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MADRAS LEGISLATIVE COUNCIL

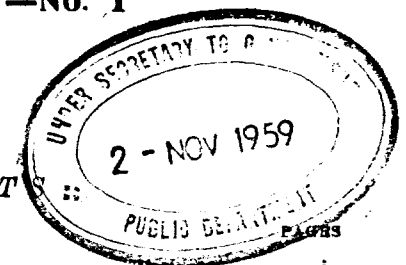
DEBATES

OFFICIAL REPORT

MONDAY, 7TH SEPTEMBER 1959

VOLUME XXXIV—No. 1

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GOVERNMENT OF MADRAS
1959

*Legislature (Council) Department
Madras*

PRICE, 35 naye Paise]

MADRAS LEGISLATIVE COUNCIL DEBATES

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

7th to 12th, 14th, 15th, 17th and 18th September 1959.

Volume XXXIV (Nos. 1 to 10).

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PERSONNEL OF THE GOVERNMENT OF MADRAS

GOVERNOR OF MADRAS.

SRI 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.*

THE MADRAS LEGISLATIVE COUNCIL

PRINCIPAL OFFICERS.

Chairman.

THE HON. DR. P. V. CHERIAN.

Deputy Chairman.

VACANT.

Panel of Vice-Chairmen.

- 1 SRI K. BALASUBRAMANYA AYYAR.
- 2 SRIMATHI JOTHI VENCATACHELLUM.
- 3 SRI V. K. PALANISWAMY GOUNDER.
- 4 SRI T. PURUSHOTHAM.

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 Abdul Hameed Khan	State Legislative Assembly.
2 Adityan, S. T.	Madurai-cum-Ramanathapuram-cum-Tirunelveli-cum-Kanyakumari Local Authorities.
3 Annamalai Pillai, N.	State Legislative Assembly.
4 Arunachalam, A. J.	Do.
5 Arunachalam, T. S.	Do.
6 Balasubramanya Ayyar, K., B.A., B.L.	Madras Graduates.
7 Balasundaram, V. S.	State Legislative Assembly.
8 Cherian, Dr. P. V., M.B.B.S., F.R.F.P.S. (Glas.), F.R.C.S. (Edin.), D.L.O., R.C.S. (Lond.) (Chairman).	Madras Graduates.
9 Chidambara Mudaliar, A. ..	Madurai-cum-Ramanathapuram-cum-Tirunelveli 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.	Do.
18 Joghee Gowder, T.	Salem-cum-Coimbatore-cum-Nilgiris Local Authorities.
19 Janakirama Mudaliar, E. ..	Madras-cum-Chingleput-cum-North Arcot Local Authorities.
20 Jothi Vencatachellum	NOMINATED.
21 Kalyanaraman, S. V.	South Arcot-cum-Tanjore-cum-Tiruchirappalli Local Authorities.
22 Karayalar, L. S.	State Legislative Assembly.

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

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

THE MADRAS LEGISLATIVE COUNCIL

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

Monday, the 7th September 1959.

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.

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

I.—CONDOLENCE RESOLUTION ON THE DEATH OF SRI JOHN ASIRVATHAM, A MEMBER OF THE MADRAS LEGISLATIVE COUNCIL.

MR. CHAIRMAN: It is my most melancholy duty to report to the House the sudden and untimely death of Sri John Asirvatham, a Member of this House, on the 30th June 1959.

Born in August 1904, Sri John Asirvatham had his early education at Palayamkottai and later at Tiruchirappalli and Madras. He was associated in various capacities with many organisations, such as the Association of Heads of Anglo-Indian Schools, Indian Christian Association, and Young Men's Christian Association. He was the Principal, Christ Church High School, Madras, for a number of years. He evinced keen interest in the spread and promotion of education. He was elected to the Madras Legislative Council by the Teachers Constituency in April 1956. During the short period of his membership of this House, he played a notable part in the debates and discussions that took place in this House. His death has removed from our midst a friendly and affable colleague.

I now move the following Condolence Resolution:—

“ This House places on record its deep sense of sorrow at the demise of Sri John Asirvatham, a Member of this House, and conveys its profound sympathy to the members of his bereaved family ”.

* THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I rise to associate the Government with the Resolution just now proposed by you. Sri Asirvatham was one of our good friends. He was a forceful speaker and had a sturdy independence in his approach to problems. He was very friendly, nice, and genial with all the Members of this House. He has done yeoman service to the cause of education, and he has also served as Honorary Presidency Magistrate for some time. It is a pity that such a promising life should have been cut short so early. We may convey our sympathies to the members of the bereaved family.

CONDOLENCE RESOLUTION ON THE DEATH OF
SRI JOHN ASIRVATHAM, A MEMBER OF
THE MADRAS LEGISLATIVE COUNCIL

[7th September 1959]

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, I have the honour to associate myself with the Resolution that has been so kindly moved by you. Death seems to have laid its icy hands on some members of our Party. Soon after the passing away of Dr. John, we have to mourn the death of Sri John Asirvatham. An educationist of great repute, he specialised in education and the teaching of English, and himself spoke English very well in this Council. He brought to bear upon his duties, as the Leader of the House has remarked, a sturdy independence and courage of conviction. He spoke what he felt, fearless of any consequence. He was a great asset to the Council, and we all feel his loss and untimely death.

MR. CHAIRMAN: May I request 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.

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

II.—EXPRESSION OF SORROW AT THE DEMISE OF SRI K. P. YAGNESWARA SARMA, A FORMER MEMBER OF THE COUNCIL AND SRI M. D. RAMASWAMI AND SRI A. SAMUEL, MEMBERS OF THE ASSEMBLY.

MR. CHAIRMAN: I have also to announce to the House the sudden death of Sri K. P. Yagneswara Sarma, a former Member of this House, on 23rd July 1959. He was a Member of the Legislative Council for a short period in the year 1952. He courted arrest several times in connection with the Flag Satyagraha Movement and took an active part in the untouchability movement. We express our sincere sorrow at his demise, which I shall convey to the members of the bereaved family.

I have further to report to the House the sudden death of Sri M. D. Ramaswami on 29th June 1959 and Sri A. Samuel on 29th July 1959, sitting Members of the Madras Legislative Assembly. They were elected to the Legislative Assembly in the last General Elections held in 1957 from the Aruppukkottai and Tuticorin Constituencies respectively. We express our deep sense of sorrow at their demise, which I shall convey to the members of their bereaved families.

I request hon. Members to stand in silence for a few minutes as a mark of respect to Sri K. P. Yagneswara Sarma, Sri M. D. Ramaswami, and Sri A. Samuel.

Accordingly, the Members stood in silence for a few minutes.

MR. CHAIRMAN: I now adjourn the House for the day as a mark of respect to the memory of Sri John Asirvatham, and the House will meet again at 3 p.m. to-morrow, the 8th September 1959.

The House then adjourned.

7th September 1959

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

* 1. Notification issued with G.O. No. 788, L.A., dated 11th April 1959, regarding extension of the term of office of the members of the Othakadai panchayat (Madurai district) up to 31st May 1959.

* 2. Notification issued with G.O. No. 969, Revenue, dated 28th March 1959, regarding exemption from the tax payable under the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), of the purchases of cotton made by the Akil Bharat Sarva Seva Sangh, Tiruppur, during the period from 1st April 1956 to 10th July 1958 and the purchases of cotton made by the Tamilnad Sarvodaya Sangh, Tiruppur, during the period from 11th July 1958 to 31st March 1959.

* 3. Notification issued with G.O. Ms. No. 775, Home, dated 16th March 1959, regarding issue of rules called the Madras Spirituous Essences Rules, 1959.

4. Notification issued with G.O. Ms. No. 382, Home, dated 9th February 1959, regarding exemption from payment of tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), for a period of six months to motor-car BMC 4718 belonging to Mr. J. B. Shearer, Leader, International Labour Organization Productivity Mission to India.

* 5. Notification issued with G.O. Ms. No. 1045, Home, dated 11th April 1959, regarding amendments to the Madras Liquor Permit (Personal Consumption) Rules, 1956.

* 6. Notification issued with G.O. Ms. No. 1437, Industries, Labour and Co-operation (Co-operation), dated 30th March 1959, regarding amendment to the rules issued under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932).

7. Notification issued with G.O. Ms. No. 887, Home, dated 25th March 1959, regarding amendment to the Madras Motor Vehicles Rules, 1940.

* 8. Notifications issued with G.O. Ms. No. 982, Home, dated 1st April 1959, regarding amendments to the Madras Denatured Spirit, Methyl Alcohol and Varnish (French Polish) Rules, 1959, and to the Madras Rectified Spirit Rules, 1959.

9. Notification issued with G.O. Ms. No. 1327, Public (Services-A), dated 30th April 1959, regarding amendment to the Madras Public Service Commission Regulations, 1954. [Laid on the table under Article 320 (5) of the Constitution of India.]

10. Notification issued with G.O. Ms. No. 1286, Public (Services-A), dated 27th April 1959, regarding exclusion from the Commission's purview of the post of Tourist Officer, Tourist Information Bureau, Ootacamund. [Laid on the table of the House under Article 320 (5) of the Constitution of India.]

[7th September 1959]

* 11. Notification issued with G.O. Ms. No. 970, Home, dated 1st April 1959, regarding issue of rules under the Madras Court Fees and Suits Valuation Act, 1935 (Madras Act XIV of 1955).

* 12. Notifications issued with Memorandum No. 103793-J 3/58-3, Revenue, dated 20th January 1959, relating to the ryotwari settlement of the Zamindari, under-tenure and inam estates situated in Pattukkottai, Orathanad and Arantangi taluks of Tanjore district.

* 13. Notification issued with G.O. Ms. No. 347, L.A., dated 18th February 1959, regarding amendment to the regulations relating to the classification, methods of recruitment, conditions of service, pay and allowance and discipline and conduct of Executive Officers of Panchayats.

† 14. Notification issued with G.O. Ms. No. 717, Home, dated 11th March 1959, regarding re-issue of Madras Rectified Spirit Rules, 1959.

† 15. Notification issued with G.O. Ms. No. 636, Home, dated 4th March 1959, regarding re-issue of the Madras Denatured Spirit, Methyl Alcohol and Varnish (French Polish) Rules, 1959.

† 16. Notification issued with G.O. No. 887, L.A., dated 25th April 1959, regarding extension of term of office of the members of the Podumbu panchayat, Madurai district, up to and inclusive of the 30th June 1959.

† 17. Notification issued with G.O. No. 449, Revenue, dated 13th February 1959, appointing 12th March 1959 as the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), shall come into force in the inam estate of Kaduvelitattimalpadugai in Tanjore taluk, Tanjore district.

† 18. Notification issued with G.O. Ms. No. 3557, Revenue, dated 24th December 1958, appointing the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), would come into force in certain inam estates in the State.

† 19. Notification issued with G.O. Ms. No. 946, Revenue, dated 26th March 1959, appointing 22nd April 1959 as the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) shall come into force in the inam estate of Arupalle in Hosur taluk of the Salem district.

† 20. Notification issued with G.O. Ms. No. 4380, Revenue, dated 27th December 1958, under section 22 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), for the settlement of certain estates in Tanjore district.

[7th September 1959]

† 21. Notification issued with Memorandum No. 88198-J 1/59-2, Revenue, dated 1st January 1959, appointing the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), shall come into force in certain zamindari and undertenure estates in the State.

† 22. Notification issued with G.O. No. 349, Revenue, dated 6th February 1959, regarding issue of rule under section 67 (1) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

† 23. Notification issued with G.O. Ms. No. 850, Revenue, dated 19th March 1959, regarding amendment to Revenue Department Notification No. 2227, dated 22nd August 1959, published at pages 1378 to 1382 of Part I I of the Fort St. George Gazette, dated 23rd August 1959, regarding deletion of Sivaganga taluk from the list of notified undertenure estates.

† 24. Notification issued with Memorandum No. 105171-J 1/58-5, Revenue, dated 4th February 1959, regarding deletion of certain undertenure estates from the notification under section 1 (4) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

† 25. Report of the Committee on Public Accounts on the Appropriation Accounts of the State of Madras for the year 1956-57.

† 26. Notification issued with G.O. Ms. No. 1433, Industries, Labour and Co-operation (Labour), dated 30th March 1959, regarding the issue of the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Rules, 1959.

† 27. Notification issued with G.O. Ms. No. 1446, Industries, Labour and Co-operation (Labour), dated 31st March 1959, regarding the issue of the Madras Catering Establishments Rules, 1959.

† 28. Notification issued with G.O. Ms. No. 917, Home, dated 28th March 1959, regarding amendment to certain rules of the Madras Motor Vehicles Rules, 1940.

† 29. Notifications issued with G.O. Ms. No. 901, Revenue, dated 23rd March 1959, appointing 1st day of April 1959 as the date on which the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), shall come into force.

† 30. Notification issued with G.O. No. 970, Revenue, dated 28th March 1959, regarding exemption with retrospective effect from 1st April 1957 of the South Zonal Office of the Khadi and Village Industries Commission, Tiruppur, from the tax payable by it under section 3 (1) of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), in respect of packing materials which it uses for the goods sold by it.

[7th September 1959.]

‡ 31. Amendment of rules framed under the Madras Slum Improvement (Acquisition of Land) Act issued with G.O. Ms. No. 290, Industries, Labour and Co-operation (Housing), dated 2nd April 1959.

‡ 32. Notification issued with G.O. No. 366, Revenue, dated 7th February 1959, regarding issue of amendments to the Madras Sales of Motor Spirit Taxation Rules, 1939, consequent on the Madras Sales of Motor Spirit Taxation (Amendment) Act, 1958.

‡ 33. Notification issued with Memorandum No. 106261-J 1/58-2, Revenue, dated 11th December 1958, regarding the deletion of Kathaliendal from the list of undertenure estate.

‡ 34. Short report on the achievements of the Public Health Department during the half-year ended June 1958.

‡ 35. Short review of the activities of the National Employment Service, Madras, for the half-year ending 31st December 1958.

‡ 36. Notification issued with G.O. Ms. No. 976, Revenue, dated 28th March 1959, regarding certain exemptions in respect of the tax payable under the Madras General Sales Tax Act, 1959 (Madras Act I of 1959).

‡ 37. Notification issued with G.O. No. 930, L.A., dated 2nd May 1959, regarding the extension of the term of office of the members of the Vandiyur panchayat, Madurai district, up to and inclusive of the 30th June 1959.

‡ 38. Short review of the activities of the Department of Industries and Commerce during the half-year ended 30th September 1958.

‡ 39. Notification issued with G.O. Ms. No. 865, Industries, Labour and Co-operation (Labour), dated 26th February 1959, regarding amendments to the Madras Plantations Labour Rules, 1955.

‡ 40. Notifications issued with G.O. Ms. No. 1445, Industries, Labour and Co-operation (Labour), dated 31st March 1959, appointing 8th April 1959 as the date on which the Madras Catering Establishments Act, 1958 (Madras Act XIII of 1958), shall come into force.

‡ 41. Notification issued with G.O. Ms. No. 625, Industries, Labour and Co-operation (Labour), dated 14th February 1959, regarding amendment to the Minimum Wages (Madras) Rules, 1953.

‡ 42. Notification issued with G.O. Ms. No. 1268, Industries, Labour and Co-operation, dated 20th March 1959, regarding amendment to the Travancore Chitties Rules in their application to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

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‡ 43. Notification issued with G.O. Ms. No. 1246, Industries, Labour and Co-operation (Labour), dated 19th March 1959, regarding issue of the Madras Industrial Establishments (National and Festival Holidays) Rules, 1959.

‡ 44. Notifications issued with G.O. No. 1025, Revenue, dated 3rd April 1959, regarding amendments to the Madras Entertainments Tax Rules, 1939.

‡ 45. Notification issued with Memorandum No. 9180-J 1/59-3, Revenue, dated 2nd May 1959, regarding amendment to Revenue Department Notification S.R.O. No. A-5696 of 1958, dated 15th August 1958, published at page 1505 of Part I of the Fort St. George Gazette, dated 27th August 1958.

‡ 46. Short review of the activities of the Forest Department for the half-year ending 30th September 1958.

‡ 47. Notification issued with G.O. Ms. No. 497, L.A., dated 10th March 1959, notifying Perianagamam panchayat in the Coimbatore district as a panchayat for which a whole-time Executive Officer shall be appointed.

‡ 48. Notification issued with G.O. Ms. No. 498, L.A., dated 10th March 1959, notifying the Pennagaram panchayat in the Salem district as a panchayat for which a whole-time Executive Officer shall be appointed.

‡ 49. Notification issued with G.O. Ms. No. 346, L.A., dated 18th February 1959, notifying the Panamarathupatti panchayat in the Salem district as a panchayat for which a whole-time Executive Officer shall be appointed.

‡ 50. Notification issued with G.O. Ms. No. 2156, Revenue, dated 12th June 1958, regarding amendment to Notification S.R.O. No. A-4464 of 1958, dated 12th June 1958, published at pages 1202-1211 of Part I of the Fort St. George Gazette, dated 9th July 1958, relating to the ryotwari settlement of the zamin, under-tenure and inam estates situated in Pattukkottai, Orathanad and Arantangi taluks of the Tanjore district.

§ 51. Report on the activities of the Animal Husbandry Department, Madras, for the first half-year ending 30th September 1958.

§ 52. Notification issued with G.O. Ms. No. 1373, Revenue, dated 5th May 1959, regarding amendment to the Madras Agricultural Income-tax Rules, 1955.

§ 53. Notification issued with G.O. Ms. No. 974, Revenue, dated 28th March 1959, regarding issue of the Madras General Sales Tax Rules, 1959.

§ 54. Notification issued with G.O. Ms. No. 82, Revenue, dated 8th January 1959, regarding amendments to the Madras Plantations Agricultural Income-tax Rules, 1955.

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55. Notification issued with G.O. Ms. No. 1446, Home, dated 18th May 1959, regarding amendment to the Madras Motor Vehicles Rules, 1940.

56. Notification issued with G.O. Ms. No. 1330, Home, dated 7th May 1959, regarding exemption from payment of the tax payable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), of all transport vehicles belonging to the Government of Mysore used for Government purposes unconnected with any commercial enterprise when used on the roads of the Madras State.

§ 57. Review of the activities of the Madras State Transport Department for the half-year ended 30th September 1958.

58. Notifications issued with G.O. Ms. No. 1270, Home, dated 2nd May 1959, regarding amendments to the Home Department Notifications Nos. 359, dated 29th March 1938 and 801, dated 28th June 1938, published in the Fort St. George Gazette, dated 29th March 1938 and 28th June 1938, respectively.

§ 59. Notification issued with G.O. Ms. No. 1381, Home, dated 12th May 1959, regarding amendment to rule 103 of the Madras Cinemas (Regulation) Rules, 1957.

§ 60. Notification issued with G.O. Ms. No. 1534, Revenue, dated 19th May 1959, appointing 20th June 1959 as the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), shall come into force in certain inam estates in Ramanathapuram and Tanjore districts.

§ 61. Notification issued with G.O. Ms. No. 1047, Local Administration, dated 28th May 1959, regarding the extension of the term of office of the members of the Othakadai panchayat, (Madurai district) up to and inclusive of 30th September 1959.

§ 62. Notification issued with G.O. Ms. No. 1917, Industries, Labour and Co-operation (Co-operation), dated 8th May 1959, regarding amendment to rule XII of the Madras Co-operative Societies Rules.

§ 63. Notification issued with G.O. Ms. No. 1784, Industries, Labour and Co-operation, dated 28th April 1959, regarding insertion of new rule XXXII to the Madras Co-operative Societies Rules.

§ 64. Notification issued with R.O.C. No. 50589-H3, dated 15th May 1959, regarding dissolution of Madarpakkam panchayat in the Ponneri taluk of Chingleput district with effect from 18th May 1959 and appointment of Special Officer.

§ 65. Notification issued with G.O. Ms. No. 295, Health, dated 28th January 1959, regarding amendments to the Public Health Establishment (Local Authorities) Regulations, 1940.

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66. Notification issued with G.O. Ms. No. 1469, Home, dated 21st May 1959, regarding amendment to rule 3 of the Madras Motor Vehicles Rules, 1940.

§ 67. Notification issued with G.O. Ms. No. 944, Home, dated 30th March 1959, regarding re-issue of the Madras Chloral Hydrate (Chloral) Rules, 1959.

§ 68. G.O. No. 1670, Public (General-M), dated 4th June 1959, regarding amendment to the notification relating to the introduction of Tamil in Government Offices which have not been supplied with typewriters.

§ 69. Notification issued with G.O. Ms. No. 1727, Revenue, dated 6th June 1959, appointing 2nd July 1959 as the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), shall come into force in the inam estate of Gangasandiram in Hosur taluk of Salem district.

§ 70. Notification issued with G.O. Ms. No. 1498, Revenue, dated 15th May 1959, regarding amendment to Revenue Department Notification No. 5618, dated 9th December 1950, published in the Fort St. George Gazette, dated 12th December 1950, appointing the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), came into force in certain zamindari and undertenure estates in Tirunelveli district.

§ 71. Notification issued with G.O. Ms. No. 1589, Revenue, dated 26th May 1959, appointing 25th June 1959 as the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), shall come into force in the inam estates in Tanjore district.

§ 72. Notification issued with G.O. No. 884, L.A., dated 25th April 1959, regarding amendments to rules governing the payment of advances to officers and servants of municipal councils and district boards.

§ 73. Notification issued with G.O. Ms. No. 1511, Home, dated 26th May 1959, regarding amendment to the rules made under the Madras Borstal Schools Act, 1925 (Act V of 1926), and published with Notification No. 1074 of 25th August 1958 in the Fort St. George Gazette, dated 13th September 1959.

74. Short report on the working of Co-operative Societies in the State of Madras for the half-year ended 31st December 1958.

§ 75. Notification issued with G.O. Ms. No. 32, Legislature, dated 16th May 1959, regarding deletion of rule 17 of the Madras Legislature Travelling Allowance Rules, 1955.

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|| 76. Notification issued with G.O. Ms. No. 1123, Home, dated 20th April 1959, regarding amendments to the Madras Denatured Spirit, Methyl Alcohol and Varnish (French Polish) Rules, 1959, Madras Rectified Spirit Rules, 1959, and the Madras Spirituous Essences Rules, 1959.

|| 77. Notification issued with G.O. Ms. No. 1066, Revenue, dated 7th April 1959, regarding amendment to the Madras Agricultural Income-tax Rules, 1955.

|| 78. Notification issued with G.O. Ms. No. 1610, Revenue, dated 27th May 1959, appointing the 1st day of July 1959, as the date on which clause (1) of sections 2, 13 and 14 and section 15 of the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Madras Act XXIV of 1958), shall come into force and also constitution of ten tribunals for the purposes of the said Act.

|| 79. Notification issued with G.O. No. 1103, L.A., dated 10th June 1959, regarding extension of the term of office of the members of certain panchayats in the North Madurai Panchayat Union area.

|| 80. Notification issued with G.O. No. 683, Revenue, dated 2nd March 1959, regarding amendments to the Travancore-Cochin Agricultural Income-tax Rules, 1951.

|| 81. Notification issued with G.O. Ms. No. 35, Legislature, dated 1st June 1959, regarding amendments to rules 1, 6, 7 and 19 of the Madras Legislature Travelling Allowance Rules, 1955.

|| 82. Notification issued with Memorandum No. 44263-J 3/59-2, Revenue, dated 2nd June 1959.

|| 83. Notification issued with Memorandum No. 38621-J 3/59-2, Revenue, dated 27th May 1959.

|| 84. Notification issued with G.O. No. 1813, Revenue, dated 18th June 1959, regarding exemption, with effect on and from the 1st April 1959, of the sales by the Salvation Army Industries, Nagercoil, of embroidery works manufactured by them from the tax payable under the Madras General Sales Tax Act, 1959 (Madras Act I of 1959).

85. Notification issued with G.O. Ms. No. 1696, Home, dated 13th June 1959, regarding exemption from payment of the tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), of the jeep station wagon BYH 3131 allotted to Miss Lois Dickey, Home Science Adviser under the Technical Co-operation Mission to India, for use in connection with the activities of the Technical Co-operation Mission.

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|| 86. Short report on the activities and achievements of the village courts for the half-year ended 30th June 1958.

87. Notification issued with G.O. Ms. No. 1705, Public (Services-A), dated 9th June 1959, regarding exclusion from the purview of the Madras Public Service Commission of the posts of Gramasevaks, Grade II, in the Madras General Subordinate Service. [Laid on the table under Article 320 (5) of the Constitution of India.]

88. Notification issued with G.O. Ms. No. 1739, Public (Services-A), dated 12th June 1959, regarding the inclusion of certain temporary posts in the Madras Industries Subordinate Service within the purview of the Madras Public Service Commission. [Laid on the table under Article 320 (5) of the Constitution of India.]

|| 89. Notification issued with G.O. Ms. No. 1955, Revenue, dated 3rd July 1959, appointing 30th July 1959 as the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), shall come into force in the inam estate of Arasur Chinna Avasahittottam in Tanjore taluk of Tanjore district.

|| 90. Notification issued with Memorandum No. 43219-J 1/59-2, Revenue, dated 10th June 1959.

|| 91. Notification issued with G.O. Ms. No. 1847, Revenue, dated 24th June 1959, appointing 23rd July 1959 as the date on which certain provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), shall come into force in the Pillaiyarendal inam estate, Arantangi taluk, Tanjore district.

|| 92. Notifications issued with Memorandum No. 95652-M2/58-7, Revenue, dated 14th May 1959.

93. Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for 1957-58.

94. Finance accounts of the Government of Madras for the year 1957-58 and the Audit Report.

95. Notification issued with G.O. Ms. No. 2058, Food and Agriculture, dated 20th May 1959, regarding issue of rules under the Madras Animal Preservation Act, 1958 (Act X of 1958).

96. Notification issued with G.O. No. 1583, Public (Services-A), dated 27th May 1959, regarding inclusion of temporary posts of Block Level Progress Assistants in the Madras General Subordinate Service within the purview of the Madras Public Service Commission. [Laid on the table under Article 320 (5) of the Constitution of India.]

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|| 97. Notification issued with G.O. No. 1845, Home, dated 29th June 1959, regarding amendment to Regulation I of Appendix III to the Madras Cinemas (Regulations) Rules, 1957.

|| 98. Notification issued with G.O. Ms. No. 1848, Industries, Labour and Co-operation, dated 1st May 1959, regarding amendments to the Madras Partnership (Registration of Firms) Rules, 1932.

|| 99. Notification issued with G.O. Ms. No. 1888, Home, dated 1st July 1959, regarding issue of directions under section 401 (6) of the Code of Criminal Procedure, 1898 (Central Act V of 1898), relating to the release of prisoners convicted by courts in the Madras State of offence under laws other than those in the Union List on parole.

|| 100. Notification issued with G.O. No. 1896, Revenue, dated 29th June 1959, regarding exemption in respect of the tax payable under the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), on the scale made to the Assistant High Commissioner for Ceylon at Madras for his official use.

101. Appropriation Accounts of the Government of Madras for 1957-58 and the Audit Report thereon.

102. Notification issued with G.O. No. 1841, Revenue, dated 23rd June 1959, regarding amendments to the Madras Entertainments Tax Rules, 1939.

103. Notification issued with G.O. Ms. No. 1806, Home, dated 25th June 1959, regarding amendment to the Madras Motor Vehicles Rules, 1940.

104. Administration Report of the Handlooms Department for the half-year 1958-59 (1st July to 31st December 1958).

105. Statement XX showing action taken on assurances, promises and undertakings given during Eighth to Fourteenth Sessions, 1956-1959, of the Madras Legislative Council.

106. Notification issued with G.O. Ms. No. 1674, Home, dated 12th June 1959, regarding amendments to the Madras Motor Vehicles Rules, 1940.

* Sent by post to all M.L.Cs. on 30th June 1959.

† Sent by post to all M.L.Cs. on 15th July 1959.

‡ Sent by post to all M.L.Cs. on 30th July 1959.

§ Sent by post to all M.L.Cs. on 12th August 1959.

|| Sent by post to all M.L.Cs. on 20th August 1959.

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 8th September 1959.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Ministerial Service

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

(a) the minimum general educational qualifications prescribed for recruitment of candidates to Government Ministerial Service;

(b) whether the Government propose to revise the same in the light of the recommendation of Sri A. Ramaswami Mudanar Committee appointed by the Government of India; and

(c) whether there is any proposal to prescribe minimum marks in Tamil in the Public Examination for entry into Government service?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister): (a) The minimum general educational qualifications prescribed for appointment to most of the posts in the Madras Ministerial Service, to posts in the Madras Judicial Ministerial Service and the Central Branches of the Madras Secretariat Service is a pass in S.S.L.C. Examination with a prescribed percentage of marks or any other equivalent qualifications as specified in the Schedule to the General Rules. For appointment to certain clerical posts in the Madras Ministerial Service made by direct recruitment in selected offices such as Board of Revenue (Land Revenue), the Examiner of Local Fund Accounts, etc., and to posts in the Madras Secretariat Service other than those in the Central Branches), a degree qualification has been prescribed.

(b) No, Sir. The State Government have not initiated any action on the recommendations in the report pending receipt of orders of the Government of India on the report.

(c) No, Sir.

SRI T. PURUSHOTHAM: In view of the fact that minimum marks in English are prescribed for recruitment of candidates to Government Ministerial Service and in view of the latest position, namely, that we have adopted Tamil as the State language, will the

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Government take up the question of prescribing minimum marks in Tamil in the Public Examination for entry into Government service?

THE HON. SRI R. VENKATARAMAN: The Government have already considered this question and they have passed the rule that persons who have acquired knowledge in Tamil in the High School course or persons who, whether the mother-tongue is Tamil or not, are able to speak, read and write Tamil or persons who have passed the 'Second Class Language Test in Tamil' are considered eligible for appointment.

SRI MOHAMED RAZA KHAN: What will happen to persons who never anticipated that the change would come so soon and who do not have sufficient knowledge of Tamil as prescribed by the Government? Will their applications be entertained?

THE HON. SRI C. SUBRAMANIAM: The present position is this. With regard to linguistic minorities, they would be given a chance to pass the Tamil test as before now before their entry into service. This question has been considered by a Sub-Committee of the Zonal Council, consisting of four Ministers of the four States and we have come to certain conclusions with regard to linguistic minorities who may not have a knowledge of the regional language. When they are approved and rules are framed in accordance with them, the claims of the linguistic minorities will be fully protected and safeguarded.

SRI MOHAMED RAZA KHAN: While I very much appreciate the views expressed by the Hon. the Minister for Finance, may I bring to his kind notice that in some of the departments applications are not even taken on record because they interpret the Government's direction in such a way as to mean that the applications of the candidates cannot be entertained as they do not have any knowledge of Tamil?

THE HON. SRI C. SUBRAMANIAM: That was the case because there was some misunderstanding with reference to the Public Service Commission. Now that has been set at rest and I do not think that there is any difficulty now. Evidently the information of the hon. Member is one year old.

SRI T. PURUSHOTHAM: Will the Hon. Minister tell us what the standard now applied is for judging proficiency in Tamil for candidates in Government service?

THE HON. SRI C. SUBRAMANIAM: My Hon. Colleague already read the qualifications required for them. A certain test has been prescribed and they have to pass that test. Apart from that, as the hon. Member has rightly put it, now that we have adopted Tamil as the State language, we have now to find out whether those rules require any modification.

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SRI A. GAJAPATHY NAYAGAR: As Tamil has been adopted as the official language of the State, do not the Government think that it is desirable to fix a minimum number of marks in Tamil for entry into Government service?

THE HON. SRI C. SUBRAMANIAM: That has got to be considered separately.

DR. A. CHIDAMBARANATHAN: Is it not a fact that already in the rules prescribing general educational qualifications a percentage of forty marks is expected in English and Tamil?

THE HON. SRI C. SUBRAMANIAM: There is a certain percentage prescribed in respect of English. As far as Tamil is concerned, the position will have to be scrutinised now and, if necessary, a minimum percentage of marks in Tamil also will have to be prescribed.

DR. A. CHIDAMBARANATHAN: Will the Hon. Minister take into consideration his assurance given elsewhere, especially in the Tamil Development Council, that preference in the matter of appointment to such posts will be given to those who pass through the Tamil medium and to persons who actually pass the B.A. degree examination with Tamil under Part III?

THE HON. SRI C. SUBRAMANIAM: That is a separate question. As a matter of fact, Tamil medium on a pilot scale is to be introduced next year and the first batch of students taking that test will be coming out three years hence. Meanwhile, for the purpose of giving assurances to those who would be taking the Tamil medium, we have given certain assurances and the Government will stand by those assurances.

SRI A. GAJAPATHY NAYAGAR: Do not the Government think that a minimum qualification in Tamil is necessary?

THE HON. SRI C. SUBRAMANIAM: That is so.

DR. A. SREENIVASAN: In view of what has been said by the hon. Member, will it be desirable to hold an examination in Tamil before these candidates are entertained in Government service?

THE HON. SRI C. SUBRAMANIAM: I do not think that it is necessary to hold an examination in Tamil. With reference to their study either in the school or in the college, perhaps a certain minimum percentage of marks may be prescribed for the purpose of qualifying themselves for being selected.

SRI MOHAMED RAZA KHAN: May I take it that the Government will prescribe a certain period, say, three or five years, within which those whose mother-tongue is not Tamil should pass the test, after they are entertained in Government service?

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THE HON. SRI C. SUBRAMANIAM: I am sure that hon. Member would have read the statement of the Prime Minister in Parliament that even though Hindi might be adopted as the official language, persons who did not even have an elementary knowledge of Hindi would have an opportunity of entering Government service and later on qualifying themselves. I suppose that we will have to adopt a similar rule here also.

Employment Exchanges

* 2 Q.—SRI MOHAMED RAZA KHAN AND SRI S. K. SAMBANDHAN: Will the Hon. the Minister for Industries be pleased to state—

(a) the number of persons registered in the Employment Exchanges of this State during the period from November 1958 to April 1959;

(b) the number of (i) Graduates and (ii) Under-Graduates among them; and

(c) the number of persons who secured employment through the Employment Exchanges?

THE HON. SRI R. VENKATARAMAN: (a) 102,660.

(b) 2,022 Graduates.

7,269 Under-Graduates.

(c) 13,219.

SRI MOHAMED RAZA KHAN: When the Employment Exchange came into being, it was suggested that most of the firms employing a lot of labour and others, technical and non-technical people, would be taking persons recommended by the Employment Exchange. May I know whether the firms are, in fact, taking advantage of the existence of Employment Exchange?

THE HON. SRI R. VENKATARAMAN: I remember I gave an answer some time back either in this House or in the other House that about 850 employers were making use of the Employment Exchange in the State.

SRI MOHAMED RAZA KHAN: Is it a fact that the Government have sent instructions or advice to the big fleet-owners in the State of Madras that in future they will have to take in employment only persons recommended by the Employment Exchange?

THE HON. SRI R. VENKATARAMAN: That is not so.

SRI T. PURUSHOTHAM: Will the Hon. Minister enlighten us on whether the Government have instituted any specific scheme for providing employment to unemployed Graduates?

THE HON. SRI R. VENKATARAMAN: All the plans that we put forward are intended to give employment to the unemployed.

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SRI MOHAMED RAZA KHAN: Will the Hon. Minister give us an idea of the number of those who have the good fortune of being recruited every year, I mean, in terms of percentage?

THE HON. SRI R. VENKATARAMAN: To what, where?

SRI MOHAMED RAZA KHAN: Taking into account the number of those who register themselves in the Employment Exchange and the number of those who really get employment in a particular year, is the Hon. Minister having an idea of the percentage of persons who get employment?

THE HON. SRI R. VENKATARAMAN: The figures given in the answer furnished can be worked out into percentage. The number of persons who sought employment is 102,660 and the number of persons employed during this period is 13,219. It works out to more than 10 per cent.

SRI MOHAMED RAZA KHAN: Roughly it works out to 12 per cent. Instead of calling it 'Employment Exchange', why not we call it 'Unemployment Exchange' so that all those who are seeking employment may get their names registered?

THE HON. SRI R. VENKATARAMAN: In other countries it is no surprise that it is used to measure the extent of unemployment prevalent in the country. The number of people registered in the Employment Exchange is an index of the measure of unemployment in the country and there is nothing new in the suggestion made by the hon. Member.

Single-teacher schools

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

(a) whether trained teachers in single-teacher schools under the Scheme for the Relief of the Educated Unemployed are admitted to the Provident Fund;

(b) if so, when; and

(c) the number of such teachers admitted to the Provident Fund so far?

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

(b) After the successful completion of their probation and attainment of twenty years of age as in the case of any other teacher regularly appointed under the District Board.

(c) Sixty-four.

SRI G. KRISHNAMOORTHY: May I know whether teachers working in normal schools as distinguished from single-teacher schools have been transferred to single-teacher schools under the district board and whether they are denied admission to the Provident Fund simply because they are serving in these schools?

THE HON. SRI C. SUBRAMANIAM: I am not aware of it.

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SRI G. KRISHNAMOORTHY : May I just state for the information of the Government that there are such cases and may I request the Government to issue a circular that irrespective of the fact that they serve in single-teacher schools, they should be admitted to the Provident Fund as soon as they complete their probation or even before that as the rules qualify them for it?

THE HON. SRI C. SUBRAMANIAM : We will consider it if the hon. Member passes on that information to the Government.

Yellow Journalism

* 4 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Industries be pleased to state—

(a) whether there is any proposal before the Government to take suitable action against yellow journalism in the State; and

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p.m.

(b) if so, the stage at which the matter stands?

THE HON. SRI R. VENKATARAMAN : (a) The Government are examining proposals to amend the relevant provisions of the Indian Penal Code so as to cover publications of indecent or scurrilous matter or matter intended for blackmail.

(b) A Draft Bill has been prepared by this Government and sent to the Government of India for their concurrence, as the subject of the legislation falls within the concurrent legislative field. The Bill will be introduced in the Legislature in due course after the concurrence of the Government has been received.

VIDWAN T. MUTHUKANNAPPAN : சில தமிழ்ப் பத்திரிகைகள் கண்ணியமற்ற, கெடாமைமம், பெருமையும் மிக்க பெண்மணிகளை அவன், இவன், வந்தான், பேசினான் என்று மரியாதையற்ற முறையில் எழுதுகின்றன. அத்தகைய இவ்வாறு முறையில் எழுதுவதும் கூட இச்சட்டத்தின்படி தடை செய்யப்படுமா?

THE HON. SRI R. VENKATARAMAN : அதற்காகத்தான் இந்தச் சட்டத்தைக் கொண்டுவருவதாக இருக்கிறது.

SRI MOHAMED RAZA KHAN : Can the Government say at what stage it becomes yellow journalism? Can they define what it is?

THE HON. SRI R. VENKATARAMAN : I suppose when it transgresses the provisions of the Act which we passed, it will be deemed yellow journalism and punished as such.

DR. A. CHIDAMBARANATHAN : தலைவர் அவர்களே, “அவன்”, “இவன்” என்று எழுதுவதற்காக மாத்திரம் அரசாங்கம் நடவடிக்கை எடுக்கப் போகிறதா, அல்லது அதற்கும் சேர்த்து நடவடிக்கை எடுக்கப் போகிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : அதற்கு மாத்திரம் எடுக்க முடியாது. அதற்கும் சேர்க்குக்கூட எடுக்க முடியாது. மற்ற விவரங்கள் எல்லாம் சேர்த்துச் சொன்னார்களே, அதற்காக எடுக்கப் படலாம்.

[8th September 1959]

SRI MOHAMED RAZA KHAN : Before any prosecution is launched, may I know whether the decision to launch it is taken by the Department or is it to be done at the Government level?

THE HON. SRI R. VENKATARAMAN : It is too early to say anything. We have just framed the Bill and sent it for scrutiny by the Government of India. All these things will have to be decided only after their reply is received.

DR. A. SREENIVASAN : கடவுளையே ஏக வசனத்தில் சொல்லுவது என்பது நமது பழக்கமாக இருக்குமபோது, ஒரு மனிதனை ஏக வசனத்தில் கூறுவதில் தவறு ஏதாவது இருக்கிறதா?

THE HON. SRI R. VENKATARAMAN : இதிலே சர்க்கார் தீர்ப்பு கொடுக்கப் போவதில்லை. கோர்ட் தானே தீர்ப்பு கொடுக்கப் போகிறது. அவர்கள் என்ன தீர்மானம் கொடுக்கிறார்களோ அதை ஏற்றுக்கொள்ளலாம்.

Japanese method of cultivation

* 5 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Home be pleased to state whether the Japanese method of cultivation of paddy is conducted in our State and, if so, the extent of land under such cultivation?

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

Sixteen lakhs, thirty-four thousand and two hundred and sixty-four acres were under such cultivation in the year 1958-59.

SRI T. P. SRINIVASAVARADAN : May I know which method of cultivation—line planting or wave method—is adopted as Japanese method?

THE HON. SRI R. VENKATARAMAN : I do not have that particular information. But so far as the Japanese method of cultivation is concerned, we have trained Agricultural Demonstrators and Agricultural Extension Officers. I suppose they adopt the method which is familiarly known as this. (Laughter.)

SRI T. P. SRINIVASAVARADAN : May I know what is the additional yield per acre by adopting this method?

THE HON. SRI R. VENKATARAMAN : It is not possible to give the yield per acre. But it is well-known that the average yield of lands in this State is the highest in the whole of India.

SRI T. P. SRINIVASAVARADAN : Have the cultivators taken to this method very kindly?

THE HON. SRI R. VENKATARAMAN : A few figures will prove the statement that they have. In 1953-54, only 13,783 acres were under the Japanese method of cultivation. Today, in 1958-59, 16,34,000 odd acres are under the Japanese method of cultivation.

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SRI T. P. SRINIVASAVARADAN : May I know whether, as a result of this experiment, it has been conclusively proved that it is not due to the method but due to the fertility of the soil and also the quality of the manure that the yield has increased?

THE HON. SRI R. VENKATARAMAN : Yes, the Japanese method of cultivation includes better manuring, intensive manuring and also use of improved seeds and improved methods of cultivation. All these things go to improve the yield.

SRI T. P. SRINIVASAVARADAN : I understand that it was tried at the Agricultural Research Station at Aduthurai. May I know the result of the experiment? Has it been very successful?

THE HON. SRI R. VENKATARAMAN : The success of an experiment is measured by the yield. The general opinion is that the Japanese method of cultivation brings in better yield.

SRI T. P. SRINIVASAVARADAN : Is there any intensive propaganda for this method of cultivation? What is the agency that is now used for this purpose?

THE HON. SRI R. VENKATARAMAN : At one time, the Government thought of having a special propaganda staff for this purpose. But now they have decided that the existing Agricultural Department and the Agricultural Extension Officers in the Block Development areas are quite adequate for the purpose of doing propaganda in favour of the Japanese method of cultivation.

SRI T. P. SRINIVASAVARADAN : One more question, Sir. Is any subsidy given to cultivators who adopt this method of cultivation?

THE HON. SRI R. VENKATARAMAN : No, Sir.

SRI M. PATANJALI SASTRY : What are the important characteristic features of this method, apart from the application of improved seeds and intensive manuring?

THE HON. SRI R. VENKATARAMAN : They are proper transplantation with sufficient space between plants and manuring at stated intervals and all other things.

SRI V. K. PALANISWAMY GOUNDER : இந்த ஐப்பானிய முறை இருக்கிறதே அதிலே இந்த வரிசையாக நமும் முறையைத்தான் நம் நாட்டிலே இப்போது எடுத்துக்கொண்டிருக்கிறோம். "வேவ்" மெத்தேடு எடுத்துக் கொள்ளப்படவில்லை. இந்த வரிசையாக நடுகிற முறையில் அதிக மகசூல் வருகிறது என்று தெரிந்து இப்போது விவசாயிகளே அநேக இடங்களில் இந்த முறையைக் கையாண்டு வருகிறார்கள் என்பது அரசாங்கத்திற்குத் தெரியும். அதிலே 15 சதவீதம் அதிகமாக மகசூல் இருக்கிறது என்பது அரசாங்கத்திற்குத் தெரியுமா?

THE HON. SRI R. VENKATARAMAN : The hon. Member has enough information.

SRI T. P. SRINIVASAVARADAN : Are the Government aware that the wave method is adopted in Pondicherry in the Aurobindo Ashram?

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THE HON. SRI R. VENKATARAMAN : I have no information with regard to the wave method.

SRI T. P. SRINIVASAVARADAN : I find the information in the bulky report given to us yesterday. It is stated that this method is much better than line planting. Will the Government experiment this in Aduthurai?

THE HON. SRI R. VENKATARAMAN : That is a suggestion for action.

SRI T. PURUSHOTHAM : Have the Government studied the comparative results of the Japanese method and the Chinese method of cultivation?

THE HON. SRI R. VENKATARAMAN : The Government have not yet tried the Chinese method of cultivation.

Judicial Administration

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

(a) whether the Union Government have asked for the opinion of the Government on the report of the Law Commission on Judicial Administration; and

(b) if so, whether a copy of the reply sent by this Government will be placed on the table of the House?

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

(b) No reply has yet been sent. The Commission's report is under examination.

SRI MOHAMED RAZA KHAN : May I know whether any opportunity will be given to this House to have a discussion on it before the Government's reply is sent to the Government of India?

THE HON. SRI R. VENKATARAMAN : It is not proposed to discuss it in the Legislature. But the comments of the High Court have been invited. As soon as they are received, the Government will forward their recommendations on the report.

THE HON. SRI C. SUBRAMANIAM : If any hon. Member is interested, he may also send in his comments.

Anæsthetists

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

(a) whether there is any proposal for the posting of trained anæsthetists in the Government Hospitals in the City and in the Districts; and

(b) how such work is carried on in the hospitals at present?

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THE HON. SRI M. A. MANICKAVELU : (a) & (b) Trained anaesthetists are already available in all the City State Hospitals as well as in the District Headquarters Hospitals except those at Cuddalore, Chingleput and Nagercoil. In these three hospitals, the anaesthesia work is being attended to by one of the Assistant Surgeons employed there.

SRI T. PURUSHOTHAM : Is there any special course of training in anaesthesia? What action do Government propose to take to post trained anaesthetists in the three districts referred to by the Hon. Minister?

THE HON. SRI M. A. MANICKAVELU : In these three places also, they have got training in anaesthesia work.

SRI T. PURUSHOTHAM : What is the special course of training prescribed for anaesthetists?

THE HON. SRI M. A. MANICKAVELU : The special course is to make the surgeon conversant with the procedure of giving this anaesthesia and other things.

DR. A. SREENIVASAN : May I know whether these anaesthetists were trained locally or in foreign countries? Do they possess any special post-graduate degrees of Indian or other universities in anaesthesia?

THE HON. SRI M. A. MANICKAVELU : To answer the question in all its aspects, I want notice. But this much I may say. They are mostly trained locally.

SRI T. PURUSHOTHAM : Will the Government consider the question of deputing some medical men to western countries to study the modern methods, in view of the fact that we have not got sufficient highly qualified men in that line?

THE HON. SRI M. A. MANICKAVELU : I thought, it is a simple business.

DR. A. SREENIVASAN : I do not think so, Sir.

THE HON. SRI M. A. MANICKAVELU : Then, that aspect I will look into.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that last year or the year before last two doctors from our State were sent to England and other places for two years for training under a Government of India scheme so that they might gain knowledge in this line of work and not only help surgeons in important operations but also train others in this special field of work?

THE HON. SRI M. A. MANICKAVELU : I take the information from the hon. Member, Sir.

[8th September 1959]

Houses for fishermen

* 8 Q.—**VIDWAN T. MUTHUKANNAPPAN :** Will the Hon. the Minister for Local Administration be pleased to state—

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(a) whether there is any proposal to build houses for fishermen;

(b) if so, the number of houses proposed to be built during 1959-60 and their location; and

(c) the approximate amount allotted for this purpose?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) Yes, Sir. The question of fishermen housing is receiving the attention of Government. A modest scheme for taking up construction of houses for fishermen at various places in the State through the agency of the Fishermen Co-operatives has been sanctioned.

(b) & (c) Sixty houses at a total cost of Rs. 51,000 are being constructed in the following districts during 1959-60 :—

Tanjore		...	...	...	...	20
Tirunelveli	...	...	...	...	...	20
Ramanathapuram	...	...	...	...	...	10
South Arcot	...	...	...	...	...	10
						—
Total	...	...	...	...	...	60
						—

The question of sanctioning an additional sum of Rs. 51,000 to take up the construction of 60 more houses during the current year is under consideration.

VIDWAN T. MUTHUKANNAPPAN : இந்த ராஜ்யத்தில் இண்டு லட்சத்து எழுபத்தி ஐயாயிரம் மீனவ மக்கள் இருக்கிறார்கள். ஏறக்குறைய 400 மீனவர் கிராமங்கள் இருக்கின்றன. அதிலே இப்பொழுது 60 வீடுகள் கட்டப்பட இருக்கின்றன. ரூ. 51,000 செலவிடப்படுகிறது. தலைக்கு நாலணுகூட ஆகவில்லை. மீனவர்கள் கல்வியிலும், பொருளாதாரத்திலும் மிகவும் பிற்போக்காக இருக்கிற காரணத்தினால் அவர்களுக்கு அதிகமான செலவில் அதிகமான அளவில் வீடுகளைக் கட்டிக் கொடுக்க அரசாங்கம் முன்வருமா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : மீனவர்கள் மிகவும் பிற்போக்கான நிலைமையில் இருப்பதால்தான் அவர்களுக்கு வீடு கட்டும் வசதி மட்டுமல்லாமல் மற்ற அநேக வசதிகளும் செய்து கொடுக்கவேண்டியிருக்கிறது. அவ்வித வசதிகளைச் செய்யக் கூடுதலான புணம் ஒதுக்கவேண்டியிருக்கிறது. இப்பொழுது அதற்குச் சாத்தியமில்லாத காரணத்தால் இந்த 60 வீடுகளை மட்டும் முதலில் கட்டிக் கொடுக்க உத்தரவிடப்பட்டிருக்கிறது.

SRI K. T. KOSALRAM : இப்பொழுது ஜில்லா வாரியாக வீடு கட்டும் திட்டம் போட்டிருப்பதில் குறிப்பாகக் கடற்கரை ஓரமாக வசிப்பவர்களுடைய வீடுகள் கடல் அரிப்பில் அடித்துக்கொண்டு போன பகுதிகளில்—ஆலந்தூறை, இராமேஸ்வரம் பகுதிகளில்—உள்ள மீனவர்களுக்கு வீடு கட்டும் திட்டத்தில் முக்கியத்துவம் அளிக்கப்படுமா? அவர்களுக்கெல்லாம் “பிரையாரிட்டி” கொடுத்து வீடுகள் கட்டிக் கொடுக்கப்படுமா?

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THE HON. SRIMATHI LOURDHAMMAL SIMON : அக்ஷரப் மாத்தத்தில் 1957-ம் வருஷத்தில் காசி கோயில் குப்பத்தில் 29 வீடுகள் அடித்துக்கொண்டு போகப்பட்டுவிட்டன. அங்கு பதினாயிரம் ரூபாய் செலவில் வீடுகள் கட்டப்பட்டிருக்கின்றன. அவ்வித இடங்களில் தனிப்பட்ட முக்கியத்துவம் கொடுத்து வீடுகள் கட்டிக் கொடுப்பதுபற்றிப் பரிசீலனை செய்துதான் முடிவு செய்ய வேண்டும்.

VIDWAN T. MUTHUKANNAPPAN : ஐந்து ஊர்களில்தான் வீடுகள் கட்டும் திட்டம் மேற்கொள்ளப்பட்டிருக்கிறது. எந்த அடிப்படையில் மேற்கொள்ளப்பட்டிருக்கிறது என்பதை அறிய விரும்புகிறேன்.

THE HON. SRIMATHI LOURDHAMMAL SIMON : இருக்கும் நிலைமையில் 60 வீடுகள்தான் கட்ட முடிந்தது. மொத்தம் 242 குப்பங்கள் இருக்கின்றன. ஒரு குப்பத்துக்கு ஒரு வீடு என்ற அளவில் கட்டுவதற்குக் கூட சாத்தியம் இல்லை. எந்த இடத்தில் அதிக நெருக்கடி இருக்கிறதோ அந்த இடத்தில் கட்டப்படுகிறது.

MR. CHAIRMAN : Questions are over.

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

II.—FELICITATIONS TO SRI A. M. ALLAPICHAJ, EX-DEPUTY CHAIRMAN OF THE COUNCIL, ON HIS APPOINTMENT AS A MEMBER OF THE MADRAS PUBLIC SERVICE COMMISSION.

MR. CHAIRMAN : I have to inform the House that on his appointment as a Member of the Madras Public Service Commission, Sri A. M. Allapichai resigned his office as Deputy Chairman and Membership of the Madras Legislative Council with effect from the afternoon of 7th July 1959. In his letter of 7th July 1959, he has requested me to convey his sense of gratitude to the Members of the Madras Legislative Council for the courtesy and kindness shown to him during his tenure of office as Member and also as Deputy Chairman of this House.

Sri A. M. Allapichai was elected as Deputy Chairman on the 6th May 1952. Consequent on the declaration of the election of 24 Members of the Legislative Council elected by the Assembly Constituency void by the Election Tribunal in December 1952, Sri A. M. Allapichai, being one of the 24 Members, ceased to be the Deputy Chairman. He was re-elected as Deputy Chairman on 29th December 1953. Again, consequent on the biennial retirement of 17 Members with effect from 21st April 1956, he vacated the office of the Deputy Chairman with effect from 21st April 1956 and he was re-elected unanimously as Deputy Chairman on the 10th August 1956. Sri A. M. Allapichai discharged the duties of the office of the Chairman under Article 184 of the Constitution of India from 21st April to 10th September 1958, while the office of the Chairman was vacant.

FELICITATIONS TO SRI A. M. ALLAPICHAJ, EX-DEPUTY CHAIRMAN OF THE COUNCIL, ON HIS APPOINTMENT AS A MEMBER OF THE MADRAS PUBLIC SERVICE COMMISSION 25

8th September 1959] [Mr. Chairman]

As the hon. Members are aware, Sri A. M. Allapichai had been with us as a Member of this House continuously since May 1952. Needless to say, as a Member, Sri A. M. Allapichai regularly participated in the debates and deliberations in the House whenever he felt that it was his duty to express his views on the subjects under discussion in the House. I am sure the Members were impressed by his simplicity and sincerity. As Deputy Chairman, I found Sri A. M. Allapichai a very affable and helpful colleague. Whenever he was requested to take the Chair, he did so readily and helped me to carry on the work of the Council smoothly. As ex-officio Chairman of the House Committee, he tried his very best to provide amenities for the convenience and comforts of the Members. He was a staunch and loyal partymen with a nationalistic outlook. He has to his credit an appreciable record of public service both inside and outside the Legislature. We are indeed glad that in recognition of his services he has been appointed to the high office of a Member of the Madras Public Service Commission.

I am sure the hon. Members will join with me unanimously in offering our hearty felicitations to Sri A. M. Allapichai on his appointment as a Member of the Madras Public Service Commission. I also trust that the House will agree with me that our thanks are due to Sri A. M. Allapichai for the valuable service rendered by him both as a Member and as Deputy Chairman of this hon. House.

* **THE HON. SRI R. VENKATARAMAN :** Mr. Chairman, Sir, it is with great pleasure that I associate myself with the sentiments expressed by you. Sri A. M. Allapichai was a very popular Member of our House. He took part in every important debate and, as you have rightly pointed out, made a very valuable contribution to the subject under discussion. His legal training and his unalloyed patriotism always helped him to steer clear of many of the pitfalls that beset a politician to-day in life. He was able to bring to bear a sense of righteous discharge of duties on whatsoever he was called upon to perform.

As Deputy Chairman, he was able to adorn the Chair quite successfully and his services were greatly appreciated by one and all of the Members of this House. Sri Allapichai richly deserves the honour that has been conferred on him. His independence and his sense of fairness and justice will eminently equip him for the high task which is entrusted to him. I trust the House will join with me in wishing him many many years of useful service as a Member of the Public Service Commission and to the country generally.

Thank you, Sir.

[8th September 1959]

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, it is with sincere pleasure that I associate myself with the sentiments that have been expressed by you and by the Hon. the Leader of the House. It is a great joy to us all that Sri Allapichai has been selected as a Member of the Union Public Service Commission. (Sri P. T. Rajan: Member, Madras Public Service Commission). Probably he may go there. That is why the slip came in. (Hon. Members: கடவுள் திருவாக்கு.)

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As we all know, Sir, it is a great post. It requires qualities of a very high order to fill that post with distinction, especially freedom from communal bias and a sense of fairness and justice. These are the things that are required for the purpose of successfully carrying on the duties of the Member of the Public Service Commission. These, Mr. Allapichai possesses in an eminent degree. In this House, whenever Mr. Allapichai rose to speak, there was liveliness in the debate. Members from this side of the House used to cross swords with him but there was no bitterness or rancour behind it. As we all know, he has been a nationalist Muslim and a loyal Congressman by conviction for a long time. Though many people had strayed away from the Congress organization, he did not do so but, on the other hand, continued to be a loyal member of the Congress. That is an important privilege and distinction he enjoyed. That is Mr. Allapichai. Mr. Allapichai is a good friend of all us, of every one of us. He has not got any feeling of communalism or anything of that kind. He was absolutely free from any bias or prejudice and he always spoke with freedom and frankness which we all appreciated. He took an active part in the debates. Many Congressmen do not speak very much because they are not expected to do so but he always took an active part in the discussions here. He also expressed his opinions freely, sometimes even against Government measures though he always voted with the Government. That is why we on this side of the House appreciate him. In fact, we may say that this is the happiest occasion to felicitate a Member of this House without any mental reservation of any kind.

MR. CHAIRMAN: I think I have the permission of the House to convey our felicitations to Sri A. M. Allapichai which I shall do with great pleasure.

III - ANNOUNCEMENTS.

(1) PANEL OF VICE-CHAIRMEN.

MR. CHAIRMAN: I have to announce to the House that, under rule 14 of the Madras Council Rules, I have nominated the following Members of the Council to be the Panel of Vice-Chairmen for the Sixteenth Session of the Legislative Council under the Constitution:—

Sri K. Balasubramanya Ayyar.
Srimathi Jothi Vencatachellum.
Sri V. K. Palaniswamy Gounder.
Sri T. Purushotham.

3th September 1959]

(2) DECISION OF THE BUSINESS ADVISORY COMMITTEE.

MR. CHAIRMAN: I have to announce to the House that at a meeting of the Business Advisory Committee held at 2-30 p.m. on 7th September 1959, the following programme of business of the Legislative Council has been decided upon:—

8th September 1959,
Tuesday 3 p.m.

- 1 Presentation of the First Supplementary Estimates for 1959-60.
- 2 The Madras Agricultural Income-tax (Amendment) Bill, 1959 (L.A. Bill No. 12 of 1959).
- 3 The Madras Tenants and Ryots Protection (Amendment) Bill, 1959 (L.A. Bill No. 13 of 1959).
- 4 The Madras Preservation of Private Forests (Amendment) Bill, 1959 (L.A. Bill No. 14 of 1959).
- 5 The Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1959 (L.A. Bill No. 15 of 1959).
- 6 The Madras Cultivating Tenants Protection (Amendment) Bill, 1959 (L.A. Bill No. 16 of 1959).

9th September 1959,
Wednesday 3 p.m.

- 1 The Indian Partnership (Madras Amendment) Bill, 1959 (L.A. Bill No. 18 of 1959).
- 2 The Madras Civil Courts (Amendment) Bill, 1959 (L.A. Bill No. 11 of 1959).
- 3 The Madras Khadi and Village Industries Board Bill, 1959 (L.A. Bill No. 10 of 1959).
- 4 The Madras Boarding Schools (Amendment) Bill, 1959 (L.A. Bill No. 17 of 1959).

