

INDEX TO THE MADRAS LEGISLATIVE COUNCIL DEBATES

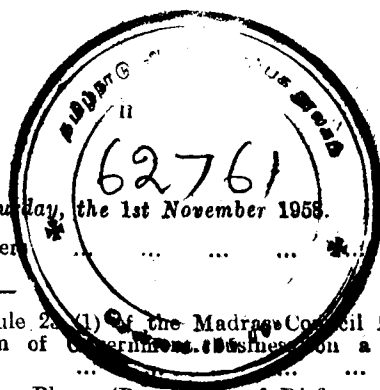
THIRTEENTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

29th to 31st October and 1st and 3rd to 6th November 1958.

Volume XXVIII (Nos. 1 to 8).

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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 Nationalised 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.*

*During the absence of the Hon. Minister from the 20th September 1958 the subjects mentioned below were allotted to the Hon. Ministers as noted against them—

Industries and Labour—Sri M. Bhaktavatsalam (Minister for Home).

Commercial Taxes—Sri C. Subramaniam (Minister for Finance).

Co-operation, State Transport, Housing, Slum clearance, Yarn, Textiles, Mines and Minerals, Iron and Steel Control, Prices and Supply of Goods Act, Companies, Newsprint Control, Ex-Servicemen and Legislation on Chits (Companies)—Sri V. Ramaiah (Minister for Electricity).

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 V. M. SURENDRAM.
- 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 Adityan, S. T.	Madurai-cum-Ramanathapuram-cum - Tirunelveli-cum-Kanyakumari Local Authorities.
2 Allapichai, A. M., B. A., B.L. ..	State Legislative Assembly.
3 Annamalai Pillai, N.	State Legislative Assembly.
4 Arunachalam, A. J.	State Legislative Assembly.
5 Arunachalam, T. S.	State Legislative Assembly.
6 Balasubramanya Ayyar, K., B.A., B.L.	Madras Graduates.
7 Balasunāram, V. S.	State Legislative Assembly.
8 Cherian, Dr. P. V., F.R.F.P.S. (Glas.), F.R.O.S. (Edin.), D.L.O., R.C.S. (Lond.) (Chairman).	Madras Graduates.
9 Chidambara Mudaliar, A.	Madurai-cum-Ramanathapuram-cum-Tirunelveli-cum-Kanyakumari Local Authorities.
10 Chidambaranathan, Dr. A. ..	Madras Teachers.
11 Clubwala Jadhav, Mary C. ..	NOMINATED.
12 Damodaran, G. R.	Madras Teachers.
13 Desikar, K. M.	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
14 Devaraja Mudaliar, T. V. ..	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
15 Durairaj, T.	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
16 Ethirajalu, M.	State Legislative Assembly.
17 Gajapathy Nayagar, A., B.A., B.L.	State Legislative Assembly.
18 Joghee Gowder, T.	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
19 John Asirvatham, M.A., L.T. ..	Madras Teachers.
20 John, Dr. V. K., BAR.-AT-LAW.	Madras Graduates.
21 Jothi Vencatachellum	NOMINATED.
22 Kalyanaraman, S. V.	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.

Serial number and name of member.	Name and class of constituency.
23 Karayalar, L. S.	State Legislative Assembly.
24 Kosalram, K. T.	Madurai-cum-Ramanathapuram-cum-Tirunelveli-cum-Kanyakumari Local Authorities.
25 Krishnamoorthy, G.	Madras Teachers.
26 Krishnamoorthy, T. G., B.A. --	State Legislative Assembly.
27 Krishnaswamy Ayyangar, P. S.	State Legislative Assembly.
28 Krishnaswamy Vandayar, A.	State Legislative Assembly.
29 Lakshmanaswami Mudaliar, Dr. A., M.D., LL.D., D.Sc., D.C.L.	Madras Graduates.
30 Madurai Pillai, P. -- ..	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
31 Mahomed Usman, Dr., B.A., LL. D.	NOMINATED.
32 Manjubhashini, S.	NOMINATED.
33 Masilamani Chettiar, A. K. ..	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
34 Mohamed Raza Khan.	State Legislative Assembly.
35 Muthukannappan, Vidwan, T., B.A.	State Legislative Assembly.
36 Nallaswami, B. K.	State Legislative Assembly.
37 Nallasenapathi Sarkarai Manradiar, N.	State Legislative Assembly.
38 Palaniswamy Gounder, V. K.	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
39 Patanjali Sastry, M.	NOMINATED.
40 Perumalswami Reddi, C. (Deceased).	Madras-cum-Chingleput-cum-North Arcot Local Authorities. (Vacant.)
41 Ponnuswamy Chettiar, S. R. P.	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
42 Purushotham, T., B.A.	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
43 Rajan, P. T.	State Legislative Assembly.
44 Ramalingam Pillai, V.	NOMINATED.
45 Ramasamy Gounder, K. M. ..	Madras Teachers.
46 Ramaswamy, K. V.	State Legislative Assembly.
47 Ramaswami, V. V.	State Legislative Assembly.
48 Ramaswami Reddiar, O. P. ..	NOMINATED.

Serial number and name of member.	Name and class of constituency.
49 Senkaranarayana Pillai, T. S., B.A., B.L.	Madurai-cum-Ramanathapuram-cum-Tirunelveli-cum-Kanyakumari Local Authorities.
50 Saraswathy Pandurangam ..	NOMINATED.
51 Seshachariar, M.	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
52 Sivanandam, Dr. T. V., M.B.B.S.	Madras Graduates.
53 Sivasubramanya Nadar, S. P., B.A., B.L.	Madurai-cum-Ramanathapuram-cum-Tirunelveli-cum-Kanyakumari Local Authorities.
54 Somasundara Reddiar, A. ..	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
55 Sreenivasan, Dr. A., M.B.O.P. (Lond.).	Madras Graduates.
56 Srinivasavaradan, T. P., B.A., L.T.	Madras Teachers.
57 Subramanyam, A.	State Legislative Assembly.
58 Subramania Karayalar, M. ..	Madurai-cum-Ramanathapuram-cum-Tirunelveli-cum-Kanyakumari Local Authorities.
59 Sudarsanam Naidu, M. V. ..	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
60 Sundarambal, K. B.	NOMINATED.
61 Surendram, V. M.	State Legislative Assembly.
62 Thiagaraja Reddiar, P. B. K. ..	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
63 Venkataraman, R. (Minister—Leader of the House).	State Legislative Assembly.

THE MADRAS LEGISLATIVE COUNCIL

The Thirteenth Session of the Legislative Council under the Constitution of India.

Wednesday, the 29th October 1958.

The House met in the Council Chamber, Fort St. George, at three of the clock, the Deputy Chairman (SRI A. M. ALLAPICHAI) in the Chair.

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

I.—CONDOLENCE RESOLUTION ON THE DEATH OF SRI C. PERUMALSWAMI REDDI, A MEMBER OF THE MADRAS LEGISLATIVE COUNCIL.

DEPUTY CHAIRMAN : It is my painful duty to announce to the House the death of Sri C. Perumalswami Reddi, a Member of this House, on the night of 23rd October 1958 at his residence in Nungambakkam, Madras. He was first elected to the Madras Legislative Council in 1936 and he continued to be a Member of the Council till his death.

Born in 1890, Sri Perumalswami Reddi entered politics early in life and became first the President of the Polur Taluk Board in 1925. He was chosen as Vice-President of the Tiruvannamalai District Board in 1936 and later in 1938 he became the President of the North Arcot District Board which position he held for several years. He was for some time a Member of the Constituent Assembly. An ardent Congressman, he took active part in the Civil Disobedience Movement in 1940-41 and in the "Quit India" Movement in 1942 and suffered imprisonment for nine months and detention for two and a half years, respectively. He was appointed Minister for Industries in Sri P. S. Kumaraswami Raja's Ministry in April 1949. Even after the resignation of the Ministry, he continued to be a Member of the Council.

Sri Perumalswami Reddi evinced keen interest in the administration of local bodies and took a leading part in the co-operative movement. He devoted most of his lifetime to the development of local bodies in our State. In his death, the North Arcot District in general and local authorities in particular have suffered a great loss.

I now move the following Condolence Resolution :—

"This House places on record its deep sense of sorrow at the demise of Sri C. Perumalswami Reddi, a Member of this House, and conveys its profound sympathy to the members of his bereaved family."

[29th October 1958]

*The Hon. SRI M. A. MANICKAVELU: Mr. Deputy Chairman, Sir, on behalf of the Government, I associate myself with what you have said. Sir, Mr. Reddi was a prominent figure in the political field in his district. For a few months recently he was not attending the meetings of the Council. We never thought that he would be snatched away in this fashion. I request you, Sir, to convey the feelings of the House in the form of the Resolution to the members of the bereaved family.

SRI K. BALASUBRAMANYA AYYAR: Mr. Deputy Chairman, Sir, I associate myself with the Resolution moved by you. I had known Sri Perumalswami Reddiar for some years. He took a leading part in the national struggle for freedom. He courted imprisonment and detention. He was a selfless worker. He took a keen interest in co-operation and he took a very keen interest in agriculture. I have special pride in saying that he shared with me some of the misgivings which I had about the various land reforms. He was not attending the meetings of the Council for a long time. A prominent and sober politician, he had considered views on many questions. He was singularly free from any bias in his views. That is a great thing. I beg to associate myself with the sentiments expressed by you and by the Hon. Minister Sri Manickavelu.

DEPUTY CHAIRMAN: I request the hon. Members to stand in silence for a few minutes and pass the Resolution unanimously.

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

DEPUTY CHAIRMAN: As a mark of respect to the late Sri C. Perumalswami Reddi, I adjourn the House for the day.

The House will meet again at 3 p.m. to-morrow.

The House then adjourned.

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

* 161. Notification issued with G.O. No. 3277, Revenue, dated 4th September 1958, exempting sales of blood to patients in hospitals from the tax payable under the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939).

* 162. Notification issued with G.O. No. 3332, Revenue, dated 8th September 1958, regarding the exemption from the tax payable under the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), for a period of one year from 1st April 1958 of the sales by the Kanya Gurukulam, Madras, of the articles produced by it.

* 163. Notification issued with G.O. Ms. No. 2266, Revenue, dated the 24th June 1958, regarding exemption from the tax payable under section 3 (1) of the Madras General Sales Tax Act, 1939,

29th October 1958]

of all sales of seeds by the Agricultural Farms attached to the Rural Extension Training Centres.

* 164. Notification issued with G.O. No. 2538, Revenue, dated the 11th July 1958, regarding delegation of powers specified in the first proviso to sub-section (1) of section 13 of the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), to the Entertainments Tax Commissioner.

* 165. Notification issued with G.O. No. 2204, Revenue, dated 18th June 1958, regarding amendments to Revenue Department Notification S.R.O. No. A-4779 of 1957, dated the 29th July 1957, published in the Fort St. George Gazette, dated the 31st July 1957.

* 166. Notification issued with G.O. Ms. No. 2466, Home, dated 1st September 1958, regarding amendments to the Rules for the management of Special Homes and Work-houses in the City of Madras.

* 167. Notification issued with G.O. No. 1092, Local Administration, dated the 15th July 1958, regarding cancellation of the Local Administration Department Notification No. 230, dated the 3rd July 1946, published in the Fort St. George Gazette, dated the 9th July 1946, notifying the Melamangalam Panchayat in the Madurai district as a panchayat for which a wholetime executive officer shall be appointed.

168. Notification issued with G.O. Ms. No. 2432, Home, dated 28th August 1958, regarding rules made under the Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955), relating to the collection of court-fees refunded in cases where the orders of remand are set aside.

† 169. Notification issued with G.O. Ms. No. 2638, Industries, Labour and Co-operation, dated 7th July 1958, regarding amendment to the Madras Plantations Labour Rules, 1955.

† 170. Statement XVI showing further replies received in regard to the assurances included in the Statements appended to the Fifth Report of the Committee on Government Assurances.

† 171. A short Report on the salient features of criminal administration in the State of Madras during the first half of the year 1958.

† 172. Notification issued with G.O. No. 3141, Revenue, dated the 26th August 1958, exempting the purchases of cotton made by the South Zonal Office of the Khadi and Village Industries Commission at Tirupur for supply to institutions in the other States in the Indian Union from the tax payable under sub-section (1) of section 3 of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939).

[29th October 1958]

† 173. Notification issued with G.O. Ms. No. 3204, Revenue, dated 28th August 1958, reducing with effect from the 28th August 1958 the rate of the tax payable under the proviso to section 3 (1) of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), on sales of aerated waters by their producers as manufactured by them to two per cent of their turnover in the aerated waters sold by them.

174. Notification issued with G.O. Ms. No. 2222, Home, dated 6th August 1958, regarding exemption from payment of the tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), of certain vehicles belonging to the United Nations International Children's Emergency Fund and used for B.C.G. Vaccination Campaign in this State.

‡ 175. Bill passed by the Assembly and received therefrom in the Council—

The Madras Panchayats Bill, 1958 (L. 1. Bill No. 23 of 1958).

THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 30th October 1958.

The House met in the Council Chamber, Fort St. George, at three of the clock, the Deputy Chairman (SRI A. M. ALLAPICHAJ) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Punka-pullers

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

(a) the number of “punka-pullers” employed in the Government offices in the State;

(b) the annual expenditure incurred on the salary of these punka-pullers; and

(c) the service conditions governing the punka-pullers?

THE HON. SRI C. SUBRAMANIAM: (a) 714.

(b) Rs. 2,19,811.

(c) There are no statutory service rules governing the conditions of service of punka-pullers. They are classified as unskilled menials and are borne on contingent (non-pensionable) establishment. They are not eligible for house-rent allowance or travelling allowance or for leave concessions, except casual leave.

SRI M. ETHIRAJALU: எந்தெந்த ஆபீசர்களுக்கு விசிறிகள் வேண்டுமோ அங்கெல்லாம் மின்சார விசிறிகள் போட்டதினால், இந்தக் பங்கா இழுப்பவர்களுக்கு நிரந்தரமாக வேலையில்லாத காரணத்தால் வேலையில் தங்களை அமர்த்த வேண்டுமென்று அவர்களும் வற்புறுத்துவதினால், அவர்களுக்குப் பியூன் உத்தியோகமாவது கொடுப்பதற்கு சர்க்கார் முன்வருவார்களா?

THE HON. SRI C. SUBRAMANIAM: பியூன் வேலைக்கு எடுத்துப் கொள்வதற்கும் சில தகுதிகள் வேண்டியதாக இருக்கின்றன. அந்தத் தகுதிகள் இருந்தால், பியூனாக எடுத்துக்கொள்வதற்குத் தடை இருக்காது.

SRI MOHAMED RAZA KHAN: Sir, how does the Hon. Minister reconcile the statements that while they make the claim that electrification has gone to even interior villages, there are still buildings of Government non-electrified and that there are 700 odd punka-pullers going on dragging the punkas which was in practice some 200 years ago?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir, some of the Government buildings are not electrified and we are taking up their electrification in a phased manner. Till they are electrified, this amenity should be available there.

* Sent by post to all M.L.Cs. on 14th October 1958.

† Sent by post to all M.L.Cs. on 16th October 1958.

‡ Sent by post and by messengers on 18th October 1958.

[30th October 1958]

VIDWAN T. MUTHUKANNAPPAN : ஐயா, இந்தப் பங்கா இழுப்பது அன்னியர் நம்மை அடிமைப் படுத்தி ஆண்ட காலத்தில் கையாளப்பட்ட முறை. அரசர், குடிகள் என்று இருந்த காலத்தில் கையாளப்பட்ட முறை. நாம் சுதந்திரம் அடைந்து, மக்கள் எல்லாம் இந்நாட்டு மன்னர்களாக வந்துள்ள இந்நாளில் இந்த அடிமைத்தனமான முறை ஒழிக்கப்படுமா ?

THE HON. SRI C. SUBRAMANIAM : இதிலே அடிமைத் தனம் ஒன்றுமில்லை. ஒரு மன்னர் இன்னொரு மன்னருக்குப் பங்கா இழுக்கிறார். (சிரிப்பு.)

SRI MOHAMED RAZA KHAN : Sir, even from the humanitarian point of view, are we to understand that even on the year 1958, there should be an officer sitting comfortably while another human being is going on dragging these punkas?

THE HON. SRI C. SUBRAMANIAM : He is also sitting very comfortably as he is often asleep. (Laughter.)

SRI M. ETHIRAJALU : இப்பொழுது 2,19,800 ரூபாய்க்கு மேல் செலவாகிறது என்று கனம் அமைச்சர் அவர்கள் சொன்னார்கள். இந்தச் செலவைக் குறைப்பதற்காகவாவது, எங்கெங்கே சாத்தியக் கூறுகள் இருக்கின்றனவோ அந்த இடங்களில் சீக்கிரத்திலேயே சர்க்கார் காரியாலயங்களுக்கு மின்சார விசிறிகள் போட முடியுமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : எல்லாக் கட்டிடங்களுக்கும் மின்சாரத்தைக் கொண்டுபோய், ஆங்காங்கு மின்சார விசிறிகள் போடுவதற்கு ஏற்பாடு செய்யப்பட்டு வருகிறது. ஆனால் இது ஒரு வருஷத்திலேயே செய்துவிடக்கூடிய காரியமல்ல. எவ்வளவு அதிகமான கட்டிடங்களுக்கு மின்சாரத்தைக் கொண்டுபோக முடியுமோ அவற்றிற்குக் கொண்டு போகிறோம்.

SRI V. K. PALANISWAMY GOUNDER : பங்கா இழுக்காமலேயே பங்கா இழுப்பதாகச் சொல்லி அதற்கான பணம் பல இடங்களிலே வாங்கப்பட்டு வருகிறது. இதை நிறுத்துவதற்கு சர்க்கார் ஏற்பாடு செய்யுமா ? (சிரிப்பு.)

THE HON. SRI C. SUBRAMANIAM : பங்கா இழுப்பது மட்டுமல்ல, பல காரியங்களிலே மோசம் நடப்பதாகச் சொல்லுகிறார்கள். இந்த மோசங்களை எல்லாம் தவிர்ப்பதற்கு நடவடிக்கை எடுத்துக்கொள்ள வேண்டியதுதான்.

SRI MOHAMED RAZA KHAN : Even from the financial point of view, the Government stand to gain if these buildings are electrified and will the punka pullers, instead of being summarily dismissed, be absorbed in service?

THE HON. SRI C. SUBRAMANIAM : Sir, this is a matter for argument. It is not as if as soon as we pass an order that all buildings should be electrified, the buildings would be electrified. It depends upon the availability of materials; also these materials should be made available to private buildings. We cannot monopolise everything. That is why I have said that we are doing it in a phased manner.

SRI T. PURUSHOTHAM : Is it not a fact, Sir, that the gardeners are employed as punka-pullers also and that for the extra work, they get extra remuneration?

THE HON. SRI C. SUBRAMANIAM : In some cases it is so.

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SRI A. GAJAPATHY NAYAGAR : சில ஆபீசர்கள் தங்களுக்கு மின்சார விசிறி தேவை யில்லை, பங்காதான் வேண்டுமென்று சொன்னால் அரசியலார் பங்கா ஏற்படுத்துவார்களா ? (சிரிப்பு.)

THE HON. SRI C. SUBRAMANIAM : எங்கெங்கெல்லாம் மின்சார விசிறி போட முடியுமோ, அங்கெல்லாம் மின்சார விசிறி போட்டு, இந்தப் பங்கா இழுக்கும் முறையை சீக்கிரத்தில் எடுத்துவிடவேண்டுமென்று, இந்தக் கேள்விக்குப் பதில் வந்தபொழுதே, நான் ஒரு நோட்டு அனுப்பியிருக்கிறேன்.

New syllabus for secondary education

* 112 Q.—**DR. A. CHIDAMBARANATHAN :** Will the Hon. the Minister for Finance be pleased to state—

(a) when the new syllabus for secondary education will be introduced in the high school classes; and

(b) whether facilities will be given for the study of Tamil as a special (optional) subject under the Second Part of Language subjects?

THE HON. SRI C. SUBRAMANIAM : (a) The new syllabuses will be introduced in all high schools in 1959-60 in Form IV which will be termed the new VIII Standard and in the higher classes, standard by standard, in subsequent years.

(b) No, Sir.

DR. A. CHIDAMBARANATHAN : இந்த இரண்டாவது (b) பிரிவிலே கேட்கப்பட்டது போல், தமிழ்ப் பாடத்தை முதல் பகுதியின் கீழே மாத்திரம் படிக்கிறவர்கள், விரும்பினால் இரண்டாவது பகுதியின் கீழே படிக்கலாமென்ற நிலை இப்பொழுது இருக்கிறது. இந்த முறை தொடர்ந்து வரும் ஆண்டுகளிலும் இருக்குமேயானால், கட்டாயமாக இந்தியையோ, தெலுங்கையோ, கன்னடத்தையோ, மலையாளத்தையோ வேறு ஒரு இந்திய மொழியையோ படிக்க வேண்டிய அவசியமிராது. இந்த மொழிகளில் ஒன்றைத் தேர்ந்தெடுத்துக்கொள்ளாமல் தமிழைச் சிறப்புப் பாடமாகப் படிக்க வேண்டுமென்று விரும்புகிறவர்களுக்கு வேண்டிய வசதிகள் செய்து தரக்கூடாது என்று அரசாங்கத்தைக் கேட்க விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : இந்த மொழிப் பிரச்சனை வெகு விரிவாக விவாதிக்கப்பட்டு, எல்லோரும் ஒப்புக்கொள்ளக் கூடிய வகையில் திட்டம் வகுக்கப்பட்டிருக்கிறது. உயர்நிலைப் பள்ளிகளிலே படிக்கும் மாணவர்கள் குறைந்தது மூன்று மொழிகளாவது கற்கவேண்டுமென்ற முறையில் இந்த ஏற்பாடு செய்யப்பட்டிருக்கிறது. இதை மறுபடியும் கலைக்க முற்பட்டால், தேன் கூட்டில் கை வைத்தது பே லத்தான் இருக்கும்.

DR. A. CHIDAMBARANATHAN : இந்திய அரசாங்கத்தின் அலுவல் மொழி இன்னது என்று இன்னும் முடிவாகாமல் இருக்கிற நிலையிலே, இந்தியை ஏறத்தாழக் கட்டாய மொழியாக்குவது நல்லது என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : அரசாங்க மொழிக்காக மட்டுமல்ல, இந்தியா முழுவதற்குமே, ஒருவருக்கொருவர் பேசித் தெரிந்துகொள்வதற்கு ஒரு மொழி அவசியம். நிர்வாக மொழி ஒருபுறமிருக்க, அகில இந்தியாவிலுள்ள எல்லாப் பகுதிகளுக்கும் சென்று பழகுவதற்கு எல்லோருக்கும் ஒரு பொதுவான மொழி இருக்க வேண்டும். ஆகவே கொஞ்சமாவது இந்த மொழித் தெரிந்தால் நல்லது.

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VIDWAN T. MUTHUKANNAPPAN : ஐயா, 'பிரி-பூனிவாசிட்,' மூன்று ஆண்டு பி.எ., இவற்றில் தமிழ்ச் சிறப்புப் பாடமாகப் படிக்கப் பலகலைக் கழகம் வசதி செய்திருக்கிறது. இந்நிலை இன்னும் பல ஆண்டுகள் நீடிக்கும் என்று தெரிகிறது. இப்போது உயர்நிலைப் பள்ளிகளில் பொதுத் தமிழ், சிறப்புத் தமிழ் இரண்டும் கற்பிக்கப்படுகின்றன. ஆனால் இந்தப் புதுமுறைப்படி கல்லூரி மாணவர் சிறப்புத் தமிழ் படிக்க வாய்ப்பு இருக்காது என்று தெரிகிறது. ஆதலால், அரசாங்கம் இந் நிலையை யோசிக்குமா?

THE HON. SRI C. SUBRAMANIAM : யோசித்துத்தான் முடிவு செய்யப்பட்டிருக்கிறது. மாற்று யோசனைகளை எப்பொழுதும் சொல்லிக் கொண்டிருக்கலாம். எதற்கும் ஒரு முடிவு வேண்டும். ஆர அமர யோசித்து முடிவு செய்திருக்கும் திட்டம் இது. தயவு செய்து இந்தப் பிரச்சனையைக் கிளப்பவேண்டாமென்று கேட்டுக்கொள்கிறேன்.

SRI G. KRISHNAMOORTHY : May I know the number of periods allotted for the various languages?

THE HON. SRI C. SUBRAMANIAM : A teacher should be aware of the syllabus by now.

Public health conditions in Kumbakonam

* 113 Q.—**DR. A. SREENIVASAN :** Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the public health conditions in Kumbakonam have deteriorated; and

(b) if so, the measures taken by the Government in this regard?

THE HON. SRI M. A. MANICKAVELU : (a) Sporadic cases of intestinal and enteric disorders have occurred due to increased fly breeding.

(b) Preventive inoculation, fly control measures and general sanitary measures were undertaken on an intensive scale.

DR. A. SREENIVASAN : Was not the deterioration in the public health condition of Kumbakonam due to the abuse of D.D.T. and similar substances?

THE HON. SRI M. A. MANICKAVELU : No D.D.T. was used. Some substance called Daldren was used and in killing mosquitos, it also killed lizards, etc., which were preying upon flies and their eggs and that is why the flies began to breed on a large scale.

DR. A. SREENIVASAN : Is it not a fact, Sir, that these germicides are double-edged weapons, that the insects become resistant to all chemicals if used continuously and that they do greater havoc than before?

THE HON. SRI M. A. MANICKAVELU : Human beings are resourceful enough; we also change the germicides.

DR. A. SREENIVASAN : I beg to differ; the Hon. Minister is a lay gentleman and I speak with a full sense of responsibility. I do say that the use of the germicides will in the long run be inimical to the public health, unless used in a proper way.

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THE HON. SRI M. A. MANICKAVELU : Steps are being taken to use them in a proper way. What happened was that when this was used, this trouble arose. We have changed it now to what they call 'Pyrethrem' or some such thing.

DR. A. SREENIVASAN : Even Pyrethrem has only a limited value.

SRI A. GAJAPATHY NAYAGAR : Is it a fact, Sir, that there are flying bugs in Kumbakonam?

THE HON. SRI M. A. MANICKAVELU : I am not aware of it. But they may fly when the person starts moving. (Laughter.)

3-10 p.m.

DR. A. SREENIVASAN : Will the Government consider the desirability of introducing the septic tank system within the municipal limits?

THE HON. SRI M. A. MANICKAVELU : We are trying to introduce that sort of thing as far as possible.

SRI T. P. SRINIVASAVARADAN : Is it not a fact that the public health condition in Kumbakonam has improved?

THE HON. SRI M. A. MANICKAVELU : It has certainly improved. Owing to freshes and pools of water stagnating, there was some difficulty. But the situation had now improved.

SRI MOHAMED RAZA KHAN : Is it only in Kumbakonam that public health condition is so bad or is it so in other places also?

THE HON. SRI M. A. MANICKAVELU : It is only there that we took anti-malarial steps and that all these things happened.

DR. A. SREENIVASAN : As the present Health Officer has got too much of routine work to do, will the Government consider the desirability of appointing an additional Health Officer to cope with the present situation?

THE HON. SRI M. A. MANICKAVELU : To cope with that situation, we sent not one additional Health Officer but two or three additional Health Officers and a huge staff.

School for the blind at Poonamallee

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

(a) when the school for the blind at Poonamallee was taken over by the Government;

(b) the number of teachers employed therein;

(c) whether the services of all the teachers have been regularized and, if not, the reasons therefor;

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(d) whether any special pay and allowances are given to the teachers;

(e) whether the benefits of Provident Fund have been extended to them; and

(f) the crafts taught in the school and number of teachers employed therefor?

THE HON. SRI C. SUBRAMANIAM: (a) The school was taken over by the Government from 1st July 1950.

(b) Twenty teachers are employed in the school besides the Principal.

(c) No, Sir. Some of the teachers are employed on a temporary basis. They have to be replaced as soon as candidates selected by the Madras Public Service Commission become available. Steps are being taken to regularise the services of the remaining teachers.

(d) Yes, Sir.

(e) No, Sir.

(f) The following crafts are taught in the industrial section of the school:—

(1) Rattan work, (2) Handloom weaving.

Three Rattan Work Instructors and one Weaving Instructor are employed for the above purpose.

In regard to the secondary section, the following subjects are taught under hobbies and practical activities:—

1. Mat weaving; 2. Knitting; 3. Machine sewing; and 4. Hand sewing.

There is a post of Craft Instructor in the school.

SRI T. PURUSHOTHAM: Will the Hon. Minister tell us whether the teachers in this institution are specially trained for teaching blind children and whether any arrangement is made to get them trained in up-to-date methods of teaching blind children?

THE HON. SRI C. SUBRAMANIAM: They are all trained personnel, trained particularly for the purpose of teaching the blind.

SRI T. PURUSHOTHAM: Will the Hon. Minister tell us what is the employment potential for the children trained in this institution and whether the Government will arrange to provide for them in suitable places?

THE HON. SRI C. SUBRAMANIAM: This is a very difficult problem because even ordinary men with normal faculties do not get sufficient employment. But considering the natural defects from which these people are suffering, we are trying our best to employ them and in many institutions I have found them employed and the report is very satisfactory.

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SRI T. PURUSHOTHAM: Have the Government instituted a survey of the cases of blind children in our State and what arrangement is proposed to be made to start more such institutions to meet the needs of all the cases of blind children?

THE HON. SRI C. SUBRAMANIAM: As I have already stated, it is a question of priorities to be fixed. It is a question of which should get the first priority—education of the normal children or the education of the defective children. We are trying our best to expand the facilities available for the education of these defective children also. But I do not think that it would be possible to cover all the cases.

SRI T. PURUSHOTHAM: Is there any such provision in the Second Five-Year Plan or have the Government any proposal to take up such schemes in the next Five-Year Plan?

THE HON. SRI C. SUBRAMANIAM: I do not think that there is provision in the Second Five-Year Plan to cover all the cases. Certainly, we shall keep this in mind when we consider the proposals.

SRI S. T. ADITYAN: Is the School at Poonamallee the only school run by the Government for the blind children?

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

VIDWAN T. MUTHUKANNAPPAN: ஸார், இந்தக் குருடர்களுக்கான பள்ளிக் கூடத்தில் கற்றுக்கொடுக்கும் ஆசிரியர்களில் இதற்கென தனிப் பயிற்சி பெற்றவர்கள் கூட இருக்கிறார்கள் என்று நினைக்கிறேன். அது உண்மையானால், அவர்களுக்கு அந்தப் பயிற்சி அளிப்பதற்கு அரசாங்கம் ஏற்பாடு செய்வார்களா?

THE HON. SRI C. SUBRAMANIAM: அங்குபோய் இதுமாதிரி சொல்லிக்கொடுக்கிறவர்கள் தானாகவே பயிற்சி பெற்றுக்கொண்டு விடுவார்கள்.

SRI T. P. SRINIVASAVARADAN: This is a school for the defective children. So, will the Government take steps to see that these teachers who are specially trained are retained by offering them favourable conditions of service because they require special training and it is necessary to retain them for the education of these defective children?

THE HON. SRI C. SUBRAMANIAM: Even now we are giving them a higher starting pay of Rs. 60. Whereas an ordinary secondary grade teacher has to start in the scale of Rs. 45—3—60—2—90, we start those teachers on a higher pay in the scale of Rs. 60—2—90.

* 115 Q.—

DEPUTY CHAIRMAN: Q. No. 115 is postponed at the request of the Hon. the Minister for Electricity.

[30th October 1958]

Cholera cases of Vikramasingapuram Panchayat area

* 116 Q.—SRI S. P. SIVASUBRAMANYA NADAR (on behalf of Sri K. T. Kosalram): Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that cholera cases are reported every year from Vikramasingapuram Panchayat area in Tirunelveli district;

(b) if so, the causes and incidence of the disease; and

(c) the action taken or proposed to be taken by the Government to control and eventually eradicate the disease?

THE HON. SRI M. A. MANICKAVELU: (a) Yes, Sir, except in 1952, 1955 and 1956.

(b) Mainly contamination of water sources. In 1957 there were 15 attacks and in 1958 only one case.

(c) Preventive measures such as anticipatory anti-cholera inoculation of the population, etc., are taken.

SRI S. T. ADITYAN: May I take it that Vikramasingapuram is more prone to cholera attacks than other places of the Tirunelveli district in the river area?

THE HON. SRI M. A. MANICKAVELU: That is probably so because a channel runs through the town and the water is contaminated. People take and drink that water and the infection spreads.

Deans and Resident Medical Officers

* 117 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Revenue be pleased to state the duties assigned to the Deans in the Government Hospitals at Madras and the Resident Medical Officers in the Government Hospitals at District Headquarters?

THE HON. SRI M. A. MANICKAVELU: A statement* is placed on the table of the House

SRI T. PURUSHOTHAM: In view of the statement that the Dean will have no professional work and will not be allowed to have private practice whereas in the case of the Resident Medical Officer it is simply stated that he will not be engaged in private practice, am I right in presuming that the Resident Medical Officers will have clinical work, or that they will be allowed to have special wards in the hospitals for their professional work?

THE HON. SRI M. A. MANICKAVELU: I do not think so. The duties enumerated for the Resident Medical Officers are quite comprehensive and so many. So, I do not think that they will have the necessary time to do other work. I cannot categorically say, but I think they will not have the necessary time.

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SRI T. PURUSHOTHAM: Is there any difference made between the Resident Medical Officer in the District Headquarters Hospitals and the Resident Medical Officer in the City Hospitals? Do all of them come under the same category? Do they not have private practice and professional work to be carried on in the hospitals?

THE HON. SRI M. A. MANICKAVELU: In the District Headquarters Hospital additional duties enumerated in items Nos. 23 to 26 will be performed by the Resident Medical Officer.

DR. A. SREENIVASAN: Is giving of physical fitness certificate considered to be private practice for the Resident Medical Officer?

THE HON. SRI M. A. MANICKAVELU: I should have noticed I have to find out whether it is a fact.

DR. A. SREENIVASAN: Such things have come to my notice in connection with my work. Will the Hon. Minister consider it?

THE HON. SRI M. A. MANICKAVELU: I should have noticed.

SRI MOHAMED RAZA KHAN: May I know whether consequent upon the appointment of Deans in some of the hospitals, efficiency on the hospital side and also on the college side has improved?

THE HON. SRI M. A. MANICKAVELU: Yes, Sir. There is better administration of the institution.

SRI T. PURUSHOTHAM: Will the Government consider the question of permitting the Resident Medical Officers and the Deans to have professional work in the hospitals as it would amount to national waste not to utilise their experience and special knowledge on behalf of the patients?

THE HON. SRI M. A. MANICKAVELU: I wonder how he will have the time when the duties enumerated are so many. I should be glad if he does all of them efficiently.

DR. A. SREENIVASAN: Is it not a fact that the Dean system came into existence because the then Superintendent was also a Physician and Surgeon in addition to being Superintendent?

THE HON. SRI M. A. MANICKAVELU: I should find out what exactly the reason was. I have to do some research work and I cannot give the answer off hand.

DR. A. SREENIVASAN: It is not a question of research, Sir.

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DR. A. LAKSHMANASWAMI MUDALIAR: May I suggest to the Hon. Minister that in carrying on the research, he may peruse some of the reports of the Committees appointed by this Government?

THE HON. SRI M. A. MANICKAVELU: I shall try to do so and I hope they will be interesting.

House-rent allowance to teachers

3-20 p.m. * 118 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Finance be pleased to state—

(a) whether any representation was received from the Madras Teachers' Guild or any other District Teachers' Guild in the State in 1957-58 with regard to the need for the grant of house-rent allowance to teachers in aided institutions; and

(b) if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM: (a) & (b) No, Sir. But on a representation from the teachers of the Ramakrishna High School, Thyagarayanagar, Madras, the Government considered the question of paying house-rent allowance to teachers in aided schools. They have decided to defer the proposal on account of the heavy commitment by way of expenditure that a grant from the State funds towards such an allowance would involve.

SRI G. KRISHNAMOORTHY: Sir, may I know what exactly the commitment of the Government would be?

THE HON. SRI C. SUBRAMANIAM: Sir, it will be about Rs. 15 lakhs per annum.

SRI G. KRISHNAMOORTHY: Sir, in view of the fact that a sum of Rs. 10 lakhs was given as the figure for the composite State, may I know what exactly is the number of teachers who would be benefited by this house-rent allowance and what exactly would be the rates of allowance paid to them?

THE HON. SRI C. SUBRAMANIAM: Sir, since the composite State ceased to exist, we have made much progress in the field of education. I cannot give the exact number of teachers who would be benefited by this allowance but I may say that a sum of about Rs. 15 lakhs would be required for the purpose.

SRI G. KRISHNAMOORTHY: Sir, in view of the fact that this dire need is felt by all teachers and especially those in towns and cities, will the Government kindly consider this request and just see that this allowance is granted to them?

THE HON. SRI C. SUBRAMANIAM: Sir, I would crave a little more patience in this matter and would like it to be left to me for consideration as early as possible.

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Ghriyar Scheme

* 119 Q.—SRI S. P. SIVASUBRAMANYA NADAR (on behalf of Sri K. T. Kosalam): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Ghriyar Scheme in Tirunelveli district has been given up by the Government;

(b) if so, the reasons therefor; and

(c) whether there is any proposal before the Government for an alternative scheme?

THE HON. SRI P. KAKKAN: (a) No.

(b) & (c) Do not arise.

SRI S. P. SIVASUBRAMANYA NADAR: Sir, at what stage is it?

THE HON. SRI P. KAKKAN: I said 'No.'.

SRI V. V. RAMASWAMI: இன்னும் இந்தத் திட்டம் ஆலோசனையில் இருக்கும் பட்சத்தில், எப்பொழுது அது எடுத்துக்கொள்ளப்படும் என்பதை அறிய விரும்புகிறேன். இந்த ஆளுனது திருநெல்வேலியில் எந்தப் பகுதியில் உற்பத்தியாகிறது? மேற்குத் தொடர்ச்சி மலை பாகத்திலிருந்து வருகிறதா? அப்படியானால், இதற்குக் கோள ராஜ்யத்துடன் தொடர்பு இருக்கிறதா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI P. KAKKAN: இந்தத் திட்டத்தை எடுத்துக்கொண்டால் நமக்குப் போதுமான பலன் கிடைக்காது என்பதனுட்தான், இது ஏற்கனவே கைவிடப்பட்டிருக்கிறது. அதிலே நாம் ஒரு ஏக்கருக்கு ரூ. 2,019 செலவிட்டால் 0.14 சதவிகிதம் லாபம் கிடைப்பதினாலே, இந்தத் திட்டத்தை எடுப்பது நல்லது அல்ல என்று ரெவன்யூ போர்டார் செய்த சிபார்சுக்கு இணங்க, இதை இப்பொழுது எடுத்துக்கொள்ளவில்லை. But it has not been given up.

SRI S. T. ADITYAN: இனிமேல் இந்த ராஜ்யத்தில் போடக்கூடிய இதே மாதிரி வேறு ஸ்கீம்கள் இருக்கின்றனவா? அப்படியில்லாத பட்சத்தில், வட்டி குறைவாக இருந்தாலும், இந்தத் திட்டத்தையாவது எடுத்துச் செய்யக் கூடாதா?

THE HON. SRI P. KAKKAN: இது மட்டுமல்ல. இதைக்காட்டிலும் சிறந்த திட்டங்கள் இந்த ராஜ்யத்தில் இருக்கின்றன. இந்தத் திட்டங்களைல்லாம், பரம்பிக்குளத் திட்டத்தைப்பற்றி ஒரு முடிவு கண்ட பிற்பாடு தான் யோசிக்கப்படும்.

SRI S. T. ADITYAN: கைவிடப்பட்ட திட்டங்கள் தவிர, வேறு திட்டங்களும் இருக்கின்றனவா?

THE HON. SRI P. KAKKAN: I want a separate question to be put.

SRI V. V. RAMASWAMI: பரம்பிக்குளத் திட்டம் உருவானால், அந்தத் தண்ணீரை ராமனாதுபுரம், மதுரை, திருநெல்வேலி ஜில்லாக்களுக்கு உபயோகப்படுத்தலாம் என்று அமைச்சர் அவர்கள் கூறியதாகப் பத்திரிகையில் பிரசுரமானதை அண்மையில் பார்த்தேன். அதில் ஏதாவது உண்மை இருக்கிறதா?

THE HON. SRI P. KAKKAN: கனம் உதவி சேர்மன் அவர்களே, பரம்பிக்குளத் திட்டம் கோவை ஜில்லாவிற்குப் பயன்படுமே தவிர, மதுரை ராமனாதுபுரம் ஜில்லாக்களுக்குப் பயன்படும் என்று நான் சொல்லவில்லை.

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அம்மாதிரிப் பத்திரிகையில் பிரசுரமாகியிருந்தால், அது முற்றிலும் சம்பிதம் என்று தெரிவித்துக்கொள்ளுகிறேன். மதுரை, ராமநாதபுரம் ஜில்லாக்களுக்கு அப்பர் பெரியாறுத் திட்டம் பயனளிக்கும். பரம்பிக்குளத் திட்டம் பயனளிக்கும் என்று நான் சொல்லவில்லை.

SRI V. K. PALANISWAMY GOUNDER : பரம்பிக்குளத் திட்டம் எப்பொழுது முடிவு ஆகும் என்று சொல்ல முடியுமா ?

DEPUTY CHAIRMAN : Question No. 120 is postponed at the request of the Hon. the Minister for Electricity.

Questions are over.

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

II.—ANNOUNCEMENTS BY THE DEPUTY CHAIRMAN,

(1) MESSAGE FROM THE GOVERNOR.

DEPUTY CHAIRMAN : I have to announce to the House that I have received the following message from the Governor of Madras, dated August 30, 1958 :—

“ In pursuance of Article 207, clauses (1) and (3), of the Constitution of India, I, Bismuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Panchayats Bill, 1958, as passed by the Madras Legislative Assembly.”

(2) MESSAGE FROM THE ASSEMBLY.

DEPUTY CHAIRMAN : I have also to announce to the House that I have received the following message, from the Hon. Speaker, Madras Legislative Assembly, dated 30th September 1958 :—

“ In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Panchayats Bill, 1958 (L.A. Bill No. 33 of 1958), as passed by the Assembly on the 30th September 1958 and signed by me, for the concurrence of the Council.”

(3) DECISION OF THE BUSINESS ADVISORY COMMITTEE.

DEPUTY CHAIRMAN : I have further to announce to the House that at a meeting of the Business Advisory Committee held at 2-30 p.m. to-day, the following programme of business has been decided upon :—

30th October 1958	3 p.m. to 6 p.m.	.. } Discussion on the
(Thursday).		Panchayats Bill,
31st October 1958	11 a.m. to 1 p.m. and	
(Friday).	3 p.m. to 5-30 p.m.	1958.
1st November 1958	11 a.m. to 1 p.m. and	(1) Motion for refer-
(Saturday).	3 p.m. to 5-30 p.m.	ence of the Madras
		Open Places
		(Prevention of
		Disfigurement)
		Bill, to a
		Select Committee.
		(2) Discussion on the
		Panchayats Bill,
		1958—cont.

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3rd November 1958 3 p.m. to 6 p.m. .. Clause-by-clause consideration of the Panchayats Bill. (Monday).

(1) Clause - by-clause consideration of the Madras Panchayats Bill, 1958 —cont.

(2) Resolution regarding amendment of the Estate Duty Act, 1953.

4th November 1958 3 p.m. to 6 p.m. .. (3) The Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 of 1958). (Subject to the Bill being passed by the Assembly.) (Tuesday).

5th November 1958 3 p.m. to 6 p.m. .. Non-official day. (Wednesday).

6th November 1958 3 p.m. to 6 p.m. .. Other Government Bills that may be passed by the Assembly. (Thursday).

Amendments to the Madras Panchayats Bill, 1958, will be received up to 2 p.m. on 31st October 1958.

III.—GOVERNMENT BILLS.

(1) THE MADRAS OPEN PLACES (PREVENTION OF DISFIGUREMENT) BILL, 1958 (L.C. BILL NO. 8 OF 1958).

THE HON. SRI M. BHAKTAVATSALAM : Mr. Deputy Chairman, Sir, I beg leave to introduce the Madras Open Places (Prevention of Disfigurement) Bill, 1958.

DEPUTY CHAIRMAN : The question is—

“ That leave be granted for the introduction of the Madras Open Places (Prevention of Disfigurement) Bill, 1958 ”.

The motion was put and carried and leave was granted.

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

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

(Mr. Chairman in the Chair.)

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I move—

“That the Madras Panchayats Bill *, 1958 (L.A. Bill No. 33 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

3-30
p.m.

This is one of the most important measures which this Legislature has been called upon to consider. I, for my part, consider that this ranks in importance second only to the Constitution Act. As a matter of fact, this Bill seeks to implement the directive principle embodied in Article 40 of the Constitution of India and it is laying down by the various provisions the procedure for constituting an administrative set-up wherein the villages may be able to function as autonomous units. Apart from the importance of the Bill, I attach great significance to the formulation of the various proposals contained in the Bill. As you are aware, Sir, the Government submitted a White Paper on the Reform of Local Administration. After a full discussion in both the Houses of Legislature, a Committee consisting of Members of both the Houses representing various Parties was constituted and that Committee considered various aspects and came to agreed conclusions on various matters. It is on the basis of those conclusions that this Bill has been drafted. Therefore, I consider this co-operative effort of the various Parties in the Legislature as a good augury for the functioning of democracy in our country. Particularly, where there is only one strong Party and the Opposition Parties are weak, it is necessary to associate all the Opposition Parties in taking decisions in very important matters like Local Administration. We are really happy that we have set up this precedent of associating the Opposition Parties in taking decisions with regard to the various controversial matters. As you are aware, Sir, we first came to a unanimous decision in respect of the language question. Then, we considered the controversial question of the pattern of education that should be applicable to the State, and in spite of the raging controversy, ultimately, we came to agreed conclusions. With reference to this matter also, it is not as if there were no varying points of view. As a matter of fact, in the Committee itself, varying points of view were expressed. But after a good deal of discussion, ultimately, we were able to arrive at unanimous conclusions on almost all matters. Therefore, apart from the importance of the Bill, I attach greater importance to the process which we adopt for the purpose of arriving at agreed conclusions on this complicated and complex matter of local administration.

I shall briefly refer to the important provisions in the Bill and the changes which we are seeking to make by this Bill. Till now, the affairs of the villages with reference to the various municipal services were being looked after by the district boards and the panchayats. As a matter of fact, the allocation of the functions

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between the district boards and the panchayats was not very well made. There were fields in which there was overlapping. Now, the one important decision which we have taken is the abolition of the district boards.

After the abolition of the district boards, we have to consider how best the administration of the villages could be carried on and for that purpose, we have first to consider whether it would be a two-tier administration or a three-tier administration. Some people thought that there should be an administrative body to look after the entire district and that then at a lower level—either at the district level or at the village level—there should be an intermediate body and then ultimately a panchayat. Having given considerable thought to this aspect, without any hesitation whatsoever, the Committee came to the conclusion that having this administration split up at all the three levels would be more expensive and unnecessary and we came to an agreed conclusion that the district boards had become too unwieldy now with reference to the area and with reference to the functions they had to discharge. In the pre-Independence period, the functions, which the district boards were called upon to discharge were very limited. For example, they had to look after elementary education in areas where private bodies had not come forward to start elementary schools. They had to look after secondary education also in places where private bodies were not coming forward to start secondary schools. But, if we take into consideration the number of schools which they had managed, say, during the period 1939-40, and how they had been managing them and also how we propose to manage them now, then I am sure we will agree that it will be almost impossible for a body at the district level to have intimate touch with, and carry on, the administration and management of the various elementary schools and secondary schools. In the same way, there are the roads. They were maintained by the district boards to a limited extent. Now, we have added to our road communications to a very great extent, particularly, during the last ten years. Therefore, it has become almost impossible for the district level would not be able to pay adequate attention to such condition. The same is the case with reference to health services and various other things. So, we thought that a body at the district level would not be able to pay adequate attention to such matters. If that body is to pay sufficient attention to, and have intimate touch with, the administration of the villages, which would be necessary to have the various projects successfully carried out for the welfare of the people living in the rural areas, we have to find out an alternative administrative set-up and also decide the level at which it should be constituted.

As you are aware, Sir, now the Development Block has become an agreed pattern for the purpose of the various developmental activities under the National Extension Service Schemes. In that block, we have got various officials—Block Development Officers and officers belonging to the various departments—to look after the developmental work and also we have got at the village level for

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p.m.

four or five villages put together a village level worker. There has been a good deal of complaint also that these development blocks are overstaffed with reference to the duties which they have to discharge. There might be difference of opinion about that. But still, we took into account the existence of the block and the availability of an army of officials for the purpose of carrying on the various activities in that Development Block. Therefore, we had to consider whether we could not take the Development Block as the unit and constitute a body at that level to look after the affairs connected with that block, leaving out what each individual village would have to do and, at the same time, taking advantage of those officials for the purpose of carrying out the various functions. After a good deal of consideration, we thought that this would be the best arrangement under the existing circumstances. That was why we chose the Development Block as the unit of administration. Therefore, the abolition of the district boards and the creation of an administrative body at the block level is the important change which we have made here. While considering what sort of body it should be at the development block level, we thought that it would be advantageous if that body was linked with the panchayats instead of being elected independently. That was why we came to the conclusion that we should constitute panchayat union councils in which every village would have one representative. Therefore, it would be by indirect election that the panchayat union councils would be formed. For every village, there will be a panchayat and at the block level, there should be a panchayat union council.

The next thing which we had to consider was the allocation of functions as between the panchayats and the panchayat union councils. There are functions till now discharged by the district boards and those till now discharged by the panchayats. We can call these as the reservoir of functions available for allocation. But in considering this question, we had to take into account the case of secondary schools which were being administered by the district boards. We considered whether the panchayat union council would be the proper body for managing these secondary schools. There also, it was the unanimous decision of the Committee that separate statutory bodies should be created for the purpose of administering the secondary schools. Therefore, out of the district board's functions, the administration of secondary schools was taken out.

Then, we have very many dispensaries and in a few places, hospitals also. We decided that wherever hospitals existed—and they are a few, apart from the taluk headquarters hospitals—their management should be taken over by the Government, and that dispensaries should be the concern of the panchayat union councils. So, 'hospitals' also were taken out from the reservoir of functions which were assigned to the district boards.

With reference to maintenance of roads, we thought that almost all the major district roads should be taken over by the Government for purposes of maintenance. Even now, as hon. Members are

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aware, though it is the responsibility of the district board to finance the maintenance of the various district roads which are not State highways or National highways, the work is actually being done by the Highways Department of the Government. So, we felt that instead of having these 'bifurcated functions', viz., financing by one body and maintenance by another, all important roads should be taken over by the Government for the purpose of maintenance. And for finding out which are important roads, we have suggested a test. But I do not find it mentioned in the Bill, though it is laid down in the Report of the Committee. That is, any road on which buses are running on a permanent basis should be taken over by the Government because they are deriving the taxes therefrom. When buses run on particular roads, the roads have to be maintained at a certain standard and this work has got to be done by the Government. Then, all minor roads would be put in charge of the panchayat union council for purposes of maintenance. Here we have made slight alterations. Apart from that, all these functions have been clubbed together and allocated between the panchayat union councils and the panchayats. In allocating these functions, we had also to take into account the functions which would be exclusive to any particular individual village and those which would be impinging on the neighbouring villages. We thought that wherever it would be possible to limit the functions to one particular village, they should be allocated to the panchayat. That was the test we applied and details are given in the Bill.

One matter, which came in for a good deal of discussion and about which there might be difference of opinion and difference of approach also, was 'elementary education'. There were Members who pleaded that panchayats should take charge of the management of elementary schools. In that case, each panchayat might have to run only one school. That would be a unit by itself and it would not be possible to make any adjustments within the unit. In addition to this, it might be that the panchayat was not able to deal with the various aspects of education in an impersonal way. So, we thought that for the proper functioning of the schools, it might be better to put the panchayat union councils in charge of the management of elementary schools. Therefore, all the elementary schools which were till now managed by the district boards would be taken over by the panchayat union councils. At the same time, we have to keep in mind the case of the private, aided elementary schools existing in various parts of the rural areas. In such cases, we thought that there should be a comprehensive attempt made for the purpose of developing elementary education so that we might achieve the target we had laid down for ourselves in Article 45 of the Constitution, viz., that free and compulsory primary education should be available for all children. That target has been reassessed and refixed and that is that, before the end of the Third Plan period, all children between six and eleven years of age should be brought to school. Even for achieving this target, it is necessary for us to take a comprehensive view of the entire thing. We have to develop educational facilities in each

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block area so that all children could be put to school within the targeted period. Therefore, we thought that it would be better to associate the panchayat union councils, to a certain extent, with the functioning of the private, aided elementary schools. I am not saying 'management'. Management will be in the hands of private people. For this purpose, we have constituted a separate Elementary Education Fund to which I shall refer in detail when I deal with the financial allocation made to the panchayat union councils. I mention this now only to show how the councils should function in relation to elementary education as a whole. They will have an Elementary Education Fund and all the grants which will have to be paid to private institutions will be paid through the panchayat union councils. The panchayat union councils will, therefore, have before them the entire picture of financial commitments involved in developing educational facilities for the purpose of achieving the revised target. The councils will perform a function which till now was being discharged by the Government under the Department of Education, i.e., payment of grants, etc. Inspection and other things will continue to be done by the Education Department as before. When this body actually begins to function, we hope, the prevailing complaints about non-payment of salaries to teachers and non-payment in time and the cuts that are said to be made by the managements in teachers' salaries will disappear, even though we may not be able to remove them completely. Therefore, we thought that it would be advisable to make the panchayat union council responsible for the disbursement of the grants also. That is one important change that we have made with reference to primary education.

3.50
p.m.

SRI P. T. RAJAN : What about transfer of teachers?

THE HON. SRI C. SUBRAMANIAM : Transfer of teachers will be made by the panchayat union councils. There will be attached to every panchayat union council an Education Officer, namely, the Education Officer already attached to the development block. Transfers would be made through him.

AN HON. MEMBER : What about panchayat elementary schools?

THE HON. SRI C. SUBRAMANIAM : They will all go under the control of the panchayat union councils. Hereafter panchayats will not have the responsibility of running elementary schools. That is the decision that we have taken now.

SRI N. NALLASENAPATHI SARKARAI MANRADIAR : What about major panchayats?

THE HON. SRI C. SUBRAMANIAM : Most of them would become municipal councils. The others would come under the general pattern.

The most important change that we have made is with reference to the financial allocation. After all, it is easy to devolve responsibility on the local bodies but if we starve them of funds, then they

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will become ineffective instruments of administration, particularly in rural areas. As a matter of fact, that was the main reason—financial bankruptcy—why local administration failed in the past—in the distant past or even in the near past. In spite of the fact that they had allocated to themselves various resources by way of education cess, cess on land revenue and so on, still these resources were not sufficient to meet the increasing demands on the local bodies. Therefore, this matter has been gone into in great detail by a special Sub-Committee of the Legislature Committee on Local Administration. That special Sub-Committee was presided over by the hon. the Leader of the Opposition in the Assembly and it consisted of Secretaries to Government also, namely, the Finance Secretary and the Secretary to Government in the Local Administration Department. On that Sub-Committee we had also two ex-District Board Presidents who had great experience in the administration of local bodies, not only district boards but also taluk boards, panchayats and various other village institutions. They have made a comprehensive study of the financial resources of the local bodies, the panchayats and the panchayat union councils if they have to discharge their duties effectively. The Report of the special Sub-Committee has been printed and circulated to hon. Members and I am sure they would have gone through it with great interest.

The main financial provision which we are making is that in respect of panchayats and panchayat union councils put together, the expenditure should reach a target of Rs. 6 per head. Out of this Rs. 6 it is the intention that Rs. 3.50 should go towards primary education, such as maintenance of schools, payment of grants, etc. Out of the balance of Rs. 2.50, one rupee and 25 nP.—I should not say one rupee and four annas—would go to the general fund of the panchayat union council and Rs. 1.25 to the general fund of the panchayat. That is how the financial pattern has been worked out. But in this allocation of resources, we have taken into account the difference between fairly well-developed areas and backward areas. Particularly with reference to the allotment of funds for meeting educational expenditure, we have taken into account the backwardness of particular areas and we have provided for a more generous grant being made for backward areas. The formula adopted by the Committee is that in respect of each development block, there should be a first allotment of one rupee per head for the purpose of elementary education. After that, with reference to the backwardness of the area, the grant increases. I think it increases from 40 to 60 per cent or so. I am not now able to give the exact percentage. After the initial grant, it is a varying percentage with reference to the availability of resources in particular areas because a backward area may not be able to raise the same amount of resources as other areas. But still the responsibility is laid on each panchayat union council to raise its own resources at least to a certain extent. This matter was gone into in great detail and there was a great deal of controversy about it. Some people thought that the entire resources should be made available by the

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Government. Then it would mean that the Legislature would be responsible to raise the money and that the privilege of spending it would be in the hands of the panchayat union councils or the panchayats. Then they would not be responsible bodies. Sometimes there may be a tendency on their part to become irresponsible bodies. Therefore, we thought that while we should provide for matching grants, the responsibility should be laid on the local bodies themselves to raise certain resources at least. That alone would induce the people to raise resources locally. Now, even though powers are given to the panchayats to levy taxes on vehicles, properties, etc., and raise resources locally, very rarely these taxes are levied by the panchayats. Even if they are levied, very rarely they are collected. A particular instance was brought to my notice. A panchayat had raised a revenue of Rs. 6 and it was expected to run that panchayat on that grand sum of Rs. 6. Not that that panchayat had no taxable capacity but that it was not willing to levy and collect taxes. Collection of taxes is always not liked. That is why all Finance Ministers become unpopular. The panchayats do not want to get into the shoes of the Finance Minister. Therefore, they think that the easier course would be to ignore collection of taxes and not provide any service or amenities to the people. After all, people get accustomed to any standard of life. Therefore, if we go and ask them to pay taxes, they may even say, 'We do not want all these amenities and services. Leave us alone'. It is easy to take such an attitude. Unless we create an atmosphere where people ask for these health services, educational facilities and various other things intended to develop rural life, it may not be possible to see any development within our generation in rural areas. But once we make a beginning, what we find is, it acts as a catalytic agent. When one want is satisfied, immediately we find many wants arising out of it. That shows that the initial inertia has been removed and that the people have become conscious of the fuller life they can lead. Therefore it is that whenever I go to the villages, if the people there make many demands, I feel happy about it. That is an index that people have become self-conscious and that they have become conscious of their needs, their wants. That is a sign of progress because nobody can progress without that feeling, without that urge for meeting his needs and requirements. Only when the people have that urge that these needs should be met, they will come forward to put in the necessary effort. Therefore it is that we have laid the responsibility on these institutions to raise a certain amount of resources locally and then we give a matching grant from the Government funds with reference to the resources raised by them. Instead of giving a reference to the resources raised by them. Instead of giving a matching grant in respect of each project as is done by the Government of India, we have adopted the method of giving grant to the extent that they raise resources locally and allowing them to have their own budgeting and estimating. This is one important feature in the financial allocation now proposed. It was argued

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that at least 50 per cent of the land revenue should be made available to the local bodies for their activities. But if you make a calculation with reference to the recommendations made by the Finance Sub-Committee and also with reference to the provisions made in the Bill, you will find that it is not only the entire land revenue that is being made available, but that ultimately it would be another equal amount which would be allotted to these local bodies. Therefore, instead of Rs. 5 crores which we are getting as land revenue to-day, ultimately these local bodies would have a budget, all put together of the order of about Rs. 10 crores or Rs. 12 crores. So, we can easily see the reasonableness of the recommendations of the Finance Sub-Committee in this matter. They took into account the various responsibilities and duties which would devolve on these local bodies for the purpose of meeting the various needs of the rural population. That is one important matter.

This Bill was drafted, and then considered by the Legislature Committee clause by clause, as if it were a legislating body and after full consideration, the Bill was redrafted and placed before the Assembly first. But even the best drafted Bills and the most carefully considered Bills are capable of some improvement. We found that in spite of this careful consideration many amendments were suggested by the Members of the Assembly. Instead of taking decisions on behalf of the Government with reference to these amendments, as the Bill itself was the result of the co-operative effort of all the Parties, we thought that all the Party leaders should be associated in the decision we should take with respect to them. Therefore, we called for a meeting of the Legislature Committee including the Members of this House also. This time we wanted leaders of various political Parties also to be present. We discussed each amendment and then we took a decision on whether that amendment should be accepted or any alternative amendment through the Government should be put forward. After full consideration of the various aspects of the matter, the Government themselves brought forward many amendments, and many other amendments moved by various hon. Members also were accepted. If I may be permitted to give this House a picture of the changes made by the Assembly, I would briefly put it this way.

One of the important questions considered in great detail by the Legislature Committee was who should be elected by the panchayat as its representative on the panchayat union council. The provision made in the Bill was that a panchayat should elect a person whose name was included in the electoral roll of the panchayat, whether he was a member of the panchayat or not. The Committee decided that any member of a panchayat including the president might be elected by the members of the panchayat as the panchayat union councillor so that he might act as a liaison officer between the panchayat and the panchayat union council. According to the original provision, any voter in the panchayat

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could be elected as its representative on the panchayat union council. Now we have made a change that only a panchayat member can be elected so that there may be some link between the panchayat union council and the panchayat itself.

No provision was made in the Bill for the representation of women on the panchayats. On further consideration, the Committee recommended that if no woman member was elected, one should be co-opted by the members of the panchayat.

The point whether the president of a panchayat should be directly elected or indirectly elected from among the members again cropped up during the discussions. It was pointed out that the president of a panchayat was not a parallel authority but only an officer of the panchayat and should, therefore, be chosen by it. Thus this vexed question has been set at rest at last.

Provision has also been made in the Bill for the constitution of an Appointments Committee as in the case of District Municipalities and an Education and General Purposes Committee under the panchayat union councils.

Another important departure relates to the question of the dissolution and supersession of the panchayats and panchayat union councils. The questions whether there should be any distinction at all, what should be the maximum period of supersession, etc. were discussed thoroughly by the Legislature Committee. It was decided that distinction should be done away with, that provision should be made only for dissolution of panchayats and panchayat union councils, that the maximum period should be fixed as one year and that a person elected as a member of the panchayat union council should cease to be a member on the date of supersession of a panchayat. These are the various changes which have been made with reference to panchayats and panchayat union councils.

I have reserved, for being mentioned as the last item, one other important feature which, I should say, is not only a unique feature but a very important feature in the provisions of the Bill. We have now taken upon ourselves the responsibility of development of the rural areas under, what we call, the National Extension Service Schemes. I have already stated that we chose the existing development block as the unit of rural administration. Thus we have got a hierarchy of officials under the Block Development Officer and under him various Extension Officers with reference to Agriculture, Veterinary, Co-operation, Education and various other things. At present the programme of development is being laid down by the Government and it is not laid down even by the State Government but mostly by the Central Government. In theory the State Government should make minor changes here and there even though any change is resisted on the ground that there should be a uniform pattern. I am sure hon. Members can very well realize how absurd it is to have a uniform pattern with reference to this large country. But still we have to adhere to some pattern of administration or development. In spite of this

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rigidity, we are trying to adapt ourselves to the environments existing in the various parts of the country. Now we find these developmental activities progressing at various places. In some places, it is said that the scheme is a great success, and in some other places it is a complete failure and a complete waste. It is also said that it is only an employment programme and that it is not a development programme. Some people say that it should be completely scrapped. As a matter of fact, we have got an advisory body at the block level which gives very little advice, I am told, because nobody is enthused to tender advice when it is never followed. Therefore, these advisory bodies are generally infructuous. When we look into these activities in various development blocks and try to find out where they have succeeded and where they have not succeeded, we find that wherever people have co-operated intelligently in these various developmental activities, they have met with great success and that where that co-operation is lacking, they have met with failure. We have got intermediate stages with reference to the amount of co-operation available and, therefore, we have to evolve a pattern of administration under which this co-operation would be available. We thought that the best method of making co-operation available would be to devolve responsibility upon the people for the purpose of chalking out a programme and then working it out. Therefore, an important provision has been made in this Bill that these developmental activities, subject to conditions which we may lay down—because we have to see that the scheme does not fail because of local factions or due to various other factors which may be existing in a particular place—should be handed over to the panchayat union councils and that they should be made responsible for working out the programme, for framing the budget and for seeing that that programme is implemented in the proper way.

Sir, I think this is a great step forward which we are taking. Some people have cautioned us that it is a dangerous step, a risky step. But I have got faith in the people and provided we make these bodies fully responsible and aware of the various functions which they have got to discharge and also make them realise that they would be conferring benefits on the people by functioning in the proper way and taking part in the various developmental activities, it will be a wise step. As far as the Government are concerned, they have absolutely no hesitation to trust the people and entrust the entire responsibility to the peoples' representatives on the panchayat union councils. After all, there are various officers there for advising them and if there should be any difference of opinion between the Block Development Officer and the panchayat union council, it should be resolved in such a way that the responsibility of the panchayat union council is not in any way disturbed. That is a matter for adjustment. That is why we have said, 'subject to such conditions'. The details will have to be worked out and we will have to provide what would be the necessary safeguards so that the funds may be utilised properly and the various developmental activities may be carried on according to programme.

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That is a matter of detail and it could be settled by executive orders. That is why we have laid down that 'subject to such conditions' as the Government may lay down, these responsibilities should devolve on the panchayat union councils. As a matter of fact, in the original Bill, we had provided that the Government 'may' devolve these responsibilities for developmental activities on the panchayat union councils. But, after discussion in the Legislative Assembly, we have made it compulsory that the panchayat union council should be seized of this matter and that it should be responsible for these activities also. Therefore, we have now removed the word 'may' and substituted the word 'shall' and it shall be done as soon as possible. I may assure hon. Members that it is the policy of the Government to make these panchayat union councils responsible for these developmental activities also. I have no doubt that the entire pattern of developmental activities and the pace of developmental activities would change for the better, because we will be associating the people themselves in these various activities. That is one of the very important changes we have made and this is an important provision as I have already mentioned to the House.

Sir, the Bill, after full consideration in the Assembly, has now come up before this House. As I have already mentioned, Members of the Council, apart from Members of the Assembly, have helped us in shaping the Bill. As a matter of fact, Mr. Patanjali Sastry was good enough to come there everyday to look into the various amendments and various other Members were also there. Therefore, in a sense, we have considered this Bill in full. At the same time, I should not be understood to say that I am not in favour of any amendment at all in this House. This is an important measure. Therefore, if there is any relevant amendment, necessary amendment, Government will be prepared to consider it. If it is passed here, we will take the Bill back to the Assembly for the purpose of getting through that amendment there. **I want to give the assurance to this House that we are not going to say that we cannot accept amendments here because it will be necessary to take the Bill back to the Assembly.** This is such an important Bill and it cannot be considered in that way. Let us adopt amendments here also. Even if it causes a little inconvenience, still to make the Bill beneficial in the future, that course will be adopted if it means better administration and better set-up of these local bodies.

Sir, I have explained briefly the salient provisions of the Bill, not that I have exhaustively done it. I hope hon. Members would have carefully gone through it, even though it is a lengthy Bill with 190 clauses or so. (Sri K. Balasubramanya Ayyar : There are 198 clauses.) Yes, 198 clauses, only two less for a double century. (Laughter.) I am sure hon. Members would have gone through the Bill in great detail and I am told that many hon. Members have already given notice of amendments. I shall consider those amendments carefully. Perhaps I may discuss with

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those Members also. Ultimately, if any amendments have got to be accepted, we shall accept them. I would request the hon. Members to give their suggestions, with reference to the various aspects of local administration. I have absolutely no doubt that this House will maintain its usual high standard of discussion. The very useful suggestions which may be made here, apart from the amendments that may be moved, in regard to the panchayat administration and the effective administration of this legislation, would always be welcomed. I would always welcome such suggestions and take note of them, because soon after the Bill is passed, we will have to frame the rules when such suggestions will be of greater assistance. When we frame rules in regard to the detailed working of the Act, they may find a place there. Therefore, I may assure hon. Members that any suggestion which they may make will be useful and the Government will be greatly benefited by the discussion which we will be having during the next two or three days with regard to the Bill. Thank you, Sir.

DR. A. LAKSHMANASWAMI MUDALIAR : May I know how many panchayats there are and how many panchayat union councils will be brought into existence?

THE HON. SRI C. SUBRAMANIAM : We have 358 blocks and we will have 358 panchayat union councils. As far as the number of panchayats is concerned, I cannot straightway give the number. I think it would be in the order of 20,000 or 25,000. (An hon. Member : Development Councils.) I may also incidentally mention about the Development Council. The Bill relating to that has already been passed by this House and I was told that it had a rough weather in this House. (Dr. A. Lakshmanaswami Mudaliar : Ultimately, it had a good weather!) Yes, but ultimately it had a good weather and I am glad about it. The Development Council is intended to be a co-ordinating body, co-ordinating the activities with reference to the entire district. That is why it has been made an advisory body, so that it may consider the various aspects of administration of the panchayat union councils and the whole picture of the district may be available to it. If it has got to make suggestions, it may make them. The panchayat union councils would take note of them, and Government also would take note of them and pass necessary orders, if their implementation is absolutely necessary. (An hon. Member : It should be a statutory body). Yes, the Development Council is a statutory body. It is created by a Statute. The only question is whether we can give it any executive functions. That was what I said when I explained whether we should have a three-tier administration or a two-tier administration. I have no hesitation in saying that a three-tier administration will be a waste of financial resources. That is how I feel. That was why we thought that we should have no executive functions vested in the body and that it would be enough if it was an advisory body. If this body also were given executive functions, it would be only creating difficulties in

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the way of the working of the panchayat union councils and it would make the panchayat union councils weak. Therefore, we thought it was not necessary.

DR. A. LAKSHMANASWAMI MUDALIAR: One more information. Has the Hon. Members, as Finance Minister, estimated the amount that would be necessary—apart from the matching grant—for the administration and administrative set-up required for working this Act, at least on a rough basis?

THE HON. SRI C. SUBRAMANIAM: All included, the budget will be Rs. 6 per head. It includes administrative charges, but that does not include the amount that will be required for carrying out the developmental activities under the schemes. Those expenses would come under the various departmental budgets, like the Agricultural Budget, Veterinary Budget, Industries Budget and so on. That will not be included in this Rs. 6.

MR. CHAIRMAN: Motion moved—

“That the Madras Panchayats Bill, 1958 (L.A. Bill No. 33 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

Before the debate commences, I would request hon. Members who want to speak, to send in their names to me.

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SRI L. S. KARAYALAR: Mr. Chairman, Sir, the Bill that has been introduced is of such vital importance that, as the Hon. Minister himself mentioned, it should get wide publicity. In fact, it did get as much publicity as was necessary. There has been so much of fanfare and flourish of trumpets that this Bill is being looked upon by hundreds of thousands of people in the State as one that will affect them vitally in every matter. A White Paper was published and discussed elaborately and thoroughly in both Houses of this Legislature. A Legislature Committee got into functioning and published four enormous reports, followed up by another of amendments which was published recently, and then a Legislature Sub-Committee got into functioning with the perspective budget being discussed there. All this shows the great importance that is being attached to this Bill. I shall not descend down to details when I speak on this Bill just now, even though the Hon. Minister did give us many details. That probably might be put down for another stage. I should confine myself to remark that this Government, which hold to the Congress ideal of democracy, which have got a heredity of Congress principles and which want to walk and attempt to walk at least in the footsteps of the Father of the Nation, have failed to implement the principles of democracy, at any rate, at the village level. I shall try to delve rather deeply into our ancient system of village administration in this country. I shall have to quote rather elaborately from various sources and you, Mr. Chairman, would extend to me your abundant indulgence in allowing me to quote. Because I am making my maiden speech, I feel I have a right to expect your generous indulgence.

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THE HON. SRI C. SUBRAMANIAM: The hon. Member was in the other House for a number of years.

SRI L. S. KARAYALAR: I am now ‘maiden’ to the Legislative Council. The Hon. Minister says that I had been in the Assembly for a number of years. But this is my maiden speech in this House and there could be no question about it.

In our country, several thousands of years back democracy at the village level was functioning in such a beautiful manner that the English interpreter of Law, Sir Henry Maine—I think he was an eminent lawyer on Hinduism—said about these village democracies in his ‘Theory of Primitive Communism’ as follows:—

“A feature of the village community all over India is the Panchayat or Council of Elders which decides disputes between villagers and discusses matters of common interest such as holding a festival and building a temple or road. The overall political authority does not seem to have been much more than a tax-collecting body in its relation with these villages. Excluding the headman and the accountant, the official never visited a village.”

Later on, in 1832 Sir Charles Metcalfe, one of the ablest administrators in this country, said—

“The village communities are little republics (I want you, Mr. Chairman, to mark the word ‘republics’.) having nearly everything they want within themselves and almost independent of any foreign relations. They seem to last while nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution—but the village community remains the same. This union of village communities each one forming a separate state in itself has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered, and is in a high degree conducive to the happiness and to the enjoyment of a great portion of freedom and independence.”

It is these village republics, it is these village councils, it is these village administrations that we are trying to revive. The old bureaucratic administration in trying to collect taxes tried their best to destroy these village administrations but they did not succeed. Having attained independence, we are trying again to resuscitate these village administrations to a degree in which we will associate every village administrator in the administration of his village. These 550,000 villages, full of teeming millions, not able to read and write and not able to know what they write, are to be given a certain measure of right in the Government. The great American saviour of mankind, Abraham Lincoln, said, ‘Democracy is Government of the people, for the people and by the people.’ Have we at any stage of this administration, be it the panchayat, be it the council of panchayats or even at the higher level, associated all these people in the administration of these villages, at the village level? What sort of democracy do we really enforce through these panchayats? That is my question and that

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shall be the only question about which I shall talk to-day. How was democracy in ancient days in these village administrations? I shall not quote Englishmen. I shall not quote the American system even though I know about the village county elections and the town county elections. In the American system of Government there are five levels—national level, State level, City level, town level and village level. It may be possible to go through the village system of American Government, but, however much your indulgence may be, I do not want to try your patience. But about democracy, I shall quote the views of responsible leaders in this country. I shall quote them because without quoting, I do not think I will be able to convince this Government. Whatever I might say about democracy and however much I might try to explain democracy, that will not go deep down into the, shall I say, recesses of the heart of the Government. I have got here the views of a great authority like Bharatan Kumarappa. Another great authority is J. C. Kumarappa. The greatest authority, the greatest man who ever lived in this country and worked for the salvation of the villagers in this country, who day and night, even during the sleeping hours thought of nothing except the villager, and who wanted to give sanitary facilities, medical aid, co-operation, light and happiness to the villagers in this country is Mahatma Gandhi. I shall not say anything about democracy as it functioned in ancient Indian villages, say, two thousand or three thousand years ago, or four thousand years ago, if possible. We can go through history and make a research. How democracy worked in India or how we should have democracy at the village level has been propounded in recent years by great men like Mahatma Gandhi. I would not have talked so much about democracy but for the statement in the Preamble to this Bill which says—

“Whereas it is necessary in the national interest that the production of food should be increased progressively from year to year so as to keep pace with the growth of population . . .”

I am not worried about food or population just now. The Preamble also says—

“And whereas it is a Directive Principle of State Policy embodied in the Constitution that the State should take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.”

I want to lay emphasis on the words “units of self-government”. That is what Mahatma Gandhi has also said. Self-sufficient, self-governing units, that is what these village panchayats are expected to be. In the book entitled ‘Why the Village Movement’ by J. C. Kumarappa, there is a foreword, commending that book to every Indian who wants to work for village reconstruction, by Mahatma Gandhi himself. It is stated in this book—

“In our own country, we get a picture of the political life of the people from the old *Nitisastras* and *Puranas*. The daily life of the people is still ordered and regulated, not by external pressure

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but by the functioning of a socio-religious economic order which has become a part of the people themselves. It is this that holds together the diverse elements that compose our continent. Westerners, who look at us through their functional democracy, see divisive factors in language, customs and geographical conditions and declare we have neither unity nor political sense, as our people do not seem capable of blindly following a leader or party, which quality is a *sine qua non* for the satisfactory working of functional democracy. And yet a fairly advanced form of a really democratic type of Government, well on the way to realizing the full cultural democracy indicated above, is to be found in our ancient village administration. In a cultural democracy physical differences such as race, colour or territory are not capable of making lasting impressions. Our system was so virile and cosmopolitan that it found no difficulty in absorbing even invaders and foreigners. As already said, the principles of this democracy have been woven into the life and thought of the people through the ages by means of social regulations and institutions. If there are kings, they are but minor wheels in the machinery and according to *Sukra Niti*, they are but glorified policemen and legislators. The real Government is in the hands of the people. Decentralized small bodies, the village panchayats, decide on matters vitally affecting the local community.”

What I wish to ask is, ‘Has it been stated anywhere in this Panchayat Bill that the panchayats can decide matters which vitally affect the village community?’

“The authority of the panchayat depends on the confidence placed in it by the people, a confidence based on close personal knowledge of the members composing it, and its sanction is not imprisonment but the power to declare the offender a *Gramadrohini* (traitor to the village). Its decisions are not majority decisions but are made unanimous by winning over the dissenting minority. Such a Government may be truly said to function from within as the actual administrative decision is in the hands of the people themselves.

A centralized Government, on the other hand, cannot be a Government for the people and rarely can it be a Government for the people. If the Government is to be by the people, it must reach down to the meanest village. No mere enlargement of the franchise, however broadbased, will ever answer the purpose.”

Sir, I would like to quote a few words from the “Historical Sketches of Ancient Dekhan” by Sri K. V. Subramania Iyer. He published Part I and wanted to publish Part II also, but Part II was not published. There it is written as follows:—

“Though the king had about him for counsel the abovesaid groups of men, he does not appear to have concerned himself at all times with the direct administration of the country. The latter was vested in the hands of the following assemblies:—

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- (ii) Members of Commerce,
- (iii) Village Assembly, and
- (iv) an Assembly consisting of the principal residents of a village."

What I want to say is that even in ancient times, there was a counsel to help the kings. The villagers assembled—both eminent men and learned men—and helped the king. But the king never came down. So, it is said that the king was a 'glorified policeman'. Even in recent times, there has been so much talk of the village community people. So much has been talked about them during the past twenty years, especially after the advent of Mahatma Gandhi. All these we are doing in the name of Mahatma Gandhi. If we talk about the village community, it is because of Mahatma Gandhi. If we talk about khadi, it is because of Mahatma Gandhi. If we talk about the teeming masses of India and if we talk about Swaraj, it is because of Mahatma Gandhi. Dr. Bharatan Kumarappa has written about the 'joint family' system. He has explained how one member of a joint family helps the other members of the family and especially the weaker members of the family. In a family there may be members who are not able-bodied men, men who are physically handicapped or crippled. There may also be members who do not have mental balance. All these people get their food and are looked after in a joint family, because in a joint family there is joint responsibility.

He also says about the caste system as to how it was evolved. Most of the villagers were not literate. They had to be taught and guided as to what to do, when to do it, how to do it, etc. The Government were far away from the people and each person had to be guided by others. Dr. Bharatan Kumarappa under the heading, 'The Political Aspect' has said—

"Under such a village economy, the political life of the country will be completely revolutionized, for such decentralized economic units imply a decentralized political organization."

Now, there is so much talk of decentralisation of industries. In big industries, the profit goes into the pockets of a few people, while a large number of people are left only with work, but without any profit. Therefore, he says that centralization is a cannibalistic system. He again says—

"The village, being a little self-sufficient world in itself, will be administered by a few, who have the confidence and respect of the rest. Being of the village, they will be well conversant with the problems confronting it and deeply interested in seeing that their village grows and prospers. It will not have to look beyond itself for its administration, the Governments at the centre and in the provinces existing primarily for dealing with foreign affairs, and for undertaking key industries, public utilities and exploitation of natural resources in the interests of the villages, and functioning as co-ordinating agencies. Even key industries, public utilities and exploitation of natural resources may be undertaken by the villages co-operatively, if possible.

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As a matter of fact, till lately, the villages were such tirely self-dependent units. One of the factors that put an end to these self-governing communities was the policy introduced by the British, in their eagerness to raise as much land revenue as possible, of dealing direct with the cultivator himself for revenue rather than as formerly with the village community as a whole. Besides, the Government, being foreign, neither understood the worth of indigenous institutions which it has ruthlessly destroyed, nor could it afford to run the risk of leaving so much power in the hands of the people. So, the judicial and administrative functions formerly carried on by the Panchayat, or elected village executive committee, were taken over by the British Government in India and centralized in itself, thus destroying democratic rule in the country. But since the system of self-governing villages belongs to our traditions, it will not be difficult to revive it, and get the villages once more to manage their own affairs, as formerly, by means of their own elected Panchayats."

Sir, I find that this Bill is to give the largest autonomous responsibility to the villagers. I went through the various provisions of this Bill with great attention. On going through the Bill, I can only see officers coming in and going out incessantly. The Inspector of Municipal Councils and Local Boards is the supreme authority. He can cancel any resolution passed by the Panchayat council. He can do anything he likes. You are giving much power not only to the Inspector of Municipal Councils and Local Boards, but the Revenue Divisional Officer also creeps in and there is an army of officers coming in and going out. I was one stage wondering why the Tahsildar was not to be seen. Later on, I saw that the poor Tahsildar also came in at the proper time. This is a country which has a heredity of Mahatma Gandhi. This is a country which fought for thirty years for the masses of India. This is a country which fought for village Swaraj.

I was surprised to hear yesterday of a statement by Mr. S. K. Patil, Union Minister for Transport, that the panchayats had been completely neglected. This is perfectly true. It was only yesterday that Mr. S. K. Patil made that statement. I think day before yesterday Mr. S. K. Dey, the Union Minister for Community Development, has also made a statement. I shall read it from 'The Mail', dated October 29.

THE HON. SRI C. SUBRAMANIAM: It is not permitted, I ink. 4-40 p.m.

SRI L. S. KARAYALAR: I shall just refer to it. I shall just quote from it, though not read it in full. Mr. Dey who was addressing the Central Council of Local Self-Government is reported to have said that the village panchayats, which now remained more in name than in substance should be reorganized and strengthened so that each of the 550,000 village panchayats could become real republic during the Third Five-Year Plan. He has at least said 'Third Five-Year Plan'.

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Now, let us see what Pandit Nehru himself has said. I shall not read the whole thing. I shall just cull out certain words and sentences from his speech and thus conform to the rules. This is what he is reported to have stated: 'If a nation were to progress, there must be faith in the people and they must be given responsibility. They might perhaps make mistakes, but they would learn by those mistakes. The administration need not interfere at every stage. It could retain checks to stop panchayats from making bigger and dangerous mistakes. Their constitution should be such that members could show initiative and have freedom.' He has also expressed the view that 'anything forced from above would not succeed'. But what do we find in this Bill? We find the Tahsildars, Collectors and other officers coming into the picture and asking these panchayats to do certain things. Does it not amount to 'forcing from above'?

I shall now refer to one or two clauses in the Bill. I shall not take much of the time of the House by reading all the clauses. I shall just refer to one or two clauses which give absolute powers to the Government and the officers appointed by them. Of course, we should have a Charter of Powers. But, this sort of omnibus clauses giving wide powers for cancelling the resolutions passed by panchayats and asking the panchayats to do a particular thing and not to do a certain other thing is not at all good. Under the Bill, the officers can do anything they like. The passing of this Bill and giving of such wide powers to the officers for doing things according to their whims and fancies will not result in the establishment of panchayat administration as envisaged by Mahatma Gandhi. I am now coming to Mahatma Gandhi lastly.

THE HON. SRI C. SUBRAMANIAM: The hon. Member has referred to him more than once in his speech.

SRI L. S. KARAYALAR: Yes, because I cannot forget Mahatma Gandhi. Many have forgotten him.

SRI MOHAMED RAZA KHAN: On the other side or on this side?

SRI L. S. KARAYALAR: On both sides. I think on this side, many have not thought of him even. I shall just refer to what he has said on this matter. This is what he has said:—

"My idea of village Swaraj is that it is a complete republic, independent of its neighbours for its own vital wants, and yet interdependent for many others in which dependence is a necessity. Thus every village's first concern will be to grow its own food crops and cotton for its cloth. It should have a reserve for its cattle, recreation and playground for adults and children. Then if there is more land available, it will grow useful money crops, thus excluding ganja, tobacco, opium and the like. There will be a compulsory service of village guards who will be selected by rotation from the register maintained by the village. The government of the village will be conducted by the panchayat of five

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persons annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications. These will have all the authority and jurisdiction required. Since there will be no system of punishments in the accepted sense, this panchayat will be the legislature, judiciary and executive combined to operate for its year of office. Any village can become such a republic to-day without much interference, even from the present Government whose sole effective connection with the villages is the exaction of the village revenue."

Of course, this was written by Mahatma Gandhi in *The Harijan*, dated 26th July 1942. When he comes to village workers, this is what he has stated:—

"Now I have no historical proof, but I believe that there was a time in India when village economics were organized on the basis of such non-violent occupations, not on the basis of the rights of man but on the duties of man. Those who engaged themselves in such occupations did earn their living, but their labour contributed to the good of the community. A carpenter, for instance, ministered to the needs of the village farmer."

Lastly, I shall refer to one thing and I shall have done. So far as this Bill is concerned, I have tried to impress upon the Government that there is no democracy as per the provisions contained in the Bill. The village panchayat councils and the village panchayats as such, the last units or the last tier as called by the Minister, have not been given full powers as envisaged by Mahatma Gandhi. In the past, the national leaders and the people wanted to resuscitate the villages and wanted to rebuild India through the villages. They wanted that the villages should be given more and more powers. But, according to the present Bill, no powers are sought to be given to the panchayats. I would have been glad if only the Government had attempted to follow in the foot-steps of the Father of the Nation and tried to give more powers to the villages and the village administration. They might make mistakes. As Pandit Nehru himself has stated, all commit mistakes. Perhaps, it is the right of everyone and it is the privilege of all people who want to practise democracy to commit mistakes.

THE HON. SRI C. SUBRAMANIAM: That is what everybody wants!

SRI L. S. KARAYALAR: I do not agree with the Hon. the Finance Minister when he says that with reference to the villages.

THE HON. SRI C. SUBRAMANIAM: I am not referring to the villages or the village people. I made a general observation.

SRI L. S. KARAYALAR: It includes the villages also.

THE HON. SRI C. SUBRAMANIAM: And us also.

SRI L. S. KARAYALAR: Yes, you and I commit mistakes, no doubt. What I wish to point out is that there is no principle of democracy in this Bill. I think that the whole Bill is concocted,

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or, shall I say, decocted by some Superintendent or Assistant Secretary in a dismal corner in the Secretariat, who has tried to make a hotchpotch out of these things. They have taken something from here and something from there, some clause from here and some clause from there, and framed this Bill. I would sincerely like to ask whether the Bill contains a imprint of the principles envisaged by the Father of the Nation and those enunciated by Vinobha Bhave. We go after Vinobha Bhave and we meet him in Sarvodaya Conferences. Probably, he is the spiritual heir of Mahatma Gandhi. We do a sort of worship to him. We do everything to respect and regard him. But, does this Bill have the imprint of the principles enunciated by Vinobha Bhave or Dr. Bharatan Kumarappa or J. C. Kumarappa, who had all wanted that our villages must have real powers and should function well? I would have very much liked the Government incorporating certain provisions in the Bill which gave the panchayats real and worthwhile powers. What is wrong in giving them powers? If they are given some more powers, some judicial powers, nothing would be lost. You have got the High Court; you have got the Supreme Court.

SRI A. M. ALLAPICHAJ : They have some powers even now.

SRI L. S. KARAYALAR : I do not refer to the panchayat courts to which you are perhaps referring. I want them to enjoy real powers. I have no other alternative except to oppose this Bill in its present form. This Bill should be redrafted on the principles, policies and ideologies laid down by the Father of the Nation and other experts. Nothing will be lost and nobody's heart will be broken if the Bill in its present form is thrown into the waste-paper basket. After sending the Bill to the waste-paper basket, the Government must come forward to draft a new Bill on the lines suggested by experts like J. C. Kumarappa and on the principles enunciated by the Father of the Nation and his spiritual heir, Vinobha Bhave, and bring up the same for consideration by the Legislature. For the present, I oppose the Bill in its present form.

4-50
p.m.

SRI V. K. PALANISWAMY GOUNDER : கனம் தலைவர் அவர்களே, நண்பர் ஸ்ரீ கரையாளர் பேசிய பிறகு, அடுத்தாற்போல் நான் பேச வேண்டியிருக்கிறது. அவர் அநேக புஸ்தகங்களிலிருந்து விஷயங்களை மேற்கோள் காட்டிச் சொன்னார்கள். அவர் சொன்னதிலே கொஞ்சத்தை நான் ஒப்புக் கொள்கிறேன். ஆதிசூலத்திலே பஞ்சாயத்துக்கள் இருந்த நிலை அதற்கு இருந்த உயர்வு காரணமாக, அவை நன்றாக நடந்தன. எந்த சர்க்கார் வந்தாலும் எந்த சர்க்கார் போனாலும், பஞ்சாயத்துக்கள் நிலைத்து நின்று நல்ல காரியங்களைச் செய்தன என்று அவர் எடுத்துக் காட்டியதை நான் ஒப்புக் கொள்கிறேன். மற்றொன்றையும் நான் ஒத்துக்கொள்கிறேன். ஆங்கிலேயர்கள் வந்த பிறகு அந்தப் பஞ்சாயத்துக்கள் சீர்குலைந்து போயின, அவர்கள் அவற்றை நசுக்கி விட்டார்கள் என்றும் அவர் சொன்னதை நான் ஒப்புக் கொள்கிறேன். அவைகளைச் சீர்திருத்தவேண்டியது அவசியம் என்பதையும் நான் ஒப்புக்கொள்கிறேன். ஆனால், “இந்தப் ‘பஞ்சாயத்து பில்’ எங்கோ ஆபீசில் இருக்கிற ஆபீசர்கள் அங்கொன்று இங்கொன்று எடுத்து அதைக் குறித்துக் கொடுத்துவிட்டார்கள். அதை அரசாங்கம் ஏற்றுக்கொண்டு வந்திருக்கிறது” என்று அவர் சொன்னார். அதை நான் ஒப்புக்கொள்ள முடியாது. கனம் நிதியமைச்சர் அவர்கள் இந்த ‘பில்’ எவ்வாறு உருவாக்

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கப்பட்டது என்பதைப்பற்றிச் சொன்னதையெல்லாம் அவர் கேட்டுக்கொண்டிருந்தார். அதை உருவாக்குவதில் எனக்கும் ஒரு சிறு பங்கு இருந்தது. அதற்காக ஏற்படுத்தப்பட்ட கமிட்டியிலே நானும் இருந்தேன். ‘பினான்ஷியல்’ கமிட்டியிலும் நான் இருந்தேன். அவர் அநேக புஸ்தகங்களைப் படித்தார். நான் ஒன்றிரண்டு மாதிரும் சொல்லுவதைத் தலைவர் அவர்கள் பொறுத்துக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்கிறேன். இந்த 1950-ம் வருஷத்திய சட்டத்தின் பிரியாம்பினிலே சொல்லப்பட்டிருக்கிறது :

“Whereas it is expedient to make better provision in a separate enactment for the administration of village affairs by panchayats; It is hereby enacted as follows :—”

இது 50-ம் வருஷத்திய சட்டத்தின் பிரியாம்பின். இந்த பில்லுடைய பிரியாம்பினைப் படித்தால் இது எவ்வளவு தூரம் சீர்திருத்தப்பட்டிருக்கிறது என்பதை அவர்கள் நன்கு உணர்வார்கள். இதில் கீழ்க்கண்டவாறு சொல்லப்பட்டிருக்கிறது :

“Whereas it is necessary in the national interest that the production of food should be increased progressively from year to year so as to keep pace with the growth of population and that the growth of population should be brought under control;

Whereas the measures designed to secure these two national purposes depend for their successful implementation on their being undertaken as part of a comprehensive programme of measures designed to promote rural employment to improve rural living conditions, to provide cultural and recreational facilities in rural areas, and thus to raise the standard of living of the rural people.”

மற்றது கீழே சொல்லப்பட்டிருக்கிறது. அதை நான் படிக்கவேண்டிய அவசியமில்லை என்று நினைக்கிறேன். கனம் அங்கத்தினர் சொன்னதைப் போல், ஆங்கிலேயர்கள் காலத்திலே இந்தப் பஞ்சாயத்துக்கள் எல்லாம் கெட்டுவிட்டன. அவற்றைப் படிப்படியாக உயர்த்தவேண்டுமென்று நமது ஆசையாக இருக்கவேண்டும், சர்க்காரும் அதைச் செய்யவேண்டும், அதை இந்த மசோதாவில் செய்திருக்கிறார்கள் என்று நான் தெரிவித்துக் கொள்கிறேன். அமைச்சர் அவர்கள் சொன்ன விஷயங்களையும் கனம் அங்கத்தினர் ஸ்ரீ கரையாளர் அவர்கள் கேட்டுக்கொண்டிருந்தார்கள்.

ஒரு வருஷ காலமாக எல்லாக் கட்சியினுடைய அங்கத்தினர்களும் சேர்ந்த ஒரு கமிட்டி இதைப் பரிசீலனை செய்தது. பரிசீலனை செய்த பிறகு அங்கே ஒரு ‘பினான்ஷியல் சப்-கமிட்டி’ ஒன்று ஏற்படுத்தப்பட்டது. இந்த ‘சப்-கமிட்டி’ ஒரு ரிப்போர்ட் கொடுத்தது. பின்னர் பெரிய கமிட்டியில் அதை யோசனை செய்து ‘பில்’ தயார் செய்யப்பட்டது. அதற்கு மேல் அசெம்பிளியில் கொடுக்கப்பட்ட அநேகம் திருத்தங்களைப் பரிசீலனை செய்வதற்காக அந்தக் கமிட்டியும், திருத்தங்கள் கொடுத்த அங்கத்தினர்களும், எல்லாக் கட்சித் தலைவர்களும் சேர்ந்து தனியாக உட்கார்ந்து பரிசீலனை செய்த பிறகு, அசெம்பிளியில் கொண்டுவந்து நிறைவேற்றியிருக்கிறார்கள். அப்படி முடிவு செய்யப்பட்ட ‘பில்’ இங்கே இப்பொழுது கொண்டுவரப்பட்டிருக்கிறது. அப்படியிருக்க இதை யோசனையில்லாமல் எங்கோ ஆபீசர்கள் சிலர் செய்தார்கள் என்று கனம் அங்கத்தினர் சொன்னதைக் கேட்டு நான் வருத்தப்படுகிறேன். காரணம், அவ்வளவு முயற்சியோடு, அவ்வளவு ஏற்பாட்டோடு இந்த ‘பில்’ இங்கு கொண்டுவரப்பட்டிருக்கிறது என்பதை மறுபடியும் நான் சொல்லிக்கொள்ள ஆசைப்படுகிறேன். அவர் பல புஸ்தகங்களிலிருந்து காட்டிய நிலைக்கு இந்தப் பஞ்சாயத்துக்கள் கொண்டுவரப்பட்டவேண்டுமென்று எனக்கும் ஆசை. ஆனால் எப்படிக் கொண்டுவரவேண்டும் என்பதுதான் இப்பொழுதுள்ள பிரச்சனை.

[Sri V. K. Palaniswamy Gounder] [30th October 1958]

ஜில்லா போர்டு 87 வருஷங்களுக்கு முன் ஆரம்பிக்கப்பட்டது. 87 வருஷங்களாக சேவை செய்த அந்த ஒரு ஸ்தாபனத்தை நாம் இன்று எடுக்கவேண்டியிருக்கிறது. காரணம், இப்பொழுது இருக்கக்கூடிய நிலையில் அது செய்த சேவை பலன் இல்லாமல் போய்விட்டது. இப்பொழுது ஏற்பட்டிருக்கின்ற நிலை வேறு. இதற்குத் தகுந்த ஏற்பாடு செய்யவேண்டுமென்று கருதித் தான் இந்த மசோதா கொண்டுவரப்பட்டிருக்கிறது. 1950-ம் வருஷத்திலே ஒரு புதிய சட்டம் வந்தது. மறுபடியும் எட்டு வருஷத்திலே புதிய ஒரு மசோதா இப்பொழுது வந்திருக்கிறது. முன்பு ஜில்லா போர்டு இருந்தது. அதற்குக் கீழே தாலூகா போர்டு இருந்தது. அதற்குக் கீழே பஞ்சாயத்து போர்டு இருந்தது. ஜில்லா போர்டு பல காரியங்களைச் செய்தது. தாலூகா போர்டு சில காரியங்களைச் செய்தது. பஞ்சாயத்து போர்டு சில காரியங்களைச் செய்தது. ஜில்லா போர்டின் காரியங்கள் வளர்ந்து விட்டன. ஜில்லா போர்டிலே அநேக வருஷங்களாக இருந்த எனக்கு, ஜில்லா போர்டை எடுத்து விட வேண்டும் என்றபோது, அது ஒரு மனக்குறையாக அப்பொழுது தோன்றிற்று. ஆனால் இப்பொழுது இருக்கக்கூடிய நிலைக்குத் தகுந்தவாறு ஸ்தாபனங்கள் அமையவேண்டியது அவசியம். அதன் காரணமாகத்தான் இந்த 'பில்' வந்திருக்கிறது.

ஜில்லா போர்டு வேலைகள் அதிகரித்து விட்டன. ஒரு ஜில்லா போர்டில் ஆயிரம் ஆரம்பப் பள்ளிக்கூடங்கள், அவற்றில் இரண்டாயிரம், மூவாயிரம் ஆசிரியர்கள்—இவைகளைப் பரிபாலிப்பது மிகவும் கஷ்டமாக இருந்தது. தவிர 'பண வசதி இருந்தால்தான் எல்லாக் காரியங்களையும் சரிவரச் செய்ய முடியும்' என்று அமைச்சர் அவர்கள் சொன்னார்கள். பண வசதி மிகவும் குறைந்துவிட்டது. ஜில்லா போர்டுகளின் பணிகள் பெருகிய அளவுக்கு அவைகளிடம் பண வசதி இல்லை. ஜில்லா போர்டுகளின் நிர்வாகத்தை அறிந்தவர்களுக்கு இது தெரிந்திருக்கலாம். இப்பொழுது ஜில்லா போர்டுகளின் நிர்வாகம் கலெக்டர் கையில் கொடுக்கப்பட்டிருக்கிறது. ஒவ்வொரு ஜில்லா போர்டிலிருந்தும் ஐந்து லட்சம் ரூபாய் பத்து லட்சம் ரூபாய் என்று கொடுத்திருக்கிறார்கள். சர்க்காரும் பல லட்ச ரூபாய்கள் அந்தந்த ஜில்லாவுக்குக் கொடுத்துக்கொண்டிருக்கிறார்கள். ஆனால் அவை அந்த ஜில்லா வாரியாகச் செலவுக்குப் போதவில்லை. அது மாதத்திரமல்ல. அதற்கு வேண்டிய ஆட்களும் இல்லை. ஆரம்பப் பள்ளிக்கூடங்களை மேற்பார்வை செய்வதற்கு ஆளே கிடையாது. அந்தப் பள்ளிகளைக் கல்வி இலாகாக் காரர்கள் போய்ப் பார்க்கிறார்கள். பார்த்து அதில் இருக்கின்ற குற்றம் குறைகளை எடுத்துச்சொல்லிவருகிறார்கள். அதைச் சீர்திருத்த வேண்டிய வேலை ஜில்லா போர்டைச் சார்ந்திருந்தது. ஜில்லா போர்டிடத்தில் ஆட்கள் இருக்கிறார்களா என்றால், இல்லை. ஆயிரம் ஆரம்பப் பள்ளிக்கூடங்கள், 50-100 உயர்தரப் பள்ளிக்கூடங்கள், ரோடுகள், ஆஸ்பத்திரிகள் முதலியவற்றை மேற்பார்வை செய்யும் வேலை ஜில்லா போர்டுக்கு இருந்தது. ஆனால் அதற்கான ஆட்கள் இல்லை. 3,000 மைல்களுக்கு மேல் இருந்த ரோடுகளை எல்லாம் ஜில்லா போர்டுகள் பரிபாலிக்க வேண்டியிருந்தது. அவற்றை இப்பொழுது 'ஹைவேஸ்' டிபார்ட்மெண்டார் எடுத்துக்கொண்டிருக்கிறார்கள். இந்தமாதிரியாக அநேக வேலைகள் செய்யவேண்டியிருக்கிறது. ஆனால் ஜில்லா போர்டுகளின் கையில் பணம் இருக்காது; போதிய ஆட்கள் இருக்கமாட்டார்கள். அதனால் தான் இந்தக் காரியங்களையெல்லாம் செய்வதற்கு ஜில்லா போர்டுகள் இருந்து பயனில்லை என்று நாங்கள்—ஜில்லா போர்டுகளில் இருந்தவர்கள்—நினைத்தோம்.

காரணம், சுதந்திரம் வந்த பிறகு நமது ஜனங்களுடைய அபிவிருத்திகள் அதிகமாகிவிட்டன. ஆனால் பணம் இல்லாமல், போதுமான ஆட்கள் இல்லாமல், ஜில்லா போர்டுகள் எல்லாம் மக்களுக்கு நல்ல சேவை செய்ய முடியவில்லை. அதை யோசனை பண்ணித்தான் சின்னச்சின்ன ஸ்தாபனங்களை ஏற்படுத்த வேண்டியது அவசியம் என்று நாங்கள் நினைத்தோம். அந்த எண்ணத்தின் விளைவே இந்த பில்லின் உருவம் என்று சொல்லிக் கொள்ள விரும்புகிறேன். அதைத் தவிர நான் ஒன்றும் அதிகம் சொல்ல வேண்டுமில்லை. அமைச்சர் அவர்கள் சாங்கோபாங்கமாக எடுத்துச் சொல்லியிருக்கிறார்கள்.

[Sri V. K. Palaniswamy Gounder]

இது வரையிலும், ஜில்லா போர்டுகளினால் கல்வி, சுகாதாரம், போக்குவரத்து ஆகிய மூன்றும் தான் கவனிக்கப்பட்டு வந்தது. இந்த மசோதாவின் பிரியாம்பினை எடுத்துக்கொண்டு பார்த்தாலே, உணவு உற்பத்தியை அதிகப் படுத்த வேண்டும், கிராம மக்களுடைய வசதியைப் பெருக்க வேண்டும் என்பன போன்ற பல புதிய அம்சங்கள் சேர்க்கப்பட்டிருக்கின்றன என்பது தெரியும். இந்த மசோதாவில் முற்போக்கான விஷயங்களே இல்லை என்று கரையாளர் சொன்னதை நான் ஒப்புக்கொள்வதற்கில்லை. அதோடு கலெக்டர் வருகிறார், தாசில்தார் வருகிறார், இன்ஸ்பெக்டர் வருகிறார் என்பெல்லாம் சொன்னார்கள். அவர்கள் எங்கே வருகிறார்கள்? பஞ்சாயத்து போர்டு ஆபீசுக்கு வருகிறார்களா? கவுன்சிலுக்கு வருகிறார்களா? அப்படி ஒன்றும் இல்லை. நிர்வாகத்தார்கள் தப்பாக நடந்துகொண்டால், அதைக் கண்காணிக்க வருகிறார்கள். வேண்டுமென்றே இந்த அதிகாரிகள் தப்பாக நடந்துகொண்டால், இவர்களைக் கண்டிக்க சர்க்கார் இருக்கிறது. ஜனநாயக முறையில் மக்களால் தேர்ந்தெடுக்கப்பட்டவர்கள் இங்கே இருக்கிறார்கள். ஆகவே, நிர்வாகம் ஒழுங்காக நடைபெறுவதற்குச் செய்யப்பட்டிருக்கிற காரியங்கள் தப்பு என்று சொல்வதற்கில்லை. அதனால் ஜனநாயகத்திற்கு காரியமாகப் போவதாகச் சொல்வதும் சரியல்ல. அவர்கள் எதிர் பார்க்கிறபடி போலீஸ், நீதி முதலியவற்றின் நிர்வாகத்தைப் பஞ்சாயத்து களுக்குக் கொடுக்கவில்லை. அவை எல்லாம் இருந்தால், நன்றாகத்தான் இருக்கும். அந்த நிலைக்கு நமது மக்கள் இப்போது தயாராக இருக்கிறார்கள் என்றும் யோசிக்கவேண்டும்.

அதற்கு அடுத்தாற்போல, பஞ்சாயத்து யூனியன்கள் இருக்கின்றன. பஞ்சாயத்து யூனியன்களுக்குப் பல காரியங்கள் கொடுக்கப்பட்டிருக்கின்றன. அவைகளில் பஞ்சாயத்து வேட்டர் ஜாபிதாவிலுள்ள யாரும் பிரதிநிதியாக வரலாமென்று முதலில் பில்லில் சொல்லியிருந்தார்கள். ஆனால் அசெம்ப்லிக்கு வந்தபோது, அது எடுக்கப்பட்டு பஞ்சாயத்து போர்டு அங்கத்தினர்கள் தான் வரலாமென்று சேர்க்கப்பட்டிருக்கிறது. என்னைப் பொறுத்த வரையில் அது சரியில்லையென்று நினைக்கிறேன். அதற்கும் ஒரு திருத்தம் கொடுத்திருக்கிறேன்.

இது வரையில் அந்த ஸ்தாபனங்களுக்குப் போதுமான பணம் கொடுக்கப் படவில்லை. கொடுக்கிற பணத்தை வைத்துக்கொண்டு அவர்கள் காரியங்கள் செய்ய வேண்டியிருந்தது. முனிசிபாலிட்டிகளில் இன்றைக்கு என்ன வசதிகள் மக்களுக்குச் செய்து கொடுக்கப்படுகின்றனவோ, அந்த வசதிகள் எல்லாம் கிராமத்திலுள்ள மக்களுக்கும் செய்து கொடுக்கப்படவேண்டுமென்பது நமது நோக்கம். இன்றைக்குக் கார்ப்பரேஷன் ஒரு ஆளுக்கு 20 ரூபாய் வரையில் செலவு செய்கிறது. கோயம்புத்தூர் முனிசிபாலிட்டியை எடுத்துக்கொண்டால், ஆளுக்கு 16 ரூபாய் செலவு செய்கிறது. இன்னும் சில முனிசிபாலிட்டிகளில் 8 ரூபாய் செலவாகிறது. ஆனால், இது வரையிலும் ஸ்தல ஸ்தாபனங்கள் ஆள் ஒன்றுக்கு 3 ரூபாய் தான் செலவு செய்திருக்கிறது. அப்படிப் பார்க்கிறபோது, இவர்களால் என்ன சௌகரியங்கள் செய்து கொடுக்க முடிந்திருக்கும்? முனிசிபாலிட்டியில் செய்து கொடுக்கிற சௌகரியங்களை இந்த கிராம மக்களுக்கும் செய்து கொடுக்க வேண்டுமென்றால், இவர்களுடைய பண வசதியையும் அதிகரிக்கவேண்டும். முன்பு 'டோல்' கேட்டுகளில் சராசரி மூன்று வருடங்களுக்கு என்ன வந்ததோ அதைக் கொடுத்தார்கள். முன்பைவிட இப்போது லாரி, பஸ் சர்வீஸ் கள் எவ்வளவு அதிகப்பட்டிருக்கின்றன? இப்போது 'டோல்' கேட்டுகள் இருந்தால், எவ்வளவு வருலாகும்? இதையெல்லாம் கணக்கெடுக்கவில்லை. அதனால்தான் ஸ்தல ஸ்தாபனங்களால் சரிமான முறையில் வேலை செய்ய முடியவில்லை. இப்போது இந்த மசோதாவில் செய்திருக்கிற ஏற்பாடு நன்றாக இருக்கிறது. சர்க்கார் எவ்வளவு பணம் கொடுத்துவிடவேண்டும் என்பதற்குக் கணக்கு இருக்கிறது. மேலும் வரி போட்டுக்கொள்வதற்கும் வசதியிருக்கிறது. பேராசையினால் சிலர் அதிகப்படியாக வரி போட்டுக் கொண்டே போகாமல் இருப்பதற்கும், இவ்வளவுக்கு மேல் வரி போடக் கூடாது என்கிற வரையறை இருக்கிறது. அதனால் ஒரு ஆளுக்கு முன்பு 3 ரூபாய் செலவு செய்திருந்தால், இப்போது 6 ரூபாய் செலவு செய்யும் வகையில் கணக்கிட்டிருக்கிறார்கள். முன்பு ஜில்லா போர்டுகள் என்ன

October 1958] [Sri T. Purushotham]

[Sri V. K. Palaniswamy Gounder] [30th October 1958]

என்ன காரியங்கள் செய்யவேண்டும், பஞ்சாயத்துக்கள் என்ன செய்ய வேண்டும் என்பதற்கு வரையறை இல்லை. பஞ்சாயத்து இல்லாத இடங்களில் ஜில்லா போர்டார் எல்லாக் காரியங்களையும் கவனித்துக்கொள்ள வேண்டுமென்று இருந்தது. இப்போது எல்லா ஊர்களிலும் பஞ்சாயத்து போர்டு அமைக்கப்படுகிறது. இப்போது நல்ல முறையில் அமைத்திருக்கிறார்கள். முதலில் '75 ஆயிரம் ஜனங்களுக்குப் பஞ்சாயத்தா? ரொம்பச் சின்னதாக இருக்குமே, நிர்வாகத்திற்கும் பணம் அதிகமாகும்' என்று நினைத்தோம்.

5-10 முன்பு தாலுகா போர்டுகள் இருந்தன. அவைகள் ஏன் எடுக்கப்பட்டன? p.m. அவைகளுக்கு வேண்டிய செலவிற்குப் பணம் இல்லாததால், அவைகள் எடுக்கப்பட்டன. அதுபோன்று பணக் கஷ்டம் இனி வரும் பஞ்சாயத்துக் களுக்கும் ஏற்படுமோ என்று நாங்கள் கவலைப்பட்டோம். நிதிக் கமிட்டி கொடுத்திருக்கும் ரிப்போர்ட்டை சர்க்கார் அப்படியே ஏற்றுக்கொண்டிருப்பதால், அவைகளுக்குப் பணக் கஷ்டம் வராது என்று நினைக்கிறோம்.

ஸ்தல அபிவிருத்தித் திட்டப் பிரதேசங்களில் உத்தியோகஸ்தர்கள் நிறைய இருக்கிறார்கள். அவர்கள் வேலையே செய்வதில்லை என்றும் எப்போதும் ஜீப் கார்களில் எங்கெங்கெல்லாமோ சென்று வருகிறார்கள் என்றும் கேள்விப்படுகிறோம். அந்த உத்தியோகஸ்தர்களை இனி வரும் பஞ்சாயத்துக்களில் நியமிக்கலாம். அவர்களுடைய சேவையைப் பஞ்சாயத்துக் களில் பயன்படுத்திக்கொள்ளலாம். அவ்வாறு செய்தால் மிகவும் நன்றாக இருக்கும். இப்போதிருக்கும் பஞ்சாயத்து போர்டுகளுக்கு வருமானம் குறைவாக இருக்கிறது. அந்தக் குறைந்த வருமானத்தையும் செலவு செய்ய முடியாமல் அவை இருக்கின்றன. காரணம், வேலைகளுக்கான எஸ்டிமேட்டுகள் எஞ்சினியர்களிடமிருந்து பஞ்சாயத்து போர்டுகளுக்குக் கிடைக்காது. ஸ்தல அபிவிருத்தித் திட்டப் பிரதேசங்களிலுள்ள உத்தியோகஸ்தர்களை இனிமேல் ஏற்படுத்தப்படும் பஞ்சாயத்துக்களில் நியமித்து அவர்களுடைய சேவை பஞ்சாயத்துக்களுக்குக் கிடைக்கும்படி செய்யலாம்.

நான் அதிகம் பேச விரும்பவில்லை. கணம் அமைச்சர் எல்லாவற்றையும் சொன்னார். நான் மசோதாவிற்கு இரண்டொரு திருத்தங்கள் கொடுத்திருக்கிறேன். வேறு ஏதாவது சொல்லவேண்டுமானால், திருத்தங்களைப் பற்றிப் பேசும்போது, அதைச் சொல்லிக்கொள்கிறேன். கணம் நண்பர் ஸ்ரீ கரையாளர் சொன்னதுபோல், கீழ்த்தரமான மசோதா அல்ல இது. இந்த மசோதா அவர் சொல்வதைப்போல இருந்தால், அவர் கூறியதை நான் ஆமோதிப்பேன்.

இப்போதிருக்கும் வடிவத்தில் இந்த மசோதாவை சர்க்கார் ஒத்துக் கொள்ளுமோ, ஒத்துக்கொள்ளாதோ என்று நாங்கள் சந்தேகப்பட்டோம். அதாவது, இவ்வளவு பணம் பஞ்சாயத்துக்களுக்கு வேண்டுமென்று நிதிக் கமிட்டி கூறியபோது, அதை சர்க்கார் ஒத்துக்கொள்ளுமோ, ஒத்துக்கொள்ளாதோ என்று நாங்கள் சந்தேகப்பட்டோம். கமிட்டியில் இருந்த 'பைனான்ஸ் லெக்டர்யும்' கூட இவ்வளவு பணம் பஞ்சாயத்துக்களுக்கு ஒதுக்க முடியுமா என்று யோசித்தார். ஆனால் அதற்கு அரசாங்கத்தார் ஒத்துக்கொண்டுவிட்டார்கள். இந்த மசோதா நல்ல, முற்போக்கான மசோதா. நகரங்களைப் போன்று கிராமங்களும் செழிப்புறுவதற்கும், அவைகள் தங்களுடைய தேவைகளை ஓரளவாவது பூர்த்தி செய்துகொள்வதற்கும், இயற்றப்படும் சட்டம் துணை புரியும் என்று சொல்லிக்கொள்வதுடன், இப்போது பேசுவதற்கு எனக்கு சந்தர்ப்பமளித்த தங்களுக்கு என் நன்றியைத் தெரிவித்துக்கொண்டு என் வார்த்தையை முடித்துக்கொள்கிறேன்.

* SRI T. PURUSHOTHAM: Mr. Chairman, Sir, I am afraid that my hon. Friend Sri Karayalar had not been quite charitable when he dismissed this Bill as not even worth the paper on which it was printed. That, I believe, is a sort of political attack on an important legislation of this kind brought before this House.

This is not even an Amending Bill. This is a comprehensive Bill for the reform of the panchayat administration and the Government have undertaken this important piece of legislation in accordance with the directive principle of State policy laid down in the Constitution, namely, that the State should take steps to organise village panchayats so as to enable them to function as units of self-government. How far the present Bill would fulfil this object, I agree, could be judged only in actual practice and working. But, as has been so clearly explained by the hon. Member Sri V. K. Palaniswamy Gounder, the Joint Committee of the Legislature on Local Administration have gone through all the aspects of the question and they deserve to be congratulated on shaping a Bill of this kind out of their rich experience in the field of local administration. I feel we ought to be grateful to the Government for accepting most of the recommendations of the Committee on Local Administration and bringing forward several amendments to the proposals originally contemplated in the White Paper. Particularly, it is a happy feature of the Bill that the finances of the panchayats would be set on a firmer and sounder footing. With the improvement of the finances contemplated in the present Bill, I would have, of course, liked that the village panchayats as at present constituted should be given a chance to function on the lines of the Chandramouli Act of 1950. As I had occasion to remark once before, we have had too many experiments on local administration in our State—the decentralisation scheme of Sri B. Muniswami Naidu at taluk level and then the District Board Centralisation Act of the Raja of Bobbili and the Panchayat Raj of Sri Chandramouli and now, of course, the decentralisation at block development level about which the Hon. the Minister for Finance has given us such a lucid picture. Decentralisation is certainly good. Whatever be the record of the district boards, as just now explained by the hon. Member Sri Palaniswamy Gounder, systematically the powers of the district boards were taken away by successive Acts passed by the Government. District boards had once the function of control and regulation of motor transport. This has been taken away. The constitution of the Highways Department deprived them of the large powers they had in the matter of communications. Then came the Public Health Act. Now, if we take away secondary education and the local fund medical institutions, the district boards automatically dissolve into the thin air. That is why we find that a proposal has now been put forward in the Bill for the abolition of the district boards. The Bobbili Act of centralisation of local fund elementary schools in the district boards, it should be admitted in the light of our experience, has not been helpful in the cause of progress of education. The district boards were found to be unwieldy to manage the growing number of elementary schools in distant villages. Realising the need for smaller bodies to administer elementary education, the present Bill proposes to constitute smaller bodies at block level to administer and manage elementary schools. This is in accordance with the recommendation of the

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Joint Committee on Education to make the development block the unit of administration of elementary schools. On that score, I think the Bill is certainly welcome.

What, of course, I all the same feel about this Bill is, now that we have strengthened the financial position of the panchayat, why the autonomous panchayat scheme of 1950 may not be left inviolate. The panchayats, it is gratifying to note, will have improved finances under the proposed taxation scheme and grants on population basis. Also, as has been admitted by the Hon. the Finance Minister himself in introducing the Bill, there is great awakening among the village public. Even if we take stock of the recent elections to the panchayats, we will find that young men have come to take up places in these panchayats and I would, therefore, advocate that the Panchayat Raj envisaged by Sri Chandramouli be given a further trial. Their powers need not be transferred to another body like the panchayat union council. By all means decentralise and transfer all the powers of the district board to the block development units. But let us leave, in that arrangement, panchayats as they are. Even if this two-tier scheme for the panchayat administration is necessary, let us have concurrent powers for the panchayats and the panchayat union councils. Of course, I find there is provision in the Bill for transfer of powers by the panchayat union councils to the panchayats. Specific provision is made for transfer of institutions, execution and maintenance of works, etc., by the union council to the panchayats. When this principle of vesting panchayats with more powers is conceded in the Bill itself, why not retain specific statutory provision as now, vesting the functions as at present in the panchayat itself instead of transfer of power by the union council to the panchayats, especially when we are placing the financial position of the panchayats on a sounder basis? I feel that that would be more in keeping with the principle laid down in the directive principle of the Constitution that these institutions at the village level should function as units of self-government, and that the panchayats should have powers which would make them really function as units of self-government. After all, the functions of the proposed panchayat union councils are more or less akin to the functions of the old taluk boards with the only difference that the old taluk boards were bodies elected on popular basis whereas the panchayat union council that is now proposed will be constituted by indirect election. A more democratic approach would be to have direct election to the panchayat union councils. Even with reference to the Legislative Council, hon. Members would remember that it was remarked by the Hon. the Leader of the House Sri Venkataraman before he left for America that because of the indirect election of Members to this House, this might not be said to be as fully a representative House as the other.

SRI V. V. RAMASWAMI: He withdrew that remark.

* SRI T. PURUSHOTHAM: In a way, that is the stigma attached to bodies constituted by indirect elections.

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DR. A. CHIDAMBARANATHAN: The hon. Member should remember the ruling of the Chairman on this point.

* SRI T. PURUSHOTHAM: There is no need for reference to any ruling on this. I am only mentioning that there was a reference about it. What I wanted to make out is this. Instead of indirect elections, I should emphasise that direct elections be held to the panchayat union councils.

SRI V. V. RAMASWAMI: How many elections?

* SRI T. PURUSHOTHAM: It would not, after all, be difficult to arrange simultaneous elections by popular vote to the panchayat union councils along with elections to the panchayats. I do not see any complication in such an arrangement. Such an elected body, I feel, would be more fitted to work the provisions of the present Bill. We find a definite provision in the Bill that Government shall, after the constitution of the panchayat union councils, entrust to them the execution in the development block, of the National Extension Service Scheme of Community Development. I feel that mere execution of the National Extension Service Scheme would not fulfil the underlying idea of integration of block development work with the panchayat administration. I would, therefore, advocate that the administration of National Extension Service Schemes of Community Development should be entrusted to the panchayat union councils. It is widely stated and reference has been made by the Hon. the Minister for Finance about it that the administration of some of these block development areas has not been very satisfactory. We need not brush aside the facts about it. I strongly feel that the association of a statutory body like the panchayat union council would go a long way in ensuring greater efficiency and providing needed check in this all important work of national reconstruction at the village level. The Block Development Officer who would be the Commissioner as provided in this Bill with his team of Extension Officers would be able to carry out the schemes. Entrustment of mere execution of the schemes to the panchayat union councils, I feel, would not quite suffice. A more comprehensive policy would be to make the councils more responsible for block development work with the Block Development Officer as the Commissioner. That would ensure a better integration of block development work with the panchayat administration. It is learnt that a conference of the Local Administration Ministers has been convened at Delhi to discuss these issues and as our Local Administration Minister is also attending the conference, the decisions of that conference may also be taken into account, and the Government should see whether we cannot improve the provisions in this Bill in the light of what I have said and in the light of the decisions of the All-India Conference of Local Administration Ministers so as to integrate the panchayat administration with the community project scheme.

I have given notice of a few amendments to the Bill and I am glad to be assured by the Hon. Minister that he would have all suggestions examined. We find that throughout the Bill, there

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is a delegation of power in favour of the Inspector. I believe that the word 'Inspector' refers to the Inspector of Local Boards and Municipal Councils. The term 'Inspector' is actually defined in the Bill as 'any officer who is appointed by the Government to exercise or perform any of the powers or duties of the Inspector under this Act'. I think we should definitely state that the term 'Inspector' would mean the Inspector of Local Boards and Municipal Councils in view of the various functions entrusted to him under this Bill. When we are devolving powers under the Statute, I am particularly anxious that the word 'Inspector' should be properly and unambiguously defined in the Statute itself. I am particularly referring to this aspect of the matter because it was originally contemplated that the panchayats would be placed under the control and supervision of the Revenue Department. It should be made clear that all that idea has been given up and that the entire administration of panchayats and panchayat unions would be under the administrative control and supervision of the Inspector of Local Boards and Municipal Councils. There should be no dual responsibility or divided control. I would, therefore, urge for the consideration of the Government that the term 'Inspector' occurring in several clauses of the Bill should be defined as the 'Inspector of Local Boards and Municipal Councils', leaving no ambiguity about it.

The Hon. Minister has told us that along with the maintenance and expansion of elementary education, payment of grants to private managements of elementary schools would be entrusted to the panchayat union councils. I was under the impression that the provision regarding payment of grants to private managements, was meant to authorise payment of grants from panchayat funds to deserving aided institutions and that it would not apply to the Government grants to such elementary schools. But the Hon. Minister has told us that the Government propose to entrust the disbursement of grant to private managements in respect of elementary schools to the panchayat union councils. I am afraid this is not a very desirable provision in view of our experience with regard to District Educational Councils. Hon. Members would remember that we had District Educational Councils for such purposes and those Councils had to be abolished for various reasons. I think the educational authorities may continue to have this power and there is no need to vest this function in the panchayat union council. There is likely to be clash of interest also as the panchayat union council is entrusted with the improvement of elementary schools and they have their own schools to manage. I would, therefore, plead that this may as well be avoided.

The Hon. Minister has told us about the arrangements for elementary education. He has not told us anything about what is to be done with regard to secondary schools. We saw a Press Note that the secondary schools would all be taken over by the Government. We should like to have details of the scheme that the Government have in view for the administration of Board High

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Schools. In this connection, I would like to mention that there was some discussion about this at the meetings of the Legislature Committee on Education and we went to the length of suggesting that, when any private managements came forward to take over any of these Board High Schools, they might be transferred to them and that private managements might thus be encouraged to take up secondary education. I should like to have a clarification on this issue as to what is going to be done with regard to the administration of District Board Secondary Schools.

One word about the election of members to the panchayats. Clauses 14 and 16 of the Bill provide that the members of the panchayat shall be elected in such manner as may be prescribed and that for the purpose of electing members, the Inspector shall divide the village or town into wards and determine the number of members to be returned by each ward in accordance with such scale as may be prescribed. In the recent elections to the panchayats, it was noticed that in plural-member wards, voters were allowed to cast all their votes in favour of a single candidate. I believe this is not in accordance with the canons of fair election. Each voter should cast one vote only in favour of one candidate. To put all his votes, two or three or four votes in one box, is irregular. This was not checked in the recent elections. This sort of abuse of voting system should be effectively put down and each voter should cast only one of his votes in favour of the candidate or candidates of his choice and only one such vote should be counted and all other votes in excess of one vote in favour of a candidate should be rejected. I hope, Sir, this matter would receive the due attention of the Government.

I should like to bring to the notice of the Government that the election agency for the presidential election in the matter of the panchayats should be changed. Proper agency should be devised. I have come across cases in which the election authority definitely had recourse to dubious methods. I take the fullest responsibility for saying this because I have come across definite cases in which the Returning Officers wilfully behaved not properly. In the case of election of the panchayat president, the Revenue Inspectors are appointed as Returning Officers. In one case, a Revenue Inspector, who was asked to preside, wilfully issued one of the voting papers without his signature and later rejected that voting paper as invalid, resulting in equality of votes between two candidates for the presidency. Not stopping there, he immediately conducted another election and declared one of the candidates elected. The person so elected took charge of the office of the president and then it was found that this election was not notified according to the rules. That is, the Revenue Inspector himself did not notify it, with the result that a third election was ordered and that another president was elected. So, in that panchayat, there are two presidents now functioning. One is in charge of the panchayat office and the other is receiving pappals at the local post-office. Presumably, he is a friend of the local postmaster. This occurred

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5-40 p.m. in North Arcot district and I have brought it to the notice of the Hon. Minister also. I am mentioning this in all seriousness, not because I want to take advantage of this opportunity to make much of the point, but because I want the Government to take note of such things and have the election rules properly revised and make them absolutely foolproof in the light of experience, (Interruption) yes, I stand corrected that they should be knave proof as hinted by the Finance Minister in the light of the experience in the recent elections.

As regards the establishments of panchayats, Sir, I feel that there should be a clerk for each panchayat separately. During my recent visits to villages in Chingleput and North Arcot districts I found that there was one clerk for a group of four or five villages and that he had to manage those villages which were four or five miles apart from each other. The clerk had to attend to one panchayat each day in the week by rotation and on the remaining day, he had to go to the Treasury for remittance. It happens very frequently, as hon. Members would know, that when he goes to a particular panchayat, the panchayat president has gone out on his own. That way the panchayat work suffers. Therefore it is I say, Sir, that there should be some provision for clerical assistance to these panchayats. It is provided in the present Bill that the land revenue staff might be asked to collect any tax or fee due to the panchayat on payment of remuneration not exceeding $6\frac{1}{4}$ per cent of the gross sum collected by them. Instead of drafting the land revenue staff for this collection work, the better arrangement would be to utilise this remuneration amount as provided in the Bill for employing full-time clerks and utilising their services for collection work as well. Speaking of the panchayat establishment, I would also suggest the desirability of the constitution of a separate Service Commission for the Local Administration Services on the lines of the Public Service Commission, to regulate the recruitment and other matters connected with Local Administration Services. Hon. Members would remember that when I proposed such an arrangement in this House some time back, I was assured that the matter would be considered at a suitable opportunity. Now that we are reorganizing our panchayats and other local institutions, the suggestion regarding the constitution of a Service Commission, even on a regional basis, for these Local Administration Services may be provided for at least when framing the rules to regulate the conditions of service, etc. There is provision under clause 58 for framing rules to regulate the conditions of service and I would propose that the Government should consider this aspect of regulating the recruitment and other matters connected with the Local Administration Services by constituting a Service Commission of the kind that I have suggested.

We find, Sir, that when the present panchayat courts cease to function, under the provisions of this Bill, all the suits pending would be transferred to the village munsif's courts. I think that instead of transferring this work to the village munsif's courts, the

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better arrangement would be to see that panchayat courts are immediately constituted for the areas concerned, even if it be by nomination for the time being, pending elections to the panchayat courts. I say this because after the recent general elections, if we have recourse to elections to panchayat courts, local rivalries would show their ugly heads. It is therefore that I said 'by nomination'. If that cannot be done, the panchayats may continue to function as panchayat courts till the constitution of panchayat courts under section 9 (1) of the Madras Village Courts Act, instead of transferring that work to the courts of village munsifs as proposed in the present Bill.

Sir, as regards libraries, it has been proposed in the Bill that all libraries together with their books, furniture, etc., maintained by the panchayat or district board shall stand transferred to be maintained by such authority as the Government may, by special or general order, prescribe. Sir, we have the Local Library Authorities constituted under the Libraries Act and functioning in all the districts. The libraries hitherto maintained by district boards should be transferred to the Local Library Authority. This should be definitely provided in the Act itself and I am sure the Hon. Minister would concede this point. I am obliged to say this because in clause 13 reference is made to transfer of panchayat libraries, I mean in the transitory provisions under Schedule IV. But later in clause 15, it is said that the panchayat and district board libraries will be transferred to such authorities as the Government may prescribe. I would suggest that this may be made definite and that it may be provided that the Local Library Authorities may take those over. I think even now there is a Government Order in which they have said that the management of the existing panchayat libraries should be transferred to the Local Library Authorities. So, there is no harm in having a provision of the kind in the Bill itself, without leaving it so vague and providing in one clause that the libraries should stand transferred to the panchayat union and then again in another clause saying that they should be transferred to such authorities as Government may prescribe.

Lastly, Sir, as regards power of control, in Chapter V of the Bill, the Hon. Minister told us that this point was fully examined and that they retained only the power of dissolution and not supersession. I feel, Sir, the removal of a non-official president or vice-president by the Inspector and similarly the chairman and vice-chairman savours of not being in very good taste. We have provisions for no-confidence motion and dissolution of panchayats and panchayat union councils, and I believe that these are effective checks against misuse of power. The provision about removal of non-official elected chairman and vice-chairman and non-official elected president and vice-president would appear to me to be unnecessary. This aspect of the matter should be considered by the Government in these days of progressive ideas of democratic

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administration. Such extraordinary powers in matters of local administration should be revised with the changing times. I would not mind if this power were at least in the hands of the Government and not in the hands of an official to remove a non-official elected president or vice-president.

The provision about the power of Government to make rules requires a word or two. All the powers conferred on the panchayat administration under the Bill are subject to such rules and regulations as may be prescribed by Government. However good a legislation may be, the rules and regulations and the restrictions and controls would nullify some of the very good intentions. The Government should liberalise the rules if the village panchayats are to function as real units of self-government. I think rules are already there in connection with the old Act in respect of all the matters referred to in clause 178. These rules, I submit for the earnest consideration of the Hon. Minister, should not be re-issued, as a matter of course, as rules under the new Act. That is what the Secretariat would be inclined to do. The rules, I emphasize, should be subjected to strict scrutiny and should not be re-issued in the usual course. They should be revised to suit the present trends. The old rules bristle with much of official routine and departmental control. I do not deny the need for official control because when the State makes liberal grants, it has a right to see that the standard of public services is maintained and that there is no waste or misuse of public funds. What I wish to state is that the bottlenecks in the present rules should be removed and that local institutions should be allowed to function with a certain amount of freedom. It is in that spirit that I should like the rules to be made much more liberal. I feel that this timely hint is necessary because I find that the power to make rules under this Act will not on the first occasion be subject to the condition of previous publication. This is, I submit, a very dangerous provision. The Government would issue these rules without prior publication and there would be no opportunity to revise them. Once the rules are issued, it is not easy to amend them. I would, therefore, request the Hon. Minister to see that the rules are scrutinised so as not to throttle these panchayats. (Interruption from Sri A. Gajapathy Nayagar.) As I said, the inclination would be to publish the old rules again.

THE HON. SRI C. SUBRAMANIAM: That will not be the case. We have given the assurance that the Legislature Committee will scrutinise the rules before we issue them. Therefore, there is no question of issuing the same rules.

* SRI T. PURUSHOTHAM: I am exceedingly happy to have this very kind assurance. I was only going to remark that I was sure the Hon. Minister would do this, our resourceful Finance Minister who is in charge of this Bill, to whom Sri S. K. Patil yesterday paid fitting compliments when he called him a resourceful Finance Minister and I have repeated the same just now. We

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may be quite confident when he has given this assurance, the Finance Minister will see to it that the rules are so framed that local initiative and enthusiasm on the part of panchayats are not stifled so that we may be sure of the success of this panchayat reform.

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

The House then adjourned.

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

* 176. Notification issued with G.O. No. 3203, Revenue, dated 28th August 1958, regarding amendments to the Madras General Sales Tax Rules, 1939.

* 177. Notification issued with G.O. Ms. No. 3602, Revenue, dated 25th September 1958, regarding amendments to the Madras General Sales Tax Rules, 1939, with reference to the re-organization of the administrative set-up of the department.

* 178. A short review of the activities of the Probation Department for the half-year ending 30th June 1958.

* 179. A short report on the working of Co-operative Societies in the State of Madras for the half-year ended 31st December 1957.

* 180. A short report on the activities and achievements of Jail Department in the Madras State during the half-year ending 30th June 1958.

† 181. Notification issued with G.O. Ms. No. 67, Home, dated 8th January 1957, regarding the statement showing the activities of the Accommodation Control Department for the half-year ending 30th June 1958.

† 182. Salient features of the administration of Civil Justice for the half-year ended 30th June 1958.

* Sent by post to all M.L.Cs. on 24th October 1958.

† Laid on the table of the House on 29th October 1958.

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APPENDIX I.

[Vide answer to starred question No. 117 put by Sri T. Purushotham at the meeting of the Legislative Council held on 30th October 1958, page 12 supra.]

I

Duties assigned to the Deans in the Government Hospitals at Madras.

1. He will be the Administrative Head of the Government Hospital.

2. He will exercise general supervision over the Upgraded Institutes attached to the respective hospital and all correspondence relating to the Administration of the abovesaid Institutes will pass through the Dean.

3. He will have no professional work in the Hospital nor will he be allowed to have private practice. He will not also have any teaching work in the Medical Colleges attached to the hospitals.

4. He will exercise all powers vested in the Superintendents of Hospitals.

5. The Dean, Government General Hospital, Madras, will be the Deputy Chairman, Examination Board of Nurses, and will assist the Chairman (Director of Medical Services) in the business part of the Examination in General Sick Nursing held half-yearly. He will be the President of Regional Committees for the selection of nurse pupils and of the Committee for the selection of House Surgeons and House Physicians.

6. He will be assisted by the following officers with regard to the Administration of the hospital:—

(i) Resident Medical Officer : Executive and Technical side of the Administration.

(ii) Lay Secretary and Treasurer : Non-Technical side of the hospital.

(iii) Matron Superintendent : Nursing Section including the Lady Hope School of Nursing.

II

Duties assigned to the Resident Medical Officers in the Government Hospitals at District Headquarters.

1. The Resident Medical Officer assists the Superintendent in all his administrative duties.

2. He will not engage in private practice.

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3. The out-patient department, the dispensary and the medical stores will be under his immediate charge except where separate arrangements exist for charge of these departments.

4. All menservants, nursing orderlies, lascars, etc., will be under his control. His orders regarding appointment, promotion, dismissal, etc., of hospital servants will be subject to the approval of the Superintendent.

5. The sanitation and conservancy of the hospital will be under his supervision and control.

6. He will daily inspect the kitchens and the rations and see that they are of the proper quality.

7. He will go round the hospital during the night at any hour between 9 p.m. and midnight and at any other time which he considers necessary. He will report to the Superintendent any irregularities noticed during the course of his rounds.

8. He will pay surprise visits to the milk shed in the hospital and provision stores and take samples to be sent for analysis at frequent intervals—at least once a month.

9. He will, as a routine, examine the food cooked for the patients before distribution.

10. He will, as often as possible and at least once a month, send samples of prepared stock mixtures as well as mixtures issued to patients, to the Government Analyst for analysis and will see that a proper record is kept of such analysis made from time to time.

11. He will scrutinize and initial the morning report before its submission to the Superintendent and will take such action as may be necessary and are within his power.

12. He is responsible for the adequacy of the fire protection arrangements in the hospital and will hold fire alarm practice once in six months.

13. He will be provided with duplicate keys for all rooms which are shut at night.

14. He will accompany the Superintendent on his weekly inspection of the hospital and the nurses' quarters.

15. He will be responsible for the medical care of the nursing staff. In case of illness, on request from the Matron, he will arrange for the proper treatment of the nurses concerned.

16. He will periodically inspect the food served for the nursing staff.

17. He will be apprised by the members of the staff of any unusual occurrence taking place in the hospital either by day or by night which comes to their knowledge in the course of their official duties.

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18. The allotment of rooms in the special wards for paying patients (men and women) will rest with him. He will see that for this purpose a register of those awaiting admission is maintained.

19. He will see that all births and deaths occurring in the hospital are promptly reported to the municipal authorities.

20. He will be the Secretary of the Hospital Advisory Committee.

21. When the Resident Medical Officer has to be away from the hospital premises, the Duty Medical Officer will look after his duties.

22. The following additional duties will be performed by the Resident Medical Officer in a District Headquarters Hospital.

23. He will examine and sign the case and diet sheets of the patients discharged the previous day.

24. He will be responsible for the proper maintenance of all medical records relating to in-patients.

25. He will supervise the maintenance of all statistical records.

26. He will be in charge of the District Medical Lending Library.

APPENDIX II.

[Vide item II] (2) on page 18 supra.]

L.A. BILL No. 33 OF 1958.

(As passed by the Assembly.)

A Bill to make better provision for the organization of village and town panchayats and for the constitution of panchayat union councils.

WHEREAS it is necessary in the national interest that the production of food should be increased progressively from year to year so as to keep pace with the growth of population and that the growth of population should be brought under control;

WHEREAS the measures designed to secure these two national purposes depend for their successful implementation on their being undertaken as part of a comprehensive programme of measures designed to promote rural employment, to improve rural living conditions, to provide cultural and recreational facilities in rural areas, and thus to raise the standard of living of the rural people;

WHEREAS such a comprehensive programme of measures has been framed and is embodied in the National Extension Service Scheme of Community Development, and in pursuance of such scheme, various services are being organised, works constructed and other facilities provided in rural areas;

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WHEREAS a stage has been reached when statutory provision has to be made for the setting up of local administrative organizations in rural areas so as to be capable of undertaking and discharging the responsibility for efficient maintenance and further progressive development of the services, works and other facilities aforesaid;

AND WHEREAS it is a Directive Principle of State Policy embodied in the Constitution that the State should take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government;

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

CHAPTER I.—PRELIMINARY.

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

(2) It extends to the whole of the State of Madras except (i) the City of Madras, (ii) the municipalities governed by the Madras District Municipalities Act, 1920 (Madras Act V of 1920), (iii) the cantonments governed by the Cantonments Act, 1924 (Central Act II of 1924), and (iv) the townships governed by the Mettur Township Act, 1940 (Madras Act XI of 1940), the Courtallam Township Act, 1954 (Madras Act XVI of 1954) and the Bhavanisagar Township Act, 1954 (Madras Act XXV of 1954).

(3) (a) This section and section 196 shall come into force at once.

(b) The remaining provisions of this Act shall come into force in such local areas on such dates, not being later than the 2nd day of October 1961, as the Government may by notification appoint, and different dates may be appointed for different areas.

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

(1) 'building' includes a house, out-house, tent, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(2) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time and 'casual election' means an election held to fill a casual vacancy;

(3) 'Collector' means the Collector of the revenue district;

(4) 'commissioner' means the commissioner of the panchayat union;

(5) 'company' means a company as defined in the Companies Act, 1956 (Central Act I of 1956) and includes a foreign company within the meaning of section 591 of that Act;

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(6) 'district' means the revenue district referred to in sub-section (1) of section 3 of the Madras District Development Councils Act, 1958, or the local area constituted into a district under sub-section (2) of that section as altered by the notifications, if any, issued under sub-section (3) of the same section;

(7) 'District Development Council' means the District Development Council established under the Madras District Development Councils Act, 1958;

(8) 'election authority' means such authority, not being the president or vice-president or a member of the panchayat or the chairman, or vice-chairman or a member of the panchayat union council as may be prescribed;

(9) 'executive authority' means, in the case of a town panchayat, the executive officer and in the case of a village panchayat, the president;

(10) 'executive officer' means the executive officer of a town panchayat;

(11) 'Government' means the State Government;

(12) 'house' means a building or hut fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand;

(13) 'hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the panchayat may declare to be a hut for the purposes of this Act;

(14) 'Inspector' means any officer who is appointed by the Government to exercise or perform any of the powers or duties of the Inspector under this Act;

(15) 'latrine' includes privy, water-closet and urinal;

(16) 'member' means a member of a panchayat or of a panchayat union council as the case may be;

(17) 'ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held to fill an ordinary vacancy;

(18) 'owner' includes—

(a) the person for the time being receiving or entitled to receive whether on his own account or on behalf of another person as agent, trustee, guardian, manager or receiver or for any religious or charitable purpose the rents or profits of the property in connexion with which the word is used; and

(b) the person for the time being in charge of the animal or vehicle in connexion with which the word is used;

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(19) 'panchayat' means the body constituted for the local administration of a village or town under this Act;

(20) 'panchayat development block' means the area declared by the Government from time to time to be a panchayat development block for the purposes of this Act;

(21) 'panchayat town' means any local area over which a panchayat which is classified as a town panchayat under this Act has jurisdiction;

(22) 'panchayat union' means any local area which is declared to be panchayat union under this Act;

(23) 'panchayat union council' means the body constituted for the administration of a panchayat union under this Act;

(24) 'panchayat village' means any local area over which a village panchayat has jurisdiction;

(25) 'president' means the president of a panchayat;

(26) 'private road' means any street, road, square, court, alley, passage, cart-track, foot-path or riding-path which is not a 'public road', but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

(27) 'public road' means any street, road, square, court, alley, passage, cart-track, foot-path or riding-path, over which the public have a right of way, whether a thoroughfare or not, and includes—

(a) the roadway over any public bridge or causeway,

(b) the footway attached to any such road, public bridge or causeway; and

(c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, veranda, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the State or Central Government;

(28) a person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(29) 'revenue district' means any local area which for the purposes of revenue administration is under the charge of a District Collector, after excluding therefrom all areas included in—

(a) the City of Madras including Fort St. George with the glacis;

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(b) municipalities constituted under the Madras District Municipalities Act, 1920 (Madras Act V of 1920); and

(c) cantonments constituted under the Cantonments Act, 1924 (Central Act II of 1924);

(30) 'Scheduled Castes' shall have the same meaning as in the Constitution of India;

(31) 'town' means any local area which is declared to be a panchayat town under section 3, sub-section (1);

(32) 'town panchayat' means a panchayat classified as a town panchayat under this Act;

(33) 'unreserved forest' means a forest not notified under section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882) and includes unreserved land at the disposal of the Government;

(34) 'village' means any local area which is declared to be a panchayat village under section 3, sub-section (1) and 'revenue village' means any local area which is recognized as a village in the revenue accounts of Government after excluding therefrom the areas, if any, included in—

(a) the City of Madras including Fort St. George with the glacis;

(b) municipalities constituted under the Madras District Municipalities Act, 1920 (Madras Act V of 1920);

(c) cantonments constituted under the Cantonments Act, 1924 (Central Act II of 1924); and

(d) the townships constituted under the Mettur Township Act, 1940 (Madras Act XI of 1940), the Courtallam Township Act, 1954 (Madras Act XVI of 1954) and the Bhavanisagar Township Act, 1954 (Madras Act XXV of 1954);

(35) 'water-course' includes any river, stream or channel, whether natural or artificial;

(36) 'year' means the financial year.

CHAPTER II.—CONSTITUTION AND GOVERNMENT OF PANCHAYATS AND PANCHAYAT UNION COUNCILS.

FORMATION OF PANCHAYAT VILLAGES, PANCHAYAT TOWNS AND PANCHAYAT UNIONS.

3. Formation of panchayat villages and panchayat towns.—

(1) The Inspector shall by notification—

(a) classify and declare every local area comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages and having a population estimated at not less than five thousand and an annual income estimated at not less than ten thousand rupees as a panchayat town for the purposes of this Act;

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(b) classify and declare every other local area comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages with a population estimated at not less than five hundred as a panchayat village for the purposes of this Act; and

(c) specify the name of such panchayat town or panchayat village.

(2) (a) The Inspector may, by notification, exclude from a village or town any area comprised therein, provided that the population of the village or town, after such exclusion, is not less than five hundred.

(b) In regard to any area excluded under clause (a), the Inspector shall by notification under sub-section (1) declare it to be a village or town if it has a population of not less than five hundred or if its population is less than five hundred include it in any contiguous village or town under clause (c) (i).

(c) The Inspector may, by notification,—

(i) include in a village or town any local area contiguous thereto; or

(ii) cancel or modify a notification issued under sub-section (1); or

(iii) alter the name of any village or town specified under sub-section (1).

(d) Before issuing a notification under clause (a) or under clause (b) read with sub-section (1) or under clause (c), the Inspector shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such panchayat or panchayats.

(3) Any rate-payer or inhabitant of such area or any panchayat concerned may, if he or it objects to any notification under sub-section (1) or sub-section (2), appeal to the Government within such period as may be prescribed.

(4) The Inspector may pass such orders as he may deem fit—

(a) as to the disposal of the property vested in a panchayat which has ceased to exist, and the discharge of its liabilities,

(b) as to the disposal of any part of the property vested in a panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Inspector may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the panchayat or where a panchayat has ceased to exercise jurisdiction over any

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local area, such tax, fee or other sum due to the panchayat as relates to that area shall be payable to such authorities as may be specified in the order;

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the panchayat ceased to exist or, as the case may be, on the date on which the panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

4. *Townships.*—(1) The Government may, if a specific motion is passed to that effect by both Houses of the Legislature, declare any village or town or any specified part thereof to be a township if it is an industrial, labour or institutional colony or a health resort.

(2) In regard to any area declared to be a township, the Government shall, by notification, constitute a township committee.

(3) A notification issued by the Government may direct that any functions vested in a panchayat by or under this Act shall be transferred to and performed by the township committee and shall provide for—

(i) the total number of members of the township committee;

(ii) the persons who shall be members of the township committee or the manner in which they shall be chosen;

(iii) the person who shall be the chairman of the township committee or the manner in which he shall be elected or appointed;

(iv) the term of office of members and the Chairman;

(v) the restrictions and conditions subject to which the township committee may perform its functions; and

(vi) the procedure of the township committee.

(4) The Government may, by notification, direct that any of the provisions of this Act or of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State of Madras, but not in the village or town or specified part thereof referred to in sub-section (1), shall apply to that village, town or part to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

5. *Constitution of certain town panchayat areas as municipalities.*—(1) The Government may, by notification, direct that any panchayat town with a population estimated at not less than twenty thousand and with an estimated annual income of not less than one lakh of rupees be constituted as or included in a municipality for the purposes of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), with effect on and from such date as may be specified in the notification:

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Provided that before issuing a notification under this sub-section the panchayat concerned shall be given a reasonable opportunity for showing cause against such proposal.

(2) The Government may, on an application from the panchayat concerned, by notification direct that any local area in which a town panchayat exercises jurisdiction with a population of less than twenty thousand, but has an annual income exceeding one lakh of rupees be constituted as or included in a municipality for the purposes of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), with effect on and from such date as may be specified in the notification:

Provided that the Government shall not so direct if the panchayat union council exercising jurisdiction over the area concerned objects to the issue of such direction and the Government are of opinion that the objection is well founded.

(3) If any local area in which this Act is in force is constituted as or included in a municipality as aforesaid—

(a) the Government may pass such orders as they may deem fit for the transfer to the council of such municipality or for the disposal otherwise of the assets of or institutions belonging to the panchayat in the local area and for the discharge of the liabilities, if any, of such panchayat relating to such assets or institutions; and

(b) the members of the panchayat holding office on the date of the constitution or inclusion aforesaid shall be deemed to be the elected members of the council of the municipality aforesaid under the Madras District Municipalities Act, 1920 (Madras Act V of 1920), and such members shall continue to hold office up to such date as the Government may, by notification, fix in this behalf, or in case no such date is fixed, up to the date on which their term of office would expire under the said Act, if they had been elected members of the council of the municipality aforesaid.

6. *Extension of provisions of Madras District Municipalities Act, 1920, or of rules thereunder.*—(1) The Inspector may, whether at the request of the panchayat or otherwise, by notification, declare that any of the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made thereunder, shall be extended to, and be in force in, the village or town, or any specified area therein.

(2) The provisions so notified shall be construed with such alterations (not affecting the substance) as may be necessary or proper for the purpose of adapting them to the village or town or specified area therein.

(3) Without prejudice to the generality of the foregoing provision, all references, in the provisions so notified, to a municipal council or the chairman or the executive authority thereof shall be construed as references to the panchayat or the president or the executive authority thereof, all references to any officer or

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servant of a municipal council as references to the corresponding officer or servant of the panchayat, and all references to the municipal limits as references to the limits of the village or town or specified area therein, as the case may be.

7. Formation of panchayat unions.—(1) The Government may, from time to time, publish a notification of their intention—

(a) to declare any local area forming a development block for the purposes of the National Extension Service Scheme of Community Development to be a panchayat development block; and

(b) to constitute for every such panchayat development block a panchayat union.

(2) Any inhabitant of a local area in respect of which any such notification has been published may submit his objection in writing to anything contained in the notification to the Government within six weeks from the publication of the notification and the Government shall take all such objections into consideration.

(3) After the expiry of six weeks from the publication of the notification and after considering the objections, if any, which have been submitted, the Government may, by notification—

(a) declare the local area to be a panchayat development block;

(b) declare the said panchayat development block to be a panchayat union; and

(c) specify the name of the panchayat union.

(4) The Government may, by notification—

(i) exclude from a panchayat development block any village or town comprised therein, or

(ii) include in a panchayat development block any area contiguous to it, or

(iii) cancel or modify a notification issued under sub-section (3), or

(iv) alter the name of a panchayat union.

(5) Before issuing a notification under sub-section (4), the Government shall consult the District Development Council concerned, and give the panchayat union council or panchayat union councils and the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider their explanations and objections, if any.

(6) The Government may pass such orders as they may deem fit—

(a) for the disposal of the assets of or institutions belonging to the panchayat union council which has ceased to exist, and for the discharge of the liabilities, if any, of such panchayat union council relating to such assets or institutions, or

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(b) for the disposal of any part of the assets of or institutions belonging to a panchayat union council which has ceased to exercise jurisdiction over any panchayat development block and for the discharge of the liabilities, if any, of the panchayat union council relating to such assets or institutions.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Government may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the panchayat union council or where a panchayat union council has ceased to exercise jurisdiction over any panchayat development block, such tax, fee or other sum due to the panchayat union council as relates to that block shall be payable to such authorities as may be specified in the order;

(ii) that appeals, petitions or other applications with reference to any such tax, fee or sum which are pending on the date on which the panchayat union council ceased to exist, or as the case may be, on the date on which the panchayat union council ceased to exercise jurisdiction over the panchayat development block, shall be disposed of by such authorities as may be specified in the order.

CONSTITUTION OF PANCHAYATS AND PANCHAYAT UNION COUNCIL.

8. Constitution of panchayats for villages and towns and their incorporation.—(1) A panchayat shall be constituted for each village and for each town with effect from such date as may be specified in the notification issued in that behalf by the Inspector.

(2) Subject to the provisions of this Act, the administration of the village or town shall vest in the panchayat but the panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or executive authority or to any panchayat union council or any other authority.

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

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

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(2) Any decision made by the Government under this section shall not be questioned in a Court of Law.

10. Strength of a panchayat.—(1) The total number of members of a panchayat shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to population.

(2) The Inspector may, from time to time, by notification, alter the total number of members of a panchayat notified under sub-section (1).

(3) The number notified under sub-section (1) or the number as altered by notification under sub-section (2) shall not be less than five or more than fifteen :

Provided that the strength of the panchayat as notified under sub-section (1) or as altered by notification under sub-section (2) shall be deemed to be increased by one in case a member is co-opted under section 15, sub-section (4).

11. Constitution of panchayat union councils for panchayat unions and their incorporation.—(1) A panchayat union council shall be constituted for each panchayat union with effect from such date as may be specified in the notification issued in that behalf by the Government.

(2) Subject to the provisions of this Act, the administration of the panchayat union shall vest in the panchayat union council but the panchayat union council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its chairman or the commissioner or to the panchayat or any other authority :

Provided that if and so long as there is no panchayat in any part of a panchayat union, the panchayat union council shall exercise all the powers including the power of taxation, discharge the duties, perform the functions and be credited with the receipts and debited with the charges of the panchayat, and the chairman and the commissioner of the panchayat union council shall exercise the powers, discharge the duties and perform the functions of the president and the executive authority respectively in such part of the panchayat development block.

(3) Every panchayat union council shall be a body corporate by the name of the panchayat union specified in the notification issued under section 7, shall have perpetual succession and a common seal and, subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

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12. Strength of a panchayat union council.—(1) Every panchayat and every township committee constituted under this Act in a panchayat union shall elect to the panchayat union council in the prescribed manner one person from among its members :

Provided that if among the persons so elected there are no women or members of the Scheduled Castes or the number whether of women or of members of the Scheduled Castes is less than three, the panchayat union council may co-opt such number of women or members of the Scheduled Castes as may be necessary to ensure that the council includes not less than three women and three members of the Scheduled Castes.

(2) A member of the State Legislative Assembly representing a constituency comprising the whole or any part of a panchayat development block shall be entitled to take part in the proceedings of the council, but shall not be entitled to vote or to be elected as the chairman or vice-chairman of the council.

13. Repeal of Madras Acts XIV of 1920, X of 1950, XXX of 1955 and XIII of 1957.—With effect on and from such date as may be specified in the notification constituting a panchayat union council under this Act—

(i) the Madras District Boards Act, 1920 (Madras Act XIV of 1920), the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), the Madras Land Revenue (Additional Surcharge) Act, 1955 (Madras Act XXX of 1955), and the Madras District Boards (Amendment) Act, 1957 (Madras Act XIII of 1957), shall stand repealed in the panchayat development block concerned and such panchayat development block shall cease thereafter to be included within the jurisdiction of any district board;

(ii) the Special Officer appointed for the district board under the Madras District Boards Act, 1920 (Madras Act XIV of 1920), having jurisdiction over the panchayat development block shall cease to exercise jurisdiction over that block;

(iii) all elementary schools maintained by any panchayat or district board immediately before the said date in the panchayat development block together with the assets and liabilities appertaining to such schools shall on and from the said date stand transferred to and be vested in the panchayat union council;

(iv) every district road, district choultry, district dispensary and district market shall vest in the panchayat union council concerned;

(v) save as provided in clause (vi), all property and all rights of whatever kind used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held in trust by or for the district board constituted under the Madras District Boards Act, 1920 (Madras Act XIV of 1920), as well as all liabilities legally subsisting against such boards shall so far as such property, rights, interests and liabilities are relatable to the area which is

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declared to be a panchayat development block and subject to such directions as the Government may by general or special order give in this behalf pass to the panchayat union council.

Explanation.—All arrears of taxes, fees or other sums due to a district board may be recovered by the panchayat union council.

(vi) (a) all rest-houses and travellers' bungalows which vest in the district board or in the panchayat shall stand transferred to and vest in the Government;

(b) every hospital shall stand transferred to and vest in the Government;

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

ELECTIONS AND TERM OF OFFICE OF MEMBERS.

14. Elected members.—The members of the panchayat shall be elected in such manner as may be prescribed:

Provided that no person shall be eligible to be elected co-opted under this Act as a member of more than one panchayat.

15. Reservation of seats for members of Scheduled Castes and co-optation of women.—(1) In every panchayat, the Inspector may, subject to such rules as may be prescribed, by notification, reserve such number of seats, if any, as he thinks fit for the members of the Scheduled Castes, with due regard to their population in the village or town.

(2) Any reservation made under sub-section (1) shall have effect only until the first ordinary elections to the panchayat after the expiration of a period of ten years from the commencement of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950).

(3) Nothing contained in sub-section (1) shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any panchayat, from standing for election to the non-reserved seats in the panchayat.

(4) Every panchayat shall be entitled to co-opt to itself one woman whose name appears in the electoral roll for the panchayat, if no woman has been elected to that panchayat.

16. Division into wards.—For the purpose of electing members to a panchayat, the Inspector shall, after consulting the panchayat, if any, by notification, divide the village or town into wards and determine the number of members to be returned by each ward in accordance with such scale as may be prescribed.

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17. Term of office of elected members.—(1) The term of office of the members of every panchayat who are elected at ordinary elections shall, save as otherwise expressly provided in or may be prescribed under this Act, be five years beginning at noon on the day on which the vacancies occur:

Provided that the Inspector may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the members of any panchayat as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.

