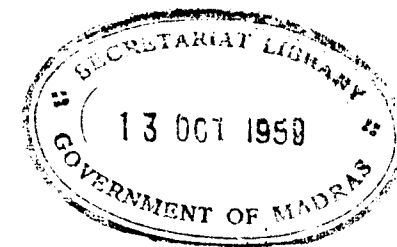


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MADRAS LEGISLATIVE COUNCIL DEBATES

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

17th to 20th and 25th to 28th March and 10th and
11th April 1958.

MADRAS ACT No. XXIX OF 1958 5

(ii) in the proviso to clause (g), for the words "if the crop is tea", the words "if the crop is arecanut or tea" shall be substituted;

(iii) after the same proviso, the following proviso shall be inserted, namely:—

"Provided further that if the re-planting expenditure allowance under this section is not incurred in one year, the allowance for the year or years may be carried forward for a period of three years in the case of arecanut, tea, rubber and coffee and one year in the case of cinchona and cardamom beyond the assessment year."

(iv) in the second proviso to clause (k), for the words "six per cent", the words "nine per cent" shall be substituted:

(v) after clause (l), the following clause shall be inserted, namely:—

"(m) subject to such restrictions and conditions as may be prescribed, any expenditure not being in the nature of capital expenditure laid out or expended on scientific research

Volume XXV (Nos. 1 to 10).

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PERSONNEL OF THE GOVERNMENT OF MADRAS

GOVERNOR OF MADRAS.

SHRI BISNURAM MEDHI.

MEMBERS OF THE COUNCIL OF MINISTERS.

- 1 THE HON. SRI K. KAMARAJ, *Chief Minister in charge of Public, Planning and Community Development (including Local Development Works, Women's Welfare, Community Projects and Rural Welfare).*
- 2 THE HON. SRI M. BHAKTAVATSALAM, *Minister in charge of Home including Courts and Prisons and Prohibition, Food and Agriculture (including Khadi and Village Industries and Hindu Religious Endowments), Railways, Posts and Telegraphs and Civil Aviation.*
- 3 THE HON. SRI C. SUBRAMANIAM, *Minister in charge of Finance, Education, Information and Law (including Legislature and Engineering Colleges).*
- 4 THE HON. SRI M. A. MANICKAVELU, *Minister in charge of Revenue and Public Health.*
- 5 THE HON. SRI R. VENKATARAMAN, *Minister in charge of Industries, Labour and Co-operation (including Housing, Commercial Taxes and Nationalized Transport) (Leader of the House).*
- 6 THE HON. SRI P. KAKKAN, *Minister in charge of Public Works (excluding Electricity) and Harijan Welfare.*
- 7 THE HON. SRI V. RAMAIAH, *Minister in charge of Electricity, Transport (including Registration, Accommodation Control, Stationery and Printing and Government Press).*
- 8 THE HON. SRIMATHI LOURDHAMMAL SIMON, *Minister in charge of Local Administration and Fisheries.*

THE MADRAS LEGISLATIVE COUNCIL.

PRINCIPAL OFFICERS.

Chairman.

THE HON. DR. P. V. CHERIAN.

Deputy Chairman.

SRI A. M. ALLAPICHAJ.

Panel of Vice-Chairmen.

- 1 SRI P. T. RAJAN.
- 2 SRI T. P. SRINIVASAVARADAN.
- 3 SRI JOHN ASIRVATHAM.
- 4 SRIMATHI SARASWATHY PANDURANGAM.

Secretary to the Council.

SRI C. D. NATARAJAN, M.A., B.L.

LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL WITH THEIR CONSTITUENCIES.

Serial number and name of member.	Name and class of constituency.
1 Allapichai, A. M., B.A., B.L. ..	State Legislative Assembly.
2 Annamalai Pillai, N. ..	Do.
3 Arunachalam, A. J. ..	Do.
4 Arunachalam, T. S. ..	Do.
5 Balasubramanya Ayyar, K., B.A., B.L.	Madras Graduates.
6 Balasundaram, V. S. ..	State Legislative Assembly.
7 Bashyam Ayyangar, V., B.A., B.L.	NOMINATED.
8 Chakkarai Chetty, V., B.A., B.L.	State Legislative Assembly.
9 Cherian, Dr. P. V., M.B.B.S., F.R.F.P.S. (Glas.), F.R.C.S. (Edin.), D.L.O., B.C.S. (Lond.) (Chairman).	Madras Graduates.
10 Chidambara Mudaliar, A. ..	Madurai-cum-Ramanathapuram-cum-Tirunelveli Local Authorities.
11 Clubwala Jadhav, Mary C. ..	NOMINATED.
12 Desikar, K. M. ..	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
13 Devaraja Mudaliar, T. V. ..	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
14 Durairaj, T. ..	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
15 Ethirajalu, M. ..	State Legislative Assembly.
16 Gajapathy Nayagar, A., B.A., B.L.	Do.
17 Gurunandan Row, V., BAR-AT-LAW.	Do.
18 Guruswami, Dr. M. R., M.D.	NOMINATED.
19 John Asirvatham, M.A., L.T.	Madras Teachers.
20 John, Dr. V. K., BAR-AT-LAW.	Madras Graduates.
21 Jothi Venkatachellum ..	NOMINATED.

Serial number and name of member.	Name and class of constituency.
22 Kalyanaraman, S. V. ..	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
23 Krishnamoorthy, G. ..	Madras Teachers.
24 Krishnamoorthy, T. G., B.A.	State Legislative Assembly
25 Krishnaswamy Vandayar, A.	Do.
26 Krishnaswamy Ayyangar, P.S.	Do.
27 Lakshmanaswami Mudaliar, Dr. A., M.D., LL.D., D.Sc., D.C.L.	Madras Graduates.
28 Madurai Pillai, P. ..	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
29 Mahomed Usman, Dr., B.A., LL.D.	NOMINATED.
30 Manjubhashini, S. ..	Do.
31 Masilamani Chettiar, A. K. ..	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
32 Mohamed Raza Khan ..	State Legislative Assembly.
33 Nallasenapathi Sarkarai Manradar, N.	Do.
34 Narayanaswamy Pillai, T. M., M.A., B.L.	Do.
35 Palaniswamy Gounder, V. K. ..	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
36 Perumalswami Reddi, C. ..	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
37 Ponnuswamy Chettiar, S. R. P.	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
38 Purushotham, T., B.A. ..	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
39 Rajan, P. T. ..	State Legislative Assembly.
40 Ramalingam Pillai, V. ..	NOMINATED.
41 Ramasamy Gounder, K. M. ..	Madras Teachers
42 Ramaswamy, K. V. ..	State Legislative Assembly.
43 Ramaswami, V. V. ..	Do.
44 Ramaswami Reddiar, O. P. ..	NOMINATED.

Serial number and name of member.	Name and class of constituency.
45 Ranganathan, V. R., M.A. D. Litt.	Madras Teachers.
46 Sankaranarayana Pillai, T. S., B.A., B.L.	Madurai - cum - Ramanathapuram-cum-Tirunelveli Local Authorities.
47 Saraswathy Pandurangam ..	NOMINATED.
48 Sivanandam, Dr. T. V., M.B.B.S.	Madras Graduates.
49 Sivasubramanya Nadar, S. P., B.A., B.L.	Madurai-cum-Ramanathapuram-cum-Tirunelveli Local Authorities.
50 Somasundara Reddiar, A. ..	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
51 Sreenivasan, DR. A., M.R.C.P. (Lond.).	Madras Graduates.
52 Srinivasavaradan, T. P., B.A., L.T.	Madras Teachers.
53 Subramanyam, A. ..	State Legislative Assembly.
54 Subrahmanyam, B. V., B.A., B.L.	Do.
55 Subramania Karayalar, M. ..	Madurai-cum-Ramanathapuram-cum-Tirunelveli-cum-Kanyakumari Local Authorities.
56 Sudarsanam Naidu, M. V. ..	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
57 Thambusamy, Rev. D. ..	Madras Teachers.
58 Thiagaraja Reddiar, P. B. K.	Salem - cum - Coimbatore-cum-Nilgiris Local Authorities.
59 Venkataraman, R. (Minister—Leader of the House).	State Legislative Assembly.
60 Venugopal, S. N. ..	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.

THE MADRAS LEGISLATIVE COUNCIL

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

Monday, the 17th March 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 DR. SYED TAJUDIN, A FORMER MEMBER OF THE MADRAS LEGISLATIVE COUNCIL.

MR. CHAIRMAN: I regret to announce to the House the death of Dr. Syed Tajudin, a former Member of the Madras Legislative Council, on 14th March 1958. He was a Member of the Madras Legislative Council from 1923 to 1952 except for one term. He took keen and lively interest in the proceedings of the Council. He played a notable part for over two decades in the Tanjore Municipality as a Member and Vice-President, in the Tanjore Taluk Board as President for a term and in the Tanjore District Board for some years as a Member. He also took a very keen interest in education and was a member of several committees. We express our sincere sorrow at his demise which I shall convey to the members of the bereaved family.

I request the hon. Members to stand in silence for a few minutes as a mark of respect.

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

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

High Court Judges.

* 70 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the State Government has been consulted in regard to the proposal to recruit one-third of the number of High Court Judges from outside the State initially on a zonal basis;

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

(c) the stage at which the matter now stands?

[17th March 1958]

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

(b) No recommendation was made by this Government.

(c) The matter was considered by the Zonal Council and the proposal was approved generally.

SRI V. V. RAMASWAMI : இந்தமாதிரி முன்றில் ஒரு பங்கு நீதிபதிகளைத் தேர்ந்தெடுப்பதற்குப் பொதுவாக ஒப்புக்கொண்டதாக அமைச்சர் அவர்கள் தெரிவித்தார்கள் ; அது எப்பொழுது அமுலுக்கு வரும் என்று சொல்ல முடியுமா ?

THE HON. SRI C. SUBRAMANIAM : இன்னும் அது முடிவாக வில்லை.

SRI V. CHAKKARAI CHETTY : May I know from the Hon. Minister whether such a rule of recruiting one-third of the High Court Judges from outside the State will operate in other States also? If not, why should the Madras State alone be singled out for that purpose? Is it the idea that the Madras State has not got sufficient number of eminent lawyers and that, therefore, persons from outside the State have to be appointed in our High Court? My hon. Friend Mr. Balasubramanya Ayyar says that there are a sufficient number of lawyers in our State who can hold the position of Judges creditably. As we are not self-sufficient in food-grains, we are importing them. When we are self-sufficient in lawyers, why should we import persons from other States to be appointed as Judges in our High Court?

MR. CHAIRMAN : Let the hon. Member put a separate question.

THE HON. SRI C. SUBRAMANIAM : The intention is that the scheme should work with reference to all the High Courts, not only with reference to our High Court.

SRI MOHAMED RAZA KHAN : May I know whether the strength of the Madras High Court has been fixed and, if so, whether so fixed one-third of the number of Judges would be selected from outside the State?

THE HON. SRI C. SUBRAMANIAM : There is no strength fixed. The strength which is required to transact business which comes up before the High Court is fixed now and then with reference to the volume of work.

SRI V. V. RAMASWAMI : இந்த நீதிபதிகளை நியமிப்பதற்கு முன் கூட்டியே ஒரு பட்டியல் தயாரித்து அனுப்பும்படி நம் அரசாங்கத்தை மத்திய அரசாங்கம் கேட்டுக்கொண்டார்களா ? அது விஷயமாக என்ன நடவடிக்கைகள் எடுத்துக்கொள்ளப்பட்டன ?

THE HON. SRI C. SUBRAMANIAM : I would like to have notice.

DR. A. LAKSHMANASWAMI MUDALIAR : May I know whether this is a short-term policy or a long-term policy of the Government?

17th March 1958]

THE HON. SRI C. SUBRAMANIAM : This is the present policy. I do not know whether it will be changed and if so, when.

SRI MOHAMED RAZA KHAN : If I understand aright, the procedure is that the Chief Justice of the Madras High Court in consultation with the Chief Minister sends a panel of names to the President so that he may select one or two persons as may be required. Now, what would be the procedure if persons are to be drawn from outside the Madras State and may I know whether our Government will continue to have a say in the matter?

SRI V. CHAKKARAI CHETTY : Will the Hon. Minister be pleased to state whether . . .

MR. CHAIRMAN : Let the Hon. Minister first answer the supplementary question already put and then the hon. Member can put his question.

THE HON. SRI C. SUBRAMANIAM : Meanwhile, I have forgotten the question put by the hon. Member. Let him please repeat the question.

SRI MOHAMED RAZA KHAN : If I understand correctly, the procedure is whenever appointment of Judges is to be made, the Chief Justice in consultation with the Chief Minister of Madras sends a panel of names to the President so that he might select one or two persons as may be required. Now, what would be the procedure if persons from outside the Madras State are to be appointed and may I know whether our Government will have a say in the matter?

THE HON. SRI C. SUBRAMANIAM : The idea behind preparing a panel of names is to appoint one or more persons as Judges. At the time of appointment, any name will be referred to the State Government where the appointment has got to be made. It will have to be approved by the Chief Justice and the Government and on their recommendation, the Government of India will appoint the person.

SRI V. V. RAMASWAMI : ஏற்கனவே தயாரிக்கப்பட்ட ஒரு பட்டியல் இருக்கும்பட்சத்தில், ஏதாவது ஒரு காலி விழுமானால், அப்பொழுது இருக்கிற நிலைமையையனுசரித்து நம் அரசாங்கமே தகுதியான ஆளை நியமிக்க ஏதாவது இடைஞ்சல் உண்டா ?

THE HON. SRI C. SUBRAMANIAM : ஒருபொழுதும் நம் அரசாங்கம் ஜட்ஜுகளை நியமிப்பதில்லை. நமக்கு சிபார்சு செய்வதற்குத்தான் அதிகாரமிருக்கிறது. மத்திய சர்க்கார்தான் நியமிக்கவேண்டும். இந்தப் பட்டியலை இது வரையில் தயாரிக்கவில்லை.

SRI A. M. ALLAPICHAJ : Does it follow that our Government may be requested to send in the names of persons who may be absorbed in the High Court as Judges, to the Central Government?

THE HON. SRI C. SUBRAMANIAM : That is the correct position.

[17th March 1958]

Vegetarian Conference.

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

(a) whether any help, financial or otherwise, was rendered by the Government to the Vegetarian Conference held in Madras in New Legislative Assembly Hall, Government House Estate, Mount Road, Madras; and

(b) whether any rent was collected for the use of the New Assembly Hall by the Vegetarian Conference and, if so, the amount thereof?

THE HON. SRI M. BHAKTAVATSALAM: (a) No such help was rendered.

(b) The following charges have been collected by the Superintendent, Government Estate, Mount Road, Madras, from the Honorary Secretary, 15th World Vegetarian Congress, for using the New Assembly Hall from 28th November 1957 to 30th November 1957:—

	RS.
(1) Rent at Rs. 25 per day (for three days from 28th November 1957)	75
(2) Electricity consumption charges at Rs. 10 per day (for three days from 28th November 1957) ...	30
Total ...	105

SRI MOHAMED RAZA KHAN: If the Hon. Minister will not take it amiss, will he oblige us by presiding over a Non-Vegetarian Congress if we organize such a conference?

THE HON. SRI M. BHAKTAVATSALAM: I may tell the hon. Member that he is also interested in Vegetarian Conferences.

Madras Public Health Act.

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

(a) whether there is any proposal before the Government to revise the Madras Public Health Act, if so, the stage at which the matter now stands; and

(b) whether this Government have received any model Public Health Bill from the Central Government?

THE HON. SRI M. A. MANICKAVELU: (a) A proposal to revise Chapter XII of the Madras Public Health Act, 1939, is under the consideration of the Government.

(b) Yes, Sir.

17th March 1958]

SRI T. PURUSHOTHAM: Have the Government considered the resolutions of the Chamber of Municipal Chairmen and also the Chamber of Local Boards passed from time to time for the revision of the Public Health Act in so far as it affects the local bodies?

THE HON. SRI M. A. MANICKAVELU: They will all be taken into consideration when the Amending Bill is brought forward.

SRI T. PURUSHOTHAM: Will the Hon. Minister kindly assure us when a comprehensive Bill to amend the Public Health Act would be introduced in the Legislature?

THE HON. SRI M. A. MANICKAVELU: I cannot exactly indicate the time but I can say this much. The Bill has been scrutinized by the Law Department and it will have to be circulated. So, it would take its due course of time.

SRI T. PURUSHOTHAM: Will the Government consult the Public Health Board with regard to this Bill before it is finalized? Also, will the Hon. Minister consider the convening of a conference of Health Officers so that their expert opinion may also be obtained before any changes are made in the existing law?

THE HON. SRI M. A. MANICKAVELU: As far as the first part of the question is concerned, the hon. Member is a Member of that Advisory Board and so, his experience and advice will be available and even to-day they are available. As regards the convening of a conference of Health Officers, if it found absolutely necessary, that question will also be taken into consideration.

Archæological excavations at Kaveripumpattinam.

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

(a) whether any representations have been made to the Central Government to make under-water archæological excavations at Kaveripumpattinam to discover the ancient harbour therein; and

(b) if so, with what result?

THE HON. SRI C. SUBRAMANIAM: (a) & (b) The Government have no information. But the Department of Archæology, Government of India, carried out surface explorations preparatory to excavations occasionally from 1951 to 1956 in the immediate neighbourhood of the modern hamlet of Kaveripattinam. No mound or remains of a large town such as are described in Tamil literature relating to Puhar were discovered.

Under-water investigations could not be undertaken for want of the requisite equipment.

[17th March 1958]

3-10
p.m.

SRI T. PURUSHOTHAM : As the Hon. Minister is evidently aware that this question was discussed in the All-India Oriental Conference held at Annamalai Nagar—and this will be borne out by the Vice-Chancellor who is here—will he tell us whether any action has been taken on the recommendations adopted at that Conference and submitted to the Government?

THE HON. SRI C. SUBRAMANIAM : I do not have on record anything to show that those recommendations have been received by the Government. If those recommendations have been sent, I shall look into them.

SRI T. PURUSHOTHAM : As the need for marine archaeological explorations not only in Kaveripumpattinam, but also in other places such as Mahabalipuram and Korukkai in Tambaram mouth has been stressed by eminent archaeologists, may I know whether the State Government will take up the matter with the Central Government and see that marine explorations are carried out in those places as far as South India is concerned?

THE HON. SRI C. SUBRAMANIAM : There are many explorations, more important explorations which have got to be carried out, I mean geological explorations. I think we should have an order of priority in these things, and now even the geological survey has not been completed.

SRI T. PURUSHOTHAM : Sir, in view of the historical importance of this place, I mean Kaveripumpattinam, will the Hon. Minister consider the matter as he himself said that part of the work had already been done and would he take up the matter with the Central Government, so that some concrete step forward may be taken about this?

THE HON. SRI C. SUBRAMANIAM : While I do not want to minimise the historical importance of these explorations, etc., we are hard-pressed for present requirements and future requirements.

Provident Fund accounts of teachers.

* 74 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Provident Fund accounts of teachers in Panchayat Elementary Schools are administered by the district boards from 1st April 1952; and

(b) if so, the arrangements made for remittance of teachers and managements' contribution to the district board every month?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) Yes, Sir.

(b) The subscription amount of teachers is being remitted either in the sub-treasury or sent by money order if there is no sub-treasury, to the credit of District Board every month. The contribution from the Panchayat funds is remitted to the credit of the District Board annually before the 31st March.

[17th March 1958]

SRI G. KRISHNAMOORTHY : Are the Government aware of the fact that many Panchayats do not send these contributions regularly?

THE HON. SRIMATHI LOURDHAMMAL SIMON : They are not aware that many are not sending this money regularly.

SRI G. KRISHNAMOORTHY : Will the Government kindly issue instructions to the inspecting authorities under the District Educational Officer to see during their inspections whether the amounts have been sent along with the Panchayat contributions at least up to the period of inspection?

THE HON. SRIMATHI LOURDHAMMAL SIMON : If there is any complaint, it will be attended to.

MR. CHAIRMAN : Questions are over.

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

III.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received the following message, dated the 12th February 1958, from the Governor of Madras :—

“ In pursuance of clause (3) of Article 207 of the Constitution of India, I, Bisnuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Animal Preservation Bill, 1958.”

(2) ELECTION OF MEMBERS TO THE COMMITTEE OF PRIVILEGES.

MR. CHAIRMAN : I have also to inform the House that the following candidates have been validly nominated for election of nine members to the Committee of Privileges for the financial year 1958-59 :—

1. Dr. A. Lakshmanaswami Mudaliar.
2. The Hon. Sri R. Venkataraman.
3. Sri T. V. Devaraja Mudaliar.
4. Sri A. Krishnaswami Vandayar.
5. Sri P. S. Krishnaswamy Ayyangar.
6. Sri P. T. Rajan.
7. Srimalathi S. Manjubashini.
8. Dr. V. K. John.
9. Sri N. Annamalai Pillai.

As the number of candidates nominated is equal to the number of vacancies to be filled, viz., nine, I hereby declare them to have been duly elected to the Committee of Privileges.

8 ELECTION OF MEMBERS TO THE COMMITTEE OF PRIVILEGES

[Mr. Chairman] [17th March 1958]

The Deputy Chairman is ex-officio a member.

Under rule 154 (4) of the Madras Council Rules, I have nominated Dr. A. Lakshmanaswami Mudaliar to be the Chairman of the Committee.

(3) ELECTION OF MEMBERS TO THE HOUSE COMMITTEE.

MR. CHAIRMAN: I have further to inform the House that the following six candidates have been validly nominated for election to the House Committee for the financial year 1958-59:—

Sri T. S. Arunachalam
Sri V. V. Ramaswami.
Sri K. V. Ramaswamy.
Srimathi Jothi Vencatachellum.
Dr. T. V. Sivanandam.
Dr. A. Sreenivasan.

As the number of candidates nominated is equal to the number of vacancies to be filled, viz., six, I hereby declare them to have been duly elected to the House Committee.

In addition to the above, under rule 171 (1) of the Madras Council Rules, I nominate the following two members to be members of the said Committee:—

1. Sri P. Madurai Pillai.
2. Mrs. Clubwala Jadhav.

The Deputy Chairman of the Council shall be the Chairman of the Committee.

(4) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN: I have to announce to the House that I have received messages from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the following Bills as passed by the Assembly:—

(1) On 12th March 1958—The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1958 (L.A. Bill No. 8 of 1958).

(2) On 12th March 1958—The Madras Co-operative Societies (Amendment) Bill, 1958 (L.A. Bill No. 4 of 1958).

(3) On 14th March 1958—The Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) and signed by him for the concurrence of the Council.

I have also to announce to the House that I have received messages from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the following Bills as passed by the Assembly:—

(1) On 14th March 1958—The Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1958 (L.A. Bill No. 9 of 1958).

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(2) On 15th March 1958—The Madras Appropriation (Vote on Account) Bill, 1958 (L.A. Bill No. 11 of 1958)

and signed by him for the recommendations of the Council. He certifies that the Bills are Money Bills within the meaning of Article 199 of the Constitution of India.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) AMENDMENT BILL, 1958
(L.A. BILL NO. 8 OF 1958).

* THE HON. SRI V. RAMAIAH: Mr. Chairman, Sir, I beg to move—

“That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1958 (L.A. Bill No. 8 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

Sir, though the power schemes included in the First Five-Year Plan have added an additional installed capacity of 110,200 K.W. to the State Grid, bringing the total installed capacity to 256,700 K.W., the existing power demand in the State is very much ahead of the power supply available in the State. The Government and the Madras State Electricity Board are alive to the situation and are doing everything in their power to remedy this situation as quickly as possible, and it is expected that the generation in our power systems will more or less catch up with the demand when the power schemes included in the Second Five-Year Plan are completed and commissioned in a few years' time. It is, therefore, considered essential, in the meantime, to continue in force, wherever necessary, the existing controls on electricity supply, to ensure the most economic use of the available power in the best interests of the State.

The Government, therefore, decided to keep alive the provisions of the Act for a further period of five years from the 26th January 1958, and promulgated Madras Ordinance II of 1958 on 25th January 1958. The present Bill is to replace this Ordinance.

The Government have also decided to extend the provisions of the Act to the transferred territory, that is, the Kanyakumari district and the Shencottah taluk of Tirunelveli district and to repeal the corresponding law including the Travancore-Cochin Electricity Supply Surcharge Act, 1955, in force in those areas. The Bill seeks to give effect to this decision also.

I commend the Bill for the acceptance of the House, Sir.

MR. CHAIRMAN: Motion moved—

“That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1958 (L.A. Bill No. 8 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

[17th March 1958]

* DR. V. K. JOHN : Mr. Chairman, Sir, I do not think that there will be any objection to the extension of this Act to the new district which has come into the Madras State. But, Sir, the question is whether the extension is at all required. The Hon. the Mover of the Bill referred only to electricity. But this is an Act of 1949 and it deals not only with electricity but with so many other things. Sir, the Act was passed on account of War conditions in 1946. (An hon. Member : That has since been amended and it applies only to electricity). I stand corrected, Sir. This Act applies only to electricity now. Even then, the question is whether we must have a temporary Act for five years. Sir, the main Act was passed in 1946 and it was repealed in 1949 and another Act was passed in 1949. The Act and the Preamble thereof provided for the continuance of it for a limited period with regard to production, supply, distribution and prices of essential articles. Therefore, Sir, this was for a temporary period. The Act itself is called "Temporary Powers Act". Sir, I now ask why there should be a 'temporary powers Act' for a period of five years. No reason has been given.

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Sir, when you have a measure of control, you ought to have a measure of decontrol also. What is the measure of decontrol that the Government are having in view so that this Act may not be continued for a long time? I must object to all control measures because the Government are only happy when they have some measure which controls the activities of the people. I am of the definite opinion that control measures introduced in 1946 ought not to have continued all these years. If there is any permanent need for such an Act, why not they have a permanent one? I submit, Sir, that the Government in extending temporary measures must be very careful to see that they are not continued for a long time and realise that a very good case has to be made out when it is necessary to extend such measures.

* SRI T. PURUSHOTHAM : Mr. Chairman, Sir, the Hon. the Minister for Electricity, in introducing this measure, has explained very clearly the need for economy in the use of electricity and the need for this temporary Act. He has also explained that every effort is being made to develop the power potential of the State in keeping with the demand for electricity supply. This is a temporary measure and I do not see any reason why this measure should be made a 'permanent' statute, as suggested by the hon. the Deputy Leader of the Opposition. (Laughter).

We are also glad that the Hon. Minister has made it clear in the other House that a comprehensive Bill relating to all matters connected with electricity supply would be brought forward. I would particularly bring to the notice of the Hon. Minister that in framing such a comprehensive legislation the difficulties of agricultural consumers in rural areas, especially in the matter of electricity charges, special guarantee, unconnected minimum

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charges, etc., should be considered and justly provided for. At present, there is no uniformity in the electricity tariff rates. For instance, the Department charges special guarantee tariff at Rs. 15 per H.P. in one village, whereas it is Rs. 55 and more in surrounding villages. There should be rationalisation of the electricity tariff structure. The tariff guarantee, as I pointed out just now, in some cases works out to four times more when compared to the surrounding villages. This works as a great hardship on the agriculturists. Even when used to the full capacity of the water available in the well, the consumption is not even half as much as the special guarantee charged by the Electricity Department or the Electricity Board. I feel, Sir, these difficulties of the agriculturists should be favourably considered and the special guarantee should be on a uniform basis for each group of villages and not indiscriminately fixed at different rates for the different villages. The ideal arrangement, I feel, would be to charge for the actual consumption. What I wish to make clear in connection with this Bill is that all these aspects also should be considered by the Government with a view to see whether statutory provision could not be made in the proposed comprehensive Electricity Bill to regulate the rates of electricity charges. I would like the Government to have the rates rationalised, particularly, with reference to the conditions in the villages. All these are not entirely the functions of the Electricity Board. The Government ought to take note of the popular representations and remedy the defects in the present system. I would invite the attention of the Hon. Minister to section 78-A of the Electricity Supply Act in which there is ample provision for the Government to issue necessary directives in all such matters to the Electricity Board. Section 78-A of the Act reads, "In the discharge of its functions, the Board shall be guided by the directives issued to it by the State Government". I would, therefore, urge on the Hon. Minister that in framing the comprehensive Bill, all the points that I have raised should be considered, and the difficulties of the agriculturists relieved by suitable statutory fixation of the rates or charges, particularly for the agriculturists.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, I want to make it clear that this Act need not be on the statute-book. It is for the purpose of control of electricity and, therefore, it can only be temporary. In deference to criticisms from this side, instead of having it for two years and so on, I think they have proposed to have it for five years; that is what I feel. Otherwise, they would have asked for its extension for two years as they did in 1946, 1948 and 1949. We shall, therefore, be thankful to the Government for having taken note of some of our criticisms here.

The most important thing is that generation of electricity also depends on water. The chief difficulty arises on account of the fact that if there is paucity of water, failure of monsoon and so on,

[Sri K. Balasubramanya Ayyar] [17th March 1958]

cuts have to be imposed necessarily. In fact, the water-level in the Mettur Dam is only 80 feet now. Therefore, the people are afraid that the cut will be continued. Unless thermal stations which would supplement the supply of electricity are established, the necessity for this Act will continue. I hope and trust that by the end of the Second Five-Year Plan and the Third Five-Year Plan the thermal stations would have been established (and also there would be sufficient food for us) and that there would not be any necessity to continue cuts in the supply of electricity. Therefore, I do not want to enlarge upon the necessity for scrutinising the provisions carefully before Ordinances are promulgated. So far as this matter is concerned, it is quite all right. I feel that we should attach more importance to the establishment of thermal stations around Madras. I know there is the difficulty with regard to import of coal. Such world factors are there which will prevent our establishing thermal stations quickly. Therefore, I feel that the life of this enactment will have to be extended from time to time until we succeed in all our efforts.

* DR. A. SREENIVASAN : Sir, I want to know whether it is necessary at all for the Government to have powers to control the supply of electricity from time to time. For one thing, they have been going on extending the supply of electricity to all parts of the State. When we have not got enough of power production, is it wise to extend the supply of electricity unless it be for propaganda purposes? I have already invited the attention of the Hon. Minister to the fact that voltage is not maintained though the meter goes on recording the supply of electricity and the consumers do not get proper return for the money paid. In view of these things and practically there being in vernacular English sky-looking land (வானம் பார்த்த பூமி) depending on the vicissitudes of weather to a very large extent, I think the Government will have to consider seriously whether it will be wise on their part to extend the supply of electricity from village to village when we are not able to maintain the proper voltage and give a proper supply to the present consumers of electricity. Therefore, if that is stopped for the time being—I do not say that you should not extend it—many of our difficulties will be over. When we have not got the wherewithal, where is the necessity for extending it unless it be for propaganda purposes? It is up to the party in power to resort to anything and everything to keep the propaganda flag flying. I have no quarrel about it. (The Hon. Sri R. Venkataraman : You have no party.) I have no party and no propaganda. Therefore, I would request the Hon. Minister to consider whether it is not possible to restrict the schemes for extension of electricity to various villages till such time as we have got enough of electricity for the present consumers.

* THE HON. SRI V. RAMAIAH : Mr. Chairman, Sir, if I take the advice of the last speaker, most of my difficulties will be immediately over. But as regards this charge that we are doing

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this for propaganda purposes, I feel that he has got a wrong place in this subject. I have myself seen what results the policy of extending electricity to the rural parts is bringing about. I am convinced that I must go forward with a greater speed to supply the basic power to the villagers for development of agriculture and small industries. I have no mind to go back on this policy. I cannot stop it. In this particular year I have some difficulty. Rains have failed in the Pykara area. Therefore, I have some difficulty.

There is another difficulty, which I faced and which I never expected to crop up. I expected the Periar Project to be completed as per schedule. Unfortunately, in spite of the best work done by our engineers, a particular machine which should have come in time did not arrive because our foreign suppliers failed us. Even that I feel I will set right in the course of the next few months.

Talking of thermal power, I am not against setting up as many thermal stations as possible. But the cost of getting coal for our thermal stations—I am talking of the present position—is so prohibitive that it makes me think whether it is worthwhile setting up thermal stations all over the State. We have actually two thermal stations working to-day, one in Madras and the other in Madurai. Even these have been set up at a prohibitive cost. But we have got very big relief. I expect a very big power plant working in Neiveli soon. As soon as that starts working, we will develop thermal power with the lignite which we get. So, with the thermal power blast together with the hydro-electric power we will have steady supply and we will be able to meet the demand.

Up till now I have been feeling very happy about the attitude of Members towards this Bill. Going through the debates on this particular subject on the former occasions when such extension was sought, I find that the hon. the Deputy Leader of the Opposition attacked the Government and made long speeches using his two important expressions, which he always attributes to the Government, namely, patronage and power. Even to-day he did not miss those expressions, but on afterthought I believe. I have not come here with this Bill for exercising patronage and power. (Interruption.) We are not very happy to continue this temporary measure for a long time. He wanted to know what decontrol measure I was having. Well, the Periar Project, the Kundah Project and the Neiveli Lignite Project will give a definite answer very favourable to me. I expect all these to come up in the course of the next five years.

The hon. Member Sri T. Purushotham did want a comprehensive Bill to be brought in. I shall certainly try to bring in such a Bill. He has suggested a number of details. They will be looked into. In making his remarks, he did say that there was a difference in the minimum guarantee rates from village to village. He complained that in one village a charge of Rs. 15 was made. It might be under a very old scheme. He said that in another village a charge of Rs. 55 was levied.

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SRI T. PURUSHOTHAM : The ' fifteen rupees ' scheme may be extended to as many villages as possible.

* THE HON. SRI V. RAMAIAH : I wish I can extend the fifteen rupees scheme to as many villages as possible. We are not unjust and we are not inconsistent in our rates. We must get a 10 per cent return. Sometimes the schemes are so favourable, the load is so heavy and the amount involved is so little that the rate may come to Rs. 15 or Rs. 20. Sometimes it comes to Rs. 50, Rs. 40 or Rs. 35. If my hon. Friend wants me to stick to a common rate, I think it will cause more hardship than good to a greater number of villages. This must be borne in mind. The rates are constant; we must have 10 per cent guarantee. But, to-day, after extension of electricity to nearly 6,500 villages, we find that the villages to which we have to extend electricity in future are so backward that they cannot take the power to the extent we want and when we work out, it comes to 18 to 24 per cent. We find that we cannot expect the villagers to bear that high cost and pay us that high return. So, we have fixed a maximum of Rs. 50 even if it works out to much more; the difference is met through subsidy or by charging part of the higher rate to bigger projects. So, we have fixed a minimum of Rs. 35 and maximum of Rs. 50. The variation will be between these two figures. So, I would like to stress that if anyone has to pay only Rs. 15 or Rs. 25, it means that the project is so good, that the load there is so heavy any that the return is good naturally. So, there is no inconsistency involved here.

8-40 p.m. With these words, I do feel that in the course of the next five years, our schemes will be so favourable to us as to make us not come forward with such a measure. I hope even earlier than that, I shall be able to bring forward a comprehensive Bill which may provide for all these factors. Then, I am sure I will not have the temporary attacks from the hon. the Deputy Leader of the Opposition.

MR. CHAIRMAN : The question is—

" That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1958 (L.A. Bill No. 8 of 1958), as passed by the Legislative Assembly, be taken into consideration."

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

Clauses 2, 3 and 4 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI V. RAMAIAH : Mr. Chairman, I move—

" That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1958 (L.A. Bill No. 8 of 1958), as passed by the Legislative Assembly, be passed."

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MR. CHAIRMAN : Motion moved—

" That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1958 (L.A. Bill No. 8 of 1958), as passed by the Legislative Assembly, be passed."

SRI V. V. RAMASWAMI : தலைவர் அவர்களே, ஒரு சிறு விளக்கம் தர விரும்புகிறேன். அதாவது, கிராமத்திற்கு முதன் முதலாகக் கரண்டி கொண்டுபோகப் பட்டால், அப்போது 4, 5 பேர் சேர்ந்து மினிமம் காரண்டி கொடுக்க சம்மதித்து, கொண்டுபோகிறார்கள். பின்னால் சேர்ந்து கொள்கிறவர்களுக்கு மினிமம் காரண்டி குறைகிறது. இதனால் வேறுபாடு இருக்கிறது. ஆகையால், தயவு செய்து இதில் ஏதாவது வித்தியாசம் இருக்கும் பட்சத்தில், அதை உடனடியாகக் குறைக்க ஏற்பாடு செய்ய வேண்டும். இதைப்பற்றி எழுதினால், அக்கவண்டில் செக்ஷனில் தகராறு என்று போட்டு விடுகிறார்கள். ஆகவே, இது சம்பந்தமாக சர்க்கார் சுற்றறிக்கை விட்டு, டிபார்ட்மெண்ட் பார்த்து ஏற்பாடு செய்யவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

DR. V. K. JOHN : Let me express the hope that the charges for electricity will be reduced and brought down to the level prevalent in other States.

* THE HON. SRI V. RAMAIAH : Mr. Chairman, I do not think that our charges compared to the charges prevalent in other States are very high. Anyway, I am also bearing that in mind.

The hon. Member in front of me complained that people who took the initiative and trouble to bring electrical energy to a particular village were made to pay more whereas a man who kept quiet, who took no trouble and who, as soon as electricity connection was given to a particular village, stepped in and took electrical energy, paid lower rates. Well, I have myself heard that complaint and I am looking into it. I feel that it is a matter for consideration whether such persons should get the benefit, and the position should be set right. I shall take necessary steps in the matter.

MR. CHAIRMAN : The question is—

" That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1958 (L.A. Bill No. 8 of 1958), as passed by the Legislative Assembly, be passed."

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

(2) THE MADRAS CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 1958
(L.A. BILL NO. 4 OF 1958).

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, I beg to move—

" That the Madras Co-operative Societies (Amendment) Bill, 1958 (L.A. Bill No. 4 of 1958), as passed by the Legislative Assembly, be taken into consideration."

[Sri R. Venkataraman] [17th March 1958]

Sir, this is a small Amending Bill authorising the employers to deduct from the pay or wages of the employees the dues payable to the co-operative societies on a requisition made by the society on the undertaking furnished by the employees themselves. To-day the law does not provide for a compulsory deduction of the dues payable to the co-operative societies from the pay or wages of the employees. It is left to the discretion of the employers to deduct or not to deduct the dues. In the course of the review which the Committee headed by my distinguished friend Sri Narayanaswamy Pillai conducted, they recommended that legislative sanction should be given for the deduction of the dues payable to the co-operative societies in all those cases from the pay or wages where the employees furnished the agreement for such deduction. Sir, the matter has come to a sort of a crisis, because in certain co-operative societies, large amounts are still outstanding on account of the disinclination of some of the employers to deduct the dues payable to the co-operative societies. This measure is intended to remedy that position and to see that the employers are obliged to deduct the dues payable to the societies by the employees from their pay or wages. This does not require elaborate argument. I trust that the House will accept the Bill.

MR. CHAIRMAN: Motion moved—

“That the Madras Co-operative Societies (Amendment) Bill, 1958 (L.A. Bill No. 4 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

SRI T. P. SRINIVASAVARADAN: Mr. Chairman, the only claim for my speaking this Bill is that I have been associated with the Madras Teachers' Guild Co-operative Society for over thirty years, as Director and Vice-President. You will agree that for any employees' co-operative credit society to thrive, there must be goodwill and co-operation between the employers and the employees. At one time, I felt that the managements must be empowered to deduct the dues to the co-operative societies from the employees' salaries. But, I find that the present amendment is such that it will take away that co-operation and goodwill and that, on the other hand, there will be more of non-co-operation and misunderstanding between the two. Now, what happens is this. When a member of the society borrows money, he gives an undertaking authorising the Headmaster to deduct the dues payable to the society from his salary every month. There is this moral binding. We grant salary loans and long-term loans on sureties. If the member does not pay the dues, the same are recoverable from the sureties. As for the salary loan, their salary is the only security. I request the Hon. the Leader of the House to consider all these things. Suppose an employee gets a salary of Rs. 100 a month. We grant him loan to the extent of six times the share capital or Rs. 600 whichever is less. It is recoverable in 30 monthly instalments in the maximum. Generally, we grant permission to repay in 25 instalments only. But, we also exempt them from

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payment whenever they go on leave on loss of pay or fall sick. So, the deduction will come to about Rs. 20 every month. He would have also taken a salary loan, to the extent of half his salary, i.e., Rs. 50. Thus, he will be called upon to pay from his salary, Rs. 50 plus Rs. 20, i.e., Rs. 70 or so. Moreover, there is the Provident Fund deduction. After all these deductions, the employee will receive only a very small amount, say, Rs. 30 or so. So far as our society is concerned, there is the happy feeling that the correspondent or the managements agree to deduct the dues from the salary. There is, of course, no legal binding. There is only the moral binding. This system is working very satisfactorily and smoothly. What will happen on account of this amending legislation is this. The person who borrows the money authorises the society or executes an agreement in favour of that society providing that his employer or the officer disbursing his salary shall be competent to deduct the dues from his pay. But, there is no agreement as such with the employer. The point is that there must be close relationship between the employer and the employee. The employee simply borrows money and whether he repays it or not is a different question. So far as our society is concerned, there are what are called thrift deposit and compulsory recurring deposit. People will simply pay their monthly instalments of dues and will not pay the other things. Under the present amendment, whatever demand is made by the society will have to be paid. That is the point.

So far as the thrift deposit is concerned, it is a saving. So also, the provident fund deposit is a saving. Now, what will happen if the co-operative society is unsympathetic or if its Directors are unsympathetic. Certainly, they can mention in the demand notice the amount due and there will be nothing left for him in his salary. In this Amending Bill, no provision is made for associating employers. If we take our society, the employers are also associated as members and our society's membership is drawn from 50 schools. The Principal of the Christian College High School simply sends a chit to the members saying that they owe so much and that they must please pay it and the members pay it. Also, when the borrower unfortunately dies or goes to some other State, the management will certainly inform the society that so much amount has been recovered from him. So, there is that moral binding. Now, according to the provisions of the Bill, there will not be that moral binding but there will be only a legal binding.

Now, I come to another matter. Clause 2 (4) of the Bill says—

‘The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force.’

Supposing there is no money available and there is also a Court decree to recover the amount due from the employee, are we to enforce the Court decree first and then recover the amount due to the society in instalments? Also what would happen to the advances that are paid by the employers to employees during Pongal

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and Deepavali festivals? I agree that in some way employers must be empowered to recover such advance but there may not be the moral binding but only a legal binding.

Now, I wish to refer to another aspect of the matter. If it is not deducted by the management from the salary, what is the penalty provided for it? I do not find any provision for penalty in the Bill.

THE HON. SRI R. VENKATARAMAN: There is section 55. He will be taken to task.

SRI T. P. SRINIVASAVARADAN: What will happen if there is no money left for deduction?

Now, I come to clause 2 (b), which says—

‘The employer or the officer disbursing the salary or wages shall maintain such registers as may be prescribed by the State Government or the Registrar from time to time.’

This is the greatest headache for us, and if such a provision is included, I for one would certainly advise the teachers not to join any co-operative society. Sir, we are already having too many registers and we have to send periodical reports to the Registrar of Co-operative Societies. Also we have to send demand notices to the members who have borrowed money. Now, we have to maintain one register for salary loan, another register for recurring deposit and yet another register for the provident fund deposit. So far as we Headmasters are concerned, we unfortunately started a co-operative stores and we have to send returns every three months. Once owing to heavy work connected with the school, I could not send a return in time and for that I was fined Rs. 5. After all, the delay was only delay of a few weeks and I preferred an appeal but it fell flat. So, if we want the employer or the pay disbursing officer to maintain registers, there would not be that spirit of co-operation. Now what happens is, if the Headmaster feels that a particular teacher could not be granted a loan five or six times the salary, he sends a confidential note to the Directors of the society that he may be given only a loan, two or three times his salary. Perhaps, now it is too late to modify the provisions of the Bill.

THE HON. SRI R. VENKATARAMAN: Now it is not too late.

SRI T. P. SRINIVASAVARADAN: There is also another aspect of this matter. So far as teachers are concerned, we are having only one society. But in the case of companies, sometimes the employees there are having more than one society though the employer is the same for all of them. Such societies should not be encouraged. If we encourage them, what will happen? One society will give loan five or six times the salary and another society will give loan three times the salary. If there are such societies, non-members will not come forward to deposit their money. In the teachers' co-operative societies we get a large amount of deposit

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from non-members. So, in conclusion, I would once again urge that there should be a moral binding and a spirit of co-operation instead of a legal binding.

SRI T. M. NARAYANASWAMY PILLAI: Mr. Chairman, Sir, from what the hon. Member Mr. Srinivasavaradan has stated, there might be an impression that the object of this Amending Bill is not one of co-operation. I do not know whether co-operation stands for unbusinesslike methods like delaying remittances or committing fraud in respect of amounts due. A co-operative society will request the employer to make deductions from salary only if it is convinced that a person who is capable of paying the amount due does not want to pay it. The circumstances under which this Amending Bill was brought forward might be these. There was a demand that the employers should be clothed with legal rights to take the amount due from employees to the society. After all, the employer is not such a different person. The employer or the officer who is asked to deduct the amount due may be a member of the society himself or may not be a member of the society and if he is not a member of the society, then the person who is over-cautious and overvigilant may say that the employer has no legal right to deduct it from his salary. That will not contribute to the good functioning of the society. Therefore, the Government felt, after full enquiry, that the employers' hands should be further strengthened in the discharge of their duties when alone the societies will function efficiently. The society's dues must be recovered even by way of compulsory deduction, for then only the society will discharge its functions effectively. After all, it is not an imposition and it is only a kind of help to them to discharge their duties. I do not really think that the employees themselves are actually against this measure. They are relieved to the extent that their loan amount is reduced. The hon. Member Mr. Srinivasavaradan cited an instance where the Headmaster had sent a confidential note to the society that a particular teacher should not be granted a loan more than three times his salary. Certainly, this kind of difficulty would not arise if the loan amount is paid back at the proper time. The tendency to overborrow and not to pay it back at the proper time should not be encouraged. There are people who can pay, but avoid paying. Therefore, this sort of directive to Heads of Offices would certainly go a long way in instilling in the minds of the members of the societies that kind of discipline, that sense of duty and that sense of obligation they owe to the members in having to repay what they owe. Therefore, I do not think it will be un-co-operative. On the other hand, we ourselves join together and try to help the employer, because it has not been done so far in a legal way. This provision here does it. I support the view put forth in the Bill.

SRI K. BATIASUBRAMANYA AYYAR: Sir, my difficulty is a legal one. An agreement is entered into with the society by the member and with reference to that agreement, it is said in clause 4 p.m

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28, an employee "may execute an agreement in favour of"—I am reading the clause—"that society, providing that his employer or the officer disbursing his salary or wages shall be competent to deduct every month from the salary or wages payable to him, such amount or instalments of amount as may be specified in such agreement and to pay the amount so deducted to the society in satisfaction of any debt or other demand owing by the member to the society." That is what the member says in his agreement with the society. The employer is no party to it; at any rate, the clause does not contemplate that.

Now, the second clause says, "On the execution of such agreement, the employer or the officer disbursing the salary or wages of the member shall, if so required by the society, etc., make the deduction". It is not stated 'shall be competent'. Therefore, according to the wording of this clause, the position is not very clear and it seems to be a legal obligation on the part of the employer or officer disbursing the salary to do it on the execution of the agreement. I can imagine many difficulties that may arise. Suppose, after execution of the agreement, the member revokes it. What will happen? The employer will not know about it. Suppose the member ceases to be a member of this society and goes and joins another society; the question of deducting from the salary arises afterwards. What shall be done? Which employer will recover the dues?

There is another question. Supposing there are two or three societies, one in Madras, another in Bangalore and a third in Travancore, what shall be done about that? Supposing from here a member is transferred to the society there, what happens? In the Teachers' Provident Fund Rules, there is a lot of difficulty. But the Government are there to look after it.

SRI T. P. SRINIVASAVARADAN: It takes three years to close the accounts.

SRI K. BALASUBRAMANYA AYYAR: So, all these difficulties are there. If you merely say, 'shall be competent', I agree. If you simply impose the legal obligation on the employer or the officer to deduct from the salary, then various difficulties may arise. At any rate, he is not a party to the agreement. I understand even in the recommendations of the Committee . . .

SRI T. P. SRINIVASAVARADAN: That was not one of the terms of reference to the Committee. They were asked to suggest such amendments as might be necessary.

SRI K. BALASUBRAMANYA AYYAR: 'Shall be competent' is in the first clause. I am talking of the second clause, clause 2 (a), which says, "On the execution of the agreement, the employer shall, if so required by the society in writing, make the deduction." That is what the second clause says. The member says to the society that it 'shall be competent for the employer to do that'.

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So, the employer gets the power. But he is not a party to the contract and, therefore, some power ought to be given to him. So far I agree. Because the employer is not a party to the agreement between the society and the member, he should be given power to make the deduction.

கொஞ்சம் நங்கள் எல்லோருமே பார்க்கலாம். சொல்கிறதற்கும் மெம்பர்களுக்கும் ஒப்பந்தம்—உடன்பாடு—இருக்கிறது. அந்த உடன் பட்டிலே அந்த மெம்பர் பெறக்கூடிய சம்பளத்திலிருந்து அவர்கள் கழித்துக்கொள்ளலாம் என்று அவர்கள் சொல்லியிருக்கிறார்கள். கழித்துக் கொள்ளலாம் என்பது ஒன்று, பிடித்துக்கொடுக்கவேண்டும் என்பது மற்றொன்று. கனம் அங்கத்தினர் ஸ்ரீ நாராயணசாமி பிள்ளைக்கு வினோதமாகப் பேசுகிறேன் என்று நினைக்கவேண்டாம். உடன்பாட்டைப் பொறுத்த வரையில் இவர்கள்—எம்ப்ளாயர்கள் அதில் சேர்ந்தவர்கள் அல்ல. இவர்களுக்கு அந்த உடன்பாட்டைப்பற்றித் தெரியாது. எவ்வளவு பிடிப்பதற்கு ஒப்புக்கொண்டிருக்கிறார்கள், ஒரு மாதத்திற்கு எவ்வளவு பிடிக்கவேண்டும் என்பதெல்லாம் தெரியாது. ஆனால் 64-வது பாராவிடில் நம் நாராயணசாமி பிள்ளை கமிட்டி ரிப்போர்ட்டிலே சொல்கிறது இதை வசூல் செய்யவேண்டுமென்று சொல்லியிருக்கிறார்கள். அவர் செண்டரல் பாங்குக்குக் கொடுக்க வேண்டியதைக் கவனித்துப் பார்த்துச் சொல்லியிருக்கிறார். இந்த மாதிரியாக யார் சம்பளம் கொடுக்கிறார்களோ அவர் கொடுக்கவேண்டுமென்று சொல்லியிருக்கிறார். இதைக் கவனிக்கவேண்டும். அவருக்கு வினோதமாகப் பேசினதாக நினைக்கவேண்டாம்.

SRI V. V. RAMASWAMI: கடன் அப்ளிகேஷன் இந்த எம்ப்ளாயர் மூலமாகத்தானே வரும்?

SRI K. BALASUBRAMANYA AYYAR: அப்படி வைத்தால் சரி. இன்னொன்று. 87-வது பிரிவிலே இந்தக் கம்பெனி, பெர்ம் தலைவர் இதிலே தலைவராக இருக்க வேண்டுமென்று சொல்கிறார்கள். இருக்கா விட்டால் இது தவறு. கொள்கைக்கு வினோதமாகப் பேசவில்லை. சட்டம் சரியாக இருக்கவேண்டுமென்பதால்தான் இதைச் சொல்லுகிறேன். இல்லா விட்டால் அநேக தொந்தரவுகள் வரும். கனம் அங்கத்தினர் ஸ்ரீ சீனிவாச வரதன் அவர்கள் சொன்னார்கள். இரண்டு பேர் ஒப்பந்தம் செய்துகொண்டு, இவர்களை நீக்கி விட்டால் கெடுதல் உண்டாகும் என்று நினைக்கிறேன். சில திருத்தங்கள் கொடுத்திருக்கிறேன். இதைப்பற்றிப் பிற்பாடு பேசுகிறேன்.

* DR. V. K. JOHN: Mr. Chairman, Sir, in my opinion, this is an ill-conceived piece of legislation. (Laughter.) I do not want to criticise it more harshly. I have two reasons for saying so. The first is that this Bill has been introduced by the Hon. the Leader of the House, and I hope that he will consider the suggestions and constructive criticisms and that they will not be ignored. My second reason is that any criticism in this House will not have any effect, as the Bill has already been passed by the Assembly. Nevertheless, I am in duty bound to make a few suggestions without using harsh words.

Now, Sir, 'agreement' is a legal term. I think hon. Members of this House who are not lawyers ought to know that an agreement should have two parties and that there must be obligations of one party to the other. Now, if there is one party only, there is no agreement at all. According to this Bill, the borrower or the member of the society tells the society that "my employer will be competent to deduct from my salary," etc. That is not an agreement. An agreement ought to be something else. The agreement

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must be between the society and the employee and the employer. If the employer also joins—and there can be a tripartite agreement between the employer, the employee and the society—then the employer shall pay as surety or otherwise. That will be, I can understand, an agreement. But here I may say, there is no agreement at all. This is a mere direction, a power-of-attorney given by a party to another to pay his creditor. Now, let us have A, B and C. You can imagine A as a person who owes money to B and C is a person who owes money to A. Now A can order C to pay the money to B. He cannot make an agreement with B that C is competent to give it. In this Bill, there is no agreement at all. It is a misnomer and legally speaking, it is a thing which does not exist at all. Therefore, the word 'agreement' is wrongly used. That is the first thing.

Secondly, under the so-called agreement, a man who is not a party to the agreement at all is liable to pay. I have never heard of any legal principle which says a party, who is not liable, is bound to pay the amount. There is no contract between the employer and the society. I do not know why you should have these roundabout methods at all. Why not you either make the employer (if he is willing) liable or guarantee the debt? If he is not willing, why should you compel him? It is very oppressive on the employer. The result will be that the employee will suffer. The society will make a demand on the employee and if the employee does not pay, the employer is bound to pay. What is the consequence of an employee not paying the amount? I was told that there would be a penalty under section 55. But section 55 does not provide for penalty. Section 55 only says: "Any registered society or any officer or member thereof or any other person guilty of an offence under this Act for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees." First of all, he must be found guilty of an offence under this Act. There is nothing in this Act to make disobedience or non-compliance with the provisions of an offence. If there is an offence, then, of course, he will be fined fifty rupees. For non-compliance with the provisions, section 55 will not apply at all. Besides, from the employer's point of view, this will be very oppressive. I ask the Hon. the Leader of the House this question: "If there is a dispute that money is not due to the society, what is the employer to do? The society has Rs. 200 due from the employee. The employee has executed an agreement. The employee says that he has paid off Rs. 150 and that only Rs. 50 is due to the society and nothing more. What is the position of the employer? Is he to be the judge there? Is he to listen to the society or to the employee? Is the employer to be prosecuted or fined? Or will the employer be made liable or made the judge between the member and the society?" Nothing is provided for this. Very often this sort of dispute may arise. Therefore, I would suggest to the Hon. the Leader of the House here to go into the question again. I am

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not quite satisfied with what my learned Friend Sri T. M. Narayanaswamy Pillai who is an expert in co-operation has said. I entirely agree with the views of my learned friends, Sri Balasubramanya Ayyar and Sri Srinivasavaradan. I think a provision like this would be very difficult to implement. It is against legal principles and, at the same time, it will hit against genuine co-operative methods. You must remember that you can always get a decree against a member from the Registrar. You need not go to the Court at all. But if you have to deal with an employer who is not a member of the society, then surely that dispute will have to be carried to the court. Therefore, what I would suggest in all these cases is, it is better that the society concerned obtains a decree and executes the decree by attaching the money if there be any money available. That is the proper procedure which is adopted in civil courts in matters of debt. That principle has to be extended here also. You don't need legislation for it. But if it is your idea to send the employer to jail—because you have many more persons in jail after you attained Independence than there were before—provide for it. It is a fundamental principle of law to provide for sanction for breach of contract. I, therefore, personally think that this is a most ill-conceived piece of legislation which will find no counterpart on any statute-book. If Mysore introduces it, they will say they follow Madras. This will set a bad example. From the legal point of view, I hope the Hon. the Leader of the House will take into account the criticisms and the constructive suggestions made from this side of the House. I am quite sure that he is going to ask this House to pass this Bill because it has already been passed by the Assembly and one may feel that all the time taken by this House is a waste. Nevertheless, I say, we are here to waste time and to give suggestions. I hope the Government will consider, as they have considered very often after two or three years of passing Bills and making amendments, all the suggestions of this House in regard to this Bill also.

* SRI T. PURUSHOTHAM: Sir, legalistic and theoretical objections have been raised to this Bill and though I am not competent to deal with the legal aspects of the case, on practical considerations and knowing something of the working of the employees' co-operative societies, I welcome this measure. 4-20 p.m.

DR. V. K. JOHN: You always support the Government.

* SRI T. PURUSHOTHAM: I do support this measure and I know the view with which others oppose.

THE HON. SRI R. VENKATARAMAN: People would not get out of their habits easily.

* SRI T. PURUSHOTHAM: Apart from what all the hon. the Deputy Leader of the Opposition has said, I should like to point out to him that he has had no practical experience of the working of the employees' co-operative societies.

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This Bill is a great boon to these societies. An amendment of this kind is long overdue. Long, long ago, when the hon. Member, Sri P. T. Rajan was the Minister in charge of Co-operation, I as President of an Employees' Co-operative Society, on the occasion of the anniversary of that society, presented an address to him in which I brought out the difficulties in the working of the employees' co-operative societies and requested him to see that an amendment of this kind was brought forward as early as possible.

DR. V. K. JOHN : What did he say? Did he actually accede to your request?

* SRI T. PURUSHOTHAM : Sir, Sri P. T. Rajan in the usual Ministerial language said that he would consider my request.

DR. A. SREENIVASAN : பார்க்கலாம் என்று சொன்னாரா ?

* SRI T. PURUSHOTHAM : Sir, I know something of Secretariat procedure. He evidently sent a note that it should be considered. But, time and again, I had been reminding him about it. Even after I left that institution, I had been getting letters from Madurai about it and whenever I wrote to the Government, I received the reply that the matter was being considered. It was being put off pending the Narayanaswamy Pillai Committee Report. Even now, the Secretariat would have tacked it on to the general Bill that is to be brought forward to amend the Co-operative Societies Act. But, I am glad that the Hon. the Leader of the House, who is in charge of the Co-operative Movement, feeling the urgency for a measure of this kind, has brought forward this Bill. I am sure it will do a lot of good to co-operative institutions dealing with employees. I am confident that this concession in the present legislation will go a long way in facilitating the establishment of more such employees' co-operative societies. The hon. the Leader of the Opposition, speaking on a Bill that came up before this House with regard to money-lenders, pointed out the need for starting more of employees' co-operative societies. We all know the present condition of the Government servants and others in commercial establishments. Their indebtedness is known to all and the only redemption for them would be to have co-operative institutions to serve them. So it is that I greatly welcome this Bill. The Government, I feel should encourage the formation and functioning of such societies. I would plead that as a matter of social service, the Heads of Departments should be encouraged and permitted to start such societies for the benefit of their employees. I am making particular reference to this because I learn that recently in one department when a proposal was made for starting of such a society, the Head of the Department was not willing to give his approval to it. I refer to the recent attempt on the part of the Executive Officers of temples to start a co-operative institution of their own. Though the Registrar of Co-operative Societies was willing to register the same, the Head of Department would appear not to

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have granted the permission because the officer proposed to be the ex-officio president of the co-operative society was not willing to take it up.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, the proposal to have a co-operative society among the Executive Officers was not permitted not because the Commissioner of the Endowments Department was opposed to the formation of a co-operative society among the Executive Officers but because he did not agree to the Deputy Commissioner of the particular department being the head of the society.

* SRI T. PURUSHOTHAM : Sir, I would therefore, request the Government, in view of what the Hon. the Minister in charge of Religious Endowments, has just now said, to re-examine the whole question and see that they encourage the formation of such societies. In the fullest hope that this measure that we are considering would help the formation of such societies, I welcome this Bill and commend it for the acceptance of the House.

* DR. A. SREENIVASAN : Sir, I want to make one statement. After listening to the elaborate discussion on the subject, as a man in the street, I realise only one thing, that is, not to borrow is very good and it will avoid all difficulties that have been pointed out. I think by allowing agencies to lend money, all these troubles arise. I think that in the interests of the borrower himself there should not be any society to lend money to people. Then it will end all the troubles.

SRI T. PURUSHOTHAM : Government servants are different from rich doctors.

* DR. A. SREENIVASAN : 'Cut your coat according to the cloth' is the old saying. I see how these things occur. The ear-boring ceremony of the grandchild of a grandmother takes place in Kumbakonam. For that the man goes from a long way off with all his children and his whole family. For that purpose, he goes about borrowing money. I ask, 'Where is the sanction?'

SRI T. PURUSHOTHAM : These are social obligations which one has to fulfil.

* DR. A. SREENIVASAN : A man must cut the coat according to the cloth. There is no use of spending unnecessarily. Because there is a co-operative society to lend the money, a man should not go and borrow money. In such a case, it would have been much better to send a postal order for Rs. 10. That would have served the purpose. After all, it is only a token that is necessary. It is not necessary to carry the whole luggage of his family in the train, overcrowding the already overcrowded and overloaded train. It is a veritable nuisance. Social obligations are at the bottom of borrowing, so far as I know. A man must get rid of his social obligations. He must stand by himself or fall. That is all.

[Dr. A. Sreenivasan] [17th March 1958]

I think that the Government are doing a great injustice to these people by allowing these lending Associations to come into existence. It is an incentive for people to borrow and a man who borrows never pays. (Laughter.) I tell you this from my little experience. Of course, I never lend money. Whenever I lend money, I make an enemy of the man. It is better not to become an enemy by not lending money. Anyhow, you are going to become an enemy. The best thing is not to lend money. There should be no encouragement given to the starting of such societies. Most of the money is borrowed only for trivial purposes. If there is no lending co-operative society, these people will not incur such expenditure.

SRI K. M. RAMASAMY GOUNDER : கனம் சபாநாயகர் அவர்களே, சாதாரணமாக, நல்ல இணக்கத்தோடு வளரவேண்டிய கூட்டுறவு இயக்கத்திலே கடுமையான சட்டங்களைப் புகுத்துவது முறையாகாது. கூட்டுறவு என்பது எல்லா அங்கத்தினர்களும் சேர்ந்து இணக்கமாக நடத்துவது. கூட்டுறவு ஸ்தாபனம் கடன் வாங்குவதற்காக மாத்திரம் ஏற்பட்ட ஸ்தாபனம் அல்ல. சாதாரணமாக, கடன் வாங்குவதையே முக்கியமாகக் கொண்டிருக்கிறவர்களிடம் கொடுக்கிற கடன்களை வசூல் செய்து விடவேண்டும் என்று நினைத்தால்தான், இப்படி கடுமையான விதிகளை நாம் அமல் நடத்தவேண்டும். கனம் அங்கத்தினர் டாக்டர் ஸ்ரீனிவாசன் அவர்கள் சொன்னது போல் கடன் வாங்காமல் இருக்க முடியுமா?

DR. A. SREENIVASAN : கடன் வாங்கினால் திருப்பிக் கொடுக்கிற அபிப்பிராயம் இல்லையே. (சிரிப்பு). அதுதான் தொந்தரவாக இருக்கிறது.

SRI K. M. RAMASAMY GOUNDER : கடன் கொடுக்கமுடிந்தாலும் முடியாவிட்டாலும், சொஸைட்டிகள் இருந்தே தீரும்.

* **THE HON. SRI R. VENKATARAMAN :** Mr. Chairman, Sir, I did not want to intervene, but I feel I must call the hon. House to discuss this particular amendment instead of the merits of borrowing and lending.

4-30 **SRI K. M. RAMASAMY GOUNDER :** இதுவரை இருந்துவந்த விதிகளை விட இந்தத் திருத்தம் கடுமைப்படுத்துவதாக இருக்கிறதே ஒழிய, நல்லிணக்கத்தை அதிகப்படுத்துவதாகவோ அல்லது நல்லிணக்கம் கொண்டிருக்கிற கூட்டுறவாளர்களுக்கும் சொஸைட்டிகளுக்கும் உள்ள நல்ல நிலையை அதிகரிப்பதாகவோயில்லை. ஆகவே, இவ்வளவு அவசரமாக ஒரு திருத்தத்தைக் கொண்டுவந்து கடுமையான விதிகள் மூலம் கடன்களை வசூல் செய்யும் முறையைக் கையாளக்கூடாது. அங்கத்தினர்களின் நிலைமைக் கேற்ப கடன் கொடுக்கவேண்டும். அப்படி வாங்கிய கடன்களைத் திருப்பிக் கொடுக்காவிட்டாலும்கூட, சாதாரண விதிகளின் மூலமாக எப்படி வசூல் செய்ய முடியுமோ அப்படி வசூல் செய்துகொள்ளலாம் என்பது என்னுடைய அபிப்பிராயம். கூட்டுறவுச் சங்கங்கள் எத்தனையோ நல்ல முறையில் நடந்துகொண்டு வருகின்றன. கோர்ட்டுக்குப் போகவேண்டாம். ஸ்டாம்புக் கட்டணம் செலுத்தவேண்டாம். மத்தியஸ்தர் கோர்ட்டு இருக்கிறது. இன்று கேஸைத் தாக்கல் செய்தால், நாளைக்கு டிக்கிரி வாங்கிவிடலாம். மத்தியஸ்தர் வேவு என்ஜினேர் கடன்காரர்மேல் தீர்ப்பளித்து விடுகிறார். இந்த நிலைமையில் புது விதிகளைக் கொண்டுவந்து, ஏதோ இன்னும் கூட்டுறவு ஸ்தாபனங்களை அதிகப்படுத்துவதற்கு உதவும், இதனால் நன்மைகள் விளைந்து நல்ல முறையில் இந்த இயக்கம் வளருவதற்கு வகை செய்வதாகும் என்று நான் நினைக்கவில்லை. கடுமையான விதிகள் இல்லாமலேயே நிர்ப்பந்தம் இல்லாமல் கொடுத்த கடன்களை வசூல் செய்யலாம். ஆகவே, இந்தத்

[17th March 1958] [Sri K. M. Ramasamy Gounder]

திருத்தம் அவசியமில்லை என்று நினைக்கிறேன். “லீடர் ஆப் தி ஹவுஸ்” அவர்கள்—சரியான தமிழ் தெரியாததினால் அதைத் தமிழிலே சொல்ல முடியவில்லை—இதையெல்லாம் கவனித்து, இப்படிப்பட்ட கடுமையான விதிகளைக் கொண்டுவந்து நல்லிணக்கத்தோடு நடக்கவேண்டிய ஒரு இயக்கத்திற்கு ஆதரவு தேடுவதை விட்டு சுயமாகவே அந்த இயக்கம் வளருவதற்கு வழி செய்யவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

SRI V. V. RAMASWAMI : கனம் மன்றத் தலைவர் அவர்களே, நான் என்னுடைய கருத்துக்களைச் சுருக்கமாகச் சொல்ல விரும்புகிறேன். சமீபத்தில் கூட்டுறவு வாரம் நமது ராஜ்யக் கூட்டுறவு யூனியனால் நடத்தப்பட்டது. அப்பொழுது ஒரு நான் நமது கூட்டுறவு இலாக்கா அமைச்சர் தலைமை வகித்தார். அதிலே நானும் கலந்து கொண்டேன். இந் நகரில் இருக்கிற ஒரு அரசாங்க ஊழியர் சங்கத்திலே மெம்பர்கள் வாங்கியிருக்கிற கடனைப் பார்க்கும்போது 6 லட்சம் ரூபாய் தவணைக் கடன் பாக்கியாக இருந்தது. இதை வசூலிப்பதற்கு வழியில்லை யென்று சொன்னார்கள். என்னுடைய அனுபவத்தைச் சொன்னேன். உண்மையாகத் தேவைப்படுகிற கடன் ஊழியருக்குக் கிடைப்பதற்கு வழியில்லாமல் இருக்கிறது. ஏதாவது கடன் கொடுக்கும் சங்கத்தில் சேர்ந்துதான் கடன் வாங்கியாகவேண்டும். உறுப்பினர்களுக்கு அவர்கள் வருமானம் எவ்வளவு, திருப்பிக் கொடுக்கக் கூடிய சக்தி எவ்வளவு என்று நிர்ணயம் பண்ணித்தான் கடன் கொடுக்கவேண்டும். குறிப்பிட்ட ஒரு தொழில் ஸ்தாபனத்திலோ அல்லது அரசாங்கத்தின் ஸ்தாபனத்திலோ இருந்தார்களேயானால், சம்பளம் கொடுக்கக் கூடியவர்கள் கையெழுத்து இருந்தால்தான் சட்டப்படி செல்கரியம். அந்த நிலையில் பார்க்கிறபொழுது, தேவையான கடன்களைப் பெறுவதற்கு வழியில்லாமல் போய்விடும். வாங்கின ஒவ்வொரு கடனையும் ஒழுங்காக ஒரு சங்கத்தின் அங்கத்தினர்கள் கொடுத்தார்கள் என்று கனம் அங்கத்தினர் ஸ்ரீ டி. பி. ஸ்ரீனிவாசவரதன் அவர்கள் சொன்னார்கள். எங்கள் ஊரிலே எழுத்து மூலம் கொடுக்காமலே ஒருவர் இவ்வளவு தொகை கடன் வாங்கிக்கொள்ளலாம் என்று ரகசியமாகச் சொல்லி விடுகிறார்கள். தேவையான கடன்களைக் கொடுக்கத் தயாராய் இருந்தாலும், கடன் வாங்குகிறவர்கள் திருப்பிக் கொடுக்க மனம் இருந்தாலும், சம்பளம் கொடுக்கிறவர் பிடித்துக்கொள்ளலாம் என்று சட்ட ரீதியாகச் செய்வதற்காகத்தான் இது கொண்டுவரப்பட்டிருக்கிறது. நடைமுறையில் இருக்கிற சங்கடங்களைப் பொறுப்புள்ள ஸ்தாபனங்கள் அமைச்சர் அவர்களிடத்தில் சொன்ன பிறகுதான், இந்தச் சட்டத்தைக் கொண்டுவந்திருக்கிறார்கள் என்று நினைக்கிறேன். ஆகவே, இதைச் சட்டமாக நிறைவேற்றுவதற்கு ஆதரவு கொடுக்கவேண்டுமென்று நான் கேட்டுக்கொள்கிறேன்.

* **SRI P. S. KRISHNASWAMY AYYANGAR :** சபாநாயகர் அவர்களே, சாதாரணமாக வேலையில் அமர்ந்திருப்பவர்களுக்குக் கடன் கொடுக்கும்பொழுது, யார் வேலையில் அமர்த்தியிருக்கிறார்களோ, அந்த யஜமானனிடமிருந்து அவர் நிலைமையைப்பற்றி “எல்லா விவரங்களையும் தெரிந்துகொண்டுதான் கடன் கொடுக்கிறார்கள். அவர்கள் வேறுவிதமான வழிகளில் தொகைகள் கொடுக்கவேண்டியதிருந்தால் அந்தத் தொகை போக, பாக்கி அவருக்கு மாதாமாதம் யஜமானன் கொடுக்கவேண்டியவரும் தொகை என்ன என்பதைத் தெரிந்து கொண்டு, அதன்பிறகு அவர் கடனைச் சுலபமாய்த் திருப்பிக்கொடுக்க முடியுமா, முடியாதா என்று கடன் கொடுக்கும் ஸ்தாபனம் யோசிக்கிறது. நிலைமைக்கேற்றபடி கடன் தொகையை வழங்குகிறார்கள். அதில் யாதொருவிதமான சிரமமும் இருக்காது. கனம் அங்கத்தினர் ஸ்ரீ ஸ்ரீனிவாசவரதன் அவர்கள் சொன்ன சிரமங்கள் இருக்காது.

SRI T. P. SRINIVASAVARADAN : ஒரு வாத்தியார் பெர் மனன்ட் ஆக இருக்கிறார், இல்லையா, அவர் சம்பளம் என்ன என்று தான் கேட்கிறார்கள். எவ்வளவு கடன் தொகை என்று கூடப் போடுவது

[Sri T. P. Srinivasavaradan] [17th March 1958]

இல்லை. “ உங்களுக்கு என்ன, இரண்டு ‘ sureties ’ தான் இருக்கிறார்கள், உங்களுக்கு இதையெல்லாம் சொல்லவேண்டியது அனாவசியம் ” என்று சொல்லுகிறார்கள். நாங்கள் தான் கொடுத்துக்கொண்டிருக்கிறோமே என்று சொல்லுகிறார்கள்.

*SRI P. S. KRISHNASWAMY AYYANGAR: ஜாக்கிரதையாக ஸ்தாபனம் நடக்கும் பட்சத்தில், பூரண விவரங்களைப் பெருவிட்டால், கடன் கொடுக்க மாட்டார்கள். கண்ணை மூடிக்கொண்டு கடனைக் கொடுத்தால், பணத்தை வாரி இறைக்கக் கூடிய நிலைதான் ஏற்படும். பொறுப்பற்ற டைரக்டர்கள் அங்கே இருப்பார்களேயானால், அந்த ஸ்தாபனம் நாசம் அடைந்துதான் போகும். அப்படியில்லாமல் தங்களுடைய முன்னேற்றத்தைக் கருத்தில் கொண்டு காரியங்களை டைரக்டர்கள் நடத்துவார்களேயானால், எல்லா விவரங்களையும் தெரிந்துகொண்டு கொடுக்கும் பணத்திற்குச் சரியான உத்தரவாதம் இருக்கிறதா என்பதை நிர்ணயித்துக்கொண்டதான் கடன் கொடுப்பார்கள். இப்பொழுது நடந்து வருவது என்னவென்றால் யார் யஜமானாக இருக்கிறாரோ, அவர் இன்னலிதமாக நான் சம்பளத்தி லிருந்து இந்தக் கடனுக்குப் பிடித்துக்கொடுக்க சம்மதிக்கிறேன் என்று எழுதிக் கொடுக்கிறார்கள். அந்த எழுத்தின் பேரில் கிராமங்களில் உள்ள அர்பன் பாங்குகள் கடன் கொடுத்து வருகின்றன. ஆனால் கடன் வாங்குகிறவர்களுக்கும் ஸ்தாபனத்துக்கும் இடையே உள்ள ஒப்பந்தம் யஜமானைக் கட்டுப்படுத்துமா என்பது பிரச்சனை. அந்தப் பிரச்சனையைத் தீர்க்கமாக விளக்கும்படியாக யாருடைய பொறுப்பின் பேரில் கடன் கொடுக்கப்படுகிறதோ அந்த பொறுப்பேற்றவரையும் ஒப்பந்தம் கட்டுப்படுத்துமா என்ற இணைப்பு ஏற்பட்டுவிட்டால் குறை தீர்ந்து போகும். அந்தக் குறையைத் தீர்ப்பது அவசியம். கோவாப்பேடியில் ஸ்தாபனங்கள் கடன் மட்டும் கொடுப்பதில்லை. டாக்டர் ஸ்ரீனிவாசனைப் போன்றவர்கள் யதேஷ்டமான பணத்தை வீட்டில் வைத்திருப்பது நல்லதல்ல என்று கருதி, பாங்கில் போடுகிறார்கள். அதற்கு வட்டி கொடுக்கவேண்டியிருக்கிறது. சிப்பந்திகளுக்கும் சம்பளம் கொடுக்கவேண்டியிருக்கிறது. பாங்குகளில் பொலிஷ் செய்திருக்கும் தொகையை மற்றவர்களுக்குக் கடனாகக் கொடுத்து அந்த வட்டியில் செலவுகளை ஏற்கவேண்டியிருக்கிறது. கடன் கொடுக்கவே கூடாது என்று சொல்லுவது பிரத்யட்ச நிலைமையைப் பாராமல் கண்ணை மூடிக்கொண்டு சொல்லுவதாகத்தான் இருக்கும்.

*THE HON. SRI R. VENKATARAMAN: Mr. Chairman, when I introduced this very small measure, I never expected that I was going to touch off such an exciting debate. We have heard a counsel of perfection from the hon. Member Dr. Sreenivasan, ‘ Neither a lender nor a borrower be ’ and we have also heard the counsel of despair from the hon. the Deputy Leader of the Opposition who said that the Bill would not be able to fulfil the object with which it had been introduced. Mr. Chairman, as my esteemed Friend Sri V. V. Ramaswami pointed out, for some time past, there have been several representations from the employees who have formed co-operative societies that a provision of this kind is necessary in order to compel the employers to deduct the amounts which they have agreed to and for which they have executed a document to the effect that the dues may be deducted from the salary of the employees every month until the loan is discharged. Some of the employers have pleaded inability to deduct the dues on the ground that there is no compulsion. Some of them have refused to deduct the dues on the ground that they do not want to do it. Therefore, it has become necessary for the Government to bring forward legislation making it obligatory on the part of the

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employers to deduct from the salary or wages the amount payable to the co-operative societies so that the co-operative institutions of the employees may survive and thrive. If deductions are not made from the monthly remuneration payable to the employees and those recovered amounts are not paid to the co-operative societies, the only other way of enforcing the provisions is to proceed against the sureties and if we proceed against the sureties, no one will come forward to stand as surety for others with the result that we will be proceeding in the direction of winding up the societies rather than expanding the co-operative movement.

Then, Sir, the hon. Member Sri Balasubramanya Ayyar said that Sri Narayanaswamy Pillai did not recommend what I had brought forward and that his recommendation was intended to ‘ enable ’ the employer to deduct the dues. May I invite the attention of the hon. Member to page 69 of the Report of the Committee on Co-operation? This is what is stated there. ‘ We, therefore, recommend that the Co-operative Societies Act may be suitably amended to make it mandatory on the part of the employers to recover the loan instalments due to the societies.’ Nothing can be clearer than this. It is not as if the Government of Madras were just embarking in darkness on a new venture of this kind. Similar provisions exist in the Bombay Co-operative Societies Act. Also, we have a provision in the Payment of Wages Act compelling the authority concerned to deduct the dues payable to the co-operative societies. So, we are not having anything new which is without any precedent.

Then, the hon. Member opposite said, ‘ Well, this is a contract. How can a contract be enforced against a third party who is not a party to the contract? ’ I shall cut short all those arguments and say that this is a statutory liability which we are imposing and that every person is bound to fulfil that statutory obligation. In section 52 of the Co-operative Societies Act, we have said that if any person wilfully disobeys the order issued under the provisions of this Act or furnishes false information, it is an offence. Therefore, if the Authority issues a notice to the employer saying that a certain amount should be deducted from the salaries or emoluments of the member and the employer refuses to abide by it, it would be an offence. The punishment provided for is very low. It is only Rs. 50. In deference to the opinion usually expressed by the hon. the Deputy Leader of the Opposition that punishments should be very light, because we must make it possible for people to follow the law and abide by it, it is fixed at Rs. 50. I have every confidence that the employers will certainly abide by the law and will deduct the dues and pay them to the co-operative societies and that there will be no occasion whatsoever for us to put into force section 55.

As regards the general principles whether this will promote co-operation or not, my task has been rendered light by the support which this Bill has received from three veteran co-operators, viz.,

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the Chairman of the Committee on Co-operation, Mr. Narayanaswamy Pillai, Mr. V. V. Ramaswami and my Friend Mr. Purushotham. What more do I want? Therefore, I commend my motion for the acceptance of the House.

MR. CHAIRMAN : The question is—

“ That the Madras Co-operative Societies (Amendment) Bill, 1958 (L.A. Bill No. 4 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clause 2.

MR. CHAIRMAN : The motion is—

“ That clause 2 do stand part of the Bill.”

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, I move the following amendments for the reasons which I have already stated :—

“ In clause (a) of sub-section (2) of the proposed section 28 introduced by clause 2 for the word ‘ shall ’ substitute the word ‘ may ’.”

“ To sub-section (2) of the proposed section 28 introduced by clause 2 add the following as new clause (c) :—

“(c) The employer or the officer disbursing the salary or wages to the employee shall be the ex-officio member of the concerned Registered Co-operative Society.”

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

THE HON. SRI R. VENKATARAMAN : Sir, I have already explained in the course of my reply to the debate that the Committee on Co-operation had recommended that deduction should be made mandatory on the part of the employers and, therefore, I am unable to accept the amendments.

SRI T. P. SRINIVASAVARADAN : Sir, my point has not been answered. What happens if no money is left in the salary of the individual employee to pay the demand from the society?

MR. CHAIRMAN : We are now on clause 2. So, there is no scope to discuss other provisions.

SRI T. P. SRINIVASAVARADAN : In supporting the amendments just now moved, I want to know what is the position of the employer who receives a demand notice from the society in case the employee's emoluments are not sufficient to meet the demand from the society.

DR. V. K. JOHN : May I know whether a requisition in writing by the society would amount to an order under section 52 (b)?

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SRI T. PURUSHOTHAM : Sir, after the Hon. Minister has given his reply, can any hon. Member ask questions?

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

“ In clause (a) of sub-section (2) of the proposed section 28 introduced by clause 2 for the word ‘ shall ’ substitute the word ‘ may ’.”

“ To sub-section (2) of the proposed section 28 introduced by clause 2 add the following as new clause (c) :—

“(c) The employee or the officer disbursing the salary or wages to the employee shall be the ex-officio member of the concerned Registered Co-operative Society.”

The amendments were put and lost.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, I move—

“ That the Madras Co-operative Societies (Amendment) Bill, 1958 (L.A. Bill No. 4 of 1958), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : Motion moved—

“ That the Madras Co-operative Societies (Amendment) Bill, 1958 (L.A. Bill No. 4 of 1958), as passed by the Legislative Assembly, be passed.”

SRI K. BALASUBRAMANYA AYYAR : Sir, I base my point on the recommendation of the Committee on Co-operation. The Committee has discussed the question of associating the heads of offices, etc., with the managements of societies, in paragraph 87 or page 67. This is what is stated at the end of this paragraph—

“ It is, therefore, desirable in our view to associate the heads of offices with the management of Employees' Societies. We suggest that in the case of Employees' Societies composed of Government servants and local bodies, Government may advise the heads of offices to agree to function as ex-officio presidents, so that the societies may have the benefit of their services.”

This principle, if it is accepted, would go a long way in helping co-operation. I mentioned merely the word ‘ Member ’ in my amendment and I was not so bold as to mention the word ‘ President ’ there. As a member of the society, he will know under what circumstances the agreement was entered into and he will also know the entire financial position of the parties concerned. Therefore, he will willingly deduct this amount from the salary and that would be of great help to the Co-operative Movement. So, I would ask the Hon. the Minister for Co-operation, whether

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a direction could not be given under the rules that the heads of Government offices may also be included as President or members of these societies.

* DR. V. K. JOHN : Sir, it is my hope that in moving amendments on behalf of the Opposition, my hon. Friend Mr. Balasubramanya Ayyar and others will take into consideration the fact that it is not of any use whatsoever to move them when the Bill has come here after it has been passed by the Assembly. I hope my hon. Friend will not move any amendment hereafter.

MR. CHAIRMAN : It is always open to the hon. Member to press his amendment to a division.

SRI MOHAMED RAZA KHAN : What is the use, Sir? The result is known beforehand.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, legislative work requires a lot of alertness and if in time an amendment is not moved, we miss the bus. It was a pity that the hon. Member Mr. Balasubramanya Ayyar moved only the first amendment when the Chairman put the motion 'That clause 2 do stand part of the Bill' to the vote of the House. He could not move his other amendments. I am sorry to say this. Because of certain remarks made by the hon. the Deputy Leader of the Opposition, I have to point out very humbly and very modestly that we will have to be a little more alert if we want our amendments to be considered by the House. The House may not wait for the convenience of hon. Members.

Now, the only point raised is with regard to the association of employers with the Executive of the Co-operative Societies. In the clause as it stands if that is included, it will create a possible deadlock. If an employer refuses to become a member, there is no provision for even the society to be constituted or for the deductions to be made. Therefore, the only way in which the principle behind it can be introduced is to make provision for it in the bye-laws. That was why I opposed the introduction of this amendment in the statute itself.

Sir, I am a firm believer in the association of employers and employees in all their endeavours, not only in co-operative societies but also in the ordinary running of industries. Hon. Members are aware that we have introduced the Joint Council of Management in various institutions. I should be very happy if the employers would associate themselves with the co-operative societies of the kind started by the employees. We would certainly make rules in the bye-laws for the formation of co-operative societies so as to provide for the association of employers with the Executive of the co-operative societies. I hope with this statement, the hon. the Deputy Leader of the Opposition and other hon. Members of the Opposition would be pleased and they will allow the Bill to be passed unanimously.

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MR. CHAIRMAN : The question is—

"That the Madras Co-operative Societies (Amendment) Bill, 1958 (L.A. Bill No. 4 of 1958), as passed by the Legislative Assembly, be passed."

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

(3) THE MADRAS ANIMAL PRESERVATION BILL, 1958 (L.C. BILL NO. 2 OF 1958).

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

"That the Madras Animal Preservation Bill*, 1958 (L.C. Bill No. 2 of 1958) be taken into consideration."

Sir, as an agricultural country, India's need for fine draught and milch animals cannot be over-emphasised. Animal husbandry is the mainstay of agriculture which in turn is the mainstay of India's economy. According to the 1956 quinquennial livestock census, there are about 11 million cattle in the Madras State, about 2.5 million buffaloes, about 7 million sheep and about 4 million goats. These animals play a vital role in the rural economy of our State. Bullocks are the main source of motive power for agricultural operations and milk is the major source of protective animal protein in the diet of the majority of our people. In short, the cows and the working bullocks carry on their patient backs the entire structure of our agriculture. It has even been said: "Take care of your cattle and cattle products; the crops will take care of themselves." Thus the need to protect and preserve our cattle wealth is obvious.

Further, Article 48 of the Indian Constitution lays down, "The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle." In keeping with the provisions of the above Article, the Government of India forwarded a copy of a draft Bill prepared by the Central Council of Gosamvardhana to provide for the preservation of certain animals by controlling their slaughter and urged the State Governments to consider the desirability of taking steps to enact legislation on the lines indicated in the above Bill. In most of the States, viz., Assam, Bihar, Bombay, Madhya Pradesh, Mysore, Punjab, etc., such legislation has already been undertaken. This Government also consider it necessary to undertake legislation for the preservation of useful cattle and this Bill is to give effect to this object.

The Bill seeks to prohibit the slaughter of all bulls, bullocks, cows, calves, buffaloes and buffalo-calves, unless a certificate from a competent authority appointed for the purpose has been obtained

* Published on pages 77-82 of Part IV-A (Extraordinary) of the Fort St. George Gazette, dated 18th March 1958.

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that the animal is fit for slaughter. Such a certificate will be issued, if the animal is over ten years of age and is unfit for work and breeding, or if the animal has become permanently incapacitated for work or breeding due to age, injury, deformity or any incurable disease. A provision has also been made in the Bill for penalizing any person who wilfully maims, poisons or renders useless any animal with the intention that it may be slaughtered. The Bill, when enacted, may involve certain expenditure as indicated in the Financial Memorandum. According to clause 14 of the Bill, the Government have powers to make rules for the purpose of carrying out the provisions of the Bill when enacted. The powers proposed to be delegated are essential for carrying out the purposes of this legislation.

I hope the Members will welcome this useful piece of legislation.

MR. CHAIRMAN: Motion moved—

“ That the Madras Animal Preservation Bill, 1958 (L.C. Bill No. 2 of 1958) be taken into consideration ”.

SRI MOHAMED RAZA KHAN: Mr. Chairman, Sir, the Hon. the Minister for Home has ended his speech by saying that this is a useful piece of legislation. I may only say that it is an unnecessary piece of legislation. It is my view. I know for certain that the Hon. Minister will not admit it. There is some historical background, if I may say so, for this Bill. Let not the Hon. the Minister for Home or hon. Members of this House feel that I am talking with a bias. It may be interesting for them and for yourself, Mr. Chairman, to know that as far as the Muslims in this State are concerned, not even one in ten thousand people would have tasted beef. We have got some aversion to it, not on religious grounds but I believe it may be due to the historical fact that we should show some regard for the sentiments of our Hindu brethren. Therefore, we would not go anywhere near it, although our religion allows it. I, for my part, will not go anywhere near it although my religion allows me to eat it. But this beef is taken by the poor classes simply because they cannot afford to take mutton. Nowadays its price is going up by leaps and bounds. Probably the Hon. Minister who is also in charge of Agriculture might not know that mutton is old in the City of Madras at the rate of Rs. 2-8-0 per seer, that is, per two lb. We cannot expect the poor people to pay such a high price for it.

5 p.m. Sir, the Hon. Minister said, and said rightly in his own way, that there was the Constitutional provision. May I bring to his notice that apart from Constitutional provisions, for the last ten years, since 1947, there has been a persistent agitation for banning cow-slaughter completely? It has been based not on the need for preservation of cattle wealth and economy—in that case there can be no objection—but on religious feelings and sentiments. You cannot deny that fact. In Madras that sort of thing never existed. The Hon. Minister was referring to the Constitutional directive—I think

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it is a directive—and also to the fact that similar measures had been passed in other States like Uttar Pradesh, Madhya Pradesh and the neighbouring State of Mysore. It was done more on religious and sentimental grounds than on the ground of preservation of cattle wealth of the country. It is a fact which cannot be denied.

THE HON. SRI M. BHAKTAVATSALAM: How does the hon. Member say that?

SRI MOHAMED RAZA KHAN: I can prove it.

THE HON. SRI M. BHAKTAVATSALAM: What is the proof?

SRI MOHAMED RAZA KHAN: Because there was persistent agitation in India that there should be complete ban on cow-slaughter.

Even the Hon. the Home Minister who has introduced this Bill has not taken the House into confidence. As far as our State is concerned, it is not known whether this slaughter would be as much as it is in other States. He has no proof. His case is that good cows which are yielding milk and buffaloes which are essential for preserving our agricultural economy are being slaughtered indiscriminately and hence the necessity for this Bill.

THE HON. SRI M. BHAKTAVATSALAM: Only the other day I was in Salem and I heard that because the slaughter of useful animals was banned in Mysore, a large number of animals were brought to Hosur and slaughtered there.

SRI MOHAMED RAZA KHAN: Sir, I know the Hon. Minister will quote Salem. Even there, it is not based on facts and figures, although he is in a better position to get at facts. I could depend upon him. Because the Mysore State imposed a ban on cow-slaughter, the merchants in Madras must have thought why they should not take advantage of the situation, slaughter animals outside Mysore and just export the flesh for the purpose of satisfying the demand in a neighbouring State. However, it is but fair that the Minister for Home should have proved to this House that there is indiscriminate slaughter of cows or buffaloes, which are useful for the agricultural economy of this State.

THE HON. SRI M. BHAKTAVATSALAM: I know, Sir, many owners of cows and buffaloes in the City, as soon as they cease to yield milk, do not maintain them, but sell them and send them to slaughter-houses.

SRI MOHAMED RAZA KHAN: The Hon. Minister has come to my help; he has argued the case the way I wanted him to argue. However illiterate, no man would be so foolish as to sell his cow or buffalo just for a small sum, instead of keeping it and putting it to proper use. If you say that you have got sentiments and that, therefore, you want to prevent cow slaughter, certainly I have no arguments. But to say just as the Hon. Minister has said just now is not convincing. No milkman would be foolish

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enough to sell away his animals for a paltry sum of Rs. 20 or Rs. 30 and that too, when he knows that they would be sent to the slaughter-house. If they are useless, does the Hon. Minister expect the milkman to keep them for five or six years, bearing all the incidental expenses and without any return?

SRI T. M. NARAYANASWAMY PILLAI : Within a year, the yield comes; he has to feed them only for some time.

SRI MOHAMED RAZA KHAN : I think it is too much to expect and with the little knowledge I have, I can say that so long as the milkman knows that the cows or buffaloes would yield within a year or so. . .

SRI K. BALASUBRAMANYA AYYAR : Within 10 months.

SRI MOHAMED RAZA KHAN : If it is such a short period, surely he will not sell them for a paltry sum. But the real fact is, unfortunately—it is unfortunate—sentiment.

THE HON. SRI M. BHAKTAVATSALAM : I may remind the hon. Member that this Bill deals with not only cows but other animals also.

SRI MOHAMED RAZA KHAN : Yes, Sir. I will leave the cows alone and come to buffaloes. With regard to the buffaloes, in a country like ours which mainly depends for agriculture on its animal wealth, no agriculturist with any common sense will dispose of his animals provided they render him proper service. It is too much to expect him to keep them without any use and feed them for years and allow them to graze on his lands. That is the position. The Bill is based on sentiment that there should not be slaughter of cows, bullocks, etc. If you allow them like this, it would be a drain on the economy of the country also. Already we are crying hoarse that there is not enough fodder. But, unfortunately, our cows and buffaloes depend not only on fodder but on many other things. It is no good allowing them to be roaming about for years together. That would be a problem then.

The second aspect of the question is this. The Hon. Minister says that there is going to be an authority to certify as to the uselessness of the animal. When an authority is prescribed, we know the difficulties. It is said that the owners should get a certificate from that authority. I do not know how it will work. Supposing in a particular village some man wants a certificate in respect of particular animals, is he to take the animals all the way to the officer from his village or will the officer be going about from village to village? That is not clear. These are the loopholes which would prevent the fulfilment of the object of the Bill.

(Deputy Chairman in the Chair.)

Supposing certain types of animals become incapacitated and practically are of no use, should they be allowed to be roaming about for a number of years?

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SRI K. BALASUBRAMANYA AYYAR : Just like old men, they will remain.

SRI MOHAMED RAZA KHAN : That is also another thing. When we want less population, they also want that old men should find their own places. I shall not expatiate upon that.

Therefore, I am sure, the Government have not paid serious attention to this. There may be many difficulties in the way of people approaching the officers to get certificates. What happens in the case of villagers killing the cows without having knowledge of the provisions of the Act? Sometimes they may kill them not for the purpose of eating the flesh but for the purpose of getting hides. They may sell the hides for getting some money. Then, some people are not in a position to feed the animals. They sell them. Those who purchase them slaughter them. So, all these factors have to be taken into consideration by the Government. I do not want to say anything more. I leave it to the hon. the Deputy Leader of the Opposition Dr. John because he is on authority on law.

I would invite reference to clause 5 (3) of the Bill wherein it is stated, "Subject to the provisions of this section, any action taken by the competent authority under section 4 shall be final and shall not be liable to be questioned in any Court of Law." This has become a usual provision in all the Bills nowadays. Perhaps, the Government are accustomed to introduce this special clause in everyone of the Bills. 5-10 p.m.

In clause 8 there is provision made for penalties. I do not want to read the whole Bill. But I may read this clause dealing with penalties which says, "Whoever poisons, maims, or renders useless any animal with intent to make, or knowing that he is likely to make, such animal fit for slaughter under the provisions of this Act, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both." In making this provision, I think, most probably the Hon. Minister or the Department feels that some people, in order to escape from the clutches of this clause or in order to get permission from the prescribed authority, may do these things purposely or wilfully. Granting that the Hon. Minister may have his own feelings, I think the punishment of imprisonment for three years is something unheard of. It is an extremely severe punishment. If the Government want to have a maximum punishment prescribed, why should they fix it at "three years"? Why not they extend it to "twelve years"? There is again another penalty. In sub-clause (2) it is stated, "Whoever contravenes any other provision of this Act or of any rule made thereunder shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both." I do not again see why so much punishment should be awarded. Any man may be forced to

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commit some offences. But the maximum punishment provided for is six months' imprisonment. Of course, the magistrates will have the right even to award a lower punishment.

There is one other aspect. I think it may not be appealing to the Hon. Minister. When there is so much agitation for complete banning of cow slaughter—I have referred to one aspect of it which was considered by the Central Government and also by the various State Governments—as the Hon. the Minister for Home is well aware, we must remember that the cattle wealth also brings in additional revenue by way of export of leather to foreign countries. That is an important matter. That aspect was considered by the various States. When this is so, a complete ban or even a partial ban will affect a great deal our export of hides and skins.

In conclusion, I may say that as far as our State is concerned, there was no question of indiscriminate slaughter, particularly of the useful animals. May be the Hon. Minister might have thought. 'While other States are having a ban, why not we also have such a ban in our State?' If really he had a case that something had to be done, he could have waited, made a scrutiny of the case and then brought in a measure which, while serving the object, might not create difficulties in other directions. I am sorry to state that the effect of this measure will be that many people are punished for certain offences committed out of ignorance. It will, at the same time, far from promoting the agricultural economy of this State, adversely affect poor agriculturists. That is what will happen. I hope and trust that the Hon. Minister will take all these aspects into consideration.

SRI K. BALASUBRAMANYA AYYAR: Sir, with the same vehemence, I welcome this measure because all the reasons that have been mentioned by my hon. and good Friend, my partyman, the whip of our party, do not go to show that this Bill is unnecessary. It is not correct to say that many cows and buffaloes are given away for slaughter. There are many reasons for slaughter. Sometimes, the person, who maintains a cow, sells it and the purchaser kills it. That is a fact. That is why some of us who have got houses are very careful to see that he who purchases the cow purchases it for maintaining it and not for slaughter. This Bill, Sir, is for the preservation of these animals which are very useful. Animals are slaughtered on sentimental grounds. Even Hindus slaughter them for religious purposes.

I may mention that here is the famous Pattagar of Palayakottai who is solely responsible for the breeding of good cows and maintaining of cattle farms. The cattle are kept in very good condition. He will bear me out when I say that it is absolutely necessary that for agricultural purposes the cattle wealth of our country should be preserved and increased. The Hon. Minister has just issued a pamphlet. From this pamphlet it is seen that 2,17,00,000 of cattle have been set apart for the purpose of improving the cattle wealth under the Second Five-Year Plan. When this is the case,

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we cannot allow the cattle to be slaughtered indiscriminately. My hon. Friend said that there was no indiscriminate slaughter. It is not correct. The Statistical Department is there. But statistics are not forthcoming. I can very well say that an indiscriminate slaughter of these useful animals is going on chiefly because of the person who wants to take meat. Many other persons also slaughter these animals. Hindus are as much responsible for these acts as others. I am happy to know from my hon. Friend—I have learnt for the first time in this House—that the Muslims in South India do not eat beef.

THE HON. SRI M. BHAKTAVATSALAM: There are many Hindus who eat it.

DR. MAHOMED USMAN: We in our family never eat beef.

SRI K. BALASUBRAMANYA AYYAR: I am thankful to the hon. Members, Mr. Raza Khan and Dr. Mahomed Usman, for the information they gave. Therefore, on account of the general tolerance for which we in South India are famous, the Government have brought forward this Bill. If there is any religious necessity, they have provided for it.

Clause 4 (1) says—

'Notwithstanding anything in any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any animal unless on an application made in this behalf he has obtained a certificate in the prescribed form from the competent authority for the area in which the animal is to be slaughtered that the animal is fit for slaughter.'

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Clause 12 says—

'The Government may, by general or special order and subject to such restrictions and conditions as they may think fit to impose in such order, direct that the provisions of this Act shall not apply to the slaughter of any animal for any religious, medicinal, research or teaching purposes or to relieve it of its suffering caused by injury or disease'

True, the Great Father of our Nation pleaded for the protection of cattle in our country. In many articles in 'Young India' from 1921 onwards till his passing away, you will find it stated that it is absolutely necessary that the cow and other animals should be preserved at any cost. (Dr. V. K. John: The other principles enunciated by him are not followed.) I am glad that most of those principles are followed. As far as this measure is concerned, it is really a tribute to his memory.

DR. A. SREENIVASAN: அவர் போய்விட்டார். அவரை என் இழக்கிறீர்கள்?

SRI K. BALASUBRAMANYA AYYAR: When the Constitution was framed, the necessity for the preservation of cows was realised and there was a directive principle introduced. It was done when Gandhiji was alive.

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Now, let us look at the facts. It is absolutely necessary that the cattle wealth should be preserved in our country. It is absolutely necessary for agricultural purposes and also for health purposes. That is why this Bill has been brought forward. I very heartily welcome this measure. I would have even advocated the entire ban of cow slaughter, if there had been no Muslims in our State.

SRI MOHAMED RAZA KHAN: Does the hon. Member suggest that all these unnecessary elements should be roaming about the State of Madras and be a drain on our resources?

SRI K. BALASUBRAMANYA AYYAR: Many Hindus have established pinjrapoles for the purpose of preserving these cattle. Suppose we have taken the milk of the cattle for ten years.

DR. A. SREENIVASAN: Human pinjrapole கூட வைக்க வேண்டும். (Laughter.)

SRI K. BALASUBRAMANYA AYYAR: In advanced countries in Europe, we have got the system of old age pensions. They have got schemes for the purpose of protecting old people. Because the cow has yielded milk for ten years, we should not forget it as soon as it stops yielding milk and send it for slaughter. Many people consider it an ungrateful act, an act of impiety on our part. We have got a big pinjrapole in Madras. I have myself sent two of my cows to be kept there. I have not allowed them to be slaughtered. These cows have been there with me for a large number of years. I have taken the milk from them. I am happy about it.

THE HON. SRI M. BHAKTAVATSALAM: I have seen even in the pinjrapole there are cows which give birth to calves and yield milk. (Laughter.)

SRI K. BALASUBRAMANYA AYYAR: For five or six years they may not yield milk. Afterwards, sometimes they suddenly yield milk also. That is why we must be very careful before we slaughter cows. This is just as we find some old people giving some useful suggestions. Suppose we assume that no old man will give a useful suggestion. That is wrong. Similarly, it is quite wrong on our part to assume that after ten years a cow will not yield milk. We should not think that an animal is unfit for work after ten years of age.

On any ground, this is a welcome measure. I am very happy that the Hon. the Minister for Agriculture has taken the whole thing into consideration and brought forward this measure. He could have brought forward a measure banning cow-slaughter entirely and providing for the preservation of cows. But he has not done so more out of regard for the sentiments of people and also in order to proceed step by step. I am very happy that this Bill has been introduced. I support this measure wholeheartedly.

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* **SRI K. V. RAMASWAMY:** கனம் உப-தலைவர் அவர்களே, வயது வந்த மாடுகளை நாம் பலியாக்கக்கொடுப்பது நல்லது அல்ல. பல மாடுகளை, பசுக்களை நாம் தெய்வமாக, புனிதமாகக் கருதி வந்திருக்கிறோம். அவைகளுக்குப் பெரிய கௌரவத்தையும் கொடுத்துவந்திருக்கிறோம். அவைகளை நாம் கண்டபடி வளர்த்து வரவில்லை. அவைகள் நமக்குப் பல நன்மைகளைச் செய்திருக்கின்றன. அவைகளுக்கு நாம் எவ்வளவுக் கெவ்வளவு பாதுகாப்புக் கொடுக்கிறோமோ, அவ்வளவுக்கவ்வளவு மிருகங்களை நல்ல முறையில் வளர்ப்பதாக ஆகும். அவைகளைப் பாதுகாப்பதற்கு இந்த சபையில் ஒரு மசோதா கொண்டுவந்திருப்பதை நான் பாராட்டுகிறேன். நம்முடைய பாதுகாப்பில் அந்தப் பிராணிகள் நல்ல முறையில் வாழவேண்டும் என்பது என்னுடைய தாழ்மையான அபிப்பிராயம்.

அந்தப் பிராணிகளை நாம் காப்பாற்றுவதால் நமக்கு எவ்வளவோ கௌரவம் ஏற்படுகிறது. நம்முடைய மனிதத் தன்மையிலும் எவ்வளவோ பேர்கள் வயோதிகர்களாக இருக்கிறார்கள். அவர்களை நாம் உதரித்தள்ளி விட்டோமா? யாராவது ஒருவரை இந்த மனிதத் தன்மையில் பிரயோஜனம் இல்லை என்று சொல்லிவிட்டு அவரை இரண்டு ரூபாய்க்கோ அல்லது காலணவுக்கோ விற்றுவிட்டோமா? நம்முடைய சமுதாயத்தில் எவ்வளவோ பேர்கள் பிடிக்குக்கூட உபயோகப்படாத நிலைமையில் இருக்கிறார்கள். அவர்களை நாம் தள்ளி விட்டோமா? அவர்களை நாம் உதாசினம் செய்துவிட்டோமா? அதைப்போலவேதான் ஜந்துக்களையும் நாம் பாதுகாக்க வேண்டும். அந்த ஜந்துக்கள் நமக்கு எவ்வளவோ பலனைக் கொடுத்திருக்கின்றன. பல காலம் நமக்கு உழைத்திருக்கின்றன. அப்படி நம்முடைய பாதுகாப்பில் இருந்து நமக்குப் பல நன்மைகளைச் செய்து அதன் பிறகு வயோதிகம் அடைந்துவிட்டபோது, அவைகளைத் தள்ளி விடுவது என்பது மனிதத்தன்மைக்கு உகந்தது அல்ல. அந்தப் பிராணிகளைக் காப்பாற்ற நாம் கடமைப்பட்டிருக்கிறோம். அதனுடைய விருத்தாப்பிய காலத்தில், பால் கொடுக்காதபொழுது அதைத் தள்ளி விடுவது சரியல்ல. பிரயோசனம் இல்லை என்ற எண்ணத்தில், அந்த மாடுகளையும் பசுக்களையும் மிருகங்களையும் வீண் விரயம் செய்து காப்பாற்றுவதில் பலன் இல்லை என்று உதாசினம் செய்து, உதரித் தள்ளி விடுவது மனிதத்தன்மைக்கு உகந்தது அல்ல, மனித அறிவுக்கு, பகுத்தறிவுக்கு, உகந்தது அல்ல. இது என்னுடைய தாழ்மையான அபிப்பிராயம். நாம், ஒரு மனைவியைக் கல்யாணம் செய்துகொள்ளுகிறோம். அவளுக்குக் குழந்தைகள் இல்லை என்பதற்காக நாம் அவளைத் தள்ளிவிடுகிறோமா? அவளை விரட்டி விடுகிறோமா? அதைப்போலவே இந்த ஜந்துக்கள் நமக்குப் பிரயோசனம் இல்லை என்று கருதி அவைகளைத் தள்ளிவிடுவது சரியானது அல்ல. அவைகளை உதாசினப் படுத்துவதும் சரியல்ல. அப்படிச் செய்தால் அது ரொம்பவும் கேவலமாகக் கருதப்படும். கடவுளால் நம்மிடையே ஒப்படைக்கப்பட்ட மிருகங்களை நாம் எவ்வளவுக்கெவ்வளவு வளர்க்கிறோமோ அவ்வளவுக்கவ்வளவு நாம் கௌரவத்தை அடைந்தவர்களாக ஆவோம், அவ்வளவுக்கவ்வளவு நமக்குக் கௌரவம் வளருகிறது என்பதை நாம் மறந்து விடக் கூடாது. ஆகவே மிருகங்களை வதை செய்யக்கூடாது, பலியிடக்கூடாது என்பதை நான் தாழ்மையுடன் தெரிவித்துக்கொள்ளுகிறேன். சட்ட பூர்வமாக நாம் எவ்வளவுக்கெவ்வளவு அவைகளுக்குப் பாதுகாப்புக் கொடுக்கவேண்டுமோ அவ்வளவுக்கவ்வளவு பாதுகாப்புக் கொடுத்து அவைகளைக் காப்பாற்றவேண்டும் என்று நான் கேட்டுக்கொள்கிறேன்.

* **DR. V. K. JOHN:** Sir, speaking on this Bill, I speak for myself and not for the Opposition. I wish, Sir, that this Bill provided for the entire banning of cow slaughter, not merely as a measure of agricultural economy but as a measure which will respect the sentiments of a large majority of the people in our country. It is not a religious sentiment at all. Not only the

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Hindus but also other communities respect the cow and consider it as a sacred animal and consider it a great sin to have its flesh eaten. I was born in a community—I do not now belong to any community—which is not Hindu. It is the Syrian Christian community. A Syrian Christian would be considered an outcaste if he eats cow's flesh. When I first went to England, I would not sit at a table where beef was eaten. Because, that sentiment was in me. In England, I know that the cow is reared for the purpose of being slaughtered. They call it one of their tasty and best foods. I am not saying anything against them. But, so far as our country is concerned, from the north to the south, from east to west, there is a sentiment all over the country—I would not call it a religious sentiment, but whatever it is, there is a deep sentiment—that cows should not be slaughtered, and their flesh eaten. I am very pleased indeed to note—I myself knew it even before my hon. Friend Sri Mohamed Raza Khan spoke about it—that a large number of Muslims in the South in our State do not touch cow's flesh. It is a question of sentiment. I do not see why the Legislature should not respect that sentiment which is an age-old sentiment, deep-seated sentiment, spread throughout the country not only among one section of the people, but many sections of the people. I wish the Home Minister had introduced a Bill banning cow-slaughter entirely. In that case, I would have given him my warm support. I am sorry that he should provide that you can obtain a permit to kill a cow, after ten years of age, for flesh. I do not know why it should be done at all. It ought to have been entirely forbidden. I do not see why in Madras State, it should not be forbidden. A large majority of people in this State, all sections of the people—Hindus, Muslims, Christians and others—are in favour of banning cow slaughter. I would, therefore, very strongly suggest that the Government might bring forward an amendment to the effect that cow-slaughter is entirely forbidden in our State. They will have the support of a large majority of the people.

Although I am not a vegetarian, not a born vegetarian, yet speaking on sentiment, I should say that there should not be any killing of animals for food. It is not required in our country. Many of us are no doubt brought up as non-vegetarians, and we have eaten flesh. We still eat flesh. One of my children, when he was about 10 or 12 years old, saw a hen being killed for food. He is now about 25 years old. He is not eating chicken flesh at all, because it went into his nerve that that bird was killed and placed on the table as food and that, therefore, he should not take it. We do not see the animals while they are killed. If only we see them when they are killed for our food, I am quite sure we would not find the flesh tasty at all. But, I am not here today to say that you should not eat the flesh of other animals like goats. I am only speaking from the point of view of sentiment, which is so deep-rooted in the history of our country. It is not a deep-rooted sentiment in other countries like Europe, America, China or Japan. But, so far as our country is concerned, there is a deep-

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rooted and strong sentiment. So, I think that the Government ought to bring in a measure banning cow slaughter entirely. Some years ago, I remember having presided over a meeting in which a unanimous resolution was passed favouring total banning of cow slaughter. Sir, figures were shown about the agricultural economy in this context. I would not put it on the ground of agricultural economy at all. It may or may not be a debatable ground. I would put it on the ground of age-old, deep-rooted sentiment prevailing in this country among all sections of the community. I do not see why it is not proper for a legislative body to pass a measure to respect this sentiment. I would request the Hon. the Home Minister to amend this Bill so that cow slaughter may be banned entirely. They can prescribe as heavy a punishment as possible for those who disobey the law.

Now, I would like the Hon. Minister to consider the point which was rightly raised by my hon. Friend Mr. Mohamed Raza Khan. There are people who want to sell away their animals for something because they cannot afford to keep them. It is a costly affair to keep and maintain an animal. I myself have followed the same procedure which my hon. Friend Mr. Balasubramanya Ayyar was advocating. In selling the cow, it may be possible for some people to find out whether the cow is sold to a man who will kill it or will use it for some other purpose; although he may be prepared to pay higher prices, we may not be prepared to sell it, if the person buys it for killing, merely out of sentiment. But, I want the Government to consider very seriously the question as to what would be the position of those people who cannot afford to maintain a cow. Some money is required for the maintenance of a cow. It may not be very much. But, the point is that all people cannot afford to bear the burden. Everybody will not be like the hon. Member Mr. Balasubramanya Ayyar. There are a large number of people who cannot afford to maintain a cow. It would be very difficult for them to maintain it. Therefore, they sell away their cows. Why should not this Government, which spend crores of rupees, make arrangements for the purchase of these animals and use them in some way or other? I do not think it will cost them very much. After all, we are trying to respect the sentiments of a very large majority of our people not only in our State but in our country as a whole. That being the case, I do not see why public money should not be utilized to help those people who want to sell away these animals as they cannot afford to keep them. It is no use saying, 'Oh, there are old men, old women and poor people wandering on the roads and sleeping on the pavements and they are not protected by the Government.' Well, I have always pleaded for social securities, looking after the old, the poor, the widows and others. Even if we are not able to do much in this regard, we must not give the temptation for the other people to sell away their cows and bullocks to somebody who will kill the animals. If we do not take effective action to prevent this, there is every likelihood that the law will be disobeyed. I would very

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Hindus but also other communities respect the cow and consider it as a sacred animal and consider it a great sin to have its flesh eaten. I was born in a community—I do not now belong to any community—which is not Hindu. It is the Syrian Christian community. A Syrian Christian would be considered an outcaste if he eats cow's flesh. When I first went to England, I would not sit at a table where beef was eaten. Because, that sentiment was in me. In England, I know that the cow is reared for the purpose of being slaughtered. They call it one of their tasty and best foods. I am not saying anything against them. But, so far as our country is concerned, from the north to the south, from east to west, there is a sentiment all over the country—I would not call it a religious sentiment, but whatever it is, there is a deep sentiment—that cows should not be slaughtered, and their flesh eaten. I am very pleased indeed to note—I myself knew it even before my hon. Friend Sri Mohamed Raza Khan spoke about it—that a large number of Muslims in the South in our State do not touch cow's flesh. It is a question of sentiment. I do not see why the Legislature should not respect that sentiment which is an age-old sentiment, deep-seated sentiment, spread throughout the country not only among one section of the people, but many sections of the people. I wish the Home Minister had introduced a Bill banning cow-slaughter entirely. In that case, I would have given him my warm support. I am sorry that he should provide that you can obtain a permit to kill a cow, after ten years of age, for flesh. I do not know why it should be done at all. It ought to have been entirely forbidden. I do not see why in Madras State, it should not be forbidden. A large majority of people in this State, all sections of the people—Hindus, Muslims, Christians and others—are in favour of banning cow slaughter. I would, therefore, very strongly suggest that the Government might bring forward an amendment to the effect that cow-slaughter is entirely forbidden in our State. They will have the support of a large majority of the people.

Although I am not a vegetarian, not a born vegetarian, yet speaking on sentiment, I should say that there should not be any killing of animals for food. It is not required in our country. Many of us are no doubt brought up as non-vegetarians, and we have eaten flesh. We still eat flesh. One of my children, when he was about 10 or 12 years old, saw a hen being killed for food. He is now about 25 years old. He is not eating chicken flesh at all, because it went into his nerve that that bird was killed and placed on the table as food and that, therefore, he should not take it. We do not see the animals while they are killed. If only we see them when they are killed for our food, I am quite sure we would not find the flesh tasty at all. But, I am not here today to say that you should not eat the flesh of other animals like goats. I am only speaking from the point of view of sentiment, which is so deep-rooted in the history of our country. It is not a deep-rooted sentiment in other countries like Europe, America, China or Japan. But, so far as our country is concerned, there is a deep-

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rooted and strong sentiment. So, I think that the Government ought to bring in a measure banning cow slaughter entirely. Some years ago, I remember having presided over a meeting in which a unanimous resolution was passed favouring total banning of cow slaughter. Sir, figures were shown about the agricultural economy in this context. I would not put it on the ground of agricultural economy at all. It may or may not be a debatable ground. I would put it on the ground of age-old, deep-rooted sentiment prevailing in this country among all sections of the community. I do not see why it is not proper for a legislative body to pass a measure to respect this sentiment. I would request the Hon. the Home Minister to amend this Bill so that cow slaughter may be banned entirely. They can prescribe as heavy a punishment as possible for those who disobey the law.

Now, I would like the Hon. Minister to consider the point which was rightly raised by my hon. Friend Mr. Mohamed Raza Khan. There are people who want to sell away their animals for something because they cannot afford to keep them. It is a costly affair to keep and maintain an animal. I myself have followed the same procedure which my hon. Friend Mr. Balasubramanya Ayyar was advocating. In selling the cow, it may be possible for some people to find out whether the cow is sold to a man who will kill it or will use it for some other purpose; although he may be prepared to pay higher prices, we may not be prepared to sell it, if the person buys it for killing, merely out of sentiment. But, I want the Government to consider very seriously the question as to what would be the position of those people who cannot afford to maintain a cow. Some money is required for the maintenance of a cow. It may not be very much. But, the point is that all people cannot afford to bear the burden. Everybody will not be like the hon. Member Mr. Balasubramanya Ayyar. There are a large number of people who cannot afford to maintain a cow. It would be very difficult for them to maintain it. Therefore, they sell away their cows. Why should not this Government, which spend crores of rupees, make arrangements for the purchase of these animals and use them in some way or other? I do not think it will cost them very much. After all, we are trying to respect the sentiments of a very large majority of our people not only in our State but in our country as a whole. That being the case, I do not see why public money should not be utilized to help those people who want to sell away these animals as they cannot afford to keep them. It is no use saying, 'Oh, there are old men, old women and poor people wandering on the roads and sleeping on the pavements and they are not protected by the Government.' Well, I have always pleaded for social securities, looking after the old, the poor, the widows and others. Even if we are not able to do much in this regard, we must not give the temptation for the other people to sell away their cows and bullocks to somebody who will kill the animals. If we do not take effective action to prevent this, there is every likelihood that the law will be disobeyed. I would very

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strongly suggest that the Government may bring forward an amendment and make a provision creating an authority for buying these animals from persons who cannot afford to keep them.

SHRI MOHAMED RAZA KHAN : What about the cost?

* **DR. V. K. JOHN :** Whatever be the cost, they must buy the animals. We are now considering the question of prohibition of slaughter of cows by statute. So, we have to consider what the consequence of passing such a measure will be. Those persons who cannot afford to keep the animal must be able to sell it and I do not see any reason why we should not provide for it. I am sure there will be a large number of people who would be prepared to pay a contribution to a department of the Government which might buy and keep these animals. I would like the Government to consider this matter rather seriously. Because, a law which we know will be disobeyed ought not to be enacted. As pointed out by my hon. Friend Mr. Mohamed Raza Khan, this measure will hit many people who cannot afford to keep the animal. If the Government are sincere and if they want that cow slaughter must be banned, they must come forward and see that these animals are taken charge of. I do not refer to the pinjrapole or any other place. All that I want is that public money should be spent for the purpose of buying and keeping the animals of those who cannot afford to maintain them. Otherwise, the law that we pass will be disobeyed. It will be demoralising. When you pass a law which you are sure will be disobeyed, there will be demoralisation. Therefore, I would very strongly suggest to the Hon. the Home Minister that he must consider the advisability of providing for the purchase of these animals from persons who cannot afford to keep them.

There are many other defects in this Bill which I am not now in a mood to criticise, although Mr. Mohamed Raza Khan said that I would criticise the provision regarding the exclusion of jurisdiction of courts and other matters. I am very pleased indeed that this Bill although it does not satisfy my wish entirely, has been brought forward by the Hon. the Home Minister. I am, therefore, not in a mood to criticise the other portions of the Bill which I would certainly criticise very strongly if it were some other Bill. That does not mean that those provisions must be there. I leave it to the Government to examine those provisions. But I must certainly say that I am very pleased now that some provision has been made against cow slaughter and I would have been more pleased if the Hon. the Minister for Home had stated that he had included such a provision having not agricultural economy in view but out of respect for deep sentiment that had been prevalent throughout the ages in this country not only among the Hindus but also among other communities who had looked upon cow slaughter as something which ought not to be practised by anybody in other countries this may be practised and I am not criticising them at all. Sentiment is not there but sentiment is here in this

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country. So, why should we not respect it? After all, the genius of our people is different from the genius of other people. I am not criticising the Americans or the Britishers or other people on that score. But in our country from the beginning of history, we have had this sentiment. I have always pleaded that cow slaughter should be banned by the Government and we have this principle embodied in Article 48 of the Constitution. Therefore, I would strongly suggest to the Hon. the Minister for Home that the ten-year period may be cancelled and at once the slaughter of all kinds of cows banned by making necessary provision in the Bill. They should also see that there is no evasion of law and the poor people also do not eat the flesh.

* DR. A. SREENIVASAN : Mr. Deputy Chairman, Sir, I think that I have to oppose this Bill for the reason that it has not gone far enough. That is the only objection I have. I am neither sentimental nor sanctimonious about these things. I consider the dumb animal to be a more useful member in the world than the speaking animal, the human being. I am looking at the whole matter from a scientific angle. Man is an ungrateful animal, but I have never found an animal ever being ungrateful. With the little experience that I have had of the world, every fellow I helped has turned out to be my enemy and he does not even look at my face and avoids me by going by the other side of the road. (Laughter.) But I have never found any animal doing it. I have had animals and because they perished, now I am lonely and I do not keep any animal.

DR. V. K. JOHN : Does the hon. Member mean living people or dead people?

* DR. A. SREENIVASAN : Dead people tell their own stories.

I had a dog, a bull-terrier, for eight years with me and that was the only companion I had. It fell ill and I took it to the veterinary hospital. There the people who were known to me, took particular care of it and I spent several hundreds of rupees to save it. I stayed with the animal during its last moments and even then it wagged its tail and I was cut up. I have not found a man ever doing it. I have helped so many people with money and materials and things like these only to be abused and told : 'Sreenivasan is a rich man and he can afford to pay.' That is the compliment I have had.

DR. V. K. JOHN : Is the hon. Member a single man?

* DR. A. SREENIVASAN : Yes, a single man unattached. I am saying this because the Hon. Minister wanted us to be grateful to the animals. Man has got powers of discrimination and he has got powers even to abuse and he is abusing his power over the voiceless animals. If only those animals were given power to speak, I do not know how they would curse us. Sir, every man is selfish.

SRI T. PURUSHOTHAM : Including the speaker?

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* DR. A. SREENIVASAN : Yes, including me. I am not excluded. That is human nature and I am stating only what the text-books on ' Psychology ' say. It is the very nature of man to be selfish. It is only the animal which is not selfish. I think that our Pattagar knows it. It works till the last moment and dies on the spot. But a man always shirks responsibility and he must learn a lesson from the animals in that respect. Unfortunately, man never learns. I say this with a feeling and I will endow what little money I have saved to animals and not a pie of my hard-earned money will ever go to a man. Man is a person who bites the hand that feeds him. An animal will never do it but it will lick it. Therefore, I feel very strongly that the slaughter of animals must be stopped immediately. If we are honest to ourselves and if we are honest to God and if we are honest human beings . . .

DR. V. K. JOHN : Does the hon. Member prefer to be an animal?

* DR. A. SREENIVASAN : I would prefer to be an animal rather than to be a man like Dr. John.

THE HON. SRI R. VENKATARAMAN : May God grant the prayer.

* DR. A. SREENIVASAN : I am not ashamed to say it. I want that prayer to be granted so that I may suffer and work hard like animals.

DR. V. K. JOHN : Sir, I would like to substitute the word ' bear ' for the word ' prayer '.

* DR. A. SREENIVASAN : Even bear is very useful in its own way. Man is the only selfish and useless animal. He is the very embodiment of selfishness. I know Dr. John much better and it is very easy to pass flippant remarks. But it is only when one actually feels for those animals, that his heart melts. As I said, if by some miracle these voiceless animals were given ability to speak, I do not know how they would curse Dr. John. Sir, we Hindus are unfortunately the worst people in this respect. We worship the cow and yet we do harm to her. We Hindus are sanctimonious humbugs. On the other hand, a Muslim keeps a cow in good condition and how nice and fatty it looks. But a Hindu talks one thing and practises another thing. We Hindus are not taking proper care of the animals.

DR. V. K. JOHN : Does the hon. Member exclude the Hon. the Minister for Home in that respect?

* DR. A. SREENIVASAN : Why draw him? Therefore, I hope the Hon. Minister will revise this Bill as early as possible and leave no loop-hole in the matter of prevention of killink animals, especially in respect of producing certificates from doctors. I am a doctor myself and I know how the doctors are persuaded to give certificates.

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SRI MOHAMED RAZA KHAN : Then the hon. Member is attacking himself.

* DR. A. SREENIVASAN : Yes, I am attacking myself. Why should I be ashamed of what I have done? I admit my doctor colleagues do it. Human nature being what it is, it is better not to leave any loophole in the matter because if a butcher stands to gain, he may lubricate the creaky point and get a certificate. Therefore, the grant of certificates should under no circumstances whatsoever be permitted. Government would do well to have a special colony set apart for these old animals. They may look after these animals there and feed them. In a way we should support this measure heartily, though it does not go far enough. I hope the Hon. Minister will plug all the loopholes and prevent slaughter of animals. Whatever be the argument of the hon. Member Sri Mohamed Raza Khan regarding hides, money, trade, etc., I hope the Government will not be afraid of all those things but will go ahead with the measure.

5-50
p.m.

* SRI T. PURUSHOTHAM : Mr. Deputy Chairman, Sir, I entirely agree with the main theme of the hon. Member Dr. John's very sober speech, today it was a spirited speech. I also agree with the hon. Member Dr. Sreenivasan. I feel that this is a half-way legislation. I am sure most of the hon. Members will agree with me when I say so. This measure is intended to provide for the preservation of animals and the controlling of slaughter thereof. The Hon. the Home Minister said so when this question was raised in the Legislative Council in the November sitting. Even then he pointed out that our economic condition required the preservation of animals and that they should not be slaughtered.

Sir, reference has been made to Article 48 of the Constitution by the hon. Member Dr. John. Article 48, as hon. Members are aware, states that the State shall take steps for prohibiting the slaughter of cows and calves. I would, therefore, stress that the Government ought to take such steps and see that cow slaughter is banned altogether. When the Government of India forwarded the draft Bill prepared by the Central Council of Gosamvardhana, to provide for the preservation of certain animals and controlling slaughter thereof, the State Governments considered the same and as a result, we find in Madhya Pradesh as in other States there is the Animal Preservation Act; in the Madhya Pradesh Act there is definite provision prohibiting the slaughter of cows; and the Mysore Government also have passed the Mysore Prevention of Cow Slaughter Act. They have provided that notwithstanding any custom or usage or law to the contrary, no person shall slaughter or otherwise intentionally kill any cow in any place in Mysore except where it is certified that the cow is affected with rabies. The Mysore Government have also provided in section 4 of the Act that no person shall export or sell for export any cow with a view to its being slaughtered outside Mysore.

[Sri T. Purushotham] [17th March 1958]

I, therefore, plead that the Hon. the Home Minister should consider these provisions made by the Governments of other States. This Bill before us provides that no person shall slaughter or cause to be slaughtered any animal unless on application made in this behalf, he has obtained a certificate in the prescribed form from the competent authority that the animal is fit for slaughter. I feel that this is only a permissive legislation as it provides for slaughter of animals 'if they are fit for slaughter'. This is not a prohibitory law. I wish the Government had brought forward a more positive legislation in accordance with the provisions of the Constitution of India. The Mysore legislation is a positive Act whereas here it is not so. The emphasis is laid on the usefulness of the animal. What I wish to say is that this is not in line with Article 48 of the Constitution, as has been so ably referred to by the hon. the Deputy Leader of the Opposition.

DEPUTY CHAIRMAN: So far as Mysore is concerned, no doubt there is a prohibition. Do you think that beef is not being taken to that place? Somebody has to kill somewhere outside the State and take the beef there.

* SRI T. PURUSHOTHAM: Section 4 of the Mysore Act prohibits exporting of any cow from Mysore with a view to its being slaughtered outside. So, I feel we could adopt the Mysore law. It should be possible for the Hon. the Home Minister to feel and consider the strong opinion of the hon. Members in this behalf.

Then, we find that no animal shall be slaughtered except in places provided for the purpose. Except in municipalities, we do not have slaughter-houses and in many places slaughter-houses have to be provided. In all panchayats it has to be done and Government have visualised this difficulty and they have provided for payment of grants to panchayats for providing slaughter-houses. Even the existing slaughter-houses in big municipalities, are quite insanitary and even the floor is so bad. I, therefore, suggest to the Government that not only this grant should be made available to panchayats for construction of new slaughter-houses, but also that the Government should ensure better standards for slaughter-houses and should grant subsidy to municipalities for reconstruction of the existing slaughter-houses. I hope the Government would issue necessary directions to the municipalities and panchayats and owners of private slaughter-houses to look to their better upkeep.

As I began my speech by saying that this was a half-way legislation, I would not be misunderstood, I hope, if, for the reasons stated by me, I should say that I give my half-hearted support to the present Bill.

DEPUTY CHAIRMAN: The House will now adjourn and meet again at 8 p.m. tomorrow.

The House then adjourned.

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

* 99. Notification issued with G.O. Ms. No. 36, Industries, Labour and Co-operation, dated 4th January 1958, regarding amendment to the Madras Factories (Welfare Officers) Rules, 1953.

† 100. Notification issued with G.O. No. 4885, Revenue, dated 12th December 1957, regarding certain varieties of cloth (other than cloth woven on handlooms) sugar, raw tobacco and varieties of manufactured tobacco.

101. Notification issued with Memorandum No. 114408-N2/57-2, Revenue, dated 23rd December 1957, regarding amendment to Revenue Department Notification S.R.O. No. A-7612/57, dated 12th December 1957. [Laid on the table of the House under section 19 (6) of the Madras General Sales Tax Act, 1939.]

102. Notification issued with G.O. Ms. No. 4256, Revenue, dated 11th November 1957, regarding exemption of students' messes and canteen attached to Agricultural College Hostel, Coimbatore, from the tax payable under section 3 (1) of the Madras General Sales Tax Act, 1939. [Laid on the table of the House under section 19 (6) of the Madras General Sales Tax Act, 1939.]

103. Notification issued with G.O. Ms. No. 2226, Home, dated the 22nd August 1957, regarding cancellation of temporary exemption from the tax to tractors and trailers granted in Notification No. 54, dated the 24th December 1954. [Laid on the table of the House under section 11 (2) of the Madras Motor Vehicles Taxation Act, 1931.]

104. Notification issued with G.O. No. 1595, Revenue, dated the 11th April 1957, regarding rules framed under section 67 (2) (a), read with the Explanations to sections 28 and 32 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

105. Notification issued with G.O. Ms. No. 140, Home, dated 20th January 1958, amending rule 68 of the Madras Motor Vehicles Rules, 1940. [Laid on the table of the House under section 133 (3) of the Motor Vehicles Act, 1939 (Central Act IV of 1939).]

106. Short review of the activities of the Vigilance Institutions for the first half-year of 1957.

107. Notification issued with G.O. Ms. No. 79, Local Administration, dated 18th January 1958, appointing the 22nd day of January 1958 as the date on which the Madras Village Panchayats (Amendment) Act, 1957, shall come into force.

‡ 108. The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1958 (L.A. Bill No. 8 of 1958), as passed by the Assembly.

‡ 109. The Madras Co-operative Societies (Amendment) Bill, 1958 (L.A. Bill No. 4 of 1958), as passed by the Assembly.

110. Report on the administration of the Commercial Taxes Department for the half-year ending 30th September 1957.

* Laid on the table on 7th March 1958.

† Laid on the table on 8th March 1958.

‡ Sent by post on 12th March 1958.

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APPENDIX I.

[Vide item IV (1) on page 9 supra.]

L.A. Bill No. 8 of 1958.

(As passed by the Assembly.)

A Bill further to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949, and to extend that Act to the transferred territory in the State of Madras.

WHEREAS it is expedient further to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (Madras Act XXIX of 1949), for the purpose hereinafter appearing and to extend that Act to the transferred territory in the State of Madras;

BE it enacted in the Ninth year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1958.

2. *Amendment of section 1, Madras Act XXIX of 1949.*—In section 1, sub-section (3), of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (Madras Act XXIX of 1949), for the words, figures and letters “ the 25th January 1958 ”, the words, figures and letters “ the 25th January 1963 ” shall be substituted.

3. *Extension of Madras Act XXIX of 1949 to the transferred territory, repeals and savings.*—(1) The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (Madras Act XXIX of 1949), as in force immediately before the commencement of this Act and as amended by this Act (hereinafter in this section referred to as the said Act), is hereby extended to, and shall be in force in, the transferred territory.

(2) Any law corresponding to the said Act in force in the transferred territory immediately before the commencement of this Act including the Travancore-Cochin Electricity Supply Surcharge Act, 1955 (Travancore-Cochin Act XIV of 1955) (hereinafter in this section referred to as the corresponding law) shall stand repealed on such commencement.

(3) The repeal by sub-section (2) of the corresponding law shall not affect—

(a) the previous operation of the corresponding law or anything done or duly suffered thereunder; or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law; or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

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(4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed, certificate granted or registration effected, under the corresponding law shall be deemed to have been done or taken under the said Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said Act.

(5) Unless the context otherwise requires, the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply for the interpretation of the said Act as extended to, and in force in, the transferred territory.

(6) For the purpose of facilitating the application of the said Act in the transferred territory, any court or other authority may construe the said Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(7) Any reference in the said Act to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the law, if any, in force in that territory corresponding to the law referred to in the said Act.

(8) Any reference in any law which continues to be in force in the transferred territory after the commencement of this Act to the corresponding law shall, in relation to that territory, be construed as a reference to the said Act or as the case may be to an order duly made under the said Act.

Explanation.—For the purpose of this section, the expression “ transferred territory ” shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

4. *Repeal.*—The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Ordinance, 1958 (Madras Ordinance II of 1958), is hereby repealed.

APPENDIX II.

[Vide item IV (2) on page 15 supra.]

L.A. Bill No. 4 of 1958.

(As passed by the Assembly.)

A Bill further to amend the Madras Co-operative Societies Act, 1932.

WHEREAS it is expedient further to amend the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), for the purpose hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Co-operative Societies (Amendment) Act, 1948.

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2. *Insertion of new section 28 in Madras Act VI of 1932.*—After section 27 of the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), the following section shall be inserted, namely :—

“ 28. *Deduction from the salary or wages.*—(1) A member of a registered society may execute an agreement in favour of that society providing that his employer or the officer disbursing his salary or wages shall be competent to deduct every month from the salary or wages payable to him, such amount or instalments of amount as may be specified in such agreement and to pay the amount so deducted to the society in satisfaction of any debt or other demand owing by the member to the society.

(2) (a) On the execution of such agreement, the employer or the officer disbursing the salary or wages of the member, shall, if so required by the society by a requisition in writing and so long as such debt or demand or any part of it remains unpaid, make the deduction in accordance with the agreement and pay the amount so deducted to the society.

(b) The employer or the officer disbursing the salary or wages shall maintain such registers as may be prescribed by the State Government or the Registrar from time to time.

(3) The provisions of this section shall apply to all such agreements of the nature referred to in sub-section (1) as are in force on the date of the commencement of the Madras Co-operative Societies (Amendment) Act, 1958.

(4) The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force.”

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Sub-section (2) (b) of new section 28 proposed to be inserted by clause 2 of the Bill enables the State Government and the Registrar of Co-operative Societies to prescribe the registers to be maintained by the employer or officer disbursing the salary or wages of employees.

The power delegated is essential for carrying out the purpose of the measure and is normal in character.

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 18th March 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.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Second Five-Year Plan

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

(a) whether any reduction has been made in the allotment for the Second Five-Year Plan for Madras State;

(b) if so, the amount of such cut and the schemes proposed to be dropped consequently;

(c) whether any representations were made by the State Government at a meeting of the Planning Commission in December for special aid to Madras State in view of its industrial backwardness; and

(d) if so, the result thereof?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Minister for Finance): (a) & (b) No reduction has been made in the five-year allotment for the Second Five-Year Plan as a whole of the Madras State. As regards the Annual Plan for 1958-59, the Planning Commission indicated in September 1957 that the Plan should be prepared on the assumption that the Plan outlay for the year would be of the same order as the Budget outlay for 1957-58, viz., Rs. 32 crores. However, the draft Plan for 1958-59 prepared by this Government proposed a total expenditure of Rs. 35.82 crores. After the discussions held with the Planning Commission and the Central Ministries at New Delhi in the third week of December 1957, the Commission approved a ceiling of Rs. 30.50 crores for 1958-59, having regard to the capacity of the State to raise the necessary resources and the amount of Central assistance that would be made available to the State during 1958-59. The Central assistance for 1958-59 will be of the order of Rs. 18 crores.

(c) & (d) No representations were made by the State Government during the discussions held in Delhi in December 1957 for any special aid to Madras State in view of its industrial backwardness. This Government, however, represented during the discussions that the provision of Rs. 56.50 lakhs approved by the Planning Commission for Small-scale Industries for 1958-59 would hardly be sufficient even to meet the cost of the continuing schemes without providing for any further expansion and that the provision should, therefore, be increased suitably. A detailed letter explaining the

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need for increased provision for Small-scale Industries has also been addressed to the Union Minister for Industries, in December 1957. A reply is awaited.

SRI V. CHAKKARAI CHETTY : May I just ask the Hon. Minister if there has been any such reduction in the case of any other State Plan and, if not, why should there be this unfair discrimination so far as this State is concerned?

THE HON. SRI R. VENKATARAMAN : Sir, each State went with a Plan for a fairly large expenditure and I think the cut effected in this State's expenditure was one of the lowest cuts.

DR. V. K. JOHN : May I know from the Hon. Minister whether it is one of the objects of the Five-Year Plan to bring down the cost of living and also cut down the cost of production?

THE HON. SRI R. VENKATARAMAN : Sir, this relates to capital outlay and expenditure on the Plan for 1958-59; the other one is a larger question of policy.

SRI MOHAMED RAZA KHAN : May I know from the Hon. Minister whether the original allotment in the Second Plan remained the same or whether there were occasions when year after year, the State Governments had to make representations to the Centre to include new schemes?

THE HON. SRI R. VENKATARAMAN : Sir, the total outlay for the Second Plan remains as it is. Only with regard to the expenditure in 1958-59, the States were asked to frame plans to the extent of the expenditure incurred in the previous year. The estimates which we prepared for an expenditure of Rs. 35.82 crores were in excess of the expenditure incurred in the previous year. That is why for the current year they cut it down to Rs. 30.52 crores which was the expenditure incurred previously.

SRI JOHN ASIRVATHAM : May I know whether there is any cut in the allocation for Education in the State?

THE HON. SRI R. VENKATARAMAN : Sir, this is the total provision for the State and as regards provision under several heads, we should ascertain it from the Budget documents.

Supply of medicines to medical institutions

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

(a) whether there is any proposal before the Government to supply medicines, instruments and equipment manufactured in India to Government hospitals and other medical institutions; and

(b) if so, the action taken thereon?

[18th March 1958]

THE HON. SRI M. A. MANICKAVELU : (a) & (b) Even now, some of the medicines, instruments and equipment manufactured in India are supplied to hospitals and dispensaries of the State, provided they are up to the required standard specification and of acceptable quality.

The Government are, however, constituting a Committee of Experts to go into the question of suitability or otherwise of using, as far as possible, locally-made surgical and other instruments in the hospitals and dispensaries of the State.

SRI T. PURUSHOTHAM : Is there any proposal, Sir, to manufacture these instruments and equipment locally in India?

THE HON. SRI M. A. MANICKAVELU : Government as such have no such proposal. It is open to the private sector and other enterprising people to come forward to do this.

DR. A. SREENIVASAN : Sir, have any complaints been received by the Government regarding the unsuitability of most of the instruments that have been manufactured in this country?

THE HON. SRI M. A. MANICKAVELU : Not that I am aware of.

DR. V. K. JOHN : Why should not the Government take up the manufacture of these instruments, etc., if private agencies cannot undertake it?

THE HON. SRI M. A. MANICKAVELU : If no private enterprise does not come forward, then Government may have to think of taking steps.

SRI A. GAJAPATHY NAYAGAR : மருந்துகள் செய்வதிலே அரசியலார் எந்தெந்த மருந்துகளை எந்தெந்த இடத்தில் செய்கிறார்கள் என்று சொல்ல முடியுமா? “ஸ்பீன மெடிஸின்ஸ்” என்று போடப் பட்டிருக்கிறது. அதைப்பற்றி விவரம் கொடுக்க முடியுமா?

THE HON. SRI M. A. MANICKAVELU : திடீரென்று கேட்டால் எப்படி விவரம் கொடுப்பது? (சிரிப்பு)

DR. V. K. JOHN : Will the Government think over the proposition that it is better for them to take over the manufacture of medical instruments than taking over transport and other things? What the private agency cannot do, the Government should take over and what it could manage should be left to it and Government should not interfere.

THE HON. SRI M. A. MANICKAVELU : Supply of medicines—it is also included here—is now being made under the aegis of the Central Government. In regard to the other matter, there must be an all-India arrangement.

[18th March 1958]

Sethusamudram Project

* 77 Q.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Public Works be pleased to state with reference to Legislative Council Question No. 62 answered on 16th November 1957—

(a) whether the final decision of the Government of India in regard to the Sethusamudram Project has been communicated to the State Government; and

(b) whether there is any proposal before the Government to convert the Tuticorin Port into a 20 feet harbour within the Second Plan period?

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

(b) Yes, Sir. The Port Authorities have been asked to undertake experimental borings in the first instance for determining the layout of the port of Tuticorin.

SRI V. V. RAMASWAMI : சேதுசமுத்திரம் திட்டத்தைப்பற்றி என்ன முடிவுக்கு வந்திருக்கிறார்கள் என்று அறிய விரும்புகிறேன்.

THE HON. SRI P. KAKKAN : திட்டம் பெரிய திட்டமாக இருப்பதனாலே, டிரான்ஸ்போர்ட், சம்ப்யூனிகேஷன்ஸ், ஆபீசர்கள் எல்லாவற்றையும்பற்றி முழு விவரமும் சேகரித்துக்கொண்டிருக்கிறார்கள். ஆகவே இப்பொழுது தூத்துக்குடி போர்ட்டைப் பொறுத்த வரையில், தனியாக எடுத்து வேலை ஆரம்பிக்கலாம் என்று சொல்லியிருக்கிறார்கள்.

SRI V. V. RAMASWAMI : சேதுசமுத்திரம் திட்டம் எப்படியாவது அமுலுக்குக் கொண்டுவரப்படுமா, அல்லது நழுவவிடப்படுமா என்று மக்களிடத்தில் ஐயப்பாடு இருக்கிற காரணத்தினாலே விளக்கிக் கூறும்படி கேட்டுக்கொள்கிறேன்.

THE HON. SRI P. KAKKAN : என்னைப் பொறுத்த வரையில் நழுவிடுவதாகத் தெரியவில்லை.

The Government of India stated that the technical officers, Ministry of Transport and Communications, were engaged in collecting data and preparing a more accurate estimate for the total outlay and a decision whether the project can be proceeded with or not could be taken only after studying their report. The Government of India have stated that the inclusion of Sethusamudram Project in the Third Plan would be considered and that the question of developing Tuticorin harbour might be pursued separately.

Headmasters of secondary schools under Local Bodies

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

(a) whether it is a fact that the Headmasters of secondary schools under Local Bodies who complete their 55th year in the middle of a school-year are allowed to continue in service till the end of that school-year;

(b) if so, whether that concession is allowed in the case of other teachers in such schools; and

(c) if not, the reasons therefor?

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THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Minister for Finance) : (a) Yes, Sir.

(b) Yes, Sir. Retired teachers can be re-employed not only till the end of the school-year, but also till they complete 60 years of age subject to certain conditions.

(c) Does not arise.

SRI G. KRISHNAMOORTHY : Am I to understand that the answer to clause (b) applies to district board teachers?

THE HON. SRI R. VENKATARAMAN : The whole matter is covered by G.O. No. 2631, dated the 3rd October 1957. I am sure the hon. Member is in possession of that Government Order.

SRI T. P. SRINIVASAVARADAN : What generally happens is this. In the case of L.Ts., because of dearth of L.Ts., they are continued in service up to the end of the year. But in the case of secondary grade trained teachers, in district board schools, they are not continued. Will Government consider the cases of all categories of teachers and see that they are continued in service till the end of the academic year? This is done in all aided schools, but in the case of district board schools, it is not done. May I request that the teachers may be continued in service in those schools also up to the end of the year, though they attain their 55th year in the middle of the year?

THE HON. SRI R. VENKATARAMAN : Sir, this is permissible, whether they are district board schools or other schools. Up to the age of 60 the Education Department permits employment of teachers in schools. But I do not think Government can be asked to compel the employers to employ them till the age of 60.

SRI T. P. SRINIVASAVARADAN : May I suggest that those teachers who complete their sixtieth year in the middle of the academic year may be continued till the end of the year? Otherwise, there will be dislocation of work.

THE HON. SRI R. VENKATARAMAN : Generally, after sixty years of age, teachers can be continued in service with the permission of the Director of Public Instruction. I may make it clear that in the case of teachers who complete 55 years of age, it is permissible to employ them till the age of 60. If they attain that age in the middle of the school-year, they can be continued till the end of the school-year. Here it is stated that the retired teachers can be re-employed not only till the end of the school-year but also till they complete sixty years of age subject to the conditions mentioned in the Government Order.

SRI G. KRISHNAMOORTHY : Am I to understand that it is left to the option of the district board to continue or not to continue the service of the teachers till the end of the school-year?

THE HON. SRI R. VENKATARAMAN : That is so, Sir.

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SRI G. KRISHNAMOORTHY : As in the interest of the continuous education of the pupils and in the interest of the nation, it will be better to continue such teachers till the end of the school year, will the Government make it obligatory or the part of the district boards to continue the service of such teachers till the end of the school year?

THE HON. SRI R. VENKATARAMAN : What the hon. Member wants is that these institutions should be compelled to employ the teachers till the end of the school year. Well, that is not the present policy of the Government.

SRI T. P. SRINIVASAVARADAN : Sir, there is now discrimination. In the case of Headmasters, district boards are compelled to continue them in service till the end of the school-year if they complete their 55th year in the middle of the year. In the case of other teachers, it is not done so. Therefore, our plea is that in the case of other teachers also, their services may be continued till the end of the school-year. We do not want them to be continued till the end of their sixtieth year.

THE HON. SRI R. VENKATARAMAN : In this case a suggestion has been put forward. It will be forwarded to the Education Minister.

Porambokes

* 79 Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether all the porambokes statutorily vested in the panchayats under the Village Panchayats Act, 1950, have been handed over to them;

(b) if not, the reasons therefor;

(c) whether the panchayats regularly lease out the tank bunds, river bunds and other porambokes vested in them; and

(d) if so, whether the amounts realized are credited to the panchayat funds?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) & (b) No poramboke vests in the panchayat statutorily. Panchayats have the power only to regulate the use of porambokes at the disposal of Government subject to restrictions and control prescribed by the Government. No information is available with the Government in regard to the porambokes regulated by the panchayats.

(c) & (d) No information is available regarding the tank bunds, etc., leased out by panchayats.

SRI T. PURUSHOTHAM : As the Hon. Minister is aware that the last conference of panchayats in this State made specific representations in this behalf, may I hope that the Government would consider the matter and pass early orders on the recommendations made at that conference?

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THE HON. SRIMATHI LOURDHAMMAL SIMON : The Government are aware of it and they are considering the matter.

MR. CHAIRMAN : Questions are over.

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

II.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received the following message, dated the 15th March 1958, from the Governor of Madras :—

“ In pursuance of Article 207, clause (3), of the Constitution of India, I, Bishuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Appropriation (Vote on Account) Bill, 1958.”

(2) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN : I have also to announce to the House that I have received messages from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the following Bills as passed by the Assembly on 15th March 1958 :—

(1) The Madras General Sales Tax (Emergency Provisions) Bill, 1958 (L.A. Bill No. 5 of 1958),

(2) The Madras Entertainments Tax (Amendment) Bill, 1958 (L.A. Bill No. 7 of 1958),

and signed by him for the recommendations of the Council. He certifies that the Bills are Money Bills within the meaning of Article 199 of the Constitution of India.

III.—ADJOURNMENT MOTION *RE* THE GOVERNMENT ORDER MAKING SECONDARY GRADE TEACHERS IN AIDED LOWER ELEMENTARY SCHOOLS INELIGIBLE FOR THE SCALE OF PAY OF Rs. 45—2—85.

MR. CHAIRMAN : I have received a notice of motion under rule 42 of the Madras Council Rules from Sri G. Krishnamoorthy, M.L.C., for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the serious situation created in the case of secondary grade teachers appointed in the lower elementary schools under private management by reason of the Government Order issued with Memorandum No. 145937-E-VI/57-1, Education, dated 31st January 1958, which states that the secondary grade teachers employed in aided lower elementary schools will not be eligible for the scale of pay of Rs. 45—2—85.

ADJOURNMENT MOTION *re* THE GOVERNMENT ORDER
MAKING SECONDARY GRADE TEACHERS IN
AIDED LOWER ELEMENTARY SCHOOLS INELIGIBLE
FOR THE SCALE OF PAY OF RS. 45—2—85

[Mr. Chairman] [18th March 1958]

I rule the motion out of order under rule 50 of the Council Rules for the reason that it cannot be considered urgent as there are other ways of redressal inasmuch as the affected teachers can make due representation to the Government and also for the reason that the Member could have raised the same in the course of the general discussion on the Budget. Moreover, the Member will have again another opportunity to raise the matter or refer to it in the course of the discussion on the Appropriation Bill which will come up before the Council during this session.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS APPROPRIATION (VOTE ON ACCOUNT) BILL, 1958
(L.A. BILL NO. 11 OF 1958).

* THE HON. SRI R. VENKATARAMAN : Sir, I beg to move—

“That the Madras Appropriation (Vote on Account) Bill, 1958 (L.A. Bill No. 11 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

Sir, the Constitution provides that in order to afford facilities for discussion at some leisure on the various Demands, the entire Budget need not be passed before the 31st of March, and that in order to enable expenditure to be incurred after the 1st of April, a vote on account may be taken. In pursuance of the desire expressed by the Legislative Assembly that they should have more time to discuss the various Demands for Grants, the Government of Madras have brought forward this measure (Vote on Account) so that the discussion on the Demands for Grants may continue after the 1st of April. It is the convention in the Lok Sabha that there is no discussion on the Appropriation (Vote on Account) Bill since in a few days thereafter there will be the final Appropriation Bill and discussion can take place on that. I move that this Bill be taken into consideration.

MR. CHAIRMAN : Motion moved—

“That the Madras Appropriation (Vote on account) Bill, 1958 (L.A. Bill No. 11 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

* SRI MOHAMED RAZA KHAN : Sir, may I make an observation? I am in entire agreement with the Hon. the Leader of the House that we should have a convention that there is no discussion at this stage. But I am not in a position to agree that this procedure was adopted only to give more time to the Members of the Legislative Assembly to discuss the Demands. All these ten years they have been discussing them in the month of March and with

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leisure also. The fact is that the Madras Government were in very great haste and wanted to push through as many Bills as possible this month. Therefore, they adopted this procedure.

* DR. V. K. JOHN : Mr. Chairman, Sir I would like to take this opportunity to suggest to the Government that they should introduce this Budget earlier or that they should not have any other business to be transacted in the Assembly during the month of March. I think it is not a very happy state of affairs if they come forward with a Bill to appropriate moneys although the Grants are to be made. I suggest that hereafter the discussion on the Budget should be finished before the 1st of April in the other House.

* SRI T. PURUSHOTHAM : I would like the Hon. Minister to make it clear for what part of the financial year these provisions are made.

Also, Sir, during the general discussion on the Budget, I raised a point as to the allotment of a day for discussion on the Budget of the Electricity Board. I pointed out that under section 61 (3) of the Electricity (Supply) Act, the Legislature should have an opportunity to discuss the Budget of the Electricity Board. The right procedure would be for the Hon. the Minister for Electricity by a formal motion to raise a discussion in this House. Therefore, I request the Hon. the Leader of the House to see that time is allotted for discussion of the Electricity Board Budget.

SRI G. KRISHNAMOORTHY : Sir, will I be allowed to speak on this Appropriation (Vote on Account) Bill?

MR. CHAIRMAN : You will not be allowed to speak on this.

* THE HON. SRI R. VENKATARAMAN : Sir, I am grateful to this House for agreeing to the convention though with some little reservations and observations. This is a very healthy tradition. It is observed for the purpose of having a more detailed and thorough examination of the various Demands for Grants. Within one month if we want to pass all the Demands for Grants as well as the Appropriation Bill, the discussion will necessarily be curtailed. This is a practice which has been observed in our Parliament for the last five years since the new Constitution came into force. Sir, I hope the hon. Members would appreciate the usefulness of this method of Voting on Account before the final Budget is passed.

MR. CHAIRMAN : The question is—

“That the Madras Appropriation (Vote on Account) Bill, 1958 (L.A. Bill No. 11 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 and 3 were put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI R. VENKATARAMAN : Sir, I move—

“ That the Madras Appropriation (Vote on Account) Bill, 1958 (L.A. Bill No. 11 of 1958), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : The question is—

“ That the Madras Appropriation (Vote on Account) Bill, 1958 (L.A. Bill No. 11 of 1958), as passed by the Legislative Assembly, be passed.”

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

(2) THE MADRAS GENERAL SALES TAX (EMERGENCY PROVISIONS)
BILL, 1958 (L.A. BILL NO. 5 OF 1958).

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I beg to move—

“ That the Madras General Sales Tax (Emergency Provisions) Bill, 1958 (L.A. Bill No. 5 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

The Central Government have levied, with effect from 13th December 1957, an additional excise duty in lieu of sales tax on sugar, tobacco, cotton fabrics, rayon or artificial silk fabrics and woollen fabrics produced or manufactured in India. Under the Madras General Sales Tax Act, 1939, all varieties of mill cloth and powerloom cloth are liable to a general multi-point sales tax of two per cent. Medium, fine and superfine varieties of mill cloth and powerloom cloth made of cotton and all varieties of such cloth not made wholly of cotton are liable to an additional single-point sales tax of eight per cent. Sugar is liable to a general multi-point sales tax of two per cent and an additional single-point tax of six per cent. Consequent on the levy of the additional excise duties by the Central Government on sugar and cloth other than cloth made of pure silk or staple fibre, this Government have exempted these goods unconditionally from the general multi-point sales tax of two per cent. In order that the floating stocks of these goods may not escape both the additional excise duty and sales tax altogether, the Government have exempted sugar and also cloth other than cloth made of pure silk or staple fibre from the additional sales tax if the additional excise duty levied by the Central Government has been paid on such goods already. To enforce the collection of the tax in respect of the floating stocks of these goods, the Madras General Sales Tax (Emergency Provisions) Ordinance, 1957 (Madras Ordinance IV of 1957) was promulgated. In respect

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of the floating stocks with the dealers on 13th December 1957 and the stocks to be received for a period of one month thereafter, i.e., up to 12th January 1958, the Ordinance provided for the compounding of the additional sales tax to a lump sum equivalent to the additional excise duty that would have been payable, had the goods remained with the producer or the manufacturer on 13th December 1957. The Ordinance also provided for the submission of returns by the dealers, for assessment by the authorities, and for the levy of penalty in cases of wilful submission of false or incorrect returns in respect of these floating stocks.

Raw tobacco and certain varieties of manufactured tobacco like beedis, snuff, chewing tobacco and cigars and cheroots costing less than 12 naye paise per cigar or cheroot were liable to a single-point sales tax of three per cent. These commodities have been exempted from sales tax under the Madras General Sales Tax Act irrespective of whether the additional excise duty levied by the Government of India has been paid or not. Cigarettes, cigars and cheroots costing 12 naye paise and above per cigar or cheroot, pipe tobacco and cigarette tobacco are taxable under the Madras Tobacco (Taxation of Sales and Registration) Act, 1953, at rates varying from 3-1/8 per cent to 30 per cent of the turnover. In order to tax the floating stocks of these goods, the Madras Tobacco (Taxation of Sales and Registration) (Special Provisions) Ordinance, 1957, was promulgated. The Ordinance provided for the taxation of the tobacco products taxable under the Madras Tobacco (Taxation of Sales and Registration) Act, 1953, and for exemption of these products from the tax under the Act if additional excise duty had been paid in respect of them.

The Ordinances will lapse on 23rd March 1958, on the expiry of six weeks from 8th February 1958 when the present session of the Legislature commenced. It is necessary to continue the provisions of Ordinance No. IV of 1957 regarding the permission to be accorded by the assessing authority for compounding the tax and the assessment and collection of the tax in respect of the floating stocks of sugar and cloth (other than cloth made of pure silk or staple fibre), and also the penal provisions for wilful submission of incorrect or false returns. It is necessary to continue the provisions of Madras Ordinance No. V of 1957 also in order to levy and collect the tax due in respect of the floating stocks of tobacco products taxable under the Madras Tobacco (Taxation of Sales and Registration) Act, 1953. The Bill contains provisions for these purposes.

The Government of India have suggested that provision may be made in the Bill repealing the Madras Tobacco (Taxation of Sales and Registration) Act, 1953, and the Madras Medium Cotton Mill Cloth (Sales Tax) Act, 1954, with effect from 1st April 1958. Amendments have accordingly been proposed in the Bill to give effect to the suggestion of the Government of India.

The Bill is a simple one and I request the House to accept the motion.

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MR. CHAIRMAN : Motion moved—

“ That the Madras General Sales tax (Emergency Provisions) Bill, 1958 (L.A. Bill No. 5 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

SRI K. BALASUBRAMANYA AYYAR : Sir, I agree that this Bill ought to be passed. There are so many things in it and it is difficult to go through all of them within such a short time. I do not understand one provision. That is clause 6 which says—

“ For the removal of doubts, it is hereby declared that the Madras Tobacco (Taxation of Sales and Registration) Act, 1953 (Madras Act IV of 1953) (hereinafter in this section and in section 7 referred to as the said Act), shall be deemed never to have been repealed, shall continue in force, and shall be deemed always to have continued in force.”

But clause 9 says, “ Notwithstanding anything contained in section 6, the Madras Tobacco (Taxation of Sales and Registration) Act, 1953, and the Madras Medium Cotton Mill Cloth (Sales Tax) Act, 1954, are hereby repealed ”. We may assume from this that until the 1st of April 1958 these will continue. The words “ shall be deemed always to have continued ” are emphatic on the point that these Acts will continue to be in force till 1st April 1958. Probably, this clause 9 came afterwards. When you read clause 6 and clause 9 together, they are inconsistent. Thus it will be clear that till 1st April 1958 the Acts will be in force, but will stand repealed afterwards. What I want to say is that this is rather a clumsy way of doing things. It should have been “ till the 1st of April 1958.” But as these have already been drafted, you find these two are there. But, on reading them only, I found that they were inconsistent.

DR. V. K. JOHN : After your “ removal of doubts ”, they have themselves created the contrary. (Laughter.)

SRI K. BALASUBRAMANYA AYYAR : It should have been, as I said just now, “ till 1st April 1958 ”.

3-30
p.m.

We do not know, to which, the date 13th December refers.

THE HON. SRI R. VENKATARAMAN : It is the date on which they notified.

SRI K. BALASUBRAMANYA AYYAR : I shall take it as correct. There is another date 19th December 1957. I would like the Hon. Minister to explain what is referred to by that crucial date. Because, there is the proviso, “ Provided that nothing contained in this section shall render any person liable to any punishment whatsoever by reason of anything done or omitted to be done by him contrary to the provisions of the said Act on or after the 13th December 1957 and before the 19th December 1957.” “ 19th December ” seems to be a crucial date and what for that date has been put in is not explained in the Bill. Probably, the Hon. the

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Leader of the House will be able to explain it. We have passed so many Amending Bills. There have been so many repeals. Even if you do not collect some tax in the middle, it would be better. Why not put it as 1st April 1958? Now, they want to collect the tax from 13th December. I want the Hon. Minister to clarify the position.

* SRI MOHAMED RAZA KHAN : Sir, I want to make one observation. The Hon. the Minister in charge of Sales Tax was very alert in collecting the tax and he did not want that the businessmen or merchants who were dealing in three or four commodities should have the difference between the old excise duty and the new excise duty. I just want to know from the Hon. Minister whether the stock returns submitted by the various merchants on a particular date according to their accounts will be accepted or whether the Government will go by their own figures. I say this because I was told that when the merchants submitted their stock returns, they were not accepted and that something more than what was actually with them on the particular date was decided as the basis. I also want to know from the Government how much money they propose to collect as a result of the passing of this Bill.

* DR. V. K. JOHN : Mr. Chairman, Sales Tax Acts are mostly concerned with businessmen and, therefore, they should be simple and clear. But simplicity and clarity are absent in all these statutes on sales tax. I am of the opinion that if we are led to an economic crisis, it is due mainly to sales tax, which is most oppressive and which hits the poor; even the beggar's bowl is taxed. The cost of living has gone up mostly due to sales tax. It was a great mistake that this Act was passed in 1939. After the passing of that main Act of 1939, the Government have amended it many times. We do not know actually how many times it was amended. I think it would be a few dozen times. It is very difficult to understand the main Act and the subsequent amendments. Even the hon. Member Mr. Balasubramanya Ayyar, after spending one hour or so on this small Bill which the Hon. the Leader of the House characterised as a very simple Bill, could not understand the meaning thereof. It is a pity that these Acts are drafted in such a way that they are so complicated and so confusing. Perhaps, the idea is to make the provisions of the Act complicated and confusing so that they may collect as much money as possible. It is high time that all essential commodities like cloth and other things were exempted from the levy of this sales tax. As a matter of fact, you will find that for almost every essential commodity, the last purchaser pays about 30 per cent of its value as tax. That is the estimate made. You will find that when the new Bill comes into force, it will add to the cost of living. This is one major cause for the cost of living going up. Because of the imposition of sales tax in this State, the cost of living is going up. They tax all the essential commodities. Therefore the cost of living and the cost of production go up. We are in a vicious circle. The Government do not understand how much money is spent in collecting this tax and what is the effect of

[Dr. V. K. John] [18th March 1958]

this tax on the people, especially the poor people. Because of the high cost of production in our State, we are unable to export our handloom cloth to Africa and other countries. Because, the cloth made elsewhere, in other parts of the world, is much cheaper as the cost of production in other parts of the world is also much cheaper.

THE HON. SRI R. VENKATARAMAN : I may tell the hon. the Deputy Leader of the Opposition that there is no sales tax on handloom cloth.

* DR. V. K. JOHN : I was talking about the cost of living and the cost of production. What is the reason for our inability to produce handloom cloth at a cheaper cost? The reason is that the cost of living is high. So, the cost of production is naturally high. We ought to find out the effect of a regressive taxation like sales tax on the cost of living. They want to collect money somehow or other and spend it. Wherever they can lay their hands and collect some money, even if it be the beggar's bowl, they do not hesitate to collect that money and waste it. Sir, this House was told last year that a senior official was appointed or would be appointed to go into the question of expenditure and that he would function under a Cabinet Sub-Committee. But, we have not heard anything about it. That is why I say that they collect money from all—whether they are rich men or poor men—and spend the money so collected in their own way. In spending the money, they do it in their own way. I won't use objectionable words. They have got to control favouritism, power and patronage.

The Government have now introduced this emergency taxation measure to collect excise duty, sales tax and what not. Everywhere, there is direct taxation and there is also indirect taxation. All these add to the cost of living. So also is the case with regard to transport, electricity and other things. Everywhere, people, especially the poor among them, suffer very much. The cost of living is going up as the cost of production of everything in this State is going up. We are in this muddle. The economic crisis is simply due to this regressive tax, viz., sales tax, which is extending its range over everything. Firstly, they began with a few articles. Then they went on adding to the list of articles. Similarly, they first fixed a certain rate and they went on increasing it and endlessly this regressive taxation is going on with very bad results for the State and for the country as a whole. I must oppose every measure of sales tax brought before this House and I do oppose this measure also.

3-10 P.M. SRI T. M. NARAYANASWAMY PILLAI : Will the Hon. the Minister in charge of the Bill be pleased to state what will be the estimate of loss which the Government would have incurred if they had not armed themselves with the power to levy tax in the manner in which they propose to do in this Bill?

18th March 1958]

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, the observations of the hon. the Deputy Leader of the Opposition would be germane in a debate on the general laws on sales tax but this is a Bill with very limited scope, introduced only for the purpose of replacing an Ordinance which became necessary in view of the imposition of the additional excise duty by the Central Government. Therefore, if I do not reply to the points raised by the hon. the Deputy Leader of the Opposition, I hope the House will not mistake it as my accepting his charges. Sales tax has become a part of the tax system of every civilised part of the globe and I am afraid Dr. John is having ideas of the eighteenth century so far as sales tax is concerned.

DR. V. K. JOHN : I made the statement that in Britain it was only a purchase tax on luxury goods and not sales tax on essential commodities.

* THE HON. SRI R. VENKATARAMAN : Whether it is purchase tax or sales tax, they are two sides of the same coin. If you levy it at the purchase point, you call it purchase tax. If you levy it at the sale point, you call it sales tax. In the Bill that will be coming up before the House on the general sales tax, there will be certain articles on which there will be a purchase tax and certain others on which there will be a levy on sales. Therefore, whether it is purchase or sales tax, it does not matter. It is really two aspects of the same levy.

DR. V. K. JOHN : May I ask in what country in the world there is sales tax on essential commodities imposed by the Government?

* THE HON. SRI R. VENKATARAMAN : First, my friend opposed sales tax *per se*. Now I am glad he has brought down his opposition to the levy on certain essential goods. In England, it is 25 to 40 per cent. In America, it is 25 per cent.

DR. V. K. JOHN : On what?

* THE HON. SRI R. VENKATARAMAN : On all luxury goods and articles used in day-to-day life. I do not know whether it is on foodstuffs but I can say that this is one of the major items of income both in the British and in the American tax systems. I would like my friend to read the chapter relating to sales tax in the report of the expert body, the Taxation Enquiry Committee, appointed by the Government of India. He will find it stated there that this system has come to stay and that it is one of the well-recognized tax systems in any civilized community.

DR. V. K. JOHN : Its recommendations have never been followed.

* THE HON. SRI R. VENKATARAMAN : I think the hon. the Deputy Leader of the Opposition wants to have the last say. I shall not deny it to him. (Laughter.)

[Sri R. Venkataraman]. [18th March 1958]

I must congratulate the hon. Member Sri Balasubramanya Ayyar on having just put his finger on one mistake which the Government made and which occasioned the enactment of that particular confused section. When the Central Government proposed to levy an additional excise duty on cloth, sugar and tobacco, we understood that there were quite large stocks of cloth and sugar lying with dealers or in transit from the mills to the State. Not to tax them would have been considered a sort of concession shown to the large traders, and would be liable to be misunderstood as a favour shown to the mercantile community because people would not benefit. The cloth would be sold at the same price at which the cloth on which excise duty had been paid would be sold and the difference would go to the mercantile community. Therefore, even at the conference of the Finance Ministers of States held at Delhi prior to the imposition of this levy, it was agreed that the floating stocks should be taxed and for that purpose we issued the first Ordinance compounding the tax that would be payable on stocks on hand and in transit. At that time, the Government of Madras did not have any information as to the quantity of tobacco products that were in stock and they thought that it was only a small quantity. Therefore, they felt that that negligible quantity need not be taxed. But within twenty-four to forty-eight hours, the Government got the information that the value of tobacco products in stock with various dealers was considerable—several lakhs of rupees—and that the loss of revenue would be to the tune of over a lakh or two. Therefore, they had to reissue by way of an Ordinance the original Madras Tobacco Taxation Act and say that it would be deemed not to have been repealed from the 13th December 1957. This Ordinance was issued on the 19th December 1957. Under the Constitution, we cannot make anything penal which at the time it was committed was not an offence. Therefore, we said, if any offence had been committed between the 13th December 1957 and the 19th December 1957, it would not be an offence. It is strictly in conformity with the Constitution. Therefore, I must compliment the hon. Member Mr. Balasubramanya Ayyar on the excellent vigilance he brings to bear on the legislative measures and the Government are grateful to him for the care he bestows on them.