10th September 1959,
Thursday 3 p.m.

- 1 Official Resolution to amend the Law relating to Pensions.
- 2 The Madras Agricultural Produce Markets Bill, 1959 (L.A. Bill No. 9 of 1959).

11th September 1959,
Friday 11 a.m.

- Discussion on the First Supplementary Estimates for 1959-60.

12th September 1959,
Saturday 3 p.m.

- 1 Non-official Business.
 - (a) The Preservation of Parks, Play-fields and Open Spaces Bill, 1959 (L.C. Bill No. 3 of 1958).
 - (b) Non-official Resolutions.

Further programme of business will be decided at the next meeting of the Business Advisory Committee to be held at 2-30 p.m. on 10th September 1959.

[8th September 1959]

(3) MESSAGES FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received the following messages, dated 23rd April 1959 and 3rd September 1959, from the Governor of Madras :—

(1) In pursuance of Article 207, clause (3), of the Constitution of India, I, Bisnuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Civil Courts (Amendment) Bill, 1959, as passed by the Madras Legislative Assembly.

(2) In pursuance of Article 207, clause (3), of the Constitution of India, I, Bisnuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Borstal Schools (Amendment) Bill, 1959, as passed by the Madras Legislative Assembly.

(4) MESSAGES FROM THE ASSEMBLY.

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

- 1 On 31st August 1959 .. The Madras Civil Courts (Amendment) Bill, 1959 (L.A. Bill No. 11 of 1959).
- 2 On 31st August 1959 .. The Madras Tenants and Ryots Protection (Amendment) Bill, 1959 (L.A. Bill No. 13 of 1959).
- 3 On 31st August 1959 .. The Madras Preservation of Private Forests (Amendment) Bill, 1959 (L.A. Bill No. 14 of 1959).
- 4 On 1st September 1959. The Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1959 (L.A. Bill No. 15 of 1959)
- 5 On 1st September 1959. The Madras Cultivating Tenants Protection (Amendment) Bill, 1959 (L.A. Bill No. 16 of 1959).
- 6 On 2nd September 1959 The Madras Agricultural Produce Markets Bill, 1959 (L.A. Bill No. 9 of 1959).
- 7 On 4th September 1959 The Madras Khadi and Village Industries Board Bill, 1959 (L.A. Bill No. 10 of 1959).
- 8 On 4th September 1959 The Madras Borstal Schools (Amendment) Bill, 1959 (L.A. Bill No. 17 of 1959).
- 9 On 4th September 1959 The Indian Partnership (Madras Amendment) Bill, 1959 (L.A. Bill No. 18 of 1959).

1 September 1959] [Mr. Chairman]

I have further to announce to the House that I have received the message from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the Madras Agricultural Income-tax (Amendment) Bill, 1959 (L.A. Bill No. 12 of 1959), as passed by the Legislative Assembly on the 31st August 1959 and signed by him, for the recommendations of the Council. He certifies that the Bill is a Money Bill within the meaning of Article 199 of the Constitution of India.

IV.—ADJOURNMENT MOTION *RE* THE SERIOUS SITUATION CREATED IN THE CASE OF TEACHERS IN AIDED ELEMENTARY SCHOOLS.

MR. CHAIRMAN : I have received notice of an adjournment motion under rule 42 of the Council Rules from Sri G. Krishnamoorthy which reads as follows :—

“ That the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, the serious situation created in the case of teachers in aided elementary schools in the State by reason of the Government Order classifying such schools from 1st June 1959 as fee-levying and non-fee-levying and the consequent retrenchment of many teachers and reduction in salaries of thousands of teachers ”.

A starred question on the subject and a notice of motion under rule 41 of the Council Rules to call the attention of the Hon. the Minister for Finance on a similar matter have already been received and admitted. The matter is, therefore, likely to come up before the Council, when the Member may have ample opportunity to express his views in the matter. I, therefore, rule that the matter lacks urgency though it is a definite matter and rule it out of order.

V.—GOVERNMENT MOTION:

ELECTION OF ONE MEMBER TO THE HOUSE COMMITTEE.

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

“ That this Council do proceed on a date to be fixed by the Hon. Chairman to elect one Member to be Member of the House Committee for the financial year 1959-60 in the vacancy caused by the death of Sri John Asirvatham.”

MR. CHAIRMAN : The question is—

“ That this Council do proceed on a date to be fixed by the Hon. Chairman to elect one Member to be Member of the House Committee for the financial year 1959-60 in the vacancy caused by the death of Sri John Asirvatham.”

The motion was put and carried.

[8th September 1959]

Mr. CHAIRMAN : I have to inform the House that, in accordance with regulation 2 (1) framed for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix the following programme for the election of one Member to the House Committee for the financial year 1959-60 :

- 1 Last date for making nominations. 5 p.m. on Wednesday, the 9th September 1959.
- 2 Date for the scrutiny of nominations. 12 noon on Thursday, the 10th September 1959.
- 3 Last date for the withdrawal of candidature. 3 p.m. on Thursday, the 10th September 1959.
- 4 Election, if necessary. Between 11 a.m. and 1 p.m. on Saturday, the 12th September 1959.

Nomination forms can be had from the Secretary to the Council.

VI.—GOVERNMENT BUSINESS.

PRESENTATION OF THE FIRST SUPPLEMENTARY STATEMENT OF
EXPENDITURE FOR 1959-60.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I rise to present the First Supplementary Statement of Demands for Grants for Further Expenditure in 1959-60 to the Legislative Council.

The detailed estimates of further expenditure for 1959-60 have already been distributed to the Members of the House. The Members would also have received a copy of the speech made by Sri C. Subramaniam, Finance Minister, in the Legislative Assembly, this morning.

As the House is aware, we are seeking a supplementary grant of Rs. 391 lakhs under as many as 76 items out of which 34 are New Services. There is no need to be alarmed by the large size of the grants. Three items of the present Supplementary Estimate under the Revenue Account are, however, peculiar to the present year. One is the transfer of Rs. 75 lakhs to the Contingency Fund to increase its size from Rs. 75 lakhs to Rs. 150 lakhs; the other is Rs. 60 lakhs towards the additional sum required to give net cost subsidies to district boards for elementary and secondary education. The first is a formal item and the second can be met from savings under District grants but under the present budgetary procedure, as the savings occur under a different Demand, we cannot divert them and hence our present request. The third item is the cost of Rs. 10 lakhs for the food procurement staff. If we allow for these three items, the balance under Revenue Account is only Rs. 81 lakhs and compares favourably with the amounts sought under Revenue Account under the First Supplementary in earlier years.

[8th September 1959] [Sri R. Venkataraman]

The amount sought under the Revenue Account in the first supplementary estimates for 1956-57 was Rs. 75.65 lakhs, for 1957-58, it was Rs. 71.36 lakhs and for 1958-59 it was Rs. 61.41 lakhs.

I do not think it necessary to be apologetic about these demands. In a developing economy, schemes have to be continually processed and implemented. If they are not ready at the time of the finalisation of the Budget, we may not include them in the Budget but development cannot stop for that reason. We have, in this State, evolved a practice of continuing to sanction New Schemes as and when they are ready. We meet the expenditure from advances from the Contingency Fund and recoup them through the Supplementary Grants. This has enabled this State to achieve an enviable degree of efficiency in the implementation of Plan schemes. I am sure this House will agree with me not only on the necessity but also the desirability of continuing this procedure.

The supplementary estimates now presented include substantial provisions for schemes under Education, Health, Agriculture and Animal Husbandry. Approval is also sought for expenditure on the buildings and staff for the Tanjore Medical College. Particular attention is invited to the provision of Rs. 27 lakhs for expenditure on schemes for housing for the middle income group. Other provisions of interest include an *ad hoc* grant of Rs. 5 lakhs to the Corporation of Madras given in March 1959 towards repair of roads and Rs. 8 lakhs to the Ramanathapuram District Board for road works in East Ramanathapuram. The present supplementary estimates also include liberal provisions towards the cost of starting the second shift in the Government Press.

Members would, I hope, notice with satisfaction the progress of expenditure on the Parambikulam-Aliar Project for which the current year's provision has been increased from Rs. 45 lakhs to Rs. 100 lakhs.

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

Mr. CHAIRMAN : The First Supplementary Statement of Expenditure for 1959-60 is presented.

VII.—GOVERNMENT BILLS.

- (1) THE MADRAS AGRICULTURAL INCOME-TAX (AMENDMENT) BILL, 1959 (L.A. BILL NO. 12 OF 1959).

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

“ That the Madras Agricultural Income-tax (Amendment) Bill, 1959 (L.A. Bill No. 12 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

[Sri M. A. Manickavelu] [8th September 1959]

Sir, this is a very simple Bill for the extension of the provision of compounding for another year. Provision was made for composition for the year 1958-59, but now we are seeking to extend that provision for another year because the Act was passed only in October 1958 and the rules were published in January 1959. As such, the assessee had not much time for getting into the habit of maintaining accounts for that purpose. That is why we seek to give this amenity or facility for another year, namely, in 1959-60 also.

MR. CHAIRMAN : Motion moved--

That the Madras Agricultural Income-tax (Amendment) Bill, 1959 (L.A. Bill No. 12 of 1959), as passed by the Legislative Assembly, be taken into consideration.

SRI K. BALASUBRAMANYA AYYAR : Sir, as it is, many people may not understand exactly the significance of this. Composition is a privilege which is now being given to agriculturists, because there is always difficulty in maintaining accounts very carefully. That is one of the reasons why for a long time objection was raised to levy of agricultural income-tax. But somehow or other, the Taxation Enquiry Committee made its recommendation and we also progressed in our ideologies and we thought that we must attach the agricultural income also. That is why we passed that Bill and it is there. Now, one provision was made for the purpose of giving relief to people who could take the opportunity for composition. It obviates the necessity for maintaining accounts. To a person who owns lands up to 50 standard acres this privilege of composition has been given. Beyond that limit, this privilege of composition has not been given. So far as 1958 is concerned, this privilege has been given to all people. Otherwise, according to section 65, persons who own lands less than 50 standard acres have still got the liberty to have composition and they can do it. But those people who have got lands above that limit, get this privilege, under section 34 of the Act, of having composition. That is the present position and in 1958 this was given as a special provision. But, unfortunately, the Act was passed only in October 1958 and the rules thereunder came into force only in January 1959. People are not able to take advantage of that provision. This is for the purpose of obviating any difficulty in maintaining accounts. But I would request the Government to have that extended for another year also. Even this extension proposal is coming only in September 1959 and we know that many people have not still standard accounts which would satisfy the Income-tax Department. In fact, I may say that even the Income-tax Department is groping in the dark and it has not got into grip with the whole question. They find great difficulty in co-ordinating the activities of the karnams and various other people. This is a new venture and the department itself is just now exploring ways and means. I would, therefore, request that even for the year 1959-60, this concession may be extended. Even this year, it is very difficult. Various legislations are forthcoming and people are going through a state of uncertainty. They are in

8th September 1959] [Sri K. Balasubramanya Ayyar]

great difficulties. Even if I go on till 6 o'clock, I cannot fully explain all the difficulties. But I do not want to expatiate on all those things now. I would impress on the Hon. the Minister for Revenue the need to see that this privilege is extended for one more year so that by that time everything would take a final shape. Otherwise, there would be any amount of injustice done. Therefore, taking a larger view of the whole question and considering the difficulties experienced by the department in fixing assessments, I would request the Hon. Minister to see whether he could not extend this concession for composition by one more year. They can have power to extend it by notification or otherwise. Therefore, while welcoming this Bill, I make the suggestion that it might be extended for one more year also. As I said, it is necessary to do that even in the interests of the department which is also groping in the dark. It has to co-ordinate the information it gets from Tahsildars and karnams. Then standard acres have to be fixed and assessment made. Various deductions have also to be made. There are various other difficulties also. They want even bills and vouchers for the sale of cow-dung. It is a very big matter. Sufficient time should be given so that the Government may do these things properly. We are now in September 1959. The Act was published only in October 1958. Officers were appointed only after some time. They do not know the difficulties of the assessee. Most of them do not know what cultivation is. They are I.A.S. Officers and Graduates. They do not know what exactly cultivation is. They do not know the various processes of cultivation. For income-tax purposes there may be no difficulty. The officers pass the Accounts Test. Probably they are experts. But so far as agricultural income-tax is concerned, officers should have more experience. Otherwise, there would be injustice. There are all those difficulties. Therefore, I would request the Hon. the Revenue Minister to consider this matter sympathetically and extend this provision for another year also. The general provision relating to composition under section 65 will continue. But so far as this provision is concerned, it is a temporary one for the purpose of giving relief to the agriculturists who till now have not been able to maintain accounts. They have accounts of their own but not such accounts as are audited and necessary for the purpose of satisfying the Income-tax Officer who is a person who will not be easily satisfied and who is always suspicious. There are so many difficulties of this nature. That is why I request the Hon. the Revenue Minister to look into this aspect of the matter also, to consult the department and boldly take some power by notification, if necessary, to extend it also for 1959-60 by which time we may know the position of the landowners and how far people will be able to pay taxes. They are all matters upon which I need not dilate now. But so far as this matter is concerned, this is a crucial, critical year because a comprehensive land legislation is going to be brought in. That is why I am requesting that this provision may be extended for another year. Of course, if the Government grant this concession only for 1958-59, we shall be thankful as we have been thankful for small mercies all these years.

3-50
p.m.

[8th September 1959]

* THE HON. SRI M. A. MANICKAVELU : Sir, it is true that there are difficulties in the matter of implementing the provisions of the Act. But, now the simple object of this Bill is to extend the privilege for one year. We put it as one year because the impending Land Ceiling Bill will have a very close bearing upon the provisions off this Act and there is the question how far these provisions should continue. I expect that Bill may be before the House before the end of this year. Therefore, let us wait and see and then whatever is necessary can be looked into.

MR. CHAIRMAN : The question is—

‘ That the Madras Agricultural Income-tax (Amendment) Bill, 1959 (L.A. Bill No. 12 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

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

Clauses 2 and 1 and the Preamble were put and carried.

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

‘ That the Madras Agricultural Income-tax (Amendment) Bill, 1959 (L.A. Bill No. 12 of 1959), as passed by the Legislative Assembly, be passed.’

MR. CHAIRMAN : The question is—

‘ That the Madras Agricultural Income-tax (Amendment) Bill, 1959 (L.A. Bill No. 12 of 1959), as passed by the Legislative Assembly, be passed.’

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

(2) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT)
BILL, 1959 (L.A. BILL NO. 13 OF 1959).

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

‘ That the Madras Tenants and Ryots Protection (Amendment) Bill a, 1959 (L.A. Bill 13 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

Sir, this Act gives protection to the tenants in the estate areas and also in some inams. Even though we have taken over most of the estates, still a few, probably half a dozen or so, are to be taken over. There is the question of taking over the 1936 inam estates also. They do not come within the purview of the Estates Abolition Act. Therefore, there is still necessity for protection to the ryots in these areas. Therefore, in order to extend the protection to the ryots, this Bill seeks to extend the life of the Act by two years.

8th September 1959]

MR. CHAIRMAN : Motion moved—

‘ That the Madras Tenants and Ryots Protection (Amendment) Bill, 1959 (L.A. Bill No. 13 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

SRI K. T. KOSALRAM : மிஸ்டர் சேர்மன் அவர்களே, இந்த மசோதாவை நடிப்பதை நான் ஆதரிக்கிறேன். திருவாங்கூர்-கொச்சி ராஜ்யத்தில் இருந்த செங்கோட்டைத் தாலுகா நம் சென்னை ராஜ்யத்தோடு சேர்ந்து சில வருஷங்களாகின்றன. செங்கோட்டைத் தாலுகா பெரியவர்கள் சொல்கிற மாதிரி, பாலம் பண்ணின தாலுகாவோ என்னவோ தெரியவில்லை. பாதி காடுகளையும் இரண்டு நதிகளையும் நாம் இழந்தோம். ஆனால், இந்த ப்ரொடெக்ஷன் சட்டம் அந்தத் தாலுகாவில் இருக்கும் விவசாயிகளுக்குப் பாதுகாப்புக் கொடுக்கக்கூடிய முறையில் நீடிக்கப்பட வேண்டுமென்று ஒரு வருஷ காலமாகச் சொல்லிக்கொண்டு வருகிறோம்.

* THE HON. SRI M. A. MANICKAVELU : It all relates to the other Bill, namely, the Cultivating Tenants Protection (Amendment) Bill. This Bill relates only to the estates.

SRI K. T. KOSALRAM : I am sorry.

THE HON. SRI M. A. MANICKAVELU : இன்னொரு மசோதா வா இருக்கிறது. அப்பொழுது பேசலாம்.

SRI K. T. KOSALRAM : மிஸ்டர் சேர்மன் அவர்களே, இந்த மசோதாவுக்கும் மற்றொரு மசோதாவுக்கும் வித்தியாசம் இருக்கிறது. அதில் இந்த சமசாரம் அடங்கியிருக்கிறதென்று மத்திரி அவர்கள் சொல்வதை நான் ஒத்துக்கொள்கிறேன். அந்த மசோதாவில்தான் செங்கோட்டைத் தாலுகா விவசாயம் புதிதாக நம் ராஜ்யத்தோடு சேர்ந்த கன்யாகுமரிபற்றிய பிரச்சனைகள் இருக்கின்றன.

1936-ம் வருஷத்திய இனாம்களெல்லாம் இன்னும் “டெக்ஸன்-ஓவர்” ஆகவில்லை, ரயத்துவாரியாக மாறவில்லை, அதற்காக இந்த மசோதாவை நடிக்கவேண்டியது அவசியம் என்பதை நான் ஒத்துக்கொள்கிறேன். இனாம்களைப் பொறுத்து 1947-ம் வருஷத்தில் இந்த அரசாங்கமோ இந்தச் சபையோ ஒரு சிறு தவறு செய்தது. நானும் அந்தச் சபையில் அங்கத்தினராக இருந்தேன் என்று ஒத்துக் கொள்கிறேன். ஒரே ஊரில் பாதி இடம் ரயத்துவாரியாகவும், இன்னும் பாதி இடம் வேறு விதமாகவும் இருக்கும் குறை இன்னும் சில இடங்களில் இருந்துகொண்டு வருகிறது. அதில் ஏராளமான கஷ்டம், லிடிக்கேஷன் இருக்கிறது. அதுபற்றி ரெவினியூ இலாகா அமைச்சர் அவர்களுக்குப் பல்வேறு மெமரான்டா பல்வேறு இடங்களிலிருந்து அனுப்பப்பட்டிருக்கின்றன. அதையும் அமைச்சர் அவர்கள் கவனித்து அந்த இடங்களுக்கெல்லாம் இதை அவசியம் நீடிக்க வேண்டுமென்று கேட்டுக்கொண்டு இந்த மசோதாவை ஆதரிக்கிறேன்.

THE HON. SRI M. A. MANICKAVELU : மிஸ்டர் சேர்மன் ஸார், இந்தச் சட்டத்திலே எல்லா ரயத்துக்களும், எஸ்டேட் என்று டெக்னி கலாகச் சொல்லுகிறார்களே அதுவும் வருகிறது. 1936-லே எஸ்டேட்டுகள் என்று சொல்லப்பட்டது, ஆனால் அபாலிஷன் ஆக்டில் அவை வரவில்லை. ஆனால் எல்லாவற்றிற்கும் ப்ரொடெக்ஷன் இருக்கிறது. ஆனால் மற்ற அனுபூலங்கள் உள்ள அபாலிஷன் ஆக்ட் அதற்குப் பொருந்தாது. அதற்கு வேறு சட்டம் கொண்டுவந்து இனாம்களில் இருக்கும் கஷ்டங்களைப் போக்க, அபாலிஷன் ஆக்ட் போலக்கொண்டுவர வேண்டும். இனாமஸ் என்று சொல்லுகிறார்களே அதற்கு ஒரு அபாலிஷன் ஆக்ட் கொண்டுவருவது என்று சொன்னால், பெருமளவில் காம்பென்ஸேஷன் கொடுக்கவேண்டியிருக்கும். அப்போது 10 கோடி அல்லது 12 கோடி ரூபாய் ஆகும் என்று தோராயமாகக் கணக்குக் கொடுத்தார்கள். இதை

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“அப்படி” செய்வது என்றால் காமபெண்ணைக் கொடுக்கத் தயாராக இருக்க வேண்டும். அதற்காகப் பெருமளவில் பணம் செலவழிக்கத் தயாராக இருக்க வேண்டும். அதைத் தவிர மற்ற டெக்னிகல் கஷ்டங்கள் இருக்கின்றன. அதையெல்லாம் பரிசீலனை செய்து அதற்கு வேறு சட்டம் கொள்வோ வேண்டும். இப்போது அந்தப் பிராந்தியத்தில் இருப்பவர்களுக்கும் பரிசீலனை இருக்கிறது. இந்த மசோதாவின் கருத்து எல்லாப் பிராந்தியங்களிலும், இனம் எல்லைகளில் இருக்கிற பிராந்தியங்களிலும், ராஜ்யத்துக்குப் பாதுகாப்புக் கொடுக்க வேண்டுமென்பது கனியுள்ள செய்திகளுக்குப் பாதுகாப்புக் கொடுக்க வேண்டுமென்பது தான். அந்த நோக்கம் இந்த மசோதாவின் நிறைவேற்ற வேண்டும். மற்றபடி கனம் அங்கத்தினர் அவர்கள் சொன்னது வேறு விஷயம். அதற்குத் தத்தல் காலத்தில் பரிசீலனை வேண்டும்.

MR. CHAIRMAN : The question is—

“That the Madras Tenants and Ryots Protection (Amendment) Bill, 1959 (L.A. Bill No. 13 of 1959), as passed by the Legislative Assembly, be passed.”

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

Clauses 2 and 1 and the Preamble were put and carried.

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

“That the Madras Tenants and Ryots Protection (Amendment) Bill, 1959 (L.A. Bill No. 13 of 1959), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : The question is—

“That the Madras Tenants and Ryots Protection (Amendment) Bill, 1959 (L.A. Bill No. 13 of 1959) as passed by the Legislative Assembly, be passed.”

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

(3) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL, 1959 (L.A. BILL NO. 14 OF 1959).

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

“That the Madras Preservation of Private Forests (Amendment) Bill, 1959 (L.A. Bill No. 14 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

We have been extending the life of this Act now and then in order to have a separate . . .

SRI MOHAMED RAZA KHAN : Comprehensive.

* THE HON. SRI M. A. MANICKAVELU : Yes, separate comprehensive Bill. ‘Comprehensive’ is very much used nowadays and it will cover everything. We want to preserve our forest wealth. Originally it was thought that by an amendment of the Indian Forests Act, all these provisions could be reproduced there. But subsequent examination revealed that we required a separate

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it in order to protect private forests and others. Therefore, some more time is required. The Act will expire in a few week's time and that is why the Government seek to extend the life of this Act for some more time so that by that time all these things could be considered fully and proper steps taken to safeguard our forest wealth. It is only with this object in view that an extension of the life of the Act is asked for.

MR. CHAIRMAN : Motion moved—

“That the Madras Preservation of Private Forests (Amendment) Bill, 1959 (L.A. Bill No. 14 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

* SRI T. PURUSHOTHAM : Mr. Chairman, the Hon. the Minister for Revenue has got a great sense of humour and he knows how to carry the House with him. This matter has been pending from 1946. Last time when a Bill was brought up before the House with similar provisions, viz., extension of the life of the Act for two years, the Hon. Minister said that he felt restless to make the motion extending the life of the Act and stated that he did not dream that there would be any necessity for bringing forward a Bill of that kind. He also stated that the Forest Bill was being got ready. That was in 1957. Two years have elapsed and still the Government have not got ready with this Bill. The Statement of Objects and Reasons shows that the Government have decided that a separate legislation should be brought forward in respect of private forests. The policy of the Government having been decided, I do not see any reason why there should be so much delay. The House would be justified in demanding a clear explanation on the part of the Hon. Minister why this is being put off like this, and why the Secretariat should not be asked to put up a draft Bill as early as possible, considering the urgency of it. In view of the statement of the Hon. Minister last time that there would be need for a further extension of the life of the Act, I hope he will consider the point I have raised and tell us, now that the policy of the Government has been settled, why there is so much delay in bringing in a comprehensive Bill for the purpose of regulating private forests and see that there is no further delay about it.

SRI MOHAMED RAZA KHAN : Sir, I do not know whether the remark of my esteemed Friend Mr. Purushotham about the Hon. the Minister for Revenue that he has a sense of humour is quite correct or not. But my trouble with him is he has got it too much and he uses it to the best advantage of the Government. Especially when he has got a weak case, he uses it in abundance and I am sure his Colleagues, whenever they are in difficulty, will follow and emulate his example.

Be that as it may, the question remains when the comprehensive Bill will come. In fact, I suggested the word ‘comprehensive’ to the Hon. Minister. Why has he taken eight to nine years

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to bring in a Bill which the Government themselves have contemplated? Is it because they have not yet decided the form or the shape it should take? Or, is it because the Department did not have enough time at its disposal to concentrate on this work? I myself know that since 1946, year after year, the same kind of Bill has been coming up before the House. If the Government were in a better mood, they would bring in a Bill for extending the life of the Act by two years. Otherwise, it would be for one year. But what is the position? They go on extending the life of the Act endlessly. As far as our State is concerned, there are no forests left here, let alone private forests. I would ask the Hon. Minister in charge of Forests: Why not allow forests to develop? After they have developed fully, then it will be time to bring in a comprehensive Bill. That apart, when Government give an assurance—it may be a small matter on which it is given—then it is incumbent upon them, it is their duty also, to fulfil that promise unless very extraordinary circumstances beyond their control prevent them from doing so. After all, in this matter, there is not much of controversy. The present Minister in charge of Forests has been there for seven or eight years. If he goes through the proceedings of this House and if he goes through the assurances he has given from time to time, he will find that he has made the same type of speech every time, year after year. Keeping this in mind, I hope he will bring in a comprehensive Bill very soon.

THE HON. SRI R. VENKATARAMAN: That is the virtue of consistency.

SRI K. BALASUBRAMANYA AYYAR: Sir, this Bill reproduces the provisions of a Bill passed in 1946, again in 1949, then again in 1952, in 1953 and in 1955. Now it is 1959 and the life of the Act is to be extended up to 1961. The Government have come to the Legislature so many times, six or seven times with the same provisions. Our forest wealth has been reduced. When the 1946 Act was passed, it applied to the forests in Malabar district also. Now we have some forests in the Nilgiris and some in Shencottah, thanks to the hon. Member Mr. Kosalram. (Sri T. Purushotham: Why thank the hon. Member Mr. Kosalram?). Because he mentioned that fact. He gave that information. When the Bill was introduced in 1949, they said. . . . 'pending further legislation' but did not indicate what it was.

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p.m. This Act contains all the provisions necessary for the purpose of preventing denudation of forests, namely, cutting of timber and so on. What is the further legislation that the Government contemplate, or what are the further provisions they want to enact, I am at a loss to see. There is nothing of the kind except that they do not think about it. I do not see any reason for bringing in a further comprehensive legislation. Originally they thought of bringing in an amendment to the Madras Forest Act. They thought there would be troubles in doing that and so, they brought this separate Act for private forests. I have looked into the

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speeches made by the Hon. Minister in charge of the Bill since the Act was first introduced. The same speeches and the same legislation only we find. What are the complicated problems to be solved or what are the problems that have to be discussed and final conclusions reached have not been indicated anywhere, in the speeches of the Hon. Minister on any one of the occasions when he came up before the House for extending the life of the Act. Except that there is a certain amount of laziness in thinking (laughter)—I am not putting it in a moral sense—or some dullness, we have not been told the difficulties and problems faced by the Government. There might be difficulties because we are dealing with wild animals and forests (laughter). That is why I think they are going on extending the life of the Act for two years and so on.

But after looking into the provisions of this Act and others, I could not see any justification for having a comprehensive further legislation. Give one instance which is not covered by this Bill. It is already stated in the Act that we should not cut timber. But cutting is going on in spite of this Act and the forests in the Nilgiris have been denuded. There is no forest left. That is the position in which we are now. I would suggest to the Hon. Minister to make this a permanent Act. There will be no difficulty in doing that. I assure him the whole-hearted support of the House for making this Act a permanent one. Let the Hon. Minister do it instead of asking for extension of time for two years. That will suffice for the present. The Government can deal with all the problems. Apart from what the other hon. Members said—it is not a question of finding fault with the Hon. Minister—I should say, it is a question of finding fault with the department concerned. The department should have discussed the problem in detail with statistics and given further information to the Hon. Minister and then if the Minister had come here asking for extension, he would be justified in asking for extension of time and we shall also grant extension for two more years. But there is nothing of the kind stated here. That is why I would put it to the Hon. Minister to make this a permanent Act and put it on the Statute-Book. It is the unanimous view of experts that if we want rains, we must have forests. There is no doubt about it. That is the reason why we celebrate Vana Mahotsavas and photographs are taken of the people who plant trees. But these trees generally wither away after two or three years and we never get any photographs of these withered trees. But the significance of celebrating 'Vana Mahotsavas' is that we must have forests to enable us to get more rains. Our policy is settled that there should be private forests; they should not be denuded and there should be no vandalism committed so far as these forests are concerned. The present Act is sufficient to prevent these. Therefore, I respectfully submit that the present Act might be made permanent and I would request the Hon. Minister not to come before the House frequently asking for extension for one year or two years very often.

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Sri A. GAJAPATHY NAYAGAR : Mr. Chairman, Sir, there can be little doubt that the separate legislation regarding private forests had been long delayed. We know in our country forest wealth is an important wealth and we cannot be neglectful in this matter. I agree with the hon. Member Sri Krishnaswami Iyer (Hon. Members : Sri Balasubramanya Ayyar). I am sorry, I agree with the hon. Member Sri Balasubramanya Ayyar and wonder whether the Government are not laying themselves open to the charge that they cannot see the wood for the trees. At the same time, they see the trees are denuded. The land improvement scheme has been much advertised and we are to discuss a legislation on it in this House shortly. In the circumstances, I would like to ask whether the Government are not bound to conserve the private forests in the interests of land improvement. We cannot effect much improvement on land unless steps are taken by the Government to preserve these forests. Therefore, I would make this suggestion to the hon. House. We might reduce the extension of time asked for by one year so that the comprehensive legislation might be brought in by the Government with as little delay as possible.

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, when I thought I would have again to sponsor a Bill for extension of the life of the present Act, I had much diffidence because on the last occasion I had stated that there might not be any necessity for me to come again before the House asking for a further extension of life of the present Act. Also, my thoughts went to my old friend Dr. John. Now if that gentleman had been here the criticism would not have been as light as it was today. (Interruption.) What I submit is this : It must be conceded that the manner of extension of the life of the Act is bad. But under the circumstances that I have now pointed out, it has become essential. Instead of asking for extension for one year, now I have asked for extension for two years because I want that before that period something should be done. That is the change I have made in the Bill.

Now, the forests under the Government are governed by the Indian Forest Act. There is no trouble about these Government forests. That is separate. The present Act only governs the forests in the estates and also private forests, which are more than hundred acres in extent in a compact block. Originally we thought that we could make certain provisions in the Indian Forest Act itself to cover the forests in these areas also but it was pointed out that it would not work properly. Only then we came to the conclusion that a separate Act was necessary, and to frame a separate measure for these forests requires some time. Only under these circumstances, I come before the House for an extension of the life of the existing Act.

I think, Sir, I must do something to have this legislation passed. Otherwise, one of two things I must do. I must somehow see that this portfolio goes to some other Minister so that I may

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not come again before this House and ask for a further extension. (Laughter.) So, I will try to have the legislation passed before that time or take recourse to handing over the portfolio to some other Hon. Minister if that is possible. (Laughter.)

SRI T. PURUSHOTHAM : The Hon. Minister wants to exhaust all possible alternatives in this matter.

* THE HON. SRI M. A. MANICKAVELU : Now, since I have asked for an extension of two years for the present Act, I think something will be done. So, I hope the hon. Members will be pleased to excuse the past delay and have this Bill passed.

MR. CHAIRMAN : The question is—

“ That the Madras Preservation of Private Forests (Amendment) Bill, 1959 (L.A. Bill No. 14 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

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

Clause 2 was put and carried.

Clause I and the Preamble were put and carried.

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

“ That the Madras Preservation of Private Forests (Amendment) Bill, 1959 (L.A. Bill No. 14 of 1959), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : The question is—

“ That the Madras Preservation of Private Forests (Amendment) Bill, 1959 (L.A. Bill No. 14 of 1959), as passed by the Legislative Assembly, be passed.”

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

(4) THE HOLDINGS (STAY OF EXECUTION PROCEEDINGS) (MADRAS AMENDMENT) BILL, 1959 (L.A. BILL NO. 15 OF 1959).

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

“ That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1959 (L.A. Bill No. 15 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

Sir, the Act passed by the Travancore-Cochin State in the year 1950 applies to the transferred areas, viz., Kanyakumari district and Shencottah taluk of the Tirunelveli district. It provides for the stay of proceedings in execution of a decree in a suit for the recovery of possession of a holding so far as they relate to the delivery of possession of the holding for a period of nine years and six

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months. Pending a comprehensive legislation, the Act has been extended from time to time. Now the Act was last amended up to and inclusive of 24th September 1959 by the Madras Amendment Act of 1957. Sir, the tenancy conditions in the transferred areas materially differ from those in the Madras State. So, it will take some time for the Government to examine the question and to apply our Act to those areas. Pending that examination, the protection which the ryots have been having in those areas till now has naturally to be extended. With that view, this Bill seeks to extend the provisions of that Act for a further period of two years.

MR. CHAIRMAN : The motion is—

‘That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1959 (L.A. Bill No. 15 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, the Holdings (Stay of Execution Proceedings) Act is for the purpose of staying execution of all decrees which have been passed with a specific object. In the Tenants Protection Act of 1949, we have a salutary provision that the Government can, in cases where there is a necessity for bringing the execution into effect, pass an order under section 4, saying that there could be no further stay and that the execution should proceed. But, unfortunately, in this Act, there is no such provision. After all, a decree has been passed by a Court of Law and, therefore, justice is on the side of the person who has filed the suit and the Government are now staying the execution of that decree. The fruits of that decree cannot be enjoyed by that person on account of this particular Act. Sir, in the original Act there was provision for the staying of execution of a decree only for five years. Then in 1957 an Amending Act was passed, extending the period of stay of the execution of a decree for nine years and six months. Now, in this Bill it has been extended to eleven years and six months. The Government want to hold up the execution of a decree for possession which was got by a person for the recovery of his holding. But what is the justice in a decree being stayed so long? I have no objection if they say that in spite of the decree, the holding shall be given to the tenant and that he can enjoy it in happiness. I can understand that. After all, the stay of execution of a decree is given only for the purpose of giving some respite for the purpose of deciding the rights of parties. But I cannot understand legislation which was passed in 1950 being continued for eleven years and six months during which period the execution of a decree has to be stayed. That is a thing which I cannot understand and, for that matter, no lawyer with a legal conscience or even a citizen who has got full rights can understand. The Government can do anything to improve the land tenure system. They have given certain rights to *kaiaeruvaramdars* and *mattuvaramdars* and I can understand it, but I cannot understand the staying of execution of a

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decree for eleven years and six months. As I said, the Tenants Protection Act is slightly different from this Act and there a provision has been inserted by which the Government can do justice in a particular case if they feel that an injustice is being done. The staying of execution of a decree obtained in 1950 for eleven years and six months, is a thing which I think the Hon. the Minister for Revenue cannot swallow with any justification. The Government can apply the Cultivating Tenants Protection Act to them also. If there are anomalies, the Government can deal with them, as there are so many anomalies in our land legislation. I can understand it but I cannot understand the holding up of execution of a decree which was got from a Court of Law for eleven years and six months under the simple pretext that they are studying the land tenure problem. I think it is not perfectly right to do so. No person with a legal conscience can ever tolerate this kind of a Bill which merely stays execution of a decree. The Government are giving no relief to the person who has got a decree from the Court to straightway execute it. They stayed the execution in the first instance for five years, then for nine years and six months and now they are seeking to stay it for eleven years and six months. I shall not be surprised if they again come up before this House with a Bill to extend it for another two years because the land tenure problem is so complicated in these two districts that they cannot come to any conclusion. Therefore, I cannot with any sense of justification support a measure of this kind even though I always respect the Hon. the Minister for Revenue.

SRI K. T. KOSALRAM : ஸார், இந்த “பில்லை” நீடிப்பது செங்கோட்டைத் தாலுகாவைப் பொறுத்த மட்டில் அர்த்தமற்ற நீடிப்பு என்று சொல்ல விரும்புகிறேன். இந்த பில்லுடைய ஒரிஜினல் பில்லை எடுத்துக்கொண்டால் திருவனந்தபுரம்-கோச்சி ராஜ்யத்தில் செங்கோட்டை டென்யூர் தனிப்பட்ட முறையில் இருப்பது தெரியும். இது கன்யா குமரிக்குப் பொருந்தும், செங்கோட்டைக்குப் பொருந்தாது. இன்றைக்கு இரண்டுக்கும் மத்தியில் இருக்கும் செங்கோட்டைக்கும் இந்த “எக்ஸிக்யூஷனை” நீடித்து வைக்கும் “பில்லைக்” கொண்டுவந்து விட்ட உடனே அங்கே இருக்கின்ற விவசாய மக்கள் எல்லாம் பாதுகாக்கப்படுகிறார்கள் என்று அரசாங்கம் நினைத்துக்கொண்டிருக்கிறது. உண்மையில் நண்பர் ஸ்ரீ பாலசுப்பிரமணிய ஐயர் “எக்ஸிக்யூஷனை” அப்படியே நிறுத்தி வைத்துக்கொண்டிருக்கிறார்கள் என்று சொல்லுகிற வாதம் வேறு. என்னுடைய வாதம் வேறு. அதற்கும் இதற்கும் சம்பந்தம் கிடையாது. அந்தச் சட்டம் கன்னியாகுமரிக்குப் பொருந்தும், செங்கோட்டைக்குப் பொருந்தாது என்பது அந்தச் சட்டத்தினுடைய சாரம். இந்த நிலைமையில் ஏதோ நாங்கள் யோசிக்கின்றோம், அங்குள்ள நிலவாங்களைப் பரிசீலனை செய்கிறோம், பரிசீலனை செய்து பின்னால் ஒரு சட்டம் கொண்டுவருகிறோம் என்று சொல்லப்படுகிறது. நான் வருத்தத்துடன் சொல்கிறேன்—முதல் மந்திரி அவர்கள் சென்ற வருஷம் கன்யாகுமரியிலே முகாம் செய்த போது, “டெனன்ட்ஸ் ப்ரொடெக்ஷன் சட்டத்தை அங்குள்ளவர்களுக்கு நாங்கள் நீடித்துவிட்டோம்” என்று பத்திரிகைக்காரர்களிடத்தில் சொன்னார்கள், பத்திரிகைக்காரர்களும் அதைக் கொட்டை எழுத்துக்களில் போட்டுவிட்டார்கள். அவர்கள் எதைப் பார்த்துச் சொன்னார்கள்? இந்தச் சட்டத்தைத்தான் நீடித்திருக்கிறோம் என்று பார்த்துச் சொல்லியிருக்கிறார்கள் என்று இங்கு வந்து பார்த்த பிறகு தெரிந்தது. ஆறு மாதம் சுழித்து ஒரு பெரிய படையெடுத்து வந்து, “நீங்கள் நீடித்ததாகச் சொன்ன சட்டம் நீடிக்கப்படவில்லை” என்று சொன்னவுடனே, இங்குள்ள

[Sri K. T. Kosalram] [8th September 1959]

காரியதரிசிகளையெல்லாம் கேட்டால், “இந்தச் சட்டம் செங்கோட்டைக்குப் பொருந்தாது, கன்யாகுமரிக்குப் பொருந்தும்” என்று சொன்னார்கள். திருநெல்வேலி டென்யூர் எப்படி இருக்கிறதோ அதேதான் செங்கோட்டையிலும் இருக்கிறது. ஆகவே, இங்கிருக்கும் சட்டம் அங்கு நீடிக்கப்படவேண்டியது அவசியம். இந்தச் சட்டம் பொருந்தாது என்று தெரிந்துகொண்டோம்.

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p.m.

ஆகையால், இரண்டுக்கும் மத்தியில் செங்கோட்டைத் தாலுகாவில் நூற்றுக்கணக்கான விவசாய மக்கள் தினம் தினம் அப்புறப்படுத்தப்பட்டு வருகிறார்கள். அதுதான் அங்கிருக்கும் நிலைமை. நாங்கள் பரிசீலனை செய்து கொண்டிருக்கிறோம் என்று சொல்லும் அரசாங்கம் சட்டத்தை நீடிக்க வேண்டும். முதல் அமைச்சர் சொல்லியிருக்கிறார்; ரெவின்யூ அமைச்சர் சொல்லியிருக்கிறார். காரியதரிசிகள் “டிராப்ட்” போட்டோம் என்று சொல்கிறார்கள். சொல்லி இரண்டு வருஷமாகிறது. இப்படி நாள் கடந்துகொண்டு வருகிறது. இது ஏதோ கண் துடைப்பு மாதிரி இருக்கிறது. “செங்கோட்டைத் தாலுகாவுக்கும் இது நீடிக்கப்பட்டிருக்கிறது” என்று பத்திரிகையில் வந்ததைப் படித்தே மக்கள் திருப்தி அடைந்துவிடுவார்கள் என்று நினைக்கிறார் போலும். நான் சொல்கிறேன், உங்களுடைய அதிகாரிகள் சேரன்மகாதேவியில் அவலிஸ்டெண்ட் கலெக்டர் அங்கிருந்த தாசில்தார் நூற்றுக்கணக்கான விவசாயிகளை அப்புறப்படுத்திய போது நானும் கூடவே சென்று அவர்களைப் பாதுகாப்பதற்குப் போடும்போது “சட்டம் இல்லை, நீங்கள் சொல்லுவதைக் கேட்கவேண்டிய அவசியம் இல்லை” என்று அங்குள்ள நிலச்சுவாந்தார்கள் சொன்னார்கள். நியாயம், தருமம் எது என்பதை அவர்களுக்கு எடுத்துச்சொல்லி, வேண்டுமொன்றை விடுத்து நிலத்திலிருந்து அப்புறப்படுத்த விடாமல் இருக்க ஓரளவுக்குத்தான் முடிந்தது. பல பேர்களை அப்புறப்படுத்திவிட்டார்கள். ஆகவே, இந்தச் சட்டத்தை நீடித்து விட்டதினால் செங்கோட்டை மக்களெல்லாம் பாதுகாக்கப்பட்டுவிட்டார்கள் என்று அமைச்சர் அவர்கள் நினைத்தால் அது தவறு என்பதை அவர்களுக்குச் சுட்டிக்காட்ட விரும்புகிறேன். அதிகாரிகள் அமைச்சர்களை “மிஸ்டர்” பண்ணுகிறார்கள் என்று நான் நிச்சயமாகச் சொல்வேன். ஏனென்றால், பொறுப்புள்ள மந்திரிகள் இந்தத் திட்டத்திலே நம்பிக்கையுள்ள மந்திரிகள் என்று நான் ஒத்துக்கொள்கிறேன். முதல் மந்திரியிலிருந்து அத்தனை பேரும் சொல்லியும் வரவிடாமல் தடுப்பதற்கு மிகத் திட்டமாக அதிகாரிகள் செய்கிறார்கள் என்றால், அமைச்சருடைய நிர்வாகம் எப்படி இருக்கிறது என்பதை அமைச்சருடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். இந்த மசோதா கண் துடைப்பு தவிர, உண்மையிலேயே செங்கோட்டைக்குப் பொருந்தாது. அடுத்த மசோதா கொண்டுவரப் போகிறார்கள், அப்பொழுது பேசிக்கொள்கிறேன் என்ற விவரத்தை மாத்திரம் நான் சொல்லிக்கொண்டு என்னுடைய வார்த்தையை நிறுத்திக்கொள்கிறேன்.

* THE HON. SRI M. A. MANICKAVELU : கனம் தலைவர் அவர்களே, நான் முன்பு சொன்னதுபோல, டிக்ரியான் பிற்பாடு நிலத்தை எடுத்துக் கொள்வதற்கு “எக்ஸிக்யூஷன்” போடுகிறோம், அப்பொழுது நிலத்தை “எக்ஸிக்யூஷன்” மூலமாகத் திருப்பிக் கொடுக்கக் கூடாது, நிறுத்தி வைக்க வேண்டும் என்ற அர்த்தத்தோடு நான் இந்த மசோதா வருகிறது. இது பக்கத்து ராஜ்யத்திலிருந்து நமக்குக் கிடைத்த சேனம். அங்கு இருக்கும் நிலமையோடு அந்தச் சட்டம் எல்லாம் வந்தது. செங்கோட்டைத் தாலுகாவுக்கு அது பொருந்தாது; கன்யாகுமரிக்குத்தான் பொருந்தும் என்று சொல்லப்படுகிறது. எப்படிப் பொருந்துமோ அதைப் பற்றிக் கேள்வி இல்லை. அங்கிருந்த சட்டத்தை அப்படியே “எக்ஸ்டென்டு” பண்ணுகிறோம். செங்கோட்டையிலே சில பகுதிக்குப் பொருந்தலாம்; சில பகுதிக்குப் பொருந்தாமல் இருக்கலாம். அந்தச் சட்டத்தை அப்படியே அந்தப் பிராந்தியத்திற்கு இன்னும் நீடிக்க வேண்டும் என்பதுதான் கருத்து.

SRI K. T. KOSALRAM : ஜனங்களுடைய சொள்கரியத்திற்காகத் தான் இருக்க வேண்டும்.

8th September 1959]

* THE HON. SRI M. A. MANICKAVELU : மற்றப்படி, ரயத்துக்கள் வெளியேற்றப்படுவதெல்லாம் இதிலே வரவில்லை. அடுத்த மசோதாவில் அதெல்லாம் வரும். “எக்ஸிக்யூஷன்” நிலை ஏற்பட்ட தகராறினால் விவசாயி வெளியேற்றப்பட்டு, தொழில் இல்லாமல், வேலை இல்லாத சூழ்நிலை அந்த ராஜ்யத்தில் அப்பொழுது ஏற்பட்டிருக்கலாம். அதற்காக அப்பொழுது அவசியம் ஏற்பட்டிருக்கும். நம் ராஜ்யத்திலே அம்மாதிரிச் சட்டம் இல்லை. “டிக்ரி” ஆன பிற்பாடு அதற்கு “போர்ஸ்” கொடுக்கக் கூடாது என்று பொதுவாக நம் ராஜ்யத்தில் இல்லை. அந்த ராஜ்யத்தில் அம்மாதிரிச் சட்டம் செய்தார்கள். அதைத்தான் நாம் நீடிக்கிறோம். ஏன் இது இன்னும் சரியாகப் பரிசீலனை செய்யப்படவில்லையென்றால், அங்கிருக்கும் நிலப் “பாட்டர்ன்” ஒரு மாதிரி இருக்கிறது. சில பெயர்களைத் தெரிந்துகொள்ளக் கூட முடிவதில்லை. நானும் கொஞ்சம் கொஞ்சமாகப் புரிந்துகொண்டு வருகிறேன். மணியங்கரம், பண்டாரபாட்டம், பதமனாபசாமி நிலம் என்று என்ன என்னவோ பெயர்கள் இருக்கின்றன. ஒவ்வொன்றுக்கும் “அட்ரிப்யூட்ஸ்” இருக்கின்றன. இப்பொழுதுதான் ரிப்போர்ட் வந்திருக்கிறது. அதையெல்லாம் பார்த்துக்கொண்டிருக்கிறோம். கூடிய சீக்கிரம் நம் முனைய ராஜ்யத்திலே என்ன மாதிரி இருக்கிறதோ அதே பாட்டர்ன் அங்கும் ஏற்பட்டுவிடும். அது வரையில் கொஞ்சம் அவகாசம் வேண்டும் என்பதற்காகத்தான் இந்தச் சட்டத்தை நீடிக்கிறோம்.

இன்னொரு பிரச்சனை சொன்னார். அது பொதுப் பிரச்சனை. விவசாயிகளுக்கு அங்கு ஒன்று கூட இல்லை என்று சொன்னார்கள். கனம் அங்கத்தினர் அப்பொழுது விரிவாகப் பேசுவார்கள். அப்பொழுது நான் அதற்குப் பதில் சொல்வேன்.

MR. CHAIRMAN : The question is—

“That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1959 (L.A. Bill No. 15 of 1959), 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.

THE HON. SRI M. A. MANICKAVELU : Sir, I beg to move—

“That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1959 (L.A. Bill No. 15 of 1959), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : The question is—

“That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1959 (L.A. Bill No. 15 of 1959), as passed by the Legislative Assembly, be passed.”

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

(5) THE MADRAS CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1959 (L.A. BILL NO. 16 OF 1959).

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

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1959 (L.A. Bill No. 16 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

[Sri M. A. MANICKAVELU] [8th September 1959]

இந்தச் சட்டம் 1955-இலே நிறைவேற்றப்பட்டது. அனுவசியமாக, காரணம் இல்லாமல், விவசாயிகளை அவர்களுடைய நிலத்திலிருந்து வெளியேற்றக் கூடாது, அது பெரிய அளவில் நடந்தால், பெரிய அளவில் விவசாயத் தொழிலுக்கே ஒரு பங்கம் ஏற்படும், குழப்பம் ஏற்படும் என்ற நோக்கத்தோடு இந்தச் சட்டம் அப்பொழுது கொண்டுவரப்பட்டது. காம்ப்ரஹென்ஸிவ் “லாண்டு ரிபார்ம்ஸ் பில்” விஷயமாக யோசித்துக்கொண்டிருக்கிறோம். உச்ச வரம்பு போன்ற எல்லா விஷயங்களையும் அனுசரித்துச் செய்யவேண்டியிருக்கிறது. அதிலே யார் யாருக்கு எக்ஸெம்ஷன் கொடுக்க வேண்டும் என்றெல்லாம் யோசிக்க வேண்டியிருக்கிறது. சின்ன மிராசுதார் என்றால் எந்த அளவுக்கு அவர்கள் இந்தச் சட்டத்திலே பத்தப்பட மாட்டார்கள் என்று பார்த்து, அம்மாதிரி “எக்ஸெம்ஷன்” கொடுக்க வேண்டுமென்று இருக்கிறது. இதையெல்லாம் பார்த்துத்தான் அடுத்த மசோதா விலே அதற்கெல்லாம் ஏற்பாடு செய்ய வேண்டும். அது வரையில் இதை நீடிக்கவேண்டிய அவசியம் இருக்கிறது. இந்த மசோதாவை முதலில் ஒரு வருஷத்திற்கு நீடிக்கத்தான் ஷரா இருந்தது. அந்த சபையிலே ஒரு திருத்தம் கொண்டுவந்து இரண்டு வருஷம் என்று செய்திருக்கிறார்கள். அதனால் இரண்டு வருஷம் வேண்டுமென்ற அவசியம் இல்லை. ஒரு வருஷம் என்பது இரண்டு வருஷம் இருந்தபோதிலும் பரவாயில்லை. ஒரு வருஷத்திற்குள்ளேயே முடிந்துவிட்டால், இரண்டு வருஷம் இருந்தால் கெடுதி இல்லை. கொண்டுவந்தது ஒரு வருஷத்திற்குத்தான். இரண்டு வருஷங்களுக்கு நீடிப்பு இருக்கிறது. இந்த நீடிப்பு ஏற்பட்டால் அதற்குள்ளே நிலச் சீர்திருத்தப் பிரச்சனையே முடிந்துவிடும். உச்ச வரம்பு, அது இது எல்லாம் செய்து ஏற்பாடு ஆகிவிடும். அதனால், அது வரைக்கும் நீடிப்பு அவசியமாக இருக்கிறது. இந்த நீடிப்பை இந்த மன்றம் ஒத்துக் கொள்ளும்படியாகக் கேட்டுக்கொள்ளுகிறேன்.

MR. CHAIRMAN : Motion moved—

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1959 (L.A. Bill No. 16 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

(Srimathi Jothi Vencatachellum in the Chair)

1-40
SRI K. T. KOSALRAM : கனம் தலைவி அவர்களே, இந்த மசோதாவை ஆதரித்துப் பேச வேண்டியதில் ஏற்கெனவேயே நான் பாதி வரையில் பேசிவிட்டேன். சர்க்காருடைய நோக்கங்களில்—கொள்கைகளில்—பெரும்பாலான மக்களுக்கு நிச்சயம் நம்பிக்கை இருக்கிறது. அதில் சந்தேகம் ஏதுமில்லாமல் நான் சொல்லுவதற்கு முடியும். ஆனால் நீங்கள்—சர்க்கார்—சொல்லுகிற வார்த்தைகள் காப்பாற்றப்பட்டிருக்கின்றனவா? அதிகாரிகள் அதைச் செய்திருக்கிறார்களா என்பதில் தான் இந்த அரசாங்கத்திற்கும் பெரும்பாலான அங்கத்தினர்களுக்கும் அபிப்பிராய பேதம் இருக்கிறது. பெர்மனெண்டாக “லாண்டு ரிபார்ம்ஸ் லெஜிஸ்லேஷன்” கொண்டுவரப் போகிறார்கள், அது வரையில் இந்தச் சட்டம் நீடிக்கப்படவேண்டும் என்பதில் தவறு ஒன்றும் இல்லை. விரிவான சட்டம் வரும் வரையில் இதை நீடிக்க வேண்டியதுதான். நான் இப்போது சொல்லப் போகிற ஆர்குமெண்ட்ஸ்க்கு—விவாதத்திற்கு—பதில் சொல்லலாம். எல்லோருக்கும் மனச்சாட்சி என்று ஒன்று இருக்கிறது. மனச்சாட்சிக்கு மாறாக இது ஒரு “பால்ஸ் ப்ரெஸ்டிஜ்” என்று சொல்லுகிறேன். நாம் ஏதோ செய்துவிடுகிறோம். செய்த பிறகு செய்தது சரி என்று சொல்லுவதற்கு எத்தனையோ காரணங்களைக் கண்டுபிடிக்கிறோம். அம்மாதிரிக் கண்டு பிடிக்கலாம். அமைச்சர் கூட கண்டுபிடிக்கலாம். இம்மாதிரிக் காரணம் கண்டுபிடிக்காமல் மனச்சாட்சிப்படி, நியாயப்படி, சொல்லுவதில் தவறு இருந்தால், அதை நேரடியாகச் சொல்லலாம்.

8th September 1959]

[Sri K. T. Kosalram]

அங்கத்தினர்கள் சொல்லுவதில் ஏதாவது தவறாக இருந்தாலோ அல்லது அவர்கள் சொல்லக்கூடிய திருத்தத்தை அரசாங்கத்தால் கொண்டுவர முடியவில்லை என்று சொன்னாலோ, அதை ஒத்துக் கொள்ளவேண்டும். நான் சொல்லுகிற வாதம் ஏற்கெனவேயே சொன்னேன். முன்னால் கொண்டுவந்த மசோதாவில் செங்கோட்டைத் தாலுக்கா “எக்ஸ்க்லூட்” செய்யப் பட்டிருக்கிறது. கொச்சின் அரசாங்கச் சட்டத்தால் அப்போதும் அந்தச் செங்கோட்டை மக்கள் பாதிக்கப்பட்டிருக்கிறார்கள். அதன் பின்னால் ஒரு அதிகாரி நமக்குக் கிடைக்க வேண்டிய 14 மைல் சுற்றளவுள்ள காடுகளையும், நீர்வளம் பொருந்திய ஜீவ நதிகள் இரண்டையும், நமக்கு விரோதமாக, யாதாஸ்தைத் தயாரித்து, நமக்குக் கிடைக்காமல் செய்துவிட்டார். நான் சொல்லவில்லை—இதை அரசாங்கமே ஒத்துக்கொண்டிருக்கிறது. இதிலே அதிகாரிகள் தவறு செய்துவிட்டார்கள். எங்கள் கவனத்திற்குக் கொண்டுவரப்படாமல் போய்விட்டது என்று அரசாங்கமே ஒத்துக்கொண்டிருக்கிறது. அதே அதிகாரி இந்த மசோதாவை நீடிக்கவேண்டுமா, வேண்டாமா, என்று கேட்போது இந்த அரசாங்கத்தை “மின்ஸ்டர்” செய்து ஒரு யாதாஸ்தை அனுப்பினார். அதன் மீது என் போன்ற அங்கத்தினர்களும் அந்த ஊரிலுள்ள பெருங்குடி மக்களும் அந்த அதிகாரி வேண்டுமென்று தவறான வழியில் செல்லுகிறார் என்று சொன்னோம். அப்பொழுது நமது முதல் அமைச்சர் அவர்களும், ரெவின்யூ அமைச்சர் அவர்களும் நாங்கள் வேறு ரிப்போர்ட் கேட்கிறோம், கலெக்டர் அவர்களை விசாரிக்கிறோம் என்று சொல்லி வேறு ஒரு அதிகாரியை 1½ வருஷங்களுக்கு முன்பு அனுப்பினார்கள். அந்த அதிகாரி சென்று பார்த்து செங்கோட்டையிலும், திருநெல்வேலியிலும் ஒரே மாதிரியாக இருக்கிறது, வித்தியாசம் கிடையாது, ஆகவே இது நீடிக்கப்பட வேண்டும் என்று எழுதினார் என்று நான் நிச்சயமாகச் சொல்ல முடியும். முதல் ரிப்போர்ட்டுக்கும், இரண்டாவது ரிப்போர்ட்டுக்கும் வித்தியாசம் இருக்கிறது. முதல் அமைச்சர் மீது குறை சொல்ல வேண்டுமென்று சொல்லவில்லை—அவர் மீது தவறு சொல்ல வேண்டுமென்று சொல்லவில்லை—அவர் இதயபூர்வமாக விவசாயிகளுக்கு நிவாரணம் அளிக்க வேண்டுமென்ற நல்லெண்ணத்தோடு இதை நீடித்து விட்டேன் என்று சொன்னார். ஆனால், அதிகாரிகள் கொஞ்ச நேரத்திற்கு முன்பாகப் “பால்” செய்த எக்ஸ்க்லூஷன் “ஸ்டே” செய்யக் கூடிய “பில்” இருக்கிறதே, அதைக் காட்டி—முதலமைச்சரிடம் காட்டி—அதைக்கொண்டு அவர் மக்களிடம் சொல்ல, இம்மாதிரி “மின்ஸ்டர்” செய்துவிட்டார்கள், யார் இம்மாதிரிச் செய்தார்கள்? இந்த அரசாங்கத்தை நடத்தக்கூடிய பொறுப்புள்ள அதிகாரிகள். எனக்கு அவர் யார் என்பது நன்றாகத் தெரியும், ஆனால் அவருடைய பெயரை இங்கே சொல்ல விரும்பவில்லை. காரியதரிசிக்குக் குறைந்தபட்ச அந்தஸ்து உள்ள அதிகாரி. ரெவின்யூ அமைச்சர் அவர்கள் கூடக் கொண்டுவந்துவிடுகிறேன் என்று என்னிடத்திலே சமார் 1½ வருஷகாலமாகச் சொல்லிக்கொண்டே இருக்கிறார். முதலில் ஒரு அதிகாரி ஒன்றுமில்லை என்று சொன்னார் என்று ஏற்கெனவே நான் சொன்னேன். அதன் பின்னர் நியாயம் தீர்க்கப் போன அதிகாரி—ஐ. ஏ. எஸ். அதிகாரி—அலிஸ்டெண்ட் கலெக்டர்—நூற்றுக்கணக்கான டெனெண்டுகளை அப்புறப்படுத்துவதைப் பார்த்து, அவர் இது நியாயம் அல்ல என்று குறிப்பிட்டிருக்கிறார். இங்கே விரல் விட்டு எண்ணக் கூடிய 5 அல்லது 6 நபர்களிடத்தில் தான் நிலம் பூராவும் இருக்கிறது. மடத்திற்கு—திருவாடுதுரை ஆதினத்திற்கு 2,000 ஏக்கர் காடுகளும், 2,000 ஏக்கர் நஞ்சையும் இருக்கிறது. (ஸ்ரீ எல். எஸ். கனாயாளர் : No.) நண்பர் ஸ்ரீ கரையாளர் இல்லையென்று சொல்லுகிறார். எனக்குத் தெரியும்.