(2) Ordinary vacancies in the office of an elected member of a panchayat shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit:

Provided that the Government may for sufficient cause direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(3) (a) Every casual vacancy in the office of an elected member of a panchayat shall be reported by the executive authority within such time as may be prescribed.

(b) A member of a panchayat elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(c) Unless the Inspector otherwise directs, no casual election shall be held to a panchayat within six months before the date of retirement of its members by efflux of time.

(4) Where the number of members of a panchayat is increased, the members elected for the additional seats or the members elected in their places in casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding, will vacate office.

18. Panchayat to elect members in certain cases and the term of office of such members.—(1) If at an ordinary or casual election, no person is elected to fill the vacancy or one or more of the vacancies, as the case may be, a fresh election shall be held on such day as the Inspector may fix.

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

(3) The term of office of a member of a panchayat elected under this section, shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

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19. Tenure of members of panchayat union council and filling up of seats.—(1) The term of office of members of every panchayat union council shall, save as otherwise expressly provided in this Act, be five years beginning on such date as may be notified by the Inspector in the case of each panchayat union council.

(2) Ordinary vacancies in the office of a member of a panchayat union council shall be filled at ordinary elections which shall be fixed by the Inspector to take place on such day or days as may be notified by the Inspector in this behalf in the case of each panchayat union council:

Provided that the Government may, for sufficient reasons, direct, from time to time, the postponement or alteration of the date of an ordinary election or any stage thereof.

(3) A member of a panchayat union council elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith, but shall hold office only so long as he would have been entitled to hold office if he had been elected before the occurrence of the vacancy.

(4) A casual vacancy in the office of a member of a panchayat union council shall be filled at a casual election which shall be fixed by the Inspector to take place as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within six months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(5) A member of a panchayat union council elected at a casual vacancy shall enter upon office forthwith, but shall hold office so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(6) If, at an ordinary or casual election held under this section, no member is elected, a fresh election shall be held on such date as the Inspector may fix.

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

(8) The term of office of a member elected under sub-section (6) or (7) shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election as the case may be.

20. Preparation and publication of electoral roll and qualifications for inclusion therein.—(1) Every person whose name is included in such part of the electoral roll for any Assembly constituency as relates to the village or town or any portion of the said village or town shall be entitled to be included in the electoral roll for the panchayat, and no other person shall be entitled to be included therein.

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Explanation.—Where, in the case of an Assembly constituency, there is no distinct part of the electoral roll relating to the village or town, all persons whose names are entered in such roll under the registration area comprising the village or town and whose addresses as entered in such roll are situated in the village or town shall be entitled to be included in the electoral roll for the panchayat prepared for the purposes of this Act.

(2) As soon as may be, after the electoral rolls for the Assembly constituencies which consist of, or comprise, the village or town or any portion of the said village or town have been published, revised or amended in pursuance of the Representation of the People Act, 1950 (Central Act XLIII of 1950), any person authorized by the prescribed authority in this behalf shall publish in such manner as the Government may direct, the portions of the said rolls which relate to the village or town or of the alterations therein, as the electoral roll for the panchayat or as alteration to such roll, as the case may be.

(3) The electoral roll for the panchayat shall be divided into separate parts for each ward.

(4) Where, after the electoral roll for a panchayat or any alterations thereto have been published under sub-section (2), the village or town is divided into wards for the first time or the division of the village or town into wards is altered or the limits of the village or town are varied, the prescribed authority shall, in order to give effect to the division of the village or town into wards or to the alteration of the wards or to the variation of the limits, as the case may be, authorize a re-arrangement and republication of the electoral roll for the panchayat or any part of such roll, in such manner as the Government may direct.

(5) Every person whose name appears in the electoral roll for the panchayat shall, so long as it remains in force and subject to any revision thereof which might have taken place and subject also to the other provisions of this Act, be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section and section 21, the expression "Assembly constituency" shall mean a constituency provided by law for the purpose of elections to the Madras Legislative Assembly.

21. Power to correct electoral roll.—Notwithstanding anything contained in section 20, the prescribed authority may, after making such inquiry as he thinks fit, publish in such manner as the Government may direct, amendments to the electoral roll for any panchayat for the purpose of bringing it into accord with the electoral roll for the relevant Assembly Constituency.

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QUALIFICATION, DISQUALIFICATION, ETC., OF MEMBERS.

22. Qualifications of candidates.—No person shall be qualified for election as a member of a panchayat or panchayat union council unless his name appears on the electoral roll of the panchayat.

23. Disqualification of officers and servants of Government and local bodies.—(1) No village headman, karnam, or village servant and no other officer or servant of the State or Central Government or of a panchayat, panchayat union council, municipal council or the Corporation of Madras shall be qualified for election as a member or for holding office as an elected member.

(2) If any question arises either before or after an election, whether any person is or is not disqualified under this section, the question shall be referred to the Government whose decision shall be final.

24. Disqualification of persons convicted of election offences.—Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code (Central Act XLV of 1860) or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a panchayat or of a panchayat union council for a period of five years from the date of his conviction.

25. Disqualifications of candidates.—(1) A person who has been sentenced by a criminal court to imprisonment for a period of more than six months for any offence involving moral delinquency (such sentence not having been reversed or the offence pardoned), shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof.

(2) A person shall be disqualified for election as a member if, at the date of nomination or election, he is—

(a) of unsound mind, a deaf-mute or suffering from leprosy;
(b) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(c) interested in a subsisting contract made with, or any work being done for, the panchayat or the panchayat union council except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(d) employed as paid legal practitioner on behalf of the panchayat or panchayat union council or as legal practitioner against the panchayat or the panchayat union council;

(e) an honorary Magistrate under the Code of Criminal Procedure, 1898 (Central Act V of 1898), with jurisdiction over any part of the village or town;

(f) already a member of the panchayat or the panchayat union council, as the case may be, whose term of office will not expire before his fresh election can take effect or has already been

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elected as a member of the panchayat or the panchayat union council, as the case may be, whose term of office has not yet commenced; or

(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat or the panchayat union council up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired.

26. Disqualifications of members.—Subject to the provisions of section 28, a member shall cease to hold office as such if he—

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 25;

(b) becomes of unsound mind or a deaf-mute or suffers from leprosy;

(c) applies to be adjudicated, or is adjudicated, an insolvent;

(d) acquires any interest in any subsisting contract made with, or work being done for, the panchayat or the panchayat union council except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(e) is employed as paid legal practitioner on behalf of the panchayat or the panchayat union council or accepts employment as legal practitioner against the panchayat or the panchayat union council;

(f) is appointed as an officer or servant under this Act;

(g) is appointed as an honorary Magistrate under the Code of Criminal Procedure, 1898 (Central Act V of 1898), with jurisdiction over any part of the village or town;

(h) ceases to reside in the village or town as the case may be;

(i) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat or the panchayat union council within three months after a bill or notice has been served upon him in pursuance of rules made under this Act, or where in the case of any arrear, such rules do not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the executive authority of the panchayat or the commissioner to serve at the earliest possible date) has been duly served upon him by the executive authority or commissioner; or

(j) absents himself from the meetings of the panchayat or the panchayat union council, as the case may be, for a period of three consecutive months reckoned from the date of the commencement of his term of office or of the last meeting which he attended.

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or of his restoration to office as member under section 27, sub-section (1), as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date :

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

- (i) due notice of that meeting was not given to him; or
- (ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting; or
- (iii) the meeting was held on a requisition of members.

27. Restoration of members to office.—(1) Where a person ceases to be a member under section 24 or clause (a) of section 26, he shall be restored to office for such portion of the period for which he was elected, as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person ceases to be a member under clause (j) of section 26, the executive authority or the commissioner shall at once intimate the fact in writing to such person and report the same to the panchayat or the panchayat union council as the case may be at its next meeting. If such person applies for restoration *suo motu* to the panchayat or the panchayat union council as the case may be on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the panchayat or the panchayat union council as the case may be may at the meeting next after the receipt of such application restore him to his office of member :

Provided that a member shall not be so restored more than twice during his term of office.

28. Authority to decide questions of disqualification of members.—(1) Whenever it is alleged that any person who has been elected as a member of a panchayat or panchayat union council is not qualified or has become disqualified under sections 22, 24, 25 or 26 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he is not qualified or has become disqualified under sections 24, 25 or 26, such member or any other member may, and the executive authority or the commissioner, as the case may be shall, on the direction of the panchayat or panchayat union council or of the Inspector, apply to the prescribed judicial authority whose decision shall be final.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

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PRESIDENT AND VICE-PRESIDENT.

29. President and vice-president of panchayat.—There shall be a president and a vice-president for every panchayat.

30. Election of president and the vice-president.—The president and the vice-president shall be elected by the panchayat from among its members in accordance with such procedure as may be prescribed.

31. Procedure when no president or vice-president is elected.—If at an election held under section 30, no president or vice-president is elected, a fresh election shall be held for electing the president or vice-president as the case may be.

32. Cessation of office of president and vice-president.—(1) The president or vice-president shall cease to hold office as such on his election as chairman or vice-chairman of any panchayat union council

(2) The president shall cease to hold office as such on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

(3) The vice-president shall cease to hold office as such, on the expiry of his term of office as a member or on his otherwise ceasing to be a member or on his election as president.

33. Functions of the president.—(1) The president shall—

- (a) convene the meetings of the panchayat;
- (b) have full access to the records of the panchayat;
- (c) discharge all the duties specifically imposed and exercise all the powers conferred on the president by this Act.

(2) No official correspondence between the panchayat and the Government shall be conducted except through the president. The president shall be bound to transmit communications addressed through him by the executive officer to the Government or by the Government to the executive officer.

34. Devolution and delegation of president's functions and filling up of vacancies in the office of president.—(1) When the office of president is vacant, the vice-president shall exercise the functions of the president until a new president is declared elected and assumes office.

(2) If the president has been continuously absent from jurisdiction for more than thirty days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-president.

(3) When the office of president is vacant or the president has been continuously absent from jurisdiction for more than thirty days or is incapacitated and there is either a vacancy in the

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office of vice-president or the vice-president has been continuously absent from jurisdiction for more than thirty days or is incapacitated, the functions of the president shall devolve on a member of the panchayat appointed by the Inspector in this behalf, and if no member of the panchayat is available for such appointment by such person as may be appointed by the Inspector in this behalf.

The member of the panchayat or the person so appointed (who shall be styled the temporary president) shall perform the functions of the president subject to such restrictions and conditions as may be prescribed, until a new president or vice-president is declared elected and assumes office, or either the president or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be.

(4) Any vacancy in the office of president shall be reported to the election authority, by such person and within such time as may be prescribed and the election authority shall arrange for the election of the president.

(5) The reference to the president's functions in sub-sections (1), (2) and (3) shall, where he is also the executive authority, be deemed to include a reference to his functions as executive authority.

(6) The president shall have power to control and revise the exercise or discharge of any functions devolving on the vice-president under sub-section (2).

35. Delegation of functions of president.—Subject to such restrictions and control as may be prescribed, the president may by an order in writing delegate any of his functions as such to the vice-president and in the absence of the vice-president to any other member, provided that the exercise or discharge of any functions so delegated shall be subject to such further restrictions and conditions as may be laid down by the president and shall also be subject to his control and revision.

CHAIRMAN AND VICE-CHAIRMAN.

36. Chairman and vice-chairman of panchayat union councils.—(1) There shall be a chairman and a vice-chairman for every panchayat union council.

(2) The chairman and the vice-chairman shall be elected by the panchayat union council from among its members in accordance with such procedure as may be prescribed. If at an election held under this sub-section, no chairman or vice-chairman is elected, a fresh election shall be held for electing the chairman or vice-chairman, as the case may be.

(3) The chairman shall—

(a) convene the meetings of the panchayat union council;

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(b) discharge all the duties specifically imposed and exercise all the powers conferred on the chairman by this Act and the rules made thereunder.

(4) The chairman shall have full access to all the records of the panchayat union council and no official correspondence between the council and the Government shall be conducted except through the chairman. The chairman shall be bound to transmit communications addressed through him by the Commissioner to the Government or by the Government to the Commissioner.

(5) The chairman shall, by virtue of his office, be a member of every committee of the panchayat union council.

(6) A chairman shall be deemed to have vacated his office on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

(7) A vice-chairman shall be deemed to have vacated his office—

(i) on the expiry of his term of office as a member or on his otherwise ceasing to be a member, or

(ii) on his election as chairman.

37. Devolution and delegation of chairman's functions and filling up of vacancies in the office of chairman.—(1) When the office of chairman is vacant, the vice-chairman shall exercise the functions of the chairman until a new chairman assumes office.

(2) When the office of chairman is vacant and there is either a vacancy in the office of vice-chairman, or the vice-chairman has been continuously absent from jurisdiction for more than thirty days or is incapacitated, the Revenue Divisional Officer shall, after giving notice of not less than seven clear days to the members convene a meeting for the election of a chairman and until a new chairman or vice-chairman is elected and assumes office, or the vice-chairman returns to jurisdiction or recovers from his incapacity as the case may be, the Revenue Divisional Officer shall, notwithstanding anything contained in this Act, or in the rules or notifications issued thereunder, be ex-officio member and chairman of the panchayat union council.

(3) An out-going chairman or vice-chairman is eligible for re-election.

(4) The chairman may, by an order in writing, delegate any of his functions to the vice-chairman:

Provided that he shall not delegate any functions which the panchayat union council expressly forbids him to delegate.

(5) If the chairman has been continuously absent from jurisdiction for more than thirty days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-chairman.

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(6) If the vice-chairman also has been continuously absent from jurisdiction for more than thirty days or is incapacitated or if the office of vice-chairman is vacant, the chairman may, by an order in writing, delegate any of his functions to any member of the panchayat union council who shall be styled "chairman-delegate" during the period of delegation:

Provided that—

(i) when an order of delegation made under this sub-section is in force, no further order of delegation of any function shall be made in favour of any member other than the member in whose favour the order in force was made;

(ii) no delegation under this sub-section shall be made for any period exceeding in the aggregate 90 days in any year without the special sanction of the panchayat union council; and

(iii) every order made under this sub-section shall be communicated to the panchayat union council at its next meeting.

(7) The exercise or discharge of any functions delegated under this section shall be subject to such restrictions, limitations and conditions as may be laid down by the chairman.

MEMBERS.

38. Rights of individual members.—(1) Any member may call the attention of the executive authority or the commissioner as the case may be to any neglect in the execution of panchayat or panchayat union work, to any waste of panchayat or panchayat union property or to the wants of any locality, and may suggest any improvements which may appear desirable.

(2) Every member shall have the right to move resolutions and to interpellate the president or chairman on matters connected with the administration of the panchayat or panchayat union council as the case may be, subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the panchayat or the panchayat union council as the case may be after giving due notice to the executive authority or commissioner, provided that the executive authority or commissioner may, for reasons given in writing, forbid such access.

39. No president, vice-president, chairman, vice-chairman or member to receive remuneration.—No president, vice-president, chairman, vice-chairman or member shall receive, or be paid from the funds at the disposal of or under the control of the panchayat or panchayat union council any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity.

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THE EXECUTIVE OFFICER.

40. Appointment of executive officers for certain panchayats.—

(1) A whole-time executive officer shall be appointed by the Government for every town panchayat.

(2) In the case of every village panchayat, the president of the panchayat shall, subject to such rules as may be prescribed, perform the functions of the executive officer.

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

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

(5) The panchayat shall also make—

(a) if the executive officer is in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be made by him or on his behalf;

(b) if the executive officer is not in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be prescribed in this behalf.

(6) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

41. Functions of executive officer.—The executive officer shall—

(a) have the right to attend the meetings of the panchayat or of any committee thereof and take part in the discussions thereat but without the right to move any resolution or to vote;

(b) attend any meeting of the panchayat or of any committee thereof if required to do so by the presiding officer.

42. Devolution of functions of executive officer.—Subject to such restrictions and control as may be prescribed, when the executive officer is unable to discharge his functions owing to absence, illness or any other cause, the president shall discharge his functions until the date on which the executive officer resumes his duties.

POWERS AND DUTIES OF THE EXECUTIVE AUTHORITY.

43. Functions of executive authority.—The executive authority shall—

(a) carry into effect the resolutions of the panchayat:

Provided that where the president considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act or that, if carried out, it is likely to endanger human

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life or health or the public safety, the executive authority shall refer the matter to the Government for orders and their decision shall be final;

(b) control all the officers and servants of the panchayat;

(c) discharge all the duties specifically imposed and exercise all the powers conferred on the executive authority by or under this Act and subject to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes thereof.

THE COMMISSIONER.

44. Commissioners.—(1) A commissioner shall be appointed by the Government in the case of each panchayat union council. Such commissioner shall ordinarily be the Development Officer appointed in pursuance of the National Extension Service Scheme of Community Development for the panchayat development block.

(2) No recovery shall be made from the panchayat union council towards the salary and allowances paid to any commissioner or towards his leave allowances, pension and provident fund.

(3) The Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the commissioners appointed under sub-section (1).

(4) The commissioner shall—

(a) have the right to attend the meetings of the panchayat union council or of any committee thereof and take part in the discussions thereat, but without the right to move any resolution or to vote;

(b) attend any meeting of the panchayat union council or of any committee thereof if required to do so by the chairman;

(c) carry into effect the resolutions of the panchayat union council;

(d) furnish to the panchayat union council such periodical reports regarding the progress made in carrying out the resolutions of that body and in the collection of taxes as the council may direct;

(e) control all the officers and servants of the panchayat union council;

(f) perform all the duties specifically imposed and exercise all the powers conferred on the commissioner by this Act and subject, whenever it is hereinafter expressly so provided, to the sanction of the panchayat union council, and subject also to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act.

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(5) Notwithstanding anything contained in sub-section (2) of section 11 and subject to all other provisions of this Act and the rules made thereunder, the panchayat union council shall have power to issue such specific directions as it may think fit regarding the performance by the commissioner of any of the functions assigned to him under this Act:

Provided that where such directions relate to any National Extension Service Scheme of Community Development or any other scheme specially entrusted by the Government to the panchayat union council the directions issued by the council shall be in conformity with the terms and conditions of such entrustment.

(6) Subject to any directions given or restrictions imposed by the Government or the panchayat union council, the commissioner may, by an order in writing, delegate any of his functions to any officer or servant of the panchayat union council or to any servant of the Government. The exercise or discharge of any functions so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the commissioner and shall also be subject to his control and revision.

45. Emergency powers of executive authority and commissioner.—The executive authority or the commissioner may in cases of emergency direct the execution of any work or the doing of any act which requires the sanction of the panchayat or the panchayat union council as the case may be and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the panchayat fund or the panchayat union fund as the case may be:

Provided that—

(a) he shall not act under this section in contravention of any order of the panchayat or the panchayat union council prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the panchayat or the panchayat union council at its next meeting.

PROCEDURE.

46. Presidency at meetings of panchayats.—(1) Every meeting of a panchayat shall be presided over by the president, in his absence, by the vice-president, and in the absence of both the president and the vice-president, by a member chosen by the members present at the meeting to preside for the occasion.

(2) The president shall preserve order and decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall be final.

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(3) A vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the president.

47 Meetings of panchayat union councils.—(1) Every panchayat union council shall meet at such times and places and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed :

Provided that not more than sixty days shall elapse between any two meetings of the panchayat union council.

(2) Every meeting of a panchayat union council shall be presided over by the chairman, in his absence, by the vice-chairman, and in the absence of both the chairman and the vice-chairman by a member chosen by the members present at the meeting to preside for the occasion.

(3) The chairman shall preserve order and decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the chairman on any point of order shall be final.

(4) A vice-chairman or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the chairman.

48. Members when to abstain from taking part in discussion and voting.—(1) No member shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of the panchayat or panchayat union council or any committee if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The president or chairman as the case may be may prohibit any member from voting or taking part in the discussion of any matter in which he believes such member to have such interest, or he may require such member to absent himself during the discussion.

(3) Such member may challenge the decision of the president or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the president or chairman is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

(5) The member concerned shall not be entitled to vote on the question referred to in sub-section (3) and the president or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

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Explanation.—The terms “ president ” and “ chairman ” in this section include a “ vice-president, vice-chairman, or member presiding for the occasion ”.

49. Minutes of proceedings.—A copy of the minutes of the proceedings at every meeting of a panchayat or panchayat union council as well as of all minutes of dissent in respect of such proceedings received from any member present at the meeting, within 48 hours of the close thereof, shall be submitted by the president or chairman as the case may be within three days of the date of the meeting to the Inspector :

Provided that the Inspector may direct that such minutes shall be submitted either generally or in any specified classes of cases to any officer empowered by him in this behalf.

50. Power of panchayat and panchayat union council to call for records.—A panchayat or a panchayat union council may require the executive authority or the commissioner as the case may be to produce any document which is in his custody and he shall, subject to such rules as may be prescribed, comply with every such requisition.

51. Proceedings of panchayats, panchayat union councils and committees.—(1) The proceedings of every panchayat and panchayat union council and of all committees thereof shall be governed by such rules as may be prescribed and by regulations, not inconsistent with such rules or the provisions of this Act, made by the panchayat or the panchayat union council as the case may be with the approval of the Inspector.

(2) The Inspector shall have power to add to, omit, or alter any regulations submitted for his approval under sub-section (1).

52. Appointment of joint committees.—(1) A panchayat may, and if so required by the Inspector shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

(2) The constitution, powers and procedure of a joint committee and the method of settling differences of opinion arising in connexion with the committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

53. Committees.—(1) (a) There shall be an Appointments Committee for every panchayat union, which shall be composed of the chairman of the panchayat union council, the commissioner and one member elected annually by the panchayat union council. The chairman of the panchayat union council shall be the chairman of the committee. Subject to the provisions of section 58, and to such rules as may be made by the Government in this behalf appointments to all posts under the panchayat union council the pay of which is debitable to the funds of the panchayat union council shall be made with the prior approval of the committee.

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(b) There shall be an Education Committee and a General Purposes Committee in every panchayat union. The panchayat union council may, and if so required by the Government, shall appoint such other committees as may be necessary for the efficient performance of its duties and functions under this Act. Each of the committees constituted under this sub-section shall consist of such number of members as may be specified by the council and shall include the chairman *ex-officio*. The members of each committee, other than the chairman, shall be elected by the members of the panchayat union council.

(2) The panchayat union council shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons as are not members of the panchayat union council as it may think fit:

Provided that the number of members co-opted under this sub-section shall not exceed one-third of the total number of members of the council on the committee.

(3) Subject to such rules as may be made by the Government in this behalf, the panchayat union council shall have power, by regulations made from time to time, to determine the powers and duties of every committee constituted under sub-section (1).

ADMINISTRATION REPORTS.

54. Administration reports of panchayats.—(1) Every panchayat shall submit to the panchayat union council a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority as may be prescribed.

(2) The report shall be prepared by the executive authority and the panchayat shall consider it and forward the same to the panchayat union council with its resolution thereon.

55. Administration reports of panchayat union councils.—(1) Every panchayat union council shall submit to the Collector a consolidated report on its administration and on the administration of all panchayats in the panchayat union for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details and through such authority as may be prescribed.

(2) The report shall be prepared by the commissioner and the panchayat union council shall consider it and forward the same to the Collector with its resolution thereon.

(3) The Collector shall prepare a general report on the administration of panchayat union councils and panchayats in the district and place the same before the District Development Council

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and submit the same to the Government with a copy of the resolution of the District Development Council before such date as may be prescribed. He shall also send a copy of the report to the Inspector.

(4) The report and the resolution thereon shall be published in such manner as the Government may direct.

VALIDATION OF PROCEEDINGS.

56. Acts of panchayats, panchayat union councils, etc., not to be invalidated by informality, vacancy, etc.—No act of a panchayat or of a panchayat union council or of a committee thereof or of any person acting as president, vice-president, chairman, vice-chairman or member of such panchayat or panchayat union council or of a chairman or member of a committee shall be deemed to be invalid by reason only of a defect in the establishment of such panchayat or panchayat union council or committee, or on the ground that the president, vice-president, chairman, vice-chairman or member of such panchayat or panchayat union council or chairman or member of a committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, or by reason of such act having been done during the period of any vacancy in the office of president, vice-president, chairman, vice-chairman or member of such panchayat, panchayat union council or committee.

ESTABLISHMENT.

57. Establishment of panchayats and panchayat union councils.—(1) The sanction of the panchayat or the panchayat union council as the case may be shall be obtained for all proposals for fixing or altering the number, designations and grades of its officers and servants and the salaries, fees and allowances payable to them.

(2) Such proposals shall be taken into consideration by the panchayat or panchayat union council as the case may be only at the instance of the executive authority or the commissioner and the panchayat or panchayat union council may sanction the proposal with or without modifications:

Provided that no proposal adversely affecting any officer or servant of the panchayat or panchayat union council who has been in the permanent service of the panchayat or panchayat union council for more than five years and is drawing a salary of not less than fifty rupees per mensem shall be considered except at a special meeting convened for the purpose and no such proposal shall be given effect to unless assented to by at least one-half of the members then on the panchayat or the panchayat union council.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Government in the case of panchayat union councils and the Inspector in the case of panchayats shall have power to fix

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or alter the number, designations and grades of and the salaries, fees and allowances payable to the officers and servants of any panchayat or panchayat union council or any class of such officers and servants; and it shall not be open to the panchayat or panchayat union council to vary the number, designations, grades, salaries, fees or allowances as so fixed or altered except with the previous sanction of the Government in the case of panchayat union councils and of the Inspector in the case of panchayats.

58. Conditions of service of officers and servants.—(1) The Government shall have power to make rules regarding the authorities who may appoint the officers and servants of panchayats and panchayat union councils other than the executive officers and commissioners and the classification, methods of recruitment, pay and allowances, discipline and conduct, and conditions of service of such officers and servants.

Such rules may provide for the constitution of any class of officers or servants of panchayats and panchayat union councils other than the executive officers and commissioners into a separate service for the whole or any part of the State.

(2) Subject to the provisions of this Act and any rules which the Government may make in this behalf, the panchayat union council may frame regulations in respect of officers and servants on the staff of the panchayat union council—

(a) fixing the amount and nature of the security to be furnished;

(b) prescribing educational and other qualifications;

(c) regulating the grant of leave, leave allowances, acting allowances and travelling allowances;

(d) regulating the grant of pensions and gratuities;

(e) establishing and maintaining provident funds and making contributions thereto compulsory;

(f) regulating conduct; and

(g) generally prescribing conditions of service.

Provided—

(i) that the amount of any leave, leave allowances, travelling allowances, pension or gratuity provided for in such regulations shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status;

(ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

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59. Appointment of common officer.—Two or more panchayats or two or more panchayat union councils may, subject to such rules as may be prescribed, and shall if so required by any authority empowered in this behalf by rules, appoint the same officer or servant to exercise or discharge any powers or duties of a similar nature for both or all of them.

60. Transfer of officers and servants.—(1) Any officer or servant of a panchayat (including the executive officer) may be transferred to the service of any panchayat union council or any other panchayat by the Inspector :

Provided that no officer or servant (other than the executive officer) shall be so transferred except after consulting the commissioner or the executive authorities concerned.

In making a transfer under this sub-section the Inspector may issue such general or special directions as may in his opinion be necessary for the purpose of giving due effect to such transfer.

(2) Notwithstanding anything contained in this Act or the Madras District Municipalities Act, 1920 (Madras Act V of 1920) any officer or servant of a panchayat union council (including the commissioner) may be transferred by the Government to the service of any other panchayat union council or any municipality constituted under the Madras District Municipalities Act, 1920 (Madras Act V of 1920) :

Provided that no officer or servant (other than the commissioner) shall be so transferred except after consulting the panchayat union councils or municipal councils concerned.

Any authority making a transfer under this sub-section may issue such general or special directions as may in its opinion be necessary for the purpose of giving due effect to such transfer.

61. Power to punish officers and servants.—Subject to such control as may be prescribed by the Government, the executive officer or the commissioner may censure, fine, withhold increments or promotion from, reduce to a lower rank in the seniority list, or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any officer or servant in the service of the panchayat or panchayat union council as the case may be for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

62. Applicability of certain sections to public health establishments.—The provisions of sections 57 to 61 shall also apply to the public health establishments of panchayats and panchayat union councils, notwithstanding anything contained in the Madras Public Health Act, 1939 (Madras Act III of 1939).

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CHAPTER III.—FUNCTIONS, POWERS AND PROPERTY OF PANCHAYATS AND PANCHAYAT UNION COUNCILS.

63. Duty of panchayat to provide for certain matters.—Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the village or town in respect of the following matters, namely :—

(a) the construction, repair and maintenance of all village roads, that is to say, all public roads in the village or town (other than those classified as National Highways, State Highways, major district roads and panchayat union roads) and of all bridges, culverts, road-dams and causeways on such roads;

(b) the lighting of public roads and public places in built-up areas;

(c) the construction of drains and the disposal of drainage water and sullage;

(d) the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary condition of the village or town;

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private;

(f) the opening and maintenance of burial and burning grounds; and

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes and of protected water for drinking purposes.

64. Power of panchayat to provide for certain other matters.—Subject to the provisions of this Act and the rules made thereunder a panchayat may also make such provision as it thinks fit for carrying out the requirements of the village or town in respect of the following matters, namely :—

(a) the planting and preservation of trees on the sides of all public roads in the village or town subject to mutually agreed terms and conditions between the panchayat and the authority which maintains the road in case the road is not maintained by the panchayat itself;

(b) the lighting of public roads and public places in areas other than built-up areas;

(c) the opening and maintenance of public markets other than markets which are classified as panchayat union markets;

(d) the control of fairs and festivals other than those classified as panchayat union fairs and festivals;

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(e) the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-sheds;

(f) the opening and maintenance of public slaughter houses,

(g) the opening and maintenance of reading rooms;

(h) the establishment and maintenance of wireless receiving sets, playgrounds, parks, sports clubs and centres of physical culture;

(i) the opening and maintenance of literacy centres and centres for imparting social education; and

(j) the construction of works of public utility and the provision of other facilities for the safety, health, comfort, convenience, culture or recreation of the inhabitants of the village or town.

65. Duty of panchayat union council to provide for certain matters.—Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat union council, within the limits of its funds, to make reasonable provision for carrying out the requirements of the panchayat union in respect of the following matters, namely :—

(a) the construction, repair and maintenance of all public roads in the panchayat union which are classified as panchayat union roads and of all bridges, culverts, road-dams and causeways on such roads;

(b) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;

(c) the establishment and maintenance of maternity and child-welfare centres, including the maintenance of a "thayi" service and offering advice and assistance to mothers in family planning;

(d) the construction and maintenance of poor houses, orphanages, shops, stalls, plinths, the training and employment of vaccinators, the removal of congestion of population and the provision of house-sites;

(e) the opening and maintenance and expansion or improvement of elementary schools, including the payment of grants to private managements in respect of elementary schools;

(f) preventive and remedial measures connected with any epidemic or with malaria;

(g) the control of fairs and festivals classified by the panchayat union council as those reserved for control by it;

(h) veterinary relief;

(i) the extension of village-sites and the regulation of building;

(j) the opening and maintenance of public markets which are classified as panchayat union markets;

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(k) the maintenance of statistics relating to births and deaths;

(l) the establishment and maintenance of choultries;

(m) improvements of agriculture, agricultural stock and the holding of agricultural shows; and

(n) the promotion and encouragement of cottage industries.

66. Entrustment of execution of National Extension Service Scheme of Community Development to panchayat union councils.—

The Government shall as soon as may be after the constitution of a panchayat union council for a panchayat development block under this Act entrust to the panchayat union council subject to such conditions and restrictions as may be specified by the Government the execution in the panchayat development block of the National Extension Service Scheme of Community Development, including in particular, all measures relating to the development of agriculture, animal husbandry and village industries organized on an individual or co-operative basis.

67. Power of panchayat union council to provide for certain matters.—Subject to the provisions of this Act and the rules made thereunder, a panchayat union council may, within the limits of its funds, make such provision as it thinks fit for carrying out the requirements of the panchayat union in respect of measures of public utility other than those specified in section 65, calculated to promote the safety, health, comfort or convenience of the inhabitants of the panchayat union.

68. Common water-works and burial and burning grounds, etc.—Subject to the provisions of this Act and the rules made thereunder two or more panchayats—

(i) may construct and maintain water-works for supply of water for washing and bathing purposes and of protected water for drinking purposes from a common source and may also provide a common burial and burning ground, and

(ii) may entrust to the panchayat union council with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work.

69. Lighting of public roads and public places.—Notwithstanding anything contained in section 64, clause (b), the Government may, by general or special order, direct any panchayat or panchayat union council to provide for the lighting of public roads and public places within its jurisdiction and it shall be the duty of the panchayat or panchayat union council to provide for such lighting:

Provided that where such a direction is given, the Government shall make such provision for the cost of lighting as they may consider reasonable and the decision of the Government shall be final.

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70. Maintenance of common dispensaries, child-welfare centres, etc.—Subject to the provisions of this Act, and the rules made thereunder, two or more panchayat union councils may establish and maintain common dispensaries, child-welfare centres and institutions of such other kind as may be prescribed.

71. Transfer of immovable property, management of institutions, execution or maintenance of works, etc., to a panchayat.—(1) The panchayat union council may, subject to such control as may be prescribed, by notification, declare that any immovable property vested in itself shall vest in any panchayat in the same panchayat union, and such property shall, from the date specified in the said notification, vest accordingly.

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

72. Transfer to panchayats of unreserved forests and other institutions or works.—(1) (a) All unreserved forests in the village at the commencement of this Act shall vest in the panchayat and be administered by it for the benefit of the inhabitants of such village.

(b) In respect of every forest so vested, the panchayat shall, if so required by the Collector, pay to the Government such rent as the Collector may, from time to time, subject to the control of the Board of Revenue, fix in this behalf.

(2) (a) If the Revenue Divisional Officer is of opinion that a panchayat is not administering properly a forest vesting in it under sub-section (1), he may, by order, withdraw such forest from the control of the panchayat for such period as may be specified in the order, not exceeding the period, if any, prescribed in this behalf. He may in respect of such forest direct that it be vested in the panchayat union council and be administered by it.

(b) The Revenue Divisional Officer may, from time to time, by order, extend the period specified in any order issued under clause (a).

(c) Before issuing an order under clause (a) or (b), a reasonable opportunity shall be given to the panchayat to show cause against such issue.

(d) When an order is issued under clause (a) or (b), the panchayat concerned may, within three months of the service of the order, appeal against it to the Collector: and the Collector may confirm, modify or reverse the order.

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(3) The Board of Revenue may, in its discretion at any time, either *suo moto* or on application, call for and examine the record of any order issued by the Revenue Divisional Officer or the Collector under sub-section (2) for the purpose of satisfying itself as to the legality or propriety of such order, and may pass such order in reference thereto as it thinks fit.

73. Power of Board of Revenue to transfer or resume control of endowments and inams.—(1) (a) Subject to the control of the Government, the Board of Revenue may, by notification, make over to a panchayat union council, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Madras Endowments and Escheats Regulation, 1817 (Madras Regulation VII of 1817); and thereupon all powers and duties attaching to the Board of Revenue in respect thereof shall attach to the panchayat union council as if it had been specifically named in the said Regulation, and the panchayat union council shall manage and superintend such endowment.

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

(2) The Government may assign to a panchayat union council with its consent, a charitable inam, resumed by the Government or any other authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such panchayat union council may be applied; and may revoke any assignment so made.

(3) The management and superintendence of any charitable endowment which immediately before the constitution of a panchayat union council for any panchayat development block under this Act was vested in a district board under the Madras District Boards Act, 1920 (Madras Act XIV of 1920) shall, on such commencement, vest in the panchayat union council exercising jurisdiction over the place where the endowment is situated.

74. Government's power to add to functions of panchayat union council.—Subject to such rules as may be prescribed the Government, the Board of Revenue, the Collector or Revenue Divisional Officer or any person or body of persons may transfer to the panchayat union council with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty whether within or without the panchayat union and whether provided for in this Act or not.

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75. Limitation of power to accepting donations and trusts.—A panchayat or a panchayat union council may accept donations for, or trusts relating exclusively to, the furtherance of any purpose to which its funds may be applied.

76. Vesting of public roads in panchayats.—(1) All public roads in any village or town (other than roads which are classified by the Government as National Highways or State Highways or as major district roads or as panchayat union roads) shall vest in the panchayat together with all pavements, stones, and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

77. Vesting of public roads in panchayat union councils.—(1) All public roads in any panchayat union which are classified as panchayat union roads shall vest in the panchayat union council together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat union council or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any panchayat union road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

78. Duty of panchayat in respect of public roads excluded from the operation of the Act.—Where any public road has been excluded from the operation of this Act under sub-section (2) of section 76 or sub-section (2) of section 77 and placed under the control of the Highways Department of the Government (hereinafter referred to as the Highways Department), the panchayat may and if so required by the Government shall make provision—

(a) for the watering and maintenance of the drainage of such road;

(b) for the provision, maintenance and repair of the water-supply mains, drains and sewers in, alongside or under such road;

(c) for the provision, maintenance and repair of footways attached to such road:

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Provided that where in the discharge of such duties, it is necessary for the panchayat to open and break up the soil or pavement of any such road, the panchayat shall obtain the previous consent of such officer of the Highways Department as the Government may by general or special order, specify :

Provided further that in cases of emergency, the panchayat may, without such consent, open and break up the soil or pavement of any such street, but shall, as far as practicable, restore such soil or pavement to the condition in which it was immediately before it was opened and broken up; and a report of the action so taken and the reasons therefor shall be sent forthwith to the officer specified under the foregoing proviso :

Provided also that where the execution of any work is required by the Government, the Government shall make provision for the cost thereof.

79. Precautions in case of dangerous structures.—(1) If any structure adjoining a public road vested in a panchayat union council or a panchayat appears to the commissioner or the executive authority, as the case may be, to be in a ruinous state and dangerous to the passers-by, the commissioner or executive authority may, by notice, require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner or executive authority shall himself, before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a part of any road or take such temporary measures as he may think fit to prevent danger, and the cost of doing so shall be recoverable from the owner or occupier in the manner hereinafter provided.

80. Precautions in case of dangerous trees.—(1) If any tree or any branch of a tree standing on land adjoining a public road vested in a panchayat union council or panchayat appears to the commissioner or executive authority to be likely to fall and thereby endanger any person using, or any structure on, such road, the commissioner or executive authority may, by notice, require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner or executive authority shall himself, before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or fence off a part of the public road or take such other temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner hereinafter provided.

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81. Fencing of buildings or lands and pruning of hedges and trees.—Where a public road is vested in a panchayat union council or panchayat, the commissioner or executive authority may, by public notice, require the owner or occupier of any building or land near such road to—

(a) fence the same to the satisfaction of the commissioner or executive authority;

(b) trim or prune any hedges bordering on such road so that they may not exceed such height from the level of the adjoining roadway as the commissioner or executive authority may determine; or

(c) cut and trim any hedges or trees overhanging such road and obstructing it or the view of traffic or causing it damage; or

(d) lower an enclosing wall or fence which, by reason of its height and situation, obstructs the view of traffic so as to cause danger.

82. Prohibition against obstructions in or over public roads, etc.—(1) No person shall, except as permitted by rules made under this Act and except in accordance with the conditions imposed by any licence made requisite by such rules—

(a) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent or temporary, in or over any public road;

(b) make any hole or deposit any matter in or upon any public road;

(c) work a quarry in or remove stone, earth or other material from any place within twenty yards of a public road or of other immovable property vesting in or belonging to a panchayat or a panchayat union council provided that nothing in this clause shall be deemed to apply to any work which, in the opinion of the Inspector, is done in connexion with a *bona fide* agricultural operation;

(d) erect any building over any sewer or drain or any part thereof;

(e) plant any tree on any public road or other property vesting in or belonging to a panchayat or a panchayat union council; or

(f) fell, remove, destroy, lop or strip bark, leaves, or fruits from, or otherwise damage, any tree which is growing on any such public road or other property or on any poramboke or land, the use of which is regulated by a panchayat under section 86 or section 87 and the right to which has not been established by such person as vesting in or belonging to him.

(2) It shall be the duty of the karnam of every revenue village to report on encroachments on properties vested in panchayats or panchayat union councils, to the executive authority or the commissioner concerned and to the officers of the Revenue Department,

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and it shall be the duty of the executive authority or the commissioner concerned to institute proceedings under this Act and secure the removal of the encroachments within such time as may be specified by the Government by general or special order. If the removal of the encroachments has not been secured within the period specified in such order, the officers of the Revenue Department shall institute proceedings under the Madras Land Encroachment Act, 1905 (Madras Act III of 1905), and secure such removal.

83. Vesting of communal property or income in panchayat.—

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

84. Vesting of water-works in panchayats.—(1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water-works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the panchayat or otherwise, and also any adjacent land (not being private property) appertaining thereto, shall vest in the panchayat and be subject to its control:

Provided that nothing contained in this sub-section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

(2) The Government may, by notification, define or limit such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the panchayat and giving due regard to its objections, if any.

85. Maintenance of irrigation works, execution of kudimaramat, etc.—(1) Subject to such conditions and control as may be prescribed the Government may transfer to any panchayat or to any panchayat union council the protection and maintenance of any irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields depending on it.

(2) The panchayat, or the panchayat union council shall have power, subject to such restrictions and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the village or town and to levy such fee and on such basis for the purposes thereof as may be prescribed:

Provided that nothing contained in this section shall be deemed to relieve the village community or any of its members of its or

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his liability under the Madras Compulsory Labour Act, 1858 (Central Act I of 1858), in respect of any irrigation source in the village or town, in case the panchayat makes default in executing the kudimaramat in respect of that irrigation source.

(3) Where the maintenance of any irrigation work is transferred under this section, the fishery rights of Government in such work shall be transferred to and be vested in the panchayat or the panchayat union council, as the case may be, subject to such terms and conditions including terms and conditions regarding the utilization of the income, as may be specified by the Government.

86. Panchayat to regulate the use of certain porambokes in ryotwari tracts.—(1) The provisions of this section shall apply only in ryotwari tracts.

(2) The following porambokes, namely, grazing grounds, threshing floors, burning and burial-grounds, cattle-stands, cart-stands and topes shall vest in the panchayat, and the panchayat shall have power, subject to such restrictions and control as may be prescribed, to regulate the use of such porambokes, provided the porambokes are at the disposal of the Government.

(3) The Collector, after consulting the panchayat, may, by notification, exclude from the operation of this Act, any poramboke referred to in sub-section (2), and may also modify or cancel such notification.

(4) The panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the panchayat is authorized in that behalf by an order of the Government.

(5) The panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section (2) or sub-section (4).

87. Panchayat to regulate the use of certain communal lands in estates governed by the Madras Estates Land Act, 1908.—(1) In estates governed by the Madras Estates Land Act, 1908 (Madras Act I of 1908), notwithstanding anything contained in that Act, the panchayat shall have power subject to such restrictions and control as may be prescribed—

(a) to regulate the use of lands which are set apart for any of the purposes referred to in sub-clause (b) of clause (16) of section 3 of the said Act, namely, threshing floors, cattle-stands, village-sites and other lands situated in the village or town which are set apart for the common use of the inhabitants of such village or town;

(b) to exercise the power vested in the District Collector by section 20-A of the said Act, namely, to direct that any land referred to in clause (a) which is no longer required for its original

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purpose shall be used for any other specified communal purpose; provided that the sanction of the District Collector is obtained therefor; and

(c) to plant trees on any land the use of which is regulated by the panchayat under clause (a).

Nothing contained in clause (b) shall be deemed to affect in any way the operation of the provisos to sub-section (1) of the said section 20-A.

(2) After an estate ceases to be governed by the Madras Estates Land Act, 1908 (Madras Act I of 1908), the provisions of sub-section (1) shall apply to the lands referred to in that sub-section, to such extent and with such modifications, as may be prescribed.

88. Collected sewage, etc., to belong to panchayat.—All rubbish, sewage, filth and other matter collected by a panchayat under this Act shall belong to it.

89. Immovable property required by panchayats may be acquired under the Land Acquisition Act, 1894.—Any immovable property which any panchayat or panchayat union council is authorised by this Act or any rules made thereunder to acquire may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act I of 1894), and on payment of the compensation awarded under the said Act, in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the panchayat or panchayat union council as the case may be.

90. Contributions from persons having control over places of pilgrimage, etc.—Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs or festivals or for other like purposes is situated within the limits of a village or town or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the panchayat; but the Government may after consulting the trustee or other person having control over such place require him to make such recurring or non-recurring contribution to the funds of the panchayat as they may determine.

91. Power to order closure of places of public entertainment.—In the event of the prevalence of any dangerous disease within a panchayat development block or a village or town, the commissioner may by notice require the owner or occupier of any building, booth or tent used for purpose of public entertainment to close the same for such period as he may fix.

92. Minor suffering from dangerous disease not to attend schools.—No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease

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or has been exposed to infection therefrom shall, after a notice from the commissioner or any person duly appointed by such commissioner in this behalf that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the commissioner or such person or a registered medical practitioner a certificate that in his opinion such minor may attend without risk of communicating such disease to others.

Explanation.—In this section and in section 91 “dangerous disease” means an infectious disease within the meaning of section 52 of the Madras Public Health Act, 1939 (Madras Act III of 1939), which is notified as a dangerous disease by the Government.

93. Compulsory vaccination.—The panchayat union council shall enforce vaccination throughout the panchayat union, and it may enforce revaccination throughout the panchayat union or in any part thereof, in respect of such persons, to such extent, and in such manner as may be prescribed.

94. Obligation to give information of smallpox or cholera.—Where an inmate of any dwelling place is suffering from smallpox or cholera the head of the family to which the inmate belongs and in default the occupier or person in charge of such place, shall give intimation of the fact to the commissioner or village headman with the least possible delay.

95. Precautions in case of dangerous tanks, wells, holes, etc.—(1) If any tank, pond, well, hole, stream, dam, bank or other place appears to him to be, for want of sufficient repair, protection or enclosure, dangerous to the public health or safety the commissioner or executive authority may with the approval of the panchayat union council or panchayat as the case may be, by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, he shall, before giving such notice or before the period of notice expires, himself take such temporary measures as he thinks fit to prevent danger, and the cost of doing so shall be recoverable from the owner in the manner hereinafter provided.

96. Removal of filth or noxious vegetation from lands and buildings.—(1) The commissioner or executive authority may by notice require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or dangerous to the public or offensive to the neighbourhood, or otherwise a source of nuisance, to clear, cleanse or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth or to take such other action as may be deemed by the commissioner or executive authority necessary to remove such nuisance within such period and in such manner as may be specified in the notice.

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(2) If it appears to the commissioner or executive authority necessary for sanitary purposes so to do, he may by notice require the owner or occupier of any building or land to cleanse or lime-wash the same in the manner and within a period to be specified in the notice.

97. Power of commissioner or executive authority to use or sell materials of dangerous structure taken down, etc.—(1) When the commissioner or executive authority takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof in virtue of his powers under this chapter, the commissioner or executive authority may sell the materials or things taken down, cut down or removed and apply the proceeds in, or towards payment of the expenses incurred.

(2) If after reasonable enquiry it appears to the commissioner or executive authority that there is no owner or occupier to whom notice can be given under any section in this chapter, he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expenses incurred by the sale of such property (not being immovable property) or of any portion thereof.

98. Limitation of compensation.—No person shall be entitled, save as otherwise expressly provided, to compensation for any damages sustained by reason of any action taken by the authorities of a panchayat union council or a panchayat in pursuance of their powers under this chapter.

99. Public markets.—(1) The panchayat union council may after obtaining the previous written permission of the Inspector, provide places for use as public markets and, with the sanction of the Inspector, close any such market or part thereof.

(2) Subject to such rules as may be prescribed, the panchayat or panchayat union council may after obtaining the previous written permission of the Inspector levy any one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any, prescribed in that behalf as the panchayat union council or panchayat may think fit:—

(a) fees for the use of, or for the right to expose goods for sale in such market;

(b) fees for the use of shops, stalls, pens or stands in such market;

(c) fees on vehicles (including motor vehicles as defined in the Motor Vehicles Act, 1939) (Central Act IV of 1939), or pack animals bringing, or on persons carrying, any goods for sale in such market;

(d) fees on animals brought for sale into or sold in such market;

(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

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100. Licensing of private markets.—(1) No person shall open a new private market or continue to keep open a private market unless he has obtained a licence from the panchayat or panchayat union council as the case may be to do so. Such licence shall be renewed every year.

(2) (a) The panchayat or panchayat union council as the case may be shall grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation and water-supply, weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed.

(b) The panchayat or panchayat union council as the case may be may modify the conditions of the licence to take effect from a specified date.

(c) The panchayat or panchayat union council as the case may be may at any time suspend or cancel any licence granted under clause (a) for breach of the conditions thereof.

(d) Any person aggrieved by an order of the panchayat or panchayat union council under clause (a), (b) or (c) may appeal against such order to the Inspector who may, if he thinks fit, suspend the execution of the order pending the disposal of the appeal.

(3) (a) Any person claiming to levy in a private market lawfully established prior to the coming into force of the Madras Local Boards Act, 1884 (Madras Act V of 1884), fees of the nature specified in section 99, sub-section (2), shall apply to the Inspector for a certificate recognizing his right in that behalf; and the Inspector shall pass orders on such application after giving due notice to the panchayat or panchayat union council as the case may be and considering any representations made by it.

(b) Any person aggrieved by an order of the Inspector refusing to grant a certificate under clause (a) may, within six months from the date of such order, institute a suit to establish the right claimed by him, and subject to the result of such suit, the Inspector's order shall be final.

(4) When a licence granted under sub-section (2) does not permit the levy of any fee, it shall be granted free of charges; but when such permission is given, a fee not exceeding 15 per cent of the gross income of the owner from the market in the preceding year shall be charged by the panchayat or panchayat union council, as the case may be for such licence.

(5) The panchayat or panchayat union council as the case may be or any officer duly authorized by it may close a private market which is unlicensed or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act.

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101. Decision of disputes as to whether places are markets.—If any question arises as to whether any place is a market or not, the panchayat or panchayat union council, as the case may be, shall make a reference thereon to the Government and their decision shall be final.

102. Prohibition of sale in unlicensed private markets, etc.—No person shall sell or expose for sale any animal or article—

(a) in any public or licensed private market without the permission of the executive authority or commissioner or licensee, as the case may be, or of any person authorized by him, or

(b) in any unlicensed private market.

103. Prohibition against sale in public roads.—The executive authority or commissioner may, with the sanction of the panchayat or panchayat union council, as the case may be, prohibit by public notice or licence or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

104. Classification of markets.—The Government shall have power to classify public and private markets situated in a panchayat development block as panchayat union markets and panchayat markets respectively and provide for the control of any such market, and for the apportionment of the income derived therefrom between the panchayat union council and the panchayat or the payment of a contribution in respect thereof to the panchayat or the panchayat union council, as the case may be.

It shall be open to the Government to revise from time to time the apportionment of income ordered or the contribution directed to be paid under this section if such revision is recommended by the District Development Council.

105. Acquisition of right of persons to hold private market.—(1) A panchayat union council may acquire the rights of any person to hold a private market in any place in a panchayat development block and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894 (Central Act I of 1894) and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the panchayat union council of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold a private market and to levy fees therein shall vest in the panchayat union council.

106. Public landing places and cart-stands, etc.—Subject to such rules as may be prescribed, the panchayat may—

(a) provide public landing places, halting places and cart-stands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use; and

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(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person within such distance thereof of any public place or the sides of any public road as the panchayat may, subject to the control of the Inspector, specify.

107. Private cart-stands.—(1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the panchayat a licence to do so. Such licence shall be renewed every year.

(2) The panchayat shall, as regards private cart-stands already lawfully established, and may at its discretion as regards new private cart-stands, grant the licence applied for, subject to such conditions as the panchayat may think fit as to supervision and inspection, conveyance and such other matters as may be prescribed; or the panchayat may refuse to grant such licence for any new cart-stand.

(3) The panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The panchayat may levy on every grant or renewal of a licence under this section, a fee not exceeding two hundred rupees.

108. Public slaughter-houses.—A panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use.

109. Prohibition or regulation of the use of places for slaughtering animals and the licensing of slaughters.—The Government shall have power to make rules for—

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules on all occasions not excepted therein, at places other than public slaughter-houses;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public; and

(c) the inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

110. Numbering of buildings.—(1) In any area to which this Act applies, such authority as may be prescribed in this behalf, may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number, or any number assigned to any building in any such area.

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(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the authority referred to in sub-section (1) may by notice require him to replace it.

111. Purposes for which places may not be used without a licence.—(1) The Government may, by notification specify the purposes which, in their opinion, are likely to be offensive or dangerous to human life or health or property.

(2) (i) The panchayat union council in the case of panchayat villages may, with the previous approval of the prescribed authority, notify that no place within the limits of any panchayat village in the panchayat development block or within the limits of such panchayat village or villages as may be specified in the notification shall be used for any of the purposes referred to in sub-section (1) without a licence and except in accordance with the conditions specified in such licence.

(ii) The town panchayat may, with the previous approval of the prescribed authority, notify that no place within the limits of the panchayat town shall be used for any of the purposes referred to in sub-section (1) without a licence and except in accordance with the conditions specified in such licence.

(3) No notification issued under sub-section (1) or sub-section (2) shall take effect until sixty days from the date of its publication.

(4) The executive officer in the case of panchayat towns and the commissioner in the case of panchayat villages shall be the authority competent to grant the licence or to refuse to grant it.

112. Permission for the construction of factories and the installation of machinery.—No person shall without the permission of the panchayat union council in panchayat villages and the town panchayat in a panchayat town and except in accordance with the conditions specified in such permission—

(a) construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(b) install in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by the rules.

113. Power of Government to make rules in respect of the grant and renewal of licences and permissions.—(1) The Government may make rules—

(a) prohibiting or regulating the grant or renewal of licences under section 111 and the period for which such licences shall be valid;

(b) as to the time within which applications for such licences or renewals thereof shall be made; and

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(c) prohibiting or regulating the grant of permissions under section 112.

(2) Rules made under clause (c) of sub-section (1) may empower the panchayat union council in panchayat villages and the town panchayat in a panchayat town to set apart specified areas for industrial purposes and provide for the refusal of permissions under section 112 in respect of any factory, workshop, work-place or premises outside such areas and also, subject to the sanction of the prescribed authority, for the removal to such areas, of any factory, workshop or workplace which has been already established at any place or any machinery which has already been installed in any premises, situated outside such areas:

Provided that no such rule shall authorize the removal of any factory, workshop or workplace or machinery installed in any premises, in the occupation or under the control of the Central or the State Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933).

(3) The Government may either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 111 or section 112.

(4) The income derived from fees on licences under section 111 and on permissions under section 112 shall if received by the panchayat union council, be credited to the funds of the village panchayat concerned and if received by the town panchayat be credited to the funds of that town panchayat.

APPLICATION OF THE MADRAS PLACES OF PUBLIC RESORT ACT, 1888.

114. Modification of the Madras Places of Public Resort Act, 1888.—Notwithstanding anything contained in the Madras Places of Public Resort Act, 1888 (Madras Act II of 1888), when the Government extend that Act to any village, town or part thereof—

(a) the authority to whom application shall be made for a licence under that Act in respect of any place or building to be used exclusively for purposes other than the holding of cinematograph exhibitions, and who may grant or refuse such licence, shall be the executive officer in the case of panchayat towns and the commissioner in the case of panchayat villages;

(b) the appeal from the order of the executive officer or the commissioner granting, refusing, revoking or suspending a licence, shall lie to the town panchayat or the panchayat union council as the case may be;

(c) the income derived from fees on licences under this section shall, if received by the panchayat union council, be credited to the funds of the village panchayats concerned and if received by the town panchayat, be credited to the funds of that town panchayat.

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CHAPTER IV.—TAXATION AND FINANCE.

115. Local cess.—(1) There shall be levied in every panchayat development block, a local cess at the rate of 45 naye Paise on every rupee of land revenue payable to the Government in respect of any land for every fasli.

Explanation.—Land revenue means public revenue due on land and includes water-cess payable to the Government for water supplied or used for the irrigation of land but does not include any other cess or the surcharge payable under section 116 provided that land revenue remitted shall not be deemed to be land revenue payable for the purpose of this section.

(2) The local cess payable under sub-section (1) shall be deemed to be public revenue due on all the lands in respect of which a person is liable to pay local cess and all the said lands, the buildings upon the said lands and their products shall be regarded as the security for the local cess.

(3) The provisions of the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864), shall apply to the payment and recovery of the local cess payable under this Act just as they apply to the payment and recovery of the revenue due upon the lands in respect of which the local cess under this Act is payable.

(4) (a) Out of the proceeds of the local cess so collected in every panchayat development block, a sum representing four-ninths of the proceeds shall be credited to the Panchayat Union (Education) Fund.

(b) Out of the proceeds of the local cess collected in every panchayat town in a panchayat development block, a sum representing two-ninths of the said proceeds shall be credited to the town panchayat fund.

(c) Out of the balance of the proceeds of the local cess collected in the panchayat development block, such percentage as the panchayat union council may fix shall be credited to the village panchayat fund, and the percentage shall be fixed so as to secure as nearly as may be that the total income derived by all the village panchayats in the panchayat union does not fall short of an amount calculated at 20 naye Paise for each individual of the village population in the panchayat union.

(d) The balance of the proceeds of the local cess collected in the panchayat development block shall be credited to the funds of the panchayat union council.

116 Local cess surcharge.—Every panchayat union council may levy on every person liable to pay land revenue to the Government in respect of any land in the panchayat union a local cess surcharge at such rate as may be considered suitable as an addition to the local cess levied in the panchayat development block under section 115 provided that the rate of local cess surcharge so levied shall be subject to such maximum as may be prescribed.

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117. Rules regarding collection of local cess.—The Government may make rules not inconsistent with this Act for regulating the collection of the local cess, the payment thereof to the panchayats and panchayat union councils and the deduction of any expenses incurred by the Government in the collection thereof.

118. Land Revenue Assignment.—The Government shall pay to each panchayat union council a sum representing one rupee for each individual of the population of the panchayat development block concerned from out of the total land revenue (including water-cess) collected in the State during that year. The sum thus credited to the panchayat union council shall be referred to as the Land Revenue Assignment of that block.

119. Taxes leviable by panchayats.—(1) Every village panchayat shall levy in the village and every town panchayat shall levy in the town a house-tax, a profession-tax and a vehicle tax.

(2) A duty shall also be levied in every panchayat village and every panchayat town on certain transfers of property in accordance with the provisions of section 124.

(3) Subject to such rules as may be prescribed and with the sanction of the Inspector and subject to such restrictions and conditions, if any, as may be imposed by him either at the time of granting sanction or later, the panchayat may also levy in the village or town as the case may be a tax on agricultural land for a specific purpose.

120. House-tax.—(1) The house-tax shall be levied on all houses in every village and town on the basis on which such tax was levied in the local area concerned immediately before the commencement of this Act :

Provided that the Government may by rules prescribe that the tax shall be levied on the basis of classified plinth area or on the basis of annual rent value or capital value or on a combination of any two or more of the above bases.

(2) The house-tax shall, subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

(3) The house-tax shall be levied every half-year at such rates as may be fixed by the panchayat, not being less than the minimum rates and not exceeding the maximum rates specified in Schedule I in regard to the basis of levy adopted by the panchayat.

(4) The Government may make rules providing for—

(i) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation;

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(ii) the persons who shall be liable to pay the tax and the giving of notices of transfer of houses:

(iii) the grant of vacancy and other remissions;

(iv) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from the village or town, during any half-year, shall be liable or cease to be liable to the whole or any portion of the tax.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

121. Profession-tax.—(1) The profession-tax shall, subject to such rules as may be prescribed, be levied every half-year in every village or town on—

(i) every company which transacts business in such village or town for not less than sixty days in the aggregate in that half-year; and

(ii) every person, who, in that half-year—

(a) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within such village or town for not less than sixty days in the aggregate; or

(ii) without such village or town, but who resides in it for not less than sixty days in the aggregate; or

(b) resides in such village or town for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

(2) The profession-tax shall be levied at such rates as may be fixed by the panchayat, not being less than such minimum rates and not exceeding such maximum rates as may be prescribed.

(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(4) If a company or person proves that it or he had paid the sum due on account of the profession-tax levied under this Act, or the companies or profession-tax levied under the Madras City Municipal Act, 1919 (Madras Act IV of 1919), or the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or any tax of the nature of a profession-tax imposed under the Cantonments Act, 1924 (Central Act II of 1924), for the same half-year to any panchayat or municipal council or cantonment authority in the State of Madras, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other panchayat, municipal council or cantonment authority more than the difference

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between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act or any of the aforesaid Acts.

(5) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession-tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case, the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final:

Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the Government shall be subject to the concurrence of the Central Government.

(6) The profession-tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.

(7) (a) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession-tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(b) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession-tax on the same income as that of the principal.

122. Vehicle tax.—The vehicle tax shall, subject to such rules as may be prescribed including rules relating to exemptions and restrictions, be levied every half-year on all vehicles kept or used within the village or town at such rates as may be fixed by the panchayat not being less than the minimum rates and not exceeding the maximum rates prescribed.

Explanation.—In this section, 'vehicle' means a conveyance suitable for use on roads and includes any kind of tram-car, carriage, cart, wagon, bicycle, tricycle and rickshaw, but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939).

123. Appeals against assessments.—An appeal shall lie to such authority and within such time as may be prescribed, against any assessment of tax made in pursuance of sections 119 to 122.

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124. Duty on transfers of property.—(1) The duty on transfers of property shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899 (Central Act II of 1899), as in force for the time being in the State of Madras, on every instrument of the description specified below, which relates to immovable property situated in the area under the jurisdiction of a panchayat; and

(b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument :—

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property, of the greatest value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

(2) On the introduction of the duty aforesaid—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under the jurisdiction of a panchayat and in respect of property situated outside such area;

(b) section 64 of the same Act shall be read as if it referred to the panchayat as well as the Government.

(3) (a) The amounts collected in the panchayat villages in the panchayat development block as surcharge on the duty on transfers of property under this section shall be pooled every year for the entire block and distributed among all the village panchayats in the block in proportion to the land revenue of the village.

(b) The amounts collected in any panchayat town as surcharge on the duty on transfers of property under this section, shall be credited to the town panchayat fund.

(4) The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the panchayat and the deduction of any expenses incurred by the Government in the collection thereof.

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125. Exemptions.—No exemption from the payment of any surcharge or tax specified in section 116 or 119 shall be granted by the panchayat or the panchayat union council except in accordance with such rules as may be prescribed :

Provided that in any particular case, such exemption may be granted with the previous sanction of the Government.

126. Power to require land revenue staff to collect taxes and fees due to panchayats.—Subject to such rules as may be prescribed, the executive authority, or the commissioner shall have power to require the staff of the Land Revenue Department to prepare at quinquennial intervals a House-tax Assessment Register in such form as may be prescribed and to collect any tax or fee due to the panchayat or panchayat union council on payment of such remuneration not exceeding $6\frac{1}{2}$ per cent of the gross sum collected as the Collector may, by general or special order, determine.

127. Write-off of irrecoverable amounts.—Subject to such restrictions and control as may be prescribed, a panchayat or panchayat union council may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion such tax, fee, amount or sum is irrecoverable :

Provided that where the Collector or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a panchayat or panchayat union council the power to write off such tax, fee or amount or any sum payable in connexion therewith, on the ground of its being irrecoverable, shall be exercised by the Board of Revenue or subject to its control, by the Collector or any officer authorized by him.

128. Local Education Grant.—The Government shall pay annually to every panchayat union council a Local Education Grant the amount of which shall be calculated as follows :—

The total amount of expenditure approved by the Government for being debited to the Panchayat Union (Education) Fund shall be divided into slabs in the manner specified below :—

So much of the expenditure as may be equal to the land revenue assignment of the block referred to in section 118 shall constitute the first slab.

So much of the expenditure as may be in excess of the first slab subject to a maximum of 250 naye Paise for each individual of the population of the panchayat development block concerned shall constitute the second slab.

To each panchayat union council, the Government shall make a Local Education Grant which shall be a proportion of the second slab not less than fifty per cent and not more than eighty per cent as may be specified by the Government in respect of that block.

129. Local Cess Surcharge Matching Grant.—The Government shall pay every year to the panchayat union council a Local Cess Surcharge Matching Grant, which shall be a sum calculated at

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such percentage as may be prescribed of the proceeds of the local cess surcharge levied in the panchayat development block in excess of the minimum rate fixed under section 116.

130. Classification of panchayat development blocks.—For the purpose of sanctioning grants to panchayat union councils, the Government may classify panchayat development blocks in such manner as they may deem fit once in every five years and it shall be open to the Government to sanction grants at varying rates for the different classes of panchayat development blocks. It shall also be open to the Government to revise the classification of panchayat development blocks once in every five years.

131. Village House-tax Matching Grant.—On every rupee of year to every panchayat union council a Local Roads Grant, which shall be a sum calculated at the rate of 40 naye Paise for each individual of the estimated population in the panchayat development block to be earmarked and spent on the maintenance of roads in its area and such sum shall be in lieu of the amounts payable before the commencement of this Act, with reference to section 10 (1) (a) of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931). Such rate shall be reviewed and refixed once in every five years with due regard to the needs and resources of the panchayat unions..

132. Village House-tax Matching Grant.—On every rupee of house-tax collected by a village panchayat, an equal amount shall be paid by the Government as grant which shall be called the Village House-tax Matching Grant.

133. Deduction from grants in certain cases.—Where the panchayat union council undertakes a work of common benefit for more than one panchayat, it may apportion the cost of such work among the different panchayats benefited thereby. In such a case, the panchayat union council shall be entitled to recover the share of such cost from the panchayat out of the amounts payable to the panchayats under sections 115 and 121.

134. Constitution of Panchayat Union Fund, Town Panchayat Fund and Village Panchayat Fund.—There shall be constituted—

- (i) for each panchayat union, a Panchayat Union (General) Fund and a Panchayat Union (Education) Fund;
- (ii) for each town panchayat, a Town Panchayat Fund; and
- (iii) for each village panchayat, a Village Panchayat Fund.

PANCHAYAT UNION (GENERAL) FUND.

135. Panchayat Union (General) Fund.—The receipts which shall be credited to the Panchayat Union (General) Fund shall include—

- (i) such part of the local cess collected in the panchayat development block as remains after crediting to the Panchayat Union (Education) Fund, the Town Panchayat Fund and the Village Panchayat Fund under section 115;

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(ii) the local cess surcharge collected in the panchayat development block under section 116;

(iii) the local cess surcharge matching grant paid by the Government under section 129;

(iv) the local roads grant paid by the Government under section 131;

(v) fees on licences issued and permissions given by the panchayat union council;

(vi) fees levied in public markets classified as panchayat union markets after deducting the contribution, if any, paid by the panchayat union council to the panchayat on the scale fixed by the Government;

(vii) the contribution paid to the panchayat union council by panchayats in respect of markets classified as panchayat markets;

(viii) fees for the temporary occupation of roads or road margins;

(ix) fees for the use of choultries;

(x) receipts from dispensaries maintained by the panchayat union council;

(xi) income from endowments and trusts under the management of the panchayat union council;

(xii) the proportionate share of the proceeds of the entertainments tax received by the panchayat union council under section 13 of the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939);

(xiii) contributions from Government, other panchayat union councils, municipalities, other local authorities and persons in aid of any institution or service maintained or financed from panchayat union funds or managed by the panchayat union council;

(xiv) sale-proceeds of tools and plant, stores and materials and of trees and avenue produce appertaining to panchayat union roads;

(xv) income from panchayat union ferries and fisheries;

(xvi) interest on loans and securities;

(xvii) interest on arrears of revenue;

(xviii) income from and sale proceeds of, buildings, lands and other property belonging to the panchayat union council;

(xix) unclaimed deposits and other forfeitures;

(xx) fines and penalties levied under this Act by the panchayat union council or at its instance or on its behalf;

(xxi) all sums other than those enumerated above or in section 136 which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the panchayat union fund or managed by the panchayat union council;

(xxii) all other moneys received by the panchayat union council.

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PANCHAYAT UNION (EDUCATION) FUND.

136. Panchayat Union (Education) Fund.—The receipts which shall be credited to the Panchayat Union (Education) Fund shall include—

- (i) four-ninths of the local cess collected under section 115;
- (ii) the land revenue assignment paid by the Government under section 118;
- (iii) the Local Education Grant paid by the Government;
- (iv) such contribution from the Panchayat Union (General) Fund as the Government may decide to be necessary in any year in order to balance the budget of the fund for that year;
- (v) all fines and penalties levied within the jurisdiction of the panchayat union council under the provisions of the Madras Elementary Education Act, 1920 (Madras Act VIII of 1920);
- (vi) all income derived from any endowments or other property owned or managed by the panchayat union council for the benefit of elementary education;
- (vii) all other sums which may be contributed or received by the panchayat union council for the purposes of elementary education.

137. Town panchayat and village panchayat fund.—The receipts which shall be credited to the town panchayat and village panchayat fund shall include—

- (i) the house-tax, the profession-tax, the vehicle tax and any other tax or any cess or fee, levied under sections 119 to 122 of this Act;
- (ii) the proceeds of the duty on transfers of property levied under section 124 of this Act;
- (iii) the share of the local cess under section 115;
- (iv) in respect of village panchayat fund, the village house-tax matching grant;
- (v) the taxes and tolls levied in the village under sections 117 and 118 of the Madras Public Health Act, 1939 (Madras Act III of 1939);
- (vi) fees levied in public markets classified as panchayat markets after deducting the contributions, if any, paid by the panchayat to the panchayat union council on the scale fixed by the Government;
- (vii) the contribution paid to the panchayat by panchayat union councils in respect of markets classified as panchayat union markets;
- (viii) fees for the temporary occupation of village sites, roads and other similar public places or parts thereof in the village or town;

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(ix) fees levied by the panchayat in pursuance of any provision in this Act or any rule or order made thereunder;

(x) income from endowments and trusts under the management of the panchayat;

(xi) the net assessment on service inams which are resumed by the Government;

(xii) the proportionate share of the proceeds of the entertainments tax received by the panchayat under section 13 of the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939)—

(xiii) income derived from village fisheries;

(xiv) income derived from ferries under the management of the panchayat;

(xv) unclaimed deposits and other forfeitures;

(xvi) a sum equivalent to the seigniorage fees collected by the Government every year from persons permitted to quarry for road materials in the village or town, as the case may be;

(xvii) all income derived from porambokes the user of which is vested in the panchayat;

(xviii) where the village or town, as the case may be, is in a ryotwari tract, all income derived from trees standing on porambokes although the user of the porambokes is not vested in the panchayat;

(xix) income from leases of Government property obtained by the panchayat;

(xx) fines and penalties levied under this Act by the town panchayat or the village panchayat or at the instance or on behalf of either the town panchayat or the village panchayat;

(xxi) all sums other than those enumerated above which arise out of, or are received in aid of or for expenditure on, any institutions or services maintained or financed from the panchayat fund or managed by the panchayat;

(xxii) all other moneys received by the panchayat.

EXPENDITURE.

138. Application of moneys received and expenditure from funds.—All moneys received by the panchayat union council, the village panchayat or the town panchayat shall be applied and disposed of in accordance with the provisions of this Act and other laws:

Provided that the panchayat union council or the panchayat shall have power subject to such rules as may be prescribed to direct that the proceeds of any tax or additional tax levied under this Act shall be earmarked for the purpose of financing any specific

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public improvement. A separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

139. Expenditure from panchayat fund and panchayat union fund.—(1) The purposes to which the funds of the panchayat union council or of the village panchayat or the town panchayat may be applied include all objects expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the funds shall be applicable thereto within the panchayat development block or the village or town, as the case may be, subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid be applicable to such purposes outside the panchayat development block or village or town if the expenditure is authorized by this Act or specially sanctioned by the Inspector.

(2) It shall be the duty of every panchayat union council and panchayat to provide for the payment of—

- (i) any amounts falling due on any loans contracted by it;
- (ii) the salaries and allowances and the pensions, pensionary contributions, and provident fund contributions of its officers and servants;
- (iii) sums due under any decree or order of a Court; and
- (iv) any other expenses rendered obligatory by or under this Act or any other law.

(3) A panchayat union council or panchayat may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A panchayat union council or panchayat may, with the sanction of the Inspector also—

- (i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the panchayat development block or village or town;
- (ii) contribute to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease; and
- (iii) defray any other extraordinary charges.

140. Preparation and sanction of budgets.—(1) The executive authority of the panchayat and the commissioner, shall in each year frame and place before the panchayat or the panchayat union council, as the case may be, a budget showing the probable receipts and expenditure during the following year.

(2) The budget of a panchayat or panchayat union council shall after preparation by the executive authority or the commissioner be submitted on or before such date and to such officer as

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may be prescribed, and if the prescribed officer is satisfied that adequate provision has not been made therein for the performance of any necessary service or services, he shall have power to return the budget for modification in such manner as may be necessary to secure such provision.

(3) The panchayat or the panchayat union council, as the case may be, shall sanction the budget with such modifications as it thinks fit. If there is a difference of opinion between the officer referred to in sub-section (2) and the panchayat and the panchayat union council, as the case may be, the budget shall be referred to the Inspector in the case of panchayats and the Government in the case of the panchayat union council. The Inspector or the Government as the case may be shall have power to modify the budget in such manner as he or they may consider necessary.

(4) If in the course of a year, a panchayat or panchayat union council finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed, sanctioned, submitted and modified in the manner provided in sub-sections (1) and (2), provided that no such alteration shall be given effect to except with the consent of the prescribed officer.

(5) On or before such date in each year as may be prescribed, every commissioner shall submit to the Government through such officer and in such forms as may be prescribed a budget for the ensuing financial year showing the income and expenditure relating to the panchayat union (education) fund.

(6) The Government may pass such orders as they think fit in respect of the budget referred to in sub-section (5) and the panchayat union council concerned shall be bound to carry out such orders.

(7) The accounts of the panchayat union (education) fund shall be examined and audited by an auditor appointed by the Government under section 141, and the panchayat union council concerned shall carry out any instructions which the Government may issue on the audit report.

141. Appointment of auditors.—(1) The Government shall appoint auditors of the accounts of the receipts and expenditure of the funds of the panchayat union council and of the panchayat. Such auditors shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(2) No contribution shall be recovered by the Government from the panchayat union council or the panchayat towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the panchayat union council or the panchayat.

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142. Contribution to expenditure by other local authorities.—If the expenditure incurred by the Government or by any panchayat union council or by any panchayat or by any other local authority in the State for any purpose authorized by or under this Act, is such as to benefit the inhabitants of the village or town, the panchayat union council or the panchayat, as the case may be, may with the sanction of the Inspector, and shall if so directed by him, make a contribution towards such expenditure.

143. Recovery of loans and advances made by Government.—(1) Notwithstanding anything contained in the Local Authorities Loans Act, 1914 (Central Act IX of 1914), the Government may—

(a) by order direct any person having custody of the funds of the panchayat union council or the panchayat to pay to them in priority to any other charges against such fund, except charges for the service of authorized loans, any loan or advance made by them to the panchayat union council or the panchayat for any purpose to which its funds may be applied under this Act;

(b) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (a) of sub-section, (1) is addressed shall be bound to comply with such order.

CHAPTER V.—CONTROLLING AUTHORITIES.

144. Appointment of officers to supervise panchayat union councils and panchayats.—(1) The Government may appoint such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the panchayats and the panchayat union councils constituted under this Act.

(2) The Government shall have power to regulate by rules made under this Act the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers referred to in sub-section (1) and of the members of their establishment.

145. Powers of inspecting officers.—(1) The Inspector or the Collector or any officer appointed under section 144 or any other officer or person whom the Government, or the Inspector or the Collector may empower in this behalf, may enter on and inspect—

(a) any immovable property, or any work in progress, under the control of any panchayat or its executive officer or of any panchayat union council or commissioner;

(b) any school, dispensary, vaccination station or choultry maintained by, or under the control of any panchayat union council or any other institution maintained by or under the control of any panchayat or panchayat union council and any records, registers or other documents kept in any such institution;

(c) the office of any panchayat or panchayat union council and any records, registers or other documents kept therein.

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(2) Panchayats and their presidents, executive authorities, panchayat union councils and their chairmen, commissioners and the officers and servants of panchayats and panchayat union councils shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to panchayat or panchayat union property or premises and to all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this section.

146. Powers of officers for purpose of control.—The Inspector or any officer or person whom the Government or the Inspector may empower in this behalf may—

(a) direct the panchayat or panchayat union council to make provision for and to execute or provide any public work or amenity, or service of the description referred to in sections 63 and 65;

(b) call for any record, register or other document in the possession, or under the control, of any panchayat or executive authority, or of any panchayat union council or commissioner;

(c) require any panchayat or its executive authority or any panchayat union council or commissioner to furnish any return, plan, estimate, statement, account or statistics;

(d) require any panchayat or its executive authority or any panchayat union council or commissioner to furnish any information or report on any matter connected with such panchayat or panchayat union council;

(e) require any panchayat or its executive authority or any panchayat union council or the commissioner to obtain his previous sanction before giving up a claim or closing down any institution which is a source of income;

(f) record in writing for the consideration of any panchayat or its executive authority or of any panchayat union council or commissioner any observations in regard to its or his proceedings or duties.

147. Power to suspend or cancel resolution, etc., under the Act.—(1) The Inspector may, by order in writing,—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done,

in pursuance or under colour of this Act, if in his opinion,—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such powers or is considered by the Inspector to be otherwise undesirable, or

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(c) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray :

Provided that nothing in this sub-section shall enable the Inspector to set aside any election which has been held.

(2) The Inspector shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.

(3) The power conferred on the Inspector under clause (c) of sub-section (1) may be exercised by the Collector in accordance with the provisions of that clause.

148. Emergency powers of Collector and Inspector.—Subject to such control as may be prescribed, the Inspector or the Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a panchayat or its executive authority or a panchayat union council or commissioner is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the panchayat fund or the panchayat union fund in priority to any other charges against such fund except charges for the service of authorized loans.

149. Power to take action in default of a panchayat, president or executive authority.—(1) If at any time it appears to the Inspector that a panchayat, president or executive authority or that a panchayat union council or its chairman or commissioner has made default in performing any duty imposed by or under this or any other Act, he may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Inspector may appoint some person to perform it, and may direct that the expense of performing it shall be paid by the person having the custody of the panchayat fund or the panchayat union fund as the case may be in priority to any other charges against such fund except charges for the service of authorized loans.

150. Removal of president or vice-president.—(1) If, in the opinion of the Inspector, the president or vice-president, wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder or abuses the powers vested in him, the Inspector shall, by notice in writing, require the president or the vice-president, as the case may be, within a specified date, to offer his explanation with respect to his acts of omission or commission mentioned in the notice.

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(2) If the explanation is received within the specified date and the Inspector considers that the explanation is satisfactory, he may drop further action with respect to the notice. If no explanation is received within the specified date or if the explanation received is in his opinion not satisfactory, he shall forward to the tahsildar of the taluk a copy of the notice referred to in sub-section (1) and the explanation of the president if received within the specified date with a proposal for the removal of the president or the vice-president for the consideration of the panchayat.

(3) The tahsildar shall then convene a meeting for the consideration of the notice and the explanation, if any, and the proposal for the removal of the president or vice-president, to be held at the office of the panchayat at a time appointed by the tahsildar.

(4) A copy of the notice of the meeting shall be caused to be delivered to the president or vice-president concerned and to all the members of the panchayat by the tahsildar at least seven days before the date of the meeting.

(5) The tahsildar shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour appointed for the meeting, the tahsildar is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the tahsildar under sub-section (6).

(6) If the tahsildar is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall be not later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(7) Save as provided in sub-sections (5) and (6), a meeting convened for the purpose of considering the notice and the explanation, if any, and the proposal for the removal of the president or the vice-president under this section shall not, for any reason, be adjourned.

(8) As soon as the meeting convened under this section is commenced, the tahsildar shall read to the panchayat the notice of the Inspector and the explanation, if any, of the president or the vice-president, as the case may be, for the consideration of which it has been convened.

(9) There shall be no debate in any meeting under this section.

(10) The tahsildar shall not speak on the merits of the notice or explanation nor shall he be entitled to vote at the meeting.

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(11) The decision of the panchayat accepting or rejecting the proposal of the Inspector shall be duly recorded in the minutes of the meeting and a copy of the minutes shall forthwith on the termination of the meeting be forwarded by the tahsildar to the Inspector.

(12) If the proposal has been accepted by the panchayat at the meeting, the Inspector shall, by notification, remove the president or vice-president, as the case may be, from office.

(13) Any person in respect of whom a notification has been issued under sub-section (12) removing him from the office of president or vice-president shall be ineligible for election as president or vice-president or from holding any of those offices until the date on which notice of the next ordinary elections to the panchayat is published in the prescribed manner, or the expiry of one year from the date specified in the notification, whichever is earlier.

151. Removal of chairman or vice-chairman.—(1) If, in the opinion of the Government, the chairman or vice-chairman wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder, or abuses the powers vested in him, the Government shall, by notice in writing, require the chairman or the vice-chairman, as the case may be, within a specified date, to offer his explanation with respect to his acts of omission or commission mentioned in the notice.

(2) If the explanation is received within the specified date, and the Government consider that the explanation is satisfactory, the Government may drop further action with respect to the notice. If no explanation is received within the specified date or if the explanation received is in their opinion not satisfactory, the Government shall forward to the Revenue Divisional Officer of the division concerned a copy of the notice referred to in sub-section (1) and the explanation of the chairman or vice-chairman with a proposal for the removal of the chairman or vice-chairman from office.

(3) The Revenue Divisional Officer shall then convene a meeting for the consideration of the notice and the explanation, if any, and the proposal for the removal of the chairman or vice-chairman to be held at the office of the panchayat union council at a time appointed by the Revenue Divisional Officer.

(4) A copy of the notice of the meeting shall be caused to be delivered to the chairman or vice-chairman concerned and to all the members of the panchayat union council by the Revenue Divisional Officer at least seven days before the date of the meeting.

(5) The Revenue Divisional Officer shall preside at the meeting convened under this section and no other person shall preside thereat. If within half an hour appointed for the meeting, the Revenue Divisional Officer is not present to preside at the

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meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the Revenue Divisional Officer, under sub-section (6).

(6) If the Revenue Divisional Officer is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall be not later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(7) Save as provided in sub-sections (5) and (6), a meeting convened for the purpose of considering the notice and the explanation, if any, and the proposal for the removal of the chairman or the vice-chairman under this section shall not, for any reason, be adjourned.

(8) As soon as the meeting convened under this section is commenced, the Revenue Divisional Officer shall read to the panchayat union council the notice of the Government and the explanation, if any, of the chairman or the vice-chairman, as the case may be, for the consideration of which it has been convened.

(9) There shall be no debate in any meeting under this section.

(10) The Revenue Divisional Officer shall not speak on the merits of the notice or explanation nor shall he be entitled to vote at the meeting.

(11) The decision of the panchayat union council accepting or rejecting the proposal of the Government shall be duly recorded in the minutes of the meeting and a copy of the minutes shall forthwith on the termination of the meeting be forwarded by the Revenue Divisional Officer to the Government.

(12) If the proposal has been accepted by the panchayat union council at the meeting, the Government shall, by notification, remove the chairman or vice-chairman, as the case may be, from office.

(13) Any person in respect of whom a notification has been issued under sub-section (12) removing him from the office of chairman or vice-chairman shall be ineligible for election as chairman or vice-chairman or from holding any of those offices until the date on which notice of the next ordinary elections to the panchayat union council is published in the prescribed manner or the expiry of one year from the date specified in the notification whichever is earlier.

152. Motion of no-confidence in president or vice-president of panchayat.—(1) Subject to the provisions of this section, a motion expressing want of confidence in the president or vice-president of a panchayat may be made in accordance with the procedure laid down herein.

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(2) Written notice of intention to make the motion, signed by members of the panchayat not less in number than one-half of the sanctioned strength of the panchayat, together with a copy of the motion which is proposed to be made, and a written statement of the charges against the president or the vice-president, as the case may be, shall be delivered in person to the tahsildar of the taluk by any two of the members of the panchayat signing the notice.

(3) A copy of the statement of charges along with the notice of the meeting shall be caused to be delivered to the president or vice-president concerned by the tahsildar, and the president or vice-president shall be required to give a statement in reply to the charges within a week of the receipt of the notice by the president or vice-president.

(4) The tahsildar shall then convene a meeting for the consideration of the motion, to be held at the office of the panchayat at a time appointed by him.

(5) The tahsildar shall give to the members notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(6) The tahsildar shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting, the tahsildar is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the tahsildar under sub-section (7).

(7) If the tahsildar is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (4). Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(8) Save as provided in sub-sections (6) and (7), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(9) As soon as the meeting convened under this section has commenced, the tahsildar shall read to the panchayat the motion for the consideration of which it has been convened, the statement of charges and the written statement, if any, of the president or vice-president in reply to the said charges.

(10) There shall be no debate on any motion under this section.

(11) The tahsildar shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

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(12) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the tahsildar to the Inspector.

(13) If the motion is carried with the support of not less than two-thirds of the sanctioned strength of the panchayat, the Inspector shall, by notification, remove the president or vice-president of the panchayat as the case may be.

(14) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of the quorum referred to in sub-section (13), no notice of any subsequent motion expressing want of confidence in the same president or vice-president shall be received until after the expiry of six months from the date of the meeting.

(15) No notice of a motion under this section shall be received within six months of the assumption of office by the president or vice-president as the case may be.

153. Motion of no-confidence in chairman or vice-chairman of panchayat union council.—(1) Subject to the provisions of this section, a motion expressing want of confidence in the chairman or vice-chairman of a panchayat union council may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, signed by members of the panchayat union council not less in number than one-half of the sanctioned strength of the panchayat union council, together with a copy of the motion which is proposed to be made and a written statement of the charges against the chairman or the vice-chairman, as the case may be, shall be delivered in person to the Revenue Divisional Officer of the division by any two of the members of the panchayat union council signing the notice.

(3) A copy of the statement of charges along with the motion shall be caused to be delivered to the chairman or vice-chairman concerned by the Revenue Divisional Officer and the chairman or vice-chairman concerned shall be required to give a statement in reply to the charges within a week of the receipt of the motion by the chairman or vice-chairman.

(4) The Revenue Divisional Officer shall then convene a meeting for the consideration of the motion to be held at the office of the panchayat union council at a time appointed by him.

(5) The Revenue Divisional Officer shall give to the members notice of not less than fifteen clear days of the meeting and of the time appointed therefor.

(6) The Revenue Divisional Officer shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed

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for the meeting, the Revenue Divisional Officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the Revenue Divisional Officer under sub-section (7).

(7) If the Revenue Divisional Officer is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (4). Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(8) Save as provided in sub-sections (6) and (7), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(9) As soon as the meeting convened under this section has commenced, the Revenue Divisional Officer shall read to the panchayat union council the motion for the consideration of which it has been convened, the statement of charges and the statement, if any, of the chairman or vice-chairman in reply to the said charges.

(10) There shall be no debate on any motion under this section.

(11) The Revenue Divisional Officer shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(12) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Revenue Divisional Officer to the Government.

(13) If the motion is carried with the support of not less than two-thirds of the sanctioned strength of the panchayat union council, the Government shall, by notification, remove the chairman or vice-chairman of the panchayat union council as the case may be.

(14) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of the quorum referred to in sub-section (13), no notice of any subsequent motion expressing want of confidence in the same chairman or vice-chairman shall be received until after the expiry of six months from the date of the meeting.

(15) No notice of a motion under this section shall be received within six months of the assumption of office by the chairman or vice-chairman as the case may be.

154. Dissolution of panchayats.—(1) If in the opinion of the Government, a panchayat is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, they may, by notification—

(a) dissolve the panchayat from a specified date; and

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(b) direct that the panchayat be reconstituted with effect from a date which shall not be later than one year from the date of dissolution.

(2) Before publishing a notification under sub-section (1), the Government shall communicate to the panchayat the grounds on which they propose to do so, fix a reasonable period for the panchayat to show cause against the proposal and consider its explanations and objections, if any.

(3) On the date fixed for the dissolution of a panchayat under sub-section (1) all its members as well as its president and vice-president shall forthwith be deemed to have vacated their offices as such and thereupon the provisions contained in the proviso to sub-section (2) of section 11 shall apply.

(4) In case the president or vice-president or a member of a panchayat which is dissolved under this section is the chairman or vice-chairman or a member of a panchayat union council, he shall, with effect on and from the date of the dissolution be deemed to have vacated his office as such chairman, vice-chairman or member notwithstanding anything contained in sub-section (1) of section 19.

(5) On the reconstitution of the panchayat after the dissolution, the Government may pass such orders as they deem fit as to the transfer to the panchayat from the panchayat union council of the assets or institutions which were acquired by the panchayat union council during the period of the dissolution on behalf of the panchayat and as to the discharge of the liabilities, if any, of such panchayat relating to such assets or institutions.

(6) The members of a reconstituted panchayat shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix.

155. Dissolution of panchayat union councils.—(1) If in the opinion of the Government a panchayat union council is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers, they may by notification—

(a) dissolve the panchayat union council from a specified date; and

(b) direct that the panchayat union council be reconstituted with effect from a date which shall not be later than one year from the date of dissolution.

(2) Before publishing a notification under sub-section (1), the Government shall communicate to the panchayat union council the grounds on which they propose to do so, fix a reasonable period for the panchayat union council to show cause against the proposal and consider its explanations and objections, if any.

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(3) On the date fixed for the dissolution of a panchayat union council under sub-section (1) all its members as well as its chairman and vice-chairman shall forthwith be deemed to have vacated their offices as such.

(4) During the interval between the dissolution and the reconstitution of a panchayat union council, the Inspector may appoint a person to exercise the powers and discharge the duties of the panchayat union council and of its chairman :

Provided that any person to be appointed under the provisions of this sub-section shall be a person in the service of the Government not below the rank of a tahsildar or a commissioner.

(5) The members of a reconstituted panchayat union council shall enter upon their offices on the date fixed for its re-constitution and their term of office shall expire in such year and on such date as the Government may fix.

(6) When a panchayat union council is dissolved under this section, the Government until the date of the reconstitution of the panchayat union council and the reconstituted panchayat union council thereafter shall be entitled to all the assets and be subject to all the liabilities of the panchayat union council as on the date of the dissolution and on the date of the reconstitution respectively.

156. Powers of officers acting for or in default of panchayat or panchayat union council and liability of panchayat or panchayat union fund.—The Government, the Inspector or any other person lawfully taking action on behalf, or in default, of a panchayat or a panchayat union council under this Act, shall have such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the panchayat or the panchayat union council or its officers or servants whose powers are exercised; and compensation shall be recoverable from the panchayat fund or the panchayat union fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the panchayat or the panchayat union council or their officers or servants.

157. Delegation of powers.—(1) The Government may by notification authorize any authority or officer not below the rank of a Collector to exercise in regard to any panchayat or any class of panchayats or all panchayats in any area or in regard to any panchayat union council or any class of panchayat union councils or all panchayat union councils in any area any of the powers vested in them by this Act except the power to make rules and may in like manner withdraw such authority.

(2) The Inspector or the Collector may by notification authorize any officer not below the rank of a Revenue Divisional Officer to exercise in respect of any panchayat union council or

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any class of panchayat union councils or all panchayat union councils in the area under the jurisdiction of such officer any of the powers vested by this Act in the Inspector or the Collector as the case may be and may in like manner withdraw such authority.

(3) The Inspector or the Collector may by notification authorize any officer not below the rank of a commissioner to exercise in respect of any panchayat or any class of panchayats or all panchayats in the panchayat development block any of the powers vested by this Act in the Inspector or the Collector as the case may be and may in like manner withdraw such authority.

(4) The exercise of any power delegated under sub-sections (1) to (3) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the delegating authority, or where such authority is the Government by such officer as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any officer so empowered.

(5) The exercise of any power conferred on the Inspector or the Collector by any of the provisions of this Act including sub-sections (2) to (4) of this section shall whether such power is exercised by the Inspector or the Collector himself or by any officer to whom it has been delegated under sub-section (2) or (3) be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such officer as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any officer so empowered.

158. Revision.—(1) The Government may, in their discretion, after consulting the Inspector, Collector or such other officer or authority as they may deem fit, at any time, either *suo motu* or on application, call for and examine the record of any order passed or proceeding recorded under the provisions of this Act by—

(a) the Inspector or the Collector or any officer authorized by the Inspector or the Collector under sub-section (2) or (3) of section 157, or

(b) any officer authorized by the Government under sub-section (1) of that section or any officer empowered by them under sub-section (4) of that section, or

(c) any other authority or officer, for the purpose of satisfying themselves as to the legality or propriety of such order, or as to the regularity of such proceeding and pass such order in reference thereto as they think fit.

(2) The powers of the nature referred to in sub-section (1) may also be exercised by such authority or officer as may be empowered in this behalf by the Government.

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CHAPTER VI.—GENERAL AND MISCELLANEOUS.

LICENCES AND PERMISSIONS.

159. General provision regarding licences and permissions.—

(1) Save as otherwise expressly provided in or may be prescribed under this Act, every application for any licence or permission under this Act or any rule, by-law or regulation made thereunder, or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which the licence or permission is required.

(2) Save as aforesaid, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the panchayat or the panchayat union council as the case may be provided that the rates shall not exceed the maxima, if any, prescribed.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority of the panchayat or the commissioner, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, by-laws and regulations and all conditions ordinarily imposed.

(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission, but only to a refund of the fee in case of refusal of the licence or permission.

(5) If an act for which any such licence or permission is necessary is done without such licence or permission, or in a manner inconsistent with the terms of the licence or permission obtained, then—

(a) the executive authority of the panchayat or the commissioner may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state, the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and further,

(b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be punishable with fine not exceeding fifty rupees for every such offence.

(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the panchayat or the panchayat union council as the case may be the amount of the fee chargeable for the licence or permission, and may, in his discretion, also

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recover summarily and pay over to the panchayat or the panchayat union council as the case may be such amount, if any, as he may fix as the costs of the prosecution.

Explanation.—The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

160. Government and market committees not to obtain licences and permissions.—Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the State Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933), or in respect of any property of the Central or the State Government or of any property belonging to such market committee.

POWER TO ENFORCE NOTICES, ORDERS, ETC.

161. Time for complying with notice, order, etc., and power to enforce in default.—(1) Whenever by any notice, requisition or order under this Act, or under any rule, by-law or regulation made thereunder, any person is required to execute any work, to take any measures or to do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named—

(a) the executive authority of the panchayat or the commissioner as the case may be may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order, and further,

(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

POWERS OF ENTRY AND INSPECTION.

162. Powers of entry and inspection.—(1) Subject to such restrictions and conditions as may be prescribed, the executive authority or the commissioner or any person authorized by him may enter on or into any place, building or land, with or without assistants or workmen in order—

(a) to make any inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorized by the provisions of this Act or of any rule,

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by-law, regulation or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions, or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions, without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or of any force necessary for effecting an entrance under that sub-section.

163. Testing of weights and measures.—The executive authority or the commissioner or any person authorized by him may examine and test the weights and measures used in the markets and shops in the village or town or the panchayat union as the case may be with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code (Central Act XLV of 1860).

164. Power to call for information from village headmen and karnams.—(1) The executive authority or the commissioner may, by an order in writing, require the headman or karnam or both of any revenue village comprised within the jurisdiction of the panchayat or panchayat union council to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein.

(2) The order shall specify the period within which it may be complied with but the executive authority or the commissioner may, from time to time, extend such period.

LIMITATION.

165. Limitation for recovery of dues.—No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other sum due to a panchayat or panchayat union council under this Act or any rule, by-law, regulation or order made under it after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such tax or sum.

PROSECUTIONS, SUITS, ETC.

166. Persons empowered to prosecute.—Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or by-law made thereunder unless complaint is made within three months of the commission

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of the offence by the Police, the executive authority, the panchayat union council, the commissioner or a person expressly authorized in this behalf by the panchayat, panchayat union council, executive authority or commissioner but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1898 (Central Act V of 1898) in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

167. Composition of offences.—The executive authority or the commissioner may, subject to such restrictions and control, as may be prescribed compound any offence against this Act or any rule or by-law, made thereunder, which may by rules be declared compoundable.

168. Prosecutions and compositions to be reported to panchayat or panchayat union council.—Every prosecution instituted or offence compounded by the executive authority or the commissioner shall be reported by him to the panchayat or panchayat union council as the case may be at its next meeting.

169. Sanction for prosecution.—(1) When the president or the executive authority or the chairman or vice-chairman of a panchayat union council or the commissioner or any member is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of the Government.

(2) When according previous sanction under sub-section (1), it shall be open to the Government to direct by order that the president, executive authority, chairman, vice-chairman or commissioner as the case may be shall not discharge his duties as such until the disposal of the case.

170. Notice of action against panchayat, etc.—(1) Subject to the provisions of section 171, no suit or other legal proceeding shall be brought against any panchayat or its president or executive authority or any panchayat union council or its chairman or the commissioner or any member, officer or servant thereof or against any person acting under the direction of such panchayat, president, panchayat union council, chairman, executive authority, commissioner, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it until the expiration of two months

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next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff has been left at the office of the panchayat or panchayat union council, and if the proceeding is intended to be brought against any such president, executive authority, chairman, commissioner, member, officer, servant or person, also delivered to him or left at his place of residence; and unless such notice be proved, the court shall find for the defendant.

(2) Every such proceeding shall unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any panchayat, panchayat union council or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amount so tendered, he shall not recover any costs incurred by him after such tender; and the plaintiff shall also pay all costs incurred by the defendant after such tender.

171. Protection of chairman, president and officers acting in good faith.—No suit or other legal proceeding shall be brought against the chairman, commissioner, president, executive authority or any member, officer or servant of a panchayat union council or panchayat, or any person acting under the direction of a panchayat union council or panchayat or of such chairman, commissioner, president, executive authority, member, officer or servant in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default on his part in the execution of this Act, or any rule, by-law, regulation or order made under it, if such act was done, or such neglect or default occurred in good faith, but any such proceeding shall, so far as it is maintainable in a court, be brought against the panchayat union council or the panchayat except in the case of suits brought under section 173.

172. Injunctions not to be granted in election proceedings.—Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act V of 1908), or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

173. Liability of the president, executive authority and members for loss, waste or misapplication of property.—(1) The president, executive authority and every member of a panchayat and the chairman, commissioner and every member of a panchayat union council shall be liable for the loss, waste or misapplication of any

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money or other property owned by or vested in the panchayat or panchayat union council if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any court of competent jurisdiction by the panchayat or panchayat union council with the previous sanction of the Inspector.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

174. Assessments, etc., not to be impeached.—(1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of assessment or collection of money made under the said authority:

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, and of the rules and by-laws made thereunder have in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

175. Public roads, markets, wells, tanks, etc., to be open to all.—All roads, markets, wells, tanks, reservoirs and waterways vested in or maintained by a panchayat or a panchayat union council shall be open to the use and enjoyment of all persons, irrespective of their caste or creed.

176. Power to farm out fees.—A panchayat or a panchayat union council shall have power to farm out the collection of any fees due to it under this Act or any rule, by-law or regulation made thereunder for any period not exceeding three years at a time, on such conditions as it thinks fit.

177. Adjudication of disputes between local authorities.—(1) When a dispute exists between a panchayat or a panchayat union council and one or more other local authorities in regard to

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any matter arising under the provisions of this or any other Act and the Government are of opinion that the panchayat or the panchayat union council and the other local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute, and—

(a) decide it themselves, or

(b) refer it for inquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time by the Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on the panchayat, the panchayat union council and each of the other local authorities concerned and shall not be liable to be questioned in any Court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.

CHAPTER VII.—RULES, BY-LAWS AND PENALTIES.

RULES.

178. Power of Government to make rules.—(1) The Government shall, in addition to the rule-making powers conferred on them by any other provisions contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) as to the principles to be followed in regard to the exclusion of any local area from or the inclusion of any local area in, a village or town under sub-section (2) of section 3, or in regard to the constitution of any local area as, or the inclusion of any local area in, a municipality under section 5;

(ii) as to all matters relating to electoral rolls or elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections;

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(iii) the period within which a panchayat union council may co-opt women and members of the Scheduled Castes under the proviso to sub-section (1) of section 12 and the manner of filling vacancies if no woman or member of the Scheduled Castes is co-opted;

(iv) as to the determination of the population for the purposes of this Act;

(v) as to the resignations of chairmen, vice-chairmen and members of panchayat union councils and of the presidents, vice-presidents and members of panchayats, and the dates on which such resignations shall take effect;

(vi) as to the interpellation of the chairman and vice-chairman by the members of a panchayat union council and of the president of a panchayat by the members of the panchayat and the moving of resolutions at meetings;

(vii) as to the constitution of committees of the panchayat union councils and of panchayats, the inclusion of outsiders therein and the delegation of functions to such committees;

(viii) providing for the procedure to be followed at meetings of the panchayat union councils and at committees thereof and for the conduct of business and the number of members which shall form a quorum at any meeting;

(ix) the powers of the panchayat union council, its chairman and committees thereof with respect to the incurring of expenditure and the powers and duties of the commissioner;

(x) providing for the travelling and other allowances of the chairmen, vice-chairmen and other members of the panchayat union council and of members of the committees of the panchayat union council;

(xi) as to the delegation of any function of a panchayat or panchayat union council to the president, chairman, member, any officer of the panchayat or panchayat union council or any servant of the Central or State Government;

(xii) for the lodging and investment of the moneys of the panchayat and the panchayat union council and for the manner in which such moneys may be drawn upon;

(xiii) as to the transfer of allotments entered in the sanctioned budget of a panchayat or panchayat union council from one head to another;

(xiv) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by panchayats and panchayat union councils;

(xv) as to the preparation of plans and estimates for works and the power of panchayats and panchayat union councils and of servants of the Central or State Government to accord professional or administrative sanction to estimates;

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(xvi) as to the accounts to be kept by panchayats and panchayat union councils, the audit and publication of such accounts and the conditions under which rate-payers may appear before auditors, inspect books and accounts, and take exception to items entered or omitted;

(xvii) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence;

(xviii) as to the conditions on which property may be acquired by a panchayat or panchayat union council, or on which property vested in or belonging to a panchayat or panchayat union council may be transferred by sale, mortgage, lease, exchange or otherwise;

(xix) as to the conditions on which and the mode in which contracts may be made by or on behalf of panchayats and panchayat union councils;

(xx) as to the assessment of taxes under this Act and the revision of assessments;

(xxi) as to the acceptance in lieu of any tax due under this Act of any service by way of labour, cartage or otherwise;

(xxii) as to the realization of any tax or other sum due to a panchayat or panchayat union council under this Act or any other law or any rules or by-laws, whether by distraint and sale of movable property, by prosecution before a Magistrate, by a suit, or otherwise.

(xxi) as to the acceptance in lieu of any tax due under this use of cart-stands and the like, whether by the seizure and sale of the vehicle or animal concerned or any part of its burden, or otherwise;

(xxiv) as to the form and contents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modification, suspension or cancellation thereof;

(xxv) as to the powers of executive authorities and commissioners to call for information on any matter, to summon and examine witnesses, and to compel the production of documents;

(xxvi) for the use of the facsimiles of the signatures of the executive authorities, commissioners and officers of panchayats and panchayat union councils;

(xxvii) as to the grant to the public of copies of any proceeding or record of the panchayat or panchayat union council not relating to any matter classified as confidential by the Government or any authority empowered by them, and the fees to be levied for the grant of such copies;

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(xxviii) as to the opening, maintenance, management and supervision of elementary schools;

(xxix) prohibiting or regulating the use for any specified purposes, of any public spring, tank, well or watercourse or of any private spring, tank, well or watercourse, with the consent of its owner, or without such consent;

(xxx) regulating contracts between the panchayat and the owners or occupiers of private premises for the removal therefrom of rubbish or filth, or any kind of rubbish or filth;

(xxxi) as to the provision of burial and burning grounds; the licensing of private burial and burning grounds; the regulation of the use of all grounds so provided or licensed; the closing of any such grounds; and the prohibition of the disposal of corpses except in such grounds or other permitted places;

(xxxii) as to the licensing of pigs and dogs and the destruction of unlicensed pigs and dogs;

(xxxiii) as to the regulation or restriction of building and the use of sites for building;

(xxxiv) for the removal of encroachments of any description from public roads vesting in panchayats or panchayat union councils and the repair of any damage caused to such roads by the person causing the damage or at his expense;

(xxxv) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to panchayats or on porambokes or on lands the use of which is regulated by them under section 86 or section 87; and for the presumptions to be drawn as regards the ownership of such trees;

(xxxvi) as to the imposition and recovery of penalties for the unauthorized occupation of public roads or other land vesting in or belonging to panchayats or panchayat union councils and the assessment and recovery of compensation for and damage caused by such occupation;

(xxxvii) as to the powers which may be exercised by the panchayat or the executive authority or by the panchayat union council or the commissioner in respect of any public or private market or the user thereof, and the enforcement of any orders issued in pursuance of such powers;

(xxxviii) for compelling owners of cattle to stall them in cattle-sheds provided by the panchayat and the fees leviable in respect thereof;

(xxxix) as to the disposal of household and farmyard waste in the village, the acquisition of land by the panchayat for laying out plots for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village, and the conditions subject to which such assignment may be made, including the rent to be charged;

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(xl) as to the duties to be discharged by village officers in relation to panchayats and their executive authorities, and to panchayat union councils and their chairmen and commissioners;

(xli) as to appeals against orders (including orders granting or refusing licences or permissions) passed under this Act, and the time within which appeals whether allowed by this Act or by rules or otherwise should be presented;

(xlii) as to the classification of public roads and fairs and festivals as appertaining to the panchayat union council or the panchayat;

(xliii) for regulating the sharing between local authorities in the State of the proceeds of any tax or income levied or obtained under this or any other Act;

(xliv) for the decision of disputes between two or more local authorities of which one is a panchayat or a panchayat union council;

(xlv) regulating the principles in accordance with which grants and contributions may be paid by the Government to the panchayat union councils and panchayats;

(xlvi) as to the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts;

(xlvii) as to the manner of publication of any notifications or notices to the public under this Act.

179. Penalties for breach of rules.—(1) In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees, or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction for the first breach.

(2) The power to make rules under this Act shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and upon such publication, shall have effect as if enacted in this Act.

(4) All rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of 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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BY-LAWS.

180. By-laws and penalties for their breach.—(1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a panchayat or a panchayat union council may, with the approval of the Inspector, make by-laws for carrying out any of the purposes for which it is constituted.

(2) In making a by-law the panchayat or panchayat union council may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the panchayat or panchayat union council not exceeding fifteen rupees or, in case of continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of by-laws, the publication thereof, and the date on which they shall come into effect.

PENALTIES.

181. General provisions regarding penalties specified in the Schedules.—(1) Whoever—

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule II, or

(b) contravenes any rule or order made under any of the provisions so specified, or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pursuance of any of the said provisions, shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule III, or

(b) contravening any rule or order made under any of the provisions so specified, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions, continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punishable for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation.—The entries in the third column of Schedules II and III headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and

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second columns thereof, or even as abstracts of those provisions, but are intended merely as references to the subject dealt with therein.

182. Penalty for acting as member, president or vice-president of a panchayat or as member, chairman or vice-chairman of a panchayat union council, when disqualified.—(1) Whoever acts as a member of a panchayat or panchayat union council knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as the president, temporary president or vice-president of a panchayat, or exercises any of his functions including where he is also the executive authority, any of his functions as such and whoever acts as the chairman, temporary chairman or vice-chairman of a panchayat union council or as commissioner or exercises any of his functions as such knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding one thousand rupees for every such offence.

(3) Any person who having been the president, temporary president or vice-president of a panchayat, or the chairman, temporary chairman or vice-chairman of a panchayat union council fails to hand over any documents of, or any moneys or other properties vested in or belonging to, the panchayat or panchayat union council, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(a) in every case as soon as his term of office as such president, temporary president or vice-president or as such chairman, temporary chairman or vice-chairman expires;

(b) in the case of a person who was the vice-president also on demand by the president; and

(c) in the case of a person who was the vice-chairman also on demand by the chairman,

shall be punishable with fine not exceeding one thousand rupees for every such offence.

183. Penalty for acquisition by an officer or servant of interest in contract work.—If any officer or servant of a panchayat or panchayat union council knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of, the panchayat or panchayat union council, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code (Central Act XLV of 1860):

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Provided that no person shall, by reason of being a share-holder in, or member of, any company, be held to be interested in any contract entered into between such company and the panchayat or panchayat union council unless he is a director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Inspector, enters into a contract with the panchayat or panchayat union council.

184. Wrongful restraint of executive authority or Commissioner or his delegate.—Any person who prevents the executive authority or the commissioner or any person to whom the executive authority or the commissioner has lawfully delegated his powers of authority or the commissioner has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or thereinto shall be deemed to have committed an offence under section 341 of the Indian Penal Code (Central Act XLV of 1860).

185. Prohibition against obstruction of panchayats, panchayat union councils, etc.—Any person obstructing or molesting a panchayat, or the panchayat union council or the president, the executive authority or a member of the panchayat, or the chairman or a member of a panchayat union council or the commissioner, or any person employed by the panchayat or panchayat union council or any person with whom a contract has been entered into by or on behalf of the panchayat or panchayat union council in the discharge of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Act or of any rule, by-law, regulation or order made thereunder, shall be punished with fine which may extend to fifty rupees.

186. Prohibition against removal or obliteration of notice.—Any person who, without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of, a panchayat or its executive authority, or by or under the orders of a panchayat union council or the commissioner, shall be punishable with fine which may extend to fifty rupees.

187. Penalty for not giving information or giving false information.—Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information, or knowingly furnishes false information, shall be punishable with fine not exceeding one hundred rupees.

MISCELLANEOUS.

188. Special provisions in the case of new panchayats.—(1) The provisions of this section shall apply when a panchayat is constituted for the first time, notwithstanding anything contained in this Act.

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(2) The election authority shall make arrangements for the election of the members of the panchayat, so that the newly elected members may come into office on the date specified in the notification issued by the Inspector under section 8, sub-section (1), for the constitution of the panchayat:

Provided that the Inspector shall have power from time to time to postpone the date so specified if, for any reason, it is not found possible to complete the elections in time.

(3) The term of office of the members elected under sub-section (2) or of the members elected in their places in casual vacancies shall expire in such year and on such date as the Inspector may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December.

189. Application of Act to transferred territory.—(1) With effect on and from the date of the constitution of a panchayat union council for any panchayat development block in the transferred territory under this Act (hereinafter in this section referred to as the said date), the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950) as in force in the transferred territory immediately before the said date shall stand repealed in the transferred territory.

(2) Any reference in this Act to a law which is not in force in the transferred territory on the said date shall, in relation to the transferred territory, be construed as a reference to the corresponding law if any in force in the transferred territory on the said date.

(3) Any reference to the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950) in any existing law which continues to be in force in the transferred territory after the said date shall in relation to that territory be construed as a reference to this Act.

(4) Any reference by whatever form of words in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under this Act, have effect as if it were a reference to that new authority.

(5) The repeal by sub-section (1) of the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950) shall not affect—

(a) the previous operation of that Act or anything done or duly suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under that Act; or

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(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against that Act; 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 or punishment may be imposed as if this Act had not been passed. instituted, continued or enforced and any such penalty, forfeiture

(6) Subject to the provisions of sub-section (5) anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected, under the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950) shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(7) For the purpose of facilitating the application of this Act in the transferred territory, any court or other authority may construe this 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.

Explanation.—For the purpose of this section—

(1) “transferred territory” means the part of the Kanyakumari district or of the Shencottah taluk of the Tirunelveli district comprising a panchayat development block for which a panchayat union council has been constituted under this Act;

(2) “existing law” means any law, ordinance, proclamation, regulation, order, by-law or rule passed or made before the commencement of this Act, by any legislative authority or person having power to make such a law, ordinance, proclamation, regulation, order, by-law or rule.

190. Act to be read subject to Schedule IV in regard to first reconstitution of panchayats, and first constitution of panchayat union councils, etc.—(1) In regard to the first constitution of panchayat union councils in accordance with the provisions of this Act and in regard to the first reconstitution in accordance with the provisions, they shall be read subject to the rules in Schedule IV. ment thereof, and otherwise in first giving effect to the said provisions of this Act of panchayat in existence at the commence-

(2) The Government shall have power, by notification, to amend, add to or repeal the rules in the said Schedule.

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191. Panchayats to cease to perform functions of panchayat courts.—On the constitution of a panchayat union council in respect of any panchayat development block under this Act—

(i) every panchayat constituted or deemed to be constituted under the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), for any village shall cease to be a panchayat court for that village or town for the purposes of section 9 (1) of the Madras Village Courts Act, 1888 (Madras Act I of 1889), and the members (including the president and vice-president) of such panchayat shall with effect from such date cease to be ex-officio members of such panchayat court and the president and vice-president aforesaid shall with effect from such date also cease to be ex-officio president and vice-president respectively of the panchayat court; and

(ii) all suits and proceedings, civil or criminal, pending in the panchayat on the date aforesaid shall stand removed to the panchayat court constituted for the area concerned under section 9 (1) of the Madras Village Courts Act, 1888 (Madras Act I of 1889), and if no such Court has been constituted for that area, to the court of the village munsif appointed under section 7 of the said Act, and the said panchayat court or the said court of the village munsif shall have jurisdiction to hear and determine the same, and the judgments and orders of the panchayat delivered or made before the date aforesaid shall have the same force and effect as if they had been delivered or made by the panchayat court or village court under the Madras Village Courts Act, 1888 (Madras Act I of 1889).

192. Amendment of Madras Act V of 1920.—On the constitution of a panchayat union council in respect of any panchayat development block under this Act, the Madras District Municipalities Act, 1920 (Madras Act V of 1920) shall apply to that panchayat development block subject to the following modifications, namely:—

(a) in section 4, sub-section (1), for the words "The State Government", the words "Subject to the provisions of section 5 of the Madras Panchayats Act, 1958, the State Government" shall be substituted;

(b) in section 249—

(i) in sub-section (1)—

(a) the words "or at a distance within three miles of such limits" shall be omitted;

(b) for the proviso, the following proviso shall be substituted, namely:—

"Provided that no such notification shall take effect until sixty days from the date of publication.";

(ii) sub-section (6) shall be omitted.

193. Amendment of Madras Act VIII of 1920.—On the constitution of a panchayat union council in respect of any panchayat development block under this Act, the Madras Elementary

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Education Act, 1920 (Madras Act VIII of 1920) shall apply to that panchayat development block subject to the following modifications, namely:—

(i) in section 3—

(a) clause (iv) shall be omitted;

(b) in clause (ix), for the words "district board", the words "panchayat union council" shall be substituted;

(c) for clause (x-b), the following clause shall be substituted, namely:—

"(x-b) 'panchayat union council' means a panchayat union council constituted under the Madras Panchayats Act, 1958,";

(ii) in section 32—

(a) for the words "local authority", the words "municipal council" shall be substituted;

(b) for the words "such authority" wherever they occur, the words "such municipal council" shall be substituted;

(iii) in section 33 for the words "local authority", wherever they occur, the words "municipal council" shall be substituted;

(iv) in section 34, sub-section (2) shall be omitted and the brackets and figure "(1)" occurring at the beginning of sub-section (1) shall be omitted;

(v) in section 35—

(a) for the words "local authority" wherever they occur, the words "municipal council" shall be substituted;

(b) the last proviso to sub-section (1) shall be omitted;

(vi) in section 36—

(a) in sub-section (1), the brackets and figure "(1)" occurring at the beginning shall be omitted, and the words "or local boards as the case may be" shall be omitted;

(b) sub-section (2) shall be omitted;

(vii) in section 37—

(a) in sub-section (1), the expression "sub-section (1)" wherever it occurs shall be omitted;

(b) sub-section (2) shall be omitted and sub-sections (3) and (4) shall be renumbered as sub-sections (2) and (3) respectively;

(c) in sub-section (2) as renumbered, the words, brackets and figure "or sub-section (2)" shall be omitted;

(d) in sub-section (3) as renumbered, for the words, brackets and figures "sub-sections (1) to (3)", the words, brackets and figures "sub-sections (1) and (2)" shall be substituted and the words "or district board area as the case may be" shall be omitted;

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(viii) in section 38, sub-sections (1) and (2), for the words "local authority" the words "municipal council" shall be substituted;

(ix) in section 39, for the words "local authority" the words "municipal council" shall be substituted;

(x) in section 40, for the words and figures "or in the Madras Local Boards Act, 1920", the words and figures "or in the Madras Panchayats Act, 1958" shall be substituted;

(xi) in section 45, sub-section (2), in the first proviso, for the words "the local authority" the words "in the case of a municipality, the municipal council" shall be substituted;

(xii) in section 47, sub-section (1), for the word "panchayat" the words "panchayat union council" shall be substituted;

(xiii) in section 51, sub-section (3), for the words "district board", the words "panchayat union council" shall be substituted;

(xiv) in section 56, sub-section (2), clause (f), the words "by panchayats" shall be omitted.

194. Amendment of Madras Act III of 1931.—On the constitution of a panchayat union council in respect of any panchayat development block under this Act, the Madras Entertainments Tax Taxation Act, 1931 (Madras Act III of 1931) shall apply to that panchayat development block subject to the following modifications, namely :—

(i) in section 2, clause (iii), the words "or a district board" shall be omitted;

(ii) in section 10, sub-section (1), clause (a)—

(a) for sub-clause (iv), the following sub-clause shall be substituted, namely :—

"(iv) Fourthly, there shall be paid to each municipal council a sum equivalent to the average annual income derived by such council during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938 (Madras Act V of 1938), from fees on licences granted to motor vehicles under section 174-A of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) :

Provided that where a municipality is constituted on or after the first day of April 1938, there shall be paid to the municipal council such sum as the State Government may, by order, determine."

(b) the proviso occurring after sub-clause (v) shall be omitted.

195. Amendment of Madras Act X of 1939.—On the constitution of a panchayat union council in respect of any panchayat development block under this Act, the Madras Motor Vehicles

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Act, 1939 (Madras Act X of 1939) shall apply to that panchayat development block subject to the following modifications, namely :—

(i) in section 3, for clause (6), the following clause shall be substituted, namely :—

"(6) 'local authority' means—

(a) in the City of Madras, the Corporation of Madras;

(b) in any other municipal area, the municipal council concerned;

(c) in any panchayat development block as defined in the Madras Panchayats Act, 1958, the panchayat union council or a panchayat."

(ii) for section 13, the following section shall be substituted, namely :—

"13. *Payment of compensation to local authorities.*—

(1) Ten per cent of the proceeds of the tax under section 4 collected every year in respect of entertainments held within the jurisdiction of any local authority shall be credited to the State Government, and the balance of ninety per cent shall be paid to the local authority :

Provided that the State Government may direct that such balance shall be distributed between the local authority aforesaid and any other local authority or authorities in the neighbourhood in such proportions as the State Government may fix :

Provided further that in respect of entertainments held within a panchayat development block the balance of ninety per cent of the proceeds of the tax aforesaid shall be distributed between the panchayat union council and the panchayats functioning in the panchayat development block in such proportions as the State Government may fix :

Provided also that nothing contained in this section shall be deemed to prevent the State Government from modifying at any time any order which assigns the entire balance of ninety per cent of the proceeds of the tax to a local authority or as the case may be, fixes the proportions in which such balance should be distributed among local authorities if, in the opinion of the State Government,—

(a) the said order had been passed under any mistake whether of fact or of law; or

(b) the said order had been passed in ignorance of or without duly taking into account any material fact; or

(c) any new circumstances have arisen since the order was passed which make it expedient to modify it :

Provided also that no such modification shall be made in respect of any period after the expiry of two years from the end of that period.

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(2) Whenever any modification is made under the third proviso to sub-section (1) in respect of any period the State Government may recover from any local authority any sum paid to it in excess of what it would have been entitled to in accordance with the order as modified."

196. Amendment of Madras Act XIII of 1957.—In section 2 of the Madras District Boards (Amendment) Act, 1957 (Madras Act XIII of 1957), for clause (i), the following clause shall be substituted, namely:—

"(i) to postpone the elections to every district board up to such date not being later than the 2nd day of October 1961 as the State Government may fix; and".

197. Construction of references to "local boards", "Madras Local Boards Act, 1920", etc.—In the application of any law, rule, by-law, regulation, notification, scheme, form or order to any panchayat development block after the constitution of a panchayat union council for that panchayat development block under this Act, in the absence of an intention to the contrary appearing in this Act and unless the Government otherwise direct:—

(i) any reference to a panchayat shall be deemed to be a reference to a panchayat as reconstituted or constituted under this Act;

(ii) any reference to a village or local area shall be deemed to be a reference to a panchayat village, panchayat town, panchayat development block or a panchayat union as the circumstances may require;

(iii) any reference to local boards shall be deemed to be a reference to district boards, panchayat union councils and panchayats;

(iv) any reference to the Madras Local Boards Act, 1920, shall be deemed to be a reference to the Madras District Boards Act, 1920 (Madras Act XIV of 1920), the Madras Village Panchayats Act, 1950 (Madras Act X of 1950) and the Madras Panchayats Act, 1958;

(v) any reference to the Madras District Boards Act, 1920 (Madras Act XIV of 1920), or the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), shall be deemed to be a reference to the Madras Panchayats Act, 1958; and

(vi) any reference to a district board or its president shall be deemed to be a reference to the panchayat union council having jurisdiction or its chairman as the case may be.

198. Power to remove difficulties.—(1) If any difficulty arises in first giving effect to the provisions of this Act, or as to the first constitution or reconstitution of any panchayat or panchayat union council after the commencement of this Act, the Government as occasion may require, may by order, do anything which appears to them necessary for the purpose of removing the difficulty.

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(2) All orders made under sub-section (1) shall, as soon as possible after they are made, be placed on the table of both 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.

SCHEDULE I.

[See section 120 (3).]

Basis of levy.	Minimum rate per half-year.	Maximum rate per half-year.
(a) If the tax is levied on the basis of the capital value.	1/16 per cent of the capital value.	1/2 per cent of the capital value.
(b) If the tax is levied on the basis of the annual value.	One per cent of the annual value.	10 per cent of the annual value.
(c) If the tax is levied on the basis of classified plinth area—		

	Rs. NP.		Rs. NP.	
(i) Terraced	0 75	For every 100 square feet or part thereof of the plinth area.	3 00	For every 100 square feet or part thereof of the plinth area.
(ii) Partly terraced and partly tiled or thatched	0 50	Do.	1 50	Do.
(iii) Tiled	0 40	Do.	1 00	Do.
(iv) Partly tiled and partly thatched	0 25	Do.	0 75	Do.
(v) Thatched	0 20	Do.	0 50	Do.

SCHEDULE II.

ORDINARY PENALTIES.

[See section 181 (1).]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
	(2)	(3)	(4)
79	(1)	Failure to obey requisition to fence off, take down, secure or repair dangerous structure.	Five hundred rupees.
80	(1)	Failure to obey requisition to secure, lop or cut down dangerous trees.	Fifty rupees.
81	..	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Fifty rupees.
82	(1) (a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	One hundred rupees.

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Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
82	(1) (b)	Unlawful making of hole or depositing of matter in or upon public road.	Fifty rupees.
82	(1) (c)	Unlawful quarrying in any place near public road, etc.	Fifty rupees.
82	(1) (d)	Unlawful erection of building over drain.	Two hundred rupees.
82	(1) (e)	Planting of trees without permission on any public road or other property vested in a panchayat or panchayat union council.	Two hundred rupees.
82	(1) (f)	Felling, etc., without permission of trees growing on public road or other property vested in a panchayat or on a poramboke or land the use of which is regulated by it under section 86 or section 87.	Two hundred rupees.
91	..	Failure to close place of public entertainment.	Two hundred rupees.
92	..	Sending infected child to school.	Fifty rupees.
94	..	Failure to give information of smallpox.	Fifty rupees.
95	(1)	Failure to obey requisition to fill in, etc., tank or other place dangerous to public health or safety.	Fifty rupees.
96	(1)	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Fifty rupees.
100	(1)	Opening a new private market or continuing to keep open a private market without licence or contrary to licence.	Five hundred rupees.
100	(3)	Levy of fees in private market without a certificate.	One hundred rupees.
102	..	Sale or exposure for sale in public or private market of any animal or article without permission.	Twenty rupees.
103	..	Sale, etc., of articles in public roads or places after prohibition or without licence or contrary to regulations.	Ten rupees.

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Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
106	(b)	Using any public place or roadside as a landing or halting place or as a cart-stand within prohibited distance.	Fifty rupees.
107	(1)	Opening a private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence.	Two hundred rupees.
109	(a)	Slaughtering, cutting up or skinning, etc., of animals outside public slaughter-houses in contravention of rules.	Two hundred rupees.
109	(b)	Slaughtering animals for purposes of sale without licence or contrary to licence.	Twenty rupees.
110	(2)	Unlawful destruction, etc., of number of buildings.	Five rupees.
110	(3)	Failure to replace number when required to do so.	Twenty rupees.
111	..	Using a place for an offensive or dangerous trade without licence or contrary to licence.	One hundred rupees.
112	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
175	..	Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.	One hundred rupees.

SCHEDULE III.

PENALTIES FOR CONTINUING BREACHES.

[See section 181 (2).]

79	(1)	Failure to obey requisition to fence off, take down, secure or repair dangerous structure.	Fifty rupees.
80	(1)	Failure to obey requisition to secure, lop or cut down dangerous trees.	Ten rupees.
81	..	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees, or lower an enclosing wall.	Ten rupees.
82	(1) (a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	Twenty rupees.

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Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
82	(1) (b)	Unlawful making of hole or depositing of matter in or upon public road.	Ten rupees.
82	(1) (c)	Unlawful quarrying in any place near public road, etc.,	Ten rupees.
82	(1) (d)	Unlawful erection of building over drain.	Fifty rupees.
91	..	Failure to close place of public entertainment.	One hundred rupees.
95	(1)	Failure to obey requisition to fill in, etc., tank or other place dangerous to public health or safety.	Ten rupees.
96	(1)	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Ten rupees.
100	(1)	Keeping open a private market without licence or contrary to licence.	One hundred rupees.
100	(3)	Levy of fees in private market without a certificate.	Fifty rupees.
102	..	Sale or exposure for sale in public, or private market of animal or article without permission.	Ten rupees.
107	(1)	Keeping open a private cart-stand without licence or contrary to licence.	Twenty rupees.
111	..	Using a place for an offensive or dangerous trade without a licence or contrary to licence.	Twenty rupees.
112	..	Unlawful erection of factory, workshop, etc.	One hundred rupees.

SCHEDULE IV.

TRANSITIONAL PROVISIONS.

(See section 190.)

1. In these rules—

(i) "the said date" means the date specified in the notification issued under section 11, sub-section (1), constituting a panchayat union council under this Act;

(ii) "the old Act" means the Madras Village Panchayats Act, 1950 (Madras Act X of 1950);

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(iii) "panchayat" means a panchayat constituted under the old Act and in existence on the said date;

(iv) "village" means any local area which was declared to be a village under the old Act.

2. Every panchayat which was classified as a class I panchayat under the old Act shall on the said date be deemed to have been classified as a town panchayat under this Act and all panchayats which before the said date were known as class II panchayats shall, after the said date be known as village panchayats.

3. Every local area which, immediately before the said date, was within the jurisdiction of a class I panchayat shall be deemed to have been declared to be a panchayat town under this Act and every local area which immediately before the said date was within the jurisdiction of a class II panchayat shall be deemed to have been declared to be a panchayat village under this Act.

4. The total number of members of a panchayat fixed under the old Act and in force on the said date shall be deemed to be the total number of its elected members under this Act.

5. The members of a panchayat holding office on the said date shall be deemed to be the elected members of the panchayat under this Act and such members shall continue to hold office up to such date as the Government may, by notification, fix in this behalf or in case no such date is fixed, up to the date on which their term of office would have expired if this Act had not come into force.

6. The reservation of seats for the members of the Scheduled Castes made under the old Act and in force on the said date shall be deemed to have been made under this Act.

7. (1) Any division of a class I panchayat village or a class II panchayat village into wards made under the old Act and in force on the said date shall with effect on and from the said date be deemed to be a division of a panchayat town or a panchayat village into wards made under this Act.

(2) The Inspector shall, as soon as may be after the said date, determine the ward which each of the members who is deemed to be an elected member under rule 5 shall be deemed to represent.

8. The president and vice-president of a panchayat holding office on the said date shall, subject to the provisions of this Act, continue to hold office as such president or vice-president up to the date referred to in rule 5.

9. (1) Any vacancy in the office of the president or vice-president of a panchayat which is in existence on the said date or which occurs before the date referred to in rule 5 shall be filled by election under the provisions of this Act.

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(2) Any such vacancy in the office of an elected member of a panchayat shall be filled by election under the provisions of this Act.

(3) Any person elected as president, vice-president or member of a panchayat under sub-rule (1) or (2) shall hold office only up to the date referred to in rule 5.

Explanation.—For the purposes of this rule, the office of president, vice-president or member of a panchayat to which no person had, at any time prior to the said date, been elected shall be deemed to be vacant on the said date.

10. Any panchayat dissolved or superseded under the old Act and awaiting reconstitution on the said date shall be reconstituted in accordance with the provisions of this Act.

11. (1) The assets appertaining to elementary schools maintained by panchayats and district boards transferred to panchayat union councils in pursuance of the provisions of this Act shall be deemed to include all rights and powers, and all property, whether movable or immovable appertaining to the schools, including in particular cash balances, reserve funds, investments, deposits and all other interests and rights in or arising out of such property as may be in the possession of panchayats or district boards as the case may be and all books of account or documents relating to the schools, and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind then existing or appertaining to the schools.

(2) Where a panchayat or district board has established a provident or superannuation fund or any other like fund for the benefit of the employees of such school the moneys standing to the credit of any such fund on the said date together with any other assets belonging to such fund shall stand transferred to and vest in the panchayat union council on such date.

(3) Every whole-time teacher and other employee of a panchayat or district board elementary school which has been transferred to and vested in the panchayat union council and who was employed by the panchayat or district board wholly or mainly in connexion with such school immediately before the said date shall, on and from that date, become an employee of the panchayat union council and shall hold his office therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same on the date aforesaid if this Act had not been passed, and shall continue to do so until his employment in the panchayat union council is terminated or until his remuneration, terms and conditions are duly altered by the panchayat union council.

(4) The Government may issue such general or special directions as they may think necessary for the purpose of regulating appointments under this rule and otherwise giving due effect to the

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provisions thereof and no appointment to any post under a panchayat union council made in contravention of any such directions shall be deemed to have been validly made.

(5) If any question arises as to whether any person was a whole-time teacher or other employee of a panchayat or a district board or as to whether any teacher or other employee was employed wholly or mainly in connection with a panchayat or district board school immediately before the said date, the decision of the Inspector on the question in the case of panchayat schools and of the Government in the case of district board schools, shall be final.

12. Every officer and servant of any district board (other than the teachers and other employees of elementary schools) shall be appointed to such posts as the Government or such officer as may be authorized by them in this behalf may consider suitable under any panchayat union council or any district development council. The conditions of service of persons so appointed shall be regulated by rules made by the Government from time to time.

13. Every choultry, every dispensary, every maternity or child-welfare centre and every reading room or library established or maintained by a panchayat before the said date shall with effect on and from the said date vest in the panchayat union council having jurisdiction in the area and be maintained by it.

14. If any registers and accounts relating to the registration of births and deaths were being maintained by any panchayat before the said date, they shall be transferred to the panchayat union council concerned on the said date or so soon thereafter as may be specified by general or special order by the Inspector.

15. All libraries, together with the books, furniture and other assets appertaining thereto maintained immediately before the said date by any panchayat or district board shall with effect on and from the said date stand transferred to and be maintained by such authority as the Government may by general or special order specify provided that the Government shall have power to modify any such order from time to time and effect shall be given to such modified order by such authority.

16. The land cess levied under section 78 of the Madras District Boards Act, 1920 (Madras Act XIV of 1920), in any area which has been declared to be a panchayat development block under this Act, for the fasli year in which a panchayat union council has been constituted under section 11, sub-section (1) in respect of that block shall be distributed among the panchayat union councils and the panchayats in that block in such manner as the Government may by general or special order direct.

17. The elementary education fund constituted for a district board under the Madras Elementary Education Act, 1920 (Madras Act VIII of 1920), shall with effect from the said date from part of

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the Panchayat Union (Education) Fund constituted for the panchayat union councils having jurisdiction over the area over which the district board exercised jurisdiction immediately before the said date in such proportions as the Government may by order specify.

18. Any tax levied by a district board under the Madras Elementary Education Act, 1920, before the said date shall with effect on and from the said date be deemed to have been levied by the panchayat union council concerned under this Act.

19. Any sums permitted to be utilized by the district board under section 236 of the Madras District Boards Act, 1920 (Madras Act XIV of 1920), but remaining unutilized immediately before the said date shall pass to the panchayat union council or panchayat union councils having jurisdiction in the area concerned to such extent and subject to such conditions as may be specified by the Government by general or special order.

20. Such part of the general funds of the district board which exercised jurisdiction over any area which has been declared to be a panchayat development block under this Act, as may be specified in this behalf by the Government, shall with effect on and from the said date stand transferred to and form part of the general funds of the panchayat union council concerned.

21. Where before the said date a panchayat or district board has made any contract in the exercise of its powers under the old Act or under the Madras District Boards Act, 1920 (Madras Act XIV of 1920), that contract shall be deemed to have been made in the exercise of its powers under this Act by the panchayat union council having jurisdiction over the area in which that council would have had jurisdiction had this Act been in force at the relevant time; and all rights and liabilities which have accrued or may accrue, under any such contract shall to the extent to which they would have been rights or liabilities of the panchayat, or district board, be rights or liabilities of the panchayat union council specified above.

For the purposes of this rule, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

- (a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract, and
- (b) any liability in respect of expenses incurred or in connection with such proceedings.

22. (1) All proceedings taken by or against any panchayat or other authority under the old Act may, in so far as they are not inconsistent with this Act, be continued by or against such panchayat or authority under this Act.

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(2) All proceedings taken by or against any district board or other authority under the Madras District Boards Act, 1920 (Madras Act XIV of 1920), may, in so far as they are not inconsistent with this Act, be continued by or against the panchayat union council concerned or other competent authority under this Act.

23. Any remedy by way of application, suit or appeal available to or against a Class I panchayat, Class II panchayat or district board exercising jurisdiction immediately before the said date shall after the said date be available to or against the town panchayat, village panchayat or panchayat union council concerned.

24. Any action taken by a Class I panchayat, Class II panchayat or district board exercising jurisdiction immediately before the said date shall, subject to such directions as the Government may, by general or special order, give in this behalf, be deemed to have been taken by the town panchayat, village panchayat or panchayat union council concerned unless and until superseded by action taken by that town panchayat, village panchayat or panchayat union council.

25. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in the foregoing provisions of this Schedule, it shall be dealt with in accordance with that provision. The benefit or burden of any assets or liabilities of a district board not dealt with in the foregoing provisions of this Schedule shall be subject to such financial adjustments as the Government may by order direct.

26. If any difficulty arises in giving effect to the provisions of these rules or of any of the Acts amended by this Act the Government as occasion may require may by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

THE MADRAS LEGISLATIVE COUNCIL

Friday, the 31st October 1958.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Claims Tribunals for Madras State

* 115 Q.—SRI V. V. RAMASWAMI (on behalf of Sri S. T. Adityan): Will the Hon. the Minister for Electricity be pleased to state—

(a) whether Claims Tribunals have been appointed for the State of Madras or any area thereof under section 110 of Motor Vehicles Act, 1939, as amended by Central Act 100 of 1956; and

(b) if not, why not?

THE HON. SRI V. RAMAIAH: (a) No, Sir.

(b) The matter is pending framing of rules under section 110 of the Motor Vehicles Act.

Buses of the former Travancore-Cochin State

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

(a) whether the depreciation and other reserve funds in respect of the buses of the former Travancore-Cochin State handed over to this State on 1st November 1956 for operation in Kanyakumari district have been transferred to the accounts of the Madras Government; and

(b) if not, the reasons therefor?

THE HON. SRI V. RAMAIAH: (a) & (b) According to the communications received from the Government of Kerala, the accumulated depreciation as on 1st November 1956 in respect of the vehicles allotted to this State is Rs. 9,52,972-10-2. A balance of Rs. 2,33,954-14-4 was outstanding at the end of October 1956 in the Transport Insurance Reserve Fund of the former Travancore-Cochin State. These funds were merged in the general cash balance of the former Travancore-Cochin State which was appointed between Kerala and Madras in the population ratio. Hence, no amount is due to this Government on account of the reserve funds.

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SRI MOHAMED RAZA KHAN: May I know from the Hon. Minister whether the Madras Government paid any sum to the Kerala Government correspondingly for their share in the Madras City Transport?

THE HON. SRI V. RAMAIAH: I do not know how that question arises but if the hon. Member wants any information on any particular point, he may put a separate question.

SRI V. V. RAMASWAMI: குறைந்தது 60 லட்சம் ரூபாயாவது இருக்குமென்று நான் கேள்விப்பட்டேன். இப்பொழுது கொடுக்கப்பட்ட தொகைதான் டெப்ரிசியேஷன் ரிசர்வ் பண்டா என்று அறிய விரும்புகிறேன்.

THE HON. SRI V. RAMAIAH: நான் கொடுத்த பதிலிலேயே ரூ. 9,52,972-10-2 என்று சொன்னேன்.

* 121 Q.—[Postponed.]

Pay of higher grade teachers.

* 122 Q.—**SRI G. KRISHNAMOORTHY** (on behalf of Sri K. T. Kosalam): Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have received any representation from the higher grade teachers for enhanced scale of pay; and

(b) if so, the action taken?

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

(b) An increase of Rs. 12 per mensem has been given to all teachers.

SRI G. KRISHNAMOORTHY: May I know, Sir, whether the Government have arrived at any decision with regard to the merger of Rs. 6, additional special pay, with the regular pay?

THE HON. SRI C. SUBRAMANIAM: Not yet, Sir. As soon as the revision of the Grant-in-aid Code is finalized, this question will be taken up.

SRI G. KRISHNAMOORTHY: Have the Government come to any conclusion with regard to the avoidance of the disparity of Rs. 17 in the maximum as among the higher grade teachers?

THE HON. SRI C. SUBRAMANIAM: As I already stated, all these questions will be taken up as soon as we finalize the Grant-in-aid Code.

SRI V. V. RAMASWAMI: இந்த “கிரான்ட்-இன்-ஏய்டு” கோடெத் திருத்தி முடிவு செய்வதற்கு இன்னும் எவ்வளவு நாட்கள் ஆகும்? அடுத்த பட்ஜெட்டுக்குள்ளாவது முடியுமா?

THE HON. SRI C. SUBRAMANIAM: இப்பொழுது ஒரு கமிட்டி அதைப் பரிசீலனை செய்கொண்டு வருகிறது. கூடிய சீக்கிரம் முடிவாகும் என்று எதிர்பார்க்கிறேன்.

* 123 Q.—[Postponed.]

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Educational facilities to pupils on the basis of economic conditions

* 124 Q.—**SRI V. V. RAMASWAMI:** Will the Hon. the Minister for Finance be pleased to state, with reference to Legislative Council Question No. 30, answered on 17th September 1958—

(a) whether the Government have taken any decision in regard to the grant of educational facilities on the basis of economic conditions to the pupils instead of on the basis of social or educational backwardness and, if so, when the decision will be implemented;

(b) the amount set apart for such educational facilities;

(c) whether any additional sum will be provided to grant fee concessions to all who satisfy the test of economic backwardness; and

(d) whether economic backwardness alone or whether poverty and merit will be the criterion in the grant of such fee concessions?

THE HON. SRI C. SUBRAMANIAM: (a) No, Sir. The matter is still under consideration.

(b) In the current year, a sum of Rs. 92.90 lakhs has been provided for payment of compensation grants to non-Government institutions on account of fee concessions. In Government institutions there will be loss of fee income.

(c) Yes, Sir, if it is necessary.

(d) The matter is still under consideration and no decisions have been taken.

SRI V. V. RAMASWAMI: “Most backward communities” என்ற பிரிவிலே இருக்கிறவர்களுக்கு மத்திய அரசாங்கம் கொடுக்கிற சலுகைகள் ஏதாவது கொடுக்கப்பட்டு வருகின்றனவா?

THE HON. SRI C. SUBRAMANIAM: மத்திய அரசாங்கம் “most backward communities” என்ற ஒரு பகுதி இருக்கக்கூடாது என்று சொல்லிக்கொண்டிருக்கிறார்கள்.

SRI MOHAMED RAZA KHAN: Before the Government come to any decision in the matter, may I ask the Hon. Minister whether the representatives of all the various political parties will be consulted?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir, that is my intention.

SRI V. V. RAMASWAMI: “Most backward communities” என்ற பிரிவிலே இருக்கின்ற வகுப்பினர்கள் மத்திய அரசாங்கத்திடைய சகாய உதவி வேண்டுமென்று அரசாங்கத்திற்கு விண்ணப்பம் செய்திருக்கிறார்களா? அதைப்பற்றி அரசாங்கம் என்ன முடிவுக்கு வந்திருக்கிறது?

THE HON. SRI C. SUBRAMANIAM: அதைப்பற்றி என்னிடம் தகவல் இல்லை.

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SRI B. K. NALLASWAMI : மக்கள் மனதில் சமூக என்ற தாழ்வுகள் போய்விட்டன என்று அரசாங்கமும், அமைச்சர்களும் கருதுகிறார்களா என்று கேட்கிறேன்.

THE HON. SRI C. SUBRAMANIAM : யாரும் அந்த மாதிரிக் கனவு காணமாட்டார்கள் என்று நினைக்கிறேன்.

SRI M. ETHIRAJALU : "Most backward communities" என்ற வகுப்பைச் சேர்ந்த பின்தங்கிய வகுப்பினரில் சிலர், கல்வி, பொருள்தாரம், அரசியல் போன்ற துறைகளில் மிகவும் பின்தங்கியிருக்கிறார்கள் என்பது அரசாங்கத்துக்குத் தெரியுமா?

THE HON. SRI C. SUBRAMANIAM : இப்பொழுது பிற்போக்குக்குப் போட்டி ஏற்பட்டிருக்கிறது. (சிரிப்பு.) எல்லா வகுப்பிலும் பிற்போக்கானவர்கள் இருக்கிறார்கள், முற்போக்கானவர்களும் இருக்கிறார்கள். அதை யெல்லாம் கவனித்துத் தான் முடிவு செய்யவேண்டியிருக்கிறது.

SRI V. V. RAMASWAMI : இந்தப் பிற்போக்குப் போட்டிக்குக் காரணம் அரசாங்கத்தார் தனியாகச் சலுகை கொடுக்க முன்வருவதுதானா?

THE HON. SRI C. SUBRAMANIAM : ஆம்.

* 125 Q.—[Postponed.]

Pension for secondary grade teachers

* 126 Q.—**SRI S. T. ADITYAN :** Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have issued any orders sanctioning pension for secondary grade teachers;

(b) if so, the date from which these teachers in (i) elementary schools, (ii) secondary schools and (iii) training and special schools are eligible for pension; and

(c) the reasons for the differences, if any, in the dates from which they are eligible for the pension?

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

(b) & (c) The pension scheme was originally sanctioned from 1st April 1955, only to teachers employed in elementary schools and elementary sections in secondary schools. Teachers in secondary schools with similar scales of pay as elementary school teachers were also given the benefit from 1st April 1955. After watching the working of the scheme, it was extended to training and other special schools and also to other higher categories of teachers in secondary schools. The extension of the scheme was given effect to from 1st April 1958. This phasing was necessitated on financial grounds.

SRI G. KRISHNAMOORTHY : Is it a fact, Sir, that in spite of the publication of the pension rules, all teachers who are serving to-day and who retire in their sixtieth year before

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1960 or 1963 as secondary grade or B.T. grade teachers as the case may be, will not be declared eligible for pension for the reason that they had completed the age of 55 before the publication of the rules? Have any such orders been issued by the Government very recently?

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

SRI G. KRISHNAMOORTHY : Sir, as the number of cases of retirement of B.T. grade teachers as between 1955 and 1958 will be very few, will the Government kindly see that this disparity is removed and that they are also made eligible for pension from 1st April 1955?

THE HON. SRI C. SUBRAMANIAM : There is no question of disparity. This pension is a concession granted by the Government and we have fixed a particular date from which date alone this concession will be available.

VIDWAN T. MUTHUKANNAPPAN : அரசாங்கம் ஆசிரியர் உலகத்திற்குச் சிறந்த பல நன்மைகள் செய்துவருகிறது. 'ஹையர் கிரேடு' ஆசிரியர்களுக்குப் 'பென்ஷன்' கொடுக்கப்பட்டிருக்கிறது. உயர்நிலைப் பள்ளி ஆசிரியர்களுக்கும் 'பென்ஷன்' கொடுக்கப்பட்டிருக்கிறது. கல்லூரி ஆசிரியர்களுக்கும் 'பென்ஷன்' கொடுப்பதற்குத் திட்டமிடுகிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : இப்பொழுது இல்லை.

SRI V. V. RAMASWAMI : ஓய்வு பெற்ற ஆசிரியர்களுக்குப் பென்ஷன் தாமதமில்லாமல் கொடுக்கப்படவேண்டுமென்று சுற்றறிக்கை விட்டிருப்பதாகக் கனம் அமைச்சர் அவர்கள் சொன்னார்கள். அந்தப்படி கொடுக்கப்படுகிறதா? பென்ஷன் கொடுப்பதில் காலதாமதம் ஏற்படுகிறது என்று சர்க்காருக்குப் புகார் வந்திருக்கிறதா?

THE HON. SRI C. SUBRAMANIAM : துரிதமாகத்தான் கொடுக்கப் பட்டு வருகிறது என்பது என்னுடைய தகவல். அதைப்பற்றி எனக்குப் புகார் ஒன்றும் வரவில்லை.

SRI T. P. SRINIVASAVARADAN : Sir, when the pension scheme was sanctioned and first introduced, it was stated that the age of retirement in the case of teachers in the aided institutions would be sixty. Many who have completed the age of sixty after 1st April 1955 got pension. But, suddenly, by a recent order the Government have stated that the age of retirement should be fixed by the management and that any appointment and re-appointment after that will not be taken into consideration for pension. May I request the Government to go into the question because if any teacher is appointed or re-appointed after 1955, the age of retirement is fifty-five? But already we had granted pension to teachers who retired after sixty years of age, from service, in the aided institutions. There seems to be some confusion in the matter. Representations have been made by the South Indian

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Teachers' Union to the Government in this regard. May I request the Hon. Minister to look into the matter and see that the scheme is put on a par with the scheme already sanctioned?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir, if they have sent in representations, certainly they will be examined.

SRI G. KRISHNAMOORTHY: Are the Government aware of the fact that the recent order of the Government is quite contradictory to the orders originally issued, namely, fixing the age of retirement at sixty for teachers in aided secondary schools?

THE HON. SRI C. SUBRAMANIAM: Sir, I have already stated that I do not have the exact orders of the Government with me now. Therefore, I am not able to answer the question.

11-10 a.m. SRI S. T. ADITYAN: The point in question is this. In the case of certain categories of teachers especially in the ordinary schools, pension scheme has been made to operate retrospectively. But in the case of teachers in technical schools, it has not been done so. May I request the Hon. Minister to reconsider the matter and try to see if in their case also retrospective effect may be given?

THE HON. SRI C. SUBRAMANIAM: I do not think there is any question of retrospective effect because certain teachers were granted pension as from 1st April 1955 and others as from 1st April 1958.

SRI S. T. ADITYAN: Is it not true that the order giving effect to the pension scheme from 1st April 1955 was passed long after the decision was taken to give pension to certain categories of teachers?

THE HON. SRI C. SUBRAMANIAM: It would not have been long after but perhaps the interpretation of the order was in question. They might have given an interpretation as to the particular kinds of teachers who would be entitled to pension.

DR. A. CHIDAMBARANATHAN: Owing to the lack of proper maintenance of service registers of teachers in some private schools, it has not been possible for the Audit Department to dispose of the pension papers expeditiously. Would the Government be kind enough to look into the matter and issue instructions giving necessary exemption in respect of teachers whose service registers had not been maintained properly?

THE HON. SRI C. SUBRAMANIAM: Just now we have revised the order to see that no breaks need be taken into consideration and that the actual service period should be taken into consideration and that after that the pension should be granted. But at least the actual period of service should be proved and the service register should be made available to the department. Otherwise, they would not have a basis to sanction pension. If there are any particular difficulties, representations may be made with regard to them.

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Season tickets in the State Transport buses

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

(a) whether it is a fact that season tickets are issued to the public tenable in the State Transport buses in the City of Madras; and

(b) if so, since when and the routes for which they are issued?

THE HON. SRI V. RAMAIAH: (a) Yes, Sir.

(b) The particulars are:—

Route number.	Points between which tickets are available.	Date from which season tickets were issued.
3	From Mylapore to Parry's Corner ..	1st July 1953.
7, 7-A and 8	From Perambur to Parry's Corner ..	Do.
21, 21-A and 21-C.	From Mylapore to Parry's Corner ..	1st January 1954.
21-B	Do. ..	1st May 1955.
11	From Thyagarayanagar to Parry's Corner.	1st July 1958.
34	From Kellys to Parry's Corner ..	Do.
6	From M.U.C. to Tondiarpet ..	Do.
1	From Triplicane to Parry's Corner ..	Do.

SRI T. P. SRINIVASAVARADAN: Has any representation been received from the N.G.Os. that some concession should be shown to them in respect of these season tickets?

THE HON. SRI V. RAMAIAH: I have no information.

SRI G. KRISHNAMOORTHY: May I know what percentage of the total fare for a month is shown as concession with regard to these season tickets?

THE HON. SRI V. RAMAIAH: It is about 79 per cent of the actual fare for one trip up and one trip down from terminus to terminus for each day.

SRI V. V. RAMASWAMI: ஸீஸன் டிக்கட்டுகள் கொடுப்பதில் அதிகக் கூட்ட நேரத்தில் இருக்கும் நெருக்கடி குறைந்திருக்கிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI V. RAMAIAH: ஸீஸன் டிக்கட்டுகள் கொடுப்பதற்கும், "பீக் அவர் டிராபிக்குக்கும்" எந்தவிதமான சம்பந்தமும் இருப்பதற்கு நியாயமே கிடையாது.

SRI G. KRISHNAMOORTHY: Have the Government got any proposal of issuing another kind of season ticket, the price of which could be a little higher but the holder of which would be allowed to undertake as many trips as he could, as is the case in the Railways?

THE HON. SRI V. RAMAIAH: If the hon. Member has got any other proposal, he may kindly write to me about it and I would consider it.

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SRI K. V. RAMASWAMY : ஹரிஜனக் குழந்தைகள் இலவசமாகப் போவதற்கு வீஸன் டிக்கட்டுகள் கொடுத்தோ அல்லது வீஸன் டிக்கட்டுகள் இல்லாமலோ போக்குவரத்து வசதிகள் பஸ்களில் அளிக்கப் பட்டிருக்கிறதா?

THE HON. SRI V. RAMAIAH : இந்தக் கேள்வி சென்னை நகரிலுள்ள அரசாங்க பஸ் டிரான்ஸ்போர்ட்டு இலாகா சம்பந்தப்பட்டது.

* 128 Q.—

MR. CHAIRMAN : Question No. 128 is postponed.

Judgments and orders on petitions filed in the Rent Control Court

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

(a) whether the attention of the Government has been drawn to the inordinate delay in the grant of copies of judgments and orders on petitions filed in the Rent Control Court; and

(b) if so, the action taken or proposed to be taken in the matter?

THE HON. SRI V. RAMAIAH : (a) No, Sir.

(b) Does not arise.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware of the fact that it takes not less than two or three months for the parties to get copies of judgments?

THE HON. SRI V. RAMAIAH : Since the receipt of this question, we have looked into the matter to see if there is any inordinate delay. I have asked the department to examine and take immediate steps and see that such delays are avoided.

* 130 Q.—

MR. CHAIRMAN : Question No. 130 is also postponed. In this connexion, I have to inform the House that the questions were postponed due to the absence of either the concerned Member or the concerned Minister. They will be taken up to-morrow.

SRI M. ETHIRAJALU : Sir, what about question No. 125?

MR. CHAIRMAN : The Minister for Home is not here.

Questions are over.

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

II.—GOVERNMENT BILL.

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

—cont.

MR. CHAIRMAN : Now we shall continue the discussion on the Madras Panchayats Bill, 1958. Dr. A. Chidambaramanathan will now speak.

[81st October 1958]

* **DR. A. CHIDAMBARANATHAN :** மாண்புமிக் தலைவர் அவர்களே, இப்பொழுது வந்திருக்கிற இந்த மசோதா நன்றாக ஆலோசி கப்பட்டு, ஆராயப்பட்டுக் கொண்டுவரப்பட்டிருக்கிற நல்ல மசோதாவாக இருக்கிறது என்று கருதி, இதன் அம்சங்கள் பலவற்றை நான் வரவேற் கிறேன். அதே நேரத்திலே, சில வகைகளில் இந்த மசோதாவில் காணப்படுகின்றனவும் குறைகள் என்று எனக்குத் தோன்றுகின்றனவும் ஆகியவற்றை மாற்றவேண்டும் என்று கூற விரும்புகிறேன்.

நம்முடைய மாநிலத்தைப் பொறுத்த வரையிலே, ஸ்தல ஸ்தாபனத் துறையானது மிகவும் செம்மையாக 35, 40 ஆண்டுகளாக நடைபெற்று வந்திருக்கிறது என்பதைக் குறிப்பிடாமல் இருக்க முடியாது. இந்தியா தேசத்திலே, பிற பிற மாநிலங்களிலே இந்த ஸ்தல ஸ்தாபனத் துறை— லோகல் ஸெல்ப்-கவர்ன்மெண்டு டிபார்ட்மெண்டு—ஒழுங்காக நடக்கின்றதா, இல்லையா என்ற ஆராய்ச்சியில் புகாமல், நம்முடைய மாநிலத்தைப் பொறுத்த வரையில், ஸ்தல ஸ்தாபனத் துறையானது செம்மை யுற்று 30 ஆண்டுகளாக, 40 ஆண்டுகளாக நடந்து வந்திருக்கிறது என் பதைக் குறிப்பிடாமல் என்னை இருக்க முடியவில்லை. ஏனென்றால், நம்முடைய மாநிலத்தைப் பொறுத்த வரையிலே, ஸ்தல ஸ்தாபனத் துறையிலே அனுபவம் பெற்றவர்கள் ஜில்லா போர்டிலும் சரி, முனிசிப் பாஸ்டியிலும் சரி, கார்ப்பொரேஷனிலும் சரி, இவ்வாறு நன்றாக அனு பவம் பெற்றவர்கள்தாம் 1920-ம் ஆண்டிலிருந்து தலைமை அமைச்சர் களாகவும் அமைச்சர்களாகவும் இருந்து பணியாற்றியிருக்கிறார்கள் என் பது குறிப்பிடத்தக்கது. அந்தக் காலத்திலே திவான் பகதூர் சுப்பராய ரெட்டியார் என்ன, பி. முனிசுவாமி நாயுடு என்ன, குமாரசாமி ரெட்டியார் என்ன, பன்னீர்செல்வம் என்ன, இவர்கள் போன்றவர்கள் ஸ்தல ஸ்தாபனத் துறையிலே பெற்ற அனுபவங்களை வைத்துக்கொண்டு, பிறகு மந்திரிகளாக அமர்ந்து நம்முடைய மாநிலத்திற்குச் செம்மையான தொண் டாற்றியிருக்கிறார்கள் என்பது குறிப்பிடத்தக்கது. அவ்வாறு தொண் டாற்றிய காரணம் போலும், இந்த டேஸ் சட்ட சபையிலும் கூட பல பேர்கள் இப்பொழுது லோகல் போர்டுகள் வழியாக இடம் பெற்று நல்ல பணியாற்றுகிறார்கள் என்று குறிப்பிட விரும்புகிறேன்.

