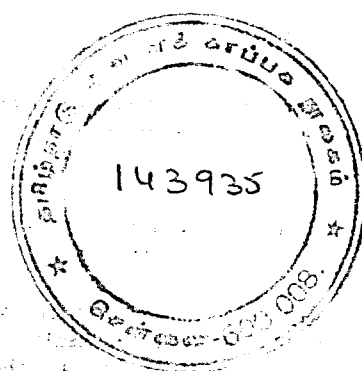
* 141 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Home be pleased to state—

- (a) whether it is a fact that the palmyra fibre from Tirunelveli district is exported to foreign countries;
- (b) if so, the quantity exported annually and its total value;
- (c) whether there is any proposal before the Government to open a brush manufacturing centre in Tirunelveli district; and
- (d) if so, the stage at which the matter now stands?

THE HON. SRI M. BHAKTAVATSALAM : (a) Yes, Sir.

(b) In 1957, about 62,900 cwts. of fibre and stalks produced in Tirunelveli district, valued at about Rs. 20 lakhs approximately, were exported.

(c) & (d) The Government have already set up a Training-cum-Work Centre for the manufacture of palmyra fibre brushes at Kulasekharapatnam in Tirunelveli district. It is functioning from November 1957.



Apple

[3rd November 1958]

SRI K. T. KOSALRAM: இந்த 'பைபிரிலிருந்து' பிரஷ் மாத் திரம் செய்யப்படுகிறதா அல்லது பல்வேறு கப்பல்களுக்கு வேண்டிய சாதனங்கள் இதிலிருந்து செய்யப்படுகின்றனவா? அந்நிய நாட்டில் செய்யக்கூடிய சாதனங்களை இந்த ஊரில் செய்வதற்கு ஏதாவது பிரயத்தனம் எடுத்துக் கொள்ளப்பட்டிருக்கிறதா?

THE HON. SRI M. BHAKTAVATSALAM: இப்பொழுது இங்கே கவனிக்கப்படவேண்டிய இந்த பிரஷ் சேஷுவது மட்டும்தான். மற்றவை என்னென்ன செய்யக்கூடுமோ, அதுபற்றித் தனியாகக் கேள்வி கேட்டால், பதில் சொல்லுகிறேன்.

SRI K. T. KOSALRAM: 'பைபர்' தொழில் செய்வதாகக் கனம் மந்திரி அவர்கள் ஒத்துக்கொண்டார்கள். எனக்குக் கிடைத்த கணக்குப்படி, வருஷம் ஒன்றுக்கு தனியார் வியாபாரத் துறையில் ஒரு கோடி ரூபாய் பெறுமான துப்புகள் அந்நிய நாட்டிற்கு ஏற்றுமதி செய்யப்படுகின்றன. இந்த ஜில்லாவில் பனைமரத்திலிருந்து உற்பத்தியாகக்கூடிய பொருள்களை பாரக்ஷெட் செய்வதற்காக இருக்கக்கூடிய கூட்டுறவு முறையில் இப்பங்கும் சங்கங்களுக்கு 'எக்ஸ்போர்ட்' வசதிகள் செய்து கொடுப்பதற்கு அரசாங்கம் ஏதாவது ஏற்பாடு செய்ய முடியுமா?

THE HON. SRI M. BHAKTAVATSALAM: நான் கொடுத்த தகவல் 1957-ம் ஆண்டில் ஜனவரி மாதத்திலிருந்து டிசம்பர் மாதம் வரையில் உள்ள நிலைமையைக் குறிக்கும். அதிலே 'பைபர் ஸ்டாக்ஸ்' ரூ. 48,82,130 வரையில் 'எக்ஸ்போர்ட்' செய்யப்பட்டதாகத்தான் இருக்கிறது. ஆனால், 1957-ல் ஒரு குறிப்பிட்ட காலத்திற்குள் ஏற்றுமதி செய்யப்பட்டது ரூ. 20 லட்சம் பெறுமானது. ஆனால், 48 லட்சம் ரூபாய்க்கு மேல் ஏற்றுமதி ஆகியிருக்கிறது என்ற தகவல் ஒன்றுமில்லை. இந்தத் தகவலுக்கு அப்பால் வேறு எந்தத் தகவலும் இருக்க முடியாது. பேற்கொண்டு மற்றக் கேள்வி கேட்டது சம்பந்தமாக, பின்னால் அவர்கள் மீண்டும் தனியாகக் கேள்வி போட்டால், பதில் சொல்லுகிறேன்.

SRI S. T. ADITYAN: Sir, does it include export from ports other than Tuticorin, for instance, the port of Calicut?

THE HON. SRI M. BHAKTAVATSALAM: No, Sir. These figures relate to ports of Tirunelveli district.

SRI MOHAMED RAZA KHAN: Sir, may I know whether there is any speciality for the palmyra from Tirunelveli and whether it is also found in other districts?

THE HON. SRI M. BHAKTAVATSALAM: Sir, the speciality is that it is abundantly grown in Tirunelveli.

SRI K. T. KOSALRAM: அங்கு இருக்கும் கூட்டுறவு மார்க்கெட்டிங் சொஸைடிகள் மூலமாக பனைமரத்திலிருந்து உற்பத்தி செய்யக்கூடிய பொருள்களை ஏற்றுமதி செய்வதற்கு அரசாங்கம் வகை செய்து கொடுக்குமா என்ற கேள்விக்கு அமைச்சர் அவர்கள் பதில் சொல்லவில்லை.

THE HON. SRI M. BHAKTAVATSALAM: தனியாகக் கேள்வி போட்டால், பார்த்துப் பதில் சொல்லுகிறேன் என்று சொன்னேன்.

SRI K. T. KOSALRAM: சர்க்கார் உதவி செய்யுமா என்று கேட்டேன்.

3rd November 1958]

Opening of new colleges

* 142 Q.—**SRI MOHAMED RAZA KHAN:** Will the Hon. the Minister for Finance be pleased to state—

(a) whether any Press Note has been issued recently by the Government regarding the opening of new colleges and sanction of grants to such colleges;

(b) if so, the reasons for such a notification; and

(c) whether the prior permission of the Director of Public Instruction is necessary for the opening of new colleges or for opening a new department or course in an existing college?

THE HON. SRI C. SUBRAMANIAM: (a) Yes, Sir.

(b) The provisions of the Grant-in-aid Code require that the prior permission of the Director of Public Instruction should be obtained for the opening of new institutions or new courses in the existing institutions in order to become eligible for Government grant. Government have noticed that private managements open new colleges after obtaining the necessary affiliation from the University but without obtaining the prior consent of either the Government or the Director. The Press Note was issued drawing the attention of the managements to the provisions in the Grant-in-aid Code.

(c) Yes, Sir, if Government grant is required by the managements of colleges.

SRI MOHAMED RAZA KHAN: Sir, may I know whether this order was passed purely from the financial point of view so that the Government might know what their commitments are either in the matter of opening of new colleges or opening of new courses or whether the Government felt that there was a haphazard way of colleges coming up here and there?

THE HON. SRI C. SUBRAMANIAM: Sir, the Government should know their own financial commitments. That is why there is the existing provision in the Grant-in-aid Code. We had only drawn the attention of the various managements to the existing provisions in the Grant-in-aid Code.

SRI JOHN ASIRVATHAM: Sir, may I take it that this action of the Government makes inroads into the freedom of the Universities?

THE HON. SRI C. SUBRAMANIAM: Certainly not, Sir. The only thing I want is that inroads should not be made into the freedom of the Government, particularly with reference to finance.

Teachers' Training Course.

* 143 Q.—**SRI M. ETHIRAJALU:** Will the Hon. the Minister for Finance be pleased to state—

(a) the number of applications received during 1955-56 and 1956-57 for admission to Teachers' Training (Higher and Secondary Grade) Course in schools run by both Government and private management in South Arcot district; and

[3rd November 1958]

(b) the number of candidates selected from Backward Classes, Scheduled Castes and "Vannan" communities?

THE HON. SRI C. SUBRAMANIAM: Sir, a statement^a is laid on the table of the House.

SRI M. ETHIRAJALU: ஆசிரியர்கள் தேர்வு முறையிலே சர்க்கார் தரப்பில் இயங்கும் பள்ளிக்கூடங்களில் 'நான்-அபிஷியல் மெம்பர்கள்' போட்டுத்தான் செலக்ஷன் செய்யப்படுகிறது. ஆனால், தனியார் நடத்தும் பள்ளிக்கூடங்களில், அவைகள் சர்க்காருடைய சலுகைகள் எல்லாவற்றையும் பெற்றும்கூட, அங்கு ஆசிரியர்களைக் கப் படிக்கக்கூடியவர்கள் 'ஸ்டைபெண்டு' பெற்றும்கூட, செலக்ஷன் சமயத்தில் 'நான்-அபிஷியல்' மெம்பர் போடாத காரணத்தினால், அவர்கள் தங்கள் இஷ்டப்படி செலக்ஷன் செய்வதைத் தவிர்ப்பதற்கு, இனிமேலாவது சர்க்கார் 'நான்-அபிஷியல் மெம்பர்களை' நியமித்து செலக்ஷன் செய்ய ஏற்பாடு செய்யுமா என்பதை அரசாங்கத்தினிடமிருந்து அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM: இந்தக் கேள்வியிலிருந்து இந்த உப-கேள்வி எழவில்லை. கனம் அங்கத்தினர் சொன்ன யோசனைக்கு உடனடியாகப் பதில் சொல்லக்கூடிய நிலைமையில் நான் இல்லை.

VIDWAN T. MUTHUKANNAPPAN: 8-வது வகுப்பு அல்லது மூன்றாம் படிவம்வரை படித்து ஆசிரியர் பயிற்சி பெற்றவர்கள்தான் ஹையர் கிரேடு ஆசிரியர்கள். அவர்கள் தொடக்க நிலைப் பள்ளிகளிலுள்ள மாணவர்களுக்குக் கற்பிக்கும் பொறுப்பை ஏற்றுக்கொண்டிருக்கிறார்கள். தொடக்க நிலைப் பள்ளிகளிலுள்ள சிறு பிள்ளைகளுக்குக் கற்பிப்பதற்கு உயர்ந்த படிப்பும், பயிற்சியும், அனுபவமும் பெற்றவர்கள் ஆசிரியர்களாக இருப்பது நல்லதாக இருக்கும். ஆகலால் ஹையர் கிரேடு டிரெயினிங்-ஐ ஒழித்து விடுவதற்கு அரசாங்கம் ஏற்பாடு செய்யுமா?

THE HON. SRI C. SUBRAMANIAM: எஸ்.எஸ்.எல்.ஸி. பாஸ் செய்தவர்கள் எல்லாம் செகண்டரி கிரேடு டிரெயினிங்குக்குப் போகிறார்கள். எஸ்.எஸ்.எல்.ஸி.-யில் fail ஆனவர்கள், 8-வது வகுப்பு பாஸ் செய்தவர்கள் எல்லோரும் ஹையர் கிரேடு டிரெயினிங்குக்குப் போகிறார்கள். இப்பொழுது ஏராளமாக லின்னப்பங்கள் வாசிற காரணத்தினாலே, அசேகமாக எஸ்.எஸ்.எல்.ஸி. வரையில் படித்தவர்கள்தான் இதற்குத் தேர்ந்தெடுக்கப் படுகிறார்கள். கனம் அங்கத்தினர் அவர்கள் சொன்னதை நான் ஒப்புக் கொள்ளுகிறேன். ஆரம்பப் பள்ளிகளில்தான் அதிகம் படித்தவர்களை ஆசிரியர்களாக நியமிக்க ஏற்பாடு செய்வது அவசியம். ஆனால், அதற்கு எவ்வளவு செலவாகும் என்பதையும் யோசித்துப் பார்க்கவேண்டியிருக்கிறது. அதோடுகூட, எல்லாக் குழந்தைகளுக்கும் படிப்புச் சொல்லிக் கொடுக்கத் தீர்மானித்திருப்பதையும் கவனிக்க வேண்டியிருக்கிறது.

SRI K. T. KOSALRAM: நண்பர் ஸ்ரீ எதிராஜலு கேட்ட கேள்வி தனியார் நடத்தும் பள்ளிகளில் ஒரு கமிட்டியைப் போடவேண்டும் என்பதுபற்றி. இந்த சபையில் அங்கத்தினர்கள் என்ற வரலும் வற்புறுத்தியும், ஆலோசனை சொல்லியும் எழுத்து மூலமாக எழுதியும் கொடுத்திருக்கிறார்கள். அது அரசாங்கத்திற்கு வந்திருக்கிறதா? அதன் மீது அரசாங்கம் ஏதாவது முடிவு செய்திருக்கிறதா?

THE HON. SRI C. SUBRAMANIAM: அதன் மீது முடிவு எடுத்திருந்தால், இப்பொழுது பதில் சொல்லப்பட்டிருக்கும்.

SRI T. P. SRINIVASAVARADAN: Sir, is the Hon. the Minister for Education aware that even failed S.S.L.Cs. are selected for secondary grade training? They prescribe only certain

[3rd November 1958]

minimum marks. 'Not eligible' candidates also are selected for secondary grade training. Even those who are not declared eligible are selected for secondary-grade training.

THE HON. SRI C. SUBRAMANIAM: Sir, I am not quite aware of it. But I may assure the hon. Member that in view of the large number of applications now, we are able to take in completely passed S.S.L.Cs., not only completely passed S.S.L.Cs., but also persons who have obtained sufficiently high marks.

SRI G. KRISHNAMOORTHY: In view of the unemployment among teachers made more acute by the introduction of the pupil-teacher ratio, will the Government restrict admission to see that such a large number as two thousand students are not admitted in training schools?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir. We have to take into account our requirements and, if necessary, restrict admission.

SRI K. M. RAMASAMY GOUNDER: Sir, in upgrading the higher grade training course into secondary grade training course, will there be any substantial financial commitment on the part of the Government? I do not think it will be the case. For, after all, it is a case of upgrading the training course. The teachers are there. The equipment is there. No special staff are required.

MR. CHAIRMAN: How does this supplementary question arise out of the main question?

Water-supply schemes.

* 144 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the Government of India allotted for this State a sum of Rs. 2 crores for the implementation of water-supply schemes;

(b) if so, the amount spent on such water-supply schemes; and

(c) whether any amount was allowed to lapse and, if so, the reasons therefor and the amount so lapsed?

THE HON. SRI M. A. MANICKAVELU: (a) There was no specific allotment of Rs. 2 crores for this State. For various schemes for water-supply and drainage, the following assistance was received during 1956-57 and 1957-58.

	RS.
(i) Urban Schemes (loan)	155 lakhs.
(ii) National Water-Supply and Sanitation (Rural) (Grant).	6,11,500
(iii) Corporation Schemes (loan)	20 lakhs.
Total	181 lakhs.

[3rd November 1958]

(b) The amounts spent on such schemes during the first two years of the Second Five-Year Plan period are :—

	RS. LAKHS.
(i) Urban Schemes	203
(ii) National Water-Supply and Sanitation (Rural).	22
(iii) Corporation Water-Supply Scheme.	35
Total ..	260

(c) The assistance of Rs. 14 lakhs offered in 1956-57 and again in 1957-58 for the National Water-Supply and Sanitation (Rural) Programme could not be availed of, due to difficulties in the actual execution of the scheme for want of materials and efficient technical personnel.

SRI K. T. KOSALRAM : 'நாஷனல் வாட்டர்-சப்ளை ஸ்கீம்' இப்பொழுது நடந்துகொண்டிருப்பதால், அந்தத் திட்டம் அனுபவிக்க முடியாத திட்டமாக இருக்கிறது. பொதுஜனங்களுக்கு ஒரு பைசாக் கூடப் பிரயோஜனப்படாத நிலைமையில் ஒவ்வொரு ஜில்லாவிலும் அது இருக்கிறது என்பதை அங்குள்ள ஜில்லா டெவலப்மெண்ட் கவுன்சில் அரசாங்கத்திற்குத் தெரியப்படுத்தியிருக்கிறதா? அதன் மீது இந்த அரசாங்கம், அதை 'ரெக்டிபை' பண்ண ஏதாவது நடவடிக்கை எடுத்துக்கொண்டிருக்கிறதா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU : ஆமாம், நடவடிக்கை எடுத்துக்கொள்ளப்பட்டது. ஆனால் அது பிரயோஜனப்படவில்லை, இந்தத் திட்டம் எல்லா ஜில்லாக்களிலும் அமுலில் இல்லை. சென்ட்ரல் கவர்ன்மென்ட் சொன்ன பிரகாரம், இது நான்கு ஜில்லாக்களில்தான் அமுலில் இருக்கிறது. சென்ற சில மாதங்களுக்கு முன்பு டில்லியில் நடந்த கூட்டத்தில், இதை எல்லா ஜில்லாக்களிலும் வைக்க வேண்டுமென்று சொன்னபோதிலும், அதை அவர்கள் ஒத்துக்கொள்ளாத நிலையில் இருக்கிறார்கள்.

SRI A. GAJAPATHY NAYAGAR : இந்த நான்கு ஜில்லாக்களிலும் தண்ணீர் வசதி இல்லாத இடங்களில் செலவு செய்யப்பட்டிருக்கிறதா அல்லது தண்ணீர் வசதி அதிகமாக இருக்கும் இடங்களில் செலவு செய்யப்பட்டிருக்கிறதா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU : ஆறுகள் இருக்கும் ஜில்லாக்களில் காலரா வருவது என்று அந்த இடங்களில் நெத்தத் திட்டமும் அமுல் நடத்தப்படுகிறது. மற்ற இடங்களில் இதை விஸ்தரிக்க வேண்டும் என்று சொன்னதற்கு இன்னும் ஒத்துக்கொள்ளவில்லை.

SRI K. T. KOSALRAM : எனது கேள்வி, இப்பொழுது நடப்பதாக இருக்கும் நான்கு ஜில்லாக்களிலும் ஆற்று ஓரங்களில் இப்பொழுது பைப்புகள் போடப்பட்டிருக்கிற மாதிரி கக்கூஸ்களையும் கட்டிக் கொடுப்பதில்—பழைய முறைப்படி கக்கூஸ் கட்டியிருப்பது பிரயோஜனப்படாமல் இருப்பதால்—ராஜ்யசர்க்கார் செப்பிற மாதிரி, 'ஓவர் ஹெட் டாங்குகள்' கட்டிக்கொடுக்க முன்வந்தால், இந்தப் பணத்தைச் செலவு செய்வது பல விதத்தில் பிரயோஜனமாக இருக்கும் என்பதை இந்த அரசாங்கம் மத்திய அரசாங்கத்திற்கு வலியுறுத்துமா?

[3rd November 1958]

THE HON. SRI M. A. MANICKAVELU : இன்னும் இரண்டு மாதங்களுக்குப் பிறகு ஒரு கூட்டம் நடைபெறப்படுகிறது. அப்பொழுது மறுபடியும் இதைப்பற்றி வற்புறுத்தலாம்.

SRI A. GAJAPATHY NAYAGAR : 'ஓவர்ஹெட் டாங்கு' கட்டுவதால் தீண்டப்படும் மக்களும், தீண்டப்படாத மக்களும் சேர்ந்து தண்ணீர் எடுக்க வசதியாக இருப்பதால், 'ஓவர்ஹெட் டாங்குகள்' கட்டுவதில் பிரயோஜனம் இருக்கிறது என்பதையும் கிணறுகள் வெட்டுவதால் பயன் இல்லை என்பதையும் அரசியலார் அறிவார்களா?