SRI L. S. KARAYALAR : The hon. Member refers to the Tiruvaduthurai Adheenam. The Tiruvaduthurai Adheenam has not got 2,000 acres of nanja land.

SRI K. T. KOSALRAM : How many acres has it got?

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SRI L. S. KARAYALAR : It has got about 200 acres.

SRI K. T. KOSALRAM : இப்போது 500 ஏக்கர் நிலத்தில் கூட்டுறவு முறையில் விவசாயம் செய்ய கூட்டுறவு சொஸைடி அமைக்க ஏற்பாடு செய்துகொண்டு வருகிறார்கள் என்பதை நான் நிச்சயமாகச் சொல்ல முடியும். ஒரே இடத்தில் 500 ஏக்கர் நிலத்தில் கூட்டுறவு விவசாயம் செய்ய ஏற்பாடு செய்யும்போது காடுகள் ஏராளமாய் இருக்கின்றன என்பதை மறுக்க முடியாது.

ஒரு சிலர்—ஏராளமாக வைத்துக்கொண்டிருப்பவர்கள்—அதிகாரிகளை என்ன செய்வார்களோ தெரியாது. ஆண்டவன் பேரால் நிலங்களை வைத்துக்கொண்டிருப்பவர்கள் ஆண்டவனையே சொல்லி அதிகாரிகளை ஏமாற்றுவார்கள் போலிருக்கிறது. முதலில் ஒரு ரிப்போர்ட், அதற்குப் பின்னால் ஒரு ரிப்போர்ட். முதலமைச்சர் அவர்கள் “செய்து விட்டேன்” என்று சொல்லிவிட்டார்கள் ஒரு வருஷத்திற்கு முன்னால். இப்போது செங்கோட்டையை “விட்டுவிடுகிறேன்” என்று சொல்கிறார்கள். இதிலேயே செங்கோட்டையைச் சேர்த்திருக்கலாம். இரண்டு நிமிஷத்தில் ஒரு பில்லைத் தயாரிக்கலாம். அல்லது இதிலேயே ஒரு சிறு கிளாஸைப் போட்டிருக்கலாம். இன்னும் கூட சந்தர்ப்பம் இல்லாமல் போகவில்லை. “பால்ஸ் பிரஸ்டிஜ்” பார்ச்சுதீர்கள் என்று சொன்னேன். “பிரஸ்டிஜ்” பார்ப்பது ஜனநாயக முறையல்ல. எல்லோருக்கும் எல்லாம் தெரிந்திருக்க முடியாது; அமைச்சருக்கு எல்லாம் தெரிந்திருக்க முடியாது. எனக்கு எல்லாம் தெரிந்திருக்க முடியாது. ஆங்காங்கு இருக்கும் நிலைமையைச் சொல்லும் போது, அதைக் கவனிக்க வேண்டும். செருப்புக்காகக் காலி வெட்ட முடியாது. காலுக்காகத் தான் செருப்பு. விவசாயப் பெருங்குடி மக்களுக்கு — சக்தியற்ற மக்களுக்கு — அநீதியிழைப்பது சரியல்ல. ஏராளமாக வெளியேற்றப்பட்டுவிட்டார்கள், வெளியேற்றப்பட்டு வருகிறார்கள். நல்லெண்ணம் கொண்ட சில ஊழியர்கள் சென்று அரசாங்கத்தினுடைய எண்ணம் இது, இந்த எண்ணத்தை நிறைவேற்ற வேண்டும் என்று கொஞ்சம் எடுத்துக் கூறியதால்தான் ஒரு சிலர் விடப்பட்டிருக்கிறார்கள். இதிலே அரசாங்கம் “பால்ஸ் பிரஸ்டிஜ்” வைத்துக்கொண்டிருக்கிறது. இதிலே நாங்கள் “அமெண்ட்மெண்ட்” போடுவது நல்லதல்ல. அரசாங்கமே உடனடியாக “அமெண்ட்மெண்ட்” கொண்டுவந்து நிறைவேற்ற வேண்டும். அம்மாதிரிச் செய்தால்தான் பொது மக்கள் நல்லெண்ணத்தை நம்புவார்கள். இல்லாவிட்டால் சொல்லுவது ஒன்று, செயல் வேறு என்று அவர்கள் சொல்லுவது எந்தையும், நம்பாத அளவுக்கு நீலமை போய்விடும். ஆகையால், இதற்கு உடனடியாக ஒரு “அமெண்ட்மெண்ட்” கொண்டுவர வேண்டுமென்று நமது அமைச்சர் ஸ்ரீ மாணிக்க வேலு அவர்களை மன்றாடிக் கேட்டுக்கொள்கிறேன். செங்கோட்டைப் பகுதி மக்கள் சார்பாக, இதிலே “அண்ட் செங்கோட்டை டாலாக்” என்று போட்டால் போதும் என்று நான் நினைக்கிறேன். இதைச் செய்ய வேண்டுமென்று கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.

ஸ்டேட்மென்ட் ஆப் ஆப்ஜெக்ஷன் அண்டு ரீசன்ஸ்-ல் “செங்கோட்டை” என்று போட்டு விட்டால் போதும் என்பது என் வேண்டுகோள்.

SRI A. GAJAPATHY NAYAGAR : இதற்கு முந்தி “ஹோல்டிங்ஸ் ஸ்டே ஆப் எக்ஸ்டிண்டிஷன் ஆக்டிவ்” “செங்கோட்டை” என்று தெளிவாக எழுதியிருக்கிறது. அதிலே கிடை யாது என்று சொல்லியிருக்கிறது. ஆனாலும் அந்த செங்கோட்டைத் தாலாகாவுக்குச் சலுகை கொடுத்ததாகச் சொல்லும்போது இதிலே “செங்கோட்டை தாலாகா” என்று ஒரு திருத்தத்தைச் சேர்த்து விட்டால் மக்களுக்கு நன்மையாக இருக்கும்.

SRI K. BALASUBRAMANYA AYYAR : Madam, so far as the Tenants Protection Act is concerned, I want to point out one or two difficulties already experienced under the Act. The Government may look into them. As regards the small landowners, there

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is the right of resumption. There is a great difficulty in respect of that and that has been frequently mentioned. The Revenue Minister said that he would look into the matter of people owning a small extent of land. It is better that it is looked into. The right of resumption is given to the landowner for personal cultivation in those cases where he is not able to get proper lease amount from the cultivating tenant. That provision ought to be looked into carefully and some relief should be given to the small landowners. The life of the Act has to be extended because we are thinking of a comprehensive legislation. When it is extended, it is better that we look into this provision and give some relief to small landowners who want to have their lands for personal cultivation.

* **THE HON. SRI M. A. MANICKAVELU :** மேடம், “ஸ்டேட் ரிஆர்கனைசேஷன்” படி பிரிவினை ஏற்பட்டதிலே நதி, காடுகள் போய் விட்டன என்று கனம் அங்கத்தினர் ஸ்ரீ கோசல்ராம் அவர்கள் சொன்னார்கள். அது வேறு பிரச்சனை. பிரிவினையிலே நல்லதும் ஏற்படுகிறது, கெட்டதும் ஏற்படுகிறது. குடும்பப் பிரிவினையில் கூட நல்லது கெட்டது ஏற்படுகிறது. அதிலே இந்த மாதிரி ஏதாவது ஏற்பட்டிருக்கலாம். அதுபற்றி நான் ஒன்றும் சொல்லுவதற்கில்லை. ஆனால் காடு நன்றாக அடர்ந்த பகுதியைப் விட்டது. “இதற்கு யார் காரணம்? உத்தியோகஸ்தர்களை? அரசியல் வாதிகளை?” என்பதையெல்லாம் நான் ஆராய முடியாது.

விவசாயி நிலத்திலிருந்து வெளியேற்றப்படுவதைத் தடுப்பதற்காக இந்த மசோதா கொண்டுவரப்பட்டிருக்கிறது. ஏன் இதைச் செங்கோட்டைத் தாலாகாவுக்கு நீடிக்கக்கூடாது என்று கேட்டார். நீலகிரியில் உள்ள கூடலூர் பகுதிக்கும் மலபார் டென்யூர் ஆக்ட் இருக்கிறது. அதில் சில கஷ்டங்கள் இருக்கின்றன. இந்தச் சட்டத்தை நீடித்தால், செங்கோட்டைப் பகுதிக்கும் நீடிக்கவேண்டும், கூடலூர் பகுதிக்கும் நீடிக்க வேண்டும். இம்மாதிரியான ஒரு தடுப்புச் சட்டம் எப்பொழுது கொண்டுவருவது என்றால், ஆயிரத்தில் ஒருவரை எப்பொழுதாவது நிலத்திலிருந்து வெளியேற்றுவதைத் தடுப்பதற்காகச் சட்டம் கொண்டுவருவதில்லை. பெரிய அளவில் வெளியேற்றம் நடக்கும்போது சட்டம் கொண்டுவருகிறோம். சில சமயங்களில் “ஆர்டினன்ஸ்” கூடப் போடுகிறோம். ஏதோ இங்கொன்று அங்கொன்மக நில வெளியேற்றம் இருந்தால், அதற்காகச் சட்டம் கொண்டு வருவதில்லை. அதிகார பூர்வமாக வந்த ஒரு ரிப்போர்ட்டில் “லார்க்ஸ்கேல் எலிக்ஷன்” இல்லை என்பதால் உடனடியாகப் பரிகாரம் தேடவில்லை. (குறுக்கீடு) நீடிக்க வேண்டுமென்று சொல்லியிருக்கலாம். நீடிக்கலாம் என்பது உத்தேசம். நீடிக்க வேண்டுமென்று அதிக யோசனை பண்ணும்போது தகராறுகள் வருகின்றன. அதற்குரிய பெரிய மசோதா வருகிறது என்ற பிரச்சனை ஏற்பட்டுவிட்டது. பெரிய மசோதா வரப்போகிறது, சிறு சிறு மசோதாக்கள் எதற்காக என்று கேட்கிறார்கள். எல்லாவற்றையும் பெரிய மசோதாவிலே புகுத்தி ஒரே மசோதாவாக, “காம்பர்ஹென்சிவ்” மசோதாவாகச் செய்து விடலாம். அது இன்னும் இரண்டு மாதங்களில் வரப்போகிறது. (ஸ்ரீ கே. டி. கோசல்ராம் குறுக்கீடு.)

சிறிய பட்டாதாரர்களுக்கு “எக்ஸெம்ஷன்” கொடுக்க வேண்டுமென்று கனம் அங்கத்தினர் அவர்கள் சொன்னார்கள். அவர்களை உத்தேசித்துத் தான் 4-எ புது க்ளாஸ் கொண்டுவந்தோம். அதன்படி 5 ஏக்கர் வரை சொந்தச் சாகுபடிக்கு எடுத்துக் கொள்ளலாம். அது போதாது, எக்ஸெம்ஷன் கொடுக்க இதிலே திருத்தம் செய்யலாம் என்றிருந்தது. உடனே பெரிய மசோதாபற்றிய எண்ணம் வந்து விடுகிறது. எல்லாவற்றுக்கும் பெரிய மசோதாவிலே போட்டுக்கொள்ளலாம், இதிலே வேண்டாம் என்று

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நினைவுக்கு வருகிறது. இதற்கெல்லாம் காரணம் பெரிய மசோதா. (சு. கே. டி. கோசலராம்: அவர்கள் சொல்லும் காரணம் நான் சொல்வதற்குக் காரணம் அல்ல.) பெரிய அளவிலே அங்கு வெளியேற்றம் இல்லையென்று சொன்னேன். அதிகமாக வெளியேற்றம் இப்பொழுது இருக்கும் நிலைமையில் இல்லை. அதிகமாக இருந்தால், நடவடிக்கை எடுக்க முயற்சிக்கலாம். அந்தப் பெரிய மசோதா உருவாகும்போது அதிலே இந்த ஏற்பாடுகளைச் செய்யலாம் என்ற உத்தேசத்துடன் இந்த மசோதா கொண்டு வரப்பட்டிருக்கிறது. இப்பொழுது அவசரத்தில் எடுத்துக்கொள்ள வேண்டியிருக்கிறது. அவசரக் கட்டமையும் ஏற்பட்டு விட்டது. அவசரத்தில் செய்தால், சரிப்பட்டு வராது. கொஞ்சம் யோசனை பண்ணவேண்டும்.

இந்தச் சட்டத்தைச் செங்கோட்டைத் தாலுகாவுக்கும் நீடிக்க வேண்டும் என்று கனம் அங்கத்தினர்கள் சொன்னதை யெல்லாம் நான் குறித்து வைத்திருக்கிறேன். இதை எல்லாம் மனதில் வைத்து அப்புறம் செய்யலாம் என்று தெரிவித்துக்கொள்ளுகிறேன்.

VICE-CHAIRMAN (Srimathi Jothi Vencatachellum): The question is—

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1959 (L.A. Bill No. 16 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU: Madam, I move—

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1959 (L.A. Bill No. 16 of 1959), as passed by the Legislative Assembly, be passed.”

VICE-CHAIRMAN: Motion moved—

5-00
P.M.

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1959 (L.A. Bill No. 16 of 1959), as passed by the Legislative Assembly, be passed.”

SRI K. T. KOSALRAM: கனம் தலைவி அவர்களே, கனம் அமைச்சர் அவர்கள், நமது எதிர்க் கட்சி உப-தலைவர் திரு. கே. பாலசுப்பிரமணிய அய்யர் அவர்கள் சொன்னதற்கும் எனக்கும் சேர்த்துப் பதில் சொன்னார்கள். அவர்கள் சொன்னதற்கு அமைச்சர் அவர்களுடைய பதில் நூற்றுக்கு நூறு பொருந்தும் என்பதை நான் ஒத்துக்கொள்கிறேன். யார் யாருக்குச் சலுகை காட்டுவது, யார் யாருக்கு எம்மாதிரிச் செய்வது என்பது ஒரு பெரிய “காம்பனிகேட்டெட் கொஸ்ட்டின்”. அதை ஒரு சின்னத் திருத்தமாகக் கொண்டுவந்துவிடுவதற்கு முடியாது. அதைக் கனம் அங்கத்தினர் திரு. பாலசுப்பிரமணிய அய்யர் அவர்கள் ஒத்துக்கொள்வார்கள்.

ஆனால், நான் சொன்ன திருத்தம், இந்த மசோதாவை செங்கோட்டைக்கும் “எக்ஸ்டென்டு” பண்ணுவதற்காக “including Shencottah” என்று போட வேண்டும் என்பது. இதுபற்றி நான் ஏற்கனவே சொல்லிவிட்டேன். முடிவு செய்வதை உங்களுக்கு விட்டுவிடுகிறேன். எது நியாயம், எது தருமம் என்பதையெல்லாம் சொல்லி விட்டு விடுகிறேன்.

[8th September 1959] [Sri K. T. Kosalram]

False prestige-ஐக் கடைசி வரையில் வைத்துக்கொண்டிருக்கிறார்கள். அது அவர்களுக்கு நல்லது அல்ல என்று நான் எச்சரிக்கை செய்ய விரும்புகிறேன். “செங்கோட்டை” என்ற ஒரு வார்த்தையைப் போடுவதில் கஷ்டமில்லை.

என்னையும் திரு. பாலசுப்பிரமணிய அய்யர் அவர்களையும் “கம்பேர்” பண்ணுகிறார். நான் சொல்லும் திருத்தத்தை ஏற்றுக்கொள்ளாவிட்டால், இனி நிலச் சீர்திருத்தம் சம்பந்தமாக “காம்பிரஹென்ஸிவ் லெஜிஸ்லேஷன்” கொண்டு வருவதற்கு முன்னால் அங்கிருக்கும் விவசாயிகள் அத்தனை பேரும் நிலத்திலிருந்து நீக்கப்பட்டுவிடுவார்கள்; நிலத்திலே எந்த விதமான சம்பந்தமும் இல்லாமல் அவர்களைப் போக்கடித்துக்கொண்டு வருகிறார்கள்.

(Mr. Chairman in the Chair.)

இன்று நான் அமைச்சர் அவர்களுக்குச் சொல்லுகிறேன். நீங்கள் அடுத்த முறை இதற்காக வரவில்லையானாலும் சரி, குற்றவத்திற்கு வரும்போதாவது நான் உங்களை அழைத்துக்கொண்டு போகிறேன். எத்தனை நூற்றுக்கணக்கானவர்கள் நிலத்திலிருந்து அப்புறப்படுத்தப் பட்டிருக்கிறார்கள் என்பதைத் தெரிந்துகொள்ள முடியும். உங்கள் முன்னால் ஆர்ப்பாட்டம் செய்வதற்கும் அவர்கள் தயாராய் இருக்கிறார்கள். அப்பொழுது அங்கிருந்த அலிஸ்டெண்டு கலெக்டர் இப்பொழுது செங்கற்பட்டிலே இருக்கிறார். நாளைக்கே அவரை வரவழைத்துக் கேளுங்கள். அந்த ஊரிலே பஞ்சாயத்து செய்து, ஒன்றல்ல, இரண்டல்ல, நான்கு அல்ல, பத்து அல்ல, 70 கேஸ்கள் வரை இரண்டு நாட்கள் உட்கார்ந்திருந்து எலிக்ஷனைக் கூடுமான வரை பார்த்துக்கொண்டிருந்தார். அமைச்சர் அவர்கள் குற்றமும் கூட வராவிட்டாலும், செங்கோட்டை அலிஸ்டெண்டு கலெக்டராக இருந்த அவரைக் கேளுங்கள். ஏதோ எலிக்ஷன் ஒன்றிரண்டு இடங்களில் இருக்கலாம் என்று அமைச்சர் அவர்கள் சொல்கிறார்கள். ஒன்றும் கிடையாது என்று சொல்லவில்லை, சொல்லவும் முடியாது. எத்தனை விதமான சக்திகள் திருவாங்கூர்-கொச்சி அரசாங்கத்தில் இருந்தன என்று எனக்குத் தெரியும். அந்தச் சக்தி இன்றும் அரசாங்கத்திலே இருக்கிறது என்று நான் தெரிவித்துக்கொள்ளுகிறேன். அந்த ஊரில் ஒன்றும் இல்லை என்று நண்பர்கள் சொல்லலாம். இதில் நான் இருக்கிறது அதிசயம். இதில்தான் இருக்கிறது ரகசியம். அங்குள்ள உண்மை என்ன, இங்கு சொல்லப்படுவது என்ன என்பதன் ரகசியத்தை உணர வேண்டும். இன்று அமைச்சர் அவர்களைக் கேட்டுக்கொள்கிறேன். குறிப்பிட்ட அதிகாரியைக் கூப்பிட்டுக் கேளுங்கள். இல்லாவிட்டால் அமைச்சர் அவர்கள் அங்கு வரும்போது வந்து பார்க்கட்டும். எத்தனை பேர்கள் என்று தெரியும். அந்த ஊரிலே காங்கிரஸ் விவசாய சங்கம் இருக்கிறது. சுமார் 1,400 அங்கத்தினர்கள் அங்கே இருக்கிறார்கள். நான் இருந்த ஸ்தாபனத்தின் ஒரு லீன் ஸ்தாபனமாக அது இருந்தது. எனக்கு நன்றாகத் தெரியும். எத்தனை பேர்கள் அங்கே புறக்கணிக்கப் பட்டிருக்கிறார்கள், அப்புறப்படுத்தப்பட்டிருக்கிறார்கள் என்று தெரியும். எலிக்ஷன் ஒன்றிரண்டு இருக்கலாம் என்று அமைச்சர் சொல்கிறார். ஆனால், அப்படியல்ல. அவர்கள் “பாஸ்ட் ப்ரஸ்டிடி”-ஐப் பார்க்காமல் திருத்தம் கொண்டு வருவதன் மூலமாக . . .

MR. CHAIRMAN: This is the third reading stage of the Bill. The hon. Member should not go into the details of the Bill at this stage. Let him make his speech short.

SRI K. T. KOSALRAM: இது விஷயத்தில் “பாஸ்ட் ப்ரஸ்டிடி”-ஐப் பார்க்காமல் இதைச் செய்துவிடவேண்டும் என்று மீண்டும் அமைச்சர் அவர்களை நான் கேட்டுக்கொள்கிறேன்.

[8th September 1959]

SRI L. S. KARAYALAR: Mr. Chairman, I did not think of intervening in this debate at all and especially at this stage, at the time of the third reading of the Bill. This is an occasion to congratulate the Minister on the provisions that have been already carried in the first and second reading stages. But the hon. Member Sri Kosalram seems to have made certain remarks and certain insinuations as well, which I should like to refuse. One or two cases of eviction of tenants might be there. But as far as the question of extending this Bill to the Shencottah taluk or to the Gudalur taluk is concerned, the whole of this State should have the benefit of the Bill and there are no two opinions about it at all, and I shall be the first man to cry from housetops that this Bill should be extended to Shencottah as well. But that does not mean that it should be done in such haste as not to understand the tenures there. It might take a few months. I am not in favour of land-owners. The tenants should get the benefit. I think the Government are willing to give the benefit to the rest of the State. But the insinuations that have been made by the hon. Member Sri Kosalram were rather out of place. While supporting this Bill, I should say that it is only a conditional support and I would welcome this measure being extended to Shencottah as well.

***SRI P. S. KRISHNASWAMY AYYANGAR:** கனம் தலைவர் அவர்களே, கனம் அங்கத்தினர் திரு. கோசல்ராம் அவர்கள், சலபமாக “செங்கோட்டை” என்பதையும் நுழைத்துவிடலாம் என்று சொன்னார்கள். அப்படிச் செய்வது இந்த மசோதாவினுடைய நோக்கத்தையே மாற்றுவதாகும். இப்படி மாற்ற இந்தச் சபைக்கு அதிகாரம் உண்டா என்பதே எனக்குச் சந்தேகம். அப்படிச் சலபமாக மாற்றிவிட முடியாது. ஏற்கெனவே உள்ள ஒரு சட்டத்தைச் சில காலத்திற்கு நீடிக்க வேண்டும் என்பதுதான் இப்பொழுது கொண்டுவந்திருக்கும் மசோதாவின் நோக்கமாகும். மற்றப்படி முன் சட்டத்தை மாற்றவேண்டுமேயானால் சட்ட சபையில் ஆரம்பித்துப் பின்னால் இந்தச் சபைக்கு வரும்போது நாம் பரிசீலிக்கலாம். இப்பொழுது உள்ள நிலைமையில், கனம் அங்கத்தினர் ஸ்ரீ கோசல்ராம் அவர்கள் பிரேரேபித்தபடி ஒரு மாறுதலையும் இதிலே நுழைக்க முடியாது என்பது என்னுடைய தாழ்மையான அபிப்பிராயம்.

***THE HON. SRI M. A. MANICKAVELU:** கனம் தலைவர் அவர்களே, இப்பொழுது பேசிய கனம் அங்கத்தினர் ஒரு “லீகல் ரிமெம்பரன்ஸ்” மாதிரி நம்முடைய சபையில் இருக்கிறார். அவர் சொன்னதிலும் சரியான கருத்து இருக்கிறது. முதலிலே மசோதாவை நாம் பிரசுரம் செய்யும்போது, எந்த நோக்கத்தோடு, எதற்காகப் பிரசுரம் பண்ணியிருக்கிறோம் என்று பார்க்க வேண்டும். அதில் இருந்ததற்கு ஒரு மாறுபட்ட கொள்கையைக் கொண்டுவர வேண்டுமானால், அதற்கு ஏதாவது டெக்னிகல் ஆட்சேபணை வருவதற்கு இடம் ஏற்படலாம்.

கவர்ன்மெண்டுக்கு ஏதோ false prestige என்று சொன்னார். கவர்ன்மென்ட் என்பது “இம்பர்ஸனல்” ஆக இருக்கிறது. “பால்ஸ் ப்ரெஸ்டிஜ்” மாதிரி ஒன்றும் அதில் இல்லை.

SRI K. T. KOSALRAM: அது வேண்டாம் என்று தான் நான் சொல்கிறேன்.

***THE HON. SRI M. A. MANICKAVELU:** எது எது நியாயமோ, எதை எதை எந்தக் காலத்திலே செய்யவேண்டுமோ அதை அந்த உரிய காலத்தில் செய்யவேண்டும். எந்த வழியில் செய்ய வேண்டுமோ அந்த வழியில் செய்ய வேண்டும். அதற்குக் காரணம்

[8th September 1959] [Sri M. A. Manickavelu]

இருக்கிறது. அரசாங்கம் இம்மாதிரிச் சட்டம் கொண்டுவரும்போது, சில விஷயங்களைப் பார்த்துச் செய்ய வேண்டும். ஏனென்றால், இதனால் மனிதர்களுடைய அடிப்படை உரிமை பாதிக்கப்படக் கூடாது. ஆகையால், இதிலே எந்த எந்த அளவு, எந்தச் சமயத்திலே ஒருவருடைய உரிமையை நாம் எடுக்கலாம் என்பதற்குச் சூழ்நிலை வேண்டும். உதாரணமாக எடுத்துக்கொள்ளுங்கள். “பேர் ரெண்ட் அக்ட்” இருக்கிறது. அதில் 60 : 40 என்ற விகிதாசாரத்தை வைத்திருக்கிறோம். அதை நாம் இன்னும் அதிகமாக்கி 90 : 10 என்றோ, 95 : 5 என்றோ வைப்பதென்றால், அது ஆட்சேபணைக்கு வரலாம். அதற்காக, 60 : 40 என்ற பரபொர்ஷன் வைத்தோம். இது போல் ஆட்சேபணைக்கு இடமில்லாத வகையில் பரபொர்ஷன் இருக்க வேண்டும். 90 : 10, 95 : 5 என்று வைத்திருந்தால், அது கோர்ட்டில் ஆட்சேபணைக்கு வர இடம் இருக்கும். இம்மாதிரி ஒரு உரிமையைப்பறிக்கிறது என்றால், எந்த அளவு எந்தச் சந்தர்ப்பத்தில் அதைப் பறிக்கவேண்டும் என்று நாம் பார்க்க வேண்டும். இம்மாதிரியான வெளியேற்றம் பெரிய அளவில் இருந்தால் அப்பொழுது அரசாங்கம் தலையிட இடம் இருக்கிறது. அந்த அளவு இல்லாத வரையில் சட்ட பூர்வமாகத் தலையிடுவதற்கு நமக்கு “லீகல் ரைட்” இருக்கிறதா என்று பார்க்கவேண்டும். அதை உத்தேசித்துத் தான் நான் சொன்னேன்.

இன்னொன்று சொல்ல விரும்புகிறேன். ஏதோ அம்மாதிரி வெளியேற்றம் நடந்து போய்விட்டது, என்ன செய்வது என்றால், சட்டத்திலேயே எட்டிப் பிடிக்க வழி இருக்கிறது. “date back” வைத்து, “க்ரூஷல் டே” வைத்துச் செய்யலாம். அநியாயம் ஏற்பட்டிருந்தால், அம்மாதிரிச் சட்டத்தில் எட்டிப் பிடிக்க வழி இருக்கிறது. அதெல்லாம் இருக்கும்போது, இந்தத் திருத்தம் வேண்டியதில்லை. இந்தத் திருத்தத் தால் டெக்னிகல் கஷ்டம் ஏற்படும். இதை இன்னும் பார்த்துச் செய்ய வேண்டியிருக்கிறது.

கனம் அங்கத்தினர் ஸ்ரீ கோசல்ராம் அவர்களுக்குச் சாதாரண விவசாயிகளிடத்தில் எவ்வளவு அக்கறை இருக்கிறதோ அந்த அக்கறை அரசாங்கத்திற்கும் தனிப்பட்ட அளவில் எனக்கும் இருக்கிறது, மற்றவர்களுக்கும் இருக்கிறது. அவரைப் போல ஒரு சாராருக்கு மாத்திரம் அல்ல, மற்றவர்களுக்கும் இருக்கிறது. அதை உத்தேசித்துத் தான் அரசாங்கம் இந்த மாதிரியான சட்டத்தைக் கொண்டுவந்திருக்கிறது. தகுந்த காலத்தில் அதற்கெல்லாம் தகுந்த ஏற்பாடு செய்யப்படும்.

MR. CHAIRMAN: The question is—

“That the Madras Cultivating Tenants Protection (Amendment) Bill, 1959 (L.A. Bill No. 16 of 1959), as passed by the Legislative Assembly, be passed.”

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

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

The House then adjourned.

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

* 107. Proceedings and Report of the Joint Select Committee on the Madras Khadi and Village Industries Board Bill, 1959 (L.A. Bill No. 10 of 1959).

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* 108. *Proceedings and Report of the Joint Select Committee on the Madras Agricultural Produce Markets Bill, 1959 (L.A. Bill No. 9 of 1959).*

** 109. Notification issued with G.O. Ms. No. 911, Local Administration, dated 30th April 1959, notifying the Sendarapatti Panchayat in the Salem district as a panchayat for which a whole-time Executive Officer shall be appointed.

** 110. Notification issued with G.O. Ms. No. 950, Local Administration, dated 7th May 1959, notifying the Jagathala Panchayat in the Nilgiris district as a panchayat for which a whole-time Executive Officer shall be appointed.

** 111. Notification issued with G.O. Ms. No. 834, Local Administration, dated 16th April 1959, notifying the Janbai Panchayat in the Coimbatore district as a panchayat for which a whole-time Executive Officer shall be appointed.

** 112. Notification issued with G.O. Ms. No. 762, Local Administration, dated 3rd April 1959, notifying the Aladiyur panchayat in the Tirunelveli district as a panchayat for which a whole-time Executive Officer shall be appointed.

** 113. *Proceedings and Report of the Joint Select Committee on the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959).*

** 114. *Annexure to the Madras Agricultural Income-tax Bill, 1959.*

** 115. Notification issued with G.O. Ms. No. 1374, Local Administration, dated 23th July 1959, regarding extension of term of office of the members of the Mathapur panchayat, Coimbatore district, up to 29th August 1959.

** 116. Notification issued with G.O. Ms. No. 1885, Home, dated 1st July 1959, regarding amendment to Notification S.R.O. No. A-1100 of 1959, dated 9th February 1959, published at page 275 of the Fort St. George Gazette, dated 25th February 1959, exempting from payment of tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931) motor car BMC 4718 belonging to Mr. Shearer, Leader, International Labour Organization Productivity Mission to India.

** 117. *The Madras Money-lenders Rules, 1959, issued in G.O. Ms. No. 2823, Industries, Labour and Co-operation, dated 15th July 1959. [Laid on the table of the House under section 22 of the Madras Money-lenders Act, 1957 (Madras Act XXVI of 1957).]*

** 118. *Notifications under section 22 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, issued in Memorandum No. 50921-J3/59-2, Revenue, dated 27th June 1959. [Laid on the table of the House under section 67 (4) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).]*

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**119. Notification issued with G.O. Ms. No. 2059, Home, dated 21st July 1959, regarding exemption from payment of the tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), of station wagon MDO 2584 belonging to the United Nations Children's Emergency Fund and used for BCG Vaccination Campaign in the State.

**120. Notification issued with G.O. Ms. No. 1884, Home, dated 1st July 1959, regarding exemption from the payment of tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931) of motor car DLE 1861 belonging to Sri G. D. I. G. Seneviratne, Third Secretary, Ceylon Assistant High Commission, Madras.

** 121. Notification issued with G.O. Ms. No. 2249, Home, dated 6th August 1959, regarding amendments to certain notifications consequent on further postponement of merger of Excise Department with Commercial Taxes Department to 1st October 1959.

**122. *Amendments to the Madras Cinemas (Regulation) Rules, 1957, issued with G.O. Ms. No. 1961, Home, dated 8th July 1959 [Laid on the table of the House under section 10 (3) of the Madras Cinemas (Regulation) Act, 1955 (Madras Act IX of 1955)].*

**123. Notification issued with G.O. Ms. No. 1955, Home, dated 8th July 1959, regarding amendment to the Madras Motor Vehicles Rules, 1940.

**124. Notification under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, issued with Memorandum No. 16539-J3/59-4, Revenue, dated 17th May 1959. [Laid on the table of the House under section 67 (4) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948)].

**125. Notification under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, issued with Memorandum No. 56563-J3/58-2, Revenue, dated 20th July 1959 [Laid on the table of the House under section 67 (4) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948)].

126. *Bills passed by the Assembly and received therefrom in the Council :—*

@ (a) *The Madras Civil Courts (Amendment) Bill, 1959 (L.A. Bill No. 11 of 1959).*

@ (b) *The Madras Agricultural Income-tax (Amendment) Bill, 1959 (L.A. Bill No. 12 of 1959).*

@ (c) *The Madras Tenants and Ryots Protection (Amendment) Bill, 1959 (L.A. Bill No. 13 of 1959).*

[8th September 1959]

@ (d) *The Madras Preservation of Private Forests (Amendment) Bill, 1959* (L.A. Bill No. 14 of 1959).

@ (e) *The Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1959* (L.A. Bill No. 15 of 1959).

@ (f) *The Madras Cultivating Tenants Protection (Amendment) Bill, 1959* (L.A. Bill No. 16 of 1959).

% (g) *The Madras Agricultural Produce Markets Bill, 1959* (L.A. Bill No. 9 of 1959).

% (h) *The Madras Khadi and Village Industries Board Bill, 1959* (L.A. Bill No. 10 of 1959).

% (i) *The Madras Borstal Schools (Amendment) Bill, 1959* (L.A. Bill No. 17 of 1959).

% (j) *The Indian Partnership (Madras Amendment) Bill, 1959* (L.A. Bill No. 18 of 1959).

127. Notification issued with G.O. Ms. No. 1912, Home, dated 3rd July 1959, regarding exemption from payment of the tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), of the Willys Jeep MYA 6682 allotted to Miss Marie Anderson, Paediatrics Nursing Adviser attached to the Christian Medical College Hospital, School of Nursing, Vellore, under the Technical Co-operation Mission to India for use in connection with the activities of the Technical Co-operation Mission.

[8th September 1959]

APPENDIX I.

[Vide item VII (1) on page 31 supra.]

L.A. BILL No. 12 OF 1959.

(As passed by the Assembly.)

A Bill to amend the Madras Plantations Agricultural Income-tax (Amendment) Act, 1958.

WHEREAS it is expedient to amend the Madras Plantations Agricultural Income-tax (Amendment) Act, 1958 (Madras Act XXIX of 1958), for the purpose hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the Madras Agricultural Income-tax (Amendment) Act, 1959.

(2) It shall be deemed to have come into force on the 1st April 1959.

2. *Amendment of section 34, Madras Act XXIX of 1958.*—In section 34 of the Madras Plantations Agricultural Income-tax (Amendment) Act, 1958—

(i) in the heading, for the words and figures “ the year 1957-58 ”, the words and figures “ the years 1957-58 and 1958-59 ” shall be substituted;

(ii) in sub-section (1), after the figures “ 1958 ”, the words, figures and letters “ or on the 31st day of March 1959 ” shall be inserted.

I certify that this is a Money Bill.

U. KRISHNA RAU,
Speaker,
Madras Legislative Assembly.

APPENDIX II.

[Vide item VII (2) on page 34 supra.]

L.A. BILL No. 13 OF 1959.

(As passed by the Assembly.)

A Bill further to amend the Madras Tenants and Ryots Protection Act, 1949.

WHEREAS it is expedient further to amend the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), for the purpose hereinafter appearing;

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

1. *Short title.*—This Act may be called the Madras Tenants and Ryots Protection (Amendment) Act, 1959.

* Sent by registered post to all M.L.Cs. on 24th August 1959.

** Placed on the table of the House on 7th September 1959.

*** Sent by registered post to all M.L.Cs. on 28th August 1959.

@ Sent by post to all M.L.Cs. on 3rd September 1959.

% Sent by post to all M.L.Cs. on 5th September 1959.

[8th September 1959]

2. *Amendment of section 1, Madras Act XXIV of 1949.*—In section 1, sub-section (3) of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), for the words, figures and letters “the 7th October 1959”, the words, figures and letters “the 7th October 1961”, shall be substituted.

APPENDIX III.

[Vide item VII (3) on page 36 supra.]

L.A. BILL No. 14 OF 1959.

(As passed by the Assembly.)

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

WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), for the purpose hereinafter appearing;

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

1. *Short title.*—This Act may be called the Madras Preservation of Private Forests (Amendment) Act, 1959.

2. *Amendment of section 1, Madras Act XXVII of 1949.*—In section 1, sub-section (3) of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), for the words, figures and letters “the 2nd December 1959”, the words, figures and letters “the 2nd December 1961” shall be substituted.

APPENDIX IV.

[Vide item VII (4) on page 41 supra.]

L.A. BILL No. 15 OF 1959.

(As passed by the Assembly.)

A Bill further to amend the Holdings (Stay of Execution Proceedings) Act, 1950, in its application to the transferred territories.

WHEREAS it is expedient further to amend the Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950), in its application to the transferred territories for the purpose hereinafter appearing;

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

1. *Short title and extent.*—(1) This Act may be called the Holdings (Stay of Execution Proceedings) (Madras Amendment) Act, 1959.

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(2) It extends to the whole of the transferred territories.

2. *Definition.*—In this Act, unless the context otherwise requires, the expression ‘the transferred territories’ shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

3. *Amendment of section 4, Travancore-Cochin Act VIII of 1950.*—In section 4 of the Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950), for the words “nine years and six months”, the words “eleven years and six months” shall be substituted.

APPENDIX V.

[Vide item VII (5) on page 45 supra.]

L.A. BILL No. 16 OF 1959.

(As passed by the Assembly.)

A Bill further to amend the Madras Cultivating Tenants Protection Act, 1955.

WHEREAS it is expedient further to amend the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), for the purpose hereinafter appearing;

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

1. *Short title.*—This Act may be called the Madras Cultivating Tenants Protection (Amendment) Act, 1959.

2. *Amendment of section 1, Madras Act XXV of 1955.*—In sub-section (3) of section 1 of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), for the words “for a period of four years”, the words “for a period of six years” shall be substituted.

THE MADRAS LEGISLATIVE COUNCIL

Wednesday, the 9th September 1959.

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.

Interview with Ministers

*9Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Chief Minister be pleased to state—

(a) whether any time has been fixed by the Chief Minister and other Ministers while in Madras for the Members of the Legislature to interview them with a view to make representation to them; and

(b) if so, what it is?

THE HON. SRI K. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (a) & (b) The following Ministers have not fixed any specific time for granting interview to the Members of the Legislature while at headquarters and they allow the Members to meet them at all hours at their convenience in the office as well as in their residences :—

The Chief Minister,

„ Minister for Finance,

„ Minister for Industries,

„ Minister for Home,

„ Minister for Local Administration, and

„ Minister for Electricity.

The Minister for Revenue grants interview to the Members of the Legislature as well as to the public between 11 a.m. and 12 noon on all working days. He allows Members of the Legislature to interview him even outside these hours while he is in office, and between 8-30 and 9-30 a.m. in his residence. The Minister for Works grants interview to the public between 3 and 5 p.m. when he attends office and to the Members of the Legislature at all convenient hours.

SRI MOHAMED RAZA KHAN : Sir, while appreciating what the Hon. Minister has said, I should like to say this. The difficulty of the legislators is that they have to look to the convenience of Ministers and invariably it happens, because our Ministers are very busy nowadays, that the Members of the Legislature have to wait for hours to get an interview.

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THE HON. SRI R. VENKATARAMAN: Well, it is surprising to hear the complaint. I thought that to have an interview with the Ministers at Madras, at any rate, had been very easy.

SRI T. PURUSHOTHAM: Sir, will the Hon. the Minister for Revenue also follow the example of the other Ministers?

THE HON. SRI R. VENKATARAMAN: I think the Revenue Minister has only to remove the 'board' before his room. Otherwise, he is granting interviews at all times. Only there is the board which restricts the hours of interview.

SRI MOHAMED RAZA KHAN: It is common knowledge that the room of every Minister will be besieged by a number of people seeking interview and when Members of the Legislature go, they have to be given precedence and they enter the rooms. In the light of that, will it not be advisable for the Ministers to allot 15 or 20 minutes per day exclusively for interview by Members of the Assembly and the Council?

THE HON. SRI R. VENKATARAMAN: I do not know whether that will suit the convenience of the Members of the Legislature. Now they come at any time, straightway walk into the room and discuss matters with the Ministers. If a specified hour is fixed for interview by Members of the Legislature, then they will have to inconvenience themselves by adjusting to that particular hour.

Handloom Cess Fund

* 10Q.—SRI A. J. ARUNACHALAM: Will the Hon. the Minister for Industries be pleased to state the assistance, if any, given to the weavers outside the co-operative fold from the Cess Fund?

THE HON. SRI R. VENKATARAMAN: According to the decision of the Government of India, the weavers outside the co-operative fold are not eligible for any form of financial assistance from the Handloom Cess Fund.

SRI A. J. ARUNACHALAM: கூட்டுறவு இயக்கத்தின் கீழ் இப்போது 40 சத விதம் பேர்களுக்கான வந்திருக்கிறார்கள். மற்ற 60 சத விதத்தினர் வெளியேதான் இருந்துகொண்டிருக்கிறார்கள். அவர்களுக்கு இப்போது எந்த வகையான உதவியும் கொடுக்கவில்லை. ஆகவே, தொழிலாளர்கள் பால் மிகவும் அன்பு கொண்ட நமது தொழில் அமைச்சர் அவர்கள் வெளியே இருக்கின்ற இந்த நெசவாளர்களுக்கு ஏதாவதும் உதவி செய்வதற்கு ஒரு திட்டத்தைக் கொண்டுவருவார்களா என்பதைக் கேட்க விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN: இது சம்பந்தமாகச் சென்னை ராஜ்ய சர்க்கார் சலுகை கொடுக்கவேண்டும் என்று பல முறை கேட்டிருந்தது. அதன் பேரில், அசில இந்திய கைத்தறி போர்டும் சிபார்க்கள் செய்திருந்தார்கள். ஆனால், மத்திய சர்க்கார் இதன் மீது எந்த விதமான உதவியும் தற்போது கொடுப்பதற்கில்லை என்று தெரிவித்துவிட்டார்கள்.

SRI MOHAMED RAZA KHAN: Sir, is it not a fact that on a previous occasion the Hon. the Leader of the House said that while it was the policy of both the Central and the State Governments that all the handloom weavers should be brought within the

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review of co-operative societies, yet the Government would consider now best they could help those who were outside the co-operative fold?

THE HON. SRI R. VENKATARAMAN: That is a fact and in pursuance thereof, a number of representations were sent to the Government of India, but a policy decision has been taken by the Government of India, as stated by me.

DR. A. SREENIVASAN: Does the Hon. Minister think that handloom weaving is an anachronism in these days?

THE HON. SRI R. VENKATARAMAN: On the contrary, well-advanced and civilized countries of the world are now going in for handloom fabrics and they are placing large orders for handloom products.

SRI MOHAMED RAZA KHAN: Sir, there was a Seminar recently, possibly presided over by the Hon. the Leader of the House, and is it not a fact that many representations were made at the Government should evolve a certain policy and programme to help those who were outside the co-operative fold?

THE HON. SRI R. VENKATARAMAN: Mainly, the weavers outside the co-operative societies wanted facilities in respect of import of chemicals for dyeing and other purposes, but they were not very keen about facilities by way of rebate. In fact, their intention has always been that they make superior cloth and that they are able to market them fairly comfortably. The Government of Madras suggested a number of things for their benefit, but unfortunately, a policy decision has been taken, as I said earlier, by the Government of India not to extend these benefits to weavers outside the co-operative fold.

SRI K. BALASUBRAMANYA AYYAR: Are we bound by their decision?

THE HON. SRI R. VENKATARAMAN: Well, as long as the money comes from them, we have got to observe the rules.

SRI K. BALASUBRAMANYA AYYAR: Can we not make any provision apart from their help?

THE HON. SRI R. VENKATARAMAN: That means that we will have to make provision from out of the State resources. Even if it is, the Government of Madras have made a provision of about Rs. 34 lakhs, in addition to the contribution from the Handloom Cess Fund made by the Government of India, but that is not enough to meet the requirements of the people within the co-operative fold. Therefore it would be too much of a burden to undertake that responsibility now.

SRI A. J. ARUNACHALAM: கூட்டுறவு இயக்கத்தில் சேர்ந்திருக்கின்றவர்களால் சிறிதளவுதான் உற்பத்தி செய்யப்பட்டு வருகிறது. ஆனால் வெளியே இருக்கின்றவர்களினால் அதிகமான அளவில் ஆடைகள் உற்பத்தி செய்யப்படுகின்றன. அந்த ஆடைகளை எல்லாம் நல்ல முறையில் விற்பனை செய்வதற்கு டிப்போக்கள் திறந்து, அதன் மூலம் ரிபேட் கொடுக்கவும் அரசாங்கம் ஏற்பாடு செய்யுமா?

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THE HON. SRI R. VENKATARAMAN: Yes. All the people who apply are not taken immediately. We are taking them only in accordance with the priority. Actually there are a good number of applications for admission to co-operative societies. The number is very much more than 12,500, which is our target.

SRI MOHAMED RAZA KHAN : May I know, Sir, how much money has come from the Central Government from out of this Cess Fund?

THE HON. SRI R. VENKATARAMAN : For the year 1959-60 it is Rs. 92 lakhs.

Temple entry.

* 11 Q.—VIDWAN T. MUTHUKANNAPPAN: Will the Hon. the Minister for Home be pleased to state—

(a) whether any restriction has been imposed on non-Hindus in entering the Hindu temples in this State;

(b) whether it is a fact that Hindus belonging to other countries are also being prohibited from entering Hindu temples:

(c) if so, whether any representation has been made in this regard; and

(d) the action taken thereon?

THE HON. SRI M. BHAKTAVATSALAM: (a) Yes. Under rule 2 of the rules framed under the Madras Temple Entry Authorization Act, 1947, non-Hindus are not entitled to enter the Hindu temples.

(b) No, Sir.

(c) & (d) The Ramakrishna Math, Mylanore, has made representations to the Government in the matter. The Commissioner, Hindu Religious and Charitable Endowments, has been instructed to issue suitable instructions to all the temple authorities.

VIDWAN T. MUTHUKANNAPPAN: சில மாதங்களுக்கு முன் அமெரிக்காவிலிருந்து வந்திருந்த இணை லீட்சு பெண்மணிகள் காத்திரம் வந்த அணல்வாசி கோயிலிலும் ஏதாம்பேஸ்வார் கோயிலிலும் செல்ல அனுராத் மறுக்கப்பட்டார்கள் என்பது உண்மையா? அதற்கு அசாங்கம் ஏதாவது நடவடிக்கை எடுத்ததா?

THE HON. SRI M. PHAKTAVATSALAM : அதற்கு என்னுடைய பதிலில் (b), (d) என்ற பிரிவுகளில் பதில் இருக்கிறது. அவர்கள் ஷரித்துக் களாக மாறிய பிறகு கோயிலுக்கு வந்தார்கள். கோவில் அதிகாரிகள், அவர்களுக்குக் கோயிலுக்குள் செல்ல அனுமதி கொடுக்கவில்லை. இது அரசாங்கத்தின் கவனத்திற்குக் கொண்டுவரப்பட்டது. அதற்குப் பரமம் இந்த விஷயத்தைக் சமீபவாரிடம் சொல்லிச் சட்ட இலாகாவுடனும் சலுகையோடு சிக், தீ பி.சு. ஷரித்துக்களாக்க, அவர்கள் மரணம் எந்த மதத்தைச் சேர்ந்தவர்களாக இருந்தாலும் கோயிலுக்குள் செல்ல அனுமதி மறுப்பது தவறு என்று கோவில் அதிகாரிகளுக்குத் தெரிவிக்கப்பட்டிருக்கிறது.

DR. A. GREENIVASAN: Sir, are the non-Hindus entering these Hindu temples with the idea of worshipping or sightseeing?

THE HON. SRI R. VENKATARAMAN : இது சம்பந்தமாக மத்திய சர்க்கார் முடிவெடுத்து விட்டார்கள். எனவே, இது சம்பந்தமாக நாம் ஒன்றும் செய்வதற்கில்லை.

SRI T. P. SRINIVASAVARADAN : From the statement of the Hon. Minister, we see that on account of the budgetary provision, he could not take in the other sixty per cent. Am I to understand that those who want to join are now shut out from joining the co-operative society?

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THE HON. SRI M. BHAKTAVATSALAM : Non-Hindus cannot be expected to enter Hindu temples for worship. They do go up to certain limits for sightseeing just as non-Christians are allowed to enter Churches up to the sanctum sanctorum. For instance, in Cairo I have myself visited a very famous Mosque, and I went all round it.

VIDWAN T. MUTHUKANNAPPAN : இந்த ஹிஜ்ரர்கள் இன்னும் சில கோயில்களில் செல்ல அனுமதி மறுக்கப்படுகிறார்கள் என்ற புகார்கள் அமைச்சருக்கு ஏதாவது வந்திருக்கிறதா? வந்திருந்தால், அதன் பேரில் என்ன நடவடிக்கை எடுக்கப்பட்டிருக்கிறது?

THE HON. SRI M. BHAKTAVATSALAM : அப்படி ஒரு புகாரும் எனக்கு வரவில்லை.

Supply of rice

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

(a) whether the Union Food Ministry has agreed to procure Andhra rice more particularly Nellore rice and supply it to Madras State to offset the draw from Tanjore to Kerala State in case the Zonal arrangement continues;

(b) the total quantity of rice promised to be so procured and the price; and

(c) the agency through which it would be sold and the price per Madras measure?

THE HON. SRI M. BHAKTAVATSALAM : (a) Yes, Sir. But whether it will be Andhra rice or other rice is not known.

(b) Up to one lakh tons for this year. The price of rice is not yet known.

(c) District Co-operative Stores and their branches. The price per Madras measure will be worked out, after the cost of the rice to be supplied is known.

SRI MOHAMED RAZA KHAN : Sir, some time before there was a report in the Press that the Government of India had agreed to supply our State Government one lakh tons of rice, mostly from Nellore, and that it would be distributed in the City and other places of Madras State.

THE HON. SRI M. BHAKTAVATSALAM : 'Mostly from Nellore' is not correct. We suggested to the Government of India that in view of the undue drain to Kerala from Madras State, they should supply one lakh tons to Madras State. They agreed to this and they have already supplied 15 thousand tons of rice. That is all raw rice. Mostly it is Burma rice, which is rather cheap.

SRI MOHAMED RAZA KHAN : Sir, is the Hon. Minister aware that although the price of other qualities of rice might have gone down consequent upon the opening of fair price shops, still the ruling price of raw rice of the Nellore variety is between Rs. 1-4-0 and Rs. 1-5-0 per Madras measure.

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THE HON. SRI M. BHAKTAVATSALAM : I can arrange to supply Burma raw rice, which is fairly good, at even 12 or 12½ annas per Madras measure.

SRI K. BALASUBRAMANYA AYYAR : When will the price of Nellore rice be known?

THE HON. SRI M. BHAKTAVATSALAM : A small quantity which was got from the Government of India was sold at Re. 1-3 per Madras measure. Regarding Burma rice, the price will be very soon fixed. It will be between 12 and 12½ annas per Madras measure of raw rice.

SRI MOHAMED RAZA KHAN : Sir, the Hon. Minister stated that he would arrange to supply rice. How am I to approach him and through which agency will the supply be made?

THE HON. SRI M. BHAKTAVATSALAM : The hon. Member, being a resident of Madras, can approach any branch of the T.U.C.S. for supply.

Hospitalisation of tuberculosis patients

* 13 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Revenue be pleased to state the facilities provided in Government Hospitals for hospitalisation of patients who are found to suffer from tuberculosis?

THE HON. SRI M. A. MANICKAVELU : One thousand, two hundred and twenty-six beds are available for hospitalisation (in-patient treatment) of tuberculosis patients in eighteen Government medical institutions.

SRI T. PURUSHOTHAM : Will the Hon. Minister kindly tell us whether special wards are provided for tuberculosis patients in all the Government hospitals, and if so, what precautionary steps are taken against possible contacts and danger of infection?

THE HON. SRI M. A. MANICKAVELU : The only precaution is that they are separately accommodated. As regards the question about special wards, I have no information with me now. If the hon. Member will put a separate question, I can give details.

SRI T. PURUSHOTHAM : Are we to presume that specialists for treatment of these cases in Government hospitals. I mean specialists in tuberculosis, are made available to attend on such cases?

THE HON. SRI M. A. MANICKAVELU : Some of the doctors have got some experience in treating even tuberculosis patients. The specialists are in the tuberculosis sanatorium. But in other hospitals, whatever treatment could be given is being given.

SRI T. PURUSHOTHAM : In view of the very important nature of this problem, will the Government consider the question of constituting a committee of experts to go into the question of the present arrangements and the need for improvement and necessary safeguards?

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THE HON. SRI M. A. MANICKAVELU : I consider that the imperative necessity is to make available more accommodation. The committee will go into many aspects of the question and may make so many recommendations. It may not be possible to accept them. First let us try to give more accommodation and more special treatment. Then the other things could be thought of.

SRI T. PURUSHOTHAM : Will the Government examine this question more thoroughly in view of the fact that these patients are accommodated within the hospitals and there is a general feeling among the public that adequate safeguards should be provided? Perhaps it would be better to have special hospitals for the treatment of tuberculosis patients outside the general hospitals.

THE HON. SRI M. A. MANICKAVELU : Now there are special hospitals for tuberculosis treatment, as in Tambaram and Nagercoil. This becomes necessary, if there are patients in other areas. Temporarily they have to be given hospitalisation. So, some accommodation is found in the hospital, and in certain hospitals, there is separate accommodation also. For instance, in Ootacamund, they are going to have a separate building where the tuberculosis patients will be housed.

VIDWAN T. MUTHUKANNAPPAN : டி. பி. நோயாளிகளில் சில இந்து மூன்று, நான்கு ம. தங்கள் ஆன பிற அவர்களுக்கு அட்மிஷன் கிரேஸ் வரும்படி. இந்த உண்மை கனம் அமைச்சருக்குத் தெரியுமா?

THE HON. SRI M. A. MANICKAVELU : அட்மிஷன் கொடுப்பதற்கு முன்பு அவர்கள் இறந்துபோய்விட்டால் அது உண்மையாகத்தான் இருக்கும் (சிரிப்பு.)

SRI MOHAMED RAZA KHAN : Will the Hon. Minister tell us what the bed-strength at the Tambaram Hospital is, and how many are in the waiting list?

THE HON. SRI M. A. MANICKAVELU : The bed-strength in the Tambaram institution is 548. But actually more patients have been admitted, and the number in the waiting list is also large.

DR. A. SREENIVASAN : May I know whether there is any selection of cases before they are admitted to these hospitals or are all cases of tuberculosis admitted to these special hospitals?

THE HON. SRI M. A. MANICKAVELU : All cases are admitted, but preference is given to those cases which are serious because unless immediate treatment is given, they may become very serious. So, they give preference to such cases. In other cases, according to the order of registration, they get admission.

DR. A. SREENIVASAN : Is it not possible to treat most of these insipient cases of tuberculosis and mild cases of tuberculosis as out-patients without wasting the bed-strength of these hospitals?

THE HON. SRI M. A. MANICKAVELU : That is also being tried. In fact, that is being tried in a more progressive manner by means of, what is called, the domiciliary treatment.

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SRI A. J. ARUNACHALAM : தாலுக்கா தலைநகரில் உள்ள அரசாங்க ஆஸ்பத்திரிகளில் இந்த டி. பி. நோயாளிகளுக்குச் சிகிச்சை கிடைக்க ஏதாவதும் ஏற்பாடு செய்ய அரசாங்கத்திலே ஆலோசனை இப்போது இருந்து வருகிறதா?

THE HON. SRI M. A. MANICKAVELU : ஒவ்வொரு ஜில்லா தலைநகர ஆஸ்பத்திரியிலும் அம்மாதிரி ஏற்பாட்டுக்கு வழிவகை செய்யப்பட்டு வருகிறது. தாலுக்காவில் இல்லை. ஜில்லாவில் செய்வதே இன்னும் பூர்த்தியாகவில்லை. அது பூர்த்தியான பிறகுதான் பார்க்க வேண்டும்.

SRI ABDUL HAMEED KHAN : There are a large number of labourers suffering from tuberculosis in the City. Will the Hon. Minister make separate arrangements for their treatment?

THE HON. SRI M. A. MANICKAVELU : These hospitals are spread in Coimbatore and in other places. Also in Perundurai Sanatorium there is accommodation made available. Apart from that, they are all labourers, physical, mental, etc. (Laughter.)

SRI N. ANNAMALAI PILLAI : இந்த கடியரோகம் கொடியது என்று வைத்தியர்கள் சொல்லுகிறார்கள். அதற்காகப் பிணை வேட்டாக ஆஸ்பத்திரிகள் அமைத்திருக்கிறார்கள். வேலூரிலே நடுகலே அந்த வயாதியஸ்தர்களுக்குக் கட்டு ஆஸ்பத்திரியைக் கட்ட ஏற்பாடு செய்திருக்கிறார்கள். அதை அப்புறப்படுத்தும் உத்தேசம் சர்க்காருக்கு உண்டா? அப்படியானால் என்ன நடவடிக்கைகள் எடுத்திருக்கிறார்கள் என்று அறிய வரும்படி கேள்வி.

THE HON. SRI M. A. MANICKAVELU : கட்டிடம் கட்டுவதற்காக அஸ்திவாரக் கலப்பெடப்பட்டது. இப்போது உத்தேசம் எல்லாவற்றாலும் அஸ்திவாரக் கலப்பை மருமக எடுத்துவாடும் இந்த ஆஸ்பத்திரியை வேறு இடத்தில் தூரத்தில் வைக்கலாம் என்பதுதான்.

SRI N. ANNAMALAI PILLAI : அப்படியானால் அதே இடத்தில் இருக்க வேண்டும் என்பதுதான் உத்தேசமா?

THE HON. SRI M. A. MANICKAVELU : அதை அந்த இடத்திலிருந்து மாற்றி வேறு இடத்தில் அமைக்கப் போகிறோம் என்று தான் தான் இப்போது சொன்னோம்.

Old manuscripts.

* 14 Q.—**VIDWAN T. MUTHUKANNAPPAN :** Will the Hon. the Minister for Revenue be pleased to state—

(a) whether any arrangements have been made to collect and protect the old manuscripts (leaves) pertaining to Siddha Vaidya in our State;

(b) the number of manuscripts that have been printed; and

(c) what they are?

THE HON. SRI M. A. MANICKAVELU : (a) The matter is under consideration.

(b) & (c) Do not arise.

VIDWAN T. MUTHUKANNAPPAN : ஜயா, சென்ற எப்ரல் மாதம் 1-ம் தேதியன்று அமைச்சர் அவர்கள் எம்பகோணத்தில் நடந்த சித்த வைத்திய மாநாட்டில், பழங்காலச் சுவடிகளைப் பார்த்துவிட்டு, அவைகளை அச்சிட்டு முயற்சி எடுத்துக்கொள்வதாகச் சொன்னது உண்மையா? அதற்கு என்ன முயற்சி எடுத்து வருகிறார்?