இந்த மசோதாவிலே சிறப்பாக நாம் மகிழ்ந்து வரவேற்கக்கூடிய கூறு என்னவென்றால், பிளாக் டெவலப்மெண்டு ஆபீஸர்கள் அந்தந்தப் பிளாக்குகளிலே தலைவர்களாக இருப்பதோடு அல்லாமல், பஞ்சாயத்து யூனியன் கமிஷனர்களாகவும் நியமிக்கப்படுகிறார்கள் என்பது. ஏனென் றால், தனியாகக் காசு, பணம் செலவில்லாமல் பிளாக் டெவலப்மெண்டு ஆபீஸர்களின் உத்தியோகப்பணி, உத்தியோகப் பொறுப்பு இந்தத் திட்டத்திற்கு நமக்குக் கிடைக்கிறது. பஞ்சாயத்து வளர்வதற்கு, பஞ்சாயத்து போர்டைச் செம்மையுற நடத்திவைப்பதற்கு, அவர்களுடைய பணி, தனிக் காசு பணம் செலவில்லாமல் கிடைக்கிறது என்பது மகிழ்ச்சிக்குரிய செய்தி. “லோஷல் எஜுகேஷன் ஆபீஸர்கள்” என்று இருப்பவர்களெல்லாம்கூட, இவ்வாறு பணி ஏற்பதற்குத் தயாராக இருக்கிறார்கள். அதற்கென்று அரசாங்கம் தனிச் செலவு செய்யவேண்டிய அவசியமில்லை என்பது குறித்து மகிழ்கிறேன். “இப்பொழுது ஏறத்தாழ 300 முதல் தரப் பஞ்சாயத்துக்கள் இருக்கின்றன, 358 பிளாக் டெவலப்மெண்டு ஆபீஸர்கள் இருக்கிறார்கள்” என்று நேற்று அமைச்சர் அவர்கள் தெரிவித்தார்கள். ஆனால், ஒரே ஒரு செய்தி எனக்குத் தோன்றுகிறது. அது என்னவென்றால், இப் பொழுதுள்ள 358 பிளாக் டெவலப்மெண்டு ஆபீஸர்களையும் நாம் நியமிக்கின்ற பஞ்சாயத்து யூனியன் கவுன்சில் கமிஷனர்களாக உடனடியாக நியமித்துவிடக்கூடாது என்பது. நன்றாகச் சீர்தூக்கி ஆராய்ந்து பிளாக் டெவலப்மெண்டு ஆபீஸர்களில் யாவர் பஞ்சாயத்து யூனியன் கவுன்சில் கமிஷனர்களாக நியமிப்பதற்கு உரியவர்களாக இருக்கிறார்களோ, தகுதி யுற்றவர்களாக இருக்கிறார்களோ, அவர்களை மாதிரிப் அரசாங்கம் நியமிக்கும் என்று எதிர்பார்க்கிறேன். ஜில்லா போர்டுகளிலும், இரா தன் குட்சியிடங்களிலும், ஸ்தல ஸ்தாபனத் துறையில் நெடு நாட்களாக, அதாவது இருபது அல்லது முப்பது ஆண்டு காலம் பணியாற்றி அனுபவம்

[Dr. A. Chidambaraman] [31st October 1978]

பெற்றுவுங்கள் பலர் இருக்கிறார்கள். அப்படிப்பட்டவர் பலர் கமிஷனர் வேலைக்கு வருவதற்குத் தகுதியுள்ளவர்களாக இருக்கிறார்கள். பிற துறைகளிலும் தகுதியுள்ளவர்கள் இருத்தல் கூடும். முதல்தாப் பஞ்சாயத்துக்களில் பணியாற்றுவோரில் தகுதியாய்ந்தவர்களும் ஆற்றல் பெற்ற உத்தியோகஸ்தர்களும் இருத்தல் கூடும். அவர்களில் பிளாக் டெவலப்மென்ட் வேலைகளையும் பாா்பதற்குத் தகுதியுள்ளவர்கள் இருந்தால், அப்படிப்பட்டவர்களை நியமிப்பதற்கு நமது அரசாங்கம் முன்வரும் என்று எதிர்பார்க்கிறோம். பிளாக் டெவலப்மென்ட் ஆபிஸர்களில் பலர் தகுதியுடையவராக இருக்கிறார்கள். நோடியாகத் தேர்ந்தெடுக்கப்பட்டவர்கள் சிலர் இருக்கிறார்கள். அவர்கள் நான்கு அல்லது ஐன்று ஆண்டுகள் அது பவம் பெற்றவர்களாக இருக்கிறார்கள். தனது அப்பவம் வாய்ப்பு வர்களும், தேர்ந்தெடுக்கப்படாது வந்திருக்கிறார்கள். அப்படி பிளாக் டெவலப்மென்ட்டுக்கு வந்திருக்கக்கூடியவர்கள் இந்த யூனியன் கவுன்சில்களின் கமிஷனராக இரப்பதற்குத் தகுதி வாய்ந்தவர்கள்தான் என்பதைச் செல்வனே ஆராய வேண்டும் என்று அரசாங்கத்திற்கு வற்புறுத்த விரும்புகிறேன்.

அதே நேரத்தில், இந்தப் பஞ்சாயத்துப் போர்டுக்கு இப்பட்டுள்ள கடமைகள் என்ன என்று பார்க்கவேண்டும். பஞ்சாயத்துப் போர்டுக்குக், பஞ்சாயத்து யூனியனுக்கும் இப்பட்டுள்ள கடமைகள் எல்லாம் என்ன என்பதைப் பார்க்கவேண்டும். அவைகளாவன, தெருக்களைச் சுத்தமாக்க வைத்துக்கொள்வது, விளக்குகள் பேருது, மரத்துவா பனைகளை அமைப்பது, அவைகளில் மரந்திடுகள் கிடைக்கும்படி செய்வது, விவசாய வளர்ச்சி, இவை போன்ற கடமைகள் யூனியன் கவுன்ஸிடுகள், பஞ்சாயத்துக்களுக்கு இப்பட்டுள்ள வேலைகள் ஒழுங்காக நடைபெறுகின்றனவா என்று பார்க்குது என்று இருக்கிறது. அப்படிப்பட்ட இடத்தில் அரசியல் கட்சிச் சார்புள்ள வர்களை நிறுத்தவது சரிதான் என்பதைப்பற்றி யோசிக்க வேண்டியதாக இருக்கிறது. இதைப்பற்றி எல்லாக் கட்சிகளும் சிந்தித்துப் பார்க்க வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

பஞ்சாயத்துப் போர்டிலும், பஞ்சாயத்து யூனியன் கௌன்சிலிலும் நடைபெறுகின்ற தேர்தல்களில் கட்சிச் சார்பற்ற முறையில் போட்டியிடுதல் நல்லது என்று இருக்கவேண்டும். இதைப்பற்றி மாநிலப் பஞ்சாயத்து மகாநாட்டில் ஒரு தீர்மானம் முடிவடைந்தாகச் செய்திருக்கிறார்கள். அதைப் போலவே பல இடங்களிலும் கட்சிச் சார்பற்ற முறையில் மக்கள் போட்டியிட வேண்டும் என்று சொல்லியிருக்கிறார்கள். கிராமங்களில் பஞ்சாயத்துப் பகுதிகளில், கட்சிச் சார்பற்றவர்களைத் தேர்தலில் தேர்ந்தெடுப்பது நல்லது. அந்த அடிப்படையில் செய்துள்ள கிராமங்களில் கலகம், பதலிகள் முதலியவைகள் இருக்கமாட்டா. அங்கே கட்சிப் பூதங்கள், கலகங்கள் இருத்தல் கூடவே கூடாது. தேர்தல் காலங்களில் கட்சிச் சார்பில் தேர்தல் நடைபெற்றால், அதன் மூலம் கலகம் ஏற்பட அது ஐந்து ஆண்டுகாலம் நீடித்துக்கொண்டே தான் இருக்கும். அவர்களுடைய பதவிக் காலம் முடிந்துகூட இருந்துகொண்டே தான் இருக்கும். அதனிடம், அங்கே தனிப்பட்ட முறையில் உறுப்பினர்கள் தேர்ந்தெடுக்கப்படவேண்டும். அப்படித் தேர்ந்தெடுக்கப்பட்டு வந்து ஊழியர் சோவது தகுதி என்பதை எல்லாருட்க்கிடமாகவும் பொதுவாக சிந்தித்துப் பார்க்கவேண்டும் என்று இங்கே நான் தெரிவிக்க விரும்புகிறேன். பஞ்சாயத்துப் போர்டுகளில் வேலை பார்க்கிறவர்கள் எல்லாம் அந்த உண்ணர்ப் பகுதியைச் சேர்ந்தவர்களாக இருத்தல் கூடும். ஆசிரியர்களும் சிப்பந்திகளும் இருப்பர். அந்த அந்த வட்டாரத்திற் பணி புர்பவர்களுடைய உறவினர்கள் அல்லாத நண்பர்கள் கூடத் தேர்தல்களில் தொப்பு கொள்ளுவார்கள். ஆகவே, பஞ்சாயத்து இலம் சரி, பஞ்சாயத்துக் கவுன்சிலிலும் சரி, கட்சிச் சார்பற்ற முறையிலே நிறுத்துதல் நல்லது. தனிப்பட்ட முறையில் ஒவ்வொருவரும் கட்சித் தேர்தல்களில் பங்கு எடுக்க இருந்தாலும் கூட, அங்கே கட்சியின் பெயரால் நிறைக்க கூடாது என்று தோன்றுகிறது. இந்தக் கருத்தை நான் வற்புறுத்த விரும்புகிறேன்.

31st October 1958] [Dr. A. Chidambaramanathan]

பொருளாதாரத்தைப் பொறுத்த வரையில், நல்ல முறையில் வரவு செலவுத் திட்டம் வகுக்கப்பட்டிருக்கிறது என்பதை நான் ஒப்புக்கொள்ளுகிறேன். அதே நேரத்தில், வகுக்கப்பட்ட திட்டங்கள் ஒழுங்கான முறையில் நடைபெறுவதற்கு வேண்டிய வழிவகைகளைச் செய்ய வேண்டும் என்று குறிப்பிட விரும்புகிறேன். அந்த ஐந்தாண்டுத் திட்டத்திலும் இதற்கு வேண்டிய பணத்தைக் காண வேண்டும். இரண்டாவது ஐந்தாண்டுத் திட்டம் செயலில் இருக்கும் வரையில், இது ஒழுங்காக நடைபெற்றுவிடும் என்ற நம்பிக்கை இருக்கிறது. ஆனால், மூன்றாவது ஐந்தாண்டுத் திட்டம் எவ்வாறு வரும் என்பது தெரியவில்லை. அந்தத் திட்டம் எப்படி என்பது இன்னும் வகுக்கப்படவில்லை. அது எப்படி இருக்கும் என்பது நமக்கு இன்னும் தண்ணீர்மாகத் தெரியாது. அப்படிப்பட்ட நிலைமையில் மூன்று வது ஐந்தாண்டுத் திட்டத்திலும் பஞ்சாயத்துக்களுக்கு கிடைக்க வேண்டிய பொருள் கிடைக்க, நம்முடைய அரசாங்கம் இந்திய அரசாங்கத்தைக் கேட்க வேண்டும். அப்படியே இந்திய அரசாங்கம் கொடுக்க முன்வந்தால்தான் நம்முடைய திட்டம் ஒழுங்காக நடைபெற வசதி இருக்கும். இல்லாவிட்டால் அடுத்த ஐந்தாண்டில் இது நடைபெறாது போய்விடும் என்ற ஜயப்பாடு இருக்கிறது. இந்தத் திட்டத்தில் அந்தந்தப் பஞ்சாயத்துக்களில் கிடைக்கக் கூடிய, அந்தந்த எல்லையிலிருந்து கிடைக்கக்கூடிய, தொகை 1½ கோடி ரூபாய்; சென்னை அரசாங்கத்தாரால் ஒதுக்கக்கூடிய தொகை 1½ கோடி ரூபாய்; இந்திய அரசாங்கத்தினிடமிருந்து எதிர்பார்க்கக்கூடிய மானியம் 1½ கோடி ரூபாய். இவற்றை வைத்துக் கொண்டு இந்தத் திட்டத்தை நிறைவேற்ற முடிவு செய்திருக்கிறோம். இதை வைத்துக்கொண்டு பஞ்சாயத்து முறையை வகுக்க வேண்டியதாக இருக்கிறது. இந்தப் புதிய சாயத்து முறையை வகுக்க வேண்டியதாக இருக்கிறது. இந்தப் புதிய சாயத்து முறையை வகுக்க வேண்டியதாக இருக்கிறது. இந்தப் புதிய சாயத்து முறையை வகுக்க வேண்டியதாக இருக்கிறது. இந்தப் புதிய சாயத்து முறையை வகுக்க வேண்டியதாக இருக்கிறது.

பொருளாதாரத்தைப் பொறுத்த வரையில், நேற்று நம்முடைய கனம் நிதி அமைச்சர் அவர்கள் குறிப்பிட்டது போல், தலைக்கு ஆறு ரூபாய் வீதம் பணம் ஒதுக்கி ஆறு ரூபாய் வீதம் செலவு செய்யப்படும். இப்படி ஆறு ரூபாய் செலவுக்காக ஒதுக்கப்படுகிற நோத்தில் 4-3/4 ரூபாய் பஞ்சாயத்து யூனியன் கவுன்சிலுக்கு, ஒவ்வொரு தலைக்கும் என ஒதுக்கப்படுகிறது. ஒன்றை கால் ரூபாய் கிராமப் பஞ்சாயத்து வழியாகவும், நகரப் பஞ்சாயத்து வழியாகவும் ஒதுக்கப்பட்டிருக்கிறது. இதில் ஒன்றை நாள் சிறப்பாகக் குறிப்பிட விரும்புகிறேன். இந்த 4-3/4 ரூபாயில் 3½ ரூபாய் கல்விக்காக ஒதுக்கப்பட்டிருப்பது மிகவும் பாராட்டத்தக்கது. அதனால், (பரியாயினிஸ்) ஒதுக்கப்பட்டிருப்பது மிகவும் பாராட்டத்தக்கது. அதனால், (பரியாயினிஸ்) முன்னுரையிற் காணப்படுகிறதபோல், கட்டாயக் கல்வியைப் பரப்புவதற்கு இது பயனுள்ளதாக இருக்கிறது என்பது என்னை நம்பிக்கை. ஏற்கெனவே, ஆறு வயது முதற்கொண்டு பதினேழு வயது வரையில், கட்டாயக் கல்வி முறையைச் செயற்படுத்த வேண்டும் என்று 'இருந்தம்கூட, அதைச் செயலில் நடத்த முடியவில்லை'. அது வெறும் எட்டாளிதாம். பெரும்பாலும் இருந்து விட்டது. கட்டாயக் கல்வி முறையைச் செயற்படுத்த வேண்டிய விதிக்கலாம் என்று இருந்தாலும் கூட, அது செயல்படவில்லை. கட்டாயப்படுத்தினால் மட்டும், பெற்றோர்களுக்குத் தண்டனை விதித்து மட்டும், குழந்தைகள் பள்ளிகளுக்கு வந்துவிட மாட்டார்கள். அப்படி வந்துவிடுவார்கள் என்றுதான் நாம் எதிர்பார்த்துக்கொண்டிருந்தோம்.

[Dr. A. Chidambaranathan] [31st October 1958]

ஆனால், தண்டனைக்குப் பெற்றோர்கள் தான் ஆளாவார்களே தவிரக் குழந்தைகள் பள்ளிகளுக்கு வந்துவிடுவதில்லை. அப்படி வந்துவிடுவார்கள் என்று எதிர்பார்ப்பதும் சரியன்று. அப்படியில்லாமல், அந்தந்த வட்டாரத்திலுள்ள பெற்றோர்களுடைய ஒத்துழைப்பினால் தான் இந்தக் கட்டாயக் கல்வி முறையைச் செயற்படுத்தலாம். அவர்களுடைய ஒத்துழைப்பும்தான், அவர்களுடைய ஆதரவும் இருக்க வேண்டும். அப்பொழுதுதான் கட்டாயக் கல்வியைப் பரப்ப முடியும். அந்த நோக்கத்தைக் கொண்டு இந்தத் திட்டம் எற்படுத்தியிருப்பதைக் குறித்து நான் மகிழ்கிறேன், பாராட்டுகிறேன்.

11-30
a.m.

அது அப்படிச் செலவாக அமைந்திருப்பது ஒருபுறமிருக்க, வருவாயாக உள்ளதைப் பார்த்தால், 4½ ரூபாயிலே எறத்தாம்பு பாதி சென்னை அரசாங்கம் பஞ்சாயத்துக்குக் கொடுப்பதாக இருக்கிறது. பாதிதான் பஞ்சாயத்து யூனியன் கவுன்சில் வழியாக வசூலிக்க வேண்டியதாயிருக்கிறது. பஞ்சாயத்துக்களைப் பொறுத்த வரையில், ஒரு ரூபாய் வீதம் அவர்கள் வசூல் பண்ணவேண்டியிருக்கிறது. கால் ரூபாய் அரசாங்கம் கொடுக்கிறது. எனவே, கிராம மக்களிடத்திலே அதாவது, இராமப் பஞ்சாயத்து மக்களிடத்திலேயே இந்தப் பொறுப்பை அதிகமாக ஒப்படைக்க வேண்டும் என்று எண்ணத்தினாலே, அவர்களிடத்தில் ஒரு ரூபாய் வீதம் வசூல் பண்ணினால்தான் அவர்களிடத்தில் தண்ணம்பிக்கையும் ஈடுபாடும் ஏற்படும் என்று அவர்களிடத்திலே வசூலிக்கப்படுவது குறித்து நான் பாராட்டக் கடமைப்பட்டிருக்கிறேன்.

கிராமங்களில் ஸ்தல ஸ்தாபன அமைப்பு நம்முடைய மாநிலத்திலே பல ஆண்டுகளுக்கா இருந்து வருகிறது. அனுபவத்திலே, இதுகாறுமுள்ள சிற்சில குறைகள் இப்பொழுது இந்தச் சட்டத்திலே நீக்கப்பட்டிருக்கின்றன என்று கண்டு நான் மகிழ்கிறேன். அடிக்கடி “பஞ்சாயத்து” என்ற சொல்லைக் கேட்டவுடனே, “அது கலைக்கப்பட்ட பஞ்சாயத்தா? கலைக்கப்பட்டிருக்கிற பஞ்சாயத்தா?” என்று கேட்பது நாட்டிலே வழக்கமாகக் கலகம் விளைகிற இடம்” என்ற நம்பிக்கை சில மக்களிடத்திலே இருக்கிறது. “பஞ்சாயத்து” என்ற நம்பிக்கை சில மக்களிடத்திலே இருக்கிறது. “பஞ்சாயத்து” என்றவுடன், ஐந்து பேர் கூடிய இடம் என்று சொல்லுகிறது என்றும்கூட, ஐந்து பேர் கூடித் தீர்ப்புக் கூறும் குறும், பஞ்சாயத்து என்றவுடன் அதிகமாகப் பூசலும், கலகமும், உடமக்களுடைய எண்ணத்திலே உதிக்கிறது. தாரணம், அங்கே கூடப்படும் நேரங்களில் அங்கேயுள்ள எக்ஸிக்குடியில் ஆபீசர் என்பது. காரணம், சில ஆபீசருக்கும், தலைவருக்கும் அடிக்கடி சிக்கல்கள் வந்துவிடுகின்றன என்பது. அந்தச் சிக்கல்கள் சிலவற்றைப் போக்குகின்ற நல்ல முறையிலே இந்த மனோதா அமைந்திருப்பதை நான் பாராட்டுகிறேன்.

சில நேரங்களிலே நாம் கேள்விப்படுகிறோம், முனிசிபாலிட்டியிலே, பஞ்சாயத்திலே, கார்ப்பரேஷனிலே கூட, ஒருவர் கூட்டத்தை முடித்துவிட்டுப் பிற்பாடு, அந்தக் கூட்டத்தைத் தொடர்ந்து மற்றவர்கள் புதிய தலைவரைத் தேர்ந்தெடுத்துக்கொண்டு நடத்துகிறார்கள், நிகழ்ச்சிக் குறிப்புக்களை எழுதி வைத்து ஆள் இருந்தாலும், இல்லாது போனாலும் என்று. இது எவ்வளவு கேவலமான நிலை என்பதை நாம், ஸ்தல ஸ்தாபனத் துறைகள் வளரிக் வேண்டும் என்று எண்ணும் சாளரில், எண்ணிப் பாரக்கவேண்டுமென்று கருதுகிறேன்.

ஒரு பஞ்சாயத்துக் கூட்டத்திலோ, பஞ்சாயத்து யூனியன் கவுன்சில் கூட்டத்திலோ, எகவரிக்யூட்டிவ் ஆபீசோ, கமிஷனரோ உடன் இருந்த நிகழ்ச்சி நிரலைத் தவிர எழுதிவதற்கு உதவி செய்யாமல் போய்விடுமே நேரங்கள் பல இருத்தல் கூடும். அவ்வாறு இருந்தல் கூடாது என்று நோக்கத்தில் அரசாங்கம் சில நல்ல முறைகளைக் கையாண்டது குறித்து மகிழ்கிறேன்.

31st October 1958] [Dr. A. Chidambaraman]

‘கமிஷனர், எக்ஸிக்யூட்டிவ் ஆபீசர் கூட்டத்திற்கு வரவேண்டும்’ என்று ஒரு பிரிவு சொல்கிறது. அவர் கூட்டத்திற்கு வருவதற்கு உரிமை உடையவர்’ என்று இன்னொரு பிரிவு சொல்கிறது. கூட்டத்திற்கு வருவதற்கு உரிமை உடையவர் என்று அளவிலே இந்தப் பிரிவினை வைத்துக்கொண்டால், நிபுணர்களான கமிஷனர்கள், எக்ஸிக்யூட்டிவ் ஆபீசர்கள் இவர்களிடமிருந்து, ‘கூட்டத்திற்குப் போவதற்கு எனக்கு உரிமை உண்டு என்றால், சிலர், ‘கூட்டத்திற்குப் போவதற்கு எனக்கு உரிமை உண்டு என்றால், இன்று போக விருமபலிஸ்ஸை என்று சொல்லிவிடக்கூடிய பரப்பல நேரங்கள் உண்டு. இந்தப் புதிய மசோதாப்படி, கமிஷனர்கள் கூட்டத்திற்குப் போவதற்கு, பேசுவதற்கு, கலந்துகொள்வதற்கு உரிமை உண்டு என்று போவதற்கு, பேசுவதற்கு, கலந்துகொள்வதற்கு உரிமை உண்டு என்று வருமாறு நாம் தகுதி வழங்குவதோடு அன்று, அவரைக் கூட்டத்திற்கு வருமாறு நாம் தகுதி வழங்குவதோடு அன்று, அவரைக் கூட்டத்திற்கு வருமாறு செய்வதற்குத் தலைவரே தகுதி உரிமை உண்டு என்று வகுத்திருக்கிறோம். செய்வதற்குத் தலைவரே தகுதி உரிமை உண்டு என்று வகுத்திருக்கிறோம். ஆகையால், இந்தச் சங்கடங்களை எதிர்பார்த்து இந்த மசோதாவில் கொஞ்சம் சீர்திருத்தம் செய்திருப்பது குறித்து நான் பாராட்டுகிறேன். இதற்குக் காரணம், இடையிடையே பற்பல பஞ்சாயத்துப் போர்டுகளிலே ஏற்பட்ட முன்னாள் கலவரங்கள் தான். அந்தக் கலகங்களை நினைவிட வைத்துக் கொண்டு இந்த மசோதா இவ்வாறு தயாரிக்கப்பட்டிருக்கிறது.

அதே நேரத்தில் அமைச்சர் அவர்களை நான் ஒன்று கேட்டுக்கொள்ள விரும்புகிறேன். அதாவது, இந்தச் சட்டத்தின்கீழ் விதிகள் வகுக்கும் போது, நான் சொல்கிற யோசனையையும் சேர்த்துக்கொள்ள வேண்டும் என்று கேட்டுக்கொள்கிறேன். தலைவர் ஒருவர் ஒரு கூட்டத்தைக் கலைத்து விட்ட பிற்பாடு, அந்தக் கூட்டத்தைத் தொடர்ந்து, அந்த இடத்திலேயே மூன்றாவது கூட்டம் நடந்தால், அந்தத் தலைவருக்கும், எந்த முன்னறிவிப்பு இல்லாமல் கூடுவதற்கு எந்தத் தலைவருக்கும், எந்த உறுப்பினருக்கும் அதிகாரம் இல்லை என்ற ஒரு புது விதி வகுத்து அதைக் கட்டாயப்படுத்த வேண்டுமென்று விரும்புகிறேன். இதைப் பின்னால் கட்டாயப்படுத்த வேண்டுமென்று செய்யும்போது சேர்த்துக்கொள்ள துணை விதிகள் (Subsidiary Rules) செய்யும்போது சேர்த்துக்கொள்ள வேண்டும் என்று நான் கேட்டுக்கொள்கிறேன். மசோதாப் பிரிவில் இப்பொழுது ஒன்றும் இல்லை. இருக்க வேண்டிய அவசியமும் இல்லை. விதிகளிற் சேர்த்துக்கொள்ள வேண்டும்.

இன்னொரு வகையிலேயும் ஒரு சங்கடத்தை இந்தப் புது மரோகா தீர்க்கிறது. நான் கேள்விப்பட்டிருக்கிறேன்—முனிசிபாலியடோ, தாலாகா, போர்டோ, டிஸ்ட்ரிக்ட் போர்டோ ஒரு தீர்மானம் போட்டுக் கமிஷனர், தலைவர் மூலமாக கவர்ன்மெண்டுக்கு அனுப்ப வேண்டும் என்று இருந்தால், அது தலைவர் மேனையிலே மாதக் கணக்காக உட்கார்ந்திருக்கும் தரல், அது தலைவர் மேனையிலே மாதக் கணக்காக உட்கார்ந்திருக்கும் என்று. அந்தப் பேப்பர் கவர்ன்மெண்டுக்குப் போவதில்லை. தலைவர் வழியாக அனுப்ப வேண்டுமென்று கிளர்ச்சி செய்து அந்த உரிமையை வாங்கினோம். அந்த உரிமையைப் பெற்ற பிற்பாடு, கார்ப்பரேஷன் தலைவரோ அல்லது ஸ்தல ஸ்தாபனத் தலைவரோ, அந்தப் பேப்பரை அரசாங்கத்திற்கு அனுப்பாமல் கையிலேயே வைத்துக்கொண்டு பல மாதங்கள் கடத்தி விட்டது உண்டு. அதை நீக்குவதற்கு இந்தச் சட்டம் விரும்பி, கமிஷனர் அரசாங்கத்தோடு கடிதப் போக்குவரத்து செய்வது தலைவர் மூலமாக என்று நிர்ணயித்து, அந்தப் பேப்பரையும் அந்தத் தலைவர் அரசாங்கத்திற்கு அனுப்ப வேண்டிய கடமை உடையவர் என்று இன்னொரு பிரிவினால் வகுத்திருப்பது குறித்து நான் பாராட்டுகிறேன். இவையெல்லாம் நம் முன் அனுப்புவங்களிலிருந்து, இடைக்காலத்திலே ஏற்பட்ட கெட்ட அனுப்புவங்களிலிருந்து குறைகளைச் சமாளிப்பதற்காகச் செய்யப்பட்டிருக்கின்றன என்பதற்கு நான் நினைத்து நான் வரவேற்கிறேன்.

MR. CHAIRMAN: Five minutes more.

* DR. A. CHIDAMBARANATHAN : தலைவரை நீக்குவதற்கு
 • ரிமை இந்த மசோதாவின் கீழ் இன்ஸ்பெக்டர்களுக்கு கொடுக்கப்பட்டிருந்
 திருது. அது பொருத்தமா என்று கனம் அங்கத்தினர் திரு. டி. புரு
 ஷோகத்ம் அவர்கள் கேட்டார்கள். அதைப்பற்றிய கருத்தைத் தெரிவித்த
 பொறுப்பு நேரம் எடுத்துக்கொள்ளலாம். திருத்தங்கள்பற்றிப் பேசும்
 போது நேரம் எடுத்துக்கொள்ள விரும்புகிறேன்.

[Dr. A. Chidambaram], [31st October 1958]

அரசாங்கம், ஆரம்பக் கல்விப் பொறுப்பைப் பஞ்சாயத்து யூனியன் கவுன்சிலுடைய மேற்பார்வையிலே வைக்க இருக்கிறது இந்த மசோதா விலே. அது ஓரளவுக்கு நல்லது என்றாலும், பஞ்சாயத்து யூனியன் கவுன்சில் உறுப்பினர்களாக இருக்கிறவர்கள், பஞ்சாயத்து யூனியனிலே பொறுப்பேற்றிருக்கும் ஆசிரியர்களை மாட்டாமல், உட்பட்டாமல் இருக்கும்படி பார்த்துக்கொள்ள வேண்டும் என்பது என்னுடைய வேண்டுகோள். என்னென்றால், சில நேரங்களிலே நாம் என்ன கேள்விப்படுகிறோம், நேரிலும் பார்க்கிறோம்? ஜில்லா போர்டுகளிலும், பஞ்சாயத்துக்களிலும் வேலை பார்க்கும் ஆசிரியர்களைப் பஞ்சாயத்துப் போர்டு உறுப்பினர், ஜில்லா போர்டு உறுப்பினர், ஒவ்வொருவரும் தம் வீட்டிலே வேலை பார்க்கிறவர்கள் போல் கருதிக்கொண்டு உருட்டுகிறார்கள், மிட்டுகிறார்கள். சில இடங்களிலே ஐாதிப் பித்துக்கள் தாண்டவமாடுகின்றன என்றும் நான் கேள்விப்பட்டிருக்கிறேன். இவையெல்லாவற்றையும் அகற்றக்கூடிய வகையிலே தனியாக விதிகள், துணை விதிகள் செய்யப்படுவது நல்லது என்று கருதுகிறேன்.

அதே நேரத்தில், 40 மாணவர்களுக்கு ஒரு ஆசிரியர் என்று திட்டம் வகுத்திருக்கும் காரணத்தால், பல ஆரம்பப் பள்ளி ஆசிரியர்கள் பாதிக்கப் படுகிறார்கள். பழையபடி 25 பிள்ளைகளுக்கு ஒரு ஆசிரியர் என்று வைத்தால் நல்லதென்று என்பதை மறுபடியும் ஆராய்ந்து அரசாங்கத்தை வேண்டுகிறேன்.

உயர்நிலைப் பள்ளிகளைப் பொறுத்த வரையில், அவையெல்லாம் இன்ன அமைப்பின்கீழே போகும் என்று நன்றாகத் தெளிவாகத் தெரியாத நிலையிலே இருக்கிறோம். ஸ்டாசுபரி கமிட்டி (Statutory Committee) அட் ஹாக் கமிட்டி (Ad hoc Committee) தனியாக அமைத்து, ஜில்லாவுக்கு ஒரு குழு வீதம் அமைத்து உயர்தரப் பள்ளி ஆசிரியர்களை அக்குழுவின் நிர்வாகத்தில் வைப்பது எந்த அளவுக்கு வரவேற்கக்கூடியதாக இருக்கும் என்று என்னால் துணிந்து கூற முடியவில்லை. உயர்நிலைப் பள்ளிகளை அரசாங்கம் எடுத்துக்கொண்டால், நன்றாக இருக்கும். இது வரை ஜில்லா போர்டுகள் ஒழுங்காக இந்த நிர்வாகத்தை நடத்தி வந்திருக்கின்றன. ஜில்லா போர்டுகளுடைய இடத்தைக் கட்டாயம் பஞ்சாயத்து யூனியன் கவுன்சில் எடுத்துக்கொள்ள முடியுமா? ஜில்லா போர்டுகளிடத்தில் இருந்த நம்பிக்கை பஞ்சாயத்து யூனியன் கவுன்சிலிடத்தில் இனிமேல்தான் அனுபவத்திலே ஏற்பட வேண்டும். ஒரு ஆசிரியரை “எக்ஸ்சேவ் வேலை பார்க்கிறீர்கள்” என்று கேட்டால், “கவான்மெண்டிலே” என்று அவர் சொன்னால், “நல்லது” என்று சொல்வோம். இரண்டாவதாக, “ஜில்லா போர்டிலே வேலை பார்க்கிறேன்”, என்று சொன்னால், அதுவும் குற்றமில்லை, அங்கு கொஞ்சம் ஒழுங்காகவும் நேர்மையாகவும் இருக்கும் என்று சொல்வோம். அந்த இரண்டு நிர்வாகங்களிடத்திலும் மக்களுக்கு நம்பிக்கையும் மதிப்பும் உண்டு. அந்த இரண்டு நிலையும் போய், இப்பொழுது எந்த நிலையிலே உயர்தரப் பள்ளிக்கூட ஆசிரியர்கள் இருப்பார்கள் என்று தெரியாது அல்லவற்ற நிலை ஏற்பட்டிருக்கிறது. ஸ்டாசுபரி கமிட்டி, அட் ஹாக் கமிட்டி நியமிக்கும்போது, அவற்றிற்கு நல்ல அந்தஸ்துக் கொடுத்து, மதிப்புக் கொடுத்து, உரிமை கொடுத்து, ஒழுங்கான வகையில் செயலாற்றத் தக்க வழிகள் வகுத்து, அவற்றிற்கு வேண்டிய எழுத்தாளர்கள் முதலிய (clerical and executive staff) வாதிகள் கொடுத்து அரசாங்கக் கட்டாயம் உதவி செய்யும் என்று நான் எதிர்பார்க்கிறேன்.

பஞ்சாயத்துப் போர்டுகளை மறு இனப்படுத்தலாம் (reclassification) என்று ஒரு பிரிவு சொல்கிறது. கிராமப் பஞ்சாயத்து, டவுன் பஞ்சாயத்து என்று மறு இனப்படுத்துவதற்கு உரிமை கொடுக்கப்பட்டிருக்கிறது. அது மறு செய்வது ஒரு வரவு செலவுத் திட்ட ஆண்டின் (financial year) தொடக்கத்தில்தான் இருக்கவேண்டுமென்பதில், இடையிலே இருக்கக் கூடாது என்பதைக் குறிப்பிட நான் விரும்புகிறேன்.

[31st October 1958] [Dr. A. Chidambaram]

பஞ்சாயத்துக்களிலே வேலை பார்க்கும் எல்லா மினிஸ்டிரியல் சர்வீஸில் உள்ளவர்களுக்குமாகச் சேர்த்து “class of service for Panchayat employees for the whole State” என்ற ஒரு (cadre) அமைப்பு ஏற்படுத்த ஒரு பிரிவு இருக்கிறது. அந்தக் கட்டருக்கு ஆட்களைத் தேர்ந்தெடுப்பதற்குத் திரு. டி. புருஷோத்தம் அவர்கள் ஒரு யோசனை தெரிவித்தார்கள். அதற்கு என்று தனியாக ஒரு பப்ளிக் சர்வீஸ் கமிஷன் அமைத்து, அவர்கள் பஞ்சாயத்துக்களுக்கு வேண்டிய அலுவலர்களை யெல்லாம் தேர்ந்தெடுக்க வேண்டும் என்று கேட்டார்கள். தனியாக இதற்கு ஒரு சர்வீஸ் கமிஷன் என்று ஆக்காமல், இப்பொழுதுள்ள பப்ளிக் சர்வீஸ் கமிஷனிலுள்ள உறுப்பினர்களோடு ஒருவர் இருவரைச் சேர்த்து, அவர்களிடத்திலே இந்த அதிகாரத்தைக் கொடுத்து ஏன் இதை அமைக்கக் கூடாது என்பது என்னுடைய கருத்து.

இன்னொரு முக்கியமான செய்தியைச் சொல்லி, நான் அமைவேன். இங்கே குறிப்புக்களில் வருவதுபோல, தலைவரைப்பற்றியோ, கமிஷனைப் பற்றியோ, ஒருவர் மற்றவரைப்பற்றி ரகசிய ரிப்போர்ட் செய்யலாம் என்றிருப்பதைத் தடுக்க வேண்டும்.

*SRI A. GAJAPATHY NAYAGAR: மன்றத் தலைவர் அவர்களே, நேற்று நிகழ்த்திய பேச்சுக்களில் நமது நாட்டிலே ஜனநாயகம் வளருகிறதா, இல்லையா என்ற ஒரு ஐயப்பாட்டைக் கிளப்பிவிட்டார்கள். அதைப்பற்றி ஒரு சில வார்த்தைகள் சொல்ல விரும்புகிறேன். நமது இந்தியப் பேராசை சட்டத்தின்படி, 21 வயது வந்த ஆண், பெண், இருவருக்கும் வோட்டு உரிமை அளிக்கப்பட்டிருக்கிறது. சில தேசங்களிலே ஆண்களுக்கு மாத்திரம் தான் வோட்டு உரிமை இருக்கிறது. பெண்களுக்கு இல்லை. ஆனால், நம் நாட்டில் வேற்றுமையில்லாமல், ஆண்களுக்கும் பெண்களுக்கும் வோட்டு உரிமை அளிக்கப்பட்டிருக்கிறது. இது ஜனநாயகத் தத்துவத்தின் அடிப்படையான இயல்பும் என்பதை இச்சபையின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். மேலும், அரசியல் அமைப்புச் சட்டத்தின் 45-வது பிரிவின்படி 14 வயதுக்கு உட்பட்ட எல்லாக் குழந்தைகளுக்கும் கட்டாயமாக இவ்வரசு ஆரம்பக் கல்வி அளிக்க வேண்டுமென்றிருக்கிறது. அதற்காக வேண்டிய சட்ட திட்டங்களை நாம் இயற்றிக் கொண்டு வருகிறோம். அதோடு அல்லாமல், 345-வது பிரிவின்படி அந்தந்த வட்டாரத்திலுள்ள மொழியை ஆட்சி மொழியாக ஆக்கிக் கொள்ளலாமென்று விதி வகுக்கப்பட்டிருக்கிறது. அதைப்படி, நமது தமிழ்நாட்டிலே தமிழை ஆட்சி மொழியாகச் செய்திருக்கிறோம். மேலும், 14 வயதிற்கு உட்பட்ட குழந்தைகள் தொழிற்சாலைகளிலோ அல்லது சுரங்கங்களிலோ வேலை செய்யக் கூடாது என்றும் சட்டம் இயற்றியிருக்கிறோம். இவ்வாறு ஜனநாயகக் கொள்கையின் அடிப்படையில் இந்தச் சட்ட சபை பல நல்ல சட்டங்களை இயற்றியிருக்கிறது. அதற்காக நாம் பெருமைப்பட வேண்டும். கடைசியாக, எஞ்சியிருப்பது எது என்ற பரிசுப்போயோரால், அது பஞ்சாயத்துக்களைப்பற்றியது. 40-வது பிரிவின்படி கிராமப் பஞ்சாயத்துக்கள் ஏற்படுத்தி, கிராமத்திலுள்ள காரியங்களை நினைவோடு வேண்டுமென்று சொல்லப்பட்டிருக்கிறது. அவைகளை “Units of self-Government” ஆக்கவேண்டுமென்று சொல்லப்பட்டிருக்கிறது. “Units of self-Government” என்று சொன்னால், ஜனநாயக இயல்பிலே அது ஒரு அங்கம். கிராம ஆட்சி, பஞ்சாயத்து யூனியன் ஆட்சி, அபிவிருத்தி சபை, சட்ட சபை, அதற்குப் பிறகு பார்லிமென்ட் என்று முறைப்படி ஆட்சி அமைப்பு இருக்கிறது. “Units of self-Government” என்பதை “Self-Government Units” என்ற மாற்றி, எல்லா அதிகாரத்தையும், பொறுப்புக்களையும் கொடுக்கவேண்டுமென்று சொன்னால், அது தற்கால இயக்கத்தில் முடியாது. ஆகவே “Units of self-Government” என்பதை “Self-Government Units” என்று வைத்துக்கொண்டு, ஒரு confusion of thought ஏற்பட்டதாய்க்கண்டியே அதோ ஈழம் ஏற்பட்டிருக்கிறது. அந்த வா

[Sri A. Gajapathy Nayagar] [31st October 1958]

தேவையில்ல. எதுகயிருந்தாலும், சரிவர வேலை நடக்கிறதா என்று பார்த்து, நாம் எல்லோரும் ஒத்துப் போகவேண்டுமென்றுதான் வேண்டிக்கொள்கிறேன்.

“வினைவலியுந் தன்வலியும் மாற்றான் வலியும்
துணைவலியுந் தூக்கிச் செயல்”

என்று திருவள்ளுவர் சொல்லியிருக்கிறார். ஒரு வினையைச் செய்யவேண்டுமென்றால், அது எப்போதும் வினை, அது சாத்தியமானதா, ஒருவரால் செய்ய முடியுமா, என்னென்ற சேர்ந்து செய்ய வேண்டுமா, என்பதை யெல்லாம் பார்த்துச் செய்ய வேண்டும். பெரிய வினைவலியென்றால், மக்களுக்காக, அவர்கள் நல்வாழ்வுக்காகச் செய்கின்ற வினைவலி. அதைச் சரியாகச் செய்வதற்கு முயற்சி எடுக்கவேண்டும்.

இப்பொழுது நம் நாட்டிலே 100-க்கு 80 பேர் கிராமங்களிலே வசிக்கின்றனர். இவ்வாறு 80 பேர் கிராமங்களில் வசிக்கிறபொழுது, முற்காலத்தில் நிலைமை எப்படியிருந்தது என்றால், அப்பொழுது ஆண்டுவுந்த் ஹிந்து ஏகாதிபத்திய அரசர்களும், முகலாயர்களும், ஏதோ வரியை வாங்கிக்கொண்டு போய்விடுவார்கள். கிராமத்தைப்பற்றி அவர்களுக்கு அக்கறையே கிடையாது. கிராமத்தைச் சேர்திருத்தமாட்டார்கள். அதற்குப் பிறகு ஆங்கில ஆட்சி வந்ததும், ஏகாதிபத்தியத்தைக் கொண்டு, சாண்டல் செய்து, கிராம வாழ்க்கையை அடியோடு அழித்தார்கள். இதைக் கண்டு பிடித்தவர் மகாத்மா காந்தி அடிகள். ஆப்பிரிக்காவில் அறப் போர் நடத்திவிட்டு, இந்தியாவிற்கு வரும்பொழுது, இங்கே காங்கிரஸ் கட்சியினர் ஒரு அறப் போர் நடத்தினார்கள். அதாவது சுதேசி இயக்கத்தை வைத்துக் கொண்டு, அறப் போர் நடத்தினார்கள். காந்தியடிகள் பார்த்தார்கள். சுதேசி இயக்கம் என்று சொல்லிக்கொண்டு நாட்டிலே உள்ள தனிப்பட்டவர்களும், செல்வந்தர்களும், மற்றவர்களும் பயன்படுத்தினார்கள். கிராம மக்கள் ஒரு பயனையும் அடையவில்லை என்பதை உணர்ந்து, கிராமப் புனர்தாரணம் செய்வதற்காக ஒரு சத்தியாக்ஷத்தை ஆரம்பித்தார். கிராம நலன்களுக்காக நல்ல வழிவகைகளை நாம் வகுக்கும்பொழுது, எந்த வகையில் செய்தால் கிராம மக்கள் நலமடைவார்கள் என்பதைப் பார்க்கும்பொழுது, முதன்முதலாக நமது கிராம மக்கள் அவர்களுடைய பிழைப்பிற்காக விவசாயத்திலே ஈடுபட்டிருப்பதனால், விவசாயத்தை நல்ல முறையில் செய்யவேண்டும், விஞ்ஞான முறையில் செய்யவேண்டும் என்பதெல்லாம் சொன்னார்கள். அவ்விதம் செய்வதற்குக் கூட அரசியல் சட்டத்தின் 48-வது பிரிவில் விவசாயத்தை நல்ல முறையில், விஞ்ஞான ரீதியில் செய்ய வேண்டுமென்று சொல்லப்பட்டிருக்கிறது. கடைசியாக, நாம் இப்பொழுது செய்ய வேண்டியது, அரசியல் சட்டத்தில் 40-வது பிரிவில் சொல்லியிருப்பதுபோல, பஞ்சாயத்துக்களை அமைக்கும் வேலை. கிராமங்கள் முன்னேற வேண்டுமானால், விவசாயத்தை நன்றாகச் செய்ய வேண்டும். இப்பொழுது சமுதாய நலத் திட்டங்கள் நடைபெறுகின்றன. நானும் ஸ்டேட் கன்சல்டேடிவ் கமிட்டியில் ஒரு உறுப்பினராக இருப்பதால் எனக்கு அதைப்பற்றித் தெரியும்; நான் பல இடங்களுக்குச் சென்றிருக்கிறேன். குறிஞ்சிப்பாடி, வாலாஜாபேட்டை முதலிய இடங்களுக்குச் சென்று பார்த்திருக்கிறேன். அந்த என்.இ.எஸ். (N. E. S.) பிளாக்குகளில் என்ன வேலைகள் நடக்கின்றன என்பதை என்னுடைய அன்பர்கள் நன்றாகத் தெரிந்துகொள்ள வேண்டும். மேலே டில்லியிலிருந்து திட்டங்கள் போடலாம். ஆனால், அந்தத் திட்டங்களை நாம் நிறைவேற்றும்பொழுது, எதைக் குறிக்கோளாக வைத்துக்கொண்டு செய்ய வேண்டுமென்பதைப் பார்க்க வேண்டும். கிராம அடிப்படையில் காரியங்களைச் செய்யவேண்டும். கிராமம் என்று சொல்லும்பொழுது, அங்கேயுள்ள மக்கள் தனிப்பட்டவர்கள் அல்ல. ஒவ்வொரு கிராமத்திலும் வாழும் குடும்பத்தினருக்கு என்னென்ன தேவை இருக்கிறது, அவர்களுக்கு நல்ல விதைகள் கிடைக்கின்றனவா, ஆடு மாடுகள் இருக்கின்றனவா, கூட்டுறவு முறையிருந்தால், நல்ல உரம் கிடைக்கிறதா, இவ்வாறெல்லாம் கிராம மக்களுக்கு உதவி செய்யும் வகையிலே, பிளாக் டெவலப்மெண்ட் ஆபீசரும், மற்றத் துறைகளிலுள்ள எக்ஸ்பெர்ட்ஷன் ஆபீசர்களும் கலந்துச் செய்ய வேண்டிய வேலைத் திட்டம்.

[Sri A. Gajapathy Nayagar]

இந்த வேலை நல்ல முறையில் சென்ற ஐந்தாண்டுகளாகச் செய்யப்பட்டு வருகிறது. இதிலே என்ன குறை இருக்கிறது என்றால், மக்களுடைய அறியாமைதான். சில கூட்டத்தார் இப்பொழுது நாட்டு நலனுக்காக ஒத்துழைக்காமல் இருக்கிறார்கள். என்.இ.எஸ். (N. E. S.) பிளாக்குகளிலே இப்பொழுது வேலை நடக்கும் காலத்திலேயே இந்தப் பஞ்சாயத்து அமைப்பைக் கொண்டுவருவது சாலச் சிறந்தது.

“எண் பேர் ஆயம், ஐம்பெரும் குழு” என்று சொல்வது போல, கிராம வேலைகளை இவர்கள் இருவரும் சேர்ந்து செய்வார்கள். ஐந்து பேர்கள் கொண்ட குழு இருக்கும். எண் பேர் ஆயம் என்பதற்கொப்ப எட்டுப் பேர்கள் இருப்பார்கள். நமது அமைச்சர் அவையில் கூட எட்டுப் பேர்கள் தான் இருக்கிறார்கள். இந்தப் பஞ்சாயத்து மசோதா 66-வது பிரிவின்படி, கிராம விஸ்தரிப்புத் திட்டங்களைப் பஞ்சாயத்து யூனியன் கவுன்சில் மூலமாக, அங்கே பிளாக்குகளிலேயுள்ள பிளாக் டெவலப்மெண்ட் ஆபீசர், மற்றும் எக்ஸ்பெர்ட்ஷன் ஆபீசர் இவர்களை வைத்து நிறைவேற்றலாம் என்றிருக்கிறது. 5 உறுப்பினர்களுக்குக் குறையாமல் 15 உறுப்பினர்களுக்கு மேற்படாமல் கிராமத்திற்குப் பஞ்சாயத்துக்களை அமைக்கலாம். ஆகவே, சமுதாய நலத் திட்ட வேலைகளை நல்ல முறையில் செய்வதற்கு வாய்ப்பு அளிக்கப்பட்டிருக்கிறது. ஆகையினாலே 66-வது பிரிவிலே அரசியலார் ‘Entrustment of execution of National Extension Service Scheme of Community Development to Panchayat Union Councils’ என்று குறிப்பிட்டிருப்பது சாலப் போற்றத்தக்கது. அதை நன்றாக ஏற்றுச் செய்யும் வகையிலே நாம் பணியாற்றவேண்டும்.

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a.m.

இரண்டாவதாக, நான் ஒன்று சொல்லுவேன். கிராமத்திலே 6 மாதங்களுக்குத்தான் வேலை இருக்கிறது. பின் 6 மாதங்களுக்கு உதவி செய்ய யில்லாமல் இருக்கிறார்கள். ஆகையினால், அவர்களுக்கு உதவி செய்ய வேண்டுமென்றால், கிராம மக்கள் மனமுவந்து கதர் ஆடைகளை ஏற்றுக் கொள்ளவேண்டும். அவர்கள் கதர் தூல் நூற்பதற்கு ஏற்பாடு செய்து கொடுக்கவேண்டும். அப்படிச் செய்தால், கிராமத்திற்கு முக்கியமான தோர் பணி செய்வது போலாகும். என். இ. எஸ். (N.E.S.) பிளாக்கில் கதர் ஆடை செய்வது முக்கியமான பணியாக இருக்கவேண்டும். அது மாதிரமல்ல. எந்த கிராமத்தில் எந்த வேலை பயன்படும் என்று பார்த்துச் செய்யவேண்டும். ஒரு கிராமத்தில் கல் வெட்டும் வேலை பயன்படும் என்றால், அங்கே கல் வெட்டுவதற்கு கூட்டுறவு சங்கங்கள் ஏற்படுத்த வேண்டும். இவ்விதமாகச் செய்துவரும் வேலையிலே பஞ்சாயத்து ஆட்சி முறை இல்லாவிட்டால், என்.இ.எஸ். (N.E.S.) பிளாக் நன்றாக வேலை செய்யாது. இதனாலும் என்.இ.எஸ். (N.E.S.) பிளாக் நன்றாக வேலை செய்யவில்லையென்றால், யார் மீதும் குறை கூறுவதற்கில்லை. விவசாயப் பரீட்சை பாஸ் செய்தவர்கள், கூட்டுறவுப் பரீட்சை பாஸ் செய்தவர்கள், பீ.ஏ., எல்.டி. பாஸ் செய்தவர்கள் இங்கு அதிகாரிகளாக இருந்தாலும் அவர்கள் வேலை செய்ய வேண்டிய இடம் ரொம்பவும் அதிகமாக இருந்ததால், எல்லை அதிகமாக இருந்ததால், அவர்கள் தங்களால் ஆனதைச் செய்தார்கள். பஞ்சாயத்து ஏற்பட்டவுடன் அவர்களும் மற்ற அதிகாரிகளுடன் ஒத்துழைத்து வேலை செய்கிறார்கள்.

இன்னொன்று நான் சொல்ல விரும்புகிறேன். நமது “டிஸ்ட்ரிக்ட் ஹெல்ஸ்” ஜில்லா விவசாய ஆபீஸர், கூட்டுறவு இன்ஸ்பெக்டர்கள் இவர்களுக்கெல்லாம் என்.இ.எஸ். பிளாக்குகளிலே ஒரு பொறுப்பு இருக்கிறது என்று சொல்லுகிறோம். டிஸ்ட்ரிக்ட் ஆபீஸர்களுக்குப் பொறுப்பு இருந்திருந்தால் என்.இ.எஸ். பிளாக்குகள் நன்றாக வேலை செய்யும். இப்பொழுது பஞ்சாயத்துக்குப் பொறுப்பு வந்திருக்கிறது. அதோடு ஜில்லா ஆபீஸர்களும் பொறுப்பு ஏற்றுக்கொள்ளவேண்டும். அப்பொழுது 3 விதப் பேர்களும் ஒத்துழைத்தால், கிராம நிலையை நன்றாகச் சேர்திருத்தம் செய்ய முடியும். ஆகையினாலே இவ்விதமாக ஒரு மசோதா வந்திருக்கிறது.

[Sri A. Gajapathy Nayagar] [31st October 1958]

எவ்வளவுதான் உலாவைப் பெருக்கினாலும், ஜனப் பெருக்கம் கூடவே வந்துகொண்டிருக்கிறது. ஒரு படி கைகுத்தல் அரிசி இருந்தால், பத்துப் பேர் சாப்பிடலாம். ஆனால், அதுவே மிஸ் அரிசியாக இருந்தால், பத்துப் பேர்களுக்குப் பதிலாக எட்டுப் பேர்கள் தான் சாப்பிட முடியும் என்று கணக்கு இருக்கிறது. என்னதான் உலாவு உற்பத்தியை ஒரு பங்கு, இரண்டு பங்கு அதிகரித்தாலும் கூட, கூடவே மக்கள் பெருக்கம் அதிகமாகிகொண்டே வருகிறது. ஆகையினால், நாம் எல்லா மக்களுக்கும் போதுமான அளவு உலாவு அளிக்க முடியாமல் இருக்கிறது. ஜனத்தொகைப் பெருக்கத்தைக் கட்டுப்பாடு செய்யவேண்டுமென்று கூறப்பட்டிருக்கிறது. அது தக்கதோர் முறை. அதுபற்றித் திருத்தம் கொடுத்திருக்கிறார்கள்; அதாவது, ஜனப் பெருக்கத்தைக் கட்டுப்பாடு செய்வது தகராறு என்று. ஆனால், உலாவைப் பெருக்குவதோடு, ஜனப் பெருக்கத்தையும் கட்டுப்பாடு செய்தால்தான், நாம் கிராமத்தில் செய்ய வேண்டிய வேலைகளுக்கு ஏதுவாக இருக்கும். ஏதோ ஒரு சமுதாயத்தையொட்டியோ, அல்லது குறிக்கோளையொட்டியோ பேசிக்கொண்டிருந்தால், அது நாட்டு நலனுக்கு உதவாது என்று சொல்ல விரும்புகிறேன். நான் முன்னாலேயே சொல்லியிருக்கிறேன். அதாவது “லோ கிரேடு பாபுலேஷன்” என்று சொல்லியிருக்கிறேன். குழந்தைகளை நன்றாக வளர்க்க முடியாமல், நன்றாக உலாவு கொடுக்க வகையில்லாமல் ஏழை மக்கள் நோய்வாய்ப்பட்டிருக்கிறார்கள். அந்த நிலையிலே அவர்கள் தொழு நோய், காச நோய் முதலிய கொடிய நோய்களினால் பீடிக்கப்படுகிறார்கள். ஆகையால், அவ்விதக் குழந்தைகள் பிறப்பைக் கட்டுப்பாடு செய்யவேண்டும். பெரிய இடத்தில் குழந்தைகள் பிறப்பதைப்பற்றி நான் வேண்டாம் என்று சொல்லவில்லை.

SRI V. V. RAMASWAMI: அவர்களுக்கு நிறையப் பிறக்கலாமா?

*SRI A. GAJAPATHY NAYAGAR: ஸ்ரீ வி.வி. ராமசுவாமி போன்றவர்கள் நிறையக் குழந்தைகள் பெற்றால், அதை நாம் வரவேற்போம். ஆகையினாலே, நாம் கிராமத்தை அபிவிருத்தி செய்யவேண்டுமானால், பிறப்பைக் கட்டுப்பாடு செய்ய வேண்டும். (குறுக்கீடு.) ஜனத்தொகை அடிப்படையிலே கிராமத்தில் சீர்திருத்தம் செய்வதிலே நம் நாட்டிற்கு ஒருவிதமான அமைதிக்குறையும் வந்துவிடாது. கிராமச் சீர்திருத்தம் இல்லாத காரணத்தினால் நாம் பர்மாவிலும், மற்ற இடங்களிலும் ராணுவ ஆட்சி வந்திருப்பதைப் பார்க்கிறோம். பாகிஸ்தானிலும், பர்மாவிலும் ராணுவ ஆட்சி வந்திருக்கிறது என்றால், அவைகள் அந்த எல்லையிலே இருக்குமே ஒழிய, நம்முடைய எல்லையிலே தலைகாட்ட முடியாது. ஏன்? கிராமத்திலே பஞ்சாயத்து ஆட்சி இருக்கிறது. கிராம ஆட்சி சரியாக நடக்கின்ற வரையிலே, நம் நாட்டில் ஜனநாயக ஆட்சியை ஒருவராலும் மாற்ற முடியாது. ஜனநாயக அடிப்படையில் நடக்கும் ஆட்சியில் ஜனங்களின் ஆதரவையும் அன்பையும் பெற்றவர்கள்தான் தலைவர்களாக வருவார்கள். யாரை ஜனங்கள் விரும்புகிறார்களோ அவர்களைத்தான் பிரதிநிதிகளாகத் தேர்ந்தெடுப்பார்கள். ஜாதி வித்தியாசத்தினாலோ அல்லது பணக்காரர்களாக இருந்தாலோ தலைவர்களாக வருவார்கள் என்று எண்ணவேண்டிய அவசியமே இல்லை. மக்கள் நன்றாக அறிந்துகொண்டவர்கள். மக்கள் தங்களுக்கு யார் நன்மை செய்வார்கள் என்று தோன்றுகின்றதோ, அவர்கள் யாராக இருந்தாலும் அவர்களைத் தேர்ந்தெடுக்கத் தயாராக இருக்கிறார்கள். பஞ்சாயத்து யூனியன் தலைவருக்கு “இன்டரக்ட் எலெக்ஷன்” வைத்திருக்கிறோம். “இன்டரக்ட் எலெக்ஷன்” நன்மையும், தீமையும் இருக்கின்றன. இருந்தாலும் கூட, அதற்கு ஒரு “சான்ஸ்” கொடுத்து சரியாக நடக்கிறதா என்று பார்ப்போம். “டைரக்ட் எலெக்ஷன்” வைத்தால், யூனியன் தலைவர் பஞ்சாயத்தைக் கவனிக்காமல் தான்தோன்றித்தனமாகத் தனிப்பட்ட முறையில் நடந்துகொள்ளக்கூடும். ஆகையினால், முன் பார்த்த குறையைக் கண்டு, பஞ்சாயத்து யூனியன் உறுப்பினர்களை தலைவரைத் தேர்ந்தெடுப்பது நல்லது என்று அந்த முறை வைக்கப்பட்டிருக்கிறது. அதை நான் வரவேற்கிறேன்.

31st October 1958] [Sri A. Gajapathy Nayagar]

மேலும், பஞ்சாயத்துகளுக்கு என்ன பொறுப்புக் கொடுத்தார்கள் என்று சிலர் சொல்லுகிறார்கள். இப்பொழுது பஞ்சாயத்துகளுக்கு வரி விதிக்க அனுமதி கொடுத்திருக்கிறார்கள். வீட்டு வரி, தொழில் வரி இவைகளை விதிப்பதற்கு அனுமதி அளிக்கப்பட்டிருக்கிறது. ஜனநாயக ஆட்சி அடிப்படையில் அவர்களுக்கு வரி விதிப்பதற்கு அதிகாரம் கொடுக்கப்பட்டிருக்கிறது. அதை அவர்கள் நல்ல முறையிலே உபயோகிக்க வேண்டுமென்பதற்காக, அதைக் கண்காணிப்பதற்காக இன்ஸ்பெக்டர்களைப் போடப்போகிறார்கள். நேற்று எனது நண்பர் ஸ்ரீ புருஷோத்தம் அவர்கள் போடப்போகிறார்கள். நேற்று எனது நண்பர் ஸ்ரீ புருஷோத்தம் அவர்கள் போடப்போகிறார்கள். இன்ஸ்பெக்டர்களுக்குப் பஞ்சாயத்து யூனியனைக் கலைப்பேசும்பொழுது, இன்ஸ்பெக்டர்களுக்குப் பஞ்சாயத்து யூனியனைக் கலைப்பதற்கு “பவர்” கொடுக்கக்கூடாது என்று சொன்னார். அந்தச் சட்டப் பிரிவை முழுவதும் படித்துப் பார்த்தால், இன்ஸ்பெக்டர் ரிப்போர்ட் செய்து, தாசில்தார் அவர்களிடம் சொல்லி, அவர் கூட்டத்தைக் கூட்டி, இது விஷயத்தில் யூனியன் கவுன்சில்தான் கடைசியாகத் தீர்மானம் செய்ய வேண்டுமே தவிர, இன்ஸ்பெக்டர் செய்ய முடியாது என்பது தெரியவரும். கட்டு திட்டம் முதலாவதாக வேண்டும். கட்டு திட்டம் சட்டப்படி இருந்தால்தான், எல்லாம் நன்றாக நடைபெறும்.

அரசியலார் ஒரு விஷயத்தை மறந்துவிட்டார்கள். கிராமத்திலே உள்ளச் சாராயம் நிறையக் காய்ச்சுகிறார்கள். கிராமத்திலுள்ள பள்ளி ஆசிரியர்களை சாராயம் காய்ச்சுகிறார்கள். (குறுக்கீடு.) எனக்குத் தெரியும். நான் சொல்லுகிறேன், கிராமத்து ஆசிரியரே சாராயம் காய்ச்சுகிறார்.

DR. A. CHIDAMBARANATHAN: பஞ்சாயத்துப் போர்டுத் தலைவர்கள் சிலர் கூட சாராயம் காய்ச்சுவதாகக் கேள்வி.

*SRI A. GAJAPATHY NAYAGAR: கள்ளச் சாராயம் காய்ச்சுவதைத் தடுக்க வேண்டுமென்றால், போலீஸ் போட்டுப் பயன் இல்லை. அதைப் பொறுப்பைக் கிராமப் பஞ்சாயத்திற்கு எந்தவிதத்திலாவது கொடுத்தால் நல்லது. கட்டாயக் கல்விப் பொறுப்பைப் பஞ்சாயத்து யூனியன் கவுன்சிலுக்குக் கொடுக்கலாம். ஆனால், போலீஸுக்குப் பதிலாக ஒரு “வாட்ச் அண்டு வார்ட்” மாதிரி, அரசியலாளுக்கு யோனைப்பட்ட பிரகாரம் ஒவ்வொரு கிராமத்திற்கும் ஏற்படுத்த வேண்டும். அப்படிச் செய்து கண்காணித்தால், கள்ளச் சாராயம் காய்ச்சுவதை நிறுத்தலாம். இதைப் போலீஸ் செய்யமுடியாது. என்னைப் போல் உள்வாங்கிகள் கொன்னாலும் கூட நடக்காது. ஏன்? அந்தந்த கிராமத்திலுள்ளவர் களுக்குத்தான் அந்த கிராம மக்கள் கட்டுப்படுவார்கள்: மற்ற யாருக்கும் கட்டுப்படமாட்டார்கள். எந்த வீட்டிற்குச் சென்றாலும் இதுபற்றி நன்றாகத் தெரியவரும். ஆகையால், நமது அமைச்சர் அவர்கள் இவைகளையெல்லாம் நன்றாகக் கவனித்து வேண்டியதைச் செய்ய வேண்டும். கல்வி, பொருளாதாரம் எல்லாம் முக்கியமான அம்சங்கள். அவைகளுக்கு வேண்டிய வழி வகைகளைச் செய்யவேண்டும்.

ஆகவே, முக்கியமாக இரண்டு விஷயங்களைக் கவனத்தில் கொடுத்துக் கொள்ளவேண்டும். கதர் உற்பத்தியை நன்றாகப் பெருக்கவேண்டும். கிராமங்களிலுள்ள அத்தனை பேரும் கதரையைக் கட்ட வேண்டும். கிராமங் அத்துடன் அதிகாரிகளும் கதர் ஆடையைக் கட்ட வேண்டும். கிராமங் களைப்பற்றிப் பேசுகிறவர்களும், சதே மனப்பான்மையுள்ளவர்களும் கதரையே கட்ட வேண்டும். அப்படிக் கட்டினால்தான், கிராம மக்களுடைய அந்தஸ்து பெருகுகிறது. மற்றும் தேசிய ஊழியர்கள் எல்லோரும் கதரையே கட்ட வேண்டும். கதர் ஆடை காங்கிரஸ் ஆடை அல்ல. இது கதரையே கட்ட வேண்டும். இதன் மூலம் வருகிற பத்து ரூபாயில் பொதுமக்களுடைய ஆடை. இதன் மூலம் வருகிற பத்து ரூபாயில் ஒன்பது ரூபாய் பொது மக்களுக்குப் போகிறது. (குறுக்கீடு) கைத்தறித் துணியும் சதேசித் துணி என்று நான் ஏற்கெனவே சொல்லிவிட்டேன்.

SRI V. V. RAMASWAMI: கதர் துணியும் கைத்தறித் துணிதானே?

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* **SRI A. GAJAPATHY NAYAGAR :** கதர் துணியைக் கட்டுவது மிகவும் முக்கியமான விஷயம். இது தனிப்பட்டவர்களுடைய விஷயம் அல்ல. ஆனால், சிலர் தனிப்பட்ட மில்களை வைத்துக்கொண்டு துணி நெய்து பணம் சம்பாதிக்கிறார்கள். அதனால் பொதுமக்களுக்கு நன்மை ஏற்படவில்லை. பொது மக்களுக்கு நாம் நன்மை செய்ய வேண்டுமானால், எல்லோரும் கதர் கட்டவேண்டும். கதரைப் பெருக்க வேண்டும். அத் துடன் சுட்டுறவு சங்கங்களையும் பெருக்க வேண்டும்.

ஆகவே, முதலடியாகக் கள்ளச் சாராயம் காய்ச்சுவதை ஒழிப்பதற்கு நடவடிக்கை எடுத்துக்கொள்ள வேண்டும். இதற்காகக் கிராமங்களில் ஒரு கமிட்டியை அமைத்து ஏற்பாடு செய்தாலொழிய இந்தத் திட்டம் சரியானபடி செயல்பாது. ஆகவே, கள்ளச் சாராயம் காய்ச்சுவதை ஒழிக்க நடவடிக்கை எடுத்துக்கொள்ளவேண்டும். கதரைப் பெருக்க வேண்டும். கண்டியாக, எனக்கு இது விஷயமாகப் பேசுவதற்கு சந்தர்ப்பம் அளித்த தற்குத் தலைவருக்கு என்னுடைய நன்றியைத் தெரிவித்துக்கொண்டு இத்துடன் முடித்துக்கொள்ளுகிறேன். வணக்கம்.

* **SRI K. BALASUBRAMANYA AYYAR :** Mr. Chairman, Sir, I respectfully agree with the Hon. Minister that this Bill is the most important Bill that this Legislative Council and the Legislative Assembly are going to pass. If this measure succeeds in fully achieving its objective, we shall have gained a great deal and taken a great step forward towards our realisation of democratic ideals. I agree with the hon. Member Sri Karayalar when he said that India lived in its seven million villages. As Mahatma Gandhi said, every village should have a panchayat and it should be a unit of self-government. But in all these matters where we try to realise our ideals, there should be a phased programme. Even adult franchise we granted in one day when we declared it in the Constitution for all. When we did so, there were some people who had a misgiving. Even in the United Kingdom it took seventy or eighty years for adult franchise to be granted completely. But in this country we have given it immediately even though citizenship training is not complete among the various sections of our population. Take, for example, the suffrage of women. It took a long time in England to achieve that. But we went forward at a much quicker pace than any other country. But in all these matters I have a conservative view. I would still plead that we may go a little more slowly.

So far as these panchayats are concerned, we have got some valuable reports like the White Paper on Reform of Local Administration and the Report of the Study Team on the working of the Community Projects and National Extension Service Schemes. I would appeal to all the Members, if they have not already studied them, to go through them. I studied them as carefully as I could. In the White Paper on the Reform of Local Administration, at page 37, we find it stated—

‘More than six years have elapsed after the inception of the Madras Village Panchayats Act, 1950, and the record of achievements and performances of panchayats during this period has been

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disappointing. Though the Act contains impressive lists of functions—mandatory as well as discretionary—fit to make panchayats play the role of “spearheads of change and reconstruction” in rural parts, very few of them have actually performed such functions.’

This is our report after six years of the coming into force of the Panchayat Act of 1950. Even during British rule, Munroe Stuart Elphinstone said that organization of village panchayats would be an effective remedy for the imperfections in a bad Government. Later on, there were many Panchayat Acts passed. Even in 1920 a Panchayat Act was passed. In 1946 the advisory regime passed an Act. In 1950 when our Constitution was coming into force, we passed the Madras Village Panchayats Act. Still the remark made in the White Paper is, ‘The record of achievements and performances of panchayats during this period has been disappointing.’ The chief reasons for such a state of affairs, according to the Report of the Team for the Study of Community Projects and National Extension Service are three, namely, inefficiency, corruption and factions or feuds. These three things are mentioned on the various pages of the Report. In one place they say that factions are rampant in many of the villages. Even recently we read in the newspapers that in a panchayat in one of the villages in Musiri taluk after the election of the president, there was rioting. Therefore, that is the chief difficulty that we are suffering from. So far as factions are concerned, the Report of the Study Team frankly states (page 18):—

‘One of the banes of democratic village administration in some areas has been the intensification of factions and feuds, often also of separatism arising out of caste distinctions. The system of electoral contests at village level has often added to these . . . What is required is a complete freedom to exercise the right of adult franchise without the possibility of creating tensions which aggravate village feuds and caste differences. We are not able to suggest any arrangement which could secure this.’

I am very sorry to read this. (Sri A. M. Allapichai: It is a Report born out of despondency.) They ought to have consulted the Deputy Chairman. (Sri A. M. Allapichai: I would have given them better suggestions.) But, unfortunately, the Government of India did not appoint the Deputy Chairman. May I suggest . . . (Sri A. M. Allapichai: If you can, you can do it.) Sir, some people think that they can solve all problems. I do not think they can solve any. Let us have humility enough to admit that. Some of these problems present difficulties. When we consider this Bill, we have to take into consideration these three difficulties which have been pointed out by the Team for the Study of Community Projects and National Extension Service and the whole Bill has to be framed in such a way as to reduce inefficiency, corruption and factions or feuds in the villages. I found on one page of the Report that

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the bigger the body was the lesser the chances of these controversies taking a leading part. They have said that they will loom larger in a small village than in a big village. Pursuing that line of argument, the Study Team have recommended the three-tier system: Whether they will be able to achieve the objective through that system, I am not able to say. But they thought that the three-tier system would solve the problem because the lesser the area in which it operated, the greater were the chances for the controversies raising their ugly heads and the bigger the area, the lesser would be the chances for them. But, for different reasons, our Bill has not adopted that system. But this Report certainly strongly recommends in two or three places the creation of an elective body, not an advisory body, which would co-ordinate the activities of the panchayat union councils, frame a general budget for the district, arrange for distribution of Government grants to the panchayat union councils and settle any differences between them. These general functions are proposed for a district body like that. I feel that we might after some time think of making this advisory body a more effective body on an elective principle. The question also arises whether the election should be indirect election or direct election. In the United Kingdom there is direct election to all the three bodies—the parish council, the parish council union and so on. I was just talking to the hon. Member Sri P. T. Rajan and he said, 'Let there be only one election and that should be the general election.' Probably he might have said that as a cynical remark. People are afraid of elections because elections leave much heart-burning behind. Sometimes friends part and they never join again. That is the difficulty. Therefore, people are afraid of elections. They say that indirect election is a much better system than direct election. Some time back, it was even advocated for Parliament. That was when we discussed the framing of our Constitution. But now we have settled it and there is direct election to Parliament. Though it is not a matter coming under this Bill, still it is a matter which has to be gone into after watching the working of this Act for some time.

Sir, I welcome the provision in the Bill which definitely says that it will be brought into force in such local areas and on such dates as may be notified by the Government. This is a sensible and very good provision. It is a conservative provision which should be there. Government should watch the working of these panchayats and councils and adjust things according to the requirements of particular areas.

Now, I do not want to go into the details of the provisions contained in the Bill. I will do it at the time of consideration of the clauses as I have also given notice of amendments to some of the clauses. I shall confine my remarks only to the general principles of the Bill. The question of reducing the faction and how to reduce it is itself a big problem which has to engage our attention. Some suggestions have been made in the Bill regarding

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this. Some of them are good and some of them cannot be avoided. For example, there are provisions for removing the president and also for the supersession of the whole panchayat itself if it is not working properly. All these things have to be there though they are undemocratic. I certainly agree that they are undemocratic but we cannot help it. We are not only a democratic country but we are also a socialistic country. That is also another problem. When we are governed most by many Acts made by the Legislature and the Executive, naturally the heart-burning is much greater. Every officer, when he exercises control fully, hits at a number of people just as in the play 'Bali Chapalangudu' the runner hits at a number of people in one sweep. When we govern actively and best, naturally many are hit.

Sir, some hon. Members were very eloquent about our old local self-governing institutions. I can be eloquent equally and will not be behind anybody in that respect. But I would submit that at that time, in the good old days, the situation was different. Our wants were very few. As Goldsmith said, 'A man wants but little here below, nor wants it long', our wants were limited. That was the situation in which we worked then. But it is different now, as the Hon. the Finance Minister pointed out yesterday. The more the wants, the greater the urge for progress. It may be so. I do not dispute it. I was equally glad when he said yesterday that women should learn to reduce their expenses to Rs. 100 or Rs. 150 and live within that. That is the difficulty now with our democratic ideals. We are harping on heavy industries. We are importing iron and steel and other materials from all over the world into our country. We have entered into arrangements with many foreign countries for the import of many things to the extent of lakhs and crores of rupees. All sorts of machinery are imported into our country. At the same time, we are talking of simple living and high thinking. We quote, at the same time, from 'Kural' and say—

வேண்டாமையன்ன விழுச்செல்வம் ஈண்டிவலை
ஆண்டும் அ. தொப்பதில்.

We talk again of large holdings when we talk about the tractors and machinery and in the same breath when we talk about putting a ceiling on land holdings, we think only of small holdings. We blow hot and cold in the same breath. I am glad the Hon. the Finance Minister, in the All-India Congress Committee during the discussion on increasing food production in India, introduced a motion which I wholeheartedly support, though I was not there at the Congress at the time. We should think deeply about these things. The Hon. the Minister for Finance, when he presided over a tractor demonstration function recently, observed that tractors could not be useful for holdings of five or ten acres. It required large holdings of hundred acres and more. Yet, we are thinking of putting a ceiling on land holdings. There is this difficulty in the realisation of our ideals. We require machinery for industrialising our country, for agriculture and everything else

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but still we talk of old things, of living a simple life and so on. Simple living and high thinking were ideals preached by our ancestors and followed by Mahatma Gandhiji and followed by us. That is why it still runs in our very blood and guides all our activities. Therefore, it is that I say that we should proceed in all these matters rather slowly. We have gone far away from the teachings of Gandhiji as the hon. Member Sri Karayalar said. Mahatma Gandhiji would not have approved of many of these heavy industries though our Prime Minister declared, when he opened the Integral Coach Factory at Perambur, that he would have approved of them. Our Prime Minister knows Mahatmaji much better than I do; I agree. But still, in my own way, I doubt whether he would have approved entirely of all these heavy industries. He would not have approved of them; that is my feeling. But we are in different days from those when Gandhiji was alive. The world has covered a track of centuries in a short time and we are moving at a giddy pace. That is the difficulty.

Therefore, we must remember two or three principles. The Study Team Report said that the devolution of power to the village panchayats should be with reference to certain well-defined, limited and chosen duties. I would like to underline the whole of their recommendation. If many duties are assigned to the village panchayats, we cannot expect them to do very well. Let us not in our enthusiasm for local self-government allow them to do the whole thing. If we do that, the whole thing will fall flat on the ground. Therefore, I would appeal to the Members of the Assembly and the Council, because they have a great responsibility in passing this Bill, to go slow. We have faith in our people that they will do well ultimately. But this kind of system with all the elections and other things, we are not so much used to. Hence, I would plead that the village panchayats should be given immediately only well-defined and limited duties. After working the scheme for some time and studying the results, we may enlarge upon their duties. For instance, I would not, to start with, like to entrust enforcement of Prohibition to the panchayats, as the hon. Member Sri Gajapathy Nayagar said. Even the Government with all their machinery are not able to do it effectively.

So far as collection of taxes is concerned, it has been mentioned in the Report of the Study Team that the panchayats are not able to collect all the taxes assigned to them. Arrears have accumulated chiefly on account of the fact that people are very indulgent and on account of elections, they are unable to enforce the collection of taxes. That being so, what is the use of allotting more and more taxation sources to the panchayats? You may permit them to levy a number of taxes, but they will not be able to collect them entirely. I do not want to quote from the Report of the Study Team because it will take more time. I am not

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saying all this without proper authority. That is what I wish to point out. For instance, it has been suggested in the Report of the Study Team that the power to collect profession tax should be left to the union councils. But here in this Bill it is left to the panchayat. The Finance Sub-Committee has stated that the panchayats have not used the powers of taxation already given them such as tax on land, etc. Therefore, let us not multiply the taxes that a panchayat can impose, although it may look nice on paper. The larger the number of taxes, the greater will be the difficulty of the panchayats in collecting them and the greater will be the unpopularity, feuds and internecine quarrels. As we go on, settled down and become acclimatised to elections and local self-government, we can enlarge upon their duties. Even though we agree that we must have villages as units of self-government, these are some of the great limitations so far as taxes and the powers and duties to be entrusted to the village bodies are concerned. Let us proceed step by step. Let us proceed slowly. Let us investigate into the matter. Let us appoint a committee. Let that committee study the question and make a report. So far as local administration is concerned, we have done very well. In regard to land reforms, we did not do so much. In regard to local administration, we appointed a committee. The committee went into the White Paper and made recommendations. A Special Sub-Committee went into the financial question. The whole thing was discussed and then the Bill was brought before the Assembly and passed and now it has come up before the Council. That is the way to proceed. I am glad about it. I am also glad that the Hon. Minister has agreed to accept amendments even at this stage, at the risk of sending the Bill back to the Assembly. That is the way of approach which is good and which is democratic. Let us proceed slowly. In democracy it does not require that we should proceed fast and fall down. Let us learn by committing mistakes but let us not fall down. Let us not fall down prostrate. So far as the village panchayats are concerned, the slower we go, the better it will be for them, even though our ideals may be pitched very high. Sir, we got adult franchise immediately after Independence. But other countries got it with great difficulty. The Hon. the Speaker of the Parliament recently said in a speech that a person went to attend the marriage of his friend but that there he was also offered a bride and that he got himself married. So also we got Independence, we were asked to take up the reins of administration and immediately we declared adult franchise. Let us proceed slowly. I know very well that local self-government is the best training ground for leadership. One great thing about the district boards is that they produced some great leaders like Sri Subbaraya Reddiar and Sri Thiagaraja Chettiar. Now that the district boards have been abolished, they have to be replaced by some other bodies. Therefore, let us proceed on the path of the democratic ideals of our country on surer grounds by adopting careful and well-thought-out steps and by implanting our feet firmly on the ground.

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SRI T. P. SRINIVASAVARADAN: Mr. Chairman, Sir, when one goes through the Bill, one is struck by two things. One is that there is an earnest desire on the part of the Government to promote rural development, to improve living conditions, to provide cultural and recreational facilities in rural areas and thus to raise the standard of living of the rural people. It also seeks to enthuse the rural people to take up more responsibilities. I do not think anyone can find fault with that. My only regret is that if it had been brought forward thirty years ago, things would have been different to-day; the picture of India would have been different. There would not have been so much faction as there is now. If it had been brought forward at least ten years ago, certainly things would have been different to-day. So much of disharmony and lack of friendliness, which we find in the villages to-day, would have been absent. But I am really glad that at least at this stage, this Bill has been brought forward.

The other thing that impresses one is, as has been pointed out by the hon. Member Sri Balasubramanya Ayyar, that too many duties and responsibilities have been thrown upon these local bodies. I do not know whether they can successfully carry them out. If they do so, every village will then become a paradise and there is no doubt about it.

One other thing which strikes one is that hereafter these panchayats and panchayat union councils will levy more and more taxes and that is the fear. If they will not levy more taxes, then it is all right.

Now, coming to the constitution of the panchayat and the panchayat union council, it is good so far as election goes. Five is the minimum and fifteen is the maximum strength of membership of a panchayat. I heartily welcome the system of election of the president and the vice-president by the members of the panchayat. I do not welcome direct election. In the case of the panchayat union council, there again the chairman or the vice-chairman is to be elected by the members of the panchayat union council.

Now, I would like to know from the Hon. Minister why a Member of the State Assembly belonging to the panchayat union area is entitled to take part in the proceedings of the panchayat union council only and not the panchayat. That is one thing. Secondly, he is not entitled to vote, and he cannot become the chairman or the vice-chairman. Then, what is the purpose of having that Member of the Assembly in the panchayat union council? Of course, the Member of the Assembly has no seat there.

Sir, since the district board has been abolished, some machinery must be found in its place and I am not going to speak on other departments but shall confine myself to the Education Department. The Government have rightly left the control of elementary schools to the panchayat union councils. There is no other

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machinery to take them up. As regards vocational and industrial schools, they shall stand transferred to, and be vested in, such authority as may be specified by the Government by a general or special order. That is what is stated. Very recently, the Hon. the Minister for Local Administration has stated that all the secondary schools will be taken over by the Government. But now I am glad to know that it will not be the case. Even now the Government find it very difficult to manage a limited number of schools. If they are going to take over 300 and odd schools which were under district boards, they will find it extremely difficult to manage them. But I am quite sure that a suitable machinery at the district level would be found for this purpose.

Now, coming to the qualifications or disqualifications of members, I would like to inform the House that there has been a persistent demand from teachers in elementary schools that they should be allowed to stand for election to the panchayat. We will find that in most villages, the teacher is one of the few educated persons. I do not share the view of the hon. Member Sri Gajapathy Nayagar that he will indulge in the manufacture of illicit liquor. He is one of those whose advice is sought-after. No doubt it may be difficult for the teachers in schools under the panchayat union councils to stand for election because they will become servants of the panchayat union councils. But the Government can permit at least the teachers in aided schools to stand for election. (Interruption.) In Great Britain, we will find that teachers are not civil servants, since they are not employed by the Central Government or by the Local Education Authority. Therefore, I would request the Government to permit at least in the initial stages teachers in elementary schools to become panchayatdars or members of the panchayat union councils.

As regards the appointment of executive officers, I find that the salary of the executive officer in charge of the panchayat is to be paid by the panchayat and that of the commissioner by the Government. I do not know how many panchayats can afford to pay the salary of these executive officers. Will the Government take into consideration whether they would be in a position to pay the salaries of these executive officers? (Interruption). Sir, on page 27, there is provision for emergency powers of the executive authority and the commissioner. I welcome what is stated there, namely, that on emergent occasions, the executive authority or the commissioner may direct the execution of any work or the doing of any act which requires the sanction of the panchayat or the panchayat union council, etc., and may direct that the expenses of executing such work or doing such act shall be paid from the panchayat fund or the panchayat union fund, as the case may be. But that is diluted by the proviso where it is said that he shall not act under this clause in contravention of any order of the panchayat or the panchayat union council prohibiting the execution of any particular work or the doing of any particular act. The panchayat or the

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panchayat union council may, by a resolution, prohibit the execution of a certain work. Then, what is the executive authority to do? Shall he act or shall he not act?

Now, Sir, there are various committees contemplated and one of them is the Appointments Committee for every panchayat union. That committee consists of the chairman, commissioner and one member elected by the council. I should like to know whether this committee will be in charge of the selection of teachers also for the elementary schools under their control. There is another committee contemplated and that is the Education Committee. Cannot this committee—it is found on page 30—do that work? First there will be the Appointments Committee and then there will be an Education Committee and a General Purposes Committee. Can this Education Committee be entrusted with the responsibility of selecting teachers? There is one healthy feature in this and that is that it is laid down in clause 53 (1) (b), “Each of the committees constituted under this sub-section shall consist of such number of members as may be specified by the council and shall include the chairman *ex-officio*. The members of each committee, other than the chairman, shall be elected by the members of the panchayat union council.” It is further stated, “The panchayat union council shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons as are not members of the panchayat union council as it may think fit.” Here, there is room for non-members of the panchayat union council to be co-opted. I wish that in this Education Committee such members are co-opted and as I already pointed out, if this Education Committee is entrusted with the task of appointing teachers, it will do it without any bias. Some hon. Members pointed out that there were factions, that there were no healthy traditions, etc. Therefore, I would request the Hon. Minister to consider this suggestion. In England, they have got a Local Education Authority and that makes the appointments.

Then about the distribution of grants, the Hon. Minister pointed out yesterday that inspection would be made, as was done now, by the officers and that then the assessment of grant would be made by the Education Department. That is also good. But distribution of grant will be made by the panchayat union council. In this connexion, may I request the Hon. Minister to see that this distribution of grant is made by this Education Committee, instead of by the panchayat union council?

Sir, on page 32, regarding conditions of service of officers and servants of panchayats and also panchayat union councils, it is stated that the panchayat union council may stipulate the conditions of service, etc., but that those conditions should not be more favourable than those pertaining to Non-Gazetted Officers of the Government. So, there is the implication that they might be less favourable. It is desirable that the conditions of service of these servants should be comparable to those of the Non-Gazetted Officers. Otherwise, there will be unhealthy conditions. Even now we

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find that the employees of district boards are not so favourably placed as the Non-Gazetted Officers in certain matters. Therefore, to remove this disparity the conditions of service should be the same in the different panchayats and panchayat union councils. Otherwise, what will happen is that one panchayat union council will have one set of conditions of service and that another panchayat union council will have another set of conditions of service. In the matter of scales of pay, one district board adopted the local body scales while another district board adopted the Government scales for teachers. I would, therefore, request the Hon. Minister to see that this disparity is done away with.

Among the duties of the panchayat union council, it is stated, it should also look to the opening, maintenance and expansion or improvement of elementary schools. Whatever other hon. Members may say about this, I welcome this, because the union council will get the sure co-operation of the people. The panchayat union council will be in touch with the people and I am quite sure that if the panchayat union council members appeal to the people, they would get sites granted free, buildings cheaply constructed and houses for teachers built likewise. This is a very right approach. The reason why I say so is that we have entrusted the people with the responsibility of not only opening and maintaining, but expanding elementary schools. Therefore, they will do their best and they know for certain what kind of building they should have.

I have already referred to taxation and finance. The impression that is gained as one goes through the Bill is that the people would be taxed more and more. I would be really very sorry if that impression gains ground. However, it all depends upon the Government. But the fact is that if the panchayat union councils are burdened with too many duties at the same time, they will find themselves short of money and that naturally they may have to resort to taxation. I do not know whether duty on transfer of property still exists now. (Interruption.)

Sir, I will come to the last point. Already two of the previous speakers have made mention about it. The whole scheme of this Bill will work well if there are no factions. But, on more than one occasion, in many places we have seen the existence of factions. The Hon. Minister himself has said that political parties should not enter into these elections. If political parties do not enter into these elections, I assure the House that the best men in the villages would be elected and that there is no doubt about it. Some thirty years back, in my own village and in the neighbouring villages, everybody was guided by the advice of, and everybody was given guidance by, one man. (An hon. Member: Those days are gone!) I know those days are gone, but I think we are trying to get back those days at least in part. My fear in having a Member of the Assembly as observer in the panchayat union council is that he will create political parties; after all, he is a politician for he would

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belong to this or that Party. His very presence there will create political parties there. If the panchayat union council is made free of political parties and if it is made free of factions, I am quite sure that the villagers will be happy. Even the many people, who are now thinking of disposing of their lands and houses and coming to towns, will try to stick to their villages and the migration from villages will stop.

Sir, with these words, I certainly welcome this Bill, though there are certain defects, as pointed out by the hon. Member Sri K. Balasubramanya Ayyar, and let us not rush through this scheme. I hope with the passing of this Bill, within a few years, the picture of our villages will be quite different, entirely different from what it is now. I thank you, Sir.

12-40
p.m.

* SRI A. SUBRAMANYAM: கனம் தலைவர் அவர்களே, இன்றைய தினம் கிராமப் பஞ்சாயத்துக்கு அதிக அதிகாரங்கள் கொடுக்கும் இந்த ஒரு நல்ல மசோதாவை வரவேற்கும் முறையில் ஒரு சில வார்த்தைகள் கூற விரும்புகிறேன்.

இந்தப் பெரும் நோக்கமானது நம்முடைய இந்தியத் தந்தை மகாத்மா காந்தியடிகளின் நீண்ட நாளைய கோரிக்கையாகும். “என்றைய தினம் கிராம ஜனங்கள் சுபிட்சமாக வாழ்கின்றார்களோ, அதுவே கிராம ராஜ்யம், அதுவே ராம ராஜ்யம்” என்று அவர் கூறினார். அத்தகைய ஒரு நல்ல, முழுமையான ராஜ்யம் ஏற்படுவதற்காக நம்முடைய அரசாங்கத்தார் இப்பொழுது இந்தப் பஞ்சாயத்து மசோதாவைக் கொண்டுவந்திருக்கிறார்கள் என்றால், அது மிகையாகாது. ஆனால், அதில் சில சீர்திருத்தங்கள் செய்யவேண்டியது மிக மிக அவசியம் என்பதையும் நாம் உணரவேண்டும்.

பொதுப்படையாகப் பார்க்கும்போது இந்தப் பஞ்சாயத்துத் தேர்தலில் சில குறைபாடுகள் இருக்கின்றன. குறிப்பாக, 500 ஜனங்களைக்கொண்ட பஞ்சாயத்தாக இருக்குமானால், அதிலே ஐந்து நபர்களைத் தேர்ந்தெடுக்கலாம் என்பதாகக் குறிப்பிடப்பட்டிருக்கிறது. ஆனால், குறிப்பிட்ட சில வார்டுகளை ஏற்படுத்தி, ஒரு வார்டிலிருந்து நான்கு அங்கத்தினர்களைத் தேர்ந்தெடுக்கலாம் என்பதாகவும் குறிப்பிடப்பட்டிருக்கிறது. அந்த அடிப்படையில் தேர்தல்களும் நடக்கின்றன. அப்படி நடக்கின்றபோது, ஒரு அபேட்சகரே ஒரு வோட்டரின் நான்கு வாக்குகளைப் பெறுவதற்கு உரிமை இருக்கிறது. நான்கு நபர்களைத் தேர்ந்தெடுக்க வேண்டுமென்று வோட்டர்களுக்கு உரிமை கொடுக்கப்பட்டிருக்கிறது. ஆனால், நிற்கக் கூடிய ஒரு அபேட்சகரே அந்த நான்கு நபர்களுக்கான வாக்குகளையும் பெறும்படியான சந்தர்ப்பம் இதனால் ஏற்படுகிறது. அப்படி ஏற்படுகிறபோது, சற்றேறக்குறைய பத்து முக்கியஸ்தர்களை (ஒட்டர்களை) வைத்துக் கொண்டிருக்கக்கூடிய ஒருவன், நாற்பது வோட்டர்களைப் பெறும்படியான நிலைமையை அடைகின்றான். இது அவசியமா என்பதை அரசாங்கம் யோசிக்க வேண்டும். அதிலுங்கூட, குறிப்பாக ஒரு கிராமத்தில் ஊருக்கு ஆகாதவன் ஒரு ரொட்டியாக இருக்கலாம். அவனிடத்தில் பத்து குண்டர்கள் இருக்கலாம். அல்லது, பத்து வோட்டர்களை வைத்துக்கொண்டால், பத்தை நான்கால் பெருக்க 40 வோட்டர்கள் கிடைக்கும்படியான நிலைமை ஏற்பட்டால், நல்லவர்களைத் தேர்ந்தெடுக்கும்படியான சந்தர்ப்பம் அங்கு ஏற்படாமல் இப்பதற்கு இந்தத் திட்டம் ஏதுவாகிறது. ஆகையால், ஐந்து வார்டுகளைத் தேர்ந்தெடுக்க வேண்டுமானால், அந்தக் கிராமத்தை ஐந்து வார்டுகளாகப் பிரிக்கவேண்டும். பதினைந்து பேர்களைத் தேர்ந்தெடுக்க வேண்டுமென்று இருந்தால், 15 வார்டுகளாகப் பிரிக்கவேண்டுமே தவிர, அங்கே குறிப்பிட்ட ஐந்தாறு வார்டுகளைப் பிரித்து 15 பேர்களைத் தேர்ந்தெடுக்கலாம் என்ற ஷரத்தைப் புகுத்துவோமானால், அது

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ஜனநாயக முறைக்கோ அல்லது நீதியை ஒழுங்கான முறையில் வழங்குவதற்கோ செய்ததாக நாம் ஒப்புக்கொள்ள முடியாது. ஆகையால், கனம் மந்திரி அவர்கள் இதை அவசியம் கவனித்துத் தகுந்த திருத்தங்கள் செய்வார்கள் என்று நான் எதிர்பார்க்கிறேன்.

பஞ்சாயத்து யூனியன் கவுன்சிலிலே சில குறிப்பிட்ட நபர்கள் இருக்கலாம் என்பதாக இருக்கிறது. அதிலும் குறிப்பாக, ஹரிஜனங்களுக்கு ஸ்தானங்கள் கொடுக்கப்படுகின்றன. இன்னும் பஞ்சாயத்து பிரசிடென்டையோ அல்லது பஞ்சாயத்தால் தேர்ந்தெடுக்கப்பட்ட ஒரு அங்கத்தினரையோ கவுன்சிலுக்குத் தேர்ந்தெடுக்கலாம் என்று இருக்கிறது. அதோடு வட்டார வளர்ச்சி அதிகாரிகளும் அதில் கலந்துகொண்டு கமிஷனர் என்ற பெயரில் அதில் வேலை செய்யலாம் என்று இருக்கிறது. அந்தத் தொகுதியைச் சேர்ந்த சட்டசபை அங்கத்தினர் அதில் இருப்பதற்கு உரிமை இருக்கிறது, ஆனால் வோட் செய்ய உரிமையில்லை. அந்தத் தொகுதியில் சம்பந்தப்பட்ட எல்லா கிராமத்துக் காரியங்களையும் அறிய அந்தச் சட்டசபை அங்கத்தினர் உரித்தானவர். அங்கிருக்கும் கிராம ஜனங்கள் அத்தனை பேரும் கிராமம் சம்பந்தப்பட்ட எல்லாக் குறைகளையும் அந்தச் சட்டசபை அங்கத்தினரிடம் தெரிவிக்கிறார்கள். அப்படியிருக்கும்போது, அந்தத் தொகுதியைச் சேர்ந்த, அந்த பிளாக்கைச் சேர்ந்த வட்டார வளர்ச்சிக்கு உட்பட்டிருக்கும்படியான சட்டசபை அங்கத்தினருக்கு அதில் வோட் செய்ய உரிமை இல்லையென்றால், இது வியப்பாகவே இருக்கிறது. ஆகையால் அந்தந்தத் தொகுதியிலிருந்து வந்திருக்கும்படியான சட்டசபை அங்கத்தினர் அந்தத் தொகுதியிலிருக்கும் வட்டார வளர்ச்சிக் குழு இருக்கும்படியான பஞ்சாயத்து யூனியன் கவுன்சிலிலே அங்கத்தினராக இருக்கும்படியான பஞ்சாயத்து யூனியன் கவுன்சிலில் மசோதாவைத் திருத்த இருந்து வோட்டுச் செய்யும்படியான வகையில் மசோதாவைத் திருத்த வேண்டும். அப்படித் திருத்துவது மிக அவசியம் என்பதை இந்த சந்தர்ப்பத்தில் நான் சொல்லிக்கொள்ள ஆசைப்படுகிறேன்.

கனம் அங்கத்தினர் டாக்டர் சிதம்பரநாதன் அவர்கள், கிராமங்களிலே கட்சிச் சண்டைகளுக்கு இடம் இருக்கக் கூடாது என்று சொன்னார்கள். கட்சியின் சார்பாகத் தேர்தலுக்கு நிற்க முடியாது. அநேகமாக கிராமங்களில் கட்சியின் சார்பாக, கட்சியின் பெயரை வைத்து நிற்பதில்லை. கிராம ஜனங்களிடையே சின்னக் கட்சி, பெரிய கட்சி என்று இருக்கிறது. கிராமத்தில் பெரியதனக்காரர் கட்சி என்று இருந்துகொண்டிருக்கிறது. ஆனால், அந்தக் கட்சியின் சார்பில் அவர்கள் நிற்காவிட்டாலும், சில ஆட்கள் நிற்கிறார்கள். குறிப்பாக நான் ஒன்றை மட்டும் சொல்ல விரும்புகிறேன். கட்சியின் சார்பாகவோ அல்லது வேறு பெரிய கட்சியின் சார்பாகவோ நபர்கள் பஞ்சாயத்துப் போர்டுத் தேர்தலுக்கு நிறுத்தப்படுவதில்லை. சில முனிசிபாலிட்டிகளிலும், கார்ப்பரேஷனிலும் கட்சியின் சார்பாக அபேட்சகர்கள் நிறுத்தப்படுகிறார்கள். ஆனால், பஞ்சாயத்துப் போர்டு களுக்குக் கட்சியின் சார்பாக அங்கத்தினர்கள் நிற்பதில்லை என்பதைக் கனம் அங்கத்தினர் அவர்களுக்கு நான் சொல்லிக்கொள்ள விரும்புகிறேன். கட்சியின் சார்பாக நிற்கக் கூடாது என்பது எல்லோராலும் ஏற்கனவே ஒப்புக்கொள்ளப்பட்ட கொள்கை.

DR. A. CHIDAMBARANATHAN : இந்தச் சட்டம் வந்துவிட்டால் அப்படிப்பட்ட கட்சிச் சண்டை வராது.

* SRI A. SUBRAMANYAM : இனி அப்படி வராது என்றே நாளை நினைக்கிறேன். அது தவிர, இப்பொழுது பஞ்சாயத்துக்களில் நமக்குப் பல அனுகூலங்கள் இருக்கின்றன. அதை யாரும் மறுக்கவோ மறைக்கவோ முடியாது. ஜில்லா போர்டு, அமைப்பு ஏற்கனவே இருந்தபோது, கிராமத்திலுள்ள குறைகளைப் பேர்க்குவது, ரோடு வசதி செய்து தருவது, கிணறு வசதி செய்து தருவது, பாடசாலைகளை ஏற்படுத்தித் தருவது என்பவை ஜில்லா போர்டின் பொறுப்பிலிருந்தாலுங்கூட, அவைகளைச் சரிவர நடத்த முடிவதில்லை. ஜில்லா போர்டிலே நாற்பது பிரதிநிதிகள் இருப்பார்களானால், வாய்படியாக இருக்கக்கூடிய யாராகிலும் ஒரு அங்கத்தினர்

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

[Sri A. Subramanyam] [31st October 1958]

முடியாது. இந்த சந்தர்ப்பத்தில் நல்ல முறையில் பஞ்சாயத்துக்களை அமைத்து, கிராம ஜனங்களுக்கு ஊக்கத்தைக் கொடுத்து, அதிக அதிகாரங்களைக் கொடுத்து கிராமங்களை நகரங்களாக மாற்றும் நிலைமையை உண்டாக்க வேண்டும். கிராம மக்கள் செம்மையாக வாழ முடியும். அவர்களை வாழ்க்கைத் தரம் உயரும். இந்த மசோதாவைப் பரிபூரணமாக ஆதரிக்கிறேன். எனக்கு இங்கு பேச சந்தர்ப்பம் கொடுத்ததற்குத் தலைவருக்கு என்ன நன்றியைத் தெரிவித்துக்கொள்கிறேன்.

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

The House then rose.

(After lunch—3 p.m.)

* SRI A. M. ALLAPICHAJ: Mr. Chairman, Sir, as the Hon. Minister Sri C. Subramaniam has pointed out in his beautiful speech, this Bill is perhaps the most important Bill as far as our State is concerned. We got our independence on the 15th August 1947. With great respect, I can say that it was no doubt independence to the whole country but it was not so as far as our people in the villages and the other unfortunate people were concerned. Therefore, the greatest aim of our greatest Leader, namely, Gandhiji, was to see that the people living in lakhs of our villages were happy, and it is not without reason that the creation of panchayats finds a place in the directive principles. Therefore, I feel that it is really the most important Bill brought before our Legislature. But there is one thing I want to say very clearly and it is this. We, Indians—you may pardon me for saying so—have been subjected to the rule of a series of tyrants from time to time. Once it was perhaps some generous Hindu tyrant, on some occasions it was perhaps some generous Muslim tyrant and sometimes it was the English tyrant. But whatever it may be, we have been accustomed to the rule of some kind of tyrant or other for the last 2,500 years and more. But that old chapter did disappear on the 15th August 1947. Therefore, my submission is that we should see that everyone of us is not merely a democrat in principle but also in practice. We shouted so much for democracy during the time of our struggle against the British rule and justly too. But sometimes it so happens that when the days of struggle and suffering are over, we forget the very principles for which we stood once. Therefore, I want that our people must feel that they are men. As far as that point is concerned, I think this Bill may go a long way. But there is one thing I should very frankly say. This Bill is rather putting the people only on the road, and perhaps it is attempting to take them very slowly on that road to the destination. But some of the provisions of the Bill are, I feel, not correctly conceived. Please excuse me for saying that. Now, the members of the panchayat union council are to be elected and the members of the panchayat are to be elected. Let us forget for a little while that the administration of the State is being carried on by the Congress Government. I do not like to make reference to any Government any where else in the country. There are certain

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States which have their own way of rule. Now, if the Government feel that the panchayat union is not functioning properly, they can at once say, "Dissolve it." No doubt, there is some procedure prescribed. But the ultimate result will be that if the Government so desire, they can dissolve a panchayat union council which has been duly elected by the people of a certain locality. You have upheld the principle of election. Once you have done it, what is the meaning of taking away that principle? When one fine morning you feel either on the report of some Inspector or some other gentleman that the panchayat union council is not functioning properly, you can dissolve it. That seems to be a very unhappy affair. When you give power to the people to elect, if you dissolve that elected body, what happens is this. There is the Congress Government to-day. They know how to act. But they cannot hope to continue for ever in this country. Suppose tomorrow the Communist Government come into power. Perhaps I may be prejudiced in favour of the Congress Government, because I am a Congressman.

DR. A. SREENIVASAN: Since when?

* SRI A. M. ALLAPICHAJ: Since a long time back. I feel that our policies are very good and that we follow a *via media* policy. Suppose some other people come into power and suppose they feel that the members of a panchayat union council are diehard Congressmen; then even though the members of the Panchayat union council may act in a just, fair and honest way, they may feel, 'These fellows are a big nuisance. Therefore, the only easiest way of getting over the difficulty is to dissolve the panchayat union council.'

SRI V. V. RAMASWAMI: Just as the Central Government are viewing the administration of Kerala because it is run by a Communist Government.

* SRI A. M. ALLAPICHAJ: I do not represent the Central Government. As far as the Congress Government are concerned, they may not act in a wrong way. (Sri K. Balasubramanya Ayyar: Suppose there are some Communists in the panchayat union council?) Even if there are Communists, our Government will act fairly. As far as the Congress Government are concerned, I do not have any fear. The Government should not put such wide powers into the hands of some party or other which may be totalitarian in its working. When making rules and laws the Government should do it in such a way that even the worst man cannot abuse them. It is not a question of good men not abusing even bad laws. But it must be the endeavour of every Legislature and every Government to see that even the worst man is not in a position to abuse any particular law because there are some loopholes in it. Therefore, so far as the delegation of powers is concerned, I feel a little unhappy though I definitely know that our Government here, the Congress Government, will not for some useless reasons interfere with the functioning of the panchayat unions

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p.m.

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or panchayats. Even though the panchayat union councils and the panchayats are captured by some other party, I am positively sure that our Government are not going to interfere with their working. However, knowingly or unknowingly, they are handing over such wide powers to those people. To-day our Congress Government are functioning. After some time, some other Government may be functioning. So long as we believe in democratic principles, we must be prepared for such changes. But I have a feeling that we are handing over too much power to the future Government which will surely misuse it.

Sir, the hon. Member Sri Karayalar was referring to the Inspectors to be appointed under this Bill as Grand Moghuls and all that. When he said that, I was feeling that he was rather unjust. But when I looked into the provision relating to the dissolution of the panchayat union councils and the panchayats, I thought it was rather too much.

SRI L. S. KARAYALAR: Which is too much? My talking or the provisions?

HON. MEMBERS: The statement is too much?

* SRI A. M. ALLAPICHAJ: There is another point to which I wish to draw the attention of the Hon. Minister. It is about the Inspectors. An Inspector, according to the Bill, means 'any officer who is appointed by the Government to exercise or perform any of the powers or duties of the Inspector under this Act'. I think it is very vague. The Government are giving very wide powers to the Inspectors. Such being the case, the Government must define what kind of persons they will have as Inspectors. We have no doubt faith in the Government that they will appoint only proper persons to these posts. I only want to know whether it will not be good if we give some indication as to what sort of officers these Inspectors will be so that the people in the villages may feel that their destiny will be in the hands of an Inspector whose qualifications are such and such and who will not act arbitrarily. Therefore, I feel that some kind of qualification must be prescribed for him. Under the existing provision, any man can be made an Inspector.

Sir, the hon. Member Sri Balasubramanya Ayyar was saying that we must go slow in all these matters. The only one reason why the Congress Party is bound to command the respect of the people is this. It is a Party which believes in a *via media* policy. It wants that all the people in India, whether they are rich or poor men, should be happy. While sympathising with the poor men, it does not wish to harm or hurt the rich men. No doubt, it may take something from the rich men and give it away to the poor and needy. Therefore, the Congress Party is following only a *via media* policy.

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SRI K. BALASUBRAMANYA AYYAR: How can they take and what is it that they can take from the rich?

* SRI A. M. ALLAPICHAJ: They can take something from the rich and give it to the poor.

So far as elections are concerned, I think it is a good feature. Our friends say that there are a lot of factions in villages. Perhaps it may be a fact. But on that account, we should not belittle our villagers. I would ask those friends to show me a country where there is not faction. Even in the United States of America, the biggest democratic country in the world, the trouble is the same. Whatever trouble you have here, you have it everywhere, in every country in the world. Whether the village is big or small, the trouble is there in some form or other. Therefore, such troubles may be there in our villages also. Our villagers, it may be true, are incompetent. But it is our duty to see that they are all made competent. Not only that. If they are incompetent and corrupt, we cannot be anything better because we only represent them. It is good that we have elections to these panchayats. My point is why Government should not have power to nominate some to these bodies. In the villages generally, big people, good people for so many reasons do not stand for these elections. If there are such good, learned, calm and quite men in the villages, why should not the Government utilize their services? How can they utilise their services, if they do not stand for elections and if the Government have no powers of nomination? Therefore, I wish the Government looked into this question also. If there are good men in the villages and if the Government feel like utilizing their services, if they have the necessary powers, they can nominate them to the panchayat. The number of persons to be nominated may not be too many. They can nominate one or two such persons to the panchayat and the panchayat union council. It will be a good thing if the Government have such powers of nomination.

As regards representation of ladies and Harijans on these bodies, if they are not elected to them in sufficient numbers, there is a provision in the Bill that the required number may be co-opted by the panchayat union council. It is a very good principle because we do not want any particular element, chiefly our women and Harijans, to go unrepresented. But I wish to point out that there are also certain other weak elements in our society. They must be given some kind of representation and protection. Now, take, for example, some religious communities. If one or two representatives of Muslim or Christian community get themselves elected to the panchayat union council, the Government need not co-opt or nominate any member of those communities to the panchayat union council. Suppose in a particular place Muslims or Christians or some other communities live in large numbers, and if they are not represented in the panchayat union council, it perhaps would not be a nice thing. I do not say that they should be represented but I wish to say that they may be represented if the

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Government feel that those communities should be represented in the council. Even now the Government are nominating members of minority communities to the Rajya Sabha. They are also nominating members belonging to the Anglo-Indian and other communities to the Lok Sabha and the Assembly. Such being the case, I really want to emphasize this aspect of the matter. By saying this, I am not looking at it from a narrow point of view. As a matter of fact, I am looking at it from the party point of view. I feel that such a provision is a necessary and good thing even from the party point of view. Thank you, Sir.

SRIMATHI K. B. SUNDARAMBAL:

கனம் தலைவர் அவர்களே, இந்தப் பஞ்சாயத்து மசோதாவை நான் பாராட்டுகிறேன். இப்போதுள்ள ஸ்தல ஸ்தாபனங்களை நல்ல முறையில் திருத்தியமைப்பதற்கான ஓரத்துகள் இதில் இருப்பதைக்கண்டு நான் மகிழ்கிறேன். ஜனநாயக அடிப்படையிலும், காந்திய அடிப்படையிலும், மக்களுக்குப் பயனளிக்கும் முறையிலும், ஸ்தல ஸ்தாபனங்கள் திருத்தியமைக்கப்பட வேண்டுமென்றும், அதற்குரிய முறையில் சட்டமியற்றப்பட வேண்டுமென்றும் நான் கருதுகிறேன். அவ்வாறு சட்டமியற்றப்படுமோ, சட்டமியற்றப்படாதோ என்று நான் கவலைப்படுகிறேன். ஏனென்றால், இப்போதுள்ள சட்டப்படி இப்போதிருக்கும் பஞ்சாயத்துப் போர்டுகள் அவ்வாறு இல்லை. அவைகளுடைய தேர்ந்தெடுக்கப்பட்ட தலைவர்களுக்குப் போதிய அதிகாரங்கள் கொடுக்கப்படவில்லை. ஆனால், அவைகளை நடத்தும் அதிகாரிகளுக்கு நிறைய உரிமைகள் கொடுக்கப்பட்டிருக்கின்றன. உரிமைகள் எல்லோருக்கும் இருக்க வேண்டியதுதான். ஆனால் சட்டங்கள் இயற்றும்போது இன்றிருக்கு இன்னின்ன உரிமைகள்தான் இருக்கவேண்டும் என்று விதிப்பது அடிமையும்தான்.

இப்போது பல பஞ்சாயத்துப் போர்டுகள் சரிவர நடக்கவில்லை. பஞ்சாயத்துப் போர்டுகளிடம் எனக்குத் தொடர்பு இல்லாவிட்டாலும், பஞ்சாயத்துப் போர்டுகளுடன் தொடர்பு கொண்டிருப்பவர்கள் மூலம் பஞ்சாயத்துப் போர்டுகளைப்பற்றி நான் அறிந்துகொண்ட சில விஷயங்களை இங்கே குறிப்பிட விரும்புகிறேன். பஞ்சாயத்துப் போர்டுத் தலைவர்கள் மக்களால் தேர்ந்தெடுக்கப்படுகிறார்கள். அந்தத் தலைவர்களுடன் கூட இருந்து பணியாற்றுவார்கள். சர்க்காரால் நியமிக்கப்படும் உத்தியோகஸ்தர்கள். அந்தத் தலைவர்கள் மக்களுக்கு நன்மை செய்யும் காரியங்களைச் செய்ய விரும்பினால் அவர்களுடன் அந்த உத்தியோகஸ்தர்கள் ஒத்துழைக்கிறார்களா? நான் கேள்விப்பட்ட வரையில், அவர்கள் அவ்வாறு ஒத்துழைப்பதாகத் தெரியவில்லை. தலைவர்கள் எந்தக் காரியத்தைச் செய்ய முற்பட்டாலும், அந்த உத்தியோகஸ்தர்கள் தாங்கள் சர்க்கார் தரப்பினர் என்று சொல்லிக் கொண்டு ஏதாவது ஆட்சேபணைகள் கிளப்பி தலைவர்கள் காரியத்தைச் செய்ய வொட்டாமல் செய்கிறார்கள். பல இடங்களில் பஞ்சாயத்துப் போர்டுகள் இவ்வாறு இருப்பதாகக் கேள்விப்படுகிறேன். எனவே, பஞ்சாயத்துப் போர்டுகளை நிர்வகிக்கும் உத்தியோகஸ்தர்களுக்குக் கொடுக்கும் அதிகாரங்களைத் தலைவர்களுக்கும் வழங்கவேண்டுமென்று அரசாங்கத்தைக் கேட்டுக்கொள்கிறேன். அதிகாரங்களைத் தகுதியற்ற தலைவர்களுக்குக் கொடுக்கவேண்டுமென்று நான் சொல்லவில்லை. தகுதியுள்ள தலைவர்களுக்கு அதிகாரங்களைக் கொடுக்கவேண்டுமென்றுதான் சொல்கிறேன். ராஜ்யத்தில் பல பஞ்சாயத்துப் போர்டுகள் இருக்கின்றன. அவைகளில் பல மேஜர் பஞ்சாயத்துப் போர்டுகள். எந்தப் பஞ்சாயத்துப் போர்டில் கால் வைத்தாலும், காலில் தல்தான் படுகிறதேயொழிய மண் படுவதில்லை. பஞ்சாயத்துப் போர்டுகள் இந்த நிலைமையில் இருப்பதற்கு யார் பொறுப்பாளி என்று பஞ்சாயத்துப் போர்டுத் தலைவரைக் கேட்டால், “உத்தியோகஸ்தர்கள் என்னுடைய ஒத்துழைக்கவில்லை” என்று அவர் சொல்கிறார்; உத்தியோகஸ்தர்கள் என்னுடைய ஒத்துழைக்கவில்லை” என்று அவர் சொல்கிறார்; இவர்கள் இருவரும் ஒன்றாக இருக்குமோ, இருவரும்

[31st October 1958] [Srimathi K. B. Sundarambal]

கேட்டால், “பஞ்சாயத்துப் போர்டு மெம்பர்கள் எங்களுடன் ஒத்துழைக்கவில்லை” என்று இருவரும் சொல்கிறார்கள். பஞ்சாயத்துப் போர்டுகளால் ஜனங்களிடமிருந்து வரி வசூலிக்கப்படுகிறது. பஞ்சாயத்துப் போர்டுகளை நிர்வகிக்கும் உத்தியோகஸ்தர்கள் அவைகளின் தேர்ந்தெடுக்கப்பட்ட தலைவர்களுடன் ஒத்துழைக்காவிட்டால், ஜனங்கள் என்றைக்குத்தான் நலனையும் சுபிட்சத்தையும் அடைவார்கள்? ஜனநாயக அடிப்படையில் தேர்ந்தெடுக்கப்பட்ட தலைவர்களுக்குப் பூரண அதிகாரமும் கொடுக்கப்படாமல், சர்க்கார் உத்தியோகஸ்தர்களுக்குப் பூரண அதிகாரமும் கொடுக்கப்பட்டிருப்பதால், பஞ்சாயத்துப் போர்டுகளில் இந்த நிலைமை நிலவுகிறது. ஜனங்களால் தேர்ந்தெடுக்கப்பட்ட தலைவர்கள் எந்தவிதமான பிரதிபிரயோஜனமும் கருதாது சேவை செய்ய முன்வருகிறார்கள். அவர்களுக்குப் போதிய அதிகாரங்கள் கொடுக்கப்படவேண்டும். பஞ்சாயத்துப் போர்டுத் தலைவர்களுக்குத் தேசத்திடமும் மக்களிடமும் பற்று இருக்கிறது. ஆனால் மக்கள் கொடுக்கும் வரிப் பணத்தைப் பெற்றுக்கொள்ளும் சர்க்கார் உத்தியோகஸ்தர்களுக்குத் தேசத்திடமும் மக்களிடமும் பற்று இருக்கிறதா? ஒரு சில உத்தியோகஸ்தர்களுக்குத் தான் தேசத்திடமும் மக்களிடமும் பற்று இருக்கிறது. எல்லா உத்தியோகஸ்தர்களுக்கும் அந்தப் பற்று இருந்தால்தான், நாம் இயற்றும் சட்டமும் நாம் போடும் திட்டங்களும் வெற்றியடையும்; நாட்டு மக்கள் நல்வாழ்வு வாழ முடியும்.

சர்க்கார் கொணர்வந்திருக்கும் மசோதாவை நான் மறுபடியும் விருதய பூர்வமாக வரவேற்கிறேன். சர்க்கார் இயற்றும் சட்டமானது நாட்டுக்கும் நாட்டு மக்களுக்கும் பயனளிக்கக்கூடியதாக இருக்கவேண்டும். அப்படிப்பட்ட சட்டத்தை இயற்றும்படி சர்க்காரைக் கேட்டுக்கொள்கிறேன்.

மக்கள் அரசாங்கத்திடம் தங்கள் குறைகளைப்பற்றி முறையிடுகிறார்கள். அவர்கள் தங்கள் குறைகளைப்பற்றி அரசாங்கத்திடம் நேரிடையாக முறையிட முடிவதில்லை. சர்க்கார் உத்தியோகஸ்தர்கள் மூலமாகவே அவர்கள் தங்கள் குறைகளை சர்க்காருக்குத் தெரிவிக்கவேண்டியிருக்கிறது. அவர்களுடைய முறையீடுகளை அப்படியே சர்க்காரிடம் தெரிவித்து அவர்களுடைய குறைகளைத் தீர்க்கக்கூடிய முறையில் சர்க்கார் உத்தியோகஸ்தர்கள் பூனி யாற்றவில்லை. மக்களுடைய குறைகளைத் தீர்க்கப் பாடுபடும் சர்க்கார் உத்தியோகஸ்தர்களைத் தேர்ந்தெடுத்து அவர்களை “ஸ்பெஷல்” ஆக பஞ்சாயத்துக்களில் நியமிக்கவேண்டுமென்று சர்க்காரைக் கேட்டுக்கொள்கிறேன். அவ்வாறு செய்தால் கிராம மக்கள் பெரிதும் நன்மை அடைவார்கள்.

நாட்டுக்கும் நாட்டு மக்களுக்கும் ஸ்தல ஸ்தாபனங்கள் நல்ல முறையில் பயன்படக்கூடிய முறையில் அவைகளைத் திருத்தியமைக்கும் வகையில் சட்டமியற்ற வேண்டுமென்று சர்க்காரைக் கேட்டுக்கொண்டு என் வார்த்தையை முடித்துக்கொள்கிறேன்.

* SRI B. K. NALLASWAMI: கனம் தலைவர் அவர்களே, இந்த மசோதாவை நான் ஆதரிக்கிறேன். இந்த மசோதா பல வருஷங்களுக்கு முன்பே வந்திருக்க வேண்டுமென்று சில கனம் அங்கத்தினர்கள் சொன்னார்கள். இந்த மசோதா குறைந்தது 6 மாதங்களுக்கு முன்பாவது வந்திருக்க வேண்டுமென்று நான் நினைக்கிறேன். ஏனென்றால், பல பஞ்சாயத்துப் போர்டுகளில் தேர்தல்கள் முடிவதற்கு முன்பு இந்த மசோதாவைக் கொண்டுவந்திருக்கவேண்டும். ஏறக்குறைய பிளாக்குகள் ஏற்பட்டிருக்கும் எல்லா இடங்களிலும் பஞ்சாயத்து போர்டுத் தேர்தல்கள் முடிந்துவிட்டன. இந்த மசோதாவில் பஞ்சாயத்துத் தேர்தல்கள் சம்பந்தமாக என்ன திருத்தங்களைச் செய்யலாம் என்று நாம் பார்க்கவேண்டும்.

பிரத்யட்ச நிலையில் காரியங்கள் எவ்வாறு நடைபெறுகின்றன என்பதை அறிந்துகொண்டு, தகுந்த முறையில் சட்டமியற்றவேண்டும். சமீபத்தில் எங்கள் பிராந்தியத்தில் சில பஞ்சாயத்துப் போர்டுகளில் தேர்தல்கள் நடந்தன. பவர்னி பஞ்சாயத்துப் போர்டிலும், குமரப்பாளையம் பஞ்சாயத்துப் போர்டிலும், இன்னும் பல பஞ்சாயத்துப் போர்டுகளிலும்

[Sri B. K. Nallaswami] [31st October 1958]

தேர்தல்கள் நடந்தன. தேர்தலுக்காகப் பிரிக்கப்பட்டிருந்த வார்டுகள் ரொம்பவும் விசித்திரமான முறையில் பிரிக்கப்பட்டிருந்தன. பவானி 12-வது பிளாக்கில் 4 அங்கத்தினர்களைத் தேர்ந்தெடுக்க வேண்டியிருந்தது. மொத்த வாக்காளர்கள் அங்கே இரண்டாயிரத்திச் சொச்சம் பேர். நான்கு ஸ்தானங்களுக்குப் போட்டியிட்ட அபேட்சகர்கள் மொத்தம் 28 பேர். அங்கே தேர்தலின்போது எந்தமாதிரியான “பால்ட் பேப்பர்ஸ்” கொடுக்கப்பட்டன என்பதைத் தெரிவிப்பதற்காக அங்கே கொடுக்கப்பட்ட மாதிரி பால்ட் பேப்பர்களில் ஒன்றை சபைக்குக் கொண்டுவந்திருக்கிறேன். (கனம் அங்கத்தினர் ஒரு பால்ட் பேப்பர் சபையில் காண்பித்தார்). அங்கே கொடுக்கப்பட்ட பால்ட் பேப்பர்களைவிட இது சிறியது. அங்கே இதைவிட பெரிய பால்ட் பேப்பர்கள் கொடுக்கப்பட்டன. எழுதப்படக்கூடத் தெரியாதவர்கள் கூட நான்கு பேர்களுக்கு வோட்டுப் போடவேண்டும். இதைவிட 1½ பங்கு அதிக நீளமுள்ள பால்ட் பேப்பர்கள் அங்கே கொடுக்கப்பட்டன. 28 அபேட்சகர்கள் போட்டியிட்டதால், சின்னங்களுக்குப் பஞ்சம் ஏற்பட்டது. ஒரு அபேட்சகர் ஒரு சின்னத்தை வைத்துக்கொண்டால், மற்றொரு அபேட்சகர் அதே சின்னத்தின் இரட்டை உருவத்தைத் தாமது சின்னமாக வைத்துக் கொள்வார். அதாவது, ஒருவர் ஒரு புலியின் படத்தைச் சின்னமாக வைத்துக்கொண்டால், மற்றொருவர் இரண்டு புலிகள் போட்ட படத்தைத் தாமது சின்னமாக வைத்துக்கொள்வார். வோட்டர்களுக்குச் சரியாக வோட்டுப்போடத் தெரியவில்லை. ஏராளமான வோட்டுக்கள் செல்லாத வோட்டுக்களாக ஆயின. சில வோட்டர்கள் போட்ட வோட்டுக்கள் நான்கு அபேட்சகர்களுக்கும் கிடைக்கவில்லை. சில வோட்டர்கள் போட்ட வோட்டுக்கள் 3 அபேட்சகர்களுக்குக்கூடக் கிடைக்கவில்லை. சில வோட்டர்கள் போட்ட வோட்டுக்கள் இரண்டு அபேட்சகர்களுக்குக்கூடக் கிடைக்கவில்லை. எழுதப்படக்கூடத் தெரியாதவர்கள் நிறைந்த வார்டுகளில் இந்த நிலைமை ஏற்பட்டது. 1,000 வோட்டர்கள் வோட்டுப் போட்டிருந்தால், சுமார் 100 அல்லது 150 வோட்டர்களின் வோட்டுக்கள்தான் மூன்று அபேட்சகர்களுக்காவது கிடைத்திருக்கும். வார்டுகள் பிரிக்கப்பட்ட முறை இவ்வாறு தான் சரியாகவில்லை. ஒரு வார்டில் 400 சொச்சம் வோட்டர்கள் இருந்தார்கள். இன்னொரு வார்டில் 800 சொச்சம் வோட்டர்கள் இருந்தார்கள். 800 சொச்சம் வோட்டர்கள் இருந்த வார்டு இரட்டை மெம்பர் தொகுதியாக ஆக்கப்பட்டது. முறையற்ற முறையில் வோட்டர்களும் வார்டுகளும் பிரிக்கப்பட்டு, ஏதோ ஒருவிதமாகத் தேர்தல்கள் நடந்து முடிந்தன.

3-30 அடுத்தபடியாக, குமாரப்பாளையத்தில் பஞ்சாயத்துப் போர்டுத் தேர்தல் நடந்தது. அங்கு, அர்பன் ஏரியாவிற்கும், ரூரல் ஏரியாவிற்குமிடையே தகராறு. கிராமவாசிகள் எல்லோரும் ஒரு கட்சி, நகரப்புறத்தில் உள்ளவர்கள் வேறொரு கட்சி.

THE HON. SRI C. SUBRAMANIAM: அவர்களிடையேயும் கட்சிகள் இல்லையா?

* SRI B. K. NALLASWAMI: இதிலும் சில மாறுபாடுகள் இருக்கின்றன. அடிப்படைத் தகராறு, கிராமம் என்றும் பட்டினம் என்றும் தான். இப்பொழுது பழையபாளையத்தில் ஒரு தேர்தல் நடக்கவிருக்கிறது. குமாரப்பாளையம் தேர்தல் முடிந்தவுடன், போலீஸ் பாராவுடன்தான் எல்லோரும் வீடுகளுக்குச் செல்லவேண்டி வந்தது. வெற்றி ஊர்வலம் பிரசிடெண்ட் இல்லாமலேயே நடந்தது. அந்த அளவுக்குத் தேர்தல் வெறி இருக்கிறது. ஆகவே, இதைப் போக்க என்ன செய்யவேண்டுமென்று நாம் யோசித்துப் பார்த்து, ஒரு முடிவு காணவேண்டும். இந்த மசோதா துரதிருஷ்டவசமாகக் கொஞ்சம் தாமதித்து வந்திருக்கிறது என்று நான் முன்னால் சொன்னேன். இங்கு, சென்னைக் கார்ப்பரேஷனில் ஒரு முறை கையாளப்படுகிறது. சம்பிரதாய பூர்வமாக ஜாதிவாரியாக மேயர் தேர்ந்தெடுக்கப்படுகிறார். இந்த முறைதான் கிராமங்களுக்கும் பொருந்தும். ஒரு தடவை ஒரு கௌண்டர் தலைவராக வந்தால், அடுத்த தடவை ஒரு முதலியார் தலைவராக வருவார். இப்படியே போகும். அப்படி வைத்துக்கொண்டால், கிராமங்களில் ஒரு தகராறும் வராது. அம்முறை

31st October 1958] [Sri B. K. Nallaswami]

நகரில் இருக்கிறது, நான் கார்ப்பரேஷனைச் சொல்கிறேன். கிராமங்களில், ஜாதியை ஒழித்து விடுகிறோம் என்று சொல்லி, பிரத்தியட்ச முறையை நாம் மறந்துவிடலாகாது. கிராமங்களில் இன்னும் ஒரு நூறு வருடத் திற்கு ஜாதியை ஒழித்து விட முடியாது என்று நான் சொல்வேன். ஆகவே, ஜாதிவாரியாகப் பஞ்சாயத்துப் போர்டுத் தேர்வுகளை எடுக்கும் முறையை நாம் கிராமங்களில் கையாளவேண்டும். அதுதான் நல்லது. அப்படிச் செய்தால்தான், கிராமங்களில் இன்று ஏற்படக்கூடிய பூசல்கள் போக முடியும். கிராமங்களில் இன்று கட்சி அடிப்படையில் அல்ல போட்டிகள் நடப்பது. ஜாதி அடிப்படையில்தான் இன்று அங்கு போட்டிகள் நடக்கின்றன. இது எங்கள் அனுபவம்.

அடுத்தபடியாக, பஞ்சாயத்துக் கோர்ட்டுகளை எடுத்துக்கொண்டால், பஞ்சாயத்துக் கோர்ட்டுகளை எடுத்துவிடுவதற்கான விதிகள் இதில் இருக்கின்றன. தாற்காலிகமாக அப்பொறுப்பைக் கிராம அதிகாரிகளிடம் ஒப்படைத்திருப்பதாக ஒரு குறிப்புக் காணப்படுகிறது. அது சரியல்ல. டம் ஒப்படைத்திருப்பதாக ஒரு குறிப்புக் காணப்படுகிறது. மணியக்காரரிடம் ஒரு “பாவாடி சர்ட்டிகேட்” வாங்கவேண்டுமென்றால், மணியக்காரரிடம் இரண்டு ரூபாய் கொடுத்தால்தான் வாங்க முடியும். இந்த ரீதியில் எப்படி அவர்களிடம் நீதி பரிபாலனத்தை ஒப்படைப்பது?

THE HON. SRI C. SUBRAMANIAM: ஜாதிச் சண்டைகள் அவர்களிடையே இருக்கும்போது, நீதி பரிபாலனத்தை அவர்களிடம் ஒப்புவிக்கலாமா?

* SRI B. K. NALLASWAMI: ஜாதி அடிப்படையில் தலைவர்கள் தேர்ந்தெடுக்கப்பட்டால் இந்தச் சண்டைகள் போகும். நீதி நிர்வாகத்தை மணியக்காரரிடம் ஒப்படைத்தால், அது தவறாகும் என்று சொல்லிக் கொண்டு அதற்குப் பரிசாரமும் சொல்கிறேன். பஞ்சாயத்துப் போர்டு மெம்பர்கள் ஒன்றை மாற்று வோட்டு முறை மூலம் மூன்று அல்லது ஐந்து மெம்பரல்லாத நபர்களைத் தேர்ந்தெடுத்து அவர்கள் கையில் இந்த நீதி நிர்வாகத்தை ஒப்படைக்க வேண்டிய வசதி செய்தால், பஞ்சாயத்துக் கோர்ட்டுகள் நல்ல முறையில் நடக்க ஏதுவாகும். அவர்கள் உள்ளூர் பூசல்களில் பங்கெடுத்துக்கொள்ளாதவர்களாக இருக்கவேண்டும். அப்படியென்களில் பங்கெடுத்துக்கொள்ளாதவர்களாக இருக்கவேண்டும். நாம் தேர்ந்தெடுக்க முடியும். வயதானவர்களை, நல்ல அறிவாளிகளை நாம் தேர்ந்தெடுக்க முடியும். பஞ்சாயத்துப் பூசல்களைத் தீர்த்து வைக்க யாரும் போட்டிபோட்டுக் கொண்டு முன்வரமாட்டார்கள் என்று நினைக்கிறேன். ஆகவே, அதைப் பற்றி அரசாங்கம் சிந்தித்து வேண்டிய நடவடிக்கைகள் எடுக்கவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

அடுத்தபடியாக, இந்த மசோதா தாமதித்து வந்திருக்கிறது என்று நான் சொன்னேன். ஏற்கெனவே பஞ்சாயத்துத் தேர்தல்கள் முடிந்ததாகிவிட்டன. அத்தேர்தல்களில் வோட்டுப் போட்டவர்கள் என்ன நினைத்துக்கொண்டு வோட்டுகளைப் போட்டார்கள் என்பதை நாம் நினைத்துப் பார்க்கவேண்டும். பஞ்சாயத்துக்களிலிருந்துதான் யூனியன் கௌன்ஸி லுக்கு மெம்பரைத் தேர்ந்தெடுத்து அனுப்புவார்கள் என்று நினைத்தல்லவோட்டுப்போட்டது. அடுத்த தேர்தல் கழிந்து அப்படிச் செய்வதாக யிருந்தால் சரி. ஏற்கனவே பஞ்சாயத்துத் தேர்தல்கள் கழிந்துவிட்டதால், கிறேன். பஞ்சாயத்துக் கொள்ளவிலிருந்து முதல் ஐந்து வருடத்திற்கு மக்களிடையேயிருந்தும், அதற்குப் பிற்பாடு பஞ்சாயத்து மெம்பர்களிடையே யிருந்தும் பிரதிநிதிகள் அனுப்பலாம் என்று ஒரு திருத்தம் கொடுத்திருக்கிறேன். அதை நன்கு சிந்தித்துப் பார்க்கவேண்டும்.

கடைசியாக, இந்த சபையில் எல்லோரையும் உறுத்திக்கொண்டிருக்கிற ஒரு விஷயத்தையும் சொல்ல ஆசைப்படுகிறேன். * சட்டசபை கௌன்ஸில் என்றால், அது ஏதோ ஒரு குறைபாடு உள்ளதாகும் என்று அமைச்சர்கள் நினைக்கிறார்கள் என்ற ஜயம் எனக்கு ஏற்படுகிறது. பஞ்சாயத்துக்

[Sri B. K. Nallawami] [31st October 1958]

கொண்டுவிலில் ஆலோசனை கூறுவதற்காக அசெம்பிளி அங்கத்தினர்கள் இருக்கலாம் என்று கூறப்படுகிறது. நான் கேட்கிறேன், “அப்படி ஆலோசனைகள் கூறக் கொண்டுவில் அங்கத்தினர்கள் அதில் இருந்தால் என்ன? தலை முழுக்கப் போய்விடுமா? ஏன் இவர்கள் அங்கு இருக்கக் கூடாது? பஞ்சாயத்து யூனியன் பிரதேசத்தில் ஒரு கொண்டுவில் அங்கத்தினர் இருந்தால், ஒரு எம்.எல்.வி. இருந்தால், அவர் என் அந்தப் பஞ்சாயத்து யூனியன் கொண்டுவிலிற்கு ஆலோசனை சொல்லப் போகக் கூடாது என்று கேட்கிறேன். அதைச் சற்றுச் சிந்தித்துப் பார்க்கவேண்டும் அந்த உரிமை இந்த சபைக்கு, இந்தக் கொண்டுவில் மெம்பர்களுக்கு எம்.எல்.விக்களுக்கு இல்லையென்றால், அந்தக் கொண்டுவிலே வேண்டிய யூனியன் என்ன சொல்லியிருக்கிறது? பண மசோதா (மணி பில்ஸ்) வைத் தவிர மீதி எல்லா விஷயங்களிலும் கொண்டுவிலிற்குப் பங்கு எடுத்துக்கொள்ள உரிமையுண்டு என்று அரசியல் சட்டத்தில் சொல்லப் பட்டிருக்கிறது. ஆகவே, இது குறித்து ஒரு திருத்தம் செய்யவேண்டும் என்று கேட்டுக்கொள்கிறேன்.

அடுத்தபடியாக, வரி விதிப்புப்பற்றிச் சில சந்தேகங்கள் இங்கு கிளப்பப் பட்டன. கிராம மக்களிடையே நெருங்கிய பழகிய அனுபவம் எனக்கு உண்டு. அதை வைத்துக்கொண்டு, ‘கிராம மக்களிடமிருந்து வரி வசூல் செய்வதில் ஒரு கஷ்டமும் இல்லை’ என்று நான் சொல்கிறேன். கிராம மக்கள் தாங்களே ஒரு கோர்ட்டு வைத்துக்கொண்டு கேஸ்களைத் தீர்த்துக் கொள்ளும் வழக்கம் இருக்கின்ற கிராமங்களுக்கு நான் போய் ருக்கிறேன். கிராமங்களில் வரி விதிப்பிற்கு ஏதிர்ப்பு வரும் என்று எனக்குத் தோன்றவில்லை. ஆனால், வரி வருகிற முறைக்குத்தான், அதற்கென சட்டம் செய்கிற முறைக்குத்தான் ஏதிர்ப்பு வரும். கோவிலில் திருவிழா நடத்தவேண்டுமென்றால், ஒவ்வொரு குடிக்கும் இவ்வளவு வரி என்று விதித்து வசூல் செய்கிறார்கள். ஒரு பள்ளிக்கூடம் கட்ட வேண்டுமென்றால், அதற்கு வரி வசூல் செய்கிறார்கள். ஆகவே, குறிப்பிட்டொரு காரணத்திற்காக வரி கொடுக்கவேண்டுமென்றால், கிராம மக்கள் அதற்குத் தயங்க மாட்டார்கள். பொதுவாக எதற்காகவோ வரி கொடுங்கள் என்று சொன்னால், அவர்கள் கொடுக்கமாட்டார்கள். அப்பொழுதுதான் சந்தேகங்கள் வந்து குழப்பம் ஏற்படுகிறது. அதோடு, கிராம மக்களோடு நல்ல தொடர்பு உள்ளவர்கள் தலைவர்களாக வரும் போது, சிறு பஞ்சாயத்துக்களில் ஒரு தகராறும் ஏற்படாது. டென்ன்களில் அப்படி வரலாம். கோவை ஜில்லாவில், கிராம மக்களிடையே பூசல்கள் இருந்தாலும், ஊர் கூட்டம் போட்டு ஒரு முடிவு எடுத்தால், அந்த முடிவிற்குக் கட்டுப்பட்டு எல்லாம் நன்கு நடைபெறும்; அப்படி நடக்கவும் நடக்கிறது. ஆகவே, வரி போடுவதால் ஏதிர்ப்பு வரும் என்று நினைக்கவேண்டியதில்லை. தங்கள் கிராமத்திற்கு அதனால் நன்மைதான் வருகிறது என்று தெரிந்தால், யாரும் வரி கொடுக்கத் தயங்கமாட்டார்கள்.

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p.m.

அடுத்தபடியாக, இம்மசோதாவில் எக்ஸிச்யூட்டிவ் ஆபீஸருக்குள்ள அதிகாரம் குறைந்ததாகத் தெரியவில்லை. ஏற்கெனவே உள்ள அனுபவத்தை வைத்துக்கொண்டுதான் இந்த மசோதா தயார் செய்யப்பட்டிருக்கிறது. இருந்தாலும்கூட, பல இடங்களில் சரியாக எக்ஸிச்யூட்டிவ் ஆபீஸர்கள் நடந்துகொள்வதில்லை. சட்டத்தில் சிங்காநல்லூர் பஞ்சாயத்தில் பஞ்சாயத்துப் பிரஸிடெண்டு அழைத்தும் கூட எக்ஸிச்யூட்டிவ் ஆபீஸர் கூட்டத்திற்கு ஐந்தரை மணிக்கு மேல் வருவதற்கு மறுத்துவிட்டார். சட்ட சபைக் கூட்டம் இரவு 9 மணி அல்லது 10 மணி வரை நடந்தால் கூட ஆபீஸர்கள் வருகிறார்கள். ஆனால் ஐந்தரை மணிக்கு மேல் இந்த எக்ஸிச்யூட்டிவ் ஆபீஸர்கள் வருவதற்கு மறுத்துவிடுகிறார்கள். இதில் இதெல்லாம் பிரஸிடெண்டு கோர்ட்டு ஒத்துழைக்கக்கூடிய அளவுக்கு எக்ஸிச்யூட்டிவ் ஆபீஸர்கள் இருக்கவேண்டும். அதற்குத் தகுந்த முறையில் பஞ்சாயத்துப் பிரஸிடெண்டுக்கு அதிகாரங்கள் இருக்கவேண்டும். டென்னியென்றால்,

[31st October 1958] [Sri B. K. Nallawami]

எல்லாக் காரியங்களுக்கும் இன்ஸ்பெக்டர் அவர்களிடத்திலோ அல்லது மந்திரிகளிடத்திலோ வந்துதான் குறைகளைச் சொல்லவேண்டியிருக்கும். ஆகவே, பஞ்சாயத்துப் பிரஸிடெண்டுக்குப் போதிய அதிகாரங்களைக் கொடுக்க அரசாங்கம் தயங்கக் கூடாது என்பதைத் தெரிவித்துக் கொண்டு முடித்துக்கொள்கிறேன்.

* SRI G. KRISHNAMOORTHY: Mr. Chairman, Sir, this is a very important reform as pointed out by many hon. Members. It was also pointed out that the need for this reform arose on account of the fact that the set-up of local administration as per the previous various reforms did not work to our satisfaction. Therefore, it is but proper to find out what exactly is the reason for the previous set-ups not having worked to our level of satisfaction. The Hon. Minister who piloted the Bill yesterday referred to finance as one of the reasons or perhaps the main reason. Have we solved this problem with regard to the future set-up envisaged in this Bill? I think the Government have, to a large extent, devoted much attention and tried to find out the finance for the future set-up. But how far their expectations would be reached is a big question. There were references yesterday to the fact that it was rather hard to levy taxes in some panchayats, though not in all panchayats. The apathy is there, the poverty is there and so many other factors are there in the way of collecting the finance, as expected by the Government under the rules. Now, when that is the case, what would be the position even in the future set-up envisaged under the present Bill? Will the amenities in a particular area be less on account of the fact that they are not able to collect the quota in that area? Will the officers and servants of the local authority, particularly teachers be paid less? It cannot be so. So, what provision have the Government suggesting view to just overcome all these things? I have been suggesting often that the financial aspect of local bodies must be the entire concern of the State Government. After the attainment of Swaraj, the local body has no meaning except that it is a branch of the Government. If we want to have the People's Raj, as desired by the Father of the Nation and as has been the aspiration of the people, we must see that the entire financial responsibility is borne by the State Government. Up to now we have been seeing that the responsibility, especially the financial responsibility is left to the local body, and the officers and servants of the local body including all teachers have to suffer to some extent. In fact, the Government say: "If you have got the necessary finance, you can give the Government scale of pay and house-rent allowance". That should not be the case at least in the future set-up. Sir, what I would impress upon the Government is that the entire financial responsibility in respect of the future set-up must be borne by the State Government themselves. The Hon. Minister who piloted the Bill yesterday pointed out that the burden of collecting the necessary funds should be there on the local authority, as other-wise they would not take sufficient interest. I quite concede the point of view of the Hon. Minister that the local authority must have powers to collect funds to run the administration and that

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they must not simply utilize the funds placed at their disposal by the State Government. But if, for any reason, any local authority is not able to collect the necessary funds, the Government should see that the officers and servants of that local authority do not suffer for want of necessary funds. If the financial responsibility is to be the State Government's one, naturally there will not be such difficulty.

Now, with regard to education also, we find this difficulty. Upto now it has been a patent fact that many panchayats have not been able to pay whatever the Government have ordered them to pay as per certain orders. Many panchayats have not paid the recent increased dearness allowance of Rs. 12 per teacher. Many panchayats have not revised the scales of pay of secondary school teachers to the scale of Rs. 45—2—85. Would not such a state of affairs creep in even after the introduction of this Bill and even after the new set-up envisaged in the Bill has been brought into force? Again, if all the revenues that are collected by the local agencies through the levy of taxes are credited to the Government, naturally the trouble will not be there.

Now, with reference to secondary schools which are to be taken away from the district boards which are to be abolished, I would suggest that the Government take over these schools and run them themselves, though the Government may think that it will be a great responsibility to run 300 to 400 institutions. The reason for my suggesting that the Government should take them over is again one of finance. Now, we have seen, though not prompt payment, at least delayed payment or regular payment in the case of many district boards. But in respect of certain district boards, the Government had to come to their rescue. But if really they are entrusted to some other authority—we do not know what authority it would be, it is yet to be decided by the Government—there may be the same sort of trouble. To avoid all these, let the Government take over these schools or let some statutory body take them over. Let the financial responsibility be the Government's responsibility.

With regard to elementary schools to be taken over by the panchayat union councils, I am afraid the same state of affairs which is obtaining in the panchayat elementary schools might be repeated there. To avoid all these, as I have been suggesting on various occasions, let all the educational institutions be financed by the Government. Let all the revenues collected by way of taxes and other things be credited to the Government. Let the agencies be there. Even now I would have no objection to the panchayat union councils starting a number of elementary schools and maintaining them. But let the panchayat union council be there only as an agent to do this maintenance work. Then, there is a provision that all the aided elementary schools within the area of the panchayat union council should get grants only through this council. I do not know why the Government want this to be done.

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If course, it was explained to a little extent by the Hon. Minister who piloted the Bill yesterday that they would have some sort of financial check, that they had to confine themselves to the target and that to that extent, it would be proper to entrust this financial disbursement to the panchayat union council. But I do not know whether it would be a success. We had the experiment of the District Educational Council some years before. It had the power to disburse grants but somehow or other we had to abolish it. Of course, the Government may know the reasons for abolishing it. If really these aided agencies are to be treated as agents on a par with the panchayat union council and made eligible for a maintenance grant of 15 per cent of the actual salary amount disbursed to teachers, there would be no trouble. Up to now the aided institutions were getting their grants direct from the Government. What is the need for a change in the procedure now? The whole financial burden should be borne by the Government. Then there will be no trouble. If in the future set-up a particular block development area suffers for want of finance, it is the Government that is going to run to its rescue. It was the case previously in the case of district boards. Therefore, once and for all, the financial pattern of local self-government institutions should be settled. So, I would suggest that all elementary institutions, whether they be aided institutions or others, which will come under the control of the panchayat union councils should be financed by the Government. The Government have been financing the full salary of teachers irrespective of the fact whether they are in Government institutions or otherwise, that is, irrespective of the agency; they have been bearing the full dearness allowance also. Why should there be an intermediary to get the amount from Government and then disburse it to the teachers? That gives so much room for heart-burning and delay in disbursement. Government have been meeting the entire grant in respect of salary, dearness allowance, etc. Is it not proper that Government themselves make the disbursement also? They have got their Education Department. In fact, the teachers acknowledge that the system of departmental disbursement is the best and is working well. If it is entrusted to an intermediary, there may be room for complaints. When that is the case and when the teachers have been requesting the Government to take up the responsibility of running all the institutions, I cannot understand why the Government think of entrusting the disbursement of grants to a new body which is going to be created under the Bill, namely, the panchayat union council. So, I would request the Government to see, at least now when bringing this Bill, whether this is not the time when the question of agency could be solved and whether disbursement could not be made by the Government direct through their Deputy Inspectors; if possible, they may do it through a particular headmaster of any particular high school in the locality, make him a Gazetted Officer, if necessary, and make him responsible for the disbursement of the salary, etc. of elementary school staff in the area. The bills may be sent to him sufficiently early and the headmaster may be in charge of

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some fifteen or twenty such schools in the area and he may be authorised to countersign them, and the moneys may be paid by the Treasuries. Why should all this be done by the panchayat union councils? When once Government have been giving the moneys, why not make arrangements for the direct payment of them to the teachers?

According to this Bill, when the panchayat union councils begin to work, the panchayat schools would be taken over by them and they would take over the assets and liabilities. The teachers have not been paid according to Government Orders as from 1st November 1956. This is a liability and the panchayat union councils will have to bear this liability also, because the Government have said that these teachers should be paid such and such extra amount as from 1st November 1956. It is but proper that the panchayat union councils that are going to be formed are instructed to pay the teachers these amounts also.

Finally, I would urge upon the Government that this is a time when the Government can review the agency question in respect of elementary schools; this is a time when the Government are bringing in an Act which involves the administration of nearly 50 per cent of elementary schools in the State which are under the local boards; this is a time when the Government think that even the other institutions, namely, the aided elementary schools should come under the financial control of that agency which they are creating, namely, the panchayat union council. Government have given a particular figure, say, Rs. 3-8-0, in respect of education per head of population for running these schools. When they have done that, is it not proper that they see that the full amount that they have been disbursing in behalf of the teachers is disbursed through their departmental officers, namely, the Deputy Inspectors? They have the power of inspection, power to check the monthly accounts, the monthly attendance and so on and so forth. It would be the best thing for the Government to do that themselves. In respect of the panchayat education fund that is to be created, the whole fund can be credited to the Government. All fees, donations, etc., to be collected by aided elementary schools also can be credited to the Government. So, all the revenues from the people in respect of education must be credited to the Government and all the salaries, allowances, etc., also paid by the Government direct. These agencies, the aided agency in respect of elementary schools and the union councils in respect of local board schools, may be treated as mere agents to maintain the schools on the basis of 15 per cent maintenance grant, this grant being based on the actual amounts disbursed to the teachers. If this is done, we would have done a great thing in re-shaping elementary education in the State. Thank you, Mr. Chairman.

DR. A. LAKSHMANASWAMI MUDALIAR: Mr. Chairman, Sir, I should, first of all, like to express our thanks for and appreciation of the steps that the Hon. Minister has taken in preparing

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this Bill. The procedure that he has followed we would always welcome, namely, reference to a small committee and invitation to Members of the Legislative Assembly and the Legislative Council to participate in the discussions. Another procedure of a unique nature which he thought fit to adopt on this particular occasion was with reference to the amendments given notice of, which were thoroughly discussed in the committee, and as a result of that, agreed decisions were taken. After all that procedure, I take it that this Bill was prepared and brought forward first before the Assembly which has given its seal and the Bill is now before this House. I hope, Sir—I may be pardoned if I suggest—that such a procedure will usefully be adopted by other Hon. Ministers also when dealing with important Bills which require to be studied with a great deal more of experience and knowledge than are available to them perhaps, from whatever source it may be, and which require to take into consideration a great deal more of the popular reaction to measures that are of infinite value to the people. I shall not say more about that except to throw that suggestion. For, I made out some time ago that every Minister should have an advisory committee, but that did not fall on fertile soil and, therefore, I repeat the suggestion which is well worth adopting before any development of any of the important departments of administration where people are primarily and essentially concerned is thought of, that is, the procedure similar to what the Hon. the Minister for Education followed may be adopted. I was in the Committee which considered the whole problem of education. I was greatly benefited. I have seen that several Members have contributed to this also, the solution of the problem of local self-government.

But there is one thing I should like to mention. I should like to state that the very fact that all these things have been considered by the Committee does not preclude any hon. Member from offering his suggestions or making his criticisms if he feels so in regard to this Bill. I say that for two reasons. Firstly, when the whole Bill comes up as amended by the Assembly or even otherwise, there are always points which strike a person and which have to be brought to the notice of the Legislative Council and the Government. I feel it is no disrespect to any Member who served on those committees including my friends behind me and those friends who are opposite to me, if certain suggestions are made and certain criticisms are offered and also views given expression to in regard to some of these matters. I should like that to be perfectly understood that we only exercise our normal privilege in this Council of subjecting every measure, when it finally emerges, to such criticism as we think fit. It is perfectly useful from our point of view, at any rate.

We should certainly congratulate the Hon. the Minister for Finance on another thing. In the eleven years of my experience in this House—it is rather the odd experience—this is the first time when the Hon. Minister gave expression to the viewpoint that

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4 p.m. amendments here would be considered on their merits and that there would be no sort of difficulty in accepting any of these amendments and referring the Bill back to the Legislative Assembly. I do not want to go into the several incidents connected with previous Bills, but I can say with perfect frankness that on many occasions when Members almost unanimously agreed and when even Members sitting behind the Treasury Bench supported us with greater vehemence than that with which we ourselves put forward our views, the result was that owing to the fact that they had got to go back to the Assembly and that the Assembly had already adjourned, the Council stood without any function whatsoever usefully to perform. I hope the statement that the Hon. Minister has made is applicable not only to this measure but to all such measures in future where the hindrance of a reference back to the Assembly will not stand in the way of thorough investigation of the merits of such suggestions as may be put forward. I am not asking for any right that those suggestions should be accepted but the principle that they ought to be considered on their merits should not be discounted.

This measure, as hon. Members have stated, is a very important one. Perhaps, I am one of the few here in the Council, at any rate, who participated in the discussion when the Panchayat Bill was moved in the year 1950 by the then Minister Sri Chandramouli. I stated then that it was a most comprehensive Bill, full of defects, full of pitfalls and full of good and weak and bad points so that I greatly wondered whether it would be a success or not. I do not want to strike a very pessimistic note. But I do wish to point out that the ideal is one thing and that the reality is quite another, and that we cannot afford to ignore what is taking place around us, the real things that are staring us in our face in everyday life, not in this State but probably in other States, not only in this country but even in other countries. Even for one who notes these on account of the faith that one has in the ancient ideals to which all of us undoubtedly pay much of, if not strict obeisance, at least lip sympathy, it has got to be remembered that we have got to look at points of view, from the actual day-to-day experience that we are having in the working of democracy in this country. The hon. Member Sri Karayalar yesterday said, 'Democracy is the Government of the people, by the people and for the people.' May I respectfully tell him that he has forgotten one additional phrase 'through the wisest and best among the people'?

SRI L. S. KARAYALAR: I was referring to Abraham Lincoln's definition of 'democracy'.

DR. A. LAKSHMANASWAMI MUDALIAR: The hon. Member will see what Lindsay says in his 'Treatise on Modern Democracy'. You find this as the definition that was given by Cromwell who was the first to introduce the expression 'democracy' and by Col. Rainborough who discussed this question and

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they said, 'Democracy is the Government of the people, for the people, by the people and through the wisest and best among the people'. Mark the word 'wisest'. It is not the educational stature that makes one wise. Wisdom springs after or even without education, and some of our wisest men were (Dr. Sreenivasan: Unlettered) unlettered as my Friend always likes to supplement my remarks. Then, what is the position? Panchayats were in existence in ancient days. They were running on very well indeed. They were great institutions. Why were they great institutions? What was the atmosphere that was prevalent in those days to make these panchayats real self-governing units in the villages? It was a sense of decorum, it was a sense of appreciation of right standards of living, it was a sense of sacredness of certain fundamental truths, it was a sense of respect for people with wisdom, with character, with ability and above all with integrity—that was what made our panchayats really useful institutions whose fame spread all over the world. If the hon. Member has been quoting many people let me say that those quotations are really applicable to the condition that existed 2,000 years ago at least. (Sri L. S. Karayalar: What about Mahatma Gandhi?) I have often heard Mahatma Gandhi quoted (The Hon. Sri C. Subramaniam: Misquoted) misquoted or not quoted at all when it was perhaps a little necessary not to quote him too much. I have been, if not a follower, a close student of much of what he has written. Having read many of the articles that he wrote as indeed anyone with any sense of intelligence should read, I should say that the circumstances under which Mahatma Gandhi had to make a statement in those appeals were entirely different. The personality overweighs. Throughout the long history of the world, occasionally one great man sprang up as it were from nowhere and his words then spread. Martin Luther, Swami Ramakrishna Paramahansa, Swami Vivekananda, Mahatma Gandhi—these were not persons who really enthused the masses as much as their deputies. What is the position? Wherever we may turn—and this fact cannot be hidden—many of these institutions are not working satisfactorily. That is the mildest comment that one can make about local self-governing institutions. It is no use my having faith in my countrymen. I have infinite faith but, unfortunately, it is not producing results that I have hoped for. Almost in every panchayat, in most of the municipalities, in district boards and even in bigger corporations, there have been factions. Unfortunately, within the last few years—I do not know who was responsible—party politics have been introduced. You cannot go to any municipality without finding at least two political parties, sometimes three. I would request the Hon. the Finance Minister to tell me if it is possible for him as he undoubtedly was able to make it practicable in another sphere, to see that party politics have no place in local self-governing institutions. I attended the meeting of the leaders of political parties and I was a silent admirer of the discussion that took place at the meeting, at any rate, of political leaders who said that they would not allow party politics to enter into educational institutions. I am living in hope and faith and

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I am taking a charitable view of things that that thing will continue for a long, long time. When we talk of local self-governing institutions, only the other day there were some ugly, scenes in one of the biggest Corporations. I am sorry to have to refer to this but this pours cold water on those like me who still feel whether this policy will be a great success as it ought to be.

(Deputy Chairman in the Chair.)

Coming to some of the provisions of the Bill, I must say that such provisions do not inspire one with the hope that real panchayat self-government will be possible. The hon. Member . . . Sir, I was not aware of your occupying the Chair. You have stated that you noticed, for instance, that the powers of the Inspector were far too many. May I respectfully state that I agree with you and that I was myself surprised to find it so? I do not know who this Inspector is going to be. He will be an officer; that is all I can vouchsafe, possibly he will be an I.A.S. officer. I have got respect for him but he has got his own limitations. This officer has to do many things. He is to control panchayats, is to decide when a president goes astray, is to frame charges against him and is to get his explanation—I shall come to that portion of it a little later. Not only is he to do all these things, but there are various other ways in which he can exercise his authority. He can, as a matter of fact, amend the regulations passed by the panchayat, modify them, delete them or in any way change them. No further authority is necessary to see whether he has done the right thing or not. He may, if he likes, take on all the duties, recommend that the panchayat should be abolished and probably make other arrangements. So far as the receipts and disbursements are concerned, he has the power to pass orders not only as to the disposal of the property that the panchayat may have but also as to the discharge of liabilities. Wherefrom he will be able to discharge those liabilities I do not know. Then, he has the power, whether at the request of the panchayat council or otherwise to extend the provisions of the Madras District Municipalities Act to the panchayat and so on and so forth. But some of the powers do seem to me to be extraordinarily severe that are handed over to him. Clause 61 says—

'Power to punish officers and servants.—Subject to such control as may be prescribed by the Government, the executive officer or the commissioner may censure, fine, withhold increments or promotion from, reduce to a lower rank in the seniority list, or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any officer or servant in the service of the panchayat or panchayat union council as the case may be for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.'