SRI K. BALASUBRAMANYA AYYAR : Thank you.

DR. A. SREENIVASAN : He has made amends for his lapses.

* THE HON. SRI R. VENKATARAMAN : Sir, the question was asked what would be the amount of loss. We could not get the information as regards stocks. I have not got the figures. We will get them only by the end of March. Our information was that the loss of revenue would have been to the tune of several lakhs of rupees. More than the loss of revenue, it is the principle, that the middleman, the trader, should not benefit, that should be taken into account. Sir, with these words, I request that the Bill be taken into consideration.

18th March 1958]

MR. CHAIRMAN : The question is—

“ That the Madras General Sales Tax (Emergency Provisions) Bill, 1958 (L.A. Bill No. 5 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 to 9 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI R. VENKATARAMAN : Sir, I move—

“ That the Madras General Sales Tax (Emergency Provisions) Bill, 1958 (L.A. Bill No. 5 of 1958), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : The question is—

“ That the Madras General Sales Tax (Emergency Provisions) Bill, 1958 (L.A. Bill No. 5 of 1958), as passed by the Legislative Assembly, be passed.”

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

(5) THE MADRAS ANIMAL PRESERVATION BILL, 1958
(L.C. BILL NO. 2 OF 1958)—(cont.)

MR. CHAIRMAN : We will now continue discussion on the Madras Animal Preservation Bill, 1958.

* SRI P. T. RAJAN : Mr. Chairman, I have listened to the speeches of hon. Members both from this side and from the other side. Two leading Members, Dr. John and Mr. Mohamed Raza Khan, said that they were speaking in their individual capacity as if the Opposition had taken a definite view about the Bill. While I listened to Mr. Mohamed Raza Khan, I felt that at the back of his mind he had a feeling that the Bill was aimed at the Muslims. Otherwise, there is no reason for his taking part in the debate. After all, it is not the Muslims alone that eat beef. There are Hindus also who eat beef. We ought not to look at this question from that point of view. It is absolutely essential .

SRI MOHAMED RAZA KHAN : May I just intervene? In my speech, I made it very clear that I was not talking about Muslim sentiment and the hon. Member Mr. Balasubramanya Ayyar was kind enough to appreciate this fact. He and Dr. Mahomed Usman were kind enough to say that there was no such thing as far as Muslims of this State were concerned. Therefore, there is no question of Muslim sentiment involved in the matter. I spoke, purely on its merits having agricultural economy in view. My views and the views of the hon. Member Mr. P. T. Rajan may differ but I cannot help it.

3.30
p.m.

[18th March 1958]

3-50
p.m.

* SRI P. T. RAJAN : Sir, I do not expect my hon. Friend to agree with me nor can he expect me to agree with him on this matter though I . . .

MR. CHAIRMAN : Very much like to. (Laughter.)

* SRI P. T. RAJAN : Very much admire him when he espouses a cause with vehemence. But in this case something is at the back of his mind. By his second speech he thinks that he has made the position clear. If that is so, I have no quarrel with him.

The hon. the Deputy Leader of the Opposition said that no cow should be slaughtered. Why should cow alone not be slaughtered? Why not the bulls also? The buffalo stands on a different footing as far as my hon. Friend is concerned. Personally, I am not in favour of destroying any animal life. Like my hon. Friend Dr. Sreenivasan, I have great respect and great affection for animals.

Now, the Bill says that if we have to slaughter an animal, we have to get a certificate from somebody that the animal is fit to be slaughtered. The whole trouble will arise if such a provision is included in the Bill. The Government can kindly take the trouble to see that some authority is found for giving such certificates. Because in every village we cannot have somebody who will come up to a certain standard. If only the Government can kindly look into the matter, I for my part would agree to accept the Bill in its entirety. As a matter of fact, the hon. Member Dr. Sreenivasan said that the Bill had not gone farther than he had expected. I do not go to that extent. I feel that the Government are right in introducing this Bill. I would only request the Hon. Minister to see that the right sort of persons are appointed for the purpose of issuing certificates.

* SRI M. ETHIRAJALU : கனம் சபாநாயகர் அவர்களே, இந்தக் கால்நடை பாதுகாப்பு மசோதாவில் நான் இரண்டொரு விளக்கங்களை மட்டும் கேட்டுக்கொள்ள விரும்புகிறேன். நமது ராஜ்யத்தில் கால்நடைகளைப் போதுமான அளவு அபிவிருத்தி செய்யவேண்டும் என்று நமது ராஜ்ய சர்க்கார் முயற்சி எடுத்துக்கொண்டு வருகிறார்கள். ஆனால், கிராமங்களில் கால்நடைகளை விருத்தி செய்வதற்கு வேண்டிய புல்வெளிகள் மேய்ச்சல் நிலங்கள், இல்லாத காரணத்தால் கிராமங்களில் பட்டேறு மக்கள் இப்படி நல்ல முறையில் அபிவிருத்தி செய்ய முடியவில்லை என்று சொல்லி வருவதிலிருந்து நமக்கு நன்றாகத் தெரியும். இந்த நிலைமையில் இந்த மசோதாவில் பத்து வயதுக்கு மேற்பட்ட கால்நடைகள் வயதுக்கு இல்லாமல், உபயோககரமாக இல்லாமல் இருந்தால், அவைகளை அத்தாட்சி பெற்று வதை செய்யலாம் என்று சட்டம் செய்யப்படுகிறது. பத்து வயதுக்கு உட்பட்ட கால்நடைகள் கூட போதுமான போஷாக்கு இல்லாத காரணத்தால் வயது முதிர்ந்த கால்நடைகளைப்போல தோற்றத்திலும் உழைப்பிலும் வயக்கில்லை, அவைகளை வைத்துக்கொண்டிருப்பதில் வீண் செலவு நான் என்று தெரிந்து அவற்றைக் குறிப்பிட்ட அதிகாரியினிடம் சென்று அத்தாட்சிப் பத்திரம் கேட்டால், அது வயது குறைவான காரணத்தினால் அத்தாட்சிப் பத்திரம் கொடுக்க முடியுமா, முடியாதா என்பதையும் மசோதாவில் விளக்கவேண்டும்

[18th March 1958] [Sri M. Ethirajalu]

இரண்டாவதாக, இந்தக் கால்நடைகளுக்கு எவ்வளவோ வியாதிகள் வருகின்றன. கோமாரி போன்ற வியாதிகள் அவைகளுக்குத் திடீரென்று வருகின்றன. அப்படி அந்த வியாதிகள் வந்து திடீரெனக் கீழே விழுந்து இறக்கவும் நேரிடுகிறது. இந்த சந்தர்ப்பத்தைப் பயன்படுத்திக்கொண்டு இதற்கு என்று இருக்கும் அதிகாரிகள் ஏதோ காரணத்தால் அந்தக் கால்நடை நோயினால் இறக்கவில்லை, வேண்டுமென்றே கொன்று விட்டார் என்று எதாவது காரணத்தை வைத்துக்கொண்டு துன்புறுத்துவதற்கும் இதில் இடம் ஏற்படுகிறது. உண்மையாகவே அது வதைக்கப்பட்டு இறந்திருந்தால், தண்டனைக்கு உள்ளாகவேண்டியது அவசியம். வியாதியினால் ஏற்பட்டிருந்தால், நடவடிக்கை எடுக்கக்கூடாது. அப்படி நடவடிக்கை எடுக்க வேண்டுமென்ற நிலை ஏற்படும்போது, இந்தவிதமான சம்பவங்களை அரசாங்கத்திற்குத் தெரிவித்து அரசாங்க உத்தரவைப் பெற்று அவர்கள் மீது நடவடிக்கை எடுக்கலாம் என்பதை நான் இந்த சபையின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். அதைப்பற்றி இந்த மசோதாவில் குறிப்பிட வேண்டும். அதற்கு வேண்டிய திருத்தத்தையும் செய்ய வேண்டும் என்று கேட்டுக்கொள்கிறேன்.

மூன்றாவதாக, இந்தக் கால்நடை பாதுகாப்பு மசோதா ஒன்று இருக்க வேண்டியது அவசியம் தான். ஆனால் இந்த மசோதாவினால் நாம் அணிந்துகொள்ளக்கூடிய பாதுகாப்பைக்கான தோல் கிடைக்குமோ அல்லது கிடைக்காதோ என்ற அச்சம் இப்பொழுதே நிலவுகிறது. இதனால் எவ்விதமான கவலையும் ஏற்படவேண்டியதில்லை என்று அந்த ஒரு அச்சத்தைப் போக்க வேண்டியது அரசாங்கத்தினுடைய கடமை என்று நான் நினைக்கிறேன். ஆகவே, இப்படிப்பட்ட சில திருத்தங்களை இந்த மசோதாவில் சேர்க்க வேண்டுமென்று கேட்டுக் கொள்கிறேன்.

* DR. MOHAMED USMAN : Mr. Chairman, Sir, I rise to support this Bill because it does not offend the religious sentiments of any community. The object of this Bill is to protect the cow and make it more useful to us and, I would even go further and say as Dr. Sreenivasan has stated, to show gratitude to the cow which has been useful to us. On the other hand, I cannot agree with the hon. Member Dr. Sreenivasan that the Government should prohibit the slaughter of all animals because we must know that in India a great majority of the people are meat-eaters. How are we going to prevent them from eating meat? Besides, what are the Government doing now? They have got their own Fisheries Department and they put more fish into the market. So, I do not think that it is possible for the Government to prescribe to the people what food they should eat and what dress they should wear.

* SRI G. KRISHNAMOORTHY : Mr. Chairman, Sir, I am really glad that the Government are bringing forward this Bill but I am sorry that the Bill is rather narrow in scope. More animals could have been included in the paragraph relating to 'Definition'. The first animal that deserves to be included further is the dog. The dog is a super-human, in that it is always grateful to its master. We find dogs being electrocuted or killed in the lethal chamber for no fault of theirs. They are not really rabid dogs. I could tell you my own personal experience. A dog in my house which was in good health was taken to a room near the lethal chamber and it had to be brought back with great difficulty after consulting the necessary authorities and paying the penalty.

[Sri G. Krishnamoorthy] [18th March 1958]

4-00
p.m.

Now it may be argued that only stray dogs are caught and sought to be destroyed. But in our country especially the middle and poorer classes cannot afford to see that their dogs are licensed, but everyone can afford to have a dog, because with a very little food, it does better work than human agency as watchman. When we find that dogs which are not rabid are caught by people, the so-called licensing authorities, and are being destroyed, is it not incumbent on the part of the Government, especially after Independence and especially when we are following the tenets of Lord Buddha and Mahatma Gandhi, to see that these poor animals are not electrocuted or killed by carbonic acid gas especially when they are not sick?

Sir, I would like the Government just to take another opportunity at least to see that the provision which is made in the District Municipalities Act in respect of destruction of dogs is removed in the name of the Father of the Nation.

* **SRI A. GAJAPATHY NAYAGAR** : கனம் மன்றத் தலைவர் அவர்களே, சென்னை கால்நடை பாதுகாப்பு மசோதா உண்மையான பாதுகாப்பு மசோதாவே அல்ல. கொலைக் குற்றம் செய்தவர்களுக்குத் தூக்கு தண்டனை நிறைவேற்றப்படும்பொழுது ஒரு செர்டிபிகேட் கொடுப்பதுபோல் இது இருக்கிறது. நமது நாட்டிலே ஒன்றுக்கும் உதவாத 20 லட்சம் கால்நடைகள் இருக்கின்றன என்று ஒரு காலத்தில் கணக்கு எடுத்திருக்கிறார்கள். அதேமாதிரி 20 லட்சம் சாதுக்கள் இருக்கின்றனர் என்றார்கள்.

DR. A. SREENIVASAN : சாதுக்களை ஒழி. (சிரிப்பு.)

* **SRI A. GAJAPATHY NAYAGAR** : சாதுக்கள் மேலிருந்த கோபத்தைக் கனம் அங்கத்தினர் அவர்கள் கால்நடைகளின் பேரில் காண்பித்தது பற்றிச் சந்தேகம். டாக்டர் ஸ்ரீனிவாசன் அவர்களுக்கு 4 கால் பிராணிகளிடத்தில் கருணை இருக்கிறது, 2 கால் பிராணிகளிடத்தில் கருணை இல்லை போலும். (டாக்டர் ஏ. ஸ்ரீனிவாசன் : வாஸ்தவம்.) ஒரு பிராணியைச் சாக அடிக்கலாம் என்று செர்டிபிகேட் கொடுக்கவேண்டுமென்று இந்த மசோதாவில் கூறப்பட்டிருக்கிறது. 'ஒன்றாக நல்லது கொல்லாமை' என்று வள்ளுவர் கூறியிருக்கிறார். அதாவது இன்னியில்லாத ஓர் அறமாகக் கொல்லாமை நல்லது.

'கொல்லா நலத்தது நோன்மை பிறர்தீமை
சொல்லா நலத்தது சால்பு'

என்றார் வள்ளுவர். புலால் உண்ணுமை ஒரு நோன்பு என்று சொல்லப் பட்டிருக்கிறது. இன்றைக்குக் கால்நடைகளுக்கு மட்டும் பாதுகாப்பு அளித்தால் போதாது. குருவி, மைனா, கௌதாரி, காடை போன்ற பறவைகளுக்கெல்லாம் உயிர் இல்லையா? அவைகளைப் பாதுகாக்க வேண்டாமா? எதற்காக நாம் 'Bird sanctuary' ஏற்படுத்தியிருக்கிறோம்?

'விசம்பின் துளிமீயின் அல்லால் மற்றுங்கே
பசும் புல் தலை காண்பு அரிது'

என்று சொல்லப்பட்டிருக்கிறது. ஓறிஷயிராகிய பசுமையான புல்லைச் சாப்பிட்டு வாழும் பசுவை முழுவதும் பாதுகாப்பதற்காக ஒரு மசோதாவில் இடமில்லை என்றால், அது பயனற்றதாக இருக்கும். பசு, பதி, பாசம் என்று கூறப்பட்டிருக்கிறது. உயிருள்ள ஒரு விலங்கு பசு என்று சொல்லப் பட்டிருக்கிறது. முதலடியாகப் பசுவிற்கு முழுப் பாதுகாப்பு அளிக்க வேண்டும். நாம் பார்க்கின்றோம், சென்னையிலே ரூ. 250, 300 கொடுத்த பசு வாங்கப்படுகிறது. அது ஒரு வருஷத்திற்குப் பால் கறக்கிறது. பிறகு

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அதை ஒரு இடையேனே விலைக்கு வாங்கிக்கொண்டு போய்விடுகிறான். ரூ. 100 லாபத்திற்கு விற்கிறார்கள். அந்தப் பசு எங்கே போகிறது என்பது தெரிய வில்லை. ஆறுநாட்கள் பொருத்துப் பசுகொலைசெய்யப்பட்டது என்று கேள்விப்பட்டவுடன், 'அய்யோ! தெரியாமல் கொடுத்துவிட்டேனே' என்று புலம்புகிறார்கள். நம் நாட்டிலே புலால் சாப்பிடுகிறவர்கள் அதிகம் இருக்கிறார்கள். அதைத் தடுக்க முடியாதுதான். செர்டிபிகேட் கொடுக்கப்பட்ட நல்ல புலாலைச் சாப்பிடுவதற்கு வழிவகைகள் செய்தால் நல்லது என்று தோன்றுகிறது. முதலடியாகப் பசுக்கள் யாவையும் கொல்லக்கூடாது என்ற ஒரு மசோதாவை நல்ல முறையிலே கொண்டு வந்தால், அது நாட்டிற்கு நலனாக இருக்கும் என்று சொல்லிக்கொண்டு, என்னுடைய பேச்சை முடித்துக்கொள்ளுகிறேன்.

* **THE HON. SRI M. BHAKTAVATSALAM** : Mr. Chairman, Sir, I am indeed very grateful to the hon. Members for the warm support that they have extended to this Bill, perhaps with one exception, the hon. Member Sri Mohamed Raza Khan, who was totally opposed to this Bill. Some hon. Members felt that we had not gone far enough regarding the banning of slaughter of animals. Sir, I must express particularly my gratitude to the hon. doctor Members for the very warm support, unusually warm support, that they have given to this measure which has been brought forward by the Government. Of course, these two doctor Members would have also liked if the Government had totally banned the slaughter of cows. Dr. John wanted absolute ban on slaughter of cows, while Dr. Sreenivasan liked a ban on the slaughter of all animals.

Sir, I am the Minister in charge of Animal Husbandry also. Therefore, on behalf of the dumb animals, I must pay my tributes to the hon. Member Dr. Sreenivasan for so enthusiastically and fervently espousing the cause of these dumb animals. It must be relieving to them and if they have any sense to perceive, they would feel. 'Here is a Member in this House who is so anxiously championing our cause'. Sir, laws, whether for human beings or for others, are made by men and women. Animals have no voice in the framing of laws even when such laws relate to them. Sir, there is no ban on the killing of animals for the benefit of man, for his food. It is said—I do not know how far it is correct—that human flesh is even sweeter than animal flesh. But still no Legislature would enact any law permitting the killing of human beings for the benefit of fellow-human beings. Still, no law prevents the killing of animals for the benefit of human beings. In this state of affairs, it is indeed very gratifying—it must be gratifying—to the animals, it must be gratifying to all those who feel for the animals, to see here a stout champion who has pleaded for the cause of the dumb animals. I do agree and I am sure several other hon. Members also will agree that animals are very grateful, perhaps more grateful than men. But I do not know—perhaps the doctor Member has had very bitter experience with all the human beings with whom he has come into contact—whether we will agree with his pronouncement that all men are bad. I do not know whether he has included women also when he said that.

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DR. A. SREENIVASAN : Man includes woman also.

* THE HON. SRI M. BHAKTAVATSALAM : So, men and women are bad. None of us can accept that proposition.

DR. A. SREENIVASAN : Bad in the sense that we are all selfish.

* THE HON. SRI M. BHAKTAVATSALAM : I agree all animals are good. But some men are good and some are bad, so also some women are good and some others are bad. Therefore, there are good and bad men and women. We cannot go to the extent of saying that all are bad. None of us have such bitter experience about human beings as to say that.

DR. A. SREENIVASAN : Yes, I have had.

SRI A. M. ALLAPICHAJ : I hope he does not mean the Members here?

DR. V. K. JOHN : Anyway, not the Deputy Chairman.

4-10 p.m. * THE HON. SRI M. BHAKTAVATSALAM : With reference to the comment that this Bill does not go far enough and that there must be a provision to ban particularly the slaughter of cows, I would like to point out the scope of this Bill. The object of this Bill is to conserve and protect all useful cattle. That is the main object of this Bill. The idea behind this Bill is that we should not kill the animals and that they are there to serve mankind in so many ways. Therefore, the animals should not be allowed to be killed for the purpose of their flesh and even for the purpose of their skins and hides, as pointed out by the hon. Member Sri Mohamed Raza Khan. Some time back, the Government of India appointed a Committee, namely, the Cattle Preservation and Development Committee. This Committee was appointed in 1947. The present Union Minister for Defence was appointed Chairman and he continued to be the Chairman till he was appointed Cabinet Minister. Then his place was occupied by another. That Committee went into the whole question. They have made comprehensive recommendations about not only slaughter of animals but prevention of cruelty to animals and so many other things. This Committee, after going into the question of slaughter of cattle in all its aspects, recommended a comprehensive plan of action for the preservation and development of the cattle wealth of the country. The Committee recommended total prohibition of the slaughter of all useful cattle. They also recommended the prohibition of unlicensed or unauthorized slaughter of cattle. These recommendations were accepted by the Government of India. Enactment of the necessary legislation on the subject falls within the purview of the State Governments. Therefore, the Government of India drafted a model Bill and forwarded it to all the States. Some States did go farther than the model Bill. The Bill which is now before the House is based on

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the model Bill. States like Mysore have gone beyond the provisions of the Bill and they have banned totally the slaughter of cows.

I do appreciate sentiments on the matter. There are sentiments of the Hindus and sentiments of the Muslim community. The Hindus respect the cow. Many of the Hindus, particularly the Hindus of North India, fervently plead for the total banning of killing of cows. If that is based on sentiment, I am afraid that a kind of sentiment is developing in the minds of the Muslims also. In spite of what the hon. Member Sri Rajan has stated about the speech of the hon. Member Sri Mohamed Raza Khan, I still see in his speech and in his attitude that there is that feeling that because the Hindus plead for banning of cow-slaughter, there is something wrong and that he must oppose it. This Bill is purely based on a sense of economy. The idea is to preserve the useful cattle. But why does the hon. Member Sri Mohamed Raza Khan oppose it? He has something lurking in his mind that because the Hindus plead for total banning of cow-slaughter, there must be something in it. 'Why should the killing of any cattle be banned? What is the objection to it?' This is what he feels. Of course, he pleaded that there was good trade in hides and skins. Yes, I am quite well aware of the prospects of this trade with other countries. Thefts of cattle are committed. There are resourceful cattle thieves who simply take away the cattle even when they are alive. So, the hon. Member Sri Mohamed Raza Khan means to suggest that it is a crime to keep them alive because if the skin is available, it could be put to some use. We are now seriously handicapped with a very great shortage of veterinary personnel. I do not know whether the hon. Member Sri Mohamed Raza Khan would say, 'Why do you appoint veterinary doctors? Let cattle die. We will have the skin and we will have the flesh.' I do not think that the hon. Member Sri Mohamed Raza Khan will go to that extent. Sir, a plea is made not only in this House but even outside for total banning of cow-slaughter. I have heard a very fervent representation made to me a little while ago by those who are very much interested in the preservation of cattle and cows for total banning of killing of cows. The hon. the Deputy Leader of the Opposition made a very fervent plea in that behalf. But it is no use merely passing legislation banning the killing of cows. What would happen to those cows which are of no use at all? Now, we ban the killing of cows when they will be of some use, and it has to be certified that they will be of no use before they are permitted to be slaughtered. But if no cows are to be slaughtered on any account, then what would happen? Here is a person who has a cow and it is of no use to him. How could you compel him to keep it? This cannot be done unless the Government come forward or some other institution comes forward to keep it. When those people came to represent to me this afternoon, I told them that unless there was a guarantee that there were institutions which would take such cows, we could not enact such legislation

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banning the slaughter of cows. (Dr. A. Sreenivasan : Salvage farms.) There are salvage farms established here and there to make use of the aid given by the Government of India. But the aid that is available is not quite sufficient to encourage more and more people to come forward and establish salvage farms.

I would also like to tell the hon. Member Sri Mohamed Raza Khan that this is not a hurried legislation. We have come forward with this legislation after so many other States have passed legislation and we have examined this question thoroughly. We have not come a day sooner in bringing forward this legislation. I would also like to tell the hon. the Deputy Leader of the Opposition that it is not possible for the Government to accept the amendment that has been suggested by him not because the Government do not appreciate the fine idea behind the proposal but because there are practical difficulties in the way of accepting it. I have no doubt that when this Bill is passed into an Act, we would have taken a very big step forward towards saving a large number of cattle which will be of great use to us.

The hon. Member Sri Rajan referred to the authority that should be prescribed for certifying the usefulness or uselessness of cattle. The general idea is that the veterinary surgeons who should be easily available might be the appropriate authorities for this purpose. But still the whole question could be considered when we take up the framing of rules. We would like to have suggestions from hon. Members in this respect. We will take them into account and frame suitable rules so as to prescribe the appropriate authority for issuing these certificates.

4-20 P.m. Certain other hon. Members have expressed certain apprehensions with reference to certain details. I can only tell them that there is no warrant for such apprehensions. We need not go into details. We need not be thinking of abuses only. Therefore, I request the House to accept the motion for the consideration of this Bill.

* SRI A. GAJAPATHY NAYAGAR : பயன்படாத பசு என்று அதிகாரி செர்டிபிகேட் கொடுத்துவிட்டால் அதைக் கொல்லலாம் என்று விதி வகுத்தால், காளை மாடுகளைவிட பசு மாடுகள்தான் அதிகமாகக் கொல்லப் படும் என்று நினைக்கிறேன். பசுக்கள் வயது முதிர்ந்த காலத்தில் பால் கொடுக்காமல் இருக்கும் நிலையில், அவை பயனற்றவை என்று அதிகாரி யிடமிருந்து செர்டிபிகேட் வாங்கிவிட்டால் அவைகளைக் கொல்லலாம் என்று விதி வகுத்தால், ஏராளமான பசுக்கள் கொல்லப்படுவீரும். பசு தாயாக இருக்கிறது. ஒரு தாயில்லாக் குழந்தை வளருவதற்கு அதற்குப் பால் தரும் பசு அதற்குத் தாய் போல் இருக்கிறது. தாய் போல் இருக்கும் பசுக்கள் வயது முதிர்ந்த காலத்தில் பால் கொடுக்காமல் இருக்கும் நிலையில், அவை பயனற்றவை என்று அதிகாரியிடமிருந்து செர்டிபிகேட் வாங்கிவிட்டால், அவைகளைக் கொல்லலாம் என்று விதி வகுத்தால், காளை மாடுகளைவிட அதிகமாகப் பசு மாடுகள்தான் கொல்லப்படும்.

MR. CHAIRMAN : You can't speak on this.

* THE HON. SRI M. BHAKTAVATSALAM : பயனற்றவையாகப்போன பசுக்களில் அதிகமான பசுக்கள் இறந்தால், பாதகமில்லை, ஒரு பசுவைக் குறித்து 'உபயோகமற்றது' என்று செர்டிபிகேட் கொடுத்தால், உடனே

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அதை 'ஸ்லாட்டர் ஹவுஸுக்கு' அனுப்பிக் கொண்டுவிட வேண்டுமென்று நபந்தனை இல்லை. யாராவது பசுவை விற்பனை, விற்கப்பட்ட பசு 'ஸ்லாட்டர் ஹவுஸுக்குக் கொண்டுப்போகப்படுவதற்கு சட்டபூர்வமாக சொட்டிடுக' வாங்க வேண்டுமென்றுதான் மசோதாவில் சொல்லப்பட்டிருக்கிறது.

* SRI MOHAMED RAZA KHAN : Mr. Chairman, Sir, under rule 74, I request that I may be allowed to explain, because the Hon. the Minister for Home, while replying to the debate, has made certain insinuations against me.

MR. CHAIRMAN : You can speak by way of personal explanation but your speech must be strictly relevant to the remarks or references made to you.

* SRI MOHAMED RAZA KHAN : Sir, I will not take up much of the time of the House. If it is the desire of the House that this Bill may be passed—I hope it will be passed—I wish to say that there are certain anomalies and difficulties in the working of this measure. Therefore, in my introductory speech I referred to them. I was particular in saying that as far as the State of Madras was concerned, 99 per cent of the Muslims had never taken beef and that they would never take it. Whatever I said was free from any sentiment. But when it is stated that it is a sort of economic measure, I want to make clear that it is not so and I want to prove it. If a complete ban on slaughter is imposed, lakhs and lakhs of bulls and other animals will be left uncared for and they would be a drain on the present resources of the State. May I draw the attention of the Hon. the Minister for Home to the statement made by Mr. Ajit Prasad Jain who is in charge of Agriculture at the Centre? He himself has stated—I will bring the exact quotation and the date and the time when he has stated, if necessary—that because of either total prohibition of slaughter of animals in some States or of partial prohibition in other States, millions and millions of uncared for animals are roaming about in the country and that they are a drain on the resources of the State. Therefore, I want to prove that this Bill is not an economic measure. I am sorry to say that. I say that the whole motive in passing this Bill is that the Hindus have got some sentiment. I, as a Muslim, want to say that we have no sentiment. We are far from it. But the Hon. Minister can do anything. He has got the authority to do it. My hon. Friend Sri Balasubramanya Ayyar has stated that the Government have also provided for slaughter of cows on occasions of religious festival. I say that, so far as our State is concerned, I have not heard of anybody slaughtering cows for religious purposes. The Muslims after 1947 as a class do not slaughter cows for religious purposes, because of the sentiments of the Hindus. It is not fair or right on the part of the Hon. the Minister for Home to say that I have opposed this measure out of Muslim sentiment.

* THE HON. SRI M. BHAKTAVATSALAM : I would like to make a few observations with reference to the remarks made by the hon. Member Sri Mohamed Raza Khan. I must first express

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(L.C. BILL NO. 2 OF 1958)

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my very deep appreciation of the very fine sentiments expressed by him. What I said was just to explain that the Government of India initiated a Bill like this without banning absolute slaughter of cows and that this Government had framed this Bill on the lines of that Bill, which had not given satisfaction to some of the hon. Members. My hon. Friend Sri Purushotham said that this was a half-hearted measure and that, therefore, he would give only his half-hearted support to it. I say that we have brought forward this so-called half-hearted measure. The sentiments of the Hindus are in favour of banning cow slaughter and I say that they should be respected. But there is the corresponding reaction in the Muslim mind. I do not mean particularly the hon. Member Mr. Mohamed Raza Khan. I am indeed very happy to hear that in this State, there is no question of eating cow's flesh or slaughter of cows for religious purposes. I am happy to hear that and I am proud of it. Therefore, the hon. Member Sri Mohamed Raza Khan should understand that so far as this State is concerned and so far as this Bill is concerned, there is no question of sentiment at all. It is purely an economic measure, to preserve the useful cattle. This Bill is to ban the slaughter of useful animals. Therefore, when we refer to the remarks of the Union Minister, there is no question of allowing the useful animals to stray outside. There is no question of misunderstanding his ideas. Particularly, I wish to say that there is no question of insinuation against the hon. Member Sri Mohamed Raza Khan.

MR. CHAIRMAN: The question is—

“That the Madras Animal Preservation Bill, 1958 (L.C. Bill No. 2 of 1958) be taken into consideration.”

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

Clauses 2 and 3 were put and carried.

Clause 4.

MR. CHAIRMAN: The motion is—

“That clause 4 do stand part of the Bill.”

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

“In sub-clause 3 (b) of clause 4 omit the word ‘age’.”

“Add the following at the end of the proviso to clause 4—

‘except in so far as the provisions or the rules made thereunder are inconsistent with sub-clause 3 (a) and (b)’.”

My first amendment is to omit the word ‘age’ in sub-clause (b). The word ‘age’ is already there in sub-clause (a). In the subsequent sub-clause, sub-clause (b), it need not be repeated, because it has already been stated that it should be “over ten years of age and unfit for work and breeding”. Suppose an animal is incapacitated before the age of ten. Let it remain. It need not be slaughtered.

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SRI A. GAJAPATHY NAYAGAR: I think if it is injured or incapacitated before ten years of age, it will become necessary to slaughter it.

SRI K. BALASUBRAMANYA AYYAR: If it is below ten years of age, you can't give a certificate. Suppose it is eight years old. It need not be slaughtered. Let it remain.

THE HON. SRI M. BHAKTAVATSALAM: Sir, I accept the amendment, namely, that the word ‘age’ in sub-clause (b) may be omitted.

SRI K. BALASUBRAMANYA AYYAR: Then, there is the other amendment. There are various sections in the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Village Panchayats Act, 1950, the Travancore District Municipalities Act, 1116, or the Travancore-Cochin Panchayats Act, 1950. In this case, the proviso is, “Provided that nothing contained in this section shall be deemed to affect the operation of any of the provisions of these Acts.” We will have to look into all these provisions for the purpose of regulating the slaughter of cows. I feel that as regards the ten-year period, there should not be any inconsistency. Therefore it is that I have to ask for the addition of the following, viz., “except in so far as the provisions of the rules made thereunder are inconsistent with sub-clause (3) (a) and (b)” at the end of the proviso to clause 4. 4-30 p.m.

THE HON. SRI M. BHAKTAVATSALAM: I accept the amendment, Sir.

MR. CHAIRMAN: Which amendment?

THE HON. SRI M. BHAKTAVATSALAM: Both the amendments, Sir.

MR. CHAIRMAN: Has anybody seconded the amendments?

(Sri T. Purushotham and Sri Mohamed Raza Khan rose and said that they seconded the amendments.)

THE HON. SRI M. BHAKTAVATSALAM: I second the amendments and accept them.

DR. A. LAKSHMANASWAMI MUDALIAR: We should really welcome this.

* DR. V. K. JOHN: It would have been better if my amendment had been taken up first. Because, it is for the purpose of substituting a new clause in the place of existing clause 4. Anyway, I move—

“For the existing clause 4, substitute the following, namely:—

‘4 (1) Notwithstanding any custom or usage or law to the contrary, no person shall slaughter or cause to be slaughtered any animal except when it is certified by a competent authority for

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the area in which the animal is slaughtered that the animal is fit for slaughter in accordance with rules prescribed from time to time by Government.

(2) No person shall export or sell for export any animal with a view to its being slaughtered outside the State of Madras.

(3) The Government may establish or direct any Local Authority or private individuals or associations to establish institutions at such places as may be deemed necessary for taking care of animals sent thereto. The Government may make provisions by rules for the proper management of the institutions mentioned above for the care of animals therein and also for the class or variety of animals that may be admitted therein.

(4) The Government or subject to the previous sanction of the Government, a Local Authority may levy such taxes as may be prescribed for maintaining institutions established under the Mysore Prevention of Cow Slaughter Act of 1948.' "

Sir, these provisions are exactly copied, with slight changes, from the Mysore Act. I submit that these provisions are very much better than the provisions in our Bill. Now, I shall deal with the first provision. This provision gives a lot of flexibility. An animal may be five years old or even one-year old and it may have an incurable disease. In such cases, the Government must have power to make rules from time to time to determine the equitable principle to be followed. The Mysore Legislature has made this provision which has a certain amount of flexibility, so to say. In the absence of such a provision, it would be very difficult for the Government to deal with certain cases. That is why I say that there must be flexibility. If the people so want after some time that cow slaughter should be completely banned, well the Government can bring forward such a provision in the rules.

The second provision is for the purpose of banning export of the animals or selling for export any animals with a view to their being slaughtered outside the State of Madras. I think the Hon. Minister himself said that some of these animals were brought from Mysore State and other adjoining areas and that they were killed here and the flesh taken away. As we do not have a provision to stop this practice, I think it is necessary that we must make due provision to put an end to this practice.

Sir, the most important provision is the third provision. I have said, 'The Government *may* establish or direct any Local Authority or private individuals or associations to establish'. I am not making it compulsory. The only thing is that the Government are given power in this regard. I only say that the 'Government *may*' and not 'shall'. Sir, there was much discussion—if I may be permitted to say, acrimonious discussion—in regard to some statements made by my hon. Friend Mr. Mohamed Raza Khan. I never understood him to oppose the Bill at all. But, the one point which my hon. Friend Mr. Raza Khan made rightly, in my opinion, was that if we did not make provision for the

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care of these animals, this Bill would not work well and that the object of the Bill would be defeated. That was the point made by me also in my opening speech. I don't think that the hon. Member Mr. Mohamed Raza Khan opposed the Bill and what, were attributed to him, in my opinion, have arisen out of a misunderstanding. If I support this Bill, my hon. Friend Mr. Raza Khan also has supported it. He has rightly pointed out certain defects. I think it is the duty of the Members of the Opposition to point out the defects which will stand in the way of the efficient working of this Bill as it is. If we do not make a provision, as in the Mysore Act, and establish institutions which will take care of these animals, this Bill when passed and made an Act, will never work well. That is why I say that we must make due provision in this regard. My hon. Friend Sri Balasubramanya Ayyar was reading to me the opinion of Mahatma Gandhi on this matter. I shall read it here. This is what he has stated. 'The State should, in the open market, buy out every cattle offered for sale by outbidding every other buyer'. This is the opinion of the Father of the Nation. I want to tell the Mover of the Bill that this Bill will never work unless the Government agree to make provision side by side for the establishment of institutions which will buy these animals from poor people who cannot afford to keep them, and which will take care of such animals which are not being kept properly by poor people. There is no use of merely passing a Bill and saying that there should not be any cow slaughter at all. What about the poor people who keep the cows? You must make provision to buy the animals from these people. The Mysore Legislature, in its wisdom, provided that the Government might establish these institutions.

SRI A. M. ALLAPICHAJ: Is there a provision in the Mysore Legislation that the Government must purchase these cows and maintain them?

* DR. V. K. JOHN: There is provision to the effect that the Government may establish or direct any Local Authority or private individuals or associations to establish institutions . . .

SRI A. M. ALLAPICHAJ: Is it working well there?

* DR. V. K. JOHN: I do not know. But, that Act was passed in 1948 and it is still in force. That is what we see. It should be the duty and concern of the local bodies—of course, we have not developed them and we expect them to be developed soon—to see that these animals are taken care of. I cannot understand anybody saying that an animal, if found useless, may be killed. I think it is wrong to kill an animal on economic grounds.

Yesterday, I said that we ought to respect human sentiments. From the very beginning of history, there has been a sentiment in this country that the cow should not be slaughtered. If you

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are saying that on economic grounds you want to protect the cow, then nobody will sell the cow for its flesh, it is otherwise useful. Only if it is not useful, it is sold. You can depend upon the people to keep the cow if it is useful. The average man, if he is convinced that the cow or the calf or the bullock will be useful to him, is not going to give it for slaughter. My hon. Friend, sitting behind me, Mr. Mohamed Raza Khan said that he was not having the Muslim sentiment in mind when he spoke. The other hon. Member expressed himself in favour of the sentiment that we should not kill the cow. Whatever they say, there is a sentiment not only in the Hindu community but in several other communities in our country, and let us be honest about respecting it. If the Bill is merely introduced on the ground that useful cows are slaughtered for flesh, I say, it is a mistake. Only a mad man will have a useful cow slaughtered for flesh. If it is useful, no legislation is necessary to prevent its slaughter. But if you are on sentiment that the cow should not be killed, then I say, 'Make provision for institutions to keep the animals.'

MR. CHAIRMAN: The hon. Member must speak on the amendment and not on the main Bill.

* DR. V. K. JOHN: I am speaking on the amendment. I do not see why the Government should not take power to do so. The Hon. Minister in his reply said that the Government would not take that responsibility. If I use the expression, 'the Government shall establish', the Government may object. My amendment only says 'Government may establish'. Therefore, side by side with the banning of the slaughter of cows, they must also establish, to the extent they can, institutions and help them to take care of these cows which according to our law, cannot be slaughtered. I did not want to move this amendment. Still, I felt I could have some faith in the Hon. the Minister for Home who had moved this Bill, accepting this amendment, in view of its very reasonable nature. I do not see why when the Mysore State has such a law, we should not have the same thing here. It would give us flexibility and power. If we do not establish such institutions for taking care of the cow, it will be killed on the sly and its flesh distributed. It will only demoralise society.

SRI A. M. ALLAPICHAJ: Do not you think that the law in the Mysore State is a half-hearted one in so far as it permits beef being imported into the State?

* DR. V. K. JOHN: They must learn from experience and they may perhaps amend the Act. But they have provided that no person shall export or sell for export any animal with a view to its being slaughtered outside the State. We have not provided that here. If our Bill is passed into law, the animal can be transferred to some neighbouring State and its flesh brought back.

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Therefore, I submit that the Mysore Legislature in its wisdom has enacted a law which is very much better than the proposed law here and I do not see any reason why they should not accept my amendment unless they feel that the law of Mysore is inferior to theirs and not acceptable.

* DR. A. SREENIVASAN: Mr. Chairman . . .

MR. CHAIRMAN: Speeches must be short.

* DR. A. SREENIVASAN: I am not going to be longwinded. (Laughter.) I thought my fervent plea on behalf of these dumb animals would move the Hon. the Minister for Home and I expected him to give the House an undertaking that in course of time at least, cow-slaughter would be banned. He has not done it. In the absence of such an assurance, I have to second the amendment. So far as clause 3 is concerned, the Government must establish some sort of institution for harbouring useless animals instead of allowing them to be slaughtered. When we levy all sorts of taxes on the people, I think it would be useful if we levy a small tax in order to maintain and support these asylums for these animals.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, sub-clause (1) of the amendment says ' . . . when it is certified by a competent authority for the area in which the animal is slaughtered'. The Member perhaps means 'is to be slaughtered'; otherwise, the present amendment may not fit in properly. Secondly, the Bill which we are now considering is to come into force, when passed into law, in the State of Madras and the Act has not got to be interpreted with reference to the provisions of an Act which is in force in some other State. If at all the hon. Mover of the amendment wants to have the provisions of an Act which is in force in some other State incorporated here, let those provisions be incorporated in the Act of this State. But he cannot have an amendment like this which says that we shall follow the provisions found in an Act which is in force in Mysore. Suppose, there are modifications made in the Mysore Act. Are we to be watching the changes and modifying our law in consonance with those provisions? There are these anomalies in the amendment.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, I have already dealt with the question whether there is to be a total ban on slaughter of animals or whether there is to be banning of slaughter of useful animals. Now, the Mysore Act is based on total ban on slaughter. If there is to be a certificate by the prescribed authority as mentioned in sub-clause (1) of the amendment, it has to be provided for only in the rules. If per chance the Government had introduced a provision like that, I have no doubt, the hon. Member Dr. John would come down on us with all his vehemence and say that it was all atrocious that flexibility should be found in statute,

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and that a fundamental provision like this should be made in the rules. Now that he himself wants this, I am glad that he has taken a different attitude. I am not quite sure whether there should be such an amount of flexibility in a statute. We must make it clear whether there is to be a total ban or not. I have expressed the Government's view that there is not to be a total ban. If the Central Government have drafted the provision and we have accepted it, it is to respect the sentiment, whether it is justified or not, in the minds of the Muslims.

But the idea underlying this Bill is not to impose a total ban.

DR. V. K. JOHN : There is no total ban in Mysore.

4.50 p.m. * THE HON. SRI M. BHAKTAVATSALAM : The second part of the amendment refers to the export of animals. Now, if this Bill is passed into an Act, then the prescribed authority should certify whether any animal that is brought from the Mysore State is permitted to be slaughtered and it is open to it to refuse permission as it could give certificates only for local animals. The amendment, viz., 'No person shall export or sell for export any animal with a view to its being slaughtered outside the State of Madras' may apply to the Mysore State where the provision relating to slaughtering outside the State of Madras could be enforced. If the idea of the hon. Member Dr. John is to impose a total ban on the export of animals from the Mysore State to the Madras State, then he should have suggested that the import of animals from that State should not be allowed. But this amendment speaks of export from Madras. It is very difficult to control these imports and exports and we do not know whether they are intended for slaughter or breeding. In the border areas people do go and purchase 'Hallikar', a very fine breed of cattle and it is not possible to enforce the Act in such cases.

Then, I come to the third part of his amendment which suggests the establishment of an institution to keep cattle, even useless cattle. Of course, the word 'may' is there but still it is a financial commitment. What does the hon. Member mean by the words 'direct any local authority'? How can we direct the local authority to establish such an institution?

Then, the fourth part of his amendment proposes the levy of a tax. It is a major proposal and we cannot introduce such a provision in a Bill like this. However much I would like to accept the amendment of the hon. the Deputy Leader of the Opposition who has taken so much interest in the matter, I am sorry that I am not able to accept it.

MR. CHAIRMAN : Is the hon. Member Dr. John pressing his amendment?

DR. V. K. JOHN : Yes, Sir.

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MR. CHAIRMAN : The question is—

"For the existing clause 4 substitute the following, namely :—

(1) Notwithstanding any custom or usage or law to the contrary, no person shall slaughter or cause to be slaughtered any animal except when it is certified by a competent authority for the area in which the animal is slaughtered that the animal is fit for slaughter in accordance with rules prescribed from time to time by Government.

(2) No person shall export or sell for export any animal with a view to its being slaughtered outside the State of Madras.

(3) The Government may establish or direct any local authority or private individuals or associations to establish institutions at such places as may be deemed necessary for taking care of animals sent thereto. The Government may make provisions by rules for the proper management of the institutions mentioned above for the care of animals therein and also for the class or variety of animals that may be admitted therein.

(4) The Government or, subject to the previous sanction of the Government, a local authority may levy such taxes as may be prescribed for maintaining institutions established under the Mysore Prevention of Cow Slaughter Act of 1948."

The amendment was put and lost.

MR. CHAIRMAN : Now I shall put the amends of Sri K. Balasubramanya Ayyar to the vote of the House.

The question is—

"In sub-clause (3) (b) of clause 4 omit the word 'age'."

"Add the following at the end of the proviso to clause 4 :—

'except in so far as the provisions or the rules made thereunder are inconsistent with sub-clause (3) (a) and (b)'."

The amendments were put and carried.

Clause 4, as amended, was put and carried.

Clause 5 was put and carried.

Clause 6.

MR. CHAIRMAN : The motion is—

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

SRI T. PURUSHOTHAM : Sir, I beg to move the following amendments standing in my name :—

"In sub-clause (a) in the last line, after the words 'in such place' and before the word 'and' insert the following words, 'and in such humane manner as may be prescribed by Government'."

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

'and in such humane manner as may be prescribed by Government'."

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"At the end of clause 6, add the following proviso, namely:—

'Provided always that no animal shall be slaughtered on Mahatma Gandhi Birthday and such other days of religious importance as may be notified by Government from time to time'."

The amendments were duly seconded.

* SRI T. PURUSHOTHAM: Sir, I have proposed three amendments to clause 6 and I will briefly explain the objects of these amendments.

The first two amendments propose that a standard should be prescribed for the slaughter of animals. I referred to the condition of slaughter-houses yesterday while speaking at the time of the first reading of the Bill. Inhuman methods are indulged in in these slaughter-houses and hon. Members would agree that scientific methods should be adopted in the interest of these dumb animals. I feel, Sir, that when we stipulate that animals should be slaughtered in prescribed places, we should provide for humane slaughter of animals that have served and would serve us even after slaughter as food or otherwise. The hon. Member Dr. Sreenivasan expressed all-out sympathy for these dumb animals. What I consider as humane slaughter would be the adoption of mechanical or electrical or chemical or other methods which are found to be rapid, effective and humane. I find, Sir, that there are such provisions in the laws of other countries. We know that a large number of animals are being slaughtered daily in India and I strongly feel that we should introduce as early as possible in India any of the mechanical or electrical or chemical methods which are in use in other countries for rendering the animals insensible to pain before actual slaughter.

The third amendment that I have proposed contemplates a ban on animal slaughter on important religious and festival days and also on Mahatma Gandhi's Birthday. This is a method of animal preservation by reducing the quantum of slaughter of animals, apart from a sentiment that on certain sacred days purity of life should be maintained. It will also be a great tribute to the memory of that great and pure soul, Mahatma Gandhi, that on his birthday *ahimsa* will be practised throughout the State. Especially the slaughter of cows incidentally would not be there on that day and we are aware how dear this particular point was to Mahatma Gandhi.

With these few words, I commend my amendments for the acceptance of the House.

* SRI P. S. KRISHNASWAMY AYYANGAR: Mr. Chairman, Sir, it is not possible to fix a particular day in every year as one's birthday. For instance, Hindus take into consideration the star or 'Natchathra' in which the man is born and others take

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into consideration the date of the calendar month. If the Hindu methods are adopted, the anniversary may differ in different years. So, the amendment is not specific and is vague. In view of that vagueness, such an amendment may not be acceptable.

MR. CHAIRMAN: This question will arise only if the amendment is accepted.

SRI MOHAMED RAZA KHAN: The hon. Member is only giving a warning.

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, Sir, I do appreciate the idea behind these amendments but I am afraid that these amendments are beyond the scope of this Bill. This Bill is only for the preservation of useful cattle. If the idea is to prescribe a method for killing animals and also for the banning of slaughter on sacred days including Mahatma Gandhi's Birthday or whatever day Mr. Krishnaswamy Ayyangar prescribes, then it should apply to the killing or slaughter of other animals also and the eating of their flesh also. For that purpose, we will have to provide in the Bill that on Mahatma Gandhi's Birthday, Buddha Jayanthi Day and on the other prescribed days, people should be absolute vegetarians. Is it right to make such a provision and is it practicable? Can we provide for all these things in this Bill? The method of killing is a different thing and then there is the question of religious susceptibilities.

SRI MOHAMED RAZA KHAN: That was why I kept quiet.

* THE HON. SRI M. BHAKTAVATSALAM: There are certain religious methods of killing. The Committee for the Prevention of Cruelty to Animals also went into this question and there were very many humanitarians on that Committee. They suggested that to begin with, there should be no statutory provision in respect of that matter, and that they should solve the problem through persuasion and propaganda by and by. That is what that Committee has suggested for the prevention of cruelty to animals. Therefore, Sir, I am really sorry that although with the highest and noblest of motives these amendments have been brought forward by the hon. Member Sri Purushotham, I am unable to accept them.

5.00
P.M.

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

SRI T. PURUSHOTHAM: I am withdrawing them, Sir.

The amendments were, by leave, withdrawn.

Clause 6 was put and carried.

Clause 7 was put and carried.

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Clause 8.

MR. CHAIRMAN: The motion is—

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

* SRI MOHAMED RAZA KHAN: Mr. Chairman, I oppose this clause though I have not given notice of an amendment. This is the first time that a Bill of this kind has been brought forward. Many people, especially in villages, may not know the provisions in regard to penalty. It may require much publicity before it is brought to the knowledge of the village folk. Therefore, it would have been much better for the Government to limit the penalties and, if necessary, they may review them after two or three years. The clause says, “ Whoever poisons, maims or renders useless any animal with intent to make or knowing that he is likely to make, such animal fit for slaughter under the provisions of this Act, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.” Sir, it may be all right in the City of Madras where people are likely to know these provisions. But in the interior villages, there may not be facilities to make them known to the people. Under the rule-making powers, the Government would be specifying the prescribed authority. I do not think it is possible by any stretch of imagination to spread over the authorities in all these places. Some villagers may unwittingly commit some offences. Therefore, the penalty, I feel, is rather too high. Of course, I have not given notice of any amendment and I have no right to put it in a specific manner. But I leave it to the Hon. Minister to reduce the penalties to reasonable limits, because we are on the first stage of the legislation. Much publicity also is required. Therefore, considering all these, I request the Hon. Minister to reduce the penalties to very reasonable limits.

Then, in the second part, it is said, “ Whoever contravenes any other provisions of this Act or of any rule made thereunder shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both ”. Sir, we can imagine this. In a particular village a small group of people may just slaughter a cow without the necessary permit of the prescribed authority. They are perhaps accustomed in many places to do such things. Instead of keeping useless animals, they dispose of them and partake of their remains. If for that they have to be punished, the penalty here is too severe. Of course, I admit that they should get the certificate from the prescribed authority. But the prescribed authority may not be in the vicinity, he may be some miles away. Apart from that, it is not clear whether that authority will be going round the villages or whether the villagers should take the animal to the place where the authority is for getting the certificate. Whatever it is, the punishments provided for are too severe. I leave it to the Hon. Minister to consider these things and reduce the punishment as far as possible.

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DR. V. K. JOHN: Sir, I fully endorse the statement of my hon. Friend Mr. Raza Khan on this clause.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, I may point out to the hon. Members that the provision here is only the maximum, and not the minimum. It is certainly open to the Magistrates to take into account the circumstances of the case and award suitable punishments. After having listened to the speech of the hon. Member Dr. Sreenivasan, none of us can imagine that any other view than a lenient one will be taken in these matters.

Clause 8 was put and carried.

Clauses 9 to 11 were put and carried.

Clause 12.

MR. CHAIRMAN: The motion is—

“ That clause 12 do stand part of the Bill.”

* SRI T. PURUSHOTHAM: Sir, I beg to move the following amendment—

“ Add the following at the end of clause 12—

‘ and provided that no cow is slaughtered for any such purposes. ’ ”

Sir, the Hon. the Home Minister made it clear that absolute ban on slaughter of cows was not contemplated by the Government or by this legislation. My amendment does not also impose an absolute ban on the slaughter of cows. I have only suggested that a cow should not be slaughtered for any of the purposes stated in the exemption clause. In clause 12, it is put down, “ Government may, by general or special order, subject to such restrictions and conditions as they may think fit to impose in such order, direct that the provisions of this Act shall not apply to the slaughter of any animal for any religious, medicinal, research or teaching purposes or to relieve it of its suffering caused by injury or disease, etc.”

Sir, I plead that the Government may be pleased to accept this amendment. The Madhya Pradesh Animal Preservation Act specifically makes exactly a similar provision as I have proposed in section 13 of that Act which is analogous to clause 12 of our Bill. They say, “ The State Government may by general or special order, etc.”—it is the same as in clause 12 here—“ the slaughter of any animal other than a cow for any religious, medicinal or research purposes, etc.” In proposing this amendment, I have stated that this is not a total ban. But let us follow what has been

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done in another State already and what is in force in another State. I propose my amendment for the Government's acceptance and the acceptance of this House.

There is a section of the people who hold the cow as sacred and that is an admitted fact. Therefore, let us not permit the slaughter of cows for the purposes stated in clause 12. In the name of religion or medicine or research, I feel we should not permit the slaughter of cows. Even before the reorganization of the States, 20 States had introduced this Preservation of Animals Act and out of these, 12 States have introduced complete ban on cow slaughter. We do not go so far. I have only suggested that the cow should not be slaughtered for the specific purposes stated in clause 12 and that the exemption proposed in our Bill should not apply to cows.

DR. A. SREENIVASAN: I second it, Sir.

SRI A. GAJAPATHY NAYAGAR: I second the amendment, Sir.

MR. CHAIRMAN: It does not matter who seconds it.

* SRI A. GAJAPATHY NAYAGAR: நான் இதை ஆதரித்து ஒன்று சொல்ல விரும்புகிறேன்.

அவிசொரிந் தாயிரம் வேட்டலின் ஒன்றன்
உயிர்செகுத் துண்ணுமை நன்று

என்று வள்ளுவர் சொல்லியிருக்கிறார். ஆகையால், இந்தச் சமய விஷயத்தை ஒட்டியாவது பசுவைக் கொல்லாமல் இருந்தால் போதும். வேறு எதைக் கொன்றாலும், பசுவைக் கொல்லக்கூடாது என்கிற காரணத்தையொட்டித்தான் நான் இந்தத் திருத்தத்தை ஆதரிக்கிறேன்.

5-10 P.M. * SRI P. S. KRISHNASWAMY AYYANGAR: Sir, when any provision of law ordains a particular thing, when it issues an Ordinance or a mandate, the mandate is not given by the use of the word 'is' but by the use of the word 'shall'. So, the expression, if to be accepted, should be 'Provided that no cow shall be slaughtered for any purpose'. In view of this defect in the wording of the amendment, it is not acceptable.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, this State has been one of the earliest to enact legislation banning slaughter of animals in the name of God before temples and before deities. But, now, the hon. Member Sri Purushotham who has moved this amendment has, according to me, pointed out that he does not propose the total banning of the slaughter of cows. Then, as regards the question if cows or any other cattle could be killed for the purpose of their flesh, for the benefit of man's food, I have seen that there is a feeling that all this should be completely banned. Of course, these people aim at banning the slaughter not only of cows but of all animals. That is the idea of many of these people. But now, again, I may point out that the underlying purpose of this Bill is to preserve and conserve the useful

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cattle from being slaughtered and we have for the present decided to follow the provisions of the model Bill and the general recommendations of the Committee for the Prevention of Cruelty to Animals. Therefore, I am very sorry that I am not able to accept the amendment.

The amendment was, by leave, withdrawn.

Clause 12 was put and carried.

Clause 13 was put and carried.

Clause 14.

MR. CHAIRMAN: The motion is—

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

* SRI T. PURUSHOTHAM: Sir, I move the following amendment—

“In sub-clause (3) of clause 14 for the words ‘Legislative Assembly’ substitute the word ‘Legislature’.”

Sir, this is a very simple amendment. I have got here a bunch of parliamentary enactments, the enactment relating to expenditure tax, etc. In all these enactments the clause relating to framing of rules says, ‘All rules made under this Act shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications, as Parliament may make during the Session in which they are so laid or the session immediately following. I just want this procedure to be followed here also. I suggest this on the analogy of what is being done in respect of parliamentary enactments. Therefore, I have proposed that for the words ‘Legislative Assembly’ the word ‘Legislature’ may be substituted.

The amendment was duly seconded.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, I may submit that the Committee on Subordinate Legislation which has been going into this question has not recommended this. Now, we propose in every legislation that all the rules may be placed on the tables of both Houses but the right of amendment is now left to the Assembly. Of course, the matter is under consideration and we shall await the final recommendations of the Committee on Subordinate Legislation. Now, as it is, we have not provided that it should be possible for the Council to make any amendments in this connection.

The amendment was, by leave, withdrawn.

Clause 14 was put and carried.

Clause 1 and the Preamble were put and carried.

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

“That the Madras Animal Preservation Bill, 1958 (L.C. Bill No. 2 of 1958), as amended, be passed.”

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MR. CHAIRMAN : The question is—

“ That the Madras Animal Preservation Bill, 1958 (L.C. Bill No. 2 of 1958), as amended, be passed.”

The motion was put and carried and the Bill, as amended, was passed.

(Deputy Chairman in the Chair.)

(4) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1958 (L.A. BILL NO. 2 OF 1958).

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

“ That the Madras Prohibition (Amendment) Bill*, 1958 (L.A. Bill No. 2 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

Sir, this House had an opportunity to discuss generally the provisions of the Bill when there was a motion to refer it to a Joint Select Committee. After a fairly good and exhaustive discussion, the House agreed to refer it to a Joint Select Committee. The hon. Member Sri Mohamed Raza Khan was one of the Members and, if I remember aright, he did participate in the discussions in the Joint Select Committee and contributed in no small measure to the final shaping of the Bill.

The main feature of this Bill is that severe sentences have been prescribed and that even a minimum period of imprisonment has been prescribed with a view to have more effective enforcement of the Prohibition Act. But the Joint Select Committee agreed to remove the clause providing for the establishment of Penal Police in certain areas which would mean a penal levy on the people of the villages towards the expenditure on the Penal Police. It was considered in the Joint Select Committee. Although there was a strong view in the Committee in favour of the retention of this clause, it was considered that this might cause harassment even to a few absolutely innocent people. Therefore, finally, the Joint Select Committee agreed to remove this clause. Again, about the provision regarding summary trials, at the instance of the hon. the Deputy Leader of the Opposition who took very keen interest during the discussions in the Joint Select Committee, the summary trial cases were restricted to the imposition of fines only and not imprisonment. The main purpose of this Bill is to secure the effective enforcement of the law of Prohibition.

I am really surprised that the hon. Member Sri Mohamed Raza Khan has given notice of an amendment that this should be considered after one year. I do not object to imitation in talking. In the other House there were two motions, one to postpone consideration for three months and another to postpone consideration for six months and there was a division on that question. I expressed my surprise there that I could not understand

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the purpose of a division. The motion to refer the Bill to a Joint Select Committee was accepted by the House. The Joint Select Committee sat for five days and went into the provisions of the Bill clause by clause thoroughly. The Bill was re-shaped and presented to the House. When the motion to refer it to a Joint Select Committee was before the House, I could understand a suggestion that the consideration of the Bill might be postponed or that the Bill might be circulated for eliciting public opinion. But after all these stages, when even the Joint Select Committee has presented its report and re-shaped the Bill which is now before the House, I am unable to understand the purpose of a motion to postpone consideration. I can rather understand if there is any opposition to the Bill or to the amendments as such. Therefore, I do hope that the hon. Member Sri Mohamed Raza Khan—I anticipate even before he moves the amendment—will not press that amendment.

DEPUTY CHAIRMAN : Motion moved—

“ That the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

SRI MOHAMED RAZA KHAN : Sir, I move—

“ That the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) be taken into consideration after one year.”

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

DEPUTY CHAIRMAN : Amendment moved—

“ That the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) be taken into consideration after one year.”

DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Deputy Chairman, Sir, I have no illusions about the effect of my speech on the Treasury Benches or on those sitting behind. I know perfectly well that what I have to say will be ignored if not ridiculed. I have been here in this House from 1947 and may I say that it has been my experience that almost in every session some amendment or other has been brought forward to the Prohibition Act by the Government of the day? At the time when the Budget was being discussed, I said that this Prohibition Bill was being brought in. After 1937, from 1947 onwards, almost till 1952, amendments have been successively thought of and brought forward before the House. Almost every amendment, Sir, except a few consequential amendments, was in the nature of improving the direction in which rigorous imprisonment or rigorous methods of punishment should be inflicted. This is perhaps the last stage when such rigorous methods are to be followed for ensuring the success of Prohibition. Usually, Sir, the Treasury Benches are inclined to think, when anybody wants to speak against Prohibition—I do not know what

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the attitude of the present Treasury Bench is and I will not anticipate it—that he must either be a drunkard or one who is making profit out of drink. I am not worried about this, for I can speak for myself with a perfect conscience.

I ask this question why Prohibition has been a failure. I say this because of the very Bill that has been brought forward before this House. If Prohibition had been a success even remotely, I wonder whether this Bill would have been necessitated. I am aware, Sir, the Hon. the Home Minister has stated in the other House that 75 per cent of the addicts are now free from the habit of drinking. I am sure that this statement has been made by him after a very thorough, scientific and critical investigation of the position and on reports submitted to him by the persons who are entrusted with this task. I should like to know whether we can get a copy of this report on which this expression of opinion of the Hon. Minister has been based. Now, I ask why this Prohibition has not been a success. I would not have asked this in 1937 when the then Ministry introduced it. Prohibition was a greater success when Mahatma Gandhi started it as an all-India measure. More people were then convinced and more people got away from drink than to-day.

Sir, if Prohibition is the policy of the Party in power—the Party that is in charge at the Centre and in all the States except one—I ask how it is that this policy has not been adopted in other States. I may refer to the directive principles of State policy enunciated in the Constitution. Article 47 of the Constitution says—

“The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.”

It applies to every State under the Constitution. There is no difference between State and State. What steps have the State Government taken to impress upon the Central Government that it is their primary duty to see that the States conform to the directive principle? We are all told of the directive from the Centre. Only the other day we had been told that the directive from the Centre was that one-third of the Judges should be recruited from other States. I need not repeat here the various means by which the State has complied with the demands of the Centre and probably quite justifiably—even quite rightly. When Prohibition is to be vigorously enforced, as is fully admitted by the very Bill that has been placed before us, how is it that the State has not asked the Centre to see that this policy is followed in other States also? My hon. Friend the Deputy Leader of the Opposition gave a dissenting note and I am sorry for it. As it will not serve any purpose, I do not generally give any dissenting note, even if I were on the Select Committee. There are States with Congress Governments which have not cared, in spite of repeated reminders, to have any policy

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of Prohibition. There are States which think that Prohibition is a born thing. There are States which think that a policy of Prohibition for two days in a week will be logical. It will then be that people drink all they can in three days just like camels. (Laughter.) Sir, it is the state of affairs in India to-day with the same Party in power practically in all the States. I wish to repeat that Prohibition can never be a success unless all States come in line, at least with the same ideology, with the same political banner and with the same political influence. We want uniformity in directive principles. For instance, we want uniformity in language. But when it comes to the principle of Prohibition which is enunciated in the Constitution, the Centre says, “Hands off. Let the States be free.” That is their attitude. I may tell the House that on account of this Prohibition policy which we have adopted voluntarily, we have willingly deprived ourselves of a good deal of income that we can derive. I am told that money collected from drink is more or less “tainted money”. We do not want this “tainted money”. I am for Prohibition. But I ask, ‘What about the money that is being collected in other States?’ I would suggest that the Central grants to those States which collect this money be reduced to the extent that they get the “tainted money”. Then you will see that a different policy is followed at once in those States. About Rs. 4,800 crores are being spent under the Second Five-Year Plan. The whole of the money collected from drink in all the States may not be more than Rs. 250 crores. Let the Centre give this money to the States to make good the loss due to introduction of Prohibition. Then only this State also will find that its policy of Prohibition is a success, that all the money spent here is justified and that it is worth spending.

In 1937 when Sri C. Rajagopalachari introduced this Prohibition policy, there was no Constitution to help him to force the Central Government to do what ought to be done. But now that we have a Constitution, we must force the Government of India to follow the lines on which the policy of Prohibition should be enforced not only in this State but in at least all Congress States. When that is the case, how is it that this Government now say that Prohibition will be made a success by increasing the penalties, by more rigorous punishments? I am not a lawyer. I understand that there are fundamental rights guaranteed under the Constitution which say that any individual shall not be discriminated against on the ground of his place of birth. Simply because a person is born or is living in the Madras City, he cannot be meted out a treatment different from that in another State. I do not know if there is anything like that. But I know that on moral grounds there is no justification for you to say, “You shall be imprisoned for three years and you shall pay five thousand rupees”. These are the things which ought to be taken note of. This does not mean that Prohibition should not continue. But where are the people to make Prohibition a success to-day? I say there is none anywhere, neither in the election campaign nor in any other place. But we find people talking of Prohibition here and there.

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DR. V. K. JOHN : People in front of you talk of Prohibition.

DR. A. LAKSHMANASWAMI MUDALIAR: My hon. Friend, the Deputy Leader of the Opposition has always the knack of hitting at the wrong at the right time. But I do not propose to follow his example. I do not want to deviate from the trend of my thought which has nothing to do with the criticism against the Treasury Bench or anybody else. I am thinking aloud. But whatever I may say, I am certain that this Bill will be passed, probably in another two minutes. If not, it will be passed to-morrow afternoon and it will be placed on the Statute-book of this State. To that extent, I congratulate the Government beforehand on the success of the measure that they have brought forward.

5.30
p.m.

Reference was made in the other House to the rigorous type of punishment provided for and also the provision of minimum punishment. I think the hon. Member Dr. John, a criminal lawyer—he is not criminal, he deals with criminal cases—will bear me out when I say that there is no provision in any enactment, so far as I know, prescribing a minimum punishment. Usually, provision is made prescribing a maximum punishment and leaving it to the magistrate to decide the punishment to be awarded. Now, according to the present Bill, the magistrate's discretion is also restricted in this matter. If an offence is proved, the magistrate is told, 'The punishment will be such and such.' He is left with no alternative or discretion. There is no question of maximum or minimum punishment. He has to award that punishment. What does it mean? I leave it to the lawyers to decide about it.

There is another point to which I should like to make a reference. One of the sections to which strong objection was taken by me was when the then Minister in charge of Prohibition, Sri N. Sanjeeva Reddi, moved an amendment to the effect that anybody found drunk whether in a public place or a private place should be arrested and brought to trial. According to that amendment, one of the Prohibition Officers may visit a family living in an isolated hut even in the middle of the night, arrest a member of that family, take him to the station immediately and also get a doctor to examine him. All those things will be done. Now, we find the same obnoxious provision which would rather make it more difficult than otherwise to see that the ends of justice are rightly met. Let us remember that this law is going to be enforced not by the Ministers, not by the supporters of the Ministers and not by the Members of the Opposition, but by the rank and file of the Prohibition staff that are engaged in it. They may have done very good work. I see from the Report of the Inspector-General of Police that I got day before yesterday that they have found out many more cases in 1956 than before, and I think I am probably right if I say that about 50,000 to 60,000 more cases have been found out. Let us not think of those that have been let off. That is another story. This time, the provision is sought to be made even more rigorous. Instead of six months' imprisonment, they have changed it to one

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year's imprisonment and the fine also has been raised to Rs. 2,000. Anybody supposed to be intoxicated or anybody supposed to have taken any drink in any place will be brought within the purview of the Act and punished. I can perfectly understand if it is a question of a person being in an intoxicated stated in a public place, because as a medical man, I have had to deal with such cases. But, suppose it is a case of a person remaining in his house and being supposed to have taken some drink. Well, I need not tell you what can happen to him at that time, what can happen to the family at that time when he is subjected to one year's imprisonment and a fine of Rs. 1,000.

Sir, I want to ask whether the Government have carefully considered the provisions under which they have enacted the Prohibition law. I think it is the Seventh Schedule—State List—which enables the State to legislate in regard to these intoxicating drinks. Under item 8 of the Seventh Schedule to the Constitution, come 'Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.' This item limits itself only to these particular things. A man should possess, transport, purchase, produce or manufacture or sell intoxicating drinks. There is no provision in the State List of the Constitution which gives power to the State to provide, "If a person has taken a little liquor or smells of it, he can be prosecuted and this heavy punishment should be imposed on him." Again that is a matter which experienced lawyers may take into consideration. I know nothing could be done now and the State Legislature will pass this legislation. I am aware of it. I am also aware that all these points referred to by us will be lightly brushed aside in their plenitude of powers and particularly when the Assembly has passed this legislation.

Let me refer to another aspect of this matter. The person who is supposed to have taken liquor has to be brought before a medical officer who is to certify. Have the Government got any particular method by which the medical officer can find out and certify whether a person has taken liquor or not? My friend over there will tell you whether there is any particular scientific method to find out whether a person has taken liquor or not, and to what extent that is practised in the United States for certain purposes. What happens is this. They smell the mouth and then they say, "Oh yes. The person is drunk". I do not want to be uncharitable, but I want to say that it is done in a haphazard manner. Have the Government laid down any definite criteria on which a medical report should be based? I demand that they should do so if they are going to give effect to this provision about one-year imprisonment and one thousand rupees fine. I would like to know whether any instructions have been given or are going to be given to the medical officers in this respect, and who is to check and find out whether those instructions are carried out or not. This Act applies to the whole State of Madras. We are told here that so far as women are concerned, lady doctors will be asked to examine

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them. Sir, the Hon. the Minister for Health is not here. I would have very much liked to ask him, 'How many lady doctors are there, especially in the rural areas, to examine these cases?' Let me tell the House that the bulk of these cases come from the rural areas only. The number of cases coming from rural areas is more than the number coming from the urban areas. So, the question whether a person has drunk—I shall not use the word 'drunk'—whether a person has tasted liquor will arise more in the rural areas. If a woman is arrested in the rural areas and brought to the police station, how is she to be examined? Is it a mere pious statement that women will be examined by lady doctors? Will they, in actual practice, be examined by somebody else and given the certificate?

There is one other matter. Some time ago, we had a separate staff of prohibition Officers. Later on, the Government amalgamated the staff with the staff of the Police Department. I think to-day the Police officers are asked to enforce the Prohibition law. Sir, the Police officers are already heavily overworked. V.I.Ps. are coming not in dozens or scores, but I think they are coming in hundreds, and whenever they come, the whole Police force from a particular area has to be mobilised. I do not say anything about that. But, the fact remains that consequent on such mobilisation of the Police force from time to time, there has been a certain amount of difficulty for the Police to attend to their normal duties of maintenance of law and order. In addition to all these, they have to attend to the Prohibition cases also which are tacked on to them. I am sure that the Police would try to do their best. But, there is a limit beyond which they cannot possibly go. Sometimes, I am afraid—not necessarily due to their faults—some haphazard methods of investigation may be resorted to. Is this right? Are we really getting a Welfare State or are we getting a Police State ruling over us?

Now, it seems to me that merely talking of Prohibition airily and saving that everybody shall not drink is no good at all. We must have a definite plan. I am all for it. We must have definite means of giving effect to that plan. As I said previously, we must have definite means of saving that this must be an all-India question which ought to be tackled in all the neighbouring areas, where Prohibition is not in force. When there is no Prohibition in the neighbouring areas, there is a sort of demoralisation here. Some ten years ago I ventured to suggest that the best thing to do would be to give everybody who wanted to drink a permit defining the amount that he should consume. And on that permit, there should be a photo of his, just as you have on passports, with his signature affixed to it. Whether he is the biggest zamindar or the poorest man in the State, he must go to the particular shop and get his daily allowance. What prevents the Government from doing this? The advantage is that no man can possibly substitute or masquerade for another. The very fact that he has to go to a grocer shop and get his daily allowance will certainly prevent him from resorting to it too often, for my friend over there will spot him and give him unnecessary publicity in the papers.

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Apart from this, why is it that the manufacture of illicit liquor is so rampant? From all accounts, I learn that it is more rampant now than it was when there was no Prohibition. There is an old proverb, 'You have to set a thief to catch a thief'. They were the people who acted as informers in the olden days. To-day, they themselves do it because it is all cheap. I do not see any reason why anybody who wants to take drinks should not be allowed to have a photo of his affixed to his permit and get his requirements personally from the grocer shop. I made this suggestion ten years ago and if this was accepted then, by now there would have been an appreciable lessening of the number of persons who took drinks. Now, what is the position? I hope Hon. Members on the Treasury Bench would not take it amiss when I say that some of us get more easily into the rural parts than they do—they have so many functions to perform when they go that they are not in a position to find out what happens there really—and the rural folk speak out their minds to us. They tell us what are the real obstacles in the way of implementation of the Prohibition policy. They mention to us the many ways in which illicit distillation takes place; they point to the houses where it is done. As a result, Sir, women and children who were never accustomed to drink have taken to it now. As my friend, Dr. Sreenivasan, said, they feel that so much should be given to everybody in the house. Perhaps he is quite right. This will not do. Let us have a bold policy. Let us proceed with it not on the basis of increasing penalties but on the basis of 'prevention is better than cure'. 'Prevention is better than cure' is an old adage applicable not only to matters concerning health but to every bad habit. I have taken so much time—probably I have wasted so much time—of the House but these are the sentiments that I felt I must give expression to, of course, with no hope of their being accepted.

* SRI A. SUBRAMANYAM: கனம் துணைத் தலைவர் அவர்களே, இச்சபை முன்பாக கனம் மது விலக்கு அமைச்சர் அவர்கள், மது விலக்கைத் தீவிரமாக்குவதற்கு அதிகப்படியான அதிகாரங்கள் வேண்டுமென்படியாகக் குறிப்பிட்டுக் கொண்டே நிற்கும்படியான இந்த மசோதாவை நான் முழு மனதுடன் வரவேற்கிறேன். இப்போது இந்த மசோதா, எதற்காக இவ்வளவு அவசரமாகக் கொண்டுவரப்பட்டேண்டும் என்பது போன்ற கருத்துக்களுடன் சிலர் இதை எதிர்க்கக்கூடிய முறையில் பேசுகிறார்கள். இதை ஒத்திப் போடவேண்டுமென்றும், இப்போது என்ன அவசரம் இருக்கிறது, இதை ஏன் இவ்வளவு அவசரமாகக் கொண்டுவரவேண்டும் என்று கூட சிலர் கருத்துக்களைத் தெரிவித்திருக்கிறார்கள். இம்மாதிரியான நல்ல மசோதாக்களைக் கொண்டுவரும்போது கூட சிலர் மாறுபட்ட கருத்துக்களைக் கூறுவதைக் கண்டு நான் மிகவும் வருந்துகிறேன். ஏனெனில் 1937-ம் வருடத்திலே இந்த மது விலக்குச் சட்டம் கொண்டுவரப்பட்டது. நீண்ட காலமாக, சரித்திரம் கண்ட நான் தொட்டு, நம் இந்தியா தேசத்திலே, குடிப்பது தவறு—குடிப்பதைத் தடுப்பதே கோடிக்கோடி புண்ணியம்—என்பதாகப் பல அறிஞர்கள் கூறியிருக்கிறார்கள். எல்லா மதத்திலும் குடிப்பது ஒரு பாபமான காரியம் என்று குறிப்பிடப்பட்டிருக்கிறது. இந்த நல்ல காரியத்தை—சட்ட சபை முன்டாசக் கொண்டுவந்து சட்டமாகச் செய்யவேண்டும், குடிப்பதைத் தடுக்கவேண்டும் எனச் செய்கிற காரியத்தை—எல்லோரும் வரவேற்கவேண்டும். அதை விடுத்து, "இப்படிச் செய்யக்கூடாது" "வேண்டவே வேண்டியதில்லை" என்று சொன்னால், இதைப்பற்றி என்ன நிலைப்பாடு என்றுதான் எனக்குப் புரியவில்லை.

18th March 1958] [Sri A. Subramanyam]

[Sri A. Subramanyam] [18th March 1958]

சட்டங்கள் இவ்வளவு கடுமையாக இருக்கவேண்டுமா என்று சிலர் கேட்கிறார்கள். ஏற்கெனவே, மது விலக்குச் சட்டத்தின்கீழ் தண்டிக்கக் கூடிய முறை எப்படி இருக்கிறது? குறிப்பாக சாராயம் காய்ச்சுவதற்கு அல்லது குடிப்பதற்கு இவ்வளவுதான் தண்டனை என்பதாக ஒரு வரையறை இல்லாதபோது, மிக்க குறைந்த சிறை தண்டனையோ, அபராதமோ போடக் கூடிய நிலை இருந்தது. அதன் காரணமாக சாராயம் காய்ச்சுகிறவர்கள் தொகை, சாராயம் குடிப்பவர்கள் தொகை எல்லாம் அதிகமாகிக்கொண்டு வந்தது என்பதை இந்த சந்தர்ப்பத்தில் சொல்லிக்கொள்ள விரும்புகிறேன். ஒருவன் குடித்துவிட்டிருக்கிறான் என்று வைத்துக்கொள்வோமா. அவனைத் தடுத்த முறையில் போலீஸ்காரன் பிடித்துக்கொண்டுபோய் மாஜிஸ்ட்ரேட் டிடத்தில் விட்ட உடனே, அவர் விசாரித்த பின் “உனக்கு மூன்று நாள் ஜெயில் தண்டனை” என்பதாகச் சொல்கிறார். அல்லது மூன்று ரூபாய் அபராதம் அல்லது ஐந்து ரூபாய் அபராதம் என்று போடுகிறார். அந்தச் சாராயம் குடித்தவன் மூன்றாவதுபாளே வெளியே வந்துவிடுகிறான். அதே போல சாராயம் காய்ச்சிய வனும் வந்துவிடுகிறான். அபராதத் தொகை கட்டக் கூடியவர்கள் கட்டிவிட்டு வந்துவிடுகிறார்கள். அந்த ஈழநிலையில் இது ஒரு பெரிய கூட்டமாக இருக்கிறது. அதற்கு ஒரு பெரிய பணக்காரன் தலைவனை இருக்கிறான். கொள்ளைக் கூட்டத்திலே, ஒரு பெரிய கூட்டத்திற்குத் தலைவன் இருக்கிறானே, அது போல சாராயம் காய்ச்சுகிறவர்களுக்குக்கூட ஒரு பெரிய பணக்காரன் தலைவனை இருந்து நடத்திவருகிறான். சாராயம் காய்ச்சியதற்காக 5 ரூபாய் அபராதம் போட்டால், அந்தத் தொகையை அவன் கட்டிவிடுகிறான். அது மட்டுமல்ல, வக்கீலை வைத்து வாதாடுகிறான். அந்த வக்கீலுக்கு 10 ரூபாய், 15 ரூபாய் என்று கொடுத்து வாதாடுகிறான். அவனுடைய தகப்பனுக்கோ, அல்லது தாய்க்கோ அல்லது குடும்பத்துக்கோ சாப்பாட்டுக்கு இல்லையென்றால், அவர்களுக்கும் 5, 6 ரூபாய் கொடுக்கிறான். இப்படி ஒரு திருட்டுத்தனமான கூட்டம் இருக்கிறது. நல்லவிதமான ஒரு காரியத்தைச் செய்துகொண்டு வரும்போது, நியாயம் என்று பலரும் ஒப்புக்கொள்ளும்போது, சட்டம் தெரிந்த சட்ட நிபுணர்களெல்லாம் நியாயம் என்று சொல்லும்போது இங்கே சரியான கண்டிப்பு இல்லாததால், அதிகப்படியாகச் சாராயம் காய்ச்சுதல் போன்ற குற்றம் நடைபெறுவதால் ஒரு வருடக் கடின காவல், 1,000 ரூபாய் அபராதம் போடுவண்டுமென்பதற்கு ஆட்சேபம் இருக்க முடியாது. இந்தக் குற்றத்திற்கு என்னைக் கேட்டால் 1 வருஷமும் 1,000 ரூபாயும் அல்ல, 5 வருஷம் கடின காவல் தண்டனை கொடுக்கப்பட்டு, 5,000 ரூபாய் வரையில் அபராதம் போடுவதைக்கூட நான் வரவேற்பேன், ஒப்புக்கொள்வேன். எல்லோரும் குடிப்பதைப்பற்றிச் சொல்லும்போது, காப்பி குடிப்பதுகூடத் தவறுதான் என்று சொல்கிறார்கள். எனது நண்பர் டாக்டர் ஸ்ரீனிவாசன் அவர்கள் கூட “காப்பி குடிப்பதுகூடத் தவறுதான், ஏன் காப்பி குடிப்பது தவறு என்று ஒரு சட்டம் பண்ணக்கூடாது” என்று அடிக்கடி சொல்லும் வார்கள். நான் கேட்கிறேன்—ஒருவன் காப்பி குடித்துவிட்டு இருக்கும் போது, அவன் கட்டியிருக்கிற துணி அவிழ்வதுகூடத் தெரியாமலா இருக்கிறான்? ஒருவன் கள் குடித்துவிட்டால், அவன் மானத்தையும் மதியையும் இழந்துவிடுகிறான். அவனுக்குச் சொரணை இல்லை. எங்கே இருக்கிறோம் என்று தெரிவதில்லை. என்ன செய்கிறோம் என்று தெரிவதில்லை. எவ்வளவு செலவு செய்கிறோம் என்றுகூடத் தெரிவதில்லை. காப்பி குடித்தால், இந்நிலை ஏற்படாது. இன்னொன்று கள் குடிக்கும் போது, கள்ளைக் கிளாவியில் வைத்துக்கொண்டிருக்கிறான். குடிக்கும்போது கண்ணைத் திறந்துகொண்டு குடிக்கிறான் என்று பாருங்கள். கண்ணை மூடிக்கொண்டு திணறித் திணறித்தான் பக்கத்தில் வேறு பொருள் இருக்கிறதா என்று தேடித் தேடித்தான் குடிக்கிறான். அவ்வளவு அருவருப்பாக இருக்கும்பொழுது, அதை ஏன் நாம் ஒழிக்கக்கூடாது? ஏன் அதை ஆதரிக்கவேண்டுமென்றுதான் கேட்கிறேன். கடுமையான தண்டனை விதிப்பதைப்பற்றி நாம் ஆட்சேபிக்கக்கூடாது. 1921-ம் வருஷம் முதற்கொண்டே நான் இந்த மதுவிலக்குப் பிரசாரத்தில் ஈடுபட்டிருக்கிறேன். கிராமங்களுக்கெல்லாம் சென்றிருக்கிறேன். பக்களோடு பேசியும் இருக்கிறேன். அவர்களோடு பழகியும் இருக்கிறேன். குடிக்கிறவர்கள் எல்லாம் என்ன நிலையில் இருக்கிறார்கள் என்பதை நாம் பார்க்கவேண்டும்.

கள்ளுக்கடைகள் இருந்தகாலத்தில், அந்தப்பக்கம் ரோடுக்குக் குறுக்கே போக முடியாது. பெரிய சண்டை சச்சரவுகள், கத்திக் குத்து எல்லாம் நடக்கும். சுகாதாரத்துக்கு விரோதமான முறையில் அங்கே போகும் வழிகள் இருக்கும். சேரிகளில் மனைவியின் தலைமயிரைப் பிடித்துக்கொண்டு அடிக்கும் காட்சியைத்தான் பார்க்கலாம். பெண்கள் மயிரைப் பிடித்துக் கொண்டு ஒருவரோடொருவர் சண்டையிடுவதைத்தான் பார்க்கலாம். ஆனால், இப்பொழுது சேரிக்குப் போய்ப் பாருங்கள். அவர்கள் எவ்வளவு ஆனந்தமாக இருக்கிறார்கள்? அவர்களிடையே சண்டை சச்சரவு இருக்கிறதா என்று பாருங்கள். மதுவிலக்கு இல்லாத காலத்தில் ஒட்டைப் பாணிகளையும் சட்டிகளையும் வீட்டில் வைத்திருந்தார்கள், சிறிந்த ஆடைகளை அணிந்திருந்தார்கள். இப்பொழுதெல்லாம் பித்தனை சாமான்களை வைத்துக்கொண்டு, துணிகளையும் எவ்வளவு சுத்தமாக உடுத்திக்கொண்டு எவ்வளவு நாகுக்காகக் குடித்தனம் செய்கிறார்கள் தெரியுமா? ஏழைகளுக்கும், தொழிலாளர்களுக்கும் மிகவும் அனுசூலமான வகையில் மது விலக்குச் சட்டம் இருக்கிறது என்பதை யாராவது மறுக்க முடியுமா? இந்த மசோதாவை நாம் சந்தோஷத்துடன் வரவேற்கவேண்டுமே தவிர, வேறு எந்தவிதமான திருத்தத்தையும் கொண்டுவந்து இந்த மசோதாவை ஒத்திப்போடவேண்டுமென்று சொன்னால், அதைப்பற்றி என்ன சொல்வது என்று தெரியவில்லை.

கீழ் சபையிலே 3 மாதம் அல்லது 6 மாதம் வரையிலும் இதை ஒத்திப் போடவேண்டுமென்று சொன்னார்கள். இந்த சபையில் ஒரு வருஷத்திற்கு ஒத்திப்போடவேண்டுமென்று சொல்லுகிறார்கள். இது எப்படியிருக்கிறது என்றால், ஒரு கதை சொல்லுவார்கள். ஒருவன் கருப்பன் என்ற பெயரை வைத்துக்கொண்டானாம். அது நன்றியில்லை என்று சிலர் சொன்னார்களாம். உடனே “பெரிய கருப்பன்” என்று பெயரை மாற்றி வைத்துக்கொண்டானாம். அதுபோன்று ஒரு வருஷம் இதை ஒத்திப்போடவேண்டுமென்று இங்கே நண்பர் ஸ்ரீ ரஸாகான் சொல்லுவது இருக்கிறது. எனது நண்பர் வேடிக்கைக்காக இந்தத் திருத்தத்தைக் கொண்டு வந்தாலும் வந்திருக்கலாம். இங்கே என்ன சொன்னார்கள் என்று பார்க்கலாமே என்று நினைத்துக் கொண்டுவந்திருக்கலாம். இந்தமாதிரியான மது விலக்கு மசோதாக்களைக் கொண்டுவருவது மிகவும் அவசியம். ஆகையால், இந்த மசோதாவை நாம் மிக விரைவாக நிறைவேற்றுவதில் எந்த விதமான ஆட்சேபனையும் இருக்கமுடியாது. என்னைப் பொறுத்தவரையில், இந்தமாதிரிச் சட்டத்தை 1937-ம் வருஷத்திலேயே கொண்டுவந்திருப்பார்களேயானால், குடிப்பழக்கம் அதிகரித்திருக்க முடியாது. கொஞ்சம் கவனக் குறைவாக இருந்ததால், இந்தமாதிரிக் கடுமையான சட்டம் இல்லாததினால், திருட்டுத்தனமாகக் கள்ளச் சாராயம் தயார்செய்து, குடிப்பது போன்ற நடவடிக்கைகளில் சிலர் ஈடுபட்டிருக்கிறார்கள். ஆனால் ஒன்று மட்டும் சொல்லவேண்டும். உண்டாக்கியே, பழைய குடிக்காரர்கள் குடியை விட்டுவிடார்கள். ‘கள்ளச் சாராயம் தயார்செய்து என்பது ஒரு குடிசைத் தொழிலாக்கூடப் போய்விட்டதென்கிறார்கள். பார்த்தாலும் காய்ச்சுகிறார்களே, ஆகவே குடிப்பதை ஏன் அனுமதிக்கக்கூடாது?’ என்று சிலர் கேட்கிறார்கள். பழைய குடிக்காரர்கள் ஒருவரும் குடிப்பதில்லை. புதிய குடிக்காரர்கள்தான் குடிக்கிறார்கள். ஏன்? இதிலே தீவிரமாகப் பங்கு எடுத்துக்கொண்டு திருட்டுத்தனமாகச் சாராயம் காய்ச்சுகிற வர்களுக்கு நல்ல வறுமானம் கிடைக்கிறது. இந்தமாதிரியுள்ள சமூகத் துரோகிகளுக்கும், சூதாட்டக்காரர்களுக்கும், சோம்பேறிகளுக்கும் நல்ல வருமானம் கிடைக்கிறது. ஆகவே, இதை அடக்கி, ஒரே மடக்கவேண்டிய பொறுப்பை, இவர்கள் விஷயத்தில் மிகவும் அக்கறை எடுத்துக்கொண்டு, அரசாங்கம் சட்டம் செய்ய முன்வந்திருப்பதை நான் மனமார வரவேற்கிறேன். இது மிகவும் போற்றத்தக்கது.

இன்னொரு விஷயத்தையும் இங்கே குறிப்பிட விரும்புகிறேன். கூழ்வெல்லம் (molasses) என்ற ஒரு பொருள் இருக்கிறது. கள்ளச் சாராயம் காய்ச்சுவதற்கு இதுதான் மூலப்பொருளாக இருக்கிறது. இந்த வெல்லத்தை ஏராளமாக எங்கே பார்த்தாலும் கடைகளில் வைத்

[Sri A. Subramanyam] [18th March 1958]

திருக்கிருகர்கள். சிறிய விவசாயிகளும் இதை வைத்திருக்கிறார்கள். இதை அதிகமாக வாங்கிக்கொண்டு போய்த்தான் சாராயம் காய்ச்சுகிறார்கள். இந்த வெல்லம் வைத்திருப்பவர்களிடமிருமின்னும் கடுமையான சட்டம் செய்து நடவடிக்கை எடுத்துக்கொள்ள வேண்டும் என்பது என்னுடைய அபிப்பிராயம். யார் இந்த வெல்லத்தை வைத்திருந்தாலும், யார் இதை வாங்கிக்கொண்டு போவதானாலும், அதை எந்த அளவுக்கு வைத்திருக்கலாம் அல்லது வாங்கிக்கொள்ளலாம் என்று நிர்ணயம் செய்து, விவரமாக எழுதி வைக்கும்படி செய்யவேண்டும். விவசாயிகள் அவ்வப்பொழுது கணக்கைத் தாசில்தாருக்கு அனுப்பி வைக்கவேண்டும் என்ற முறை இருக்கவேண்டும். விஷயத்தைக் கவனிக்கும்போது, அவர்கள் கரும்புச் சாற்றைக் காய்ச்சும்பொழுது, கழிவு அதாவது கூழ்வெல்லம் ஏற்படலாம். தவிர, இதை உரம் செய்வதற்காகப் பயன்படுத்துவதற்கு அரசாங்கம் தகுந்த முயற்சிகள் எடுத்துக்கொள்ளவேண்டும். விஞ்ஞான ரீதியில் ஆராய்ச்சி செய்து நல்ல முறையில் ஒரு செய்வதற்கு ஒரு திட்டத்தை அரசாங்கம் கொண்டு வருவார்களேயானால், நல்ல பலன் அளிக்கும் என்று இந்த சந்தர்ப்பத்தில் சொல்ல விரும்புகிறேன். இந்தமாதிரிக் கடுமையான சட்டத்தை நாம் செய்யவேண்டியது அவசியமாக இருப்பதால், இதை யாரும் ஆட்சேபிக்க முடியாது.

மதிப்பிற்குரிய டாக்டர் லட்சுமணசுவாமி முதலியார் அவர்கள், இம்மாதிரிச் சட்டம் ஒரு ராஜ்யத்தில் மட்டும் இருந்தால் போதாது, அரசியல் சட்டத்தின்படி எல்லா ராஜ்யங்களுக்கும் பொருத்தும்படி ஏக காலத்தில் செய்தால் நல்லாய் இருக்கும் என்று குறிப்பிட்டார்கள். உண்மையிலே இதை நானும் ஒப்புக்கொள்கிறேன். இந்தமாதிரியான ஒரு சட்டத்தை ஏக காலத்திலே பாரத நாட்டிலுள்ள எல்லாப் பகுதிகளிலும் அமலுக்கு வரும்படி உடனடியாக மத்திய சர்க்கார் செய்ய வேண்டும் என்பது என்னுடைய அபிப்பிராயமும் கூட. மக்களுடைய எண்ணமும் அதுவாகத்தான் இருக்கும். அத்தகைய ஒரு சட்டத்தை உடனடியாக மத்திய அரசாங்கம் செய்யும் என்று நினைக்கிறேன். இதற்கிடையில் மத்திய அரசாங்கம் சட்டம் செய்யும் வரையில் நாம் காத்துக் கொண்டிருக்கவேண்டும் என்பது அல்ல. கொஞ்சநாள் குடித்துவிட்டுத் தான் போகட்டுமே என்று நண்பர் ஸ்ரீ ரஸாகான் அவர்கள் நினைக்கிறார்கள் போலும். ஒரு சிலர் கொஞ்சமாகக் குடிக்கலாம் என்று கூறுகிறார்கள். ஒரு அணைத் திருடினால் என்ன, ஒரு ரூபாய் திருடினால் என்ன? அதேமாதிரி ஒரு பாட்டில் குடித்தால் என்ன, பீப்பாய் அளவில் குடித்தால் என்ன? குடிப்பது கெடுதிதான். குடி மதியைக் கெடுக்கிறது. குடிப்பதைத் தடுப்பது கோடிக்கோடி புண்ணியம், அடிப்பினும் பொறுத்து நாம் அன்பு கொண்டு வெல்லுவோம், பனைவியை உதைத்திடும், மக்களை வதைத்திடும் துக்கரமான கள்ளை தூரத்தள்ளி நன்கு வாழ்வோம் நாழ்மிந்த நாட்டிலே” என்று சொல்லியிருக்கிறார்கள்.

மதுவை அறவே ஒழிக்கவேண்டும் என்று அரசாங்கம் செய்திருக்கும் காரியத்தை உலகத்தில் இருக்கக்கூடிய மக்கள் எல்லோரும் போற்றுவார்கள். நமது உள் நாட்டு அமைச்சர் அவர்கள் இந்த மசோதாவைக் கொண்டு வந்ததை நான் என்றென்றைக்கும் மறக்கமாட்டேன். இம்மாதிரித் திட்டத்தை மும்முரமாக அமல் நடத்தவேண்டுமென்று போலீஸ் அதிகாரிகளுக்கு உத்தரவு போட்டிருப்பது நமது மாநிலத்திலே நல்ல பலனை அளித்திருக்கிறது. சேலத்தில் கண்ணக்குறிச்சி என்ற ஒரு கிராமம் இருக்கிறது. 70 அல்லது 80 பேர்கள் சேர்ந்து மாதத்திற்கு 5,000 காலன் காய்ச்சிக்கொண்டிருந்தார்கள். இந்தமாதிரிச் செய்தால் உங்களுக்குக் கடுமையான தண்டனை விதிக்கப்படும் என்று சொன்னதின் பேரில், 300 பாளை புவிச்சக்காடிகளைக் கீழே கொட்டி, கோயில் முன்பாகப் பாளைகளை எல்லாம் உடைத்துவிட்டு, இனிமேல் நாங்கள் இந்தமாதிரிச் செய்யமாட்டோம், ஏதாவது எங்களுக்குத் தொழில் செய்வதற்கு வசதி செய்து கொடுங்கள் என்று கேட்டார்கள். இவ்ரு முன்பெல்லாம் போலீஸில் மாமூல் வாங்குகிற பழக்கம் இருந்தது. ஆகையினால்,

18th March 1958] [Sri A. Subramanyam]

திருட்டுத்தனமாகக் காய்ச்சுகிற பழக்கமும் அதிகரித்துவந்தது. லஞ்சம் கொடுப்பதும் தப்பு, வாங்குவதும் தப்பு என்ற கடுமையான சட்டத்தை இயற்றுவதனால் ஜனங்களுக்கும் பயம் ஏற்படுகிறது, போலீசுக்கும் பயம் ஏற்படுகிறது. இந்த மாதிரித் திட்டங்களை நிறைவேற்றுவதில் பொது ஜனங்கள் ஒத்துழைக்கவேண்டும்.

மேலும் மசோதாவின் 17-வது கிளாஸ் பரிசீலனை செய்யப்பட்டபோது, நான் ஜாயின்ட் செலக்ட் கமிட்டியில், 'எந்த இடத்தில் கள்ளச் சாராயம் காய்ச்சுகிறார்கள், எந்த இடத்தில் குடிக்கிறார்கள், யார், யார் இதில் சம்பந்தப்பட்டவர்கள் என்று பொது மக்களுக்குச் சில கிராமங்களில் தெரியும். ஆனால், அவர்கள் அரசாங்கத்திற்குத் தெரியப்படுத்துவதில்லை. அப்படிப்பட்ட கிராமங்களில் அதிகப்படியான போலீஸ் வைத்து, அந்தக் கிராமங்களில் உள்ளவர்களுக்குத் தக்கபடி கூட்டு அபராதம் விதிக்க வேண்டும். இப்படிச் செய்தால் இதற்கு ஒரு பரிகாரமாயிருக்கும்' என்று கூறினேன். ஆனால் தலைவர் கனம் உள்நாட்டு அமைச்சர் அவர்கள் 'அது இப்பொழுது வேண்டாம், இன்னும் கொஞ்ச நாட்கள் பொறுத்து, பிறகு வேண்டுமானால் அப்படிச் செய்யலாம்' என்று சொன்னார்கள். ஆகையால் அது அப்பொழுது கைவிடப்பட்டது.

இனியும் இம்மாதிரி சில கிராமங்கள் இருக்கத்தான் செய்யும். இவைகளைத் தடுப்பதற்கு நம்முடைய அமைச்சர் தகுந்த நடவடிக்கை எடுப்பார் என்று நான் எதிர்பார்க்கிறேன்.

இந்த மசோதாவை ஒரு வருஷம் ஒத்திவைக்கவேண்டும், இதில் போட்டிருக்கும் தண்டனைகள் அதிகம் என்று சிலர் சொல்வதில் அர்த்தம் இல்லை என்று மறுமுறையும் தெரிவித்துக்கொள்கிறேன்.

நம்முடைய நாடு சூடான பிரதேசம். இந்த சூடான பிரதேசத்திற்கு கள், சாராயம் முதலிய பாணங்கள் அவசியம் இல்லை. அவை நம் நாட்டுக்கு உதவாக்கரையே தவிர முக்கியம் அல்ல. அவை வேண்டுமானால் குளிர் பிரதேசங்களில் தேவையாக இருக்கலாம். நம் நாட்டுக்குத் தேவையே இல்லை என்பதுதான் என்னுடைய அபிப்பிராயம்.

ஆகையால், இந்த மசோதாவிலுள்ள நன்மைகளை எல்லோரும் உணர்ந்து அதன்படி நடக்கவேண்டும் என்று தெரிவித்துக்கொண்டு இந்த மசோதாவை நான் முழுமனதுடன் ஆதரிக்கிறேன்.

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

The House then adjourned.

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

* 111. Notification issued with G.O. Ms. No. 3568, Industries, Labour and Co-operation, dated 30th October 1957, regarding amendments to the Minimum Wages (Madras) Rules, 1953.

* 112. Notification issued with G.O. Ms. No. 3753, Industries, Labour and Co-operation, dated 14th November 1957, regarding amendment to the Minimum Wages (Madras) Rules, 1953.

† 113. The Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1958 (L.A. Bill No. 9 of 1958), as passed by the Assembly.

* Placed on the table on 17th March 1958.

† Despatched by post on 14th March 1958.

[18th March 1958]

* 114. *The Madras Prohibition (Amendment) Bill, 1958* (L.A. Bill No. 2 of 1958), as passed by the Assembly.

† 115. *The Madras Appropriation (Vote on Account) Bill, 1958* (L.A. Bill No. 11 of 1958).

116. *Report of the Expert Committee on the Review of the Madras Commercial Crops Markets Act, 1933.*

117. *Short report on the achievements and various activities of Hindu Religious and Charitable Endowments (Administration) Department for the first half-year from 1st April to 30th September 1957.*

118. *Review of the activities of the Transport Department during the first half of 1957.*

‡ 119. *The Madras Entertainments Tax (Amendment) Bill, 1958* (L.A. Bill No. 7 of 1958), as passed by the Assembly.

‡ 120. *The Madras General Sales Tax (Emergency Provisions) Bill, 1958* (L.A. Bill No. 5 of 1958), as passed by the Assembly.

† Placed on the table on 17th March 1958.
† Despatched by post on 18th March 1958.
* Despatched by post on 14th March 1958.

[18th March 1958]

APPENDIX I.

[Vide item IV (1) on page 60 supra.]

L.A. BILL No. 11 OF 1958.

(As passed by the Assembly.)

A Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the state for the service of a part of the financial year commencing on the 1st April 1958.

WHEREAS it is necessary, in pursuance of clause (1) of Article 206 of the Constitution, to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the service of a part of the financial year commencing on the 1st April 1958;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Appropriation (Vote on Account) Act, 1958.

2. *Withdrawal of certain sums from and out of the Consolidated Fund of the State for a part of the financial year commencing on the 1st April 1958.*—The State Government may withdraw from and out of the Consolidated Fund of the State sums not exceeding twenty-one crores, fifteen lakhs, seventy-eight thousand and six hundred rupees to meet—

(a) the grants made in advance by the Madras Legislative Assembly for a part of the financial year commencing on the 1st April 1958, as set forth in column (3) of the Schedule; and

(b) the expenditure charged on the Consolidated Fund of the State for the same part of the same financial year, as set forth in column (4) of the schedule.

3. *Appropriation.*—The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the schedule in relation to the said year.

THE SCHEDULE.

(See sections 2 and 3.)

Demand number.	Services and purposes.	Sums not exceeding.		Total.
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
I	Land Revenue Department.	23,50,000	..	23,50,000
II	Excise Department ..	1,00,000	200	1,00,200

[18th March 1958]

Demand number.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
		(3)	(4)	(5)
(1)	(2)	RS.	RS.	RS.
III	Stamps Administration.	3,00,000	..	3,00,000
IV	Forest Department ..	9,50,000	200	9,50,200
V	Registration Department.	6,00,000	100	6,00,100
VI	Motor Vehicles Acts Administration.	2,00,000	10,50,000	12,50,000
VII	General Sales Tax and Other Taxes and Duties Administration.	23,00,000	4,500	23,04,500
VIII	Irrigation	26,00,000	..	26,00,000
	Debt charges	..	1,00,00,000	1,00,00,000
IX	Head of State, Ministers and Headquarters Staff.	16,50,000	1,50,000	18,00,000
X	State Legislature ..	4,00,000	8,500	4,08,500
XI	District Administration and Miscellaneous.	58,00,000	1,500	58,01,500
XII	Administration of Justice.	15,50,000	300,000	18,50,000
XIII	Jails	17,00,000	100	17,00,100
XIV	Police	1,00,00,000	100	1,00,00,100
XV	Education	2,05,00,000	100	2,05,00,100
XVI	Medical	70,00,000	100	70,00,100
XVII	Public Health ..	16,00,000	100	16,00,100
XVIII	Agriculture and Fisheries.	50,00,000	200	50,00,200
XIX	Veterinary	14,00,000	100	14,00,100
XX	Co-operation ..	24,50,000	..	24,50,000
XXI	Industries and Cinchona.	83,50,000	..	83,50,000
XXII	Harijan Uplift ..	39,00,000	100	39,00,100
XXIII	Labour including Factories.	5,50,000	200	5,50,200
XXIV	Civil Works—Works.	89,50,000	55,000	90,05,000
XXV	Civil Works—Establishment and Tools and Plant.	22,50,000	..	22,50,000
XXVI	Civil Works—Grants-in-aid.	17,50,000	..	17,50,000
XXVII	Famine	40,000	5,00,000	5,40,000
XXVIII	Pensions	25,00,000	60,000	25,60,000
XXIX	Stationery and Printing.	15,00,000	1,50,000	16,50,000

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Demand number.	Services and purposes.	Sums not exceeding.		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
		(3)	(4)	(5)
(1)	(2)	RS.	RS.	RS.
XXX	Miscellaneous	19,50,000	2,50,000	22,00,000
XXXI	Community Development Projects, National Extension Service and Local Development Works.	39,00,000	..	39,00,000
XXXII	Road Transport Schemes Working Expenses.	30,00,000	2,00,000	32,00,000
XXXIII	Compensation to Zamindars.	7,00,000	..	7,00,000
XXXIV	Capital Outlay on Forests.	3,00,000	..	3,00,000
XXXV	Capital Outlay on Irrigation.	58,50,000	..	58,50,000
XXXVI	Capital Outlay on Public Health.	31,00,000	..	31,00,000
XXXVII	Capital Outlay on Agriculture.	4,00,000	..	4,00,000
XXXVIII	Capital Outlay on Industrial Development.	29,50,000	..	29,50,000
XXXIX	Capital Outlay on Civil Works.	62,50,000	..	62,50,000
XL	Capital Outlay on Road Transport Schemes.	28,00,000	..	28,00,000
XLI	Commuted Value of Pensions.	1,50,000	7,500	1,57,500
XLII	Capital Outlay on Schemes of State Trading.	1,42,50,000	..	1,42,50,000
XLIII	Loans and Advances by the State Government.	2,00,00,000	..	2,00,00,000
	Public Debt Repayment.	..	3,50,00,000	3,50,00,000
Grand total ..		16,38,40,000	4,77,38,600	21,15,78,600

I certify that this is a Money Bill.

15th March 1958.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

[18th March 1958]

APPENDIX II.

[Vide item IV (2) on page 10 supra.]

L.A. Bill No. 5 of 1958.

(As passed by the Assembly.)

A Bill to make certain emergency provisions in regard to sales tax.

WHEREAS it is expedient to make certain emergency provisions in regard to sales tax;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Madras General Sales Tax (Emergency Provisions) Act, 1958.

(2) Section 9 shall come into force on the 1st April 1958; and the rest of this Act shall come into force at once.

2. Definitions.—In this Act, unless the subject or context otherwise requires—

(a) “ additional duty of excise ” means the duty of excise payable under the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (Central Act 58 of 1957);

(b) “ mill cloth ” means cloth (except cloth made of pure silk or staple fibre) specified as items (i) and (ii) in, and liable to sales tax under, sub-section (2) of section 3 of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939) (hereinafter called the 1939 Act), or liable to sales tax under section 3 of the Madras Medium Cotton Mill Cloth (Sales Tax) Act, 1954 (Madras Act XLI of 1954) (hereinafter called the 1954 Act).

3. Compounding of sales tax on mill cloth and sugar.—(1) Notwithstanding anything contained in the 1939 Act and in the 1954 Act, any dealer, liable to pay sales tax in respect of mill cloth or sugar under the provisions of sub-section (2) of section 3 of the 1939 Act or of section 3 of the 1954 Act, who under sub-section (1) or sub-section (2) of section 3 of the Madras General Sales Tax (Emergency Provisions) Ordinance, 1957 (Madras Ordinance No. IV of 1957) (hereinafter in this Act referred to as the said section 3), has within the time specified in the said section 3, made an application to the officer having jurisdiction to assess him to sales tax and has, along with such application, submitted the return referred to in sub-section (3) of the said section 3, may be permitted by such officer to compound the sales tax payable in respect of those goods—

(a) in the possession of the dealer on the 13th December 1957, if the application was made under sub-section (1) of the said section 3; and

(b) received by the dealer on or after the 13th December 1957, but before the 13th January 1958, if the application was made under sub-section (2) of the said section 3, by paying in lieu thereof a sum equivalent to the additional duty of excise which would have been payable on those goods had such mill cloth or sugar remained with the producer or manufacturer.

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(2) On being permitted to compound the sales tax, the amount so compounded shall be collected in accordance with the provisions of the 1939 Act and the rules made thereunder.

(3) If at any stage it appears to the assessing officer that the dealer, by not submitting a return or by submitting a false or incorrect return of the mill cloth or sugar on which additional duty of excise has not been paid, has paid a lesser sum under sub-section (1) or sub-section (2) of the said section 3 or under sub-section (1) of this section, than would otherwise be payable, the assessing officer may assess the dealer in respect of the sales tax evaded according to the best of his judgment.

4. Penalty.—Any dealer who has wilfully submitted an incorrect or false return under sub-section (3) of the said section 3 shall be liable to fine which may extend to one thousand rupees.

5. Effect of Madras Act IX of 1939.—The provisions of this Act shall be in addition to the provisions of the 1939 Act and that Act shall apply in all respects to proceedings under this Act.

6. Removal of doubts.—(1) For the removal of doubts, it is hereby declared that the Madras Tobacco (Taxation of Sales and Registration) Act, 1953 (Madras Act IV of 1953) (hereinafter in this section and in section 7 referred to as the said Act), shall be deemed never to have been repealed, shall continue in force, and shall be deemed always to have continued in force.

(2) Anything done or any action taken (including any rule or order made, notification issued, decision, award or direction given, proceeding taken, liability or penalty incurred and punishment awarded) under the provisions of the said Act shall continue in force and shall be deemed always to have continued in force.

Provided that nothing contained in this section shall render any person liable to any punishment whatsoever by reason of anything done or omitted to be done by him contrary to the provisions of the said Act on or after the 13th December 1957 and before the 19th December 1957.

7. Exemption.—Notwithstanding anything contained in the said Act, any dealer liable to tax in respect of any goods under that Act shall be entitled to be exempted from payment of such tax if he proves to the satisfaction of the officer assessing him to tax under the said Act that the additional duty of excise has been paid in respect of those goods.

8. Repeal of certain Ordinances.—The Madras General Sales Tax (Emergency Provisions) Ordinance, 1957 (Madras Ordinance No. IV of 1957), and the Madras Tobacco (Taxation of Sales and Registration) (Special Provisions) Ordinance, 1957 (Madras Ordinance No. V of 1957), are hereby repealed.

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9. *Repeal of certain Acts.*—(1) Notwithstanding anything contained in section 6, the Madras Tobacco (Taxation of Sales and Registration) Act, 1953 (Madras Act IV of 1953), and the Madras Medium Cotton Mill Cloth (Sales Tax) Act, 1954 (Madras Act XLI of 1954), are hereby repealed.

(2) Notwithstanding such repeal, all taxes, fines and other sums which became payable under either of the Acts repealed by sub-section (1) immediately before the 1st April 1958 may be recovered as if this section had not been enacted.

I certify that this is a Money Bill.

15th March 1958.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

APPENDIX III.

[Vide item IV (4) on page 92 supra.]

L.A. BILL No. 2 OF 1958.

(As passed by the Assembly.)

A Bill further to amend the Madras Prohibition Act, 1937.

WHEREAS it is expedient further to amend the Madras Prohibition Act, 1937 (Madras Act X of 1937), for the purposes hereinafter appearing;

Be it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras Prohibition (Amendment) Act, 1958.

(2) It shall come into force in any local area in the State of Madras on such date as the State Government may, by notification, appoint.

2. *Amendment of section 2, Madras Act X of 1937.*—In section 2 of the Madras Prohibition Act, 1937 (Madras Act X of 1937) (hereinafter referred to as the principal Act), for the words "the Schedule" wherever they occur, the word and figure "Schedule I" shall be substituted.

3. *Amendment of section 3, Madras Act X of 1937.*—In section 3 of the principal Act—

(a) in clause (9)—

(i) after the word "toddy", the word "arrack" shall be inserted;

(ii) for the words "methylated spirits", the words "denatured spirits" shall be substituted;

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

"*Explanation.*—'Denatured' means subjected to a process prescribed by the State Government by notification for the purpose of rendering unfit for human consumption."

(b) after clause (11), the following clauses shall be inserted, namely:—

"(11-A) 'molasses' means the heavy dark coloured residual syrup drained away in the final stage of the manufacture of gur or sugar containing, in solution or suspension sugars, which can be fermented and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup; but does not include any article which the State Government may, by notification, declare not to be molasses, for the purposes of this Act;

(11-B) 'neera or padani' means juice drawn from a coconut, palmyra, date or any other kind of palm tree into receptacles treated so as to prevent any fermentation and not fermented:"

(c) for clause (17) the following clause shall be substituted, namely:—

"(17) 'spirits' means any alcohol and includes any liquor containing alcohol and obtained by distillation, whether such liquor is, denatured or not;

Explanation.—'Denatured' means subjected to a process prescribed by the State Government by notification for the purpose of rendering unfit for human consumption."

(d) Clause (18) shall be omitted.

4. *Substitution of new section for section 4, Madras Act X of 1937.*—For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. *Prohibition of the manufacture of, traffic in, and consumption of, liquor and intoxicating drugs.*—(1) Whoever—

(a) imports, exports, transports or possesses liquor or any intoxicating drug; or

(b) manufactures liquor or any intoxicating drug; or

(c) except in accordance with the rules made by the State Government in that behalf, cultivates the hemp plant (*Cannabis sativa*); or collects any portion of such plant from which an intoxicating drug can be manufactured; or

(d) taps any toddy-producing tree or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession; or

(e) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession; or

(f) constructs or works any distillery or brewery; or

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(g) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or keeps or has in his possession any materials which have undergone any process towards the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured; or

(h) bottles any liquor for purposes of sale; or

(i) sells liquor or any intoxicating drug; or

(j) consumes or buys liquor or any intoxicating drug;

or

(k) allows any of the acts aforesaid upon premises in his immediate possession, shall be punished—

(i) in the case of an offence falling under clause (b), clause (f), clause (g), clause (h) or clause (i), or an offence falling under clause (k) in so far as it relates to an act specified in any of the clauses aforesaid, with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees, in the case of an offence falling under clause (b), clause (f), clause (h) or clause (i) or an offence falling under clause (k) in so far as it relates to any act specified in any of the clauses aforesaid;

(ii) in any other case with imprisonment for a term which may extend to one year and with fine which may extend to two thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees, in the case of the offence of import, export or transport of liquor or any intoxicating drug falling under clause (a):

Provided that nothing contained in this sub-section shall apply—

(i) to any act done under, and in accordance with the provisions of this Act or the terms of any rule, notification, order, licence or permit issued thereunder, or

(ii) to the possession, sale, purchase, use or consumption of duty-paid medicinal or toilet preparations for their bona fide medicinal or toilet purposes.

(2) It shall be presumed until the contrary is shown—

(a) that a person accused of any offence under clauses (b) to (j) of sub-section (1) has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug or any such materials as

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are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug or any materials which have undergone any process towards the manufacture of liquor or intoxicating drug or from which any liquor or intoxicating drug has been manufactured, for the possession of which he is unable to account satisfactorily, and

(b) that a person accused of any offence under clause (k) of sub-section (1) has committed such offence if an offence is proved to have been committed in premises in his immediate possession in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug or any materials which have undergone any process towards the manufacture of liquor or any intoxicating drug or from which any liquor or intoxicating drug has been manufactured."

5. *Amendment of section 5, Madras Act X of 1937.*—In section 5 of the principal Act, for the words "with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both", the following shall be substituted, namely:—

"with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court—

(i) such imprisonment shall not be less than six months and such fine shall not be less than seven hundred and fifty rupees for a first offence;

(ii) such imprisonment shall not be less than nine months and such fine shall not be less than one thousand rupees for a second offence; and

(iii) such imprisonment shall not be less than one year and such fine shall not be less than one thousand five hundred rupees for a third and subsequent offences."

6. *Amendment of section 6, Madras Act X of 1937.*—In section 6 of the principal Act—

(a) the word "commending" shall be omitted; and

(b) for the words "with fine which may extend to one thousand rupees", the following shall be substituted, namely:—

"with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both".

7. *Insertion of new section 6-A in Madras Act X of 1937.*—After section 6 of the principal Act, the following section shall be inserted, namely:—

"6-A. *Control and regulation of molasses.*—(1) Except as otherwise provided in sub-sections (2) and (3) no person shall import, export, transport, sell or have in his possession any quantity of molasses.

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(2) The State Government may, by general or special order, authorise any officer to grant licences for the import, export, sale or possession of molasses.

(3) The State Government may also authorize any officer to grant permits for the transport of molasses."

8. *Amendment of section 11, Madras Act X of 1937.*—In section 11 of the principal Act, for the words " with fine which may extend to two hundred rupees ", the following shall be substituted, namely :—

" with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both ".

9. *Amendment of section 5, Madras Act X of 1937.*—In section 14 of the principal Act, sub-section (2) shall be renumbered as sub-section (3) and the following shall be inserted as sub-section (2), namely :—

" (2) When during the trial of a case for an offence against this Act, the Court decides that anything is liable to confiscation under sub-section (1), the Court may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order the confiscation :

Provided that no animal, vessel, cart or other vehicle shall be confiscated, if the owner thereof satisfies the Court that he had exercised due care in preventing the commission of the offence."

10. *Insertion of new sections 15-A, 15-B and 15-C in Madras Act X of 1937.*—After section 15 of the principal Act, the following sections shall be inserted in Chapter II, namely :—

"15-A. *Summary trial of certain offences.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act V of 1898), the State Government may confer on—

(i) any Magistrate of the first class, or

(ii) any Magistrate of the second class who has exercised the powers of such Magistrate for not less than one year, or

(iii) any Special Magistrate appointed under section 14 of the said Code, upon whom the powers conferred by section 32 of the said Code on a Magistrate of the first class have been conferred. or

(iv) any Special Magistrate appointed under section 14 of the said Code upon whom the powers conferred by section 32 of the said Code on a Magistrate of the second class have been conferred and who has exercised those powers for not less than one year. power to try summarily in accordance with the provisions contained in sections 262 to 265 of the said Code, all or any of the offences which are punishable under this Act with imprisonment for a period not exceeding six months, or with fine, or with both, but as a result of such trial no sentence except a sentence of fine shall be imposed.

15-B. *Enhanced jurisdiction of Magistrates and Special Magistrates.*—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), if

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shall be lawful for the Magistrates specified in column (1) of the Table below to exercise the powers specified in the corresponding entry in column (2) thereof, in respect of offences punishable under this Act.

TABLE.

(1)	(2)
Magistrates of the first class or Special Magistrates appointed under section 14 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), upon whom the powers conferred by section 32 of the said Code on a Magistrate of the first class have been conferred.	Fine exceeding two thousand rupees but not exceeding five thousand rupees.
Magistrates of the second class or Special Magistrates appointed under section 14 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), upon whom the powers conferred by section 32 of the said Code on a Magistrate of the second class have been conferred.	Imprisonment for a term not exceeding one year. Fine not exceeding one thousand rupees.

15-C. *Certain offences to be non-bailable.*—(1) The offences specified in sub-section (2) shall be non-bailable and the provisions of the Code of Criminal Procedure, 1898 (Central Act V of 1898), with respect to non-bailable offences shall apply to those offences.

(2) The offences referred to in sub-section (1) are—

(a) offences of import, export or transport of liquor or any intoxicating drug under clause (a) of section 4 (1) and offences under clauses (b), (f), (h) and (i) of section 4 (1) and under clause (k) of that section in so far as it relates to an act specified in any of those clauses; and

(b) offences under section 5.

(3) Nothing contained in sections 27, 28, 29, 32, 38 and 39 shall be construed as enabling a person to be admitted to bail if the offence alleged to have been committed by such person is one referred to in sub-section (2)."

11. *Amendment of section 19, Madras Act X of 1937.*—In section 19 of the principal Act—

(i) in clause (a), for the words " sweet toddy ", the words " neera or padani " shall be substituted; and

(ii) in clause (b), for the word " toddy ", the words " neera or padani " shall be substituted.

12. *Amendment of sections 21 and 22, Madras Act X of 1937.*—In sections 21 and 22 of the principal Act, for the word and figures " section 18 ", the word, figures and letter " section 6-A, 18 " shall be substituted.

13. *Amendment of section 23, Madras Act X of 1937.*—In section 23 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

" (2) The State Government may cancel or suspend any such licence or permit for any of the aforesaid reasons.

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(3) Before any licence or permit is cancelled or suspended under sub-section (1) or sub-section (2) the holder of the licence or permit shall be given an opportunity to state his objections within a reasonable time, not ordinarily exceeding fourteen days, and any representation made by him in this behalf shall be duly taken into consideration before final orders are passed."

14. Substitution of new section for section 26, Madras Act X of 1937.—For section 26 of the principal Act, the following section shall be substituted, namely :—

" 26. *Prohibition committees.*—(1) The State Government may, for the whole of the State of Madras and the Collector of a district may, for such area in the district as the State Government may, by general or special order, determine in this behalf, constitute prohibition committees to assist them or him in carrying out the objects of this Act.

(2) Every member of a prohibition committee shall observe the working of this Act and report thereon and on every matter connected therewith at the prescribed intervals and at any other time he thinks fit, to the State Government in case he is a member of the prohibition committee constituted by the State Government, and to the Collector in case he is a member of the prohibition committee constituted by the Collector.

(3) Every member of a prohibition committee shall be entitled to give information at any police station regarding the commission or suspected commission of any offence against this Act in the area of the committee concerned, and the officer in charge of such station shall take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure, 1898 (Central Act V of 1898)."

15. Amendment of section 30, Madras Act X of 1937.—In section 30, clause (c), of the principal Act, the words, figure and letter " section 4-A or " shall be omitted.

16. Amendment of section 32, Madras Act X of 1937.—In section 32 of the principal Act—

(i) in clause (a), the word, figure and letter " section 4-A " shall be omitted;

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

" Provided further that where any toddy or wash or any sonti soru is seized under this section by any officer or person, such officer or person may destroy or cause to be destroyed on the spot, the toddy, wash or sonti soru and send the pots or other receptacles in which the toddy, wash or sonti soru was kept to the Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the case, with a report attested by two or more witnesses specifying the quantity of toddy, wash or sonti soru seized and destroyed, and the number of the pots and other receptacles sent.

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Explanation.—For the purposes of this section—

' sonti soru ' means a liquid prepared from rice or starch which is in the process of vinous or alcoholic fermentation or in which such fermentation has ceased; and

' wash ' means a mixture of water and saccharine materials which is in the process of vinous or alcoholic fermentation or in which such fermentation has ceased "

17. Insertion of new section 41-A in Madras Act X of 1937.—After section 41 of the principal Act, the following section shall be inserted, namely :—

" 41-A. *Obtaining of medical certificates in the case of persons found in a state of intoxication.*—(1) Any officer authorized to arrest a person for an offence punishable under section 4 (1) (j) in so far as it relates to consumption of liquor or any intoxicating drug who has reason to believe that any person has consumed liquor or any intoxicating drug, may produce such person for examination, before any medical officer authorized by the State Government and request the medical officer to furnish a certificate on his finding whether such person has consumed any liquor or intoxicating drug or is in a state of intoxication or not.

(2) Any medical officer before whom such person is produced shall be bound to examine such person and furnish to the officer by whom such person has been produced a certificate as to the state of such person, and if any form has been prescribed for the purpose, in such form.

(3) If the person produced is a woman, the examination shall be carried out by a woman medical officer authorized by the State Government.

(4) Any person who has been produced before a medical officer in pursuance of this section shall allow himself to be examined by the medical officer.

(5) If any person who under this section is required to undergo medical examination resists or refuses to allow himself to be produced before or to be examined by the medical officer, it shall be lawful to use all means necessary to secure the production and examination of such person.

(6) Resistance to production or refusal to allow examination under this section shall be deemed to be an offence under section 186 of the Indian Penal Code (Central Act XLV of 1860).

(7) In trials under this Act, it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under section 4 (1) (j) if he having been produced before a medical officer under this section had resisted or had refused to allow himself to be examined by such medical officer.

(8) Any document purporting to be a certificate signed by a medical officer authorized by the State Government may be used as evidence of the facts stated therein in any proceeding under this Act or under sections 272 to 276 of the Indian Penal Code

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(Central Act XLV of 1860), but the Court may at the instance of the accused order the attendance for cross-examination of the medical officer who issued the certificate."

18. Insertion of new sections 52-A, 52-B, 52-C and 52-D in Madras Act X of 1937.—After section 52 of the principal Act, the following sections shall be inserted, namely:—

"52-A. *Security for abstaining from commission of certain offences.*—(1) Whenever any person is convicted of an offence punishable under clause (b) or clause (d) or clause (e) or clause (i) of section 4 (1) and the Court convicting him is of opinion that such person habitually commits or attempts to commit, or abets the commission of any such offence and that it is necessary to require such person to execute a bond for abstaining from the commission of any such offence, the Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offence during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in the form contained in Schedule II, and the provisions of the Code of Criminal Procedure, 1898 (Central Act V of 1898), shall in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

(3) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(4) An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

52-B. Power to release certain offenders on probation of good conduct.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act V of 1898), or the Madras Probation of Offenders Act, 1936 (Madras Act III of 1937), when any person is found guilty of—

(a) any offence punishable under section 4-A, 6, 11 or 24, or

(b) the commission, attempt to commit, or abetment of the commission of, any of the acts making up any such offence as is referred to in clause (a), when such commission, attempt or abetment is punishable under section 12, or

(c) any breach of any of the conditions subject to which the exemption under section 16 or 17-A is notified, and no previous conviction for any offence under this Act is proved against him, the Court by which he is found guilty may, instead of sentencing him at once to any punishment release him on his entering into a bond, with at least one surety to appear and receive sentence when called upon at any time during such period not exceeding five years as the Court may direct and in the meantime to abstain from committing any offence under this Act:

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Provided that the Court shall not direct the release of an offender under this section, unless it is satisfied that the offender or his surety or one of his sureties has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(2) Where the offender referred to in sub-section (1) is under twenty-four years of age, the Court may make a supervision order directing that such offender shall be under the supervision of such probation officer appointed under the Madras Probation of Offenders Act, 1936 (Madras Act III of 1937), as may be named in the order during the period specified therein and imposing such other conditions for securing such supervision as may be specified in the order:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court, the offender will attain the age of twenty-five years.

(3) A Court making a supervision order under sub-section (2) shall require the offender, before he is released, to enter into a bond, with at least one surety, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants and any other matters as the Court may, having regard to the particular circumstances of the case, consider fit to impose for preventing a commission of any offence under this Act by the offender.

(4) A Court making a supervision order shall furnish to the offender and the surety or sureties a notice in writing stating in simple terms the conditions of the bond.

(5) An order under this section may be made by any Appellate Court or by the High Court when exercising its powers of revision.

52-C. Procedure in case of offender failing to observe conditions of bond.—(1) If the Court before which the offender is bound by his bond under section 52-B to appear for sentence when called upon, or any Court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of the bond executed by him, it may issue a warrant for his apprehension, or may, if it thinks fit, issue a summons to the offender and his surety or sureties requiring him or them to attend before it at such time as may be specified in the summons.

(2) The Court before which the offender is so brought or appears may either remand him to custody until the case is concluded, or admit him to bail with at least one surety, to appear on the date of hearing.

[18th March 1958]

(3) If the Court after hearing the case is satisfied that the offender has failed to observe any of the conditions of the bond executed by him, it may forthwith sentence him for the original offence.

(4) An order under this section may be made by any Appellate Court or by the High Court when exercising its powers of revision.

52-D. *Provision as to bonds.*—The provisions of sections 122, 126, 126-A, 406-A (b) and (c), 514, 514-A, 514-B and 515 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), shall so far as they be, apply in the case of sureties given under this Act."

19 *Amendment of section 53, Madras Act X of 1937.*—In section 53 of the principal Act, for the words "Nothing contained in this Act", the words "Save as expressly provided in this Act, nothing contained therein" shall be substituted.

20. *Amendment of section 54, Madras Act X of 1937.*—In section 54 of the principal Act—

(a) in sub-section (2)—

(i) in clause (k), the word "and" at the end shall be omitted; and

(ii) after clause (l), the following clauses shall be added, namely :—

"(m) for the prevention of the use of medicinal or toilet preparations for any purpose other than medicinal or toilet purposes and for the regulation of the use of any liquor or drug exempted from all or any of the provisions of this Act;

(n) for the proper collection of duty on all kinds of liquor or drugs;

(o) for all matters expressly required or allowed by this Act to be prescribed."

(b) after sub-section (2), the following sub-section shall be added, namely :—

"(3) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session."

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21. *Addition of Schedule II in Madras Act X of 1937.*—The schedule to the principal Act shall be numbered as Schedule I and after the Schedule as so numbered, the following Schedule shall be added, namely :—

" SCHEDULE II.

BOND TO ABSTAIN FROM THE COMMISSION OF OFFENCES
UNDER THE MADRAS PROHIBITION ACT, 1937.

(See section 52-A.)

Whereas I, (name), inhabitant of (place), have been called upon to enter into a bond to abstain from the commission of any offence under sections 4 (1) (b), 4 (1) (d), 4 (1) (e), 4 (1) (i) of the Madras Prohibition Act, 1937, for the term of , I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the State of Madras, the sum of rupees

Dated this day of 19.

(Signature)

Where a bond with sureties is to be executed, add—

We do hereby declare ourselves sureties for the abovenamed that he will abstain from the commission of any offence under sections 4 (1) (b), 4 (1) (d), 4 (1) (e), 4 (1) (i) of the Madras Prohibition Act, 1937, during the said term, and in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to the State of Madras, the sum of rupees

Dated this day of 19.

(Signature)"

THE MADRAS LEGISLATIVE COUNCIL

Wednesday, the 19th March 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.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Andhra-Madras border dispute.

* 80 (SHORT NOTICE) Q.—SRI T. PURUSHOTHAM : Will the Hon. the Chief Minister be pleased to state, with reference to the answers to the supplementaries on the Legislative Council Starred Question No. 26-A answered on 11th November 1957, whether, subsequent to the acceptance of the recommendations of Sri Pataskar on the Andhra-Madras border dispute, the Madras Government have been addressed by the Andhra Government for inclusion of more villages in the Andhra Pradesh and, if so, the action taken thereon?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : Yes, Sir.

Certain proposals made by the Government of Andhra Pradesh for the exchange of villages are under examination. It will not be in public interest to disclose the proposals at this stage.

SRI T. PURUSHOTHAM : What is the general principle on which these adjustments are proposed to be made?

THE HON. SRI R. VENKATARAMAN : I do not want to add to the answer which I have already given.

SRI MOHAMED RAZA KHAN : Is it a fact that even recently there was some proposal for transfer of a few villages from our side to Andhra Pradesh and *vice versa*?

THE HON. SRI R. VENKATARAMAN : That is true.

SRI V. CHAKKARAI CHETTY : Is there no end to the incessant demand from our Andhra brethren for inclusion of Tamil villages in Andhra Pradesh and is there any appetite on their part to devour the Tamil villages?

THE HON. SRI R. VENKATARAMAN : They are suggesting exchange of villages. They do not want to devour the Tamil villages. They also want to give some villages.

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SRI MOHAMED RAZA KHAN : May I know whether there is any finality in this matter and whether they will be going on exchanging and interchanging villages?

THE HON. SRI R. VENKATARAMAN : Until the changes are embodied in an Act, until the border is settled, there is considerable room for discussion.

SRI T. PURUSHOTHAM : Will the principle followed in this case be taken as a general one for adjustment of small border villages either way?

THE HON. SRI R. VENKATARAMAN : There is no question of principle. It is just a matter of convenience.

SRI V. V. RAMASWAMI : ஆந்திரப் பிரதேச அரசாங்கம் சில கிராமங்களை மாற்றவேண்டும் என்று எழுதுவதற்கு முன், ஆந்திரப் பிரதேசத்தில் தமிழ் மக்கள் வாழும் கிராமங்களை சென்னை ராஜ்யத்திற்கு மாற்றவேண்டும் என்று நம் அரசாங்கம் எழுதியிருக்கிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : மறுபடியும் ஏதோ புனர் ஆலோசனை செய்வது போல், நாம் எழுதுவது, அவர்கள் எழுதுவது என்கிற நிலைமை இல்லை. இப்பொழுது இருக்கின்ற எல்லையை எந்தவிதமாக நிர்ணயித்தால் இரண்டு ராஜ்யங்களுக்கும் சௌகரியமாக இருக்கும் என்பது தான் பிரச்சினை. இது சம்பந்தமாக கடிதப் போக்குவரத்து நடந்துகொண்டிருக்கிறது.

Single teacher schools.

* 81 Q.—**SRI G. KRISHNAMOORTHY :** Will the Hon. the Minister for Finance be pleased to state the arrangements made for running the single teacher schools in former Pudukkottai State area when the teachers in those schools go on leave?

THE HON. SRI C. SUBRAMANIAM : No substitutes are appointed when teachers go on leave for periods not exceeding a month and if the leave exceeds one month, substitutes are posted in order to avoid the shortage in the number of working days of the school.

SRI G. KRISHNAMOORTHY : Am I to understand that the arrangement of posting substitutes for single teacher schools did not exist in the Pudukkottai State formerly and that it was newly made after the schools were taken over by the district board?

THE HON. SRI C. SUBRAMANIAM : The rule applies to all schools in our State.

SRI V. CHAKKARAI CHETTY : In these single teacher schools do the teachers take leave and go away of their own accord? In that case, what happens? Do they take permission from the Director or some other officer?

THE HON. SRI C. SUBRAMANIAM : They take permission from the management of the school.

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SRI G. KRISHNAMOORTHY : Has any arrangement been made for these teachers availing themselves of casual leave? Are schools closed on days on which these teachers take casual leave?

THE HON. SRI C. SUBRAMANIAM : I have already stated that only if the period of leave exceeds one month, a substitute teacher is posted. If it is casual leave, naturally on that day schools are closed. That is the disadvantage of single-teacher schools.

SRI A. M. ALLAPICHAJ : Is there any provision made for the teaching of children when the teachers go on such leave?

THE HON. SRI C. SUBRAMANIAM : As it is, there is no provision made. The matter is being considered by the Government.

Administration Reports.

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

(a) whether there is any delay in the printing and issue of Administration Reports by the Government Press; and

(b) if so, the reasons therefor and the steps taken by the Government for prompt printing and issue of such reports?

THE HON. SRI V. RAMAIAH : (a) Yes, Sir.

(b) (i) Printing of the Administration Reports was usually taken up only after the Government Order reviewing the Report was received in the Press. (ii) During the last year (1957) high priority was given to the printing of electoral rolls. (iii) The Government Press has more items of work in its books than it can normally execute.

The Government have issued orders to the effect that if the Government's review is not completed before striking of final copies and if it is not possible to publish the Report and the Review simultaneously, the Report may be published first and the review later. Proposals for reducing the receipt of work in the Government Press and for introducing double shift system are also under consideration of the Government. It is hoped that these measures may bring the work in the Government Press up-to-date.

SRI V. CHAKKARAI CHETTY : Sir, are these poor teachers generally the victims of municipal autocracy?

MR. CHAIRMAN : That question is over. We are on the next question.

SRI T. PURUSHOTHAM : The one-page report on the Madras Estates Land Act for 1955-56 issued in March 1957 was actually received from the Government Press in March 1958. Will the Government investigate into delays of this kind and ensure prompt printing of the Administration Reports?

THE HON. SRI V. RAMAIAH : The hon. Member just now showed me a copy. But I have stated that last year high priority was given to the printing of electoral rolls. I shall see that such delay does not recur in future.

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DR. V. K. JOHN : Will the Government expand the Press and make it more efficient?

THE HON. SRI V. RAMAIAH : We have now a smaller Press in Pudukkottai. It is also taking up the work. With the present capacity of the Press, we intend going in for a double shift. We expect that it will meet the needs.

SRI T. PURUSHOTHAM : Is there any proposal to employ special staff in the Government Press for the efficient and expeditious printing of Administration Reports?

THE HON. SRI V. RAMAIAH : I have just replied that we have taken various measures to expedite the transaction of work. If staff is going to be the only consideration, that will also be looked into.

DR. V. K. JOHN : Will the Government give more printing work to private printing Presses in order to give relief to the Government Press?

THE HON. SRI V. RAMAIAH : We also intend giving some work to the private printing Presses.

SRI T. PURUSHOTHAM : Is it because of lack of staff or lack of machinery that there are delays in bringing out these Administration Reports?

THE HON. SRI V. RAMAIAH : Not due to lack of staff. It is due to heavy work.

DR. A. SREENIVASAN : Will the Government consider the desirability of decentralising the printing and starting Presses in various districts to meet the local demands?

THE HON. SRI V. RAMAIAH : At present, for efficient transaction of work we have the Press in Madras City. We have another branch Press at Pudukkottai. That is also doing good work.

Special additional pay for elementary grade teachers.

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

(a) whether it is a fact that the special additional pay sanctioned by the Government to the elementary grade teachers is withheld by municipalities while they are on leave; and

(b) if so, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM : (a) & (b) The Government have no information. Information on the point has been called for from municipalities.

SRI G. KRISHNAMOORTHY : As such interpretation by municipal bodies or some other agencies arises only on account of the fact that this Rs. 6 is treated as additional special pay instead of regular pay, will the Government consider the desirability of merging that additional pay in the regular pay?

THE HON. SRI C. SUBRAMANIAM : The revision of the scale of pay of teachers is under the consideration of the Government.

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Taxis.

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

(a) the number of taxis, big and baby, plying in the City of Madras; and

(b) the number of permits for taxis granted by the Government during the years 1955–56 and 1956–57?

THE HON. SRI V. RAMAIAH : (a) As on 28th February 1958, the number is as follows :—

Baby taxis	...	...	...	...	579
Big taxis	...	...	...	...	139

(b) The number of permits for taxis granted during the years 1955–56 and 1956–57 were 38 and 134 respectively.

SRI M. ETHIRAJALU : இந்த பேபி டாக்சிகளில் பெற்றுத்தப்பட்டிருக்கும் மீட்டர்களை எந்தக் கால அளவுக்கு சோதனை செய்யப்படுகிறது என்று கேட்க விரும்புகிறேன்.

THE HON. SRI V. RAMAIAH : I have no information.

SRI M. ETHIRAJALU : சிங்கப்பூரிலிருந்து வரும் பிரயாணிகள் சென்னைத் துறைமுகத்திற்கு வந்து இறங்கும்போது, இந்த 'டாக்ஸிக் காரர்கள்' 'எக்ஸ்பிரஸ்' வருவதற்குக் கூட 'மீட்டர்' படிச்சார்ஜ் கேட்பது இல்லை. மொத்தமாகப் பணம் கேட்கிறார்கள். அதை சர்க்கார் சம்பந்தப்பட்ட அதிகாரிகளுக்குத் தெரிவித்து நடவடிக்கை எடுக்கும்படி சொல்லுமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI V. RAMAIAH : சிங்கப்பூரிலிருந்து வரும் பிரயாணிகளுக்கு மட்டும் சிரமம் ஏற்படுவதாகக் கனம் அங்கத்தினர் அவர்கள் சொல்லுகிறார்கள். இன்னும் மற்ற வெளி ராஜ்யங்களிலிருந்து வரும் பிரயாணிகளும் இந்த சிரமத்திற்கு உள்ளாகிறார்கள். இதை சம்பந்தப்பட்ட அதிகாரிகளின் கவனத்திற்குக் கொண்டுவந்தால், நிச்சயமாக நடவடிக்கை எடுப்பார்கள். கனம் அங்கத்தினர் குறிப்பிட்ட புகாரை நானே விசாரணை செய்ய ஏற்பாடு செய்கிறேன்.

SRI V. CHAKKARAI CHETTY : As an ignorant man, may I know whose babies these baby taxis are supposed to be? Are they so called because they are born small or is it because they are given birth to by bigger taxis? (Laughter).

THE HON. SRI V. RAMAIAH : One thing is certain. They are not given birth to by bigger taxis.

SRI T. PURUSHOTHAM : As taxis are not generally available at the City railway stations when trains arrive late, will the Hon. Minister kindly ensure that sufficient number of taxis are stationed at the railway stations?

THE HON. SRI V. RAMAIAH : If there are not sufficient number of taxis in the Madras City, I can take steps to increase it. But if in different places there is any inconvenience, my hon. Friend who is the President of the Baby 'Taxi-owners' Association, may kindly advise the members.

[19th March 1958]

SRI A. GAJAPATHY NAYAGAR : பேபி டாக்ஸியில் எழும்பூரிலி ருந்து என்னுடைய லீட்டிற்கு வருவதாக இருந்தால் ஒரு தடவை 11 அனுவாகிறது, இன்னொரு தடவை ஒரு ரூபாயாகிறது, இன்னொரு தடவை ரூ. 1-4-0 ஆகிறது, இன்னொரு தடவை ரூ. 1-6-0 ஆகிறது. இப்படிப் பல விதங்களில் மீட்டர்கள் காண்பிக்கின்றன. இப்படி மீட்டர்கள் பல விதமாகக் காண்பிப்பதால், அவைகளில் ஏதோ கோளாறுகள் இருக்கின்றன என்று தோன்றுகிறது. அதை அரசியலார் கவனிப்பார்களா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI V. RAMAIAH : கனம் அங்கத்தினர் பல தடவைகள் பேபி டாக்ஸிகளில் பிரயாணம் செய்திருப்பதாகத் தெரிய வருகிறது. (சிரிப்பு). மீட்டர்களில் கோளாறுகள் இருந்தால் கவனிக்கப்படும்.

MR. CHAIRMAN : Questions are over.

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

II.—GOVERNMENT BUSINESS.

PRESENTATION OF THE STATEMENT OF DEMANDS FOR FURTHER EXPENDITURE AND THE DETAILED SUPPLEMENTARY ESTIMATES THEREOF FOR THE YEAR 1957-58

3 10
p.m. **MR. CHAIRMAN :** The Hon. the Minister for Finance will now present the Statement of Demands for Further Expenditure and the Detailed Supplementary Estimates thereof for the year 1957-58.

THE HON. SRI C. SUBRAMANIAM : Sir, I rise to present to this House the second supplementary estimates for the year 1957-58. Hon. Members will remember that the first supplementary estimate for the year was obtained in November 1957 for a sum of Rs. 77 lakhs, mainly for New Service Schemes.

The present Supplementary Demand is for Rs. 518 lakhs under the Revenue Account, Rs. 458 lakhs under Capital Account and Rs. 10.09 lakhs under Loans and Advances and Repayment of Public Debt, making a total of Rs. 19.85 lakhs roundly. The present Supplementary Demand covers 37 Grants, out of which only token sums are proposed for 8 Grants. The size of the Supplementary Demand is indeed large, but this should not give us undue concern because savings of about the same order as the additional amounts asked for under revenue and capital accounts are available under the different Grants. According to the present system of budgeting, saving under one Grant cannot be utilised for expenditure under another and, therefore, fresh Demands have to be moved to cover the excesses under individual Grants.

Out of the sum of Rs. 518 lakhs on the Revenue Account, about Rs. 188 lakhs are for various items under Civil Works consequent on the increased tempo of Plan Outlay, but this is more than offset by corresponding credits. Under the system of gross budgeting, the outlay has to be voted for by the Legislature notwithstanding the increase in the credits. The balance of the demand under Revenue

PRESENTATION OF THE STATEMENT OF DEMANDS FOR FURTHER EXPENDITURE AND THE DETAILED SUPPLEMENTARY ESTIMATES THEREOF FOR THE YEAR 1957-58

[19th March 1958] [Sri C. Subramaniam]

Account is accounted for mainly by larger appropriations under Irrigation (Rs. 67 lakhs); District Administration and Miscellaneous (Rs. 47 lakhs) to allow for payment of enhanced dearness allowances and subsidies on New Well Schemes; Stationery and Printing (Rs. 28 lakhs); Police and Fire Services (Rs. 74 lakhs). Out of the sum of Rs. 74 lakhs under 'Police', Rs. 31 lakhs is for the expenditure on the Malabar Special Police companies sent to Assam, and will be recovered in full from the Government of Assam.

Turning to the Capital Account, out of the total additional demand of Rs. 458 lakhs, nearly Rs. 109 lakhs are on irrigation schemes on which progress has been more rapid than anticipated. Rs. 154 lakhs have been provided for increased debit under suspense items under Capital Outlay on Public Health. The supplementary estimates also include a provision for payment to the Government of India of dues towards the cost of fertilizers purchased in 1956-57 (Rs. 157 lakhs).

Under Repayment of Public Debt, a sum of Rs. 910 lakhs has been included towards clearing the ways and means advances taken from the Government of India in the current year. A sum of rupees 76 lakhs incurred by us in earlier years on the Neyveli Lignite Investigations is being adjusted as a loan to the Government of India as per the agreement with that Government. This is only a book adjustment because a corresponding credit is being shown in the Revenue Account.

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

III.—GOVERNMENT BILL.

THE MADRAS PROHIBITION (AMENDMENT) BILL, 1958 (L.A. BILL NO. 2 OF 1958)—cont.

MR. CHAIRMAN : We shall now continue discussion on the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958).

SRI MOHAMED RAZA KHAN : Mr. Chairman, Sir, I assure the House and particularly the Hon. the Home Minister that I have moved an amendment with a full sense of responsibility. It may look a little incongruous that I, having myself served on the Joint Select Committee and myself being a party to the decisions, whatever they may be, should move an amendment of this kind, knowing as I do that a similar amendment in the other House for postponing consideration of this Bill for only "six months" was negatived. I feel honestly and very strongly on this matter. If you take the reaction of public opinion, if you take the reaction in this House and if you also take the opinions of the Members of the Legislative Assembly, not only of those in the Opposition but also those who belong to the Party in power, everyone is of the view that the Bill, particularly some clauses, are going too far away than we expected.

[Sri Mohamed Raza Khan] [19th March 1958]

The Hon. the Home Minister is aware that we are all agreed that Prohibition should be enforced effectively. But that does not mean that we should give so much of power to the Government, which in a way is being transferred to the Police. The Hon. the Home Minister said, he has stated from the records, that 75 per cent of the addicts, who had been accustomed to this unfortunate habit, had given it up. It is a creditable record. If that is so, I do not understand the reasons for his bringing in such a rigorous measure in this House. I am sure the Hon. Minister will consider the matter. I have been referring, Sir, to the way some of us who had been on the Joint Select Committee, could not persuade the Hon. Minister. Of course, I should not divulge what all happened. I think there is a rule that we should not divulge what transpired in the committee meetings. But, incidentally, I may say one thing. Not that I like to irritate the Home Minister. I may say I had the privilege or rather the proud privilege of knowing the Hon. the Home Minister for the last ten or twelve years. I had also the proud privilege of sitting always in front of him and I wish to continue for a few more years I wish Sri Bhaktavatsalam also continues in the same place. (Sri T. Purushotham: We wish he continues in the same place). From the little bit of experience I had with him, I must say one thing which he himself is proud of, that is, we can say anything to him. We can make even personal references; we can even go beyond the limits of decency. But Mr. Bhaktavatsalam will ever remain wooden and will never get irritated or get angry.

THE HON. SRI R. VENKATARAMAN: He has proved it now. (Laughter)

SRI MOHAMED RAZA KHAN: I am saying this from practical experience. But I am sorry to say that of late, even for little things, he gets irritated or even gets angry. I am sure that my reference will have no effect on him and that Mr. Bhaktavatsalam will continue to remain the same as he was in 1946.

THE HON. SRI C. SUBRAMANIAM: But not wooden. (Laughter).

SRI MOHAMED RAZA KHAN: Sir, in the Joint Select Committee—the hon. the Deputy Leader of the Opposition will bear me out—we tried to bring to his notice that in certain clauses, the Government were trying to take too much power. But we found that there was some amount of irritation. We, therefore, thought that the Government might do whatever they wanted. As far as one important clause is concerned—unfortunately, I was not present when it was passed—namely, the clause dealing with punishment, I must say that the punishment is too harsh. Mind you, Mr. Chairman, the punishment is not only 'imprisonment', but 'imprisonment with fine'. After all, the act which will be committed is nothing so serious or extraordinary, that we should impose this minimum punishment of six months' imprisonment with heavy fine or with three months' imprisonment with heavy fine. It is really

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extraordinary. As was stated by several Members in the other House, it is nothing but an imitation of the Bombay Act. We tried our best to influence the Hon. the Home Minister, but he was not in a mood to listen. It is also quite possible that his partymen could not come to that extent. I say in all sincerity and with a full sense of responsibility that the punishment is too severe. The Hon. Minister has given us a promise and I am sure he will keep up his promise. But, the point is that he cannot attend to the day-to-day affairs regarding the administration of the Police Department. The Hon. Minister, who is a lawyer, and other lawyers will agree that it is good to acquit ten culprits rather than to hang one innocent man. In the process of enforcing the Prohibition law, many innocent persons are convicted. I do not know whether the Government have got any machinery to see that innocent persons are not punished but are acquitted. Let me refer to one instance and I am not doing it with any motive. I think about a year and a half ago, I referred to the high-handed action of the Police. I was very careful when I made a reference to it. Fortunately for me, the Hon. the Finance Minister had to reply at that time. I have had no occasion so far to come into clash with him. That day, after my speech, the hon. the Deputy Chairman also spoke and he supported the Police. He was perfectly right in doing so and I do not deny that. The Hon. the Finance Minister retorted at that time, 'Well, I know there are certain people in the City of Madras who want to create such stories against the Police.' I kept quiet at that time as I thought that I had done my duty. Now, let me give one instance of what happened in the City of Madras very recently.

SRI A. M. ALLAPICHAJ: I would like to tell the hon. Member that I have spoken against the Police more vehemently than anyone else here.

SRI MOHAMED RAZA KHAN: That may be so. Even if he had spoken vehemently, as stated by him, he put it in such a nice way that we thought that he was supporting the Police. I shall now refer to one instance which happened very recently. In a Prohibition case, the Police raided the house of a Muslim lady or some Muslims. Some time after the Police had entered the house, a 62-year old lady died. The version of the Police is that the lady died of shock and heart failure. I for one believe it. I have no reason to disbelieve it. But, I ask whether the people in the City of Madras are so much terrorised that people die of heart failure and shock at the mere sight of the Police. We cannot believe this unless it is proved that things are going on in the City of Madras in such a way that people are so much afraid of the very presence of the Police.

THE HON. SRI C. SUBRAMANIAM: They have a guilty conscience.

SRI MOHAMED RAZA KHAN: Granting that there was some illicit distillation or something of that sort, does it mean that a 62-year old lady should die of heart failure and that too immediately after the Police had entered the house? I concede that there

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was no beating or any such thing. I believe the Police version. I believe the Government version. Still, the fact remains that they have created such a psychological fear in the minds of the people. By their action, such a psychological fear was bound to be created. I leave the matter at that for the Members and the Hon. the Home Minister to draw their own conclusions. When such is the state of affairs, we representatives in this Legislature, Particularly a few of us in the Opposition, whatever may be the result, have to point out the defects. We know the result of all our suggestions. Even though the hon. the Leader of the Opposition, Dr. A. L. Mudaliar has spoken with force, vehemence and sincerity, we know the results. Still, I wish to suggest that the Act must be kept in suspense for one year for cognate reasons. It was reported in the HINDU in its editorial that 'the main provisions of the Bill have been retained and the House rejected by 72 votes to 31 a sensible amendment to postpone consideration of this measure for six months'. I think nobody will say anything about it.

THE HON. SRI C. SUBRAMANIAM: I value the hon. Member's opinion itself more than any other opinion. So, he need not quote anybody's opinion for his support.

SRI MOHAMED RAZA KHAN: Sir, I feel elated at the compliment which the Hon. the Finance Minister has chosen to pay me. Since our Ministers had been quoting from the Press, I thought I could also follow in their footsteps and so, I quoted from the Press. Sir, there is a strong ground for keeping this Bill in abeyance for one year. The Hon. the Home Minister and the Hon. the Finance Minister, in consultation with their other Colleagues, may give us an assurance that though the Bill may be passed now, it will be given effect to only when they feel it necessary. There is an analogy for this. As early as 1948, an Act was passed for preventing betting on horse races in the City of Madras, but the Government took power to give effect to it from such date as they desired. That is why I say that it is enough if the Government have an enabling clause so that they may be able to give effect to the Bill from such date as they may desire. When they feel that the situation has become abnormal and that the present Act cannot tackle it, they may give effect to the amended Act. It is only for this purpose that I want that the Bill may be put into force after one year. I know from the smile of the Hon. Minister what the result of my request will be.

I do not like to take more time of the House as other hon. Members, particularly Dr. John and others, will deal with other aspects. I would only like to refer to one or two important matters. For instance, the amount of fine and the period of imprisonment have been raised. The argument that it is for the magistrates to decide is not convincing. I do not understand why this minimum sentence clause should be there. In many of the other Acts, we do not have such a provision unless it be under extraordinary circumstances. In fairness to all, the Hon. Minister should have agreed to the deletion of that clause. Unfortunately, there are addicts who are tempted to drink. There are two kinds of people engaged in the nefarious

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business. There are persons who make a living out of this. There are some others who for the sake of one or two annas are asked to carry the stuff for some others who are behind the scene. Thus, some of these innocent persons have to pay the penalty. Whenever the Police want to register a case, these poor innocent people are made the victims. Here also, there is a sort of discrimination. Some rich people who have the doctor's certificate are given permits. But at the same time, if a poor man wants to have some drink on health grounds, he will not be given the permit. Such poor men, who have been addicts for a long time, when they are refused permits, take to arrack or some other thing, thus spoiling their health and, at the same time, being caught by the Police and awarded a heavy penalty.

Sir, the only redeeming feature of this Bill which has emerged from the Joint Select Committee is that the Minister was kind enough to agree to the removal of the clause providing for punitive Police. It is really a great concession which he has shown and he has acted in response to public opinion and also the opinion inside the Houses of the Legislature.

The other amendment which he himself has brought forward and which we really appreciate is with reference to imprisonment after summary trial. These are the redeeming features of the Bill after it has emerged from the Joint Select Committee. If you take some of the clauses, you will find them rather hard. There is one clause which says that there is noailable warrant. The argument of the Hon. Minister might be, 'It is all right, but the man can go before the magistrate and ask for bail'. Sir, many innocent and ignorant people will be subjected to a process of harassment, if a policeman wants to be vindictive against them. They can easily be implicated. We have to be very careful when we give so much power to the Government.

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Another point is, the burden of proof is on the person who is arrested. He has to prove his innocence. We can imagine the consequences. I am sure hundreds and hundreds of people will not only be arrested but subjected to harassment, the like of which Madras has not seen. Therefore, in that context only, I say that there is time for the Government to reconsider the question. We can have the Bill passed with an enabling provision that the Government may bring it into force at any time they think necessary.

I do not like to go into the details of the Bill. I will speak on them when the Bill is taken up clause by clause and when amendments are discussed.

SRI K. BALASUBRAMANYA AYYAR: They are verbal amendments.

SRI MOHAMED RAZA KHAN: I can oppose the clauses when they are taken up. I hope that in the light of the discussion in the other House and this House and in the light of public opinion

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and the reaction of the Press, the Government will ponder over the question whether this Bill is necessary at all. Still if they say, 'Well, we have said it is all right' then they are within their right to say so. I want that the innocent should not be arrested and harassed. I have faith in the Government. But everything is not done by them and the Ministers. There are officials—I am not talking about the City—in the mofussil who may unnecessarily implicate people, innocent and ignorant people. If it is in the City, we can give immediate publicity to it and set right things. But in the other case, six months' imprisonment and 1000 to 2000 rupees fine are hard and difficult to imagine; it is not an ordinary matter.

* Sri M. V. SUDARSANAM NAIDU: கனம் தலைவர் அவர்களே, மது வேண்டுமா அல்லது வேண்டாமா என்பது நீண்ட காலமாக நமக்குள் இருந்து வருகிற ஒரு பெரிய விஷயம். மது நம் நாட்டிற்குப் பல கெடுதல்களைச் செய்திருக்கிறது என்பது எல்லோரும் அறிந்த விஷயம். இந்நாட்டிற்குக் கள் அவசியம் இல்லை, மது நமக்குப் பல கெடுதல்களை உண்டாக்குகிறது, அதனால் அவமதிப்பு நமக்கு ஏற்படுகிறது என்று 1920-ம் வருஷம் மகாத்மாஜி பிரகடனம் செய்தார். அப்படிச் சொன்னவுடன் எங்கு பார்த்தாலும் கள்ளுக்கடை மறியல் செய்ய ஆரம்பித்தார்கள். அப்படி மறியல் செய்ய ஆரம்பித்தபோது, எங்கள் ஜில்லாவில் பல பாகங்களில் மறியல் ஆரம்பித்தார்கள். சேரிகள் உள்பட நாடு பூராவும் கிராமங்களில் தொண்டர்கள் பெண்களுடைய காலிலும் ஆண்களின் காலிலும் விழுந்து மது குடிக்கக்கூடாது என்று கேட்டுக்கொண்டார்கள். அப்படி கேட்டுக்கொண்டபோது, ஆண்களும் பெண்களும் அதை நன்றாக உணர்ந்துகொண்டு ஆதரவு காட்டி வந்தார்கள். அவர்கள் எல்லோரும் அன்புடனும், ஆதரவுடனும் தைரியமாக முன்வந்து, மது உண்பதை நிறுத்த வேண்டும் என்று அவர்களே ஒப்புக்கொண்டார்கள். அப்படி அவர்கள் வந்தவுடன், கள்ளுக்கடைக்காரர்கள் எல்லோரும் சேர்ந்துகொண்டு தொண்டர்களை அடிக்கவும் இன்னும் மற்ற விதங்களில் துன்புறுத்தவும் ஆரம்பித்தார்கள். பலவிதங்களில் அவர்களை நிர்ப்பந்தப்படுத்தித் திட்டவும் ஏசவும் முன்வந்தார்கள். அந்த இயக்கத்தை எப்படியாவது நசுக்க வேண்டும் என்ற எண்ணங்கொண்டு, கள்ளுக்கடைகளை எலத்தில் எடுத்திருந்த முதலாளிகள் பல இன்னல்களைத் தொண்டர்களுக்கு விளைவித்தார்கள். அவர்கள் பேரில் பல கேஸ்களைப் போட்டு சி்ட்சை செய்தார்கள். குடியை ஒழிக்க வேண்டும் என்று தொண்டர்கள் சொல்லிவரும்போது, அன்பெல்லாம் போய் அது பலாத்காரத்தில் கொண்டுவந்து விட்டது. அதனால் போலீஸார்கள் தொண்டர்கள் பேரில் பலவிதமான கேஸ்களைப் போட்டு துன்புறுத்த ஆரம்பித்தார்கள், சி்ட்சை செய்யவும் ஆரம்பித்தார்கள். மகாத்மாஜி அவர்கள் சொல்லியதோடல்லாமல், நமது மூதாதையர்களும் அப்படியே சொல்லியிருக்கிறார்கள். "கள் விற்று கலம் சம்பாதிப்பதை விட அமிர்தம் விற்று அரைப்படி சம்பாதித்தாலும் போதும்" என்று சொல்லியிருக்கிறார்கள். இப்படியே பெரியோர்கள் பரம்பரையாகச் சொல்லிவந்திருக்கிறார்கள். அதே எண்ணத்தில் தான் மகாத்மாஜி அவர்களும் மது அவசியம் இல்லை என்றும், மதுவினால் வரக்கூடிய வருமானம் அவசியம் இல்லை என்றும், அதனால் அதை ஒழிக்க வேண்டும் என்றும் இயக்கத்தை ஆரம்பித்தார்கள். இந்நமாதிரியான வருமானம் அரசாங்கத்திற்கு வந்தாலும், அது கெடுதலைத்தான் விளைவிக்கும் என்று கருதி அதை ஒழிக்க வேண்டும் என்று ஆரம்பித்தார். அப்படி வரக்கூடிய வருமானம் அவசியமாக இருந்தாலும், அந்த வருமானத்தை இழப்பது கஷ்டமாக இருந்தாலும், அதை ஒழிப்பதை முதற்கொள்க வைத்துக்கொண்டார். சுதந்திரம் அடைவதற்கு சில நிபந்தனைகளைப் போட்டு அவைகளில் இதை முதற்கொள்க வைத்துக்கொண்டார். முதல் நிபந்தனை மதுவிலக்கு, இரண்டாவது தீண்டாமை ஒழிப்பு, என்ற அடிப்படையில் மகாத்மாஜி மதுவிலக்கைக் கொண்டுவந்தார். அப்படி இந்த மதுவிலக்கைக் கொண்டு வந்தாலும், அதை நன்றாக அமுல் நடத்த இந்தச் சட்டத் திருத்தத்தைக் கொண்டுவரும்

19th March 1958] [Sri M. V. Sudarsanam Naidu]

போது, இன்னும் மூன்று மாதங்களுக்கு அல்லது ஆறு மாதங்களுக்கு அதை ஒத்திவைக்க வேண்டும் என்று சொல்லுகிறார்கள். இதைக் கேட்கும்போது எங்களைப்போன்றவர்களுக்கு மனமெல்லாம் பதறுகிறது. இந்த மதுபானத்தை ஒழிக்க வேண்டும் என்று மக்கள் எல்லோரும் எவ்வளவோ கஷ்டப்பட்டார்கள். இந்தக் காங்கிரஸ் அரசாங்கம் வந்து இந்த மதுவை ஒழித்திருக்கிறார்கள். அதைக்கண்டு மக்கள் சந்தோஷப்படுகிறார்கள். இப்படிப்பட்ட நிலைமையில் இந்த மசோதாவை இன்னும் ஆறு மாதங்கள், ஒரு வருஷம் ஒத்திப்போட்டு, அதன் பிறகு யோசிக்கலாம் என்று சொல்வதைக் கேட்க வியப்பாக இருக்கிறது. இந்த மதுவிலக்குச் சட்டம் அவசியமானதுதான். கட்சியின் கொள்கையால் இந்த மதுவிலக்குத் திட்டத்தைக் கொண்டுவந்தார்களே தவிர வேறு ஒன்றும் இல்லை. அரசாங்கம் காங்கிரஸ் அரசாங்கமாக இருப்பதால், தங்களுடைய கொள்கையின் அடிப்படையில் இதைக்கொண்டுவந்திருக்கிறார்கள். அந்தக் கட்சி இருக்கும்போது, உள்ளுக்கு சலுகை காட்ட சட்டத்தில் திருத்தம் நாம் கொண்டுவந்தால் அதற்கு நாம் ஊக்கம் காட்டுவதாக ஆகும். கட்சியின் பெயரால்தான் மக்கள் நமக்கு வோட்டுக் கொடுத்து நாம் தேர்தலில் வெற்றி பெற்று இங்கு வந்திருக்கிறோம். கட்சி இல்லாமல், வோட்டுப் பெறாமல், இங்கு அங்கத்தினர்களாக நாம் வரவில்லை. காங்கிரஸ் கொள்கையின் அடிப்படையில் வோட்டுப்பெற்றுதான் இங்கு நாம் வந்திருக்கிறோம். காங்கிரஸ் கொள்கையைக் கொள்ளாத அநேகம் பேர்கள் வோட்டுப் பெற்று இங்கு வரமுடியவில்லை. அரிஜனங்களுக்குக் கள்ளைக் கொடுத்து அவர்களை மயக்கி அவர்களிடமிருந்து வேலை வாங்கி வந்தார்கள். அவர்களுடைய புத்தியை மாற்றி வேலையை அதிகப்படியாக வாங்கி லாபம் அடைந்து வந்தார்கள். அப்படிப்பட்ட ஜனங்கள் சய அறிவுடன் தங்களுடைய காரியங்களைச் செய்து கொண்டிருக்கிறார்கள். அவர்களை அடிமைகளாக்கி அவர்களிடமிருந்து வேலை வாங்கி வந்தார்கள். ரொம்பவும் கேவலமாக அவர்களை நடத்தி வந்தார்கள். அப்படிப்பட்ட மக்கள் இன்றைக்கு மதுவிலக்கு வந்ததால் ரொம்பவும் முன்னேற்றமடைந்திருக்கிறார்கள். சுதந்தர புருஷர்களாக இந்நாட்டில் அவர்கள் வாழ்ந்து வருகிறார்கள். தெரிந்தோ அல்லது தெரியாமலோ அவர்களுடைய எண்ணங்கள் மேலோங்கி இன்றைய தினம் அவர்கள் முன்னேற்றமடைந்து வாழ்ந்து வருகிறார்கள். மது அருந்தக்கூடாது என்ற மனப்பான்மை இப்பொழுது மக்களிடத்தில் வந்திருக்கிறது. ஒரு காலத்தில் ஒருவன் குடித்திருந்து அவன் மற்றவர்களைத் திட்டினாலும், அவன் பேரில் எந்தவிதமான நடவடிக்கையும் எடுக்கப்படாமல் இருந்தது. ஒருவன் ஒரு பெரிய மனிதனைத் திட்ட வேண்டும் என்று நினைத்தால், அவன் கள் குடித்ததாகப் பாவனை செய்துகொண்டு ஆடிக்கொண்டு வந்து, அந்தப் பெரிய மனிதனைத் திட்டினாலும் அவனை எல்லோரும் மன்னித்து வந்தார்கள். அப்பொழுது இருந்த அரசாங்கம் கூட அவனுக்கு மன்னிப்புக் கொடுத்தது. அவன் போதையில் இருக்கிறான், அவன் சொல்வதில் ஒன்றுமில்லை என்று கூடச் சொல்லிவந்தார்கள். மது பானம் இருந்த போது ராஜ்யத்தில் எந்தவிதமான சண்டை சச்சரவுகளும் நடத்தலாம். குடித்துவிட்டு சண்டை சச்சரவுகளில் ஈடுபடலாம் என்று அப்படிச் செய்து வந்தார்கள். மதுவிலக்கு அமுலுக்கு வருவதற்கு முன்னதாகச் சண்டை சச்சரவுகளில் ஈடுபட்ட கேஸ்கள் அநேகம் இருந்தன. அதாவது குடித்து விட்டு சண்டை சச்சரவுகளில் ஈடுபட்டதாக இருந்தது. இப்படிப்பட்ட கேஸ்கள்தான் அப்பொழுது பதிவு செய்யப்பட்டன. ஆனால் இன்றைக்குக் கள், சாராயம் காய்ச்சும் கேஸ்கள்தான் அதிகமாக இருக்கின்றன. ஊரிலுள்ள பெரிய குடும்பத்தார்கள் கூட சாராயம் காய்ச்சுவதற்கு ஊக்கம் கொடுக்கிறார்கள். அதுமாதிரி ஏன் செய்கிறார்கள் என்றால், அவர்களிடத்தில் பொருள் இருந்தால் தங்களிடத்தில் வேலைக்கு வரமாட்டார்கள், ஆகவே அவர்களிடத்தில் பொருள் இருக்கக்கூடாது என்று கருதுகிறார்கள். அவர்களுக்குக் கெட்ட பழக்கத்தைப் பழக்கிக் கொடுத்து ஒட்டாண்டியாகச் செய்கிறார்கள். அப்பொழுதுதான் அவர்கள் தங்களிடத்தில் வேலை செய்வதற்கு வாய்ப்பு இருக்கும் என்று நினைத்து அவர்களுடைய பொருளாதார நிலை ஒங்கக்கூடாமல் பல பேர்கள் பல இடங்களில் செய்வதை நான் நிதர்சனமாகக் கண்டிருக்கிறேன். கள்ளச்சாராயம் காய்ச்சுவதற்கு அவர்களிடத்தில் முதல் இல்லாவிடால் அவர்களுக்கு முதலைக் கடனாகக்

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கொடுத்து வட்டி வாங்குகிறார்கள். எங்கள் ஜில்லாவில் 4, 5 மாதங்களாக ஸ்ரீ சத்தியவாக்ஷிவர அய்யர் அவர்கள் சூபரிண்டென்டாக வந்தபிறகு, துப்பறியும் போலீஸாரைக் கொண்டு ஆங்காங்கு பல ஊர்களில் இம்மாதிரி சாராயம் காய்ச்சும் கேஸ்களை நிறையக் கண்டுபிடித்திருக்கிறார்கள். இதனால் இந்தக் குற்றம் அடங்கி வருகிறது என்பது என்னுடைய தாழ்மையான அபிப்பிராயம். நான் எந்தெந்த ஊரில் என்ன நடக்கிறது என்பதை நேரில் கண்டு சொல்லுகிறேன். எங்கள் ஜில்லாவைப் பொறுத்தவரையில் அனுபவத்தில் சொல்லுகிறேன்.