[9th September 1959]

THE HON. SRI M. A. MANICKAVELU : ஆம். அந்த மாதிரி நாட்டு வைத்திய முறையில் நல்ல வைத்தியங்கள் சொல்லப்பட்டிருக்கின்றன. அவைகளெல்லாம் வீணாகப் போகின்றன. அதற்காக ஒரு திட்டத்திற்காக டைரக்டர் ஆப் மெடிக்கல் ஸர்வீஸஸிடம் எந்த வகையில் செலவு என்று திட்டம்போட்டு அனுப்பச் சொல்லியிருக்கிறோம். இதற்கு முன்பு 5,000 ரூபாய் கொடுத்து 'தமிழ் இலகல் மெடிகல் பிக்ஷனரி பார் சித்தர்' என்று ஒன்று தயாரிக்க ஏற்பாடு செய்திருந்தோம். அதைச் செய்து முடிக்கு முன் அவர் இறந்துவிட்டார். அந்தப் புத்தகம் எல்லாம் இப்போது மதராஸ் தாசில்தாரிடம் இருக்கிறது. பார்த்துச் செய்ய ஏற்பாடுகள் செய்யப்படும்.

VIDWAN T. MUTHUKANNAPPAN : தனியார் அல்லது தனிப் பட்டோர் நடத்தும் கழகங்கள் இவைகளை அச்சிட முனவந்தால் அரசாங்கம் பொருளுதவி செய்ய முன்வருமா?

THE HON. SRI M. A. MANICKAVELU : ஒவ்வொரு கேஸையும் வரும்போது ஆராய்ந்து பார்த்துச் செய்ய வேண்டும். பலத்திற்காகவே சிலா முனவருவார்கள். (சிரிப்பு.)

SRI T. PURUSHOTHAM : Will the Hon. Minister tell us when the Director of Medical Services was addressed in the matter and whether he has submitted a detailed report about it and will the Government ensure that speedy action is taken in the matter so that at least something could be done for this in the next financial year?

THE HON. SRI M. A. MANICKAVELU : He has sent a preliminary report, but that is not a full one. We have asked him to send a detailed report and we are awaiting his report. As soon as it is got, we shall take such steps as are necessary to expedite the matter.

SRI B. K. NALLASWAMI : ஸார், இந்த அகராதியைப் பிரசுரிப்பதில் ஒரே நபருடைய உதவையைப் பார்த்ததால் தடைப்பட்டுப் போய்விட்டது. அதே மாதிரி மறுபடியும் நேராமல் இருக்க ஒரு முழு அமைத்து, அதைக்கொண்டு அகராதியைத் தயாரிக்க ஏற்பாடு செய்வார்களா?

THE HON. SRI M. A. MANICKAVELU : ஒரளவுக்கு எல்லாம் பூர்த்தி யாகும் தருணத்தில் தான் இருந்தது. இது இன்னும் புதிய நபர்களிடம் போனால் சரியாக இருக்காது. இப்போது இருப்பதையே பார்த்து முடிக்க வேண்டும்.

Government offices

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

(a) the number of Government offices located in private rented buildings in Madras City and the total amount of annual rent incurred therefor; and

(b) whether there is any proposal to shift these offices to Government-owned buildings?

THE HON. SRI P. KAKKAN : (a) 92 offices.

The total amount of annual rent paid is Rs. 3,31,647.

(b) No, Sir.

SRI T. PURUSHOTHAM : Have the Government drawn up a programme for construction of more buildings in the City for accommodating the Government offices?

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THE HON. SRI P. KAKKAN : The Government have now decided that the proposal to construct buildings in Madras City for accommodating the Government offices now located in rented buildings should be deferred till better times.

SRI T. PURUSHOTHAM : Have the Government considered any proposal to shift some of the City offices to suitable places outside the City and what steps have been taken in that direction?

THE HON. SRI P. KAKKAN : There is no such proposal.

SRI MOHAMED RAZA KHAN : Have the Government deferred their proposals to have their own buildings for their offices due to financial considerations or for any other reason?

THE HON. SRI P. KAKKAN : Due to financial considerations.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that by putting up modern buildings even from the financial point of view they will have a good return, apart from the fact that the Government are spending a sum of Rs. 3 lakhs every year by way of rent?

THE HON. SRI P. KAKKAN : The Government have considered all the factors and taken a decision.

SRI T. PURUSHOTHAM : Will the Government consider the question of taking up all the available accommodation in the Life Insurance Corporation building at Mount Road and utilize it for accommodating the State Government offices?

THE HON. SRI P. KAKKAN : No, Sir.

SRI MOHAMED RAZA KHAN : On the one hand, the Minister in charge of Rent Control says that there is a great demand for accommodation. On the other hand, the Minister in charge of Works says that the Government won't put up their own buildings. Will not the Government think of having their own buildings for their offices so that some of the residential houses which are otherwise being occupied by the Government offices may be vacated and others may occupy them?

THE HON. SRI R. VENKATARAMAN : May I just point out that it is a question of priority? The available resources are intended to be utilized for plan schemes and during the Second Five-Year Plan the Government have sought to utilize all the resources available for plan schemes.

SRI T. PURUSHOTHAM : As the Minister for Works says that there is no proposal to shift any of the Government offices outside the City of Madras, will the Government consider that problem and see how far that would be feasible?

THE HON. SRI R. VENKATARAMAN : I may say that there is no such proposal.

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SRI MOHAMED RAZA KHAN : While I appreciate the intervention of the Leader of the House in saying that a scheme was considered, am I to understand that the scheme could have been accepted by the Government but for the capital expenditure involved and may I point out that if it had been accepted, except for the capital expenditure, the Government would have saved three lakhs of rupees every year which itself would be a good return, apart from other factors?

THE HON. SRI R. VENKATARAMAN : The point is this. If we have surplus funds to earn return, then investment in building would be a good thing. But when we want all our resources for having industries, schools and colleges, institutions, irrigation facilities, extension of electricity and so on, the Government have decided that it will be better to utilize the available resources in those directions rather than in building offices.

Government Estate

3-30 P.M. * 16 Q.—**SRI MOHAMED RAZA KHAN :** Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of houses, quarters and out-houses in the Government Estate, Mount Road, Madras;

(b) the persons to whom they have been allotted; and

(c) the rent paid by each of them?

THE HON. SRI P. KAKKAN : (a) 28½.

(b) & (c) The attention of the Member is invited to the paper^a placed on the table of the House.

SRI MOHAMED RAZA KHAN : If the Hon. the Minister for Works remembers aright, I think he was also present at the function when Sir Archibald Nye, the then Governor, handed over the Government Estate to the then Chief Minister, the late Sri Prakasam, and it was the original intention that as far as possible, Members of the Legislature would be accommodated in the various quarters in the Government Estate. But from the statement, I find that four or five houses only have been allotted to the Members and that the other quarters have invariably been given to the Government servants.

THE HON. SRI P. KAKKAN : Even today, we have allotted ten houses to the Members of the Legislative Assembly and the Members of the Legislative Council.

Petitions pending before the Rent Controller, Madras City.

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

(a) the number of petitions pending before the Rent Controller, Madras City, as on 1st April 1959 showing the dates on which they were filed;

^a Printed as Appendix I on pages 107 to 110 infra.

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(b) whether the Government have investigated into the cause of delay in disposal of the petitions;

(c) the number of petitions on an average disposed of each day; and

(d) the steps proposed to be taken for prompt disposal of these petitions?

THE HON. SRI V. RAMAIAH : (a) On 1st April 1959, 927 petitions were pending before the Rent Controller, Madras, and 1,081 before the Additional Rent Controller, Madras. The statement^a giving details about the month from which these petitions have been pending is placed on the table of the House.

(b) Yes, Sir. The question is engaging the attention of the Government.

(c) On an average 7 to 10 petitions are disposed of each day by each Controller.

(d) The matter is under consideration of Government.

SRI T. PURUSHOTHAM : Is there any proposal to simplify the procedure with regard to disposal of rent control cases—I mean for summary disposal of routine cases and the like?

THE HON. SRI V. RAMAIAH : Whenever a case is taken up, the Rent Controller will have to go through certain formalities. He cannot summarily dispose of cases as suggested by the hon. Member.

SRI MOHAMED RAZA KHAN : Apart from the fact that a large number of cases are pending, will the Minister agree with me that it takes not less than two years for a petition to be disposed of unless the party concerned is forced under certain circumstances to withdraw the case earlier?

THE HON. SRI V. RAMAIAH : Sir, I do not agree with the hon. Member that the parties are forced to withdraw their cases or it takes two years for the disposal of a case. We have actually appointed two officers and they are going into the cases. There is some delay, because they have to go into various aspects. They have to consider the case in the open court and also there will have to be some sort of examination. We have actually taken up the matter with the High Court to see whether they cannot help us in the matter so that these long-pending cases may not be kept pending for a very long time.

SRI T. PURUSHOTHAM : Is it the intention of the Government to appoint a Judicial Officer to go into the question and suggest how best the procedure could be revised and simplified so that there may not be all this delay in the disposal of Rent Control cases?

THE HON. SRI V. RAMAIAH : It is not in my hands. The whole matter is being looked into by the High Court. We have actually appealed to them to see whether they could help us to dispose of these cases as early as possible.

^a Printed as Appendix II on page 111 infra.

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SRI MOHAMED RAZA KHAN : What is the difficulty actually experienced by the Government in the matter? After all, the Government know that so many petitions are filed every month before the Rent Controllers. That being the case, may I know why they could not appoint more people so that more petitions could be disposed of every month?

THE HON. SRI V. RAMAIAH : Sir, I have already stated that we have taken up the matter with the High Court, and we await their views in the matter.

SRI MOHAMED RAZA KHAN : Has it not been brought to the notice of the Hon. Minister that the clients as well as the advocates found it very difficult and inconvenient because of the fact that the Rent Control Court was situated far away from the main courts? Was there not a proposal that it should be brought somewhere within the precincts of the High Court, and located in a building which was in proximity to the High Court? May I know whether the Government have considered that proposal and, if so, what the result is?

THE HON. SRI V. RAMAIAH : After realizing the difficulties experienced by both the advocates and the other people, we have already shifted the Court from Mambalam to the present site at Mount Road. This is definitely more conveniently placed than the previous one. I concede the point mentioned by the hon. Member. I have asked the Rent Controller and the Accommodation Controller to find out whether they could get some accommodation near the High Court premises. As a matter of fact, the High Court itself is hard pressed for accommodation and so, we could not immediately shift this court to the compound of the High Court.

Bus service between Madras and Tiruchirappalli

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

(a) whether there is any proposal for running a bus service between Madras and Tiruchirappalli; and

(b) if so, the stage at which it now stands?

THE HON. SRI V. RAMAIAH : (a) & (b) The Transport Commissioner has sent a proposal to introduce night express bus service between Madras and Tiruchirappalli. The services would start at 7 p.m. at either end and arrive at the destinations the next morning. This proposal was considered by the State Transport Advisory Committee in one of its meetings. In pursuance of the recommendation of this Committee, Sri N. Mahalingam (a Member of the Committee) has sent a scheme regarding the design of the seats and other amenities to be provided for passengers travelling by express buses. This is under consideration of the Government.

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SRI MOHAMED RAZA KHAN : In order that these bus services may be made more popular, may I know what has been the experience of the Hon. the Minister for Labour who had the opportunity of travelling in the Madras to Bangalore Government bus service?

THE HON. SRI V. RAMAIAH rose . . .

SRI MOHAMED RAZA KHAN : Let the Minister for Labour give his experience and reply to the question.

THE HON. SRI V. RAMAIAH : Why not I? So far as the popularity of these long distance express bus services are concerned from the pressure we get for opening more and more of these long distance bus routes, I am sure that the long distance service is catching the mind of every one of the travelling public. But, as far as the night service is concerned, when this proposal came up before the State Advisory Committee and also when it came up to me, I really felt that we would have to be extra careful. Because, the night bus service will have to be operated between 7 p.m. and 6 a.m. or 7 a.m. So, we will have to be very careful with regard to the running of night service buses. I am not personally very enthusiastic about straightway going in for night bus services. I have actually assured the State Advisory Committee and other people that we will first go in for these long distance express bus services and gain some experience in it. It is altogether a new experience that we have in running a long distance bus service. We have now the Madras-Bangalore service and it is doing well. Even in the public sector, there is a proposal for running a service from Madras to Krishnagiri and on some other routes. We are aware of the amount of popularity of these long distance services from the demand that we have for these services.

SRI T. PURUSHOTHAM : Is it the idea of the Government to run these long distance bus services as Government concerns?

THE HON. SRI V. RAMAIAH : Sir, we have not taken a decision on that matter. I think the hon. Member will know that it is not purely the monopoly of Government. As it is, there are many long distance route buses which are actually run in the private sector. Actually, there is only one route with the Government.

SRI K. T. KOSALRAM : இந்தச் சபையின் தலைவர் கனம் ஸ்ரீ வெங்கட் ராமன் அவர்கள் இம்மாதிரி “லாங் ரூட்”களை சர்க்காரே நடத்தப் போகிறது என்று பொதுக்கூட்டத்தில் பேசியிருக்கிறார்கள். அதிலும் குறிப்பாக மெட்ராஸ்-திருச்சி ரூட்டை சர்க்கார் எடுத்துக்கொள்ளப் போவதாகச் சொல்லியிருக்கிறார்கள் என்பது அமைச்சர் அவர்களுக்குத் தெரியுமா?

MR. CHAIRMAN : The hon. Member should address his question to the Hon. Minister concerned.

SRI MOHAMED RAZA KHAN : I think the Leader of the House could answer any question, Sir.

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THE HON. SRI R. VENKATARAMAN rose . . .

MR. CHAIRMAN: Anyway, the Hon. Minister is obliging the hon. Member (Sri Kosalram) by answering the question.

SRI K. T. KOSALRAM: Sir, I only addressed the question to the Hon. the Minister for Electricity. In that question, I had made mention about the Hon. the Minister for Industries. That is all. So, I should not be mistaken by you, Sir.

THE HON. SRI R. VENKATARAMAN: Now that the question has been put, let me answer it, Mr. Chairman. The idea or the suggestion is that if buses on long distance routes are run by the Government, it would be advantageous, convenient and profitable.

VIDWAN T. MUTHUKANNAPPAN: இது நேரத்திலே ஓடும் பஸ்களிலே படுத்துத் தூங்க வசதி செய்யப்படுமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI V. RAMAIAH: அந்தக் கட்டத்திற்கு இன்னும் போக வில்லை.

MR. CHAIRMAN: Questions are over.

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

II.—ANNOUNCEMENT RE MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN: I have to announce to the House that I have received the following message, dated 7th September 1959, from the Governor of Madras:—

“In pursuance of Article 207, clause (3), of the Constitution of India, I, Bisnuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Indian Partnership (Madras Amendment) Bill, 1959.”

III.—STATEMENT REGARDING FOOD SITUATION IN MADRAS STATE.

THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, I am placing on the table a statement on the “Food Situation in Madras State”. I have tried to discuss all aspects of food production, consumption and food movements from and to Madras State. I have indicated the general trend of policy decisions so far taken and the manner in which we have tried to carry out these decisions. I have also given the precise figures for production, movements and the price levels. Lastly, I have given some important All-India statistics about the food position which will put our State figures in the proper perspective. I would also like to mention the latest position regarding the number of fair price shops is that there are 1,728 fair price shops functioning in this State and the present off-take is about 5,000 tons a week. Since the shops were started on 15th July 1959, we have distributed 28,657 tons (up to 3rd September 1959).

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I shall now try to give a brief account of the trend of the discussions at the special meeting of the National Development Council held on the 5th and 6th September 1959, which was attended by the Chief Ministers and Food Ministers of all States. The object of the meeting was to generally review the food policy in the different States, particularly from an all-India point of view. Madras was represented by myself and the Finance Minister. The main question we were concerned with was the proposal made persistently over the past two years to break up the Southern Zone into Zones consisting of single States.

It was urged that the present zonal system in the South was causing a lot of difficulties and the only means of effectively controlling the prices in the Southern Zone will be by making each State a food zone by itself. At present in Madras State there is a lot of competitive buying by the merchants with the result that the prices always tend to reach the high levels prevailing in Kerala and the Government procurement operations are not too successful. It was suggested that if the Zone is split up—

(1) the supply position in Madras would improve as there will be no excessive movement outside the State;

(2) our programme of procurement will go according to schedule;

(3) speculative purchases will be reduced considerably and we will be able to hold the prices down; and

(4) Kerala will be assured of a pre-determined quota at a fair price which would help that Government in holding down their price level.

It was also mentioned that Madras will be prepared in a normal year to procure and supply Kerala 1½ lakh tons. It was also pointed out that if Madras is not made a Zone by itself, it will be virtually impossible for the State Government to continue procurement.

Andhra also agreed with the views expressed by Madras. They were prepared to procure and hand over to the Central Government for movement to Kerala, four lakhs tons a year. On the other hand, Mysore opposed the break-up of the Zone on the ground that their deficit was of the order of 2½ lakhs tons and that a break-up of the Zone will deny them supplies to the extent from Andhra. Kerala also opposed the break-up of the Zone on the ground that their supply position would become difficult.

It was urged on behalf of the Central Government that a break-up of the Zone will mean a commitment on the part of the Government of India to supply seven lakhs tons to Kerala and 2½ lakhs tons to Mysore. Against this commitment of 9½ lakhs tons the Centre could only get 5½ lakhs tons from Madras and Andhra and they are not in a position to find the balance elsewhere. So, the Centre was not inclined to accept readily the suggestion to break up the Zone.

[Sri M. Bhaktavatsalam] [9th September 1959]

Our reply was that the demand of 9½ lakhs tons from Kerala and Mysore was not real but highly inflated. Kerala never got such a large quantity from outside and the average movements into Kerala could not in any year have exceeded five lakhs tons. In the same way Mysore was never supplied 2½ lakhs tons in any year, but they were, in fact, self-sufficient and even if they had a small deficit, it could not have exceeded ½ (half) lakh tons. So, if the supplies to Mysore and Kerala are to be maintained normally, the total need will be only 5½ lakhs tons, which Madras and Andhra were prepared to procure and supply. If there is any slight marginal deficit, the Central Government could supply this from the imported stocks, as they are doing at present. So, it was strongly urged that the policy suggested by Madras and Andhra is quite workable and that the Centre would be running no risks in adopting it.

It was decided that the real needs of Mysore and Kerala should be worked out based on the actual movements that have taken place and that the representatives of the States may meet once again towards the end of this month for a final discussion, before the Government of India decides the question of the break-up of the Zone.

SRI K. BALASUBRAMANYA AYYAR: May I request that a day be allotted to discuss the matter, not for Members being critical but to make suggestions and strengthen the hands of the Government?

MR. CHAIRMAN: I have just now mentioned that there will be a discussion on this White Paper. The Business Advisory Committee is meeting tomorrow and we shall fix a date for discussion.

IV.—GOVERNMENT BILLS.

(1) THE INDIAN PARTNERSHIP (MADRAS AMENDMENT) BILL, 1959
(L.A. BILL NO. 18 OF 1959).

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

“That the Indian Partnership (Madras Amendment) Bill, 1959 (L.A. Bill No. 18 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

Under the States Reorganisation Act, provision was made for transfer of the partnership firms registered in the respective States along with the transfer of the territory in which they are situate. For instance, if certain territory was transferred from Bombay to Mysore, the firms situate in the Bombay State which were transferred to Mysore State were deleted from Bombay and entered into the Register of Firms in the Mysore State. Similar provision applied to Madras also by virtue of section 120 of the States Reorganisation Act, 1956. But, unfortunately, in the Act of 1953—the Andhra Partition Act—a similar provision was not made with the result that many of the firms which had been registered by the Registrar of Firms in Madras where they were originally situate

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continue to remain in our State. Provision is made in this Bill for the removal of those names from the Register of Firms in Madras State. This is a non-controversial Bill.

MR. CHAIRMAN: Motion moved—

“That the Indian Partnership (Madras Amendment) Bill, 1959 (L.A. Bill No. 18 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

SRI K. BALASUBRAMANYA AYYAR: I agree it is a non-controversial Bill. But as regards one matter, I want to have clarification and clear my doubts. Clause 2 (ii) says: “In the proviso, for the word ‘shall’, the word ‘may’ shall be substituted.” I would like to know the reason for changing the word ‘shall’ into ‘may’. The Statement of Objects and Reasons says—

“The proviso to sub-section (1) of the said section 59-A makes it obligatory on the part of the Registrar of Firms to hold an enquiry before amending the Register of Firms. Since an enquiry may not be necessary in certain cases, for instance, where a firm had only one place of business in the transferred areas, it is desirable to allow the Registrar to use his discretion in holding enquiries.”

I cannot understand what it means. We find in the Partnership Act a provision to the effect that there should be a statement made to the Registrar and that that statement should contain the firm's name, the place or the principal place of business of the firm and the names of any other places where the firm carries on business, the date when each member joins the firm and the name and permanent address of each member. The statement should be signed by all partners. As soon as the Registrar receives it and is satisfied that the particulars given are correct, he shall record the same. Nothing else. It is only when there is an order in writing required for the purpose of amending or adding to the statement, that an enquiry should be made. Whether it is one place of business or more than one is not the point. Because the particulars given to the Registrar deal with the composite State, now divided, and you want to have an order in writing, an enquiry shall have to be made. In section 59-A, it was there. By way of abundant caution, of course, it was put in there. Therefore, I submit that this provision is unnecessary in the Bill.

(Sri V. K. Palaniswamy Gounder in the Chair.)

* THE HON. SRI R. VENKATARAMAN: Mr. Vice-Chairman, the context in which we seek to change the word ‘shall’ into ‘may’ is this. If a firm has only one place of business and if that place is situate in the territory which is no longer part of the State of Madras, according to the present law, the Registrar shall give notice and hold an enquiry even then. Government feel that it is unnecessary to hold an enquiry in such cases where the only place of business is situate in a territory which is no longer a part of the Madras State. It is said that the discretion may be exercised by the Registrar of Firms. In such cases, it is no longer necessary

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at all, by virtue of the head office being situate outside the State and the partnership firm having only one office, that a notice should be sent and an enquiry made. I do not think that any hardship will be caused because there are a number of firms which have only one place of business and all such areas have been transferred to other States and they have no other place of business in the existing State of Madras. Only in these cases the enquiry is intended to be dispensed with. I think my hon. Friend would agree that in these cases there is no need to conduct an enquiry.

VICE-CHAIRMAN (SRI V. K. PALANISWAMY GOUNDER): The question is—

“That the Indian Partnership (Madras Amendment) Bill, 1959 (L.A. Bill No. 18 of 1959), 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.

VICE-CHAIRMAN (SRI V. K. PALANISWAMY GOUNDER): The motion is—

‘That clause 2 do stand part of the Bill’.

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

“In item (i) to clause 2, for the word ‘addition’, substitute the word ‘transfer’.”

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

VICE-CHAIRMAN (SRI V. K. PALANISWAMY GOUNDER): The clause and the amendment are before the House for discussion.

* SRI P. S. KRISHNASWAMY AYYANGAR: The Bill seeks the deletion of certain entries from the Register of Firms maintained in this State. Deletion may result by reason of taking away some portion from one and tacking on that to some other State. In such cases the proper expression to use is ‘transfer’. The word used in the clause is ‘addition’. ‘Addition’ may not imply taking away and tacking on. It only means adding to another State.

I will give an example. In the Constitution there are certain items which are found in the Union List and certain other items in the State List. There are certain other items in the Concurrent List. Those that are in the Concurrent List will fall within the jurisdiction of the Centre and the State. Supposing there is an item in the Union List alone and that item is proposed to be added on to the State List, it does not mean that it is taken away from the Central List and added on to the State List. If you use the words ‘add the item to the State list’, it does not also mean that that item is taken away from the Central List. It may continue in the

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Central List and yet it may be added on to the State List. In the same way here, the addition of a particular portion to the Mysore State will not mean also that that portion has been taken away from this State. To indicate that it has been taken away from this State and added on to the Mysore State, the proper expression to use will be ‘transfer’. That is why that word has been properly used in the Statement of Objects and Reasons. But I do not understand why the word ‘addition’ is brought in here in the clause. Therefore, I suggest the use of the word ‘transfer’ for the word ‘addition’.

* THE HON. SRI R. VENKATARAMAN: I think, Sir, both the words ‘transfer’ and ‘addition’ in this particular context will equally serve the purpose and unless there is something wrong with the language used, we need not take pains to amend the Statute. The argument of the hon. Member that the word ‘addition’ would mean that it may remain in the old State and also may be added on to the new State will not apply to the States Reorganisation. Something must be taken out of one before it is added on to another. As a matter of fact, it has happened like that; a portion of Bellary district has been added on to the Mysore State. Therefore, the word ‘addition’ is not going to create any legal difficulties in the interpretation of the Statute and, therefore, I am not able to accept the amendment.

SRI K. BALASUBRAMANYA AYYAR: Sir, the Hon. the Leader of the House said that if there was only one place of business, the Registrar of Firms need not make an enquiry. But my difficulty is even under old section 59-A, this enquiry was obligatory. The place of business is a very important question in respect of the Income-tax Act. Questions have arisen very often as regards the place of business of a firm, from where the business is controlled and which is the brain of the business. There may be legal questions also as regards that matter. That was why old section 59-A said that even though in certain cases there might be only one place of business, the Registrar before passing an order must make an enquiry. Now why should we unnecessarily amend this and create further difficulty? That is my point.

* THE HON. SRI R. VENKATARAMAN: I only wish to state, Sir, that it is not going to cause any legal difficulty because if there is any doubt, the Registrar will certainly make an enquiry. It is only in cases where there is absolutely no doubt and there is no other place of business and no transaction has practically taken place within the State, that he will dispense with the enquiry. Though I agree that in the adaptation of laws in section 59-A there was an obligation to hold an enquiry, in the present circumstances and in certain cases, it may not be necessary. Therefore, the amendment has been made in this Bill.

The amendment was, by leave, withdrawn.

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Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

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

“ That the Indian Partnership (Madras Amendment) Bill, 1959 (L.A. Bill No. 18 of 1959), as passed by the Legislative Assembly, be passed ”.

VICE-CHAIRMAN (SRI V. K. PALANISWAMY GOUNDER : The question is—

“ That the Indian Partnership (Madras Amendment) Bill, 1959 (L.A. Bill No. 18 of 1959), as passed by the Legislative Assembly, be passed ”.

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

(2) THE MADRAS CIVIL COURTS (AMENDMENT) BILL, 1959
(L.A. BILL NO. 11 OF 1959).

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

“ That the Madras Civil Courts (Amendment) Bill*, 1959 (L.A. Bill No. 11 of 1959), as passed by the Legislative Assembly, be taken into consideration. ”

Sir, this is a short Bill amending an old Statute, the Madras Civil Courts Act, 1873. In this old Act there is no provision for filing of urgent suits or taking other urgent proceedings in any of the mofussil Courts during the summer vacation. The mofussil Courts are closed for a pretty long period for the summer vacation. There is a provision for a Vacation Judge sitting in the High Court and any urgent proceedings could be taken to that vacation Court but there is no provision for such a vacation Court in the mofussil. Therefore, the need for a provision like this has been felt for a very long time and at one stage it was considered that this power could be conferred on the High Court so that any filing of urgent suits or taking other proceedings from the mofussil areas could be done in the High Court. But it was then felt that it would cause undue hardship and inconvenience to the clients in the mofussil areas. So, this Bill has been finally drafted so as to provide a Vacation Civil Judge for each district during the summer vacation.

VICE-CHAIRMAN : The motion is—

“ That the Madras Civil Courts (Amendment) Bill, 1959 (L.A. Bill No. 11 of 1959), as passed by the Legislative Assembly, be taken into consideration. ”

SRI K. BALASUBRAMANYA AYYAR : Sir, the principle underlying the Bill is all right and we all welcome it, but there are one or two difficulties. The word ‘ summer ’ as is used in this Bill is not at all found in the Civil Courts Act, 1873. There

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the words ‘ adjournment of any Court ’ are used, meaning adjournment for some time, not exceeding two months. When the Court will adjourn is not definitely known. For example, in the Nilgiris, the Courts may not adjourn in summer. In some other places, mostly in winter, they adjourn for some time and so far as the longer vacation is concerned, it may not be in summer. So, it is better not to have the word ‘ summer ’ and the words ‘ adjournment of any Court ’ are sufficient. That is what I feel.

The other point is that it is stated in the Bill that a Subordinate Judge should be appointed as the Vacation Judge. If he is a senior Subordinate Judge holding permanent appointment for a number of years, it may be all right but if he is an acting Subordinate Judge or a Subordinate Judge on probation, it may not be proper. Therefore, I want that there should be a District Judge appointed even during vacation as the Vacation Judge.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, if the word ‘ summer ’ is removed, then it might mean all other vacations including those declared during Christmas and Dasarah, when Courts may adjourn for a few days and the provision may apply to such vacations. Then a vacation Judge will have necessarily to be appointed not only for the summer vacation but also for some other vacations. Therefore, I feel that the word ‘ summer ’ should not be removed.

Then, I come to another matter. After all, the arrangement is temporary for the period of vacation. It is my view that we should not have a District Judge for those days and it will be difficult to get a District Judge act during the vacation. After all, the Vacation Judge attends to urgent cases during vacation, and whether they are filed in the District Munsif's Court or the Sub-Court or the District Court, they will be transferred back to the respective Courts concerned. Therefore, the words ‘ Subordinate Judge ’ have been deliberately put and that is what I have to say in regard to this matter.

VICE-CHAIRMAN : The question is—

“ That the Madras Civil Courts (Amendment) Bill, 1959 (L.A. Bill No. 11 of 1959), as passed by the Legislative Assembly, be taken into consideration. ”

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

Clauses 2 and 3 were put and carried.

Clause 4.

VICE-CHAIRMAN : The motion is—

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

SRI K. BALASUBRAMANYA AYYAR : Sir, I move—

“ In clause 4, in the proposed sub-section (2) of section 30 of the principal Act :

(i) omit the words ‘ in summer ’;

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SRI MOHAMED RAZA KHAN: Sir, I second it.

VICE-CHAIRMAN: Now the clause and the amendment are before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR: Sir, the Hon. Minister has already given his reply to my amendment which seeks to omit the words 'in summer'. Now I want to state only this reason. The word 'summer' is not used in the Civil Courts Act but only the word 'adjournment'. Therefore, why do the Government want to add the word 'summer'? Moreover, it is for the Government to appoint a Vacation Judge. If the vacation is for a shorter period, the Government need not appoint a Vacation Judge. But if the word 'summer' is added, then difficulties may arise if the Courts do not adjourn in summer.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, even the Courts in the Nilgiris have this long adjournment only during summer. The idea behind this Bill is that there should be provision for the appointment of a Vacation Judge during long vacation. If the word 'summer' is there, it is well understood. If the word 'summer' is not there, it would mean other vacations also. We are drafting a Statute and even though it is for the Government to appoint the Vacation Judge, the idea must be clear and I would submit that the word 'summer' should not be removed.

VICE-CHAIRMAN: The question is—

"In clause 4, in the proposed sub-section (2) of section 30 of the principal Act:

(i) omit the words 'in summer'."

The amendment was put and lost.

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

"In clause 4, in the proposed sub-section (7) to section 30 of the principal Act, after the words and figure 'Notwithstanding the provisions of sub-section (6)' and before the words 'any appeal from the decree or order of the Court of the Vacation Civil Judge', insert the words and figure 'and of section 13'."

Sub-clause (6) of clause 4 says that any decree passed by a Vacation Civil Judge in a case cognisable by the District Munsif will be a decree passed by the Court of the District Munsif and that any decree in a case cognizable by a Sub-Court will be deemed to be a decree passed by a Sub-Court.

Let us take a case where a decree passed by a Vacation Civil Judge will be considered. Then section 13 says that a decree passed by a District Munsif will be appealable to the District Court. Here, sub-clause (7) simply says that notwithstanding the provision of sub-clause (6), an appeal from a decree passed by a Vacation Civil Judge shall lie only to the High Court. But section 13 stands as

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is. Unless we say 'notwithstanding the provision of section 13 and of sub-clause (6)', section 13 will stand intact and no deviation from section 13 can be allowed. Unless my amendment is accepted, section 13 also will have force and there will be confusion. Therefore, the amendment of mine should be accepted.

SRI A. GAJAPATHY NAYAGAR: Sir, I second the amendment. I may add that the amendment proposed by the hon. Member Mr. Krishnaswamy Ayyangar is a sensible one, as it will settle the contrary statements which have to be reconciled.

* THE HON. SRI M. BHAKTAVATSALAM: The provision in this sub-clause is only with reference to appeal against a decree or order passed by a Vacation Civil Judge. Such an order is treated as special and, therefore, a provision is made for appeal only to the High Court. Section 13 deals with decrees of District Courts, Sub-Courts, etc. Clause 6 provides that 'on the reopening of the District Court, a Subordinate Judge's Court or a District Munsif's Court after the summer vacation, all suits, appeals and other proceedings pending in the Court of the Vacation Civil Judge which, but for this section, would have been instituted, etc., shall stand transferred to such District Court, etc., and any decree, order or proceeding passed by the Vacation Civil Judge shall after such transfer be deemed to be a decree, order or proceeding passed by the Court concerned.' It is with reference to this expression, 'notwithstanding section 6' is used in sub-clause (7). Therefore, the appellate court will be the High Court. Therefore, there is no need to insert the words and figures as suggested by the hon. Member in his amendment.

The amendment of Sri P. S. Krishnaswamy Ayyangar was, by leave, withdrawn.

Clause 4 was put and carried.

Clause 1 and the Preamble were put and carried.

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

"That the Madras Civil Courts (Amendment) Bill, 1959 (L.A. Bill No. 11 of 1959), as passed by the Legislative Assembly, be passed."

VICE-CHAIRMAN: The question is—

"That the Madras Civil Courts (Amendment) Bill, 1959 (L.A. Bill No. 11 of 1959), as passed by the Legislative Assembly, be passed."

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

(3) THE MADRAS KHADI AND VILLAGE INDUSTRIES BOARD BILL, 1959
(L.A. BILL NO. 10 OF 1959).

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

"That the Madras Khadi and Village Industries Board Bill, 1959 (L.A. Bill No. 10 of 1959), as passed by the Legislative Assembly, be taken into consideration."

[Sri M. Bhaktavatsalam] [9th September 1959]

Sir, hon. Members of this House are aware that this Bill was discussed by this House on the motion to refer it to a Joint Select Committee. The Joint Select Committee went carefully into the various provisions of the Bill and they have made a few changes. I shall now explain the changes made by the Committee.

(Mr. Chairman in the Chair.)

Sub-clause (f) (i) of clause 3 of the original Bill provides that Government shall appoint as members only such non-officials as have shown an active interest in the production and development of khadi and in the development of village industries. The Joint Select Committee decided that it would be sufficient if a person had shown active interest either in the production and development of khadi or in the development of village industries. In view of this, the word "or" has been substituted for the word "and" occurring between the words "development of khadi" and "in the development of village industries".

Under sub-clause (3) of clause 6 of the original Bill, the Government may, by notification, depute one or more officers of the Government to attend any meeting of the Board. The Committee decided that for this purpose orders of Government would be sufficient and that notification was not necessary. The word "order" was, therefore, substituted for the word "notification" occurring in the sub-clause.

Clause 8 of the original Bill states that the term of office and the terms and conditions of service of the President, the Secretary and the other Members of the Board shall be such as may be prescribed. As sub-clause (2) (b) of clause 3 provides that the Minister-in-charge of khadi development in the State shall be the President of the Board, the Committee decided that it would be sufficient if the terms of office and terms and conditions of service of the Vice-President, Secretary and other Members were prescribed. The word "Vice-President" was, therefore, substituted for the word "President" occurring in clause 8. Consequential changes have also been made in the Bill wherever necessary.

Clause 22 of the original Bill empowers the State Khadi and Village Industries Board to write off irrecoverable amounts up to Rs. 5,000. The Committee decided that the power of the State Board be restricted to Rs. 3,000. The word "three" was, therefore, substituted for the word "five" occurring in the proviso to clause 22 of the Bill.

The Joint Select Committee also decided that all the returns, statements and particulars furnished to the Government under sub-clause (1) of clause 24 should also be placed on the table of both the Houses of Legislature. A new sub-clause to this effect was, therefore, added in the Bill under clause 24.

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Sir, I now commend that the Bill, as passed by the Assembly, be taken into consideration.

Mr. CHAIRMAN: Motion moved—

"That the Madras Khadi and Village Industries Board Bill, 1959 (L.A. Bill No. 10 of 1959), as passed by the Legislative Assembly, be taken into consideration."

SRI MOHAMED RAZA KHAN: Sir, even at the cost of being misunderstood by the Hon. Minister—I say this because of my experience in the last session at Ootacamund—I should like to say a few words.

THE HON. SRI M. BHAKTAVATSALAM: I may assure the hon. Member that I can never misunderstand the hon. Member.

SRI MOHAMED RAZA KHAN: Thank you very much, Sir, the point is this. Apart from the question of sentiment—and I know Members of the Party in power have got sentiments—I am one of those who have always had appreciation and admiration for those wearing khadi. I am speaking of the pre-Independence days. Conditions might have changed. In those days, it was a symbol of defiance of the authority of the British Government. That is the feeling I have. Now we are not concerned with such sentiments. Now it is a question of economics. In that sphere how far is the Hon. Minister going to succeed? The Hon. Minister said in the other House that about two lakhs of persons were employed in khadi production while in the various cotton mills the number was much less. It is a very appreciable number. But he was careful enough not to state the rate of wages they got. I am told, subject to correction, that they are paid a pittance ranging between four and six annas. During question time, when I asked the Leader of the House why the Government did not have their own buildings and thus save Rs. 3 lakhs, he said that every pie was important to the State Exchequer and that they had their own priorities before they decided on any plan. Here is the Government machinery. Government money is being used for this purpose. When the Hon. Minister moved this Bill, my impression was that he would have a Statutory Board, and that that Board would be entrusted with the entire work of production, sale, and all other things connected with khadi development. I thought the Government would have nothing else to do. I felt that the Government would have a Board like the State Electricity Board. No doubt the officials manage it. The whole thing is accumulated as the amount due by them, and on this they pay a certain amount of interest fixed by the Government of Madras. I thought there would be a Statutory Khadi Board, and given some financial assistance, they would work it up. We know that various things are happening in our State. There is a lot of waste. If it is run by a Board purely on commercial lines, we will know the position better. The least that we can expect is this. We need neither lose nor gain. If the work is properly, efficiently, and

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effectively done, there may be some gain also. Therefore, I thought that in fairness the Government would hand over the whole thing to a Board, and that later on, if necessary, it might be given a subsidy from the State or the Centre. This arrangement will work much better than what is visualised in the present Bill.

Then, Sir, we cannot forget the fact that the present Khadi Department will remain as it is intact and that there will also be this Khadi Board. I do not know how these two departments will co-operate and work, apart from the financial aspect.

The Hon. Minister was perfectly right in saying that fifteen members would form a committee and that a condition precedent for one to become a member was that he should believe in the ethics of khadi. I do not know whether there is any time-limit in this matter. (Sri K. Balasubramanya Ayyar: It is 'active interest'.) My hon. Friend tells me that one should take active interest. I might to-morrow develop active interest for khadi. I ask the question whether there is any time-limit prescribed for finding out a person's active interest. A person may develop active interest for khadi after some time. I see the hon. Member Sri Kosalam is laughing. Possibly I may change to-morrow. But for argument's sake, I want to get the information from the Hon. Minister.

The most surprising thing here is that while the Board is a Statutory Board, the Minister who is in charge of khadi, is to be the President of the Board. If it is purely an advisory board or a committee at the State level like the Education Advisory Committee or the State Sales Tax Advisory Committee or the Transport Advisory Committee, the Minister in charge may be the Chairman. But this is on a different footing. There the Minister can say, whatever be the subject that is brought forward by non-official members, 'All right; whatever you say, you say in your advisory capacity, and we are not bound to accept what you say'. But here the question is different. It is going to be a Statutory Board. I do not see any reason why the Minister in charge of khadi should be the president. Is there any advantage in that arrangement, or is this brought in with any purpose? I am not talking of personalities. Because, in the earlier clauses we insisted that the Board should consist of not more than fifteen persons and that the Minister in charge of Khadi Department in the State should be its president.

Then, Sir, the Government stipulate certain conditions as to the functioning of the Board, how their finances are to be administered, and how their accounts are to be maintained. In the case of irregularities, the Government have got the power to supersede the Board. I think the Minister in charge of khadi will be in a very anomalous position. He as Chairman and President of the Board should take decisions. Possibly he may not be in agreement with the members. He may not agree with the policy of

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the members. However, decision is decision, and if the majority decides upon a certain thing, and the Minister is not satisfied with the decision, that matter has to come to the Government. Government means the Minister concerned. The Minister then has to take the final decision. The Bill provides for this contingency. Therefore, Sir, I do not know with what purpose this wording is put in here. It would have been better if any one other than the Minister concerned were the president. Then the Minister would be in a position to have a proper perspective of the whole question and decide it on its merits. I am sure the Hon. Minister will reply to this point.

Another most surprising thing is this. It is seen from the proceedings of the Joint Select Committee on this Bill that the Hon. Sri M. Bhaktavatsalam, replying to a number of questions from Sri A. Vedarathnam, has said that the Khadi Department would be the agent of the Board and pointed out that there were certain advantages in having a separate Khadi Department. My contention is this. The Government have entrusted them with some powers. Financial aid may be given by the State and also by the Centre. My real point is, 'Do away with this Khadi Department. Entrust the whole thing to the Board and give it all the necessary finance either in the form of loan or subsidy.' Why should the Government have a Khadi Department and tack it on to this Board only to work as agent of the Board? Even on principle it is wrong for Government servants—let them be clerks or others—to become agents of another body. This is also a very anomalous position which, I think, will not serve any purpose. The main purpose of the Government is to see that khadi is popularised. We have no quarrel on this point. Apart from the fact that it costs a little more, to a large number of poor people, who have got no other means of occupation, this gives 6 annas or 8 annas a day. I concede this. But when it comes to a question of mass purchase, we see that the cost of production is high and that the poor people cannot afford to purchase khadi. The poor people cannot afford to pay, in these days of difficulty and distress, for even handloom cloth if it is a little costlier. There are other points which I do not like to dilate upon now. But I would emphatically put it that it would have been in the fitness of things if the Government had entrusted the whole thing to a Statutory Board giving them power, resources, and money. The argument of the Hon. Minister, which he brought forward in a very convincing manner in Ootacamund and also in the other House, was that this would give employment to two lakhs of people. I say there are about 50 lakhs of people engaged in handloom industry. Except for the fact that yarn is produced in the mills, all the rest of the process is on a par with khadi. There is not much of difference. I think the handloom industry gives employment to more than fifty lakhs or sixty lakhs of people. On this account, do the Government of Madras take over the entire production, sale, and other things connected with handloom industry? They do not do it. I do maintain that if

[Sri K. V. Ramaswamy] [9th September 1959]

போற்றப்பட்ட, வளர்க்கப்பட்ட அந்தக் கதரை நாளும் சரி, நம் சந்ததிகளும் சரி பெருமையோடு போற்றி வளர்க்கவேண்டியது முதன்மையான கடமை யாகும். கதர் அதிக விலையாக இருக்கிறது என்று சிலர் நினைக்கலாம். நம்முடைய குடும்பத்திலே ஒரு திருமணம் செய்வது என்று வைத்துக் கொள்வோம். நம்முடைய சமூக ஒழைப்படி ஒரு பெண்ணை எடுப்பதற்கு அதிகப் பணம் செலவாகிறது. பிற மதத்தைச் சேர்ந்த ஒரு பெண்ணை அதிகச் செலவில்லாமல் எடுத்துக்கொள்ளலாம் என்றாலும் கூட, நாம் பிற மதப் பெண்ணை எடுத்துக்கொள்வோமா? குறைந்த செலவில் திருமணம் செய்து கொள்ளலாம் என்பதற்காக அந்நிய சமூகத்துப் பெண்ணை எடுத்துக் கொள்வதில்லை. அதுமாதிரி “கதர் வாங்குவது என்றால் விலை அதிகமாகிறது” என்றாலும் கூட, குறைந்த விலையில் அந்நியத் துணி கிடைக்கிறது என்பதற்காக அதை நாம் எடுத்துக்கொள்வது கூடாது. அதுவும் கதர் எப்படித் தயாரிக்கப்படுகிறது? நம்முடைய காடுகளிலே விளைகிற பருத்தியை நம் குடும்பத்தைச் சேர்ந்தவர்கள், பக்கத்து, அண்டை வீட்டுக்காரர்கள் எடுத்துவந்த பருத்தியை, நம் தாய், தகப்பனார், அண்ணன் நம்மைச் சேர்ந்தவர்கள் நூலாக நூர்க்க, அதை நொண்டிப் பூடம் என்று பிழைப்பு இல்லாதவர்களுக்கு எல்லாம் பிழைப்புக் கொடுக்கும்படியாக நெய்வதற்குக் கொடுக்க அவர்கள் எல்லாம் சேர்ந்து தயாரித்த துணி கதர். இந்தக் கதரை நாம் ஆதரிப்பதனால் நம் நாட்டில் ஆதரவற்று இருக்கும் ஆயிரக்கணக்கான குடும்பங்களுக்கும் நாம் ஆதரவு கொடுப்பவர்களாகிறோம். இப்படி ஆதரவு கொடுப்பது அவசியம், பிழைப்பு வழியில்லாதவர்களுக்கு அரை வயிறுறுக் கருக்காவது பிழைப்பு அளிப்பது அவசியம் என்பதை உணர்ந்து நம் சர்க்கார் இத்துறையில் அதிக அக்கறை காட்டி வருகிறார்கள். அதுவும் நம் ராஜ்யத்திலும் இதற்காக ஒரு நிந்தாமான போர்டை ஏற்படுத்திக் கதர் அபிவிருத்தியில் தக்க கவனம் எடுத்துக்கொள்ள வேண்டும் என்பதற்காக இங்கே கொண்டுவரப்பட்டிருக்கிற மசோதாவை நான் ஆதரிக்கிறேன். இன்னுள்ள நிலைமையில் கிராமங்களுக்குப் போய்ப் பார்ப்போமேயானால், எவ்வளவோ கிராமங்களில் வேலையில்லாத திண்டாட்டம் இருந்துகொண்டிருக்கிறது. இது நனத் தெரியும். இதைப் போக்குவதற்காகத்தான் இப்போது நமது கிராமங்களில் ஆக்காங்கு நாட்டினங்கள் ஒய்யாரமாக ஓடிக்கொண்டிருக்கின்றன. அந்த ஒவ்வொரு குடும்பத்திலும் தங்களுடைய நேரத்தை வீணாக்காமல் எல்லோரும் நூற்று வருகிறார்கள். அதன் மூலமாகத் தகுந்த முறையில் நல்ல ஊதியம் பெற்று ஜீவனம் செய்து வருகிறார்கள். இதை யாரும் மறுக்க முடியாது. இப்படிப்பட்ட நிலையில் இதன் அபிவிருத்தியில் இன்னும் தீவிர கவனம் செலுத்துவதற்குப் போர்டு ஒன்று அமைப்பது அத்தியாவசியம் என்று வலியுறுத்திக் கூற விரும்புகிறேன். அதற்குரிய கௌரவத்தை எனது சகாக்கள் எல்லோரும் கொடுக்கவேண்டும் என்றும் மிக்க பணிவுடன் கேட்டுக்கொண்டு என்னுடைய சொற்பொழிவை முடித்துக்கொள்கிறேன். வணக்கம்.

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p.m.

SRI K. T. KOSALRAM : அரசாங்கம் இந்த மசோதாவைக் கொண்டு வந்திருப்பதில் குறிப்பிட்ட ஒரு விஷயத்தைப்பற்றி நான் பாராட்டாமல் இருக்க முடியாது. கட்டிதான் இந்த நாட்டை ஆளுகிறது. இந்த நாட்டில் கட்டி ஜனநாயகம் நடைபெறுகிறது. கட்டிக்குச் சில கொள்கைகள் இருக்கின்றன. அந்தக் கொள்கைகளை நிறைவேற்றுகிறபோது, அவைகளை நிறைவேற்றக்கூடிய அதிகாரிகளாக, அந்தக் கொள்கைகளில் நம்பிக்கை உள்ளவர்களைப் போட்டால்தான் நல்ல முறையில் நிறைவேற்ற முடியும். அதற்கு நேர் புறம்பானவர்களைப் போட்டு, அந்தக் கொள்கைகளை ஆளும் கட்டி நிறைவேற்ற வேண்டும் என்கிற நிலைமை ஏற்படுகிறபோது அவைகளை நிறைவேற்ற முடியாமல் போகிறது என்பதை இந்தச் சமயத்திலாவது அரசாங்கம் உணர்ந்து இத்தகைய மசோதாவைக் கொண்டுவந்திருக்கிறதே என்பதற்காகப் பாராட்டுகிறேன்.

கதர் என்பதைப்பற்றிக் கனம் அங்கத்தினர்கள் திரு. அண்ணாமலைபிள்ளை, திரு. இராமசாமி முதலியவர்கள் பேசினார்கள். மகாத்மாஜி அவர்கள் கதர்த் திட்டத்தையே இந்தியப் பொருளாதாரத்தை மனதில் வைத்துக்கொண்டு நான் கொண்டுவந்தார்கள். பெரிய தொழில்கள் என்ற முறையில் பல

[9th September 1959] [Sri K. T. Kosalram]

கோடி ரூபாய்களை நாம் இன்வஸ்ட் பண்ணியிருக்கிறோம். ஆனால் சில ஆயிரக்கணக்கான தொழிலாளர்களுக்குக் கூட நாம் வேலை கொடுக்க முடியவில்லை. ஆனால் சில லட்சம் ரூபாய் செலவிலேயே பல்லாயிரக்கணக்கானவர்களுக்கு வேலை கொடுக்கக்கூடிய வாய்ப்பு கதரில் இருக்கிறது. காங்கிரஸ் கட்சிக்காரர்கள்தான் கதரைக் கட்ட வேண்டும் என்பது இல்லை. இன்றைக்கு வேலையல்லாமல் தனிக் கற ஏழை கிராமவாசி அரை வயிறுறுக்கியாவது சாப்பிட்டு வருகிறான் என்றால், அது இந்தக் கதரின் தான். அதை நாம் மனதில் வைத்துக் கொள்ளவேண்டும். கனம் அங்கத்தினர் திரு. சா கான் அவர்களுக்கு ஒன்று தெரிவித்துக்கொள்ள விரும்புகிறேன். என்னுடைய கிராமத்திற்குப் பக்கத்தில் காயல்பட்டினம் என்று இருக்கிறது. அங்கே 64 பள்ளவாசல் இருக்கிறது. பெரிய புண்ணிய நகம் முஸ்லிம்களைப் பொறுத்த வரையில், அது கனம் அங்கத்தினருக்குத் தெரியுமோ என்பதை மோனைக்குத் தெரியாது. அந்தப் பட்டினத்தில் இன்னும் சரி பெரிய பணக்கார முஸ்லிம்களுடைய வீட்டில் கல்யாணம் நடந்தாலும் கூட, கல்யாண தினத்தன்று பெண்ணை அனுப்பும் போது ஒரு ராட்டினத்தையும் சாகக் கொடுத்துக்கொண்டுதான் வருகிறார்கள் தொன்றுதொட்டு. இப்படி இஸ்லாமியத்திலேயே கதருக்கு முக்கியத்துவம் இடுத்துவருகிறது என்பதை அவர் மறுத்து விட்டு முடியாது. இதுதான் பொருளாதாரத்தை மனதில் வைத்துக்கொண்டுதான் மகாத்மா காந்தியும் இந்தக் கதர்த் திட்டத்தை வரட்டுத்திறர்கள். இந்தக் கொள்கையை ஏற்றுக்கொண்டிருக்கிற ஆளும் கட்சி அதைக் காரியத்தில் நிறைவேற்றும்போது, கதரிலேயே நம்பிக்கை இல்லாதவர்களைக் கொண்டு அந்தக் கொள்கையை நிறைவேற்றுவது என்றால் எப்படி சாத்தியமாகும்? ஆகவே இன்றைய தினம் அதை உணர்ந்து தனியாக ஒரு போர்டு அதில் நம்பிக்கை உள்ளவர்களைக் கொண்டு அமைத்து கதர் அபிவிருத்தியைக் கவனப்படுத்து என்பது மிகவும் வ வேறத் தக்க வஷயம். அது மட்டுமல்ல. நண்பர் திரு. பாலசுப்பிரமணிய ஐயர் அவர்கள் சொன்னதுபோல, ‘ஆக்டிவ் இண்டஸ்ட்’ உள்ளவர்களைப்போட்டு இந்தக் காரியத்தைக் செய்ய வேண்டும் என்பதை வரவேற்கிறேன். சென்ட்ரல் யூத் திற்கென்று தனியாக போர்டு அமைப்பது என்பது சாலச சிறந்தது. இன்ன நிர்வாகத்திலே எத்தனையோ கோளாறு வரலாம் என்று நண்பர்கள் சொன்னார்கள். மந்திரியே அதன் சேர்மனாக இருப்பது என்பது தகராறுக்குரியது என்றார்கள். மந்திரி போர்டினுள் சேர்மனாக இருந்தால்தான் இந்தச் சபையும் அதைப்பற்றிக் கேட்பதற்கு நமக்கொரு வாய்ப்பு உண்டு. அவர் இந்தச் சபைக்கும் கட்டுப்பட்டவர், போர்டுக்கும் கட்டுப்பட்டவர். ஜனநாயக ரீதியில் இந்தச் சபைக்குக் கட்டுப்பட்டவர் அங்கே சேர்மனாக இருப்பதுதான் நல்லது. இதனால் எவ்விதக் கோளாறும் வராது. (ஒரு அங்கத்தினர்:— எங்களுக்கு லீகல் தகராறு ஒன்றும் வராது) வெளியில் இருக்கக்கூடிய சேர்மனாக இருந்தால் நாம் அவரைக் கட்டுப்படுத்த முடியாத நிலைமை வரக்கூடும். ஆகவே மந்திரியே சேர்மனாக இருப்பதும் சாலச சிறந்தது என்று தெரிவித்துக்கொள்கிறேன்.

இன்னொன்று. நான் பல கிராமங்களுக்குச் சென்று பிளாக்ஸ்களைப் பார்த்திருக்கிறேன். அங்கே ஏராளமான நூல் தேங்கிக் கிடக்கிறது. இப்படி நூல் தேங்கினால் எவ்வாறு மேலும் மேலும் வாங்கி ஸ்டாக் பண்ண முடியும்? மக்கள் நூல்கின்ற நூலை எல்லாம் வாங்காது போனால், இதனால் பல்லாயிரக்கணக்கான பேர்களுக்கு ஜீவனம், பிழைப்பு இருந்துகொண்டே இருக்கும் என்று நாம் சொல்வது முடியாது போம். ஆகவே, அப்போதைக்கப்போது நூல் தேக்கம் ஏற்படாதவாறு அதிகாரிகள் அவற்றை எந்த எந்த இடத்திற்கு அனுப்பவேண்டுமோ அங்கே அனுப்பிவைத்து ஸ்டாக்கைக் களியர் செய்வதற்கு ஏற்பாடு செய்ய வேண்டும். அன்றைக்கு ஸ்காஷ்யர் துணியைக் கொடுத்தியபோது யார் எதிர்த்தார்களோ அவர்களேதான் இன்றைக்கும் இந்தக் கதரை எதிர்க்கிறார்கள். ஆகவே, இவர்கள் எதிர்ப்பைப் பற்றிக் கவலைப்பட வேண்டியதில்லை. ஆகவே, அமைச்சர் அவர்கள் ப்ளாக்ஸ்களில் இப்படி நூல் தேங்காதவாறு அங்கங்கே மசென்ட் லைஸ் பண்ணி நூலை வாங்கி ஏழை மக்களுக்கு ஜீவனம் கிடைக்கும்படியாகச் செயல்வேண்டும் என்று கேட்டுக்கொண்டு இந்த மசோதாவை ஆதரிக்கிறேன்.

[9th September 1959]

4-50
p.m.

* SRI T. PURUSHOTHAM: Mr. Chairman, Sir, the hon. Member Sri Mohamed Raza Khan has directed all his attack against the khaddar aspect of this Bill. If only he had taken a fairer view of the matter, I am sure he would agree with me that this is an instance in which the Government ought to be congratulated on bringing forward this Bill to help village industries. Khadi also is a village industry whatever my respected colleague Sri Mohamed Raza Khan may say about it. The Planning Commission were anxious that during the period of the Second Five-Year Plan, traditional village industries should be given a new fillip and that provision should be made for a large measure of increased employment through village industries. Though we find that funds were provided for the purpose in the Plan Budget, much headway could not be made because of the procedural difficulties pointed out by the Hon. Minister when he introduced this Bill in Ootacamund. So it is that a Statutory Board for the development of Khadi and Village Industries is now proposed and it is hoped that the Board would be able to achieve the objectives without recourse to the usual red tape. The very bottlenecks pointed out by my hon. Friend Sri Kosaram will, I am sure, be removed by the establishment of this Board. The Board should strive for the development of khadi and for revival of traditional village industries, and place them on satisfactory economic basis. We find that provision is made in this Bill not only to grant loans and other assistance for the development of khadi and village industries but also it is proposed to organise co-operative societies for working out co-ordinated programmes with due regard to local conditions. In developing the local industries, it is my plea that the new Board that is set up should see that new techniques are explored with reference to modern facilities and conditions. The ancient class of village artisans is slowly disappearing and the new Village Industries Board should endeavour to work in a spirit of research and render all possible assistance to the artisan class and see that the old village industries are revived. I am glad that this Bill has been brought forward now and I appeal to the Hon. Minister to see that the Board is set up as early as possible so that it may meet without delay and formulate plans which may be considered for inclusion in the Third Plan. It is on this account that I feel that the Bill is absolutely in time and that I must congratulate the Hon. Minister on having brought forward this measure.

SRI K. BALASUBRAMANYA AYYAR: Sir, at the outset, I want to disabuse the mind of the Treasury Bench that we on this side are opposed to this measure, because some words from my hon. Friend Sri Mohamed Raza Khan gave that impression. We welcome this Bill wholeheartedly (hear, hear) and we hope that this Board will work vigorously and properly. But there is one criticism that I should make in the interests of this very Bill itself and that is that the Board that is set up is hide-bound entirely by all the directions of the Government. That is what

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I find in this Bill. In every provision the approval of the Government is made necessary. Clause 13 says—

‘In the performance of its functions under this Act, the Board shall be bound by such directions as the Government may give to it.’

No particular clause has been specified, but the expression used is ‘in the performance of its functions’. So, the Board should be bound by the directions given by the Government. That makes absolutely all the members of the Board servants of the Government. ‘In the performance of its functions under this Act’ is a very unfortunate expression that has been used in this clause. Certain particular matters should have been specified in which the Board should obey the directions of the Government. But the expression used in the clause makes it entirely a department of the Government. I am not saying that it is wrong on that account. But what I say is that we must give an initiative to the Board. It is stated that the Board should consist mostly of non-officials. But the approval of the Government is made necessary in respect of everything. Even in the matter of investment of securities, the approval of the Government is necessary. The clause states that the moneys shall be invested in such securities as may be approved by the Government. So far as the Budget is concerned, everything should be approved by the Government. With regard to power to alter a scheme, it is stated—

‘The Board may, with the previous approval of the Khadi and Village Industries Commission, make any alteration in any scheme so long as the aggregate amount sanctioned for the scheme is not exceeded.’