Sir, these are powers that are undreamt of. So far as the official code is concerned, even the Hon. Ministers have not got that power. For instance, I cannot touch or dismiss a person working in my

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office because there will be at once satyagraha. The president of his labour union will come and dismiss me rather than dismiss the others. (Sri S. T. Adityan: Also throw stones.) Yes, sometimes we have to face the throwing of stones also. I faced it once and I do not want that to be repeated. What I am saying is that in the procedure where punishment is laid down, there is a procedure for an enquiry, may be by a single authority. There should always be the power to appeal. No absolute right can be given to a person who is, after all, a commissioner or somebody like that. I think it is too much and when I see that that provision can apply to all those who are serving in the panchayat unions as doctors and engineers or in whatever other capacity they may be, I do feel that that requires looking into very carefully.

Now, in regard to two or three important functions of the panchayat union councils and the panchayats, naturally I am most interested in education and the manner in which education can be spread. I do feel that so far as primary education is concerned, the Constitution lays responsibility on the State and I doubt whether the State can delegate that responsibility to the panchayat union councils. If we want education to spread, if we want to fulfil the obligations which have now been lowered because of the difficulties of finance—it should be for a five-year period and up to the year 1965—I consider that the State should have the supreme authority in regard to primary education. I take it that the primary education referred to here does not extend to the seven-year period and is probably limited to the five-year period and that is all the more reason why I feel that it should be the responsibility of the Government.

We have been discussing with some of those who are responsible for the welfare of women, particularly with the lady who is now in charge of it, as to what steps should be taken for the furtherance of education, and one of the conclusions that was arrived at was that primary education should by and large be the concern of women teachers. I do hope that the day is not far off when primary education would be the concern of women teachers, whether they are part-time or full-time workers. I have advocated part-time employment because I am a great believer in family life which is doing real service as compared with the social service which we now see is so much broadcast outside. Now, if primary education is to be the concern of women teachers, I venture to suggest that it is all the more the reason why the Government should have control over primary education. About twenty years ago, when I went to address a Provincial Educational Conference in a place which I shall not mention here, in South India, a Deputy Inspectress of Schools came to me with a *mahazar* from the women teachers and said: 'Sir, 320 teachers had been transferred because elections were coming and they had to be suitably adjusted in the interest of the parties concerned'. I am stating these facts not with any desire to criticize. It is a humiliating fact that one has

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to bear with. We cannot forget it. Therefore, I feel all the more that especially in regard to women teachers, the Government should be responsible. So far as women's education is concerned, I venture to make this suggestion that at the primary level, there should be a Deputy Inspector of Education who should be responsible for that education and who should keep in touch with the women teachers, know their hardships and difficulties, encourage them and thus strengthen the possibilities of more women teachers coming forward.

As far as secondary education is concerned, I agree with my hon. Friend Mr. Krishnamoorthy that it should be the responsibility of the Government. I do not think we can afford to entrust it to a private agency. If the Government desire at a later stage, that a statutory body should be created, so that they may be in a position, through this statutory body, to control the spread of education, I shall not be hesitating to have such a statutory body. Secondary education is going to be the most important link in the whole sphere of education. Secondary education links vocational, technical and higher education and we hope that it will be so perfectly imparted that it will be an essential unit by itself so that those who pass out of the secondary stage may find fruitful employment if they do not want to pursue the course further.

I am glad that the Hon. Minister has stated that the hospitals will be under the care of the Government and that they are proposing to take them over. May I respectfully suggest that dispensaries also should be taken over by the Government? The persons who are in charge of these dispensaries are graduates in medicine and we have had complaints that the life of the medical men is not altogether a bed of roses. I know he cannot sleep comfortably at night. He has many humiliating things to face and he has to attend to his work both day and night. Therefore, if we really want public health and sanitation to be properly observed, they are not to be considered as problems confined to the small panchayat or panchayat unions. They are wider problems. Can the panchayat unions look after vaccination and look to the prevention of the spread of epidemics and malaria? Right in the centre of the City of Madras we have got a hospital which is catering to the infectious patients. In this connexion, I venture to suggest that if two Hon. Ministers who are sitting here can only find time to go there, the picture that they will present will be something which is indescribable. If that is the way in which the epidemics are controlled in the premier Corporation, do we expect that in the panchayat union area there will be a better method of approach to the problem of epidemics? As a matter of fact, what voice had the Hon. the Minister for Health, who is not here now, in the framing of this kind of statute and other things? I do not know and I do take it that he must have been consulted and if not, his positive consent, at least his negative consent, might have been obtained. But I say this. We cannot now afford to leave these things of national importance to

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small bodies. If cholera spreads, it is not confined to a small village. It spreads with such rapidity through water courses and through the traffic that is there and there is conflagration. We have for the last 100 years closed the stables after the horses have been stolen. Are we to continue that state of affairs? In the big conference of Health Organizers I was asked, 'why is it that India and Pakistan alone are still going on manufacturing cholera cases and smallpox cases whereas in most countries it has been completely eliminated?'. I venture to suggest that these are not things which could be left to the panchayat union councils. The Government's responsibility cannot by any means be delegated to any authority like that.

Sir, I now come to a point which concerns the possibility of getting all the people who should run these panchayats and panchayat union councils. The Hon. Minister was pleased to state that there would be about 358 panchayat union councils and about 20,000 or 25,000 panchayats. Sir, when I think of these large numbers and when I think of all the duties that they have to discharge and the powers they have to exercise—it may be very cynical of me to say that and I may be blamed—I ask, 'Are we in a position to get the 25,000 people who can be effectively presidents of our panchayats and are we in a position to get these 400 people who could be effectively chairmen of the panchayat union councils?' If that is so, I beg to be pardoned. All that I can say is 'Forgive me if I am not so enthusiastically hopeful of this.' I agree we must try this in as many places as possible. But my own submission is 'Excellent as this Bill is in many respects could we not try implementing it in this or that circle?' We have pilot projects in science, in industry and in every sphere of national activity. Would it be too much for the Government to try a pilot project where they can concentrate? They had pilot projects with regard to many schemes of improvement. Have such a pilot project and then see how it works. Have a smaller area, a homogeneous area. Let them select the best they want. One of our former Chief Ministers, Mr. Rajagopalachari, selected his own town of Salem for the great experiment on Prohibition. I am asking the Hon. Minister to select Coimbatore, if he likes or the Hon. Minister in charge of Local Self-Government to select Nagercoil or any other small area and try there for a year or two. Nothing will be lost. On the other hand, you will gain a great deal of experience by getting together all the facts and try to see in what way you can improve upon that scheme.

Sir, as regards finance, I do not exactly know what will be the nature of finances. I think the Hon. Minister stated that the total finance would be about Rs. 6 per head. Well, Sir, whether this includes all the services, whether this includes also the overhead charges and administrative charges, I do not know. But surely finance is one of the things that have to be considered when a large-scale experiment of this nature has to be undertaken.

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Then, Sir, I come to the most painful part of the chapter which I think ought not to be there. I refer to what is known as the no-confidence motion against the chairmen and the presidents and the procedure that is sought to be established. I do admit that a great deal of ingenuity has been exercised in regard to this matter and that in view of the many things that have taken place, a formula has been suggested now. Sir, it seems to me that this no-confidence motion has been the bane of Local Self-Government ever since the then Minister Sri B. Muniswamy Naidu, introduced it somewhere in the year 1930. Till then there was no such provision either in regard to the district boards or the municipalities. That one unfortunate introduction has ruined the very system of Local Self-Government.

Sir, there is no use of saying that I do not go to the villages and that, therefore, I do not know enough. An old proverb that is so often repeated is: 'The churchman knows a man at his best, a lawyer at his worst, but a doctor knows a man or woman as he or she is.' I can say from very informative anecdotes that have been given to me that this no-confidence motion is the sword of Democles that is always hanging over the head of any local self-government institution. By this one provision for a no-confidence motion, the presiding person is forced to do things that he would never have done and is forced to succumb influences that he would never have allowed himself to be subjected to. Because in all these things, it is not all men that can stand up, as the Hon. Minister can, against those forces. Therefore, I say that this no-confidence motion, whatever may be the manner in which you have tried to side-track its effectiveness, is the sword of Democles hanging over the head of the chairman and the president. Not only that. The procedure that has been suggested is, in my view, a procedure which exalts officialdom to the highest level. It is the Inspector that is to frame charges and ask for explanations and then he has got to send them to the panchayat where there would be no discussion, where the Tahsildar would be presiding and where votes must be taken and a decision taken. It is no doubt true that in some cases it does not matter whether it is the Revenue Divisional Officer or the Inspector, for, a two-thirds majority is required. It is the sort of thing that is necessary to see that one more than one-third is not got by the other side by whatever means. I need not describe that. That is the true state of affairs. Therefore, my earnest request to the Government is 'Remove this provision about no confidence motion'. Have power with the Government, if necessary. I am prepared for that. If the Inspector makes any serious allegations against the chairman or the president, do not worry about what the people would say; take the power into your hands; have an enquiry by any other officer and come to your own conclusions. Do not hesitate to say that you will remove the chairman or the president or dissolve the panchayat or the panchayat union council. Thereby the Government would be saving not merely the panchayat but the many good things in the panchayat. If this is allowed

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to stay on, I have no doubt that it will be a great harassment to anybody. Do you expect under these circumstances that anybody who really deserves to be chairman or president would be prepared to accept the presidentship or chairmanship? I frankly doubt it. Why is it that to-day people have got to be nominated? Why is it that it is necessary sometimes to persuade people to seek election? Why is it, Sir, that out of the total population of voters, we get hardly 40 per cent or 35 per cent to go to the polls? Why is it that a person who is elected is often elected with a narrow majority which may be about 51 or 52 per cent out of one-third of the total electorate? People are apathetic. People have lost faith, the virile faith that they should have in these institutions. How can we bring it back? I wish there were another Mahatma Gandhi to enthuse them. But to-day, unfortunately, it is not the case. Therefore, under the circumstances, I would beg to suggest that it would be very much better not to have this provision for a no-confidence motion, whatever be the procedure you may like to lay down. Rather, be bold; place the matter in the hands of the Government. Why do I say 'in the hands of the Government?' For, you are in the glare of publicity. That you cannot avoid. You are here and in the other House. Some people, if not all, like myself do not hesitate to say things which are unpleasant. The thing is getting publicised. Therefore, no Minister can afford under such circumstances to do anything that will not come to light. I have confidence that they will do the right thing, at least in this State. I have always stated that if democracy is to succeed to any extent, any limited extent at least, the State of Madras has set an example for every other State. (Interruption). I am not afraid of those people. So long as we conduct ourselves on proper lines, those people have very little chance to play. It is only when things went wrong that they had their play. If you do the right thing boldly, there is no question that you will have the sincere respect of all; then we will be respected and you will be respected. Therefore, I conclude not by subjecting every clause to any critical examination, but by appealing to the Government to consider my suggestions. There are only two suggestions that I have made. Try to see whether you can implement the suggestion to have a pilot project. It may be in four districts—I do not suggest that it should be in four centres—but as a pilot project, experiment with it, and see what results you can get. You will have a concentration of effect in those areas. Ministers can go and enthuse the people to the right attitude in this connexion and if it is successful, God be with you in proceeding with it further.

*SRI N. NALLASENAPATHI SARKAPAI MANRADHAR: பெயர்
சேர்மன், ஸார், நேற்று இந்த மசோதாவைப்பற்றி மிக விளக்கமாகக் கனம்
அமைச்சர் அவர்கள் எடுத்துச் சொன்னார்கள். இன்று அதைப்பற்றி
விவாதித்துக்கொண்டிருக்கிறோம். வில்லா போர்டைக் கலைத்துவிட்டு
ஆங்காங்கு இருக்கக் கூடிய பஞ்சாயத்துப் போர்டுகள் நல்ல முறையிலே
செயலாற்றவேண்டும், கிராமங்கள் முன்னேற்றவேண்டும் என்ற காரணத்தை

[Sri N. Nallasenapathi Sarkarai Manradia] [31st October 1958]

யொட்டி இப்போது பஞ்சாயத்துப் போர்டுகளுக்கு அதிக அதிகாரம் கொடுத்து வேலை செய்ய ஏற்பாடு செய்யவிரும்புகிறது. இதை நான் முழு மனதோடு வரவேற்கிறேன்.

(Mr. Chairman in the Chair.)

ஜில்லா போர்டுகளுக்கும் பல துறைகளிலே வேலை செய்யவேண்டிய பொறுப்புகள் இருக்கின்றன. அவைகள் இப்போது மாற்றியமைக்கப்பட்டு பஞ்சாயத்துப் போர்டுகளுக்கும், பஞ்சாயத்துப் போர்டுகள் அறையும் மெம்பர்களைக்கொண்டு அமைக்கப்பட்ட கவுன்ஸில்களுக்கும் பிரித்துக் கொடுக்கப்பட்டிருக்கின்றன.

இதிலே முக்கியமாக ரோடுகளைப்பற்றிச் சொன்னார்கள். மேஜர் ரோடுகள், மைனர் ரோடுகள், லிண்ட்லேட் ரோடுகள் என்று பிரிப்படுத்தி வைக்கப் பட்டிருக்கின்றன. மேஜர் ரோடுகளை வைவேனிலே ஜில்லா போர்டின் ஸாங்ஷன் வாங்கிக்கொண்டு, என்ஜினியர் இருந்து வேலை செய்து வந்தார். அதே என்ஜினியர் மற்ற ஜில்லா போர்டுகளையும் கவனித்து எஸ்டிமேட்டுகள் தயாரித்து வேலை செய்வதற்கு உதவியாக இருக்கின்றார். மேஜர் ரோடுகள் எங்கெங்கே பஸ் ஸ்டாடுகள் இருக்கின்றனவோ அந்த ரோடுகள்—ஹேரேவெலின் கீழ் கொண்டுபோய்விட்டு அவைகளெல்லாம் கவுன்ஸில்கள் மூலமாகக் கவனிக்கப்படும் என்று இப்போது அமைச்சர் அவர்கள் சொன்னார்கள். இது வரவேற்கப்பட வேண்டிய ஒரு விஷயம். நான் ஜில்லா போர்டில் 3 வருஷங்கள் வரை இருந்த காரணத்தினால், ரோடுகளை நன்றாக அமைத்து வசதிகள் ஏற்படுத்திக் கொடுப்பதிலுள்ள கஷ்டங்கள் எனக்குத் தெரியும். அந்த 3 வருஷங்களில் ஒரு ரோடே நல்ல முறையில் அமைக்க முயற்சி செய்தேன். ஆனால் முடியவில்லை. என்னென்றால் அந்த ரோடில் ஒரு பாகம் ஜில்லா போர்டைச் சேர்ந்தது; சில மைல்கள் பஞ்சாயத்துப் போர்டைச் சேர்ந்தது; சில குறைந்த மைல்கள் ரெவின்யூ போர்டைச் சேர்ந்தது—அதாவது என்.ஈ.எஸ். ஸ்கீம்—கீழ் வந்தது. இப்படி அதன்மைய பொறுப்பு முன்று இடங்களில் இருந்ததால், நல்ல முறையில் அமைக்க முடியவில்லை. ஒரு ரோடேப் போட மூன்று ஸ்டாப்ஸ்களுடைய அமைதி பெற வேண்டியதாக இருந்தது. இப்போது ஏற்பாடு செய்யப்பட்டிருப்பதைப் பார்த்தால், தொந்தரவில்லாமல் நல்ல ரஸ்தாக்கள் அமைக்க வசதியாயிருக்கும் என்று சந்தோஷப்படுகிறேன்.

மற்றும் இப்போது டிஸ்பென்ஸரீஸ் என்றும் ஹாஸ்பிடல்ஸ் என்றும் இருக்கின்றன. ஹாஸ்பிடல்ஸ் சர்க்கார் மூலமாக நடந்து வருகின்றன. டிஸ்பென்ஸரீஸ்—எல். எஃப். டிஸ்பென்ஸரீஸ்—ஜில்லா போர்டுகளின் கீழ் இருந்து வந்தன. புதிதாக இன்று கிராமங்களில் பல இடங்களில் சமுதாய நலத் திட்டம் வந்த பிறகு, என்.ஈ.எஸ். மூலமாக, ஜனங்களுடைய ஒத்துழைப்பு மூலமாக பல இடங்களில் ஆஸ்பத்திரிகள் ஏற்படுத்தி வைத்திருக்கிறோம். அ கெஸஸ் வேலை செய்ய டாக்டர்கள் கிடைப்பதில்லை. டாக்டர்கள் ஏன் கிடைப்பதில்லையென்றால், ஜில்லா போர்டு கொடுக்கும் சம்பளத்திற்கும், சர்க்கார் கொடுக்கும் சம்பளத்திற்கும் வித்தியாசம் இருக்கின்ற காரணத்தினால்தான். டாக்டர்கள் வரத் தயாராக இருந்தாலும், அதே நேரத்தில் ஜில்லா போர்டு டிஸ்பென்ஸரிகளில் வேலை செய்ய அவர்கள் ஒத்துக்கொள்வதில்லை. ஆனால் இப்போது டிஸ்பென்ஸரிகளைக் கவுன்ஸில்களுக்கு மாற்றப்போகிறோம். ஹாஸ்பிடல்ஸ் சர்க்காரின் நேரடியான நிர்வாகத்திற்கு வந்துவிடுகின்றன. டிஸ்பென்ஸரிகள் கவுன்ஸில்கள் மூலமாக, பஞ்சாயத்துப் போர்டுகள் மூலமாக நடக்கப் போவதாக அமைச்சர் அவர்கள் தெரிவித்தார்கள். நான் என்ன சொல்ல விரும்புகிறேன் என்றால், கிராமங்களில் வேலை செய்கிற டாக்டர்களுக்குத் தனிச் சலுகை கொடுக்கவேண்டும். மலைகளிலே வேலை செய்கின்ற உத்தியோகஸ்தர்களுக்கு சர்க்கார் தனியாக ஒரு அலவன்ஸ் கொடுப்பது போல, கிராம ஆஸ்பத்திரிகளில் வேலை செய்யும் டாக்டர்களுக்குத் தனிப்பட்ட சலுகை கொடுத்தால்தான், அங்கங்கே இருக்கும் ஆஸ்பத்திரிகளில் வேலை

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நடக்கும். நமது “ஆப்போலீஷன் லீடர்” அவர்கள் மிக அழகாக விளக்கமாக எடுத்துச் சொன்னார்கள். இதையெல்லாம் அரசாங்கம் கவனித்து நல்ல ஏற்பாடு செய்யவேண்டுமானால், முதலில் அவர்களுக்கு நல்ல ஊதியம் கொடுக்கவேண்டும். டவுனில் இருந்தால் எல்லா செளகரியமும் இருப்பதால், பிரைவேட் பிராக்டிஸ் வைத்துக்கொள்ளலாம், வேறு செளகரியங்களெல்லாம் இருக்கின்றன என்று டவுன்களிலேயே இருக்கப் பிரியப்படுகிறார்கள். ஜில்லாக்களிலே, உதாரணமாக கோவையிலே பல இடங்களில் ஆஸ்பத்திரிகள் மிக நல்ல முறையில் அமைக்கப்பட்டிருந்தும், அவைகள் மூடப்பட்டிருக்கின்றன. சமீபத்திலே கனம் அமைச்சர் அவர்கள் கூட எங்கள் ஜில்லாவிலே பாத யாத்திரையிலே தெரிந்துகொண்டார்கள். ஒவ்வொரு இடத்திலும் டாக்டர்கள் இல்லையென்ற புகார்கள் தான். இவைகளெல்லாம் நல்ல முறையில் நடக்க வேண்டுமானால், டிஸ்பென்ஸரியாக இருந்தாலும், ஹாஸ்பிடலாக இருந்தாலும் நேரடியாக சர்க்கார் நிர்வாகத்தில் வந்தால் நன்றாக நடக்கும் என்பது எனது அபிப்பிராயம்.

அதைப் போலவேதான் சுகாதாரம். சுகாதாரத்திலே ஜில்லா போர்டின் கீழ் டிஸ்பென்ஸரீஸ் ஹெல்த் ஆபீஸரின் கீழ் வேலை செய்யக்கூடிய ஆபீஸர்கள் இருக்கிறார்கள். கோவில் திருவிழா போன்ற ஒரு விசேஷம் என்றால், அது ஜில்லா போர்டு மூலமாகச் செய்யப்பட்டு வந்தது. ஆனால் இப்போது அங்கங்கே கிராமப் பஞ்சாயத்துக்கள் மூலமாகக் கவனிக்கவேண்டிய நிலை இருக்கிறது. அதையும் புதிய முறையிலே ஜில்லாவாரியாக ஜில்லா கவுன்ஸிலின் நிர்வாகத்தில் நடத்த முற்பட்டால், சுகாதாரத் துறையில் நல்ல முறையில், ஜனங்களுக்கு உபயோகப்படும் முறையில், அவை செயலாற்றும் என்று எனக்குத் தோன்றுகிறது.

இன்று பெரிய ஜில்லா போர்டுகளின் வருவாயை எடுத்துக்கொண்டால், கோவையில் அதிக வருமானம் வாசு சந்தை மூலமாகத் தான் வந்து கொண்டிருக்கிறது. திருச்சி ஜில்லா போர்டை எடுத்துக்கொண்டால், பரிசல் துறையில்தான் அதிக வருமானம் வருகிறது. இப்போது பஞ்சாயத்துப் போர்டுகளுக்கு மாற்றும்போது, ஒரு பஞ்சாயத்துப் போர்டிலே வரும் சந்தை வருமானம் அதிகமாக இருக்கும். ஒரு பஞ்சாயத்துக்குக் குறைவான வருமானம்தான் வரும். இன்றைக்குக் கோவை ஜில்லாவிலே, துடியனூர் இருக்கிறது. இங்கே இருக்கக்கூடிய பஞ்சாயத்துக்கு 1½ லட்சம் ரூபாய் இருக்கிறது. இங்கே எங்கள் ஊர் பக்கத்தில் ஒரு சந்தை இருக்கிறது. வரும். அதே நேரத்தில் எங்கள் ஊர் பக்கத்தில் ஒரு சந்தை இருக்கிறது. அதற்கு 300 ரூபாய் அல்லது 400 ரூபாய்தான் வரும். இப்போது ஜில்லா போர்டிலே, எத்தனை தொகை கிடைத்தாலும், அவர்களுக்கு அதிக பட்சமாக ரூபாய் 850 கொடுக்கப்படுகிறது. ரூபாய் 850-க்குக் குறைவாக வந்தால், அந்தத் தொகை பூராவும் கொடுக்கப்படுகிறது. ஒன்றிரண்டு பஞ்சாயத்துக்களில் மாத்திரம் இவ்வளவு அதிகமான தொகை கிடைக்கலாம். இப்போது அப்போடப்பட்ட பஞ்சாயத்துக்களுக்கு அதிக வருமானம் கிடைக்குமாதலால், நல்ல முறையில் செயல்பட முடியும். அதே நேரத்தில் குறைவாக வருமானம் வருவதை வைத்துக்கொண்டு நடத்த வசதிக் குறைவு இருக்கும். இப்படியில்லாமல் இதை நல்ல முறையில் பகிர்ந்து, ஜில்லா கவுன்ஸில் பூரா வருமானத்தையும் எடுத்துக்கொண்டு, அதன் கீழுள்ள பஞ்சாயத்துக்களுக்குப் பகிர்ந்து கொடுத்தால், மிக உபயோகமாக இருக்கும் என்பது எனது அபிப்பிராயம்.

அதுபோலவே, கால்நடை அபிவிருத்திக்குக் காரணமான செயற்கை 4-4
முறை கருத்தறிப்பு நிலையங்கள் ஆங்காங்கு கிராமங்களிலே ஏற்பட்டுவிட்டன p n
என்று சொல்லலாம். எங்கெங்கு பிளாக் டெவலப்மெண்டு ஏற்பட்டதோ,
அங்கெல்லாம் இந்த நிலையங்கள் ஏற்பட்டிருக்கின்றன. இனிமேல் புதிதாக
பிளாக் டெவலப்மெண்டு ஏற்படவேண்டிய இடங்களில்தான் இம்மாதிரி
நிலையங்கள் இல்லாமல் இருக்கின்றன. இப்பொழுது பஞ்சாயத்துப் போர்டுச்
சட்டத்திலே பார்க்கும்பொழுது, அநேகமாக பிளாக் டெவலப்மெண்டு,
என்.ஈ.எஸ். ஸ்கீம்கள் ஒன்றாகச் சேர்ந்துதான் செயல்பட இருக்கின்றன.

[Sri N. Nallasenapathi Sarkarai Manradliar] [31st October 1958]

இது வளையில் பிளாக் டெவலப்மெண்டில் சேராமல் புதியதாகப் பிளாக் டெவலப்மெண்டில் சேர்ந்து வரக்கூடிய இடங்களிலே முழு முயற்சியுடன் நல்ல முறையில் நாம் வசதி செய்து கொடுத்தால், உடனடியாகக் கிராமங்களிலே நல்ல முன்னேற்றம் ஏற்படும். புதியதாகப் பஞ்சாயத்துப் போர்டுகளின் கீழ் வரக்கூடிய கிராமங்களையும் நல்ல முறையில் முன்னேற்றத்திற்குக் கொண்டுவரமுடியும் என்ற நம்பிக்கை எனக்கு இருக்கிறது.

அடுத்தபடியாக, நான் அடிக்கடி சர்க்காரைக் கேட்டுக்கொண்டிருக்கிறேன். இப்பொழுது இங்கே கவுன்ஸில் மெம்பர்களில், வாத்தியார் களுடைய தொகுதி என்று ஒரு சாரார் இருக்கிறார்கள். அதுபோலவே, பட்டதாரிகள் என்ற முறையிலே ஒரு சாரார் இருக்கிறார்கள். எங்களைப் போல ஒரு சாரார் இருக்கிறார்கள். அதே நேரத்திலே கிராம உத்தியோகஸ்தர்களுக்கும் ஒரு இடம் வேண்டும் என்று நாங்கள் பல முறை கேட்டிருந்தோம். அந்த முறையில் பார்க்கும்பொழுது, எதோ இந்தக் கவுன்ஸில் இடம் இல்லாமல் போய்விட்டாலும்கூட, கிராமத்திலே இருக்கக்கூடிய பஞ்சாயத்துப் போர்டுகளிலாவது மெம்பர்களாக வரக்கூடிய தகுதிக்கூட இல்லாத முறையிலே, இந்தக் கிராம உத்தியோகஸ்தர்களை இங்கு கொண்டு வந்திருக்கிறார்கள். இதை நான் கொஞ்சம் வருத்தத்துடன் தெரிவித்துக்கொள்கிறேன். அவர்கள் சர்க்கார் உத்தியோகஸ்தர்கள் என்று கருதப்படுகிறார்களேதவிர, முற்றோ வேலை செய்கின்றவர்களாகக் கருதப்படவில்லை. ஆனால், அதே நேரத்திலே பஞ்சாயத்துப் போர்டு எலெக்ஷனுக்குக் கூட நிர்ப்பந்தம் அவர்களுக்குத் தகுதியில்லை என்ற முறையில் இங்கு கொண்டுவந்திருப்பதுபற்றி நான் வருத்தப்படுகிறேன். கிராம வளர்ச்சியிலாவது, கிராமத் துறையிலாவது அவர்களுடைய சேவை இருக்க வேண்டும் என்பதைக் கருதி கனம் அமைச்சர் அவர்கள், கிராம உத்தியோகஸ்தர்கள் பஞ்சாயத்துப் போர்டுகள் எலெக்ஷனுக்கு நிற்க முடியாமல் இருக்கக்கூடிய கஷ்டத்தை நிவர்த்தி செய்ய வேண்டுமென்று அவர்கள் சார்பாகக் கேட்டுக்கொள்ளுகிறேன்.

பொதுவாக, ஜில்லா போர்டுகளிடமிருந்து சில காரியங்களில் சில அதி காரங்களை எடுத்துவிட்டு, சில வருவாயையும் எடுத்துவிட்ட காரணத்தினாலே, பல இடங்களில் ஜில்லா போர்டுகளை நல்ல முறையிலே நடத்துவதற்கு நிதி வசதி இல்லாததனால், இப்பொழுது இந்த ஏற்பாடுகள் செய்யவேண்டுமென்று கருதி, அதையொட்டி இந்தச் சட்டம் கொண்டுவர முன் வந்திருப்பதை நான் மிகவும் பாராட்டுகிறேன். இந்தத் துறையிலே எந்தெந்தக் கிராமங்களில் பஞ்சாயத்துப் போர்டுகளில் ஒத்துழைப்பு இருந்து ஜனங்கள் ஒற்றுமையுடன் பாடுபடுகிறார்களோ, அங்கே மிக நல்ல வளர்ச்சி ஏற்படும் என்பதில் கொஞ்சங்கூட சந்தேகம் கிடையாது. கனம் நண்பர் எங்கள் ஜில்லாவிலே குமாரப்பாளையம், பவானி, ஆகிய இடங்களிலே பல கஷ்டங்கள் இருப்பதை எடுத்துச் சொன்னார். அதே நேரத்தில் அவர்கள் இன்னொன்றும் சொன்னார்கள். எல்லோரும் ஒன்றாகச் சேர்ந்து கூட்டம் கூட்டி நல்ல முறையில் எடுத்துச் சொன்னேமேயானால், அவர்கள் அதற்குப் பணிந்து நல்ல ஒத்துழைப்புடன் தலைவர்களையும், மெம்பர்களையும் தேர்ந்தெடுக்கிறார்கள் என்றும் சொன்னார்கள். அந்த முறையில்தான் எங்கள் ஊர் பக்கத்தில் சில பூசல்கள் வரவிருந்தன. இம்மாதிரிக் கூட்டம் கூட்டிச் சொன்னதின்பேரில் அமைதி ஏற்பட்டுவிட்டது. அமைதி ஏற்பட்டு நல்ல முறையிலே தலைவர்கள், மெம்பர்கள் தேர்ந்தெடுக்கப்பட்டிருக்கிறார்கள். என்கு ஒத்துழைப்பு அதிகமாக இருக்கிறதோ, அங்கு ஒத்துழைப்பின் காரணமாக நல்ல வேலைகள் செய்வதற்கு வாய்ப்புக் கிடைக்கிறது. ஆகவே, இதை யெல்லாம் பார்க்கும்பொழுது ஆங்காங்கு இருக்கக்கூடிய கிராம மக்கள் வெள்ளை மனம் படைத்தவர்களாக இருக்கிறார்கள். அவர்களுக்கு மற்ற சூட்சுமங்கள் தெரிவதில்லை. நல்ல முறையில் அவர்களுக்கு எடுத்துச் சொல்வதற்கு ஒரிரண்டு தலைவர்களைத் தயாரித்துக்கொண்டோமானால், அந்தக் கிராமங்களை நல்ல முறையிலே வளர்ச்சி அடையச் செய்வதில் நாமும் ஒரு பங்கு கொண்டோம் என்பதை நினைத்து சந்தோஷப்பட முடியும். கிராமங்கள் வளர்ச்சி அடைவதற்கு நல்லதோர் ஏற்பாடு செய்ய

[Sri N. Nallasenapathi Sarkarai Manradliar]

வேண்டுமென்று கருதி ஒரு நல்ல சந்தர்ப்பத்தில் அதற்குரிய நல்ல தோர் சட்டத்தை சர்க்கார் கொண்டுவந்தது குறித்து மிகவும் மகிழ்ந்து, பாராட்டிக்கொண்டு, என்னுடைய உரையை முடித்துக்கொள்ளுகிறேன்.

MR. CHAIRMAN: Does any other hon. Member want to speak?

(No hon. Member rose.)

MR. CHAIRMAN: The House will not adjourn and meet again at 11 a.m. to-morrow.

The House then adjourned.

THE MADRAS LEGISLATIVE COUNCIL

Saturday, the 1st November 1958.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Defalcation of drug stores in Government General Hospital, Madras.

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

(a) Whether there was recently any case of defalcation of drug stores in Government General Hospital, Madras;

(b) if so, the details of the case;

(c) the estimated loss to Government and the action taken, if any, against the officials concerned;

(d) the procedure followed in the matter of stores audit in the Government City and District Headquarters Hospitals; and

(e) the action taken or proposed to be taken by the Government to prevent the recurrence of such cases?

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

(b) & (c) The matter is under investigation.

(d) & (e) A statement ^a is placed on the table of the House.

SRI T. PURUSHOTHAM: Have the Government investigated how far this sort of defalcation has been going on in the drug stores of the General Hospital and why the authorities concerned have not looked into it so far?

THE HON. SRI M. A. MANICKAVELU: It was spotted out now only, Sir. The proposal is to have a departmental audit also and steps are proposed to be taken about it.

SRI T. PURUSHOTHAM: With reference to the answer of the Hon. Minister, may I know whether the Director of Medical Services has sent up any definite scheme for stores audit in Government hospitals and when the scheme will be put through?

THE HON. SRI M. A. MANICKAVELU: Yes, Sir. The Director of Medical Services sent up proposals. We are examining them and seeing how best to implement them.

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SRI T. PURUSHOTHAM : Is there not a specially qualified and experienced Assistant Director of Medical Services (Accounts) attached to the office of the Director of Medical Services and is he not required to inspect periodically the drug stores in all the hospitals?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir. An officer also is expected to check and audit the drug stores accounts. That has not been sufficient because the transactions were so heavy. That is why the Government now propose to have peripatetic audit parties for looking into these accounts.

DR. A. SREENIVASAN : Is it a fact that the poor compounders have been victimised for these defalcations whereas people placed above them have been excused, as it were, and have not been incriminated in these offences?

THE HON. SRI M. A. MANICKAVELU : There is no question of poor or rich people in this matter. Whoever has been found responsible for the defalcation, action has been taken against him.

DR. A. SREENIVASAN : Will the Government agree to appoint a committee to go into these cases of defalcation because the tendency of the department is always to whitewash the whole thing?

THE HON. SRI M. A. MANICKAVELU : No, Sir. Whitewashing will be prevented. I said that the matter was under investigation.

SRI MOHAMED RAZA KHAN : What is the actual estimate of the loss involved?

THE HON. SRI M. A. MANICKAVELU : About Rs. 37,000.

Padaleeswarar temple in Cuddalore N.T.

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

(a) the number of houses owned by Sri Padaleeswarar temple in Cuddalore N.T., South Arcot district;

(b) whether these houses are repaired periodically;

(c) whether there are any cases wherein private persons have constructed houses on the temple land; and

(d) if so, the action taken thereon?

THE HON. SRI M. BHAKTAVATSALAM : (a) Eighteen.

(b) Yes.

(c) Four persons have constructed houses with the approval of the Board of Trustees.

(d) Does not arise

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SRI M. ETHIRAJALU : நான்கு வீடுகள் கட்டப்பட்டதாகச் சொல்லப்படுகிறதே, அந்த நான்கு வீடுகளில் ஏதாவது மெத்தை தளங்கள் வைத்திருக்க கட்டப்பட்டிருக்கின்றனவா? அப்படி கட்டப்பட்டிருந்தால், எந்த உபநித்தானத்தின் கீழ் கட்டப்பட்டிருக்கிறதென்று சொல்வார்களா?

THE HON. SRI M. BHAKTAVATSALAM : எப்போதப்பட்ட வீடுகள் கட்டப்பட்டிருக்கின்றன என்ற தகவல் என்னிடம் இல்லை. ஆனால் குத்தகை உபநித்தானம் உண்டு. அந்த உபநித்தானம் ஐந்து ஆண்டுகளுக்குப் பிறகு, அந்த இடத்தைக் காலியாகக் கோயிலுக்கு ஒப்படைத்துவிட வேண்டுமென்று ஒரு நிபந்தனை.

SRI M. ETHIRAJALU : பிரியாடிகலாக ரிப்பேர் செய்யப்படுகிறது என்று சொன்னார்கள். ஆனால் சில வீடுகள் இன்னும் ரிப்பேர் செய்யப்படாமலிருக்கின்றன. சில ஏழைகள் என்னிடத்தில் வந்து தெரிவித்திருக்கிறார்கள். இதுவரை ரிப்பேர் செய்யப்படாத வீடுகளையெல்லாம் உடனடியாக ரிப்பேர் செய்து கொடுக்கும்படி அமைச்சர் அவர்கள் உத்தரவு இருவார்களா என்று கேட்கிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : கனம் அங்கத்தினர் அவர்கள் இதுபற்றிய விவரங்களையெல்லாம் என்னிடம் கொடுத்தால், அதைப்பற்றிக் கவனம் செலுத்துகிறேன்.

SRI A. GAJAPATHY NAYAGAR : அந்த வீடுகளில் குடியிருப்பவர்களுக்கும், டிராஸ்டிகளுக்கும் ஏதாவது எழுத்து மூலம் ஒப்பந்தம் உண்டா?

THE HON. SRI M. BHAKTAVATSALAM : ஒப்பந்தம் உண்டு. எழுத்து மூலம் உண்டா, இல்லையா என்பது தெரியவில்லை.

VIDWAN T. MUTHUKANNAPPAN : இப்படியே, அடையாற்றிலுள்ள திருவண்ணாமலை தேவஸ்தானத்துக்குச் சொந்தமான கோவில் நிலங்களிலும் பல திடீர்ப்புரங்கள் உதயமாயிருக்கின்றன என்பது அரசாங்கத்திற்குத் தெரியுமா? அதைப்பற்றியும் ஏதாவது நடவடிக்கை எடுக்கப்படுமா?

THE HON. SRI M. BHAKTAVATSALAM : திருவண்ணாமலைக்கும், கடலூருக்கும் கொஞ்ச தூரம் இருக்கிறது. தனியாகக் கேள்வி கேட்டால் பதில் சொல்லுகிறேன்.

SRI V. V. RAMASWAMI : கோயிலைச் சேர்ந்த கட்டிடங்களைக் கட்டு முன் சரிபார்ப்பதற்கும், கட்டிய பிறகு பழுது வராமல் பார்ப்பதற்கும், அந்தக் கோயிலைச் சேர்ந்த இன்ஜினியர்கள் இருக்கிறார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : சில இடங்களில் இன்ஜினியர்கள் நியமிக்கப்பட்டிருக்கிறார்கள். அங்கெல்லாம் உதவி கிடைக்கும்.

Tamil film "Malaiyitta Mangai"

* 128 Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Home be pleased to state whether the Government have received any complaint about a certain episode in a Tamil film "Malaiyitta Mangai" with regard to blood transfusion and, if so, the action taken or proposed to be taken in the matter?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. The Government have received a complaint from the Member himself about a certain episode in Tamil film "Malaiyitta Mangai" with

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regard to blood transfusion. The matter has been taken up with the Government of India, Ministry of Information and Broadcasting.

SRI T. PURUSHOTHAM : Have any officers of the Medical Department inspected the film in question and has any report been received by the Government as to the effect of this particular portion in the film on the general public?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that the producer of the film has himself voluntarily agreed to cut out that portion and that has been approved by the Board of Censors also.

SRI T. PURUSHOTHAM : Has that portion been cut out, Sir?

THE HON. SRI M. BHAKTAVATSALAM : The producer of the film has agreed to cut out that portion, and it should have been cut out.

SRI MOHAMED RAZA KHAN : What is the objectionable portion? The reference is only about blood transfusion.

THE HON. SRI M. BHAKTAVATSALAM : The objectionable portion is a portion ridiculing the blood transfusion whereas we are anxious to popularise blood transfusion.

SRI K. T. KOSALRAM : இந்த பிலிம்களை 'சென்சார்' செய்வதற்கு ஒரு போர்டு இருக்கிறது. அந்த போர்டை நியமிப்பது மத்திய சர்க்காரா, ராஜ்ய சர்க்காரா? மத்திய சர்க்கார் என்றால், அதன் மெம்பர்களை நியமிப்பதற்கு முன்பு ராஜ்ய சர்க்கார்களின் அபிப்பிராயத்தைக் கேட்கிறார்களா? இப்போது யார் யார் அந்தக் கமிட்டியில் இருக்கிறார்கள் என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : இப்போது இருக்கிற நடைமுறையில் மத்திய சர்க்கார்தான் பிலிம் சென்சார் போர்டை நியமிக்கிறது. அவர்கள் இந்த அரசாங்கத்தின் அபிப்பிராயத்தைத் தெரிந்துகொண்டு நியமிக்கவேண்டுமென்பதில்லை. அதன் அங்கத்தினர்கள் யார் யார் என்பதற்கும் என்னிடத்தில் தகவல் இல்லை.

SRI K. T. KOSALRAM : சென்சார் போர்டு அங்கத்தினர்களை இந்த அரசாங்கத்தைக் கலந்துகொண்டு நியமிக்காமல் தாங்களாகவே மத்திய சர்க்கார் நியமிப்பதன் காரணமாகத்தான் பல குறைபாடுகள் ஏற்படுகின்றன என்பதை அரசாங்கம் ஒத்துக்கொள்ளுமா?

THE HON. SRI M. BHAKTAVATSALAM : மத்திய அரசாங்கத்தினுடைய ஜூரிஸ்டிக்ஷனில் இந்த சென்சார் போர்டு இருக்கும்போது, அவர்களே அதன் அங்கத்தினர்களை நியமிப்பதில் எவ்விதத் தவறும் இல்லை.

SRI T. PURUSHOTHAM : What is the general procedure adopted to check the display of such objectionable films or portions in the films?

THE HON. SRI M. BHAKTAVATSALAM : Whether it is objectionable or not is left to the Board of Censors to decide. If the Board of Censors approves it, then it is allowed to be displayed.

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SRI K. T. KOSALRAM : நான் கேட்ட கேள்வியைச் சரியாகப் புரிந்து கொள்ளாமல் அமைச்சர் அவர்கள் பதில் சொல்கிறார்கள். இந்தத் தமிழ் நாட்டிலுள்ள பிலிம்களை 'சென்சார்' செய்வதற்கு இந்த அரசாங்கம்தான் அதன் மெம்பர்களை நியமிக்க வேண்டுமென்பதை அரசாங்கம் ஒத்துக் கொள்கிறதா? இந்த அரசாங்கத்தைக் கேட்டுக்கொண்டு கூட மத்திய அரசாங்கம் நியமிக்காதது தவறு இல்லையா என்பதுதான் என் கேள்வி.

THE HON. SRI M. BHAKTAVATSALAM : அங்கத்தினர் கேட்கிற கேள்வி புரிவதில்லை. கேள்விகளைப் புரிந்துகொண்டுதான் கூடுமான வரையில் பொருத்தமான பதிலை அளிக்கிறேன். மத்திய அரசாங்கம் தமிழ் நாட்டுக்கும் அரசாங்கம்தான்.

SRI V. V. RAMASWAMI : இருந்தாலும் தமிழ் நாட்டில் தமிழில் தயாரிக்கப்படுகிற படங்களைத் தணிக்கை செய்வதற்கு நமது அரசாங்கத்தா ராலேயே நியமிக்கப்பட்ட ஒரு குழு இருந்தால், நல்ல முறையில் தணிக்கை செய்ய முடியும் என்பதை அமைச்சர் அவர்கள் ஒப்புக்கொள்வார்களா?

THE HON. SRI M. BHAKTAVATSALAM : தமிழ் நாட்டைப் பொறுத்த 11-10
வரையில், தமிழ் நாட்டைச் சேர்ந்தவர்களையே தான் மத்திய அரசாங்கமும் a.m.
சென்சார் போர்டில் நியமிக்கிறது. அவர்களையும் கூட இந்த அரசாங்கமே நியமிக்க வேண்டுமென்று கேட்பது இந்த அரசாங்கத்தின் கௌரவத்திற்கு உகந்ததல்ல.

SRI MOHAMED RAZA KHAN : Sir, am I to understand that since the film has been shown, blood transfusion in the City of Madras has been stopped?

THE HON. SRI M. BHAKTAVATSALAM : I am sure, Sir, that the hon. Member is not quite serious about the apprehension. But the hon. Member who put the question had this apprehension. Therefore, we wanted to check and curb it.

SRI L. S. KARAYALAR : Sir, I would like to know whether it is the duty of all the film producers here to support what the Government say and whether they have got the right to criticise the action of the Government and also whether the exhibition of that portion of the film had ridiculed blood transfusion.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I do admit that the producers of the films have the right to criticise the action or even the attitude of the Government. But in this case, it was found that it would not be in the interests of medical service to allow it. Blood transfusion has been accepted as a noble thing and people are advised to offer their blood in the interests of saving human lives. Therefore, it was felt that it was not right to ridicule blood transfusion.

SRIMATHI S. MANJUBHASHINI : Sir, will the Hon. Minister kindly enlighten us on whether the Board of Film Censors censure only Tamil films or films in other languages also?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I have not got the exact information. But I believe that the Board of Censors appointed for this State censors all kinds of films in all languages.

DR. A. SREENIVASAN : Sir, are not the present Members of the Censor Board Tamilians?

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THE HON. SRI M. BHAKTAVATSALAM : Sir, I suppose they are Tamilians. At any rate, they belong to Tamil Nad.

SRI M. ETHIRAJALU : இனிமேல் சென்சார் போர்டுக்கு நியமிக்கும் மெம்பர்களை, இந்த அரசாங்கம் சிபார்சு செய்யும் பெயர்களிலிருந்தே பொறுக்கவேண்டுமென்று மத்திய அரசாங்கத்தை இந்த அரசாங்கத்தார் வற்புறுத்துவார்களா?

THE HON. SRI M. BHAKTAVATSALAM : நான் முன்பே குறிப்பிட்டேன். பிலிம் சென்சார் போர்டு மத்திய அரசாங்கத்தின் ஜூரிஸ்டிக்ஷனில் இருக்கிறது. நம்மிடத்தில் இருந்தால் வேறு விஷயம். ஆகவே, நாங்கள் சிபார்சு செய்கிறவர்களைத்தான் நியமிக்கவேண்டுமென்று இந்த அரசாங்கம் வற்புறுத்துவது இதன் கௌரவத்திற்கே உகந்ததல்ல என்று குறிப்பிட்டேன்.

SRI MOHAMED RAZA KHAN : Sir, the Government of Madras are taking steps to popularise birth control and family planning. For argument's sake, I say that some other person also ridicules blood transfusion. Will the Government take action against him?

THE HON. SRI M. BHAKTAVATSALAM : Sir, individual cases will have to be examined on the merits of each case.

SRI K. T. KOSALRAM : கனம் அமைச்சர் அவர்கள் மத்திய சர்க்காரும் நம்முடைய சர்க்கார்தான் என்று குறிப்பிட்டார்கள். அதை நான் ஒப்புக்கொள்கிறேன். அவ்விதம் இருக்கும்போது, அவர்களுக்கு நமது அரசாங்கம் சிபாரிசு செய்வதை அவமானமாகக் கருதுவதாக (ஒரு குரல்: அவமானமா?) அகௌரவமாகக் கருதுவதாகக் கூறுவது பொருந்துமா என்று கேட்கிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : நம் கௌரவத்திற்கு உகந்ததல்ல என்றுதான் சொன்னேன். தமிழ் அங்கத்தினருக்கு நன்றாகப் புரியும்.

Gangadhareswarar temple in Purasawalkam, Madras

* 130 Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Home be pleased to state with reference to Legislative Council Starred Question No. 90 answered on 25th March 1958—

(a) whether the Government have since received the judgment of the Magistrate in the criminal case against the Executive Officer of the Gangadhareswarar temple in Purasawalkam, Madras; and

(b) if so, the action taken thereon?

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

(b) Sri Adikesavan, former Executive Officer of the temple, was convicted and sentenced to undergo rigorous imprisonment for one year and nine months by the Eighth Presidency Magistrate, Madras.

SRI T. PURUSHOTHAM : Sir, are the Government aware that there are further cases of embezzlement against the Executive Officer of this Devasthanam and, if so, what further action will be taken?

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THE HON. SRI M. BHAKTAVATSALAM : Sir, the Commissioner has instituted suitable disciplinary proceedings against this officer and necessary action will be taken against him.

SRI T. PURUSHOTHAM : Sir, as the trying Magistrate has made certain general remarks about improving the standard of recruitment of Executive Officers as reported in the papers, will the Government be pleased to call for a copy of that judgment and consider what action would be necessary thereon?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I have not looked into the remarks of the Magistrate. All these will be attended to in the usual course.

DR. A. SREENIVASAN : Sir, is it not a fact that the Chairman of the Board of Trustees handed over one of the keys to the Executive Officer himself and that it was on account of this that this defalcation took place?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I remember to have mentioned this while answering certain other questions some time back.

Recruitment of Muslims and other minorities

* 131 Q.—**SRI MOHAMED RAZA KHAN :** Will the Hon. the Chief Minister be pleased to state—

(a) whether any circular has been received from the Government of India in the matter of recruitment of Muslims and other minorities to the State Services since August 1947; and

(b) if so, whether a copy of the circular and the reply, if any, will be placed on the table of the House?

THE HON. SRI M. BHAKTAVATSALAM : (on behalf of the Chief Minister: (a) No, Sir.

(b) Does not arise.

SRI MOHAMED RAZA KHAN : Sir, am I to understand that no reference was made by the Prime Minister to the Government of Madras?

THE HON. SRI M. BHAKTAVATSALAM : Sir, 'No' means 'No'.

SRI MOHAMED RAZA KHAN : Sir, will the Government of Madras take cognizance of the fact that at every Congress meeting, it is stressed that the State Governments should show due regard to the minorities in general and the Muslims in particular?

THE HON. SRI M. BHAKTAVATSALAM : Sir, the Government have taken cognizance of this fact and they are doing the right thing in all matters.

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Distribution of land to the landless poor at Gudalur

* 132 Q.—SRI T. JOGHEE GOWDER: Will the Hon. the Minister for Revenue be pleased to state whether there is any proposal before the Government to distribute land to the landless poor at Gudalur, Nilgiris district, and, if so, the nature and extent of land so proposed to be given to each?

THE HON. SRI M. A. MANICKAVELU: No, Sir. There are no such proposals.

SRI V. M. SURENDRAM: கூடலூர் தாலுகாவில் இதற்காக ஒரு தாசில்தார், ரெவின்யூ இன்ஸ்பெக்டர் முதலியவர்கள் வந்து இருந்து கொண்டு ஒரு ஸ்கீம் தயாரித்துத் தரிசு நிலங்களை விநியோகித்து வருவது சர்க்காருக்குத் தெரியாதா?

THE HON. SRI M. A. MANICKAVELU: பொதுவாக எல்லா ஜில்லாக்களிலுமே தரிசு நிலங்கள் எங்கு இருந்தாலும் அவைகள் விநியோகம் செய்யப்பட்டு வருகின்றன. அந்த வகையில் நீலகிரி ஜில்லாவிலும் செய்யப்பட்டு வருகிறது. குறிப்பாக, ஒரு ஊரைப்பற்றிக் கேட்டபோது இல்லையென்று சொன்னேன்.

SRI V. M. SURENDRAM: குறிப்பாக நீலகிரியில் இல்லை. கூடலூர் தாலுகா என்று குறிப்பிட்டேன். அங்கே தரிசு நிலம் ஏராளமாக இருக்கிறது. எந்த முறையில் அங்குள்ள நிலம் விநியோகிக்கப்படுகிறது என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU: கொடுக்கக்கூடிய நிலம் எங்கெங்கே இருக்கிறதோ, அங்கே சிப்பந்திகளைப் போட்டு விநியோகிப்பதற்கு ஏற்பாடு செய்யப்படுகிறது. யாருக்குக் கொடுப்பது என்றால், “லாண்ட் லெஸ் புவர்” நிலம் இல்லாதவர்களுக்குக் கொடுக்கவேண்டும். அதுவும் ஐந்து ஏக்கருக்கு மேற்படாமல் கொடுக்கவேண்டும் என்று இருக்கிறது.

SRI T. JOGHEE GOWDER: கேரள மக்களுக்குத்தான் கொடுக்கப்படுகிறது.

THE HON. SRI M. A. MANICKAVELU: வெருகாலத்திற்கு முன்பே இங்கே வந்து குடியேறியவர்கள் யாரோ, அவர்களுக்கு.

SRI V. M. SURENDRAM: கூடலூர் என்பது மலபார் பார்ட்டில் இருக்கிறது. அங்குள்ள அதிகாரிகள் இந்த நிலத்திற்காக அங்கே வருகிற மலையாளிகளுக்கே கொடுக்கிறார்கள். அதனால் தமிழ் நாட்டில் நீலகிரியில் உள்ளவர்களுக்குக் கிடைக்கவில்லை. அதற்குத் தகுந்த நடவடிக்கை எடுப்பார்களா?

THE HON. SRI M. A. MANICKAVELU: மலையாளிகளாக இருந்தாலும் தமிழ் நாட்டில் உள்ளவர்களுக்குத்தான் கொடுக்கலாம். சிலர் நிலத்திற்காக எமாற்றக்கூடும். இதை அங்குள்ள மக்களும், பொதுஜனங்களிடையே பிரதிநிதிகளும் தான் அரசாங்கத்தின் கவனத்திற்குக் கொண்டுவரவேண்டும்.

SRI V. M. SURENDRAM: குறிப்பாக, அங்குள்ள அதிகாரிகள்—கர்ணம் முதலியவர்கள்—மலையாளிகளாகவே இருப்பதனால்தான், தமிழர்கள் புறக்கணிக்கப்படுகிறார்கள். அவர்களிடத்தில் சொல்லியும் பிரயோஜனமில்லை. அந்த மலையாள பாஷையும் தமிழர்களுக்குத் தெரியவில்லை. கரெஸ்பாண்டன்ஸ் அந்தப் பிராந்தியத்தில் மலையாளத்திலேயே இருக்கிறது. இதற்கு சர்க்கார் தக்க நடவடிக்கை எடுப்பார்களா?

[1st November 1958]

THE HON. SRI M. A. MANICKAVELU: மலையாள பாஷை மந்திரிக்கும் தெரியாது. இதைப்பற்றி நான் கலெக்டருக்கு எழுதி சரியாகச் செய்யும்படி கேட்டுக்கொள்கிறேன்.

SRI V. M. SURENDRAM: தலைக்கு ஐந்து ஏக்கர் கொடுக்கவேண்டுமென்று இருந்தாலும், ஏற்கெனவே நிலம் உள்ளவர்களுக்குப் பத்து ஏக்கரா, ஐம்பது ஏக்கரா என்று கொடுக்கப்பட்டு வருகிறது. இதையும் கவனித்து நிலம் இல்லாத ஏழைகளுக்கு நிலம் கொடுப்பதற்கு நடவடிக்கை எடுத்துக்கொள்வார்களா?

THE HON. SRI M. A. MANICKAVELU: அரசாங்கத்தின் ‘பாலிசி’ அதுதான்.

SRI A. M. ALLAPICHAJ: Sir, what is the basis on which the Government come to the conclusion that a man is a ‘landless man’?

THE HON. SRI M. A. MANICKAVELU: Sir, a landless man is a man who has no land to cultivate or who has no patta for any land.

SRI V. V. RAMASWAMI: பக்கத்திலிருக்கும் ராஜ்யத்தைச் சேர்ந்த மலையாளிகள் இந்தத் தமிழ்ப் பகுதிக்கு வந்து இங்கே குடியேறி இதை மலையாளிகள் பெரும்பான்மையினராக உள்ள பகுதியாக ஆக்கி விடாமல் இருக்கும்படி பார்த்துக்கொள்வதற்காக, அவர்கள் அங்கே வருவதைத் தடுக்க அரசாங்கத்தார் நடவடிக்கை எடுப்பார்களா?

THE HON. SRI M. A. MANICKAVELU: பக்கத்திலுள்ள ராஜ்யங்களிலிருந்து நம் ராஜ்யத்திற்கு வருபவர்கள் பல காரியங்களுக்காக வருவார்கள். சிலர் இங்கே கூலி வேலை பார்க்க வரக்கூடும். சிலர் இங்குள்ள தொழிற்சாலைகளில் கூலியாட்களாக வேலை பார்க்க வரக்கூடும். இங்குள்ள தொழிற்சாலைகளுக்குக் கூலியாட்கள் தேவையாக இருந்தால், அவர்கள் இங்கே வருவது நல்லது. அவர்கள் இங்கே சட்டவிரோதமான முறையில் வந்தால், அதைத் தடுக்க நடவடிக்கை நாம் எடுக்கலாம். ஜனங்கள் ஒரு ராஜ்யத்திலிருந்து இன்னொரு ராஜ்யத்திற்குச் சாதாரண முறையில் போய் வருவதை எப்படித் தடுக்கலாம் என்று எனக்குத் தெரியவில்லை.

Area Committees in districts

* 133 Q.—SRI S. T. ADITYAN: Will the Hon. the Minister for Home be pleased to state—

- (a) the number of Members of the Legislature appointed to Area Committees in various districts; and
- (b) the number of Members who belong to the Congress Party?

THE HON. SRI M. BHAKTAVATSALAM: (a) Fifteen.

(b) Government have no information.

SRI S. T. ADITYAN: Is it a fact that all these Members are Members of the Congress Party in the Legislature?

THE HON. SRI M. BHAKTAVATSALAM: My answer to the question relates to the Members of the Area Committee nominated by Government. Regarding Members of the Legislature who have been nominated, I may say that there are already some Members.

[1st November 1958]

SRI S. T. ADITYAN : Will the Hon. Minister be pleased to place on the table of the House a list of Members of the Legislature who have been appointed to these Area Committees in the various districts? I think there are about 50 of them. A list of those Members, if placed on the table of the House, will really be helpful and useful.

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

SRI MOHAMED RAZA KHAN : Is it a fact that the 50 Members nominated by the Government are solely from the Congress Party and, if so, does it mean that only Members from the Congress Party are religious-minded and that others are not?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that when nominations are made to these Committees, if there happen to be some Congressmen among them, it does not mean that they have been nominated merely because they belong to the Congress Party. Further, it is not merely religious-mindedness that is taken into account. The suitability of the candidates is taken into account. The local officers make their recommendations. The Commissioner examines them and makes his proposals to us.

DR. A. SREENIVASAN : The Hon. Minister said that it was the local officers that made the recommendations. They know which side of the bread is buttered and they will only nominate those persons who belong to the ruling party. So, will the Government consider the fairness of appointing people who belong to the other parties also to these Committees?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I must protest against the unfair insinuation indulged in by the hon. Member against the local officers. I may inform the hon. Member that it is not an all-Party Organization.

SRI A. M. ALLAPICHAJ : Is there any meaning in appointing persons who do not believe in religion?

THE HON. SRI M. BHAKTAVATSALAM : That is a different question. The present question is whether Members of Parties other than the Congress are appointed to the Committees. I may tell the hon. Members that Members from Parties other than the Congress Party are not completely eliminated. There are non-Congress Members also and there may also be Members who belong to the Congress Party.

SRI A. M. ALLAPICHAJ : Are the Government aware of the fact that there are certain political parties which do not believe in religion?

THE HON. SRI M. BHAKTAVATSALAM : I may inform the hon. the Deputy Chairman that it does not mean that all parties other than the Congress do not have any faith in religion.

[1st November 1958]

SRI S. T. ADITYAN : Will the Hon. Minister see that at least whenever vacancies arise in future, if possible and if sufficiently religious-minded and well-qualified persons belonging to other parties are available, they are also appointed to these Committees?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that other Party Members are not ruled out. As a matter of fact, I have myself received complaints from Members belonging to the Congress Party that the Government were not exclusively appointing Congressmen and were appointing those who were opposed to the Congress Party.

SRI V. M. SURENDRAM : எரியாக் கமிட்டிகளில் ஹரிஜன வகுப்பைச் சேர்ந்தவர்கள் அங்கத்தினர்களாக இருக்கிறார்களா?

THE HON. SRI M. BHAKTAVATSALAM : அனேகமாக ஒவ்வொரு எரியாக் கமிட்டியிலும் ஹரிஜன அங்கத்தினர் இருக்கிறார் என்று நினைக்கிறேன்.

SRI V. M. SURENDRAM : அனேகமாக ஒவ்வொரு எரியாக் கமிட்டியிலும் ஒரு ஹரிஜன அங்கத்தினர் இருக்கிறார் என்று தாம் நினைப்பதாகக் கனம் அமைச்சர் கூறுகிறார். அப்படியானால், எல்லா எரியாக் கமிட்டிகளிலும் ஹரிஜன அங்கத்தினர்கள் இருப்பது நிச்சயமில்லையா?

THE HON. SRI M. BHAKTAVATSALAM : எந்தக் கமிட்டியிலாவது ஹரிஜன அங்கத்தினர் இல்லை என்று தெரிந்தால், அதைக் கனம் அங்கத்தினர் தெரிவிக்கலாம். ஜாக்கிரதையாகவும் அடக்கமாகவும் பதில் சொல்ல வேண்டுமென்பதற்காகத்தான் 'அனேகமாக ஒவ்வொரு கமிட்டியிலும் ஹரிஜன அங்கத்தினர் இருக்கிறார் என்று நினைக்கிறேன்' என்று சொன்னேன்.

Vittaleswaraperumal temple in Srivaikuntam taluk

* 134 Q.—SRI S. T. ADITYAN : Will the Hon. the Minister for Home be pleased to state—

(a) whether the Government have received any complaint about the defalcation of temple moneys and movable properties of the Vittaleswaraperumal temple, Vittalapuram, Srivaikuntam taluk, Tirunelveli district, by the previous trustee; and

(b) if so, the action taken or proposed to be taken thereon?

THE HON. SRI M. BHAKTAVATSALAM : (a) & (b) No specific allegation of defalcation of temple money and movables by the ex-trustees was received. But on a general complaint made against him, an investigation is being made.

SRI S. T. ADITYAN : If the general complaints turned out to be specific complaints of defalcation, will there be an investigation into the same?

THE HON. SRI M. BHAKTAVATSALAM : There were certain allegations against the ex-trustees. But, when they were enquired, they resented it. Still, the audit is going on and when the audit is

[1st November 1958]

Industries, Labour and Co-operation, dated 31st January 1957 include the scholarships granted by the State Harijan Welfare Department and the Central Government?

THE HON. SRI P. KAKKAN : No, Sir.

SRI V. V. RAMASWAMI : மாநில ஹரிஜன நல இலாகாவாலும் மத்திய சர்க்காராலும் சாதாரணப் பிற்பட்ட இனத்தவர்களுக்கு ஸ்காலர்ஷிப்புகள் கொடுக்கப்படுகின்றன. அந்த ஸ்காலர்ஷிப்புகள் மிகவும் பிற்பட்ட இனத்தவர்களுக்குக் கொடுக்கப்படாமலிருப்பதால், அவைகளை மிகவும் பிற்பட்ட இனத்தவர்களுக்கும் கொடுக்கும் வகையில் சட்டத்தை மத்திய சர்க்கார் திருத்தினால், நன்றாக இருக்கும். மத்திய சர்க்காரை அவ்வாறு சட்டத்தைத் திருத்தச் செய்ய இந்த அரசாங்கம் ஆவன செய்யுமா?

THE HON. SRI P. KAKKAN : பின் தங்கிய மக்கள் என்று பிரிக்கப் பட்டிருப்பவர்களில் மிகவும் பின்தங்கியவர்கள் என்று இன்னொரு பாகுபாடு செய்வது நல்லதில்லை என்று இப்போது மத்திய சர்க்கார் நமக்கு ஆலோசனை கூறியிருக்கிறார்கள். அந்த ஆலோசனை இப்போது ராஜ்ய சர்க்காரின் பரிசீலனையில் இருந்து வருகிறது. ஆகையால், இப்போது கனம் அங்கத்தினர் கூறும்படி சர்க்கார் செய்வதற்கில்லை என்று சொல்லிக்கொள்கிறேன்.

SRI A. SUBRAMANYAM : பிற்பட்ட இனத்தவர்கள் கமிஷன் ரிப்போர்ட்டின்படி மத்திய சர்க்கார் செய்துள்ள சிபாரிசுகளில், ராஜ்ய சர்க்கார் தங்கள் நோக்கப்படி பிற்பட்ட இனத்தவர்களுக்குச் சலுகைகள் அளிக்கலாம் என்று சொல்லியிருப்பது அரசாங்கத்திற்குத் தெரியுமா?

THE HON. SRI P. KAKKAN : மத்திய சர்க்காரால் நியமிக்கப்பட்ட பின் தங்கிய இனத்தவர் கமிஷன் இந்த ராஜ்யத்திற்கு வந்து எல்லாவற்றையும் பரிசீலித்தது. பின்தங்கிய மக்களிடையே மிகவும் பின்தங்கிய மக்களுக்கு சர்க்கார் உதவி செய்யலாம் என்று அக்கமிஷன் அபிப்பிராயப்பட்டது. இருந்தாலும், பின்னர் மக்களில் மிகவும் பின்தங்கிய பிரிவினர் என்ற பாகுபாட்டை உண்டாக்குவது நல்லதல்ல என்றும், சமூகத்தில் அந்த அந்த மக்களின் பொருளாதார நிலைமையைப் பார்த்துத்தான் ஸ்காலர்ஷிப்புகளைக் கொடுக்க வேண்டுமென்றும் மத்திய சர்க்கார் ராஜ்ய சர்க்காருக்கு ஆலோசனை சொல்லி யிருக்கிறார்கள்.

11-80 SRI JOHN ASIRVATHAM : May 1 know who these most Back-
a.m., ward Classes are?

HON. MEMBERS : There is a list.

SRI M. ETHIRAJALU : இப்பொழுது “மோஸ்ட் பாக்வர்ட் க்ளாஸ்” என்று பிரிக்கப்பட்டிருக்கிற பட்டியலிலுள்ள சலவைத் தொழிலாளிகள், கூவரத் தொழிலாளிகள், மீனவர்கள் போன்றவர்கள் ஒரு சத விநிதம் கூட கல்வியிலும் சரி, உத்தியோகத் துறையிலும் சரி, உயரவில்லை என்பது எல்லோரும் ஒப்புக்கொள்ளக் கூடிய ஒரு உண்மையாகும். ஆகவே, அவர்களுக்கு இந்தப் பிற்பட்ட இனத்தவர்களுக்குக் கிடைக்கக் கூடிய சலுகைகளில் மத்திய சலுகை கொடுக்க முடியுமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI P. KAKKAN : பின் தங்கிய மக்களின் ஜாபிதா எடுக்கும் போது, கனம் அங்கத்தினர் அவர்கள் சொன்ன சலவைத் தொழிலாளிகள், கூவரத் தொழிலாளிகள், மீனவர்கள், இவர்கள் பொருளாதாரத் துறையில் மிகவும் பின்தங்கிய முறையில் இருப்பார்களானால், அவர்களும் நன்மை அடைவார்கள்.

VIDWAN T. MUTHUKANNAPPAN : கடந்த ஜூன் மாதம் வெளியிட்ட கெஸெட்டில் மிகவும் பிற்பட்ட இனத்தவர்களின் ஜாபிதாவில் “பட்டணவர்கள்” போன்ற வகுப்பினர்கள் பெயர் தவறுதலாக விடப்பட்டிருக்கிறது.

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பிருக்கின்றது. அதுபற்றி அரசாங்கத்தினிடம் விண்ணப்பித்துக்கொள்ளப் பட்டது. இன்னும் அதுபற்றி கெஸெட்டிலோ அல்லது பத்திரிகைகளிலோ ஒன்றும் வெளியாகவில்லை. அதனால் அந்த ஜாதியைச் சேர்ந்த மாணவர்கள் மிகவும் துன்புறுகிறார்கள். இதை நீக்க இப்பொழுதாவது நடவடிக்கைகள் எடுக்கப்படுமா?

THE HON. SRI P. KAKKAN : தனிக் கேள்வி போட்டால் பதில் சொல்கிறேன்.

SRI A. GAJAPATHY NAYAGAR : இந்த ஆண்டில் மெடிகல் காலேஜிற்கு மாணவர்கள் தேர்ந்தெடுக்கப்படும்போது “மோஸ்ட் பாக்வர்ட் க்ளாஸிற்கு” சலுகைகள் அளிக்கப்படவில்லை. அவர்களுக்குக் கல்விச் சலுகை மட்டும் கொடுத்தால் போதும் என்று அரசியலார் ஏதாவது அறிக்கை விட்டிருக்கிறார்களா?

THE HON. SRI P. KAKKAN : காலேஜ் செலக்ஷனில் “மோஸ்ட் பாக்வர்ட் க்ளாஸில்” என்ற தன்மையில் மாணவர்கள் எடுத்துக் கொள்ளப்படமாட்டார்கள். பாக்வர்ட் கம்யூனிட்டிஸ் என்ற அடிப்படையில் தான் எடுத்துக்கொள்ளப்படுவார்கள்.

SRI A. GAJAPATHY NAYAGAR : காலேஜில் அவர்களைத் தேர்ந்தெடுப்பதற்கல்ல. கல்விச் சலுகைகளில் அவர்கள் கவனிக்கப்படுவார்களா என்று குறிப்பில் தெரிவிக்கப்பட்டிருக்கிறதா?

THE HON. SRI P. KAKKAN : தனிக் கேள்வி வேண்டும்.

SRI V. V. RAMASWAMI : கல்விச் சலுகைகள் அளிப்பதில், பொருளாதார நிலைமையை அடிப்படையாக வைத்து இப்பொழுது சில காரணங் களால் உத்தியோகச் சலுகைகள் பெற்று வரும் மக்களுக்கு இதனால் பாதகம் ஏற்படுமா, ஏற்படாதா என்று அறிய விரும்புகிறேன். அந்நிலைமையை எப்படி சரிக்கட்ட உத்தேசிக்கப்பட்டிருக்கிறது?

THE HON. SRI P. KAKKAN : அங்கத்தினர் கேட்கும் இந்தக் கேள்விக்கும், மூலக்கேள்விக்கும் சம்பந்தமேயில்லை. இது கல்வியைப் பொறுத்த விஷயம்.

SRI N. ANNAMALAI PILLAI : நரிக்குறவர்கள் இதில் சேர்க்கப்பட்டிருக்கிறார்களா? வோட்டர்கள் ஜாபிதாவில் இவர்கள் வந்திருக்கிறார்களா?

THE HON. SRI P. KAKKAN : தனியாகக் கேள்வி போட்டால், பதில் விவரமாகச் சொல்கிறேன்.

Reorganization and retrenchment in Government departments

* 137 Q.—DR. A. SREENIVASAN : Will the Hon. the Chief Minister be pleased to state—

(a) whether the Special Officer for Reorganization and Retrenchment in Government departments has submitted his report; and

(b) if so, the action taken by the Government thereon?

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

(b) The report is being examined. It is proposed to place a few copies of the report in the Legislature Library for the information of Members.

[1st November 1958]

DR. A. SREENIVASAN : Will Government take action only after circulating the report to the hon. Members of the Legislature?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that the Government have been taking action now and then as and when they examine particular recommendations of the Special Officer. But still, when the Report is made available to the Members, they may make their own suggestions.

Water-supply scheme for Sattur Panchayat

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

(a) whether any protected water-supply scheme for Sattur Panchayat is under consideration of the Government;

(b) If so, the stage at which the matter now stands; and

(c) whether the Government have received any representations to expedite the execution of the scheme?

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

(b) The matter is under the consideration of the Government.

(c) Yes, Sir.

SRI K. T. KOSALRAM : At what stage does it stand now?

THE HON. SRI M. A. MANICKAVELU : The estimated cost of the scheme is about six odd lakhs of rupees. The recurring charge will be Rs. 12,000 which the panchayat will be able to meet. But, for initial expenses, it has asked for a loan. The Government have no money even for schemes already taken up. This has not yet been taken up. Now we are going to take up eight more schemes and Sattur will be one of them.

SRI M. ETHIRAJALU : வாட்டர்-சப்ளை ஸ்கீமிற்கு நம் ராஜ்யத்திற்கு வெளிநாட்டு உதவி ஏதாவது கிடைத்திருக்கிறதா?

THE HON. SRI M. A. MANICKAVELU : குறிப்பாக, வெளிநாட்டு உதவி ஒன்றும் கிடைக்கவில்லை.

SRI V. V. RAMASWAMI : எட்டுத் திட்டங்களை ஆராய்ந்து கொண்டிருப்பதாக அமைச்சர் அவர்கள் சொன்னார்கள். அவைகள் எந்தெந்தத் திட்டங்கள் என்று சொல்ல முடியுமா?

THE HON. SRI M. A. MANICKAVELU : ஜாபிதா இப்பொழுது என்னிடம் இல்லை. சாத்தூர் ஒன்று நிச்சயம்.

SRI JOHN ASIRVATHAM : Is Sivakasi included in that list?

THE HON. SRI M. A. MANICKAVELU : To my remembrance, it has been included.

SRI K. T. KOSALRAM : சாத்தூருக்குத் தண்ணீர் மிகவும் முக்கியமானது என்பதை அமைச்சர் அவர்கள் ஒப்புக்கொள்வார்களேயானால், அதற்கு “டாப் ப்ரயாரிடி” கொடுப்பார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU : எட்டில் அதுவும் ஒன்று. ‘டாப் ப்ரயாரிடி’ அரசாங்கம் முன்வந்து கொடுக்க வேண்டிய அவசியமில்லை. ஏனெனில் அவர்களே இந்தச் செலவை ஏற்றுக்கொள்வதால், அது தானாகவே வரும்.

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SRI K. T. KOSALRAM : அவர்களே செலவை ஏற்றுக்கொண்டாலும் “டாப் ப்ரயாரிடி” கொடுக்க வேண்டியது சர்க்கார்தானே?

THE HON. SRI M. A. MANICKAVELU : இதுவும் அதேகமாக வரலாம்.

SRI V. V. RAMASWAMI : சாத்தூருக்கு எந்த ஆற்றிலிருந்து தண்ணீர் கொண்டுவரத் திட்டமிடப்பட்டிருக்கிறது? இப்பொழுதுள்ள ஜனத்தொகைப்படி பார்த்தால், அந்தத் திட்டத்தினால் போதுமான தண்ணீர் கிடைக்குமா, அல்லது வேறு ஒரு பெரிய திட்டத்தைப் பின்னால் வகுக்க உத்தேசமிருக்கிறதா?

THE HON. SRI M. A. MANICKAVELU : இந்தத் திட்டத்தை ‘சீப் என்ஜினியர்’ பரிசீலனை செய்து அதை எடுத்துக்கொள்ளலாம் என்று சொல்லியிருக்கிறார். தண்ணீர் எங்கிருந்து வருவது என்பதைப்பற்றித் தகவல் இதில் ஒன்றுமில்லை. எப்பொழுது திட்டத்தை ஒத்துக்கொள்கிறார்களோ, அப்பொழுது தண்ணீர் எங்கிருந்து கிடைக்குமோ அங்கிருந்து எடுத்துக்கொள்ளப்படும்.

Construction of buildings for the Police Department

* 139 Q.—**SRI S. T. ADITYAN :** Will the Hon. the Minister for Home be pleased to state—

(a) whether it is a fact that contracts for construction of buildings for the Police Department are given by that Department itself and, if so, the reasons therefor;

(b) whether they are given on the basis of tenders invited for the purpose, and if not, why not; and

(c) whether there are technically qualified persons in the Police Department to supervise the construction of such buildings?

THE HON. SRI M. BHAKTAVATSALAM : (a) No, Sir. Contracts for construction of buildings for the Police Department are not given by the Police Department. The Public Works Department constructs them.

(b) & (c) Do not arise.

SRI S. T. ADITYAN : One request, Sir. Question 140 also may be answered. Both these are connected subjects and may be taken up together.

Building contracts given by the District Superintendent of Police, Tirunelveli

* 140 Q.—**SRI S. T. ADITYAN :** Will the Hon. the Minister for Home be pleased to state—

(a) the total value of building contracts given by the District Superintendent of Police, Tirunelveli for the years, (1) 1954–55, (2) 1955–56, and (3) 1956–57;

(b) the number of contractors entrusted with such works; and

(c) the value of the works entrusted to each contractor during the said years?

[1st November 1958]

THE HON. SRI M. BHAKTAVATSALAM : (a) No building contracts were given by the Superintendent of Police, Tirunelveli, during the years under reference. Only contracts of the nature of petty construction and repair works relating to the buildings in charge of the Police Department were given by the Superintendent of Police during the three years in question as detailed below :—

					RS.	A.	P.
1954-1955	..	..	..	..	47,973	6	9
1955-1956	..	..	..	..	56,566	8	0
1956-1957	..	..	..	..	70,501	0	0
					1,75,040	14	9
					(or)		
					1,75,040	92	NP.

(b) Eleven, Sir.

(c) The value of such works entrusted to each contractor during the above three years is as follows :—

Contractor	A					RS.	NP.
"	B	..	..	..	..	66,943	00
"	C	..	..	..	..	18,569	00
"	D	..	..	..	..	38,167	00
"	E	..	..	..	..	6,626	92
"	F	..	..	..	..	11,205	00
"	G	..	..	..	..	592	00
"	H	..	..	..	..	5,118	00
"	I	..	..	..	..	1,808	00
"	J	..	..	..	..	19,390	00
"	K	..	..	..	..	4,802	00
		..	..	..	..	1,820	00

SRI S. T. ADITYAN : Are not these amounts large enough for the works to be handled by the Public Works Department?

THE HON. SRI M. BHAKTAVATSALAM : The maintenance, repairs and improvements to buildings in charge of the Police Department costing not more than Rs. 5,000 are done by the Police Department.

SRI S. T. ADITYAN : Is that so with other departments also, i.e., works not costing more than Rs. 5,000 to be done by the departments themselves?

THE HON. SRI M. BHAKTAVATSALAM : I have no information about it.

SRI S. T. ADITYAN : I submit that I have the information, though the Hon. Minister has not. Other departments are not doing this work themselves. Why should there be this distinction made in respect of the Police Department alone?

[1st November 1958]

THE HON. SRI M. BHAKTAVATSALAM : Whatever prevails with reference to other departments to have the repairs done expeditiously, the Police Department is entrusted with this work in respect of its buildings.

SRI S. T. ADITYAN : Does not the Hon. Minister see that in the case of contractor 'A', he gets the lion's share of the contract? Will that not engender unnecessary favouritism?

THE HON. SRI M. BHAKTAVATSALAM : Sir, works are entrusted by selecting the contractors by tender. Perhaps one or two contractors get the lion's share. But still, if the hon. Member would point out any abuse in this matter, that will be looked into. 11-40 a.m.

SRI MOHAMED RAZA KHAN : Is it only in Tirunelveli that the District Superintendent of Police gives contracts or are the District Superintendents of Police in other districts also authorized to give such petty contracts?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that there is no special treatment given to Tirunelveli district.

SRI T. P. SRINIVASAVARADAN : Is the Hon. Minister aware, Sir, that if minor works and repairs are entrusted to the Public Works Department, it will take a long time for those works to be carried out?

THE HON. SRI M. BHAKTAVATSALAM : That is exactly so.

SRI S. T. ADITYAN : May I take it that the Hon. Minister has got information that these minor repair works so called were given on tender?

THE HON. SRI M. BHAKTAVATSALAM : Again, whether the work was given on tender would depend on the amount. There are several works which cost less than Rs. 500, and these are even check-measured by the Inspectors of Police.

DR. A. SREENIVASAN : Is the Police Department competent enough to check-measure the work that has been done?

THE HON. SRI M. BHAKTAVATSALAM : Not merely the Police Department and not merely the Inspector of Police but any human being can check-measure small works costing Rs. 500.

DR. A. SREENIVASAN : Here the value of the work entrusted to contractor 'A' seems to have been about Rs. 66,000. It must have been rather heavy. In such cases, will the Police Department take the advice of the District Engineer or somebody like him into consideration before giving the contract?

THE HON. SRI M. BHAKTAVATSALAM : That particular contractor might have taken up a number of works and, therefore, the amount is Rs. 66,943. Anyhow, works costing more than Rs. 5,000 are invariably entrusted to the Public Works Department.

MR. CHAIRMAN : Questions are over.

[1st November 1958]

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

II.—GOVERNMENT MOTIONS.

(1) MOTION UNDER RULE 23 (1) OF THE MADRAS COUNCIL RULES *re* TRANSACTION OF GOVERNMENT BUSINESS ON A NON-OFFICIAL DAY.

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

‘That rule 23 (1) of the Madras Council Rules be suspended and this House do resolve to transact Government business on Saturday, the 1st November 1958.’

Sir, I make this motion in accordance with the decision of the Business Advisory Committee. 5th November 1958 has been allotted for transaction of non-official business. Therefore, I commend this motion for the acceptance of the House.

MR. CHAIRMAN : The question is —

‘That rule 23 (1) of the Madras Council Rules be suspended and this House do resolve to transact Government business on Saturday, the 1st November 1958.’

The motion was put and carried.

(2) THE MADRAS OPEN PLACES (PREVENTION OF DISFIGUREMENT) BILL, 1958 (L.C. BILL NO. 8 OF 1958).

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

‘That the concurrence of the Legislative Assembly be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Legislative Assembly and 8 Members of the Legislative Council) to consider the Madras Open Places (Prevention of Disfigurement) Bill, 1958 (L.C. Bill No. 8 of 1958) and that the following Members of the Legislative Council be selected to serve on the Joint Select Committee :—

Sri K. Balasubramanya Ayyar.

„ G. Krishnamoorthy.

„ John Asirvatham.

„ T. Joghee Gowder.

„ A. Chidambara Mudaliar.

Dr. A. Sreenivasan.

Srimathi K. B. Sundarambal.

Sri N. Nallasenapathi Sarkarai Manradialar.’

Sir, I may mention in this connection that early in 1956, as hon. Members are aware, a non-official Bill called the Madras Prohibition of Defacing of Walls and Display of Posters Bill, 1956, was introduced in this House. But, on the assurance given by me as the then Leader of the House that legislation would shortly be undertaken by the Government to prohibit the exhibition of objectionable posters in public places, the Bill was withdrawn by the mover.

[Sri M. Bhaktavatsalam]

Of late, disfigurement of facades of buildings, monuments and other places open to public view, by affixture or exhibition, of advertisements, bills, etc., and by the inscribing of slogans and objectionable matter, has reached very undesirable proportions in this State. Such advertisements, slogans and objectionable matter not only spoil the beauty of the city or town concerned but also offend public decency. It has, therefore, become necessary to check this evil. This Bill seeks to achieve this object. It has taken some time, I must admit, for examining the various provisions of the Bill and finalising it.

I shall now briefly explain the main provisions of the Bill. Clauses 3 and 4 of the Bill deal with penalties for disfigurement by advertisements. Whoever disfigures any place open to public view by objectionable advertisement shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both. Whoever disfigures any place open to public view by any advertisement without the written consent of the owner or occupier or person in management of the property in which such place is situated shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both. There is provision in the Bill for punishing the abettors.

Provision is also made in the Bill to the effect that any offence punishable under the Bill shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure. No Court inferior to that of a Presidency Magistrate or a magistrate of the first-class shall take cognizance of, or try, any offence punishable under this Bill. The Local Authorities are also empowered to set up boardings, erections in suitable places for the exhibition of advertisements and they may charge and levy such fees as may be prescribed for the use of any such boarding or erections.

Clause 13 empowers the State Government to make rules for the purpose of carrying out the provisions of this Bill.

As the Bill is an important one, it is desirable that it should be referred to a Joint Select Committee of both the Houses. Any amendment to the Bill that may be moved by the hon. Members will be considered by the Joint Select Committee. I now request the House to accept the motion.

MR. CHAIRMAN : Motion moved—

‘That the concurrence of the Legislative Assembly be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Legislative Assembly and 8 Members of the Legislative Council) to consider the Madras Open

[Mr. Chairman] [1st November 1958]

Places (Prevention of Disfigurement) Bill, 1958 (L.C. Bill No. 8 of 1958) and that the following Members of the Legislative Council be selected to serve on the Joint Select Committee :—

Sri K. Balasubramanya Ayyar.

„ G. Krishnamoorthy.

„ John Asirvatham.

„ T. Joghee Gowder.

„ A. Chidambara Mudaliar.

Dr. A. Sreenivasan.

Srimathi K. B. Sundarambal.

Sri N. Nallasenapathi Sarkarai Manradiar.*

* DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, I have much pleasure in supporting the motion to refer this Bill to a Joint Select Committee. Hon. Members are aware that when this Bill was introduced as a non-official Bill some two years ago, considerable support was given by the Members at that time and that it was on the assurance of the Hon. the Home Minister who was the Leader of the House, I think, at that time, that this Bill was withdrawn by my hon. Friend Sri K. Balasubramanya Ayyar. I am glad that the Hon. Minister has brought forward this Bill himself and I am sure that under his guidance the Bill will take the proper shape and will be piloted. I have only one request to make. Within the last two years, as I have seen it, this disfigurement has grown to tremendous proportions. In fact, in 1956 I never imagined that such great laxity would be observed by those who were responsible to allow these posters and others in the matter of disfiguring very many places. Madras is generally considered the City Beautiful. I must confess that the beauties which adorn many of these places do not add to the beauty of the City, at any rate, and also in other places such a thing has been done. In many of the western countries it is a penal offence and I think that we are right in introducing this measure in this State where we have certainly got an appreciable amount of concern for what should be observed as decencies of public life. I have much pleasure in supporting the motion for reference of this Bill to a Joint Select Committee and my request to the Hon. Minister and the Members of the Joint Select Committee is that they may be pleased to bring this Bill back so that it may be considered and passed by both Houses in the January session at least.

* SRI T. PURUSHOTHAM : Mr. Chairman, Sir, I wish to associate myself with the remarks made by the hon. the Leader of the Opposition and I welcome this Bill. As this will be referred to a Joint Select Committee, I think I can make a few observations. The short title states that this Act will be called the Madras Open Places (Prevention of Disfigurement) Act. But prevention of such disfigurement is to be restricted to advertisements. I strongly feel

1st November 1958]

[Sri T. Purushotham]

that the scope of the Bill should be enlarged. In open places there are monuments, statues, and pieces of architectural interest and we find that these are disfigured not only by advertisements but by various acts of vandalism and so on. Hon. Members would remember that there was recently a case of an attempt to break even Munroe Statue. There are temples and idols in open places and attempts are being made to disfigure them. There was also the question whether a particular image was an idol of worship or not and it went up to the Supreme Court. I feel that not only objectionable advertisements in open places and public roads should be controlled by a legislative measure of this kind but that such public places and roads and all buildings and structures thereon should be protected from all sorts of vandalism and particularly from acts which are intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or religious beliefs of that class. I feel very strongly, Sir, 11-50
that such acts also should be brought under strict force of public a.m.
law. I hope that this aspect of the matter will be examined by the Joint Select Committee that is being set up to examine this question. Also it will be noted that only 'grossly' indecent advertisements will be brought within the scope of this Bill. The word 'grossly' is absolutely unnecessary. All indecent advertisements should be controlled and by the use of the word 'grossly' much of the importance of this Bill would be lost. So, I feel that there should not be the word 'grossly' in a Bill of this kind.

Provision has been made in the Bill for levy of fees for putting up advertisement hoardings. There is provision in the City Municipal Act and also in the District Municipalities Act for levy of a tax on all advertisements. I hope, Sir, that the levy of fees for the purpose of erecting hoardings will not take away the power of the Madras Corporation and Municipal Councils to levy advertisement tax separately.

One other matter I wish to bring to the notice of this House, the Committee and the Government, is this. Again and again, we have been saying that both the Houses should be given an opportunity to make such modifications as may be necessary in the rules that may be published under any of our enactments. In all Central Acts, I have pointed out repeatedly that not only the Lower House is given the power to scrutinize the rules and make modifications in them but that both the Houses of Parliament are given the power to scrutinize the rules. Similarly, I would propose that this House, not only the Legislative Assembly but this House also, should have power to scrutinize and make modifications in the rules framed under the various enactments. I know that this point was also discussed by the Committee on Subordinate Legislation and that they have come to the conclusion that in future both the Houses of Legislature should be given the power to scrutinize the rules that may be made. I request that this point may also be noted and I hope when this Bill emerges from the Joint Select Committee and

[Sri T. Purushotham] [1st November 1958]

is enacted, it will be the Legislature that will have the power to scrutinize the rules. With these few words, I tender my congratulations to the Hon. Minister on having brought forward this Bill.

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, Sir, I am very much obliged to the hon. the Leader of the Opposition and other hon. Members who have extended their warm support to this Bill. But I am afraid the scope of the Bill cannot be extended, as suggested by the hon. Member Sri T. Purushotham. The idea behind this Bill is to avoid all kinds of unseemly posters. The question of acts of vandalism against posters and other things is a different thing. Such vandalism has to be met by a different legislation. Sir, this legislation has already been delayed and I can assure the hon. the Leader of the Opposition that we will take steps to have the Bill considered by the Joint Select Committee before the end of this month. I shall certainly try to bring this Bill before the House in the January meeting of the Legislature.

MR. CHAIRMAN: The question is—

‘That the concurrence of the Legislative Assembly be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Legislative Assembly and 8 Members of the Legislative Council) to consider the Madras Open Places (Prevention of Disfigurement) Bill, 1958 (L.C. Bill No. 8 of 1958) and that the following Members of the Legislative Council be selected to serve on the Joint Select Committee:—

Sri K. Balasubramanya Ayyar.

„ G. Krishnamoorthy.

„ John Asirvatham.

„ T. Joghee Gowder.

„ A. Chidambaram Mudaliar.

Dr. A. Sreenivasan.

Srimathi K. B. Sundarambal.

Sri N. Nallasenapathi Sarkarai Manradar.

The motion was put and carried.

III.—GOVERNMENT BILL.

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

MR. CHAIRMAN: I have got eight names for the morning session. I allot eight minutes for each of the eight Members.

* SRI V. V. RAMASWAMI: கனம் மன்றத் தலைவர் அவர்களே, இப் பொழுது நமது கிராமங்களில் நல்லபடியாக நிர்வாகம் நடப்பதற்காக பஞ்சாயத்துப் போர்டு ஏற்படுத்துவதற்கான முடிவான சட்டம் கொண்டுவரப் பட்டிருக்கிறது. இந்தச் சட்டத்தைப் பிரேரேபித்துப் பேசிய அமைச்சர் அவர்கள் சில நல்ல கருத்துக்களை முகலில் தெரிவித்தார்கள். எதிர்க்கட்சித் தலைவர் டாக்டர் லட்சுமணசாமி முதலியார் அவர்கள் கூறியபடி,

1st November 1958] [Sri V. V. Ramaswami]

அமைச்சர் அவர்கள் இந்த மசோதாவை உருவாக்கும் முன்பு எல்லாக் கட்சிகளுடைய கருத்துக்களைக் கேட்கும், எல்லாக் கட்சி அங்கத்தினர்களையும் பொறுக்குக் கமிட்டிக்கு குழுவினராகச் சேர்த்துக்கொண்டு பரிசீலனை செய்தும், மேலும் மற்றக் கட்சித் தலைவர்களுடைய கருத்துக்களை அறிந்தும் இந்த மசோதாவை உருவாக்கியது மிகவும் வரவேற்கத்தக்கது. மேலும், இது மாதிரியான ஒரு கொள்கையை மற்ற மசோதாக்களைக் கொண்டுவரும் போதும், மற்ற எல்லா அமைச்சர்களும் கடைப்பிடித்தால், எல்லாக் காரியங்களும் சுமுகமாக முடிவடையுமா அல்லாமல், சட்டங்கள் பின்னர் அமுலுக்கு வரும்போது சலபமாக இருக்கும் என்று சொல்லிக்கொள்ள விரும்புகிறேன்.

இந்த மசோதா இந்த மன்றத்திலே விவாதத்தில் இருக்கும்போது, ஏதாவது திருத்தங்கள் பிரேரேபித்தால், அவைகள் சரியாக இருக்கும் பட்சத்தில் அரசாங்கம் அவைகளை ஏற்றுக்கொள்ளத் தயாராக இருப்பதாக அமைச்சர் அவர்கள் சொன்னார்கள். அதுவும் மிகவும் வரவேற்கத்தக்கது. ஆகவே, இந்தமாதிரியான மனப்பான்மை, அனைத்துக்கொள்ளும் போக்கு, இந்தச் சலுகையானது மற்ற எல்லா மசோதாக்கள் சம்பந்தமாகவும் கையாளப்பட்டால், காரியங்கள் எல்லாம் எந்தவிதக் கருத்து வேற்றுமைக்கும் இடமின்றியும், அவற்றை அமுல் நடத்துவதில் சங்கடம் ஏற்படாமலும் பார்த்துக்கொள்ள முடியும். ஆகவே, இனிமேல் கொண்டுவரப்படும் மசோதாக்களைப் பரிசீலிக்கும்போதும், இந்தக் கொள்கையைக் கடைப்பிடிக்க வேண்டுமென்று நான் கேட்டுக்கொள்கிறேன்.

இந்த விரிவான சட்டத்தை அமுலுக்குக் கொண்டுவந்தால், இதை நல்லபடியாக நடத்த, ஆதி காலத்தில் பஞ்சாயத்துக்கள் எப்படி நடந்து வந்தன என்று பார்க்க வேண்டும். ஒவ்வொரு கிராமத்திலும் இருந்த பெரியவர்கள் கூடி, அந்தக் கிராமங்களுக்கு வேண்டிய எல்லாக் காரியங்களையும் நல்லபடியாகச் செய்து வந்திருக்கிறார்கள். அந்தந்த ஊர்களுக்கு வேண்டிய விசேஷக் காரியங்களும் சரி, மற்றத் தேவையான காரியங்களான — உணவுப் பொருள், வழக்குகளைத் தீர்ப்பது, சுகாதாரத்தைக் கவனித்துக் கொள்வது, பண வசதியின்மை—போன்றவற்றை அந்தந்த ஊர்ப் பெரியவர்கள் கவனித்து வந்தார்கள். நல்ல, சரியான தகுதியுள்ள மனிதர்கள், பொறுப்புள்ளவர்கள், அனுபவம் வாய்ந்தவர்கள் கிராமத்துப் பொதுக் காரியங்களை நடத்த முன்வந்ததுதான், அந்தக் காலத்தில் காரியங்கள் எல்லாம் நல்ல முறையில் நடைபெற்று வந்ததற்கான அடிப்படைக் காரணம்.

அந்நிய ஆட்சி வந்த பிறகு, நாளாவட்டத்தில் அந்த முறையானது கடினத்துப் போய்விட்டது. இருந்தாலும், அதற்குப் பிறகு, மீண்டும் இந்த முறையைப் புதுப்பிக்க வேண்டுமென்ற நோக்கத்தோடு 80 ஆண்டு களுக்கு முன்பு ‘லோகல் பண்ட்’ என்ற பெயரில் ஒரு நிதிக் குழுவை ஏற்படுத்தி, கிராமப் பொதுக் காரியங்களை நிறைவேற்றுவதற்காகக் கிராம மக்களிடமிருந்து பணம் வசூலிக்கப்பட்டது. சில மருத்துவ நிலையங்கள் ‘லோகல் பண்டு டிஸ்பென்சரி’ என்ற பெயரில் இருப்பதையும், சில பிரிட்ஜுகள் ‘லோகல் பண்டு பிரிட்ஜ்’ என்ற பெயரில் இருப்பதையும் இப்பொழுது கூட நாம் பார்க்கலாம். அந்தந்தக் கிராமத்தின் நலன் களைக் கவனித்துக்கொள்வதற்காக, நில வருமானத்தில் ஒரு பகுதியை ‘லோகல் பண்டு’ என்ற பெயரில் வசூலித்து, அந்தந்தக் கிராமங்களுக்கு வேண்டிய காரியங்களைச் செய்து வந்திருக்கிறார்கள். அந்த முறை முதல் முதலாக 1853-ம் ஆண்டில் தென் ஆற்காடு மாவட்டத்தில் அப்பொழுது கலெக்டராக இருந்த எட்வர்ட் மால்டா என்பவரால் ஏற்படுத்தப்பட்டதாகத் தெரிகிறது. ஆனால், சிறுசிறு ரோடுகளைப் போடுவதற்குத்தான் அந்தப் பணம் பிரயோசனப்பட்டு வந்தது. பெரிய பாலங்களையெல்லாம் மத்திய சர்க்காரின் உதவியைக் கொண்டுதான் கட்டி வந்திருக்கிறார்கள். அடுத்த படியாக, கிராமங்களில் நல்ல கல்வி கற்பிக்கப்படவேண்டுமென்ற கொள்கை ஏற்பட்டு 1863-ம் ஆண்டிலே ஒரு சட்டம் பிறப்பிக்கப்பட்டது. அதன்படி, எல்லாக் கிராம மக்களிடமிருந்தும் ஓரளவு நிதி கட்டாயமாக வசூல் செய்து

[Sri V. V. Ramaswami] [1st November 1958]

அந்த நிதியைப் பன்னிக்கூடங்களுக்காகவும், நிர்வாகத்தை நடத்துவதற்காகவும், கட்டிடங்கள் கட்டுவதற்காகவும் பயன்படுத்தி வந்திருக்கிறார்கள். அதற்குப் பிறகு, 1871-ம் ஆண்டிலே 'லோகல் பண்டு ஆக்ட்' என்ற பெயரோடு ஒரு சட்டம் நிறைவேற்றப்பட்டது. அந்தச் சட்டத்தின்படி, 36 சர்க்கிள்களாகப் பிரிக்கப்பட்டு ஒவ்வொரு சர்க்கிலும் ஒரு அதிகாரியின் தலைமையில் நடத்தப்பட்டு வந்தது. ரோடுகளைப் பராமரிப்பது, கல்வியைப் பரப்புவது, மருத்துவ நிலையங்கள், சத்திரங்கள் முதலியவற்றை நிறுவுவது, ஊருணிகளைப் பராமரிப்பது போன்றவற்றுக்காகவும் செலவை 'லோகல் பண்டு' நிதியிலிருந்து எடுத்துச் செலவழிப்பதற்கு அவருக்கு அதிகாரம் இருந்தது. இம்மாதிரி இருந்தபோதிலும் கூட, மேலும் அதிகாரத்தைக் கொடுத்து மக்களுக்குப் பயிற்சி அளிக்க வேண்டுமென்று காரணத்தினால், மத்திய அரசாங்கம் 1881-ம் ஆண்டில் ஒரு தீர்மானம் செய்து சென்னை சர்க்காருக்கும், மற்ற எல்லா சர்க்கார்களுக்கும் அலுவலியிருக்கிறது. அதில் இந்தமாதிரியாகச் சொல்லுகிறார்கள்.

"The cardinal principles essential for the success of self-Government is that the jurisdiction of the Primary Board should be limited to ensure both local knowledge and local interests on the part of each member."

நல்லபடியாக நிர்வாகம் நடைபெற வேண்டுமானால், நல்ல காரியங்களைச் செய்ய வேண்டுமானால், அந்த ஸ்தாபனம் சிறிய பிரதேசத்திற்குரியதாக இருக்க வேண்டும். அப்போதுதான் அங்கே இருக்கிற மக்கள் ஒவ்வொரு வரும் அநுபவ அறிவோடு வேலை செய்வார்கள். அப்போதுதான் அது பலன் அளிக்கும்.

1884-ல் 'லோகல் போர்டு ஆக்ட்' நிறைவேற்றப்பட்டிருக்கிறது. அதன் படி 'யூனியன்' ஏற்படுத்தப்பட்டது. பொது சுகாதாரத்தை அது கவனித்து வந்தது. அதற்குமேல்தான் தாலுகா போர்டு, அதற்கு மேல் ஜில்லா போர்டு என்று தொடர்ச்சியாக வந்தது.

சுதந்திரம் வந்த பிறகு, 1950-இலே பஞ்சாயத்துச் சட்டம் கொண்டு வந்தோம். இப்போது ஜில்லா போர்டுகளையே நீக்கிவிட்டுப் பஞ்சாயத்து, பஞ்சாயத்து யூனியன் கவுன்சில் என்பதாகப் பாவலாக மக்களுக்குச் சேவை செய்யக்கூடிய ஸ்தாபனங்களை ஏற்படுத்துவதற்கு இந்த மசோதாவின் மூலம் வகை செய்கிறோம். அரசியல் சட்டத்திலும் கிராமத்திலுள்ள மக்கள் சுபிட்சமாக வாழ வகை செய்யவேண்டுமென்ற திட்டம் இருக்கிறது. இப்போது இந்தச் சட்டம் கொண்டுவரப்படுவதனால், ஜில்லா போர்டுகளுக்கு வேலையில்லாமல் போய்விட்டது. அதோடு, முன்பு ஜில்லா போர்டுகளுக்காக ஒதுக்கப்பட்டிருந்த வேலைகள் அத்தனையையும், போதிய நிதியில்லாததால் அவர்களால் சரிவரச் செய்ய முடியவில்லை. சுகாதாரம் என்றால் ஜில்லா ஹெல்த் அபீசர், கல்வி என்றால் ஜில்லா கல்வி அதிகாரி என்று போகவேண்டிய நிலை இருந்தது. அந்தக் காரணத்தினாலேயே அந்த ஸ்தாபனத்தை நீக்கிவிட்டுப் பாவலாக மக்களுக்குப் பொறுப்பும் அதி காரமும் கொடுக்கப்பட்டு நல்ல முறையில் சேவை செய்யும் ஸ்தாபனங்களை ஏற்படுத்த வேண்டும் என்று பல நாட்களாக நான் சொல்லிவந்துகொண்டிருந்த வட்சியத்தை இந்த மசோதா புர்த்தி செய்கிறது. அதோடு மக்க னிடத்திலே சுகாதார நலத் திட்டத்தின் மூலமாக ஒரு பொது உணர்ச்சி உண்டாக்கப்பட்டிருக்கிறது. அந்த உணர்ச்சியையும் பயன்படுத்தும் வகை யில் மசோதா அமைந்திருக்கிறது.

மேலும், இந்த ஸ்தாபனங்களுக்கு நிர்வாக அதிகாரிகளை சர்க்கார் நியமிக்கிறார்கள். தலைவருக்கும் அதிகாரம் கொடுக்கப்பட்டிருக்கிறது. நிர்வாக சிப்பந்திகளை நியமிப்பதற்கு ஒரு கமிட்டி நியமிக்கப்படும் என்று இருக்கிறது. இவர்கள் எல்லோரும் கூட்டாக வேலை செய்தால்தான் மக்களுக்காகச் செய்யப்படுகிற நல்ல காரியங்கள் எல்லாம் கிறந்த முறையில் ஈடேறும் என்பதில் சந்தேகம் இல்லை. இத்தமாதிரியாகப் பார்க்கும் போது, இன்ஸ்பெக்டர்களுக்கு அதிக அதிகாரம் கொடுக்கப்பட்டிருக்கிற

1st November 1958] [Sri V. V. Ramaswami]

தென்று அறிகிறேன். அதோடு, முன்பெல்லாம் தவறாக நடந்தால், சர்க்காருக்கு அப்பீல் செய்துகொள்வதற்கு வசதி இருந்தது. இதைப்பற்றி எதிர்க் கட்சித் தலைவர் டாக்டர் லக்ஷ்மணசாமி முதலியார் அவர்களும் குறிப்பிட்டார்கள். அந்தமாதிரியாக இப்போதும் அப்பீல் செய்துகொள்வதற்கு வசதி இருக்கவேண்டியது அவசியம்தான். இந்த இன்ஸ்பெக்டர்கள் தவறாகவே நடந்துகொள்வார்கள் என்று நான் கருதவில்லை. ஏற்கனவே இயங்கிய ஏழாயிரம் பஞ்சாயத்துக்களில் ஒரு பஞ்சாயத்தாவது கடந்த மூன்று ஆண்டுகளில் கலைக்கப்படவில்லை. மேலும், பஞ்சாயத்துப் போர்டுத் தலைவர்களில் இவர்கள் நீக்கியது 30 இடங்களில் என்று தெரிகிறது. அப்படி அவர்கள் நீக்கியிருப்பதும் சரி என்று அரசாங்கத்தாலும் ஹைக்கோர்ட்டாலும் உறுதி செய்யப்பட்டிருக்கிறது. ஆகவே, தப்பாக அதி காரம் போய்விடும் என்று கருதி நான் சொல்லாவிட்டாலும், தப்பாக போய்விடக்கூடாது என்பதற்காக நான் இந்த வசதி இருக்கவேண்டுமென்று குறிப்பிடுகிறேன். மேலும், இந்தச் சட்டம் அமுலுக்கு வந்த பிறகு அதிகமான பஞ்சாயத்துக்கள் ஏற்படலாம். இவற்றையெல்லாம் ஒருவர் பார்த்துக்கொள்வது முடியாத காரியம். ஆகவே, மேலிட்டுத் துணை அதி காரிகள் ஜில்லா போர்டுகளில் இப்பொழுது வேலை பார்க்கும் ஆசிரியர்களைப் பற்றி முக்கியமாகக் கவனிக்கவேண்டியிருக்கிறது. போர்டுகள் ஒழிக்கப் பட்டு, யூனியன் கவுன்சில்களின் கீழ் வேலை பார்க்கவேண்டிய நிலை வரும் போது ஒவ்வொரு ஆசிரியரும் எந்தப் பகுதிக்குப் போவதற்குப் பிரியப் படுகிறார் என்று கேட்டு அந்தப்படி மாற்றியாகவேண்டும். தற்சமயம் பார்த் தால் ராஜபாளையத்தாரை ராமேஸ்வரத்துக்கும், கடலாடிக்காரரை வத்திரா யிருப்புக்கும் போட்டிருக்கிறார்கள். கணவன் ஒரு பக்கம் மனைவி ஒரு பக்கம். இப்பேதங்களை, சங்கடங்களை உடனடியாக நீக்கவேண்டும்.

இறுதியாக, இந்த மசோதாவுக்கு நான் சில திருத்தங்களையும் கொடுத்திருக்கிறேன். சரத்து வாரியாகப் பார்க்கும்போது, அதைப்பற்றி விரிவாக எடுத்துச் சொல்லலாம் என்று நினைக்கிறேன். நிர்வாக அதிகாரிகளுக்கு அதிக அதிகாரத்தைக் கொடுத்துவிட்டு, மக்களால் தேர்ந்தெடுக்கப்பட்ட தலைவர்களுக்கு அதிகாரம் கொடுக்கப்படவில்லையே என்ற கூற்றுக்கு இடம் இருக்கிறது. கே. பி. எஸ். அம்மையார் பேசும்போதுகூட இதைப்பற்றிக் குறிப்பிட்டார்கள். மக்களால் தேர்ந்தெடுக்கப்பட்டவர்களுக்கு இந்த ஜன நாயக ஆட்சியில் அதிக அதிகாரம் கொடுக்கப்படாமல் இருப்பது நியாயமா என்று கேட்டார்கள். முனிசிபல் சேர்மனைப் பொறுத்த வரையில், ஒரு காரியத்தைச் செய்யவேண்டுமென்று ஏழுத்து மூலமாகக் கொடுத்தால், அதை நிர்வாக அதிகாரி நிறைவேற்ற வேண்டுமென்று இருக்கிறது. இப்படிப் பஞ்சாயத்துத் தலைவர்களின் உத்தரவுகள் நிறைவேற்றப்படுவதற்கு வழிவகை இருக்கவேண்டுமென்று சொல்லிக்கொண்டு என் வார்தையை முடித்துக்கொள்ளுகிறேன்.

SRI M. SESHACHARIAR : Mr. Chairman, we have supported and encouraged local administration, as pointed out by the hon. Member Sri V. V. Ramaswami, even from 1874, and probably much earlier too. We have had local administration for the last 84 years or so. Still, it is said to-day that we are not fit to administer, that we must proceed rather slowly in regard to matters of local administration, that powers should not be given to local bodies and so on. It was also said that the local bodies had not been functioning properly. That was the charge levelled at our doors, and that too, after 84 years of our experience. It is surprising that even to-day some people say that there is no leadership in villages. That was the point sought to be made by some people. As pointed out by one hon. Member, out of the 7,000 panchayat boards, only thirty or so of them were said to have not functioned properly. I think it is only against such a small number of them that the authorities

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p.m.

[Sri N. Annamalai Pillai] [1st November 1958]

களைச் சமாளிக்க இவர்களால் முடிவாகவில்லை. ஆகவே, நான்மயிலும் அல்லது ஹாயியரம் ஜனத்தொகை என்ன இவர்களுக்கு ரெவினயூ இன்ஸ்பெக்டர் போன்ற ஒரு உத்தியோகஸ்தரைய நியமித்து அவரிடம் அதிகாரங்களை ஒப்படைக்கவேண்டுமென்று கேட்டுக்கொள்கிறேன். இன்னொரு உதாரணம் சொல்கிறேன். மணிசிபாலிடி களைப்பற்றிப் பேசினார்கள். மணிசிபல் கமிஷனர்கள் எல்லோரும் நல்லவர்களாக; அவர்களில் கெட்டவர்களும் இருக்கிறார்கள். ஆனால், பெரும்பாலும் மணிசிபாலிடி களில் கமிஷனர்கள் போட்ட பிரபலமான அலற்றின் நிர்வாகம் நன்றாக நடந்து வருகிறது. அதற்கு மனம் பஞ்சாயத்துக்களில் கமிஷ் பிரதிகளின் இருந்து ஒரு பகுதியில் வேண்டியதைச் செய்வார்கள், இன்னொரு பகுதியில் செய்ய மாட்டார்கள்; ஒரு பகுதியில் உள்ள குப்பை கூளங்களை வாருவார்கள், இன்னொரு பகுதியில் உள்ளதை அப்படியே போட்டுவிடுவார்கள். ஆக கமிஷனர்கள் வந்த பிறகுதான், நிர்வாகம் நல்ல மறையின் நடப்பதோடு மக்களும் சுமங்க வழங்குகிறார்கள். ஆகவே, 3,500 பேர்கள் இருந்தால், அதாவது ஒத்தாறு பஞ்சாயத்துக்களைச் சேர்த்து, அதற்கு ஒரு ரெவினயூ இன்ஸ்பெக்டரையே அல்லது ஒரு பெரிய நாலிந்தாலாவோ நியமிக்க ஏற்பாடுகள் செய்யப்பட வேண்டுமென்று கேட்டுக்கொள்கிறேன். அப்போ மறுதான் நிர்வாகம் சரியாக நடக்குமென்று தெரிவித்துக்கொள்கிறேன்.

அடுத்தபடியாக, நான் ஒன்று சொல்ல விரும்புகிறேன். அதற்காக யாரும் வருத்தப்படமாட்டார்கள் என்று நினைக்கிறேன். ஒரு உபாத்தியாயருக்கு 50 ரூபாய் சம்பளம் என்றால், உபாத்தியாயர் 30 ரூபாயும், பிரசிடென்ட் 20 ரூபாயும் எடுத்துக்கொள்கிறார்கள். இப்படி சில இடங்களில் அதிகாரம் துஷ்பிரயோகம் செய்யப்படுவதைப் பார்க்கிறோம். இந்த நிலை மாற்றப்படவேண்டும். ஆகவே, அவைகளை மேற்பார்வை செய்ய ஒரு ஆய்வு நியமிக்க வேண்டியது மிகவும் அவசியம். உபாத்தியாயர் களைப் பஞ்சாயத்தினிடம், பஞ்சாயத்துப் பிரசிடென்டினிடம் ஒப்படைக்கக் கூடாது என்று அரசாங்கத்தைக் கேட்டுக்கொள்கிறேன். ஆண்களானாலும் சரி, அல்லது பெண்களானாலும் சரி, அந்த உபாத்தியாயர்களை அவர்கள் கையில் ஒப்படைக்கக் கூடாது. உபாத்தியாயர்களுக்கு சர்க்காரோ நொடியாகச் சம்பளம் கொடுப்பது என்ற திட்டத்தை நாம் அமுலுக்குக் கொண்டுவர வேண்டும்.

அடுத்தபடியாக, பஞ்சாயத்துக்களுக்கு வரி போடும் அதிகாரத்தை நாம் கொடுக்கிறோம். ஆகவே, கமிஷனர் போன்ற குறைந்த அந்தஸ்துள்ள ஒரு அதிகாரியைப் போட்டுக் காரியங்களை நாம் செய்யவேண்டும். ஆக, அரசாங்கம் கொண்டுவந்திருக்கும் இந்த மசோதாவை நான் முழு மனதுடன் வரவேற்றுக்கொண்டு, இந்த உபாத்தியாயர்களை அவர்களிடம் ஒப்படைக்கிறேன், அதோடு பஞ்சாயத்து ஆபீஸில் சர்க்கார் சம்பந்தப்பட்ட ஆள் ஒருவர் குமாஸ்தாவாக இருக்கவேண்டும் என்று கேட்டுக்கொண்டு என்று பேச்சை முடித்துக்கொள்கிறேன்.

* SRI S. P. SIVASUBRAMANYA NADAR : Mr. Chairman, I am not going to elaborate on the various provisions of the Bill. The Bill has undergone complete scrutiny at various stages and I wish only to say one or two words regarding the mode of election now conducted under the Panchayat Act. Recently, there was election of members to panchayats in various places. The wards have been divided in such a way that there are always two, three or four members in each ward. The difficulty is that some candidates join in a group to the elimination of others. The result is that suitable members are eliminated. What is the difficulty in having single-member constituencies? Usually, a panchayat is divided into two blocks, each block containing two, three or four seats. The election of members in each block is conducted simultaneously. The

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difficulty is, as I have already suggested, no suitable members get elected. Consequently, when there is a defect in election and the matter goes to the Election Commissioner, the entire election of members is set aside for the default of one member or the defect in the election of one single member. As such, even after the election of presidents, they have to lose their seats for the misconduct or default of some other member.

Another thing is, from the beginning I have been saying that we must have direct election and not indirect election. After the election of members and before the election of president, we find that several members disappear. They are taken to unknown destinations to be brought back on the date of election of the president. Such a thing has been very common. To-day, we see it. The places to which they are carried are not known even to the members of their household. Of course, they will make a sudden appearance on the date of election of the president, just five minutes before the election, in the election hall. If there is direct election, such things cannot happen and suitable persons will be elected as presidents. Yesterday, I got a telegram saying that a member of a panchayat was brutally attacked and that he was lying as in-patient in a hospital because he worked for a particular candidate for presidency. So, the defect lies in the system of election. Therefore, I suggest that the system of indirect election of presidents and vice-presidents must give way to a system of direct election. When this takes place, there will be no manipulations and other defects now noticed. I want direct election, the president being elected by the voters directly. Then only, there will not be manipulations. With these words, I thank you, Mr. Chairman, for giving me this opportunity to speak.

* SRI M. ETHIRAJALU : மன்றத் தலைவர் அவர்களே, இந்தப் பஞ்சாயத்து மசோதாவானது கடந்த இரண்டு தினங்களாக இந்தச் 12-30 சபையில் இருக்கக்கூடிய படித்துப் பட்டம் பெற்றவர்களாலும், சட்டத்திலே p.m. தேர்ச்சி பெற்றவர்களாலும் நன்றாக விவாதிக்கப்பட்டு, இன்று மூன்றாவது தினமாக விவாதித்து விவாதம் முடிவடையப் போகிறது.

இப்பொழுது நிறைவேற்றப்பட்டுக்கொண்ட இந்த மசோதாவானது இந்த மாநிலத்திலே நல்ல இடம் பெறப் போகிறது என்பதற்கு அறிகுறியாக, நமது நிதி அமைச்சர் அவர்கள் நேற்று முன் தினம் “இந்த நாட்டின் அரசியல் சட்டத்திற்குப் பிறகு இது இரண்டாவதாக இடம் பெறும் என்று நினைக்கிறேன்” என்று சொன்னார்கள். அதுமட்டுமல்ல. 198 பகுதிகளைக் கொண்ட இந்த மசோதாவானது சட்டசபைகளில் உள்ள எதிர்க்கட்சி களாலும், நமது சபையில் இருக்கக்கூடிய சட்டமேதை ஸ்ரீ பதஞ்சலி சாஸ்திரியார் போன்ற சட்ட நிபுணத்துவம் வாய்ந்தவர்களாலும் நன்றாகப் பரிசீலிக்கப்பட்டு, விவாதிக்கப்பட்டு இங்கு கொண்டுவரப்பட்டிருக்கிறது. இது எதைக் காட்டுகிறது என்றால் மகாத்மா காந்தியை அவர்கள் காலத்தில் காங்கிரஸ் தியாகிகளுக்கும், காங்கிரஸ் அங்கத்தினர்களுக்கும் இடஞ்சென்ற ஒரு பணியை நிறைவேற்றும் அடிப்படையில் அவர் அடிச் சுவட்டிலே வந்த காங்கிரஸ் இந்த அரசாங்கத்தின் சார்பாக “இது மக்கள் ஆட்சி என்று சொன்னால் மட்டும் போதாது. இது ரிபாப் மக்கள் ஆட்சி” என்று சொல்லவேண்டும் என்ற விதத்தில் கொண்டு வந்த ஒரு மசோதா இது என்பதை நான் மிக்க மகிழ்ச்சியுடன் தெரிவித்துக்கொண்டு

[Sri M. Ethirajulu] [1st November 1958]

இதைப் பெருமிதத்துடன் வரவேற்கிறேன். இதைப் பார்த்துத்தான் அடுத்த திருக்கும் கேரளாவிலும், அண்டையில் இருக்கும் ஆந்திராவிலும் இம் மாதிரியான மசோதா கொண்டுவரப்படும் என்று நினைக்கிறேன். எனக்குத் தெரிந்த வரையில், இந்திய தேசத்திலேயே கூட இந்த மாதிரியான பஞ்சாயத்து மசோதா நம்முடைய மாநிலத்தில்தான் முதலாவதாக கொண்டுவரப்பட்டிருக்கிறது என்று நினைக்கிறேன்; உறுதியாகச் சொல்ல வில்லை. இந்த நிலையில் கிராமப் பஞ்சாயத்துக்களுக்கு இனி என்ன நிலை ஏற்படப்போகின்றது? அங்கு இருக்கக்கூடிய மக்களையெல்லாம் நாம், நினைத்துப் பார்க்கவேண்டும். இனி கிராமப் பஞ்சாயத்து என்றால் என்ன கிராமப் பஞ்சாயத்து யூனியன் என்றால் என்ன, அதற்குமேல் ஜில்லா கவுன்சில் என்றால் என்ன, கிராமப் பஞ்சாயத்து மெம்பர்களின் வேலை என்ன, அதன் தலைவர், உபதலைவர் வேலை என்ன, தலைமை அதிகாரியின் வேலை என்ன என்பதையெல்லாம் மனதில் வைத்துக்கொண்டு ஒரு இடத்தில் தனியாக உட்கார்ந்துகொண்டு இப்பொழுது அமைக்கப்பட்டிருக்கும் சட்டத்தை நன்கு படித்துப் பார்த்தால், இதுகாறும் பஞ்சாயத்துக் களில் நடந்துவந்த குழப்பங்கள் எல்லாம் நீங்கி இனி நல்ல முறையில் நடக்கவேண்டிய சூழ்நிலை இந்த மசோதாவின் மூலம் ஏற்படும் என்பதில் சந்தேகமே இல்லை. அப்படி அது சிறந்த மசோதாவாகக் காட்சியளித்த போதிலும், இங்கு கூட்டுறவுகள் எழுப்பப்படுகின்றன. அங்கத்தினர்கள் இதை நன்றாகப் படித்துப் பார்த்தால், மக்களின் நலனுக்காக, கிராம முன்னேற்றத்துக்காகப் பல உரிமைகள் இந்த மசோதாவின் மூலம் அளிக்கப்படவிருக்கின்றன என்பது நிதர்சனமாகத் தெரியும். இந்த மசோதா அனுப்புவதில் ஏற்பட்ட கஷ்டங்களையும் நன்மைகளையும் பரிசீலித்து உருவாக்கப்பட்டது என்பதை நாம் மனதில் கொள்ளவேண்டும். மேலும், இந்தப் பஞ்சாயத்து மசோதாவின் மூலம் சில விசேஷச் சலுகைகள் கொடுக்கப்பட்டிருக்கின்றன. விவசாயத்தைப் பெருக்குவது, விவசாய ஸ்டாக்குகளைச் சீர்திருத்துவது, சிறு கைத்தொழில்களை விருத்தி செய்வது முதலிய காரியங்களுக்குக் கிராமப் பஞ்சாயத்துக்களிடம் உரிமை கொடுக்கப் பட்டிருப்பதைக் கண்டு நாம் பெருமைப்படவேண்டும். அத்துடன் இந்தப் பஞ்சாயத்து மசோதாவின் 12-வது விதிப்படி ஸ்திரீகளும், ஷெட்யூல்டு வகுப்பினரும் தேர்ந்தெடுக்கப்படாவிட்டால், நியமனம் செய்துகொள்ளவேண்டுமென்று சொல்லப்பட்டிருக்கிறது. அதாவது, பின்தங்கிய இனத்தவர்கள் அல்லது குறைந்த எண்ணிக்கையுடைய சமூகத்தவர்கள் என்ற முறையில் சொல்லவில்லை. இன்னும் விவசாயத் தலைவர்களையும், நெசவுத் தொழிலாளர் தலைவர்களையும் ஜனங்களுக்காகப் பாடுபடக்கூடிய தலைவர்களையும் இந்தப் பஞ்சாயத்துக்களில் கூட்டு அங்கத்தினராக என் சேர்த்துக்கொள்ளக் கூடாது என்று தாழ்மையுடன் தெரிவித்துக்கொள்ள விரும்புகிறேன். கைத்தறி உற்பத்தியைப் பெருக்கவேண்டும், இன்னும் பல்வேறு தொழில்களை அபிவிருத்தி செய்யவேண்டுமென்று சொல்லுகிற நேரத்தில் அந்தத் தொழிலாளர்களுடைய குறைகளை எடுத்துச் சொல்ல அவர்களுடைய தலைவர்கள் கவுன்சிலில் இடம் பெற வழிவகைகள் செய்யவேண்டும். அப்படிப் பஞ்சாயத்தில் தொழிலாளர் தலைவர்களை அங்கத்தினர்களாகச் சேர்த்து அவர்கள் குறைகளையெல்லாம் சர்க்காருக்குத் தெரிவிக்கச் சந்தர்ப்பம் கொடுக்கக்கூடாதா என்று இந்தச் சமயத்தில் சர்க்காரைக் கேட்டுக் கொள்ள விரும்புகிறேன். இதை ஆழ்ந்து பரிசீலித்துக் கூடுதலாக ஒரு பிரிவையும் 12-வது விதியில் சேர்க்கும்படி கேட்டுக்கொள்கிறேன்.

அதே சமயத்தில், கிராம மக்களுக்கு இப்போது வேண்டியிருப்பது என்னவென்றால், குடி தண்ணீர் வசதியும், நடைபாதை வசதியும்தான். இப்பொழுது சமுதாய நல அபிவிருத்தித் திட்டத்தின் கீழ் குடி தண்ணீர் வசதியை அளிக்க ஏற்பாடு செய்யச் செலவில் நாலில் ஒரு பங்குத் தொகையைக் கூட கிராம மக்கள் கொடுக்க முடியாமல் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். அதன் காரணமாகக் குடி தண்ணீர்க் கிணறுகள் இன்னும் பல கிராமங்களில் ஏற்படாமல்லை. இதைப் பஞ்சாயத்துக்கள் முதலாவதாக நிறைவேற்ற இந்த மசோதாவில் வகைசெய்யவேண்டுமென்று கேட்டுக்கொள்கிறேன். மற்றொன்று பாதை வசதி சிறிதளவும் கிடையாது, பஸ் வசதியும் கிடையாது என்ற காரணத்தால், சில கிராமங்களில் உள்ளவர்கள்

[1st November 1958] [Sri M. Ethirajulu]

பட்டனாத்திற்கு வர இரண்டு மூன்று நாட்கள் ஆகின்றன. பாதை வசதிகளை ஏற்படுத்துவதற்கு இந்த மசோதாவில் முக்கியத்துவம் கொடுக்கப்படவேண்டும். சட்டசபையில் பணியாற்றுகின்ற அங்கத்தினர்கள் பலர் ஜில்லா கவுன்சிலிலும், பஞ்சாயத்துக் கவுன்சிலிலும் இருக்கிறார்கள். அவர்களை வைத்துக்கொண்டு பஞ்சாயத்துக் கவுன்சிலாவது அல்லது ஜில்லா கவுன்சிலாவது கலெக்டரோடு கலந்துகொண்டு அந்தந்தக் கிராமத்திற்கு வேண்டிய ரோடு போடுவதற்கான திட்டங்களைத் தயாரிப்பதற்கும், அப்படித் திட்டமிட்டுப் போடப்பட்ட பாதையில் பஸ் போவதற்கான ரூட்டுகளை நிர்ணயம் செய்வதற்கும் மசோதாவில் வழி செய்ய வேண்டும். இந்தத் திட்டம் பஞ்சாயத்து மசோதாவில் முதலிடம் பெறவேண்டுமென்று நான் கேட்டுக் கொள்கிறேன். அப்படி முடியாவிட்டாலும் கூட, சில தனிப்பட்டவர்களிடம் இதை ஒப்படைக்கலாம். ஒரு ரூட்டைப் பெறுவதற்காகப் பலர் 40,000, 50,000 என்று செலவு செய்வதாகச் சொல்லப்படுகிறது. அது எப்படி என்று எனக்குப் புரியவில்லை. அப்படிப்பட்டவர்கள் 10 மைல், 20 மைல் களுக்கு ரோடு போடுவதாக ஒப்புக்கொண்டால், அவர்களுக்கே அந்த பஸ் ரூட்டுகளைக் கொடுப்பதற்குக்கூட ஏற்பாடு செய்யலாம். அப்படிக் கொடுப்பதின் காரணமாக அவர்கள் மனமுவந்து ரோடு போடுவதற்கு முன்வரக்கூடும். அது சாத்தியமில்லாவிட்டால், கிராம ரோடு அளவுக்குப் போகக் கூடிய சிறிய பஸ்களை அதாவது 15 பேர், 20 பேர் வரக்கூடிய சிறிய பஸ்களைக்கூட அனுமதிக்கலாம். யாராவது அப்படிக் கிராமாந்திரங்களில் பஸ் நடத்த விரும்பினால், அனுமதியளிக்கலாம் எனக் கேட்டுக்கொள்கிறேன்.

அடுத்தபடியாக, இந்தப் பஞ்சாயத்து மசோதாவிலே சில வசதிகள் செய்து கொடுத்திருக்கிறார்கள். இதில் 68-வது “may construct and maintain water-works for supply of water for washing and bathing purposes.” என்று குறிப்பிடப்பட்டிருக்கிறது. அதாவது குளிப்பதற்கும், துணிகளைத் துவைப்பதற்கும் என்று குறிப்பிடப்பட்டிருக்கிறது. யார் குளிப்பதற்கு, யார் துவைப்பதற்கு என்றெல்லாம் சரியாக விளக்கமாக இல்லை. இதற்கு ஒரு திருத்தம் கொடுக்கவேண்டுமென்று அமைச்சர் அவர்களைக் கேட்டுக்கொள்கிறேன். ஏனென்றால் பொது மக்கள் துணிகளைத் துவைப்பதற்கு கிராமங்களில் எவ்வித வசதியும் இன்றுவரை ஏற்பாடு இல்லை. பஞ்சாயத்து மேற்கொண்டு அவர்களுக்கு வசதி செய்து கொடுக்கவேண்டிய எல்லா வசதிகளையும் தொழிலாளர்களுக்குச் செய்து கொடுக்கவேண்டுமாய்க் கேட்டுக் கொள்கிறேன். நல்ல சமயத்தில் இந்தச் சட்டத்தை இங்கு கொண்டு வந்திருப்பதை நல்ல முறையில் சர்க்கார் உத்தியோகஸ்தர்களும், தேர்ந்தெடுக்கப்படுபவர்களும் அமுல் நடத்தவேண்டுமென்று கேட்டுக்கொள்கிறேன். மேற்சொன்ன இந்தத் திருத்தத்தை நன்றாக, அழுத்தத் திருத்தமாகக் குறிப்பிடவேண்டும். அப்படிக் குறிப்பிட்டால்தான், வருங்காலத்தில் நல்ல வாய்ப்பு ஏற்படுமென்று கூறி இந்த விதியை விளக்கமாகத் திருத்தியமைக்கக் கேட்டுக்கொள்கிறேன்.

இந்த மசோதாவிலே வரி வசூல் செய்வதற்குரிய வழிவகைகளைப் பற்றிக் குறிப்பிட்டிருக்கிறார்கள். இந்தச் சமயத்தில் இந்தக் கிராமப் பஞ்சாயத்துக் கவுன்சிலிலிருந்து வரியாகச் செலுத்தக்கூடிய ஒரு ரூபாயில் ஸ்தல சீர் அமைப்புக்காகப் போகவேண்டுமென்று இருப்பதை இன்றைக்குப் பலர் எதிர்த்திருக்கிறார்கள். கிராம மக்களிடத்திலிருந்து வசூலிக்கப்படுகிற பணத்தைக் கிராம மக்களுடைய நன்மைக்காகவே சிணைந்து வசதி, பாதை வசதி, சுகாதார வசதி என்பவைகளுக்காகச் செலவிடத்தான் திட்டமிடப்பட்டிருக்கிறது. கிராம மக்கள் மிகுந்த உற்சாகத்துடன் இந்தப் புதிய திட்டத்தை வரவேற்கத் தயாராக இருக்கிறார்கள். வரியாகப் பணத்தை வாரி இரைக்கத் தயாராக இருக்கிறார்கள். ஒரு நாட்டை வளர்ப்பதற்கு, மேம்பாடு அடையச் செய்வதற்கு மக்களுடைய சக்தி ஒன்று திரட்டப்படவேண்டும். அதைத்தான் இந்த மசோதா செய்கிறது. ஆகவே, இந்தப் பஞ்சாயத்து மசோதாவை நான் முழுமனதுடன் வரவேற்கிறேன்.

*SRI K. T. KOSALRAM : கனம் மன்றத் தலைவர் அவர்களே, இந்தப் பஞ்சாயத்து மசோதாவானது நம்முடைய ஜனநாயக நாடு நாளுக்கு நாள் எவ்விதம் பல துறைகளிலும் வளர்ச்சியடைந்துகொண்டு

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[Sri K. T. Kosalam] [1st November 1958]

வருகிறது என்பதைத்தான் காட்டுகிறது. பஞ்சாயத்து ஆட்சியானது நம் முடைய ராஜ்யத்தில் அங்கங்கே சுமார் 84 வருஷங்களாக நடைபெற்று வந்திருக்கிறது. பஞ்சாயத்து மசோதா இருந்தாலும், உண்மையான கிராம சுயாட்சி அங்கங்கே ஏற்படவேண்டுமென்பதுதான் கிராம மக்களுடைய ஆசை. தேசத்தின் பிதா காந்தி அடிகளும் கூட அதைத்தான் வற்புறுத்தினார்கள். உண்மையான கிராம சுய ஆட்சி முறையை அமைக்க வேண்டும் என்பதற்காக நாம் பலவிதமான சட்டங்களைக் கொண்டுவருகிறோம். அந்த முறையில் வந்திருக்கிற இந்த மசோதா மக்களுக்குத் தங்களுடைய நிர்வாகத்திலே பூர்ண சுதந்திரமும், உரிமையும் உண்டாவதற்கு வழி செய்கிறது என்று பார்த்தால், இல்லையென்றுதான் சொல்ல வேண்டியிருக்கிறது. அதற்காக நான் இந்த மசோதாவை அப்படியே புறக்கணித்துவிடவேண்டுமென்று சொல்லுவதாக யாரும் நினைத்துவிட வேண்டாம். ஜனநாயகம் படிப்படியாக வளர்ச்சி அடையமுடியும். ஜனநாயகம் படிப்படியாக வளர்ச்சி அடையவேண்டுமென்ற நோக்கத்துடன்தான் இந்த மசோதாவைக் கொண்டுவந்திருக்கிறார்கள். இந்த மசோதாவைப் பற்றிய பரிசீலனை, விவாதம் பல்வேறு இடங்களில் பல்வேறு விதமாக நடந்திருக்கின்றன. இருந்தாலும் இதிலே குறைபாடுகள் நிறைய இருக்கின்றன என்பதைச் சொல்லாமல் இருக்க முடியவில்லை. 500 பேர் கொண்ட இடத்திற்குப் பஞ்சாயத்து அமைப்பது என்பதே அர்த்தமில்லாமல் இருக்கிறது என்பது என் அபிப்பிராயம். திரு. அண்ணாமலை பிள்ளையைப் போன்று இருப்பவர்களும் கூட “தேர்தல் இங்கே எப்படி நடைபெறுகிறது” என்பதைப்பற்றிச் சொன்னார்கள். 23-ந் தேதி தேர்தல் தினம் என்று குறிப்பிடப்பட்டிருக்கும். அன்றைய தினம் காலை 10½ மணிக்குத் தான் தேர்தல் அதிகாரி அந்த ஊருக்குப் போவார். பொவதற்கு முன்பே யார் யார் தான் தேர்தலில் வரவேண்டும் என்று அவர் திட்டம் செய்து கொண்டு போய்விடுவார். போனவுடன் நாமினேஷன் call for பண்ணுவார். கிராமத்திலுள்ள மக்கள் எல்லோரும் பார்த்தைப் பூர்த்தி செய்யக்கூடிய கல்வி அறிவு உடையவர்களா? நாமினேஷன் பேப்பரில் அது தப்பு, இது தப்பு என்று அப்போதே நன்னுடைய உத்தேசத்தில் இல்லாதவர்களுடைய நாமினேஷன்களை நிராகரித்துவிட்டு, நினைத்தவர்களை அனுமதித்து, தேர்தலில் அவர்கள் வென்றதாகவும் அறிவித்துவிட்டு வந்துவிடுவார். இப்படி நடைபெற்ற—ஒன்றுக்கு மேற்பட்ட ஐந்தாறு—சம்பவங்களை நான் வேண்டுமானால் குறிப்பாகச் சொல்ல முடியும். ஜனநாயகம் நாட்டில் வளரவேண்டுமென்று அமைச்சர் அம்மையார் நினைக்கிறார்கள், மற்றவர்களும் நினைக்கிறார்கள். ஆனால், அதிகாரிகள் தாங்கள் நினைக்கிறபடி நடந்துகொள்வதற்குத்தான் நாம் நிறைய வசதியையளித்துக் கொண்டு வருகிறோம். ஆகவே, குறைந்த அளவு ஜனத்தொகையுள்ள இடத்திலே தேர்தல் என்பது கேலிக்கூத்தாகத்தான் அமையும். இதை இப்போது நான் மாற்றியமைக்கவேண்டுமென்று சொன்னாலும், அமைச்சர் அவர்கள் ஒத்துக்கொள்ளமாட்டார்கள். காலப்போக்கிலாவது இந்தத் தப்பைத் திருத்துவார்கள் என்ற நினைப்பில் நான் சொல்கிறேன். ஸ்ரீ அண்ணாமலை பிள்ளை அவர்கள் சொன்னார்கள் மூன்று நாங்கு பஞ்சாயத்துக்கு ஒரு அதிகாரியை நியமிக்கவேண்டுமென்றும், அதிகாரிகள் இல்லாவிட்டால், வேலை நடக்காதென்று. நானும் அதையேதான், பஞ்சாயத்துக்கள் பெரிதாக இருக்கவேண்டுமென்று ஆசைப்படுகிறேன்.

அடுத்தபடியாக, நிதி அமைச்சர், ஸ்ரீ சுப்பிரமணியம் அவர்கள் இந்த மசோதாவின் அடிப்படையில் நடக்கும் தேர்தல் அரசியல் கலப்பு இல்லாமலிருக்கவேண்டுமென்ற கருத்தை வெளியிட்டார்கள். எனக்கு அது புரியவில்லை. அரசியல் கட்சிதான் ஜனநாயக அடிப்படையில் இயங்குகிறது. அரசியல் கட்சி இல்லாமல் ஜனநாயகம் எங்கிருந்து வரும் என்று புரியவில்லை. கிராமங்களில் எல்லாம் அரசியல் கட்சியின் சார்பில் பொதுத் தேர்தல் நடக்கிறது. இங்கே கட்சி சார்பில் தான் இயங்குகிறோம். அரசியலை இந்தத் தேர்தலில் புகுத்தக் கூடாது என்பது அர்த்தமற்ற பேச்சு. நாம் அத்தனை பேரும் ஜனநாயகத்தைப்பற்றிப்பேசுகின்றோம். சமீபத்தில் சுதந்திரம் அடைந்த பல நாடுகளில் இன்றைக்கு ராணுவம்

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ஏற்பட்டு வருகிறது; ஜனநாயகம் நசுக்கப்படுகிறது. காந்தியடிகள் நமக்குக் கொடுத்திருக்கும் பயிற்சியினால், அப்படிப்பட்ட சம்பவம் சர்வாதிகாரம், நம் நாட்டில் ஏற்படாது. அதற்கு இடம் கொடுக்க மாட்டோம். ஆனால் அதிகமான அதிகாரத்தை அதிகாரிகளின் கையில் கொடுக்கக் கூடாது. ஜில்லா போர்டு ப்ரெஸிடெண்டுகளுக்கு இருந்த அதிகாரங்களெல்லாம் கமிஷனர்களுக்குக் கொடுக்கப்பட்டிருக்கின்றன. தலைவர்களுக்குத் தீர்மானங்கள் நிறைவேற்றுவதற்கான அதிகாரம்தான் கொடுக்கப்பட்டிருக்கிறது. நேரிடையாக ஒன்றையும் தலைவர்கள் கண்காணிக்க முடியாது; அதற்கான அதிகாரங்கள் அவர்களுக்குக் கொடுக்கப்படவில்லை.

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முன்பெல்லாம் ஸ்தல ஸ்தாபன இலாகா முதன் மந்திரியின் பொறுப்பில்தான் இருந்துவந்தது. ஸ்தல ஸ்தாபன இலாகா ஒரு பெரிய இலாகா. பனகல் ராஜா, பொப்பிலி ராஜா முதலியவர்கள் முதன் மந்திரியாக இருந்தபோது, அவர்கள் ஸ்தல ஸ்தாபன இலாகா பொறுப்பைத் தங்களிடம் வைத்துக்கொண்டிருந்தார்கள். அந்த இலாகா பெரிய இலாகா. அது பொது மக்களுடன் அதிகத் தொடர்பு கொண்டுள்ள இலாகா; மக்களுக்கு நேரிடையாக நன்மை செய்யவேண்டிய இலாகா. கிராம மக்கள் நலன் அடைவதற்கு ஸ்தல ஸ்தாபன அமைச்சரையும், ‘இன்ஸ்பெக்டர் ஆப் லோகல் போர்ட்’-ஐயும், கமிஷனர்களையும் தான் நம்பியிருக்க வேண்டியிருக்கிறது. ஏனென்றால், அவர்களுக்கு நன்மை பயக்கும் காரியங்களைச் செய்வதற்கான அதிகாரங்கள்—கிராமங்களில் அத்தியாவசியமான காரியங்களைச் செய்வதற்கான அதிகாரங்கள்—அவர்களிடம்தான் குவிந்திருக்கின்றன. அவர்களிடம் குவிந்திருக்கும் இந்த அதிகாரங்களை மற்றவர்களுக்கும் போதிய அளவு பிரித்துக் கொடுத்து, அதிகாரங்களைப் பரவலாக விநியோகிப்பதற்கு மசோதாவில் வகை செய்யப்பட்டிருக்கிறதா? ஸ்தல ஸ்தாபனங்களில் கிராம அபிவிருத்தி இலாகா, ஹைவேஸ் இலாகா, சுகாதார இலாகா, கல்வி இலாகா ஆகிய அத்தனை இலாக்காக்களும் இயங்குகின்றன. இந்த இலாக்காக்களின் அதிகாரிகள் மாநிலத்திலே ஜில்லாக்களில் இருக்கிறார்கள். இந்த அதிகாரிகள் தங்கள் தங்கள் இலாக்காக்களின் தலைவர்களின் கீழ் வேலை செய்கிறார்கள். இவர்களை எதையும் கேட்பதற்கு இன்ஸ்பெக்டர் ஆப் லோகல் போர்டுக்கு அதிகாரம் இல்லை. கிராம சுயாட்சி என்றால் யார் யாரிடம் எத்தகைய அதிகாரங்கள் எவ்வளவு எவ்வளவு இருக்க வேண்டும்? இன்றுள்ள சட்ட திட்டங்களின்படி, லோகல் போர்டு இன்ஸ்பெக்டரின் அதிகாரத்திற்குக் கட்டுப்பட்ட நிலையில் சுகாதார அதிகாரிகள் இல்லை. லோகல் போர்டு இன்ஸ்பெக்டர் சுகாதார அதிகாரிகளின் மீது அதிகாரம் செலுத்த முடியாது. ஸ்தல ஸ்தாபனப் பள்ளிக்கூட உபாத்தியாயர்கள் மீது ஏதாவது நடவடிக்கை எடுக்க வேண்டுமானால், அதற்குக் கமிஷனருக்கு அதிகாரம் இருக்கிறதா? இல்லை; அவர்மீது ஏதாவது நடவடிக்கை எடுக்க வேண்டுமானால் அதற்குக் கமிஷனர் அது சம்பந்தமாக டைரக்டர் ஆப் பப்ளிக் இன்ஸ்ட்ரக்ஷனுக்கு எழுத வேண்டும். அதே மாதிரி, அங்குள்ள வைத்திய அதிகாரிகள் மீது நடவடிக்கை எடுக்க வேண்டுமானால், அவர் டைரக்டர் ஆப் மெடிகல் ஸெர்விஸஸுக்கு எழுத வேண்டும். ஸ்தல ஸ்தாபனத்திலுள்ள சுகாதார அதிகாரிகள் மீது அவர் நடவடிக்கை எடுக்க வேண்டுமானால், அவர் டைரக்டர் ஆப் பப்ளிக் ஹெல்த்திற்கு எழுத வேண்டும். குற்றம் சாட்டப்பட்ட அதிகாரிகள் செய்தது நியாயமானதுதான் என்று அந்த டைரக்டர்கள் சொன்னால், கமிஷனர்களும் மற்றவர்களும் அதற்கு மேல் ஒன்றும் செய்ய முடியாது; அப்போது அவர்கள் வாய் மூடிகளாகத்தான் இருக்க வேண்டியிருக்கிறது. இப்படிப்பட்ட சட்டங்களை இயற்றிவிட்டு, “நாங்கள் சட்டமியற்றிவிட்டோம்; மகாத்மா காந்தி கனவு கண்டபடி கிராமங்களுக்குச் சுயாட்சி வழங்கிவிட்டோம்” என்று அரசாங்கத்தார் சொல்ல முடியாது. அப்படிப்பட்ட சுயாட்சியைக் கிராமங்களுக்கு வழங்க வேண்டுமென்றால், சர்க்காரில் நிர்வாக இயந்திரத்தை அதற்குரிய முறையில் திருத்த வேண்டும். நிர்வாக இயந்திரத்தை அந்த முறையில் திருத்துவதற்கு இந்த மசோதாவில் வகை செய்யப்படவில்லை. நிர்வாக இயந்திரம் அந்த முறையில் திருத்தப்பட வேண்டுமானால், அதற்கு இந்த மசோதா

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விலைமேலாக வசூல் செய்துவிட்டு முடிபாது என்பதும், பல சட்டங்களைத் திருத்த வேண்டுமென்பதும், பல சட்டங்களை இயற்ற வேண்டுமென்பதும் எனக்குத் தெரியும்.

ஸ்தல ஸ்தாபனங்களிலுள்ள வைத்திய இலாகா அதிகாரிகள், கல்வி இலாகா அதிகாரிகள், சுகாதார இலாகா அதிகாரிகள் முதலிய பல்வேறு இலாகாக்களின் அதிகாரிகளும் கமிஷனர், இன்ஸ்பெக்டர் போன்ற நிர்வாக அதிகாரிகளுக்கு உட்பட்டிருக்க வேண்டுமென்று சொன்னால், “பெக்னிகல் டிபார்ட்மென்டை சாதாரண நிர்வாக அதிகாரிகளிடம் எப்படிக் கொடுக்கலாம்?” என்று லெர் ரெக்டுர்கள். “சுகாதார இலாகா போன்ற இலாகாக்களை இன்ஸ்பெக்டர் போ கலெக்டர் போ எப்படிக் கொடுக்கலாம்?” என்று கேட்கிறார்கள். ஐ.ஏ.எஸ். அதிகாரிகளுக்கும் ஐ.ஸி.எஸ். அதிகாரிகளுக்கும் அமைச்சர்களுக்கும் “பெக்னிகல் கமாஸிஸ்கேஷன்” இருக்கிறதா? இல்லையே! ஆனால், அவர்கள் பெக்னிகல் கமாஸிஸ்கேஷன் உள்ள அதிகாரிகளை பெற்பார்வை செய்யவில்லையா? சீப் என்ஜினியர்களாக இருந்தாலும் சரி, டைரக்டர் ஆப் மெடிக்கல் லெர் மெஸ்ஸாக இருந்தாலும் சரி, எல்லா பெக்னிகல் இலாகா அதிகாரிகளையும் அமைச்சர்கள் நன்றாக பெற்பார்வை செய்யுகொண்டுதான் இருக்கிறார்கள். பெக்னிகல் இலாகாவையும் வைத்திய இலாகாவை அமைச்சர் கனம் ஸ்ரீ மாணிக்கவேலு நன்றாக நிர்வகித்துக்கொண்டுதான் இருக்கிறார். பெக்னிகல் கமாஸிஸ்கேஷன் இல்லாத சர்க்கார் காரியதரிசிகளும் பெக்னிகல் இலாகாக்களை நன்றாக நிர்வகித்துக்கொண்டுதான் இருக்கிறார்கள். அவர்கள் சீப் என்ஜினியர்களையும் மற்ற பெக்னிகல் அதிகாரிகளையும் நன்றாக பெற்பார்வை செய்யுகொண்டுதான் இருக்கிறார்கள். பஞ்சாயத்துப் போர்டுகளில் போடு வேலைகள் நடக்கவேண்டுமென்றால், “ப்ரொபோய்லா வேண்டும். “ப்ரொபோஸலஸ்” அங்கீகாரமாகி வரும்வரையில், பஞ்சாயத்துப் போர்டு காத்திருக்கவேண்டும். அதற்குப் பிறகு, ஆறு மாதங்கள் அல்லது ஒரு வருடம் கழித்து பெரிய எஞ்சினியர் வந்து நாடாப் பிடித்து அளந்து காரியங்களைச் செய்ய ஆரம்பிப்பார். இந்த வேலையைச் சரியாகச் செய்யாத அதிகாரி மீது நடவடிக்கை எடுக்க ஸ்தல ஸ்தாபன அதிகாரிகளுக்கு அதிகாரம் கிடையாது. இந்த நிலைமை மாற வேண்டுமென்பதுதான் என் ஆசை. இதற்கெல்லாம் இந்த மசோதா வகை செய்யவில்லை.

இரண்டாவது ஐந்தாண்டுத் திட்டம், மூன்றாவது ஐந்தாண்டுத் திட்டம் என்று திட்டங்களை வகுத்துக்கொண்டு போவீரோம். மூன்றாவது ஐந்தாண்டுத் திட்டத்தில் எல்லாக் கிராமங்களிலும் கைத்தொழில்கள் அபிவிருத்தி செய்யப்பட வேண்டும். மூன்றாவது ஐந்தாண்டுத் திட்டத்தில் ஒவ்வொரு கிராமத்திலும் இரும்புத் தொழிற்சாலை இருக்க வேண்டுமென்று சொல்லப்படுகிறது. ஆனால் இப்போது காரியாயம்சத்தில் கிராமங்களில் காரியங்கள் எவ்வாறு நடக்கின்றன? பெரிய பஞ்சாயத்தில் ஒரு கட்டிடத்தைக் கட்ட வேண்டுமானால், அதற்கு ஸ்தல அதிகாரிகளிடம் போதிய அதிகாரம் கிடையாது. டைரக்டர் ஆப் டவுன் ப்ளானிங்கிற்குப் “ப்ரொபோஸல்” அனுப்பப்பட வேண்டும். ப்ரொபோஸல்லை அவர் அங்கீகரித்த பிறகு, அவை சுகாதார அதிகாரிக்கு அனுப்பப்பட்டு அவருடைய சம்மதம் பெறப்படவேண்டும். “ப்ரொபோஸல்ஸ்” அங்கீகரிக்கப்படாத நிலையில் பஞ்சாயத்துப் போர்டில் உள்ளவர்கள் யாராவது மந்திரிகளைப் பங்கக் வந்தால், ஒரு மந்திரி இன்னொரு மந்திரியைக் காட்டுவார். மந்திரி மீட்கி லார்தம்மாள் அம்பையாரிடம் கேட்டால், அவர் “கனம் ஸ்ரீ மானிக்கவேலு அவர்களைக் கேட்கவேண்டும்” என்று சொல்லுவார். கனம் அமைச்சர் ஸ்ரீ மானிக்கவேலு அவர்களிடம் சொன்னால், “இது இலாகா சம்பந்தப்பட்ட விஷயம் இல்லையே! அது ஸ்தல ஸ்தாபன விடுவார். பஞ்சாயத்துப் போர்டுகளில் வேலைகள் நடப்பது இப்படித்தான் இருக்கிறது. ஸ்தல ஸ்தாபன இலாகாவிற்குப் போதிய உத்தியோகஸ்தர்கள் அளிக்கப்பட வேண்டும். கிராமங்களிலுள்ள எல்லா இலாகாக்களின் உத்தியோகஸ்தர்களும் ஸ்தல ஸ்தாபன அமைச்சரின் கீழும்

1st November 1958] [Sri K. T. Kosalam]

லோகல் போர்டு இன்ஸ்பெக்டரின் கீழும் பணியாற்ற வேண்டும். ஸ்தல ஸ்தாபன அமைச்சரோ இன்ஸ்பெக்டரோ உத்தரவு போட்டால், அவர்கள் அதற்குக் கட்டுப்பட்டிருக்க வேண்டும். அவ்வாறு இருந்தால்தான், கிராமப் களிலுள்ள எல்லா அதிகாரிகளும் கமிஷனருக்குக் கட்டுப்பட்டிருப்பார்கள். இல்லாவிட்டால் சேர்மனோ கமிஷனரோ எக்ஸிடியூட்டிவ் ஆபீசரோ ஏதாவது சொன்னால், அந்த அதிகாரிகள் “என் பாஸ்”—முதலாளி—வேறொருவர் ; இவர்கள் யார் என்னைக் கேட்பதற்கு ?” என்று சொல்வதை நாங்கள் பார்க்கிறோம். இந்த நிலைமை நீடித்தால் ஜனநாயகம் செத்துப் போகும். மேலும், எக்ஸிடியூட்டிவ் ஆபீசரும் கமிஷனரும் ப்ரொஸிடென் டின் “கண்ட்ரோல்”இல் இருக்க வேண்டும். அதற்கான அதிகாரங்கள் ப்ரெஸிடெண்டுகளுக்கு—தலைவர்களுக்கு வழங்கப்பட வேண்டும். தலைவர் கள் தங்களுடைய அதிகாரங்களைத் துஷ் பிரயோகம் செய்தால், அவர்களைப் பதவியிலிருந்து நீக்கலாம். அதற்குப் பஞ்சாயத்து மெம்பர்களுக்கு அதி காரம் இருக்கிறது. அவர்கள் தலைவர்மீது நம்பிக்கையிலலாத தீர்மானம் காரம் இருக்கிறது. அவர்கள் தலைவரின் பதவியிலிருந்து நீக்கலாம். கொண்டுவந்து, அதை நிறைவேற்றி அவரைப் பதவியிலிருந்து நீக்கலாம். ஜனநாயகத்தைச் செயல்படுத்தும்போது தவறுகள் ஏற்படத்தான் செய்

யும்.
தலைவர்கள் திறமையுள்ளவர்களாக இருப்பார்களோ இருக்கமாட்டார் களோ என்ற ஐயப்பாட்டினால், அவர்களுக்குப் போதிய அதிகாரங்கள் அளிக்கப்படவில்லை என்று சொல்லக் கூடாது. நாம் அத்தனை பேரும் இந்த சபைக்கு வந்தபோதே, நிர்வாகத் திறமை படைத்தவர்களாக இருந்தோமா? அத்தனை பேருக்கும் 'முதலில் திறமை இருந்ததா? இப்போது திறமை தானாகவே வந்திருக்கிறது' பொது மக்களிடமும் பொது மக்களின் தலைவர்களிடமும் நாம் நம்பிக்கை வைக்க வேண்டும். பொது மக்களின் தலைவர்களிடமும் நம்பிக்கை இழந்தவர்கள் இருக்கிறார்கள். தங்களைப் பொது மக்களிடம் நம்பிக்கை இழந்தவர்கள் அப்படி இருக்கட்டும். பெரிய அறிஞர்கள் என்று சொல்லிக்கொள்பவர்கள் அப்படி இருக்கட்டும். பொது மக்களால்தான் நீங்கள் (அமைச்சர்கள்) தேர்ந்தெடுக்கப்பட்டிருக்கிறீர்கள். நீங்கள் அவர்களிடமும் அவர்களுடைய தலைவர்களிடமும் நம்பிக்கை வைக்கவேண்டும்.

[illegible]

[1st November 1958]

MR. CHAIRMAN : How much more time does the hon. Member require?

1 p.m. *SRI K. T. KOSALRAM : Ten minutes more, Sir. இந்த சபையில், அதிக அனுபவம் பெற்றவர்களும் வயது முதிர்ந்தவர்களும் அதிகமாகக் காணப்படுகிறார்கள். நிர்வாகத்தில் அதிகப் பதக்கப் பட்டவர்கள் இந்த சபையில் இருக்கிறார்கள். இப்படிப்பட்ட லெஜிஸ்லேடிவ் கவுன்சில் அங்கத்தினர்களும், கிராமத் திட்டங்களுக்கான பணத்திற்காகப் பாராளுமன்றத்தில் சண்டை போடும் பாராளுமன்ற அங்கத்தினர்களும் பஞ்சாயத்துக் கவுன்சிலுக்கு வேண்டாமென்ற எண்ணத்துடன் “ லெஜிஸ்லேடிவ் அசெம்பிளி ” என்று அங்கே போடப்பட்டிருப்பதானது இந்தச் சபைக்கு மிகவும் அவமானம் என்று கூட நான் சொல்லேன். இச்சபையை இவ்வரசாங்கம் அவமானப்படுத்துகிறது. இந்த சபையிலுள்ள அனுபவம் மிக்க அங்கத்தினர்களின் ஆலோசனை வேண்டும், வேண்டும் என்று அடிக்கடி அமைச்சர்கள் சொல்லுகிறார்கள். அதே போல், கிராம மக்களின் பண்பை வளர்க்க வேண்டுமென்றும் அவர்களை நிர்வாகத் துறையில் புகுக்கப்படுத்த வேண்டுமென்றும் சொல்கிறார்கள். அவர்களிடையே நல்ல, திறமையுள்ள தலைவர்கள் இல்லையென்றும் சொல்கிறார்கள். அதனால் அவர்களிடையே நல்ல தலைவர்களை உண்டாக்க வேண்டுமென்று சொல்கிறோம். நான் சேர்மன் அவர்கள் வழியாக, அமைச்சர்களுக்கு ஒன்று தெரிவித்துக்கொள்ள விரும்புகிறேன். பிளாக் டெவலப்மெண்ட் சப்ட்மென்ட்ஸ் பல நடக்கின்றன. அங்கு அதிகாரிகள் என்ன சொல்கிறார்களோ அதன்படி காரியங்கள் நடக்கின்றன. அனுபவமுள்ள சப்ட் சபை அங்கத்தினர்கள், அனுபவமுள்ள கௌன்ஸிலில் அங்கத்தினர்கள், பாராளுமன்ற அங்கத்தினர்கள் அவைகளில் கலந்துகொள்வார்களே யானால், அதிகாரம் பொது மக்கள் கௌன்சிலிற்கு மாறிவிடும். கிராமங்களில் நல்ல தலைவர்கள் வளர்ச்சி அடையவில்லையே என்று சொல்கிறார்கள். அங்கு நடக்கும் காரியங்களில் என் லெஜிஸ்லேடிவ் கௌன்ஸிலில் அங்கத்தினர்களையும், பாராளுமன்ற அங்கத்தினர்களையும் பங்கு எடுத்துக் கொள்ள அரசாங்கம் அனுமதிக்கவில்லை? உங்களுக்குப் பயம் போலிருக்கிறது. இங்கு ஸ்தல ஸ்தாபனங்களைப் பிரதிநிதித்துவம் செய்யும் அங்கத்தினர்கள் இருக்கிறார்கள். அவர்களின் செல்வாக்கு அங்கு வளர்ந்து விடக் கூடாது என்ற எண்ணமா உங்களுக்கு? அந்தந்தத் தொகுதியிலிருந்து வரும் அங்கத்தினர்கள் அந்தந்தத் தொகுதியில் நடக்கிற கமிட்டிகளில் அங்கம் வகிப்பதை என் தடை செய்கிறார்கள் என்று கேட்கிறேன். நானும் ஒரு எம்.எல்.ஸி. ஆக இருப்பதின் காரணத்தினால், என்னையும் அது உட்படுத்தும் என்ற காரணத்தினால், என்னால் அதிகமாக இதைப்பற்றிப் பேச முடியவில்லை. இல்லாவிடில், இந்த அரசாங்கத்தின் மூளை இப்படிக்கோளாறுகிப் போய்விட்டதே என்பதைப்பற்றி ஒரு மணி நேரம் வேண்டுமானாலும் பேசுவேன். இதை இப்படியே இதோடு விட்டுவிடுகிறேன்.