அநேக இடங்களில் திருட்டுச் சாராயம் காய்ச்சுவதற்காக சாலை ஓரங்களிலுள்ள மரங்களில் பட்டையைப் பெயர்த்து எடுக்கிறார்கள். சாலை ஓரங்களிலுள்ள மரங்களில் பட்டையைப் பெயர்த்தால், அவர்களுக்குத் தகுந்த சிட்சை கொடுக்க அரசாங்கம் ஏற்பாடு செய்யவேண்டும். சாலை ஓரங்களிலுள்ள மரங்களின் பட்டையைப் பெயர்த்தினால் நமக்கு இரண்டுவிதமான கெடுதல்கள் ஏற்படுகின்றன. பட்டையைப் பெயர்த்து அதைத் திருட்டுத்தனமாகச் சாராயம் காய்ச்சுவதற்கு உபயோகப்படுத்துகிறார்கள். அதனால் மரங்கள் அழிந்துவிடுகின்றன. சாலை ஓரத்திலுள்ள மரங்கள் மக்களுக்கு நிழலைக் கொடுக்கக்கூடிய மரங்கள், அதனால் அடியோடு அழிந்துவிடுகின்றன. சாலையில் நிழல் வேண்டுமென்று ஓரங்களில் மரங்களை வைத்துப் பயிர் செய்திருந்தால், அவைகளிலிருந்து பட்டையைப் பெயர்த்து தங்களுடைய சொந்த லாபத்திற்கு உபயோகப்படுத்துகிறார்கள். ஆகையால், இதைத் தடுப்பதற்கு வேண்டிய நடவடிக்கை எடுக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

மகாத்மாஜி நாம் சுதந்திரம் அடையவேண்டுமென்று சொன்னபொழுது, எப்படி இருந்தால் நாடு சுபிட்சமாக வாழ முடியும் என்ற திட்டத்தை வகுத்தபோது, பிரதான திட்டமாக இருந்தது மதுவிலக்கு. 1937-ம் ஆண்டில் இரட்டை ஆட்சி ஆரம்பித்த உடனேயே காங்கிரஸ் அரசாங்கம் மதுவிலக்கை அமுலுக்குக் கொண்டுவந்தார்கள். ராஜாஜி அவர்கள் அதை அப்பொழுது ஒரு ஜில்லாவில் அமுலுக்குக் கொண்டுவந்தார்கள். நாட்டிலே சுபிட்சம் நன்றாக ஓங்கி வளர வேண்டும் என்ற நோக்கத்துடன் அதைக் கண்ணுங்கருத்துமாக நிறைவேற்றினார்கள். ஆனால், அப்படியிருந்தபோதிலும், பல பேர்கள் சுய லாபத்திற்காக இன்று சாராயம் காய்ச்சுவதில் ஈடுபடுகிறார்கள். அவர்கள் பொருளாதார வசதிக் குறைவினால் தான் இப்படிச் செய்கிறார்கள். அரசாங்கம் எவ்வளவோ திட்டங்களை வகுத்து அவர்களுக்காகப் பல தொழில்களை ஏற்படுத்திக் கொடுக்க முன்வந்திருக்கிறார்கள். அவர்கள் திறமையாகப் பல தொழில்களில் ஈடுபடும்படி செய்து அவர்களிடத்தில் வேலை வாங்குவோமேயானால், இறுதியில் சாராயம் காய்ச்சுவதே நின்றுவிடும். மதுவிலக்குத் திட்டம் பூரணமாக வெற்றியடையும். ஆங்காங்கு நாம் பஞ்சாயத்துக்களை ஏற்படுத்தப்போகிறோம். பஞ்சாயத்துக்கு அதிகாரங்களைக் கொடுத்து, சாராயம் காய்ச்சுவதைக் கண்காணிக்கும் அதிகாரத்தையும் அவர்கள் கையிலேயே கொடுத்தால், சாராயம் காய்ச்சுவது துப்புறவாக நின்றுவிடும் என்பது என்னுடைய அபிப்பிராயம். இப்படிப்பட்ட புனிதமான கைங்கரியத்தைக் காந்திஜி அவர்கள் ஆரம்பித்தார்கள். அவர் இறந்து 10 வருஷங்கள் கூட ஆகவில்லை. மதுவிலக்குத் திட்டம் வெற்றிகரமாக நிறைவேறிக்கொண்டு வருகிறது. அப்படியிருக்கும்பொழுது, இந்தத் திருத்த மசோதாவை ஒரு வருஷம் ஒத்திப்போடவேண்டுமென்று தவணை கேட்கிறார்கள். அது நல்லதல்ல. பெரிய மேதாவிகள், அறிவாளிகள் அம்மாதிரி சொல்லுவதைப் பார்த்து நான் ரொம்பவும் வருத்தப்படுகிறேன். ஆகவே, நம் நாட்டிற்கு எது கெடுதலோ, எந்த வருமானம் நம் நாட்டிற்கு வந்தால் அது நாட்டிற்கு சுபிட்சம் அல்ல என்று கருதினோமோ, அந்த வருவாயை அதிகரிக்கத் தண்டனைக்குத் திறத்தம் நினைப்பது மிகவும் தவறு. எனது சக அங்கத்தினர்கள் காந்திஜியின் உண்மையான கருத்தை மனதில்கொண்டு, அதற்கு ஆக்கம் அளிக்கவேண்டுமென்று கேட்டுக்கொண்டு, என்னுடைய சிற்றூரையை முடித்துக்கொள்ளுகிறேன்.

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SRI A. M. ALLAPICHAJ : Mr. Chairman, Sir, I have spoken on several occasions on this subject in this House and if there is any one thing to which the Opposition seems to be constantly opposed, it is Prohibition.

DR. A. LAKSHMANASWAMI MUDALIAR : No.

DR. A. SREENIVASAN : We oppose many other things. You supported many other things.

DR. A. LAKSHMANASWAMI MUDALIAR : I am afraid, Sir, the hon. Member is not correct. The Opposition never opposed Prohibition but they opposed the way in which it was sought to be enforced. That is the point for consideration.

SRI A. M. ALLAPICHAJ : I stand corrected, Sir. As far as Prohibition is concerned. . .

DR. V. K. JOHN : Why don't you withdraw the words 'the Opposition is against Prohibition'?

SRI V. V. RAMASWAMI : Please withdraw.

SRI A. M. ALLAPICHAJ : I said, 'I stand corrected'. Are you not satisfied with that?

THE HON. SRI R. VENKATARAMAN : He wants you to 'sit corrected'.

SRI A. M. ALLAPICHAJ : Then, my position is much easier. There are no two opinions regarding Prohibition. As a matter of fact, in this great country all the communities believe in Prohibition. There may be very few people who may not believe in Prohibition. The biggest majority in our country believes in Prohibition and stands for Prohibition.

Sometimes it is usual to see Friends referring to other countries in the world.

SRI MOHAMED RAZA KHAN : Nobody is opposed to Prohibition.

SRI A. M. ALLAPICHAJ : They refer to some other countries in the world. We have no business whatsoever to interfere in their affairs. They can look after their own affairs. But so far as India is concerned, so far as Indians are concerned, from every point of view, Indians believe in Prohibition. There is no doubt about it.

As a matter of fact, Sir, when I began my speech saying that the Opposition was opposed to Prohibition, I did not mean that they were opposed to Prohibition as such, but to some of the methods of enforcing it. That was what I meant.

DR. V. K. JOHN : May I enquire from the hon. Member whether there is Prohibition in Pakistan?

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SRI A. M. ALLAPICHAJ : Sir, I have nothing to do with Pakistan. (Laughter.) If there is no Prohibition in Pakistan, it is a matter for them to be ashamed of. That is a different matter, Sir.

Now, Sir, the hon. Member Sri Mohamed Raza Khan made a nice little speech. . . .

SRI MOHAMED RAZA KHAN : I am capable of making only nice little speeches

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p.m. SRI A. M. ALLAPICHAJ : I did not mean anything bad, Sir. Only in an endearing way I used that expression. His speech created the impression that the Government were in the wrong. If we were to discuss that point with certain other considerations before us, we will see that the Government are justified in including almost all the provisions they have included in this Bill. Sir, the Congress Government, when they first introduced Prohibition in the year 1937, lost Rs. 12 crores. It is not one or two pies. They lost Rs. 12 crores in those days. That will now be equal to more than Rs. 50 or 60 crores. They said : 'All right. We are prepared to give up such a big amount'. For what purpose did they give it up? They said : 'We give up this tainted money so that our people might be happy because that money would go into the pockets of the people'. That was the object. Now, what has happened? My hon. Friends are sympathising with very wrong and bad people. Certain set of people are determined to make money out of this liquor and thus defy the Act passed by the Government.

DR. V. K. JOHN : There are also Congressmen among them.

SRI A. M. ALLAPICHAJ : The hon. Member may try to attack Congressmen but that is a different thing.

What I want to say is that some people are determined to defy the Government in respect of this matter. Sir, the Congress Government lost Rs. 12 crores in those days, which will now work out to about Rs. 50 or Rs. 60 crores, but for what purpose? Not that certain set of scoundrels should become rich people in this country at the cost of the poorest people. I think the hon. Member Mr. Raza Khan may at least agree with me that I know these things better than he does.

DR. A. LAKSHMANASWAMI MUDALIAR : How?

SRI A. M. ALLAPICHAJ : I am coming to that.

Sir, I know that habitual offenders, thieves who were committing pick-pocketing and other offences and habitual dacoits who were finding it very difficult to make money thought that they could earn money out of manufacturing some kind of liquor. Sir, I have always felt that it may be very difficult for anybody to prevent an offence committed under an impulse but in the case of an offence committed to get more money, if we destroy the source, the offence would not be committed. Now what has happened? These thieves are very clever fellows. They know the weakness of the

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man and especially the officials in charge of preventing the commission of these offences and they also know many other things. Sometimes they corrupt our officials also. That is how they thrive. Should we have any sympathy for such offenders?

Sir, my hon. Friends feel that according to the provision in the Bill, six months' imprisonment should be given to an offender for all kinds of offences. The punishment is for importing or exporting or transporting or possessing liquor. The maximum punishment is two years' imprisonment and the minimum punishment is six months' imprisonment. But discretion is not taken away from the hands of the magistrate to give a lesser punishment. If the magistrate feels—of course, he has to record his reasons in writing, that a punishment of six months' imprisonment is too much, he can award a punishment of even one month's imprisonment.

DR. V. K. JOHN : No.

SRI A. M. ALLAPICHAJ : Let the hon. the Deputy Leader of the Opposition please read the provision. It says—

'but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months'. So, if he gives a lesser punishment, he must record the special reasons in writing.

SRI MOHAMED RAZA KHAN : No, he cannot do it.

SRI A. M. ALLAPICHAJ : He can do it. That is how I understand it.

DR. V. K. JOHN : The understanding of the Deputy Chairman is wrong.

SRI A. M. ALLAPICHAJ : My own understanding is this: If the magistrate, after going through the case of a person, feels that he does not deserve six months' imprisonment, he can give him a lesser punishment of two or three months' imprisonment by saying that he takes a lenient view of it. That is the idea underlying this provision and not as imagined by my hon. Friends.

DR. A. LAKSHMANASWAMI MUDALIAR : That would be the lawyer's view.

SRI A. M. ALLAPICHAJ : As a lawyer who had been practising except during the last two or three months

DR. V. K. JOHN : I feel that the Deputy Chairman may be allowed to practise so that he may not misinterpret any provision of the Bill.

MR. CHAIRMAN : The Deputy Chairman is inviting too many interferences.

SRI A. M. ALLAPICHAJ : Sir, I know in the betting case for certain offences punishment of imprisonment for not less than six months is awarded. But, on several occasions, I argued with

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the magistrate pointing out certain factors like over-age, poverty and foolishness in favour of the accused and the magistrate also took a lenient view and awarded a punishment of only one or two months' imprisonment.

SRI T. PURUSHOTHAM : Is foolishness also a criminal offence?

SRI A. M. ALLAPICHAHAI : It all depends upon what he does.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I request the hon. the Deputy Leader of the Opposition who is a very eminent and practising lawyer to give us the meaning of this proviso.

SRI A. M. ALLAPICHAHAI : Sir, as far as Prohibition is concerned, as the hon. the Leader of the Opposition has nicely put it, there are no two opinions. Everyone in this country is committed to the policy of Prohibition.

DR. A. LAKSHMANASWAMI MUDALIAR : In this State.

SRI A. M. ALLAPICHAHAI : That is right but the other States also will introduce it.

I want to submit once again that the magistrate is given ample powers in this Bill in the matter of awarding punishment and he can award a lesser punishment in suitable cases. Thank you, Sir.

* DR. A. SREENIVASAN : Sir, though taking part in the debate may not be of much use, because the Government are not going to accept . . .

4 p.m. THE HON. SRI R. VENKATARAMAN : Minority does not rule the country !

* DR. A. SREENIVASAN : The majority should represent the minority also. That should be remembered. Anyhow, taking part in the discussion is only wasting one's breath. Still, we have to do our duty by our electorate, and that is the reason why some of us are taking part in the debate today. One hon. Member spoke about Mahatma Gandhi having started this Prohibition business. Why? He was a keen student of psychology. He wanted to put his knife into a big revenue bearing sector of the administration. Everybody knew that he was a student of psychology. Therefore, he put his hand on salt. He wanted to touch the heart of the people and that was the reason why he did those things and not because of anything else. We do not know whether he himself knew that it was impossible that anybody would be reformed by legislation. His idea was also to do things through persuasion and not through legislation. What his successors are doing is to rule the country by legislation, not by persuasion. That is the difference.

Then, some hon. Member referred to the money derived from excise duty as being tainted money. Are we not tasting tainted money in the matter of betting on horse races and other things? I am referring to betting, because it is also supposed to be a vice.

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They have given permission and they do not stop it for reasons best known to themselves. Is it not tainted money? Have not people become bankrupt on account of race-going? Sir, in the matter of the inability of the Government, unwillingness of the Government to stop racing, the argument was used that in the neighbouring States racing was taking place and that any man could take an easy trip to that place and then indulge in betting. Yes; I agree. But it is only for six or ten days in a year. But in the matter of Prohibition, the neighbouring State is not enforcing it to the extent to which you are doing. Therefore, all the 365 days in a year, a man has got a chance. He can always go there and have a drink. Therefore, that argument that was given in the matter of race clubs is not given now. It was not done simply because it has not become an all-India matter. Well, in the matter of Prohibition, it has not become an all-India matter, though it is mentioned in the Constitution. Still, there are a number of States ruled by very good Congressmen, probably older Congressmen than most of the Members on the Treasury Bench to-day. They have not touched that aspect. For, they have understood human psychology. Rationing is a much better thing than complete Prohibition. The more you want people not to do a thing, the more persistent they become in doing it.

The Hon. Minister was speaking yesterday on the question of cow-slaughter and then he wanted persuasion to achieve good results. He did not want legislation and he wanted to respect the feelings of certain sections of the people. Then why not bring that mentality to bear in this matter also? Why this Draconian law to punish people for Prohibition offences as if it were a very heinous crime? I want to tell the Hon. the Home Minister one thing. Even if he provides for hanging, he cannot mend a man morally. Any reform must flow from the heart. I have said it a hundred and one times that there are people who commit offences; their mental make-up is like that. It is a pathological state. Therefore, there is no use of any legislation.

SRI A. M. ALLAPICHAHAI : They must be treated accordingly.

* DR. A. SREENIVASAN : You cannot punish a recalcitrant. You do not know psychology. (Laughter.) You know in the Mental Hospital—you go to the Mental Hospital and see—the patients are treated very kindly. They do not thrash the mentally defective people; they give them kind treatment. Therefore, the only method to set these people right is the method of persuasion. Therefore, I do not mind my friends like Mr. Raza Khan asking for more punishments. I do not mind even if you provide for hanging, transportation for life, etc., for Prohibition offences. But you will not be able to achieve what you want. I can take a bet in this matter, if necessary. Because, we know what human nature is. They have tried for the last 20 years and they have not been successful. The very fact that they are bringing in this Bill is itself proof that it has utterly failed . . .

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MR. CHAIRMAN: Dr. Sreenivasan, betting is prohibited here!

* DR. A. SREENIVASAN: It is a casual remark, Sir. I did not mean it.

I am simply trying to drive home to the Hon. the Home Minister that he cannot make a man absolutely moral by legislation.

DR. V. K. JOHN: He is wooden; the point has not gone into him!

A VOICE: He is not wooden.

* DR. A. SREENIVASAN: There may be certain people who, even though they accept, do not want to exhibit their admission. Therefore, when in the matter of racing, the Government said that there must be an all-India legislation in order to stop racing in Madras, why in the case of this Prohibition also should they not use the same argument? It was very clearly exposed by the hon. the Leader of the Opposition. In Bengal, except on two days, on other days the people are free to drink. Does it mean that the Congress Ministers here are more Royalist than the King? What about Delhi, the very centre of the Indian Union? Of course. Prohibition is enforced on two days in the week and then people should not drink in public places. But any man can purchase a bottle or two, take to his house and take it as he likes. Therefore, it is a sort of sadistic pleasure which the Government here are enjoying by thinking that people who take to drinks could be reformed. Is it that a man who drinks, who prepares a little drink, has committed anything inhuman and that, therefore, he should be annihilated? They cannot annihilate him. It is impossible. They cannot annihilate the mind. The spirit of recalcitrance, the spirit of defiance will always be there. The more stringent their measures to put it down are the greater it will grow.

Again, in the matter of enforcement of Prohibition, there are a number of loopholes in the very nature of the Bill that is brought here. Lots of powers are given to the Police and there are Police officers and the Hon. the Home Minister himself knows it. Therefore, in the hands of a very enthusiastic policeman clothed with authority, it will become a formidable weapon; he may misuse it against the public and against himself too indirectly.

When we open the newspapers, everyday we read news of some offence or other from all parts of the State. We must take note of that. There seems to be something rotten in the police forces, something that has corrupted the forces and we read so many things, which we never before came across. I do not know when we pass such a measure and entrust its enforcement to such men where it will end. The consequences of it may be disastrous.

Even now, Sir, I plead once again that rationing is much better than total Prohibition and God alone must bless this measure if it is to be successful. (Laughter.)

19th March 1958]

* SRI K. M. RAMASAMY GOUNDER: மதிப்பிற்குரிய தலைவர் அவர்களே, மதுவிலக்குச் சட்டம் வந்து 20 ஆண்டு காலம் ஆகிவிட்டது. மதுவிலக்குத் திட்டம் அவசியமா அவசியமில்லையா என்பதைப்பற்றி இனிமேலும் சர்ச்சை செய்துகொண்டிருப்பதில் பயனில்லை என்று நினைக்கிறேன். மது அருந்துதல் விலக்கப்படவேண்டும். மதுபானம் செய்வது பஞ்சமபாதகங்களில் ஒன்று, அதை எப்படியும் மனித சமூகத்திலிருந்து நீக்கிவிட வேண்டுமென்று முதன் முதலில் காந்தியடிகளால்தான் தெரிவிக்கப்பட்டது என்று சொல்ல முடியாது. இந்திய சமுதாயம் தோன்றிய காலத்திலிருந்தே, மதுபானம் நமக்கு உகந்ததல்ல என்பதை நாம் தெரிந்துகொண்டவர்களாக இருந்துவந்திருக்கிறோம், மதுபானம் செய்யக் கூடாது என்று இரண்டாயிரம் ஆண்டுகளுக்கு முன்பு இருந்த திருவள்ளுவர் கூறியிருக்கிறார். கனம் அங்கத்தினர் ஸ்ரீ கஜபதி நாயகர் பல திருக்குறள்களை இதற்கு ஆதாரமாகச் சொல்லப் போகிறார். நான் ஒரு குறளை மட்டுமே எடுத்துக்காட்ட விரும்புகிறேன்.

“உண்ணற்க கள்ளை உணில்உண்க சான்றோரான்
எண்ணப்படவேண்டாதார்”

“சான்றோரால் வேண்டப்படாதார்” என்று கூட அவர் சொல்லவில்லை. “உணில் உண்க சான்றோரால் எண்ணப்படவேண்டாதார்” என்கிறார். எனவே சான்றோரால் மனதிலும் எண்ணப்படாதவர்களை விரும்பிக் கள்ளை உண்ணலாம். மற்றவர்கள், பெரியவர்கள், அதை உண்ணமாட்டார்கள் என்பது அவர் கருத்து. அப்படிப்பட்ட பாதகமாகிய மதுவருந்துதலை சமூகத்திலிருந்து எவ்வகையிலாவது நீக்கவேண்டியது மிக மிக அவசியம் தான். பிரசாரத்தின் மூலமே, சொல்லிச் சொல்லியே, எல்லாக் காரியங்களையும் சாதித்துவிட முடியாது. சமூகத்தில் செய்யத்தக்க காரியங்கள் செய்யப்படுவதைத் தடுக்க வேண்டுமானால், அதை “by legislation or by persuasion” செய்ய வேண்டும். சில சமயங்களில் இரண்டு முறைகளையும் கையாளவேண்டியிருக்கும். மதுவிலக்குத் திட்டத்தை நிறைவேற்றும் விஷயத்தில் இரண்டு முறைகளையும் கையாள வேண்டியது அவசியமாக இருக்கிறது. மதுவிலக்குத் திட்டத்தை நிறைவேற்றுவதற்கான முறைகளைக் கையாளுவது சம்மந்தமாக கனம் அங்கத்தினர்கள் சிலர் கொண்டுள்ள மாறுபட்ட அபிப்பிராயங்களைப் பார்த்தால், “கிணற்றில் இறங்கி நீந்தக் கற்றுக்கொள்ளுவதைவிட்டு”, “நீந்தக்கற்றுக்கொண்ட பிறகு கிணற்றில் இறங்கிக்கொள்ளலாம்” என்று நினைப்பதுபோல்தான் இருக்கிறது. நாம் கிணற்றில் இறங்கிவிட்டோம். ஓரளவு நீந்தவும் கற்றுக்கொண்டுவிட்டோம். அதாவது, நாம் மதுவிலக்குச் சட்டத்தை நிறைவேற்றிவிட்டோம், அச் சட்டம் 20 ஆண்டுகள் அமல் நடத்தப்பட்டுவிட்டது. சட்டத்தில் சிறு சிறு சிக்கல்கள் இருக்கலாம். சட்டம் அமல் நடத்தப்பட்ட முறையில் வெற்றி ஓரளவுதான் கிட்டியிருக்கிறது. ருமு வெற்றியும் காண வழிவகை செய்வதைவிட்டு சட்டத்தையே ரத்துசெய்ய வேண்டுமென்பதோ அல்லது அதை ஆறு மாதம், 6 வருஷம் என்ற கால அளவிற்கு ஸஸ்பென்டு செய்து வைக்கவேண்டுமென்பதோ ஏழைமக்களின் நலனைக் கோருபவர்கள் நினைக்கவும் முடியாத விஷயம். ஏழைமக்களை மது அரக்கனிடமிருந்து பாதுகாப்பதற்காக, சட்டத்திலுள்ள குறைபாடுகளை நீக்கி அதை வெற்றிகரமாக அமுல் நடத்துவதற்கான முறைகளை அரசாங்கம் கையாளவேண்டும். அதற்கு வேண்டிய நல்ல யோசனைகளை நாம் சொல்லவேண்டும். அதேசமயத்தில், நிரபராதிகள் தண்டிக்கப்படாமல் இருக்கக்கூடியவகையில் மசோதாவில் விதிகளை வகுக்கவேண்டும். கனம் உதவி சபாநாயகர் அவர்கள் சொன்னதுபோல் இப்போது கோர்ட்டுகளில் நீதிபதிகளால் தண்டனைகள் விதிக்கப்படும்போது, தண்டனைக்குரியவர்களே தண்டனையைப் பெறுவது சில சந்தர்ப்பங்களில் ஏற்படுவதாக இருக்கலாம். நீதிபதிகளால் சரியாக மதிப்பிடப்பட்டு உரிய தண்டனை பெறுபவர்கள் ஒரு புறமிருக்க, சில சமயங்களில் நிரபராதிகள் கூட தண்டிக்கப்பட்டு விடுகிறார்கள் என்பதையும் நாம் ஞாபகப்படுத்திக்கொள்ளவேண்டும். ஒருவன் நிரபராதியாக இருந்தும் எதிராக இரண்டு பேர் பொய் சாட்சி சொல்லிவிட்டால், அவனும்தண்டிக்கப்படுகிறான். குற்றம் சாட்டப் பட்டவன் நிரபராதி என்று நீதிபதிக்குத் தோன்றினாலும் கூட சாட்சிகள் அவன் குற்றம் செய்ததாகச் சொல்லும்போது நீதிபதி அவனுக்குத்

[Sri K. M. Ramasamy Gounder] [19th March 1958]

தண்டனை விதிக்கவேண்டியிருக்கிறது. அப்படிப்பட்ட நிலைமை ஏற்படாமல் இந்த மசோதாவில் விதிகளை ஆக்கவேண்டும். மேலும் யார் யாருக்கு என்னென்ன நியாயமான பாதுகாப்புகள் அளிக்கப்பட வேண்டுமோ அவைகளை அளிக்கும் வகையில் மசோதா அமைய வேண்டும். மதுவிலக்குச் சட்டத் தால் ஏழை எளியவர்களுக்கு எவ்வளவோ நன்மை ஏற்பட்டிருக்கிறது. ஏழை எளியவர்களின் குடும்பங்களிலுள்ள எல்லோரும் வயிற்றாகக் கஞ்சி குடிக்க முடிகிறது. இருந்தாலும், ஒரு புறத்தில் மது தயாரித்து விற்பனை செய்து குடிசைத்தொழிலாக வளர்ந்து வருவது நமக்குத் தெரியும். கள்ளச் சாராய வியாபாரத்தில் நேற்று ஏழைகளாக இருந்தவர்கள் இன்று பணமுள்ளவர்களாக மாறிவிடுகிறார்கள். ஆனால், அந்தக் காரணத்தால் சட்டத்தை ஸஸ்பென்ஷனில் வைக்கக்கூடாது. கள்ளச்சாராயம் காய்ச்சி விற்பதைத் தடுப்பதற்கு திருத்த மசோதாவில் சரியான விதிகளை வகுக்க வேண்டும். நான் வழக்கறிஞன் அல்ல. ஆதலால் மசோதாவைப் பற்றிப் பேசும்போது, சட்டசம்மந்தமான விஷயங்களைப் பற்றி அதிகமாகப் பேச விரும்பவில்லை. இந்த மசோதாவை அங்கத்தினர்கள் எல்லோரும் ஏகமனதாக ஏற்றுக்கொள்ளவேண்டும். மதுவிலக்குச் சட்டத்தை இன்னும் நல்ல முறையில் நடத்த வேண்டும். மதுவிலக்குச் சட்டங்கள் இந்தியா முழுவதும் இல்லை என்பதால் இந்த ராஜ்யத்திலுள்ள சட்டத்தைக் கொஞ்ச காலம் அமல் நடத்தாமல் தள்ளி வைக்கலாம் என்று சொல்வது சரியல்ல. எவ்வளவோ ராஜ்யங்களில் மதுவிலக்குச் சட்டத்தை கொண்டுவரவில்லை, ஆகவே நாம் சட்டத்தை ரத்துசெய்துவிடலாம், ஸஸ்பென்டு செய்து வைக்கலாம் என்று சொல்வதும் சரியல்ல. சில காரியங்களைப் பெரிய ராஜ்யங்களில் செய்யாவிட்டாலும், அவைகளை நாம் செய்து அவர்களுக்கு வழிகாட்டியாக இருக்கலாம். ஆகவே, நாம் சட்டத்தைத் தொடர்ந்து அமல் நடத்த வேண்டும். எத்தனையோ காரியங்களில் நம் ராஜ்யம் பிற ராஜ்யங்களுக்கு வழிகாட்டியாக இருப்பதுபோல் மது அரக்கனைத் துரத்துவதிலும் பிற ராஜ்யங்களுக்கு நாம் வழிகாட்டியாக இருப்பதற்கு முயற்சிக்கவேண்டும் என்று சொல்லிக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, I am a believer in Prohibition and in the laws relating to Prohibition. This Act was passed in the year 1937 and it is now 21 years that this Act has been in force in this State. So, if the Government think of making any changes, there is nothing wrong in doing so. But there is great force in what the Leader of the Opposition said, namely, that the whole question should be tackled on an All-India basis. There are various parts in Pondicherry where there is no Prohibition. I know people go to Valavanoor and from there go to Pondicherry. The next place here is Bangalore. So, it does not affect so much the poor as the higher classes, the more educated classes. They should know better. But it is they that are, unfortunately, not in favour of the Prohibition law altogether. It is one of the unfortunate things in our country. Because of their capacity to go to places like Pondicherry, Bangalore and other such places they go there. That was why the hon. the Leader of the Opposition was so vehement that the whole question should be tackled on an All-India basis. There is a good deal of truth in what he has stated. I do not think that we should in our anxiety to make Prohibition a success forget the particular matter upon which stress has been laid by him. That is a very important matter. Of course, the hon. Member Dr. Sreenivasan referred to the argument of the Hon. the Finance Minister about horse-racing. That is a parallel argument here. But what I say is this. In order to solve the problem

19th March 1958] [Sri K. Balasubramanya Ayyar]

of Prohibition, we have to check illicit distillation. This is more important and more harmful than even consumption of liquor. The two dissenting minutes to the Report of the Joint Select Committee lay stress on this particular matter. The hon. Member Dr. John says in his dissenting minute that it is almost a cottage industry. Again, those people who always say that Prohibition is a failure in our country stress the fact that on account of illicit distillation Prohibition has proved a failure. The Ramamurthi Committee also said the same thing. Therefore, if the Government lay stress upon the prevention of illicit distillation, I won't blame them. But illicit distillation is not the same thing as consumption of liquor to which the hon. the Leader of the Opposition referred. It is quite a different thing. Proposed section 4 says that whoever manufactures liquor or any intoxicating drug; constructs or works any distillery or brewery, or allows any of the acts 'aforesaid' upon premises in his immediate possession shall be punished. Therefore, the punishment with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees is restricted to offences of illicit distillation. In the other case, whoever imports, exports, transports or possesses liquor or any intoxicating drug shall be punished with imprisonment for a term which may extend to one year and with fine which may extend to two thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees in the case of the offence of import, export or transport of liquor or any intoxicating drug falling under clause (a). Therefore, the whole clause does not apply to cases of consumption or buying of liquor or any intoxicating drug. Therefore, this clause should not be confused with the provision relating to construction or working of any distillery or brewery, or the manufacture of liquor or any intoxicating drug. We must bear in mind that particular fact.

There is one other clause to which reference ought to be made, that is, the clause introducing an amendment to section 6. If any advertisement appears in any newspaper, punishment of imprisonment has been prescribed. Formerly, imposition of a fine only was prescribed. Now, imprisonment or fine has been prescribed. In 4-20 clause 6 of the proposed Bill, it has been proposed to omit the word p.m. 'commending' from section 6 of the Act. Only when I looked at the clause while I was going through the copy of the Bill, I found it. It is not necessary to omit it because an advertisement may appear in a newspaper.

Again, it has been proposed to substitute the words "with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both". This is rather too harsh as far as the newspapers, publishers or article-writers are concerned. But here again, there is no provision as to who will be imprisoned, whether it is the editor or the publisher or anybody else.

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Again, with regard to the summary trials, the sections in the Criminal Procedure Code have to be carefully considered. Section 260 says that a Magistrate may at any time re-hear the case and adopt the procedure ordinarily prescribed in the Code. That is the law. The Magistrate has absolute discretion. So, what is the use of having a summary trial for all these offences?

The minimum punishment is six months' imprisonment. The maximum punishment is two years' imprisonment and fine of five thousand rupees. In the proposed section 15-A it has been proposed that, as a result of the summary trial, no sentence except a sentence of fine shall be imposed. Suppose there is an appeal or a revision. The law has held that the High Court or the Appellate Court may enhance the sentence. Therefore, even if they put it as fine, one can be imprisoned or the sentence may even be increased. Unless there is writing of judgment in summary trial, no useful purpose will be served. As I said earlier, the Magistrate has got absolute discretion. Even in the middle of summary trial, he can stop it. Therefore, I feel that these sections (sections 15-A and 15-B) are inconsistent. The effect of this will be that they may nullify each other.

As regards clause 17, in addition to the strong objection which the Leader of the Opposition raised, I think we must make it clear that the certificate should be about intoxication. Here it is said "before any medical officer authorized by the State Government and request the Medical Officer to furnish a certificate on his finding whether such person has consumed any liquor or intoxicating drug or is in a state of intoxication or not". Here in the expression "consumed any liquor or", instead of the word "or" it must be "and".

DR. A. SREENIVASAN: The point is the alcoholic content may be estimated. In the mufassal there are no facilities to find this out. Only in the City we have such facilities.

SRI K. BALASUBRAMANYA AYYAR: A person should not be in a state of intoxication. The point is whether he has consumed liquor or not. So I say, instead of the word 'or', it must be 'and'.

DR. A. SREENIVASAN: "Mufassal" இல் முடியாது, அதற்குள்ளே effect போய்விடும்.

SRI K. BALASUBRAMANYA AYYAR: These are some of the important points on which, I think, the Bill could be improved.

On page 3 of the Joint Select Committee's Report, under clause 7, it is stated, "The Committee felt that the clause required improvement with reference to the minimum quantity of 4-30 p.m. molasses that could be possessed by any person and other matters.

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But, in order to avoid delay in the passing of the Act, the clause as introduced was accepted with the assurance that it would be amended later on, if necessary, in the light of the suggestions of the Members and the examination by the Department." This seems to be a curious view. I do not see any reason why the suggestions of the Members should be brushed aside merely because there will be delay in the passing of the Bill. When I say this, I am only reminded of what Alexander Pope said, "The prisoner be hanged so that the jury men may dine." As a particular case was being tried, dinner time was approaching. At that time, the above remark was made by Pope. I refer to it because of this observation made by the Committee. Because there will be delay, they need not brush aside the views of the Members. Some provision should be made in this regard.

THE HON. SRI M. BHAKTAVATSALAM: The point is that the possession of molasses is to be regulated.

SRI K. BALASUBRAMANYA AYYAR: It may be so. That is why I say that some amendment may be made now and that the matter should not be delayed. The matter is likely to go before the Courts almost immediately. It is not right that the people should suffer on account of the delay in passing the amendment. These are sections dealing with offences. So, let us be careful. Some amendment may be brought forward later on. But, in the meantime, hundreds of people will be punished for this offence. That is why I say that I am not satisfied with the present position. It could be amended even now. There is nothing wrong in doing so. The only thing is that it has again to go to the Assembly.

Sir, I am sorry I do not share the view that illicit distillation should not be prevented. I say it should be prevented. People have been harping upon the fact that illicit distillation was going on as a cottage industry and that that was why all the trouble arose. We cannot say in one voice that the Prohibition law should be effectively enforced and, at the same time, also say that illicit distillation should not be prevented. We cannot say both things in the same breath. We must concentrate on preventing illicit distillation. In my opinion, prevention is better than punishment. We must take more effective steps to prevent the commission of the offence. So far as the clause relating to punishment is concerned, we cannot say that it is Draconian except that the fine is extended to five hundred rupees. We can expect the magistrates to be of some substance and ability. They will surely record the reasons for imposing a certain amount as fine or awarding the sentence of imprisonment for a particular period.

SRI M. ETHIRAJALU: சேர்மன் சார், இந்த மதுவிலக்குச் சட்டம் இருபது ஆண்டுகளுக்கு முன் முதன் முதலில் கொண்டுவரப்பட்டிருந்தாலும், அதற்குப் பல திருத்தங்களுடன் இப்பொழுது சபை முன் வந்திருக்கும் இந்த மசோதாவை நான் பரிபூரணமாக ஆதரிக்கிறேன். இந்த மசோதாவில் இருக்கும் சில அம்சங்களை, குறிப்பாக தண்டனையை குறைக்க

[Sri M. Ethirajalu] [19th March 1958]

வேண்டும் என்றும், அதிக தண்டனை கொடுக்கக் கூடாதென்றும் இங்கே எதிர்க் கட்சியிலே இருக்கும் சில அங்கத்தினர்களால் திருத்தங்கள் கொடுக்கப்பட்டன.

மற்றும், இந்தச் சட்டத்தினால் பல தொழிலாளர்கள், பின் தங்கிய மக்களுடைய வாழ்க்கை நிலை நன்றாக முன்னேறி இருக்கிறது. ஆனால் ஒரு சிலர், சட்டத்தை மீறிக் குற்றம் செய்பவர், இந்த மசோதாவினால் பாதிக்கப்படலாம். அதைப் பற்றிக் கவலையில்லை என்றுதான் என்னைப் பொறுத்தவரை தோன்றுகிறது. இருபது ஆண்டுகளுக்குப் பிறகு, இப்பொழுது என் இந்த மசோதாவில் இவ்வளவு கடுமையான தண்டனை விதிக்கப்படுகிறது? யார் இதற்குக் காரணம்? அரசாங்கம் காரணமா? அல்லது பொது மக்களும், இந்தத் தொழிலில் ஈடுபட்டிருப்பவர்களும் காரணமா? இதை நாம் முதலில் சிந்திக்க வேண்டும். இந்தத் தொழிலில் ஈடுபட்டிருப்பவர்களுக்கு இந்த மசோதாவில் இப்பொழுது விதிக்கப்பட்டிருக்கும் தண்டனை மிக மிகச் சொற்பமாக இருக்கிறது. தண்டனை குறைவாக இருப்பதால், ஒரு தடவை குற்றம் செய்தாலும், மூன்று தடவைகள் குற்றம் செய்தாலும், தம்மைப் பாதிக்காது என்ற நோக்கத்தினால், அவர்கள் மேலும் மேலும் இம்மாதிரிக் காரியங்களில் ஈடுபடுகிறார்கள். இந்த மனப்பான்மையைத் தடுப்பதற்காகத்தான் சர்க்கார் இம்மசோதாவிலே தீவிர கவனம் செலுத்தியிருக்கிறதே தவிர வேறொன்று மில்லை. மதுவிலக்குச் சட்டத்தை மீறினால் தலையே போய்விடும் என்று சொன்னால் கூட, இச்சட்டம் சரியாக அமுல் நடத்தப்படாது என்று நமக்கு எதிரிலே இருக்கும் பாக்டர் ஸ்ரீனிவாசன் அவர்கள் சொன்னார்கள். சர்க்கார் அவர் சொல்லுவது போல் சட்டம் இயற்றி இருந்தால், ஒரு மாதத்தில் மதுவிலக்குக் குற்றங்கள் நிறுத்தப்பட்டிருக்கும் என்று நான் உறுதியாகச் சொல்ல முடியும்.

இது ஜனநாயக சர்க்கார், மக்கள் சர்க்கார், என்ற காரணத்தினாலே, எவ்வளவு தூரம் இந்தச் சட்டம் சுலபமாகவும், மக்கள் புரிந்துகொள்ளும் வகையிலே தெரிந்துகொள்ளும் வகையிலே தங்களுடைய சொந்த முயற்சியினாலேயே நாளுக்கு நாள் குற்றங்களை நிவர்த்தி செய்துகொள்வார்கள் என்ற காரணத்தினால் இந்த அரசாங்கம் 20 ஆண்டுகளாக அதிக தண்டனையைக் கொடுக்காமல் விட்டுக் கொண்டிருந்தது என்பதை நான் அவர்களுக்கு எடுத்துச் சொல்ல ஆசைப்படுகிறேன். இந்த மசோதாவினால் பயப்படுவேண்டிய அவசியமே இல்லை. ஏன் பயப்பட வேண்டும், குற்றம் செய்பவர்களுக்குத்தான் அந்த தண்டனையே தவிர, குற்றம் செய்யாதவர்கள் யாரும் பயப்பட வேண்டியதில்லை. இந்தச் சட்டத்தை மீறினால் நிச்சயமாக சட்டத்தில் குறிப்பிட்ட தண்டனை கிடைத்தே தீரும் என்று அவர்களுக்குத் தெரியவேண்டும். குறிப்பிட்ட தண்டனையை அவர்கள் அடைந்தே தீரவேண்டும்.

கீழ் சபையிலும் இதைப் பற்றிப் பேசும்போது, இதைத் தள்ளிப் போட வேண்டும், ஒத்திப் போடவேண்டும், இதை எடுத்து விடவேண்டுமென்று சொல்லுவதைப் பார்க்கும்போது எனக்கு ஒன்று தோன்றுகிறது. சென்ற தேர்தலில் நாம் மக்களிடம் சென்று ஒட்டு வாங்கும்போது “நாங்கள் எல்லாம் சட்ட சபைக்கு தேர்ந்தெடுக்கப்பட்டு வந்தால், இந்தத் தொழிலில் ஈடுபட்டிருப்பவர்கள், அதே நிலையில் இருந்துகொண்டிருக்க வேண்டுமென்ற காரணத்தால், எப்படியாவது போராடி மது விலக்குச் சட்டத்தை ரத்து செய்துவிடுவோம்” என்று சொல்லி மக்களுக்கு உறுதியளித்தார்கள். அதைப் பற்றி தேர்தலுக்காகச் சொன்னவைப்பற்றி நாம் கவலைப்பட வேண்டியதில்லை. அவர்கள் யார் என்பது நமக்குப் புரிந்திருக்கிறது.

THE HON. SRI M. BHAKTAVATSALAM : எனக்குத் தெரிந்தவரை, சென்ற தேர்தலிலே எந்தக் கட்சியும் எந்தத் தனிப்பட்ட அபேட்சகரும், “மதுபடியும் கள்ளுக் கலையையோ, சாராயக் கலையையோ கொண்டு வருகிறேன்” என்ற வகையிலே சொல்லவில்லை என்று நினைக்கிறேன். 1952-ம் வருஷத்திய தேர்தலில் அப்படிச் சொல்லப்பட்டது. அதுதான்

19th March 1958] [Sri M. Bhaktavatsalam]

பெரியதொரு மாறுதல். சென்ற தேர்தலில் அம்மாதிரி யாரும் சொல்லவில்லை என்று நான் கனம் அங்கத்தினர் அவர்களுக்குச் சொல்லிக் கொள்ளுகின்றேன்.

DR. A. SREENIVASAN : ஆனால், போன தேர்தலில் கள் கொடுத்தது எனக்குத் தெரியும்.

*SRI M. ETHIRAJALU : அப்படியானால் நான் அதை விட்டுவிடுகிறேன். ஆகையால், மசோதாவினால் எந்த விதமான கஷ்டமும் ஏழை மக்களுக்கோ அல்லது தொழிலாளர்களுக்கோ, இருப்பதற்கில்லை என்று நான் இந்தச் சபைக்குத் தெரிவித்துக்கொள்ள விரும்புகிறேன். ஆனால், இந்தக் கடுமையான சட்டத்தை, கொண்டுவந்தாலும் கூட, இதைப் பொது மக்களுக்கும், கிராம மக்களுக்கும் இதைச் சதா தொழிலாகக் கொண்டிருப்பவர்களுக்குத் தெரியும் படியாக அரசாங்கம் விளம்பரம் செய்யவேண்டும் என்பதுதான் என்னுடைய வேண்டுகோள். அதற்கு நல்ல கலர் படங்களுடன் போஸ்டர்கள் தயாரிக்கப்பட வேண்டும். குடிப்பவர்களுக்குத் தண்டனை என்ன, கள்ளச் சாராயம் காய்ச்சுபவர்களுக்குத் தண்டனை என்ன, என்றெல்லாம் குறிப்பிட்டு நல்ல விளம்பரமான, மனதைக் கவரக்கூடிய படங்கள் தயாரித்து ஆங்காங்கே ஒட்டப்பட வேண்டும். கிராமம், கிராமமாக, பஞ்சாயத்து மூலமாகவோ அல்லது ரெவின்யூ அதிகாரிகள் மூலமாகவோ போஸ்டர்கள் ஒட்டப்பட்டு விளம்பரம் செய்யப்பட வேண்டுமென்று நான் முக்கியமாகத் தெரிவித்துக்கொள்ளுகிறேன். அப்படி விளம்பரம் செய்தால்தான் இதைத் தொழிலாகக் கொண்டு ஈடுபட்டிருப்பவர்களுக்கு எச்சரிக்கையாக இருக்கும். அவர்கள் தவறாக ஈடுபட்டிருக்கும் இத்தகைய தொழிலிலிருந்து கொஞ்சம் கொஞ்சமாக விலகி, வேறு வேலை பார்த்துக்கொள்வதற்கு லாயக்காக இருக்க முடியும் என்று நான் தெரிவித்துக்கொள்ளுகிறேன்.

அடுத்தபடியாக, சென்ற வருஷக் கணக்கை எடுத்துப் பார்த்தாலும் கூட, எங்களுடைய மாவட்டத்தைப் பொறுத்தவரை, சென்ற வருஷத்தில் நடந்த குற்றங்களை விட இந்த வருஷம் குற்றங்கள் குறைந்துகொண்டு வருகிறதே தவிர, அதிகப்படியாக இல்லை என்று நான் விளக்குவதற்குப் புள்ளி விவரங்கள் இருக்கின்றன. ‘மது விலக்குத் திட்டம் வெற்றி பெறவில்லை’ என்று ஒரு சிலர் சொன்னால், அதை நான் ஒருக்காலும் நம்ப முடியாது. பொதுவாகச் சொல்ல வேண்டுமானால், மது விலக்குத் திட்டம் 100-க்கு 75 சதவிகிதம் அளவுக்குக் கூட வெற்றி பெற்றிருக்கிறதென்பதை நான் நிச்சயமாகச் சொல்வேன். இந்த மசோதா மிக மிக முக்கியமான ஒரு மசோதா, தண்டனை குறைக்கப்பட வேண்டும் என்ற கோரிக்கை வரும்போது, யாருக்குத் தண்டனை குறைக்க வேண்டும் என்றால், எப்போதோ குடிப்பவர்களுக்கு வேண்டுமானால் ஓரளவு தண்டனையைக் குறைக்கலாமே தவிர, இதை எப்பொழுதும் தொழிலாகச் கொண்டவர்களுக்கு இப்பொழுது குறிப்பிட்டிருப்பதை விட இன்னும் அதிகமான தண்டனை கொடுத்தால், அவர்கள் அந்தப் பழக்கத்தை அடியோடு விட்டுவிடுவார்கள் ஏதுவாக இருக்கும். தண்டனையைக் குடிப்பவர்களுக்கு வேண்டுமானால் குறைக்கலாம். காய்ச்சுகிறவர்களுக்கு இதைவிட இன்னும் அதிகமான தண்டனையைக் கொடுத்தால்தான் நல்லது என்று நினைக்கிறேன்.

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p.m.

அடுத்தபடியாக, போலீஸ்காரர்கள் இதற்குச் சாதகமாக இருக்கிறார்கள் என்று சொல்லப்படுகிறது. ஆனால் மது விலக்குத் திட்டத்திற்குச் சாதகமாக மக்களுடைய ஒத்துழைப்பு, மக்களுடைய உற்சாகம் எவ்வாறு இருக்கிறது? குறிப்பாக, ஒரு உதாரணத்தைச் சொல்ல முடியும். என்னுடைய ஊரில்—திருப்பாப்பலியூரில்—இரண்டு வாரத்திற்கு முன்பாக ஒரு போலீஸ்காரர் குடிப்பதைப் பார்த்துவிட்டு ஜனங்களை அவரைப் பிடித்து இழுத்துக் கொண்டுபோய் போலீஸ் ஸ்டேஷனில் ஒப்படைத்திருக்கிறார்கள். மிகவும் தைரியமாக மக்கள் இழுத்துக்கொண்டுபோய் நிறுத்தியிருக்கிறார்கள், “வேலியே பயிரை மேய்வதானாலும்” அதைத் தடுப்பதற்கு மக்களுடைய

[Sri M. Ethirajalu]

[19th March 1958]

ஒருமுகமான ஆதரவு இன்றைக்கு வளர்ந்திருக்கிறது என்பதைப் பெருமை யாகச் சொல்லிக்கொள்ளுகிறேன். அதன் காரணமாக அந்தப் போலீஸ் காரரின்மேல் வழக்கு தொடரப்பட்டிருக்கிறது. ஆகவே இப்பேர்ப்பட்ட நிலைமை யில்தான் நாம் இன்னும் அதிகமாக இந்தத் திட்டத்தை வெற்றிகரமாக நிறைவேற்றுவதற்கு வேண்டிய நடவடிக்கைகளை எல்லாம் எடுத்துக் கொள்ள வேண்டும் என்பதாகத் தெரிவித்துக்கொள்ளுகிறேன். அதோடு இன்றைய தினம் சாராயம் காய்ச்சபவர்களில் ஆண்களை விடப் பெண்கள் தான் அதிகமாக ஈடுபட்டிருக்கிறார்கள் என்று தெரிகிறது. அவர்களைச் சோதனை போடப் போகும் போலீஸ்காரர்கள் சரியான நிலைமையில் சோதனை போட முடியவில்லை. சாராயக் குற்றத்தைக் கண்டுபிடிக்கப்போய் வேறு விபரீதமான குற்றங்களில் தாங்கள் சிக்கிக்கொள்ளாமல் இருக்க வேண்டுமே எனப் பயப்படுகிறார்கள். ஆகவே பெண் போலீஸ்காரர்களை உபயோகப்படுத்த முடியுமா, அல்லது பெண்களுடைய உதவியை இந்த வேலைக்கு எப்படி உபயோகப்படுத்திக்கொள்வது என்பதைப் பார்க்க வேண்டும். பெண்களுக்கு இந்த இலாகாவில் பிரதிநிதித்துவம் இருந்தால் தான் இவ்வேலையைத் திறம்படச் செய்ய முடியும் என்பதாக நினைக்கிறேன்.

கடைசியாக, நமது அமைச்சர் அவர்கள் உள் நாட்டு மந்திரியாக வந்த பிறகு, திறமையாகப் பல நல்ல காரியங்களைச் செய்திருக்கிறார்கள் என்று நான் நிச்சயமாகப் பாராட்ட முடியும். அதுவும் ஆங்காங்கேயுள்ள மாபட்ட போலீஸ் அதிகாரிகளுக்கெல்லாம் தக்க உத்தரவுகள் போடப் பட்டிருக்கின்றன என்று தெரிகிறது. அதோடு திருட்டுக் குற்றங்களைக் கண்டுபிடிப்பதற்கு நாய்களை நல்ல முறையில் பழக்கியிருக்கிறார்கள். இந்தத் திட்டத்தினால் பல குற்றங்கள் கண்டுபிடிக்கப்பட்டிருக்கின்றன. அதோடு நாய் வருகிறது என்றால், திருடியவர்கள் பல மைல்களுக்கு அப்பால் பயந்து ஒளிந்து ஒடிக்கொண்டிருக்கிறார்கள் என்பதையும் அறிகிறோம். அதே போல் கள்ளச் சாராயம் காய்ச்சபவர்களைக் கண்டுபிடிப்பதற்கும் இந்த நாய்களை ஏன் பழக்கக்கூடாது என்று அறிய விரும்புகிறேன். நிறைய நாய்களைப் பழக்கி தாஷ்காவிற்கு நான்கு நாய்களாக அனுப்பினால், சாராயம் காய்ச்சபவர்களை வெகு சுலபத்தில் கண்டுபிடித்து விட முடியும். இது சாத்தியமான யோசனையா என்பதைக் கனம் அமைச்சர் அவர்கள் கவனித்துப் பார்க்கவேண்டும் என்று கேட்டுக்கொள் கிறேன். இதை அவர் அப்படியே ஏற்றுக்கொள்ள வேண்டும் என்பது என்னுடைய ஆசையல்லாவிட்டாலும், இந்த யோசனையை அவர் நன்றாகப் பரிசீலனை செய்து பார்க்க வேண்டும் என்பதாகக் கேட்டுக்கொண்டு என் வார்த்தையை நான் முடித்துக்கொள்வதோடு, இந்தத் திருத்த மசோதாவை நான் பூர்ணமாக ஆதரிக்கின்றேன்.

*SRI A. GAJAPATHY NAYAGAR : கனம் மன்றத் தலைவர் அவர்களே மதியைக் கெடுப்பது மது என்று நமது சான்றோர்கள் பல காலமாகச் சொல்லிவந்திருக்கிறார்கள். (டாக்டர் ஏ. ஸ்ரீனிவாசன் :—மதி இருக்கிறவர் களுக்கு அல்லவோ?) மதி உள்ளவன் குடிப்பானியினும் அவன் மதியைக் கூடக் கெடுக்கிறது என்று சொல்ல வருகிறேன். அவன் குடித்துவிட்டால் அறிவை எல்லாம் இழந்துவிடுகிறான். கள்ளுண்ணுமை என்பதைப் பற்றி இரண்டு ஆயிரம் வருஷங்களுக்கு முன்பாகவே சொல்ல வந்த வள்ளுவர் (டாக்டர் ஏ. ஸ்ரீனிவாசன் :—சோம யாகத்தைப் பற்றி என்ன சொல்கிறார்?) அதைப் பற்றி

அவிசொரிந் தாயிரம் வேட்டலின் ஒன்றன் உயிர்

செகுத் துண்ணுமை நன்று.

என்கிறார். கொலை செய்யாதே என்பதை வற்புறுத்துகிறவர் எப்போதும் விஷத்தைக் குடிப்பவர்களுக்கு ஒப்பாவார். கள்ளைக் குடிப்பவர்கள்

எஞ்ஞான்றும் நஞ்சுண்பார் கள்ளுண்பவர்

என்று சொல்கிறார். எப்போதும் கள்ளைக் குடிக்கவில்லை. ஒரு வேளை குடிப்பது கூட தப்பா என்று யாராவது கேட்டுவிட்டால், என்ன செய்வது என்பது போல,

உண்ணற்க கள்ளை

19th March 1958]

[Sri A. Gajapathy Nayagar]

ஒரு போதும் கள்ளைக் குடிக்காதே என்கிறார். (டாக்டர் ஏ. ஸ்ரீனிவாசன் :—மது குடிக்கலாமாகும்), கள் என்றால் அதில் மது, சாராயம், பீர் எல்லாம் வந்துவிடுகிறது. போதை தரக் கூடிய இந்த வஸ்துக்கள் எதையும் குடிக்கக் கூடாது என்கிறார்.

தாய் இருக்கிறாளே அவள் பத்துப் பேர்கள் நிறைந்திருக்கிற சபையில் எல்லோரும் தன் மகனைச் சான்றோன் என்று பாராட்டுவதைக் கேட்கும் போது, அவளை ஈன்றோடுக்கும் காலே எத்தனை துன்பப்பட்டும் அவற்றை எல்லாம் மறந்து மகனைப் பெற்றெடுத்தோம் என்று சந்தோஷம் அடைகிறார்.

சான்றொழுதில் பெரிதுவக்கும் தன் மகனைச்
சான்றோன் எனக் கேட்ட தாய்.

ஆனால் அப்பேர்ப்பட்ட தாய் தன் மகன் குடித்து வந்திருக்கிறான் என உணரும்போது,

சான்றான் முகத்தேயும் இன்னதால்

எது செய்தாலும் களிக்கின்ற தாய்க்கு முன்னால் குடித்துவிட்ட வாயோடு போய் நிற்கும்போது அவளும் வெறுக்கிறாள் என்கிறார் வள்ளுவர். தாய் மாத்திரம்தான் வெறுக்கிறாள்?

‘நானென்னும் நல்லான் புறங்கொடுக்கும்’

கட்டிய மனைவி வெறுக்கிறாள் என்கிறார். (டாக்டர் ஏ. ஸ்ரீனிவாசன் :—வேறு கலியாணம் பண்ணிக்கொள்ளுகிறது.) அது எல்லாம் பிற நாடு களுக்குப் பொருத்தமாக இருக்கலாம். ஆனால் நம் தமிழ் நாட்டுக்கு, தமிழ் நாட்டுப் பண்புக்குப் பொருந்தாது. பல காலமாகத் தமிழ் நாட்டுப் பெரியோர்கள் குடிப்பதை வெறுத்து வந்திருக்கிறார்கள். இந்த நாட்டு வெப்பதப் நிலை ஆகாரப் பழக்கங்களுக்கு குடிக்க வேண்டிய அவசியமே இல்லை. இந்தியா முழுவதும் குடியை நிறுத்திவிட்டார்களா? அவர்கள் அப்படிச் செய்தால் நாழம் செய்யலாம் என்று சொல்லுவது சரியல்ல. நம் ராஜ்யத்தில் தமிழ் ஆட்சி மொழி என்று என் செய்தோம். மற்றவர்கள் எல்லோரும் அப்படிச் செய்தால்தான் நாழம் செய்யலாம் என்று சொன்னோமா? இந்த மது விலக்குச் சட்டம் நமக்கு அவசியமானது.

ஆங்கிலம் தெரியாதவர்களுக்குச் சொல்லுகிறேன், இது நம் நாட்டு பொறுப்பு (State subject). ஆகவே, நம் நாட்டில் எதெது தேவையோ, அல்லது எதெது வேண்டாமோ அவைகளை ஆராய்ந்து செய்துகொள்வது நம் கடனாகும்.

“கடன்என்ப நல்லவை எல்லாம் கடன் அறிந்து
சான்றாண்மை மேற்கொள்பவற்கு”

என்று வள்ளுவர் கூறியிருக்கிறார். ஆகவே டாக்டர் ஸ்ரீனிவாசன் போன்ற வர்கள் சான்றாண்மை மேற்கொண்டு நடக்க வேண்டுமென்றால், கள்ளைப் பற்றிப் பேச மாட்டார்கள். மதியை இழக்கமாட்டார்கள். மது விலக்கு வேண்டாமென்று வாதாட மாட்டார்கள். மதுவைப் பற்றிப் பேசும்போதே, அவர்கள் மதியைக் கெடுக்கிறது. நண்பர் ஸ்ரீ அல்லாபிச்சை அவர்கள் சொன்னார்கள். நானும் படித்தேன்.

Summary trial of certain offence : . . . ‘the State Government may confer on any Magistrate . . . power to try summarily in accordance with the provisions contained in sections 262 to 265 of the said Code, all or any of the offences which are punishable under this Act with imprisonment for a period not exceeding six months or with fine, or with both . . .’

என்று இருக்கிறது. “தண்டனையும்” மதியைக் கெடுக்கிறது. ஆகவே, நான் சொல்கிறேன், இந்த நாட்டிற்கு மது வேண்டாம். அடுத்தபடியாக, ஸ்ரீ பாலசுப்பிரமணிய அய்யர் அவர்கள் 10-வது பிரிவில் சிறை

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தண்டனை அளிக்கலாம் அல்லது 'பைன்' போடலாம் என்பதற்கான முறையைப்பற்றிச் சொன்னார்கள். ஆனால் கடைசியில் ஒன்றைப் படிக்காமல் விட்டுவிட்டார். அவர் வக்கீலாக இருப்பதினால் விட்டுவிட்டாரோ என்னவோ, தெரியவில்லை.

SRI K. BALASUBRAMANYA AYYAR : நான் அதையும் படித்தேன். ஆனால் ஜட்ஜின் காதில் அது விழவில்லை.

SRI A. GAJAPATHY NAYAGAR : நான் கேட்கவில்லை, அதைச் சொல்லி யிருந்தால் மன்னிக்கவேண்டும். நான் அதைக் கேட்கவில்லை. ஏன் கடைசியில் உள்ளதைச் சொல்லாமலிருக்கிறார் என்று நான் நினைத்தேன்.

THE HON. SRI M. BHAKTAVATSALAM : அதை, கனம் அங்கத்தினர் ஸ்ரீ பாலசுப்பிரமணிய அய்யர் அவர்கள் சொன்னார்கள். ஆனால் அதில் ஒன்று அம்மாதிரி 'பைன்' போடப்பட்டால், அதற்கு மேல் அப்பீல் இருக்க முடியாது. அப்பீல் இருக்கலாம் என்று அவர்கள் சொன்னார்கள். சம்மரி ட்ரயலில், பைன் போட வேண்டுமென்று தீர்மானித்து 'பைன்' போட்டால் பின் அப்பீல் இருக்க முடியாது. அதுதான் அங்கத்தினர் அவர்கள் சொன்னதில் தவறு.

SRI A. GAJAPATHY NAYAGAR : ஆங்கிலேயன் ஆட்சியில் நம் மக்களுக்கு அறிவே இருக்கக்கூடாது அல்லது அறிவு பெருக்கக் கூடாது என்று ஆங்காங்கு கள்ளக் கடைகள் வைத்து மக்களின் மதியைக் கெடுத்து வந்தார்கள். மாலையில் எல்லோரும் கள் சாப்பிடப் போய்விடுவார்கள். அப்படி, நம் மக்கள் கள் குடித்து உணர்ச்சியே இல்லாமல் அடிமைகளாக இருந்தார்கள். நம் நாட்டிற்கு விடுதலை கிடைத்ததற்கு முக்கிய காரணம், கள்ளை ஒழித்ததுதான். கள்ளை ஒழித்ததினால், மக்களுக்கு உணர்வு ஏற்பட்டது. அறிவும் வந்தது. அதனால்தான் நாம் சுயாட்சி அடைய முடிந்தது. ஆங்கிலேயன் கள்ளை ஊத்தி நம்மை அடிமையாக்கினான். கம்யூனிஸ்டு மீட்டிங்குகள் எல்லாம் இரவு 12 மணி வரை நடக்கிறது என்று நான் கேள்விப்படுகிறேன். ஏன் அப்படி நடக்கிறது? முன்பெல்லாம் ஏழை மக்கள் கள்ளைக் குடித்துவிட்டுப் போய்விடுவார்கள். அவர்களுக்கு உணர்வு என்பதே இருக்காது. ஆனால் இப்பொழுது கள் ஒழிக்கப்பட்டுவிட்டால் அவர்கள் உணர்வு பெற்று கூட்டங்கள், பேச்சுக்கள் இவைகளெல்லாம் கூடுதலாகிவிட்டன. கள் உணர்வைக் கெடுக்கிறது. ஆகவே, கள் கூடவே கூடாது. ஏழைகளைக் கருவியாக வைத்துக்கொண்டு பணம் சம்பாதிக்கிறார்கள் சில செல்வந்தர்கள். அவர்களைச் செல்வந்தர்கள் என்று சொல்ல முடியாது. பேய்கள் என்றுதான் சொல்ல வேண்டும். நாம் நல்ல சட்டங்கள் கொண்டுவரும்போது அதைக் கெடுத்துவிட்டு லாபம் சம்பாதிக்கும் பேய் மக்களை ஒழிப்பதற்கு இச்சட்டம் அவசியம் வந்தே தீரவேண்டும். நான் ஏன் இந்தச் சட்டம் வரவேண்டுமென்று சொல்கிறேன் என்றால், இச்சட்டத்தினால் தண்டனை அளிக்கப்படுகிறது. 100 ரூபாய் என்று போட்டால், எந்த ஏழையும் வர மாட்டான். முன்பு ஐந்து ரூபாய் அபராதம் போட்டால் உடனே அதைக் கட்டிவிடுவார்கள். பத்து ரூபாய் அபராதம் விதித்தால் அதையும் உடனே கட்டிவிடுவார்கள். அபராதம் போடும்போது, யாராவது ஒருவனைக் கூப்பிட்டு "நீ இந்தக் குற்றத்தை ஏற்றுக்கொள், உன் குழந்தைகளுக்கு நான் சாப்பாடு போடுகிறேன்" என்று சொல்லி யாராவது ஒருவரின் தலையில் குற்றத்தைச் சுமத்தி விடுகிறார்கள். எனக்குத் தெரிந்த ஒரு விஷயத்தைச் சொல்லுகிறேன். சாதாரணமாக, ஒரு நல்ல மனிதர் தெரு வழியாகப் போய்க்கொண்டிருப்பார். அவர், கிராமவாசியாவார். அப்படிப் போய்க்கொண்டிருப்பவரை ஒரு போலீஸ்காரன் கூப்பிட்டு, "டே, வாயைத் திற" என்று சொல்ல, அவன் "ஆ" என்று வாயைத் திறக்க காரித் துப்பி விட்டு "போ" என்கிறான். இம்மாதிரிக் குற்றங்களை நான் அறிவேன். ஆகவே, இதைப்பற்றி எல்லாம் யோசிக்க வேண்டும். ஆகவே, நான் சொல்லுவது என்னவென்றால், போலீஸ்காரர்கள் நல்ல முறையில் நடக்க வேண்டும். அதற்கு வேண்டிய நடவடிக்கைகள் எடுத்துக் கொள்ள வேண்டும். "அமெரிக்கன் காட்டன் பெட்டிங்" இப்பொழுது

19th March 1958] [Sri A. Gajapathy Nayagar]

நின்று விட்டது. தக்க ஆபீஸர்கள் வந்து தகுந்த நடவடிக்கைகள் எடுத்துக்கொண்டால், ஏன் இக்குற்றங்கள் நிற்காது என்று கேட்கிறேன். ஆக, "அமெரிக்கன் காட்டன் பெட்டிங்" இப்பொழுது நின்றுவிட்டது. இப்பொழுது அது கிடையாது. அதே போன்று, இந்தக் கள்ளை ஒழிப்பதற்கும் அதிகாரிகள் நல்ல முறையில் தகுந்த நடவடிக்கைகள் எடுத்துக் கொண்டால், இந்தக் கள்ளையும் நாம் ஒழித்துக் கட்டிவிடலாம்.

மேலும் நான் ஒன்று சொல்ல விரும்புகிறேன். இந்தப் போலீஸ் அதிகாரிகள் மேல் சந்தேகம் ஏற்படுமானால் அவர்களைக் கண்காணிக்க, அவர்களை 'வாச்' செய்ய ஒரு தனி டிபார்ட்மெண்ட் வேண்டுமானாலும் வைக்கலாம். இந்தச் சந்தர்ப்பத்தில் நான் ஒன்று சொல்ல விரும்புகிறேன். இம்மாதிரிக் காரியங்களுக்கு உதவுபடியாக, நல்ல "கன்ஸ்ட்ரக்டிவ் க்ரிடிவ்ரிஸம்" தாருங்கள். 'Give constructive criticism. Why do you merely criticise?'

SRI MOHAMED RAZA KHAN : What were you doing when you were sitting with us?

* **SRI A. GAJAPATHY NAYAGAR :** I was sitting with you stressing on my own points. ஆகவே, "கன்ஸ்ட்ரக்டிவ் க்ரிடிவ்ரிஸம்" சொல்லுங்கள் என்று நான் உங்களை வேண்டிக்கொள்ளுகிறேன். தமிழ் ஆட்சி மொழியாக வருவதற்கு நீங்கள் உதவி செய்தீர்களா? நாம்மதுவிற்கு இடம் கொடுக்கக்கூடாது, அதற்கு யாரும் இடம் கொடுக்கக்கூடாது என்று சொல்வதோடு, பெரிய சான்றோர்கள் நிறைந்த இந்த அவையில் மதுவைப் பற்றிப் பேசவே கூடாது என்றும் கூறிக்கொண்டு, எனக்குப் பேச அனுமதி தந்த தலைவர் அவர்களுக்கு என் வந்தனத்தையும் தெரிவித்துக்கொண்டு எனது உரையை முடித்துக்கொள்ளுகிறேன்.

(Deputy Chairman in the Chair.)

SRI V. BASHYAM AYYANGAR : Mr. Deputy Chairman, I wish to give my hearty support to this Bill. Prohibition, which was introduced more than 20 years ago, has already done a great deal of good to the Scheduled Castes and depressed classes people. In their name, I give my very hearty support to the Bill and I congratulate the Hon. the Minister for Home on bringing in the Bill. So far, no argument has been advanced against Prohibition on principle. Only two arguments have been advanced here against it; one is that it is an all-India question and the other is that notwithstanding the Prohibition law, illicit distillation is going on. Neither of these arguments can be valid as against the objects of this Bill. I am sorry that the debate on this Bill has been somewhat half-hearted.

SRI MOHAMED RAZA KHAN : No, no.

SRI V. BASHYAM AYYANGAR : This is a matter which affects the fortunes, liberties and morality of a large number of persons and we representatives of the people ought to be more careful and more steady in our attitude towards this Bill. Prohibition may be an all-India question. But as the hon. Member Mr. Gajapathy Nayagar has just now pointed out, if it is a State subject, we are entitled to protect our State so far as this is concerned. It is unnecessary to argue that even if the Bill is passed

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into law, people will go to Pondicherry and Bangalore to drink. It is not everybody in Madras or Chingleput or anywhere else that can go to Pondicherry merely for a drink. If he does, Pondicherry also will soon introduce this law there and everything will become all right. Is that a reason why we should scrap Prohibition in Madras? I do not think it is a valid argument at all. So far as illicit distillation is concerned, people say that it has become a cottage industry. No doubt, there has been illicit distillation. 5 p.m. But I am quite sure that it is not so widespread as to be called it a cottage industry. It is all done merely to deride Prohibition. As the hon. Member Sri Gajapathy Nayagar pointed out, during the last two or three years after the present Minister took over charge, very violent and vigorous steps have been taken to put down illicit distillation and we see the effects of the steps taken in actual life, in practical life. The arguments adduced have no bearing on the Bill. So far as the punishments are concerned, I do not think the punishments mentioned in this Bill are heavy at all. Unless you prescribe a heavy punishment, it is not possible to prevent or create in the minds of the people the idea that it is a serious offence to drink or to do any other thing prohibited under the law. On these grounds, I have very great pleasure in giving my hearty support to the Bill under consideration.

* DR. V. K. JOHN : Mr. Deputy Chairman, Sir, this is a most objectionable measure if not an obnoxious one. (Laughter.) I feel it will disgrace the statute-book. But my real objection to the Bill is that it defeats itself. It will not achieve the object it has in view. We are all for Prohibition. (Hon. Members : Question.) No, we are all for Prohibition in principle. But I would ask the Hon. Ministers to apply the law of Prohibition to themselves. A man can be drunk of liquor. A man can also be drunk of power. (Laughter.) If a man is drunk of liquor, it will last only for a few minutes or hours but if a man is drunk of power, it grows in intensity. "Is there any statute like this?" I ask. Will any Minister in charge of a Bill give the reason, "Although I provide for penal provisions in the Bill, although I consider the penal provision to be wrong and although I hope to bring in an Amending Bill, still I will rush through, I will not delay it, the penal provision must be there and the man must go to jail if he commits an offence under the Act"? I say this is not sober.

SRI A. SUBRAMANYAM : எனம் அங்கத்தினர் அவர்கள் எதற்காக அடிக்கடி தேர்தலில் நிற்கிறார்கள் ? பதவிக்காகத்தானே ?

DR. A. SREENIVASAN : உங்களுக்கு ஆனாலும் சூதும்.. அவருக்கு சூதாது.

* DR. V. K. JOHN : I say that attitude of mind which the Government have in introducing this Bill with provisions which they themselves say are wrong is not a sober attitude. I say it is worse than drunkenness. Therefore, let the Hon. Ministers apply Prohibition to themselves.

19th March 1958] [Dr. V. K. John]

Sir, my hon. Friend Sri Mohamed Raza Khan made a reference to the Hon. the Minister for Home with which I agree. The Hon. Minister was known for his simplicity, humility, friendliness and receptivity to criticisms which were given on measures brought forward by him before this House. But, recently, I regret to say (An hon. Member : He is adamant) that although he keeps most of the qualities attributed to him, he has become a little obstinate and does not like criticism. Formerly, he liked criticism very much. Now, he is impatient very often.

DEPUTY CHAIRMAN : He is sitting calmly. That should indicate that he continues to be patient still.

* DR. V. K. JOHN : I hope the Hon. Minister, after adorning the Treasury Bench and sitting on the Cabinet, with so many good qualities in himself—perfection so to say—must be aware of the feelings in the minds of others, particularly in the minds of certain Members of the Opposition, that he does not like criticism. But of one thing I must correct my hon. Friend Sri Mohamed Raza Khan. He said that in the Joint Select Committee the Hon. Minister was irritated when I made certain criticisms. I think my hon. Friend Sri Mohamed Raza Khan has misunderstood him. The Hon. Minister appreciated the criticisms and allowed me more than anybody else to talk. Some of the changes introduced by the Joint Select Committee were on my suggestion. Therefore, I must correct the impression created that he was irritated. There in the Joint Select Committee he did not show any irritation when he was criticised. But I am not sure whether he will not show irritation when we criticise him here in this House because the criticisms in the Joint Select Committee are not reported.

Sir, having said this, I must say that there are among the protagonists of Prohibition persons, a majority of them, who are very sincere people. I found in the Joint Select Committee—I would not say that they were not well-informed—persons advancing arguments and criticisms and asking the Hon. Minister to have more severe punishment prescribed. They were all very sincere persons. Here, Sir, in this House itself, there are many who support Prohibition most sincerely. They believe in it. If we on this side of the House, who on principle support Prohibition but who believe that the steps adopted by the Government are wrong, criticise their practices, we must also be given the credit that we are sincere in criticising this measure.

For over twenty years we have had this Act on the statute-book. The hon. the Leader of the Opposition in the very beginning pointed out how many amendments this Act had had to it. Almost every year amendments were brought forward and the amendments were for prescribing more and more severe punishments. Surely, this has given the impression—these amendments and this Bill will surely give the impression—to the public that Prohibition has been a failure. In a matter like this, you should never announce to the

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public that it is a failure. If you announce it, it will become a greater failure. Sir, although the Hon. Minister and those who support him are all quite sincere that Prohibition should be made a success and feel that it could be made a success only by more severe punishments, they must realize that the public will understand that Prohibition is not a success at all. I can understand their inability or unwillingness to have a committee—a high power committee—appointed to go into the results of the enforcement of the Prohibition law. That is why they are anxious to enforce it and prescribe more and more severe punishments and penalties.

Now, Sir, look at this legislation. Can you ever think of a legislation which prescribes a minimum sentence? I find myself a little embarrassed in criticising the hon. the Deputy Chairman because he is now occupying the Chair. There is a minimum punishment prescribed in clauses 4 and 5. Now, the words used there are: "But in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, imprisonment shall not be less than six months". So, the magistrate must record in the judgment and to record that he must find, and what should he find, "special and adequate reasons". "Special reasons" are not enough. He must also find "adequate reasons" for not giving that minimum punishment. I am wondering how any lawyer, practising lawyer—I am told you do not practise after your pay was enhanced—any judge will say that the magistrate is at liberty to give that punishment which he likes or he feels he should give. He cannot do that. He must give "special and adequate reasons" for not giving that minimum punishment. Now, this minimum punishment is not provided for in one clause but in more than one clause.

Another principle of law, Sir, the fundamental principle of law which we have learnt for the last 150 years or I might say even from our own jurisprudence before the British period, is that every man is presumed to be innocent until he is proved guilty. Now, it is said here that it shall be presumed until the contrary is shown that the person accused of any offence under clauses (a) to (j) of sub-section (1), has committed such an offence. That is what is stated in clause 4.

5-10
p.m.

This presumption of guilt also comes in in clause 17 of the Bill. It says—

"In trials under this Act, it may be presumed unless and until the contrary is proved. . ."

That is against the fundamental rights of a person and no civilized country can put it in the statute-book. For the administration of criminal law the Government have provided for presumptions. According to this provision, a man is guilty unless he proves that he is innocent. Now, if a person has taken a drink, a Police officer can enter the house and take away a lady, however respectable she is, even if she is 16 or 17 years old, to the doctor for examination.

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[Dr. V. K. John]

I say this is nonsense and obnoxious. It is something which ought not to be in the statute book and it will blacken it. Are we enacting this Bill into law for the purpose of enforcing Prohibition?

The Government know that they have tried Prohibition for more than 20 years and that it has been a failure. You know, Sir, that other States are not enforcing Prohibition in this way. In the capital city of our country, there is no Prohibition. In the capitals of other States also there is no Prohibition. Are they not interested in the welfare of the people? In all civilised countries in the world we do not have this Prohibition and this kind of legislation. Are they not interested in the happiness of their people? But this is a fad for this Government. After all, what is the object of Prohibition? The object of Prohibition is not to prevent people from drinking. We must make a distinction between drinking and drunkenness. The object of Prohibition is to prevent poor people and labourers from utilizing all the money they get for drinking and not giving it to their families. The State Government were earning a large revenue when there was no Prohibition but they thought that it was tainted money. Sir, Prohibition is not meant for somebody drinking some whisky or brandy at home. It is meant for the purpose of saving the poor people from drunkenness and from wasting money in drinking. For that purpose, what should the Government have done? Knowing that they have failed in enforcing Prohibition, they should have introduced partial Prohibition by giving permits to persons who want to drink, but the quantity must be restricted. Then they would have enjoyed drinking. Are not labourers drinking in other parts of the world? I have seen labourers enjoying drinking in Germany and France. They work very hard for eight hours and then go to their "Pamp"—it is their club—and enjoy drinking. But this Government want to prevent these poor people from enjoying drinking. What is wrong in drinking? In an island called Happy Island near Australia, some protagonists of Prohibition cut away all the palm trees there and there was no toddy extracted from them. The result was that children there died of beriberi. Then a High Power Committee was appointed to investigate the matter and after making enquiries, they found that the children died because the mother's milk did not contain Vitamin B. Then, the palm trees were allowed to grow. But this Government think that toddy is poison. Are not people in Russia drinking? The other day, the Hon. Minister quoted Mr. Khurshev. Did he say anything against drinking? He is only against drunkenness. Everybody in the world would only say that we must prevent drunkenness and not drinking. That is the main distinction which everyone ought to bear in mind.

SRI MOHAMED RAZA KHAN : Drinking will lead to drunkenness.

* DR. V. K. JOHN : Yes, in some cases drinking will lead to drunkenness but we must see how things work and then try to prevent drunkenness. As the hon. Member Sri Gajapathy Nayagar

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has pointed out, I know, since I am a member of the Madras City Prohibition Advisory Committee, that there are about 5,000 people—only 10 per cent of them may be freshers—who are going to jail and coming back and it is those people that indulge in illicit distillation. But really who are the people behind this illicit distillation? Some richer persons are behind it. They mint money out of this illicit distillation and it is they that maintain the families of those who are sent to jail. Are the Government going to fine or catch those rich persons? They may not. Therefore, I submit that this Bill will do great harm to the object we have in view, viz., Prohibition. I am not in the least criticizing the sincerity of the Hon. the Mover of this Bill or those who spoke in support of it. They believe that this Bill will help in enforcing Prohibition effectively. But do not question my sincerity. I am as much interested in Prohibition as they are, but I believe that a Bill like this with provisions for all the severe penalties included in it will certainly lead to the contrary result and demoralization. The Government should never pass a law, whatever it be, which is sure to be disobeyed. Of course, the Hon. Mr. Bhaktavatsalam is a gentleman, who is a vegetarian and tee-totaller, who does not smoke or drink and who is simple in his habits and, in fact, all the virtues, which a saintly man can have, can be attributed to him. But, at the same time, can he honestly say that Prohibition has been a success and that the penalties provided for in the Bill will prevent people from drinking? I am quite sure that instead of helping Prohibition, this Bill will only do just the contrary. Therefore, I submit that this Bill ought not to have been brought forward at all. In this connection, I would suggest to the Government to introduce partial Prohibition by having a permit system for one district in the first instance and then see the result. Let the Government have a monopoly of toddy and let them prevent illicit distillation as perfectly as they can. If they try that experiment, they will know whether Prohibition would be a success. Therefore, let not the Government charge the poor people with having a monopoly of producing toddy, arrack and other drinks. Let not the Government collect money from poor people, which is tainted money. Let them dilute the drink as they do in other parts of the world, so that people may not get drunk. Let the people have that enjoyment, but let them not get drunk. Why not the Government try it in one district and see whether there is still illicit distillation and all that? They can take up one district after another which may improve by and by. If they have partial Prohibition or Prohibition by permit system, it would be better. That is what they should do and not have this Bill and there too rush through this Bill.

Sir, I want to make one request. I do not know whether I should make it to the Chairman. Whatever it is, I am bound to make this request.

Sir, the principle of discussing a Bill and introducing amendments, you will find, is embodied in rule 109 of the Council Rules. Sir, I am speaking on the amendment brought forward by my

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hon. Friend which I support. In rule 109, it is stated, "When a motion has been agreed to by the Council that a Bill be taken into consideration, any member may propose an amendment of such Bill".

Then, rule 110 reads, "Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered".

Therefore, only after discussing the principles of the Bill, we can bring in amendments. Now, three days' notice should be given before the Bill is taken up for consideration clause by clause.

THE HON. SRI M. BHAKTAVATSALAM : That rule refers to the first reading of the Bill, before it was referred to the Joint Select Committee; at that stage, the principles were discussed.

* DR. V. K. JOHN : Now, I will read rule 129 which says, "If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration and the provisions of the rules of the Council regarding consideration of clauses of Bills and the amendments to such clauses and the subsequent procedure in regard to the passing of Bills shall apply."

For the last many years, I have been saying this, but the practice has been, immediately the motion for taking the Bill into consideration is passed, the clauses of the Bill are considered one after another. It is wrong. This is a very important Bill and many hon. Members have raised their voices against the provisions of this Bill. My hon. Friend Sri K. Balasubramanya Ayyar also who supports Prohibition out and out pointed out that certain clauses of the Bill were oppressive and that, therefore, we must have time enough to bring in amendments. Even though the Government may not accept any of our amendments, at least we must do our duty which we owe to the public. My hon. Friends on this side of the House know well that none of their amendments will pass through because, unfortunately, the Party in power has such a steam-roller majority. The Whip is looking at me. Every matter is treated as a matter of confidence and no measure is left to the free vote of the Members. I am not complaining. Let them do anything with regard to the other side of the House. But an important Bill like this which imposes penalties on people and provides for minimum punishments must be considered carefully and amendments brought in. Although those amendments may not be carried, it is our duty to suggest them. How can we do it if enough time is not given to us? We cannot bring in amendments at all and the Bill will be passed. Still the public must know. If you do not want to accept our amendments, it is not our fault.

My hon. Friend Mr. Mohamed Raza Khan brought in an amendment that the Bill might stand over for a year. Though I support it very warmly, the Government could have taken power to enforce, at their discretion, the whole of this Bill or any clauses thereof all

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over the State or any part of the State at a later date. Why cannot the Government take that power? See this one clause which says that anyone with an ounce of molasses taken out from a mill is liable to go to jail and that is the sort of Bill that we are having before us. I, therefore, submit that the Government could have taken power to bring this law into force at a later time.

Thank you, Sir, for allowing me such a long time. Having heard my criticisms, the Hon. Minister who is in charge of this Bill, I hope, would not be annoyed with them.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, this is no doubt a very important measure and it is but right that this House has had a very thorough discussion. Sir, I cannot agree with the hon. the Deputy Leader of the Opposition that there was any hurry in getting through this legislation. Hon. Members would remember that when the Bill was introduced, when the motion to refer the Bill to a Joint Select Committee was made, there was a thorough discussion in this House and then, Sir, the Joint Select Committee, if I remember aright, sat for five days. So, there was no hurry. Select Committees on many of the Bills which have been recently passed, did not sit for more than a day. But on this Bill we had discussion for five days and on one day, the hon. Member Sri Mohamed Raza Khan could not attend the meeting. The next day when he came, we reopened what was decided the previous day and again we had a thorough discussion. We even took a vote on that.

DR. V. K. JOHN: Your memory is wonderful!

THE HON. SRI R. VENKATARAMAN: And inconvenient?

DR. V. K. JOHN: Correct.

* THE HON. SRI M. BHAKTAVATSALAM: The hon. the Deputy Leader of the Opposition spoke with his usual vehemence, but there was not half or even one-fourth of that vehemence in the Joint Select Committee where he took very keen interest. If I was pleasant and not irritated during the Select Committee meetings, it was not because Dr. John was not vehement. Even this vehement speech of his I have enjoyed. But I have to express myself strongly about some of the ideas given expression to by the hon. the Deputy Leader of the Opposition.

(Mr. Chairman in the Chair.)

5-30
p.m.

Sir, the hon. Member Sri Mohamed Raza Khan has moved an amendment that the further consideration of the Bill may be put off by one year. The hon. the Deputy Leader of the Opposition made a novel suggestion or novel comment. He referred to some rules and pointed out that we could not proceed with the third reading and second reading of the Bill and that there must be time for considering the general principles of the Bill. General principles are normally considered at the time of reference of the Bill to the

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Select Committee. They were thoroughly discussed at the time the Bill was referred to the Joint Select Committee. Hon. Members had sufficient time and hon. Members have given notices of amendments. But some hon. Members were, perhaps, thinking that instead of trying to improve the Bill as revised by the Joint Select Committee, they could have its consideration put off by one year. That is the idea of the amendment that has been sponsored by the Opposition.

When the hon. the Deputy Chairman was making a few observations, the hon. the Leader of the Opposition protested and said that the Opposition was not opposed to Prohibition. The hon. the Deputy Leader of the Opposition in one breath warmly supported Prohibition and expressed his appreciation of the spirit in which people advocated Prohibition and the measures to enforce Prohibition effectively. But he was also expressing his views—there was nothing wrong in it, he could also express his views—that there should not be total Prohibition and that there should be only partial Prohibition. That is what he has expressed in his dissenting minute to the Report of the Joint Select Committee. Therefore, he pleads for partial Prohibition. I do not know about the exact attitude of the hon. Member Dr. Sreenivasan in this matter. I hope that he is also for Prohibition.

DR. A. SREENIVASAN: I am only for rationing of drink.

* THE HON. SRI M. BHAKTAVATSALAM: So, both the hon. Members agree on having only rationing. They are only opposed to drunkards or drunkenness as distinguished from drinking. Therefore, perhaps the hon. the Leader of the Opposition was not quite right when he claimed on behalf of the Opposition.

DR. A. SREENIVASAN: He does not represent me. I do not belong to his party. என்னேத் தனியாக விட்டுவிடுங்கள்.

* THE HON. SRI M. BHAKTAVATSALAM: I referred to the views of the hon. the Deputy Leader of the Opposition. But, anyhow, I do accept what the hon. the Leader of the Opposition suggested, namely, that this House is not generally against Prohibition. In the interests of the reputation of this House, he made this declaration on behalf of the entire House including the Opposition. At any rate, I do take it now that none of the hon. Members of this House is against Prohibition.

Some hon. Members on this side as well as on that side went into fundamentals. The hon. Member Sri Gajapathy Nayagar went back 2,000 years ago and quoted authorities from Kural and other works in favour of Prohibition, while the hon. Doctor Member expressed himself against any criminal law. Crimes are to be prevented. He did not favour the commission of crimes. He was against commission of crimes, but he was against any criminal law. But I do not propose to go into these questions. It is now agreed that Prohibition is good for the people.

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A comparison was made between betting on horse-racing—that is the only betting that is now allowed under the law—and Prohibition of drink. There is a lot of difference between the two. Betting on horse-racing is not as widespread as the drink evil. Apart from that, betting does not affect the community as such as Prohibition does. So, that is the contrast between the evil of betting on horse-racing and the evil of drink.

DR. V. K. JOHN : What about smoking?

DR. A. SREENIVASAN : அதையும் கொஞ்ச நாட்களில் கொண்டு வந்து விடுவார்கள்.

* THE HON. SRI M. BHAKTAVATSALAM : It is obvious that smoking is not as bad and as injurious as drinking. Then, again, the hon. the Deputy Leader of the Opposition put forth his favourite theme that a distinction must be made between drinking and drunkenness. The other day, I referred to an observation by Mr. Krushchev in Russia and the hon. the Deputy Leader of the Opposition again referred to it. Since we discussed it at the stage of reference to the Select Committee, we have seen in the newspapers another observation by Mr. Krushchev. He has expressed his concern about the large prevalence of drinking in Russia. Hon. Members are aware of the rigid type of rule that is prevailing in Russia and in spite of that rule—of course, as certain hon. Members expressed here, Mr. Krushchev does not mind drinking but he does not want drunkenness—he is alarmed at the state of affairs and he is worrying how he could prevent it, because there is no legislation prohibiting drinking. Drinking naturally lends itself to drunkenness. Even Mr. Krushchev in Russia could not prevent it. Once drinking is allowed, it automatically leads to drunkenness about which Mr. Krushchev is very much worried.

The hon. Member Sri Mohamed Raza Khan and also the hon. the Deputy Leader of the Opposition observed that I was getting irritated. But, the hon. the Deputy Leader of the Opposition appreciated my temper in the Joint Select Committee. Again, he has seen how I reacted in spite of his very vehement attack against Prohibition. He described me as being drunk with power. I only enjoy it. I am quite accustomed to this kind of comment. (Laughter.) In spite of the fact that the hon. Member Sri Mohamed Raza Khan admitted close contact with me since 1946, he has made one mistake. He is a very keen observer. He has taken it that I have been wooden. I am far from it. I am only sorry that in spite of his shrewdness . . .

SRI MOHAMED RAZA KHAN : I did not mean it. While I was talking, somebody said 'wooden'. It just came that way and I used it.

* THE HON. SRI M. BHAKTAVATSALAM : Because he took it that I had been wooden, I have to say that I have never been wooden and I hope I shall never be wooden. Because he took it

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that I was wooden, he felt that I was getting irritated. When there is criticism, I must reply. When one point of view is expressed and if I feel that there is no substance in it, I must put it quite firmly and express the opposite point of view.

SRI K. BALASUBRAMANYA AYYAR : Sir, my hon. Friend Sri Mohamed Raza Khan did not mean anything wrong when he used the word 'wooden'. The Hon. Minister, therefore, need not take it amiss.

* THE HON. SRI M. BHAKTAVATSALAM : I only sought to explain how the hon. Member Sri Mohamed Raza Khan felt that I was getting irritated. It was because he thought before that I was wooden. Now, I am glad he sees that I am not wooden.

SRI MOHAMED RAZA KHAN : I did say that of late our Home Minister got irritated and that a time there was when he would remain unperturbed and allow people to talk. But somebody intervened and said 'wooden'. In that way I used the word 'wooden'. If the Hon. Minister has taken it amiss, I withdraw that word.

THE HON. SRI M. BHAKTAVATSALAM : I have not taken it amiss. Hon. Members may grant that I have some sense of humour. (Laughter.)

Coming to this amendment, I must again repeat that I cannot understand an amendment, at this stage after the Joint Select Committee has gone into the provisions of the Bill and made certain amendments and when this motion for consideration is before this House, that the consideration of this Bill should be postponed for one year. Of course, the hon. the Deputy Leader of the Opposition who supported this amendment sought to suggest that they should have enough time to consider amendments. What is the purpose of postponing consideration of this Bill? What will happen in this one year? I do not think the hon. the Deputy Leader of the Opposition can expect any of the Members of the Cabinet to get wooden in the meantime . . .

MR. CHAIRMAN : What did the hon. Member Sri Mohamed Raza Khan mean when he used the word 'wooden'?

SRI MOHAMED RAZA KHAN : I did not use it in a bad sense, Sir.

THE HON. SRI M. BHAKTAVATSALAM : There need not be any worry about it. I have not taken it amiss, Sir.

MR. CHAIRMAN : 'Wooden' has got several meanings. I think the Member meant 'without animation'.

SRI MOHAMED RAZA KHAN : I did not mean anything wrong, Sir.

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5-40 P.M. * THE HON. SRI M. BHAKTAVATSALAM: Sir, I listened with all respect yesterday to the wise words of advice from the hon. the Leader of the Opposition. We do have such sage counsel from the Leader of the Opposition. But, as anticipated by him, I shall not be able to accept his advice. It does happen even in our own families that there are elders who, in their wisdom with their rich experience and with the best of intentions, offer advice to youngsters. But youngsters, with all their respect to the elders, do not accept it. Not that they do not care for the elders, but because they have their own approach. In the same way, I must say that I am really sorry that I shall not be able to appreciate or accept any of the suggestions made either by the Leader of the Opposition or any other hon. Members in the Opposition.

It was said that Prohibition was a failure. I do not admit it. I do not claim that Prohibition has been a success. The hon. the Leader of the Opposition asked me whether I had any statistics, whether I had made any investigation, whether there was any scientific and critical investigation and so on. But when I said that 75 per cent of the erstwhile drunkards had been weaned away from the drink evil, I was careful to add that it was my own rough estimate. I did not give this figure from my assessed statistics. Hon. Members are aware of the situation to-day. We don't have any street quarrels and we don't have crimes on account of drinking. Every Magistrate in the village and every lawyer in the village will testify to this. I do not know what the view of the hon. the Deputy Leader of the Opposition is. We see a great change in the condition of poor families in the villages. We see a great change in their economy. Apart from that, as has been pointed out by certain hon. Members, during the last ten months we have had a drive against drink and on account of that drive in the City and in the neighbouring districts I see that the incidence has fallen by about 75 per cent. In certain districts, I can claim that the incidence has been reduced by about 50 per cent while in certain other districts, it has been reduced by about 25 per cent. But there should not be any complacency in this matter. Hon. Members may suggest, we may continue this drive and watch further. But, if we do so, there will be recrudescence of the incidence here and there. In fact, there have been relapses in some places. Therefore, we have to take the aid of law, and the law has to be made quite effective. There has been no hurry about the drafting of the legislation. This has been under the consideration of the Government and other experts during the last two years. There was a committee appointed by the previous Government in this State. A Legislature Committee went into the whole thing; it toured the various districts when Madras, Andhra and Kerala were together and it submitted a Report. Many of these amendments are based on the recommendations of that Report. There had been a Central Prohibition Committee which also went into the question, visited various States and it had also made recommendations. But there is no recommendation that Prohibition should be scrapped. The question is asked by certain hon. Members, if there has been 75 per cent

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success, why we should bring forward a stringent measure like this. Sir, the number of crimes of murder is getting smaller and smaller. There are not many murders taking place although we read now and then in newspapers about murders here and there. If there are no murders, is it the time, I ask, particularly eminent lawyer members, for us to take up the question of amending the law relating to murder? It is my view to-day, after what I have seen and what I have been seeing, that capital punishment for murder should not be taken out of the statute-book. This is my confirmed view. Hon. Members referred to the draconianness of the legislation proposed here. In the Indian Penal Code, death is prescribed as the penalty for committing murder. I think it is under section 303 of the Indian Penal Code. The Magistrates have no other option. If a man is proved to have committed murder, the Sessions Judge has only to give the sentence of hanging—hanging till life is extinct. Here is a case of minimum punishment provided for.

DR. V. K. JOHN: Is there any maximum punishment in the case of hanging? (Laughter.)

* THE HON. SRI M. BHAKTAVATSALAM: It is for the hon. the Deputy Leader of the Opposition to say. Section 397 reads thus:—

“If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall be not less than seven years”.

There is no proviso such as we have provided in this Bill. The proviso means, if the magistrate wants to give a lesser punishment, he can give it. But only he has to record adequate reasons for it. The magistrates can use their discretion. The discretion is there and it is for them to use it. It is asked why a minimum sentence is prescribed. Even the hon. the Leader of the Opposition said that it affected the discretion of the magistrates. I ask whether maximum sentences do not affect the discretion of the magistrates in the same way. 5-50 P.M.

DR. V. K. JOHN: Why should a minimum sentence be fixed?

* THE HON. SRI M. BHAKTAVATSALAM: Just as a maximum sentence is fixed, a minimum sentence is also fixed. We felt that there was need for a minimum sentence and so, we provided for it. The magistrates can use their discretion.

SRI K. BALASUBRAMANYA AYYAR: Probably, it indicates the gravity of the punishment.

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* THE HON. SRI M. BHAKTAVATSALAM: Hon. Members are doubtless aware that for the same type of offence committed under similar circumstances, different magistrates award different punishments. We have seen that in such cases, the sentences awarded range from three months to 1½ years or so. Recently, we saw that for the offence of burning copies of the Constitution, the sentences of imprisonment awarded by the different magistrates varied in their term from three months to 1½ years. In some cases, it was six months, in some others it was nine months and in other cases it was 1½ years or so. So, the magistrates use their discretion and we have seen it. If there is only the maximum punishment, some magistrates may take a lenient view. I do not question it and it is for them to use their discretion according to their own judgment. But, my point is this. If a magistrate takes a very lenient view of a particular offence and says, 'Well, I shall fine this fellow Rs. 10 and get away', it will not be effective. In that case, the object of the legislation which we are passing will not be carried out. It is no reflection on the efficiency of the magistrates or the discretion that they exercise. But, I must also point out that it is for us to see that the object of the legislation that we pass is carried out. It is for the Houses of Legislature to say how we can amend the legislation in order that the object behind the legislation may be fulfilled. It is in this sense that the minimum sentences have been prescribed.

The hon. the Leader of the Opposition himself asked and several hon. Members also asked why we should have the Prohibition law only in this State. They asked why this State alone should have Prohibition when there were other States which had not introduced it. I have no doubt that every hon. Member of this House is quite zealous about the powers which the States should have as against the powers which the Centre should reserve to themselves. There is provincial autonomy provided for in the Constitution. This Legislature itself is a sovereign authority and the functions have been divided as between the Centre and the State. There are certain subjects which are dealt with by both the Centre and the States. Now, Sir, intoxicating liquor is a State subject. In the State List, we have 'intoxicating liquor', that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors. According to a decision of the Supreme Court, the expression 'intoxicating liquor' covers not only these alcoholic liquors which are generally used as a beverage and produce intoxication, but also liquors containing alcohol including methylated spirits which may be used as substitutes for intoxicating drinks to the detriment of health. When the State has got power and when the Legislature has got power to enact legislation in this regard, what is wrong in considering a Bill like this? Does any hon. Member mean to say that, whenever we want to enact a particular law, we should wait till such time as other States also enact a similar law? Are we to abdicate our functions to the Centre so that they may enact for all the

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States? We have been enacting so many laws in the past. We never waited for other States to enact those laws so that we might follow them. Sometimes, we give a lead and in the case of Prohibition, we have given a very correct lead. When in 1937, the Prohibition Act was first passed, the then Government took up one district as an experiment for introducing Prohibition with the idea of taking up the other districts subsequently. In 1946, when the Congress came to power, Prohibition which had been kept in abeyance by the previous regime, was introduced again. Then, they thought they could do it by and by. However, in 1946 itself, the Government took a decision that there should be total Prohibition throughout the whole State accepting the principle that if there was Prohibition in one district or two districts and no Prohibition in the other districts, the Prohibition law could not be effectively enforced. So far as this matter is concerned, we feel that we have rightly introduced Prohibition throughout the State. It is the concern of the State and we have acted in the matter. We had enacted so many legislative measures in the past such as the divorce law, the law for the prevention of slaughter of animals within temple precincts in the name of God, the law for the prevention of prostitution in the name of God and so on before other States enacted laws for these purposes. We did give a lead in the past and we are now giving a lead in regard to this matter just as we have done in regard to so many other matters.

DR. V. K. JOHN: You have given a lead in the matter of taxation also!

* THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. The hon. Member may take the credit. I am, therefore, unable to accept the argument that we should not bring forward a Bill of this kind when the other States have not brought forward such a Bill. I cannot agree that there is discrimination. You cannot say that there is discrimination simply because a person in this State cannot drink whereas when he goes to another State, he can drink. So long as we demand that the States should have sovereign authority—there is sovereignty in this State—this cannot be helped and this cannot be called discrimination. The magistrates have got their discretion. If they feel that the offence is not proved, they are at liberty to acquit the accused.

Sir, the hon. the Leader of the Opposition said that the Police were already overworked and asked whether it was good to entrust the enforcement of Prohibition to them. Sir, I cannot think of a better and more effective machinery than the Police to enforce this Act. This is part of our law and for the enforcement of all laws, for the prevention of all crimes, it is the Police that are to be entrusted with the enforcement. Therefore, I was unable to understand the hon. the Leader of the Opposition when he wondered whether this was a Police State or a Welfare State. This is a Welfare State and in order to promote and maintain a

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Welfare State, we do require the Police. We do require their intervention whenever it is necessary. We do enact laws to achieve that objective.

6 p.m. References were made to public opinion. Assessment of public opinion depends on the individuals who assess. The hon. the Leader of the Opposition said that we could not be in touch with public opinion, as he claimed he could. But I can claim that we are quite aware of public opinion and that we have as much access as he has in assessing public opinion. We do come in contact with various shades of public opinion, not one shade only. I have no doubt that the public do welcome these measures. This morning, I pointed out in the other House that at least four District Prohibition Committees in the State had expressed themselves strongly in favour of the amending legislation.

Sir, reference was made to the provision relating to non-bailable offences. Sir, bail could be had from the magistrate, if the party so desires. Our idea is that it should not be an automatic process of releasing people on bail. Experience has shown that it is not possible to prove the crimes when the accused is free. Therefore, this provision has been introduced.

The hon. Member Mr. Balasubramanya Ayyar pointed out that the provision relating to publication of offences would affect the publishers and editors rather severely. Sir, here again, the magistrates have got discretion. It is for them to consider the circumstances of each case and give their award.

Reference was also made to the provision about summary trial. I have pointed out that a man can only be fined and not imprisoned as a result of summary trial. The sentence cannot be enhanced. It cannot also be converted into imprisonment. There is no appeal on either side. Sir, we did accept the suggestion made by the hon. the Deputy Leader of the Opposition in the Joint Select Committee—he made a constructive suggestion—that it should be fine only. He did not oppose the idea of summary trial so vehemently there. As has been pointed out already, there was a debate on punitive Police also. Opinion was equally divided and I gave my casting vote in favour of removing that provision. I am, of course, happy that hon. Members on the Opposition do appreciate that I was quite considerate in the Select Committee.

DR. V. K. JOHN : The Hon. Minister was very moderate in influencing the Joint Select Committee.

* THE HON. SRI M. BHAKTAVATSALAM : Reference was made to molasses. The hon. the Deputy Leader of the Opposition waxed eloquent about the provision relating to molasses. But no reference is there to molasses in his exhaustive dissenting minute.

DR. V. K. JOHN : In the Report, my objection is noted.

* THE HON. SRI M. BHAKTAVATSALAM : He did not make any reference in his dissenting minutes to this or to the presumption clause, although he very strongly attacked the provisions.

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The presumption section is already there in the old Act. It is nothing new. The position of molasses needs to be regulated. Whether he is an agriculturist or not, he could have a licence. There will be no difficulty about taking out a licence. When the rules are framed, we will consider whether anything else could be done in order to avoid inconvenience in *bona fide* cases.

I do not want to take up your time any more. I would reiterate that the Government have brought forward this Bill taking into account the need for effectively enforcing Prohibition. We do accept that prevention is better than cure and from the point of view of prevention, the Government do feel that this enactment would be very useful.

MR. CHAIRMAN : Is Mr. Raza Khan withdrawing his amendment?

SRI MOHAMED RAZA KHAN : Yes.

The amendment was, by leave, withdrawn.

MR. CHAIRMAN : The question is—

“ That the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 and 3 were put and carried.

Clause 4.

MR. CHAIRMAN : The motion is—

‘ That clause 4 do stand part of the Bill.’

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

‘ In clause (c) of sub-section (1) of the proposed section 4, for the words “ or collects any portion of such plant from which an intoxicating drug can be manufactured ” substitute the following :—

“ or collects any portion of such plant knowing that an intoxicating drug can be manufactured from the same ”.’

‘ In item (i) of clause (k), sub-section (1) of the proposed section 4, for the words “ but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months ” substitute the following, namely :—

“ provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such term of imprisonment shall not be less than six months ”.’

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'In item (ii) of clause (k) of sub-section (1) of the proposed section 4, for the word "but" substitute the words "provided that" and for the words "such imprisonment" substitute the words "such term of imprisonment".'

'In clause (a) of sub-section (2) of the proposed section 4, in line 9, for the word "toxicating" substitute the word "intoxicating".'

SRI M. ETHIRAJALU : I second the amendments, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, with reference to the first clause of my amendment, I submit that collection of hemp plant may be made sometimes by young boys and girls. They may not know that the plant is a thing which can be used for the purpose of preparing intoxicating drinks. When such innocent youngsters are entrusted with that work, they should not be brought within the mischief of this provision since they may not have knowledge of the bad qualities of the article that they are gathering. Therefore it is I say anybody collecting any portion of the hemp plant should have knowledge that it could be put to the use of preparing some intoxicating drink, if he is to be brought within the mischief of this provision. Only when he collects it with such knowledge, he should be considered an offender. My amendment, therefore, is 'or collects any portion of such plant knowing that an intoxicating drug can be manufactured from the same'. Young boys may be entrusted with the work of gathering the plant and they may be innocent, not knowing that the plant can be used for evil purposes.

The next is a school master's amendment. In item (i) of sub-clause (1) (k), it is stated '... such imprisonment shall not be less than six months'. I think it should be 'term of imprisonment'. There is a break between two clauses in this item. The first clause is 'shall be punished in the case of an offence falling under clause (b) ... with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees'. The sentence which effects the break is '... but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court ...'. This separates clause (i) from the next clause (ii). This separation can be avoided only by converting the independent sentence or clause into a subordinate clause. An independent clause intervenes and effects a break. The break is brought about by the independent clause occurring in the last portion of clause (i). Therefore, in order to ensure that such an independent sentence does not intervene, I have made it a proviso. Then, Sir, we do not say, 'imprisonment shall be six months'. We say, the imprisonment shall be for six months or the term of imprisonment shall be six months. As it is, the clause does not read well. No doubt this amendment cannot be made now. But we should be more careful hereafter. It is for that purpose that this is moved.

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[Sri P. S. Krishnaswamy Ayyangar]

'Then, Sir, in proviso (2) (a) under sub-clause (k) of clause 4 the word 'toxicating' is used instead of 'intoxicating'. Perhaps, it is a printer's devil. Compositors may not know English and that is why they have printed it as 'toxicating'. But that should not remain in a statute. Therefore, the word 'toxicating' should be removed and the word 'intoxicating' should be substituted. I have only just pointed out the printer's error so that it may not be carried as it is to the statute-book.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I must express my appreciation of the very keen interest the hon. Member has been taking in looking into the drafting of the enactments. I do hope, Sir, that my esteemed and Hon. Colleague, the Hon. the Leader of the House would kindly see to it that the hon. Member is put on Select Committees for other Bills that may be taken up hereafter.

Regarding the amendments, I would submit that there is no need for them. Particularly if knowledge is to be proved, the hon. Member knows that it is very difficult to prove knowledge. We may send a boy to remove a plant or part of a plant and it is difficult to prove knowledge. Why should that particular plant be removed? And if he has any defence, he can put it before the Court. Similarly, regarding other amendments, I submit there is no need for them. Therefore, I would suggest to the hon. Member to withdraw them.

* SRI P. S. KRISHNASWAMY AYYANGAR : I shall just explain my amendments to clause 10.

MR. CHAIRMAN : The hon. Member can do so at the time clause 10 is taken up for discussion. Is he withdrawing the amendments to clause 4?

* SRI P. S. KRISHNASWAMY AYYANGAR : Yes, Sir.

The amendments were, by leave, withdrawn.

Clause 4 was put and carried.

Clause 5.

MR. CHAIRMAN : The motion is—

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

* SRI P. S. KRISHNASWAMY AYYANGAR : Here also the expression used is 'such imprisonment'. It should be 'such term of imprisonment'. I have withdrawn similar amendments. I do not propose to move this amendment.

Clauses 5 to 9 were put and carried.

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Clause 10.

MR. CHAIRMAN : The motion is—

‘ That clause 10 do stand part of the Bill ’.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, clause 10 confers power to try summarily certain offences. Certain magistrates have been given the power. The clause says that a magistrate who has exercised the power of second-class magistrate for a particular period shall have power to try such cases. I want to know whether the Minister considers the clause in the Bill synonymous with ‘ a magistrate who has held the office of a second-class magistrate for a particular period, shall have power to try cases summarily ’. A man exercising the power of a magistrate is one thing. A man holding the office of such a magistrate is another thing. A man who has been appointed a second-class magistrate remains a second-class magistrate from the date of appointment. But he might not have had occasion to exercise the powers of the magistrate. Suppose, for instance, he goes on leave for three months. During that period he does not exercise the powers of the magistrate. But, all the same, he holds the office of magistrate. Again, a new court may be created and a man may be appointed to that court. Till prosecutions are launched there and cases are taken up, he has not exercised the powers of the magistrate. All the same, he holds the office of magistrate. Therefore, I want to make it quite clear that the magistrate who is given special powers to try cases summarily should have held the office of magistrate for a particular period. The provision in the Bill says that he should have exercised the powers of the magistrate. Did they really think that the magistrate ought to have held the office for so many months or that he ought to have exercised the powers? I would like to know whether they have consciously put in the clause there.

* THE HON. SRI M. BHAKTAVATSALAM : We must presume that these have been deliberately drafted and, therefore, I would suggest to the hon. Member to withdraw his amendment.

MR. CHAIRMAN : The amendment has not been moved and seconded. I take it that the amendment is not moved.

Clause 10 was put and carried.

MR. CHAIRMAN : Now I will put clauses 11 to 21 to the vote of the House.

* DR. V. K. JOHN : On clause 20 I want to make a submission. I think there is a parting kick in the last clause. The Legislative Assembly is given the power to amend the rules and not the Legislative Council.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, the hon. Member Sri T. Purushotham moved an amendment to a clause similar to this when the Animal Preservation Bill was discussed. It was then explained by me that this was in accordance with the decision of the Committee on Subordinate Legislation. Therefore, in this Bill also we have drafted it like that. I

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[Sri M. Bhaktavatsalam]

am told that this matter is under further consideration of the Committee on Subordinate Legislation. So far as the provision in the Bill is concerned, we have drafted it in accordance with the existing decision of the Committee on Subordinate Legislation.

Clauses 11 to 21 were put and carried.

Clause 1 and the Preamble were put and carried.

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

‘ That the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958), as passed by the Legislative Assembly, be passed.’

MR. CHAIRMAN : The question is—

‘ That the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958), as passed by the Legislative Assembly, be passed.’

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

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

The House then adjourned.

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

* 121. A short report on the activities and achievements of the Madras Government Fisheries Department during the half-year ended 30th September 1957.

122. Notification issued with G.O. Ms. No. 300, Home, dated 4th February 1958, amending rule 3 of the Madras Motor Vehicles Rules, 1940. [Laid on the table of the House under section 133 (3) of the Motor Vehicles Act, 1939 (Central Act IV of 1939).]

123. Short review of the activities and achievements of Civil Supplies Department of the Madras Government for the first half-year of 1957.

124. Notification issued with G.O. Ms. No. 302, Home, dated 4th February 1958, regarding exemption from payment of the tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931) of the Jeep bearing serial number 54148-14080 with motor number IT 70977 imported for the use of Mr. Erven J. Long, Agricultural Consultant attached to the Government of Mysore under the Technical Co-operation Mission to India.

125. Statement showing the decision taken on the recommendations of Dr. Lokanathan in his report on the simplification and improvement of sales tax system in Madras.

* Laid on the table on 18th March 1958.

THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 20th March 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.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Police Force for the Southern States

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

(a) whether there is any proposal before the Government to maintain a common Police Force for the Southern States;

(b) the place where it will be stationed; and

(c) the functions of such a Force and the financial arrangements for its maintenance?

THE HON. SRI M. BHAKTAVATSALAM: (a) The answer is in the affirmative.

(b) & (c) Details regarding the headquarters of the Force, its functions and the financial arrangements for its maintenance have not yet been settled.

SRI T. PURUSHOTHAM: Will the Hon. Minister kindly tell us whether this was discussed by the Zonal Council and whether any conclusions have been reached about it?

THE HON. SRI M. BHAKTAVATSALAM: There was a preliminary discussion at the last meeting of the Zonal Council about this proposal and a committee consisting of the Inspectors-General of Police of the States concerned which has been formed has been going into this question.

SRI T. PURUSHOTHAM: Is this a proposal for our zone only or is it based on an all-India policy for all zonal areas in our country?

THE HON. SRI M. BHAKTAVATSALAM: Sir, I cannot give any information to the hon. Member about the all-India policy. The question relates to a common Police Force for the Southern States. I was saying that this was discussed at the meeting of the Southern Zonal Council.

SRI MOHAMED RAZA KHAN: Is it a fact that the neighbour State of Kerala was not favourably disposed towards this proposal of having a common Police Force?

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THE HON. SRI M. BHAKTAVATSALAM : I have said that this is discussed by the committee consisting of the Inspectors-General of Police of the States in the southern area.

SRI V. CHAKKARAI CHETTY : May I ask the Hon. Minister whether this is done because our State is incompetent to manage the Police Force and it wants to introduce it or is it driving the thin end of the wedge to introduce Hindi, because in the Central Force, policemen will come from the North who will speak Hindi and thus drive the thin end of the wedge to introduce Hindi here?

THE HON. SRI M. BHAKTAVATSALAM : The hon. Member need not have any such fears. In the first place, this relates to the Southern States. Further, this idea is a co-operative idea; whenever there is an emergency in any State, it may require some additional Force and for that reason, they may not be able to keep permanently a Force and incur expenditure thereon. Therefore, this is essentially a co-operative idea among the States comprising the Southern States.

Teachers in aided elementary schools of ex-Pudukkottai State

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

(a) whether teachers in the aided elementary schools of ex-Pudukkottai State permanently exempted from training are admitted to Teachers' Provident Fund; and

(b) if not, the reasons therefor?

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

(b) As the teachers in aided elementary schools in ex-Pudukkottai State are not trained and certificated teachers, they cannot be admitted to the Provident Fund for teachers in non-pensionable service according to the rules governing the Provident Fund.

SRI G. KRISHNAMOORTHY : Sir, when even temporary teachers are eligible for this concession, what harm is there in admitting these people when Government have permanently exempted them to serve up to the age of 55 or 60?

THE HON. SRI C. SUBRAMANIAM : Sir, I have already given the reasons for this. If the hon. Member is making a suggestion, I will consider that.

Report of the Dave Committee

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

(a) whether the State Government have communicated to the Central Government any of their views on the recommendations of the Report of the Dave Committee and, if so, what they are; and

(b) the action, if any, taken on any of these recommendations at State level?

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THE HON. SRI M. A. MANICKAVELU : (a) & (b) A statement* is placed on the table of the House.

SRI T. PURUSHOTHAM : Do the Government propose to appoint separate State Boards for each of the indigenous systems of medicine—Ayurveda, Siddha and Unani?

THE HON. SRI M. A. MANICKAVELU : What the Government propose to do is found at page 6 of the statement placed on the table of the House.

SRI T. PURUSHOTHAM : Will the Hon. Minister kindly indicate to us what the policy of the State Government is with regard to encouragement of homœopathy and whether any action is proposed to be taken on the lines indicated in the Dave Committee Report regarding homœopathy?

THE HON. SRI M. A. MANICKAVELU : As indicated herein, we have not made any definite proposals about homœopathy. If the hon. Member makes out a case for it, we will have an open mind and consider it.

Local board elementary schools

* 88 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state whether there is any proposal before the Government to condone the shortage of working days this year in local board elementary schools caused by the closure of schools due to prevalence of 'flu?

THE HON. SRI C. SUBRAMANIAM : There is no proposal pending with the Government. As per rules, the District Educational Officers and Divisional Inspectors are competent to give such condonations.

SRI G. KRISHNAMOORTHY : In view of the fact that elementary schools have usually a vacation of only 30 days and in view of the fact that if shortage is not condoned, children will have to be attending schools during the hot season, will the Government instruct the District Educational Officers to condone the shortage of working days caused by the closure of schools on account of 'flu?

THE HON. SRI C. SUBRAMANIAM : The problem has not arisen. If any District Educational Officer or Divisional Inspector takes a decision and if it causes hardship, certainly we will consider the matter.

SRI G. KRISHNAMOORTHY : As the children will have no sufficient vacation, in the interests of the children, will Government issue instructions to Inspecting Officers that in case certain schools were closed for due, they could condone such shortage in working days?

THE HON. SRI C. SUBRAMANIAM : I do not want to issue instructions on hypothetical grounds.

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Central Government Press

* 89 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any proposal has been received by the State Government from the Central Government for the location of a Central Government Press in Madras State; and

(b) if so, the stage at which the matter now stands?

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

(b) Notification and declaration under the Land Acquisition Act for the acquisition of the lands have been issued. Possession of certain lands has been taken and compensation paid to the owners of the lands. Possession of the remaining lands will be taken after March 1958.

SRI T. PURUSHOTHAM: Where is the Press proposed to be located?

THE HON. SRI P. KAKKAN: In Coimbatore district.

SRI T. PURUSHOTHAM: In Coimbatore town or Mettupalayam?

THE HON. SRI P. KAKKAN: Near Mettupalayam.

MR. CHAIRMAN: Questions are over.

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) BILL, 1958 (L.A. BILL NO. 9 OF 1958).

* THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir, I beg to move—

“That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1958 (L.A. Bill No. 9 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

Sir, under section 3 (1) of the Madras Sales of Motor Spirit Taxation Act, 1939, a tax is levied on petrol at the rate of 38 naye Paise per gallon and on any motor spirit other than petrol at the rate of 10 naye Paise per gallon. In the Budget for 1958–59 there is a revenue deficit of Rs. 105 lakhs. As one of the measures to cover this deficit, the Government have decided to enhance the rate of tax on diesel oil to 35 naye Paise per gallon.

The tax on all motor spirits is at present levied on the retail sales. The motor spirit taken for one's own use and motor spirit lost through wastage escape tax now. The Government have decided to shift the point of taxation under the Act to the stage of sale by the wholesalers and importers, so that the number of dealers to be tackled will be reduced and the collection of the tax by the department will be simplified. I gratefully acknowledge the suggestions

* Printed as Appendix II on pages 215–217 infra.

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made by the Opposition in this behalf and this is an instance in which the Government have—I may reiterate for the benefit of the hon. the Deputy Leader of the Opposition—accepted very good suggestions. Motor spirit may be used or transferred for consumption by such wholesalers and importers also. In order to bring within the scope of the taxation all transactions in motor spirit by a wholesaler or importer, the Government have decided that the motor spirit used or transferred for consumption by such wholesalers and importers should also be taxed.

Consequent on the shifting of the point of taxation to the stage of sale by wholesalers and importers, the stocks on hand with retail dealers on the date of such change-over and on which no tax has been paid earlier, will escape tax altogether, if no provision is made in this behalf. It is, therefore, proposed to make a provision in the Act to tax such floating stocks of motor spirit with the retail dealers.

Sir, the Bill is a simple one and I request the House to accept the motion.

MR. CHAIRMAN: Motion moved—

“That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1958 (L.A. Bill No. 9 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

* DR. V. K. JOHN: Mr. Chairman, Sir, I must oppose this measure, not strongly, but very strongly on the ground that sales tax, as I have already stated, is a regressive tax. This will fall heavily on the agriculturists and more than everything else, this tax is not required at all. There is no necessity to bring in this measure. Our deficit is not very much. Therefore, I would have preferred the Government not bringing in any taxation measure for covering the deficit. 3-10 p.m.

SRI K. BALASUBRAMANYA AYYAR: Sir, though not so vehemently as the hon. the Deputy Leader of the Opposition, I also criticise this measure because, as I have already pointed out during the discussion on the Budget, there is no necessity to cover this deficit. Sri Bhagat, Deputy Minister for Finance of the Centre, has said the other day that in deficit financing inflation of prices is the predominant feature. I take it that it is a correct principle of economy. Deficit financing in the Second Five-Year Plan up to Rs. 1,200 crores has already received the stamp of the Prime Minister's approval.

Now, I think in the speech of the Finance Minister in December 1956 there was a statement that he was thinking of having an increase in the rate of tax on this oil. It is said that in the Budget for the year 1957–58 there is no question of deficit. A deficit of about Rs. 365 lakhs was anticipated but it was converted into a surplus later. Therefore, covering the deficit in the Budget is not the only reason that the Government have for bringing in this taxation measure. They have brought in this taxation measure

[Sri K. Balasubramanya Ayyar] [20th March 1958]

because it is easy for them to enhance this tax. They have been thinking of levying an increased rate of tax on diesel oil for a long time. I remember that even in 1954, subject to correction, there was mention about increased rate of tax on diesel oil. But they could not do anything then. Even in the year 1956 they could not do it. Now, they have taken it up. Therefore, I think they have been thinking of the disparity in the rates of tax between petrol and diesel oil for some time. They perhaps thought, 'The tax on petrol has been increased to 38 nP. Why not we increase the tax on diesel oil to 35 nP.?'. But there is one difficulty. Diesel oil is more and more used for agricultural purposes. Then, as the hon. the Deputy Leader of the Opposition Dr. John has pointed out, sales tax is passed on to the consumer. Therefore, finally the consumer has to pay the tax. So far as sales tax is concerned, it is an indirect tax. I must also state that the recent trend of opinion even in America is that they are not inclined to have sales tax levied by the States. That was what I found in an authoritative book. If necessary, I shall produce it, but I think it is unnecessary. I am quoting this because the hon. Member Dr. John said the other day that the opinion nowadays was not in favour of sales tax. But we have got this sales tax from the year 1939. The revenues of the State have increased since then. I am sure sales tax will continue. Even though it is a regressive tax and even though it has to be borne by the consumer finally, still it will continue. So far as diesel oil is concerned, the production of that oil is of recent growth. It has to be encouraged. Especially for agricultural purposes it is used very much. Therefore, I feel that the increase in the rate of tax on diesel oil is not warranted.

SRI MOHAMED RAZA KHAN : Sir, I entirely agree with the Deputy Leader of the Opposition and my esteemed friend Sri Balasubramanya Ayyar, knowing as we do that this is only a way of expressing our opinion. After all, this matter has already been decided. However, it is better to bring to the notice of the Government one or two points. The first point is this. The hon. Members, Sri Balasubramanya Ayyar and Dr. John, are perfectly right that the deficit of Rs. 105 lakhs in the coming year is not a big deficit. We have confidence in the Finance Minister that with his proper handling of the financial resources of the State and by the chances of getting an increased income as it happened in the current year, this deficit will be wiped out. But, the Government thought that some taxation measure was necessary. Therefore, they have pitched upon this diesel oil. Members are well aware that this is not the only tax that the consumer has to pay in Madras. He has to pay 38 nP. as tax per gallon of petrol and will have to pay 35 nP. per gallon of diesel oil. They have also to pay a heavy excise duty to the Central Government. Therefore, one has to pay about three rupees per gallon of petrol in the City of Madras by way of taxes to the Central Government and the State Exchequer. Here there is one thing. I am not a financier or an economist, but I may state that this is not a mere question of the Government requiring

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money but before any taxation measure is brought forward in the House, the Government have to make out a case for it. The Government may require money. They may require even Rs. 10 crores if they take up big projects. But that does not mean that the Revenue Minister or the Minister in charge of sales tax should say, 'We require Rs. 10 crores. We have simply to increase the tax 200 to 300 per cent.' That is a bad way of taxing the people. The Government must make out a case that a particular commodity is not adequately taxed, and that there is yet scope for taxing it more. If the Minister were to make out a case and prove the need, I can understand it. Imagine for a second how far it would affect the trade. We must realize how far this increase of 25 nP., that is, from 19 nP. to 35 nP. would affect the trade. It is wonderful to have such a high jump, if I may use that expression.

There is another aspect to be considered. From what little I know, petrol is very costly. There is a difference in mileage also. Lorry-owners or transport-owners have changed from petrol to diesel oil. They wanted to take advantage of the fact that diesel oil was a little bit cheaper than petrol. But the fact remains that if the people have changed from petrol to diesel oil just to have this advantage, they have to pay more for diesel oil engines. I was told that some motorists had converted from petrol to diesel oil. They have to pay heavily for enjoying a little benefit. They are really being deprived of the benefit which they were enjoying.

The lorry-owners who are running lorries with diesel oil are developing the lorry business apart from the fact that the persons concerned are making some profit. The commodities are removed even from the interior to the market place. Good business is being developed. Formerly, things could not be brought to big markets. They are now being brought there. The Government are simply trying to put some sort of check on the development of this lorry business.

Then, the Leader of the House gave certain figures about the rate of tax in Kerala, Mysore and Andhra Pradesh. I would like to know whether in the neighbouring State of Kerala they are levying this tax at the rate of 35 nP. per gallon.

THE HON. SRI R. VENKATARAMAN : It is 19 nP.

SRI MOHAMED RAZA KHAN : Here we are proposing almost double that. I do not know the rates in Andhra Pradesh and Mysore. Of course, arguments can be advanced either way. If it suits our Ministers, they say that the neighbouring States charge so much and ask why we should charge less. But when we say that our taxation is the highest and that we must have some parity, it is not accepted. Arguments apart, I still maintain that though the Government may be able to get a few lakhs of rupees, before a taxation measure is brought forward, they should consider all aspects of the question and make out a case for the measure.

[Sri Mohamed Raza Khan] [20th March 1958]

Then, the Leader of the House, intelligent man as he is, said when he moved the motion for a Vote on Account that it was done in order to give more time to the other House to discuss the Demands for Grants. But never have we seen these Money Bills being rushed through within one week, one after another. They are simply brought forward before the Legislative Assembly and then here. Time is not given to the Members even to consider the various aspects, let alone the public opinion outside. Usually, financial measures have to wait. It does not matter if the Government do not derive the income from the taxes for the first one or two months of the financial year. Generally, time is given to the Members to understand the different aspects of the taxation and the Bills are brought forward in the month of June or July. But, now, the proposal was made on the 1st of this month. The Bill was drafted within a week and brought here and it will be passed. I congratulate the Government on this because they will start collecting this tax from the 1st of April 1958.

3-20
p.m.

I would like to refer to one more thing, before I conclude my speech. When it was represented to the Hon. the Leader of the House that the increased tax on diesel oil would hit the agriculturists hard, if I remember aright—of course, he did not give a definite assurance—he promised that he would consider that aspect whether some rebate could be given or some other concession could be given. I do not know what has happened to it. Of course, in the other House, the Hon. the Finance Minister has refused to consider that aspect. I think the Hon. the Leader of the House will be able to throw some light on this matter. Knowing for certain that the Bill will be passed, I oppose it.

* SRI T. PURUSHOTHAM : Sir, we have heard the shortest speech from the hon. the Deputy Leader of the Opposition. The only point that he made out was that there was no necessity for this measure. Sri K. Balasubramanya Ayyar came forward with the view that deficit financing should not be discouraged and that it had been blessed in some other quarters. Whatever may be the view about deficit financing, I am sure it will be admitted by all economists that an ideal Budget is a balanced Budget. For balancing the Budget, certain proposals have been brought forward and I believe there is nothing wrong in having brought forward this measure. Sir, there is some point in what has been stated by the hon. Member Sri Mohamed Raza Khan about the pumpsets. The vital question to be considered is, and this has been raised during the course of the discussion on this Bill, that the increased tax would affect the agriculturists. The Hon. the Minister in-charge of the Bill will kindly tell the House what steps would be taken by the Government to provide for concessional rates for agriculturists so that this hardship may not be there.

Another point to be considered is that on account of the raising of the rate of tax on diesel oil, the bus-owners and lorry-owners may be affected and it was also apprehended that the bus passenger

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rates and the lorry rates would be enhanced by the operators as a result of this measure. The House would be happy to learn whether the Government have gone into the question and what precautions the Government would be taking against such a move. But, I may tell the House, as President of the Madras State Bus Operators Association, that I have consulted some of the bus operators and that they have all assured me that there would not be any enhancement of fares on account of this measure. (An hon. Member : Do they support the Bill?) Yes, they support the measure and I have got the authority of my hon. Friend Sri T. V. Devaraja Mudahar, a fleet-owner, who also spoke on this measure and said that there was no objection to the enhancement. I have consulted several bus operators and as President of the Association, I may give this assurance that there would not be any enhancement of the bus fares. (An hon. Member : You might have persuaded them.) We did not have a meeting to consider this. I consulted some of them and I am assured by the members that they would not inconvenience the public by raising the fares. I thought that I could make this announcement in the House.

DR. V. K. JOHN : May I take it that the owners of vehicles run on diesel oil have assured the hon. Member that they welcome this tax and that they would like to have more taxes also?

* SRI T. PURUSHOTHAM : I do not know anything about lorries. I was only talking of bus operators. Being the President of that Association and having contacted some of them, I stated that they might not raise the bus fares as a result of this measure and I thought I could mention it on the floor of this House. Thank you, Sir.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, after the eloquent support I have received from my hon. Friend Sri T. Purushotham, there is very little left for me to add. If I now say anything at all, it is only to satisfy my esteemed friend Sri Mohamed Raza Khan who seems to take offence at our not speaking at length on very many things.

SRI MOHAMED RAZA KHAN : I did not say that you did not make a lengthy speech. I only said that certain points were not replied to.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, there is confused thinking with regard to the expressions, deficit financing and deficit budgeting. What the Deputy Minister for Finance in the Union Government said was that in an expanding economy with a lot of developmental expenditure, it was inevitable that there should be deficit financing. He did not say, nor did he recommend that the States should go about with deficit budgeting. Sir, in deficit financing, the difference between the money necessary and the money available is made up by printing notes and that portion which goes into circulation in the country by notes which are not supported under the Currency Regulations is called the

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deficit finance of the country. Here, the Madras Government or, for the matter of that, any State Government have not got the power or authority to indulge in deficit financing. They may have the luxury of deficit budgeting. Now, the Planning Commission has made it very clear that after the Finance Commission's recommendations, the several State Governments should balance their Budgets in virtue of the amounts granted to them under the award of the Finance Commission. Therefore, this Government are right in principle in coming forward with a taxation measure to cover the deficit in the State Budget.

DR. V. K. JOHN : Have the other States not resorted to deficit budgeting?

* THE HON. SRI R. VENKATARAMAN : I do not think so. Now, after the Finance Commission's recommendation, everyone of the States has been asked to cover its deficit and—I cannot speak with any authority—my impression is that no State Government have come forward with deficit budgeting. On the other hand, the other States have some surplus Budgets.

The other point raised was that the sales tax was a regressive tax and that, therefore, it should not be imposed. Well, in the course of my several replies to the debates in this House, I have already pointed out that sales tax has become an accepted tax throughout the world and I may also mention that it is one of the big sources of revenue for all modern States, as it is a tax which is very widely dispersed and sits very lightly on the people. Therefore, the criticism loses much of its force.

Then, Sir, the hon. Member Mr. Raza Khan said that the Government should make out a case. I thought I made out a case in the course of my statement introducing the Budget in this House. I pointed out that there was difference in price between petrol and diesel oil, that it was more than one rupee and a few naye paise and that by the imposition of the additional 25 per cent of sales tax on diesel oil, the difference would be of the order of one rupee. I also mentioned that because of this difference of one rupee, it was not likely to affect the existing transport or other operations and that the mileage per gallon of petrol and diesel oil was not very different. For these reasons, the Government thought that there was scope for levy of additional tax on this head. I may also mention that when Government introduce a measure like this, they consider all the aspects of taxation and see whether the canons of taxation are satisfied. In this case, as I said, the principle of equity is certainly satisfied because there is already a difference in the price of petrol and diesel oil which goes to the advantage of the owners of vehicles run on diesel oil. I also said, if I remember aright, that the rush for bus and lorry permits was a sure indication that there was a definite margin of

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profit in this trade. The other canons are very simple ones. It is certain, it is convenient and it is also very economical in administration. Therefore, if there is any one taxation which satisfies all the canons of taxation which the hon. Member Mr. Raza Khan wanted to be satisfied, I think it is this one tax, which satisfies all the canons which Adam Smith has introduced in his book on 'Wealth of Nations'.

DR. V. K. JOHN : You said that you would consider the question of giving relief to agriculturists who used diesel oil for agricultural operations.

SRI MOHAMED RAZA KHAN : The Hon. the Leader of the House should thank me for provoking him to give such an elaborate explanation.

* THE HON. SRI R. VENKATARAMAN : Then, I shall come to the point raised by the hon. the Deputy Leader of the Opposition. With regard to the concession to be shown to agriculturists, I said that if we considered and compared the prices prevailing in Madras and the neighbouring States, there was not very wide variation between them so far as the ultimate price was concerned. These States have not thought it necessary to give any concession to the agriculturists. Nevertheless, the Government are considering this question and we will certainly see how best some sort of relief could be given to the users of such oil as is necessary for agricultural purposes.

The hon. Member Sri Mohamed Raza Khan said that the Hon. the Finance Minister did not support this particular aspect in the other House. What we said in the other House was that we were unable to accept a statutory amendment and that if anything could be done, it would be done by an executive order after careful examination. Even now, I repeat the same assurance that the Government would consider this question and see what best could be done in the circumstances.

Sir, the Bill has received excellent support from my esteemed Friend Mr. Purushotham. I wish he had piloted it. He did it much better than I.

DR. A. SREENIVASAN : One of these days, he will do it.

MR. CHAIRMAN : The question is—

“That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1958 (L.A. Bill No. 9 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 and 3 were put and carried.

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Clause 4.

MR. CHAIRMAN : The motion is—

“ That clause 4 do stand part of the Bill.”

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

“ In sub-section (1) of the proposed section 3 for the words ‘ in the case of diesel oil,—at the rate of thirty-five naye paise per gallon, and ’ substitute the following, namely :—

‘ in the case of diesel oil,—at the rate of thirty-five naye paise per gallon except in the case of diesel oil used for agricultural purposes, for which the rate will be ten naye paise per gallon, and ’ ”

This amendment merely says that for agricultural purposes, the rate of ten naye paise per gallon, as in the case of any other motor spirit, may be accepted.

DR. V. K. JOHN : I second the amendment.

* THE HON. SRI R. VENKATARAMAN : I have already explained in the course of my reply that it would be difficult to accept a statutory amendment without going into the whole question. I have already given an assurance that the whole question would be reviewed. It would not only be reviewed but sympathetically considered also. I would request the hon. Member to withdraw his amendment.

SRI K. BALASUBRAMANYA AYYAR : I would withdraw it but for the fact that I feel that in any taxing statute there should be provision for any reduction in tax. It should not be done merely by an executive order.

DR. V. K. JOHN : It cannot be done.

THE HON. SRI R. VENKATARAMAN : We cannot enhance it but we can reduce it.

SRI K. BALASUBRAMANYA AYYAR : The general principle is that the statute should be clear and that any exemptions or rebates should be provided for in the statute itself. If you bring in an amendment to the Act later on, it may be all right. But to do it by the issue of an executive order is not proper. The principle ought to be mentioned in the Act itself. You may amend it later on. That is a different matter because then you will have to come before the Legislature. Therefore, I am not withdrawing the amendment.

THE HON. SRI R. VENKATARAMAN : You did not mention this first.

SRI K. BALASUBRAMANYA AYYAR : Why? I am putting it down as a statutory amendment.

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* THE HON. SRI R. VENKATARAMAN : I shall answer that point at the third reading stage.

MR. CHAIRMAN : The question is—

“ In sub-section (1) of the proposed section 3 for the words ‘ in the case of diesel oil,—at the rate of thirty-five naye paise per gallon, and ’ substitute the following, namely :—

‘ in the case of diesel oil,—at the rate of thirty-five naye paise per gallon except in the case of diesel oil used for agricultural purposes, for which the rate will be ten naye paise per gallon, and ’ ”

The amendment was put and lost.

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

“ In sub-section (1) of the proposed section 3 for the words ‘ on all motor spirit used or transferred for consumption by him ’ substitute the words ‘ on all motor spirit used by him or transferred by him for consumption. ’ ”

The use is by the man who purchases it and the transfer is also by the same man. That seems to be the intention of the Hon. the Minister in charge of the Bill. But the expression found in the Bill is not correct. It should be as found in the amendment. I suggest that it should be “ on motor spirit used by him or transferred by him for consumption ”. The clause will have to be recast accordingly.

SRI A. GAJAPATHY NAYAGAR : I second the amendment.

* THE HON. SRI R. VENKATARAMAN : I am unable to accept the amendment nor the interpretation given by the hon. Member. The clause as it stands says that the motor spirit which is sold by him, used by him or transferred by him for consumption will be taxed and I do not see how it offends either legally or etimologically.

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

SRI P. S. KRISHNASWAMY AYYANGAR : I withdraw the amendment.

The amendment was, by leave, withdrawn.

DR. V. K. JOHN : Sir, may I ask whether it is in order for a Member consistently to withdraw the amendment after moving it? (Laughter.)

* THE HON. SRI R. VENKATARAMAN : It is his privilege.

SRI P. S. KRISHNASWAMY AYYANGAR : If one can withdraw an amendment, one can withdraw one's amendments consistently also.

Clause 4 was put and carried.

Clause 5 was put and carried.

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Clause 6.

MR. CHAIRMAN : Is Mr. Krishnaswamy Ayyangar moving his amendment?

3-40 p.m. SRI P. S. KRISHNASWAMY AYYANGAR : This amendment is of the same nature as the previous one. We know the fate it has had. (Laughter.) I do not move it.

Clause 6 was put and carried.

Clauses 7 and 8 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

“ That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1958 (L.A. Bill No. 9 of 1958), as passed by the Legislative Assembly, be passed ”.

Sir, in moving this motion, I want to make one or two observations with regard to the principle enunciated by the hon. Member Sri K. Balasubramanya Ayyar. The Legislature gives sanction to the Executive to tax persons at a particular rate and the law prohibits the taxing of the individuals over and above the rate permitted by the Statute. There is nothing immoral, illegal or unconstitutional if due to exigencies of circumstances, the Executive thinks that the tax should be levied on a particular thing at a lower rate. The latitude which rests with the Executive is a very sound one because it is able to act quickly in cases of emergency. If that power were not with the Executive, notwithstanding the fact that the tax has become oppressive, it will continue to collect the tax, because it is on the Statute-book. It is for this reason that in any taxation measure, power is reserved by the Government, by executive instructions to collect something less than what the Legislature has authorised the Executive to collect.

MR. CHAIRMAN : Motion moved—

“ That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1958 (L.A. Bill No. 9 of 1958), as passed by the Legislative Assembly, be passed ”.

* DR. V. K. JOHN : I would like to know where the reservation is made. Is it provided in the Statute that the Government can reduce the rates? Does it say that the rate is one not exceeding a particular figure? When the Legislature says that a tax shall be levied or imposed at a particular rate, I do not think the Government can set at naught what the Legislature provides in the Statute. I would suggest that in every Act there may be a provision “ Notwithstanding anything mentioned in the Act or in any other provisions of the Act, the Government will have the power to reduce the tax but not to enhance it ”. Here there is no such reservation and when the Legislature provides for a particular rate, the Government are bound to follow it.

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May I also add, Sir, that the promise made that the agriculturists will not suffer on account of this taxation should be seriously considered and not merely be a pious promise made on the floor of this House? Last time when the Hon. the Leader of the House replied to the discussion on the Budget debate, we all thought that the Government were very serious and were impressed with the argument from not only Members on their side but Members on the Opposition side that the agriculturists would suffer very much if the rate of sales tax on diesel oil was pushed up. We thought that the Leader of the House was impressed with it and he gave us an undertaking to consider this matter. But we do not find anything in the Bill at all to give relief to the agriculturists. There is not even the power reserved for the Government to exempt agriculturists from this enhanced sales tax on diesel oil. I think promises are made on the floor of the House very lightly and this does not give credit to the Government. Such promises should not be made and should not be repeated, so lightly, particularly in cases where the agriculturists are very much concerned.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I do not want to be provoked. But I am afraid the hon. the Deputy Leader of the Opposition is trying his best to see what is the extent of provocation I would stand. There was no undertaking given during the reply to the debate on the Budget that exemption from this tax would be granted to the agriculturists. On the other hand, I pointed out that there were prevailing comparative rates in the other States and that, therefore, it was a matter for consideration. And I said that Government would certainly consider sympathetically the question of affording relief to the agriculturists. I have repeated it. I do not know how the hon. the Deputy Leader of the Opposition is justified in saying that the Government make promise lightly. I am afraid observations are made lightly in this House.

SRI MOHAMED RAZA KHAN : From the other side.

SRI T. PURUSHOTHAM : Not I, never.

* THE HON. SRI R. VENKATARAMAN : Then, Mr. Chairman, Sir, with regard to the question of executive power, even under the existing Madras General Sales Tax Act, Government have power by notification to reduce the tax and rates. Well, if the House thinks that the Government should not have this power, I do not think the sufferer would be the Government but it would be the people. If the Opposition, which pretends to represent the people much better and more effectively in this House than others, were to come forward and suggest to the Government that they should not have the power to reduce the tax in case of emergency, I do not think they will be justified in making the claim which they are making now.

SRI MOHAMED RAZA KHAN : I think the Government have power to reduce the rates or grant exemption as they did in the case of mutton and others.

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* THE HON. SRI R. VENKATARAMAN : We have power not only to exempt, but to reduce or compound, modify or alter. We have power to do everyone of these. I thought that it was a very salutary provision which the Opposition should welcome. The Government will take the advice tendered now by the Opposition and see that if any change in their attitude is necessary, they benefit by the advice now tendered by the Opposition in this behalf Mr. Chairman, Sir, I move that the Bill be passed.

MR. CHAIRMAN : The question is—

“ That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1958 (L.A. Bill No. 9 of 1958), as passed by the Legislative Assembly, be passed ”.

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

(2) THE MADRAS ENTERTAINMENTS TAX (AMENDMENT)
BILL, 1958 (L.A. BILL NO. 7 OF 1958).

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

“ That the Madras Entertainments Tax (Amendment) Bill * . 1958 (L.A. Bill No. 7 of 1958), as passed by the Legislative Assembly, be taken into consideration ”.

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Under section 4 (1) of the Madras Entertainments Tax Act, 1939, tax is levied on entertainments at one-fifth of the payment for admission if such payment for admission is not more than thirty naye paise, at one-fourth of the payment for admission if such payment for admission is more than thirty naye paise but not more than one rupee and fifty naye paise and at one-third of the payment for admission if such payment for admission is more than one rupee and fifty naye paise. In the case of cinematograph exhibitions, the tax is calculated after excluding the amount of tax from the payment for admission. In other cases the tax is calculated on the value of the payment for admission inclusive of the amount. In the Budget for 1958-59, there is a revenue deficit of Rs. 105 lakhs. As one of the measures to cover this deficit, the Government have decided to enhance the rate of entertainments tax on cinema shows and horse-racing from one-fifth on the first slab to one-fourth, from one-fourth on the second slab to one-third, and from one-third on the third slab to two-fifths of the payment for admission. The existing modes of calculating the tax are, however, retained.

Under section 4-A of the Madras Entertainments Tax Act, 1939, a “ show tax ” is levied in respect of cinematographic exhibitions in the State, at rates varying from two rupees and fifty naye paise for every show in the City of Madras, to one rupee for every show in respect of cinema shows held in places other than

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the City of Madras and municipalities. In the case of touring cinemas in panchayat areas with a population of less than ten thousand at the last census or in non-panchayat areas, no show tax is leviable at present. The Government have decided that the touring cinemas in these areas should also be made liable to show tax of one rupee for every show.

Another important feature of the amendments is the abolition of the entertainments tax in respect of all entertainments other than cinema shows and horse-racing. Under section 8 (1) of the Act, entertainments devoted to philanthropic, charitable, religious, etc., purposes, and which conform to the conditions laid down in that section are entitled to exemption from entertainments tax. While removing the tax altogether on entertainments other than cinemas and horse-racing, the Government consider that there should be no automatic exemption accruing to the two classes of entertainments which alone are proposed to be taxed.

Section 6 of the Act provides for the payment of the entertainments tax by proprietors among other things, in the form of adhesive entertainments tax stamps. This system is, however, not in vogue now. The Government have, therefore, decided to amend the Act suitably so as to omit the provisions in this regard.

When the proprietor of an entertainment submits an incomplete or incorrect return or submits no return at all, there is no provision in the Act to assess tax to the best of judgment of the assessing officer. Such a provision exists in the Madras General Sales Tax Act, 1939. A similar provision is necessary in the Madras Entertainments Tax Act also in order to ensure collection of the tax due to the Government, and is accordingly proposed to be made. In order that the proprietor of an entertainment may have the benefit of appeal and revision against such best judgment assessments also, provision has been made in the Bill as passed by the Assembly to enable rules being made for appeals and revisions in respect of proceedings under the Act, the period within which such appeals and revisions should be preferred and the fees to be paid in respect of such appeals and revisions.

Section 10 of the Madras Entertainments Tax Act, as it exists at present, provides for the recovery of the entertainments tax as if it were an arrear of land revenue. There is no provision to realise it on application to a Magistrate as in the case of sales tax. Failure to pay entertainments tax within the time prescribed is now an offence for which the defaulter is liable to be prosecuted, and on conviction, the defaulter is liable to pay a fine up to Rs. 500 in addition to the tax due from him. It is now proposed to make a provision in the Act that on application to a Magistrate, the tax due may be recovered by the Magistrate as if it were a fine imposed by him. This provision would obviate the need for a prosecution for mere non-payment of tax by anyone, and would simplify the process of recovery.

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Section 16 of the Act empowers the Government to make rules for carrying into effect the purposes of the Act. Sub-section (4) of that section stipulates the previous publication of the rules for a period of not less than one month. The Committee on Subordinate Legislation constituted by the Legislature has suggested that provision should be made in all Acts for placing the rules, notifications, etc., issued under the Acts on the table of the Legislature. The present opportunity has been taken to make a provision accordingly in the Madras Entertainments Tax Act, 1939. In view of this provision, it is not necessary to continue the provision of the Act regarding previous publication of the rules. It is accordingly proposed to omit the provision in this regard.

The Bill is a simple one and I request the House, Sir, to accept the motion.

MR. CHAIRMAN : Motion moved—

" That the Madras Entertainments Tax (Amendment) Bill, 1958 (L.A. Bill No. 7 of 1958), as passed by the Legislative Assembly be taken into consideration "

* DR. V. K. JOHN : Mr. Chairman, Sir, I must oppose this measure also, equally vehemently. (A voice : As usual.) There are many measures of taxation with the result that every man in the State is a taxpayer and every other man is a taxpayer and a tax-collector. There is no justification whatsoever for increasing the taxes on entertainments. Sir, a Committee or Commission in Australia went into the question of the propriety of imposing a tax on entertainments and they unanimously and definitely came to the conclusion that on principle, no tax should be levied on entertainments because, after all, entertainments was something which every man must have, whether he was rich or poor.

Now, I would have no complaints if the Government do not increase the tax on the first two slabs. This falls heavily on the poor man who earns wages and wants to have some entertainment in the evening. After all, they are not people going everyday to a picture; they go once in a way and when they go there, they have to pay the tax! Where this will end, I do not know. In course of time, they will say, ' If you wear a coat . . . ' Then the Deputy Chairman will have to pay something extra, so also the Hon. the Leader of the House. We do not know where they will stop. Wherever money can be got from, there will be taxation—even on breathing. (Laughter.) Look around and see; wherever there is any activity, whether entertainment, business or anything, there is a tax on it. If you put your money in business, there is the sales tax; Government will not worry whether you are losing or gaining. I can understand if the Government share the losses also. The proper tax is the income-tax. But there is a tax everywhere and what is the result? The cost of living has gone up very high. When the cost of living goes up, the cost of production also goes up.

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We are in a vicious circle. We are unable to sell the goods manufactured here, for we have to pay higher and higher wages. The cost of living in this State is the highest, and this State takes pride in leading the other States in having a high cost of living. In the matter of cost of production also this State leads other States. Thus this State leads in everything bad. I submit there is no need to cover a small revenue deficit. We could have asked for grants from the Centre. There was no need at all to impose a tax on entertainments. On principle it is wrong and, at the same time, it will fall heavily upon the poor man. I submit that this is as regressive a tax as the sales tax. I wish the Government had not done this. The Government have not considered another thing. I hope every man and woman going to the pictures and paying more money, will bless the Government every time he or she goes into a picture-house and also feel that the Party in power is responsible for that tax imposed on him or her for going to an entertainment. Let them be poor men, but we have adult suffrage and all adults, poor men will bear in mind what the Government have done for them.

* SRI G. KRISHNAMOORTHY : Mr. Chairman, I should have opposed this Bill, but for the expectation in me that the enhancement of cinema ticket rates by the introduction of this Bill would go a long way to just curtail the number of cinema-goers or at least to reduce the number of visits they are paying now. When I say cinema-goers, I have more in mind the children of school-going age and boys and girls up to the age of 18 or so.

Now, nobody can deny the fact that in spite of the censorship, perhaps strict censorship, we have exhibited pictures which put in wrong ideas. These pictures are indecent, in the sense that they exhibit indecent dress, indecent speeches and dialogues and indecent, anti-social acts.

SRI K. BALASUBRAMANYA AYYAR : Why children only? It applies to older people also.

* SRI G. KRISHNAMOORTHY : Now, if we do not find our society as it ought to be, with regard to the cultural heritage of our ancient country, it is mostly due to the cinema pictures. Now, somehow or other, this Bill is going to result in the enhancement of the cinema ticket rates. To that extent, I think there will be a curtailment at least in the number of visits that the cinema-goers pay to a particular picture. Educational psychology says that the most powerful factor in educating a person is the visual agency. Educational books, authoritative books, say that he is the best teacher who uses the chalk most and writes or puts down pictures on the board. Now, our ancient books also say that the eye must be controlled. In spite of the fact that we have been encouraging certain Western methods, in the name of this method or that, which were really meant for defective children but which are used

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in India even after ten years of Independence for normal children, we have to admit that the visual agency is the most powerful factor in educating the children. I had occasion more than once to submit on the sacred floor of this House that if there was any powerful agency from Kashmir to Cape Comorin giving elementary education, even nursery education, secondary education, collegiate education, and adult education, it was the cinema. We teachers have been finding it hard to just put in the aim of education, what we call, character, into the pupils on account of these pictures. There are other factors also, but these are the most powerful agencies. Somehow or other, if the Government are bringing in this Bill. I think they are indirectly helping the cause of the children. To that extent, I welcome this Bill.

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, on the whole, I welcome this Bill not for the reason that it is a taxing measure but for the reason that at least we are taxing, what I would call, this luxury. There is a difference between taxing essentials and taxing non-essentials. Now, I have not gone to any picture and I do not propose to go for the rest of my life.

THE HON. SRI R. VENKATARAMAN: When did you see a picture last?

SRI K. BALASUBRAMANYA AYYAR: I do not remember. I am not saying that the cinema, as an instrument for education, is a bad thing. (Interruption.) That question could have been asked when we were talking about Prohibition, but the hon. Member did not ask it then. People who do not drink see visually the effects of drink much better than the man who drinks. Therefore, the men who go to cinemas and come to our houses at 2 o'clock in the night we see better than we ourselves could see cinemas. I can tell you that because we have all got children who go to cinemas and we have also got friends who go to cinemas. I am not saying anything against the cinema as such. Cinema as a piece of visual education or for good propaganda purposes is very good and I welcome it. But the cinema industry as at present run in our country is not good at large.

DR. V. K. JOHN: Why not we ban it?

SRI K. BALASUBRAMANYA AYYAR: We cannot ban it, because it is for a good purpose. Just like the hydrogen bomb or the atom bomb, it could be used for good purposes. But it is used for all purposes. I am not for banning it. I am for its censorship. They have already done it but not so effectively as it ought to be. Look at the posters, big posters in the City. The hon. Member Sri Krishnamoorthy was speaking about their effect on the children. All aged men too are affected. (Laughter.) I can very well see it. The cinema industry is run on wrong lines. The other day the Finance Minister openly appealed to the Members of

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the Assembly that they should see that the dramas which were written for purposes of the cinema ought to be written in a much better way, avoiding indecency, obscenity and references to immoral acts.

SRI A. M. ALLAPICHAJ: You want these picture producers to be philosophers. No doubt, what you say will be appreciated by them. On the other hand, they are more businessmen and their object is to make more money.

SRI K. BALASUBRAMANYA AYYAR: My object is not that they should be philosophers. I am saying that they should be good men. You could not say that all businessmen are bad people. There has been no such proposition even by the Deputy Chairman that all businessmen are bad. Therefore, what I say is this. A person may be a businessman. I do not want that he should be a philosopher. But he should be a good man. Businessmen can run business on good lines so that the country may prosper and the country may be benefited. But instead of that, if they go on increasing bad taste through the cinema, then of course, they will have to pander to the taste. Otherwise, their business will starve. I do not want to say more than that on that aspect.

Now, the increased taxation may prevent people from going to the cinemas, at any rate, twice or thrice. People who go to the cinemas return home at 1 or 2 o'clock in the night. (An hon. Member: There are matinee shows.) Yes.

DR. V. K. JOHN: If somebody can show a cinema to the hon. Member, I think he will go everyday. (Laughter.)

SRI K. BALASUBRAMANYA AYYAR: The hon. Member had better try. I do not think he will succeed. There is a cinema house next to my house. Therefore, if I was so inclined, I could have gone several times everyday. But I did not go. On the other hand, I oppose cinema-going. I may be wrong in my view. But that is a different matter. Some of us may be out of tune with the present age. But still I feel that the cinema industry ought to be regulated much better, especially those pictures which wound the religious sentiments of the large masses of our people. A special Act was passed, called the Dramatic Performances Act. But I am sorry to say that effective steps are not being taken to enforce it. Those things which are bad are banned. Therefore, I am in an indifferent state of mind. I am not saying that the Government should tax the industry. But if they tax it, I do not want to object to it. If they prevent cinema-going by it, it will be good.

The next point that I have to refer to is the betting on horse-racing. There are two points to be considered with regard to cinemas and horse-racing. The Government have given an assurance that they would consider the question of abolition of betting

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on horse-racing after five years. The Act was passed in the year 1948 or so. I appeal to the Government to seriously consider this matter. Extension has been given to it even in this very Act.

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p.m.

DR. V. K. JOHN : May I know whether the hon. Member has gone to races?

SRI K. BALASUBRAMANYA AYYAR : Never, never. I have never gone to the races either at Guindy or at Bangalore. But, many of my friends have gone there. I know very well that there are some who consider it a religious duty to go there. That is a different matter. I do not object to rich men going there and losing some money. But, the poor men should not go to the horse-racing. I can relate my experience in this connection. I went to an Income-tax office on a Saturday. The Income-tax Inspector was looking into my accounts. Exactly at about 1 o'clock, he suddenly asked me, 'Sir, have you got hundred rupees? Please give me if you have.' I asked him what for he wanted that amount. He immediately replied, 'Sir, I want to go to the races urgently.' (Interruption.) Yes, he was an honest man.

SRI T. PURUSHOTHAM : Did he return the money?

SRI K. BALASUBRAMANYA AYYAR : I did not give him the money. There is thus no incriminating evidence. As I did not give him the money, there is nothing wrong in it. Otherwise, I would not have narrated that story here. I have to mention this for the reason that even poor people, middle class people, clerks and others are wasting a lot of their money on races. Even if they do not have money, they borrow somehow or other and spend it on races. There is this gambling instinct in them. Just as there is illicit distillation, there is this gambling instinct. There is also cards playing. There is what is called No. 3 which they play till 2 o'clock in the night. Even some big and respectable people do indulge in these things. So, I do not wish to say anything strong about it. Unfortunately, there is waste of time, waste of intellect, waste of energy and waste of money. What benefit people derive from going to races, I do not understand. Some horses run. What do we get and what do we care about it? There are bookies, there are Book Clubs . . . (Sri T. Purushotham : Race Clubs) Yes, it may be Race Clubs. I do not know all these things. If I make a mistake about these names here, of course, there are people here to correct me.

MR. CHAIRMAN : You are quite correct.

SRI K. BALASUBRAMANYA AYYAR : There are so many things. I cannot understand all of them. I wish that these things were abolished in our country. Of course, it may be said that there are horse races in other countries. The time spirit may be in their favour. Still, as we have introduced Prohibition in our country and are going on increasing the punishments to be awarded to those

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who commit offences under the Prohibition law, let us also try, as far as possible, to abolish these things and thereby lay a flattering unction to our soul. It will be a tribute to the Father of the Nation who wanted the country to reach the highest level of regeneration on the moral plane. That was his belief. If we cannot do it, it is another matter. At any rate, let us try our best. Instead of supporting some of these things, let us try to see that horse-racing is discouraged if not completely abolished. Let us not go on increasing Horse Racing Clubs. That is my view. With that view, I have made bold to introduce an amendment also in this connection. If the Government do not accept the amendment, it does not matter. I feel it is my duty to do so.

* SRI P. T. RAJAN : Mr. Chairman, I do not know why horse-racing and cinemas have claimed special attention of the Government in the matter of taxes. Taking cinemas into consideration first, I had the good fortune or misfortune to see a number of screens within this month than in the years of Grace 1928 to 1958. The standard is certainly low, very low. Earnest attempts should be made to better the standards. One way of dealing with this problem is to take the advice of the hon. Member Mr. K. Balasubramanya Ayyar or people of his type. They are good men, honest men actuated by the highest of ideals. Take their advice and stop the cinemas altogether. (An hon. Member : You can increase the tax.) If we stop the cinemas altogether, the question of increased taxation does not arise. But, unfortunately, that cannot be done. We cannot prevent cinema shows. The first and foremost thing is to reduce the length of footage that is given to the cinemas. It is as high as 17,000, 18,000 and 19,000. (An hon. Member : But that is done by the Central Government.) Well, if they cannot ask the Central Government to see that the footage is reduced, they can jolly well state that they are absolutely incapable of doing anything in the matter and ask the Central Government to do it. If you really want to improve the cinemas, reduce the footage of the films. From what I can see, more than half the footage is wasted on dances, songs, sword fights, stick fights, night clubs and so on which are not at all appropriate to the play in question. The pictures are mostly unnatural and highly artificial. There is nothing to learn from them. Only this morning, I asked a producer-friend of mine, 'How is it that your cinemas are so bad?' He coolly turned round and told me, 'My dear friend, the present-day cinema reflects the low standard of the people of this State.' I had no answer to give. Probably he was right. Because, if such low standards are permitted in cinemas, this sort of criticism is more or less justified. I do not want to say anything further. He said something more. I told him that it would not be proper for me to say all those things. I went to the extent of telling him, 'If you hold a meeting and want to expose the vagaries of not only your cinemas but also mankind as such, I am prepared to preside over that meeting.'

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But, for me to represent the views indicated by him—he had very strong views about many things—it would not be proper and it would not be possible for me.

The second thing is this. We must have a committee to help people in writing stories.

4-20 p.m. SRI A. M. ALLAPICHAJ: Writers who write are generally starving people.

DR. A. SREENIVASAN: They are very prosperous.

* SRI P. T. RAJAN: I am not very well acquainted with the people who are responsible for production of cinema and so on. From the point of view of effecting improvement in the cinema, my humble submission to the Government is, 'Create a body of men who will help these people, the producers of cinema, the writers of stories for the cinema and those who help to screen them and so on, and give them all correct advice.' More often than not, a sense of proportion is wanting. If the Government only want money, the cinemas could be converted into night clubs with songs and dances thrown in. They could get more money than what they want. If the Government have only a Censorship Committee, it is not going to help them much. It is only dealing with the question negatively. The hon. Member Sri Krishnamoorthy said that if they increased the rates, people would lessen the number of visits to the cinemas. I am afraid his anticipation is not correct.

Now, coming to horse races, rightly or wrongly, horses have played a part in the national life of every country. In wars, in sports, in agriculture, in every aspect of life, horses have played a very important part in the national life of every country, and especially those countries which depend mainly on horses for agricultural purposes have gone in for good breeding. And one way of testing the breeding is to have races. We had racing. No doubt, you can have races and give your money for the best horse even as you have got cattle shows where you give an inducement to owners of cattle to produce the best animals and look after them in the best way and allow them to take part in the shows and give them prizes and so on. That is one way of doing it. Another way of doing it is to allow them to take part in the races and to find out the stamina of the animals. If you have races, then you will have to collect entrance money. If you collect entrance money, then those who go there are inclined to gamble. The gambling instinct has been there since the dawn of ages. You cannot, by passing legislation, whichever Government is in power, whether it is a popular Government or an autocratic Government, do away with that gambling instinct. It is there and will be there. All that we can do is to minimise that instinct, by not giving many opportunities for that gambling spirit to have full play.

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Sir, this betting on horses had been taking place in the City of Madras through bucket shops. The Government woke up because this was gambling and nothing but gambling. The poorest people used to go and invest one anna, two annas or three annas and so on. The Government said that they would prevent it by having race courses and recognised betting in the courses. To that extent bucket shop betting has been minimised. We have a place set apart for gambling and we have minimised the number of days on which a man can indulge in this betting. Sir, I am certainly in full sympathy with every gentleman who wishes to make society an ideal one. But we cannot achieve it. Do not pretend that you can make the world really good. The Hon. and learned Leader of the House said that the Members of the Opposition pretended to be more representative than those sitting on the Treasury Benches and others sitting behind them. I may tell him that the one thing that I dislike is pretension. It is the most poisonous thing. Try your level best to avoid mistakes, but don't try to pretend that you have achieved something which you cannot achieve. I for myself am not a gambler. I like to bet a few rupees for some reason or other and partly for the reason, as Dr. Sreenivasan said, that we can depend upon horses and dogs. It is a genuine effort.

DR. A. SREENIVASAN: Provided there is no manipulation.

* SRI P. T. RAJAN: There is manipulation but not by the horses. You and I manipulate. But the horses have nothing to do with manipulation. It is man that manipulates. Only from that point of view, the affairs of the clubs or most of the clubs in India require to be controlled. There has been a cry for this not only in this State but in all States. Unfortunately, much to my discomfiture, I say, after the Englishman left—he left behind very many institutions—there is a feeling in the country that all of them are being mismanaged. It is not my feeling; it is the general feeling. So, if you think horse-racing is bad, by all means stop it. If you cannot stop it, control it effectively. That is what I want you to do. In all walks of life, if you find that there is something wrong, something unnatural, something that is injurious to society, injurious to the community, injurious to the nation, try your honest best to rectify it. Sometimes remedies prove worse than the disease itself.

SRI MOHAMED RAZA KHAN: Government have their representatives among the Stewards.

* SRI P. T. RAJAN: I am not saying that. I am generally 4-30 p.m. talking about it. They have got their representatives. Oh, yes. The matter is engaging the attention of the Government. I do not propose to go into it now. It is not *sub judice*. All the same, I believe the Hon. Minister in charge of racing gave an assurance in the lower House that the matter was under consideration. I do not propose to refer to that. What I am saying is this. When

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they want to reform, certainly there are my sympathies; they can always depend upon me. But in their desire to reform, the solutions which they offer should not make the disease much worse than what it is. I merely put in a word of caution. I do not blame them. If the Government think that they can get a little more money from racing, from cinema, let them have it. But let them remember that they have a duty to the cinema trade as well as to the people. If they make an earnest attempt, they can certainly succeed without persuading people like my hon. Friend to pay a visit to the cinema.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, the debate on entertainments tax has always been entertaining. I regret I am unable to join in it because my business is very limited. I only want to collect a little more money and not for the use of the Madras Government, but for those starving municipalities, local boards and panchayats, for 90 per cent of the tax collected under the Act goes to augment the finances of those bodies. In comparison between the cinema-goer and the starving local bodies, I think our sympathies should go to the starving local bodies.

SRI P. T. RAJAN : Why not to you also, Sir?

* THE HON. SRI R. VENKATARAMAN : Really, it is a tax on luxury. It is acknowledged all over the world and by levying this, no great hardship is likely to be caused. Member after member spoke as if it were the intention of the Government to discourage visits to the cinemas by the imposition of a higher tax. On the contrary, Sir, I wish everybody attended as many shows as he can afford to so that I may get a little more money and so that it may go to help the poor municipalities and local boards, to pay, for instance, the salaries of elementary school teachers—Mr. Krishna-moorthy will be happy—or to pay the wages of the poor scavengers. Therefore, it is not the intention of the Government to discourage people from going to cinemas or horse-racing and that is not the idea of bringing forward this measure. The Government thought that these were the two items which could stand an increased levy and judged, as I said earlier on another occasion, by all canons of taxation, they are eminently fitted to bear the levy of additional tax.

SRI P. T. RAJAN : Quite right.

* THE HON. SRI R. VENKATARAMAN : At the same time, Government have exempted a number of shows or performances from the levy of entertainments tax for the reason that they are not continuous as the cinema, but they are casual and arranged for a short period in different places. Secondly, the administrative work of granting exemptions in the case of other entertainments for charitable or other purposes has become so heavy that the income derived from the collections from that source of revenue has been

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more than lost in the administrative charges of granting exemptions. Sir, this measure has received a fair measure of support and after the assurance I have given that it is the intention of Government that more people should go to the cinemas and races, so that the resources of the municipalities, local boards may be augmented. I expect support from every side of the House. Sir, I move that the Bill be taken into consideration.

MR. CHAIRMAN : The question is—

“That the Madras Entertainments Tax (Amendment) Bill, 1958 (L.A. Bill No. 7 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clause 2 was put and carried.

Clause 3.

MR. CHAIRMAN : The motion is—

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

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

‘In the proposed new clause (4) to section 3 of the principal Act, delete the words “a horse race or”’.

Sir, I agree with the hon. the Mover of the Bill that his intention is not to discourage cinemas and horse races. Just as Mahatma Gandhi argued that the money got from toddy was tainted money, so also I view the money got from cinemas also as tainted money. In that view I have been compelled to move this amendment.

DR. A. SREENIVASAN : I second the amendment, Sir.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Government are not able to accept this amendment. They have not decided on the continuance of races, etc., or their abolition and so long as the races exist, they want to collect some tax from that source. I have no opinion on the question of the desirability or otherwise of having horse races.

MR. CHAIRMAN : The question is—

‘In the proposed new clause (4) to section 3 of the principal Act, delete the words “a horse race or”’.

The amendment was put and lost.

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SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I am not moving the amendment, nor the other amendment to clause 8. I do not move any amendment at all, Sir.

Clause 3 was put and carried.

Clauses 4 to 7 were put and carried.

Clause 8.

MR. CHAIRMAN: The motion is—

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

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

‘Add the following at the end of the proviso to the proposed new section 7-A:—

“or of explaining satisfactorily the reasons for the delay in submitting the returns after the due date.”’

Sir, in section 7 of the principal Act, there is a proviso that before taking action, a proper and reasonable opportunity should be given for proving the correctness or completeness of any return submitted by him. So, if there is some delay in submitting the return in time, opportunity should be given to him to explain the reasons for the same. Otherwise, the ‘best of judgment’ business would be reduced to nothing. The provision here is that the Assessing Authority, if it appears to him that the return submitted is incorrect or incomplete, shall after making due enquiry assess that which is proper to the best of his judgment. Supposing the return is not submitted on or before the due date, then also he should be allowed an opportunity to prove satisfactorily the reason for the delay and if the officer is satisfied with it, he may accept the return and assess accordingly. That may also be provided for in the rules. Whatever it is, some opportunity should be given even in cases where the return is submitted after some delay.

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

4-40 p.m. * THE HON. SRI R. VENKATARAMAN: I think the point raised by the hon. Member is covered by the language, ‘if no return is submitted by the proprietor before the date prescribed’. That means that if he submits the return after the date prescribed, that should be covered by the proviso. Therefore, in either case, he should have been given an opportunity to state why it was not submitted. I do not think that any specific provision is necessary in respect of delay alone, because the clause here relates to non-submission before the prescribed date and submission after the prescribed date would amount to non-submission before that date. Submission of a return after the prescribed date, that is, delay in

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submission would amount to non-submission before the prescribed date. Therefore, that is covered by the clause. I do not think that the amendment is necessary.