So, here another body comes in. There is no discretion left in the Board. Probably being a difficult question, the Government did not want to give much discretion to the Board in the beginning. But whatever it may be, there should be some initiative given to the Board. It was said that all the people appointed would be members taking an active interest in the development of khadi and village industries. It refers not only to khadi but to all the village industries. Khadi is the most important, I agree. This is a Bill which we all heartily support. But when we are passing this Bill, we must give greater initiative to the people of our country. Of course, it may be done slowly and gradually. But to put the Board on the tenter-hooks is not good. At every stage, the approval of the Government is necessary. Even for selling, leasing and transfer of property, the approval of the Government is necessary. That gives no initiative to the Board. The Board merely sits there, the president is there, the vice-president is there and also some representatives of the Government are there. When I look into the provisions of the Bill—I do not know what will be the position if some changes are made in the Bill—I find that no initiative is given to the Board. The Board has nothing to do by itself except giving some assistance to the Government. I have read every

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clause contained in the Bill, rather carefully and I only find that the Board can do nothing without the previous approval of the Government or the general approval of the Government. This will not be conducive to the proper working of the Board and it will not produce any interest in it. The Board should not be a body which is used only for giving effect to the views and opinions of the Government with regard to the development of village industries. The Board should have sufficient powers for itself so that it could take up certain schemes on its own initiative. This Bill is so improvised that no initiative is given to the Board.

I now refer to the provision relating to the dissolution of the Board for a period. That is a very remarkable thing. Once it is dissolved, it is dissolved. That is all. I cannot understand what is meant by dissolution for a period, for a limited period. I think they mean that they want to suspend the operation and activities of the Board for a specific period. Evidently, that is what they mean. When I enquired about it, I was told that such an expression was found in the Khadi and Village Industries Commission Act. 'Dissolution for a period' is an expression which is very difficult for us to understand. Dissolution means dissolution. After dissolution, they may reconstitute the Board, after a specific period. That is a different matter. Dissolution for a period only means suspension of the working of the Board, or whatever it is.

There is one other provision to which I should like to refer. It is said in one of the clauses that after the Board is dissolved, all funds and other properties shall vest in the Government as also liabilities. But, what about the rights and obligations entered into under contracts? There is no mention about these. Probably, it is thought that they would come under 'properties'. But, it cannot be like that. These also should form part of other things and should vest in the Government. There should be a specific mention about this in a clause.

There are certain verbal changes which will have to be made. It is said in one place that the Board shall have two separate funds. Probably, they mean that the Board shall maintain two separate funds. The proper expression to be used is that the 'Board shall maintain two separate funds'. These are some of the points which I wish to mention. I would like to appeal to the Government once again that they should come forward to give the Board some 'rope' for the purpose of doing something on their own initiative. Afterwards, let the Government see whether the Board has been doing things in a proper manner.

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, the hon. the Deputy Leader of the Opposition has referred to the constitution of the Board and the functions that are to be assigned to it under this Bill. All other hon. Members who have participated in the debate have generally dealt with the philosophy of khadi. I would like to point out that the object of the Bill is to have a Board constituted statutorily for the purpose of organising

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the development of khadi and village industries. The development has been already there and it is being effected by authorised agencies, not only by the Government directly, but through other agencies. There is, for instance, the big organisation which has been attending to khadi, the pioneer organisation, the Sarva Seva Sangh as it is called now, and there are also other organisations, such as the organisation organised by Rajaji—the Gandhi Ashram at Tiruchengode which is producing khadi. There are every so many organisations—non-official organisations—that are producing khadi. Similarly, there are ever so many Ashrams, institutions and organisations that are taking up the organisation of some village industry or other. There are other organisations which attend to the training programme in the matter of organising village industries. Sir, the Government have been dealing, through the various organisations, with the development of khadi and village industries. The Central Government, under the Second Plan, allotted a substantial amount for the development of khadi and village industries. The Government of India constituted a Central Board and allotted this fund to the Board for the purpose of administration. That Central Board had been aiding and assisting the various organisations which had been attending to the development of khadi and village industries. That Central Board was also making grants and loans to Government to the extent to which the Government were directly interested in the organisation of khadi and village industries. Sometimes, that Board had been directly dealing with certain agencies other than Government agencies in the States. Then, the Central Parliamentary Act was passed and under that Act, the Khadi and Village Industries Board was converted into a Khadi and Village Industries Commission which was a statutory body. Then, that body felt that there must be similar statutory organisations in the States also as that would facilitate the further organisation of khadi and village industries which the Central Commission had undertaken. Before that, there were Boards in the States and even in this State, there was the Khadi and Village Industries Board. But, the States were advised that unless these Boards were made statutory bodies, it would not facilitate the Central Khadi and Village Industries Commission to deal with these Boards in the matter of organising and co-ordinating the various organisations and the work of the various organisations in the States. Therefore, the States took up the work of constituting Statutory Boards and, as I have already stated, it is for that purpose that the Bill has been brought forward. The Central Khadi and Village Industries Commission have forwarded to the States the draft Bill for the purpose of constituting Statutory Boards in the States. The wording and language in this Bill is more or less copied from the provisions of that draft Bill and certain other provisions that are noted in this Bill have been incorporated from the provisions of the Central Parliamentary Act, by which the Central Khadi and Village Industries Commission has been constituted.

[Sri M. Bhaktavatsalam] [9th September 1959]

Sir, the hon. Member Sri Mohamed Raza Khan asked whether this khadi was not formerly a political symbol. I may point out to him that today it is not merely a political symbol. It is a political symbol for a great national organisation, the Indian National Congress. But, for that reason, it is not a political symbol. Whatever be the political party a person belongs to, if he believes in the ethics of khadi, he should support it, and he should also express his support by wearing khadi. When this is accepted as a policy, I do expect even Government servants, who have no politics, to wear khadi and I mentioned in the other House that if persons, whatever be their sphere of activity, did not themselves wear khadi, they would be deemed to be wanting in appreciation of the efficacy of khadi as an economic proposition.

5-10
p.m.

I am really gratified to note that even the hon. Member Mr. Raza Khan was not as virulent or as forceful in his criticism of khadi as he was when he spoke on this Bill when it was introduced here. I mean during the first reading. The hon. Member referred to the low wages that were earned. I would like to point out what a Member of the other House told me about the position in a particular village in Coimbatore district. Women do transplanting work there for three to four hours a day. They come at 8 or 9 in the morning and go away at 12 or 1 of the clock, and they are paid twelve annas. Now it seems they tell the landowners that they will earn this twelve annas or at least ten annas by spinning khadi at home. That is the efficacy of khadi. For the under-employed, it provides a means of supplementing their income. We have to take note of our economy. It is not enough if men alone work and earn. Whatever be the earning, women in the household have also to do something without prejudice to the attention that is needed for their family and earn something. Though it is only a little, that goes a long way by way of supplementing the income of the family.

Hon. Members spoke about handlooms. In the same way, one might argue: 'Why handloom? There are so many big factories which can employ all these 50 lakhs of weavers and produce nicer mill cloth.' Here I may tell the House that even in a country like America, there is a clamour for products made by hand. Our handloom fabrics were exhibited at Chicago in an exhibition and I have been told that there was very great appreciation and people want those handloom fabrics. Orders were taken and the problem now is how to meet these large demands.

The idea of the Board is to co-ordinate the activities of the various organisations and to aid them with the funds that it would be receiving from the Central Commission with a view to increasing production. Now, this Government took to the production of khadi as early as 1946. Since then khadi development work has grown even under Government auspices. But that is not to the prejudice of production by other agencies. I would like to tell the hon. Member Mr. Raza Khan that khadi is not on the

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same footing as ordinary handloom. There is handloom in khadi also but still it is not on the same footing as handloom. There are lakhs of handloom weavers and they are being exploited. Co-operative societies are, therefore, being organised. Even in the case of khadi, somebody must take it up and organise the work. It is felt that the Government have directly to entrust themselves with the development of khadi. Regarding membership of the Board, there is no question of belief. We cannot believe other men's professed beliefs. The question is whether any man has taken interest or shows or takes interest so that his experience may be useful if he serves on the Board. If one knows something of particular village industries and if one knows something of khadi, such persons should be considered to be qualified to be members of the Board. Here, I ask, "Why not the Minister in charge be the ex-officio Chairman? What is wrong in it?" The idea is co-ordination. The Government are vitally interested in the development of khadi and village industries. The Government allot funds for the purpose. Also, in many of the Boards in other States, the Minister in charge is put down as the Chairman.

This Bill only provides statutorily for what has been done all along. That is the simple idea of the Bill. Anyhow, I must express my deep appreciation and gratitude to hon. Members of this House on all sides for so keenly welcoming this measure for the development of khadi and village industries in the interests of a large number of people.

MR. CHAIRMAN: The question is—

"That the Madras Khadi and Village Industries Board Bill, 1959 (L.A. Bill No. 10 of 1959), as passed by the Legislative Assembly, be taken into consideration."

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

Clause 2 was put and carried.

Clause 3.

MR. CHAIRMAN: The motion is—

"That clause 3 do stand part of the Bill"

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

"In item (d) to sub-clause (2), for the word 'may', substitute the word 'shall'."

SRI MOHAMED RAZA KHAN: I second the amendment.

*SRI P. S. KRISHNASWAMY AYYANGAR: Clause 3 casts an obligation on the Government to appoint a secretary. Therefore, the apt word to indicate obligation is 'shall'. On the other hand, the word 'may' is one which indicates permission or discretion. Therefore, I suggest that in the place of 'may' the word 'shall' might be used.

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SRI MOHAMED RAZA KHAN: I want an elucidation. I quite concede all the points made by the Hon. Minister in favour of himself being the Chairman of the Board. He said that it was for the purpose of co-ordination. Apart from normal administration, the Board has to allot funds to various organisations. Whoever may be the Minister, as long as he happens to be Chairman, he will be held personally responsible if there is misuse or abuse of funds. There are possibilities of such misuse or abuse. There is also provision in the Bill for supersession or dissolution of the Board. If the Minister is to be a party to such decisions, how can he function as Chairman of the Board which may be dissolved or superseded? He will be held responsible for all acts of omission and commission by the Board and as Minister at the Government level, he cannot impartially examine the case. Therefore, I thought it would be better if he kept himself out. Put any man who has as much interest in the work as the Minister. That will enable the Minister to examine any question dispassionately. Otherwise, it will be embarrassing him. As I said, he may be the Chairman of the Board and again he may have to take a decision as Minister to supersede the same Board.

* THE HON. SRI M. BHAKTAVATSALAM: I appreciate what the hon. Member says. But there should be no embarrassment to the Chairman because he does not function as an executive officer. He just keeps himself in touch with the general decisions of the Board. There is a secretary and it will function. I do feel that it is better to have this facility of having the Minister in charge as Chairman for the purpose of co-ordination. There should be no difficulty at all and no embarrassment at all, if the Board is even to be dissolved.

5-20 p.m. Then, Sir, about the word 'may' or 'shall', 'may' means 'shall'. But suppose the Government do not care to appoint—the hon. Member's fear is that the Government may not do it—I would like to ask: 'may not do what?'. They may not appoint a person to be the secretary. Is that the meaning the hon. Member attributes to it? The word 'may' is generally put in various statutes and so, this amendment is not necessary.

The amendment was, by leave, withdrawn.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 5.

Mr. CHAIRMAN: The motion is—

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

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

'In clause 5, for the words 'any vacancy amongst its members', substitute the words 'any vacancy in the seats of its members'.'

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The clause says that nothing shall be deemed invalid merely because of a vacancy amongst the members of the Board. Vacancy amongst the members is not the proper expression to use. The intention of the Government is a vacancy in the seats of members. A vacancy amongst members means a vacancy in the field of brains, in the field of efficiency, capacity. It may mean all that. மெம்பர்களில் ஒரு காலி என்றால், முனையல் காலி, திறமையில் காலி என்ற அர்த்தத்திற்கு, இம் கொடுக்கப்பட்டிருக்கிறது. So, I say that the clause should be amended so as to read as 'any vacancy in the seats of its members'.

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

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

* THE HON. SRI M. BHAKTAVATSALAM: I submit, Sir, the clause as it is worded, is quite all right and there is no need for the amendment although I appreciate the anxiety of the hon. Member to make the clause quite clear.

The amendment was, by leave, withdrawn.

Clause 5 was put and carried.

MR. CHAIRMAN: I would like to suggest one thing. When an amendment is moved, if any hon. Member second it, there should be some reason to second it and he should be serious in doing so. Seconding the proposition ordinarily or as a matter of course is not good enough.

Clauses 6 and 7 were put and carried.

Clause 8.

Mr. CHAIRMAN: The motion is—

'That clause 8 do stand part of the Bill'.

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

"In clause 8, after the words 'and the other members of the Board' and before the words 'shall be', insert the words 'other than the president'."

Sir, members include the president, the vice-president, the secretary and other members. After saying, 'vice-president and the secretary' if the Government say 'other members', it will include the president also. But the president is the Hon. Minister-in-charge of the Department and the clause refers to the terms and conditions of service of members. These can be fixed only with reference to the members other than the Minister who is the ex-officio president. The terms and conditions of service of the president who is a Minister cannot be settled by the Board. Therefore, to exclude the president, I suggest the acceptance of my amendment.

The amendment fell through for want of a seconder.

Clause 8 was put and carried.

Clauses 9 and 10 were put and carried.

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Clause 11.

MR. CHAIRMAN : The motion is—

' That clause 11 do stand part of the Bill '.

* SRI P. S. KRISHNASWAMY AYYANGAR : Mr. Chairman,
Sir. 11-வது கிளாசிலே சர்க்காரே சில முகாம்களை நடத்த . . .

MR. CHAIRMAN : The hon. Member may move the amend-
ment formally and get it seconded before speaking on it.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, if I ex-
plain the amendment, some may be inclined to second it. That is
my difficulty. I am a bit hard of hearing and I am not able to
hear you, Sir.

MR. CHAIRMAN : The hon. Member may move the amend-
ment and make his speech afterwards.

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

" In item (e) to sub-clause (2) to clause 11, for the words
' or at other centres outside the State of Madras ', substitute the
words ' send persons to other centres outside the State of Madras
for undergoing training '."

" In item (f) to sub-clause (2) to clause 11, after the words
' and implements to such industries ' and before the words ' and
for the sale ', insert the words ' carried on within the State of
Madras '."

The amendments fell through for want of a seconder.

Clause 11 was put and carried.

Clauses 12 to 23 were put and carried.

Clause 24.

MR. CHAIRMAN : The motion is—

' That clause 24 do stand part of the Bill '.

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

" In sub-clause (2), for the words ' during the previous
financial year ', substitute the words ' during that financial year '."

Sir, the clause says that after the end of the financial year,
after the close of the financial year, a return shall be sent in res-
pect of the previous year. I say by my amendment that after
the end of the financial year, a return shall be sent in respect of
that year. The expression ' previous financial year ' means the
year previous to the year already mentioned. In the earlier portion

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of the clause it is stated ' . . . after the end of the financial
year . . . ' . When this financial year has got to be referred to in a
later portion of the clause, the proper way of saying it is ' after the
end of the financial year, a return should be sent with regard to that
year ' but the actual expression used is ' with regard to the previous
year ' . It may not mean the year previous to the financial year
after the end of which the return has got to be submitted. There-
fore it is I say that the expression should be ' during that financial
year ' instead of ' during the previous financial year ' .

SRI K. BALASUBRAMANYA AYYAR : I second the amend-
ment. Sir, because it seems to be all right. It is only a verbal
amendment.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, under this
clause the report that is mentioned is for the activities of the pre-
vious year and not for the current year. According to clause 26,
advance programmes, etc., have to be prepared by the Board and
got approved by the Government for execution. But regarding
the report referred to here, it is definitely for the past year and
not for the current year, and it cannot be for the current year.
I am, therefore, unable to accept the amendment, Sir.

The amendment was, by leave, withdrawn.

Clauses 24 to 31 were put and carried.

Clause 1 and the Preamble were put and carried.

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

' That the Madras Khadi and Village Industries Board Bill, 5-30
1959 (L.A. Bill No. 10 of 1959), as passed by the Legislative Assembly, be passed. ' p.m.

MR. CHAIRMAN : The question is—

' That the Madras Khadi and Village Industries Board Bill,
1959 (L.A. Bill No. 10 of 1959), as passed by the Legislative
Assembly, be passed. '

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

(4) THE MADRAS BORSTAL SCHOOLS (AMENDMENT) BILL, 1959
(L.A. BILL NO. 17 OF 1959).

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

' That the Madras Borstal Schools (Amendment) Bill, 1959
(L.A. Bill No. 17 of 1959), as passed by the Legislative Assembly,
be taken into consideration. '

Sir, according to section 2 of the Madras Borstal Schools Act,
1925 (Madras Act V of 1926), any person who has been committed
for an offence punishable with imprisonment and who at the time
of such conviction is not less than 16 nor more than 21 years of
age, is an " adolescent offender " . The Madras Children Act, 1920

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(Madars Act IV of 1920), has recently been amended so as to bring within its purview "adolescents" who are less than 18 years old. Thus, there is overlapping of provisions in respect of the age group 16—18 in these two Acts. It is, therefore, proposed to amend section 2 of the Madras Borstal Schools Act, 1925, so as to restrict the scope of the definition of 'adolescent offender' to those who are not less than 18 and not more than 21 years of age.

It is also proposed to amplify the rule-making powers of the Government so that the Borstal inmates may be given professional, vocational or technical training.

It is also proposed to make it obligatory on Courts to obtain pre-committal reports from the Probation Officers before passing sentences on adolescent offenders.

Sir, I request the House to accept the motion.

Mr. CHAIRMAN: Motion moved—

'That the Madras Borstal Schools (Amendment) Bill, 1959 (L.A. Bill No. 17 of 1959), as passed by the Legislative Assembly, be taken into consideration.'

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, generally I approve of the Bill, but there is one point on which I would like to say something. The Madras Borstal Schools Act of 1925 and the Madras Children Act of 1920 are, I think, different. The Children Act deals with the offenders and other children being sent to a certified school but under the Borstal Schools Act, a person who has committed an offence and who has been sentenced, instead of undergoing ordinary imprisonment in the Penitentiary, is sent to a Borstal School. I do not know what the word 'Borstal' means.

Mr. CHAIRMAN: "Borstal" is the name of a place in England where such a school was first started.

SRI K. BALASUBRAMANYA AYYAR: I am thankful to you, Sir. There are three schools, the Borstal school, the certified school and the reformatory school. I think the reformatory school is no longer in existence because the Reformatory Schools Act has been repealed. That is my impression. So far as the Borstal school is concerned, it is intended for the specific purpose of improving the character of children and creating a proper climate for them to learn some work so that when they go out of the school, they may find some gainful employment and may not again commit offence. That is the object of this Borstal school. It is stated that the offender should be not less than 16 years of age. Eighteen is the age of attaining majority but 16 is the age of discretion. There is difference between the two. Therefore, any person who has attained the age of discretion should also be an inmate of this Borstal school when he has committed an offence. That is what I feel. But so far as the other provision is concerned, it has been changed to 18 years and that has nothing to do with the Children

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Act, though where the Children Act is not extended to any particular area, the Borstal Schools Act may be applied. Still, why should we exclude those persons between the age of 16 and 18? It is a question of principle. Unless there is anything which shows that we should do it, why should we change the law? The law has been there for so many years, from the year 1926. There is an old Sanskrit saying, according to which if a son attains the age of 16, he should be treated as a friend.

THE HON. SRI M. BHAKTAVATSALAM: He is not a major and he has no vote.

SRI K. BALASUBRAMANYA AYYAR: That is all right. It is not a question of voting but 16 is the age of discretion. If a person has committed an offence at the age of discretion, he should be admitted to the Borstal School and given vocational training. That is all I want to say in regard to this Bill.

* SRI N. ANNAMALAI PILLAI: தலைவர் அவர்களே, இன்று சபை முன்பு சமர்ப்பிக்கப்பட்டிருக்கிற மைனர் பிள்ளைகளின் சீர்திருத்தச் சட்டத்தை ஆதரித்துச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். பிள்ளைகள் சிறிய பிராயத்தில் தவறுகள் செய்துவிட்டார்கள் என்றால், அவர்களைப் பெரியவர்களை ஜெயிலில் வைத்து சீர்திருத்தம் செய்வதோடு செய்ய முடியாது. அதனாலே தனியாக ஒரு ஜெயில் வைத்து அதிலே அவர்களுக்குச் சப் படிப்பு, கைத்தொழில், பலவகையான சீர்திருத்தங்கள் செய்து வைப்பதற்கு ஏற்பாடு செய்திருக்கிறார்கள். அதற்காக சர்க்கார் ஒரு வயதை நிர்ணயம் செய்து வைத்திருக்கிறார்கள். 1924-ம் வருஷம் சட்டம் செய்தவர்கள் 15 வயது என்று ஏற்பாடு செய்து வைத்திருக்கிறார்கள். மைனர் தசை நீங்கி, மேஜாக அவது என்பதை 18-வது வயது என்று வைத்திருக்கிறார்கள். 15 வயதிலிருந்து 18 வயது வரை இந்த 3 வருஷ காலத்திற்குள் அவர்கள் தவறு செய்தால், எந்தவிதமான பரிகாரம் செய்வது என்பது விளக்கமாக இல்லை. இதற்கு மூன்று எத்தனையோ சட்டங்கள் வந்திருக்கின்றன. எவ்வளவோ திருத்தங்கள் செய்யப்பட்டிருக்கின்றன. வெள்ளைக்காரர்கள் இருந்த காலத்திலும் சட்டத்தை மாற்றி அமைத்தார்கள். நாம் வந்த பிரபம் மாற்றி அமைத்துக் கொண்டிருக்கிறோம். அனால், இப்பொழுது இருக்கிற நிலைமை வேறு. அப்பொழுது இருந்த நிலைமை வேறு. அப்பொழுது ரூபாய் ஒன்றுக்கு 10, 15 பை அரிசி விற்பனையாக இருந்தது. நன்றாகச் சாய் பிட்டுக் கொடுத்துப் போய் இருந்தார்கள். இப்பொழுது 1½ ரூபாய்க்கு 1 படி அரிசி விற்கப்படுகிறது. சட்ட பூர்வமாக சர்க்கார் இதை ஒப்பக்கொண்டு நடத்திக்கொண்டிருக்கிறார்கள். நாமும் பார்த்துக்கொண்டிருக்கிறோம். அந்த நிலைமையை வைத்துக்கொண்டு, இந்தச் சட்டத்தை திருத்தக் கூடாது என்று சொன்னால் அது பொருந்தாது என்றே தோன்றுகிறது. காரணம் என்னவென்றால். . . .

SRI K. BALASUBRAMANYA AYYAR: என்ன பண்ணவேண்டும் என்று சொல்கிறீர்கள்?

SRI M. SESHACHARIAR: அரிசி விலையைக் குறைக்கவேண்டுமா? வயதைக் குறைக்கவேண்டுமா?

* SRI N. ANNAMALAI PILLAI: 18 வயது என்று போட்டிருக்கிறது சரியாக இருக்கிறது. 18 வயது ஆன பிறகுதான் போஷா என்பதை மனதில் வைத்துக்கொண்டுதான் அமைச்சர் அவர்கள் இந்தத் திருத்தத்தைக் கொண்டுவந்திருக்கிறார் என்று நினைக்கிறேன். அதனால், சட்டத்தை நான் ஆதரிக்கிறேன்.

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5-40
p.m.

SRI A. GAJAPATHY NAYAGAR : Mr. Chairman, the Madras Children Act of 1920 has brought within its purview adolescents, that is, those below 15 years of age. Then, this Act also applies to persons who have attained a certain age. But I cannot understand the wisdom of the clause which says that the report of the Probation Officer shall be treated as confidential. There is no necessity to call for such a report from the Probation Officer and even if one is called for, why should it be treated as confidential? It is better that all the facts about an individual, if called for, are made public. Therefore, I say at this stage that even if a report is called for, it need not be treated as confidential. The report could be placed before the Court and before the person concerned. We have sufficient experience of confidential reports. They are not reports at all.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, the report of the Probation Officer is sent to the Court. It relates to some young man or woman and, therefore, it has necessarily to be treated as confidential. Only the Court is interested in such a report. The Court can call for a report for it has to give a decision. It should not be a public document.

Of course, there are different enactments, as the hon. Member Sri K. Balasubramanya Ayyar pointed out. The Madras Children Act takes care of young men or women between the age of 16 and 18 while the Borstal Schools Act would deal with persons between 18 and 21 years of age. That is the idea behind these enactments so that there need not be any overlapping. Thus, different age groups are taken care of by different Acts. That is all.

MR. CHAIRMAN : The question is—

“That the Madras Borstal Schools (Amendment) Bill, 1959 (L.A. Bill No. 17 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

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

Clauses 2 to 7 were put and carried.

Clause 1 and the Preamble were put and carried.

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

“That the Madras Borstal Schools (Amendment) Bill, 1959 (L.A. Bill No. 17 of 1959), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : The question is—

“That the Madras Borstal Schools (Amendment) Bill, 1959 (L.A. Bill No. 17 of 1959), 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.

September 1959]

APPENDIX I.

de answer to clauses (b) and (c) of starred question No. 16 asked by Sri Mohamed Raza Khan at the meeting of the Legislative Council held on 9th September 1959, page 72 supra.]

The particulars containing the number and the names of the quarters, in the Government Estate, Mount Road, together with the names of persons to whom they were allotted and the rent paid by each of them given below :—

Serial number and name of houses, quarters, etc. (1)	Persons to whom allotted. (2)	Rent paid by each of them. (3) RS.
Old A.D.C.'s Quarters, South.	Sri R. Parthasarathy, Director of Khadi ..	74.81
New Kitchen Block East ..	Sri K. R. Alagiriswamy, Technical Officer, Office of the Director of Industries and Commerce.	29.56
New Kitchen Block West ..	Sri M. G. Sankar, M.L.A.	57.94
Ground floor of Rajaj. Hall.	Madras Co-operative House Construction Society.	25.00
Stewards Office 1st Floor ..	Sri T. Hanumanthappa, Secretary, Legisla- ture Department.	91.25
Stewards Office Ground floor.	Sri V. Padmanabhan, Deputy Director of Industries and Commerce.	98.31
Milkmen's Quarters ..	Sri B. Selvaraj, Postmaster, Alwarpet ..	19.81
Assistant Surgeon's Quarters.	Sri P. Balakrishnan, Executive Engineer (Designs).	55.00
Two rooms in Rocket Court.	Sri Erusappan, Night Watchman, Madras Public Service Commission.	1.00
Band Director's Quarters ..	Office of the Superintendent of Post Offices (South).	65.00
Old Government House School Hut.	Sri T. Mathian, Deputy Director, Technical Education Madras.	109.50
Goschen Block No. I. ..	Sri P. Chockalingam, Personal Assistant to Director of Industries and Commerce.	38.94
Goschen Block No. II. ..	Kumari P. Sundaram, Superintendent, Home Department.	40.75
Goschen Block No. III. ..	Sri G. Daniel, Assistant Controller of Stationery and Printing.	40.75
Goschen Block No. IV. ..	Sri A. K. Maslamani Chettiar, M.L.C. ..	63.00
Goschen Block No. V. ..	Sri V. P. Sarangapani, M.L.A.	63.50
Goschen Block No. VI. ..	Sri R. Srinivasa Iyer, M.L.A.	63.69
Goschen Block No. VII. ..	Sri Pathi D. Raghupathi Devi, M.L.A.	64.50
Goschen Block No. VIII. ..	Sri Khader Sheriff, M.L.A.	76.69
Goschen Block No. IX. ..	Sri C. N. Rajarathnam, Personal Assistant to Honourable Minister for Works.	42.75
Goschen Block No. X. ..	Sri G. Rajavelu, Assistant Director of Information and Publicity.	59.25
Goschen Block No. XI. ..	Sri V. R. Radhakrishnan, Superintendent, Regional Passport Office.	32.75
Goschen Block No. XII. ..	Sri K. V. Dharmalinga Menon, Personal Assistant to Minister for Local Administra- tion.	33.75
Goschen Block No. XIII. ..	Sri K. Sattanatha Karayalar, M.L.A.	63.81
Managers Quarters ..	Sri A. Uthandaraman, Commissioner of Hindu Religious Endowments.	83.12
Stable Superintendents Quarters North.	Sri K. C. V. Ettana Rajah, Laboratory Assis- tant, Office of the Superintending Engi- neer (Designs).	25.31

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Serial number and name of houses, quarters, etc.	Persons to whom allotted.	Rent paid by each of them.
(1)	(2)	(3)
		RS.
27 Stable Superintendents Quarters South and one room in C.I.D. Office North.	Sri G. Venkatachalapathi, Joint Development Commissioner.	54-81
28 C.I.D. Office Quarters ..	Sri K. S. Gopalan, Typist, Office of the Assistant Examiner of Local Fund Accounts.	31-81
29 Guard Room	Women Indian Association	10-00
30 Visitors Book room ..	Bharat Sivak Sanaaj	5-00
31 Garden tool shed	Veerammai	0-50
32 Old P.M.'s Office Eastern portion.	Annapurna Cafeteria.	11-00
33 Kitchen attached to cottage.	(Vacant)	11-00
34 Stables for Body Guard P.W.D. Stores No. I.	Sri M. D. Paul, Driver	5-50
35 Stables for Body Guard P.W.D. Stores No. II. ..	Sri K. Natarajan, Upper Division clerk, P.W.D.	8-81
36 Laundry Superintendents Quarters.	Sri T. M. Jambulingam, Subdivisional Officer, Government House.	26-00
37 Stable North Wing converted into Quarters.	Sri B. Sundaram, Superintendent, Home Department.	31-37
38 Nurses Quarters (New) ..	Sri K. V. Shanmugam, Junior Engineer, P.W.D. Government Estate.	16-00
39 Farriers Quarters	Dr. Gunga Bai, Assistant Surgeon	20-00
40 Residential Block No. I. Quarters No. 1.	Sri J. Devanugraham	23-12
41 Residential Block No. I, Quarters No. 2.	Sri Devanugraham	23-12
42 Residential Block No. II (Dhoby Lines), Quarters No. 1.	Sri Achutha Menon, Superintendent, Marina Garden.	9-75
43 Residential Block Dhoby (Lines), Quarters No. 2, (R. Block No. 2).	Srimathi C. John, Clerk, Office of the Chief Engineer (General).	9-75
44 Garden Store room and Fisheries Store room converted into quarters.	Sri S. Ratnam, Accountant-General's Office, Madras.	9-75
45 Bachelors Quarters (East).	Sri V. Krishnaswami, Superintendent, Chief Engineer (I)'s Office.	30-87
46 Bachelors Quarters (West) or Band Lines No. I.	Sri P. Muthuswami, Deputy Director of Industries and Commerce.	29-62
47 Police Rest House	Sri A. B. Joseph, Sub-Inspector	2-00
48 Band Lines No. II	Sri B. Krishna Iyer, Superintendent (Retired), Food and Agriculture Department.	23-12
49. Band Lines No. III	Sri M. A. Rasheed Khan, Assistant Secretary, Public (R.D.P.) Department.	23-12
50 Band Lines No. IV	Sri V. Muthuswami Pillai, Pay and Accounts Officer.	23-12
51. Band Lines No. V	Sri A. Earnest, Superintendent, Food and Agriculture Department.	23-12
52 Band Lines No. VI	Srimathi Swarnambal, Upper Division Clerk, Pay and Accounts Office.	23-12
53 Band Lines No. VII	Sri D. Ramalinga Reddi, Part-Time Lecturer, Law College, Madras.	23-12
54 Band Lines No. VIII	Sri K. Ramaswamy Reddy, Director of Research (Highways), Guindy.	34-19
55 Band Lines No. IX	Sri N. Annamalai Pillai, M.L.C.	39-44
56 Band Lines No. X	Sri M. G. Kandaswami, Assistant Lay Secretary and Treasurer, General Hospital, Madras.	23-12
57 Band Lines No. XI	Miss Joyce Dolly, Telephone Operator, Madras.	23-12
58 Band Lines No. XII	Sri R. Krishnamoorthy, Superintendent, Civil Supplies, Board of Revenue, Madras.	23-75

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Serial number and name of houses, quarters, etc.	Persons to whom allotted.	Rent paid by each of them.
(1)	(2)	(3)
		RS.
Band Lines No. XIII ..	Sri K. Rajaram Naidu, Ex M.L.A.	47-94
Band Lines No. XIV ..	Sri M. J. Aruliah, Personal Assistant to Chief Engineer (Highways).	23-12
Band practising Shed ..	Sri G. Satagopan	28-81
Government Servant Lines—	Last Grade Servants	5-31
"A" Block Quarters I 1 to 5, 7 to 24.		(each quarter)
"B" Block Quarters No. 29 to 36, 38.		
"C" Block Quarters No. 39 to 60.		
"D" Block Quarters No. 65 to 71, 73 to 76, 79 to 84.		
"E" Block Quarters No. 85 to 95, 97 and 98.		
Government servants Lines "A" Block Quarters No. 6.	Vadivelu, Peon, Madras, Office of the Public Service Commission.	6-31
B. Block Quarters 25 to 28.	T.U.C.S.	45-00
B. Block No. 37	Sri T. Kunhamabu, Driver, State Transport Madras.	7-31
D. Blocks 61 and 62	Sri C. R. Natarajan, Junior Superintendent, Chief Engineer's Office (Highways).	11-62
D. Blocks 63 and 64	Sri P. G. Zackeria, Demonstrator, Central Polytechnic.	11-62
D. Block 72	Sri T. C. Gopala Nambiar	13-00
A. D. Block 77	Sri A. Kannappan, Wireman, Office of the Electrical Engineer (General).	4-31
D. Block 78	Sri T. M. Anthoni, Peon, Legal Department.	4-81
E. Block No. 96	Sri Chandu Nair, Mono Operator, Government Press, Madras.	7-31
F. Block Nos. 99 to 101 ..	Sri S. N. A. Dorai, Junior Superintendent, Regional Transport Office, Chingleput at Madras.	18-56
F. Block Quarters Nos. 102 and 103.	Sri A. Soetharaman, Superintendent, Public Department Secretariat.	12-81
G. Block Nos. 103 and 104.	Sri Vedachalam, Tracer, Chief Engineer's (General) Office.	14-25
G. Block Nos. 105 and 106.	Sri G. H. David, Postal Department, Central Government, Madras.	15-19
G. Block Nos. 107 and 108.	Sri A. Shanmugam, Clerk, Office of the Women's Welfare Department.	13-19
G. Block Nos. 109 and 109-A.	Sri K. N. Nambiar, Superintendent, Government Transport	13-19
"H" Block Quarters, Nos. 110 to "K" 141, K 144 to "L" Block No. 158.	Last Grade Servants	4-31 (each quarters.)
"K" Block No. 142	Sri Ramudu	1-50
"K" Block No. 143	Srimathi Subbamma	1-50
"L" Block Nos. 159 and 160.	Sri B. Lakshminarayananachari	12-00
"M" Block Nos. 161 and 162.	Sri C. M. Somasundaram, Superintendent, H.E.L.A. Secretariat.	10-00
"M" Block Nos. 163 and 164.	Sri Govindarajulu, Time-Keeper, State Transport Department.	10-00
"M" Block No. 165	Kumari E. Ganga, Upper Division Clerk, Office of the Director of Agriculture.	4-87
"M" Block No. 166	Sri P. V. Sankara Kurup, Office of the Assistant Director of Central Survey, Madras.	6-37
"N" Block Nos. 167 and 168.	Sri M. P. Natarajan	11-75

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Serial number and name of houses, quarters, etc.	Persons to whom allotted.	Rent paid by each of them.
(1)	(2)	(3)
86 "N" Block Nos. 169 and 170.	Sri T. N. Venkoba Rao, Typist, Finance Department, Secretariat.	11-75
87 "N" Block Nos. 171 and 172.	Sri Ranganatha Rao, Compounder, Police Dispensary, Egmore.	11-75
88 "N" Block Nos. 173 and 174.	Sri John Rajamani, U.D.C., Public (R.D.P.) Secretariat.	12-75
89 "N" Block No. 175 ..	Sri N. Venkateshram, Mason, Government House Sub-division.	3-00
90 "O" Block No. 176 ..	Sri Benjamin Paul, Compounder, Corporation of Madras.	12-31
91 "O" Block Nos. 177 to 178.	Sri T. Thotsingam Upper Division Clerk, Special Buildings Circle.	12-00
92 "O" Block Nos. 179 to 181.	Sri P. Arunagan, Public (R.D.P.)	16-44
93 Kitchen near Guest House, Servants Lines. One out of 4 rooms and 2 bath rooms.	Sri A. Kannappa, Peon, Office of the E.E., Engineering Division.	7-00
94 Band School Buildings ..	Late Dr. P. Varadaraju Naidu's family ..	52-44
95 Bombay Model House ..	Sri G. Panduram, U.D., Office of the Superintendent, Government Estate.	11-50
96 Narrow Room attached to stables.	D. Vedachalam, Peon, Government House Sub-division.	2-19

The following buildings are rent free :—

Name of houses, quarters, etc.	Persons to whom allotted.
(1)	(2)
1 Coom house	Hon'ble Minister for Finance.
2 New A.D.C. Block and cottage ..	Office of the Public Service Commission, Madras.
3 Old P.S.C. and M.S.C.'s Quarters ..	Office of the Director of Rural Welfare.
4 Old A.D.C.'s Quarters	The Superintendent, Government Estate.
5 Government House Servants Lines 1, 2, 3 and 4—from 18th June 1936.	

The following buildings are used by the Offices noted against each :—

Serial number and name of houses, quarters, etc.	Persons to whom allotted.	Rent paid by each of them.
(1)	(2)	(3)
1 Press Reporters room	Press Reporters guild.	Rs. 10 per mensem.
2 Ministers Block	Office of the Southern Zonal Council.	Rs. 264 per mensem.
3 The "Lodge"	Leased to Central P.W.D. for use as Hostel.	Rs. 371 per mensem.
4 Ward of "12" beds—Old Hospital Buildings.	Care India, Madras.	Rs. 35 per mensem.

The following buildings are used as Hostel by M.L.As:—

Name of houses, quarters, etc.	Persons to whom allotted.
(1)	(2)
1 Main Buildings	New Legislative Assembly Buildings.
2 Legislator's Hostel	Old and New.

The following quarters have been handed over to the Hostel Authorities for Women Students of the Presidency College :—

- 1 Subdivisional Officer's Quarters.
- 2 Laundry Clerks' Quarters No. 3.
- 3 Dhoby Lines Nos. 2, 3, 6, 7, 9, 10, 11.

The following quarters are vacant but allotted to the occupants of the Servants Lines which are taken up for repairs :—

- 1 Dhoby lines Nos. 4, 5 and 8.
- 2 Two rooms in kitchen attached to Government Servants Lines.
- 3 Laundry Clerks Quarters Nos. 4, 5 and 6.
- 4 Vacant space and old Clerks Quarters.—Handed over to Electricity Board.

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APPENDIX II.

[Vide Answer to clause (a) of Starred Question No. 17 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 9th September 1959, page 73 supra.]

Monthwar particulars showing number of petitions pending before the Rent Controller and Additional Rent Controller, Madras, as on 1st April 1959.

Rent Controller.		Additional Rent Controller.	
November 1957	1	January 1957	2
December 1957	1	March 1957	1
January 1958	4	May 1957	1
February 1958	13	July 1957	1
March 1958	23	August 1957	1
April 1958	18	September 1957	1
May 1958	29	October 1957	1
June 1958	20	November 1957	4
July 1958	30	December 1957	6
August 1958	35	January 1958	16
September 1958	25	February 1958	28
October 1958	44	March 1958	18
November 1958	60	April 1958	26
December 1958	118	May 1958	38
January 1959	81	June 1958	49
February 1959	125	July 1958	59
March 1959	110	August 1958	67
	737	September 1958	63
	927	October 1958	70
Number disposed of in April 1959.	196	November 1958	63
	—	December 1958	59
	—	January 1959	92
	—	February 1959	84
	—	March 1959	130
		Total	880
		Number disposed of in April 1959	201
			1081

APPENDIX III.

[Vide item IV (1) on page 78 supra.]

L.A. BILL No. 18 OF 1959.

(As passed by the Assembly.)

A Bill further to amend the Indian Partnership Act, 1932, in its application to the State of Madras.

WHEREAS it is expedient further to amend the Indian Partnership Act, 1932 (Central Act IX of 1932), in its application to the State of Madras for the purposes hereinafter appearing;

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

1. Short title and extent.—(1) This Act may be called the Indian Partnership (Madras Amendment) Act, 1959.

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

2. *Amendment of section 59-A, Central Act IX of 1932.*—In sub-section (1) of section 59-A of the Indian Partnership Act, 1932 (Central Act IX of 1932),—

(i) in the first paragraph, for the words “by reason of the reorganisation of States”, the words, figures and brackets “by reason of the formation of the State of Andhra or of the addition of the Bellary district to the State of Mysore under the Andhra State Act, 1953 (Central Act XXX of 1953), or of the reorganisation of States under the States Reorganisation Act, 1956 (Central Act 37 of 1956)” shall be substituted; and

(ii) in the proviso, for the word “shall”, the word “may” shall be substituted.

FINANCIAL MEMORANDAM.

Sub-clause (i) of clause (2) of the Bill empowers the Registrar of Firms, Madras, to amend the Register of Firms maintained by him by deleting the entries relating to any firm, the place of business of which has, by reason of the formation of the State of Andhra or of the addition of the Bellary district to the State of Mysore under the Andhra State Act, 1953 (Central Act XXX of 1953), ceased to be located in the State of Madras.

The entries borne on the Register of Firms relating to firms in the areas transferred consequent on the Andhra Partition are about 12,500 in number. The work connected with the deletion of those entries will require the employment of about 2 Upper Division Clerks and 8 Lower Division Clerks for three months. The expenditure connected with the implementation of this measure can roughly be estimated at Rs. 3,600. The Legislation, therefore, involves expenditure from the Consolidated Fund of the State.

APPENDIX IV.

[Vide item IV (2) on page 82 supra]

L.A. BILL No. 11 OF 1959.

(As passed by the Assembly.)

A Bill further to amend the Madras Civil Courts Act, 1873.

WHEREAS it is expedient further to amend the Madras Civil Courts Act, 1873 (Central Act III of 1873), for the purposes hereinafter appearing;

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

1. *Short title.*—This Act may be called the Madras Civil Courts (Amendment) Act, 1959.

2. *Amendment of section 13, Central Act III of 1873.*—In the third proviso to section 13 of the Madras Civil Courts Act, 1873 (Central Act III of 1873) (hereinafter referred to as the principal Act), for the word and figures “section 30”, the words, brackets and figures “sub-section (1) of section 30” shall be substituted.

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3. In section 17 of the principal Act—

(i) in the first paragraph, for the words “No District Judge, Subordinate Judge or District Munsif”, the words “No District Judge, Vacation Civil Judge, Subordinate Judge or District Munsif” shall be substituted; and

(ii) in the second paragraph, for the words “No District Judge or Subordinate Judge”, the words “No District Judge, Vacation Civil Judge or Subordinate Judge” shall be substituted.

4. *Amendment of section 30, Central Act III of 1873.*—Section 30 of the principal Act shall be renumbered as sub-section (1) of that section, and to the section as so renumbered, the following sub-sections shall be added, namely:—

“(2) Notwithstanding anything contained in this Act or in the Code of Civil Procedure, 1908 (Central Act V of 1908), the State Government may, in consultation with the High Court, for the duration of the adjournment of any District Court in summer, appoint for such District Court a Subordinate Judge to be designated the Vacation Civil Judge.

(3) (a) The local limits of the jurisdiction of the Vacation Civil Judge shall be the same as those of the District Court concerned.

(b) The jurisdiction of the Vacation Civil Judge shall extend to all suits, appeals and other proceedings pending in, or cognizable by, any Civil Court (whether a District Court, a Subordinate Judge's Court or a District Munsif's Court) in the district concerned when such Court is adjourned for summer vacation.

(4) The place, at which the Court of the Vacation Civil Judge shall be held, shall be the same as the place at which the District Court concerned may be held. The Vacation Civil Judge shall have such administrative control over the staff of the several Civil Courts in the district, as the High Court may, by general or special order, determine.

(5) Notwithstanding the appointment of the Vacation Civil Judge every Civil Court in the district shall, during the period it is adjourned for summer vacation, be deemed to be closed for the purposes of section 4 of the Indian Limitation Act, 1908 (Central Act IX of 1908).

(6) On the reopening of the District Court, a Subordinate Judge's Court or a District Munsif's Court after the summer vacation, all suits, appeals and other proceedings pending in the Court of the Vacation Civil Judge which, but for this section, would have been instituted or pending in such District Court, Subordinate Judge's Court or District Munsif's Court, as the case may be, shall stand transferred to such District Court, Subordinate Judge's Court or District Munsif's Court and any decree, order or proceeding passed by the Vacation Civil Judge shall, after such transfer, be deemed to be a decree, order or proceeding passed by the Court concerned.

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(7) Notwithstanding the provisions of sub-section (6), any appeal from the decree or order of the Court of the Vacation Civil Judge shall, when such appeal is allowed by law, lie to the High Court."

FINANCIAL MEMORANDUM.

The Bill seeks to amend the Madras Civil Courts Act, 1873, providing for the appointment of Vacation Civil Judges who may entertain suits, appeals and proceedings and pass final orders thereon. Since additional staff have to be employed during the vacation for the disposal of cases, the Bill when brought into operation would involve expenditure from the Consolidated Fund of the State. The Judges of the High Court have reported that it is not possible to estimate the extra cost on account of the appointment of Vacation Officers and Staff.

APPENDIX V.

[Vide item IV (3) on page 85 supra.]

L.A. BILL No. 10 OF 1959.

(As passed by the Assembly.)

A Bill to provide for the establishment of a Board for the development of khadi and village industries and for matters connected therewith in the State of Madras.

WHEREAS it is expedient to provide for the establishment of a Board for the development of khadi and village industries and for matters connected therewith in the State of Madras;

Be it enacted in the Tenth 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 Khadi and Village Industries Board Act, 1959.

(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.

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

(a) "Board" means the Madras State Khadi and Village Industries Board established under sub-section (1) of section 3;

(b) "Government" means the State Government;

(c) "khadi" means any cloth woven on handloom in India from cotton, silk or woollen yarn handspun in India or from a mixture of any two or all of such yarns;

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(d) "Khadi and Village Industries Commission" means the Khadi and Village Industries Commission established under section 4 of the Khadi and Village Industries Commission Act, 1956 (Central Act 61 of 1956);

(e) "member" means a member of the Board and includes the president;

(f) "president" means the president of the Board;

(g) "secretary" means the secretary of the Board appointed under clause (d) of sub-section (2) of section 3;

(h) "village industries" means—

(i) all or any of the industries specified in the Schedule to the Khadi and Village Industries Commission Act, 1956 (Central Act 61 of 1956); and

(ii) any industry specified in this behalf by the Government by notification in consultation with the Board; and includes any other industry deemed to be specified in the said Schedule by reason of a notification under section 3 of the said Act.

CHAPTER II—THE KHADI AND VILLAGE INDUSTRIES BOARD.

3. *Establishment and constitution of the Board.*—(1) With effect from such date as the Government may, by notification, fix in this behalf, there shall be established a Board to be called the Madras State Khadi and Village Industries Board. It shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and may, by the said name, sue and be sued.

(2) (a) The Board shall consist of not more than fifteen members including the president, the vice-president and the secretary (where the secretary is appointed by the Government from amongst the members). The appointment of members, except the president, shall be made by the Government and shall be published in the *Fort St. George Gazette*

(b) The Minister in-charge of khadi development in the State shall be the president of the Board.

(c) The vice-president shall be elected from amongst the non-official members of the Board.

(d) The Government may in consultation with the Board, appoint a person who may or may not be a member of the Board to be the secretary of the Board:

Provided that where a person other than a member is appointed as secretary, he shall not be entitled to vote at meetings of the Board.

(e) The majority of the members shall be non-officials.

(f) The Government shall appoint as members—

(i) only such non-officials as have shown an active interest in the production and development of khadi or in the development of village industries, and

(ii) officials.

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4. *Resignation of office by member.*—Any member may resign his office by giving notice in writing to the Government and on such resignation being notified in the *Fort St. George Gazette* by the Government, he shall be deemed to have vacated his office.

5. *Vacancies, etc., not to invalidate acts and proceedings of the Board.*—No act or proceedings of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

6. *Temporary association of persons with the Board for particular purposes.*—(1) The Board may associate with itself in such manner and for such purposes as may be determined by regulations made under this Act any person whose assistance or advice it may desire in complying with any of the provisions of this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relevant to that purpose, but shall not have the right to vote and shall not be a member for any other purpose.

(3) The Government may, by order, depute one or more officers of the Government to attend any meetings of the Board and to take part in the discussions of the Board, but such officer or officers shall not have the right to vote.

7. *Meetings of the Board.*—(1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2) to (4), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Board under this Act:

Provided that the Board shall meet at least once in every three months.

(2) The president may, whenever he thinks fit, call special meetings of the Board.

(3) The president or in his absence the vice-president or if he is also absent, such member as may be chosen by the members present from among themselves shall preside at a meeting of the Board.

(4) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the president or in his absence the person presiding shall have a second or casting vote.

(5) The proceedings of the meeting of the Board shall be forwarded to the Government within fifteen days of every meeting.

8. *Term of office and conditions of service of vice-president, secretary and other members.*—The term of office and the terms and conditions of service of the vice-president, the secretary and the other members of the Board shall be such as may be prescribed.

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9. *Officers and servants of the Board.*—(1) The secretary shall exercise such powers and discharge such duties as may be prescribed or as may, from time to time, be delegated to him by the Government or by the president.

(2) Subject to such regulations as may be made by the Board in this behalf, the Board may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

10. *Standing Finance Committee.*—The Board may constitute a standing finance committee consisting of the vice-president and of more than four members. The vice-president shall be the chairman of the committee. The committee shall exercise such powers and perform such functions relating to the finances of the Board as may be laid down by regulations made by the Board.

CHAPTER III—FUNCTIONS OF THE BOARD.

11. *Functions of the Board.*—(1) Subject to the provisions of this Act, the functions of the Board shall generally be to plan, organize and implement programmes for the development of khadi and village industries.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may take such steps as it may think fit—

(a) to start, encourage, assist and run khadi and village industries;

(b) to provide deserving persons with gainful employment in their homes through the organization of khadi and village industries;

(c) to grant loans and give other assistance for the development of khadi and village industries;

(d) to organize co-operative societies for khadi and village industries;

(e) to conduct training centres and train persons at such centres or at other centres outside the State of Madras in khadi and village industries;

(f) to arrange for the supply of raw materials, tools and implements to such industries and for the sale of their finished products;

(g) to arrange for the publicity and popularization of the finished products of such industries by opening stores, shops, emporia, exhibitions and the like;

(h) to educate public opinion and cultivate in the public a preference for such industries and for utilization of their products;

(i) to seek and obtain advice and guidance of experts;

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(j) to encourage and promote research in the technique of production of khadi or in the development of village industries; and

(k) to provide facilities for a study of the problems relating to khadi or village industries.

12. General powers of the Board.—The Board shall, for the purpose of carrying out its functions under this Act, have the following powers, namely:—

(i) to acquire and hold such movable and immovable property as it deems necessary and to lease, sell or otherwise transfer any such property:

Provided that any lease, sale or other transfer to any person or authority other than the Khadi and Village Industries Commission of any immovable property belonging to the Board shall be null and void unless it is sanctioned by the Government;

(ii) to appoint a committee or committees for securing the efficient performance of its functions and, in particular, for ensuring that such functions are performed with due regard to the requirements of the local area concerned;

(iii) to incur expenditure and undertake any work in any area in the State for the framing and execution of such schemes as it may consider necessary for the purpose of carrying out the provisions of this Act, or as may be entrusted to it by the Government; and

(iv) to enter into any contract and to do all things necessary for the purposes of this Act.

13. Power of Government to give directions.—In the performance of its functions under this Act, the Board shall be bound by such directions as the Government may give to it.

CHAPTER IV—FINANCE, ACCOUNTS, AUDIT AND REPORTS.

14. Transfer of property to the Board.—The Government may transfer to the Board any building, land or other property, movable or immovable, for the use of and management by the Board on such conditions and subject to such limitations as may be imposed by the Government.

15. Funds of the Board.—(1) The Board shall have two separate funds to be called the Khadi Fund and the Village Industries Fund and all grants and advances made to the funds from time to time by the Government for the purposes of the development of khadi or the development of village industries and all other grants, subventions, donations, gifts and loans received from the Central Government or any State Government or the Khadi and Village

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Industries Commission or any local authority or any body or organization, whether incorporated or not, or any individual for all or any of the purposes of this Act shall be paid to the Khadi Fund or Village Industries Fund, as the case may be, and all payments by the Board for, or in respect of khadi and village industries shall be made from the appropriate fund.

(2) Except as otherwise directed by the Government all moneys belonging to such funds shall be deposited in such manner as the Government may, by general or special order, direct or be invested in such securities as may be approved by the Government.

16. Subventions, loans and grants to the Board.—(1) The Government may, from time to time, make subventions and grants to the Board for the purposes of this Act on such terms and conditions as the Government may, in each case, determine.

(2) The Government may, from time to time, advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act as the Government may determine.

17. Power of the Board to spend.—Subject to the provisions of section 18, the Board shall have power to spend such sums as it deems fit on purposes authorized by this Act:

Provided that nothing in this section shall be deemed to prevent the Board from spending, with the previous approval of the Government, such moneys as it thinks fit on any such purpose outside the State of Madras.

18. Budget.—(1) The Board shall, by such date in each year as may be prescribed, prepare and submit to the Government for approval two separate budgets in the prescribed form for the next financial year to be called the Khadi Budget and the Village Industries Budget, showing the estimated receipts and expenditure in respect of khadi and village industries respectively during that financial year.

(2) Subject to the provisions of sub-sections (3) and (4), no sum shall be expended by or on behalf of the Board unless such expenditure is covered by a specific provision in the budget approved by the Government.

(3) The Board may, within the respective limits of the khadi budget and the village industries budget, sanction any reappropriation from one head of expenditure to another or from a provision made for one scheme to that in respect of another, but in no case shall a reappropriation of fund be made from the khadi budget to the village industries budget or from the village industries budget to the khadi budget:

Provided that no reappropriation from the head "I, can" to any other head of expenditure and *vice versa* in either budget shall be sanctioned by the Board except with the previous approval of the Government and the Khadi and Village Industries Commission.

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(4) The Board may within such limits and subject to such conditions as may be prescribed incur expenditure in excess of the limit provided in the budget approved by the Government under any head of expenditure or in connection with any particular scheme so long as the aggregate amount in either budget approved by the Government is not exceeded.

19. Borrowing of money.—Subject to such rules as may be made in this behalf by the Government, the Board shall have power to borrow on the security of the Khadi Fund or the Village Industries Fund or any other asset for any purpose to which such Fund or asset may be applied.

20. Accounts and audit.—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance sheets in such form as may be prescribed.

(2) The accounts of the Board shall be audited by such person as the Government may appoint in this behalf.

(3) The person appointed under sub-section (2) shall, in connection with such audit, have such rights, privileges and authority, as may be prescribed and in particular, such auditor shall have the right to demand the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by such auditor together with the audit report thereon shall be forwarded annually to the Government and the Khadi and Village Industries Commission before such date as the Government may specify in this behalf.

(5) The Board shall comply with such directions as the Government may, after perusal of the report of the auditor, think fit to issue.

21. Power to alter scheme.—The Board may, with the previous approval of the Khadi and Village Industries Commission, make any alteration in any scheme so long as the aggregate amount sanctioned for the scheme is not exceeded.

22. Power to write off irrecoverable amount.—The Board may write off any amount whatsoever due to it, whether under a contract or otherwise or any sum payable in connection therewith, if in its opinion such amount or sum is irrecoverable :

Provided that the Board shall, before writing off any such amount or sum exceeding three thousand rupees, obtain the sanction of the Government.

23. Recovery of arrears.—If any amount due to the Board in accordance with the terms of a contract or otherwise or any sum payable in connection therewith, has not been paid, the Board may, without prejudice to any other remedy provided by law, recover such amount or sum as arrears of land revenue.

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24. Returns and reports.—(1) The Board shall furnish to the Government at such time and in such form and manner as may be prescribed or as the Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of khadi and village industries as the Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Board shall, as soon as possible after the end of each financial year, submit to the Government a report in such form and before such date as may be prescribed, giving a true and full account of its activities, policy and programme during the previous financial year.

(3) All returns, statements and particulars furnished by the Board to the Government under sub-section (1) shall, as soon as possible after they are so furnished, be placed on the table of both the Houses of the Legislature.

CHAPTER V—MISCELLANEOUS.

25. Dissolution of the Board.—(1) If at any time the Government are satisfied that—

(a) the Board has, without reasonable cause or excuse, made default in the discharge of its duties, or in the performance of its functions, imposed or entrusted by or under this Act, or exceeded or abused its powers; or

(b) circumstances have so arisen that the Board is rendered, unable, or may be rendered unable to discharge its duties or perform its functions under this Act; or

(c) it is otherwise expedient or necessary to dissolve the Board,

the Government may, by notification, dissolve the Board for such period as may be specified in the notification and declare that the duties, powers and functions of the Board shall, during the period of its dissolution, be discharged, exercised and performed by such person or authority, as may be specified in the notification :

Provided that the Government shall, before dissolving the Board, give a reasonable opportunity to it to show cause against the proposed action.

(2) The Government shall, before the expiration of the period of dissolution, reconstitute the Board in accordance with the provisions of section 3.

(3) The Government may make such incidental and consequential provisions as may appear to them to be necessary for giving effect to the provisions of this section.

(4) Any notification issued or order made by the Government under this section shall not be questioned in any civil court.

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(5) On the Board being dissolved under sub-section (1)—

(i) all funds and other properties vested in the Board shall vest in the Government; and

(ii) all liabilities, legally subsisting and enforceable against the Board shall be enforceable against the Government to the extent of the funds and properties vested in the Government under clause (i).

26. Preparation and submission of annual programmes and establishment schedules.—(1) In each year on or before such date as may be fixed by the Government in this behalf, the Board shall in such form as may be prescribed, prepare and forward to the Government—

(a) a programme for the promotion of khadi and village industries; and

(b) a schedule of the staff of officers and servants employed and to be employed during the next year.

(2) The programme shall contain—

(a) particulars of the scheme which the Board proposes to execute whether in part or in whole during the next year;

(b) particulars of any work which the Board proposes to execute or any undertaking which the Board proposes to organize during the next year for the purpose of performing its functions under this Act; and

(c) such other particulars as may be prescribed.

(3) The Government may approve and sanction the programme and the schedule of the staff of officers and servants forwarded to them under sub-section (1) with such modifications as they may deem fit.

(4) The Board may submit a supplementary budget and supplementary programme for the sanction of the Government in such form and before such date as the Government may prescribe and the provisions of section 18 and sub-sections (1) to (3) shall respectively apply to such supplementary budget and programme.

27. Members, officers and other servants of the Board to be public servants.—The members, officers and other servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

28. Protection for acts done in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the president, vice-president, secretary or member or any person in the employment of the Board for anything which is, in good faith, done or intended to be done in pursuance of this Act.

(2) Save as otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the Board for any damage caused or likely to be caused by anything which is in good faith done, or purported to be done, under this Act.

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29. Power to make rules.—(1) The Government may, by notification, make rules to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the place at which the office of the Board shall be located;

(b) the term of office of, and the manner of filling casual vacancies among, the members of the Board and the terms and conditions of service of the vice-president, the secretary and the other members of the Board, including the salaries and allowances to be paid to them and travelling and daily allowances to be drawn by them;

(c) the disqualifications for membership of the Board and the procedure to be followed for removing a member who is or becomes subject to any disqualification;

(d) the procedure to be followed in the performance of functions by members of the Board;

(e) the powers and duties to be exercised and discharged by the secretary;

(f) the date by which and the form in which the budget and the supplementary budget shall be prepared and submitted in each year under section 18 and sub-section (4) of section 26;

(g) the procedure to be followed for placing the Board in possession of funds;

(h) the procedure to be followed and the conditions to be observed in borrowing moneys and in granting loans;

(i) the conditions subject to which and the mode in which contracts may be entered into by or on behalf of the Board;

(j) the form and manner in which the accounts of the Board shall be maintained under section 20;

(k) the form and manner in which the returns, reports or statements shall be submitted under section 24, and

(l) any other matter which has to be, or may be, prescribed.