ஒரு மனிதனுக்கு ஆறு ரூபாய் வீதம் செலவு செய்யவேண்டுமென்று ஒதுக்கப்பட்டிருக்கிறது. ஆறு ரூபாய் ஒரு மனிதனுக்காக ஒதுக்குவது என்றால், அதனால் எவ்வளவு காரியங்களைச் செய்ய முடியும்? ஆனால் எத்தனையோ அதிகாரங்கள் கொடுக்கப்பட்டிருக்கின்றன. குடி தண்ணீர் விஷயம், சுகாதாரம், விவசாயம் என்று அந்தக் கிராம மக்களுக்கு என்னென்ன தேவைகள் இருக்கின்றனவோ அவைகள் அத்தனையையும் செய்வதற்கு நபர் ஒன்றுக்கு ஆறு ரூபாய் வீதம் ஒதுக்கப்பட்டிருக்கிறது. அதோடு, “ சம்பல்ஸரி எஜுகேஷனையும் ” அவர்களிடம் ஒப்படைத்திருக்கிறோம். இது வேறு. ஆக, ஆள் ஒன்றுக்கு ஆறு ரூபாய் மட்டும் ஒதுக்கி வைத்துவிட்டு, இவ்வளவு காரியங்களையும் செய்து கொடுக்கவேண்டுமென்று சொல்வது அசாத்தியமான காரியமாகும். இவைகளுக்குக் கொஞ்சம் அதிகம் பணம் ஒதுக்க வேண்டாமா என்று கேட்கிறேன். இதில் அரசாங்கம் தனது முழு கவனத்தையும் செலுத்தி, கூடுதல் பணம் ஒதுக்க வேண்டுமென்று கேட்டுக்கொள்கிறேன்.

[1st November 1958] [Sri K. T. Kosalram]

அடுத்தபடியாக, செங்கல்பட்டு-ஸவுத் ஆற்காடு-சென்னை ஸ்தல ஸ்தாபன தொகுதி அங்கத்தினர் அவர்கள் “ 7,000 பஞ்சாயத்துக்களில் 30 பஞ்சாயத்துக்களைத்தான் நீங்கள் குறை கூறுகிறீர்கள் ”, என்று சொன்னார்கள். ஆனால், 7,000 பஞ்சாயத்துக்களில் எத்தனையோ எக்ஸ்கியூடிவ் அதிகாரிகள் இருக்கின்றார்கள். அவர்களில் பாதிக்கு மேற்பட்டவர்கள் மீது புகார்கள் வந்திருக்கின்றன. பிரசிடெண்டுகள் மீது அவ்வளவு புகார்கள் வந்திருக்காது. இன்ஸ்பெக்டர் ஆபீஸ் பைல் களைப் பார்த்தாலோ, டி.பி.ஓ. பைல்களைப் பார்த்தாலோ அல்லது டெபுடி பஞ்சாயத்து ஆபீஸர்களின் பைல்களைப் பார்த்தாலோ, பாதி அதிகாரிகளின் மீது புகார் வந்திருப்பது தெரியவரும். சில ஊர்களில் நடப்பது எனக்குத் தெரியும். அதிகாரிகள் பணம் எடுக்க “ செக் ” கொடுக்கிறார்கள். ரோடுகள் போட்டதாக ரிக்கார்டுகளில் இருக்கும். செக்கில் கையெழுத்துப் போடும் அதிகாரம் எக்ஸ்கியூடிவ் ஆபீஸருக்கு இருக்கிறது. அவர் செக்கில் கையெழுத்துப் போட்டு “ டிரெஷரியில் ” இருந்து பணமும் வாங்கப்படுகிறது. ஆனால், ரோடு போடப்பட்டிருக்காது. பிரசிடெண்டு அதைப்பற்றிக் கேட்டு, அதன் பேரில் ஒரு முடிவு எடுக்க வேண்டுமென்றால் அதற்கு வருடங்கள் மூன்று பிடிக்கும். அல்லது அந்த ஆபீஸரை “ ஸஸ்பெண்ட் ” செய்தால், அவர் எப்படியாவது வேலையைத் திரும்ப வாங்கிக்கொண்டு வந்துவிடுகிறார். ஆகவே, ஏதாவது பணம் எடுக்க வேண்டுமென்றால், பிரசிடெண்டின் “ கௌண்டர்-லிக்னேச்சர் ”-ம் இருக்க வேண்டுமென்று இருக்கவேண்டும். ஆபீஸர், பிரசிடெண்டினிடம் “ ஐயா, நான் இவ்வளவு பணம் எடுக்கப் போகிறேன், அதற்கு உங்கள் ‘ கௌண்டர்-லிக்னேச்சர் ’ வேண்டும், அப்படியானால்தான் பணம் எடுக்க முடியும் ” என்று சொன்னால், அந்த அதிகாரி அப்பொழுது பயந்துகொண்டுதான் பணத்தை எடுத்துக் காரியம் செய்ய முன்வருவார். ஆகவே, அதிகாரிகளுக்கு அதிகமான அதிகாரங்கள் கொடுப்பது என்ற முறை போக வேண்டும். அதிகாரம் பரவலான முறையில் இருக்கவேண்டுமென்பதுதான் அம்மையாரின் நோக்கம். அதற்காக நான் அவர்களைப் பாராட்டுகிறேன். அதிகாரம் பரவலான முறையில் இருக்க வேண்டுமென்றால், தனிப்பட்ட ஒரு அதிகாரியிடம் எல்லா அதிகாரங்களும் இருந்தால், அதிகாரம் பரவலாக இருக்க முடியாது. அதிகாரம் பரவலான முறையில் இருக்க வேண்டுமென்றால் பொது மக்களின் பிரதிநிதிகளுக்கு ஓரளவு மரியாதை இருக்க வேண்டும்.

இங்கு சிலர் பேசினது எனக்குப் புரியவில்லை. “ பஞ்சாயத்துத் தலைவர்கள் அனுபவமில்லாதவர்களாக இருக்கிறார்கள். ஆகவே, அவர்களிடம் எப்படி அதிகாரத்தை ஒப்படைப்பது ? ” என்று சொன்னார்கள். எனக்கு அப்பேச்சுப் புரியவேயில்லை. ஆனால், இனிமேலாவது அவர்கள் அப்படிப் பேசாமல் இருக்க வேண்டுமென்பது எனது ஆசை. நாம் இங்கு மக்களின் பிரதிநிதிகளாக வந்திருக்கிறோம். நமக்கிருக்கும் திறமையை வைத்துக் கொண்டு நாம் ஆட்சி நடத்துகிறோம். ஆகவே, நாம் நம்மையே தொடர்பு பார்த்துக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்கிறேன். நாம் பொது மக்களின் பிரதிநிதிகளாக அவர்களின் வோட்டுகளைப் பெற்று இங்கு வந்திருக்கிறோம். இன்று அமைச்சர் என்றால், அவருக்கு நாம் மரியாதை கொடுக்கிறோம். ஏன்? மக்களின் பிரதிநிதியாக அவர் வந்திருப்பதால்தான். அவருக்கு மரியாதை செலுத்துவது மூலமாக நாம் மக்களுக்கு மரியாதை செலுத்துகிறோம். ஆகவே, மக்களின் பிரதிநிதிகளுக்கு மரியாதை செலுத்தாமல், ஸ்தல ஸ்தாபனங்களைப்பற்றித் தவறாகப் பேசும் பேச்சைப் பொறுப்புள்ள அமைச்சர்கள் கைவிட வேண்டுமென்பதே என் ஆசை.

அடுத்தபடியாக, பஞ்சாயத்துக் கோர்ட்டுகள் இருந்தன. ஏற்கனவே ஒரு முறை தேர்தல் நடந்துவிட்டது. 100 ரூபாய் வரை “ டிக்ரி ” ரெய்ய, 10 ரூபாய் வரை அபராதம் போட, கிராமங்களில் ஏற்படும் வழக்குகளைத் தீர்ப்பதற்கு பழைய பஞ்சாயத்துச் சட்டப்படி பஞ்சாயத்துகளுக்கு அதிகாரம் இருந்தது. இதில் அந்த அதிகாரம் எடுக்கப்பட்டிருக்கிறது. தற்காலிகமாகக் கிராம முன்சீப்பிடம் அந்த அதிகாரத்தைக் கொடுக்க வேண்டும்

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

[Sri K. T. Kosalam] [1st November 1958]

என்று கண்டிக்கிறது. பஞ்சாயத்துக் கோட்டுகளுக்கு ஒரு புதுச் சட்டத்
தைக் கொண்டு வர வேண்டும். கிராம முன்வீப்பிடம் இந்த அதிகாரம்
இருப்பதால் மக்கள் மிகவும் நலப்படும்படி இருக்கின்றன. ஆகவே, கிராம
முன்வீப்பிடம் இந்த அதிகாரத்தை ஒப்படைக்கும் முறையை ஒழித்து
விடவேண்டுமென்று கிளர்ச்சி இருந்து வருகிறது. கிராம முன்வீப்பிடம்
இந்த சிலில், கிராமியன் அதிகாரங்களை ஒப்படைக்கக் கூடாது. அப்படி
வரும்போது, இன்னொரு தேர்தல் நடத்த வேண்டிய அவசியம் ஏற்படுகிறது.
ஆக, மனிதனின் காலம் முழுவதும் தேர்தலில் தான் செலவிடப்பட
வேண்டியிருக்கிறது. பஞ்சாயத்துக்கு ஒரு தேர்தல், பஞ்சாயத்துக்
கோட்டு அமைக்க ஒரு தேர்தல். தேர்தலுக்கு தேர்தல் வேண்டுமென்று
ஸ்ரீ அண்ணாமலை பிள்ளை அவர்களும், ஸ்ரீ சுப்பிரமணிய நாயுடர் அவர்
களும் சொன்னார்கள். ஜனநாயகத்தில் நம்பிக்கை கொண்டவர்கள்
எல்லோரும் அதைத்தான் வற்புறுத்துவார்கள். யார் வேண்டுமானாலும்
வாடும்; அதைப்பற்றிக் கவலைப்பட வேண்டாம். குண்டாகளும், தடியர்களும்
வா வேண்டாம். எந்தக் கட்சி வருவதைப்பற்றியும் கவலைப்பட வேண்டாம்.
நோடித் தேர்தல் மூலத்தான் தலைவர்கள் தேர்ந்தெடுக்கப்பட்ட வேண்டும்.
ஆகவே, இந்த மசோதாவில் அதற்கு வகை செய்யாவிட்டாலும், அதற்கு
ஒரு திருத்தம் கொண்டு வந்து நிறைவேற்ற வேண்டுமென்று கூறிக்
கொண்டு சேர்மன் அவர்களுக்கு எனது வந்தனத்தைத் தெரிவித்துக்
கொண்டு முடித்துக்கொள்ளுகிறேன்.

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

The House then rose.

(After lunch—3 p.m.)

* SRI K. M. RAMASAMY GOUNDER: Mr. Chairman, Sir,
I am glad that I have the opportunity to participate in this discus-
sion. The present measure has been hailed as very important and
as next in importance only to the Constitution of India. But every-
thing depends upon how it is going to be worked. It is not the
only Act of its kind. Of course, it has its predecessors the
Panchayat Act of 1920 and the recent Act of 1950. So many
defects have been pointed out in the working of the village pancha-
yats. And now over and above the panchayats, we are going to
have a new set of bodies, namely, the panchayat union coun-
cils. Panchayats are going to be formed for villages having a
population of 500 and more. They are called panchayat villages and
for towns or villages having a population of over 5,000, there will
be town panchayats or panchayat towns. As regards the working
of these smaller units, especially the village panchayats, there has
been a good deal of criticism levelled as to how they are being
worked, how elections are being conducted and what irregularities
are being committed during the course of the elections. Of course,
there is no use of going on offering criticism without suggesting
concrete methods of improvement. To my mind, the defect lies in
the summary procedure adopted in the matter of elections to these
panchayats. There is no nomination paper filed; there is no elec-
tion properly conducted. It is only an election in name, a mockery
of election, in the majority of cases. As one very closely associated
with panchayats, major and minor, I know where the defect lies.
Even in spite of these things, there are good panchayats run on

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very sound lines. But, at the same time, we should find ways and
means of preventing these farces being enacted. With 500 as the
population of a panchayat and with panchayats numbering over
7,000, it is very difficult to have regular elections adopting proper
procedure and it will be very difficult to furnish adequate staff for
manning such panchayats. So, the one concrete suggestion that can
be given is that the panchayat should be self-maintaining; it should
be self-contained and it should be formed for a population of at least
over 3,000, if not 5,000, amalgamating, if necessary several smaller
panchayats into one. This Act is on the anvil and I feel it is not
comprehensive enough. There is so much of power vested in the
panchayat union council. It is rather ill-conceived and hastily
drafted. In The Hindu of to-day we have a report, as follows:—

“The concluding session of the fourth meeting of the
Central Council of Local Self-Government yesterday was marked
by a lively exchange on the issue whether the Panchayat Secretary
should be a paid Government servant or honorary local worker
drawn from the village”.

Mr. Balwantrai Mehta who has bestowed so much thought on the
working of village panchayats said:—

“Decentralization is necessary if democracy were to be
strengthened and freedom were to have any meaning to the common
man”.

By these direct elections we may think that decentralization is
there and that everything is all right. But, considering the way
the elections are being now conducted and the panchayats are being
now administered, we are far from real rural democracy. Some
of the hon. Members think that if candidates contest the elections
on party tickets, everything will be all right. But, as one who is
having personal knowledge of the working of these elections, I can
say that perhaps the elections fought on party tickets are not so
acrimonious or so bitter, as they are being thought of. After all, it
will be on a party basis—Congress or D.M.K. or some other party.
If, however, election on a party system can be completely tabooed,
it is well and good. There was a time when a single man's word
was law in our villages. It is as if one man could rule as in olden
days. It is as if what he said would be the rule or he could nominate
the president, the vice-president and the members. Nobody can
now imagine those days of undisputed ‘monarchs’; when in every
village then there were one or two big men who had unlimited
influence and power and whose word was very much respected.
Those days are gone now, never to return. We have to face elec-
tions. We have to conduct elections. Now, elections have to be
made as pleasant as possible and we should see that there is little
bitterness left after the elections. The hon. Member Sri S. P. Siva-
subramanya Nadar referred to direct election, i.e., the voters them-
selves electing the president, and said that that would remove at
least a major portion of the ills. I have first-hand knowledge of the

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elected presidents of panchayats. I think it was provided in the 1950 Act. I know of the system of electing the president through what is called direct election, all the voters electing the president. I know also of the other system, viz., the voters electing the members and the members in turn electing the president. Anyhow, I do not think we can return to the elaborate process of the president being elected at least by about 2,500 voters, to put the number of voters at a modest figure. Now, this time, we had cumulative voting for electing members whereby a voter having 4 votes can cast all his four votes in favour of one candidate. When this system is being tried, a person who does not enjoy the confidence of even 10 per cent of the total number of voters in that ward gets elected. When a voter casts all his four votes in favour of a single individual, this certainly happens and has happened in several places.

Can we not have some modified method, i.e., election-cum-something to reduce the importance of the elections to a certain extent? At present, people attach too much importance to elections. Can we not think of some other arrangement, say, something akin to the election of the Vice-Chancellor of the University of Madras, and selection by drawing a lot, as was done in the olden days for electing wise men to village panchayats? People should be helped to choose the best and wisest men. Some of us may feel that it is not cent per cent democracy. After conducting a preliminary election, it may be left to a superior power to select one among the three or four elected persons. That is, you may conduct a preliminary election and elect three or four persons. We may make it incumbent on them to get a certain percentage of the votes in order to make them eligible for being selected, and then lots may be drawn. Such a contingency arose even here in the case of the Teachers' constituency. Rev. Mr. D. Thambusamy and myself were declared duly elected. All the same, I got a greater number of first votes and when the second votes to a limited extent were taken into account, Rev. Mr. D. Thambusamy got 50 or 60 votes more. Still, as two seats were vacant, both of us were elected. But, as the terms in respect of the seats were to be determined . . . (Sri Mohamed Raza Khan: You might have been praying all the while!) Prayers have no efficacy in such matters. Probably, even there they may have some efficacy. That apart, I was mentioning these things only to point out that there were such methods also. Surely, the Vice-Chancellor is not elected by super-natural powers or through prayers. There will be a panel of three names or so which will be sent to the Governor who makes the selection from it. Similarly, if three or four persons are elected in the first instance, lots may be drawn and one among these four may be selected. If some such procedure is adopted, I am sure all the bitterness that we witness in post-election and pre-election days will disappear or, at least, will be minimised, to a considerable extent. That is my humble submission. Many people may not agree with me in that suggestion. But, as one who

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knows something of the conditions obtaining in the villages, I am convinced that if the present methods were continued, bitterness will also continue after the elections. That is why I have suggested some solution. It need not be accepted, as it is. Let the Government consider this aspect and evolve some suitable method to lessen or, if possible, completely to remove the bitterness that is found after the elections. (Sri A. M. Allapichai: That is the strength of democracy.) Well, we must do something to see that one man who can command 100 votes by some means or other, is not allowed to get easily elected. We must also see that there is no bitterness in elections. We know what is the strength of democracy, how it is being worked and how elections are being conducted. I would like to refer, in this connection, to the election that was conducted very near my home town Gobichettipalayam.

MR. CHAIRMAN: I must point out to the hon. Member that the time is running out.

* SRI K. M. RAMASAMY GOUNDER: I am sorry, Sir. I shall not refer to that election and shall try to finish soon. Now, in the place of the district boards, we are creating panchayats, panchayat union councils, Development Councils and so on. I think we are also going to have group councils for managing secondary and higher secondary schools. Education is a State subject and it is the duty of the State to spread education by making due provision for free and compulsory education for all the children of school-going age. When the district boards are being abolished, we have been thinking that education—elementary or secondary—will be a State subject. Now, we are going to have the integrated course of seven years for elementary education in place of the present 8 (5 and 3) year course. I think all the 7-year course schools including the present lower secondary ones come under the panchayat union council. After all, the Government will be providing the necessary finance for running these schools. Even the aided school teachers have been all along thinking that they will become cent per cent Government servants. Education is expected to be given the national importance it deserves and it is but proper and necessary that the teachers are given a better deal. Then hon. the Leader of the Opposition, an eminent educationist that he is, was giving instances during the course of his speech yesterday of humiliating treatment to which women-teachers especially were being subjected, leave alone men-teachers who are being treated worse. I want education to be State-managed and the teachers properly looked after and treated with all the respect due to a noble profession.

As for the composition of the panchayat union councils, it is said that one woman may be co-opted. (An hon. Member: No, it is not one. It is three.) All right. Even if it is so, that is not enough. Women form more than 50 per cent of the population and the voters also. So, they must at least have 25 per cent of

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the seats reserved for them. Let them also face the music of elections. There is no use of co-opting them or nominating them. When we talk of democracy all the time, let us see how our women exercise their franchise and how they are able to get elected.

3-20 When we take into consideration all these things, I feel that this Bill should not be hurriedly passed. It should not be rushed through, as the hon. the Leader of the Opposition has told us. It can be kept pending. It can be kept in abeyance. It may be tried as a pilot scheme in one or two block development areas in each district. As has been suggested by some Members, it should not be limited to one or two districts, but can be tried in one or two blocks in each district as a pilot scheme, so that it may be spread over in all the twelve districts and we may have twenty-four schemes. Let us hasten slow. Going slow is not putting anything in cold storage. If we do this, we will get a lot of experience before the next general elections. Let us have pilot schemes first, instead of putting everything in a melting pot and making confusion worse confounded. It is better if we go slow. Keep the Bill pending for some time. It will go a long way in helping us to acquire more experience. As the hon. Member Mr. Manradar was saying, there are various administrative problems to be solved. For example, there are three or four categories of roads—National Highways, State Highways, Major roads and Panchayat roads. These panchayat roads touch so many points. Roads in our country do not run straight and they run in a zig-zag way, and as such even important roads running into fens of miles have more than dual control and consequently the work suffers.

Mr. CHAIRMAN : The hon. Member's time is up. Mr. Krishnaswamy Ayyangar will now speak.

* Sri P. S. KRISHNASWAMY AYYANGAR : சுனம் தலைவர் அவர்களே, இன்று சபை முன் விவாதத்திற்கு வந்திருக்கும் மசோதா கிராம முன்னேற்றத்திற்கான மசோதா என்பதில் சந்தேகம் இல்லை. பல முன்னேற்ற அம்சங்கள் அதில் காணப்படுகின்றன. ஆனால், ஒரு விஷயம் மாத்திரம் எனக்குக் குறையாகத் தோன்றுகிறது. அதைச் சொல்லிவிடுகிறேன். ஏனையாக ஆட்சிக்கு அடி கோலுகிறது, கிராம ஆட்சிக்கு அடி கோலுகிறது என்று சொல்லும்போது கிராம மக்களுக்கு இந்த ஆட்சியில் என்ன பங்கு இருக்கிறதென்றால், எலெக்ஷன் சமயத்தில் வோட்டுப்போடவேண்டிய பங்குதான் இருக்கிறது. ஜட்கா வண்டியை இழுக்கும் ஒரு குதிரை ஜட்கா வண்டியில் யார் உட்கார்ந்துகொண்டிருக்கிறாரோ அவரை எந்த இடத்திற்குப் போகவேண்டுமோ அந்த இடத்திற்கு இழுத்துக்கொண்டு போய் விட்டு விட்டு பின்னால் அதற்கும் அதில் சவாரி செய்தவருக்கும் யாதொரு சம்பந்தமும் இல்லாமல் போகிற மாதிரி, கிராம மக்கள் வோட்டு அளிப்பதற்கு மாத்திரம் போகிறார்கள். பின்னால் அவர்களுக்கும், அவர்கள் வோட்டளித்துப் பஞ்சாயத்துக்கு அனுப்பிய வருக்கும் யாதொருவிதமான தொடர்பும் இல்லாமல் இருக்கிறது. அது விஷயத்தில் நாம் ஜனநாயக அட்சியில் யார் எஜமானர்களோ அவர்களைப் புறக்கணிக்கிறோம் என்பதாக ஆகிறது. அப்படியில்லை ; அவர்களுக்கும் ஒரு பங்கு கொடுப்போம் ; அதைப் படிப்படியாகச் செய்வோம் என்பதற்கு எனக்குத் தோன்றுகிறதைச் சொல்கிறேன்.

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ஒவ்வொரு வருஷமும் அட்மினிஸ்ட்ரேஷன் ரிப்போர்ட் என்பதாக அனுப்பப்படுகிறது. ஒவ்வொரு வருஷத்திற்கும் பட்ஜெட் தயாரிக்கப்படுகிறது. பட்ஜெட் தயாரிக்கும்போது, வாக்காளர்களுடைய கூட்டமொன்றைக் கூட்டி, இன்ன இன்னவிதமான காரியங்களை அடுத்த வருஷத்தில் நாங்கள் செய்யப்போகிறோம், இவ்வளவு ரூபாய் செலவாகப்போகிறது என்பதை அவர்களுக்குத் தெரிவிக்கவேண்டும். அதுமாதிரியாக ஒவ்வொரு வருஷத்திலும் நடந்த காரியங்களைப்பற்றிய அட்மினிஸ்ட்ரேஷன் ரிப்போர்ட், அதாவது நிர்வாக அறிக்கையொன்று வருஷ இறுதியில் சமர்ப்பிக்கும்போது, வாக்காளர்களை அழைத்து, அவர்களுடைய கூட்டமொன்றைக் கூட்டி அவர்கள் இன்ன இன்ன செய்திருக்கிறார்கள், இன்ன இன்ன இனங்களுக்கு இவ்வளவு செலவாகியிருக்கிறது, இன்னும் இன்ன இனங்களுக்கு இவ்வளவு செலவு செய்ய உத்தேசம் என்பதைத் தெரிவிக்க வேண்டும்.

வாக்காளர்களையெல்லாம் கூட்டுவதென்றால், எப்படி நிர்வகிப்பது என்று கேட்கலாம். அதற்காக அந்தக் கூட்டத்தை எவ்வளவு சுருக்கமாகக் முடியுமோ அவ்வளவு சுருக்கலாம். ஐந்து வருஷங்களுக்கொரு தடவை இந்த சாதாரணத் தேர்தல் நடக்கிறது. ஒவ்வொரு பஞ்சாயத்தின் வோட்டர்களையும் ஐந்து பிரிவுகளாகப் பிரித்து, ஒவ்வொரு வருஷத்திலும் ஒவ்வொரு பிரிவுக்கு இந்தவிதமான தகவல்களைக் கொடுக்கவேண்டும் என்பதாகச் செய்தால், அவர்கள் கூட்ட வேண்டிய வாக்காளர்களுடைய கூட்டம் நிர்வகிக்கக்கூடியதாக இருக்கும். இது பஞ்சாயத்து சம்பந்தப் பட்டமட்டில்.

பஞ்சாயத்து யூனியன் கவுன்சிலில் என்ன செய்யவேண்டியது ? பஞ்சாயத்து யூனியன் கவுன்சிலுக்கு அந்தந்தப் பஞ்சாயத்திலிருந்து ஒரு அங்கத்தினரை மாத்திரம் அனுப்புகிறார்கள். ஆனால், அட்மினிஸ்ட்ரேஷன் ரிப்போர்ட் அனுப்பும் நேரத்திலே, பட்ஜெட் தயாரிக்கும் நேரத்திலே எல்லாப் பஞ்சாயத்துக்களையும் ஒருமுகமாகக் கூட்டி, சென்ற வருஷத்தில் இன்ன காரியங்கள் செய்திருக்கிறோம் என்பதை, அட்மினிஸ்ட்ரேஷன் ரிப்போர்ட்டில் உள்ளதை, அவர்களுக்குத் தெரிவிக்க வேண்டும். அதே மாதிரி பட்ஜெட் தயாரிக்கும்போதும், பஞ்சாயத்துக்களை ஒருமுகமாகக் கூட்டி விஷயங்களைத் தெரிவிக்க வேண்டும். எல்லாப் பஞ்சாயத்துக்களையும் கூட்டினால், அந்தக் கூட்டமும் நிர்வகிக்க முடியாமல் இருக்கும் என்று சொல்ல முடியாது. அடுத்த வருஷம் இன்ன இன்ன காரியங்கள் செய்யப்போகிறோம் என்பதையும் அவர்களுக்குத் தெரிவிக்க வேண்டும். அப்படித் தெரிவித்தால், அவர்களுக்கும் நமக்கும் தொடர்பு இருக்கிறது, நாம் தேர்ந்தெடுத்து அனுப்பியவர்களோடு நமக்கும் ஒரு தொடர்பு இருக்கிறது என்பதாக அவர்கள் எண்ணிக்கொண்டு திருப்தியடைவார்கள். எதேனும் புதிய வரிகள் விதிக்க விரும்பினால் அதையும் அவர்களுக்கு எடுத்து விளக்கலாம். அப்படிச் சொல்வதனால், பின்னால் வரி விதிக்கும் போது, அவர்கள் ஒருவிதமான வெறுப்புக் காட்டாமல் இருக்கக் கூடும். அவர்களுடைய ஒத்துழைப்பும் கிடைக்கக் கூடும். அந்த அம்சமும் இந்த மசோதாவில் சேர்க்கப்படவேண்டும். அந்த அம்சம் இல்லாதது ஒரு குறை என்பதை மாத்திரம் சொல்லிக்கொண்டு என்னுடைய உரையை முடித்துக் கொள்கிறேன்.

* Sri K. V. RAMASWAMY : மதிப்பிற்குரிய தலைவர் அவர்களே, இன்றையதினம் பஞ்சாயத்து மசோதாவைப்பற்றிப் பல பெரியோர்கள் எனக்குமுன் பேசியுள்ளார்கள். அதிலே இப்பொழுது நான் எனக்குத் தெரிந்த இரண்டொரு விஷயங்களைப்பற்றிப் பேச ஆசைப்படுகிறேன்.

முற்காலத்திலே பஞ்சாயத்து முறைகள் எவ்வாறு நம்முடைய நாட்டில் இருந்தன, தற்காலம் எப்படி இருக்கின்றன என்பதைப்பற்றிச் சிறிது கூற ஆசைப்படுகிறேன். முன்காலத்திலெல்லாம் கிராமங்களிலே பஞ்சாயத்து என்று சொன்னால், கிராமத்திற்கு ஒருவர் தலைவராக இருப்பார். கிராமத்தில் ஏற்படக்கூடிய குற்றங்களுகளை அவரிடம் போய்த் தெரிவித்து

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பார்கள். அவர் தண்டோரா மூலமாக விளம்பரம் செய்து, இன்ன இடத்திலே, இன்ன கோயிலிலே, இன்ன சாஷியிலே பஞ்சாயத்து நடைபெறும் என்று கூறுவார். அதன்படி எல்லோரும் வந்து சேருவார்கள். குற்றத்தை விசாரிப்பார்கள். அங்கிருக்கும் ஐந்து பேர் பஞ்சாயத்தாராக இருந்து, கூட்டத்திலே குற்றங்களுகளைக் கண்டுபிடிப்பார்கள். குற்றவாசி இன்னான் என்று நிர்ணயிக்கப்படுமானால், அந்த இடத்தில் அவனுக்குத் தண்டனை விதிப்பார்கள்.

எப்படித் தண்டனை விதிக்கப்பட்டது என்று பார்ப்போம். சாதாரணக் குற்றமாக இருந்தால், குற்றவாசியைப் பார்த்து, “நீ குற்றவாசி என்று கருதுபவருளிய, என்ன சொல்கிறாய்?” என்று கேட்பார்கள். “குற்றத்திலே எனக்கு சம்பந்தம் இல்லீங்க” என்று அவன் சொல்வான். “நீ குற்றவாசி” என்று தலைவர் சொன்னவுடனே, அவன் கீழே விழுந்து முன்னிப்புக் கேட்பான். “உனக்குத் தண்டனை இவ்வளவு ரூபாய் அபராதம்” என்று தலைவர் சொல்வார். “இது ரொம்பப் பாரமாக இருக்கிறது; இந்தப் பாரத்தைத் தாங்க மாட்டேன்” என்று சொல்லி, மறுபடியும் அவன் கீழே விழுந்து தண்டனை அதிகம் என்று சொல்வான்.

SRI V. V. RAMASWAMI: “தாங்காது” என்று சொல்வான்.

* **SRI K. V. RAMASWAMY:** “தண்டனையின் பாரத்தை என்னால் தாங்க முடியாது, தண்டனையைக் குறைக்கவேண்டும்” என்று நேரடியாகத் தலைவர் முன்னிலையிலே கீழே விழுந்து சொல்வது வழக்கம்.

பிறகு, தலைவர் யோசனை செய்து, ஆராய்ச்சி செய்து, நூறு ரூபாய் அபராதத்திலிருந்து இருபது ரூபாயாகக் குறைத்திருக்கிறது என்று சொல்வார். “இன்னும் தண்டனை அதிகமாக இருக்கிறது, குறைக்கவேண்டும்” என்று மறுபடியும் சொல்லிக் கீழே விழுந்து கேட்பான். இப்படிக் கொஞ்சம் கொஞ்சமாகக் கீழே இறங்கிவந்து, கடைசியாக ஐந்து ரூபாய்க்கு வந்து விடும். இங்கே பிசுவாக நின்றுகொள்வார் தலைவர்.

மறுபடியும் பக்கத்திலே இருக்கும் பஞ்சாயத்தார்கள் சேர்ந்து, “இது முதல் குற்றமாக இருப்பதால், இன்னும் கொஞ்சம் சலுகை அளிக்கலாம்” என்று சொல்லும்போது, ரூ. 1-4-0-க்கு வந்து விடும். ஒன்றே முடிந்து வைத்திருந்த ஒன்றாகால் ரூபாயை உடனே கட்டிவிடுவான். பஞ்சாயத்துக்குப் போகும்போதே, ஒன்றாகால் ரூபாயைக் கொண்டுபோய் விடுவது வழக்கமாக இருந்தது. அந்த அளவு அபராதத்தொகை குறையும் வரை, அவன் கீழே விழுந்து விழுந்து கேட்டுக்கொண்டிருப்பது முன்காலில் வழக்கமாக இருந்தது. இதன் காரணம் என்னவென்றால், நேரமாகத் தொடர்பு வைத்து, மக்களிடையே தான் குற்றம் செய்துவிட்டதையும், குற்றம் செய்தவருக்குப் பரிசாரம் கொடுத்துவிட்டோம் என்று மனப்பூர்வமாக எண்ணி, அந்த இடத்திலே அந்தப் பிரச்சனை நல்ல முறையிலே தீர்ந்துவிடுகிறது. அதற்குமேல் பூசல் இருப்பதில்லை. அதற்கு மேலாகத் தண்டனைகள் குற்றம் செய்தவர்களை எல்லோரும் பார்ப்பதினால் அவமானப்பட்டுக்கூடிய நிலையில் மரத்தில் கட்டி வைத்து கசை அடி கொடுப்பது ஒரு முறை. அவர்களை நடுத் தெருவில் மழையிலும் வெயிலிலும் நிறுத்தி வருத்தித் தண்டிப்பது மற்றொரு முறை. இவ்வாறு பல முறைகளில் குற்றம் செய்தவர்களுக்குத் தண்டனைகள் வழங்கப்பட்டன. மேலும் அதிகமாகக் குற்றம் செய்தவனுக்கு, அதாவது பெண்ணை அவமானப்படுத்தி விட்டான் என்று சொன்னால், அவனுக்குத் தகுந்த தண்டனை அந்த இடத்தில் விதிக்கப்பட்டது. அவனிடம் யாரும் பழக்கப்படாது. அவன் வீட்டுக்கு யாரும் போகக் கூடாது என்ற ஒரு முறையை ஏற்படுத்தியிருந்தார்கள். அப்படிச் செய்தால் யாரும் குற்றம் செய்யப் பயப்படுவார்கள். ஆகவே, அந்தக் காலத்திலே குற்றங்கள் குறைவாக இருந்தன. இந்த முறையானது ஒரு ஜாதிக் கட்டுப்பாடு என்ற முறையில்

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ஒவ்வொரு ஜாதிக்கும் ஒவ்வொரு தலைவனை ஏற்படுத்தி, அந்தந்த ஜாதி கள் மூலமாக அந்தந்த சமூகத்தார், ஆலோசனை நடைபெறும் கூட்டத்திற்கு வந்திருந்து தங்களுடைய காரியங்களை ஒருவிதத்தில் ஒழுங்குபடுத்திக்கொண்டிருந்தார்கள். அதை நம் கண் முன்பாகப் பார்த்தும் இருக்கிறோம், கேள்விப்பட்டிருக்கிறோம். அந்த முறையில் இருந்துவந்த படுதிக்கொண்டிருந்தார்கள். அந்த முறையில் இருந்துவந்த செய்தாலும் அதைப்பற்றிக் கேள்வி கேட்க முடியாத நிலைமைக்கு வந்து விட்டது. ஜனங்கள் அப்படிப்பட்ட நிலைமைக்கு வந்துவிட்டார்கள். இது மிகவும் கேவலமானது. இன்று கை பலத்தவனால்தான் காரியம் செய்ய முடிகிறது. அவர்களை அடக்க அரசாங்கம் முயற்சி செய்துகொண்டிருக்கிறது. அதை மறுக்க முடியாது. அப்படி இருந்தபோதிலும் கூட, இன்னும் அதைப் பரிபூரணமாக நிறைவேற்ற முடியாமல் இருக்கிறது. அதற்காகத்தான் முயற்சி செய்துகொண்டிருக்கிறோம்.

முன்பு இருந்த நிலைமை இப்பொழுது மெள்ள மெள்ள மாறிக் கொண்டு வருகிறது. கிராமங்களில் தலைவனுக்கு அந்தக் காலத்தில் மிகவும் மரியாதை வைத்திருந்தார்கள். இந்தக் காலத்தில் கிராமத்திலுள்ள தலைவன் ஒன்று சொன்னால், “அவன் என்ன பெரிய மனிதனா? யானைக்குப் பிறந்தவனா” என்ற முறையில் பெரிய பேச்சுக்களையெல்லாம் பேசி வருகிறார்கள். அப்பொழுதெல்லாம் பெரியவர்கள் முன்னிலையில், சிகரெட், பீடி குடிக்கமாட்டார்கள். அவ்வளவு பயபத்தியோடு பெரியவர் களுக்கு மரியாதை கொடுத்து வந்த காலம் அது. ஆனால், இந்தக் காலத்தில் அப்படி ஒன்றும் நடப்பதில்லை. ஒருவன் புகை பிடித்து ஊதினால், பக்கத்தில் இருப்பவர் தானாகவே எழுந்து செல்லும் நிலைமைதான் இன்று இருக்கிறது.

இன்றைக்கு நடக்கக்கூடிய பஞ்சாயத்து முறை எப்படி இருக்கிறது? குற்றம் செய்தவனைக்கூட அந்த நிமிஷத்திலேயே தண்டித்துவிட முடியாது. அவனைத் தண்டிக்க வேண்டுமென்று கூறிய அடுத்த நிமிஷத்திலேயே கட்டிப் பூசல்கள் ஏற்பட்டு விடுகின்றன. அந்தக் காலம் கட்டிப் பூசல்கள் இல்லாமல் இருந்த காலம். இந்தக் காலத்தில் நம் வாழ்க்கை பூசல்கள் இல்லாமல் இருந்த சம்பவங்களைப் பார்க்கும்போது, நாம் அனைவரும் வெட்கப்படக்கூடிய நிலையில், வருத்தப்படக்கூடிய நிலையில் அவைகள் இருந்துகொண்டிருக்கின்றன என்பதை நான் உங்களுக்கு என்னவோ ஆசைப்படுகிறேன். இன்றைக்கு உள்ள பஞ்சாயத்து முறை யில், ஒரு கிராமத்தில் உள்ள மக்கள் எல்லோரும் ஒன்று கூடி, ஏகோ பித்த மனதோடு “பஞ்சாயத்துக்கான ஒரு தலைவனைத் தேர்ந்தெடுக்கிறோம்” என்று சொல்ல முடியாத நிலைமையில் இருக்கிறோம். அப்படி ஏகோபித்த மனதோடு எங்காவது தலைவன் தேர்ந்தெடுக்கப்பட்டிருக்கிறான் என்று சொன்னால், அது எனக்கு வியப்பாகத்தான் இருக்கும். அந்த நிலைமை ஏற்பட வேண்டும். அந்த நிலைமை ஏற்பட்டாலொழிய, நாட்டில் ஒன்றையும் சாதிக்க முடியாது என்பதைத் தெரிவித்துக்கொள்ள ஆசைப்படுகிறேன்.

பஞ்சாயத்துப் போர்டுத் தேர்தலில் கூட சாதாரணமாகச் சில கேவலமான நிகழ்ச்சிகள் ஏற்படுகின்றன என்பதை வருத்தத்துடன் தெரிவித்துக் கொள்கிறேன். தேர்தலுக்காக எத்தனை ஆயிரம் ரூபாய்கள் செலவழிக்கப் படுகின்றன என்று பார்க்கும்போது, நாம் ரத்தக்கண்ணீர்தான் சிந்தப் படுகின்றன என்று பார்க்கும்போது, நாம் செய்வதற்கில்லை. இவ்வாறு வேண்டும். அதைத் தவிர வேறொன்றும் செய்வதற்கில்லை. இவ்வாறு நம் கிராம மக்களுடைய பணம் விரயமாக்கப்படுகிறது என்பதைத் தெரிவித்துக்கொள்ள ஆசைப்படுகிறேன். இன்றைக்கு மெம்பர்கள் இரண்டு பார்ட்டிகளாக இருந்து ஒவ்வொரு பார்ட்டியிலும் முப்பதாயிரம், இருபதாயிரம் ரூபாய்க்குக் குறையாமல் செலவு செய்கிறார்கள் என்று சொன்னால், மெம்பர் எலக்ஷன் முடிந்துவிடுகிறது. பஞ்சாயத்துப் போர்டுத் தலைவர் தேர்தல் காலத்திலே ஒவ்வொரு இடத்தில் நடைபெறும் அட்டேயிங் களைப் பார்க்கும்போது அவைகள் சிக்கமுடியாத நிலையில் இருக்கின்றன என்பதை உணரவேண்டும். ஒரு ஏழை மெம்பர் ஆகிவிட்டான்

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என்றால், அவன் இருக்கும் இடம் தெரியாமல் அவனை பறைத்து விடுகிறார்கள். இப்படிப்பட்ட காரியத்தைச் செய்வார்கள் மனித சமூகத்தைச் சேர்ந்தவர்களா, இது மனித சமூகமா, அல்லது மிருக சமூகமா என்று சிந்தித்துப் பார்க்கவேண்டிய கட்டத்திலே நாம் இருக்கிறோம். ஒரு ஹரிஜன் இருக்கிறான் என்று வைத்துக்கொள்ளுங்கள். ஹரிஜனங்களுக்கு இன்றைக்கு நாம் எவ்வளவோ சலுகைகள் கொடுத்து வருகின்றோம். அப்படிச் சலுகைகள் பல கொடுத்து வரும் இந்தக் காலத்தில் ஒரு ஹரிஜன் மெம்பர் ஆகிவிட்ட காரணத்தால், அவன் இந்த நாட்டிலே, இந்தப் பூமியைத் திலே எங்கு இருக்கிறான் என்று தெரிந்துகொள்ள முடியாத அளவுக்கு அவனைக் கடத்திக்கொண்டுபோய் பறைத்து வைத்துவிட்டார்கள். அவனையே பெண்சாதி பிரசவ வேதனைப்பட்டுக் கொண்டு, “என்றைய கணவர் எங்கு இருக்கிறார்? அவரைப் பார்க்கவேண்டுமே” என்று துடிதுடித்துக்கொண்டிருந்த நேரத்தில் கூட அவனை அவன் கண்ணில் காட்ட முடியாத நிலைமை இருந்தது என்று சொன்னால், இந்தத் தேர்தல் இருப்பதை விட இல்லாமல் இருப்பதை மேல் என்று சொல்லிக் கொள்ள அசைப்படுகிறேன். இப்படிப்பட்டவர்கள் பஞ்சாயத்துப் போர்டுத் தேர்தலில் வெற்றி பெற்று, பஞ்சாயத்துப் போர்டை அவர்களிடம் ஒப்படைப்பதால், இந்த நாட்டில் உருப்படியான நிலையைப் பெற முடியுமா? ஏழைகள் இந்த நாட்டிலே எப்படி முன்னேக்கு வர முடியும்? இவ்வாறு ஒரு மெம்பரை ஒளித்து வைக்கக்கூடிய நிலைக்குச் செல்பவர்களுக்கு என்ன கடுமையான தண்டனை கொடுக்கலாம் தகுமா. தூக்குத் தண்டனை கூடக் கொடுக்கலாம் என்று சொல்லிக்கொள்ளா அசைப்படுகிறேன்.

இன்றைக்கு பஞ்சாயத்துப் போர்டுத் தலைவரைத் தேர்ந்தெடுத்த பிறகு அதிகாரியாக ஒரு எக்ஸ்சிடியூட்டிவ் ஆபீசரைப் போடுகிறோம். அது மிகவும் வருத்தம் தருவதாக இருக்கிறது. மக்கள் எல்லோரும் சேர்ந்து ஒரு தலைவனைத் தேர்ந்தெடுத்த பிறகு, ஒரு எக்ஸ்சிடியூட்டிவ் ஆபீசரை நியமித்து, அந்த ஆபீசர் சொல்வதுதான் சரி என்ற மனப்பான்மை இருப்பது மிகவும் கேவலமானது என்பதைத் தெரிவித்துக்கொள்ள ஆசைப்படுகிறேன். அப் பாடியில்லாது எங்காவது சில இடங்களில்லாது எக்ஸ்சிடியூட்டிவ் ஆபீசரும், பஞ்சாயத்துப் போர்டுத் தலைவரும் ஒற்றுமையாக இருந்து காரியங்களை நடத்துகிறார்களா என்றால் இல்லை என்றுதான் சொல்லவேண்டும். காரணம் என்னவென்றால் கிராமங்களில் இரண்டு கட்டிகள் இருக்கின்றன. அந்த இரண்டு கட்டிகளில் ஏதாவது ஒரு கட்டியைச் சார்ந்துதான் எக்ஸ்சிடியூட்டிவ் ஆபீசர் வேலை செய்தாக வேண்டியிருக்கிறது. அகவே, அவனையும் குற்றம் சொல்வதற்கில்லை. இந்த நிலைமைக்குக் கிராம மக்கள் அவர்களைக் கொண்டுவந்துவிடுகிறார்கள். அவர்கள் இல்லாபடிலே பஞ்சாயத்துப் போர்டுத் தலைவரே சகல காரியங்களையும் செய்ய முடியும் என்றிருந்தால், இந்தமாதிரியான நிலைமை தவிர்க்கப்பட்டிருக்க முடியும் என்று தெரிவித்துக்கொள்கிறேன்.

இன்றைக்கு இருக்கக்கூடிய நிலைமையில் கிராமங்களில் முக்கியமாக நாம் செய்யவேண்டிய பணி, அந்த மக்களுடைய கல்வி நிலைமையை விரிவுபடுத்துவதுதான். அந்தப் பணியைத் துரிதப்படுத்துவதற்கு ஆவன செய்யவேண்டியது நம்முடைய முக்கியமான கடமையாகும். அந்தப் பணியைச் செய்வதற்கு இன்றைமேல் பஞ்சாயத்துப் போர்டு அவ்வளவு முன்னுக்கு வரவில்லை. அதனால் அந்தக் கிராம மக்களுக்கு ஆதரவாக சர்க்கார் வேண்டிய வசதிகளைச் செய்து கொடுக்கவேண்டும். படித்தவர் களையும், அறிவாளிகளையும் கொண்டு கிராம மக்களின் கல்வியை அபிவிருத்தி செய்யும் விஷயத்தில் அதிகமான அக்கறை எடுத்துக்கொள்ள வேண்டியது மிகவும் அவசியம்.

இந்த நாட்டில் இப்பொழுது மரங்கள் மிகவும் குறைவாக இருக்கின்றன. ஆதலால், மரங்கள் நடவேண்டிய நிலைமை இருக்கின்றது. மரங்கள் குறைவாக இருக்கின்ற இந்த நிலைமையைப் போக்க முதலில் கிராமங்களில் ஆங்காங்கு இருக்கக்கூடிய மரங்களை யாரும் வெட்டாதிருக்குமாறு பாதுகாக்க வேண்டும். மரங்களை வெட்டுபவர்களுக்குத் தண்டனை கொடுத்தல்

1st November 1958] [Sri K. V. Ramaswamy]

1st November 1958] [Sri R. V. Radhakrishnan]

இந்த நாட்டில் இருக்கக்கூடிய மரங்கள் அப்படியே இருக்கும்படியான நிலைமை ஏற்பட வேண்டும். நான் பார்ச்சுகிறேன் ஒவ்வொரு இடத்திலும் ரோடிலே போனால் மொட்டை மரங்கள் இருக்கின்றன. கோடரியைப் போட்டு மரத்தை வெட்டுகிறான். சாலையோரங்களில் பச்சை மரங்களாக போட்டு மரத்தை வெட்டுகிறான். அந்த மரங்களைப் பட்டுப்போய் காற்றடித்தால் விழுந்து இருந்தவை கொஞ்சம் கொஞ்சமாகப் பட்டுப்போய் காற்றடித்தால் விழுந்து விடும் நிலைக்கு வந்துவிடுகின்றன. மரத்தை விரகூக்கும், இலை, தழை களை ஆடுகளுக்குத் தீனிக்கும் எடுத்துக்கொண்டு போய் விடுகிறார்கள். அந்தத் தழை, புபார்ட்மெண்டிலே இருக்கும் அதிகாரிகள் இதைப் பார்ப்ப தில்லையா? அந்த வழியாகப் போவதில்லையா? அவர்களுக்குச் சம்பளம் கொடுப்பது எதற்காக என்பதை நம்முடைய சர்க்கார் தீவிரமாக ஆராய்ந்து, கொடுப்பது எதற்காக என்பதை நம்முடைய சர்க்கார் தீவிரமாக ஆராய்ந்து, மேல் அதிகாரிகள் அந்த புபார்ட்மெண்டில் இருக்கும் கீழ் அதிகாரி களுக்குத் தகுந்த தண்டனை கொடுத்து, அவர்களுக்கு அதிலே ஊக்கம் பிறப்பிக்கவேண்டியது முதல் கடமை என்பதைத் தெரிவித்துக்கொள் கிறேன். ஆகவே, இந்த நிலைமையிலே மரங்களை வளர்த்துப் பாதகாத்து, இன்னும் அதிகப்படுத்தவேண்டும் என்பது என்னுடைய தாழ்மையான அபிப்பிராயமாகும்.

கிராமங்களிலே இருக்கும் மக்கள் அதிகப்படியான வரி கொடுக்கிறார்கள் என்பது நம்முடைய ஞாபகத்திற்கு வருவதில்லை. அவர்கள் கொடுக்கும் வரி களை முன்னால் தெரிவதில்லை. மறைமுகமாக அவர்கள் கொடுக்கிறார்கள். உதாரணமாக, ஒரு ஏக்கர் நிலத்தை வைத்துக்கொண்டிருக்கும் ஒரு விவசாயி அந்த ஒரு ஏக்கரில் புகையிலை பயிர் செய்தால், ரூ. 750 கொடுக்கிறான். இதைக் கேட்டால், மற்றவர்களுக்கு ஒருவேளை ஆச்சரியமாகப் படுகிறேன். இதைக் கேட்டால், மற்றவர்களுக்கு ஒரு ஏக்கரில் இருக்கக் கூடும். “ஒரு கிராமத்திலே ஒரு குடியானவன் ஒரு ஏக்கரில் பயிர் செய்து, அதன் மூலம் எப்படி ரூ. 750 சர்க்காருக்கு வரி கொடுக்க முடியும்? கொடுப்பதாக அல்லவோ ராமசாமி சொல்கிறான். இந்தச் சபையிலே.” என்று கனம் அங்கத்தினர்கள் உண்மையிலேயே ஆச்சரியப்பட்டுக் கூடும்.

[illegible]

SRI V. S. BALASUNDARAM : அதிகமாகப் பெய்துவிட்டால் வேண்டாம் என்று சொல்கிறார்கள்.

* SRI K. V. RAMASWAMY : அந்தமாதிரி நாம் இருந்துகொண்டிருக்கிறோம். நகரத்தில் உள்ளவர்கள் எவ்வளவோ வசதியாக வாழ்ந்தாலும், ரோடு வசதி இல்லை, அது இல்லை, இது இல்லை என்று குறை

[Sri K. V. Ramaswamy] [1st November 1958]

களைச் சொல்லிக்கொண்டிருக்கிறார்கள். ஆனால், விவசாயிகள் எந்தக் குறையையும் சொல்வதற்கு ஆதரவு இல்லாமல் தத்தளித்துக்கொண்டிருக்கிறார்கள் என்பதைத் தெரிவித்துக்கொள்கிறேன். ஆகையால், பஞ்சாயத்து முறையிலே முக்கியமாக நாம் கவனிக்கவேண்டியது—கிராமத்திலே விவசாயம் முன்னேற்றம் அடைவதற்கு ஆவன செய்யவேண்டும். பஞ்சாயத்திலிருந்தே அந்த விவசாயிகளுக்கு வேண்டிய முக்கியமான காரியங்களை ஆங்காங்கு, அந்தந்த இடங்களிலேயே கவனிக்க வேண்டும். விவசாயிகளுக்குக் கிடைக்க வேண்டிய உரம், மின்சார வசதி இவைகளை யெல்லாம் நாம் அவர்களுக்கு உண்டுபண்ணிக் கொடுத்தாலொழிய, நம் முடைய நாடு முன்னேற்றம் அடையாது, நம் நாட்டிலே உள்ள பஞ்சம் தீராது என்பதைத் தெரிவித்துக்கொள்கிறேன்.

மில் ஏரியா பக்கத்தில் இருப்பதால், கிராமத்தில் விவசாயக் கூலி ஆட்கள் கிடைக்காத நிலைமை இருக்கிறது. மக்கள் மில் தொழிலுக்குப் போக ஆசைப்படுகிறார்கள். விவசாயக் கூலிகளாகப் போக ஆசைப்படுவதில்லை. மில்லிலே அவர்களுக்கு அதிகக் கூலி கிடைக்கிறது. விவசாயத்தில் குறைவான கூலியே கிடைக்கிறது. அதிகக் கூலி கொடுக்கக் கட்டுப்படியாகாத நிலையில் இருக்கிறான் விவசாயி. ஆகையால், ஒவ்வொரு விவசாயியும் தன் குடித்தனத்திற்கு வேண்டியதை ஏதோ உற்பத்தி செய்து கொள்கிறானே தவிர, விவசாயத்திலே முன்னேற வேண்டும் என்ற ஆர்வத்தோடு செய்யக்கூடிய நிலைமையில் இல்லாமல் கஷ்டப்படுகிறான், வருத்தப்படுகிறான், நஷ்டப்படுகிறான். இந்த நிலைமையில் விவசாயி இருக்கிறான் என்பதை வருத்தத்துடன் தெரிவித்துக்கொள்கிறேன். விவசாயத்தை முன்னேற்றத்திற்குக் கொண்டுவருவதற்கான முழு முயற்சிகளும் நம் நாட்டிலுமுள்ள மக்களாகிய நாம் அனைவரும் எடுத்துக் கொள்ள வேண்டும். விவசாயிகளுக்கு முதல் சலுகை கொடுத்து அவர்களுக்கு ஆதரவு கொடுத்து அவர்களைக் கை தூக்கிவிடாவிட்டால், நம் முடைய விவசாயம் குன்றிப்போகும். விவசாயம் குன்றினால் நாம் பட்டினி கிடந்து சாக வேண்டியதுதான் என்பதையும் தெரிவித்துக்கொள்கிறேன். முதலில் அன்ன ஆகாரம் வேண்டியது அத்தியாவசியம் என்பதை நீங்கள் அனைவரும் அறிவிர்கள். ஆகையால், இதையெல்லாம் மனதில் வைத்து, விவசாயிகளை முதலிலே முன்னேற்றம் அடையும்படி செய்யவேண்டும். அதற்கு அடுத்தபடியாகக் கல்வி முதலிய இதர துறைகளில் ஆதரவு கொடுக்கவேண்டும். பஞ்சாயத்து மசோதாவை நான் வரவேற்கின்றேன். கிராமங்களில் ஆங்காங்கே இருக்கும் மக்கள் எல்லோரும் ஒற்றுமையாக ஒத்துழைத்து எல்லோரும் முன்னேற்றம் அடைவதற்கு என்ன செய்ய வேண்டுமோ அதையெல்லாம் நாமும் ஆங்காங்கே இருக்கும் மக்களுக்குச் சொல்லி அவர்களுக்கு ஆவன செய்யவேண்டும் என்பதைத் தாமதம் யுடன் தெரிவித்துக்கொண்டு, நான் பேசுவதற்கு அதிகப்படியான நேரம் கொடுத்தமைக்கு சந்தோஷத்தைத் தெரிவித்துக்கொண்டு, தலைவருக்கு என்னுடைய வணக்கத்தையும் தெரிவித்துக்கொள்கிறேன்.

—ஜேய்ஹிந்த்

* SRI P. T. RAJAN : Mr. Chairman, Sir, I may be permitted to congratulate the Hon'ble the Minister for Finance on his performance when he moved the other day that this Bill be taken into consideration. His exposition of the Bill was so lucid that he made it easy for people like me who had not gone through the provisions of the Bill to get a proper perspective of the Bill. In his speech there was a sincerity of purpose. He wanted that the people of the country should enjoy peace and prosperity. Not only that. In trying to achieve that, he expressed that he had full faith in the people of the State. If he had made that statement somewhere about 1920 or so, I would have fully agreed with him. Whether I could agree with him today is a matter which I will refer to a little later.

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Sir, more than this, he gave an assurance to this House that the Members from every part of the House were welcome to move amendments which would receive his careful and sympathetic consideration. He did not say : ' Take the Bill as it is or leave it '. He made us understand that there were other views, views other than his own views, and that he was willing to respect them. In so doing, he created a favourable reaction in his opponents that they too must rise to the occasion and see that they respect the views of the Minister. It is this attitude that will bring about a better atmosphere between parties and individuals. It is this attitude that will enable Members of this House to arrive at a compromise which will be acceptable to all in the House and accepted consequently by the people at large. Maximum agreement must be made available in respect of any Bill. Parliamentary practice requires that you should go half way and meet the views of the Opposition. If that is done, I am quite sure that parliamentary democracy would really be a success here. After all, I need not say that in the House of Commons it is always that sense of compromise that creates, and promotes not only in the Party in power—whatever their support might be—but also in the Opposition that good feeling and goodwill, with the result that the Bill moved gets the maximum possible agreement.

Having said these things by way of congratulating the Hon. the Minister for Finance, I would like to come to the Bill itself. The Local Boards Act dealt with the district board, the taluk board and the panchayat. When the Justice Party was in power, it did away with taluk boards. There was a good deal of controversy whether they should not be continued. Some even said that the Raja of Bobbili, who was in charge of the Bill at that time, did disservice to the Party by doing away with the taluk board. I for my part welcomed the disappearance of the taluk board because the functions of the taluk board and the district board overlapped. The taluk board had not the necessary funds to perform its duties efficiently. I do not want to take much time of the House by referring to it in detail. After the taluk board was done away with, it was left to this Government to do away with the district board. It is but natural that the district boards should be abolished because the functions of the district board were being taken over by the Government one by one, with the result that the district board had no function whatsoever. In its place the Government have created the District Development Council. It is not an executive body. It is an advisory body consisting of officials and non-officials. The Hon. Minister, while piloting the Bill in the Lower House, resisted the clamour of his own partymen that a non-official should be the Chairman of that Council. The criticism is that it would be beneath the dignity of the non-officials to function under the chairmanship of a Government servant. Assuming for a moment that the District Development Council is given powers to elect its own Chairman either permanently or for the time being, I wonder whether it would be able to elect the Chairman

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in time and carry on the work of the Council efficiently. It may be that we get an officer pulled up with his own importance, showing scant courtesy to the members of the Council over which he presides and such men are very often both inefficient and incapable. If and when their conduct is brought to the notice of their superior, be it the departmental superior or the Minister, he does not take the necessary action lest the prestige of the department should suffer. That false idea of allowing the so-called prestige of the officer and the department to flourish, is really detrimental not only to the officer concerned but also to the department itself. But one swallow does not make summer. I take it that our officials will show courtesy to the members of the Council, whether they be M.L.A.'s or M.L.C.'s or M.P.'s. After all, trust begets trust. Respect begets respect. If we treat our district officers with respect, naturally they would treat us with respect. Sometimes politicians are inclined to treat the district officers as their subordinates and naturally they resent it. I have taken so much time for explaining this aspect of the matter for the simple reason that unless a cordial feeling exists between the representatives of the people and the officers in the district, nothing tangible can be done.

Having dealt with the Development Council, I thought the Government would not introduce panchayat unions. Panchayat unions are to consist of representatives elected by the panchayats. So, we have got two bodies, panchayats and panchayat union councils. These are the two elective bodies. Normally, I should not object to these bodies being elected. But seeing that the Government have done away with the elections to the taluk board and the district board, I thought that they would do away with the election to these panchayats and panchayat union councils. It is felt probably that election is a *sine quo non* of democracy and that election at every stage is a necessary sign of democracy. This is where I differ from the Hon. the Minister for Finance, in that democracy does not mean that we should have as many elections as we want. It is enough if at one stage we have elected representatives to deal with the affairs of the State, be it in headquarters or in any nook and corner of the State. We have already elections to Parliament. We have had elections to the State Legislature. We have had elections to municipal councils in the State. We have also had elections to the panchayat boards. I feel that so many elections are not in the best interests of the State, especially when the elections have deteriorated in the past twenty or thirty years. I have been connected with elections from the year 1920. I have been in public life for the last forty years. I have had sufficient experience of elections. I had been elected to the Legislative Council, when it was the sole representative Assembly. The constituency then was a whole district. On four different occasions I have been a candidate and succeeded. Later on, constituencies became smaller and smaller and from the district level it was reduced to the taluk level and from the taluk level to practically the firka level. Caste differences came into the picture and they became

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part and parcel of elections. A particular community man only can stand for election in a particular area and spend money also. Only if you spend money, you can get into the Assembly. What happened subsequent to the general elections that took place a year back? There have been a number of elections to the panchayat boards. I have been informed by reliable persons that in all these elections money and money alone was the deciding factor. Not even the community but money alone was the deciding factor. They told me as a matter of course and they did not feel that it was a wrong thing. They told me, 'Mr. Rajan, hereafter if anybody wants to stand for election, he must have money and nothing else'.

THE HON. SRIMATHI LOURDHAMMAL SIMON: Have you any alternative suggestion? If they should not stand for elections with money, is there any alternative course that you can suggest? What is the alternative course you suggest if panchayats were to be abolished?

* SRI P. T. RAJAN: Kindly allow me to speak. Please follow the trend of my argument. Then you will know exactly what I am driving at. I do not want to give a mere critical account. I want, if possible, to help the Government. I am not one of those who want to oust the members of the Treasury Bench. Certainly, it is the function of every Member of this House to help the Government and if they go wrong, to pull them up. It is not the function of the Opposition merely to oust them and occupy the Treasury Benches. It might be that they oust the Treasury Bench and get in. But so long as they are functioning as Members of the Council or the Assembly, it is their business to co-operate with the administration of the Government. In the elections passions and prejudices have played a very dominant part. Brutal attacks have been made. Even deaths have occurred, I am told. Somebody put a telegram in my hands this afternoon that one gentleman who was taking part in one of the elections to the panchayat boards was brutally set upon and attacked with a view to be murdered, but fortunately he escaped murder and was lying in the Palamcottah Hospital with multiple injuries. There are a number of instances like this. Such being the case, is it necessary to have panchayat boards at all? Do you not know what the needs of the panchayats are and what the needs of the villagers are? It is not a varying factor. Can't you have all these things done by the permanent executive? Why do you want to elect representatives? Democracy does not mean that you should have elections at every stage. People must have control. Ultimately the people must have a voice in the administration. No doubt, it is an ideal thing to have elected representatives, not only elected representatives but also leaders worthy of the name, at every stage. But if you cannot have it, it is far better to do away with your elected bodies and confine your elections to one or two important bodies like the Parliament and the State Legislature.

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Sir, apart from the election, there is a feeling in the country that things can be done or achieved only by recommendations and by spending of money. Even if you tell such people that the appointing authorities are not guided by recommendations and that they have got their own sense of responsibility, they say, 'No, recommendations alone count'. In addition to recommendation, money counts. Rightly or wrongly, that impression has gained ground. If that is allowed to grow unchecked, public morale will be jeopardised. I can tell you, Sir, I have been a close student of politics in public life for the last forty years. I have seen changes at intervals. After forty years, after we have achieved freedom, what I see is deterioration has gone apace and a great fall in standards of public life. I want that my countrymen should realise, especially the educated section of my countrymen should realise how fast we are going down. There is no use of expecting the Government above to come to the rescue of the people. The people must go to their own rescue. No doubt, the Government can play their part. If the Government are indifferent, if the people are indifferent, what will be the consequence? The consequence will be confusion and chaos ending in revolution or a less violent change-over to military rule. Military rule has become the fashion of the day in all countries. In South America, in the Middle East and also in the Far East we have military rule. Recently we have military rule in Pakistan. I know, Sir, that it is not our business to say anything about their choice. It is for them to have military rule or democratic rule as they like. But in so far as military rule has its repercussions on us, certainly we are entitled to see how such a catastrophe can be avoided. In doing away with the normal democratic Government, both the President and the Martial Law Administrator have issued a statement. Especially the statement of the Martial Law Administrator was very realistic. I wondered whether a soldier could put in black and white all that he had to say so clearly and effectively.

SRI K. M. RAMASAMY GOUNDER: He is a soldier-cum-politician.

* SRI P. T. RAJAN: One can't but admire the statement of Gen. Ayub Khan.

SRI MOHAMED RAZA KHAN: He was in Madras for some time.

* SRI P. T. RAJAN: If you want to take this as a compliment, do take it by all means. What I am saying is this. Till recently they were all like us. They could not have become so bad within a short period as to be unfit for democracy. The reason for this drastic change is that after the death of two leaders, Mr. Jinnah and Mr. Liaquat Ali Khan, things there have gone from bad to worse. In India there are some leaders who command the respect of the country as a whole. So long as we have them, possibly we may escape from such a change-over. Be that as it may, Paki-

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stan's experience is a serious warning and a challenge to us—serious warning in the sense that our politicians should not mismanage the affairs of the country and should not lose the army's respect. The one country where the army is under the command of the civilians in England. It is because of the high moral and mental calibre of its politicians. The army does not go against the wishes of the civilians. But in other countries where the rulers have not been able to command the respect of the army and where they have mismanaged, the army has taken a hand in managing the affairs of the country. Normally the army does not like to rule a country. It might deal with a particular situation. But to rule a country is different from the army controlling untoward incidents and restoring order. So, I say, Sir, that if we want to avoid anything like that happening in our country, our politicians must see that they do not lose the confidence of the army. Secondly, this warning is much more to the student population—to both boys and girls. They should be well-disciplined. They should develop character. Only these two things can save a country and I hope that the challenge given by the events in Pakistan will be taken up by our younger generation and that they will avoid anything like confusion in our State.

As asked by the Hon. the Minister in charge of this Bill, what is my proposal if the panchayats are abolished?

THE HON. SRIMATHI LOURDHAMMAL SIMON: What is the alternative arrangement for the panchayats?

* SRI P. T. RAJAN: I would say "no elections," Sir. I said that democracy could be successful by having representatives of the State elected once in three years or once in five years. All other things can be done by well-disciplined and well-trained executive.

SRI A. M. ALLAPICHAJ: Can we go one step further and say that even the Legislature is not wanted in this country?

* SRI P. T. RAJAN: Possibly, as I said, when we get leaders mismanaging things, there would not be need for the Legislature. That was what happened in Pakistan. What I said was, Sir, in the absence of any elections, the one thing that we can do is to have a well-trained, disciplined army of civilians.

In this connection, I want to say one other thing. The politicians interfere with the local officials. There is no denying the fact that they do not give a chance to the local officials to do things in the usual way and that they quite often interfere with their work at every stage. Politicians do poke their nose into the administration. I would categorically like to say this. Responsible Ministers should see that officials function properly and also that no politician, however eminent he may be, interferes with the functions that the officials are expected to discharge. If this is done, most of the troubles will be avoided. When the foreign Government was here, the officials had a free hand in discharging

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their duties and the administration went on smoothly. I would like to say that the challenge which has been given by some States near and around India—that is, the possibility of a military rule—should be avoided in this country. We must be able to tell them that we in this country are in a position to manage the affairs efficiently and well and that we do not want the army to go out of its way to act as the rulers. We must accept the challenge so that the coming generation may be well-disciplined and may possess and develop high character and avoid military rule.

About the army, I wish to state one more thing. Till recently, the rank and file of the army consisted of Indians and the officers were Englishmen. After the attainment of Independence, the army has been completely Indianised.

MR. CHAIRMAN: May I request the hon. Member to speak on the Bill under discussion?

* SRI P. T. RAJAN: Sir, I am referring to the army for the simple reason that I wanted to point out that if elections were held under the existing circumstances, there might be serious repercussions. Otherwise, I had no idea of referring to it. I only want to say that elections have had a very demoralising effect in certain places. In that connection, I said that the army consisted of Indians . . .

SRI A. M. ALLAPICHAJ: Is the hon. Member aware that in Pakistan they did not have elections for the last ten years or so?

SRI P. T. RAJAN: The army consists of Indians and they are recruited from the same class as the civilians are recruited. But, in other countries, when the civilian administration is not able to manage the affairs, the military has stepped in and taken over the administration. We must take care to see that it is avoided. All my anxiety is that we must not create a state of affairs in which the elections are allowed to demoralise the whole administration and the army is compelled to take over the administration.

DR. V. K. JOHN: Mr. Chairman, the progress, prosperity, peace and security of this country depend on the decentralisation of powers and administration and the establishment of local self-governing bodies. Sir, I am very pleased indeed that the Government have gone into this matter with great earnestness and have spent a good deal of time in drafting this Bill and bringing forward the same before the Legislature. I totally differ from my esteemed colleague, Mr. P. T. Rajan, who said that elections should be avoided. If we are to create a love for democracy among the people in this country and thereby avoid military dictatorship, the mania for which is growing everyday all round our country, it can be done only by creating units of self-governing local bodies. I firmly believe that elections are absolutely required whatever be the evils attendant on them. We must remove the evils and

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1st November 1958] not prevent the elections from taking place. The very idea of having local bodies as units of self-government is to inculcate ideas of self-government in the common field. If everybody in India is imbued with the idea of democracy, you will not find military dictatorship in India. In that case, military rule will become impossible. I think in Pakistan, military dictatorship was made possible and feasible by the fact that elections were not held even to the Assembly and Parliament for a long time. So, with great respect to my Friend Mr. Rajan, I say that we must have elections. I do realise the point that he has stressed, viz., the evils attendant on elections. When he started public life forty years ago, corruption and demoralisation of the electorate were not so much as they are to-day. So, he rightly fears that elections will not be conducted in the proper manner. He appears to have lost hope in the people. But, I believe that our people will improve and that the big political parties, particularly the Congress Party, will see that corruption and unnecessary and colossal election expenditure are done away with.

Having said this and having complimented the Government on their going into this question of local self-government and producing a Bill, I am compelled to say that this Bill is a most unsatisfactory document and that it is not worth the paper on which it is written. Instead of advancing the cause of self-government, it has retarded it and it is more surprising that the draftsmen of the Bill had the courage—I would not say audacity—to say in the Preamble, “ . . . And whereas it is a Directive Principle of State Policy embodied in the Constitution that the State should take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” So far, nothing has been done to implement this Preamble contained in the Bill. Before discussing the merits of the Bill and going into the details, I would like to say that this Bill is defective in one great respect.

Every statute, in my opinion, must have the characteristics of simplicity and flexibility. Now, this Bill consists of 198 clauses and four schedules. And this Bill, when passed into law, must be read and understood by ordinary people in panchayat and other areas. Now, is it possible for anybody to read the Bill and understand its complicated nature? It is not simple at all. Nor is it flexible. Our Governments, which are responsible for drafting statutes both in the States and at the Centre, seem to be very fond of long statutes. We have the Constitution of India with 395 Articles with many sub-clauses and schedules, the longest Constitution in the world. We have the Companies Act of 1956 with 658 sections and 12 schedules, whereas in the New York Companies Act, there are only 144 sections. Simplicity and flexibility are not characteristic of the statutes which have been passed both in Parliament and in State Legislatures. Here, we have 198 clauses and I feel this Bill will be the longest ever on local

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bodies which exists in any part of India and in any part of the world. I protest that this should have been made so long. What we should have done is to have a few clauses—say, thirty clauses—which would provide for the constitution of local bodies, their management and their liquidation. And the flesh, the bone and the sinews must grow by convention. Everything else should be done by rules framed under the Act. So, this Bill has not got the characteristics of flexibility and simplicity. I may go further and say that it has not got the characteristic of certainty also. Any writer on British statutes would say that they have three characteristics—simplicity, certainty and flexibility. But this statute has none of these characteristics. It stands self-condemned. The important point is that the framers of this statute seem to have forgotten that the primary function of a local body is to create, promote and sustain a Welfare State.

Sir, in the Constitution of India, Article 36 provides—

“In this Part, unless the context otherwise requires, the State has the same meaning as in Part III”.

And let us go to Part III—Article 12—for the definition of the word ‘State’. It is stated:

“In this Part, unless the context otherwise requires, the State includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.”

Now, all local bodies are included in the definition of the word ‘State’ and it is the responsibility of the State, that is, of the local body equally with the Government, to carry out the Directive Principles of State Policy. If we go through the Directive Principles, we will find that they are meant for the creation and promotion of a Welfare State. Now, what is a Welfare State? A Welfare State is a State in which, every man who can be employed is gainfully employed in productive enterprise, nobody is without food, clothing and shelter, everyone is provided with sanitary conditions of life, with medical assistance, with education, with recreation and other securities which exist in all civilised countries of the world, viz., provision of unemployment allowance, provision for old age, for widows, for orphans, etc. If I were a Barrister practising in England and am unable to make a living, I could draw from a fund called the Fund in Need. And no man starves in any part of the country. Now, it is the function of the local body to create and promote a Welfare State. I do not find any provision in this Bill that that is the primary function of a local body and not to clean streets. Of course, when the Britishers were in power, they wanted the local body to clean streets. The first function of a local body, in my opinion, is to see that every person living within the jurisdiction of the panchayat, who is capable of doing work, is provided with productive employment. Sir, I took

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up this question when I was in the Committee and I sent a written request to the Committee to consider this matter. It was then said that it was all in the Directive Principles and that we need not provide for it since we were bound by the Directive Principles. I said that we must provide for it in the Bill so that people might understand it. Everybody does not know the Directive Principles embodied in the Constitution. Nobody knows the definition of the word ‘State’ in the Constitution includes local bodies. Therefore, the Bill should say, ‘To implement the Directive Principles of State Policy contained in the Constitution, such powers and functions are given to the local bodies’. The Government have not done it. They are still on the old rut. That is the first defect in the Bill.

The second defect is, instead of creating a unit of self-government, you have taken away and destroyed all the characteristics of self-government. Now, if you take clause 44, you will find that the commissioner will be appointed by the Government in the case of each panchayat and panchayat union council. The Executive must be appointed by the Government, according to the Bill. Then, where is self-government? The persons in charge of Education, in charge of Industries, in charge of Public Health and in charge of everything else in the panchayat must be the Chief Executive and the Commissioners and other officers may be appointed by a Public Service Commission. Why should we lose faith in the genius of our people? We say that there are factions in local bodies, in panchayats and others. Are there not factions at the State level and at the level of the Centre? Everybody knows that there are factions. If you want to train the people, there must be trial and error. We must go through trial and error and we must have the courage to do it. We must endow these bodies with real powers and functions. How can the panchayat function as a unit of self-government, if the executive officer with wide powers given to him under this Bill is appointed by the Government? It does the opposite of self-government. Then there are many other clauses. Take clause 147. The Inspector here can do anything he likes. The power to suspend or cancel resolutions, etc., under the Act is given to the Inspector. Even the agenda can be modified by him. It is utter travesty of truth to call such bodies units of self-government. Then take clause 151. The Revenue Divisional Officer can do anything. Under section 55, the Government can dissolve these bodies for any reason they like. I am inclined to think that the framer of this Bill was guided not by any idea of creating units of self-government but just the contrary, namely, to increase the powers of the Government. To-day the tendency for grabbing of power is too great. That is where something may happen to the country as has happened in Pakistan. The Centre is grabbing power at the expense of the State; the State is grabbing power at the expense of the local bodies. There is mal-adjustment of financial relationship as between the Centre and the State and as between the State and these local bodies. No elastic source of revenue is given to these local bodies at all. The

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State has taken all powers and where is the unit of self-government? Are the Government creating and training them as units of self-government? Certainly not. This is going back, further back from the enactments we had before under which these bodies functioned as better units of self-government than the bodies proposed to be created under this Bill will function.

• Then, Sir, running through the Bill, you will find detailed rules made and the object of every rule, almost every rule is to destroy democracy in local bodies and to keep more and more powers with the State Government. I think it is a very wrong thing to do. There is no use of criticising the Bill. My Friend here, Sri Krishnaswamy Ayyangar will bring in a good deal of amendments but not one amendment will be carried. If I am criticising this Bill, it is not in the hope that any good will come out of it in the consideration of the Bill. But I hope that this Bill will be soon repealed after being passed into law and that some person inspired with the ideology in our Constitution to create units of self-government will be in charge of the department or in charge of the Government and that he will realise that the best course to adopt is to have definite functions for local bodies as distinguished from the functions of the Government and give them the financial resources required to make them really units of self-government and not grab power. Nowadays everybody wants more and more power. It is not in the interests of our country. Unless you inculcate into the mind of our people in villages the ideology and the ideal of democracy, I can assure you that it will not take many years before we succumb to what is happening all around us. There is no one country left. China, Indonesia, Thailand, Burmah, Pakistan and all Middle Eastern countries—where have they gone to? There is dictatorship and military rule. (An hon. Member Kerala). It is military dictatorship. Why? Because the men in villages do not want democracy, but want dictatorship. You have not inculcated that feeling of respect for democracy in those people. If you can do that, you can save the country from dictatorship.

Sir, I entirely agree that there are people who feel that the elections have a demoralising effect. Elections to a very large extent have a demoralising effect because they are costly and because there are various sorts of bribery, corruption, assaults and so on. But it is for the ruling party particularly, and for all parties to see that the elections are not so costly and not so corrupt. I have not lost hope, as the hon. Member Sri P. T. Rajan appears to have lost, in the elections as conducted to-day.

SRI P. T. RAJAN : On a point of personal explanation. It is not a question of my losing hope. It is a question of pointing out the existing state of affairs so that people may rectify it.

DR. V. K. JOHN : I am sorry it has been pointed out and pointed out in language which is peculiarly strong and which the hon. Member Sri Rajan alone could use. But people should not

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have the feeling that elections ought to be avoided. As far as possible, we must make elections pure. Without them we cannot inculcate love for democracy and democratic institutions in the country. Without that love for democracy and democratic institutions, the country would be open to dictatorship. Because to-day people are discontented and prices are going up, it is for the Government to see that there is not much more dissatisfaction which will invite dictatorship in this country also.

* VIDWAN T. MUTHUKANNAPPAN : மாண்புமிக் மன்றத் தலைவர் அவர்களே, இந்த மசோதாவை நான் மனப்பூர்வமாக ஆதரித்து வரவேற்கிறேன். நவபாரதம் முழுமையடைந்து பூர்ணத்துவம் அடைந்து வந்துகொண்டிருக்கிறது என்பதற்கு இது ஒரு சிறந்த அறிஞரியாக இருக்கிறது என்பதை நான் மகிழ்ச்சியுடன் தெரிவித்துக்கொள்ள விரும்புகிறேன். தேசத் தந்தை மஹாத்மா காந்தியடிகள், பன்னெடு நாட்களாகக் கூறிக்கொண்டு வந்த, கிராம ராஜ்யம் வேண்டும், இராம ராஜ்யம் வேண்டும், இராம ராஜ்யம் வேண்டும் இராம ராஜ்யம் வேண்டுமென்று அவர் கனவு நனவாகிக்கொண்டு வருகிற இந்த நாளில் அவர் பூத உடலோடு இல்லையே என்று நினைக்கும்போது உண்மையிலேயே வருத்தமாகத்தான் இருக்கிறது. இந்த மசோதாவானது சிறந்த குறிக்கோளோடு வகுக்கப்பட்டிருக்கிறது என்பதை யறிய நான் உண்மையிலேயே மகிழ்ச்சியடைகிறேன். சமூகத்தின் இன்றியமையாத தேவைகளைப் பூர்த்தி செய்வதற்காக இந்த மசோதா கொண்டுவரப்பட்டிருப்பதாக முன்னுரையிலே குறிப்பிடப்பட்டிருக்கிறது. அதாவது, ஒன்றைச் சுருக்கி மற்றொன்றைப் பெருக்குவது; உணவைப் பெருக்கி இனத்தைச் சுருக்குவது. அதுதான் இந்த மசோதாவின் உண்மையான, அடிப்படையான தத்துவம், கொள்கை என்று குறிப்பிடப்பட்டிருக்கிறது. மேலும், ஜனநாயக ஆட்சியில் குடியரசின் பகுதியாக இந்தக் கிராம ஆட்சி நிலவ வேண்டும் என்பதற்கு இது சிறந்த ஆக்கத்தைக் கொடுக்கிறது என்றும் கூறிக் கொள்ள விரும்புகிறேன். குடியரசில் மக்கள் மன்னர்களாகிவிட்டார்கள். அப்படி மன்னர்களாகிய மக்கள் தங்களைத் தாங்களே ஆண்டுகொள்ளும் நிலை அவர்களுக்குத் தெரியவேண்டும். அதற்குரிய பயிற்சி அளிக்கிறது இந்த மசோதா. வரி வசூல் போன்ற அதிகாரங்களையெல்லாம் முன்னமேயே கிராம மக்கள் செலுத்திக்கொண்டிருந்தார்கள். தங்கள் காரியங்களை நிறைவேற்றிக்கொள்ளப்பணம் வேண்டும். அப்பணத்தை, வரியாகக் கொடுக்கிற பணத்தைக் கொண்டு தங்களுக்குள்ள தேவைகளைத் தாங்களே நிறைவேற்றிக்கொள்ள முடியும் என்பதை மக்கள் உணர இம்மசோதா ஒரு வாய்ப்பு அளிக்கிறது என்று தெரிவித்துக்கொள்ள விரும்புகிறேன். பஞ்சாயத்து என்று நினைக்கும்போது, இதற்குப் பஞ்சாயத்து என்று பெயர் வழங்குவது சரிதான் என்ற ஜயம் எனக்கு உதிக்கிறது. பஞ்சாயத்து என்று இதை அழைப்பது சரியல்ல என்பதுதான் எனது பணிவான கருத்து. பஞ்சாயத்து எப்படி வந்தது, என்று வந்தது என்று சற்றுச் சிந்தித்துப் பார்ப்போம். பஞ்சாயத்து முறை மேல் நாடுகளிலும் பரவி இருக்கிறது. மேல் நாடுகளிலும் பஞ்சாயத்துக்கள் பரவுவதற்கு வித்திட்டவர்கள் நமது தமிழ் நாட்டுப் பெருமன்னர்களாவார்கள், சிறப்பாகச் சோழவேந்தர்களாவார்கள் என்று நினைக்கும்போது நாம் பெருமிதம் கொள்ளலாம். அரசியலிலும், நிர்வாகத்திலும் தலைசிறந்து விளங்கிய சோழ மன்னர்கள் காலத்தில் இந்தப் பஞ்சாயத்து முறை ஏற்பட்டது. பஞ்ச ஏறாண்டில் ஐந்து, ஆயம் என்றால் கூட்டம். ஐந்து கூட்டத்தினர் கிராம ஆட்சியை நடத்திவந்தார்கள். சிறந்த முறையில்—குடவோலை முறையில்—தேர்தல்கள் நடந்திருக்கின்றன அந்தக் காலத்தில். ஐந்து விதமான குழுக்கள்—ஐந்து கமிட்டிகள், ஐந்து ஆயங்கள்—இருந்து நடத்தியதால், அதற்குப் பஞ்சாயத்து என்ற பெயர் வந்தது. இப்போது எதைக் கொண்டு பஞ்சாயத்து என்று சொல்வது என்று புரியவில்லை.

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[Vidwan T. Muthukannappan] [1st November 1958]

கிராம ஆட்சி மன்றம்—வில்லேஜ் அடமினிஸ்ட்ரேஷன் கவுன்சில்—என்று வேண்டுமானால் இருக்கலாம். அதுதான் பொருத்தம். போலீஸ் ஆட்சி மிலே சம்வத்ர வாரியம், எரி வாரியம், பொன் வாரியம், தோட்ட வாரியம், பஞ்ச வாரியம் என்று ஐந்து முக்கிய வாரியங்கள்—ஐந்து குழுக்கள்—இருந்து ஆட்சிப் பொறுப்பைக் கவனித்து வந்தன. சம்வத்ர வாரியம் என்பது பொது வேலைகளையும், நீதி வழங்குதலையும், கோயில் மராமத்துகளையும் கவனித்து வந்தது. எரி, குளம், ஊருணி முதலிய நீர் நிலைகளைப் பாதுகாத்தலும், விளை நிலங்களுக்கு வேண்டிய அளவு நீர்ப் பாசனம் அளிப்பதும், மதகு, பாலம், அணை முதலானவற்றைப் பாதுகாப்பதும் எரி வாரியத்தின் கடமை. பயிர்கள், தோட்டங்கள், நந்த வனங்கள் முதலானவற்றைக் கண்காணிப்பது தோட்ட வாரியத்தின் வேலை. காசுகள், நாணயங்கள் இவை சரியானபடி புழக்கத்தில் இருக்கும்படி பார்த்துக்கொள்வது பொன் வாரியத்தின் கடமை. பஞ்சம், வெள்ளச் சேதம் முதலியன ஏற்பட்டால், அவற்றிலிருந்து ஊர் மக்களைக் காப்பாற்ற, பல உணவுப் பொருள்களையும் கொஞ்சம் கொஞ்சமாக வாங்கிக் களஞ்சியத்தில் சேர்த்து வைத்தாப் பாதுகாப்பது பஞ்ச வாரியத்தின் வேலை. இப்படி ஐந்து குழுக்கள் ஆண்ட ஆட்சி முறையை, ஊராட்சி முறை—அதாவது, பஞ்சாயத்து—என்று அழைத்தார்கள். நாமும் இப்போது அப்படி அழைப்பது சரியல்ல.

(Deputy Chairman in the Chair.)

பஞ்சாயத்துக்களுக்குப் பிறகு பஞ்சாயத்து யூனியன் கவுன்சில்—ஐக்கிய மன்றம்—ஊராட்சி ஐக்கிய மன்றம்—என்று வருகிறது. ஊராட்சி மன்றத்திலேயும், ஊராட்சி ஐக்கிய மன்றத்திலேயும் ஹரிஜனங்களுக்கும், பெண்களுக்கும் ஸ்தானங்களை ஒதுக்கியிருக்கிறார்கள். இது உண்மையிலேயே ஒரு குறிப்பிடத் தக்க அம்சம். ஊராட்சி மன்றத்திலே பெண்களை சேர்ந்தெடுக்கப்பட்டு வாங்கியென்றால், ஒரு பெண் அங்கத்தினரைச் சேர்த்துக்கொள்ளலாம் என்றிருக்கிறது. ஐக்கிய மன்றத்திலே, அதாவது யூனியன் கவுன்சிலிலே 3 பெண்களையும், 3 ஹரிஜனங்களையும் சேர்த்துக்கொள்ளலாம் என்றிருக்கிறது. இது உண்மையிலேயே மகிழ்ச்சிக் குரிய விஷயம். பெண்கள் எவ்வளவுக்கெவ்வளவு முன்வந்து அரசாளும் தன்மையை, ஆட்சிப் பொறுப்பை, ஏற்கிறார்களோ அவ்வளவுக் கவ்வளவு நாடு நலமடையும்.

“தொட்டிலை ஆட்டும் கை தொல்லுலகை ஆளும் கையாக” விளங்க வேண்டும். “நிலத்தின் தன்மை பயிர்க் குளதாகும்” என்று பாரதி பாடுகிறார். ஒரு நாய், ஒரு பெண், ஒரு மங்கை, ஊராட்சியிலே, நகராட்சியிலே, நாட்டு ஆட்சியிலே பொறுப்பேற்று நடத்தினால், அவளுக்குப் பிறக்கும் குழந்தைகள் சிறந்த வீரர்களாக, வல்லவர்களாக, தலைவர்களாக நாடாளும் திறமை படைத்தவர்களாக இருப்பார்கள். அதே போல ஹரிஜனங்களுக்கு—இதுகாறும் தாழ்ந்த நிலையில் இருந்தவர்களுக்கு, அடிமைகளாகக்கிடந்து உழன்றவர்களுக்கு—ஒரு நல்ல சலுகை கொடுத்திருக்கிறார்கள். அவர்களும் அரசர்களாக, மன்னர்களாக வரக் கூடிய நிலை ஏற்பட்டிருக்கிறது என்பதைக் காணப் பெருமகிழ்ச்சியடைகிறேன்.

மேலும், கல்விக்குச் சிறந்த முக்கியத்துவம் கொடுக்கப்பட்டிருக்கிறது. 115-வது பிரிவிலே, 4-வது உப-பிரிவிலே, (ஏ) பகுதியிலே, வருமானத்திலே, 9-ல் 4 பங்கை ஐக்கிய மன்றக் கல்வி நிதிக்கு ஒதுக்க வேண்டுமென்று கூறப்பட்டிருக்கிறது. இதைப் பார்த்தால், கல்வி சம்பந்தப்பட்டவரையில், அரசாங்கம் எவ்வளவு சிறந்த முறையில் நன்மைகள் செய்ய வேண்டுமென்று எதிர்பார்க்கிறது என்பதை நன்கு எடுத்துக் காட்டுவதாக இருக்கிறது.

அடுத்தபடியாக, தொடக்க நிலைப் பள்ளிகளெல்லாம் ஐக்கிய மன்றங்களாலே மேற்கொள்ளப்படவிருக்கின்றன. அதுவும் ஒரு நல்ல முறை என்று தோன்றுகிறது.

st November 1958] [Vidwan T. Muthukannappan]

பிறகு, இதைப்பற்றி, இந்த மசோதாவைப்பற்றி, சில திருத்தங்கள், ல ஆலோசனைகள், சில கருத்துக்கள்—எப்படி வேண்டுமானாலும் வைத்துக்கொள்ளலாம்—கூறி எனது உரையை முடித்துக்கொள்ள விரும்புகிறேன்.

இது ஒரு சிறந்த மசோதாதான். ஆனால் இன்னும் இந்தக் கருத்துக்களை—நான் குறிப்பிடப்போகும் கருத்துக்களை—ஏற்றுக்கொண்டு, தகுந்த றையில் திருத்தங்கள் செய்தால், இந்த மசோதா நாட்டுக்கு, நகரத்திற்கு, ஊருக்கு, மக்களுக்கு நன்மை பயக்கக் கூடியதாக இருக்கும். ம் தந்தை மகாத்மா காந்தியடிகள் கண்ட கனவு நனவாகி, ராம ராஜ்யம் ஏற்பட்டு, கிராம ராஜ்யம் ஏற்பட்டு, மக்கள் சுபிட்சமாக வாழ மார்கள்.

13-வது பிரிவிலே ஜில்லா போர்டுகள் நடத்தி வந்த எல்லா உயர்நிலைப் பள்ளிகளும் இடை நிலைப் பள்ளிகளும் அரசாங்கம் நியமிக்கும் குழுவின் மீது வந்துவிடும் என்று குறிப்பிடப்பட்டிருக்கிறது. அப்படி இருப்பதை விட அரசாங்கமே அந்தப் பள்ளிகளை ஏற்று நடத்தலாம். இப்போது அரசாங்கம் பல உயர்நிலைப் பள்ளிகளை நடத்துகிறது. அரசாங்கமே இப்பொறுப்பையும் ஏற்றுக்கொள்ளவேண்டும் என்பது எனது அபிப்பிராயம்.

இதிலே கல்லூரிகளைப்பற்றி ஒன்றும் குறிப்பிடப்படவில்லை. இன்றைக்கு கீசலம் வட்டம் ஒரு கல்லூரியை நடத்துகிறது. அக்கல்லூரியை யார் நடத்துக்கொள்வது? இவற்றையும் அரசாங்கமே மேற்கொள்ள வேண்டும்.

மேலும், அரசாங்க உத்தியோகஸ்தர்கள், கார்ப்பொரேஷன்—நகராண்மைக்கழகம்—உத்தியோகஸ்தர்கள் எல்லாம் இந்தப் பஞ்சாயத்திலே அங்கம் பெற முடியாமல் இருக்கிறார்கள். என்னுடைய அனுபவத்திலிருந்து பெற முடியாமல் இருக்கிறார்கள். என்னுடைய அனுபவத்திலிருந்து ஒன்று கூறிக்கொள்ள விரும்புகிறேன். கிராமத்திலுள்ள மக்களில் கல்வி பெற்றவர்களெல்லாம் பட்டணங்களில், நகரங்களில் வேலை செய்ய வந்து விடுகிறார்கள். அங்கே சர்க்காரிலேயும் மற்ற அலுவலகங்களிலேயும் வேலை செய்கிறார்கள். அங்கே வந்துவிடுகிறார்கள். நன்கு எழுதப்பட்டிருக்கத் தெரியுமாய் கிராமங்களை விட்டு வந்துவிடுகிறார்கள். நன்கு எழுதப்பட்டிருக்கத் தெரியுமாய் கிராமங்களை விட்டு வந்துவிடுகிறார்கள். ஒன்றும் தெரிந்தவர்கள் பஞ்சாயத்துக்களில் அங்கம் பெற வாய்ப்பில்லை. ஒன்றும் தெரியாதவர்கள்தான் அங்கத்தினராகும் நிலை இருக்கிறது இந்த மசோதாவின் யாதவர்கள்தான் அங்கத்தினராகவது கௌரவ அங்கத்தினர்களாகப் பதவிபடி. ஓரளவுக்கு ஆசிரியர்களுக்காவது கௌரவ அங்கத்தினர்களாகப் பதவிபடி. கொடுக்கலாம். இது அரசியல் என்று சொல்ல முடியாது. ஊராட்சிதான். தான் வசிக்கும் ஊரின் ஆட்சி நடத்துவதிலே ஆசிரியருக்கும் இடம் கொடுக்கலாம். “கணக்காயர் இல்லாக அவை பாழ்” என்கிறது ஒரு பழம்பாட்டு. கிராமச் சபைகளில் முன்னெல்லாம் ஆசிரியர்கள் இருப்பது முக்கியம் என்று கருதப்பட்டது.

அடுத்தபடியாக, 34-வது பிரிவிலே, 3-வது துணைப் பிரிவிலே ஊராட்சி மன்றத் தலைவரோ அல்லது உப-தலைவரோ இல்லையானால், அதற்கான நடவடிக்கை ஜனநாயக அடிப்படையில் இல்லாமல் குடியரசு முறைக்கு மாறாக இருக்கிறது என்பது எனது அபிப்பிராயம். அதற்குத் தலைவரை நிர்வாக அதிகாரி நியமிக்கலாம் என்று இருக்கிறது. அதாவது ஒரு பஞ்சாயத்தில் தலைவரோ அல்லது துணைத் தலைவரோ இல்லையானால், வேறொருவரை அப்பாயிண்ட் செய்யும் பொறுப்பு (நியமிக்கும் பொறுப்பு) எக்ஸிசுட்டிவ் ஆபீசருக்கு (நிர்வாக அதிகாரிக்கு) கொடுக்கப்பட்டிருக்கிறது. இது சரியல்ல. மக்களுக்குப் பணி செய்ய வந்தவர்கள் மக்களைப் பணிய வைப்பது சரிதான் என்று ஆலோசிக்க வேண்டும். இப்பொறுப்பைப் பஞ்சாயத்து யூனியன் தலைவரிடம் ஒப்படைத்துவிடலாம். அந்தத் தலைவரிடத்திலே நியமிக்கும் பொறுப்பை விட்டு விடுவதுதான் சிறந்தது. இது ஜனநாயக முறைக்கு உகந்ததாக இருக்கும் என்று கூறிக்கொள்ள விரும்புகிறேன்.

மேலும், ஐக்கிய மன்றத் தலைவரை (பஞ்சாயத்து யூனியன் சேர்மன்) நியமிக்கும் விஷயத்திலே கூட, தலைவரோ அல்லது உப-தலைவரோ இல்லையானால், அங்கே ரெவினயூ டிவிஷனல் ஆபீஸர் அந்தப் பொறுப்பை ஏற்றுக்கொண்டு அவர் தலைவராக இருக்கலாம் என்றிருக்கிறது. இது

[Vidwan T. Muthukannappan] [1st November 1958]

உண்மையிலேயே ஜனநாயக முறைக்கு முன்னுள்ளது. அதைவிட நம் சட்ட சபையிலும், மேல் மன்றத்திலும் செயல்படப் போக, தாற்காலிகத் தலைவர்கள் என்று இன்னும் இருவரை இடைக்காலத் தலைவர்களாக முதலிலேயே நியமித்துவிடலாம். அவர்கள் தலைவரும் உப-தலைவரும் இல்லாத போது, அந்த வேலையை மேற்கொண்டு செய்யலாம். இது ஜனநாயகத் தத்துவத்தின் அடிப்படைக்குப் பொருந்தாததாக இருக்கும்.

மேலும், ஐக்கிய மன்ற அங்கத்தினர்களுக்குப் படிச் செலவு அல்லது பயணச் செலவு இவ்வை எப்படி குறித்து நான் வகுத்தப்படுகிறேன். முன்பு இருந்த பின்னிக் போட்டு, அதாவது மாவட்டக் கழகத்திலே கூட அங்கம் வகித்தவர்களுக்குப் படிச் செலவு, பயணப் படி எல்லாம் இருந்தன. மாவட்ட அலைபனைக் குழு அங்கத்தினருக்கும் இவ்வசதி அளிக்கப்படுகிறது. இந்த ஐக்கிய மன்றத்திலே அங்கம் வகிப்பவர்களில் சிலர் எவ்வளவாக இருக்கலாம். இப்போது ஹரிஜன அங்கத்தினர் களுடனும் இருக்கப் போகிறார்கள். அவர்கள் 20 வயஸ் 30 வயஸ் தூரம் வந்து போக வேண்டியிருக்கலாம். அவர்கள் தங்கள் சொந்தப் பணத்தைச் செலவு செய்துகொண்டு வா முடியாது. ஆகையால், படிச் செலவுக்கென்று 5 ரூபாயாவது கொடுத்தால், நல்லதாக இருக்கும் என்று கூறிக்கொள்ள விரும்புகிறேன்.

(இந்தச் சமயத்தில் ஸ்தல ஸ்தாபன அமைச்சர் சபையில் இல்லாதது கவனிக்கப்படும். சபையில் வேறு அமைச்சர்கள் யாரும் இல்லை.)

SRI V. V. RAMASWAMI : யாரிடம் சொல்லுகிறீர்கள்? யார் கேட்கிறார்கள்?

SRI MOHAMED RAZA KHAN : Why not the Whip of the Congress Party sit on the Treasury Bench and note down the points made by the hon. Member?

SRI V. S. BALASUNDARAM : I am noting them down.

* **VIDWAN T. MUTHUKANNAPPAN :** அடுத்தபடியாக 70-வது பிரி விலே, இரண்டு மூன்று ஐக்கிய மன்றங்கள் சேர்ந்து நடத்தலாம். சாலைகள், பிள்ளைப் பேறு வந்திகள் நடத்தலாம் என்றிருக்கிறது. அப்படி இரண்டு மூன்று ஐக்கிய மன்றங்கள் சேர்ந்து நடத்தினால், சங்கடங்கள்தான் ஏற்படும். இவற்றையும் அரசாங்கமே மேற்கொள்வதுதான் சாலச் சிறந்தது.

DR. V. K. JOHN : Sir, is it in keeping with the dignity and usefulness of this House that no Hon. Minister is present in the House?

DEPUTY CHAIRMAN : The Hon. Minister will be coming now.

SRI L. S. KARAYALAR : Sir, we are discussing a very important Bill.

DR. V. K. JOHN : I would request the hon. Member to sit down now and wait till the Hon. Minister comes back to the House.

SRI L. S. KARAYALAR : He can continue his speech after the Hon. Minister comes here.

DR. V. K. JOHN : After all, this House ought to be respected by the Members belonging to the Treasury Bench and they should be present at least when a Bill of far-reaching importance like this one is discussed in the House.

[1st November 1958]

* **VIDWAN T. MUTHUKANNAPPAN :** Sir, am I to continue my speech?

DEPUTY CHAIRMAN : Yes.

* **VIDWAN T. MUTHUKANNAPPAN :** பெரியீர், இந்த மசோதாவின் படி நகரப் பஞ்சாயத்துக்களுக்கு மட்டும் நிர்வாக அதிகாரிகளை நியமித்திருக்கிறார்கள். ஊராட்சி மன்றங்களுக்கு நிர்வாக அதிகாரிகளை நியமிக்கவில்லை. கொஞ்சம் நன்றாக அலசிச் சீர்தூக்கிப் பார்த்தால், பல ஊராட்சி மன்றங்களிலே அனுபவமில்லாதவர்கள், ஆற்றல் இல்லாதவர்கள் இருக்கிறார்கள். எழுதப் படிக்கத் தெரியாதவர்களும் இருக்கிறார்கள். அவர்களுக்கு நிர்வாக முறைப் பயிற்சி அளிக்கவேண்டியது அவசியம். அம்மாதிரி அவர்களுக்குப் பயிற்சி அளிப்பதற்குக் கிராமப் பஞ்சாயத்துக்களுக்குக் கூட நிர்வாக அதிகாரிகள் நியமிக்கப்படவேண்டும். ஒவ்வொரு பஞ்சாயத்துக்கும் நிர்வாக அதிகாரிகளை நியமிப்பது சாத்தியமாகயிருக்காது என்று சொன்னாலும் கூட, இரண்டு மூன்று ஊராட்சி மன்றங்களுக்கு ஒரு நிர்வாக அதிகாரியையாவது நியமிக்கவேண்டுமென்று தெரிவித்துக்கொள்கிறேன்.

SRI MOHAMED RAZA KHAN : There is provision to adjourn the House for a few minutes. We can now adjourn and take some rest till the Hon. Minister comes back to the House.

DEPUTY CHAIRMAN : In the rulings it is only stated that as many Ministers as may conveniently attend should be present during the debate.

(At this stage, the Hon. the Minister for Local Administration returned and resumed her seat).

* **VIDWAN T. MUTHUKANNAPPAN :** பெரியீர், 147-வது பிரிவின்படி இன்ஸ்பெக்டருக்கு அதிகமான அதிகாரம் வழங்கப்பட்டிருக்கிறது என்று மதிப்பிற்குரிய பெரியார் டாக்டர் ஜான் குறிப்பிட்டார். பொது மக்களால் தேர்ந்தெடுக்கப்பட்ட மன்றத்தினர் கொண்டுவரும் தீர்மானங்களை நிறுத்தவோ தள்ளுபடி செய்யவோ அவருக்கு அதிகாரம் இருக்கிறது. மேலும் தலைவர் தவறாக நடந்துகொண்டால், அவரிடமிருந்து 'எக்ஸ்பிளேனேஷன்' விளக்கம் கேட்கக்கூட அந்த இன்ஸ்பெக்டருக்கு அதிகாரம் கொடுக்கப்பட்டிருக்கிறது. இதையெல்லாம் ஐக்கிய மன்றத் தலைவர்களுக்கே விட்டு விடலாம். ஒரு அரசாங்க அதிகாரி இதை உட்புகுந்து மேற்கொள்ளுவதை விட, ஐக்கிய மன்றத் தலைவருக்கே இவ்வதிகாரங்களை விட்டுவிடுவது நன்றாக இருக்குமென்று நினைக்கிறேன்.

இன்னொரு முக்கியமான செய்தியைக் கூறிக்கொள்ள விரும்புகிறேன். தலைக்கு 6 ரூபாய் விகிதம் தரப்படுமென்று நிதி அமைச்சர் அவர்கள் கூறினார்கள். அந்த ரூபாயிலே எவ்வளவு பகுதி கிராம நலனுக்காகச் செலவழிக்கப்படுமென்று தெரியவில்லை. பெரும் பகுதியான தொகை கிராம நலனுக்காகச் செலவிடப்பட்டால்தான், உண்மையிலேயே கிராம ராஜ்யமாக விளங்கும். ஜனத்தொகை அடிப்படையிலே கணக்கிடப்படுமென்று தெரிகிறது. தலைக்கு 6 ரூபாயென்று ஜனத்தொகை அடிப்படையிலே கணக்கிடுவார்கள். 1951-வது ஆண்டு ஜனத்தொகை அடிப்படையில் கணக்கிட்டால் அது தப்பாக இருக்கும். இப்பொழுது ஜனத்தொகை ஐந்து, அல்லது ஆறு மடங்கு மேலும் பெருகியிருக்கிறது. கணக்கிடப்படும் தொகையானது, பஞ்சாயத்துத் தேர்தல் நடக்கிற சமயத்தில் இருக்கிற ஜனத்தொகையை ஒட்டி, கணக்கிடப்பட்டால்தான் பஞ்சாயத்துக்களுக்குப் போதிய பணம் கிடைக்கும்.

மேலும், விசாரணைக் குழு இல்லாமல் இருப்பது ஒரு சிறந்த அங்கக் குறைவாகவே இருக்கிறது. கிராமங்களிலே சண்டை சச்சரவுகள், களவுகள் மிகவும் அதிகம். அவைகளை விசாரித்து, தீர்மானித்து, தண்டனை

[Vidwan T. Muthukannappan] [1st November 1958]

கொடுப்பதற்கு, நீதி வழங்குவதற்கு ஒரு பஞ்சாயத்துக் குழு அவசியமாக இருக்கவேண்டும். அதையும் நியமித்துவிட்டால், ஊராட்சி மன்ற மசோதா ஒரு ஒப்பற்ற மசோதாவாக இருக்குமென்று சொல்லிக்கொண்டு, அமருகிறேன்.

SRI MOHAMED RAZA KHAN: Mr. Deputy Chairman, three days of very useful and valuable debate is coming to a close. In a way, the Hon. the Lady Minister in charge of the Bill feels happy and comfortable that there is all-round support to the Bill except for the valuable suggestions and some warnings given by hon. Members belonging to both sides of the House.

Sir, one aspect of the matter which appeals to me most is the spirit behind the Bill. I may say that this Bill has been conceived with the best of spirit, with the best of intention and with the best of faith. May be there is scope for some improvements and changes. It is quite possible that some of the clauses of the Bill do not appeal to some of us for very good and valid reasons. We served on the Legislature Committee on Local Administration and spent considerable time in discussing the various aspects of the Bill. Incidentally, Mr. Deputy Chairman, may I say that, belonging as I do to the City of Madras, I know very little about the working of the panchayat, except that I take it for granted that in the panchayats there are a good deal of factions, fights and difficulties. I am not competent to speak about that but being an observer from a distance, not in any way connected with the panchayat administration, I take the view that the Bill has been conceived with the best of faith and with the best of intention.

Mr. Deputy Chairman, one other aspect of the matter which we have to consider is that it is decided and decided rightly that the district boards have to go because there is the view that the district boards are too unwieldy and large, that the work in the districts is going on increasing and that it is not possible for the district boards to cope with the increased work. Naturally they cannot look to the various activities in the districts except to concentrate in some parts of the districts. Once a decision is taken that the district boards have to go, we have to evolve an alternative pattern. Persons coming from the districts would know the developmental activities which are taking place through the National Extension Service Scheme and other development schemes. The idea of the framers of the Bill is that people should take more direct interest in the development plans and offer their co-operation. But, at the same time, there is also a charge made that a lot of money has been spent unnecessarily. Once we make the people necessarily responsible for the execution of the work, we must have some control over the expenditure incurred by them. Everybody felt that it would be a right thing. It is only with that object in view that it has been decided to have panchayats and panchayat union councils and ultimately, the Development Council which, as has been pointed out by the Hon. the Minister for Finance, is going to be an advisory body.

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Mr. Deputy Chairman, in the course of the debate, two extreme views have been expressed on the Bill. On the one hand, the hon. Member Sri P. T. Rajan, with his experience of 40 years in public life, spoke with sincerity and took the extreme view that there need not be panchayats and panchayat union councils and that the whole work might be allowed to be done by the Government machinery and the officers. It may be a proper view. On the other hand, the other extreme view of my hon. Friend Dr. V. K. John is that this Bill is not worth the paper on which it is printed because there is no semblance of democracy and that as no real power has been given to the panchayats, they could not function. I do not like to associate myself with that view of Dr. John. Therefore, as a sort of *via media*, this Bill has been conceived only in the spirit of not giving them too much power which they could not exercise properly and, at the same time, not depriving them of the powers which they should have. I do not think much could be done as far as that aspect of the matter is concerned.

Surely something has been said quite rightly about the checks by the officers. One point of view is that these bodies will definitely mismanage and that they may not have proper control over the functioning of these panchayats and panchayat councils. It is only to meet that point of view that a check by the officers has been provided for. If really things are improving, as we see they are, I do not think there will be any necessity for the officers to interfere and that too, interfere unnecessarily. After all, in a democratic set-up whoever the officers may be, if they try to exceed their powers or their limits or their responsibilities, surely Members of the Legislature belonging to the other House and this House will have cause to discuss the matter and they will see that unnecessary interference of the officers is stopped. Therefore, it is only as a sort of check that these officers come in so that the affairs may not be mismanaged.

Another factor which I would like to refer to is this. Many 5-10 p.m.
a time it was said, "What is the use of giving so much of power to panchayats? What is the use of asking these panchayats to be self-democratic Governments of self-governing institutions unless you place sufficient funds at their disposal?" I know in the year 1950 when Sri Chandramouli brought in some Panchayat Bill, it was rushed through without proper consideration. The one thing that has been referred to by Member after Member is, 'Well, you may give them all powers and more responsibility. But what is it that they can do without sufficient finances at their disposal?' Here a way has been found out to place enough finances at their disposal. As was said by the Hon. the Finance Minister the other day, a sum of Rs. 6 per head will be spent. Therefore, if that amount is at their disposal, surely they will try to improve things. Apart from this, a good deal of amount sanctioned by the Central Government and the State Government will be spent on the developmental activities as far as the panchayat union councils are concerned. The important point is

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that there will be sufficient funds at their disposal so that they may try to implement the scheme. The only thing is that they should have the spirit to work it and should be divested of factions which, unfortunately, may exist in some of the panchayat areas.

Another aspect which has been well thought out is this. The Government do not like that certain schemes which are very costly and which the panchayats may not be able to control should be taken away from the purview of the Panchayat Act. It was rightly thought of that elementary education should not be entrusted to a small unit of panchayat with hardly a population of 500 and with very limited resources. Therefore, it was thought that the elementary school should be within the jurisdiction of the panchayat union council so that it might serve a larger area. There are two important aspects of it. One is that you have education at a higher level and that a larger area will be served. At the same time, as far as the finances are concerned, we do not like that the slender finances of the panchayat should be taxed. As far as the high schools are concerned, you know, as was said by the Hon. Lady Minister the other day, all the high schools run by the district boards are being taken over by the Government. What sort of pattern will be adopted in future, whether they will be run directly by the Government or whether there will be a statutory board to run them is a matter for the Government to consider. Let us not go into that question. One factor which I would like to impress upon everybody is that not much financial burden is being put on the panchayat or the panchayat union council.

Take even public health and roads. Demands grow from the people for providing them with amenities like hospitals and good roads. Therefore, these items have been taken out from the purview of the panchayat union council or the panchayat so that they may not be put to financial difficulties. That is the important aspect. Therefore, with the powers which are given to them, with the responsibilities which they have got to shoulder, with the finances at their disposal and with the spirit necessary to work the scheme, I am sure we can depend upon these bodies to work well. Surely difficulties may arise. If they arise, the Legislature has always got the right to make suitable amendments to the Act in the light of the working of the various panchayats.

Then, the hon. Member Sri Sivasubramanya Nadar asked, 'Why not the election of the president or the vice-president be an indirect election?' I think direct election is in vogue now. (Interruption) Just a few months ago it was direct election. In the year 1950 when Sri Chandramouli brought the Bill, there was a good deal of discussion on that point. But one thing was conceded. If the president is directly elected by the voters, he really feels that he has no responsibility to the councillors or to his own colleagues. There was a fear that he would become dictatorial. There was a

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point made out that there would then be no co-ordination between the members and the president. So, things could be argued either way. Therefore, it was decided to make the president directly responsible to the councillors so that it might be conducive to the smooth working of the panchayat.

I do not want to take up much of your time. It has been said that on this particular issue the Government have taken the members of the various political parties including the Opposition into their confidence. May be it is something wrong also. Sometimes we may fall into the trap of the Government. They simply invite us and commit us to certain views. But, if by our presence, we make some contribution to improving the Bill, or we make suggestions which may influence the Government, surely I think that the Opposition has done as good a job as the Government. If this Bill is passed and it is bound to be passed, I am sure it will be for the good of the people. The Hon. the Finance Minister gave the promise that if suitable amendments were moved, he would accept them. Many amendments have been given notice of. If some of these amendments are accepted which are in the best interests of the working of this legislation, if the Bill is passed and if it is worked in the fullest belief and faith that it is ultimately for the good of the people and that by this legislation something good and tangible will be done in the villages which cry for so many amenities and which have been neglected for ages, I am sure that this Bill will have served some purpose and it will be a matter for congratulation not only for the Government but for the entire House as a whole.

SRI V. S. BALASUNDARAM : இந்தப் பஞ்சாயத்து மசோதா அரசாங்கத்தாராலும், பொறுக்குக் கமிட்டியாலும் நன்றாகப் பரிசீலனை செய்யப்பட்டு, ஜனநாயக அடிப்படையில் கொண்டுவரப்பட்டிருக்கிறது. இது பற்றிக் கனம் அங்கத்தினர் ஸ்ரீமான் கரையாளர் அவர்கள் இது ஜனநாயக முறையிலே அமையவில்லை, இந்த மசோதா பூராவும் சரியான மசோதாவாக இல்லை என்ற பெருத்த, குற்றச்சாட்டைச் சாட்டினார்கள். ஆனால், எப்படி இது ஜனநாயக முறையிலே இல்லை என்பதை அவர்கள் எடுத்துக்காட்டவில்லை. ஜனநாயக முறை என்றால், கிராமத்திலுள்ள 500 எடுத்துக்காட்டில்லை. ஜனநாயக முறை என்றால், கிராமத்திலுள்ள 500 அல்லது 1,000 ஜனங்களை ஒன்று கூட்டி நிர்வாகத்தை நடத்துவதா, அல்லது ஜனங்களால் தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகள் மூலம் நடத்துவதா என்பதைப்பற்றி அவர் விளக்கம் கூறவில்லை. பொதுவாக எடுத்துக் கொள்ளப்பட்டதில், இந்த மசோதாவானது ஜனநாயக முறையிலே தற் காலத்திற்குத் தகுந்தவாறு வோட்டர்களால் தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகள் நிர்வாகத்தை நடத்துவதற்கு வகை செய்கிறது.

ஆரம்பப் பள்ளிக்கூடங்கள் இதுவரையில் ஜில்லா போர்டுகளால் நடத்தப்பட்டு வந்தன. அவைகளைப் பஞ்சாயத்துக்களிடத்திலும், பஞ்சாயத்து யூனியன் கவுன்சில்களிடத்திலும் ஒப்புவிக்கப் போவதாகக் குறிப்பிடப்பட்டிருக்கிறது. ஜில்லா போர்டுகளால் நடத்தப்பட்ட ஆரம்பப் பள்ளிக்கூடங்கள் பஞ்சாயத்துக் களிடத்தில் ஒப்புவிக்கப்படுவதில் யாதொரு ஆட்சேபமேயில்லை. ஆனால், களிடத்தில் ஒப்புவிக்கப்படுவதில் தனிப்பட்டவர்களால் நடத்தப்பட்டு வருபவ் ஆரம்பப் பள்ளிக்கூடங்கள் தனிப்பட்டவர்களால் நடத்துகிறார்கள். சிலவற்றைக் கண்யாஸ்திரிகள் (நன்ஸ்) நடத்துகிறார்கள். இன்னும் ஆங்காங்கு மற்ற தனிப்பட்டவர்களும் ஆரம்பப் பாடசாலைகளை நடத்திவருகிறார்கள். பொதுவாக எடுத்துக்கொண்டால், ஜில்லா போர்டுகளால் நடத்தப்படும் ஆரம்பப் பள்ளிக்கூடங்களையும், கவர்ன்மெண்டாரால் நடத்தப்படும் பள்ளிக்

[Sri V. S. Balasundaram] [1st November 1950]

கூடங்களையும் விட, தனிப்பட்டவர்களால் நடத்தப்படுகின்ற பள்ளிக்கூடங்கள் மிகவும் நேர்த்தியாக நடத்தப்படுகின்றன, அங்கே நல்ல முறையிலே கல்விகற்பிக்கப்படுகிறது என்று எல்லோராலும் புகழ்ந்து பேசப்படுகிறது. ஜில்லா போர்டுப் பள்ளிக்கூடம், அரசாங்கப் பள்ளிக்கூடம், இவைகளுக்குப் பக்கத்தில் பிரைவேட் மாணேஜ்மெண்ட் பார் நடத்தும் பள்ளிக்கூடம் இருந்தால் அந்தப் பள்ளிக்கூடத்திற்குத்தான் நம்முடைய நிதியைக் கொண்டு வரக்கூடும். அதனாலே இவர்கள் எவ்வளவு நிறந்த முறையில் இந்தப் பள்ளிக்கூடங்களை நடத்துகிறார்கள் என்பது தெரியவருகிறது. அப்போது பள்ளிக்கூடங்களைப் பஞ்சாயத்துக்களிடமோ அல்லது பஞ்சாயத்து யூனியன்களிடமோ ஒப்படைத்தால், இந்தப் பள்ளிக்கூடங்கள் நிறந்த முறையில் நடக்குமா என்பது எனக்குப் புரியவில்லை. இப்படிச் செய்தால், இந்தப் பள்ளிக்கூடங்களுக்குக் கிராண்டுகள் சரிவரக் கிடைப்பதற்குச் செளகரியம் இருக்காது. அது மாதிரமல்ல. பல விஷயங்களிலும், பள்ளிக்கூடங்களில் பாடங்கள் போதிக்கக்கூடிய விஷயங்களில்கூட, பஞ்சாயத்துத் தலைவர்களும், அங்கத்தினர்களும், தலைமிக்கூடும். அதனாலே, இந்த ஆரம்பப் பள்ளிக்கூடங்களை, குறைந்தது எய்டுட் ஸ்கூல்களை, பஞ்சாயத்துக்களுக்கு மாற்றாமல், இப்பொழுது இருக்கிறபடியே அவைகளை இருக்கும்படி செய்து, அவைகளுக்கு இப்பொழுது அரசாங்கத்தாரே நேரடியாகக் கிராண்டுகள் கொடுப்பதுபோல் கொடுத்து வந்தால் நலம் என்று தோன்றுகிறது.

சமீபத்தில் பஞ்சாயத்துகளுக்கு அங்கத்தினர்கள் தேர்ந்தெடுக்கப் பட்டனர். அதைப்பற்றியும், தலைவர்களைத் தேர்ந்தெடுக்கப்பட்டதைப் பற்றியும் இங்கே விரிவாகச் சொன்னார்கள். அதில் உண்மை இருக்கிறது. அந்தத் தேர்தலில் பணம் ஏராளமாகக் கையாடப்பட்டு வந்தது. கையாடப்பட்டும் வருகிறது. அது மாத்திரம் அல்ல. பொய்ப் பிரசாரங்கள் அந்தத் தேர்தல் சமயத்தில் அதிகமாக நடந்து வந்தன, இன்னும் நடந்தும் வருகின்றன. சமீபத்தில் தாம்பரத்தில் தேர்தல் நடந்தது. அப்பொழுது பணமும், பொய்ப் பிரசாரமும் தாண்டவமாடின. மந்திரிகள் இதில் தலையிடுகிறார்கள் என்றும், மந்திரிகள் பணத்தை எடுத்துக்கொண்டு போனார்கள் என்றும், பிரசிடென்ட் எலெக்ஷனில் மந்திரிகள் வேலை செய்தார்கள் என்றும் வெளிப்படையாக அநேகம் மேடைகளிலும் மற்ற இடங்களிலும் பேசப்பட்டது. இப்பேர்ப்பட்ட பொய்ப் பிரசாரங்களைத் தடுப்பதற்கு அரசாங்கம் ஏதாவது ஒரு வழி செய்ய வேண்டும். அம்மாதிரித் தடுக்காவிட்டால், பொது ஜனங்கள் அவற்றையெல்லாம் நம்புகிறார்கள். என்னால் அவர்கள் எழுதப்பட்டிருக்கத் தெரியாதவர்கள். அவர்கள் மற்றவர்கள் சொல்லுவதை அப்படியே நம்பிவிடுகிறார்கள். அதனால் எவர்கள் பொய்ப் பிரசாரம் செய்கிறார்களோ, அவர்கள் மீது வழக்குப்போட மந்திரிகள் அல்லது தனிப்பட்டவர்கள் கோர்ட்டுக்குப் போய்க்கொண்டிருக்க முடியாது. பேச்சு சத்தந்திரம் இருந்தபோதிலும், அவர்கள் மீது நடவடிக்கை எடுக்க ஏதாவது ஒரு வழி வேண்டும். அம்மாதிரித் தப்பான பிரசாரம் செய்யக் கூடாது, பொய்ப் பிரசாரம் செய்யக் கூடாது, அவதூறான வார்த்தைகளைப் பேசக் கூடாது என்று சொல்லி அரசாங்கம் ஏதாவது ஒரு நடவடிக்கையை எடுத்து, அதற்கு என்று ஒரு திட்டம் போட்டு வேலை செய்ய வேண்டும்.

இப்பொழுது பனத்தாலும், பொய்ப் பிரசாரத்தாலும் தேர்ந்தெடுக்கப் பட்டவர்கள் நிர்வாகத்திலும், பள்ளிக்கூடங்களிலும் இருந்துகொண்டு வேலை செய்யப்போகிறார்கள். அப்படிப்பட்ட ஆணைகளையும், பெண்களையும் பள்ளிக் கூடங்களில் போடுவது சரியல்ல என்று நினைக்கிறேன். ஆகவே 'பிரைவேட் மானேஜ்மெண்ட்' முறையிலேயே அவர்கள் வரப்பொழுதும் போலவே அரசாங்கத்திலேயே நேரடியாகக் கிராண்டுக்கள் வாங்கிக் கொண்டு அவர்களுடைய மேற்பார்வையில் இருப்பது நலம் என்று தோன்றுகிறது.

அடுத்தபடியாக, பஞ்சாயத்துக் கோர்ட்டுகள் இப்பொழுது நடைபெற்று வருகின்றன. பஞ்சாயத்துக் கோர்ட்டுகளுக்கு ஐம்பது ரூபாய் வரையில் அபராதம் விதிக்கலாம் என்ற அதிகாரம் கொடுக்கப்பட்டிருக்கிறது. வேறு கோர்ட்டுகளை ஏற்படுத்தி அவர்களிடம் இந்தக் கோர்ட்டு வேலைகளையெல்லாம் கொடுக்கலாம். அப்படியில்லாமல், கிராம முன்சிப்புகளிடம் அந்த

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அதிகாரத்தைக் கொடுக்கவே கூடாது. ஏனென்றால், கிராம முன்சீப் புகள் கிராமங்களில் செய்துவரும் சில தீய செய்களெல்லாம் நமக்கு நன்றாகத் தெரியும். அப்பேர்ப்பட்டவர்களை இந்த வழக்குகளை விசாரிக்கும் உத்தியோகஸ்தர்களைக் நியமித்து விட்டால், அதனால் ஏற்படும் தீமை அதிகரிக்கும். ஆகவே, அரசாங்கம் பஞ்சாயத்துக் கோர்ட்டுகளை அமைத்து, அவற்றிற்கு எல்லா வழக்குகளையும், சிறிய வழக்குகளையும் கூட, விசாரிக்கும்படியான அதிகாரத்தைக் கொடுக்க ஏற்பாடு செய்ய வேண்டும்.

பஞ்சாயத்து உத்தியோகஸ்தர்களுக்குத் தங்களுடைய பஞ்சாயத்து எல்லைக் குள் இருக்கும்படியான எல்லா வேலைகளையும் செய்யும் பொறுப்பு இருக்கிறது. அவர்களே எல்லா வேலைகளையும் செய்ய வேண்டியதாக இருக்கிறது. அதனால் அவர்களை ‘பப்ளிக் செர்வண்ட்’ என்று குறிப்பிட்டால் நலமாக இருக்கும். மதறும் டிஸ்டிரிக்ட் முனிசிபாலிட்டி ஆக்ட்-படி முனிசிபாலிட்டி, ஜில்லா போர்டு முதலியவற்றில் வேலை செய்யும் உத்தியோகஸ்தர்களை ‘பப்ளிக் செர்வண்ட்’ என்று குறிப்பிட்டிருக்கிறார்கள். அதைப் போலவே, பஞ்சாயத்து உத்தியோகஸ்தர்களுக்கும் செய்ய வேண்டும். இவர்கள் ‘பப்ளிக் செர்வண்ட்’ என்று குறிப்பிடப்படாமல் இருப்பதால், அவர்களால் தங்களுடைய வேலைகளைச் சரிவரச் செய்ய முடியவில்லை. வரி முதலியவைகள் காரணமாக அவர்கள் கோர்ட்டுக்குப் போகிறார்கள். வரி முதலியவைகளைக் கொடுக்காவிட்டால், கோர்ட்டுக்குப் போகிறார்கள். அப்படிப் போனால், நீங்கள் ‘பப்ளிக் செர்வண்ட்’ இல்லை. அதனால் பப்ளிக் செர்வண்டுக்குக் கொடுக்கக்கூடிய சலுகைகளை உங்களுக்குக் கொடுக்க முடியாது” என்றும், “அவர்களுக்குக் கொடுக்கக்கூடிய பாதுகாப்பை உங்களுக்குக் கொடுக்க முடியாது” என்றும் சொல்லுகிறார்கள். அதற்குப் பல உதாரணங்களைச் சொல்லலாம். ஆகவே பஞ்சாயத்துப் போர்டுகளில் வேலை செய்யும் உத்தியோகஸ்தர்களைப் ‘பப்ளிக் செர்வண்ட்’ என்று சொல்வதற்கு முற்பட வேண்டும்.

அடுத்தபடியாக, பஞ்சாயத்து உத்தியோகஸ்தர்கள் பஞ்சாயத்தால் கொண்டுவரப்பட்ட தீர்மானங்களை அமுலுக்குக் கொண்டுவரவேண்டியதாக இருக்கிறது. அம்மாதிரிச் செய்யும்போது அவர்களுக்குப் பல இடைஞ்சல்கள் ஏற்படுகின்றன. ஒருவர் வரி கொடுக்காவிட்டால், அவருடைய சாமான்களை ஜப்தி செய்துகொள்ளும். ஆனால், அவர்கள் உள்ளே போவதற்கு அஞ்சுகிறார்கள். போலீஸ் உதவியைக் கேட்டால், அவர்களும் வருவது கிடையாது. யாது. அதனால் சாதாரணமாக அவர்களுக்குப் பாதுகாப்புக் கிடையாது. போலீஸ்காரர்கள் அவர்களுக்குப் பாதுகாப்புக் கொடுக்க வேண்டுமென்ற நிபந்தனையும் கிடையாது. ஆனால், முனிசிபாலிட்டியில் வேலை செய்யும் உத்தியோகஸ்தர்களுக்கும், இன்னும் ஜில்லா போர்டுகளில் வேலை செய்யும் உத்தியோகஸ்தர்களுக்கும் இந்தப் பாதுகாப்பு இரக்கிறது. முனிசியும் உத்தியோகஸ்தர்களுக்கும் இந்தப் பாதுகாப்பு இரக்கிறது. முனிசிபாலிட்டி உத்தியோகஸ்தர்களும், ஜில்லா போர்டு உத்தியோகஸ்தர்களும் பாலிட்டி ஆக்ட் மூலம் கொண்டுவரப்பட்ட பஞ்சாயத்தில் இருக்கும்படியான உத்தியோகஸ்தர்களுக்கும் போலீஸ் பாதுகாப்புக் கொடுக்க இந்த மசோதாவில் ஏதாவது ஒரு வழி கண்டுபிடித்து அதில் திட்டம் வகுக்க வேண்டும். ஆகவே, இந்தப் பஞ்சாயத்து மசோதாவானது நன்றாகப் பரிசீலனை செய்யப்பட்டுக் கொண்டுவரப்பட்டிருக்கிறது.

கனம் அங்கத்தினர் ஸ்ரீ பி. டி. ராஜன் அவர்கள் இதைச் சார்ந்து அநேகம் வேலை செய்திருக்கிறார்கள். அவருக்கு 'எலக்ஷன்' கொஞ்சம் கஷ்டமாகத்தான் இருக்கும். நாற்பது வருஷ காலம் அதில் வேலை செய்திருக்கிறார். அவருக்கு ரொம்ப அனுபவம் உண்டு என்பது எனக்கு நன்றாகத் தெரியும். இப்படிப்பட்ட சிறிய தேர்தல் வேண்டாம் என்று அவர் சொல்லுகிறார். ஒரே இடத்தில் இருந்தால் போதும் என்றும்,

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அதாவது, எல்.ஏ., எல்.டி., ஸார்லிமெண்ட் தேர்தல்கள் இருந்தால் மெதுவாக என்னும் சொல்லுகிறார். இனி அவர் கருத்தை மாற்ற முடியாது. சிறு எல்லைக் கொண்ட அமைத்துச் சொம்பவும் பழக்கம். அதனால் தான் அப்படிச் சொல்லுகிறார் என்று நினைக்கிறேன். அதனால்தான் இந்த 'எல்லைக்' கொண்டாடும் என்றும், பெரிய 'எல்லைக்' என்றும் தான் சொல்லும் என்றும் சொல்லுகிறார். ஆனால், தற்கால சூழ்நிலையை எடுத்துக்கொண்டால், 'எல்லைக்' கட்டாயம் தேவைதான்.

சிறு தொகுதி கொண்ட எல்லை சார்லிமெண்ட் ஸார்லிமெண்ட் தேர்தல்கள் இருந்தால் மெதுவாக என்னும் சொல்லுகிறார். இனி அவர் கருத்தை மாற்ற முடியாது. சிறு எல்லைக் கொண்ட அமைத்துச் சொம்பவும் பழக்கம். அதனால் தான் அப்படிச் சொல்லுகிறார் என்று நினைக்கிறேன். அதனால்தான் இந்த 'எல்லைக்' கொண்டாடும் என்றும், பெரிய 'எல்லைக்' என்றும் தான் சொல்லும் என்றும் சொல்லுகிறார். ஆனால், தற்கால சூழ்நிலையை எடுத்துக்கொண்டால், 'எல்லைக்' கட்டாயம் தேவைதான்.

DEPUTY CHAIRMAN : அவர்கள் பெரிய எல்லைக் கொடுக்கிறார்கள் இரண்டு.

SRI V. S. BALASUNDARAM : இரண்டு கெட்ட செயல்களையும் தடுத்துக்கொண்டு, நல்ல முறையில் எல்லைக் கொடுத்த வேண்டும். அப்படித்தான் ஜனநாயக முறையில் அரசாங்கம் நன்றாக நடைபெறும், அப்படித்தான் பஞ்சாயத்துக் கொடுக்கும் நன்றாக நடைபெறும் என்பதில் சந்தேகமில்லை. இந்தக் கொண்டு வந்ததைப் முடித்துக்கொள்வது.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : Mr. Deputy Chairman, Sir, I had to go to Delhi to attend a conference and my esteemed Colleague, Mr. C. Subramaniam, moved the Bill here. As I wanted to attend the Council and hear the views of the Members here, I hastened to return and I am glad I had at least the opportunity of hearing yesterday and to-day the views of many hon. Members. To-day, the hon. Member Sri Mohamed Raza Khan by his valuable explanation made it quite a simple problem for me. I wanted to explain the necessity for bringing forward this Bill, the aims of the Bill and how this Bill was formulated. He explained them and I am sure that others would have appreciated what he said, as it came from a Member on the Opposition Bench. I think the problem is not exactly one of criticising the Bill. The members may say that during the elections to some panchayats the elections were not held properly or that some officers misbehaved in those elections and that they had not been just. That is not the reason for criticising the Bill. The Bill does not provide for things to go wrong. We do not expect our officers to go wrong. We do not expect the members of the panchayats to go wrong. Surely, we do not expect the members to be kidnapped during the election or at any time. We expect a smooth going and smooth working. We expect everybody to be honest. (Here, hear.) We expect everybody to do the right thing and we expect the members to pull together.

As for party politics, I do not expect any such thing will creep into the panchayat administration. It may creep in somewhere. It may be that some members are very anxious to show their affinity to certain parties. But, it is not correct to say that party politics

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will play a dominant role, in panchayat administration. At any rate, the Government do not expect that panchayat administration will be conducted on party lines or that there will be party politics there. There may be some party feeling to a certain extent. I am sure that it will not be more than that.

I was surprised to hear certain remarks made by the hon. Member Sri P. T. Rajan. During his speech, he was saying that elections must be done away with, that he had heard horrid reports about elections and that even if the panchayats were to be abolished by giving up elections, we must not hesitate to do it. Really, I was sorry to hear that statement from him. I think he will perhaps be happy to hear that in the case of Class II panchayats, the percentage of unanimous election in terms of full panchayats was 62.54 and that in terms of wards was 79.7. In the case of Class I panchayats, we were not able to get the same percentage of unanimous election. In terms of the full panchayats, the percentage of unanimous election was 24.65 and that in terms of wards was 3. Anyhow, it was not so aghast as was sought to be painted. So, it is not fair to say that elections are bad and that they will bring some disaster to the country. It is not like that. Especially when we want to establish a Welfare State, we want our villages to elect unanimously wherever possible and form their own panchayats. That is our expectation. Even if we want to compete and have election, they will have it. But, surely we do not expect people to be kidnapped. Even in such cases, they will come back and can exercise their franchise. For getting elected as president, one must get the required number of votes. If a number of members are prevented from taking part in the voting, nobody can be elected as president. So, all the members will have the right and chance to cast their votes in favour of a person of their choice. I want this to be clearly understood before Members refer to kidnapping of the panchayat members. Anybody who wants to get elected as president must have the support of the members, I mean the elected members. It is not as if he can become president by preventing a majority of the members from taking part in the election. It is not possible. It was said that in some cases persons were kidnapped at the time of elections and that they were even prevented from seeing their wives in danger. If such things really happen, it is not the fault of the Bill but of some people who were involved. Such things will not happen because of the passing of this Bill. Even if some persons were prevented from taking part in the elections, they cannot be permanently prevented from doing so. They may be prevented for a short period. But, when they come back they are free to cast their votes without fear or favour and according to their conscience, in favour of the person whom they consider fit to be elected. Thus, they have got the right and chance to do full justice. Moreover, there is the secret ballot system. When they actually cast their votes, nobody will be near them and nobody will ever know in whose favour they cast their votes, because there is Government protection for this. So, there is no point in

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finding fault with the Bill. Perhaps, some thought that only if they criticised the Bill, it would be interesting and that others would listen to it. But, I think that is not fair so far as this matter is concerned. We really want that there should be decentralisation of powers.

In this connection, I wish to refer to another matter. When I went to Delhi and participated in the meeting of the Central Council of Local Self-Government recently held there, whenever any clause or proposal was brought forward there for consideration, I was really proud to stand up and say that Madras had already led the way and had already implemented that clause or proposal or rule or regulation, whatever it was. Particularly, in the matter of utilization of the services of the Block Development Officers, we have advanced very much, because at the block level, we are organizing our panchayat union. We should really be proud of that. That is why I want to stress again that we need not expect that everything will go wrong, that everything is doomed and that something horrible and horrid is going to happen. It is not correct to take such an attitude. I think that it should be our unanimous decision and united effort to see that this venture succeeds. So, let us not all the time be saying that this will not succeed and that this will end in failure.

After all, the idea of all of us is to establish a Welfare State. For this purpose, we must see that our villages are able to form themselves into panchayats and panchayat union councils and so on. That should be our endeavour. The hon. Member Dr. John who spoke on the Bill was also referring to this aspect and made his suggestions. When the villages are formed into panchayats and groups, they will have to make their own arrangements for administration. If they really want to improve the villages, now they have got every chance to do it. The Local Development Works, the National Extension Service Organization and other organizations are at their disposal. They can get the necessary assistance for the asking. There are the Block Development Officers and other officers who are there ready to help them. No doubt, for their initial expenses, they want the finance. When I refer to finance, I must say that from the reports of speeches that I have read, I find that the hon. Members Dr. Chidambaranathan and Sri Mohamed Raza Khan have made useful contribution to the discussion. According to me, I think it is only those two Members who have spoken about finance. (SRI P. T. RAJAN: They are perhaps the only good fellows!) At any rate, I think that they have made very good and useful suggestions. They have at least very good ideas. We want money for everything. Without money, we cannot do anything worth while. To implement the various schemes for the welfare of the villagers, we do require money. I think everybody will agree that without money, we cannot proceed with any welfare scheme. Even in the Delhi conference, we demanded more money from the Centre. So, finance is necessary for implementing any welfare scheme. (DR. V. K. JOHN: Why not you raise

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a Pagoda tree?). Why should we do it? The hon. Member may himself do it. That is not the point. What I was stressing was that we wanted more money so that we might be able to do something good to the people. The Government are doing their best in regard to this matter. Sometimes we may not be able to do as much as we should. In such cases, we want to do much better than we are doing at present. Those who say that our proposal contained in this measure is bad and will not succeed must also suggest remedies and alternatives to make the proposal a success. If a wrong is committed somewhere, can we not correct it? If some officers at the Government level commit some mistakes, surely we can rectify them and deal with the officers also. Just as we are rewarding good, honest and efficient work put in by our officers, surely we can deal with them when they go wrong. I think everybody will agree that it is possible to do it. So, if some officer commits some mistake in some place, let it not be said that all the officers are committing the same mistake in all the places. As the saying goes, 'one swallow does not make a summer', if some president goes wrong or some officers go wrong, we can certainly deal with them and correct the mistakes committed by them. It is not difficult. My only request is that we must not say that the whole constitution of the panchayats as contemplated in the Bill is bad simply because someone went wrong in the past in some place or other. For the present, so far as this measure is concerned, we do expect a good sailing. We do expect to form a Welfare State. We also expect the panchayats to look after themselves and they will be able to realise their responsibilities.

In this connection, I must not forget to refer to the remarks made by some Members that the panchayats are not given enough powers. There were other Members who said that the panchayats should not be given wide powers and some of them even said that the management of elementary schools also should not be entrusted to them. If it is said that the panchayats should not be given such powers, what are we to say and what are we to give them? If we give powers to the panchayats, they should be something good. Otherwise, it will not be fair. Even at the Srinagar Conference, reference was made to this matter. It was stated there by some members that the panchayats should not be given too wide powers as, according to them, they might not use those powers properly. In fact, when it came to my turn, I said that it was not correct to say that they were irresponsible and that they should not be trusted, even though some felt that they should not be burdened with huge responsibilities. Whatever type of men they are—they might be uneducated, they might be ordinary poor men, they might be persons who are not well-known outside and live quietly in their places—they are big men in their own places and are liked by the local people. So, they become responsible men in their places and we have to give due consideration to this fact. This is what I told them. So, what I wish is, hon. Members must allow us to give them a trial.

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SRI P. T. RAJAN : Wish you the best of luck.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : I am very much thankful to you. If we find that there are suitable amendments and if we find that there is something useful in them, we will be very glad to accept them. Even now, we have given enough of opportunities to those interested in the matter to have their say in drafting the Bill. We have consulted everybody possible and we have accepted suggestions which we thought we should accept. So, I do not think that there would be any difficulty in working the Act, when passed into law. Even then, it is not as if we cannot change the provisions, if necessity arises. As it is, we have done the best and we hope to get good results. At the same time, I would request all the Members kindly to give their full co-operation and support.

Thank you, Sir.

DEPUTY CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Monday, the 3rd November 1958.

The House then adjourned.

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

* 183. *Review of the activities on the working of the Fire Service Branch for the half-year ending 30th June 1958.*

* 184. *Short review of the activities of the Department of Handlooms for the period from 1st April to 31st December 1957.*

* 185. *Notification issued with G.O. Ms. No. 3425, Revenue, dated 13th September 1958, regarding amendment to the Revenue Department Notification No. 819, dated the 15th September 1939, published in the Port St. George Gazette Extraordinary, dated the 15th September 1958, prescribing the assessing officers for the transactions by non-resident dealers in more than one Deputy Commercial Tax Officer's jurisdiction in the same revenue district in this State.*

* 186. *Notification issued with G.O. Press No. 3012, Revenue, dated 16th August 1958, regarding amendment to the rules issued under the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956).*

* Laid on the table of the House on 31st October 1958.

1st November 1958]

APPENDIX.

[Vide answer to clauses (d) and (e) of starred question No. 123 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 1st November 1958, page 219 supra.]

The stores accounts of the Government Medical Institutions in the City and District Headquarters are being audited by the staff of the Accountant-General's office once a year, except the Government General Hospital, Madras, the accounts of which are audited once in six months. In addition to this, the Assistant to the Director of Medical Services (Accounts), Madras, also makes surprise visits to the City Hospitals and the District Headquarters Hospitals and gets the ground stock and stock accounts of drugs and medicines test-checked by his inspection staff.

So long as the audit carried out by the Outside Audit Party of the Accountant-General is only a test audit and not a cent per cent audit, the only effective way by which defalcations, etc., can be prevented is for the Department itself to set up an organization for intensive internal audit so as to leave no scope for misappropriation of Government money or of stores, etc. The question of constituting peripatetic audit parties for the purpose is under the consideration of the Government.

Strict instructions have also been issued to the heads of all the medical institutions to see that the rules in the Financial Codes and the instructions issued from time to time regarding the maintenance of stores accounts are scrupulously followed by the staff.

THE MADRAS LEGISLATIVE COUNCIL

Monday, the 3rd November 1958.

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

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

MR. CHAIRMAN : I have to announce to the House the death of Sri Sami Venkatachalam Chetty, a former Member of the Madras Legislative Council, on the 2nd November 1958 at his residence in T'Nagar. He was a Member of the Second, Third and Fourth Madras Legislative Councils from 1923 to 1929. He served as the Leader of the Congress Party in 1923 which was then in the Opposition in the Council. He took keen and lively interest in the proceedings of the House. He was a Congress Member of the Central Legislative Assembly. He was also a Member of the City Corporation Council for a period of twenty years and served as its President in 1925-26.

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

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

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Palmyra fibre

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

(a) whether it is a fact that the palmyra fibre from Tirunelveli district is exported to foreign countries;

(b) if so, the quantity exported annually and its total value;

(c) whether there is any proposal before the Government to open a brush manufacturing centre in Tirunelveli district; and

(d) if so, the stage at which the matter now stands?

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

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

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

[3rd November 1958]

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

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

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

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

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

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

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

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

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

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

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

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Opening of new colleges

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

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

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

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

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

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

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

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

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

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

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

Teachers' Training Course.

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

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

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

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

SRI M. ETHIRAJALU: ஆசிரியர்கள் தேர்வு முறையிலே சர்க்கார் தரப்பில் இயங்கும் பள்ளிக்கூடங்களில் 'நான்-அபிஷிய' மெம்மர்கள் போட்டுத்தான் செலக்ஷன் செய்யப்படுகிறது. ஆனால், தனியார் நடத்து பள்ளிக்கூடங்களில், அவைகள் சர்க்காரினால் சலுகைகள் எல்லாவற்றையு பெற்றும் கூட, அங்கு ஆசிரியர்களைப் படிக்கக்கூடியவர்கள் 'ஸ்டைடெண்ட்' பெற்றும் கூட, செலக்ஷன் செய்யுதில் 'நான்-அபிஷிய' மெம்மர் போடாத காரணத்தினால், அவர்கள் தங்கள் இப்படி செலக்ஷ் செய்யாத தவிர்ப்பதற்கு, இனிமேல் அவை சர்க்கார் 'நான்-அபிஷிய-மெம்மர்களை' நியமித்து செலக்ஷன் செய்ய ஏற்பாடு செய்யுமா என்பதை, அரசாங்கத்திடமிருந்து அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM: இந்தக் கேள்வியிலிருந்து இது உப-கேள்வி எழவில்லை. கனம் அங்கத்தினர் சொன்ன யோசனைக் கூடையாகப் பதில் சொல்லக்கூடிய நிலைமையில் நான் இல்லை.

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

THE HON. SRI C. SUBRAMANIAM: எஸ்.எஸ்.எல்.ஸி. பாஸ் செய்தவர்கள் எல்லாம் செகண்டரி கிரே டிரெயினிங்குக்குப் போகிறார்கள் எஸ்.எஸ்.எல்.ஸி.-யில் fail ஆனவர்கள், 8-வது வகுப்பு பாஸ் செய்தவர்கள் எல்லோரும் ஹையர் கிரே டிரெயினிங்குக்குப் போகிறார்கள். இப்பொழுது ஏராளமாக விண்ணப்பங்கள் வருகிற காரணத்தினால், அ.கே.ம. எஸ்.எஸ்.எல்.ஸி. வரையில் படித்தவர்கள்தான் இதற்குத் தேர்ந்தெடுக்கப்படுகிறார்கள். கனம் அங்கத்தினர் அவர்கள் சொன்னதை நான் ஒப்புக் கொள்ளுகிறேன். ஆரம்பப் பள்ளிகளில்தான் அதிகம் படித்தவர்களை ஆசிரியர்களாக நியமிக்க ஏற்பாடு செய்வது அவசியம். ஆனால், அதற்கு எவ்வளவு செலவாகும் என்பதையும் யோசித்துப் பார்க்கவேண்டியிருக்கிறது. அதோடு கூட, எல்லாக் குழந்தைகளுக்கும் படிப்பு சொல்லிக் கொடுக்கத் தீர்மானித்திருப்பதையும் கவனிக்க வேண்டியிருக்கிறது.

SRI K. T. KOSALRAM: நண்பர் ஸ்ரீ எதிராஜலு கேட்ட கேள்வி தனியார் நடத்தும் பள்ளிகளில் ஒரு கமிட்டியைப் போடவேண்டுமென்பதுபற்றி. இந்த சபையில் அங்கத்தினர்கள் சொன்ன வரவு வற்புறுத்தியும், அலுவலனை சொல்லியும் எழுத்து மூலமாக எழுதியும் கொடுத்திருக்கிறார்கள். அது அரசாங்கத்திற்கு வந்திருக்கிறதா? அதன் மீது அரசாங்கம் எதாவது முடிவு செய்திருக்கிறதா?

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

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

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

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

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

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

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

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

Water-supply schemes.

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

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

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

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

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

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

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

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

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

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

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

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

THE HON. SRI M. A. MANICKAVELU : ஆறுகள் இருக்கும் ஜில்லாக்களில் காலரா வருகிறது என்று அந்த இடங்களில் இந்தத் திட்டமும் அமல் நடத்தப்படுகிறது. மற்ற இடங்களில் இதை விஸ்கரிக்க வேண்டும் என்று சொன்னதற்கு இன்னும் ஒத்துக்கொள்ளவில்லை.

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

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

SRI A. GAJAPATHY NAVAGAR : 'ஓவர்ஹெட் டாங்கு' கட்டுவதால் தீண்டப்படும் மக்களும், தீண்டப்படாத மக்களும் சோந்து தலைணர் எடுக்க வாய்ப்பாக இருப்பதால், 'ஓவர்ஹெட் டாங்குகள்' கட்டுவதில் பிரயோஜனம் இருக்கிறது என்பதையும் கிணறுகள் வெட்டுவதால் பயன் இல்லை என்பதையும் அரசியலார் அறிவார்களா?

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

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

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

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

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

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

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

Pension to teachers

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

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

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

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

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

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

SRI T. P. SRINIVASAVARADAN : Sir, in view of the fact that there are only 4,000 teachers coming under this category out of the 15,000 in secondary schools, also in view of the fact that only one per cent of the teachers retire (that is, about 40 per year), and that the total expenditure per year will not exceed Rs. 15,000 (the maximum will be Rs. 20,000) and also in view of the fact that the

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

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

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

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

Pension to teachers

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

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

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

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

(b) On 31st May 1958.

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

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

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

THE HON. SRI C. SUBRAMANIAM : இல்லை.

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

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

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

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

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

Deputy Collectors.

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

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

1956—2.

1957—3.

1958—4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Houses for teachers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Inter-caste marriages

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

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

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

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

(b) No, Sir.

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

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

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

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

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

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

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

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

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

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

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

Gadana Scheme

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

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

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

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

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

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

(b) Rs. 89-00 lakhs.

(c) Besides stabilising supplies to the existing ayacut of 7,355 acres under the Gadana river, the additional area actually proposed to be brought under this scheme is 506 acres, of which 432.44 acres will be dry lands to be converted into double-crop wet lands and 73.62 acres of dry land to be converted into single-crop wet lands.

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

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

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

MR. CHAIRMAN : Questions are over.

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

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

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

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

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

IV.—GOVERNMENT BILLS.

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

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

MR. CHAIRMAN : The question is—

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

The motion was put and carried and leave was granted.

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

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

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

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

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

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

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

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

Sir, I did not refer to one factor, namely, faction to which the hon. Member Sri K. Balasubramanya Ayyar made reference in his speech. That is one positive factor that we have to take into account and provide the necessary safeguards so that it may not break this machinery. Even in the past—I am not referring to the Panchayat Raj or the administration of villages—village life was completely shattered by factions existing in the villages. But these were with reference to individuals. They were individual factions that had nothing to do with politics at all. But even these have ruined many villages and many families and many villagers have been absolutely ruined. But I find—I am saying this from my limited experience of village life and hon. Members would be able to corroborate my statement—this individual factional spirit is dying down and has already died down to a certain extent in our villages. Now, you do not find it to the same extent as it was though it has not completely vanished. It is diminishing now. To that extent village life has become richer and the villagers have also been greatly benefited. I do remember the days when for a paltry thing a murder was committed and that too, murder in open fights. I do remember an incident which happened during my student days when I was reading in my own village, Pollachi. Two factional groups arrayed themselves against each other armed with revolvers and guns and shot at each other. I think in that fight ten or twelve people died but none of them went to court to make a complaint. It was only later on that the Police came to know about it and then they registered a case. I was curious to find out why the fight took place. The quarrel was over a small ridge in a common land. For that a fight took place. But those days are fast disappearing. Unless this factional spirit is removed from the villages, whether it be the functioning of panchayats or the carrying out of various developmental activities, it would be very difficult to administer them. That is why it is absolutely necessary, particularly when

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p.m.

we are giving powers to these various units for the purpose of exercising power to decide their own future programme of work, to see that a proper atmosphere of unity prevails in the village. Without that, whatever power we may confer on these village units of administration, they may not be able to function properly. That is why many hon. Members have expressed the desire that at least in local bodies, party politics should not come into the picture. But I think the hon. Member Mr. Kosalram or somebody else has mentioned that for democratic functioning, it is necessary that political parties should be there. That is only partly true. Sir, it

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

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

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

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

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

4.00
p.m.

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

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

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

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

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

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

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

MR. CHAIRMAN: The question is—

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

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

Clause 2.

MR. CHAIRMAN: The motion is—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SRI A. GAJAPATHY NAYAGAR : Sir, in this connexion, I suggest that the amendment of Sri T. Purushotham says—
" 'Inspector' means the Inspector of Municipal Councils and Local Boards and includes any officer authorized by the Government to exercise or perform any of the powers and duties of the Inspector under the Act."

MR. CHAIRMAN : That amendment has not been moved.

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

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

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

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

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

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

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

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

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

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

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

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

MR. CHAIRMAN : The question is—

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

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

The amendment was put and carried.

MR. CHAIRMAN : The question is—

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

The amendment was put and carried.

Clause 2, as amended, was put and carried.

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Clause 3

MR. CHAIRMAN: The motion is—

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

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

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

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

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

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

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

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

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

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

The amendments were, by leave, withdrawn.

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Clause 3 was put and carried.

Clauses 4 and 5 were put and carried.

Clause 6.

MR. CHAIRMAN: The motion is—

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

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

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

The amendment was duly seconded.

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

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

MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

Clause 6, as amended, was put and carried.

Clause 7 was put and carried.

Clause 8.

MR. CHAIRMAN: The motion is—

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

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

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

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

The amendment was duly seconded.

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

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

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

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

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

The amendment was, by leave, withdrawn.

Clause 8 was put and carried.

Clause 9.

MR. CHAIRMAN : The motion is—

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

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

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

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

The amendment was duly seconded.

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

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

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

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

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

The amendment was, by leave, withdrawn.

Clause 9 was put and carried.

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p.m.

Clauses 10 and 11 were put and carried.

Clause 12.

MR. CHAIRMAN : The motion is—

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

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

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

The amendment should read as follows :—

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

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

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

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

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

The amendments were duly seconded.

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

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

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

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

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

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

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

MR. CHAIRMAN: That amendment is not coming up.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was put and carried.

Clause 12, as amended, was put and carried.

Clause 13.

MR. CHAIRMAN : The motion is—

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

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

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

The amendment was duly seconded.

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

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

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

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

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

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

The amendment was duly seconded.

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

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

MR. CHAIRMAN : The question is—

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

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

The amendment was put and carried.

Clause 13, as amended, was put and carried.

Clause 14.

MR. CHAIRMAN : The motion is—

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

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

“ In the heading to clause 14, for the words ‘ Elected Members ’, *substitute* the words ‘ Election of Members ’.”

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

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

MR. CHAIRMAN : The question is—

“ In the heading to clause 14, for the words ‘ Elected Members ’, *substitute* the words ‘ Election of Members ’.”

The amendment was put and carried.

Clause 14, as amended, was put and carried.

Clause 15.

MR. CHAIRMAN : The motion is—

“ That clause 15 do stand part of the Bill.”

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

“ In sub-clause (1), for the words ‘ reserve such number of seats, if any ’, *substitute* the words ‘ reserve such number of reserved seats, if any ’.”

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

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

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

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

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

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p.m.

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

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

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

“ In sub-clause (1), for the words ‘ the Inspector may, subject to such rules as may be prescribed ’, *substitute* the words ‘ the Inspector shall in accordance with the rules as may be prescribed ’.”

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

‘ and so often as there is no woman member in that panchayat ’.”

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SRI K. BALASUBRAMANYA AYYAR: I second the amendments.

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

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

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

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

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

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

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

The amendments were, by leave, withdrawn.

SRI V. V. RAMASWAMI: I withdraw my amendments also. The amendments were, by leave, withdrawn.

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

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

The amendment was put and carried.

Clause 15, as amended, was put and carried.

Clause 16 was put and carried.

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Clause 17.

MR. CHAIRMAN: The motion is—

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

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

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

DR. A. CHIDAMBARANATHAN: I second the amendment.

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

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

“In sub-clause (4), *add* the following at the end:—
‘by efflux of time’.”

SRI K. BALASUBRAMANYA AYYAR: I second the amendments.

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

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

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

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

SRI JOHN ASIRVATHAM: I second the amendments.

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

“In clause 17—

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

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

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

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

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

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

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

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

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

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

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

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

MR. CHAIRMAN : The question is—

" In clause 17 —

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

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

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

The amendment was put and carried.

Clause 17, as amended, was put and carried.

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

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

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Clause 18.

MR. CHAIRMAN : The motion is—

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

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

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

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

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

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

The amendment was duly seconded.

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

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

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

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

The amendments were duly seconded.

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

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

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

THE HON. SRI C. SUBRAMANIAM : How?

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

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

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

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

SRI K. BALASUBRAMANYA AYYAR : Yes.

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

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

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

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

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

MR. CHAIRMAN : The question is—

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

The amendment was put and carried.

Clause 18, as amended, was put and carried.

Clause 19.

MR. CHAIRMAN : The motion is—

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

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

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

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

The amendment was duly seconded.

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

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

The amendment was duly seconded.

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

MR. CHAIRMAN : The hon. Member may continue.

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

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

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

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

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

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

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

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

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

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

Clauses 20 to 22 were put and carried.

Clause 23.

MR. CHAIRMAN: The motion is—

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

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

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

The amendment was duly seconded.

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

MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

Clause 23, as amended, was put and carried.

Clause 24 was put and carried.

Clause 25.

MR. CHAIRMAN: The motion is—

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

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

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

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

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

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

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

My second amendment reads as follows:—

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

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

Now, I move the following Government amendment:—

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

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

THE HON. SRI C. SUBRAMANIAM: இது எடுக்கப்பட்டுவிட்டது.

SRI M. ETHIRAJALU: அப்படியானால் சரி.

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

MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

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

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

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MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

Clause 25, as amended, was put and carried.

Clause 26.

MR. CHAIRMAN: The motion is—

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

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

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

The amendment was duly seconded.

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

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

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

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

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

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

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

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

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

The amendment was, by leave, withdrawn.

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

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

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

Sir, the existing proviso is—

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

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

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

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

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

The amendment was duly seconded.