THE HON. SRI M. A. MANICKAVELU : தீண்டப்படுகிறவர்கள் என்பதும், தீண்டப்படாதவர்கள் என்பதும் இப்பொழுது சட்டத்தின் மூலமாக நீக்கப்பட்டுவிட்டது.

SRI K. T. KOSALRAM : நாஷனல் வாட்டர்-சப்ளை ஸ்கீமுக்குச் செலவு செய்யப்பட்ட இந்த ஆறு டீட்சம் ரூபாய் 'கர்மினல் வேஸ்ட்' என்று பலர் அபிப்பிராயப்படுகிறபடியால், அதற்கு என்று ஒரு அதிகாரியை நியமித்து அதற்கான பணம் சாயாபைடி ஒழுங்காட்சி செலவு செய்யப் புகிறதா, பயனுள்ள வகையில் அது செலவு செய்யப்படுகிறதா என்று இந்த அரசாங்கம் விசாரிக்குமா? அப்படிச் சாயாபைடி செலவு செய்யப் படவில்லை என்ற குற்றச்சாட்டு இருக்கிறதா? அப்படியில்லையானால், அந்தக் குற்றச்சாட்டை நானே இப்பொழுது செய்கிறேன்.

THE HON. SRI M. A. MANICKAVELU : இந்தத் திட்டத்தின் மூலம் குடிதண்ணீருக்காகச் செலவு செய்ததைப்பற்றி எந்தவிதமான குற்றமும் சாட்ட முடியாது. ஆனால், கக்கூஸ் கட்டியிருக்கிற வகையில் அது பிரயோஜனப்படாமல் போய்ருக்கலாம். நமக்கு வழக்கமாக இருக்கும், அதாவது கக்கூஸ்களை உபயோகப்படுத்தாமல் இருக்கும் மனப்பான்மை இருக்கிறதே, அது மாற வேண்டும்.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, may I know whether the Government have any definite scheme from their experts as to the manner in which potable water-supply should be made available to all areas in the State, and whether they have any sort of preference in these schemes so that such places, where infectious diseases like cholera are prevalent, get the first priority? If they have not, will they be pleased to consider the necessity and desirability of drawing up a scheme so that before the Third Five-Year Plan is taken up, the Government may place it before the Government of India?

THE HON. SRI M. A. MANICKAVELU : Sir, the idea behind the national water-supply scheme is to give protected water-supply in areas vulnerable to cholera and other diseases. But in the practical working of it, we find difficulties and also we see that the scheme is not very useful. Apart from this scheme, the Local Government are trying their best to sponsor schemes in areas where epidemics occur. For instance, Darapuram scheme was not one of the schemes, but still because every year there was outbreak of cholera there, as a special case, we have taken up the Darapuram scheme. We are now considering the question of taking up some more schemes so as to avoid the epidemics. The State Government are trying their best in this respect. As far as the Centre is concerned, we are again trying to modify the scheme so that it may be more useful.

[3rd November 1958]

SRI B. K. NALLASWAMI : நதிக்கரைகளில் இருக்கக்கூடிய எந்தெந்த ஊர்களுக்கு இப்படிப்பட்ட பாதுகாக்கப்பட்ட குடி தண்ணீர் வசதி செய்துகொடுக்கப்பட்டிருக்கிறது, இனியும் செய்வதற்கு இருக்கிறார்கள் என்பதைத் தெரிவிக்க முடியுமா?

THE HON. SRI M. A. MANICKAVELU : இந்தத் திட்டம் தஞ்சை, தென் ஆற்காடு, திருநெல்வேலி, ராமநாதபுரம் ஜில்லாக்களில் அமுலில் இருக்கிறது. மற்ற ஜில்லாக்களிலும் இப்பொழுது இதை அமுலுக்குக் கொண்டுவருவதற்குக் காலம். அதைப்பற்றி மறுபடியும் வற்புறுத்தி எல்லா ஜில்லாக்களுக்கும் கொண்டுவந்தால், இந்தப் பணத்தைச் செலவிடலாம். அப்பொழுது மற்ற ஜில்லாக்களுக்கும் இந்த வசதி கிடைக்கும்.

Pension to teachers

* 145 Q.—**DR. A. CHIDAMBARANATHAN :** Will the Hon. the Minister for Finance be pleased to state whether there is any proposal before the Government to grant pension from 1st April 1958 onwards to the B.A., B.T. teachers including B.Sc., L.T., or B.Ed., and First-Grade Pandits who retired from institutions other than the Government institutions during the period after 1st April 1955 and before 1st April 1958?

THE HON. SRI C. SUBRAMANIAM : There is no proposal, Sir.

DR. A. CHIDAMBARANATHAN : May I know, Sir, in view of the fact that the number of teachers who will be benefited by the application of this principle with effect from 1st April 1955 will not be very large and since the amount of money involved will not be considerable, whether the Government will be pleased to reconsider the position?

THE HON. SRI C. SUBRAMANIAM : That itself may be an argument for not taking up the proposal, because only a few members are involved.

SRI G. KRISHNAMOORTHY : Sir, as the question aims at retrospective effect without commitment to the Government for three years, viz., 1955–58, cannot Government kindly consider the matter again?

THE HON. SRI C. SUBRAMANIAM : It is not a question of 'cannot'. After all, we have to fix some target date. We have fixed the target date. If we fix the year 1955, there would be persons who had retired before 1955, who are perhaps in worse difficulties. Therefore, as Government, we have to take some decision and stick to it.

SRI T. P. SRINIVASAVARADAN : Sir, in view of the fact that there are only 4,000 teachers coming under this category out of the 15,000 in secondary schools, also in view of the fact that only one per cent of the teachers retire (that is, about 10 per year), and that the total expenditure per year will not exceed Rs. 15,000 (the maximum will be Rs. 20,000) and also in view of the fact that the

3rd November 1958]

financial commitment will be small for its implementation from 1st April 1958, may I request the Hon. Minister to reconsider the matter? The financial commitment will not exceed Rs. 20,000.

THE HON. SRI C. SUBRAMANIAM : Sir, I do not want to give unnecessary hope. There is no question of reconsideration in this respect.

SRI JOHN ASIRVATHAM : Is it a fact that a trained graduate will get only Rs. 30 per month as pension and a headmaster only Rs. 35? 3-20 p.m.

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

Pension to teachers

* 146 Q.—**SRI G. KRISHNAMOORTHY :** Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have issued orders to condone the breaks in service of teachers when considering cases for the grant of pension; and

(b) if so, the date on which such orders were issued?

THE HON. SRI C. SUBRAMANIAM : (a) Yes, Sir.

(b) On 31st May 1958.

SRI G. KRISHNAMOORTHY : Does the modified rule contain a proviso stating, 'Provided that a teacher had been discharged or retired as per rules and orders'? If so, may I know what exactly the Government mean by that proviso?

THE HON. SRI C. SUBRAMANIAM : Sir, I am not here to give interpretations. I am sure the hon. Member is competent enough to understand the rule.

VIDWAN T. MUTHUKANNAPPAN : இந்த இடைவெளி (ப்ரேக்) இத்தனை ஆண்டுகள் வரை என்று நிர்ணயிக்கப்பட்டிருக்கிறதா? அப்படி ஒன்றும் நிர்ணயம் இல்லையா?

THE HON. SRI C. SUBRAMANIAM : இல்லை.

SRI G. KRISHNAMOORTHY : Sir, as in the past we find that service registers had not been maintained and that the teachers had not been discharged either by departmental orders or according to the rules of the management, will the Government kindly take away the proviso so that the reason for break in service may be ignored and the whole period of service may be counted for pension?

THE HON. SRI C. SUBRAMANIAM : The question to be first considered is who is eligible for pension. For that, certain conditions had to be prescribed and the amount of pension will depend upon the number of years of service. We had formerly insisted that the breaks in service should be taken into consideration and that if there had been a break, it should be found out and considered whether that break should be condoned or not.

[3rd November 1958]

Each case was decided on its own merits. We have now ordered that all breaks may be condoned, that the actual number of years of service may be taken into consideration and that on this basis, pension may be granted.

SRI G. KRISHNAMOORTHY : While appreciating the statement of the Hon. Minister, may I point out that if this proviso was not there, naturally all breaks would be ignored and that the period of service would be taken into account? So, may I request that the proviso may be taken away, as in enforcing this proviso, many difficulties would have to be faced? There will be difficulty in verifying whether a teacher was discharged according to the orders and rules or not, as in actual practice in many cases, they have been discharged without observing any rules or orders?

THE HON. SRI C. SUBRAMANIAM : We have to find out the date of retirement and it should be after 1st April 1955. I suppose it is for that purpose that that clause is intended.

Deputy Collectors.

* 147 Q.—**SRI M. ETHIRAJALU :** Will the Hon. the Minister for Revenue be pleased to state the number of Deputy Collectors recruited through the Madras Public Service Commission during 1956-57 and 1957-58?

THE HON. SRI M. A. MANICKAVELU : (a) The number of Deputy Collectors recruited direct by the Madras Public Service Commission during the years 1956, 1957 and 1958 are—

1956—2.

1957—3.

1958—4.

SRI M. ETHIRAJALU : சமுதாயத்திலே மிகவும் பின் தங்கியவர்கள் ஜாதியில் கடைசி வரிசையில் இருப்பவர்கள் என்று இருந்தவர்கள் சுதந்திரம் கிடைத்த பிறகு ஒருவாறு படித்து, தகுதியும் திறமையும் பெற்றிருந்தும் கூட, அவர்கள் இது வரைக்கும் இம்மாதிரி டெபுடி கலெக்டர் போஸ்டுக்காவது, டெபுடி போஸ்ட் ரூபரின்டெண்டு போஸ்டுக்காவது நியமிக்கப்பட்டபாடு இல்லை. இனி எப்பொழுது கிடைக்கப் போகிறது என்று சொல்வதற்கு முடியாத நிலைமையைச் சீர்திருத்துவதற்கு, இம்மாதிரியான மிகவும் பின்தங்கிய சமூகத்தாருக்குத் தகுதியும் திறமையும் இருந்தால், அவர்களையும் மற்றவர்களைப் போல் உயர்ந்த பதவிக்குக் கொண்டுவர அரசாங்கம் தனிச் சலுகை கொடுப்பதற்கு ஏதாவது முயற்சி எடுத்துக்கொள்ளுமா?

THE HON. SRI M. A. MANICKAVELU : ஒன்பது பேர்கள் எடுக்கப்பட்டார்கள் என்று சொன்னேன். அதிலே ஏழு பேர்கள் பின் தங்கிய வகுப்பைச் சேர்ந்தவர்கள்.

SRI K. T. KOSALRAM : பின்தங்கிய வகுப்பைச் சேர்ந்த ஏழு பேர்களுக்கு டெபுடி கலெக்டர் உத்தியோகம் கொடுத்ததுபற்றி மிகவும் சந்தோஷம். அமைச்சர் அவர்கள் சொன்ன தகவலுக்குச் சந்தோஷம். ஆனாலும், மிகப் பின் தங்கிய வண்ணார், நாவிதர் போன்ற சமுதாயத்திற்கு மிகவும் பிரயோஜனமாக இருக்கக்கூடிய மிகப் பின்தங்கிய எல்லாருக்கும் சலுகை கொடுக்கும்படியாக அரசாங்கம் ஏதாவது முடிவு செய்து ஏற்பாடு செய்ய முடியுமா என்ற கேள்விக்குத் தயவு செய்து அமைச்சர் அவர்கள் பதில் சொல்லுமாறு கேட்டுக்கொள்கிறேன்.

[3rd November 1958]

யத்திற்கு மிகவும் பிரயோஜனமாக இருக்கக்கூடிய மிகப் பின்தங்கிய எல்லாருக்கும் சலுகை கொடுக்கும்படியாக அரசாங்கம் ஏதாவது முடிவு செய்து ஏற்பாடு செய்ய முடியுமா என்ற கேள்விக்குத் தயவு செய்து அமைச்சர் அவர்கள் பதில் சொல்லுமாறு கேட்டுக்கொள்கிறேன்.

THE HON. SRI M. A. MANICKAVELU : அந்தப் பிரிவினை—மிகப் பின் தங்கியவர்கள் பிரிவினை—விஷயம் சிக்கலான கட்டத்தில் இருக்கிறது. அந்தச் சிக்கலும் சீக்கிரம் தீர்ந்துவிடலாம்.

SRI A. GAJAPATHY NAYAGAR : ஏழு பேர்கள் பின்தங்கிய வகுப்பினர் என்று அமைச்சர் அவர்கள் சொன்னார்கள். அந்த ஏழு பின்தங்கியவர்களில், மிகவும் பின்தங்கியவர்கள் எத்தனை பேர்கள் என்று சொல்வார்களா?

THE HON. SRI M. A. MANICKAVELU : அந்தப் பிரிவினை இன்னும் அமுலுக்கு வரவில்லை.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, 1956-57-இலும்; 1957-58-இலும் பிற்பட்டவர்கள் எத்தனை பேர்கள் எடுக்கப்பட்டிருக்கிறார்கள் என்று கனம் அமைச்சர் அவர்கள் சொல்ல முடியுமா?

THE HON. SRI M. A. MANICKAVELU : 1956-இலே எடுக்கப்பட்ட இரண்டு பேர்களும் பின்தங்கிய வகுப்பினர்கள். 1957-இலே எடுக்கப்பட்ட மூன்று பேர்களில் இருவர் பின்தங்கியவர்கள், ஒருவர் ஷெட்யூல்ட் வகுப்பைச் சேர்ந்தவர். 1958-இலே எடுக்கப்பட்ட நான்கு பேர்களில் மூன்று பேர்கள் பிற்பட்ட வகுப்பினர்.

SRI V. V. RAMASWAMI : ஆண்டுதோறும் டெபுடி கலெக்டர் பதவிக்குத் தேர்ந்தெடுப்பதிலே, கீழே இருந்து 'ப்ரமோஷன்' செய்வதற்கும், நேரடியாகத் தேர்ந்தெடுப்பதற்கும் என்ன வித்தாசாரம் வைத்திருக்கிறார்கள்?

THE HON. SRI M. A. MANICKAVELU : டிபார்ட்மெண்டிலேயிருந்து 'ப்ரமோஷன்' செய்கிறதற்கும், 'டைரக்ட்' ஆக எடுத்துக்கொள்வதற்கும் ஒரு 'ப்ரமோஷன்' இருக்கிறது. அந்தப் 'ப்ரமோஷன்' என்ன என்பது எனக்கு இப்பொழுது சரியாக ஞாபகம் இல்லை. அந்தப் 'ப்ரமோஷன்' பிரகாரம் 'டைரக்ட் ரெக்ரூட்மெண்ட்' நடக்கிறது.

SRI JOHN ASIRVATHAM : May I know whether any maximum or minimum marks have been prescribed for the written test and the oral test in these examinations for Deputy Collectors?

THE HON. SRI M. A. MANICKAVELU : It is the job of the Public Service Commission. It is for them to fix those things. They hold the examination and make the selection and send the names on to us. We have nothing to do with the examinations.

DR. A. CHIDAMBARANATHAN : Is it not a fact that there is no question of fixing minimum marks for these tests as they are, after all, competitive examinations?

THE HON. SRI M. A. MANICKAVELU : They may have something. I am not in a position to say.

[3rd November 1958]

SRI K. T. KOSALRAM: நான் சற்றுமுன் கேட்ட கேள்விக்கு அமைச்சர் அவர்கள் திட்டமாகப் பதிலளிக்கவில்லை. நாவிலர், வண்ணார் போன்ற பிற்பட்டவர்களுக்கு ஒரு சலுகை கொடுப்பதற்கு சர்க்கார் யோசிப்பார்களா? அவர்களுக்குச் சலுகை அளிக்கும் விஷயத்தைக் கனம் அமைச்சர் அனுதாபத்துடன் கவனிப்பாரா?

THE HON. SRI M. A. MANICKAVELU: கல்வி சம்பந்தமாகச் சலுகை அளிப்பதை, ஜாதி அடிப்படையிலே இல்லாமல், வேறு அடிப்படையிலே செய்யலாமா என்பது பரிசீலனையில் இருக்கிறது. கனம் அங்கத்தினர் கேட்பது உத்தியோகத்தைப்பற்றி. அதற்குத் தனியாகக் கேள்வி போடலாம்.

Houses for teachers

* 148 Q.—**SRI G. KRISHNAMOORTHY:** Will the Hon. the Minister for Finance be pleased to state—

(a) whether there is any proposal before the Government to construct houses for teachers in the State; and

(b) if so, the number of houses proposed to be constructed district-wise?

THE HON. SRI C. SUBRAMANIAM: (a) & (b) Yes, Sir. It is proposed to construct 324 houses for women teachers serving in rural areas. Details of the scheme are being worked out.

SRI G. KRISHNAMOORTHY: Will it be a recurring feature under the Second Plan? That is, will houses be constructed every year?

THE HON. SRI C. SUBRAMANIAM: That is what I am hoping.

VIDWAN T. MUTHUKANNAPPAN: ஐயா, இந்த வீடுகள் மனமான ஆசிரியைகளுக்கும் கொடுக்கப்படுமா, கன்னிகையாய் இருக்கும் ஆசிரியைகளுக்கு மட்டுமா, அல்லது இருவகையாருக்குமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM: பெண் ஆசிரியைகள் எல்லோருக்கும் என்றால், அதிலே வித்தியாசம் இருக்காது என்று நினைக்கிறேன்.

SRI T. P. SRINIVASAVARADAN: Are women teachers of aided institutions eligible for occupying these houses or are they only open to teachers in the service of local bodies?

THE HON. SRI C. SUBRAMANIAM: For the present, the idea is to make them available for teachers of local boards.

SRI G. KRISHNAMOORTHY: May I know whether the Hon. Minister could give me an idea of the nature of accommodation in these houses and the approximate cost of each?

THE HON. SRI C. SUBRAMANIAM: Each house would cost about Rs. 2,500.

SRI K. T. KOSALRAM: கல்வி இலாகாவிலே புதியதாக ஆரம்பித்திருக்கும் இந்த 'உபாத்தியாயர்களுக்கு வீடு கட்டிக் கொடுக்கும்' திட்டத்தை இந்த அரசாங்கம் நிறைவேற்றி வருகிறதே, அதில்

[3rd November 1958]

பொதுமக்களுடைய ஒத்துழைப்பு ஏராளமாக இருந்தால், அரசாங்கம் ஏதாவது நன்மை செய்வதற்குத் திட்டம் வைத்திருக்கிறதா? ஏதாவது செய்ய உத்தேசம் இருக்கிறதா?

THE HON. SRI C. SUBRAMANIAM: அந்த, பொது மக்களுடைய ஆதரவைப் பெறக்கூடிய, திட்டம் இப்பொழுதுதான் ஆரம்பமாகியிருக்கிறது. அது விரிவாகும்போது, எந்த அளவு பொது மக்களுடைய உதவியைப் பெறவேண்டும், எந்த அளவு சர்க்கார் உதவி கொடுக்க வேண்டும் என்பதுபற்றி முடிவு செய்யப்படும்.