(3) All rules made and all notifications issued under this Act shall, as soon as possible after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modification by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

30. Power to make regulations.—(1) The Board may, with the previous sanction of the Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act.

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(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(a) the terms and conditions of appointment and service and the scales of pay of officers and servants of the Board other than the secretary including the payment of travelling and daily allowances in respect of journeys undertaken by such officers and servants for the purposes of this Act;

(b) the time and place of meetings of the Board, the procedure to be followed in regard to transaction of business at such meetings and the quorum necessary for the transaction of such business at a meeting;

(c) the delegation of powers and duties to the standing finance committee, secretary or any employee of the Board;

(d) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Government;

(e) the persons by whom and the manner in which payments, deposits and investments may be made on behalf of the Board;

(f) the custody of moneys required for the current expenditure of the Board and investment of moneys not so required;

(g) the maintenance of accounts.

(3) The Government may, by notification, rescind any regulation made under this section and thereupon, the regulation shall cease to have effect.

31. Operation of other laws not affected.—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force relating to khadi and village industries.

APPENDIX VI.

[Vide item IV (4) on page 103 supra.]

L.A. BILL No. 17 OF 1959.

(As passed by the Assembly.)

A Bill further to amend the Madras Borstal Schools Act, 1925.

WHEREAS it is expedient further to amend the Madras Borstal Schools Act, 1925 (Madras Act V of 1926), for the purposes hereinafter appearing;

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

1. Short title.—This Act may be called the Madras Borstal Schools (Amendment) Act, 1959.

[9th September 1959]

2. Amendment of section 2, Madras Act V of 1926.—In section 2 of the Madras Borstal Schools Act, 1925 (Madras Act V of 1926) (hereinafter referred to as the principal Act),—

(i) in clause (1), for the words and figures “not less than 16”, the words and figures “not less than 18” shall be substituted;

(ii) for clause (4), the following clause shall be substituted, namely :—

“(4) ‘Probation Officer’ means a person appointed to be a Probation Officer under the Madras Probation of Offenders Act, 1936 (Madras Act III of 1937), or under the Probation of Offenders Act, 1958 (Central Act 20 of 1958).”

3. Amendment of section 4, Madras Act V of 1926.—In section 4 of the principal Act,—

(i) in sub-section (1), the words “after previous publication” shall be omitted;

(ii) in clause (b) of sub-section (2), for the words “industrial training” the words “professional, vocational, or technical training” shall be substituted;

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

“(4) 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 Legislature may make either in the same session or in the next session.”

4. Amendment of section 8, Madras Act V of 1926.—(1) Section 8 of the principal Act shall be renumbered as sub-section (1) of that section and in the sub-section as so renumbered, the proviso shall be omitted.

(2) After the sub-section as so renumbered, the following sub-sections shall be added, namely :—

“(2) Before passing a sentence of detention in a Borstal School under sub-section (1), the Court—

(a) shall call for a report from the Probation Officer of the area in which the offender permanently resided at the time when he committed the offence and shall consider such report,

(b) shall consider any other report or representation which may be made to it, and

(c) may make such further inquiry as it may think fit, as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

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(3) The report of a Probation Officer referred to in sub-section (2) shall be treated as confidential :

Provided that the court may, if it so thinks fit, communicate the substance thereof to the offender and may give him an opportunity of producing such evidence as may be relevant to the matter stated in the report '1.

5. *Amendment of section 10-A, Madras Act V of 1926.*—In section 10-A of the principal Act, for the words and figures " not less than 16 ", the words and figures " not less than 18 " shall be substituted.

6. *Amendment of section 19-D, Madras Act V of 1926.*—Clause (vi) of sub-section (1) of section 19-D of the principal Act shall be omitted.

7. *Amendment of section 21, Madras Act V of 1926.*—In section 21 of the principal Act for the words, figures and brackets " has not been extended the figure 16 appearing in section 2 (1) of the Act shall be read as 15 ", the words, figures and brackets " has not been extended the figures 18 appearing in clause (1) of section 2 of the Act shall be read as 17 " shall be substituted.

FINANCIAL MEMORANDUM.

Clause 4 (2) of the Bill provides that before passing a sentence of detention in a Borstal School under sub-section (1) of section 8 of the Borstal Schools Act, the Court shall call for a report from the Probation Officer of the area in which the offender permanently resided at the time when he committed the offence and shall consider such report as to the suitability of the case for treatment in a Borstal School. This provision would involve additional expenditure by way of travelling allowance to Probation Officers from whom the pre-sentence reports are to be called for by Courts. However, the expenditure in this regard is not expected to be much.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 3 (ii) in the Bill amends clause (b) of sub-section (2) of section 4 of the principal Act, so as to empower the State Government to make rules for the purpose of the professional, vocational or technical training of the inmates of the Borstal School. The power delegated is normal and not of an exceptional character.

THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 10th September 1959.

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

I.—QUESTIONS AND ANSWERS

STARRED QUESTIONS.

Construction of houses

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

(a) whether there is any scheme to give loan to individuals for construction of houses:

(b) if so, the amount of loans so advanced in 1956-57 and 1957-58;

(c) the number of houses built so far under such a scheme; and

(d) the machinery through which such loans are advanced?

THE HON. SRI R. VENKATARAMAN: (a) & (d) Loans are given to individuals through Co-operative Housing Societies for construction of houses, under the Low Income Group Housing Scheme of the Union Government and the State Co-operative Urban and Rural Housing Schemes.

(b) Loans were disbursed under the three schemes to the extent of Rs. 56.31 lakhs in 1956-57 and Rs. 70.59 lakhs in 1957-58.

(c) Under the schemes, 1,434 houses were constructed during the years 1956-57 and 1957-58.

SRI MOHAMED RAZA KHAN: May I know the extent of loan which any individual will get?

THE HON. SRI R. VENKATARAMAN: They will get 80 per cent of the cost of the house.

SRI G. KRISHNAMOORTHY: Is there any scheme for housing teachers apart from the scheme sponsored by the Union Government?

THE HON. SRI R. VENKATARAMAN: They will be covered by the Low Income Group Housing Scheme.

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VIDWAN T. MUTHUKANNAPPAN : ஐயா, இந்தக் கடன்கள் எத்தனை தவணைகளில் வசூலிக்கப்படுகின்றன ?

THE HON. SRI R. VENKATARAMAN : These are all administrative details.

SRI V. V. RAMASWAMI : ஸார், வீடு கட்டுவதற்காக மூலம் செலவில் 80 சதவிகிதம் கொடுக்கப்படுகிறது என்று சொன்னார்கள். கொடுக்கப்படும் தொகைக்கு ஒரு உச்ச வரம்பு இருக்குமல்லவா, அப்படி வானூல் அது எவ்வளவு ?

THE HON. SRI R. VENKATARAMAN : In respect of Low Income Group Housing, the maximum per house is Rs. 8,000. In the case of Middle Income Group Housing, the maximum will be Rs. 16,000.

SRI G. KRISHNAMOORTHY : How many applications are generally received from the low-income groups and how many get the advantage?

THE HON. SRI R. VENKATARAMAN : Applications are innumerable. I can give some figures about the number of people who got loans in 1956. One hundred and four houses were constructed in 1956-57 and 282 in 1957-58.

SRI G. KRISHNAMOORTHY : Cannot the Government give preference to teachers when applications are sent?

THE HON. SRI R. VENKATARAMAN : No, Sir. They will all be treated as coming under the Scheme for Low Income Group Housing.

Bringing weavers into the co-operative fold

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

(a) whether there is any proposal with the Government to bring all the weavers into the co-operative fold; and

(b) if so, the details thereof?

THE HON. SRI R. VENKATARAMAN : (a) Yes, Sir.

(b) Fifty-six thousand and twenty-five (56,025) looms were brought into the co-operative fold during the three years before 1956-57. Under the Second Five-Year Plan, it has been proposed to admit one lakh ten thousand looms so that at the end of 1960-61, about two lakhs twenty-five thousand looms representing about 50 per cent of the handlooms in the State would have been admitted into the co-operatives. The remaining weavers may be enrolled into the co-operatives in the subsequent plan periods.

DR. A. CHIDAMBARANATHAN : Is it not a fact that a majority of individual handloom weavers who have not yet come into the co-operative fold are unwilling to do so?

THE HON. SRI R. VENKATARAMAN : My impression is the contrary. In fact, limitations of finance preclude admission of more members into the co-operative societies at this time.

[10th September 1959]

SRI MOHAMED RAZA KHAN : When the suggestion was put forward both to the State and to the Central Governments that those who were outside the co-operative fold should be helped, we were told that unless they came into the co-operative fold, the Government could not do anything. Now the Hon. Minister says that the handloom weavers are anxious to come into the co-operative fold but that the Government cannot accommodate them. When it is so, in what way do the Government propose to help them?

THE HON. SRI R. VENKATARAMAN : We have only a certain amount of money and we can admit only 50 per cent of the handloom weavers into the co-operative fold within the Second Plan period. The other weavers who are outside the co-operative fold can come in only later. There is no scheme now for helping them in any way.

DR. A. CHIDAMBARANATHAN : If it is true that a majority of the handloom weavers are willing to come into the co-operative fold and if it is also true that Government are finding it difficult to accommodate all of them, where is the need for propaganda by the officers of the department that these weavers must come into the co-operative fold?

THE HON. SRI R. VENKATARAMAN : People have got to be educated.

SRI G. KRISHNAMOORTHY : When Government find themselves unable to take them all into the co-operative fold, cannot they think of other schemes to help those outside the co-operative fold?

THE HON. SRI R. VENKATARAMAN : I answered a question yesterday that the Madras Government put forward a few schemes for helping the weavers outside the co-operative fold. But the Government of India on a consideration of the policy applicable to the whole of the country have declined to accept them.

SRI MOHAMED RAZA KHAN : If I remember aright, all along we were told that the Government were anxious that all weavers should come into the co-operative fold but that they were not coming in. Now it is stated they are anxious to come into the co-operative fold but the Government do not have funds to admit them. Has the situation so radically changed that the weavers are willing to come in but the Government cannot admit them?

THE HON. SRI R. VENKATARAMAN : I do not know who told the hon. Member all this. So far as the handloom scheme is concerned, there has been always a great rush on the part of weavers to come into the co-operative fold.

SRI A. J. ARUNACHALAM : கனம் அமைச்சர் அவர்கள் நேற்று பதில் சொல்லியபோதும் இப்போதும் மத்திய சர்க்கார் வெளியேயுள்ள தறிக்காரர்களுக்கு எந்தவித உதவியும் செய்ய மறுத்து விட்டார்கள்.

[10th September 1959]

மேற்கொண்டு ஒன்றும் செய்வதற்கில்லை என்று சொன்னார்கள். இன்று சென்னை ராஜ்யத்தில்தான் அதிகப்படியான தற்குள் இருக்கின்றன. அவ்வளவும் நெசவு செய்யக்கூடிய தற்குள். மற்ற ராஜ்யங்களை விட நேர்மையாக நெசவு செய்யக்கூடிய தொழிலாளர்கள் இருப்பதால், மத்திய சர்க்கார் வற்புறுத்தி வெளியேயுள்ளவர்களுக்கு உதவி கொடுக்க ஏதாவது ஏற்பாடு செய்வது ஒன்று, இல்லையானால் சட்ட ரூபமாக அவர்களை யெல்லாம் கூட்டுறவின் கீழ் கொண்டுவருவது இரண்டு, ஆக இந்த இரண்டில் ஏதாவது முயற்சி செய்ய வேண்டுமென்று கேட்டுக்கொள்கிறேன். அம்மாதிரிச் செய்வார்களா?

THE HON. SRI R. VENKATARAMAN: I am in complete sympathy with the point of view expressed by my hon. Friend Mr. Arunachalam. But, as I said, limitations of finance preclude us from doing more than what we have done.

SRI K. T. KOSALRAM : அரசாங்கத்தாரால் அத்தனை பெரியும் கூட்டுறவின் கீழ் கொண்டுவர முடியவில்லை, நிதி நிலைமை காரணமாக. இது அப்பேயுள்ள லீவர்களுடைய குற்றமல்ல. கூட்டுறவின் கீழ் வாக்கூடியவர்களுக்கு ஒரு சலுகை கொடுத்து விட்டு, அவர்களுடைய குற்றம் ஏதாவது மற்றவர்கள் சேரத் தயாராக இருந்தும் அவர்களைச் சேர்த்துக்கொள்ளாமலும், சலுகை கொடுக்காமலும் ஒருவிதப் பாரபட்சம் கூட்டுவது நியாயமா? இம்மாதிரி “டிகிரிமினேஷன்” இல்லாமல் இருக்க ஒரு வழி செய்யப்படுமா?

THE HON. SRI R. VENKATARAMAN: It is a vehement argument.

SRI V. K. PALANISWAMY, GOUNDER : கூட்டுறவு இயக்கத்தில் சேர்ந்தால் சில சலுகைகள் கிடைக்கின்றன. இப்போது கூட்டுறவு இயக்கத்தில் இருப்பவர்களுக்குக் கொடுக்கும் சலுகையை எல்லோருக்கும் பகிர்ந்து கொடுக்க முடியுமா? இவர்களுக்குக் கொடுப்பதைக் குறைத்து எல்லோருக்கும் கொடுக்க வழி செய்ய முடியுமா?

THE HON. SRI R. VENKATARAMAN : இது மத்திய சர்க்காருடைய திட்டம். நம் ராஜ்யத்திற்கு மட்டும் தனியாக ஒன்றும் செய்ய முடியாது. அகில இந்திய கைச்சிறி போர்டு இருக்கிறது. எல்லோரும் சேர்ந்து ஆலோசனை செய்து மத்திய சர்க்கார் திட்டத்தை வகுத்திருக்கிறார்கள். அதிலே இந்திய கைத்தறி போர்டு கூட ஆலோசனை செய்து மத்திய சர்க்காருக்கு யோசனை அனுப்பியது. அதன் மேல்தான் இந்த முடிவு எடுக்கப்பட்டிருக்கிறது.

SRI V. V. RAMASWAMI : இதிலே பண வசதி இல்லை என்று சொன்னார்கள். கூட்டுறவு இயக்கத்தில் சேர்க்கூடிய கைத்தறிக்காரர்கள் போதிய பங்குத் தொகை கொடுக்க வசதியில்லை என்பது காரணமா அல்லது வேறு காரணம் இருக்கிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : மத்திய சர்க்காரிலிருந்து வருஷத்திற்கு இவ்வளவு என்று ராஜ்ய சர்க்காருக்குத் தொகை ஒதுக்குகிறார்கள். 1959-60-ம் ஆண்டுக்கு நமது ராஜ்யத்திற்கு 92 லட்சம் ரூபாய் ஒதுக்கியிருக்கிறார்கள். அதிலிருந்து ரிபேட் கொடுக்கவேண்டியிருக்கிறது. பங்குதாரர்கள் சேர அவர்களுக்குக் கடன் கொடுக்கவேண்டியிருக்கிறது. வொர்க்கிங் கப்பிடலுக்குப் பணம் கொடுக்கவேண்டியிருக்கிறது. இந்த வகைகளில் செலவு இருக்கிறது. அதையெல்லாம் மத்திய நிர்ணயிக்க வேண்டியிருக்கிறது. 1959-60-ல் 12,000 லீவர்களைச் சேர்ப்பது என்று ராஜ்ய சர்க்கார் நிர்ணயம் செய்திருக்கிறது. அதனால்தான் அதிகப்படியாகச் சேர்க்க முடியவில்லை.

[10th September 1959]

Re-examination in Hindi

* 21 Q.—DR. A. CHIDAMBARANATHAN: Will the Hon. the Minister for Finance be pleased to state— 2-10 p.m.

(a) whether it is a fact that there was any re-examination in Hindi for the candidates who appeared for the S.S.L.C. Public Examination in March 1959; and

(b) if so, the circumstances under which the re-examination was held?

THE HON. SRI C. SUBRAMANIAM : (a) & (b) It was brought to the notice of the Commissioner for Government Examinations that the questions for the examination in Hindi under Part II of the First Language (non-intensive study) of the S.S.I.C. Public Examination, March 1959, were not from the prescribed text-book. Since about 1,500 students had taken the subject and since it was considered not possible to assess their performance on the basis of their answer to the defective question paper, the Commissioner held a re-examination in the subject.

DR. A. CHIDAMBARANATHAN : May I know what steps the Government propose to take so as to see that such things do not happen in the future?

THE HON. SRI C. SUBRAMANIAM : In spite of the best steps we take, sometimes mistakes are committed. As a matter of fact, here one person had to set a paper and it had to be scrutinised by another set of persons. In spite of that, the mistake has crept in. But we are trying to see that these mistakes do not recur in future years.

DR. A. CHIDAMBARANATHAN : May I know whether, in the first instance, steps are being taken not to entrust to the same set of persons both setting and scrutiny of the same papers?

THE HON. SRI C. SUBRAMANIAM : That is what we are trying to do. But the difficulty is we have to find persons with sufficient knowledge and integrity to set the papers and scrutinise them so that there may not be any malpractices in that and the questions may not leak out. The paucity of persons is also there. Taking all these into consideration, we are trying to see that one and the same person is not given too many papers.

DR. A. CHIDAMBARANATHAN : The Hon. Minister, I suppose, will agree that the position is rather serious because the question paper has been set on intensive text-books, whereas the paper ought to have been set on non-intensive text-books. The matter appears to be serious and therefore it is I bring it to the notice of the Hon. Minister. I hope that Government will give an assurance that such things will be avoided in future as far as possible.

THE HON. SRI C. SUBRAMANIAM : As a matter of fact, we have taken action against the persons concerned and we have debarred them for a number of years from being given this job.

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But apart from that, we take sufficient care. In spite of that care, if anything wrong happens, the hon. Member should not think that we have gone back on assurances.

SRI T. P. SRINIVASAVARADAN : The gentleman, who set the paper last year was setting it for the past three years—I mean the paper in Hindi—and no mistake was committed by him in the previous years.

THE HON. SRI C. SUBRAMANIAM : Once a mistake is committed, publicity is immediately given to it and we seem to think that it is a regular practice to commit mistakes. The person concerned here is, as far as I know, quite a capable and able man. In spite of that, the mistake has occurred. We can only say that to err is human. We have taken action against him still, and we hope in future such things will not happen.

SRI T. P. SRINIVASAVARADAN : Is it not the practice that the questions set by the paper setter are scrutinised by two other members of the Board?

THE HON. SRI C. SUBRAMANIAM : Yes. But the scrutiny has also proved in this case ineffective. Therefore, we have taken action against the paper setter and also persons who scrutinised these things.

SRI G. KRISHNAMOORTHY : Can the Government enlighten us on how exactly this error crept in both on the part of the setter and the supervisor? Was it due to want of proper instructions?

THE HON. SRI C. SUBRAMANIAM : I do not understand the question at all. I do agree no investigation was made into how this mistake occurred. The fact is that instead of setting the paper in respect of one book, it was done in respect of completely a different book altogether. Evidently, he got confused as he had to set four or five papers and the mistake crept in.

SRI T. PURUSHOTHAM : Has it happened with regard to Hindi alone or with regard to some other papers as well?

THE HON. SRI C. SUBRAMANIAM : If it had happened in respect of any other paper, it would have formed the subject-matter of a question in this House.

Holidaying in the Nilgiris

* 22 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether there is any proposal before the Government to give any help or facilities to the Non-Gazetted Officers for holidaying in the Nilgiris during summer; and

(b) if so, the stage at which it stands?

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

(b) Does not arise.

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VIDWAN T. MUTHUKANNAPPAN : கோடை மீல் வாசஸ்தலம் வசதிகள் அதிகம் இல்லாத ஆந்திர ராஜ்யத்தில் வார்ன்ஸ்கொண்டாவைக் கோடைவாசஸ்தலமாக்க ஆந்திரராஜ்யத்தின் என். ஜி. ஓக்கள் தங்குவதற்கு வசதிகள் செய்துகொடுத்திருக்கிறார்கள். என். ஜி. ஓ.வினரின் நல் வாழ்க்கையல் நாட்டம் கொண்ட நமது அரசாங்கமும் அதேபோல் நம்முடைய என். ஜி. ஓ.க்களுக்கும் வசதிகள் செய்து கொடுக்க முயற்சி எடுத்துக்கொள்ளுமா?

THE HON. SRI C. SUBRAMANIAM : 10, 12, போகளுக்கு இந்தச் சலுகை கொடுக்கப்பட்டதன் காரணமாக எத்தனை உள்ளங்கள் எரிச்சல் அடைந்திருக்கும் என்பதை அவர்கள் என்னவிட பார்க்கவேண்டும். “சம்மரை” விடக் கூட அந்த எரிச்சல் அதிகமாக இருக்கும்.

VIDWAN T. MUTHUKANNAPPAN : உதகையில் சட்டசபை நடக்கும் போது, சட்டசபை சம்பந்தமான நமது சர்க்கார் என். ஜி. ஓக்கள் அங்கு தங்கள் குடும்பத்தோடு தங்குவதற்கு ஏற்பாடு செய்யப்படுமா?

THE HON. SRI C. SUBRAMANIAM : இந்த வருஷத்தான் முதலில் போயிருக்கிறோம். ஒரு வருஷத்திற்காக அந்த ஏற்பாட்டைச் செய்ய முடியாது. வருஷா வருஷம் போகக்கூடிய ஏற்பாடு என்ற முறையில் முடிவு ஏற்பட்டால், அதைப்பற்றி யோசிக்கலாம்.

SRI MOHAMED RAZA KHAN : Non-Gazetted Officers apart, is the Hon. the Minister for Finance aware that the Chief Minister of the State has said at a public meeting that they are approaching the Government of India for financial help so that they may have this hostel which may be for the stay of N.G.Os. and other middle class people?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. There is a scheme to give facilities for middle income groups. Not merely for N.G.Os.

Income certificate

* 23 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state the procedure prescribed for the submission of income certificate by children of parents residing in Burma and Ceylon?

THE HON. SRI C. SUBRAMANIAM : The pupil is required to produce a certificate from the authorities of the country where the parent is working regarding the actual amount remitted by the parent to his family in Madras State.

SRI G. KRISHNAMOORTHY : Are the Government under the circumstances prepared to extend the time-limit for the submission of these certificates?

THE HON. SRI C. SUBRAMANIAM : We have to fix some time by which the certificates will have to be submitted. In hard cases, I am sure, the circumstances may be explained and extension got.

SRI G. KRISHNAMOORTHY : As it is learnt that the certificates submitted for the short-term are not taken as valid for the long-term, will the Government kindly consider this fact also and issue suitable instructions as the certificates have to come from a long way off?

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THE HON. SRI C. SUBRAMANIAM : That is what I said just now.

SRI G. KRISHNAMOORTHY : Will a certificate once found valid be taken as valid for a number of years, say, from Form IV to Form VI? Or, do they require it every year?

THE HON. SRI C. SUBRAMANIAM : I do hold that it depends upon the actual amount which might be varying from month to month. Therefore, how can we make it valid for years together?

SRI G. KRISHNAMOORTHY : May I understand that this certificate has to be produced monthly from the parent from Burma?

THE HON. SRI C. SUBRAMANIAM : Not monthly. But at least yearly it should come.

Medium of instruction

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

(a) whether it is a fact that the Government Arts College, Coimbatore, will be made pilot college wherein the medium of instruction will be Tamil from 1960-61; and

(b) whether it is a fact that no grant will be paid to private colleges which do not change over to Tamil as medium of instruction after 1963-64?

THE HON. SRI C. SUBRAMANIAM : (a) Yes, Sir. But this will be only in respect of the reorganised B.A. Degree Courses.

(b) The medium of instruction in the reorganised B.A. Degree courses will be changed to Tamil throughout the State from 1963-64. Private colleges can continue to provide the English medium in these courses thereafter and the provisional decision is that no grant will be paid by the Government to them in respect of such courses.

SRI MOHAMED RAZA KHAN : Sir, may I ask the Hon. the Minister for Finance why this important matter was not referred to the State Education Advisory Committee, instead of being referred to the High Power Tamil Committee which, in the very nature of things, will endorse this proposal?

THE HON. SRI C. SUBRAMANIAM : It is also being placed before the State Education Advisory Committee.

SRI MOHAMED RAZA KHAN : Am I to understand that the Government of Madras feel that, apart from the fact whether the scheme is a success or not, colleges should switch over to Tamil in 1963?

THE HON. SRI C. SUBRAMANIAM : I have no doubt about the success of it. That is why I have fixed a date.

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SRI MOHAMED RAZA KHAN : The Hon. the Minister for Finance said that the scheme was going to be a success. I do not question that. I wish him all success. But why should he impose financial sanctions on private colleges and say that they will be deprived of grants?

THE HON. SRI C. SUBRAMANIAM : To get a grant is no right. It is for certain reasons that we give grants and it is up to the Government to impose conditions which the colleges should fulfil for the purpose of being eligible for getting the grant. If the conditions are not fulfilled, it is open to the Government to refuse the grant. As I have already stated, the provisional decision is that no grant would be paid by the Government and it is open to the Government at that time to consider the matter anew and afresh, if it is necessary.

DR. A. LAKSHMANASWAMI MUDALIAR : May I know whether it is not a fact that the Education Minister said that if the pilot project proved a success, then only he would consider extending it?

THE HON. SRI C. SUBRAMANIAM : I said that if it proved a success, it would be automatically extended and that there was no question of considering it again. Of course, if there are difficulties arising, then the matter requires consideration. I may tell the hon. the Leader of the Opposition that when the Government Order was drafted, it was shown to him and that the paragraphs were discussed and that it was only with his concurrence that the Government Order was approved.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, on a point of personal explanation. I very much regret that the Hon. Minister should have had a different impression from what I had of the discussion. It was a purely informal discussion and it was not possible to discuss the whole of the report for reasons which I need not go into now. The Hon. Minister himself was not keeping good health that day. The question of giving or not giving grant was never a matter for discussion between the two Vice-Chancellors and the Hon. the Minister for Education. That is my firm belief and I do not hesitate to say that that was the impression that the discussion gave me. On the other hand, I felt and I do feel now that the question of giving a grant is entirely a different one and that it should be in relation to the amendment of the Grant-in-aid Code which, I think, will require the sanction of the Government. It cannot be done by executive action by the Government without the Legislature giving its concurrence to it.

THE HON. SRI C. SUBRAMANIAM : When the Government take a decision, all the necessary formalities would be gone through. Therefore, if it is found necessary that this House and the other House should be consulted and the required sanction obtained, certainly it would be done. And I have no doubt whatsoever that this House and the other House will consider the whole matter and take a decision. That is why I have stated that provisionally it

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has been decided that no grant will be paid to them in respect of such courses. Apart from that, I would again like to remind the hon. the Leader of the Opposition that the draft Government Order was sent to him at least two weeks earlier and that a date was fixed for the purpose of discussing that with the two Vice-Chancellors. In that draft there is a specific mention about this also. And during the discussion we went through that draft order paragraph by paragraph. The hon. the Leader of the Opposition might have slipped that at that time. During the discussion no objection was raised either by the Vice-Chancellor of the Madras University or the other Vice-Chancellor. But that does not mean that they cannot raise it again. But if the hon. the Leader of the Opposition should think that as far as this clause is concerned, it should be reconsidered, it can be done and I am myself always open to conviction.

SRI A. GAJAPATHY NAYAGAR : May I know what is the use of starting a pilot college at Coimbatore if it is not to be extended to other colleges?

THE HON. SRI C. SUBRAMANIAM : Who said it would not be extended to other colleges? I have already stated that it will be extended.

SRI MOHAMED RAZA KHAN : No doubt it is the interpretation of the Hon. Minister of what he has said earlier and what was informally discussed in Ooty also that the institutions will not get the grant. But the question here is different. It amounts to saying : 'If you do not accept our decision or fall in line with our policy, you are not entitled to the grant'. Shri C. D. Deshmukh, Chairman of the University Grants Commission, has openly criticised the action of this Government and said in a statement or a Press interview that this is nothing but imposing the decision of the Government on those who do not fall in line with the Government policy.

THE HON. SRI C. SUBRAMANIAM : Sir, it is open to anybody to air his views and however eminent he might be, the Government have a responsibility to take a decision, of course, subject to approval by the Legislature in regard to these things. Of course, I would be guided by the expression of views by eminent authorities but ultimately we have to take into account our own point of view and take final decisions.

SRI MOHAMED RAZA KHAN : While appreciating the anxiety of the Government having decided that Tamil should be the official language of the State, may I ask whether the Hon. Minister has considered this aspect of the matter, namely, the prospects of such Graduates from these colleges who may be seeking employment in firms and offices invariably outside our State, namely, Bombay, Calcutta and Delhi, because they cannot all of them be absorbed by the Madras Government or State even with the best of intentions of this Government?

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THE HON. SRI C. SUBRAMANIAM : If the hon. Member had taken care to go through the Government Order, he would have found that we had stated that the standard of English, Part I, would be the same as the standard for the B.Sc. course. This specific change was made on the suggestion of the hon. the Leader of the Opposition that it should be made specific in the Government Order.

SRI G. KRISHNAMOORTHY : Do not the Government think the year of transition, namely, 1963, is too early? Cannot they think of extending the time?

THE HON. SRI C. SUBRAMANIAM : By 1963-64 we would have worked it for three years and we would have had experience of working the first year course for three years. By that time, we hope, we would have gained sufficient experience to start the first year course in the other colleges. Therefore, I submit that there is no question of taking any risk in the matter.

SRI T. PURUSHOTHAM : Is this not a matter in which the University should have been consulted and not only the Vice-Chancellors, and had the former been consulted and its opinion obtained?

THE HON. SRI C. SUBRAMANIAM : I have informally consulted the Vice-Chancellors and later on when we switch over the entire B.A. degree course into Tamil, I have already stated, whatever formal procedure that would have to be gone through would be gone through. If legislation is necessary for this purpose, the Government will not hesitate to bring in legislation before this House.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, I wish to make it clear that what was circulated was a memorandum by the Secretary of the Department. It never occurred to me that it was the draft Government Order. Therein lies a great deal of difference and the Hon. Minister will appreciate that the Vice-Chancellors did not come into the picture in the drafting of the Government Order.

THE HON. SRI C. SUBRAMANIAM : I would request the hon. the Leader of the Opposition to go through the papers circulated to him and then he would find that apart from the changes suggested by him in the Government Order, no other change was made. Word for word the paper circulated to him has been completely adopted.

SRI T. P. SRINIVASAVARADAN : There are a number of professors and lecturers in the Government colleges and the private colleges whose mother-tongue is not Tamil. What is to happen to them when this scheme is extended to the other colleges?

THE HON. SRI C. SUBRAMANIAM : That is a matter which is now under the consideration of the Government.

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SRI MOHAMED RAZA KHAN : Apart from the hon. the Leader of the Opposition who is the Vice-Chancellor of the Madras University, how is it that the Vice-Chancellor of the Annamalai University who is as much interested as the Hon. the Finance Minister in Tamil, since the decision was taken in the conference, has not come out with an open statement in support of the decision of the Government?

THE HON. SRI C. SUBRAMANIAM : I suppose I do not depend on his support for getting through this scheme. (Laughter.)

DR. A. SREENIVASAN : Will not the standards in the subjects go down by switching over to Tamil as the medium of instruction?

THE HON. SRI C. SUBRAMANIAM : On the other hand, there is the other side of the picture also. Some seem to think that when we switch over to the mother-tongue (Tamil) as the medium of instruction, knowledge is likely to improve. Of course, the knowledge of English may go down but the content of education and the content of knowledge with reference to subjects will go up.

VIDWAN T. MUTHUKANNAPPAN : ஐயா, தமிழ் நாட்டில் தாய் மொழி வளர்ச்சிக்கு ஆக்கமும் ஊக்கமும் தருவதுதான் இந்த மாற்றத்திற்கு அடிப்படைக் காரணமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : தமிழுக்கு ஊக்கம் தானாக வரும். இன்றைக்கு இருக்கும் நிலைமையிலே அதை எல்லோரும் அறிவார்கள். பதினென்றாவது வரையிலும் தமிழில் படித்து விட்டு, மேலே கல்லூரிக்குச் சென்று ஆங்கிலத்தில் படிப்பதென்றால், பெரும் பளுவாக இருக்கிறது என்பதை எல்லோரும் ஒத்துக்கொள்வார்கள். இதை எப்படிச் சரி செய்வது என்று யோசனை செய்து பார்த்து எல்லோரும் ஒரு முடிவு செய்யவேண்டியதாக இருக்கிறது. ஆகையால், இதிலே தமிழ் பற்றே, வேறு தேசப் பற்றே ஒன்றும் கிடையாது. எப்படி நம்முடைய மாணவர்களுக்கு நல்ல முறையிலே கல்வி சொல்லிக் கொடுக்க முடியும் என்பது இதில் இருக்கும் அடிப்படையான பிரச்சனை ஆகும். அப்படிப் பார்க்கும்போது, பதினென்றாவது வரையிலும் எந்த மொழியைக் கொண்டு பாடம் சொல்லிக் கொடுக்கிறோமோ, அதிலேயே தொடர்ந்து சொல்லிக் கொடுப்பதுதான் நல்லது என்ற முறையில் வருகிறது. மற்றவைகளும் இரண்டாவதாக வரலாம்.

SRI T. PURUSHOTHAM : As there seems to have been some misunderstanding over this matter (Hon. Members : No, no) will the Hon. Minister hold further consultations with the Vice-Chancellors before final decisions are taken?

THE HON. SRI C. SUBRAMANIAM : Sir, I may tell the hon. Member that even though I have taken decisions, it has been my desire that the various bodies concerned should be consulted from time to time and their advice also taken. I only said that the ultimate decision would be that of the Government. Therefore, I may assure the hon. Member that there will be the fullest consultation with all the authorities concerned.

SRI G. KRISHNAMOORTHY : Are the Government certain that all the text-books that would be required in the various subjects would be ready by that time?

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THE HON. SRI C. SUBRAMANIAM : That is one of the steps we are taking now.

SRI K. T. KOSALRAM : சமீபத்திலே மொழி விஷயமாக நடந்த விவாதத்தில் பிரதம மந்திரி அவர்கள், “இந்தி நன்றாகத் தெரிந்துகொள்ளும் வரை ஆங்கிலம் இந்த தேசத்தில் இருப்பதற்கு வகை செய்கின்றோம்” என்று சொல்லியிருக்கிறார். அம்மாதிரி, திடீரென்று, அவசரப்படாமல், ஓரளவுக்காவது எந்த வருஷம் என்பதை இப்போதே குறிப்பிடாமல், 1963-ம் வருஷம் என்று குறிப்பிடாமலிருந்தால், நல்ல முறையில் எல்லோருக்கும் வரும் என்பதை அரசாங்கம் கவனித்து பின்னால், அதை யோசிக்குமா என்று கேட்கிறேன்?

THE HON. SRI C. SUBRAMANIAM : அதே உரையில் பிரதம மந்திரி அவர்கள், “கல்லூரியில் போதனா மொழி அந்தந்தப் பிராந்திய மொழியாகத்தான் இருக்க வேண்டும்” என்று வற்புறுத்தியிருக்கிறார்கள். ஆங்கிலம் தெரியவேண்டும் என்பது ஒன்று; தமிழிலே பாடம் சொல்லிக் கொடுக்க வேண்டும் என்பது இன்னொன்று. ஆங்கிலம் நல்ல முறையில் நம்முடைய மாணவர்கள் எல்லோருக்கும் தெரிந்திருக்க வேண்டும் என்பதற்காகத்தான், இந்த நடவடிக்கை எடுத்த காலத்தில் உடனடியாக ஐந்தாவது வகுப்பிலிருந்தே ஆங்கிலம் சொல்லிக் கொடுக்க வேண்டும் என்று முடிவு செய்தோம். அந்த ஆங்கிலம் நல்ல முறையில் சொல்லிக் கொடுக்கப்பட வேண்டும் என்பதற்காக, பிரிட்டிஷ் கவுன்சிலுடன் ஒத்துழைத்து, அவர்களுடும் இதில் ஈடுபடுத்தி, ஒரு புதிய திட்டம் உருவாக்கி, ஆங்கிலப் படிப்பு நல்ல முறையிலே எல்லா இடங்களிலும் சொல்லிக் கொடுக்க வேண்டும் என்ற திட்டம் நேற்றிலிருந்து ஆரம்பமாகியிருக்கிறது. ஆகையால், தமிழ் போதனா மொழியாக வேண்டும் என்பதற்கும், அதே சமயத்திலே ஆங்கிலமும் நல்ல முறையில் நம்முடைய மாணவர்கள் கற்றுக்கொள்ள வேண்டும் என்பதற்கும் போதிய நடவடிக்கைகள் எடுக்கப்பட்டு வருகின்றன.

SRI MOHAMED RAZA KHAN : It is a very important question and I request the Chair to allow a half-hour debate on it. 3-30 p.m.

THE HON. SRI C. SUBRAMANIAM : May I say, Sir, that I cannot throw more light on this subject even if one hour is allowed?

SRI MOHAMED RAZA KHAN : Sir, may I point out that the question of allowing the debate is entirely within the discretion of the Chair?

MR. CHAIRMAN : Though it is entirely within the discretion of the Chair to allow or not to allow a half-hour debate, I must have the views of the Hon. Minister also on the matter. The real point is, this matter has been discussed threadbare a number of times, and questions have been asked and supplementary questions put, and I do not think that a half-hour debate is justified.

SRI MOHAMED RAZA KHAN : The question of allowing the debate is entirely within the discretion of the Chair and the Hon. Minister has to reply to it if the Chair allows it.

State seed farms

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

(a) when the Plan scheme for opening new State Seed Farms was approved by Government;

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(b) when the District Collectors were asked to take up acquisition of lands required for starting new Seed Farms; and

(c) the progress made in the matter by each of the District Collectors?

THE HON. SRI M. BHAKTAVATSALAM : (a), (b) & (c) The answer * is placed on the table of the House.

SRI T. PURUSHOTHAM : Will the Hon. Minister tell us why no farms have been acquired in Madurai, Ramanathapuram, Tirunelveli and Salem districts and whether no reports have come from the Collectors of those districts?

THE HON. SRI M. BHAKTAVATSALAM : By an order of the Government, further acquisition of farms has been deferred pending the decision on the question of land ceiling.

SRI T. PURUSHOTHAM : Have the Government investigated into the cause of delay on the part of District Collectors in this matter and what action has been taken?

THE HON. SRI M. BHAKTAVATSALAM : I have already stated that the Government themselves have asked the Collectors to defer further acquisition of farms pending a decision on the proposed legislation relating to land ceiling.

SRI T. PURUSHOTHAM : Will the Government tell us how many State Seed Farms have been actually started now?

THE HON. SRI M. BHAKTAVATSALAM : In the paper placed on the table of the House, the number of such farms is given as 39. All these 39 farms have been taken up.

SRI V. V. RAMASWAMI : விதைப்பண்ணைகளை எடுத்துக் கொண்ட காலத்தில் அவைகளுக்கு வேண்டிய மாடுகளையும், அவைகளுக்கு வேண்டிய கருவிகளையும் தயாராக வைத்துக்கொண்டு அவைகள் அமைக்கப்பட்டனவா? அப்படி வைக்காவிட்டால், அதனால் எவ்வளவு தண்டம் ஏற்படும் என்பது சர்க்காருக்குத் தெரியுமா?

THE HON. SRI M. BHAKTAVATSALAM : அந்தப் பண்ணைகளுக்கு வேண்டிய மாடுகள் முதலியவைகளை வைக்க ஏற்பாடுகள் செய்யப்பட்டுள்ளன வருகின்றன.

Dairy development

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

(a) whether it is a fact that the State Government have prepared plans for Dairy Development during the Third Five-Year Plan; and

(b) if so, the details and estimated cost thereof and the aid, if any, given by the Central Government?

* Printed as Appendix I on page 182 infra.

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THE HON. SRI M. BHAKTAVATSALAM : (a) & (b) The schemes for dairy development during the Third Plan period are under the consideration of the Government.

SRI V. V. RAMASWAMI : அந்தப் பால் நிலையம், அதாவது பாஸ்சர் இன்ஸ்டிடியூட் எந்த எந்த ஊர்களில் வைப்பது என்று திட்டம் ஏதாவது இருக்கிறதா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : எந்த அளவு எங்கே வைக்கலாம் என்பதைப் பற்றி, தெர்ட் ப்ளானைப்பற்றிப் பரிசீலனை செய்யப்படுமோது பரிசீலனை செய்யப்பட்டு வருகிறது. அந்த விவரங்கள் இப்பொழுது ஒன்றும் இல்லை.

MR. CHAIRMAN : Question No. 27 is postponed as the Hon the Minister for Revenue is not here.

Inland Water Transport Committee

* 28 Q.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any report of the Inland Water Transport Committee from the Central Government; and

(b) if so, the steps proposed to be taken thereon?

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

(b) Does not arise.

SRI V. V. RAMASWAMI : அந்தமாதிரி மத்திய அரசாங்கத்திலிருந்து அறிக்கை வராவிட்டாலும் கூட பக்கிஹூர் கெனூல் சம்பந்தமாக ஏதாவது தெரிவித்திருக்கிறார்களா? அப்படி இருந்தால், அது மேஜையின் மீது வைக்கப்படுமா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI P. KAKKAN : இந்த ராஜ்யத்தின் சீப் இன்ஸ்பெக்டர் அவர்கள் வட சென்னையிலிருந்து ஆந்திர எல்லை வரைக்கும் ஜம்பத்தைந்து லட்சம் ரூபாய்க்கு ஒரு எஸ்டிமேட் தயார் செய்து அதை இன்லண்ட் வாட்டர் டிரான்ஸ்போர்ட் கமிட்டிக்கு அனுப்பி வைத்தார்கள். அவர்கள் அதைப் பரிசீலனை செய்து இந்திய சர்க்காருக்கு அனுப்பியிருக்கிறார்கள். அதன் நகல் நமக்கு இன்னும் வரவில்லை.

MR. CHAIRMAN : Questions are over.

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

II.—ANNOUNCEMENT RE DECISION OF THE BUSINESS ADVISORY COMMITTEE.

MR. CHAIRMAN : I have 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 of the Legislative Council has been decided upon :—

11th September 1959, Friday Discussion on the First Supplementary Estimates for 1959-60.
3 p.m.

[Mr. Chairman] [10th September 1959]

12th September 1959, Saturday, 3 p.m. 1 Official Resolution by the Hon. Minister for Industries.

2 The Appropriation Bill, 1959.

3 General Discussion on the Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959).

14th September 1959, Monday, 3 p.m. I. Non-official business—
(a) The Madras Preservation of Parks, Play-fields and Open Spaces Bill, 1958 (L.C. Bill No. 3 of 1958).

(b) Non-official Resolutions.

15th September 1959, Tuesday, 11 a.m. Discussion on the Food Situation in the Madras State.

3 p.m.

1 Clause-by-clause consideration of the Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959).

2 The Madras Buildings (Lease and Rent Control) (Amendment) Bill, 1959.

3 The Madras Land Improvement Schemes Bill, 1959.

4 The Madras Irrigation Works (Construction of Field Bothies) Bill, 1959.

5 The Madras District Municipalities (Amendment) Bill, 1959.

There will be a meeting of the Legislative Council on the 17th, if necessary, and if the business of the House is not earlier concluded.

III.—GOVERNMENT MOTION.

ELECTION OF ONE MEMBER TO THE STATE LIBRARY COMMITTEE.

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

“That in pursuance of rule 2 (1) (v) of the Madras Public Libraries Rules, 1950, this Council do proceed on a date to be fixed by the Hon. Chairman to elect one person to the State Library Committee, constituted under section 3 of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948).”

10th September 1959]

MR. CHAIRMAN: The question is—

“That in pursuance of rule 2 (1) (v) of the Madras Public Libraries Rules, 1950, this Council do proceed on a date to be fixed by the Hon. Chairman to elect one person to the State Library Committee, constituted under section 3 of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948).”

The motion was put and carried.

MR. CHAIRMAN: With reference to the motion of the Hon. the Minister for Finance regarding the election of one Member of this Council to the State Library Committee, I fix the following programme:—

Last date for nominations—5 p.m. on Friday, the 11th September 1959.

Date for the scrutiny of nominations—12 noon on Saturday, the 12th September 1959.

Last date for the withdrawal of candidature—3 p.m. on Saturday, the 12th September 1959.

Election, if necessary—Between 11 a.m. and 1 p.m. on Tuesday, the 15th September 1959.

The election will be by the ordinary method and not according to the principle of proportional representation by means of the single transferable vote. Nomination forms can be had from the Secretary to the Council.

IV.—GOVERNMENT RESOLUTION.

AMENDMENT OF THE LAW RELATING TO PENSIONS.

THE HON. SRI C. SUBRAMANIAM: Sir, I beg to move the following Resolution:—

“Whereas, with a view to provide for the recovery of Government dues from pension, it is necessary to amend the law relating to pensions;

And whereas, with a view to securing uniformity of legislation on the subject throughout the Union of India, it is desirable that Parliament should pass a law relating to pensions applicable to the whole of India, replacing the Pensions Act, 1871 (Central Act XXIII of 1871);

Now therefore, in pursuance of clause (1) of Article 252 of the Constitution of India, this Council resolves that the matter aforesaid and all other matters connected therewith or incidental thereto, in so far as they fall within entry 42 in List II (State List) of the Seventh Schedule to the Constitution of India, shall, in this State, be regulated by an Act of Parliament.”

[Sri C. Subramaniam] [10th September 1959]

Sir, section 11 of the Pensions Act, 1871, lays down that no pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance, and no money due, or to become due, on account of any such pension or allowance, shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner or in satisfaction of a decree or order of any such Court.

There is no provision in the Act for recovery of Government dues from pension. In view of this, the Government dues either in the form of arrears of income-tax or over-issue of pay or leave salary or accumulated arrears of house rent in respect of Government accommodation occupied remain outstanding against Government servants when they retire. The result is that the sanction of pension is delayed pending enquiry into the dues or their final settlement.

As under the existing rules, Government dues cannot be recovered either from the pension of the retiring Government servant or from his provident fund balances, the administrative authorities are faced with a rather difficult situation. The alternatives are either to forgo the recovery of the dues, leaving it to the good sense of the officer concerned to pay or to have recourse to legal action to enforce the recovery.

The Government of India consider that neither of these two alternatives is free from objection, nor does it seem to be fair to withhold the sanction of pension until it is established that all outstanding Government dues have been recovered from the Government servant, as even otherwise, the sanction of pensions in individual cases sometimes involves protracted and vexatious delays and that the only satisfactory and lasting remedy is to amend the Pensions Act, empowering the Government to make recoveries of established Government dues from the pension. They have, therefore, proposed to replace the Pensions Act, 1871, by another Pensions Act which would provide for recovery of Government dues from pension.

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am. The Pensions Act, 1871, was originally intended to apply to the whole of India, but with the Constitutional changes which have since taken place, the Act does not at present apply to pensioners of the erstwhile Part B States, etc. The Government of India propose to replace the Pensions Act by another Pensions Act which should be of all-India application and should provide for recovery of Government dues from pension. Since 'pension' is a State subject, the Government of India have requested the approval of the State Legislature under Article 252 of the Constitution for a new Pensions Act being enacted by Parliament, which shall be of all-India application.

The amendment proposed by the Government of India will facilitate easy recovery of Government dues from pensioners.

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Therefore, Sir, this Resolution has been moved and I hope this House also will accept the same.

Mr. CHAIRMAN : Resolution moved—

“Whereas, with a view to provide for the recovery of Government dues from pension, it is necessary to amend the law relating to pensions;

“And whereas, with a view of securing uniformity of legislation on the subject throughout the Union of India, it is desirable that Parliament should pass a law relating to pensions applicable to the whole of India, replacing the Pensions Act, 1871 (Central Act XXIII of 1871);

“Now therefore, in pursuance of clause (1) of Article 252 of the Constitution of India, this Council resolves that the matter aforesaid and all other matters connected therewith or incidental thereto, in so far as they fall within entry 42 in List II (State List) of the Seventh Schedule to the Constitution of India, shall, in this State, be regulated by an Act of Parliament.”

There is one amendment given notice of by the hon. Member Sri T. Purushotham. He may please formally move it and get it seconded.

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

“Add the following at the end of the draft Resolution :—

‘and recommends that such Act of Parliament shall provide that—

(i) no proceedings for recovery of Government dues from pension be instituted after a period of three years from the date of retirement of the Government servant; and

(ii) the monthly instalment to be recovered shall be limited to fifty per cent of the pension amount.”

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

DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, after having heard the Hon. the Finance Minister, I feel that this subject deserves much greater attention than seems necessary. It raises a great constitutional principle. In the first place, I have been a Member of this House, sitting on this side, and I have always been protesting against this Government, or any State Government for that matter, giving up their right in regard to items in the Seventh Schedule, in the State List. In this Schedule, item 42 is a subject entirely for the decision of the State concerned. Of course, I realise that there is another provision, namely, Article 252 of the Constitution and that under that it is open to Parliament to pass a comprehensive legislation. But conditions are there imposed in it. Under what circumstances and to what extent is a comprehensive legislation sought to be passed? It has

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been clearly stated that after passing of such an Act for regulating that matter accordingly, "any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State." Of course, it shall be only with the concurrence of the States concerned that such an Act could be passed. On the occasion when agricultural income-tax was proposed, when it was thought that it would be desirable to have a comprehensive law on the subject—(An hon. Member: Estate Duty on agricultural property)—yes, yes, I raised considerable doubt as to the wisdom of the step. As a matter of fact, the Treasury Bench, constituted as it was at that time, was prepared to withdraw the motion, after it had been passed by the Lower House, and the motion was not adopted. However, later on, owing to other circumstances, this Government gave up their right even in that case.

So far as the Pensions Act is concerned, this Act was passed in the year of Grace 1871 and it has been in operation for the last 88 years. Never has this question of encroaching upon the pension been raised at any time before. Pension is an amount which has been guaranteed for services rendered and for the sake of the family of the Government servant like the provident fund. It has been never encroached upon. As a matter of fact, section 6 of the Pensions Act of 1871 says—

"A Civil Court otherwise competent to try the same shall take cognizance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other officer authorized in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly."

In other words, this clearly states that the Government should not possibly interfere with the payment of pension to the person who has earned it. If, therefore, either for any act during his service or for whatever reasons there is some liability on the pensioner, there are certainly enough laws in the country to effect recovery of such amounts. The Hon. the Finance Minister stated that if there were some liabilities, there were difficulties, including considerable delays, which would be caused in the settlement of pensions. On the other hand, I would say even where there is absolutely no liability at all, so far as the Pension Department of the Government is concerned, they are very sleepy and unconcerned with regard to the welfare of the pensioners. I know of instances where delays of one or two years have occurred and the pensioners did not get even a single pie. Even a single nava paisa, I should call it. Pension is the amount earned by the person for services rendered. I, therefore, do not attach any importance to the plea that the pensioner is going to be saved merely because the Government will be in a position later to recover the amount. I think they are

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drawing the red herring across the thing and the pensioner is constantly put on the privy whether his pension will be granted or not. Surely, a pensioner, if he has not adjusted his dues to Government, will have to face the consequences. There are the Civil Courts and even the Criminal Courts as well for that purpose. But, for that purpose to introduce an all-comprehensive Bill for the whole of India and ask us to support such a measure is unfair. It seems to be rather asking the pensioners to suffer for more than they deserve. I am also a pensioner and I do feel that way. (An hon. Member: It will not affect you.) I do not know. Several things have been happening in this country and we do not know what particular thing the Government may or may not do. The hon. Member cannot be quite sure in the face of events that have taken place in rapid succession, that a particular pensioner may not be affected one way or the other. I may state a celebrated case, without mentioning the name of the gentleman, at this juncture. A very famous gentleman who had been the Chief Justice of a High Court had, in the eyes of the then Government, the impertinence to write to a foreign Government. The then Government thought they were the supreme lords and a great agitation was set up and it was thought why his pension should not be curtailed. I may tell you that the subject was very nearly going to Parliament, but wiser counsels prevailed and finally the gentleman was not affected. Is the Hon. the Finance Minister in a position to give us a guarantee that such things may not be repeated by future Governments? I will not suggest that this Government will do anything like that. But nobody can vouchsafe for future Governments that they will maintain such a policy. Even in theory this House should not give up its powers. So long as these powers are limited, they have a right to come to us, however inefficiently we may do here—we could do more effectively in another place. I strongly urge upon the Hon. the Finance Minister to withdraw the Resolution even at this stage and consider the matter and not to rush simply because the Central Government want something to be done. Too often and too frequently, we have been pawns in the game. I do not ascribe any motives, but I do say their Acts, though well considered and carefully planned, leave more to be said in subsequent debates in this House. We have not the confidence that measures suggested by the Central Government are necessarily the wisest that can be adopted by this House. I, therefore, have strong reasons not to support this Resolution. While my appeal may not receive much consideration at the hands of the Hon. the Finance Minister, I do feel that hon. Members would think deep over the point I have raised. Thank you, Sir.

* SRI T. PURUSHOTHAM: Mr. Chairman, the hon. the Leader of the Opposition has opposed this measure from the Constitutional point of view. (The Hon. Sri C. Subramaniam: No, no. Not on Constitutional grounds.) That is what he said and I have suggested constitutional safeguards in the amendments

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that I have moved. My amendments seek to add at the end of the draft resolution certain safeguards, namely, that the proposed Act of Parliament shall provide that no proceedings for recovery of Government dues from pension be instituted after a period of three years from the date of retirement of the Government servant and that the monthly instalment to be recovered shall be limited to only fifty per cent of the pension amount. Sir, this is a new procedure that is proposed to be introduced by Government. This will affect the conditions of service of Government servants. I do not know whether this would apply to the present pensioners, and I sincerely believe this will apply only to those who retire after the introduction of the Central legislation and it will not have any retrospective effect—I mean the Central law when it is passed. I hope and believe it will be so. I am sure that the Hon. Minister also will agree and tell us so. That is what I believe. The Hon. Minister told us of several instances in which dues from Government servants would have to be recovered. I do not know whether this would apply to cases of defalcation, misappropriation of funds, and other irregularities necessitating recoveries from Government servants. There have been innumerable instances of such cases brought to our notice at the meetings of the Public Accounts Committee. I have felt that there must be a provision for recovery being effected in all such cases when public finances are affected. The Government servants seem to indulge in such things towards the end of their service perhaps on account of the immunity that they now enjoy. So, where there have been genuine cases of fraud or misappropriation of funds, I do not see any reason why Government servants should not be asked to pay the amounts due to public coffers. In all such cases, however, I do feel that there should be some safeguards, and that is why I have suggested that there should be a time-limit for taking action against Government servants after retirement. I have proposed that after three years from the date of retirement, no proceedings for recovery from the pension of retired Government servants should ever be instituted. Also, pending such proceedings, pension should not be withheld from any of the pensioners. There should be a time-limit for disposal of all such cases. Cases in which the question of recoveries is pending should all be disposed of within a particular time, and they should not be allowed to drag on, and pending such proceedings, no pension should be withheld. I need hardly point out the sad plight of retired Government servants. It is most deplorable. Of course, I do not refer to you or to the Leader of the Opposition or to myself. Generally, immediately after they retire, it is a sorry spectacle to see Government servants on the roads seeking new jobs to supplement their funds. I know the case of a Deputy Superintendent of Police who is in the streets now, and who is prepared to accept any post. He will take up even a watchman's appointment, if given to him. Only he wants it to be called as 'care-taker'. This is the plight of Government servants. I hope that the Government will consider their case sympathetically. It should be strictly provided in the proposed Central Act that recoveries that may be ordered should in no case exceed fifty per

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cent of the pension amount. This recommendation also should be submitted to the Central Government when this Resolution is sent up.

Lastly, Sir, I should like to invoke the sympathetic consideration of the Government in one particular matter. We are introducing uniformity in regard to matters relating to recoveries from Government servants. But the pension rules of the Central Government and the State Government are wide apart. The rules applicable to Central Government servants should be made applicable to the State Government servants also, including the grant of family pension. We should not only introduce uniformity in regard to recoveries of Government dues, but there should be uniformity in regard to the grant of pension and the rules governing the grant of pension to all Government servants alike.

I hope, Sir, that the Government would consider these aspects that I have presented before this House.

* DR. A. CHIDAMBARANATHAN : தலைவர் அவர்களே, இப்போது கொண்டுவந்திருக்கிற தீர்மானத்தையும், நண்பர் திரு. புருஷோத்தம் கொண்டுவந்திருக்கிற திருத்தத்தையும் நான் எதிர்க்கின்றேன். காரணம், நம்முடைய மாநில அரசாங்கத்திற்கு உள்ள உரிமையை மத்திய அரசாங்கத்திற்குக் கொடுத்தவிடுவது போல இது இருக்கிறது என்பது. இந்திய அரசியல் சட்ட அமைப்புப்படி பார்த்தால், இன்ன இன்ன சட்டத்தை இயற்ற மாநில அரசாங்கத்திற்கு உரிமை இருக்கிறதென்றும், இன்ன இன்ன சட்டத்தை இயற்ற மத்திய அரசாங்கத்திற்கு உரிமை இருக்கிறதென்றும், இன்னும் சில சட்டங்கள் இன்னும் சேர்ந்து இயற்ற வேண்டும் என்றும் விதிக்கப்பட்டிருப்பது தெரியவரும். இந்த விஷயத்தைப்பற்றி ராஜ்ய அரசாங்கத்தினுடைய அங்கீகாரம் இல்லாமல், மத்திய அரசாங்கமும் தானே சட்டம் இயற்றிவிட முடியாது. நம்முடைய அங்கீகாரம் வேண்டும் என்கிறபோது, அவர்கள் இட்ட கட்டளையின்பேரில், நாம் அப்படியே அங்கீகாரம் கொடுக்க வேண்டும் என்பது அவசியந்தானா என்று பார்க்க வேண்டும். எதிர்க் கட்சித் தலைவர் சுட்டிக்காட்டிய விஷயம் அனைத்தையும் நான் ஒத்துக்கொள்கிறேன். மத்திய சர்க்கார் கட்டளையின்பேரில் இதை நாம் நிறைவேற்றுகிறோம் என்று இல்லாது, இதை நிறைவேற்ற வேண்டியது அவசியம்தானா என்பதைப் பரிசீலனை செய்து பார்க்க வேண்டும் என்று கேட்டுக்கொள்ள விரும்புகிறேன். பென்ஷன் அல்லது ஓய்வு காலத் திட்டத்தில் நலம் பெறுகின்ற அலுவலர்களைப்பற்றி நினைக்கின்றபோது, பல ஆண்டுகள் வேலை செய்து ஓய்வு பெறுங்கால் கட்டாயமாக உதவி கிடைக்கும் என்று அவர்களுக்கு அரசியல் அமைப்புச் சட்டப்படி உறுதி செய்யப்பட்டிருக்கிறது என்பது புலப்படும். ஆனால், இன்றைக்கு அதையே திருத்தம் வகையில்—குற்றமோ, குறையோ கண்டும் காணப்படாமலும் நன்கு நிரூபிக்கப்படாமலும் உள்ள வழக்குக் காக, அவர்களது பென்ஷனையே பிடிப்பது என்பது வருமானால், இது நிச்சயமாக அவர்களைப் பாதிக்கும் என்பது வற்புறுத்தப்படவேண்டிய செய்தியாகும். (சனம் ஸ்ரீ வி. சப்பிரமணியம்.—தீர்மானத்தைப் பார்க்கவேண்டும். “எஸ்டபிள்ஷ்மென்ட்” என்று போட்டிருக்கிறோம்.) இருக்கலாம். இருந்தாலும் முதலிலேயே பென்ஷன் அனுமதிப்பதற்கு முன்பாக எல்லாவற்றையும் பரிசீலனை செய்து—சில நாட்கள் தாமதமானாலும் கூட—அனுமதிக்க வேண்டுமே தவிர, அனுமதித்த பிறகு அந்த ஓய்வு கால ஊதியத்தில் பிடித்துக்கொள்வது என்பது சரியாகாது. அரசாங்கத்துக்குச் சேரவேண்டிய பணம் எதாவது இருந்தால், மற்ற வழக்குகளைப் பொலீஸ் சீரியல் மன்றம் (Civil Court) மூலமாக அதைப் பெறுவதற்கு முயற்சி எடுத்துக்கொள்ள வேண்டுமே தவிர, இதிலிருந்து பிடிக்கக்கூடாது.