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

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

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

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

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

MR. CHAIRMAN: The question is—

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

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

The amendment was put and lost.

Clause 26 was put and carried.

Clauses 27 to 31 were put and carried.

Clause 32.

MR. CHAIRMAN: The motion is—

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

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

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

The amendment was duly seconded.

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

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

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

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

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

The amendments were duly seconded.

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

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

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MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

Clause 32, as amended, was put and carried.

Clause 33 was put and carried.

Clause 34.

MR. CHAIRMAN: The motion is—

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

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

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

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

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

The amendments were duly seconded.

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

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

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

The amendment was duly seconded.

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

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

The amendment was duly seconded.

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

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

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

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

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

MR. CHAIRMAN: The question is—

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

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

The amendments were put and lost.

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

MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

Clause 34, as amended, was put and carried.

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

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

Clause 35.

MR. CHAIRMAN: The motion is—

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

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

"In clause 35, add the following proviso:—

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

The amendment was duly seconded.

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

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MR. CHAIRMAN: The question is—

"In clause 35, add the following proviso:—

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

The amendment was put and carried.

Clause 35, as amended, was put and carried.

Clause 36.

MR. CHAIRMAN: The motion is—

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

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

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

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

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

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

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

(ii) on his election as chairman.'"

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

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

The amendments were, by leave, withdrawn.

Clause 36 was put and carried.

Clause 37.

MR. CHAIRMAN: The motion is—

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

There is no amendment to this clause.

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

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

* VIDWAN T. MUTHUKANNAPPAN: இந்த 37-வது ஷரத்தானது குடியரசு முறைக்கு மாறாக இருக்கிறது. இதிலே

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

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

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

Clause 37 was put and carried.

Clause 38.

5-30
p.m.

MR. CHAIRMAN: The motion is—

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

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

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

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

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

The amendment was duly seconded.

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

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

The amendment was, by leave, withdrawn.

Clause 38 was put and carried.

Clause 39 was put and carried.

Clause 40.

MR. CHAIRMAN: The motion is—

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

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

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

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

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

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

Sub-clause (4) says—

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

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

The amendment was duly seconded.

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

SRI V. V. RAMASWAMI : யாராவது பிரசிடெண்டுக்குச் சம்பளம் கொடுக்கவேண்டுமென்று நினைத்தால் செய்யலாமா?

The amendment was, by leave, withdrawn.

Clause 40 was put and carried.

Clauses 41 to 50 were put and carried.

Clause 51.

MR. CHAIRMAN: The motion is—

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

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

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

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

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

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

The amendment was duly seconded.

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

MR. CHAIRMAN: The question is—

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

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

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

The amendment was put and carried.

Clause 51, as amended, was put and carried.

Clause 52 was put and carried.

Clause 53.

MR. CHAIRMAN: The motion is—

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

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

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

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

The amendment was duly seconded.

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

The amendment was, by leave, withdrawn.

Clause 53 was put and carried.

Clauses 54 to 60 were put and carried.

Clause 61.

MR. CHAIRMAN: The motion is—

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

[3rd November 1958]

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

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

The amendment was duly seconded.

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

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

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

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

The amendment was, by leave, withdrawn.

Clause 61 was put and carried.

Clauses 62 to 64 were put and carried.

Clause 65.

MR. CHAIRMAN : The motion is—

“ That clause 65 do stand part of the Bill ”

[3rd November 1958]

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

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

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

The amendment was duly seconded.

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

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

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

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

MR. CHAIRMAN : The question is—

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

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

The amendment was put and lost.

Clause 65 was put and carried.

Clauses 66 and 67 were put and carried.

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NO. 33 OF 1958)

[3rd November 1958]

Clause 68.

MR. CHAIRMAN: The motion is—

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

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

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

The amendment was duly seconded.

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

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

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

The amendment was, by leave, withdrawn.

Clause 68 was put and carried.

Clauses 69 and 70 were put and carried.

Clause 71.

MR. CHAIRMAN: The motion is—

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

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

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

The amendment was duly seconded.

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

3rd November 1958]

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

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

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

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

The amendment was, by leave, withdrawn.

Clause 71 was put and carried.

Clause 72.

MR. CHAIRMAN: The motion is—

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

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

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

The amendment was duly seconded.

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

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

MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

Clause 72, as amended, was put and carried.

Clause 73.

MR. CHAIRMAN: The motion is—

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

[3rd November 1958]

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

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

The amendment was duly seconded.

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

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

The amendment was duly seconded.

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

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

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

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

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

MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

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

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

MR. CHAIRMAN: The question is—

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

The amendment was put and lost.

Clause 73, as amended, was put and carried.

Clauses 74 to 77 were put and carried.

Clause 78.

MR. CHAIRMAN: The motion is—

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

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

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

The amendment was duly seconded.

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

MR. CHAIRMAN: The question is—

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

The amendment was put and carried.

Clause 78, as amended, was put and carried.

Clauses 79 to 81 were put and carried.

Clause 19.

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

[3rd November 1958]

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

Clause 82.

MR. CHAIRMAN : The motion is—

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

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

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

The amendment was duly seconded.

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

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

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

The amendment was, by leave, withdrawn.

Clause 82 was put and carried.

Clause 83.

MR. CHAIRMAN : The motion is—

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

[3rd November 1958]

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

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

The amendment was duly seconded.

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

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

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

[3rd November 1958]

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

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

SRI K. BALASUBRAMANYA AYYAR : No, Sir.

The amendment was, by leave, withdrawn.

Clause 83 was put and carried.

Clause 84 was put and carried.

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

The House then adjourned.

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

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

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

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

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

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

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

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

3rd November 1958]

APPENDIX.

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

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

Description of training class.	All communities.		Backward Classes including Vannan.		Vannan.		Scheduled Castes and Tribes.	
	Number who applied.	Number selected.	Number who applied.	Number selected.	Number who applied.	Number selected.	Number who applied.	Number selected.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Senior—								
1955-56	2,364	249	1,098	112	6	3	174	31
1956-57	1,759	278	950	108	5	1	72	26
Junior—								
1955-56	2,856	177	1,521	73	10	2	311	24
1956-57	5,264	249	2,737	121	18	2	705	39

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 4th November 1958.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

State Temple Executive Officers' Conference

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

(a) whether the Government have received copies of resolutions passed by the State Temple Executive Officers' Conference held on 18th January 1958; and

(b) if so, what they are and the action taken thereon?

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

(b) A statement* is placed on the table of the House.

SRI T. PURUSHOTHAM: With reference to the answer to resolution No. 2 in which the Government have stated that they cannot bear the colossal recurring expenditure, may I ask whether the Government will not advise such of the big devasthanams as could afford this expenditure to grant this concession out of their own funds?

THE HON. SRI M. BHAKTAVATSALAM: There is no difference between big devasthanams and small devasthanams, with reference to the Executive Officers. Sometimes Executive Officers are transferred from one temple to another. Therefore, their conditions of service cannot depend upon the financial position of the particular temples concerned.

SRI T. PURUSHOTHAM: With reference to the answer to resolution No. 6, as Government servants beyond a certain age, I believe 50 or so, are granted exemption in deserving cases, will not the Government consider the question of grant of similar concession in the case of devasthanam officers?

THE HON. SRI M. BHAKTAVATSALAM: The Government are of the view that such concessions are not necessary.

SRI T. PURUSHOTHAM: With reference to resolution No. 7, in which it is stated that the establishment list will be supplied on payment of nominal cost, may I point out, Sir, that the Government servants are supplied with establishment lists free of cost

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and will not the Government consider the question of supply of this list free to these Executive Officers instead of on payment of nominal cost?

THE HON. SRI M. BHAKTAVATSALAM: The Executive Officers should not mind paying the nominal cost. I do not think all Government servants are furnished free copies of this establishment list.

SRI T. PURUSHOTHAM: Will the Government consider this question and examine what is the procedure adopted in the case of Government servants and adopt a similar procedure in the case of devasthanam officers?

THE HON. SRI M. BHAKTAVATSALAM: Apart from the procedure adopted in the case of Government servants, I have to point out that this is only payment of nominal cost and that the Executive Officer should not mind paying it.

SRI T. PURUSHOTHAM: With reference to the answer to resolution No. 15, as this Association is a registered body, will the Hon. Minister consider the question of receiving a deputation of the Executive Officers as that would be a great encouragement to them?

THE HON. SRI M. BHAKTAVATSALAM: Resolutions passed at the conference of the Executive Officers have been fully considered and decisions taken by the Government. I do not think it is necessary to have a deputation so soon after the Government took decisions on those resolutions.

SRI M. ETHIRAJALU: சர்க்கார் உத்தியோகஸ்தர்கள் சர்க்காருடைய அனுமதியைக் கேட்டுத்தான் இம்மாதிரி மாநாடுகளையும் பெரிய கூட்டங்களையும் கூட்டவேண்டும் என்று ஏதாவது விதி இருக்கிறதா? அல்லது அப்படிப்பட்ட அனுமதி எதுவும் இல்லாமல் தாங்களாகவே நடத்திக் கொள்ளலாமா?

THE HON. SRI M. BHAKTAVATSALAM: அந்தந்த சர்வீஸ்களுக்கென ஏற்பட்டுள்ள விதிகளைப் பொருத்தது.

Fisheries Welfare Officer

* 152 Q.—**VIDWAN T. MUTHUKANNAPPAN:** Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Government have recently sanctioned the appointment of a Fisheries Welfare Officer;

(b) if so, the name of the person appointed, and whether he belongs to any of the backward classes; and

(c) the duties assigned to him?

THE HON. SRIMATHI LOURDHAMMAL SIMON: (a) The answer is in the affirmative. The post is temporary for six months.

(b) Sri S. George, Assistant Director of Fisheries, has been appointed to act in this post. He does not belong to the backward classes.

(c) A statement* is placed on the table of the House.

* Printed as Appendix II on page 444 infra.

[4th November 1958]

VIDWAN T. MUTHUKANNAPPAN: ஐயா, இப்படி மீன் நல அதிகாரி ஒருவரை நியமித்திருப்பது குறித்து நன்றி. ஆனாலும், அறுநூறு மைல் நீளமுள்ள கடற்கரையிலே சுமார் 400 குப்பங்கள் இருக்கின்றன. அவைகளுக்கெல்லாம் ஒரு மீன் நல அதிகாரி நியமிப்பதினாலே, தன்னுடைய கடமையை அவர் நிறைவேற்ற முடியுமா? அதனால், அரசாங்கம் இன்னும் சிலரை நியமிக்க இருக்கிறதா?

THE HON. SRIMATHI LOURDHAMMAL SIMON: தற்போது ஒரு அதிகாரி நியமிக்கப்பட்டிருக்கிறார். அகில இந்திய அடிப்படையில் பம்பாயில் ஒரு கான்பரென்ஸ் நடந்தபோது, இத்தகைய அதிகாரி ஒருவரை நியமித்தால் நலம் என்ற கருத்துத் தெரிவிக்கப்பட்டது. அதன் அடிப்படையில் இப்பொழுது ஒரு அதிகாரி நியமிக்கப்பட்டிருக்கிறார். அந்த இடங்களைப் பார்த்து, அங்குள்ள தேவையகளைக் கவனித்து, அந்தந்த இடத்திலே உள்ள பொருளாதார நிலைமையையும் கண்டு, அங்கு ஏதாவது நல்ல வேலை செய்ய முடியுமானால், அதற்கு வேண்டிய உதவியைக் கொடுப்பது தான் அவருடைய கடமையே தவிர, ராஜ்யத்திலேயுள்ள எல்லா வேலைகளையும் அவருடைய தலைமேல் வைத்து, அவரே எல்லா வேலைகளையும் செய்ய வேண்டும் என்று எதிர்பார்க்கவில்லை. தற்பொழுது ஒரு அதிகாரி நியமிக்கப்பட்டிருக்கிறார். அவர் ஒருவர் போதுமானது என்றே நான் நினைக்கிறேன். கூடுதலாகத் தேவைப்பட்டால், எண்ணிக்கையைக் கூட்டுவதற்கு—பொருளாதார நிலைமை சாதகமாக இருந்தால்—நியமிக்கலாம்.

VIDWAN T. MUTHUKANNAPPAN: இவர் மீனவரா? இல்லையானால், அந்த இலாக்காலிலே தகுதி பெற்ற மீனவர் எவரும் இல்லையா? அப்படியிருந்தால், அவரை நியமிக்கலாகாதா?

THE HON. SRIMATHI LOURDHAMMAL SIMON: மீனவர் தான் மீனவருடைய பிரச்சனையைக் கவனிக்க முடியும் என்ற கருத்தை நான் ஏற்றுக்கொள்ளவில்லை. இப்பொழுது நியமிக்கப்பட்டிருப்பவர் தகுதியுள்ள ஒரு அதிகாரி; அவரிடமிருந்து டைரக்டராக இருந்தவர்; மீன் இலாகாவைப்பற்றி நன்கு அறிந்தவர்; ஆகையால், அவரை நியமித்திருக்கின்றோம்.

VIDWAN T. MUTHUKANNAPPAN: ஐயா, அரசாங்கத்தோடு சம்பந்தம் இல்லாமல், ஆனால் மீனவராகவே இருந்துகொண்டு, மீனவர் நலனை மிக நன்றாக அறிந்து, அவர்களோடு பழகியிருக்கும் வெளியார் ஒருவரை நியமித்தால், மீனவர்களுடைய நலனுக்காகத் திறமையாக வேலை செய்ய முடியும் என்று அமைச்சர் அவர்கள் கருதுகிறாரா? அப்படிக்கருதினால், அப்படிப்பட்டவரை நியமிக்க ஏற்பாடு செய்வாரா?

THE HON. SRIMATHI LOURDHAMMAL SIMON: அந்தந்த இடங்களின் தேவையை அறிந்து அங்குள்ளவர்களுக்கு உதவி செய்வதற்கு அங்குள்ள பெரியவர்கள் முன்வந்தால், அது மிகவும் பாராட்டத்தக்கது தான். ஆனால், அரசாங்க உதவியோடு இந்த வேலையைச் செய்ய வேண்டுமானால், அதற்கு அரசாங்க உத்தியோகஸ்தர் இருந்தால் தான் நலமாக இருக்கும். அப்படியிருந்தால்தான், அவர் தகுந்த நடவடிக்கை எடுக்க முடியும், அரசாங்க உதவியை வைத்துக்கொண்டு செய்வதற்கு வசதியாக இருக்கும். ஆகையால்தான் அரசாங்கம் ஒரு அதிகாரியை நியமித்திருக்கிறது.

VIDWAN T. MUTHUKANNAPPAN: மீனவர் நல அதிகாரி என்று அவர் குறிப்பிடப்படுகிறார். அதனால் குப்பங்களிலுள்ள குழப்பங்கள், கூட்டங்கள், கும்பல்கள், இந்தக் கட்சி, அந்தக் கட்சி என்று இருப்பவைகளையெல்லாம் சமாதானப்படுத்துவது சீவருடைய முக்கியமான வேலையாக இருந்தால் நன்றாக இருக்கும். அந்த வகையிலும் அவ்வதிகாரி சமயம் நேரும்போதெல்லாம் பணிபுரவாரா?

THE HON. SRIMATHI LOURDHAMMAL SIMON: இந்தக் கூட்டங்களையும் குழப்பங்களையும் ஒரு அதிகாரி கவனிக்கவேண்டுமென்று எதிர்பார்க்கப்படுகிறது ஒரு தவறான கருத்து என்றே நான் நினைக்கிறேன். அந்த

[4th November 1958]

அதிகாரி மீனவர்களைப் பொறுத்த வரையில், அக்கறை உடையவராக இருப்பார். அதை அவர் கவனிப்பார். இருந்தாலும், மீனவர்களுடைய விஷயத்தில் அக்கறை எடுத்துக்கொள்பவர்களும் இதிலே ஈடுபட்டு அந்த வேலையைச் செய்தால் நலமாக இருக்கும்.

Village Panchayat Elections

* 153 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Local Administration be pleased to place on the table of the House a statement showing district-wise—

(a) the number of village panchayats to which elections of members have been held till 31st July 1958;

(b) the number of panchayats to which elections are yet to be held;

(c) the number of panchayat members elected so far;

(d) the number of contested and unopposed elections separately; and

(e) the last date for the completion of all the panchayat elections in each district?

THE HON. SRIMATHI LOURDHAMMAL SIMON: (a) to (e) A statement^a is placed on the table of the House.

SRI T. PURUSHOTHAM: With reference to the dates prescribed and notified in the statement placed on the table, may I know whether the Government have issued strict instructions for the completion of these panchayat elections according to schedule?

THE HON. SRIMATHI LOURDHAMMAL SIMON: That is what we expect. We have already issued orders that they should try to finish them according to schedule time.

Burial grounds

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

(a) whether the Government have given any loan or subsidy to the Corporation of Madras for the purchase of burial grounds and, if so, the amount so given; and

(b) whether and, if so, how the amount has been utilized?

THE HON. SRI M. A. MANICKAVELU: (a) No subsidy was paid but loans totalling Rs. 4,25,000 have been sanctioned to the Corporation since 1950 for the acquisition of sites for burning and burial grounds.

(b) The loan of Rs. 25,000 sanctioned in 1950-51 for the acquisition of land for the extension of Little Mount Burial Ground, Guindy, has not yet been spent as the original site selected was not available. Alternative sites are being selected. Out of the loan of Rs. 4,00,000 sanctioned in 1954-56, a sum of Rs. 10,850 was spent.

^a Printed as Appendix III on pages 445-448 infra.

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for the extension of Krishnampet Burial Ground, a sum of Rs. 3,17,174 was spent on acquisition of lands for burning and burial grounds at Urur and a sum of Rs. 2,021 was paid towards compensation for the acquisition of land for Otteri Burial Ground. The balance of the loan amount is proposed to be spent for acquiring lands at Arumbakkam and Koyamedu and for the extension of the Kasimedu Burial Ground.

SRI MOHAMED RAZA KHAN: Is it a fact that recently the Corporation of Madras purchased a land a little bit far away from the City at a cost of Rs. 2 lakhs whereas the value of the land does not bear any relation or proportion to the amount actually paid to the Corporation?

THE HON. SRI M. A. MANICKAVELU: I do not know which plot of land the hon. Member exactly refers to. If he puts me a separate question, I shall try to answer it.

Pablo boats

* 155 Q.—VIDWAN T. MUTHUKANNAPPAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of Pablo boats in each coastal district supplied to (i) individual fishermen; and (ii) Fishermen Co-operative Societies; and

(b) whether the Pablo boats supplied to Fishermen Co-operative Societies are made available to all the members?

THE HON. SRIMATHI LOURDHAMMAL SIMON: (a) (i) No Pablo boat has been given to any single fisherman.

(ii) Forty Pablo boats have been given to Fishermen Co-operative Societies and Federations in the coastal districts. A detailed statement^a is placed on the table of the Council.

(b) The Pablo boats supplied to Fishermen Co-operative Societies are made available to all the members of the societies to go in for fishing in turns.

VIDWAN T. MUTHUKANNAPPAN: ஐயா, தனிப்பட்ட வர்கள் யாருக்கு மே "பாப்லோ போட்" கொடுக்கப்படவில்லை என்று கூறப்படுகிறது. எனக்குத் தெரிந்த வரையில், ஒரு தனிப்பட்டவருக்கு "பாப்லோ போட்" கொடுக்கப் பட்டிருக்கிறது. நான் விசாரித்தால், கூட்டுறவுச் சங்கத்தினர் யாரும் "பாப்லோ போட்" கோராததால் அது தனிப்பட்டவருக்குக் கொடுக்கப் பட்டது என்று கூறப்பட்டது. அதற்குப் பிறகு, பல கூட்டுறவுச் சங்கங்கள் "பாப்லோ போட்டுகள்" கோரிருக்கின்றன. எனவே, தனிப்பட்டவருக்குக் கொடுக்கப்பட்ட "பாப்லோ போட்" திரும்பப் பெறப்பட்டு, "பாப்லோ போட்" கோரும் கூட்டுறவுச் சங்கத்திற்குக் கொடுக்கப்படுமா? இதுபற்றி கனம் அமைச்சர் விசாரிப்பாரா?

THE HON. SRIMATHI LOURDHAMMAL SIMON: அந்த சமயத்தில் அதைப் பெற்று உபயோகிக்க கூட்டுறவுச் சங்கத்தினர் யாரும் முன்வரவில்லை. அது "ஒரு" தனிப்பட்டவருக்குக் கொடுக்கப்படவில்லை; தனிப்பட்டவருக்குக் கொடுக்கப்பட்டிருக்கிறது.

^a Printed as Appendix IV on page 448 infra.

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VIDWAN T. MUTHUKANNAPPAN : செங்கற்பட்டு, மீன் பிடிப்பில் வறண்ட இடமாக இருக்கிறது. அந்த மாவட்டத்தில் ஒரே ஒரு விசைப் படகு தான் கொடுக்கப்பட்டிருக்கிறது. அங்கே “பாப்லோ போட்டு” கள் இன்றும் சில கொடுக்கப்பட்டால், அந்த இடம் மீன் பிடிப்பில் ஓரளவு முன்னேறும். ஆனால், தூதிர்ப்படிவசமாக, செங்கற்பட்டிற்கு ஒரு “பாப்லோ” போட்டுதான் கொடுக்கப்பட்டிருக்கின்றது. அதற்கு மேலும் “பாப்லோ போட்டு”கள் கொடுக்கப்படுமா ?

THE HON. SRIMATHI LOURDHAMMAL SIMON : இப்போதிருக்கும் போட்டுகள் 42 தான். எனவே அதிக அளவில் மீன்கள் கிடைக்கக்கூடிய இடங்களையே அவைகளை உபயோகிக்க விரும்புகிறோம். செங்கற்பட்டு, கனம் அங்கத்தினர் சொன்னது போல், வறண்ட இடமாக இருப்பதால், அங்கே அதிக மீன் கிடைக்காது. ஆகையால், செங்கற்பட்டில் இந்த போட்டுகளை உபயோகித்து மீன் பிடிப்பில் பரிசீலனைகள் நடத்த அரசாங்கம் விரும்பவில்லை.

VIDWAN T. MUTHUKANNAPPAN : செங்கற்பட்டில் மீனவர்கள் கட்டு மரத்தில் கடலில் 5 மைல் தூரம் வரை சென்று மீன் பிடிக்கிறார்கள். அதனால் தான் போதுமான அளவு மீன் கிடைப்பதில்லை. ஆனால், “பாப்லோ போட்டு”கள் இருந்தால் ஆழக் கடலுக்குச் சென்று அதிகமாக மீன் பிடிக்க முடியும். எனவே செங்கற்பட்டிற்கு அதிக பாப்லோ போட்டுகள் கொடுக்க அரசாங்கம் முன்வருமா ?

THE HON. SRIMATHI LOURDHAMMAL SIMON : முதலில், அதிக மீன்கள் கிடைக்கக் கூடிய இடங்களுக்குத் தான் அதிக “பாப்லோ போட்டு”கள் கொடுக்கப்படும்.

VIDWAN T. MUTHUKANNAPPAN : தஞ்சாவூர், ராமநாதபுரம், திரு நெல்வேலி ஜில்லாக்களில் ஒரு கூட்டுறவு ஸொஸைடிக்குக்கூட “பாப்லோ போட்” கொடுக்கப்படவில்லை. “மினெர்மென் கோவாபரேடிவ் பெட்ரேஷன்கள்” என்பதும் ஸ்தாபனங்கள் இருக்கின்றன. இந்த பெட்ரேஷன்களுக்குத்தான் “பாப்லோ போட்டு”கள் கொடுக்கப்படுகின்றன. ஆனால், பல கூட்டுறவுச் சங்கங்களுக்குப் “பாப்லோ போட்டு”கள் கொடுக்கப்படவில்லை. பெட்ரேஷனுக்குப் போட்டுகள் கொடுப்பதால், மீனவர்கள் பரவலாகப் பலன்டைவதில்லை. மீனவர்களுக்கும் மீன் இலாகாவுக்கும் இடையில் உள்ள சில தனிப்பட்டவர்கள்தான் பலன்டைகிறார்கள். எனவே, இனிமேல் பெட்ரேஷனுக்குப் “பாப்லோ போட்டு”கள் கொடுக்காமல், கோவாபரேடிவ் ஸொஸைடிகளுக்கே அவைகளைக் கொடுக்க அரசாங்கம் முன்வருமா ?

THE HON. SRIMATHI LOURDHAMMAL SIMON : நான் அறிந்த வரையிலும், தனிப்பட்டவர்களுக்கு 2 படகுகள் தான் கொடுக்கப்பட்டிருக்கின்றன. மற்றெல்லாப் படகுகளும் கூட்டுறவு ஸொஸைடிகளுக்குத் தான் கொடுக்கப்பட்டிருக்கின்றன. எனவே, கனம் அங்கத்தினர் தெரிவிக்கும் தகவலை உண்மை என்று நான் ஒத்துக் கொள்ள மாட்டேன்.

VIDWAN T. MUTHUKANNAPPAN : “பாப்லோ” படகுகள் I-B-2 ஐயும் 21-B ஐயும், பெட்ரேஷன் பெயரால் ஒட்டிச் சில தனிப்பட்டவர்களே பலன் அடைந்து வருகிறார்கள் என்று நினைக்கிறேன். எனவே, இனிமேல் எல்லா “பாப்லோ போட்டு”களும் கூட்டுறவு ஸொஸைடிகளுக்கே கொடுக்கப்படுமா ?

THE HON. SRIMATHI LOURDHAMMAL SIMON : “பாப்லோ போட்டு”கள் பெட்ரேஷன்களுக்குக் கொடுக்கப்பட்டால், அது மீனவர்களுக்கு நல்லதுதான். ஏனென்றால், பெட்ரேஷனின் மூலம் படகுகளைப் பெற்று அவைகளை உபயோகித்துப் பல மீனவர்கள் மீன் பிடிக்க முடியும். பல மீனவர்களுக்குப் போட்டுகள் கிடைக்கும். தனிப்பட்ட மீனவர்களுக்கு “பாப்லோ போட்டு”கள் கொடுக்கப்பட்டால், அதிக மீனவர்களுக்கு அவை

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யன்படா; ஏனென்றால் ஒரு போட்டில் 4-5 பேருக்குமேல் போக முடியாது. எனவே, பெட்ரேஷனிடம் “பாப்லோ போட்டு”கள் இருந்தால், அந்த மீனவர்களும் நன்றாகத் தொழில் நடத்த முடியும்.

SRI A. M. ALIAPICHAJ : பெட்ரேஷன்களிலுள்ளவர்கள் எந்த ஜாதியைச் சேர்ந்தவர்கள் ?

THE HON. SRIMATHI LOURDHAMMAL SIMON : இன்று வரையிலும் மீனவர் பெட்ரேஷன்களில் மீனவர் ஜாதியைச் சேர்ந்தவர்கள்தான் இருக்கிறார்கள்.

SRI M. ETHIRAJALU : கூட்டுறவுச் சங்கங்களின் மூலம் பாப்லோ போட்டுகளைக் கொடுப்போது, தனிப்பட்டவர்கள் அவைகளின் விலையில் கால் பங்கையோ அல்லது பாதியைக் கொடுக்க முன்வந்தாலேயே, அவர்களுடைய பொருளாதார நிலையை உயர்த்தும் நோக்கத்துடன் அவர்களுக்குப் “பாப்லோ போட்டு”கள் வழங்க அரசாங்கம் முன்வருமா ?

THE HON. SRIMATHI LOURDHAMMAL SIMON : இது ஆலோசிக்கப்படும்.

VIDWAN T. MUTHUKANNAPPAN : பெட்ரேஷனிலுள்ளவர்கள் எல்லோரும் மீனவர் ஜாதியைச் சேர்ந்தவர்கள் என்ற வகையில் கனம் அமைச்சர் கூறினார். பல பெட்ரேஷன்களின் தலைவர்கள் வேறு ஜாதியைச் சேர்ந்தவர்கள் என்பதைத் தெரிவிக்க விரும்புகிறேன். போதிய கல்வியறிவுள்ள, முன்னுக்கு வந்துள்ள தலைவர்கள் மீனவர் ஜாதியில் இருக்கையில், அவர்களையும் இந்த பெட்ரேஷன்களின் தலைவர்களாக ஆக்க கனம் அமைச்சர் முயற்சி செய்வாரா ?

THE HON. SRIMATHI LOURDHAMMAL SIMON : மீனவர்களுக்கு நன்மை செய்ய வேண்டுமென்ற நோக்கத்துடனும், மீனவர்களுடைய தொழிலை விருத்தியடையச் செய்து அவர்களை முன்னுக்குக் கொண்டு வரவேண்டுமென்ற நோக்கத்துடனும், இந்த பெட்ரேஷன்களுக்குத் தலைவர் களாக வந்திருக்கும் மீனவரல்லாதாரை, அவர்கள் மீனவரல்லாதார் என்பதற்காக அந்தப் பதவிகளிலிருந்து வெளியேற்ற வேண்டுமென்று நினைப்பது தவறு. மீனவர் ஜாதியைச் சேர்ந்தவர்களாக இல்லாதவர்கள் மீனவர்களுக்கு சேவை செய்வதைப் பாராட்டுகிறேன். மீனவரல்லாதார் இந்தக் காரியங்களைச் செய்வதில் ஒரு தவறும்மில்லை என்று நினைக்கிறேன்.

VIDWAN T. MUTHUKANNAPPAN : மீனவர்களுக்கு நன்மை செய்பவர்களை நான் வரவேற்கிறேன். நான் கால்நடை யாத்திரை செய்த போது, சில மீனவர் ஸொஸைடிகளில் அந்நிய ஜாதியினர் தலைவராக இருந்து கொண்டு மீனவர்களுக்குக் கொடுக்கும் கடன் தொகையைத் தாங்களும் வாங்கிக்கொண்டு வழக்கமான வேறு தொழில் செய்து பிழைக்கிறார்கள் என்பதை அறிந்தேன். அந்நியர்களின் இந்த வகைச் சுரண்டலைத் தடுக்க அரசாங்கம் முன்வருமா ?

MR. CHAIRMAN : The hon. Member must put a question and not make a speech.

THE HON. SRIMATHI LOURDHAMMAL SIMON : I will answer the question, Sir. கனம் அங்கத்தினர் கால்நடை யாத்திரை செய்த போது, அவர் சென்ற ஊருக்கு நானும் அவருடன் சென்றிருந்தேன். அந்த ஊரில் மீனவர்களிடையே இருந்த குழப்பத்தையும் சண்டையையும் கனம் அங்கத்தினரே தீர்க்க முடிவவில்லை.

VIDWAN T. MUTHUKANNAPPAN : On a point of order, Sir. The Hon. Minister is not replying to my question, but makes a speech.

MR. CHAIRMAN : What is your question ?

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VIDWAN T. MUTHUKANNAPPAN : I have already pu, Sir.

THE HON. SRIMATHI LOURDHAMMAL SIMON : அந்த ஊரில் ஒரு நாள் தங்கி நானும் அவரும் அந்தக் குழப்பத்தைத் தீர்த்துவிட்டு வந்தோம். இந்த மாதிரி அனேக இடங்களில் குழப்பமும் சண்டை சச்சரவுகளும் ஏற்படுகின்றன. அவைகளைப்பெல்லாம் தீர்த்து வைக்க அந்தந்த இடங்களிலுள்ள பெரியவர்கள் முன்வர வேண்டும். மீனவர்கள் நல்லில் அக்கறையுள்ளவர்கள் இந்தக் காரியங்களைச் செய்ய முயற்சிக்க வேண்டுமென்று இந்த சந்தர்ப்பத்தில் சொல்லிக்கொள்கிறேன்.

SRI MOHAMED RAZA KHAN : Sir, may I know why fish is not at all available in the City of Madras, and, if available, why it is available only at such an exorbitant price that persons with average means cannot purchase it at all?

THE HON. SRIMATHI LOURDHAMMAL SIMON : I think many people are taking fish now. The demand is more than the supply. We are able to get only less than in demand. We are trying to procure more catch.

SRI A. GAJAPATHY NAYAGAR : Sir, are we fishing in troubled waters? (Laughter.)

Fisheries Industries

* 156 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether any foreign technical experts have been invited by this Government to advise on the development of Fisheries Industries in this State;

(b) if so, the number of experts invited so far and the nature of advice given by them; and

(c) the amount, if any, spent in this regard?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) Under the Expanded Technical Assistance Programme of the F.A.O., the services of Foreign Experts have been intended for and are being utilised for the development of fisheries in the State.

(b) A statement ^a is placed on the table of the Council.

(c) Rs. 38,203 has been spent towards the local living costs and the travelling expenses of the Experts.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, இந்த விஷயமாக அன்னிய நாட்டு நிபுணர்கள் 8 பேர் இங்கே வந்ததாகத் தெரிகிறது. மிகவும் அதிகப் பேர் வரவழைக்கப்பட்டிருக்கிறார்கள் என்றும், அத்தனை பேரை வரவழைத்திருக்க வேண்டிய அவசியமில்லை என்றும் தான் எனக்குத் தோன்றுகிறது. ஏனென்றால், மூன்று நாளுக்குப் பேர் ஒரே விஷயத்தைப்பற்றி ஆலோசனை கூறியிருக்கிறார்கள். எடுத்துக்காட்டாக, “இல்லுகாஸன்” என்பவரும் “பால் வரீனர்” என்பவரும் “ராஸ்முஸேன்”

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என்பவரும், “பிட்டர்கர்ட்னர்” என்பவரும் “கன்ஸ்ட்ரக்ஷன் ஆப் போட்டல்” என்ற ஒரே விஷயத்தைப்பற்றித்தான் ஆலோசனை கூறியிருக்கிறார்கள். அதேமாதிரி மீன்பிடி துறைமுகம் பற்றி “பிஷிங் ஹார்பர்” என்ற ஒரே விஷயத்தைப்பற்றி “சி. ஆர். பிஜேகே”, “சி. ஜி. பிஜேகே” ஆகிய இருவர் ஆலோசனை கூறியிருக்கிறார்கள். இம்மாதிரி ஒரே விஷயம் பற்றிக் கூற அதிகமான நிபுணர்களை வரவழைப்பதால், அரசாங்கத்திற்கு அனாவசியமான பண நஷ்டம் ஏற்படவில்லையா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : மீன் பிடிப்பிற்கு நல்ல சாதனங்களை அமைக்க வேண்டுமென்பதுதான் அரசாங்கத்தின் கருத்து. அதற்காகத்தான் இத்தனை நிபுணர்கள் வரவழைக்கப்பட்டார்கள். அவர்கள் பலவிதமான போட்டுகளைக் கண்டுபிடித்திருக்கிறார்கள். அவர்கள் நமக்கு நல்ல யோசனைகளைக் கூறியிருக்கிறார்கள். மிகச் சிறந்த சாதனங்களை மீனவர்களுக்குத் தயாரித்துக் கொடுக்கவேண்டுமென்ற நோக்கத்துடன்தான் இத்தனை நிபுணர்களை வரவழைத்திருக்கிறோம்.

VIDWAN T. MUTHUKANNAPPAN : ஒரே விதமான தொழில் நுட்பம் சம்பந்தமாக 3-4 நிபுணர்கள் வரவழைக்கப்பட்டிருப்பது வீண் அல்லவா? அரசாங்கத்திற்குப் பண நஷ்டம் ஆகவில்லையா என்பது தான் என்னுடைய கேள்வி. அரசாங்கத்திற்கு இதனால் அனாவசியமான பண நஷ்டம் ஏற்படுகிறதென்றால், அதைத் தடுக்க வேண்டாமா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : மீன் பிடிப்புத் தொழிலுக்கு சர்க்கார் முக்கியத்வம் கொடுத்திருக்கிறது. இந்தத் தொழிலை நன்றாக அபிவிருத்தி அடையச் செய்யவேண்டும் என்ற நோக்கத்துடனேயே, இத்தனை நிபுணர்களை வரவழைத்திருப்பதால், இந்தத் தொழிலில் அக்கறை காட்டுபவர்கள் இது குறித்து வருத்தப்பட வேண்டியதில்லை என்று நினைக்கிறேன். நம் நாட்டிற்கேற்ற முறையிலும் மிகச் சிறந்த முறையிலும் படகுகளையும் மற்ற சாதனங்களையும் அமைக்க வேண்டுமென்ற நோக்கத்துடன், இவர்கள் வரவழைக்கப்பட்டனர். ஒரு நிபுணர் கூறிய யோசனை அவ்வளவு நல்லதாக இல்லாவிட்டால், இன்னொரு நிபுணர் அழைக்கப்பட்டிருப்பார். அந்த முறையில்தான் அத்தனை நிபுணர்கள் வரவழைக்கப்பட்டிருக்கிறார்கள். இந்த நிபுணர்களை வரவழைத்து யோசனை கேட்காவிட்டால், சிறந்த படகுகளை நாம் அமைக்க முடியாது என்று நினைக்கிறேன். சிறந்த படகுகளை அமைப்பதற்கான யோசனைகளை நம் நாட்டிலுள்ளவர்கள் தெரிவித்தால், அவைகளையும் அரசாங்கம் ஏற்றுக்கொள்ளும்.

Engineering and Medical Colleges

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

(a) whether seats have been reserved in the Engineering and Medical Colleges in this State for (i) students who are dependants of Central Government officials; and (ii) students from other States; and

(b) if so, the number of seats reserved in each of those colleges for every year and the terms and conditions on which such reservation is made?

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

(b) A statement ^a is placed on the table of the House.

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SRI T. PURUSHOTHAM : Sir, from the statement placed on the table of the House it is seen that for reservation of seats there is no condition except in the case of engineering colleges. May I know, Sir, what are the conditions relating to engineering colleges?

11-20 THE HON. SRI C. SUBRAMANIAM : I am sorry, Sir, I am a.m. unable to give the answer immediately.

SRI T. PURUSHOTHAM : Sir, are there not professional colleges in the other States referred to in the answer, and may I know why there should be reservation of seats for the students of other States in our colleges?

THE HON. SRI C. SUBRAMANIAM : As far as Mysore is concerned, this arrangement was arrived at in view of the reorganization of the States. The reservation is only for 1957 and 1958. As far as Jammu and Kashmir is concerned, there are no professional colleges in that State and so, reservation of seats has to be made. All the other States, except Jammu and Kashmir, have got facilities for training experts.

SRI T. PURUSHOTHAM : Sir, it has been stated in the paper laid on the table that 'the reservation of seats for the Mysore State was made under the direction of the Government of India'. Have the State Government presented to the Central Government about the need for more seats for our own State? If so, why should there be any reservation of seats in our State for students from other States?

THE HON. SRI C. SUBRAMANIAM : As I have already stated, after the reorganisation of States, South Kanara went over to Mysore. Therefore, the quota that the South Kanara district was getting from the composite State of Madras has been allotted to Mysore for only two years by which time, it is hoped, Mysore will have made sufficient arrangements to increase the number of seats in its own colleges. That is why this reservation has been made only for two years.

SRI T. PURUSHOTHAM : Can I presume that this two-year period will be stuck to and that the Government will see to it that there is no further extension whatsoever?

THE HON. SRI C. SUBRAMANIAM : Under the law, it cannot be further extended. Only one Act has been passed and it relates to reservation for only two years and not more.

Scavengers employed under the local bodies in the State

* 158 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Revenue be pleased to state the steps taken or proposed to be taken by the Government to ameliorate the conditions of service of scavengers employed under the local bodies in the State?

THE HON. SRI M. A. MANICKAVELU : A statement * is placed on the table of the House.

* Printed as Appendix VII on page 450 infra.

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SRI T. PURUSHOTHAM : While appreciating the welfare measures instituted by the Government to ameliorate the condition of scavengers, will the Government take steps for the early implementation of the scheme for the supply of wheelbarrows or other mechanical devices for carrying night-soil?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir, that is being looked into and a proper scheme will be drawn up so that wheelbarrows may be put to use.

SRI A. GAJAPATHY NAYAGAR : இந்த ஸ்காவஞ்சர்ஸ்கு எவ்வளவு சம்பளம் கொடுக்கப்படுகிறது ?

THE HON. SRI M. A. MANICKAVELU : சம்பளம் 10 ரூபாய்; டியர்னஸ் அலவன்ஸ் 30 ரூபாய். 30 ஐயும் 10 ஐயும் கூட்டிக்கொள்ள வேண்டியது.

Fishermen Co-operative Societies

* 159 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) district-wise number of Fishermen Co-operative Societies organized in this State;

(b) whether it is a fact that some of those societies are not functioning, and if so, the reasons therefor; and

(c) the number of fishermen who have received long-term loans from each of the societies?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) A statement * showing the district-wise list of Fishermen Co-operative Societies in the State is placed on the table of the Council.

(b) In the beginning of 1956-57, some of the Fishermen Co-operative Societies were dormant either for want of funds or for want of leadership in guiding and running the day-to-day affairs of the societies. A few Inland Fishermen Co-operative Societies are also in a dormant stage due to their slender resources. The position generally is improving.

(c) A statement * showing the number of fishermen who have received long-term loans from each Society during 1956-57 and 1957-58 is placed on the table of the Council.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, இந்த மீனவர்கள் கூட்டுறவு சங்கங்களில் சில ஒருவாறாக இயங்குகின்றன என்று அறிக்கையி லிருந்து தெரிகிறது. ஆனால், நான் நேரில் சென்று பார்த்த வரையில், சென்னையைப் பொறுத்த மட்டில், நொச்சிக்குப்பம், முள்ளிக்குப்பம், ஊரூக்குப்பம், திருவான்மியூர் குப்பம், செங்கற்பட்டில் உய்யாலிக்குப்பம் போன்ற இடங்களில் இந்த சொஸைட்டிகள் இயங்கவேயில்லை என்பதை

* Printed as Appendix VIII on pages 450-456 infra.

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அமைச்சர் அவர்களின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். ஆகவே, தயவுசெய்து அதைக் கவனித்து அவைகளை இயங்க வைப்பார்களா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : கனம் அங்கத்தினர் அவர்கள் என் பதிலை நன்கு கவனித்திருப்பார்களேயானால், அவைகள் நன்கு இயங்குகின்றன என்று நான் சொல்லவில்லை என்பது தெரியும். குறைந்த வருமானம் காரணமாகவும், தகுந்த தலைவர்கள் இல்லாத காரணத்தினாலும், அவைகள் நன்கு இயங்கவில்லை. **The position is generally improving.** அவ்வளவுதான். முன்பு இருந்ததை விட இப்பொழுது ஒரு தரத்தில் நன்கு நடக்கிறது.

VIDWAN T. MUTHUKANNAPPAN : “ஷெயர் காபிடல்” கட்டியதோடு அப்படியே நின்று விட்டது. மேற்கொண்டு எதுவும் நடக்கவில்லை. இது பொதுவான முன்னேற்றமா? ஆகவே இவைகளுக்கு வேண்டிய ஏற்பாடுகளைச் செய்வார்களா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : தகுந்த நடவடிக்கைகள் எடுக்கப்பட்டு வருகின்றன.

Fishery rights

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

(a) whether it is a fact that fishery rights are not enjoyed by panchayats in respect of public tanks vested in them;

(b) if so, the reasons therefor;

(c) the authority to whom the income from fisheries in such public tanks goes; and

(d) whether the right of fisheries in such tanks is auctioned and, if so, by whom?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) & (b) The fishery rights are not enjoyed by panchayats in respect of public tanks vested in them. The vesting of tanks in the panchayats does not confer the right of fisheries to the panchayats, which can only be acquired by a grant made by the Government or by prescription. No right has been conveyed to the local bodies to dispose of the fisheries in tanks vested in them and the local bodies have no authority from the Government to exercise rights over them other than those which are essential for the purpose for which the tanks are vested in them, namely, to secure their upkeep as public water reservoirs for drinking purposes only.

(c) The income by lease goes to the Fisheries Department in the case of tanks taken over by the Fisheries Department. Compensation is paid to the concerned local bodies in respect of tanks taken over by the Fisheries Department.

(d) The rights of the fishery are auctioned by the Collector of the district through his subordinates.

MR. CHAIRMAN : Questions are over.

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS (TRANSFERRED TERRITORY) EXTENSION OF TERM OF OFFICE OF MUNICIPAL COUNCILLORS BILL, 1958
(L.C. BILL NO. 9 OF 1958).

* **THE HON. SRIMATHI LOURDHAMMAL SIMON :** Mr. Chairman, I move—

“That the Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958 (L.C. Bill No. 9 of 1958) be taken into consideration.”

Sir, the municipal councils in the transferred territory are governed by the Travancore District Municipalities Act, 1116 (Travancore Act XXIII of 1116). The term of office of the councillors of these municipal councils expires on the forenoon of the 1st January 1959. According to the present position, elections to these municipalities will have to be conducted before that date. The provisions of the Madras District Municipalities Act, 1920, have not yet been extended to the transferred territory. Such extension has to be done by legislation and it will take some time before it is finalised. It is not, therefore, possible to conduct the elections under the Election Rules of this State before the said date, namely, the 1st January 1959. It is, therefore, proposed to take power for the Government to continue the existing councils for six months more, i.e., up to the 30th June 1959, so that elections of councillors to these municipalities may be conducted before the expiry of this period. It is, therefore, necessary that we should proceed with the proposed legislation. I, therefore, move that the Bill be taken into consideration.

MR. CHAIRMAN : Motion moved—

“That the Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958 (L.C. Bill No. 9 of 1958) be taken into consideration.”

* **SRI L. S. KARAYALAR :** Mr. Chairman, while strongly endorsing and supporting the measure brought forward by the Hon. Minister, I would like to say a few words about the principle of extending certain Acts to the transferred territories. Sir, we know a little time ago, we passed a measure extending the term of office of municipal councillors in this State except in the transferred territories. Now, a separate measure is being brought in for the sake of the transferred territories. Some Acts are extended with almost indecent haste whereas certain other Acts are not only not extended but the Government want still more time to extend them. For instance, the Entertainments Tax Act was extended from 1st April this year. Somehow, a feeling has been created among the people of those territories that whenever the Government want money, they extend such of the Acts as would bring

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them money, but when it comes to the question of extending a measure like the District Municipalities Act which ought to have been extended, do not extend them. A certain amount of confusion has been created in certain municipalities there. I can say this with almost personal knowledge. The District Municipalities Act of Travancore-Cochin which is now in force in those transferred territories has got to be dovetailed with the Entertainments Tax Act, because in that Act there are several sections which correspond to the Madras District Municipalities Act and which do not correspond to the Travancore Act. Thus, there is a lot of confusion. The entertainments tax was collected by the municipalities in those territories. Now, with the extension of the Entertainments Tax Act, 10 per cent of the money is taken away by the Government.

11-30 a.m. When the Government are in such a hurry to extend the Act, why should they not do something to extend the District Municipalities Act and other Acts? Then, take the Government departments. Only a few days ago, the hospital in Shencottah was tacked on to Kanyakumari. Even though it is contiguous geographically to Tirunelveli district and socially and economically part and parcel of it, it is tacked on to Kanyakumari. What did the Government say at the time of reorganisation of States? Sir, it would be amazing for you to hear that when I talked to some responsible men of the place—I would not mention their names—they said though Shencottah is a part of Tirunelveli district, Kanyakumari or Cape Comorin is not six or seven miles from it. Therefore, Sir, as far as the extension of Acts is concerned, it is good that the Government extend all the Acts to that area as early as possible and be done with it. Now we are going to pass this Bill into law for the sake of transferred territories. This small Bill could have been merged with the other one we passed some time ago and brought in as one Bill and passed.

As far as the Bill itself is concerned, the terms of office of municipal councillors are extended for a period, I suppose, of six months. But the term of office of Chairmen is not extended. I do not know why the Mayor of Madras and the Chairmen of Municipal Councils in the transferred territories alone should go, while the Chairmen of other municipalities will have a term of another six months. Therefore, I would say, 'Extend the term of the Chairmen also'. There is absolutely no controversy about this Bill. About the extension of Acts to the transferred territories, the Government should rather hurry up. It is now two years since reorganisation and the feeling in the transferred territories is that the Government extend only those Acts which are beneficial to the Government. In this connexion, I would like to remind the House about what the Hon. Mr. Subramaniam said two years ago while inaugurating the merger of these territories with Madras. The Government of Travancore-Cochin, before they handed over the territories to Madras, did not care for them. They took these

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territories for a divorced wife and felt, 'This wife is going away from us; why should we worry about her?'. But the Hon. Mr. Subramaniam said that she was a new bride. The present position is she is neither a divorced wife nor a welcome bride.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : The hon. Member Mr. Karayalar mentioned about first wife and second wife.

SRI L. S. KARAYALAR : I did not say all that. I wanted to know whether the term of office of the Chairmen would be extended.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : The Chairman is a member of the Council and automatically he remains Chairman. There need not be any trouble about that. He is elected by the members and naturally he enjoys the privilege of continuing as Chairman. The Mayor's election does not come in here.

SRI L. S. KARAYALAR : I was only comparing.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : All right.

THE HON. SRI C. SUBRAMANIAM : The Chairman is elected by the Municipal Council for its lifetime. Once the life of the Council is extended, his term is automatically extended. As far as the Mayor is concerned, the term is only for one year.

MR. CHAIRMAN : The question is—

"That the Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958 (L.C. Bill No. 9 of 1958) be taken into consideration."

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

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : I move—

"That the Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958 (L.C. Bill No. 9 of 1958) be passed."

MR. CHAIRMAN : The question is—

"That the Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958 (L.C. Bill No. 9 of 1958) be passed."

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

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

Clause 19—cont.

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

“ In clause 19, in sub-clause (8), after the words and figures under sub-section (6) or (7) , insert the words ‘ or co-opted under section 12 ’.”

MR. CHAIRMAN: The question is—

“ In clause 19, in sub-clause (8), after the words and figures under sub-section (6) or (7) , insert the words ‘ or co-opted under section 12 ’.”

The amendment was put and carried.

The amendments of Sri P. S. Krishnaswamy Ayyangar and Sri A. Gajapathy Nayagar were, by leave, withdrawn.

Clause 19, as amended, was put and carried.

Clause 85.

MR. CHAIRMAN: The motion is—

‘ That clause 85 do stand part of the Bill.’

SRI K. BALASUBRAMANYA AYYAR: Sir, I oppose the clause. As already stated by me, I do not want that more powers should be given to these bodies than those which are already indicated. The control of irrigation works and distribution of water are matters which are eminently fit to be in the power and discretion of the Government. I do not want that such power should be handed over at any time to the panchayats or the union councils unless, after a long period of panchayat administration, we are convinced that it can with safety be given to those bodies. Irrigation rights are valuable rights. They are frequently a cause for litigation among landholders and they are also a source of quarrel among them. Therefore, the execution of repairs to, and maintenance and regulation of, the irrigation works should be the responsibility of the Government. They are themselves careful enough to see that the Act regulating these things is not touched. In these circumstances, I would ask the Government not to give these powers to the panchayats and the panchayat union councils, even subject to the rules and regulations they seek to lay down. This is an important thing which has been and has to be regulated and controlled by the Government for a long time. It should continue to be so for some time to come, until we are convinced that it can be safely entrusted to the panchayats.

THE HON. SRI C. SUBRAMANIAM: We are not conferring power either on the panchayat or the panchayat union council immediately. What we are providing for here is in the nature of an enabling provision so that Government may entrust the work to them at a later stage. Even now certain ‘ kudimaramath ’

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works have to be executed by the ryots but are not executed properly. If these could be entrusted to the panchayats and panchayat union councils, it may work all right. I am not prepared for a transfer of powers on a large scale. But certainly the Government should take power to see that in proper cases these powers are transferred to those bodies. We will make a start now. After the experience that we may gain of the working of these bodies, we may consider the question of transferring a larger number of works to these institutions. Therefore, I would respectfully submit that it is not as if we are straightway transferring these works to them. The Government will take into consideration every aspect which the hon. Member mentioned and only in cases where it is proper, the works will be transferred to these bodies. In the circumstances, there will be no harm done by the provisions of this clause.

Clause 85 was put and carried.

New clause 85-A.

11-40
a.m.

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

‘ After clause 85, insert the following as new clause 85-A:—

“ 85-A. Subject to such restrictions and control as may be prescribed, the panchayat union council shall have power to preserve ancient antiquities such as sculptures and the like found in the block and to prevent their unauthorised removal from the place.” ’

Sir, the necessity for this amendment is quite apparent. There are a large number of sculptures and bronze statues, stone images, etc., in the villages and these are being removed by interested art collectors. There is a special provision in the Constitution that the Government shall take steps for the preservation of ancient antiquities and sculptures and recently the Central Government have passed legislation with regard to such monuments, antiquities, etc., as are of national importance. In the State List we have to provide for legislation for preservation of such ancient relics as are not classified as national monuments or as are of national importance. So, this opportunity may be taken to give power to the panchayat union councils to safeguard, and to prevent the unauthorized removal of, such ancient relics from the villages. As this practice is going on and as we have to stop it, I have proposed this amendment. I hope the Hon. Minister will kindly concede the importance of a provision like this and give the power to the panchayat union councils to see that these ancient relics that are found in the villages in the block are not removed by any unauthorized persons.

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

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THE HON. SRI C. SUBRAMANIAM: Sir, I fully appreciate the motive behind the amendment. But I am afraid that the panchayat union council may not be the appropriate authority to deal with this matter. Now, the Collector deals with it. As the hon. Member mentioned, there is a Central enactment recently passed. There is another Central enactment which was passed long ago and is still in force. Therefore, it is not a matter which could be disposed of by way of a side-amendment. Preservation of ancient antiquities and sculptures is an important matter. Therefore, I would request the hon. Member to treat this subject separately for making various provisions so that they could be properly preserved and protected from the various persons who try to remove them. If necessary, it may be left to the Government to examine this question and perhaps bring in a separate enactment for the preservation of these ancient antiquities and sculptures. I do not think we can treat the subject in such a casual way by way of an amendment. Therefore, I would request the hon. Member not to press this amendment.

* SRI T. PURUSHOTHAM: I appreciate what the Hon. Minister has said. On the lines of the Central enactment, I would request the Government themselves to see if they cannot introduce a State legislation in accordance with the provisions of the Constitution for the protection of these ancient relics. With these remarks, I ask the leave of the House to withdraw this amendment.

The amendment was, by leave, withdrawn.

Clauses 86 to 98 were put and carried.

Clause 99.

MR. CHAIRMAN: The motion is—

‘That clause 99 do stand part of the Bill.’

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

‘In sub-clause (2) (c), for the words “pack animals bringing or on persons carrying any goods for sale in such market”, substitute the words “pack animals bringing or on persons taking into such market any goods for sale”.’

The amendment was duly seconded.

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

MR. CHAIRMAN: The question is—

‘In sub-clause (2) (c), for the words “pack animals bringing or on persons carrying any goods for sale in such market”, substitute the words “pack animals bringing or on persons taking into such market any goods for sale”.’

The amendment was put and carried.

Clause 99, as amended, was put and carried.

Clause 100.

MR. CHAIRMAN: The motion is—

‘That clause 100 do stand part of the Bill.’

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

‘In sub-clause (3) (b), for the words “from the date of such order”, substitute the words “from the date of communication of such order”.’

The amendment was duly seconded.

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

MR. CHAIRMAN: The question is—

‘In sub-clause (3) (b), for the words “from the date of such order”, substitute the words “from the date of communication of such order”.’

The amendment was put and carried.

Clause 100, as amended, was put and carried.

Clauses 101 to 103 were put and carried.

Clause 104.

MR. CHAIRMAN: The motion is—

‘That clause 104 do stand part of the Bill.’

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

‘In paragraph 1, in line four, omit the word “respectively”.’

The amendment was duly seconded.

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

MR. CHAIRMAN: The question is—

‘In paragraph 1, in line four, omit the word “respectively”’

The amendment was put and carried.

Clause 104, as amended, was put and carried.

Clauses 105 to 109 were put and carried.

Clause 110.

MR. CHAIRMAN: The motion is—

‘That clause 110 do stand part of the Bill.’

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

'In sub-clause (2), omit the words "or any number assigned to any building in any such area".'

The amendment was duly seconded.

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

MR. CHAIRMAN: The question is—

'In sub-clause (2), omit the words "or any number assigned to any building in any such area".'

The amendment was put and carried.

Clause 110, as amended, was put and carried.

Clause 111.

MR. CHAIRMAN: The motion is—

'That clause 111 do stand part of the Bill.'

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

'In sub-clause (1), for the words "dangerous to human life or health or property", substitute the words "dangerous to property or human life or health".'

The word 'human' is used in this sub-clause. The expression used is 'dangerous to human life or health or property'. It may mean 'dangerous to human property' also. 'Human' should not qualify 'property'. Therefore, I suggest a re-arrangement of the words in this way 'dangerous to property or human life or health'. This is merely changing of the position of the words just to indicate that the word 'human' does not qualify the word 'property'. It qualifies the words 'life' and 'health' only.

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

MR. CHAIRMAN: It has not been seconded.

The amendment fell through for want of a seconder.

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

'In clause 111, sub-clause (2) (i) and (2) (ii), for the words "for any of the purposes referred to in sub-section (1)" substitute "for any of the purposes specified in the notification issued under sub-section (1)".'

SRI K. BALASUBRAMANYA AYYAR: Sir, sub-clause (2) (i) says, 'The panchayat union council in the case of panchayat villages may, with the previous approval of the prescribed authority,

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notify that no place within the limits of any panchayat village in the panchayat development block or within the limits of such panchayat village or villages as may be specified in the notification shall be used. Therefore, the power of notification itself is for the purpose of prohibiting the use for particular purposes. In the circumstances, to say 'purposes specified in the notification' would not be proper.

THE HON. SRI C. SUBRAMANIAM: The sub-clause says, 'The panchayat union council . . . may, . . . notify that no place . . . shall be used for any of the purposes referred to in sub-section (1).' Therefore, we have to refer to sub-clause (1). Sub-clause (1) does not refer to any specific purposes. It refers only to notification. It says, 'The Government may, by notification specify the purposes which, in their opinion, are likely to be offensive or dangerous to human life or health or property'. Therefore, no purpose is mentioned therein. The purposes will have to be mentioned only in the notification. That is why we want to put it as 'for any of the purposes specified in the notification issued under sub-section (1)'. This is the proper wording.

* SRI A. GAJAPATHY NAYAGAR: Sir, I move the following amendment— 11-50 a.m.

"In clause 111, after sub-section (4), insert the following as new sub-clause (5)—

'(5) Any person aggrieved by an order passed under sub-section (4) by the executive officer or the commissioner, as the case may be, may within thirty days from the date of the communication of such order, appeal to the Government'."

அப்பீல் செய்துகொள்வதற்கு இடம் அளிப்பது நல்லது என்று தோன்றுகிறபடியால், இந்தத் திருத்தத்தைக் கொண்டுவந்திருக்கிறேன்.

SRI M. ETHIRAJALU: I second the amendment, Sir.

THE HON. SRI C. SUBRAMANIAM: As a matter of fact, if the hon. Member would refer to the provisions of this Bill, relating to rule-making powers, he will see that we are taking powers to provide in the rules for appeals in respect of orders passed under this enactment. For this purpose alone, we need not make a provision in this clause.

SRI A. GAJAPATHY NAYAGAR: அப்படியானால் என்னுடைய திருத்தத்தை நான் வாபஸ் வாங்கிக்கொள்கிறேன்.

The amendment was, by leave, withdrawn.

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

"In clause 111, sub-clause (2) (i) and 2 (ii), for the words 'for any of the purposes referred to in sub-section (1)' substitute 'for any of the purposes specified in the notification issued under sub-section (1)'."

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The amendment was put and carried.

Clause 111, as amended, was put and carried.

Clause 112 was put and carried.

Clause 113.

MR. CHAIRMAN: The motion is—

‘ That clause 113 do stand part of the Bill ’.

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

“ In sub-clause (2), for the words ‘ specified areas ’ substitute the words ‘ specific areas ’.”

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, the panchayat union council in panchayat villages or the town panchayat in a panchayat town has to set apart certain areas for industrial purposes and specify them as industrial areas. Particular areas may be set apart for this purpose. ‘ Specific ’ would be the proper word. ‘ Specified ’ is the expression that is used in the clause. ‘ Specified ’ would mean that a particular place has been specified by an outside agency already, and out of that specified area, a particular area will have to be selected by the panchayat for setting apart for industrial purposes. Therefore, for the words ‘ specified areas ’, I want to substitute the words ‘ specific areas ’.

THE HON. SRI C. SUBRAMANIAM: Sir, I am sorry I am unable to accept the amendment. ‘ Specific ’ is not the word to be used here. Only ‘ specified ’ has to be used here.

* SRI P. S. KRISHNASWAMY AYYANGAR: I withdraw the amendment, Sir.

The amendment was, by leave, withdrawn.

Clause 113 was put and carried.

Clause 114 was put and carried.

Clause 115.

MR. CHAIRMAN: The motion is—

‘ That clause 115 do stand part of the Bill ’.

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

“ In sub-clause (1) for the figure ‘ 45 ’, substitute the figure ‘ 15 ’.”

Sir, it may appear that I am breaking the backbone of the panchayat administration. I know very well (as has been explained by the Report of the Finance Sub-Committee) that the local cess

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represents the total of the land cess and other cesses. But certain important additional taxes have now been introduced. For example, there is the agricultural income-tax. That is a heavy tax payable by many of the landholders possessing more than ten acres. There is again the surcharge of two annas in the rupee. Further, there is already provision for the levy of a tax on agricultural land for specific purposes. As these taxes will amount to a fairly large portion of the land revenue, it is not proper that we continue the same 45 nP., which makes a total of the land cess and other cesses which are already there. I would like that it should be reduced. But the Hon. Minister has said that this may reduce the amount which is available for the panchayats. We have, however, to take into consideration the fact that land is bearing already heavy taxation. Even ordinary, small landholders are subjected to a great deal of taxes. Already the proportion of their income is very much reduced by the 60:40 ratio, by the introduction of the Fair Rent Act. I have already mentioned that even this 40 per cent the landholders are not getting. Therefore, I would plead that even though it might reduce the revenue of the panchayat, still, until the situation improves, this 45 nP. must be reduced. 45 nP. means nearly half a rupee of the land revenue. If one has already been paying Rs. 100 as land revenue, one will have to pay hereafter Rs. 145. The Government may find the money from their own funds. Some have suggested that the Government might bear the whole burden themselves. I would respectfully submit that we should not continue this rate of 45 nP. When ceilings are introduced, the number of acres owned by everyone will become much less. These landholders will not be able to pay all the taxes. We should not tax them. It is not correct to tax the landholders in order to see that panchayats function properly. People who can afford to pay can be made to pay for the proper functioning of the panchayats. (The Hon. Sri C. Subramaniam: They cannot pay the existing tax?). We have already got other taxes. We cannot say that because the tax already exists, it should not be reduced. My submission is that this argument should not be advanced. The committee says that the tax shall not fall short of 45 nP. But who will pay this huge tax, is the question. We see from the Study Team's Report that there is a large amount of arrears remaining uncollected. Also it is mentioned that all the provisions in the Act are not still availed of by the panchayats. For example, panchayats are given powers to levy a tax on agricultural land. No panchayat has tried to levy this tax. At present, land is the only item of property which has to pay the tax for education and for every other purpose. Therefore it is I submit that this amendment should be accepted by the Government.

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

THE HON. SRI C. SUBRAMANIAM: While I very well appreciate the point of view put forward by Sri Palaniswamy

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Gounder, I am unable to agree with the proposition put forward by the hon. Member. As he himself pointed out, it is only a consolidation of the existing cesses. If we reduce it to the figure mentioned by the hon. Member, then we will have to revise the entire legislation taking away the very many responsibilities which we are now placing on panchayats and panchayat unions. After all, this subject was gone into fully by a Sub-Committee. We did not put in that Committee men with radical views. Sri V. K. Ramaswamy Mudaliyar, Leader of the Opposition in the Assembly, was the Chairman of this Sub-Committee. Sri V. K. Palaniswamy Gounder, another landowner, was a member of that Sub-Committee. Sri Ramaswami Naidu, another landowner, was a member of that Sub-Committee. Therefore, it is not as if we have put in Socialists or Communists and they have made this recommendation. The hon. Member complained that land was already paying a high rate of tax. I am unable to agree with this proposition. This tax was fixed long ago—thirty or forty years ago—when prices were one-third or one-fourth of those prevailing now. That even the existing tax should not be levied for any purpose whatsoever, is a proposition which we cannot agree to. The hon. Member suggested that after all, the Government themselves could find the funds. From where? If the Government have to pay, they have to levy some tax somewhere else. If I have to pass an equivalent amount to the panchayat or panchayat union, instead of mentioning it here, I will have to bring in a measure saying that every landholder shall pay 45 nP. per rupee of land revenue. Therefore, it is only consolidation of the existing taxes and I am unable to agree to his first amendment. Is Mr. Balasubramanya Ayyar moving his second amendment also?

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

“In the Explanation to sub-clause (1), omit the words ‘and includes water cess payable to the Government for water supplied or used for the irrigation of land’.”

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

SRI K. BALASUBRAMANYA AYYAR: Sir, I want the omission of the words “and includes water cess payable to the Government for water supplied or used for the irrigation of land” for this reason. In areas where new irrigation sources have been introduced like the Bhavani Project or some other Project, water cess is levied and it comes to Rs. 20 to Rs. 25. This is a fairly large amount when we consider the fact that in many cases the land revenue itself is Rs. 5 or Rs. 10. I want to plead that water cess should not be added on to land revenue. When it is added on to land revenue, the result will be this. The tax at the rate of 45 nP. will be levied on the total amount, i.e., the land revenue and the water cess. It will come to a large amount. In view of

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the fact that the water cess is already very heavy, I appeal to the Government that wherever this water cess is levied, it need not be added on to the land revenue.

THE HON. SRI C. SUBRAMANIAM: This is also only the existing provision. According to it, water cess is included in land revenue. Anyway, I do not think this is the occasion to go back upon the existing provisions in that regard. If necessary, that could be examined separately and then a suitable provision may be made later on, if found necessary. But as it is, we are only consolidating the existing taxation provisions and it is in accordance with the recommendations of the Sub-Committee. Therefore, I am unable to accept this amendment also.

MR. CHAIRMAN: The question is—

“In sub-clause (1), for the figure ‘45’, substitute the figure ‘15’.”

“In the Explanation to sub-clause (1), omit the words ‘and includes water cess payable to the Government for water supplied or used for the irrigation of land’.”

The amendments were put and lost.

Clause 115 was put and carried.

Clauses 116 to 118 were put and carried.

Clause 119.

MR. CHAIRMAN: The motion is—

“That clause 119 do stand part of the Bill.”

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

“In clause 119, omit sub-clause (3).”

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

SRI K. BALASUBRAMANYA AYYAR: Sir, on page 29 of the Report of the Finance Sub-Committee it is mentioned that section 63 (3) (b) of the Madras Village Panchayats Act, 1950, confers power to levy a tax on agricultural land for a specific purpose. It is also stated there, ‘As none of these powers is exercised, the yield is nil.’

THE HON. SRI C. SUBRAMANIAM: Then why are you afraid?

SRI K. BALASUBRAMANYA AYYAR: I am not afraid. After all, when it is stated in the Report itself that this power has not been exercised, why should we have it? We cannot accumulate taxes.

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THE HON. SRI C. SUBRAMANIAM: Now, we will make them use it. After all, the power is being vested in the panchayat union for the purpose of levying a tax. Moreover, the panchayat consists of representatives of the people in the village. I am sure they will take into account the wishes of the people and certainly you cannot expect a panchayat consisting of the representatives of the people to go against the wishes of the people. They will not put on the people a burden which the people cannot bear. Because, they will have to go to the people at the time of elections. Let us not think that the members of the panchayat will not realize their responsibility in the matter.

Sir, the hon. Member also pointed out that this power had not been used in the past. Now, we have introduced what is called the 'matching grant' system so that there may be an inducement to those people to collect some money themselves. Only when they are able to collect some tax, there would be this matching grant available to them. If they do not want money, that is another matter. It is left to the panchayats to decide whether they should levy taxes and avail themselves of the matching grant that we will be providing, or not. I do not think that we should take away that power.

MR. CHAIRMAN: The question is—

"In clause 119, omit sub-clause (3)."

The amendment was put and lost.

Clause 119 was put and carried.

Clause 120.

MR. CHAIRMAN: The motion is—

"That clause 120 do stand part of the Bill."

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

"In the proviso to sub-clause (1) omit the words 'on the basis of classified plinth area or'."

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

SRI K. BALASUBRAMANYA AYYAR: In this proviso, it is stated, "Provided that the Government may by rules prescribe that the tax shall be levied on the basis of classified plinth area or the basis of annual rent value or capital value or on a combination of any two or more of the above bases." So far as house tax in a municipality or Corporation is concerned, it is levied on the basis of capital value or annual rental value. Nowhere have they adopted the plinth area as the basis. It is a dangerous provision so far as villages are concerned. It will cause serious hardships. After all, properties in the villages will be rather small. If you were to tax on the basis of plinth area, it would be very difficult. Moreover,

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it is a new thing. It is also not necessary that we should have the plinth area as the basis. Capital value or rental value will be fairly sufficient. In the other case, it is very difficult for even engineers to decide correctly what is the plinth area. That being so, it would be rather very difficult to determine it in villages. In the case of the Corporation also, you do not have the plinth area as the basis. So, I say that it will be quite improper, unjust and unnecessary to adopt the plinth area basis in the villages. Even the capital value will be a difficult thing to determine. Rental value will be the best basis. If that cannot be made the only criterion, let them take into account the capital value also. But, let them not take the plinth area basis also into account, which has no meaning at all, especially in the case of villages.

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

'In sub-clause (4) (ii), before the words "the persons", insert the following:—

"the ascertainment of "'.

Sir, sub-clause (i) provides that rules made by Government may provide for the manner of ascertaining the annual or capital value of house or the categories into which they fall for the purposes of taxation. But, sub-clause (ii) says that the rules may provide for the persons who shall be liable to pay the tax. This does not seem to read all right. To say, 'the Government may make rules providing for the persons who shall be liable' does not read well. It should read as 'the Government may make rules providing for the ascertainment of the persons'. That would be a proper term. Therefore, I suggest that my amendment may be accepted.

SRI M. ETHIRAJALU: I second the amendment, Sir.

THE HON. SRI C. SUBRAMANIAM: Sir, the hon. Member Sri Balasubramanya Ayyar said that the levy of tax on the basis of classified plinth area was a new thing. It is not a new provision, Sir. It already exists in the statutory rules framed for this purpose in the Panchayat Manual, and plinth area is already being taken into account. As a matter of fact, that would be a better method of assessing the property in the villages. If we are to take capital value into account, a person might have built a house in a village for a sum of Rs. 2 lakhs, but it will be a dead investment in a village. It may not have any annual rental value and nobody will be prepared to take it for rent.

That is why we have classified the plinth area as 'terraced', 'tiled' and 'hut'. Perhaps, that is a better method of assessment of rent and I would submit that it may stand as it is.

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Regarding the amendment of Mr. Krishnaswami Ayyangar, we have taken the clause as it is in the existing Act. I am told by the Law Department that there is no confusion about it. It is the usual phraseology employed in all statutes. In framing statutes, we are guided by precedents. Therefore, let us not break precedents.

SRI K. BALASUBRAMANAYA AYYAR: I withdraw my amendment.

SRI P. S. KRISHNASWAMY AYYANGAR: I withdraw my amendment also.

The amendments were, by leave, withdrawn.

Clause 120 was put and carried.

Clause 121.

MR. CHAIRMAN: The motion is—

‘That clause 121 do stand part of the Bill.’

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

“In clause 121, sub-clause (4)—

(i) for the expression ‘the Madras City Municipal Act, 1919 (Madras Act IV of 1919) or the Madras District Municipalities Act, 1920 (Madras Act V of 1920)’, substitute ‘any other Madras Act’;

(ii) for the words ‘panchayat or municipal council’ and ‘panchayat, municipal council’, substitute ‘panchayat, township committee, municipal council.’”

MR. CHAIRMAN: The question is—

“In clause 121, sub-clause (4)—

(i) for the expression ‘the Madras City Municipal Act, 1919 (Madras Act IV of 1919) or the Madras District Municipalities Act, 1920 (Madras Act V of 1920)’ substitute ‘any other Madras Act’;

(ii) for the words ‘panchayat or municipal council’ and ‘panchayat, municipal council’, substitute ‘panchayat, township committee, municipal council.’”

The amendment was put and carried.

Clause 121, as amended, was put and carried.

Clauses 122 to 136 were put and carried.

Clause 137.

MR. CHAIRMAN: The motion is—

‘That clause 137 do stand part of the Bill.’

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

“In the heading of clause 137, after the words ‘Town Panchayat’ and before the words ‘and Village Panchayat fund’, insert the word ‘fund’.”

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: I accept it.

MR. CHAIRMAN: The question is—

“In the heading of clause 137, after the words ‘Town Panchayat’ and before the words ‘and Village Panchayat fund’, insert the word ‘fund’.”

The amendment was put and carried.

Clause 137, as amended, was put and carried.

Clauses 138 to 144 were put and carried.

Clause 145.

MR. CHAIRMAN: The motion is—

“That clause 145 do stand part of the Bill”.

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

“In sub-clause (1), omit the words ‘enter on and inspect’.”

“In sub-clause (1) (a), insert the words ‘enter on and inspect’, at the beginning.”

“In sub-clause (1) (b) and (1) (c), insert the word ‘enter’ at the beginning and after the word ‘and’ and before the words ‘any records, registers or other documents’, insert the word ‘inspect’.”

The amendments were duly seconded.

THE HON. SRI C. SUBRAMANIAM: I accept them.

MR. CHAIRMAN: The question is—

“In sub-clause (1), omit the words ‘enter on and inspect’.”

“In sub-clause (1) (a), insert the words ‘enter on and inspect’, at the beginning.”

“In sub-clause (1) (b) and (1) (c), insert the word ‘enter’ at the beginning and after the word ‘and’ and before the words ‘any records, registers or other documents’, insert the word ‘inspect’.”

[4th November 1958]

The amendments were put and carried.

Clause 145, as amended, was put and carried.

Clauses 146 to 149 were put and carried.

Clause 150.

MR. CHAIRMAN : The motion is—

‘That clause 150 do stand part of the Bill.’

* SRI T. PURUSHOTHAM : I move the following amendments :—

“ For sub-clause (5), substitute the following :—

‘ (5) The tahsildar shall preside at the meeting convened under this section and no other person shall preside thereat ’.”

“ Omit sub-clause (6) ”.

“ In sub-clause (7), omit the words ‘ Save as provided in sub-sections (5) and (6) ’.”

The object of my amendments is that there should not be a second opportunity for raking up a question of this kind. We know village politics. Once the panchayat takes hold of a proposition of this kind, the tahsildar should be there and carry out the duties assigned to him. If we give any chance of holding another meeting to the panchayat, there will be further complications and village factions. It is stated that if the tahsildar is prevented by unavoidable circumstances from attending the meeting, he can do so later, after a month. I think the same situation will arise later also. Therefore, whoever is functioning as tahsildar at the time of the meeting should see that the meeting is conducted in accordance with the original notice. Once the meeting is fixed, I do not want that it should be adjourned at all and that there should be a second opportunity for a meeting of that kind. These provisions should be as simple as possible and we should not lay down a complicated procedure. That is why I have moved my amendments and I request the support of the House to the amendments.

The amendments were duly seconded.

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

“ In sub-section (1), for the words ‘ within a specified date to offer ’ substitute the words ‘ to offer within a specified date. ’ ”

The amendment was duly seconded.

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

In clause 150—

“ (i) in sub-clause (3), delete the words ‘ to be held ’ ; ”

“ (ii) in sub-clause (13) for the words ‘ or from ’ substitute ‘ and for ’ . ”

Sir, I am accepting the amendment moved by Mr. Krishnaswamy Ayyangar. Another one he has given notice of I have myself moved in a modified form.

As regards Mr. Purushotham’s amendment, he seems to think that under no circumstances, the tahsildar shall absent himself. Suppose it becomes physically impossible for him to attend. We have provided only for such a contingency. No doubt, we will issue executive instructions that as far as possible tahsildars should not absent themselves from the meetings. If, in spite of instructions, they are unable to attend the meeting for health reasons, we have provided that the meeting could be held later. Therefore, if the tahsildar absents himself for frivolous reasons and if he colludes with anybody, certainly action can be taken against him. We have brought in an independent authority only for the purpose of seeing that the meeting is held properly.

* SRI P. S. KRISHNASWAMY AYYANGAR : May I explain the other amendment I have given notice of?

THE HON. SRI C. SUBRAMANIAM : It is the same thing as mine. It is not enough to say ‘ for ’. It should be ‘ and for ’.

MR. CHAIRMAN : The question is—

“ In sub-clause (1), for the words ‘ within a specified date to offer ’ substitute the words ‘ to offer within a specified date ’ . ”

The amendment was put and carried.

SRI T. PURUSHOTHAM : I withdraw my amendments also.

The amendments were, by leave, withdrawn.

MR. CHAIRMAN : I shall put the Government amendment to vote.

The question is—

In clause 150—

“ (i) in sub-clause (3), delete the words ‘ to be held ’ ; ”

“ (ii) in sub-clause (13) for the words ‘ or from ’ substitute ‘ and for ’ . ”

[4th November 1958]

The amendment was put and carried.
Clause 150, as amended, was put and carried.

Clause 151.

MR. CHAIRMAN: The motion is—

“That clause 151 do stand part of the Bill.”

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

“In sub-clause (1), for the words ‘within a specified date to offer’ substitute the words ‘to offer within a specified date’.”

“In sub-clause (3) delete the words ‘to be held’.”

SRI T. PURUSHOTHAM: I second the amendments and I do not move my amendments since the Government have promised to see that there is no collusion between the officers and others.

THE HON. SRI C. SUBRAMANIAM: I accept Mr. Krishnaswamy Ayyangar's amendments.

I also move—

“In sub-clause (13), for the words ‘or from’ substitute ‘and for’.”

MR. CHAIRMAN: I shall put the amendments of Sri Krishnaswamy Ayyangar to vote. The question is—

“In sub-clause (1), for the words ‘within a specified date to offer’, substitute the words ‘to offer within a specified date’.”

“In sub-clause (3) delete the words ‘to be held’.”

The amendments were put and carried.

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

“In sub-clause (13), for the words ‘or from’ substitute ‘and for’.”

The amendment was put and carried.

Clause 151, as amended, was put and carried.

Clause 152.

MR. CHAIRMAN: The motion is—

“That clause 152 do stand part of the Bill.”

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

“In sub-clause (2), for the words ‘any two’, substitute the words ‘any one’.”

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“In sub-clause (3), for the words ‘a week’, substitute the words ‘two weeks’.”

“In sub-clause (4), for the word ‘then’, substitute the words ‘after the expiry of the period of the notice issued under sub-section (3)’.”

“In sub-clause (4), delete the words ‘to be held’.”

“In sub-clause (15), for the words ‘within six months of the assumption of office by the president’, substitute the words ‘within six months of the commencement of the term of office of the president’.”

The amendments were duly seconded.

THE HON. SRI C. SUBRAMANIAM: I am accepting the third and fourth amendments moved by the hon. Member.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, with regard to my first amendment, the clause says that if any no-confidence motion is to be brought against the president or the vice-president, the number of members signing the notice of motion should be at least 50 per cent of the total strength of the panchayat, and that the notice of motion should be delivered to the tahsildar by any two of the members of the panchayat signing the notice. Now, if you want to have an assurance as to the earnestness of the persons who have signed the motion of no-confidence, either you should insist that all the signatories should join together and deliver the notice to the tahsildar or he should be satisfied with only one taking it to the tahsildar and delivering it to him. The rule should be that either all of them or one of them should deliver it to the tahsildar and there should be no intermediate course. Therefore, I say that for the words ‘any two’ the words ‘any one’ be substituted. What is the special charm in number two? Either say that all the signatories should in a batch go to the tahsildar and present the notice of motion of no-confidence to him or say that one is sufficient. Therefore, I move my first amendment.

Sub-clause (3) says that a copy of the statement of charges along with the notice of the motion of no-confidence shall be caused to be delivered to the president or vice-president concerned by the tahsildar, and that the president or vice-president shall be required to give a statement in reply to the charges within a week of the receipt of the notice by the president or vice-president. The notice of the motion of no-confidence is delivered to the tahsildar. The tahsildar calls upon the president or vice-president to furnish his explanation within a week. We should just imagine the state of mind of the president or vice-president when he receives a copy of the notice of motion of no-confidence. He would lose his peace of mind and it would require some time for him to

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recover from the shock. The creed of non-violence should induce you to show love even towards persons who are guilty of some offence. Justice should be tempered with mercy and even in anger there should be visible the glow of love. Therefore, I say that for the words "a week" the words "two weeks" be substituted. Let the person concerned be given two weeks' time to furnish his explanation.

Sub-clause (15) prohibits the bringing in of any no-confidence motion during a particular period. That period is said to be 'six months of the assumption of office by the president'. Assuming office may be on one day, but the commencement of the term of his office would be from a different date, from an earlier date. Therefore, I say that the six-month period should commence from the date on which his term of office commences and that it should not begin from the date on which he assumes office. For some reason or other, after he has been elected president, some time may elapse before he assumes office. Therefore, let the starting point be 'commencement of the term of his office' and not the date on which he assumes office. It is to that effect that I have suggested my last amendment.

THE HON. SRI C. SUBRAMANIAM: I do not think it is necessary to accept the first two amendments. Two members have been specified just to indicate that it is not a one-man show. It will be impossible for all the members to go to the tahsildar for this purpose. That is why we have fixed it as 'two' instead of leaving it to one. After all, whether it is two weeks or one week, I do not think anybody will collapse. If he collapses, then he is not fit to be a president. Therefore, a week is more than enough. If any recovery is necessary, a day or two will be enough. I do not think that this is a case where anybody will get a shock by merely receiving notice of a no-confidence motion. I am unable to accept his first, second and fifth amendments.

The first, second and fifth amendments were, by leave, withdrawn.

MR. CHAIRMAN: The question is—

"In sub-clause (4), for the word 'then', substitute the words 'after the expiry of the period of the notice issued under sub-section (3)'."

"In sub-clause (4), delete the words 'to be held'."

The amendments were put and carried.

Clause 152, as amended, was put and carried.

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Clause 153. .

MR. CHAIRMAN: The motion is—

'That clause 153 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I do not move amendments Nos. 57, 58 and 60. I move the following amendment:—

"In sub-clause (4), delete the words 'to be held'."

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: I accept it.

MR. CHAIRMAN: The question is—

"In sub-clause (4), delete the words 'to be held'."

The amendment was put and carried.

Clause 153, as amended, was put and carried.

Clauses 154 to 157 were put and carried.

Clause 158.

MR. CHAIRMAN: The motion is—

'That clause 158 do stand part of the Bill.'

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

'In clause 158, omit sub-clause (2).'

The power of revision and to call for records is vested in the Government and that power can be exercised in the case of an Inspector or any officer or any other authority. Therefore, the Government are the highest authority and they can call for the records either from the Inspector or from any other officer. Therefore it is that I feel that power need not be conferred on any other officer. The second sub-clause says—

'The powers of the nature referred to in sub-section (1) may also be exercised by such authority or officer as may be empowered in this behalf by the Government.'

The Government are entrusted with the power of inspection even over the Inspector. This is unnecessary.

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: In all cases it may not be necessary for the Government to pass orders. We may ask the Member of the Board of Revenue or such other authority to be in charge of certain cases. In cases where some sort of quasi-judicial matter is involved, we may ask the District Judge or a High Court Judge to look into the matter. That is why we have

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provided "exercised by such authority or officer". After all, this is an enabling provision. Therefore, I would request the hon. Member not to press the amendment.

The amendment was, by leave, withdrawn.

Clause 158 was put and carried.

Clauses 159 to 161 were put and carried.

Clause 162.

MR. CHAIRMAN: The motion is—

'That clause 162 do stand part of the Bill.'

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

'In sub-clause (1), after the word "may" and before the word "enter", insert the words "after reasonable notice".'

Sir, this clause refers to powers of entry and inspection. I only want to add the words 'after reasonable notice' so that the executive authority or anybody else may, after reasonable notice, enter into any place he wants.

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: Sir, not only 'reasonable notice' but many other things will have to be provided for so that the power may not be abused. That is why we have put it as 'Subject to such restrictions and conditions as may be prescribed'. All these may be provided for in the rules. Therefore, this amendment is not necessary.

The amendment was, by leave, withdrawn.

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

'In sub-clause (2), after the word "or" and before the words "of any force", insert the words "the use".'

The amendment was duly seconded.

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

MR. CHAIRMAN: The question is—

'In sub-clause (2), after the word "or" and before the words "of any force", insert the words "the use".'

The amendment was put and carried.

Clause 162, as amended, was put and carried.

Clauses 163 to 169 were put and carried.

Clause 170.

MR. CHAIRMAN: The motion is—

'That clause 170 do stand part of the Bill.'

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

"In sub-clause (1), line 11, for the words 'in the execution of this Act', substitute the words 'in the discharge of the duties imposed by this Act'."

This sub-clause refers to action against neglect in the execution of this Act. Neglect in the execution of a particular order or work will read all right. But 'in the execution of this Act' has no meaning. The sub-clause refers to default also. Default of what? Will it be neglect in the discharge of the duties imposed by this Act or default in the discharge of the duties imposed by this Act? Therefore, I suggest that for the words 'in the execution of this Act', the words 'in the discharge of the duties imposed by this Act' be substituted.

The amendment was duly seconded.

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

"In sub-clause (1), omit the words 'and unless such notice be proved, the court shall find for the defendant',"

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: Sir, I accept the amendment of Sri K. Balasubramanya Ayyar and do not accept that of Sri P. S. Krishnaswamy Ayyangar. I do not think we need change the expression in the clause, which is a well-known expression. But I am accepting Sri Balasubramanya Ayyar's amendment, because it is already stated that no suit shall lie.

SRI P. S. KRISHNASWAMY AYYANGAR: I withdraw my amendment, Sir.

The amendment was, by leave, withdrawn.

MR. CHAIRMAN: The question is—

"In sub-clause (1), omit the words 'and unless such notice be proved, the court shall find for the defendant'."

The amendment was put and carried.

Clause 170, as amended, was put and carried.

Clauses 171 to 174 were put and carried.

Clause 175.

MR. CHAIRMAN: The motion is—

'That clause 175 do stand part of the Bill.'

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

"In clause 175, after the word 'water-ways' and before the words 'vested in or maintained', insert the words 'and coffee hotels, restaurants, saloons and all places of public resort' and

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after the word 'maintained' and before the words 'by a panchayat', insert the words 'or licensed'."

Sir, I am anxious that when we are providing that all roads, markets, wells, etc., maintained by the panchayat or by the panchayat union council should be used and enjoyed by all persons irrespective of caste or creed, all these coffee hotels, restaurants, and places of public resort, which are licensed by the panchayat or the panchayat union, should also be included in the list. I have proposed in my amendment that after the word 'maintained' and before the words 'by a panchayat', the words 'or licensed' be inserted, so that it may be made a condition in the licences issued by the panchayat or the panchayat union council for the running of the trade within their jurisdiction that the places should be accessible to persons belonging to all castes and communities. The condition should be strictly enforced that all such places will be used by all persons irrespective of caste or creed. We want to have a casteless society, and I hope a provision of this kind will go a long way in ensuring the much needed reform in our society.

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM: Sir, I am in full sympathy with the object with which this amendment is moved. But I am afraid that this is not the place where we should provide for it. As a matter of fact, we have to go into the question of the removal of caste distinctions, and we are on that job. Perhaps we may have to enact a separate law for this purpose. I would request the hon. Member not to insist on his amendment. It is not only with reference to this subject but with reference to other matters also that we have to take decisions. Decisions should be acceptable to all. There should be no controversy. Therefore, I would request the hon. Member not to press his amendment. Certainly, the Government are aware of the problems, and they are trying to solve them in the best way possible.

* SRI T. PURUSHOTHAM: Sir, in view of the assurance that the Government are already seized of the question, I do not press my amendment.

The amendment was, by leave, withdrawn.

Clause 175 was put and carried.

Clauses 176 and 177 were put and carried.

Clause 178.

MR. CHAIRMAN: The motion is—

'That clause 178 do stand part of the Bill.'

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

"In clause 178, sub-clause (2), in items (iii) and (ix), insert the words 'as to' at the beginning."

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This is only a verbal amendment.

MR. CHAIRMAN: The question is—

"In clause 178, sub-clause (2), in items (iii) and (ix), insert the words 'as to' at the beginning."

The amendment was put and carried.

Clause 178, as amended, was put and carried.

Clause 179.

MR. CHAIRMAN: The motion is—

'That clause 179 do stand part of the Bill.'

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

"In sub-clause (2), omit the words 'except on the first occasion of the exercise thereof'."

I want that the rules that are issued under this Act should be issued only after due notification. Even the issue of the rules on the first occasion should be brought within the scope of prior notification and scrutiny by the Legislature. After all, it would not take much time. I believe that this provision 'except on the first occasion of the exercise thereof' is introduced so that the publication of the rules under this Act may be expedited. The Government are anxious to implement this legislation and publish the rules without delay. I believe all the delay can be avoided by prompt publication and by taking immediate action. Later on it will not be possible for the House to make the needed changes. I hope the Government will accept the amendment.

There is another amendment standing in my name. I move that amendment also which runs as follows:—

"In sub-clause (4)—

(i) for the words 'Legislative Assembly' substitute the word 'Legislature'.

(ii) omit the words 'within fourteen days on which the House actually sits'.

(iii) for the words 'or in more than one session', substitute the words 'or' in the next session'."

This amendment is in accordance with the recommendations of the Committee on Subordinate Legislation. I want that for the words 'Legislative Assembly' the word 'Legislature' be substituted. This will be on the model of the Acts passed by the Central Legislature. There both Houses get seized of the draft rules and have opportunities for scrutinising them. I want that the words 'within fourteen days on which the House actually sits' be omitted. I also want that for the words 'or in more than one session' the words 'or in the next session' be substituted, because it would simplify matters. For these purposes, I move my amendments.

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

12-40 p.m. THE HON. SRI C. SUBRAMANIAM: Sir, as far as the principle of this House also having the power to make amendments to the rules is concerned, I accept the amendment in item (i). As regards the amendment to *substitute* the words 'or in the next session' for the words 'or in more than one session', I may say that in the 'next session' we may sit for a few days and disperse. That is why the words 'or in more than one session' are used. I accept the second amendment of the hon. Member and not the first one.

The amendment to sub-clause (2) was, by leave, withdrawn.

MR. CHAIRMAN: I shall put the other amendment of the hon. Member to the vote of the House. The question is—

"In sub-clause (4)—

(i) for the words 'Legislative Assembly', *substitute* the word 'Legislature'.

(ii) *omit* the words 'within fourteen days on which the House actually sits'.

(iii) for the words 'or in more than one session *substitute* the words 'or in the next session'.

The amendment was put and carried.

Clause 179, as amended, was put and carried.

Clause 180.

MR. CHAIRMAN: The motion is—

"That clause 180 do stand part of the Bill."

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

"In sub-clause (2), for the word 'levied', *substitute* the word 'imposed'."

SRI M. ETHIRAJALU: I second the amendment, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sub-clause (2) says that any person who commits a breach of a by-law shall be liable to pay by way of penalty a certain sum. It also says 'such penalty in case of continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.' The question will arise as to what is meant by 'continuing breach' and from which date it will be reckoned. The wording used here may mean only imposing or it may also mean collection. Now, will this 'continuing breach' be taken into consideration after the imposition of the penalty or after the collection of the penalty? Evidently, what the Government mean is that it will be taken into account after the imposition. Anyway, to make the position clear and to remove the present

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ambiguity that is found in the wording, I have moved my amendment for the substitution of the word 'imposed' for the word 'levied'. I hope it will be accepted.

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

The amendment was, by leave, withdrawn.

Clause 180 was put and carried.

Clauses 181 and 182 were put and carried.

Clause 183.

MR. CHAIRMAN: The motion is—

"That clause 183 do stand part of the Bill."

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

"In clause 183, *omit* the second proviso."

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

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

MR. CHAIRMAN: The question is—

"In clause 183, *omit* the second proviso."

The amendment was put and carried.

Clause 183, as amended, was put and carried.

Clauses 184 to 187 were put and carried.

Clause 188.

MR. CHAIRMAN: The motion is—

"That clause 188 do stand part of the Bill."

SRI K. BALASUBRAMANYA AYYAR: Sir, I have given notice of the following amendment:—

"In sub-clause (3), *omit* the words 'the date so fixed shall not be later than the 31st day of December'."

I am unable to understand sub-clause (3) as it is not very clear.

THE HON. SRI C. SUBRAMANIAM: Let the hon. Member kindly go through the amendment that I am now going to move. Then, he will agree that the language of the sub-clause is made clear.

Sir, I move the following amendment:—

"In clause 188, sub-clause (3), *omit* the second and third sentences."

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In view of this, I think Mr. Balasubramanya Ayyar need not move his amendment.

SRI K. BALASUBRAMANYA AYYAR: Then, it will be all right. I am not moving my amendment.

MR. CHAIRMAN: The question is—

“In clause 188, sub-clause (3), omit the second and third sentences.”

The amendment was put and carried.

Clause 188, as amended, was put and carried.

Clauses 189 and 190 were put and carried.

Clause 191.

MR. CHAIRMAN: The motion is—

“That clause 191 do stand part of the Bill.”

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

“In clause 191 (ii)—

(1) for the words ‘to the court of the village munsif appointed under section 7 of the said Act’, substitute the words ‘to such village courts as may be specially constituted’.

(2) for the words ‘or the said court of the village munsif’, substitute the words ‘or the said village court’.”

The amendments were duly seconded.

* SRI T. PURUSHOTHAM: Sir, I am anxious that when the panchayats are relieved of the work of the panchayat court, the power should not go into the hands of the village munsifs. The power had been taken away from the village munsifs and now when the panchayats are relieved of the work, I am anxious that the Government should immediately constitute Special Committees or village courts, even if it be by nomination, as I said during the general discussion on this Bill, till the constitution of new panchayat courts. There is no harm, I think, in the panchayats continuing to function as panchayat courts as at present, till the constitution of new panchayat courts under the Madras Village Courts Act, 1888.

THE HON. SRI C. SUBRAMANIAM: Sir, this is a matter to be decided under the Madras Village Courts Act, 1888, whether they should be nominated or elected or how the courts should be constituted. As it is, if a court has been constituted under the Madras Village Courts Act, then the village courts will function.

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If not, it will go to the village munsif's court which is also provided for under section 7 of the said Act. If the hon. Member wants that the village munsif's court should not be there, I wish to point out to him that we have to take action under the existing provisions relating to civil courts. So, we have to take action under the other Act and for this purpose no amendment as suggested by the hon. Member is necessary in this Bill.

SRI T. PURUSHOTHAM: I do not press my amendments, Sir.

The amendments were, by leave, withdrawn.

Clause 191 was put and carried.

Clauses 192 to 197 were put and carried.

Clause 198.

MR. CHAIRMAN: The motion is—

“That clause 198 do stand part of the Bill.”

I think Sri Balasubramanya Ayyar has given notice of an amendment to this clause.

THE HON. SRI C. SUBRAMANIAM: Sir, he need not move that amendment. I move an amendment, as Government amendment, in terms of the amendment that we have accepted to clause 179.

“In sub-clause (2)—

(i) for the words ‘Legislative Assembly’, substitute the word ‘Legislature’.

(ii) omit the words ‘within fourteen days on which the House actually sits’.

(iii) for the words ‘or in more than one session’, substitute the words ‘or in the next session’.”

MR. CHAIRMAN: The question is—

“In sub-clause (2)—

(i) for the words ‘Legislative Assembly’, substitute the word ‘Legislature’.

(ii) omit the words ‘within fourteen days on which the House actually sits’.

(iii) for the words ‘or in more than one session’ substitute the words ‘or in the next session’.”

The amendment was put and carried.

Clause 198, as amended, was put and carried.

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Schedules I to III.

MR. CHAIRMAN : The motion is—

“ That Schedules I to III do stand part of the Bill.”

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I have got a doubt. In Schedule I, we find the terms ‘ terraced ’, ‘ party, terraced and partly tiled or thatched ’, ‘ tiled ’, ‘ partly tiled and partly thatched ’, and ‘ thatched ’. There are ‘ tents ’ and certain other structures. What about those covered by condemned tins, kerosene tins? Such things do not come under this head. Will they not be taken into consideration for the purpose of tax or have they been omitted by inadvertence or purposely?

THE HON. SRI C. SUBRAMANIAM : They would come under any one of these. ‘ Covered by tin ’ means ‘ tiled ’. So, it is not necessary separately to provide for it.

Schedules I to III were put and carried.

Schedule IV.

MR. CHAIRMAN : The motion is—

“ That Schedule IV do stand part of the Bill.”

THE HON. SRI C. SUBRAMANIAM : Sir, I move Dr. Chidambaramanathan’s amendment which is as follows as Government amendment :—

“ In rule 11 (3) for the words ‘ shall continue to do so until his employment in the panchayat union council is terminated or until his remuneration, terms and conditions are duly altered by the panchayat union council ’, *substitute* the words ‘ shall continue to do so until he ceases to be in the employment of the panchayat union council ’.”

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

“ In rule 13, *omit* the words ‘ or library ’.”

“ For rule 15, *substitute* the following :—

‘ 15. All libraries, together with the books, furniture and other assets appertaining thereto maintained immediately before the said date by any panchayat or district board shall with effect on and from the said date stand transferred to and be maintained by Local Library Authority concerned ’.”

The amendments were duly seconded.

THE HON. SRI C. SUBRAMANIAM : I am accepting the first amendment moved by the hon. Member Mr. Purushotham. As far as the second amendment is concerned, the library does not vest in the Local Library Authority now. It should immediately either

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vest in the panchayat or the panchayat union council. After that, the Local Library Authority may come into the picture. Immediately, it cannot be done.

SRI T. PURUSHOTHAM : I withdraw my second amendment relating to rule 15.

The amendment to rule 15 was, by leave, withdrawn.

MR. CHAIRMAN : I shall put the two amendments accepted by the Government to vote. The question is—

“ In rule 11 (3) for the words ‘ shall continue to do so until his employment in the panchayat union council is terminated or until his remuneration, terms and conditions are duly altered by the panchayat union council ’, *substitute* the words ‘ shall continue to do so until he ceases to be in the employment of the panchayat union council ’.”

The amendment was put and carried.

MR. CHAIRMAN : Now, I shall put Mr. Purushotham’s first amendment to vote. The question is—

“ In rule 13, *omit* the words ‘ or library ’.”

The amendment was put and carried.

THE HON. SRI C. SUBRAMANIAM : Sir, I have got another amendment and I move it which runs as follows :—

“ In rule 26, *omit* the words ‘ or of any of the Acts amended by this Act ’ and for the word ‘ order ’, *substitute* ‘ notification ’.”

MR. CHAIRMAN : The question is—

“ In rule 26, *omit* the words ‘ or of any of the Acts amended by this Act ’ and for the word ‘ order ’, *substitute* ‘ notification ’.”

The amendment was put and carried.

Schedule IV, as amended, was put and carried.

Clause 1.

MR. CHAIRMAN : The motion is—

“ That clause 1 do stand part of the Bill.”

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

“ In clause 1, for sub-clause (3), *substitute* the following :—

‘ (3) It shall come into force on such date, not being later than the 2nd day of October 1961, as the Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act or for different areas ’.”

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Mr. CHAIRMAN : The question is—

“ In clause 1, for sub-clause (3), substitute the following :—

‘ (3) It shall come into force on such date, not being later than the 2nd day of October 1961, as the Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act or for different areas ’.”

The amendment was put and carried.

Clause 1, as amended, was put and carried.

Preamble.

Mr. CHAIRMAN : The motion is—

“ That the Preamble do stand part of the Bill.”

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

“ In paragraph 1 of the Preamble, delete the words ‘ and that the growth of population should be brought under control ’.”

“ In paragraph 2 of the Preamble, for the words ‘ to secure these two national purposes ’, substitute the words ‘ to secure the above purpose ’.”

Sir, the Preamble includes ‘ control of the growth of population ’. It is a serious problem to be tackled not by laymen who would be in the panchayat unions. It is a problem that has got to be tackled at the All-India level or at the State level. Experts alone can handle that problem. The Government have taken the administration of hospitals into their own hands and experts in the field of population control will not be available to the panchayats. Again, the term has got a dangerous import in it. ‘ Control of the growth of population ’ has got a preventive side as well as a destructive side. We may try to prevent the increase of population by adopting birth control and family planning schemes or we may even go to the extent of preventing marriages. (The Hon. Sri C. Subramaniam : Not merely marriages!) (Laughter). There is also the other thing. When one child is born, you may do away with an adult or an old, aged man for the purpose of controlling the growth of population. You may adopt that method. The expression ‘ control of the growth of population ’ is dubious and dangerous. Since it is not a matter which can be handled by inexperienced people found in the panchayat areas, it should not be included in the objectives mentioned in the Preamble. Consequently, I suggest the omission also of the expression ‘ to secure these two national purposes ’ in paragraph 2.

SRI K. BALASUBRAMANYA AYYAR : I second the amendments. I wish to add that I am not referring to the danger and all that that were mentioned by the hon. Member Mr. Krishnaswamy.

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Ayyangar. It is unnecessary to have the expression here because no reference to it has been made in any of the clauses in the Bill or in the Statement of Objects and Reasons. Family planning powers have not been given to the panchayats and so, it is not necessary except as a general statement that population has increased, that the food problem has become acute and that the question of increase in population should be tackled, so that food could be made available for a lesser population. So far as the question of control of population for the purpose of solving the food problem is concerned, it is necessary to control it. But I went through the whole Bill very carefully and there is no reference to family planning or any such measures anywhere.

SRI P. S. KRISHNASWAMY AYYANGAR : There is a passing reference in clause 65.

THE HON. SRI C. SUBRAMANIAM : It is a positive reference.

SRI K. BALASUBRAMANYA AYYAR : Even that, as he says, should not be entrusted to the panchayat. It is a question to be tackled by the whole State and the Indian Union. Suppose two or three or four villages are overpopulated. That will not affect the country. If population increases by, say, five millions in the country, then it is a problem.

THE HON. SRI C. SUBRAMANIAM : As my hon. Friend Mr. Krishnaswamy Ayyangar has already stated, there is reference to this subject in clause 65. It refers to establishment and maintenance of maternity and child welfare centres including maintenance of Thai service and offering advice on family planning. It might be stated that it is a passing reference. On the other hand, it is a positive reference and this fact should be borne in mind by everybody. Therefore, lest this mistake should arise that once in a way there is some reference to family planning, we have made a positive mention about it. We are serious about it. The nation as a whole should become aware of this problem of population. Leave alone the methods. We may adopt the Gandhian method of self-restraint. But the nation should become aware of the dangers of an increasing population. Whatever developmental activities we may undertake will be of no avail unless we are able to control the growth of population. There is no question of any rise in the standard of life of our people to any considerable extent, if there is this race between increase of population and increase in national wealth. We have to overtake the pace of growth of population. Therefore, this aspect has got to be borne in mind not only on this occasion but on every occasion. People should become aware of the problem not only in urban areas but in rural parts as well. As the hon. Member Mr. Balasubramanya Ayyar has stated, there is no use of trying to control it in one sector only. The nation as a whole should try to tackle it. The idea should pervade the rural areas also. So, this Preamble has been purposely worded like this and, therefore, I would request hon. Members to accept it as it is, even though

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some might feel that it is unnecessary. It is quite essential and has to be kept in mind always. Certainly we are not going, in our fanciful imagination, to say that for every child born, one adult should be killed. In any case, in India it will not happen. There will be no such thing as killing and there need not be any such fear that we will resort to killing. It only refers to control of growth of population and not destroying it.

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

The amendments were, by leave, withdrawn.

The Preamble was put and carried.

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

“ That the Madras Panchayats Bill, 1958 (L.A. Bill No. 33 of 1958), as passed by the Legislative Assembly and as amended, be passed.”

We may have the third reading in the afternoon.

MR. CHAIRMAN : Motion moved—

“ That the Madras Panchayats Bill, 1958 (L.A. Bill No. 33 of 1958), as passed by the Legislative Assembly and as amended, be passed.”

Discussion on this motion will commence in the afternoon.

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

The House then rose.

(After lunch—3 p.m.)

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, in the last six years that I have been here, this Bill, I consider, is the mammoth Bill with nearly 200 clauses and we are placing it on the legislative anvil with a great deal of responsibility on our part. I cannot but express our grateful and sincere thanks for the way in which the Hon. the Minister for Finance in charge of the Bill has got it through in both the Houses. He has been very considerate and he has been anxious to consider the viewpoints of all Members to whichever party they may belong. In this House, especially, he has made history so far as this Bill is concerned. Many amendments which we could never hope would be accepted, were accepted by him in a spirit of adjustment and with a proper approach to the way in which the Bill ought to be finally shaped, so that the great experiment we are making in the realisation of democratic ideals might succeed. That is his sincere object. I think we have done well in placing this Bill on the legislative anvil, in spite of the fact that extreme views have been expressed.

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They have been expressed, I think, for the sake of administering caution and showing the way in which we ought to implement the provisions of this Bill.

• In fact, Sir, I looked into all the clauses. Many of the clauses are giving large powers to the Inspector and the hierarchy of officials appointed by the Government. They can remove the chairman, the vice-chairman, the president or the vice-president; they could alter, add or rescind any regulations passed. But for the acceptance of the amendment which the hon. Member Dr. Chidambaramanathan moved, it would have been like this that they could even strike them off completely. So far as the executive officer and the people working under him are concerned, he could dismiss, remove or do anything with them. So many powers have been given to the executive authority. As the Hon. Minister said, it may be a safeguard against abuse of power either by the panchayat or by the panchayat union council. Anyhow, as the Hon. Minister himself said, we have a middle path. I hope and trust that the Government would instruct their officers to see that they co-operate with the panchayat and the panchayat union council and that the local self-government works there rather than impose their strict opinion or deal with them harshly, sometimes even unjustly. Therefore, it is a great responsibility on the Government to see that proper instructions are given to the numerous officers.

So far as the Inspector is concerned, along with the Commissioner, there are most important officers under his control—I think they are given even much greater power than the Commissioner of the Hindu Religious Endowments—with 20,000 panchayats and 350 odd panchayat unions composed of very distinguished people, sometimes leaders of the villages and union areas. Therefore, these officers have got a very great responsibility. I hope and trust that they would appoint proper men, men of high calibre and rank among their officials, as Inspectors. I suggest that a Member of the Board of Revenue might be thought of for this post. He is the proper person I can think of. I have found that the Members of the Board of Revenue are the most experienced persons. They take a sober view of things. That was why, I think, even for the Mudukulathur enquiry, a Member of the Board of Revenue was deputed. They are men with twenty, thirty or thirty-five years of experience in official life and in dealing with a number of bodies composed of non-officials. They are the proper persons to be entrusted with these powers which are to be entrusted to the Inspector.

I hope and trust that the Government in the rules to be framed will adopt some of the views expressed here. One amendment moved by the hon. Member Sri Gajapathy Nayagar related to the right of appeal. That should not be in the rules; rather it should be in the Act itself. I hope and trust that it will find a place at least in the rules.

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As for access to papers and records, it is a very important privilege of the members. That provision should be enforced very carefully. I think some of these sections have to be very carefully enforced, though their existence is justified to some extent, so that they may be safeguards against any possible abuse of power. As it often happens, some of these factions and feuds in the elections, far from being within bounds, increase largely. Even unanimity sometimes makes these things go underground for a time, but after some time, they crop up. Therefore it is that we feel that some of these powers may be necessary. That was what the Hon. Minister said. To some extent, I also agree with him. But officers chosen should be men of status so that they may deal with their servants and other people in a way which will contribute to success of democracy in our country. There are these officers not merely to act as police officers or to use their powers harshly. If they only co-operate with the leaders of the areas in which they are in charge of affairs of the panchayat and the panchayat union council and if they only work in a co-operative spirit, I am sure, this experiment of ours will succeed. As the Hon. Minister said—I also join with him—one of the sober and sedate people are the Tamil people and I hope that they will give a good account of themselves in this matter as they have done in many matters. I hope and trust that we will succeed and that it will be an example to all the other States also, and in this let me congratulate the Hon. Minister on the great and notable part which he has played. Thank you, Mr. Chairman.

* DR. MAHOMED USMAN : Mr. Chairman, Sir, please permit me to speak sitting. I should like to take this opportunity to express my views in a brief manner. I should like to give my wholehearted support to this Bill. As has been said by the Hon. the Finance Minister, it is a *via media* between the two extreme views expressed in this House. Whether it is so or not, one thing is certain and that is that it is a great advance, a step forward in the art of self-Government. This Bill, I am sure, if worked in the proper manner, will be of great benefit to the people. For the first time in the history of village panchayats, people must feel that they are called upon to govern themselves. Our idea should be government of the people, by the people, for the people and I am sure if the panchayats would only realise that today we are laying the foundation of such a democracy, they will work in the proper manner. Of course, there are all these dangers of political differences and party differences. In spite of that, I think they should feel that they all should work together for the common good of the people. Now that Ministers and hon. Members of this House also are going about visiting various villages, wherever they go to their constituencies or elsewhere, they must meet the members of the panchayat and tell them that in spite of political differences, they should all work together for the common good of the people. Of course, we cannot sever politics. In the Madras Corporation there is politics; there is the Congress Municipal Party, there is the

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Socialist Party, there is the United Municipal Party and so on and so forth. In every municipal council, there are parties and elections are run on party lines. Therefore, we cannot say that in the panchayats alone politics should be excluded. There will be politics and in spite of factions and politics, we must bring home to them the idea that they all should work for the common good of the people. Hon. Ministers and hon. Members of this Legislature have got a special duty to co-operate with the Government and with the panchayats to see that they work in the proper manner. I, therefore, give my wholehearted support to this Bill. It will be a blessing to the people.

I cannot allow this occasion to pass without expressing our congratulations and thanks to the Hon. the Finance Minister for the admirable way in which he has piloted this Bill. The subject is not within his portfolio. All the same, he has come to the House thoroughly prepared with a thorough knowledge of the subject he is dealing with.

Besides this, he has made history in this House when he has, for the first time, told us that he will accept all reasonable amendments and will go to the other House and induce it to accept our amendments. I think it is a tremendous advance that this House has made, after the Hon. Mr. Subramaniam has accepted so many amendments and, I am sure that it will be the rule in future in this House. I think, this House—I may be pardoned if I say so—has many expert Members, legal luminaries and so on and so forth. And when they bring to the notice of the Government special points or special amendments to improve the Bill, I think, the Government must accept them and they should not be afraid of going to the other House and making it accept them. The Hon. Mr. Subramaniam has set a very good example and I thank him and congratulate him on that account. I give my wholehearted support to this Bill which is going to be of tremendous advantage to the people of this country in the art of the Government of the people, for the people and by the people.

SRI K. T. KOSALRAM : சேர்மன் அவர்களே, இந்த மசோதாவை இங்கு கொண்டுவருவதின் மூலம் ஜனநாயகத்தில் காங்கிரஸ்காரர்களுக்கு நம்பிக்கையிருக்கிறது என்பதை நமது நிதியமைச்சர் கனம் ஸ்ரீ சுப்பிரமணியம் அவர்கள் இங்கே ஓரளவிற்கு எடுத்துக்காட்டினார்கள். அதற்காக நாம் அவரைப் பாராட்டக் கடமைப்பட்டுள்ளோம். மஹாத்மா காந்தியடிகள் நாம் அவரைப் பாராட்டக் கடமைப்பட்டுள்ளோம். மஹாத்மா காந்தியடிகள் கிராம ராஜ்யம் வேண்டும், கிராம ராஜ்யம் வேண்டுமென்று சொன்னார்கள். அவரைப் பின்பற்றி, இந்தத் தேசத்தின் ஒப்பற்ற தலைவராக, ஜனநாயகத்தின் சின்னமாக, விளங்கும் பண்டித ஜவஹர்லால் நேரு அவர்களின் தலைமையின் கீழ் இயங்குகிற அரசாங்கம் இத்தகைய சட்டத்தைக் கொண்டு வந்துதான் தீரும். நமது அன்புக்குரிய கனம் அங்கத்தினர் ஸ்ரீ பி. டி. ராஜன் அவர்களைப் போன்றவர்கள் எப்பொழுதும் அபிப்பிராயபேதம் கொண்டவர்களாகத்தான் இருப்பார்கள். இந்த நாட்டில் அப்படி இருக்கத்தான் செய்கிறார்கள். அங்ஙனம், அபிப்பிராய பேதம் கொண்டவர்கள் இருந்தாலும், ஜனநாயகத்தில் நம்பிக்கை கொண்ட காங்கிரஸ்காரர்கள் இந்தச் சட்டம் மட்டுமல்ல, இன்னும் இதைவிட புரட்சிகரமான சட்டங்களை

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p.m.

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ஜனநாயகம் இந்த நாட்டில் நிலைத்திருக்கவேண்டிய எல்லா சட்டங்களையும் கொண்டுவருவது அவர்களின் கடமையாகும். அதை நண்பர்கள் மூலம் சப்பிரமணியம் அவர்கள் ஓரளவிற்குச் செய்திருக்கிறார்கள் என்றுதான் சொன்னேன். இந்தச் சட்டத்தைப்பற்றி வாதிக்கும்போது இச்சபையில் தனிப்பட்ட முறையில் ஸ்ரீ பி. டி. ராஜன் அவர்களோ, கணம் ஸ்ரீ லி. சப்பிரமணியம் அவர்களோ அல்லது கோசல்ராமோ இருப்பதாக நினைப்பது தவறு என்பதுதான் என் அபிப்பிராயம். எனது அனுபவத்தைப் பற்றி நான் சொல்லும்போது, இந்த சபையில் உள்ள ஒரு அங்கத்தினன் என்ற முறையில், நான் நினைப்பதைச் சொல்வதற்குள்ள அரிமை எனக்கு உண்டு. இச்சபை அதற்காகத்தான் இருக்கிறது. ஆகவே, இந்த சபையில் சொல்லவதைச் சொந்த விவகாரமாக, சொந்தக் காரியமாக ஆக்கிக்கொண்டதில் எனக்கு மிகுந்த வருத்தம் உண்டு. சொந்த விவகாரம்போல் பாவித்துக்கொண்டு, அதைப் பிரமாதப்படுத்தி, “இன் டெலிஜென்டாக” இருந்தால், அங்கத்தினராக வரலாமே என்று சொல்லியிருக்கவேண்டாம். வயதிலும் எல்லாவற்றிலும் பெரியவராக இருக்கும் டாக்டர் உஸ்மான் அவர்களும் இப்பொழுது நான் சொன்னதை ஒத்துக்கொண்டிருக்கிறார்கள். கிராமங்களை எடுத்துக்கொண்டால், அங்கு காங்கிரஸ் கட்சி இருக்கிறது, கம்யூனிஸ்ட் கட்சி இருக்கிறது, திராவிட முன்னேற்றக் கழகம் அல்லது அரசியலில் தொடர்புள்ள ஏதாவது ஒரு கழகமும் இருக்கின்றது. அவன் இந்தக் கட்சியைச் சார்ந்தவன், இவன் அந்தக் கட்சியைச் சார்ந்தவன் என்று கிராமத்திலுள்ள ஒவ்வொரு வரையும் பிரித்துச் சொல்லிவிடலாம். ஆகவேதான், மனிதன் என்றால், ஏதாவது ஒரு கட்சியில் பிணைக்கப்பட்டுத்தான் இருக்கிறான் என்பதை டாக்டர் உஸ்மான் அவர்கள் சுருக்கமாகச் சொன்னார்கள். இது மறுக்க முடியாத உண்மை. இதை “partly true and partly untrue” என்று கணம் ஸ்ரீ சப்பிரமணியம் அவர்கள் சொல்லலாம். உண்மை. ஒரு மனிதனும் கட்சிக்கு அப்பாற்பட்டவன் இல்லை. அப்படி ஒருவரையும் சொல்ல முடியாது. எல்லாக் கட்சியில் உள்ளவர்களும் தங்கள் கட்சி செல்வாக்குப்பெற வேண்டுமென்றுதான் விரும்புவார்கள். முனிசிபாலிட்டிகளுக்குக் கொள்கை கிடையாது. கார்ப்பரேஷனுக்குக் கொள்கை கிடையாது. அவர்களுக்கு “பாலிஸி” என்று ஒன்று இருக்க முடியாது. சட்டசபை அல்லது பாராளுமன்றத்திற்கு இருக்கிற கொள்கைகள் அவைகளுக்குக் கிடையாது. இருந்தாலும் அங்கு கட்சிகள் இருக்கின்றன. அதேபோல்தான் கிராமங்களிலும் கட்சிகள் இருக்கின்றன. அதைப்பற்றி நான் கூடுதலாக ஒன்றும் இங்கு கூற விரும்பவில்லை. அதைச் சொந்த விவகாரமாக எடுத்துக் கொண்டிருக்கவேண்டாம் என்பதுதான் என் அபிப்பிராயம்.

அடுத்தபடியாக, அம்மையார் அவர்கள் “பல பஞ்சாயத்துக்களிலும் போட்டியில்லாமலேயே பல பேர் தேர்ந்தெடுக்கப்பட்டிருக்கிறார்கள்” என்று படித்தார்கள். நிதியமைச்சர் அவர்கள் இதை விசாரித்துப் புரிந்து கொள்ளவேண்டும். போட்டியின்றித் தேர்தல்கள் நடந்திருப்பதாகத் தகவல்கள் வருகின்றன. சில தேர்தல்கள் எப்படி நடந்திருக்கின்றன என்று பார்த்தால் தெரியும். அதாவது, 10-30 மணிக்குத் தேர்தல் அதிகாரி இங்கிருந்து போகிறார். “நாமினேஷன்” கொண்டு வாருங்கள் என்று கேட்கிறார். அவர் அங்கு போவதற்கு முன்னாலேயே இன்னார் இன்னாரை மெம்பர்களாகப் போடவேண்டுமென்று ஏற்பாடுகள் நடந்தாகி விடுகின்றன. 10-30 மணிக்குச் சென்று “form”-களைக் கொடுத்துவிட்டு, உடனே அவைகளைப் பூர்த்தி செய்துகொண்டு வரும்படி, அதாவது “நாமினேஷன் பேப்பர்” கொடுக்கும்படி கேட்கிறார். “form”-களைப் பூர்த்தி செய்வதில் கிராம மக்களுக்குப் பரிபூரண பயிற்சி கிடையாது. ஒரு சிறிய தவறு செய்தாலும், அந்த நாமினேஷனை “ரிஜெக்டெட்” என்று சொல்லிவிட்டு, அவர் யார் தேர்ந்தெடுக்கப்படவேண்டுமென்று விரும்புகிறாரோ அவர் தேர்ந்தெடுக்கப்பட்டுவிட்டதாக அறிவித்துவிட்டு, “யுனினிம்ஸ் எலெக்ஷன்” என்று ரிப்போர்ட் வருகிறது. திருநெல்வேலி முன்வழி கோர்ட்டில் ஐந்தாறு எலெக்ஷன் கேஸ்கள் போட்டிருக்கிறார்கள்.

4th November 1958] [Sri K. T. Kosalram]

நடந்தது “யுனினிம்ஸ் எலெக்ஷன்” அல்ல; நடந்திருப்பதெல்லாம் சர்வாதிகார எலெக்ஷன்தான். அதிகாரிகளின் சர்வாதிகார எலெக்ஷன்தான் நடந்திருக்கிறது என்று தேர்தல் கோர்ட்டில் எலெக்ஷன் பெடிஷன் போட்டிருக்கிறார்கள்; அதிகாரிகளுக்கு அதிகாரங்கள் அதிகமாகக் கொடுக்கப்பட்டிருக்கின்றன என்பதைக் கணம் அங்கத்தினர் ஸ்ரீ பாலசப்பிரமணிய ஐயர் அவர்கள் சர்க்காருக்கு “அப்பீலிங்”-ஆய் எடுத்துச் சொன்னார்கள். அதிகாரிகளுக்கு ஏராளமான அதிகாரங்கள் கொடுக்கப்பட்டிருக்கின்றன. நான் ஏற்கனவே சொல்லியிருப்பது போல், ஜனநாயகம் வளர்ச்சியடைய வேண்டுமென்றால், ஓரளவு இம்மாதிரித் தடங்கலும், ஓரளவு முன்னாக்குப் போவதும், இப்படி இரண்டும் இருக்க வேண்டுமென்பதை நான் ஒத்துக்கொள்கிறேன். அதிகாரங்கள் அத்தனை யையும் இந்த ஸ்தாபனங்களிடம் கொடுத்துவிட வேண்டுமென்று சொல்லக் கூடியவன் அல்ல நான். அதிகாரம் பொது மக்களிடம் இருக்கவேண்டும். அது படிப்படியாகக் கொடுக்கப்பட வேண்டும். நான் சொல்கிறேன். இந்த மசோதா “பாஸ்” ஆன பிறகும், இன்னும் எத்தனை எத்தனையோ “அமென்ட்மென்ட்”-கள் அதற்குக் கொண்டு வரத்தான் வேண்டியிருக்கும். இந்தச் சட்டத்திற்கு இனியும் எவ்வளவோ திருத்தங்களை நீங்கள் இந்த சபையிலும் சரி, அந்த சபையிலும் சரி நிச்சயமாகக் கொண்டுவரத்தான் போகிறீர்கள். ஜனநாயகம் வளர்ச்சி அடைய வேண்டுமென்றால் நிச்சயம் ஏராளமாகத் திருத்தம் வரத்தான் வேண்டும். இதில் அரசாங்கம் மிக ஜாக்கிரதையாக இருக்கவேண்டும். அதிகாரிகளுக்கு ஏராளமாக அதிகாரங்கள் கொடுக்கப்பட்டிருக்கின்றன. அந்த அதிகாரங்கள் துஷ்பிரயோகம் செய்யப்படுகின்றனவா இல்லையா என்பதைக் கண்காணித்து வரவேண்டும்.

ஊருக்கு ஊர் தாங்கள்தான் “சேர்மென்ட்”-ஆக வர ஆசைப்படுகிறார்கள். 3-20
500 பேரை வைத்துக்கொண்டு, தான் ஒரு தலைவராக வந்துவிடலாம் என்று பலர் எண்ணுகிறார்கள். இதனால் பெரிய கஷ்டங்கள்தான் ஏற்படும். இது பெரிய ஆபத்தானதும் கூட. குறைந்த வருமானத்தை வைத்துக்கொண்டு, ஒவ்வொரு சிறிய பஞ்சாயதத்தையும் நிர்வகிக்கவேண்டும் என்று சொன்னால், அது மிகவும் கஷ்டமான காரியம். அவ்விதம் ஏற்பட்டால் பஞ்சாயத்து என்கிற பெயரே இல்லாமல் போய்விடும். கூடுமான வரையில் பல யூனிட்களைச் சேர்த்து, ஒரு நிர்வாக அதிகாரியின் கீழ் அமைப்பதுதான் ஜனநாயகம் வளர்ச்சியடைவதற்கு சரியான வழியாகும். 500 பேர்கள் இருக்கக்கூடிய ஒரு கிராமத்திற்கு ஒரு பஞ்சாயத்து வேண்டுமென்றால், அது சரியான முறையாகாது. ஏனென்றால், ஒரு குடும்பத்திற்கே 500 பேர்கள் இருப்பார்கள். எனது சொந்த கிராமத்தில் பத்தாயிரம் பேர்கள் இருக்கிறார்கள். இவர்கள் எல்லாம் நாலெந்து குடும்பங்களைச் சேர்ந்தவர்கள்தான். இதற்கு மாதிரம் தனியாகப் பஞ்சாயத்து என்றிருந்தால், அந்த இடத்தில் மைனாரிட்டியாக இருக்கக்கூடியவர்கள் சரியான முறையில் வாழ முடியாது. ஆகவே, சிறிது சிறிதாகப் பிரிக்காமல் இருப்பதுதான் நல்லது. ஏதோ நம் நாட்டில் எப்போதும் பிரிவினை சக்திகள் இருந்துகொண்டே இருக்கின்றன. அந்த சக்தி இங்கும் இருக்கக் கூடாது என்பதுதான் என் ஆசை.

இந்த மசோதாவைக் கொண்டுவந்ததற்காக அமைச்சர் அவர்களை நாம் பாராட்டக் கடமைப்பட்டிருக்கிறோம். இதில் ஒரு விஷயம் என்ன வென்றால், கிராம அதிகாரிகளுடைய போக்கைப்பற்றி எல்லோரும் அறிந்திருக்கிறார்கள். இன்று இருக்கின்ற அவர்களுடைய அதிகார அமைப்பை மாற்றியமைக்கவேண்டும் என்று யோசிக்கப்படுவதாகிறது என்று நான் அறிகிறேன். நமது ரெவின்யூ அமைச்சர் அவர்களை இதைப்பற்றிப் பல தடவை கூறியிருக்கிறார்கள். இம்மாதிரிப்பட்டவர்களின் கையில் சிவில் அதிகாரத்தையும் கிரிமினல் அதிகாரத்தையும் கொடுத்திருக்கிறோம்.

SRI MOHAMED RAZA KHAN : We are in the third reading stage of the Bill.

[4th November 1958]

SRI K. T. KOSALRAM : Yes, I am only requesting the Government . . .

MR. CHAIRMAN : As was pointed out, this is the third reading stage of the Bill. The hon. Member is making a speech as though we were in the first reading stage.

SRI K. T. KOSALRAM : I am only requesting the Government, pointing out the defects, that they should be examined carefully and then powers given to the officers to administer these bodies.

MR. CHAIRMAN : All that should be spoken during the first reading stage.

SRI K. T. KOSALRAM : I am only making a request to the Government that these should be carefully examined. இந்த நிலைமையில் ஜனநாயகம் இன்னும் வளர்ச்சியடைகின்ற முறையில் படிப்படியாக இன்னும் பல சீர்திருத்தங்களைக் கொண்டு வரவேண்டும். இந்த நாட்டில் ஒருக்காலும் மார்க்ஷல் அதிகாரமோ, சர்வாதிகாரமோ வரப் போவதில்லை. ஜனநாயகம்தான் நிலைத்து நிற்கப்போகிறது என்பதைத் தெரிவித்துக்கொண்டு, இந்த மசோதாவில் பல திருத்தங்களையும் ஒப்புக் கொண்ட நிதி அமைச்சர் அவர்களையும் பாராட்டிக்கொண்டு முடித்துக் கொள்கிறேன்.

THE HON. SRI C. SUBRAMANIAM : I should think that the speeches at this stage should come from the other side rather than from our own side.

SRI B. K. NALLASWAMI : I think, Sir, everyone has to express himself on such an important measure as this.

MR. CHAIRMAN : But it is not usual to make such speeches during the third reading stage of the Bill.

* SRI B. K. NALLASWAMI : தலைவர் அவர்களே, சட்ட நுணுக்கங்களைப்பற்றியோ அல்லது "கிளாஸ்"-களைப்பற்றியோ நான் இப்போது பேச முன்வரவில்லை. ஆனால், இனி வருக்கப்படப்போகும் விதிகளில் சில விஷயங்களைப் புகுத்தவேண்டும் என்பதற்காக ஒரு சில ஆலோசனைகளைச் சொல்ல விரும்புகிறேன். இப்போது பஞ்சாயத்துக்களிலிருந்து கிடைக்கும் வார சந்தை வருமானத்தை அவர்களுக்குத் திருப்பிக் கொடுக்கின்ற விஷயத்தில் பாரபக்ஷம் இருந்து வருகின்றது. சில பஞ்சாயத்துக்களுக்கு ஏராளமான தொகை இதிலிருந்து கிடைக்கிறது. சில பஞ்சாயத்துக்களில் சரியான விதத்தில் வருமானம் வருவதில்லை. ஆகவே, இந்த வருமானத்தை அந்தப் பஞ்சாயத்துகளின் ஜனத்தொகை அடிப்படையில் கொடுக்கவேண்டும் அல்லது பிற்பட்டு இருக்கக்கூடிய கிராமங்கள், முற்போக்கான கிராமங்கள் என்ற பாகுபாட்டின் அடிப்படையிலும் ஜனத்தொகை அடிப்படையிலும் பிரித்துக் கொடுத்தால் கிராமத்தில் இருக்கும் பஞ்சாயத்துகள் நன்றாக வேலை செய்ய நீதி கிடைக்கும். சில கிராமங்களில் வார சந்தைகளுக்கு வருகின்றவர்கள் வேறு பஞ்சாயத்துக்களிலுள்ளவர்களாக இருக்கலாம். அவர்களிடமிருந்து வருமானம் கிடைக்கின்றது. இவ்விதம் பல பஞ்சாயத்துக்களிலிருந்து வருகின்றவர்களும் பணம் கொடுக்கிறார்கள். ஆகவே, எல்லா பஞ்சாயத்துக்களும் நல்ல முறையில் இயங்கக்கூடிய வகையில் பஞ்சாயத்துக் கௌன்ஸில் இந்தத் தொகையைப் பிரித்துக் கொடுக்கவேண்டும் என்று கேட்டுக் கொள்கிறேன்.

th November 1958] [Sri B. K. Nallaswami]

குறிப்பாக, இந்தப் பஞ்சாயத்துக்களில் அரசியல் கட்சிகள் தலையிடாமல் இருந்தால், நல்ல முறையில் இவை இயங்க முடியும். ஆகவே, அரசியல் கட்சிகள் தலையிடாத வகையில் பார்த்துக்கொள்வதற்கு வேண்டிய முயற்சியை எடுத்துக்கொள்ளவேண்டும் என்று அமைச்சர் அவர்களைக் கேட்டுக் கொண்டு, இந்த மசோதாவைக் கொண்டுவந்ததற்காக எல்லோரும் பாராட்டியதைப்போல், நானும் கனம் அமைச்சர் அவர்களைப் பாராட்டிக்கொண்டு முடித்துக்கொள்கிறேன்.

SRI MOHAMED RAZA KHAN : Mr. Chairman, Sir, the only justification for me to say a few words by intervening in this debate is the remark of the Hon. the Finance Minister himself who just now said that he expected speeches on this occasion from the Opposition side rather than from his own side, the Government side. Whatever that might be, having served on the Legislature Committee for more than three months when we had a number of sittings, I have absolutely no doubt about the fact that the Hon. the Finance Minister was piloting this Bill in the Committee, in the other House and here with an open mind as he has himself said. Then, Sir, as he has himself expressed and many on the Opposition said, there is no question of party politics in this measure. After all, what we wanted to do was to make the institutions at the village level work in a democratic way. And there cannot be party politics in that.

Sir, every aspect of this Bill was discussed threadbare in the Legislature Committee. Still the Hon. the Finance Minister felt and rightly felt that when it came before the Legislative Assembly and the Council, there might be so many individual points of view expressed on the matter as a result of personal experience especially by Members who did not serve on the Legislature Committee and assured us that reasonable amendments would be accepted. Many amendments were moved and accepted in the other House and also in this House. As many as 29 amendments—both Government amendments and amendments moved by the Members—were accepted in this House. Therefore, let me also join with others in congratulating the Hon. the Finance Minister on the hard work he has put in and the immense satisfaction he feels this evening—I can find it out from his facial expression—over the passage of the Bill into law.

Sir, next to the Hon. the Finance Minister, the one Member of this House who deserves all congratulations and thanks is my esteemed Friend Sri P. S. Krishnaswamy Ayyangar. He brought in many amendments and number was no consideration for him. He wanted that something should be done to improve the provisions of the Bill. That was his habit also while he was in the other House. I believe he himself would never have felt that a day would come and that too in this House, when so many of his amendments would be accepted by the Government. In fact, I was watching him closely while he was moving his amendments to the various clauses. On many occasions when he was about to resume his

[Sri Mohamed Raza Khan] [4th November 1958]

seat after pleading for his amendment with the least expectation that the amendment would be accepted, the Hon. the Finance Minister got up and said, 'I accept the amendment of the hon. Member'. At that time, the reaction was too much on the hon. Member himself as I could see it from his face. Also, Sir, many amendments moved by the hon. the Deputy Leader of the Opposition and by the hon. Member Dr. Chidambaranathan were accepted by the Government.

Sir, we have done our job. The Legislature has done its job. The Government have done their job. This is a blessing to one and all. Now it is left to the people and to the officers to make the best out of it. I am sure they will work it in the spirit in which the legislation has been framed and passed. We now leave it to the people to play their part. We always depend on their good spirit in making these institutions a success. A thing done in good faith and with the best of purposes and motives will always surely succeed. Therefore, we all bless this measure, Sir.

1-30
p.m.

* DR. A. CHIDAMBARANATHAN : மன்றத் தலைவர் அவர்களே, இந்த மசோதாவின் பொறுப்பையேற்று நல்ல முறையில், அழகாக அமைத்து, இதனை நிறைவேற்றி வைத்த திருவாளர் சுப்பிரமணியம் அவர்களை, அன்போடும், ஆர்வத்தோடும், நான் பாராட்டக் கடமைப்பட்டிருக்கிறேன். நான் கொண்டு வந்த பொருத்தமான—ஒன்பது திருத்தங்களில்—ஆறு திருத்தங்களை மகிழ்ச்சியோடு முன்னமேயே ஒத்துக் கொண்டதைக் குறித்து மிக்க மகிழ்ச்சியடைகிறேன். லெஜிஸ்லேச்சர் கமிட்டியிலே நிறைவேற்றப்பட்ட முறையிலேயே சட்ட சபையிலே நிறைவேற்ற வேண்டுமென்றில்லாமல், கீழ்ச் சட்டசபையிலே நிறைவேறிய முறையிலேயே இங்கேயும் நிறைவேற்றவேண்டுமென்றில்லாமல், இவர்களும் திருத்துவதற்கு உரிமையுடையவர்கள், இவர்கள் திருத்தினால் மசோதா நல்ல முறையில் அமையும், நல்ல உருப் பெறும் என்பதைக் கருத்திலே வைத்து அமைச்சர் அவர்கள் இவ்வாறு முன்வந்தது குறித்து நான் பாராட்டுகிறேன். கீழ்ச் சட்டசபையிலும், குழுக்களிலும் சில சமயங்களில் தப்பு என்று படாமல் போய்விடலாம். இந்தச் சபைக்கு வரும்போது ஒரு குறை இருக்கிறது என்று சொன்னால், ஒரு தவறு இருக்கிறது என்று சொன்னால்,

எப்பொருள் யார்யார்வாய்க் கேட்பினும் அப்பொருள்
மெய்ப்பொருள் காண்ப தறிவு.

என்ற திருவள்ளுவர் வாக்குப்படி உண்மை கருத்துக்களை மனமுலந்து ஏற்றுக்கொண்டதனால், மதிப்பிற்குரிய திருவாளர் சுப்பிரமணியம் அவர்கள் முழுமனதோடு பாராட்டுதலுக்குரியவர்களாகிறார்கள்.

இந்த மசோதா நம்மிடையிலே வைக்கப்பட்டபோது, இன்ஸ்பெக்டருக்குக் கொடுக்கப்பட்டிருந்த உரிமைகளிலே ஒரு உரிமை சிறப்பாக மாற்றப்பட்டிருக்கிறது. இன்ஸ்பெக்டர் பஞ்சாயத்துப் போர்டால் செய்யப்படுகிற ரெகுலேஷன்களை மாற்ற அல்லது குறைக்க அல்லது கூட்ட உரிமையுடையவர் என்று இருந்ததை மாற்றியிருக்கிறோம். இன்ஸ்பெக்டர் அதை மாற்றவேண்டுமானால் பஞ்சாயத்துப் போர்டை மேற்கொண்டு கலந்துகொண்டு, செய்யவேண்டியதைத் திரும்ப அடிப்பி, காரணங்களை அவர்களுக்குத் தெரிவித்து மாற்றவேண்டுமென்று திருத்தியிருக்கிறோம்.

Mr CHAIRMAN : This is the third reading stage of the Bill. The hon. Member should not go into details of individual clauses.

th November 1958]

* DR. A. CHIDAMBARANATHAN : எனவே இது நல்ல முறையில், அழகாக, திருத்தமுற்றவகையில், நன்கு செயல்படவேண்டுமென்று குறிப்பிட்டு, ஆர்வத்தோடு பாராட்டி, 1961-வது ஆண்டுக்குள் ாடு முழுவதிலும் இது சிறப்பாக செயல்படும் என்று நம்பி, அந்த 5ம்பிக்கையில் அமர்கிறேன்.

SRI S. T. ADITYAN : சபைத் தலைவர் அவர்களே, நான் இந்த மசோதாவின் ஒன்றிரண்டாவது வாசிப்புகளில் கலந்துகொள்ளவில்லை என்பது அறிந்ததே. ஆனாலும், ஒன்றிரண்டாவது வாசிப்புகளில் சொல்ல வேண்டிய விஷயங்களை இதிலே சொல்லிவிடுவேனோ என்று நினைக்கத் தேவையில்லை. இந்த மசோதாவைப் பொறுத்த வரையில், வழக்கமாகச் செய்யப்படும் ஒரு விஷயம், வாடிக்கையான ஒரு விஷயம் பின்பற்றப்படவில்லை. அதாவது, எதிர்க்கட்சிகளுக்குக் கொஞ்சமும் பந்தர்ப்பம் கொடுக்காதபடி, கூடுமானவரையில், காங்கிரஸ் கட்சியின் பிரதிபலிப்பைக் கூட்டத்தில் எந்த விதமாக முடிவாகிறதோ, அதை அப்படியே சட்டசபையிலே தங்கள் கட்சியின், ஆளும் கட்சியின் மெஜாரிட்டியை வைத்துக்கொண்டு நிறைவேற்றி வந்தார்கள். அது சரியோ, பிசகோ, அது வேறு விஷயம். இந்த மசோதாவைப் பொறுத்தவரையிலே, எதிர்க்கட்சி மெம்பர் எதிர்க் கட்சிக்காரர்களையும் கலந்துகொண்டிருக்கிறார்கள். இந்தக் கள் மாத்திரமல்ல, தலைவர்களையும் கலந்துகொண்டிருக்கிறார்கள். இந்த முறை [இந்தச் சட்டம் சம்பந்தப்பட்டமட்டிலும்தான் என்று புரியவில்லை. பொதுவாக, முக்கியமான ஒவ்வொரு விஷயத்திற்கும் இந்தக் கொள்கையைப் பின்பற்றினால், இந்த நடைமுறையைப் பின்பற்றினால், இந்தச் சபையிலேயும் வெளியிலேயும் சகோதர மனப்பான்மை ஏற்படும் என்று நம்புகிறேன். அது மாத்திரமல்ல. இன்னொரு விதத்திலும் நிலையில் இருக்கக் கூடிய சர்க்காருக்கு தங்களுடைய கருத்துக்களைக் கூறக்கூடிய என்றால், இங்கிலாந்திலே கிறார்கள். வெளி நாடுகளில் எப்படி வழக்கம் என்றால், இங்கிலாந்திலே உள்ளாட்டு விவகாரத்தைப் பொறுத்த வரையில், ஆளும் கட்சியே எதையும் முடிவு செய்யும். பிரான்ஸுடன் கொள்ளவேண்டிய கொள்கை பற்றியோ அல்லது ஜெர்மனியுடன் கொள்ளவேண்டிய கொள்கையைப் பற்றியோ ஏதாவது முடிவு செய்யவேண்டுமென்றால், அதிலே எதிர்க் கட்சிகளுடன் கலந்து முடிவு செய்வது என்று வாடிக்கை வைத்துக்கொண்டிருக்கிறார்கள். அதே பிரகாரம் இன்று யோசிக்கவேண்டும். இன்று இருக்கக்கூடிய காங்கிரஸ் மந்திரி சபை சிரஞ்ஜீவியாக இருக்கலாம் அல்லது சில வருஷ காலமே இருக்கலாம். அதை உத்தேசித்து இந்த ராஜ்யத்திற்கும் மத்திய சர்க்காருக்குமிடையே ஏதேனும் ஒரு கொள்கை பற்றி ஒரு உடன்பாடு ஏற்பட வேண்டிய விஷயமாக இருந்தாலும், மற்ற முக்கிய காரியங்களிலும் எதிர்க் கட்சி மெம்பர்களைக் கலந்துகொண்டு, இப்போது காண்பிக்கும் இந்த மனப்பான்மையை அவைகளிலேயும் காண்பிக்கவேண்டும் என்று சொல்லிக்கொள்கிறேன். முக்கியமான விஷயங்கள் ஏற்படலாம். மத்திய சொல்லிக்கொள்கிறேன். முக்கியமான விஷயங்கள் இருக்கலாம். "லேஸ்ஸ் சர்க்காருடன் முடிவு செய்யவேண்டியவைகளாக இருக்கலாம். "லேஸ்ஸ் சர்க்காருடன் முடிவு செய்யவேண்டியவைகளாக இருக்கலாம். மில்கன் சம்பந்தமாக டாக்ஸ் கொள்கையிலே சந்தர்ப்பம் ஏற்படலாம். உச்ச வரம்பு கட்டு ஏற்படலாம். கைத்தறிக்கள் சம்பந்தமாக ஏற்படலாம். உதாரணமாக, திட்டவட்டமாக இல்லாத விஷயங்கள் அநேகம் எழலாம். உதாரணமாக, தலைவர் கிராம மக்கள் எல்லோராலும் தேர்ந்தெடுக்கப்படவேண்டுமா என்பதிலே அல்லது மெம்பர்களால் மட்டும் தேர்ந்தெடுக்கப்படவேண்டுமா என்பதிலே சர்ச்சை இருந்தது. இதைச் செயலாற்றுவதிலே புது விஷயங்கள் எழலாம். நன்மையாகவும் இருக்கலாம், கெடுதலாகவும் இருக்கலாம்.

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OF 1958)

[Sri S. T. Adityan] [4th November 1958]

அவ்வப்போது கூச்சமில்லாமல் எதிர்ப்புகிற சிக்கல்களைத் தீர்க்க, இந்தச் சட்டத்தைப் பின் காலத்தில் சீர்திருத்த மந்திரி அவர்கள் தயாரா யிருக்கவேண்டும்.

இத்தனையும் சொல்லிவிட்டு, இதனால் ஜனங்கள் நன்மை அடை வதும் சர்க்காரிடம்தான் இருக்கிறது என்று தெரிவித்துக்கொள்ள விரும்பு கிறேன். எந்தச் சட்டத்திலும் துர்-அர்த்தம் எடுக்கலாம். துர்-அர்த்தம் எடுக்காமல் நன்மைக்காகவும் உபயோகிக்கலாம். கெடுதலாகவும் உபயோ கிக்கலாம். ஆயுதத்தைப் பொறுத்து எதுவும் இல்லை. ஆயுதத்தை உப யோகிக்கிறவர்களைப் பொறுத்தது. எந்த நல்லெண்ணத்தோடு இதைக் கொண்டுவருகிறார்களோ, அதே நல்லெண்ணத்தோடு இதைப் பிர யோகிக்க வேண்டும். அவ்வப்போது தோன்றுகிற குறைகளைத் தீர்த்து, இதை நல்ல முறையில் அமுல் நடத்தவேண்டுமென்று சொல்லிக்கொண்டு என் உரையை முடித்துக்கொள்கிறேன்.

* Sri T. V. DEVARAJA MUDALIAR : மன்றத் தலைவர் அவர் களே, இப்போது பஞ்சாயத்து மசோதாவை இந்தச் சபையிலே கொண்டுவந்திருக்கிறார்கள். இன்றைக்கு ஒரு கட்டம் இருக்கிறது. அதற்கு அடிப்படையாக உள்ளதை “பவுண்டேஷன்” என்று ஆங்கிலத்தில் சொல் வார்கள். குறைதி என்று தமிழில் சொல்வார்கள். அஸ்திவாரம் நல்ல முறையில் இருந்தால்தான், அதற்கு மேலே கட்டம் நன்றாக வளர்ந்து, மேலே மாடி கட்டலாம். அடித்தளம் திருப்திகரமாக இருக்க வேண்டும். “பவுண்டேஷன்” வட்டமானதாக இருக்கவேண்டும். அதைப் போலவே, இப்போது நம்முடைய அரசியல் எடுத்துக்கொண்டால், கீழே இருக்கக்கூடிய பஞ்சாயத்தை ஒரு குழந்தையாகச் சொல்லலாம். குழந்தையைப் பரா மரிக்கத் தாய்க்குத்தான் தெரியும். அந்தமாதிரியாக இந்தப் பஞ்சாயத்துக் குழந்தை அம்மையாருடைய பராமரிப்பில் இருந்து வருகிறது என்று சொல்ல ஆசைப்படுகிறேன். தமிழகத்தின் கடவுள் சுப்பிரமணியர். தமிழ் நாட்டின் கடவுள் சுப்பிரமணியர். இப்போது கல்விக்கு அமைச்சர் சுப்பிர மணியம் அவர்கள். பெயர் பொறுத்தமாக இருக்கிறது. இப்போது ஒரு குழந்தை இருக்கிறது. குழந்தைக்கு முக்கியம் தாய். தாய்க்குத்தான் குழந்தையின் அருமை தெரியும். குழந்தையை நல்ல முறையில் வளர்க் கத் தெரியும். இப்போது ஷார்தம்மாள் தாய் இந்தப் பஞ்சாயத்துக் குழந்தையைப் பராமரிக்கும் பொறுப்பில் இருக்கிறார்கள். இப்படி அந்த அம்மையார் கொண்டுவந்து, கல்விக்கு உரியவர் பொறுப்பேற்று இதைச் சட்ட மன்றத்திலே நிறைவேற்றியிருக்கிறார்கள். இது பாராட்டத்தக்க விஷ யம். இப்போது நன்றாக நடக்கக்கூடியதிலே மணியக்காரர் இருந்து பஞ்சாயத்தில் பிளவுகள் ஏற்படுத்திக்கொண்டிருக்கிறார்கள் என்று சொன்னால் மிகையாகாது. வேறு எந்தக் கட்சியும், காங்கிரஸ் கட்சியோ, கம்யூ னிஸ்ட் கட்சியோ, திராவிட முன்னேற்றக் கட்சியோ, திராவிடக் கழகமோ, போட்டி போடவில்லை. அங்கு தேர்தலில் அவர்கள் ஒருவரும் நிற்க வில்லை என்பதைத்தான் சொல்ல ஆசைப்படுகிறேன். அங்கேயுள்ள மணி யக்காரர்கள்தான் கட்சிப் பிளவை உண்டாக்குகிறார்கள். அவர்கள் கண்டி ராக்ட் முதலிய வேலைகளைச் செய்யலாமென்று நாம் இடம் கொடுத்திருக் கிறோம். அவர்கள் அரசாங்க உத்தியோகஸ்தர்கள் என்று நினைக்காமல், அவர்களுக்குள்ளேயே போட்டி ஏற்படுத்திக்கொண்டு, மெஜாரிட்டி மெம் பர்களைத் தேர்ந்தெடுத்து, தன்னலம் பெறுவதற்காக, இப்பொழுது கிராமங்களிலே தேர்தல்கள் நடந்துகொண்டு வருகின்றன. ஆகவே, இந்தச் சட்டத்தை முழு மனதுடன் நான் வரவேற்கின்ற நேரத்திலே, நடைமுறையில் கொண்டுவரும்போது திறம்பட நடத்தவேண்டுமென்று கேட்டுக்கொள்கிறேன். “கண்ணல் பார்ப்பதும் பொய், காதால் கேட்பதும் பொய், தீர விசாரிப்பதே மெய்” என்று சொல்லுவார்கள். அதுபோல, தீர விசாரித்து நமது அமைச்சர் குழு இதை நன்றாக நிறைவேற்றவேண்டுமென்று கேட்டுக் கொண்டு, இப்பொழுது பேச வாய்ப்பு அளித்ததற்காகத் தலைவர் அவர்களுக்கு எனது நன்றியைத் தெரிவித்துக்கொண்டு முடித்துக்கொள் கிறேன்.

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THE HON. SRI C. SUBRAMANIAM : Mr. Chairman, Sir, I never expected that the third reading would take such a long time and that there would be so many speeches. I am grateful to the hon. Members for having given their approval and blessings to this Bill. I particularly attach great importance to what my hon. Friend Dr. Mahomed Usman said because with his rich experience in administration, he has given his blessings and approval to this Bill. After all, what we have now done is that we have finalised the statute. The great experiment is to begin hereafter and I only hope that that experiment would succeed. Thank you, Sir.

MR. CHAIRMAN : The question is—

“That the Madras Panchayats Bill, 1958 (L.A. Bill No. 33 of 1958), as passed by the Legislative Assembly and as amended, be passed.”

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

III.—GOVERNMENT RESOLUTION.

AMENDMENT OF THE ESTATE DUTY ACT, 1953 (34 OF 1953).

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

“Whereas by resolutions passed in pursuance of Article 252 of the Constitution, the levy of estate duty in respect of agricul tural land in the State of Madras is governed by the Estate Duty Act, 1953 (34 of 1953) passed by Parliament;

And whereas the Estate Duty Act, 1953 (34 of 1953) has been amended by Act 17 of 1954, Act 41 of 1954, Act 36 of 1957 and Act 33 of 1958 passed by Parliament;

And whereas it appears to this Council to be desirable that the matters specified in the amending Acts aforesaid in so far as they relate to estate duty in respect of agricultural land should be regulated in the State by Parliament by law;

Now, therefore, this Council hereby resolves in pursuance of Article 252 of the Constitution that the matters aforesaid in so far as they are matters with respect to which Parliament has no power to make laws for the State may be regulated in the State by Parliament by law and for this purpose the Estate Duty Act, 1953 (34 of 1953) may be amended accordingly.”

Sir, the principle of levy of estate duty has already been accepted and further, the levy on agricultural land was also accepted in the year 1955 by both Houses of the Legislature. Now, this Resolu tion is necessary because Parliament has made certain amendments to the Estate Duty Act. I have mentioned about three or four amendments. Because they have made amendments, a formal Resolution of this nature is necessary in order that the amended

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Act may be effective. It is only with that object in view that I move this Resolution. This has been already moved and passed in the other House. I request the House to pass it.

MR. CHAIRMAN : Resolution moved—

‘Whereas by resolutions passed in pursuance of Article 252 of the Constitution, the levy of estate duty in respect of agricultural land in the State of Madras is governed by the Estate Duty Act, 1953 (34 of 1953) passed by Parliament;

And whereas the Estate Duty Act, 1953 (34 of 1953) has been amended by Act 17 of 1954, Act 41 of 1954, Act 36 of 1957 and Act 33 of 1958 passed by Parliament;

And whereas it appears to this Council to be desirable that the matters specified in the amending Acts aforesaid in so far as they relate to estate duty in respect of agricultural land should be regulated in the State by Parliament by law;

Now, therefore, this Council hereby resolves in pursuance of Article 252 of the Constitution that the matters aforesaid in so far as they are matters with respect to which Parliament has no power to make laws for the State may be regulated in the State by Parliament by law and for this purpose the Estate Duty Act, 1953 (34 of 1953) may be amended accordingly.’

SRI K. BALASUBRAMANYA AYYAR : Sir, the Estate Duty Act was passed by Parliament and so far as agricultural land is concerned, it requires the assent of both the Houses of this Legislature. Without this assent, the Act cannot affect agricultural land in our country. Therefore it is that the Government have come to us asking us to pass a Resolution giving our consent to Parliament passing a law affecting agricultural land in our country. Therefore, we have a serious responsibility and duty. That is what I want to remind this House about. What they did was this. They fixed the exemption limit at a lakh of rupees so far as agricultural land was concerned, for the purpose of levy of estate duty. At that time, it was mentioned that as properties worth up to a lakh of rupees had been exempted, it was only properties worth over a lakh of rupees that would be affected and that we could give our consent to it. Now, from one lakh of rupees, they have reduced the exemption limit to Rs. 50,000. I am sure that it will still further be reduced. Every time they reduce this limit, they think that they can get more money. As a bait for our passing this Resolution, this is what the Government of India say. They have pointed out, in this connection, that the benefit of the additional revenue which would be realised as a result of the changes effected by the Amending Act would accrue entirely to the State. That is the bait so that we may give our consent readily to the Resolution. They have requested this Government to move the Resolution before the Legislature. This bait is merely a promise. They may or may not act up to it. They have stated it and, therefore, we assume that they will do so, but there is no

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provision in any Act to that effect. The Parliament Act does not say so. The position is this. If the exemption limit is reduced to Rs. 50,000, how many people will be affected? That is the point in question. People who own ten acres and above will be affected. (Sri A. M. Allapichai : In Tanjore and Tiruchirappalli.) (Sri S. T. Adityan : In Tirunelveli even people owning 8 acres will be affected.) The Deputy Chairman need not go away with the impression that only people in Tanjore and Tiruchirappalli will be affected. Originally it was said that the estate duty would be in force for two years. But now they say that it will be in force for five years. The result is that people will begin to divide the property. That is the mischief that this Estate Duty Act has already done. So far as other properties are concerned, we do not worry. So far as agricultural land is concerned, already on account of the threat that ceiling will be fixed, many people have divided the property. Even if retrospective effect is given for ever, say, from 1820, those properties will not be affected because they had finished the transaction long ago. There will be still more fragmentation as a result of the Hindu Succession Act which gives the right not only to the sons but also to the daughters. Generally, a man has got more daughters than sons. Therefore, in places where there are two sons there will now be eight divisions. We talk still of economic holdings and ceiling. We never talk of fragmentation of holdings. The operation of this law will shatter our homes entirely. Already we are a State of small landowners. Only 10 per cent or even less hold large property. This Act will be another incentive for further division. Therefore, I would respectfully appeal to this House not to give its consent to this Resolution. If this House does not give it, Parliament has no power to pass this Act. As our representative in the All-India Congress Committee said, we must consider the question of fixing a ceiling carefully. Our representative was bold enough to go and say to the All-India Congress Committee, ‘Let us think about it before we pass a law.’ The Planning Commission has already given its decree. But still one representative of ours went there and moved a Resolution to this effect. Fortunately, his Resolution was supported by the Prime Minister. (Interruption by Sri K. T. Kosalram.) I am not for converting the All-India Congress Committee. I am speaking subject to correction. Even if the Prime Minister did not support, the Resolution was passed. That is my point. Therefore, let us, even if we are in a minority, tell the Government of India that this is what we feel about this matter. Let the amount remain at the figure of a lakh of rupees.

SRI K. T. KOSALRAM : தலைவர் அவர்களே, நண்பர் ஸ்ரீ பாலசுப்ரமணிய அய்யர் சொல்லிய சில விஷயங்களில் மிகுந்த உண்மை இருக்கிறது. 50,000 ரூபாய் பெறுமானமுள்ள சொத்துக்களையும் பாதிக்கிறது என்று அவர் சொன்ன வாதத்தையே சொல்லுகிறேன். நிதி மந்திரி கனம் ஸ்ரீ சுப்பிரமணியம் அவர்கள் பேசிய பேச்சும்—தீர்மானமொன்றல்ல—பேச்சும், இங்கு கொண்டுவந்திருக்கக்கூடிய தீர்மானமும் முரண்பாடாக இருக்கிறது. அவர் பேச்சில் நிலத்திற்கு

[Sri K. T. Kosalram] [4th November 1958]

வரம்பு கட்டக்கூடாது என்று சொன்னார். 50,000 ரூபாய் பெறுமான முள்ள 5 ஏக்கர் நிலம்கூட எங்கள் ஊரில் இருக்கிறது. இந்தத் தீர்மானத்தை நிறைவேற்றினால், 5 ஏக்கர் நிலம்கூட துண்டாடப்படவேண்டிய நிலைமை ஏற்படும். (அதற்கு நிதி மந்திரி அவர்கள் “எண்டார்ஸ்மெண்டு” கொடுத்திருந்தால், மிகுந்த சந்தோஷம்). அதனால் ஏராளமான பேர்கள் பாதிக்கப்படுகிறார்கள். அநில இந்திய காங்கிரஸ் கமிட்டியில் போட்ட தீர்மானம் மூன்றாவது பிளாவில் அதிகமான உணவு உற்பத்தியை எவ்விதம் செய்யு என்பதைப்பற்றியது. அதுதான் தீர்மானத்தில் உள்ள வாசகம். நண்பர் கனம் ஸ்ரீ சுப்பிரமணியத்தின் வாதம் நிலத்தைத் துண்டு போடுவதற்கு இடம் கொடுத்தால், மகசூல் குறைந்துவிடும் என்பதுதான். அது தற்கத்தையாகிய வாதம். நிலத்தைத் துண்டு போடக் கூடாது என்பது வாதம். அது விவாதம்தான். எப்படி உணவு உற்பத்தியை அதிகரிப்பது, அதற்கு வழி கண்டுபிடிப்பதற்காக, “லாண்டு ரிபாரம்” எப்படி இருக்கவேண்டும் என்று கண்டுபிடிப்பதற்காக ஒரு கமிட்டி போட்டு, அந்த வேலை அந்தக் கமிட்டியிடம் விடப்பட்டிருக்கிறது. நிலச் சீர்திருத்தத்தை எதிர்த்து எந்தத் தீர்மானமும் நிறைவேற்றப்படவில்லை என்பதைத் தெரிவித்துக்கொள்கிறேன். இதை சர்க்கார் ஜாக்கிரதையாகக் கவனிக்கவேண்டும். நிலத்தை, 5 ஏக்கர் நிலத்தைக்கூட, துண்டாடும் நிலைமை ஏற்பட்டுவிடலாம். இதனால் ஏராளமான பேர்கள் பாதிக்கப்படுவார்கள். மத்திய தர வகுப்பினர் அதிகமான பேர்கள் பாதிக்கப்படுவார்கள் என்பதை மனதில் வைத்துக்கொள்ளவேண்டும் என்பதைச் சொல்லிக்கொண்டு, இதை எந்த விதத்தில் செய்யவேண்டுமென்பதை மந்திரி அவர்களுக்கு விட்டுவிடுகிறேன்.