The amendment was, by leave, withdrawn.

Clause 8 was put and carried.

Clauses 9 and 10 were put and carried.

Clause 11.

MR. CHAIRMAN: The motion is—

“That clause 11 do stand part of the Bill.”

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

“Delete clause (b) of the proposed section 10.”

Sir, I raise it on a question of principle. It has been done in previous Acts also. Therefore, I do not think that the Government will have any objection to accepting the amendment. I feel that the magistrate should not be used for the purpose of collection. There was not such a provision in the 1939 Act. Even in the days before Independence, there was no such provision in the Acts. The only provision that was usually made was that the tax might be recovered as if it were an arrear of land revenue. This method was resorted to because there were speedy ways of recovering the amount. For example, the properties might be attached and the amount easily recovered. But in this case there is no question of conviction. Therefore, it is not good for the magistrate to collect the tax as if it were on conviction. Instead of prosecution for non-payment of tax, the man will be imprisoned for default in payment of fine.

SRI A. M. ALLAPICHAI: When the accused is fined and that man does not pay it in time, then only this will apply.

DR. V. K. JOHN: The general process is to attach his property.

SRI K. BALASUBRAMANYA AYYAR: For default in payment of fine, there will be imprisonment.

Here, I suppose it will be only attachment of property. But my point is this. The magistrates, especially after the separation of the Executive and the Judiciary, should not be used for civil duties. After all, the present one is a civil liability and not a criminal liability. Of course, non-payment of the tax may amount to an offence. But it is essentially a civil liability. The magistracy should not be used for this purpose. The only thing is that it will be a quicker process. Collection of land revenue is a different thing.

The amendment was duly seconded.

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* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, the present provision in the Act is that if the tax is not paid, the assessee could be prosecuted and sentenced. The new provision states that the amount assessed may be recovered as if it were a fine. So, if the man does not pay, it does not mean that for any default in payment of fine, he will go to jail. That is not the intention and that is not the interpretation that should be put. So, the doubt raised by the hon. the Deputy Chairman may be cleared on that score.

The second point is whether we can use the powers of the magistracy for collection of taxes. This is nothing new as in the Payment of Wages Act we have made similar provision. That Act was passed during the British days. I say this because the hon. Member said that in the past it was not done. This is an increasing tendency now. I wish to point out that even in the past recovery of amount due had been made by the magistracy as if it were a fine. This is the pattern now so that the tax may be recovered without going through circuitous proceedings of our courts and it does not cause any great hardship either as it is only another mode of recovery just like the recovery under the Revenue Recovery Act. I do not think that it is possible for the Government to accept the amendment.

The amendment was, by leave, withdrawn.

Clause 11 was put and carried.

Clauses 12 to 14 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI R. VENKATARAMAN : Sir, I move—

“ That the Madras Entertainments Tax (Amendment) Bill, 1958 (L.A. Bill No. 7 of 1958), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : Motion moved—

“ That the Madras Entertainments Tax (Amendment) Bill, 1958 (L.A. Bill No. 7 of 1958), as passed by the Legislative Assembly, be passed.”

* DR. V. K. JOHN : I must express my surprise that the Government are interested in only the collection of taxes and not in the question whether cinema-going is good or bad. Many Members have stated that it is tainted money. The Government are interested only in collecting that money. The Mover of this Bill has not stated whether cinema-going is good or bad. If more people go to cinemas, they will collect more money.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, I must clarify the position. A debate on any Bill must be confined to the scope of the Bill. Certainly, the question of the propriety or otherwise of going to cinemas or the quality of the cinema pictures

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or horse-racing is not before the House. That is why I said that the purpose of the Bill was to levy and collect a tax. I have confined my remarks to this aspect. I hope this example will be followed by others so that the debates may be more precise.

SRI MOHAMED RAZA KHAN : May I bring to the Hon. the Leader of the House that it was his Colleague that had a discourse on the cinema industry and its various aspects in the other House? Therefore, Members thought that they could also throw some light on the matter.

MR. CHAIRMAN : The question is—

“ That the Madras Entertainments Tax (Amendment) Bill, 1958 (L.A. Bill No. 7 of 1958), as passed by the Legislative Assembly, be passed.”

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

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Tuesday, the 25th March 1958.

The House then adjourned.

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

126. Notification issued with G.O. No. 4804, Revenue, dated 31st December 1957, regarding amendments to the Madras General Sales Tax Rules, 1939.

127. Notification issued with G.O. Ms. No. 319, Home, dated 6th February 1958, regarding amendments to the Madras Juvenile Court Rules, 1930.

128. Notification issued with G.O. Ms. No. 394, Home, dated 14th February 1958, regarding amendment to the rules for the management of the Government Reception Homes, Madras.

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APPENDIX I.

[Vide answer to starred question No. 87 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 20th March 1958, page 177 supra.]

Statement showing the view of the Madras Government on the recommendations in the Report of the Dave Committee and the action taken by the Government on the recommendations.

I. INTERIM REPORT—PART I.

RECOMMENDATION 1.

There should be registers separate for Ayurveda, Unani and Homœopathy.

Comments and action by State Government.

According to the rules which are at present in force in the State, persons possessing any of the following qualifications are eligible for registration :—

(i) Diplomas in Indigenous Medicine granted by the Board of Examiners in Indigenous Medicine appointed by the Government of Madras;

(ii) Diplomas in Indigenous Medicine granted by or under the authority of the Government of India or a Provincial Government or an Indian State or by any recognized University or Examining Body in India, provided that applications for the recognition of such diplomas are recommended by the Central Board of Indigenous Medicine, Madras, and accepted by the Government of Madras; and

(iii) holders of Government titles of professional eminence like Vaidya Ratna and Shifa-ul-Mulk.
Practitioners registered under the rules are divided into classes as noted below :—

Class A.—Practitioners whose qualifications denote at least a minimum standard of professional training for undertaking medical, surgical (including obstetrical) and medico-legal work.

Class B.—Practitioners whose qualifications denote at least a minimum standard of professional training for undertaking medical work only.

Class C.—Practitioners who have undergone the training prescribed for Village Vaidyas and passed the examination conducted at the end of the course and whose qualifications denote at least a minimum standard of professional training to undertake medical work and in addition inoculation work during epidemics of cholera and smallpox.

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Under the new Act, the Madras Registration of Practitioners of Integrated Medicine Act, 1956, the practitioners who are now registered in Class 'A' will be registered separately by a new Board of Integrated Medicine constituted under the Act. The classification adopted by this Government is more practical and rational and as such it is proposed to continue it.

RECOMMENDATION 2.

Persons who are of 15 years' standing prior to the appointed day will be on the register along with the institutionally qualified persons and that the rest who have two years' practice on the appointed day should be on a list.

Comments and action by the State Government.

This envisages registration as from an appointed date and divides practitioners into those who are registered and those who are enlisted. Registration in this State has been going on for a number of years and as such the recommendation has no application to this State. Further, even now, persons whose qualifications denote at least a minimum standard of professional training for undertaking medical work only are registered in Class 'B'. The recommendation has not therefore been accepted by this Government particularly in view of the classification A, B and C adopted by them.

RECOMMENDATIONS 3, 4, 5, 6, 10 AND 11.

3. Fees should be levied for registration. The amount may however be left to the discretion of each State. Whether only initial registration fee should be charged or a renewal fee also should be charged may also be left to the discretion of each State.

4. Initially there should be a nominated body to control the practitioners for three years and subsequent bodies may be partly elected and partly nominated.

5. Not more than one-third of the members in the Board should be nominated and the Director, Indigenous Systems of Medicine, if any, or Officer in charge of the Indigenous Systems of Medicine or a Government nominee should be ex-officio member of the Council. The composition of the Board should be such as the State may think expedient.

6. There should be separate registers for practitioners in Ayurvedic and Unani and Homœopathic systems. If the number of practitioners exceeded 100, a separate Board should be constituted; otherwise a joint register and Board are favoured in so far as Ayurvedic and Unani are concerned. Homœopathy should have a separate register and Board.

10. The term of office of the Board should ordinarily be five years. The first Board (a nominated one) shall be for three years.

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11. So far as professional conduct and practice are concerned, there should be separate registration by each State bearing in mind the above principles laid down for the sake of uniformity and there should be reciprocity of registration.

Comments and action by State Government.

There is already a non-statutory Central Board of Indigenous Medicine functioning in this State consisting of the following fifteen members with the Dean, College and Hospital of Integrated Medicine, Madras, as the ex-officio President :—

(a) Four members elected from among themselves by the registered practitioners of Indigenous Medicine holding the diploma of G.C.I.M. (Graduate of the College of Indigenous Medicine) granted by the Board of Examiners in Indigenous Medicine.

(b) Four members elected from among themselves by practitioners of Indigenous Medicine, holding diplomas (other than G.C.I.M.) registered in Class 'A'.

(c) One member elected from among themselves by the staff of the Government College of Indigenous Medicine, Madras, who are registered practitioners of Indigenous Medicine.

(d) One member elected from among themselves by the staff of the teaching institutions of Indigenous Medicine, recognized by the Government who are registered practitioners of Indigenous Medicine.

(e) One member to be nominated by the Government from among the registered practitioners of Indigenous Medicine holding a diploma in Indigenous Medicine obtained from an institution of Indigenous Medicine recognized by the Government and registered in Class 'B' of the Register of Practitioners of Indigenous Medicine.

(f) Four members nominated by the Government. A new Board of Integrated Medicine to deal with the registration of L.I.Ms. and G.C.I.Ms. is to be constituted under the Madras Registration of Practitioners of Integrated Medicine Act, 1956. The main functions of the existing Board of Indigenous Medicine is to register practitioners of Indigenous Medicine on payment of a registration fee of Rs. 15 and a stamp duty of rupee one and naye paise fifty.

RECOMMENDATION 7.

The privileges should be given only to registered practitioners and not to enlisted practitioners.

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Comments and action by State Government.

As recommendation 2 has not been accepted by this Government, recommendation 7 in respect of enlisted practitioners has also not been accepted by this Government.

In respect of registered practitioners, the privileges referred to are apparently those relating to employment and issue of certificates which are directly connected with the question of qualifications. Practitioners are registered according to their qualifications in Classes A, B and C and it is obvious that all cannot have the same privileges. The position in respect of these two matters is as follows :—

Appointment.—G.C.I.Ms. and L.I.Ms. who are registered in Class A and who will henceforth be registered under the Madras Registration of Practitioners of Integrated Medicine Act have been made eligible for a number of appointments. The new Act also says that notwithstanding anything contained in the Madras Medical Registration Act, 1914, all registered practitioners shall be competent to hold any appointment as Physician, Surgeon or other Medical Officer in institutions of modern medicine or as Medical Officer of Health which are open to registered practitioners as defined in the Madras Medical Registration Act and subject to such conditions as may be prescribed. 'B' class practitioners also, who are institutionally qualified, are eligible to hold a number of appointments in this State.

Medical certificates.—The new Act which provides for the registration of G.C.I.Ms. and L.I.Ms. says that notwithstanding anything to the contrary contained in any enactment, rule or by-law or any other provision of law, a certificate required by law to be given by a medical practitioner shall be valid if it is signed by a practitioner under the Act. But it is not possible to give the 'B' and 'C' class practitioners, the privilege of issuing medical certificates or of appearing as expert witnesses or do medical examination for life insurance purposes.

RECOMMENDATION 8.

Registered Medical Practitioners of Ayurvedic, Unani and Homoeopathic systems of medicine should be treated with regard to the privileges mentioned earlier on par with the practitioners in Modern Medicine.

Comments and action by State Government.

As stated under recommendation 7, if the different classes of practitioners of indigenous medicine cannot be treated alike, much less can they be treated as equal to practitioners of modern medicine. This recommendation has not therefore been accepted by the State Government.

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RECOMMENDATION 9.

Unregistered or unenlisted practitioners can practise in rural areas as defined by the State which have no registered practitioners.

Comments and action by State Government.

This recommendation also has not been accepted as it is neither desirable nor practicable to attempt to confine the practice of unregistered practitioners to rural areas.

RECOMMENDATION 12.

For regulating academic teaching and standards the control should vest with the Central Body so constituted.

Comments and action by State Government.

One of the functions of the Central Board of Indigenous Medicine, Madras, is to make recommendations to the Government for framing, amending or cancelling the rules relating to the recognition of schools and colleges of indigenous medicine applying for official recognition or grant-in-aid. This recommendation, therefore, stands implemented in this State.

RECOMMENDATIONS 13, 14 AND 16.

13. The State legislation should be passed within two years and should not await Central legislation.

14. The legislation about Homoeopathy should be also on similar lines. Central legislation embracing regulation of practice, professional ethics and teaching would not be feasible. Since the subject medical qualification is a concurrent subject, the Central body may be a co-ordinating body exercising control over academic standards and teaching.

16. In case of States which have existing legislation the question of registration and enlistment need not be reopened, but the amendments may be made to bring the legislation in line with our recommendations.

Comments and action by State Government.

The model Act suggested by the Committee is a very comprehensive one providing for the constitution of a Board, the registration of practitioners of all classes, the recognition of institutions, etc., while the Madras Act, the Madras Registration of Practitioners of Integrated Medicine Act, 1956, is a very short one providing for the constitution of a Board of Integrated Medicine and the registration of only G.C.I.Ms. and L.I.Ms. Much of

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what is contained in the model Act will be dealt with in the rules to be framed under the Madras Act. In the circumstances, the Madras Act has been considered sufficient for the purpose. A code of Medical Ethics similar to the one contained in the Interim Report is already in force in this State.

RECOMMENDATION 15.

The Medical Degrees Act should be amended so that the use of a bogus degree in Ayurveda, Unani and Homoeopathy can be prohibited.

Comments and action by State Government.

This is one for the consideration of the Government of India.

II. FINAL REPORT—CHAPTER VI.

RECOMMENDATIONS 1 AND 2.

1. There must be uniform standard of training.

2. (i) Two Councils should be created similar to the Indian Medical Council, which will have control over the maintenance of uniform teaching standards in all the institutions; one Council shall be for Ayurvedic and Unani systems of Medicine and the other for Homoeopathy. The Councils may be called—

(1) The Central Council of Ayurvedic and Unani systems of Medicine; and

(2) The Central Council for Homoeopathic system of Medicine.

(ii) The composition of the Council may be as follows:—

(1) One member from each State to be nominated by the State Government;

(2) One member from each Indian University which possesses a Faculty of Ayurvedic, Unani and/or Homoeopathy to be nominated by the Vice-Chancellor;

(3) Four members to be nominated by the Central Government.

(iii) The first Council will be nominated with a nominated President.

Comments and action by State Government.

The recommendations are acceptable to this Government except in respect of the System of Homoeopathy.

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RECOMMENDATION 11.

Separate Directorates for (a) Ayurvedic and Unani and (b) Homoeopathic systems of medicine should be created in the Central Ministry of Health, Government of India, and also in the States as far as possible.

Comments and action by State Government.

Till recently the Department of Indigenous Medicine in this State was under the control of an Honorary Director. The post of the Honorary Director has now been abolished and the Department put under the control of the Director of Medical Services who has been sanctioned an Assistant Director to help him in this regard.

RECOMMENDATION 3.

The existing institutions should be upgraded so that they can efficiently impart education in these systems.

Comments and action by State Government.

The foremost indigenous medical institution which is under the control of this Government is the College and Hospital of Integrated Medicine, Madras. Two schemes in the State Five-Year Plan provide for the development of this institution.

RECOMMENDATION 4.

(i) A five and half years' course of study including one year for internship is recommended with at least three months' training in the rural areas.

(ii) *Admission.*—Intermediate Science examination with the subject of Physics, Chemistry and Biology or Higher Secondary examination. A good knowledge of Sanskrit and Arabic or Persian is essential for Ayurveda and Unani respectively.

(iii) Minimum age of the candidates should be 17 years

Comments and action by State Government.

Length of courses.—The five and half years' course is already obtaining in the College and Hospital of Integrated Medicine, Madras.

Qualification for admission.—The qualification prescribed in this State for admission to the G.C.I.M. course is inter-science but a knowledge of Sanskrit is not insisted upon.

Syllabus.—According to the syllabus prescribed for the G.C.I.M. course in this State, the ratio of the hours of lectures allotted to Indigenous Medicine compared with those allotted to

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modern medicine works out to 1 : 3. The question of revising this syllabus to give more hours to indigenous medicine is being examined by this Government.

Age.—The minimum age for admission to the G.C.I.M. course is 17.

RECOMMENDATION 9.

All the teaching institutions should have in-door hospital beds and the ratio of students to beds should be 1 : 5.

Comments and action by State Government.

The bed-strength of the Hospital of Integrated Medicine, Madras, is 270 while the number of seats in the College is 125. The ratio of students to beds suggested by the Committee, namely, 1 : 5 will be very difficult to accomplish.

RECOMMENDATION 5.

New text-books subject-wise should be written; and those already existing should be revised. The State Governments and Universities should encourage this.

Comments and action by State Government.

This Government have suggested to the Government of India that a committee of experts both modern and indigenous systems of medicine may be constituted on an All-India basis to examine the practicability and feasibility of a synthesis of the two systems of medicine and that if the synthesis is considered feasible by the Committee so appointed, the writing of integrated text-books should be undertaken.

RECOMMENDATION 6.

The training and syllabus prescribed should be taken up by separate Faculties for Ayurvedic and Unani systems of medicine. It is desirable that these Faculties be affiliated to the Universities if possible.

Comments and action by State Government.

This is a matter for consideration by the Universities.

RECOMMENDATION 7.

The Pharmacopoeia and Dictionary of Ayurvedic and Unani systems of medicine should be compiled.

Comments and action by State Government.

This has already been done in this State.

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RECOMMENDATION 8.

A five and half years' degree course should be introduced for Homoeopathy (4½ years' course with one year's internship). The course for Homoeopathy would be more or less on the lines suggested by the Homoeopathy Inquiry Committee (1949).

Comments and action by State Government.

This Government are of the opinion that it would be best to let only practitioners of Modern Medicine become homoeopaths after undergoing a professional course of instruction in Homoeopathy if really such instruction must be provided. They have therefore recommended to the Government of India that while everything possible should be done to encourage research in homoeopathy the State should not, in the meantime, recognize homoeopathy as a system of medicine and allow homoeopathic practitioners to administer medicine except where they are fully qualified in the modern system. They have also recommended that if and when a post-graduate course in homoeopathy is established for training graduates in modern medicine, in homoeopathy, the question of recognizing homoeopathy after scrutinizing proofs of its efficacy may be taken up and that it is also desirable to bring in legislation to control homoeopathic training and practice—in short, to confine it to persons qualified in modern medicine and prevent others from practising it, and to control the manufacture, sale and use of homoeopathic drugs.

RECOMMENDATION 10.

The degrees to be given to the graduates should be—

- (1) "G.A.M.S."—Graduate of Ayurvedic Medicine and Surgery;
- (2) "G.U.M.S."—Graduate of Unani Medicine and Surgery.
- (3) "G.H.M.S."—Graduate of Homoeopathic Medicine and Surgery.

Comments and action by State Government.

The degree awarded by this Government is known as the "Graduate of the College of Integrated Medicine" (G.C.I.M.) having reference to the conjoint study, training and practice in indigenous medicine and modern medicine which is given in the College. To name the degree as G.A.M.S. or G.U.M.S. as now suggested by the Committee will be inappropriate.

RECOMMENDATIONS 12 AND 13.

12. Post-graduate training and research facilities should be given to all the three systems at suitable places and also to Graduates of Modern Medicine. The duration of the Post-Graduate Course shall be of two years.

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13. Refresher courses in Ayurveda, Unani and Homoeopathy should be organized in teaching institutions.

Comments and action by State Government.

Post-Graduate Training.—This is under consideration.

Research.—The Second Five-Year Plan of the State contains a scheme for developing the Research Department of Ayurveda, Siddha and Unani of the College and Hospital of Integrated Medicine, Madras. Under this scheme it is proposed to allot fifty beds including thirty beds for Siddha, to conduct research in diseases like Asthma, Diabetes, etc.

Chairs of the history of indigenous medicine.—A scheme for the establishment of a Chair of History of Medicine in the College of Integrated Medicine at a cost of Rs. 9,600 recurring per annum with a three-fourth grant from the Government of India has been sanctioned.

Refresher courses.—This recommendation has been endorsed by the State Government.

GENERAL.

The Siddha System of Medicine has not been dealt with in the reports of the Committee which contain only one reference to this system in clause 2 (13) of the model Bill contained in Appendix VIII of the Interim report. It has been pointed out to the Government of India that this system of Medicine also deserves due consideration and all possible encouragement.

APPENDIX II.

[Vide item II (1) on page 178 supra.]

L.A. BILL No. 9 of 1958.

[As passed by the Assembly.]

A Bill further to amend the Madras Sales of Motor Spirit Taxation Act, 1939.

WHEREAS it is expedient further to amend the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), for the purposes hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras Sales of Motor Spirit Taxation (Amendment) Act, 1958.

(2) It shall come into force on the 1st April 1958.

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2. *Amendment of long title of, and the preamble to, Madras Act VI of 1939.*—In the long title of, and in the first paragraph of the preamble to, the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939) (hereinafter referred to as the principal Act), for the words "tax on retail sales of motor spirit", the words "tax on sales of motor spirit" shall be substituted.

3. *Amendment of section 2, Madras Act VI of 1939.*—In section 2 of the principal Act, in clause (b), for the words and letters "a Part A State or a Part C State", the word "India" shall be substituted.

4. *Substitution of new section for section 3, Madras Act VI of 1939.*—For section 3 of the principal Act, the following section shall be substituted, namely :—

"3. *Payment of tax.*—(1) Subject to the provisions of this Act, every importer and every wholesale dealer shall pay on all sales of motor spirit effected by him and on all motor spirit used or transferred for consumption by him, a tax at the following rates, namely :—

in the case of petrol,—at the rate of thirty-eight naye Paise per gallon,

in the case of diesel oil,—at the rate of thirty-five naye Paise per gallon, and

in the case of any motor spirit other than petrol or diesel oil,—at the rate of ten naye Paise per gallon.

(2) No tax shall be levied under this Act on the sale of any motor spirit in respect of which such tax has already been paid."

5. *Amendment of section 4, Madras Act VI of 1939.*—In section 4 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) Registration may be made subject to such conditions, if any, as may be prescribed."

6. *Substitution of new section for section 6, Madras Act VI of 1939.*—For section 6 of the principal Act, the following section shall be substituted, namely :—

"6. *Payment of tax along with return.*—Along with the return referred to in section 8 the importer or wholesale dealer shall pay in such manner as may be prescribed the amount of the tax due in respect of the motor spirit sold by him, or used or transferred for consumption by him during the preceding month, according to the return."

7. *Amendment of section 7, Madras Act VI of 1939.*—In sub-section (1) of section 7 of the principal Act—

(i) for the words, brackets, letter and figure "a retail dealer under clause (b) of section 5", the words, brackets, letter and figure "an importer or a wholesale dealer under clause (b) of section 8" shall be substituted; and

(ii) for the words "retail dealer" wherever they occur, the words "importer or wholesale dealer" shall be substituted.

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8. *Savings.*—Notwithstanding anything contained in this Act there shall be levied on motor spirit in the possession of retail dealers at the commencement of this Act a tax at the rate specified in section 3 of the principal Act, as amended by this Act.

I certify that this is a Money Bill.

U. KRISHNA RAU,

14th March 1958.

Speaker, Madras Legislative Assembly.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Sub-section (4) of section 4 of Madras Act VI of 1939 as substituted by clause 5 of the Bill empowers the Government to prescribe by rules the conditions subject to which registration may be made under the Act.

Section 6 of the Act as substituted by clause 6 of the Bill empowers the Government to prescribe by rule the manner in which the importer or wholesale dealer shall pay the amount of the tax due in respect of the motor spirit sold by him or used or transferred for consumption by him during the preceding month.

The powers sought to be delegated are normal in character and are necessary for the effective enforcement of Madras Act VI of 1939.

APPENDIX III.

[Vide item II (2) on page 190 supra.]

L.A. BILL No. 7 OF 1958.

(As passed by the Assembly.)

A Bill further to amend the Madras Entertainments Tax Act, 1939.

WHEREAS it is expedient further to amend the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), for the purposes hereinafter appearing;

Be it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Entertainments Tax (Amendment) Act, 1958.

(2) It shall come into force on the 1st April 1958.

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2. *Amendment of the long title of, and the preamble to, Madras Act X of 1939.*—In the long title of, and in the first paragraph of the preamble to, the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939) (hereinafter referred to as the principal Act), for the words “amusements and other entertainments”, the word “entertainments” shall be substituted.

3. *Amendment of section 3, Madras Act X of 1939.*—In section 3 of the principal Act—

(a) clause (3) shall be omitted; and

(b) for clause (4), the following clause shall be substituted, namely :—

“(4) ‘entertainment’ means a horse-race or cinematograph exhibition to which persons are admitted on payment;”.

4. *Amendment of section 4, Madras Act X of 1939.*—In sub-section (1) of section 4 of the principal Act—

(a) for the words “One-fifth of such payment”, “One-fourth of such payment”, and “One-third of such payment”, the words “One-fourth of such payment”, “One-third of such payment”, and “Two-fifths of such payment” shall respectively be substituted; and

(b) the second proviso shall be omitted.

5. *Amendment of section 4-A, Madras Act X of 1939.*—In item (iv) of sub-section (1) of section 4-A of the principal Act, the words “other than those held with cinematograph apparatus and plant taken from place to place, either in panchayat areas with a population of less than ten thousand at the last census or in non-panchayat areas” shall be omitted.

6. *Amendment of section 6, Madras Act X of 1939.*—In section 6 of the principal Act—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Save in the case referred to in section 5, no person shall be admitted on payment to any entertainment where the payment is subject to the entertainments tax except—

(a) with a ticket issued in such manner and subject to such conditions as may be prescribed, or

(b) in special cases, with the approval of the State Government, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted”;

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(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1-A) Save in the case referred to in section 5 and clause (b) of sub-section (1), no proprietor of an entertainment shall conduct the entertainment unless he has given security up to an amount and in a manner approved by the State Government for the payment of the entertainments tax.”; and

(iii) in sub-section (2), after the expression “sub-section (1)”, the expression “or sub-section (1-A)” shall be inserted.

7. *Amendment of section 7, Madras Act X of 1939.*—In section 7 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

“(1) The entertainments tax shall be levied in respect of each person admitted on payment, and shall be calculated and paid on the number of admissions.

(2) The entertainments tax shall be due and be recoverable from the proprietor.”.

8. *Insertion of new section 7-A in Madras Act X of 1939.*—After section 7 of the principal Act, the following section shall be inserted, namely—

“7-A. *Returns.*—(1) Every proprietor of an entertainment shall submit such returns relating to payments for admission, to such authority, in such manner and within such periods, as may be prescribed.

(2) If the prescribed authority is satisfied that any return submitted under sub-section (1) is correct and complete, it shall assess the proprietor on the basis thereof.

(3) If no return is submitted by the proprietor of the entertainment under sub-section (1) before the date prescribed or if the return submitted by him appears to the prescribed authority to be incorrect or incomplete, the prescribed authority shall, after making such inquiry as it considers necessary, determine the tax due under section 4 or 4-A or under both and assess the proprietor to the best of its judgment :

Provided that before taking action under this sub-section, the proprietor shall be given a reasonable opportunity of proving the correctness and completeness of any return submitted by him or that no return was due from him.”

9. *Amendment of section 8, Madras Act X of 1939.*—Sub-section (1) of section 8 of the principal Act shall be omitted.

10. *Omission of section 9, Madras Act X of 1939.*—Section 9 of the principal Act shall be omitted.

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11. *Substitution of new section for section 10, Madras Act X of 1939.*—For section 10 of the principal Act, the following section shall be substituted, namely :—

“ 10. *Manner of recovery of tax.*—Any amount due on account of the tax under section 4 or 4-A or under both may, without prejudice to any other mode of collection, be recovered—

(a) as if it were an arrear of land revenue, or

(b) on application to any Magistrate, by such Magistrate as if it were a fine imposed by him.”

12. *Amendment of section 14, Madras Act X of 1939.*—In section 14 of the principal Act—

(i) clause (b) shall be omitted; and

(ii) the words “ and shall in addition, be liable to pay any tax which should have been paid ” occurring at the end shall be omitted.

13. *Amendment of section 15, Madras Act X of 1939.*—In clause (a) of section 15 of the principal Act, the words “ the failure to pay, or ” shall be omitted.

14. *Amendment of section 16, Madras Act X of 1939.*—In section 16 of the principal Act—

(i) in sub-section (1), for the words “ The State Government may make rules ”, the words “ The State Government may, by notification in the Official Gazette, make rules ” shall be substituted;

(ii) in sub-section (2)—

(a) clauses (a), (e) and (f) shall be omitted; and

(b) in clause (d), the words and figures “ to which the provisions of section 5 are applied or in respect of which the arrangements approved by the State Government for furnishing returns are made under section 6 ” shall be omitted; and

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

“(k) for appeals and revisions in respect of proceedings under this Act, the period within which such appeals and revisions should be preferred and the fees to be paid, in respect of such appeals and revisions; and ”

(iii) for sub-sections (4) and (5), the following sub-section shall be substituted, namely :—

“(4) All rules made and notifications and orders issued under this Act shall, as soon as possible after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or

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repeal as the Legislative Assembly may make within fourteen days on which it sits either in the same session or in more than one session ”.

I certify that this is a Money Bill.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause (a) of new sub-section (1) sought to be substituted in section 6 by clause 6 of the Bill empowers the State Government to prescribe by rules the manner in which and the conditions subject to which a ticket may be issued to a person for admission to an entertainment. Sub-section (1) of new section 7-A sought to be inserted by clause 8 of the Bill empowers the State Government to prescribe by rules the returns to be submitted by proprietors of entertainments and the authority to which, the manner in which and the periods within which such returns should be submitted.

2. The powers sought to be delegated are normal in character and are necessary for the effective enforcement of Madras Act X of 1939.

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 25th March 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 M. RAMA-KRISHNA REDDY AND SRI P. V. K. RANGA RAO, FORMER MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

MR. CHAIRMAN : I regret to announce to hon. Members the demise of Sri M. Ramakrishna Reddy and Sri P. V. K. Ranga Rao, former Members of the Legislative Council of the composite Madras State. We express our sorrow at the demise of the above Members which I shall convey to the members of their bereaved families.

As a mark of respect, hon. Members may stand in silence for a minute.

Accordingly, the House stood in silence for a minute.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Gangadhareswarar temple, Purasawalkam.

* 90 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Home be pleased to state—

(a) whether it is a fact that the Executive Officer of the Gangadhareswarar temple in Purasawalkam, Madras, has pledged the temple jewels for his personal use; and

(b) if so, the action taken or proposed to be taken in the matter?

THE HON. SRI M. BHAKTAVATSALAM : (a) It has been so alleged.

(b) The Executive Officer has been placed under suspension and a criminal case has been registered by the Police and they are taking action to prosecute him for criminal breach of trust.

DR. A. SREENIVASAN : Can the Hon. Minister tell us the amount involved in this matter?

THE HON. SRI M. BHAKTAVATSALAM : The value of the jewels that were stolen was estimated at Rs. 6,000 by the Gem Specialist of the Endowments Board.

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DR. A. SREENIVASAN: With whom were the jewels pledged?

THE HON. SRI M. BHAKTAVATSALAM: They were pledged with a pawnbroker.

SRI V. CHAKKARAI CHETTY: Since there is a Temple Committee, it is its business to enquire into the matter and why should the Government be called upon to take action in the matter?

THE HON. SRI M. BHAKTAVATSALAM: Sir, this was a matter of theft and criminal breach of trust and the Police had to intervene.

DR. A. SREENIVASAN: In view of such acts taking place often, after the appointment of Executive Officers, will Government consider the desirability of taking security from these officers before they are appointed to these posts?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. Security is generally taken. I may also tell the hon. Member that the Executive Officer is not in sole possession of the keys and that one set of keys is with the trustee, the managing trustee. But in this case, the managing trustee handed over his key also to the Executive Officer and entrusted to him the opening of the box and taking out of jewels. All that he did, but when he handed over the key back, he did so without locking. That is the default of the Chairman of the Trustees.

DR. A. SREENIVASAN: Why not remove the trustee?

THE HON. SRI M. BHAKTAVATSALAM: All that will be looked into. It is not a question of removal straightaway.

SRI MOHAMED RAZA KHAN: Apart from the action which is to be taken, what is the actual position of the jewels? Have they been returned or are they still with the pawnbroker?

THE HON. SRI M. BHAKTAVATSALAM: The jewels have been recovered.

SRI V. V. RAMASWAMI: இந்தமாதிரிக் களவுகளோ அல்லது வேறு விதமான நடவடிக்கைகளோ தகாத முறையிலே நடக்காமல் தடுக்க அரசாங்கம் என்ன நடவடிக்கை எடுத்திருக்கிறது? அரசாங்கம் என்ன உத்தரவு பிறப்பித்திருக்கிறது?

THE HON. SRI M. BHAKTAVATSALAM: இம்மாதிரி நடைபெறாத இருக்கத்தான் முடியுமென்றாலும் சாவி, எக்ஸ்சுயூட்டிவ் ஆபீஸரிடத்திலும் சாவி என்று வைத்திருக்கிறோம். ஆனால் இந்த இடத்தில் தவறி விட்டார்கள். இம்மாதிரி தவறக் கூடாது, ஜாக்கிரதையாக இருக்கவேண்டுமென்று சொல்லியிருக்கிறோம்.

SRI A. M. ALLAPICHAJ: In view of the fact that such a glaring mistake has been committed, what are the other steps that we should take to see that such things do not recur?

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THE HON. SRI M. BHAKTAVATSALAM: The only thing I can say is that what is laid down must be insisted upon.

DR. A. SREENIVASAN: Are the recovered jewels intact?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. I must say that these were stolen property and that, therefore, there is no question of paying any compensation to the pawnbroker.

DR. A. SREENIVASAN: The point is this, Sir. Is it true that the rubies and other things have been removed and that substitution has taken place freely?

THE HON. SRI M. BHAKTAVATSALAM: I have no such information, Sir.

SRI V. V. RAMASWAMI: இந்தக் கோயிலின் விலைமதிப்புள்ள நகைகளைப் பத்திரமாக வைத்துக்கொள்ள ஸ்டேட் பாங்கில் கொடுத்து வைக்கும் உத்தேசம் உண்டா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: எல்லாக் கோயில்களுக்கும் பக்கத்திலே ஸ்டேட் பாங்க் கிடையாது. அப்படி ஸ்டேட் பாங்கில் வைத்தால், அப்போதைக்கப்போது உற்சவங்களுக்காக நகைகளை வாங்க வேண்டியிருக்கும். உற்சவம் முடிந்து 2 மணிக்கு மேல் சில சமயங்களில் வைக்க வேண்டியிருக்கும். ஆகவே, ஸ்டேட் பாங்கில் வைப்பது என்பது முடியாத காரியம்.

Madras Medical College.

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

(a) when the B.D.S. degree course was introduced in the Madras Medical College;

(b) the total number of candidates selected so far since the introduction of the course; and

(c) the number of students who have qualified for the B.D.S. degree so far?

THE HON. SRI M. A. MANICKAVELU: (a) August 1953.

(b) Ninety-one.

(c) Six.

SRI T. PURUSHOTHAM: Out of the 91 students referred to by the Hon. Minister, only six have passed. Have the Government investigated into the cause of this low percentage of success in this course and will the Government tell us what action they propose to take to improve the efficiency of the department?

THE HON. SRI M. A. MANICKAVELU: The hon. Member has made a wrong deduction. Really the number of persons that appeared every year was four and out of that three have passed. Three out of four is very creditable.

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SRI V. V. RAMASWAMI : இந்த மாதிரிப் பரீட்சையில் தேர்வு பெற்றவர்களை உலுக்குடன் டெண்டல் கவுன்ஸிலில் பதிவு செய்யத் தாமதப் படுத்துவதால் அவர்களை வேலையில் எடுத்துக்கொள்ளத் தாமதம் ஏற்படுகிறது என்பது அரசாங்கத்திற்குத் தெரியுமா?

THE HON. SRI M. A. MANICKAVELU : ஆறு பேர்கள் இந்தப் பரீட்சையில் தேர்வாகியிருக்கிறார்கள். அதிலே இரண்டு பேர்கள் டெண்டல் மெடிகல் காலேஜில் அவரில் டெண்ட் புரொபெஸர்.க. எடுத்திருக்கிறோம்.

SRI T. PURUSHOTHAM : Will the Hon. Minister say what the figure '91' represents, because of the later interpretation?

THE HON. SRI M. A. MANICKAVELU : That shows the admission. For instance, it began with 18 and then it was increased to 20. But the number of people who appeared for the examination was only 4 in each year and out of this four, three passed.

SRI T. PURUSHOTHAM : Why should only four appear when there were 18 or 19 in a class? Does that not show inefficiency of the department?

THE HON. SRI M. A. MANICKAVELU : There is no question of inefficiency of the department, Sir. People who come up to the level of appearing for the examination, I know, in some cases do not appear; they simply undergo the course and go away. (Laughter.)

Deputy Inspectress of Schools.

* 92 Q.—**SRI V. R. RANGANATHAN :** Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that a Deputy Inspectress of Schools, Katpadi Range, in North Arcot district, was suspended about two years ago;

(b) if so, the date on which she was suspended and the date on which the report on the enquiry held into the charges framed against her was received by the Director of Public Instruction;

(c) whether any final orders have been passed by the Director of Public Instruction; and

(d) whether subsistence allowance has been paid for the whole of the period of suspension?

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

(b), (c) & (d) Do not arise.

Prohibition on the construction of sky-scrapers.

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

(a) whether there is any prohibition on the construction of sky-scrapers in Madras City; and

(b) if so, whether there is any proposal before the Government to liberalise the Building Rules in this regard?

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THE HON. SRI M. A. MANICKAVELU : (a) There is a restriction to the height of buildings in general.

(b) The question of liberalising the rules regarding the height of buildings to a certain extent is under the consideration of Government.

SRI T. PURUSHOTHAM : How many storeys are generally permitted in Madras City and other big towns?

SRI V. CHAKKARAI CHETTY : What is meant by sky-scraper? Does it mean a high, tall building and, if so, what is the height that entitles a building to be styled as 'sky-scraper' or sky-sweeper? (Laughter)

THE HON. SRI M. A. MANICKAVELU : According to the dictionary (laughter), 'sky-scraper' means a building with many storeys—s-t-o-r-e-y-s—and not 'stories'. Now, as per the rule prevailing, the height with regard to domestic buildings is 40 feet and with regard to other buildings, it is 60 feet. There is a proposal to raise it to 100 feet and it has not been finalised.

SRI T. PURUSHOTHAM : Is there any maximum height fixed under the Building Rules for construction of buildings in Madras City and municipal towns and is special permission to be obtained to put up high buildings particularly in the City of Madras?

THE HON. SRI M. A. MANICKAVELU : Yes, that is what I have been saying. There is a restriction; but there is now a move to raise the permissible height of the buildings to 100 feet. With regard to the other building, it is a question of granting special permission for that purpose. That is advantageous because now the space for buildings is very much restricted and in certain parts of the City, certain buildings with many storeys will be advantageous both from the point of view of the benefit of the people and also from the standpoint of scarcity of space for buildings.

SRI T. PURUSHOTHAM : Has the Director of Town Planning been consulted in the matter of granting permission for the construction of these buildings, I mean particularly the sky-scraper on Mount Road?

THE HON. SRI M. A. MANICKAVELU : I should think that all the usual formalities would have been gone through.

SRI JOHN ASIRVATHAM : Was any special permission granted to the Life Insurance Corporation to put up a huge building next to the State Bank of India on Mount Road?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir. Special permission was given. Those who have visited New York and other places would not call this a huge or tall building.

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SRI MOHAMED RAZA KHAN : How many storeys does the building on Mount Road consist of?

THE HON. SRI M. A. MANICKAVELU : Had I anticipated that the hon. Member would put such a question, I would have counted the storeys.

3-10 p.m. SRI MOHAMED RAZA KHAN : My point in putting that question is to know what made the Government take up this matter. After all, one building has come up. Inasmuch as the Government had taken up the proposal to have some sort of rules, I thought the Hon. Minister would be up with the information about the number of storeys the building would have and its height?

THE HON. SRI M. A. MANICKAVELU : I am not aware of the number of storeys it has. I know something about its height but I do not know the exact figure and I do not want to give a wrong figure.

SRI V. V. RAMASWAMI : இந்தமாதிரி நூதனமான, உயரமான கட்டடத்தைக் கட்ட அனுமதி கொடுக்கும் முன் அந்தப் பிராந்தியத்தில் இருக்கிற மற்ற கட்டிடங்களுடைய அழகு கெட்டுப்போகாமல் இருக்கவும், புதிய கட்டிடத்தின் அழகும் கெடாமல் ஒற்றுமையாக இருக்க சட்டங்கள் இருக்கின்றனவா? அதைப்பற்றி ஆலோசிக்கப்பட்டதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU : அந்தமாதிரியான சிக்கல்கள் இருப்பதால்தான், நன்றாகப் பரிசீலனை செய்து ஒரு ஒழுங்குக்குக் கொண்டுவந்து ரூல்ஸ் சரிப்படுத்தவேண்டுமென்ற உத்தேசம் இருக்கிறது.

SRI T. P. SRINIVASAVARADAN : Are the Government aware of the fact that there is relationship between the height of the building and the width of the road and that if at all there is any restriction, it would be only to provide enough sunlight?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir, under the rules the height of the building is to be related to the width of the road.

SRI P. S. KRISHNASWAMY AYYANGAR : May I know whether the construction of high buildings side by side with small buildings would not interfere in any way with the spread of Socialism?

Corporation of Madras.

* 94 Q.—SRI V. V. RAMASWAMI (on behalf of Sri M. Ethirajalu) : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have sanctioned any loan to the Corporation of Madras for construction of a dhobikhana at Saidapet; and

(b) if so, the amount so sanctioned and whether it has been utilised for the purpose?

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THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Local Administration) : (a) No, Sir.

(b) Does not arise.

SRI V. CHAKKARAI CHETTY : What is going to happen to the Dhobikhana at Saidapet?

THE HON. SRI M. BHAKTAVATSALAM : I have only information about the proposed Dhobikhana in Saidapet and the water there being brackish, the proposal has been deferred.

MR. CHAIRMAN : Questions are over.

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

III.—GOVERNMENT BUSINESS.

DISCUSSION ON THE MEMORANDUM SUBMITTED BY THE GOVERNMENT OF MADRAS ON THE REPORT OF THE OFFICIAL LANGUAGE COMMISSION.

THE HON. SRI C. SUBRAMANIAM : Mr. Chairman, Sir, I beg to move—

“ That the Memorandum submitted by the Government of Madras on the Report of the Official Language Commission be taken into consideration.”

Hon. Members are aware that the language problem had to be studied in all its aspects when a Commission was appointed under the provisions of the Constitution for the purpose of enquiring into the various steps that had been taken for implementing Part XVII of the Constitution. When that Commission was appointed, this Government felt that the language problem should be studied in its various aspects, particularly those aspects which had not been taken note of at the time of framing of the Constitution. Those factors were the States had been reorganized or there were proposals to reorganize the various States on the linguistic basis and because of these, there were certain tendencies evident in the country with reference to the regional languages which were being used for various purposes in the various States of the country. Particularly it was felt that the regional language should get a predominant place in the administration of the State concerned and there were doubts expressed whether Hindi could become the official language of the Union, in the year 1965, as provided for in the Constitution. When we studied this question, we found that there were many controversial issues involved. Therefore, we thought that it would be advisable to take counsel of all the various political parties which were functioning in the Legislature and also to consult persons who had a special knowledge of those problems. That was why Leaders of Parties in the Assembly and in the House and some other persons interested in the language problem were called for consultation by the Government. After such consultation, we came to an agreed solution or an agreed decision with reference to the memorandum

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which was to be submitted by the Government of Madras. In consonance with the decision taken at that all-Party Leaders' meeting, the memorandum was drafted and submitted to the Language Commission.

The Language Commission, after touring the entire country, taking evidence and consulting the various persons who were interested in the language problem, submitted their Report to the Government of India. When that Report was published, it gave rise to a certain amount of disappointment particularly to the Madras Government, because the solutions which had been suggested by them for the purpose of solving the knotty problems that were facing the country had just been ignored and brushed aside. As a matter of fact, the Commission not only failed to take note of the various points put forward by the Government of Madras but also failed to take decisions in respect of certain important matters, and those decisions were absolutely necessary for the purpose of satisfying the people belonging to the non-Hindi region. The specific question posed to them was whether 1965 was the realistic target date for the purpose of making Hindi the sole official language of the Union. Fortunately or unfortunately, the Language Commission declined to answer that question and they said that a Commission which would be appointed in the year 1960 might go into it and answer it. But, unfortunately, they went into various other aspects of the language problem and expressed certain opinions which created apprehensions and doubts in the minds of the people belonging to the non-Hindi States. It was under those circumstances that a Parliamentary Committee was appointed for the purpose of studying this Report and then making recommendations to the President to enable him to formulate his orders as provided for in the Constitution. The Government of Madras thought that the matter should not be left at that stage and that they should pursue the line they had already taken. They wanted to submit another memorandum to the Government of India and to the Parliamentary Committee and, as on the previous occasion, they wanted to consult all the Party Leaders in the Legislature. That was why another conference was convened in which this language problem was considered in all its aspects and thanks to the wisdom of the Leaders participating in that conference, we came to agreed conclusions on all matters. It was only on the basis of those agreed conclusions that the second memorandum was drafted for the purpose of being presented to the Parliamentary Committee and to the Government of India. It is that memorandum that is now being placed before this House for its consideration. I am sure the hon. Members would have studied that memorandum. That memorandum itself had become a matter of controversy because a certain Leader who took part in the deliberations of that conference chose to take a different view at a later stage and he went to the length of saying that he never gave his concurrence to that memorandum. But, fortunately, even that controversy has been set at rest now. Even that Party has agreed

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now that it did give its general concurrence to that memorandum. Therefore, as far as that memorandum is concerned, that controversy has ended.

Now, we have got to consider the various proposals which have been set out in this memorandum for the purpose of finding out whether those proposals are good enough for our acceptance and whether this problem of language can be solved on the basis of the memorandum which we have prepared and submitted to the Parliamentary Committee and to the Government of India. The memorandum has set out in detail the various questions arising out of this main problem of language. It is divided into various sections and in each section a particular topic is considered and the final conclusions are stated. I am sure the hon. Members will agree with me that as far as sections II, III, IV, V and VI are concerned, there can be no possible difference of opinion. Section II deals with language in schools and the proposals in this section are based on the decisions which we have arrived at with reference to our educational scheme. It is only that scheme that we have accepted unanimously for our school curriculum that has been put forward in section II. Hon. Members may pardon me for bringing to their notice the relevant portion of the proposals contained in section II. This is what is stated therein—

“The fact that Hindi is referred to as an Optional Third Language while English is referred to as a compulsory Second Language has given rise to adverse comment. At this reorganization of the courses of study of Secondary Education, it will be desirable to group together the study of all languages as one subject and divide the subject into three parts as below :—

Languages—Part I : Regional Language.

Languages—Part II : Hindi or any other Indian Language not included in Part I.

Languages—Part III : English or any other non-Indian Language.”

We have divided the study of languages into three parts up to the secondary stage and that has been put forward in section II.

With reference to section III, that is, language in colleges, the Language Commission has expressed a point of view that it would be in the interests of the unity of the country and that it would be in the interests of maintaining the standard of collegiate education if we have a common medium of instruction for the whole country. Therefore, they had expressed the view that in case English was to be replaced, it should be replaced by Hindi at the collegiate level. Unfortunately, we could not agree to the suggestion made by the Official Language Commission. We have made it clear in section III that at no time we could agree to Hindi becoming the medium

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of instruction in our State. We are hoping that that would be the standpoint which would be taken up by other States also where Hindi is not the regional language. As far as the question when English should be replaced is concerned, that is a question on which we need not have any discussion at present because that is a matter that we have got to decide amongst ourselves. Proper authorities at the appropriate time will take decisions with regard to that. But the question is in case English has got to be replaced, which is the language which should replace English at the appropriate time, whatever might be the appropriate time. We came to the unanimous conclusion that in case English had to be replaced at the University level, it should be done by the regional language and not by Hindi.

As regards the language to be used in offices and institutions under the control of the State Governments and in the State Legislature, there can be absolutely no doubt that the regional language has got to function as the language of administration in the various States. As far as this is concerned, we have already passed the Official Language Act for the State and we have accepted Tamil as the State language.

Then, as far as the language in High Courts is concerned, the Official Language Commission has expressed the view that it may become necessary to make Hindi the language of the Courts at the High Court level. After full consideration of that subject, the conference of Leaders of Parties came to the conclusion that it was not desirable because it had got its own repercussions on the medium of instruction at the University level and in other educational institutions. Therefore, we have suggested that the High Court being an institution which serves exclusively the people of a particular State, the language of the State should be the language of the Courts also up to the highest level including the High Court. As far as that is concerned, I do not think that there will be any difference of opinion. When English could be replaced and any other language introduced at the High Court level is a different matter altogether. We are talking of the problem, in case English has got to be replaced, which should be the language which will take the place of English. There is absolutely no doubt that the official language of the State should be the language of the High Court also.

Section VII is the important section about which there has been a good deal of difference of opinion and there has been a good deal of controversy also of late. This is with reference to the official language of the Union. Now, in considering this question, we have to keep in mind that this is a problem not only concerning the Madras State or the Andhra State or the Kerala State or the Mysore State, but that this is a problem concerning all the States comprised in the Union. Therefore, any solution which we may try to arrive at should be acceptable not only to the State of Madras or to the neighbouring States but it should be a solution which will

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be acceptable to all the States concerned. It was from that point of view that we considered this problem in the conference, and we considered another aspect also. That is, 'Shall we take up a point of view which should be for the purpose of putting forward to the Parliamentary Committee or to the Government of India an extreme point of view so that from that position we may bargain and arrive, later on, at a compromise formula which may be acceptable to the entire country, or shall we take up a position which we consider just and equitable with reference to all the States and stick to that decision and insist that that decision should be implemented?' After a full discussion, we came to the conclusion that the best thing under the circumstances would be to state our position clearly and then make proposals which would be acceptable to us and which should be acceptable to others also and it would not be possible for us to go back upon that decision or to water down that decision to any extent. Some people think that in arriving at solutions, it is better that we take an extreme position in the beginning itself and allow other persons also to take another extreme position and then arrive at a compromise formula. In my own humble view, if it is a matter concerning a few people, particularly a few enlightened people, taking of an extreme attitude like that may not do any harm. But, this is a problem which concerns the people, particularly the common people more and more. When we take an attitude, we have to put forward that attitude to the people as a whole, and we have to maintain it till we arrive at a compromise formula. Otherwise, the stand we take will have no meaning at all. Therefore, we will have to insist that the extreme stand that we have taken is the just point of view. It is only on that basis that we will have to put it to the people. Therefore, we will be educating the people that the stand which we have taken is with the mental reservation that we are going to arrive at a common formula later on. We will have to tell them that it is only for the present that we have taken this extreme attitude. But still, we cannot put that forward openly and say to the people also, 'No doubt, we have taken an extreme attitude but this is only for the purpose of arriving at a formula.' Therefore, it would become necessary, when we hold an extreme point of view, to educate the people and do propaganda for that and say, "This extreme point of view is the just thing; that alone would help us, any other solution would harm us." Suppose we do propaganda on that line and later on, as we ourselves think it necessary, we come to some compromise solution. Then we will again have to go back and say, "What we have till now stated is not correct. No doubt, we took that attitude in the interests of the country to arrive at a compromise formula". The people would certainly think that we had yielded due to our weaknesses and ask, "If at any time what you had put forward was just and equitable with reference to our State, how could any other formula be satisfactory to us?" This is how ordinary and common people would look at it and would only say that this Government do not have enough strength to insist and carry through their proposals which

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they think are in the best interests of the Madras State. That was why the Government were in a very difficult position to come to a decision. Because, if we take an extreme attitude under the advice of certain persons and then put it to the people that this would be the most satisfactory solution as far as our State is concerned and if we resile from it later on and support any other compromise formula, then to that extent I don't think that it would be possible for us to satisfy the people. All sorts of motives would be attributed to the Government. Particularly the Congress Party being in power, it would be said that the Congress Party had been intimidated by the All-India Congress Party to accept certain solutions which were not beneficial to the Madras State. That was why we considered this problem and wanted to arrive at a decision which would be satisfactory to us and which would not harm us in any way and then stick to that solution and tell everybody, "This is our solution which will be satisfactory to us and which will be acceptable to us and anything less than this will not be acceptable to us". There is no question of bargaining on this. That was why when we considered the question of the Union official language, we thought that it was better to take a firm stand and that that stand should be taken with reference to a solution which would be acceptable to all and which, at the same time, would not harm our interests in any way. That is the attitude which, the Leaders also thought, was the correct stand. It is only on that basis we came to the conclusion that this bilingual formula would be the only solution to this tangled problem of language in this country. When there are fourteen national languages recognized in the Constitution, it would not be practicable to adopt all those languages as the official languages and carry on the administration and the work in the Parliament. Therefore, the best solution would be to adopt English and Hindi as the official languages of the Union and see how these things develop later on and perhaps, final decisions could be taken 25 years or 30 years hence. My own view was—and that was the view of others also—that once we came to understand this, that is, the advantage of having English also as the official language along with Hindi, this bilingualism might become a permanent pattern. But if the future generation thinks that bilingualism is not necessary, it might be open to it at that time to take a decision as to whether all the languages should become the official languages of the Union. It was only from that point of view that we came to the conclusion that English and Hindi should be continued as the official languages for a "prolonged period". That is the expression we have used here and we have used the term purposely and knowingly.

Then, the question arose, if we put forward this formula of bilingualism as the solution to this language problem, whether it was necessary to amend the Constitution to give effect to this formula. After a good deal of discussion, we came to the conclusion that it was not necessary and that, under the existing provisions of the Constitution, it would be possible to continue English also along with Hindi as the official language of the Union. That

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is why we have suggested in this memorandum that action should be taken under Article 343 (3) for making English also available for use for official purposes even after the target date of 1965. But I may make the position quite clear, Sir. My own view is that Article 343 (3) is sufficient enough to give effect to our formula. But, if later on, some Constitutional Pundits should come to the conclusion that, under the existing provisions of the Constitution, it will not be possible to continue English and Hindi side by side as the official languages of the Union, then the Constitution should be amended but that our formula should not be given up. That is our attitude. Therefore, if we to-day say that it is not necessary to amend the Constitution, it is not because we accept whatever might be the attitude but with reference to the Constitution, we accept it. But as interpreted by legal pundits to-day and with reference to the legal opinion available to us, we are of the opinion that this formula of bilingualism for the Union could be given effect to under the existing provisions of the Constitution. That is why, Sir, I want to make it again quite clear not for giving any clear indication to this House because this House is aware of it but to others concerned with it, that we should not be told later on, "You have accepted the Constitutional provisions. Therefore, only to the extent possible under the provisions of the Constitution, we should solve this language controversy". On the other hand, we want to make it clear that this is the solution we want to arrive at, that is, the bilingual formula for the Union language. If it is possible to give effect to it under the existing provisions of the Constitution, well and good. But if, at a later date, that is, in 1965, it is felt that the Constitutional provisions stand in the way, then we want to make it clear that it is the Constitution that will have to be amended and not our formula. I am sure this would make the position clear to this House and also to all the persons who are concerned with the solution of this problem. I have made this clear not only in the Legislative Assembly but also in all quarters where it is necessary to do so. Therefore, there need not be any doubt or apprehension in the minds of hon. Members that later on the Constitutional provisions may be advanced as an argument against accepting our formula. It is not going to the case. What we want is the implementation of the formula which is stated in section VII of our memorandum. It is unnecessary for me to go into other details.

Another important section is section VIII which deals with the language in Union Public Service examinations and departmental examinations. With reference to this question, the Union Services have been divided into two categories. The first category is confined to the limited territory of the State. For example, take the Postal Service and the Railway Service. They have to function for each State, with reference to that particular State and the people of that State. So also the various other offices located in the various parts of the country have to function for the purpose of administering the laws of the Union. In respect of those Services,

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even the Union Public Service Commission has accepted that the officers will have to deal with the people and that, therefore the main language which they would have to use should be the language of the State concerned. Still, they will have to function as officials belonging to the Union and there should be a language-link between those Services of the Union. Therefore, whatever decision we might take with reference to the Union official language, that language will have to be known to these people. Therefore, in respect of these Central Services, they will compulsorily have to possess knowledge of the State language and, whatever be the Union official language, they should have knowledge of that language also. For this, it is said that it would be either English or Hindi—if it is English, knowledge of English alone is necessary and if it is Hindi, knowledge of that language alone is necessary. So, as far as this is concerned, I do not think that we can disagree with the recommendation of the Commission.

With reference to the Central Services which have got to function with reference to the entire Union, difficulties arise particularly if the various States happen to adopt the regional languages as the languages of the States and also make necessary changes in the medium of instruction at the University level. Then, it would not be possible for students to sit for competitive examinations in any one common language. Therefore, this problem had to be studied from the point of view of its various implications. With reference to that, we came to the conclusion that for the present English and Hindi should be available as the medium of examinations for recruitment to the Central Services and that later on, if a regional language was adopted as the medium of instruction at the University level, then that regional language also should be a medium of examination at that particular stage. We also came to the conclusion that in that connection various methods of moderation should be adopted for the purpose of assessing the merits of the candidates. Those methods of moderation are not unknown and they are prevalent in other countries. Therefore, those methods should be adopted here also. These are the problems and we have put forward various suggestions for the solution of this language problem.

Then, there is the question of language in Parliament. I do not think there is any controversy about it except for the good and useful suggestion put forward by the hon. the Leader of the Opposition that there should be simultaneous translation from Hindi into English and from English into Hindi. That suggestion we have accepted and we have put forth that suggestion in this memorandum.

Then, there is the question of language in the Supreme Court. That would not be a matter of controversy. As long as English continues to be the Union official language, English can be used in the Supreme Court. I do not think that within any foreseeable

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or near future, we could change the language in the Supreme Court either to Hindi or any other language. English will have to continue to be that language.

Then, I come to the question of the language of inter-Governmental communications. Here also I find that there is a good deal of misunderstanding. When we say that English and Hindi should be continued as the Union official languages, it is intended that all communications should be sent in both the languages. If a communication is sent in both the languages, as far as Madras is concerned, we may look into the English version of it and we may ignore the Hindi version. In another State where Hindi is the State language, they could take note of the Hindi version and ignore the English version of it. Thus, the bilingual formula gives the choice and option to the various States to look into either the English version or the Hindi version, as the case may be, of the communication. We need not insist that no Hindi communication should be sent to a non-Hindi State. In getting such communications nothing is lost. When we get a Hindi version, perhaps some people who may be knowing Hindi also may look into it also and know what it contains, what the language used is and all that. Therefore, there is no question of communications being sent to Madras in Hindi alone. If our formula is accepted, the communications will be in both Hindi and English and according to the language we may choose, we may look into the communication in that particular language.

I do not think there is any other point which I should refer to at this stage. But I should express my thanks to all those—particularly to the hon. the Leader of the Opposition, Sri T. M. Narayanaswamy Pillai, Sri K. Balasubramanya Ayyar and Sri Mohamed Raza Khan—who were present at the Party Leaders' Conference and who took a very objective view, a dispassionate view, and wanted to find a solution which would be acceptable to the country as a whole. Therefore, I am greatly indebted to them and I want to express my thanks on my own behalf and on behalf of the Government for the very valuable help and guidance which they gave in the conference in considering these various knotty problems. I am sure that after full consideration of the memorandum, this House will endorse the proposals we have made in the memorandum. It is not only the Assembly that has to endorse the memorandum but also the combined wisdom of elder statesmen here. If they give their endorsement to the points of view put forth in this memorandum, I have absolutely no doubt—I am quite confident, I am confident with reference to known facts—that our formula would form the basis for the solution of this language problem. We may also then take a certain amount of pride that after all, Madras has given even now a compromise formula, for the compromise formula which we now find in the Constitution itself was a 'Madras' formula put forward by the late lamented Gopalswamy Ayyangar. We may have the satisfaction if this formula is accepted that once again with reference to this knotty

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question, it is Madras that has been able to give a compromise formula acceptable to all parts of the country. Therefore, I would request hon. Members to consider the various proposals in this memorandum and ultimately give their unanimous concurrence to them. Thank you, Sir.

MR. CHAIRMAN : Motion moved—

"That the Memorandum submitted by the Government of Madras on the Report of the Official Language Commission be taken into consideration."

I have received notice of two amendments, one from Dr. V. K. John and another from Sri T. Purushotham. Both the hon. Members may now move their amendments and then the discussion could be carried on.

SRI T. PURUSHOTHAM : Sir, I move the following amendment :—

'Add the following at the end of the motion :—

"and on such consideration, this House approves the proposals contained in the memorandum."

The amendment was duly seconded.

3-50 p.m. * DR. V. K. JOHN : Sir, after consulting my colleague, the hon. the Leader of the Opposition, I have made slight changes in the amendment I have given notice of, which you may kindly allow me to read. Sir, I now move the amendment in my name which will read as follows :—

'Add the following at the end of the motion :—

"and on such consideration, taking into account the views expressed by several leaders of non-Hindi States, this House recommends to the Government to urge upon the Government of India to take such steps as are required to amend the Constitution of India by deleting Part XVII of the Constitution and to consider the whole question of the several languages which should be recognized as the official languages of the Centre when the languages might have developed sufficiently for this purpose."

MR. CHAIRMAN : This amendment is entirely different from the original amendment given notice of and we will have to take it as a new amendment.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, I second it.

MR. CHAIRMAN :—Now the motion and the amendments are before the House for discussion.

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* DR. A. LAKSHMANASWAMI MUDALIAR : Mr Chairman, Sir, I think the debate on this question will be a historic one in this House and many persons outside this House and many persons outside this State will naturally be interested about the trend of the discussion that is to take place here. Let me state at once that I am anxious to consider this question without any emotion and without any sort of prejudice for one view or the other. As this is a question that is going to affect not those who are sitting in this House but the future generations for many decades, we will have to consider whether we have done the right thing or not.

Let me, in the first instance, not by way of compliment, express to the Hon. Mover and the Government our gratitude for having given an opportunity to this House to debate this question. Let me also state that we are thankful that they gave us an opportunity as Leaders of parties to be present at an informal conference that was held, and to give expression to our views. I do not, for a moment, suggest that the Government had not taken note of our views but in one respect I would be pardoned if I state that after all, we had our own limitations and that we realized at an early stage that the memorandum was that of the Government and that it was not for us, therefore, to modify certain expressions or tone up certain expressions or accentuate some expressions contained in the memorandum and perhaps some of us, if left to ourselves, in our impetuosity might have put things much more strongly than the Government. The very fact, Sir, that this memorandum does not bear the signature of those who attended this conference is a sufficient justification for us to say that while we recognize the good intentions of the Government and while we deeply appreciate the sincerity with which they tried to understand us, the memorandum must be treated as a Government memorandum and not as an all-party memorandum. There were certain views which were expressed at the conference which the Government felt were not necessary and I for one did not feel inclined to press that point in the light of what I have now stated.

But more important than that is another aspect of the matter. I think I am right in saying that much water has flowed under the bridge since that conference was convened by the Government; we have had two conventions, one in Madras and another in Calcutta. We have read several leaders of the political parties giving expression to their views in no uncertain terms and giving much room for thought at least for some of us. We have had a very historic debate in one of the non-Hindi State Legislatures of the country which certainly must give everyone of us considerable food for thought. In the light of this experience and other experiences, we feel that a step should be taken which will make the position even more clear than what is stated in the Government memorandum itself. It is not that we do not appreciate

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parts of the memorandum but the issue being so very, very important, we want to make our views perfectly clear to the authorities concerned. If, on the other hand, the Government memorandum were the last word on the subject and if the Assembly and this House should express their opinion on the basis that this memorandum will be the memorandum which will be implemented, then, Sir, perhaps our attitude would have been a little different. But I do not think even the Hon. the Mover of the proposition can claim at this stage that it is possible or even reasonable to expect that the views expressed by this State Government would meet with the wholehearted concurrence in essentials of those who finally have to decide our destinies. In that view, I think the Treasury Benches must not be surprised about the nature of the amendment that has been moved by my hon. Friend the Deputy Leader of the Opposition. Incidentally, may I say this? It is true that the language conventions in Madras and Calcutta were attended by many people who have reached old age. As one who is also passing through old age, I feel considerable sympathy for them and I do hope that age will not be thrown at our faces and that we will not be condemned on the ground that old fossils can never improve. There may be much wisdom in youth and I heartily reciprocate that statement. But, Sir, the views of some of those great men, who have been leaders almost since our childhood as it were, cannot be ignored on such a ground and I do plead that their statements certainly have had a great deal of influence on us. We respect them and venerate them for the manner in which they have come forward to express their views in these difficult times against much opposition, against calumny and against all criticisms. They have expressed their views frankly, fully and definitely. We thank them and I wish to express our indebtedness to them.

Let me now turn to another aspect of the question. I have already stated that many things have occurred since the memorandum was placed before us. Let me also refer to certain trends in the Hindi-speaking areas which probably the Hon. Members on the Treasury Benches may not be quite aware of. I know that, unfortunately for us, the manner or the atmosphere in which this question is being approached is not the quiet, dignified, free, salutary and cool atmosphere which prevails in this Council. Let me also say that this is not the first occasion that such an attitude has been adopted. Let me take the hon. Members to the history of the question, viz., how this official language came to be adopted. The Hon. Minister who moved the Resolution referred slightly to that. But let me give what has been reported in print and has not been contradicted. From what I ventured to verify from others, this question was hotly debated at a meeting of the Congress Party and then the debate was continued and in the Constituent Assembly even more than in the present Lok Sabha—the Congress Party meant the Constituent Assembly and the Constituent Assembly meant the Congress Party—and anybody who dared to say anything would at once be condemned as a British stooge and would

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not be allowed to open his mouth. What happened at that meeting? Opinion was equally divided and I understand, subject to correction, that the Hindi-speaking people were for it and the non-Hindi-speaking people were opposed to it.

THE HON. SRI C. SUBRAMANIAM : Opposed to, what?

* DR. A. LAKSHMANASWAMI MUDALIAR : Hindi-speaking people were for it and the non-Hindi-speaking people were opposed to the official language being Hindi. It was the Chairman of that meeting that gave his casting vote and that was a very unusual procedure in most of the democratic assemblies. I am saying this subject to correction.

THE HON. SRI C. SUBRAMANIAM : Sir, I wish to correct ^{4 p.m.} the impression which the hon. the Leader of the Opposition has got. This was a very controversial question. Ultimately, it was this compromise formula that came up for discussion in the Party meeting and after a heated discussion, this compromise formula as now contained in the Constitution was put to vote. Opinion was equally divided. Therefore, it was not as if the question of having Hindi as the official language was put to vote and there was equal division on that, and then the compromise formula was put to vote and opinion was equally divided. Therefore, as I have already explained on another occasion, the question was not whether Hindi should become the Union official language. The question then was whether Hindi should become immediately the Union language or whether the compromise formula should be accepted. Therefore, this compromise formula, that is, postponement of the question for fifteen years, was passed with the casting vote. I want to remove the wrong impression, as one who was intimately connected with the proceedings concerned.

* DR. A. LAKSHMANASWAMI MUDALIAR : I thank the Hon. Mover for this information. All that I can say is that I cannot congratulate our representatives who took part in that and allowed the compromise formula to be put to vote. The same attitude will be developed and it is being developed.

THE HON. SRI C. SUBRAMANIAM : I wish the hon. the Leader of the Opposition had been there.

* DR. A. LAKSHMANASWAMI MUDALIAR : Well, the Leader of the Opposition was not there, and he does not pretend to have any wisdom. But I know definitely that this compromise formula had to be suggested as otherwise the very Constitution would have foundered and there would have been enough of difficulties. To have a solution in that respect, I think those who suggested this compromise formula have to be thanked for it because they enabled the Constitution to be framed whereas in another neighbouring State the Constitution is still to be framed.

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I shall refer to another question and that is that in some of the States even without the Constitution having been fully given effect to, changes have been introduced. I have here a book 'The Constitution of India' by an important author who states in its preamble that in one of the Hindi-speaking States even before the question was settled according to the Constitution, the State had taken up the question of implementing Hindi as the State language, not according to the conditions of the Constitution but according to its own decision. The procedure is laid down in the Constitution that the State has got to get certain obvious sanctions before it can adopt . . .

THE HON. SRI C. SUBRAMANIAM: I am sorry I have to intervene. There is likely to be some misunderstanding with regard to that subject. The State is the ultimate authority with reference to the State language. That is how we adopted Tamil as the State language here. I do not think that we need the sanction of anybody for that purpose. We are sovereign for that purpose.

DR. A. LAKSHMANASWAMI MUDALIAR: May I refer to Article 347 of the Constitution? It says—'On a demand being made in that behalf, the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognized throughout that State or any part thereof for such purpose as he may specify.' That is the provision made. That was not fulfilled in the year immediately after the Constitution was framed when a State suddenly said that Hindi would be the official language.

THE HON. SRI C. SUBRAMANIAM: I would like to know which State that is and what the decision taken was. Article 345 says—

"Subject to the provisions of Articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State.' Article 347 gives protection to the linguistic minorities. So, that question does not arise at all, and as far as I can recollect, that question has not arisen so far.

DR. A. LAKSHMANASWAMI MUDALIAR: I am not referring to this State.

THE HON. SRI C. SUBRAMANIAM: For any State, I say.

* DR. A. LAKSHMANASWAMI MUDALIAR: Here is the recorded evidence that in one State this provision was not accepted and that the State language was enforced. But, leaving that aside,

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considerable discussion arose as to the necessity or otherwise of a change to be effected in the Constitution itself. The Hon. Minister has argued that no change is necessary because the Article provides for the Parliament to pass certain rules or laws in regard to these purposes. May I invite the attention of the House to Article 344 which says, 'The President shall, at the expiration of five years from the commencement of this Constitution and thereafter at the expiration of ten years from such commencement, by order constitute a Commission which shall consist of a Chairman and such other members representing the different languages?' It is under this provision that the President constituted an Official Language Commission five years after the Constitution came into force and it is under this Constitutional provision that the President is bound—because the word is 'shall'—to appoint another Official Language Commission at the end of ten years after the Constitution came into force. Now, some of us felt that it would certainly keep the whole language question once more in the public eye, create an agitation and make it more or less a very controversial matter if the Official Language Commission were to recommend something and it is for the President to decide how far and to what extent he can comply with the recommendations of the Commission. The terms of that Commission which is to be constituted—I shall take it—in 1961 are the same terms which were applicable to the Commission that had been appointed. And knowing as we do what the result may be, we can well feel that the Constitutional provision, unless it is removed, will necessitate a second Language Commission to be appointed in 1961 and that it will be that Language Commission that will decide the future and not all the memoranda which are being submitted by the Madras Government.

Now, let me take up another point. It seems to me that in regard to this question, what we have got to consider is not what the greatest common measure of agreement will be. In regard to a very important question like this, it must be clearly stated what the position with regard to the non-Hindi-speaking areas is. Let me here refer to a series of lectures that were delivered by a great Constitutional lawyer under the auspices of the University of Madras—my hon. Friend Sri K. Balasubramanya Ayyar will bear me out in this connexion. Sir Ivor Jennings, a Constitutional lawyer, who was a Professor in the London University, later became the Vice-Chancellor of the University of Ceylon and, in fact, was responsible for the framing of that Constitution subject to such views as the political party might have given. He stated in the course of his lectures that in Constitutions generally this question of fixing an official language was not dealt with but that it was left to the Parliament to decide from time to time or as exigencies arose. Where there might be views which should be taken into consideration, to implement it in a more or less hidebound manner, he said, was not a method generally adopted in regard to Constitution-making. Well, that may be a different proposition. Our Constitutional experts did not agree with him. I am only mentioning

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this as one of the things that might have been taken note of and that there would hardly have been any necessity for a directive in this manner being provided in the Constitution itself.

There is another point that I should like to touch upon. In these debates it is generally stated that we in South India generally are anxious to secure jobs in Central Government Services. In fact, some people have gone to the extent of suggesting reservation in their generosity. After all, we are directed by others and we have very little initiative so far as the Centre is concerned for various reasons into which I do not want to go. It may not be pleasing to my friends on the Treasury Bench but it is my firm conviction that in regard to many of these things we have to follow the lead. So long as that lead is correct, so long as there is one person there who can see that justice is done, I for one will not hesitate to take that lead, but other circumstances may prevail. I want to disabuse the mind of those who feel that our one object in making these recommendations is to see that more appointments are secured for our people. Sir, that is the last thing that we have in mind. I can even go further and say, from an analysis of the trends of recruitment to the Central Services in various spheres of activity within the last ten years, that in each year lesser and lesser number of people are being recruited from South India, possibly because they have not sufficient literacy or they do not come up to the standards required. But whatever it may be, I should like to state that our object in referring to this language question is not at all to take into consideration the posts that might be available. In fact, my own advice is—if it is an advice worth while being given by me—that the less we think of these All-India Services, the better it will be for us. We should very largely be more and more interested in trade and commerce. I hope and trust that there will be more and more opportunities for service after professional education which will keep us free from the necessity of approaching the powers that be for the crumbs that may fall from their tables. I am not speaking in any sense of frustration. But I can say that even though a few people may get into the Central Services, their position will not exactly be all too pleasant. But that is a different matter. Things may improve and I hope by God's grace, they will improve. (Interruption.) I do not agree with the Hon. Minister when he cites the Dravida Munnetra Kazhagam on all occasions. I have nothing to do with it.

THE HON. SRI C. SUBRAMANIAM: I think the stand taken by the Dravida Munnetra Kazhagam is the only stand that will be acceptable to the hon. the Leader of the Opposition.

* DR. A. LAKSHMANASWAMI MUDALIAR: Not at all. There is no necessity to draw any such inference. I hold the view that it is better to look up to ourselves more and more than to the appointments at the Centre which may not be available. I hold the view that it will be very difficult for those in the Central Services,

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in the administration that is prevalent there to carry on; they must work with a conscience and they must have a certain amount of freedom from worries.

THE HON. SRI C. SUBRAMANIAM: My only object was that other people should not misunderstand that the hon. the Leader of the Opposition is subscribing to the view of the Dravida Munnetra Kazhagam.

* DR. A. LAKSHMANASWAMI MUDALIAR: If the Hon. Minister is pleased, I have no objection.

Why I bring the Central Services into consideration here is this. Even in regard to appointments which are more or less confined to this State, knowledge of Hindi is absolutely necessary. I am glad and I am grateful to the Language Commission that in regard to Class IV servants, they have given a certain exemption from the necessity of knowing that language. I should like to know whether this is absolutely necessary in the case of other poor people who are confined to this State.

Recently, an order was passed that all telegraph clerks should learn Hindi within a certain period. I would go further and say that it is even rumoured (and, in fact, a statement has been forwarded to me for which I take no sort of responsibility) that from very high quarters directives were given within a short time of the appointment of the Official Language Commission that all people in the Central Services must be given education in Hindi more or less compulsorily even within the official hours and that they must be in a position to learn Hindi and use Hindi in the departments concerned. That shows the trend of events, Sir. I will not say more about it. Sir, after all, we have a fear. We have our own ideals, we have our own culture. It will not be appreciated by everybody. We have our own traditions here. I wonder whether with the heat with which this language controversy has been conducted, many of these things may not be upset. The leader of a political party recently said—I hope most of the Members will understand it—(Angresi ko Hatov) अंग्रेजी को हटाओ which means 'neck out English'. Whatever your stand may be, surely that is not the way in which an expression should be given.

Sir, the argument is often advanced that as 42 per cent of the people know Hindi, it should be possible for the other 58 per cent also to learn it easily. Hindi is known as a spoken language by 42 per cent. Even there, there are four different types in this very language. That is, the people of Rajasthan will not understand what the people of Bihar speak or the people of eastern Uttar Pradesh will not understand what the people of western Uttar Pradesh speak. I do not want to enter into these linguistics. All that I say is that the argument that 42 per cent of the people speak that language is a very poor argument. It is only about the spoken language. If you go to the literacy part of it, I wonder

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whether the percentage will not dwindle down to a very insignificant number. When we take the literacy part, the Malayalees will produce a larger number than that of even all the Hindi-speaking areas put together. I should like, if at all any enumeration is made, to take that aspect of it into consideration. But that is not an argument to be suggested. Suppose now at the Bandung Conference it is suggested, "As the Chinese language is spoken by 600 million people, let there be one Asiatic language and let it be Chinese". Of course, at once the argument will be that Hindi is our own language or Indian language and that the other is not. But I may tell the House that it is a very wrong analogy to say that because so many people speak Hindi, everybody should learn it. Recently, Sir, the Planning Commission has been at great labour in this. All the departments, all Commissions, everybody has naturally to see to this.

4-20 P.M. Sir, I had the privilege of meeting Dr. Penfield, a neurosurgeon, in Montreal. He gave me two pamphlets, which have been published, being copies of his talk in Delhi. He has suggested therein that between the ages of four and ten, a child can learn several languages more easily than at any other part. Any parent who is living in bi-lingual or multi-lingual areas will fully support this proposition. It has been argued that there is nothing wrong whatever if the child is taught three languages and that, therefore, these languages must be learnt. I have subscribed to the alternative of the Government of Madras that that language must be a language of choice. Let me state that, because of the neighbouring States and for others who wish to have a classical language, whether it is Sanskrit, Persian or Arabic, this opens the door. Hindi, as I can see, has almost exterminated the possibility of Sanskrit learning spreading in the country. People who are students and who have been taking Sanskrit in many colleges have now wholeheartedly turned to Hindi because of its monetary value, if for no other reason. Nearly 4,000 students in the University are learning Hindi and the number has dwindled to less than a thousand so far as Sanskrit is concerned, a thing which has considerably worried many. But we do not know what we are to do in respect of this matter. We have tried our level best to persuade the Principals to admit students for Sanskrit study. We have even suggested that concessions should be given for having that taught through private study while undergoing the studies in the college itself, if the number is so few.

That apart, Sir, I want to say that Dr. Penfield laid down three conditions in regard to the learning of languages. The first condition was that the child should be taught by a person whose mother-tongue is the language to be taught. A Frenchman should teach French. A German should teach German. The second point which is very important is that the child should live in surroundings where practically no other language will be spoken. This is a very important thing. How does my little grandson know three

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languages, English, Telugu and Tamil? It is because he has got to live—no doubt, it may be a domestic surrounding—in such an environment. The Mover of the Resolution will also subscribe to it that it is very easy for children to learn languages if they have the necessary environment. In non-Hindi areas environment cannot help in the learning of Hindi. Then, we must also remember what Dr. Penfield said. He said that three spoken languages could be learnt by the child if the script was common. What is our script in Tamil, Telugu, Malayalam, Kanarese, English and lastly Hindi? Fortunately, the question of numerals has not yet arisen. It is going to come. It is there waiting to come as a boomerang over the non-Hindi speaking people that Hindi numerals should be adopted. I have already told the story of what happened in Benares on the day the Constituent Assembly tried to solve this question of numerals and adopted for the time being, because they dared not do anything else, that it might be Roman numerals. So, the Constitution provides for the use of alternative numerals also instead of the Hindi numerals. Sir, the script is the most important thing and I was very glad when I read the speech of the Hon. the Mover of the Resolution advocating the Roman script for most of the languages. If he can get that passed, the Roman script for all other languages except the regional language or mother-tongue, then we will have only two scripts and if the spoken language is learnt, the written language will be easy to follow. That is what is happening all over Europe. English, French, German, Spanish and Italian, all these are in the Roman script and wherever you go in the Continent, you can take a book and with a little knowledge—even with no knowledge—you can make out a little story if you read a French book, not a high class book but an ordinary book. That is the way in which languages should be spread if you want them to be learnt. Leaving aside all these main recommendations, to say that Dr. Penfield has suggested that a child between the ages of four and eleven can learn three or even four languages, is an argument which is fitting more for a political stage than for the academic stage.

I do not want to take more of your time. I would only suggest that this aspect should be considered very carefully and that we should not take it for granted that even the memorandum—mild, persuasive, pleading as it is—submitted by the Government will find favour with the Government of India. We must make our views quite clear and in that respect I think I cannot do better than quote the speech of my very eminent friend Dr. B. C. Roy who in the West Bengal Assembly in no uncertain language and in no uncertain terms spoke of the necessity for maintaining the *status quo*. He was followed by another leader who suggested that at least five languages should be recognized as the official languages of India. He had the courtesy to include Tamil which would certainly please the hon. Member Sri Gajapathy Nayagar very much indeed. If that is done, there will be no trouble at all.

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THE HON. SRI C. SUBRAMANIAM: Will the Telugu people agree to it?

* DR. A. LAKSHMANASWAMI MUDALIAR: I see my friends in the neighbouring State are agitated. But let them remember what their chief political leader said—one who has held the exalted position of the President of the Indian National Congress, who was also the historian of the Congress and who later became an ex-Governor—namely, that Hindi must be learnt by everybody. I think the Andhra people have to settle their differences with the leaders. I do not want to interfere with them. I know them sufficiently well. But the question of more than one language being recognized as the official language of the Centre must be emphasized and must be brought home to those who are dealing with this question. If you do not do that and if they do not accept that—not on any sentimental grounds but in the interests of the unity of the country, for the developmental programmes we have undertaken, and for the well-being of all people—then we shall be in difficulties and we shall quarrel as we had been quarrelling once. The result of having just one language, that is, Hindi alone, will be that we shall slip back to the position this country occupied 150 years ago—as a friend of mine said—in the pre-Pindaric age. That is a thing which we cannot contemplate. We do not realize how much we have to gain by a knowledge of the international language. I would commend to the Hon. the Mover of the Resolution a book written by Dr. Pope—a translation of 'Kural'. He has given an excellent preface to that book. I forgot to bring it to-day. He is a person who has done more for the Tamil language than any foreigner and more than that, he has done more than most of the Tamilians themselves. He lived to the age of 80 and succeeded in producing some brilliant books. I would appeal to my Tamilian friends to read that preface. I think he had the hon. Member Sri Gajapathy Nayagar prominently in view when he wrote that preface. He said, 'If you love your Tamil language, you must read an international language to appreciate the beauties, sentiments and relative values of your own literature'. The book is being reprinted by the University and I shall present a copy of it at my own expense to the hon. Member Sri Gajapathy Nayagar.

DR. A. SREENIVASAN: அவருக்குப் புரியாதே!

SRI MOHAMED RAZA KHAN: On his re-election.

* DR. A. LAKSHMANASWAMI MUDALIAR: I forgot to congratulate him on his re-election. It is good that he changed seat from one block to another. I congratulate him on his re-election but joking apart, I do feel that we should take a view which will be both wise and good in the best interests of the country. That is the reason why I support the amendment which has been brought forward by my hon. Friend.

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THE HON. SRI C. SUBRAMANIAM: I would like to have a clarification from the hon. the Leader of the Opposition, because even after hearing his speech, I am still not quite clear in my mind whether he supports the formula of bilingualism or not.

* DR. A. LAKSHMANASWAMI MUDALIAR: I support and want it to be multi-linguism. That is my point. I wholeheartedly support those two things and I want multi-linguism. My argument is this. Dr. B. C. Roy has spoken about it and I have also frequently spoken about it. A small State with 4½ million population has four national languages. The Hon. Mover referred to circulars and communications being sent in Hindi and English. In Switzerland from the Federal Government every circular comes in French, in German, in Italian and in a language called a modified form of Latin-Ramash and only a lakh of people are conversant with that language. When Switzerland can have such a thing, surely India can do that, if it were not for the opposition of those who do not want to see that unity is maintained. 4-30 p.m.

THE HON. SRI C. SUBRAMANIAM: I am sorry, Sir. Still I am confused; the answer is not categorical. We have put forward the formula that English and Hindi should be adopted as the official languages of the Union. My question is whether he supports it or whether he wants a multi-lingual formula. We cannot have both; we can have either multi-linguism or bilingualism. We have put forward bilingualism. Does he agree to bilingualism or not?

* DR. A. LAKSHMANASWAMI MUDALIAR: Sir, I have explained that this bilingual formula by itself will not be accepted in the long run. Therefore, besides Hindi and English, there should be a multi-lingual formula which will depend upon the development of languages in course of time. That is why we have suggested that this may be deferred and till then English must continue.

* SRI T. M. NARAYANASWAMY PILLAI: Mr. Chairman, Sir, the hon. the Leader of the Opposition has created some difficulties in the way of my expressing my thoughts on the question, not that I am not definite with regard to my views. It only shows our anxiety to take into consideration all the views expressed on this important question.

Before I proceed further, let me say this. Reference was made to Dr. Pope. Another great scholar, Bishop Caldwell—who has made a comparative study of all the Dravidian languages—observed that scholarship in Tamil, though by no means inferior in standard to scholarship in any other language, would improve much if the Tamil scholars took pains to have scholarship in English also and undertook a comparative study of languages. That is what Bishop Caldwell has said.

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Now, coming to what the hon. the Leader of the Opposition said, it is a very important question; views are being expressed day after day and it is perhaps difficult to come to a definite conclusion with regard to what we have to press before the Central Government. On the other hand, I may say that this question has been discussed at such great length and by so many distinguished people that I feel I may not be able to throw any new light on this question. One thing, however, is certain; the discussions that have taken place show how the public feel exercised over this question and over the ultimate decision and how it has raised fears and apprehensions. It is necessary to allay those fears and apprehensions as early as possible. We, in this House, as representatives, should try and give concrete shape to these suggestions, taking all the surrounding circumstances into consideration. It is very difficult, nay, impossible to legislate with a view that our solution should hold good for all time. We must take into account the feelings and sentiments of the people at present and peep, as far as possible, into the future also. In that view, I must congratulate the Government on the step they have taken and the manner they have adopted in coming to the conclusions. It is very gratifying to find that the Government, in finding a solution to this question, did not treat it as a party question or a question relating to their party alone but as one for the people of the State as a whole. Therefore, all leaders were invited to participate in an informal conference and they participated. Secondly, Government are rightly of the view that the language question is not a question of majority and minority. I am very glad that the hon. the Leader of the Opposition also pressed that view. Rightly he pointed out that because 600 millions of people in the world are speaking the Chinese language and 600 millions form a majority, the whole world should adopt the Chinese language as a world language. There are some sacred things, for instance, religion, private property, culture, language, etc.; these are things in which questions cannot be settled and should not be settled by the opinion of the majority. Taking that view, merely for the reason that 40 per cent speak a particular language, that language cannot be imposed on others. Government rightly thought that this was not a question in which the language of the majority should hold the field and the minority should be bound by it. Therefore, I heartily congratulate the Government on the steps they took before drafting the memorandum. Whatever may be the results, the Government deserve congratulations because they have handled the question in a statesmanlike manner. The memorandum has behind it the consensus of opinion of all the parties in the State; and for all practical purposes, it is the memorandum of the State as a whole, whether the leaders of the parties who participated in that Conference signed it or not.

I do not think it is necessary for me to go over the same grounds. We have listened to the exposition of the views made by the Hon. the Mover taking each section. Broadly speaking, we must congratulate the Government on the views they have put forward in

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regard to sections II and III. The stand taken by the Government in regard to the languages in schools is wholesome and I suppose there can be no dispute with regard to that. With regard to colleges, there is a portion in which there is difference of opinion and that is with regard to the medium of instruction in colleges—whether it is to be English or the regional language. The Hon. the Mover has himself reserved it and then the only question or alternative before us is whether English is to be replaced by Hindi or the regional language. Unhesitatingly, we all agree that it should be replaced by the regional language. We support the Government in that stand and there is no dispute. I do not wish to take the time of the House by referring to other questions like language in the State Legislature, language in High Court, etc.

I come now to the question of the official language. With regard to this, there seems to be some difference of opinion between what is expressed in the memorandum and what has been stated by the hon. the Leader of the Opposition. This question is generally approached with a certain amount of sentiment and emotion. Let us now try to keep ourselves free from sentiment and emotion and try to study the question objectively.

I may say there are about three views, rather two views, the third being the one which would follow from the consideration of the two views.

Now, Hindi is said to be spoken by a majority and there is a provision in the Constitution that Hindi shall be the official language after 1965; a Language Commission has already been appointed and it has expressed its opinion; its opinion is not logical; portions of it are a bit irreconcilable. Its view appears to be that Hindi should be replaced after 1965. Therefore, the question is whether Hindi should be adopted as the exclusive official language after 1965. The advocates of Hindi say that it should be; this is one view. Against this view it is expressed that English should continue after 1965 as it is now—to the exclusion of Hindi. This is the second view. English is a very good language. It has great literature, power and utility; and it is through that language that our unity was built up and our Independence was won. We must be grateful to that language and as Burke said, "You never can argue a man into slavery in the English language". It is that language which has given us ideas of political liberty and freedom. This language has taken possession of our hearts and minds and moulded our thoughts and culture and it has given rise to a new life and given us a new impetus. We feel that it has contributed greatly to our moral and material advancement, and helped us to give us an honourable place in the international world. Everybody agrees that it is the only language through which our science and technology can progress so that we could compete on equal terms with the other nations of the world.

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p.m.

Therefore, should we continue this language or should we give the go-by to it because it is the language of the foreigner? All people who are interested in the welfare of the country and who do not belong to any Party feel that English should never be discontinued. The people who have expressed this view are all great Indians. Even the Official Language Commission say that it should not be discontinued; they recognize its great value. Even the majority of the Hindi advocates would not say that English should be discontinued. As a matter of fact, I remember what one ex-Governor has said; he is also a scholar. He is definite that it is not good to replace English by Hindi at present. What he says is this: "The pressure of propaganda in favour of Hindi should be relaxed in the interest of Hindi itself and in the interest of the unity of the country." At least for the sake of the unity of India, we should continue the use of English for a long time. This is again what he says: "If we are to compete with the outside world, it does no good to have possession of a secondhand instrument, viz., Hindi and we must have the aid of firsthand instrument like English. This is what I believe Mr. K. M. Munshi has stated. So, on the one side, there are about 40 per cent of the people in the North who are anxious to have Hindi as the official language; but it should be recognized that it is not a fit and developed language. It has not been developed even as much as many other regional languages. On the other side, we the people in the South, are very anxious not to have Hindi for many reasons. One is that it will place us at a permanent disadvantage and hence it is unjust. To balance these considerations, there must be a compromise. After all, in politics nothing pays like compromise. I remember the words of Lord Morley. That great scholar and statesman stated that "in politics you never can get the first best." Personally I feel that the best, the most simple, straightforward and useful solution is for English to continue as it is now. But this does not satisfy the people who speak Hindi in the North. It is essentially a question of compromise and it does not mean it is logical. The two opposite views must be reconciled and a *via media* adopted. We must take the North along with us. The hon. the Leader of the Opposition is very anxious to preserve the unity of the country. The unity of the country is more important than the discovery of a single official language. In order to preserve and maintain the unity of the country this kind of compromise is necessary and the Government have been wise not to insist on English alone but to have bilingualism—English and Hindi—just to respect the sentiments of the people in the North. If you do not want Hindi to be imposed on you, you should not impose English on the North. This bilingualism is, therefore, a just solution. I am anxious that the unity of the country should be maintained and preserved and nothing is more disastrous than the vivisection of the country. Those who are advocating Hindi and Hindi alone are not those who are interested in the preservation of the unity of the country.

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I am convinced and more than convinced that they are causing the greatest danger to the unity of the country. At this moment, the country is facing a crisis. In this connection, I am reminded of the American History. Mr. Abraham Lincoln, one of the greatest men the world has produced, was against slavery. But the Southern States in America were for slavery and wanted separation. But he stated that he would rather have slavery in the South than have separation of the Southern States. Therefore, he compromised on this question much against his own conscience; you will remember that slavery was abolished in America subsequently. So, on the question of the official language, instead of allowing feelings and sentiments of the North and the South to run riot and instead of allowing each to have its own way, we must consider and adopt that course which is likely to satisfy both and preserve the unity of India. For that purpose the compromise in the memorandum will keep us together and it will not land us in further difficulties, it will check and put an end to the disruptive tendencies. I am one with the hon. the Leader of the Opposition in so far as he referred to the way in which our great Leader here has been treated. One of our greatest men has been expressing his views fearlessly on this language question. His views may be accepted or not accepted by the Government. That is a different question. But, in the name of justice and fair play, let us not attribute unworthy motives to him. Is he not interested in the preservation of the unity of the country? I am more convinced than ever before that he is much more interested in the unity of the country. Realising that it is not wise and practical to have either Hindi or English alone as the official language, the Government have stated that both should be the official languages of the Union. This is reasonable. Let it be remembered that the people who are advocating English are as much interested in the unity of the country as the people who are advocating Hindi. There is no alternative but to arrive at a compromise. Let the Hindi-speaking people have Hindi in their region and we shall have English in our region.

The Hon. the Mover of the Resolution has stated that he is for bilingualism. We welcome it and support it. Bilingualism is the central point or the central thread in the proposals contained in the Government Memorandum. It is further fortified by the fact that this bilingualism ought not to be for a period of 15 or 30 years. But it should be for a prolonged period—until such time as other languages develop. Therefore, this bilingualism should be for a prolonged period and if that is ensured, it is so much the better. Then, the third point and the cornerstone in the proposals is that this bilingual formula should not be changed except with the consent of all the States. A State has the supreme right with regard to the State language and as a component part of the Union, it shall also have a dominant voice with regard to the Union language. Therefore, the proposal that there should be no change

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except with the consent of all the States is based on a sound principle. These three are the proposals of the Madras Government and have the general support of all the parties. The recent utterances of some highly placed people have created apprehensions in the minds of the people here and it is for the Government to see that these apprehensions are laid at rest once for all; they must take active steps to have those proposals implemented. I am prepared to agree to this bilingual formula provided the Government use all their influence to see that it is really implemented. With respect to implementation we sometimes feel—even on the day of the conference I thought—an amendment to the Constitution may be necessary. But if under clause (3) it is provided that notwithstanding anything contained in clauses (1) and (2), Parliament may by law provide for the use of English and Hindi, then we need not insist on the amendment to the Constitution. Therefore, Parliament must provide for this, and if there is a reasonable certainty that the proposals of the Madras Government, which are, I think, nice and realistic and which show a sweet reasonableness and realism, will be given effect to by Parliament, there need not be much quarrel. Even while providing for bilingualism under clause (3), the law advisers may say that clause (1) or clause (2) may have to be amended also. We need not seriously concern ourselves with the amendment of Dr. John. The amendment of Dr. John does not relate to the substance of the Government's proposals but to the way in which those proposals should be implemented, because rightly apprehensions have been raised on account of the way in which people have been behaving and speaking and this has impaired the confidence of the people here. Therefore it is that we are anxious that the method also should be one from which there will be no going back.

THE HON. SRI C. SUBRAMANIAM: That is not stated so in the amendment.

* SRI T. M. NARAYANASWAMY PILLAI: That is the spirit in which it has been put in.

THE HON. SRI C. SUBRAMANIAM: Perhaps my understanding of English is poor.

* SRI T. M. NARAYANASWAMY PILLAI: I do not pretend to know English better than the Hon. Sri Subramaniam. He belongs to a later age and he must know better. Apart from that, it is not so much a question of English here. If from your place you can give a categorical assurance that the Madras Government stand by this memorandum and will see to it that it is implemented, whatever may be the course adopted, surely—I am saying this without consulting the two Leaders—the Members on this side of the House will withdraw the amendment and give their concurrence to this memorandum. We must see what is happening all around. On the one side, there are great leaders from many

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States coming forward to make statements and the trend is that they give their support to the proposals. On the other side, there are those in the North who continue to sing the same old song. Therefore, we are not quite sure what is going to happen. (At this stage, the hon. the Leader of the Opposition handed over a copy of the amendment to the hon. Member.) This is not at all a Party question. Therefore, taking all these things into consideration, if the Government could really feel that our unanimous vote on this question would strengthen their hands and that it would help them to see that the Government's proposals are implemented, we are desirous to help the Government and give our concurrence to this memorandum.

I do not want to take up more of your time, Sir.

* SRI T. PURUSHOTHAM: Mr. Chairman, the hon. the Leader of the Opposition has placed before the House his strong views and also the strong views expressed in certain quarters on this language question and the hon. Member Sri T. M. Narayanaswamy Pillai in expressing his views has suggested that if we could be sure that this formula that has been evolved by the Government would be implemented, he would have no objection to ensure a unanimous vote on this proposition. I believe that if we give our unanimous support, then only the hands of the Government would be strengthened and with the unanimous vote of both the Houses, it would be possible to press forward the proposals contained in this memorandum.

(Deputy Chairman in the Chair.)

The Official Language Commission was constituted under Article 44 of the Constitution and in terms of the Constitution, the Commission had to make its recommendations as to the progressive use of Hindi for official purposes of the Union. The Commission has discussed the various aspects of the language problem but we find that the Commission in its Report has not made definite recommendations. As to the crucial point whether it would be possible to have a switch-over from English to Hindi by the target date of 1965, the Commission says that this is not an issue on which it is necessary or possible for it to pronounce its definite views. It is because the Commission has left these matters in a nebulous state that the Madras Government have pointed out in their memorandum the unsatisfactory nature of the findings of the Commission and made their definite recommendations with a clear appraisal of the conditions in the State. The hon. Members of this House would remember that we discussed this question in September 1955 when the questionnaire issued by the Official Language Commission was taken into consideration in this House. The hon. Member Sri Mohamed Raza Khan then moved a Resolution as an amendment to the motion of the Leader of the House embodying the opinion of all sections of the House—the Legislature and the Government as well.

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SRI MOHAMED RAZA KHAN : An amendment was moved by me on behalf of the Opposition which was incorporated in the B. G. Kher Commission Report and they said that it was the general opinion of the Government of Madras, the Legislature and the University.

5 p.m. * **SRI T. PURUSHOTHAM :** The Hon. Sri M. Bhaktavatsalam who was then the Leader of the House said that he agreed with the broad views of the proposition moved by the hon. Member Sri Mohamed Raza Khan. I am mentioning this because the Madras Government sent their reply to the questionnaire on this language problem based on the views expressed categorically in both Houses on this important question. During the discussion hon. Members clearly indicated that Tamil should be the language in our State for all affairs—in all fields educational, administrative, judicial, legislative, etc. Based on this view expressed in this House and in the other House, the Government sent their memorandum to the Official Language Commission and we had an opportunity to discuss this memorandum so far as the language in schools and colleges was concerned when we took up the White Paper on Education. The Legislature Committee on the White Paper on Education has given its verdict on the question of language in schools and colleges too and this has been incorporated in the present memorandum of the Madras Government on the Report of the Official Language Commission. So, I feel, Sir, that the hon. Members should unreservedly endorse the views of the State Government with regard to sections II and III of the memorandum, namely, "Language in schools" and "Language in colleges". With regard to the State Legislature, we have already adopted necessary legislation that Tamil should be the language of the State for administrative purposes and that it would be the language of the State Legislature also. As the memorandum of the Government has also expressed the same view that Tamil should be the language of the State Legislature and the language in offices and other institutions under the control of the State Government, I hope hon. Members will have no objection to wholeheartedly agreeing to the views expressed by the Madras Government and embodied in the memorandum in sections IV and V. With regard to the language in the High Court which is mentioned in section VI, the Commission has said that the High Court should have a common language for the whole country and that it should be Hindi. It is this recommendation of the Official Language Commission that has come up for sharp criticism by our representative in the Parliament, Dr. P. Subbarayan. Hon. Members are aware that the Report of the Official Language Commission is not a unanimous Report. Dr. P. Subbarayan has characterised the Report as "wanting in understanding, imagination and sympathy for the non-Hindi speaking people of India". He has said in his dissenting minute with regard to the question of the language of the High Court that for a long time to come for all purposes mentioned

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in Article 348 of the Constitution, that is, with regard to the language of the High Court, the use of the English language should be continued as now both in the High Court and in the Supreme Court and that the States should be given the fullest liberty to use their regional language side by side with the English language in their Subordinate Courts. It is this view expressed by Dr. P. Subbarayan which has been accepted by the Madras Government and incorporated in their memorandum that we are discussing to-day. The Madras Government say that they desire to make it clear that if and when English ceases to be the language of the High Court in the State, it should be replaced by Tamil. I believe the hon. Members will endorse this view as well. The Madras Government in their memorandum have conveyed a true picture of the conditions in the State, the apprehensions of the people here over this language problem. They have not minced matters. They have put forward their views very clearly and there is unanimous acceptance by all of us with regard to all these points that they have said about Tamil being the language of the State in State affairs including University education and High Court work. The official language of the Union, of course, has evoked keen controversy in our State. I do not propose to go into the details of that controversy, Sir. The Government have said that it will be necessary to use both English and Hindi as the two official languages of the Indian Union for a prolonged period. This view has been partially accepted by the hon. the Leader of the Opposition. Only instead of this bilingual formula, he would make it a multi-lingual one. I, however, felt, Sir, why we should have two official languages at all in the transitional stage. Why not we continue to have English for the present? It is an admitted fact that Hindi cannot be made the official language of the Union all on a sudden. That is an admitted fact. The two-language theory perhaps would create more confusion. Article 351 of the Constitution reads as follows:—

"It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages."

I fear, Sir, that very little has been done in this direction. This has been admitted by the Official Language Commission in their Report. Let us do this in right earnest. All these eight years' record in this direction has not been what it should be. As I said, even the pages of the Official Language Commission Report show it clearly to us. I mean primarily, Sir, the Government of India record. The Commission has suggested, "We do not recommend that any restrictions should be imposed for the present on the use of the English language for any of the purposes of the Union".

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therefore, feel, Sir, that we can continue English as the official language of India even after 1965. The Hon. the Minister for Finance and Education, in moving for consideration of the Government Memorandum on this Report has explained the need for adoption of a bilingual formula for the purpose of official language in the present circumstances. In view of what the hon. the Leader of the Opposition has also stated, I think this may be accepted for the present. But I should mention, as I have always been saying on all platforms, Sir, that any proposal to continue English as the official language of India permanently, for ever, should be resisted. I cannot reconcile myself to the view, "prolong it as long as you will". We have said "for a prolonged period" in the Government Memorandum. To say that English should be continued for ever as the official language is something repugnant to my sense of nationhood and national independence.

SRI V. V. RAMASWAMI: மின்னே, தமிழிலேயே பேசுங்களேன்.

* **SRI T. PURUSHOTHAM:** I will speak in Tamil when there is need for it and when it is adopted as the official language. We have passed the legislation, but we have not given effect to it except with regard to its implementation in certain offices. When it is adopted as the language in which we should transact business in this House, I would certainly speak in Tamil. In fact, I came with the idea of speaking in Tamil to-day. But when I saw around that all the hon. Members were quite conversant with English, I felt that it was not necessary. That was why I spoke in English. That is the truth about it.

SRI V. V. RAMASWAMI: சேலத்திலே இந்தியிலே தந்தி கொடுக்கலாம் என்று ஆபீஸ் 'ஓபன்' பண்ணியிருக்கிறார்களாம்.

* **SRI T. PURUSHOTHAM:** Anyway, the language problem is a thorny one and the Official Language Commission Report has only helped to throw oil in troubled waters. It has created controversial issues. But all are agreed that English should continue as the official language for the present. The memorandum has said so. The Commission too, in their opinion, have made it clear that they do not recommend that any restrictions should be imposed for the present on the use of English for any of the purposes of the Union.

5-10
p.m. As far as the hon. Members of this House are concerned, I feel there is no difference of opinion with regard to the recommendations made in this memorandum on this question as a whole. I hope the Central Government and the President would consider the various aspects put forward by the Madras Government and decide the issue. There is unanimity of view with regard to all sections of the memorandum such as language in schools, colleges, State Legislature and High Court and everything. With regard to the two-language formula too, during the transitional period there is agreement.

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Sir, I have moved this amendment, namely,

"and on such consideration this House approves the proposals contained in the memorandum".

be added at the end of the Government motion and I commend the amendment for the acceptance of the House.

* **SRI A. GAJAPATHY NAYAGAR:** சபைத் தலைவர் அவர்களே, நமது நிதி அமைச்சர் இந்த அறிக்கையைப்பற்றி விளக்கமாகச் சொல்லியுள்ளார். அதையொட்டி எனது அருமை நண்பர் ஸ்ரீ லட்சுமணசுவாமி முதலியாரும் சில கருத்துக்களை வெளியிட்டிருக்கிறார்கள். இந்தக் கருத்துக்களைச் சொல்லும்போது, அவைகளெல்லாம் நான் ஒரு காலத்திலே இந்த மொழிக் கமிஷன் முன்னால் சொன்ன கருத்துக்களை அப்படியே சொல்லுகிறேன் என்று எனக்கு வியப்பாக இருந்தது. அந்தக் காலத்திலே தமிழ் மொழி ஆட்சி மொழியாகவேண்டுமென்று சொன்னால், அது ஒரு கடினமான செயலாக இருக்கும் என்று சொன்னார்கள். நமது அரசியல் சட்டத்தின் 343-வது பிரிவின்படி நமது இந்திய யூனியனுக்கு இந்தி மொழியை ஆட்சி மொழியாக ஆக்கி, அதே சட்டத்தில் 345-வது பிரிவிலே ஒவ்வொரு ராஜ்யத்திற்கும் அந்தத் தேச மொழி அரசு மொழியாக இருக்க வேண்டுமென்று எழுதியிருப்பதைச் சட்டப்படி கொண்டுவரவேண்டுமென்று எடுத்துக் காட்டி இந்த சபையிலே தமிழ் ஆட்சி மொழி மசோதா ஒன்றைக் கொண்டுவந்தேன். அப்போது அதற்கு உறுதுணையாக இருந்தவர் எனது நண்பர் ஸ்ரீ லட்சுமணசுவாமி முதலியார். அவர்களுக்கு என்னுடைய பாராட்டுதல்களைத் தெரிவித்துக்கொள்கிறேன். பின்பு சொன்னேன், தமிழ் மொழி ஆட்சி மொழியாக ஆகவேண்டுமென்று. சட்ட சபையில் மாத்திரம் பேசினால் போதாது. ஆரம்பப் பள்ளிகளில் அந்தத் தமிழ் மொழியில் பழகவேண்டும். நடுத்தரப் பள்ளிகளில் தமிழைக் கையாளவேண்டும். உயர்நிலைப் பள்ளிகளில் தமிழைக் கையாள வேண்டும். அத்துடன் நின்றார் எனது நண்பர். கல்லூரிகளிலும் தமிழைக் கையாளவேண்டுமென்று நான் சொன்னேன். அப்போது நமது மொழியின் அழகை நன்கு அறியாததன் காரணமாக அவர்கள் திகைத்தார்கள். இப்போது ஆட்சி மொழியாகிய தமிழ் மொழி கல்லூரி மொழியாகவும் இருக்கவேண்டுமென்று சொல்லும் அரசியலாசை நான் பாராட்டுகிறேன். மேலும், 348-வது பிரிவின் பிரகாரம் இந்தச் சட்ட சபையிலே இயற்றப் படும் சட்டங்கள் தமிழ் மொழியிலேயே இருக்கவேண்டுமென்று சொன்னேன். சட்டத்தைக் கையாளும் வகையிலே உயர் நீதி மன்றத்தின் மொழி தமிழாக ஆகவேண்டுமென்று சொன்னேன். உயர் நீதி மன்றத்திலும் தமிழ் இருக்கவேண்டுமென்று சொன்னேன். நான் இப்படிச் சொன்னவுடனே சிலருக்குத் திகில் ஏற்பட்டது. அது எப்படி ஆகும் என்று கேட்டார்கள். அப்படித்தான் ஆகவேண்டுமென்று சொன்னேன். கீழே ஆரம்பித்து, கல்லூரிகளில் ஏறி, சட்ட சபையில் பேசி, உயர் நீதி மன்றத்தில் உபயோகப்படுத்தாவிட்டால், அந்த மொழி ஆட்சி மொழியாக ஆகாது. கமிஷன் என்ன சொல்லியது—கல்லூரிகளில் இந்தி இருக்க வேண்டும், உயர் நீதி மன்றத்தில் இந்தி இருக்கவேண்டும் என்று சிபாரிசு செய்திருக்கிறது. ஆனால் நமது அரசியலார் கல்லூரிகளிலும் நம் ஆட்சி மொழியான தமிழ்தான் இருக்கவேண்டும், உயர் நீதி மன்றத்திலும் அதுதான் வரவேண்டுமென்று சொல்லி அவர்கள் செய்த நன்மைக்கு நான் பாராட்டுதலைத் தெரிவித்துக்கொள்கிறேன்.

அடுத்தபடியாக இந்தியைப்பற்றிச் சொல்லவேண்டுமானால், நமது சட்டத்தை நன்றாகக் கவனிக்கவேண்டும். நமது சட்டத்திலே நமது தேசத்தை 14 நாடுகளாகப் பிரித்திருக்கிறார்கள். 14 மொழிகளையும் சொல்லியிருக்கிறார்கள்.

DEPUTY CHAIRMAN: 14 ஸ்டேட்ஸ்களாக . . .

25th March 1958]

*SRI A. GAJAPATHY NAYAGAR: அதாவது 14 பிரதேசங்களுக்கும் ஒவ்வொரு பிரதேச மொழி சொல்லியிருக்கிறார்கள். அதைப் பார்க்கும் போது அதில் ஆங்கிலம் இடம் பெறவில்லை. அந்த 14 மொழிகளில் ஆங்கிலத்திற்கு இடமில்லை. ஏன்? இந்திய யூனியனில் ஆங்கிலம் பேசக் கூடிய வட்டாரம் என்று ஒன்றும் இல்லை. ஆங்கிலமே பேசி ஒரே இடத்திலே வாழ்ந்துவரும் மக்களும் இல்லை. ஆங்காங்கு பட்டினப் பிரதேசங்களில் ஆங்கிலம் பேசுகிறார்கள். ஆகையால், ஆங்கிலம் பேசும்படியான இடமும் மக்களும் இல்லாத காரணத்தினால், ஆங்கில மொழி அதில் இடம் பெற வில்லை. அதிலே ஸம்ஸ்கிருதம் இடம் பெற்றிருக்கிறது. ஏனென்றால் பழைய மொழி என்ற ஒரு மரியாதை இருக்கிறது. ஆனால் அது பேசாத ஒரு மொழி. இருந்தும் அதற்கு இடம் இருக்கிறது. அடுத்தபடியாக, இந்தி மொழி இடம் பெற்றிருக்கிறது. இன்றைக்கு இந்திய யூனியனில் உள்ள மக்களில் 42 சதவீதத்தினர் இந்தி பேசுவதாகச் சொல்லப்படுகிறது. இவ்வகையில் இருக்கிறது. நான் அப்போதே சொன்னேன். ஆட்சி மொழிக் கமிஷன் முன்பு என்னுடைய கருத்தைச் சொன்னேன். நமது இந்தி மொழி நாட்டு மொழிகளில் ஒன்றாக இருக்கவேண்டுமென்று சொன்னேன். மற்ற மொழிகளுக்கும் அதேபோல ஒரு உயர்வு வேண்டும் என்று சொன்னேன். அந்த, அந்த மொழி அவர்களுடைய பிரதேசத்தில் ஆட்சி மொழியாக இருக்கவேண்டும். இப்போது பார்த்தால் ஆந்திராவில் சட்ட சபையில் ஒருவர் உருதுவில் பேசினார். ஒரு தெலுங்கு அங்கத் தினர் உருது புரியவில்லை, தெலுங்கில் மொழி பெயர்த்துச் சொல்ல வேண்டுமென்று கேட்டார். அப்போது தலைவர் அவர்கள் குறுக்கிட்டு தெலுங்கு ஆட்சி மொழியாக ஆகவில்லை, அப்படிக்கே அதிகாரம் இல்லையென்று சொல்லிவிட்டார். ஆகையால், ஒரு நாட்டிலே ஒரு மொழி ஆட்சி மொழியாக ஆனாலொழிய, அதற்கு நாட்டிலே இடமில்லை, அதைப் பேசுவதற்கு இடமில்லை, அதற்கு உயர்வு வராது. ஆகையால், நாம் வற்புறுத்தவேண்டியது அந்தந்த நாட்டிலே அந்தந்த நாட்டு மொழி, பிரதேச மொழி, ஆட்சி மொழியாக ஆகவேண்டும். அப்படி ஆகிவிட்டால் அதிலிருந்து அந்த மொழி கல்லூரி மொழியாக ஆகும், உயர் நீதி மன்ற மொழியாக ஆகும், சட்டசபை மொழியாக ஆகும்.

போக்குவரத்து மொழியை எடுத்துக்கொண்டால் அது எதுவாக இருக்க வேண்டுமென்று யூகித்துப் பார்க்கவேண்டும். ஆங்கிலம் வேண்டாமென்று சொல்லவில்லை. ஆங்கிலத்தை வைத்துக்கொள்ளலாம். இந்தி வளர வில்லை. தமிழும் வளரவில்லை என்று சொல்லலாம். ஆனால் இந்தியும், ஆங்கிலமும் வளரவேண்டுமென்று சொல்லும்போது, நான் ஒன்று சொல்ல விரும்புகிறேன். ஏன் ஒரு பிரதேச மொழி வளரவில்லையென்று சொன்னால், இந்தி மொழி வளரவேண்டுமென்று பேசுகிறார்களே தவிர, ஆங்கில மொழி வளரவேண்டுமென்று பேசுகிறார்களே தவிர பிரதேச மொழி வளரவேண்டுமென்று சொல்லுபவர்கள் யாரும் இல்லாமல் இருக்கிறார்கள். நான் சொல்லுவது இந்தி வளரட்டும்; தமிழ் வளரட்டும்; ஆங்கிலம் வளரட்டும்; எல்லாம் வளரட்டும். ஆக, ஆங்கிலத்தைப் புகுத்துவதால் இந்தி வளராது என்ற பயம் இருக்கிறது. ஆங்கிலம் இருக்கட்டும் என்று சொல்லுகிறார்கள். எனக்குத் திகில் வருகிறது. இந்தி வளராது என்று சொல்லும்போது, தமிழ் வளராது என்று சொல்வார்களோ என்ற அச்சம் மனதைக் கலக்குகிறது. எல்லா மொழிகளும் பார்லிமெண்டில் இடம் பெற வேண்டும். தமிழ் ஆட்சி மொழி ஆகி, பார்லிமெண்டில் தமிழில் பேச சட்டப்படி அனுமதிக்கவேண்டும். இதை மனதில் வைத்துக்கொண்டு என்ன செய்யவேண்டும்? எல்லா மொழிகளையும் ஆட்சி மொழியாக வளர்க்க வேண்டும், ஆங்கிலமும் வேண்டும். ஆங்கிலத்தின் மீது காதல் இல்லாவிட்டாலும் ஆங்கிலமும் வேண்டும்—தாற்காலிகமாக. ஏனென்றால் என் நண்பர் ஸ்ரீ லட்சுமணசுவாமி முதலியார் அவர்கள் ஆங்கிலத்தின் அழகைப்பற்றிச் சொன்னார்கள். ஆங்கிலம் உலக மொழியாக இருக்கிறது. விஞ்ஞான அறிவுக்கும் சிறந்த மொழி, எல்லா மக்களும் பேசும் மொழி என்று சொன்னார்கள். உலகத்திலேயே சிறந்த மொழி என்றதன் காரணமாக அதைக் கற்கவேண்டுமென்று சொல்லுகிறார்கள். நான் தமிழ் கற்றுக்

25th March 1958] [Sri A. Gajapathy Nayagar]

கொடுக்கவேண்டும் என்று சொன்னாலும், ஆங்கிலம் வேண்டாமென்று சொல்லவில்லை. ஆங்கிலம் கற்கலாம், இந்தி கற்கலாம், ஆனால் இதை யெல்லாம் கற்றுக்கொடுத்து, தமிழை வளராமல் தடுத்து விடக்கூடாது என்று கேட்டுக்கொள்கிறேன். ஆங்கிலம் ஏன் வேண்டுமென்று சொல்கிறேன்? அது உலக மொழி, விஞ்ஞான மொழி, அறிவு மொழியாக இருக்கின்ற காரணத்தினால். இங்கே நான் சொல்லுகிறேன், ஹிந்தி மொழி நமது தேசிய மொழி என்று. தேசிய மொழி என்றால், பல மொழிகளில் அது ஒரு மொழி. வெளி நாடுகளில் பேசும்போது, ஹிந்தியில் பேசுவது உன்னதமானது. நமது பிரதமர் நேரு அவர்கள் ரஷிய நாட்டுக்குப் போனபோது அங்கே பேசுகையில் ஹிந்தியில்தான் பேசினார். வெளி நாடுகளில் போய்ப் பேசும்போது பேசுவதற்காக ஏதாவது ஒரு மொழி இருக்கவேண்டும். அது ஹிந்தியாக இருக்க வேண்டும். ஆகையால், ஹிந்தி நமது நாஷனல் லாங்குவேஜ் ஆக இருக்கவேண்டும். நம் நாட்டிலே பல லாங்குவேஜுகள் இருக்கின்றன. ரீஜனல் லாங்குவேஜ், அப்புறம் நேஷனல் லாங்குவேஜ், அப்புறம் அபீஷியல் லாங்குவேஜ், அப்புறம் இண்டர்நாஷனல் லாங்குவேஜ்.

National language என்றால் எல்லா மொழிகளும், National languages ஆக இருக்க வேண்டும். ஆங்கிலம் வேண்டும் என்று நாம் ஏன் சொல்கிறோம்? அது இப்பொழுது போதான மொழியாக இருக்கிறது. விஞ்ஞான மொழியாக இருக்கிறது, அறிவு மொழியாக இருக்கிறது. நமது நாட்டில் 14 பாஷைகள் இருக்கின்றன. அவை களெல்லாம் 'National languages' ஆக இருக்கவேண்டும். 5 20 p.m.

இந்தியை நாம் ஒரு உலக மொழியாகச் செய்யவேண்டும். ஆங்கிலம் இங்கிலாந்து தேசத்தின் மொழி. பிரஞ்சு பிரான்ஸ் தேசத்தில் பேசப்படும் மொழி. ஜெர்மன் மொழி ஜெர்மனியில் பேசப்படுகிறது. இந்த பாஷைகள் எல்லாம் உலகப் பொது மொழியாக இருப்பதற்குக் காரணம் ரோமன் எழுத்தைப் பொது எழுத்தாக அடிப்படையில் கொண்டதுதான். அவைகள் உலக மொழியாக இருப்பது பாஷையின் காரணமாக அல்ல. ஒரே எழுத்து இருப்பதன் காரணமாகத்தான். ஒரே எழுத்து இருக்கும் காரணத்தால், Biological terms, Zoological terms, Scientific terms போன்றவை பொதுவாக இருக்கின்றன.

டாக்டர் பென்பீல்ட் என்பவர் ஒரே எழுத்து இருந்தால் மூன்று மொழிகளைக் கற்றுக்கொள்ளலாம் என்று சொன்னதாக எனது நண்பர் ஸ்ரீ லக்ஷுமணசுவாமி முதலியார் அவர்கள் கூறினார்கள். நானும் அதை ஒப்புக்கொள்கிறேன். எழுத்து ஒன்றாக இருந்தால், மூன்று மொழிகளைக் கற்றுக்கொள்வதில் ஒருவிதமான கஷ்டமும் இருக்காது.

இப்பொழுது இந்தி மொழி நமது தேசிய மொழியாக ஆகவேண்டும். அதைத் தேசிய மொழியாக மட்டும் ஆக்கிவிட்டு சுமமா இருந்துவிடக் கூடாது. அதை உலகப் பொதுமொழியாக ஆக்குவதற்கு நாம் முயற்சி செய்யவேண்டும். அப்பொழுதுதான் அதற்கு ஒரு அந்தஸ்து வரும். அப்படிச் செய்வதற்கு Roman script இருந்தால்தான் முடியும். இதனால் Devanagari script வேண்டாம் என்று சொல்லவில்லை. எப்படி இரு மொழிகள், மூன்று மொழிகள் தேசிய மொழிகளாக இருக்க வேண்டும் என்று சொல்கிறோமோ, அதே போல் ஒரு பாஷைக்கும் இரண்டு எழுத்துக்களை வைத்துக்கொள்ளலாம். Roman script உபயோகப் படுத்தினால்தான் இந்தியை உலக மொழியாகக் முடியும். இதைத்தான் ஜவஹர்லால் நேரு சொல்லியிருக்கிறார். நேதாஜியும் சொல்லியிருக்கிறார். மற்றும் பல தலைவர்களும் சொல்லியிருக்கிறார்கள்.

தாற்காலிகமாக ஆங்கிலமே ஆட்சி மொழியாக இருக்கவேண்டும் என்று சொல்கிறோம். மற்ற மொழிகள் இன்னும் சரியான முறையில் வளரவில்லை. இந்தி வளருவதற்குத் தடையாக ஆங்கிலம் இருக்கக்கூடாது.

[Sri A. Gajapathy Nayagar] [25th March 1958]

யாதாஸ்திலும் ஆங்கிலம் “Prolonged period” க்கு இருக்க வேண்டும் என்று போட்டிருக்கிறது. அப்படி இருந்தாலும், அதற்கு ஒரு கால எல்லை வேண்டும். இந்தியே வேண்டாம். எப்பொழுதுமே ஆங்கிலம்தான் இருக்கவேண்டும் என்று சொல்வது நம் நாட்டில் சொல்லக்கூடிய பேச்சு அல்ல. இந்தி இன்னும் வளரவேண்டும். அது வளர வேண்டுமானால் ஆங்கிலமும் இருக்கலாம். இதனால் நான் காண்ஸ்டிடியூஷனை மாற்றச் சொல்வதாக எண்ணவேண்டாம்.

இரண்டு ஆண்டுகளுக்கு முன்பு மொழிக் கமிஷன் வந்தபோது நான் சாட்சியம் சொல்லியிருக்கிறேன். தமிழ் நாட்டைப் பொறுத்தவரை எல்லா இடங்களிலும் உயர்தர நீதி மன்றம் உள்பட, தமிழ்தான் ஆட்சி மொழியாக இருக்கவேண்டும் என்று சொன்னேன். இந்திய யூனியனைப் பொறுத்தவரை, இந்தி இருக்கலாம். ஆனால், கொஞ்ச காலம் வரை, ஆங்கிலமும் இருக்கவேண்டும். எப்படியாவது இந்தியை உலகமொழியாகச் செய்துவிடவேண்டும் என்று சொன்னேன்.

நான்கு அல்லது ஐந்து மொழிகள் ஆட்சி மொழியாக இருக்கலாம் என்று சொன்னார்கள். ஆனால் எல்லா மொழிகளும் ஆட்சி மொழிகளாக இடம் பெறவேண்டும். தமிழ் நாட்டைப் பொறுத்தவரை தமிழ் ஆட்சி மொழியாக இருக்கிறது. அப்படியிருக்கும்போது அது இந்திய யூனியனில் செல்லவில்லையென்றால் அதற்கு என்ன அந்தஸ்து இருக்கிறது? ஆகையால், எல்லா மொழிகளும் ஆட்சி மொழிகளாக இருக்கவேண்டும். இந்திதான் ஆட்சி மொழியாக இருக்கவேண்டும். தமிழ் கூடாது என்ற தாழ்மை மனப்பான்மை இருக்கக்கூடாது. தமிழன் ஏழையாக இருக்கலாம். ஆனால் அவன் கோழை இல்லை. அவன் வெள்ளை மனம் படைத்தவன். நினைத்ததைச் சொல்வான். நக்கீரர் “நெற்றிக் கண்ணாலும் குற்றம் குற்றமே” என்று சொன்னதுபோல், தமிழன் நினைத்ததை வெளிப்படையாகச் சொல்லும் பண்பு படைத்தவன்.

ஆங்கிலம் இருந்தால்தான் நாம் முன்னேற முடியும் என்ற கருத்தை யொட்டி “We mortgage the future” என்று ஸ்ரீ ராஜகோபாலாச் சாரியார் சொல்லியிருக்கிறார்கள். தாற்காலிகமாக ஆங்கிலத்தை வைத்துக் கொள்ளலாமே தவிர, எப்பொழுதுமே வைத்துக் கொள்ளமுடியாது என்பது என் கருத்து. பின்வரும் சந்ததிகளுக்குக் கையைக் கட்டாமல் மற்ற பாஷைகள் வளருவதற்கு நாம் வகைசெய்து கொடுக்கவேண்டும்.

SRI T. P. SRINIVASAVARADAN : Mr. Deputy Chairman, Sir, as one goes through the memorandum, one gets the impression that both the Official Language Commission and the Madras Government have not bestowed much attention on the impact the recommendations would have on the school curriculum and also upon the efficiency of the administration. The Official Language Commission thought that they were called upon to decide what the official language of the Union should be. Therefore, having decided upon a particular language, they immediately suggested how it should be implemented not caring to know what evil effects it would bring in its trail, the amount of deterioration it would bring about in the standard of education in our country. Sir, if you go through the Government memorandum, you have also the same feeling that our Government had in mind the only consideration that the regional language should be the official language of the State. Therefore, they only think of what steps should be taken to introduce this not only in the offices and high schools but also in the colleges at the University level.

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Sir, my approach to the problem is not from the point of view of the politician. My only regret is that the politicians often do and undo things.

SRI T. PURUSHOTHAM : Question.

SRI T. P. SRINIVASAVARADAN : You may question.

5-30
p.m.

DEPUTY CHAIRMAN : What happens when a teacher becomes a politician?

SRI T. P. SRINIVASAVARADAN : I am not a politician, Sir. But I shudder to think of it.

Sir, for nearly 35 years from 1911 to 1945 there was no language controversy. We were all sailing smooth and there was no deterioration in standards. There were no frequent changes. After 1945 or 1946, we have had frequent changes, we have had too many changes. I do not grumble about changes. My grievance is about the way of implementing the changes. As I pointed out, the Official Language Commission decided upon Hindi as the official language of the Union. But it could not ignore the study of English. It has stated that English should be studied as a language of comprehension and not as a literary language. So, it recognizes the importance of English.

Sir, I should like to pose this problem before this House. If the Central Government decide upon Hindi as the official language of the Centre and the State Government decide upon having the regional language as the State official language, where is the need for us to study English? But the Commission has recognized that English should be studied. Why do they recognize it? It has been recognized because it wields influence, and it will wield influence for a long time to come. For the progress of the nation English is indispensable. The Commission accept that fact but they are not prepared to state it openly.

Now, Sir, I come to the question that the official language need not be made the compulsory language at all levels. An ordinary man can speak in Tamil in the Legislature and can correspond with others in that language. For that he need not be a graduate. S.S.L.C. education would do. (An hon. Member : For that not even S.S.L.C. qualification is necessary.) Therefore, the Government can have that as the official language of the State. There can be no objection to that. If you want to import it into the school, even then we have no objection. But if you import it into the college, when that language has not attained that level when it can be imported into the college and can be used there, I am afraid you will be setting back the clock of progress. That is my humble opinion. I have no objection to Hindi being prescribed as the official language. If it is introduced in the college and at the

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high school level, my submission is that there will be no progress. There will be only deterioration in standards. As I said, I am looking at this question only from the teacher's point of view, and not from a politician's point of view.

DEPUTY CHAIRMAN : Politicians have the best interests of the people at heart.

SRI T. P. SRINIVASAVARADAN : I do not think they have. In all humility, I beg to submit that they throw to the winds the interests of education. They care more for others. Why have the Government submitted to the Hindi language being enforced as the official language? I have, on more than one occasion, submitted that we should not speak anything about the language problem for twenty-five years and should let the present state of things continue for some more years, if we want any progress to be made in our country.

DR. V. K. JOHN : That is also the object of my amendment.

SRI T. PURUSHOTHAM : It is a politician's amendment.

DR. V. K. JOHN : I am not a politician.

SRI T. P. SRINIVASAVARADAN : We find everyday things are being unsettled. The language problem has certainly created disunity in our country. I beg to submit that the ruling party, the Congress Party, committed the greatest blunder in accepting the redistribution of States on a linguistic basis. (Hear, Hear from Opposition side.) This language problem is the offshoot of that. If the Malayalees, the Kannadigas, the Telugus and the Tamils lived together, I do not think this would have taken this monstrous form. Unfortunately, we have divided ourselves into numerous linguistic groups and we are faced with this greatest headache. It is a headache for the teachers but not for the politicians. They say one thing to-day and tomorrow they amend it in some other way and give their own interpretations.

SRI V. K. PALANISWAMY GOUNDER : Teachers also give different views about education.

DR. V. K. JOHN : By politicians, you mean Congress politicians?

SRI T. P. SRINIVASAVARADAN : I mean all politicians.

SRI T. PURUSHOTHAM : Including Dr. John.

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SRI T. P. SRINIVASAVARADAN : There is agreement between the Official Language Commission and the State Government that English should be studied as a compulsory language. That is one point on which they are agreed. But if you read the Report of the Official Language Commission, it will be evident that they have not studied the recommendations of the Secondary Education Commission and the Central Advisory Board of Education. Both these bodies have recommended the three language formula. Now, the Official Language Commission say that for the Hindi-speaking areas, it is enough if the students there study two languages. For non-Hindi areas they say that the students should study three languages. Because Hindi is the regional language, it is compulsory that they should study it and it is enough if they study English in addition. So, for Hindi areas they have only two languages. They have summarily done away with the proposal for another language. By so doing I submit, in all humility, they have taken away what little value we attached to the Commission's recommendations because they think they can dictate to the non-Hindi areas. They should have realized the injustice that is inflicted upon the students in non-Hindi areas by making them study three languages while asking students in the Hindi areas to study only two languages.

They have made the other recommendation also that the study of Hindi should be made compulsory, whereas the Madras Government have made it optional. Sir, as the hon. the Leader of the Opposition pertinently pointed out, by this arrangement Sanskrit has been relegated to the background. He was referring to the fact that the number of students studying Sanskrit was dwindling, year after year. I may tell him that out of 1,000 secondary schools, now only 122 have provision for teaching Sanskrit. Four or five years ago it was about 300. It has come down to 122. With the introduction of the new scheme my fear is, not even half-a-dozen schools will have Sanskrit classes because Sanskrit has been pitted against Hindi. Are the Government justified in relegating Sanskrit to the background which is one of the most important languages, classical languages? Now, you have given preference to Hindi because it is considered as the official language of India.

My whole point is that both the Government memorandum and the Official Language Commission have failed to pay any attention at all to the repercussions that the recommendations would have on the school curricula and also the progress of education in the University. Sir, the hon. Member Sri Narayanaswamy Pillai made a fervent appeal that English should be retained. But the hon. Member Sri Gajapathy Nayagar thinks that it is possible to replace English by Tamil or Hindi. I think it is impossible to do that. Let me give one or two instances. In the last S.S.L.C. Public Examination the English question papers were translated into Tamil. Not only were the translations indefinite but they were inaccurate.

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DEPUTY CHAIRMAN : That is due to the mistake of the translator.

SRI T. P. SRINIVASAVARADAN : You and I are going to translate them and with imperfect knowledge if we begin to teach the students at the University level through the regional language medium, I am afraid there won't be any progress at all in education.

SRI A. GAJAPATHY NAYAGAR : So, do you not like Tamil to grow?

5-40 P.m. SRI T. P. SRINIVASAVARADAN : It does not necessarily mean that. Let English continue till we are ready with another language. That is the international language and that is the only channel through which we can get advanced knowledge in scientific and technological fields. If we want to shut out our people and be satisfied with the present progress or no progress, then we can plump for the regional language at the University level also. Of course, we can have the regional language as the official language. That is a different thing. But having that as the medium of instruction even in the University and in technical institutions is not quite proper. English should continue for long, at least in the interest of progress. Therefore, as regards this formula, I cannot say 'yes' or 'no' (Laughter), but I am concerned with the impact it would have on other spheres.

THE HON. SRI R. VENKATARAMAN : That is the greatest compliment you could have paid!

SRI T. P. SRINIVASAVARADAN : I am concerned with the proposition that education should be sound and should not be marred.

* SRI M. V. SUDARSANAM NAIDU : தலைவர் அவர்களே, இப்போது நம் நாட்டிலே இருக்கிற எல்லா ராஜ்யங்களிலும் இந்தி மொழியைப்பற்றிப் பேசப்படுகிறது. அந்தந்த ராஜ்யத்திலே அந்தந்த மொழி ஆட்சி மொழியாக வரவேண்டுமென்று எல்லோரும் கிளர்ச்சி செய்கிறார்கள். அதிலே நம்முடைய பங்கு ஒன்றும் குறையவில்லை. அதை நாமும் செய்தோம். நமக்குத் தமிழ் ஆட்சிமொழியாக ஆகவேண்டுமென்று நீண்ட நாளாகச் சொல்லி வந்திருக்கிறோம். இன்றைக்கு அதை ஒருவாறு அரசாங்க மொழியாக ஆக்கவேண்டுமென்று சட்டம் செய்திருக்கிறோம். இதிலே இப்போது சந்தேகாஸ்பதமான நிலைமைகளை நாம் உற்பத்தி பண்ணிக்கொண்டிருக்கிறோம். இங்கிலேஷையும், இந்தியையும் நமது அடுத்த மொழியாக ஆட்சியாளர்கள் கொண்டு வந்திருக்கிறார்கள். இது ரொம்பவும் வரவேற்கத்தக்கது. நான் சின்னவனாக இருந்தபோது இங்கிலேஷ் நூற்றுக்கு ஒன்றிரண்டு பேர்களுக்குத் தான் தெரியும். பெரிய நகரங்களாக இருந்தால் அங்கங்கே 10 பேர்களுக்குத் தெரிந்திருக்கும். மற்றவர்களுக்கு இங்கிலேஷ் தெரியாது. வேறு அப்போது இந்திய தேசிய பாஷைகளாக இந்தி, உருது போன்ற பாஷைகள் பிரபலமாக இருந்து வந்தன. சைனியத்தில் கூட இந்தி நிறையப் புகுத்தப்பட்டிருந்தது. சைனியத்தில் உள்ளவர்கள் இந்தி

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பேசினார்கள் அல்லது உருது பேசினார்கள். அப்போது இங்கிலேஷ் இருக்கும் இடம் தெரியாது. அதிலே பழக்க வழக்கம் போதாது. பின்னாலே, படிப்பிலே கூட 'பிரைமரி' வரைக்கும் படித்து பணம் கட்டி ஒரு பரீட்சை இருந்தது. அந்தப் பரீட்சைக்குப் பிறகு "தேர்வு பாரம்" வந்தது. அப்படி இங்கிலேஷ் படித்தவர்கள் "தேர்வு பாரம்" பாஸ் செய்து விட்டு வந்தபோது, அவர்களுக்குக் கிளார்க் உத்தியோகம் கொடுத்தார்கள். அப்போது "தேர்வு பாரம்" போதும் என்று சொன்னார்கள். பின்னாலே படிப்படியாக ஸ்கூல் பைனல் ஆகி, பிறகு பீ. ஏ. ஆயிற்று. அதற்கப்புறம் இப்போது பீ. ஏ. கூட மலிந்து போய் விட்டது. இங்கிலேஷ், எனக்குத் தெரிந்து கொஞ்சம் கொஞ்சமாக முன்னேறி வந்தது. அதைத்தான் இன்றைய தினம் நம் நாட்டுக்கு ஒரு படிப்பினையாகக் கொள்ளவேண்டும். நம் ஆட்சி மொழியாகத் தமிழ் மொழியை வரவேற்கும்போது, இங்கிலேஷோ அல்லது இந்தியோ இரண்டாவது மொழியாக இருக்கவேண்டுமென்று சொல்லும்போது, ஏன் அதைப்பற்றி விவாதிக்கவேண்டும் என்பது விளங்க வில்லை. இப்படி இந்த இங்கிலேஷ் பாஷை சென்ற 50 வருஷங்களுக்கு முன்பு, 60 வருஷங்களுக்கு முன்பு எப்படி இருந்து, மாறுதல் ஏற்பட்டு, படிப்படியாக முன்னேறி வந்து, பிரதானமான ஒரு இடத்திற்கு எப்படி வந்தது என்பதை நாம் சற்று சிந்திக்கவேண்டும். அதிலும் முக்கியமாக நாம் பார்த்து, இந்த அனுபவத்தில் வந்த ஒரு விஷயத்தை மட்டிலும் சொல்லுகிறேன். இப்போது நம் தமிழ் மொழியை அரசாங்க மொழியாகப் போட்டுவிட்டு எல்லா இடங்களிலும், கோர்ட்டுகளில் முதற்கொண்டு, தமிழிலே தான் பேசவேண்டுமென்று சொன்னால், இதனால் மக்களுக்குப் பல இன்னல்கள் நிற்கும். உதாரணமாக சட்ட சபையிலே இங்கிலேஷில் பேசுகிறார்கள். இதே கவுன்சிலில் பேசுகிறார்கள். இங்கிலேஷ் தெரியாத வர்களுக்கு அது புரியாது. அரைகுறை இங்கிலேஷ் தெரிந்தவர்களுக்குக் கொஞ்சம் புரிகிறது; ஆனால் சில இடங்களில் புரியாது. இந்தமாதிரித் தகராறு வருகிறது. அம்மாதிரி வரும்போது அது பல பேருக்குச் சங்கடங் களை விளைவிக்கிறது. நாம் எல்லோரும், சுதந்திரம் கேட்ட எல்லோரும், இந்த நாட்டில் பிறந்த சுதந்திர வீரர்கள் என்று வந்த பிறகு ஸ்பஷ்டமாக விளங்கக்கூடிய ஒரு மொழி அவசியம் என்று உணர்ந்து தமிழ் மொழியை ஆதரிக்கிறோம். ஏன் தமிழ் மொழியை ஆதரிக்கிறோம் என்றால் அது நமது தாய் மொழி. அப்படி இருக்கும் பாஷை ஒன்றுக்கு ஆக்கம் கொடுத்து அந்த மொழியானது அரசாங்கத்திலே எல்லாவிதத்திலும் வழங்கப்படவேண்டுமென்று நாம் இன்றைக்குச் சொல்வது மிக மிகப் போற்றக்கூடியது. பாமர மக்களுடைய நன்மைக்காகவென்று அரசாங்கம் இருக்கிறது என்று சொல்லுகிறோம். இன்றைக்குப் பார்த்தால் ஒரு கோர்ட்டில் ஒருவர் வக்கீல் வைத்து வாதாடுகிறார். வக்கீல் பேசுவது இவருக்குப் புரியாது. நீதிபதி என்ன சொன்னார், அதற்கு வக்கீல் என்ன பதில் சொன்னார், அவர் சொன்னது சரிதான், தவறு ஏதாவது இருக்கிறதா என்று கூடத் தெரியாது. இதை எடுத்துக்காட்டி பல சந்தர்ப்பங்களில் மக்களிடையே நாங்கள் கூடப் பிரசாரம் செய்தோம். இந்தமாதிரி மக்களால் பேசப்படக் கூடிய மொழி ஆட்சி மொழியாக ஆக வேண்டும். பாஷை தெரியாத காரணத்தினால் நம்முடைய பணமும், நீதியும் பறிபோகின்றன. இதைத் தீர்த்துக் கட்டவேண்டுமென்று சொன்ன ஆட்களில் நானும் ஒருவன். இந்த முறையில் அரசாங்கம் கொண்டு வருவது மக்களால் வரவேற்கப்படக் கூடிய ஒரு விஷயம். எல்லோரும் வெகு சலுகமாக அவர்கள் கருத்துக்களை அரசாங்கத்திடம் சொல்லவும், அரசாங்கத்தின் பதிலை அவர்கள் சலுகமாக அறியவும் ஏதுவாக ஆகிறது. இப்படிச் செய்வதால் இடையிலே சில தரக்கள் இருக்கிறார்களே, அவர்கள் வேலையற்றுப் போய்விடுவார்கள். அது வாஸ்தவம்தான். இன்று நாட்டிலே குழப்பத்தை உண்டுபண்ணுபவர்கள் அவர்கள்தான். முதலிலே ஒரு பாஷை தெரியாது என்பதாலே ஒருவரை ஒருவர் ஏமாற்றிப் பல தகராறுகள் ஆகின்றன. அது இப்போது அடிப்படையாக ஆகிறது. ஆகையால், இந்தத் தமிழ் மொழியானது ஆட்சி மொழியாக ஆகவேண்டுமென்ற நம் கருத்துக்குப்பட்டு எல்லா நீதி நிர்வாகங்களிலும் ஆட்சி மொழியாக வருவதை நாம் வரவேற்கிறோம்.

[Sri M. V. Sudarsanam Naidu] [25th March 1958]

அடுத்தபடியாக, இந்தியோ அல்லது இங்கிலீஷோ அல்லது இரண்டுமோ, புத்தப்பட்டுவெண்டுமென்று சொன்னார்கள். அதை இப்போது நமது ஆட்சியாளர்கள் கொண்டுவந்திருக்கிறார்கள். அதிகமான யோசனை செய்து நீண்ட நாட்களாகச் சர்ச்சை செய்த பின்பு இந்த இரண்டு மொழிகளும் நாட்டுக்கு அவசியம் என்பதால்தான் இதைக் கொண்டுவருகிறார்கள். இங்கிலீஷ் அவசியம் என்று பல மேதாவிகள் சொல்லுகிறார்கள். அதேபோல இந்தியும் வேண்டுமென்று சொல்லுகிறார்கள். ஒருவிதத்தில் பார்க்கும்போது, வெளி நாடுகளுக்குச் செல்லும் போது, அந்த பாஷை அவசியம் என்று வருவதால், இதை எல்லோரும் ஒப்புக்கொள்ளத்தான் வேண்டும். அதை நாம் ஏற்று நடத்தவேண்டியது மிக மிக அவசியம். அது மாத்திரமல்ல. இந்தியை எடுத்துக்கொண்டால், வட நாட்டுக்குப் போகும்போது இந்தி தெரியவில்லையென்றால் வெட்கப் படவேண்டியிருக்கிறது. 1922-லே நான் வட இந்தியப் பிரயாணம் போனேன். அப்போது அவர்கள் பேசுவது என்ன என்று புரியாது. தமிழ் நாட்டிலிருந்து போனவர்களுக்குப் புரியாது. அவர்கள் ஏதோ பேசுகிறார்கள், நாம் ஏதோ சொல்லுகிறோம். கடைசியில் கொஞ்சம் கொஞ்சமாகப் புழக்கவேண்டி வந்தது. இந்தி எவ்வளவு அவசியம் என்பது அப்போதுதான் புரிந்தது. இந்தியாவுக்கு இந்தி அவசியம், இந்தி கற்றே திரவேண்டுமென்று என் போன்றவர்களுக்கு எண்ணம் வந்ததற்கு, இந்தப் போக்குவரத்துதான் காரணம். போக்குவரத்து அதிகம் ஆகும் போது அந்த பாஷை தானாகப் புழகி விடுகிறது. டில்லியிலே இருக்கக் கூடிய தமிழ் மக்கள் எல்லோரும் நன்றாக இந்தி பேசுகிறார்கள். டில்லி வேண்டாம், இங்கேயே பார்க்கலாம்—பக்கத்திலே 10 முஸ்லிம்கள் வீடுகளோ, அல்லது ராஜபுத்திரர்கள் வீடுகளோ இருந்தால் அந்தத் தெருவில் இருக்கிற தமிழ் பிள்ளைகள், சுத்தத் தமிழர்கள். இந்தி பேசுகிறார்கள், எழுதுகிறார்கள். எழுதுவது வேண்டுமானால் கொஞ்சம் கடினம். பேசுவதற்குச் சலபமாகக் கற்றுக்கொள்கிறார்கள். இதைப் பார்க்கும்போது, நம் நாட்டுக்கு ஒரு பொது மொழி, அதிலும் பரந்த ஜனத்தொகை உள்ள இந்த நாட்டுக்கு இந்தி மொழி, அவசியமா என்று கேட்டால், மிக மிக அவசியம், ஒரு மொழி அவசியம் இருக்கவேண்டும் என்ற காரணத்தினால், அதை எல்லோரும் வரவேற்கத்தான் வேண்டும்.

ஆட்சியாளர்கள் கொண்டுவந்திருக்கக்கூடிய தீர்மானத்தை நாம் வரவேற்காமல் இருக்க முடியாது. எல்லோருக்கும் திருப்தியாக நல்ல உத்தேசத்தோடு, விசால புத்தியோடு கொண்டுவந்திருக்கக்கூடிய ரிப்போர்ட்டை நாம் பொன்னேபோல் போற்றி ஆதரிக்க வேண்டியது மிகவும் அவசியம்.

மொழிகள் சர்ச்சை தீர்ந்தாலும்கூட நமக்கு ஒரு துன்பம் இருக்கிறது. அதைச் சற்று நாம் சிந்திக்க வேண்டும். அது நமது வருங்காலக் குழந்தைகளைப் பற்றியது. இப்பொழுது நாம் குழந்தைகளுக்கு இங்கிலீஷ் கற்றுக் கொடுக்கிறோம். தமிழ் கற்றுக் கொடுக்கிறோம். இந்தியும் கற்றுக் கொடுக்கிறோம். குழந்தைகள் ரொம்பவும் சுறுசுறுப்பாகவும், கவனத்தோடும் இந்த மூன்று மொழிகளைக் கற்றுக்கொள்வதை நான் பார்த்திருக்கிறேன். இதில் பெற்றோர்கள், வளர்க்கக் கூடியவர்கள் அக்கறையும் ஒரு முக்கியமான காரணம். குழந்தைகள் ஹிந்தியைப் படிக்கும்போது சரியான சப்தத்தோடும், அட்சர சத்தமாகவும் படிக்கிறார்கள். ஆனால் சிலர் ஹிந்தியில் ஒவ்வொரு எழுத்துக்கும் நான்கு சப்தங்கள் இருப்பதால், கற்றுக் கொள்வது கஷ்டமாக இருக்கிறது என்று சொல்லுகிறார்கள்.

கணம் நண்பர் ஸ்ரீ கணபதி நாயகர் அவர்கள் இந்திக்கு நாகரி எழுத்தை விடலத்தின் எழுத்து இருக்கவேண்டும் என்று சொன்னார்கள். நான் அதை வரவேற்கவில்லை.

நம் நாட்டில் சம்ஸ்கிருதம் வெகு காலமாக 2,000, 3,000 வருஷங்களாகப் புழக்கத்தில் இருந்து வருகிறது. நம் நாட்டில் உள்ள 16, 18 மொழிகளும், தமிழைத் தவிர, சம்ஸ்கிருத எழுத்தை ஒட்டியே வகுக்கப்

25th March 1958] [Sri M. V. Sudarsanam Naidu]

பட்டிருக்கின்றன. எனக்கு 7-8 மொழிகளின் எழுத்துக்கள் நன்றாகத் தெரியும். ஜெயிலில் இருக்கும் போது எல்லாப் பகுதியைச் சேர்ந்தவர்களும் ஒன்றாக இருந்தோம். பெங்காலி, தமிழ் இந்த இரண்டு மொழிகளைத் தவிர மற்ற எல்லா மொழிகளின் சப்தமும் ஏறக்குறைய ஒன்றாக இருக்கும். தமிழ் மொழியின் சப்தமும், பெங்காலி மொழியின் சப்தமும் கொஞ்சம் பிரத்தியேகமாக இருக்கும். குழந்தைகள் இந்தி கற்றுக்கொள்வதற்கு நல்ல முறையில் ஏற்பாடு செய்யவேண்டும் என்று சொல்லி, அரசாங்கம் கொண்டு வந்திருக்கும் இந்த ரிப்போர்ட்டை ஆதரித்து என்னுடைய உரையை முடித்துக்கொள்கிறேன்.

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

The House then adjourned.

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

126. Notification issued with G.O. No. 257, L.A., dated 14th February 1958, regarding amendment to the Madras Village Panchayat Rules relating to strength of Panchayats.

THE MADRAS LEGISLATIVE COUNCIL

Wednesday, the 26th March 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.—FELICITATIONS TO MEMBERS RE-ELECTED TO THE COUNCIL.

MR. CHAIRMAN : I should have congratulated yesterday the three Members, who have got re-elected to the Council—our Leader, Sri R. Venkataraman, Sri A. Gajapathy Nayagar and Sri Nallasenapathi Sarkarai Manradiar. Let me now congratulate them on behalf of the House. (Cheers.)

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Release of Dravida Kazhakam members

* 95 [SHORT NOTICE] Q.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Home be pleased to state—

(a) whether it is a fact that 51 members of the Dravida Kazhakam, sentenced to various terms of imprisonment, were released from the Central Jail, Tiruchirappalli; and

(b) if so, the reasons therefor?

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

(b) They were released on medical grounds.

SRI V. CHAKKARAI CHETTY : May I know whether the offences for which these prisoners were sentenced were of such a flagrant nature that justice required that they must be sent to jail or whether they pertained merely to certain religious susceptibilities?

THE HON. SRI M. BHAKTAVATSALAM : This is a matter for courts. They have given their verdict.

DR. V. K. JOHN : May I know whether the Dravida Kazhakam was not a party which helped the Congress in the last elections?

THE HON. SRI M. BHAKTAVATSALAM : I have no information.

SRI MOHAMED RAZA KHAN : May I know the approximate number of such persons in the jail at present?

THE HON. SRI M. BHAKTAVATSALAM : It must be more than 2,000. Perhaps, it may go up to 3,000; I do not have the exact figure.

[26th March 1958]

SRI V. V. RAMASWAMI : இந்த 51 பேர்களையும் மெடிகல் ரீசன்ஸ்க்காக விடுதலை செய்திருப்பதாகச் சொன்னார்கள். என்ன வியாதியின் காரணமாக என்று சொல்ல முடியுமா என்று கேட்கிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : சீதபேதி வியாதியால் பாதிக்கப்பட்டிருந்தார்கள். எவ்வளவோ வைத்திய வசதிகள் கொடுத்தும் இரண்டு பேர்கள் அதற்கு முன்பு இறந்து விட்டார்கள். ஜெயில் ஹாஸ்பிடல், ஹெல்த்வார்ட்ஸ் ஹாஸ்பிடல் வைத்தியர்களிடம் சிகிச்சை பெற்றுக்கொண்டும் குணமாகாத காரணமாக அவர்களை விடுதலை செய்துவிடலாம் எனச் சொன்ன தன்பேரில் விடுதலை செய்யப்பட்டார்கள். அந்த 51 பேர்களுக்குப் பிறகு 11 பேர்கள் கூட மெடிகல் க்ரெளண்டிஸ் விடுதலை செய்யப்பட்டிருக்கிறார்கள்.

DR. V. K. JOHN : May I know whether the members of the Dravida kazhakam in jail are very well looked after?

THE HON. SRI M. BHAKTAVATSALAM : These prisoners are looked after as other prisoners are.

DR. A. SREENIVASAN : Is it not a fact that bacillary dysentery is a disease of quite common occurrence in prisons? If so, what preventive measures is the Hon. Minister likely to take in order to prevent this infection in future? This is a preventable one.

THE HON. SRI M. BHAKTAVATSALAM : The medical authorities of the jail are quite well aware of this and they have taken all necessary steps although I cannot tell the hon. Member what exactly they are.

SRI V. V. RAMASWAMI : இந்தத் திராவிட முன்னேற்றக் கழகத்தினர் சாதி ஒழிப்புக் கொள்கையின் காரணமாகக் கைது செய்யப்பட்டார்கள் என்று தெரிகிறது. இது விஷயத்தில் அரசாங்கத்தின் கொள்கை என்ன என்று கேட்கிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : எனக்குத் தெரிந்த வரையில் அவர்கள் சித்தை அடைந்தது 'அரசியல் அமைப்பைக் கொடுத்துக் கொடுக்கும்' என்ற கிளர்ச்சியினால் தான். சாதி ஒழிப்புக்கும் இதற்கும் சம்பந்தம் இல்லை.

SRI MOHAMED RAZA KHAN : May I know whether they are classified as political prisoners or ordinary prisoners? Are they classified as A class or B class or C class prisoners?

THE HON. SRI M. BHAKTAVATSALAM : They are classified as political prisoners. So far as C class prisoners are concerned, there is practically no difference between the political prisoners and others. A few of them when found entitled to B class were put in B class.

SRI V. V. RAMASWAMI : இந்தக் கைதிகள் அரசியல் அமைப்பு சாதி ஒழிப்புக்கு விரோதமாக இருந்ததால், தங்கள் எதிர்ப்பைத் தெரிவிக்கும் நடவடிக்கையாகத்தான் அதை எடுத்துக்கொண்டார்கள். ஆகையால், சாதிப் பாகுபாடுகளை ஒழிக்க ஏதாவது திட்டம் அரசாங்கத்திடம் இருக்கிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : சாதி ஒழிப்பு தனி விஷயம். பெரிய விஷயம் என்று சொல்லலாம். அதற்காக அரசியல் அமைப்பைக் கொடுத்துவது சரியல்ல. சட்டங்கள் போடுவதாலும், அரசியல் அமைப்பைத் திருத்துவதாலும் சாதியை ஒழிக்க முடியாது. மக்கள் மனதில்

[26th March 1958]

மாற்றம் ஏற்பட வேண்டும். மனமாற்றத்திற்கு என்ன செய்யலாம் என கனம் அங்கத்தினர்கள் யோசனை சொன்னால், அதைக் கேட்டு தக்க நடவடிக்கையை அரசாங்கம் எடுத்துக்கொள்ளும்.

SRI MOHAMED RAZA KHAN : Is it a fact that the Hon. the Home Minister was very sympathetic to them—political differences apart—when he visited some of the jails and tried to know their grievances?

THE HON. SRI M. BHAKTAVATSALAM : I am sympathetic to all prisoners. It is only a few of these prisoners that I have met. But I am going round the jails often and particularly I am sympathetic and I do not fail to see condemned prisoners. I talk to them and listen to their grievances so that they may be removed.

SRI V. V. RAMASWAMI : இந்த சாதி ஒழிப்பு விஷயமாக சம்பந்தம் பட்ட எல்லோரையும் கலந்து யோசிக்கலாம் என மந்திரி அவர்கள் சொன்னதை வரவேற்கிறேன். அதற்காக பெரியார் ராட்சாமி நாயக்கரையும் விடுதலை செய்து, சங்கராச்சாரியாரையும் கூட அழைத்துப் பேச்சு வார்த்தை நடத்தப் பிரயத்தனம் செய்வார்களா?

THE HON. SRI M. BHAKTAVATSALAM : சாதி ஒழிப்பை நிறைவேற்றுவதில் சங்கராச்சாரியார் சுவாமிகளையோ, பெரியார் ராட்சாமியையோ கேட்டு ஆகவேண்டுமென்ற அவசியம் இல்லை.

SRI A. GAJAPATHY NAYAGAR : திராவிடக் கழகத்தைச் சேர்ந்தவர்கள் இரண்டு பேர் இறந்து விட்டதாகச் சொன்னார்கள். அதற்குக் காரணம் என்ன என்று சொல்ல முடியுமா?

THE HON. SRI M. BHAKTAVATSALAM : டிசென்டரி வியாதியானது.

DR. V. K. JOHN : Were there prisoners other than the Dravida Kazhakam prisoners who suffered from this illness and were released?

THE HON. SRI M. BHAKTAVATSALAM : That is not at all correct. Whoever suffers from any illness which is certified by the doctors as difficult of treatment is released on medical grounds.

SRI V. V. RAMASWAMI : இது விஷயமாகத் திராவிடக் கழகத் தலைவர் பெரியாரை விடுதலை செய்யும் நோக்கம் இருக்கிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : விடுதலை செய்யும் நோக்கம் இல்லை.

Government Training School, Mettur Dam

* 96 Q.—**SRI V. R. RANGANATHAN :** Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that an Assistant of the Government Training Schools, Mettur Dam, was suspended for certain irregularities committed by him as Deputy Warden of the School Hostel during the year 1954;

(b) if so, the date on which he was suspended and the date on which the report on the enquiry held into the charges was received by the Director of Public Instruction;

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(c) whether any final orders have been passed by the Director of Public Instruction;

(d) if not, the reasons for the delay;

(e) whether subsistence allowance has been paid throughout the period of suspension and, if not, why not; and

(f) whether any charges were framed against the Headmaster also who was the Warden of the Hostel?

THE HON. SRI C. SUBRAMANIAM: (a) & (b) A L.T. Assistant of the Government Secondary and Training School, Mettur Dam, was suspended from service with effect from 1st June 1955 for certain irregularities committed by him as Deputy Warden of the School Hostel. The final report on the enquiry into the charges framed against the Assistant was received in the Office of the Director of Public Instruction on 16th September 1957.

(c) & (d) Final orders in the matter have not yet been passed as certain original records relevant to the case were not received in the Director's Office along with the report on the enquiry and were obtained only on 27th February 1958.

(e) Subsistence allowance is being paid to the Assistant according to the rules.

(f) No, Sir, as the Assistant, and not the Headmaster, was *prima facie* found responsible for the irregularities.

SRI V. R. RANGANATHAN: Is it a fact that the Headmaster who was also partly responsible for running the hostel on proper lines conducted this enquiry?

THE HON. SRI C. SUBRAMANIAM: The Divisional Inspector of Schools, Coimbatore, conducted the enquiry.

SRI V. R. RANGANATHAN: He was Headmaster at the time this irregularity occurred. Is it proper that he should have been the enquiring officer?

THE HON. SRI C. SUBRAMANIAM: I have no information. I will look into the matter.

SRI G. KRISHNAMOORTHY: Have the Government come to any conclusion as to the time-limit for the disposal of such cases as the concerned people find it very difficult to pull on for two or three years with the subsistence allowance?

THE HON. SRI C. SUBRAMANIAM: I thought I had already mentioned in this House that a Special Officer had been appointed to clear off arrears of pending disciplinary cases. I have also fixed a time-limit.

SRI A. M. ALLAPICHAJ: Can there not be some arrangement by which this kind of enquiry could be finished within a particular time-limit?

THE HON. SRI C. SUBRAMANIAM: Just now I have answered the question.

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Nurses in the Government Hospitals

* 97 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Revenue be pleased to state— 3-10 p.m.

(a) the number of male nurses and the total number of nurses trained and appointed every year in the Government Hospitals in the State;

(b) the number of applications for nurses' training from women rejected for want of seats in 1957-58; and

(c) whether the Government propose to stop the recruitment of male nurses?

THE HON. SRI M. A. MANICKAVELU: (a) A statement^a is placed on the table of the House.

(b) 321.

(c) No, Sir. The admission of men candidates for nurses training is suspended temporarily only for three years from July 1958.

SRI V. CHAKKARAI CHETTY: May I know whether these strange creatures called male nurses are dressed just like female nurses when they go about their business? I think these two terms are contradictory to one another. I am not here speaking as a logician. I am speaking as a layman. May I know whether they are popular with all classes of people as female nurses are? Personally, I do not like male nurses. I do not want to be under the ministration of male nurses if ever I go to the General Hospital.

THE HON. SRI M. A. MANICKAVELU: As a special case, female nurses will be provided if and when the hon. Member goes to the General Hospital.

SRI T. PURUSHOTHAM: Will the Hon. Minister kindly enlighten us on the reasons for suspending the recruitment of male nurses and whether any patients complained against the ministration of male nurses as made out by the hon. Member opposite?

THE HON. SRI M. A. MANICKAVELU: There is a generally airy impression that the female nurses will be preferable to the male nurses. Now, we are trying to reduce the proportion of male nurses to female nurses. It was 1 : 3. That is for every male nurse, we were recruiting three female nurses. Now, for every male nurse, six female nurses will be recruited and the recruitment of male nurses will be stopped for three years.

SRI V. CHAKKARAI CHETTY: Are these female nurses more popular and better than male nurses?

THE HON. SRI M. A. MANICKAVELU: I should think so because there is a delicate touch. . . (Laughter.)

DR. V. K. JOHN: Is it the experience of the Hon. Minister, Sir? (Laughter.)

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DR. A. SREENIVASAN : May I know whether the Hon. Minister is aware of the fact that there are occasions when the female nurses are not able to cope with certain types of patients? In such cases, what will be the position of the patients entrusted to the care of the doctors if strong male nurses are not available?

THE HON. SRI M. A. MANICKAVELU : That is why we are having male nurses; especially, they are very much needed in the Mental Hospital, Venereal Department and other such departments.

SRI T. PURUSHOTHAM : May I know whether this temporary ban on their recruitment will take effect from 1958-59 and whether all the seats will be allotted to women candidates?

THE HON. SRI M. A. MANICKAVELU : When male nurses are not recruited, only female nurses will be recruited.

SRI A. M. ALLAPICHAJ : Cannot we think of some other name in the place of 'male nurses' so that we may avoid all these troubles?

SRI MOHAMED RAZA KHAN : Sir, the first Congress Ministry of 1937 was very proud of this institution of male nurses. Is it proper for this Congress Ministry of 1958 to give up that institution? Because, the present suspension for three years itself will be a prelude to completely giving up that institution.

THE HON. SRI M. A. MANICKAVELU : Now, some hon. Members are more female-minded. (Laughter.)

DR. A. SREENIVASAN : Even in the General Hospital—in the medical and surgical sides—there had been occasions when it was not possible for these puny female nurses to tackle heavy male patients and when they found it impossible to even lift them up for change of dress and other things?

THE HON. SRI M. A. MANICKAVELU : In such circumstances, I am sure the Dean has got ample powers and opportunities to do the necessary and useful thing.

SRI MOHAMED RAZA KHAN : The Hon. Minister said that the hon. Members were more female-minded. May I know whether the Members on the Treasury Benches are also included in that category?

THE HON. SRI M. A. MANICKAVELU : The hon. Member may draw his own inference.

SRI T. PURUSHOTHAM : We see from the statement laid on the table of the House that the number of female nurses recruited in the year 1955 was 188, in the year 1956 it was 66 and in the year 1957 it was 118. May I know why there has been a distinct fall in the year 1956?

THE HON. SRI M. A. MANICKAVELU : I cannot give a reply off-hand. It requires some research.

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Police dogs

* 98 Q.—SRI A. SUBRAMANYAM : Will the Hon. the Minister for Home be pleased to state whether there is any proposal before the Government to train more number of Police dogs to detect cases of thefts, murders, etc., and to station sufficient number of these dogs in each district Headquarters?

THE HON. SRI M. BHAKTAVATSALAM : No, Sir.

SRI A. SUBRAMANYAM : இந்த நாய்கள் குறிப்பாக மோப்பம் பிடித்துத் திருடர்களை அல்லது கொலை செய்தவர்களைக் கண்டுபிடிக்கிறது. இந்த நாய்கள் மோப்பம் பிடிப்பது சில மணி நேரங்களுக்குள்ள்தான் முடியும் என்று சொல்லப்படுகிறது. அதாவது, அரை அல்லது ஒரு நாளுக்குள்ள்தான் மோப்பம் பிடிக்க முடியும் என்று சொல்லப்படுகிறது. ஆகவே, இப்பொழுது குறிப்பிட்ட இடத்திற்கு, கொலை நடந்த இடத்திற்குக் கொண்டுபோய் மோப்பம் பிடிப்பதற்குக் காலதாமதமாகின்றது. ஆகவே, ஒவ்வொரு ஜில்லாவிலும் தனித்தனியாக இந்த நாய்களை வைத்துப் பழக்கப்படுத்தினால் அதனால் நல்ல பலன் ஏற்படும் அல்லவா?

THE HON. SRI M. BHAKTAVATSALAM : இந்த மோப்பம் பிடிக்கும் நாய்களைப் பழக்குவதோடு அதை வைத்து நடத்துகிறவர்களையும் பழக்க வேண்டும். டாக் ஸ்வாட்டில் ஒரு ஹெட்கான்ஸ்டேபிள், ஒன்பது கான்ஸ்டேபிள்ஸ், இரண்டு பையன்கள் நன்கு பயிற்சி பெற்றவர்கள் இருக்கிறார்கள். ஒவ்வொரு ஜில்லாவிற்கும் இப்படி வைப்பது என்பது சாத்தியமல்ல. மேலும், இப்பொழுது ரெயில் இருக்கிறது. ஆகாயமிமானம் இருக்கிறது. ஆகவே சில மணி நேரத்தில் இந்த நாய்களைக் கொண்டு போகலாம். அப்படிக் கொண்டுபோய் மோப்பம் பிடிக்கப்பட்டு வருகிறது.

SRI V. CHAKKARAI CHETTY : For my own sake, I wish to know from the Hon. Minister whether these Police dogs belong to a special category of dogs like the Newfoundland dogs or whether they are ordinary dogs.

THE HON. SRI M. BHAKTAVATSALAM : These dogs belong to a special category, viz., Alsatian.

SRI T. PURUSHOTHAM : Are they imported from other countries or are they indigenous stuff?

THE HON. SRI M. BHAKTAVATSALAM : They are also imported.

DR. A. SREENIVASAN : May I know whether there has been at least 25 per cent detection by the Police dogs?

THE HON. SRI M. BHAKTAVATSALAM : I can only say that they have been fairly successful in detecting crimes. Even recently, there was a case in Pollachi taluk where there was absolutely no clue before, that is, in the beginning. It was a case of theft and murder. The Police dogs were taken there and the Collector and the District Superintendent of Police also accompanied. The dogs invitted to the paper 'laid on the table of the House.

SRI A. SUBRAMANYAM : இந்த நாய்கள் மூலம் நல்ல பலன்கள் அரகாங்கத்திற்குக் கிடைப்பதால் அதிகம் செலவானாலும் கூட, ஏன் அந்தந்த ஜில்லாக்களில் இந்த நாய்களை வைத்துச் செலவைப் பொருட்படுத்தாமல் இக்காரியத்தைச் செய்யக்கூடாதென்று கேட்கிறேன். அதனால் கெடுதல் இல்லை.

[26th March 1958]

THE HON. SRI M. BHAKTAVATSALAM : அவசியம் இருந்தால் செலவு செய்யலாம். ஆனால் இப்பொழுது ஆறு நாய்களும் மூன்று குட்டிகளும் இருக்கின்றன. இதை வைத்துக்கொண்டு எந்த ஊருக்கு வேண்டுமானாலும் இதை அனுப்பி மோப்பம் பிடிக்க முடியும் என்பதில்தான் இதற்கு மேல் செலவு செய்வது அவசியம் என்று அரசாங்கம் கருதுகிறது.

Bridges across rivers

* 99 Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Public Works be pleased to lay on the table of the House a list of bridges to be constructed across rivers in this State by the Highways Department during the Second and Third Plan periods with the approximate cost of each scheme?

THE HON. SRI P. KAKKAN : The attention of the Member is invited to the paper* laid on the table of the House.

SRI T. PURUSHOTHAM : While thanking the Hon. Minister for the exhaustive and informative statement placed on the table of the House, may I know whether funds have been allotted for the bridge works included in the Second Plan and whether the works will be pushed through and completed in time?

THE HON. SRI P. KAKKAN : Yes, Sir.

MR. CHAIRMAN : Questions are over.

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

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

MR. CHAIRMAN : I have to announce to the House that I have received the following messages, dated 25th March 1958 from the Hon. Speaker, Madras Legislative Assembly :—

'In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Indian Stamp (Madras Amendment) Bill, 1958 (L.A. Bill No. 12 of 1958), as passed by the Legislative Assembly on the 25th March 1958 and signed by me, for the recommendations of the Council.