Inter-caste marriages

* 149 Q.—**SRI V. V. RAMASWAMI:** Will the Hon. the Minister for Public Works be pleased to state, with reference to the answer to a supplementary question on Legislative Council Starred Question No. 135 answered on 28th December 1956—

(a) whether any instances of inter-caste marriages between Caste Hindus and Harijans have come to the notice of the Government; and

(b) if so, whether any awards have been given to the parties concerned?

THE HON. SRI P. KAKKAN: (a) Yes, Sir.

(b) No, Sir.

SRI V. V. RAMASWAMI: 1956-ம் ஆண்டில் இது சம்பந்தமாகப் பதில் சொல்லும்போது, கலப்பு மணத்தைப் பெருக்குவதற்காக, கலப்பு மணம் செய்யவேண்டுமென்று தீவிரமாக இருப்பவர்களுக்குக் குறைந்த பட்சம் சில பரிசுகள் கொடுக்கவேண்டுமென்று உத்தரவிட்டு, முதல் பரிசு 100 ரூபாய், இரண்டாவது பரிசு 50 ரூபாய் என்று இருப்பதாகச் சொல்லப்பட்டது. இந்தமாதிரிப் பரிசுகள் ஜில்லாவாரியாக யார் யாருக்குக் கொடுக்கப்பட்டிருக்கின்றன என்று அறிய விரும்புகிறேன்.

THE HON. SRI P. KAKKAN: கனம் அங்கத்தினர் அவர்கள் வாசித்தது முற்றிலும் உண்மை. கல்யாணம் செய்து வைப்பவர்களுக்குத் தான் பரிசு, செய்துகொள்பவர்களுக்கல்ல. இதர விஷயங்கள்பற்றித் தனிக் கேள்வி போடவேண்டும்.

VIDWAN T. MUTHUKANNAPPAN: இந்தப் பரிசு ஜாதி ஹிந்து ஆண் ஹரிஜனப் பெண்ணை மணந்து கொண்டாலா? அல்லது ஹரிஜன ஆண் ஜாதி ஹிந்துப் பெண்ணை மணந்துகொண்டாலா? அல்லது இரண்டுக்குமா?

THE HON. SRI P. KAKKAN: பண்ணி வைக்கிறவர்களுக்குத்தான் பரிசு கொடுக்கப்படுகிறதே ஒழிய, கல்யாணம் பண்ணிக்கொள்கிறவர்களுக்கு அல்ல.

SRI V. V. RAMASWAMI: கலப்பு மணம் செய்துகொள்வதை ஆதரித்தால், ஜாதியை ஒழிப்பதற்கு உபயோகமாக இருக்கும் என்று நமது முதலமைச்சர் அவர்கள் பல ஆண்டுகளுக்கு முன்பு கூறியிருக்கிறார்கள். ஆகவே மக்கள் கலப்பு மணம் செய்து கொண்டு வாழக்கையில் நல்ல நிலையை அடைய அரசாங்கத்திடம் ஏதாவது திட்டமிருக்கிறதா?

THE HON. SRI P. KAKKAN: அரசாங்கத்திடம் இப்பொழுது அப்படி ஒரு திட்டமும் இல்லை.

[3rd November 1958]

SRI K. V. RAMASWAMY : கலப்பு மணம் என்றால் எவ்விதம் கலந்தால் அது கலப்பு மணம் என்று அரசாங்கம் தீர்மானிக்கிறது என்று சொல்ல முடியுமா ?

THE HON. SRI P. KAKKAN : ஒரு ஜாதி விட்டு இன்னொரு ஜாதியில் கல்யாணம் செய்துகொள்வதுதான் கலப்பு மணமாகும்.

SRI K. V. RAMASWAMY : “லவ் மாரியேஜ்” என்று சொல்கிறார்கள், அந்தப் பிரகாரம் கல்யாணம் செய்துகொள்வது கலப்பு மணமா ? அல்லது, பெற்றோர்கள் எல்லோரும் இருந்து ஏகமனதாக, ஏகோபித்துச் செய்து வைக்கக்கூடிய திருமணத்தான் கலப்பு மணமா என்று அறிய விரும்புகிறேன் ?

THE HON. SRI P. KAKKAN : நல்ல முறையில் எல்லோரும் ஒத்துக் கொண்டு ஒரு ஜாதியை விட்டு இன்னொரு ஜாதியில் திருமணம் செய்து கொள்வதுதான் கலப்பு மணம் என்று நான் சொல்வேன்.

SRI K. V. RAMASWAMY : மணம் செய்துகொள்வதற்குப் பரிசுகள் கொடுக்கப்படுவதாகச் சொல்கிறார்கள். குழந்தை பிறந்த பிறகு பரிசா ? குழந்தை பிறப்பதற்கு முன்பே பரிசா ? ஆண் குழந்தை பிறந்தால் பரிசா ? பெண் குழந்தை பிறந்தால் பரிசா ? (சிரிப்பு.)

Gadana Scheme

* 150 Q.—**SRI K. T. KOSALRAM :** Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received from the Chief Engineer the investigation report on “Gadana Scheme” in Ambasamudram taluk in Tirunelveli district;

(b) if so, the estimated cost of the scheme;

(c) the number of acres brought under irrigation; and

(d) the date on which the scheme will be taken up for execution?

THE HON. SRI P. KAKKAN : (a) Yes, Sir.

(b) Rs. 89-00 lakhs.

(c) Besides stabilising supplies to the existing ayacut of 7,355 acres under the Gadana river, the additional area actually proposed to be brought under this scheme is 506 acres, of which 432-44 acres will be dry lands to be converted into double-crop wet lands and 73-62 acres of dry land to be converted into single-crop wet lands.

(d) The financial and revenue aspects of the scheme are under scrutiny and it is too early to say when the scheme will be taken up for execution.

SRI K. T. KOSALRAM : இந்தத் திட்டத்தால் அமைச்சர் அவர்கள் சொல்வது போல, அதிகமான நிலங்களைச் சாகுபடிக்குக் கொண்டுவரலாம். உற்பத்தியையும் இரண்டு மடங்கு ஆக்கலாம். மேலும், மணிமுத்தாறுத் திட்டம் முடிவடைந்திருக்கிற நேரத்தில், அந்தச் சாமான்களை இங்கே சுலபமாக எடுத்துக்கொண்டு போவதன் மூலம் செலவும் குறையும். ஆகவே, இங்கே துரிதமாக வேலையை ஆரம்பிக்க நடவடிக்கை எடுத்துக்கொள்வார்களா ?

THE HON. SRI P. KAKKAN : இப்போது திட்டம் பரிசீலனையில் இருக்கிறது. முடிவு சாதகமாக இருந்தால், உடனே அதை நிறைவேற்றுவதற்கு யோசிக்கலாம்.

MR. CHAIRMAN : Questions are over.

3rd November 1958]

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

III.—ANNOUNCEMENT BY THE HON. CHAIRMAN RE MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN : I have to announce to the House that I have received the following messages from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the following Bills as passed by the Assembly on the 31st October 1958 and signed by him for the concurrence of the Council :—

(1) The Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 of 1958); and

(2) The Madras Estates (Abolition and Conversion into Ryotwari) Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958).

IV.—GOVERNMENT BILLS.

(1) THE MADRAS (TRANSFERRED TERRITORY) EXTENSION OF TERM OF OFFICE OF MUNICIPAL COUNCILLORS BILL, 1958.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I beg leave to introduce the Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958.

MR. CHAIRMAN : The question is—

‘That leave be granted for introduction of the Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958’.

The motion was put and carried and leave was granted.

THE HON. SRI M. BHAKTAVATSALAM : I introduce the Bill.

(2) THE MADRAS PANCHAYATS BILL, 1958 (L.A. BILL NO. 33 OF 1958)—
cont.

THE HON. SRI C. SUBRAMANIAM : Mr. Chairman, at the outset, let me express my grateful thanks to the hon. Members who participated in this discussion and made valuable suggestions for improving the Bill. The criticisms ranged from one extreme to another extreme. The hon. Member Mr. Karayalar, an ardent follower of Gandhian principles, wanted that the Gandhian idea of village democracy should be accepted and that the villages should be made self-sufficient, autonomous units of local administration. The other extreme view was taken by the hon. Member Mr. P. T. Rajan that it was dangerous to have these panchayats and that whatever the Government wanted to do for the upliftment of the rural people could be done by the Government through their own officials. He expressed doubts about the successful working of the panchayats in rural areas in the existing circumstances. Other Members took views intermediate between these two extreme points of view. The Bill, Sir, has itself taken a middle path of giving only as much

[Sri C. Subramaniam] [3rd November 1958]

power as possible to the village panchayats and the panchayat union councils, at the same time trying to see that there are sufficient safeguards against the administrative machinery breaking at any point and grave wrongs being done. It is no doubt true that for that purpose, we have depended upon the Government officials or the bureaucracy. But in the existing circumstances, if safeguards are necessary, we have to bring in the officials at various stages for various purposes. The only thing we have to consider is whether we have provided more safeguards than necessary. The hon. Member Mr. Rajan feels these safeguards are not sufficient. He believes that even with these safeguards, the panchayats would not function in the proper manner. Then, the hon. Member Mr. Balasubramanya Ayyar quoted the Report of the Parliamentary Committee which had stated that panchayat administration had failed mainly because of factions, inefficiency and corruption. It might be that in certain cases, there has been inefficiency. In certain cases, there might have been corruption also. But I am not prepared to say that this has been there on a very large scale, particularly corruption. Inefficiency is something which exists at all levels. It is not as if panchayats alone are inefficient.

3-40 p.m. If as a nation we are inefficient, it gets reflected in the various walks of life in the whole country, whether it be in the panchayats, in the panchayat unions, in the district administration, in the Legislature or in the Cabinet. At various levels it will certainly be reflected in our national character. If we are inefficient, that can be no excuse for denying certain rights to the people to look after their own affairs. As a matter of fact, it is only from experience perhaps that we may be able to get over our inefficiency. We are making efforts to see that we function as efficiently as possible at all levels. It is for the purpose of fighting and avoiding corruption that certain penal provisions have been introduced in this Bill. For example, we have said that it should be possible for the council or the panchayat to remove its chairman. For that we have laid down a certain procedure no doubt. But this has become necessary not because we do not have faith in the representatives of the people, but because in all human institutions these safeguards are absolutely necessary. For example, we have the Indian Penal Code. It does not mean that we do not have faith in humanity. But we have to take into account the real and existing facts and provide against those shortcomings which exist in our society. Therefore, if there are certain provisions in this Bill which some of us do not like, it is because the compelling forces of circumstances have made it necessary to provide for these safeguards. And for the purpose of working the safeguards, certain officials have got to come into the picture. Therefore, I would request hon. Members to consider the various provisions regarding the investment of powers in the panchayats and the unions along with the safeguards and see whether, for the purpose of the proper functioning of the panchayats and the councils, the safeguards are necessary or whether they would impede the proper functioning of these village institutions. If they would not impede the proper functioning of these institutions and

[3rd November 1958] [Sri C. Subramaniam]

they would come into operation only if something goes wrong, then we need not be very much worried about them. Because, when anything goes wrong, it is necessary to set right the wrong as quickly as possible and as early as possible. That is one aspect of it.

Another aspect also was touched upon from what I find from Mr. Rajan's speech in this Council (An hon. Member: Sir P. T. Rajan). He is no longer a 'Sir'. Anyhow, I do not recognize 'Sir' hereafter. Probably he is Dr. P. T. Rajan (An. hon. Member: He is not a Doctor). Therefore, he is merely Sri P. T. Rajan. He expressed the fear that what happened in Pakistan might happen anywhere else and he cautioned us. He seems to think that for the purpose of making democracy safe, we should put limitations on democracy. Sir, I may assure the hon. Members that the surest way of endangering democracy is to put limitations on it. As a matter of fact, if you want to make democracy safe, you must make it more broad-based. If I may put it in a cryptic way, it is only a greater dose of democracy that will make democracy safe. Wherever democracy has succeeded, wherever democracy has taken firm roots, we find it is because people there feel that they are also responsible for the administration of the country, and that they are also contributing to the administration of the country. If the feeling is there that it is only the top few that manipulate things and carry on the administration, then democracy cannot be deep-rooted there. Democracy cannot have a stable existence in such a country and even if these principles of democracy are overthrown overnight, nobody would weep over it if the impression among the people there is that it is only in name that it is a democracy but that, in fact, a few people at the top are manipulating things. Therefore, the events and happenings in Pakistan should be a warning to us not for the purpose of putting limitations on the functioning of democracy but, on the other hand, for the purpose of making democracy more broad-based and making every citizen in our country feel that he has got also something to contribute to the development and the administration of the country. He should have the feeling of partnership in the administration and the development of the country. It is for that purpose that we thought that we should have a decentralised administration and give as much of power as possible to the villagers either functioning as a panchayat or at a higher level, namely, the panchayat union council. Looked at from that aspect, I think this Bill is quite in time. Even before we got the warning, we had done it. It is usual to say that the Tamil people always foresee things. If any evidence is required for this, I would say that this Bill is sufficient evidence of that. What is happening in Pakistan has strengthened our view that this is necessary for the purpose of democracy surviving in our country. It is not only necessary that we should have a Legislature functioning at the national level and a Legislature functioning at the State level with Cabinets and officers functioning at the Central and State levels but it is also absolutely necessary that the villagers should participate in the administration of the country. Therefore, Sir, it is necessary to look at this Bill not

[Sri C. Subramaniam] [3rd November 1958]

from the point of view of restricting the powers of the village panchayats and the panchayat unions, but, on the other hand, our objective should be to look at it from the other point of view, namely, whether the powers could not be further enlarged, enlarged in such a manner as not to endanger the proper functioning of these institutions. While we are enlarging the powers of these village institutions, we have to take into account the state of affairs prevailing in the villages.

Sir, I did not refer to one factor, namely, faction to which the hon. Member Sri K. Balasubramanya Ayyar made reference in his speech. That is one positive factor that we have to take into account and provide the necessary safeguards so that it may not break this machinery. Even in the past—I am not referring to the Panchayat Raj or the administration of villages—village life was completely shattered by factions existing in the villages. But these were with reference to individuals. They were individual factions that had nothing to do with politics at all. But even these have ruined many villages and many families and many villagers have been absolutely ruined. But I find—I am saying this from my limited experience of village life and hon. Members would be able to corroborate my statement—this individual factional spirit is dying down and has already died down to a certain extent in our villages. Now, you do not find it to the same extent as it was though it has not completely vanished. It is diminishing now. To that extent, village life has become richer and the villagers have also been greatly benefited. I do remember the days when for a paltry thing a murder was committed and that too, murder in open fights. I do remember an incident which happened during my student days when I was reading in my own village, Pollachi. Two factional groups arrayed themselves against each other armed with revolvers and guns and shot at each other. I think in that fight ten or twelve people died but none of them went to court to make a complaint. It was only later on that the Police came to know about it and then they registered a case. I was curious to find out why the fight took place. The quarrel was over a small ridge in a common land. For that a fight took place. But those days are fast disappearing. Unless this factional spirit is removed from the villages, whether it be the functioning of panchayats or the carrying out of various developmental activities, it would be very difficult to administer them. That is why it is absolutely necessary, particularly when we are giving powers to these various units for the purpose of exercising power to decide their own future programme of work, to see that a proper atmosphere of unity prevails in the village. Without that, whatever power we may confer on these village units of administration, they may not be able to function properly. That is why many hon. Members have expressed the desire that at least in local bodies, party politics should not come into the picture. But I think the hon. Member Mr. Kosalram or somebody else has mentioned that for democratic functioning, it is necessary that political parties should be there. That is only partly true. Sir, it

3-50
p.m.

3rd November 1958] [Sri C. Subramaniam]

may be that where different policies are adopted by the various political parties and there are differences with reference to these policies, it might be necessary for those various political parties to adopt different courses. But as far as the panchayat or the panchayat union administration is concerned, I do not think there could be any difference with reference to the policies to be adopted. It is a matter of proper administration of the programme of work already laid down and that programme of work could be worked out only if the parties function as one unit and not as three or four parties. Because once we give freedom to political parties to function, it may not be a two-party system but it may be a multi-party system that comes into existence, and that is what is happening in our country to-day. So many parties are functioning and certainly they cannot function in a proper way. That is why we thought that it would be desirable and beneficial for these village panchayats and panchayat unions to keep away from party politics.

Another thing that I would like to emphasize is this. As far as the village is concerned, once the election contests take place either on the basis of individuals competing or on the basis of parties competing, they live too near and, therefore, the irritation which would be caused during the contest would continue even after the election is over and even during the period these panchayats function. So far as this Legislature is concerned, some two persons living far away from each other perhaps contest and once the election is over, their function is in the Legislature and not in the place where the election took place. They will be functioning far away from the arena of conflict and, therefore, the conflict which is developed during the election contest is not likely to interfere with the things happening in the Legislature. But so far as the village units are concerned, they are small units where every man is affected by the doings of every other man, where every man sees what the other man is doing and where every man can interfere with the activities of his neighbour. Therefore, it is absolutely necessary to see that these conflicts do not arise, even though we may think that, after all, this is only a political fight. I do not think even very enlightened persons like Mr. Kosalram can keep out of this complex of political opponents. If we, enlightened persons, are unable to get out of this complex and conflict arising out of this, how can we expect the people in the village to get out of it? Therefore, it is all the more necessary that with regard to small units, we should avoid conflicts as far as possible. In my view, the ideal thing is that every panchayat should have a unanimous election of its members. I am sure hon. Members would have learnt with great interest the figures given by the Hon. the Minister in charge of Local Administration with reference to the constitution of various panchayats and the elections which had taken place to these panchayats. Many panchayats have returned their members unanimously and many seats have gone uncontested. Therefore, it is a happy augury as to what would happen in the future. Particularly, when leaders of political parties take into their heads to

[Sri C. Subramaniam] [3rd November 1958]

participate in the panchayat elections, we can never have a unanimous election at all and the bitterness created during the election contest would be carried forward in respect of the functioning of the panchayats also. That is why my own view is, subject to correction by other persons who are experts in this matter, that it would be a very desirable thing for the success of local administration that political parties should get out of the picture. (Sri K. T. Kosalam: Unfortunately, that is not happening.) Many unfortunate things are happening. But my own feeling is that we should not contribute to such a thing. Therefore, I am pleading that we should create an atmosphere wherein it should be possible for all the political parties to take the decision that they should leave the elections to local bodies alone. After all, when I attempted a more difficult task of keeping the political parties away from the students, everybody laughed at me. 'It is an impossible task but here is a mad man who has ventured into the job of persuading the political parties to keep away from the students'. But it has succeeded to a certain extent and I hope that it will not only completely succeed in this State but that other States also will follow suit. Therefore, I am not so pessimistic as the hon. Member Mr. Kosalam to take the view that, unfortunately, such a state of affairs does not exist now. (Sri K. T. Kosalam: As a practical man, I am saying a practical thing.) I know how practical the hon. Member is. At the same time, as a practical man, I would appeal to him to take a practical view of things. We should either have a real panchayat administration or scrap it. I have absolutely no doubt that if political parties enter the election contest, this Council and the Assembly will be called upon perhaps to revise their attitude about village administration and panchayat raj. If that is the ideal for which we are working, I have absolutely no objection to Mr. Kosalam saying that for the proper functioning of democracy it is necessary that political parties should participate in the elections to these local bodies. I would not even mind then if Mr. Kosalam says that it is an inevitable thing because nobody would agree to it. If it is his view that we cannot avoid it and that, therefore, it has got to be suffered, well, he may leave it to others to achieve the miracle of political parties coming to an agreement on the issue of their getting away from the local administration and the village politics. I would appeal to Mr. Kosalam not to put any obstacles in the way of the political parties coming to an agreement willingly, on the ground that democracy would be killed if the political parties get away from the local party politics.