* THE HON. SRI M. A. MANICKAVELU: Sir, in the first place, let me remove the misapprehension that was expressed by the hon. Member who spoke last about the Finance Minister. The Finance Minister is not against the principle of fixing any ceiling on land holdings. What he said was that before we actually went about this matter of fixing ceilings, we should consider the question of greater food production. What he wanted by way of an amendment was that in considering the fixation of ceilings, we should see that food production was not jeopardised. He further said that already the majority of holdings—say, about 85 per cent—were small holdings and that the production from such holdings was not to our expectation. So, there must be something wrong about it. He said that we must set about rectifying the defect and giving facilities for greater production. Without doing this to the existing small holdings, if by a process of applying ceiling to land holdings, we break up the holdings and create smaller farms, food production will be affected. We have to assist all these small holders in the matter of getting better seed, manure, etc. We must prepare a scheme for them and then go to dismember the holdings. Some farms may produce more and some others may not. Still, before breaking up the farms, we must see that there is a proper agency for giving them all facilities—loan facilities, etc. This amendment was accepted, and the question is going to be examined. So, the Finance Minister is not on principle against the fixation of ceiling.

As I said in the beginning, we are now committed to this principle of estate duty levy. If we should be against it, we should have been alert enough and said ‘No’ in 1953 and again in 1955 when it was proposed to be applied to agricultural land. We have

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not said so. Certain amendments have been made, and in order to regularise them, this Resolution is necessary. No doubt, I agree that one principal amendment is to reduce the exemption limit, i.e., the figure is reduced from one lakh of rupees to fifty thousand rupees. This is a rather hard amendment, because, as has been expressed by hon. Members, about eight or ten acres will come within this limit. I will even go to the length of saying that even five or six acres will be worth Rs. 50,000 in the Tambaraparani delta or in places near Erode. This limit of Rs. 50,000 will affect very much the people in those areas. But one small redeeming feature in this is that along with this amendment, they have carried out another amendment by which the rate of levy has been reduced from 5, 7, or 10, to 4, 5, or so. This is a little concession. But this is no reason why we should think that this will not cause hardship. I admit that it will cause hardship. I am told that a proposal is under contemplation to raise this exemption limit. I say this only by way of information. I wish it were done. If this is done, then there will not be much criticism. As it is, I too feel as done, then there will not be much criticism. As it is, I too feel and agree with hon. Members who spoke that this exemption limit of Rs. 50,000 is rather low. Probably the argument for it will be that we are now going in the direction of establishing the socialist pattern of society. We are thinking of fixing ceilings on land holdings and so on. This will fit in with the socialist pattern that is envisaged. The hon. Member said that the very thought that ceilings would be fixed had already made people break up their holdings. I will add another factor also. The passing of the Agricultural Income-tax Act also has made people break up their holdings. So, I hear. We have to conform to or fit in with the proposed pattern of society. It seems to be an inevitable good or evil. I would not say what it is. It seems to be the inevitable result of the pattern of society that we are pursuing. Therefore, we have to slowly get ourselves accustomed to this and immunise ourselves to this sort of legislation. But such reasonable things as have been pointed out, certainly should be brought to the notice of the Government of India. If the defects are remedied, then it will be very good. On behalf of the Government, I may state that we shall take such steps—not the regular procedural steps but such other steps—as are possible to see whether we can raise the exemption limit. I have already said that there is a move to raise the exemption limit. We shall try as much as possible to raise the exemption limit.

As I said already, having accepted the principle of the levy, I do not think it would be quite right now to turn down the whole thing. Because, any amendment in the present circumstances will not be conducive. So, I request the House to pass the Resolution. We can take other steps for seeing that the difficulties are removed.

* SRI T. PURUSHOTHAM: As a matter of information, I would like to know whether the proceedings of this House on this Resolution will be forwarded to the Government of India along

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with the Resolution. As the Hon. Minister said that the feelings of the Members of this House would be taken into account, I am asking for this clarification.

* THE HON. SRI M. A. MANICKAVELU: Sir, ordinarily, when such a Resolution is passed, we do not send copies of the proceedings of the Houses of the Legislature. As I said, apart from this formal way, I shall pursue the matter in an informal way and see how best the rigourousness of the provisions could be minimised.

Mr. CHAIRMAN: The question is—

“Whereas by resolutions passed in pursuance of Article 252 of the Constitution, the levy of estate duty in respect of agricultural land in the State of Madras is governed by the Estate Duty Act, 1953 (34 of 1953) passed by Parliament;

And whereas the Estate Duty Act, 1953 (34 of 1953) has been amended by Act 17 of 1954, Act 41 of 1954, Act 36 of 1957 and Act 33 of 1958 passed by Parliament;

And whereas it appears to this Council to be desirable that the matters specified in the amending Acts aforesaid in so far as they relate to estate duty in respect of agricultural land should be regulated in the State by Parliament by law;

Now, therefore, this Council hereby resolves in pursuance of Article 252 of the Constitution that the matters aforesaid in so far as they are matters with respect to which Parliament has no power to make laws for the State may be regulated in the State by Parliament by law and for this purpose the Estate Duty Act, 1953 (34 of 1953) may be amended accordingly.”

The Resolution was put and carried.

II.—GOVERNMENT BILLS—cont.

(3) THE MADRAS INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) BILL, 1958 (L.A. BILL NO. 19 OF 1958).

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

“That the Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

There is no provision in any of the existing labour enactments for the grant of holidays to employees in industrial establishments on important National and Festival days. In regard to National holidays, the Government have been issuing appeals to the employers to declare Republic Day and Independence Day as paid holidays for workers. The number of festival holidays that are granted to the workers in a year vary from concern to concern. In 1957, the textile mill-owners and labour at Coimbatore, at the

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instance of the Government, came to an agreement to grant paid holidays to the workers on Republic and Independence Days and also on five festival days during a year. Recently, specific provisions have been incorporated in enactments intended for particular industries and establishments, such as catering establishments and beedi industry.

The State Labour Advisory Board, at its meeting held in October 1956, suggested that the Government should make a beginning in the matter of provision of paid National and festival holidays to industrial workers. The question of evolving a uniform standard of paid National and festival holidays in industrial undertakings was also discussed at the 15th and 16th sessions of the Standing Labour Committee held at New Delhi in April 1956 and October 1957 respectively. The Chairman of the Committee observed that there should be seven paid holidays, of which two should be National holidays and the rest festival holidays. The Government of India, however, do not propose to promote any legislation in this regard at present. In these circumstances, this Government have come forward to undertake the proposed legislation at State level.

The Bill was introduced in the Legislative Assembly on 3rd September 1958 and the Assembly referred it to a Select Committee for consideration. The Committee made certain changes in the Bill and the Assembly passed the Bill, as amended by the Committee, with slight modification. The Bill aims at the provision of seven paid National and festival holidays each year to every person employed in an industrial establishment. It will apply to all factories as defined in the Factories Act, all establishments as defined in the Madras Shops and Establishments Act, and all plantations as defined in the Plantations Labour Act. The Government have also the power to apply the provisions of the Act to any other establishment by notification. Industrial establishments under the control of the Central or any State Government, local authority, Reserve Bank of India, railway administration and mines or oil fields are exempted from the provisions of the Act. Employees in positions of management and those whose work involves travelling are also exempted. The Government may also, by notification, grant exemption to any establishment or class of establishments or person or class of persons.

Two of the holidays are National holidays, namely, Republic Day on the 26th January and Independence Day on the 15th August. The remaining five holidays have to be granted by the employer for such festivals as may be specified for each establishment by the Inspector appointed under the Act, in consultation with the employer and the employees. The Bill also provides for treating the 1st of May, namely, May Day, as one of the five festival holidays, if the majority of the employees so desire.

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Every employee shall be paid wages for each of the holidays so allowed. Where an employee works on any such holiday, he can, at his option, claim either double wages for that day or single wages for that day and in addition avail himself of a substituted holiday on some other day.

Provision has also been made in the Bill for the protection of existing rights and privileges of employees, if they are more favourable.

The Bill provides for the appointment of Inspectors with the necessary powers for the enforcement of its provisions.

Government have the power to frame rules for carrying out the purposes of the Act.

Penalties have been provided for the contravention of the provisions of the Bill or rules, heavier penalties being provided for second and subsequent offences.

I request that the Bill be taken into consideration.

MR. CHAIRMAN: Motion moved—

“That the Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, this is a Bill, as pointed out by the Hon. Mover, for the compulsory grant of certain holidays by the employers to the employees of all industrial establishments. There is the Shop Assistants Act also which gives the privilege of certain holidays to the employees. In fact, there are more holidays than necessary. I can very well say that that is our experience. It may be that in some establishments there are less number of holidays, but I do not know about them. But, in many establishments, with some of which I am connected, there are a large number of holidays and also a large payment for overtime work. Even if there were no holidays, they work as if they were holidays. Therefore, overtime work wages have to be paid. When such is the state of things, it is a matter for consideration whether we should increase the number of compulsory holidays or whether we should have a little serious consideration so far as this matter is concerned. It is now contemplated under this Bill to grant seven compulsory holidays. Now, there is less work and more of holidays. It would not be an exaggeration to say that the holiday mentality is prevalent to a great extent. I think our Bharat Ratna Sri Viswesvarayya once wrote, ‘We as a nation are becoming a lazy people’. This is not what I say. That is what our Bharat Ratna has said. It seems to be so. Therefore, we grudgingly agree to the Bill. There are two holidays in the Bill to which we can take no exception and they are 15th August and 26th January. These are the two important days and they should be declared holidays. Besides these

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two, there are five festival holidays. There may be some doubt about them. But, we will agree. There is also 1st May. It passes my comprehension why that should be a holiday here. I do not know why it should be a holiday here. What have we to do with 1st May? It may be that it is regarded as the Workers’ Day in some country. Are we to follow that country? (An hon. Member: It could be 1st April.) I do not want to characterise April.

MR. CHAIRMAN: You can.

SRI K. BALASUBRAMANYA AYYAR: I do not understand why there should be mention of 1st May in this Bill. As pointed out by the Hon. Mover, it is true that this will be treated as a holiday only if the majority of workers agree to it. It cannot be treated on a par with 26th January or 15th August, or some of our national festival holidays as Deepavali for which everybody wants bonus. Every employee wants the payment of an advance bonus of pay for one month two months, three months and so on. Whether they celebrate Deepavali or not, they want the holiday and bonus. These may be festival holidays and I do not want to quarrel about them. However, I object to the provision that if the majority of the employees so desire, 1st May will be a holiday.

‘The majority of them will decide’ is a growing mentality nowadays. There are always two sections among the employees. I do not want that one section should rise against the other section. This provision will result in that. Somehow, I feel that the grant of holidays should not depend upon majority opinion. As regards the 1st of May, have it straight as a holiday, if you are so minded. Do not allow it to depend upon majority opinion. Personally, I do not like that holiday. But I am not a worker and they may say, ‘You may not like it but we want it’. Majority opinion will create a split among the workers and, therefore, no holiday should depend upon majority opinion. So far as the other holidays are concerned, every day negotiations are going on between the trade unions and employers that holidays should be increased in number —35 days’ and 45 days’ privilege leave and so on. This is a matter which has to be decided by the employer and the employees. Let us have some important holidays. But I take very strong exception to the proviso here. Generally, I do not like many of the labour laws and I have been asked by the Hon. the Minister for Revenue to acclimatise myself and make myself immune. I shall try to do so in respect of labour as well as tenancy laws.

SRI A. M. ALLAPICHAJ: It will take ten years.

SRI K. BALASUBRAMANYA AYYAR: To acclimatise? Yes. Already many establishments are not able to work properly. There are officers specially employed in establishments for negotiation. Then, there are the Labour Officers, the Conciliation Officers, the Tribunal and the Supreme Court. Much time is

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wasted in all these matters. But that is a larger question and let me not discuss it here. So far as the Bill is concerned, let us declare May 1st as a holiday, if we want to do so, straight.

* SRI T. PURUSHOTHAM: Sir, the hon. the Deputy Leader of the Opposition began by expressing general views on the question of grant of holidays. It will be noted that holidays are declared by the Government for public offices, banks and commercial establishments under the Negotiable Instruments Act. Similar statutory provision, I feel, is necessary to govern the grant of holidays for industrial establishments also. Till now, the Government used to make requests by notification to the managements of industrial concerns to grant holidays on Independence Day and Republic Day. Generally, these requests were complied with. Instead of making such requests, we find that the Government have now come forward with a Bill proposing that in all industrial establishments, the two national holidays—26th January and 15th August—and five festival holidays should be granted. I am sure all sections of the House will agree to this provision. Even the hon. Member Mr. Balasubramanya Ayyar, though he began by opposing holidays, agreed that these holidays should be granted. It is stated here, Sir, that these holidays should be granted in each calendar year and in consultation with the employees and the employers. I do not think it is necessary to go through the process of consultation every year. Holidays may be decided upon once and for all as soon as this Act is brought into force subject to the proviso that if any of the holidays so declared falls on a Sunday or other weekly holiday, another festival holiday may be decided upon in consultation with the employer and the employees.

Then, we find for consultation with the employees, no specific provision is made. I think the procedure for consultation should be laid down in the Act itself. It is not possible to consult all the employees. So, it may be definitely stated in the Bill that the holidays will be declared in consultation with the employees' unions in the respective establishments. There are, in fact, more unions than one in all these establishments. The Hon. the Minister for Home, when he was in charge of Labour and Industries some time ago, assured us that necessary statutory provisions would be made for ensuring that there was only one union in each of these industrial establishments. That proposal has been deferred for some reason or another. But the problem is there. So, I feel that instead of saying that all the employees should be consulted, provision should be made to the effect that the union or unions which are functioning in the different establishments should be consulted in the matter of declaring these festival holidays. I agree with the hon. the Deputy Leader of the Opposition on the question of grant of holiday on the 1st May. This Bill is for the grant of national and festival holidays. 1st May is neither a national day nor a

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festival day as far as we are concerned. The 1st of May has a tinge of something foreign and a political colour too. It is not observed as a holiday in all the countries or by all labour organizations. If it is anything like an International Labour Day, we can certainly fall in line with other countries. Though originally May Day was celebrated in the United States, they have now given it up and it is observed in countries with a political ideology and by certain political parties. So, I feel that the observance of May Day as a holiday is not quite appropriate in our country. It is also an all-India question and I do not know whether the Central Government and other State Governments have been consulted. I say this because, when we pass a legislation of this kind recognizing May 1st as a holiday for labour, there may be agitation in other States for similar concession. As it is a question of all-India policy, I would request the Government to consider these aspects more carefully. I have certainly no objection to set apart or grant a holiday as National Labour Day throughout the country. I am most interested in labour welfare and I would be very glad if a Labour Day is set apart when the labourers could consolidate and strengthen labour by having labour union celebrations and parades and the like throughout the country. (An hon. Member: Every month?) Every year. Why insist on this 1st of May? Why not 2nd of October, the birthday of Mahatma Gandhiji, or why not the 'Thiru. Vi. Ka.' day in Tamil Nad; he has been the founder of labour movement in Tamil Nad? We could have a day other than the 1st May and observe it as a National Labour day throughout India or have a separate day and celebrate it as Labour Day in Tamil Nad. The 1st of May has a foreign tinge and a political colour. Therefore, I do not think we should agree to the 1st of May being included in the list of national and festival holidays proposed in the Bill.

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p.m.

Then, Sir, we find that where an employee works on any holiday, under section 3, for that day's work he shall be entitled to twice his usual wages. This may be made to apply to festival holidays. But I feel that the two national holidays, namely, the 26th January and 15th August, should be declared as completely closed holidays and no labourer should be allowed to work on those days and no employers should ask the workers to work on those days. Then there is clause 11 which says: 'Nothing contained in this Act shall affect any rights or privileges which any employee is entitled to . . . if such rights or privileges are more favourable to him than those to which he would be entitled under this Act'. We should see whether this would affect the grant of holidays on the 26th January and the 15th August. Probably, in some cases, the number of holidays at present provided may be more without providing for these two national holidays. Therefore, this clause should be applied with reference to festival holidays only and so I feel a proviso should be added that nothing contained in this clause should affect the grant of holidays on the 26th January and the

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15th August. I feel this is absolutely necessary because if only the total number of holidays is taken into account, it may be more now in some cases, without these two national days and the employers will have recourse to this provision and decline to grant holidays on the two national days proposed in the Bill. With these few remarks, I support the Bill.

* SRI A. M. ALLAPICHAJ: Mr. Chairman, Sir, but for the speeches made by hon. Members Sri Balasubramanya Ayyar and Sri Purushotham, I would not have got up to speak on this Bill at all. We are an independent people and we are going to be one of the most progressive peoples in the world. If the hon. Members Sri Balasubramanya Ayyar and Sri Purushotham had merely said that May 1st had no significance to us Indians, even then I would not have stood up to speak. But they said that that was a thing that did not belong to India and that we had nothing to do with May 1st and things like that. That is not the correct attitude to take in respect of these matters. Now, Sir we have a Legislative Council here with so many Members, we have an Assembly again consisting of so many Members and we have a Lok Sabha where very many good and eminent men are representing us and we have also got the Rajya Sabha and all that. The whole idea of these Legislatures is foreign to us. On that account, we have not rejected them. Whatever is good, though it is foreign, we treat it as our own and adapt it to our conditions. If we do not adopt that attitude, I am afraid we cannot progress much in this country. No doubt, we have our own opposition to the Communists, but that is a different thing. Let me give an illustration. Buddhism is a foreign religion so far as Japan is concerned, so far as China is concerned, and so far as Ceylon is concerned. But those people do not say that it is foreign. If they say that it is a foreign religion, they will be considered fools.

SRI MOHAMED RAZA KHAN: Where is the analogy?

* SRI A. M. ALLAPICHAJ: There is a lot of it. What I say is this. If a good idea comes even from a foreign country, even though we may not see eye to eye entirely, we have to accept it.

We Indians are very, very cosmopolitan in our outlook. I am very happy about it. That is our tradition. That being so, though we may oppose the grant of holiday on 1st May on merits which is a different thing, we should not shut our eyes to it merely because it came from a foreign country. That will be a dangerous attitude to take. If we take that attitude, I do not know where it will lead us to. Whatever is good, from wherever it may come, we must make it our own. That must be our attitude. I would like to ask, What harm is there if 1st May is declared a holiday? Workers in many parts of the world celebrate that as a holiday. What harm is there if we declare that as a holiday here also? How is it going to affect us? The Congressmen as such need not be afraid of the Communists. We follow the middle path. Where force is applied by the Communists, we give honey, say sweet words, tell

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them good things and persuade people to do good things. We are not afraid of Communists. Therefore, we can declare 1st May as a national holiday.

I am thankful to you, Mr. Chairman, for giving me this opportunity to speak on this Bill.

* SRI V. V. RAMASWAMI : மன்றத் தலைவர் அவர்களே, இந்த மசோதாவின் மீது சில வார்த்தைகள் சொல்லி சுருக்கமாக முடித்து விடுகிறேன். தொழில் நிலையங்களிலே வேலை செய்கின்ற தொழிலாளர்களுக்குக் கட்டாயமாகத் தேசிய விடுமுறை இரண்டு நாட்கள் கொடுக்க வேண்டும் என்பதாக இந்தச் சட்டத்தில் கண்டிருக்கிறது. அதைப்பற்றி யாருக்கும் ஆட்சேபினை இருக்க முடியாது. அது ஒப்புக்கொள்ளப்பட்ட விஷயம் தான். ஆண்டுதோறும் ஜனவரி 26-ந் தேதியும், ஆகஸ்டு 15-ந் தேதியும் தேசிய விடுமுறை கொடுக்கப்படவேண்டியது அவசியம் என்பதில் சந்தேகம் இல்லை.

அந்த இரண்டு தேசிய விடுமுறை நாட்களுக்கு மேற்பட்டு ஐந்து நாட்கள் பண்டிகை விடுமுறை என்ற வகையில் கொடுக்க வேண்டும் என்றும் இருக்கிறது. அந்த விடுமுறை நாட்கள் என்ன என்ன என்பதை வேலை வாங்குபவரும், உழைப்பவர்களும் சேர்ந்து முடிவு செய்துகொள்ள வேண்டும் என்று சொல்லப்பட்டிருக்கிறது.

தொழிலாளர்களும் முதலாளிகளும் ஒத்துப்போகிற வரைக்கும் உற்பத்தி தடைப்படுவதில்லை. ஆனால், எந்தக் காரியத்திற்கும் இரண்டு பேர்களும் ஒத்துப் போகாத வரைக்கும் உற்பத்தி தடைப்பட்டுக்கொண்டே போகிறது. எதை எடுத்தாலும் சரி, எந்தக் காரியத்தையும் அவர்களுக்குள்ளே சௌஜன்யமாக முடித்துக்கொண்டார்கள் என்பதைப் பெரும்பாலும் பார்க்க முடியவில்லை. ஏதாவது ஒரு காரணம்பற்றி, உள்நிரப்பு வேலை நிறுத்தம், மெதுவாக வேலை செய்வது, வேலைக்கு வராமல் நின்றிருப்பது இப்படியாக வேலை செய்வது தடைப்பட்டுப் போய்விடுகிறது. இந்த இரு சாராருக்கும் இடையே ஏதாவது ஒரு தகராறு நடந்துகொண்டே வருகிறது. அப்படியிருக்க, விடுமுறை விடுவதிலே கூடவா இரண்டு பேரும் ஒத்துக்கொள்ளவேண்டும் என்று சொல்லவேண்டும்? அதுதான் எனக்குப் புரியவில்லை. அரசாங்கம் ஒரேயடியாக இத்தனை நாள்தான், இந்த இந்த மாதத்திலே, இந்த இந்த நாள் விடுமுறை என்று ஒரு முடிவாகச் சொல்லிவிட்டால், நிச்சயமாக எல்லோருக்கும் தெரியும். விடுமுறை நாட்களை முதலாளிகளும் தொழிலாளிகளும் சேர்ந்து முடிவு செய்துகொள்ளலாம் என்று சட்டம் வகுப்பதில் அர்த்தம் இல்லை.

இந்த மசோதாவிலே இன்னொன்றும் காணப்படுகிறது. விடுமுறை நாளிலே தொழிலாளி வேலை செய்தால், இரட்டிப்புச் சம்பளம் என்று இருக்கிறது. விடுமுறை வேண்டும் என்று வாங்கிக்கொண்டுவிட்டு, இரண்டு நாளைக்கு முந்தி சரியாக ஏதாவது வேலை செய்யாமல் விடப்பட்டு பாக்கியிருக்கும் வேலையை, ஓய்வு நாளில் வைத்துக்கொண்டு செய்துமுடித்து, அதற்காக இரட்டிப்புச் சம்பளம் வாங்குவது எனக்குப் புரியாத விஷயமாக இருக்கிறது. உண்மையாகவே வேலை நாளிலே வேலை செய்ய வேண்டும், விடுமுறை நாளிலே விடுமுறையை அனுபவிக்கவேண்டும். இந்த இரண்டும் இருப்பதாகத் தெரியவில்லை. வேறு காரணத்திற்காக விடுமுறை வாங்கிக்கொண்டு, விடுமுறை தினத்தில் வேலை செய்வது மாதிரி இருக்கிறது. உண்மையிலேயே விடுமுறை ஓய்வு எடுத்துக்கொள்வதற்காக விடப்படுகிறது அல்லது பண்டிகை கொண்டாடுவதற்காக விடப்படுகிறது என்பதை உணரவது இல்லை. நண்பர் திரு. புருஷோத்தம் முதலியார் அவர்கள் சொன்னதுபோல், தேசிய விடுமுறையைப் பொறுத்தவரையிலு

[Sri V. V. Ramaswami] [4th November 1958]

மாவது, அன்று யாரும் வேலை செய்யக்கூடாது, விடுமுறையைக் கொண்டு டாடவேண்டும் என்ற முறை இருக்க வேண்டும் என்று விரும்புகிறேன். ஆகஸ்டு 15-ந் தேதியும், ஜனவரி 26-ந் தேதியும் தேசிய விடுமுறை என்று சொல்லிவிட்டு, அன்றுகூட தொழிற்சாலையில் வேலை செய்துகொண்டிருந்தால், விடுமுறை என்று எதற்காக விடவேண்டும்? செக்ரடேரியட்டிலே கூட சில சிலபகுதிகளில் விடுமுறை நாட்களில் வேலை செய்வதைப் பார்க்கிறோம். அதைப்போல, தொழிற்சாலைகளிலும் தேசிய விடுமுறை தினங்களில் வேலை செய்தால், விடுமுறை கொடுத்ததற்கு என்ன மதிப்பு இருக்கப் போகிறது? ஆகவே, கட்டாயம் விடுமுறை நாட்களில் யாரும், எந்தக் காரணத்தைக் கொண்டும் வேலை செய்யக் கூடாது என்ற ஏற்பாடு நடைமுறையில் கையாளப்பட வேண்டும்.

காலண்டரைப் பார்த்தால் சிகப்பு எண்கள்தான் நிறைய இருக்கின்றன.

SRI V. S. BALASUNDARAM : ஞாயிற்றுக் கிழமைகளைக் கணம் அங்கத்தினர் அவர்கள் குறிப்பிடுகின்றார்களா?

* **SRI V. V. RAMASWAMI :** ஞாயிற்றுக்கிழமைகள் இருக்கட்டும். அவைகள் foreign இல்லை. மற்ற விடுமுறைகளையும் பார்த்தால், ஒரு ஆண்டிலே நிறைய விடுமுறை நாட்கள் காணப்படுகின்றன. ஆகவே, ஏதாவது ஒரு முடிவுக்கு வந்து, ஒரு ஆண்டிலே இத்தனை நாட்கள்தான், இந்த இந்த தினங்களில் விடுமுறை என்று சொல்லிவிடவேண்டும். அப்படிக் குறிப்பிட்ட விடுமுறை நாட்களைத் தவிர, எந்தக் காரணத்தைக் கொண்டும் வேறு நாட்கள் விடுமுறையாக விடப்படமாட்டாது என்று சொல்லிவிட்டால், தொல்லை நீங்கிவிடும். விடுமுறை நாளன்று எல்லோரும் ஏகோபித்து விடுமுறையை முழுமையாக அனுபவிக்கும்படியாகச் சட்டம் கொண்டுவரவேண்டும் என்பது என்னுடைய விருப்பம் ஆகும்.

விடுமுறை விடுவதிலும் இரண்டு பேரும் ஒத்துக்கொள்ள வேண்டும் என்று சொல்வது அவ்வளவு உசிதமாகத் தோன்றவில்லை. அரசாங்கம் ஒரேயடியாகச் சொல்லிவிட்டால், தொல்லை இருக்காது. இன்ஸ்பெக்டர், முதலாளிகளையும், தொழிலாளிகளையும் கலந்து முடிவு பண்ணவேண்டுமென்று மசோதாவில் காணப்படுகிறது. இன்ஸ்பெக்டருக்கு இந்த அதிகாரத்தைக் கொடுத்திருந்தாலும்கூட, இந்தப் பிரச்சனை அமைச்சருக்கும் வந்து தீருமே தவிர, அத்துடனேயே அது தீர்ந்துவிடாது. நண்பர் திரு. பாலசுப்ரமணிய அய்யர் அவர்கள் சொன்னது போல; சுப்ரீம் கோர்ட்டு வரையில் கூட இந்தப் பிரச்சனை சென்றால், அதைப்பற்றி ஆச்சரியப்படுவதற்கில்லை. நமது நாட்டிலே ஏற்கனவே இருக்கும் விடுமுறை நாட்களை அதிகமாக இருக்கின்றன. காரணமில்லாமல் அதிகமாக இருக்கின்றன. வீட்டிலே ஒரு விசேஷம் நடக்கிறது என்றால், அதை ஏன் “லீவு” நாளிலே வைத்துக்கொள்ளக் கூடாது என்று கேட்கப்படுகிறது. ஆகவே, இவையெல்லாவற்றையும் அனுசரித்து, ஆண்டுக்கு மொத்தம் இத்தனை நாட்கள்தான் விடுமுறை, அதுவும் இந்த இந்த நாள்தான் விடுமுறை என்று திட்டவட்டமாகச் சொல்லிவிட்டால், குறிப்பிட்ட காலத்தில் அதை அனுபவிக்கலாம். ஆகவே, இதை மனதிற கொண்டு அரசியலார் தகுந்த முறையில் சட்டம் செய்யுமாறு கேட்டுக்கொள்கிறேன்.

தேசிய விடுமுறை நாட்களிலே நமது காந்தியடிகள் பிறந்த அக்டோபர் 2-ந் தேதியையும் ஏன் சேர்க்கவில்லை என்பது எனக்குப் புரியவில்லை. ஜனவரி 26-ந் தேதியையும், ஆகஸ்டு 15-ந் தேதியையும் தேசிய விடுமுறை நாட்களாக விடுவதைப்பற்றி யாருக்கும் மறுப்பு இல்லையென்றாலும், தேசத்தந்தை என்று நாம் மாத்திரம் அல்ல, உலகம் பூராவும் போற்றுகின்ற உத்தமர் காந்தியடிகள் பிறந்த அக்டோபர் 2-ந் தேதியையும் ஏன் தேசிய விடுமுறை நாளாகச் சேர்க்கக்கூடாது என்று கேட்டுக்கொண்டு என்னுடைய உரையை முடிக்கின்றேன்.

4th November 1958]

* **SRI A. GAJAPATHY NAYAGAR :** மன்றத் தலைவர் அவர்களே, ஜனவரி 26-ந் தேதியும், ஆகஸ்டு 15-ந் தேதியும், ஆக இந்த இரண்டு நாட்களும், தேசிய விடுமுறை நாட்கள் என்று சொல்லிவிட்டு, அந்த நாட்களிலே வேலை செய்கிறவர்களுக்கு இரட்டிப்புச் சம்பளம் என்றால், நம் நாட்டில் வேறு இழிவு வேண்டியதில்லை. தேசிய விடுமுறை நாட்கள் என்று குறிப்பிட்டுவிட்டால், அவை தேசிய விடுமுறை நாட்களாகவே கருதப்படவேண்டும். அன்று யாரும் தொழிற்சாலைகளில் வேலை செய்யக் கூடாது என்ற கருத்தை நான் ஆதரிக்கிறேன்.

அதோடு மட்டுமல்லாமல், பண்டிகை கொண்டாடுவதற்காக ஐந்து நாட்கள் விடுமுறை என்றும் இதில் காணப்படுகிறது. தமிழ் நாட்டிலே, தமிழ் நாட்டுத் தனித் தலைவர், தெய்வப் புலமைத் திருவள்ளுவர்—தமிழ்த் தந்தை—அவர்களுக்கு விடுமுறை நாள் இல்லாமல் இந்தத் தமிழ் நாடு இருக்கிறது. இது ஒரு பெரிய குறை. நம்முடைய அமைச்சர் குழுவினரையும், மற்றும் தமிழர்கள் என்று சொல்லிக்கொள்ளும் திருக்குறளைத் தந்தவருமான திருவள்ளுவருடைய நினைவைக் குறிக்கும் வகையில் ஒரு விடுமுறை நாள் இல்லாமல் அவமானத்தோடும் கேவலத்தோடும் நம் நாட்டில் இன்னும் இருந்துகொண்டிருக்கிறோம். நான் பேசக்கூடியது சொல்லத்தகுந்த பேச்சு அல்ல என்று தலைவர் அவர்கள் சொல்லலாம். “ரெலவன்ட்” அல்ல என்றும் சொல்லலாம். ஆனாலும், இந்தச் சமயத்தில் நான் சொல்லக்கூடிய நிலைமையில்தான் இன்னும் இருந்துகொண்டிருக்கிறேன். திருவள்ளுவர் நாளையும் தேசிய விடுமுறை நாட்களில் ஒன்றாகச் சேர்க்கவேண்டுமென்று அரசியலாரைக் கேட்டுக்கொண்டு என்னுடைய பேச்சை முடிக்கின்றேன்.

* **THE HON. SRI M. BHAKTAVATSALAM :** Mr. Chairman, Sir, I entirely agree with the hon. the Deputy Leader of the Opposition that we should not have and cannot afford to have too many holidays. There has been rather a legitimate complaint that we are having too many holidays and some people compare statistics of holidays in this country with the statistics of holidays in other countries. But, Sir, it has been my great surprise to find that workers in many of the industrial establishments or concerns have not been enjoying even a few of the holidays. We have more than twenty holidays in a year and some of us have been enjoying all these holidays. But many of those workers in the industrial establishments have not had even national holidays. Year after year the Government have had to use their power and ask the employers to declare national holidays on the 26th January and 15th August. Of course, there are a few establishments which have been giving more than these seven holidays. I understand that in the Buckingham and Carnatic Mills, they give as many as eleven days. Of course, there is provision in this Bill that if workers are already enjoying certain extra privileges, they should not be affected by this legislation. Therefore, I have no doubt that no hon. Member would grudge granting seven holidays for the workers who work on day and sometimes even in the night throughout the year. They are to get only seven holidays in a year. The fundamental idea behind this legislation is that they must enjoy seven holidays and that out of these seven holidays, two must necessarily be national holidays, that is, on the 26th January and 15th

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August and that has been specifically provided for in the Bill. Then, they should have five festival holidays and there are so many festivals which we enjoy. Therefore, it has been provided that particular festival holidays have to be determined year after year at the beginning of the calendar year according to the opinion of the employers and the workers.

It has been pointed out by the hon. Member Sri V. V. Ramaswami that there would unnecessarily be quarrels and disputes arising out of this option given to the employers and the workers. But it has also been provided, as has been pointed out, that the Inspector is the determining authority, and he will consult the employers and the workers. It has been suggested by the hon. Member Sri Purushotham that instead of employees, their unions may be consulted. That will be open to serious objection. The strength of the union varies largely and it is no good taking votes in respect of the strength of the union. Of course, the exact procedure that is to be adopted in getting the opinion of the employers and the employees would be provided for in the rules and there is no need to provide for it in the Bill itself as has been pointed out by the hon. Member Sri Purushotham.

Then, Sir, in respect of festivals, five festival holidays have to be determined year after year. We have too many festivals, more than five that has been provided for in this Bill. One may prefer Deepavali and another may prefer Pongal. This year one may enjoy the Deepavali holiday and next year one may enjoy the Pongal holiday. Therefore, it is provided in the Bill that year after year it will be determined.

4 40 p.m. Then, Sir, about May Day, the 1st May, it has been included as one of the five festival holidays. It is open to the employees to get a holiday as for Deepavali, Saraswathi Pooja, etc. They can have this May Day, if they prefer it. There should be no objection at all. As a matter of fact, workers with various party affiliations clamour for this May Day and they would like to celebrate this May Day. Why should there be any objection? It has been provided that this will be allowed in lieu of one of the five days. If the employees prefer to have the May Day, there is no objection and they are permitted to have this and they should forego one among the five holidays. There should be no objection to this provision.

As for workers working during holidays, one cannot rule that out completely and say that no worker shall work on any holiday. Take, for instance, the national holidays. We have so much of programme of demonstration, this and that. These have to be arranged by some workers. If all workers should keep quiet, how would you enjoy the holiday? You enjoy a holiday by not merely sitting idle, but by celebrating it. (Interruption.) Even for eating, there should be somebody to cook. (Laughter.) Do you mean to say that all day long we can afford to sit idle and say that

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are enjoying the holiday? (Interruption.) It will be a mourning day and not a festive day. Therefore, it is provided. It does not mean that the employers will ask the workers compulsorily to work. It is not so. It is not the idea. A holiday is a holiday and the worker cannot be compelled to work. Still some workers will have to work, and if they do that extra work, they will be given either double wages or a subsidy.

There is one misconception or wrong idea amongst us. If we are honouring a great person, we should not think that we honour him only if we are enjoying a holiday in his name. That idea must go, disappear from our minds. We honour Thiruvalluvar. Then, what is the meaning of enjoying holidays in his name? We may celebrate the day and we may do all that. Still why should we not work? I cannot understand that our regard and respect for great men should depend on our getting holidays in their name and spending the whole day in idleness. (Sri A. Gajapathy Nayagar : Propagate his ideals!) Yes, do propaganda and all that. Still do you mean to say that all the twelve hours in the daytime you will be reciting the Kural from morning six to evening six? Somebody else wants a holiday for the Buddha Jayanthi. At that rate, now if we are having twenty holidays, then we will be having 100 holidays. Well, at the same time, we do not want to minimise the greatness of great persons.

That is all that I would like to say, Sir.

Mr. CHAIRMAN : The question is—

“ That the Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 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.

SRI K. BALASUBRAMANYA AYYAR : I do not move the amendment given notice of by me to clause 3.

Clause 3 was put and carried.

Clauses 4 to 6 were put and carried.

Clause 7.

Mr. CHAIRMAN : The motion is—

“ That clause 7 do stand part of the Bill ”.

SRI K. BALASUBRAMANYA AYYAR : I want to add ‘ a reasonable notice ’, Sir, to this clause.

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* THE HON. SRI M. BHAKTAVATSALAM: Hon. Members would note that it should be a surprise inspection and, therefore, there is no use of giving notice and all that.

SRI K. BALASUBRAMANYA AYYAR: Then, I am not moving my amendment, Sir.

Clause 7 was put and carried.

Clauses 8 to 12 were put and carried.

Clause 1 and the Preamble were put and carried.

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

‘That the Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 of 1958), as passed by the Legislative Assembly be passed’.

MR. CHAIRMAN: The question is—

‘That the Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 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. tomorrow.

The House then adjourned.

IV.—PAPER LAID ON THE TABLE OF THE HOUSE.

* 190. Notification issued with G.O. Ms. No. 2686, Revenue, dated 24th July 1958, regarding amendments to the Kuthagapattom rules, 1947, in their application to the Kanyakumari district and Vencottah taluk of the Tirunelveli district.

* Placed on the table of the House on 3rd November 1958.

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APPENDIX I.

[Vide answer to starred question No. 151 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 4th November 1958, page 365 supra.]

Resolutions passed at the State Executive Officers' Conference held on 18th January 1958 and the action taken thereon.

Resolution No. 1.—“Periodical Conferences of Executive Officers should be convened by the Assistant Commissioners, Deputy Commissioners and Commissioner with a view to discuss and remove the difficulties experienced by the Executive Officers in the administration of the temples.”

Orders have since been issued in G.O. Ms. No. 2027, Home, dated 18th July 1958, that periodical conferences of the Executive Officers should be convened in each of the Assistant Commissioner's division before July every year except in the divisions of East and West Tanjore, where a single conference will be sufficient and that two or three regional conferences should be convened in August or November every year.

Resolution No. 2.—“Suitable legislation should be undertaken to treat Executive Officers as Government servants and to extend to them all the concessions enjoyed by the Government servants.”

The Executive Officers are not paid from the Consolidated Fund of the State and hence, the question of treating them as Government servants does not arise. Nor can the concessions given to the Government servants be extended to them, as the Government cannot bear the colossal recurring expenditure on this account.

Resolution No. 3.—“Persons from other departments should not be recruited as Executive Officers, as such appointments work to the detriment of Executive Officers who are in service.”

Persons who have retired from service in other Government departments should not be appointed as Executive Officers.

Such transfers and appointments are made only in a few deserving cases and in the exigencies of administrative convenience. No action was, therefore, taken on this resolution.

Resolution No. 4.—“As there is a large number of Executive Officers who have put in a long service and have not been provided suitable grades according to their service and qualifications, the question should be re-examined and suitable instructions should be issued for the posting of such officers in their proper places and that pending settlement of this issue, direct recruitment of Executive Officers should be deferred.”

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As the existing rules issued under section 100 (2) (p) and (x) (ii) of the Hindu Religious and Charitable Endowments Act, 1951, give adequate representation to the promotees also, it was decided not to defer the scheme contemplated for direct recruitment of Executive Officers.

Resolution No. 5.—"Immediate steps should be taken for the institution of a Contributory Provident Fund Scheme for the benefit of the Executive Officers."

The matter is under consideration.

Resolution No. 6.—"Executive Officers who have entered service before the commencement of the Madras Act XIX of 1951 be exempted from passing the Hindu Religious and Charitable Endowments Test and Accounts Test for increment and promotion purposes."

Under the present rules, the Executive Officers who are promoted to higher grades, for which a qualification has been prescribed, must acquire the qualifications. The Government considered that the rules should be strictly adhered to.

Resolution No. 7.—"Seniority list of Executive Officers may be prepared and supplied to each Executive Officer from time to time."

Instructions have been issued to the Commissioner to supply copies of the establishment list of Executive Officers on payment of nominal cost.

Resolution No. 8.—"Provision should be made in the Service Rules that in the matter of recruitment of Assistant Commissioners, 50 per cent of the vacancies should be filled by promotion of senior Executive Officers."

The Government have since decided to amend the Madras Hindu Religious and Charitable Endowments (Administration) Service Rules to treat the Executive Officers also as *transferees* so as to enable them to be appointed as Assistant Commissioners even in temporary vacancies against the 20 per cent quota allotted to them under the rules. The Government did not consider it necessary to increase the percentage.

Resolution No. 9.—"Festival advances may be granted to the Executive Officers as in the case of non-gazetted officers."

As all the temples cannot afford to give such advances, no action was taken on the resolution.

Resolution No. 10.—"All Executive Officers who are drawing the maximum salary of Rs. 60 in the V Grade at the time of regularizing of service may be absorbed in the IV Grade immediately."

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The question was stated to be under correspondence between the Commissioner, Hindu Religious and Charitable Endowments, and the Accountant-General.

Resolution No. 11.—"This conference while recording the letter No. R.C. 32366/55311, dated 9th August 1957, received from the Registrar of Co-operative Societies, Madras, who has stated "that in view of the attitude taken by the Commissioner (of the Hindu Religious and Charitable Endowments Department), the bank, if registered, cannot work successfully", and also the letter No. 68197-D2/57-4, dated 18th October 1957, received from the Secretary to the Revenue Department, Government of Madras, "that it will not be possible either for the Deputy Commissioner, Hindu Religious and Charitable Endowments, Tanjore, or the Personal Assistant to the Commissioner, Hindu Religious and Charitable Endowments, Madras, to serve as ex-officio President of the proposed Bank," requests the Government to issue such orders as it may deem fit for registration of the bank without the provision of an ex-officio President but with such safeguards as may be deemed necessary for the proper administration of the bank, considering the need for such a co-operative bank for encouraging thrift, and self-help and betterment of the economic condition of the members."

As this question has to be looked into by the Co-operative department, the Federation has been advised to move the Registrar of Co-operative Societies in the matter.

Resolution No. 12.—"Executive Officers may be permitted to offer security of 50 per cent of the amount in the form of fidelity bond while the other 50 per cent may be in cash or immovable property."

The Executive Officers will have to serve several institutions, where they will be the disbursing officers. The fidelity bonds will not be accepted by any company without such officers taking up the responsibility for payment of the premium. The resolution was not therefore accepted.

Resolution No. 13.—"The conference condemns the grievous and dastardly assault on Sri P. Muthuswamy, Executive Officer, Deepambalur, while discharging his duties and expresses its sympathy for the officer."

Resolution No. 14.—"Instructions should be issued to the Police department to render all assistance and protection to the temple authorities in the discharge of their duties and for security of temple property."

Resolution No. 15.—"Resolved to wait on a deputation on the Home Minister to make representations on the resolutions passed in the First Executive Officers' Conference and in this conference."

No action was considered necessary on these three resolutions.

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APPENDIX II.

[Vide answer to starred question No. 152 asked by Vidwan T. Muthukannappan at the meeting of the Legislative Council held on 4th November 1958, page 366 supra.]

The following are the duties of the Fisheries Welfare Officer appointed under the Director of Fisheries :—

(1) To ascertain the pressing needs of fishing villages in the form of approach roads, drinking-water wells, street lighting, schools, housing, bath-rooms, latrines, drainage and medical facilities and pursue action to provide these requirements.

(2) To prepare estimates and plans of selected villages and to submit them for approval.

(3) To take steps to secure funds for the execution of the proposals either under the Fisheries budget or under the National Extension Service and Community Development Projects.

(4) To establish close contact with the fishing villages and to enlighten them about Government's Welfare Plans for them and to enlist their active co-operation in successfully implementing these schemes.

(5) To do propaganda and publicity and to educate fishermen in improved methods of fishing and better living through films, talks, exhibitions and demonstrations by actually visiting the villages as often as possible with the aid of the propaganda van of the department.

(6) Rehabilitation of displaced fishermen affected by sea erosion in places like Madras City, Tiruvottiyur, Ennore, Dhanushkodi, Tirupalakudi, Manapad, etc., by taking action to provide alternative building sites.

(7) To transmit the results of fisheries departmental research and findings of investigations in deep sea fishing, etc., to fishermen so that they could adopt them in improving their fishing or go to newly found out fishing grounds.

(8) To teach fishermen elementary principles of health, environmental hygiene and sanitation and to introduce better sanitary conveniences.

(9) The Fisheries Welfare Officer is essentially a liaison officer and the responsibility for carrying out ameliorative works is that of the respective departments.

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APPENDIX III.

[Vide answer to starred question No. 153 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 4th November 1958, page 368 supra.]

(a) Number of panchayats to which ordinary election of members have been held till 31st July 1958—

(i) Panchayats constituted under the Madras Local Boards Act, and reconstituted under the Madras Village Panchayats Act, 1950—

Name of the district.	Class I panchayats including Class II panchayats coming under Part I rules.	Class II panchayats coming under Part II rules.
(1)	(2)	(3)
1 North Arcot	1	644
2 South Arcot	4	270
3 Chingleput	7	311
4 Coimbatore	14	182
5 Madurai	8	186
6 The Nilgiris	5	22
7 Ramanathapuram	11	138
8 Salem	8	358
9 Tanjore	16	567
10 Tiruchirappalli	14	404
11 Tirunelveli	6	148
	84	3,230

(ii) Panchayats constituted under the Madras Village Panchayats Act, 1950—

Coimbatore district	Nil.	2
	84	3,232

(b) Number of panchayats to which elections are yet to be held—

(i) Panchayats constituted under the Madras Local Boards Act and reconstituted under the Madras Village Panchayats Act, 1950—

1 North Arcot	19	218
2 South Arcot	15	54
3 Chingleput	8	63
4 Coimbatore	18	36
5 Madurai	20	61
6 The Nilgiris	3	5
7 Ramanathapuram	13	66
8 Salem	27	131
9 Tanjore	19	71
10 Tiruchirappalli	9	46
11 Tirunelveli	34	16
	185	767

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(ii) Panchayats constituted under the Madras Village Panchayats Act, 1950—

Name of the districts. (1)	Class I panchayats including Class II panchayats coming under Part I rules. (2)	Class II panchayats coming under Part II rules. (3)
1 North Arcot	Nil	177
2 South Arcot	Nil	399
3 Chingleput	Nil	158
4 Coimbatore	1	279
5 Madurai	Nil	303
6 The Nilgiris	Nil	Nil
7 Ramanathapuram	Nil	184
8 Salem	Nil	386
9 Tanjore	Nil	296
10 Tiruchirappalli	Nil	249
11 Tirunelveli	Nil	266
	<u>1</u>	<u>2 697</u>

(c) Number of panchayat members elected so far—

1 North Arcot	15	5,504
2 South Arcot	60	2,812
3 Chingleput	105	2,735
4 Coimbatore	297	2,464
5 Madurai	119	2,333
6 The Nilgiris	75	325
7 Ramanathapuram	165	1,363
8 Salem	120	4,079
9 Tanjore	95	5,790
10 Tiruchirappalli	194	5,029
11 Tirunelveli	90	1 679
	<u>1,245</u>	<u>* 34,104</u>

* This figure represents the actual numbers of seats filled up to 31st July 1958, including the two newly constituted Panchayats in Coimbatore district.

(d) Number of contested and unopposed elections—

Clause I Panchayat.

Name of the district.	Uncontested Elections (unopposed).	Partially contested.	Fully contested.
1 North Arcot	Nil	1	Nil
2 South Arcot	Nil	2	2
3 Chingleput	Nil	3	4
4 Coimbatore	Nil	8	6
5 Madurai	Nil	5	3
6 The Nilgiris	1	4	Nil
7 Ramanathapuram	3	7	1
8 Salem	Nil	4	4
9 Tanjore	Nil	6	Nil
10 Tiruchirappalli	Nil	9	5
11 Tirunelveli	Nil	6	Nil
Total	<u>4</u>	<u>55</u>	<u>25</u>

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Class II Panchayats.

Name of the district. (1)	Uncontested Elections. (2)	Partially contested. (3)	Fully contested. (4)
1 North Arcot district	474	143	27
2 South Arcot district	175	86	9
3 Chingleput	250	52	9
4 Coimbatore *	108	65	11
5 Madurai	87	81	18
6 Nilgiris	9	13	Nil.
7 Ramanathapuram	110	26	2
8 Salem	252	83	23
9 Tanjore	315	200	52
10 Tiruchirappalli	164	181	59
11 Tirunelveli	90	50	8
Total	<u>2,034</u> (3232)	<u>*980</u>	<u>218</u>

* The particulars, include two newly constituted Panchayats for which elections were held.

(e) The last date for the completion of all the panchayat elections in each district—

(i) Panchayats constituted under the Madras Local Boards Act and reconstituted under the Madras Village Panchayats Act, 1950.

District.	Last date of the completion of elections to all panchayats.
(1)	(2)
1 North Arcot	28th February 1959.
2 South Arcot	28th December 1958.
3 Chingleput	30th April 1959.
4 Coimbatore	21st April 1959.
5 Madurai	17th April 1959.
6 The Nilgiris	30th October 1958.
7 Ramanathapuram	30th April 1959.
8 Salem	4th December 1959.
9 Tanjore	10th January 1959.
10 Tiruchirappalli	2nd December 1958.
11 Tirunelveli	1st February 1959.

(ii) Panchayats constituted under the Madras Village Panchayats Act, 1950.

The term of office of the members of the panchayats which were constituted during the period from 2nd January 1953 to 2nd January 1954 has been fixed by Government to expire on various dates commencing from 2nd May 1958 to 2nd May 1959. The terms of office of the members of the panchayats which were constituted on various dates between 3rd January 1954 and 2nd January 1955 have been fixed as five years by Government and as such they will expire on various dates commencing from 3rd January 1959 to 2nd January 1960.

The term of office of the members of the panchayats which were newly constituted in the districts of South Arcot and Tiruchirappalli during the period from 3rd January 1955 to 31st December

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1957 has been fixed by the Inspector to expire under section 122 (3) of the Madras Village Panchayats Act, on 31st December 1958 and for such panchayats in the other districts to expire on 1st July 1959. The elections to the panchayats in the districts of South Arcot and Tiruchirappalli will be conducted during the months of October, November and December, 1958, and in the other districts from April 1959 onwards, after refixing their strength and notifying them during the preceding three months.

APPENDIX IV.

[Vide answer to starred question No. 155 asked by Vidwan T. Muthukannappan at the meeting of the Legislative Council held on 4th November 1958, page 369 supra.]

Details for the districtwise allotment of Pablo boats.

		Number of boats supplied.		
		Fishermen Co-operative Federations.	Fishermen Co-operative Societies.	Total.
Madras	..	3	5	8
Chingleput	..	..	1	1
South Arcot	..	1	4	5
Tanjore	..	5	..	5
Ramanathapuram	..	4	..	4
Tirunelveli	..	10	..	10
Kanyakumari	..	2	5	7
		25	15	40

APPENDIX V.

[Vide answer to starred question No. 156 asked by Vidwan T. Muthukannappan at the meeting of the Legislative Council held on 4th November 1958, page 372 supra.]

So far, the services of the following eight Experts have been made available by the Government of India under the Food and Agricultural Organization Expanded Technical Assistance Programme to advise this Government on the development of fisheries in this State :—

- (1) Mr. G. S. Illugason—Expert in Fishery Engineering.
- (2) Mr. Paul Ziener—Expert in Naval Architecture.
- (3) Mr. K. Rasmussen—Expert in Naval Architecture.
- (4) Mr. Peter Gurtner—Expert in Naval Architecture.
- (5) Mr. C. R. Bjuke—Harbour Specialist.
- (6) Mr. C. G. Bjuke—Harbour Specialist.
- (7) Mr. Barlind—Marketing Specialist.
- (8) Dr. Carlos Gonsolaz—Marketing Specialist.

Mr. Illugason has given training to fishermen in deep sea fishing and also for the construction of Pablo boats.

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Mr. Paul Ziener has advised in the construction of mechanised fishing boats.

Mr. Rasmussen has also given advice regarding the construction of mechanised fishing boats.

Mr. Peter Gurtner is advising the construction of Boat Building Yard and mechanised fishing surf boats.

Mr. C. R. Bjuke has advised on the construction of fishing harbours and the preparation of detailed plans and estimates. Mr. C. G. Bjuke has also advised on the construction of fishing harbours and the preparation of detailed plans and estimates. Mr. Barlind has advised on the ways of establishing better fishing markets. Dr. Gonsolaz has also submitted a report on the improvement of fish marketing.

APPENDIX VI.

[Vide answer to starred question No. 157 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 4th November 1958, page 373 supra.]

[SUBJECT.—*Reservation of seats in the Engineering and Medical Colleges for students who are dependants of Central Government officials and students from other States, etc.*]

Year.	Students whose parents or guardians are Central Government servants but not domiciled in this State.		Students from other States.	
	Engineering.	Medical.	Engineering.	Medical.
	(1)	(2)	(3)	(4)
1958	—	2	2	12
				7 Pre-Medical and 6 I.M.B.B.S.
1957	..	2	2	12
1956	..	2	2	6
1955	..	2	2	6
1954	..	2	2	6

No condition has been specified for such reservation except in the case of Engineering Colleges. The reservation of seats for Andhra Pradesh candidates is on reciprocal arrangement.

In respect of Medical Colleges, in 1957, thirteen seats were reserved for the students from other States. Of these, 11 seats were for candidates from the Mysore State and two seats were for those from Jammu and Kashmir State. In 1958 also 13 seats in all, i.e., seven seats in the Pre-Medical course (five seats for the Mysore State and two seats for the Jammu and Kashmir State) and six seats in the First M.B.B.S. course for the Mysore State were reserved. The reservation of seats for the Mysore State was made under the direction of the Government of India. This reservation was only for two years, i.e., for 1957 and 1958.

[4th November 1958]

APPENDIX VII.

[Vide answer to starred question No. 158 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 4th November 1958, page 374 supra.]

For the amelioration of the service conditions of the scavengers and other sanitary workers employed under the Municipal Councils and District Boards of the State, the State Government have permitted the local bodies to provide free quarters to the scavengers and other sanitary workers, supply dress and footwear, grant holidays, free education, mid day meals and medical aid to their children, etc., according to their financial capacity. The State Government are also giving necessary assistance under the Low Income Group Housing Scheme to these local bodies for providing houses to their low paid employees and have also fixed minimum wages for scavengers and sanitary workers under the Minimum Wages Act. Government have also commended to the local bodies the organisation of co-operative credit societies and stores for the benefit of this class of servants. They are allowed the Provident Fund benefits also. Big municipalities such as Salem, Madurai and Tiruchirappalli have provided necessary amenities such as water, lighting, drainage, road and conservancy in the localities where the sanitary workers have put up their houses. Several municipalities in this State have allowed the scavengers to construct their own huts with or without municipal or Government permission.

2. The scavengers employed in panchayats are paid a fixed pay ranging from Rs. 1 per mensem to Rs. 10 per mensem depending on the financial position of the panchayats plus usual dearness allowance. They are eligible for earned leave on full pay for a maximum period of 15 days per year, and unearned leave on medical certificate for 30 days per year and maternity leave for 60 days in the case of married female scavengers. The panchayats situated in taluk headquarters are permitted to pay house rent allowance to sanitary workers. Several Class I panchayats (which have Executive Officers as Executive Authorities) have supplied uniforms to male and female sanitary workers. In some panchayats, soaps, soap-cut powder and towels are supplied.

3. The Director of Public Health had already instructed the local bodies to put an end to the practice of sanitary workers carrying night-soil in baskets or buckets on their heads. There is also a scheme for the supply of wheel Barrows or Hand Carts for this purpose.

APPENDIX VIII.

[Vide answer to starred question No. 159 asked by Vidwan T. Muthukannappan at the meeting of the Legislative Council held on 4th November 1958, page 375 supra.]

LIST OF FISHERMEN CO-OPERATIVE SOCIETIES IN MADRAS STATE.

(1) Madras District.

Inland—

1 Narayanaswami Garden Inland Fishermen Co-operative Society.

Marine—

- 1 Kasimode Fishermen Co-operative Society.
- 2 Kasipuram Fishermen Co-operative Society.
- 3 Royapuram Fishermen Co-operative Society.

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(1) Madras District—cont.

Marine—cont.

- 4 Triplicane Fishermen Co-operative Society.
- 5 Mattankuppam Fishermen Co-operative Society.
- 6 South Madras Fishermen Co-operative Society.
- 7 Nochikuppam Fishermen Co-operative Society.
- 8 Urakuppam Fishermen Co-operative Society.
- 9 Mattankuppam Dovendra Meenevar Co-operative Society.
- 10 Madras District Fishermen Co-operative Federation.
- 11 Kasimannagar Fishermen Co-operative Society.

(2) Chingleput District.

Inland—

- 1 Padur Fishermen Co-operative Society.
- 2 Kanchunguzhi Fishermen Co-operative Society.
- 3 Uthiramerur Fishermen Co-operative Society.
- 4 Tenpakkam Fishermen Co-operative Society.
- 5 Iggaikulam Fishermen Co-operative Society.
- 6 Kancheepuram Fishermen Co-operative Society.
- 7 Wallajapet Fishermen Co-operative Society.
- 8 Sriperumbudur Fishermen Co-operative Society.
- 9 Poonaikuppam Fishermen Co-operative Society.
- 10 Poondi Fishermen Co-operative Society.
- 11 Kattukuppam Fishermen Co-operative Society.
- 12 Andikuppam Fishermen Co-operative Society.
- 13 Alandur Fishermen Co-operative Society.
- 14 Chingleput Fishermen Co-operative Society.
- 15 Mezard Fishermen Co-operative Society.
- 16 Kadakkal Alanda Co-operative Society.
- 17 Periyakuppam Co-operative Society.

Marine—

- 1 Pulicat Fishermen Co-operative Society.
- 2 Valambodu Bharathavar Co-operative Society.
- 3 Ennore Fishermen Co-operative Society.
- 4 Thiruvottiyur Fishermen Co-operative Society.
- 5 Thiruvannamiyur Fishermen Co-operative Society.
- 6 Tiruchinaku-pam Fishermen Co-operative Society.
- 7 Neelangarai Fishermen Co-operative Society.
- 8 Kanathur Reddikuppam Fishermen Co-operative Society.
- 9 Mahabalipuram Fishermen Co-operative Society.
- 10 Uyyalurkuppam Fishermen Co-operative Society.
- 11 Salas Fishermen Co-operative Society.
- 12 Pudupattanam Fishermen Co-operative Society.
- 13 Kadalar Fishermen Co-operative Society.
- 14 Kadapakkam Fishermen Co-operative Society.
- 15 Sathankuppam Fishermen Co-operative Society.
- 16 Kasikottukuppam Fishermen Co-operative Society.
- 17 Chooli Kattukuppam Fishermen Co-operative Society.
- 18 Enathur Karikattukuppam Fishermen Co-operative Society.

(3) North Arcot District.

Inland—

- 1 Polur Sembadavar Fishermen Co-operative Society.
- 2 Kaveripak Fishermen Co-operative Society.
- 3 Wallajapet Fishermen Co-operative Society.
- 4 Vengalathur Fishermen Co-operative Society.
- 5 Mupakavetthi Fishermen Co-operative Society.
- 6 Ukkal Fishermen Co-operative Society.

(4) South Arcot District.

Inland—

- 1 Chidambaram Parvatharajakulam Taluk Fishermen Co-operative Society.
- 2 Vallampadurai Fishermen Co-operative Society.
- 3 Kurunjupadi Fishermen Co-operative Society.
- 4 Lalpet Fishermen Co-operative Society.
- 5 Kumulam Fishermen Co-operative Society.
- 6 Udaiyangudi Fishermen Co-operative Society.
- 7 Tiruppapuliyur Co-operative Society.
- 8 Uppalavadi Fishermen Co-operative Society.

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(4) *South Arcot District—cont.*

Inland—cont.

- 9 Tiruvatti Fishermen Co-operative Society.
- 10 Tirukodur Fishermen Co-operative Society.
- 11 Sivantharkuppam Fishermen Co-operative Society.
- 12 Srimalurai Fishermen Co-operative Society.
- 13 Malmudiyonur Fishermen Co-operative Society.
- 14 Villupuram Fishermen Co-operative Society.
- 15 Azaram Fishermen Co-operative Society.
- 16 Gingee Fishermen Co-operative Society.
- 17 Thirunavalur Fishermen Co-operative Society.
- 18 Sangilikuppam Fishermen Co-operative Society.
- 19 Tindivanam Fishermen Co-operative Society.

Marine—

- 1 Killai Fishermen Co-operative Society.
- 2 Chandavayam Sholaganpetti Co-operative Society.
- 3 Porto Novo Fishermen Co-operative Society.
- 4 Kvilanikuppam Fishermen Co-operative Society.
- 5 Hanumanthakuppam Fishermen Co-operative Society.
- 6 Koonimedu Fishermen Co-operative Society.
- 7 Mudaliyar Chavadi Fishermen Co-operative Society.
- 8 Chelankuppam Fishermen Co-operative Society.
- 9 Sonnkuppam Fishermen Co-operative Society.
- 10 Kodaimpalayam Sea Fishermen Co-operative Society.
- 11 Kinjampat Fishermen Co-operative Society.
- 12 South Arcot District Fishermen Co-operative Society.
- 13 Devanampattinam Fishermen Co-operative Society.

(5) *Tanjore District.*

Inland—

- 1 Tirumullaivasal Fishermen Co-operative Society.
- 2 Tanjavoor Parvatharajaku Co-operative Society.
- 3 Kumbakonam Parvatharajakula Co-operative Society.
- 4 Papanasam Parvatharajakula Co-operative Society.
- 5 Nalvedipathy Fishermen Co-operative Society.

Marine—

- 1 Kaveripattinam Sea Fishermen Co-operative Society.
- 2 Koolaiyur Sea Fishermen Co-operative Society.
- 3 Tiruvannagiri Fishermen Co-operative Society.
- 4 Madathukuppam Sea Fishermen Co-operative Society.
- 5 Tranquebar Sea Fishermen Co-operative Society.
- 6 Perumalpettai Sea Fishermen Co-operative Society.
- 7 Chandrapadi Sea Fishermen Co-operative Society.
- 8 Akarpettai Sea Fishermen Co-operative Society.
- 9 Nambiaragar Fishermen Co-operative Society.
- 10 Sambandampattai Fishermen Co-operative Society.
- 11 Thuraiyadi Sea Fishermen Co-operative Society.
- 12 Vederanyam Arcot Street Fishermen Co-operative Society.
- 13 Kodikarai and Kodikadu Sea Fishermen Co-operative Society.
- 14 Pettai Jambuvanodai Sea Fishermen Co-operative Society.
- 15 Karaiyur Street Sea Fishermen Co-operative Society.
- 16 Muthukuda Sea Fishermen Co-operative Society.
- 17 Kattupadi Jambuga Mahadevipattinam Sea Fishermen Co-operative Society.
- 18 Pudukudi Sea Fishermen Co-operative Society.
- 19 Pudukattinam Sea Fishermen Co-operative Society.
- 20 Eripurakarai Fishermen Co-operative Society.
- 21 Tanjore District Fishermen Co-operative Society.
- 22 Kodaimpalayam Fishermen Co-operative Society.
- 23 Mallipattinam Fishermen Co-operative Society.
- 24 Kalumangada Sea Fishermen Co-operative Society.
- 25 Paunai Fishermen Co-operative Society.
- 26 Ve'angunni Fishermen Co-operative Society.
- 27 Seruthur Fishermen Co-operative Society.
- 28 Nago Sea Fishermen Co-operative Society.
- 29 Keelamoovarkarai Sea Fishermen Co-operative Society.
- 30 Maravakad Fishermen Co-operative Society.

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(6) *Tiruchirappalli District.*

Inland—

- 1 Karur Fishermen Co-operative Society.
- 2 Kodailikaruppur Fishermen Co-operative Society.
- 3 Srirangam Fishermen Co-operative Society.

(7) *Ramanathapuram District.*

Inland—

- 1 Rajapalayam Fishermen Co-operative Society.
- 2 Tirupuvanam Fishermen Co-operative Society.
- 3 Tirupattur Fishermen Co-operative Society.
- 4 Wazup Fishermen Co-operative Society.
- 5 Paramakudi Fishermen Co-operative Society.
- 6 Parthipannur Fishermen Co-operative Society.

Marine—

- 1 Mukkaiyur (Muddur) Fishermen Co-operative Society.
- 2 Pasipattinam Fishermen Co-operative Society.
- 3 Tirupalakudi Fishermen Co-operative Society.
- 4 Thondi Fishermen Co-operative Society.
- 5 Nambuthala Fishermen Co-operative Society.
- 6 Mullimunai Fishermen Co-operative Society.
- 7 Karangodu Fishermen Co-operative Society.
- 8 Devipattinam Fishermen Co-operative Society.
- 9 Paraikulam Fishermen Co-operative Society.
- 10 Muthupettai Fishermen Co-operative Society.
- 11 Irumerni Fishermen Co-operative Society.
- 12 Attankarai Fishermen Co-operative Society.
- 13 Mandapam Fishermen Co-operative Society.
- 14 Thangachadam Fishermen Co-operative Society.
- 15 Rameswaram Fishermen Co-operative Society.
- 16 Dhanushkodi Fishermen Co-operative Society.
- 17 Keelakarai Fishermen Co-operative Society.
- 18 Pamban Fishermen Co-operative Society.
- 19 Anthonia puram Fishermen Co-operative Society.
- 20 Pudukkottai Fishermen Co-operative Society.
- 21 Ramanath District Fishermen Co-operative Society.
- 22 Kankollanpattinam Fishermen Co-operative Society.
- 23 Morepanai Fishermen Co-operative Society.

(8) *Madurai District.*

Inland—

- 1 Palani Fishermen Co-operative Society.
- 2 Periyakulam Fishermen Co-operative Society.
- 3 Madurai Taluk Fishermen Co-operative Society.
- 4 Manamadurai Fishermen Co-operative Society.

(9) *Tirunelveli District.*

Inland—

- 1 Tenkasi Fishermen Co-operative Society.
- 2 Periaswampuram Fishermen Co-operative Society.
- 3 Terukkulikulam Fishermen Co-operative Society.
- 4 Seruthamangalam Fishermen Co-operative Society.
- 5 Melapavoor Fishermen Co-operative Society.

Marine—

- 1 Tuticorin Fishermen Co-operative Society.
- 2 Mannakayal Fishermen Co-operative Society.
- 3 Veerapandipattinam Fishermen Co-operative Society.
- 4 Alantalai Fishermen Co-operative Society.
- 5 Manpad Fishermen Co-operative Society.
- 6 Periatthalai Fishermen Co-operative Society.
- 7 Ovari Fishermen Co-operative Society.
- 8 Kottapuli Fishermen Co-operative Society.
- 9 Tirunelveli District Fishermen Co-operative Society.
- 10 Tirunelveli District Fishermen Co-operative Society.

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(9) Tirunelveli District—cont.

Marine—cont.

- 11 Punnayakal Fishermen Co-operative Society.
- 12 Idinthakarai Fishermen Co-operative Society.
- 13 Tharuvaikulam Fishermen Co-operative Society.

(10) Coimbatore District.

Inland—

- 1 Kilani Fishermen Co-operative Society.
- 2 Koluman Fishermen Co-operative Society.
- 3 Mettupalayam Fishermen Co-operative Society.
- 4 Besthwar Fishermen Co-operative Society.

(11) Salem District.

- 1 Mettur Dam Fishermen Co-operative Society.
- 2 Dharapuram Fishermen Co-operative Society.

(12) Kanyakumari district.

Marine—

- 1 Kanyakumari Fishermen Co-operative Society.
- 2 Kovalam Fishermen Co-operative Society.
- 3 Melammanakudi Fishermen Co-operative Society.
- 4 Pallam Fishermen Co-operative Society.
- 5 Rajakkamangalam St. Philomena Fishermen Co-operative Society.
- 6 Alikkal Morning Star Co-operative Society.
- 7 Kallipattinam Marketing Co-operative Society.
- 8 Puthur Fishermen Co-operative Society.
- 9 Kottilad Fishermen Co-operative Society.
- 10 Colahalli Co-operative Society.
- 11 Kodinani Fishermen Co-operative Society.
- 12 Enyan Fishermen Co-operative Society.
- 13 Poothur Fishermen Co-operative Society.
- 14 Eludesam Fishermen Co-operative Society.
- 15 Kolemcode Coastal Relief Co-operative Society.
- 16 Pudukkadal Fishermen Co-operative Society.
- 17 Midalam Fishermen Co-operative Society.

Statement showing the grant of loans to fishermen through Fishermen Co-operative Society.

Name of the Division and name of the Society or Federation.	Amount sanctioned under the scheme.					Number of persons benefited.
	Long term loan.	Medium term loan.	Construction of godown.			
			Loan.	Subsidy.		
(1)	(2)	(3)	(4)	(5)	(6)	
	RS.	RS.	RS.	RS.		
Madras and Chingleput 1956-57 —						
Ennore Fishermen Co-operative Society.	20,000	..	..	..	40	
Tiruvottiyur Fishermen Co-ope- rative Society.	22,000	..	..	..	65	
Kasimode Fishermen Co-opera- tive Society.	18,000	..	..	..	36	
Muttakuppam Fishermen Co- operative Society.	20,000	..	..	..	40	
Malas Federation	2,000	..	..	..	..	
1957-58 —						
Kanahur Reddikuppam.. ..	12,000	..	2,000	..	40	
Vailmedu	12,000	..	2,000	..	40	
Kaikoluppam	12,000	..	..	..	40	
Matalkuppam	12,000	..	..	..	40	
Devendia						
Meenavar						
Narayanewmy garden.. ..	..	4,000	..	..	65	
Kattukuppam	..	4,000	2,000	..	20	

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Statement showing the grant of loans to fishermen through Fishermen Co-operative Society—cont.

Name of the Division and name of the Society or Federation.	Amount sanctioned under the scheme.				Number of persons benefited.
	Long term loan.	Medium term loan.	Construction of godown.		
			Loan.	Subsidy.	
(1)	(2)	(3)	(4)	(5)	(6)
	RS.	RS.	RS.	RS.	
Ennore	..	..	2,000	2,000	..
Nallangarai	12,000	..	2,000	..	40
Padur	..	3,000	..	..	30
Poondi	..	2,550	..	..	26
Triplicane Fishermen Co-operative Society.	5,700	..	..	..	..
Alandur	1,700	..	..	..	19
Chingleput—1956-57—					
Chingleput 1956-57	1,000	..	..	..	..
1957-58—					
Uppalavada Fishermen Co-operative Society.	..	..	..	..	..
Munjakuppam Fish Market Co-operative Society.	..	..	2,000	2,000	..
Killai Fishermen Co-operative Society.	12,000	..	..	..	67
Kennedu Fishermen Co-operative Society.	12,000	..	..	..	83
Devampattinam Fishermen Co-operative Society.	11,780	..	..	..	71
Sulaiman Kattukuppam Co-operative Society.	12,000	..	..	..	54
South Arcot District Federa- tion.	2,000	..	..	..	..
Tanjore—1956-57—					
Eripurakurai	10,000	..	..	..	22
Kodikurakudi	11,050	..	..	..	36
Karaiyur	11,200	..	..	..	37
Nombur Nagar	14,125	..	..	..	50
Akkarapattai	4,075	..	..	..	16
Tanjore Federation	2,000	..	..	..	..
1957-58—					
Kaveripattinam	12,000	..	..	..	40
Muthaluda	11,100	..	..	..	52
Chandrapady	12,000	..	..	..	46
Akkarapattai	6,650	..	..	..	28
Pudukudy	..	7,450	..	..	50
Mullapattinam	..	..	2,000	2,000	..
Akkarupattai	..	..	2,000	2,000	..
Seruthur	..	..	2,000	2,000	..
Thuralakadu	12,000	..	..	..	50
Kalamankuda	12,000	..	..	..	54
Madurai 1956-57—					
Manjapam	16,000	..	..	..	32
Irumeni	13,500	..	..	..	30
Attankarai	11,000	..	..	..	22
Pamban	13,400	..	..	..	41
Pudumadam	9,350	..	..	..	41
Ramanad Federation	2,000	..	..	..	..
1957-58—					
Paspattinam	12,000	..	..	..	68
Tiruppalakudi	12,000	..	..	..	100
Kadakkallanpattinam	12,000	..	..	..	57
Muthupattai	..	3,400	..	..	17
Tiruppuvanam	..	2,600	..	..	40
Ramanad Federation Ucipuli	..	..	2,000	2,000	..

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Statement showing the grant of loans to fishermen through Fishermen Co-operative Society—cont.

Co-operative Society—cont.					
Name of the Division and name of the Society or Federation.	Amount sanctioned under the scheme.				Number of persons benefited.
	Long term	Medium term loan.	Construction of godown		
			Loan.	Subsidy.	
(1)	(2)	(3)	(4)	(5)	(6)
	RS.	RS.	RS.	RS.	
Tuticorin 1956-57—					
Kiavaipalai	12,000	..	..	..	54
Punnakayal	12,550	..	..	..	62
Overy	12,000	..	..	..	46
Periahalli	12,000	..	..	..	32
Tirunelveli Federation	2,000	..	..	..	..
1957-58—					
Idinthakalai	12,000	..	..	..	37
Rajchanyapuram	11,400	..	..	..	60
Alntulal	11,650	..	..	..	71
Kanyakumari 1956-57—					
Ezhudesam	3,000	..	..	..	9
1957-58—					
Kanyakumari Meenpidithozi- laraagam	10,000	..	..	..	20
Rajakkamangalam	10,000	..	..	..	47
Ezhudesam	..	3,000	1,850	1,850	15
Chambakaram	..	..	2,000	2,000	39
Colahalli	9,250	..	..	..	..
Kanyakumari Federation	2,000	..	..	..	..
Mettur Dam 1953-57—					
Mettur dam	15,500	..	..	..	118
1957-58—					
Mettur Dam Fishermen Co- operative Society	10,000	10,000	..	..	50
Besthawal Sagram	400	..	..	..	51

APPENDIX IX.

[Vide item II (3) on page 428 supra.]

L.A. BILL No. 19 OF 1958.

(As passed by the Assembly.)

A Bill to provide for the grant of National and festival holidays to persons employed in industrial establishments in the State of Madras.

WHEREAS it is expedient to provide for the grant of National and festival holidays to persons employed in industrial establishments 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 Industrial Establishments (National and Festival Holidays) Act, 1958.

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

(3) It shall come into force on such date as the Government may, by notification, appoint.

[4th November 1958]

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

(a) “day” means a period of twenty-four hours beginning at midnight;

(b) “employee” means—

(i) any person (including an apprentice) employed in any industrial establishment to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied;

(ii) any other person employed in any industrial establishment whom the Government may, by notification, declare to be an employee for the purposes of this Act;

(c) “employer” when used in relation to an industrial establishment means a person who has the ultimate control over the affairs of the industrial establishment, and where the affairs of any industrial establishment are entrusted to any other person (whether called a managing agent, manager, superintendent or by any other name) such other person;

(d) “Government” means the State Government;

(e) “industrial establishment” means,—

(i) any establishment as defined in clause (6) of section 2 of the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947);

(ii) any factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948), or any place which is deemed to be a factory under sub-section (2) of section 85 of that Act;

(iii) any plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951);

(iv) any other establishment which the Government may, by notification, declare to be an industrial establishment for the purposes of this Act;

(f) “Inspector” means an Inspector appointed under sub-section (1) of section 6;

(g) “wages” means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee in respect of his employment or of the work done by him in such employment, and includes—

(i) such allowances (including dearness allowance) as the employee is for the time being entitled to;

(ii) the value of any house accommodation; or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;

[4th November 1958]

but does not include—

- (a) any bonus;
- (b) any contribution paid or payable by the employer to any pension fund or provident fund, or for the benefit of the employee under any law for the time being in force;
- (c) any gratuity payable on the termination of his service;
- (d) any sum paid to the employee to defray special expenses entailed on him by the nature of his employment;
- (e) any travelling concession.

3. *Grant of National and festival holidays.*—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 other 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 industrial establishment:

Provided that, if the majority of the employees so desire the 1st May shall be one of the five festival holidays aforesaid.

4. *Employer to send statement to Inspector.*—Every employer shall send to the Inspector having jurisdiction over the area in which the industrial establishment is situated, and display in the premises of the industrial establishment, a statement showing the holidays allowed in each calendar year under section 3, in such form, within such time and in such manner as may be prescribed.

5. *Wages.*—(1) Notwithstanding any contract to the contrary, every employee shall be paid wages for each of the holidays allowed to him under section 3.

(2) Where an employee works on any holiday allowed under section 3, he shall, at his option, be entitled to—

- (a) twice the wages; or
- (b) wages for such days and to avail himself of a substituted holiday with wages on any other day.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an employee who is paid wages by the day or at piece rates shall be entitled to be paid wages for any holiday allowed under section 3—

- (i) only at a rate equivalent to the daily average of his wages to be calculated in the prescribed manner.
- (ii) where he works on any such holiday, only at twice the rate mentioned in clause (i), or in lieu thereof, at the rate mentioned in that clause and to avail himself of a substituted holiday with wages at that rate on any other day:

Provided that no such employee shall be entitled to be paid any wages for any of the holidays allowed under section 3, other than the 26th January and the 15th August, if he has not completed a period of thirty days' continuous service immediately preceding such holiday.

[4th November 1958]

Explanation.—For the purpose of this proviso, a weekly or any other holiday or authorized leave availed of by an employee shall be included in computing the period of thirty days mentioned therein.

6. *Inspectors.*—(1) The 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 for such local limits as the 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).

7. *Powers of Inspectors.*—Subject to any rules made by the 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, an industrial establishment;

(b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise, the evidence of such person as he may deem necessary for carrying out the purposes of this Act;

(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.

8. *Penalties.*—Any employer who contravenes any of the provisions of section 3 or section 5 shall be punishable with fine which, for the first offence, may extend to twenty-five rupees and for a second and subsequent offences may extend to two hundred and fifty rupees.

9. *Penalty for obstructing Inspector.*—Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand in writing by an Inspector any register, record or notice in his custody which may be required to be kept in pursuance of this Act or of any rule made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

10. *Exemptions.*—(1) Nothing contained in this Act shall apply to—

- (a) any employee in a position of management;
- (b) any employee whose work involves travelling;

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(c) any industrial establishment under the control of the Central or any State Government, local authority, Reserve Bank of India, a railway administration operating any railway as defined in clause (20) of Article 366 of the Constitution or a cantonment authority; or

(d) any mine or oil field.

(2) The Government may, by notification, exempt either permanently or for any specified period any establishment or class of establishments, or person or class of persons from all or any of the provisions of this Act, subject to such conditions as the Government may deem fit.

11. *Rights and privileges under other laws, etc., not affected.*—Nothing contained in this Act shall affect any rights or privileges which any employee is entitled to, on the date on which this Act comes into force under any other law, contract, custom or usage, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

12. *Power to make rules.*—(1) The Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In making a rule under this Act, the Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(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 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.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 5th November 1958.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

House-rent allowance and pension to teachers

* 160-A (SHORT NOTICE) Q.—SRI T. P. SRINIVASAVARADAN: Will the Hon. the Minister for Finance be pleased to state—

(a) whether a deputation consisting of the President of the South Indian Teachers' Union and the Presidents of the District Guilds of Tanjore, Tirunelveli and Madras presented to the Minister for Finance on 8th February 1958 a memorandum in regard to the grant of house-rent allowance and extension of pension scheme to other categories of teachers in secondary schools; and

(b) if so, the action taken or proposed to be taken thereon?

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

(b) They were examined by Government along with the general question of extending the pension scheme and the question of granting house-rent allowance to teachers. A reply was sent to the President, South India Teachers' Union, to that effect.

In answer to a previous question, I said that there was no other representation. I am sorry for the mistake. There was a representation from the South Indian Teachers' Union.

Manufacture of raw film

* 161 Q.—SRI V. M. SURENDRAM (on behalf of Sri T. Joghee Gowder): Will the Hon. the Minister for Home be pleased to state—

(a) whether there is any proposal before the Government for setting up a factory for the manufacture of raw film at Ootacamund;

(b) if so, the estimated cost thereof; and

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

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

(b) Rupees 7.5 crores.

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(c) A final decision has not yet been taken by the Government of India on the question of establishing a factory at Ootacamund for the manufacture of raw photographic film. The matter is still in the exploratory stage.

SRI V. M. SURENDRAM : ஸார், இதுபற்றி எப்பொழுது முடிவு கிடைக்கும் ?

THE HON. SRI M. BHAKTAVATSALAM : சர்க்கரத்தில் முடிவு ஏற்பட்டு, மேற்கொண்டு நடவடிக்கை எடுத்துக்கொள்ளப்படும் என்று எதிர்பார்க்கப்படுகிறது.

SRI S. T. ADITYAN : What is the arrangement so far for the capitalisation—how much for the State Government, how much for private people and how much for the Central Government?

THE HON. SRI M. BHAKTAVATSALAM : This will be in the public sector.

SRI MOHAMED RAZA KHAN : Is the Home Minister aware, consequent on the restriction of the import of raw films, of the great difficulties and the hardships to which film producers are put in the State of Madras?

THE HON. SRI M. BHAKTAVATSALAM : That is so, but that cannot be solved by this Government alone.

Pension to teachers

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

(a) whether commutation of pension is allowed in the case of teachers; and

(b) if not, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM : (a) Teachers in Government service can commute their pension. Pension sanctioned to teachers under local bodies and aided institutions cannot be commuted.

(b) Pension has been sanctioned to teachers in aided and local body schools at Government cost as a special case and it was decided that commutation need not be allowed in this case.

SRI G. KRISHNAMOORTHY : May I know whether it is no a fact that commutation is ultimately a less burden to the Government?

THE HON. SRI C. SUBRAMANIAM : We are concerned with the immediate burden.

SRI G. KRISHNAMOORTHY : Have the Government arrived at any decision on a calculation of figures on the immediate commitment?

THE HON. SRI C. SUBRAMANIAM : We considered this aspect and we thought that this concession need not be extended

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

(a) whether temporary increase in pension is given to teachers retiring from Government schools;

(b) whether such temporary increase is given to teachers retiring from local boards and aided institutions also; and

(c) if not, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM : (a) Yes, Sir, up to pensions not exceeding Rs. 100 per mensem.

(b) No, Sir.

(c) Financial limitations.

SRI G. KRISHNAMOORTHY : Are the Government aware of the fact that the major number of these teachers will draw a pension of about Rs. 10 per month and that this addition of Rs. 6, temporary increase, will go a long way for their subsistence?

THE HON. SRI C. SUBRAMANIAM : As I have already stated, due to financial limitations, we have not extended it to the local body teachers.

SRI G. KRISHNAMOORTHY : Would the Government be kind enough to consider this proposal at least in the near future?

THE HON. SRI C. SUBRAMANIAM : I am sorry I am not in a position to give any assurance on that question.

Madras Fisheries Department

* 164 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of gazetted, non-gazetted and Last Grade servants employed in the Madras Fisheries Department; and

(b) the number of employees belonging to the fishermen community in each category?

THE HON. SRI M. A. MANICKAVELU (on behalf of the Hon. the Minister for Local Administration) :

(a) Gazetted Officers	..	..	..	22
Non-Gazetted Officers	..	..	..	378
Last Grade Servants	..	..	..	134

(b) Gazetted Officers	..	..	..	Nil
Non-Gazetted Officers	..	..	..	22
Last Grade Servants	..	..	..	23

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VIDWAN T. MUTHUKANNAPPAN: மொத்தம் இந்த இலாகாவிலே சுமார் 534 உத்தியோகஸ்தர்கள் இருப்பதாகத் தெரிகிறது. அதிலே சுமார் 8 சத விதீதம்தான் மீனவர்கள் இருக்கிறார்கள். மீனவர்களின் நன்மையைக் கருதிவரும் இந்த இலாகாவில் கணிசமான அளவு மீனவர்களுக்கு உத்தியோகம் கொடுக்க அரசாங்கம் முயற்சி செய்யுமா?

THE HON. SRI M. A. MANICKAVELU: இந்த டிபார்ட்மெண்டில் மீனவர்கள்தான் இருக்க வேண்டுமென்பதில்லை. அப்படி யிருந்தாலுங்கூட, அவர்களுக்கும் சலுகை கொடுக்க வேண்டுமென்று கருதி பத்து ஸ்தானங்களில் ஒரு ஸ்தானம் அவர்களுக்குக் கொடுக்க வேண்டுமென்று ஒரு நிபந்தனை இருக்கிறது. இருந்தாலும், சரியான யோக்கியதாம்சம் உள்ளவர்கள் கிடைக்காததனால், சில ஸ்தானங்களைப் புர்த்தி செய்ய முடியவில்லை. கூடுமான வரையில், யோக்கியதாம்சம் இருந்தால், அவர்கள் எடுத்துக்கொள்ளப் படுவார்கள்.

VIDWAN T. MUTHUKANNAPPAN: இப்பொழுது 8 சத விதீதம்தான் மீனவர்கள் இருக்கிறார்கள். அதை 10, 15 சத விதீதமாக உயர்த்துவார்களா என்று கேட்கிறேன். மேலும் கெஜடெட் பதவியில் மீனவர் ஒருவர்கூட இல்லை. 'கெஜடெட்' பதவிக்குத் தகுதியுடையவர்கள் இருக்கிறார்கள். ஆனால் அவர்களுக்கு 'சினியாரிடி' முதலிய சலுகைகளும் விதிவிலக்குகளும் கொடுத்தால், அவர்கள் 'கெஜடெட்' பதவிக்கு வர முடியும். அதையும் அரசாங்கம் செய்யுமா என்று கேட்க விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU: அம்மாதிரி அனாவசியமாகச் சலுகை கொடுத்தால், மற்றவர்கள் அதனால் பாதிக்கப்படுவார்கள். மற்றவர்கள் பாதிக்கப்படாத வகையில் எந்த அளவுக்குச் செய்ய முடியுமோ, அந்த அளவுக்குத்தான் செய்யலாம்.

SRI T. PURUSHOTHAM: மீனவர்கள் மற்ற டிபார்ட்மெண்டுகளில் இருக்கிறார்களா என்பதை அமைச்சர் அவர்கள் தெரிவிப்பார்களா?

THE HON. SRI M. A. MANICKAVELU: மீனவர்கள் எந்த டிபார்ட்மெண்டிலும் இருக்கலாம். அதுவும் மீனவர்கள் டிபார்ட்மெண்டில்தான் இருக்கவேண்டுமென்பதில்லை.

Courses in the Presidency and Arts Colleges

* 167 Q.—**VIDWAN T. MUTHUKANNAPPAN:** Will the Hon. the Minister for Finance be pleased to state—

(a) whether Telugu, Kannada and Malayalam are taught as languages under Part II in the courses in the Presidency and Arts Colleges;

(b) if so, the number of students studying in each of the languages in the Pre-University and three years' B.A. Degree courses in each of the above colleges; and

(c) the number of teaching staff appointed for each of the languages in those colleges?

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

VIDWAN T. MUTHUKANNAPPAN: ஐயா, இந்த அறிக்கைப்படி பிரஸிடென்ஸி காலேஜில் தெலுங்கு வகுப்பில் 17 பேர்கள் படிக்கிறார்கள். ஆர்ட்ஸ் காலேஜில் தெலுங்கில் 8 பேர்கள் படிக்கிறார்கள். மொத்தம் இரண்டு கல்லூரிகளிலும் சேர்ந்து 25 பேர்கள் படிக்கிறார்கள். பிரஸிடென்ஸி காலேஜில் ஆசிரியர்கள் 2 பேர்கள் இருக்கிறார்கள். ஆர்ட்ஸ்

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காலேஜில் 2 பேர்கள் இருக்கிறார்கள். இருபத்தைந்து மாணவர்களுக்கு 4 பேர்கள் ஆசிரியர்கள் இருக்கிறார்கள். மலையாளத்தில் பிரஸிடென்ஸி காலேஜில் 4 பேர்கள் படிக்கிறார்கள். ஆர்ட்ஸ் காலேஜில் 3 பேர்கள் படிக்கிறார்கள். மொத்தம் 7 பேர்கள் படிக்கிறார்கள். ஆசிரியர்கள் இரண்டு கல்லூரிகளிலும் சேர்ந்து மூன்று பேர்கள் இருக்கிறார்கள். இவ்வளவு குறைவான எண்ணிக்கை இருப்பதினாலும் ஆர்ட்ஸ் கல்லூரிக்கும், பிரஸிடென்ஸி கல்லூரிக்கும் இடையே 1½ மைல் தூரம்தான் இருப்பதாலும், இந்த இரண்டு கல்லூரிகளிலுள்ள வகுப்புகளையும் ஒன்று சேர்த்துவிட அரசாங்கத்திற்கு எண்ணம் இருக்கிறதா என்று கேட்கிறேன்.

THE HON. SRI C. SUBRAMANIAM: இது சிறுபான்மையோருடைய மொழிப் பிரச்சனை, எல்லா கல்லூரிகளிலும் இதுமாதிரி மலையாளம், கன்னடம், தெலுங்கு பேசுகிறவர்களுக்குச் சௌகரியம் இருக்க வேண்டுமென்று நினைக்கிறார்கள். இப்பொழுது இதுபற்றித் தனியாக ஒரு குழு நியமிக்கப்பட்டு, 'ஸோனல் கவுன்சில்' மூலமாகப் பரிசீலனை செய்யப்பட்டு வருகிறது. அதற்குப் பிற்பாடுதான் இதிலே ஏதாவது மாற்ற முடியுமா என்பதைப் பற்றி ஆலோசிக்க வேண்டும்.

Insecticides

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

(a) the various insecticides allowed to be used on foodcrops in the State;

(b) whether the effects of such insecticides on foodgrains have been investigated; and

(c) if so, with what results?

THE HON. SRI M. BHAKTAVATSALAM: (a) The following insecticides are being used on foodcrops for controlling the pests.

(i) BHC.

(ii) DDT.

(iii) Endrin.

(iv) Parathion.

(b) Not much work has been done in this State or elsewhere in India about the residual effect of these insecticides on the crops.

(c) Does not arise.

SRI G. KRISHNAMOORTHY: Sir, will the Government try to see what exactly is the effect of these insecticides on the foodcrops and make sure that even a small percentage of this poison does not enter the human system through the crops?

THE HON. SRI M. BHAKTAVATSALAM: The Government are of the view that the application of these insecticides on foodcrops normally does not affect the products. But if DDT is dusted and if it is sprayed, there may perhaps be some effect on the crops for a month. It is estimated that it may not last for more than a month. So, if the food products are consumed after a month, there should be absolutely no danger and there is no difficulty about it.

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SRI G. KRISHNAMOORTHY: Will the Government give sufficient publicity to that factor and ensure that the merchants would not part with the grains or that the public would not consume the grains for such a period as has been banned?

THE HON. SRI M. BHAKTAVATSALAM: That would mean banning the sale of grains when there are harvests. As a matter of fact, there is no such complaint about these food products that are consumed immediately after the harvests and there is no such reaction as is complained of.

3-10 p.m. SRI G. KRISHNAMOORTHY: Have the Government made sure, Sir, that some of the food poisoning cases reported recently are due more to carelessness in preparation than to the quality of the foodgrains?

THE HON. SRI M. BHAKTAVATSALAM: The hon. Member is repeating exactly what I have stated. There are many factors that contribute to food poisoning and preparation is one of the main factor that contribute to food poisoning?

Parvatharajakula (Inland Fishermen) Sangam

* 166 Q.—VIDWAN T. MUTHUKANNAPPAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether copies of the resolutions passed by the Parvatharajakula (Inland Fishermen) Sangam on 2nd August 1958 at Salem (27th Conference) have been received by the Government; and

(b) if so, the action taken thereon?

THE HON. SRI M. A. MANICKAVELU (on behalf of the Hon. the Minister for Local Administration): (a) & (b) A copy of the Resolutions has been received by the Government in the middle of August 1958 and they are under examination. The Government are awaiting the remarks of the Director of Fisheries on them.

VIDWAN T. MUTHUKANNAPPAN: ஐயா, முன்னர் எரி, குளம், குட்டைகளில் உள்நாட்டு மீனவர்களுக்குக் கூட்டுறவு சங்கங்கள் மூலம் குத்தகைக்கு விடும் உரிமை இருந்தது. இப்போது அது இல்லை. அதைப் பற்றி ஒரு தீர்மானம் போட்டு சர்க்காருக்கு சமர்ப்பிக்கப்பட்டிருக்கிறது. அது சம்பந்தமாகப் பிரதிநிதிகள் யாராவது வந்து கனம் அமைச்சர் அவர்களைப் பேட்டி கண்டார்களா? அப்படியானால், அதன் மீது என்ன நடவடிக்கை எடுத்திருக்கிறார்கள் என்பதை அறியக் கோருகிறேன்.

THE HON. SRI M. A. MANICKAVELU: தீர்மானங்கள் 9, 10 வந்திருக்கின்றன. அதில் ஒரு தீர்மானம் representation in the Assembly and Council and in the Local Boards என்று இருக்கிறது. அந்தந்தத் தீர்மானங்கள் அந்தந்த டிபார்ட்மெண்டுக்கு விசாரணை செய்ய அனுப்பப் பட்டிருக்கின்றன. ஒவ்வொன்றையும் ஒவ்வொரு டிபார்ட்மெண்ட் பரிசீலனை செய்ய வேண்டியதாக இருப்பதால்தான், கொஞ்சம் காலதாமதம் ஆகிறது.

VIDWAN T. MUTHUKANNAPPAN: Sir, I referred to the first resolution.

THE HON. SRI M. A. MANICKAVELU: No information about it is available with me now. The whole thing will have to be dealt with.

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District board schools

* 168 Q.—DR. A. CHIDAMBARANATHAN: Will the Hon. Minister for Local Administration be pleased to state—

(a) the procedure adopted for the disbursement of Provident Fund amount to the teachers of the district board schools who retire from service;

(b) whether any time-limit has been fixed for the disbursement of the amount after retirement;

(c) if so, whether any complaints regarding delays have been received; and

(d) if so, the action taken by the Government in the matter?

THE HON. SRI M. A. MANICKAVELU (on behalf of the Hon. the Minister for Local Administration): (a) The procedure for the disbursement of the Provident Fund amounts to teachers is prescribed in rules 20 to 25 of the rules relating to provident fund maintained by district boards.

(b) The disbursement is ordinarily made within two months from the date of retirement or the demise of the subscriber. The payment should not be delayed for more than three months, except in cases where there is dispute as regards heirs of subscribers, production of certificates, etc. If in any case the amount is not paid within six months, the matter should be reported to Government with reasons for the delay.

(c) & (d) It has been reported that there have been a few complaints, and that the petitions containing such complaints were forwarded to the district boards concerned for necessary action.

DR. A. CHIDAMBARANATHAN: எடுத்துக் காட்டாக, திருநெல்வேலி மாவட்டத்தில் ஓய்வு பெற்றுள்ள பல ஆசிரியர்களுக்கு ஓய்வு பெற்று ஆறு மாதங்களுக்கு மேலாகியும்கூட, இன்னும் பணம் கொடுக்கப்படாமல் இருக்கிறது என்பதை அரசாங்கம் அறியுமா? அதைப்பற்றித் தக்க நடவடிக்கை எடுக்குமா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU: அம்மாதிரிப் புக்கார்கள் சில வந்தன என்று முன்பே சொன்னேன். அது டிஸ்டிரிக்ட் போர்டு அதிகாரத்தில் இருப்பதால், அதை அவர்களுக்கு எடுத்துக் காட்டி அதை நிவர்த்திக்க வேண்டுமென்று ஜில்லா போர்டு அதிகாரிகளுக்கு அனுப்பப் பட்டிருக்கிறது.

SRI S. P. SIVASUBRAMANYA NADAR: May I know from the Hon. Minister whether it is due to want of funds with the district boards?

THE HON. SRI M. A. MANICKAVELU: Yes, that may also be one of the reasons.

SRI K. T. KOSALRAM: அப்படிப்பட்ட காரணம் இருந்தால் பணம் இல்லாமல் அங்குள்ள உபாத்தியாயர்கள் ஜில்லா போர்டில் வேலை செய்ய வேண்டுமென்று அரசாங்கம் எதிர்பார்க்கிறார்களா? அப்படி இல்லாவிட்டால், அந்த ஜில்லா போர்டுகளுக்கு நிதி வசதி அளிப்பதற்கு அரசாங்கம் ஏதாவது ஏற்பாடு செய்திருக்கிறதா?

[5th November 1958]

THE HON. SRI M. A. MANICKAVELU : அம்மாதிரியான சங்கடமான நிலைமையில் அரசாங்கம் உதவி புரிய முன்வந்திருக்கிறது. இப்பொழுது ஜில்லா போர்டுகள் கலைக்கப்பட்டு ஸ்பெஷல் ஆபீசர் நியமிக்கப்பட்டால், உடனடியாக இந்த உபாத்தியாயர்களுக்குச் சம்பளம் கொடுப்பதுதான் பெரிய முக்கியமான வேலையாக இருக்கும்.

SRI T. P. SRINIVASAVARADAN : May I know whether the Hon. Minister is aware of the fact that the Provident Fund amounts or the contribution thereto by the management, i.e., the local bodies in this case, should be separately invested and should not be touched? If that is so, there cannot be any shortage of funds or want of funds.

THE HON. SRI M. A. MANICKAVELU : Sir, I only said that it might be one of the reasons. In some cases, sometimes, they do not properly look into the rules and there might be some infringement. I am, however, not in a position to say what is actually being done.

SRI S. P. SIVASUBRAMANYA NADAR : Is it a fact that the provident fund amounts are diverted and utilized otherwise?

THE HON. SRI M. A. MANICKAVELU : It is a fact that it cannot be diverted and should not be diverted. But somehow, sometimes, we are told that the funds are diverted for other purposes. It is no doubt wrong.

DR. A. CHIDAMBARANATHAN : If the funds had been diverted for other purposes, will the Government take steps to see that those amounts are reimbursed?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir, that matter will be gone into. The papers have been called for and after the receipt of the report, the matter could be looked into and considered.

SRI T. PURUSHOTHAM : Will the Government consider the possibility of making an advance payment, pending final settlement in long-pending cases?

THE HON. SRI M. A. MANICKAVELU : Each case will be judged on its own merits. If a representation is made, that will be considered on its merits.

SRI K. T. KOSALRAM : Sir, there are thousands of teachers and it would be very difficult to consider each case on its merits. Government cannot consider individual cases and pass orders. When a representative association of the teachers has made a representation to the Government, cannot the Government take action on the strength of its representation instead of waiting for individual representation and passing orders on each of them?

THE HON. SRI M. A. MANICKAVELU : What I said in answer to the supplementary question put by the hon. Member Sri Purushotham, viz., whether any advance payment will be made in long-pending cases, is that each case will be decided on its own merits and on the representation of the persons concerned. That is all the answer that I gave him.

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Protected water-supply scheme

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

(a) whether any protected water-supply scheme for Sivakasi Municipality is under consideration of the Government;

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

(c) whether the Government have received any representations to expedite the execution of the scheme?

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

(b) The matter is under consideration.

(c) Yes, Sir.

SRI K. T. KOSALRAM : What is the estimated cost of this scheme?

THE HON. SRI M. A. MANICKAVELU : The estimated cost is Rs. 23.3 lakhs for installation and Rs. 26,600 per annum for maintenance. I may also inform the hon. Member that yesterday or so it has been decided to take up this scheme also. The remaining question to be examined is how far the municipalities will devise ways to meet the maintenance expenditure. We have asked them to send up their proposal and after its receipt, we will further look into it.

SRI K. T. KOSALRAM : Have they applied for loan from the Government?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir, this can be done only on a loan basis and we are willing to take it up and give the loan as soon as the administrative aspect has been fully considered, viz., how they will be able to bear the recurring charges. As soon as the reply is received, we will take further action.

Fishing operations

* 170 Q.—**VIDWAN T. MUTHUKANNAPPAN :** Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that due to fishing operations carried on with modern tools such as nylon nets, white nets and Pablo boats, sufficient quantity of fish is not available to the fishermen who carry on fishing operations with ordinary tools;

(b) whether the Government have received any representations in this behalf; and

(c) if so, the action taken or proposed to be taken thereon?

THE HON. SRI M. A. MANICKAVELU (on behalf of the Hon. the Minister for Local Administration) : (a) It is not a fact that due to fishing operations carried on with modern gear made

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of nylon nets and Pablo boats sufficient quantity of fish is not available to the fishermen to carry on fishing operations with ordinary equipments.

(b) A few representations have been received from Kanyakumari district against the use of Pablo boats.

(c) At the instance of Government, the Director of Fisheries convened a meeting at Nagercoil of fishermen and others to clear their misapprehensions about the use of mechanised boats. No other action has been found necessary.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, கன்யாகுமரி மாவட்டத்தில் கொளச்சல், மலாக்குடி போன்ற இடங்களில் நவீன மீன்பிடி கருவிகளையும் விசைப்படகுகளையும் உடயோகிப்பதில் பலமான எதிர்ப்பு இருக்கிறது என்பது கனம் அமைச்சர் அவர்களுக்குத் தெரியுமா? இந்த எதிர்ப்புக்கு அங்குள்ள சில முக்கியஸ்தர்கள் கூடத் தூபம் போடுகிறார்கள் என்பதும் தெரியுமா? அதைப்பற்றிக் கனம் அமைச்சர் அவர்கள் ஏதாவது நடவடிக்கை எடுத்துக்கொண்டிருக்கிறார்களா?

THE HON. SRI M. A. MANICKAVELU : அதனால்தான் நான் சொன்னேன். அதற்கு என்று ஒரு கூட்டம் போட்டு அதில் இப்படிப்பட்ட தப்பு அபிப்பிராயத்தை எடுத்துக் காட்டி அந்த மாதிரி விசைப் படகுகளால் அனுகூலம்தான் இருக்கிறதே தவிர, பிரதிகூலம் இல்லை என்று நேரில் சொல்ல வேண்டும்.

VIDWAN T. MUTHUKANNAPPAN : அப்படி விளக்கம் கூறிக்கூட சிலர் அதை எதிர்த்து நிற்கிறார்கள் என்பது அரசாங்கத்தின் கவனத்திற்குக் கொண்டுவரப்பட்டிருக்கிறதா?

THE HON. SRI M. A. MANICKAVELU : அதற்கு வேறு ஏதாவது காரணம் இருக்கலாம். அந்தக் காரணத்தைக் கனம் அங்கத்தினர் கண்டு அறிந்து தெரிவித்தால், அதைப்பற்றிப் பரிசீலிக்கலாம்.

SRI K. T. KOSALRAM : 'மெக்கனைஸ்ட்' போட்டுகளைக் கொண்டு மீன் பிடிக்கிறவர்கள் சாதாரண போட்டுகளைக்கொண்டு மீன் பிடிக்கக்கூடிய இடத்திற்குச் சென்று ஆக்கிரமிக்கிறார்கள். ஆகவே, இப்படிப்பட்ட 'மெக்கனைஸ்ட்' படகுகள் மூலமாக மீன் பிடிக்கிறவர்கள் சில மைலுக்கு அப்பால் போய்த்தான் மீன் பிடிக்க வேண்டும் என்று சர்க்கார் அவர்களுக்கு ஒரு ரெஸ்ட்ரிக்ட்டன் போட வேண்டுமென்று ஏதாவது ஒரு பரபோஸல் இருக்கிறதா? அப்படிப் போட்டால் இந்த நிலைமையை நிவர்த்திக்கலாம் என்ற ஆலோசனையை யாராவது சொல்லியிருக்கிறார்களா? அதற்கு அரசாங்கம் என்ன பதில் சொல்லியிருக்கிறது?

THE HON. SRI M. A. MANICKAVELU : கடலில் கொஞ்சம் தூரமாகச் சென்று ஆழமான இடங்களில் மீன் பிடித்தால் தான் அதிகமாக மீன் கிடைக்கும் என்று சகஜமாக எல்லோராலும் சொல்லப்படுகிறது. ஆகவே, விசை போட்டுகளை வைத்துக்கொண்டு மீன் பிடிக்கிறவர்கள் தூரமாகப் போய்த் தான் மீன் பிடிப்பார்கள். (சிரிப்பு.)

SRI K. T. KOSALRAM : அம்மாதிரி நடக்காமல் இருப்பதால் தான், இப்படிப்பட்ட 'அஜ்டேஷன்' இருக்கிறது. ஆகவே, 'மெக்கனைஸ்ட்' போட்டுகள் ஐந்து மைல்களுக்கு அப்பால் சென்றுதான் மீன் பிடிக்க வேண்டும் என்ற ஒரு ரெஸ்ட்ரிக்ட்டனைப் போடுவதற்கு சர்க்கார் யோசிக்குமா?

THE HON. SRI M. A. MANICKAVELU : அதற்கு அவசியம் இல்லை என்று சொல்லுகிறேன். ஏனென்றால் ரொம்ப வேகமாகப் போகிறவர்கள், ஓசமாகப் போகிறவர்கள், அப்படிப் போகும்போது வழியில் கொஞ்சம் அகப்பட்டதைப் பிடிக்கத்தான் செய்வார்கள். (சிரிப்பு.)

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VIDWAN T. MUTHUKANNAPPAN : விசைப் படகுகள் என்றால், 3-20 அவை ஆழம் கடலிற் சென்று மீன் பிடிப்பதற்கென்று ஏற்பட்டவை. p.m. ஆனாலும், அவை சாதாரணக் கட்டுமரங்களைக் கொண்டு மீன் பிடிப்பவர் ஆனாலும், அவை சாதாரணக் கட்டுமரங்களைக் கொண்டு மீன் பிடிப்பவர் களுக்குப் பாதகம் விளைவிக்கக்கூடிய முறையில் கரைக்கு அருகிலேயே உபயோகப்படுத்தப்படுகின்றன. ஆகையால், அவைகளை ஆழம் கடலில் செலுத்திக் கொண்டுபோய் மீன் பிடிக்க வேண்டுமென்று உத்தரவு போடப் படுமா?

THE HON. SRI M. A. MANICKAVELU : மீன் பிடிக்கும் விஷயத்தில் இம்மாதிரியான நிர்ப்பந்தங்களெல்லாம் போடுவது அவ்வளவு நன்றாக இருக்காது. மீன் நிறையக் கிடைக்காததற்குக் காரணம்—ஒவ்வொரு சமயத் திலே அவை வலையில் சிக்கிக்கொள்ளாமல் ஏமாற்றியிருக்கலாம். இது போல, மீன் கிடைக்காததற்குப் பல காரணங்கள் இருக்கின்றன. அவை ஒவ்வொன்றையும் கண்டுபிடித்து, அதற்கெல்லாம் விதி ஏற்படுத்துவது கஷ்டம்.

VIDWAN T. MUTHUKANNAPPAN : நவீன இயந்திரப் படகுகளைக் கொண்டு மீன் பிடிப்பவர்களுக்கும் சாதாரணப் படகுகளைக் கொண்டு மீன் பிடிப்பவர்களுக்கும் இடையே நிரம்பச் சண்டைகளும் பலாத்காரங்களும் ஏற்பட்டிருக்கின்றன. சமீபத்தில் கூட திருவொற்றியூர் பக்கத்தில் அவர்க ளுக்கிடையே பலத்த சண்டை நடந்தது. இத்தகைய சிக்கலான நிலைமை தீர்வதற்காக மீன் இலாகா தகுந்த 'பராபகாண்டா' பிரசாரம் செய்யுமா?

THE HON. SRI M. A. MANICKAVELU : இது அம்மையார் 'போர்ட்போலியோ'. அந்த அம்மையாருக்குச் சொல்லி இதைக் கவனிக் கிறேன்.

SRI K. T. KOSALRAM : இது சிக்கலானது என்று சர்க்கார் பராமுகமாக இருக்கக்கூடிய விஷயம் அல்ல. ஏனென்றால், ஒரு இயந்திரப் படகு விடுவதினால் அந்த ஊரிலே அதற்கு விரோதமாக 500 பேர்கள் தங்களுடைய பிழைப்புப் போய்விடுகிறது என்று நினைக்கிறார்கள். ஆகவே, 500 பேர்களுக்கும் ஒரு தனி மனிதனுக்கும் அங்கு சண்டை நடக்கிறது. இயந்திரப் படகுகளை எங்கெங்கெல்லாம் 'இண்டர்ப்யூஸ்' பண்ணி இருக்கிறார் களோ அங்கெல்லாம் இந்தச் சண்டை படிப்படியாக ஏற்பட்டு வருவதினால், இதைப் பரிசீலனை செய்ய ஏதாவது ஒரு கமிட்டியையோ அல்லது விசேஷ அதிகாரியையோ ஏற்படுத்தி, இத்தகைய சண்டையினால் ஏழைகள் பாதிக்கப் படுவதை நிவர்த்திக்க அரசாங்கம் ஏற்பாடு செய்வார்களா?

THE HON. SRI M. A. MANICKAVELU : இதில் பெரிய அளவு சண்டையெல்லாம் ஏற்படுகிறது என்று சொல்கிறார்கள். இங்கே கேட்கப்பட்ட கேள்விகளையெல்லாம் பத்திரமாகத் தயார் செய்து, சம்பந்தப்பட்ட மினிஸ்டர் அம்மையார் அவர்களிடம் தெரிவிக்கிறேன்.

VIDWAN T. MUTHUKANNAPPAN : கனம் அம்மையார் விஷயம் என்று சொன்னார்கள். கனம் அம்மையார் எந்தப் பகுதியிலிருந்து வருகிறாரோ, அந்தப் பகுதியில் தான் குழப்பமும், எதிர்ப்பும், தடையும் பலவிதமான சண்டைகளும் ஏற்பட்டிருக்கின்றன. கனம் அம்மையார் அவர்களே அங்கு நேரில் சென்று அதைச் சரிப்படுத்துவார்களா?

THE HON. SRI M. A. MANICKAVELU : அந்த அம்மையார் ஊரிலேயே இதைல்லாம் நடக்கிறதென்றால், அவர்கள் இதைக் கட்டாயம் கவனிப்பார்கள்.

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 ASSEMBLY.

MR. CHAIRMAN : I have to announce to the House that I have received the following message from the Hon. Speaker Madras Legislative Assembly, dated the 5th November 1958 :—

‘ I transmit a copy of the following motion passed to-day by the Madras Legislative Assembly concurring with the Madras Legislative Council in setting up a Joint Select Committee of both the Houses to consider the Madras Open Places (Prevention of Disfigurement) Bill, 1958 (L.C. Bill No. 8 of 1958) :—

Motion

“ That this House concurs 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 Open Places (Prevention of Disfigurement) Bill, 1958 (L.C. Bill No. 8 of 1958) and that the following Members of the Assembly be selected to serve on such a Joint Select Committee :—

1. The Hon. Sri M. Bhakthavatsalam.
2. The Hon. Sri C. Subramaniam.
3. Sri P. G. Karuthiruman.
4. Sri V. Govindaswami Naidu.
5. Sri M. Mayandi Nadar.
6. Sri M. P. Periaswami.
7. Srimathi Rajathi Kunjithapatham.
8. Sri M. Alagiriswami.
9. Srimathi A. Suares.
10. Sri N. K. Palaniswami.
11. Sri S. Pakkiriswami Pillai.
12. Sri S. B. Adityan.
13. Srimathi S. Satyavanimuthu.
14. Sri A. Govindaswami.
15. Sri A. Perumal.
16. Sri S. Ramaswami Thevar.”

(2) DECISION OF THE BUSINESS ADVISORY COMMITTEE.

MR. CHAIRMAN : I have to report to the House that at the meeting of the Business Advisory Committee held at 2-30 p.m. to-day, it has been decided to hold a session of the Legislature at Ootacamund whenever possible. The Committee also decided to take up the following Government Bills, as passed by the Assembly, on 6th November 1958 :—

1. The Madras Estates (Abolition and Conversion into Ryotwari) Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958).
2. The Tiruchirappalli Kaieruvaram and Mattuvaram Bill, 1958.
3. The Madras Betting Tax (Amendment) Bill, 1958 (Subject to the Bill being passed by the Assembly on 5th November 1958).

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III.—CALLING ATTENTION UNDER RULE 41 (1) OF THE MADRAS COUNCIL RULES TO A MATTER OF URGENT PUBLIC IMPORTANCE, NAMELY, THE NON-PAYMENT OF SALARIES TO THE TEACHERS OF AN AIDED HIGH SCHOOL IN TIRUPPATTUR.

* SRI G. KRISHNAMOORTHY : Mr. Chairman, Sir, under rule 41 (1) of the Madras Council Rules, I wish, with your previous permission, to call the attention of the Hon. the Minister for Finance to a matter of urgent public importance, namely, the failure on the part of a management of a private Aided High School in Tiruppattur, North Arcot district, to disburse the salaries to the teachers for a number of months and the consequent notice of a strike on the part of the teachers if the salaries are not disbursed before a particular date and the possible denial of instruction to the students of the High School indefinitely which may jeopardise their preparation for annual and other Government Examinations.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, normally, High Schools with Forms I to VI should provide an endowment of Rs. 35,000 so that their financial stability may be ensured. The Ramakrishna High School, Tiruppattur, North Arcot district, was opened as a middle school in 1950. It became a full-fledged high school in 1955. The management did not fulfil the conditions regarding the creation of the endowment. They did not also send up proposals in the matter. The Director of Public Instruction did not, therefore, grant recognition to the school. In 1954-55 when the management applied for recognition in respect of Forms I to V, they stated that an endowment of Rs. 10,000 had been created. Forms I to V were, therefore, granted temporary recognition by the Director of Public Instruction during 1954-55, subject to certain conditions one of which was that the balance of the endowment of Rs. 25,000 should be built up in annual instalments of Rs. 4,000 each, the first instalment being due before the end of the year 1955. Subsequently, when the question of recognition was renewed during 1955-56, the Director of Public Instruction wanted to ascertain whether the management had paid the first instalment of Rs. 4,000 towards the endowment. The report received by the Director of Public Instruction from the inspecting officers revealed that the management had not, in fact, created even the endowment of Rs. 10,000 as they had represented earlier. The management of the school then created an endowment of Rs. 6,000 only and requested the Director of Public Instruction to permit it to make up the balance in annual instalments of Rs. 1,100. In the meanwhile, the Director withheld further recognition to the school and consequently, grants were also withheld. The teachers represented in May 1957 that the management did not pay their salaries from

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January 1957 onwards due to the grant for the year 1955-56 not having been released. The Correspondent also represented to Government that teaching grants were not released to the institution and he requested that recognition might be given for three years, that grants withheld for 1955-56 and advance grant of 50 per cent at least for 1956-57 might be paid and that the management might be permitted to make up the endowment in annual instalments of Rs. 1,100. The teachers also gave a notice of strike from 15th October 1957. Government examined the question and decided that the management should be asked to create the balance of endowment in easy annual instalments of Rs. 2,900. The Director of Public Instruction was asked to issue orders accordingly. He was also directed to release the grants withheld by him. The Director of Public Instruction accordingly released a grant of Rs. 10,402 for the year 1955-56 and directed that the teachers be paid their salaries from the grant and that it should not be utilised for the building up of the endowment for the school. The teachers were paid their salaries till 30th November 1957. In February 1958, the teachers again represented that they were not paid their salaries from 1st December 1957 and also arrears of dearness allowance at enhanced rates from November 1956. The Director of Public Instruction sanctioned a compensation grant of Rs. 9,924 on 8th March 1958. The teachers were paid arrears of salary from 1st December 1957 and dearness allowance at enhanced rates from November 1956 from that grant. They received their salaries on 15th March 1958.

In order to avoid a recurrence of notice of strike being given by the teachers of the institution, the Director suggested to Government that the management should be required to build up the endowment in bigger instalments. He suggested that the annual instalments of the endowment to be built up by the institution be raised from Rs. 2,900 to Rs. 4,000. Pending the creation of the balance of the endowment, the Director did not renew the recognition for the institution for 1957-58 and consequently did not release grants for that year. In the meanwhile, Government examined the suggestion of the Director of Public Instruction and decided recently that the amount of annual instalment fixed at Rs. 2,900 might stand. This decision has been communicated to the Director of Public Instruction. The teachers of the school do not seem to have been paid their salaries again from June 1958. A notice of strike given by them has since been received by the Government. The notice given by the Member, Legislative Council, refers apparently to this notice. The matter will be looked into and necessary instructions issued quickly.

3-30 p.m. Mr. CHAIRMAN: We shall now take up the non-official resolutions. Resolution No. 1 is in the name of the hon. Member Sri K. Balasubramanya Ayyar.

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IV.—NON-OFFICIAL RESOLUTIONS.

- (1) POWER TO THE LEGISLATIVE COUNCIL TO REPEAL OR MODIFY THE STATUTORY RULES, ORDERS, ETC., PLACED ON THE TABLE OF THE HOUSE.

SRI K. BALASUBRAMANYA AYYAR: Sir, I move the following Resolution which stands in my name—

‘This Council recommends to the Government that suitable provision be made in all statutes giving power to the Madras Legislative Council to make modifications either by way of amendment or repeal to statutory rules, orders, regulations and notifications made in pursuance of delegated legislation and required to be placed on the table of both the Houses of the Legislature.’

Sir, this Resolution refers to the power of the Legislative Council to repeal or amend all rules placed before both the Houses of the Legislature. About this matter, so far as I can see, there has not been any definite policy. Yesterday the Hon. Minister was kind enough to accept an amendment that the rules might be repealed or modified by the Legislative Council also. That was clause 179 of the Bill. In some previous cases it was not done. Yesterday in the Industrial Establishments (National and Festival Holidays) Bill the clause was again put in and as no amendment was moved, the clause is there as it was. Therefore, this matter stands in a nebulous state. I would like to recommend to the Government to have a definite policy by which whenever rules, orders, notifications, etc., under a particular Act on account of delegated legislation are made and placed before the Legislative Assembly, they should also be placed before the Legislative Council and power should be given to the Legislature as such, that is, both the Houses, to repeal or modify the statutory rules, orders and notifications issued under various Acts. If they adopt it as a general policy, I think directions would be given to the Secretary of the Department concerned that whenever power is given to the Government to make rules by delegated legislation, the word ‘Legislature’ should be put in instead of the words ‘Legislative Assembly’. That will obviate a lot of difficulties so far as we are concerned.

So far as the powers of the two Houses are concerned, there is no difference. Both the Houses have got power to pass amendments and make modifications. Only if the Legislative Council passes the amendment and sends it to the Legislative Assembly and if it does not agree to it for a second time, then the amendment is not passed. That is the only restriction. There, the final authority is the Legislative Assembly. In other respects, there is no difficulty. Even so far as Money Bills are concerned, instead of the word ‘amendment’ the word ‘recommendation’ is put in. But the provisions are the same as regards recommendations also. So far as the Lok Sabha and the Rajya Sabha are concerned, both the Houses have got the power to make any amendments to the rules. If there is any difference of opinion

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between the two Houses, then that is solved by a message given by the President for a Joint Committee of both the Houses. There is no such provision so far as the State Legislature is concerned. But the procedure as regards Bills is the same. The only limitation is that a Money Bill cannot be introduced in the Legislative Council. In other respects, the procedure is the same; the powers are the same. Therefore, so far as Bills are concerned, there is equal power for the Council to repeal, modify or alter any provisions of any Bill.

So far as rules, orders, regulations and notifications are concerned, the question arises. If any indication in the Constitution itself is required, we have to refer to Article 325, clause (5). That concerns itself with the regulations made by the Governor for listing of posts which need not be sent to the Public Service Commission. In that case there is a specific provision, namely:—

“All regulations made under the proviso to clause 3 by the President or the Governor of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of a State, as the case may be, as soon as possible after they are made and shall be subject to such modifications whether by way of repeal or amendment as both Houses of the Legislature of the State may make during the session in which they are so laid.”

That is a clear indication in the Constitution. They are not mere regulations but on account of the delegated legislation, they are made by the Governor. So far as posts that may not be referred to the Public Service Commission are concerned, those regulations should be placed before both the Houses of the Legislature and power to repeal or amend them is given to both the Houses. So far as Articles 197 and 198 are concerned, the powers of both the Houses are equal. A Bill is said to be passed only when both the Houses concur. Otherwise, it is not deemed to have been passed. From that reasoning, the Government must come to the conclusion that so far as rules, notifications and orders are concerned, the same procedure will have to be followed and the powers of both the Houses will have to be equal.

In regard to Bills originating in and passed by the Assembly and received therefrom in the Council, rule 130 says—

‘If the Bill is passed without amendment, a copy of the Bill with a message to the effect that the Council has agreed to the Bill without any amendment shall be transmitted to the Assembly.’

If the Bill is returned by the Assembly with a message that it agrees to any of the amendments made by the Council with further amendments or proposes further amendments in place of amendments made by the House, the Council may either agree to the Bill as originally passed in the Assembly or as further amended by the Assembly, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the Assembly has disagreed. (Rule 135.) Therefore, I

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no reason why the same power should not be given to the Council to alter or modify rules and orders which are issued under any particular Act. Now the difference they make is that although they are placed before both the Houses of the Legislature, only the Assembly can repeal or modify them. We have only to look on the papers; sometimes we may not even look on them. This matter was considered by the Committee on Subordinate Legislation on which representation is given to the Assembly and the Council and the Committee has passed a resolution to the following effect:—

‘This Committee is of opinion that as the Legislative Council also will have power to make modifications by way of amendment or repeal to the statutory rules, orders, regulations and notifications placed on the table of the House and that the procedure similar to the one laid down in Article 197 in regard to Bills may be adopted as regards modifications to rules, etc., that may be made’.

That is their latest recommendation. In two or three Acts before, for example, in the Madras Cultivating Tenants Protection Act and the Cinemas Act, power was given to both the Houses to repeal or amend or modify any of the rules framed under them. But in some Acts they give this power and in some other Acts they do not give it. Where they do not give this power, we have to move amendments and argue the point. On one particular occasion, we had a lot of discussion here in this Council whether the power should be there or not. All these discussions could be avoided if there is a general policy or principle followed by the Government that so far as rules, orders and notifications placed before the Assembly and the Council are concerned, power given to the Assembly to repeal or modify them may be given to the Council also.

This is a matter which is fairly important so far as the powers and functions of the Legislative Council are concerned. I hope and trust that the Government would sympathetically accept the Resolution. It is not a concession. It is a question of right and privilege of the Legislative Council. So, let this not be treated as a matter of concession. Considering the constitutional provisions and considering the powers which are given to the Legislative Council so far as Bills are concerned under Articles 197 and 198 of the Constitution and also our rules framed thereunder, I think the Legislative Council has been given legitimate powers equal to those of the Legislative Assembly, to repeal, modify or alter any rules or regulations or notifications or orders. Therefore it is I have moved this Resolution. I trust that the Government will accept it.

* SRI T. PURUSHOTHAM: Sir, I second the Resolution moved by the hon. Member Sri Balasubramanya Ayyar. This subject came up before the House more than once and the Members would bear with me when I say that when Sri C. Rajagopalachari was the Chief Minister and the Leader of this House, he gave us an

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assurance that this procedure would be followed, viz., that all rules and regulations and orders passed by Government would be placed before the Legislative Assembly and the Legislative Council and that equal powers would be given to the Legislative Council to modify or repeal or to propose any change that might be necessary in the case of such papers laid before the House. The Constitution does not make any difference between the Legislative Assembly and the Legislative Council and, as pointed out by the hon. the Mover of the Resolution just now, this question has been dealt with by the Committee on Subordinate Legislation. That Committee has also agreed that provision should be made to enable the Legislative Council also to make modifications in the draft rules and that is in accordance with the provisions of the Constitution. I have also pointed out to this House that in the case of all the Central Acts, we find that power is given to both Houses of Parliament to modify or repeal or suggest changes in the statutory rules notified under the various Acts. Even in the latest enactment, the Ancient Monuments Preservation Act, copies of which may be available with the Members, it will be seen that the rule-making powers are vested in both Houses of Parliament. Similar provision should be made in our enactments also. I hope and trust that the Government will see the reasonableness of the proposal contained in this Resolution and I believe they will accept the proposal. With these words, I second the Resolution.

MR. CHAIRMAN : Resolution moved—

'This Council recommends to the Government that suitable provision be made in all statutes giving power to the Madras Legislative Council to make modifications either by way of amendment or repeal to statutory rules, orders, regulations and notifications made in pursuance of delegated legislation and required to be placed on the table of both the Houses of the Legislature'.

* SRI M. PATANJALI SASTRY : Mr. Chairman, I wholeheartedly support the Resolution moved by my hon. Friend, the hon. the Deputy Leader of the Opposition. The principle underlying the Resolution is very wholesome. I remember that when I drew the attention of the Government to this matter at a meeting of the Legislature Committee, which considered the Madras Panchayats Bill, the Hon. Minister conceded my point and agreed to substitute the word 'Legislature' for the words 'Legislative Assembly'. I pointed out at that time that no discrimination should appear to be made in the provisions and that the Legislative Assembly and the Legislative Council should have equal powers in this matter. But, I learnt that this was not implemented in the Panchayats Bill and that it was left to this House to suggest an amendment and get it passed. Probably due to a slip, it had not been incorporated in the Bill itself originally. I am aware that there are no specific provisions in the rules of procedure or in the

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Constitution for resolving differences between the two Houses of the Legislature in case there is any difference of opinion in matters of this kind. In actual practice, this need not stand in the way of accepting the Resolution, because the analogical provisions of the Constitution pointed out by the hon. the Mover of the Resolution supply the answer in this connection. Those provisions may be adapted by rules made to cover cases of difference of opinion. So, there will be no difficulty with regard to that matter. I am sure the Government do not wish to make any distinction between the two Houses. But it is equally important that they should not appear to make any distinction. Therefore, I wholeheartedly commend the Resolution for the acceptance of the House.

SRI A. GAJAPATHY NAYAGAR : Sir, I am rising just to seek some clarification. Can the Legislative Council pass or carry out modifications, amendments, etc., to the papers laid on its table without the approval of the Legislative Assembly? Has the Council got power under the provisions of the Constitution to act independently of the Legislative Assembly? Or, has the Council got power to make these modifications to rules only subject to the approval of the Legislative Assembly? I would like to have clarification of these points.

SRI K. T. KOSALRAM : இந்தத் தீர்மானத்தை இந்த மன்றத்தில் கொண்டு வந்திருப்பது மிகவும் அவசியமானது என்பது இரண்டு மூன்று அங்கத்தினர்கள் பேசியதைப் பார்த்தால் நன்றாகத் தெரியும். அவர்கள் இதைப்பற்றி நன்றாக வற்புறுத்திப் பேசியிருக்கிறார்கள். நான் 1946-ம் வருஷத்திலிருந்து 1953-ம் வருஷம் வரையில் சட்டசபையில் அங்கத்தினராக இருந்திருக்கிறேன். எனக்குத் தெரிந்த வரையில், எந்த மசோதா கொண்டுவரப்பட்டாலும் அதில் 'லெஜிஸ்லேசர்' என்று போடுவார்களே தவிர, 'லெஜிஸ்லேடிவ் அசெம்பிளி' என்று போடுகிற வார்த்தை 1954-ம் வருஷத்திற்குப் பின்னால்தான் புத்தப்பட்டிருக்கிறது என்று கருதுகிறேன். அதற்கு முன்னால் எல்லா மசோதாக்களிலும் 'லெஜிஸ்லேசர்' என்று போட்டு இரு சபைகளையும் சார்ந்ததாகவே அது கருதப்பட்டு வந்தது. லெஜிஸ்லேடிவ் அசெம்பிளி என்றும் லெஜிஸ்லேடிவ் கவுன்சில் என்றும் பாகுபாடு செய்யப்பட்டு வருவதைக் கண்டு, நான் கடந்த இரண்டு நாட்களாகவே கூடக் கண்டித்து வருகிறேன். அரசாங்கம் மேல் சபை கூடாது என்று கருதவில்லை. கவுன்சில் மெம்பர்களைக்கூட பஞ்சாயத்து மசோதா சம்பந்தப்பட்டவரை பொதுவாகக் கருதி இங்கும் திருத்தங்கள் கொண்டுவந்தார்கள். கீழ் சபைக்கும் மேல் சபைக்கும் வித்தியாசம் இருக்கக்கூடாது என்பதுதான் அரசாங்கத்தின் கொள்கை என்று கருதுகிறேன். இந்தச் சபையில் இருப்பவர்கள் திறமை படைத்தவர்கள், வயது முதிர்ந்தவர்கள், அனுபவ ஞானம் முதிர்ந்தவர்கள் என்றெல்லாம் சொல்லிவிட்டு, இந்தச் சபையைப் புண்படுத்தும்வகையில் மரியாதை கொடுக்காமல் ஒன்றிரண்டு காரியங்கள் நடந்தால்கூட, அது வேண்டாத காரியம். ஆகவே, இந்தச் சபையே எங்களுக்கு மரியாதை வேண்டும் என்று கேட்கக்கூடிய அளவுக்கு நிலைமை ஏற்பட்டிருப்பது சரியல்ல என்று நினைக்கிறேன். எங்களுக்கு அதிகாரம் இருக்கிறது. இருக்கிற அதிகாரத்தைத்தான் பரிந்துக் கொண்டீர்கள். அந்த அதிகாரத்தைத் தான் கேட்கிறோம். எனவே, இந்தத் தீர்மானம் மிகவும் அவசியம் என்று நினைக்கிறேன். இந்தத் தீர்மானத்தில் ஒன்றும் 'காண்டிரவார்லி' இருப்பதற்கு அவசியமில்லை. இது எந்தக் கட்சி சம்பந்தப்பட்ட தீர்மானமும் அல்ல. ஒன்று சொல்ல விரும்புகிறேன். அரசாங்கம் மேல் சபை வேண்டாமென்று கருதுவார்களேயானால், அதற்கு 'லோயர் ஹவுஸில் ஒரு தீர்மானம் போட்டுப் பார்ப்போம்' என்று அனுப்பி இதைச் செய்து விடு

[Sri K. T. Kosalram] [5th November 1958]

வதில் ஆட்சேபணை கிடையாது. மேல் சபை என்று ஒன்றை வைத்துக் கொண்டு, அந்தச் சபைக்கு மரியாதை இல்லாமல் செய்வதுதான் வருத்தப் படக்கூடிய விஷயம். இந்தத் தீர்மானத்தை மாத்திரம் நான் எடுத்துக் கொண்டு பேசவில்லை. இனிமேலாவது அரசாங்கம் எந்த மசோதாவைப் பிரசுரித்தாலும், அந்த மசோதாவில் சட்டசபை அங்கத்தினர்கள் என்று குறிப்பிடும்பொழுது 'லெஜிஸ்லேச்சர்' என்ற வார்த்தையைப் போட வேண்டுமென்று அரசாங்கத்தைக் கேட்டுக்கொண்டு, இந்தத் தீர்மானத்தை அரசாங்கம் ஏற்றுக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்கிறேன்.

3-50
P.M.

* DR. A. SREENIVASAN: Mr. Chairman, Sir, in connection with another subject, I made an observation last year that there was no useful purpose served by allowing this Council to function. The hon. Member Sri Balasubramanya Ayyar's Resolution merely supports my observation made last year. It is very unfortunate that hon. Members of this House should go on their bended knees before the Treasury Benches to allow them this privilege (hon. Members: No, no) which is their right. There is nothing wrong in my saying that. It is rather really unfortunate that we have been forced to the conclusion that we have to move a Resolution to give us the rights which are already there. Therefore, I think every hon. Member of this House will support this Resolution. If the Government are not willing to allow or accept this Resolution?

SRI T. PURUSHOTHAM: Why does the hon. Member suppose that the Government are not willing to accept this resolution?

* DR. A. SREENIVASAN: The hon. Member knows the mind of the Government better. If they are not willing to accept the Resolution, we may as well vote for the dissolution of this Council.

MR. CHAIRMAN: To say that 'this House should go on bended knees before the Treasury Benches' is not

* DR. A. SREENIVASAN: Is it not parliamentary?

MR. CHAIRMAN: There is no question of its being parliamentary or unparliamentary. It is not in keeping with the dignity of this House to say that this House should go on bended knees.

* DR. A. SREENIVASAN: I shall look into the books, Sir.

MR. CHAIRMAN: When I say it is not dignified, there is no question of the hon. Member looking into the books.

* SRI A. M. ALLAPICHAJ: Mr. Chairman, Sir, I do not know the mind of the Government. (Interruption.) Whatever that may be, I personally feel that this is a good Resolution. But there is one thing which I wish to know. If under the Constitution we have got equal powers like the Assembly so far as many matters are concerned, though not in all matters, should we not automatically take those powers into our hands? (hon. Members: How?). Whatever the rules of the Assembly in the matter may be,

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since we enjoy equal powers, should we approach the Government in this matter? Can we not take those powers ourselves? (hon. Members: How can we?) I am not opposing the Resolution. I have a doubt.

SRI K. BALASUBRAMANYA AYYAR: The question is not whether we want to get power from the Assembly or the Government. There are many Bills passed by the Assembly and the Council and they become Acts. In these Bills there are certain clauses which give power to the Government to make rules for the purpose of implementing the provisions of the Bill. That is what is called delegated legislation. The Council and the Assembly have the power. When they give the power to the Government to make rules, they say that the rules so made shall be laid before both the Houses of Legislature. But in the Bills another sentence is added, namely, that such rules, orders, etc., can be repealed, amended or modified by the Legislative Assembly. That is all they say in the second sentence. The Council is left out of account. So, the power that both the Houses get is from the particular provision in the Act. It has nothing to do with the Assembly. The Assembly cannot dictate in this matter. Now, what has happened is this. Originally till 1955 in about three Acts they were giving that power to the Council also. Now, we find that in many Bills that power is not given to the Council but to the Assembly alone. We have to move amendments in such cases in order to give the power of amending rules to the Council also. In some cases, by slip, by way of omission, it may be lost sight of. Yesterday also hon. Members might remember that such an amendment was moved and accepted. If there is a general direction to the Secretariat that wherever important rules are made, they should be placed before both the Houses and be subject to repeal, modification or amendment by both the Houses, it will be all right. I do not worry about the minor rules that are issued. Many such orders are issued and I do not ask anything about them. But if important rules are issued, they should be placed before both the Houses of the Legislature according to the power given under the Act instead of being placed before the Assembly alone. That is all that the Resolution wants.

* SRI A. M. ALLAPICHAJ: Now I feel this is a very harmless Resolution. But I do not know the mind of the Government. (Hon. Members: Nobody knows that.) As a matter of fact, on several occasions Government have accepted similar amendments to Bills. I do not think there is anything wrong in accepting this Resolution.

DR. MAHOMED USMAN: Mr. Chairman, Sir, I do not know why the Deputy Chairman always wants to know the mind of the Government. I think he must make the mind of the Government. He should, while speaking in this Council, put forth arguments so that the Government may be convinced and yield to us. Instead of that, there is no use of saying, 'I do not know

[Dr. Mahomed Usman] [5th November 1958]

the mind of the Government'. Let the mind of the Government be anything. Let us try to do our duty and convince them that a certain course is right. That is the way we must do our duty.

The hon. Member Sri Balasubramanya Ayyar has made out a very good case for the Resolution and the House must be very thankful to him. I know—I was a Member in this House about fifteen or twenty years ago—there were no powers at all for this House. I think it was a fifth wheel in the coach. But since 1953 my hon. Friends Sri Balasubramanya Ayyar and Sri Purushotham spoke on various occasions about the rights of the Council and they were able to secure a number of rights.

I think, therefore, we must speak to the Government, speak in this House in order that the Government may be convinced and may grant us what is our right. I should like to say, Sir, that my hon. Friend Dr. Sreenivasan was not right when he said that 'we should go on bended knees before the Government'. It hurts the dignity of the House. I strongly protest against the use of such expressions. I give the fullest support to this Resolution.

* SRI B. K. NALLASWAMI : மன்றத் தலைவர் அவர்களே, நான் கவுன்சில் அங்கத்தினராகத் தேர்ந்தெடுக்கப்பட்ட பிறகு, எனக்கு ஒரு சிறிய அனுபவம் ஏற்பட்டது. பிளாக் டெவலப்மெண்டு அட்வைஸரி கமிட்டியில் கௌன்சில் அங்கத்தினர்களும், அசெம்பிளி அங்கத்தினர்களும் எக்ஸ்-அபீஷியோ அங்கத்தினர்களாக இருக்க வேண்டுமென்று டெவலப்மெண்டு காரியதரிசிக்கு எழுதினேன். அந்தச் சமயத்தில் டெவலப்மெண்டு இலாகா காரியதரிசியிடமிருந்து எனக்கு ஒரு கடிதம் வந்தது. நேரடியாக மக்களால் தேர்ந்தெடுக்கப்பட்டவர்கள் எம்.எல்.வி.க்கள் அல்ல; ஆகையால், அவர்களைச் சேர்க்க இயலவில்லை என்று எழுதினார். இப்படிப்பட்ட எண்ணம் இந்த மந்திரி சபையிலும் உத்தியோகஸ்தர்களுக்கும் பரவியிருக்கிறது. உதாரணமாக, இதை நான் எடுத்துச் சொல்லுகிறேன். இங்கு எங்களுக்குக் கொடுக்கப்பட்ட சில உரிமைகள் மறுக்கப்படுவதால், அதிகாரிகளும் எங்களுக்கு மதிப்புக் கொடுப்பதில்லை. ஏதோ கவுன்சில் அங்கத்தினர்கள் என்றால், குறைவானவர்கள் என்று நினைக்கிறார்கள். அவர்களிடத்தில் அப்படிப்பட்ட ஒரு எண்ணம் வந்திருக்கிறது. ஒரு சர்க்கார் காரியதரிசியின் கடிதம் என்னிடம் இருக்கிறது. அதை வைத்துக் கொண்டுதான் இப்படிச் சொல்லுகிறேன்.

கனம் ஸ்ரீ வெங்கடராமன்—துரதிருஷ்ட வசமாக அவர் இப்பொழுது இங்கே இல்லை—டிஸ்டிக்ட் டெவலப்மெண்டுக் கவுன்சில் மசோதாவை இங்கே பிரேரேபிக்கும்போது அதற்கு ஏற்படுத்தப்போகிற விதிகளையெல்லாம் நம்முடைய கவுன்சிலில் வைக்க வேண்டும் என்று கேட்டதற்கு அதை ஒப்புக்கொள்ள மறுத்து விட்டார். பார்லிமெண்டில் இப்படிப்பட்ட சம்பிரதாயங்கள் இல்லை என்று உதாரணம் காட்டி அவர் அப்படி வைக்க மறுத்துவிட்டார். மேல் சபைக்கு அவ்வுரிமையைக் கொடுக்க முடியாது என்றும் சொல்லிவிட்டார். அப்படிச் சம்பிரதாயமாக வைக்க முடியாதா என்று, ரொம்பக் கேட்டுக் கொண்டபோதும், திட்ட வட்டமாக அப்படி வைக்க மறுத்து விட்டார். அதிலிருந்து கட்சி சம்பந்தமில்லாத ஒவ்வொரு அங்கத்தினரும் கவுன்சில் அங்கத்தினர்களுடைய உரிமை பறிக்கப்படுகிறது என்று நினைக்கிறார். அதனால்தான் நான் சென்ற தடவை பேசும்போது கொஞ்சம் வேகமாக அதை வற்புறுத்திப் பேச வேண்டியதாயிற்று.

5th November 1958]

[Sri B. K. Nallaswami]

ஆகவே, இப்படிப்பட்ட ஒரு மனப்பான்மை எல்லா அமைச்சர்களிடமும் இருந்து வருகிறது என்று தெரியாது. அம்மாதிரி நம்முடைய அரசியல் சட்டத்தில் கொடுக்கப்பட்ட உரிமையைப் பறிக்கும் வகையில் அரசாங்கமும் அதிகார வர்க்கமும் போகக்கூடாது என்று தாழ்மையுடன் கேட்டுக் கொள்ளுகிறேன். இந்தச் சபைக்கும் திருத்தவோ மாற்றவோ உரிமை இருக்கிறது என்பதை அரசாங்கம் நிச்சயமாக ஒப்புக்கொள்ள வேண்டும். அரசியல் சட்டப் பிரகாரம் கொடுக்கப்பட்டிருக்கிற உரிமையைப் பறிப்பது நியாயம் இல்லை என்பதைத் தெரிவித்துக்கொள்ளுகிறேன். ஆகவே, இந்தத் தீர்மானத்தை ஏற்றுக்கொள்வதோடல்லாமல், இங்கே மேலே கோட்டையில் இருக்கக்கூடிய அதிகாரிகளுடைய மனப்பான்மையையும் மாற்றுவதற்கு அரசாங்கம் உதவ வேண்டும் என்று அரசாங்கத்தைக் கேட்டுக்கொண்டு என் உரையை முடித்துக்கொள்ளுகிறேன்.

* SRI V. V. RAMASWAMI : மன்றத் தலைவர் அவர்களே, இந்தத் தீர்மானமானது இப்பொழுது நடைமுறையில் அரசியலார் ஒப்புக்கொண்டிருக்கக்கூடியதைச் சட்டபூர்வமாக ஆக்குவதற்காகக் கொண்டுவரப்பட்டிருக்கிறது. சட்டப்படியோ அல்லது இருக்கிற விதிகளின்படியோ, இந்தக் கவுன்சில் கொண்டு வர வேண்டாம் என்று இருந்தாலும் கூட, சிலுக்குக் கட்டாயம் கொண்டு வர வேண்டாம் என்று இருந்தாலும் கூட, கனம் அமைச்சர் அவர்களும் எதிர்க்கட்சித் தலைவர் அவர்களும் ஒருவருக்கொருவர் பேசிக்கொண்டு, முடிவு எடுக்கும் விதத்தில் இங்கே எல்லாக் காரியங்களும் நடைபெற்று வருகின்றன. அந்த முறையில் அநேகம் சட்டங்கள் இங்கே பிரேரேபிக்கப்படுகின்றன. அவர்கள் ஒப்புக்கொண்ட சட்டங்கள் இங்கே பிரேரேபிக்கப்படுகின்றன. மேலும், கீழ்ச் முறையில் இங்கே காரியங்கள் நடைபெற்று வருகின்றன. மேலும், கீழ்ச் சபையில் பல கமிட்டிகளை அமைக்கும்போதும், பல பொறுக்குக் கமிட்டிகளை அமைக்கும்போதும், கவுன்சிலிலிருந்து சில பிரதிநிதிகளையும் அவற்றில் சேர்த்துக்கொண்டு காரியங்களை நடத்தும் வழக்கம் இப்பொழுது நடைமுறையில் இருந்து வருகிறது. கீழ்ச் சபையில் நிறைவேற்றப்படுகிற அநேகம் தீர்மானங்களும் விதிகளும் திருத்தங்களும் இரண்டு சபைகளிலும் வைக்கப் பட வேண்டும் என்ற ஒரு விதியையும் ஒப்புக்கொண்டிருக்கிறார்கள். இப்பொழுது எவ்வளவோ மனமாறுதல் ஏற்பட்டுக் காரியங்கள் நடைபெற்று வருகின்றன. அமைச்சர்களும் இந்த சபைக்கு என்று ஏற்பட்டிருக்கக் கூடிய உரிமையையும் கௌரவத்தையும் காப்பாற்ற வேண்டுமென்ற முறையில், அநேகம் காரியங்களை நடத்திக்கொண்டு வருகிறார்கள். அவைகள் சட்ட பூர்வமாக வர வேண்டும் என்பதற்காகவும் அதை நடைமுறைக்குக் கொண்டு வரவேண்டும் என்பதற்காகவும்தான் இந்தத் தீர்மானம் கொண்டு வரப்பட்டிருக்கிறது. அந்த உரிமையை வலியுறுத்த வேண்டும் என்பதற்காகத்தான் இந்தத் தீர்மானம் கொண்டுவரப்பட்டிருக்கிறது. அதை அரசாங்கம் கட்டாயம் ஒப்புக்கொள்ளும் என்று நம்புகிறேன்.

SRI MOHAMED RAZA KHAN : Sir, I am happy that a very effective reply was given by our esteemed Friend Dr. Mahomed Usman to the unfortunate point raised by our extreme colleague of ours, Dr. Sreenivasan. As far as the Resolution is concerned, it is only the Members that want the right. Wherever they feel that certain rules have to be amended or repealed or modified, they should also have a say and be able to do it. That is, in short, the main purpose of this Resolution. When I am on this subject, let me clear one misapprehension. There is no question of any fight whether that House has got the power or this House. There is no question of entering into any argument of this type. We know that we are directly elected by the representatives of the people—one-third by the very Legislative Assembly and the others by highly intellectual constituencies like the Graduates, teachers and local authorities' constituencies. It is quite possible and it is

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a fact that some eminent persons are in this House. In fact, they are in this House with all their legal acumen and legal knowledge. Surely, if it strikes them that a particular rule framed by the Government is not correct or that the attitude behind it is not correct, does it mean that we can simply keep quiet without trying to make changes or at least bringing to the notice of the Government that a change is necessary in that rule? As long as that power is lacking, what is the right for this House in this matter? As was said rightly by the hon. the Deputy Leader of the Opposition, many a time—not that the Government do it purposely—the clause provides that the rules will be placed before the Legislative Assembly and will be subject to any modifications that may be made by it. Thank God, there are Members like my hon. Friend Sri Balasubramanya Ayyar and my esteemed Friend Sri Purushotham who always scrutinise whether a provision giving the power to the Council to modify the rules is there or not. If it is not there, they invariably move amendments and many a time the Government have accepted them also. Therefore, instead of being alert every time, it is quite necessary that the provision should be there to make it a point to have such a clause always.

I think this Resolution will have the support and approval of the entire House. The hon. Member Dr. Mahomed Usman has rightly pointed out, with all the experience which he has got, that it is our job to persuade the Government to do a thing as long as we feel it right. Possibly they may differ from us; possibly they may not agree to what we say. But as long as we feel that a particular thing is right, we have to insist on that.

In conclusion, one thing I should say. If we take the proceedings of the House for the last four or five years into account and if they are to be judged from the point of view of public opinion outside, surely the public have a high regard for the proceedings of this House. It is not as if we have been able to change the decisions of the Government but many a time we made them come to some conclusion for which they were not originally prepared. After all, it is nothing personal. Ultimately it is in the interests of the public. Therefore, I do maintain that this House is doing very effective and useful work and it is not for us to sit in judgment over it. It is for the public and the Press to do so. If I am reflecting the opinion of the public, they have a high appreciation of the valuable work which is being done by us here.

With regard to the oft-repeated question whether this House should be abolished, it is not fair on the part of a Member of this House to say that it should be abolished. The Constitution is there. If the Legislative Assembly feels so, it can pass a Resolution to dissolve this House by a two-thirds majority. Therefore, if necessary, a reference will be more appropriate in the other House than in this House.

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* DR. A. CHIDAMBARANATHAN : கனம் தலைவர் அவர்களே, இத் தீர்மானம் துணை விதிகள், விதிகள் அமைக்கும்போது, கட்டாயம் இந்தக் கவுன்சிலுக்கு அவற்றை மாற்றுவதற்கும், திருத்துவதற்கும், கூட்டுவதற்கும், குறைப்பதற்கும் உரிமை தருதல் நல்லது என்ற அடிப்படையில் வந்திருக்கிறது. அப்படிக் கொண்டுவந்த இந்தத் தீர்மானத்தை நான் வரவேற்கிறேன், முழு மனதுடன் ஆதரிக்கிறேன். கவுன்சில் மாற்றினால், அதன் பிறகு என்ன ஆகும் என்ற கேள்வி எழுப்பப்பட்டது. அப்படியானால், அசெம்பிளிக்கு மறுபடியும் ஒரு முறை போக வேண்டியதாக இருக்கலாம் என்று சொல்லப்படுகிறது. அவசரமாகச் செய்வதற்குத் தடையாக இருக்கலாம் என்றும் சொல்லலாம். அதனால் அவசரம் இல்லாத சமயங்களில் துணை விதிகளையும், விதிகளையும் அமைப்பதற்கு இந்தச் சபைக்கு அந்த உரிமையை ஏன் வழங்கக் கூடாது? பஞ்சாயத்து மசோதா போன்ற மசோதாக்களை நிறைவேற்றியபோது கூட இந்த உரிமை இரண்டு சபைகளுக்கும் கொடுக்கப்பட்டிருக்கிறது என்பதை ஒப்புக்கொள்ளுகிறேன். ஆனால் அவர்களுக்கு உசிதம் என்று தோன்றுகிறபோது தருவதும் உசிதம் இல்லாதபோது தருவது இல்லை என்றும் இல்லாமல், சலுகையாகக் காட்டாமல் எப்பொழுதும், கட்டாயமாகத் தர வேண்டும் என்பது தான் இந்தத் தீர்மானத்தின் நோக்கம். ஆகையால், இதை நான் முழுதும் ஆதரிக்கிறேன்.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, hon. Members have commented at length on this Resolution. Hon. Members would not mind if I say that it is an innocuous one. (Laughter.) This is absolutely a non-controversial one. Some hon. Members talked about the powers of this House and certain other hon. Members took up the larger question of the need for this House. I would like to point out to the hon. Members that even this morning, when the other House was considering the Tiruchirappalli Kaieruvaram and Mattuvaram Bill, 1958, there was an amendment moved by an hon. Member belonging to the Congress Party to add the words 'as soon as possible after they are made and shall be subject to such modifications whether by way of amendment or repeal as the Legislature may make in the same session.' That was accepted by the Government. As was pointed out by the hon. the Mover of the Resolution, the Committee on Subordinate Legislation have also expressed the view that the Council should also have the power to consider the rules framed under the various Acts. As pointed out by the hon. Member Sri Patanjali Sastry, differences may arise regarding amendments to certain rules. But that would and could be solved by framing necessary rules of procedure for both the Houses. Whatever difference may arise, they could be solved and there will not be any question of delay in the framing of rules. The Government are not in a hurry. If, however, there is unavoidable delay, I am sure you will not mind it. The hon. Members may not mind a few days' delay that may be caused when these amendments are sent from one House to the other for consideration and acceptance. With these words, I have great pleasure in accepting the Resolution. (Cheers.)

SRI K. BALASUBRAMANYA AYYAR : I have nothing to say except to thank the Hon. Minister on behalf of the Members of this House. We respectfully thank the Government for having

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accepted this Resolution and put an end to our frequent vigilance so far as these amendments are concerned. I may say this in consolation. I learn from the office that from the year 1920 or so, no rules have been amended by both the Houses. That is a fact which I understood from the Secretary. Many important Bills are passed and many rules are also passed. The rules are as important as even the sections in the Act. As we know, there have been many writ petitions under the Motor Vehicles Rules or other Rules. The rules have to be more carefully looked into. I, therefore, request all the Members carefully to look into these rules that are placed on the table. We must see whether any of the rules require amendment or modification. As the Hon. Minister has said, this is a very innocuous Resolution. We again thank the Government for accepting it.

Mr. CHAIRMAN: The question is—

“This Council recommends to the Government that suitable provision be made in all statutes giving power to the Madras Legislative Council to make modifications either by way of amendment or repeal to statutory rules, orders, regulations and notifications made in pursuance of delegated legislative power and required to be placed on the table of both the Houses of the Legislature.”

The Resolution was put and carried.

(2) LIBERALISATION OF PENSION RULES IN RESPECT OF TEACHERS
RETIRING FROM LOCAL BOARD AND AIDED INSTITUTIONS.

* SRI G. KRISHNAMOORTHY: Mr. Chairman, I move the following Resolution:—

“This Council recommends to the Government that the Pension Rules in respect of teachers retiring from Local Board and Aided Institutions (Elementary and Secondary) be liberalised to enable every teacher who retired on or after 1st April 1955 to get pension with reference to the total number of years of service as a teacher in institutions recognised by the Department of Public Instruction, Madras, irrespective of—

- (i) the varied agencies served under;
 - (ii) the breaks in service;
 - (iii) the fact of re-employment after the 55th or 60th year;
- and
- (iv) the actual age at the time of retirement.”

Sir, this Resolution aims at liberalisation of pension rules and their proper interpretation. Hon. Members may remember that the teachers in non-Government institutions, namely, teachers serving under district boards, municipalities and panchayats and aided schools were given pension with effect from the 1st April 1955. The pension rules in respect of these teachers came after a long period of seventeen months since the announcement of pension.

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And, within twenty-one months of the publication of these rules, amended rules have been brought in their place. This amended rule was brought in at the time of extension of the pension to the B.T. Grade teachers who were not given pension by the rule published in 1955. Naturally, one may expect the welcoming by teachers of such extension and the publication of such rules with reference to the extension. But, one is surprised to find that the original rules published in 1955 are interpreted in such a way that the large benefits expected by the teachers in service on 1st April 1955 are denied to them.

The main purpose of this Resolution is this. I want to see that since the date of publication, all teachers in service on and after that date should get the benefit of this pension. Now, the new rules are advantageous to this extent that they have brought in a new category of teachers and made them eligible for the pension, viz., the B.T. Assistants and other categories of teachers drawing the B.T. scales of pay. I do not know why the Government did not extend the same rules which were announced in 1955 to these categories but began to put a limitation and say that these teachers should get only less than what they would be entitled to under the 1955 rules. After all, a teacher in the B.T. grade would be getting a pension of Rs. 45 or so, if the old rules were to apply to him. But, they have limited the amount saying that they would get only at the rate of one rupee for each year of service, limiting it to a maximum of Rs. 30. The headmaster of the biggest high school should be satisfied with only Rs. 30 or Rs. 35 as pension per month. I do not know what made the Government put in this limitation.

They have also brought in certain limitations with reference to the rules published in 1955. They say that in the case of emoluments of teachers, only the maximum Government scale should be taken into account. The actual average of the last three years' salary drawn by that teacher is not sought to be taken into account. After all, it may be a very small amount. It is not known what made the Government bring forward this new rule. According to this, if a teacher should complete his age of retirement in the middle of the school year, then he should be made to retire on the first day of the school year preceding that day of retirement. So, many teachers would have to lose seven or eight months' service because they have to retire even in June, if they should complete their sixtieth year in February in the middle of the school year. These are some of the disadvantages which I want to bring to the notice of the Government.