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

'In accordance with rule 138 of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Children (Amendment) Bill, 1958 (L.A. Bill No. 10 of 1958) :—

Motion

That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Children

* Printed as Appendix II on pages 311-313 infra.

26th March 1958] [Mr. Chairman]

(Amendment) Bill, 1958 (L.A. Bill No. 10 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

The Hon. Sri M. Bhaktavatsalam.

Sri P. G. Karuthiruman.

„ M. Ramachandra Reddiar.

Srimathi Kamalambujammal.

„ C. Kulandaiammal.

„ P. K. R. Lakshmikanthammal.

„ Rajathi Kunchithapadam.

Sri P. M. Munuswami Gounder.

„ P. Jayaraj.

„ B. K. Linga Gowder.

„ T. K. Subbiah.

„ K. R. Nallasivam.

„ K. Ramachandran.

„ C. Nataraja Odayar.

„ N. K. Palanisami.

Dr. E. P. Mathuram.'

IV.—GOVERNMENT BUSINESS.

DISCUSSION ON THE STATEMENT OF DEMANDS FOR FURTHER
EXPENDITURE AND THE DETAILED SUPPLEMENTARY ESTIMATES
THEREOF FOR THE YEAR 1957-58.

MR. CHAIRMAN : The House will now discuss the Statement of Demands for Further Expenditure and the Detailed Supplementary Estimates thereof for the year 1957-58. 3-20 p.m.

SRI MOHAMED RAZA KHAN : Sir, the Hon. the Finance Minister in his statement itself has said that the demand of Rs. 20 crores is indeed large but that it should not cause undue concern because this is going to be offset by the savings also in many of the Demands in the year under review. Of course, in a Supplementary Demand, a sum of Rs. 20 crores would look a little bit large. But the very statement of the Hon. the Finance Minister shows that it is only a question of adjustment and that savings under one Grant cannot be transferred to another. I entirely agree that the tempo of expenditure in certain fields of irrigation and other works is increasing. I hope this House will be too willing to sanction the demand because of the progressive nature of the works under execution.

With regard to the various detailed items, let me refer to five or six, as there are too many this year. The first item is the Excise Demand. I understand that there is a proposal before the Government of Madras to amalgamate the Excise Department with the

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[Sri Mohamed Raza Khan] [26th March 1958]

Sales Tax Department. Since we have not heard about this so far, I just like to be enlightened by the Hon. Minister on this point. It may not be fair on my part to ask for details regarding retrenchment, if any. But I just want to know whether whenever work in a department diminishes, proportionate number of people working in that department is also transferred to other departments.

I may take the Sales Tax Department which is in charge of the Hon. the Leader of the House, Sri R. Venkataraman. This year the Sales Tax Department is having lesser work than what it had in the previous years. It has nothing to do with important commodities like cloth, sugar, cigarettes and tobacco. Surely, there may be reduction of work. I should also like to know whether there is also a proportionate reduction in the staff in the department of Sales Tax. I like to be enlightened on this matter. There is also another aspect. Last week or so, an Act was passed to the effect that tax on petrol and diesel oil should be collected at the source itself. It means lesser work. Otherwise, there will be the work of checking about one thousand bunks in the City and others in the State. This has, therefore, reduced the work in the department considerably. Therefore, I should like to know whether there is any proportionate reduction in the staff of the department itself. I do say this because it is a question of economy.

Regarding the Forest Department, it is said that additional appropriation is required to meet the cost of uniforms indented for 1956-57 and the previous years but actually supplied during the current year. I should like to know whether conditions were not stipulated in the tender that if and when an order was placed for supply, it should be made in the year or at a later date.

An additional provision under "Charged" item for the payment to the plaintiffs in A.S. Nos. 206 of 1953 and 570 of 1954 to the extent of Rs. 13,700 is also demanded of which Rs. 400 will be met from savings within the Grant. The Government will always give an indication of what the case was, why we had to go to the Court and why the decision of the Court went against us. In the absence of any information on the above points, it is not possible for Members to speak on this item. Sir, the Government have come forward with an additional allotment for employing extra staff just to check evasion of sales tax and also with another demand for employing some additional staff just to check the supply of goods from the State of Pondicherry. I just want to know what has been the result of all the measures which have been taken by the Government such as whether there was any appreciable reduction in the number of evasions, what exactly the amount of savings effected was and whether the revenues of the Government have been augmented.

Then, with regard to the item 'Police', the Government have come forward with a demand for Rs. 30,89,600 towards the M.S.P.

[26th March 1958] [Sri Mohamed Raza Khan]

deputed for work in the State of Assam. Of course, it is not the Madras Government that bear the expenditure. The expenditure is stated to be incurred initially by this Government but will be recovered from the Union Government later on. I just want to know whether they got any special pay or special allowances for serving in the hilly parts of Assam, what the duration of their deputation is, whether their deputation will be a permanent feature or whether they will be returning to our State in a short time. I also understand that recently an officer of the Madras Government was sent there to look after their conveniences there. I would like to know whether this deputation is a temporary measure and whether any allowance is given to them for the hard work that has to be done in the State of Assam.

We are happy that the Government of Madras have taken very quick action in having acquired the necessary land from outside and also a part of it from the Government Estate for the location of the Higher Technological Institution. I may say that the Government of Madras, particularly, the Hon. the Minister for Education and Finance deserves our congratulations on locating this institution in our State and particularly in the City. I am sure it would be a very useful institution.

Then, Sir, there are several demands under the item 'Harijan Uplift'. In the year 1948 the Government were spending only thirty to forty lakhs of rupees. Since then the expenditure under this item has mounted up and it is now two to three crores taking the entire demand for the year. Surely in this respect our State would compare very favourably with any other State in India. The Government of Madras are doing their very best for the upliftment of the Harijans and Backward Classes. But there is a feeling that a certain part of it is not properly planned or that there is a certain amount of waste. I cannot say with facts and figures or with experience how this could be stopped. But one remarkable thing they have done is this. Formerly, they used to give grants for running hostels. Having come to know that there are abuses in this direction, they are assuming the responsibility of running these hostels where there has been some wastage. When they are spending such a huge amount under this head, they will do well to scrutinize whether there is wastage because now money is scarce and very important for us and every pie should be properly spent.

There is the grant of scholarships to deserving and poor students. Apart from the Government helping them, there are many societies in the State which render great help by granting scholarships to needy backward class students. I wish to know whether there is any provision to help such societies with grants from the Government funds. Even if there is no provision now, I would like the Hon. Minister to examine the possibility of helping such societies, if not this year, at least in the future.

[Sri Mohamed Raza Khan] [26th March 1958]

On the side of Capital Outlay on Industrial Development, I think the Government of Madras and the Hon. the Leader of the House have something to their credit. As I said during the discussion on the Budget, when we went to the Industrial Estate, we felt happy that in this State of ours which was backward in the matter of industrialization, such attempts were being made particularly in the field of small-scale industries. It is good that they have taken advantage of the various grants from the Government of India to launch on this scheme and others, such as the industrial housing scheme in Ramanathapuram district and other places. It is a thing on which the Government ought to be congratulated and particularly the Hon. the Minister for Industries deserves to be congratulated. There has been a charge that this Government were not utilizing the grants made available by the Government of India. I think the charge was with reference to the Hon. the Minister for Health. The charge was that grants and subsidies given by the Government of India were allowed to lapse because we did not have the schemes or programmes ready. I do not know definitely about this but I think this was referred to in the other House. Therefore, whenever there is a grant made by the Government of India, the Government of Madras should be ready with their plans and try to use that grant and implement the plan.

Sir, I do not want to take much of the time of the House. The hon. Member Sri Purushotham is there to attend to the items which are too many. He has an eye to scan through them. I only wish to make passing references to some of the items. After referring to only one other item, I will conclude my speech.

There are two items, one for the purchase of cinema machinery at a cost of Rs. 20,000 and another for a sum of Rs. 1 lakh for the remodelling of the New Legislative Assembly Hall. There was a sanction for an expenditure of Rs. 29,000 towards the purchase and installation of a 35 m.m. double projector. I cannot understand this colossal waste on the part of the Government of Madras in converting the New Legislative Assembly buildings constructed at a cost of 8 to 9 lakhs of rupees and transferring the Assembly to the old Assembly building in Fort St. George which also had cost them 3 to 4 lakhs of rupees to equip it properly. Now the Government demand a sum of Rs. 1,25,000. That is only the beginning. We do not know where this will lead to. This is demanded just to convert the New Assembly buildings into a theatre. The idea is good. I am not against it. But what I say is that a smaller building put up at a cost of a lakh or two rupees would be sufficient for that purpose. I cannot understand this colossal waste in converting a building put up at a cost of Rs. 8 or 9 lakhs by again spending Rs. 3 to 4 lakhs into a children's theatre. As far as I know, unless things improve, there won't be more than five or six shows in the year in that theatre. Is it right to waste so much money on this? For the last one year or so, the building

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was kept closed. If it had been utilized by the Government to accommodate some of their own offices which are now in rented buildings, that would have meant a saving of Rs. 2 to 3 thousands a month to the Government. I can only say that this is a fancy, whether it is of the Madras Government or of the Hon. the Finance Minister. This is, I repeat, a colossal waste for which the Government should come out with an explanation to this House and the other House. We do not know what that theatre is going to be. Except the show we saw the other day when it was inaugurated by the Hon. the Prime Minister, we had no other show.

SRIMATHI S. MANJUBHASHINI: May I ask the hon. Member a question? Does he think that the needs of children are so unimportant as to say that it is a 'mere' children's theatre?

SRI MOHAMED RAZA KHAN: I anticipated the question from the hon. the lady Member. It is not that I am opposed to the idea. But is it necessary to convert a building put up at such a cost, incur Rs. 3 to 4 lakhs in transferring the Assembly to the old buildings and incur the additional sum now demanded, for the mere possibility of having five to six shows throughout the year? I do say and maintain with all emphasis that it is a colossal waste. I have not seen any film show there at all.

SRIMATHI S. MANJUBHASHINI: You are not a child.

SRI MOHAMED RAZA KHAN: I anticipated this interruption also from the hon. the Lady Member. Except the one shown on the day it was opened by the Prime Minister and when the Hon. the Minister for Education was surrounded by a band of boys and girls, there was no other show there.

SRI T. P. SRINIVASAVARADAN: Is it because only five or six shows would be given that the hon. Member objects to the expenditure?

SRI MOHAMED RAZA KHAN: Even if daily shows are given, my view is that it is a colossal waste. A small building put up at a cost of Rs. 20 or 30 thousands would do for the purpose.

* SRIMATHI S. MANJUBHASHINI: Is the hon. Member aware that the Prime Minister has stressed the importance of children and improving the amenities for children? We have only followed what he has advised us to do in making this a children's theatre. When he opened the theatre, he made certain other suggestions regarding the use of the building. He suggested that it should become not only a children's theatre but that there should be a recreation centre, a children's library, a Bal Bhavan and other things. Surely the well-being and the interests of the future citizens of India are as important as the Assembly building or the Council building.

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SRI V. V. RAMASWAMI : May I know when the hon. the lady Member became the Parliamentary Secretary to the Hon. the Minister for Education?

* SRIMATHI S. MANJUBHASHINI : As a mother, I realise the importance of children and amenities for children.

SRI MOHAMED RAZA KHAN : I am not in the position of the Hon. Minister to reply to the hon. the lady Member. It would be much better if she herself makes a speech than interrupting my speech and to which I am not in a position to reply.

Not that I am making any charge against the Government. But when it suits the hon. Members opposite, they always quote Mahatmaji and Nehru. They have said so many good things. We have not followed them. The other day, while declaring this theatre open, he said that it was going to be put to better use than it was done. I would ask the hon. Members opposite whether they agree with that. It was a serious statement to make. (Interruption.)

THE HON. SRI C. SUBRAMANIAM : The hon. lady Member said 'sometimes'. Yes.

SRI MOHAMED RAZA KHAN : Then, the hon. Member can go to the theatre rather than wasting the time here.

3-40 Sir, even when I saw the film that was shown on that occasion—
p.m. it was in Tamil—with the little knowledge of Tamil I had, I only saw the Minister saying, 'Look here, how nice it is on the part of the Madras Government to have given away this building worth ten lakhs of rupees for the children' and all that. I would ask, 'Are we justified in spending such a huge amount on just a children's theatre?' Only the other day I suggested that we might keep it as a permanent monument so that people might remember it as a contribution of this Ministry. The hon. Member Mr. Perumal-swami Reddiar is smiling.

THE HON. SRI C. SUBRAMANIAM : It was not done by this Ministry.

SRI MOHAMED RAZA KHAN : Of course, it was done by the last Ministry in which Mr. Perumal-swami Reddiar was a Member. They have also left another permanent monument. For a sum of Rs. 5 lakhs, an aeroplane was purchased and ultimately, it was transferred to the Museum. In the same way, this Government have spent a huge amount and they want to take shelter on the plea that this is going to be a Children's Theatre, with the support of the hon. lady Member here and with support outside.

* SRI V. K. PALANISWAMY GOUNDER : கனம் தலைவர் அவர்களே, நீர்ப்பாசனத்திற்காக இந்த சப்ளிமெண்டரி டிமாண்டில் 60 லட்சம் ரூபாய் என்று குறிக்கப்பட்டிருக்கிறது. இதில் பல விஷயங்களும் பல ஏற்பாடுகளும் சொல்லப்பட்டிருக்கின்றன. ஆனால், நமது ராஜ்யத்தில்

26th March 1958] [Sri V. K. Palaniswamy Gounder]

அவசியமாக ஏற்படவேண்டிய பரம்பிக்குளத் திட்டத்திற்கு எதுவும் இதில் தொகை ஒதுக்கப்பட்டதாகத் தெரியவில்லை. மந்திரி அவர்கள் சிரிக்கிறார்கள். ஏனென்றால் நான் இதைப்பற்றிப் பேசுவேன் என்று அவர்களுக்குத் தெரியும். நமது ராஜ்யத்தில் அநேகமாக எல்லா ஆறுகளின் ஜலத்தையும் உபயோகித்தாய்விட்டது. இப்போது செய்யப்பட்ட நாலேந்து வேலைகளும் முடிவு அடைந்து விட்டன. இதில் பரம்பிக்குளத்திட்டம் தான் நமது கையில் இருக்கிறது. இதைப்பற்றி இரண்டு மூன்று வருடங்களாகப் பரிசீலனை செய்யப்பட்டு வருகிறது. இது ஒரு முடிவுக்கு வரும் என்று நினைத்தோம். இதில் கோயம்புத்தூர் வாசிகள் மாத்திரமின்றி, எல்லா ஜில்லா வாசிகளும் நமது நாட்டில் அக்கரை கொண்டிருக்கிறார்கள். இந்த ராஜ்யத்தில் எல்லா ஆறுகளும், முக்கியமாக காவேரி ஆற்றுத் தண்ணீரைப் பூராவும் உபயோகித்தாய்விட்டது. கிருஷ்ணகிரித் திட்டம், அமராவதித் திட்டம் சாத்தனூர் திட்டம் இவைகள் எல்லாம் முடிவடைந்துவிட்டன. ஆனால் உணவுக் கட்டம் இன்னும் இருந்துகொண்டிருக்கிறது. ஆனால் நமக்கு இருக்கிற திட்டமானது பரம்பிக்குளத் திட்டந்தான். இதைப்பற்றிக் கேரள ராஜ்யத்தோடு, கேரள சர்க்காரோடு நமது சர்க்கார் பேசிக்கொண்டிருக்கிறார்கள். இரண்டு வருஷமாகப் பேசியும் இதுவரை முடிவாகவில்லை. நம்முடைய அமைச்சர்களும் கேரள அமைச்சர்களும் சேர்ந்து பேசினார்கள். நமது ராஜ்ய என்ஜினியர்களும் கேரள ராஜ்ய என்ஜினியர்களும் சேர்ந்து பேசவேண்டுமென்று முடிவு செய்தார்கள். ஆனால் இன்ஜினியர்கள் பேச்சு வெகு காலம் நடக்கவேயில்லை. ஆறு தடவை கூடுவதாகத் தேதி குறிப்பிட்டும் அவர்கள் கூடவில்லை. கடைசியாக, போன மாதத்தில் சென்னையில் கூடி நமது ராஜ்ய நீர்ப்பாசன தலைமை என்ஜினியரும் கேரள ராஜ்யத் தலைமை என்ஜினியரும் சேர்ந்து அந்த இடத்திற்குப் போய்ப் பார்ப்பது என்று முடிவு செய்திருந்தார்கள். கடைசி நேரத்தில் கேரளத் தலைமை என்ஜினியர் வர இயலவில்லை என்று தந்தி கொடுத்துவிட்டார். ஆனால் நமது என்ஜினியர் மாத்திரம் சென்று பார்த்துத் திரும்பி வந்தார். நாலேந்து நாட்களுக்கு முன்பு, இது போலவே கேரள அரசாங்கத்தார் பல தடவை இதைத் தட்டிக் கழித்துக்கொண்டு வந்திருக்கிறார்கள். ஆறேழு தடவை கூடவேண்டுமென்று என்ஜினியர்கள் முடிவு செய்தும் கேரள என்ஜினியர் வரவில்லை. தந்திதான் வந்தது. இவ்விதம் காலம் கடத்திக்கொண்டே போகிறார்கள் அதை எதிர்பார்த்து நமது சர்க்காரும் இருந்துகொண்டிருக்கிறார்கள். கடைசியாக, ஒரு விஷயத்தைச் சொல்லவேண்டியிருக்கிறது. அதாவது, இந்தப் பரம்பிக்குளத் திட்டமானது, நான்கு, ஐந்து ஆறுகளில் அனைத்து போட்டு அவைகளின் ஜலத்தை நமது ராஜ்யத்தில் திருப்பிக்கொண்டு வரவேண்டிய திட்டமாகும். நமது ராஜ்யத்திலேயே இந்த ஆறுகள் இருக்கின்றன. இந்த இடமும் சென்னை ராஜ்யத்தில்தான் இருக்கிறது. இந்த ஆறுகளின் ஜலத்தைத் திருப்பி விடுவதற்கு கேரள சர்க்காரின் அனுமதி வேண்டுமென்று நான் நினைக்கவில்லை. தண்ணீர் நம்முடையது. அதைத் திருப்பி நமக்கே பாய்ச்சலாம். ஒரு அனைத்து கட்சிக்கு மாத்திரம் அவர்களுடைய இடம் அவசியமாக இருக்கிறபடியால், அவர்களையும் கலந்து ஆலோசிக்கவேண்டுமென்று நமது என்ஜினியர்கள் யோசனை சொன்னார்கள். ஆனால் இப்போது அது காலந்தாழ்த்தப்பட்டு வருகிறது. நம்மிடத்திலேயே அந்த அணையையும் கட்டி நமது ராஜ்யத்தில் தண்ணீரைத் திருப்பி விடுவதற்கு வேண்டிய செலவியம் நமக்கு இருக்கிறது. அதற்காகக் கேரள ராஜ்யத்தினிடம் கேட்க வேண்டுமா என்பது எனக்குச் சந்தேகமாகத்தான் இருக்கிறது. அவர்களும் இதில் சம்மதிக்கிறார்களா இல்லையா என்பதைத் திட்டவாப்பதாகத் தெரிவிக்காமல் இருக்கிறார்கள். நமது அரசாங்க மந்திரிகள் கேரள சர்க்கார் ஒத்துக் கொள்வார்கள் என்று இன்னும் எதிர்பார்த்துக்கொண்டிருக்கிறார்கள். இந்த நான்கு ஐந்து ஆறுகளில் ஒன்று சோலையாறு என்பது. அதில் ஒரு மின்சாரத் திட்டத்தை உருவாக்க வேண்டுமென்று கேரள சர்க்கார் வேலையும் துவக்கி இருந்தார்கள். அதை நமது சர்க்கார்

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அறிந்து மத்திய சர்க்காருக்கு எழுதி அதை நிறுத்தி வைக்கவேண்டுமென்று கேட்டுக்கொண்டார்கள். நமது ராஜ்யத்திலிருந்து போகும் இந்த ஆற்றில் உள்ள தண்ணீரை அவர்கள் பயன்படுத்துகிறார்கள் என்றும், அதை நிறுத்தி வைக்கவேண்டுமென்றும் நமது சர்க்கார் மத்திய சர்க்காருக்கு எழுதினார்கள். அதன்படி மத்திய சர்க்கார் கேரள சர்க்காருக்கு எழுதி அந்தத் திட்டம் நிறுத்தப்பட்டது. அந்தத் திட்டத்தில் அப்பொழுது அங்கே ஆபீஸர்களுக்கு மாத்திரம் தான் கட்டிடங்கள் கட்டப்பட்டன. முக்கியமான வேறு கட்டிடங்கள் ஒன்றும் கட்டப்படவில்லை. இப்பொழுது பத்து நாட்களுக்கு முன்னால் அங்கு வேலையைத் திரும்பவும் தொடர்ந்து நடத்துகிறார்கள் என்று எனக்குத் தகவல் வந்திருக்கிறது. சென்னை சர்க்கார் இந்திய சர்க்காருக்கு எழுதி அதை நிறுத்தி வைத்திருந்தும் இப்பொழுது அந்தத் திட்டத்தைத் திரும்பவும் ஆரம்பித்திருக்கிறார்கள் என்றால், இதில் ஏதோ ஒரு விஷயம் இருக்கிறது என்றுதான் நினைக்கவேண்டியிருக்கிறது. இந்திய சர்க்கார் நிறுத்தி வைத்து வேலையை அவர்களைக் கேட்காமல் திரும்பவும் துவக்க முடியாது. துவக்கி நடத்துவதாக எனக்குத் தகவல் வந்திருக்கிறது. சர்க்கார் இதை அறிந்து இப்படித் திரும்பவும் வேலை ஆரம்பித்திருப்பது உண்மையாக இருக்குமானால் திரும்பவும் இந்திய சர்க்காருக்கு எழுதி அதை நிறுத்தி வைக்கவேண்டுமென்று கேட்டுக்கொள்கிறேன். இது ஒரு முக்கியமான பிரச்சனை. நமக்குப் பெரிய ஆறுகள் கிடையாது. இப்பொழுது இருப்பதில் இந்தத் திட்டந்தான் பெரிய திட்டமாயிருக்கிறது. மூன்றரை லட்சம் ஏக்கர் நிலங்களுக்கு இந்தத் திட்டத்தினால் தண்ணீர் பாய்ச்ச முடியும். இரண்டு லட்சம் கிலோவாட் மின்சாரம் கிடைக்கக்கூடிய திட்டம். இதைக் காலதாமதப்படுத்தாமல் உடனடியாகச் செய்து முடிப்பதற்கு சர்க்கார் கவனம் செலுத்தவேண்டுமென்று கேட்டுக்கொள்கிறேன். இந்திய சர்க்கார் நிறுத்தி வைத்திருந்த வேலையைக் கேரள சர்க்கார் இப்பொழுது ஆரம்பித்திருப்பதை நமது சர்க்கார் அறிந்து அதைத் திரும்பவும் நிறுத்தி வைப்பதற்கு வேண்டிய நடவடிக்கைகளை நமது சர்க்கார் செய்ய வேண்டுமென்று கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.

7-50 p.m. * SRI T. PURUSHOTHAM : Mr. Chairman, Sir, I do not propose to cover the ground gone into by the hon. Member Mr. Mohamed Raza Khan and certainly not the controversial question with regard to the Children's Theatre about which the hon. lady Member behind has very enthusiastically spoken as the cause of children is so dear to her.

The supplementary estimates of expenditure for 1957-58 cover a large number of New Service schemes. We find that there are 39 new schemes under Revenue Account and 25 under Capital Account. These are all very important schemes of development and I am sure the hon. Members would welcome these proposals. These have already been implemented as plan schemes and the Government have come forward now to obtain the approval of the Legislature. I should like to refer to a few items in this Statement and I hope the Hon. the Finance Minister would tell us something of what the Government are doing with regard to some of these matters.

We find under the head '18. Irrigation', that a grant of Rs. 41,100 is applied for as additional sum required for the scheme of research on basic and fundamental problems relating to River Valley Projects. My hon. Friend Mr. V. K. Palanisamy Gounder

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has just now referred to the Parambikulam Scheme. The Hon. the Chief Minister, Mr. Kamaraj Nadar, would appear to have said, while inaugurating the Vidur Reservoir Project last week-end, that unless Andhra and Kerala States came to our aid, no more major irrigation schemes could be taken up in our State. While that is the position, the need for research requires elucidation—not that I belittle the value of research. As I said during the general debate on the Budget, though we may not be able to have any major schemes immediately, we should go in for medium irrigation schemes and these allotments for research would certainly help us to tackle those problems. But, all the same, having heard just now the details of the latest position about the Parambikulam Scheme given by the hon. Member from Coimbatore, we should know from the Hon. the Finance Minister where we exactly stand with reference to that Scheme, as also with reference to Godavari waters which I believe, our Chief Minister had in mind when he said that we were at a dead-end with regard to our irrigation schemes.

We find under the same head that a sum of Rs. 67,300 has been provided for meeting the cost of investigation work in Parambikulam-Aliyar Project and also an additional allotment of Rs. 1,11,800 for purchases, stocks and works in Irrigation Research Station, Poondi, and Parambikulam-Aliyar Project. When we are going ahead with these provisions, one would like to have a true picture as to where we stand with regard to these schemes. I am sure the Hon. the Finance Minister would take the House into confidence and tell us where we stand with regard to this problem.

Under the head '37. Education', we find that there is an allotment of Rs. 42,000 for extension of library facilities to villages during the Second Five-Year Plan period. I know most of these libraries have been opened and they have begun to function. But I should like to refer to what the hon. Member Sri V. R. Ranganathan said during the general debate on the Budget about the present position of the library organization in our State and the need for more efficient work. I remember that some time back the Hon. the Finance Minister who is also in charge of Education told us that he would take up the question of revision of the Madras Public Libraries Act; but because he was very busy with regard to educational reform, he could not do that, and now that he is free, I hope he will take up this problem also. The library work is now entrusted to the district.

THE HON. SRI C. SUBRAMANIAM : How I wish I were free!

* SRI T. PURUSHOTHAM : The library work is now entrusted to the District Educational Officer and that officer with his multifarious duties is not able to devote that amount of attention to library work as we would like him to do. I, therefore, plead that it should be possible to appoint a Special Personal Assistant to the

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District Educational Officer to be entrusted with the efficient library work and further expansion in rural areas. Sir, when the Hon. Minister visited the Branch Library at Perunagar in Chingleput district a week or two ago, he remarked about the lack of trained brains to run the libraries under the Local Library Authorities. This is a very important matter and a special course of library training should be arranged for the librarians in charge of these Branch Libraries. We are appointing now raw S.S.L.C. men to be in charge of library work who have not library training or experience. I therefore, earnestly request the Hon. Minister to implement the scheme for the training of these rural librarians. It should be possible to take two or three librarians at a time in each district and have them trained in batches so that they could be sent back to be in efficient charge of the libraries. This is a matter that needs urgent attention.

Under '39. Public Health', we find that there is an allotment of a sum of Rs. 76,000 sanctioned out of the Contingency Fund to meet the expenditure on a scheme for the medical inspection of school children. Out of this allotment, a sum of Rs. 1,200 has already been spent, but because further grants would not come from the Central Government, this scheme appears to have been dropped. I feel that this is most unfortunate. Medical inspection of school children is quite necessary and I would request the Hon. Minister to urge upon the Government of India the need for reconsideration and to institute a comprehensive scheme for the medical inspection of school children. I hope it should be possible to address them and get the assistance from the Central Government revived and carry out the scheme.

Sir, we are glad to find that under '40. Agriculture', very laudable schemes have been undertaken, especially the one for rendering assistance to fishermen co-operative societies for marketing of fish. These are indeed very desirable schemes and I would compliment the Hon. the Minister for Local Administration or not only implementing such schemes, but also on constituting the Fisheries Department into a separate department. I wish to join in the compliments paid to the Hon. Lady Minister by Mrs. Clubwala Jadhav the other day and I hope it should be possible for the Hon. the Minister in charge of Fisheries to visit Western countries and study the progress made in the organization and development of Fisheries Department. Mrs. Lourdhammal Simon is also in charge of Local Administration and she is just now engaged in reorganizing our local self-government institutions and a visit to the Western countries would be very much helpful to her in her work. I already suggested that the Hon. the Health Minister would do well to take a trip to the West, but he did not take kindly to it. I hope that the Fisheries Minister would consider this and that she would take an early opportunity to visit the United Kingdom and other countries.

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THE HON. SRI C. SUBRAMANIAM : Are you sounding each Minister?

* SRI T. PURUSHOTHAM : I trust the Hon. the Finance Minister would not object to any such forward programme and I am sure the Legislature also would not object to such expenditure.

I find under Grant XXX—Stationery and Printing, that the Government have accepted the recommendation of the Official Language Act Implementation Committee for standardizing the keyboard of Tamil typewriters and that for the purchase and supply of the newly standardized typewriters to Government offices a sum of Rs. 3.50 lakhs has been provided. The Chairman of the Committee has suggested that the Controller of Stationery and Printing should be asked to call for tenders for the supply of typewriters in consultation with the Committee. But I find that no action has been taken so far about it and no tenders appear to have been called for. But I would like to bring to the notice of the Government that the standard keyboard needs much improvement. I have seen the keyboard and though it is on the Remington model, the arrangement of types is not conducive to speed. I would, therefore, request the Hon. Minister to consider this aspect of the matter before it is all finally decided. I learn that the Association of Commercial Typewriting Institutes in the State have already made representations to the Hon. Minister with regard to this matter. I would appeal to the Hon. Minister to consider their representations and not hurry through the scheme but to see that necessary adjustments and improvements are made to ensure an efficient Tamil typewriter with a satisfactory keyboard. 4 p.m.

Sir, I find that under '81. Civil Works Capital', there is a Demand for Rs. 2,60,000 for demolishing temporary car sheds in the Secretariat and constructing a permanent structure. When I saw this, I wondered why a sum of Rs. 2,60,000 was sanctioned for demolishing and reconstructing motor sheds. I thought that one figure was added either at the beginning or in the end. It is not so, Sir. I saw the place this morning and I find that the first floor is being put up over the motor shed to accommodate the Secretariat offices. There is need for additional accommodation for the Secretariat. I hope now that the Accountant-General's office has been shifted to its own building in Mount Road, it should be possible to get the old building occupied by the Accountant-General's Office for providing additional accommodation for the Civil Secretariat. It was all along accommodating the Civil Department, viz., the Accountant-General's Office. In fact, the Pay and Accounts Office was there and it was separated from the Accountant-General's Office and brought to the Secretariat. Now that the Accountant-General's Office has vacated or is about to vacate the buildings, I would suggest that the Government should address the

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Defence Department, secure the entire buildings for the Secretariat and relieve the congestion in the Secretariat. I do not know whether they have already addressed the Defence Department of the Government of India. If not, I hope they will address and secure the buildings to relieve the congestion and the cramped atmosphere in which the Secretariat is working.

I wish to refer to one more item. I find that a scheme for the establishment of an After-care and Rehabilitation Centre for tuberculosis patients has been sanctioned and that a sum of Rs. 2,25,000 non-recurring has been provided for construction of buildings at Tambaram. This has been pending for a long time. I am glad that it has been sanctioned at least now. If the hon. Member Mrs. Clubwala Jadhav had been here, she would have been happy to know about it. Out of the Chingleput District Welfare Fund, we gave a lakh of rupees for this scheme years ago and we have been reminding the Government for the early implementation of this scheme. Even now it is noted that detailed plans and estimates have not yet been got ready and approved for starting the construction. I would bring this specially to the notice of the Government so that they may take prompt steps for getting plans and estimates approved and see that the scheme is put through without delay.

Lastly, I am sure hon. Members will join with me in paying a word of compliment to our vigilant Finance Minister on the able way in which he is managing the finances of the State. (Sri Mohamed Raza Khan: We also join.) He is so vigilant, as I said, that even when he has got a lot of other work, he comes and spends 2 or 3 hours whenever the Public Accounts Committee meets. I may tell hon. Members that we, Members of the Public Accounts Committee, have not much work to do there because the Finance Minister, whenever he finds that there is cause for probe, does not spare the officers of the department concerned and he is so eager to set right matters. I thank him on behalf of the House.

* SRI G. KRISHNAMOORTHY: Mr. Deputy Chairman, Sir, on page 23 of the Second Supplementary Statement of Demands for Grants for further expenditure for 1957-58, I find a paragraph under item (ii) stating that a sum of money has been provided for payment of compensation to institutions in respect of the loss that they may incur with regard to concessions shown to the children of political sufferers at all stages of education including collegiate and technical education. May I just remind the Government that while I welcome this move and the concession awarded, a similar demand from the teachers has been there before the Government for at least 13 years from 1945? Why the teachers demanded it long before such concession was given to any category was that they thought, and they still maintain, that education was their sphere. Just as

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the railway employees are enjoying concessions pertaining to the railways, so also the teachers should enjoy certain concessions pertaining to the educational sphere. There is need also. Most of the teachers, nearly a lakh of them, have not gone beyond the Matriculation or S.S.L.C. standard and they do want their children to reach the collegiate stage. That was why they put forward such a demand as early as 1945 or perhaps even earlier. So far as I know, I submitted that request to the Government in 1945. Now, the Government themselves have of late been repeatedly saying that it is not, after all, a few rupees doled out as an increase in the monthly salary, that is going to satisfy the teachers but that it is some sort of concession in kind that will raise their status. May I request the Government to just view this question favourably and grant the concession to teachers, viz., free education to children of teachers at all stages, collegiate and professional?

Now, Sir, on page 25, I find an item where it has been stated that the Government sanctioned an advance subsidy of Rs. 2,20,100 to four district boards towards the opening of additional classes in the elementary schools during 1956-57. Now, hon. Members are aware that education is an expanding sphere of activity. The Government are going on increasing the number of schools or the number of classes in schools and the number of teachers. Suddenly, a position has arisen, a position, that is causing anxiety to the teachers. To solve the question of compulsory and free education according to Article 45 of the Constitution, the Government thought that they should bring more pupils, nearly double the number of pupils into the schools, at probably the same cost as they were incurring on education now. The shift system was suggested and a scheme was put into force, but for various reasons it was dropped. Then came the question of how to bring in double the number of children to the schools and educate them at the same cost. So, they took up the question of, what is called, fixing the pupil-teacher ratio. Now, up to now, the pupil-teacher ratio in aided elementary schools has been 1:20. If twenty pupils on an average attend a class, a teacher would be given aid by the Government. But, now, according to the new proposals regarding pupil-teacher ratio, they have raised this ratio to 1:40. Now, may I just invite the attention of the Government, in this connection, to the fact that the figure does not stop with forty or cannot stop with forty? When it is twenty, the figure goes up to 39 and if the pupil-teacher ratio is raised to 1:40, the figure, namely, the number of pupils that a teacher may have to handle sometimes may go up to 70 or even 79, because unless there are eighty pupils, an additional section cannot be opened and managements will not naturally open if they are not ensured the grant for the additional teacher. So, the raising of the pupil-teacher ratio from 1:20 may look all right on paper, but in practice, it results in raising the pupil-teacher ratio to 1:79. Hon. Members can well imagine the

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position of a teacher who has to handle 79 pupils, I mean a teacher in an elementary school who has to handle young children. Now, it may look all right that we may be able to bring into schools about 80 per cent of children of school-going age according to this ratio and suggestions are there with the Government that this ratio can be raised to 1:50 and 1:60 and that all these children of school-going age can be put to school. But I want to invite the attention of the Government to the fact that nearly double the number *minus* one will be the strength of attendance in a class in the schools, that an additional section will not be opened and that teachers will find it very hard. Do the Government care for quantity or for quality? I think that if they realise this position that managements do not appoint an additional teacher unless double that number comes, double the number dictated by the pupil-teacher ratio comes, and unless they are ensured a grant for an additional teacher, and that the teachers have to handle so many children, they will at least think twice before bringing into force this new ratio from the 1st of June next year. So, if really the pupil-teacher ratio is based upon the actual attendance, that is, 1 : 40, and some provision is made there for the increased attendance by way of grant, then there may not be much trouble. I am not much against that ratio of 1:40. In the interests of the country, the teachers are prepared to accept it, but there cannot be individual attention according to psychological principles. If really the Government want to take into consideration the question of finance as well as the question of bringing all children into schools without introducing the shift system, then they may just bring in a formula by which they may state that if the ratio is over 1:40, if the strength of actual attendance is over 40, then proportionate grant will be given and that there can be an additional section.

Now, without looking into this ratio of 1:40 and providing for individual attention on the pupils, any expansion of education, as has been mentioned on page 25 of this Statement, by expansion of classes or expansion of schools will not be worth the name of education and I can venture to say that it will be only a wastage of funds. Now, there has been an order that those teachers who were in service in 1956-57 can be continued in 1957-58 also. In spite of that, we find that the department is interpreting certain rules in such a way that for a teacher who retired in 1957-58 and in whose place a new teacher has been appointed grants have been withheld as he is supposed to fall within the scope of the pupil-teacher ratio, and I have received at least one report in this respect. So, let us just look at things as we will do in the interests of the country as such so that teachers may not be overthrown and, at the same time, let us see that teachers are not recruited unnecessarily to training schools. If this pupil-teacher ratio comes into force and if, according to the relaxation given by the Government, the present teachers are not

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to be affected, many teachers will not be wanted for years to come. Have the Government looked into this factor and have they taken steps to see that people are not recruited as teachers in training schools? I would humbly request them to consider this point.

Again, on page 36 of this Statement I find that a certain sum of rupees has been provided under compassionate gratuities and that an explanation has been given that this need has arisen on account of the receipt of more applications. May I, in this connection, submit to the Hon. the Education Minister that the teacher also deserves this compassionate gratuity? In the Pension Rules framed specially for teachers in non-pensionable service, there are three items which say seriatim that compassionate gratuity will not be allowed to teachers, that commutation will not be allowed to teachers and that the temporary increase will not be allowed to teachers. Now, the teachers do like to have their pensions commuted. It is not as if they have got a long life. Teachers, deserving teachers, in cases where they command the compassion of the Government may be given this compassionate gratuity. This temporary increase which has been sanctioned to all sorts of Government servants including the menials has been denied to the teacher, not to speak of the fact that in many deserving cases papers are being returned from the office of the District Educational Officer or from the office of the Director of Public Instruction saying that the teachers are not eligible for pension. Teachers who had put in 30 or 31 years' service have been refused pension on certain technical grounds and illiberal interpretation of the rules has been the only cause of all these troubles. I would just submit that certain things in the name of justice ought to be granted to the teachers, and one of them is this temporary increase which has been granted to all and this compassionate gratuity.

THE HON. SRI C. SUBRAMANIAM: What is the 'temporary increase' that the hon. Member is referring to?

* SRI G. KRISHNAMOORTHY: I am referring to the temporary increase, namely, dearness allowance in the case of pensioners. It has not been given to the teachers. It is being given to all Government servants.

THE HON. SRI C. SUBRAMANIAM: From which date?

* SRI G. KRISHNAMOORTHY: I do not know the exact date. Now, for several years it has been given. What I submit is that those who are drawing pension now and those who retired from Government service including menials are getting this temporary increase, but the teachers who have been promised pension from the 1st April 1955 have been denied this concession by the provision at the end of the Pension Rules that no temporary increase will be allowed to them. This is only a sum of Rs. 6. Of course,

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pensioners may be clamouring for more. But what is obtaining now is a sum of Rs. 6. I would humbly submit that these three things ought to be given to the teachers in the name of justice. Of course, I have already submitted on the floor of this House that in the case of many teachers who are eagerly expecting pension, teachers who retired at the age of 62, 55 or 60, the matter is still in correspondence with the Government. There is a favourable rule, called rule 10 (b), according to which the Government can take up the specific cases and condone all the breaks in service, according to which the Government may declare that a teacher is eligible for pension in spite of so many breaks in service. But, as submitted by me already in this House, these rules which were specially framed for the purpose of giving pension to a certain category of teachers who, according to the knowledge of the Government, even at the present date are being kicked like football from school to school must be so liberal as to see that if they had put in a certain number of years of service, say, thirty years of service according to the rules, they must be eligible for this quarter pension according to the formula of 30/120. So, I would humbly request the Government to see that all teachers, irrespective of the breaks in service and irrespective of the fact that they completed their 55th year in district board service or their 60th year in aided school service before 1st April 1955, get this pension if they had retired after 1st April 1955. Any teacher who retired on or after 1st April 1955, whether he is a district board teacher or an aided school teacher, should be made eligible for this pension according to the total period of service he might have put in in the district board institutions or in aided institutions, or in institutions combining both these agencies. If the Government do not give such liberal interpretation or do not ask their subordinates to do so, I fear many teachers may not get the benefit of this pension at all.

Sir, I reserve my other remarks to a future occasion and I thank you for having given me this opportunity to speak on this occasion.

* DR. V. K. JOHN : Mr. Deputy Chairman, I am conscious of the fact that the Hon. the Minister for Finance would like compliments and that knowing that some Members here, who spoke before me, paid high compliments to him, I think, if I offer some criticisms, they will enhance the value of those compliments. (Laughter.) Sir, on previous occasions, the Finance Minister used to invite and welcome criticisms and he was at his best on his feet when he was criticised and criticised harshly. But in recent times, I have found a change in him. He is rather annoyed.

THE HON. SRI C. SUBRAMANIAM : No.

THE HON. SRI R. VENKATARAMAN : He wants to annoy you. That is all.

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* DR. V. K. JOHN : If I am mistaken, I say, I am very pleased. But that feeling anyway has crept into my mind. Nevertheless, I have not failed to criticise him if criticism has been necessary. Sir, in the present case, this demand for, what is called, Grants for further expenditure reveals a very unsatisfactory state of affairs. First of all, this ought not to be a Demand for grants for further expenditure. If you read Article 205 of the Constitution carefully, you would find that it provides for a Grant for further expenditure only before the expenditure is incurred. Article 205 (1) (b) provides for Demands for Grants for excess expenditure. This Demand before the House is really a Demand for excess expenditure. The expenditure has been incurred. It is not one to be incurred. When a Demand for Grant of a few lakhs of rupees was made in November last, it was for expenditure to be incurred. Now, we must not forget that this Demand is not for expenditure to be incurred but for expenditure which has already been incurred. This Demand should be called Demand for Grants for excess expenditure already incurred. Then, Sir, the figure given is rather colossal. It is Rs. 19.85 crores. You must also note that for eight items, only token sums are proposed. I do not understand the proposal for token provisions at the end of a financial year for expenditure already incurred—100 rupees. This 100 rupees might represent one crore or one lakh of rupees. I cannot understand how there can be a token Demand for expenditure already incurred. We cannot find out the exact figure. All this reveals a very unsatisfactory state of affairs. There is a very huge margin of difference between the budgeted figure and the present one. I quite realise that they are not asking for more money but asking only for conversion.

THE HON. SRI R. VENKATARAMAN : Not conversion under law.

* DR. V. K. JOHN : The point is, when the Budget was passed, you were not able to find out what would be the exact or approximate expenditure under the various items. You made huge mistakes and did not spend the money under the head for which it was intended. You saved it there and spent it under another head. What is the use of a Budget if one-third is the margin of mistake? But my real complaint is this. Is there any one item which you could not have foreseen? This Demand covers 37 items, which touch almost the entire field of administration. Why did you not foresee earlier? The department ought to have been vigilant. I do not put the blame on the Finance Minister; I know very well that he gives his keen attention to financial matters. But I am only finding fault with the departments concerned. Could they not give correct estimates before the Budget was framed and passed? It is not as if they could not find out the exact expenditure. They are indifferent. They know very well that they can spend crores of

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rupees and that the Government will come to the Houses of Legislature at the end of the year and get their sanction for the expenditure. What is the use of a Budget at all? Even the other day, we passed a Budget. It is no use, if the ultimate figure is going to exceed the budgeted figure by one-thirds. It is wrong and the margin of mistake should not be so big.

4-30 p.m. Then, Sir, one point I had always urged in this House when Budget proposals were discussed. This House and the other House also, I suppose, would like to know the result of expenditure. An expenditure may be a waste or it may be beneficial. Nowhere in this Demand do you find the results achieved by spending this amount. We are not told anything about the results.

Then, Sir, if we take the expenditure side, it is recognised on all hands that there is room for savings. Last year the Hon. the Finance Minister said that he was going to appoint a senior Officer for the purpose of probing into the Government's expenditure. He also said that that Officer would work under a Sub-Committee of the Cabinet. But, we did not hear about it when the Budget was presented this year. In my criticism of the Budget proposals of this year, I mentioned this and there was no reply whatsoever. I may even expect that this point will not be adverted to by the Hon. the Finance Minister also.

THE HON. SRI C. SUBRAMANIAM: Because it is quite irrelevant.

* DR. V. K. JOHN: It is quite relevant. We, the Members of the Opposition, are anxious to know what happened to it. We are anxious to know what progress has been made in checking the expenditure. I personally think that the expenditure on many accounts is very heavy and that it should be cut down. The other day, I read reports in newspapers that the Government were contemplating the appointment of Additional Collectors. When once you sanction the expenditure, you can never go back. If I appoint two more shorthand typists in my office, work will always be found for them and I cannot withdraw them. Similarly, when the Government appoint more and more officers, they will be unable to retrench them. I would like the Government to go into this question, examine every item of expenditure and see whether any substantial results are achieved.

Let us take the Capital Expenditure. Under this head, a very large figure is mentioned. I think the figure is Rs. 4½ crores or so. Not a small amount! How can the Government incur capital expenditure without making an estimate as to what the result of the expenditure would be? How is it that they have not brought the matter to the notice of the Legislature and obtained its sanction? They should have told us that they wanted to incur that expenditure and obtained our sanction. It is not as if this Some of them may be given to public libraries. That will be much

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expenditure was sprung on them all on a sudden. It was not like a cyclone or famine for which they had to give relief urgently. These were matters which they should have foreseen much earlier. They should have come before this House in respect of these items of expenditure and we should have discussed them, especially those relating to capital expenditure and so on. We should have been told what would be the result and they should also have convinced us that the expenditure was necessary. I am always led to believe that capital expenditure on Irrigation, Electricity and many others is partly wasted. Because, on Irrigation, we get nothing at all. I mean that there is no return to the Government. I do not say that nobody is benefited. I only want to stress that the Government get no money. My point is this. Why should somebody pay the taxes and that too heavily, for the sake of others who get the benefits? There should have been a tax—something like a betterment levy—on those who actually derived the benefits. All those people who are benefited by the various schemes undertaken by the Government should be asked to pay the tax. They have not been bold enough to collect the betterment levy from such people. What I would like to suggest to the Government in this connection is this. Whenever the Government have under contemplation any irrigation project which will benefit the public, let them ask the private agency to come forward and quote for undertaking that project. Suppose they want to bring the waters of the river Krishna to Madras, which will irrigate large tracts of land here and, at the same time, supply water to the City. They can ask some private agency to quote for undertaking this job. The Government can call for tenders from the various people, select a suitable agency and allow that agency to collect the money—by way of betterment levy or some other thing—from those who will actually benefit by the scheme. They may be allowed to collect it in a fixed period of, say, ten years or twelve years. This is done in America. If this is done here also, the State need not spend huge sums of money on such projects. If the private agencies do not have sufficient funds, the Government may lend them some money. The private agencies will be able to complete the projects in about one-third or one-fourth of the expenditure incurred by the Government when they undertake such projects. Let us take Electricity. What is the return the Government get? They get a very poor return. But, the charges for electricity supply in this State are about double the charges obtaining in other States. The Government are not able to get the money they spend. They are not able to have even a sinking fund.

THE HON. SRI C. SUBRAMANIAM: I do not know whether the hon. Member has looked into the accounts.

* DR. V. K. JOHN: Yes, I have looked into the accounts. I speak on capital expenditure. We can easily find that they are not getting a fair return.

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(Mr. Chairman in the Chair.)

The Government should have known that they would have to incur this expenditure in the financial year and they should have come to us for sanction. Sir, I know there is not much use in the Opposition Members advancing any criticism on these matters. We have to depend on the Congress Members themselves to criticise the proposals of the Government in financial matters while they pay their compliments to the Government. They must be given freedom. I am very pleased indeed—I do not know whether it is quite relevant here or not—to know that the Congress Members were given freedom and my friend Mr. H. D. Rajah got more votes than anybody else and that the Congress Members voted for him.

THE HON. SRI C. SUBRAMANIAM: Sir, I think there is secrecy in voting. I do not know how the hon. Member was able to find out that Mr. H. D. Rajah got Congress votes. I should take serious objection to this probing into election secrets.

MR. CHAIRMAN: The hon. Member need not go into it. He may please confine his remarks to the subject under discussion.

* DR. V. K. JOHN: Sir, this probe was made in Orissa and I found from the newspapers that the Cabinet wanted to resign. I see no reason why the Cabinet should resign. After all, the Members must have freedom. I can prove my statement, but the Hon. Chairman has observed that I need not go further into the details and so, I do not propose to go into them. I only wish to request that the Congress Members on the opposite side may look into the Government's expenditure on capital account and on the revenue account. Because, we find that large sums of money have been spent by the Government without obtaining the sanction from the Legislature beforehand. This is not treating the Legislature well. A sum of nearly Rs. 20 crores has been spent not in accordance with the Grants made by the Legislature. What is the reason for our making Grants for a particular item of expenditure? It is done because only then, the Government will have a grip over the various items of expenditure. My point is this. In respect of the expenditure to the tune of Rs. 20 crores, could not the Government have come to the Legislature for sanction? We notice a sort of lethargy and negligence on the part of some of the departments. Because the Government party have a majority, they allow such expenditure without sanction in the beginning. I state that it is not in accordance with the spirit of Article 205 and that it is not correct. It is not quite proper that the Legislature was not taken into confidence and the Demands made much earlier than at the end of the year.

4-40 p.m. SRI T. P. SRINIVASAVARADAN: Mr. Chairman, Sir, let me first thank the Hon. Minister for the prompt action he has

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taken on the representations we have made and on the representations made by the secondary grade teachers and elementary school teachers who have been suddenly reverted to the lower scale. We wish that justice be done to them and that immediate orders be issued that they should be restored to the new scale. (The Hon. Sri C. Subramaniam: Orders have already been issued.) Thank you, Sir. I hope this is a happy augury and wish that you will continue to do so on all representations when they are just and fair.

Sir, I now come to the next point. The hon. Member Mr. Mohamed Raza Khan took very strong objection to the use of the Assembly Hall as the Children's Theatre. I should like to point out to him that this objection should have been raised when there was a proposal to put up such a building. But having built it and having spent on it, we must know how best it could be utilised. A lady teacher friend of mine who just returned a few days ago from America says, "In America in every school, in every class, we find enough maps. There is a projector in every room. In every school, they have got two or three theatres for the children besides so many amenities and facilities." I do think that by converting this Assembly Hall into a Children's Theatre, the Government have done very well. We are anxious to provide various activities for our children. So, this theatre will provide for one of the activities of the children. I will even go a little bit further. There is a large open space in the Government Estate, Mount Road, which could be taken over. There was also the old Engineering College ground to which the children used to go and play. I hope the Hon. the Minister for Education remembers this because he was a student of the Presidency College. (The Hon. Sri C. Subramaniam: I have played there.) But without any justification it has been taken away. I would request the Hon. the Minister for Education and the Hon. the Minister for Public Works to consider very seriously whether some of the open spaces in the Government Estate, Mount Road, could not be allotted as playgrounds for the children of the Chepauk and Chintadripet areas.

Then, Sir, there is the question of teacher-pupil ratio. Of course, we wanted to bring a greater number of children into schools. So, the ratio was fixed as one to forty. For this, an order was issued but, unfortunately, the subordinate officers of the Education Department did not understand it properly. They thought that if the number of children was only 50, that is, less than 80, there should not be two sections. This was represented to the Department and I understand that they are taking action in the matter. (The Hon. Sri C. Subramaniam: Orders have already been issued.) Thank you, Sir.

Regarding fee concessions, there are at present different sets of instructions. You are issuing one set of instructions for the children of political sufferers, another set of instructions in the case

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of children of poor parents and again another set of instructions in the case of children belonging to educationally backward classes. I want all these rules to be simplified. Sometimes, the managements of schools also lose in their grants by way of irregularities pointed out in audit. I would, therefore, request the Hon. the Minister for Education to issue instructions which should cover all these things.

Then, I come to the next important point. On the recommendation of the Rural Higher Education Committee constituted by the Government of India, rural institutes have been opened in different parts of India. We have got two Rural Higher Education Schools in our State, one at Gandhigram and the other at Perianaickenpalayam. It is also stated that they are experimental schools and that they are for a period of three years. The Government of India would meet 75 per cent of the non-recurring and 50 per cent of the recurring expenditure. It is also understood that the local Government would also be meeting two-thirds of the non-recurring cost subject to a maximum of thirty thousand rupees. It is good that you encourage such experimental schools.

Sir, my point is that we should be enabled to go and see such rural institutions. (The Hon. Sri C. Subramaniam: You have got all facilities. You can go.) I mean travel facilities and other facilities. We want to know what the new principles adopted there are—whether some of them could be introduced in our schools also and also whether we could make suggestions for improvement. As it is, I hope there will be certain new features which will not be found in our schools. It is therefore I say that we should be enabled to go and see the working of these institutions. The Government should also afford us all facilities.

In order to introduce to the world some of the eminent writers in Indian languages, a scheme has been proposed to translate select articles in Indian languages into English. I suggest that our Government also do some such thing. This is a good one. I welcome this. But what I would suggest is that it should be not only from Indian languages into English but also from English into Indian languages. I do not know whether this is being done in our State. I saw two publications. They will promote better understanding among the nations of the world. I would request the Government to take steps in this direction.

The hon. Member Sri Purushotham referred to the library cess. I should like to point out that in Madras, the Corporation of Madras collected something like six or seven lakhs of rupees by way of library cess. I should say that there is no library worth the name in the City. This money is not being spent on the proper working of libraries in the City. (Sri T. Purushotham: It will be spent on libraries in the districts). Why should we collect this cess at all? I would request you to see that all the different schools are given some money to equip their libraries.

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Some of them may be given to public libraries. That will be much better. It will also be better if a portion of the cess is given to the University Library. It is no use keeping these six or seven lakhs of rupees idle. The Corporation of Madras is still going on collecting it. I am only just bringing this to the notice of the Government.

I have nothing more to add. But before I conclude, I would again request the Hon. the Minister for Education to give us all facilities to go and see the Rural Higher Educational Institution so that we may also suggest ways and means for its improvement but, at the same time, take also some worthy lessons. With this appeal, I close my speech. Thank you, Sir.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, let me accord the pride of place to the hon. the Deputy Leader of the Opposition and answer him first, because he has touched some fundamental aspects of public administration, the framing of the Budget and also expenditure on various projects which we have undertaken. But I find that this is the same old story which he has been putting forth before this House and I do not therefore think that it is necessary for me to repeat the answer which I have already given on the floor of this House. Particularly he referred to Article 205 and said that we should not come before this House after we have spent. (Dr. V. V. John: I didn't say that. I said 'ordinarily'.) Perhaps you say, 'ordinarily we should not come before this House'. By and by I shall explain how it is possible for us to come before the House only after we incur the expenditure. 4-50 p.m.

The hon. the Deputy Leader of the Opposition first took objection to the size of the amount involved in the Supplementary Demand, namely, Rs. 19 crores. One of this I have already explained that Rs. 9 crores are intended for the repayment of the ways and means advances from the Government of India. When we are in a difficult position with regard to our ways and means position, we take a loan from the Government of India instead of getting an overdraft from the Reserve Bank, which is not ordinarily allowed. Even if it is repayment of the loan to the Government of India, it is necessary to get the sanction of the Legislature because we have to draw the amount from the Consolidated Fund. This is only a technical sanction required from the Legislature for the repayment of the ways and means advances from the Government of India.

Then, Sir, the balance left is Rs. 10 crores. Even that is a sufficiently large amount. But I may tell the hon. Member that this large demand is, to a certain extent, due to the pounding of the officers by the Public Accounts Committee. Whenever there is an excess of expenditure, the Public Accounts Committee takes a very critical view of it and criticises the department saying: 'You have overspent without providing for it and without getting the necessary sanction for it.' So, to be on the safe side, the departments are now coming forward with Supplementary

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Demands for a larger amount than would be required under the ordinary circumstances. If there is any excess, it could be surrendered within the 31st of March. As far as this is concerned, if excess amount is required, it can be included in the Supplementary Demand only if it is sent to the Finance Department by the beginning of February. Therefore, there is a gap of two months and they want to err on the safe side and ask for these Supplementary Grants. That is one of the reasons why we find during this year that the amount has been inflated to a certain extent. But we need not be alarmed by this. It is not as if some people, because money is made available, will waste the money.

We make our estimate with reference to the various schemes in October or November. Those estimates are included in the Budget for the next year. It is that estimate which we pass during the current year for the purpose of meeting the expenditure during the next year. Even while framing the Budget, we are under certain limitations. For example, for Plan expenditure we go before the Planning Commission and with reference to the resources available in the entire national sector, they fix certain targets for each State. We have to restrict the expenditure to that target. Further, when we frame the Budget, we make *ad hoc* cuts to be within the Plan allotment knowing full well that during the execution of the project it may not be possible to restrict the expenditure. Take, for example, electricity. For electricity we need Rs. 13½ crores for expenditure during the year. Ordinarily, it should have been allotted. But the Plan target did not provide for this. So, we said, 'let there be an *ad hoc* cut of Rs. 1½ crores' and we sanctioned Rs. 12 crores. The Electricity Department proceeds with the programme of execution of various projects. As a matter of fact, in making the cut in allotment, we did not cut out any of the schemes put forward by the department. Only an *ad hoc* cut was made in the money allotted. When they go on executing the projects, they consult the Finance Minister and the Department at various stages whether they can proceed faster and whether the further money required would be made available. According to the bettering of the financial resources during the year, we give them the green signal saying, 'Proceed faster and see to the implementation of the entire scheme'. If we find that we are in difficulties with reference to financial resources available with us, we show the red signal saying: 'No, you should go slow because money is not available with us.' That is how so far as the Electricity Department is concerned, even though we made a cut of Rs. 1½ crores in the beginning, we gave the green signal during the year and said that they could proceed with the projects. Therefore, they had executed the schemes expending to the extent of Rs. 13½ crores. That was their expectation before the 31st March and the other sum of Rs. 1½ crores has got to be provided for. It can be provided for only when we have got the necessary financial resources. Hon. Members may be aware that when we

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considered the Budget this year some time after the general elections, our ways and means position was pretty bad. As a matter of fact, I had expressed doubts whether it would be possible for us to get all the finances necessary for putting through the schemes. I expected a gap of about Rs. 10 crores in our ways and means position. I said then that we hoped to solve the difficulties as and when they arose. Definitely we have solved the difficulties. Our ways and means position is—I won't say very much better—a little better than I anticipated when I presented the Budget in June of this financial year. That is how various schemes are executed. Even though we may sanction a certain amount and provide a limited amount for the purpose, during the execution stage we take stock of our financial resources and then ask the various departments to go fast or slow. It is in this respect that variations arise with reference to increase in expenditure, particularly under Capital projects. Even with reference to revenue expenditure schemes, we impose arbitrary cuts saying that they should not exceed a particular expenditure. For example, last year the Police wanted Rs. 5½ crores. We said, 'No, let us have a cut of Rs. 50,00,000. You should restrict the expenditure to only Rs. 5 crores.' By that cut we tried to impose a pressure on the department to cut down expenditure. Unless it is absolutely essential, it is not useful to spend more money in the Police Department. We should like to spend that amount on the various developmental activities. So, we asked the department to restrict the expenditure to Rs. 5 crores. But as hon. Members know, certain events took place in the State which made it necessary to spend more money on the Police Department. Therefore, we had to increase the Police Budget.

If hon. Members will look at it from these various aspects, they will find that most of the amounts are not for new schemes, but schemes originally sanctioned for which we had to incur greater expenditure for various reasons which I have explained just now. That is why we come towards the end of the year for the purpose of getting sanction for the further expenditure and the excess expenditure which we have incurred in respect of various schemes which have been already sanctioned by the Legislature. But there are what are called 'New Schemes' which are taken up during the course of the financial year. Taking up of new schemes also becomes inevitable because certain schemes are put forward by the Planning Commission or by the Government of India. So, we find that it becomes necessary in the interests of the State that we should take up certain new schemes which were not considered at the time of the Budget. It is for these New Schemes that we come forward with a Supplementary Demand as soon as they are ready, as soon as administrative sanction is given. We submitted one Supplementary Demand even in November-December and we got that sanctioned. With reference to New Schemes, after all

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every time the Legislature meets, it is possible to present Supplementary Demands. But after a good deal of discussion, we decided that it would be enough if we submitted Supplementary Demands twice a year—once in November-December and again towards the end of the financial year, that is, in February-March. But the hon. the Deputy Leader of the Opposition suggested that every time the Legislature met, we should present a Supplementary Demand. I do not think it is necessary in any event. That is why it becomes absolutely essential that towards the end, we have to present a Supplementary Demand for a much larger amount.

With reference to certain demands which we had made, the hon. the Deputy Leader of the Opposition ridiculed the idea and asked, 'How could there be a token grant in respect of expenditure already incurred? There was a fallacy in his argument and that was because he did not understand the implications of a token grant. The implication of a token grant is that while we sanction a new scheme, it is not certain that we would be incurring any expenditure during that year; but still when we sanction a new scheme, it is the duty of the Government to place it before the Legislature and get it sanctioned by it as early as possible. Therefore, whenever any new scheme is sanctioned during the course of the financial year, we place it before the Legislature, and even though no substantial expenditure is involved during the year, we ask for a token grant for the purpose of the new scheme. That is the idea of a token grant. We do not know what amount we will have to spend and, therefore, we come with a rough and ready figure of Rs. 100. The idea is that such schemes have already been sanctioned and that we want the sanction of the Legislature for the implementation of those schemes. Hon. Members would find that for the implementation of these schemes moneys would have been provided for in the next year's Budget, i.e., the Budget for 1958-59. But still we seek the sanction of the Legislature at the earliest moment. That is why these are brought to the notice of the Legislature and specific sanction is taken. That is how these schemes with token grants come to be placed before the Legislature.

(Deputy Chairman in the Chair.)

Then, with reference to the idea of execution of irrigation projects by private enterprise, I am afraid this is an idea which has been working in the hon. Member's mind, I do not know, since when, but I have been hearing it every year. I may tell him that in the existing conditions, in the prevailing conditions, it is absolute nonsense. It is impossible of execution by private enterprise and no private enterprise will come forward to take up the execution of irrigation projects, however profitable it might be, whatever might be the return from it. That is why we want the Government to take up the execution of these irrigation projects. If only one had listened to the speeches in the other House on the Irrigation

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Demand, one would have found that there had been a demand from almost every Member that some project or other should be taken up irrespective of the return to the Government. After all, I do agree that in respect of all these projects we have to take into account the benefit to the community as a whole and that if a scheme will benefit the community as a whole and if it is a remunerative enterprise, it should be possible for any Government to take it up. We also take into account what the possible return to the Government would be. When the Britishers were functioning, they always wanted to take up any work which would give a sufficiently high rate of interest and they were prepared to take up any remunerative enterprise, remunerative not to the people as a whole, but remunerative to the Government. But now it is not the basis on which we take up the irrigation projects. My own view is that it should not be and it cannot be the basis in a Welfare State. So, we have been putting into execution certain projects by which the community would be benefited, the return from which to the community is fairly satisfactory, even though Government may not be getting much by way of return or interest. So far as electricity projects are concerned, I do not know wherefrom the hon. Member got his information. I do not know whether he has studied the Electricity Budget at all. If only he takes the trouble of studying the Electricity Budget, he would find that it gives a fair return by way of interest charges on the investment which we have made. Every capital investment is taken into account and that capital investment is now paying an interest of 5½ per cent over and above that which they allot to the Sinking Fund and the Depreciation Fund. It is quite a bit of an amount which is being allotted towards the Depreciation and Sinking Funds. Even after all that, we make a little profit. Therefore, there is a profit if it is looked at from a commercial point of view, for it is being worked as a commercial concern. Now it has been handed over to the Electricity Board and it will work on that basis, not fettered by the various Government rules and Government regulations. If only the hon. Member studies the Budget of the Electricity Board for the next year which has been printed and will be circulated to all the hon. Members, he will find that in respect of rural extension schemes, it is not possible to take them up unless a 10 per cent return is guaranteed. Out of that 5½ per cent goes towards interest charges and 4½ per cent towards other charges for the various services which they have to render in maintaining these electricity services in the rural areas. Therefore, far from complaining that it is a remunerative production, the complaint has been that the electricity department is taking too miserly a view of things and that it should extend electricity services without taking into consideration the returns. As I have already stated, this will have to be considered as a commercial concern and we are trying to run it as a commercial concern. Therefore, there is nothing to worry about the returns we are getting from the investments we have made in this department.

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The hon. Member Mr. Raza Khan made a reference to the Sales Tax Department and wanted to know whether there had been economy in the administration. I may tell him that we are trying to cut down expenditure on the sales tax administration, particularly after the lifting of the taxes on sugar, cloth and tobacco. But as it was pointed out by the hon. the Deputy Leader of the Opposition, once we appoint the staff, we find it very difficult to retrench them, though we have made some retrenchment. We have tried to make this department function more effectively and efficiently with greater checks and in that way certain staff have been absorbed.

Then, he wanted to know the future of the Excise Department. I may inform the House that a decision has been taken that the Excise Department should be merged with the Sales Tax Department and that all officers serving would be properly provided for without their losing anything in their emoluments and future prospects. Therefore, no grievances would arise and if any individual grievance arises later on and if it is brought to the notice of the Government, certainly it would be looked into.

Sir, he referred to the special staff posted for the purpose of checking road movement of goods from Pondicherry into Madras State. That was done mainly for the purpose of checking the large-scale movement of cloth when we had a high rate of sales tax on that commodity. We found that it had a very salutary effect. It was found that in Pondicherry a certain firm which was originally doing trade and business to the extent of Rs. 1 lakh, began doing business to the extent of Rs. 20 lakhs within a year. When we tried to check up, then ghosts of exports were made into Pondicherry and again imported in our State for the purpose of evading sales tax. It is only for that purpose that we had check-posts and it had a very salutary effect. Now the check-posts are being continued for the purpose of finding out whether there is similar movement of other goods. I may tell the hon. Members that it is proving to be a success and that many points of evasion of sales tax are being cut out now.

Then, he referred to Assam and our Special Police functioning in that State and asked whether any special allowance was being paid to them. Yes, Sir. A special allowance is being paid to them and a further representation has been made that it should be increased a little more. Their conveniences are being looked after by a high level Officer who has been deputed to Assam for that purpose. I do not know whether this is going to be a permanent feature. I do not think it would be; I think it would be a temporary measure only for the emergency existing in Assam. I am sure all the hon. Members would agree that our Special Police are doing a splendid job in tackling the emergency which had arisen there and it is to the credit of the Madras Troop and the Madras Police that wherever there has been trouble (hear, hear), they have proved

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the bulwark of peace and everywhere they are the bulwark of law and order. As hon. Members are aware, it was the Madras Troop that restored order in Delhi during those troublesome days (Hear, hear); it was the Madras Troop that functioned effectively in Kashmir and, therefore, I am sure, this House will join me in sending our greetings to those men who are toiling in a far-off place under different and strange conditions.

Mention was made about Harijan Uplift and a suggestion was made that if there was any waste of expenditure in that Department, it should be avoided. But I may tell the hon. Member that I always try to find out where there is waste of expenditure. As hon. Members are aware, we are now having quarterly meetings of heads of departments to find out the progress of expenditure and the progress of the execution of the various schemes and if there is any shortfall either in expenditure or in execution or if there is any waste of expenditure, we try to correct any mistake happening in any particular item. But I am not prepared to say that in respect of these things, we are getting cent per cent efficiency and that there is no waste at all. There is bound to be waste in all human efforts and that is my point of view. But the only thing is that it should be our endeavour to minimize it as far as possible and that has been my endeavour throughout.

5-10
p.m.

I do not think that I should reply to the compliments paid. The hon. the Deputy Leader of the Opposition said that I was getting annoyed and that I was not taking criticisms properly. I may tell him that I am not at all annoyed but that I am particularly amused at some of his criticisms. That is all I want to say.

Then, mention was made about the Children's Theatre. It is not as if we wanted to build new buildings for the purpose of housing this Children's Theatre. If that was so, perhaps we could have had some different ideas on the subject and we need not have spent so much money on the building. That building was put up for the purpose of housing 375 Members of the Legislative Assembly of the Composite State including Andhra, Malabar district and the South Kanara district. Rightly or wrongly, we have been dismembered and now we have been reduced to a small size and we have only 205 Members functioning. When we took the decision that that building was no longer necessary, we shifted to the Chamber which we are now occupying. Then the question arose how to utilize that building to the best advantage. That building has got two portions, one purely a Chamber which was being used for the purpose of Legislature meetings and the other for the purpose of accommodating the offices. As far as the portion utilized for accommodating the offices is concerned, it could even now be utilized for the purpose of accommodating the offices. We are in correspondence with the Government of India in respect of this matter because they wanted the use of the building. That is why we could not come to an immediate decision with regard to

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the use of that portion of the building. With regard to the Legislature Chamber itself, after a good deal of consideration the Cabinet came to the conclusion that best use could be made by converting it into a Children's Theatre and I may assure hon. Members that there is no question of any waste. If only proper use is made of it, we may be able to make some money out of it. But I am not going to enlarge upon that aspect of the matter. This is mainly intended to be used as a Children's Theatre and it is necessary that our children should have not only this facility but as many more facilities as they should have. It is our ambition that all those facilities should be made available to the children.

Then, the hon. Member Sri V. K. Palaniswamy Gounder has referred to the Parambikulam Project and Mr. Purushotham also has made a reference to it and asked where we are. He also referred to the expenditure incurred in that connection and the purchase of machinery for the purpose of making investigation of that project. As hon. Members are aware, this project is intended for utilization of rivers which are inter-State rivers. The sources of those rivers are in our State but they flow westwards into the Kerala State and empty themselves in the sea. In respect of inter-State rivers, no unilateral action can be taken. That was why it was necessary to consult the Kerala Government and come to the agreement. As it has been mentioned, two Engineers of the respective Governments have met and they have come to certain tentative conclusions on the question of examining the site itself. I am sorry to learn that I have not been made aware that it has been further postponed. But one thing on which we have arrived at some firm decision and also an agreement between the Kerala Government and the Madras Government, is with regard to the quantity of water which should be made available to the Kerala State and which should be made available to the Madras State for diversion into our State. As far as that is concerned, the engineers have come to an agreement and the quantity of water available is quite encouraging. That is all I could say just at present. After this, it is for the meeting to take place at the Ministerial level between the Kerala Government and the Madras Government to take a final decision. We have asked for such a meeting some time in April and we do hope to meet then and take a final decision.

SRI V. K. PALANISWAMY GOUNDER: They have begun the work.

THE HON. SRI C. SUBRAMANIAM: I made a note of it and I will come to that later.

But one thing is clear that this Project will fructify but what would be the size and the location of the project are matters which are being looked into and on which an agreement is necessary. I hope ere long we will be able to arrive at an agreement with the Kerala Government. If it is not possible to arrive at an agreement,

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it is not as if we are helpless. There is the Central Act for the purpose of resolving disputes arising between States in respect of inter-State rivers. Therefore, we may have to go to arbitration but I am hoping that it may not be necessary to go to arbitration because there is sufficient water in those rivers to meet the requirements of Kerala and also those of Madras.

Then, mention was made about their trying to execute an hydro-electric project based on the river Sholiyar which is one of the rivers included in this Parambikulam Project and that it was stopped on our intervention by the Government of India. My information is that they have not yet begun work on the project. They are making preparations to begin work on the project. Perhaps we hope we will be able to arrive at a settlement soon. But, in any event, we have written to the Kerala Government and the Government of India that no beginning should be made unless an agreement is arrived at with reference to the utilization of those waters. Therefore, Sir, I do not think that we need have any apprehension that unilaterally they can take any action with regard to the execution of any of the projects based on any of those rivers which will be included in the Parambikulam Project.

Then, mention was made about the library movement. In that connection, I may return the compliments paid to me. I would just congratulate the hon. Member Sri T. Purushotham on the very keen interest he is taking in the development of the library movement in Chingleput district. Many libraries have been started there and he has exhausted the entire funds available. That is why he is now casting his eye on the Corporation for funds, if any. I am afraid it would not be possible to allot more funds and he will have to be content with what he has been able to get for his own district. 5-20 p.m.

The hon. Member Sri T. P. Srinivasavaradan referred to the funds lying idle with the Corporation in the Madras City. I am aware that a huge amount is being collected as library cess and I wanted to have a good library building to house the State Library. We are just now finalising the site and when the scheme is pushed through, it will be possible to have a good library in a prominent place in the City as early as possible so that it may be useful for all those requiring the service of a good library.

Then, reference was made by the hon. Member Sri Purushotham about the additional building necessary for the Secretariat. Now, after the movement of the Legislature Department also to Fort, there is need for additional buildings. That is why a new block has been put up in the existing building also. The garage is also newly built up. In fact, it is only the reconstruction of the garage with two storeys above that. Therefore, necessary buildings are being put up. But we would be very happy if we are able to get the building which is now being occupied by the office of the Accountant-General. Unfortunately, there is some dispute regarding

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the ownership thereof. We are claiming ownership of the property, but the Government of India say that it belongs to the Defence Department. So, that matter is still in correspondence. But, apart from the ownership, we are claiming that we should be allowed to use the building for our purposes, even if rent is to be charged. But that matter has not yet been finally decided and I hope that we may take up the matter with the Defence Minister when he happens to visit Madras next and that we may be able to arrive at a satisfactory solution as far as this matter is concerned.

Then, the hon. Member Sri Krishnamoorthy referred to the pupil-teacher ratio. That point was answered by the hon. Member Sri T. P. Srinivasavaradan. Therefore, I do not think it is necessary for me to touch upon that aspect particularly because the hon. Member Sri Krishnamoorthy is, I think, quite satisfied with that answer and that is why he is absent now.

Then reference was made to the rural higher educational institutes and it was stated that facilities should be made available for Members to visit these institutes. I have absolutely no objection to make the necessary arrangements for a visit to these institutes. But I do not know whether any useful purpose will be served by visiting these institutes just now. The Vice-Chancellor is proposing to visit one of these institutes. If, after his visit, he thinks that it will serve a useful purpose to visit these institutes, on my part I won't stand in the way. That is all I can say just now.

With reference to the fee concession to children of political sufferers and the various other fee concessions, as hon. Members are aware, we are looking into this aspect of grants and also the payment towards the various fee concessions which we have granted. We want to make the rules as simple as possible. Therefore, I would request the hon. Member to have some patience and bear with me. The matter is under the active consideration of the Government and I am hoping ere long it would be possible to frame rules which would make their working as simple as possible. I do not think there is any other point on which I should touch at this stage.

I am really grateful to the hon. Members who have made very constructive criticisms with regard to the various supplementary estimates. But I may tell the hon. the Deputy Leader of the Opposition that, however efficient a Finance Minister might be and however efficient the Finance Department might be, these Supplementary Demands are inevitable and that we have to put up with it.

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

The House then adjourned.

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APPENDIX I.

[Vide answer to question No. 79 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 26th March 1956, page 275 supra.]

<i>Number of nurse-pupils trained during the year.</i>				<i>Number of nurses appointed in the Government Hospitals during the year.</i>		
	<i>Men.</i>	<i>Women.</i>	<i>Total.</i>	<i>Men.</i>	<i>Women.</i>	<i>Total.</i>
1955	78	176	254	43	188	231
1956 . . .	28	125	153	44	66	110
1957	18	140	158	52	118	170

APPENDIX II.

[Vide answer to question No. 99 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 26th March 1958, page 278 supra.]

A.—A list of bridges, with approximate cost of each, to be constructed across rivers in this State (i) in respect of National Highways, and (ii) so far approved and to be taken up in respect of other roads is given in the annexure. The works on roads other than National Highways come under—

- State's Second Five-Year Plan,
- Central Road Fund Programme,
- Central Aid Scheme for development of State roads of economic or inter-State importance, and
- Non Plan Works.

The State's Second Five-Year Plan has been drawn up for about twice the ceiling fixed by the Planning Commission for expenditure during the Plan Period so as to maintain the tempo of development and provide for continuity during the next Plan. Moreover the individual works to be taken up each year will be generally decided only in connexion with the budget of that year. It is not, therefore, possible to give a complete list of works to be taken up during the Second Five-Year Plan Period. The schemes for the Third Five-Year Plan have not yet been drawn up.

ANNEXURE.

Serial number and name of district.	Name of work.	Estimated cost.
(1)	(2)	(3)
		Rs.
I. NATIONAL HIGHWAYS—FIVE-YEAR PLAN.		
1 Chingleput	Reconstructing a bridge at M. 24/5-6 of N.H. 4 Madras-Chittoor-Bangalore road.	50,000
2 Do.	Constructing a bridge across supply channel in M. 33/5 of Madras-Tiruchirappalli-Dindigul road (N.H. 45).	1,50,000

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Serial number and name of district.	Name of work.	Estimated cost.
(1)	(2)	(3)
		RS.
I. NATIONAL HIGHWAYS—FIVE-YEAR PLAN—cont.		
3 North Arcot ..	Constructing a bridge at M. 101/2 and 101/4 in the place of dip on Ranipet-Krishnagiri road (N.H. 46).	50,000
4 Krishnagiri Division.	Constructing culverts in the place of dips in M. 160/8-181/2, 185/2-172/4, 173/3 and 185/5 of Benares-Cape Comorin road (N.H. 7).	50,000
5 Do.	Reconstructing the bridge at M. 174/1 of Benares-Cape Comorin road (N.H. 7).	59,000
6 Salem Division ..	Constructing the bridge at M. 70/4 and culvert at M. 87/2 in Namakkal-Salem Section of Benares-Cape Comorin road (N.H. 7).	20,000
7 Do.	Reconstructing the bridge No. 202 at M. 222/2 between Kallipatti and McDonald Choultry Stations on Salem-Cochin road.	2,00,000
8 Do.	Constructing a bridge in the place of the existing causeway at M. 243/6 of Salem-Cochin road (N.H. 47).	90,000
9 Do.	Constructing a bridge in the place of the existing causeway at M. 264/3 of Salem-Cochin road (N.H. 47).	60,000
10 Tiruchirappalli ..	Constructing a building across Pugalur channel and irrigation culvert on N.H. 7 and upgrading Punnam-Pugalur Section in M. 5/1+636 feet to M. 5/4+430 feet.	43,000
11 Do.	Constructing culverts in place of dips at M. 6/7, M. 8/1 and M. 9/2 of Karur-Aravakurichi Section of N.H. 7, Benares-Cape Comorin road.	36,000
12 Do.	Constructing a bridge in the place of the existing causeway across Dombachy river at M. 225/2 of Madras-Tiruchirappalli-Dindigul road (N.H. 45).	75,000
13 Madurai ..	Constructing a bridge in the place of the existing causeway at M. 264/2 of Benares-Cape Comorin road (N.H. 7).	80,000
14 Do.	Constructing a bridge in the place of the existing causeway at M. 285/3 of Benares-Cape Comorin road (N.H. 7).	65,000
15 Do.	Constructing a bridge in the place of the existing causeway at M. 252/4 including realigning the curve on Madras-Tiruchirappalli-Dindigul road (N.H. 45).	2,00,000
16 Ramanathapuram ..	Reconstructing the bridge at M. 46/7 of Madurai-Ramanathapuram road (N.H. 49).	1,25,000
17 Do.	Constructing a bridge across Pamban on N.H. 49.	1,00,00,000
18 South Arcot ..	Constructing culverts in the Tiruchirappalli side canal of the Ponnai bridge at M. 104/2-5 of Madras-Tiruchirappalli-Dindigul road (N.H. 45).	36,000
19 Do.	Reconstructing the bridge across Gadilam at M. 113/5-6 of Madras-Tiruchirappalli-Dindigul road (N.H. 45).	5,00,000
20 Coimbatore ..	Reconstructing the bridge at M. 304/2 of Salem-Cochin road (N.H. 47) and realigning the curve.	50,000
21 Do.	Reconstructing the narrow bridge at M. 308/1 of Salem-Cochin road (N.H. 47).	80,000

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Serial number and name of district.	Name of work.	Estimated cost.
(1)	(2)	(3)
		RS.
I. NATIONAL HIGHWAYS—FIVE-YEAR PLAN—cont.		
22 Coimbatore ..	Constructing a bridge in the place of existing dip in M. 317/5 of Salem-Cochin road (N.H. 47).	25,000
23 Do.	Constructing a bridge in the place of existing dip in M. 320/6 of Salem-Cochin road (N.H. 47).	60,000
II. CENTRAL ROAD FUND PROGRAMME.		
24 Chingleput ..	Constructing a causeway across Killinagar river of M. 2/8 in Uthiramerur-Acharapakkam road.	1,70,000
25 Do.	Constructing a high level causeway across Killinagar river near Thachur on Cheyyar-Padalam road.	2,40,000
26 Do.	Constructing a causeway at M. 37/2-4 of Tirumuzhi-Satyavedu road.	6,65,400
27 Coimbatore ..	Constructing a bridge over Cauvery between Erode and Pallipalayam.	7,50,000
28 Do.	Reconstructing the bridge at M. 11/5 of the Coimbatore-Sathyamangalam road.	75,000
29 Tirunelveli ..	Constructing a causeway across Gatana river at M. 3/5 on the road from Alwarkurichi to Sivasailam.	1,80,000
30 Do.	Constructing a causeway across Tambaraparani between Melanatham and Karupanthurai.	1,77,000
31 Tiruchirappalli ..	Constructing a bridge at M. 1/2 of Pullambadi-Thirumalavadai road across the Karingal odai.	50,000
32 Tanjore ..	Constructing a bridge across Vennar at Kambandangudi limits.	5,80,000
33 Salem ..	Constructing bridges at M. 2/5 and M. 6/8 of Mettur-Kolathur road.	1,08,000
III. ROADS OF ECONOMIC OR INTER-STATE IMPORTANCE.		
34 North Arcot ..	Constructing a bridge near Kannamangalam at M. 105/4 of Cuddalore-Chittoor road.	2,91,600
IV. STATE SECOND FIVE-YEAR PLAN (GOVERNMENT WORKS).		
35 Chingleput ..	Constructing a bridge at M. 12/4 of Arkonam-Kancheepuram road.	25,000
36 Madurai ..	Constructing bridges and culverts at M. 2/6, 2/7, 5/5, 6/4, 7/4, 9/1 and 9/5 of Bodikorangani road.	1,53,000
37 Chingleput ..	Constructing a submersible bridge at M. 44/4-6 of Tirumuzhi-Satyavedu road.	7,00,000
38 Do.	Constructing a bridge across Arniar river at M. 8/8 of Kortaloyar bridge-Puthur road at Periyapalayam.	6,00,000
39 South Arcot ..	Constructing two bridges in Chunampet road at M. 1/5 and 1/7.	1,80,000
40 Tanjore ..	Constructing a bridge at M. 5/2 of Peraurani to Avanam road across Grand Anaiout canal.	60,000
41 Tiruchirappalli ..	Reconstructing the bridge at M. 89/7 of Koilpatti-Tinnanur road.	60,000
42 Do.	Providing causeway and culverts to stream crossing in Perambalur-Attur road.	1,60,000

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Serial number and name of district.

(1)

Name of work.

(2)

Estimated cost.

(3)

RS.

IV. STATE SECOND FIVE-YEAR PLAN (GOVERNMENT WORKS)—cont.

43	Madurai	Constructing a causeway in M. 16/5 of Mettur-Palakkuruthu road.	1,05,000
44	Do.	Constructing a bridge at M. 83/1 of Madurai-Theni road.	3,24,000
45	Ramanathapuram ..	Constructing a bridge at M. 25/3 of Manamadurai Tirupathur-Pudukottah frontier road.	2,00,000
46	Do.	Constructing minor bridges and culverts in Virudhunagar-Arappukottai road, M. 0/0—10/0.	60,000
47	Do.	Constructing a bridge at M. 60/8 of Tenkasi-Madurai road.	4,51,000
48	Do.	Constructing bridge at M. 46/1 and 48/1 of Madurai-Tondi road.	6,00,000
49	Do.	Constructing a causeway at M. 9/3 of Parthibanur-Narikudi road.	1,58,000
50	Tirunelveli	Reconstructing the bridges in Tenkasi-Madurai road, M. 10/0—33/1.	1,68,000
51	Do.	Constructing and improvements to culverts and minor bridges in Tirunelveli-Shencottah road in M. 4/6 to 38/6.	1,73,000
52	Do.	Reconstructing the bridge at M. 41/1 of Tirunelveli-Rajapalayam road.	1,75,000
53	North Arcot	Constructing a bridge across Cheyyar in M. 25/3-4 of Arcot-Tindivanam road.	14,40,000
54	Do.	Constructing a bridge across Padavedu river in M. 100/6 of Cuddalore-Chittoor road.	2,60,000
55	Salem	Constructing a bridge at M. 18/3 of Dowlatabad-Cuddalore road.	1,25,000
56	Coimbatore	Converting dips into bridges, causeways or culverts on Coimbatore-Sathyamangalam-Chamroyanagar road at M. 44/6, 47/1, 47/4, 48/2, 50/5, 52/1, 53/2, 60/6, 63/8, 64/1, 64/6, 66/8.	2,00,000
57	Do.	Constructing a bridge at 64/1 of Coimbatore-Sathyamangalam-Chamroyanagar road.	2,50,000
58	North Arcot	Construction of a bridge across Kamandala-Naganadhi at M. 13/1 of Arcot-Arni-Wandiwash road.	5,00,000

V. NON-PLAN WORKS.

59	Tirunelveli	Reconstructing bridge at M. 7/5 of Ettayapuram-Vilathikulam road.	80,000
60	Ramanathapuram ..	Reconstructing bridge at M. 33/5 of Manamadurai-Tirupathur-Pudukotta frontier road.	1,50,000
61	Coimbatore	Reconstructing M. 19/5 of Gobichettipalayam-Dharapuram road.	1,25,000
62	Tiruchirappalli ..	Reconstructing bridge across Marudayar at M. 96/7-8 of Kalpatty-Tirumanur road.	8,00,000

VI. SECOND FIVE-YEAR PLAN (DISTRICT BOARD WORKS).

63	Tanjore	Constructing a bridge across Vellayar in M. 10/1 of Sikkil-Palakkurichi road.	54,000
64	Do.	Constructing a bridge across Mudiconden in Tirupugalore village limits.	30,000
65	Do.	Constructing a bridge across Kaduvayar in M. 4/4 of Sikkil-Palakkurichi road.	66,000

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Serial number and name of district.

(1)

Name of work.

(2)

Estimated cost.

(3)

RS.

VI. SECOND FIVE-YEAR PLAN (DISTRICT BOARD WORKS)—cont.

66	Tanjore	Constructing a bridge across Arasalar M. 4/2 of Tirunelakudi-Kadalangudi road.	40,000
67	Do.	Constructing a bridge across Vettar near Amur.	80,000
68	Do.	Constructing a bridge across Adappar at M. 19/4 of Velanganni-Vedaranya road.	3,00,000
69	Do.	Construction of a bridge across Valuvanar at M. 6/7 of Gopalamudram-Virmodu road.	70,000
70	Tiruchirappalli ..	Constructing a causeway at M. 0/7 of Timmachipuram-Veeravalli road.	33,000
71	Do.	Constructing a perforated causeway at M. 0/1 of Aravakurichi-Pungambadi road.	19,000
72	Do.	Constructing a causeway across Pudur Odai ..	5,000
73	Do.	Construction of a bridge across irrigation channel in Kattipalayam road at M. 0/8.	10,000
74	Ramanathapuram ..	Constructing a causeway at M. 27/6 of Devakottai-Devipatnam road.	71,000
75	Do.	Constructing a minor bridge at M. 45/3 of Kamuthi-Mandalamanickam road.	13,000
76	Tirunelveli	Constructing a bridge across south main Authoor channel in Malavoi road.	19,000
77	Do.	Constructing a bridge across Authoor channel at Maridupannai.	12,000
78	Do.	Constructing a road dam across Perungulam surplus channel on Perungulam road.	15,000
79	Do.	Constructing a causeway at M. 9/4-5 on Udayarpatti-Sivalaperi road.	50,000
80	Salem	Constructing a bridge across Vashtanadhi at Attur.	1,22,850
81	Do.	Constructing a bridge across Vashtanadhi at M. 8/1 of Thumbal-Puthragoundanpalayam road.	1,24,540
82	Do.	Constructing a causeway across Edapati river in M. 10/7 of Valapady-Belur-Tumbal road.	51,100
83	Do.	Constructing a bridge across Saranga river in M. 9/8 of Komarapalayam-Edappady road.	1,31,000
84	Do.	Constructing a bridge at M. 12/2 of Tiruchengode-Pallipalayam-Komarapalayam road.	47,950
85	Do.	Constructing a bridge at M. 17/7 of Tiruchengode-Pallipalayam-Komarapalayam road.	61,200
86	Do.	Constructing a perforated causeway at M. 4/8 and bed level causeway at 8/8 of Ayothipatnam-Belur road.	17,370
87	Do.	Constructing a submersible causeway at M. 7/2 of Komarapalayam road.	20,000
88	Do.	Constructing a pipe causeway at M. 5/5 of Sankari-Pallipalayam road.	10,000
89	Do.	Constructing a causeway at M. 13/6 of Komarapalayam-Anangur road.	20,000
90	Do.	Constructing a causeway at M. 8/5 of Komarapalayam-Anangur road.	20,000
91	Do.	Constructing a vented causeway at M. 3/7 of Jalaranthapuram road.	10,000
92	Nilgiris	Constructing a bridge at M. 2/7 of Katteri-Yellana-halli road.	50,000
93	Do.	Constructing minor bridges and culverts on Ootacamund-Sholur road.	5,000

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Serial number and name of district.	Name of work.	Estimated cost.
(1)	(2)	(3)
		Rs.
VI. SECOND FIVE-YEAR PLAN (DISTRICT BOARD WORKS)—cont.		
94 South Arcot	Constructing a submersible bridge across Malatar at M. 9/8 of Cuddalore-Pallivelliyalur road.	89,000
95 Do.	Constructing a submersible bridge at M. 17/2 of Ulundurpet-Tiruvannainallur road.	90,000
96 Do.	Constructing a bridge at M. 5/2 of Mylam-Nallanur road.	85,000
97 Do.	Constructing a bridge across Vettuvaikal in M. 1/6 of Mannargudy-Nettaramangalam road.	64,000
98 Do.	Constructing a bridge across the river Paravanar in the Bhuvanagiri, Kurinjipadi road.	15,000
99 Do.	Constructing a bridge across Sellangal Odai in M. 11/6 of Cuddalore-Pallinilayam road.	45,500
100 Do.	Constructing a bridge at Kandamangalam in M. 2/8 of Mannargudy-Meensurthy road.	60,000
101 Coimbatore	Constructing bridge at M. 0/2 Perur-Vadapatty road.	42,050
102 Do.	Constructing road dam at M. 5/5 Karamadai-Tholambalayam road.	15,000
103 Do.	Constructing road dams at M. 4/3, 8/7 and 9/8 of Pulampatti-Nambiyur road.	22,500
104 Do.	Constructing road dams at M. 1/6, 2/6 and 5/6 of Kariapalayam to Pulampatti road.	23,400
105 Do.	Constructing a vented road dam at M. 11/8 of Muthupalayam road near Sennaickenpatti.	10,000
106 Nilgiris	Constructing a bridge in the road formed from Bubithalai to Sogathorai.	6,000
107 Tiruchirappalli ..	Constructing a causeway at M. 7/1 of Karur-Vengal road.	9,000
108 Do.	Constructing culverts in Mylampatti-Uppidamangalam road.	16,000
109 Do.	Constructing major bridges for two crossings near Sirugalathur in Pullambadi-Sirugalathur-Padalur road.	1,00,000
110 Do.	Construction of a bridge at M. 6/5 of Ariyalur-Sendurai road.	15,000
111 Do.	Widening culverts in Mayanur-Sengal-Panjapatti road.	15,000
112 Do.	Constructing a bridge at M. 3/4 of Keelapalur-Tirumalavadi road.	1,00,000
113 Do.	Constructing a bridge at M. 5/8 of V. Kalathur-Kalkalathur road.	1,50,000
114 Do.	Constructing a bridge in Kandiur road	25,000
115 Do.	Constructing a bridge at M. 2/6 of Eusanathan road.	30,000
116 Do.	Constructing a bridge across Koolayar between Sankarayur at Kallagudi.	40,000
117 Do.	Constructing a foot bridge across Koolayar between Ambil and Tirumayam.	7,500
118 Do.	Constructing culverts at M. 0/1 of Kurumbupatti road and other culverts.	30,000
119 Do.	Constructing culverts in Sangal-Veerapalayam road.	4,000
120 Chingleput	Constructing culverts in Vengacheri-Tirumukudal road.	9,200

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Serial number and name of district.	Name of work.	Estimated cost.
(1)	(2)	(3)
		Rs.
VI. SECOND FIVE-YEAR PLAN (DISTRICT BOARD WORKS)—cont.		
121 Chingleput	Construction of culverts in Walajabad-Ravanthandalam road.	3,000
122 Do.	Constructing a causeway across Kortalayar in road from Nerkundram to Minjur Railway Station near Seemapuram.	50,000
123 Do.	Bridges across Araniar river at M. 0/6 at Tiruvai-padi Branch road.	1,40,000
124 Salem	Constructing a causeway at M. 2/3 of Salem-Veerar nam road.	20,000
125 Do.	Constructing a bridge at 3rd mile of Veppanapalli-Theertham road (O.D.R.).	65,000
126 Do.	Constructing a bridge across Markandeyanadhi at M. 5/7 of the road from Kuppsachiparai to meet Veppanapalli-Theertham road (O.D.R.).	50,000
127 Do.	Constructing a bridge at M. 1/4 of road from M. 0/5 of Omalur-Salem road to Muthunaickampatti road (O.D.R.).	18,000
128 Do.	Construction of minor culverts in Pappapatti-Ralai-Dharmapuri road (M.D.R.).	20,000
129 Do.	Construction of minor culverts in Kundarapalli-Veppanapalli branching from Madras-Bangalore road (M.D.R.).	25,000
130 Do.	Construction of minor culverts in Krishnagiri-Kuppam road from M. 157/4 of Madras-Bangalore road via Varatanapalli and regarding the road (M.D.R.).	50,000
131 Madurai	Constructing a perforated causeway at M. 11/8 of Batlagundu-Peraiyur road.	25,000
132 Do.	Constructing a perforated causeway at M. 14/4 of Batlagundu-Peraiyur road.	20,000
133 Do.	Constructing a perforated causeway at M. 14/6 of Batlagundu-Peraiyur road.	25,000
134 Do.	Constructing a perforated causeway at M. 17/4 of Batlagundu-Peraiyur road.	18,000
135 Do.	Constructing a perforated causeway at M. 24/1 of Batlagundu-Peraiyur road.	35,000
136 Tirunelveli	Constructing culverts in Ettayapuram-Aruppu-kottai road.	50,000
137 Ramanathapuram ..	Construction of causeways at Sengamalanachiar-puram and on to Sivakasi-Srivilliputtur road.	2,000
138 Do.	Construction of a causeway at Kilarajakularaman to Guhanparai.	25,000
139 Do.	Construction of causeway at M. 2/8 of Kilarajakularaman road.	18,000
140 Do.	Constructing bridges in M. 2/3, M. 1, 4/2, 4/3 and 4/8 of Rajapalayam-Kilarajakularaman road.	30,000
141 Do.	Construction of a bridge at M. 2/6-7 of Araniari patti-Ragunathapuram road.	50,000
142 Do.	Constructing a causeway at M. 41/4-5 of Kariapatti-Tiruchuli road.	13,000
143 Do.	Constructing a bridge at M. 5/6 of Elayiram-pannai-Guhanparai road.	30,000
144 Do.	Constructing a causeway at M. 24/3 of Kariapatti-Tiruchuli road.	1,25,000
145 Do.	Constructing culverts at M. 14/4; 14/7, 8; 15/7 Kallal-Madugapatti road.	5,000

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THE HON. SRI M. BHAKTAVATSALAM: (a) The production of rice in Madras State during the year 1956-57 was about 3,103,000 tons.

(b) It was sufficient at the present rate of consumption.

(c) There is no such proposal.

(d) Does not arise.

SRI V. V. RAMASWAMI: நம் மாநிலத்தை இந்தத் தெற்கு உணவு மண்டலத்திலிருந்து பிரித்துத் தனியாக வைக்க யோசனையிருக்கிறதா? அது விஷயமாக மத்திய அரசாங்கத்திற்கு எழுதியிருக்கிறார்களா?

THE HON. SRI M. BHAKTAVATSALAM: முன்பு அவ்வாறு யோசிக்கப்பட்டது. இப்பொழுது அம்மாதிரி யோசனை ஒன்றுமில்லை. அதைப் பற்றி இப்பொழுது மத்திய அரசாங்கத்துடன் கடிதப் போக்குவரத்து ஒன்றுமில்லை.

SRI MOHAMED RAZA KHAN: Is it a fact, Sir, that the Government of Madras propose to purchase rice on behalf of the Kerala Government in the State of Madras?

THE HON. SRI M. BHAKTAVATSALAM: There is no such proposal. Perhaps, the hon. Member has got this idea from what has been reported about what I said in the other House. I said there that if the merchants stopped purchasing rice for the purpose of export to Kerala, I offered to the Minister of Food in Kerala that I could myself, that is, this Government themselves, could arrange for the purchase and supply them to the extent of 1½ lakhs of tons of rice.

SRI V. CHAKKARAI CHETTY: May I know whether the Government have any lands of their own for production of rice?

THE HON. SRI M. BHAKTAVATSALAM: That is a large question about the ownership of land. I cannot deny at once that Government have no lands or have no ownership of lands. That is a large question. Government do not cultivate lands except the seed farms and lands in Research Stations. They do not have their own cultivation.

SRI V. CHAKKARAI CHETTY: What about co-operative farms?

THE HON. SRI M. BHAKTAVATSALAM: That is a different thing, and you cannot also say that the Government own them.

DR. V. K. JOHN: Have the Government statistics for increasing production of foodstuffs districtwar and if they have, will they place the statistics before the House periodically?

THE HON. SRI M. BHAKTAVATSALAM: We do have statistics districtwar and only from the district statistics we gather statistics for the entire State regarding food production. If the hon. Member would put a separate question, I would try to collect all figures and place them on the Table of the House.

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SRI V. K. PALANISWAMY GOUNDER: Could not the Government themselves purchase rice in Andhra and supply it in Tamil Nad?

THE HON. SRI M. BHAKTAVATSALAM: The Government do not consider it desirable or necessary that they themselves should undertake the responsibility of purchasing rice and supplying it here.

DR. V. K. JOHN: Have we a food production council or committee in the districts which will find out whether production is increasing and also whether there is any impediment in the way of production?

THE HON. SRI M. BHAKTAVATSALAM: Every district has got a Planning Board and that may well study these questions.

SRI MOHAMED RAZA KHAN: How does the Hon. the Minister for Agriculture reconcile the statement that the production has increased year after year with the fact that the prices go up, far from showing a downward trend?

THE HON. SRI M. BHAKTAVATSALAM: I may tell the hon. Member that during the last two years, the prices have not gone up. The prices have not fallen to the extent to which we would like them to come down. But even as the production has increased, the consumption has increased and the export has increased. We have exported to Kerala alone nearly 2 lakhs of tons of rice.

SRI V. K. PALANISWAMY GOUNDER: When rice is not coming out while the merchants make the purchase, why should not the Government take the responsibility of making the purchases themselves?

THE HON. SRI M. BHAKTAVATSALAM: The Government do not consider it necessary, as I have already stated, to purchase rice themselves. There is rice available here and, if we make purchases at the rates now prevailing in Andhra, the prices here would go up.

DR. V. K. JOHN: What is the basis for the Government to come to the conclusion that production is increasing year after year?

THE HON. SRI M. BHAKTAVATSALAM: The statistics that we have and the information that I have personally been collecting from several enterprising ryots. It is on that basis that I am able to say that production has been increasing. Although 2½ lakhs of tons of rice were exported to Kerala by rail alone apart from what was transported by lorries and although we got only very little—about 9,000 tons from Andhra last year there was no scarcity felt. We had only a lakh of tons of rice supplied from the Government of India pool for supply to our fair price shops but still there was no scarcity and we carried on.

[27th March 1958]

Whooping cough.

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

(a) whether any measures have been taken by the Government to control and check the spread of whooping cough among school children; and

(b) if so, what they are?

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

(b) Does not arise.

SRI T. PURUSHOTHAM: Will the Government institute a survey into the incidence of whooping cough among the school children, the season when it comes and the preventive or remedial measures that should be adopted when there is an incidence?

THE HON. SRI M. A. MANICKAVELU: The trouble is that it is not a notifiable disease under the Public Health Act. There is no regular medical inspection of children. As regards the treatment (Sri Mohamed Raza Khan: There is a vaccine) there is no treatment which will actually cure the disease. The treatment now available can only minimise the severity of it. It runs its course, whether it is two months or three months. Even though the treatment by injection is given, only the intensity of the disease is lessened.

SRI V. CHAKKARAI CHETTY: Will the Hon. Minister tell me what the first symptoms of this whooping cough are? I am not asking the Hon. Minister as a medical man. (Laughter.)

THE HON. SRI C. SUBRAMANIAM: The Hon. Chairman can answer the question. (Laughter.)

SRI V. CHAKKARAI CHETTY: In my own house children cough and I do not know whether it is whooping cough or the blessed or cursed thing. (Laughter.)

THE HON. SRI R. VENKATARAMAN: The hon. Member is not entitled to free medical advice.

AN HON. MEMBER: His advice is always welcome.

THE HON. SRI M. A. MANICKAVELU: If the cough is prolonged, then it is whooping cough. (Laughter.)

SRI T. PURUSHOTHAM: As this is a communicable disease, will the Government consider the desirability of issuing orders for stopping pupils from attending schools when they are suffering from whooping cough?

THE HON. SRI M. A. MANICKAVELU: It will take a long time for the Government to do that. But the parents and guardians themselves take care not to send their children to school when they are suffering from the cough. Apart from this, much is being said about treating this disease by indigenous systems of medicine and

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very attractive advertisements appear about them. I would personally like to have this experimented and see whether any proper medicine could be found for this. The hon. Member is the President of Siddha Vaidhya Association and I am sure he will also take interest in this experiment.

SRI T. PURUSHOTHAM: In the light of what the Hon. Minister has said just now, will the Government consider the desirability of issuing a pamphlet about the whooping cough for the education of school children and their parents and the general public?

THE HON. SRI M. A. MANICKAVELU: I do not know what the hon. Member means—whether he wants to have it as a subject taught in the schools. (Laughter.)

DR. V. K. JOHN: May I know whether the Government have been convinced that the whooping cough takes its own course and whether, therefore, Government do not want to take any more interest?

DR. A. SREENIVASAN: Is there no preventive vaccine for whooping cough and is it impossible for the Government to introduce vaccination of children within the age of ten when they have taken it into their heads to vaccinate against so many other diseases?

THE HON. SRI M. A. MANICKAVELU: Unfortunately, this matter has not been taken into their heads. (Laughter.) As I said, I had experience of this injection business. Some children had it and I tried my level best to stop it. But the injection was able to minimize the severity only and it did not give complete relief. Anyhow, I will look into the matter and it is worthwhile to do so as it is very pathetic to see children having this whooping cough.

SRI V. CHAKKARAI CHETTY: What do the Government call this, vaccination or inoculation? I thought that it was called only vaccination for smallpox.

THE HON. SRI M. A. MANICKAVELU: The hon. Member may call it vaccination or inoculation as he likes. 2-10 p.m.

Transport service in Kanyakumari district.

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

(a) whether there is any proposal before the Government for further nationalization of motor transport service in Kanyakumari district; and

(b) if so, the details thereof?

THE HON. SRI R. VENKATARAMAN: (a) Yes, Sir.

(b) The proposal to nationalize the Tirunelveli-Nagercoil route is under consideration.

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SRI T. PURUSHOTHAM: Have the Government provided adequate number of buses on the nationalized routes in the Kanyakumari district? Also what steps will be taken to avoid overcrowding? I put this question in view of the latest accident that occurred on that side.

THE HON. SRI R. VENKATARAMAN: It has become almost impossible to prevent people from getting into the buses during festival times. In fact, I think, short of stopping special services for the festival, it would be impossible to prevent overcrowding.

SRI T. PURUSHOTHAM: With reference to the answer of the Hon. Minister to clause (b) of the question, will the Government consider the question of connecting up important places in the Tirunelveli district with the Kanyakumari district?

THE HON. SRI R. VENKATARAMAN: I find it rather difficult to understand the question. The Government have now a proposal to run State Transport buses on the Tirunelveli-Nagercoil routes. If the hon. Member wants various places in the Tirunelveli district to be connected by proper bus routes, that is a matter which he may put to my esteemed Friend who is in charge of Transport.

DR. V. K. JOHN: Will the Government issue instructions that when a bus is overcrowded, the driver must stop driving the bus?

THE HON. SRI R. VENKATARAMAN: It is a counsel of despair. I saw in the papers this morning that when one carriage was detached, the persons sitting in that carriage used firearms. I am afraid if the driver refuses to drive the bus, a similar fate may await him.

SRI MOHAMED RAZA KHAN: Is the Hon. Minister aware that the majority of the people of the Kanyakumari district want more bus routes to be nationalized and more buses to be run there?

THE HON. SRI R. VENKATARAMAN: That is true. There is a demand from the people of the Kanyakumari district for the Government to take over as many routes as possible. That is because they find the State Transport more efficient than the private transport.

DR. V. K. JOHN: Do the people there think that the transport is run by the Kerala Government or by our Government?

THE HON. SRI R. VENKATARAMAN: They are referring only to our State Transport buses being run at present. If they thought that the buses were run by the Kerala Government, then perhaps they might have put in protests against our expansion.

SRI V. V. RAMASWAMI: இப்போதுள்ள நிலையில் கன்னியா குமரி ஜில்லாவில் ஒடுகிற பஸ்கள் எவ்வளவு? அவைகள் போதுமா?

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THE HON. SRI R. VENKATARAMAN: Sir, I may be allowed to give a detailed answer in respect of this question. When we took over the Transport in the Kanyakumari district, we got only buses in good condition, about 10 buses in a condition to move and the rest were all fit for exhibition as old buses. We have now introduced into the Kanyakumari district 24 new buses and we propose to put in 6 more new buses by the 31st of this month so that the new buses put in by the Madras State after taking it over, will be 30, in one year.

SRI V. V. RAMASWAMI: கேரள அரசாங்கம் ஒப்புக்கொண்டுள்ள பஸ்களின் டிப்ரிஸியேஷன் பண்ட நம் அரசாங்கத்திற்கு வந்துவிட்டதா? அந்தப் பணத்திலிருந்துதான் புதிய பஸ்கள் வாங்கப்படுமா? அல்லது வேறு பணத்திலிருந்து வாங்கப்படுமா?

THE HON. SRI R. VENKATARAMAN: A separate question may be put to my colleague, the Minister for Finance.

SRI MOHAMED RAZA KHAN: When old and rickety buses were given by the Kerala Government, am I to understand that the Madras Government simply kept quiet or did they protest that their share ought to have been quite different from what was given to them?

THE HON. SRI R. VENKATARAMAN: Whenever partition takes place, the senior member suffers and I suppose, that happened to Madras also.

Rest House in the Mudumalai Wild Life Sanctuary.

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

(a) whether there is any proposal before the Government to construct a Rest House in the Mudumalai Wild Life Sanctuary area in the Nilgiris district for the convenience of visitors and tourists;

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

(c) whether there is any proposal before the Government to address the Central Government for aid for this purpose?

THE HON. SRI M. BHAKTAVATSALAM: (a) & (b) The construction of a Rest House at Lower Kargudy in the Mudumalai Wild Life Sanctuary has been sanctioned and the work is in progress.

(c) The Government of India, Ministry of Food and Agriculture, have sanctioned a subsidy equal to 50 per cent of the non-recurring cost. The Government of India, Ministry of Transport and Communications, have declined to sanction a comprehensive scheme including a big rest house at Bonne and it has been dropped.

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SRI T. PURUSHOTHAM : Is there any rest house for inspecting officers of the Forest Department and, if so, is it not made available to tourists who go there?

THE HON. SRI M. BHAKTAVATSALAM : Yes, there is a Rest House and that is available not only for the officers but also for tourists. It was considered that it was not adequate in view of the large number of tourists who would be going there. Therefore, a new Rest House is constructed with the subsidy that is available from the Government of India.

MR. CHAIRMAN : Questions are over.

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

II.—GOVERNMENT BUSINESS.

DISCUSSION ON THE MEMORANDUM SUBMITTED BY THE GOVERNMENT OF MADRAS ON THE REPORT OF THE OFFICIAL LANGUAGE COMMISSION—cont.

MR. CHAIRMAN : Now we will continue the discussion on the Government Memorandum on the Report of the Official Language Commission. Sri P. T. Rajan will now speak.

* **SRI P. T. RAJAN :** Mr. Chairman, Sir, it had been stated that Nero was fiddling when Rome was burning. So also our Neros here are fiddling with a view to find out which should be the national language and which should be the official language, when all their attention should be concentrated on important problems, such as the feeding of the people, clothing of the people, housing of the people, educating of the people incidentally and improving the economic condition of the people.

Talking about national language, I do not think there can be any national language . . .

3-30 p.m. **THE HON. SRI C. SUBRAMANIAM :** I think the hon. Member also is fiddling along with the Government.

* **SRI P. T. RAJAN :** That is an exclusive privilege of my Hon. Friend.

THE HON. SRI C. SUBRAMANIAM : I do not want to commit that mistake. That is why I said that.

* **SRI P. T. RAJAN :** Under the guise of using the official language, they want to nationalize it also. There cannot be a national language for the Indian Union for the reason that that language should be spoken by all the people. That is not possible for in a State the language will be different. In Tamil Nad Tamil will be spoken by the people and in Andhra Desa Telugu will be spoken by the people. Therefore, we cannot have a national language for the Indian Union unless the Government in their dispensation make one language not only the official language, the national language but the common language.

DISCUSSION ON THE MEMORANDUM SUBMITTED BY THE GOVERNMENT OF MADRAS ON THE REPORT OF THE OFFICIAL LANGUAGE COMMISSION

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As regards the official language, there is a proposal that Hindi should be the official language. There is another school of thought which says that English should be the official language. If language is merely a medium of expression that serves the purposes of man's needs, asking for this and asking for that one can say, say, 'Go ahead with any language. Introduce that language throughout the Indian Union and make it the official language or make it both official and national language'; but language is something more than that. Language reflects literature, the achievements of the people, literary and otherwise, the failures, aspirations, house of the people, the development of arts, culture and so on. Our language is ancient. It has got its traditions and a rich background. If language is considered in that light, we in Tamil Nad cannot possibly be expected to get away from Tamil. Tamil must be there; Tamil will be there, come what may. Hindi has been advocated by a number of people on the ground that India, having attained independence, must have one of its language as official language. If you are going to give any language that honour, it will be at the expense of other languages considered to be equal in status. In their advocacy of Hindi, a sense of prestige seems to have crept in, not a real sense of prestige but a false sense of prestige. "If you cannot have one of your own languages as national language, it is derogatory to the country". This is what they feel. Secondly, they want to say*that if Hindi is not accepted, those who refuse to accept it are against the unity of the country. The feel that by not accepting that, we are against the unity of the country. Some people might even go to the extent of saying that we are traitors, if we do not accept it. After all, the unity of the country hangs on a very slender rope. Even when India was one before partition, it was hanging on a very slender rope. When you tinkered with it, India became two. Now, again, what remains of that India is still hanging on a very slender rope. Some people want to tinker with that. We do not want to interfere with the unity of India. We leave Indian unity as it is. Not on any sentimental grounds, but for practical purposes, on practical grounds we say that Indian unity be there. Do not drag in Indian unity in dealing with matters like having Hindi or English as the official language.

In the case of English, it is said that it is a foreign language and that as such, it cannot be accepted as official language. If English is a foreign language, Hindi would be equally foreign to us as Telugu would be foreign to us and Malayalam would be foreign to us. Therefore, we do not say on sentimental grounds that English should be accepted as official language. For the last 150 years we have learnt that language. That language has been found to be more suitable for administrative purposes. That was why I said, 'Let us carry on. Please do not introduce any other language and thus create heartburning and differences of opinion. Let things alone. When the time comes, when the people feel that any one Indian language is sufficiently good for being adopted as the national

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or official language, let that question be taken up then. There is no need for deciding that question now.' That is my humble opinion. As a matter of fact, we seem to forget that this English language has brought us all from the Himalayas to Cape Comorin and that it is that language that has enabled us to achieve our freedom, to fight the Englishman in his own language and to pay him in his own coin. It is said that the English people are liberty-loving people and that English language stands for freedom and liberty.

* SRI A. M. ALLAPICHAJ: We have fought against the English people for the last 150 years.

* SRI P. T. RAJAN: You can never get out of that mentality whatever happens. It is in that language that we fought and got freedom. Why should you all of a sudden say that it is a foreign language unless you are prepared to give up all the institutions that are in any way connected with English? If we do not want them, we can agree. Having achieved freedom, belonging to an independent country and being accustomed to the English language, why should you now say, 'Give up English'? Some of us may be (Dr. A. Sreenivasan: Ultra-national) ultra-national. (Sri T. P. Srinivasavaradan: Old fossils.) I would like to remind the House that in Bengal which stood for freedom, which first waged war against the foreigner, which has developed its own language and which gained fame throughout the world, the Legislature there has passed a Resolution (Dr. A. Sreenivasan: Unanimously), a unanimous Resolution, saying that English should be continued. But we cannot make up our minds and though some of us may be convinced that English is necessary, we dare not give expression to it because we may be considered traitors and that we are against Indian unity.

8 30 p.m. In this connexion, I would like to say a few words about the compromise formula of the Madras Government. On the face of it, the slogan that we could have both Hindi and English looks attractive. It looks as if the people can accept it and be done with the bother. If the Hon. the Finance Minister or the Education Minister or the Leader of the Lower House had indicated to us how he was going to work it and told us, 'This is the manner in which the two languages should work side by side', we could study the formula and find out whether it was practicable and whether it would be worth our while to accept it. Unfortunately, he has not given us details.

Dr. MAHOMED USMAN: The Government will carry it out.

* SRI P. T. RAJAN: Which Government?

Dr. MAHOMED USMAN: The present Government.

* SRI P. T. RAJAN: Here or at the Centre?

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Dr. MAHOMED USMAN: Accepted by both.

Dr. V. K. JOHN: And other States?

* SRI P. T. RAJAN: It must be decided by the Centre and must be acceptable to all the States. I must no doubt offer my congratulations to the Hon. the Finance Minister on the very good fight he put up. But what was the reaction on the part of those who were there? Did they say, 'It is a very good proposal; let us examine it'? If they had said so, it is all right. They have not said, 'Come along, we will consider'. I cannot pretend to be on the same level as the Finance Minister or the Deputy Chairman. If he can make the formula easy so that lesser mortals can understand it, well land good. Or if he says, the problem is so complex that only a few can understand and not others, I must come under the category of 'others' and say, 'I cannot understand it'. How to give effect to this formula of Hindi and English?

THE HON. SRI C. SUBRAMANIAM: The hon. Member was referring to the point whether my formula was acceptable to others. Now the hon. Member jumps to another point and asks whether these languages could work side by side. The hon. Member was referring to the fact that I put forward the bilingual formula and asked what the reaction was. I said that it was not bad. Now he tries to put himself on a low level and me on a high level. On whatever level he wants to put himself, I do not want to interfere with him. He said lesser mortals could understand it. And immediately he asks whether two languages can work side by side. Sir, the two things are quite different.

Dr. V. K. JOHN: I think he has freedom to object.

THE HON. SRI C. SUBRAMANIAM: Anybody has got freedom to say anything.

* SRI P. T. RAJAN: I merely stated that at the Gauhati Congress the Hon. the Finance Minister put up a fight, and asked what the reaction in the Congress circles was.

Dr. V. K. JOHN: Not bad, he says.

* SRI P. T. RAJAN: Secondly, so far as the Central Government are concerned, what was their reaction?

Dr. V. K. JOHN: Not bad. (Laughter.)

* SRI P. T. RAJAN: It is not bad.

Dr. V. K. JOHN: Not good.

* SRI P. T. RAJAN: I merely wanted to be enlightened but my friend says that I cannot understand. Yes; I cannot understand. I leave it there. So long as it is not made clear and so long as the position continues that one language will be put at a greater advantage than the others, we cannot accept the proposal that

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Hindi should be made the official language. No doubt, the Government have got a majority and they might impose Hindi. But let them take the consequences. Till now, the arguments of those who advocate the continuance of English till such time as another language is able to take its place have not been met. They are pooh-poohed, 'These are old people; they do not understand what they are talking; these are the people who are against the unity of the country.' That is the kind of criticism levelled against those who favour the continuance of English as official language. I am quite sure, as even we would not like Hindi to be imposed on this State, we would not like any other language to be imposed on any other State. But so far as the Centre is concerned, we have got an interest there; we have a stake there. So, its affairs should be run in a language which should be acceptable to us. It is not by mere majority that you can carry on things. After all, numbers have a limited and definite purpose. Simply because you have a majority, you cannot force down the throat of others whatever you think right.

Allowing the official language to take its own course, I would like to say a word about how best we could develop the Tamil language. We are concerned more with the Tamil language. No doubt, there are great pandits and great scholars in Tamil. But the Tamil language is not in a position to supply all our wants. Only this morning when I went through the newspaper, I came across one sentence which, fortunately for me, expressed what I wanted to say in simple and clear language. I said, 'Thank God, there is something here and my task is made easier'. Mr. C. D. Deshmukh, former Finance Minister of the Government of India, while inaugurating a Conference on problems of teaching English, has observed as follows:—

"To-day, the development of Indian language will be more meaningful if we maximised the chances of development of our minds and this would be impossible without extensive and reinforced resort to one of the most advanced languages of the world, viz., English which opens the door to us to at least two-thirds of the current scientific and technological literature and *belles-lettres*."

DR. A. SREENIVASAN: He is also old.

2-40 P.M. * SRI P. T. RAJAN: It may be a crime in the eyes of some and I suppose it is not so in your eyes. (Dr. A. Sreenivasan: No, no.) If really the lovers of Tamil want their language to take its proper place, and if they want to benefit by the study of that language, it is better to pay heed to this advice. Let there be education in our schools and colleges in English side by side with Tamil.

THE HON. SRI C. SUBRAMANIAM: Does the hon. Member mean to suggest that the medium of instruction should be English as that it should be taught as a language?

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* SRI P. T. RAJAN: English can be taught as a language whatever it is, in the University courses, while English is being taught and when the subjects are being taught in English, they will have to explain in Tamil. So, I would be humble enough to suggest that both English and Tamil be taught side by side.

THE HON. SRI C. SUBRAMANIAM: Then it comes to bilingualism. I do not know how the hon. Member does not understand our proposal.

* SRI P. T. RAJAN: I do not understand that, but I understand this.

THE HON. SRI C. SUBRAMANIAM: I am surprised.

* SRI P. T. RAJAN: I am not at all surprised.

DR. V. K. JOHN: I wish you understood both.

* SRI P. T. RAJAN: After all, it might be said that Tamilians are parochial and narrow-minded. It is not so. There are instances to show that it was a Tamilian that said two thousand years ago, 'Let there be one race and let there be one God.' That was an international outlook. In those days, the Tamilians had that outlook. Of course, we now go back and want to limit ourselves to the Indian Union. Let us learn that language which will enable us to take our rightful place in the comity of nations.

* SRI A. M. ALLAPICHAJ: Mr. Chairman, this is really a vital question. It can be viewed in two ways. But, to suggest that those who want Hindi to be the official language of India at some time or other, not in 1965, but some time later do not know the merits of the various languages is very wrong. We know the merits of the English language as much as anybody else and there is no doubt about it. We also know that English has not come to its present great position all on a sudden. In the 18th century, in the days of Lord Bacon, they thought that English was not a fit language for them to use in their writings to express their ideas. So, they adopted Latin at that time which was supposed to be the language of Europe. So, what I wish to suggest is this. When English was not considered to be a very comprehensive language even in the days of Lord Bacon and much earlier also nobody at that time could have thought that English would occupy the position that it does to-day. It has come to its present position because of the honest endeavour on the part of Englishmen for the last more than two centuries to make it a great language. English did not occupy the position it does to-day some centuries back. I think our friends will admit that fact. No one is disputing the position of English to-day. Nobody disputes its great merits, its literature and the scientific works in that language. But, there are also other equally eminent languages in the world to-day. There is the Russian language. The Russians who have launched

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the sputnik have much more achievements to their credit than even the Englishmen and the Americans put together. We are not here fighting against any language. We are not fanatics to fight against any language.

Now, the question is whether we should have Hindi language, though not in 1965, at least in 1975 or even some time later or earlier. Whether we should have Hindi as the official language of India or not is the question. Sir, please excuse me for saying that to-day those who are opposed to it have had their education in English. (Dr. A. Sreenivasan: What about you?) Yes, we have spent a large number of years in learning English. All of us have spent the best part of our lives in learning English. We have done our best to master that language. So, naturally, we have some kind of love in favour of English, a justifiable love in favour of that language. But what I wish to ask my friends is this. Are we not to have—though not to-day, though not in 1965, at least some years later—a language that belongs to us as the official language of India? To say that Hindi is a very poor language and that English is a mighty language is wrong. English has become a mighty language in course of time. If only our friends like Sri P. T. Rajan and Dr. A. L. Mudaliar were to make some endeavour—I am sure they are in a position to do it—to make Hindi also a great language, it will no doubt become a great language in course of time. It is all a question of endeavour.

There is one other point, to which I wish to draw the attention of the House. Sir, Englishmen were here. Personally, I do not admit any race to be superior to any other race in the world. Each race is as good or as bad as any other race in the world. But, in the last 150 or 200 years, they created an impression in the minds of the people of India that Englishmen were almost God-sent people. Englishmen have left this country. Are we not looking after our Government? Are we not administering our country? Is not our country becoming famous? Is not the prestige of our country higher than what it was during the time of the Britishers in this country? Why should you forget this? What I say is, what applies to the English language applies to Indian language also. If you think that English should continue for eternity, then you make a mistake, a big mistake. Then why did we go to the extent of driving away the English people from our shores? Dr. Sreenivasan: We did drive away. Therefore, we have to view this question rather dispassionately. I personally feel, as we have become a very great nation today, that it is our imperative duty to learn almost all the languages of the world. That is my object. Therefore, we are not at all opposed to the English language. The only question to which we have to address ourselves is whether we are going to have English as the official language of India for eternity or whether we are going to limit its use for some years and then have our own language? Hindi can become the official language of India.

3-50
p.m.

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Now, Sir, I can understand the views of Sri P. T. Rajan. Sri P. T. Rajan is even opposed to having Tamil as the official language of our State. I can understand it.

SRI P. T. RAJAN: I never said that. What I said was if Tamil was made the official language, there were other States which might have difficulties. Tamil could be made the official language. I am glad to say that the Hon. the Finance Minister has taken the lead in that.

* SRI A. M. ALLAPICHAJ: I am glad, Sir. When you have once accepted this fact—almost an accomplished fact—that Tamil is the official language of our State, then it is very easy. When we can do all our business in Tamil language, when we can argue our cases in the High Court in Tamil language, when we can conduct our proceedings in the Legislature in Tamil language, and when we have admitted that Tamil language can take the place of the English language, then I ask why Hindi cannot take the place of English. No one can say that Hindi cannot take the place of English. Now my friends say that Hindi is my mother tongue. I now say, Sir, that Hindi is not my mother tongue. I ask this question, 'Is English our mother tongue?' (Sri P. T. Rajan: You have learnt it.) That is by way of sympathizing. I know I am old. But we may not be put to the difficulty of speaking in Hindi in Parliament or any other place so long as English is there. The question we have to decide is about the future of our nation. I mean the future of the young children or a child which is now five or seven or ten years old. When he becomes a man at the age of 30, when he becomes a Member of the Legislature, when he is doing some job or becomes a great official somewhere, should he be forced to speak in the English language which is the language of a country which is six thousand miles away from us and with which we have nothing to do? (Sri Mohamed Raza Khan: It is very near because you are speaking in English.) Now, therefore, I think there is a very good case. I may tell you that this memorandum is a very sober one. Now, what I wish to say is this. At some stage or other, we should have an Indian language as our official language.

With regard to the question of national language, all the fourteen languages are national languages. Tamil is as much a national language as Hindi. If any Hindi-speaking man has any kind of disrespect for Tamil or Malayalam or any other language, then he is doing something very wrong. I know—don't think I do not know—that some northern people have got a prejudice towards the South. After all, even as regards Urdu which is so close to a Hindi-speaking man—in Uttar Pradesh, Madhya Pradesh or Bihar—due to some kind of prejudice, due to some kind of narrow-mindedness, he is opposed to it. But we are not going to be deflected by this kind of prejudice. Therefore, what I say is, we must have a common language. Now, which is the language

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that has made out a case for this purpose? I have got great respect for Tamil because it is my mother tongue. There is no question about it. If there is any proposal that any one of the fourteen languages should be the official language of India, I will say, 'yes'. But, particularly, Hindi has made out a case because more than forty per cent of the people speak Hindi. As a matter of fact, there is no part of India in which Hindi or Hindustani, by whatever name you call it, is not understood in some way or other. Therefore, we should not fight against it. There is another point also. Sometimes, we feel that some of the jobs will be taken away by the Hindi-speaking people. That is the feeling somewhere and the Deputy Leader of the Opposition has put forward that point. Sir, let us not be bothered about that. But there may be some such thing. There is also some force in that argument. But, in course of time, some solution will be found. No State in India, no particular State in India, will be having in course of time a domineering voice in the Council of the Nation. That day will come. (Sri P. T. Rajan : Do you know it?) It may come, Sir (Interruption.) Even if it does not come, it does not matter. I am prepared to go to the extent of saying that instead of asking our little children to become proficient in the English language after learning it for 25 or 30 years, we may ask them to learn Hindi which is not a very difficult language to learn. For Mr. Raza Khan, it is not difficult. For every Mussalman, it is not difficult. But let me also reveal one secret. If all the Hindi-speaking people had brought into their fold all the Muslims, then they would not have opposed Urdu language. But they did not do so. There is practically no difference between Hindi and Urdu. (Dr. A. Sreenivasan : There is an ocean of difference between Hindi and Urdu.) If you say that there is very great difference in this sense, then some attempts are being made by some of the friends of Hindi to make it a highly Sanskritised language. Let me tell you, Sir, I am not holding any brief for such a language.

4-p.m. Sir, there is one thing more which I wish to say about the memorandum submitted by our Government for the consideration of the Central Government. The memorandum is a sober one: it is not only sober but it is also firm. It is sober and firm

DR. V. K. JOHN : Firm and vague.

* SRI A. M. ALLAPICHAJ : Not vague. It is very clear

Sir, as far as the language in Parliament is concerned, we are in a democracy. To the Parliament of our country, that is, the Lok Sabha and the Rajya Sabha, we send our representatives. Some of our representatives may not know either English or Hindi.

SRI MOHAMMED RAZA KHAN : Why do you send them?

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* SRI A. M. ALLAPICHAJ : There is no doubt provision in the Constitution that if a Member is not able to express himself either in Hindi or English adequately, and if he wants to speak in his own mother tongue, the Chair can permit him to do so. I think there is some such provision.

SRI A. GAJAPATHY NAYAGAR : Why such sufferance?

* SRI A. M. ALLAPICHAJ : What I wish to emphasise is that there should not be any such thing. Whichever representative from whichever part of India wants to speak in his mother tongue, he must be able to do so. There may be a translation of his speech only into Hindi language. As far as the courts and the official work are concerned, we are not going to send useless men to occupy these positions. Well-trained men alone will be sent. Men who can master so difficult a language as English can also easily master Hindi. I wish to assure the hon. Member Sri P. T. Rajan that in course of time our people, Tamils, will outbeat them in their own field. I am not boasting or saying it out of pride. Tamilians are one of the most capable peoples in the world who can master any language in any part of the world. They can master the Hindi language which is the language of our own people in no time.

Therefore, what I wish to say is this. So far as our State is concerned, Tamil will be the official language and so far as the Union is concerned, I think Hindi should be the official language. I also appeal to my hon. Friends—they are wise men, good men—to support the motion. English is not going to be removed in 1965. It will take some 25 or even 35 years to replace English. By that time our young people would master that language. Let us not on the question of language think of separation.

SRI P. T. RAJAN : We did not think of it at all. Why do you think about it?

* SRI A. M. ALLAPICHAJ : When the whole world is trying to come together, I would appeal to my hon. Friends not to think of separation on this question of language.

* DR. MAHOMED USMAN : Mr. Chairman, Sir, I had no intention to speak on this motion. But the speech of my hon. Friend Sri Allapichai provoked me to speak. It is not as if there are Hindi fanatics alone. There are also anti-Hindi fanatics. We do not do any service to the country by taking such extreme attitudes. We must take a *via media* course when there is difference of opinion.

Sir, my Hon. Friend Sri Subramaniam has always been known to be a practical politician, not only a practical politician, but let me say he has always been known to be a practical Statesman. I think he started in favour of Hindi and found that the people in the

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State were not in favour of it. I think he has come forward to this Council with a practical solution which we should all support. I think his introducing the thin end of the wedge, we should all welcome. This is a compromise formula and this compromise formula now proposed, I hope, is going to do a lot of good. No doubt, my hon. Friend Sri Allapichai says that Hindi is spoken by 42 per cent of the people of this country and that, therefore, Hindi should dominate over other languages. Why should it, I ask? ("Hear, hear" from Opposition Benches.) Hindi was made the official language before the reorganization of States. But States have now been reorganized on the linguistic basis. Of the eleven or twelve States only three States—I think Uttar Pradesh, Madhya Pradesh and Bihar—speak Hindi. Nine or ten States do not speak Hindi. Why should the language of three States be imposed upon the nine or ten other States? ("Hear, hear" from Opposition Benches.) That is the point I wish to submit about the argument of 42 per cent of the people speaking the language. Forty-two per cent is not the absolute majority. It was passed at a time when there was no linguistic problem before the country. After the reorganization of States on the linguistic basis, I think there is the tendency for each State to have one language of its own. I think self-respect demands that the 9 or 10 non-Hindi States should not yield to the 2 or 3 other States which want to dominate over us. (Hear, hear from the Opposition Benches.)

Whatever that may be, the Hon. Sri Subramaniam once said in a public speech that Rome was not built in a day. This question will not be solved in a day or even immediately. It will have to be solved not even by the next generation, but by people coming long afterwards. Till then, I think, the solution proposed by the Hon. Sri Subramaniam is the correct solution. Let us all support his proposal unanimously. As time goes on, let us see what happens. It seems to me that Hindi will never become the official language. Read the proceedings of the Bengal Legislative Assembly. The whole of Bengal is dead against it. The Madras State is dead against it. It is not the Prime Minister or the President of India that has to say, 'You must have this language or that language'. It is the electors that have to say that. It is they that have the voice in the matter. I am sure in some future election that will be made one of the questions. Therefore, there is no use of thinking what will happen after 30 or 40 years.

As for the medium of instruction in the University, I think both the Prime Minister and the Hon. Sri Subramaniam are not against the English language. (Turning to the Hon. Minister) I hope, Mr. Subramaniam, you are not against English teaching in Universities. (The Hon. Minister was heard to say 'No'). I think his desire is that English should be taught in a much better way. Therefore, hon. Members should support the memorandum he has submitted to

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the House even from that point of view. I should congratulate the Hon. Minister on the practical statesmanship he has shown on this question, and I am sure the House will unanimously support him. (Hear, hear.)

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, I share the views expressed by the hon. Member Dr. Mahomed Usman. My feeling is that we must take things as they exist at present, and think of the future on a country-wide basis from a practical point of view.

The present state of things is that English is the official language of the Union. Unless it is changed by an amendment of the Constitution to which all of us will be parties, English cannot be replaced by any other language. That is according to our Constitution. Therefore, I feel that if Part XVII is entirely omitted, then even according to Article 345 of the Constitution, we cannot have our official language in our State. Recently, we passed the Official Language Act under Article 345 of the Constitution. That we must remember. So, I have been saying to my hon. Friend Dr. John that Chapter I alone of Part XVII should be omitted and not Article 345 in Chapter II. Article 345 is our charter of rights and it is only in accordance with that Article that we have passed the Official Language Act. 4-10 p.m.

DR. V. K. JOHN: We can pass the Act without Article 345.

SRI K. BALASUBRAMANYA AYYAR: Under the Constitution, it would be much more difficult to do so. But, under Article 345, we can pass the Act and nobody can question it. Even the Centre cannot question it. That is the most important thing that we must remember. Therefore, I want that Chapter II should be there. If, according to great men like Rajaji, anything is to be done with Part XVII, only Chapter I can be omitted but not Chapters II and III.

Now, I would like to refer to another aspect of the matter. The Hon. the Minister for Finance has made it clear that if for any reason we are not able to have the use of English along with Hindi, then he would ask for an amendment of the Constitution. That is a point which we must all remember. At the time when some of us were considering the memorandum prepared by the Government, I myself personally felt that an amendment of the Constitution would be much better and that that would make the position clearer. But the Hon. the Minister for Finance pointed out that under Article 343, Parliament could pass a law to the effect that English should be continued even though Hindi might be the official language. Sir, there is also a provision in the memorandum that it should not be altered without the consent of the non-Hindi States. I think the memorandum has given us a sigh of relief in respect of this matter.

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So, the Government do not want to press for an amendment of the Constitution if it could be done otherwise. But clause (6) of Article 344 says—

‘Notwithstanding anything in Article 343, the President may, after consideration of the report referred to in clause (5), issue directions in accordance with the whole or any part of that report.’

So, even if the Parliament passes a law under Article 343, it might be that after ten years, when the Parliamentary Committee makes the report, the President may issue directions even against Article 343.

THE HON. SRI C. SUBRAMANIAM: May I point out one thing? Article 344 contemplates only two Commissions, one in 1955 and another in 1960. Parliament has to pass a law in 1965 for the continuance of the English language. After that, Article 344 is not operative and the President cannot pass any order under clause (6) because there would not be any Commission or Parliamentary Committee to report.

SRI K. BALASUBRAMANYA AYYAR: If, in the meantime, Parliament passes a law, what will happen? Article 343 (3) says—
‘Parliament may by law provide for the use, after the said period of fifteen years . . .’

THE HON. SRI C. SUBRAMANIAM: Only in 1965.

SRI K. BALASUBRAMANYA AYYAR: Suppose Parliament passes a law and under Article 343, they can do so.

THE HON. SRI C. SUBRAMANIAM: Under Article 343, for 15 years it is made obligatory that English should continue to be the official language. Therefore, there is no question of Parliament passing a law for making use of the English language up to that period. The question arises only after 1965. We do not pass a law to be operative ten years hence. We want a positive declaration by the Government of India that Article 343 (3) will be taken advantage of and that a law will be passed by the Parliament. As we have pointed out, it should not be changed without the concurrence of the non-Hindi States.

SRI K. BALASUBRAMANYA AYYAR: My point is this. Article 343 (3) of the Constitution says—

‘Notwithstanding anything in this article, Parliament may by law provide for the use, after the said period of fifteen years of—

(a) the English language . . .’

According to us, after the period of 15 years, English should continue as the official language of the Union. Suppose Parliament passes a law.

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THE HON. SRI C. SUBRAMANIAM: I do not want a law to be passed immediately.

SRI K. BALASUBRAMANYA AYYAR: Suppose, according to our wishes, our memorandum is accepted by the Parliamentary Committee and the Parliament passes a law that even after 15 years, English shall continue to be the official language of the Union. Suppose a Second Commission is appointed ten years hence and that Commission comes to the conclusion . . .

THE HON. SRI C. SUBRAMANIAM: May I submit another point for the consideration of the hon. and learned Member? After all, the President here is used only as the constitutional head and he cannot function without the sanction of the Government. If Parliament passes a law binding on the Government, certainly the Government cannot advise the President to pass any order which will be contrary to that law unless they are prepared to resign and have another election. Therefore, considering the constitutional position, if the Government commit themselves to a policy which we want them to do, then there is no question of the President taking a contrary view and issuing directions.

SRI K. BALASUBRAMANYA AYYAR: Suppose the Parliamentary Committee which will sit ten years hence, after taking evidence, comes to the conclusion that the law which was passed by the Parliament that English should continue even after a period of 15 years is not right and the President accepts that view . . .

THE HON. SRI C. SUBRAMANIAM: Even then, it is not as if it is obligatory on the President to accept the recommendations of the Committee. Therefore, when the President has to take a decision, it has got to be the decision of the Government. Therefore, it would be in accordance with the policy of the Government and we want the Government to continue with this policy. 4-20 p.m.

SRI K. BALASUBRAMANYA AYYAR: What I wanted to say was that it would be much better to press for an amendment of the Constitution. All these things are uncertain. Even after the passing of the Resolution, there are many Leaders who are of a different opinion and who are strongly pressing various points of view. Therefore, one cannot say what will happen ten years later. Therefore, I would strongly urge upon the Government to press for an amendment of the Constitution instead of depending upon Article 343 (3) alone. That was what I felt after carefully looking into the matter. The Hon. the Finance Minister said that he would do it.

There is one other thing. At the time when this official memorandum was discussed with the Party Leaders, it was stated that the other Southern States would also be consulted. Now, I understand that the other States are not for this compromise formula.

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That is one fact which we must also take into consideration. Mysore, Andhra and Kerala States are not in favour of this compromise formula. That is what I understand from the speeches made. If I am wrong, that is all right.

THE HON. SRI C. SUBRAMANIAM: The other Chief Ministers were not as categorical as ourselves about the indefinite continuance of the use of English. They said, 'We might fix a period of 25 or 35 years'. But we said, 'Let us not fix any period now. It has got to be continued for an indefinite period. Perhaps, the future development with reference to language and with reference to the international situation may force us to continue the use of English for an indefinite period or to switch over to any other language.' Therefore, I am not prepared to say that Mysore, Andhra and Kerala were opposed to the proposals contained in our memorandum. Anyhow, they have all agreed to this formula, that is, for the use of English for a considerable time after 1965, if not for a prolonged period.

SRI K. BALASUBRAMANYA AYYAR: They did not want to have it for a prolonged period.

THE HON. SRI C. SUBRAMANIAM: They wanted to fix a definite period.

SRI K. BALASUBRAMANYA AYYAR: That is a fundamental difference, so far as I could see. If we could persuade them and bring them round to our point of view, then we will be on much stronger grounds. If we persuade them to accept our view that it should be continued for a prolonged period, it would be good. Continuance for a prolonged period is the most important thing. We discussed that also.

THE HON. SRI C. SUBRAMANIAM: I agree. But there is no question of numbers here. Whether three are in favour of it or one is in favour of it is not the question. My stand has always been that even if Madras stands alone in respect of this view, it has got to be respected. (Sri P. T. Rajan: Hear, hear.)

SRI K. BALASUBRAMANYA AYYAR: I am thankful to the Hon. Minister for making this statement. I had doubts whether the other non-Hindi-speaking States in South India would fully support us. If they are fully supporting us, then I think our formula has got a greater chance of success. Then, I am told that our memorandum has not attracted the attention of the Parliamentary Committee or that our memorandum has not yet been placed before it.

THE HON. SRI C. SUBRAMANIAM: It has been circulated and if anything, it has created a very favourable impression.

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SRI K. BALASUBRAMANYA AYYAR: My doubts have been cleared. Now, I think the only practical solution is that suggested by the Madras Government. (Hear, hear.) I have to state that and every other matter would only be drawing a red herring across the line, creating more and more confusion. Let us take a clear stand. Let us not discuss about the merits of English now. That is all unnecessary because English is the official language in the Indian Union and if it is to be replaced, a case has to be made out for it. (Interruption.) That is only after 1965. A case has to be made out after 1965. Therefore, we shall not do anything which will go against the interests of posterity. This will be fulfilled if we accept the formula evolved by the Madras Government. That was why, without any mental reservation, after we had very many suggestions, we accepted the fundamental position which the Madras Government had taken so far as section VII was concerned. But afterwards, we found that some of our very great and respected Leaders took a different view that Part XVII of the Constitution ought to be entirely deleted. But I feel that the whole of Part XVII cannot be deleted, even according to our point of view. I had this difficulty. But people told me that this was a wrong impression. The other States were not so enthusiastic about this. That was the doubt that I had, because in that case we would be left alone. Madras and Bengal are the two States which are in favour of this and it is believed every other State is against it. But there is one difficulty if we say that English should continue for ever. I am not saying that there is anything wrong in that morally. We adopt any language for the sake of convenience. If through that language we are able to impress ourselves in the United Nations and carry on our work and also improve ourselves economically and scientifically, then it is all right. We want to co-operate with them and they want to co-operate with us. But the only thing is that the Hindi which they mention is not the original Hindi. Article 351 of the Constitution states—

'It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani'

So, they want to make a difference between Hindi and Hindustani. Hindi that is to be the official language will not be exactly Hindustani. The Article continues—

' and in the other languages of India specified in the Eighth Schedule.'

Therefore, Tamil also will be utilized. I was a member of the Committee for the translation of the Constitution. There we introduced four or five Tamil words and they were all accepted. One Tamil word used is 'Pandal'. It is used even in the Punjab.

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Pandal has become a well-known word in the whole of India, if not in the whole world. Therefore, Tamil has contributed to the enrichment of the Hindi language. Another word 'Puri' is also understood throughout the whole world. The Article still continues—
and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.'

Some words are common to all the Indian languages. Therefore, they wanted to draw primarily on Sanskrit. It is not as if they want to Sanskritise Hindi. The Uttar Pradesh people may want to Sanskritise it. Therefore, the Hindi which we want to develop is in the air. Hindustani may contribute a large portion to the development of Hindi. Therefore, we have to develop Hindi and evolve such a language as we evolved Hindustani when the Muslims came to India. Now, the Hindi that is spoken in Uttar Pradesh is not understood in Bihar and the Hindi that is spoken in Bihar is not fully understood in Rajasthan. It is not that Hindi that we want. What we want is Hindi which will represent the composite culture of India which will take expressions from Hindustani and draw vocabulary from Sanskrit and all the other languages of India. Suppose we are able to evolve out of our genius a language for purposes of our communication and that language is fit enough to be used for administrative purposes; why not we have it in the distant future? It is not a matter for discussion now. Therefore, I welcome and doubly welcome the formula of the Madras Government which has been evolved by the peculiar genius of the Tamil country of which the foremost representative is our Finance Minister.

4-30 p.m. SRI MOHAMED RAZA KHAN: Mr. Chairman, I find the Hon. the Finance Minister in very good temper—not that I mean he is always in bad temper—after the very strong support he received from the hon. Member Dr. Mahomed Usman and my esteemed Friend, Mr. Balasubramanya Ayyar. Whatever might have been our criticisms in the past that the Government did not take into confidence Leaders of various parties in the Legislature when important issues were considered, as far as the language problem is concerned, I have no quarrel with them. On this issue, the Government from the very beginning have been taking the entire public opinion prevalent in the South into account and trying to evolve a formula which might not be a formula of the Government but of the parties not only in power but in Opposition also and the people as a whole. In that context, the Government invited Leaders of Parties in both Houses for a discussion and submitted a memorandum to the Kher Committee. But when the Report of that Committee came out, it was a big surprise to the people of the South. As the hon. Member Mr. Purushotham pointed out, the views expressed by the Members of the Council in their amendments were accepted as the views of the Government, the Legislature, the University and the people. But one difficulty was, the Committee

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failed very miserably in that it did not take note of one fact—the position of Hindi as official language after 1965—in the light of the remarks offered by us.

(Deputy Chairman in the Chair.)

It failed to realize the difficulties that would be created by the introduction of Hindi as official language in non-Hindi areas. The hon. Member Mr. Allapichai knows as much of Hindi as myself. It was very easy for us two to learn Hindi or Hindustani. But for others, to learn a language, environment is necessary. In the State of Madras, many have learnt Hindi and obtained diplomas also from Prachar Sabhas. But they cannot express themselves properly, if not correctly, in Hindi. It is very easy to say that we can learn. But the fact remains that the Committee failed to take note of the opposition in the South. Therefore, the Government felt that this was an important issue and invited the Party Leaders in the Legislature for a discussion about the stand to be taken as regards the Commission's Report. The Government placed all the cards on the table and the discussion started. If I am not letting out a secret, Sir, the original idea of the Government was that Hindi should be the official language and that English should be a subsidiary official language of the Union. Later on, the Government thought, 'Why not we say that both Hindi and English should be the official languages?' And the formula was accepted as the right one. There was no alternative. The question might be asked, 'Why Hindi and English, why not English alone?' The answer is simple. Just as we thought that a language spoken by 42 per cent of the people living in three States should not be made the only official language of the Union, we also felt that it was not right on our part to say that English alone should be the official language. We left the matter there and as far as I am concerned, I entirely share the views expressed by my hon. Friend Mr. Balasubramanya Ayyar. It is quite possible, I may change my views. But I cannot go back now and say that I do not appreciate the Government's viewpoint. For my part, I am in entire agreement with the Government's stand. It is even wrong to say that it is Government's memorandum. The Government might have taken the initiative but it was approved by the Leaders of all Parties.

Other controversial matters have also come up. As I said earlier, things are not so easy here. I may expatiate on my point. I know a good deal of Hindi and Hindustani. It is not a problem for me. But I do say that it is a problem for others in this State. It is very difficult for me at this stage to learn Tamil. Why is it so? Because, my environment was mostly Urdu. We talk Urdu at home; we spoke Urdu in the school and college except in the Presidency College where we had opportunities to talk in English. We must see that we are not placed at a great disadvantage when we choose our official language. English has been the language of the intelligentsia and, moreover, as far as Madras is concerned, even ordinary people can understand English, if they cannot talk. Hindi

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cannot take that place as far as this State is concerned. So, the Government have done very well in taking us into confidence and evolving a compromise formula. It is good that Mysore, Kerala and Andhra have agreed with us that 1965 should not be the target date for the introduction of Hindi as the official language of the Union.

As far as the State language is concerned, we are quite clear. We have not yielded to Hindi in that respect. As regards the language in schools and colleges, we have also said that when English goes, it is the regional language and not Hindi that should take its place. About the language of the High Court also we are clear.

The difficulty arises only in regard to the Union official language and the language of the Supreme Court. Sir, in this connection, I would like to refer to one important fact. I got a booklet from the hon. Member Mr. Allapichai giving a review of the proceedings of the Gauhati Congress. I went through the booklet not with a view to supporting either Mr. Subramaniam or Mr. Venkataraman, but criticising them if there was some material in it which would come in handy to criticise them. But my difficulty and disappointment is that both Ministers have done their best to place the points of view of the citizens particularly of Madras State. (Laughter.) I went through the proceedings very carefully and nowhere could I find anything which would mean that they had let us down. The proceedings of the Subjects Committee and the proceedings of the open session clearly show what they have said. They have said, 'This is not done with a view to spiting you or in any mood of fanaticism: please listen to us and do not force the issue on us.'

Sir, language is one of the vehicles for us to maintain our national unity. But disunity has come about. If it has not, then why should Andhra separate? Why should States be reorganized? However desirous we are of maintaining unity, let us not do anything which will set off controversies and bring about disunity. People up in the North should realise and appreciate our difficulties just as we are prepared to appreciate their difficulties. Whatever differences we may have with Rajaji, with his old age, he has tried to focus public attention on this problem and has brought to light the difficulties to which the people in the South will be put. We may not agree with him in many matters and his views may be extreme. But the fact is that he has done his best for the people in the North to understand our viewpoint. It is not for the sake of pleasure that we are opposing the imposition of Hindi.

The Hon. Minister told us that even without amending the Constitution, English could continue to be the official language. But he has also given us a promise that if an amendment of the Constitution is necessary, the Government will not lag behind in

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moving the Centre to do so. I am sure that when such a contingency arises, the Government of India also will not lag behind but will carry out the amendment of the Constitution. Therefore, I have no doubt that the case of the Madras Government is proper and right. We could not do anything better.

I am sure that the people in authority in the North will appreciate our stand. After all, they are our own people. 4.40 p.m.

My hon. Friend Dr. John, who has moved the amendment, will explain the significance of the amendment. He has moved that amendment with a good object. He wants to pin down the Government. If the Government do not succeed in their efforts, we have no other alternative except to ask the Central Government to recognize other languages. There are not only English and Hindi languages, but other languages as well. There is also the view of the Bengal Government. I am sure that wiser counsels will prevail. We do not want to quarrel on this issue.

Suppose we want to introduce Hindi as the official language in 1965. It cannot be done all on a sudden. Preparations have to be made from as early as 1960. If that process would disorganize the administration in the States, it would be a very bad thing, particularly when we are busy with our Second Five-Year Plan, and when we are busy with various other development schemes. If the introduction of Hindi without sufficient preparation should retard the progress of those schemes, it would really be a great blow to our economy. Therefore, we have to be very careful in regard to this matter. I am sure our stand will be appreciated by them. My personal view is that in order to put an end to this controversy once for all, it would be better if the *status quo* is maintained for some more time, say, 10 to 15 years. Let us allow the events to develop in their own way and let our children and the children to our children decide the issue in the light of the circumstances then obtaining. I think that would be an ideal thing. When there is so much of controversy, so much of difference of opinion, it would be an ideal thing to maintain the *status quo*.

DR. V. K. JOHN: Suppose they do not accept our compromise formula?

SRI MOHAMED RAZA KHAN: Well, I am not on the Treasury Benches to assure my hon. Friend Dr. John. But, I am sure that the Central Government cannot ignore that formula, especially when they know that the entire public of this State are behind it.

As for the point put forward by my hon. Friend Sri Balasubramanya Ayyar, I do not think he has knowledge of Hindi except two or three words. I know a little bit of that language. There is one difficulty with regard to that language. If we take the language

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which is commonly spoken in Allahabad, Delhi or any other place or the language that is spoken by our Prime Minister Pandit Jawaharlal Nehru, there are possibilities of that language developing. But, unfortunately, there is a tendency to have a new and artificial language. We do not have simplicity. I am not saying this with any prejudice and I am not saying that Sanskrit or Arabic words should not be mixed or any such thing. The only point I wish to stress is that there is no meaning in having a language that will not be understood by the people. They are creating a new and artificial language and trying to force it on the people. The protagonists of Hindi, in the name of unity of the country want to force this language, artificially created language, on the people of the country from the North down to the South.

In short, I support the memorandum of the Government. If the Opposition has moved an amendment, it is not only to show their approval of the stand taken by the Government but also to co-operate with them by strengthening their hands. In case the Government of India do not accept this minimum demand, we will be forced to demand that not only English and Hindi but other languages also should be recognized. I am sure wiser counsels will prevail. If the Government want to give the quietus to the whole issue and all the controversy, they would do well to maintain the *status quo* for some time. That would be an ideal thing for the country and the State. That would be an ideal thing for the people also. It is not a question of prestige. It is a question of practical difficulty that will stand in the way of Hindi becoming the official language by 1965. We have to take into account the practical difficulties in the field of administration. Let us be careful in this matter. Let us not take steps which, far from creating unity, would create disruption and disunity.

MR. CHAIRMAN: I would request the hon. Members who wish to speak to bring out only new points and not repeat the same old points that have been referred to by the other hon. Members. They should also be a bit brief. The Hon. the Minister for Finance wants to go away at 5-15 p.m. Verbatim notes of the speeches of the hon. Members will be taken and seen by him. As a large number of speakers wish to participate in the discussion, we may sit till 6 o'clock. Or else, we may close at 5-15 p.m. for the day. Anyway, let us see how we carry on. Now, Mr. V. K. Palaniswamy Gounder may speak.

4-30
p.m.

*SRI V. K. PALANISWAMY GOUNDER: கனம் தலைவர், அவர்களே, இந்த மொழிப் பிரச்சனை நமது ராஜ்யத்தைப் பொறுத்தவரையில் தீவிரமாக உள்ளது என்று நினைத்தேன். சர்க்கார் முன் யோசனையுடன் மாற்றுக் கட்சித் தலைவர்களைக் கூப்பிட்டு ஒரு நல்ல முடிவுக்கு வந்து இந்த மெமொராண்டத்தை அனுப்பியிருக்கிறார்கள். அதோடு இந்த விஷயம் நன்றாக முடிந்திருக்கிறது என்று நான் நினைத்திருந்தேன். ஆனால், பின்னாலேயே பெரிய தலைவர்கள் கூடி பல விஷயங்களைக் கிளப்பிவிட்ட பிறகு, இந்த விஷயமானது மறுபடியும் தலைநிரித்தாடிக்கொண்டிருப்பதைப்

27th March 1958] [Sri V. K. Palaniswamy Gounder]

பார்க்கிறோம். இங்கே இருக்கிற எதிர்க் கட்சித் தலைவர்களும், சட்ட சபையில் இருக்கிற எதிர்க் கட்சித் தலைவர்களும் ஒன்று கூடி ஒரு முடிவுக்கு வந்த பிறகுதான், இந்த மெமொராண்டத்தை இந்திய சர்க்காருக்கு அனுப்பியிருக்கிறார்கள். அது ரொம்பவும் பாராட்டத்தக்க விஷயம். முக்கியமாக, இந்த ராஜ்யத்தைப் பொறுத்தமட்டிலும் இந்த மெமொராண்டத்தைப் பற்றி அபிப்பிராயபேதம் இல்லை. தமிழிலே நமது சர்க்காரை நடத்துவது, ஹைக்கோர்ட்டு நிர்வாகத்தை நடத்துவது, கல்லூரிகளில் கல்வி போடனை செய்வது என்று முடிவு செய்தாகிவிட்டது. மொழிவாரிக் கமிஷன் யூனிவர்ஸிடியில் இந்தி இருக்கவேண்டும் என்று சொன்னார்கள். சட்ட நிர்வாகத்தைப் பொறுத்த வரையில், சட்டங்களை எல்லாம் இந்தியிலே போடவேண்டும் என்று சொன்னார்கள். அதைத்தவிர, ராஜ்யம் சம்பந்தப்பட்டவரையில் மற்ற விஷயத்திலே அவர்கள் வித்தியாசமாகச் சொன்னது இல்லை. சட்டங்கள் தமிழிலேயும் இருக்கவேண்டும், இந்த ராஜ்யத்தைப் பொறுத்தவரையில் ஹைக்கோர்ட்டில் நடவடிக்கைகளைத் தமிழிலேயே நடத்தவேண்டும் என்று சொல்லிவிட்டார்கள். அதுபோக இந்திய யூனியனிலே எந்த பாஷை இருப்பது என்பதுதான் இப்போது இருக்கிற பிரச்சனை. ஸ்ரீ மகமத் ரசா கான் சொன்ன விஷயங்களை நான் அப்படியே ஒப்புக்கொள்கிறேன், ஆமோதிக்கிறேன். அவர்கள் எதிர்க் கட்சியில் இருந்தாலும்கூட இப்போது அந்த மெமொராண்டத்தை ஒப்புக்கொள்கிறோம், இப்போது நடக்கிற கிளர்ச்சிகளை ஆதரிக்கவில்லை என்று சொன்னார்கள். சர்க்கார் எதிர்க் கட்சித் தலைவர்களையெல்லாம் கூப்பிட்டுப் பேசியபோது, அவரும் இருந்திருக்கிறார்! தானும் ஒத்துக் கொண்ட பிறகு இப்போது பின்னுக்குப் போவது சரியல்ல என்று அவர் நினைக்கிறார். அது வரவேற்கக்கூடிய விஷயம். எப்போதும் ஆங்கிலமே இருக்க முடியாது. ஆங்கிலமே நீடிக்கவேண்டுமென்று எல்லா ராஜ்யங்களிலும் வற்புறுத்தினாலும்கூட, அது சாத்தியமில்லாத விஷயம். நடைமுறையில் நடக்காது. எப்பொழுதுமே ஆங்கிலம் யூனியன் மொழியாக சாசுவதமாக இருக்கவேண்டும் என்றால், அது முடியாது. நமக்குச் சுதந்திரம் கிடைப்பதற்கு முன்பே ஒரு பொதுமொழி வேண்டும் என்று சொல்லி வந்தோம் என்பது எல்லோருக்கும் தெரியும். காந்தி அடிகள் கூட ஒரு பொதுமொழி வேண்டும் என்றும், அது இந்தியாகத்தான் இருக்க வேண்டும் என்றும், இந்தி பேசாத ராஜ்யங்களில் இதைப் பரப்பவேண்டும் என்றும் அரும் பாடுபட்டு பல காரியங்களைச் செய்தார்கள். ஆகையால், இந்தி உடனே வந்துவிட வேண்டும் என்று நான் சொல்லவில்லை.

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p.m.

நம்முடைய நாட்டில் 14 பாஷைகள் இருக்கின்றன. எல்லா பாஷைகளும் யூனியன் மொழியாக இருக்க முடியாது. ஏதோ ஒரு மொழிதான் இருக்கமுடியும். தமிழ் யூனியன் மொழியாக இருப்பதாக வைத்துக் கொள்வோம். அப்போது ஆங்கிலம் தொடர்ந்து யூனியன் மொழியாக இருக்க வேண்டும் என்று சொல்வோமா? அதேபோல், இந்தி பேசும் ராஜ்யங்களில் இருப்பவர்கள் இந்தி உடனே வந்தால் நல்லது என்று சொல்கிறார்கள். இந்தி பேசாத ராஜ்யங்களில் உள்ள கஷ்டங்களை அவர்கள் உணர்வது இல்லை. பஞ்சாபில் வலுக்கட்டாயமாக உடனே இந்தி வரவேண்டும் என்று ஒரு கிளர்ச்சி நடக்கிறது. தென்னிந்தியாவில் அப்படிக்கூடாது என்று ஒரு கிளர்ச்சி செய்த பிறகுதான், இந்தி பேசாத ராஜ்யங்களில் எதிர்ப்பு இருக்கிறது என்று உணர்ந்த பிறகுதான், அவர்கள் சும்மா இருந்தார்கள். சாசுவதமாக ஆங்கிலம் இருக்கவேண்டும் என்று ஒரு கோஷ்டி சொல்லிக்கொண்டிருக்கிறது. அது முடியாத காரியம். காலேஜுகளிலும், யூனிவர்சிடிகளிலும் ஆங்கிலமே இருக்கவேண்டும் என்று பல பேர் பலபெரியவர்கள் நினைக்கிறார்கள். இதில் உள்ள கஷ்டங்களைப்பற்றி மாணவர்களைக் கேட்டால்தான் தெரியும். முதலில் பாஷையைக் கற்றுக்கொள்ளவேண்டும். பிறகு விஷயங்களைக் கற்றுக்கொள்ளவேண்டும். ஆங்கிலத்தைக் கற்றுக்கொண்டு அதன் மூலமாக விஷயங்களைக் கற்றுக்கொள்வதற்கு மாணவர்கள் மிகவும் கஷ்டப்படுகிறார்கள். ஆங்கிலம் எந்தெந்த ஸ்தாபனங்களில் உபயோகப்படுத்தப் படுகின்றதோ அந்தந்த ஸ்தாபனங்களில் இந்தியை உபயோகத்திற்குக் கொண்டுவர வேண்டும் என்று கமிஷன் தன் ரிப்போர்ட்டில் சொல்லியிருக்கிறது. இங்கு நடக்கும் கிளர்ச்சிகளுக்கு அதுதான் காரணம். அதை நமது

[Sri V. K. Palaniswamy Gounder] [27th March 1958]

கனம் கவர்னர் ஒப்புக்கொள்ளவில்லை. காலேஜுகளிலும், ஹைக்கோர்ட்டிலும், கட்டடங்களிலும் தமிழ்தான் இருக்கவேண்டும் என்று நமது மெமோராண்டத்தில் சொல்லப்பட்டிருக்கிறது.

ஆட்சி மொழியைப்பற்றியவரை ஆங்கிலமும் இந்தியும் இருக்கவேண்டும் என்றும், இந்த ஆட்சிமொழியாவதற்குப் பக்குவம் அடையும்வரை ஆங்கிலமும் இருக்க வேண்டும் என்றும் நமது சிபாரிசு. அது எல்லோராலும் வரவேற்கப்படவேண்டியதுதான். சாசுவதமாக ஆங்கிலம் இருக்கவேண்டும் என்று சொல்வது சரியல்ல. அது நடக்காது.

இந்த சிபாரிசுகளை நாம் எல்லோரும் வரவேற்று ஒப்புக்கொள்ள வேண்டும் என்று கேட்டுக்கொள்கிறேன்.

* SRI V. V. RAMASWAMI : கனம் மன்றத் தலைவர் அவர்களே, இப்பொழுது விவாதத்தில் இருக்கும் இந்த மொழிப் பிரச்சினையைப்பற்றி தாங்கள் குறிப்பிட்டபடி சுருக்கமாக என்னுடைய கருத்துக்களைச் சொல்ல விரும்புகிறேன். அரசியல் சட்ட விதிப்படி ஜனாதிபதி அவர்களால் நியமிக்கப்பட்ட குழுவானது மொழி சம்பந்தமாக சில முடிவுகளைத் தெரிவித்திருக்கிறது. இந்தக் குழு நம் மாநிலத்தில் விசாரணை நடத்தியபொழுது, நமது மாநிலத்தின் சார்பாக நமது அமைச்சர் அவை தங்களுடைய கருத்துக்களைத் தெரிவித்திருக்கிறார்கள். அப்படித் தெரிவிக்கும் முன்பு தங்களுடைய கருத்துக்களைத் தயார் செய்து, பொறுப்புள்ள தலைவர்களை அழைத்து, கவந்து ஆலோசித்த பின்னர் அவர்கள் கருத்துக்களைத் தெரிவித்திருக்கிறார்கள். இதிலிருந்து புலனாகிறது என்னவென்றால், நன்றாக ஆலோசித்து ஒரு முடிவுக்கு வந்து அதை மத்திய சர்க்கார் தங்களுடைய முடிவாக ஏற்றுக்கொள்ளவேண்டும் என்கிற உறுதிப்பாட்டுடன் தெரிவித்திருக்கிறார்கள் என்பது நன்கு விளங்குகிறது. இந்த மொழிப் பிரச்சினையைப்பற்றி விசாரித்த குழுவானது தங்களுக்கு இட வேலையைச் சரியாகச் செய்திருக்கிறதா, இந்தப் பிரச்சினையைச் சரியாக ஆராய்ந்திருக்கிறதா அல்லது தனக்கு இட வாய்ப்பை மீறி கருத்துக்களைத் தெரிவித்திருக்கிறதா என்று மறுப்பும், விளக்கமும் தந்திருக்கிறார்கள். இறுதியாக அவர்கள் ஒரு இடத்தில் சொல்லியிருக்கிறார்கள்:—

‘பள்ளி, கல்லூரி மொழி விஷயத்தில் கருத்துத் தெரிவிக்க வந்த கமிஷன், ஆட்சி மொழி காலகெடு 1965 என்பதுபற்றி கருத்துக் கூற மறுக்கிறதே என்பதை எடுத்துக் காட்ட மட்டுமே அரசாங்கம் விரும்புகிறது.’

வேறு ஒரு இடத்தில் சொல்லியிருக்கிறார்கள்—

‘1965 என்பது காரியசாத்தியமான கால வரம்பா, இல்லையானால், அதற்குச் செய்யவேண்டியது என்ன என்ற கேள்விகளுக்குப் பதில்தர வேண்டியிருக்கும் என்பதை அது அறிந்திருந்தது. கமிஷனுக்கு அதில் ஏதாவது சந்தேகம் இருந்தாலும் மாறுபட்ட கருத்து தெரிவித்த இரு உறுப்பினர் களும், சந்தேகத்திற்கு இடமில்லாத முறையில் பிரச்சனைகளைக் கிளப்பியிருக்கிறார்கள். ஆனாலும், இப்பிரச்சனைக்குப் பதில் அளிக்கக் கமிஷன் தவறி விட்டது. இந்தப் பேசாத பகுதிகளின் கவலைபாத தீர்ப்பதை விட, இந்தியப் பேசும் பகுதிகளுக்கு ஏமாற்றம் நேராமல் தவிப்பதை முக்கியம் என்ற நிலையில் கமிஷன் நடந்துகொண்டிருக்கிறது. இந்த மாநிலத்தில் பொது ஜன அபிப்பிராயத்தைப் பொறுத்தவரை, கமிஷன் இப்பிரச்சனையில் இப்படி நடந்து கொண்டதன் மூலம் அதன் அறிக்கை பூராவிலும் மதிப்புக் குன்றும் மடி நேர்ந்தது எனலாம்.’