I do feel that we have, on the whole, framed a Bill, taking the various factors into consideration. It is quite a practical one and it could be worked successfully. After all, I do not think this is the last word on local administration. I know that, when we begin to work this law and this local administrative set-up, very many difficulties are bound to crop up which we have not foreseen now and I am sure this Legislature will be glad to carry out any amendments to get over those obstacles and difficulties. But if because of

3rd November 1958] [Sri C. Subramaniam]

the difficulties which are likely to arise, we do not make a start, we can never make a beginning. That was why we thought that in this matter we should have an all-party approach with reference to the formulation of this Panchayat Bill. I am sure the hon. Member Mr. Kosalam would not have anticipated that it would be possible to take unanimous decisions with reference to the various proposals in this Bill and strangely enough, all the Parties gave unanimous decisions with reference to the various provisions. Even after framing of the Bill, when various defects were pointed out, an all-party approach was made and even there we were able to get unanimous decisions. If it was possible to get unanimous decisions in regard to these—there could be a variety of opinions with reference to them—I do not think it would be an impossible task in the panchayat administration. It would be possible if only we are willing to impress upon the various political parties the need to have the same approach with reference to the panchayat administration. 4-00 p.m.

Sir, various amendments have been given notice of. I have carefully studied them and I find that certain changes will have to be made in certain of these amendments. That is why I have given notice of some amendments on behalf of the Government. Therefore, hon. Members may make a note of it. I have already indicated that we are not going to shut out any of the amendments here on the ground that if any amendments are accepted in this House, we will have to go back to the Assembly. I have also informed the Assembly that they should be prepared to receive back the Bill and consider the amendments passed by the Council. I have no doubt that many of the amendments given notice of by various hon. Members go to improve the Bill to a considerable extent. Therefore, I owe a great deal of thanks to those hon. Members who have taken the trouble of studying this Bill closely and proposing amendments to the various clauses. Therefore, it is not as if I feel irritated or irksome that so many amendments have been brought forward. On the other hand, I feel glad about it, for hon. Members have taken so much trouble carefully to go through the various provisions of this big Bill, containing 198 clauses, dealing with various difficult matters, and then suggest very useful amendments which we did not think of before. When these amendments are taken up, I am going to indicate the amendments which the Government are prepared to accept.

Apart from that, with reference particularly to one or two matters, I should make the position clear. One is election of the panchayat's representative to the panchayat union council. The existing provision as passed by the Assembly is that one of the panchayat members should be elected as its representative to the panchayat union council. As a matter of fact, the original Bill contained the clause that any voter in that area could be elected as its representative. As a matter of fact, arguments could be advanced in favour of this or the other provision also. But, ultimately, we came to the conclusion that it should be one of the members of the panchayat that should be elected to function in the

[Sri C. Subramaniam] [3rd November 1958]

panchayat union council as a liaison between the panchayat and the panchayat union council. But, at the same time, very weighty arguments were advanced in this House and one of them was very good. After all, a very desirable person, a person whose contribution may be welcome to anybody, may not be prepared to stand for election to a panchayat, but he may be prepared to go to the panchayat union council. We should not shut out that person and lose the services of such a person by the existing arrangement. It should be open to anybody, member or non-member, to be elected. Why should we shut him out and take away the freedom of the panchayat to elect its proper representative? Therefore, as far as that amendment is concerned, I am going to leave it to the free vote of this House; hon. Members may vote as they like and that decision will be taken to the Assembly. I am going to tell the Assembly also to give its free vote, without any party restrictions, and whatever decision is taken by the Assembly, we will have to accept. Because arguments could be advanced for both the propositions. After all, we will have to take a decision finally. That is how I have decided and I say that when the amendment comes up for voting, it is open to hon. Members to take a decision without any party restrictions whatsoever.

There is another point which was raised here in this House with reference to the election of the president of the panchayat and I want to make the position clear about it. I think it was Mr. Sivasubramanya Nadar's suggestion that the president should be elected by all the people and not only by the members of the panchayat. Sir, we will have to take into account what we are aiming at, whether the panchayat should function or the president should function. If it is our idea to give all the powers to the president, the panchayat union council being an advisory body to this panchayat president, then there is everything in favour of election of the panchayat president by the entire people. But if it is our desire that it is the panchayat that should function and be the ultimate authority and that the president should be responsible to it, then we cannot fit in these two things, namely, a person elected by the direct franchise of the entire people in that area functioning as president and members being elected by the people in the different wards functioning. As a matter of fact, this was one of the factors which contributed to the failure of the present panchayat administration. In such circumstances, the panchayat president used to think, "Oh, I have been elected by the people; the persons in the panchayat were elected under restricted franchise" and therefore, the president thought he was all in all, while members thought, "He is only the president and we are a panchayat consisting of all the members put together". This led to so many conflicts and it was inevitable in this context that there were conflicts. That is why we have made the panchayat the ultimate authority. Whoever it is, whether it is the panchayat president or the executive officer or any other official, he should function under the supreme authority of the panchayat, and the panchayat union

3rd November 1958] [Sri C. Subramaniam]

council so far as the panchayat union council is concerned. Therefore, one cannot graft one head into another, as some Russian expert did in Russia of grafting the head of a particular dog to the body of another dog belonging to a completely different variety. Altogether it will be a monstrosity. I have absolutely no doubt that this would be the source of friction and our experience is that it has led to friction. Therefore, it is better not to have it. This is a matter which was discussed thoroughly and there was a good deal of argument in the Legislature Committee. Ultimately, we came to the conclusion that the best thing would be to make the panchayat the supreme authority within the limited powers given to it and that the president, the commissioner and the executive officer should all function under the authority of the panchayat and the panchayat union council, as the case may be. Therefore, I would request hon. Members not to be under the impression that we have removed something more democratic and introduced something less democratic. Both are as democratic as they could possibly be. The only thing is that we have to evolve a system which would function properly. Therefore it is that we have provided for the president being elected by the panchayat and being responsible to the panchayat.

When the various clauses are taken up and when amendments are moved and remarks made with reference to particular clauses and amendments, I shall try to answer them and wherever necessary, we shall accept the amendments.

Once again, Sir, I would express my grateful thanks to all the hon. Members who have contributed to the discussion in this House and to the improvement of the Bill by suggesting various amendments.

MR. CHAIRMAN : The question is—

"That the Madras Panchayats Bill, 1958 (L.A. Bill No. 33 of 1958) as passed by the Legislative Assembly be taken into consideration." 4-10 p.m.

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

Clause 2.

MR. CHAIRMAN : The motion is—

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

* DR. A. CHIDAMBARANATHAN : Sir, I move the following amendments :—

'Re-number sub-clauses (3) to (36) as sub-clauses (4) to (37) respectively and insert the following as new sub-clause (3):—

" 'chairman' means the chairman of a panchayat union council ".

'In existing sub-clause (12), omit the words "or hut".'

[Dr. A. Chidambaranathan] [3rd November 1958]

'For the existing sub-clause (14), substitute the following :—

"(14) 'Inspector' means the Inspector of Municipal Councils, Panchayats and Panchayat Union Councils".

'In sub-clause (28), for the words "a person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment and", substitute the words "'to reside' or 'to have residence' means to live in any house by making use of the house or any portion thereof as a sleeping apartment and".

SRI V. V. RAMASWAMI: I second the amendments.

MR. CHAIRMAN: There are two other amendments standing in the name of the hon. Member Sri T. Purushotham. As the hon. Member is not present, we take it that they are not moved.

* DR. A. CHIDAMBARANATHAN: Sir, this clause pertains to definitions. Whereas the definition of the word 'president' has been provided for, the definition of the word 'chairman' has not been made. Therefore, my amendment seeks to define that 'chairman' means the chairman of a panchayat union council. Of course, this is not prejudicial to the fact that anyone could preside at the meeting. Unless anything is repugnant to the context, it will hold that the chairman of a panchayat union council is intended thereby.

In regard to sub-clause (12), the word 'hut' has got to be deleted because under sub-clause (1) I find that the word 'building' includes a hut. The definition of 'building' says that it includes a house, out-house, tent, stable, latrine, shed, hut, etc. Therefore, I think the definition of 'house' under sub-clause (12) should leave out 'hut' because it is redundant. When sub-clauses (12), (13) and (1) are all read together, I suppose my intention will be made evident because there is a separate definition in sub-clause (13) for 'hut' also.

THE HON. SRI C. SUBRAMANIAM: Sir, I am going to accept the amendment which says that in sub-clause (12) the words "or hut" be omitted. I may not be accepting the other amendments. Therefore, if the hon. Members want to put forward any points, they may do so.

* DR. A. CHIDAMBARANATHAN: In sub-clause (14), the definition says that 'Inspector' means any officer who is appointed by the Government to exercise or perform any of the powers or duties of the Inspector under this Act. But unless we make it plain to whom this reference is, there will be some difficulty in putting into effect this sub-clause. This is not in contravention of anything contained in clause 157, sub-clauses (1), (2) and (3), because the Government have the power to delegate all those powers to the Collector or any other officer under that clause. Therefore, the definition of 'Inspector' has got to be made still more clear than it is.

[3rd November 1958] [Dr. A. Chidambaranathan]

Sub-clause (28) begins like this, namely, that "a person is deemed to have his 'residence', etc." We find that all the definitions are arranged in the alphabetical order. Naturally, therefore, sub-clause (28) would not fit in there because it ought to have preceded 'public road', 'private road', etc. Therefore, in the order in which it appears, sub-clause (28) ought to have referred to 'to reside'. In this connexion, we may remember also that when we passed the other day the District Development Councils Bill, we gave the definition of the expression 'to reside'. In consonance with that definition, we ought to have provided for the definition of 'to reside'. Therefore, this will be militant to what we have in this very House passed already. Therefore it is that I have moved an amendment seeking to amend sub-clause (28) in the manner suggested. I propose all these amendments to clause 2.

SRI K. BALASUBRAMANYA AYYAR: As regards the Inspector, the present definition given in the Bill is that the Inspector includes any officer authorized by the Government to exercise and perform any of the powers or duties of the Inspector under the Act. I think to restrict it to the Inspector of Municipal Councils and Local Boards would not be correct. On the other hand, I would like that the officer appointed to discharge the very important duties under this Bill should be a person of high rank in the cadre of officers. I would suggest that he should be a Member of the Board of Revenue. If we consider the various provisions of the Bill, we will see that he should be a person of the rank of a Member of the Board of Revenue. There will be so many panchayats, about 20,000 in number, and 328 panchayat unions. Many important questions will crop up for decision. It is the Inspector that has finally to decide many of these important points. Therefore, I would submit that the definition of 'Inspector' should not be restricted to the Inspector of Municipal Councils and Local Boards. He should be an officer of the rank of a Member of the Board of Revenue or at least a very senior District Collector. Only for such an officer it will be possible to discharge the duties efficiently.

SRI A. GAJAPATHY NAYAGAR: Sir, in this connexion, I suggest that the amendment of Sri T. Purushotham says—

"'Inspector' means the Inspector of Municipal Councils and Local Boards and includes any officer authorized by the Government to exercise or perform any of the powers and duties of the Inspector under the Act."

MR. CHAIRMAN: That amendment has not been moved.

SRI A. GAJAPATHY NAYAGAR: I am only pointing this out. That amendment is comprehensive enough. I support the point made by the hon. Member Sri K. Balasubramanya Ayyar.

[3rd November 1958]

THE HON. SRI C. SUBRAMANIAM: On further consideration. I am accepting another amendment also of the hon. Member Dr. A. Chidambaranathan which says, " 'chairman' means the chairman of a panchayat union council". Even though it is not necessary, when we have defined the word 'president', I do not see why we should leave out 'chairman'. If it did not exist, this also would not be necessary. My view is that both are unnecessary. But I am now accepting this amendment for the reason I have stated.

With regard to the other amendment which seeks to define 'Inspector' as meaning the Inspector of Municipal Councils, Panchayats and Panchayat Union Councils, no doubt, to-day it is the Inspector of Municipal Councils and Local Boards that is looking after the administration of the panchayats, the district boards and the municipalities. But now, with reference to the number of panchayats and the panchayat union councils, and with reference to the enlarged functions which we are giving to these units, it may not be possible for one officer to function with reference to the municipal councils and the panchayat administrations. So, it may be necessary to have a separate officer. Even with reference to the various functions which we want the Inspector to discharge, there are very many important functions and there are comparatively minor functions also. Therefore, if we make a Member of the Board of Revenue alone responsible, as suggested by the hon. Member Sri K. Balasubramanya Ayyar, he may not be able to look after all the functions which have to be discharged. Then, we should have at least four or five Members of the Board of Revenue. It is not necessary that every minor function given here should be looked after by a high official. Therefore, we have drafted the definition in such a way that at various levels 'Inspector' could be defined. For certain things it may be a Member of the Board of Revenue and for certain other things it may be the Inspector of Local Boards or the Inspector-General of Panchayats or somebody who may come into existence later on. For the other minor functions, we may delegate them to the Revenue Divisional Officer or the District Panchayat Officer and it may not be necessary to place the burden on high-placed officials. The question would be carefully examined and it would be laid down in the rules what are the functions that would be discharged by the Inspector and to whom the word 'Inspector' refers. Therefore, we have adopted a comprehensive definition rather than a restrictive definition. I would request the hon. Members to accept the existing definition.

As regards the other amendment about the definition of 'to reside', I submit that these are all definitions which have been in vogue for quite a long time.

DR. A. CHIDAMBARANATHAN: I only said that this definition should be in consonance with what we had already passed as the definition in the District Development Councils Bill. There

[3rd November 1958] [Dr. A. Chidambaranathan]

we have defined the words 'to reside'. This is a precedent. This occurs in the alphabetical order and, therefore, I have suggested this definition.

THE HON. SRI C. SUBRAMANIAM: I agree. But this definition we have taken from the existing Panchayats Act and the District Municipalities Act. I do not think it is necessary to amend it in the way suggested. Therefore, I would request the hon. Member not to press the amendments except the amendments which I have accepted.

SRI K. BALASUBRAMANYA AYYAR: Sir, the words "has not abandoned his intention of returning" seem to be unnecessary. 4-20 p.m.

THE HON. SRI C. SUBRAMANIAM: Sir, a person may have a residential house somewhere. Suppose he takes up a permanent appointment in a far-off place; he has to live there. Even though he may visit the place where his residential house is situated, there is no question of his returning to the house for the purpose of residing there. Perhaps, to cover such cases, these words have been advisedly put in. If we look into the various phraseologies, we will find that there are some instances wherein such phraseologies have been used. So, we need not disturb the existing provision unless it is absolutely necessary.

DR. A. CHIDAMBARANATHAN: Sir, may I make a suggestion to transfer sub-clause (28) as sub-clause (25) because it refers to "person and residence"?

THE HON. SRI C. SUBRAMANIAM: Sir, I have no objection. Sub-clause (28) may become sub-clause (25) and then we may renumber the whole thing. As a matter of fact, acceptance of the definition of "chairman" will necessitate renumbering of all the sub-clauses and that can be done at the third reading stage.

The amendments moved by Dr. A. Chidambaranathan relating to existing sub-clauses (14) and (28) were, by leave, withdrawn.

MR. CHAIRMAN: The question is—

"Renumber sub-clauses (3) to (36) as sub-clauses (4) to (37) respectively and insert the following as new sub-clause (3):—

'chairman' means the chairman of a panchayat union council."

The amendment was put and carried.

MR. CHAIRMAN: The question is—

"In existing sub-clause (12), omit the words 'or hut'."

The amendment was put and carried.

Clause 2, as amended, was put and carried.

[3rd November 1958]

Clause 3

MR. CHAIRMAN : The motion is—

“ That clause 3 do stand part of the Bill.”

* SRI V. V. RAMASWAMI : Sir, I move the following amendments :—

“ In sub-clause (2) (a) for the words ‘ is not less than five hundred ’, substitute the words ‘ is not less than five hundred or five thousand, as the case may be ’.”

“ In sub-clause (2) (b), for the words ‘ if it has a population of not less than five hundred or if its population is less than five hundred ’, substitute the words ‘ if it has a population of not less than five hundred or five thousand as the case may be or if the population is less than five hundred or five thousand as the case may be ’.”

SRI K. BALASUBRAMANYA AYYAR : Sir, I second the amendments.

MR. CHAIRMAN : The clause and the amendments are now before the House for discussion.

* SRI V. V. RAMASWAMI : கனாஸ் (1) (a)-ல் பஞ்சாயத்து டவுன் என்று தீர்ணயிக்கப்படுவதற்கு 5,000-க்குக் குறையாத ஜனத்தொகை இருக்க வேண்டுமென்றும், கனாஸ் (1) (b)-ல் பஞ்சாயத்து வில்லேஜ் என்று தீர்ணயிக்கப்படுவதற்கு 500-க்குக் குறையாத ஜனத்தொகை இருக்கவேண்டுமென்றும் சொல்லப்பட்டிருக்கிறது.

THE HON. SRI C. SUBRAMANIAM : I do not accept the amendments. I shall explain later why I do not accept them.

* SRI V. V. RAMASWAMI : பஞ்சாயத்து வில்லேஜை டவுனை ஆக்கவோ பஞ்சாயத்து டவுனை பஞ்சாயத்து வில்லேஜாக ஆக்கவோ இன்ஸ்பெக்டர் விரும்பினால், அதற்குச் சட்டம் துணை புரிய வேண்டும். இரண்டுக்கும் மசோதா வகைசெய்யக் கூடியதாக இருக்கவேண்டுமானால், உபபிரிவுகள் (2) (a)-ம் (2) (b)-ம், உப-பிரிவுகள் (1) (a)-க்கும் (1) (b)-க்கும் ஒத்ததாக அமைய வேண்டும். அந்த அடிப்படையில் இந்தத் திருத்தத்தை நான் பிரேரே பித்திருக்கிறேன்.

THE HON. SRI C. SUBRAMANIAM : Sir, if I accept the amendments of the hon. Member Sri V. V. Ramaswami, it would amount to this. Suppose there is a town panchayat consisting of portions of two or three villages and it is found that one portion of it does not fit into the administrative unit. Then I have to separate it. After separating it, the population may become less than 5,000. If I accept the amendments, it goes below 5,000 and therefore, I cannot separate that portion. The idea is that the minimum population should be 500. It should not be below that. As a matter of fact, we are taking power to change the town panchayats into village panchayats by demarcation. If I accept the amendments, no town panchayat can be changed into a village panchayat. That is why I am not able to accept the amendments. I would request the hon. Member not to press them.

The amendments were, by leave, withdrawn.

1 November 1958]

Clause 3 was put and carried.

Clauses 4 and 5 were put and carried.

Clause 6.