The chief purpose of my bringing this Resolution before this House is this. These rules are, after all, meant for the benefit of the teachers. They were under great expectations all these years. They have fought for them all these days. They were under the impression that all of them would be given the benefit of these rules. They were under the impression that they would get the benefits of pension because they had been in service in institutions recognised

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by the Government. Now, after the publication of these rules, there is frustration among them because of the misinterpretation of a particular rule by the department, viz., rule 9 of the pension rules. Rule 9 says that the age of compulsory retirement shall be sixty years in the case of teachers in aided elementary schools, aided secondary schools, aided training schools and Anglo-Indian schools and fifty-five years in the case of teachers employed under local bodies. It is therefore, clear that in the case of teachers employed in aided institutions, the age of retirement is sixty and not fifty-five. Fifty-five comes in there only in the case of local body teachers. Then clause 9 says, in the case of teachers in aided institutions who retire at the age of fifty-five in accordance with the rules framed by those managements, the age of compulsory retirement shall be fifty-five years. To my knowledge no management has a provision in the contract which is the only document standing as between the teacher and the management in respect of conditions of service which states the age of retirement. To my knowledge no uniform rule has been followed by managements in this respect. Different managements have followed different rules and the same management has followed different rules in respect of teachers working in the same institution. They have retired certain teachers at fifty-five, they have retired certain others at fifty-seven and still others they have allowed even after sixty. Now, there is a proviso to this rule, namely, 'provided that nothing in this rule shall preclude the retention in service of any person who has completed the age of fifty-five years or sixty years, as the case may be, in accordance with the rules and orders in the matter but such retention shall, for the purpose of these rules, be treated as re-employment after retirement and during such period of re-employment he shall not be entitled to any pension.' This is the part which has been misinterpreted. The rule put in the year 1955 clearly says that the age of compulsory retirement which means the age of retirement shall be sixty in the case of teachers in aided institutions and shall be fifty-five in the case of teachers under local bodies. There is a provision also which says that in the case of managements which have fixed fifty-five, in respect of that particular institution also, fifty-five will hold good as the age of retirement. There has been no case like that and there cannot be any case like that in the future. It is, therefore, clear that in respect of teachers serving in aided secondary institutions the age of retirement, compulsory retirement is sixty. This has been misinterpreted by the departmental authorities. The only surmise I can make why the rule is misinterpreted is this. There is a rule called 10 (a) under the Madras Educational Rules. The Madras Educational Rules and the Grant-in-aid Code have not been revised for years and years. Revision of these rules is long overdue. There was a time when this rule 10 (a) stated that no teacher in a secondary school should be continued after the age of fifty-five. Then, the department found it necessary to amend that rule, I think in 1949, and the amended rule said that no teacher in a secondary school should be appointed or reappointed ordinarily after 55 years

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of age and that in case of such appointment or re-appointment, it should be covered by proper order in writing. So, nothing is stated in rule 10 (a) about the continuance of a particular teacher who has been serving there for a number of years. It speaks only of appointments and re-appointments. Appointment may mean appointment from outside. Re-appointment may mean, re-appointment of a teacher who has left the institution and rejoins it after performing duty somewhere else. It does not speak of teachers continuing in the same institutions after attaining the age of fifty-five. Such teachers are continued in service not by issuing a separate re-appointment order nor on new scales of pay. The same scale of pay was allowed to them and they were allowed to draw increments even after attaining the age of fifty-five. Contributions to the Provident Fund have been recognized and Government also have been contributing their share to the fund. But in the case of pension alone, these teachers are treated as ineligible. The service rendered by them after their fifty-fifth year in the same institution and continuously is not taken into account for grant of pension to them. That is the question facing the teachers. Misinterpretation cannot arise there. Rule 9, as it is there, cannot be misinterpreted. But if there had been misinterpretation by chance by the Department, it is on account of the fact that there is a rule called 10 (a) which says that ordinarily a teacher shall not be appointed or re-appointed after he has attained the age of fifty-five. That rule cannot apply to these teachers continuing in the same institution. What does that rule 10 (a) say? It says: 'No teacher who has completed the age of fifty-five years shall ordinarily be appointed or re-appointed to service except in schools under private management'. So, it is evident that in private managements they can be continued even after attaining the age of fifty-five. In such cases, the appointment or re-appointment shall be subject to the following conditions, namely, (1) such teachers may, until the completion of sixty years of age, be appointed or reappointed, as the case may be, for a period of one year at a time, (2) the appointment or re-appointment shall be made by an order in writing by the authority empowered in that behalf by the management concerned, (3) the order shall state the period for which the re-appointment is made to the post or designation and the pay or the scale of pay relating to the appointment or re-appointment. It means that it is a fresh appointment. 'Except as regards the tenure and scale of pay, the terms and conditions of service shall be the same as for teachers permanently appointed in that school.' 'Except as regards the tenure and scale of pay' is the vital part in the rule. The terms and conditions of service shall be the same as for teachers permanently appointed in the school. So, naturally the service conditions cannot be altered and they cannot be made ineligible for pension in respect of service rendered after the fifty-fifth year. In fact, in certain cases, pensions have been sanctioned to teachers who worked to the end of the sixtieth year. (Temporary Vice-Chairman Sri V. M. Surendram in the Chair.) Therefore, the misinterpretation cannot come

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in there. The intention of the framers of the rules is this. The age of retirement is sixty in respect of teachers who retire from aided secondary schools. Even if a teacher quits the local body service and enters an aided institution, it is the institution which he leaves when applying for pension that should be taken into consideration and if it is an aided institution, naturally his age of retirement is sixty. Now, a subtle distinction has been drawn by the departmental authorities between 'compulsory age of retirement' and 'age of retirement'. Perhaps, they mean that the age of retirement is fifty-five and the compulsory age of retirement is sixty, which again means to them that any teacher can continue after sixty but those who continue after the age of retirement, namely, fifty-five are not eligible to count the latter period of service for pension. That cannot be the meaning because the rule is very clear. Rule 9 clearly says that in respect of aided institutions, the age of retirement is sixty. But on account of this misinterpretation, hundreds of applications for pension have been returned to the teachers saying that they cannot be considered. I want this position to be clarified by the Government. I want an assurance from the Government that rule 9 stands to say that the age of retirement in respect of teachers in aided institutions, etc., is sixty and that any misinterpretation of the rules by the departmental authorities will be corrected. I also request the Government that all those applications for pension that have been returned should be called for and pension sanctioned in those cases. For what is the provision in rule 9 then if such retention after the age of fifty-five or sixty will not count for pension? There are cases of teachers being retained even after sixty years of age. Headmasters are being retained after sixty years of age. Secondary grade teachers are being retained after sixty years of age, in elementary schools especially with the permission of the department. For want of qualified hands the department has sanctioned the retention of these teachers even after sixty. So, naturally this provision states that over fifty-five years of age in a local body school or over sixty years of age in an aided institution, whether it is a secondary or elementary school, if a teacher is retained, then the period of service put in by him after the completion of his fifty-fifth or sixtieth year would not count for pension. Rule 9 reads properly, but the interpretation given by the department is wrong. They have confused that fifty-five is the age of retirement applying to teachers in secondary schools. If it had really applied to teachers in secondary schools, many cases of pension that have been sanctioned so far would not have been sanctioned. Another thing is, there is a Note under rule 9 which says that the authority competent to sanction pension should specify clearly in the pension applications of teachers who retire from aided schools the age of compulsory retirement adopted by the schools. If really under rule 10 (a) of the Madras Educational Rules, the age of compulsory retirement is fifty-five, there would not have been any occasion for the Government to put in this Note, because under the Educational Rules the age of retirement for teachers in secondary schools is fifty-five. Then, what is the use of this Note

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which wants the District Educational Officer sanctioning pension to note what the age of retirement fixed by the management is? The very fact that the management of an aided high school is given the power to fix the age of retirement goes to show that the age of retirement has not been fixed by rule 10 (a) of the Madras Educational Rules. All these go to show that if the departmental authorities have refused hundreds of cases in respect of pension applications of teachers retiring from secondary schools during the last few months, it is on account of the sole misinterpretation put by them. I would humbly request the Government to instruct these authorities to see that proper interpretation is made of rule 9 and that the age of retirement of fifty-five there applies only to local body institutions, and institutions which might have fixed fifty-five as the age of retirement in the case of aided secondary schools, which, as I have already explained, is never the case. The aided institutions, when entering into contract with teachers, never fix the age of retirement and that is not one of the conditions of service, and they could never have fixed it because they have been wavering and they have been treating different teachers on a different footing.

Now, with regard to teachers who are allowed to continue in schools, whether it be high schools or elementary schools, after attaining sixty years of age, there also this pension must apply to them. Is it not the department that allows them to continue there? Are they not doing national service there? If they are doing service there over a certain age, are they not to be given more importance and are they not entitled to more privileges? When they are entitled to more privileges, what is the object in just telling them, 'Well, you have continued up to 62 years of age. You must have retired in such and such year. The pension rule would not apply to you as the rule was not published before that date.'? Now, in misinterpreting that rule, I want the hon. Members to note that hundreds of applications have been rejected. If this rule is to be allowed to be misinterpreted in a continuous way, for another five years, hundreds of applications of teachers retiring from schools each year would be rejected and teachers who are in service now as B.T. Assistants would have their applications rejected for another four and a half years if they are bordering sixty years of age and teachers serving as secondary grade teachers would have their applications returned for another one year and seven months if they border on their sixtieth year. Is it the object of the Pension Rules? Was it the intention of the framers of this rule that this benefit should apply to teachers only after five years of publication? Not at all. Any secondary grade teacher who was in service on the 1st April 1955 in a secondary school and any teacher who was in service in any institution recognized by the Director of Public Instruction on the 1st April 1958 in the B.T. Grade must get this pension. That is how rules are applied in every department. Wherever they may be, when a rule comes into force, it applies to

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all who are in active service. No question of age should come in there. The question of age does not come in there automatically as the rules are published by the Government. The question of age comes in there as a result of the misinterpretation of these rules. On what score have these applications been rejected? These applications have been returned for the reason, 'Well, you are a teacher in a school. You have just now retired. You retire in your sixtieth year. But you became superannuated five years before, that is, in 1953. In 1953 there was no Pension rule. The rule was published to have effect only from the 1st April 1955. So, though you are a teacher, though you are in active service, though you have served the nation, though you have been given grant by the departmental authorities, though you have been allowed to contribute to the Provident Fund and Government contribution has been given to you, and though you have been allowed increment from year to year which has been shared by the Government, you are not given pension because rule 9 reads like that.' Is it fair to say so? Is it fair to allow that misinterpretation? I would not find fault with the Government because the rule reads clearly, but the misinterpretation has been made by the departmental authorities. The retiring age 55 only refers to local bodies and the age 60 applies to aided institutions.

My only additional request to the Government is that even if the teacher is asked to serve after sixty years of age, as there have been many cases, even if they have served up to 62 years of age and retired in 1956 or 1957, they must not be told, 'Well, you retired in your 62nd year. Your sixtieth year was completed before the publication of the rule, namely, 1st April 1955 in the case of secondary grade teachers and 1st April 1958 in the case of B.T.'s. So, you are not eligible for pension'. How many cases will be there like that? Is it fair to say so? When a rule is published, is it not binding on the Government? If not with retrospective effect, all those who have been in service there at the time of publication of the rules who have been earning pension, must get the benefit of pension. I would humbly request the Government to see that any teacher who has retired after 1st April 1955 is given pension according to the rates fixed in these rules for the total number of years of service, irrespective of the breaks, irrespective of the age at which he retires, irrespective of the fact of re-employment after 55 or 60 years of age according to the Government but continuance in service according to me, and irrespective of the agencies served under. I learn that the Government have brought in two wholesome reforms when bringing in this modified rule. That is, they say that service under all agencies will be taken into account. I had occasion some two years ago or so on the sacred floor of this House to point out this fact and make a pointed request to the Government. I am very glad they have conceded that request. But, still, the rule does not apply and work for the full benefit of the teachers. I have in my

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in the case of a teacher who had served under a district board, who had quit service before the 1st April 1955 under the district board, who had joined an aided institution and who had retired after the publication of the rules. Now, when the Government have said under rule 10 that all services would be counted for the purpose of pension, should not the service in an aided institution or service under a district board also be counted? When once they have admitted that irrespective of the agencies, service would be counted, whether the aided school service precedes the district board service or succeeds the district board service, it is service rendered to the nation and the spirit of the amendment to rule 10 that all service, irrespective of the agencies served under, should count. But I am surprised to see a paper addressed by the Government, not even by the department, to that particular teacher stating that his case could not be reconsidered. It is the case of a teacher who had left district board service before 1st April 1955, who had joined an aided institution and who retired after the publication of the rules. So, if service in the institution according to the amended form of rule 10 is taken into account as service to the nation and as such naturally counts, and when the teacher has retired after 1st April 1955, how can he be denied pension? So, here the question that the Government put to this teacher is, 'You are a district board servant. You quit your service before 1st April 1955. The rule came into force only from 1st April 1955. So, when you quit the district board service, the rules were not there.' The rule would apply all right to a teacher who had not rendered any further service and who had not been in service as teacher in any institution, in any school recognised by the Director of Public Instruction after the publication of the rules. But my point and humble submission is that any teacher who had been in service on the 1st April 1955 and the period after that must be made eligible for pension and rule 10, as kindly intended by the Government, helps that. Then, how can the misinterpretation arise?

With regard to breaks in service, there is a proviso in the rule saying, 'provided that the teacher had been discharged or retired in accordance with the rules and orders'. Now, I should like to have enlightenment from the Government on what they mean by 'rules' and what they mean by 'orders'. Do they mean rules and orders issued by the Government or the rules and orders in force under the management? As a matter of fact, we know that managements do not have any specific rules and orders. All managements do not have any uniform orders and rules. We would like to have enlightenment from the Government on what is actually meant by the wording used in the rule. I request that the total service of the teacher should be counted irrespective of breaks. Breaks occur for so many reasons and they should be taken to include resignation. The Government have come to the conclusion that service prior to breaks will also count. That means that they take into account resignations also.

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DR. A. CHIDAMBARANATHAN: Sir, may I draw the attention of the hon. Member to the fact that the Government have condoned breaks, as was pointed out by the Hon. the Minister for Education yesterday, in reply to a question?

* SRI G. KRISHNAMOORTHY: What I want to stress is that this proviso may be deleted. If the proviso had not been there, viz., if the teacher had been discharged as per rules and orders, naturally everything would be clear. But, when this proviso is there, I do not know how the management will interpret it and how the Government will interpret it. There is a chance of certain teachers being adversely affected. The Government are aware that the system of maintaining service registers for teachers in aided institutions was brought into force only a few years ago and that there were also no service rules. Now, in the face of this proviso, it will be very difficult to find out whether it is the fault of the management or the fault of the teachers. I would like to have some enlightenment from the Government on this point.

Now, I have dealt with breaks and I have dealt with agencies also. With regard to age, I have already submitted that rule 9 is being misinterpreted and that hundreds of applications are being returned. I would like to know how the interpretation by the department is right and whether they are not misinterpreting the rule. It will be very clear that their interpretation is not correct. So, I request the Government to issue necessary instructions to the department in this matter, so that all teachers may be made eligible for pension.

Regarding teachers retiring in their 62nd year, inasmuch as they had served institutions which are recognised by Government and as they were in service with the approval of the department, the '60-year rule' should not prevent them from enjoying pension and Provident Fund share, increment, etc. They should also get these as a matter of course.

(Mr. Chairman in the Chair.)

So far as the privileges of teachers are concerned, in fact this Resolution . . .

MR. CHAIRMAN: I would like to remind the hon. Member that he has spoken for more than half an hour and that there are other Resolutions on the agenda.

* SRI G. KRISHNAMOORTHY: I shall finish soon, Sir. Teachers are not claiming any new privilege. We want a proper interpretation of the rules and the liberalisation of the rules. In fact, the Resolution itself states—

“This Council recommends to the Government that the Pension Rules in respect of teachers retiring from Local Board and Aided Institutions (Elementary and Secondary) be liberalised to

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ple every teacher who retired on or after 1st April 1955 to get pension with reference to the total number of years of service as teacher in institutions recognised by the Department of Public Instruction, Madras.”

It is not proper to deny these things to a teacher who has put continuously thirty years of service. It is not proper to tell, ‘Well, you retired in your 60th year. The age of superannuation is only 55. You completed your 55th year in 1953. These rules were not published in 1953. So, you are not eligible for these benefits’. The fact that such of them have retired five years after their 55th year should not make them ineligible for these benefits. That is my submission. I would humbly request the Government to take these factors into account and issue instructions giving proper clarification in the matter so that all teachers retiring after 1st April 1955 from the service of any institution recognised by the Director of Public Instruction may be given these benefits. I request that the total service of the teachers may be taken into account and the benefits given to them accordingly.

MR. CHAIRMAN: The hon. Member has spoken for a very long time. There are other Resolutions.

* SRI G. KRISHNAMOORTHY: I am finishing, Sir.

MR. CHAIRMAN: You are not.

* SRI G. KRISHNAMOORTHY: Sir, this Resolution being a controversial one, I accept the Government to accept it. I appeal to the Members belonging to the Opposition as well as the other side to appreciate the reasonableness of the Resolution and vote for it and thus do justice to a large number of teachers.

SRI T. P. SRINIVASAVARADAN: Mr. Chairman, I rise to second the Resolution moved by my hon. Friend Sri G. Krishnamoorthy. While doing so, I wish to say a few words. The Government have stated that in the case of secondary grade teachers, the pension rules will take effect from 1st April 1955 and in the case of B.T. teachers from 1st April 1958 and so on. These rules will affect only certain teachers and not all of them. We must accept that position. It is going to be a problem only in the case of some teachers. All the teachers are not going to be affected. What about the teachers who entered service before 1933 or 1935? As a matter of fact, I entered service in 1922 or 1935?

In this connection, I would like to point out one thing. That the Government should have done is this. They should have called for a conference or a meeting of some of the headmasters, discussed the matter with them and then framed these rules. That would have been much better. Now, the management of aided schools were allowed to retain teachers up to the

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age of sixty. Rule 40 of the Madras Educational Rules says that no teacher shall be appointed or allowed to continue in service after the completion of his 55th year. Of course, the Director can relax this rule. I distinctly remember that when Mr. Statham was the Director of Public Instruction, a rule was framed that if teachers who had attained the age of 55 were appointed, they must get the permission of the Director and that they must also get the permission of the Director to retain persons who had reached the age of 55. Even for getting this permission, it takes time. Representations in this regard have also been made to the authorities concerned to allow the retention of teachers up to 60 years of age. So far as this matter is concerned, I am afraid the rule is not correctly interpreted. No doubt, these rules framed under the Madras Educational Rules are not statutory rules and they are not passed by the State Legislature. They are the orders of Government. The latest Government Order fixing 60 years of age as the age of retirement, I suppose, supersedes all other rules. If that is so, you must say that the age of retirement is 60 years. I do not know what is the intention of the Government. As my hon. Friend Sri Krishnamoorthy said, there is no such agreement about the age of retirement. According to rule 10 (a), the age of retirement of teachers who enter the aided institutions, when they enter into agreement, is sixty. Therefore, the Government have to consider this fact and interpret the rule liberally. This is the first thing the Government should consider.

Then, rule 10 (a) says that retention of the teacher after the age of 55 should be considered as reappointment. Appointment may mean appointment of a teacher from some other school. But reappointment is different. If the Government slightly modify that rule and say that reappointment of a teacher who has served that school for a number of years would be considered as extension of service for purposes of pension, it will be all right. Now the Government have relaxed the rules and permitted teachers in aided institutions to be reappointed after attaining the age of 55. If, after the attainment of the age of 55 or 60, the teacher is allowed to continue with the permission of the Director of Public Instruction, his services are taken into consideration for the purposes of grant. His salary is also taken into consideration for the purpose of the grant. The Government have also given power to the managements to retain and reappoint the teachers year after year even after 55 or 60 years of age. Before 1940 all these rules were not there. Therefore, if the Government treat the period of reappointment after 55 years of age as extension of service for purposes of grant of pension, it would be all right.

As was pointed out by the hon. Member Sri Krishnamoorthy in the last two or three years some teachers retired after completing the age of sixty. They are secondary grade teachers. If now the Government were to go back and say, "We won't grant

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pension to those who completed the age of 55 before 1st April 1955", it will be a piece of injustice. I am trying to point out that the Government are bound to grant pension to those who entered service before 1935 or 1936 and for whom the age of retirement was only sixty. The Government cannot say that in these cases the age of retirement is 55.

The hon. Member Sri Krishnamoorthy has already pointed out the confusion in the latest Government Order. The managements have not got the option to fix the age of retirement at 60. They have to fix it at 55. They cannot fix it at sixty unless the Government concede that the latest Government Order supersedes the rules in the Madras Educational Rules. The teachers in the aided institutions are permitted to contribute to the Provident Fund up to the age of 60. One other case of gross injustice which I would like the Government to consider is this—I will come to the case of teachers in aided institutions later on. A B.T. in a local board institution completes his 55th year on the 15th March 1958. The Government give effect to the pension rules for B.T.'s from 1st April 1958. This poor man who completed his age of 55, 15 days earlier, does not get the benefit of the pension. But he is allowed to continue to serve in the institution, with the permission of the Director of Public Instruction, till the re-opening of the school. My suggestion is that teachers who have been allowed to continue by proper authority for the rest of the school year, even though they are superannuated, should be given pension, whether they have attained the age of 55 or 58 or 60. The denial of pension benefits to such teachers affects the morale of teachers, in local boards and municipalities.

Sir, the Government had been very liberal in regard to many matters. Many things were pointed out by the S.I.T.U. and they were considered sympathetically by the Government. For instance, if teachers in aided institutions want to go to some other institution, they have to resign and go. There is no question of transfer. Such breaks in service were treated as breaks and considered as forfeited for purposes of pension. On the representations made by the S.I.T.U., the Government took a liberal view and condoned such breaks. Another liberal view taken by the Government is in respect of teachers serving in Malabar which has been transferred to Kerala. If teachers serving there came back to our State, their service in the Kerala State was not treated as a break in service. Malabar was for a long time part of our State, and the teachers had, therefore, served this State for a long time. Therefore it was a liberal interpretation of rules which condoned breaks on account of service in the Kerala State. Only the interim period is not taken into consideration. The prior service and subsequent service in this State are taken into consideration for purposes of pension. When the Government have been so liberal in those cases, why should they not be liberal also in this case? Again, there are teachers in Tiruttani. Formerly it was in the Madras

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State. It was transferred to Andhra and now it is to come back to us. What are the Government going to do in the case of those teachers? Will their previous service count for pension or will it be disallowed?

The Government are trying their best to see that the dearness allowance given to their Non-Gazetted Officers is on a par with the allowance granted to Central Government servants. That is the main grievance of the Non-Gazetted Officers of this State. It is a legitimate grievance, of course, that it should not be less than what is given to the Central Government servants. The Hon. the Minister for Finance in this House and in the other House said that the Central Government must do something in this matter. When the Government are trying to equalize the dearness allowance of the Central Government servants with that of the State Government servants, may I not ask why the Government should not put on a par the teachers serving in local boards and whose age of retirement is 55 and others in aided institutions who continue in service with proper authority even after 55 in the matter of grant of these pensions? There will be, after all, a few cases of that type. I am told that there are not even half-a-dozen such cases who are serving after attaining the age of 55. Even if there is a break, what will happen is that teachers will try to find some place in some institution and try to claim pension. Therefore, I say, if the break does not exceed two to three months, this service should be considered for the purposes of pension. Sir, this question of age of retirement is the main thing which is causing delay. As I said, if the Government treat reappointment after attaining the age of 55 in the same institution as extension of service, that will solve the problem and there will be no difficulty.

Then, Sir, Government have fixed 25 per cent of pay as the rate of pension for secondary grade teachers whereas they have fixed Rs. 30 for B.T.'s for thirty years of service. The proportion is not even 1/5th. It is much less. I suppose the Government would rectify the mistake in course of time and try to see that the Headmaster and L.T.'s get 25 per cent of their average salary for the last three years.

Mr. CHAIRMAN: Resolution moved—

'This Council recommends to the Government that the Pension Rules in respect of teachers retiring from Local Board and Aided Institutions (Elementary and Secondary) be liberalised to enable every teacher who retired on or after 1st April 1955 to get pension with reference to the total number of years of service as a teacher in institutions recognized by the Department of Public Instruction, Madras, irrespective of—

(i) the varied agencies served under;

(ii) the breaks in service;

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(iii) the fact of re-employment after the 55th or 60th year; and

(iv) the actual age at the time of retirement.'

SRI K. M. RAMASAMY GOUNDER: Sir, I am happy to support the Resolution. Without going into the details of the arguments advanced, I see in this Resolution a simple fact that teachers retiring after 1st April 1955 should be given pension and the pension rules liberalised accordingly. That is a very simple proposition. Leaving alone the question of misinterpretation of orders and rules, I can point out a hard case of a secondary grade teacher who retired on 3rd June 1955 and who has been denied the benefit of pension just because he attained his 60th year a few months earlier, that is, on the 25th January 1955. The department permitted him to retire only on the 3rd June 1955. But as the rules are clear that a teacher who attains the age of sixty is not eligible for pension, he has been denied the pension. Leave alone the question of headmasters and others in other schools; this teacher has been affected. Therefore, I would request the Government and the department to take a more sympathetic view of the situation and go a step further and say that all teachers, whether L.T.'s, B.T.'s or secondary grades, should get the benefit of pension with retrospective effect from 1st April 1955. If that is done, much of the heart-burning and much of injustice that are now seen will be removed and the teachers will feel ever grateful to the Government and the department.

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, Sir, the Government had only recently in 1956 sanctioned a pension scheme for certain categories of teachers and, as has been pointed out by hon. Members, these rules and Government Orders have been modified many times. The Government modified the scheme so as to extend it to teachers of training schools, special schools, kindergarten schools, etc. Then, again, the Government further amended the rules to the effect as has been pointed out by hon. Members that breaks in service should not have the effect of forfeiting past service provided the teacher was discharged or retired as per rules and orders. The Government have also taken into consideration a proposal to amend the rules so as to make all teachers who had been serving on 1st April 1955 or 1st April 1958, as the case may be, eligible for pension. But this is like Savithri's *charitram*. We will go on liberalising but still when one liberalisation is made, the teachers ask for something more. If it is a case of wrong interpretation of the rules and Government Orders, it could be rectified. But the Resolution means that every teacher who has been sanctioned pension from 1st April 1958 should also be eligible for pension from 1st April 1955. That is what the Resolution says. That would mean financial commitment and the Government are not prepared to extend the concession in view of the huge financial commitment involved. That is the position. I would request the hon. Mover not to press this Resolution.

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LIBERALISATION OF PENSION RULES IN RESPECT OF
TEACHERS RETIRING FROM LOCAL BOARD AND
AIDED INSTITUTIONS

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SRI G. KRISHNAMOORTHY : Sir, I am really surprised to hear from the Hon. Minister that the Government are not prepared to give pension to all teachers who retired from 1st April 1955 or 1st April 1958.

MR. CHAIRMAN : The Hon. Minister has replied to the debate and all the points have been covered already. There is no need for any more discussion.

* SRI G. KRISHNAMOORTHY : I am really surprised that they are not prepared to give pension to all teachers retiring from 1st April 1955 or 1st April 1958 in view of the commitment involved. Naturally anybody would admit that if a rule comes into force, any servant to whom the rule is sought to be applied, if he is in active service, must get the benefit. That is what the teachers want and it is not that teachers want something more and more as in the case of Savithri. They do not by this Resolution claim anything more. But they want the rules to be interpreted properly in the spirit in which the rules were made and really the spirit, as I understand and all must understand, of the rules is that any teacher who was in active service on the date of the publication of the rules in respect of those categories must be eligible for pension. The misinterpretation has not only deprived hundreds of teachers this year but is going to deprive hundreds of teachers for another five years of the pension which they have been earning and the misinterpretation is purely on account of the fact that the age of retirement is mentioned in rule 9 as 55 and 60. Is it not the duty of the Government to see that the departmental authorities who are entrusted with this onerous task of granting pension to these teachers interpret these rules properly? So, my Resolution aims at only the proper interpretation of the rules which have been framed by the Government with a view to benefit the teachers and with the good intention of giving them certain privileges. When that has been the case, as soon as it is pointed out, I think the Government must come forward readily saying that the misinterpretation has been wrong and that the teachers must be given the benefit. If really the Government do not come forward to correct this misinterpretation, I have nothing more to say than that the Government do not want to loosen the strings of their purse and that, by not correcting this misinterpretation, they will be just showing their unwillingness to part with the money on behalf of a cause which they have promised and that they will be just doing a great injustice to the teaching profession.

MR. CHAIRMAN : I am going to put the Resolution to vote.

SRI T. P. SRINIVASAVARADAN : Sir, one point. If the Hon. Minister will give an assurance that the cases of those who were in active service on 1st April 1955 or 1st April 1958 will be considered—I do not think the Government will grant the other

5th November 1958]. [Sri T. P. Srinivasavaradan]

two things—I would request the hon. Member to withdraw the Resolution, because there is every chance of the Government considering it.

* SRI G. KRISHNAMOORTHY : If the Hon. Minister says that all cases of teachers who retired after 1st April 1955 or 1st April 1958 will be considered as per the rules in proper interpretation, I must withdraw but the statement has not come forth from the Government.

MR. CHAIRMAN : The only course is to put the Resolution to the vote of the House. The question is—

'This Council recommends to the Government that the Pension Rules in respect of teachers retiring from Local Boards and Aided Institutions (Elementary and Secondary) be liberalized to enable every teacher who retired on or after 1st April 1955 to get pension with reference to the total number of years of service as a teacher in institutions recognized by the Department of Public Instruction, Madras, irrespective of—

- (i) the varied agencies served under;
- (ii) the breaks in service;
- (iii) the fact of re-employment after the 55th or 60th year;

and

- (iv) the actual age at the time of retirement.'

The Resolution was put and declared lost.

Sri G. Krishnamoorthy demanded a poll.

Under rule 71 (5) of the Council Rules, the Chairman called upon the Members who were in favour of the Resolution and those who were against the Resolution to rise in their places and after counting them, declared the result of the division.

The House divided thus—

Ayes : 11; Noes : 17.

The Resolution was lost.

MR. CHAIRMAN : The division has been frivolously claimed.

(3) CONSTRUCTION OF DHOBIKHANAS.

MR. CHAIRMAN : The hon. Member Sri Ethirajulu may now move his Resolution. As we have to close at 5-30 p.m., and as one more Resolution on the agenda is to be moved, I would request him to make a short speech. 5-10 p.m.

[5th November 1958]

(At this stage Mr. Chairman sounded the gong and called Sri T. Purushotham to speak.)

* SRI T. PURUSHOTHAM : Sir, I second the Resolution moved by the hon. Member Sri Ethirajalu. There can be no two opinions about the object of this Resolution. This is a measure that is needed in the interests of public health of our towns. Section 228 of the District Municipalities Act makes specific provision that in the interests of public health, the municipal councils should regulate the washing of clothes and set apart places for washing of clothes. Again, there is also section 229 which provides for the construction and maintenance of wash-houses for the washing of clothes and the municipal councils shall prohibit washing of clothes in other places. For this purpose, the construction of public wash-houses or dhobikhanas is absolutely necessary and the Resolution moved by the hon. Member simply requests that special instructions should be given to municipal councils about this. The hon. Mover has pointed out that the Government have already issued instructions and it is his humble plea that not only executive instructions should be issued under the provisions of the District Municipalities Act but that they should be strictly enforced. The Government should find out how many municipalities have taken action in the matter and in how many of them these dhobikhanas have been constructed. I know there is provision in the Local Authorities Loans Act for the grant of loans for this purpose as well. I request the Government to grant loans liberally so that the municipalities may take suitable action in the matter in the interests of public health by constructing dhobikhanas in suitable places.

MR. CHAIRMAN : Resolution moved—

'This Council recommends to the Government to allot sufficient funds as loans to Municipalities and Local Bodies for the construction of dhobikhanas within the Second Five-Year Plan period and to issue strict instructions to them to prevent the washermen from washing clothes in filthy and dirty waters.'

The Hon. Minister may reply.

* SRI T. PURUSHOTHAM : Sir, I think the Business Advisory Committee has resolved to sit from 3 p.m. to 6 p.m. today and so, we may continue the discussion till 6 o'clock.

MR. CHAIRMAN : It is true that the Committee agreed to sit till 6 p.m. But, it has subsequently been agreed that we shall sit only till 5-30 p.m. today.

* SRI T. PURUSHOTHAM : Sir, I think it has also been announced that the House will sit from 3 p.m. to 6 p.m. So, we were under the impression that the House would sit till 6 p.m.

MR. CHAIRMAN : I have already told the hon. Member that it has since been agreed that we will sit only till 5-30 p.m.

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* SRI T. PURUSHOTHAM : Sir, there are other items also on the Agenda. We cannot complete the Agenda by 5-30 p.m.

MR. CHAIRMAN : Anyway, all the items on the Agenda cannot be finished today even if we sit till 6 p.m.

* SRI T. PURUSHOTHAM : Inasmuch as there are other items also on the Agenda and we have been told that we will sit till 6 p.m., we can continue the discussion till 6 p.m. That is my submission.

MR. CHAIRMAN : The Business Advisory Committee has taken certain decisions and I have announced the same to the House. But, those decisions have not been put to the House and adopted by it. I have just announced them. That is all. Those decisions can, therefore, be changed at any time by agreement. Now, in consultation with the Hon. the Leader of the House and the Leader of the Opposition, it has been agreed that the House will sit today only till 5-30 p.m.

* SRI T. PURUSHOTHAM : Should not the House agree to the change, Sir?

MR. CHAIRMAN : The agenda as settled by the Business Advisory Committee is not put to vote and accepted by the House on a motion made.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : Mr. Chairman, the Government are already aware of the matter and are seriously considering how best they can give financial aid to local bodies for the construction of dhobikhanas. Sir, some time back with regard to repairs to a dhobikhana in Ootacamund, a point was raised whether the Government would consider the question of including such schemes in the Five-Year Plan, and providing aid to them from the Central Government grants for the purpose as in the case of water-supply and drainage schemes. The point was examined and the Inspector of Municipal Councils and Local Boards was consulted in the matter. He has submitted a list of 15 Municipal Councils requiring grant or loan or both. The Inspector has recommended that the Municipalities may be given a grant equal to 50 per cent of the cost of construction subject to a maximum of Rs. 10,000 and a loan not exceeding Rs. 10,000 repayable in not more than thirty annual instalments. The Inspector has also recommended that a sum of Rs. 2 lakhs may be provided during 1958-59 (i.e., Rs. 1 lakh as grant and Rs. 1 lakh as loan). It was considered that if the scheme was good enough, it might be included within the plan provision under "Assistance to local bodies for productive enterprises" with the concurrence of the Government of India and that funds might be provided within the overall ceiling for assistance to local bodies for productive enterprises by readjustment of the size of various schemes included within it. The question is being examined whether the scheme could be brought under "productive enterprises" so that if local bodies get some income from the dhobikhanas, the Government of India may be addressed. The question of including the proposal

[Srimathi Lourdhammal Simon] [5th November 1958]

of giving grants and loans to local bodies in the Five-Year Plan after addressing the Government of India in the matter and obtaining its concurrence is under consideration. Thus the question of giving financial assistance to local bodies for construction of dhobikhanas is already under consideration of this Government and a decision will be taken as soon as possible in consultation with the Government of India.

5-30 P.M. With regard to issue of instructions, I think it is a very simple matter and executive instructions can be issued to the local bodies in the matter.

SRI T. PURUSHOTHAM : Will you assure us so?

* THE HON. SRIMATHI LOURDHAMMAL SIMON : Certainly, that will be done. We had a meeting a few weeks back and the hon. Member was also present. At that time, we came more or less to a unanimous decision that this question should be tackled urgently. I do not think there is any need for this Resolution at this juncture. That is what I feel and the assurance is there that we shall do whatever is possible and instruct the municipalities to attend to the work, with the availability of funds at their disposal and local conditions and environments. I am sure that they will make all arrangements necessary and we will take utmost care to see that the problem is properly tackled. There is no necessity for this Resolution and I oppose it.

* SRI M. ETHIRAJALU : கனம் தலைவர் அவர்களே, அமைச்சர் அவர்கள் சொன்ன பதிலிலிருந்து இதற்காக உடனடியாக எல்லா முனிசிபாலிட்டிகளுக்கும் பஞ்சாயத்துக்களுக்கும் தாக்கீது அனுப்பப்படும் என்று தெரிகிறது. அத்துடன் கூட, அவர்களுக்குக் கண்டிப்பான உத்தரவு போட்டு, கூடுமானவரை அவர்கள் கட்டாயமாக டோபிகானாக்கள் கட்டியாக வேண்டும் என்ற முறையில் வருகிற வரவுசெலவுத் திட்டத்தில் ஒரு குறிப்பிட்ட தொகையை ஒதுக்கும்படி கேட்டுக்கொள்கிறேன்.

THE HON. SRIMATHI LOURDHAMMAL SIMON : உத்தரவு போட முடியாது. அவர்களே அதைச் செய்வதற்காக ஒரு 'இன்ஸ்ட்ரக்ஷன்' கொடுக்கலாம்.

MR. CHAIRMAN : Are you withdrawing the Resolution?

SRI K. T. KOSALRAM : Let the Hon. Minister request him to withdraw, and he will withdraw. (Laughter.)

* SRI M. ETHIRAJALU : 1937-ம் ஆண்டிலிருந்து நான்கைந்து 'இன்ஸ்ட்ரக்ஷன்'கள் கொடுக்கப்பட்டிருக்கின்றன என்பது சர்க்காருடைய உத்தரவைப் பார்த்தால் தெரியும். ஆனால், ஜி.ஓ.ஐப் போட்டுக்கூட அவைகள் நிறைவேற்றப்படவில்லை என்பதை இங்கே நான் மிகத் தாழ்மையுடன் தெரிவித்துக்கொள்கிறேன்.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : அப்படி நிறைவேற்றமலிருந்தால், அந்த இடத்தில் நிதி நிலைமைக் குறைவினால் அது முடியாமல் போயிருக்கலாம் என்றுதான் நான் கருதுகிறேன். அதற்குத் தகுந்த நிதி அவர்களுக்கு இருக்கிருக்குமானால், நிச்சயமாக நிறைவேற்றியிருப்பார்கள். ஒவ்வொரு ராணிசிபாலிட்டியும் இருக்குத் தகுந்த கவனம் செலுத்தும். நிதி நிலை சரியாய் இருக்குமானால், இதற்கு முன்பே கட்டப்பட்டிருக்கும். தற்பொழுது கார்ப்பரேஷனில் ஏழு டோபிகானாக்கள் கட்டப்பட்டிருக்கின்றன.

[5th November 1958]

* SRI M. ETHIRAJALU : சர்க்காரிலிருந்து நிதி கொடுக்க முடியவில்லை யென்றாலுங்கூட, உலக சுகாதார ஸ்தாபனத்தினிடம் (ஓர்லட் ஹெல்த் ஆர்கனைசேஷன்) கடன் வாங்கியாவது இவைகளைக் கட்டி முடிப்பதற்கு கனம் அமைச்சர் அவர்கள் கவனம் செலுத்த வேண்டுமென்று நான் கேட்டுக்கொள்ளுகின்றேன்.

MR. CHAIRMAN : Are you withdrawing or pressing your Resolution? There is one more Resolution to be moved.

SRI M. ETHIRAJALU : I withdraw the Resolution.

The Resolution was, by leave, withdrawn.

MR. CHAIRMAN : I would ask Mr. Raza Khan to move the Resolution standing in his name formally and get it seconded. Let him not speak on it.

(4) ABOLITION OF ACCOMMODATION AND RENT CONTROLS.

SRI MOHAMED RAZA KHAN : Sir, I move the following Resolution :—

“ This Council recommends to the Government that in view of the various construction programmes implemented so far and undertaken by the Government and other agencies, the Accommodation and Rent Controls may be abolished.”

SRI L. S. KARAYALAR : I second the Resolution.

MR. CHAIRMAN : Now, with reference to the remarks made by Mr. Purushotham, I want to make the position clear. The Business Advisory Committee meets and draws up a programme and it is brought to the notice of the House. If it is put to vote and accepted by the House as an Order of the House, then we cannot make any alteration in it without the consent of the House. But it is not usually put to vote. I just announced the programme and nothing irregular has happened.

SRI T. PURUSHOTHAM : Sir, I do not question your ruling. I bow to your ruling. Let me submit, at the same time, that when we come here thinking that the business of the House is for three hours, it is rather inconvenient to see that we will rise at 5-30 p.m. There is an important Resolution of mine and I thought that it would come up to-day. I was waiting for it to be taken up and when you announced we would rise at 5-30 p.m. and not at 6 p.m. I was rather taken aback. That is all my submission.

MR. CHAIRMAN : It was agreed to by both sides of the House—the Hon. the Leader of the House and the hon. the Leader of the Opposition—that we could rise at 5-30 p.m.

SRI K. BALASUBRAMANYA AYYAR : Sir, I find that a number of Bills have been put down for tomorrow, one of them being the Tiruchirappalli Kaieruvaram and Mattuvaram Bill. Many amendments have been made and the Bill is not yet ready.

[Sri K. Balasubramanya Ayyar] [5th November 1958]

Perhaps we will get copies of the Bill at 7 p.m. or 8 p.m. or 9 p.m. So, it will not be possible for us to take it up tomorrow. I requested the Hon. the Leader of the House and the Hon. the Minister for Revenue to have it taken up later and they have agreed.

MR. CHAIRMAN: It is coming into force only on 1st April 1959.

SRI K. BALASUBRAMANYA AYYAR: Yes.

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

The House then adjourned.

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APPENDIX.

[Vide answer to starred question No. 167 asked by Vidwan T. Muthukannappan at the meeting of the Legislative Council held on 5th November 1958, page 464 supra.]

(a) Yes, Sir.

(b) The number of students studying each of the three languages is as follows:—

	Presidency College, Madras.			Government Arts College, Madras.		
	Telugu.	Malaya-lam.	Kan-nada.	Telugu.	Malaya-lam.	Kan-nada.
Pre-University Course.	Does not exist.			45	5	4
Three-year degree—						
I B.A. and B.Sc. ..	17	4	2	8	8	..
II B.A. and B.Sc. ..		No class.		13	5	4
Two-year degree—						
IV B.A.	3	..	2	..	9	..

(c) The strength of the teaching staff is as follows:—

Presidency College, Madras—

- (1) Telugu—Two Assistant Professors.
- (2) Malayalam—One Assistant Professor and one Tutor.
- (3) Kannada—One Assistant Professor.

Government Arts College, Madras—

- (1) Telugu—Two Assistant Lecturers (one in Grade I and another in Grade II).
- (2) Malayalam—Two Assistant Lecturers (one in Grade I and another in Grade II).
- (3) Kannada—One Assistant Lecturer (Grade I).

THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 6th November 1958.

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

1.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Prices of foodgrains

* 170-A (Short Notice) Q.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Home be pleased to state—

(a) whether the Government are aware of the recent abnormal rise in the prices of pulses and cereals in this State; and

(b) if so, the steps taken or proposed to be taken to check the rise in prices?

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

(b) So far as paddy and rice are concerned, the Government of India have constituted the States of Madras, Mysore, Andhra Pradesh, Kerala and Pondicherry into one zone. The movement of paddy and rice within the zone is free. Any action to stabilise the prices of these grains will, therefore, have to be taken in conjunction with the other States in the zone. The Government of India have called for a meeting of the Food Ministers of the Southern States for reviewing the working of the Southern Zone and for taking necessary steps to stabilise the prices.

As regards pulses, there is no restriction on the movement from one State to another. The Government are in consultation with the Board of Revenue (Civil Supplies) on the steps to be taken to bring down the prices.

* 170-B (Short Notice) Q.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Home be pleased to state—

(a) whether it has been brought to the notice of the Government that the prices of kuruvai paddy in Tanjore district have risen abnormally due to the speculative purchases by merchants from Kerala and other places; and

(b) if so, the steps taken or proposed to be taken to check the rise in prices?

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

(b) The attention of the Member is invited to the answer furnished under clause (b) of the Short Notice Question No. 170-A put by him.

[6th November 1958]

Price of rice

* 171 (*Short Notice*) Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Home be pleased to state—

(a) whether it is a fact that the prices of different varieties of rice in the City of Madras and elsewhere in the State have gone up abnormally; and

(b) if so, the steps taken or proposed to be taken by the Government in this regard?

THE HON. SRI M. BHAKTAVATSALAM : (a) The wholesale price of rice, II sort, in Madras City, was Rs. 18.75 per maund on 1st January 1958. The price on 15th October 1958 was Rs. 22.50 per maund. The average wholesale price of rice, II sort, for the State as a whole, was Rs. 19.01 per maund on 1st November 1958 and Rs. 21.15 per maund on 15th October 1958. There was thus an increase of Rs. 3.75 per maund in Madras City and Rs. 2.14 per maund in the State as a whole.

(b) Under the Rice (Southern Zone) Movement Control Order, 1957, issued by the Government of India, there is no restriction on the movement of rice within the States of Andhra Pradesh, Madras, Mysore, Kerala and Pondicherry. Any steps for the stabilisation of prices of paddy and rice should be taken only in conjunction with the other States. The Union Government have since called for a meeting of the Food Ministers of the Southern States for reviewing the working of the Southern Zone and for taking necessary steps to stabilise the prices. The Government are intensely aware of the situation and are in consultation with Government of India on the steps to bring down the prices.

SRI V. V. RAMASWAMI : தான் வகைகளைப் பேர்ந்த கடலை பருப்பு, துவரம் பருப்பு ஆகியவற்றின் விலை இன்றைய தினம் அதிகமாக ஏறிக் கொண்டிருக்கிறது. அதோடு சரக்கும் இல்லையென்று சொல்லப்படுவதால் இன்னமும் அதிகமாக விலை ஏறக்கூடும். அதைக் கட்டுப்படுத்துவதற்கு ஏதாவது நடவடிக்கை எடுக்கும் உத்தேசம் சர்க்காருக்கு உண்டா?

THE HON. SRI M. BHAKTAVATSALAM : அதைப்பற்றியும் கவனம் செலுத்திக்கொண்டு வருகிறோம். குறிப்பாக கனம் அங்கத்தினர் ஏதாவது யோசனை சொன்னால், அதன் பேரிலும் நடவடிக்கை எடுக்கத் தயாராக இருக்கிறேன்.

SRI MOHAMED RAZA KHAN : The Government have admitted that rice is available in plenty in the City of Madras. Taking the South Zone as a whole, there is also a surplus. That being so, may I know from the Hon. Minister the reasons for the price of rice shooting up in the course of the last three or four months?

THE HON. SRI M. BHAKTAVATSALAM : Sir, it is not merely a case of the Government pointing out that there is no scarcity of rice. The hon. Member himself is aware of that. If not, he himself would have contradicted the Government statement. Rice is there because we are carrying on without drawing a grain of rice from the Central pool. And very little of Andhra rice is coming

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o this State. There is sufficient rice available. Still the prices are high because of the general rise in the trend of prices of all commodities.

SRI T. PURUSHOTHAM : When is the conference referred to by the Hon. Minister to be held at Delhi?

THE HON. SRI M. BHAKTAVATSALAM : It is to be held tomorrow evening at Delhi.

SRI T. P. SRINIVASAVARADAN : Sir, will the Government consider the desirability of opening fair price shops once more so that the prices of foodgrains may not go up?

THE HON. SRI M. BHAKTAVATSALAM : Sir, if it is a question of opening fair price shops, Government will have to make purchases for the fair price shops and when there is no scarcity here and when the deficit has been wiped out, this Government cannot ask the Central Government to supply rice for sale through the fair price shops. Therefore, it means that we must enter the market for purchasing the rice required for sale through these fair price shops. And if the Government also enter the market, it is feared that the prices will shoot up still further.

SRI V. V. RAMASWAMI : குறிப்பாக, நமது மாநிலத்திற்கு வடக்கே யுள்ள உத்தரப் பிரதேசம், பஞ்சாப் முதலிய இடங்களிலிருந்து துவரம் பருப்பு, கடலை பருப்பு முதலிய தானியங்கள் வரவேண்டியிருக்கிறது. அவர்கள் ஏராளமான “ஸ்டாக்”-ஐ வைத்துக்கொண்டு விலையை உயர்த்தி விட்டார்கள். அதனால் இங்கும் விலை உயர்ந்துகொண்டு போகிறது. ஆகவே, நாளை நடக்கக்கூடிய கூட்டத்தில் இதைப்பற்றி ஏதாவது கலந்து பேசி முடிவு செய்ய முடியுமா?

THE HON. SRI M. BHAKTAVATSALAM : அரிசியை நாம் உற்பத்தி செய்கிறோம். அதன் விலை இங்கே ஏறிக்கொண்டிருக்கிறது. பருப்பு விலையும் கூடுதலாகிக்கொண்டிருக்கிறது. அதை எப்படிக் குறைப்பது என்பது சுலபமாக முடிவு செய்யக்கூடிய விஷயம் அல்ல. நாளை கூட்டத்தில் முக்கியமாக அரிசியைப் பற்றித்தான் விவாதிக்க இருக்கிறது. இருந்தாலும் பருப்பு களைப்பற்றியும் கவனம் செலுத்துகிறேன்.

SRI MOHAMED RAZA KHAN : The Hon. Minister gave the prices in terms of maunds. Is he aware that in the City of Madras ordinary boiled rice and that too of inferior variety and quality which was sold for ten or eleven annas per Madras measure is now offered for sale for nothing less than Rs. 1-1-0 or Rs. 1-2-0 per Madras measure?

THE HON. SRI M. BHAKTAVATSALAM : It is so, Sir. Generally it ranges from Re. 0-15-0 to Rs. 1-1-0 and perhaps up to Rs. 1-2-0, as was stated by the hon. Member in the City of Madras. That is so because there is a general rise in prices of all other commodities also.

SRI A. GAJAPATHY NAYAGAR : சென்னை ராஜ்யத்தில் உள்ள வர்கள் கையில் இருப்பதை வெளியில் விடாமல் வைத்துக்கொண்டிருப்பதனால்தான் இந்த விலை ஏற்றம் ஏற்பட்டிருக்கிறதா?

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THE HON. SRI M. BHAKTAVATSALAM : எலாக்குத் தெரிந்த வரையில், சென்னை மாநிலத்தைப் பொறுத்தவரையில், அம்மாதிரி யாரும் பதுக்கவில்லை.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, கேரள வியாபாரிகள் 47 ரூபாய் மூட்டை என்று வாங்கி, கேரளத்தில் 39 ரூபாய் என்று விற்ப தாகவும், அந்த நஷ்டத்தைக் கேரள சர்க்காரே ஈடு செய்துகொடுக்கிறது என்றும் அரசாங்கத்திற்குத் தெரியுமா? அது உண்மை என்று அறிந் தால், தக்க நடவடிக்கை எடுப்பார்களா?

THE HON. SRI M. BHAKTAVATSALAM : இங்கே அதிக விலைக்கு வாங்கி, அங்கே குறைந்த விலைக்கு விற்கக்கொண்டால், நமக்கு என்ன கவலை? சமீபத்தில் கேரள முதல் அமைச்சரோடு பேசும்போது கூட, அப்படி எதுவும் செய்வதாகத் தெரியவில்லை. கேரள வர்த்தகர்கள் இங்கே அரிசி வாங்கி அங்கே "சப்ளை" செய்கிறார்கள்.

SRI T. P. SRINIVASAVARADAN : Sir, is there any restric- tion placed by the Andhra Government on the movement of shall from Andhra to Madras?

THE HON. SRI M. BHAKTAVATSALAM : I do not think there is any restriction. But so far as dhall is concerned, we have to depend on that part of India which is still north of Andhra.

SRI M. ETHIRAJALU : நென் ராஜ்ய உணவு மண்டலம் பூரா விஷும் அரிசி விலையை ஒரேயளவாக நிர்ணயிக்க மத்திய சர்க்காரோடு நடந்து சர்க்கார் பேச்சு வார்த்தை நடத்தி விலையைக் குறைக்க நடவடிக்கை எடுப்பார்களா?

THE HON. SRI M. BHAKTAVATSALAM : அதைப்பற்றிப் பேசிக் கொண்டே இருக்கிறோம் என்று சொல்லிக்கொள்ள விரும்புகிறேன்.

SRI MOHAMED RAZA KHAN : Is it a fact, Sir, that plenty of rice stocks are available with the millers and stockists or big merchants and that they are trying to inflate the prices artificially?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I have said in Tamil in reply to a supplementary question (Sri Mohamed Raza Khan: I am sorry. I did not follow that.) that there is no board- ing so far as I know. Sir, so far as this short-term rice is con- cerned, that is, the 'Kuruvai' which is harvested in Tanjore district, it is not worth the while to keep it. It is sold then and there. Whether it is the producer or the merchant, he is interested in selling it as soon as possible. I know 50 per cent of it was immediately sold and transported to Kerala.

SRI T. P. SRINIVASAVARADAN : Are the Government aware that at a conference recently convened by the Collector of Tiruchirappalli, the millers agreed to sell rice at Re. 0-15-0 a measure and if so, why should the price of rice in other parts be so very high?

THE HON. SRI M. BHAKTAVATSALAM : I have seen the report in the Press that the millers were good enough to subsidise the price of rice to be supplied to their workers. That shows the goodness on their part. It is for the other industrialists to copy that.

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Dr. A. SREENIVASAN : Is it not time for the Government now to fix the price of rice?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I may tell the hon. Member that I am also anxious to fix a ceiling price. But what is the meaning in fixing a ceiling price for rice or for any other commodity unless we are prepared to have control? The fix- ing of prices alone will be absolutely ineffective.

SRI M. ETHIRAJALU : இந்த ராஜ்யத்தில் சலவைத் தொழிலாளர் களுக்கு வேண்டிய சலவை சோடாவின் விலை ரூ. 0-9-6 ஆக விற்ப வந்தது. மூன்று மாத காலமாக ரூ. 1-4-0, ரூ. 1-8-0 ஆக விற்ப வருவதால், சலவைத் தொழில் மிகவும் பாதிக்கப்பட்டிருக்கிறது. ஆகவே, அதன் விலையைக் குறைக்க சர்க்கார் வேண்டிய நடவடிக்கைகள் எடுக்குமா? 3-10 p.m

THE HON. SRI M. BHAKTAVATSALAM : இந்தக் கேள்வி உணவுப் பொருள்களைப்பற்றியது. உணவுப் பொருள்களுக்கு சோடா உப்பு தேவையாக இருந்தால், அதைப்பற்றிக் கவனிக்கலாம்.

SRI MOHAMED RAZA KHAN : Sir, while I do not expect the Hon. the Minister for Agriculture to disclose what suggestion he would make at the proposed conference to be held in Delhi, may I know how his mind is working, what direction he wants the Government of India to issue to see that the price of rice is lowered?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I am very anxious to have a ceiling on prices fixed. Of course, we must be prepared to have a price support when the price goes down. But this fixation of price, I am insisting, should be uniform through- out the zone. I also feel that it will not be effective unless there is a kind of partial control, our procuring the grain and distri- buting it through fair price shops. That means re-introducing some control. I would like hon. Members to place their own suggestions on that. I would very much value their suggestions before I place my views before the Government of India.

SRI V. V. RAMASWAMI : தமிழ் நாட்டில் அதிகமாக உபயோகிக்கக் கூடியது சம்பா நெல்லும், அரிசியுமாகும். இங்கு குறுவை அதிகமாக உபயோகிக்கப்படாமல், பெரும்பாலும் கேரளத்திற்குப் போகிறது. சம்பா நெல் வர இன்னும் இரண்டு மாதங்கள் ஆகும். அந்த நிலைமையில் இப்பொழுது குறுவை நெல் அறுவடையாகியிருக்கும்போது, அதற்கு உச்ச வரம்பு கட்டப்போவதில்லை என்று அமைச்சர் அவர்கள் சொல்லியதால் அதன் விலை அதிகமாகிவிட்டது. அது இப்பொழுதிருக்கிற சம்பா நெல் லின் விலையையும் பாதித்திருக்கிறது என்று தஞ்சாவூரில் உள்ளவர்கள் சொல்கிறார்கள். அது உண்மையா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : அபிப்பிராயங்கள் பலவித மாக இருக்கும். குறுவைக்கு உச்சவரம்பு கட்டப் போவதில்லை என்று நான் சொன்னது, அதைப்பற்றி யோசித்துத்தான் சொன்னேன். அவர்கள் ஏதோ வாங்கப் போகிறார்கள். அரசாங்கம் அதில் தலையிடுமேயானால், அரசாங்கம் தலையிடுகிறது என்று கலவரம் ஏற்பட்டு அதனால் விலை இன்னும் அதிகமாகலாம். அதைத் தவிர்க்கத்தான் இப்படிச் சொன்னேன்.

SRI MOHAMED RAZA KHAN : While I do not underrate the capacity of the Hon. Minister to play his part in the proposed conference, before proceeding to Delhi, will he convene a conference

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of some people from the districts concerned whose advice he may wish to seek and do his best at the proposed conference?

THE HON. SRI M. BHAKTAVATSALAM : I must confess that my capacity in that respect is limited. I do like to take counsel from hon. Members. But, as I have said, this conference is to be held tomorrow evening. Therefore, I would very earnestly invite hon. Members to place their suggestions before me here and now.

SRI A. M. ALLAPICHAJ : Sir, if the Government feel that the fixing of price would be ineffective without some kind of control, why not they come forward with proposals for some kind of control? And the Legislature also will help them.

THE HON. SRI M. BHAKTAVATSALAM : I have been considering that aspect also. Still, I would like to know how hon. Members feel about this.

SRI A. GAJAPATHY NAYAGAR : ஏராளமான வியாபாரிகள் அரிசியைச் சேகரித்து வைப்பதற்குப் பாங்குகள் கடன் கொடுப்பதும் ஒரு காரணமாகும். ஆகவே, பாங்குகள் அரிசிக்காகக் கடன் கொடுக்கக் கூடாது என்று ஏதாவது ஒரு உத்தரவு போட்டால், அரிசியின் விலை குறையுமா?

THE HON. SRI M. BHAKTAVATSALAM : இதெல்லாம் பழைய அபிப்பிராயம் என்று தாழ்மையுடன் தெரிவித்துக்கொள்கிறேன். இரண்டு மூன்று வருடங்களாகப் பாங்குகள் கடன் கொடுப்பதைக் குறைத்திருக்கின்றன. ரிசர்வ் பாங்கு அப்படிக் கொடுப்பதைக் குறைக்கவேண்டுமென்று சொல்லியிருக்கிறது. மேலும், எனக்குத் தெரிந்தவரையில், தமிழ் நாட்டில், அம்மாதிரி வியாபாரிகள் பதுக்கி வைத்துக்கொள்கிறார்கள் என்று நினைக்கவில்லை.

SRI M. ETHIRAJALU : உணவு தானியங்களின் விலை உயரும் போது, சர்க்கார் அதைக் குறைக்க என்ன நடவடிக்கைகள் எடுத்திருக்கிறது?

THE HON. SRI M. BHAKTAVATSALAM : ராமாயணக் கதை கேட்டு விட்டு சீதைக்கு ராமன் என்ன என்று கேட்பதுபோல் இருக்கிறது. இதைப்பற்றித்தான் இப்பொழுது தீவிரமாக யோசனை செய்து வருகிறோம்.

Pablo boats

* 172 (Short Notice) Q.—**VIDWAN T. MUTHUKANNAPPAN :** Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of Pablo boats damaged in the recent storm in Madras; and

(b) the loss incurred by the Government thereby?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) Seven Pablo boats were involved in the damage. The hulls of two boats only are reported to be beyond repairs.

(b) A report on the estimated cost of repairs and reconstruction is awaited from the Director of Fisheries.

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VIDWAN T. MUTHUKANNAPPAN : சேதம் அடைந்த படகுகளில் மீன் இலாகாவின் நேரிடை பொறுப்பிலுள்ள படகுகள் எத்தனை? பெட்ரேஷன் நிர்வாகத்திலுள்ள படகுகள் எத்தனை, கூட்டுறவு சங்கங்களுக்கு விடப்பட்டிருந்த படகுகள் எத்தனை என்று அறிய விரும்புகிறேன்.

THE HON. SRIMATHI LOURDHAMMAL SIMON : தனிக் கேள்வி வேண்டும்.

SRI A. M. ALLAPICHAJ : Sir, is the Hon. Minister aware of the number of country boats which have been damaged during this storm?

THE HON. SRIMATHI LOURDHAMMAL SIMON : A separate question is needed for that.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, புயல் வருவதற்கு 24 அல்லது 36 மணி நேரத்திற்கு முன்னமேயே துறைமுகத்தில் புயல் வருவதைக் காட்டும் சைகைக் கொடி போடப்படுகிறது. உடனே மீன் இலாகா விற்குத் தகவல் எட்டியிருக்கும் என்று நினைக்கிறேன். அப்படித் தகவல் கொடுக்கப்பட்டதா? கொடுக்கப்பட்டு அவர்களைப் பாதுகாக்க ஏதாவது நடவடிக்கைகள் எடுத்துக்கொண்டார்களா இல்லையா என்று அறிய விரும்புகிறேன்.

THE HON. SRIMATHI LOURDHAMMAL SIMON : அக்டோபர் மாதம் 6-ந் தேதி புயல் அடித்த அன்று அப்படித் தகவல் ஒன்றும் கிடைக்காத காரணத்தினால்தான், இந்த போட்டுகளுக்கு வேண்டிய பாதுகாப்பு கொடுக்க முடியவில்லை.

VIDWAN T. MUTHUKANNAPPAN : மீனவர்கள் தங்களிடம் இருக்கிற சாதாரணப் படகுகளைக் கூட, புயல் அடிக்கும் என்று தெரிந்துகொண்டு, முன்னடியாகவே கரைகளில் இழுத்துக் கட்டி விடுகிறார்கள். பொறுப்பானவர்களிடம் அவை கொடுக்கப்பட்டிருந்தால், அவை கரைகளில் பாதுகாப்பான முறையில் வைக்கப்பட்டிருக்கலாம். அப்படித் தகவல் கொடுக்கப்பட்டதா? இந்தப் பொறுப்புக்களைப் பற்றியெல்லாம் படகுகள் அவர்களுக்குக் கொடுக்கப்பட்டபோது, அவர்களிடம் சொல்லப்பட்டதா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : இந்தத் திட்டங்கள் சொல்லப்பட்டன. அது, பொறுப்பானவர்களிடம் கொடுக்கப்பட்டு பொறுப்பான முறையில் கவனிக்கப்பட்டது. ஆனால், அன்று புயல் அடிக்கும் என்று அவர்களுக்குத் தெரிந்திருக்கவில்லை.

VIDWAN T. MUTHUKANNAPPAN : விசைப் படகுகளைப் பயன்படுத்துவதற்கு முன்னமேயே, அவைகளைப் பத்திரப்படுத்தி வைப்பதற்கு நல்ல துறைமுகம் வேண்டாமா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : துறைமுகம் அவசியம் வேண்டும். ஆனால், துறைமுகங்கள் கட்டின பிற்பாடு விசைப் படகுகளைக் கொண்டுவந்தால் போதும் என்று சொன்னால், இப்பொழுது செய்யப்படும் பரிசீலனையைச் செய்ய முடியாமல் போகும். துறைமுகங்கள் கட்டுவதற்கு வேண்டிய முயற்சிகள் எடுக்கப்பட்டுவருகின்றன. துறைமுகங்கள் கட்டாமல் விசைப் படகுகள் உபயோகிக்கப்படக்கூடாது என்று திட்டம் கொண்டுவருவது சரியல்ல.

Prohibition

* 173 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 move the Government of India for the introduction of Prohibition in the belt area around Pondicherry; and

(b) if so, the steps taken in this direction?

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THE HON. SRI M. BHAKTAVATSALAM : (a) The answer is in the negative.

(b) Does not arise.

SRI T. PURUSHOTHAM : Will the Government consider this aspect for better enforcement of Prohibition in our State border areas?

THE HON. SRI M. BHAKTAVATSALAM : This is for the Government of Pondicherry and the Government of India to decide. As hon. Members are aware, still *de jure* transfer of Pondicherry has not been made and, therefore, we will have to wait till this is made.

Medical Course

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

(a) whether nativity certificates produced by candidates were rejected in the selection of candidates for the Medical Course this year (1958) and, if so, the number of cases in which they were so rejected and the reasons therefor; and

(b) the action taken or proposed to be taken against the authorities concerned in each of those cases?

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

(b) Does not arise.

SRI T. PURUSHOTHAM : Sir, are we to presume that there have been no cases in which the nativity certificates were rejected by the Selection Committee?

THE HON. SRI M. A. MANICKAVELU : Yes, that is correct. But 23 applications were received from candidates who applied with nativity certificates from other States and they were rejected for, as per rules, admission is confined to students from this State and not from other States.

Cane Works Production-cum-Training Centre.

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

(a) whether a Cane Works Production-cum-Training Centre was started at Wallajahpet in North Arcot district; and if so, when;

(b) the number of students trained up to date at that Centre and the expenditure incurred annually on running the Centre;

(c) the employment facilities provided for the students trained at that centre; and

(d) whether the centre is still being run and, if not, the reasons therefor?

THE HON. SRI M. BHAKTAVATSALAM : (a) A Training cum-Service Centre for the development of rattan industry was started at Wallajahpet on 3rd February 1957.

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(b) Fourteen candidates were trained in the Centre up to 31st March 1958. Expenditure incurred in running the Centre was as follows :—

1956-57	...	Rs. 888
1957-58	...	Rs. 21,757

(c) Nine out of the fourteen candidates trained in the Centre have enrolled themselves as members of the local Cane Workers' Co-operative Society, which is engaged in the production of cane articles. The remaining five candidates have secured employment in private concerns.

(d) The Centre has been converted into an Industrial Co-operative Society on 31st March 1958 on completion of the training of the candidates.

SRI T. PURUSHOTHAM : Sir, is there any proposal to have any more training of the kind conducted at this place?

THE HON. SRI M. BHAKTAVATSALAM : There is no such proposal so far as that place is concerned. But there are proposals for starting similar training centres for the development of rattan industry, namely, at Tirunelveli and Tanjore.

MR. CHAIRMAN : The hon. Member Sri S. T. Adityan is not in his seat.

SRI S. P. SIVASUBRAMANYA NADAR : I shall put the question, Sir.

Sri Vanamamalai Perumal Swami temple

* 176 Q.—SRI S. P. SIVASUBRAMANYA NADAR (on behalf of Sri S. T. Adityan) : Will the Hon. the Minister for Home be pleased to state—

(a) whether the Government have received any complaints from the Jeer of Vanamamalai Mutt, Nanguneri taluk, Tirunelveli district, against the administration of Sri Vanamamalai Perumal Swami temple of that place; and

(b) if so, the action taken thereon?

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

(b) The matter is under enquiry by the Hindu Religious Endowments authorities.

SRI K. BALASUBRAMANYA AYYAR : May I know the nature of the complaint?

THE HON. SRI M. BHAKTAVATSALAM : The complaints are many—complaints like maladministration and misappropriation of funds also sometimes.

SRI V. V. RAMASWAMI : இந்தப் பெருமாள் கோவில் நிர்வாகம் யாருடைய கையில் இருக்கிறது? டிரஸ்டியின் கையில் இருக்கின்றது என்றால், இந்த டிரஸ்டியை நியமித்தது யார்?

THE HON. SRI M. BHAKTAVATSALAM : இப்போது வானமாமலை மடத்திலிருந்து “ஹெரிடிப்பரிஷிப்” முறையின் மூலம் நியமிக்கப்பட்ட டிரஸ்டியின் கையில்தான் நிர்வாகம் இருந்து வருகிறது.

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DR. A. SREENIVASAN : Will the Government consider the question of abolishing the hereditary trusteeship as has been pointed out to the Government on a number of occasions?

THE HON. SRI M. BHAKTAVATSALAM : Under the existing Act, it is impossible to abolish these; but, wherever there are complaints and such complaints are substantiated, Government do take steps to appoint joint trustees and sometimes to remove the trustee also.

SRI V. V. RAMASWAMI : அந்த மடத்திலுள்ள பரம்பரை மடாதிபதி அவர்களே, அங்கேயுள்ள நிர்வாகம் சரியாக இல்லை என்று புகார் செய்திருப்பதினால், இந்த நிர்வாகத்தை நடத்துவதற்குத் தனிப்பட்ட அதிகாரியை நியமிக்க முடியுமா?

THE HON. SRI M. BHAKTAVATSALAM : இப்போது அற நிலையப் பாதுகாப்பு இலாகா மூலம் இவைகள் விசாரிக்கப்பட்டு வருகின்றன. விசாரணை முடிந்தவுடன் இதன் பேரில் தக்க நடவடிக்கை எடுத்துக்கொள்ளப்படும்.

MR. CHAIRMAN : Questions are over.

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

II.—ANNOUNCEMENT BY THE HON. CHAIRMAN re MESSAGES FROM THE ASSEMBLY.

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MR. CHAIRMAN : I have to announce to the House that I have received the following messages, from the Hon. Speaker, Madras Legislative Assembly, dated 5th November 1958 :—

(1) In accordance with sub-rule (1) of rule 122 of the Madras Assembly Rules, I have the honour to intimate that the amendments made by the Council in the Madras Panchayats Bill, 1958 (L.A. Bill No. 33 of 1958), were taken into consideration by the Assembly at its meeting held on 5th November 1958, and that the Assembly has agreed to the amendments made by the Council.

(2) In accordance with rule 130 of the Madras Assembly Rules, I transmit a copy of the Madras (Transferred Territory) Extension of Term of Office of Municipal Councillors Bill, 1958 (L.C. Bill No. 9 of 1958), as passed and agreed to by the Assembly, on the 5th November 1958, without any amendment and signed by me.

(3) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Tiruchirappalli Kaieruvaram and Mattuvaram Bill, 1958 (L.A. Bill No. 25 of 1958), as passed by the Assembly on the 5th November 1958, and signed by me, for the concurrence of the Council; and

(4) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Betting Tax (Amendment) Bill, 1958 (L.A. Bill No. 30 of 1958), as passed by the Legislative Assembly on the 5th November 1958, and signed by me, for the recommendation of the Council. I certify that this is a Money Bill within the meaning of Article 109 of the Constitution of India.

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III.—CALLING ATTENTION UNDER RULE 41(1) OF THE MADRAS COUNCIL RULES TO A MATTER OF URGENT PUBLIC IMPORTANCE NAMELY, THE OUTBREAK OF SMALLPOX IN MADRAS CITY.

* **SRI T. PURUSHOTHAM :** Sir, under rule 41 of the Madras Legislative Council Rules, I invite the attention of the Hon. the Minister for Health to a matter of urgent public importance, namely, the recent outbreak of smallpox in the City of Madras. I do so in the fullest hope that the Government would investigate, if they have not already done so, into the incidence of smallpox in the City and look into the causes thereof with a view to note whether it is due to defective vaccination or importation of unprotected cases into the City and so on. I request the Hon. Minister to ensure adequate measures to protect the people of Madras from such happenings.

* **THE HON. SRI M. A. MANICKAVELU :** Mr. Chairman, Sir, there has been an increase in the incidence of smallpox in Madras City from December 1957. However, there was a steady decline in August and September. Monthly figures of attacks during 1958 were as follows :—

January—532.
February—613.
March—616;
April—652.
May—412.

June—291.
July—446.
August—369.
September—222.

The increase in the incidence was reported mostly from congested areas inhabited by lower middle class people and also amongst the homeless.

All the necessary preventive measures have been taken by the Madras Corporation for arresting the spread of this disease. So far more than 410,400 re-vaccinations have been done. Additional staff has been appointed both at the Infectious Diseases Hospital, Tondiarpet, as well as in the field. House-to-house inspections are conducted in all the infected areas to detect hidden cases and vaccination is being done systematically and on a mass scale. It has not been found possible so far to eradicate this disease because of the following factors :—

(1) Several unprotected children born outside Madras are brought to the City without the knowledge of the Corporation Health authorities. During 1957 as many as 18,000 such children were protected;

(2) Several thousand persons are daily entering and leaving the City—thus importing infection from mufassal; and

(3) Several persons, who are already infected in the mofussil, enter the City during the incubation period, develop the disease after arrival here and get themselves admitted into the Infectious Diseases Hospital, Tondiarpet, as indigenous cases, thus mounting up the City figures. However, all attempts are being made to keep the incidence down.

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Prompt isolation of detected cases, vaccination of unprotected cases detected along with other routine vaccination of the City population and disinfection of infected houses are done by the Corporation to control the disease. The field staff have been alerted and the vaccination programme is being intensified. The situation is being closely watched and there is no cause for any alarm.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI), ESTATES LAND (REDUCTION OF RENT) AND ESTATES (SUPPLEMENTARY) (AMENDMENT) BILL, 1958 (L.A. BILL NO. 35 OF 1958).

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

‘That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land Reduction of Rent and Estates (Supplementary) (Amendment) Bill^a, 1958 (L.A. Bill No. 35 of 1958), as passed by the Legislative Assembly, be taken into consideration.’

Sir, the object of this Bill has been explained in the Statement of Objects and Reasons appended to the Bill. But still I shall state some of the more important provisions that we propose to introduce and also those we propose to amend.

The amendments proposed are found necessary as a result of the experience gained in the working of the Abolition Act. Certain consequential amendments to the Madras Estates Land (Reduction of Rent) Act, 1947, and the Madras Estates (Supplementary) Act, 1956, are also proposed to be made. I shall now explain briefly the several clauses of the Bill.

Clauses 2, 13, 14 and 15.

Clause 2 seeks to amend section 8 (2) of the Abolition Act, so as to transfer the work of the two Estates Abolition Tribunals to the District Courts with a view to abolish the Tribunals. The District Courts will, however, be styled as Tribunals. The same system has been introduced in the Andhra Pradesh also and it is understood that the system is working satisfactorily there and has resulted in savings to the State. The clause also seeks to amend section 8 (4) of the Abolition Act, so as to empower the Tribunals with all the powers of a Civil Court. As the present Estates Abolition Tribunals are also performing certain functions under the Rent Reduction Act and the Estates Supplementary Act, consequential amendments to these Acts are also sought to be made by clauses 13, 14 and 15.

Clause 3.

This clause seeks to amend section 10 (1) of the Abolition Act, so as to restrict to two months the further time which the Settlement Officer may, in his discretion, allow to the landholder of an under-tenure estate to apply to him for a decision as to whether the

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estate was created before or after the date on which the principal estate was permanently settled. In the case of estates already notified, the further time-limit will be two months from the date of coming into force of the proposed amendment.

Clause 4.

When the provision in clause (d) of section 20 (2) was introduced in 1956, the Government had in view the reckless forest leases granted by certain landholders. As, however, forest leases can be dealt with under section 19-A, the provision in clause (d) of section 20 (2) is not necessary. Clause 4 accordingly provides for the deletion of this clause.

Clauses 5 and 6.

These clauses seek to introduce two new sections in the Abolition Act, so as to provide that any person, who had, immediately before the notified date, any right or interest in any land in an estate as a landholder, shall be deemed to be a landholder of that estate and that the ryotwari assessment imposed on, and the miscellaneous revenue derived from, all lands in the estate in respect of which the landholder is entitled to ryotwari patta under any provision of the Act shall be excluded in determining the basic annual sum. The reasons for the amendment are explained in the Statement of Objects and Reasons.

Clause 7.

At present, the compensation paid under section 5 (1) of the Rent Reduction Act is not being treated as “income from a source in the estate” within the meaning of section 38 (2) of the Abolition Act and is, therefore, not taken into account in computing the additional compensation payable under the latter section. The High Court has recently held that the compensation paid under section 5 (1) of the Rent Reduction Act should be taken into account in computing the additional compensation payable under section 38 (2) of the Abolition Act. The Government also consider that, in fairness to the institutions entitled to tasdic allowance under the section, the allowance should be based on the average net annual income derived from the estate by the institutions during the faslis 1352 to 1356 which were years of normal season, and not the fasli years 1357 to 1362 which were years of drought. This clause seeks to amend section 38 (2) for the above purpose.

Clause 8.

This clause seeks to amend section 51 of the Abolition Act, so as to empower the Special Tribunal with all the powers of a Civil Court.

Clause 9.

Section 55 of the Abolition Act relates to the collection of the arrears of rent due to the landholder and section 56 was clearly intended to deal only with disputes relating to such arrears of rent.

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One of the Estates Abolition Tribunals has, however, taken the view that section 11 is not self-contained in regard to grant of ryotwari pattas in respect of ryoti lands and that, if there is a dispute as to who among two or more claimants is entitled to ryotwari patta for a particular ryoti land, the Assistant Settlement Officer should deal with the case under section 56 (1) (c) and that against the order of the Assistant Settlement Officer, there is an appeal to the Tribunal. Section 11 was intended to be a self-contained provision in regard to grant of ryotwari pattas in respect of ryoti lands in the occupation of ryots and the Tribunal's view does not give effect to the real intention behind the Act and implies that there is some overlapping between sections 11 and 56. Orders passed by the Tribunal in pursuance of its view have led to unnecessary litigation under section 56 and consequential delays. Experience has also shown that there are no disputes relating to arrears of rent for settlement under section 56. Hence, this clause seeks to delete section 56. Pending proceedings under this section will abate on the date of commencement of the proposed amendment. Parties aggrieved by orders passed by the Assistant Settlement Officer under section 11 can move the higher authorities, viz., Settlement Officer, Director of Settlements, and the Board of Revenue, in revision.

Clauses 10 and 12.

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p.m.

Clause 10 seeks to introduce a new section in the Abolition Act embodying the general provision that, in computing the period of limitation for filing an appeal or revision under the Act, the time taken for communicating the copy of the order or proceeding against which the appeal or revision is filed and the time taken for the grant of certified copies of the order or proceedings should be excluded. Clause 12 makes consequential amendments to section 67 (2) (e) of the Abolition Act.

Clause 11.

This clause seeks to make certain verbal amendments to section 64-C.

Clause 16.

This clause seeks to make certain provisions consequent on the introduction of new section 64-BB in, and the amendment to section 38 (2) of, the Abolition Act.

It will thus be seen that all the amendments are necessary for the proper and effective administration of the Abolition Act and the two connected Acts, and I commend the motion for the acceptance of the House.

MR. CHAIRMAN : Motion moved—

'That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958), as passed by the Legislative Assembly, be taken into consideration.'

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SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, this Bill concerns the provisions of three Acts. So, it took me two hours to understand the various amendments under the various Acts. These amendments are brought after a good deal of thought by the department concerned as a result of representations made by various officers, and after being subjected to the careful attention of the Minister. But it is very difficult to understand the various provisions. Even if one word is taken out and another word is put in, we must understand where that word is and what its meaning is in the particular context. We must also realise what the effect of such modification will be on the parties concerned. Therefore, we have to study the amendments very carefully. Of course, we are here to pass a Bill. But some time has to be given to study these things. But so far as this Bill is concerned, as it contains only a few points, I did not want to express my difficulties. But, anyhow, I have mentioned them.

This Bill deals with three Acts, namely, the Madras Estates (Abolition and Conversion into Ryotwari) Act, the Madras Estates Land (Reduction of Rent) Act and the Madras Estates (Supplementary) Act, 1956. If I remember aright, the 1956 Act also contained a number of amendments and it took a long time to study them. I spent one night for that because only one night was given to me for that purpose. Now, seven amendments have been brought in up till now from the year 1948. This is the eighth amendment to the Madras Estates Abolition Act. There may be still more amendments brought forward till the compensation is paid. It is expected that it might be over when the compensation is fully paid. Still four crores of rupees have to be paid. That is what I understand from a representation made to me. I must state here that there are also poor landholders. (Sri T. Purushotham : How much has been paid so far?) About three crores of rupees have been paid. That represents one-half of the compensation determined by a rough and ready method. That was paid immediately and the final compensation is to be paid by the end of 1959.

Now, it is stated in the Statement of Objects and Reasons that one of the amendments has been put in on a representation made to the Government. But, so far as I could gather, no representation was made to them by the persons entitled to receive the compensation. I do not know who made the representation. Perhaps, the representation has been made by some others. On account of that representation, the Government of Madras thought that the District Judge might be entrusted with this duty. Now, two tribunals, one of them is a District Judge and another a Sub-Judge or so have been appointed. One is sitting at Madurai and another at Vellore. The work which they have been doing is satisfactory. That is what I have ascertained from people who have received compensation. The great advantage is that they are tribunals entrusted with this work only and, therefore, they attend to this work properly. They receive even letters by post and they immediately pay the

[Sri K. Balasubramanya Ayyar] [6th November 1958]

money. But in the case of a District Court, that is a Court and it has already much work—sessions work, appeal work, etc. Therefore, in the midst of that work, they should also do this. Another difficulty is that for every petition you must engage a pleader. Somebody must go and represent matters. I do not know how much the fees will be but the party will have to pay. These are some of the practical difficulties which poor people—please don't think that landowners are very big zamindars—will have to undergo.

Then, there is a rule that everything must be paid before the 25th of the month because the next month they should give an account to the higher officers concerned. Therefore, after the 25th, they would not entertain any applications. These are some of the ordinary difficulties which we have experienced in District Courts and I am sure the hon. Member Mr. Gajapathy Nayagar who has himself been a District Judge would agree with me. (Sri A. Gajapathy Nayagar: Yes, yes.) I am glad that my Friend agrees with me at least in this one matter. (Sri A. Gajapathy Nayagar: Why in this matter alone? In all matters, which are reasonable.) I am happy about it. Now, these are the difficulties so far as this matter is concerned.

The Tribunals have been doing their work well and on the whole, there have not been many complaints. In the Statement of Objects and Reasons, it is stated 'It has been represented to the Government that the present mode of constitution of the Tribunals with extensive jurisdiction with three members, has been causing much inconvenience to parties and that the statutory requirement that all the three members should sit together and hear cases has been causing delay in the disposal of cases by the Tribunals.' If they do not want to have three persons, by all means they may have one Judge. (Sri V. V. Ramaswami: You want a Special Judge.) Yes, there must be a Special Judge for this purpose and the ordinary District Court work should not be entrusted to him. This Judge must be able to receive only these applications and hear them and dispose them of. Then only the cases could be satisfactorily heard and the compensation paid without delay.

Now, I think practically all the work is over, except for a few cases which have been taken to the High Court which might have pronounced some judgment about them. The important point to be considered is that an ordinary District Judge, if empowered to deal with these applications, will not find the necessary time to deal with them. In certain cases, there are Additional District Judges. In such cases, how is the Tribunal to be constituted? Again, there is a proposal for bifurcation of districts and if and when it takes place, I do not know how the Tribunal will be reconstituted.

THE HON. SRI M. A. MANICKAVELU: That is with reference to revenue administration only.

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SRI K. BALASUBRAMANYA AYYAR: Then there may not be any difficulty with regard to them. My point is this. While we are satisfied with the present arrangement of these Tribunals sitting at various places and disposing of applications and settling claims, it is not necessary to change the procedure and switch over to a new system. If the Government do not want to have three Judges, let them have a single Judge. At present, the District Courts have a lot of work, both administrative and judicial. They have to inspect the Munsifs' Courts and Subordinate Judges' Courts. For this purpose, the District Judges will have to be away from headquarters for ten days or so in a month. This will put the applicants in great difficulty. They have to attend to a lot of routine work and so, they will not find the time to attend to this work. So, I feel that the entrusting of this work to the District Judges will only result in great delay in the payment of compensation which has already been delayed.

The Act was passed in 1948 or so and we took one or two years for settlement. Now we are in the year of Grace 1958. Still, we find that a number of claims for compensation have yet to be settled. I think that still half the compensation amount has got to be paid to the poor landholders, who are being liquidated. Therefore, I would like to say, in this connection, that the proposed arrangement is not very much appreciated and liked by the parties concerned. I think a Memorandum has also been submitted by them to the Members of the Legislature. I hope the Government will take all these matters into consideration and at least say that the District Judge whom they may be appointing must deal with these cases quickly by allotting some time for their disposal so that these cases may be disposed of as quickly as possible. If the Government could give such specific directions to the District Judges, that will be somewhat better. Otherwise, there will be great difficulty to the parties concerned. The Government have brought forward this measure. They may not agree to any change now, though they may be willing to effect a change later on. Anyway, I am appealing to them to keep in mind all the points that I have mentioned while they entrust the work to the District Judges and ask them to do the work which the Tribunals have been doing till now and agree to entrust the work to a single Judge specially appointed for this purpose. I hope and trust that the Government will agree to it so that at least by the end of 1959 all the parties may be paid the amounts due to them.

The other question that I wish to refer to is this. It is about a person becoming a landholder, and, at the same time, not ceasing to be a ryot. The High Court in its judgment has said that we must take that into consideration, I mean the ryotwari assessment also, and give the ryotwari patta and that for this purpose they must include it in the basic annual sum. But, let us see what is done now. This has been excluded now. I do not know why they

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have excluded it from the basic annual sum. The High Court said that it should be included. I shall read that portion in the Statement of Objects and Reasons which relates to this. It says, 'Under section 6-A of the Madras Estates Land Act, 1908, a person having a right of occupancy in land does not lose it by subsequently becoming interested in the land as landholder. Based on this section, the High Court has given a ruling that a person who owned originally the kudiwaram interest in a land in an estate and who subsequently acquired the melwaram interest also in that land would, on the taking over of the estate under the Abolition Act, be entitled to ryotwari patta for the land, as a ryot under section 11 of that Act.' In clause 5, it is stated, 'For the purposes of sections 27, 28, 29 and 30, any person who had immediately before the notified date any right or interest in any land in a zamindari estate as a landholder, shall be deemed to be a landholder of such estate.' . . . It is also stated in this clause that 'the ryotwari assessments imposed on, and the miscellaneous revenue derived from all lands in a zamindari estate in respect of which, the landholder mentioned in sub-section (1) is entitled to ryotwari patta under any provision of this Act, shall be excluded in determining the basic annual sum'. A similar provision is found in the case of inam estates also. The Government have stated that the ryotwari assessment should be excluded while determining the basic annual sum. The High Court has said that it should be included in determining the basic sum. Now, the new sections 30-A and 35-A are proposed to be inserted to secure this object. It is not clear to me how they will secure the object of the High Court decision when they exclude it. In fact, they are not giving effect to the High Court's judgment. I would like to have clarification from the Hon. Minister so far as this matter is concerned.

As regards other matters, the other provisions have presumably arisen as a result of experience gained. I do not exactly understand the purport of the other clauses as I have not ascertained the effect of those clauses on the parties concerned. So, I do not wish to talk on them.

Now, there are a few important points to be considered. One relates to entrusting the work to ordinary District Judges. Representations have been made to us that the present arrangement is working satisfactorily and that, therefore, no change need be made in the constitution of the Tribunals now functioning in Vellore and Madurai. But, it is said in the Statement of Objects and Reasons that it has been represented to Government that the present arrangement is inconvenient. I do not know who were responsible for that representation. I am sure that the parties actually concerned with this are not responsible for that statement. They would like the continuance of the existing procedure. If, however, the Government cannot agree to it, a Special Judge may

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be appointed to deal with this matter instead of entrusting this work to ordinary Judges so that the cases may be dealt with and disposed of very quickly.

Even by money order they are getting the compensation amounts. When a man writes a letter that he is entitled to compensation, he is getting it. Now, he has to engage a pleader. You know, Sir, even for getting copies it takes much time. The Deputy Chairman knows how long it takes to get copies.

3.50
p.m.

SRI T. PURUSHOTHAM: Why are you referring to the Deputy Chairman?

SRI K. BALASUBRAMANYA AYYAR: Because he is a lawyer, as lawyer, not as Deputy Chairman, he can appreciate the difficulty. I can refer to Mr. Seshachariar also but I am afraid he may say, 'No'. (Laughter.)

SRI MOHAMED RAZA KHAN: Is he practising?

SRI K. BALASUBRAMANYA AYYAR: Even if he does not practise, he has been put to difficulties in this matter and I believe he still remembers them also. Why I am saying all this is there are practical difficulties. One unfortunate thing is that the District Judges have sessions work. Of course, some of this work has been taken away by the District Magistrates.

SRI P. T. RAJAN: They do not attend to sessions work. They attend to only criminal work.

SRI K. BALASUBRAMANYA AYYAR: So, what we find is that it takes six months and more for him to take up civil work. Twenty-seven days in a month he is attending to sessions work and when he comes to civil work, he says 'adjourned'. That is our experience. My hon. Friend Mr. Patanjali Sastry will bear me out with his experience as vakil. In the last four days of the month, he takes up civil appeals. Because he has no time, he adjourns the cases to the following month. That is the difficulty with District Judges. As a matter of fact, my experience with public bodies is this. If the Government want money, they collect it at once, but if they have to repay, they do not pay. Take income-tax, for example. It is collected even in advance but there is never any refund. If anything, the refundable amount is adjusted towards future payments. This is a statement which I make with a full sense of responsibility. In the matter of payment, the Government are very reluctant. So far as the Tribunal is concerned, the position has been quite different. It feels that it has been specially appointed for the purpose of settling claims for compensation and disposes of cases quickly. There is a statement made in the Bill itself that it has done its work quickly. Therefore it is that I ask the Hon. the Minister for Revenue why the District Judges are to be entrusted with this work. If, however, he cannot

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go back upon the provision to have District Judges, he may issue instructions to them to post these cases for hearing on some date before the 25th of the month.

SRI M. SESHACHARIAR: Which he dare not.

SRI K. BALASUBRAMANYA AYYAR: I leave it at that.

* SRI T. PURUSHOTHAM: Sir, I agree with the other speakers that the Hon. the Minister for Revenue has not furnished very effective reasons for a change-over from the three-man Tribunal we had to a single-member Tribunal, that is, the District Judge. The hon. Member Sri K. Balasubramanya Ayyar has very vividly pointed out to us that the present Tribunal consisting of three members has been functioning very satisfactorily, I mean to the satisfaction of all the parties concerned. I believe the proposed amendment would necessitate the appointment of additional District Judges in a few districts where the work is found to be heavy. While special Tribunals were attending solely to this work, now the District Judges will be able to devote only part-time attention to these cases. I do not agree with the view expressed by the Hon. the Minister for Revenue in the Statement of Objects and Reasons attached to the Bill that in future there will be less delay. I feel that there will certainly be more delay in the disposal of cases by the District Judges. The hon. Member Sri Balasubramanya Ayyar has stated just now that the Madras Estates Abolition Act had undergone several changes and the Hon. Minister remarked that he would not grudge bringing in more amendments if the proposed reform in this Bill, viz., appointment of a single-member tribunal, did not work satisfactorily. Why not we consider fully all the aspects of the problem and continue the present arrangements which the people have already got accustomed to?

Sir, this Bill is going to be passed and Government are going to appoint District Judges as single-member tribunals. I would only appeal to the Hon. Minister to see that definite instructions are issued to the District Judges to set apart one hour or two hours everyday for this special work so that the parties may adjust their business accordingly and attend to their cases at the appointed time. I plead most strongly that a measure of this kind would not be conducive to efficient disposal of business. The Government should explore all possible ways to ensure prompt payment of compensation amounts.

I am very happy, Sir, about this provision in the Bill that a higher amount of tasdik allowance would be paid to religious, educational and charitable institutions owning inam lands at an additional cost of Rs. 12½ lakhs per annum. While considering previous enactments on the subject, we have pressed that the case of religious, educational and charitable institutions should receive special consideration at the hands of Government. I am really glad

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that the Government have thought it fit to introduce this amendment in the present Bill. I certainly congratulate the Government on introducing such a wholesome provision in the Bill.

SRI MOHAMED RAZA KHAN: Sir, I do not think I can enlarge in any way on what has been stated by by esteemed Friend Mr. Balasubramanya Ayyar. Accustomed as we are to the Government's attitude not to accept any change suggested here, Mr. Balasubramanya Ayyar has requested the Government to issue instructions, if rules permit, to the District Judges to set apart some time for expeditious disposal of cases. I am thankful to him for this suggestion. Fortunately for these unfortunate zamindars, the Tribunal has been settling their claims quickly and they are receiving their compensation amounts without any delay. I am happy to find that the hon. Member Mr. Purushotham has himself said that the Minister has failed to adduce proper reasons for a change in procedure. That apart, as far as the present procedure is concerned, the parties are informed by means of a notification in the *Fort St. George Gazette* that so much amount would be paid on such and such dates. The parties cannot be expected to go through the Gazette and know all this. Then what happens is, if they do not see the notification, the fact of such notification is published in the newspapers. Therefore, they have to go back three or four months and refer to the Gazettes. I would like to ask whether it would not be possible for the Board of Revenue, once they deposit the amount, to intimate the parties direct that so much amount has been deposited before the Tribunal on such and such a date, so that the parties concerned may act quickly to get the compensation.

Sir, my hon. Friend Sri Balasubramanya Ayyar referred to payment of interim compensation. In many cases, what is known as interim compensation has been paid. The principle is that such interim compensation should be about 50 per cent of the final compensation. But from what little I know interim compensation paid bears practically no proportion to the final compensation. This interim compensation ranges from 10 to 15 per cent and, at the most, 20 per cent. The revenue officials who were asked to give an idea of the actual income did not bother to know the real income. They gave offhand figures that the income was so much. On that basis, the interim compensation has been fixed.

Then, Sir, I want to refer to another point. I am not participating in this debate just to make a speech or a pointed attack on the Government or the Hon. the Revenue Minister. Of course, the Hon. Minister is immune to attacks and replies to such attacks in his own way. He invariably brings good humour in his replies. We also enjoy his humour, but while so doing, the point is lost and the Bill is passed. (Laughter.) That is a good weapon which he is having in his armoury which I would like the other Ministers in this as well as in other States also to possess. (Laughter.) The

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point I wish to refer to is this. The matter is pending for over a decade. The Bill was passed in 1948 or so. Even on an ordinary estimate, it was said that within a period of five or six years, these people would be getting their due. It is now more than ten years since the Act was passed and still there seems to be no indication that this business would have a finality. The hon. Member Sri Balasubramanya Ayyar expressed the wish that it should be finished before 1960 at least. If it is finished at least before 1963, these people would feel very thankful. There should be an earnest desire on the part of the departmental officials to complete this quickly. I do know their limitations. A lot of enquiries have to be made. Things have got to be approved and cheques drawn. Still, I feel that if there is an earnest desire on the part of the Board of Revenue and the Government and other agencies, surely this could be settled earlier than expected. As I have said, the interim compensation paid to the zamindars bears no proportion to the compensation finally payable to them. They are suffering a lot. Therefore, I hope Government will make an earnest attempt to see that these things are settled as early as possible so that these people may be relieved of their suffering. As was said by the hon. Member Sri Balasubramanya Ayyar, let us not have the conception that all these people, the zamindars, are rich people. The word 'zamindar' may sound grand. But there are zamindars and zamindars. There are poor people among them needing the compensation most. They are put to a lot of difficulties and trouble. Therefore, I am sure Government will make an earnest attempt to see that the amount is paid to them as early as possible.

SRI V. V. RAMASWAMI : மன்றத் தலைவர் அவர்களே, இந்த மசோதாவைப் பார்க்கும்போது, நிலநிலநிலவர்களுக்கு நியாயமாகக் கொடுக்கப்படவேண்டிய ஈட்டுத் தொகையை எவ்வளவு சீக்கிரம் கொடுக்க முடியுமோ அவ்வளவு சீக்கிரம் கொடுத்துவிடவேண்டும் என்று அரசியலாருக்கு நோக்கம் இருப்பதாகப் புலனாகிறது. இப்போது மூன்று பேர் அடங்கிய கோர்ட் இருப்பதை நீக்கிவிட்டு தனி நபரைக் கோர்ட்டாக ஏற்படுத்தி சீக்கிரமாக இவைகளைத் தீர்த்துவிடலாம் என்பது அடிப்படை நோக்கம் என்றிருக்கிறது. நடைமுறையிலே இருப்பது திருப்திகரமாக இருக்கிறது என்று சொல்லப்படுகிறது. காலதாமதம் இருக்கிறது என்று அரசியலாருக்குத் தெரியவந்ததன்பேரில், இப்போது இந்த வேலையை டிஸ்டிரிக்ட் ஜட்ஜுக்குக் கொடுக்கப்போவதாகத் தெரிகிறது. ஏற்கெனவேயே டிஸ்டிரிக்ட் ஜட்ஜுகளுக்கு வேலை அதிகமாக இருப்பதால், இன்னும் வேலை கொடுத்தால் தாமதம்தான் ஏற்படும். இப்போது வேலூரிலும், மதுரையிலும் இரண்டு கோர்ட்டுகள் இருக்கின்றன. தஞ்சையிலும், இராமநாதபுரத்திலும் அதிக வேலை இருப்பதால் அங்கும் விசேட நீதிபதிகள் நியமிக்கலாம். இப்படித் தனியாக நியமிக்கும்போது ஒரு குறிப்பிட்ட கால அளவுக்குள் இந்த வேலைகள் முடிவடையும் முடியவேண்டும் என்ற குறிக்கோளும் இருக்கவேண்டும். அந்த எண்ணத்தை அடிப்படையாக வைத்து அரசாங்கம் ஓராண்டுக்குள் இந்த வேலையை முடித்துவிட வேண்டும். அப்படிச் செய்தால்தான், எல்லோருக்கும் திருப்தியாக இருக்கும். நிலம் போய் விட்டது, பணம் வாவில்லை என்று எண்ணிக்கொண்டிருக்கிறார்கள். ஆகவே, விசேஷ நீதிபதிகளை நியமித்து ஓராண்டுக்குள் இந்த வேலையை முடித்துவிடவேண்டுமென்ற எண்ணம் கொள்ளவேண்டும் என்று மறுபடியும் சொல்லி முடித்துக்கொள்கிறேன்.

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* **SRI M. PATANJALI SASTRY :** Mr. Chairman, Sir, I support the views expressed by the hon. Member Sri K. Balasubramanya Ayyar that the District Judges should not be constituted as a one-Member Tribunal because it is a notorious fact that the District Courts have large arrears of both civil and criminal work. In some cases, this would considerably add to their work and the claimants to compensation will be delayed payment. In fact, the clause does not say that the District Judge will be constituted as a one-Member Tribunal. But the Statement of Objects and Reasons appended to the Bill goes a little further than the clause which merely says: "Each Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of District Judge or Additional District Judge". It does not seem to contemplate, as a statutory provision, that the District Judge in each district shall be appointed as a one-Member Tribunal. That is not the intent of the clause as framed though the Statement of Objects and Reasons seems to go a little further. I take it that it is not the intention of the Government though it is stated in those terms in the Statement of Objects and Reasons. If that is done, it will add to the already heavy file of the District Judges in many districts and they will not welcome any such thing. Ordinary litigants who have cases may be prejudiced by additional work being thrown on District Judges and these claimants also will suffer because their applications will be disposed of much later than otherwise the case may be. I would, therefore, suggest that special District Judges not below the rank of the District Judge or Additional District Judge may be appointed to deal with these applications. It is a fact that however expeditious the three-member tribunal at present operating may be, when they deal with these applications, still there is a certain amount of delay. The statutory provision requires that the three members have to meet together and dispose of all the cases. Sometimes it may be inconvenient for one member to attend the sittings of the Tribunal and suitable adjournment dates have to be fixed so that all the three may be present. That, in some cases, I understand from representations made by parties, has caused delay. Therefore, if a single-member Tribunal is appointed with full powers to deal with these cases, these applications could be disposed of quickly. I would suggest that instead of the work being entrusted, as the Statement of Objects and Reasons contemplates, to the District Judges functioning already as such in each district, it may be entrusted to special Judges who may be appointed in suitable areas, regions or places, four or five of them as the case may be according to the number of applications coming up in each region and that they may be asked to deal solely with this work. It will make for expedition in the disposal of these applications.

The hon. the Deputy Leader of the Opposition appealed to the Deputy Chairman's experience of delay caused by judicial procedure adopted by District Judges. I appeal to the experience of the Hon. the Revenue Minister himself, who is a lawyer coming from

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Vellore with large experience of appearing before the District Judges and, therefore, I need not dilate upon the delays before the District Judges.

* THE HON. SRI M. A. MANICKAVELU: Sir, at the outset I admit that this Act is a complicated and difficult one to work. Even the parent Act, the Estates Land Act was considered to be a very difficult Act to interpret. There was litigation in the High Court and the Privy Council.

4-10
p.m. Now, the scheme of the Act is to give them compensation in three ways so that they may have something to fall back upon. There is the advance payment. Then there is, what is called, interim payment. Thirdly, there is the final compensation to be paid. But the final compensation can be paid only after survey and settlement and other things have been considered. Then only we can know what exactly will be the compensation that they are entitled to. In working the provisions of the Estates (Abolition and Conversion into Ryotwari) Act, certain time factor there cannot but be. So, to avoid hardship to them, we have made these payments, viz., advance and interim payments.

The compensation that will have to be paid to the zamindars was roughly calculated at Rs. 12 or 12½ crores for the whole composite State of Madras. For the present Madras State, it may be about Rs. 4 or 4½ crores, that is, about one-third. So, the bulk of the work connected with payment of compensation is in the Andhra State and only one-third of it will be in our State.

The difficulty in the working of the Tribunal is this. The Tribunal consists of three members, viz., the District Judge, the Subordinate Judge and the Revenue Divisional Officer, who is to advise the Tribunal on matters concerning the Revenue Department. But, in practice, the Revenue Divisional Officer often does not make his presence felt. So also the Subordinate Judge. Though it is a Tribunal consisting of three members, it is only one person, it is alleged, that is practically going into the merits of the case. If one member is absent, no work could be done. Therefore, all those difficulties are there. In the meantime, this kind of Tribunal was abolished and a single-judge Tribunal was put into practice in the neighbouring State of Andhra. That has set us thinking. When the State where two-thirds of the work is to be done, could change over to this single-judge Tribunal, why not we also change over to this system of a single-judge Tribunal as we have got only one-third of that work and why not we also fall in line with the Andhra State? We consulted the Board of Revenue, the Revenue Department and the High Court. One of them has differed but the opinion of the High Court is that this one-man Tribunal is better. So, we also thought that we could change over to this system. Recently I had also occasion to consult the Revenue Minister of the Andhra Government about the

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working of the Act relating to this Tribunal in his State. He told me that it was working very well. When they are working it successfully in a State where there are two-thirds of the estates, I do not think there will be any difficulty in our State where there is only one-third of the estates.

Now, the work is practically over. All major disputes have been enquired into and judgments have been given. My hon. Friend sitting behind me had also given judgments by enquiring into such cases. So, there is much less work to be done. There are two Tribunals, one at Madurai and another at Vellore. The work connected with half a dozen districts is looked after by one Tribunal and that of the other districts is looked after by another Tribunal. That means parties coming from Tanjore and other places have to go all the way to Vellore. I have also received a number of representations saying that a person from Arantangi will have to change trains three or four times for coming to Vellore. The Tribunal also has to go round all these districts. But in the case of a single-judge Tribunal, the jurisdiction is restricted to one district. So, parties can easily go there and make their representations.

With regard to the point whether extra Tribunals could not be set up in places where there is heavier work, it is the intention of the Government to have them wherever there is heavy work. Probably it may be done in Ramanathapuram, Tanjore, and some other places. So, wherever there is necessity for having an extra Tribunal in the shape of a single Judge, the Government will take steps to have one. Therefore, from the experience of the working of the system of a single-judge Tribunal, and on the advice of the highest authority on this matter, we got emboldened to have this change in the interest of the public.

It has also been represented that all the formalities have to be gone through in a court and that the indispensable lawyer will have to be always there for each and everything. With regard to that, we want to minimise all those formalities. Certain things could be carried on even without the help of an advocate, as has been done in the existing Tribunal. Proper steps would be taken to see that what is being done in the Tribunal now, does continue to be done in the proposed single-judge Tribunal also as far as possible.

With regard to the point that small landowners and ignorant persons will not know what is published in the Gazette about the payment of compensation, we will examine whether any steps could not be taken to see that apart from the publication in the Gazette, there is also publicity about it in other ways. At the same time, I must state that it is not as if people are ignorant about what is published in the Gazette. The persons who are anxious to get money are always after it and they know when it

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will come. I have known instances even in the matter of ordinary administration. A most ignorant person once came and told me: 'Sir, that file comes to you at 3 p.m.'. So, somehow they are able to follow up the matter if they are interested in it. Especially in the matter of getting money, people are doubly anxious and careful to know it. It is not a secret thing when it is published in the Gazette. A neighbour talks about it to another man and a lawyer talks about it to the client. There are many ways of getting the information. So, there will be no difficulty in getting it. Anyhow, I will try to give greater publicity to it, so that the difficulties may be minimized.

About the ryotwari landowners, if a ryotwari pattadar becomes a landholder, he gets the melvaram right also. In this connexion the High Court has given the ruling that in calculating compensation, we must take into account the income derived from the ryotwari part of the estate also. Now, we are taking steps to review it because the Government side has not been heard. In the scheme of this Abolition Act is to give compensation only in respect of melvaram rights and not in respect of kudivaram rights. If that is so, we must give compensation only in respect of his melvaram rights. If a person who is already a ryotwari pattadar becomes a landholder also, he can only be entitled to compensation in respect of his melvaram right which he gets by becoming a landholder. He cannot ask for compensation simply because he is a ryotwari pattadar and that right is now combined with that of the landholder.

SRI K. BALASUBRAMANYA AYYAR: Ryotwari assessment also should be taken into account.

* THE HON. SRI M. A. MANICKAVELU: That cannot be taken into account in computing the compensation payable. That is why it is now sought to delete it.

20 m. Sir, I have explained the other matters. It is all found in the Statement of Objects and Reasons. Still, I deliberately read the note and explained because I wanted hon. Members to know things, if they had not read or to refresh their memory if they had read it already.

I will bear in mind, Sir, what has been said about expediting the work of the Tribunal because the District Court will be loaded with other work. It is not a question of giving instructions; we cannot give instructions in that way. I will try to impress upon the Court the desirability of setting apart certain days and seeing that this work is also speeded up. As I said earlier, in places where any extra Tribunal is necessary, we will have it appointed. We shall try to see that this Act is worked for the benefit of the people who are interested in it and those who are to get compensation.

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MR. CHAIRMAN: The question is—

'That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958), 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 16 were put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958), as passed by the Legislative Assembly, be passed'.

MR. CHAIRMAN: The question is—

'That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958), as passed by the Legislative Assembly, be passed'.

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

V MOTION UNDER RULE 21 (3) OF THE MADRAS COUNCIL RULES RE CHANGE IN THE ORDER OF BUSINESS.

SRI K. BALASUBRAMANYA AYYAR: Sir, I move—

'That under rule 21 (3) of the Council Rules, item II in the Agenda, dated 6th November 1958, namely, the Tiruchirappalli Kaieruvaram and Mattuvaram Bill, 1958 (L.A. Bill No. 25 of 1958) be postponed to the next meeting and that item III, namely, the Madras Betting Tax (Amendment) Bill, 1958 (L.A. Bill No. 30 of 1958) be taken up'.

My reasons are these. Sir, the Tiruchirappalli Kaieruvaram and Mattuvaram Bill had a chequered career. It was first introduced here; then, a Select Committee was appointed. After that, it went to the Legislative Assembly and there very substantive amendments have been accepted by the Hon. the Revenue Minister. Still, all thanks to him, he keeps an open mind. Therefore, it is very important that we should study the scope of these amendments and how they fit in with the other portions and then consider whether any more amendments are necessary. I am perfectly hopeful that the Hon. Minister will consider our amendments here. This Bill was given to us only at 8 o'clock this morning. We would like to have some time to study the Bill. Whatever it is, the Act

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will be brought into effect only from 1st April 1959. Therefore, no harm would be done by postponing it to the next meeting. Therefore, I would request the Government to accept my motion.

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

THE HON. SRI M. A. MANICKAVELU : I am agreeable to the motion of the hon. the Deputy Leader of the Opposition.

MR. CHAIRMAN : The question is—

‘That under rule 21 (3) of the Council Rules, item II in the Agenda, dated 6th November 1958, namely, the Tiruchirappalli Kaieruvaram and Mattuvaram Bill, 1958 (L.A. Bill No. 25 of 1958) be postponed to the next meeting and that item III, namely, the Madras Betting Tax (Amendment) Bill, 1958 (L.A. Bill No. 30 of 1958), be taken up’.

The motion was put and carried.

IV.—GOVERNMENT BILLS—cont.

(2) THE MADRAS BETTING TAX (AMENDMENT) BILL, 1958 (L.A. BILL NO. 30 OF 1958).

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

‘That the Madras Betting Tax (Amendment) Bill, 1958 (L.A. Bill No. 30 of 1958), as passed by the Legislative Assembly, be taken into consideration.’

Sir, the totalizator tax levied under section 4 of the Madras Betting Tax Act, 1935, is levied on backers in respect of all moneys paid by them into any totalizator by way of stakes or bets. The betting tax levied on bookmakers under section 5 of the Act is, however, levied only on the amounts paid by the bookmakers to backers on ‘winnings’ placed by them and not on the entire amounts collected by the bookmakers. As such, the amounts paid by backers by way of bets on other horses do not come within the purview of taxation. The Taxation Enquiry Commission has recommended that betting tax should be levied on all stake money including the winnings and levied not only on the winnings as is being done at present. With reference to this recommendation of the Taxation Enquiry Commission and in order to augment the revenues of the State, the Government have decided that betting tax should be collected on the total takings of the bookmakers. To give effect to the above proposals, section 5 of the Madras Betting Tax Act is proposed to be amended, making consequential amendments to section 6 of the Act also. By making the proposed amendments, an additional revenue of Rs. 3 to 4 lakhs per annum is expected.

Sir, 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 Betting Tax (Amendment) Bill, 1958 (L.A. Bill No. 30 of 1958), as passed by the Legislative Assembly, be taken into consideration.’

SRI MOHAMED RAZA KHAN : Mr. Chairman, Sir, I am sorry to say that it is an irony of fate that the Hon. the Home Minister and the acting Leader of our House should bring in such a measure. I recall to my mind that some time in 1948 or so, when the Hon. Minister, Dr. Subbarayan, brought in a Bill before the House, giving power to the Government to stop racing, it was rather an enabling provision. At that time, he was in entire agreement with our speeches.

THE HON. SRI M. BHAKTAVATSALAM : I may remind the hon. Member that it was even then I who, in the absence of Dr. Subbarayan, piloted the Bill. (Laughter.)

SRI MOHAMED RAZA KHAN : Ten years have elapsed and my statement is subject to correction. At that time, many Congress Members were opposed to racing and betting and they quoted Gandhiji extensively. Unfortunately, it is our habit to quote Gandhiji whenever it suits us. That is by the way, Sir.

The point now is, as far as the Government of Madras are concerned, they should have an open mind. They should say, ‘We are getting some fifteen or twenty lakhs of rupees by way of betting tax. Therefore, we want that’. There is nothing wrong in that. If they feel so, they should be bold enough to say that. There is nothing wrong in it. Betting cannot be stopped. Gambling is in human nature. Apart from that, so many people are benefited by way of some employment here and there. And it has been repeatedly stated by Government that betting is continued to encourage horse breeding. This is, if it is parliamentary to say so, fantastic nonsense. That is all. I leave it at that. I feel that the Government of Madras, who did not care about losing crores of rupees by the introduction of Prohibition, should not mind losing this paltry sum of some Rs. 20 lakhs. It is better that they decide upon their policy here and now.

One more word, Sir. The Hon. Minister said that three to four lakhs of rupees would accrue to the Government of Madras as a result of this measure. As far as betting with the bookmakers goes, only rich people who can afford to lose money will be taxed. But if we take an overall picture, we will see that the total income to the Government by way of this tax is to the tune of twenty to twenty-five lakhs of rupees. If we take an overall picture, we will see that the actual amount lost by the poorer sections of the people of the City runs to crores of rupees. Let the Government examine this question. I ask in all seriousness whether it is right for this State, which was the first to introduce Prohibition even in the most difficult circumstances (loss of revenue was no consideration) to encourage betting on horse races. The Government introduced

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Prohibition not in one district but in a group of districts. When they wanted to enforce Prohibition in the most difficult circumstances, is it right on their part to allow this betting on race-horses? It is time that the Government considered the matter and decided on abolishing this betting. But if the Government should say that they are going to allow this betting on horse races, I have no objection. It greatly pained me to hear the Finance Minister (who is not here now) say, 'Well, what can we do? The instinct of gambling is there among our people'. I say, Sir, that the public have the drink instinct. Do we not know that many people resort to horrible drugs to satisfy their craving for drink and sometimes die also on account of these drinks? On this score, have the Government scrapped Prohibition? When it suits his argument, the Finance Minister says, 'Well, there is the instinct of gambling among the public. What can we do?' When it does not suit him, he says that even though the public have the instinct to drink, the Government must enforce the Prohibition law rigorously. We know very well how the Prohibition law is violated, but still the Prohibition law is enforced. It is not repealed. Where it suits the Finance Minister, he takes shelter under the plea, 'There is the gambling instinct among the people'. As long as men live in this world, there will be this gambling instinct. But when once the Government feel that it is their duty to prevent people from gambling, they should stop it, and not think of levying a tax on betting on horse races. Here, I might say that as far as the richer sections of the people are concerned, I have no sympathy for them if they lose money. But the poorer sections of the people lose very greatly and they are ruined. Already the entrance fee has been increased. At least about fifteen to twenty thousand people attend the races every day. On important days the number will be much more. Even vegetable vendors and others vending other sundry articles attend the races. They bet on horses. The gambling instinct is strong in them. They lose heavily. (Dr. A. Sreenivasan: They want to try their luck!). The present practice is that the tax is levied on the collections shown by the totalizator. The Government were getting 12½ per cent as tax. But under this Bill, it is proposed to levy a tax on the takings by the bookmakers. The percentage may be ten or more. There is difficulty in this arrangement. Suppose a man is going to back a particular horse, and the bet with the bookmaker is Rs. 4,000. The bookmaker will be called upon to pay tax on this Rs. 4,000. The tax may be Rs. 500 or more. The tendency of the bookmaker will always be to see that the tax is not paid to the Government. I am sure that bookmakers are anxious to make as much money as possible. They will so manage to see that the bet of the punter is not recorded in their books. They will arrange by word of mouth or by some other understanding the odds that should be paid to the punter. This arrangement will certainly be there, unless the Government have got some machinery to check it. I feel that this Bill will not have much effect. I hope I have made my point quite clear. (An hon. Member: Absolutely clear.) It is for the Hon. Minister to say that. As long as there is the tendency among people to bet on horse races and

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at as much money as possible, there will be the tendency to evade payment of tax to the Government. When the punter bets a heavy sum, his tendency will be this. He will tell the bookmaker, 'I bet Rs. 5,000. You have got trust in me. I have trust in you. Let the arrangement be by word of mouth. Let not the amount go on record. After all, I will have to pay 12½ per cent as tax on my winning'. The bookmaker will agree to this. Unless the Government have a machinery to detect this malpractice, it will be very difficult to enforce this measure. As regards the totalizator collections, the arrangement will work satisfactorily.

MR. CHAIRMAN: You know everything about racing!

SRI MOHAMED RAZA KHAN: Sir, in 1949 I went to the races along with my friend Sri P. Natesan, who is no more.

SRI P. T. RAJAN: The less you know about it the better.

SRI MOHAMED RAZA KHAN: There is another point which I want to be cleared, because a huge amount is involved in this. According to some provision, the Government have always two of their stewards. I do not know who represents the Government of Madras in the race course. I do not want to speak on how the stewards work. Nor do I want to speak on their quarrels, people rushing to courts, etc. But might I say on this occasion, because it involves a very large amount running to crores of rupees, that the Government should have check or control to see that there is no mismanagement of public money? The tendency is there to make use of the public money by manoeuvring and manipulating things. I would request the Hon. Minister to examine the point whether the stewards who represent the Government of Madras have got any control over the working of the race course and whether the statements and counter-statements by these stewards that appear in the Press are correct or not. As far as the principle is concerned, honestly I feel that it would be a great day for the Government of Madras to stop this betting on races in this State of Madras. The one argument that may be put forward by Government is that though they stop betting on horses in Madras State, they cannot stop it in other States. They may say that they can stop it only in Madras and Ootacamund. This is no argument. So many reforms have been introduced in this State. It is no use saying, 'What is the use of introducing this measure when there is no corresponding measure in the other States?' Take Prohibition. When Madras was the first to introduce Prohibition, we were told, "Don't you know that Madras leads other States in many respects? The next day other States will follow us." I say that if Madras State abolishes betting on horse races and gives a lead to other States, the other States will follow suit. The Government will get the support of the public also. Even the unfortunate punters, once the temptation is removed, will feel happy. Their families also will be very happy. Not only they will be happy, but they will pray for the long life and prosperity of the Ministers. Thank you, Sir.

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SRI L. S. KARAYALAR: Sir, this is a very simple Bill, and my only justification for intervening in this debate is that I am against racing altogether—I mean betting on horses. If there is to be a race without betting, I would be all for it, especially in the sense that races do breed better horses. If races are conducted for the better breeding of horses, I am certainly of the view . . .

MR. CHAIRMAN: Better horses for what purpose?

SRI L. S. KARAYALAR: Just to improve the breed.

SRI K. BALASUBRAMANYA AYYAR: Except jutka horses, we do not want horses for any other purpose.

SRI L. S. KARAYALAR: Sir, this Bill has got a history behind it. I think it was in 1935 that Sri A. T. Pannirselvam, who was the Home Minister, introduced this measure. This tax was then only four per cent. Later on in 1943, it was increased to 6½ per cent. (The Hon. Sri M. Bhaktavatsalam: At first it was 1½ per cent.) Sri Pannirselvam said that it would bring in a lakh of rupees. Later on, the rate was increased to 6½ per cent. In 1949, it was increased to 12½ per cent. The present rate has gone down to ten per cent, I think. It is not about the percentage that I am worried. The money that is obtained by the Government from this taxation measure is, as you know, tainted money. We enforce Prohibition against great odds and against great opposition. This measure is really a fiscal measure intended to bring in revenue. Sri Pannirselvam said that it was only a fiscal measure. Later on, Sri Gopala Reddi, when he wanted an enhancement of the rate of tax, said that this was a measure to bring in more revenue. But are we justified in continuing this betting tax? That is the point which I would like to mention and ask this Government through you, Mr. Chairman, whether they are going to have this betting continued indefinitely. They have proclaimed from housetops that they will abolish betting. In 1946 I think a Bill was published. I hope the Hon. the Home Minister will bear me out. In 1946 a Bill was published abolishing betting on races. (Sri T. Purushotham: It was passed.) Therein there was a section that there should be a notification about the date of coming into force of that Act. But that notification was never issued. Now, twelve years have elapsed and the taxation still continues. This sin of taxing the very poor people, this particular measure for taxing the very poor people, was against the grain of every Congressman. Our blood and bone revolted against this measure. I am afraid I should come to Mahatma Gandhi at last. I should not quote him long but I should quote only one sentence of Mahatma Gandhi. Meanwhile, I would like to read what Manu said thousands and thousands of years ago about this betting, sin of betting and games of chance. This is what he has said—

“The king should diligently keep gambling and betting away from the State; for these two vices destroy the State and the sovereign themselves.

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“Gambling and betting are indeed as daylight robbery; and the ruler should endeavour diligently to eradicate them.

“That wherein inanimate things are used, that is gambling; that wherein living things are used, that is betting.

“He who does these himself, or causes them to be done by others, secretly or openly, may be punished by the ruler with (punishment) up to that of death, at the ruler's discretion, like cheats and impersonators pretending to follow vocations other than their rightful ones. Or gamblers and betters may be banished from the land, like those who practise prostitution under cover of dancing and singing and acting, or those who make and sell spirituous liquors and other such cruel deceivers and spreaders of vice and followers of sinful trade.”

So, it is not only Hinduism that prohibits this sin of betting. The hon. Member Sri Mohamed Raza Khan has got in his Quoran. the Holy Quoran (Interruption). We have done it in a friendly way. I did not mean any offence. I have got the greatest respect for him. This is what is stated in the Holy Quoran—

“They ask you about intoxicants and games of chance, say in both of them game is a great sin.”

Therefore, this is against Hinduism, against Islam and against all the tenets of the great religions of this world. Lastly, I come to Mahatma Gandhi. I would not have quoted Mahatma Gandhi to-day but for the fact that mention was made in another place as recently as yesterday that Mahatma Gandhi was a great idealist. Mahatma Gandhi is a sort of mystic visionary. He is too big. He places ideals before you like Buddha and like Christ, but we mortals are not able to follow him. If that is so, why do you take up Prohibition? They have not got Prohibition in West Bengal. Even in the Directive Principles, I think this Article comes very late. I do not remember the exact number of the Article. For the success of Prohibition you have prescribed very heavy punishments for those who act against the Prohibition Act. If that is so, would it be difficult to implement this law? After all, if you abolish betting on races, there would be absolutely no difficulty, because racing is in a particular enclosure and you cannot have racing outside that enclosure. It will not at all be difficult if racing is abolished. But you want money. It is tainted money. It is the blood and sweat of poor people, whose children are suffering because of the parent going to the races. Should you continue this? I shall read only one sentence of Mahatma Gandhi. He has said how practical it is to enforce this measure. He says a lot about gambling but I will not detain this House by reading all that. He says—

“I do not know all the intricacies of horse racing. All I can say is that if it is within the competence of a popular Government to put an end to the evil, it should certainly do so.”

This is dated Sevagram, 9th August 1946, that is, after the popular Government began functioning in this State. As far as this betting is concerned, you can increase the tax. Have it as 18 per cent

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whether it is on the winnings or on other things. I am not worried about it. There are several laws in regard to this in England. I can take you through the betting laws in England. I have studied a little bit about them. Some of these laws are very harsh in England. They have not gone up to the point of completely enforcing the law. In England they can find it difficult to do so. But in a country like ours, you cannot find any reason for not doing so. As mentioned by the hon. Member Sri Mohamed Raza Khan, you are taxing the totalizator. Then you come to the bookies. You can bet Rs. 4,000, I think.

SRI MOHAMED RAZA KHAN: Rs. 200.

MR. CHAIRMAN: Any amount you can bet.

SRI L. S. KARAYALAR: After all, the amount of money which we may be getting out of the tax will be only Rs. 15 lakhs or Rs. 17 lakhs. Any other small measure may fetch you this Rs. 17 lakhs. If you want this money, that is born out of sin, tainted money, I tell you generations will be sorry that they had a Congress Government which wanted this tainted money and their blood will be shed on your head.

SRI A. GAJAPATHY NAYAGAR: மன்றத் தலைவர் அவர்களே, நம் தமிழ் நாட்டிலே சூது என்பது ராஜ்யத்தோடு பிறந்தது. ஆயிரம் ஆண்டுகளுக்கு முன்பு தாம் ராஜா என்று பெயர் வைத்துக்கொண்டு தம்மிடமாயும், மனைவியையுமே வைத்துச் சூதாடினார்கள்.

VIDWAN T. MUTHUKANNAPPAN: Dharmarajan lived in North India. He did not belong to Tamil Nad.

SRI A. GAJAPATHY NAYAGAR: நளச்சகரவர்த்தி சூதாடி ராஜ்யத்தை இழந்தான். முற்காலத்தில் இந்தியாவில் எல்லோருமே தமிழர்களாக இருந்தார்கள் என்பதைச் சொல்லிக்கொள்ளுகிறேன். (சிரிப்பு.) இந்தியா முழுவதும் “இண்டஸ் வாலி லிவிஸிலேஷன்” தான் இருந்தது. அந்தக் காலத்தில் இந்தியா முழுவதும் தமிழ்நாடாக இருந்தது என்பதை நீங்கள் அறிந்துகொள்ளவேண்டும்.

நண்பர் அவர்கள் குராலில் என்ன சொல்லியிருக்கிறது என்பதுபற்றி எடுத்துச் சொன்னார்கள். திருவள்ளூர் என்ன சொல்லியிருக்கிறார் என்பதை நான் எடுத்துச் சொல்லுகிறேன். “வேண்டற்க வென்றிடிலும் சூதினை” என்று கூறியிருக்கிறார். “பழைய செல்வமும் பண்பும் கெடுக்கும்” சூது. அப்பேற்பட்ட சூது நமக்கு வேண்டாம். அந்தக் காலத்தில் மன்னர்கள் சூதாடினார்கள் என்றால், இன்றைய மன்னர்களும் சூதாட வேண்டுமா?

“சிறுமை பலசெய்து சீர் அழிக்கும் சூதின்
வறுமை தருவதுஒன்று இல்.”

என்று வள்ளுவர் கூறுகிறார். கள் உண்ணாமையைப் பற்றியும் தெய்வப் புலவர் விளக்கியிருக்கிறார். காங்கிரஸ்காரர்கள் வந்ததும் கள்ளை நிறுத்தினார்கள். கள் உண்ணாமையைச் செய்யும்பொழுது, ஏன் சூதினை நிறுத்தக் கூடாது? அதில் என்ன பணம் வந்துவிடப்போகிறது? பணம் வேண்டாம் என்று சொல்லி, கள்ளை நிறுத்தி அதற்குப் புதியதாக விற்பனை வரி போட்டுப் பணம் சேர்த்துக்கொண்டோம். இதனால் என்ன பணம் வந்து விடப்போகிறது? ரூ. 10 லட்சம், ரூ. 20 லட்சம் வரலாம். கூட தூக்கிக்கொண்டு செல்லுகின்ற பெண் அங்கே சூதாடிக்கொண்டிருக்கிறாள்.

6th November 1958] [A. Gajapathy Nayagar]

ஜட்கா வண்டிக்காரன் சூதாடுகிறான். சூதாடும் இடத்திலேயே மார்வாடி கூட வைத்திருக்கிறான். அங்கேயே அவனிடம் பெண்டிர் நகைகளை அடமானம் வைத்துச் சூதாட்டத்திற்குப் பணம் வாங்குகிறார்கள். இதனால் அரசியலாருக்கு என்ன வருவாய் வந்துவிடப்போகிறது? மக்கள் நிதியையும் இழக்கிறார்கள், மதியையும் இழக்கிறார்கள். ஆகவே, சூது நம் நாட்டிற்கு உதவாத விஷயம். ஆகையினால், அரசியலார் அதை ஒழிக்க வேண்டும். சூது வேண்டாம். சூது எல்லாச் சீரையும் கெடுக்கும். ஆகையினால், மற்ற உறுப்பினர்களுடன் சேர்ந்து நான் அரசியலாரை சூதை ஒழிக்கவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். நண்பர் சொன்னது போல “blood money—blood of our wives and blood of our children—நமக்கு வேண்டாம்.”

SRI K. T. KOSALRAM: மன்றத் தலைவர் அவர்களே, நண்பர் ரஜாக் கான் அவர்களும், நண்பர் கரையாளர் அவர்களும் இந்த மசோதாவைப்பற்றிப் பேசும்போது 1946 முதற்கொண்டு 1949 வரையிலும் இந்தக் குதிரைப் பந்தயம் வேண்டாம் என்று சொல்லப்பட்டு வந்ததைப் பற்றிப் பிரஸ்தாபித்தார்கள். அன்று இருந்த எதிர்க்கட்சியினர் “இந்தக் குதிரைப் பந்தயத்தை எடுத்து விடுவதானது. நாட்டில் இருக்கும் நாகரீகத்தை எடுத்துவிடுவதாகும்” என்று பேசினார்கள் என்று நண்பர் ஸ்ரீ கரையாளருக்கு நான் ஞாபகப்படுத்த விரும்புகிறேன். அப்படி அன்றுள்ள எதிர்க் கட்சியினர் சொன்னார்கள் என்பதை யாரும் மறுக்க முடியாது. அன்று ஸ்ரீ பி. டி. ராஜன் அந்தச் சட்ட சபையில் இருந்தாரோ என்னமோ தெரியாது. (ஸ்ரீ பி. டி. ராஜன்: இல்லை) அன்று நண்பர் ஸ்ரீ கரையாளர் காங்கிரஸ் கட்சியில் இருந்தார். அன்று காங்கிரஸ்காரர்கள்தான் மகாத்மா காந்தியடிகள் சொன்னார் என்று மது உண்பது, குதிரைப் பந்தயம் போன்றவைகளை எடுக்க முன் வந்தார்கள். அப்படி முதலில் மது விலக்கைக் கொண்டுவந்தார்கள். ஆனால், இன்னும் இதர ராஜ்யங்களில் மதுவிலக்கைக் கொண்டுவராமல் வைத்துக்கொண்டு தானிருக்கிறார்கள். அன்று காங்கிரஸ் ராஜ்யம் நடந்ததாலும், சென்னை ராஜ்யத்தின் நிதி நிலைமை மிக மிக மோசமாக இருந்த காலத்திலும் ஸ்ரீ டி. பிரகாசம் அவர்கள் முதன் மந்திரியாக இருந்தபோது, ராஜ்யம் பூராவும் இந்த மது விலக்கு வேண்டுமென்று காங்கிரஸ் தன் கட்சியில் முடிவு செய்து அதையும் நிறைவேற்றியது. அந்த சமயம் அரசாங்கத்தில் நிதி நெருக்கடி இருந்தது. அந்த சமயத்தில் இங்கே செக்ரட்டரியிடில் இருந்த அதிகாரிகள் கூட, “ராஜ்யத்தின் நிதி நிலைமை மோசமாக இருக்கிறது, இந்த சந்தர்ப்பத்தில் மதுவிலக்கைக் கொண்டுவந்தால், நிதி நெருக்கடி ஏற்பட்டு அரசாங்கமே ஸ்தம்பித்துப் போய் விடும்” என்று சொன்னார்கள். அதையும் பொருட்படுத்தாது அன்று மதுவிலக்கைக் காங்கிரஸ் அரசாங்கம் கொண்டு வந்தது. அதன் பிறகு, அரசாங்கமும் ஸ்தம்பித்துப் போகவில்லை. அதிகாரிகள் சொன்ன எந்த ஆர்குமென்டையும் அப்பொழுது இருந்த காங்கிரஸ் அரசாங்கம் எடுத்துக்கொள்ளவேயில்லை. மது உண்பதை எடுத்து விட வேண்டுமென்ற ஒரே எண்ணத்தில் எடுத்து விட்டார்கள். ஆனால் அதன் பிறகும் பல ராஜ்யங்கள் அதை வைத்துக் கொண்டதானிருக்கிறார்கள். ஆகவே, அப்பொழுதும் இதைக் கொண்டு வந்தவர்கள் காங்கிரஸ்காரர்கள் தான். அப்பொழுது இருந்த எதிர்க் கட்சிக்காரர்களும் இதை எதிர்க்கத்தான் செய்தார்கள். அப்பொழுது இருந்த எதிர்க் கட்சிக்காரர்கள் எதை எடுத்தாலும் எதிர்ப்பது என்ற அடிப்படையில்தான் வேலைசெய்து வந்தார்கள். சில விஷயங்களை அவர்கள் ஒத்துக்கொண்டாலும், சர்வ சாதாரணமான பல விஷயங்களில் அவர்கள் தங்களுடைய எதிர்ப்பைக் காட்டித்தான் வந்தார்கள். ஏதாவது ஒரு செக்ஷனைத் தங்களுக்கு சாதகமாக ஆக்கிக்கொள்ள வேண்டுமென்ற அடிப்படையில், அவர்கள் தங்களுடைய எதிர்ப்பைக் காட்டி வந்தார்கள். அப்படியிருந்தும் காங்கிரஸ் கட்சி மகாத்மா காந்தி சொன்னதை நிறைவேற்றவேண்டுமென்ற ஒரே நோக்கத்துடன் அதை நிறைவேற்ற முன்வந்தார்கள். அவைகளை நிறைவேற்ற வேண்டுமென்று கட்டளையிட்டிருக்கிறார், டீட்டேயிட்டிருக்கிறார் என்று தான் சொல்ல வேண்டும். அந்தக் கட்சியின் அரசாங்கம் அந்தக் காலத்தில் இந்தக் குதிரைப் பந்தயத்தை

[Sri K. T. Kosalam] [6th November 1958]

ஒட்டிக்க வேண்டும் என்று ஒரு சட்டம் கொண்டுவந்து நிறைவேற்றியது. ஆனால், உண்மையிலேயே துர்பாக்கியவசமாக அன்று, இப்பொழுது நம் முடைய உள்நாட்டு மந்திரி ஸ்ரீ பக்தவத்சலம் அவர்கள் கொண்டுவருவதைப் போன்று கொண்டு வராமல், டாக்டர் சுப்பராயன் அவர்கள் அதைக் கொண்டு வந்து நிறைவேற்றினார். டாக்டர் சுப்பராயன் அவர்கள் குதிரைப் பந்தயத்தில் நம்பிக்கையுள்ளவர் என்பது எனக்குத் தெரியும். அன்று கனம் ஸ்ரீ பக்தவத்சலம் அவர்கள் கொண்டுவரவேண்டியதற்குப் பதிலாக இன்று அவர் கொண்டு வந்து இதை நிறைவேற்றுகிறார். அன்று இவர் கொண்டு வராமல் டாக்டர் சுப்பராயன் கொண்டு வந்து நிறைவேற்றினார். ஆனால், அன்று ஒரு தவறை இழைத்துவிட்டார்கள். அப்பொழுது தவறு செய்ததால், இப்பொழுது அதைப்பற்றிப் பேச வேண்டியதாக இருக்கிறது. அப்பொழுது சர்க்காருக்கு “நோட்டிபை” பண்ணாக்கூடிய அதிகாரத்தைக் கொடுத்துவிட்டதால்தான் இந்த நிலைமை ஏற்பட்டிருக்கிறது என்பதைக் கண்டு வருத்தப்படுகிறார்கள். காங்கிரஸ்காரர்களைச் சில காரியங்களை நிறைவேற்ற வேண்டுமென்று மகாத்மா காந்தியடிகள் சொல்லிவிட்டுப் போனதில் சிலவற்றைச் சென்னை ராஜ்யத்தில், தமிழகத்தில்தான் முதலில் நிறைவேற்ற முடிந்தது. அவற்றில் முக்கியமான காரியங்களைத்தான் தமிழகத்தில் நிறைவேற்றியிருக்கிறார்கள். இந்தியா முழுவதையும் எடுத்துக்கொண்டால், அப்படி நிறைவேற்றி அமுல் நடத்துவது இந்தத் தமிழ் நாட்டில் தான் என்பதைப் பெருமையாகச் சொல்லிக்கொள்ளலாம். அன்று “நோட்டிபை” பண்ணுவதை அரசாங்கம் எந்த நேரத்திலும் செய்யலாம் என்ற அதிகாரத்தைக் கொடுத்ததால்தான், அதன் வால் நீண்டுகொண்டே போகிறது என்பதைக் கண்டு வருத்தப்படாமல் இருக்க முடியவில்லை. அப்படி வால் நீண்டுகொண்டே போகாமல் இருப்பதற்கு—மது விலக்குச் சட்டம் கொண்டு வந்தது முதற்கொண்டு சுமார் நாலேந்து வருஷங்களாக அதை ரிஜிட்டாக அதாவது கடுமையாக அமுல் நடத்த வேண்டும் என்று பல முறை சொல்லி மூன்று அல்லது நான்கு வருஷங்களாகக் கொண்டுவர வேண்டுமென்று இருந்து கனம் ஸ்ரீ பக்தவத்சலம் அவர்கள் அதைக் கொண்டு வந்து அந்தச் சட்டம் கடுமையாக அமுல் நடத்தப்பட வேண்டும் என்று சட்டத்தை நிறைவேற்றி, இப்பொழுது சுமார் ஒரு வருஷம் அல்லது ஆறு மாதமாகச் சிறை தண்டனை கொடுக்கக் கூடிய அளவில் அமுல் நடத்தப்பட்டு மது விலக்குத் திட்டம் வெற்றிகரமாக நிறைவேற்றப் படுவது போல், இந்தச் சட்டத்தையும் கொண்டு வந்து இனி மேலாவது வால் நீண்டுகொண்டே போகாமல் இருக்க வேண்டும். அந்த நிலைமையில் இருக்கும்போது துர்பாக்கிய வசமாக உள்நாட்டிலாகா மந்திரி கனம் ஸ்ரீ பக்தவத்சலம் அவர்கள் துர்பாக்கியவசமாக இந்த “மசோதாவை” இப்பொழுது கொண்டு வரவேண்டியதாக இருக்கிறது. இந்த மசோதா மூலமாக வரி போட்டால் நாலு லட்சம் அல்லது ஆறு லட்சம் ரூபாய் வருகிறது என்ற நிலைமையில் இதைக் கொண்டுவரவேண்டியதாக இருக்கிறதே என்பதுதான் என்னுடைய வருத்தம். பாக்கியவசமாக கனம் ஸ்ரீ சுப்ரமணியம் அவர்கள் கொண்டு வராமல், துர்பாக்கியவசமாக இவர் கொண்டு வரவேண்டியதாக இருக்கிறதே என்றுதான் வருத்தப்பட வேண்டியதாக இருக்கிறது. அன்று கொண்டுவந்தது சரி. ஆனால் இன்று கொண்டு வருவதற்குத்தான் வருத்தப்பட வேண்டியதாக இருக்கிறது. ஆகவே, இப்படிப்பட்ட நிலைமை ஏற்படாமல், அரசாங்கம் இதற்கு நிச்சயமாக ஒரு முடிவு கட்ட வேண்டும். இன்னும் வால் நீண்டு கொண்டே போக விடக்கூடாது, அப்படிப் போவதும் சரியல்ல. இப்பொழுது வரும்படி நாலு அல்லது ஐந்து லட்ச ரூபாய் என்று சொல்லுகிறார்கள். நாம் ஏற்கெனவே மதுவிலக்கைக் கொண்டு வந்து 20 கோடி ரூபாயை இழந்திருக்கிறோம். அந்த நஷ்டத்தையும் நாம் ஒப்புக்கொண்டிருக்கிறோம். இந்த இருபது கோடி ரூபாய் வருமானத்தை இழந்தவர்களுக்கு இந்த நான்கு அல்லது ஐந்து லட்சம் ரூபாய் ஒரு லட்சியமா? நான்கு லட்சம் அல்ல, பதினைந்து லட்சம் அல்லது பத்தொன்பது லட்சம் அல்ல, எதுவானாலும் அது பணம் அல்ல. அப்படிப்பட்ட பணம் வேண்டுமென்றால், அதை நாங்கள் ஒத்துக்கொள்ளமாட்டோம். இல்லாவிட்டால் அந்த ஆக்கடை ரிப்பீல் பண்ணுங்கள். மகாத்மா காந்தி சொல்லியிருந்தாலும்,

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இன்று நல்ல குதிரை இருக்க வேண்டாமா என்ற வாதம் கிளப்பப் படுகிறது. இப்படிப்பட்ட “பிலாசபி” சொல்லாமல் அந்த ஆக்கடை ரத்து செய்துவிடுங்கள். அப்படிச் செய்தால் ஒன்றும் பரவாயில்லை. தைரியமாகச் செய்து அதுதான் எங்களுடைய “ஸ்டாண்ட்” என்று சொல்லி விடலாம். ஆகவே, நோட்டிபைகேஷனைச் சீக்கிரம் செய்ய வேண்டும் என்பது என்னுடைய வேண்டுகோள் என்பதை நமது கனம் ஸ்ரீ பக்தவத்சலம் அவர்களுக்குச் சொல்லிக்கொண்டு நிறுத்திக்கொள்ளுகிறேன்.

* SRI P. T. RAJAN : Mr. Chairman, the point in this Bill is what would be the proportion of the tax, whether the proportion should be such that it will not be evaded by the race-goers as well as others who offer bets. No doubt, the Congress Government were against racing. I believe they introduced a Bill some time back and said that they would give time by way of grace to racing. In course of time, they found that it would probably be better to extend the period of grace. As it is, they have had a very serious job in enforcing the laws relating to Prohibition. No doubt, attempts are being made to make it a success. The other day, when the Hon. the Home Minister came before the House and said that he wanted to take very serious steps to enforce those laws, this House said, “Well, go ahead by all means”. So far as I am concerned, let the Hon. the Home Minister do whatever he likes in the matter for a period. The Congress Government have been trying to enforce Prohibition all these years. What is the result after all these years? With this experience, I want them to realise what will be the result when they want to do away with racing. If it is possible to put an end to racing completely, let them by all means do it. I have no quarrel with them. If they could succeed in putting an end to the very idea of betting, well and good and let them do it by all means. But, any measure that the Government bring forward to achieve this object must be acceptable to the people, and it should be hailed by the people. They can easily make any law. But unless and until the people are willing to honour the law so passed, there is no use of merely passing it. The Hon. the Finance Minister took a practical view yesterday in the other House when he said that so long as the spirit of gambling was found among the people, it could not be completely ignored. No doubt, we may try to control it. As a matter of fact, there were ‘bucket shops’ previously, that is, four or five years ago, wherein it was possible for the poorest person to offer bets to the extent of three annas or four annas. The Government have prevented it.

DR. A. SREENIVASAN : What about ‘cotton betting’ which is still going on?

* SRI P. T. RAJAN : Please allow me to talk . . . The Government have prevented the ‘bucket shop’ betting.

With regard to betting on cotton, Government are trying their level best to stop it. If it is possible to stop racing altogether in the sense they want to eliminate the idea and spirit of gambling, I certainly welcome it. A number of hon. Member started talking about Mahatma Gandhi. If all his followers had tried to follow in

[Sri P. T. Rajan] [6th November 1958]

his footsteps, there might not be any need even for a Council or an Assembly. Ram Rajya would automatically be attained in the world. But so long as we cannot do away with these evils, we should only try to control them by securing the goodwill and co-operation of the people. There is no use of merely passing Acts and laying down rules until and unless they come to be accepted by the people. After all, what the Hon. the Minister for Home is doing is, he wants to fix a proportion wherein the obligation will be honoured by those who offer bets and those who take bets. If the House feels that there should be no racing, let a separate resolution be moved and racing done away with completely.

SRI MOHAMED RAZA KHAN : Would you support?

* SRI P. T. RAJAN : I would certainly support it. Let there be a frontal attack. Say, "Let us have no racing". Let us not by our criticism of betting do away with the other thing, viz., racing. I certainly support the Bill.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, I would like to submit to the House that this is purely a fiscal measure. So long as racing is there and betting on racing is permitted, it will be taxed and by this amendment what we seek to get is some more revenue. And then, I would like to clear one misconception. We are not interested in permitting betting in order to get this small revenue. This is a very small revenue. As has been pointed out by hon. Members, we need not mind losing this small revenue, when we are already losing a substantial revenue under 'Excise'. But that is not the point. We are permitting betting not because of the revenue. So long as betting is there, it has to be taxed. There cannot be any other opinion about that. Sir, this is a small measure before drawing up which we consulted those who were in the know of things.

This tax will add to the revenues of the State some three or four lakhs of rupees. It is true that in 1947, the Government brought forward a Bill and that was accepted by the Legislature. And that Act prohibits betting on horse-racing. As has been pointed out by some of the hon. Members, the Government are certainly against gambling and there is a law that prevents gambling. That law is in force and action is being taken against offenders, whether it is 'cotton' betting or other kinds of betting. An Act was passed with a view to preventing betting on horse-racing also. It is on the statute-book. Only the Government have to notify the date on which it is to come into force. After passing that Act, the Government had to consider various other aspects and we have told both Houses what those aspects are.

Some reference was made by the hon. Member, Mr. Raza Khan, to the plea that racing was conducive to horse breeding. Of course he dismissed it by indulging in an unparliamentary expression. But we are interested in horse breeding. Our Army is interested

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in horse breeding. And there is no other machinery which takes up this horse breeding than racing. We had to consider this aspect when it was presented to us after we had passed the Act. It was put to us that we need not be in a hurry to enforce the Act. It was also represented to us, and hon. Members also are aware, that without betting there could be no racing. Under these circumstances, we permit betting on horse-racing. The hon. Member Mr. Raza Khan appealed to the Government to have an open mind. He already sees that we have an open mind. In 1947, we passed the Act with the best of intentions. And when it was represented to us by those for whom the Government have the highest regard, it would not be advisable to enforce the Act in a hurry, we stopped proceeding with it further. It is the Government's view that it will not be enforced for a few more years. And betting being permitted, we have now come forward with this small measure to increase the tax.

Then, Sir, reference was made to the manner of control the Government had been exercising over the management of racing. There have been complaints and Government have been looking into the complaints. Our representatives on the Board are expected certainly to go into the affairs of the club and to see that no room is given for any kind of abuse.

Sir, reference was also made to possible evasion of tax. We have been looking into that aspect also and as and when we gather experience, we come forward to the House with suitable amendments. It is in these circumstances that I have brought forward this Bill. General comments and threats of curses on Government are out of the way, I would like to humbly submit. (Sri Mohamed Raza Khan : Appeal.) Yes, I would appeal to hon. Members to support this Bill which would mean some extra revenue to the Government.

MR. CHAIRMAN : The question is—

"That the Madras Betting Tax (Amendment) Bill, 1958 (L.A. Bill No. 30 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 1 and the Preamble were put and carried.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, there is a small mistake in clause 3. It may be a printer's devil.

THE HON. SRI M. BHAKTAVATSALAM : The hon. Member as not given notice of an amendment. Anyhow, if there is any printer's mistake, it will be looked into.

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* SRI P. S. KRISHNASWAMY AYYANGAR: It is a small thing. Clause 3 which amends section 6 of the Act ends thus: 'in consequence of bets made by them at such meetings'. But at the beginning of section 6 of the principal Act, we see the word 'meeting' only. So, at the end also it should be 'meeting' and not 'meetings'.

MR. CHAIRMAN: That will be looked into.

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

"That the Madras Betting Tax (Amendment) Bill, 1958 (L.A. Bill No. 30 of 1958), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN: The question is—

"That the Madras Betting Tax (Amendment) Bill, 1958 (L.A. Bill No. 30 of 1958), as passed by the Legislative Assembly, be passed."

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

MR. CHAIRMAN: Thank you very much, hon. Members. We had a very, very strenuous sitting during the last few days, and with the great co-operation of Members, all the Bills have been gone through very satisfactorily. Thank you very much.

The House will now adjourn *sine die*.

The House then adjourned *sine die*.

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

* 191. Notification issued with G.O. Ms. No. 944, Revenue, dated 5th March 1958 and G.O. Ms. No. 1717, Revenue, dated 10th May 1958, amending Revenue Department Notification Nos. 245 and 246, dated 1st May 1956 issued under section 22 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

* 192. Notification issued with Memorandum No. 74771-J3/58-2, Revenue, dated 10th September 1958, amending the Revenue Department Notification S.R.O. No. A-4596 of 1957, dated 12th July 1957 under section 22 (1) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

* 193. Notification issued with G.O. Ms. No. 2474, Public Works (Electricity), dated 9th September 1958, framing rules under section 78 (2) (c) and (3) of Electricity (Supply) Act, 1948 (Central Act 54 of 1958).

Placed on the Table of the House on 5th November 1958.

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* 194. A short review of the activities of the Certified Schools for the first half of the year 1958.

* 195. Reports of the Committee on Estimates, 1958-59 (Second and Third Reports).

196. Notification issued with G.O. Ms. No. 3472, Industries, Labour and Co-operation, dated 10th September 1958, regarding amendment to rules 1 and 21 of the Minimum Wages (Madras) Rules, 1953.

197. Notification issued with G.O. No. 3752, Revenue, dated 10th October 1958, regarding amendment to the Madras General Sales Tax Rules, 1939.

* Placed on the Table of the House on 5th November 1958.

[6th November 1958]

APPENDIX I.

[Vide item IV (1) on page 521 supra.]

L.A. BILL No. 35 OF 1958.

(As passed by the Assembly.)

A Bill further to amend the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, and the Madras Estates Land (Reduction of Rent) Act, 1947, and to amend the Madras Estates (Supplementary) Act, 1956.

WHEREAS it is expedient further to amend the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), and the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), and to amend the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956), 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 Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958.

(2) (a) Sections 5, 6 and 7 shall be deemed to have come into force on the 19th April 1949.

(b) Clause (i) of sections 2, 13 and 14 and sections 10, 12 and 15 and sub-section (1) of section 16 shall come into force on such date as the Government may, by notification, appoint, and different dates may be appointed for different sections.

(c) The provisions of this Act, other than those specified in clauses (a) and (b), shall come into force at once.

2. *Amendment of section 8, Madras Act XXVI of 1948.*—In section 8 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) (hereinafter referred to as the principal Act),—

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

“(2) Each Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of District Judge or Additional District Judge.”

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal.”

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3. *Amendment of section 10, Madras Act XXVI of 1948.*—In section 10 of the principal Act—

(i) in sub-section (1), after the words “or such further time”, the words “not exceeding two months” shall be inserted;

(ii) to the same sub-section, the following proviso shall be added, namely:—

“Provided that in respect of an estate notified before the date of commencement of section 3 of the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958, the period of two months aforesaid shall be computed from the date of such commencement.”

4. *Amendment of section 20, Madras Act XXVI of 1948.*—Clause (d) of section (2) of section 20 of the principal Act shall be omitted.

5. *Insertion of new section 30-A in Madras Act XXVI of 1948.*—After section 30 of the principal Act, the following section shall be inserted, namely:—

“30-A. *A person deemed to be landholder in certain cases.*—(1) For the purposes of sections 27, 28, 29 and 30 any person who had, immediately before the notified date, any right or interest in any land in a zamindari estate as a landholder, shall be deemed to be a landholder of such estate.

(2) The ryotwari assessments imposed on, and the miscellaneous revenue derived from, all lands in zamindari estate in respect of which, any landholder mentioned in sub-section (1) is entitled to ryotwari patta under any provision of this Act, shall be excluded in determining the basic annual sum.”

6. *Insertion of new section 35-A in Madras Act XXVI of 1948.*—After section 35 of the principal Act, the following section shall be inserted, namely:—

“35-A. *A person deemed to be landholder in certain cases.*—(1) For the purposes of sections 31, 32, 33, 34 and 35, any person who had, immediately before the notified date, any right or interest in any land in an inam estate as a landholder, shall be deemed to be a landholder of such estate.

(2) The ryotwari, assessments imposed on, and the miscellaneous revenue derived from, all lands in an inam estate in respect of which, any landholder mentioned in sub-section (1) is entitled to ryotwari patta under any provision of the Act, shall be excluded in determining the basic annual sum.”

7. *Amendment of section 38, Madras Act XXVI of 1948.*—In clause (a) of sub-section (2) of section 38 of the principal Act, for the words “the notified date”, the words and figures “the fasli year 1357” shall be substituted.

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8. *Amendment of section 51, Madras Act XXVI of 1948.*—In section 51 of the principal Act, after sub-section (2), the following sub-section shall be added, namely—

“(3) The Special Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal.”

9. *Omission of section 56, Madras Act XXVI of 1948.*—(1) Section 56 of the principal Act shall be omitted.

(2) Any legal proceedings pending by virtue of the said section 56 immediately before the date of the commencement of this section, whether before the Settlement Officer or the Tribunal, shall by virtue of this section abate on the date of such commencement.

10. *Insertion of new section 64-BB in Madras Act XXVI of 1948.*—After section 64-B of the principal Act, the following section shall be inserted, namely:—

“64-BB. *Limitation.*—(1) A copy of every decision or order in any proceeding against which an appeal or revision is provided for under this Act shall be communicated in such manner as may be prescribed.

(2) For the purpose of computing the period of limitation in respect of any appeal or application for revision against any decision or order, the date of communication of a copy of the decision or order to the appellant or applicant shall be deemed to be the date of the decision or order.

(3) The provisions of section 4 and section 12, sub-sections (1) and (2), of the Indian Limitation Act, 1908 (Central Act IX of 1908) shall, so far as may be, apply to any appeal or application for revision under this Act.

(4) Where under this Act an appeal or application for revision may be preferred to any authority or officer within a prescribed period or within such further time not exceeding a specified period as may be allowed by such authority or officer, the further time aforesaid shall be computed on and from the expiry of such prescribed period computed in accordance with the provisions of sub-sections (2) and (3).”

11. *Amendment of section 64-C, Madras Act XXVI of 1948.*—In section 64-C of the principal Act—

(i) in the heading, the words “by or” shall be omitted;

(ii) in sub-section (1), for the words “other authority by or under this Act”, the words “other authority under this Act” shall be substituted.

12. *Amendment of section 67, Madras Act XXVI of 1948.*—In clause (e) of sub-section (2) of section 67 of the principal Act, the words and figures “and the Indian Limitation Act, 1908” shall be omitted.

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13. *Amendment of section 3-B, Madras Act XXX of 1947.*—In section 3-B of the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947)—

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

“(2) Each Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of District Judge or Additional District Judge”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal.”

14. *Amendment of section 5, Madras Act XXX of 1956.*—In section 5 of the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956),—

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

“(2) Each Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of District Judge or Additional District Judge.”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal.”

15. *Transitional provisions.*—(1) Any proceedings pending immediately before the date of commencement of clause (i) of section 2 of this Act before any Tribunal constituted under sub-section (1) of section 8 of the principal Act and having jurisdiction over any estate or part thereof shall stand transferred to the Tribunal constituted under the same sub-section after such commencement and having jurisdiction over the same estate or part thereof.

(2) Any proceeding pending immediately before the date of the commencement of clause (i) of section 13 of this Act before any Tribunal constituted under sub-section (1) of section 3-B of the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) and having jurisdiction over any village or group of villages shall stand transferred to the Tribunal constituted under the same sub-section after such commencement and having jurisdiction over the same village or group of villages.

(3) Any proceeding pending immediately before the date of commencement of clause (i) of section 14 of this Act before any Tribunal constituted under sub-section (1) of section 5 of the Madras

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Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956), and having jurisdiction over any area shall stand transferred to the Tribunal constituted under the same sub-section after such commencement and having jurisdiction over the same area.

16. *Savings*.—(1) Any appeal or application for revision which has been disposed of before the date of the commencement of section 10 of this Act on the footing that such appeal or application was preferred after the expiry of the period prescribed under the principal Act, shall, on application preferred within two months from the date of such commencement, by any person aggrieved, be re-opened and disposed of in accordance with the provisions of the principal Act as amended by section 10 of this Act.

(2) The Government or any authority or officer authorized by the Government in this behalf may, either *suo motu* at any time or on the application preferred within two months from the date of publication of this Act in the *Fort St. George Gazette* by any institution to which payment has been made before the date of such publication under sub-section (2) of section 38 of the principal Act, re-open any proceeding relating to such payment and dispose of such proceeding in accordance with the said sub-section as amended by section 7 of this Act."

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New section 64-BB, proposed to be inserted by clause 10 of the Bill, empowers the Government to prescribe by rules the manner in which copies of decisions or orders in proceedings, against which an appeal or revision is provided for under the Abolition Act, should be communicated.

Clause 16 (2) of the Bill empowers the Government to authorize any authority or officer to re-open any proceedings relating to payment under section 38 (2) of the Abolition Act and dispose of such proceedings in accordance with the said section as amended by clause 7 of this Bill.

The above delegations are necessary to give effect to the purpose of the Bill, when enacted and they are only normal in character.

FINANCIAL MEMORANDUM.

The amendment to section 38 of the Abolition Act proposed to be made by clause 7 of the Bill, will result in payment of a higher amount as *tasdik* allowance to religious, educational and charitable institutions owning *inam* estates or parts thereof. The additional expenditure involved in the proposal has been estimated at Rs. 12½ lakhs per annum.

The amendment to section 8 of the Abolition Act proposed to be made by clause 2 of the Bill will result in the reconstitution of the present Tribunals under that Act with a single member of the rank

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of District Judge for each Tribunal. In districts like Ramanathapuram and Tanjore, where the work under the Abolition Act is heavy, there may be need for appointing Additional District Judges. It is not possible to estimate the net financial effect of the amendment at present.

APPENDIX II.

[Vide item IV (2) on page 540 supra.]

L.A. BILL No. 30 OF 1958.

(As passed by the Assembly.)

A Bill further to amend the Madras Betting Tax Act, 1935.

WHEREAS it is expedient further to amend the Madras Betting Tax Act, 1935 (Madras Act XX of 1935), for the purposes 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 Betting Tax (Amendment) Act, 1958.

2. *Amendment of section 5, Madras Act XX of 1935*.—In section 5 of the Madras Betting Tax Act, 1935 (Madras Act XX of 1935) (hereinafter referred to as the principal Act)—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

" (1) The State Government may, by notification in the Official Gazette, from time to time, direct that a tax (hereinafter referred to as the betting tax) shall be levied on every book-maker in respect of all moneys paid or agreed to be paid to him by backers in consequence of bets made in a place within the race enclosure which the director has, with the sanction of the State Government, set apart for the purpose of such betting ;"

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

" Provided that the rate shall not exceed twelve and a half per cent of every sum liable to betting tax under sub-section (1)."

3. *Amendment of section 6, Madras Act XX of 1935*.—In section 6 of the principal Act, for clause (a), the following clause shall be substituted, namely :—

" (a) cause accounts to be kept in the prescribed manner all of sums paid into every totalizer used, and of all sums paid or agreed to be paid to every bookmaker by backers in consequence of bets made by them at such meetings."

I certify that this is a money bill.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

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

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