மொழிக் கமிஷன் சிபார்சுகளைப்பற்றி நாம் எவ்வளவு தூரம் கவலைப்படவேண்டுமென்று அரசியலார் சுட்டிக்காட்டி இருக்கிறார்கள். இப்பொழுது நடந்த விவாதத்திலிருந்தும் நமது அரசியலார் கொண்டு வந்திருக்கிற இந்தப் பிரச்சினையைப் பார்க்கும்போதும், ஆங்கில மொழிப்பற்றி யாருக்கும் எந்தவிதமான சந்தேகமும் இல்லை. நமது மத்திய சர்க்கார் பொறுத்தமட்டில், தாய்மொழியாகிய தமிழ் ஆட்சி மொழி யாகியிருக்கிறது. பள்ளிகளிலும், உயர்நிலைப் பள்ளிகளிலும் அது போதாது

27th March 1958]

[Sri V. V. Ramaswami]

மொழியாக இருக்கிறது. கல்லூரிகளில் பாட மொழியாகத் தமிழ் வருவதற்கு அரசியலார் வேண்டிய ஏற்பாடுகளைச் செய்து வருகிறார்கள். என்று ஆங்கிலம் அகற்றப்படுகிறதோ, அன்று தாய் மொழியாகிய தமிழ் கல்லூரிகளில் பாட மொழியாக இருக்கவேண்டுமென்பதே அரசியலாரின் நோக்கம். அதை எல்லோரும் ஒப்புக்கொண்டிருக்கிறார்கள். அதே போன்று, நீதிமன்றங்களிலும் ஆங்கிலம் இருப்பதற்குப் பதிலாக ஆட்சி மொழியாகிய, பிரதேச மொழியாகிய, நம் தாய் மொழியாகிய தமிழே இருக்கவேண்டுமென்பதையும் எல்லோரும் ஒப்புக்கொண்டிருக்கிறார்கள். சுப்ரீம் கோர்ட்டிலும் ஏதாவது ஒரு தகுந்த இந்திய மொழி உபயோகத்திற்கு வரும் வரையிலும், ஆங்கிலமே நீடிக்கவேண்டுமென்பது ஒப்புக்கொள்ளப்பட்டிருக்கிறது. ஆங்கிலத்தின் முக்கியத்தை உணர்ந்துதான் அரசியலார் தகுந்த சிபார்சுகளைச் செய்திருக்கிறார்கள். அரசியல் நிர்ணய சபை கூடியகாலத் திலேயே இந்த மொழி பிரச்சினை வந்து ஒரு உடன்பாடு ஏற்படாத சமயத்தில் காலஞ்சென்ற ஸ்ரீ கோபாலசாமி ஐயங்கார் ஆங்கிலம் 15 ஆண்டுகளுக்கு இருக்கவேண்டும் என்ற சமரசத் தீர்மானத்தை ஆலோசனைக்குக் கொண்டுவந்தார் என்று கனம் அமைச்சர் சொன்னார். வேண்டுமானால் பின்னால் மொழிக் கமிஷன் நியமிக்கலாம் என்றும் ஒப்புக் கொள்ளப்பட்டது. அந்த நிலையிலேயும் தலைவருடைய கால்டிங் ஒட்டினால் அந்த சமரசத் தீர்மானம் நிறைவேற்றப்பட்டது. சமரச உடன்பாட்டுக்கு வந்திருந்தால் சமரசத் தீர்மானம் ஏகோபித்து ஒருமனதாக அல்லவா நிறைவேற்றப் பட்டிருக்க வேண்டும்? சரிபாதி பேர் எதிர்த்துத் தலைவர் கால்டிங் ஒட்டினால் நிறைவேற்றினால், சமரச உடன்பாடு என்று எப்படிச் கூற முடியும்? ஆகவே இப்பொழுது இந்தக் காலத்திலே இந்தமாதிரி சமரசத்தை ஏற்படுத்த முடியுமா என்பது சந்தேகப்பட வேண்டிய விஷயம். இந்த மொழியே நீடிக்க வேண்டும் என்பதற்கு வேண்டிய நடவடிக்கைகளை எடுக்கிறார்கள். மத்திய சர்க்காரின் போக்கு பல இடங்களிலே தெளிவாகிறது. உதாரணமாக இந்திய அஞ்சலிலும், பணம் அனுப்பும் நழுமூலங்களிலும், தந்திப் பட்டியலிலும் இவைகள் பூராவிலும் இந்த மயமாகவே இருக்கிறது. இப்படிப் படிப்படியாகச் செல்லும்போது இந்தக் காலத்திலே சமரசப் போக்கு ஒரு ஒட்டிலே நிறைவேற்றப்பட்டது என்னும்போது, 1965-வது ஆண்டிலே அம்மாதிரிச் செய்ய முடியாது என்பது தெளிவாகிறது. 343 (3) வது பிரிவுப்படி பார்லிமெண்டு சட்டமியற்றலாம் என்றால் 1965-ல் நிச்சயமாக பார்லிமெண்ட் நம்முடைய கோரிக்கையை ஒப்புக்கொள்காது என்று எப்படிச் சொல்ல முடியும்? ஆகவே 1965-ல் என்ன நேரும் என்று சொல்வதற்கில்லை. இப்பொழுது இருக்கும் நெருக்கடியில் மத்திய சர்க்கார் எடுத்துக்கொண்டிருக்கும் கொள்கைகளின் பேரில் ஒரு சமரசம் பொருந்துமானாலும் பிற்காலத்தில் அது அவ்வளவு பொருத்தமா என்பது ஆராய்ச்சி செய்து பார்க்கவேண்டிய விஷயம். 368-வது பிரிவின்படி அரசியல் சட்டத்தை 3-ல் 2 மெஜாரிட்டி கொண்டு மாற்றலாம். இப்பொழுது நமது பார்லிமென்ட் மத்திய சர்க்கார் ஒப்புக்கொள்வதாயிருந்தால், 368-வது பிரிவுப்படி அரசியல் சட்டத்தைத் திருத்தி அமைக்கக்கூடாதா?

ஆங்கிலத்தைப்பற்றி மறுத்துச் சொல்வதற்கில்லை. 15 வருஷம் கொடுத்திருக்கிறார்கள். 368-வது பிரிவுப்படி சட்டத்தைத் திருத்தலாம். இப்பொழுது இருக்கும் சூழ்நிலையில் திருத்திவிட்டால் பின்னால் மாற்ற முடியாது. ஆகவே பின் சந்ததியார் நலத்தைக் கருத்திற்கொண்டு நிச்சயமாக நடவடிக்கை எடுக்கவேண்டும். ஆங்கிலத்தைப்பற்றி விவாதமில்லை. ஆங்கிலம் ஆட்சி மொழியாக இருந்தது என்றால், அது வெளிநாட்டவரின் மொழி. அதைப் பயின்றது முக்கியமாக அது ஆட்சி மொழியானதாலும், உத்தியோகம், பொருளாதாரம் முதலிய துறைகளில் முற்போக்கு அடைவதற்காகவும் என்பதை யாரும் மறுக்கமாட்டார்கள். ஆங்கிலம் கட்டாயப் படிப்பாக இருந்ததால், தமிழ் மொழி மிகவும் பாதிக்கப்பட்டது. 150 ஆண்டு காலம் ஆங்கில ஆதிக்கத்தில் இருந்திருந்தாலும், யாரும் ஆங்கிலேய நாட்டார் மதிக்கும் அளவிற்குப் புலமை அடைந்ததாக இல்லை. ஆயினும் தமிழைப் பாரதியார், பாரதிதாசன், தேசிக வினாயகம், இராமலிங்கம் பிள்ளை போன்றவர்கள் காப்பாற்றித் தந்திருக்கிறார்கள். இந்த நிலையில், இந்த

[Sri V. V. Ramaswami] [27th March 1958]

ஆட்சி மொழியாக வேண்டும் என்று வந்துவிட்டால், பின்னால் வரும் சந்ததி களுக்கு அது பெரிய கெடுதலை விளைவிக்கும். அப்பொழுது சிறுசுச் சிறுக இந்தி ஆதிக்கம் செலுத்துமேயானால், நாம் இன்றைக்கு எப்படியாவது சமாளித்து விடலாம்; ஆனால் நம் பின் வரும் சந்ததியார்களை எப்படியாவது போகட்டும் என்று விட்டவர்கள் ஆவோம். அது நியாயமல்ல.

THE HON. SRI C. SUBRAMANIAM : அப்பொழுது நம் தமிழ் நம்பிக்கை அவ்வளவு தானா?

* **SRI V. V. RAMASWAMI :** வேண்டுமென்று சொல்லலாம். ஆனால், இருக்கும் நிலைமையைப் பார்த்தால் சங்கடத்தை சமாளிக்க நீங்கள் ஒரு முடிவைச் செய்யலாம், பின்னால் வாடிக்கையாளர்கள் எப்படியாவது போகட்டும் என்று. ஆனால் எல்லாத் துறைகளிலும் இந்தி வந்துவிட்டால், தமிழ் எப்படி வளர முடியும்?

THE HON. SRI C. SUBRAMANIAM : ஆட்சி மொழி ஆங்கிலமாக இருந்தாலும், இந்தியாக இருந்தாலும், தமிழுக்கு ஆபத்தவரும். இந்தி வருவதால் மட்டும் ஆபத்து என்பதில்லை. ஆகவே, தமிழில் நமக்கு இருக்கும் நம்பிக்கை, பக்தி அவ்வளவுதான் என்றால், தமிழை யாரும் காப்பாற்ற முடியாது.

* **SRI V. V. RAMASWAMI :** ஆங்கிலம் ஆட்சி மொழியாக இருந்த காலத்தில், அதற்கு நாம் அடிமைகளானோம். நம்மீது ஆதிக்கம் செலுத்தியவர்கள் போய்விட்டார்கள். ஆங்கிலம் உலக மொழியாக இருப்பதால், உலக நடப்புகளைத் தெரிந்துகொள்ள விரும்புகிறோமே தவிர வேறொன்றும் இல்லை.

THE HON. SRI C. SUBRAMANIAM : யூனியனில், ஸெண்டரில், இந்தி இருந்தால் என்ன பயமோ, அதே பயம்தான் ஆங்கிலம் இருந்தாலும் ஏற்படலாம்.

* **SRI V. V. RAMASWAMI :** கல்வி முறையிலே பார்க்கும்போது, ஆங்கிலத்தைக் கட்டாயமாகப் படிக்கவேண்டும் என்று சொல்லி யிருக்கிறார்கள். ஆனால் ஆதிக்கம் செலுத்திய ஆங்கிலேயர் போய் விட்டார்கள். ஆதலால் பயம் இல்லை. ஆனால் இந்தி ஆட்சி மொழியாக வரும்போது, அதை ஆதிக்கம் செலுத்துபவர்களுடன் இணைந்துபோய் தமிழுக்குப் பாதகம் ஏற்படும் என்று சொல்லுகிறேன். எப்படியெனில், ஆங்கிலேயர்கள் இந்நாட்டில் இருந்தபோது, பல சலுகைகள் பெறுவதற் காகவும் செல்வாக்கடைவதற்காகவும் வியாபாரத் துறையிலும் பொரு ளாதாரத் துறையிலும் பண்டவதற்காகவும் ஆங்கிலத்தை நம்மவர் விரும்பிக் கற்றுார்கள். மேலும் அந்தப் பழக்கத்தினால், நம்மை ஆண்ட ஆங்கிலேயருடன் பழகுவதிலும், அவர்களுடைய நடையுடையவானகளை அனுசரிப்பதிலும் மேலாட்டு நாகரிகத்தைப் பின்பற்றுவதிலும் மோகம் கொண்டு அவர்கள் அடிமைகள் ஆனார்கள். அதன் விளைவாக, நமது தமிழ் நாட்டுப் பண்பும் தமிழன் உயர்வும் சரிவரப் பாதுகாக்கப்படாமல் போய் மறைந்துபோகும் தருவாயில் இருந்தன. ஆனால் அதிருஷ்டவசமாக ஆங்கிலேயர்கள் போய்விட்டார்கள். இப்போது அவர்கள் இல்லாததால், இப்போது ஆங்கிலம் ஆட்சி மொழியாக இருந்தால் அந்த அடிமை மனப்பான்மை இருக்காது, ஏற்படாது. ஆனால் ஹிந்தி ஆட்சி மொழியாக வந்துவிட்டால், எண்ணங்களிலும் பாவனைகளிலும் நம் மக்கள் ஹிந்திக் காரர்களைப் பின்பற்றுவார்கள்; அவர்களுடைய எண்ணங்களும் பாவனைகளும் அந்தப் போக்கிலேயே போய்விடும். நாளாக நாளாக, அரசாங்க உத்தியோகங்களைப் பெறுவதற்காகவும் அரசியலில் ஆதிக்கம் பெறுவதற்காகவும் ஹிந்தியைக் கற்றுக்கொள்ள வேண்டுமென்ற கருத்து எல்லோருக்கும் வந்துவிடும். மேலும் வடநாட்டுடன் தொடர்பு வைத்துக் கொள்வதற்கு ஆட்சி மொழியாகிய ஹிந்தி இலகுவாகத் தோன்றும்.

27th March 1958] [Sri V. V. Ramaswami]

அப்போது நம்மவர்கள் தமிழை மறக்கும் நிலைமை மீண்டும் தோன்றிவிடுமே என்றுதான் நான் அஞ்சுகிறேன். இப்போதே கலை உலகில், சினிமாவிலும் பாட்டுக்களிலும் பாடல்களிலும் ஹிந்தி புகுந்துவிட்டது. ஆகவேதான் அதற்கு எதிர்ப்பு இருக்கிறது. ஆங்கிலமும் ஆட்சி மொழியாக இருக்கும் பட்சத்தில், பல ஆண்டுகளாகப் பழக்கப்பட்ட மொழியைத் தொழிலுக்கும் அறிவு வளர்ச்சிக்கும் மாத்திரம் உபயோகித்துக்கொள்வார்கள். நம் தமிழ் மொழி எந்தவித பாதகமும் இல்லாமல் வளர்ந்துவரும். ஆகவேதான், இரண்டு ஆட்சிமொழிகள் வேண்டுமென்று சொல்பவர்கள் இப்போதே அதற்கிணங்க சட்டத்தைத் திருத்த வேண்டுமென்று கோரக்கூடாது என்று கேட்கிறேன். இத்துடன் முடித்துக்கொள்கிறேன். வணக்கம்.

* **SRI N. ANNAMALAI PILLAI :** கனம் தலைவர் அவர்களே, இங்கு நடைபெற்று வரும் விவாதத்தில் பேசுவதற்கு சந்தர்ப்பம் அளித்ததற்கு முதலில் என்னுடைய வந்தனத்தைச் செலுத்துகிறேன். தமிழ் ஆட்சி மொழியாகவிட்டது என்று தீர்மானித்த பிறகுதான், இந்த சபையில் ஜிஞ்சாமிருதமாக ஆங்கிலத்தில் வெளுத்துத்தள்ளுகிறார்கள். கனம் அங்கத்தினர் ஸ்ரீ கஜபதி நாயகர் கூட ஆங்கிலத்தில் பேசுகிறார். அவர் கொஞ்சம் என்ன, சமரசத்திற்காகப் பயந்துகொண்டு பேசுகிறார். சாதாரணமாக எப்போதும் தமிழில் பேசுகிறவர்கள் கூட இப்பொழுது ஆங்கிலத்தில் பேச ஆரம்பித்து விட்டார்கள். இது எப்படி இருக்கிறது என்றால் விளக்கு அலையும்போது பிரகாசமாக எரியும். அதைப்போலவே ஆங்கிலம் நம்மை விட்டுப் போகப்போகிறது, அதனால்தான் ஆங்கிலத் திலேயே அதற்குள் பேசிவிடலாம் என்று பேசுகிறார்கள். ஆகவே, ஆங்கிலம் போகும் நேரம் வந்துவிட்டது, அதற்குள் பேசிவிடலாம் என்று சீறிச் சீறிப் பேசலாம் என்று பேசுகிறார்கள் என்று நினைக்கிறேன். இன்றைக்கு இருந்தாலும் சரி, நாளைக்கு இருந்தாலும் சரி, பத்து வருஷங் களுக்குப் பிறகோ அல்லது இருபது வருஷங்களுக்குப் பிறகோ இந்த நாட்டை விட்டுப் போகக்கூடிய பாஷை இங்கிலீஷ். இனிமேல் அந்த மொழி நம் நாட்டில் இருக்கவே இருக்காது. அதற்கு ஒரு முடிவு கட்டியாகவிட்டது. இப்பொழுது அதைப் படித்துவிட்டு உத்தியோகங்களுக்குப் போக வேண்டும் என்று இருக்கிறார்களே அவர்கள் இருக்கும் வரையில், ஆங்கிலம் இருக்குமே தவிர, அதன் பிறகு இருக்கவே இருக்காது. அதற்கு ஒரு வழியை நாம் கண்டுபிடிக்கவேண்டும். அப்படி வழி கண்டுபிடிப்பதற்குள் இந்தி தாராளமாகக் கொண்டுவந்தால், அதை இந்தியை ஒரு அரசியல் பாஷையாகக் கொண்டுவந்தால், அதை எங்கேயிருந்து கொண்டுவருவது? நமது எதிர்க்கட்சித் தலைவர் இருக்கிறார்—கனம் ஸ்ரீ லட்சுமணசாமி முதலியார். அவர் ஒரு தமிழர் தான். ஆனால் அவருக்குத் தமிழ் பேசவே தெரியாது. (ஒரு குரல் : தமிழ் நன்றாகப் பேசுவார்.) அவருக்குத் தமிழ் பேசத் தெரிந்தாலும் மேடையில் பேசத் தெரியாது. ஒரு தடவை அவரைத் தமிழ் மொழியில் பேசச் சொன்னபோது, அவரால் பதினைந்து நிமிஷங்களுக்கு மேல் பேச முடியவில்லை என்று சொல்லி, அதன் பிறகு ஆங்கிலத்தில் பேசுகிறேன் என்று சொல்லி ஆங்கிலத்தில்தான் பேசினார். ஆங்கிலத்தைப் படித்தவர்கள் எல்லோரும் இப்படித்தான் அதை விட்டுவிட்டு வெளியேற முடியாமல் போவதற்கு வழி இல்லாமல் சங்கடப்பட்டுக்கொண்டிருக் கிறார்கள். இப்படிப்பட்டவர்கள் இருக்கும் வரையில் ஆங்கிலம் இந்நாட்டில் இருக்குமே தவிர, அவர்களுக்குப் பின்னால் இருக்கவே இருக்காது. அதை ஒட்டுவதற்கு இப்பொழுது முதற்கொண்டே வழி செய்து வந்தால், அது தானாகவே போய்விடும். அதனால் ஆபத்து வந்துவிடும் என்று சொல்லுகிறார்கள். அப்படி ஒரு ஆபத்தும் வந்து விடாது. இப்பொழுது இங்கிலீஷ் படித்தவர்கள் இருக்கிறார்கள். அவர்கள் இருக்கும் வரையில் வேண்டுமானால் அவர்களுக்கு உத்தியோகங்கள் கொடுத்துக்கொண்டு வரட்டும். இனிவரும் பின்னகளுக்கெல்லாம் இப்பொழுது முதற்கொண்டே இந்தியைக் கற்றுக்கொடுத்துக்கொண்டு வந்தால் பிற்காலத்தில் ஆங்கிலமே இல்லாமல் போய்விடும். அப்பொழுது தானாகவே ஆங்கிலம் போய்விடும்; அதன் இடத்தில் இம்தி வந்து

[Sri N. Annamalai Pillai] [27th March 1958]

விடும். அதன் பிறகு எல்லாம் சரிப்பட்டுப் போய்விடும். அந்த அடிப்படையில் இந்தி இந்தியா பூராவிலும் பரவுவதற்கு வழியாகும். அதனால் தமிழுக்கு ஆபத்து வந்துவிடும் என்று நண்பர் ஸ்ரீ நாடார் பயப்படுகிறார். ஆங்கிலம் இருக்கும் வரையில் தமிழுக்கு எவ்வளவு ஆபத்து வருமோ அதை விடக் குறைவாகத்தான் இந்தி இருந்தால் ஆபத்து வரும். ஆங்கிலம் நமது நாட்டிற்கு 150 வருஷங்களுக்கு முன்னதாக வந்தது. அப்படிக் கொஞ்சம் கொஞ்சமாக அதாவது 60 அல்லது 70 வருஷங்களாக அது அமோகமாக நர்த்தனம் செய்ய ஆரம்பித்து வந்தது. ஆங்கிலேயர்கள் இந்நாட்டிற்கு வருவதற்கு முன்னதாக முகலாயர்கள் இந்தத் தேசத்தை ஆண்டு வந்தார்கள். அப்பொழுது உருது மொழியில் பேசப்பட்டது. இப்பொழுது கூட “தாலுகா ஆபீஸ், கஜான்ஜி, ஹுசூர், சிரஸ்ததார், கோர்ட்” முகலாய பெயர்களை உருதுவிலேயே நாம் வைத்துக்கொண்டிருக்கிறோம். வேறு மொழி வந்தாலும் உருது மொழியிலுள்ள சில வார்த்தைகளை நாம் இன்னும் உபயோகப்படுத்திக்கொண்டுதான் வருகிறோம். உருது எப்படி ஆதிக்கம் செலுத்தி வந்ததோ அப்படித்தான் ஆங்கிலமும் நம் மீது ஆதிக்கம் செலுத்தி வந்தது. ஆங்கிலம் வந்து தமிழ் மொழியின் மீது ஆதிக்கம் செலுத்தியது போன்று இந்தி வந்தாலும் அதாவது தமிழ் மொழியின் மீது ஆதிக்கம் செலுத்தத்தான் செய்யும். அத்துடன் இது சமமாக இருக்குமா என்ற கேள்வி பின்னால் பதில் சொல்லக்கூடிய சமாச்சாரம். அதனால் ஆங்கிலத்திற்குப் பதிலாக இந்தி வந்தால், பாதகம் இல்லை. இந்தி வந்தால், ஒரு தேசத்திலுள்ள மொழிதான் வருகிறதே தவிர, அந்நிய தேசத்திலிருந்து வரவில்லை. எங்கே ஜாஸ்தி பேசுகிறார்களோ அங்கிருந்து வரலாம். சில இடங்களில் ஜாஸ்தியாகப் பேசலாம், சில இடங்களில் கம்மியாகப் பேசலாம். அந்நிய பாஷை வந்துவிடுவது என்றால், அது ரொம்ப கோரமான சமாச்சாரம். அது இனி இங்கே இருக்கமுடியாது. படித்தவர்களுக்கு அது இல்லாவிட்டால் சங்கடமாக இருக்கும். அவர்களுக்கு உத்தியோகங்கள் கிடைக்கும்வரையில் அது இங்கே இருக்கலாம். பெரிய வேலைக்குப் போகவேண்டும் என்று சொல்லுகிறவர்களும் ஜாஸ்தியாக இருக்கிறார்கள். பெரிய வேலைக்குப் போகவேண்டும் என்று சொல்லுகிறவர்களும், வியாபாரம் செய்கிறவர்களும் ஜாஸ்தியாக இருக்கிறார்கள். அவர்கள் இருக்கும்வரையில் ஆங்கிலம் ஜாஸ்தியாக இருக்கிறார்கள். அதன் பிறகு அது போய்விடும். அவர்கள் இருப்பதால்தான் வீடு, வாசல் எங்கு பார்த்தாலும் ஆங்கிலத்திலேயே பேசுகிறார்கள். பெண்கள்கூட ஆங்கிலத்தில்தான் பேசுகிறார்கள். அதைத் தடுத்தி ஏதாவது ஒரு விதமான வழிக்குக் கொண்டுவரவேண்டும். அதனால் அப்படிப்பட்டவர்கள் இருக்கும் வரைக்கும் ஆங்கிலம் இருந்துதான் தீரும். அதனால் அவர்கள் இருக்கும் வரைக்கும் என்ற ஒரு மார்ஜின் வைத்து, அதாவது இவ்வளவு காலத்திற்கு என்று வைத்து, பத்து அல்லது பதினைந்து வருஷங்களுக்கு என்றோ, அதற்குப் பிறகோ, அதற்கு வேண்டிய சாவகாசம் கொடுத்து அதை ஒழித்துக்கட்டுவதற்கு வழி தேடவேண்டும். அம்மாதிரிச் செய்தால் தான் ரொம்பவும் நன்றாக இருக்கும். ஆங்கிலம் இருக்கலாம், இந்தி இருக்கலாம், தமிழும் இருக்கலாம் என்று யோசனை கொண்டுவந்திருக்கிறார்கள் அவர்கள் நல்ல யோசனை செய்துதான் இப்படிக் கொண்டுவந்திருக்கிறார்கள். இதில் தகராறு இருக்க முடியாது. சமரசமாகத்தான் அப்படிக் கொண்டுவந்திருக்கிறார்கள். பின்னால் வர வர இந்தி ஆங்கிலத்தை அடித்துக்கொண்டுதான் போகப்போகிறது. அதனால் நாட்டிற்கு ஒன்றும் நஷ்டம் கிடையாது இந்தி வந்தால் தமிழ் நசித்துப் போய்விடும் என்பது கிடையாது. ஆங்கிலம் போய்விட்டால் நமக்கு நஷ்டம் கிடையாது. அதனால் நாம் பாதிக்கப்பட்டவாவதில்லை. அதற்குள் இந்தியைக் கற்றுக்கொள்ளலாம். அதற்கு வேண்டிய வசதி இருக்கிறது. தமிழர்கள் எவ்வளவோ பாஷைகளைப் பேசக் கற்றுக்கொண்டுவிடுவார்கள். அதற்கு அவர்களுக்குத் திறமை இருக்கிறது. அதில் தமிழர்கள் திறமைசாலிகள். அப்படித் திறமையாக இருக்கிறவர்கள் இதைப்பற்றிக் கவலைப்படவேண்டியதில்லை. அதற்கு ஒரு வழி பண்ணி வைத்துவிட்டால் நன்றாக இருக்கும். வழி

27th March 1958] [Sri N. Annamalai Pillai]

பண்ணும்போது ஆபத்து வந்துவிடும் என்று நினைக்கிறார்கள். அப்படி ஆபத்து ஒன்றும் வராது என்பதை நான் தெரிவித்துக்கொள்ளுகிறேன். மூன்று ராஜ்யங்களில் இருக்கின்றவர்கள் ஒன்பது ராஜ்யங்களில் இருக்கிறவர்கள் மீது ஆதிக்கம் செலுத்துவார்கள் என்று சொல்லுகிறார்கள். இந்த மூன்று ராஜ்யங்களும், நான்கு ராஜ்யங்களும் ஒன்று சேர்ந்து விட்டால் மெஜாரிட்டி வந்துவிடுகிறது. இப்பொழுது தனித் தனியாகப் பல ராஜ்யங்கள் இருக்கின்றன. குஜராத்தி மாகாணம் இருக்கிறது, கன்னட மாகாணம் இருக்கிறது, தமிழ் மாகாணம் இருக்கிறது, மலையாள மாகாணம் இருக்கிறது. இப்படி எல்லோரும் இருப்பதால் அதற்குப் பலம் இல்லாமல் போய்விடும். அதனால்தான் அதை அரசியல் பாஷையாக வைத்திருக்கிறார்கள். அவர்கள் செய்திருப்பது மோசம் அல்ல. சரியான முடிவுதான். இதை நாம் வரவேற்கவேண்டும். அதையே நாமும் ஒத்துக்கொள்ளவேண்டும். இப்பொழுது கனம் நிதி மந்திரி அவர்கள் கொண்டுவந்திருக்கக்கூடிய தீர்மானத்தை எல்லோரும் முழு மனதுடன் ஆதரித்து அதை அப்படியே ஒத்துக்கொள்ளவேண்டும் என்று கேட்டுக் கொண்டு என்னுடைய வார்த்தைகளை இத்துடன் முடித்துக்கொள்கிறேன்.

* SRI M. ETHIRAJALU : மிஸ்டர் சேர்மன், ஸார், மொழிப் பிரச்சினைப்பற்றி இரண்டொரு வார்த்தைகளைச் சொல்ல விரும்புகிறேன். மொழிப் பிரச்சினை சம்பந்தமாக நமது நிதி அமைச்சர் அவர்கள் பல அரசியல் தலைவர்களுடன் ஒன்று சேர்ந்து ஆலோசித்து ஒரு முடிவுக்கு வந்திருப்பது எல்லோருக்கும் நன்கு தெரியும். ஒருவன் மற்றொருவனைப் பார்த்து அவன் நாகரீகமானவன் என்று சொல்லும்போது, அவன் ஆடையைப் பார்த்துமட்டும் சொல்வது அல்ல, அவன் இருக்கும், வசிக்கும், வீட்டைப் பார்த்துமட்டும் அல்ல, அவன் பேசும்படியான மொழியைப் பார்த்துத்தான் அவன் நாகரீகமானவன் என்று சொல்லுகிறோம். அதைப் போலவேதான் ஒரு மொழியைப் பேசுகிறவனுக்கு அவனுடைய மொழி தான் மிக மிக அவசியம் என்பதை நாம் அறிந்துகொள்ளவேண்டும். வாழ்க்கையை நல்ல முறையில் நடத்துவதற்கு மொழிதான் முக்கிய வாழ்க்கைக்குமட்டிலும் அல்ல, அரசாங்கத்தை நடத்துவதற்கும் மானது. வாழ்க்கைக்குமட்டிலும் அல்ல, அரசாங்கத்தை நடத்துவதற்கும் கூட மொழிதான் முக்கியமானது என்பதை நாம் எல்லோரும் தெரிந்து கொண்டிருக்கிறோம். இந்த நிலையில் 150 ஆண்டு காலம் நம்மை ஆண்டு கொண்டிருந்த வெள்ளையனை வெளியேற்றிய பிறகும்கூட நம் மிடையே ஆங்கில மொழியை, இன்றுவரையில் பேசுவதற்கு வைத்துக் கொள்ளவேண்டும் என்ற ஒரு சில கருத்துக்கள் நிலவும்போது நமக்கு என்ன தெரிகிறது என்று நாம் பார்த்தால் அவனுடைய மொழி இந்நாட்டில் எவ்வளவு ஆதிக்கம் பெற்றிருக்கிறது என்பது தெரிகிறது. அதை நாம் சிந்தித்துப் பார்க்கவேண்டும். ஒரு நாட்டான் பிறநாட்டின் மீது ஆதிக்கம் செலுத்தவேண்டுமென்றால், அந்த நாட்டை அடிமைப் படுத்தியதோடு நில்லாமல் அந்த நாட்டின் மொழியை முதலில் ஒழித்துவிட்டால்தான் அவனுடைய ஆதிக்கத்தை நன்றாக அங்கு செலுத்த முடியும் என்று பல பெரியார்கள் சொல்லியிருக்கிறார்கள். ஆங்கிலேயர் நமது நாட்டில் அடியெடுத்துவைத்த பிறகு நம்முடைய நாட்டின் கலாசாரம், பண்பு அடியோடு அழிந்துவிட்டது. அவனுடைய மொழியை இங்கு கொண்டுவந்ததன் காரணமாக, அதை எல்லோரும் நன்றாகத் தெரிந்து, படித்து, அந்த மொழியை இன்னமும் விடக்கூடாத நிலையிலே நாம் இருப்பதை நாம் நன்றாக அறிகிறோம். இதற்குக் காரணம் என்ன? அதுதான் அவனுடைய ஆதிக்க மொழி, ஆங்கிலேயர் சுமார் 700, 800 ஆண்டுகளுக்கு முன்னதாகத் தோன்றியபோதிலும், ஆங்கிலம் நமது நாட்டில் எப்பொழுது, எப்படி நன்றாகப் பரவ ஆரம்பித்தது என்பதைச் சற்று உற்றுநோக்கிப் பார்ப்போம். சரித்திரத்திலே நாம் படித்திருக்கிறோம்; முதலாவது எலிஸபெத் காலத்தில்தான் ஆங்கிலம் ஒங்கி வளர்ந்தது என்பதை நாம் எல்லோரும் நன்றாக அறிவோம். அவர்கள் காலத்தில் வளர்ந்தது என்று சொல்லி விட்டால் மட்டும் போதாது. அவர்கள் காலத்தில் தோன்றிய ஷேக்ஸ்பியர்,

[Sri M. Ethirajalu] [27th March 1958]

மில்லன், நமது உதவித் தலைவர் அவர்கள் சொன்னதுபோல பிரான்ஸில் பெகன் முதலியோர்கள் ஆங்கில மொழியினுடைய குறிக்கோளையும், அதன் தன்மையையும் நாடகத்தின் மூலமாகவும், கதைகள், கவிதைகள் மூலமாகவும் நமது நாட்டிலே மிகவும் திறம்படப் பரவச் செய்தார்கள் என்பதை நாம் எல்லோரும் அறிவோம். அந்தக் காலத்தில் இருந்த 'லீ பாக்ஸ்' கடல் நாய்கள் என்று சொல்லக்கூடியவர்கள் கடல் கடந்து இந்த மொழியை இந்த நாட்டிலே எவ்வாறு பரவச் செய்தார்கள் என்பதைக்கூட நாம் மறந்துவிட முடியாது. ஏன் இதை நான் சொல்லுகிறேன் என்றால், 7,000 மைல்களுக்கு அப்பால் இருந்து வந்த வெள்ளையன் இந்த நாட்டை விட்டுச் சென்றுவிட்டாலும்கூட, நம் மொழியை வளர்ப்பதற்கு மனமில்லாமல் இந்த நாட்டில் இந்த ஆங்கில மொழியை விடுவதற்கு இன்னும் நமக்கு மனம் வரவில்லையே என்றுதான் வருத்தத்துடன் சொல்லவேண்டியிருக்கிறது. இந்தி மொழி இன்னும் சரியானபடி வளர்ச்சி அடையவில்லை, தகுதி பெற்றவிலை, தகுதி பெற்ற பிறகு அதை ஆட்சி மொழியாகக் கொண்டு வரலாம், அதற்கிடையே ஆங்கிலமே ஒரு சில காலம் நீடிக்கவேண்டுமென்ற கருத்து நிலவுப்பொழுதுதான் இதை நான் சொல்லவேண்டியிருக்கிறது.

இப்பொழுதே இந்தியை ஆரம்பித்தால், அதில் என்ன கஷ்டம் ஏற்படும் என்பது எனக்கு புலப்படவில்லை. இன்று 14 மொழிகள் தேசிய மொழிகளாகத் தேர்ந்தெடுக்கப்பட்டிருக்கின்றன. அந்த 14 மொழிகளில் ஒரு மொழியான இந்தி மொழியை இந்திய யூனியன் ஆட்சி மொழியாகக் கொண்டுவருவதற்கு என்ன ஆட்சேபணை இருக்கிறது? பதினொன்று வருஷங்கள் கஷ்டப்பட்டுப் படித்தபின் கூட ஆங்கிலத்தில் நன்றாகப் பேச முடியவில்லை என்ற கருத்து இன்று எல்லோராலும் ஒப்புக் கொள்ளப்பட்டிருக்கிறது. ஆனால் இரண்டு வருஷங்களில் இந்தி கற்றுக் கொள்ளலாம் என்று பலபெரியவர்கள் சொல்லுகிறார்கள். இந்த ராஜ்யத்தைப் பொறுத்தவரையில், இந்தி மொழி கற்றுக்கொள்ள முடியாது என்று பல வருஷங்களாக நம்மிடையே அரசியல் கருத்து வேற்றுமை இருந்த போதிலும்கூட, இன்றுவரையில் நமது ராஜ்யத்தில் 25 பேசும் பேர்கள் இந்தி கற்றுக்கொண்டிருக்கிறார்கள் என்பதை ஏன் அவர்கள் சிந்திக்கவில்லையா? அப்படியிருக்கும்பொழுது இந்தி மொழியை உடனடியாகக் கொண்டுவருவதற்கு நமக்குத் தயக்கம் ஏன் என்றுதான் கேட்கிறேன். ஆங்கிலம் நிலைத்து நிற்கவேண்டுமென்று சொன்னாலும்கூட ஆங்கிலம் எத்தனை காலத்திற்கு இனி இங்கு இருந்துவிடமுடியும் என்பதை மற்றவர்கள் உணரவேண்டும். ஆங்கிலம் தெரிந்தவர்கள்தான் வெளிநாடுகளில் சுற்றுப்பிரயாணம் செய்யமுடியுமே தவிர, மற்றவர்கள் வெளிநாடுகளுக்குப் போக முடியாது என்ற நிலைமை நமக்குத் தெரிந்தும் பல மொழிகள் கற்றுக்கொள்ள நாம் ஏன் முன்வர கூடாது? வெளி நாட்டிலிருந்து நம் நாட்டிற்கு விஜயம் செய்த தலைவர்கள், புல்கானின், குயன்ஸாய் போன்றவர்கள், இங்கே எந்த பாஷையில் பேசினார்கள் என்பதை நாம் எல்லோரும் அறிவோம். அவர்கள் பேசிய மொழி, அவர்களுடைய தாய் மொழியே தவிர, வேறு எந்த மொழியிலும் அவர்கள் பேசவில்லை என்பதில் நிச்சயமாகக் கருத்து வேற்றுமை இருக்க முடியாது. இங்கே நமது ராஜ்யத்தில் தமிழ் மொழி, இப்பொழுது நம்மைவிட்டுப் பிரிந்து செல்லக்கூடிய ஆங்கில மொழி ஆகிய இரண்டு மொழிகள்தான் நமக்குத் தெரிந்திருக்கின்றன. நமது இந்திய யூனியனில் 42 சதவிகித மக்கள் இந்தி பேசுகிறார்கள், 58 சதவிகிதம் மற்ற மொழிகள் பேசுகிறார்கள். ஐம்பத்தெட்டு சதவிகிதத்தினரும் சேர்ந்து ஒரு மொழி பேசவில்லை என்பதை நாம் சற்றுச் சிந்தித்துப் பார்க்கவேண்டும். அவர்கள் பல பிரிவாக பல மொழிகளைப் பேசுகிறார்கள். ஆனால், மொத்தமாகப் பார்க்கும்பொழுது 42 சதவிகிதத்தினர் இந்தியா தேசத்தில் இந்தி பேசுகிறார்கள் என்பதை நாம் உணர்வோம். அப்படியிருக்க நாம் ஏன் இந்தியை ஆட்சி மொழியாகக் கொண்டுவருவதற்குத் தயங்க வேண்டும்? எத்தனையோ கஷ்டங்கள் இருக்கத்தான் செய்யும். அந்தக் கஷ்டங்களெல்லாம் எதிர்பார்த்த

27th March 1958] [Sri M. Ethirajalu]

கஷ்டங்கள்தான். என்னைப் பொறுத்தவரையில், என் அனுபவத்தில் தோன்றியவரையில் நான் சொல்லாமல் இருக்க முடியவில்லை. பல அரசியல் கட்சிகளெல்லாம் இந்திக்கு எதிராக இருக்கிற காரணத்தினாலே, பல இடைஞ்சல்களெல்லாம் தோன்றி வருகின்றன. ஆங்கிலம் போகவேண்டும் என்ற நிலை நம்மிடையே இருக்கும்பொழுது, இந்த நாட்டிற்கு மற்றொரு மொழி அவசியம் இருந்துதான் ஆகவேண்டும். பதினைந்து வருஷங்களுக்குப் பிறகு இந்தி வரவேண்டுமென்ற நிபந்தனையை நீக்கிவிட்டு, இப்பொழுதே அதை வெகுவாகப் புதுத்திட்டோட்டானால் வருங்காலத்தில், ஏன், நம் காலத்திலேகூட இந்தி மொழியை நல்ல உச்ச நிலைமையில் கொண்டுவர முடியும். ஆதலால் இந்தியை செய்யக்கூடாது, தாமதமும் செய்யக்கூடாது விதமான ஆட்சேபணையும் செய்யக்கூடாது, தாமதமும் செய்யக்கூடாது என்று கேட்டுக்கொள்ளுகிறேன். இந்தச் சூழ்நிலையைப் பார்க்கும் பொழுது இத்தியை உடனே கொண்டுவருவதில் பல கஷ்டங்கள், சச்சரவுகள் ஏற்படுவதற்கு அரசியல் காரணங்கள் தான் என்று நான் ஏற்கனவே சொன்னேன். அந்த அரசியல் காரணங்களுக்காக வரும் காலத்திலே நமது சந்தியார் துன்பப்படுவார்கள் என்ற ஒரு நிலையை மற்றத் தலைவர் களெல்லாம் சிந்தித்துப் பார்க்கவேண்டியானால், இந்தி தகுதி வாய்ந்ததா அல்லது தகுதியற்றதா என்ற சூழ்நிலை இங்கு எழுவதற்கு இடமில்லை. சென்ற சில மாதங்களுக்கு முன் நயா பைசா நாணயம் அமுலுக்கு வந்தபொழுது, நாம் எந்த ஒரு நிலையைக் கண்டோம்? பல எதிர்க்கட்சித் தலைவர்கள் இது நயா பைசாவா அல்லது நாய் பைசாவா என்றெல்லாம் சொன்னார்கள். பல அரசியல் தலைவர்கள் கூட இது கூடாது என்று சொன்னார்கள். மக்களெல்லாம் அது கண்டு பயந்தார்கள். (ஸ்ரீ வி. வி. ராமசுவாமி: புதுக் காச என்று சொன்னார்கள்.) நன்றாகப் படித்தவர்கள் கூட அதைப் பார்த்துப் பயப்பட நேர்ந்தது. அந்தக் காசினுடைய எண்ணிக்கை தெரியாமல், அதன் ரூபத்தைப் பார்த்து பயப்படவேண்டி யிருந்தது. ஆனால் கால ரீதியிலே அடைந்திருக்கிறது என்பதை நாம் பார்க்கிறோம். எவ்வளவு தூரம் வெற்றி அடைந்திருக்கிறது என்பதை நாம் பார்த்துவிடும் இன்னும் வருஷ முடிவிற்குள் அது பூரண வெற்றி அடைந்துவிடும் என்பதையும் நாம் உணராமல் இருக்க முடியாது. அதுபோல்தான் நாம் இந்தியையும் கொண்டுவரவேண்டும். இந்தி மொழியை இந்திய யூனியன் ஆட்சி மொழியாகக் கொண்டு வரவேண்டும் என்ற ஒரு நிபந்தனையை நமது ஒப்பற்ற தலைவர் நேருஜி அவர்கள் சிந்தித்துக் செயலில் தொடங்கும்பொழுது பல எதிர் சக்திகள் இருந்தாலும் அதைப் பாராட்டாமல் சீக்கிரத்தில் வெள்ளையர் வெளியேறிய சமயத்திலேயே, இந்தியைக் கொண்டு வந்திருக்க வேண்டும். அப்பொழுது அரசியல் சட்ட அமைப்பின் காரணமாக, வந்திருக்க வேண்டும். இவ்வளவு தூரம் அதுபற்றி உள்புசல்கள் ஏற்பட இடம் காரணமாக, இவ்வளவு தூரம் அதுபற்றி உள்புசல்கள் ஏற்பட இடம் உண்டாயிற்று. நம்மை ஆண்டுகொண்டிருந்த வெள்ளையன் வெளியேறிய ஒன்றிரண்டு வருஷத்திற்குள்ளேயே இந்தக் கஷ்டங்களெல்லாம் நமக்கு கொண்டுவந்திருந்தால், இப்பொழுது இந்தக் கஷ்டங்களெல்லாம் நமக்கு வந்திருக்காது. இந்த நிலைமை ஏற்பட்டது நமது சர்க்கார் அன்று வந்திருக்காது. இந்த நிலைமை ஏற்பட்டது நமது சொல்லுவேன். ஆகவே, கடமையில் தவறிய காரணத்தினால்தான் என்று சொல்லுவேன். ஆகவே, எந்தவிதமான நிபந்தனையும் இல்லாமல் இந்தியை உடனடியாக ஆட்சி மொழியாகக் கொண்டுவரவேண்டும். அப்பொழுதுதான் நமது வருங் காலம் நல்ல வளம் பெறும். நமது தேசம் பெருமை வாய்ந்த நாடாகத் திகழும். நமது கலாசாரம், பண்பு ஓங்கி வளரவேண்டுமென்றால், இந்தி அப்பொழுதுதான் மற்ற நாடுகளிடையே நாம் பெருமையை அடைய முடியும் என்பதைச் சொல்லிக்கொண்டு, என்னுடைய பேச்சை முடித்துக் கொள்ளுகிறேன்.

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

The House then adjourned.

THE MADRAS LEGISLATIVE COUNCIL

Friday, the 28th March 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.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Construction of railway lines in Kanyakumari district

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

(a) whether the Government have made any recommendations to the Government of India for the construction of railway lines in Kanyakumari district; and

(b) if so, whether any survey has been carried out in this regard?

THE HON. SRI M. BHAKTAVATSALAM: (a) This Government recommended to the Government of India that high priority might be given for the extension of a railway line from Tirunelveli to Cape Comorin in Kanyakumari district *via* Palayamkottai, Nanguneri, Panagudi and Vedakkankulam.

(b) The Railway Authorities have recently completed a traffic survey for a branch line from Nagercoil to Cape Comorin in connection with the proposed railway link from Tirunelveli to Trivandrum.

SRI V. CHAKKARAI CHETTY: Sir, may I make a suggestion to the Hon. the Home Minister which, I think, he would be able to carry out? Kanyakumari is the southernmost district of our State and figures largely in interpellations and resolutions of the Council. As our knowledge is almost nil about Kanyakumari, because it is a new district, may I suggest that the Hon. the Home Minister may prepare a comprehensive statement concerning Kanyakumari, regarding its revenue, cultivation, industrial enterprises, educational facilities and other things, so that all these questions may be avoided and we may have a full and comprehensive idea of the new district that has been added to our State? Kanyakumari is an ancient place mentioned in all our ancient writings and it deserves our utmost attention. Tamil Nad lies between Vada Venkatam and Kanyakumari and, therefore, it is better that we know something more about Kanyakumari than the kind of retail information we are getting. Something like a White Paper might be published.

[28th March 1958]

THE HON. SRI M. BHAKTAVATSALAM: Rather than accepting the suggestion of the hon. Member, I would make a suggestion to him. He may pay a short visit to Kanyakumari for a few days in April and that will be very good for his present age and health.

SRI T. PURUSHOTHAM: May I know whether any of these schemes are included in our Second Plan?

THE HON. SRI M. BHAKTAVATSALAM: Whether it is to be included or not, I am afraid there is no possibility of any new railway line being taken up under the Second Plan.

SRI M. ETHIRAJALU: தாம்பரத்திற்கும் விழுப்புரத்திற்கும் இடையே ரெயில் பாதை போடுவது சம்பந்தமான வேலை எப்போது ஆரம்பிக்கப்படும்?

THE HON. SRI M. BHAKTAVATSALAM: அது திட்டத்தில் சேர்க்கப்பட்டிருக்கிறது. அது பட்ஜெட்டிலும் சேர்க்கப்பட்டிருக்கிறது. அது சம்பந்தமாகப் பூர்வாங்க வேலைகள் நடந்துவருகின்றன. ஆனால் இன்னும் துரிதமாக எப்போது வேலைகளை ஆரம்பிப்பார்கள் என்று தெரியவில்லை.

SRI MOHAMED RAZA KHAN: For the last so many years we have been hearing that the Government of Madras have made the strongest recommendation about this line and that line. May I know whether there is any line at all that would be taken up?

THE HON. SRI M. BHAKTAVATSALAM: Sir, some lines have been taken up. I would instance the Aranthangi-Karaikudi line which is a new line and which has been completed.

SRI T. PURUSHOTHAM: May I know whether these schemes, which the Hon. Minister referred to as having been already surveyed, were proposed before the merger of the district with Tamil Nad or after that and will Government press for early action for including these schemes in the Plan?

THE HON. SRI M. BHAKTAVATSALAM: I do not think a new survey is necessary. We have assigned high priority and indicated that to the Government of India. Therefore, I do hope that when the Government of India are able to take up any new lines, this would be given high priority.

SRI JOHN ASIRVATHAM: Was any traffic survey between Tirunelveli and Kanyakumari carried out 30 years ago?

THE HON. SRI M. BHAKTAVATSALAM: I have no information. This traffic survey which I have referred to has been recently completed.

SRI V. V. RAMASWAMI: மாண்புமிகு ரெயில் பாதை போடுவது சம்பந்தமாக இந்த அரசாங்கத்தார் மத்திய அரசாங்கத்திற்கு எழுதியிருக்கிறார்களா? எழுதியிருந்தால், அது சம்பந்தமாக மத்திய அரசாங்கத்தார் ஏதாவது நடவடிக்கை எடுத்திருக்கிறார்களா?

THE HON. SRI M. BHAKTAVATSALAM: கனம் அங்கத்தினர் குறியிட்ட ரெயில் பாதையை சீக்கிரம் எடுத்துக்கொள்ளவேண்டுமென்று மத்திய அரசாங்கத்தாருக்கு எழுதியிருக்கிறோம். அவர்கள் எப்போது எடுத்துக்கொள்வார்கள் என்று தெரியவில்லை.

28th March 1958]

Construction of houses by the City Improvement Trust.

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

(a) the number of houses constructed by the City Improvement Trust during the years 1955–56 and 1956–57 in the City of Madras;

(b) the basis adopted for distribution of such houses among the public;

(c) the site selected by the City Improvement Trust for construction of houses in the City of Madras for the current year; and

(d) whether there is any proposal before the Government to construct houses at low costs for people belonging to low income group and labourers?

THE HON. SRI R. VENKATARAMAN: (a) 442 houses.

(b) Out of these 442 houses, 375 houses were intended for sale on hire purchase basis. The selection of hire purchase houses was made after inviting applications through local bodies, and allotments (on broad-based general principles) were made on the merits of the applicants like age, level and security of income, need, etc. As a result of the above, all cross-sections of the middle class public were benefited by the scheme.

Out of the remaining 67 houses, 33 houses were constructed from State funds on Government lands and let out on rent to the public. The remaining 34 houses were let out at concessional rates to the affected slum-dwellers in the City Improvement Trust Nagar area;

(c) (a) Abhiramapuram (East) Mylapore.

(b) Seethamma Road lay out, Alwarpet.

(c) City Improvement Trust Nagar (West Extension), Saidapet.

(d) Aspiran Garden, Kilpauk.

(d) Yes, Sir.

SRI M. ETHIRAJALU: வீட்டு மனைகளைக் கோரிப் பெறுவது சம்பந்தமாகப் பத்திரிகைகளில் விளம்பரம் வந்தபிறகு தான் மனுக்கள் போடுவது சகஜம். அவ்வாறு போடப்படும் மனுக்களுக்கு முதலிடம் கொடுக்கப்படாமல், முன்பே ரெஜிஸ்டர் செய்யப்பட்டிருந்த மனுக்களுக்குத் தான் முதலிடம் கொடுக்கப்படுவதாக அறிகிறேன். இது சரியா? அப்படியானால், விளம்பரம் வந்தபிறகு போடப்படும் மனுக்களுக்கு முதலிடம் கொடுக்கப்படாதா?

THE HON. SRI R. VENKATARAMAN: முதல் 'பாச்' காரர்களுக்கு 250 வீடுகள் கொடுக்கப்பட்டன. மொத்தம் 550 பேர் மனுக்கள் போட்டிருந்தார்கள். முதல் 'பாச்'-க்குக் கொடுக்கப்பட்டது போக பாக்கியிருந்த மற்றவர்களுக்கு, இரண்டாவது 'பாச்' வீடுகள் கொடுக்கப் பட்டன. நகர அபிவிருத்தி டிர்ஸ்டின் சேர்மனும் டிர்ஸ்டிகளும் சேர்ந்து நேரில் பார்வையிட்டு வீடுகளை வழங்குகிறார்கள்.

[28th March 1958]

Dental Van presented by the Government of Czechoslovakia

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

(a) whether a Dental Van has been presented as a gift by the Government of Czechoslovakia to the State Government;

(b) if so, whether and since when it has been put into use;

(c) the number of villages covered so far by this van; and

(d) the number of persons to whom relief has been afforded?

THE HON. SRI M. A. MANICKAVELU: (a) The Dental Van was presented by the Prime Minister of Czechoslovakia to the Vice-President of India who in turn presented it to the Madras Government.

(b) From 4th August 1957.

(c) 65.

(d) 4,163.

SRI T. PURUSHOTHAM: Sir, is it free treatment . . .

SRI V. CHAKKARAI CHETTY: If my memory serves me well, this van, the dental van was presented some time ago by some other State—I do not remember which State it was—Rumania or one of those Communist States. May I know whether that is true? Unless my memory fails, that is what I remember. I saw it myself, I got into it and went round and that happened when I was a Member of the Corporation.

THE HON. SRI M. A. MANICKAVELU: This is of recent occurrence; it has toured about 65 villages and has done good work.

SRI T. PURUSHOTHAM: Will the Hon. Minister enlighten us on whether it is free treatment that is given by this van or whether any fee is charged for treatment by this van in the villages?

THE HON. SRI M. A. MANICKAVELU: I should think it is free treatment, subject to correction, and there is no fee charged. But another interesting difficulty that has arisen is that the Customs Authorities have claimed a customs duty of about Rs. 1,77,000 odd. We are trying to see how best to get exemption.

SRI T. PURUSHOTHAM: Will the Government see that Tamil-knowing doctors are sent in the van with a view to see that satisfactory treatment is given in the villages?

THE HON. SRI M. A. MANICKAVELU: I presume that a Tamil-knowing person was in charge. Even if that be not so, they may know enough smattering of Tamil for pulling out a tooth.

28th March 1958]

DR. A. LAKSHMANASWAMI MUDALIAR: Are there not others who know Tamil? Is there any particular Tamil method of pulling out the teeth by Tamil alone?

THE HON. SRI M. A. MANICKAVELU: I have no information about the doctor. But the others are Tamil-knowing people, the mechanic, assistant and others.

SRI MOHAMED RAZA KHAN: Is it a fact that this van is also in the sick list?? Is it correct that for three or four months it was in the sick list and that now it has been repaired and is just taking up work?

THE HON. SRI M. A. MANICKAVELU: Even now it is in the sick list. Spare parts are not available and we are trying to get them from a foreign country and make it roadworthy as soon as possible.

SRI V. V. RAMASWAMI: சிக் லிஸ்டில் இருக்கிறதாகச் சொல்லப் படுகிற அந்த வண்டி எந்த இடத்தில் இப்பொழுது இருக்கிறது? ஸ்பெஷல் வார்டில் இருக்கிறதா? சாதாரண வார்டில் இருக்கிறதா?

THE HON. SRI M. A. MANICKAVELU: சிக் லிஸ்டில் இருந்தால் கூட, அது ஓரளவுக்கு உபகாரமாக இருந்தது. மெடிகல் எக்ஸ்பிஷனில் போய் எல்லோரும் அதைப் பார்த்தார்கள். ஆனால், இப்பொழுது அது மரத்தடியில்தான் இருக்கிறது. (சிரிப்பு.)

Houses constructed under the Co-operative Housing Scheme

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

(a) the total number of houses constructed in the State under the Co-operative Housing Schemes during the years 1955–56 and 1956–57; and

(b) the basis adopted for distribution of such houses among the public?

THE HON. SRI R. VENKATARAMAN: (a) Three hundred and seventy-three houses during 1955–56 and 683 houses during 1956–57 were constructed by the members of Housing Co-operative Societies in this State.

(b) The houses constructed under the Co-operative Housing Schemes are owned by the members, and not by the Societies. It is not as if societies build houses and then distribute them among the public. Any person who desires to build a house with the aid of Government loan may join a co-operative housing society, and apply for loan.

SRI M. ETHIRAJALU: வீடு இடப்பவர்களுக்குக் கூட இத்திட்டத்தின் கீழ் வீடு கட்டிக்கொள்ள அனுமதிக்கிறார்களா?

THE HON. SRI R. VENKATARAMAN: சாதாரணமாக வீடு இருக்கிறவர்களுக்கு அனுமதி கொடுப்பதில்லை. ஆனால் வீடு இருக்கிறவர்கள் வேறு பெயர்களில் போட்டு அதை வாங்கிக்கொள்கிறார்கள் என்ற புகார் வந்துகொண்டிருக்கிறது.

[28th March 1958]

SRI M. ETHIRAJALU : கூட்டுறவு முறையில் வீடு கட்டுவதற்கு ஐந்தி லொரு பங்குத் தொகை முதலில் கட்டவேண்டுமென்று இப்பொழுது இருக்கிறது. பெரும்பாலோர் ஏழைகளாக இருப்பதால், ஐந்திலொரு பங்குத் தொகை கட்ட முடியாதிருப்பதால், ஆறிலொரு பங்குத் தொகை கட்டினால் போதும் என்று விதியில் மாற்றம் செய்யவேண்டுமென்று சர்க்காரைக் கேட்டிருக்கிறார்கள். அப்படி சர்க்கார் செய்ய முடியுமா?

THE HON. SRI R. VENKATARAMAN : டோ இன்கம் க்ரூப் ஹௌஸிங் ஸ்கீம் பிரகாரம் கட்டவேண்டுமென்று சொல்கிற வீடுகளுக்கு ஐந்திலொரு பங்கு என்ற விதி கிடையாது. ஆகையால், இதைத் தவிர வேறு திட்டத்திற்கு விதியைத் தளர்த்தவேண்டுமென்றால், அது உசிதமா என்று ஆலோசிக்கவேண்டும்.

SRI JOHN ASIRVATHAM : May I know where these houses are constructed?

THE HON. SRI R. VENKATARAMAN : Wherever sites are available. Co-operative societies are on the look-out for some open space where they can build houses.

Lorries plying in the State

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

(a) the number of lorries plying in the State; and

(b) the average number of lorries entering into the City of Madras daily?

THE HON. SRI V. RAMAIAH : (a) 7,909.

(b) 450.

SRI M. ETHIRAJALU : அதிக ஜன நெருக்கமுள்ள சென்னை போன்ற இடங்களுக்கு லாரிகள் பகல் நேரத்தில் வருவதால் அனேக விபத்துக்கள் ஏற்படுகின்றன. ஆகவே, லாரிகளெல்லாம் "சாமான்களை ஏற்றிக்கொண்டு இரவு நேரத்தில் வந்து இறக்கிவிட்டு, இரவோடு இரவாக சாமான்களை மறுபடியும் ஏற்றிக்கொண்டு போய்விட்டால் நல்லது. அப்படிப் பட்ட திட்டத்தை சென்னை நகரத்தைப் பொறுத்தவரையிலாவது அமுல் நடத்த வழி செய்வார்களா?

THE HON. SRI V. RAMAIAH : Let the Hon. Member put a separate question.

MR. CHAIRMAN : Questions are over.

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

II.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.

(1) MESSAGE FROM THE GOVERNOR.

3-10 p.m. **MR. CHAIRMAN :** I have to announce to the House that I have received the following message, dated the 28th March 1958, from the Governor of Madras :—

"In pursuance of Article 207, clause (3), of the Constitution of India, I, Bisanuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Appropriation (No. 2) Bill, 1958."

28th March 1958]

(2) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN : I have also to announce to the House that I have received the following message, dated the 26th March 1958, from the Hon. Speaker, Madras Legislative Assembly :—

"In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Appropriation (No. 2) Bill, 1958 (L.A. Bill No. 13 of 1958), as passed by the Legislative Assembly, on the 26th March 1958, and signed by me for the recommendations of the Council.

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

III.—MOTION UNDER RULE 21 (3) OF THE MADRAS COUNCIL RULES RE. CHANGE IN THE ORDER OF BUSINESS.

MR. CHAIRMAN : Now we will take up the Madras Children (Amendment) Bill, 1958.

THE HON. SRI C. SUBRAMANIAM : Sir, I request that we may take up item IV, viz., Memorandum submitted by the Government of Madras on the Report of the Official Language Commission, first.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, under rule 21 (3) of the Madras Council Rules, I move—

'That the discussion on the Memorandum submitted by the Government of Madras on the Report of the Official Language Commission be resumed before the Government Motion on the Madras Children (Amendment) Bill, 1958 (L.A. Bill No. 10 of 1958).'

MR. CHAIRMAN : The question is—

'That the discussion on the Memorandum submitted by the Government of Madras on the Report of the Official Language Commission be resumed before the Government Motion on the Madras Children (Amendment) Bill, 1958 (L.A. Bill No. 10 of 1958).'

The motion was put and carried.

IV.—GOVERNMENT BUSINESS.

DISCUSSION ON THE MEMORANDUM SUBMITTED BY THE GOVERNMENT OF MADRAS ON THE REPORT OF THE OFFICIAL LANGUAGE COMMISSION—cont.

MR. CHAIRMAN : Now, the hon. Member Sri A. Subramanyam will speak but he should make a short speech.

* **SRI A. SUBRAMANYAM :** கனம் தலைவர் அவர்களே, இப்பொழுது நிதி அமைச்சர் அவர்களால் சபை முன்பு சமர்ப்பிக்கப்பட்டிருக்கும், நம்முடைய தேசத்திற்கு இரு மொழிகள் பொது மொழியாக இருக்க வேண்டுமென்று குறிப்பிட்டு, கொண்டு வரப்பட்டிருக்கும் பிரேரணையை ஆதரிக்கும் முறையில் சில வார்த்தைகள் சொல்ல

[Sri A. Subramanyam] [28th March 1958]

விரும்புகிறேன். இப்பொழுது நம்முடைய நாட்டுக்குப் பொது மொழியாக எந்த மொழியை ஏற்படுத்தலாம், எதுவாக இருந்தால் மக்களுக்குச் சௌகரியமாக இருக்கும் என்ற முறையில் பார்க்கும்போது, சில மொழிகளைக் குறிப்பிடவேண்டிய அவசியம் ஏற்படுகிறது. அப்படியிருக்கிற ஒரு தோரணையில் குறிப்பாக ஏதாவது ஒரு பொது மொழி இந்த நாட்டுக்கு அவசியம் என்றும் தோன்றுகிறது. நம்முடைய பிராந்திய மொழி; தாய் மொழி, தமிழ் மொழி. நம்முடைய நாட்டில் பெரும்பான்மையான மக்கள் பேசும் மொழி தமிழ் மொழி. பொதுவாக இந்தியாவுக்குப் பொதுவான ஒரு மொழி இருக்கவேண்டும் என்பதையும் நாம் ஒப்புக்கொள்ளவேண்டிய நிலைமையில் இருக்கிறோம். இதுவரை நமக்கு ஒரு பொது மொழி இருந்ததில்லை. ஆனால், வெள்ளைக்காரர்கள் இங்கு ஆண்டுவந்ததால், அவர்களுடைய ஆங்கில மொழி நம்முடைய நாட்டில் வேரூன்றி வெகு காலமாக நீடித்து வந்துவிட்டது. அந்த மொழியே இன்னும் நீடித்து இருக்கவேண்டுமென்று நாம் கூறினால், அதற்கு அர்த்தமே கிடையாது. நான் ஒன்று கூற விரும்புகிறேன். கனம் நிதி அமைச்சர் அவர்கள் கொண்டுவந்திருக்கும் 'இரு மொழிகள் பொது மொழிகளாக இருக்க வேண்டும்' என்ற யோசனையை நான் பரிபூரணமாக ஏற்றுக் கொள்ளுகிறேன். ஆனால், என்னைப் பொறுத்தமட்டிலும், இந்தியாவுக்காக ஒரே ஒரு மொழிதான் இருக்கமுடியும். அந்த மொழி இந்தி மொழியாகத் தான் இருக்க முடியும். நம்முடைய பிராந்திய மொழி தமிழாகத் தான் இருக்க முடியும்.

ஒன்று சொல்கிறேன். இந்த மாகாணத்தைவிட்டு ஆந்திர மாகாணத்திற்கோ அல்லது கேரள மாகாணத்திற்கோ, கர்நாடக மாகாணத்திற்கோ, அல்லது வேறு மாகாணத்திற்கோ செல்வதாக இருந்தாலுங்கூட ஒரு பொது மொழி இருக்கவேண்டியது அவசியம். அது இல்லாது போனால் எத்தனையோ விதமான கஷ்டங்கள் நமக்கு ஏற்படுகின்றன. இதற்கு ஒரு கதைகூட நான் சொல்ல முடியும். காஞ்சிபுரத்தில் ஒரு சத்திரத்திலே ஒரு நாட்டுக்கோட்டைச் செட்டியார் இரவிலை படுத்துக்கொண்டிருந்தார். நாட்டுக்கோட்டைச் செட்டியார்களுக்கு அந்தக் காலத்திலே காதிலுள்ள துளை சற்றுப் பெரிதாக இருக்கும். நேரத்திரி 12 மணி ரயிலிலிருந்து வந்த ஒரு ஆந்திரர் இந்த நாட்டுக்கோட்டைச் செட்டியார் படுத்துக்கொண்டிருந்த இடத்திற்கு வந்து, அவர் பக்கத்திலே படுத்தார், கொண்டுவந்த மூட்டையையும் தலை மாட்டில் வைத்துக்கொண்டு படுத்தார். விடியற்காலே 5 மணி ரயிலுக்குப் புறப்பட்சே சென்னைக்கு வரவேண்டும் ஆந்திரர். கையிலிருக்கும் கோணல் கழியை எடுத்துத் தலைமாட்டில் வைத்திருந்த மூட்டையை எடுக்கத் தேடினார். அந்தக் கழி மூட்டையில் மாட்டிக்கொள்வதற்குப் பதிலாக பக்கத்தில் படுத்திருந்த நாட்டுக்கோட்டைச் செட்டியாரின் தொள்ளைக் காதில் தவறுதலாக மாட்டிக்கொண்டுவிட்டது. மூட்டையில் மாட்டிக்கொண்டது என்று அப்படியேதூக்க ஆரம்பித்தார். வலி தாங்கமாட்டாமல் நாட்டுக்கோட்டைச் செட்டியார், "காது, காது" என்று தமிழில் கூச்சல் போட்டார். "காது" என்று தெலுங்கில் சொன்னால், "இல்லை" என்று தெலுங்கில் பொருள். அதைப்பூரிந்துகொள்ளாத அந்த ஆந்திரர், 'என்னடா அவர் இல்லை இல்லை என்று சொல்லுகிறாரே' என்று யோசித்து, "நாதி, நாதி" என்று சொல்லி, மேலும் மேலும் தன்னுடைய கழியை இழுத்துக்கொண்டே யிருந்தார். "நாதி" என்று தெலுங்கில் சொன்னால் "என்னுடையது" என்று பொருள். அதை அந்தச் செட்டியார் புரிந்துகொள்ள முடியவில்லை. கடைசியில் செட்டியாருடைய காது அறும்படியான நிலைமை ஏற்பட்டது என்பது கதை. இம்மாதிரியான நிலைமை ஏற்படுகிறது, ஒரு பொது மொழி இல்லாவிட்டால்.

Sri A. M. ALLAPICHA1: இது கதையா? உண்மையாக நடந்ததா?

Sri A. SUBRAMANYAM: உதாரணத்திற்கு இது ஒரு கதை.

28th March 1958]

Dr. A. SREENIVASAN : आप हिन्दी में बोलिये ;

Sri A. SUBRAMANYAM : मैं बोलूंगा । मगर अभी मालूम नहीं । डाक्टर से बोलने के लिए बोलूंगा । डाक्टर को कुछ मालूम है । मुझे भी कुछ मालूम है ।

இந்த நிலையில் நம் பக்கத்தில் இருக்கும்படியான ஆந்திரருக்கு நாம் 3 20 பேசும் பாஷை புரியவில்லையென்றால் இந்தியாவில் இருக்கும்படியான P.m. நமக்கு எத்தனைவிதமான கஷ்டங்கள் இருக்கும் என்பதை நாம் உணர வேண்டும். ஆகவே, இந்தியாவுக்கு ஒரு பொது பாஷை இருக்கவேண்டும். அது ஆங்கிலமாகத்தான் இருக்கவேண்டும் என அரும்பெரும் தலைவர்கள் சொல்கிறார்கள். அதை ஓரளவு நான் ஒப்புக்கொள்கிறேன். ஆனால் பொதுவாக இந்நாட்டில் எழுதப்படிக்கத் தெரிந்தவர்கள் எத்தனை பேர்? நூற்றுக்கு 22 பேர்களுக்குத்தான் எழுதப்படிக்கத் தெரியும் என்று சொல்கிறார்கள். இவர்களில் குட்பன் என்பதற்கு, கு என்பதைக் கூடை போல, ப என்பதை முறம் போல, ப என்பதைப் பலகைபோல, ன் என்பதை ரெயில் இன்ஜின் மாதிரி எழுதி ஒரு பக்கம் முழுவதும் அடங்கும் படி கையெழுத்து போடக்கூடியவர்களையும் சேர்த்து 22 சதவீதம் என்று கணக்குக் கொடுத்திருக்கிறார்கள். அதில் ஆங்கிலம் நன்றாக எழுதப்படிக்கத் தெரிந்தவர்கள் நிச்சயமாக மூன்று பேர்களுக்கு மேல் இருக்க முடியாது. ஹிந்தியைப் படிக்கவும் எழுதவும் தெரிந்தவர்கள் 42 சத விதம் இருந்து வருகிறார்கள். ஆகவே ஹிந்தி மொழியைக் கற்பது அவ்வளவு கஷ்டமாக இருந்தது. இந்த நிலையில் ஆங்கிலம்தான் நீடிக்கவேண்டும் என்பது எத்தனை பொருந்தும். என்று கேட்கிறேன். ஆகவே ஆங்கிலம் நீடிக்க வேண்டுமென்றாலும், அதற்கும் ஒரு காலவரையறை இருக்கவேண்டும் என்பது என்னுடைய தாழ்மையான அபிப்பிராயம். ஏதோ நிர்வாகத்தில் இருக்கிற கஷ்டத்தினால் நம்முடைய பரம்பரை முடியுமட்டும்—என்னுடைய நண்பர் ஸ்ரீ அண்ணாமலை சொன்னதுமாதிரி—கொஞ்சம் பேர் ஆங்கிலம் படித்தவர்கள் இருப்பதனால் ஆங்கிலம் நீடிக்கட்டும் என்று சொன்னாலும், அடுத்த தலைமுறையினராவது இந்தியைப் பொதுபாஷையாகக் கொள்வதற்கு நாம் வழிவகை செய்தாகவேண்டும். அதற்கு ஏற்ற வகையில் உதவி புரிய வேண்டும் என்பதாகக் கேட்டுக்கொள்கிறேன்.

இப்போது ஆங்கிலம் படித்தவர்களுடைய கூட்டம், படிக்காதவர்களுடைய கூட்டம் என இரண்டு கட்சியாக இருக்கிறது. ஆங்கிலம்தான் நீடிக்க வேண்டும் என்பவர்கள் எத்தனை காலத்திற்கு ஆங்கிலம் நீடிக்கவேண்டும் என்று சொல்கிறார்களோ தெரியவில்லை. இப்போது 1965-ம் வருஷத்திற்கு இந்த ஆங்கிலத்தைப் போக்கும்படியான நிலைமைக்கு வரவேண்டும் என்பது அரசியல் சட்டம். அதனால் சில கஷ்டங்கள் இருக்கின்றன. 1965 என்று இருப்பதை 1985 என்று திருத்தம் செய்தால், ஒரு இருபது வருஷம் கிடைக்கும். இன்றைய தினத்திலிருந்து இருபத்தேழு வருடங்கள் அவகாசம் கிடைக்கும். ஆக இருபது இருபத்தேழு வருஷங்களில் இந்தி பூர்ண வளர்ச்சியை அடைவதற்கு தக்க வசதிகளைச் செய்யவேண்டும் என்பதாகக் கேட்டுக்கொள்கிறேன்.

எனென்று கேட்டால் பொதுவாகப் பாருங்கள். 150 வருஷங்களுக்கு முன்னால் நம்மை அடக்கி ஆண்ட வெள்ளையர்கள் அவர்கள் ஆட்சியையே நாம் ஒப்புக்கொள்ளவேண்டுமென்பதற்காக நம்மை ஆங்கிலம் படிக்கச் செய்தார்கள். அதன் காரணமாகவே ஆங்கிலத்தை நம்மிடையே திணித்தார்கள். நாமெல்லாம் உத்தியோகம் வேண்டுமென்பதற்காக ஆங்கிலம் கற்றுக்கொண்டோம். இப்போது வெள்ளையர்கள் போன பிற்பாடும் ஆங்கிலம்தான் இருக்கவேண்டும் என்று சொல்வது நியாயம் ஆகுமா? ஆகாது. குறிப்பாக 1-ம் வகுப்பிலிருந்து பி.எ. வகுப்பு வரையில் படித்துவிட்டால், ஆங்கிலத்தில் சற்று தேர்ச்சி உண்டாகிவிடுகிறது என்று சொல்லப்படுகிறது. அதாவது பதினைந்து வருஷகாலம் படித்தால் ஆங்கிலத்தில் எழுதப்படிக்கத் தெரிந்துகொண்டுவிட்டால் என்றால்,

[Sri A. Subramanyam] [28th March 1958]

இப்போது 1965-க்குள் என்று அரசியல் அமைப்பில் இருப்பதை 1985-க்குள் என்று மாற்றினாலே 20 வருஷங்கள் கிடைக்கின்றன. அதற்குள் இந்தியை நம்முடைய பரம்பரையினர் நன்றாகக் கற்று எழுதப்படிக்கக்கூடிய அறிவைப் பெற்றுவிட முடியுமா? வங்காளத்தைப் பாருங்கள். அவர்கள் எதிர்க்கிறார்கள். அவர்களைப் போன்று நாம் எதிர்க்கக்கூடாது என்று சிலர் கூறுகிறார்கள் என்று வங்காளிகள் வங்காளம் தான் இருக்கவேண்டும் என்று சொல்வார்கள். ஏகபட்சமாகத் தீர்ப்பாமை யோடுவார்கள். அதை நம்மால் ஏற்றுக்கொள்ள முடியுமா? ஏற்றுக் கொள்வதில் தான் அர்த்தம் இருக்குமா? சற்று யோசனைசெய்து பார்க்கவேண்டும். ஆகவே இம்மாதிரியான சிக்கல்களை ஏற்றுத்தாம் இத்தியாவுக்குப் பொது பாஷை ஒன்று வேண்டும், அது இத்தியாகத்தான் இருக்க முடியும் என்பதை நாம் ஒப்புக்கொள்ளவேண்டும்.

நம்முடைய ராஜ்யத்தைப் பொறுத்தவரையில் தமிழ் பாஷையை நிர்வாக பாஷையாக ஏற்றுக்கொண்டுவிட்டோம். அசெம்ப்லியில் எல்லாம் தமிழிலேயே நடக்கிறது. அதுபோல் கொன்சிலின். இந்தச் சபையின் நடவடிக்கையும் தமிழிலேயே நடக்கவேண்டும். இங்கு இருக்கிறவர்கள் எல்லாம் தமிழர்கள் தாம். ஸ்ரீ ரசாகான், ஸ்ரீ ஜான் முதலியவர்களும் கூட தமிழில் பேசினால் நன்றாகப் புரிந்துகொள்வார்கள். உணர்ச்சியோடு பேசினால் என்ன? ஸ்ரீ ஜான் நன்றாக உருண்டு புரண்டு தமிழில் பேசுகிறார். ஆகவே இங்கே எல்லோரும் தமிழில் பேசலாம். தமிழில் இந்தச் சபையில் நடவடிக்கை நடக்காததுமற்றி பலர் பலவிதமாகப் பேசுகிறார்கள். அதற்கு இடம் இல்லாமல் தமிழிலேயே இந்தச் சபையில் நடவடிக்கை நடப்பதற்கு வேண்டிய ஏற்பாடுகளைச் செய்யவேண்டும் என்பதாகக் கேட்டுக்கொள்கிறேன்.

ஆகவே, முதலாவதாக நம்முடைய பிராந்திய பாஷையை, தமிழைக் கற்றுக்கொள்ளவேண்டும். இரண்டாவதாக டிரெஸ் பாஷையாக இந்தியைக் கற்றுக்கொள்ளவேண்டும். இன்றைக்குப் பல அன்னிய தேவர்களுக்குப் பொது என்றுல், உலகப் பொது மொழியான ஆங்கிலம் இருப்பது அவசியம் தான். ஆகவே, உலகப் பொதுமொழியான ஆங்கிலத்தை மூன்றுவது மொழியாகக் கற்றுக்கொள்ளவேண்டும் என்பதாகக் கேட்டுக்கொள்கிறேன். அதிக நேரம் பேசலாம் என்று நீண்ட பீடிகை போட்டேன். நேரம் இல்லாத காரணத்தினால் நிதி அமைச்சர் அவர்கள் கொண்டு வந்த மெமோ ராண்டத்தை ஆதரித்து நான் சொன்ன கருத்துக்களை வலியுறுத்துகிறேன்.

DR. A. SREENIVASAN: 150 வருஷமாக ஆங்கிலேயர்களுடைய கட்டுப்பாடு இருந்தும் ஆங்கிலம் தெரிந்தவர்கள் நூற்றுக்கு ஜந்தாறு பேர்கள்தான் இருக்கிறார்கள் என்றால், இருபது வருஷ காலத்தில் இந்தி தெரிந்தவர்கள் எத்தனை பேர் இருப்பார்கள்?

SRI A. SUBRAMANYAM: 42 சத விதிகம் ஹிந்தியைப் படித்தவர்கள் இருப்பதினாலும், அவகாசமும் இருப்பதினாலும் நிச்சயமாக நிர்வாகத்தை நடத்தக்கூடிய திறமை அவர்களுக்கு உண்டாகிவிடும் என்று சொல்லிக் கொண்டு முடித்துக்கொள்கிறேன்.

3-30
P.M.

* DR. V. K. JOHN: Mr. Chairman, Sir, I must pay a compliment to the Government on giving an opportunity to this House and to the other House to discuss so important a matter like this which not only affects this State but which will affect the entire country and which affects not only this generation but generations unborn. I must also pay that compliment particularly to the Hon. the Education Minister on giving so much attention to this important matter and arriving at some conclusion. I am only speaking on the compromise formula, namely, 'It may be necessary to use both English and Hindi as two official languages of the Indian Union for a prolonged period.' Great jurists have said that

28th March 1958] [Dr. V. K. John]

three characteristics of British legislation are conflict, compromise and caution. They summarise the characteristics of legislation in these three words. Sir, in every field of activity, human activity, there is conflict between individual and individual, groups of individuals and groups of individuals, nations and nations and States and States. And in this case there is conflict and the Government have adopted the procedure of solving this conflict by compromise and cautiously approaching the subject. I am very pleased that, whether they are right or wrong, they have evolved a formula which is a compromise. The question is whether this compromise will be acceptable to the authorities concerned. As far as I can see, from the totalitarianism that is prevailing in the Centre and the pride and prejudice in the minds of the protagonists of Hindi, I feel that this compromise formula will not be accepted. It was originally a mistake to have provided in the Constitution in Article 343 that the official language of the Union should be Hindi. I do not think that in the history of any other country having many languages, one language has been made the official language by statute. In the United Kingdom there were four languages, English, Scotch, Welsh and Gallic called Irish. English was never made the official language by statute. If English became the official language, it was on its own merit. But you want to prescribe by statute Hindi as the official language. There are many countries where there are many languages, small countries even like Switzerland, Canada and South Africa. The other day I received a book on Company Law from South Africa and I found in it sections printed in two languages, African and English, side by side. The proper procedure ought to have been to make all the languages in India the official and national languages. If anybody wanted to write from Delhi to Madras, he would write in Tamil and if anybody wanted to write to anybody in Bengal, he could write in Bengali. Every language should have been the official language. But now, this Constitution unnecessarily and, in my opinion, improperly provided that Hindi was the official language. It was wrong to have made that provision. But even if they made a provision like that in 1950, that provision was made on the basis that the States were not unilingual. Now, after the States Reorganization Act, when linguistic States have been created, this provision in Article 348 of the Constitution must be considered to be obsolete, to be absolutely dead. It can never be revived. There were many people and I was one of them who fought against the formation of linguistic States. But it was recommended by a Commission and the Parliament accepted the proposal to form linguistic States. Linguistic States have certain advantages of administration, and it has now become an established fact. Let us accept it and work it. There is no question now of going back. You can never go back even if you want. Now, once linguistic States have been introduced—and I am quite sure that this agitation in Bombay and the Punjab will also succeed and that there will be linguistic

[Dr. V. K. John] [28th March 1958]

States—how can you introduce one of those languages which is a regional language as the official language of the country? You can never do it. Now, Sir, you will find the reason for the formation of linguistic States. In Madras, if I can gather public opinion, 99 per cent of the population are for linguistic States and, if I can gather the opinion, they are against imposition of Hindi as the official language in Madras. So also in other South Indian States—Mysore, Kerala and Andhra Pradesh—where Hindi is not the regional language, they would like to have linguistic States, States based on linguism, and they would not like to have Hindi as the official language. I ask a question, 'Will Hindi-speaking areas accept any other Indian language, however developed it is, as the official language of the country?' There is so much of prejudice against other languages and so much pride for the Hindi language. Official language is something that is written language and, as the hon. the Leader of the Opposition pointed out, if you count the people who are able to read and write, perhaps Malayalam is the language which is written and read by the largest number of people to-day and not Hindi. Only a very small percentage of the people can read and write Hindi and even if they take spoken Hindi, it is spoken in different ways. But what reason is there to impose Hindi as the official language on other States? Has it developed and has it got any merit and has it developed to be a language better than any other regional language? I ask a question, 'Is it better than Tamil in any respect whatsoever?' It is not because 42 per cent of the people are supposed to speak this language, not read and write this language, that you introduce Hindi as the official language. That is not the reason. The reason is that this country is ruled by North Indians, by people who speak Hindi, or you can say that Uttar Pradesh is ruling this country. It is said that if Hindi is not accepted as the official language, the unity of the country will be lost. I say that the unity of the country will be lost if Hindi is pressed on non-Hindi-speaking people as the official language. The unity of the country can be preserved after the introduction of linguistic States only by equal representation of all States in both Houses of Parliament and also in the Cabinet and in regard to recruitment, you must recruit Statewar, that is, on a linguistic basis. There must be a fair proportion. If the Centre has got two lakhs of officers in Madras State, they must recruit two lakhs of Tamilians and employ them in Madras State. You can never preserve the unity of the country by the way in which the Government of India are now being run by about 45 Ministers. What is happening now? There are 12 Members in the Cabinet, that is, Ministers with Cabinet rank. Five out of them come from Uttar Pradesh, four from Bombay and three from three other States. I ask a question and many have asked me in Madras . . .

MR. CHAIRMAN: The hon. Member should speak on the language problem.

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* DR. V. K. JOHN: I am speaking on the language problem.

I am saying why unity is not preserved and cannot be preserved. I ask a question and I have been asked by many people, by dozens of people in clubs and in the High Court corridors and in other places, 'Why is it that they did not select a person from Madras State to be on the Cabinet?' Is it because we do not have men at all? I am rather embarrassed to mention names. But I do ask you, every Member of this House and the public: Is there any other person in the whole country to-day who can be the Minister for Education at the Centre than the Leader of the Opposition? How is it that he is not chosen? Sir, I criticise the measures introduced by the Hon. Mr. Subramaniam but I could say that it is not only my opinion but the opinion of a large majority of the people that he would fill the post of Finance Minister at Delhi better than anybody else. He should have been drafted there. Now, Sir, the Centre is so autocratic that it does not understand the feelings in this part of the country. Sir, there are people who have even asked me why Mr. Venkataraman is not taken back to the Centre. It is not because they cannot find proper men, competent men—I can mention other names also—but they are not prepared. It is because the country to-day is ruled by Hindi-speaking people—Uttar Pradesh—and they rule it with pride, with prejudice and in a most undemocratic, totalitarian way. That is what will destroy the unity of the country. I can assure you that if Hindi is imposed on the people in non-Hindi areas, that will be one factor to destroy our unity, of course, besides the linguistic reorganization of States. You might ask the question why other States are not as emphatic as we are about Hindi alone not being the official language. I can immediately give the reason. The Communist Party—which is in power in the neighbouring State—is so much against English that it does not mind Hindi. So also the Socialist Party.

THE HON. SRI C. SUBRAMANIAM: Congressmen are also like that.

* DR. V. K. JOHN: I say Congressmen may not say what they feel. I say this with a sense of responsibility that in every non-Hindi-speaking State in the country, there is a majority of people—99 per cent—who do not want Hindi to be the official language. Why is it then that the Congress Ministers and other Congressmen like our Deputy Chairman want to please the Centre and say that they would have Hindi also with English?

SRI A. M. ALILAPICHAJ: Because we feel convinced about the wisdom of it. It is a question of conviction. Just as it is the conviction of the Deputy Leader of the Opposition that English should continue to be in this country for ever and ever, it is our conviction that both must be the official languages.

DR. V. K. JOHN: English?

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SRI A. M. ALLAPICHAJ : That is your conviction.

* DR. V. K. JOHN : My conviction is that Hindi could not be imposed as the official language of the country. But if Hindi develops in course of time in such a way as English developed in Great Britain, then it may be the official language here, on its own merit and not because it is forced down the throats of the people by statute. Hindi must come to that position before you can ever think of its becoming the official language. Now I am on this. A large majority of the people—although Congressmen and Ministers may not openly assert it—are dead against, strongly against Hindi being the official language of the Union. This feeling must be respected and I am very pleased indeed that the people in West Bengal have unanimously resolved against Hindi being the official language.

THE HON. SRI C. SUBRAMANIAM : That is not the resolution, please.

* DR. V. K. JOHN : The resolution is not Hindi alone but other languages also may be official languages. I may say all languages must be official languages and we must in course of time try to evolve an All-India language. An All-India language can be developed first by a common script. We must have a common script. I do not find any indication that anybody has asked for a common script. They fight shy of it. Unless we have a common script, we cannot progress. It must be a script of other world languages. China has adopted the Roman script. If we have a common script and if we borrow heavily from all world languages, English, Russian, etc., we could in course of time evolve an All-India official language. Then, call it Bharat. Do not call it Hindi. Until such time, there cannot be one language as the official language of the country. I am of opinion that the compromise formula is not in accordance with the opinion of the majority of the people. At the same time, as the Hon. the Mover of the Resolution, the Education Minister, pointed out, we must not put forth an extreme proposition. It is a compromise; everybody would not be pleased by a compromise formula. But another factor we have to consider here. We are now living in a Sputnik age. In two days' time, I am in any part of the world. In 48 hours I am in New York. And language is for communication and for acquisition of knowledge. The prejudice against English, because it is the mother-tongue of somebody else, is entertained only by people who cannot think broadly, who have no vision, who are narrow-minded. If we reject English, because it is somebody else's mother-tongue, why do we have Railways, motor cars and others invented by the English?

SRI A. M. ALLAPICHAJ : They are not English.

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* DR. V. K. JOHN : They have invented them. Language is a thing that is learnt. If your child is born in England, it will learn English, although your mother-tongue is not English. I, therefore, submit that it is the responsibility of the present age to find a world language, a language for human individuals just as it is our responsibility to pave the way for a world currency, a world Government, etc. We must not shun English because it is the mother-tongue of somebody else. The question is : 'Is it the best world language?' If you admit it is the best means of communication, have it. We have had it for 200 years. There are more people who can read and write English than those who can read and write Hindi. I submit that the proper course to adopt in this case is to delete Part XVII of the Constitution. The Constitution was framed by pandits, pedantic pandits, who instead of stopping with making provision for suffrage, Legislature, Executive, Courts, etc., and allowing conventions to grow, did a wrong thing in incorporating this Part. I must express my obligation for an editorial in *The Hindu*, last Saturday suggesting the deletion of Part XVII of the Constitution. Part XVII should be deleted and we must have things alone, without forcing Hindi on any one of the other States. Hindi should develop and establish itself to be a fit language for being adopted as the official language. There is no use of forcing a language which does not deserve to become the official language. It is just like taking a man from the street and making him a Member of the Cabinet and legislating for it. Only a man who deserves to be in a particular place should be in that place. Does Hindi deserve to be the official language of this country? I should say that it does not. It is not as good as the Tamil or Bengali language. Still, they want to force it on other people, merely for the reason that a larger number of people speak that language. There is no reason whatsoever for doing it. Was English adopted as the official language of Great Britain because a larger number of people spoke that language? It became a rich language and that was why it was used as the official language. Before English was the official language there, it was French which was the official language for about 400 years or so, because it was a better language then.

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p.m.

SRI A. M. ALLAPICHAJ : That was not the reason.

* DR. V. K. JOHN : Yes, that was the reason.

SRI A. M. ALLAPICHAJ : I suppose the hon. Member remembers history . . .

* DR. V. K. JOHN : I do not know whether the hon. Member thinks so because the Ministers in the North . . .

(Deputy Chairman in the Chair.)

Sir, I do not think I can criticise the Deputy Chairman any more. I was just going to say that the powers that be in the North wanted to force the Hindi language and the Hindi-speaking

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people in the North wanted to force that language on us and I was just mentioning your name. Now, I cannot use your name, Sir. Certain people belonging to the Congress Party want to force the Hindi language on the people of the Madras State in a most unnatural way. They are not doing good service to Hindi or to the Hindi-speaking people. They are doing no service to the Central Government, to the Prime Minister Pandit Jawaharlal Nehru or to anybody else. Hindi may be one of the official languages. It may be one of the fourteen languages. In fact, if any language could make a claim to be the official language and if any language has got a better claim, it is Urdu which is spoken not only by those in the North but also by those in the South.

DEPUTY CHAIRMAN: Hindi includes Urdu also.

* DR. V. K. JOHN: That may be your opinion, Sir, and I cannot carry on a controversy with you, Mr. Deputy Chairman. I am not pleading for Urdu or any such thing. That would have been a better proposition, because it is spoken all over the country. I, therefore, submit that the idea to have Hindi as the official language is a wrong one.

Now, I come to this compromise formula, after expressing my definite opinion and the opinion of a large majority of the people in non-Hindi-speaking areas. Some compromise must be arrived at to solve this problem. The Government who have thought over the matter very well have struck a compromise. They might have struck some other compromise. The Bengal Assembly's resolution was not before them at that time. Anyway, they struck a compromise. Well, will that compromise formula be accepted by the powers that be? In my opinion, they are not going to accept it. But, the Hon. the Minister for Education appears to be hopeful. 'Hope springs eternal in the human breast'. So, he appears to be hopeful. From the way business is conducted at Delhi far away from us and the way things are managed at Delhi, particularly the way in which the recent appointments have been made when one of our men who was a Member of the Cabinet had to resign, I feel and feel strongly that we cannot have any faith at all in them. Are there not competent men in Madras who could become Members of the Cabinet? I should say that they have treated Madras very badly. They have treated all non-Hindi-speaking areas very badly. As I stated before, five out of the twelve Members of the Central Cabinet come from Uttar Pradesh. Is it correct to say that out of the millions of this country, there are no efficient men in other parts of the country who could be Members of the Cabinet? Now, I am stating this only as an example to show how the Central Government are dominated by Uttar Pradesh and by the Hindi-speaking people. We have to be careful in dealing with those people. Does the Hon. the Finance Minister sincerely believe that anything will come out of this compromise formula? Will the Government stand by their formula?

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If it is not accepted, the Government should be prepared to take up the cudgels and in that, the people will be behind them. Let them go forward with their proposal. If they do so, I may not press my amendment even. But, what is the position? I feel and feel strongly that the North, as it is today, will never accept the compromise formula and that they will insult this House and the other House by not accepting the Resolution that we pass unanimously. But, what is going to happen? Any assurance made on behalf of the Education Minister that it will be accepted cannot be taken. But he can give us the assurance that the Government will stand by the formula, that they will fight till the very end and that if that formula is not accepted by the Centre, they would again come to this House and the other House and ask us what should be done. If that assurance is given, well and good. I do not know whether the Hon. the Minister for Education will give us the assurance that the Government will stand by their formula till the very end, and that if it is not accepted, they would fight out with the Central Government on this very important question, and would come before the Legislature again for another formula, if required. Thank you, Sir.

THE HON. SRI C. SUBRAMANIAM: Mr. Deputy Chairman, I am grateful to the hon. Members who gave their generous support to the Government's Memorandum on the language problem. I know that there could be a variety of opinions with regard to this. Each variety can claim to be the only solution to this complicated problem of language. Sir, in considering this language problem, if we are writing on a clean slate, if I may say so, perhaps we may take a different view altogether. But, unfortunately, it is not a clean slate on which we have to write today. Certain events have happened, certain demands have already been made and expectations have been raised and it is only in this context that we have to consider this language problem and try to put forward a solution which will be acceptable to the people as a whole. I said, "Commitments have already been made". Sir, this question of language—this question of a common language—for the whole of India has been in the picture since the beginning of the freedom movement and particularly when Mahatmaji entered the political field. As a matter of fact, adoption of Hindi or Hindustani, whatever it is, was one of the constructive programmes which he gave to the country. It did not stop there. But as I had occasion to point out in the other House, the question came up for consideration in the Constituent Assembly and after a good deal of consideration, this compromise formula contained in Part XVII of the Constitution was adopted. Hon. Members may say and particularly the Leader of the Opposition said that he could not congratulate the representatives who participated in the Constituent Assembly on arriving at this formula. Sir, with the wisdom available and with the experience available then, this was the only formula which we could think of and which we could put through. Therefore, there

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is no use of saying, "History should not have taken a particular course". But it has taken that course and the provision has already been made in the Constitution declaring that Hindi shall be the official language of the Union. Even in making that provision in the Constitution, we were not writing on a clean slate, if I may say so. If there had been a change of Government by a revolution, by wiping out the entire existing structure and putting in a new administration, then perhaps different considerations might have arisen even at that time. Perhaps they might have adopted Hindi as the sole official language of India and we might have to carry on the administration in that language with difficulty. But, fortunately for us, the Father of the Nation gave us a different programme of action and method of action. Therefore, without completely wiping out the past, we were able to get freedom and we had to carry on the administration with the existing machinery. That machinery was not in any way affected. Therefore, people had to consider how best we could carry on the administration with the machinery existing at that time. That was why they came to the conclusion that it was impracticable to adopt any other language as the language of administration at the Centre. We wanted to continue English and that was why provision was made at that time that fifteen years was a sufficiently long period to get ourselves prepared for the adoption of Hindi as the official language. Even then, the persons who put forward this compromise formula were wise enough to contemplate the conditions which might exist later on. If even then sub-clause (3) of Article 343 had been provided, it only shows the farsightedness of those who put forward this compromise formula. That was why sub-clause (3) was put in providing that English also should continue even after the period of fifteen years. Therefore, we have got to consider not what is best from a logical point of view or any other point of view—from the point of view of the Madras State and the people of Madras—but we have to take into account, as I already said, the commitments which have already been made and the expectations raised in the minds of other people because of these commitments. That was why when the Commission was appointed to go into the language problem for the purpose of making recommendations to the Parliament, we thought that it was necessary to consider the steps that had been taken so far for the purpose of preparing Hindi to take the position of English and also our own position in the context of Hindi becoming the sole official language after a period of fifteen years. I am glad the position of the Government has been appreciated. We did not want to make it a merely party point of view. We wanted to take into account the views of all the political parties functioning in the Legislature because we thought that it was the people's problem and that all the representatives should be associated in taking a final decision in this matter. Accusations have been made on various platforms that because it is the Congress Government and there is a Central Congress Party,

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we have taken this stand. With great respect to those who expressed that point of view, I may submit that it was not merely the Congress point of view that was adopted in the memorandum that we submitted to the Language Commission, but on the other hand, it was the view of the representatives of all the political parties and it was adopted as the basis for the Memorandum which we submitted to the Language Commission. The Language Commission went round the country and then submitted their Report. Even when we wanted to consider the various recommendations made by the Language Commission, we did not function as if we were a limb of the Central Congress Party. On the other hand, we took the view that this was not merely the responsibility of the Congress Party, but that it should be the responsibility of all the political organizations functioning in the Legislature. That was why we wanted this to be considered by the representatives of all Parties functioning in the Legislature. Why did we do that? Not that we just wanted them to go through it and afterwards disperse and leave us to do whatever we liked. On the other hand, we wanted to have a consensus of opinion and an agreement and it was for that that we convened that conference. I am sure the hon. Members who participated in that conference would remember that even in the beginning, the hon. the Leader of the Opposition raised this point, "I suppose we will have the liberty to express our own opinions and attach a minute of dissent if it is necessary". Then I expressed the hope that it might not be necessary to have a minute of dissent, because it was my hope that it would be possible to arrive at unanimous decisions and it was on that basis that we proceeded. It was possible to arrive at unanimous decisions. Even in regard to this very idea of amending the Constitution, I frankly stated then that if, after a full consideration of the various factors—taking into consideration the state of affairs prevailing in the country—the conference would suggest that we should add in that a clause (even though it was not added in the present memorandum) that the Constitution should be amended, I would not be averse to it. But I wanted to consider certain other aspects and put before them all those aspects. It came to the unanimous conclusion that it might not be necessary to put forward that idea of changing the provisions of the Constitution and that the existing provision would do. It was after that, I came forward with this suggestion that when we depended upon the Parliamentary enactment under Article 343 (3), it should be made clear that no change should be made in the enactment without the consent of all the States concerned. That is why that finds a place here.

Why did I take the trouble of consulting all the Parties and why did I want a unanimous decision? I knew that ultimately this would come before the Legislature and that the Government were responsible to the Legislature. Government are not something functioning apart from the Legislature. They are a body

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responsible to this Legislature. Therefore, when I consulted all the Party Leaders, I wanted their agreement with regard to the solution to the various problems in the expectation that the Government's point of view would be supported in the Legislature, for I knew it should come before the Legislature. Otherwise, there is no point in asking for a unanimous decision. Having given their consent, can the Party Leaders now say, 'No doubt we gave our consent then, but now in the Legislature we won't support that point of view'? That will be illogical and no useful purpose would be served by it.

DR. V. K. JOHN : We may get wiser now.

THE HON. SRI C. SUBRAMANIAM : If you get wiser, I will be happy. But sometimes, you get the other way about (laughter) and that is the real difficulty.

Something happened after that which caused a change in our position to a small extent. I shall be going into that aspect also. But when the Government took the responsibility of consulting Party Leaders and getting their agreement for a certain stand which they wanted to take, when Leaders arrived at a certain decision, and when it comes to the Legislature, are they to drop it like hot potato and say, 'No, no. It might have been in the Conference; now we take a different point of view'? That is not the way of a Legislature functioning as a responsible Legislature. That is all I would say.

Sir, it is not merely a question of what you think about it. We sit round a table and arrive at a compromise formula. It is not as if all compromises would please everybody and would be acceptable to everybody. But in the light of the existing circumstances, we arrived at a formula which we wanted to be a common formula acceptable to all. Therefore, Sir, if I may be permitted to use that expression, it would be a breach of faith, if anybody, unless he has valid reasons for changing the view, should come forward and say, 'Whatever might have been my point of view in the Conference, now I hold a different opinion'. If anybody should say, 'even then I had a different opinion', I would say that it is a much greater breach of faith. Therefore, this memorandum has an added importance. It is not merely a Government memorandum, even though the title is that. It has been indicated in the body here, 'Hence the present Memorandum which, like its predecessor, has been prepared after discussion with Leaders of all the Parties in the State Legislature and is in general agreement with them'. This was circulated to those who participated in the Conference and it was with their concurrence that this sentence was put in there. Therefore, Sir, I would request members who participated in that Conference and not only members, but all members belonging to that Party, if that Party was represented by its Leader, to consider it from this aspect. Apart from that, I am prepared to discuss the formula which we have put

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forward on its own merit. If anybody should say, 'If fools agree, it does not mean a wise decision', I say we may be all fools. But I am prepared to consider this not on that basis. All the Party Leaders have agreed. Still, I am prepared to discuss the merits of the formula itself on the basis on which it has been put forward. Before I proceed to that, I want to answer certain criticisms which have been made by the hon. the Leader of the Opposition here and which have been mentioned by some other hon. Members also. That the attitude of certain persons in the North is something which is not quite welcome—to put it mildly—I do agree. I agree that there has been fanaticism on the part of certain people. But when we consider the merit of a particular solution or formula, are we to take into account the attitudes taken by certain people? Certainly not; whether the formula has got to be implemented or not, perhaps we may take into account the views of other people. But in discussing the formula, it has to be discussed on its own merits and not with reference to the attitude some people may take in the North. I do agree that the attitude taken by certain people there, if anything, is provocative. But provocation should not form the basis for judging the merits of a particular matter. Is there not provocation from this side? The hon. the Leader of the Opposition referred to the cry 'Angresi Ko Hatavo' and objected to it. It is bad. But it is equally bad to cry 'Hindi Ozhika'. I wish those who object to people saying 'Angresi Ko Hatavo', took into account the same attitude here also and not without reference to the cry of 'Hindi Ozhika'. Hindi in any event is one of our languages. English, whatever might be its merits, is a language which has come to us from a foreign country. Therefore, if we should take such an objection to the cry of certain people 'Down with English', there should be greater objection to anybody crying 'Down with Hindi'. Unfortunately, we forget that aspect when we consider certain questions. Therefore, Sir, the merits of the proposals which we have put forward should not be judged from either the extreme attitude that some people have taken at this end or the extreme attitude that some other people have taken in the North. That is not the attitude which we have got to take. If we have got to consider the merits of this question, it will have to be considered apart from the attitudes taken by the various people in the country with reference to Hindi.

(Mr. Chairman in the Chair.)

Sir, I have talked to very many persons and they all agree, in private conversation at least, that this is the best formula which we can think of under the circumstances.

DR. V. K. JOHN : In Madras?

THE HON. SRI C. SUBRAMANIAM : In Madras and other parts of the country.

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GOVERNMENT OF MADRAS ON THE REPORT OF
THE OFFICIAL LANGUAGE COMMISSION

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SRI A. M. ALLAPICHAJ : Perhaps it is going to be accepted by the whole of India!

THE HON. SRI C. SUBRAMANIAM : I may not say 'perhaps it is going to be', but *it is going to be* accepted.

Some people think that if this is put forward by ourselves, then there is little chance of its being accepted and that for this compromise formula to be accepted, we should adopt the extreme attitude of bargaining with each one of them and that then only we would be able to arrive at a compromise formula like this. With great respect to them for their wisdom, I am not able to agree with that point of view. As far as the language problem is concerned, I hold the view that it is not the number that counts. As I stated day before yesterday on the floor of this House, even if all the other States put together do not agree to the formula and Madras State stands alone, even then this point of view has got to be taken into account. After all, in a chain, the strength of the chain is the strength of the weakest link there. Therefore, in respect of a controversial problem, it is likely to be a strain on the 'chain' as a whole, on the country as a whole. The strain should be of such a nature that it would be borne by the weakest link also. That is why in considering this, I am saying, even if I am alone, even if this State is alone in putting forward this point of view, the solution should be just and equitable to all. I am putting forward this point of view not only because the other States and the people of other States may accept this, but there is nothing wrong in other people accepting this point of view; their position is not prejudiced in any way. That is why our responsibilities are all the more great. When we want to put forward a point of view, even if we are alone in that respect, and say it should be given due consideration, it is all the more necessary that we should take a just and equitable attitude. We cannot take an extreme position and then argue that our point of view should be taken into account and given due weight. I am anxious that our point of view should be accepted by all, even if it is put forward by our State alone. Even a third party who looks into this compromise formula and who is not in any way interested in it should be able to pronounce a judgment, 'It seems to be a just formula; it does not harm anybody; it should be ordinarily acceptable to all'. It is from that point of view that I want hon. Members to look at it. So, what we have got to look into is whether this formula is a just and equitable one not only to the Madras State but also to people belonging to other States, whose regional language is Hindi. I can plead before any forum that this is a formula which should be acceptable to all, and I may state even here that if there should be some other formula which is acceptable to all, I would be the last person to stand in the way of that compromise formula being accepted. I have been going through various speeches made by very wise and experienced persons and persons who are entitled

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to give advice not only to India but to the whole world but still I have not come across any better suggestion than this. That is why I am saying that this point of view of the Madras Government has got the merit of being just and equitable to all sections concerned.

Doubts are being expressed, not with reference to the merit of this proposal, but with reference to the question whether this will be acceptable to the persons who are in charge of the affairs of the country. With reference to that, I am sorry to say that certain unfortunate expressions have been used by the hon. the Leader of the Opposition and then by the hon. the Deputy Leader of the Opposition. I do not know whether the hon. the Leader of the Opposition consciously used those words, 'We are ruled by others'. I do not know what he meant by that. The hon. the Deputy Leader of the Opposition was a little more categorical when he said, 'We are being ruled by the Northerners'. After all, today we have accepted parliamentary democracy and it is the Parliament that is ultimately responsible for every decision. It might be that a particular leader is strong enough to carry Parliament with him and that is not a demerit of parliamentary democracy itself. On the other hand, it is a merit by itself. Our representatives are functioning in the Parliament. It might be that at certain times, a decision is taken which is not to our liking. Unless we are prepared to get out of this parliamentary democracy altogether and have some other form of Government, we must function within the framework of the Constitution. Therefore, to say that we are governed by others and not by ourselves, is a wrong attitude to take. It is not wrong with reference to any particular situation prevailing just now but it is a wrong attitude to take with reference to the form of Government and the Constitution that we have adopted for ourselves. It is likely to create an impression that we consider ourselves separate from the other people. It is likely to be misunderstood that those who gave expression to it are subscribing to the point of view that the Northerners are foreigners, that we are something different from them and that, therefore, we should separate ourselves from the North. But I am glad that the hon. the Leader of the Opposition has categorically stated that he does not subscribe to that point of view at all. If I had not intervened and if he had not given that categorical assurance, particularly the words 'We are ruled by others' are not only likely to be misunderstood in the other parts of the country but it is likely to be misunderstood and misused by the people in this State also. I want to say the same thing with reference to what the hon. the Deputy Leader of the Opposition has stated. He has stated that we are ruled by the Northerners and in support of that, he began to quote figures with reference to the composition of the Cabinet at the Centre. It might be that at a particular time somebody is the dominating personality. Nobody can say that the Madras State was dominating the country when

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the whole economic policy was shaped by the Finance Minister of the Central Government who happened to be a Madrassese. But if some people were to say that they were being dominated by the Madras State, how would we relish it? Therefore, we should not go into personalities, however true it may be. Instead of taking an objective view of the problems facing the country, if we take such a narrow attitude, then we may not be able to arrive at correct conclusions. Therefore, in considering any problem, if we go into the present composition of the Cabinet or the composition of the Cabinet one year back, neither we nor the persons residing in the other parts of the country could arrive at correct conclusions or decisions. That is why I respectfully submit to the hon. the Deputy Leader of the Opposition that whatever might be his conviction or point of view with reference to the composition of the Cabinet, it is not relevant in considering the merit of this compromise formula.

DR. V. K. JOHN: May I ask the Hon. the Minister for Education whether he is in touch with public opinion in this State?

THE HON. SRI C. SUBRAMANIAM: Yes.

DR. V. K. JOHN: Is the public opinion in this State in favour of the composition of the Central Cabinet in which there are five Ministers from the Uttar Pradesh, four from the Bombay State and three from three different States and not even one from the Madras State?

THE HON. SRI C. SUBRAMANIAM: I do not want to go into the merits of that question as it is quite irrelevant for the purpose of considering this memorandum. I still hold the view that it is irrelevant.

As far as public opinion is concerned, I may tell the hon. the Deputy Leader of the Opposition that we are in touch with public opinion. It might be that he gets lost in something else but we are being influenced by public opinion and we are responsible to the public. After all, we put forward this bilingual formula not for the first time after elections but even in 1955. Nobody dared to say anything against it. Those who were opposed to it could have attacked us on the election platform by saying that we had sold the State by adopting this bilingual formula. But nobody dared to come forward and say that the Congress Party in the Madras Legislature had betrayed the Madras State. Therefore, it is not as if we are not responsive to public opinion or we are not in touch with public opinion. After all, in considering the merits of the memorandum of the Government, we should not go into extraneous matters which may not be quite helpful in arriving at a decision.

The only question posed to me throughout the debate particularly by the hon. Member Sri P. T. Rajan was whether it would be possible to carry on the administration with two languages as

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Union official languages. It is a very relevant question. But may I tell him that in the world there are many countries today functioning not with two languages but with a few more languages? I think there are countries which function with four languages and that is the maximum. I had occasion to discuss with a person highly connected with the administration of Switzerland which had got four languages adopted as the official languages. For the purpose of administration, he said, the maximum limit was four as far as their experience went. If they could function with four languages, of course with three languages it would be a little more advantageous; with two, it would be still more advantageous. Of course, a single language is the best thing. But when we are unable to arrive at a decision to have a single language, having two languages will be much better than having three languages and further better than having four languages. As a matter of fact, the arguments of the hon. Member Sri P. T. Rajan were almost countered by the arguments put forward by the Leader of the Opposition and the Deputy Leader of the Opposition. They went further and said, 'Why should it be bilingual?' It should be multi-lingual'. The hon. the Leader of the Opposition said, 'Why not we adopt four or five languages as the official languages?' The Deputy Leader of the Opposition went further and said, 'Why not we adopt all the fourteen languages as the official languages?' 4-30 p.m.

DR. V. K. JOHN: The Bengal Legislature has passed a Resolution now.

THE HON. SRI C. SUBRAMANIAM: I shall come to the Resolution passed by the Bengal Legislature later. Evidently, the hon. Member has not read the Resolution but has read only the speeches.

DR. V. K. JOHN: They have recommended the adoption of two languages as official languages.

THE HON. SRI C. SUBRAMANIAM: Sir, the question of practicability does not arise at all because it has been accepted and it has been proved by experience that it would be possible to function with more than one language and two languages can certainly function as the common languages. I was greatly surprised when the hon. Member Sri P. T. Rajan put forward this proposition. I am so sorry that he is unable to be present now. I know the reason why he is not present now. But I am sure what I say will reach him either through the Press or through the report of proceedings of this House. Sir, the hon. Member Sri P. T. Rajan was one of those who participated in the conference held in 1955 when we evolved, for the first time, this bilingual formula. I was wondering what attitude he took at that time so that he should come now and say, 'Is it practicable to have two languages as the official languages of the Union?' That is why I took the

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trouble of calling for the minutes of that conference and I was perusing them. I was greatly surprised to find that it was Sri P. T. Rajan that put forward this bilingual formula at that time. How people forget the attitude they took on a previous occasion is something amazing. Particularly with regard to this language question, it is really amazing to see people shifting from one stand to another, forgetting their old attitude and thinking that others will also forget entirely the previous stand they had taken and saying, 'What I say now is the wisest thing'. Particularly because Sri P. T. Rajan made the statement here, I want to read out the extract from the official records of the minutes of the meeting.

SRI MOHAMED RAZA KHAN: It is confidential.

THE HON. SRI C. SUBRAMANIAM: It is not confidential now, because that has been questioned. That is why I have always been saying that we should not go back upon the decisions we have taken and that we should not go into what happened inside the meeting. Unfortunately, every word used there has been dragged into public. Therefore, I do not think I alone should be shut out by saying that it is confidential.

DR. V. K. JOHN: Apparently, in the conference the Hon. the Education Minister dominated the scene.

THE HON. SRI C. SUBRAMANIAM: That is the view that people with meak minds have that it is likely that they will be dominated by somebody or other. The same thing is happening with regard to the North dominating over the South. People who do not have faith in them and who do not have self-confidence certainly feel that they are likely to be dominated by somebody or other. I do not believe in domination, particularly in this twentieth century when everybody is supposed to be independent. The Hon. Member Dr. John put forward the theory that all languages should be adopted as the official languages. I explained the difficulties in the way of adopting this suggestion at the conference. I shall read it—

"Sri Subramaniam explained that it would be very difficult to have all the fourteen languages as the official languages for the reason that all Bills and all communications would have to be translated in all the fourteen languages. This would involve the expansion of the present Secretariat by five times at least for the fourteen languages."

Then came the wise suggestion of Sri P. T. Rajan.

"Sri P. T. Rajan interveined and suggested that they might have both English and Hindi."

Then I pointed out that that was the very point of view we had put forward in the official memorandum. Then, he said that everything would be all right provided there were some safeguards. I shall read it—

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"Sri P. T. Rajan said that if there were sufficient safeguards for services in the Union, there would be no difficulty for the adoption of this bilingual formula."

Therefore, for Sri P. T. Rajan now to come and say, 'How are you going to work this bilingual formula?' is not fair. Did he put forward this idea without thinking of that at that time? Certainly not. Simply because he puts forward a different point of view now, perhaps he thinks that it is an impracticable suggestion that we are putting forward. Therefore, I respectfully submit to this House that it was not merely the suggestion from the Government side that found a place in the memorandum in 1955 and in the memorandum in 1957, but that it was the collective wisdom of the entire Legislature that formed part of the Government memorandum which was submitted first to the Language Commission and secondly to the Parliamentary Committee. Therefore, I do not think that it is such an impracticable proposition that we have put forward. I am sure the hon. the Deputy Leader of the Opposition would agree that the bilingual formula is workable. I am glad he has brought a book—I am sorry he did not quote it at that time—wherein English and another language, African, have been used and even statutes have been printed in both languages side by side. Therefore, it is not such an impracticable proposition. If it is a workable proposition and if it would satisfy the existing conditions in the country, then it is for us to plump for that rather than to take an extreme or impossible position and say, 'Either you accept that position or we are not going to co-operate with you at all'. It is from that point of view that we have to consider this question.

Bengal was cited as an example for us to follow. I hope we will not be asked to follow it particularly with regard to the incidents which occurred yesterday and which ended in blows. But, apart from that, what is the Resolution of the Bengal Assembly? Leave alone the speeches; what is the Resolution of the Bengal Assembly? They say that steps should be taken for the continuance of the use of English. They have wisely refrained from stating anything about Hindi, that the provisions in the Constitution declaring Hindi as the official language should be abrogated now. No such thing is stated therein. They have said that provision should be made for the continuance of the use of English also. Their suggestion is that the use of English should not be discontinued after 1965 but should be continued even after 1965. They do not say that the provision making Hindi the official language from 1965 should be cancelled. Therefore, even though they were not prepared to put it in the same language as we had put it, they were also pleading for the continuance of the use of English along with Hindi. Therefore, I respectfully submit to this House that the Bengal Assembly's Resolution, even though it is not as precise as ours, only pleads for the continuance of the use of English.

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DR. V. K. JOHN : They have asked for cancellation of the provision in the Constitution making Hindi the official language.

THE HON. SRI C. SUBRAMANIAM : That is there only in the speeches. But the Resolution is only for the continuance of the use of English even after 1965. That does not ask for the cancellation of Part XVII of the Constitution as put forward by the hon. the Deputy Leader of the Opposition. Then, some speeches were made there. Even during the Gauhati session a suggestion was made by some Bengali newspapers that not only Hindi should be given this position of honour but that they should have two more languages or three more languages as the official languages of the Union—one belonging to the eastern region Bengali, their own language, another language belonging to the western region Marathi and one language belonging to the South Tamil. It is very attractive particularly to the Tamilians if Tamil will also be accepted as the official language of the Union. Certainly, it would give us joy and for my part, if only that would be acceptable to the other people, I would jump at it. But can Tamil be adopted as the language representing the entire South? Now, we talk of Dravida Nad. Therefore, I would not go farther than that. Amongst these four States, can we take into account Tamil as the language representing the South? If we can make the Andhras agree and if we can make the people of Kerala and Mysore also agree to this, well and good. But it is not possible. What is the use of exhibiting our disunity as far as this is concerned? On the other hand, the Andhras would say, 'We are slightly larger in number. You are only three crores. We are 3.3 crores. Why not you adopt Telugu?' Will any of us agree to Telugu being the official language as representative of the southern region? (Sri T. Purushotham : No.) Then, what is the use of putting forth an impracticable proposition when we cannot put up with a language spoken in a neighbouring State, and talking of Bengal and other States? We cannot consider any such formula on the face of it. That is why, after considering various factors, we inevitably pitched upon this formula of bilingualism. The Deputy Leader of the Opposition wanted to know whether this would be acceptable to the Centre. Some people seem to have whispered that this memorandum of ours has not been looked upon with any favour by the Central Ministers or by the Parliamentary Committee. Sir, I am not letting out a secret when I say that our memorandum has created a very favourable impression there and that all proposals have been finalized except those relating to Section VII. All controversies have ended now and our formula has been accepted. (Sri T. Purushotham : Hear, hear.) The language at the University and the High Court levels has been settled. The only thing that remains is the problem of official language. There also, we have to go slowly. As even we have got fanatics here, there are persons who love their own language, Hindi, more than anything else. Therefore, we have to take the people along with us. Is it wrong for the Government of India or the State Government to think that

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they should also carry the people with them? Should they take a rash decision and court the wrath of their own people? That is why they have to educate the people, put before them the merits of the various solutions suggested and ultimately arrive at a decision. But we say, 'As soon as we put forward a view, it must be accepted without any question of what other people may think about it.' The Deputy Leader of the Opposition was saying that 99 per cent of the people did not like Hindi. Suppose they say that 99 per cent of the people want Hindi. Will you accept that position? When we are not prepared to accept others' opinion, how can we expect them to accept our formula?

DR. V. K. JOHN : I am afraid you will accept that position ultimately.

THE HON. SRI C. SUBRAMANIAM : I know if you are in my position, you will succumb to that. (Laughter.) Sir, some assurance was asked for—whether we would stand by this memorandum. It has been made quite clear not only on the floor of this House but on the floor of the other House also and in other forums that we would stand by it. I say this also. It is not in a bargaining spirit that we put forward this compromise formula. After a good deal of consideration, we put forward this formula as the only solution to the problem. Therefore, we stand committed to it and it does not mean that we would not look at any other proposal which might be put forward for the purpose of improving upon this formula. I may give this assurance to this House and this Legislature, if I may say so. We stand committed to this memorandum. But if any change has got to be made, that change will not be made without getting the concurrence of the Legislature. It is not in a wavering spirit that we put forward this formula. If it was in a wavering spirit that we put forward this formula, then we would not have committed the Party Leaders in the Legislature to this memorandum. We will be committing a breach of trust, a breach of faith, if we accept anything less, even though other people may be committing a breach of trust and faith. This Government will not do any such thing. They will not let down the Leaders of other Parties who have given their concurrence to this memorandum. Unfortunately, people seem to think that the Government may not attach any importance to this memorandum at all. Sir, the point of view expressed in the memorandum is not merely the Government's point of view but the point of view of all Parties and nothing would be done by the Government which would go against the unanimous view expressed therein. Therefore, all other issues should be considered in this context. I wish we had taken the language problem anew and considered it. We even considered whether it would be possible to accept English as the sole official language for ever. We felt it might not be possible. Also, we cannot have all the 14 languages as the official languages. That is an impracticable proposition. That is why if English is acceptable to us, we have provided for it. If Hindi is acceptable to

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others, we have provided for that also. All the points of view have been taken into account and provided for in this memorandum. That is why I am saying that it is a just solution to this complicated problem. I want this House which consists of elder Statesmen and persons having wide experience in administration and in the field of education to consider this question from this point of view. If they give their unanimous support to this memorandum as being just to every part of the country, I have absolutely no doubt that it will carry great weight and strengthen the hands of the Government also in pressing the viewpoint further before the Parliamentary Committee and later on before those who would be responsible to finalize matters. Therefore, I appeal to the Deputy Leader of the Opposition in the interests of this memorandum getting the added strength of the unanimous support of this Legislature to withdraw his amendment and support the amendment moved by the hon. Member Mr. Purushotham. That would be the best service that we will be doing to put a stop to this, in the words of the Prime Minister, cold war. Whether it was a cold war or not, immediately the Prime Minister said that it was cold war, comes the statement that it is a totalitarian point of view. So, it has now become a cold war, whether it was so before or not, after the reply of Rajaji to the Prime Minister on another platform. A cold war should not exist in a country especially when it appeals to other countries that there should be no cold war in other sectors. So, those of us who are appealing to other countries should ourselves set an example for them. I hope this cold war will end. In my humble view, this solution is one acceptable to all and I hope it will be adopted by the entire country. As was pointed out by the hon. Member Mr. Rajan, we are having so many other important problems on hand. Once this tangled problem is solved, then we will be able to devote our wholehearted attention to the various other problems facing our country. Therefore, I would appeal to all Members of this House to accept this Memorandum without any mental reservation whatsoever. (Cheers.)

DR. V. K. JOHN : On the solemn assurance given by the Hon. the Minister for Education, in whom I have great faith, that the Government will stand by the formula put forward in this memorandum and that if any modification has to be made in it, he would come to the House, I withdraw the amendment.

SRI T. PURUSHOTHAM : I hope it would be a permanent conversion. (Laughter.)

DR. V. K. JOHN : Then I should sit on the other side. (Laughter.)

The amendment moved by the hon. Member Dr. V. K. John was, by leave, withdrawn.

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MR. CHAIRMAN : I shall not put the amendment moved by the hon. Member Sri T. Purushotham to vote. The question is—

“ Add the following at the end of the motion :—

‘ and on such consideration, this House approves the proposals contained in the Memorandum ’.”

The amendment was put and carried.

MR. CHAIRMAN : I shall now put the original motion moved by the Hon. Minister, as amended, to the vote of the House. The question is—

“ That the Memorandum submitted by the Government of Madras on the Report of the Official Language Commission be taken into consideration and on such consideration, this House approves the proposals contained in the Memorandum.”

The motion, as amended, was put and carried, *unanimously*.

THE HON. SRI C. SUBRAMANIAM : Can you permit me to say a word?

MR. CHAIRMAN : Yes.

THE HON. SRI C. SUBRAMANIAM : I wish to congratulate myself on my having been able to convert the hon. the Deputy Leader of the Opposition at least once. (Laughter.)

SRI T. PURUSHOTHAM : I hope it would be a permanent conversion.

DR. V. K. JOHN : Then I must come to the other side.

V.—GOVERNMENT BILLS.

(1) THE MADRAS CHILDREN (AMENDMENT) BILL, 1958 (L.A. BILL NO. 10 OF 1958).

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

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Children (Amendment) Bill, 1958 (L.A. Bill No. 10 of 1958), and that the following Members of this House be selected to serve on such a Joint Select Committee :—

The Hon. Sri R. Venkataraman,
Srimathi Mary C. Clubwala Jadhav,
Srimathi S. Manjubashini,
Srimathi Jothi Vencatachellum,
Sri A. J. Arunachalam,
Sri G. Krishnamorthy,
Sri Mohamed Raza Khan, and
Sri K. M. Ramasamy Gounder.”

It is now more than 37 years since the Madras Children Act, 1920, which contains the first comprehensive legislation on the subject of the custody, trial and punishment of youthful offenders

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and for the protection of children and young persons was enacted in this State. This enactment was mainly based on the English Children Act. The main objects of the Act are—

(1) to prohibit the imprisonment of juvenile offenders under 16 years of age;

(2) to provide for the reception of youthful offenders under 12 years of age in junior certified schools and those between the ages of 12 and 16 in senior certified schools;

(3) to empower courts to commit a juvenile offender to the custody of his parent, guardian or any adult relative and to place him under the supervision of a person, named by the court; and

(4) to provide for children who are likely to drift into crime being sent to certified schools or committed to suitable custody.

In 1950, the Government considered that the methods pursued in certified schools and other institutions established under the Madras Children Act were inadequate and that a radically new approach to the problem of juvenile delinquency was essential. Accordingly, a Bill to replace the Madras Children Act was published in 1950. This Bill was designed to implement and to bring into practice a radically new concept of the treatment, care and training of delinquent, neglected or destitute children. The Bill was considered by the Provincial Advisory Board of Education. While expressing general agreement with the terms of the Bill, the Board suggested the constitution of a Committee to consider in detail the provisions of the Bill. Government accordingly appointed the Madras Children Bill Committee, 1950, to consider the provisions of the Bill. The draft amendments suggested by the Committee were examined by Government. In view, however, of the large expenditure involved and the then impending partition of the State, the proposal to legislate on the lines of the Draft Children Bill was deferred. In November 1953, the Government of India informed all State Governments that the Model Children Bill as drafted by the Expert Committee on Juvenile Delinquency and subsequently revised by the Government of India had been introduced in the Parliament. This Bill was intended to apply to all Part 'C' States. This Bill was subsequently given up by the Government of India.

In December 1953, the question of undertaking legislation on the lines of the Madras Children Bill, 1950, was again considered and a Committee was appointed to scrutinize the Central Bill and suggest modifications, if necessary, to the Madras Children Bill, 1950. The terms of reference for this Committee were—

(1) To examine the provisions of the Central Children Bill, 1954, with a view to their adaptation by the Madras Children Act, 1920.

(2) To examine the provisions of the Madras Children Bill, 1950, and see whether all or any of them may be incorporated in the Bill to be introduced in this State; and

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(3) To consider suggestions, if any, on the subject received from the Government departments or from the general public from time to time and make recommendations germane to the above.

The Committee recommended that the Madras Children Act be amended. The amendments suggested by the Committee provide for maintenance, welfare, education and character-training of youthful offenders and of children who are uncontrollable, in moral danger, destitute or in need of care and protection, so that such children also may have a really good opportunity to grow up into valuable and happy members of the community. In addition, it is proposed to make a provision in the Madras Children Act for the transfer of girls convicted of the offence of prostitution under section 12 of the Madras Suppression of Immoral Traffic Act, 1930, and detained in a certified school to a rescue home, when such girls are found to be exercising an evil influence over the other inmates of the school. It is also proposed to omit the provision relating to whipping as a judicial form of punishment for a child or young person. The Bill is intended to make necessary provisions in this behalf.

The salient features of the Bill are—

(1) new provision for the detention of a person beyond his eighteenth year in an Aftercare Home;

(2) prescribing a minimum period of two years for commitment of children to a Junior Certified School;

(3) deletion of whipping as a judicial form of punishment for a child or young person;

(4) placing incorrigible children after release under the supervision of a probation Officer or in an Aftercare Institution;

(5) providing penalties for offences committed against children or young persons; and

(6) authorizing the making of provision by rule for sending inmates in special cases to educational institutions or to institutions for professional or vocational training outside the limits of approved schools for education or training.

MR. CHAIRMAN : Motion moved—

"That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Children (Amendment) Bill, 1958 (L.A. Bill No. 10 of 1958), and that the following Members of this House be selected to serve on such a Joint Select Committee :—

The Hon. Sri R. Venkataraman,
Srimathi Mary C. Clubwala Jadhav.
Srimathi S. Manjubhashini.
Srimathi Jothi Vencatachellum,
Sri A. J. Arunachalam,
Sri G. Krishnamoorthy,
Sri Mohamed Raza Khan, and
Sri K. M. Ramasamy Gounder."

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* DR. V. K. JOHN : Mr. Chairman, it is getting late. I shall just say a few words. I must compliment the Government on introducing a measure like this. I am pleased that this measure has been introduced by the Hon. Minister, Mr. Bhaktavatsalam. I know he is very much interested in the welfare of children. I only want to suggest that this measure for the welfare of children must be considered as part of social securities. In the West and in America, there are various social securities. In America, these social securities were introduced by the Social Securities Act, 1935. Later on, it was introduced in England also. They provide security for the unemployed, the old, the sick, the widow, the orphan and others. The children must have social security. We have to care for the welfare of all children. Certain children may not have their parents and there may also be children whose parents cannot afford to look after their welfare. Both these categories of children should be considered as orphans. There are about 50,000 families in the pavements of Madras. Each family may have two or three children. These children cannot be looked after properly by their parents. In all such cases, the Government must take charge of these children and look after them. They must be maintained, educated, and taught some avocation and for this purpose the Government should come forward to spend some money. Now, I am very pleased indeed that this measure has been introduced. I am also glad that clause 12 has been introduced. I hope that when this Bill goes before the Joint Select Committee, it will keep in mind the necessity to make adequate provision for the welfare of the children in our State.

Sir, I was asked whether I would serve on the Joint Select Committee. I would have very much liked to do so. But I could not do so for various reasons. But I am quite sure that when this Bill is piloted through the Joint Select Committee by the Hon. the Mover of the Bill, he will consider this measure as part of a security measure. We have no security for the unemployed or for the aged or for the widows. But we must have security for the children. Let us make a start. From that point of view only, the provisions of this Bill have to be considered.

I am not very much interested in punishment for the adult in relation to the mistakes or offences committed by the children. But I am concerned with taking of the children to institutions maintained by the Government or supported by the Government, in which they would be looked after and converted into useful citizens. I know the financial commitment will be very much, but the Hon. the Mover of the Bill will consider the finance also in maintaining these institutions or supporting these institutions. But the object of the Bill must be to take charge of every child who has no parent or whose parents cannot look after it. That should be the object. Let us make a beginning. Let us consider this as part of a social security measure. Other measures may come

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hereafter. I congratulate the Government, Sir, on bringing in this Bill and I hope that the Joint Select Committee guided by the Hon. the Mover of this Bill will amend this Bill in such a way that it will be considered as part of a security measure for the welfare of children. Thank you, Sir.

* SRIMATHI MARY C. CLUBWALA JADHAV : Sir, I just want to say a word. I am glad that after a long past—after years and years—I think it is the pleasure of social workers and social agencies dealing with children—that this long-awaited Bill with many clauses and amendments is now on the anvil and I particularly congratulate the Hon. the Home Minister on introducing it.

I want to say one thing. I am glad that in the new Bill there is provision for punishing the adult. The hon. Member before me spoke about it as if he was not interested in the adult. But we, who are dealing with the children, know that the adult has escaped up to now punishment for the exploitation of the child and this provision in this Bill is, of course, a very important one. We will, of course, have further opportunities for discussing this Bill later on, Sir. But, may I say, Sir, that we and especially those dealing with children's work are very much interested in this Bill? I had taken the liberty of bringing in a private Bill in 1949 but I was asked to withdraw it because the Government were hoping to introduce a Government Bill but it took nine long years for them to do so. (Laughter.) It has come at last. Thank you, Sir.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I do agree that this has to be taken up not only as a security measure, but also as a social security measure. These uncared for children, the so-called destitute children, if proper attention is not bestowed on them and are left alone, will prove a menace to society. But if we take charge of them, they will become valuable treasures. That is the object underlying this Bill. I have no doubt that Members of the Joint Select Committee will give all their guidance. There were some comments about the provisions of this Bill. I have no doubt that the Joint Select Committee will go into those various suggestions and put the Bill in proper shape.

MR. CHAIRMAN : The question is—

“That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of

(2) THE MADRAS APPROPRIATION (NO. 2) BILL, 1958
(L.A. BILL NO. 13 OF 1958).

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the Council) to consider the Madras Children (Amendment) Bill, 1958 (L.A. Bill No. 10 of 1958) and that the following Members be selected to serve on such a Joint Select Committee:—

The Hon. Sri R. Venkataraman.
Srimathi Mary C. Clubwala Jadhav.
Srimathi S. Manjubhashini.
Srimathi Jothi Vencatachellum.
Sri A. J. Arunachalam.
Sri G. Krishnamoorthy.
Sri Mohamed Raza Khan.
Sri K. M. Ramasamy Gounder."

The motion was put and carried.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir, I beg to move—

'That the Madras Appropriation (No. 2) Bill, 1958 (L.A. Bill No. 13 of 1958), as passed by the Legislative Assembly, be taken into consideration.'

This was discussed while the Demand for Supplementary grants for the year 1957-58 was considered. Sir, I move that it be taken into consideration.

MR. CHAIRMAN: Motion moved—

'That the Madras Appropriation (No. 2) Bill, 1958 (L.A. Bill No. 13 of 1958), as passed by the Legislative Assembly, be taken into consideration.'

* DR. V. K. JOHN: May I take this opportunity, Mr. Chairman, to repeat what I have said many times that the Government must try to see that there is no wasteful expenditure? I mentioned this in my criticisms on the Budget speech and also the other day. I mentioned the other day that the Hon. Minister would not answer the question as to what happened to the suggestion recorded in last year's Budget speech that a senior officer might be appointed to work under a Sub-Committee of the Cabinet to go into the question of expenditure and see what could be saved. I am quite sure—I am afraid—this time also the Hon. the Mover of this Bill may not give an answer to this in this House. At what stage is the proposition made in the Budget speech of 1957? Has any officer been appointed? What is the estimate of the work done? What is it that yet remains to be done? Or, is it still at the hands of those who are Members of the Cabinet Sub-Committee? In other words, what I want to mention is that the Government must pay attention to the rise in the cost of living and also the rise in the cost of production. These are two important matters. We must always remember that propaganda is not equivalent to production. You can very well say. "Production is going up although the price is going up, and the

* Printed as Appendix I on pages 410-411 infra.

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cost of living is going up." But the Government must pay attention to these and must also consider the very effect of these very heavy taxes which are mounting up. They must see whether they add to the cost of living and whether we should not retrace our steps. The best Government, an American writer has written, is the Government which is least in evidence. I am afraid the Government are too much in evidence and in spite of these two Five-Year Plans, nothing very much has been done for promoting the welfare of the public and for creating a welfare State.

* THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I thought that the hon. the Deputy Leader of the Opposition was a respecter of conventions. Perhaps, he misunderstood the scope of the Bill. A further Appropriation Bill will be coming before the House for appropriation of funds for the year 1958-59 when all the points raised by the hon. the Deputy Leader of the Opposition would be properly met. This is only an Appropriation Bill for the Supplementary Grants for the year 1957-58. Merely because the hon. the Deputy Leader of the Opposition has chosen to break a precedent, we will not follow it. I shall not be replying to the question, as he had expected, because I do not want to break the previous practice. (Laughter.) I move that the Bill be taken into consideration.

MR. CHAIRMAN: The question is—

'That the Madras Appropriation (No. 2) Bill, 1958 (L.A. Bill No. 13 of 1958), as passed by the Legislative Assembly, be taken into consideration.'

The motion was put and carried and the Bill was taken into consideration. 5-10 p.m.

Clause 2 was put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN: Sir, I move—

'That the Madras Appropriation (No. 2) Bill, 1958 (L.A. Bill No. 13 of 1958), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN: The question is—

'That the Madras Appropriation (No. 2) Bill, 1958 (L.A. Bill No. 13 of 1958), as passed by the Legislative Assembly, be passed.'

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

(3) THE INDIAN STAMP ('ADRAS AMENDMENT) BILL, 1958
(L.A. BILL NO. 12 OF 1958).

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

'That the Indian Stamp (Madras Amendment) Bill, 1958 (L.A. Bill No. 12 of 1958), as passed by the Legislative Assembly, be taken into consideration.'

* Printed as Appendix II on pages 412-431 infra.

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DR. V. K. JOHN : Sir, on a point of order . . .

MR. CHAIRMAN : Even at this stage?

* DR. V. K. JOHN : Sir, under rule 126 of the Council Rules, no such motion shall be set out in the list for any day, which is less than three days from the date of receipt of the notice. Sir, this Bill was passed on the 25th in the Assembly and this motion here has not complied with our rules. I know there is a wording there, 'unless the Chairman otherwise directs' and, Sir, a discretion is vested in you. But I submit, Sir, that it should be exercised only in extreme cases. The Supreme Court has laid down that any authority vested by Statute should be exercised not arbitrarily.

MR. CHAIRMAN : The Bill has come to the House.

* DR. V. K. JOHN : Sir, I am not worried about the technicalities. But this is a very important Bill, difficult to understand, and we have had no time to study the Bill or even the amendment moved by the Hon. the Mover of the Bill. This is a Bill in respect of which we ought to have followed rule 126.

MR. CHAIRMAN : I do not know whether I need answer that. However, there has been enough time and actually some amendments have been given notice of by the hon. Member Sri P. S. Krishnaswamy Ayyangar.

* DR. V. K. JOHN : He has; we have not.

MR. CHAIRMAN : I am sorry.

* THE HON. SRI M. A. MANICKAVELU : Sir, I hope I will be able to convince the hon. the Deputy Leader of the Opposition. This is a very simple Bill. I think he is carried away by the bulk and the size of the Bill, and thinks that it is a very complicated Bill. But it is a very simple one and I will try to explain it.

The Bill seeks to amend the Indian Stamp Act, 1899 (Central Act) in its application to the State of Madras. The main purpose of the Bill is to express, wherever necessary, in terms of decimal system of coinage the rates of stamp duty at present in force in this State. The Government of India have, in consultation with all State Governments, decided what should be the equivalent, in terms of decimal coinage, of each rate and have asked all the State Governments to adopt those rates uniformly. The new rates suggested are in multiples of 5 nP. and but for the rise in stamp duty incidental to the rounding off of any rate to the next higher multiple of 5 nP., the existing rates of stamp duty prevalent in this State are continued.

The rates of stamp duty payable in this State on the various documents are specified in Schedule I-A to the Stamp Act, which was added by the Madras Stamp (Amendment) Act, 1922, and which was modified by the Madras Stamp (Increase of Duties) Act, 1948. Some of the documents referred to in Schedule I-A are also dealt with in Schedule I of the Act. Instead of having

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two Schedules, it is considered better to have the rates of stamp duty payable in this State in respect of documents in a single Schedule, viz., Schedule I itself. The Bill accordingly seeks to amend Schedule I suitably and to carry out the consequential alterations in the body of the Act.

Section 78 of the Stamp Act provides that every State Government should make provision for the sale of translations of the Act in the principal vernacular language of the territory administered by it at a price not exceeding four annas a copy. No other Act contains a similar provision, yet such other Acts also are being printed in Tamil and moreover the official language of this State is now Tamil. Even without such a specific provision in the Act, copies of the Act can be made available in Tamil. It is, therefore, considered that a specific provision to this effect is not necessary in the Act. The Bill seeks to omit present section 78 and to substitute in its place a new section enabling the rounding off of fractions of 10 nP.

Under Article 38 of Schedule I-A, the stamp duty on partition deeds is payable on the value of the separated share subject to the condition that when land is held on ryotwari settlement for a period not exceeding 30 years and paying the full assessment, the value for the purpose of stamp duty should be calculated at 25 times the annual revenue. The provision "ryotwari settlement for a period not exceeding 30 years" works hardship in areas in which re-settlement took place more than 30 years ago because, then the concerned persons are not able to take advantage of the lower value for the purpose of stamp duty calculated under that provision. It has, therefore, been decided to omit the expression "for a period not exceeding 30 years" occurring in clause (b) of the proviso to Article 38 of Schedule I-A.

The Bill also provides for the repeal of the stamp law in force in the transferred territory, viz., Kanyakumari district and Shencottah taluk of Tirunelveli district, and for the extension to the transferred territory of the stamp law as in force in the rest of this State. Consequently, a new Article (Article 20-A in Schedule I) has been introduced to govern "chitties" which are now governed by a provision in the Stamp Law now in force in the transferred areas.

As I mentioned above, the rates of stamp duty payable in this State are specified in Schedule I-A which was added by the Madras Stamp (Amendment) Act, 1922. In Article 5 of Schedule I-A, 'Agreements relating to Deposit of Title Deeds, Pawn or Pledge', at the end of clause 2 (a) (ii), the following entry is found :—

"and for every additional Rs. 10,000 or part thereof in excess of Rs. 80,000" under the column 'if drawn singly', Rs. 13-8-0; under the column 'if drawn in set of 2, for each part of the set', Rs. 6-12-0; under the column 'if drawn in set of three, for each part of the set', Rs. 4-8-0."

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By section 2 of the Madras Stamp (Increase of Duties) Act, 1943, the rates in Article 5 were doubled. The current rates as authorized by the Legislature are, therefore, Rs. 27-0-0, Rs. 13-8-0 and Rs. 9-0-0 respectively.

Unfortunately, however, in the 1952 edition of the Madras Code, in the Madras Stamp (Amendment) Act, 1922, at page 1692, a printer's error seems to have crept in—it is a printer's mistake.

SRI V. V. RAMASWAMI : எந்தப் பிரஸ்? கவரன்மெண்டு பிரஸ்ஸா?

* THE HON. SRI M. A. MANICKAVELU : . . . and the original rate of "Rs. 6-12-0" is shown as "Rs. 6-2-0". At the time the present Bill before the Council was drafted, only this Madras Code, 1952, was referred to and hence, the current rate was taken as two times Rs. 6-2-0 or Rs. 12-4-0 and the corresponding decimal equivalent put in as Rs. 12-25. An hon. Member of the Assembly who noticed this error at the time of the consideration of the Bill in the Assembly moved an amendment to the clause to correct the figure as "Rs. 13-50". This amendment, however, was ruled out of order since it amounted to an amendment making provision for the increase of a tax for which the recommendation of the Governor under Article 207 of the Constitution had not been obtained.

The current rate as already authorized is "Rs. 13-50" and it is not the intention of the Government in moving this Bill that any rate of stamp duty should be reduced. It is necessary that the error made in the draft of the Bill should be rectified. I, therefore, propose to move later that the Council may return the Bill to the Legislative Assembly with a recommendation that the Bill may be adopted subject to the following amendment. viz., "in clause 15, in item (i), in entry 6 (2) (a) (ii), for the expression

" and for every additional rupees
10,000 or part thereof in
excess of rupees 30,000 .. 27-00 12-25 9-00 "

substitute the following expression, namely :—

" and for every additional rupees
10,000 or part thereof in
excess of rupees 30,000 .. 27-00 13-50 9-00 "

Sir, I request the Council to accept the motion that the Bill be taken into consideration.

MR. CHAIRMAN : Motion moved—

"That the Indian Stamp (Madras Amendment) Bill, 1958 (L.A. Bill No. 12 of 1958), as passed by the Legislative Assembly, be taken into consideration."

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* DR. V. K. JOHN : Mr. Chairman, Sir, I move under rule 128 of the Council Rules—an amendment—that the Bill be referred to a Select Committee. Sir, I understand that this Bill had never been considered either by a Select Committee or a Joint Select Committee. Rule 128 provides that any Member can move such an amendment if the Bill had not already been referred to a Select Committee of the Assembly or a Joint Select Committee of both the Houses. I, therefore, move—

"That the Indian Stamp (Madras Amendment) Bill, 1958 (L.A. Bill No. 12 of 1958) be referred to a Select Committee."

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

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

* DR. V. K. JOHN : Sir, this Bill is not so simple as the Hon. 5-20 p.m.
the Mover of the Bill has stated it to be. In fact, his very speech shows that it is a complicated Bill. But my point is that this is a Bill which amends the principal Act. The principal Act is not supplied to this House and very few can understand what this Bill is, by reading it. Clause 15 of the Bill introduces a schedule which contains 65 items. I want to ask the Hon. the Mover of the Bill whether there is any increase even by way of *naye paise* in the stamp duty. I am quite sure that there is an increase in the stamp duty in the transferred territory, that is, in the Kanyakumari district because the stamp duty on documents is less in the Kerala State or the old Travancore-Cochin State. Therefore, I want to know whether there is an increase in the stamp duty. My hon. Friend who is not here now and I have examined this aspect of the matter and we have found that there is an increase in the stamp duty in respect of the items mentioned in the schedule. Poor *naya paisa* is the devil and the offending creature, it is stated, which made the Government bring forward this Bill. But the real fact is that this Government, by introducing this Bill, want to increase the stamp duty on various items without telling us what the increase is. They are not giving us information relating to the old rate. This is not a very honest way of increasing the stamp duty. Nothing is stated here about what the old duty is and what the new duty is. Even a lawyer like myself cannot understand this Bill even after spending one or two hours on it. I also asked my hon. Friend Mr. Balasubramanya Ayyar whether he could understand this Bill. But he also stated that he could not understand it. Still this Bill has been introduced and is rushed through in this House. I am quite sure that it is going to be passed to-day. But it ought to have been referred to a Select Committee and considered very carefully. It has not been done because the Government do not want to do it. I am sorry that this Bill should be moved by so sympathetic and nice a gentleman

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as the Hon. the Minister for Revenue whom everyone is reluctant to criticize. But, at the same time, I feel that this Bill with a schedule of 85 items in clause 15 is introduced more for the purpose of increasing the stamp duty than for anything else.

Another point which I may mention now is that under rule 109 of the Council Rules, we can move an amendment only when this motion to consider the Bill is passed. Rule 109 says—

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

So, before the motion is passed, I have no right to move an amendment. Rule 110 says—

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

(2) The Secretary shall, if time permits, cause to be made available for the use of Members every notice of amendment received in respect of a Bill.'

Of course, I know that rule 129 attracts rules 109 and 110. Rule 129 says—

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

So, whether the Bill originates here or comes from the Assembly, the rule is that only after the motion 'that the Bill be taken into consideration' is passed, a Member has the right to bring in an amendment. Of course, rule 136 gives the Hon. Chairman power to dispense with the provision regarding notice and you can say that three days' notice need not be given and that the amendment can be moved immediately. That can be done but I have the right and every hon. Member has the right to bring in an amendment only after the motion is passed. We cannot anticipate if the motion will be acceptable to the House. We do not raise this objection every time a Bill comes up before this House. After all, we must look to the convenience of the Government. But, I am quite sure that the Hon. the Mover of the Bill will oppose the reference of this Bill to a Select Committee and the motion 'that the Bill be taken into consideration' will be passed by the House. We, on the Opposition side, have not produced any amendment. I want to say that no time has been given to study this Bill, which is a complicated Bill. If the Hon. the Mover of the Bill would oppose my amendment to refer this Bill to a Select Committee and want to have the clauses of the Bill considered straightaway, the Opposition will not take part in the discussion on the clauses of the Bill.

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MR. CHAIRMAN: Where is the Opposition?

* DR. V. K. JOHN: The Opposition is here.

* SRI T. PURUSHOTHAM: Mr. Chairman, Sir, I did not want to intervene in this debate at all but having heard the hon. the Deputy Leader of the Opposition repeating these objections over and over again whenever a Bill is moved, I thought that I should say a few words. The Hon. Chairman has waived three days' notice.

DR. V. K. JOHN: No.

* SRI T. PURUSHOTHAM: The very fact that it is included in the agenda shows that the Hon. Chairman has waived it.

DR. V. K. JOHN: My point is that we should be consulted.

* SRI T. PURUSHOTHAM: But leaving apart that aspect of the matter, the main objection of the hon. the Deputy Leader of the Opposition would appear to be that this is a measure which is intended to bring additional revenue to the State. If only the Government intended to increase the stamp fees, they would not have failed to say so. They would have put it as a revenue measure and they would have included it in the Budget taxation proposals. This measure is primarily intended to effect a change-over to naya paisa system. If incidentally there should be some additional revenue, I do not think we should be sorry for it, nor do I think the hon. the Deputy Leader of the Opposition would object to it. 5-30 p.m.

When I was listening to the speech of the Hon. the Revenue Minister, I was really pained to see that an error had crept into this Bill. This is a Government Bill passed by the Assembly and I am surprised that an error of this kind should have been allowed to occur at all. I cannot congratulate the Law Drafting Department and equally so, I cannot congratulate the administrative department on the unsatisfactory way in which the Bill has been drafted. Certainly, the Hon. Minister cannot look into these details and this cannot be explained away in a simple way saying that it is a printing error. If there had been some amendments to the original enactment, all those amendments should have been not only scrupulously noted but an up-to-date copy of the Act should have been maintained in the Secretariat. The Secretariat ought to be more efficient and I hope the Secretariat will note the feeling of the House about it. I mention this so that such glaring drafting errors may not recur and I hope the Hon. Minister will take note of it. With these words, I support the motion before the House that the Bill be taken into consideration.

* THE HON. SRI M. A. MANICKAVELU: Sir, I shall be as persuasive as possible to convince hon. Members as regards this Bill. As for the technical objection that amendments should

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be given notice of only after the motion for consideration of the Bill is passed, I want to say this. All along our practice has been that a motion relating to the Bill is put on the agenda and that amendments are given notice of either for circulating the Bill for eliciting public opinion or for referring it to a Select Committee. It is open to the hon. Member to do that. So, there is nothing very unusual in the procedure that we are now adopting.

Then, as regards the amendment to refer the Bill to a Select Committee, I oppose it. Though the Bill is big and many articles and sections are referred to in it, still it is a simple Bill, according to me, and I shall try to explain how it is simple. The whole object of the Bill is to convert the rupees-annas-pies system into the naye paise system, that is, the decimal system. But in the process of such conversion, no doubt a little more money is got. But it is not with a view to make money that this Bill is brought forward. That is not the basic idea at all. But, incidentally, some money comes as a result of rounding off the fractions. The Government of India have decided the equivalent value of the naye paise for the annas. The schedule is given that one anna is equal to so many naye paise. If it is a fraction, they round it off to the nearest five naye paise. This has been accepted by all the States. The Government of India wanted certain uniformity. So, all States have agreed and we have also agreed to it. For the sake of uniformity we have adopted this system even though in rounding off, we get a few more naye paise. Naya paisa is not a rupee. It is only a naya paisa. People need not be under the impression that it has some big value.

SRI V. V. RAMASWAMI: The additional revenue on account of this rounding off may come to a lakh of rupees.

* THE HON. SRI M. A. MANICKAVELU: That depends upon the transactions taking place. So, the main object is to convert the present monetary system into the decimal system, and in the process of this conversion a few more naye paise may be got. That is all. With regard to the body of the Act, absolutely no change is made. We have adopted the schedule as it is. But, on the face of it, it may look as if we have doubled the rate. That is what some hon. Members made a mistake of even in the Assembly. For instance, in the original parent Act the stamp duty on a certain item was Rs. 3. Hon. Members referred to that and said, 'In the parent Act the stamp duty is Rs. 3, but you have made it Rs. 6 or Rs. 6-12-0.' Sir, meanwhile a lot of changes were made. An Amending Act in 1922 made it Rs. 4 or Rs. 5 and there was another amendment in the year 1943 which made it Rs. 6. So, it has been in some cases doubled and in some other cases trebled. But all that has already been done. So, what we are doing now is with reference to that amended rate. Whatever fraction is there, we are now rounding it off. There is absolutely no increase in the rate that is prevailing.

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Then, the other change is this. There are now two schedules. In the parent Madras Act there were schedules I and I-A. Schedule I refers to the stamp duty generally. Schedule I-A particularly refers to the stamp rate prevailing in our State. We thought that we could incorporate the whole thing in one schedule and delete one of the two. What is found in schedule I-A is transferred to schedule I, and we have not made any other change. This is done so that the Bill may not be clumsy.

The other change is a welcome change. I think the hon. the Deputy Leader of the Opposition is somewhat socialist-minded. Therefore, that should be welcome.

DR. V. K. JOHN: Nobody can understand the Bill. We have had no time to study it.

* THE HON. SRI M. A. MANICKAVELU: They can understand if only they have the will and the mind to understand. If they refuse to understand, nobody on earth can make them understand.

DR. V. K. JOHN: Has the Hon. the Minister in charge of the Bill understood it?

THE HON. SRI M. A. MANICKAVELU: Yes, that is why he is explaining things so well.

Then, with regard to the instrument of partition, the value of the land for the purpose of stamp duty shall be calculated at twenty-five times the annual revenue, that is, the ryotwari rate. In a place where the settlement had taken place a number of years ago—now the settlement is abolished—it was working hardship on the people concerned because the actual value of the land was taken into consideration. So, in such cases the people had to pay more. But now by this amendment people will have to pay less, that is, the value will be calculated at 25 times the ryotwari rate. So, in that respect, it is a boon to the public.

We are extending this law to the Kanyakumari district. I was trying to find out the rate prevailing there. I could not get at the rate. The Deputy Leader of the Opposition said that the rates were low and that by the application of our Act now, the rates would be raised.

DR. V. K. JOHN: Sir, the Hon. Minister does not understand the Bill. The Bill amends the Travancore-Cochin law. But he does not know what is in the Travancore-Cochin law.

* THE HON. SRI M. A. MANICKAVELU: He knows what is in the Travancore-Cochin Act to the extent that basically there is not much difference. Here and there some small changes are made. They won't affect the merits or the core of the law. Now, we are trying to have our laws extended in all respects to that area which

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has been annexed newly. Therefore, it stands to reason that we should also extend this and if in doing so a little more money comes. I think it is welcome.

Then, the system of chitties is prevailing there. But that is governed by a particular Act. So, that will not be affected by the changes that are made here.

I hope that the hon. the Deputy Leader of the Opposition will condescend to understand what I have stated. (Laughter.) I hope that the Bill will be taken up for consideration.

MR. CHAIRMAN: I shall put the amendment of the hon. Member Dr. V. K. John to vote. The question is—

“That the Indian Stamp (Madras Amendment) Bill, 1958 (L.A. Bill No. 12 of 1958) be referred to a Select Committee”.

The amendment was put and lost.

MR. CHAIRMAN: The question is—

“That the Indian Stamp (Madras Amendment) Bill, 1958 (L.A. Bill No. 12 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 and 3 were put and carried.

Clause 4.

MR. CHAIRMAN: The motion is—

“That clause 4 do stand part of the Bill.”

Mr. Krishnaswamy Ayyangar will move his amendment. I may inform the House that we should finish consideration of the Bill by six of the clock.

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

“For the proposed sub-section (1) of section 4 of the principal Act, substitute the following:—

“(1) Where in the case of any conveyance, mortgage or settlement, more instruments than one are employed for completing the transaction, the principal instrument as well as the other instrument or instruments required to complete the transaction shall each be chargeable with the duty prescribed in Schedule I for the conveyance, mortgage or settlement, but where the duty chargeable on the conveyance, mortgage or settlement under Schedule I exceeds rupees three such duty shall be chargeable on the principal instrument alone and every other instrument required to complete the transaction of conveyance, mortgage or settlement shall be chargeable only with ad uty of rupees there.”

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SRI M. ETHIRAJALU: I second the amendment.

* SRI P. S. KRISHNASWAMY AYYANGAR: Clause 4 deals with transactions like sale, mortgage and settlement. It says that when such transactions are brought about by more than one document, then one document will be the principal or main document and the other documents will be auxiliary or subsidiary documents and that the main document will be chargeable with a duty prescribed in schedule I and the subsidiary or auxiliary documents will be charged with three rupees. Now, the difference between the duty leviable in the case of principal and subsidiary documents shows that some concession is intended to be shown in the case of subsidiary documents. Then a lesser duty should be imposed on the subsidiary documents. Now, that principle is abrogated or violated by the present provision of the Bill. Under the old provision, the duty leviable on the subsidiary document was only one rupee. Now, they have raised it to three rupees. If the uniform duty leviable on all subsidiary documents is three rupees, it will be much more than the duty leviable on the principal document itself in many cases. In the case of sale, the first category of sales is liable to stamp duty of Rs. 1-40 and in such a case, though the principal document is liable to a stamp duty of rupees 1-40, the subsidiary document will be chargeable with a duty of three rupees. That would be a hardship. Again, in the case of mortgage, the minimum duty prescribed for the principal mortgage deed is 40 nP. But, accordingly to the provision now suggested in the Bill, the duty on the subsidiary document will be three rupees. There is a great difference between three rupees and forty naye paise. The same holds good in the case of settlement deeds also. Therefore, I say, let the duty imposed on the principal document and the duty imposed on the subsidiary document be the same. And above the level of three rupees, whatever may be the duty leviable on the principal document, the duty leviable on the subsidiary or auxiliary document should be three rupees. If we do accept this, we will be showing some concession in the case of auxiliary documents and it will be in keeping with the principle that the subsidiary documents should be liable to a lesser extent than the principal document to stamp duty.

* THE HON. SRI M. A. MANICKAVELU: Sir, I used to have the benefit of the legal talents of the hon. Member while he was in the Assembly. I am glad he is now here and is as active as he was. But it only happens that most of the amendments moved by him are not accepted and he also cordially, when the thing is explained, withdraws them. (Laughter). With regard to this amendment, as I said, we are not trying to raise the rate prevailing now. If the hon. Member sees any difference, it is because in the meantime the rate has been increased by amendments to the parent Act—in 1922 and in 1943. The scope of the Bill is such that even if I want to accept the amendment, I cannot do so. We cannot meddle with the rates as appear in the Act. If I may use a Tamil saying, we have only done “ஈ அடிப்படை கட்டி” (Laughter). We have copied it here and the rounding off has been done.

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* SRI P. S. KRISHNASWAMY AYYANGAR: It is not rounding off alone. From one rupee found in the principal or parent Act, the duty on the subsidiary document has been raised to three rupees. That is what I object to.

THE HON. SRI M. A. MANICKAVELU: It has not been raised here. It has been done already.

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

* SRI P. S. KRISHNASWAMY AYYANGAR: I do not press it.

The amendment was, by leave, withdrawn.

* SRI P. S. KRISHNASWAMY AYYANGAR: To the same clause, I have another amendment to move. I move the following amendment:—

"In the proposed sub-section (1) of section 4 of the principal Act, delete the words 'if any'."

SRI A. GAJAPATHY NAYAGAR: I second the amendment.

* SRI P. S. KRISHNASWAMY AYYANGAR: It is said that three rupees will be levied on subsidiary documents instead of the duty, if any, leviable on the principal document. 'If any' is unnecessary there. There is no warrant for it. We are considering only documents which are liable to stamp duty and in the case of principal instruments, the entire duty is leviable and in the case of subsidiary documents, three rupees is leviable; instead of 'instead of the duty, if any, prescribed in the Schedule,' it should be 'three rupees alone should be levied'. In respect of a duty prescribed in the Schedule 'if any' does not arise. If there is no duty prescribed in the Schedule, then it comes under 'Exemptions'. 'If any' is, therefore, not proper. Anyhow, I find 'if any' in the parent Act. Simply because it is there, we need not continue it.

THE HON. SRI M. A. MANICKAVELU: My simple answer is we have copied it verbatim. So, it applies here also.

* SRI P. S. KRISHNASWAMY AYYANGAR: There seems to be a fascination for 'if any' whether it is warranted or not.

MR. CHAIRMAN: Does he withdraw the amendment?

* SRI P. S. KRISHNASWAMY AYYANGAR: Yes.

The amendment was, by leave, withdrawn.

Clause 4 was put and carried.

Clause 5.

MR. CHAIRMAN: The motion is—

That clause 5 do stand part of the Bill.

Please make a short speech as there is no time.

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* SRI P. S. KRISHNASWAMY AYYANGAR: Yes, Sir. My amendment is merely a grammarian's amendment. I move the following amendments:—

'1. In the proposed proviso to section 6 of the principal Act, for the words "any instrument chargeable with duty and in respect of which the proper duty has been paid" substitute the following:—

"any instrument which is chargeable with duty and in respect of which the proper duty has been paid."

'2. In the proposed proviso to section 6 of the principal Act, for the words "any instrument chargeable with duty and in respect of which the proper duty has been paid" substitute the following:—

"any instrument chargeable with duty, in respect of which the proper duty has been paid".

'Any instrument' is qualified by two expressions, viz., 'chargeable with duty' and 'in respect of which the proper duty has been paid'. When a noun is qualified by two expressions, the two expressions should be of the same class. They should be either two adjectival clauses or two adjectival phrases.

SRI T. PURUSHOTHAM: The amendments have not been seconded.

MR. CHAIRMAN: Have they been seconded?

SRI M. ETHIRAJALU: I second them.

* SRI P. S. KRISHNASWAMY AYYANGAR: 'Chargeable with duty' is a phrase and 'in respect of which the proper duty has been paid' is a clause and instead of a qualifying phrase and a qualifying clause being tacked on, we should have two qualifying clauses 'which is chargeable with duty and in respect of which the proper duty has been paid'. It is only a grammarian's amendment which may very well be accepted and there will be nothing lost by the Government accepting it. I request that either the first or second amendment may be accepted. My second amendment says 'any instrument chargeable with duty, in respect of which the proper duty has been paid.'

* THE HON. SRI M. A. MANICKAVELU: Sir, I congratulate the hon. Member on his patience and tenacity in going through this Bill carefully and trying to help us by giving a better phraseology according to his stand. What I wish to submit is that the insertion of the phrase suggested by him is not necessary. I have been advised by the Law Department that it is not necessary. All along, we have been getting on with the clause as it is today. Now,

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it seems that the English language is going to be replaced and we need not take so much pains. It might be that all these things will have to be translated into Tamil. We have been getting on with the present clause and so, we need not change it now. For these reasons, I could not accept the amendments suggested by the hon. Member.

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

* SRI P. S. KRISHNASWAMY AYYANGAR: No, Sir. I am withdrawing the amendments that I have moved. We want to raise the standard of English but, at the same time, we are not particular about the use of correct expressions. I only wanted that the position should be made clear. That is all.

The amendments were, by leave, withdrawn.

Clauses 5 to 13 were put and carried.

Clause 14.

MR. CHAIRMAN: The motion is—

'That clause 14 do stand part of the Bill'

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

'Add the following at the end of the proposed section 76 of the principal Act:—

'whether the fraction to be disregarded or to be regarded as two naye Paise stands alone or added on to ten naye Paise or a multiple thereof.'

Add the following at the end of the proposed section 78 of the principal Act:—

'such fraction standing alone without being added on to ten naye Paise or a multiple thereof.'

SRI M. ETHIRAJALU: I second the amendments, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR: It is stated in this clause, 'any fraction of ten naye paise less than five naye Paise shall be disregarded and any fraction of ten naye Paise equal to or exceeding five naye Paise shall be regarded as ten naye Paise.' Now, the fraction may stand alone. The fraction is either to be ignored or to be regarded as 10 naye Paise or may stand alone as 3 naye Paise and 7 naye Paise. Or, the fraction may be found in combination with ten or a multiple of ten. For instance, in the case of thirteen naye Paise three naye Paise is found in combination with ten naye Paise. Twenty is a multiple of 10 naye Paise. Suppose we have 23 naye Paise. Then three naye Paise is found in combination with a multiple of ten naye Paise. The clause says, 'any fraction of ten naye Paise less than five naye Paise shall be disregarded.' Are we to ignore the 3 naye Paise in 23 naye Paise? This point should be cleared.

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It is also said, 'any fraction of ten naye Paise equal to or exceeding five naye Paise shall be regarded as ten naye Paise.' Suppose we have got 27 naye Paise. Are we to regard it as (20 plus 10) 30 naye Paise? If the intention of the Government is to round off the fraction to 10 naye Paise in any case, my first amendment will have to be accepted. If, however, the Government are of the opinion that only when the naye Paise appears alone without any combination with 10 naye Paise or a multiple thereof, the question of ignoring the naye Paise or regarding the naye Paise as equivalent to 10 naye Paise will arise, my second amendment will have to be accepted. An amendment was accepted in the other House in the case of administration bonds where it was stated that three-fourths of the duty leviable on bonds should be levied. Now, we have a duty of 25 naye Paise on bonds. Three-fourths of it will come to 18½ naye Paise. Are we to consider it as 20 naye Paise? In some other cases, we have 10 naye Paise. Three-fourths of it will be 7 naye Paise and something. In such cases, are we to consider it to be equivalent to 10 naye Paise? All these difficulties will arise. So, it should be made clear whether the modifications will have to be made only when the naye Paise stand alone without being combined with 10 or a multiple of 10. This should be clearly indicated.

* THE HON. SRI M. A. MANICKAVELU: Sir, I tried my best to accept at least one amendment moved by the hon. Member, but I am sorry I am not able to do it. With regard to this amendment to clause 14, we have no option in the matter of fixing the exact equivalent. That has been done in the beginning by the Government of India and all the State Governments have also agreed. Now, it has been given in the Bill as published now that for one anna stamp, the equivalent in naye Paise comes to 6.25. Now, it has been rounded off to 10 naye Paise. Whatever it is, we do not go into the merits of the increase. They have said that though the equivalent of one anna is 6.25 naye Paise, it should be rounded off to 10 naye paise. In the case of 1½ annas, the equivalent in naye Paise is 9.375. It has been rounded off to 10 naye Paise. Here, the increase is very small. For 2 annas, the equivalent is 12.50 naye Paise, but it has been rounded off to 15 naye Paise. Though the equivalent of 3 annas is 18.75 naye Paise, it has been rounded off to 20 naye Paise. In this case, the increase is only 1.25 naye Paise. The schedule has been prepared and given and we have adopted it. So, I am unable to oblige the hon. Member.

MR. CHAIRMAN: Is Mr. Krishnaswamy Ayyangar pressing his amendments?

* SRI P. S. KRISHNASWAMY AYYANGAR: I am withdrawing my amendments, Sir, as the Government do not see their propriety.

The amendments were, by leave, withdrawn.

Clause 14 was put and carried.

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Clause 15.

MR. CHAIRMAN : The motion is—

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

* THE HON. SRI M. A. MANICKAVELU : Sir, I move the following amendment :—

"In clause 15, in item (i), in entry 6 (2) (a) (ii), for the expression—

'and for every additional
rupees 10,000 or part thereof
in excess of Rs. 30,000 .. 27 00 12 25 9 00'

substitute the following expression, namely;—

'and for every additional
rupees 10,000 or part thereof
in excess of Rs. 30,000 .. 27 00 13 50 9 00''

The only change is instead of 12-25, it will be 13-50. The other things remain as they are. I request that the amendment may be accepted.

MR. CHAIRMAN : The question is—

"In clause 15, in item (i), in entry 6 (2) (a) (ii), for the expression—

'and for every additional
rupees 10,000 or part
thereof in excess of
Rs. 30,000 .. 27 00 12 25 9 00'

substitute the following expression, namely :—

'and for every additional
rupees 10,000 or part
thereof in excess of
Rs. 30,000 .. 27 00 13 50 9 00''

The amendment was put and carried.

Clause 15, as amended, was put and carried.

Clauses 16 to 19 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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

"This Council having considered the Indian Stamp (Madras Amendment) Bill, 1958 as passed by the Legislative Assembly and transmitted to the Council returns the Bill to the Legislative Assembly with the recommendation that the Bill may be adopted subject to the following amendment :—

Amendment.

In clause 15, in item (1), in entry 6 (2) (a) (ii), for the expression :

'and for every additional
rupees 10,000 or part
thereof in excess of
Rs. 30,000 .. 27 00 12 25 9 00'

substitute the following expression, namely :—

'and for every additional
rupees 10,000 or part
thereof in excess of
Rs. 30,000 .. 27 00 13 50 9 00''

MR. CHAIRMAN : The question is—

"This Council having considered the Indian Stamp (Madras Amendment) Bill, 1958 as passed by the Legislative Assembly and transmitted to the Council returns the Bill to the Legislative Assembly with the recommendation that the Bill may be adopted subject to the following amendment :—

In clause 15, in item (1), in entry 6 (2) (a) (ii), for the expression :

'and for every additional
rupees 10,000 or part
thereof in excess of
Rs. 30,000 .. 27 00 12 25 9 00''

substitute the following expression, namely —

'and for every additional
rupees 10,000 or part
thereof in excess of
Rs. 30,000 .. 27 00 13 50 9 00''

The motion was put and carried.

MR. CHAIRMAN : The House will now adjourn and meet again at 8 p.m. on Thursday, the 10th April 1958.

The House then adjourned.

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

* 130. *The Indian Stamp (Madras Amendment) Bill, 1958 (L.A. Bill No. 12 of 1958) as passed by the Assembly.*

181. *Statement XIV showing action taken on Assurances, Promises and Undertakings given during the Tenth and Eleventh Sessions, 1957, of the Madras Legislative Council.*

[28th March 1958]

APPENDIX I.

[Vide item V (2; on page 392 supra.)]

L.A. BILL No. 13 OF 1958.

(As passed by the Assembly.)

A Bill to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the service of the financial year which commenced on the 1st April 1957.

WHEREAS it is necessary to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the service of the financial year which commenced on the 1st April 1957 ;

Be it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Appropriation (No. 2) Act, 1958.

2. *Supplementary appropriation out of the Consolidated Fund for the financial year which commenced on the 1st April 1957.*—The State Government may appropriate of the Consolidated Fund of the State for the financial year which commenced on the 1st April 1957, a further sum not exceeding nineteen crores, eighty-five lakhs, eighty-two thousand and six hundred rupees, being moneys required to meet—

(a) the supplementary grants made by the Madras Legislative Assembly for that period, as set forth in column (3) of the Schedule ; and

(b) the supplementary expenditure charged on the Consolidated Fund of the State for that period, as set forth in column (4) of the Schedule

THE SCHEDULE.

Demand number,	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
I	Land Revenue Department.	18,03,500	..	18,03,500
II	Excise Department ..	55,900	4,500	60,400
III	Stamps Administration.	7,72,000	..	7,72,000
IV	Forest Department ..	4,49,900	..	4,49,900
VI	Motor Vehicles Acts—Administration.	77,600	13,300	90,900
VII	General Sales Tax and other Taxes and Duties—Administration.	12,06,400	3,300	12,09,700
VIII	Irrigation	60,28,900	7,53,000	67,81,900

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Demand number.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
IX	Head of State, Ministers and Headquarters Staff.	400	9,000	9,400
X	State Legislature ..	10,04,800	..	10,04,800
XI	District Administration and Miscellaneous.	47,17,700	..	47,17,700
XII	Administration of Justice.	1,52,600	..	1,52,600
XIII	Jail	12,21,400	..	12,21,400
XIV	Police	74,19,300	..	74,19,300
XV	Education	9,63,700	..	9,63,700
XVII	Public Health	200	..	200
XVIII	Agriculture and Fisheries.	400	3,600	4,000
XIX	Veterinary	200	..	200
XX	Co-operation	100	..	100
XXI	Industries and Cinchona.	500	4,29,600	4,30,100
XXII	Harijan Uplift	300	..	300
XXIV	Civil Works—Works ..	1,83,03,700	..	1,83,03,700
XXV	Civil Works—Establishment and Tools and Plants.	14,43,400	..	14,43,400
XXVI	Civil Works—Grants-in-aid.	100	..	100
XXVII	Famine	6,65,700	..	6,65,700
XXIX	Pensions	9,88,400	2,05,600	11,94,000
XXX	Stationery and Printing.	28,15,800	3,000	28,18,800
XXXI	Miscellaneous	100	..	100
XXXIII	Road Transport Schemes.	3,25,400	..	3,25,400
XXXV	Capital Outlay on Forests.	2,92,200	..	2,92,200
XXXVI	Capital Outlay on Irrigation.	1,09,02,100	..	1,09,02,100
XXXVII	Capital Outlay on Public Health.	1,54,40,700	..	1,54,40,700
XXXIX	Capital Outlay on Industrial Development.	300	..	300
XL	Capital Outlay on Civil Works.	900	..	900
XLII	Capital Outlay on Road Transport Schemes.	24,97,000	..	24,97,000
XLIII	Commuted Value of Pensions.	1,64,500	46,800	2,11,300
XLIV	Capital Outlay on Schemes of State Trading.	1,64,78,600	..	1,64,78,600
XLV	Loans and Advances by the State Government.	99,16,200	..	99,16,200
	Public Debt—Repayment.	..	9,10,00,000	9,10,00,000
Grand total ..		10,61,10,900	9,24,71,700	19,85,82,600

I certify that this is a Money Bill.