MR. CHAIRMAN : The motion is—

“ That clause 6 do stand part of the Bill.”

* SRI V. V. RAMASWAMI : Sir, I move the following amendment :—

“ In the heading of clause 6 for the words ‘ or of rules ereunder ’, substitute the words ‘ or of any rules made ereunder ’.”

The amendment was duly seconded.

MR. CHAIRMAN : The clause and the amendment are now before the House for discussion.

THE HON. SRI C. SUBRAMANIAM : Sir, I accept the amendment.

MR. CHAIRMAN : The question is—

“ In the heading of clause 6 for the words ‘ or of rules ereunder ’, substitute the words ‘ or of any rules made ereunder ’.”

The amendment was put and carried.

Clause 6, as amended, was put and carried.

Clause 7 was put and carried.

Clause 8.

MR. CHAIRMAN : The motion is—

“ That clause 8 do stand part of the Bill.”

* SRI V. V. RAMASWAMI : Sir, I move the following amendment :—

“ For the existing sub-clause (3), substitute the following :—

‘ (3) Every panchayat shall be a body corporate by the name of the village or town specified in the notification issued under section 3, shall have perpetual succession and a common seal, and may, subject to any restriction or qualification imposed by or under his Act or any other law, sue or be sued in its corporate name and acquire, hold and transfer property, movable or immovable and enter into contracts and do all things necessary, proper or expedient for the purposes for which it is constituted.’ ”

The amendment was duly seconded.

MR. CHAIRMAN : The clause and the amendment are now before the House for discussion.

[3rd November 1958]

* SRI V. V. RAMASWAMI : இப்போதுள்ள 'வில்லேஜ் பஞ்சாயத் ஆக்ட்'-இல் உள்ளபடியே என்னுடைய இந்தத் திருத்தம் இருக்கிறது. இந்த மசோதாவில் உள்ளதை வாசிக்கிறேன்.

'Every panchayat shall be a body corporate by the name of the village or town specified in the notification issued under section 3, shall have perpetual succession and a common seal, and subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.'

மசோதாவிலுள்ள இந்த வாக்கியத்தில் "shall have perpetual succession and a common seal, and subject to any restriction or qualification imposed by or under this Act or any other law" என்ற வார்த்தைகள் இருக்கும் பகுதியில் நான் திருத்தம் செய்திருக்கிறேன். வில்லேஜ் பஞ்சாயத்துச் சட்டத்தில் இருக்கும் வார்த்தைகளையே இந்த மசோதாவிலும் போடவேண்டுமென்று விரும்புகிறேன். இந்தப் பிரிவு 'verbally clear'-ஆக இருக்க வேண்டுமென்ற நோக்கத்தோடு இந்தத் திருத்தத்தைக் கொடுத்திருக்கிறேன். இந்தத் திருத்தத்தை ஏற்றுக் கொள்ளவேண்டுமென்று கனம் அமைச்சரைக் கேட்டுக்கொள்கிறேன்.

THE HON. SRI C. SUBRAMANIAM : Sir, I do not think that this amendment is necessary. The clause as it stands is quite specific and no difficulties have been met with in the working of the existing Village Panchayats Act. Therefore, I would request the hon. Member not to press his amendment.

The amendment was, by leave, withdrawn.

Clause 8 was put and carried.

Clause 9.

MR. CHAIRMAN : The motion is—

"That clause 9 do stand part of the Bill."

DR. A. CHIDAMBARANATHAN : Sir, I move the following amendment :—

"After sub-clause (1), add the following proviso :—

'Provided that the alteration so made will ordinarily come into effect at the commencement of a year'."

The amendment was duly seconded.

MR. CHAIRMAN : The clause and the amendment are now before the House for discussion.

THE HON. SRI C. SUBRAMANIAM : Sir, the amendment is not necessary. The existing provision is—

"The Government may alter any classification notified under sub-section (1) of section 3, if in their opinion the town or village satisfies or ceases to satisfy the conditions referred to in that sub-section."

As far as notification is concerned, we will take into account the views of the panchayats concerned, if it is considered necessary to alter the notification.

3rd November 1958]

DR. A. CHIDAMBARANATHAN : In view of the assurance of the Hon. Minister, I am not pressing my amendment.

The amendment was, by leave, withdrawn.

Clause 9 was put and carried.

Clauses 10 and 11 were put and carried.

Clause 12.

MR. CHAIRMAN : The motion is—

"That clause 12 do stand part of the Bill."

SRI B. K. NALLASWAMI : Sir, in my amendment, I see there is an omission. Probably it was left out in typing. The amendment as it is reads as follows :—

'For the existing sub-clause (1), substitute the following :

The amendment should read as follows :—

'For the existing sub-clause (1), paragraph 1, substitute the following : . . .'

The word and figure 'paragraph 1' have been omitted in typing.

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

"In the proviso to sub-clause (1), after the word 'may' and before the word 'co-opt' insert the words, 'whenever such occasion arises'."

"In sub-clause (2), after the words 'State Legislative Assembly', and before the word 'representing' insert the words 'or State Legislative Council'."

The amendments were duly seconded.

THE HON. SRI C. SUBRAMANIAM : Sir, I move the following amendment :—

"In clause 12, sub-clause (2), after the words "panchayat development block", insert "and any member of the State Legislative Council residing in a panchayat development block".

* SRI K. T. KOSALRAM : அமைச்சர் அவர்கள் இப்பொழுது கொண்டு வந்திருக்கிற திருத்தத்தின்மேல் நான் ஒன்றிரண்டு விஷயங்களைத் தெளிவு படுத்தி அவைகளையும் அவர்கள் இதில் சேர்த்துக்கொள்ள வேண்டுமென்பது எனது ஆசை. பஞ்சாயத்து டெவலப்மெண்டு பிளாக்ஸ் பிரதேசத்தில் குடியிருக்கும் ராஜ்யச் சட்டமன்ற உறுப்பினர்களும் பஞ்சாயத்துக் கவுன்சிலில் அங்கத்தினர்களாக இருக்கலாம் என்பது அவர்கள் திருத்தம்.

4-30
p.m.

[Sri K. T. Kosaram] [3rd November 1958]

பஞ்சாயத்துக்களைப் பிரதிபலிக்கக்கூடிய அங்கத்தினர்கள் இந்த சபையில் இருக்கிறார்கள். பஞ்சாயத்து வோட்டர்கள்தான் அவர்கள் தொகுதி. ஆகவே, அவர்களுடைய தொகுதியில் எங்கேயாவது ஒரு இடத்தில் அவர்கள் அங்கத்தினர்களாக இருக்கலாம் என்று இருப்பது பொருத்தமான விஷயம். மந்திரியவர்கள் இதை ஒப்புக்கொள்ளாமாட்டேன் என்று சொல்லுவதற்குக் காரணம் இருக்க முடியாது. அது தவிர பாராளுமன்ற அங்கத்தினர்களைப் பற்றி ஒரு வார்த்தை. டெவலப்மெண்டு கவுன்ஸிலிற்கு நிதி வசதி அளிப்பது மத்திய அரசாங்கம். டெவலப்மெண்ட் கௌன்ஸில் வேலைகள் எப்படி நடக்கின்றன என்பதைப் பாராளுமன்ற அங்கத்தினர்கள் தெரிந்து கொண்டு, அங்குள்ள குறைகளை மத்திய அரசாங்கத்தினிடம் எடுத்துச் சொல்ல வசதி செய்துகொடுக்க வேண்டியது நம் கடமை. ஆகவே, இதில் ஸெஜஸ்லேபில் கௌன்ஸில் மெம்பர்களோடு பாராளுமன்ற அங்கத்தினர் களையும் சேர்த்துக்கொண்டால், மிகவும் நன்றாக இருக்கும். நியாயமாகச் சொல்லவேண்டுமானால், பாராளுமன்ற அங்கத்தினர் தன்னுடைய தொகுதி முழுவதையும் பார்க்க சந்தர்ப்பம் கொடுக்க வேண்டும். கௌன்ஸில் அங்கத்தினர்கள், பஞ்சாயத்துக்களைப் பிரதிபலிக்கக் கூடியவர்கள், தங்கள் தொகுதியில் எங்கு வேண்டுமானாலும் அங்கத்தினர்களாக இருக்கலாம் என்று சொல்வது நியாயம். ஆகவே, நான் சொன்னபடி ஒரு திருத்தம் கொண்டுவந்து, அமைச்சர் அவர்கள் ஒழுங்கான முறையில் இந்த மசோதாவைத் திருத்தியமைப்பார்கள் என்று நம்பிக்கொண்டு நான் முடித்துக்கொள்கிறேன்.

SRI MOHAMED RAZA KHAN : While I support the amendment. Sir, I have got my own doubts about it. The amendment simply says, 'and any member of the State Legislative Council residing in a panchayat development block'. No time-limit is fixed for residence. Suppose the period is fixed as a month or two; then it will lead to changes. As far as the Members of the Legislative Council are concerned, they are all elected by graduates, teachers, local authorities, etc. A Member of the Legislative Council may have a desire to serve in one panchayat block or another. Residing in a particular block, he may be very anxious to be a member of a different block. I should like to know from the Hon. Minister whether he can examine this question. Voting right is a better standard to decide which development block he belongs to. A member may have voting right in a particular area, and that may be a consideration for being a member of that development block. The wording in the clause is a bit loose. For deciding the question of residence, you have to state the period of time.

SRI B. K. NALLASWAMI : 12-வது விதிக்கு நான் ஒரு திருத்தம் கொடுத்திருக்கிறேன்.

MR. CHAIRMAN : Is the hon. Member speaking on his amendment?

SRI B. K. NALLASWAMI : Yes, Sir.

MR. CHAIRMAN : The Government amendment is now before the House for discussion.

THE HON. SRI C. SUBRAMANIAM : Sir, discussion can go on on both the amendments.

[3rd November 1958]

SRI B. K. NALLASWAMI : Sir, I move the following amendment :—

'For the existing sub-clause (1), paragraph 1, substitute the following :—

"(1) Every panchayat and township committee constituted under this Act in the panchayat union shall elect to the panchayat union council—

(a) for the first term of office of five years one member for each panchayat having a population below five thousand and other bigger panchayats for every five thousand population, the number of persons shall be notified by the Inspector. Such persons whose names are included in the electoral roll for that panchayat shall be elected whether he is a member of the panchayat or not;

(b) for subsequent terms of office of five years such number of members as notified by the Inspector under sub-clause (1) (a) shall be elected from among the members of the panchayats."

The amendment was duly seconded.

* SRI B. K. NALLASWAMI : நான் ஏற்கனவே பொது விவாதத்தில் பேசியதையொட்டி, இந்தத் திருத்தத்தைக் கொடுத்திருக்கிறேன். அதில் இன்னும் ஒரு புதிய அம்சம் சேர்க்கப்பட்டிருக்கிறது. இப்பொழுது 5,000 ஜனத்தொகையிலிருந்து ஏறக்குறைய 20,000 ஜனத்தொகை வரையில் உள்ள பஞ்சாயத்துக்கள் இந்தப் பஞ்சாயத்து யூனியன்களில் வரப்போகின்றன. இதில் சிறிய பஞ்சாயத்துக்களுக்கு இடம் கொடுக்கவேண்டும் என்பதில் எந்த விதமான ஆட்சேபமும் சொல்ல முடியாது. கிராமங்களில் சின்னச் சின்ன 25 அல்லது 30 ஊர்கள் சேர்ந்திருக்கிற மேஜர் பஞ்சாயத்துக்கள் இருக்கின்றன. பட்டினங்கள் என்று அவைகளைச் சொல்ல முடியாது. எனது பிளாக்கிலிருந்தே நான் உதாரணம் கொடுக்க முடியும். 15,000 ஜனத்தொகை முதற்கொண்டு 30,000 ஜனத்தொகை கொண்ட மேஜர் பஞ்சாயத்துக்கள் இருக்கின்றன. அவைகளைப் பட்டினம் அல்லது "அர்பன் எரியா" என்று சொல்லி ஒதுக்கிவிட முடியாது. ஆகவே, பெரிய பெரிய பஞ்சாயத்துக்களுக்கும், 15,000, 18,000 ஜனத்தொகையுள்ள பஞ்சாயத்துக்களுக்கும், கௌன்ஸிலில் ஒரு ஸ்தானம்தான்; 5,000 ஜனத்தொகையுள்ள பஞ்சாயத்துக்களுக்கும் ஒரு ஸ்தானம்தான். இப்படி இருப்பது ஜனநாயக அடிப்படையே விரோதமாகும். கிராமத்திலே இப்பொழுது இருக்கக்கூடிய நிலையில் சிறு சிறு கிராமப் பஞ்சாயத்துக்களில் இருக்கக் கூடிய பிரதிநிதிகள் 5 அல்லது 6 பேர் சேர்ந்துகொண்டால், யூனியன் கௌன்ஸில் முட்டுக் கட்டை போட்டுக்கொண்டு போகும் அளவில் இருக்கும் சர்க்கார் அசெம்பிளியில் 'பாஸ்' செய்திருக்கும் ஷரத்தை அப்படியே 'பாஸ்' செய்தால் . . .

THE HON. SRI C. SUBRAMANIAM : I understand the point. The only consideration is whether it is acceptable or not.

* SRI B. K. NALLASWAMI : என்னுடைய திருத்தத்தில் அதனால் தான் இரண்டு பிரிவுகளாக இதைப் பிரித்திருப்பது. ஏற்கனவே தேர்தல் நடந்து விட்டதால், அஸெம்பிளியில் பாஸ் செய்யப்பட்ட திருத்தத்தை மறு படியும் மாற்றி பழையபடியே அசெம்பிளிக்குக் கொண்டு போய் 'பாஸ்' செய்வது அசெம்பிளி அங்கத்தினர்களுக்கும், சர்க்காருக்கும் கொஞ்சம் சங்கடம் விளைவிக்கலாம் என்பதற்காக ஒரு சமரசத் திட்டமாக நான் இந்தத் திருத்தத்தை இரண்டு பகுதிகளாகக் கொடுத்திருக்கிறேன். முதல் ஐந்து ஆண்டுகளுக்கு, அதாவது முதல் "டேர்ம் ஆப் ஆப்க்கு", வோட்டர் ஜாபிதாவில் இருக்கக்கூடிய யாரையிருந்தாலும் சரி, அவர் பஞ்சாயத்து மெம்பராக இருந்தாலும் சரி, இல்லாவிட்டாலும் சரி, அவர் தேர்தலுக்கு

330 THE MADRAS PANCHAYATS BILL, 1958 (L.A. BILL
NO. 33 OF 1958)

[Sri B. K. Nallaswami] [3rd November 1958]

நின்று மெம்பராக வரலாம் என்பது முதல் பிரிவு. அடுத்த பிரிவு, பின்னர் “டேர்ம் ஆப் ஆபீஸ்”க்கு பஞ்சாயத்து மெம்பர்களுடையிருந்து தான் யூனியன் கௌன்ஸிலிற்குத் தேர்ந்தெடுக்கப்படலாம் என்பது. பெரிய பஞ்சாயத்துக்களை டௌண் பஞ்சாயத்து என்று நினைத்துக்கொண்டு, அவைகளை முனிசிபாலிட்டியாக மாற்றப்போகிறோம் என்று காரணம் சொல்லி இத்திருத்தத்தை நிராகரிப்பதற்கில்லை. சின்னச் சின்ன கிராமங்கள் பல சேர்ந்து தான் 15,000, 18,000 ஜனத்தொகை வருகிறது. அதை முனிசிபாலிட்டியாக ஆக்க முடியாது. ஒரு பஞ்சாயத்தை வேண்டுமானால், பல பிரிவுகளாகப் பிரிக்க முடியும். அவ்வளவுதான். ஆகவே அரசாங்கம் இந்தத் திருத்தத்தை ஏற்றுக்கொள்வதென்று கேட்டுக்கொள்கிறேன். இத்திருத்தத்தில் உள்ள வார்த்தைகளில் தப்பு ஏதாவது இருந்தால், அவைகளை மாற்றியமைத்துக்கொள்வதில் எனக்கு ஆட்சேபம் ஒன்று மில்லை. ஆகவே, இதை ஏற்றுக்கொள்ளும்படி கேட்டுக்கொள்கிறேன்.

THE HON. SRI C. SUBRAMANIAM: Sir, as a matter of fact, I indicated in my reply that as far as the amendment of Sri V. K. Palaniswamy Gounder was concerned, I would like to leave it to the free vote of the House.

MR. CHAIRMAN: That amendment is not coming up.

4-40 p.m. THE HON. SRI C. SUBRAMANIAM: Unfortunately, he is not present here, and that amendment is not moved. As far as Sri Nallaswami's amendment is concerned, for one period, it will be outside the panchayat also. But after the five-year period, only members of the panchayat can be elected. As a matter of fact, when we are amending the whole Act, what are we to do with those members who have been already elected for that purpose? Can we say that we shall dissolve the panchayats? I think it cannot be done. So, I am unable to accept the amendment.

With reference to the representation made by the hon. Member Sri Mohamed Raza Khan that the Member of the Legislative Council should be a voter in that particular panchayat development block, I have to say that it would create difficulties, because one may not be a voter there. As a matter of fact, a person may be residing within a municipality or a corporation or he may have his residence in other places. He may have his name in a particular 'Voters' List. So, we cannot accept that suggestion. We do not want to restrict the freedom of the Council Member with reference to that. We think that we should give a little more scope for the Council Members to choose their own place of residence in order to serve on the panchayat union council. That is why we have put it a little bit vague and loose so that it may be possible of adaptation according to circumstances and convenience.

Sir, I do not think it will be possible to amend the Bill now to include Parliament Members also. If we accept the suggestion, we may have to include the Members of the Rajya Sabha also. We all know that Parliament is holding its session for nearly 8 to 10 months in a year and the Members of Parliament will have time only to attend to their job. So, I do not think it will be possible for them to attend to these things. Moreover, I do not think it is proper to include them without knowing their views in the

3rd November 1958] [Sri C. Subramaniam]

matter. So, let us not ask them to come into local board politics and let us restrict it to Members of the State Legislature. That apart, since the Members of Parliament are also representatives of the people, they are bound to take note of whatever we represent here. Their representation in Parliament should not depend upon our making provision for their being entitled to be present in these various bodies. Therefore, I do not think we can argue that it is necessary to provide for Parliament Members also for the purpose of their making representations to the Government of India and for various other purposes. Whether we include them here or not, they are bound to make these representations if they are just representations and if they are necessary. So, I do not think I will be able to accept this suggestion.

SRI B. K. NALLASWAMI: What about increasing the number of council members?

THE HON. SRI C. SUBRAMANIAM: Sir, panchayat is a unit. We are recognising the panchayat as a unit. I do not think it is necessary to have more representatives. Already, there would be 50 or 60 members in the panchayat union council. If the suggestion put forward by the hon. Member is accepted, their number would become 80 or 100 and it would become an unmanageable body. I do not think it will be possible to accept it.

SRI B. K. NALLASWAMI: I think there are only 20 villages in a panchayat development block.

THE HON. SRI C. SUBRAMANIAM: It may be so. This matter has been considered by the Legislature Committee and a decision has been taken. It is a policy decision and I do not think I should depart from it.

SRI K. T. KOSALRAM: Sir, I want a small clarification. . . .