[Dr. A. Chidambaramathan] [10th September 1959]

மற்ற வழிகளில் வசூல் செய்வதற்கு வேறு பல சட்டங்கள் இருக்கின்றன. இன்றைக்கு அரசாங்கத்திற்குத் தரவேண்டிய பணம் போலவே, வேறு யாராவது தனிப்பட்டவர்களுக்கு ஓய்வு பெற்ற அரசாங்க அலுவலர்கள் பணம் கொடுக்கவேண்டியிருந்தால், அதற்கும் அவரது பென்ஷனிலிருந்து பிடித்தம் செய்ய முடியுமா என்று கேட்கிறேன். பொது மக்களுக்கு ஒரு சட்டம், அரசாங்கத்திற்கு ஒரு சட்டம் என்று இருப்பது அவசியம் இல்லாதது. ஒருவருக்காகவோர் கொடுக்கவேண்டிய பணத்தை வசூல் செய்வதற்குப் பாதுகாப்புக் கொடுக்க வேறு பல சட்டங்கள் பொதுவாக உண்டு. பென்ஷனர்களும் குடிமக்கள்தான். இவர்களுடையதிலிருந்தும் வேறு வழியில் வசூல் செய்வதற்கு வழிகள் பல இருக்கின்றன. அவற்றை விட்டு இப்படிப்பட்ட தீர்மானம் கொண்டுவருவது அவசியம் இல்லை என்று சொல்ல விரும்புகிறேன்.

நண்பர் திரு. புருஷோத்தம் அவர்கள் மூன்று ஆண்டு காலங்களுக்குள் வசூல் செய்துகொள்ள வேண்டும், அப்பறம் பிடிக்கக் கூடாது என்பதாக ஒரு திருத்தம் கொடுத்திருக்கிறார்கள். இந்தத் திருத்தத்தைப்பற்றியும் ஒரு வாரத்தை சொல்ல விரும்புகிறேன். மூன்று ஆண்டுகளுக்குள்ளே கூட ஏன் பென்ஷனைப் பிடிக்க வேண்டும் என்பதுதான் என்கேன். பென்ஷன் இசைவினைக்கம் (Sanction) செய்வதற்கு முன்னால் குற்றம் குறை அற்றவரா என்பதை நன்றாக ஆராய்ந்து பார்த்துக் கொண்டு சாஷன் செய்ய வேண்டும்; இசைவு தந்துவிட்ட பிறகு பிடிக்கக்கூடாது. சர்க்கார் பணத்தைக் கையாடல் செய்தவராக ஒருவர் இருந்தால், ஏன் பிடிக்கக் கூடாது என்று கனம் அங்கத்தினர் திரு. புருஷோத்தம் பேசினார். கையாடல் செய்யப்பட்டவர்களுக்கு பென்ஷன் மாதிரம் தான் பிடிக்கப்படும் என்று அமைச்சர் சொல்லவில்லை. அவர் பேசும் போது, வருமான வரி கூடாது விட்டவர்கள் என்றாலும்கூட, அதை வசூல் செய்வதற்கும் ஓய்வுகால ஊதியத்திலிருந்து பிடித்தம் செய்யப்படும் என்று தெரிவித்தார். அது நோக்கம்தான், வேறு விதிகளைக் கொண்டு பண்ணலாமே தவிர, இந்தச் சட்டத்தினால் செய்வது பொருத்தம் இல்லாதது என்று வற்புறுத்த விரும்புகிறேன். பொது மக்களுக்குப் பாதுகாப்பு அளிக்கவேண்டியது அரசாங்கத்தின் கடமை. பென்ஷனர்களும் பொது மக்கள்தான். ஆகவே, இவர்களுக்கு இதுவரையில் இருந்துவந்த பாதுகாப்பைத் திடீரென்று தள்ளுவது என்பது கூடாது. அதுவும், நம் மாநிலத்திற்கு இருக்கக்கூடிய உரிமையையும் தீர ஆராய்ந்து பார்க்காமல் மத்திய அரசாங்கத்திடம் கொடுத்துவிடக்கூடாது. என்கையால் மாநிலங்களுக்கு இதை நிறைவேற்றுவது நாம் வழிகாட்டியாக இருப்போம் என்று சொல்லிக்கொண்டு முடித்துக்கொள்கிறேன்.

4 p.m. * SRI G. KRISHNAMOORTHY: Mr. Chairman, Sir, I heartily support *in toto* the views expressed by my hon. Leader, the Leader of the Opposition. Pension is a very sacred thing. In fact, Government servants have been doing their duty and earning this pension as a right. The Government have been claiming as their right duty on the part of their servants and, consequently, the payment of pension becomes a duty on the part of the Government, as every right is linked with a duty. And this duty is based on a moral principle. If, in fact, there have been Government servants who have shed their blood and worked for hours and hours and earned the reputation of the Government to hold the administrative level very efficient in the past, it is due to the fact that they were promised some pension on retirement. This pension has been the main impetus for taking into the Government fold many people not only in the past years but even now. If the Government give that pension, it is only in recognition of the principle that

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those who have just toiled hard, spent long hours and spent even extra energy for the sake of good administration should be preserved and should be enabled to keep their body and soul together, not only themselves but their dependants also, and such a right is a very sacred right. That is why, as ably pointed out by the hon. the Leader of the Opposition, this pension law has not been in any way interfered with for the last eighty-eight years since its inception. I do not know what circumstances have suddenly arisen to contemplate a change in this law. It, as has been pointed out by the hon. Member Dr. Chidambaramathan, the Madras Government should give a lead in this respect as in many other respects, they can say that this sacred right should not be interfered with in any way. As has been pointed out previously, there are so many ways of recovering the dues from pensioners. As Government are resorting to certain steps in the case of those who are not Government pensioners, they can resort to all those steps. There is no use of simply saying that all the dues could be deducted from the pension in case the Government servant has done this and that. When we practically see that the majority are not to come under this rule, as ably pointed out by the hon. the Leader of the Opposition, it will create only a scare and make people think at least a dozen times before they enter Government service as they will not be sure of the pension that has been given so far. As explained by the Hon. the Finance Minister himself, this was a matter which could not be attached by any Court of Law under any circumstances. That was the guarantee which prompted many people to enter the administration and that should be there. If they think that certain Government servants have not been performing their task properly in their private sphere, it is all the more reason why the pension law should not be disturbed because the pension law would just enable them to have some sort of pension when they retire and the attraction to Government service will be from among people of very high calibre. If really people of very high calibre ought to come as they have been coming into Government service on account of the promise of this pension, they should see that they do not at all interfere with the pension law and that the present rules are not interfered with. Only a guarantee of this pension has been responsible for the recruitment of many able people in many cadres, both at the provincial level and at the Union level. Particularly interference by means of a law for the sake of recovery of certain amounts from certain individual pensioners may matter much and would certainly make people think a dozen times before entering Government service. And very soon we will find that people are attracted by company service—already the scales of pay and other facilities are more there—and Government may not be able to attract people of high calibre to administration if this amendment is to find its way through by way of approval in this House and if it is to be just carried out at the Union level. So, I would humbly request the Hon. the Finance Minister to take the lead and show the way that this pension rule ought not to be interfered with.

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THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, the objection to this Resolution has been put forward on two grounds, firstly on the basis of the surrender of the autonomy of the State Legislature and secondly on the merits of the Resolution itself. As far as the autonomy of the State Legislature and the State Government is concerned, I may assure the Leader of the Opposition and this House that I am second to none in emphasizing and also safeguarding the autonomy of the States, not only with reference to the existing rights, but I am definitely of the view that there is still greater scope to increase that autonomy, but that is quite a different thing altogether. But we should also take care to see that we do not carry this emphasis too far in respect of matters which really do not matter. When it really encroaches upon the autonomy of the Legislature, we have got to be firm about it and take a firm attitude. But there are certain matters which really do not affect the autonomy of the Legislature. There are certain matters in which we can take any decision we like. It was suggested even by the hon. the Leader of the Opposition that it was open to us not to pass this Resolution. Therefore, ultimately the decision is taken with reference to the exercise of this power by the Legislature itself. It is not a question of encroaching upon the powers of the Legislature in any way, but the Legislature itself takes the decision whether it would legislate in this respect or it would ask Parliament to undertake legislation for the purpose because an all-India uniformity is necessary, particularly with reference to the Government officials. From that point of view, I may say that in this matter it is more appropriate that we have a uniform procedure and that we have uniform legislation with reference to the Government servants applicable throughout the country. If that be so, it would be proper and advisable to have this passed by Parliament in respect of the whole country.

Then, another matter was referred to by the hon. the Leader of the Opposition which, I am sorry to say, is a little bit unfortunate. We are representatives of the people sitting here in this Council and also in the Assembly. In the same way, Parliament also consists of representatives of the people and any legislation is passed, even though it might be initiated by the Government or by a private Member, ultimately by the Legislature as such. To cast aspersions on the merits of either Parliament or this Legislature to pass wise legislation is not a good precedent to lay down. I would suggest to the Leader of the Opposition that we should consider that Parliament is as much competent as, if not more competent than, this Legislature to pass wise legislation.

DR. A. LAKSHMANASWAMI MUDALIAR: May I interrupt the Hon. Minister for a minute? I do not think I ever questioned the competency of Parliament to pass legislation. But I did refer to the fact that certain rights were delegated to this House and that if this House passed a legislation which might in certain circumstances be not upheld, it was open to this House to correct itself and that if it was passed by Parliament and not this House, then

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this House ceased to have any opportunity of rectifying what might later be not upheld. It is only in that sense that I referred to this question.

THE HON. SRI C. SUBRAMANIAM: I am not quite sure that once the legislation is passed by Parliament we cannot do anything in the matter. I do not think we are so helpless as this. It is laid down in Article 252 (2) of the Constitution that 'any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State, to which it applies, be amended or repealed by an Act of the Legislature of that State.' But Parliament can do that on our recommendation. I will come to that later. Now, the question is different. What are the powers actually being conferred by the contemplated measure? My respectful submission is that it is not a matter for consideration now whether this could be later on amended or not. The point for consideration is whether Parliament is also good enough to consider the whole matter with reference to the rights of the officials and the rights of the various individuals and the welfare of the people of the whole country, and whether it is also competent enough to pass such a legislation or not. If the hon. the Leader of the Opposition goes through his speech, he will find that it was not with reference to carrying out certain amendments later on that he made those remarks. It was a general statement. That is what I want to point out. I hope the hon. the Leader of the Opposition will agree that such a view should not be expressed by any one of us. That is all I wish to state.

Now, what is it that we are legislating upon? It is not as if the Government should in no case recover the amounts. At the present juncture, the State Government have absolutely no power to recover any dues to the Government, once they pass the order granting the pension to a particular official. After signing that order, we cannot do anything with the pension amount. We cannot recover even established dues from the pension amount of the retired official. What is contemplated in the Resolution is that the State Government will be given the power to recover the dues from the pension of the official. That is all. What amount they should recover, how they should recover, what the basis for the recovery should be are all matters for the State Government to consider before passing an order of recovery, in each individual case. Therefore, it is not as if we are giving away our powers in this regard. On the other hand, we take powers by legislation, by amending the Act of 1871. That is to say, even after passing orders granting pension, the Government shall have the power to pass orders for the purpose of recovering the dues to the Government from the pension amount. Therefore, it is the State Government that take into consideration the merits of each case and pass final orders whether in the circumstances of the case, any amount could be recovered at all, after taking note of the dues from the Government servant concerned, after taking into

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account the family which the Government servant will have to maintain and also the seriousness of the irregularity committed by the officer concerned. The State Government will thus be the ultimate authority to pass orders. It is not as if the Central Government would pass the orders for recovery of any dues from any State Government servant. It is for the purpose of giving powers to the State Government that Parliament passes legislation, instead of this Legislature passing a legislation. It is no doubt open to this Legislature to pass that legislation. If we do not pass this Resolution, we may pass a separate legislation. But, in this case, it is not necessary. That is my respectful submission. We have to consider whether a separate Act will have to be passed by this Legislature and whether the passing of a separate legislation by this Legislature will be more appropriate. After all, it is the State Government that will be the ultimate authority in the matter.

DR. A. LAKSHIMANASWAMI MUDALIAR: Sir, am I to understand from the Hon. the Finance Minister that even after Parliament passes this legislation, it would be open to this State Legislature to pass another Act regarding the same subject?

THE HON. SRI C. SUBRAMANIAM: No, I have not said so. What I said was that it was open to us not to pass this legislation in respect of this subject and that we could pass a separate legislation if we wanted. If we are to pass a legislation different from the one that we are just now considering, it may be a different thing and we may consider the question of passing a separate legislation. But, that is not the case. Even if we are to pass a separate legislation, it is going to be on the same subject. So, we consider that it is not necessary that we should pass a separate legislation on this subject. After all, this is intended to give the State Government power to pass a subsequent order, after passing the order granting pension, for the recovery of dues from the retired official. That is all. How this will be done depends upon each individual case and certainly we cannot lay down the procedure here itself. It varies from case to case. Therefore, we cannot take a different decision altogether. That is what I wish to point out. Therefore, we need not insist that we should pass this legislation in this Legislature itself, and the House may agree to the adoption of the Resolution.

Sir, reference was also made to the advisability of recovering the Government's dues from the retired official's pension. That is another aspect which was touched upon by very many hon. Members who spoke on this Resolution. The hon. Member Dr. Chidambaramathan was good enough to say that these officers were also the citizens of this country. It is a good thing that the hon. Member has made that remark. True, they should also be considered as the citizens of this country, but not as a privileged class of citizens very much different from others. I mean from the ordinary citizens. Even in the case of persons earning Rs. 20

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and Rs. 30 whose family entirely depends on this amount, certainly the dues to the Government are recovered from them. The dues from all individuals to the Government are recovered.

DR. A. CHIDAMBARANATHAN: Yes, through Courts of Law.

THE HON. SRI C. SUBRAMANIAM: I agree. But, we will have to consider another aspect. If we pass an order for the collection of the dues, only the dues will be collected. If we proceed against the officer in a Court of Law, the stamp duty, lawyers' fee and also the officer's lawyer's fee for defence, all these things will have to be borne by the officer. All these charges will be mulcted from the retired officer along with the dues. But, when we pass an order for the recovery of the dues, the officer concerned will have to pay only the dues and no other charges.

The hon. the Leader of the Opposition said that since 1871, the Government did not consider it necessary to interfere with this Act. I do agree that we did not interfere with this Act till now. But, what are we doing now? In all cases, where there are dues to the Government from the officer concerned, we do not pass final orders regarding the grant of pension to that officer till those dues are settled. Now, we have got two alternatives before us. Shall we keep the case pending for a long time and pass the order granting the pension after the dues are settled by the officer, or shall we pass an order straightway ordering the recovery of the dues to Government from the pension without keeping the matter pending for a long time? After all, as I said before, the State Government will pass the order of recovery, only after taking into account the amount due from the officer, the family circumstances and how much could be conveniently recovered from his pension.

I respectfully submit that there could be no objection to this Resolution. After all, it is not as if some private party is going to be benefited by this. The whole community represented by the Government has got a claim over the dues to the Government from the various citizens including the Government servants. I do not think that this class of citizens should be treated differently from other citizens in the matter of dues to the Government. The matter will have to be looked at from this angle. In 1871, when Government servants were given certain protection and when they were considered the most privileged class of citizens from every point of view, there is no wonder that they passed this Act of 1871. Now, when we have granted equality of treatment and when all the citizens of the country have to be treated equally, I do not see how we can take any step which will be beneficial only to the Government officials. If it is said that nobody, in his old age—say, after a particular age, 55 or 60 years—should be asked to pay his dues to the Government and the Government should not have any power to recover their dues from such people, I would sympathise with such views. I do not know how far it will be acceptable

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to the hon. the Leader of the Opposition. He would definitely say, "Well, how can the Government interfere with the right of the creditors to recover their dues? Whether a person is 55 years or 60 years old, if he is to pay some dues, he is a debtor after all. Those to whom the amounts are due, should have the right to recover the dues from the persons concerned." That would be the argument which he will put forward in that case, if we were to say that no dues shall be collected from those who are over 55 or 60 years of age.

DR. A. LAKSHMANASWAMI MUDALIAR: Sir, nobody wanted that the retired Government servants should be treated as a special class of people. The Hon. Minister may not be aware of the position of the Government servants before Independence. So, he is not in a position to know exactly how they were treated then. But, Mr. Chairman, you and I know that; only the wearer knows where the shoe pinches. The Hon. Sri Subramaniam who has never tasted Government service fortunately could not obviously know the privileges enjoyed, if any, or the disabilities experienced by the Government servants in those days as compared with the ordinary citizens. We never said that the dues should not be recovered. All that we say is that everything that is due to the Government should be recovered through Courts of Law and not by arbitrary decisions of Government, without provision for appeal.

THE HON. SRI C. SUBRAMANIAM: I do not know which decision is arbitrary. I am not going to dilate upon that aspect. I do not know whether the hon. the Leader of the Opposition had occasion to pass orders on the pension papers of any officers or not. But, I may tell him that we go into each case most meticulously and though the Government are the final authority in the matter, we do consult the Accountant-General and we do consult the Public Service Commission. It is only after taking into account various factors, and following various formalities, that we pass final orders. It is not as if we do not take into consideration all the relevant factors. We do not pass certain faulty orders. But, are there not faulty judgments also? I am not going into it. What I wish to submit now is that there is no use of saying that all the Government Orders are arbitrary. It is very unjust to put it that way.

DR. A. LAKSHMANASWAMI MUDALIAR: Nobody put it that way.

THE HON. SRI C. SUBRAMANIAM: Thank you. Therefore I would only request . . .

SRI V. V. RAMASWAMI: Is there provision for appeal?

THE HON. SRI C. SUBRAMANIAM: I may tell the hon. Member that no Government Order is final and that one can go on appealing against a Government Order even indefinitely in the hope of getting favourable orders. So, the officers concerned, if

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they want, may appeal to the Government from time to time saying that some injustice has been done and that their case should be reviewed.

DR. A. SREENIVASAN: Well, the result will be the same.

THE HON. SRI C. SUBRAMANIAM: Yes, if no injustice has been done by the passing of the original order and by their first decision, there can be only one decision. If no injustice has been done to the officer concerned, we cannot reverse the first decision simply for the purpose of making a change. Therefore, I submit that there is no question of any arbitrary decision or any such thing in the matter of the Government passing the order of recovery. I may assure the hon. Members that particularly in the matter of granting pension, the Government are averse to cutting down a person's emoluments to any appreciable extent.

Even in cases involving a pension of Rs. 1,000 ultimately we have to take a decision and we may cut down just five or ten rupees. If it is less than Rs. 100, the cut will be two or three rupees. But still, we should have the power to recover. The officers should be aware that something will be done if they do not behave properly. Once they know that nothing will be done, they will behave as they like. There are persons and persons. There are people who would be just and honest and who would behave in a just manner whatever the circumstances. There are others who take advantage of the situation. It is only about the offending members that the officialdom has to be careful. There are people who deliberately do not pay arrears of taxes, house rent, etc. I know in one case an official who was occupying a house by virtue of his official position refused to vacate it on retirement. We cannot call in the Police. We go to the Court and it takes years to get the officer out. We should not view it from the point of view of the retired official. There are others in service who are waiting for the house. So, there is no such thing as taking a humane view of the case of the retired official. We must take a practical view of things and suggest workable solutions. So, I do not think that the power we take to pass orders is unjust or is likely to be arbitrarily used. Therefore, we should not hesitate in passing this Resolution and we should take the view that we are taking up the leadership in this.

SRI T. PURUSHOTHAM: What about my amendment?

THE HON. SRI C. SUBRAMANIAM: I have already explained that it is for the Government to pass final orders with reference to each case. The principles indicated by the hon. Member would be kept in mind and this amendment is, therefore, not necessary, and should not be incorporated in the Act as a rigid rule.

SRI T. PURUSHOTHAM: I withdraw my amendment.

The amendment was, by leave, withdrawn.

[Sri S. K. Sambandhan] [10th September 1959]

The Bill envisages two kinds of market committees, one to be established by the Government themselves and the other to be established on the approval of the Government by the co-operative marketing societies. These two bodies may be allowed to function in the same place according to the provisions of the Bill. I am afraid this will lead to complications. The Hon. Minister himself has observed once that in certain places the co-operative marketing societies were not carrying on their work well and also that the future set-up of co-operatives has not yet been decided upon. In such circumstances, I do not know why the co-operative marketing societies should be permitted to function as market committees. There is already an Act in force, though applicable to commercial crops alone. The market committees constituted under this Act are functioning very well, and they satisfy everybody, the growers as well as the merchants. Nobody has been dissatisfied with it, as far as I know, judged with reference to the working of the committee in South Arcot. No ryot has so far complained against it. While the market committee under the present Act is functioning so well, why should co-operative marketing societies which have got many other functions to perform be asked to do the same work? There are many marketing societies in the same taluk or district. Well, in cases where there are two societies in one place to the satisfaction of the Registrar and the Government, will both be allowed to function under this Act as market committees? If both the co-operative marketing societies are to work as market committees under the provisions of this Bill, will it be conducive to the interests of the ryots? In the same taluk they will be situate within a radius of five or ten miles and the ryot will be confused as to which of the committees he has to take his produce to and as to how to take it to that particular committee. That is why I would request the Hon. Minister to consider whether it is necessary to allow market committees to function in the places where there are marketing committees established by the Government themselves. Co-operative marketing societies are said to take care of the welfare of the agriculturists. It cannot be said that they alone can look after the welfare of the agriculturists. As I said earlier, the South Arcot Market Committee which has been in existence for the last many years has given special facilities for the ryots, the agriculturists to bring their produce for sale. They are provided resting-places and are allowed to leave their cattle in some sheds during business hours. They are also provided facilities for taking their food. Drinking water-supply is also made. So also so many other things are provided. Therefore, it cannot be said that the co-operative marketing committees alone will be of more help to the agriculturists.

The two committees to be constituted are quite different from each other. The terms of office envisaged under the Act are also very different. The term of the committee constituted by the Government is five years and the term of the committee to be constituted by the co-operative marketing societies is only three

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years. The manner of election is also different. Why should there be a different constitution for the two committees to be constituted under one and the same Act? I cannot understand this. In the committee to be constituted by the Government several seats have been assigned to the agriculturists. That is why I said in the beginning that the Government were always suspicious of traders and merchants. In South Arcot district merchants have helped the agriculturists to a very great extent. The cess is paid by the merchants and the traders on the purchase of the produce and not by the agriculturists. No pie is paid by them. When such is the case, why should the Government be suspicious of the traders and treat them not on a par with the growers? The growers have been allotted nine seats. There is also provision for another producer to be nominated by the Government on the recommendation of the Registrar of Co-operative Societies. Again, there is provision to nominate three other members. I have no doubt that these will also be producers. When the Government have got power to nominate four members, why should there be disparity between the traders and the growers? I would request the Hon. Minister to consider this question again and amend the provisions accordingly.

In South Arcot district there are about nine marketing committees more or less one in each taluk headquarters. That is why we get heavy arrivals, and the growers use to get a very fair price. Actually there is competition. If the intention of the Government is that the agriculturists should get a fair price and should not be cheated or deprived of anything by the middlemen, the constitution of many committees in the districts or taluks will not help the agriculturists. So far as possible the notified area may be a district and within that district only one marketing committee should be allowed to function. It will then be helpful to the agriculturists.

Coming to the question of cess fixed by the Government, it will be high and it will be a great burden on merchants and traders. Anyhow, the agriculturist is not going to pay this and only the trader or the merchant who purchases the produce will have to pay it. They will also have to pay sales tax, excise duty and so many other taxes to the Government on one and the same thing at different stages. So, why not the Government consider giving some subsidy to the marketing committees and abolishing the levy of cess? I would request the Hon. Minister to consider this question also.

Last of all, the committee may be permitted to spend from its funds some money on the grant of educational concessions to the employees' children as is being done by the Government in the case of Non-Gazetted Officers who are enjoying educational as well as medical concessions. The marketing committee in South Arcot has been asking the Government for permission in this regard. But in spite of the fact that we have stated that our funds are very sound, the Government do not allow us to spend anything

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on these concessions. Our employees have many children and they have got to send their children to schools. So, I would request the Government to consider this point and make also some provision for enabling the committee to spend on this account.

* SRI M. PATANJALI SASTRI: Madam, I rise to say a few words on this Bill and I do so with a certain amount of diffidence because the Hon. Minister in his opening speech made the remarks that the Joint Select Committee had carefully scrutinized the provisions of this Bill for three or four days and that this was the product of its consideration. Now, many of the remarks I wish to offer relate to what I consider to be drafting errors, except in one or two instances where they raise questions of policy. First of all, take clause 6 which says—

“No person shall, within a notified area, set up, establish or use, or continue or allow to be continued, any place for the purchase or sale, storage, weighing, pressing or processing of any notified agricultural produce, except under and in accordance with the conditions of a licence granted to him by the market committee.”

Sub-clause (2) provides—

“Nothing contained in sub-section (1) shall apply to a person purchasing notified agricultural produce for his own domestic consumption in any quantity not exceeding that prescribed.”

That is to say, this provision about the prohibition of setting up, establishing or using or continuing or allowing to be continued to be used any places for the purchase of notified agricultural produce is not to apply to any person purchasing any such produce for his domestic consumption, not exceeding the quantity prescribed. Now it is difficult to see how a person merely purchasing would need to set up or use any place within the notified area unless it be for storing, pressing, etc., what he purchased. It is more persons who wish to store for personal consumption or process or press that will be hit at by the prohibition. It is difficult to conceive that a purchaser, qua purchaser, needs any place in a notified area. It is more people concerned in pressing, processing and storing notified agricultural produce that would need exemption. As it is, the exemption contemplated in sub-clause (2) applies only in the case of purchaser for personal consumption and not to other categories, i.e., persons who wish to store, press or process for personal consumption. This omission, I think, should be rectified. I think it is merely due to oversight.

Then, Sir, clause 12 reads—

“Where the term of office of the members of a market committee has expired and if, for any reason, there is delay in the reconstitution of the market committee, those members shall notwithstanding the expiration of their term of office, continue to hold office and function as members of the market committee until the market committee is reconstituted.”

I wish to refer to that portion of the clause “If for any reason, there is delay in the reconstitution of the market committee”. Now, who is to judge whether there is delay in the reconstitution

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of the market committee and how much delay should be allowed when the existing members whose term has already expired are allowed to be continued to function in their office before the reconstitution of another market committee? I suggest that the words “and, if for any reason, there is delay in the reconstitution of the market committee” may be omitted. The clause would then read as: “Where the term of office of the members of a market committee has expired, those members shall, notwithstanding the expiration of their term of office, continue to hold office and function as members of the market committee until the market committee is reconstituted”. That would be sufficient. But this element of ‘delay’ introduces confusion and uncertainty. If it is provided simply that if the term of office of the members has expired, the members would continue as members of the market committee until it is reconstituted, it would be all right.

Now, coming to clause 15, it says—

“The market committee may, at any time, call a general meeting of the market committee and shall call such a meeting within one month after receipt of a requisition”

How is the ‘market committee’ to call a general meeting of the ‘market committee’? It is a corporate body and it can exercise its functions only when it meets by resolutions duly passed. It is rather going round and round the same idea. The Chairman may be empowered to do that. The Chairman may call a meeting of the committee instead of the ‘market committee’ calling a meeting of the ‘market committee’.

Then, let me come to clause 26, which says—

“Every person who is prosecuted for an offence under section 25 or the rules or by-laws made under this Act shall be liable, on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the fee, cess or other amount due from him under this Act or the rules or by-laws made thereunder, to pay to the market committee the amount which may be due from him on account of such fee, cess, or other amount.”

On proof to the satisfaction of which Magistrate? Of course, in another clause, clause 32, it is provided that the Magistrate shall be a Magistrate of the first-class. But there are so many first-class Magistrates in the country. I think it should be specifically indicated that the Magistrate is one having jurisdiction over the area. Otherwise, it would mean the Magistrate at large.

Going back for a moment to clause 25 regarding penalties, the clause says—

“Any person who

(a) fraudulently evades the payment of fee

(b) wilfully acts in contravention of”

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But when we come to the clause relating to the liability of the accused to pay fee, cess, or other amount, namely, clause 26, the language used is: " . . . on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the fee, cess or other amount due . . . 'Fraudulently evades' in clause 25 becomes 'wilful omission to pay', the language used in clause 26, may must be satisfied before imposing the penalty. Again, in regard to composition of offences under clause 27, the offence consists of failure to pay, and evasion of any fee. 'Failure to pay', 'wilful omission' and 'fraudulent evasion' are the three expressions used in clauses dealing with the same offence. This is sure to lead to great confusion. What does this 'fraudulently evades the payment' mean? Is there anything or any idea possible like *bona fide* evasion of payment? I can understand *bona fide* omission, without question of fraud or wilful neglect about it. A man may omit to note the due date of payment of dues to Government and thus omit to pay. 'Wilful omission' will be all right to constitute an offence. Therefore, 'failure to pay' in the clause relating to composition of offences, must be changed into wilful failure to pay or evasion of any cess due to the committee. I think 'failure to pay' or 'evasion to pay' may be omitted in clause 27. I think 'wilful omission to pay', the language used in clause 26, may be used in all the clauses, instead of using different languages in different clauses relating to the same person such as 'fraudulent evasion', 'wilful omission' and mere 'failure to pay'.

Again, coming to clause 28, a question of policy is laid down there which to my mind is rather dangerous. The clause says: "Whenever any person is convicted of an offence under this Act or the rules or by-laws made thereunder, the Magistrate shall, in addition to any fine which may be imposed, recover summarily." What does this 'recover summarily' mean? Does it mean arrest and detention, entering the defaulter's house and getting hold of movable properties? There is no indication as to what this 'summary recovery' means. Then the clause goes on " . . . also recover summarily and pay over to the market committee such amount, if any, as he may fix as the costs of the prosecution". Now, this is another important point. Now, whenever there is a prosecution, it is a well-settled matter of public policy that the accused will not be made to pay the costs of prosecution. The prosecution, goes on without recovery of the cost. This is a well-settled policy of the criminal law. Why should there be a departure here? Why should this accused be made to pay costs of the prosecution? This and the 'summary recovery' referred to by me earlier will lead to serious results. An over-enthusiastic Magistrate might detain a person and insist that unless he pays the dues, he will not be released. That, he might think, is what is meant by summary recovery. It would not be arbitrary to empower Magistrates to recover sums due to the committee in this fashion. I think the clause about summary recovery and also the cost of prosecution should be deleted.

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These are the few remarks I wish to offer for the Hon. Minister's consideration.

* SRI M. SESHACHARIAR: Madam, I wish to say a few words about this Bill. We must understand first that as far as the Government are concerned, under the Second Plan, they are committed to expand these marketing societies. One thousand eight hundred societies have to be started before the end of the Second Plan period. In pursuance of that, our State is also progressing in the matter of starting these societies. Now, objection has been taken that there cannot be two agencies in one place, one controlled by the Co-operative Department and the other by the regulated market committee. In saying this, it is forgotten that there is a provision by which the market society also can take up and run the regulated market committee.

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p.m.

Originally it was intended to exclude co-operative societies for the purpose of conducting the regulated markets but at the Committee stage, they thought it fit to see that regulated markets also were run by co-operative societies. Those societies which run efficiently will be recommended by the Registrar and then they will take up the running of regulated markets. I find from the Report of the Committee that all the aspects of the matter have been considered. When there is a regulated market, it is not their intention to start a marketing society there. Both of them need not exist and even if both of them exist, there seems to be no trouble because as far as the co-operative marketing society is concerned, it deals only with members and not with non-members. As far as the co-operative societies are concerned, the scope of their work is much larger than what the regulated market does.

The question of marketing is a very complex one. It does not stop with gathering the produce. It has to be processed and then graded and then several other things have got to be done before it is marketed. Then, there is the question of financing. If it is a co-operative society, it not only disposes of their produce but also finances when the market is not favourable to agriculturists. The co-operative society is also in a position to advance money. Therefore, the scope of the work of the co-operative society is much larger than that of the regulated market, and it would be more helpful. The only difficulty appears to be that in the case of non-members, the co-operative society will not act. But even there, in the case of controlled commodities, they have been selling to, and purchasing from, non-members. So, even there they could be allowed to deal with non-members and there would be no difficulty about it. The difficulty would be only in regard to the committee that would be formed. Under the Co-operative Societies Act, only members could be on the committee. If businessmen, merchants and licensees are to become members of the market committee, an amendment has to be made in the by-laws of the Co-operative Marketing Society.

[Sri M. Seshachariar] [10th September 1959]

Sir, I understand from the Report of the Committee that there has been a reference to the failure of some marketing societies in the Madhya Pradesh. They might have failed in certain places but not in all places. After all, we must understand that all the co-operative marketing societies are being run only by Inspectors and Sub-Registers appointed by Government and not by non-officials. They are being run only by trained Government servants. So, if persons with a certain amount of business acumen are appointed, surely the marketing society will run efficiently. Efficient men have got to be appointed, as otherwise they could not be run properly.

[Mr. Chairman in the Chair]

There is one other matter which I should like to mention at this stage. The Government have introduced the co-operative full-finance scheme in certain areas and they do not issue takkavi loans in those areas. They do not issue loans even for the purpose of purchasing manure. The co-operative society is expected to advance loans for such purposes, for all purposes connected with cultivation. Therefore, difficulty arises when the co-operative society advances money for the purpose of cultivation, for the society has to collect the amount at the time of the harvest. Naturally the society will insist upon the person marketing his produce through it. The produce will be marketed through the marketing society to which the co-operative society concerned is affiliated. Now they have got, what is called, the integrated scheme under which loan is advanced and the produce is collected by the panchayat itself and sold through the marketing society. The marketing society sells the produce, collects the money due to the society and gives the balance to the agriculturist member. If the market is not favourable, the co-operative society advances money on the pledge of the produce. Therefore, to work the integrated scheme brought by the Government, it is absolutely necessary that the marketing society must be allowed to play its full part under this Bill.

*SRI V. V. RAMASWAMI: கனம் தலைவர் அவர்களே, இப்போது விவகாரத்தில் இருக்கின்ற மசோதாவானது சென்னை ராஜ்ய விளைபொருள் களை வாங்குவதிலும், விற்பதிலும், இப்பொழுது இருப்பதற்கு மேல் சிறந்த முறையில் விளைபொருள் மார்க்கெட் கமிட்டிகள் நிறுவி, அவை களை நல்லபடியாகப் பரிபாலிப்பதற்கு ஏற்பாடு செய்வதற்கான மசோதா. இந்த மசோதா கொண்டுவருவதற்கு என்ன அடிப்படைக் காரணம் என்பதை ஆராய்ந்து பார்த்தால், 1933-ம் ஆண்டிலே நிறைவேற்றப்பட்டு, இப்பொழுது அமலிலிருக்கும் சென்னை வியாபார விளைபொருள்கள் மார்க் கெட் சட்டத்தை அமலாக்குவதில் இருக்கிற சிரமங்களையெல்லாம் நிவர்த் திப்பதற்காகவும், சட்டத்தில் உள்ள முரண்பாடுகளைப் போக்குவதற்காகவும் எப்படிச் செய்ய வேண்டும் என்பதை சர்க்காருக்குச் சொல்வதற்காக ஒரு நிபுணர் கமிட்டி 1957-ம் ஆண்டு ஏற்படுத்தப்பட்டது. அந்தக் கமிட்டி யாருடைய சிபாரிசின் பேரில் ஆராய்ந்து பார்த்துத்தான் இந்தச் சட்டம் கொண்டுவரப்பட்டிருக்கிறது. விவசாயிகளால் விளைவிக்கப்படும் எல்லாவிதச் சரக்குகளையும் இம்மாதிரி மார்க்கெட்டில் கொண்டுவந்து நல்ல முறையில் விற்பனை செய்வதற்கான மார்க்கெட்டை ஏற்படுத்துவதற்கான சட்டம்தான்

[10th September 1959] [Sri V. V. Ramaswami]

இது. இந்த நிபுணர் கமிட்டிக்கு ஆராய்ந்து பார்த்துச் சொல்லும்படி கொடுத்த குறிக்கோளில்—“To consider the extension of the Act to all agricultural commodities (i.e.) food crops besides commercial crops” என்று சொல்லப்பட்டிருக்கிறது.

ஏற்கனவே, பணப் பயிர்களான, மணிலா, பருத்தி, புகையிலை இந்த மூன்று பொருள்களும் இந்தச் சட்டத்தில் இருந்தன. இப்பொழுது கொண்டு வந்திருக்கும் சட்டத்தின் மூலமாக எல்லாப் பொருள்களையும் கொண்டுவர வேண்டும் என்று ஆராய்ந்து பார்த்து, சொல்லும்படி நிபுணர்கள் கமிட்டிக்குச் சொல்லப்பட்டது. பணப் பயிர்களைத் தவிர, உணவுப் பொருள்களையும், எல்லா விவசாயப் பொருள்களையும் இம்மாதிரி ரெகுலேட் மார்க்கெட்டிற்குக் கொண்டுவரவேண்டும் என்று ஆராய்ந்து பார்த்துச் சொல்வதற்கு ஏற்பட்ட அடிப்படைக் காரணம் என்ன என்பது தெரியவில்லை. உணவுப் பொருள்கள் எந்தக் காரணத்திற்காகச் சேர்க்கப்பட்டன என்ற காரணம் சரியாகப் புலப்படவில்லை. இதைப்பற்றிப் பின்னால் பார்க்கும்போது, “விவசாயிகளுடைய பொருளாதார நிலைமையை உயர்த்துவதற்கும், அவர்களுடைய விளைபொருள்களுக்கு நல்லபடியான விலை கிடைப்பதற்கு வேண்டிய வழிவகைகளைச் செய்வதற்கும்” என்று சொல்லப்படுகிறது. இதன்படி உணவுப் பொருள்களையும் இந்தச் சட்டத்தில் சேர்த்திருக்கிறார்கள்.

இவைகளையெல்லாம் பார்க்கும்போது, இதற்கு முன்னால் கூட அநேக 5 p.m கமிட்டிகள் ஏற்படுத்தியிருப்பதாகத் தெரிகிறது. கிராமத்திலுள்ள மக்களுடைய நலன்களை விசாரித்தறிய “ஆல் இந்தியா ரூரல் கிரெடிட் சர்வே கமிட்டி” போன்ற பல்வேறு கமிட்டிகள் முன்னால் ஏற்பட்டிருக்கின்றன. இதிலிருந்து கிராமத்திலுள்ள விவசாயிகள் தாங்கொணாத கடன் தொல்லையில் இருந்திருக்கிறார்கள் என்பதையும் நாம் அறிந்துகொள்ள முடிகிறது. ஆகவே, இன்றைக்குக் கிராமத்தில் இருக்கக்கூடிய விவசாயிகள் எவ்வளவோ கஷ்டப்பட்டு விவசாயம் செய்து எடுக்கின்ற சரக்கை நல்ல விலையில் கொடுப்பதற்கு வசதி இருக்க வேண்டியது அவசியம்தான். ஆனால், இவ்விதம் விவசாயம் செய்வதற்கு அவர்கள் கடன் வாங்கக்கூடிய நிலைதான் இருந்துகொண்டிருக்கிறது, இந்த நிலைமை இல்லாமல் இருப்பதற்குப் பரிசாரம் தேடவேண்டும் என்று நான் முன்னால் சொன்ன கமிட்டியினர் மட்டுமல்ல, ராயல் கமிஷன் போன்ற கமிட்டிகளும் சொல்லியிருக்கிறார்கள். ராயல் கமிஷன் சொல்லியிருப்பதைப் பார்த்தால், ‘The Royal Commission has further observed that the cultivators suffered under chronic shortage of money.’ என்று சொல்லியிருக்கிறார்கள். ஆனால், இப்போது கொண்டுவரப் பட்டிருக்கின்ற இந்த மார்க்கெட்டிங் மசோதாவைப் பார்த்தால், விவசாயிகளுக்கு நல்ல விலை கிடைக்காமல் இருப்பதற்குக் காரணம் ஊடேயிருக்கின்ற சில்லரை வியாபாரிகள்தான் என்றுள்ள கருத்துதான் வலியுறுத்தப் படுகிறது. ஆகவே, இந்த வியாபாரிகளுக்கு இடமில்லாமல் செய்துவிட்டால், வியாபாரிகளை அந்த வழியிலிருந்து ஒழித்துவிட்டால், விவசாயிகளுக்கு நல்ல விலை கிடைக்கும் என்ற எண்ணத்தோடுதான், இந்த மசோதா கொண்டுவந்திருப்பதாகச் சொல்வேன். ஆனால், அதே நேரத்தில் வியாபாரிகள் விவசாயிகளுக்கு எந்த விதத்தில் இதுகாறும் உதவி வந்திருக்கிறார்கள் என்பதையும் நாம் பார்க்கவேண்டும். மற்றத் துறைகளில் எப்படியிருந்தாலும், விவசாயத் துறையில் கிராமத்தில் இருக்கின்றவர்களுக்கு இது வரையில் இருந்துவந்த கடன் பளு குறைந்திருப்பதாகச் சொல்ல முடியாது. இவ்விதமான கடன் பளுவில் இருக்கின்றவர்களுக்குக் காலாகாலத்தில் விவசாயத்திற்கு வேண்டிய உதவியைக் கொடுப்பதோடு மட்டுமில்லாமல், அவர்களுக்கு முன்பாகவே தக்க காலத்தில் கடன் கொடுத்து அதன் பின்னால் அவர்களுடைய சரக்குகளை வாங்கி வைத்து விலை உயருகின்ற சமயத்தில் அவர்களின் சம்மத்தின் மேல் வற்று அவர்களுடைய பொருட்களுக்கு நல்ல விலையையும் வாங்கிக் கொடுத்துக் கொண்டிருந்தார்கள். இம்மாதிரி விவசாயிகளுக்கு உதவி செய்து கொடுத்துக்கொண்டிருக்கக்கூடிய வியாபார உலகத்தையே மாற்றிவிடலாம்

[Sri V. V. Ramaswami] [10th September 1959]

என்ற எண்ணத்தின் வியாபாரிகளையே ஒழித்துவிடலாம் என்ற எண்ணத்தின் தான் இது கொண்டுவரப்பட்டிருக்கிறதே தவிர, விவசாயிகளுக்கு வேண்டிய வசதிகள் ஒன்றும் கிடைப்பதற்கு வசதிகள் செய்திருப்பதாகத் தெரியவில்லை. இதுகாறும் பணப் பயிர்களைக் இருக்கின்ற மணிலா, பருத்தி, புகையிலை இம்மூன்று பொருட்களுக்கும் அகில உலகச் சந்தைகளில் அடிக்கடி விலையில் ஏற்றத் தாழ்வுகள் இருந்துகொண்டிருந்தன. ஆகவே, உலக விலைக்கு ஏற்ப உள்நாட்டு விலையும் இருக்க வேண்டும் என்பதற்காகப் பிரிட்டிஷ் காலத்தில் ரெகுலேட் மார்க்கெட்டுகளை இந்தப் பணப் பயிர்களுக்காக ஏற்படுத்தினார்கள். அதற்காக 1933-ம் ஆண்டு சட்டமும் வந்தது. எனினும், பல கமிட்டிகள் சரியாக இயங்கவில்லை யென்ற புகார்கள் இருந்தன. அதாவது, கோயம்புத்தூரிலும், திருப்பூரிலும் இருக்கின்ற மார்க்கெட்டிங் கமிட்டிகள் சரியான முறையில் இயங்கவில்லை என்பதை நிபுணர் கமிட்டியே தனது ரிப்போர்ட்டில் கூறியிருக்கிறது. அவ்விதம் கூறியிருப்பதை நான் இங்கு வாசிக்க விரும்புகிறேன். இதில்—'The object of regulation is to establish sound market practices and secure the benefits to buyers; that is the reason why Market Committee is given absolute control over every transaction.' என்று மார்க்கெட்டிங் கமிட்டி அதிகாரத்தைச் சொல்லிவிட்டுத் திருப்பூரில் நடக்கின்ற மார்க்கெட்டிங் கமிட்டியைப்பற்றிச் சொல்லும்போது, Tiruppur Market Committee: 'But the system that is being worked by the Coimbatore Marketing Committee at Tiruppur is a practical negation of this principle' என்று சொல்லிருக்கிறார்கள். இப்படிப்பட்ட கமிட்டிகள் சரியாக இயங்கவில்லை என்பதைப்பற்றி அரசியலார் அறிந்திருந்தும், இதனுடைய நோக்கத்திற்கே விரோதமாக நடந்துகொண்டிருக்கிறது என்று தெரிந்திருந்தும் அரசியலாரோ அல்லது சம்பந்தப்பட்ட அதிகாரிகளோ இதன் பேரில் எவ்விதமான நடவடிக்கையும் எடுக்கவில்லை என்பதை எடுத்துச் சொல்ல விரும்புகிறேன். இதை என் எடுத்துச் சொல்லுகிறேன் என்றால், இப்படிப்பட்ட கமிட்டிகள் இருப்பதினால் மட்டும் நம்முடைய நோக்கங்கள் எல்லாம் நிறைவேறிவிடாது. (ஸ்ரீ வி. கே. பழனிசாமி கவுண்டர் அவர்கள் குறுக்கீடு) கோயம்புத்தூர்க்காரர்கள் எவ்வளவுதான் கில்லாடிகளாக இருந்தாலும், அவர்கள் வியாபாரிகளுக்குக் கட்டுப்பட்டவர்கள் என்பது வேடிக்கைதான். ஆகவே, இப்போது இருக்கிற பிரச்சனையில் பணப் பயிர்களுக்கு மட்டும் இம்மாதிரிக் கமிட்டிகள் ஏற்படுத்தினால் போதும் என்பதுதான் என்னுடைய கருத்து. அதன் மூலமாகத் தான் ஏதாவது பலன் கிடைக்குமென்று நான் உறுதியாக நம்புகிறேன். மேலும், இந்த மசோதாவில் கடன் பளுவைக் குறைப்பதற்கோ அல்லது விவசாயிகளுக்குக் கடன் பளு இல்லாமல் ஆக்குவதற்கோ எந்தவிதமான நடவடிக்கையும் எடுக்கப் பட்டிருப்பதாகத் தெரியவில்லை. விவசாயிகளுக்கு வேண்டிய பண உதவி செய்வதற்கும் இதில் வழியில்லை. நண்பர் திரு. சம்பந்தம் அவர்கள் சொன்ன மாதிரி விவசாயிகளுக்கு உதவி செய்கிற வியாபாரிகளுக்கு எல்லாம் கிடைத்துவிடுவதில்லை. ஆனால், வியாபாரிகள் மூலம் பணம் பூராவும் விவசாயிகளுடைய நன்மைக்காகப் போகின்றது. ஆனால், விவசாயிகள் எல்லாம் தங்கள் சரக்கைப் பூராவும் வியாபாரிகளிடம்தான் கொடுத்துவிடுகிறார்கள் என்று உறுதியாகச் சொல்லுவதற்கில்லை. ஆகவே, வியாபாரிகளுக்கு இவ்விதமான கமிட்டிகள் வருவதனால், எவ்விதமான நன்மையும் இல்லை. இது தவிர பல இடங்களில் குறிப்பாக "ரெகுலர் மார்க்கெட்டிங் கமிட்டி" இருக்கின்ற இடத்திலும் அநேக பிரைவேட் மார்க்கெட்டுகள் இருக்கின்றன. அவைகள் எல்லாம் சட்டரீதியாக நடக்கும் படி பார்த்துக்கொண்டால் அல்லது அதற்கான வழிகளைச் செய்துகொண்டால், தொன்று தொட்டு நடந்துவரும் பல வியாபாரங்கள் நல்ல முறையில் நடந்துவரும். அதோடு வியாபாரிகளுக்கும் விவசாயிகளுக்கும் இருக்கின்ற தொடர்பும் விட்டுப் போகாமல் இருக்கும். ஆனால், இப்போது ஏதோ விவசாயிகளுக்கு வியாபாரிகள் சரியான விலை கொடுப்பதில்லை என்று சொல்லப்படுகிறது. இந்தக் காலத்தில் விலைகளைப்பற்றி எல்லோரும் அன்றாடப் பத்திரிகை மூலம் அறிந்துகொள்கிறார்கள். வணிகச் செய்தி வானொலி மூலமாகவும் தெரிந்துகொண்டிருக்கிறார்கள். ஆகவே, வியாபாரிகள் விவசாயிகளை ஏமாற்றிவிடுகிறார்கள் என்று சொல்லு

10th September 1959] [Sri V. V. Ramaswami]

சரியல்ல. ஏற்கனவே இயங்கிவருகின்ற வியாபாரம் மேலும் நல்ல முறையில் வளரவேண்டும் என்றால், இத்துறையின் மூலமாகப் பல காரியங்கள் நடைபெறவேண்டும். விவசாயிகளுக்கு அவர்களுடைய சரக்கின் மீது விலையைப் பணமாகத்தான் கொடுக்க வேண்டும் என்பது இல்லை. அவர்களுக்கு வேண்டிய உதவிகளைக் காலாகாலத்தில் கொடுத்துக் கொண்டிருந்தாலே போதுமானது. ரெகுலர் மார்க்கெட்டிங் கமிட்டி நடைபெறக்கூடிய இடத்திலும் வியாபாரிகளைப் பயன்படுத்திக்கொள்ளக் கூடாது என்று அமைச்சர் அவர்களிடத்தில் கேட்டதற்கு இதைப்பற்றிக் கவனிக்கலாம் என்று தெரிவித்திருந்தார்கள். ஆனால், நெடுநாளாக ரெகுலேட்டட் மார்க்கெட்டில் நடக்கிற மாதிரியே நடந்துவருகிற தனியார் (வியாபாரிகள்) மார்க்கெட்டுகளைப் பயன்படுத்துவதை விட்டு கூட்டுறவு மார்க்கெட்டிங் சொஸைட்டிகளையும் ரெகுலேட் மார்க்கெட்டுகளாக அங்கீகாரம் பண்ணலாம் என்று சட்டத்தில் திருத்தம் சேர்த்துக்கொண்டார்கள்.

வியாபாரிகள் நல்ல விலை வரும்பொழுது விற்கலாம் என்று பொருள் களைத் தாங்களே வைத்துக்கொண்டிருந்த காலம் போய்விட்டது. அவர்களாகவே நல்ல முறையில் இயங்கிவரும் அமைப்பை அழித்துவிடாமல், இப்போதுள்ள தனியார் துறையானது நல்ல முறையில் இயங்கும்படி செய்தால், பண வசதியும் விவசாயிகளுக்குக் கிடைக்கும் என்று எதிர்பார்க்கிறேன். இந்த மசோதா விவசாயிகளின் கடன் பளுவைக் குறைக்கவோ அவர்களுடைய வேறு பளுக்களைக் குறைக்கவோ வழி செய்யும் என்று நான் நம்பவில்லை. பெரிய விவசாயிகள் ஏதோ தாக்குப்பிடித்துச் சமாளிப்பார்கள். இல்லாவிட்டால் வெளியில் விற்பார்கள். ஆகவே, நாம் முக்கியமாகச் செய்ய வேண்டியது விவசாயிகளுக்குப் பண வசதிகளை அதிகப்படுத்த வேண்டியது ஆகும். அதற்கு மசோதாவில் வழி செய்ய வில்லை என்று வருத்தப்படுகிறேன். ரெகுலேட் மார்க்கெட் முன்பு இருந்த நான்கு பொருள்களுக்கு இருப்பது போதும், மற்றப் பொருள்களுக்கு வேண்டாம். தனியாரைப் பாதுகாக்க வேண்டும் என்று மீண்டும் சொல்லிக் கொள்கிறேன். கமிட்டியில் பரிசீலித்தபோது எங்களுடைய அடிப்படியான நோக்கத்திற்குக் கனம் அமைச்சர் ஒத்துக்கொள்ளாவிட்டாலும், மற்ற சரத்துக்களுக்கு எங்கள் அபிப்பிராயத்தைக் கனம் அமைச்சர் ஒத்துக்கொண்டார் என்பதை நான் மகிழ்ச்சியுடன் தெரிவித்துக்கொள்ளுகிறேன். கனம் அங்கத்தினர் திரு. சம்பந்தம் கூறியபடி, வியாபாரிகளுக்குப் பிரதிநிதித்துவம் குறைவான விகிதத்திலேயே கொடுக்கப்பட்டிருக்கிறது. இதை என் குறைக்க வேண்டும் என்று தெரியவில்லை. மேலும், விவசாயிகளின் நலன்கள் பாதுகாக்கப்பட வேண்டும் என்பதற்காகத்தான் விவசாயியே தலைவராக வரவேண்டும் என்பதை ஒப்புக்கொண்டோம். ஆகவே, வியாபாரிகளின் எண்ணிக்கையை இன்னும் குறைக்கக்கூடாது. நன்றாக நடைபெறுவதாக விவசாயிகளால் பாராட்டப்படும் விழுப்புரம் கமிட்டியாரே வியாபாரிகளின் விகிதம் கூடுதலாக இருக்க வேண்டும் என்று அபிப்பிராயம் தெரிவித்தார்கள். ஆகவே, சர்க்கார் கவனிக்க வேண்டும் என்று மீண்டும் சொல்லிக்கொள்கிறேன். விவசாயிகளின் கடன் பளுவைக் குறைக்கவும் அவர்களுக்குப் போதிய கடன்கள் கொடுக்கவும் வழிவகை செய்யாத வரையில் இப்பேர்ப்பட்ட சட்டத்தினால் விவசாயிகளுக்குப் பலன் ஏற்படாது என்று சொல்லிக்கொண்டு என் வார்த்தையை முடித்துக்கொள்கிறேன்.

SRI K. V. RAMASWAMY : சபைத் தலைவர் அவர்களே, மார்க்கெட்டிங் சொஸைடிகள் சம்பந்தமான இந்த மசோதாவை ஆதரித்து ஒரு சில வார்த்தைகள் பேச விரும்புகிறேன். விவசாயிகள் இன்று திக்கற்ற நிலையில் தாயற்ற குழந்தைகள்போல் தவித்துக்கொண்டிருக்கிறார்கள் என்பது எல்லோரும் அறிந்த விஷயம். அவர்கள் எந்த விதமான ஆதரவும் இல்லாமல் இருக்கிறார்கள். இன்று கிராமங்களில் எந்தக் குடியானவனாவது நல்லபடி முன்னேற்றம் அடைந்திருக்கிறானோ என்று பார்த்தால், இது தெரியும். நேற்று ஒரு சின்ன வியாபாரம் செய்து கொண்டிருந்தவன் இன்று ஒரு பெரிய பங்களாக் கட்டக்கூடிய நிலைமையில் இருக்கிறான். அதே மாதிரி சினிமாத் தொழிலில் இருக்கும் ஒருவனும்;

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[Sri K. V. Ramaswamy] [10th September 1959]

மக்களை வைத்திருக்கும் ஒருவனும் இதே நிலைமையில் இருக்கிறார்கள். ஆனால், விவசாயி அப்படி இல்லை. விவசாயிகள் தக்க சமயத்தில் மழை பெய்ய வேண்டும் என்று விரும்பி மழையை எதிர்பார்த்துக் கொண்டிருக்கிறார்கள். பருவ காலத்தில் மழை பெய்யாவிட்டால், விவசாயியின் குடும்பமே எக்கத்தில் மூழ்கியிருக்கும். “கடனை எப்படித் திருப்பிக் கொடுப்பது? கடன் கொடுத்தவன் பாத்திரம் பாண்டங்களை ஐப்தி செய்விடுவானே” என்று எங்கித் தவித்துக்கொண்டிருக்கும். இந்த நிலைமையில் என்ன செய்வது என்று விவசாயிக்குப் புரியாது. எப்படியோ பருவத்தில் ஒரு சிறு மழை பெய்துவிட்டால், இருக்கக்கூடிய விதை தானியங்களைக் காட்டில் இறைத்து விடுகிறான். அவ்வாறு இறைத்த தானியம் சரியாக முளைக்காமல் போய் விட்டால், மறுபடி எப்போதாவது மழை பெய்யும்போது விதைக்க அவனிடம் தானியம் கிடையாது. அடுத்த மழை பெய்தால், விதைக்க தானியம் இல்லாமல் விவசாயி எங்கி, எங்கி நடுத்தெருவில் நாராயணனை நம்பி நிற்கிறான். இந்த நிலையில் இருக்கும் விவசாயிக்கு மார்க்கெட்டிங் ஸொலைஷிகள் உதவி செய்ய முடியும். மழை பெய்ததும் நிலத்தில் ஏற்பட்ட ஈரம் காய்ந்து போவதற்கு முன்பு, விவசாயி மார்க்கெட்டிங் ஸொலைஷிக்குச் சென்று விதை தானியம் வாங்கி வந்து விதைக்க முடியும் என்ற நிலைமை நிலவினால் அவனுக்கு நல்லது. விவசாயி மார்க்கெட்டிங் ஸொலைஷிக்குச் சென்று விதை வாங்க முற்படும்போது, பல அதிகாரிகளை அணுகிய பிறகே அவனுக்கு விதை கிடைக்கும் என்ற நிலைமை இருக்குமானால், நிலத்தில் ஈரம் காய்ந்துபோய்விடும். இந்த நிலைமை ஏற்படாதபடி செய்ய வேண்டும்.

மார்க்கெட்டிங் ஸொலைஷிகளால் நமக்குப் பல சௌகரியங்களும் இருக்கின்றன. பல அசௌகரியங்களும் இருக்கின்றன. சௌகரியங்களை அதிகப்படுத்த வேண்டும். இலாகாவிலுள்ள அனுபவம் மிகுந்தவர்களுடனும் இந்த ஸொலைஷிகளுடன் நெருங்கிய தொடர்பு உடையவர்களுடனும் கலந்தாலோசித்து அவர்களுடைய அபிப்பிராயங்களைத் தெரிந்து கொண்டு அசௌகரியங்களை நீக்க வேண்டியது அரசாங்கத்தின் கடமை.