U. KRISHNA RAU,

28th March 1958.

Speaker, Madras Legislative Assembly.

[28th March 1958]

APPENDIX II.

[Vide item V (3) on page 393 supra.]

L.A. BILL No. 12 OF 1958.

(As passed by the Assembly.)

A Bill further to amend the Indian Stamp Act, 1889, in its application to the State of Madras.

WHEREAS it is expedient further to amend the Indian Stamp Act, 1889 (Central Act II of 1899), in its application to the State of Madras for the purposes hereinafter appearing;

Be it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Indian Stamp (Madras Amendment) Act, 1958.

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

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 2.*—In section 2, clause (10), of the Indian Stamp Act, 1889 (Central Act II of 1899), as amended by the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922), and the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) hereinafter referred to as the principal Act), the words, figure and letter " or by Schedule I-A as the case may be " shall be omitted.

3. *Amendment of section 3.*—In section 3 of the principal Act, for the first proviso, the following proviso shall be substituted, namely:—

" Provided that any increase in the amount of duty chargeable under the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922), or the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), shall not have the effect of increasing the duty payable in respect of instruments specified in clause (a) or clause (c) of this section and executed before the first day of April 1922. "

4. *Amendment of section 4.*—In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

" (1) Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I for the conveyance, mortgage or settlement and each of the other instruments shall be chargeable with a duty of three rupees instead of the duty, if any, prescribed for it in that Schedule. "

5. *Amendment of section 6.*—In section 6 of the principal Act—

(i) the words, figure and letter " or in Schedule I-A as the case may be " shall be omitted;

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(ii) for the proviso, the following proviso shall be substituted, namely:—

" Provided that nothing in this Act contained shall render chargeable with duty exceeding three rupees a counterpart or duplicate of any instrument chargeable with duty and in respect of which the property duty has been paid. "

6. *Amendment of section 11.*—In section 11, clause (a), of the principal Act, for the words " one and a half annas ", the words " ten naye paise " shall be substituted.

7. *Amendment of section 19-A.*—In section 19-A of the principal Act—

(i) in the marginal notes, the word, brackets and letters " clause (bb) of " shall be omitted;

(ii) the words, brackets and letters " clause (bb) of the first proviso to " shall be omitted;

(iii) the words " the first proviso to " shall be omitted;

(iv) for the words, figure and letter " under Schedule I-A ", the words and figure " under Schedule I " shall be substituted.

8. *Amendment of section 23-A.*—In section 23-A, sub-section (1), of the principal Act, the words, figures, letters and brackets " or article No. 4 (c) of Schedule I-A as the case may be " shall be omitted.

9. *Amendment of section 24.*—In section 24 of the principal Act, the words, figures and letter " or Article 16 of Schedule I-A as the case may be " shall be omitted.

10. *Amendment of section 29.*—In section 29, clause (a), of the principal Act, the words, figure and letter " or the corresponding articles of Schedule I-A as the case may be " shall be omitted.

11. *Amendment of section 31.*—In section 31, sub-section (1), of the principal Act, for the words " not less than eight annas ", the words " not less than fifty naye paise " shall be substituted.

12. *Amendment of sections 32, 35, 40 and 41.*—In clause (c) of the proviso to sub-section (3) of section 32, in clause (a) of the proviso to section 35, in sub-section (1) of section 40 and in section 41 of the principal Act—

(i) for the words " one and a half annas ", the words " ten naye paise " shall be substituted;

(ii) for the words, figure, letters and brackets " [article 34 (a) of Schedule I-A] chargeable under clauses (aa) or (bb) of section 8 with a duty of four annas ", the words, figures, letter and brackets " [Article 41 (a) of Schedule I] chargeable under section 8 with a duty of twenty naye paise " shall be substituted.

13. *Amendment of sections 53 and 54.*—In sections 53 and 54 of the principal Act, for the words " one anna for each rupee ", the words " ten naye paise for each rupee " shall be substituted.

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14. *Substitution of new section for section 78.*—For section 78 of the principal Act, the following section shall be substituted, namely:

"78. *Duty to be collected or allowance to be made to the nearest ten naye paise.*—In the determination of the amount of duty payable or of allowance to be made under this Act, any fraction of ten naye paise less than five naye paise shall be disregarded and any fraction of ten naye paise equal to, or exceeding, five naye paise shall be regarded as ten naye paise."

15. *Amendment of Schedule I.*—In Schedule I to the principal Act—

(i) for entries 1 to 12, the following entries shall be substituted, namely:—

*Description of instrument.**Proper stamp-duty.*

"1. **ACKNOWLEDGMENT** of a debt exceeding twenty rupees in amount or value written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditor's possession: provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property."

Ten naye paise.

2. **ADMINISTRATION BOND** including a bond given under section 291 or section 375 of the Indian Succession Act, 1925 (Central Act XXXIX of 1925) or section 6 of the Government Savings Banks Act, 1873 (Central Act V of 1873)—

(a) where the amount does not exceed Rs. 1,000.

Three-fourths of the duty as a bond (No. 18) for such amount.

(b) in any other case.

Fifteen rupees.

3. **ADOPTION-DEED**, that is to say, any instrument (other than a will), recording an adoption, or conferring or purporting to confer an authority to adopt.

Twenty-two rupees fifty naye paise.

4. **AFFIDAVIT**, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.

Three rupees.

Exemptions.

Affidavit or declaration in writing when made—

(a) as a condition of enlistment under the Army Act, 1950 (Central Act XLVI of 1950);

(b) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or

(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.

5. **AGREEMENT OR MEMORANDUM OF AN AGREEMENT—**

(a) if relating to the sale of a bill of exchange;

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*Description of instrument.**Proper stamp-duty.*

5. **AGREEMENT OR MEMORANDUM OF AN AGREEMENT—**cont.

(b) if relating to the sale of Government security or share in an incorporated company or other body corporate;

Subject to a maximum of thirty rupees twenty naye paise for every Rs. 10,000 or part thereof, of the value of the security or share.

(c) if not otherwise provided for

One rupee fifty naye paise.

Exemptions.

Agreement or memorandum of agreement—

(a) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No. 43.

Agreement or memorandum of agreement—

(b) made in the form of tenders to the Central Government for, or relating to any loan.

6. **AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE**, that is to say, any instrument evidencing an agreement relating to—

(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or

(2) the pawn or pledge of movable property,

where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—

(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement—

	<i>If drawn singly.</i>	<i>If drawn in set of two for each part of the set.</i>	<i>If drawn in set of three for each part of the set.</i>
	RS. NP.	RS. NP.	RS. NP.
when the amount of the loan or debt does not exceed Rs. 200.	0 60	0 40	0 20
when it exceeds Rs. 200, but does not exceed Rs. 400.	1 15	0 60	0 40
when it exceeds Rs. 400, but does not exceed Rs. 600.	1 70	0 95	0 60
when it exceeds Rs. 600, but does not exceed Rs. 800.	2 25	1 15	0 75
when it exceeds Rs. 800, but does not exceed Rs. 1,000.	2 85	1 50	0 95
when it exceeds Rs. 1,000, but does not exceed Rs. 1,200.	3 40	1 70	1 15
when it exceeds Rs. 1,200, but does not exceed Rs. 1,400.	4 50	2 25	1 50
when it exceeds Rs. 1,400, but does not exceed Rs. 1,600.	6 75	3 40	2 25
when it exceeds Rs. 1,600, but does not exceed Rs. 2,500.	12 50	6 75	4 50
when it exceeds Rs. 2,500, but does not exceed Rs. 5,000.			

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Description of instrument.	Proper stamp-duty.					
	If drawn singly.		If drawn in set of two for each part of the set.		If drawn in set of three for each part of the set.	
	RS.	NP.	RS.	NP.	RS.	NP.
when it exceeds Rs. 5,000, but does not exceed Rs. 7,500.	20	25	10	15	6	75
when it exceeds Rs. 7,500, but does not exceed Rs. 10,000.	27	00	13	50	9	00
when it exceeds Rs. 10,000, but does not exceed Rs. 15,000.	40	50	20	25	13	50
when it exceeds Rs. 15,000, but does not exceed Rs. 20,000.	54	00	27	00	18	00
when it exceeds Rs. 20,000, but does not exceed Rs. 25,000.	67	50	33	75	22	50
when it exceeds Rs. 25,000, but does not exceed Rs. 30,000.	81	00	40	50	27	00
and for every additional Rupees 10,000 or part thereof in excess of Rs. 30,000.	27	00	13	25	9	00
(b) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable on a loan or debt under clause (a) (i) or clause (a) (ii) for the amount secured. Stamp-duty of half a naya paise shall be omitted.					
<i>Exemption.</i>						
Instrument of pawn or pledge of goods if unattested.						
7. APPOINTMENT BY EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a will.	Thirty-seven rupees fifty naye paise.					
8. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—						
(a) where the amount does not exceed Rs. 1,000.	The same duty as a Bottomry Bond (No. 16) for such amount.					
(b) in any other case	Fifteen rupees.					
<i>Exemptions.</i>						
(a) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.						
(b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.						
9. APPRENTICESHIP DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment not being Articles of Clerkship (No. 11).	Seven rupees fifty naye paise.					
<i>Exemption.</i>						
Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1830 (Central Act XIX of 1830), or by which a person is apprenticed by, or at the charge of, any public charity.						
10. ARTICLES OF ASSOCIATION OF A COMPANY.	One hundred rupees.					

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Description of instrument.	Proper stamp-duty.
Exemption.	
Articles of any association not formed for profit and registered under the Companies Act, 1956 (Central Act I of 1956).	
11. ARTICLES OF CLERKSHIP OR contract, whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in the Madras High Court.	Three hundred and seventy five rupees.
12. AWARD, that is to say, and decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the court in the course of a suit—	
(a) where the amount or value of the property to which the award relates, as set forth in such award, does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 16) for such amount.
(b) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ;	Twenty rupees.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.	One rupee subject to a maximum of one hundred rupees ;
(ii) for entries 15 to 20, the following entries shall be substituted, namely :—	
" 15. Bond as defined by section 3 (5) not being a BOTTOMRY and not being otherwise provided for by this Act, or by the Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955)—	
where the amount or value secured does not exceed Rs. 10 ;	Twenty-five naye paise.
where it exceeds Rs. 10 and does not exceed Rs. 50 ;	Fifty naye paise.
where it exceeds Rs. 50 and does not exceed Rs. 100 ;	One rupee.
where it exceeds Rs. 100 and does not exceed Rs. 200 ;	Two rupees fifty naye paise.
where it exceeds Rs. 200 and does not exceed Rs. 300 ;	Three rupees seventy-five naye paise.
where it exceeds Rs. 300 and does not exceed Rs. 400 ;	Five rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500 ;	Six rupees twenty-five naye paise.
where it exceeds Rs. 500 and does not exceed Rs. 600 ;	Nine rupees.
where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Ten rupees fifty naye paise.
where it exceeds Rs. 700 and does not exceed Rs. 800 ;	Twelve rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900 ;	Thirteen rupees fifty naye paise.
where it exceeds Rs. 900 and does not exceed Rs. 1,000 ;	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees fifty naye paise.
<i>Exemption.</i>	
Bond, when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object or public utility, shall not be less than a specified sum per mensem.	

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<i>Description of instrument.</i>	<i>Proper stamp-duty.</i>
16. Bottomry bond, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage—	
where the amount or value secured does not exceed Rs. 10;	Forty naye paise.
where it exceeds Rs. 10 and does not exceed Rs. 50;	Seventy-five naye paise.
where it exceeds Rs. 50 and does not exceed Rs. 100;	One rupee fifty naye paise.
where it exceeds Rs. 100 and does not exceed Rs. 200;	Three rupees.
where it exceeds Rs. 200 and does not exceed Rs. 300;	Four rupees fifty naye paise.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Six rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500;	Seven rupees fifty naye paise.
where it exceeds Rs. 500 and does not exceed Rs. 600;	Nine rupees.
where it exceeds Rs. 600 and does not exceed Rs. 700;	Ten rupees fifty naye paise.
where it exceeds Rs. 700 and does not exceed Rs. 800;	Twelve rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Thirteen rupees fifty naye paise.
where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees fifty naye paise.
17. CANCELLATION.—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Fifteen rupees.
18. CERTIFICATE OF SALE.—(in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer—	
(a) where the purchase-money does not exceed Rs. 10;	Forty naye paise.
(b) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25;	Seventy-five naye paise.
(c) in any other case	The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
19. CERTIFICATE or other document evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate or to become proprietor of shares, scrip or stock in or of any such company or body.	Twenty naye paise.
20. CHARTER PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamers), whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.	Three rupees.

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<i>Description of instrument.</i>	<i>Proper stamp-duty.</i>
20-A. CHITTY agreement, that is an agreement relating to a chitty as defined in clause (2) of section 3 of the Travancore Chitties Act, 1120 (Travancore Act XXVI of 1120), if either such agreement is executed or such CHITTY is conducted, in the Kanyakumari district or the Shencottah taluk of the Tirunelveli district and if the aggregate amount or the value of such CHITTY exceeds one hundred rupees.	One rupee."
(iii) for entries 22 to 26, the following entries shall be substituted, namely :—	
<i>Description of instrument.</i>	<i>Proper stamp-duty.</i>
"22. COMPOSITION-DEED, that is to say, any instrument executed by a debtor, whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of licence, for the benefit of his creditors.	Twenty-two rupees fifty naye paise.
23. CONVEYANCE [as defined by section 2 (10)], not being a Transfer charged or exempted under No. 62—	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs 50	One rupee fifty naye paise.
where it exceeds Rs. 50 but does not exceed Rs. 100;	Three rupees.
where it exceeds Rs. 100 but does not exceed Rs. 200;	Six rupees.
where it exceeds Rs. 200 but does not exceed Rs. 300;	Nine rupees.
where it exceeds Rs. 300 but does not exceed Rs. 400;	Twelve rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500;	Fifteen rupees.
where it exceeds Rs. 500 but does not exceed Rs. 600;	Eighteen rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700;	Twenty-one rupees.
where it exceeds Rs. 700 but does not exceed Rs. 800;	Twenty-four rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900;	Twenty-seven rupees.
where it exceeds Rs. 900 but does not exceed Rs. 1,000;	Thirty rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Fifteen rupees.
<i>Exemption.</i>	
Assignment of copyright under the Copyright Act, 1857 (Central Act 14 of 1857), section 18.	
24. COPY OR EXTRACT, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees—	
(i) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee;	One rupee fifty naye paise.
(ii) in any other case	Three rupees.

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*Description of instrument.**Proper stamp-duty.**Exemption.*

(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.

(b) Copy of, or extract from, any register relating to births, Baptisms, namings, dedications, marriages, divorces, deaths or burials.

25. COUNTERPART OR DUPLICATE OF any instrument, chargeable with duty and in respect of which the proper duty has been paid—

(a) If the duty with which the original instrument is chargeable does not exceed three rupees.

The same duty as is payable on the original.

(b) in any other case Three rupees.

Exemption.

Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.

26. CUSTOMS-BOND—

(a) where the amount does not exceed Rs. 1,000.

The same duty as a Bottomry Bond (No. 16) for such amount.

(b) in any other case Twenty rupees."

(iv) for entries 28 to 36, the following entries shall be substituted, namely :—

*Description of instrument.**Proper stamp-duty.*

" 28. DELIVERY ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.

Ten naye paise.

29 DIVORCE—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.

Three rupees.

30 ENTRY AS AN ADVOCATE OR ATTORNEY ON THE ROLL OF THE MADRAS HIGH COURT, under the Indian Bar Councils Act, 1926 (Central Act XXXVIII of 1926), or in exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1879 (Central Act XVIII of 1879)—

(a) in the case of an Advocate Six hundred and twenty-five rupees, or if previously enrolled as an Attorney in the same or any other High Court, three hundred and twelve rupees fifty naye paise.

(b) in the case of an Attorney Three hundred and twelve rupees fifty naye paise.

Exemptions.

(a) Entry as an Advocate on the roll of the Madras High Court when he has been previously enrolled as a Vakil in the same High Court or as an Advocate or Vakil in any other High Court.

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*Description of instrument.**Exemption—cont.**Proper stamp-duty.*

(b) Entry as an Attorney on the roll of the Madras High Court when he has been previously enrolled as an Advocate or Vakil in the same High Court or as an Advocate, Vakil or Attorney in any other High Court.

31. EXCHANGE OF PROPERTY—Instrument of.

The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greater value as set forth in such instrument.

32. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—

(a) when the original mortgage is one of the description referred to in clause (a) of Article 40 (that is, with possession).

The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.

(b) when such mortgage is one of the description referred to in clause (b) of Article 40 (that is, without possession)—

(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;

The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made), less the duty already paid on such original mortgage and further charge.

(ii) if possession is not so given . .

The same duty as a Bottomry Bond (No. 16) for the amount of the further charge secured by such instrument.

33. GIFT—Instrument of, not being a Settlement (No. 58), or Will or Transfer (No. 62).

The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.

34. INDEMNITY BOND

The same duty as a Security Bond (No. 57) for the same amount.

35. LEASE, including an under-lease or sub-lease and any agreement to let or sublet—

(a) where by such lease the rent is fixed and no premium is paid or delivered—

(i) where the lease purports to be for a term of less than one year;

The same duty as a Bottomry Bond (No. 16) for the whole amount payable or deliverable under such lease.

(ii) where the lease purports to be for a term of not less than one year, but not more than five years;

The same duty as a Bottomry Bond (No. 16) for the amount or value of the average annual rent reserved.

(iii) where the lease purports to be for a term exceeding five years and not exceeding ten years;

The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.

(iv) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years;

The same duty as a Conveyance (No. 23) for a consideration equal to twice the amount or value of the average annual rent reserved.

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Description of instrument.

(v) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years;

(vi) where the lease purports to be for a term exceeding thirty years, but not exceeding one hundred years;

(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity;

(viii) where the lease does not purport to be for any definite term;

(b) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved.

(c) where the lease is granted for a fine or premium, or for money advanced in addition to rent reserved.

Proper stamp-duty.

The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent reserved.

The same duty as a Conveyance (No. 23) for a consideration equal to four times the amount or value of the average annual rent reserved.

The same duty as a Conveyance (No. 23) for a consideration equal to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.

The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.

The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.

The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered.

Provided that, in any case when an agreement to lease is stamped with the advalorem stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed one rupee fifty naye paise.

Exemption.

Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium; when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

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*Description of instrument.**Proper stamp-duty.*

Explanation.—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.

36. LETTER OF ALLOTMENT OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company. Twenty naye paise."

(v) for entries 38 to 46, the following entries shall be substituted, namely:—

*Description of instrument.**Proper stamp-duty.*

"38. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors that the latter shall for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion. Twenty-two rupees fifty naye paise.

39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

- (a) if accompanied by articles of association under the Companies Act, 1956 (Central Act I of 1956); Sixty rupees.
- (b) if not so accompanied ... One hundred and sixty rupees.

Exemption.

Memorandum of any association not formed for profit and registered under the Companies Act, 1956 (Central Act I of 1956).

40. MORTGAGE DEED, not being an Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 6), Bottomry Bond (No. 16), Mortgage of a Crop (No. 41), Respondentia Bond (No. 56, or Security Bond (No. 57)—

- (a) when possession of the property or any parts of the property comprised in such deed is given by the mortgagor or agreed to be given; The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed.
- (b) when possession is not given or agreed to be given as aforesaid; The same duty as a Bottomry Bond (No. 16) for the amount secured by such deed.

Explanation.—A mortgagor who gives or has given to the mortgagee a power-of-attorney to collect rents, or gives or has given to the mortgagee a lease, of the property mortgaged or part thereof, is deemed to give possession thereof within the meaning of this article;

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*Description of instrument.**Proper stamp-duty.*

- (c) when a collateral or auxiliary or additional or substituted security or by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped—

for every sum secured not exceeding Rs. 1,000; One rupee fifty naye paise.

and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000. One rupee fifty naye paise.

Exemptions.

- (1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), or the Agriculturists' Loans Act, 1884 (Central Act XII of 1884), or by their sureties as security for the repayment of such advances.

- (2) Letter of hypothecation accompanying a bill of exchange.

41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—

- (a) when the loan is repayable not more than three months from the date of the instrument—

for every sum secured not exceeding Rs. 200; Twenty-five naye paise.

and for every Rs. 200 or part thereof secured in excess of Rs. 200; Twenty-five naye paise.

- (b) when the loan is repayable more than three months, but not more than eighteen months from the date of the instrument—

for every sum secured not exceeding Rs. 100; Forty naye paise.

and for every Rs. 100 or part thereof secured in excess of Rs. 100. Forty naye paise.

42. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a Protest (No. 50) made or signed by a Notary Public in the execution of the duties of his office or by any other person lawfully acting as a Notary Public. Two rupees twenty-five naye paise.

43. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—

- (a) of any goods exceeding in value twenty rupees; Forty naye paise.

- (b) of any stock or marketable security exceeding in value twenty rupees. Subject to a maximum of thirty rupees twenty-five naye paise for every Rs. 10,000 or part thereof of the value of the stock or security.

44. NOTE OF PROTEST BY THE MASTER OF A SHIP. One rupee.

28th March 1958]

*Description of instrument.**Proper stamp-duty.*

45. PARTITION—Instrument of (as defined by section 2 (15))—

The same duty as a Bottomry Bond (No. 16) for the amount of the value of the separated share or shares of the property.

N.B.—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated;

Provided always that—

- (a) when an instrument of partition containing an agreement to divide property in severalty is executed and partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than one rupee fifty naye paise.

- (b) where land is held on Revenue Settlement and paying the full assessment, the value for the purpose of duty shall be calculated at twenty-five times the annual revenue;

- (c) where a final order for effecting a partition passed by any Revenue authority or any civil court, or an award by an arbitrator directing a partition is stamped with the stamp required for an instrument of partition and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed one rupee fifty naye paise.

46. PARTNERSHIP—

A.—Instrument of—

- (a) where the capital of the partnership does not exceed Rs. 500. Ten rupees.

- (b) in any other case Forty rupees.

- B.—Dissolution of Twenty rupees."

[28th March 1958]

*Description of instrument.**Proper stamp-duty.*

(vi) for entry 48, the following entry shall be substituted, namely :—

"48. **POWER-OF-ATTORNEY** as defined by section 2 (21) not being a Proxy—

- | | |
|--|---|
| (a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents ; | Seventy-five naye paise. |
| (b) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a) ; | One rupee fifty naye paise. |
| (c) when authorising not more than five persons to act jointly and severally in more than one transaction or generally ; | Eleven rupees twenty-five naye paise. |
| (d) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally ; | Twenty-two rupees fifty naye paise. |
| (e) when given for consideration and authorising the attorney to sell any immovable property ; | The same duty as a Conveyance (No. 23) for the amount of the consideration. |
| (f) in any other case | Two rupees twenty-five naye paise for each person authorized. |

N.B.—The term 'Registration' includes every operation incidental to registration under the Indian Registration Act, 1908 (Central Act XVI of 1908).

Explanation.—For the purposes of this article, more persons than one when belonging to the same firm shall be deemed to be one person."

(vii) for entries 50 and 51, the following entries shall be substituted, namely :—

- | | |
|--|--------------|
| "50. PROTEST OF BILL OR NOTE , that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note. | Two rupees. |
| 51. PROTEST BY THE MASTER OF A SHIP , that is to say, any declaration of the particulars of her voyage drawn by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the characters or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such. | Two rupees." |

(viii) for entries 54 to 61, the following entries shall be substituted, namely :—

"54. **RECONVEYANCE OF MORTGAGED PROPERTY**—

- | | |
|---|---|
| (a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ; | The same duty as Conveyance (No. 23) for the amount of such consideration as set forth in the reconveyance. |
| (b) in any other case | Thirty rupees. |

28th March 1958]

*Description of instrument.**Proper stamp-duty.*

55. **RELEASE**, that is to say, any instrument (not being such a release as is provided for by section 23-A) whereby a person renounces a claim upon another person or against any specified property—

- (a) if the amount or value of the claim does not exceed Rs. 1,000 ;

The same duty as a Bottomry Bond (No. 16) for such amount or value as set forth in the release.

- (b) in any other case

Fifteen rupees.

56. **RESPONDENTIA BOND**, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.

The same duty as a Bottomry Bond (No. 16) for the amount of the loan secured.

57. **SECURITY BOND OR MORTGAGE DEED**, executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract—

- (a) when the amount secured does not exceed Rs. 1,000 ;

The same duty as a Bottomry Bond (No. 16) for amount secured.

- (b) in any other case

Fifteen rupees.

Exemption.

Bond or other instrument, when exempted—

- (a) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital, or any other object of public utility, shall not be less than a specified sum per mensem ;
- (b) executed by persons taking advances under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883) or the Agriculturists' Loans Act, 1884 (Central Act XII of 1884), or by their sureties, as security for the repayment of such advances ;
- (c) executed by officers of Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.

58. **SETTLEMENT**—

- A. Instrument of (including a deed of dower).

The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property settled as set forth in such settlement ;

Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed one rupee fifty naye paise.

[28th March 1958]

*Description of instrument.**Exemption.*

Deed of dower executed on the occasion of a marriage between Mohammadians.

B. Revocation of

Proper stamp-duty.

The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding thirty rupees.

59. SHARE WARRANTS to bearer issued under the Companies Act, 1956 (Central Act I of 1956).

One-and-a-half times the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.

Exemptions.

Share warrant when issued by a company in pursuance of the Companies Act, 1956 (Central Act I of 1956), to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue of—

(a) One-and-a-half per centum of the whole subscribed capital of the company; or

(b) if any company which has paid the said duty or composition in full, subsequently issue an addition to its subscribed capital one-and-a-half per centum of the additional capital so issued.

60. SHIPPING—Order for or relating to the conveyance of goods on board of any vessel.

Ten naye paise.

61. SURRENDER OF LEASE—

(a) when the duty with which the lease is chargeable does not exceed fifteen rupees.

The duty with which such lease is chargeable.

(b) in any other case

Fifteen rupees.

Exemption.

Surrender of lease, when such lease is exempted from duty."

(ix) in entry 62, for clauses (b), (c), (d) and (e), the following clauses shall be substituted, namely:—

"(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;

One-half of the duty payable on a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.

(c) of any interest secured by a bond, mortgage deed or policy of insurance—
(i) if the duty on such bond, mortgage deed or policy does not exceed fifteen rupees;

The duty with which such bond, mortgage deed or policy of insurance is chargeable.

(ii) in any other case

Fifteen rupees.

(d) of any property under the Administration-General's Act, 1918 (Central Act III of 1918), section 25;

Twenty-two rupees fifty naye paise.

(e) of any trust-property from one trustee to another trustee or from a trustee to a beneficiary.

Eleven rupees twenty-five naye paise or such smaller amount as may be chargeable under clauses (b) and (c) of this article."

28th March 1958]

*Description of instrument.**Proper stamp-duty.*

(x) for entries 63, 64 and 65, the following entries shall be substituted, namely:—

"63. TRANSFER OF LEASE by way of assignment, and not by way of under-lease.

The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer

Exemption.

The transfer of any lease exempt from duty.

64. TRUST—

A. Declaration of—of, or concerning, any property when made by any writing not being a Will;

The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument but not exceeding forty-five rupees.

B. Revocation of—of, or concerning, any property when made by any instrument other than a Will.

The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding thirty rupees.

65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns; or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.

Seventy-five naye paise."

16. Omission of Schedule I-A.—Schedule I-A to the principal Act shall be omitted.

17. Construction of references to Schedule I-A.—All references in any enactment or in any notification, rule or order under any enactment or in any contract, deed or other instrument to any stamp duty payable under Schedule I-A to the principal Act shall be construed as references to the stamp duty payable under Schedule I to the principal Act as amended by this Act.

18. Repeal and savings.—The Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922) and the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), are hereby repealed as from the commencement of this Act:

Provided that section 8-A of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if section 4 of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) [directing that during the continuance of the said Madras Act XVI of 1943, the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if it had been amended in the manner specified in the said section 4] had expressly amended the text of the said Central Act II of 1899.

[28th March 1958]

19. Extension of Central Act II of 1899 to the transferred territory, construction of reference, the repeal of corresponding law, etc.—(1) The principal Act, as in force immediately before the commencement of this Act in the State of Madras except in the transferred territory and in so far as it relates to matters with respect to which the State Legislature has power to make laws for the State and as amended by this Act (hereinafter in this section referred to as the Central Act) is hereby extended to, and shall be in force in, the transferred territory.

(2) If immediately before the commencement of this Act, there is in force in the transferred territory any law corresponding to the Central Act, such corresponding law shall stand repealed on such commencement.

(3) The repeal by sub-section (2) of any law corresponding to the Central Act in force in the transferred territory immediately before the commencement of this Act shall not affect—

(a) the previous operation of any such law or anything done or duly suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued, or incurred under any such law, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(d) any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act has not been passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed, certificate granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Central Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the Central Act.

(5) For the purpose of facilitating the application of the Central Act in the transferred territory, any court or other authority may construe the Central Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

28th March 1958]

(6) Any reference in the Central Act to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the corresponding law, if any, in force in that territory.

(7) Any reference in any law which continues to be in force in the transferred territory after the commencement of this Act to any law repealed by sub-section (2) shall, in relation to that territory, be construed as a reference to the Central Act.

Explanation.—For the purpose of this section, the expression 'transferred territory' shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

I certify that this is a Money Bill.

U. KRISHNA RAU,

Speaker, Madras Legislative Assembly.

25th March 1958.

THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 10th April 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.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Small Savings Schemes

* 110 (SHORT NOTICE) Q.—SRI K. M. RAMASAMY GOUNDER: Will the Hon. the Minister for Finance be pleased to state—

(a) the official machinery entrusted with the work of collection for the Small Savings Scheme;

(b) whether any instructions as to the means and methods to be employed for the collection have been issued and, if so, what they are;

(c) whether any reports of coercion by officials employed for that purpose have been received by the Government; and

(d) if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM: (a) The Small Savings movement is under the administrative control of the Government of India. That Government has a small field organization operating in the districts. The Madras Government decided to assist that organization and launched a special drive in all the districts lasting for a fortnight. Officers of all departments of the State Government excluding the police and the judiciary took part in the special drive under the guidance of the District Collector. A large number of authorized agents selected mostly from amongst village officers, were appointed to canvass Savings. A small staff was also appointed in the districts to distribute the receipt books and check the collections.

(b) General instructions issued by the Government are contained in the letter addressed by the Chief Minister to all Collectors, a copy of which has been communicated to hon. Members of this House along with the Chief Minister's appeal to hon. Members, dated 14th December 1957.

(c) No, Sir. District officials were specifically instructed not to give room for complaints of coercion.

(d) Does not arise.

SRI V. CHAKKARAI CHETTY: The small savings scheme is very interesting, Sir. What is the minimum small saving? Suppose I give 2 nP. Will that be regarded as small savings?

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THE HON. SRI C. SUBRAMANIAM: It will be considered as small savings but no certificate will be issued.

SRI K. M. RAMASAMY GOUNDER: A report appeared in the papers that a meeting of all party leaders would be convened to investigate into the working of the small savings scheme. If so, when will the meeting be held and in view of the numerous complaints, will the Committee investigate those complaints?

THE HON. SRI C. SUBRAMANIAM: I do not think we are going to have an investigation into those things. My intention in convening the meeting was to consult Party leaders about the future steps to be taken with regard to the working of the scheme in our State.

SRI MOHAMED RAZA KHAN: Sir, while I concede the point that the Government have issued specific instructions that coercion should not be used, officials in the lower ranks especially just in their enthusiasm for the work might have used coercion and got money as was alleged in some sections of the Press.

THE HON. SRI C. SUBRAMANIAM: I am not prepared to say that there was no coercion at all but some officials in their over-enthusiasm might have overstepped the mark. When these are brought to the notice of Government, they are being looked into.

SRI K. M. RAMASAMY GOUNDER: As regards the share of this Government from the small savings scheme, will there be a pressure put on the Government of India to allot more money to this State?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir. There is a continuous pressure. It is because of that the proportion of share to the State Government has been increased to two-thirds. I am hoping that with a little more pressure, the share will be further increased.

SRI MOHAMED RAZA KHAN: For the valuable assistance that is rendered by this Government and their officials, may I know whether the Government of India will meet the expenditure incurred by this Government on this scheme?

THE HON. SRI C. SUBRAMANIAM: Yes, there is a formula according to which a certain percentage is paid for the purpose of meeting the expenditure. I am hoping that our expenditure would be within the percentage allowed by the Government of India.

SRI T. P. SRINIVASAVARADAN: Are the Government aware that the Teachers' and the Managements' contributions to the Provident Fund are deposited in the Post Office Savings Bank and will the Government take steps to see that they are invested in the Treasury so that the local Government might utilise the whole amount?

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THE HON. SRI C. SUBRAMANIAM: Sir, that matter has been under correspondence. So far as I am concerned, as regards moneys which have to be utilised for capital investments, it does not matter whether they are invested in the Post Office Savings Bank or National Savings Certificates. As a matter of fact, this is done on an All-India basis when the Government's requirements are considered. Now what we want is this. The money which is not going into the savings in one or the other form should be tapped so that it may come into our scheme.

SRI V. V. RAMASWAMI: இந்தத் திட்டத்தின் கீழ் நமது ராஜ்யத்தில் எவ்வளவு வசூல் செய்யவேண்டும் என்று போடப்பட்டிருந்தது, எவ்வளவு வசூல் செய்யப்பட்டது என்று சொல்ல முடியுமா?

THE HON. SRI C. SUBRAMANIAM: முதலில் ஒட்டுமொத்தமாக எவ்வளவு வசூல் செய்யவேண்டும் என்று கணக்குப் போட்டு 11 கோடியிலிருந்து 12 கோடி ரூபாய் வரை இலக்காக வைக்கப்பட்டது. 6 கோடியிலிருந்து 8 கோடி வரை வசூல் ஆகும் என்று எதிர்பார்க்கப்பட்டது. இப்பொழுது 8,90,00,000 ரூபாய் வசூலாகி யிருக்கிறது.

SRI MOHAMED RAZA KHAN: Will the Hon. Minister tell us how the progress under this scheme compares with the progress in the other States in India, either with reference to the population or with reference to the resources of the States?

THE HON. SRI C. SUBRAMANIAM: Sir, I do not have the figures with me just now. But I am told that Bombay and Uttar Pradesh, are doing well in this drive. Except for these two States, I think, we have done very well.

Road bridge between Rameswaram Island and main land

* 111 (SHORT NOTICE) Q.—**SRI V. V. RAMASWAMI:** Will the Hon. the Minister for Public Works be pleased to state with reference to the answers to Legislative Council starred question No. 80 given on 27th August 1956—

(a) whether the examination by the Engineers as to the place at which the road bridge between Rameswaram Island and the main land is to be constructed has been completed;

(b) whether the work has been included in the Second Five-Year Plan; and

(c) if so, the stage at which the matter now stands?

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

(c) The detailed estimate for the work is under preparation by the Chief Engineer (Highways) and will be sent to the Government of India for their approval as soon as it is received.

SRI V. V. RAMASWAMI: இரண்டாவது ஐந்தாண்டுத் திட்டத்திற்குள் இந்தப் பாலம் கட்டுவதற்கு நடவடிக்கை எடுத்துக்கொள்ளப்படுமா?

THE HON. SRI P. KAKKAN: நிச்சயமாக நடவடிக்கை எடுக்கப்படும்.

[10th April 1958]

Construction of railway overbridge

* 112 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Home be pleased to state whether there is any proposal before the Government for the construction of a railway overbridge on the main road between Cuddalore O.T. and Cuddalore N.T. and if so, the stage at which the matter now stands?

THE HON. SRI M. BHAKTAVATSALAM: No, Sir.

SRI T. PURUSHOTHAM: Have the Government drawn up a priority list of railway overbridges at important places in our State and what action will be taken to work out the comprehensive plan for providing overbridges at such important places?

THE HON. SRI M. BHAKTAVATSALAM: A list of 42 road-rail crossings in the State requiring to be replaced by over or under-bridges has been prepared. In that list is included ten important bridges within the City of Madras that require to be widened. But I have to tell the hon. Member that this particular proposal has not been included in the list of 42 or 10 bridges.

SRI T. PURUSHOTHAM: May I know why this is not considered so important?

THE HON. SRI M. BHAKTAVATSALAM: I have myself seen the place. It is not so congested. Gates are not closed often. Therefore, from a priority point of view, there are other railway level crossings which have to be taken up earlier. Therefore, it was not included in the list.

SRI T. PURUSHOTHAM: Was there any representation from the Municipal Council or the general public in this regard?

THE HON. SRI M. BHAKTAVATSALAM: Of course, the general public and the Municipal Council would like to have an overbridge. I do not have any information as to whether any representation has been received. But we have to look at the question from the priority point of view.

SRI M. ETHIRAJALU: பல வருஷங்களாக இந்த ரெயில்வே பாலம் சம்பந்தமாக கடலூரிலிருந்து கோரிக்கை வந்துகொண்டிருக்கிறது. இதற்குக் காரணம் என்னவென்றால், கடலூர் 3 பகுதிகளைக் கொண்டது, ஒரு பகுதியில் தான் எல்லா சர்க்கார் காரியாலயங்களும் இருக்கின்றன. மற்ற இரு பகுதிகளிலிருந்து சர்க்கார் காரியாலயங்களுக்கு, உத்தியோகஸ்தர்களுக்கும் போது மக்களும் போகும் நேரத்தில் கூட்டம் வண்டிகள் போவதினால் அதிக நேரம் கேட் மூடப்படுகிறது. இதனால் எல்லோருக்கும் கஷ்டமாக இருக்கிறது. போக்குவரத்து காலதாமதமாகிறது. ஆகையால் எதை எடுத்துக்கொள்ளவேண்டும் என்று பரிசீலனை செய்து பாலம் கட்டும்படி சென்னை அரசாங்கம் மத்திய சர்க்காருக்கு சிபாரிசு செய்வார்களா?

THE HON. SRI M. BHAKTAVATSALAM: 'லெவல் கிராவிங்' என்று இருந்தாலே அசௌகரியம் தான். அடிக்கடி மூடும்படியான லெவல் கிராவிங்குகள் நிறைய இருக்கின்றன. எல்லாவற்றையும் உடனே எடுத்துக் கொள்வதற்குப் பணம் இல்லை. ஆகையால் எதை எடுத்துக்கொள்ளவேண்டும் என்று பரிசீலித்து 42 லெவல் கிராவிங்குகளில் 'ஒவர்பிரிட்ஜ்' கட்டவேண்டும் என்று ஒரு ஜூபிகா தயாரிக்கப்பட்டிருக்கிறது. அதிலிருந்து ஒவ்வொன்றாக எடுத்துக்கொள்ளப்படுகிறது.

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SRI T. PURUSHOTHAM: Will the Hon. Minister kindly tell us what are the ten bridges selected in the City of Madras?

THE HON. SRI M. BHAKTAVATSALAM: One is under construction near Chetput railway station. Regarding the others, I am sorry I do not have the particulars with me just now.

Madras and Annamalai Universities

* 113 Q.—SRI V. R. RANGANATHAN: Will the Hon. the Minister for Finance be pleased to state—

(a) the number of meetings of the Syndicate of the Madras and the Annamalai Universities that were attended by the Director of Public Instruction, Madras, during the years 1955-56 and 1956-57; and

(b) the number of meetings that were not attended and the reasons for the same?

THE HON. SRI C. SUBRAMANIAM: (a) & (b) A statement* is placed on the table of the House. Owing to the absence of the Director of Public Instruction either on tour or on important departmental engagements, he could not attend all the meetings of the Syndicates of the Madras and the Annamalai Universities.

SRI T. PURUSHOTHAM: Is it obligatory on the part of the Director of Public Instruction to attend the meetings and have the Government issued any instructions to the Director of Public Instruction that he should do so?

THE HON. SRI C. SUBRAMANIAM: It is not obligatory but whenever important questions come up for consideration, he is expected to attend the meetings.

SRI T. PURUSHOTHAM: Will the Hon. Minister kindly tell us whether there is any other Government representative on the Syndicate and would it not be desirable that the Director of Public Instruction is required to attend such meetings to put forward the Government viewpoint?

THE HON. SRI C. SUBRAMANIAM: The agenda is circulated and whenever he feels that his presence is necessary to explain his viewpoint, I hope he attends the meetings.

SRI T. PURUSHOTHAM: Has there been any instance in which the Government case has not been placed before the Syndicate on account of the absence of the Director of Public Instruction? For instance there was the introduction of a three-year degree course last year carried out without adequate representation of the Government case.

THE HON. SRI C. SUBRAMANIAM: I am sorry I cannot give an answer immediately with reference to this question.

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SRI MOHAMED RAZA KHAN: Sir, may I make a submission? The hon. Member who puts the main question should get first priority for putting supplementary questions.

DR. A. LAKSHMANASWAMI MUDALIAR: I would like that provision to be more favourably applied to the person who puts the main question.

MR. CHAIRMAN: It is left to hon. Members.

SRI T. PURUSHOTHAM: I am very sorry. I thought that as the hon. Member concerned was not present, I might put supplementaries.

DR. A. LAKSHMANASWAMI MUDALIAR: Hon. Members sitting behind Treasury Benches should have less opportunities to put questions unless they want to relieve Hon. Ministers of any unfortunate expressions that they may be forced to use and incidentally any delicate situation that may arise. I do not think in this case such a situation has arisen.

SRI MOHAMED RAZA KHAN: Comparatively speaking, Mr. Purushotham is so energetic that Mr. Ranganathan could not keep pace with him. That is an important factor.

THE HON. SRI C. SUBRAMANIAM: If unfortunately we get into embarrassing situations, not only hon. Members sitting behind Treasury Benches but also Opposition Members among whom there are elder statesmen, will come to our help.

SRI V. R. RANGANATHAN: I am thankful to Mr. Purushotham for putting all the questions that I intended to put.

SRI MOHAMED RAZA KHAN: Sir, is it not incumbent on the Director of Public Instruction to attend these meetings as far as possible and to keep the Government of Madras informed of what is taking place in the Madras and Annamalai Universities?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir. After the recent experience, I have given instructions.

Municipal and Panchayat Water-supply and drainage schemes

* 114 Q.—**SRI T. PURUSHOTHAM:** Will the Hon. the Minister for Revenue be pleased—

(a) to lay on the table of the House the latest lists of priority drawn up for execution of Municipal and Panchayat Water-supply Schemes; and

(b) to state the latest rules governing the grant of aid and loan to Municipalities and Panchayats for execution of such schemes?

THE HON. SRI M. A. MANICKAVELU: (a) In the case of Municipal Water-supply and drainage schemes, investigation is taken up in accordance with the priority list drawn up by the Water-supply and Drainage Committee in 1947. A copy of the

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priority list in respect of Municipalities as prepared by the Committee and a copy of the list revised with reference to the schemes since taken up are placed on the table of the House.

As regards non-municipal urban schemes, the question of drawing up a priority list for water-supply schemes is under the consideration of the Government.

(b) Copies of the relevant orders are placed on the table of the House.

SRI T. PURUSHOTHAM: What is the amount allotted for this purpose in the Second Five-Year Plan for our State and what steps would be taken to utilize the amount on pending schemes?

THE HON. SRI M. A. MANICKAVELU: The amount allotted in the Second Five-Year Plan is only Rs. 170 lakhs. The amount required for the spill-over schemes during the Plan period is Rs. 414 lakhs. Certain additional and indispensable schemes will cost Rs. 179 lakhs. The total amount is Rs. 863 lakhs. After much correspondence, the Government of India originally allotted only about Rs. 190 lakhs. Then they increased it to about Rs. 300 lakhs. At last it has come to Rs. 495 lakhs.

SRI MOHAMED RAZA KHAN: Is it a fact that the Hon. the Minister for Health who swears by family planning.

SRI T. PURUSHOTHAM: We have not yet come to that question. (Laughter).

Will the Hon. Minister kindly refer to the revised Government Order now issued with regard to the execution of Urban and Rural Water-supply Schemes and enlighten us on whether the schemes sanctioned previously before the issue of this Order, would also be affected by this Government Order or whether the pattern of State assistance would be continued according to the original sanction?

THE HON. SRI M. A. MANICKAVELU: I have already stated the shortcomings in the matter of availability of funds.

Then, as regards the pattern of work to be carried out, I have already stated about it and I cannot stand any further cross-examination.

SRI K. M. RAMASAMY GOUNDER: Under the Protected Water-supply Schemes for Municipal Towns, we have been receiving encouraging reports that villages, through which the main pipes are passing, will also be supplied with water. Will that policy be enforced with regard to future schemes also so that water can be supplied to villages lying on the way?

THE HON. SRI M. A. MANICKAVELU: Yes, the Government are trying to see that, as far as possible, when water is taken from a particular place to another place, villages on the way are also supplied with water wherever it is feasible to do so.

[10th April 1958]

Family Planning Clinics

* 115 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Revenue be pleased—

(a) to furnish a list of Family Planning Clinics with their location opened so far in the State; and

(b) to state whether this Government have received any assistance from the Union Government for establishment of these centres?

THE HON. SRI M. A. MANICKAVELU: (a) A statement^a is placed on the table of the House.

(b) Yes. A sum of Rs. 48,766 has been so far sanctioned by the Government of India.

SRI T. PURUSHOTHAM: Will the Government give grants to private institutions for starting Family Planning Clinics in other centres?

THE HON. SRI M. A. MANICKAVELU: Yes, Sir. When any such request is made, the Government will consider it.

SRI T. PURUSHOTHAM: Has there been any fall in the birth-rate as a result of the measures adopted so far with regard to family planning?

SRI V. CHAKKARAI CHETTY: May I know whether the amount granted by the Union Government is adequate to meet the demand?

THE HON. SRI M. A. MANICKAVELU: Which question I have to answer? Let the hon. Member Mr. Purushotham repeat his question.

SRI T. PURUSHOTHAM: I just want to know whether the Government will enlighten us on whether there has been a fall in the birth-rate as a result of the measures adopted so far with regard to family planning.

THE HON. SRI M. A. MANICKAVELU: We will have to wait for the results of this campaign and then only we can estimate. So, it is not easy to say that now.

SRI T. PURUSHOTHAM: Has there been any orthodox opposition to the family planning scheme and if so, what steps have been taken by the Government to counter such opposition?

THE HON. SRI M. A. MANICKAVELU: I do not know whether it is called orthodox opposition but I know that members of the faith, to which the hon. Member Mr. Raza Khan belongs, have objected to it in a way. So also the members belonging to the Christian faith, especially Catholics, are not in favour of it.

^a Printed as Appendix III on pages 498-500 infra.

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SRI MOHAMED RAZA KHAN: Is it a fact that the Hon. Minister, who swears so much by family planning, has ordered that 1,000 persons should undergo the vasectomy operation and that persons who persuade them to undergo that operation would be paid Rs. 2 for each operation?

THE HON. SRI M. A. MANICKAVELU: This scheme is an entirely voluntary one and there is no compulsion in regard to it. But we are making available all facilities to those people who want to take advantage of it. There is no compulsion at all.

SRI MOHAMED RAZA KHAN: The fact is that the Hon. Minister did order that 1,000 persons should go through the process of the vasectomy operation and that some money would be paid to persons who persuade them to undergo this operation.

THE HON. SRI M. A. MANICKAVELU: Either 'should' or 'must' cannot be enforced. I cannot force my hon. Friend to undergo this operation but I can only say that that is a good thing.

SRI M. ETHIRAJALU: குழந்தைகள் பிறக்காமல் தடுத்தற்கு, சென்னை நகரம் போன்ற பகுதிகளில் கார்ப்போரேஷன் சம்பந்தப்பட்ட ஆஸ்பத்திரிகள் மூலமாக ஏழைகளுக்கு இலவசமாக மணிமாலை கொடுப்பது என்று ஹதிரிஸ்தில் ஒரு செய்தியைப் பார்த்தேன். அப்படிப்பட்ட மணிமாலை ஏழை எல்லா இடங்களிலும் இலவசமாக ஏழைகளுக்குக் கொடுக்க சர்க்காருக்கு உத்தேசம் உண்டா? அப்படியானால் எப்பொழுது கொடுக்கப்போகிறார்கள்?

THE HON. SRI M. A. MANICKAVELU: அரசாங்கத்தினுடைய உத்தேசம் முதலில் நகரத்தில் சரியாக இதை அமுலுக்குக் கொண்டு வர வேண்டும் என்பது. இந்த மாலையை ஜபத்திற்கும் உபயோகிக்கலாம். இதற்கும் உபயோகத்துக் கொள்ளலாம்.

SRI MOHAMED RAZA KHAN: If the Hon. Minister is so anxious that his plan should be successful, may I ask how far he has been successful in influencing the Members on the Treasury Benches or other Members of the Legislature?

3-20 p.m.

THE HON. SRI M. A. MANICKAVELU: Family planning calendars have been supplied to all the Members. I hope they will make proper use of these and if they successfully demonstrate their use, I will then go out and preach to the people saying that hon. Members have made good use of the calendars and produced good results. (Laughter).

SRI G. KRISHNAMOORTHY: Do the Government think that they are doing the right thing in aiming at a reduction of population especially in these days of possible mass destruction by nuclear weapons?

THE HON. SRI M. A. MANICKAVELU: Even from the standpoint of the hon. Member, in order that teachers may live happily and contented, this is a welcome thing.

MR. CHAIRMAN: Questions are over.

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

II.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN: I have to announce to the House that I have received the following message, from the Governor of Madras, dated the 8th April 1958:—

In pursuance of Article 207, clause (3), of the Constitution of India, I, Bisanuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Catering Establishments Bill, 1957.

(2) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN: I have also to announce to the House that I have received the following messages from the Speaker, Madras Legislative Assembly:—

(1) In accordance with sub-rule (1) of rule 122 of the Madras Assembly Rules, I have the honour to intimate that the recommendation made by the Council in respect of the Indian Stamp (Madras Amendment) Bill, 1958 (L.A. Bill No. 12 of 1958) was taken into consideration by the Assembly at its meeting held on the 1st April, 1958, and that the Assembly has accepted the amendments specified in the annexure:—

ANNEXURE.

In clause 15, in item (1), in entry 6 (2) (a) (ii) for the expression

"and for every additional Rs. 10,000 or } 27-00 12-25 9-00"
part thereof in excess of Rs. 30,000.

Substitute the following expression, namely:—

"and for every additional Rs. 10,000 }
or part thereof in excess of } 27-00 13-50 9-00"
Rs. 30,000.

(2) In accordance with rule 180 of the Madras Assembly Rules, I transmit a copy of the Madras Maternity Benefit (Amendment) Bill, 1958 (L.C. Bill No. 1 of 1958) as passed and agreed to by the Assembly on the 3rd day of April 1958 without any amendments and signed by me.

(3) In accordance with rule 180 of the Assembly Rules, I transmit a copy of the Madras Animal Preservation Bill, 1958 (L.C. Bill No. 2 of 1958) as passed and agreed to by the Assembly on the 5th day of April 1958 without any amendments and signed by me.

(4) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Catering Establishments Bill, 1957 (L.A. Bill No. 18 of 1957) as passed by the Assembly on the 5th April 1958 and signed by me for the concurrence of the Council.

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(5) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Sales of Motor Spirit Taxation (Second Amendment) Bill, 1958 (L.A. Bill No. 15 of 1958) as passed by the Legislative Assembly on the 5th April 1958 and signed by me for the recommendations of the Council.

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

III.—GOVERNMENT MOTIONS

(1) ASSOCIATION OF COUNCIL MEMBERS WITH THE COMMITTEE ON ESTIMATES OF THE ASSEMBLY.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I move—

"That this House nominates the following five Members to associate with the Committee on Estimates of the Legislative Assembly for the financial year 1958-59:—

- 1 Sri Mohamed Raza Khan,
- 2 „ V. V. Ramaswami,
- 3 „ M. Ethirajalu,
- 4 „ A. Gajapathy Nayagar,
- 5 „ A. J. Arunachalam."

MR. CHAIRMAN: The question is—

"That this House nominates the following five Members to associate with the Committee on Estimates of the Legislative Assembly for the financial year 1958-59:—

- 1 Sri Mohamed Raza Khan,
- 2 „ V. V. Ramaswami,
- 3 „ M. Ethirajalu,
- 4 „ A. Gajapathy Nayagar,
- 5 „ A. J. Arunachalam."

The motion was put and carried.

(2) ASSOCIATION OF COUNCIL MEMBERS WITH THE COMMITTEE ON PUBLIC ACCOUNTS OF THE ASSEMBLY.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I move—

"That this House nominates the following five Members to associate with the Committee on Public Accounts of the Legislative Assembly for the financial year 1958-59:—

- 1 The Hon. Sri R. Venkataraman,
- 2 Sri K. Balasubramanya Ayyar,
- 3 Dr. A. Lakshmanaswami Mudaliar,
- 4 Sri V. K. Palaniswamy Gounder,
- 5 Srimathi Manjubhashini."

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MR. CHAIRMAN: The question is—

"That this House nominates the following five Members to associate with the Committee on Public Accounts of the Legislative Assembly for the financial year 1958-59 :—

- 1 The Hon. Sri R. Venkataraman,
- 2 Sri K. Balasubramanya Ayyar,
- 3 Dr. A. Lakshmanaswami Mudaliar,
- 4 Sri V. K. Palaniswamy Gounder,
- 5 Srimathi Manjubhashini."

The motion was put and carried.

(3) ASSOCIATION OF COUNCIL MEMBERS WITH THE COMMITTEE
ON SUBORDINATE LEGISLATION OF THE ASSEMBLY.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I move—

"That this House nominates the following three Members to associate with the Committee on Subordinate Legislation of the Legislative Assembly for the financial year 1958-59 :—

- 1 Dr. V. K. John,
- 2 Sri P. S. Krishnaswamy Ayyangar,
- 3 Sri T. S. Sankaranarayanan Pillai."

MR. CHAIRMAN: The question is—

"That this House nominates the following three Members to associate with the Committee on Subordinate Legislation of the Legislative Assembly for the financial year 1958-59 :—

- 1 Dr. V. K. John,
- 2 Sri P. S. Krishnaswamy Ayyangar,
- 3 Sri T. S. Sankaranarayanan Pillai."

The motion was put and carried.

IV.—PRESENTATION OF THE FIFTH REPORT OF THE COMMITTEE
ON GOVERNMENT ASSURANCES.

DR. A. LAKSHMANASWAMI MUDALIAR: Sir, I rise to present the Fifth Report of the Committee on Government Assurances. Hon. Members will find that we have made some notable progress in respect of several of the items. So far as the replies of the Government are concerned, they have been more or less satisfactory. The Committee, however, noted with regret that there were still arrears pending since 1956 and felt that this delay should be brought to the notice of the departments concerned and the departments requested to send their replies within the time prescribed in the Report, viz., assurances pending since 1956—within a fortnight; assurances pending since 1957—within a month; and assurances pending since 1958—within three

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months. I may state that the assurances lose much of their significance if there is long delay in implementing them. The Hon. the Leader of the House who is a Member of this Committee has promised to look into the matter and I would, therefore, request the House to accept the Report.

SRI K. BALASUBRAMANYA AYYAR: Sir, I wish to make one particular remark. Last year, I moved a non-official Bill as regards prohibition of posters on walls, etc., and the present Minister for Home then promised that he would himself introduce a Bill and asked me to withdraw my Bill. I did so but so far nothing has been mentioned about the proposed Bill.

THE HON. SRI R. VENKATARAMAN: Sir, I shall look into the matter and indicate the Government's attitude towards the Bill in due course.

V.—GOVERNMENT BILLS.

(1) THE MADRAS SALES OF MOTOR SPIRIT TAXATION (SECOND AMENDMENT) BILL, 1956 (L.A. BILL NO. 15 OF 1956).

THE HON. SRI R. VENKATARAMAN: Sir, I move—
"That the Madras Sales of Motor Spirit Taxation (Second Amendment) Bill, 1956 (L.A. Bill No. 15 of 1956), as passed by the Legislative Assembly, be taken into consideration."

When the Bill was moved in the Assembly and in this House a few days back, an amendment was carried to the original Act changing 'Part A and Part C States' into 'India'. At that time, the Government had the impression that all motor spirit sold in Madras State was imported in Madras and distributed from Madras. We have subsequently learnt that a part of the motor spirit distributed in Madras is imported in Ernakulam in Kerala State and is being distributed through the normal supply channels in parts of Coimbatore and certain other districts. Therefore, it has become necessary to amend the Act so as to provide that an importer means a person who brings into this State motor spirit from outside the territory of India or any part of the territory of India other than the Madras State. This, I am afraid, is an omission on the part of the Law Department. They had not looked into the possible consequences of amending 'Part A and Part C States' into 'India' vis-à-vis import of motor spirit into Madras State.

Another clause has been added so as to enable the Government to collect the tax which has been levied in pursuance of the Bill as so adopted, if it had been collected by the dealer.

Sir, this Bill is a simple one and I would request the House to take it into consideration.

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2-30 P.M. MR. CHAIRMAN: Motion moved—

That the Madras Sales of Motor Spirit Taxation (Second Amendment) Bill, 1958 (L.A. Bill No. 15 of 1958), as passed by the Legislative Assembly, be taken into consideration."

SRI T. PURUSHOTHAM: Sir, I wish to say a few words on this Bill. It is a pity that the Madras Sales of Motor Spirit Taxation Act should come in for another amendment in the same session. As has been pointed out by the Hon. the Leader of the House, this could certainly have been avoided if the Secretariat Departments had been more careful and exercised proper scrutiny before legislative measures were put up for introduction in the Legislature. In the last week, hon. Members would remember, we had a material error in the schedule to the Madras Stamp (Amendment) Bill, so much so the Bill had to be sent back to the Legislative Assembly with an amendment passed in this House. This was pointedly referred to in the Legislative Assembly, and it was even felt as a reflection on the lawyer Members of the other House that an amendment of the kind should have been passed in this House. Of course, this House too has got the right to pass any amendment. In fact, in this particular case, it was an amendment moved by the Government themselves. Of course, we do not claim any superiority in scanning Bills or have any superiority complex about it. But I just want to mention this so that the Secretariat Departments may know the trend of discussion in the Legislature and exercise proper control in drafting Bills.

A word about the Bill itself, Sir. As a result of the recent amendment to the Madras Sales of Motor Spirit Taxation Act enhancing sales tax on diesel oil, it is stated that, taking advantage of the different rates of sales tax prevailing in the neighbouring States, petrol and diesel pumps are installed just at the border on the other side to evade payment of enhanced sales tax in our State. The Government should consider this position and take suitable action. Perhaps the oil companies may be moved against such moves on behalf of the private agents. I believe before the question of enhancement of sales tax is taken up uniformly in the rates of tax in the neighbouring territories should be ensured. I hope, Sir, the Government would consider this problem and see whether they cannot even now address the neighbouring States and ensure uniform rates of levy of this particular

SRI K. BALASUBRAMANYA AYYAR: Sir, with reference to the remarks made by the hon. Member, Sri T. Purushotham, I have to say this. All taxation statutes are really very difficult of application, especially now on account of our ideals of Welfare State and so on, when we are anxious to have taxation statutes second time to time so that we may replenish our treasury for the purpose of doing social service. We have necessarily to look into the various Acts again and again. The Law Department has got this difficulty. Unless all the facts, which are necessary for the

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purpose of drafting, and all the possible causes of evasion and all the possible features, and the whole situation are present before the drafting officer, it is really very difficult to draft a statute which will cover all cases without giving rise to lacunae and trouble later. But sometimes in spite of all these precautions, the trade people are clever enough to find out ways of evasion. Therefore, amendments to statutes have to be brought in. One thing I would say here. The Government should not be very anxious not to lose any opportunity for taxing. They can afford to wait for some time. It does not matter if they lose some money. Twenty years before we did not get the same amount of tax as we get now. On this account, I do not say that we should not increase the tax. All I say is that instead of being very anxious to see that all loopholes are plugged and all steps are taken for the purpose of taxing

SRI A. M. ALLAPICHAJ: They are very vigilant.

SRI K. BALASUBRAMANYA AYYAR: There is, therefore, much trouble. I waited for a Member from the Treasury Bench to speak first. I do not blame the Law Department as he seemed to. The Law Department might be more vigilant. This is a different matter. On account of the exigencies of the case, the circumstances of the whole situation, and the whole climate in which we live now, all these Amending Bills have to be brought in. As a matter of fact, for the last four years hundreds of amendments have been brought in. Amendments to the Motor Spirit Taxation Act and the Sales Tax Act fill the whole of the agenda of the Legislative Council and the Legislative Assembly. That is why I say that unless the other departments also co-operate in discovering all possible sources of evasion and present a full picture of the difficulties of the situation, the Law Department may not be in a position fully to meet the situation.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I must very humbly point out that this small mistake occurred not because of lack of vigilance on the part of the Law Department or even of the Revenue Department which deals with this subject. We are not aware of all the trade practices in the whole of India. One would naturally expect that, when distribution of a commodity takes place in one State, it is imported in that State and distributed. But the actual figures show that only a few places are being supplied with oil imported in Ernakulam. Therefore, it is only natural that a person might have overlooked the import of oil which took place in such a negligible manner in a certain other State. So far as the criticism that amendments are brought forward immediately, without even allowing some time to lapse, is concerned, I think this is a compliment paid to the Government. This shows that the Government are very vigilant and that they are always alive to the smallest circumstance which detracts from their enactments. It is not necessarily in the case of taxation statutes but in the case of every other statute, the

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Government have come forward to rectify any mistake. This only shows that the Government are active and that they want to see that the spirit of the law is maintained. Sir, it is unnecessary to cast any reflection on any department. It is a very small error. I am glad that the House has given its support to this Bill.

MR. CHAIRMAN: The question is—

That the Madras Sales of Motor Spirit Taxation (Second Amendment) Bill, 1958 (L.A. Bill No. 15 of 1958), as passed by the Legislative Assembly, be taken into consideration.

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

Clauses 2 and 8 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN: Sir, I move—

That the Madras Sales of Motor Spirit Taxation (Second Amendment) Bill, 1958 (L.A. Bill No. 15 of 1958), as passed by the Legislative Assembly, be passed.

MR. CHAIRMAN: The question is—

That the Madras Sales of Motor Spirit Taxation (Second Amendment) Bill, 1958 (L.A. Bill No. 15 of 1958), as passed by the Legislative Assembly, be passed.

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

(2) THE MADRAS CATERING ESTABLISHMENTS BILL, 1957 (L.A. BILL NO. 18 OF 1957).

THE HON. SRI R. VENKATARAMAN: Sir, I move—

That the Madras Catering Establishments Bill, 1957 (L.A. Bill No. 18 of 1957), as passed by the Legislative Assembly, be taken into consideration.

It has long been felt by this Government as well as by the Government of India that the Factories Act is not the appropriate legislation to regulate the conditions of work in hotels and similar establishments. In 1951, this Government suggested to the Government of India that the Factories Act might be amended to remove hotels and similar establishments from its purview and that separate Central legislation might be undertaken to regulate the conditions of work in hotels, etc. The Government of India were also consulted whether the hotels, which were covered by the Factories Act, might be removed from its purview, and dealt with under the Madras Shops and Establishments Act. The Government of India stated that they had no objection to such a course. The question of suitability of the Madras Shops and Establishments Act

is a matter which is being considered by the Government of India. It is a matter which is being considered by the Government of India.

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for application to hotels and other catering establishments was discussed by the Commissioner of Labour in 1953 with some hotel-owners and labour leaders and it was agreed that separate legislation was necessary.

It is, therefore, proposed to enact a separate piece of legislation to regulate the conditions of work in hotels and other catering establishments. I shall now indicate the salient features of the Bill. The Bill provides for the registration of catering establishments, which include restaurants and residential hotels. It will apply to the City of Madras, all municipalities and Class I panchayats and such other areas as may be notified by Government. Hostels and lodging houses will not come within the purview of the Bill. Catering establishments run by the members of a family are exempted from the provisions of the Bill, other than those relating to maintenance and production of registers.

The Bill follows generally the provisions in the Factories Act in regard to daily and weekly working hours, overtime wages, interval for rest, leave with wages, etc., making due allowances for certain special features of the catering business. Employment of children has been prohibited. Provision has been made for the grant of seven national and festival holidays. It has also been provided in the Bill that the provisions of the Payment of Wages Act and the Rules made thereunder shall apply to the catering establishments.

The Bill provides for appointment of Inspectors to enforce the provisions contained therein. Comprehensive and stringent provisions have been made in regard to discharge or dismissal of workers. The discharged worker is given a right of appeal to an independent authority, who has the power to direct reinstatement, with or without wages, or payment of compensation without reinstatement, or grant of other relief. The Bill also provides for the punishment of the employer, if he fails to reinstate an employee and for the payment of compensation to the employee out of the fine collected. Penalties have been prescribed for first offences and second and subsequent offences. The Bill empowers the Government to frame rules in regard to health, sanitation and other matters.

I request that the Bill may be taken into consideration.

MR. CHAIRMAN: Motion moved—

That the Madras Catering Establishments Bill, 1957 (L.A. Bill No. 18 of 1957), as passed by the Legislative Assembly, be taken into consideration.

DR. A. LAKSHMANASWAMI MUDALIAR: Mr. Chairman, Sir, this Bill is one which refers to the question of employer and employee. The Hon. the Leader of the House has been long associated with the problems concerning employees and has taken a very prominent part in trying to settle many disputes. I, therefore, felt that it was opportune that it should have been given to him to bring a measure of this kind before this House.

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Sir, while appreciating some of the aspects of this Bill and while appreciating the attitude that the Government have adopted to certain of the criticisms that were made in the Select Committee, I have to point out that there are certain deficiencies of a nature which, in my opinion at any rate, do not serve the purposes for which this Bill has been introduced. Let me, with your permission, Sir, refer to some of these, what I consider to be at any rate, defects.

In the first place, in the definition, I would invite the attention of the Members to item (6) which says—

“ family ” in relation to an employer means the husband or wife, son, daughter, father, mother, brother or sister of such employer who lives with him and is dependent on him.’
Rightly enough, it is provided—

‘ The provisions of this Act except section 21 shall not apply to any catering establishment in which only members of the employer’s family are employed.’

I realise that after we have adopted the socialistic pattern of society, the concept of joint family system must be put an end to. At any rate, that is the presumption on which many laws, whether Central or State, have been made. But I do feel that this definition of ‘ family ’ is far too strict. For instance, a daughter is dependent. A son-in-law, if possible, may rightly also be a dependent. Why are these in-law’s altogether excluded? What sin have they committed? Hitherto, in the joint family system in-law’s were the most respected members of the family and were given all sorts of privileges in the family. So far as our Government are concerned, I think in their effort to see that the joint family system is not by any means encouraged, the in-law’s have been given the go-by in this Bill. I venture to submit that it is sometimes useful to have the in-law’s also roped in in a concern like this and I do not see any reason why a family should not include or should definitely exclude the in-law’s, for no sins that they have yet been supposed to have committed.

Now, Sir, I come to another point. Clause 8, sub-clause (3), says—

‘ The State Government may, by notification, exempt either permanently or for any specified period, any catering establishment or class of catering establishments or any person or class of persons to which or to whom this Act applies, from all or any of its provisions, subject to such conditions as the State Government deem fit.’

This is far too wide and autocratic a power to be given to any State Government. If it meant a ‘ class of establishments ’ or a ‘ class of persons ’, I can well understand. But when it refers to individual persons or individual establishments, what is it that the Government cannot disclose to this House to justify such exemption and why should they have this omnibus clause which gives them complete power to exclude anybody, any establishment from the

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operation of the law? I think that is a point worth consideration. I am always of opinion that in the interests of the Government themselves, they should eschew any suggestion wrongly made in the large majority of instances of any patronage which could not see the light of day. I have been myself hard put to thinking what sort of persons will be exempted and what sort of establishments will be exempted. But I must confess that I have no idea at all. Perhaps, the Hon. the Mover of this Bill will be in a position to enlighten me.

Now, Sir, I come to another point. So far as daily and weekly hours of work in catering establishments are concerned, it has been rightly pointed out that no young person should be required or allowed to work in any catering establishment for more than five hours in any day and that no other employee shall be required or allowed to work in any catering establishment for more than nine hours in any day or for more than forty-eight hours in any week. As the week consists of six days and one day is declared a holiday for all employees, it comes to eight hours. I would certainly agree with the Government that some limitation should be put in. I do not want any slave labour to be utilised by any of the employers of hotels for their own advantage, and we should certainly see that such slave labour is not tolerated. But, Sir, there is the proviso which states—

‘ Provided that, subject to the payment of overtime wages, the total number of hours of work including overtime shall not exceed ten hours in any day and the total number of hours of overtime work shall not exceed fifty hours in any quarter.’

This is certainly a strange sort of restriction on the employee and I should like to know why such a restriction is put. I fully appreciate the idea that any overtime work should be paid for and I see that the provisions in the Bill are certainly such as would warrant a just payment to be made for any overtime employment. But why should we say that he cannot work for more than two hours? Sir, some of us are able to work for longer periods even in old age but even the most young energetic person, who unfortunately would not be able to get the advice of the Hon. the Minister for Health with regard to family planning, may feel that he has got to keep his family and half a dozen children away from the horrors of hunger and may want to work for four hours. What is wrong in that if he voluntarily comes to work for a little more period than is actually provided for? The Hon. the Leader of the House knows perfectly well that in the United States many establishments pay by the hour 25 cents, 50 cents, 75 cents, a dollar and a dollar and a half, and there is no restriction so far as the number of hours is concerned. There is a time and a period in one’s life when one can afford to work very hard. On the other hand, there is a time when one cannot afford to work hard and you must make hay while the sun shines. When the sunshine is of good health to you, why prevent it by a legislative enactment and restrict the number of hours of work? And much less, of course, such a poor State as

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3-50 p.m. ours can afford. But that is a different matter. I do feel that in the interests of the employees a little more generous provision must be made provided the employee is willing to work and get the overtime allowance. So far as the overtime allowance is concerned, it has been laid down that the worker should be entitled to twice the basic rate of wages plus the perquisites that pertain to the particular profession, that is, meals or idlis and sambar or some such thing, that may be supplied to the worker. There may be difficulty in computing all these but the ever vigilant Inspector is always there. I do not know what the Government want.

Then, I do feel that it is a restriction on the employee himself more than on the employer to say that the worker should not work for more than nine hours. There are catering establishments and catering establishments. I remember the discussion that took place some years ago in this House when a former Minister for Labour moved the Shop Assistants Bill. My hon. Friend Mr. Balasubramanya Ayyar was not here then. The late Dr. T. S. S. Rajan moving the Bill for consideration said that after every four hours of work, there should be an interval of one hour. My friend who was here, the representative from Krishna district, Mr. B. Narayanaswami Naidu, at once asked: 'Does it apply to the legal and medical professions also?' The Hon. Minister replied: 'It does apply.' Then I asked, 'If I am in the midst of an operation, is my nurse to look at the clock and walk away? And worse still, when I am conducting a delivery case, is my nurse to go away in the middle, since she has finished four hours' duty according to Dr. Rajan's verdict?' Therefore, Sir, there is a certain element of human touch in all these things but the Government legislation hidebounds all these. There must be elasticity. If an employee is willing to give a longer period of service and makes some sort of request to that effect, he must be permitted to do so. If you restrict it to fifty hours a quarter, what does it mean? It means that he can work extra only up to 25 days a quarter. A quarter normally contains ninety days—unless it is a leap year and February intervenes with 29 days—and if you are going to allow him only 25 extra days of work, exclusive of all holidays, it is not good. I do not see why there should be this restriction and why the worker should not be entitled to work any number of days he likes, if he feels like working and if he has the strength to work. It may be a few days in a week. Will it not be something for him and his family, if he gets a few more rupees? Will he not be able to adjust his family budget and provide the few creature comforts which his children may require? There is no compulsion here. If he wants to work, he must be permitted to work. I feel this matter deserves consideration by Government.

With regard to holidays, it is said that every employee shall be allowed in each calendar year a holiday of one whole day on the 26th January and the 15th August and five holidays each of one whole day for such festivals as the Inspector may, in consultation with the employer and the employees, specify in respect of any

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catering establishment. In my humble opinion, this is not a procedure which will work smoothly. I do not see why the employees should not say, 'This is the holiday that we want.' In a catering establishment, especially in a hotel, there may be Muslims, Christians, Hindus, Jews and Gentiles and various others and it should be open to them to say which day in a calendar year they would like to be a holiday for them. The Government produce calendars which give a number of holidays for their servants. My Hon. Friend, the Minister for Health, has also produced a calendar—a Family Planning Calendar—giving certain holidays. (Laughter.) These calendars give a list of important festivals and the workers would be in a position to choose their holidays long before the Inspector comes into the picture. Why should the Inspector come between the employee and the employer? Why distrust the employer at every stage in your enactment? Throughout this Bill—I am sorry to say that and if I am wrong, I shall gladly correct myself—the employer is considered as a sort of villain of the piece. This suspicion is evident and it is perhaps felt by the powers that be that the employee has got to be protected by the benign Government in all his activities. If they would only turn the searchlight into themselves and try to protect their employees in the same manner in which they want employees of other agencies to be protected, I should have no objection at all. Hon. Members know what is happening in those spheres of Governmental activity and the less we speak about it, the better it would be for us.

I would next come to another point which certainly requires further consideration. It is put down as regards leave with wages that every employee who has worked for a period of not less than 240 days in a catering establishment during a calendar year shall be allowed in the subsequent calendar year leave with wages. Why in the subsequent year? Why not in the same year? The usual practice is to avail of leave in the same calendar year. There may be a wedding in the family or there may be some serious illness and a worker may require leave in the same calendar year. Why not he have the leave when he wants it? Why postpone it to the subsequent year? He must have the leave when he requires it most. Then there is another provision which says—

"In the case of a female employee authorised absence for maternity purposes for any number of days not exceeding twelve weeks shall be deemed to be days on which the employee has worked for the purpose of computation of the period of 240 days

I wholeheartedly support this. I remember this principle has been adopted in the Maternity Benefit Bill passed a few days ago. This is a reasonable thing, although my Friend, the Minister for Health, may consider that this is not playing fair so far as the family planning programme is concerned. (Laughter.) Left to himself, he may try to restrict this with a view to improving the chances of success of his scheme which is so near to his heart.

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Coming lower down, we see that an application for leave should be made reasonably in advance. I am sorry I am unable to appreciate this provision. 'Reasonably in advance' always throws the employer into conflict with the Inspector. He has to remember that the Damocles' sword would always hang over him. We know how the Inspector will function. He will not function according to the intention of the Hon. the Mover of the Bill but according to his own fancy. I may say, without meaning any reflection on them, Government servants, once the authority is there, think they have a Mace which they can wield more prominently than even the Chief Justice of the High Court. It should be 'at least ten days in advance'. Of course, in the case of an emergency, it is different. Otherwise, it is only fair that the employer gets notice of ten days at least so that he may make substitute arrangements. Sir, after all, those who run these catering establishments do not run them just for the pleasure of it but for profit. I am glad they run them for profit. Unless there is incentive—physical or moral—nobody can run anything. It is for the good of the nation that they run such establishments for profit. Then, why place obstacles in their way? I hope the catering establishments associated with the Legislature also will come under this Act. I am looking forward to the Committee which is responsible to see how this Act is applied. But that apart, I think, instead of saying 'reasonably in advance', it would be better to say 'ten days in advance' or even 'seven days in advance'. Of course, in extraordinary circumstances, twenty-four hours' notice may be provided for.

I come to the next point—prohibition of employment of women and young persons during night. I have nothing to say. Perhaps in the present circumstances, this provision is necessary and I am not going to dispute the point, although in European hotels, where families stay, women employees are necessary and are allowed to work during night.

As regards notice of dismissal or discharge, it is put down here that no employer shall dispense with the services of an employee employed continuously for a period of not less than six months, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice, provided however that such notice shall not be necessary where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.

(Deputy Chairman in the Chair.)

4 p.m. Who is to hold the enquiry? The Inspector? After all is said and done, scenes have occurred in some of the catering establishments as they have occurred in the Legislatures of certain countries. I need not refer to any particular country. But, the point is, 'who is to hold the enquiry?' Who would have an idea of what the scene was? There must be some specific person who

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is to determine this. One of the main things in this Bill is that it has consistently followed the policy, as in the case of certain other enactments, 'as far as possible, do not bring the courts into the picture'. That is the policy of the Government. My hon. Friend, the Deputy Leader of the Opposition is not here. Otherwise, when we discuss a Bill of this nature, there would have been a little rise in his blood pressure. Every Act says, 'Don't look to the courts'. There is the clause dealing with 'indemnity' which says, 'No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.' 'Good faith' may cover many things. It is not a question of dealing with the employer alone. If they had defined and indicated certain cases for which the court's jurisdiction was necessary and certain other cases where it might not be necessary and in certain cases the employer might go to the court and in certain other cases he should not be enabled to go to the court, it might have been a different thing altogether.

I now come to a point which requires attention by the hon. Members of this House. I refer to clause 21 which deals with powers and duties of Inspectors. I hope hon. Members have perused this clause carefully. This clause says that an Inspector may, (a) enter, at all reasonable times and with such assistants, if any, who are persons in the service of the Government or of any local authority as he thinks fit to take with him, any place which is, or which he has reason to believe, is a catering establishment, (b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or elsewhere the evidence of such person as he may deem necessary for carrying out the purposes of this Act. Why should an army of people be allowed to enter the premises of any catering establishment? Is it suggested that there is something so radically wrong on the other side? The very fact that this army of people have rushed into the premises is enough to create some suspicion in the minds of the public and is enough to put the catering establishment in the black list in the eyes of the customers. If I were to be in a catering establishment at the time when this army of people had entered the premises and created a scene, I would dread to be a customer of that catering establishment as I would naturally feel that there was something frightful about it. I say it is not playing fair with the catering establishments and employers, to have an omnibus clause like this which gives too wide and too sweeping powers to the Inspectorate to launch their operations on.

As far as procedure is concerned, we have clause 24 which says, 'No court shall take cognizance of any offence under this Act or any rule made thereunder except on a complaint made by, or with the previous sanction in writing of, an Inspector.' If the complaint is against the Inspector, there is no question about it! Are we to hide to ourselves the fact that there are Inspectors and Inspectors?

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We have the Health Act which was passed long, long ago. What is the result? I should like to know how it is working. What are the Inspectors doing in regard to the Health Act? Let us draw the veil over that picture.

Now, I come to one of the most important clauses on which I can speak with some little authority, and that is clause 26 which deals with 'Onus as to age'. The Bill provides three different categories of age. 'No person under 14 years of age shall be employed' is the provision found in one of the clauses. But the point is who is to determine the age. The onus of proving the age is completely left to the employer. If there is any suspicion about the age of any particular person, at once the Inspector may insist on the production of a certificate from a Government medical officer. There is sub-clause (2) of clause 26 which states, 'A declaration by a Government medical officer not below the rank of a Civil Assistant Surgeon that he has personally examined a person employed and believes him to be under the age stated in such declaration shall, for the purposes of this Act and the rules made thereunder, be admissible as evidence of the age of that person.' Have the Government had any clear picture of what the medical opinion would be in such cases? Do they realise that one of the most difficult things for any doctor is to decide the question of age? Let me give my own experience so far as this question is concerned. As hon. Members are aware, I go to colleges. When I go round the classes along with other gentlemen, I could see people whom I would consider as little infants sitting in the Junior Intermediate and Pre-University classes. When I enquired the authorities there about this, quick would come the reply, 'Well, they are all 14 years of age and they have produced some certificates from medical officers, or horoscopes or birth certificates, etc., to prove it.' Such is the state of affairs. How can this question be decided and how can we get at the truth? On the other hand, if the Government really want to be careful with regard to the question of age, why don't they insist on the employee to produce a certificate from a Government medical officer that he is fourteen years of age or eighteen years of age or whatever it is? Why should the employer, after employing a particular person, come within the grip of the Inspector at a later date? In the whole Bill, we find that the clauses relating to punishment deal with the employer only. I only want to say, 'Give the dog a reasonable chance before it is hanged.' Would it not be better if the employee is asked to produce a certificate as to his age unless it be that they think that it will not work satisfactorily? It may be said that the poor employees should not be made to go to the medical officers, pay money to the medical officers and worse still, something more or something less—things which are generally said against the medical profession. Sir, I am not going to defend them on this occasion. But, I do feel that it is too much to put the burden on the employer to prove the age of his employee. Now, an employer employs a particular person, Purushotham. It is just possible for an Inspector visiting the catering establishment belonging to that employer to

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say that that clean-shaven Purushotham does not look like a person of eighteen years of age. The result would be that the person would be sent before a medical officer. I would plead with the Government that this matter should be carefully looked into and the process revised so that the employees might be asked to produce a certificate as to their age.

As for the provisions relating to penalties, I am grateful to the Government that the alternative punishment of imprisonment is not provided for. So, I must tender my thanks to the Government for it. (Dr. A. Sreenivasan: One day that will also come.) I would like to tell my hon. Friend, 'Let us not think of that evil now. Let us not prognosticate that evil even to-day. For the present, let us stop with fines that we have sought to impose.'

Now, I come to another matter. The Government propose to appoint Inspectors. What are their qualifications? What will be their age? Are any definite provisions to be made in this regard? I know we will be told, 'In a Welfare State and in a socialistic pattern of society, it is the duty of everyone to pay taxes.' Well, I have never disputed it. The Hon. the Leader of the House referred to that fact during the Budget debate. Nobody would dispute it and nobody would hesitate to pay taxes. At any rate, I hope that all citizens who have the good of the country at heart will not hesitate to pay taxes. But, are we not entitled to look into the other side of the balance-sheet also and see what is the provision that has been made for expenditure? Are we not to satisfy ourselves that there has been no extravagance? In Bills of this nature, I have always requested the Government to present us with a moderate—not accurate—concept of expenditure that they will involve.

THE HON. SRI R. VENKATARAMAN: The financial memorandum has been appended to the original Bill. But, we are now considering the Bill as passed by the Legislative Assembly.

DR. A. LAKSHMANASWAMI MUDALIAR: I thank the Hon. the Leader of the House for the clarification and I am glad to know that.

There is one other matter which I wish to mention in this connection. A Bill of this nature, which is introduced for the first time would, in my humble opinion, have been more promising and successful if the area of its operation had been limited in the first instance. I note that the Government have been given power to extend it to municipalities and panchayats and to various other categories mentioned in the Bill. But, my humble opinion is that even at this stage, they can limit it to certain places only to start with. I know that this Bill will be passed now and placed on the Statute-book. But, still the Government can say that these provisions will be applied to certain categories of municipalities. We have A, B, C categories. Would it not be something worthwhile, before you make it applicable to the whole of the State, although you have got the power to do so, to restrict it and see how

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it works? In pleading for this, I am not pleading for the hotels or any of these establishments. I am pleading for an effective control and for a wise discrimination as to the manner in which this Act should be implemented. If, on the other hand, you straight-away decide one fine morning that this Act will apply from Kanyakumari right up to the last bastion, I can assure you that you will have neither the Inspectors who are well trained for this purpose nor the machinery effectively to implement this Act.

Lastly, the Public Health Act has some provisions. I would request the Government to see how far the personnel who are responsible for the implementation of this Public Health Act, could be utilized for some of these purposes mentioned in this Bill. A re-duplication of the machinery of Inspectors is not absolutely necessary, in my opinion. If you really want the Act to be worked successfully—as I am sure the Hon. the Leader of the House is most anxious about—I would appeal to him to have a restricted sphere for a year or two and then gradually extend it to the municipalities concerned. After all, these establishments are being run for years together. I know that they are more or less recent in origin when compared to the establishments in many of the western countries. We never had a hotel and the first little shop—whatever you may call it—or a little catering establishment which was opened when I was a student in 1904, was opened in a horse garage near Linghi Chetty Street where some 'Uppumavu' and some such things were sold. Of course, the tastes of the present generation are very different. We could not even afford them in those days. But I am not sorry for that. But let us see that this Act, which I only welcome for all its good features, is implemented in a manner that it will prove successful. We cannot leave this Act in better hands than those of the Hon. the Leader of the House who has considerable experience with labour and employers. I am not pleading for one or the other. I am only pleading that justice should be done to all.

SRI K. BALASUBRAMANYA AYYAR: Sir, I share the feelings expressed by the previous speaker, the hon. the Leader of the Opposition. This Bill deals with the relationship between the employee and the employer. Ordinarily this is a very delicate relationship which has to be fostered with care. There may be co-operation between the employer and the employee. I am afraid, Sir, that this Bill contemplates, so far as the catering establishments are concerned, a very minute regulation of hours of work and so on. The penalties are prescribed in nearly all clauses, such as clauses 4, 5, 6, 7, 9, 10, 11 and 12; all the other clauses contain merely definitions.

Clause 4 deals with the statements to be given for the purpose of registration. Even that has been included for the purpose of penalty. So, if any statement is wrong, one may come within the clutches of the penalty clause because one contravenes the provisions of the clause. All these penalties are to me an index of the

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way in which the whole legislation has been undertaken. It is rather very severe. It is seen that you want to regulate the relationship between the employer and the employee in a very meticulous manner, so that both of them may be hidebound. Both of them cannot do more than what is specified in the Bill, even if they want. For example, in clause 18, it is stated: "No woman or young person shall be required or allowed to work whether as an employee or otherwise in any catering establishment between the hours of 9 p.m. and 5 a.m." "Young person" has been defined as a person who has completed fourteen years of age but has not completed eighteen years of age. But in a catering establishment, young persons under the age of fourteen have to be employed. It all depends on the nature of the work. The Mover of the Bill has taken the provisions from the Factories Act. A factory is quite a different place from what a catering establishment is. Factory is a place where there will be machines operating. In the textile industry spindles will be working. It will be very hard for young persons to work. But in catering establishments, there will be no such thing. There is smooth working. Therefore, there is nothing wrong in young persons being employed in catering establishments for such work as removing cups, cleaning tables, etc. I would say that no child shall be required or allowed to work in any catering establishment. But young persons can be employed. That is what I say.

The Bill contemplates some standing orders to be kept by the catering establishment. In those standing orders, there may be provisions to the effect that even a person under fourteen years of age may do certain kinds of work.

Then, there is the question of work between 9 p.m. and 5 a.m. There are many places like Vellore where trains arrive after 12 o'clock and even after that. The people have to wait there up to 3 o'clock or 4 o'clock. In the meantime, they may like to take some refreshments or some meals. These hotels have to be kept open during night-time. Some of these persons may also have to assist. There should not be a complete prohibition of working of these hotels during certain hours. This is a hotel establishment and not a factory. I am afraid that the rules of the Factories Act are bodily incorporated in this Bill. I looked into the Factories Act and the Payment of Wages Act. I find that the drafting of this Bill has taken place on the assumption that the provisions of the Factories Act will also apply to catering establishments, without taking into consideration that the catering establishment is quite different from a factory. I find that some of the provisions are rather severe and in the working of this Act, they will also produce a lot of inconvenience to many of the people who resort to the catering establishments.

Then, I come to the definition of "family", Sir. The Companies Act also has defined this in a peculiar way and this Bill has defined it in a different way from what we understand. Why has

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a brother's son or a sister's son not been included within the scope of the definition? We have to keep brothers and sisters in our family as dependants. This is very important. These are two very serious omissions. 'Brother's son or sister's son' has been omitted in this Bill, in the definition of 'family'. Perhaps that may be a new concept of the definition of 'family'. In fact, we get applications from brother's son or sister's son for jobs and we have to keep them with us. The hon. the Leader of the Opposition also referred to 'in-law's'. That is a different matter.

DR. A. SREENIVASAN : Sometimes, the son-in-law is also not wanted.

4-20 P.M. SRI K. BALASUBRAMANYA AYYAR : Not so. Of course, if you have no affection, it may be so. I do not want to dilate upon that.

SRI V. V. RAMASWAMI : What about daughters-in-law?

SRI K. BALASUBRAMANYA AYYAR : It is not mentioned. They have only defined 'family' as consisting of the husband or wife, son, daughter, father, mother, brother or sister of such employer who lives with him and is dependent on him. In most cases, sons of sisters and brothers will be living with the family. I know many instances where they are actually assisting in the catering establishment. It is a fact which we all know. I, therefore, think it would be better if the definition is enlarged a little. I do not say it should include all.

Then, Sir, the word 'adult' is used but it is not defined. In clause 12 you find the expression 'in the case of an adult, at the rate of one day for every 20 days of work performed by him during the previous calendar year. By saying 'adult' you may mean different things. In adult suffrage, 'adult' means a person who is 21 years of age and not 18. Adult for purposes of the Contract Act may mean a person of only 18 years of age. Under different Acts, adult means different things. We have, therefore, to specify in this Act what we mean by an 'adult'.

DEPUTY CHAIRMAN : This may be something like the adults in the Contract Act.

SRI K. BALASUBRAMANYA AYYAR : Then, you must say what it is. Suddenly, the Government introduce the word 'adult' but do not define it at all. It is a matter of legal drafting. I shall mention more about it at the appropriate time.

Then, Sir, regarding leave and other rules, you find a provision that an employee who has been granted leave for a period exceeding four days shall, before his leave begins, be paid the wages due for the period of the leave allowed. He should be paid the wages before proceeding on leave. After taking leave, if he extends it without sanction, what happens? Or, if he does not return at all, what happens?

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THE HON. SRI R. VENKATARAMAN : It is for the period earned. The employer does not lose at all.

SRI K. BALASUBRAMANYA AYYAR : We have to take into consideration whether the employee could be given an advance. The whole Act should be taken into consideration in making such provisions. Otherwise, there will be difficulties in working the Act. The employer will have to pay penalties if he does not do this or that.

Then, Sir, in almost all enactments we find a provision that no order or provision shall be questioned in a court of law. I was thinking whether I should refer to this at all because we find such a provision in all enactments, brought forward by the Government ever since 1947. The decision of the appellate authority shall be final and binding on both the parties and not be liable to be questioned in a court of law. The decision should be given effect to. I appeal to the Government and the supporters of such measures that they should consider this question seriously. We are living under a democratic form of Government. We have guaranteed fundamental rights and others. On account of these various Acts coming into force, various activities of the people are controlled and we necessarily infringe upon the rights and privileges of the people. On such occasions it is absolutely necessary to provide for appeal to courts. Everybody will not go to a court of law. Going to a court of law is not an easy matter. You cannot go to a court of law without sufficient funds and without a sufficient case to present before the court. Nobody will indulge in litigation for the sake of litigation. It is not also possible under these Acts. On account of the fact that there are these various controls, human emotions come into play and where rights are infringed, where there are serious grievances, where interpretation of laws is involved, it is better to provide for appeals. For example, take the case under the Payment of Wages Act which came up before the Supreme Court. It was a difficult case. The whole thing was well intentioned and they wanted to do something. But the Supreme Court had to interpret the rules according to the exigencies of the case. Therefore, it is better on the whole even for the Government and also for the proper working of the Act and the proper working of democracy in our country that the courts intervene especially in difficult and important matters. They need not intervene on every question. The Government can restrict the operation of the courts of law. But the Government cannot have a clause saying, 'Nothing said herein shall be questioned in a court of law', especially when the Inspectors have been given large powers to decide many matters. The Inspector might refuse to register an establishment on the ground that a small statement has not been written in. What are the catering establishments to do in such cases? When the Inspectors are given large powers, they begin to wield their influence. It is not the intention of the Legislature that they should wield the powers wrongly. But the powers are likely

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to be abused and it is as much our care in the Legislature to see that provisions of law are not abused. It should not be said later, 'It is not our intention. We never wanted that this should be done. But some Inspector has done it. We are not responsible for that'. To say like that is not a defence that is open to the Legislature. You must see that circumstances do not arise in which we might be creating a possibility of the law being abused. That is why I say that the Inspectors also should be controlled.

THE HON. SRI R. VENKATARAMAN : To which provision is the hon. Member referring?

SRI K. BALASUBRAMANYA AYYAR : I refer to the provision relating to the registration of catering establishments, viz., clause 4. Suppose an Inspector thinks that a catering establishment is not eligible to be registered according to the provisions of the Act. There must be some remedy against the decision of the Inspector. If the powers are properly exercised by the Inspector, it is all right. But suppose they are not properly exercised; registration is wilfully refused taking into consideration some other matters. Then there must be some provision for the aggrieved party to appeal against the decision of the Inspector. But there is no such provision in the Bill. Therefore, I feel that some of the provisions of the Bill should be looked into and amended for the purpose of making the law workable. Instead of having a wholesale Act with fully regulated provisions for all contingencies and later finding ourselves in difficulties in many places and circumstances, I would suggest that we might make some general provisions, experiment on some establishments and bring the rules more and more into operation after some time. That would be a much better thing than this. That is what I feel on a general reading of the whole Bill. The fundamental mistake that has been made in this Bill is to import all the provisions of the Factories Act into this legislation, without looking into the nature of the catering establishments. The Government need not have prohibited the employment of young persons of all kinds in these establishments. In these establishments children are doing much better work than old people. Total prohibition of employment of children seems to me to be wholly unnecessary. You can regulate the hours of employment and also specify the nature of duties to be performed by them. This is, after all, a small matter and they need not have prohibited the employment of children.

4-30 p.m. * SRI T. PURUSHOTHAM : Mr. Deputy Chairman, Sir, I wish to join in the compliments paid by the Hon. the Leader of the Opposition to the Hon. the Leader of the House on introducing this Bill. In fact, the Hon. Sri R. Venkataraman deserves congratulations on the businesslike manner in which he applied himself to his task, as Labour Minister, in introducing wholesome measures like the Maternity Benefit Bill and now this Bill. In

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other fields also he has introduced laudable measures like the proposed revision of the Sales Tax Act and also the amendment of the Co-operative Societies Act.

In this Bill, as has been pointed out by the hon. the Leader of the Opposition, the State Government have taken power to exempt permanently or for a specific period any catering establishment from the provisions of this Bill. I do not see where there should be an exemption clause. I also do not see where there is need for exempting any catering establishment from the provisions of this Bill. In what specific circumstances this exemption clause is to be resorted to has not been made clear. I am anxious that this provision should not lead to the charge of favouritism on the part of the Government towards any establishment or any individual. I would, therefore, request the Hon. Minister to tell us the exact significance of this exemption power proposed to be retained by the Government.

With regard to the notice of discharge or dismissal, it is stated in clause 19 that for a reasonable cause action may be taken by the employers. The wording 'except for a reasonable cause' would appear to be too vague and the employers would misuse it. Of course, there is sub-clause 2 (a) in which appellate powers are given to go into the question of reasonableness of the cause for dispensing with the service of the employee and in the case of misconduct, it is provided that satisfactory evidence should be recorded at an enquiry. But would it not be possible to lay down definite rules as to what would constitute reasonable causes for dispensing with the services of the employees? I should like to state that a code of conduct prescribing the relationship between the employers and the employees with regard to such questions would be most desirable. Summary termination of service after giving a month's notice or wages does not appear to me quite satisfactory. Definite charges or reasons for terminating the service should be communicated to the employee and he should be given an opportunity to explain his case before terminating the service. As the Hon. Minister is an expert on labour problems, he would perhaps tell us why such a simple provision is made to dispense with the services of employees.

Sir, I am glad that the matters relating to the health of employees in, and the sanitation of, catering establishments would find a place in this measure but such matters are to be regulated by rules and there is no specific provision in the main Bill itself. I feel that these matters also should find their place in the main Bill itself.

Clause 17 prohibits the employment of children and clause 18 prohibits the employment of women or young persons during night. There should be a similar clause prohibiting the employment of diseased persons and more particularly persons suffering from infectious or incurable diseases. This is necessary not only in the interest of customers but also in the interest and welfare of employees themselves. In framing rules for matters relating to the health of

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employees, I hope provision for medical examination of employees at the time of recruitment and preiodical check-up would be made in the interest of general health of the employees to be employed in these catering establishments and the needs of the public. With these few remarks. I support this measure.

SRI G. KRISHNAMOORTHY: Mr. Deputy Chairman, Sir, this Bill, as I understand it, is to apply even to small hotels in panchayat areas. Will it not be better on the part of the Government to see that small hotels do not come within the purview of this Bill? Are we not in a way taking away the human element as between the employer and the employee when we think of small hotels? What would be the objection if in the case of small hotels, the employee is sent out or his service is dispensed with? According to the rules laid down here, what would be the atmosphere there? Would it not be better for us to restrict this Bill to establishments where there are at least 25 to 50 workers? Why should we just try to bring in an atmosphere of faction in small hotels where the human element may be allowed to work peacefully?

Now, with regard to big hotels, I welcome this Bill inasmuch as it tries to provide for the regulation of hours of work, leave and other things in respect of employees employed there. These hotels have no financial connection with the Government. I wonder why, when the Government take so much interest in bringing forward this Bill to regulate hours of work, wages, leave and other things in respect of those hotels with whom they have no financial connection, they do not bring forward such a Bill in the case of schools where the Government have a major financial connection. Sir, I quite welcome the idea of the Government to protect the interests of the people without being harassed by the employers. But will it not apply in the case of schools also? Great expectation has been raised, with the introduction of this Bill, that the day is not far off when the Government will bring forward a Teachers' Protection Bill, regulating hours of work, wages, leave and other facilities in respect of teachers also.

4-40 Now, with reference to security of service provided for workers in these hotels, I would like to point out that there are many loopholes which the employers may take advantage of and use, if they want, against employees. Sir, here it is stated that notice is necessary only in the case of persons who had been in continuous employ for six months. Now, will there not be a tendency on the part of employers, as soon as this Bill is passed, to dispense with the services of as many employees as they can afford to before the expiry of six months? This provision tells the employer that once a day exceeds this period of six months, he has got the liability of giving the employee one month's wages or one month's notice. Why should that period be put in there? The argument may be put forward that in hotels on festival and special occasions, they may employ temporary staff. Granting that even, why not the period be restricted to one month? If a server or a worker in

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any capacity in a restaurant has put in a continuous service for a period of one month, he must be entitled to security of service. The security of service, I think, the Government in the first instance provided in the case of teachers by providing for one month's notice and three months' notice. Though such provisions have been made, they are generally of no value in practice. Therefore, this limitation of six months may create a tendency on the part of the proprietors of hotels to dispense with the services of the workers there just before the period of six months is completed and the man who is completing the six months' period in an establishment might have settled his family in that place and he would be disturbed. The day before the expiry of that period he would be discharged. So, it would be better that in the interests of the employees, the period is reduced to one month.

With regard to the charges also, it is as vague as in the case of teachers. In the case of teachers also it is 'misconduct'. But here there is a redeeming feature and that is that there would be an enquiry. In the case of teachers there is no enquiry even. Of course, as pointed out ably by the revered Leader of the Opposition, there is no specific mention as to who would conduct the enquiry. But in the case of teachers . . .

DEPUTY CHAIRMAN: What is the connection between teachers and hotel employees?

SRI G. KRISHNAMOORTHY: Sir, I am just trying to put forth the comparative defects, and I am trying to impress that through a Bill the interests of the teachers also should be safeguarded. When Government have so much sympathy for small establishments and have come forward to regulate the hours of work, wages, salaries, leave rules, etc., with regard to a few persons who are employed in hotels which have no financial connection with the Government, can I not expect the Government, Mr. Deputy Chairman, to regulate these things in respect of the teachers also in whose case the Government are financing over 90 per cent? That is why I take this occasion to submit to the Government that they should come out with these things in their case also.

Now, with regard to that enquiry, the charge centres round the word 'misconduct'. This is the word used in the case of teachers also. It is such a vague term. The proprietor may take advantage of this word and discharge or dispense with the services of his employees just before the expiry of six months. There is a provision for appeal also, 'appeal to authority'. There is a time-limit for the person to submit his appeal. But as in the case of teachers, there is no time-limit for the result of the appeal to be known. We have not been able to hear of the result of the appeal. So also, the employee in the hotel is likely to suffer by the period not being prescribed with regard to the result of the appeal being known. Supposing the hotel employee appeals within the specified

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time that his services have been dispensed with for causes which are not justifiable, when is he to hear the result of the appeal? He has to suffer for that period. I see just now an amendment providing for subsistence allowance for that period. But I do not know whether it will get through. There should be some such provision and there should be prescription of time-limit for announcing the result of such appeals. For want of such prescription of time-limit, the teachers are being thrown out practically and are half-starved. The same will be the position of the hotel employee also. When there is a time-limit for filing his appeal, should there not be a time-limit for the authority to decide and let know the result? For want of this time-limit, he may have to run in search of a job to another place, if that locality is small and the establishment is small. This will be the case especially in small panchayats and municipal towns. He will have to shift his family and go to another place. Therefore, there should be the prescription of a time-limit within which the result of the appeal should be made known. These are the points I wish to make with regard to this Bill proper.

I wonder whether because of this Bill, there would not be higher prices for edibles in hotels and more economy with regard to staff. There is also another thing. I have always been submitting to this Government, but they have not shown any eagerness or willingness to do it and that is the use of leaves and paper cups in the place of plates and porcelain or ever-silver cups. I have been pleading for that in the interests of the health of the Nation and in the interests of the finances of the State which are being spent on the health of the people of the State. But Government and the Hon. the Minister for Health, somehow or other, have been saying that it is not possible. Added to that is the reduction of the staff which may be expected by the bringing in of such a Bill which may lead to insanitation in hotels, if there are less number of servers and other workers. They will become more unclean. I do not know what safeguards there are and I should like to have enlightenment from the Hon. Minister piloting the Bill.

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, I am grateful to the hon. Members for the very detailed examination which they have subjected this Bill to. Sir, after the very close scrutiny by the distinguished Leader of the Opposition—I find many of the clauses have passed his scrutiny—I felt a little cheered. But as a whole, it tries to protect the conditions of employment, health, sanitation, etc., of the hotels as well as hotel workers. The object is certainly welcome and I do not think anybody has doubted it. But when you try to bring into fruition all the laudable objects which you have in mind, naturally the person who is in charge of an enactment of this kind has to strike a balance between two almost diametrically opposite views which are expressed before the Government. The Select Committee which heard representations from employers and employees were faced with this situation whether they should extend the definition

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of the word 'family' as pleaded by the hotel proprietors or whether they should restrict it as contended by the employees. The employees felt that if the definition was extended, it would lead to abuse and that almost anybody might pass for a cousin, nephew or in-law. It would thus lead to a lot of unnecessary examination of the nature of the relationship between the person employed and the proprietor with the result that far from saving any harassment to the hotel proprietor, it would lead to harassment and a close questioning with regard to the relationship between the persons employed and the proprietor himself. Therefore, the Select Committee, which I am very happy to say has unanimously reported on this Bill, felt that the clause might be left as it was. There is no doubt a case for extending the definition of 'family' to close relatives. But as I said, the disadvantages accruing from such an extension would be greater than the advantages that would accrue from it. Because, as I said, the employees felt that it was liable to abuse and they also felt that the definition would be so used as to bring in persons who did not actually belong to that category as relations and so forth. Therefore, Sir, we felt that the definition might be retained as it was. It is a golden mean between the two points of view expressed before the Select Committee.

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p.m.

Then, Sir, objection was taken to the clause which enabled Government to grant exemptions from several provisions of the Bill. The hon. the Leader of the Opposition, when he referred to the clause relating to the employment of women and children, himself said that in western countries a number of housemaids were employed during hours later than 9 p.m. This Bill was considered by the State Labour Advisory Board, and the representatives of employers and employees expressed their reactions to this Bill at that meeting. It was represented to the State Labour Advisory Board by the employers' representative on behalf of, I think, one of the hotels that the restriction in regard to the employment of women after 9 p.m. should not apply to them, because they were employing telephone clerks and certain other women employees after 9 p.m. The Government felt that they could not make any exception in regard to any particular establishment and, therefore, said that they would reserve the right to themselves to grant exemption in cases of that kind. The power to grant exemption has to be reserved to the Government so that it might be exercised in proper cases. If the Government are not given this power to grant exemption in cases of the kind put before us, the law would become so tight and wooden that the hotel proprietors who are now employing women in certain categories of employment will have either to dispense with their services or get on without their services. That is why the Government said that instead of legislating for a particular individual institution, they might reserve to themselves the power to grant exemptions as and when the need for it arose.

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Sir, our country is full of fairs and festivals. We cannot enforce all the rules and regulations contained in this Bill during festivals and fairs. It may become necessary to give exemptions to establishments who run these hotels and restaurants for specified purposes and for a few days during festivals and fairs. Therefore, the Government thought that the power might be reserved to them to grant exemption, and it is also provided that such exemptions can be granted only subject to certain conditions. I do not think it is wrong for the Government to reserve power to themselves to exempt certain hotels and restaurants from the operation of this legislation. Far from that, I think it is a great convenience. It may be argued that it is liable to abuse. But I have searched my mind to see how it could be abused, unless it be that the employees complain, 'Whether it is a fair or a festival, it does not matter; we should have only the same hours of work which we had during the normal days'. Sir, this is a matter which the Legislature has to decide. The Legislature has to decide whether the Government should not be given the power to exempt hotels and restaurants from the operation of this legislation relating to hours of work, etc., on occasions like fairs and festivals or whether, as contended by some of the employees' representatives, no power should be reserved to Government at all and the law should be applied in a draconian manner giving no sort of assistance or help to those who want to serve the public during these important occasions. I hope that the House will accept my submission that the power to grant exemptions from the operation of this legislation is really intended to serve the community and not particularly to serve any individual, be he a proprietor or an employee.

Objection was also taken as to the hours of work. The hon. the Leader of the Opposition asked why the total hours of overtime work should be restricted. The hon. the Leader of the Opposition has visited the Caledonian every time. If only he had gone into the other hall and watched the proceedings of the International Labour Organization, he would have seen that these things are accepted as the standards for the whole world. Labour has got to be protected against itself. Labour is willing to sweat and do overtime work even at the risk of its health and to its own detriment. It is the duty of the State to protect labour against any indiscretion on its own part. That is the basis of all legislation in the social field. That is the basis of all conventions and recommendations adopted by the International Labour Organization. In this Bill, I am very happy to say that we have followed almost all the recommendations of the International Labour Organization in regard to the hours of work, overtime work, periods of employment, etc.

As regards holidays, it was asked, 'Why is the Inspector brought into the picture?' Normally when the employer and the employee decide on the number of holidays and specify them, the

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Inspector will approve. But it seldom happens in our country unfortunately. With all my experience in labour relations over the past several years, I am afraid, there are only very few instances in which the employer and the employee have agreed on even matters like the specification of the holidays. It has, therefore, become necessary to provide in the legislation that the dispute, if any, or differences, if any, in regard to the specification of the number of festival holidays may be settled by the Inspector. This is a thing which has got to be done in a rough and ready manner, and it is unnecessary to create an industrial dispute over this. What we have provided in the Bill is that the Inspector, in case of differences, shall have power to specify the number of holidays.

In regard to leave, the hon. the Leader of the Opposition asked, 'Why should not a person enjoy his leave in the year in which he is earning it?' There are two aspects involved in this clause. One is the provision which qualifies the worker to get leave. The other is the rate at which he earns leave. If he has worked for 240 days in a year, for every 20 days of work, he gets one day's leave. This is the rate at which he earns his holidays with wages. But in order to earn this, he must have put in 240 days' work in the previous year. Otherwise, a person may not have work for 240 days in a year and continue to earn his leave in the subsequent year. The degree of absenteeism in the factory is growing, and it was felt that unless the employees put in a qualifying period of service, they should not have leave in the subsequent year. It is for this purpose that a period of 240 days has been specified as the requisite qualifying period for earning leave in the subsequent year at the rate of one day for every twenty days of service. This provision has been adopted in the Factories Act after considerable deliberation, and it is now accepted as the standard practice in all labour legislation.

Then, Sir, the question was asked, 'Why not time be specified for giving notice of the demand for leave and why should it be sent reasonably in advance?' The hon. the Leader of the Opposition himself answered it impartially when he said that there might be emergencies and that in this Bill it might be provided that the employee should give ten days' notice except in the case of emergencies. We have put it in the other way that he may give reasonable notice. Reasonableness will be decided only when a dispute arises. It is not as if a dispute arises in every case in which leave is asked for and refused. Dispute will arise perhaps in cases where an employee may require leave urgently. He may plead some emergency in his domestic life and if it is granted, there is no question at all and no dispute arises. But if it is refused and the employee feels aggrieved by it, then only he will have to go before some Labour Conciliation Officer or the Inspector—the authority prescribed—to establish that he had given reasonable notice and that he was not granted leave. That is a better provision than saying that in every case he should give ten days' 5 p. m.

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notice and that in case of emergencies that may be relaxed because the degree of emergency may vary. In the case of sudden demise of some very close relative, he may want leave in two hours' time. If he is going to take a holiday, the employer may insist on 15 days' notice and say, 'You can postpone your holiday even by 15 days' and no Inspector or authority prescribed under the Labour Statute would ever say that the period of ten days' notice required by the employer is unreasonable. If we prescribe that he should give ten days' notice even in those cases where a longer notice would be required, it would not compel the employee to give such notice. That is a flexibility in language and I take it that it would be accepted by the House.

Then, Sir, there is the question relating to discharge of employees. Any number of industrial disputes arise in this State as well as in the whole country with regard to the discharge and dismissal or termination of employment of the workers. To-day under the Factories Act, there is no provision under which a person who is discharged or dismissed from service would approach any authority for redress. It has to be taken as an industrial dispute which means that a substantial body of workers have got to take it as a dispute with the employer and the question has to go through the tortuous process of conciliation and then be reported to the Government. The Government may, if they find that it is an industrial dispute and that it has got to be referred for adjudication, take it to a Labour Court or Tribunal, as the case may be. Now, Sir, all these things lead to disharmony within the factory. The mere fact that one of their co-workers has been discharged from employment creates such a lot of sympathy among the other workers that until the dispute is settled either way, the tension goes on mounting with the result that the relationship between employer and employee deteriorates. The Government have felt that if these things could be taken out of the purview of industrial disputes and the reasonableness or otherwise of the discharge heard by some independent authority and his decision is made final, it will give a quietus to all possible industrial disputes arising out of discharge or dismissal. There may be cases in which charges of victimisation, namely, punishment for trade union activities, may arise. They are very serious matters and they may go in the usual course for conciliation, arbitration, adjudication and so on and so forth. But most of the cases of discharge and dismissal in the country are small matters very largely resulting from either a petty disobedience or an economic necessity due to retrenchment and these things need not go through the paraphernalia of an industrial adjudication. That is why we have provided a quiet and simple remedy whereby the authority appointed by the Government would hear the appeals against the action taken by the employer. The hon. the Leader of the Opposition asked me who was to conduct the enquiry. The language of the clause makes it clear that no employer shall dispense with the services of an employee without giving such employee at least one month's notice provided however that such notice shall not be necessary

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where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose. That means that the employer has to record at the inquiry, and this provision is taken from a statute which has been in force in the State for quite a long time, now ten years, namely, the Madras Shops and Establishments Act, and it has never given rise to any doubt with regard to who should conduct the inquiry. The normal procedure is that before an employee is discharged, an inquiry is held, the evidence, if it is a case of misconduct, is recorded and then the order is given. Thereupon, if the employee is aggrieved, he goes to the authority appointed by the Government and submits his appeal. The authority goes into the facts of the case and then decides whether this employee should be reinstated with wages or without wages or whether he should be paid compensation or whether his case should be dismissed. The result is quite a lot of industrial strife is avoided by the procedure suggested herein. It is provided in this clause that the orders of this appellate authority shall be final and shall not be called in question. It is not as if any order passed by the Government under any clause is exempt from the jurisdiction of the civil courts. It is only an order specifically passed by the appellate authority on an appeal made by a discharged or dismissed employee that shall be final and shall not be called in question. This is a very salutary principle because we do not want to allow a very serious litigation to go about on a small matter relating to the employment or non-employment of an individual. If the employee or for that matter, the employer is allowed the right to go to a civil court, there will be endless litigation and it is not in the interests of either the employer or the employee or society itself to allow this matter to be agitated in courts taking away very valuable time. It may be asked what the remedy is for an employer or employee in case the authority acts without jurisdiction or acts in excess of jurisdiction or acts contrary to the principles of natural justice. After the enactment of Article 226 of the Constitution, executive acts are also subject to judicial review. Therefore, extreme cases of that kind could always be corrected by resort to the highest judicial tribunal of the country. Therefore, no individual right has been taken away or deprived by enactment of this clause.

Then, Sir, the powers of the Inspector also came up for a certain amount of criticism. We have provided that rules may be made for ensuring cleanliness, sanitation, etc., of the premises. The Inspector is, as it now happens, an ordinary executive official, not having any specific qualification with regard to Public Health. If he desires to inspect any premises, then it is provided that he may take the assistance of anybody he likes, but who is a person in Government service or in the service of the local authority, for the purpose of inspection.

DR. A. LAKSHMANASWAMI MUDALIAR: As regards cleanliness, sanitation, etc., of the premises, is there anything contrary to the provisions in the Public Health Act?

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5-10 p.m. THE HON. SRI R. VENKATARAMAN: There are two things in the Public Health Act. As regards hotels, conditions have been prescribed with regard to sanitation, etc., of the premises. The premises may be kept clean, but the working conditions of the employee may be thoroughly unsatisfactory. This law protects the conditions of employment of the workers. The minimum conditions with regard to ventilation, lighting, etc., with reference to his employment in the surroundings will be prescribed in the rules and if these are not observed, certainly it is for the Inspector to point out that there has been a violation of the rules framed under the law. Therefore, this was an introduction by the Select Committee after examining the Public Health Act. The original Bill did not contain any provision with regard to the conditions of sanitation, etc., to be observed. It was pointed out in the Select Committee that the Public Health Act might not cover these conditions, which had to be observed in the interest of the efficient working of the hotels and restaurants and for the purpose of safeguarding the health of the employees. That is why you will find, not only there is a provision that the hotels and restaurants shall observe the rules and conditions that the Public Health Act may lay down but there is the other provision also which says that the hotels and restaurants shall observe the conditions which are prescribed under this Act for the promotion of the welfare of the workers. There is nothing wrong in a statutory authority going and inspecting. If you do not like inspection, then you condone the non-observance of rules and regulations. I fail to see how we can check whether the rules and regulations made by law are observed unless we allow inspection. Therefore, these powers are necessary, if we want the rules to be observed. But if we want to give a free hand to the employer and leave it to his good sense to observe the conditions, then it may be argued that it is not necessary to invest the Inspector with power of inspection. In this case, it was felt by the Members of the Select Committee that it was necessary to provide, over and above the rules now existing under the Public Health Act, for certain conditions for the protection and welfare of the workers. Of course, these will be provided in the rules which will be made under the Act.

Then, there was a complaint that the onus had been thrust on the employer to prove the employee's age. It is a cardinal principle of this legislation that a child shall not be employed. It is also a principle which has been enunciated in our Constitution and which has been accepted throughout the world that no person of less than 14 years of age shall be employed in any factory or hotel or any other establishment of this kind. Now, if we want that this principle should be observed, it has to be provided that somebody must take the responsibility to see to its observance. If, on seeing an individual, the employer feels that he is not of the employable age, he must insist on the production of either a certificate of birth or a medical certificate. That would always save him from any prosecution. Even before prosecution could be launched, it is the

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duty of the Government to get a declaration from a medical officer that the person who is sought to be employed is below the employable age. It is only on the basis of that certificate, that prosecution can be launched. Clause 26 (2) says:—

“A declaration by a Government medical officer not below the rank of a Civil Assistant Surgeon that he has personally examined a person employed and believes him to be under the age stated in such declaration shall, for the purpose of this Act and the rules made thereunder, be admissible as evidence of the age of that person.”

Therefore, in order to lead evidence that the person who is employed is below the employable age, a certificate has to be obtained by the person who launches the prosecution. After a great deal of consideration, it was felt that in laying the onus on him, no great hardship would be felt by the employer, because in all cases in which he establishes that there is any doubt about age, he could get from the person who seeks employment some *prima facie* proof with regard to age.

So far as the penalties go, I may inform the House that the heavier penalties have been reduced by the Select Committee. This is a very welcome thing. I personally do not believe in the enforcement of any social legislation, particularly a labour legislation by deterrent penalties. I have great faith in the parties who run these institutions and if these institutions are to be a success, they should provide the normal conditions of work so that the workers also may give their co-operation and both may work to their mutual benefit. I am quite sure that when this Bill becomes law, the condition of employees in this somewhat difficult and unregulated trade will improve and that the employers also will bear the obligations imposed under the law which are not, according to me, very heavy. Even the employers' representatives who gave evidence before the Select Committee did not say that these provisions would throw a very heavy burden on them, even though they felt these regulations might be irksome.

My good Friend, Mr. Balasubramanya Ayyar, said that I had slavishly borrowed the provisions of the Factories Act and that that was why we found many of the provisions bodily lifted from that Act and incorporated here. It is not so. We have made very serious departures from that Act. I may give a few examples. In the Factories Act, the spreadover is limited to 9½ hours. In order that the public may not be inconvenienced and in order to enable the hotels to serve the public properly, the spreadover here has been extended to 14 hours which is the longest in any legislation in India to-day. There are a number of other such items but I shall not go into all those things. The only other point which I have to meet is that of the hon. Member Mr. Krishnamoorthy who said: ‘Why have you provided a six month period? It will enable the employer to dismiss the worker at the end of five months and twenty-nine days’. Suppose I reduce it to three months. Would it not be possible for the employer to do the same thing at the end

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of two months and twenty-nine days? (Sri G. Krishnamoorthy: Have it as one month.) Then, he may do it at the end of twenty-nine days. We have to enact legislation in the hope that the spirit of it will be accepted by the people. If we try to impose restrictions which may hamper the normal working of institutions, the results may prove unhappy. Six months is roughly the period within which a person makes up his mind whether the employee is good enough to be continued or not. If, after six months, an employee is continued in service, it shows he is fit enough to be continued. If he is dismissed then, it has to be proved how the termination of his service became necessary. There may be occasions on which, for reasons other than those which result in the normal discharge or dismissal or termination of service of a person, one's service may be terminated. There is a case of victimization either for participation in trade union activities or some such thing. In that case, the Industrial Disputes Act will come into operation and the employee will be protected. I am grateful to the House for the very detailed scrutiny which it gave to this Bill and I move that the Bill be taken into consideration.

DEPUTY CHAIRMAN: The question is—

“That the Madras Catering Establishments Bill, 1957 (L.A. Bill No. 18 of 1957), as passed by the Legislative Assembly, be taken into consideration.”

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

Clause 2.

5-20 p.m. DEPUTY CHAIRMAN: The motion is—

‘That clause 2 do stand part of the Bill.’

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

“In the proviso to sub-clause (3) of clause 2 for the words ‘when such employment commences’ substitute the words ‘when his employment commences’.”

“In sub-clause (11) of clause 2 for the words ‘in which the business of providing dwelling accommodation and supply of meals to any member of the public or a class of the public is carried on’, substitute the following:—

‘in which any member of the public or a class of the public is, as a business, accommodated and supplied with meals’.”

SRI M. ETHIRAJALU: I second the amendment, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, in this clause, the expression ‘such employment’ is used. The word ‘such’ is generally used when the word ‘employment’ has been used already on a previous occasion. Here, the word ‘employment’ has not been used on a previous occasion. Previously, reference has been made to employee. Then, ‘his employment’ is

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intended to be indicated by the expression ‘such employment’. When the word ‘employment’ has not been used before, ‘such employment’ will not be appropriate in a subsequent place. Hence, I suggest the substitution of ‘his’ for ‘such’. Though it may not be a very material amendment, it will make the position clear.

As for my second amendment, sub-clause (11) states, ‘residential hotel’ means any premises in which the business of providing dwelling accommodation and supply of meals to any member of the public or a class of the public is carried on. Now, the proprietor may have his office in one place and the Lodging House wherein he lodges members of the public may be in a different place. It may be a different building. As far as the expression providing dwelling accommodation is concerned, a person who resides in his office may issue a chit to his clerks in the Lodging Home instructing them to provide accommodation in the Lodging House to the persons noted in the chit. Now, he carries on the business of providing accommodation when he sends instructions for the purpose of providing accommodation. In such cases, the instruction is issued from some building which is not the Lodging House. My point is that it should be unequivocally indicated that ‘residential hotel’ is the place where lodging is provided and meals are supplied. The proprietor concerned may issue tickets or chits from his office to his staff. In order to make the position clear, I have stated in my amendment that the words ‘in which any member of the public or a class of the public is as a business, accommodated and supplied with meals’ might be substituted in the place of the existing wording. I request that the amendments may be accepted.

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, I am sorry I am unable to accept the amendments. I may be excused if I prefer to go by the wording of the draftsmen rather than the amendment suggested. Acceptance of any amendment at this stage may lead to certain difficulties. These expressions have acquired by common use a certain connotation and have been incorporated in the enactments. I am afraid that it is not necessary to amend the wording. The clause as it stands is fairly clear.

DEPUTY CHAIRMAN: Is the hon. Member Sri P. S. Krishnaswamy Ayyangar withdrawing his amendments?

SRI P. S. KRISHNASWAMY AYYANGAR: Yes, Sir, I am withdrawing them.

The amendments were, by leave, withdrawn.

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

“In clause 2, after sub-clause (15), add the following as new sub-clauses (16) and (17) respectively:—

“(16) “Adult” means a person who has completed eighteen years of age.

[Sri K. Balasubramanya Ayyar] [10th April 1958]

(17) "Appellate Authority" means the authority constituted under the Act for dealing with appeals under the Act."

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

SRI K. BALASUBRAMANYA AYYAR: Sir, the word 'adult' is used in another clause, viz., clause 12 where it is stated 'in the case of an adult, at the rate of one day for every 20 days.' It is also stated in that clause, 'in the case of a young person, at the rate of one day for every 15 days.' This clause makes a distinction in the matter of leave between an adult and a young person. Though the term 'young person' has been defined, the word 'adult' has not been defined in the Bill. So, as a matter of artistic improvement in drafting, I would like the Government to define 'adult' also in this Bill itself. A 'child' has been defined, 'young person' has been defined. So, the definition may be artistically given in the matter of adult also. Though it may not seriously matter, it is much better to define the term 'adult' in this enactment itself, especially when we have defined other categories.

DEPUTY CHAIRMAN: I think it is a question of contract between the employer and the employee.

SRI K. BALASUBRAMANYA AYYAR: But, the privileges that accrue are statutory. That is a thing out of the contract. It is statutorily regulated. Therefore it is I say that the term 'adult' should be defined though it may not be a very serious matter.

As for the second amendment, I want that 'appellate authority' should also be defined in the Bill. I think it is usual to define it in Bills of this nature. Though it is stated that the decision of the appellate authority shall be final, nowhere it is defined who that 'appellate authority' is. That is why I want that the term 'appellate authority' should be defined as 'the authority constituted under the Act for dealing with appeals under this Act'. Though it may not be serious and may not be very wrong, in an enactment of this kind, it is better to state clearly who the 'appellate authority' is. It is only to make the position clear that I have moved these amendments, Sir.

5.30 p.m. THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, I agree that the definition of the word 'adult' will add to the elegance of the statute because we are using a language which has not been earlier defined. We are familiar with legislation with regard to labour laws in which the same expression is used. For instance, in the Factories Act, in section 79, you will find the same thing, i.e., "Every worker who has worked for 240 days, earns at the rate of, if an adult, one day for every twenty days". So, the hon. Member Sri Balasubramanya Ayyar himself said that it won't detract from the value of the statute. But it would certainly be more elegant to have a definition. We can also put in a definition of 'adult' in the rules.

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As regards the other amendment, namely, 'appellate authority' I invite the attention of the hon. Member to sub-clause (2) of clause 19 which reads thus:—

"Any employee discharged, dismissed or retrenched may appeal to such authority and within such time and in such manner as may be prescribed."

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

SRI K. BALASUBRAMANYA AYYAR: No, Sir.

The amendment was, by leave, withdrawn.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4.

DEPUTY CHAIRMAN: The motion is—

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

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

"In sub-clause (2) of clause 4 for the words 'in the register of catering establishment' substitute the words 'in the register of catering establishments'."

There is an expression in the clause, viz., "register of catering establishment". The register is not kept for one catering establishment. It is kept for a number of "establishments." Therefore, instead of "establishment", it should be "establishments". That correction does not necessitate the sending of the Bill back to the Assembly. It may be corrected because it may be due to the printers inadvertence.

The amendment was duly seconded.

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, the amendment is unnecessary.

DEPUTY CHAIRMAN: Is the hon. Member Sri Krishnaswamy Ayyangar pressing his amendment?

* SRI P. S. KRISHNASWAMY AYYANGAR: No, Sir.

The amendment was, by leave, withdrawn.

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

"In clause 4, after sub-clause (4), add the following as a new sub-clause (5):—

'(5) When the Inspector refuses to issue the Registration Certificate, the party affected may appeal to the Appellate Authority within a week from the date of the order refusing the issue of the Registration Certificate'."

[Sri K. Balasubramanya Ayyar] [10th April 1953]

Clause 4 deals with the powers of the Inspector for registration of catering establishment. I shall read the sub-clauses for information. Sub-clause (1) reads: "Within the period specified in subsection (3) every employer shall send to the Inspector a statement in such form together with such fees, as may be prescribed." Sub-clause (2) says: "On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the catering establishment in such manner as may be prescribed." Sir, this clause does not provide for remedy in case the Inspector is not satisfied and refuses to register the catering establishment. Should there not be any remedy for the hotel man to appeal to the appellate authority? I do not want any separate appellate authority for this. The appellate authority contemplated in clause 19 will be the appellate authority for this. I may mention that in the case of the Money-lenders Act, an appeal was provided for in the case of refusal of licence for money-lenders. So, similarly here also whenever there is a refusal, the hotel man must have a right of appeal. Therefore, I have suggested the amendment.

The amendment was duly seconded.

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, Sir, the framers of this Bill thought that there would be no such cases of refusal and there was no case of refusal. This is only mere registration of an existing establishment. The hotel exists and for the purpose of observance of certain rules and regulations, it is registered. It is also provided that "every employer shall send to the Inspector a statement in such form", and that it shall be registered. This is done by an executive authority and this is not a judicial determination. If any person is aggrieved, he has a right of appeal to the higher executive authority in this matter.

DEPUTY CHAIRMAN: Is the hon. Member Mr. Balasubramanya Ayyar pressing his amendment?

SRI K. BALASUBRAMANYA AYYAR: No, Sir.

The amendment was, by leave, withdrawn.

Clause 4 was put and carried.

Clause 5 was put and carried.

Clause 6.

DEPUTY CHAIRMAN: The motion is—

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

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, the amendment given notice of by me has not been correctly reworded. The correct amendment is as follows which I move—

"For the existing clause 6 substitute the following:—

'6. Striking off of catering establishments from the register.—An employer closing a catering establishment shall, within ten days of his doing so, notify to the Inspector in writing

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such closure. The Inspector shall, on receiving such notice and on being satisfied about its correctness strike off such catering establishment from the register of catering establishments and cancel the registration certificate making an endorsement to that effect in the particular register."

Sir, the word "removal" does not give the correct legal import. The proper expression will be "strike out" or "strike off". Suppose you say "a particular hotel shall be removed from the register". Is the relevant sheet to be torn off? Is the entry to be erased with rubber?

Then there is another printer's devil. In the expression "notify to the Inspector in writing of such closure", the word 'of' should have no place at all. It should be removed. The expression must be "notify to the Inspector in writing such closure".

Then, again, there is another expression, namely, "and cancel the registration certificate". How is it to be known that the certificate has been cancelled unless there is an entry to that effect in the register. Therefore it is that I suggest the use of the wording "strike out" the particular catering establishment from the register making therein an endorsement to the effect that the certificate has been cancelled. Without that, if you say "cancel", how is it to be effected? It is to bring out this point clearly that I have suggested the amendment.

The amendment was duly seconded.

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, Sir, I do not think that the language suggested by the hon. Member in any way improves the existing text. On the contrary, it may lead to a little confusion. The expression "removal of certain things" from the register is well-known and it is not necessary to say, "something is struck out of the register". But, probably if I am also a little bit too technical and meticulous, I may be allowed to say, "striking off proceedings" etc., are stated in definite contexts. They have a different connotation. "Removal" is a more appropriate word than "striking off".

DEPUTY CHAIRMAN: Is the hon. Member Sri Krishnaswamy Ayyangar pressing his amendment?

SRI P. S. KRISHNASWAMY AYYANGAR: No, Sir. I withdraw my amendment.

The amendment was, by leave, withdrawn.

Clause 6 was put and carried.

Clauses 7 to 10 were separately put and carried.

5-40
p.m.

Clause 11.

DEPUTY CHAIRMAN: The motion is—

"That clause 11 do stand part of the Bill".

[10th April 1958]

SRI P. S. KRISHNASWAMY AYYANGAR: Mr. Deputy Chairman, Sir, I move the following amendments:—

' In sub-clause (2) of clause 11 after the words "shall be allowed in each calendar year a holiday of one whole day" and before the words "on the 26th January" insert the word "each".

' In sub-clause (4) of clause 11 from the expression "be entitled to" delete the word "to".

' In item (b) of sub-clause (4) of clause 11 after the words "as aforesaid for such day and" and before the words "to avail himself of a substituted holiday with wages on any other day" insert the words "to claim".

SRI M. ETHIRAJALU: I second the amendments, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, by the first amendment I want to have the word 'each' inserted after the words "shall be allowed in each calendar year a holiday of one whole day" and before the words "on the 26th January". Even if it is absent, it is not very material.

Then, Sir, in sub-clause (4) there is the phrase 'be entitled to' and this word 'to' is repeated in every subsequent clause later on. The word 'to' after the word 'entitled' will have to be omitted. It may be a printer's mistake.

Regarding the third amendment the phrase 'to a claim' should be inserted before the words 'to avail'. The clause should read as 'he will be entitled to a claim to avail himself.' This is the proper wording that should be used. Therefore, the clause, as amended, would read as 'entitled . . . (b) to wages at the ordinary rate of wages defined as aforesaid for such day and to a claim to avail himself of a substituted holiday with wages on any other day'.

These are the amendments I have moved.

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, Sir, I think I should pay homage for the meticulous examination of the text by the hon. Member Sri P. S. Krishnaswamy Ayyangar and say that in sub-clause (4) the word 'to' is redundant where it says 'be entitled to' 'to wages at . . .'. It is a typographical error. It can be corrected without an amendment. I am unable to accept the other amendments, Sir.

The amendments were, by leave, withdrawn.

Clause 11 was put and carried.

Clause 12.

DEPUTY CHAIRMAN: The motion is—

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

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

" In explanation 2 to sub-clause (1) of clause 12 for the words 'but not for earning leave' substitute the words 'but not for calculating the period of leave he is entitled to'."

SRI M. ETHIRAJALU: I second the amendment, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR: Under this clause, 240 days inclusive of certain kinds of leave mentioned in sub-clauses (a), (b) and (c) will make a worker eligible for leave for a certain period with wages in the subsequent year. For finding out whether he has earned any leave to be enjoyed in the subsequent year we have to find out whether he has to his credit 240 working days. If he has, then he has earned some leave. He becomes entitled to leave with wages. For finding out whether he has earned any leave to be enjoyed we have to ascertain whether he has to his credit 240 working days including in that period of 240 days, days of lay off, other kinds of leave and leave for maternity purposes. Then the employer has to find out what period of leave he is entitled to. For this he will have to ascertain the exact number of days on which he has rendered physical labour. The provision as it stands says: 'but not for earning the leave'. That is a mistake. In earning the leave we have got to find out whether 240 days are there to his credit and when 240 days are there to his credit, he is eligible for leave with wages. Only for the purpose of ascertaining whether he has eligibility for leave with wage alone, we have to find out whether he has got 240 days to his credit. After that, to find out the exact period of leave he is entitled to, we shall have to find out the exact number of days on which he has actually worked. Only to find out whether he has earned any leave, calculation of 240 days is material. This period of 240 days will not be taken into consideration for calculating the period of his earned leave. That is the idea intended to be expressed in the clause. I think 'but not for earning leave' is not the proper expression to be used to bring out that idea. The correct expression should be 'but not for calculating the period of leave he is entitled to'.

THE HON. SRI R. VENKATARAMAN: Sir, if we use the words 'entitlement' and 'earning', then we would get clear of all the misunderstanding. Unless a person has put in 240 days of work, he is not entitled to leave. That is his entitlement. It depends on his being in service for 240 days in the year. Then he earns at the rate of one day for 20 days of service. That is why we say that this cannot be taken into account for the purpose of earning his leave, that is to say, at the rate of one day for every 20 days of service. I am unable, therefore, to accept the amendment.

The amendment was, by leave, withdrawn.

Clause 12 was put and carried.

Clause 13 was put and carried.

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Clause 14.

DEPUTY CHAIRMAN: The motion is—

'That clause 14 do stand part of the Bill'.

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

"At the end of clause 14, add the following as proviso—

'Provided that when the employee absents himself after the period of leave or extends the leave without the sanction of the employer, he shall not be entitled to the wages for the period of his absence'."

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR: Sir, the clause as drafted reads like this: 'An employee who has been granted leave for a period exceeding four days shall, before his leave begins, be paid the wages due for the period of the leave allowed'. That is, the employee should be given an advance for the period of the leave allowed. What is to happen in case the employee absents himself after the period of the leave or extends his leave without sanction? Suppose an employee takes leave for ten days and does not report himself for duty on the 11th day; what is to happen? When the employee is paid an advance, there should be some penalty attached for failure to return to duty after the expiry of the leave. That is why I say that the employee shall not be entitled to the wages for the period of his absence. Otherwise, no deductions can be made. For certain specific purposes, it is provided in the Payment of Wages Act. In this Bill there is no such provision. When an employee asks for leave and he is paid for that period, he should be careful to rejoin duty on the expiry of the leave. Otherwise, some penalty should be imposed for failure to return to duty just as in colleges and schools, the teachers would be entitled to salary for the vacation only if they rejoin duty on the reopening of the schools or colleges. If they do not join duty on that day, they forfeit their claim to salary for the leave period.

8-50 p.m. If for a particular period advance payment is made, that is a benefit which he gets and I do not grudge it and let him be given that benefit. But there must be some penalty attached to it, so that if the employee does not act according to particular instructions, he must be punished for that. For instance, he may take leave, go to some place and extend his leave from there after five days by giving an explanation that on account of this difficulty or that difficulty, he is not able to join duty. Therefore it is that a deterrent punishment should be there which would be helpful.

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, Sir, I wish that the employers would be so liberal in giving such interpretation as the hon. Member has given. Actually in commercial practice leave is allowed only to the extent of earned leave available to his credit. Suppose a person has six days' leave to his credit. He will be given leave only for six days. Even if he

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wants leave for ten days, advance will be paid only for those six days and for the other four days, he will go without pay. Therefore, there is no need for such an amendment as that contingency is never likely to arise. If the employer would like to advance as liberally as the hon. Member Mr. Balasubramanya Ayyar suggests, I have no objection to amend this Bill, but there is no hope.

DEPUTY CHAIRMAN: Is the hon. Member Mr. Balasubramanya Ayyar withdrawing his amendment?

SRI K. BALASUBRAMANYA AYYAR: Yes, Sir.

The amendment was, by leave, withdrawn.

Clause 14 was put and carried.

Clauses 15 to 18 were put and carried.

Clause 19.

DEPUTY CHAIRMAN: The motion is—

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

SRI K. BALASUBRAMANYA AYYAR: Sir, I move the following amendments which stand in my name:—

"In clause 19 re-number sub-clauses (2) and (3) as sub-clauses (3) and (4) and before sub-clause (3) so re-numbered, insert the following as sub-clause (2):—

'(2) Where a charge of misconduct has been made against an employee, he may be suspended during the enquiry and he shall be paid half the ordinary wages for the period of suspension'."

"After sub-clause (2) so inserted, insert the following as Explanation:—

'Explanation.—Reasonable causes may include the non-fulfilment by the employee of the minimum work to be done as may be laid down in the standing orders of the catering establishments concerned'."

SRI MOHAMED RAZA KHAN: Sir, I second them.

DEPUTY CHAIRMAN: Now the clause and the amendment are before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR: Sir, this is a question of relationship between employer and employee. The employer can dispense with the service of his employee for a reasonable cause and that would be judged by the appellate authority also when there is an appeal. There may be many reasonable causes but there must be one cause which, I think, ought to be there and that is, if an employee does not diligently do his work, that must be a reasonable cause for an employer to dispense with his service. In the establishment there may be workload, as they call it. If that workload is not fulfilled by the employee, then that may be a reasonable cause for terminating his service. I think such a provision should be added in the clause for the sake of good relationship between the employer and the employee. Then only the employee would diligently do the work and the employer also will not take

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undue advantage of it. There is nothing wrong in providing for such a reasonable cause in any labour legislation. Therefore, I hope the Government will accept my amendment.

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, there is a considerable body of case laws in respect of all matters of this kind. A number of appeals under section 41 of the Shop Assistants Act have gone to the appellate authority and they have decided what are reasonable causes. Among them, the non-fulfilment of duty is also considered to be a reasonable cause. Therefore, it is not necessary to restrict it in the definition. It should be left to the appellate authority to decide specifically in each case, particularly when we have a large body of case laws in the matter, as I have already stated. Any attempt to restrict it would probably lead to the interpretation that only non-fulfilment of duty is a reasonable cause and others are not. Therefore, I do not think that this amendment will help the legislation if it is accepted.

DEPUTY CHAIRMAN: Is the hon. Member Sri Balasubramanya Ayyar withdrawing his amendments?

SRI K. BALASUBRAMANYA AYYAR: Yes, Sir.

The amendments were, by leave, withdrawn.

Clause 19 was put and carried.

Clauses 20 to 22 were put and carried.

Clause 23.

DEPUTY CHAIRMAN: The motion is—

'That clause 23 do stand part of the Bill.'

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

'In sub-clause (1)—

(i) after the words "employer who" and before the word "contravenes" insert the word "wilfully".

(ii) after the word "or" and before the words "fails to pay" insert the words "without adequate reasons".

'In sub-clause (2), after the words "employer who" and before the words "fails to reinstate" insert the words "without adequate reasons".

'In sub-clause (3), after the word "whoever" and before the word "contravenes" insert the word "wilfully".

SRI M. ETHIRAJALU: Sir, I second the amendments.

DEPUTY CHAIRMAN: Now the clause and the amendments are before the House for discussion.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, clause 23 deals with penalties. It makes a general statement that any contravention will be punishable but the contravention may not be deliberate and may not be wilful. For instance, the proprietor

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might have run into bankruptcy or some calamity might have occurred in his family and he might not have been able to attend to the work and comply with the provisions of the Act within the prescribed time. This clause does not say that if he has not wilfully contravened it, he will not be punished. Again, according to the clause, if he has failed to comply with it, mere failure is sufficient to punish him and no consideration is given to the failure for adequate reasons. That would be a hardship and so, to mitigate the rigour of the provision, I suggest that whoever contravenes wilfully and whoever fails to comply with the provisions of the Act without adequate reasons, should alone be punished.

THE HON. SRI R. VENKATARAMAN: Sir, clause 23, sub-clause (2), deals with a case in which the appellate authority has already given a finding that a particular person should be reinstated and then again to say that whoever wilfully fails to fulfil this provision should alone be punished is to introduce an element of uncertainty. I do agree that before an order is passed, some independent determination is necessary and that is provided for in clause 19 (2) of this Bill. After the appellate authority has decided that a particular employee should be reinstated, it should be the obligation of the employer to reinstate him. Again, Sir, it is not a question of punishment by the Executive as complaints will have to be made before the Magistrate and the Magistrate will take into consideration all the relevant factors before imposing punishment. Therefore, I do not think that this amendment is necessary.

DEPUTY CHAIRMAN: Is the hon. Member withdrawing his amendments?

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I will withdraw my amendments after a word of explanation.

The Magistrate is not given discretion to say whether the contravention is wilful or not. As he is not given that discretion, he will turn only to the concerned section and come to the conclusion that particular person has contravened a provision in the Act and is therefore, guilty. Anyhow, I withdraw my amendments.

The amendments were, by leave, withdrawn.

Clause 23 was put and carried.

Clause 24 was put and carried.

Clause 25.

DEPUTY CHAIRMAN: The motion is—

'That clause 25 do stand part of the Bill.'

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

'In clause 25,

(i) for the words 'six months' occurring in the penultimate line of the clause, substitute the words 'three months';

(ii) for the word 'later', substitute the word 'earlier'.

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Sir, clause 25 deals with launching of prosecutions. It says that prosecutions can be launched within six months from the date of the commission of the offence or within six months from the date of knowledge which the Inspector gets of the offence. Supposing three years after the commission of the offence the Inspector comes to know of the commission, then it would be three years and six months for the launching of prosecution. Within a few months of the commission of the offence, even the wronged person would have become reconciled to the grievance he was subjected to. It will be a very great hardship to the employer to say that six months after the commission of the offence or six months after it comes to the knowledge of the Inspector, a prosecution could be launched. It may be five years hence that the Inspector comes to know of it and for such a long time the Damocles' sword would be hanging over the proprietor's head. That should not be the case. It should be three months from the date on which the Inspector comes to know of it or six months from the date of the commission of the offence, whichever is earlier. If, within three months, the Inspector comes to know of the offence, he should not be idle, but should be brisk enough to launch the prosecution. If more than three months elapse after the Inspector comes to know of the commission and if, at any rate, six months elapse after the commission of the offence, no prosecution should be launched. It is to that effect that I have suggested an amendment. We should not be harassing a man for all time to come. It may be that five years hence the Inspector comes to know of it and he out of spite may being to launch a prosecution, saying that he came to know of it only just ten days ago. That will be a great hardship and injustice to the employers. Under no circumstances should any prosecution be launched after six months of the commission of the offence. That is the object of my amendment, Sir.

SRI M. ETHIRAJALU: I second the amendment, Sir.

THE HON. SRI R. VENKATARAMAN: The hon. Member is half-hearted in even seconding it. Sir, I am unable to accept the amendment. It would mean that if any person is able to contravene any of the provisions of this law, if he is able successfully to hide it for the period prescribed, then he will go scot-free. Sir, in every known statute, offenders are charged and prosecuted within a time prescribed, after the offence is brought to the knowledge of the authority concerned. It is not likely to lead to any abuse. Clause 24 provides that no prosecution could be launched without the authority of the Inspector. In the Factories Act, there is a similar provision. All prosecutions are launched by the highest executive in the Factories Department like the Chief Inspector. The hon. Member's fear is an imaginary one. Certainly, if we want our laws to be fully implemented, we have to provide for action being taken within a specified time. After the matter comes to the knowledge of the authority concerned, no quarter should be given for hiding it for a particular period of time and then escaping.

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SRI P. S. KRISHNASWAMY AYYANGAR: Sir, the party aggrieved would be the employee and he would not remain idle. He would bring the matter to the notice of the Inspector and a prosecution could at once be launched. Therefore, there is no question of hiding of the offence by the employer. Again, if a man is absconding, it does not prevent launching of prosecution. The prosecution can be launched and the man might be found out later on. And then . . .

THE HON. SRI R. VENKATARAMAN: Mr. Deputy Chairman, we must follow the rules of procedure.

* SRI P. S. KRISHNASWAMY AYYANGAR: I shall withdraw the amendment, Sir.

The amendment was, by leave, withdrawn.

Clause 25 was put and carried.

Clause 26.

DEPUTY CHAIRMAN: The motion is—
'That clause 26 do stand part of the Bill.'

SRI K. BALASUBRAMANYA AYYAR: Mr. Deputy Chairman, even though I have not given notice of any amendment. I wish to say a few words about this clause. So far as this clause is concerned, there are two things. The age of a person is within his exclusive knowledge. Therefore, he should prove it. It is a general principle of law. Of course, in the particular labour legislation, things may be slightly different, and there may be different circumstances. But the ordinary and general principle is different, as I said. In a case where a child has been forced to labour in these catering establishments, I can say that Article 24 of the Constitution will have no application. It says, 'No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment'. Here there is no such hazardous employment and so, there is no fundamental prohibition according to the Constitution. That is removed from the way. The difficulty is to prove the negative. So far as the employer is concerned, he has no knowledge of the age. That is the difficulty of the employer. Age is within the knowledge of that particular person and his family. Therefore, the employer cannot prove it. The only remedy is to get a declaration from the person employed or ask a medical officer to state the age of the particular person. As for declaration, he can bring his horoscope, or his father and mother may give evidence. All these things are possible for the employee to do. But the employer cannot prove it, as age is within the exclusive knowledge of the particular person. The second thing is with regard to prohibition of child labour. So far as child labour is concerned, it is not so much in prevalence in this catering establishment. Therefore, I feel that this requires consideration by the Government.

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THE HON. SRI R. VENKATARAMAN: Sir, if a person under fourteen years of age is allowed to be employed, how are we to be sure that that boy will not be asked to go near the oven and work near the oven? Working near the oven is as difficult as working in any factory or in a mine. If my esteemed Friend had gone and seen some of the latest textile mills, he would not see anything except cotton going from one end and yarn coming from another end. Still the factories are considered to be places entailing hazardous employment.

Sir, the point here is this. If we once allow the law to be defeated by permitting young people to go and work in the hotels, it will be very, very difficult to regulate employment only for service at the tables and prevent them from being used for work near the oven and other kinds of job which is of a very arduous nature.

The second thing is onus of proof. Sir, the burden of proof is a dischargeable one. All that the provision says is that the employer must undertake to discharge that burden.

6-10 P.M. Otherwise, the employer will employ any number of people and compel a person who has no knowledge about the various factors to prove that the person employed is less than fourteen years. Let me turn the argument and ask the hon. Member how an Inspector of the hotel establishments can prove that a particular person who is employed in a hotel is less than fourteen years. It is not within his exclusive knowledge. Therefore, a person who employs a child must safeguard his position by taking adequate proof in regard to the age of the person, and this is a burden which is not an irritable burden but a burden which can be discharged by any one of the circumstances like producing a medical certificate or even bringing the birth certificate of the individual concerned. All that the law seeks to do in this particular clause is to cast the burden on the employer to find evidence to prove that the boy is not less than fourteen years. I do not think this provision will cast any heavy burden on the employer at all. Employers who want to engage young people should take sufficient precautions to see that they do not violate the law.

Clauses 26 to 28 were put and carried

Clause 29.

DEPUTY CHAIRMAN: The motion is—

'That clause 29 do stand part of the Bill.'

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

'In sub-clause (3) of clause 29, for the words 'is subject to the conditions of the rules being made after previous publication', substitute the words 'is subject to the condition of the rules being made after publication in the Official Gazette'.'

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Sir, sub-clause (3) says, 'The power to make rules conferred by this Act is subject to the conditions of the rules being made after previous publication'. There is only one condition here. Instead of the word 'conditions', it is sufficient if we have the word 'condition'. For the words 'after previous publication', it is sufficient if we have the words 'after publication in the Official Gazette'. It is only after publication that rules have got to be framed. The word 'previous' is redundant here. These are the amendments I suggest, Sir.

SRI M. ETHIRAJALU: I second the amendment, Sir.

THE HON. SRI R. VENKATARAMAN: Sir, the ordinary practice is that the draft rules are published and that then objections and criticisms are invited. Then only rules are framed. Therefore, the word 'previous' is used in the clause. So far as the amendment to change 'conditions' into 'condition' is concerned, I do not think it calls for comment.

* SRI P. S. KRISHNASWAMY AYYANGAR: I withdraw amendment, Sir.

The amendment was, by leave, withdrawn.

Clause 29 was put and carried.

Clause 30 was put and carried.

Clause 1 was put and carried.

Long Title and the Preamble.

DEPUTY CHAIRMAN: The motion is—

'That the Long Title and the Preamble do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR. I withdraw my the following amendment:—

In the Long Title and the Preamble after the words 'for certain other purposes' and before the words 'in the State of Madras' insert the words 'relating thereto'.

Sir, in the long title and the Preamble, the purposes of every Act should be generally indicated. Here the language used is, 'for the regulation of conditions of work in catering establishments and for certain other purposes'. 'For certain other purposes' would mean that those purposes are not to be disclosed or that those purposes do not relate to the catering establishments. Therefore, I say that it should be clearly indicated that those purposes should relate to catering establishments with which this legislation deals. To bring out this idea clearly, I have suggested that for the words 'for certain other purposes' the words 'for certain other purposes relating thereto' be substituted. It should clearly be indicated that these purposes relate to catering establishments. They should not relate to things which are not relevant to the Act. The purposes

490 THE MADRAS CATERING ESTABLISHMENTS BILL, 1957
(L.A. BILL NO. 18 OF 1957)

[Sri P. S. Krishnaswamy Ayyangar] [10th April 1958]

should relate to the catering establishments. It appears that the expression used in the Shops and Establishments Act is copied here. Anyhow in general terms it should clearly say that the purposes should relate to catering establishments. It is for this purpose that I move my amendment.

SRI M. ETHIRAJALU : I second the amendment, Sir.

THE HON. SRI R. VENKATARAMAN : Sir, I am unable to accept the amendment.

* SRI P. S. KRISHNASWAMY AYYANGAR : I withdraw the amendment, Sir.

The amendment was, by leave, withdrawn.

The Long Title and the Preamble were put and carried.

SRI M. ETHIRAJALU : I second the amendment, Sir.

'That the Madras Catering Establishments Bill, 1957 (L.A. Bill No. 18 of 1957), as passed by the Legislative Assembly, be passed.'

DEPUTY CHAIRMAN : The question is—

'That the Madras Catering Establishments Bill, 1957 (L.A. Bill No. 18 of 1957), as passed by the Legislative Assembly, be passed.'

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

DEPUTY CHAIRMAN : The House will now adjourn and meet again at 10 a.m. to-morrow.

The House then adjourned.

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

* 131. Notification issued with G.O. No. 171, Local Administration, dated 4th February 1958, amending rules 2, 3, 4 and 5 and omitting rule 6 of the rules relating to authorities to accord administrative and technical sanction to works of panchayats published with late Local Administration Department Notification No. III, dated the 12th October 1953.

* 132. A brief note on the activities and achievements of the Madras Government Cinchona Department for the half-year ended 30th September 1957.

133. Notification issued with G.O. Ms. No. 3396, Home, dated 28th December 1957, regarding amendments to rules 19, 24 and 28 of the Madras Children Rules.

* Sent by post and messengers on 5th April, 1958.

10th April 1958]

134. Notification issued with G.O. Ms. No. 3176, Home, dated 7th December 1957, amending rule 80-A of the Madras Motor Vehicles Rules, 1940. [Laid on the table of the House under section 133 (3) of the Motor Vehicles Act, 1930.]

135. Notification issued with G.O. Ms. No. 549, Home, dated 6th March 1958, amending rule 56 of the Madras Cinemas (Regulation) Rules, 1957. [Laid on the table of the House under section 82 (2) of the Madras Cinemas (Regulation) Act, 1955 (Madras Act IX of 1955).]

136. Notification issued with G.O. Ms. No. 393, Home, dated 14th February 1958, regarding remission of fee chargeable under article 10 (k) (i) of Schedule II to the Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955) on applications for registration and for the grant of driving licence under the Madras Hackney Carriages Act, 1911 (Madras Act V of 1911).

137. First Report (Second Assembly) of the Committee on Estimates on the Community Development Projects.

138. Second Supplementary Financial Statement for 1957-58 of the Madras State Electricity Board. [Laid on the table of the House under sub-section (3) of section 61 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948).]

139. Notification issued with G.O. Ms. No. 494, Home, dated 27th February 1958, regarding amendment to rule 2 of the Madras Cinemas (Regulation) Rules, 1957.

140. Notification issued with G.O. Ms. No. 476, Home, dated 25th February 1958, regarding amendment to the Madras Cinemas (Regulation) Rules, 1957.

141. Report of the Committee on Public Accounts on the accounts of the State of Madras for the year 1955-56 (Volume I).

* 142. The Madras Sales of Motor Spirit Taxation (Second Amendment) Bill, 1958 (L.A. Bill No. 15 of 1958), as passed by the Assembly.

† 143. The Madras Catering Establishments Bill, 1957 (L.A. Bill No. 18 of 1957), as passed by the Assembly.

* Sent by post and messengers on 5th April 1958.

† Sent by post and messengers on 7th April 1958.

[10th April 1958]

APPENDIX I.

[Vide answer to clauses (a) and (b) of the starred question No. 118 asked by Sri V. R. Ranganathan at the meeting of the Legislative Council held on 10th April 1958, page 437 supra.]

University.	Year.	Number of Syndicate meetings.	
		Attended by the Director of Public Instruction.	Not attended by the Director of Public Instruction.
Madras ..	1955-56	7	5
	1956-57	8	7
Annamalai ..	1955-56	5	6
	1956-57	1	12

APPENDIX II.

[Vide answer to starred question No. 114 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 10th April 1958, page 438 supra.]

Priority list for municipal water-supply schemes as prepared by the Water-supply and Drainage Committee.

LIST I.—Schemes to be newly provided.

Tirunelveli.	Tiruvarur.
Palayamkottai.	Mannargudi.
Melapalayam.	Srivilliputtur.
Tindivanam.	Aruppukottai.
Mayuram.	Tirupattur.
Devakottai.	Vaniyambadi.
Gobichettipalayam.	Villupuram.
Arni.	Udumalpet.
Dharapuram.	Sivakasi.
Rajapalayam.	Ambur.
	Rasipuram.

LIST II.—Existing schemes to be improved.

Cuddalore.	Tanjore.
Dindigul.	Nagapattinam.
Kancheepuram.	Chingleput.
Madurai.	Srirangam.
Tiruppur.	Karur.
Virudhunagar.	Gudiyattam.
Chidambaram.	Tiruvallur.
Palni.	Periyakulam.
Tiruvannamalai.	Coonoor.
Karaikudi.	Ootacamund.
Tuticorin.	Pudukkottai.

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Priority list for drainage schemes as prepared by the Water-supply and Drainage Committee.

LIST I.—Schemes to be newly provided.

Tiruchirappalli.	Mannargudi.
Kumbakonam.	Vaniyambadi.
Chidambaram.	Wallajpet.
Tanjore.	Villupuram.
Tiruvallur.	Tiruppur.
Periyakulam.	Pollachi.
Erode.	Bodinayakanur.
Virudhunagar.	Karur.
Palni.	Dharapuram.
Mayuram.	Gudiyattam.
Tiruvarur.	Ambur.
Tirunelveli.	Tirupattur.
Melapalayam.	Karaikudi.
Palayamkottai.	Devakottai.
Cuddalore.	Mettupalayam.
Kancheepuram.	Sivakasi.
Tiruvannamalai.	Aruppukottai.
Tindivanam.	Udumalpet.
Pudukkottai.	Kodaikanal.
Coonoor.	Rasipuram.
Dindigul.	Gobichettipalayam.
Rajapalayam.	Arni.
Srivilliputtur.	

LIST II.—Existing schemes to be improved.

Madurai.	Vellore.
Ootacamund.	Chingleput.

Priority list for water-supply and drainage schemes revised with reference to the schemes taken up.

WATER-SUPPLY SCHEMES.

LIST I.—Schemes to be newly provided.

1 Devakottai.	9 Udumalpet.
2 Dharapuram.	10 Sivakasi.
3 Rajapalayam.	11 Ambur.
4 Tiruvarur.	12 Rasipuram.
5 Aruppukottai.	Kanyakumari district—
6 Tirupattur.	(a) Colachel.
7 Vaniyambadi.	(b) Kuzhithurai.
8 Villupuram.	(c) Padmanabhapuram.

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WATER-SUPPLY SCHEMES—cont.

LIST II.—Existing schemes to be improved.

- | | |
|-------------------|-----------------------|
| 1 Virudhunagar. | 8 Gudiyattam. |
| 2 Chidambaram. | 9 Tiruvallur. |
| 3 Palni. | 10 Periyakulam. |
| 4 Tiruvannamalai. | 11 Pollachi. |
| 5 Tanjore. | 12 Mettupalayam. |
| 6 Nagapattinam. | Kanyakumari district— |
| 7 Srirangam. | (a) Nagercoil |

LIST III.—Schemes now under execution.

- | | |
|----------------------|---------------------|
| 1 Tirunelveli. | 14 Tuticorin. |
| 2 Melapalayam. | 15 Chingleput. |
| 3 Tindivanam. | 16 Karur. |
| 4 Mayavaram. | 17 Coonoor. |
| 5 Gobichettipalayam. | 18 Ootacamund. |
| 6 Arni. | 19 Salem. |
| 7 Mannargudi. | 20 Coimbatore. |
| 8 Cuddalore. | 21 Tiruchirappalli. |
| 9 Dindigul. | 22 Erode. |
| 10 Kancheepuram. | 23 Kodaikanal. |
| 11 Madurai. | 24 Vellore. |
| 12 Tiruppur. | 25 Pudukkottai. |
| 13 Karaikudi. | |

DRAINAGE SCHEMES.

LIST I.—Schemes to be newly provided.

- | | |
|--------------------|-----------------------|
| 1 Tiruchirappalli. | 25 Villupuram. |
| 2 Chidambaram. | 26 Tiruppur. |
| 3 Tanjore. | 27 Pollachi. |
| 4 Tiruvallur. | 28 Bodinayakanur. |
| 5 Periyakulam. | 29 Karur. |
| 6 Erode. | 30 Dharapuram. |
| 7 Palni. | 31 Gudiyatham. |
| 8 Mayavaram. | 32 Tirupattur. |
| 9 Tiruvarur. | 33 Karaikudi. |
| 10 Tirunelveli. | 34 Devakottai. |
| 11 Melapalayam. | 35 Mettupalayam. |
| 12 Palayamkottai. | 36 Sivakasi. |
| 13 Cuddalore. | 37 Aruppukottai. |
| 14 Kancheepuram. | 38 Udumalpet. |
| 15 Tiruvannamalai. | 39 Kodaikanal. |
| 16 Tindivanam. | 40 Rasipuram. |
| 17 Pudukkottai. | 41 Gobichettipalayam. |
| 18 Coonoor. | 42 Arni. |
| 19 Dindigul. | Kanyakumari district— |
| 20 Rajapalayam. | (a) Nagercoil. |
| 21 Srivilliputtur. | (b) Shencottai. |
| 22 Mannargudi. | (c) Colachel. |
| 23 Vanivambadi. | (d) Ruzhithurai. |
| 24 Walajapet. | (e) Padmanabhapuram. |

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DRAINAGE SCHEMES—cont.

LIST II.—Existing schemes to be improved

- | | |
|---------------|---------------|
| 1 Ootacamund. | 3 Chingleput. |
| 2 Vellore. | 4 Tuticorin. |

LIST III.—Schemes now under execution.

- | | |
|-----------------|-----------------|
| 1 Salem. | 5 Kumbakonam. |
| 2 Coimbatore. | 6 Virudhunagar. |
| 3 Nagapattinam. | 7 Madurai. |
| 4 Srirangam. | |

G.O. No. 1488, P.H., dated 25th April 1949.

[Water-supply and drainage—Recommendations of the Water-supply and Drainage Committee—Responsibility for the execution, maintenance and financing of urban schemes—Press Communique—Issued.]

The Government have decided that the provision of water-supply and drainage in urban areas should continue to be mainly a responsibility of the local authority concerned. They have, however, revised their policy regarding their grant-in-aid to the local authorities for the purpose. The revised policy is set out in the Press Communique annexed hereto.

2. The Government have also decided that water-supply and drainage schemes should be provided throughout the Province, in urban areas within a period of twenty years and in rural areas within a period of ten years.

(By order of His Excellency the Governor)

J. M. LOBO PRABHU,
Joint Secretary to Government.

ANNEXURE.

Press Communique No. 5 of the Government of Madras, Public Works (Information and Publicity) Department, dated Fort St. George, the 21st April 1949.

[The Water-supply and Drainage Committee.]

A Committee known as the Water-supply and Drainage Committee was constituted by Government in June 1947 to consider the question of expediting the investigation, design and execution of water-supply and drainage schemes. The committee has since submitted its report. In regard to the responsibility for the execution, maintenance and financing of the schemes the committee has made the following recommendations:—

(1) The entire responsibility for providing protected water-supply and drainage should be taken over by the Government and local authorities should be divested of it.

[10th April 1958]

(2) The Government should constitute a separate Fund called the Provincial Water and Drainage Fund into which should be pooled all the local water and drainage revenues of the local bodies and such amounts as may be earmarked from Provincial revenues annually.

(3) The Government should undertake the maintenance of all completed water-supply and drainage schemes.

(4) The Government should go in for loans in the open market which are to be earmarked for expenditure and the water-supply and drainage schemes, to be repayable in 50 or 60 years.

The Retrenchment and Reorganization Committee also recommended that the Government might raise loans in the open market for the purpose of financing water-supply and drainage schemes and spread repayment over a long term of years, providing a sinking fund in the meantime.

The Government after having carefully considered these recommendations have come to the conclusion that these recommendations need not be accepted in their entirety. Having regard to the immensity and the urgency of the problem of providing water-supply and drainage as expeditiously as possible they have, however, decided to revise their policy regarding financial assistance to local authorities as laid down below:—

The urban water-supply and drainage schemes will be taken up for investigation irrespective of the financial resources of the local authorities

(a) in the case of municipal schemes in accordance with the priority list drawn up by the Water-supply and Drainage Committee, and

(b) in the case of non-municipal urban schemes in accordance with the compendium approved by the Government in G.O. No. 55, P.H., dated 7th January 1946.

The schemes for which the local authorities concerned are able to raise sufficient funds to meet the cost without Government grant may, however, be taken up without regard to their position in the priority list or the compendium. Investigation will be followed up by design and execution without interruption. Immediately after the scheme is designed and before orders are passed for execution, the financial aspect of the scheme will be fully investigated including the quantum of grant to be given from Provincial revenues for the scheme. The completed schemes will be maintained by the local authorities concerned at their own cost. To finance the schemes the local authority concerned will be asked to levy the water and drainage tax at a rate considered suitable by the Government with reference to the cost of the scheme and the resources of the local authority recourse being had if necessary, to the powers vested in the Government to issue a direction to the local authority under section 81-A of the Madras District Municipalities Act and section 25 of the Madras Public Health Act to raise the tax. Any accumulations in the water-supply and drainage fund of the local authority that can be counted against the cost will be taken into account. The maximum amount of loan which a local authority can finance will then be worked out on a plan of repayment in forty years where necessary, instead of the present period of repayment of 20—30 years. The additional amount required towards the capital cost of the scheme will be borne by the Government.

[10th April 1958]

G.O. No. 2014, Health, dated 14th June 1955.

[Water-supply—Financing of water-supply schemes—Metered system—Introduction—Ordered.]

READ—the following papers:—

From the Chief Engineer, P.W.D. (General and Buildings), dated 6th February 1954, No. 6462-PH/53-12.

From the Chief Engineer, P.W.D. (General and Buildings), dated 17th February 1954, No. 1427-PH/52-41.

From the Chief Engineer, P.W.D. (General and Buildings), dated 15th December 1954, No. 6462-PH/53-22.

From the Director of Public Health, dated 10th/15th December 1954, No. 35086-Hyg. (1)/54.

From the Chief Engineer, P.W.D. (General and Buildings), dated 6th January 1955, No. 6268-PH/54-1.

Order—No. 2014, Health, dated 14th June 1955.

Under the existing policy laid down in G.O. No. 1488, P.H., dated 25th April 1949, for financing urban water-supply and drainage schemes, the financial burden to the local bodies is limited to their financial capacity and the major portion of the capital cost of the schemes is borne by the Government. Due to the enormous cost of the schemes and the inability of the local bodies to share in the expenditure to any appreciable extent, the Government have to budget for heavy expenditure on this account every year and as the Government cannot find all the money out of the Revenue Budget as grants, the programme of execution of these schemes is bound to get curtailed. The Government have, therefore, re-examined the question of financing the water-supply and drainage schemes in a more realistic manner than at present and have decided that the water-supply schemes of urban local authorities should be run on commercial basis. They consider that water can no longer be supplied to the consumers without reference to overall cost of its production and that water-supply through house service connexions should be metered and charged for according to the quantity consumed. They, therefore, direct that in addition to the levy of water and drainage tax urban local authorities should charge the consumers for every house connexion by provision of meters (just as electricity is charged for) at such rates as will provide them with sufficient revenue, to enable them to meet not only the maintenance charge of the installation but also to finance loans for meeting the capital cost of the schemes, subject to the following conditions:—

(i) A small free margin should be allowed to every metered house connexion as a set-off against the water tax;

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(ii) the water-supply schemes should be evolved on the basis of supply of water at 15 or 10 or 5 gallons per head according to the availability of funds; and

(iii) provision for free supply of water to the localities of the poor should be made through public taps.

2. The new system will be applied not only to the schemes to be executed hereafter but also to the existing sanctioned schemes which are now under execution. Action will be taken by the urban local authorities to amend, if necessary, the by-laws relating to water-supply schemes with reference to these orders.

3. The rate to be charged for the water supplied should be indicated by the Chief Engineer with reference to the factors relevant to each case, when the administrative sanction of Government for the scheme is applied for. The Chief Engineer is requested to review and submit very urgently necessary proposals for revising the method of financing the sanctioned schemes which are now in progress in accordance with these orders. The Chief Engineer is informed that the execution of the works should be continued unhampered by the consideration of the question of reviewing the financing of such schemes.

(By order of the Governor)

K. GHULAM MAHMOOD,
Joint Secretary to Government.

APPENDIX III.

[Vide answer to starred question No. 115 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 10th April 1958, page 440 supra.]

Serial Names of Medical Institutions where Family
number. Planning Clinics is functioning.

(1)

(2)

(1) Urban centres.

- 1 Government Hospital for Women and Children, Madras.
- 2 Kasturba Gandhi Hospital for Women and Children, Madras.
- 3 Raja Sir Ramaswami Mudaliar Lying-in Hospital, Madras.
- 4 Government Headquarters Hospital, Vellore.
- 5 Government Headquarters Hospital, Coimbatore.
- 6 Government Headquarters Hospital, Ootacamund.
- 7 Government Headquarters Hospital, Ramanathapuram.
- 8 Government Headquarters Hospital, Tanjore.
- 9 Government Headquarters Hospital, Tiruchirappalli.
- 10 Government Headquarters Hospital, Tirunelveli.

(Women/section at Government Hospital for Women and Children, Vannarpet.)

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Serial Names of Medical Institutions where Family
number Planning Clinics is functioning.