MR. CHAIRMAN: The Hon. Minister has replied to the discussion. After his reply, the hon. Member cannot make a speech.

SRI K. T. KOSALRAM: I am not making a speech. I only want some clarification from the Hon. Minister. That is all, Sir.

இதில் மெம்பர்கள் அவர்கள் குறிப்பிடும் இடத்தில் தங்கிக்கொள்ளலாம் என்றிருக்கிறது. அவர்களுக்கு அவ்விதம் தங்குவதற்கு வசதி ஏற்படுத்திக் கொள்ள முடியுமா என்று கேட்க விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM: That depends upon the ability and sagacity of the Members.

The amendments moved by the hon. Member Sri K. Balasubramanya Ayyar were, by leave, withdrawn.

[3rd November 1958]

SRI B. K. NALLASWAMI : What about the amendment given notice of by Sri V. K. Palanisami Gounder?

THE HON. SRI C. SUBRAMANIAM : It is not before the House as it has not been moved.

MR. CHAIRMAN : Mr. Palanisami Gounder is not here and so his amendment is not moved.

SRI B. K. NALLASWAMI : I want to know whether the Government themselves are moving it as their amendment.

THE HON. SRI C. SUBRAMANIAM : I have not given notice.

The amendments moved by the hon. Member Sri B. K. Nallaswami were, by leave, withdrawn.

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

“ In clause 12, sub-clause (2), after the words ‘ panchayat development block ’ insert ‘ and any member of the State Legislative Council residing in a panchayat development block ’.”

The amendment was put and carried.

Clause 12, as amended, was put and carried.

Clause 13.

MR. CHAIRMAN : The motion is—

“ That clause 13 do stand part of the Bill.”

SRI V. V. RAMASWAMI : Sir, I move the following amendment :—

“ In clause 13 (vi) (c) after the words ‘ be bested ’ and before the words ‘ in such authority ’, insert the words ‘ in the Government or ’.”

The amendment was duly seconded.

* SRI V. V. RAMASWAMI : இப்போது அநேக மாவட்டங்களில் பல பள்ளிக்கூடங்கள் இருக்கின்றன. பல இடங்களிலும் போட்டியாகவே ஆரம்பிக்கப்பட்டிருக்கின்றன. ஆகவே, இவைகளையெல்லாம் அரசாங்கமே ஏற்று நடத்தினால், எந்தெந்தப் பள்ளிக்கூடங்கள் அவசியம் என்பதை அறிந்து, அதற்குத் தகுந்த முறையில் நடத்த முடியும். அதல்லாமல் “ such authority ” என்று இருந்தால் அது யார் என்று சரியாக அறிவதற்கில்லை. அல்லது அங்கே ஒரு டிரஸ்ட் அமைத்து அதன் கையில் கொடுக்க வேண்டுமென்றால், அவ்விதமும் செய்யலாம். ஆகவே இதை அரசாங்கம் ஏற்றெடுத்து நடத்த வேண்டும் என்று திருத்தம் கொடுத்திருக்கிறேன். அதை ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

[3rd November 1958]

SRI K. BALASUBRAMANYA AYYAR : There is a point to be considered. As soon as the district boards cease to exist, immediately they should vest in the Government, until the Government pass an order specifying that they should vest in any other authority. Now that the district boards have been abolished. .

THE HON. SRI C. SUBRAMANIAM : They have not been abolished. They would not get abolished now. Let the hon. Member see the relevant rules. They will continue to function till 1962.

DR. A. CHIDAMBARANATHAN : Sir, I move the following amendment :—

“ For the existing item (vi) (c), substitute the following :—

‘ all secondary, vocational and industrial schools maintained by any district board together with the assets and liabilities appertaining to such schools, as and when notified by Government, shall stand transferred to and be vested in such authority as may be specified by the Government by general or special order ’.”

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM : I am accepting the amendment moved by the hon. Member Dr. Chidambaramathan. As for the point raised by the hon. Member Sri V. V. Ramaswami, he said that the management of the schools should vest in the Government. As I have already pointed out, the district boards, represented by the Special Officer, will continue to function with reference to these secondary schools and we are hoping to take a decision on this matter. We have been thinking how these district board schools should be managed and till a decision is taken, the district boards will continue to function. So, there is no necessity to bring in the Government here and it is quite unnecessary. I request the hon. Member not to press his amendment.

The amendment moved by the hon. Member Sri V. V. Ramaswami was, by leave, withdrawn.

MR. CHAIRMAN : The question is—

“ For the existing item (vi) (c), substitute the following :—

‘ all secondary, vocational and industrial schools, maintained by any district board together with the assets and liabilities appertaining to such schools, as and when notified by Government, shall stand transferred to and be vested in such authority as may be specified by the Government by general or special order.’ ”

The amendment was put and carried.

Clause 13, as amended, was put and carried.

Clause 14.

MR. CHAIRMAN : The motion is—

“ That clause 14 do stand part of the Bill.”

[3rd November 1958]

SRI V. V. RAMASWAMI: Sir, I move the following amendment:—

"In the heading to clause 14, for the words 'Elected Members', substitute the words 'Election of Members'."

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

THE HON. SRI C. SUBRAMANIAM: I accept the amendment.

MR. CHAIRMAN: The question is—

"In the heading to clause 14, for the words 'Elected Members', substitute the words 'Election of Members'."

The amendment was put and carried.

Clause 14, as amended, was put and carried.

Clause 15.

MR. CHAIRMAN: The motion is—

"That clause 15 do stand part of the Bill."

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I move the following amendments:—

"In sub-clause (1), for the words 'reserve such number of seats, if any', substitute the words 'reserve such number of reserved seats, if any'."

"For the existing sub-clause (2), substitute the following:—

"(2) Any reservation made under sub-section (1) shall have effect only until the date of the commencement of the term of office of members of the panchayat elected at the first ordinary elections thereto held after the expiration of a period of ten years from the commencement of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950)."

VIDWAN T. MUTHUKANNAPPAN: I second the amendments, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, clause 15 provides for reservation of seats for members of Scheduled Castes. It says that the Inspector may reserve such number of seats, if any, as he thinks fit. It is said, 'if any'. There will necessarily be seats in the panchayat and there will be as many seats as there are members. So, it is not known why it is said 'if any'. That is why I have stated in my amendment that the words 'reserve such number of reserved seats, if any', may be substituted for the words 'reserve such number of seats, if any.' If a certain number of seats are reserved in the panchayat for a particular purpose, why not we say clearly that some of these reserved seats

3rd November 1958] [Sri P. S. Krishnaswamy Ayyangar]

may be reserved for the members of the Scheduled Castes? If we do it, the Inspector, if he deems it necessary and fit, may reserve certain number of those seats for the Scheduled Castes. Therefore, I say, if there are necessarily reserved seats in the case of certain panchayats, out of those reserved seats, such number as the Inspector thinks fit may be reserved for the members of the Scheduled Castes. That is the object of my amendment.

4-50
p.m.

Then, with regard to reservation, how long is the policy of reservation to be in vogue? They say that the reservation will have effect only up to the date of the ordinary election that takes place ten years after the passing of the Madras Village Panchayats Act, 1950. It says that the reservation shall have effect only up to the date of the first ordinary election coming ten years after the commencement of the Village Panchayats Act, 1950. In the matter of elections, we have got to bear three points of time in mind. The date of election is one thing. The date of announcement of the result of election is another. And then comes the date of entering on the term of office by the elected member. Here, it is stated that the members holding the reserved seats are entitled to hold office only up to the date of a particular ordinary election. Once an election has been held, even before the announcement of the result, even before other members vacate their seats, before the new members enter on their office, members of the Scheduled Castes will have to vacate the reserved seats. That is taking away from them a concession which has been given to other ordinary members. Therefore, I suggest in the place of the existing sub-clause (2) we may have, 'Any reservation made under sub-section (1) shall have effect only until the date of the commencement of the term of office of members of the panchayats elected at the first ordinary election thereto held after the expiration of a period of ten years from the commencement of the Madras Village Panchayats Act, 1950'.

SRI K. BALASUBRAMANYA AYYAR: I second the amendments. His second amendment is specific. The clause says: 'until the first ordinary elections'. What is the date? Elections may continue for some time. Any member holding a reserved seat should continue to hold it until the commencement of the term of the member elected at the first ordinary elections. The date must be specific.

SRI V. V. RAMASWAMI: Sir, I move the following amendments:—

"In sub-clause (1), for the words 'the Inspector may, subject to such rules as may be prescribed', substitute the words 'the Inspector shall in accordance with the rules as may be prescribed'."

"In sub-clause (4), add the following at the end:—

'and so often as there is no woman member in that panchayat'."

[3rd November 1958]

SRI K. BALASUBRAMANYA AYYAR: I second the amendments.

THE HON. SRI C. SUBRAMANIAM: Sir, I move the following amendment:—

“In clause 15, sub-clause (4), for the words ‘if no woman has been elected to that panchayat’, substitute ‘if there is no elected woman member in that panchayat’.”

I shall explain to Mr. Krishnaswamy Ayyangar and Mr. Ramaswami the existing position. Mr. Krishnaswamy Ayyangar has taken some trouble to draft his amendments. His amendment says ‘reserve such number of reserved seats’. If they are already reserved seats, why should we reserve them again? It is an absurdity that we should reserve a reserved seat. I do not think the wording is correct. The existing provision is all right.

As far as his second amendment is concerned, I would like him to read the constitutional provision which says that reservation will be there only for ten years. I have no doubt that this provision will have to be reviewed after the expiry of ten years. This provision is intended for getting over the problem of transition. As a matter of fact, I am sure, the Parliament and the Legislatures of States will go into the existing state of affairs and continue the reservation even after the ten-year period. So, we have to consider this question with reference to the constitutional provision that may be made after the review. So, I would request the hon. Member not to press his amendment.

As far as the amendments of Mr. Ramaswami are concerned, I may inform him that when we make a rule providing for reservation, ‘may’ means ‘shall’, and that the Inspector cannot say, “It is only ‘may’ and so, I will use my discretion”. Once there is a rule, reservation will be compulsory. As regards the other amendment of his, I have moved my own amendment and I hope that will meet his object.

MR. CHAIRMAN: Does Mr. Krishnaswamy Ayyangar press his amendments?

* SRI P. S. KRISHNASWAMY AYYANGAR: I withdraw my amendments.

The amendments were, by leave, withdrawn.

SRI V. V. RAMASWAMI: I withdraw my amendments also.

The amendments were, by leave, withdrawn.

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

“In clause 15, sub-clause (4), for the words ‘if no woman has been elected to that panchayat’, substitute ‘if there is no elected woman member in that panchayat’.”

The amendment was put and carried.

Clause 15, as amended, was put and carried.

Clause 16 was put and carried.

[3rd November 1958]

Clause 17.

MR. CHAIRMAN: The motion is—

‘That clause 17 do stand part of the Bill.’

* SRI V. V. RAMASWAMI: I move the following amendment:—

“In sub-clause (1), for the words ‘be five years beginning at noon on the day on which the vacancies occur’, substitute the words ‘be five years from the date of the occurrence of the vacancies’.”

DR. A. CHIDAMBARANATHAN: I second the amendment.

* SRI P. S. KRISHNASWAMY AYYANGAR: I move the following amendments:—

“In sub-clause (3) (b), for the words ‘but shall hold office only so long as the member in whose place he is elected’, substitute the words ‘but shall hold office only up to the date up to which the member in whose place he is elected’.”

“In sub-clause (4), add the following at the end:—

‘by efflux of time’.”

SRI K. BALASUBRAMANYA AYYAR: I second the amendments.

* DR. A. CHIDAMBARANATHAN: I move the following amendments:—

“In the proviso to sub-clause (1), for the words ‘the Inspector’, substitute the words ‘the Government’.”

“In sub-clause (3) (c), add the following words at the beginning, namely, before the words ‘unless the Inspector’:

‘Unless there is a great depletion in the existing number of members and’.”

SRI JOHN ASIRVATHAM: I second the amendments.

THE HON. SRI C. SUBRAMANIAM: I move the following amendment:—

“In clause 17—

(i) in the heading, omit the word ‘elected’;

(ii) after sub-clause (4), add the following sub-clause:—

‘(5) The person co-opted under sub-section (4) of section 15 shall hold office only for such period for which she would have been entitled to hold office if she had been elected at an ordinary election or at a casual election, as the case may be’.”

* SRI V. V. RAMASWAMI: கோ-ஆப்ட் செய்த ஸ்தானமும் காலியாகி விட்டால், என்ன செய்வது?

THE HON. SRI C. SUBRAMANIAM: அப்போது வேறு ஆணைத் தேர்ந்தெடுத்துக்கொள்ளலாம்.

[3rd November 1958]

5
p.m.

* DR. A. CHIDAMBARANATHAN: Sir, the proviso confers the power on the Inspector to extend or reduce up to three months the period of tenure of office without having the elections conducted. I think it is best to confer this power and privilege on the Government rather than on the Inspector. That is why I have moved the amendment.

* SRI P. S. KRISHNASWAMY AYYANGAR: In sub-clause 3 (b) provision is made regarding the point of time up to which a member elected in a casual election will hold office. Just to indicate up to which point of time the member will hold office. . .

THE HON. SRI C. SUBRAMANIAM: I have moved an amendment, and that will include that also.

* SRI P. S. KRISHNASWAMY AYYANGAR: Another thing, Sir. It is said that he will hold office until others elected in the ordinary election vacate their office. A member may vacate his office by resignation. I want to add 'by efflux of time' at the end of sub-clause (4).

THE HON. SRI C. SUBRAMANIAM: I would request the hon. Member to read my amendment. That covers all his points. I shall read it for the benefit of the Member. It is: 'The person co-opted under sub-section (4) of section 15 shall hold office only for such period for which she would have been entitled to hold office if she had been elected at an ordinary election or at a casual election as the case may be'. This covers all the points raised by the hon. Member.

SRI P. S. KRISHNASWAMY AYYANGAR: Then, these two amendments are not necessary.

The amendments moved by the hon. Members Sri P. S. Krishnaswamy Ayyangar, Sri V. V. Ramaswami and Dr. A. Chidambaramanathan were, by leave, withdrawn.

MR. CHAIRMAN: The question is—

"In clause 17—

(i) in the heading, omit the word 'elected';

(ii) after sub-clause (4), add the following sub-clause:—

'(5) The person co-opted under sub-section (4) of section 15 shall hold office only for such period for which she would have been entitled to hold office if she had been elected at an ordinary election or at a casual election, as the case may be.'"

The amendment was put and carried.

Clause 17, as amended, was put and carried.

MR. CHAIRMAN: Then we have got new clause 17-A sought to be inserted by an amendment given notice of by the hon. Member Sri V. V. Ramaswami.

SRI V. V. RAMASWAMI: I am not moving it in view of the Government amendment carried to clause 17.

[3rd November 1958]

Clause 18.

MR. CHAIRMAN: The motion is—

'That clause 18 do stand part of the Bill'.

THE HON. SRI C. SUBRAMANIAM: There is a Government amendment to this clause, Sir. I move it which runs as follows:—

'In clause 18, sub-clause (1), for the words "the vacancy or one or more of the vacancies, as the case may be", substitute "any vacancy".'

These words 'any vacancy' would cover all that. This is a verbal amendment and no notice has been given of the amendment.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I move the following amendment:—

'In sub-clause (3), for the words "it would have expired", substitute the words "it would expire".'

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR: The Government speak of a thing that is going to take place hereafter. Suppose a person had been elected at the casual election. The clause says: 'The term of office . . . shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be'. The proper expression to use is 'would expire' and not 'would have expired' and hence my amendment.

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

"In sub-clause (2), for the word 'elect', substitute the word 'co-opt'."

"In sub-clause (3), after the word 'elected' and before the words 'under this section', insert the words 'or co-opted'."

The amendments were duly seconded.

SRI K. BALASUBRAMANYA AYYAR: Sir, sub-clause (2) of clause 18 reads as follows:—

'If, at such fresh election also, no person is elected to fill the vacancy or any of the vacancies, as the case may be, the panchayat may, in the manner prescribed, elect a qualified person to fill such vacancy.'

There are two elections. First there is an election, and if nobody is elected in that election, there is a second election. Therefore, I would suggest the word 'co-opt' to be adopted instead of the word 'elect'.

THE HON. SRI C. SUBRAMANIAM: How?

SRI K. BALASUBRAMANYA AYYAR: Co-opt from among the members.

THE HON. SRI C. SUBRAMANIAM: They have to elect a member.

[3rd November 1958]

SRI K. BALASUBRAMANYA AYYAR: In accordance with the provisions of the Companies Act, wherever there is no election by shareholders and where they elect one from among themselves it is called co-optation. That is the technical term generally adopted to express it. When the elections have failed twice, the principle of co-optation comes in instead of election.

SRI MOHAMED RAZA KHAN: Co-optation by a majority?

SRI K. BALASUBRAMANYA AYYAR: Yes.

THE HON. SRI C. SUBRAMANIAM: Sir, regarding the amendment moved by the hon. Member Sri Krishnaswamy Ayyangar, I think we have used only correct English in the clause taking the two expressions 'if he had been elected' and 'would have expired'. The expression 'would expire' won't fit in properly. I think the hon. Member would in this case take 'grammar' from me and not press his amendment.

As for the amendment suggested by the hon. Member Sri Balasubramanya Ayyar, namely, substitution of the word 'co-opt' for the word 'elect', the principle is laid down how they are going to select the member. Both ordinary elections having failed, it is going to be an election by members themselves. It is an election by the special electorate, consisting of all the members of the panchayat.

SRI K. BALASUBRAMANYA AYYAR: That we call co-optation.

THE HON. SRI C. SUBRAMANIAM: A regular procedure for the election has been laid down. Nominations will have to be filed if there is to be a contest and a regular election will have to be held. It is not as if the members sit down and decide about it. That is why it is called 'election'.

The amendments of Sri P. S. Krishnaswamy Ayyangar and Sri K. Balasubramanya Ayyar were, by leave, withdrawn.

MR. CHAIRMAN: The question is—

"In clause 18, sub-clause (1), for the words 'the vacancy or one or more of the vacancies, as the case may be', substitute 'any vacancy'."

The amendment was put and carried.

Clause 18, as amended, was put and carried.

Clause 19.

MR. CHAIRMAN: The motion is—

'That clause 19 do stand part of the Bill'.

[3rd November 1958]

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, amendment No. 13 is identical with my amendment No. 11. It was rejected by the Government and I had to withdraw it. Therefore, I do not propose to move my amendment No. 13. I move amendment No. 12, which runs as follows:—

"In sub-clause (3), for the words 'but shall hold office so long only as the member in whose place he is elected would have been entitled to hold office', substitute the following words:—

'but shall hold office only up to the date up to which the member in whose place he is elected would have been entitled to hold office'."

The amendment was duly seconded.

SRI A. GAJAPATHY NAYAGAR: Sir, I move the following amendment:—

'In sub-clause (7), for the words "a qualified person", substitute the words "a person from among the members of the concerned panchayat or Township Committee as the case may be".'

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR: Amendment No. 12 is similar to my amendment No. 9. I had to withdraw that amendment since the Government said that their amendment to clause 17 covered my points also. This amendment is of the same character. I do not know whether Government are bringing in an amendment to this clause also similar to the one moved to clause 17. (The hon. Member paused here as the Hon. Minister was consulting the Secretary.)

MR. CHAIRMAN: The hon. Member may continue.

* SRI P. S. KRISHNASWAMY AYYANGAR: The Hon. Minister is consulting the Secretary.

THE HON. SRI C. SUBRAMANIAM: Sir, an amendment similar to the one which I moved to clause 17 is necessary in the case of this clause also. I would move it a little later. In the meanwhile, we may pass on to the next clause.

SRI A. GAJAPATHY NAYAGAR: Sir, sub-clause (7) of clause 19 says—

'If, at such fresh election, no member is elected, the panchayat union council may, in the manner prescribed, elect a qualified person to fill the vacancy.'

The wording 'a qualified person' is rather vague and I want to clarify it by substituting the words 'a person from among the members of the concerned Panchayat or Township Committee as the case may be'.

THE HON. SRI C. SUBRAMANIAM: Instead of all those words, I have put in the words 'a qualified person'.

[3rd November 1958]

SRI A. GAJAPATHY NAYAGAR: Will he come from the concerned panchayat?

THE HON. SRI C. SUBRAMANIAM: He will only be a person who is qualified.

SRI A. GAJAPATHY NAYAGAR: If the Government are satisfied about the wording, I have nothing to say.

MR. CHAIRMAN: We will continue the discussion on clause 19 later on.

Clauses 20 to 22 were put and carried.

Clause 23.

MR. CHAIRMAN: The motion is—

“That clause 23 do stand part of the Bill.”

* DR. A. CHIDAMBARANATHAN: Sir, I move the following amendment:—

‘In sub-clause (1), for the words “for holding office as an elected member”, substitute the words “for holding office as a member”.’

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: Sir, I accept the amendment.

MR. CHAIRMAN: The question is—

‘In sub-clause (1), for the words “for holding office as an elected member”, substitute the words “for holding office as a member”.’

The amendment was put and carried.

Clause 23, as amended, was put and carried.

Clause 24 was put and carried.

Clause 25.

MR. CHAIRMAN: The motion is—

“That clause 25 do stand part of the Bill.”

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

“In sub-clause (1), for the words ‘for five years from the date of the expiration thereof’, substitute the words ‘for ever thereafter’.”

SRI V. V. RAMASWAMI: Sir, I second the amendment.

3rd November 1958]

SRI K. BALASUBRAMANYA AYYAR: Sir, sub-clause (1) of clause 25 says—

‘A person who has been sentenced by a criminal court to imprisonment for a period of more than six months for any offence involving moral delinquency . . . shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof.’

My amendment seeks to omit the words ‘for five years from the date of expiration thereof’ and substitute the words ‘for ever thereafter’. When a person is sentenced by a court to imprisonment for an offence involving moral turpitude, I think, under this Bill, such a person should not be elected. How can a person, who has been convicted in a court of law for an offence involving moral turpitude and sentenced to imprisonment for five years, ever change his character? Panchayats should have nothing to do with a man of that sort. We are anxious that the panchayats should be run properly and that there should be no feud. If a person who is convicted for an offence involving moral turpitude is there, it will create difficulties. Therefore, I have moved the amendment.

My second amendment reads as follows:—

“In sub-clause (2) (c), omit the words ‘or except as permitted by rules made under this Act’.”

THE HON. SRI C. SUBRAMANIAM: Sir, I accept his second amendment.

Now, I move the following Government amendment:—

‘In clause 25, sub-clause (1), omit the words “for a period of more than six months” and “or the offence pardoned”.’

* SRI M. ETHIRAJALU: இதிலே ‘Criminal offence’-க்காக 6 மாத சிறைத் தண்டனை பெற்றிருந்தாலும் அல்லது மன்னிக்கப்பட்டிருந்தாலும், 5 வருஷத்திற்குத் தேர்தலில் நிற்கக் கூடாது என்றிருக்கிறது. ‘Criminal offence’ என்றால், மதுவிலக்குக் குற்றங்கள் கூட இதிலே வரும். அதிலே ஜெயில் தண்டனை அல்லது அபராதம். . . .

THE HON. SRI C. SUBRAMANIAM: இது எடுக்கப்பட்டுவிட்டது.

SRI M. ETHIRAJALU: அப்படியானால் சரி.

The amendment of Sri K. Balasubramanya Ayyar to sub-clause (1) was, by leave, withdrawn.

MR. CHAIRMAN: The question is—

‘In sub-clause (2) (c), omit the words “or except as permitted by rules made under this Act”.’

The amendment was put and carried.

SRI B. K. NALLASWAMI: Sir, now the elections are over and there might have been cases of such persons. What would happen to them as per this clause?

THE HON. SRI C. SUBRAMANIAM: This clause will operate only when this Bill becomes law.

[3rd November 1958]

MR. CHAIRMAN: The question is—

'In clause 25, sub-clause (1), *omit* the words "for a period of more than six months" and "or the offence pardoned".'

The amendment was put and carried.

Clause 25, as amended, was put and carried.

Clause 26.

MR. CHAIRMAN: The motion is—

'That clause 26 do stand part of the Bill.'

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

"In clause 26 (e), for the words 'or accepts employment as legal practitioners' *substitute* the words 'or appears in court or is engaged in any case as legal practitioner'."

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR: Sir, sub-clause (e) says—

'is employed as paid legal practitioner on behalf of the panchayat or panchayat union council or accepts employment as legal practitioner against the panchayat or the panchayat union council'.

No legal practitioner is against anybody or a panchayat. A legal practitioner only represents his parties who pay him and he argues and there is an end of the matter. The wording used in this sub-clause hurts lawyers and, therefore, I do not want that kind of wording in this statute. During the period in which he is engaged as a legal practitioner in a particular case, he should not be a member but afterwards he is free. Therefore, in order to make this clear, I want to substitute the words 'appears in court or is engaged in any case as legal practitioner' for the words 'or accepts employment as legal practitioners'.

SRI P. S. KRISHNASWAMY AYYANGAR: Sir, there may be a case where a lawyer lives by sending a number of registered notices on behalf of his parties and he may not appear in any case. What is to happen to such a person?

SRI K. BALASUBRAMANYA AYYAR: That is why I have put in the words 'appears in court or is engaged in any case as legal practitioner'. If he sends notices, then he is engaged in a case. I have no objection to add the words 'or if he sends registered notices'.

THE HON. SRI C. SUBRAMANIAM: Sir, it is not as if we are against lawyers. (Laughter.) If lawyers are members of panchayats and panchayat union councils, they get to know of many things happening there. Our only anxiety is that they should not

3rd November 1958] [Sri C. Subramaniam]

make use of that position for that purpose. If they want to engage themselves in a case, they will have to resign their membership of these local bodies and once for all sever their connection with them. Later on, they should not say that since they are lawyers, they would like to look into the case files. Therefore, we have made this provision to debar such lawyers from membership of these bodies.

MR. CHAIRMAN: Is the hon. Member Sri Balasubramanya Ayyar withdrawing his amendment?

SRI K. BALASUBRAMANYA AYYAR: Sir, I am withdrawing it.

The amendment was, by leave, withdrawn.

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

"In the proviso to clause 26 (i), *add* the following as new item (iv):—

'(iv) or his absence at such meeting has been condoned by a resolution at the meeting'."

Sir, the existing proviso is—

"Provided that no meeting from which a member absented himself shall be counted against him under this clause, if—

(i) due notice of that meeting was not given to him; or

(ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting; or

(iii) the meeting was held on a requisition of members."

But, any absence of a member is usually condoned by a resolution of the panchayat or the panchayat union council. If he merely absents himself, that is not excusable. But if he writes a letter explaining the reasons for his absence and leave of absence is given, it should not be a disqualification. This was found in the previous Acts. This is in practice in all Company Rules.

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: Sir, if the hon. Member reads clause 27, he will note that there is provision for restoration. Therefore, if he writes a letter and applies for restoration and if that is accepted, he could be restored under clause 27. Therefore, there is no necessity for this amendment.

SRI K. BALASUBRAMANYA AYYAR: It is a dangerous thing not to make provision for condonation. Absence of members is a common thing which occurs in all bodies very often. If the person concerned states the reasons for his absence and if his absence is condoned, it should be no disqualification. Otherwise, if members want to get rid of a person, and if he absents himself

[Sri K. Balasubramanya Ayyar] [3rd November 1958]

from three consecutive meetings, he could be easily got rid of. Therefore, if he states the reasons for his absence, there should be provision for his restoration.

THE HON. SRI C. SUBRAMANIAM: If they want to get rid of him, they will not accept his letter even. There is provision for restoration. That is enough.

SRI K. BALASUBRAMANYA AYYAR: Reinstatement is always difficult. I press my amendment.

MR. CHAIRMAN: The question is—

“In the proviso to clause 26 (i), add the following as new item (iv)—

‘(iv) or his absence at such meeting has been condoned by a resolution at the meeting.’”

The amendment was put and lost.

Clause 26 was put and carried.

Clauses 27 to 31 were put and carried.

Clause 32.

MR. CHAIRMAN: The motion is—

“That clause 32 do stand part of the Bill.”

DR. A. CHIDAMBARANATHAN: I move the following amendment:—

“In clause 32, renumber sub-clauses (2), (3) and (1) as sub-clauses (1), (2) and (3), respectively.”

The amendment was duly seconded.

* SRI V. V. RAMASWAMI: I move the following amendments:—

“For the existing sub-clause (2), substitute the following:—

‘(2) The president shall vacate his office on the expiry of his term of office as a member or if he otherwise ceases to be a member.’”

“For the existing sub-clause (3), substitute the following:—

‘(3) The vice-president shall vacate his office on the expiry of his term of office as a member of the panchayat or if he otherwise ceases to be a member or on his election as president.’”

The amendments were duly seconded.

THE HON. SRI C. SUBRAMANIAM: Sir, I am accepting the amendment moved by the hon. Member Dr. A. Chidambaranathan.

The amendments of Sri V. V. Ramaswami were, by leave, withdrawn.

3rd November 1958]

MR. CHAIRMAN: The question is—

“In clause 32, renumber sub-clauses (2), (3) and (1) as sub-clauses (1), (2) and (3), respectively.”

The amendment was put and carried.

Clause 32, as amended, was put and carried.

Clause 33 was put and carried.

Clause 34.

MR. CHAIRMAN: The motion is—

“That clause 34 do stand part of the Bill.”

SRI A. GAJAPATHY NAYAGAR: I move the following amendment:—

“In sub-clause (1), for the words ‘shall exercise the functions of the president’, substitute the words ‘shall perform the duties and functions of the president.’”

“In sub-clause (2), for the words ‘his functions’ substitute the words ‘his duties and functions.’”

These are only verbal amendments. I feel that ‘duties’ should also be added to ‘functions’.

The amendments were duly seconded.

* DR. A. CHIDAMBARANATHAN: I move the following amendment:—

“In sub-clause (3), for the words ‘the functions of the president shall devolve on a member of the panchayat appointed by the Inspector in this behalf, and if no member of the panchayat is available for such appointment, by such person as may be appointed by the Inspector in this behalf’ substitute the following words:—

‘The functions of the president shall devolve on a member of the panchayat appointed by the Inspector in this behalf or on such other person as may be appointed by the Inspector in this behalf, if no member of the panchayat is available for such appointment.’”

The amendment was duly seconded.

SRI P. S. KRISHNASWAMY AYYANGAR: I move the following amendment:—

“In paragraph 1 of sub-clause (3), for the words ‘by such person’, substitute the words ‘on such person.’”

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: Sir, I am accepting the amendment moved by the hon. Member, Sri P. S. Krishnaswamy Ayyangar.

[3rd November 1958]

* DR. A. CHIDAMBARANATHAN: My amendment is intended for rewording the clause so as to make it give the proper sense. It is only a verbal change and it does not affect the clause in any material respect. I want only to recast the clause.

THE HON. SRI C. SUBRAMANIAM: I have considered this amendment. I feel that the existing provision reads all right and I do not think it is necessary to recast it.

SRI A. GAJAPATHY NAYAGAR: I want that 'duties' also should be added to 'functions'. That is all.

THE HON. SRI C. SUBRAMANIAM: I do not think it is necessary.

MR. CHAIRMAN: The question is—

"In sub-clause (1), for the words 'shall exercise the functions of the president', substitute the words 'shall perform the duties and functions of the president.'"

"In sub-clause (2), for the words 'his functions' substitute the words 'his duties and functions'."

The amendments were put and lost.

The amendment moved by Dr. A. Chidambaranathan was, by leave, withdrawn.

MR. CHAIRMAN: The question is—

"In paragraph 1 of sub-clause (3), for the words 'by such person', substitute the words 'on such person'."

The amendment was put and carried.

Clause 34, as amended, was put and carried.

VIDWAN T. MUTHUKANNAPPAN: Sir, I should like to say a few words on clause 34.

MR. CHAIRMAN: No; the time is over as the clause has been passed.

Clause 35.

MR. CHAIRMAN: The motion is—

"That clause 35 do stand part of the Bill."

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

"In clause 35, add the following proviso:—

'Provided that he shall not delegate any functions which the panchayat expressly prohibits him to delegate.'"

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: I am accepting this amendment, Sir.

3rd November 1958]

MR. CHAIRMAN: The question is—

"In clause 35, add the following proviso:—

'Provided that he shall not delegate any functions which the panchayat expressly prohibits him to delegate.'"

The amendment was put and carried.

Clause 35, as amended, was put and carried.

Clause 36.

MR. CHAIRMAN: The motion is—

"That clause 36 do stand part of the Bill."

* SRI V. V. RAMASWAMI: Sir, I move the following amendments:—

"For the existing sub-clause (6), substitute the following:—

'(6) A chairman shall vacate his office on the expiry of his term of office as a member or if he otherwise ceases to be a member.'"

"For the existing sub-clause (7), substitute the following:—

'(7) A vice-chairman shall vacate his office—

(i) on the expiry of his term of office as a member or if he otherwise ceases to be a member; and

(ii) on his election as chairman.'"

SRI K. BALASUBRAMANYA AYYAR: I second the amendments, Sir.

THE HON. SRI C. SUBRAMANIAM: I am not accepting the amendments, Sir.

The amendments were, by leave, withdrawn.

Clause 36 was put and carried.

Clause 37.

MR. CHAIRMAN: The motion is—

"That clause 37 do stand part of the Bill."

There is no amendment to this clause.

* VIDWAN T. MUTHUKANNAPPAN: Sir, I should like to say a few words on clause 37, though I have not moved any amendment.

MR. CHAIRMAN: It is not usual. All right.

* VIDWAN T. MUTHUKANNAPPAN: இந்த 37-வது ஷரத்தானது குடிமகனாக மாற்றக்கு மாற்றக் இயலாது. இதிலே

"When the office of chairman is vacant and there is either a vacancy in the office of vice-chairman, or the vice-chairman has been continuously absent from jurisdiction for more than thirty days or is incapacitated, the Revenue Divisional Officer shall, after

[Vidwan T. Muthukannappan] [3rd November 1958]

giving notice of not less than seven clear days to the members convene a meeting for the election of a chairman and until a new chairman or vice-chairman is elected and assumes office, or the vice-chairman returns to jurisdiction or recovers from his incapacity as the case may be, the Revenue Divisional Officer shall, notwithstanding anything contained in this Act, or in the rules or notifications issued thereunder, be ex-officio member and chairman of the panchayat union council."

என்றிருக்கிறது. டெபுடி இரப்பதை விட சேர்மன், டெபுடி சேர்மன், இவர்களைத் தேர்ந்தெடுக்கும்போது, 'panel of interim chairmen' என்று இரண்டு அல்லது மூன்று பேர்களைத் தேர்ந்தெடுத்தால், அவர்கள் சேர்மனும் டெபுடி சேர்மனும் இல்லாதபோது, நிரந்தர சேர்மன் தேர்ந்தெடுக்கப்படும் வரையில் காரியத்தை நடத்த முடியும். இது ஜனநாயக முறைக்கு ஒத்ததாக இருக்கும் என்று சொல்லிக்கொள்ள விரும்புகிறேன்.

Clause 37 was put and carried.

Clause 38.

5-30
p.m.

MR. CHAIRMAN: The motion is—

"That clause 38 do stand part of the Bill."

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

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

"and provided that such reasons are approved as proper reasons for forbidding such access, in the next meeting of the panchayat."

Sir, sub-clause (3) says that every member shall have access during office hours to the records of the panchayat or the panchayat union council as the case may be after giving due notice to the executive authority or commissioner, provided that the executive authority or commissioner may, for reasons given in writing, forbid such access. I want to add the words suggested by me. It is a privilege to have access to the records. Of course, sometimes, it may be abused. The commissioner is given the power to forbid access for reasons to be stated by him. Sometimes, those reasons may not be valid reasons. In that case, it would mean an absolute power given to the commissioner or the executive authority. Therefore it is that I say that those reasons should be approved as proper reasons at the next meeting of the panchayat. If the members of the panchayat feel that they are proper reasons, then it is all right. Otherwise, it will be giving of a large power to the commissioner. Therefore, I want to add another proviso as already suggested by me.

The amendment was duly seconded.

SRI S. P. SIVASUBRAMANYA NADAR: If access is given to the members, they may want to peruse all the records. Sometimes it will not be desirable. There should be some safeguard. Otherwise, this privilege would be arbitrarily exercised.

[3rd November 1958]

THE HON. SRI C. SUBRAMANIAM: That is why we have put down here that the reasons should be given in writing. If the reasons are frivolous, he is an officer of the Government and he could be taken to task. After all, whether those reasons are correct or not, should not be decided by the support of a number of persons. It may be a confidential communication from the Government. It may be that all the members are interested in its disclosure, but still it may be the duty of the commissioner to withhold access to it in the interests of the Government and in the interests of various other things. Therefore, it should not be put to the test of the number of members supporting its disclosure. If the reasons are frivolous, as they will be given in writing, the commissioner could always be taken to task as even a complaint may be made to the Inspector. As a matter of fact, that would be better than depending upon the vote of the members. Suppose the commissioner has given frivolous reasons, and later on the panchayat or the panchayat union council ratifies them. Then, the matter is over. The panchayat union council takes the responsibility for that. Therefore, a member who is in a minority would be put to great difficulty because all the others may be against him and say, even though the reasons are most frivolous, they are reasonable. Therefore, it is left to him to seek remedies with the Government or the Inspector or whoever is the superior authority concerned. After all, the reasons will be in writing and they could be brought to the notice of the authorities concerned.

The amendment was, by leave, withdrawn.

Clause 38 was put and carried.

Clause 39 was put and carried.

Clause 40.

MR. CHAIRMAN: The motion is—

"That clause 40 do stand part of the Bill."

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

"In sub-clause (4), after the words 'executive officer' and before the words 'such salary' insert the words 'appointed under sub-section (1)'."

Sir, sub-clause (1) of clause 40 says that a whole-time executive officer shall be appointed by the Government for every town panchayat. Sub-clause (2) says that in the case of every village panchayat, the president of the panchayat shall, subject to such

[Sri K. Balasubramanya Ayyar] [3rd November 1958]

rules as may be prescribed, perform the functions of the executive officer. The president of the village panchayat is not given any remuneration. Sub-clause (3) says—

“ Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the panchayat and the Government.”

Sub-clause (4) says—

“ The panchayat shall pay the executive officer such salary and allowances as may from time to time be fixed by the Government.”