(1)

(2)

(2) Rural centres.

- 1 Government Hospital, Tiruvannamalai.
- 2 Government Hospital, Tiruppattur.
- 3 Government Hospital, Wandiwash.
- 4 Government Hospital, Arni.
- 5 Government Hospital, Gudiyatham.
- 6 Government Hospital, Villupuram.
- 7 Government Hospital, Tindivanam.
- 8 Government Hospital, Kallakurichi.
- 9 Government Hospital, Tirukoilur.
- 10 Government Hospital, Chidambaram.
- 11 Government Hospital, Tiruvellore.
- 12 Government Hospital, Kancheepuram.
- 13 Government Hospital, Dharapuram.
- 14 Government Hospital, Pollachi.
- 15 Government Hospital, Tiruppur.
- 16 Government Hospital, Udumalpet.
- 17 Government Hospital, Erode.
- 18 Government Hospital, Palni.
- 19 Government Hospital, Kodaikanal.
- 20 Government Hospital, Dindigul.
- 21 Government Hospital, Melur.
- 22 Government Hospital, Periyakulam.
- 23 Government Hospital, Kotagiri.
- 24 Government Hospital, Gudalur.
- 25 Government Hospital, Coonoor.
- 26 Government Hospital, Sivaganga.
- 27 Government Hospital, Virudhunagar.
- 28 Government Hospital, Rajapalayam.
- 29 Government Hospital, Rameswaram.
- 30 Government Hospital, Srivilliputhur.
- 31 Government Hospital, Dharmapuri.
- 32 Government Hospital, Krishnagiri.
- 33 Government Hospital, Metturdam.
- 34 Government Hospital, Namakkal.
- 35 Government Hospital, Rasipuram.
- 36 Government Hospital, Tiruchengode.
- 37 Government Hospital, Attur.

[10th April 1958]

Serial Names of Medical Institutions where Family
number. Planning Clinics is functioning.

(1)

(2)

(2) Rural Centres—cont.

- 38 Government Hospital, Lalgudi.
- 39 Ranees Government Hospital, Pudukkottai.
- 40 Government Hospital, Srirangam.
- 41 Government Hospital, Karur.
- 42 Government Hospital, Kumbakonam.
- 43 Government Hospital, Mayuram.
- 44 Government Hospital, Mannargudi.
- 45 Government Hospital, Tiruvarur.
- 46 Government Hospital, Pattukottai.
- 47 Government Hospital, Nagapattinam.
- 48 Government Hospital, Ambasamudram.
- * 49 Government Hospital, Tenkasi.
- 50 Government Hospital, Nanguneri.
- 51 Government Hospital, Koilpatti.
- 52 Government Hospital, Tuticorin.

APPENDIX IV.

[Vide item V (1) on page 445 supra.]

L.A. BILL No. 15 OF 1958.

(As passed by the Assembly.)

*A Bill further to amend the Madras Sales of Motor Spirit
Taxation Act, 1939.*

WHEREAS it is expedient further to amend the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), for the purpose hereinafter appearing;

Be it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Sales of Motor Spirit Taxation (Second Amendment) Act, 1958.

(2) It shall be deemed to have come into force on the 1st April 1958.

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2. *Amendment of section 2, Madras Act VI of 1939.*—In section 2 of the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), hereinafter referred to as the principal Act, in clause (b) for the word "India", the words "the State of Madras from—

(i) outside the territory of India, or

(ii) any part of the territory of India other than the State of Madras "

shall be substituted.

3. *Amendment of section 3, Madras Act IV of 1939.*—In section 3 of the principal Act, after sub-section (2), the following shall be added, namely :—

" (3) If any person not liable to tax under this Act in respect of any sale of motor spirit effected by him collects any amount purporting to be by way of tax, he shall pay over to the State Government all amounts so collected by him."

I certify that this is a Money Bill.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

5th April 1958.

APPENDIX V.

[Vide item V (2) on page 448 supra.]

L.A. BILL No. 18 OF 1957.

(As passed by the Assembly.)

A Bill to provide for the regulation of conditions of work in catering establishments and for certain other purposes in the State of Madras.

WHEREAS it is expedient to provide for the regulation of conditions of work in catering establishments and for certain other purposes in the State of Madras;

Be it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Catering Establishments Act, 1958.

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

(3) (a) It shall come into force on such date as the State Government may, by notification, appoint—

(i) in the City of Madras;

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(ii) in all the municipalities constituted under the Madras District Municipalities Act, 1920 (Madras Act V of 1920), and under the Travancore District Municipalities Act, 1116 (Travancore Act XXIII of 1116); and

(iii) in all areas within the jurisdiction of—

(a) panchayats classified as Class I Panchayats under clause (a) of sub-section (1) of section 5 of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950); and

(b) panchayats constituted under the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950).

(b) The State Government may, by notification, direct that this Act shall come into force in any other area on such date as may be specified in such notification.

2. Definitions.—In this Act, unless the context otherwise requires—

(1) "catering establishment" means a restaurant or residential hotel;

(2) "child" means a person who has not completed fourteen years of age;

(3) "day" means the period of twenty-four hours beginning at midnight:

Provided that in the case of an employee whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(4) "employee" means a person employed in, and in connexion with, any catering establishment, but does not include a member of the employer's family;

(5) "employer" means a person owning or having charge of the business of a catering establishment and includes the manager, agent or other person acting in the general management or control of a catering establishment;

(6) "family" in relation to an employer means the husband or wife, son, daughter, father, mother, brother or sister of such employer who lives with him and is dependent on him;

(7) "Inspector" means an Inspector appointed under section 20 for the area;

(8) "leave" means leave provided for in section 12;

(9) "period of work" means the time during which an employee is at the disposal of the employer;

(10) "registration certificate" means a certificate showing the registration of a catering establishment;

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(11) "residential hotel" means any premises in which the business of providing dwelling accommodation and supply of meals to any member of the public or a class of the public is carried on;

(12) "restaurant" means any premises in which is carried on the business of the supply of refreshments or meals to the public or a class of the public for consumption on the premises;

(13) "spread over" means the period between the commencement and the termination of the work of an employee on any day;

(14) "week" means the period of seven days beginning at midnight on Saturday or on such other day as may be specified for a particular area or for a particular class of catering establishments by the prescribed authority.

(15) "young person" means a person who has completed fourteen years of age but has not completed eighteen years of age.

3. Exemptions.—(1) The provisions of this Act except section 21 and section 22 shall not apply to any catering establishment in which only members of the employer's family are employed.

(2) The provisions of sections 7 to 11 shall not apply to the persons occupying positions of management in catering establishments.

(3) The State Government may, by notification, exempt either permanently or for any specified period, any catering establishment or class of catering establishments or any person or class of persons to which or to whom this Act applies, from all or any of its provisions, subject to such conditions as the State Government deem fit.

4. Registration of catering establishments.—(1) Within the period specified in sub-section (3) every employer shall send to the Inspector a statement in such form together with such fees, as may be prescribed.

(2) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the catering establishment in such manner as may be prescribed in the register of catering establishment maintained for the purpose and shall issue, in the prescribed form, a registration certificate to the employer. The registration certificate shall be prominently displayed at the catering establishment.

(3) The statement under sub-section (1) shall be sent within thirty days from the date on which this Act comes into force in the case of catering establishment existing on such date, and within thirty days from the date of commencement of work in the case of any new catering establishment.

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(4) A registration certificate shall be valid for a financial year and shall be renewed from financial year to financial year on payment of such fees as may be prescribed.

5. *Change to be communicated to Inspector.*—It shall be the duty of an employer to notify to the Inspector, in the prescribed form, any change in respect of any information contained in his statement under section 4 within seven days after the change has taken place. The Inspector shall on receiving such notice and on being satisfied about its correctness, make the change in the register of catering establishment and cancel the registration and shall amend the registration certificate or issue a fresh registration certificate, if necessary.

6. *Removal of catering establishments from the register.*—An employer closing a catering establishment shall, within ten days of his doing so, notify to the Inspector in writing of such closure. The Inspector shall, on receiving such notice and on being satisfied about its correctness, remove such catering establishment from the register of catering establishment and cancel the registration certificate.

7. *Daily and weekly hours of work in catering establishments.*—(1) No young person shall be required or allowed to work in any catering establishment for more than five hours in any day.

(2) No other employee shall be required or allowed to work in any catering establishment for more than nine hours in any day or for more than forty-eight hours in any week :

Provided that, subject to the payment of overtime wages, the total number of hours of work including overtime shall not exceed ten hours in any day and the total number of hours of overtime work shall not exceed fifty hours in any quarter.

8. *Extra wages for overtime work.*—Where an employee works in any catering establishment for more than nine hours in any day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to wages at twice the ordinary rate of wages.

Explanation.—For the purposes of this section, the expression 'ordinary rate of wages' means the basic wages plus such allowances including the cash equivalent of the advantage accruing through concessional sale to employees of foodgrains and other articles, as the employees is for the time being entitled to, but does not include a bonus.

9. *Interval for rest.*—The period of work of an employee each day shall be so fixed that he shall not have to work continuously for more than five hours before he has had an interval for rest of at least half an hour.

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10. *Spread over.*—The periods of work of an employee shall be so arranged that along with his intervals for rest they shall not spread over more than fourteen hours in any day :

Provided that the number of intervals for rest for an employee in any day shall not exceed two.

11. *Holidays.*—(1) Every employee shall be allowed in each week a holiday of one whole day.

(2) Every employee shall be allowed in each calendar year a holiday of one whole day on the 26th January and the 15th August and five holidays each of one whole day for such festivals as the Inspector may, in consultation with the employer and the employees, specify in respect of any catering establishment.

(3) (a) Notwithstanding any contract to the contrary, no deduction shall be made from the wages of any employee on account of any holiday allowed to him under sub-section (1) or sub-section (2);

(b) Every employee shall be paid wages at the ordinary rates of wages as defined in the Explanation to section 8 for each of the holidays allowed to him under sub-section (2).

(4) Where an employee works on any holiday allowed under sub-section (2), he shall, at his option, be entitled—

(a) to wages at twice the ordinary rate of wages as defined in the Explanation to section 8 for such day, or

(b) to wages at the ordinary rate of wages defined as aforesaid for such day and to avail himself of a substituted holiday with wages on any other day.

12. *Leave with wages.*—(1) Every employee who has worked for a period of not less than 240 days in a catering establishment during a calendar year shall be allowed in the subsequent calendar year, leave with wages for a number of days calculated—

(i) in the case of an adult, at the rate of one day for every 20 days of work performed by him during the previous calendar year;

(ii) in the case of a young person, at the rate of one day for every 15 days of work performed by him during the previous calendar year.

Explanation 1.—The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at the beginning or at the end of the period of leave.

Explanation 2.—For the purpose of this sub-section—

(a) any days of lay off, by agreement or contract or as permitted under the Standing Orders of the catering establishment concerned;

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(b) in the case of a female employee authorized absence for maternity purposes for any number of days not exceeding twelve weeks; and

(c) that leave earned in the year prior to that in which the leave is enjoyed;

shall be deemed to be days on which the employee has worked for the purpose of computation of the period of 240 days but not for earning leave.

(2) An employee whose service commences otherwise than on the first day of January shall be entitled to leave calculated in accordance with sub-section (1), if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

(3) If an employee is discharged or dismissed from service during the course of the year, he shall be entitled to leave with wages at the rate laid down in sub-section (1) even if he has not worked for the entire period specified in sub-section (1) or sub-section (2) entitling him to earn leave.

(4) In calculating leave under this section, any fraction of leave of half a day or more shall be treated as one full day's leave and any fraction of less than half a day shall be omitted.

(5) If an employee does not in any calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year:

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of a young person.

(6) An application by an employee for the whole or any portion of the leave allowed under sub-section (1) or sub-section (2) shall be in writing and ordinarily be made reasonably in advance of the date on which he wishes his leave to begin.

(7) If the employment of an employee who is entitled to leave under sub-section (1) or sub-section (2), as the case may be, is terminated by the employer before he has taken the entire leave to which he is entitled or if having applied for leave he has not been granted such leave, or if the employee quits his employment before he has taken the leave, the employer shall pay him the amount payable under section 13 in respect of the leave not taken and such payment shall be made, where the employment of the employee is terminated by the employer, before the expiry of the second working day after such termination and where the employee quits his employment, on or before the next pay day.

(8) The leave not availed of by an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal.

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13. *Wages during leave period.*—For the leave allowed to him under section 12 an employee shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave, exclusive of any overtime wages and bonus but inclusive of dearness allowance and the cash equivalent of the meals and tiffin supplied to the employee free of charge.

14. *Payment in advance in certain cases.*—An employee who has been granted leave for a period exceeding four days shall, before his leave begins, be paid the wages due for the period of the leave allowed.

15. *Mode of recovery of unpaid wages.*—Any wages required to be paid by an employer but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936).

16. *Application of the Payment of Wages Act, 1936, to catering establishments.*—(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (Central Act IV of 1936) (hereinafter in this section referred to as the said Act) the State Government may, by notification, direct that, subject to the provisions of sub-section (2), the said Act or any of the provisions thereof or the rules made thereunder shall apply to all or any class of employees in catering establishments to which this Act applies.

(2) On the application of the provisions of the said Act to any catering establishment under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

(3) The State Government may, by like notification, cancel or vary any notification issued under sub-section (1).

17. *Prohibition of employment of children.*—No child shall be required or allowed to work in any catering establishment.

18. *Prohibition of employment of women or young persons during night.*—No woman or young person shall be required or allowed to work whether as an employee or otherwise in any catering establishment between the hours of 9 p.m. and 5 a.m.

19. *Notice of discharge or dismissal.*—(1) No employer shall dispense with the services of an employee employed continuously for a period of not less than six months, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice, provided however that such notice shall not be necessary where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.

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(2) (a) Any employee discharged, dismissed or retrenched may appeal to such authority and within such time and in such manner as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer or on the ground that the employer did not retrench him in good faith.

(b) The appellate authority may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(3) The decision of the appellate authority shall be final and binding on both the parties, not be liable to be questioned in any Court of Law and be given effect to within such time as may be specified in the order of the appellate authority.

20. *Appointment of Inspectors.*—(1) The State Government may, by notification, appoint such persons or such class of persons as they think fit to be Inspectors for the purposes of this Act within such local limits as the State Government may specify.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

21. *Powers and duties of Inspectors.*—Subject to any rules made by the State Government in this behalf, an Inspector may, within the local limits for which he is appointed,—

(a) enter, at all reasonable times and with such assistants, if any, who are persons in the service of the Government or of any local authority as he thinks fit to take with him, any place which is, or which he has reason to believe, is a catering establishment;

(b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or elsewhere the evidence of such person as he may deem necessary, for carrying out the purposes of this Act; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

22. *Employer to produce registers, records, etc., for inspection.*—Every employer shall, on demand, produce for inspection of an Inspector, all registers, records and notices required to be kept under and for the purposes of this Act.

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23. *Penalties.*—(1) Any employer who contravenes any of the provisions of sections 4, 5, 6, 7, 9, 10, 11 and 12 or fails to pay wages or compensation in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 19 shall, on conviction, be punishable with fine which, for a first offence, may extend to one hundred rupees and, for a second or any subsequent offence shall not be less than one hundred rupees or more than two hundred and fifty rupees.

(2) (a) Any employer who fails to reinstate an employee in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 19 shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(b) Any employer, who after having been convicted under clause (a), continues to fail to reinstate an employee in accordance with the order mentioned in that clause shall, on conviction, be punishable for each day after the previous date of conviction, during which he continues so to offend, with fine which may extend to twenty rupees.

(c) Any court trying an offence punishable under this sub-section may direct that the whole or any part of the fine realized from the accused shall be paid by way of compensation to the person who, in its opinion, has been injured by such failure.

(3) Whoever contravenes any other provision of this Act or any of the rules made under this Act shall, on conviction, be punishable with fine which may extend to fifty rupees.

(4) Any compensation required to be paid by an employer under clause (b) of sub-section (2) of section 19 but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936).

24. *Procedure.*—(1) No court shall take cognizance of any offence under this Act or any rule made thereunder except on a complaint made by, or with the previous sanction in writing of, an Inspector.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the Second Class shall try any offence punishable under this Act or any rule made thereunder.

25. *Limitation of prosecution.*—No court shall take cognizance of an offence punishable under this Act or any rule made thereunder unless the complaint is made within six months from the date on which the offence is alleged to have been committed or within six months from the date of its coming to the knowledge of the Inspector, whichever is later.

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26. *Onus as to age.*—(1) When any question arises under this Act whether any person is under a certain age or not, the burden shall be on the employer concerned to prove that such person is not under such age.

(2) A declaration by a Government medical officer not below the rank of a Civil Assistant Surgeon that he has personally examined a person employed and believes him to be under the age stated in such declaration shall, for the purposes of this Act and the rules made thereunder, be admissible as evidence of the age of that person.

27. *Saving of certain rights and privileges.*—(1) Nothing contained in this Act shall affect any rights or privileges which an employee in any catering establishment is entitled to on the date this Act comes into force, under any other law, contract, custom or usage applicable to such catering establishment or any award, settlement or agreement binding on the employer and the employee in such catering establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

(2) If any question arises whether the rights or privileges aforesaid are more favourable to an employee than those to which he would be entitled under this Act or whether all or any of the provisions of this Act apply to a catering establishment or to a person employed therein, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and not be liable to be questioned in any Court of Law.

28. *Indemnity.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

29. *Power to make rules.*—(1) The State Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the registers and records to be maintained in a catering establishment for the purposes of examination by Inspectors and of securing compliance with the provisions of this Act;

(c) the form of notices to be exhibited in the premises of the catering establishment by the employer and the manner of exhibiting such notices;

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(d) the manner in which the cash equivalent of the meals and tiffin supplied to employees *free of charge* is to be computed;

(e) matters relating to the health of employees in, and the sanitation of, a catering establishment.

(3) The power to make rules conferred by this Act is subject to the conditions of the rules being made after previous publication.

(4) All rules, notifications and orders made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which it actually sits either in the same session or in more than one session.

30. *Certain enactments not to apply to catering establishments.*—On and from the date of the commencement of this Act, the Weekly Holidays Act, 1942 (Central Act XVIII of 1942), the Factories Act, 1948 (Central Act LXIII of 1948), and the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947), shall not apply to catering establishments:

Provided that anything done under the said enactments which could have been done under this Act if it had been in force at the relevant time shall be deemed to have been done under this Act.

THE MADRAS LEGISLATIVE COUNCIL

Friday, the 11th April 1958.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Social Education

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

(a) whether there is any proposal before the Government to develop social education activities in this State;

(b) if so, what they are;

(c) the number of social education centres established so far in this State; and

(d) whether any financial assistance is rendered by the Union Government in this regard?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister): (a) No, Sir. There is already a scheme for the development of Social Education activities in the State and it is being implemented.

(b) According to the scheme referred to in the answer to clause (a), the following are some of the activities and the minimum targets to be achieved in Community Development and National Extension Service Blocks:—

Name of activity.	Minimum target per block.
(1)	(2)
1 Evening Classes	35
2 Social Education Centres	20
3 Community Recreation Centres	20
4 Organisation of talks and lectures	10
5 Major competition in sports	2 per year.
6 Women's Clubs	4
7 Children's Centres	20
8 Young Farmers' Clubs	4
9 Youth Clubs	10
10 Crop Competition, Cattle Shows, etc.	1 every year.
11 Village Leaders' Camps	10 per year.

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(c) 3,221.

(d) The Government of India bear 50 per cent of the recurring and 75 per cent of non-recurring expenditure incurred on Social Education.

SRI T. PURUSHOTHAM: Will the Hon. Minister tell us whether there is any question of establishment of a State Council of Social Education, as has been stated by the Central Minister in reply to a question in the Parliament?

THE HON. SRI R. VENKATARAMAN: There is no such proposal.

Gandadeswara Temple at Takkolam

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

(a) whether it is a fact that the flow of water through the mouth of the Sacred Bull in Gandadeswara Temple at Takkolam in North Arcot district has stopped; and

(b) if so, the reasons therefor and the steps taken to ensure free flow of water in the sanctum sanctorum?

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

(b) The stoppage may be due to—

(1) obstruction by roots or mud in the underground passages of spring water; or

(2) the water table having gone down due to failure of rains this year or the working of over 250 electric lift pumps in the area for irrigational purposes. The Commissioner, Hindu Religious and Charitable Endowments, has instructed the Assistant Commissioner, Cuddalore, to take steps immediately to ensure free flow of water through the mouth of the image.

SRI T. PURUSHOTHAM: As this is a relic of ancient architecture, will the Government see what best could be done to restore the flow of water through the mouth of the Sacred Bull in that temple?

THE HON. SRI M. BHAKTAVATSALAM: The architectural work is all right. But architectural work cannot guarantee the flow of water. After all, even spring-flows are limited. When there are as many as 200 pumpsets working, I am not quite sure whether the efforts of the Commissioner of Hindu Religious and Charitable Endowments would prove successful. But, still, all efforts would be made in this matter.

SRI T. PURUSHOTHAM: Will the Government ask the Public Works Department to see whether it is all due to any blocking up of the passage?

THE HON. SRI M. BHAKTAVATSALAM: The blocking up could be rectified but even the Public Works Department headed by the best Chief Engineer could not secure more water than what is available in the flow.

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Pattamadai Adi-Dravida Mahajana Seerthirutha Sangam

* 120 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Works be pleased to state—

(a) whether it is a fact that a memorial was presented to him by the Pattamadai Adi-Dravida Mahajana Seerthirutha Sangam in December, 1957; and

(b) if so, the action taken or proposed to be taken on the requests contained therein?

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

(b) The matter is under examination.

SRI V. V. RAMASWAMI: பத்தமடையில் வாழும் ஆதித்திராவிட மக்களுக்குப் போதுமான பாதுகாப்பு அளிக்க என்னென்ன நடவடிக்கைகள் எடுக்கப்பட்டிருக்கின்றன? அவர்கள் கொடுத்த மனுவில் தெரிவித்திருக்கும் நபரைப் பற்றி ஏதாவது நடவடிக்கை எடுக்கப்பட்டிருக்கிறதா?

THE HON. SRI P. KAKKAN: அவர்கள் கொடுத்த மனுவில் கண்டபடி ஹரிஜனங்கள் பேரில் ஒரு கேஸ் இருக்கிறது. அது இப்போது கோர்ட்டில் இருப்பதால் அதைப்பற்றி அதிகம் ஒன்றும் சொல்லப் போவதில்லை. அதைத் தவிர கைத்தொழிலுக்கு உதவி செய்ய வேண்டுமென்று கேட்டிருக்கிறார்கள். அதைப் பரிசீலனை செய்யச் சொல்லியிருக்கிறோம். அவர்களுக்கு நிலங்கள் ஜாரி செய்து கொடுக்கவேண்டுமென்று கேட்டிருக்கிறார்கள். அதையும் பரிசீலனை செய்து கொண்டிருக்கிறோம். பத்தமடையைச் சுற்றியுள்ள ஹரிஜனங்களுக்கு மாடு வாங்க, விவசாயக் கருவிகள் வாங்க கடன் கொடுக்க வேண்டுமென்று சொல்லியிருக்கிறார்கள். அது சம்பந்தமாக ஹரிஜன நல இலாகா அதிகாரிகளின் ரிப்போர்ட்டை எதிர்பார்த்துக் கொண்டிருக்கிறோம்.

Manual Training Instructors

* 117 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Finance be pleased to state with reference to the answer to supplementary question to starred Legislative Council Question No. 63 answered on 18th December 1954—

(a) whether any representations have been received from Manual Training Instructors in Aided Secondary Schools regarding cut in their salary by adoption of local board scales of pay in the place of the Government scales of pay they were drawing already; and

(b) if so, the steps taken by the Government to restore their original pay to them?

THE HON. SRI C. SUBRAMANIAM: (a) & (b) Representations were received by the Director of Public Instruction from the Manual Training Instructor, A.C. High School, Pallathur, against the reduction in his salary. The Instructor was wrongly allowed pay in the scale of Rs. 60—4—100. The Management has since rectified his pay in the correct scale of pay of Rs. 50—2—90.

SRI G. KRISHNAMOORTHY: Is it not a fact, Sir, that apart from this case, there are many cases in Tanjore and Tirunelveli districts where in the places where Government scales of pay were paid, local board scales are allowed after audit?

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THE HON. SRI C. SUBRAMANIAM: I cannot answer this question immediately.

SRI G. KRISHNAMOORTHY: May I know for what exact reason this particular Manual Training Instructor at Pallathur was considered ineligible for the Government scale of pay of Rs. 60—4—100?

THE HON. SRI C. SUBRAMANIAM: The scale of pay applicable is Rs. 50—2—90. That is the scale of pay applicable to him under the rules. That is why he is not eligible for the scale of Rs. 60—4—100.

SRI G. KRISHNAMOORTHY: May I submit that for Manual Training Instructors the local board scale is Rs. 50—2—90 whereas the Government scale is Rs. 60—4—100, and in an institution where all teachers are paid Government scales, may I know why this particular teacher has been denied Government scale and is allowed only the local board scale?

THE HON. SRI C. SUBRAMANIAM: It is not a question of this individual being treated in a different manner. The scale of pay for these Manual Training Instructors is fixed as Rs. 50—2—90. If it is a general question of revising the scale of pay for Manual Training Instructors, it is quite a different matter altogether.

SRI G. KRISHNAMOORTHY: May I submit that the Government scale for teachers with the qualification which this teacher possesses is Rs. 60—4—100 throughout the State and since the column 'Government scale' has been left blank in the list of scales handled by the auditors, will the Government see that in such cases where they were already drawing the Government scale of pay and where they were eligible for it as per their qualifications, they are not denied the Government scale where other teachers get it?

THE HON. SRI C. SUBRAMANIAM: This is one of the cases where a question is quite inappropriate. I would suggest to the hon. Member, if there are individual cases like this, to put it in a different manner instead of putting it in the form of a question.

Improvement of teachers' salary

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

(a) whether any sub-committee of the Tamil Nad Congress made recommendations to the Government in the matter of improving teachers' salaries and service conditions; and

(b) if so, when such recommendations were made and with what result?

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

(b) Does not arise.

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SRI G. KRISHNAMOORTHY: May I know whether no sub-committee was appointed by the Tamil Nad Congress Committee or whether that committee did not submit its recommendations to the Government?

THE HON. SRI C. SUBRAMANIAM: The question is whether any sub-committee of the Tamil Nad Congress made recommendations to the Government. The answer is 'No'.

Teachers in Panchayat Elementary Schools

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

(a) whether any recoveries from salary have been ordered in the case of teachers in Panchayat Elementary Schools in Nannilam taluk, Tanjore district; and

(b) if so, the reasons therefor and the amount of such recoveries?

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

(b) The recoveries had to be made because of an audit objection that they were paid increments even after they reached the maximum in the scale of pay admissible. The amount to be recovered is Rs. 1,012—2—0. A sum of Rs. 12 has been recovered so far.

SRI G. KRISHNAMOORTHY: Are the Government aware of the fact that this recovery is in respect of a special pay which was payable by the panchayat and that that special pay is paid to teachers in another part of the Nannilam taluk which is under the Tiruvarur Deputy Panchayat Officer and not the Nannilam Panchayat Officer?

THE HON. SRI C. SUBRAMANIAM: The information I have is that even after reaching the maximum in the scale of pay, they were being given annual increment which was not admissible. Because the audit took objection to it, the excess payment is recovered. From the sum recovered, I find perhaps before the retirement of the teachers Rs. 100 will be recovered out of this one thousand rupees and odd.

SRI G. KRISHNAMOORTHY: In view of the fact that this salary was paid on the authority of the Resolution passed by the Vishnupuram Panchayat in Nannilam taluk, will the Government consider the condition of the teacher and the possibility of repayment as explained by the Hon. Minister and order waiving of this recovery?

THE HON. SRI C. SUBRAMANIAM: Panchayats are statutory bodies and they should not be allowed to transgress their powers. But if it is a case of individual hardship, it is for the panchayat to take decisions in this matter and then get the sanction of the Government for that purpose.

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*Vaigai Project*10-10
a.m.

* 122 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of tractors transferred from Manimuthar Project to Vaigai Project;

(b) the number in working condition;

(c) the number lying idle and the reasons therefor; and

(d) the arrangements made for getting supply of tyres and spare parts for the above tractors?

THE HON. SRI P. KAKKAN: (a) 24 (including scrapers).

(b) 18.

(c) 6. Two D. 7 Dozers are lying idle for want of spare parts and four scrapers for want of tyres and tubes. Due to restrictions on the import of spare parts there has been some inevitable delay on the part of suppliers complying with the orders. Orders for supply of tyres were placed in June 1957 with Messrs. Firestone Tyre Company. The Company immediately applied for import licence, but could not get the licence before import restrictions became very stringent.

(d) The spares are likely to be received soon. Action has been taken for import of tyres and tubes after having obtained the requisite release of foreign exchange. Meanwhile orders for release of some surplus tyres, tubes and flaps from Nangal Project Disposals Circle have been obtained from the Nangal Project authorities. These are expected soon. Generally, spare parts requiring renewal frequently are obtained in advance and stocked.

SRI T. PURUSHOTHAM: Will the Hon. Minister kindly tell us for how long these tractors have been lying idle?

THE HON. SRI P. KAKKAN: A separate question may be put.

SRI T. PURUSHOTHAM: Will the Hon. Minister kindly assure us that the work has not suffered in any way on account of these tractors lying idle?

THE HON. SRI P. KAKKAN: We have applied for spare parts. We could not get these all these days. As soon as we get them, the work will go on.

Advertisement on Government Buses

* 123 Q.—SRI M. ETHEIRAJALU: Will the Hon. the Minister for Industries be pleased to state the total revenue realized from advertisements on Government buses by private parties during the years 1954-55, 1955-56 and 1956-57?

[14th April 1958]

THE HON. SRI R. VENKATARAMAN: Advertisements on buses were leased on contract for a spell of two years at a time. Revenues realized are as follows:

	RS.
1st February 1953 to 31st January 1955 (two years).	46,757
1st February 1955 to 31st January 1957 (two years).	57,177

SRI G. KRISHNAMOORTHY: How is it that the Government have been allowing cinema advertisements on buses when opinion is divided as to the advisability of exhibiting these pictures and other things in front of the cinema houses themselves?

THE HON. SRI R. VENKATARAMAN: The Government do not take responsibility for advertisements. They only advertise whatever is given unless it is obscene.

SRI G. KRISHNAMOORTHY: Is it not proper, Sir, that there should be some co-ordination when at least one of the Members on the Treasury Benches has expressed the opinion that modern cinemas are spoiling children like anything and that advertisements of cinema pictures ought to be banned in front of cinema halls? Should they be advertised in Government buses?

THE HON. SRI R. VENKATARAMAN: The Government are unable to accept the very valuable advice given by the hon. Member. We have no opinion as to whether cinema advertisements are to be allowed or are not to be allowed. But we are against obscenities in cinemas.

Representation by Kunnathoor Panchayat Board

* 124 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any representations have been made in an address presented to the Hon. the Minister for Revenue by the Kunnathoor Panchayat Board, Coimbatore district, on 17th October 1957 in regard to the supply of water through the Lower Bhavani Channel to some of the tanks in that area; and

(b) if so, the action taken or proposed to be taken thereon?

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

(b) A report has been called for from the Chief Engineer (Irrigation).

SRI V. V. RAMASWAMI: எப்போது இந்த சீப்-என்ஜினியரிடமிருந்து தகவல் வரும்? அதில் சுணக்கம் வரும் பட்சத்தில் சீக்கிரம் நடவடிக்கை எடுக்க ஒரு உத்தரவு போடுவார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI P. KAKKAN: எப்போது வரும் என்று இப்போது சொல்ல முடியாது. இருந்தாலும் அது சம்பந்தமாக விசாரிக்க ஏற்பாடு செய்கிறேன்.

[11th April 1958]

Sales tax

* 125 Q.—SRI T. DURAIRAJ: Will the Hon. the Minister for Industries be pleased to state the number of cases relating to sales tax in 1956-57 in Tiruchirappalli district—

(a) which were reopened by the Commercial Tax Officers and Deputy Commissioner under section 12 of the Madras General Sales Tax Act, 1939;

(b) where the levy has been increased on such reopening;

(c) where the levy has been reduced on such reopening; and

(d) where the levy has been reduced on appeal to—

(i) the higher authorities; and

(ii) the courts?

THE HON. SRI R. VENKATARAMAN: Assessment made by—

(i) Assistant Commercial Tax Officers	2,716	cases.
(ii) Deputy Commercial Tax Officers	2,333	"
Total	5,049	"

(a) By the Commercial Tax Officer	19	"
By the Deputy Commissioner of Commercial Taxes	Nil.	"

(b) The levy has been increased on such reopening by the Commercial Tax Officer in all the	19	"
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(c) Nil.		
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(d) (i) By Commercial Tax Officers in	219	"
By the Deputy Commissioner of Commercial Taxes in	5	"
By the Madras Sales Tax Appellate Tribunal in	61	"
By the Board of Revenue	Nil.	"

(ii) Nil.

Jeep Enquiry

* 126 Q.—SRI MOHAMED RAZA KHAN: Will the Hon. the Minister for Electricity be pleased to state the action taken by the Government on the recommendations of the Special Officer for Jeeps Enquiry and the economy, if any, effected thereby?

THE HON. SRI V. RAMAIAH: The Special Officer for Jeeps Enquiry made 5 recommendations. His recommendation in regard to the constitution of an *ad hoc* committee has been implemented.

11th April 1958].

The Committee has made certain recommendations for the retrenchment of vehicles. Action is being taken on the decisions of those Committees. The other recommendations of the Special Officer are under examination in consultation with the Board of Revenue and the Transport Commissioner, Madras.

SRI MOHAMED RAZA KHAN: May I ask the Hon. Minister whether he can give us a statement as to the saving which the Government of Madras will have either in terms of money or in terms of the number of jeeps and vans withdrawn as a result of the findings of the Special Officer?

THE HON. SRI V. RAMAIAH: The recommendations of the Special Officer are mainly to pool all surplus vehicles together to see that they are put to more effective use for the expeditious implementation of works.

MR. CHAIRMAN: Questions are over.

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

II.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN: I have to announce to the House that I have received the following message, dated 10th April 1958, from the Governor of Madras:—

"In pursuance of Article 207, clause (3), of the Constitution of India, I, Bismuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Appropriation (No. 3) Bill, 1958."

(2) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN: I have also to announce to the House that I have received the following messages, dated the 10th April 1958, from the Hon. Speaker, Madras Legislative Assembly:—

(1) 'In accordance with rule 144 of the Madras Assembly Rules, I transmit a copy of the Madras Appropriation (No. 3) Bill, 1958 (L.A. Bill No. 17 of 1958), as passed by the Legislative Assembly on the 10th April 1958 and signed by me for the recommendations of the Council.'

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

(2) 'In accordance with rule 144 of the Madras Assembly Rules, I transmit a copy of the Prisoners (Madras Amendment) Bill, 1958 (L.A. Bill No. 14 of 1958), as passed by the Assembly on the 10th April 1958 and signed by me for the concurrence of the Council.'

(3) 'In accordance with rule 138 of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider

[The Chairman] [11th April 1958]

the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Bill, 1958 (L.A. Bill No. 18 of 1958) :

Motion.

"That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 25 Members including the Mover of the Bill (16 Members of the Assembly and 8 Members of the Council to consider the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Bill, 1958 (L.A. Bill No. 18 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

1. Srimathi T. N. Ananthanayaki.
2. Sri K. S. G. Haja Sheriff.
3. Sri P. G. Manickam.
4. Sri T. V. Sannasi.
5. Sri A. A. Rasheed.
6. Sri A. Chidambaranatha Nadar.
7. Sri J. Matha Gowder.
8. Sri M. S. Selvaraj.
9. Sri V. Doraiswami Reddiar.
10. Sri P. S. Ellappan.
11. Sri M. P. Sarathy.
12. Sri D. S. Audimoolam.
13. Sri S. Pakkiriswami Pillai.
14. Sri V. K. Kothandaraman.
15. Sri A. V. P. Asaithambi.
16. Sri A. Mariappan."

III.—GOVERNMENT MOTION.

THE MADRAS BEEDI INDUSTRIAL PREMISES (REGULATION OF CONDITIONS OF WORK) BILL, 1958 (L.A. BILL NO. 18 OF 1958).

* THE HON. SRI R. VENKATARAMAN : Sir, I move—

"That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 25 Members including the Mover of the Bill (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Bill, 1958 (L.A. Bill No. 18 of 1958), and that the following Members of this House be selected to serve on such a Joint Select Committee :—

1. Sri Mohamed Raza Khan.
2. Sri John Asirvatham.
3. Sri T. V. Devaraja Mudalliar.
4. Sri T. Durairaj.
5. Srimathi Saraswathy Pandurangam.
6. Sri A. Subramanyam.
7. Sri M. Ethirajalu.
8. Sri S. P. Sivasubramania Nadar."

[11th April 1958] [Sri R. Venkataraman]

Sir, the conditions of employment of beedi workers in Madras State have been a matter of grave concern not only to the workers but to the Government of Madras also. This is an unregulated industry in which the women and children are made to work. Besides, a proper employer-employee relationship is not established and trade practices have thrived to evade the application of the Factories Act by sub-dividing the establishments into small units or by employing what is called 'independent contractors'. A number of disputes have arisen in the beedi industry and as a result of judicial interpretation, there has been more evasion than solution of the problems. The idea of framing a law which will be applicable to the beedi workers in this State has been before this Government for over five years. In 1953, the Government of Madras appointed a Special Officer to enquire into the conditions of employment of the beedi workers in the State and the Special Officer submitted his report about a year or so later. The Special Officer recommended that, in order to prevent indiscriminate fragmentation and in order to define employer-employee relationship, beedi manufacture should be restricted to licensed premises and that the existing practice of allowing beedi to be manufactured anywhere and everywhere should be stopped. The Government accepted that recommendation and have framed this Bill which provides, in the first place, that beedi shall not be manufactured in any place except in licensed premises. It further provides that certain conditions relating to cleanliness, ventilation, facilities for sanitary arrangements like urinals, latrines, provision of drinking water and prevention of overcrowding should all be fulfilled before the premises can be licensed as beedi industrial premises. It also provides that if a beedi manufacturer employs more than 250 workers, he should be compelled to run a canteen for the benefit of the beedi workers.

As regards working hours and other conditions of employment, the pattern follows the Factories Act and the hours of work as well as the regulation of overtime work and payment for overtime work are all in accordance with the provisions contained in the Factories Act. This Bill also provides for a weekly holiday which shall be a closed holiday. Hon. Members may remember that the provisions in the Catering Establishments Bill state that there shall be one holiday for the workers, but there is no necessity to close the premises on any particular day in the week. But the provision in the Bill now under consideration is different and it enjoins on the manufacturer to close the premises for one day in the week. This Bill provides for seven holidays in a year and earned leave at the rate of one day for every twenty days' work in accordance with the Factories Act. In order to enable the employees to secure their wages without resort to Civil Courts, the Payment of Wages Act, 1936, is made applicable.

Sir, in regulating this industry, it was represented to the Government at the State Labour Advisory Board which considered this Bill that a large number of women were employed in this

[Sri R. Venkataraman]

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industry and that they were doing fairly easy work of wetting or cutting of wrapping leaves and that if the present facility of doing it at home was denied to them, a large number of them would lose their employment. The Government have taken note of the position and have provided in clause 29 that the Government 'may permit the wetting or cutting of wrapping leaves by female employees outside the beedi industrial premises on an application made by the employer on behalf of such employees'.

Then, there is the provision with regard to discharge and dismissal of employees and it follows the same pattern as was provided in the Catering Establishments Bill. These are some of the main provisions.

SRI MOHAMED RAZA KHAN : What about the wages?

* THE HON. SRI R. VENKATARAMAN : So far as the wages of beedi workers are concerned, the Committee under the Minimum Wages Act has been already appointed. It will go into the question of payment of wages to the employees in this trade. Sir, the Bill is before the House and it will be subjected to very careful scrutiny by the Joint Select Committee consisting of eminent Members. With these words, I commend my motion for the acceptance of the House.

MR. CHAIRMAN : Motion moved—

"That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 25 Members including the Mover of the Bill (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Bill, 1958 (L.A. Bill No. 18 of 1958), and that the following Members of this House be selected to serve on such a Joint Select Committee :—

1. Sri Mohamed Raza Khan.
2. Sri John Asirvatham.
3. Sri T. V. Devaraja Mudaliar.
4. Sri T. Durairaj.
5. Srimathi Saraswathy Pandurangam.
6. Sri A. Subramanyam.
7. Sri M. Ethirajalu.
8. Sri S. P. Sivasubramania Nadar."

SRI K. BALASUBRAMANYA AYYAR : Sir, much as I would feel that very stringent regulations to control the relationship between employer and employee need not be put on the statute-book, still, on account of the various circumstances and the surroundings in which we live, it has become, I think, fairly necessary that there should be legislation for the purpose of controlling the industry and for controlling the relationship between the employer and the employee and also for controlling the various premises to see that they are cleanly kept. All these have become

11th April 1958] [Sri K. Balasubramanya Ayyar]

fairly necessary nowadays. Therefore, I would not object to these aspects being considered and placed on the statute-book. I am not against the principles governing these things, but what I feel is that every industry need not be put under statutory control. So far as this industry is concerned, there have been disputes between employers and employees. I have myself seen dissatisfied beedi workers taking out flags and going from place to place and sometimes obstructing the traffic also in certain places, where the cars had to be driven rather carefully. So, there seems to be really some cause for dissatisfaction on the part of these employees. Therefore, on the whole, I think it is necessary to control the industry and the relationship between employer and employee also. But, what I would like to submit to the Government is this. The circumstances and conditions of each industry ought to be taken into consideration fully and the provisions of the Factories Act should not be generally applied to all the industries. I am not saying that the Hon. the Mover of the Bill does not know these things. He knows them very well. Still, I am only expressing the general feeling that all the factory laws should not be applied verbatim to every industry. There are industries which require special provisions. Even if we take the present Bill, a special provision has been made in clause 29 or so in respect of female workers. I am happy that the Government have thought about it. Because, in this industry, the female workers can work in their houses and they should be given special treatment and they should not be considered in the same way as the other workers. Similarly, in the case of catering establishments, small children who may be employed to clean cups, etc., should be treated separately. If the provisions relating to the Catering Establishments Bill were strictly applied to them, I am afraid many children would be thrown out of employment. Anyway, it was not accepted by the Government. Well, it may be said that such children should read in the schools. I do not say that they should not read in the schools. But immediately the effect of these laws may be disastrous on many children who are employed for small things. The Hon. the Mover of the Bill said, "It may be difficult to differentiate between one and the other and let it remain on the statute-book". I am only quoting this for example. According to the nature of the industry and the particular work, these employees are engaged. The factory laws may have to be adapted with reference to the nature of the industry. That is one thing, Sir, which the Government should bear in mind when these Bills are framed.

So far as the wages are concerned, they should be determined with reference to the actual finances of the industry. Otherwise, according to the Payment of Wages Act, if you increase the wages, you will find that the industry is unable to bear the huge expenditure. You will see this as far as the newspapers are concerned. In the case of the plantation industry, a decision was given according to which all arrears from 1936 should be paid. Each plantation industry had to pay 30 to 40 lakhs of rupees as a result. There

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was, therefore, quarrel. There was also mediation between the employers in the plantation industry and the employees. All these things can be avoided if the Committee goes carefully into the question as to how the wages should also be proportionate to the income of the industry and also into the various other important aspects of the industry. I would be very glad if the Government consider all these aspects before they finally pass a legislation controlling the whole industry.

* SRI A. M. ALLAPICHAI: Mr. Chairman, Sir, I am glad that provision has been made in clause 29 regarding employment of women. As far as women are concerned, this is a cottage industry. Most of the women who work in this industry are Muslim women. Muslim women or, as a matter of fact, the Muslim community, is a very poor community. Among these Muslim women, there are hundreds and thousands of widows. Among widows, there are also widows with a lot of children. Therefore, I am glad that provision has been made in clause 29 about employment of women. Not only that, Sir. My own feeling is that wherever women are concerned, and when it is possible for women to do some kind of work in their own houses, it should be encouraged. We must be very careful about our women. The dignity of the nation, the future of the nation, the happiness of the nation and, in fact, the very being of the nation depend upon the goodness of our women. We must do everything in our power to see that they are helped in every possible way. Therefore, as far as women are concerned, not only in this particular industry but in any other industry also, if it is possible for women to do some part of the work in their houses, it should be encouraged. I am really glad that the Government are considering that question. Otherwise, what will happen is this. Very many thousands of women are employed in this industry and most of the women engaged in this industry are Muslim women. I want to make this position clear because there is a custom like 'Gosha' or some such thing. It will be very difficult for these women to work in licensed premises. It will not only work hardship but also starve most of the Muslim women. They will die for want of daily food, which they earn by working in this industry.

There is also the general opinion that, as far as women are concerned, when some part of the work can be done at home, a lot of encouragement must be given to that kind of work. Otherwise, if they have to leave the house and the children, there will be a lot of trouble. I know the Hon. the Mover of the Bill is an expert authority on labour questions. The provision regarding women is a great boon to them.

So far as other things are concerned, as the hon. Member Sri Balasubramanya Ayyar has put them, they must be effective because we are a growing people. We are the most potential people in the world. Such being the case, we must be really aware of the Sputnik age.

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SRI MOHAMED RAZA KHAN: Family planning expects that we should not grow more.

* SRI A. M. ALLAPICHAI: I am not bothered about it. I beg to submit, Sir, that we must be always looking forward; we should not look behind either in the name of civilization or in the name of religion. There is no question of looking behind, and we must be always looking forward. It is really a good piece of legislation and it is going to help the beedi workers because I know the beedi workers have got a lot of disadvantages.

SRI MOHAMED RAZA KHAN: Mr. Chairman, Sir, I give my support to this Bill. Certain provisions have to be properly gone through at the stage of the Joint Select Committee. Therefore, I do welcome this Bill because it is a long pending legislation. The report of the Special Officer is really an eye-opener. I am in direct agreement with my hon. Friends Sri Balasubramanya Ayyar and Sri A. M. Allapichai, the Deputy Chairman, that in view of the peculiarities of this industry, the Bill should not be drafted in such a way as to affect a large number of persons, particularly, the womenfolk who depend, not in thousands but in lakhs, for their daily earnings on this industry. I think the Government themselves are aware of this. As was suggested by the Hon. Minister in charge of the Bill, there is a provision relating to women.

One important fact is that the beedi industry has developed in our State in a very disorganised manner and that it employs lakhs and lakhs of people. One important aspect of the report of the Special Officer is that the manufacturers in the beedi industry take no responsibility as far as labour is concerned in any respect either in the matter of wages or in the matter of various other things like the place of work and so on. The hon. Member Sri A. M. Allapichai would have gone round and seen how in a very small room hardly sufficient for two or three people, these young boys of the age of twelve and thirteen are made to work for twelve hours and thirteen hours without any lighting arrangements and things which are necessary. They are forced to work in such rooms because there is no alternative source of employment for them. At the same time, any Government, particularly in these days when legislation on matters pertaining to labour is brought in, should recognise the difficulties facing the workers in this industry. I know that the Hon. Sri Venkataraman, with all the experience he has gained as a labour leader, would introduce all the necessary provisions.

Another aspect which the House will be very much interested to know is the amount paid to the workers. You just imagine how horrible it is when the work starts from 8 o'clock in the morning and goes on till 10 or 10.30 in the night and the amount paid for a worker is only Re. 1-4-0 or Rs. 1-8-0. Are these not factors which would look horrible? The Government themselves are alive to the fact that changes made by this legislation should not disturb the

[Sri Mohamed Raza Khan] [11th April 1958]

working of the industry in such a way as to throw a large number of people out of employment. I am sure that that factor would be taken into consideration and I am confident that under the guidance of the Hon. the Minister for Industries who is in charge of the Bill, the Joint Select Committee would go through the various provisions in the Bill, visit certain areas, if necessary, in the Madras State—City and neighbouring places such as Vellore and Arcot—where the industry is concentrated, know for themselves the actual working conditions and propose only such changes as are essential for bettering the conditions of the industry. I am also sure that, as there are Members on the Joint Select Committee who are connected with the industry, the Bill when it emerges from the Joint Select Committee will strike a golden mean and be beneficial both to the employer and to the employee. The hon. Member Sri Balasubramanya Ayyar has already cautioned the Government that they should not treat this industry on a par with other industries. I am sure the Government are aware of the peculiar nature of this industry. They should see that the employer does not go on exploiting labour too long and that he also takes some responsibility, even though to a limited extent and in a limited sphere. I am sure in whatever form the Bill emerges from the Joint Select Committee, it will give satisfaction to the manufacturers and the labourers. I hope the labourers will have better conditions of work and the manufacturers will also take their due responsibility in the work. Government should also see to it that people working in this industry for decades and who cannot take up any other employment are not thrown out of employment. I am in entire agreement with the hon. Member Sri Allapichai when he says that in this industry a large number of Muslim women are employed. They have made it either their sole occupation or part-time occupation and get only a pittance. I am sure necessary provisions will be made in the Bill to allow work, such as wetting and cutting of leaves, which does not require to be done in factories, to be done at home and not brought under the operation of the Act.

I think, Sir, the Bill is quite necessary and it is long overdue. I am sure that with the report of the Special Officer, the Joint Select Committee would bestow its best attention on the Bill and see that it comes up in proper form before the Legislature again.

SRI A. SUBRAMANYAM: கனம் தலைவர் அவர்களே, நம்முடைய அரசாங்கம் பல நல்ல திட்டங்களைச் செய்திருக்கின்றது. அதிலே மதுவிலக்குச் சட்டம் ஒன்று, அது போலத்தான் இந்த பீடித் தொழிலாளர்களுடைய மசோதாவும். இது ஏழை மக்களுக்கு மிக மிக அவசியமானது. பல இடங்களில் பீடித் தொழிலாளர்கள் பலவிதமான கஷ்ட நஷ்டங்களில் வாழ்ந்து கொண்டிருக்கிறார்கள். காரணம் என்னவென்றால் பீடித் தொழில் நடத்திக்கொண்டிருக்கிறவர்களுக்கு அதிகமாக லாபம் கிடைக்கிறது. ஆனால், இதில் ஈடுபட்டிருக்கின்ற தொழிலாளர்களுக்கு லாபத் திற்குச் சரிபாணபடி ஊதியம் கிடைப்பதில்லை. இவ்விதம் நீண்ட காலமாக பீடித் தொழில் நடந்துகொண்டு வருகிறது. இன்றைக்கு ஆரிரம் பீடி சுற்றினால், ஒரு ரூபாய் கொடுக்கப்படுகிறது. அதை உயர்த்தி ஒரு ரூபாய் ஆறு அணா கொடுங்கள் என்று கேட்கும்போது, 750 பீடிகளைச் சுற்றினால்

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போதும், நீங்கள் கேட்கும் ரூ. 1-6-0-க்குரிய விதத்தை 750 பீடி களுக்கு வாங்கிக்கொள்ளுங்கள் என்று கூறுகிறார்கள். இவ்விதம் ஊதியத்தைக் கூடுதலாகக் கேட்கும்போது, பீடியின் கணக்கைக் குறைத்துக் கூறுகிறார்கள். இதனால் அதிகம் கூலி பெறும் தொழிலாளர்களுக்கு ஏற்கனவே கிடைத்த கூலியே கிடைக்கிறது. இனிமேல் இந்தச் சட்டம் வந்திருப்பதால், அதுமாதிரிச் செய்ய முடியாது. அவர்களது கூலியை உயர்த்த வேண்டுமென்று, சட்டத்தில் நிர்ணயித்தவிடால் அவ்விதம் கொடுக்கத் தயாராக இருப்பார்கள். தொழிலாளர்களுக்கும் அதிகம் கூலி கிடைக்கும்.

அடுத்தபடியாக, பீடித் தொழில் இந்த நாட்டில் பல இடங்களில் குடிசைக் கைத்தொழிலாக நடந்துகொண்டு வருகிறது. இந்தத் தொழிலில் முஸ்லிம் பெண்கள்தான் அதிகமாக ஈடுபட்டிருந்தாலும், பல இடங்களிலும் ஏழை இதர இனப் பெண்கள் அதிகமாக இந்தத் தொழிலில் ஈடுபட்டிருக்கிறார்கள். பொதுவாக இந்தச் சட்டத்தினால் பெண்கள் பாதிக்கப் படுவார்கள் என்று சொல்லுகிறார்கள். அவர்கள் எல்லாம் லெலென்ஸ் பெற்றுக்கொண்டு தொழில் நடத்த முடியுமா? அவர்கள் இந்த வேலையைச் செய்கிற இடங்களில் காற்று வசதி இருக்காதே, சுகாதார வசதியிருக்காதே என்று சொல்லப்படுகிறது. அவர்களை இச்சட்டம் பாதிக்காதா என்று கேட்கிறார்கள். ஆனால் இதற்கெல்லாம் இதில் வழி செய்யப்பட்டிருக்கிறது. இம்மாதிரிப் பெண்கள் இதில் ஈடுபட்டிருந்தால், அவர்கள் வீட்டில் கொண்டு போய் பீடி இலைகளை வெட்டவோ அல்லது சுற்றவோ செய்துகொள்ளலாம் என்று சட்டத்தில் இடம் இருக்கிறது. ஆகவே, இது எக்ஸ்ட்ரானம் ஒப்புக்கொள்ளக்கூடிய சட்டம். இது எவ்வளவுப் பாதிக்கவில்லை. இந்தச் சட்டம் நல்ல எண்ணத்தோடு கொண்டு வந்திருக்கிறது. இதைச் சந்தர்ப்பத்தில் கூறிக் கொள்கிறேன். மேலும், இதில் எதையெல்லாம் சேர்க்கவேண்டும், எதை யெல்லாம் குறைக்கவேண்டும், எதையெல்லாம் திருத்தவேண்டும் என்பதைப்பற்றியெல்லாம் பொறுக்குக் கமிட்டியில் விவாதிக்கப் போகிறோம். இது ஏழைத் தொழிலாளர்களுக்கு முக்கியமான ஒரு சட்டம். மேலும், இந்தச் சட்டத்தினால் சிறிய ஏழைப் பிள்ளைகள் பாதிக்கப் படுவார்கள் என்று என்னிடம் சிலர் சொன்னார்கள். சிறிய பிள்ளைகள் இலையை வெட்டுகின்றார்கள், நூலைக் கட்டுகின்றார்கள், இதன் மூலம் ஏழைக் குடும்பத்திற்கு உணவு கிடைக்கிறது. இவ்விதம் வருகின்ற வருவாயைத் தடை செய்யலாமா? என்று கேட்கப்படுகிறது. உண்மையிலேயே அவர்கள் படிக்கவேண்டியதை விட்டுவிட்டு இவ்விதம் வந்து வேலை செய்கிறார்கள். படிக்கவேண்டியதை விட்டுவிட்டு இவ்விதம் இடங்களில், சுகாதாரம் இந்தச் சிறிய பிள்ளைகள் வெளிச்சம் இல்லாத இடங்களில், சுகாதாரம் இல்லாத இடங்களில் வந்து வேலை செய்கிறார்கள். அதனால், சிறுவயதிலேயே பலம் குன்றி வளர்ச்சியும் குன்றி படிப்புவின்றி பிற்கால வாழ்க்கையே பாழ்பட்டுப் போய்விடுகிறது. இம்மாதிரி வாழ்ந்துகொண்டிருக்கக்கூடிய நல் வாழ்வை பிள்ளைகளுக்கு ஏற்படுத்தவேண்டும் என்ற நல்லெண்ணத்தோடு தான் இந்தச் சட்டம் கொண்டுவரப்பட்டிருக்கிறது. கண்டிப்பாக இந்தப் பிள்ளைகள் பள்ளிக்கூடம் போகவேண்டும் என்று கொண்டுவரப்பட்டிருக்கிற இந்த மசோதா மிகமிக வரவேற்கவேண்டிய மசோதா என்பதைக் கூறிக் கொண்டு இதை நான் மனமார வரவேற்கின்றேன். எனது வார்த்தையையும் இத்துடன் முடித்துக் கொள்ளுகிறேன்.

SRI V. CHAKKARAI CHETTY: Mr. Chairman, Sir, while I am not opposed to this, I may say that I have great misgivings about any law which is calculated to apparently ameliorate the conditions of labour. In my experience which is not little, I have had many instances such as the Payment of Wages Act, the Industrial Disputes Act and so on. All these legislations have not by any means improved the condition of labour because the conditions of

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labour are not at all within the purview of legislation but are within the secret chambers of the employers. Therefore, unless the employers' mentality changes, I do not believe that there can be any substantial amelioration in the conditions of labour. Therefore it is that we who have had something to do with labour have been agitating for strengthening the labour unions and for making them self-supporting so that in any real struggle that takes place, labour may come forward and assert its claims without fear or favour. Therefore it is that although I am not opposed to this legislation, I am expressing my grave misgivings and scepticism as regards the ultimate results of such a legislation because as I said, legislative measures cannot be the 'be all and end all' of labour. But I can say that this legislation may ameliorate the condition of labour to some extent. Ultimately, labour will have to depend upon itself and upon the only weapon it has in its hands—I must here say without any fear that it is the only weapon that labour has—namely, the withdrawal of support to employers, that is, the strike weapon. It is by resort to strikes that labour has been able to ameliorate its condition to the extent to which it has done during the last so many years not only here but even in Great Britain which is supposed to be a more advanced country than ours and in the United States of America where although labour is strong, the employers are much stronger and capitalism is much stronger. Even in socialistic countries, it is in the strength and solidarity of labour unions that the real strength of labour lies. They can depend on their strength for the amelioration of the condition of labour. With these few remarks which are not altogether in favour of this legislation but still not opposed to this legislation, I have great pleasure in supporting this measure.

10-50
a.m.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I am grateful to the House for all the suggestions that have been made. I wish to reply to one or two points only. The hon. Member Sri Balasubramanya Ayyar said that we should not slavishly apply the Factories Act to every industry. Sir, a very careful scrutiny is made before applying everyone of the sections in the Factories Act to the new industries to which we begin to apply those provisions. Even before we frame clauses in a new Bill, we compare them with the provisions of the Factories Act and also compare them with the conditions existing in the factories and the conditions existing in the new industry to which the Bill is sought to be applied. If only my hon. Friend compares the Catering Establishments Bill with the Beedi Industrial Premises Bill, he will find more stringent regulations with regard to sanitation, ventilation, etc., in this Bill now before the House than in the other Bill, viz., the Catering Establishments Bill. It is so because there is already a regulation framed under the Public Health Act in the case of hostels and catering establishments but in the case of the beedi industry, there is no such regulation at all. Similarly, with regard to spread-over, my hon. Friend would find that in the

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case of the Catering Establishments Bill, we have provided for 14 hours as spread-over because we want to cater to the public from five in the morning till nine in the night, whereas in the case of the Beedi Industrial Premises Bill, spread-over has been restricted to ten hours because it is not necessary to make workers work under insanitary conditions in the beedi industrial premises for more than ten hours.

Then, Sir, the question of employment of children has been raised by the hon. Member Sri Balasubramanya Ayyar also to-day. I honestly believe that even though a little hardship may be caused to the families by denial of the little earnings by their children, yet it is good that children are deprived of employment in these industries. It is a vicious circle. If we provide employment to them, they do not go to school. If we do not provide employment for them, then they must necessarily do something and probably they may be sent to a school. Therefore it is I feel that it is not proper to employ children under fourteen years of age in any factory or other undertaking. Also if we carefully scrutinize the Bill, we will find that the prohibition of children applies only to their employment in industrial premises. If they assist the members of their family once in a way for half an hour or one hour in a day or just do some odd job, that is not prevented by the Bill.

The hon. Member Mr. Mohamed Raza Khan has rightly pointed out that the employers in this industry have not taken the responsibility for providing proper wages or conditions of employment. Sir, it is just to cure this defect that the definition of 'employer' has been widened to include not only persons who are controlling the business but also managers who are in charge of it and even the owner of the trade mark in which name it is being manufactured. I hope the Joint Select Committee will give careful consideration to this definition of 'employer' as this is going to be a very difficult piece of legislation.

Then, the hon. Member Sri Balasubramanya Ayyar referred to the fixation of wages. Sir, we are now in a political transition. There are two fundamental principles which now appear to be apparently contradictory. One is based on the principle of social justice and securing for every person a decent minimum wage to enable him to live. The recent Indian Labour Conference as well as the conference held at the international level have pointed out that the minimum wage should be need-based, that is, based on the needs of the man to lead an ordinary life with minimum comforts and should not be determined by the capacity to pay. The principle underlying the fixation of minimum wage is that if an industry cannot afford to pay minimum wage, then that industry need not exist. That is, no person should be employed in an industry without the minimum standard of wage being given to him for his living and comfort. Now, on the other hand, there is the principle of private enterprise and individual property and certain

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employers contend that if they cannot afford to pay a wage, whether we call it a living wage or a fair wage or a minimum wage, then they should not be compelled to pay that wage. So, this conflict continues and that is why we find a number of judicial decisions coming one after the other, giving the impression that there is something wrong with the administration of labour legislation in this country. So far as the Executive in this country is concerned, it wants to secure social justice to the people within the limits of the Constitution and in its endeavour to provide social justice, it wants minimum wages to be fixed for various types of employees. If such fixation conflicts with any Article in the Constitution, certainly the Judiciary is there to correct it. But that does not mean that either the Executive is wrong in asking for the minimum wages to be fixed or that the authority which fixes the minimum wages is wrong in having fixed the wages. It is a transition period, as I have stated before, and I trust, with the progress of time, it will settle itself. In this connection, I may refer to an incident that happened in the last century when a legislation was passed by the State of New York limiting the hours of work for workers to eight. The Supreme Court threw it out as offending the freedom of contract. To-day nobody would argue anywhere before any tribunal that the fixation of hours of work offends freedom of contract. Now, the argument would be based on the existing law and the existing environment. Therefore, we should be very careful in trying to interpret the decision and it should not be regarded as something which the Executive does outside its purview or something which it is not entitled to do.

Then, Sir, when we come to the question of minimum wages, we take into account the size of the family, the number of wage-earners in the family, the number of consumption units and then the needs of those members, their primary needs of food, clothing, education, etc., and then their material comforts like housing and so on, and on that basis the minimum wage is fixed. Therefore, I would submit that the minimum wage, which is fixed under the Minimum Wages Act, takes into account the particular principles which have been laid down by the Indian Labour Conference and tries to follow that pattern. When a judicial determination of wages takes place, it should have really taken into consideration the capacity of the employer to pay as well as the needs of the workers. Just because another tribunal takes a different view of this matter, it should not be interpreted as if something wrong has been done. This is all I wish to submit about the observations made by the hon. Member Sri Balasubramanya Ayyar. I hope that when this Bill comes back from the Joint Select Committee, it would be a more chiselled Bill acceptable to the whole House.

MR. CHAIRMAN: The question is—

11-00 a.m. "That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 16 Members including the Mover of the Bill (16 Members of the

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Assembly and 8 Members of the Council) to consider the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Bill, 1958 (L.A. Bill No. 18 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee:—

Sri Mohamed Raza Khan,
Sri John Asirvatham,
Sri K. Balasubramanya Ayyar,
Sri T. Durairaj,
Srimathi Saraswathy Pandurangam,
Sri A. Subramanyam,
Sri M. Ethirajalu, and
Sri S. P. Sivasubramania Nadar."

The motion was put and carried.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS APPROPRIATION (NO. 3) BILL, 1958
(L.A. BILL NO. 17 OF 1958).

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

"That the Madras Appropriation (No. 3) Bill, 1958 (L.A. Bill No. 17 of 1958), as passed by the Legislative Assembly, be taken into consideration."

Sir, I do not propose to make any speech at this stage. Whatever I want to say, I shall reserve for my reply.

MR. CHAIRMAN: Motion moved—

"That the Madras Appropriation (No. 3) Bill, 1958 (L.A. Bill No. 17 of 1958), as passed by the Legislative Assembly, be taken into consideration."

* SRI K. M. RAMASAMY GOUNDER: Mr. Chairman, Sir, I am glad I have the opportunity of participating in this debate. I welcome the taxation measures generally. Bills like the Sales Tax Bill and the Agricultural Income-tax Bill, so far as they do not adversely affect the lower income groups, should be welcomed and I am one with the Government in supporting them.

Sir, as regards the Small Savings Drive or Scheme, I would like to invite the attention of the Government to the very questionable methods employed by those who were making the collections, namely, appropriating special advances like the Pongal Advance given and deducting amounts from the regular pay bills in the case of poor elementary school teachers. I had oral representations when I had been recently to South Arcot and other districts. More than that, Sir, even though in the note circulated to the District Collectors by the Hon. the Chief Minister, it has been specifically

[Sri K. M. Ramasamy Gounder] [11th April 1958]

stated that 'he may associate District Officers of all departments, except the Police and the Judiciary', I know of a concrete case where a Police Officer did go to a trustee of a private temple and used all sorts of questionable means for getting money. Sir, I speak with some responsibility and I have representations made in writing as well as orally. These things should have been avoided from the very beginning, as this brings the Government into disrepute. I should very much like that measures are taken to see that such things are not repeated in future.

As regards other taxation measures, I have nothing special to say. But as regards one particular tax, i.e., in relation to the levy of the penal rates in the Lower Bhavani Project area, I would like just to give a few extracts from a petition signed by the ryots of the villages in the first reach down at the foot of the dam. It is said there in that petition that the lands that were so far regarded as percolated and for which only ordinary water rate was levied for cultivating paddy all these five years, are being classified not as such only this year and that they have already levied a penalty for the first crop amounting to Rs. 300 per acre. In the very same plots a second crop has been raised since they are unfit for cultivation of any other crop and those ryots are terribly afraid that the same rate of penalty will be levied making the total amount of taxation Rs. 600 or more per acre, almost the prevailing cost of land in that area.

MR. CHAIRMAN: What is the hon. Member reading from?

* SRI K. M. RAMASAMY GOUNDER: From their petition, Sir.

MR. CHAIRMAN: That is not proper. The hon. Member can just refer to their suggestions.

THE HON. SRI C. SUBRAMANIAM: The hon. Member can refer to it and give a gist.

* SRI K. M. RAMASAMY GOUNDER: I was referring to the hardships felt by the ryots of that area, Sir. As regards classification of lands now undertaken, I am afraid, there will be the same partiality or favouritism shown by lower officials and I should earnestly appeal to the Government to see that there is proper classification, that the hardships are removed and that the ryots are not made to pay unnecessarily heavy penalties for no fault of theirs.

Sir, as regards other proposals, we feel grateful to the Government and the Hon. the Minister for Education for the extension of pension scheme to all categories of teachers serving in high schools. This is one of the two pressing demands put forward by the deputation which waited on the Hon. the Minister for Education on 8th February 1958, the other being house-rent allowance which is more pressing.

THE HON. SRI R. VENKATARAMAN: That will become 'more' pressing now.

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* SRI K. M. RAMASAMY GOUNDER: It is an important and pressing demand, Sir.

THE HON. SRI R. VENKATARAMAN: I was commenting on the word 'more'.

* SRI K. M. RAMASAMY GOUNDER: In my opinion, that is more pressing because that will benefit a larger section of teachers. What has been given as pension is only a provision for old age. House-rent allowance has been granted to one section of teachers. A similar category of teachers working in schools under private managements and local boards are denied this benefit. Is it right and proper to bestow benefit on one section and deny the same to a similar category? So, I feel that it should receive the sympathetic consideration of the Hon. Minister and we hope and trust that the earliest opportunity will be taken to supply this long-felt need.

As regards the language issue . . .

MR. CHAIRMAN: How does that arise here?

* SRI K. M. RAMASAMY GOUNDER: I mean medium of instruction.

MR. CHAIRMAN: Yes; all right.

* SRI K. M. RAMASAMY GOUNDER: I just wanted to make a few observations on the medium of instruction. I should like to go a step further than the Hon. the Minister for Education and request that the medium of instruction as regards Science subjects also should be the regional language. (Sri Mohamed Raza Khan: Finished!) It may be so with you. Right from the beginning the medium should be the regional language. Sir, if the medium of instruction at any stage is not the mother tongue of the pupil, that education should be likened to the process of breathing with borrowed lungs. I talk with experience. The hon. Member Mr. Mohamed Raza Khan's mother tongue is not Tamil. He may feel handicapped in listening to Tamil speeches. He likes that I should always speak in English so that he may follow me easily.

SRI MOHAMED RAZA KHAN: The hon. Member seems to be more emphatic in English than in Tamil. That is my impression.

* SRI K. M. RAMASAMY GOUNDER: People who want to retain English as the medium of instruction desire so because they feel that thereby they would be keeping the standard of English at a high level. It is not going to be the case hereafter. After all, we have crossed half the way. The regional language has been the medium of instruction up to the secondary stage, and the only remaining stage is the college level. Our children who have been receiving their education through the medium of the regional language are really handicapped now. If there is any deterioration in the standard as regards the non-language subjects, it is because the medium is foreign to our boys. The causes for the deteriora-

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tion in the standard of English were very well put forth by the experts who met in Delhi last month. These men have analysed the causes for the deterioration. They say that it is universally recognised that a fall in standard of English at all levels is due to certain factors, the chief among them being (1) too large classes, (very large classes having forty students and more), (2) reduction in the time of teaching English as a subject (formerly we had teaching of English from the 4th standard onwards), and (3) the quality of the teaching staff (a good many untrained teachers are there now and they are allowed to handle English). Last but not least, we have high schools spread over to every nook and corner of the land where the atmosphere is very much wanting. So, those experts have come to the conclusion that to improve the standard of English, they should find effective ways and means for teaching English as a general subject. For retaining or improving the standard of education, the medium of instruction cannot be English. As no less a person than Shri C. D. Deshmukh of the University Grants Commission has put it, that English cannot be retained for long as the medium of instruction at the University level too, the case becomes stronger for imparting an adequate knowledge of English and that can be done only by effectively teaching English as a general subject.

Then, Sir, we have been talking of decentralising the powers of this Government or, for that matter, the Central Government. The more we think of this reform the more we have think of the villages at gram panchayat level, and it should be based on democratic decentralisation. There should be more and more of powers invested in the panchayats, which will be looked after as bodies really finding redress for as many problems as can be possibly tackled at the village level.

With these few words, Sir, I resume my seat.

SRI MOHAMED RAZA KHAN: Sir, I have absolutely no doubt that the finances of this State are in the very capable hands of the Hon. Sri C. Subramaniam. I know what meticulous care he takes of every item of expenditure. This is clear from the replies he gives to our proposals and also from the refusals he gives for expenditure on good things. According to his standard, our proposals may not be urgent. That is why he refuses. With my limited experience of the Public Accounts Committee, along with the hon. Members Sri T. Purushotham and the Pattagar of Palayakottai, I can say that even in respect of small things, the Hon. the Finance Minister takes very great care. The care he takes and the scrutiny that he makes of every item of expenditure is very great. I wish him all success in all his endeavours.

I am sure that this year will be a year of all-round progress as far as the State of Madras is concerned. While I was speaking the other day on the Budget, I brought to the notice of the Hon. the Finance Minister that all the debts which this Government owed

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to the Government of India should be consolidated and that a reasonable rate of 3 per cent interest should be charged on the loans. (Sri K. Balasubramanya Ayyar: Even less.) We all pray that it should be less. The Finance Minister said that the matter was under discussion between the Madras Government and the Central Government, and that if the Central Government consolidated all our debts and charged a reduced rate of interest, we would gain to the extent of three lakhs to three and a half lakhs of rupees. I hope a decision will be taken by the Government of India early and the Hon. the Finance Minister will make this announcement.

One taxation measure is yet to be passed, and that will surely be passed in spite of the protests of the hon. Member Sri Balasubramanya Ayyar. I am sure the current year will close with a surplus of two to three crores of rupees. It is good that on some important problems the Government always want to have the advice of the Leaders of various parties or particular interests both in this House and the other House. A committee was recently formed to advise Government on matters pertaining to education. It is really a step in the right direction, because everyone is allowed a chance to have his say and give advice. The Hon. the Minister for Finance knows from experience that the speeches made here will not produce the same effect on him as those made at a committee meeting across the table will. There we can put forth our case in a persuasive manner. This will produce a much better effect. I also say, with the experience I have of the Legislature, that this one thing has to be appreciated by the Members of the Opposition.

One mentality which I find having developed in our Govern- 11-20
ment is the very speedy way of getting legislation through. I have a.m.
never seen Bills after Bills, in such great number and that too, important measures, both financial and otherwise, being rushed through particularly in the Budget session. The Budget session is purely intended for passing the Budget. Particularly the Legislative Assembly considers the various aspects of the Budget proposals, the expenditure and the income and the policies with reference to various departments. I do not like to use the harsh word 'misfortune', but so many Bills have been pushed through particularly in the months of March and April. Therefore, I myself feel whether we were able to bestow that thought and that attention which was necessary on all these matters particularly when they were very important Bills. I was able to compile the Bills passed in the course of these two months. As far as the Budget session is concerned, if we exclude seven or eight days when we met for discussing the Governor's Address, from February to April 1958—till to-day—17 Bills were passed. Here I may bring it to your kind notice that most of these Bills were passed either in the month of March or February. During the 40 days the Legislative Assembly might have met for 28 or 30 days and most of the time was taken by the Budget discussion. In the few days available there and very few days available there . . .

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DR. MAHOMED USMAN : Even in our days (during the British rule) generally a number of Bills were passed during the Budget session. That is a very good practice.

SRI MOHAMED RAZA KHAN : I thought the hon. Member Dr. Mahomed Usman would support the Government in other matters. But even in this matter he supports the Government.

DR. MAHOMED USMAN : I support the Government in every matter where they are right.

SRI MOHAMED RAZA KHAN : If the hon. Member goes on supporting the Government, by his very supporting them, he is condemning them because he is encouraging them to do a thing which is wrong. However, it is my view that when an important Bill is introduced, the Members have to take into consideration all aspects. When an important Bill like the one relating to the beedi industry is introduced, Members like Sri Balasubramanya Ayyar may require time to study it. Of course, it is a different matter that it is referred to a Joint Select Committee. Now, 17 Bills were introduced in the Legislative Assembly and then with the concurrence of this House, they were passed during this session. Two Bills were introduced in the Legislative Council. They were the Madras Maternity Benefit Bill and the Madras Animal Preservation Bill. They were also passed. Out of these Bills, nine Bills were Money Bills. Even here it has been the practice that while the Budget speech of the Hon. the Finance Minister will contain the proposals of new taxation, the Finance Minister will never rush through legislation and that too in the same month of March. He will state the proposals and allow some time for public opinion to express itself. But this time it was not the case. Bills were simply brought in there, and then here. What else could we do except to say, 'All right'? Of course, nothing could be done with regard to what has happened already. But at least in the future let the convention be followed that during the Budget session, as far as possible, Bills are not brought in unless absolutely necessary. Of course, there are some cases where the life of the Act may expire and it may be necessary to bring in Bills to extend its life. I can understand if such Bills are brought in.

Now, 17 Bills were introduced in the Legislative Assembly, brought in here and passed. Two Bills were introduced in the Legislative Council, passed here and then passed in the other House. Out of these Bills nine were Money Bills and three Bills were referred to Joint Select Committees. The General Sales Tax Bill and the Agricultural Income-tax Bill were referred to Select Committees of the Legislative Assembly. Incidentally, I want to say one thing. Not that I am anxious to get into the Committee, but there are really some people here who can help the Government in regard to the Agricultural Income-tax Bill. Therefore, it would be advisable to invite four or five Members of this House so that they may participate in the deliberations of the Committee, as was done in the case of the Committee on the Sales Tax Bill. Now, I

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do maintain that legislation should not be rushed through in such a manner because it will be creating an impression outside that we are not bestowing that thought, that care and that attention which is necessary and it is also our duty to do so in spite of the advice tendered by the hon. Member opposite.

With regard to the language problem, it has been widely discussed. I may say one word here because a reference has been made to it by my hon. Friend on the right. Nobody remaining in the State of Madras, claiming himself to be a Tamilian, would oppose Tamil being the State language. I say this not to please my Friend here or the hon. Member Sri Gajapathy Nayagar. But while it is our policy to bring in Tamil in all fields of activity and in all the fields of education, I say, 'Proceed with some caution.' Once you hurry up, it will affect generation after generation. Nobody should be affected by the policy adopted. You should think hundred times before you push through the policy. Particularly when we want the Central Government to adopt the bilingual policy of having Hindi and also English as the official languages, there is nothing wrong if for some more period, say, ten years or fifteen years, we also adopt the same policy, that is, to have both English and Tamil and to replace English by Tamil wherever possible, provided you are sure that the results will be only to our advantage and not to our disadvantage. Incidentally, I would like to draw the attention of the Hon. the Minister for Finance to one fact. I do not like to make an issue of it. If I am not letting out information, I wanted to move a motion in regard to this but it was not admitted. Recently certain amendments have been made to the Service Rules whereby it is stipulated that candidates appearing for examinations conducted by the Public Service Commission should have a certain standard of attainment in Tamil. Of course, I do not want to speak for others, but there is a section of Muslims whose mother tongue is Urdu. They never anticipated that such a contingency would arise. Of course, so far as the future is concerned, they are more anxious to learn even through the medium of Tamil. But this order will put a check on the Muslims in regard to admission to the test. Whether they get admission for jobs or not is another problem. But this itself imposes a ban as far as the employment is concerned. As the matter is already engaging the attention of the Chief Minister and also the Finance Minister, I do not like to expatiate on the subject. But I appeal to the Finance Minister to deal with this matter sympathetically as it might work as a great obstacle.

Coming to the administrative problems, the Hon. the Minister for Health is not here, but I have heard—it is only a rumour and I do not know how far it is true—that he wanted to make certain changes in regard to the College of Integrated Medicine. It is the opinion of the House that the indigenous system of medicine should be encouraged as far as possible. But I heard reports that certain systems in Madras were to be given up and that only one system was to be encouraged. I am sure it would not be the policy of the

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Government. However, the Government would be forewarned that if such a thing is done by them, it will not have the approval of the general public as far as the State of Madras is concerned.

There is another point. Formerly, whenever a vacancy arose, the Government of Madras would be in the know of things in advance, say, a month or two in advance, and they used to fix up appointments either by transfer or by direct recruitment. But I find that there is now inordinate delay in fixing up appointments. I shall give one instance. The question of filling up the post of Chairman of the Public Service Commission and the vacancy of another Member was hanging fire for more than four or five months. In this period a lot of things were said either here or there. Rather, the Government gave an opportunity for influence to be brought to bear on them. That is not a right policy. After all, they knew that a vacancy was going to arise. They could have fixed up somebody. They have got the power to do so. At best, some question might be put in the Legislative Assembly. They are very good in replying to these questions and they could reply to this also. But the matter dragged on for months and unfortunately, the very person who was acting as Chairman died and it helped the Government not only to have one post filled up but one more vacancy. I am not saying this just for humour. There has been inordinate delay in the Government of Madras taking a decision. Before the Government took a decision, the man had been driven out of this world.

I shall finish with a personal note. On the 19th of this month some of our Members will be retiring. I really feel sorry that we will be missing some of our colleagues. They would have an opportunity to come back to this House. Particularly, I feel sorry that we will be losing the services of our two eminent colleagues, Sri T. M. Narayanaswamy Pillai and Sri V. R. Ranganathan. Not that they require any certificate from me, but having sat with them for over five years, I really feel sorry that in the next session we won't be having them with us. I am sure some opportunity will arise for them to come back.

In the election we wish you all success, Sir.

MR. CHAIRMAN: Thank you.

11-30
a.m.

SRI T. P. SRINIVASAVARADAN: Mr. Chairman, I join with my hon. Friend Mr. Ramasamy Gounder in thanking the Hon. the Minister for Education for extending the pension scheme to all teachers not only in high schools but also in training institutions, Anglo-Indian schools and special schools. Certainly it is a great thing.

As regards house-rent allowance, the Hon. Minister himself has stated that when a suitable opportunity arises, he will grant that also. People are under the impression that house-rent allowance, once granted, will be applicable to all teachers. It is not so.

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It is applicable only to teachers in certain areas. Out of a lakh of teachers only about 2,000 may get it. This should be granted as early as possible.

Sir, if one goes through the note circulated by the Department of Education, one will find what has been done, what is being done and what yet remains to be done in the sphere of education. It is a very good and useful note. It is found that the Budget provision includes Rs. 6.59 crores or 53 per cent of the provision for primary schools including higher elementary schools and basic schools, Rs. 2.62 crores or 21 per cent for secondary education and Rs. 1.9 crores or 15 per cent for University education. I am only concerned with primary education on which we are spending as much as nearly seven crores of rupees. I have brought to the notice of the Government that there is much wastage and stagnation in this field and I would like the Government to remove this. We have to raise the tone and efficiency of elementary schools. To raise the standard of attainments of pupils, we have to do a lot. I do not know whether by appointing more Deputy Inspectors of Schools, we can achieve this object. I would like to point out that in the case of schools run by district boards and municipalities, the people are not made to feel that the schools are their own. Without their co-operation nothing can be done. We could get more money for running the schools efficiently, if the people of the locality feel that the schools are their own. Last year or so, when I met the Vice-Chancellor of the Madras University, he told me that in a few places where he wanted colleges to be started, local people came forward and contributed large sums of money for the purpose, accepting all the conditions laid down by the University. I may also point out that in the case of functions organized by aided schools, the parents contribute much, with the result that the aided schools are able to organize them on a better and grander scale than the district board or municipal schools are able to do. I would like, therefore, to request the Government to see that steps are taken to make the people take more interest in the schools.

The note gives an interesting piece of information. The total number of teachers employed in primary schools rose from 79,900 in 1956 to 86,300 at the end of 1956-57. Madras has always stood first in point of employment of trained teachers. At the same time, the note points out that the number of untrained teachers was 6,480. This number should be reduced. Such a large number of teachers remain untrained because of the opening of single-teacher schools where untrained teachers were employed in large numbers. I congratulate the Hon. the Minister for Education on his standing up and saying that teachers in single-teacher schools also should be trained, and that the period of their training should not be reduced. There was some agitation for a reduction in the period of training but he rejected the demand.

About the conversion of primary schools into basic schools, I have been saying that basic education no doubt might be good in theory but that in practice the so-called basic schools are not at all follow-

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ing the principles laid down for basic education. This is due to a number of factors. You have yourself stated that for successfully converting ordinary primary schools into basic schools, the present period of training, viz., three months is quite insufficient and you propose to increase it to five months. I beg to submit that even this is not quite sufficient. It may cost you more to increase the period of training further but it must be done. The sponsors and originators of the idea of basic education have said that the minimum qualification of a basic school teacher should be Matriculation or S.S.L.C. Whom are you now retraining? Only teachers with higher grade qualification—those who have passed only the III or the IV Form. Therefore, I am afraid, we will not get the proper men with three or five months' training. I am glad the Government have realized that if the conversion is to be really qualitative and is not to be a mere change of label, it should be carried out in a phased manner. It is good that the Government recognize the fact that without the necessary teaching personnel and equipment, conversion is impossible. The Government have approved of the conversion of 1,000 schools into basic schools during 1957-58. Even this 1,000 is too large a number. They should go slow. The period of training, as I said, should be increased beyond five months.

Coming to midday meals, in my school, we have been providing midday meals to 100 pupils daily for the past fifteen years. To meet the expenditure on midday meals, Government must associate local people with the scheme. You now want 4 nP. per boy from the local people and the Government contribution is 6 nP. including the contribution of the local people, which means, it is actually 2 nP. 6 nP. per meal is too meagre. I do not think that with this amount you can give anything like a nourishing meal to a poor boy.

SRI A. M. ALLAPICHAJ : Is it only one anna?

THE HON. SRI C. SUBRAMANIAM : It is 9 nP.; it applies only to elementary schools.

SRI T. P. SRINIVASAVARADAN : Even in respect of elementary schools, if you associate the local people, if you make them take interest in the scheme, certainly they will help to augment your funds. Of course, when I say association of local people, I mean that they should be associated only in an advisory capacity.

Then, Sir, educational survey is a good thing. It must continue. Then alone, you can find out where elementary, secondary and high schools are needed badly. In the survey recently conducted, about 412 habitations have been declared school-less and in 295 of them, schools have been opened.

About nationalization of text-books, I have already expressed my opinion and given my reasons also. The Government will meet with various difficulties when they undertake publication of text-books. It is not advantageous for the Government to do it. Let them think over it. Let them not suffer like Rajasthan and Bihar.

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We are not getting the books prescribed early in June or July and there is a lot of delay already. Let not Government have one more labour trouble.

Coming next to secondary education, I am glad that the Government, for the first time, realize that secondary education is the weakest link in the chain of education. For training teachers for primary schools, we require students from high schools. For colleges, we have to depend upon the material from the secondary schools. It is good that the Government realize that this link is the weakest in the chain of education. The proposals they have to strengthen this link are very good. The Government have taken measures for the improvement of the quality of secondary education such as (i) increase in the number of schools providing diversified courses of studies, (ii) improvement of facilities for teaching Science and Core subjects and (iii) improvement of library and craft work. Very many schools have no libraries at all. Some schools have fairly well equipped libraries. But the library grants are not made with reference to the need of the schools for such grant. For example, there are schools which have been in existence for the last forty or fifty years with well-equipped libraries. These are given grants of five to fifteen thousand rupees every year. Indeed, the library grants should be given to really needy institutions. Then only they can come up to the level of schools which have already got enough equipment.

My next point is about the structure of pay of teachers. We have already pointed out that there is disparity in the scales of pay of teachers under different managements. As is stated in the note, the improvement in the structure of pay of teachers, in whatever types of institutions they may be employed, is admittedly a need common to teachers in all stages of education. Sir, I have been pointing out that the district board teachers in secondary and elementary schools get one scale of pay and that the teachers in elementary schools and secondary schools under private management get a different scale of pay. If this disparity is removed, to that extent, the discontent among a section of the teachers will disappear.

THE HON. SRI C. SUBRAMANIAM : In that case, the Government would not get any teachers.

SRI T. P. SRINIVASAVARADAN : I should like to point out that a lecturer in a Training College gets much less than a lecturer in an Arts College under Government. When a lecturer is transferred from an Arts College to a Training College, I am afraid he gets less salary and he has very little chances of promotion. Because of the different scales of pay, the lecturers are put to difficulty.

THE HON. SRI C. SUBRAMANIAM : I think they serve under a common cadre and receive the same scales of pay.

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SRI T. P. SRINIVASAVARADAN: But, when once they are transferred to Training Colleges, they have less chances of promotion and there is no chance for them to come back to the Arts College.

THE HON. SRI C. SUBRAMANIAM: I think promotions are made according to seniority.

SRI T. P. SRINIVASAVARADAN: Then it is all right.

About the fee concessions, I was really glad to learn that the concessions would be awarded only on the basis of economic backwardness. That will relieve the administrative work that we have to put in. Now, we have to open one page for each student, write out his history as to what were the concessions that he was enjoying previously and all those things. Instead of the present arrangement, if these concessions were granted on the basis of economic backwardness, to that extent our administrative work will be reduced.

Sir, I have nothing more to add. I should once again like to thank the Hon. the Minister for Education for granting pension to the teachers. About the question of house-rent allowance, I think he will take it up in due course. When he gets a suitable opportunity, I am sure he will not hesitate to grant that too.

Lastly, the Hon. the Minister for Education has been kind enough to grant fee concession to the children of Non-Gazetted Officers up to the secondary school stage. Though this concession has been granted to the children of elementary school teachers, the children of teachers in secondary schools are not getting this benefit. I would request the Hon. Minister to consider their case also favourably. After all, there are only about 15,000 teachers or so coming under this category. Out of them, only about 3,000 to 4,000 teachers will have children studying in high school classes. Moreover, they will be persons between the ages of 30 and 45. As for those above 45 years of age, their children will not be studying in high schools, but will be studying only in colleges. Therefore, I would request the Hon. Minister to reconsider the matter and grant this concession to this category of teachers also as he has previously done even without our asking in extending the concession to some categories of teachers.

DR. LAKSHMANASWAMI MUDALIAR: Sir, on two occasions, this House has an opportunity to put forward its views. Firstly, when the Budget is being discussed and secondly, when the Appropriation Bill comes to us, we have an opportunity to put forward our views on matters pertaining to the Budget. I am aware that we have occasion to speak on the Governor's Address also. One point that I would like to mention in regard to the Budget discussions is this. I have been observing for the past few years that many of us participate in the Budget discussions and that many aspects of the Budget pertaining to various departments are discussed. But, unfortunately, owing to the simultaneous sitting of the

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other House also, we have not had the pleasure and privilege of having the Ministers even to listen to us here, although the Hon. the Leader of the House takes elaborate notes. I have made this suggestion on more than one occasion, viz., that points raised in the course of the Budget discussion by several Members pertaining to important departments ought to be heard, looked into and replied to by the Minister in charge. I do not think that it is fair for the Hon. the Leader of the House to be asked to reply to all these points, because, for one thing, the points raised are of a detailed nature and no member will enter into a criticism unless he is fully posted with the details. But, to expect the Hon. the Leader of the House to reply to them, even on a brief given by the other Ministers, is not fair. On the other hand, the presence of the Ministers here and their response to whatever suggestions are made before this hon. House would certainly serve a very useful purpose in toning up the department concerned. In the other House, there is opportunity—ample opportunity—for the Demands to be discussed over a number of days. Naturally, that House, being the appropriate authority to pass the Demands, has got a right to discuss the matter in detail at every stage of the discussion. I would once more request the Hon. Ministers to give us the benefit of their views and enlighten us on the various points raised by us. Perhaps our criticisms may have been misplaced. We did not have, for instance, the Hon. the Finance Minister to reply to us on a previous occasion when certain important points were raised on the floor of the House. I would like to suggest, for your consideration and that of the Hon. Speaker along with the Treasury Benches, the great desirability of having the sittings of the two Houses in such a way that there would be no clash as there is at present when the sittings are held simultaneously.

THE HON. SRI C. SUBRAMANIAM: I think when such a proposal was put forward, the Business Advisory Committee did not agree.

DR. A. LAKSHMANASWAMI MUDALIAR: I am on the Business Advisory Committee and I do not know whether it is so, unless the Hon. Minister refers to the Business Advisory Committee of the other House.

THE HON. SRI C. SUBRAMANIAM: No, no. I referred to the Committee of this House only.

DR. A. LAKSHMANASWAMI MUDALIAR: Well, all that I can say is that if this proposition were to be placed before the Business Advisory Committee, I would gladly persuade my colleagues in the Committee to accept an arrangement by which the Council may sit at a time when the other House is not meeting. We shall no doubt give the Assembly the first choice as otherwise, they may try to abolish the Council. At least for the sake of preserving our individuality, we shall try to give them the first choice in regard to this matter. My point is this. There are many matters on

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which we have an opportunity to place our views. When we do so, there should be a responsible Minister in the House who understands exactly what our points of view are. It may be stated that they may read reports of our speeches. I don't think that any Minister will waste his time in trying to read our speeches. That is impossible. We do not ourselves read our speeches. We do not have time to read our speeches and correct them. So, it is impossible for the Ministers to read them. More than that, a direct point raised to-day was contradicted by the Hon. the Education Minister when the hon. Member Sri Srinivasavaradan spoke about the teachers' salaries. This would be driven home not only to the Members of the House but also to the public. Such an opportunity would not have been available if it had not been possible for the Hon. the Education Minister to be present in the House and reply to the point.

Coming to the other points, I am sorry that the Hon. the Minister for Health is not here. I have pointed out times without number the necessity to look into the whole question of medical personnel and the manner in which they should be appointed. I am sorry to say that very little has been done and that this sort of tinkering with this problem will be of no use at all. The public are anxious and we in the University are certainly anxious that there should be more medical colleges. But, our anxiety is tempered with the position that the medical colleges should be run on efficient lines, for not only have we got to satisfy ourselves in the University, but we have to satisfy another authority, the Indian Medical Council, which has got stringent rules in regard to many things. I have sent from the University appeals to the Chief Minister, with copy to the Finance Minister, very many years ago, to take up this question and solve the problem with regard to the medical personnel. I had suggested that the salaries were very low and that they should be improved, to make them wholetime officers. Then, we would be able to get a much better turnover from them than we get now. The result of my appeal was that those wholetime officers were given permission to have private practice. All that I wish to say is that we should take such steps as would really tone up the administration of the department.

11-50 a.m. Sir, there is a chronic trouble about overcrowding in hospitals. Editorials have appeared in some of the weeklies and dailies. I have myself gone through many of them and I have myself seen it in the hospitals whenever I have had an opportunity. I must confess that the hospitals cannot satisfy the public in regard to many of the measures that they have to undertake, not because of the fault of the medical officers, not because of the fault of the nursing staff or the other attendants, but because of overcrowding. In a room double the number of patients are put up. Sometimes underneath a bed, some patients are put up and sometimes two patients are put up on one single bed. This most unfortunate state of affairs ought to be looked into. I feel, Sir, that the only way in which this can be remedied is by allowing in certain hospitals connected

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with educational institutions, a certain measure of discretion as to what sort of cases should be admitted such as serious cases and providing also other hospitals for cases of emergency.

Sir, in spite of all that I have said, everyday witnesses many an accident on account of our wonderful lorries and buses. I had about a dozen extracts from the recent fortnight's paper. Not a day has passed without some unfortunate accident. If it is fatal, it is not talked about and if not, the victim is rushed to the hospital. I am sorry to say that in the hospital there is not adequate accommodation. I would suggest that there should be a hospital to treat this sort of accident cases and we should not adopt a method by which the accident cases will be mixed up with very important operated cases. You will understand the position in any hospital for any Surgeon to treat these cases along with severely operated cases of abdominal surgery or neuro-surgery or anything like that.

The problem of the out-patients is a very, very difficult one indeed. You want two thousand patients to be treated in about two or three hours. Unfortunately, people have got all sorts of minor complaints as well as major complaints. Some method must be evolved by which a certain category of patients such as those who want castor oil for purgative or who want treatment for worm or skin disease are treated in a different manner. The accommodation in most of the out-patient departments of our hospitals is so limited that overcrowding is very much. We went on a commission to the General Hospital and found that the four senior surgeons had about 150 cases to be attended to at 11 o'clock in the morning. These are things that require particular care.

Sir, with regard to the drugs that ought to be given, there is an undue limitation of certain drugs. It is forgotten that if some of these modern drugs are given properly and, of course, with precaution, it will cut short the period of stay of a patient in the hospital and that this will be more economical than to give him drugs or medicines which he will be using for days and days together. I shall not say much more on that subject.

Sir, in regard to medical education, recruitment of medical staff and the prospects that ought to be available to a person who is either a Graduate or an Intermediate and who spends 5½ years for his medical courses and another three years for house surgeon course, what is the maximum that he gets? It is Rs. 600 or Rs. 700, whereas you see in the papers that a person who is just a Graduate, an ordinary Honours man, is taken for the I.A.S. or I.P.S. and he gets Rs. 1,500 or Rs. 2,000 and more. Is this a fair method of dealing with these doctors? Are their qualifications not equal to, if not better than, those of the people who are taken to the administrative or police services?

Sir, I do not want to touch much on education. This is a subject very often talked about. I am glad that the Hon. the Minister for Education has constituted a committee, the composition of which was recently announced in the papers. I would like that

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this committee should give its advice to the Education Minister. I may refer to one thing that may be called the emotional aspect creeping into educational matters. Some of us are perhaps too stale and unemotional. Some are emotional in some respect or other. I am only anxious that in dealing with the educational points, proper stress should be laid on what is best, what is easily done and what is the place at which it should be done. I recently saw in the papers—I do not know if I am correct in interpreting it—that it was necessary in the case of people to be appointed to Government service (now that the language in the official circle is a particular language) that the medium of instruction should be that language. May, I say, Sir, that in the revised regulations of the Madras University adequate importance is given to the regional language up to the degree standard so that anybody who takes a degree will have a very good knowledge of the regional language? There is no difference in the importance attached to the study of English language and the regional language. I mention this because formerly when pupils studied for Bachelor of Science, they need not take regional language. They could just take English and take the Bachelor of Science degree. That is why we are in a position to get enough books in scientific literature. Apart from that, Sir, I would like to mention in this connexion that we are often criticised: "Why are you hanging on to this foreign language?" I do not say more about it. Fortunately or unfortunately the element that is required for a constructive preparation of good books in certain of the higher aspects of learning is still to be encouraged. It is wanting. People who study for the University course have no text-books prescribed for them. They require many books to consult and it is a good thing to know that there are defects which, in course of time, I hope will be rectified and in course of time we will be in a position to say what can be done.

Sir, there is one item here which deals with Community Development Projects, National Extension Service and Local Development Works. Some of us would like to have more information about this. Some of us would like to know exactly what work is done in these Community Development Projects, who are responsible for them, how the staff is recruited and whether in any way these community development works are inter-linked with the graded services, whether in the field of education, public health, medical relief or engineering. I think it will be good for the Government to issue—they issue monthly and bi-monthly magazines—a full statement giving the geographical distribution of these Community Development Projects. Sir, recently in the Lok Sabha, there were criticism, not at all complimentary, with regard to the Community Development Projects. As if to meet that criticism, we in the Universities have been asked to introduce Community Development in our courses of study. I cannot understand the necessity for all these things to be introduced at the University stage. I can understand if it is introduced as an extra-curricular subject, to be understood by the students, I have requested the principals of

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colleges and other persons who can speak with authority what they have to say about the introduction of Community Development in the courses of study. To say that it must be introduced as an examination subject is to kill all enthusiasm for these Community Projects and to turn the students against the very concept of examination. Examination is the best method of producing repugnance to the particular subject in the large majority of cases. That is my personal experience.

SRI A. M. ALLAPICHAJ : Why not you abolish examinations altogether?

DR. A. LAKSHMANASWAMI MUDALIAR : If I had the power of the Deputy Chairman, I would have done it. Unfortunately, I am only a creature of circumstances.

Sir, one or two things I will refer to and I will stop with them. I have stated that Agriculture and Fisheries have got to be decentralized and left to the States more and more to manage. I was looked upon with a certain amount of suspicion and distrust when I made this statement. But, Sir, the speech that was made by the Minister in charge of Agriculture the other day in the Lok Sabha completely justified my attitude in this matter, and it was as if he dashed the "t's" and dotted the "i's". You cannot possibly expect agriculture to flourish in a country so large as India (The Hon. Sri C. Subramaniam : It is the Minister for Irrigation and not the Minister for Agriculture that said it) with a population of 360 millions. These things must be decentralized. The agricultural problems of one district in this State are not the same as the agricultural problems in other districts. Take, for instance, Tanjore where you have got irrigation projects and South Arcot where you have got well projects. That is why I said that the tax on diesel oil would not affect the people of the entire State but would affect only people who lived in localities where this oil was very necessary for irrigation purposes. Anyway, these are not observations that need be taken serious notice of. All that I wish to say is that if we want agricultural production to increase, the attitude of the Government will have to change, both at the Centre and in the State.

One word more and I shall finish. I see that compensation to zamindars is to be paid. For how many years more is this item to come up over and over again? I thought that we had liquidated the zamindars already. (The Hon. Sri C. Subramaniam : Not the compensation.) (Laughter.) Well, Sir, the doubt arises whether the compensation would be paid at all eventually. And what are the zamindars to live on? I know, as a matter of fact, persons who were living very well and in great comfort are not able to pay the rent of the houses in which they have to live. (The Hon. Sri C. Subramaniam : That is due to other circumstances.) (Laughter.) I do not know. But they have been brought to the level of such penury that they are not able to make both ends meet. I suggest that the Government should look into the matter and, as

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far as possible, finalize these things and pay them off. After all, Rs. 40 lakhs in an expenditure of Rs. 131 crores is like a flea-bite to the finance estimates of this State.

Sir, I should like also to join with my hon. Friend Sri Mohamed Raza Khan in expressing our sincere thanks to the Hon. the Finance Minister for the very great care with which he has looked after the finances of the State. It is evident from the Report of the Public Accounts Committee—I have had a few opportunities of attending the meetings of the Committee—that every single item is looked into. We wish and expect the Hon. the Finance Minister to keep as it were a tight hold on the expenditure of all departments and, at the same time, not to interfere with the progressive developments in the departments concerned, not to put the final word but by persuasion and reasoning with his Colleagues to have an effective control over every department, even over the Education Department where there is wastage but not where there is a necessity to provide more finances. In that hope I trust that this Bill will be passed and that the Hon. the Finance Minister will be able to present us next time a Budget with a surplus revenue of not two crores of rupees but more—I think my calculation is that it will be somewhere near four or five crores—because the tax on diesel oil will bring in much more than he imagines it will.

THE HON. SRI C. SUBRAMANIAM: I wish his estimate were a fact.

* SRI T. PURUSHOTHAM: Sir, after my participation in the general discussion on the Budget, certain documents have been placed on the table of the House and I wish to make a few observations on them, taking this opportunity of speaking on the Appropriation Bill.

Sir, the Madras Public Service Commission's Report for the period ending 31st March 1957 is a revealing document. We find that during the year there were 738 cases in which the statutory rules were relaxed by the Government. Of these 685 cases relate to relaxation of rules in favour of persons in Government service and 53 in favour of persons not in Government service. I feel that these figures are staggering. When statutory rules are framed, they should not be relaxed quite freely. Why should rules be relaxed in favour of persons not in Government service? It is not clear. (The Hon. Sri C. Subramaniam: They are servants of local bodies.) Those who are recruited for the first time are given certain concessions.

THE HON. SRI C. SUBRAMANIAM: This is not with reference to recruitment. During service due to certain technicalities, they are denied certain advantages. These proposals are put up for relaxation and they are granted. These are purely technical matters.

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* SRI T. PURUSHOTHAM: I am glad the Hon. Minister has cleared the point. The point I wanted to make was that relaxation should not be granted as a matter of course. The Public Service Commission has strongly objected to relaxation of statutory rules. Government should see to it that these relaxations are kept to the minimum, that they are granted only in rare cases to remove hardships caused to Government servants, and certainly not in favour of those who are not in Government service.

Again, Sir, we find that there are several cases in which the Government ratified the action of the appointing authorities in having appointed unqualified candidates in contravention of Government orders. Why should Government ratify such appointments? The appointing authorities appoint unqualified persons and then go to the Government for regularization. I feel that once the Government regularize such appointments, the appointing authorities would be emboldened to do such things. This sort of circumventing the rules and making irregular appointments should be stopped. As this has been very adversely reported and remarked upon by the Service Commission, I invite the attention of Government to this fact and request them to see that strict orders are issued to the appointing authorities to guard against recurrence of such instances in future.

We also find that there are several cases in which the Government themselves have not complied with the rules thus drawing a severe rebuke from the Commission. The Commission has pointed out that the Government have violated the convention established by themselves that the Commission's advice must be accepted except in cases where matters of policy are involved, and where imperative reasons exist for not accepting the recommendation of the Commission. I do not subscribe Sir, to the view that the recommendations of the Public Service Commission should be accepted by the Government *in toto*, without due examination. But I feel that, as the Constitution has provided for the appointment of a Public Service Commission to guard against all kinds of patronage, there should be the wholesome convention established that the Commission's advice with regard to appointments and promotions should be accepted by the Government.

Also with regard to the disposal of appeals, when matters have been referred to the Public Service Commission, I feel that the recommendation of the Commission should be accepted. In some of the cases referred to in the Commissioner's Report, I feel the Government should have convinced the Commission of their own point of view and carried the Commission with them instead of attracting all these adverse remarks of the Commission in their Report. Especially with regard to the disposal of appeals, we find a number of cases in which the recommendations of the Commission have not been accepted. In the long list of cases of rejection of the Commission's advice, one disciplinary case of injustice is referred to. I mean the last item in the Report. The Tribunal for Disciplinary Proceedings framed certain charges in

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this case and they were held to be not proved by the Public Service Commission. The Government, however, dismissed the appeal and dismissed the Government servant. The punishment awarded in this case is rather severe when the Government themselves have held that of the three charges two have not been proved. The recommendation of the Commission could have been considered by the Government and I feel the benefit of doubt could have been given in this case instead of rejecting the recommendation of the Commission. (The Hon. Sri C. Subramaniam: Which is the case?) I am referring to the last case cited in the Report. The name is not given there. It was a case of corruption referred to the Tribunal in September 1955. Of the three charges of corruption framed against the Deputy Tahsildar only one is stated to have been proved. The Commission has stated that there has not been conclusive proof to show that even that charge has been proved. What I say is that a sympathetic view could have been taken and the acceptance of the Commission's advice would have met the ends of justice. I am not concerned with the individual case. I am only referring to the question of policy with regard to appeal cases referred to the Commission.

12-10 P.M. The Constitution definitely lays down that all these cases of appeals of Government servants should be referred to the Service Commission and when the Service Commission has examined and offered its remarks as an independent body I feel that the Commission's recommendation should be accepted.

The other document that I wish to refer to is the one that was placed before the House yesterday and I will touch only on one or two points in it, I refer to the Report of the Committee on Government Assurances. There is the question of electrification of the Government Travellers' Bungalows and inspection bungalows in places where electricity has been extended. It is stated that the final replies of the Chief Engineer (Highways) and the Chief Engineer (General) have been received and still the matter is pending. There has been reference here in this House to the amenities provided for tourists in these bungalows and the Hon. the Home Minister himself expressed his opinion about the sorry state in which our Inspection Bungalows were maintained. The electrification of these bungalows would also make them better and I think this matter should be expedited. This would not involve any extra expenditure because all the requirements for this purpose could be met from the allotment under 'Civil Works' and I hope the Government will see that it is done.

It is also noted that the Report of the Expert Committee on the sharing of the Palar waters with the Mysore Government is still under the consideration of the Government. Before a final decision is taken, it was proposed to have further discussion on the subject with the Union Minister for Irrigation. I do not know whether further discussion has taken place as proposed and whether

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anything has been done about it when the Hon. the Minister for Revenue was in Delhi recently. I am not for probing into the question of violation of the terms of the old agreement with the Mysore State. I am anxious that a fresh agreement should be arrived at with the Mysore Government with regard to fair distribution of Palar water for the relief of the ryots in the lower regions here in the Madras State and protection of their riparian rights in view of their most deplorable predicament at present. The other day reference was made to the fact that there was no water in the Chembrambakkam tank and Kaveripakkam tank because of failure of freshes in the Palar river. The day before yesterday our new Governor was in the North Arcot district and saw the Palar anicut. I also was there. The Palar river was absolutely dry. So, something must be done urgently to arrive at an agreement with the Mysore State in regard to this problem.

The third matter that I wish to refer to is about Government Epigraphic Department. The inscriptions and epigraphical publications relating to various temples in the Madras State from the year 1899 to 1939 were published here by the Government Press, Madras. It is an interesting publication called 'The South Indian Inscriptions'. After 1939, the work of publication of epigraphical and inscriptional matters was taken over by the Government of India. It is a matter for great regret that so many temple inscriptions copied from the year 1903 have not yet been printed and published. After the Government of India have taken over the Epigraphical Department, the work of publication has been slow. The Government Press, Madras, should be requested to go on with the publication of this important document. Facilities will have to be given to the Government of India to print these inscriptions in the Madras Government Press as quickly as possible, even if necessary, by providing extra staff of compositors, printers, etc. This work should be completed at an early date because there is this urgency in the matter, namely, the inscriptions copied from the year 1903 will crumble to pieces and they would fade away and be lost forever. Therefore, I would request the Hon. the Minister for Education to look into the matter—I know that he is deeply interested in such matters and arrange for prompt publication even if it should involve the appointment of a separate staff in the Government Press, Madras. The Central Government should also be requested to undertake a survey of the remaining inscriptions in all the districts of Tamil Nad. They have done the epigraphical survey only in a few districts so far. The epigraphical survey of inscriptions relating to temples in other districts is pending and it is urgent that it should be done and I hope the Hon. the Minister for Education will look into the matter.

Sir, I am glad that the Hon. the Finance Minister has given an assurance in the other House about providing amenities to hon. Members of the Legislature and also with regard to the strengthening of the Legislature staff. The Legislature Secretariat is now

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functioning as a separate unit and I hope the needs of the Legislative Council would also receive the attention of the Hon. Minister. As it is, the Legislative Council Section is under-staffed. Sir, I request you, the Hon. the Leader of the House and the Hon. the Minister for Finance to see that the requirements of the Council are considered and that adequate staff is sanctioned. Unless sufficient staff is there, hon. Member of this House will not be able to get the needed assistance from the Council Secretariat. The number of Members of the Council has increased and I feel it should be possible to have a separate Secretariat for the Legislative Council. I do not know why this should not be feasible. I made a reference to it some time back and if it is possible, this question also may be considered.

We also find on a reference to the Budget that the Assistant Secretary of the Legislature Department is given a scale of pay of Rs. 400—50/2—700, whereas an Assistant Secretary in the regular Secretariat Department is given a scale of pay of Rs. 475—75/2—700. So also the Deputy Secretary of the Legislature Department is given a scale of pay of Rs. 550—50/2—900, whereas a Deputy Secretary of other Secretariat Departments is given a scale of pay of Rs. 700—100/2—1,000. There should be a uniform scale of pay for all departments including the Legislature Department, and I request the Hon. Minister to consider this question as well.

I also wish to refer to another matter. The Annamalai University has been closed. As the Vice-Chancellor of that University is also here, I wish to know the policy of the Government in regard to this matter, when the University will be reopened and when the examinations will be conducted. I hope the Hon. Minister will kindly refer to the Vice-Chancellor and make a statement in his reply to the debate.

Lastly, I wish to associate myself with the hon. Member Mr. Mohamed Raza Khan in paying our compliments to the retiring Members of the Council quite a large number of whom have not stood for re-election. We are bound to pay our compliments for all their good work in the Council. Sri T. M. Narayanaswami Pillai is a most experienced parliamentarian, with his eloquent oratory and sober approach to several problems. He has made a great mark in this House. Sri V. R. Ranganatha Mudaliar is also retiring, a distinguished and serene personality, with a masterly exposition of the subjects handled by him. We would miss him. We would also miss Sri V. Bashyam Ayyangar. His varied experience on several topics like Harijan Welfare and City Improvement Trust and his legal interpretations helped us all. So also we will miss Mr. V. G. Row, a most attractive personality with a genuine and wholehearted interest in the cause he advocated, and he has always maintained a keen desire to uphold the lofty ideals of this House. I would miss Mr. Chakkarai Chetty most. Whenever I rise to put

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a supplementary question, he will come forward with his brilliant original interpretation of some of my interpellations because of his learned and practical wisdom.

We will also miss Sri B. V. Subramaniam and Sri Venugopal. All these Members have made definite contributions. We would be missing them all. On behalf of all the Members—I believe I can speak for the Members of the House—I convey to the retiring members our sincere compliments at this last sitting of the Session. All 12-20 p.m.

* SRI P. T. RAJAN : Mr. Chairman, it is rather unfortunate that when the Hon. the Finance Minister replied to the debate on the Official Language issue, I was absent from the House. It was not want of courtesy that I absented myself then, but I had to leave for Dehi and, therefore, I could not listen to his speech. Not that I anticipated any reference would be made to my speech. Anyhow, the Hon. the Finance Minister had taken the trouble to fish out old papers and referred to two items. He has said, "Sri Rajan intervened and suggested that they might have both English and Hindi." And then "Sri Rajan said that if there were sufficient safeguards for services in the Union, there would be no difficulty for the adoption of this bilingual formula." Because of these two statements, the Hon. the Finance Minister said that I had gone back on my statement. In my speech, while congratulating the Hon. the Finance Minister on the good fight that he had put up at the Gauhati Congress, I asked three questions: "What was the reaction of the Congress to his proposal?"; "What was the reaction of the Government of India?"; and thirdly "Has he worked out the scheme so that we could tell the people that this is the Government's proposal and that we must certainly consider it for what it is worth? Probably my opening remarks made him misunderstand me. I said, 'Our Neros are fiddling'. By 'Neros', the reference was to Pan-Hindi people and not to the Ministers of the Government of Madras. Probably he misunderstood me. My point was to ask for an elucidation from the Hon. the Finance Minister. It was not with a view to go back on my previous statement. If this explanation will satisfy my hon. Friend, he will not, I hope, say 'I have gone back'. Even now I hold to that view. He can enlighten us and we should be only too glad to consider his proposal and bestow our best consideration. Because in matters like this, one should not take a one-sided view. I am always for a compromise, if compromise is possible and honourable.

Secondly, Sir, reference has been made to the incidents at the Annamalai University by the Hon. the Finance Minister in the Lower House and by the hon. Member Sri Purushotham in this House. It is most unfortunate that the students should have behaved in a manner which does not befit both the Vice-Chancellor of the University and the Hon. Minister who was a guest of the University. For reasons best known to the authorities of the Uni-

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versity, they have closed the University. Whatever their grievances, I think the students would have enough time to turn the searchlight towards themselves and ask themselves whether they were right in going against the discipline of the University. After all, the very basis of University education is discipline. If there is no discipline, let there be no education, no University at all. Of course, I do not want any discipline to be enforced on the students by any outside authority. It must be discipline inherent and spontaneous and especially it should be the case with us when we Tamilians boast of a great civilization, boast of a great culture and all that. It is most unfortunate that these young men should have behaved like this and that Leaders too did not come to their rescue and advise them properly. The hon. Members Sri Purushotham asked whether they would be opening the University to have the examinations. The reply to that is very much in the hands of the students and that is repentance. If there is indication that they have repented, there will be time enough for the Vice-Chancellor to consider the whole matter and there will be time enough for the Government to take a lenient view, for both are equally interested in maintaining discipline, and in maintaining law and order in the University. These two authorities must be made to feel that repentance has come over the students. If there is any indication of that, I am quite sure the Vice-Chancellor, an experienced and sympathetic man that he is, would consider their case favourably. As regards my Friend, the Hon. Mr. Subramaniam, in spite of his rough exterior (Voices : No, no), in spite of the rough exterior, his heart is good and sound. Even now he will take a sympathetic view of the whole thing. But it lies in the hands first of the students themselves and then of the Vice-Chancellor and the Minister in charge of Education. I do hope that men who are interested in the boys, in seeing that their career is not ruined, will give them the necessary advice. And as I said, if repentance is forthcoming, I am quite sure, their mistakes would be forgiven and forgotten and they will be given a chance.

12-80
p.m.

MR. CHAIRMAN : The hon. Member Sri G. Krishnamoorthy will now speak. He should just take five minutes and finish his speech.

* SRI G. KRISHNAMOORTHY : Mr. Chairman, Sir, I shall strictly confine myself to the time-limit set. I may speak at great speed just to say all that I have to say within these five minutes. At the outset, let me thank the Hon. the Finance Minister for having granted pension to B.T.'s. I do not know why, when provision was sought to be made even in the Budget Memorandum of 1956-57, this matter was delayed for so long. I would just request the Hon. Minister to extend this advantage to all teachers who retired on and after 1st April 1955 and not restrict it to only those who retired on and after 1st April 1958.

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In regard to the two other disparities that have not been removed in regard to which discrimination is persistently being shown, namely, house-rent allowance and medical concession, I would implore the Government to see that this discrimination is removed in the name of justice.

With regard to the revision of the scales of pay, about which I have spoken on the sacred floor of this House again and again, I do not know, if the teachers do not get it even in the third year of the Second Five-Year Plan, when they can hope to get it.

About the salaries of secondary grade teachers an order has been issued clarifying the position. I should like to submit that the present order means that Government want to run education on the cheap. It was on the sacred floor of this House that the Hon. the Finance Minister, during his speech presenting the Budget for 1956-57, just made a reference to the fact that the salaries of secondary grade teachers would be upgraded in all institutions. When that was the case, we certainly thought that they were upgrading all the secondary grade teachers in all institutions to the scale of Rs. 45-2-85. But after 16 months, suddenly an order has come. Of course, the order has been clarified that it would not affect the present incumbents. But what about the teachers who are already in the municipal and district board schools who have qualified themselves on the encouragement given by the Government and who are being kept there in higher grade posts? It looks ordinary on paper that the principle that obtains in local board schools in regard to sanctioned posts should be applied to aided institutions also. But if we take the interests of the nation at large, certainly we should see that better qualified teachers handle the lower classes. I think the Government would just revise their decision and see that wherever secondary grade teachers work, whether it is a district board school, or a municipal school, or an aided elementary school, they are given salary in the scale of Rs. 45-2-85, and that there is no disparity among secondary grade teachers.

The teacher-pupil ratio, I think, ought to be looked into more seriously. They have just now issued an order that for an average attendance of 35 pupils, a teacher would be sanctioned, with reference to grants in elementary schools. This is not the proposal put forth in the White Paper. In the White Paper, the proposal was that the same number of 35 pupils on rolls (not average attendance), that was being enforced in respect of local board schools might be made enforceable in the case of aided institutions also. Thirty-five on rolls is different from thirty-five average attendance. If in an elementary school, 35 is to be the average attendance, the rolls must at least be 45. Then naturally, the teacher handling the first standard or the second standard will have to handle double that number. There will be 89 or 90 on rolls. This order again says that there will be a slab of 35 pupils of overall average attendance in respect of the total number of teachers to be sanctioned

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in elementary schools. This overall average attendance is going to affect the teachers very much. Seventy or eighty pupils is the number that would make two persons eligible for appointment as teachers for the first standard or the second standard. According to the figures of the Government, the number of pupils would dwindle to such an extent as to be only 20 per cent in the fifth standard. Naturally even if there are sufficient pupils in lower standards, if the overall average does not come to 35 pupils, four teachers will have to handle five or six classes. Then we come to the plural teaching which we want to avoid. We come to the plural teaching in single-teacher schools which we do not want. That order states that untrained teachers should be sent out. There are over 6,000 teachers, according to the report placed on the table of the House. These teachers will have to go home. Then they say that in the place of these teachers who are sent out substitutes should not be appointed without getting the specific sanction of the Education Department. Ten thousand higher grade teachers are trained every year. What about these teachers? Are we going to increase unemployment? We have not stopped recruitment to higher grade and secondary grade training in our training schools. How is it that they pass an order saying that substitutes should not be appointed? For those secondary grades drawing Rs. 45—2—85 there is no security of service in elementary schools. Those secondary grades that are not affected by this order may be sent out on three months' notice, unless there is a provision that no teacher should be appointed in an elementary school on less salary than the one which is stated in his service register, and that no teacher should get less salary than that last drawn. If no order is issued that the teachers should be given their salary with reference to the entry made in their service registers, most of the secondary grade teachers who are drawing pay in the scale of Rs. 45—85 will be sent out by managements. This is the beginning of harvest (April). The managements have begun to issue notices. I have been receiving a number of representations in the matter. I would just make a request to Government that, even if it takes some time for them to ensure security of service for teachers, they must ensure security of service to teachers who are working in elementary schools.

SRI A. GAJAPATHY NAYAGAR: அண்ணாமலை பல்கலைக்கழக சம்பவத்தைப்பற்றி நான் ஒரே ஒரு நிமிஷம் பேசுகிறேன். இந்த சம்பவம் நு ந்ததை ஒரு கெட்ட கைவழியால் பாவிச்சா, அதிகாரிகளுக்கு மற்றவர்களும் எயின்னக் கெட்டுப்போகாமல் இருப்பதற்கு வழிசெய்து. பரிசைக் வைத்து, எயின்னையும் பெற்றோர்களையும் காப்பாற்றும்படி நான் மன்றாடிக் கேட்டுக்கொள்கிறேன்.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, before I proceed to deal with the various points raised in the course of the debate to-day, I would like to make some general observations. Madras State has always maintained a very high tradition in respect of administration, and the efficiency of our officers has been the subject-matter of admiration of not only the whole

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of India but also even of those who have come from outside. It is not only with reference to the administrative tradition and efficiency that we have been maintaining a high standard, but even with reference to the behaviour and conduct of the various sections of the public also, we have always been considered as the most sane and well-behaved. We have always been given credit that we take a very balanced view of very controversial matters. As far as administrative efficiency and also our performance in implementing the various schemes are concerned, I can very well claim that we try to maintain those traditions. I am saying this with the advantage of having had the opportunity to take an all-India view of the administrative sector in the various States and at the Centre. But, unfortunately, during this one year various incidents have happened in our State which have brought down the prestige of our State. I am not going into the causes for these incidents and it is not my intention to apportion the blame between the various sections of the community or political parties or anybody else. But still those incidents have shattered, if I may say so, the reputation of our State to a great extent. First came the Ramanathapuram incidents and when we were just recovering from that shattering blow came this movement for burning the Constitution and the flag. Then, that was followed by a demonstration by a political party against the Prime Minister when he visited here, in connection with the Science Congress. I consider the last blow as the most serious one. That is the incident which happened at Annamalai Nagar. As Education Minister, I have always been claiming with pride that our students are the most well-behaved and that they have been maintaining discipline in spite of situations and in spite of various environments where discipline is likely to be affected. But the Annamalai University incident has shattered that claim also and these incidents coming one after another in succession have made me a little bit sad. But I suppose we have to take these things as they come and try to do our best to rectify the defects which have led to these incidents. But this cannot be achieved by action at the Government level alone. All the political parties have got to co-operate. The public have got to co-operate. May I take this opportunity to appeal to one and all in our State to reflect over these incidents which have happened in our State and also to try to find out methods to put a stop to all these unfortunate and unwelcome incidents?

While these various incidents have happened, as far as the Government are concerned, in spite of our preoccupations in restoring normalcy, we have been trying our best to see that there is economic progress and educational progress and that the various other activities we have embarked upon under the Five-Year Plan are put through as well as possible under the circumstances. I put forward the claim that in spite of these unfortunate incidents, considering our performance on the side of implementation of the various projects we had taken up during the last year, the first

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year of the Second Five-Year Plan, there is no cause for despondency. On the other hand, I would say that there is room for optimism for further progress during the current year, and that could be achieved only if normal conditions exist throughout the State. I am hoping that the Annamalai University incident would be the last of the series and that during this year—Vilambi which would be commencing on the 14th of this month—we will have better days. In that connection, I do attach very great importance to the discussions that take place on the floor of the Assembly and the Council and particularly in the Council. As a matter of fact, I was very anxious to be present in this House throughout the general discussion on the Budget. That was why I adjusted the programme of the Assembly in such a way that after the general discussion in the Assembly, they would not be considering the various Demands for about a week and I was hoping the Council would sit during that week to discuss the Budget. But, unfortunately, the Business Advisory Committee of this House rejected that idea and they wanted that they should discuss the Budget simultaneously. I do not think it is necessary to have the discussion at the same time both in the Assembly and in this House. On the other hand, it would be to the advantage of everybody, not only the Ministers but others also, if the discussion takes place on different occasions. Even with reference to publicity in the paper, the coverage in the newspapers, it is better that we discuss it on separate occasions, not on the same day. I hope that this will be adopted at least during the debate on the next Budget.

SRI MOHAMED RAZA KHAN: That was the practice also before.

THE HON. SRI C. SUBRAMANIAM: Before I deal with other questions, I would like to deal with certain points made by my hon. Friend Sri Purushotham because it is likely to leave an adverse impression in the minds of hon. Members. He referred to the relaxation of rules and quoted a number of cases in which relaxations had been granted by the Government. Of course, numerically it looks large. But if only he goes through the individual cases, he will find that those are all technical cases where it is the Government which is the final authority that has got to grant the relaxation. I may inform the hon. Member that at a certain stage these relaxations were made almost the rule and that we arrested that tendency saying that the relaxation should be the exception rather than the rule. I may inform the hon. Member that we have made considerable progress with reference to that and that the departments also are now putting forward only exceptional cases for the purpose of relaxation of rules. With reference to non-Government servants in respect of whom relaxations were granted, those were all cases where local board employees were concerned. In those cases also it is the Government that has got ultimately to relax the rules if relaxation is necessary. That is why those cases come up to the Government for this purpose.

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Therefore, nobody need be under the impression that we have gone out of the way to relax rules in respect of some services which are private services wherein we interfered. No such possibility can arise.

Then, I refer particularly to appeals in regard to disciplinary proceedings taken against officials and the Government not accepting the advice tendered by the Public Service Commission. Nowadays particularly when we have to consider cases of corruption, we have to look into the matter to find out whether, as a matter of fact, that is a case where we can continue the person in service or we will have to dispense with his services. The hon. Member was referring to the benefit of doubt, particularly in respect of Government servants, and we apply the rule the other way. If there is some doubt with reference to the integrity of the person, I would rather dispense with his services rather than continue him in service. But, unfortunately, we are accustomed, as far as punishment is concerned, to the rules of criminal law and evidence relating to criminal proceedings, and the tribunals want that those cases should be proved beyond reasonable doubt, particularly the cases of corruption. Even when there is a doubt, they say that it is only a doubt and that the case has not been proved beyond any reasonable doubt, which is necessary in any case of criminal conviction. It is from this aspect that the tribunals have been disposing of the cases and the Public Service Commission also has been tendering its advice. I think it is a wrong approach as far as departmental inquiry into the conduct of public servants is concerned. That is why we try to apply a slightly different standard as far as the Government employees are concerned. When there is a strong suspicion—it may not be that there is positive proof—we think that it is better that the person is not in Government service rather than to take the risk of continuing him in service because, after all, corruption cases are very difficult to prove and we have an idea of the general reputation of a particular officer concerned. But if we have got to prove positive acts of corruption, it becomes very difficult. Even though in some cases it may cause individual injustice, we have to put up with it having regard to the standard we have to maintain in general administration. It is not a question of acquitting an accused person in a criminal case. It may be all right there to say that even if 99 guilty persons run away, it is wrong to convict one innocent person. But even that idea is no longer effective. I am not speaking about India alone. Even in England, where this rule had great weight once, public opinion and legal opinion do not observe this rule to the extent it was observed once. Therefore, when advice is tendered by the Public Service Commission with reference to the old standards of positive and convincing proof that the benefit of the doubt be given to the officer concerned and that no action be taken against him, Government find themselves not in a position to accept that advice. They feel that it would be wrong to accept

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that advice and allow the officers to function as they were functioning. This policy may be wrong. But we must consider the various aspects of charges of corruption being made wholesale by hon. Members. I do not know whether hon. Members here have listened to the debate in the other House when it was stated that everybody was corrupt just as every student was indisciplined. Such wholesale charges, as a matter of fact, demoralise, if I may say so, the services as a whole.

SRI A. M. ALLAPICHAJ: Why should there be even one case of injustice? It is not a case of injustice to one person, but to his children, wife and so many other people who are all affected.

SRI MOHAMED RAZA KHAN: Sometimes even wives.

THE HON. SRI C. SUBRAMANIAM: I am sorry, we have not reached that stage of perfection where we can claim that all cases of injustice have been avoided. I am not able to give that assurance. With the best of intentions and with the best procedure one could follow, I cannot say that there will be no case of individual injustice. We have to function as we are and I know the Deputy Chairman always takes a very idealistic view of things, without considering how far it would be possible for those who are responsible for the administration of the State to practise those things.

Pointed reference was made by the hon. the Leader of the Opposition to the Community Development Schemes. I am glad that hon. Members not only here but in the other House also take a very keen interest in the working of these schemes. That is because we are hoping that with these schemes we will be able to change the entire rural community life. Hon. Members could easily imagine how difficult it is to change the mode of life of the people in the villages. Still we have to make an attempt. And I am not prepared to say that we have succeeded in what all we attempted. Even in the method of approach, I am prepared to admit that we have gone wrong in some places. That is why Committee after Committee is being appointed to examine all this. There is no dearth of material to understand the working of these schemes. If only the hon. the Leader of the Opposition would care to go through the innumerable reports which have been produced on the schemes, he himself would be amazed that so much literature is in existence which is not very old. It is not merely a question of production of reports and making of recommendations. It is the implementation of the recommendations that is more important. When we go through the recommendations, we notice certain defects in the existing machinery and we try to rectify them. We are trying our best to see that this community development programme is properly organized and worked in rural areas. The Estimates Committee has also gone into these schemes and submitted its report. It shall be the endeavour of the Government to take into account the recommendations made by these bodies

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and the criticisms levelled by hon. Members and do all that is possible to make these schemes a success. But in all these developmental programmes we are guided by the Five-Year Plan which has been formulated, printed and published. It has also been placed before the Legislature. In the matter of implementation of the Plan, more than anything else, we are faced with a shortage of technical personnel. I am glad that the hon. the Leader of the Opposition touched on this aspect also. We wanted that the Community Development Scheme should be introduced throughout the State before the end of the Second Five-Year Plan period and we also wanted to make an assessment of the technical personnel required for the purpose—engineering graduates, veterinary graduates, agricultural demonstrators, medical graduates, etc. We find that in spite of the fact that we have made great progress in increasing the strength of our technical training institutions, even our minimum requirements cannot be met. This is because the steps we have so far taken will bear fruit only two or three years hence. We find ourselves short of technical personnel and that is why it is now being considered at the all-India level whether the target of introducing the scheme throughout the country before the end of the Second Plan period should be revised. Therefore, it is not merely a question of financial resources or capital resources but a question of technical personnel. I am glad an assessment has been made of our requirements and we are taking steps to meet our requirements in this respect not only with reference to the Second Plan but the next Plan also. We are really making good progress. A good deal of expansion in regard to teaching institutions has taken place. 1 p.m.

Now, Sir, before passing on to the next topic, I would like to refer to the medical institutions in the State to which the hon. the Leader of the Opposition made a reference. With his experience in the medical field, he has given many valuable suggestions. I am sure that the various suggestion that he has made would receive the serious consideration of my Colleague the Health Minister. Particularly, he referred to overcrowding in the hospitals. I have witnessed it myself. Particularly, when I had occasion to visit some of the Headquarters Hospitals, I found overcrowding which, if it had happened in any other private institution, would have resulted in the prosecution of the authorities concerned. But, it is a human problem. When a patient comes there in distress, certainly, the doctor cannot take the attitude, 'The bed-strength is already full. Therefore, you better get away.' That is why, in spite of all these difficulties, they try to accommodate as many patients as possible. Sir, I have been looking into this problem in a more detailed way. Particularly in the General Hospital at Madras, I am afraid the facilities available are not put to the best use. That is my view and I may perhaps be wrong, because I am only talking as a layman. As far as I am concerned, I find that all sorts of cases which do not require high skilled treatment go to the General Hospital, and this has been the

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subject-matter of discussion for a very long time. Chronic patients who with any treatment would not be able to get completely cured are being treated in this hospital for months and months, thus blocking the chances of other persons getting treatment and getting cured. Therefore, I would like my Colleague to consider this problem. Of course, I am only expressing my view in the matter. I should put it to him since the matter has been raised on the floor of the House. I would like my Colleague the Health Minister to consider whether the treatment here in the General Hospital should not be on the basis of a reference, particularly from the mufassal, made by a qualified doctor. Now, even for minor ailments such as stomach-ache, a person simply rushed to the General Hospital here from the mufassal; as he has got the money, he rushes to the General Hospital here for treatment.

SRI V. K. PALANISWAMY GOUNDER: The same is the case in the mofussil hospitals also.

THE HON. SRI C. SUBRAMANIAM: But, here, we have got specialists, we have specialised treatment, special apparatus and specialisation in the various branches of treatment. These should be put to the best use. The specialists here should not be asked to look into ordinary cases. This is unfortunately what is happening here. I have no doubt that this will have to be considered at some stage or other; the sooner the better.

With reference to the medical personnel which we are employing, particularly, the specialists, the hon. the Leader of the Opposition suggested that they should become wholtime servants. That is absolutely necessary if we want to make these institutions efficient and clean. This aspect will also have to be considered as early as possible with reference to the starting of medical colleges.

SRI K. BALASUBRAMANYA AYYAR: What about increasing the bed-strength?

THE HON. SRI C. SUBRAMANIAM: It means more building space, more nursing personnel, more medical personnel, various other equipments that are necessary, more medicines, etc. So, it is not merely a question of increasing the bed-strength.

DR. A. LAKSHMANASWAMI MUDALIAR: There is what is called the optimum or maximum number for every hospital. Otherwise, the hospital will not function effectively at all.

THE HON. SRI C. SUBRAMANIAM: These are the various aspects which, I am sure, will be considered by persons with the technical knowledge necessary and who will make recommendations for implementation. But, considering the various aspects, even a layman like myself is able to see that this is a problem which requires a good deal of consideration before actual implementation.

Regarding education, various suggestions were made and I am glad that there is general approval of the various steps that we have taken for the purpose of improving education. I am sorry

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my good Friend Sri V. R. Ranganathan is not her. He made a speech during the general discussion on the Budget, I think. The hon. the Leader of the Opposition was saying that it was very difficult to read one's own speech and correct it. But, I have taken the trouble of going through the speech of Sri Ranganathan in its entirety, because he has made very valuable criticisms about the administration of the Education Department. Particularly, the criticisms coming from a person who had a good deal of experience in that department deserve a good deal of consideration. But, after having gone through the speech very carefully and also having examined the various points raised by him, I am constrained to say that he has given a slightly distorted picture of the state of affairs existing in the Education Department. I do not want to say anything further. I am prepared to say that the hon. Member was not justified in many of the remarks he made on the floor of the House, because I have gone into those matters and I am satisfied that those criticisms had absolutely no basis whatsoever. It is not necessary for me to take each instance. He has made certain charges, particularly with reference to the delay in the disposal of certain matters. I do agree that there has been a good deal of delay in certain matters, but that is not due to anything which has happened in the recent past. It is a legacy of the past—not with reference to two or three years—but with reference to ten years or so. Many things were left undone, recruitments have not been made for ages. Therefore, all these things had to be taken up and we tried to do our best to clear the arrears. I may inform the hon. Members of this House that in various sectors, matters have been set right and that we are trying our best to see that in the other sectors also delay is avoided and that the arrears are cleared as early as possible. Particularly with reference to disciplinary proceedings we have appointed a Special Deputy Director. Even though Sri Ranganathan may feel that the position has not improved even after the appointment of this Special Deputy Director, from my personal knowledge I can vouchsafe to this fact; viz., that many cases have been disposed of and that great advances have been made in respect of many other cases, because there is one officer who is devoting his entire time to the disposal of these cases.

In this connexion, reference was made to the strengthening of secondary education. I attach very great importance to the strengthening of this sector. The Commission which went into secondary education in our country has made very valuable recommendations. As I have already pointed out on various occasions we found that financially, it would not be possible for us to take up all the recommendations made by the Commission. That is why we are now assessing priorities and are trying to implement them as best as possible. More than anything else, I do realise that the teaching personnel at this level is inadequate and that there is a great shortage. We try to recruit even History Graduates for the purpose of getting trained later on. We do not get applications in sufficient numbers to fill up all the vacancies. Therefore, as if

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has been pointed out elsewhere, we have to look into this aspect rather carefully to make service in the secondary schools as attractive as possible so that it may be possible for persons who have an interest in the teaching profession to take to it. I am sure the announcement which has just now been made by the Government with reference to the pension scheme will have a healthy effect. Even though it may be felt that any increase which is immediately given will be better, the very fact that in old age they will have some security, which has been provided for, will go a long way in inducing persons to take to this profession. Therefore, I am hoping, Sir, that not only this particular step but also various other steps we are likely to take would attract persons of quality and of good training and education to the teaching profession, particularly at the secondary level. In this connection, it is not merely a question of improving the emoluments of the teaching personnel at any particular level. As a matter of fact, a suggestion has been made by the University Grants Commission that the teachers in the various colleges should be given better scales of pay. I have examined this. But it is not as if increase of emoluments for particular categories alone will solve all problems. Of course, the assistance of the University Grants Commission is available to a certain extent. But when we increase the emoluments at that particular level, it has got its repercussions on the various categories also within the college and also at the secondary level. Therefore, I am going into the entire aspect of the question. Before long, I hope to take decisions with reference to the emoluments which we have got to provide for all categories from the elementary to the college and the University levels.

Then, Sir, the hon. Member Sri Mohamed Raza Khan referred to the linguistic policy and the difficulties which had been created by the recent Government Order. This matter has been brought to my notice and it is under the consideration of the Government. But this is not a problem which exists in our State only. This problem exists in all the States and particularly in the Southern States. That is why a Committee at the ministerial level has been constituted by the Southern Zonal Council and I happen to be the convener and the matter is under consideration. I am receiving the recommendations of the various State Governments. After receiving all these recommendations, I hope to place them before the ministerial Committee and take decisions so that protection to linguistic minorities in all the States may be on a rational basis and there may be no discrimination. In a country like this, it should be possible for a person speaking any language to get settled in any part of the country. The language should not be a bar on migration from one part of the country to another. I hope, Sir, that when we place before this Legislature the ultimate recommendations which this Committee may make and which may be accepted by the Zonal Council, it would certainly satisfy all the linguistic minorities living in any part of our State or portion of the country. Meanwhile, I am laying great emphasis on the

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point that the linguistic minorities should not have any grievances whatsoever. At least the *status quo* should be maintained if increased facilities are not given. Charges have been made by very many persons that we are trying to cut down the existing facilities for the various linguistic minorities. I am satisfied, after examining all these charges, that there is absolutely no basis for such complaints. The people who make these charges have all been misinformed with reference to the various individual cases, which ought to be examined on different considerations altogether, and not on linguistic principles. As a matter of fact, one Weekly went to the extent of charging the Government with discriminating against the Telugu students in not providing furniture, equipment, etc., in a particular school and the Telugu students being made to sit on the floor while the Tamil students were given benches, desks and all those things. I am sorry to say that such an irresponsible charge was made. When it was brought to my notice, the full facts were placed before the editor, just to show that it was not so. He said that he would rather take a statement from some other person than accepting the statement. He still persists in this charge of discrimination. But we are not concerned with that. We have got to see that the linguistic minorities do not have any grievance whatsoever and I may assure this hon. House that we are taking steps to see that all the requirements of the linguistic minorities are looked into. Ultimately when we have, as I may call it, the "Charter of the linguistic minorities" framed by the Zonal Council, we would observe that charter and the other States would observe it. Then there would be no question of mutual discrimination between one State and another. Meanwhile, the difficulties which are likely to be created by the adoption of Tamil as the official language will be looked into. The hon. Member Sri Mohamed Raza Khan said that Muslims were being blocked from being considered for posts.

SRI MOHAMED RAZA KHAN : I have not made that charge. I made an appeal.

THE HON. SRI C. SUBRAMANIAM : Whatever it is, you made a reference. If we want to implement all these schemes, it is necessary that we should have the necessary financial resources apart from the technical personnel and the capital requirements. The financial resources are absolutely necessary. Till now the Madras Government have been raising loans from the public. I am sure hon. Members are aware that in spite of the advice tendered by the Reserve Bank and various other financial authorities, we were—I do not know whether I may call it—"bold enough" or "audacious enough" to go to the market with a large demand, something more than what was recommended by these financial authorities. Every time we found ourselves in the right. Our loans were over-subscribed. But, recently, we have been advised that this raising of public loans should be centralized and that it should be left to the Central Government to raise these

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loans. As far as the States are concerned, they should concentrate on small savings. That is why during this year, instead of raising a loan in the open market, we concentrated our attention on raising as much of small savings as possible. This also we accepted only very recently, four or five months back. So, we had very little time to draw an elaborate scheme for this purpose. But with the experience we had with reference to the raising of public loans, we wanted to have a small savings drive in each district organized for about a fortnight and the entire administration except the Police administration and the Judicial administration participated in this drive. I am sure hon. Members would have seen from the papers that we have made a success of this drive also and that we have collected nearly Rs. 8 crores and 90 lakhs or about Rs. 9 crores.

Apart from the institutional savings, more than eight lakhs of people have participated in this Small Savings Scheme. They have contributed to this Small Savings Scheme. I think four districts have enlisted more than a lakh of subscribers. Of course, my district comes first always and the same Coimbatore stands first with 116,000 subscribers. It is nothing surprising. But, more than that, all the other districts have done very well this time keeping the race very close. Formerly Coimbatore stood far above the other districts. But Madurai has kept very close to Coimbatore. That also contributed about 112,000 subscribers to the Small Savings Scheme and we are, in fact, going above one crore of rupees as far as this district is concerned. South Arcot has done fairly well. There also more than one lakh subscribers have come into the picture. So also Tiruchirappalli. All the districts have done very well. That is due to the enthusiasm of the officials. I do agree, Sir, that when I say "enthusiasm of the officials", there might have been some over-zealous officials who have exerted a certain amount of undue pressure. But I am prepared to say that in every case there can be no undue pressure because there might have been only a few such cases. Considering the large number of people, the number of complaints I have received is very few. It can be counted in one's fingers. In those cases, we have asked the Collectors to look into them. But in cases where Collectors themselves are involved, we have asked the Board Member to look into them.

Sir, no doubt, this is a new scheme. Therefore, a good deal of education and persuasion is necessary. That has been done no doubt. In some hard cases, undue pressure might have been exerted by some persons and as I have already stated, such cases are few and far between. Even taking into account what the hon. Member said that undue pressure had been exercised, we see that he was able to cite only a solitary case, where a policeman is said to have interfered. I shall look into this one case also. But the very fact that he was able to point out only one case—nobody else pointed out that the Police officials or the judiciary interfered with this—shows how this rule has been observed. It is rather an exception but sometimes the exception proves the rule.

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Sir, this Small Savings Scheme will be continued every year. Unless these savings come in every year, it would not be possible for us to implement the various programmes. Ultimately, if we analyse matters, it will be seen that it is by savings of the community alone—it may be in this part of the country or another part of the country—that we will be able to take up development projects which will be useful either immediately or for future generations. Without present savings we cannot have future development and prosperity. Therefore, I am sure all the hon. Members would participate and take an interest in the scheme. I have promised the other House that I would invite the various Leaders of Parties for the purpose of consultation with reference to the finalisation of the scheme so that it might become a permanent feature and not a temporary one to be worked only during this year.

SRI A. M. ALLAPICHAJ: As far as possible, we must be associated in these things.

THE HON. SRI C. SUBRAMANIAM: I think I represent him also. If he thinks I do not, I am prepared to consult him also.

Sir, before I conclude, I shall refer to one point raised by the hon. Member Sri Ramasamy Gounder with regard to the Lower Bhavani Project. That has been a matter on which there is agitation particularly on the floor of the Assembly. As the hon. Member belongs to that area, he has also raised that point here. The Lower Bhavani Project was executed with the specific object of giving water for purposes of dry cultivation. It was only on that basis that the ayacut was fixed at two lakhs of acres for the project. If it was intended that paddy crop alone should be raised, then the ayacut would have been fixed at 50,000 acres or even a little less than that. But we have dug canals, tributaries and even field bothis with reference to the target of two lakhs of acres under dry cultivation. Of course, some people wanted to take advantage of the location of their fields and went on raising paddy crops which drew the entire water without allowing any water to reach the lower ayacuts. That is the real difficulty. We often reminded such people that such cultivation would entail penalties. We treated them leniently in the past and they thought that after all, if they paid the penalty, they could continue rice cultivation. Even when the penalty was twice the ordinary amount charged, it was advantageous to them. That was the reason why particularly during the last year they started cultivation of paddy on a very large scale and 10,000 of the 50 or 60 thousand acres have come under paddy cultivation. This has affected the lower reaches. How to deal with this breach of the rule is the question. That is also the reason why Government are anxious to levy penalties in such a way as would deter the abusers of the water. That is why Government are levying heavy penalties but, unfortunately, these persons are creating a wrong impression that the Govern-

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ment are unnecessarily levying these penalties. If we have got to levy penalties, it is for the benefit of the other 1½ lakhs of acres which have to depend upon this water source. Now, we are trying to classify the lands into three categories, one where paddy alone could be raised, (because of the percolation of water the lands become waterlogged and no other crop except paddy could be grown), then lands with facilities for well irrigation, for garden cultivation and thirdly areas where it would be possible to raise only dry crops. We are trying to have assessment also on this basis. This is being done at a very high level with the assistance of a Deputy Collector, an Assistant Engineer and an Agricultural Demonstrator associated in the work. They are going from place to place and classifying the lands. I hope that after this is done, there won't be complaints of this sort.

I am really grateful to the hon. Members for the very good suggestions they have made. I am particularly grateful to the hon. Member Sri P. T. Rajan for the kind reference he made to me and also for trying to remove the misunderstanding which I was having with reference to his speech. After all, we have common objectives. What we want is that our people should not be put under any handicap under any circumstances whatsoever, not only with reference to the immediate future but also with reference to the distant future. That is why I am anxious that our young men and our students should not only pay some attention to the study of English which is absolutely necessary in the near future but also possess some knowledge of Hindi which will also be absolutely essential—whether within the next 50 years or 30 years or 25 years, it does not matter—for our equal participation in the development of the country. That is why I am anxious, while I attach the greatest importance to the development of the regional languages—I am sure no hon. Members can complain that this Government have not been taking steps for the development of the regional language—that we should be equally proficient in English and also it should be possible, if not in the immediate future at least in the distant future, say, after 20 or 25 years, for our students to attain sufficient knowledge of Hindi which would enable us to say that even if Hindi is adopted as the official language with the common concurrence of all, we are ready. I say 'common concurrence of all' because I attach the greatest importance to that. In these matters changes should be made by consensus of opinion. That is also the wording used in the 'Gauhati Resolution'. If only hon. Members had gone through the Resolution, they would have found that the wording used in the Resolution is: 'These changes should be made by consensus of opinion, and not by majority opinion, not by forcing the opinion of one part of the country on another'. This was the wording specifically and conscientiously used to show that it was not a question of what the majority view was in the matter. That was the point of view I steered before the Gauhati Congress and, fortunately, that point of view has been accepted. Particularly in the recent speech made by the Hon. the Prime Minister with reference to the target date,

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he has said that he does not attach any importance to the target date of 1965 and that English should continue to be used indefinitely. Even there he has used the term 'indefinitely'. He is not prepared to fix any term for the purpose of limiting the use of English. With these assurances, I do not think there is any need for apprehension in our minds. Instead of continuing this as a controversy, we shall put faith in them.

SRI P. T. RAJAN: What about the Government of India?

THE HON. SRI C. SUBRAMANIAM: No Government, whether it is the Government of India or any other State Government, can ignore our viewpoint. I do not think that they are inclined to ignore our viewpoint. I can, I think, give you the assurance that our viewpoint, because it is just and because it is equitable and just to every section of the people in our country, has received the attention and the favourable attention of everybody concerned. That is all I am prepared to say at this stage. When the Parliamentary Committee makes its Report and the President passes his order on the basis of that Report, I have absolutely no doubt that we won't have any cause for complaint. Therefore, I would appeal to elder statesmen in our State—I can very well understand their anxiety particularly with reference to our future, the future of our young men, and the future of our own State in the all-India set up—to consider the various aspects, the various incidents taking place in our State and to give a quietus to all these things now.

Let us start a new chapter and more prosperous and more happy future from the 14th instant and that will be a target date, as far as I am concerned. Let us hope that in the year to come, we would render a much better account of ourselves, not with reference to various Plan projects but with reference to the consideration of the various controversial problems which may be confronting the country. Nobody disputes the sincerity of particularly the persons who are really concerned with this language problem and my only appeal to them is to consider whether it is necessary to continue the controversy further. When I am making that appeal, I am not presumptuous enough to think that I am wiser or more experienced than those elder statesmen. But we are still concerned with day-to-day administration and various other things and I may tell hon. Members that these things are causing great difficulties for us than anything else. I do not think that any country can function in an atmosphere of mutual suspicion and mutual doubt. I have absolutely no doubt that persons, who are responsible not only for obtaining freedom for our country but also after obtaining that freedom for putting it on a stable basis, will have the sole objective of making things easier for the next generation. I consider myself to be belonging to the next generation. Therefore, my only appeal is that in our own interest this controversy should stop.

[Sri C. Subramaniam]

[11th April 1958]

Sir, I hope that I have been able to deal with the various points raised in this House. If I have not touched on any of the very important points, it is not because I do not attach importance to them but because it is not possible within the time-limit to deal with them.

I thank you, Sir, for having given me this opportunity to explain the position.

MR. CHAIRMAN: The question is—

“That the Madras Appropriation (No. 3) Bill, 1958 (L.A. Bill No. 17 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clause 2 was put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

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

“That the Madras Appropriation (No. 3) Bill, 1958 (L.A. Bill No. 17 of 1958), as passed by the Legislative Assembly, be passed.”

In moving this motion, I want to read out a telegram with reference to the handloom cloth, the news of which has already appeared in the Press. The following is the telegram we have received from the Government of India:—

“Government have decided (to) allow special additional rebate of 6 naye paise in the rupee for two months from 11th April on all retail sales of handloom cloth by Weavers' Co-operative Societies and State-owned depots and on wholesale by Weavers' Societies.”

I think, Sir, our Hon. Minister for Industries deserves our congratulations on having achieved success in his endeavour to get this relief. I am only hoping that even though this has been allowed for only two months, they would extend it further, of course, with reference to the situation prevailing in the State. Some people are under the impression that the views of the Madras Government carry no weight at Delhi. On the other hand, I may assure hon. Members that our views are carrying all the weight if not a little greater weight than they used to do before. That is my respectful submission.

Another news also has already appeared in the Press and that is with regard to the Aluminium plant. That also would have given great satisfaction to hon. Members. We are trying our best to see that we also progress as fast as possible. We take up as many projects as possible but we have also our own limitations. The Government of India also have got their own limitations. Even though we are trying to do our best, still the charge is levelled

[11th April 1958]

[Sri C. Subramaniam]

that the South is being neglected and that no consideration is being given to the various developmental projects in this part of the country. No doubt, on the surface it might look all right and perhaps that has some validity but if only we consider the various aspects of these very difficult problems, I have no doubt that the decisions which have already been taken have been taken with the full facts available and that if these facts are known, everybody would agree about the validity of the decisions already taken. But I may assure hon. Members and also the public that we are trying to do our best, particularly with reference to the various industrial projects, to bring into being as many projects as possible, without taking into account whether they are in the public sector or private sector. As far as we are concerned, it does not matter whether an industry comes into existence in the public sector or the private sector. What we want is efficient running of the project. Once it is run efficiently, it is bound to add to the prosperity of the State and the people of the State. I am sure during this year, we will have greater satisfaction particularly with reference to the affairs relating to the Industries Department which is in the capable hands of my Colleague in charge of Industries.

MR. CHAIRMAN: The question is—

“That the Madras Appropriation (No. 3) Bill, 1958 (L.A. Bill No. 17 of 1958), as passed by the Legislative Assembly, be passed.”

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

(2) THE PRISONERS (MADRAS AMENDMENT) BILL, 1958
(L.A. BILL NO. 14 OF 1958).

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

“That the Prisoners (Madras Amendment) Bill, 1958 (L.A. Bill No. 14 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

The High Court of Madras was the Court of Sessions for the Presidency-town of Madras prior to 1st January 1956. But a Court of Sessions for the Presidency-town has been established with effect from that date. According to sections 5 to 12 of the Prisoners Act, 1900, the authorities in charge of prisons in the Madras City can receive prisoners convicted by the High Court. They cannot, however, receive prisoners convicted by the City Sessions Court. It is found necessary, therefore, to amend sections 5, 7, 10 and 11 and to omit section 8, of the Prisoners Act, 1900, so that the authorities in charge of prisons in the Madras City can receive prisoners convicted by the City Sessions Court. It is also proposed to omit Part VII of the Act dealing with “transportation” as such a punishment has been abolished.

[Sri M. Bhaktavatsalam] [11th April 1958]

Section 29 of the Prisoners Act, 1900, specified the powers of Government in regard to the removal of prisoners from one jail to another. This section does not refer to undertrials and under this section neither the Inspector-General of Prisons nor the Collectors nor the Government have any powers to order transfer of undertrial prisoners from one sub-jail to another. To remove the above administrative difficulty, it is proposed to amend section 29 of the Prisoners Act, 1900, to provide specifically for the transfer of undertrial prisoners and to empower the Collectors, their Personal Assistants and Revenue Divisional Officers to order transfer of undertrials from one sub-jail to another sub-jail and the Inspector-General of Prisons to order transfer of undertrials from Central jails, district jails and subsidiary jails to other jails.

Sir, the Bill is intended to make necessary provisions to achieve the objects referred to just now.

MR. CHAIRMAN : The question is—

“That the Prisoners (Madras Amendment) Bill, 1958 (L.A. Bill No. 14 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 to 9 were put and carried.

Clause 1 and the Preamble were put and carried.

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

1-40 p.m. “That the Prisoners (Madras Amendment) Bill, 1958 (L.A. Bill No. 14 of 1958), as passed by the Legislative Assembly, be passed.”

SRI MOHAMED RAZA KHAN : Sir, I made a mistake. Let this Bill also be included in the list of Bills considered and passed in this Session. Otherwise, my number will be incorrect.

MR. CHAIRMAN : The question is—

“That the Prisoners (Madras Amendment) Bill, 1958 (L.A. Bill No. 14 of 1958), as passed by the Legislative Assembly, be passed.”

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

V.—VALEDICTORY SPEECHES ON THE EVE OF RETIREMENT OF CERTAIN MEMBERS OF THE COUNCIL.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, this happens to be the last sitting. Some of the hon. Members of the Council would be retiring shortly. May I, therefore, convey to them how deeply we appreciate their association with us during the last few years and how deeply we value their eminent contributions to the debates in this Council? Some of the Members will be returning to the Council and will continue to do the useful work

11th April 1958] [Sri R. Venkataraman]

which they have been doing. But about others who retire from the Council, let me assure them that we will cherish very pleasant and happy memories of the part played by them in the Council and perhaps we will quote it with effect in our future deliberations.

Sir, about you, a word of appreciation is due from the Council. The amiable manner in which you have conducted the deliberations of this House and preserved the dignity of the House and helped to keep a very high standard not only of debates but decorum, call for appreciation. We trust you will also come back and continue to preside over the destinies of this House. (Hear, hear.) We wish you all a very, very happy life in future. Thank you, Sir.

MR. CHAIRMAN : Hon. Leader of the House and hon. Members of the House, I am grateful to the Leader of the House for the nice words he has said both about me and the retiring Members of the House. I would say a very good good-bye to the hon. Members who are not coming back to the House; some of them are excellent men, and it is unfortunate that they are not standing for re-election or coming back to the House. I am thankful to you all for the very nice words which you have in a way made the Leader of the House say about me. I will be failing in my duty if I do not thank the two Leaders of the House, the former Leader the Hon. Sri M. Bhaktavatsalam and the present Leader the Hon. Sri R. Venkataraman, two most excellent men. It has been a pleasure to work with them. I have always received their co-operation in an unstinted measure and they have helped me in no small measure to maintain the traditions of the House and the very high level of debates.

I would like to place on record—and I hope the House will agree with me—our appreciation of the very hard, efficient and trustworthy work put in by our Secretary, Mr. C. D. Natarajan (The Hon. Sri R. Venkataraman and other Hon. Members : Hear, hear) and the office; the office staff and Mr. Natarajan. They never grudged, they never complained and they did their work most efficiently. I thank them on my own behalf and on behalf of the Council Members assembled here.

I thank you very much, Hon. Leader of the House and hon. Members of the House.

The House will now adjourn *sine die*.

The House then adjourned *sine die*.

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

* 144. Short review of activities of State Broadcasting Department for the first half-year 1957 (April to September 1957).

* 145. Notification issued with G.O. Ms. No. 693, Home, dated 18th March 1958, regarding amendment to rule 1 of the Madras Dramatic Performances Rules, 1955.

* Laid on the table on 10th April 1958.

[11th April 1958]

* 146. Notification issued with G.O. Ms. No. 658, Home, dated 15th March 1958, regarding amendment to rule 5 of the Madras Cinemas (Regulation) Rules, 1957.

* 147. Notification issued with G.O. Ms. No. 1514, Local Administration, dated 18th October 1957, in regard to the amendment to the regulations regarding the classification, methods of recruitment, conditions of service, pay and allowance and discipline and conduct of executive officers of panchayats.

* 148. Second Report (Second Assembly) of the Committee on Subordinate Legislation.

149. Short review of the activities of the Electricity Department for the first half of 1957-58.

150. Notification issued with G.O. Ms. No. 478, Home, dated 26th February 1958, cancelling the Local Self-Government Department Notification No. 997, dated the 26th July 1933. [Laid on the table of the House under section 11 (2) of the Madras Motor Vehicles Taxation Act, 1931.]

151. Notification issued with G.O. Ms. No. 3993, Industries, Labour and Co-operation, dated 3rd December 1957, exempting Industrial Co-operatives from the provisions of section 9 of the Madras State Aid to Industries Act, 1922, and also adding new proviso to rule X of the Madras Small Scale and Cottage Industries Loans and Subsidy Rules, 1956. [Laid on the table of the House under-section 19 (16) of the Madras State Aid to Industries Act, 1922.]

152. Notification issued with G.O. Ms. No. 356, Industries, Labour and Co-operation, dated 1st February 1958, adding new note (2) under rule IV of the Madras Small Scale and Cottage Industries Loans and Subsidy Rules, 1956. [Laid on the table of the House under section 19 (16) of the Madras State Aid to Industries Act, 1922.]

153. Notification issued with G.O. Ms. No. 883, Public (Services-A), dated 17th March 1958, regarding the exclusion of the post of Public Relations Officer from the purview of the Madras Public Services Commission—Amendment to the Madras Public Service Commission Regulations, 1954. [Laid on the table of the House under Article 320 (5) of the Constitution of India.]

† 154. The Madras Appropriation (No. 3) Bill, 1958 (L.A. Bill No. 17 of 1958), as passed by the Assembly.

† 155. The prisoners (Madras Amendment) Bill, 1958 (L.A. Bill No. 14 of 1958), as passed by the Assembly.

* Laid on the table on 10th April 1958.

† Sent by special messengers on 10th April 1958.

11th April 1958]

APPENDIX I.

[Vide item IV (1) on page 533 supra.]

L.A. BILL No. 17 OF 1958.

(As passed by the Assembly.)

A Bill to provide for the appropriation of moneys out of the Consolidated Fund of the State for the service of the financial year commencing on the 1st April 1958.

WHEREAS it is necessary to provide for appropriation of moneys out of the Consolidated Fund of the State for the service of the financial year commencing on the 1st April 1958;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Appropriation (No. 3) Act, 1958.

2. *Appropriation out of the Consolidated Fund for the financial year commencing on the 1st April 1958.*—The State Government may appropriate out of the Consolidated Fund of the State for the financial year commencing on the 1st April 1958, a sum not exceeding one hundred and thirty-one crores, seventeen lakhs and seventy-one thousand rupees [which shall be inclusive of the sum of twenty-one crores, fifteen lakhs, seventy-eight thousand and six hundred rupees specified in section 2 of the Madras Appropriation (Vote on Account) Act, 1958 (Madras Act IV of 1958)], being moneys required to meet—

(a) the grants made by the Madras Legislative Assembly for that year, as set forth in column (3) of the schedule, and
(b) the expenditure charged on the Consolidated Fund of the State for that year, as set forth in column (4) of the schedule.

THE SCHEDULE.

Demand number.	Services and purposes.	Suma not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
I	Land Revenue Department.	1,40,98,400	..	1,40,98,400
II	Excise Department ..	6,67,200	1,000	6,68,200
III	Stamps Administration.	18,43,100	..	18,43,100
IV	Forest Department ..	58,56,400	1,000	58,57,400
V	Registration Department.	37,62,100	800	37,62,900

[11th April 1958]

Demand number.	Services and purposes.	Sum not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
		(3) Rs.	(4) Rs.	(5) Rs.
VI	Motor Vehicles Acts—Administration.	11,19,800	62,43,700	73,63,500
VII	General Sales Tax and other Taxes and Duties Administration.	1,40,86,400	26,800	1,41,13,200
VIII	Irrigation Debt charges	1,56,37,500 ..	1,95,58,000 6,65,25,100	3,51,95,500 6,65,25,100
IX	Heads of State, Ministers and Headquarters staff.	97,68,700	9,93,600	1,07,62,300
X	State Legislature.	23,51,700	51,200	24,02,900
XI	District Administration and Miscellaneous.	3,45,94,300	9,500	3,46,03,800
XII	Administration of Justice	1,09,85,400	16,91,200	1,26,76,600
XIII	Jails	1,00,65,800	100	1,00,65,900
XIV	Police	5,76,95,400	100	5,76,95,500
XV	Education	12,34,26,500	100	12,34,26,600
XVI	Medical	4,17,83,100	500	4,17,83,600
XVII	Public Health	93,58,200	500	93,58,700
XVIII	Agriculture and Fisheries.	2,99,60,900	1,000	2,99,61,900
XIX	Veterinary	83,13,000	100	83,13,100
XX	Co-operation	1,45,58,500	..	1,45,58,500
XXI	Industries and Cinchona,	5,00,42,300	19,96,500	5,14,38,800
XXII	Harijan Uplift	2,33,44,500	500	2,33,45,000
XXIII	Labour including Factories.	34,01,900	1,300	34,03,200
XXIV	Civil Works—Works	5,35,15,700	3,18,300	5,38,34,500
XXV	Civil Works—Establishment and Tools and Plant.	1,33,49,800	..	1,33,49,800
XXVI	Civil Works—Grants-in-aid.	1,04,35,700	..	1,04,35,700
XXVII	Famine	2,50,000	60,00,000	62,50,000
XXVIII	Pensions	1,48,54,600	3,62,300	1,52,16,900
XXIX	Stationery and Printing	88,55,000	7,58,300	96,13,300

[11th April 1958]

Demand number.	Services and purposes.	Sum not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
		(3) Rs.	(4) Rs.	(5) Rs.
XXX	Miscellaneous ..	1,16,89,600	13,50,000	1,29,89,600
XXXI	Community Development Projects, National Extension Service and Local Development Works.	2,34,57,300	..	2,34,57,300
XXXII	Road Transport Schemes—	1,77,50,600	11,52,200	1,89,02,800
XXXIII	Working expenses. Compensation of Zamindars.	40,00,000	..	40,00,000
XXXIV	Capital Outlay on Forests.	19,13,000	..	19,13,000
XXXV	Capital Outlay on Irrigation	3,49,72,500	..	3,49,72,500
XXXVI	Capital Outlay on Public Health	1,83,23,900	..	1,83,23,900
XXXVII	Capital Outlay on Agriculture	25,00,000	..	25,00,000
XXXVIII	Capital Outlay on Industrial Development	1,76,47,900	..	1,76,47,900
XXXIX	Capital Outlay on Civil Works	3,73,72,400	..	3,73,72,400
XL	Capital Outlay on Road Transport Schemes	1,67,67,000	..	1,67,67,000
XLI	Commuted Value of Pensions	10,00,000	45,000	10,45,000
XLII	Capital Outlay on Schemes of State Trading	8,52,76,600	..	8,52,76,600
XLIII	Loans and Advances by the State Government	12,06,83,900	..	12,06,83,900
	Public Debt—Repayment	..	22,51,30,400	22,51,30,400
	Grand total ..	98,10,92,700	23,05,72,300	1,21,17,71,000

I certify that this is a Money Bill.

10th April 1958.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

[11th April 1958]

APPENDIX II.

[Vide item IV (2), one page 573 supra.]

L.A. BILL No. 14 OF 1958.

(As passed by the Assembly.)

A Bill further to amend the Prisoners Act, 1900 (Central Act III of 1900), in its application to the State of Madras.

WHEREAS it is expedient further to amend the Prisoners Act, 1900 (Central Act III of 1900), in its application to the State of Madras, for the purposes hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Prisoners (Madras Amendment) Act, 1958.

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

2. *Amendment of section 5, Central Act III of 1900.*—Section 5 of the Prisoners Act, 1900 (Central Act III of 1900) (hereinafter referred to as the principal Act), shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

“(2) Every warrant for the arrest of any person issued by a Court of Session shall be directed to, and executed by, a Police officer within the local limits of its jurisdiction.”

3. *Substitution of new section for section 7 in the Central Act III of 1900.*—For section 7 of the principal Act, the following section shall be substituted, namely:—

“7. *Delivery of persons sentenced to imprisonment or death by High Court or Court of Session.*—Where any person is sentenced by the High Court or by a Court of Session to imprisonment for life or to imprisonment or to death, the court shall cause him to be delivered to the Superintendent, together with its warrant, and such warrant shall be executed by the Superintendent, and returned by him to the High Court or the Court of Session, as the case may be, when executed.”

4. *Omission of section 8 in Central Act III of 1900.*—Section 8 of the principal Act shall be omitted.

5. *Substitution of new section for section 10 in Central Act III of 1900.*—For section 10 of the principal Act, the following section shall be substituted, namely:—

“10. *Delivery of persons sentenced by Presidency Magistrates or by any court constituted under lawful authority.*—Where any person is sentenced by a Presidency Magistrate or by any court constituted under lawful authority to imprisonment, or is committed to prison for failure to find security to keep the peace or to be of good behaviour, the Magistrate or the court shall cause him to be delivered to the Superintendent, together with his or its warrant.”

[11th April 1958]

6. *Substitution of new section for section 11 in Central Act III of 1900.*—For section 11 of the principal Act, the following section shall be substituted, namely:—

“11. *Delivery of persons committed for trial by a Court of Session.*—Every person committed by a Magistrate or Justice of the Peace for trial by a Court of Session, shall be delivered to the Superintendent, together with a warrant of commitment, directing the Superintendent to produce such persons before the court for trial, and the Superintendent shall, as soon as practicable, cause such person to be taken before the court whenever required together with the warrant of commitment, in order that he may be dealt with according to law.”

7. *Amendment of section 16, Central Act III of 1900.*—In section 16 of the principal Act, for the words “for transportation”, the words “for imprisonment for life” shall be substituted.

8. *Amendment of section 29, Central Act III of 1900.*—In section 29 of the principal Act—

(i) in sub-section (1), in clause (b), for the words “or transportation”, the words “or imprisonment for life” shall be substituted;

(ii) after sub-section (2), the following sub-section shall be added, namely:—

“(3) Subject to the orders, and under the control, of the State Government, any person who is detained in custody in a prison pending inquiry or trial under any writ, warrant or order of any court may, by order, be directed to be removed—

(i) from one subsidiary jail to another subsidiary jail in the district, by the Collector of the district or by his Personal Assistant (not below the rank of Deputy Collector),

(ii) from one subsidiary jail to another subsidiary jail within the jurisdiction of a Revenue Divisional Officer, by the Revenue Divisional Officer,

(iii) from a subsidiary jail in one district to a subsidiary jail in another district, by the Collector of the district from which the person is removed with the consent of the Collector of the other district,

(iv) by the Inspector-General of Prisons—

(a) from one central jail to another central jail or to a district jail or a subsidiary jail;

(b) from one district jail to another district jail or a central jail or a subsidiary jail; or

(c) from one subsidiary jail to another subsidiary jail or to a district jail or a central jail.”

9. *Omission of Part VII in Central Act III of 1900.*—Part VII of the principal Act shall be omitted.

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On a motion to take the Indian Stamp (Madras Amendment) Bill, 1958, into consideration, the Deputy Leader of the Opposition raised a point of order that the motion had not complied with the provisions of rule 126 of the Council, Rules as three days had not expired from the date of receipt of the notice but the Chairman pointed out that the Bill had been transmitted to the Council from the Assembly, that there had been enough time and that one Member had actually given notice of some amendments

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When the Deputy Leader of the Opposition remarked that it was no use to move amendments to a Bill after it had been passed by the Assembly, the Chairman observed, 'It is always open to the hon. Member to press his amendment to a division.'

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