The executive officer in the case of the village panchayat means the president. If he is the president, he would not get any salary or allowance. Therefore, it should be made clear that only an executive officer under sub-clause (1) will be paid salary and allowances. Otherwise, the president of the village panchayat may be paid salary. To make it clear that the executive officer of a town panchayat only appointed under sub-clause (1) will be paid salary and allowances, I move this amendment.

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: Here the question is whether any panchayat will pay the executive officer who would be the president in the case of village panchayats. We have added the qualifying words ‘ such salary and allowances as may from time to time be fixed by the Government ’ in sub-clause (4). Therefore, the Government would fix the salary and allowances only for whole-time executive officers and not for others. Therefore, in view of the restricted scope of the sub-clause, this amendment is unnecessary.

SRI V. V. RAMASWAMI : யாராவது பிரதெண்டுக்குச் சம்பளம் கொடுக்கவேண்டுமென்று நினைத்தால் பெய்யலாமா ?

The amendment was, by leave, withdrawn.

Clause 40 was put and carried.

Clauses 41 to 50 were put and carried.

Clause 51.

MR. CHAIRMAN : The motion is—

“ That clause 51 do stand part of the Bill.”

* DR. A. CHIDAMBARANATHAN : Sir, I move the following amendment :—

“ For the existing sub-clause (2), substitute the following :—

‘ (2) The Inspector may remit for reconsideration and resubmission any regulation or part thereof to the panchayat or panchayat union council as the case may be :

[3rd November 1958] [Dr. A. Chidambaranathan]

Provided, however, that it shall be competent for the Inspector to add to, omit or alter any regulation which contravenes the provisions of this Act or the rules thereunder.’ ”

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM : Sir, I accept the amendment.

MR. CHAIRMAN : The question is—

“ For the existing sub-clause (2), substitute the following :—

‘ (2) The Inspector may remit for reconsideration and resubmission any regulation or part thereof to the panchayat or panchayat union council as the case may be.

Provided, however, that it shall be competent for the Inspector to add to, omit or alter any regulation which contravenes the provisions of this Act or the rules thereunder.’ ”

The amendment was put and carried.

Clause 51, as amended, was put and carried.

Clause 52 was put and carried.

Clause 53.

MR. CHAIRMAN : The motion is—

“ That clause 53 do stand part of the Bill.”

SRI A. GAJAPATHY NAYAGAR : Sir, I move the following amendment :—

“ In the proviso to sub-clause (2), for the word ‘ one-third ’ substitute the word ‘ one-fourth ’.”

I am moving this amendment only as a safeguard if one-third co-opted members are absent. This will provide a further safeguard.

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM : I am not accepting the amendment.

The amendment was, by leave, withdrawn.

Clause 53 was put and carried.

Clauses 54 to 60 were put and carried.

Clause 61.

MR. CHAIRMAN : The motion is—

“ That clause 61 do stand part of the Bill.”

[3rd November 1958]

* DR. A. CHIDAMBARANATHAN : Sir, I move the following amendment :—

“ In clause 61, for the words ‘ remove or dismiss any officer or servant in the service ’, substitute the words ‘ recommend to the panchayat or the panchayat union council, as the case may be, for dismissal of any officer or servant in the service ’.”

The amendment was duly seconded.

* DR. A. CHIDAMBARANATHAN : Under this clause, we are conferring great powers on the commissioner to remove from service even officers such as the Health Officers and other officers appointed by the Government. It would be better if he makes a recommendation to the panchayat union council or to the panchayat or to the Government, as the case may be, whenever cases of dismissal, suspension, removal, etc., occur. There is no objection to confer on him powers of a minor nature, say, for imposition of fine and such other penalties. But to confer powers on the commissioner to remove, dismiss or suspend officers who may immediately be inferior to him or be of an equal rank even is something extraordinary. That was why I thought that it would be in the fitness of things if only the power to recommend to the panchayat or to the panchayat union council or the Government as the case might be, was conferred.

THE HON. SRI C. SUBRAMANIAM : I agree that the executive officer should not be given unrestricted powers. The hon. Member will see that it is stated at the beginning of the clause. ‘ Subject to such control as may be prescribed by the Government ’. Therefore, under the rule-making powers we shall make provision for all these things—in which cases the executive officer himself can straightway pass orders, in which cases they should be got confirmed either by the Inspector or by the Government, etc. All that would be provided for in the rules. Therefore, it requires further scrutiny and study as to how the procedure should be laid down. Therefore, it may be left to the Government to provide for these things in the rules.

SRI V. V. RAMASWAMI : அந்த விதிகளிலே அப்பீலுக்கு இடமிருக்குமா ?

* DR. A. CHIDAMBARANATHAN : As the Hon. Minister has accepted in substance the principle contained in my amendment, I am not pressing it.

The amendment was, by leave, withdrawn.

Clause 61 was put and carried.

Clauses 62 to 64 were put and carried.

Clause 65.

MR. CHAIRMAN : The motion is—

“ That clause 65 do stand part of the Bill ”.

3rd November 1958]

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

“ For the existing sub-clause (b), substitute the following :—

‘ (b) the establishment and maintenance of dispensaries including dispensaries of indigenous medicine and the payment of subsidies to rural medical practitioners including practitioners of indigenous medicine ’.”

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR : Sir, so far as the villagers are concerned, I would refer to the Study Team Report. There they have stated that the duty of the village panchayat is to see what relief should be provided. Their recommendation is that there should be a rural dispensary also of indigenous medicine. There is a scheme for training village vaidyas. They will be practising the indigenous system of medicine in the village. It is for the villagers to say whether they require these indigenous practitioners or not. The object of my amendment is to give functional power to these village vaidyas.

THE HON. SRI C. SUBRAMANIAM : Sir, we have not placed any restriction here. The wording is : “ the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners ”. Here we cannot define who are all rural medical practitioners. Suppose we specify here ‘ practitioners of indigenous medicine ’. Then we have to specify their qualifications and all such things. We cannot go into that question at present. That is why it has been put in as ‘ rural medical practitioners ’. We cannot lay down here whether they should be practitioners of indigenous or modern medicine. There must be separate Acts for them. So, I cannot accept the amendment, Sir.

MR. CHAIRMAN : Is the hon. Member Sri Balasubramanya Ayyar pressing his amendment?

SRI K. BALASUBRAMANYA AYYAR : I press my amendment, Sir.

MR. CHAIRMAN : The question is—

“ For the existing sub-clause (b), substitute the following :—

‘ (b) the establishment and maintenance of dispensaries of indigenous medicine and the payment of subsidies to rural medical practitioners including practitioners of indigenous medicine ’ ”.

The amendment was put and lost.

Clause 65 was put and carried.

Clauses 66 and 67 were put and carried.

[3rd November 1958]

Clause 68.

MR. CHAIRMAN : The motion is—

“ That clause 68 do stand part of the Bill ”.

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

“ In clause 68 (ii), omit the words ‘ management of any institution ’.”

The amendment was duly seconded.

MR. CHAIRMAN : The clause and the amendment are now before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR : So far as this is concerned, I would respectfully submit, Sir, that the panchayats should not be entrusted with the management of any institution. This will lead to trouble. Management of a particular institution can be entrusted, but not ‘ any institution ’.

THE HON. SRI C. SUBRAMANIAM : Sir, after all, what we have laid down is : “ Subject to the provisions of this Act and the rules made thereunder, two or more panchayats may entrust to the panchayat union council with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work ”. Therefore, the institution should be in charge of two or more panchayats. It is only if they agree that they will entrust the management of an institution to the panchayat union council. The panchayats are entitled to manage their own institutions and only with their consent, the management of the institution can be entrusted to the council. Therefore, I do not think that the hon. Member can object to this provision.

The amendment was, by leave, withdrawn.

Clause 68 was put and carried.

Clauses 69 and 70 were put and carried.

Clause 71.

MR. CHAIRMAN : The motion is—

“ That clause 71 do stand part of the Bill ”.

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

“ In sub-clause (2), omit the words ‘ the management of any institution or ’ and also the words ‘ and whether provided for in this Act or not ’ ”.

The amendment was duly seconded.

MR. CHAIRMAN : The clause and the amendment are now before the House for discussion.

3rd November 1958]

SRI K. BALASUBRAMANYA AYYAR : Sir, my amendment is simple and self-explanatory.

THE HON. SRI C. SUBRAMANIAM : Sir, sub-clause (2) reads—

“ Subject to such rules as may be prescribed, the Government, the Board of Revenue, the Collector or Revenue Divisional Officer, the panchayat union council or the commissioner, or any person or body of persons, may transfer to the panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty, whether within or without the village or town, and whether provided for in this Act or not.”

Therefore it is only when it is agreed to and the panchayat is willing to take over, that a property or any institution or the execution of any work can be transferred to it. Perhaps, the necessity may not arise at all. But we are providing for some contingency that may arise. I do not think that any harm will be done by having this clause.

The amendment was, by leave, withdrawn.

Clause 71 was put and carried.

Clause 72.

MR. CHAIRMAN : The motion is—

“ That clause 72 do stand part of the Bill ”.

SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendment :—

“ In sub-clause (1) (a), for the words ‘ for the benefit of the inhabitants of such village ’, substitute the words ‘ for the benefit of such village ’ ”.

The amendment was duly seconded.

MR. CHAIRMAN : The clause and the amendment are now before the House for discussion.

THE HON. SRI C. SUBRAMANIAM : Sir; I accept the amendment.

MR. CHAIRMAN : The question is—

“ In sub-clause (1) (a), for the words ‘ for the benefit of the inhabitants of such village ’ substitute the words ‘ for the benefit of such village ’ ”.

The amendment was put and carried.

Clause 72, as amended, was put and carried.

Clause 73.

MR. CHAIRMAN : The motion is—

“ That clause 73 do stand part of the Bill ”.

[3rd November 1958]

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

“ In clause 73, omit sub-clauses (1) and (2) ”.

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I move the following amendment:—

“ In sub-clause (3), for the words ‘ on such commencement ’, substitute the words ‘ on such constitution ’.”

The amendment was duly seconded.

MR. CHAIRMAN: The clause and the amendments are now before the House for discussion.

5.50 p.m. SRI K. BALASUBRAMANYA AYYAR: Sir, my amendment is to omit sub-clauses (1) and (2), and to retain the third sub-clause. Sir, so far as the Madras Endowments and Escheats Regulation, 1827, is concerned, some provisions have been repealed by the Hindu Religious and Charitable Endowments Act. There are one or two provisions still standing to be repealed. The Board of Revenue is given the power to maintain and supervise certain old choultries. Therefore, they are not very clear as to whether they would entirely give them away. Sub-clause (1) (b) says—

“ The Board of Revenue may, of its own motion and shall on a direction from the Government, by notification, resume the management and superintendence of any endowment made over to a panchayat union council under clause (a) and upon such resumption, all the powers and duties attaching to the panchayat union council in respect of the endowment shall cease and determine ”.

Therefore, even they are cautious. They do not want to do it. The Board of Revenue, after all, has a remnant of power. Most of the things have been abolished by the Endowments Act of 1953. If there are any institutions which do not come under the head of religious endowments, or where the Board of Revenue still is advised to manage them, I think it better to leave them alone. I do not think that we should entrust that power to the panchayat. This is only a hesitant power. It is not a complete power. I would plead that this power need not be given to the panchayats. We shall see later on whether the panchayats work properly. When they work properly, the Board of Revenue may be divested of this power. Until then we should not invest this power in the panchayats. That is why I say that sub-clauses (1) and (2) be omitted. Sub-clause (3) alone may remain. The district boards are being abolished, and their functions are given to the panchayat union council. This is all right. But so far as sub-clauses (1) and (2) are concerned, I say that they should be deleted.

3rd November 1958]

THE HON. SRI C. SUBRAMANIAM: Sir, I accept the amendment of Sri P. S. Krishnaswamy Ayyangar.

MR. CHAIRMAN: The question is—

“ In sub-clause (3) for the words ‘ on such commencement ’ substitute the words ‘ on such constitution ’.”

The amendment was put and carried.

SRI K. BALASUBRAMANYA AYYAR: I am pressing my amendment, Sir.

THE HON. SRI C. SUBRAMANIAM: I am not accepting the amendment, Sir.

MR. CHAIRMAN: The question is—

“ In clause 73, omit sub-clauses (1) and (2) ”

The amendment was put and lost.

Clause 73, as amended, was put and carried.

Clauses 74 to 77 were put and carried.

Clause 78.

MR. CHAIRMAN: The motion is—

“ That clause 78 do stand part of the Bill.”

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I move the following amendment:—

“ In the first proviso to clause 78 for the words ‘ in the discharge of such duties ’, substitute the words ‘ in the carrying out of the above provisions ’.”

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: I accept the amendment, Sir.

MR. CHAIRMAN: The question is—

“ In the first proviso to clause 78 for the words ‘ in the discharge of such duties ’, substitute the words ‘ in the carrying out of the above provisions ’.”

The amendment was put and carried.

Clause 78, as amended, was put and carried.

Clauses 79 to 81 were put and carried.

Clause 19.

MR. CHAIRMAN: The Government have got an amendment to clause 19. We will take it up to-morrow if the Government so desire.

[3rd November 1958]

THE HON. SRI C. SUBRAMANIAM: We will take it up tomorrow, Sir.

Clause 82.

MR. CHAIRMAN: The motion is—

‘That clause 82 do stand part of the Bill.’

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I move the following amendment:—

“In sub-clause (1) (b), for the words ‘any matter’ substitute the words ‘any filthy or dangerous matter’.”

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, sub-clause (1) prohibits the throwing of any matter on a public road. ‘Any matter’ may refer even to the strewing of flowers. The strewing of flowers on the road may also be prohibited. Only objectionable matter should not be thrown on a public road. To indicate this, I have in my amendment suggested that for the words ‘any matter’ the words ‘any filthy or dangerous matter’ be substituted. This is a very reasonable amendment and can be accepted by the Government. Otherwise, if anybody throws a withered garland on a public road, he will be prosecuted for committing nuisance. So, the words ‘any matter’ should be substituted by the words ‘any filthy or dangerous matter’.

THE HON. SRI C. SUBRAMANIAM: No doubt, the words used in the clause are ‘any matter’. The amendment suggested by the hon. Member seeks to substitute the words ‘any filthy or dangerous matter’ for the words ‘any matter’. Suppose someone throws mud on the road and then says that it is neither filthy nor dangerous matter? If the amendment is accepted, many people can escape after doing damage. So, the clause may remain as it is. After all, commonsense will prevail in administering the law.

* SRI P. S. KRISHNASWAMY AYYANGAR: Whether throwing mud on a public road is a nuisance has to be decided if prosecution is to be launched. But the expression ‘any matter’ will bring within its purview anyone who carelessly throws some withered flowers on a public road. However, I am not pressing my amendment.

The amendment was, by leave, withdrawn.

Clause 82 was put and carried.

Clause 83.

MR. CHAIRMAN: The motion is—

‘That clause 83 do stand part of the Bill.’

[3rd November 1958]

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

“In clause 83, after the word ‘shall’ and before the words ‘if so declared’, insert the words ‘when there is no objection by the people concerned’.”

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR: Sir, this clause deals with communal property or income. The clause says—

‘Any property or income including any fishery right which by custom belongs to, or has been administered for the common benefit of the inhabitants of the village or town, or of the holders in common of village land generally or of the holders of lands of a particular description or of the holders of lands under a particular source of irrigation shall, if so declared by the Government, vest in the panchayat and be administered by it for the benefit of the inhabitants or holders aforesaid’.

Sir, this is a large order. In the villages we know that there are many fishery rights. Powers are given to the landlords and others to use the income from the common source of irrigation for the purpose of worshipping the village deities and so on. This is a custom going on for a long time. This power should not on one fine morning be taken away from the villagers and vested in the panchayats. This is a matter to be investigated and looked into, and then a decision taken. I do not say that the Government should not have the power to vest this power in panchayats. But I only say that before vesting the power in panchayats, the Government should hear objections. Where there is no objection, they can vest the power in panchayats. In a village where fishery rights are administered by custom for the benefit of the village, they should not be abruptly taken away without hearing the objections. These fishery rights are important rights, and people attach great sentimental value to these rights. Therefore, I would plead that where there is objection, the Government should not straightway vest the power in the panchayat. The villagers administer these rights for the common benefit of the village. This is a kind of privilege which people enjoy. If this power is immediately vested in the panchayat, that may be another source of irritation to the people. I know, for instance, that the fishery income is utilised for the purpose of worshipping the Grama devatas. It is a privilege enjoyed by the people. I do not think that any harm will result if this power is not taken away from the people. Importance is attached to this right by the villagers. Therefore, I would plead that this right should not be straightway taken away from the people and vested in the panchayats. That is why I have moved my amendment.

[3rd November 1958]

6 p.m. THE HON. SRI C. SUBRAMANIAM: Sir, I would request the hon. Member to kindly look into the final clause also. It states, 'if so declared by the Government, vest in the panchayat and be administered by it for the benefit of the inhabitants or holders afore-said.' Therefore, it is not as if those rights are being taken away by the Government, or the panchayat or any other people. We do not think that the Government will come into the picture very often. Only when there is some dispute or when it is not properly administered and it is not utilised for the purpose for which it is intended, this clause will be applied. I think the House will appreciate that in such cases, it should be possible for the Government to entrust it to the panchayat or the panchayat union council so that it may be administered properly and for the benefit of the inhabitants or holders referred to. Therefore, this is a clause for the benefit of those people. In the light of what I have stated now, I do not think it could be objected to. So, I request the hon. Member not to press his amendment.

MR. CHAIRMAN: Is Mr. Balasubramanya Ayyar pressing his amendment?

SRI K. BALASUBRAMANYA AYYAR: No, Sir.

The amendment was, by leave, withdrawn.

Clause 83 was put and carried.

Clause 84 was put and carried.

MR. CHAIRMAN: The House will now adjourn and meet again at 11 a.m. to-morrow.

The House then adjourned.

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

* 187. Short review of the activities and achievements of the Highways Department during the first half of 1957-58 (From 1st April to 30th September 1957).

* 188. Notification issued with G.O. No. 3413, Revenue, dated 12th September 1958, regarding amendment to the Madras Plantations Agricultural Income-tax (Appeal and Revision) Rules, 1955.

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

A. The Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 of 1958).

B. The Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958).

* Placed on the table of the House on 1st November 1958.

† Sent by special messengers to all M.L.C.'s. 3 on 31st October 1958.

3rd November 1958]

APPENDIX.

[Vide answer to starred question No. 143 asked by Sri M. Ethirajalu, at the meeting of the Legislative Council held on 3rd November 1958, page 300 supra.]

Number of students who applied for admission in Government and Aided Training Schools and the number selected.

Description of training class.	All communities.		Backward Classes including Vannan.		Vannan.		Scheduled Castes and Tribes.	
	Number who applied.	Number selected.	Number who applied.	Number selected.	Number who applied.	Number selected.	Number who applied.	Number selected.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Senior—								
1955-56	2,364	249	1,098	112	6	3	174	31
1956-57	1,759	278	980	108	5	1	72	26
Junior—								
1955-56	2,856	177	1,521	73	10	2	311	24
1956-57	5,264	249	2,737	121	18	2	705	39

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