மார்க்கெட்டிங் ஸொலைஷியில் ஈடுபாடு கொண்டவனாக இருப்பதுடன் ஒரு மார்க்கெட்டிங் ஸொலைஷியின் காரியதரிசியாகவும் நான் இருந்து பணியாற்றியிருப்பதால், என் அபிப்பிராயங்களை இங்கே சொல்வதற்காகவே நான் பேச முற்பட்டேன். இது சம்பந்தமான விஷயங்களை நான் முன்புகூட இங்கே சொல்லியிருப்பது கனம் அங்கத்தினர்களுக்கு ஞாபகம் இருக்கலாம். புகையிலை மார்க்கெட்டிங் ஸொலைஷியில் புகையிலை உற்பத்தி செய்யும் விவசாயிகளுக்குக் கடன் கொடுக்கிறோம். புகையிலையை வாங்கி வைத்துக்கொண்டு அவர்களுக்குக் கடன் கொடுக்கிறோம். நான் கூட என் தோட்டத்தில் விளைந்த புகையிலையைக் கொண்டுபோய் ஸொலைஷியில் வைத்துக் கொஞ்சம் பணம் கடன் வாங்கினேன். ஆனால், நான் அதை ஸொலைஷியில் கொண்டுபோய் வைத்ததிலிருந்து அதன் விலை இறங்கிவிட்டது. அடுத்த வருஷம், அந்த கெடுவிற்குள்ளாக, வாங்கிய பணத்தைத் திரும்பக் கட்டவேண்டுமென்று கூறினார்கள். இப்போது மார்க்கெட் டல்லாக இருக்கிறது, இன்னும் கொஞ்சம் காலம் போனால் விலை வரும் என்று சொன்னார்கள். வாய்தா கேட்கப்பட்டது. வாய்தா கொடுத்தார்கள். அப்படியும் விலை மாவிடலை. அப்போது, ஒரு தீர்மானத்தைப் போட்டு அதை ரெஜிஸ்டிராருக்கு அனுப்ப வேண்டுமென்று நிர்வாகக் கமிட்டியிடம் கேட்டுக்கொண்டேன். ஆனால், அப்போது, மெம்பர்கள் “அது கூடாது. கடன் பணத்தைத் திரும்ப வருவித்துத்தான் தீரவேண்டும். இன்னும் டைம் கொடுக்கச் சட்டம் இடம் கொடுக்கவில்லை” என்று சொன்னதால், புகையிலைக்கு நல்ல விலை கிடைக்காமல் போய்விட்டது. புகையிலையை அவர்களாகவே ஸொலைஷியில் ஏலத்திற்கு விட வேண்டிய நிர்வாகத் தலைமை ஏற்பட்டது. அதன் காரணமாக என்னுடைய ஸ்தானத்தையும் நான் பறி கொடுக்க வேண்டிய நிலைமை ஏற்பட்டது. காரணம்; அப்போது

[10th September 1959] [Sri K. V. Ramaswamy]

விவசாயிகளுக்குக் கொடுத்த கடன் பணத்தைச் சரிவரத் திரும்பப் பெற முடியாமல் போய்விட்டது. விவசாயிடமிருந்து கடனுக்காக வட்டிப் பணத்தைக்கூட வாங்க முடியாமல் போய்விட்டது என்பதை சபைக்குத் தெரிவிக்க விரும்புகிறேன். இந்தமாதிரியான நிலைமை என்போன்றவர்களுக்கே ஏற்பட்டிருந்தால், எனைய விவசாயிகளுக்கு ஏற்படாது என்று சொல்ல முடியாது. யாரிடத்தில் சென்று தங்கள் குறைகளை முறையிட்டுக் கொள்ளலாம் என்பதும் அவர்களுக்குத் தெரியாது. எனவே, இம் மாதிரியாகச் சட்டத்தை அவசர அவசரமாகப் பயன்படுத்திவிடாமல் அவர்களுக்குப் போதிய தவணை கொடுக்க வகை செய்யவேண்டும். பொருள்களை இந்த மாதிரி அவசர அவசரமாக ஏலத்திற்குக் கொண்டு வரக் கூடாது, சரக்கு ஸொலைஷியில்தான் இருக்கிறது; இன்னும் கொஞ்சம் தவணை கொடுத்தால் ஒன்றும் முழுக்கப் போய்விடாது. ஆகவே, அந்த நிலையில் குடியானவர்களுக்கு நல்ல வாய்ப்புகள் கொடுத்து மார்க்கெட்டிங் ஸொலைஷிகளை நல்ல முறையில் இயங்கச் செய்வோமானால், 6 ஓவ்வொரு குடியானவனும் மார்க்கெட்டிங் ஸொலைஷியை நம்புவான் என்பதில் ஆட்சேபணியில்லை.

மார்க்கெட்டிங் ஸொலைஷிகளில் உள்ள சில தில்லுமுல்லுகளைப் பார்க்கும் போது, விவசாயிகள் பயப்படுகிறார்கள். மார்க்கெட்டிங் ஸொலைஷிகளில் தில்லுமுல்லுகள் நடக்கின்றன. தில்லுமுல்லுக்காரர்களுக்குக் கூட அதிக வாய்ப்புக் கொடுத்துக்கொண்டிருக்கிறது. இத்தகைய தில்லுமுல்லுகளைக் கீள்ளி எறிய வேண்டியது அவசியம் என்பதை மறந்துவிடக் கூடாது. சர்க்காருக்கு இதனால் ஏராளமான அவச்சொல் ஏற்படாது பார்த்துக் கொள்வது முக்கியமாகும். இப்பெர்ப்பட்ட நபர்களை வைத்துக்கொள்ளாமல், அவர்கள் மீது தைரியமாக நடவடிக்கை எடுக்கவேண்டியது அத்தியாவசியம் என்று தெரிவித்துக்கொள்ள விரும்புகிறேன். ஆகவே, மார்க்கெட்டிங் ஸொலைஷிகளில் இது போன்ற வசதிகளைக் கொடுத்தால், அவர்களுக்கு ஆதரவளிப்பதாக இருக்கும் என்று மீண்டும் தெரிவித்துக்கொண்டு, இருக்கக்கூடிய ஊழல்களைப் போக்கி நல்ல முறையில் தைரியமாக வேலை செய்தால் இதைப் போன்ற உன்னதமான செயல் இருக்காது என்று தெரிவித்துக்கொண்டு, எனக்குப் பேசுவதற்கு வாய்ப்பு அளித்த தற்காகத் தலைவர் அவர்களுக்கு எனது வணக்கத்தைத் தெரிவித்துக் கொண்டு முடித்துக்கொள்கிறேன்.

*THE HON. SRI M. BHAKTAVATSALAM: தலைவர் அவர்களே, இந்த விவாதத்தைத் தொடங்கிய கனம் அங்கத்தினர் அவர்கள் இன்று முதன் முதலாக இந்த மன்றத்திலே பேசினார்கள். பார்லிமெண்டரி பாஷையில் இதை “மெய்டன் ஸ்பீச்” என்று சொல்வார்கள். அவருக்கு என்னுடைய பாராட்டுதலைத் தெரிவித்துக்கொள்கிறேன்.

ஆனால், முதன் முதலாகப் பேசத் தொடங்கிய அங்கத்தினர் அவர்கள் ஒரு சந்தேகத்தோடு தொடங்கினார்கள். என்ன சந்தேகம் என்றால் அரசாங்கம் வியாபாரிகளிடமிருந்து வர்த்தகர்களிடமிருந்து நம்பிக்கையில்லாத முறையில் இந்த மசோதாவை உருவாக்கி, இங்கே கொண்டுவந்திருக்கிறார்கள் என்று சொன்னார்கள். அது அவ்வாறு அல்ல என்று நான் உடனேயே உறுதி கூறுகிறேன். வியாபாரிகளிடமிருந்து நம்பிக்கைக் குறைவு ஒன்றுமில்லை. சட்டம் செய்வதெல்லாம் சமுதாயத்தில் நம்பிக்கையில்லாது செய்யவில்லை. இன்றைக்குக் குற்றம் செய்யவர்கள் ஒரு சிலர்தான். பெரும்பாலானவர்கள் குற்றம் செய்வதில்லை. இந்த ஒரு சிலருக்காகத்தான் சட்டம் செய்யப் பட்டிருக்கிறது. இம்மாதிரி எல்லாத் துறைகளிலும் குற்றம் செய்கிறவர்கள் இருக்கிறார்கள். சுரண்டுகிறவர்கள் சிலர் இருக்கிறார்கள். சமுதாயத்தைப் பாதுகாப்பதற்காகத்தான் சட்டம். இந்தச் சட்டம் விவசாயிகளைப் பாதுகாப்பதற்காகக் கொண்டுவரப்பட்டிருக்கிறது. உற்பத்தி செய்கிறவர்களைப் பாதுகாப்பதற்காகத்தான் செய்யப்படுகிறது இந்தச் சட்டம். வியாபாரிகளை ஒழித்துக்கட்ட வேண்டும் என்ற நோக்கம் அல்ல. கனம் அங்கத்தினர் திரு. வி. வி. ராமசுவாமி அவர்கள் பேசினார்கள். இந்தச் சட்டத்தைப் பற்றி அவருக்குத் தெரியும். பழைய சட்டமெல்லாம் தெரியும். வியாபாரிகளை

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ஒழித்துக்கட்டுவதற்காக அல்ல. தரக்களை ஒழித்துக்கட்ட என்று நான் சொல்லவில்லை—தரக்களுக்கு இதில் இடமில்லை. வியாபாரிகள் வேண்டியதுதான். விற்கவேண்டுமென்றால், வியாபாரிகள்தான் வாங்க வேண்டும். நேரடியாகச் சிலர் வாங்கலாம். அதிகமாக வாங்கக் கூடியது வியாபாரிகள்தான். வியாபாரிகள் செய்வது ஒரு சேவை. விவசாயிகளுக்கு வியாபாரிகள் வேண்டியதாகத்தான் இருக்கிறது. நடுவில் கமிஷன் எஜெண்ட் என்று ஒரு ஸ்தாபனம் இருக்கிறது. அதுதான் விவசாயிகள் விஷயத்தில் வேண்டாம் என்று சொல்லப்படுகிறது. அவர்கள் மற்ற இடத்தில் இருக்கட்டும். பெர்மிட் வாங்கி அந்நிய நாடுகளுக்கு ஏற்றுமதி செய்வது முதலிய வேலைகளில் ஈடுபட்டும், அதை வேண்டாமென்று சொல்லவில்லை. கமிஷன் எஜெண்ட் என்பது ஒரு தொழில் அல்ல. தொழில் என்றால், அக்க வழியில் ஈடுபடவேண்டும். இந்த மசோதாவின் நோக்கம் என்னவென்றால், விவசாயிகள் தாங்கள் விளைவிக்கிற பொருள்களை விற்பதிலே அவர்களுக்கு நல்ல விலை—நியாய விலை—கிடைக்க வேண்டும், யாரும் அவர்களைச் சுரண்ட இடம் கொடுக்கக் கூடாது என்பது தான். சில இடங்களில் அவர்கள் சுரண்டப்படுகிறார்கள். இந்தச் சட்டம் இன்று நேற்று ஏற்பட்டதல்ல. காங்கிரஸ் ஆட்சி வந்தவுடன்தான் போர் தொடுக்கவில்லை. கனம் அங்கத்தினர் குறிப்பிட்டது போலவே 1933-ம் வருஷத்திலேயே வந்திருக்கிறது இந்தச் சட்டம். அப்போது அவர்கள் கட்சிக்காரர்கள்தான் இருந்தார்கள். அப்போதே கொண்டுவந்து விட்டார்கள் இந்தச் சட்டத்தை. அப்போது கமர்ஷியல் க்ராப்ஸ் சம்பந்தமாகக் கொண்டுவந்தார்கள். கமர்ஷியல் க்ராப்ஸிற்கு மட்டும் ஏன் அந்தச் சட்டம் செய்ய வேண்டும்? அப்போதும் வியாபாரிகள் விட்டுவிட்டார்களா? இல்லை. சப்ரீம் கோர்ட்வரை போனார்கள். ராமநாதபுரத்தில் மார்க் கெட்டிங் சொஸைட்டி ஏற்படுத்தும்போது மத்தியஸ்தம் பேசினார்கள். வியாபாரிகளால் ஒப்புக்கொள்ளப்பட்டது. இருந்தாலும் சப்ரீம் கோர்ட் வரையில் போனார்கள். இதில் தவறு ஒன்றுமில்லை என்று தீர்ப்புக் கொடுக்கப்பட்டது. கமர்ஷியல் கிராப்ஸாக இருந்தாலும், வியாபாரிகள் சுரண்டுகிறார்கள். கமர்ஷியல் கிராப்ஸில் விவசாயிகளுக்கு அதிக வருமானம் வருகிறது. அதிலேயே சுரண்டக் கூடாது என்றால்—விவசாயிகளுக்கு உணவுப் பொருள்களை உற்பத்தி செய்வதில் குறைந்த அளவுக்குத் தான் வருமானம் வருகிறது—அதிக வருமானம் வரக்கூடிய கமர்ஷியல் கிராப்ஸ் விஷயத்திலேயே சுரண்டப்படக்கூடாது என்றால்—அதற்காக அப்போது இருந்த ஆட்சியாளர்கள் ஒரு சட்டத்தைச் செய்தார்கள் என்றால்—அதிக வருமானமில்லாத உணவுப் பொருள்கள் விஷயத்தில் சுரண்டப்படக் கூடாது என்று சட்டம் செய்வதில் தவறு என்ன இருக்கிறது என்று கேட்கிறேன். இந்த மசோதா நிபுணர்கள் கமிட்டியெல்லாம் போட்டு, அவர்களுடைய சிபார்சுகளின் பேரில் உருவாக்கப்பட்டிருக்கிறது. இதிலே வியாபாரிகளுக்கு இடம் உண்டு. சுரண்டாமல் செய்ய வேண்டும். பொருள்களை வியாபாரிகள்தான் வந்து வாங்குவார்கள். வேறு யாரும் வாங்குவதில்லை. ஆனால், அப்படி வியாபாரிகள்தான் வாங்குவது என்றால், அது ஒரு ஒழுங்கான முறையில் நடக்க வேண்டும். விவசாயிகளுக்கு நல்ல விலை கிடைக்க வேண்டும். அதுதான் இந்தச் சட்டத்தின் நோக்கம். முன்பு இருந்த முறையில், வியாபாரிகள் இஷ்டம் போல் விட்டால், என்ன ஆகிறது? அதிக வட்டிக்குப் பணத்தைக் கொடுக்கும் லேவாதேவிக் காரர்கள் இருக்கிறார்கள். அவர்களிடம் இந்த விவசாயிகளை விட்டால் என்ன ஆகிறது? அது எல்லோருக்கும் தெரியும். அதற்காகத்தான் கடன் முதலியவைகளெல்லாம் கொடுக்கக் கூட்டுறவு சொஸைடியெல்லாம் ஏற்படுத்தப்பட்டிருக்கிறது. இங்கே இன்னொன்று. வியாபாரிகள் பழைய முறையில் “மகமை” என்று வாங்குவார்கள். அது எப்படி இருக்கிறது? கடைத் தேங்காயை எடுத்து வழிப் பிள்ளை யாருக்கு உடைக்கிற மாதிரி இருக்கிறது. ஏதோ அந்தப் பணத்தைக் கொண்டு தர்மம் செய்கிறார்கள், வாஸ்தவம்தான். விலை கொடுக்கும் போதே அதைக் கழித்துக்கொண்டு கொடுக்கிறார்கள். தர்மம் செய்யட்டும். அதற்காக விவசாயிகளிடமிருந்து இந்த முறையில் வாங்கித்தான் செய்ய வேண்டும்? எங்கேயோ யாரோ தர்மம் செய்ய இவர்கள் கொடுக்க வேண்டும்.

10th September 1959]

Sri V. V. RAMASWAMI : வழிப் பிள்ளையாருக்கோ கல்லுப் பிள்ளையாருக்கோ ஈடுத்து உடைக்கவில்லை. பொது ஜனங்களுக்குத் தர்மம் செய்வதற்குத்தான் உபயோகிக்கப்படுகிறது. அதனால் சமுதாயம்தான் பயனடைகிறது.

*** THE HON. SRI M. BHAKTAVATSALAM :** விவசாயிகள் தலையில் வைத்துத்தான் தர்மம் செய்ய வேண்டுமா? வேறு வகையில் வசூல் செய்யட்டும். அதுவும் விருதுநகரில் எவ்வளவோ தர்மங்கள் நடக்கின்றன. தர்மத்திற்காக வாரி வழங்குகிறார்கள். நல்ல தர்ம சிந்தனையுள்ள மக்கள் இருக்கிறார்கள். செய்யட்டும். அதற்காக விவசாயிகளிடம் 4 அணு, 3 அணு என்று போட்டு தர்மத்திற்கு வைத்துக் கொள்ளுகிறேன் என்று சொன்னால் அதுதான் வேண்டாம் என்று சொல்கிறது. அதுதான் இந்தச் சட்டத்தில் தடுக்கப்படுகிறது.

இரண்டாவது, விவாதத்தைத் தொடங்கிய அங்கத்தினர் அவர்கள் இந்தக் கூட்டுறவுச் சங்கத்திற்கு ஏன் மார்க்கெட்டிங் கமிட்டி கொடுக்க வேண்டும் என்று சொன்னார்கள். அவருக்கு ஒரு தவறான எண்ணம் ஏற்பட்டிருக்கிறது. ஒரே இடத்தில் மார்க்கெட்டிங் கமிட்டியை இரண்டு பேரும் வைத்துக்கொள்ளலாம் என்பதல்ல கருத்து. எல்லா மாவட்டங்களிலும் மார்க்கெட்டிங் கமிட்டி ஏற்படுத்தவேண்டுமென்று நோக்கம். ஏற்கெனவே கூட்டுறவு மார்க்கெட்டிங் சொஸைடி இருக்கிறது. செலத்தில் செலக் கமிட்டி அங்கத்தினர்களெல்லாம் பார்த்தார்கள். மார்க்கெட்டிங் கமிட்டியில் என்னென்ன செய்கிறார்களோ அதையெல்லாம் கூட்டுறவு மார்க்கெட்டிங் சொஸைடியில் செய்கிறார்கள்.

கோவாப்பரேடிங் சொஸைடி மூலமாகக் கடன் கொடுக்கிறார்கள். இப்பொழுது மார்க்கெட்டிங் கமிட்டியின் அடிப்படை கடன் கொடுப்பது இல்லை. கடன் கொடுக்கக் கூட்டுறவுச் சங்கம் இருக்கிறது. கூட்டுறவுச் சங்கத்தின் மூலம் விவசாயிகள் கடன் வசதி பெற ஏற்பாடு செய்யப்பட்டிருக்கிறது. இந்தச் சட்டத்தின் அடிப்படை என்னவென்றால், விவசாயிகளுக்கு அவர்களுடைய விளைபொருள்களுக்கு நல்ல விலை ஏமாற்றப்படாமல், சுரண்டப்படாமல் கிடைக்கச் செய்ய வேண்டுமென்பதுதான். அதுதான் இந்தச் சட்டத்தின் நோக்கம். அதற்காகத்தான் மார்க்கெட்டிங் கமிட்டி போடுகிறோம். மார்க்கெட்டிங் கமிட்டி செய்கிற வேலையை எல்லாம் கூட்டுறவு மார்க்கெட்டிங் கமிட்டி நல்ல முறையிலே செய்ய முன்வந்தால், அந்த வேலையை ஏற்றுக்கொள்ள முன்வந்தால், இந்தச் சட்டத்தின்கீழ் மார்க் கெட்டிங் கமிட்டி செய்யக்கூடிய வேலைகளையெல்லாம் இந்தக் கூட்டுறவு மார்க்கெட்டிங் கமிட்டி செய்யும் என்ற திருப்தி ஏற்பட்டால்தான், அங்கீகாரம் கொடுக்கப்படுகிறது. ஆகவே, கனம் அங்கத்தினர்கள் இதை ஆட்சேபிப்பதற்கு இடமில்லையென்று சொல்ல விரும்புகிறேன்.

கமிட்டி போடுவதைப்பற்றிக் கனம் அங்கத்தினர் திரு. வி. வி. ராமசாமி அவர்கள் குறிப்பிட்டார்கள். “அதிகமான எண்ணிக்கை விவசாயிகளுக்கு இருக்கிறது, குறைந்த எண்ணிக்கைதான் வியாபாரிகளுக்கு இருக்கிறது” என்று குறிப்பிட்டார்கள். மற்றொரு கனம் அங்கத்தினரும் “தலைவர் ப்ரொட்யூசராகவே இருக்க வேண்டுமென்பது எதற்காக?” என்று கேட்டார்கள். விவசாயிகளுக்கு நன்மை செய்யவேண்டுமென்பதுதான் இந்தச் சட்டத்தின் அடிப்படை. விற்பனை விவசாயத்துக்கு சுவரை வைத்துத்தான் சித்திரம் எழுத முடியும். வியாபாரிகள் சாமர்த்தியசாலிகளாக இருக்கலாம். விவசாயி கஷ்டப்பட்டு, உழைத்து, மூலப் பொருள்களை உற்பத்தி செய்யாவிட்டால், வியாபாரம் எது? அந்த விவசாயிகளுக்குப் பாதுகாப்பு வேண்டும். இந்தச் சட்டத்தின் அடிப்படை விவசாயிகளுக்குப் பாதுகாப்பு கொடுப்பதுதான். அதனால் வியாபாரிகளுக்கு வசதி செய்யவேண்டாமென்ற எண்ணமில்லை. முக்கியமாக விவசாயிகளுடைய பாதுகாப்புக்காகக் கொண்டுவரப்பட்ட சட்டமானதால், இங்கே அதிகமான எண்ணிக்கை விவசாயிகளுடைய பிரதிநிதிகளுக்கும், குறைந்த எண்ணிக்கை வியாபாரிக

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ளுடைய பிரதிநிதிகளுக்கும் என்று போட்டு மார்க்கெட்டிங் கமிட்டித் தலைவராக விவசாயி இருக்கவேண்டுமென்று செலக்ட் கமிட்டியில் மாற்றியமைக்கப்பட்டிருக்கிறது.

“செஸ்” அதிகமாகப் போடுவதுபற்றிக் கனம் அங்கத்தினர் அவர்கள் குறிப்பிட்டார்கள். ஆனால், இந்த மார்க்கெட்டிங் கமிட்டி நடைபெற வேண்டிய வகையில் பணம் தேவையாக இருக்கிறது. கமிட்டி மெம்பர்களை நாமினேஷன் மூலம் நியமனம் செய்ய வேண்டாம், தேர்தல் மூலம் தேர்ந்தெடுக்க வேண்டுமென்று செலக்ட் கமிட்டியில் தீர்மானம் பண்ணியிருக்கிறார்கள். தேர்தல் என்றால், அதற்கு வேறு செலவு இருக்கிறது. விவசாயிதான் விளைவிக்கிறான். நிலம் உள்ளவன் விளைவிக்கிறான். நிலம் இல்லாதவன் என்ன செய்வது? தொழிலாளிகள் என்ன செய்வது? அந்த விளைபொருள்களுக்கு நல்ல விலை கிடைக்க ஏற்பாடு செய்கிறோம். இந்தச் செலவுகளுக்காக, கமிட்டியை நடத்துவதற்காக செஸ் போட்டிருக்கிறோம். ஆகவே, “செஸ்” ஸைக் குறைத்துப் போடவேண்டுமென்று சொல்லுவது சரியல்ல.

கனம் அங்கத்தினர் ஸ்ரீ பதஞ்சலி சாஸ்திரியவர்கள் சில குறைபாடுகளை எடுத்துச் சொன்னார்கள். அவர்கள் செலக்ட் கமிட்டியில் இருந்திருந்தால், நன்றாக இருந்திருக்கும். திருத்தமும் இப்பொழுது ஒன்றும் கொண்டுவரப்படவில்லை. அவர்கள் சொன்னதைப் பார்த்ததிலிருந்து ஒன்றும் தவறுதல் இல்லையென்று தெரிகிறது. 1933-வது சட்டத்தின் வாசகத்திலிருந்துதான் எடுத்துப் போடப்பட்டிருக்கிறது. பல வழக்கறிஞர்கள் பார்த்துத்தான் போடப்பட்டிருக்கிறது. செலக்ட் கமிட்டியில் சொல்லியிருந்தால் கவனித்திருக்கலாம். ஒரு திருத்தம் கொடுத்திருந்தால்கூடப் பார்த்திருக்கலாம். மொத்தத்தில் தவறுதல் இல்லையென்று சொல்ல விரும்புகிறேன். 6-வது செக்ஷன் பற்றிச் சொன்னார்கள். “Nothing contained in sub-section (1) shall apply to a person purchasing notified agricultural produce for his own domestic consumption in any quantity not exceeding that prescribed.” இந்த எக்ஸெம்ஷன் வாங்குவதற்கு மாத்திரமல்ல; Processing weightment எல்லாவற்றுக்கும் போட வேண்டுமென்று சொன்னார்கள். ஒருவர் தன் சொந்த உபயோகத்திற்கு, தானே உட்கொள்ளுவதற்கு, குறிப்பிட்ட அளவுக்கு மேற்படாமல் வாங்க இதில் விதிவிலக்கு என்று போட்டிருக்கிறது. இதில் தவறுதல் இல்லை. அதே மாதிரி இன்னொரு கமிட்டி அமைக்கும் வரையில் இந்தக் கமிட்டி மெம்பர்கள் இருப்பார்கள் என்பது அவசியந்தான். எதிர்பாராது தாமதம் ஏற்படலாம். அதைப் போய்ச் சட்டத்தில் இடம் இல்லையென்று சொல்லக்கூடாது. மற்றப்படி சில குறைபாடுகளைச் சொன்னார்கள். இப்பொழுது இருக்கும் வாசகத்தில் குறை இல்லை. மாற்றுவது என்றால், எப்படி வேண்டுமென்றாலும் மாற்றலாம். ஒரு வழக்கறிஞர் இந்த முறையில் வாசகம் இருந்தால் நல்லது என்று கூறலாம். இன்னொருவர் வேறொரு முறையில் இருந்தால் நல்லது என்று கூறலாம். இரண்டையும் சீர்தூக்கிப் பார்த்து எது சிறப்பாக இருக்கிறதோ அதை ஏற்றுக்கொண்டிருக்கிறோம். ஆகையால், இந்த மசோதாவை ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய உரையை முடித்துக்கொள்கிறேன்.

Mr. CHAIRMAN : The question is—

“That the Madras Agricultural Produce Markets Bill, 1959 (L.A. Bill No. 9 of 1959), 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 4 were put and carried.

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Clause 5.

Mr. CHAIRMAN : The motion is—

“That clause 5 do stand part of the Bill.”

Sri S. K. SAMBANDHAN : Sir, I move the following amendments :—

(i) ‘In clause 5, omit sub-clause (2)’.

(ii) ‘In sub-clause (4) to clause 5, omit the provisos’.

Sri V. V. RAMASWAMI : I second the amendments, Sir.

*Sri S. K. SAMBANDHAN : கனம் தலைவர் அவர்களே, இந்த மசோதாவின் நோக்கத்திலே முக்கியமானது விவசாயிகளுக்கு அதிக நன்மை செய்வது என்று அமைச்சர் அவர்கள் சொன்னார்கள். இந்தத் திருத்தத்தினுடைய நோக்கமும் அதுதான். நானும் இது விவசாயிகளுக்கு அதிகமாகப் பயன்பட வேண்டும் என்று தான் சொல்லுகிறேன். ஆனால், விவசாயிகளுக்காக என்று இந்த மசோதா வந்திருந்தாலும், அவர்களுக்குத் துணையாக இருக்கக்கூடிய வியாபாரிகளுக்கு எந்தவிதமான கஷ்டமும் இருக்கக்கூடாது என்றுதான் சொன்னேனே தவிர, வியாபாரிகளுக்கு அதிகச் சலுகை வேண்டுமென்று சொல்லவில்லை. கூட்டுறவுச் சங்கங்கள் முன்வந்தால், அவைகளும் கூட்டுறவு மார்க்கெட்டிங் சொசைடிகள் நடத்தலாம் என்று கனம் அமைச்சர் அவர்கள் சொன்னார்கள். இப்பொழுது மார்க்கெட்டிங் கமிட்டி இருக்கும் இடத்திலே வேறு கூட்டுறவு மார்க்கெட்டிங் சொசைடி நல்ல விதமாக, திருப்திகரமாக நடத்தினால், அந்த மார்க்கெட்டிங் சொசைடியைத் தடுக்க எந்தவிதமான ஒரு ப்ரொவிஷனும் இந்த மசோதாவில் இல்லை. இதிலே மார்க்கெட்டிங் கமிட்டி அரசாங்கத்தால் நியமிக்கப்பட வேண்டியது ஒன்று. அடுத்தது கூட்டுறவுச் சங்கம் ஏற்படுத்தக்கூடியது. அரசாங்கத்தால் ஏற்படுத்தப்பட்டு வருகிற ஒரு கமிட்டி நடந்து வருகிற இடத்திலே கூட்டுறவு முறையில் ஏற்படுத்தப்படுகிற கமிட்டியும் திருப்திகரமாக இருக்கிறது என்று தெரிந்தால், அவர்களுடைய வேண்டுகோளை நிராகரிக்க இந்த மசோதாவிலே ஒன்றும் இல்லை. கூட்டுறவுச் சங்கங்கள் அதிக நலன்களைச் செய்து வருகின்றன என்பது விவசாயிகளுக்குத் தெரியும். அது நல்ல விதமாக நடந்து வந்தாலும், அதிக வேலை கொடுத்து நல்ல விதமாக வேலை நடக்கவாட்டாமல் செய்துவிடக் கூடாது. அதனுடைய திறமை குறைந்துவிடக்கூடாது என்பது தான் என்னுடைய எண்ணம். ஆகவே, இந்தத் திருத்தத்தை ஏற்றுக் கொள்ளவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

*The Hon. Sri M. BHAKTAVATSALAM : கனம் தலைவர் அவர்களே, நான் முன்பே விளக்கியிருக்கிறேன். விவசாய மார்க்கெட்டிங் கமிட்டியும், கூட்டுறவு மார்க்கெட்டிங் கமிட்டியும் ஒரே இடத்தில் இருக்க வேண்டும் என்பது நோக்கம் அல்ல. மார்க்கெட்டிங் கமிட்டி சாதாரணமாக இருக்கும். கூட்டுறவுச் சங்கம் “மார்க்கெட்டிங் வேலையையும் செய்ய முன்வருகிறோம், நாங்களே எடுத்துக்கொள்கிறோம்” என்று சொன்னால், அரசாங்கத்திற்கும் திருப்தி ஏற்பட்டால், அதை “ரெகக்ஷன்ஸ்” பண்ணுவது என்பது ஏற்பாடு. ஏதாவது ஒன்றுதான் இருக்கும், ஒரு இடத்திலே; இரண்டும் இருக்காது. ஏற்கெனவே திருப்திகரமாக அந்த வேலையைச் செய்துகொண்டு வந்திருந்தால், அதை வைத்துக்கொள்வோம், புறக்கணிக்க வேண்டாம் என்ற முறையிலே இது வரையப்பட்டிருக்கிறது.

Sri S. K. SAMBANDHAN : I withdraw my amendments, Sir. The amendments were, by leave, withdrawn.

Clause 5 was put and carried.

[10th September 1959]

Clause 6.

Mr. CHAIRMAN : The motion is—

That clause 6 do stand part of the Bill."

SRI S. K. SAMBANDHAN : Sir, I move the following amendments :—

"In sub-clause (1) to clause 6, omit the following words, 'set up, establish or use, or continue or allow to be continued, any place for the'".

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

* SRI S. K. SAMBANDHAN : கனம் தலைவர் அவர்களே, 6-வது செக்ஷனிலே "No person shall, within a notified area, set up, establish or use, or continue, or allow to be continued, any place for the purchase or sale, storage, weighing, pressing or processing of any notified agricultural produce, except under and in accordance with the conditions or a licence granted to him by the market committee" என்று இருக்கிறது. ஒரு இடத்தைக் குறிப்பிட்டு இந்த லைசென்ஸ் வாங்கவேண்டிய தேவையை குறிப்பிடுகிறது இந்த செக்ஷன். ஒரு இடத்திற்கு மட்டும் லைசென்ஸ் என்றால், அதிலே லைசென்ஸ் இல்லாமல், உத்தரவு இல்லாமல், பலரும் வந்து பல பெயர்களிலே வியாபாரம் செய்வதற்கு ஏதுவாக இருக்கிறது. அதற்காக 'இந்த இடம்' என்பதை எடுத்துவிட்டு இந்த லைசென்ஸ் செய்யும் ஏந்த நபரும்—அவர் 'பேர்ஸனல்' செய்யவோ, 'பொட்டியல்' செய்வவோ, விற்பவனோ—லைசென்ஸ் பெற வேண்டும் என்று இருந்தால் ஏமாற்றுவதற்கு இடமே இருக்காது என்ற நோக்கத்துடன்தான் இந்தத் திருத்தத்தைக் கொண்டுவந்தேன். இதைக் கனம் அமைச்சர் அவர்கள் ஏற்றுக் கொண்டவர்கள் என்று நினைக்கிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : கனம் தலைவர் அவர்களே, இந்தத் திருத்தத்தை ஒப்புக்கொண்டால், இந்த மசோதா வின் அடிப்படைக்கே முற்றாகப் போய்விடும். லைசென்ஸ் கொடுக்கிற தென்னா, அதிலே சில "பர்சன்கள்" இருக்கின்றன. அதன்படி இருக்க வேண்டும். மனிதன் பேர் மாத்திரம் போட்டால் பிரயோஜனம் இல்லை. ஆகையால், இந்தத் திருத்தத்தை ஏற்றுக்கொள்ள இயலாமைக்கு வருந்துகிறேன்.

The amendment was, by leave, withdrawn.

Clause 6 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 S. K. SAMBANDHAN : Sir, I move the following amendments :—

(i) "In sub-clause (1) to clause 8, for the word 'eighteen', substitute the word 'thirteen'."

(ii) "In sub-clause (3) to clause 8, for the word 'nine', substitute the word 'five'."

(iii) "In sub-clause (5) to clause 8, for the word 'three', substitute the word 'two'."

[10th September 1959]

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

* SRI S. K. SAMBANDHAN : கனம் தலைவர் அவர்களே, இந்த எட்டாவது செக்ஷனிலே, அரசாங்கம் நியமிக்கக்கூடிய கமிட்டிக்கு விமாத்தமாக 18 அங்கத்தினர்கள் என்று குறிப்பிட்டு இருக்கிறார்கள். நான் சில காலம் தென்னாற்காடு மாவட்டக் கமிட்டியில் அங்கத்தினராக இருந்த அனுபவத்தை வைத்துச் சொல்கிறேன் : 18 என்பதைக் குறைத்து 13 என்று போட்டால் நல்லதாக இருக்கும். தென்னாற்காடு கமிட்டியிலே 12 பேர்தான் இருந்தோம். அப்படி இருந்தும், பல கூட்டங்கள் "கோரம்" இல்லாமையால் ஒத்திவைக்கப்பட்டன. 18 பேர் இருந்தால் கூட்டங்கள் ஒத்திவைக்கப்படுகொண்டே போகவேண்டி ஏற்படும். பஞ்சாயத்து போர்டுக் கூட்டங்களுக்குக் கூடச் சாதாரணமாக மெம்பர்கள், தேர்ச்சலின்போது கூட்டிய அளவு உற்சாகத்தோடு வருவதில்லை. 18 பேர்கள் என்று இருந்தால், கூட்டங்கள் அடிக்கடி ஒத்திவைக்கப்படக் காரணமாகும். கூட்டம் ஒத்திப் போகாமல் இருக்க வேண்டும் என்பதற்காகத் தான் எண்ணிக்கையை 13 ஆகக் குறைக்க வேண்டும் என்று ஒரு திருத்தம் கொடுத்திருக்கிறேன்.

என்னுடைய அடுத்த திருத்தம்—விவசாயிகளுக்கும் வியாபாரிகளுக்கும் அதிக வித்தியாசம் வைத்து எண்ணிக்கை குறிக்கப்பட்டிருக்கிறது. அந்த வித்தியாசம் மிகமிக அதிகமாக இருக்கிறது. இந்தச் சட்டம் விவசாயிகளுக்கே அதிக நன்மை பயக்கக்கூடியதாக இருந்தபோதிலும், வியாபாரிகளும் அதிலே சம்பந்தப்பட்டவர்கள்தான். வியாபாரிகள் எதையும் நியாயமாக எடுத்துச் சொல்வதற்கு உரிமை வேண்டுமானால், ஓரளவு அவர்களுக்கும் அந்தஸ்துக் கொடுக்க வேண்டும் என்பதற்காகத்தான் வித்தியாசம் அதிகம் இருக்கக்கூடாது என்று நான் கருதுகிறேன். உதாரணமாக, கடந்த ஆண்டிலே தென்னாற்காடு மாவட்டக் கமிட்டியிலே ஒரு கூட்டம் நடந்தபோது, ஒரு கோணியை வியாபாரி உபயோகப்படுத்துவதாக என்ன கட்டணம் விதிக்க வேண்டுமென்ற பிரச்சனை வந்தது. ஒரு நாளைக்கு என்ன கட்டணம் வாங்குவது என்பதை நிர்ணயம் செய்ய வேண்டுமென்ற தீர்மானம் வந்தது. அந்தத் தீர்மானத்தில் ஒருசில அங்கத்தினர்கள், விவசாயிகளில் ஒரு சிலர், ஒரு நாளைக்கு நான்கு அணு இருக்க வேண்டும் என்ற நியாயமற்ற கோரிக்கையை விடுத்தார்கள். விவசாயிகள் அதிகமாக இருந்துவிட்டால் ஒரு சில காரியங்கள் இம்மாதிரி நடந்தால், அது கொஞ்சங்கூட ஒவ்வாது, நியாயத்திற்குப் புறம்பானது. ஆகையால், வியாபாரிகளுக்கும் தகுந்த எண்ணிக்கை இருக்க வேண்டும் என்பதற்காக விவசாயிகள் ஐந்து பேர்கள், வியாபாரிகள் நான்கு பேர்கள் என்று இருக்கவேண்டும் என்று திருத்தம் கொடுத்திருக்கிறேன். அரசாங்கம் நியமிக்கக்கூடிய நான்கு அங்கத்தினர்கள் இருக்கிறார்கள். அந்த நான்கு அங்கத்தினர்களும் விவசாயிகளாகத்தான் இருப்பார்கள். நான்கு பேர்களிலே எப்படியும் மூன்று பேர்களாவது விவசாயிகளாகத்தான் இருக்க முடியும். அப்படியிருக்கும்போது பெருவாரியான எண்ணிக்கை விவசாயிகளுக்குள்ளே வைத்துக்கொண்டு, இன்னும் வியாபாரிகளுக்கு ஒன்றிரண்டு இடங்களைக் கூட்டிக் கொடுப்பதினால் நஷ்டம் வந்து விடாது. அப்படியிருந்தால் வியாபாரிகளுக்கும் விவசாயிகளுக்கும் நல்லதாக இருக்கும். அதனால் விவசாயிகளுக்கு எந்த நேரத்திலும் இடைஞ்சல் செய்ய மாட்டார்கள் என்பது என்னுடைய நம்பிக்கை. ஏனென்றால், கனம் அமைச்சர் அவர்களுக்கு நன்றாகத் தெரியும், தென்னாற்காடு மாவட்டக் கமிட்டியிலே கடந்த முறை ஒரு வியாபாரிதான் அதனுடைய தலைவராக இருந்து வந்தார். வியாபாரி ஒருவர் தலைவராக இருந்து வந்தபோதிலும், விவசாயிகளாக என்னென்ன செயலேண்டமோ அதைச் செய்தார். ஏனென்றால், இந்தச் சட்டத்தின் முக்கிய குறிக்கோள் விவசாயிகளுக்கு உகவி செய்ய வேண்டும் என்பது தான். அந்தச் சட்டத்தின் கீழ் கூடுமானவரை பின்பற்றவேண்டும், அப்படித்தான் பின்பற்றுவார்கள். ஏதோ ஒரு சில இடங்களில் ஏதாவது தவறு நேர்ந்திருக்கலாம். அதிகாரத்தைத் துஷ்பிரயோகம் செய்திருக்கலாம். அதற்காக, இந்த வித்

[Sri S. K. Sambandhan] [10th September 1959]

தியாசம் அதிக அளவுக்கு இருக்கக் கூடாது என்ற முறையில் அமைந்திருக்கும் என்னுடைய திருத்தத்தை ஏற்றுக்கொள்ள வேண்டுமென்று நான் கேட்டுக்கொள்கிறேன்.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, my hon. Friend wants the number to be reduced to thirteen. The reason given by him is a very relevant one. So far as I can see, where there are a larger number of people, there is a greater chance of a number of people not attending. The Hon. the Home Minister used to say frequently in the meetings of the Committee on the Hindu Religious Endowments Bill that whenever the number of members was greater, there was the chance of not many people attending the meeting and that there was also the chance of the discussion taking place in an indifferent fashion. He added also that when the number was a little reduced, there was the possibility of all members attending. This reason appealed to me. Therefore, I support the amendment of the hon. Member Sri Sambandhan.

The second point that I want to make is that representation should be given to the merchants also. This is a point that should be borne in mind.

SRI M. SESHACHARIAR : Licensees are there.

SRI K. BALASUBRAMANYA AYYAR : Licensees are there. But there is nothing wrong in having dealers. They should be represented.

* THE HON. SRI M. BHAKTAVATSALAM : கனம் தலைவர் அவர்களே, இதுபற்றி செலக்ட் கமிட்டியிலே பரிபூரணமாக விவாதிக்கப் பட்டது. கடைசியிலேதான் இந்த முடிவு ஏற்பட்டிருக்கிறது. “18 அங்கத்தினர்கள்” என்பது “மாஜ்லிம்”. எண்ணிக்கை 18-க்கு மேற்படாமல் இருக்க வேண்டுமென்று போட்டிருக்கிறது என்று எதிரிக் கட்சி உதவித் தலைவர் அவர்களுக்குச் சொல்கிறேன்.

வியாபாரிகளுக்கு இடம் கொடுத்திருப்பது போதாது என்று கனம் அங்கத்தினர் திரு. எஸ். கே. சம்பந்தம் திருத்தம் கொண்டுவந்திருக்கிறார். வியாபாரிகளுக்கு இடம் இருக்கிறது. ஆனால், நான் முன்பே விளக்கினேன் : இந்தச் சட்டமானது விவசாயிகளுக்குப் பாதுகாப்பு அளிப்பதற்கு என்ற அடிப்படையில் கொண்டுவரப்பட்டிருப்பதால், அவர்களுடைய எண்ணிக்கை அதிகமாக இருக்கிறது. வியாபாரிகள் பல தினுசாக இருக்கலாம். உற்பத்தி செய்கின்றவர்கள் பல பேர்கள் இருக்கலாம். எல்லா விவசாயப் பொருளுக்கும் இந்தச் சட்டம் வருகிறது. அதிலே நெல் உற்பத்தி செய்கின்றவர்கள், கடை உற்பத்தி செய்கின்றவர்கள், மஞ்சள் உற்பத்தி செய்கின்றவர்கள், இப்படி “வேரியஸ் இன்டர்ஸ்ட்” ரீக்கு இடம் கொடுக்கவேண்டியிருக்கிறது. சில இடங்களில் 18 வரையில் வேண்டியிருக்கலாம்; சில இடங்களில் குறைத்துக் கொள்ளலாம். ஆகையால்தான், 18 என்று போட்டிருக்கிறது. வியாபாரிகளுக்குப் போட்டது நன்றாக இருக்கிறது. தீர யோசித்துத்தான் இந்த நம்பர் சரியாக இருக்குமென்று போட்டிருக்கிறது.

SRI S. K. SAMBANDHAN : I withdraw my amendments, Sir. The amendments were, by leave, withdrawn.

Clause 8 was put and carried.

Clause 9.

Mr. CHAIRMAN : The hon. Member Sri S. K. Sambandhan has given notice of an amendment to delete this clause. As it is negative in character, it is ruled out of order.

10th September 1959]

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, the clause refers to three categories of persons. The first category refers to persons appointed by the co-operative marketing society from among the producers of the notified agricultural produce. The second category refers to persons appointed by the co-operative marketing society from among the licensed in respect of the notified agricultural produce. The third category refers to the nominees of the Government. The second and third categories should be connected by a conjunction ‘and’. That has been omitted here. It is an accidental omission.

THE HON. SRI M. BHAKTAVATSALAM : It will not be misinterpreted. Therefore, it does not matter. If there is an amendment, I will not mind accepting it.

Clauses 9 and 10 were put and carried.

Clause 11.

SRI S. K. SAMBANDHAN : I do not move my amendment, Sir.

Clauses 11 to 20 were put and carried.

Clause 21.

SRI S. K. SAMBANDHAN : I do not move my amendment, Sir.

“Add the following at the end of item (v) to clause 21 :—

‘Payment of educational and medical concessions to the employees of the market committees as applicable to Government servants of similar status and standing.’”

SRI T. PURUSHOTHAM : I second the amendment, Sir.

* SRI S. K. SAMBANDHAN : கனம் தலைவர் அவர்களே, இந்தத் திருத்தம் ரொம்பவும் முக்கியமானது. கெஜட் பதிவு இல்லாத உத்தியோகஸ்தர்களுடைய குழந்தைகளுக்கு எந்தவிதமான சலுகைகள் அளிக்கப்பட்டிருக்கின்றனவோ அந்தச் சலுகைகள் எல்லாவற்றையும் இந்தக் கமிட்டியில் வேலை பார்க்கிறவர்களுடைய குழந்தைகளுக்கும் அளிக்க வேண்டும் என்பதுதான் என் திருத்தம். இப்படிப்பட்ட ஒரு சலுகையை இதன் முன்னதாகத் தென்னாற்காடு மாவட்ட மார்க்கெட்டிங் கமிட்டியில் ஏற்பாடு செய்யாமல் போய்விட்டது. அசலால் பல “எம்ப்ளாயிஸ் ஆப் தி கமிட்டி” ரொம்ப சிரமத்திற்கு உள்ளாக்கப்பட்டார்கள். அதனால் பல எம்ப்ளாயிகளுடைய குழந்தைகளைப் பள்ளிக்கூடங்களுக்கு அனுப்ப முடியாமல் போய்விட்டது. இந்தச் சலுகையையும் அடைய முடியாமல் போய் விட்டது. ஆகவே, இப்பொழுது அப்படிப்பட்ட சலுகைகளைக் கொடுக்க வேண்டும் என்பதற்காக இந்தத் திருத்தத்தைக் கொடுத்திருக்கிறேன். இப்படிப்பட்ட சலுகை கொடுத்துவிட்டதினால், எந்த விதத்திலும் கமிட்டிக்கு அதிகப்படியான நஷ்டம் ஏற்படுவதில்லை. தென்னாற்காடு மாவட்டக் கமிட்டியில் உள்ளவர்கள் கிட்டத்தட்ட நூறு பேர்கள் இருப்பார்கள். அந்த நூறு பேர் சனின் பிள்ளைகளுக்கும் கல்விக்கு என்று கொடுக்கக் கூடிய சலுகையின் மூலம் பணச் செலவு அதிகமாகிவிடாது என்கிற கருத்தையோட்டி, இந்தத் திருத்தத்தைக் கொடுத்திருக்கிறேன். ஆகவே, இப்படிப்பட்ட சலுகையைக் கொடுக்க வேண்டும் என்பதற்காக என்னுடைய திருத்தத்தைப் பிரேரேபிக்கிறேன்.

[10th September 1959]

* SRI T. PURUSHOTHAM : Sir, on these market committees some Government servants are being deputed to take up appointments. In such cases they will naturally get all these concessions. After hearing the hon. Member Sri S. K. Sambandhan, I find that he is referring to those other than Government servants who are employed on these committees, and that will be governed by item (xi) in this clause. It is clearly stated there that rules may be framed for "such other purposes as may be authorized by the Director or the Government in this behalf by general or special order." If there are funds, the Government should be able to allow these concessions in such cases also. It is not necessary that only the Government servants should have these benefits. Non-Government servants also who are on these committees may be given this concession. Without formal acceptance of this amendment, action can be taken under the rule pointed out by me. I would appeal to the Government to consider the cases referred to by the hon. Mover of the amendment favourably.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, under item (v) of clause 21, there is provision for framing of rules for the purpose of the pay, pensions, leave allowances, gratuities, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servants employed by the market committee. All these terms are there. Therefore, I do not think it is necessary to add some more, and that will be an absolutely indefinite thing. Then whatever the Government provide will have to be provided for them. Whatever it is, that could be considered under this provision. So, there is no need for any amendment.

The amendment was, by leave, withdrawn.

Clause 21 was put and carried.

Clauses 22 to 33 were put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras Agricultural Produce Markets Bill, 1959 (L.A. Bill No. 9 of 1959), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN : Motion moved—

'That the Madras Agricultural Produce Markets Bill, 1959 (L.A. Bill No. 9 of 1959), as passed by the Legislative Assembly, be passed.'

* SRI V. V. RAMASWAMI : கனம் சபைத் தலைவர் அவர்களே, இந்த சமயத்தில் ஒரு விளக்கத்தை மாத்திரம் நான் சொல்லிக்கொள்ள விரும்புகிறேன். கனம் அமைச்சர் அவர்கள் விவரப்படுத்திய பதில் சொல்லும் முறையில், விருதுநகரில் உள்ள வியாபாரிகளுடைய மகமையிலிருந்து இந்த நாட்டில் எவ்வளவோ தரம் காரியங்களைச் செய்துகொண்டு வரும் ஈனர்கள் என்பதைக் கனம் அமைச்சர் அவர்கள் நன்றாக விவரிக்கொண்டிருப்பதற்கு அவருக்கு நான் மனமில்லாத நன்றியைத் தெரிவித்துக்கொள்கிறேன். ஆனால், அதே சமயத்தில் அவர் வியாபாரிகளைப்பற்றிக் கடைத்

[10th September 1959] [Sri V. V. Ramaswami]

தேங்காயை எடுத்து வழிப் பிள்ளையாருக்கு உடைப்பது போன்று இருக்கிறது என்று குறிப்பிட்டது வேடிக்கையாகச் சொன்னாலும் குற்றமாக, கேவலமாகச் சொன்னது போல் இருக்கிறது என்று நினைக்கிறேன். அதற்கு விளக்கம் சொல்லத் தேவையாக இருக்கிறது. நாங்கள் கடைத் தேங்காயை எடுத்து கல்லுப் பிள்ளையாருக்கோ தெருப் பிள்ளையாருக்கோ உடைக்கவில்லை. விருதுநகரில் நடத்தப்பட்டு வரக்கூடிய தருமங்கள் எல்லாம் இந்த மகமை பணத்திலிருந்துதான் செலவு செய்யப்படுகிறதே ஐயம், விவசாயிகளிடமிருந்து வசூல் செய்து செலவு செய்யப்படுவதில்லை. ஒப்படி அங்குள்ள வியாபாரிகள் சமூகம் செய்துவரக்கூடிய தருமமானது நாடு பூராவும் போற்றப்பட்டு வருகிறது. இந்த மகமை நிதி பூராவும் வியாபாரிகளிடத்திலிருந்துதான் வசூலிக்கப்படுகிறது என்ற அபிப்பிராயத்தை மாத்திரம் சொல்லிக்கொள்ள விரும்புகிறேன். வியாபார முறைப் பல் சரக்குகள் எந்த இடத்திலிருந்து வந்தாலும், அது டில்லியிலிருந்து வந்தாலும், அல்லது பக்கத்து ஊரிலிருந்து வந்தாலும், மூட்டை ஒன்றுக்குக் காலணு விதம் தன் கணக்கில் பற்று எழுதிக்கொடுக்க வேண்டும். எல்லோரும் மகமை கொடுத்துத்தான் வியாபாரத்தைச் செய்யவேண்டும். அது எந்த மூட்டையாக இருந்தாலும் சரி, நெல் மூட்டையாக இருந்தாலும் மணலா மூட்டையாக இருந்தாலும், காலணு கொடுத்துவிட்டுத்தான் செல்லவேண்டும். அப்படிக் கொடுத்துவிட்டுத் தன்னுடைய கணக்கில் பற்று எழுதிக்கொள்ள வேண்டும். தருவிக்கின்ற வியாபாரிகள் தன் கணக்கிலிருந்து கொடுப்பதைக் காட்டிலும் விவசாயிகளிடமிருந்து வாங்குவது மிகக் குறைவு. கணக்கெடுத்துப் பார்த்தால், இதில் வித்தியாசம் தெரியும். விவசாயிகளின் சரக்குமீது ஏற்பட்ட விலையைக் குறைப்பதில்லை. எந்த பாக்கி கொடுக்க மறுத்தாலும் மறுக்காவிட்டாலும் மகமைமையக் கொடுத்துத்தான் ஐக்க வேண்டும். அவ்வளவு புனிதமாகக் கருதப்படுகிறது. அதை வைத்துக்கொண்டுதான் தரும காரியங்கள் எல்லாம் செய்யப்பட்டு வருகின்றன. கொடுக்க முடியாதென்று சொல்ல முடியாது. இப்படித் தருமம் செய்து வருவதால்தான் எங்கள் நாடார் சமூகம் பல முறையில் முன்னேற்றம் அடைந்துகொண்டு வருகிறதென்று சொல்லிக்கொள்ள விரும்புகிறேன்.

* THE HON. SRI M. BHAKTAVATSALAM : கனம் தலைவர் அவர்களே, கனம் அங்கத்தினர் சொல்வதை முற்றிலும் ஏற்றுக்கொள்ளுகிறேன். அதை நான் முன்பே உணர்ந்திருக்கிறேன். மகமை பணம் விவசாயிகளிடத்திலிருந்து வசூல் செய்யப்பட்டு வருகிறது என்று நான் சொல்லவில்லை. அப்படி நான் நினைக்கவில்லை. முக்கியமாக, விருதுநகர் வியாபாரிகள் தரம் செய்துகொண்டு வருகிறார்கள் என்பதும் பல துறைகளில் அவர்கள் தரம் காரியங்களைச் செய்துகொண்டு வருகிறார்கள் என்பதும் எனக்குத் தெரியும். அதற்கு என்னுடைய "பார்மல்" பாராட்டு தலைத் தெரிவித்துக்கொள்கிறேன். ஆனால், விவசாயிகளுடைய நிலையில் இந்த வசூலை வைக்கவேண்டாம் என்பதுதான் இந்தச் சட்டத்தினுடைய கருத்து. மகமை இருக்க வேண்டும் என்று ஒருதிருத்தத்தை அந்த மன்றத்தில் கொண்டு வந்ததால்தான், அது வேண்டாம் என்று சொன்னேன். அதற்காகத்தான் அதைக் குறிப்பிட்டேன்.

SRI T. PURUSHOTHAM : Has this 'Mahamai' got additional sales tax?

MR. CHAIRMAN : The question is—

'That the Madras Agricultural Produce Markets Bill, 1959 (L.A. Bill No. 9 of 1959), 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.

[10th September 1959]

APPENDIX I.

[Vide answer to starred question No. 25 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 10th September 1959, page 140 supra.]

(a) In July 1956.

(b) In December 1957.

(c) Out of 50 State Seed Farms originally targetted for acquisition the lands in respect of 39 farms of 25 acres each have been acquired as shown below :—

Serial number and district.					Number of farms acquired.
1	Chingleput	..	..	..	5
2	North Arcot	..	..	..	2
3	Tanjore	..	..	..	14
4	Tiruchirappalli	..	..	..	1
5	Madurai	..	..	..	..
6	Ramanathapuram	..	..	..	..
7	Tirunelveli	..	..	..	..
8	Salem	..	..	..	..
9	The Nilgiris	..	..	..	8
10	Coimbatore	..	..	..	2
11	South Arcot	..	..	..	6
12	Kanyakumari	..	..	..	1
Total ..					39

10th September 1959]

APPENDIX II.

[Vide item V on page 158 supra.]

L.A. BILL No. 9 OF 1959.

(As passed by the Assembly.)

A Bill to provide for the better regulation of buying and selling of agricultural produce and the establishment and proper administration of markets for agricultural produce in the State of Madras.

WHEREAS it is expedient to provide for the better regulation of buying and selling of agricultural produce and the establishment and proper administration of markets for agricultural produce in the State of Madras;

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

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Agricultural Produce Markets Act, 1959.

(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; and different dates may be appointed for different areas and for different provisions of this Act.

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

(i) “ agricultural produce ” includes anything produced in the course of agriculture and any other produce, whether processed or unprocessed, declared by the Government, by notification, to be an agricultural produce for the purposes of this Act;

(ii) “ agriculture ” includes horticulture, fruit growing, and seed growing, and “ agricultural ” shall be construed accordingly;

(iii) “ Collector ” means the Collector of the district in which the notified area is situated or if such area is situated in two or more districts, the Collector of one of those districts designated by the Government in that behalf;

(iv) “ co-operative marketing society ” means any co-operative society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), or under the Travancore-Cochin Co-operative Societies Act, 1951 (Travancore-Cochin Act X of 1952), which has, as its principal object, the promotion of the sale of the agricultural produce grown, reared or produced by its members;

(v) “ Director ” means the Director of Agriculture, Madras, and includes any other person or authority authorised by the Government, by notification, to perform the functions of the Director under this Act for such area as may be specified in the notification;

[10th September 1959]

(vi) "Government" means the State Government;

(vii) "market" means any market established under sub-section (3) of section 5;

(viii) "market committee" means any market committee established under sub-section (1) or sub-section (2) of section 5;

(ix) "notified agricultural produce" means any agricultural produce specified in the notification under section 4;

(x) "notified area" means any area notified under section 4 as altered by any notification under section 7;

(ix) "notified market area" means any area notified under sub-section (4) of section 5 as altered by any notification under section 7;

(xii) "person" means an individual or a company or an association or a body of individuals, whether incorporated or not, and includes a local authority.

Explanation.—In this clause, "local authority" has the meaning assigned to it in clause (20) of section 3 of the Madras Public Health Act, 1939 (Madras Act III of 1939):

(xiii) "producer" means any person who grows, rears or produces by himself or by hired labour or otherwise any agricultural produce, but does not include a dealer or broker in that produce, although he may grow, rear or produce, that produce.

If any question arises whether any person is a producer or not for the purposes of this Act, the decision of the Collector shall subject to the provision of section 34 be final. The decision of the Collector shall be in accordance with such procedure as may be prescribed.

(xiv) "Registrar" means the Registrar of Co-operative Societies, Madras.

3. *Notification of intention of exercising control over purchase and sale of agricultural produce in specified area.*—The Government may, by notification, declare their intention of exercising control over the purchase and sale of such agricultural produce and in such area as may be specified in the notification. Such notification shall state that any objections or suggestions which may be received by the Government, within a period to be specified in the notification, will be considered by them.

A copy of the notification shall be published in such manner as may be prescribed.

4. *Declaration of notified area.*—(1) After the expiry of the period specified in the notification under section 3 and after considering such objections and suggestions as may be received before such expiry, the Government may, by notification, declare the area specified in the notification under section 3 or any portion thereof to be a notified area for the purposes of this Act in respect of any agricultural produce specified in the notification under that section.

[10th September 1959]

A copy of the notification shall be published in such manner as may be prescribed.

(2) A notification published under section 3 or under sub-section (1) shall have full force and effect notwithstanding any irregularity or defect in the publication of a copy of the notification under section 3 or under sub-section (1), as the case may be.

5. *Establishment of market committee.*—(1) The Government shall establish a market committee for every notified area. It shall be the duty of the market committee to enforce the provisions of this Act and the rules and by-laws made thereunder in such notified area.

(2) (a) Notwithstanding anything contained in sub-section (1), where any co-operative marketing society, offers to undertake the enforcement of the provisions of this Act and the rules and by-laws made thereunder in any notified area, it may apply to the Government through the Registrar in such manner and with such particulars as may be prescribed. The Registrar shall after making such enquiry as he deems necessary forward the application to the Government with his remarks thereon.

(b) If, on considering the remarks of the Registrar under clause (a), the Government are satisfied that the co-operative marketing society may fulfil the offer, they may, by order direct the co-operative marketing society to establish a market committee for the notified area concerned.

(3) Every market committee shall establish in the notified area such number of markets providing for such facilities, as the Government may from time to time direct, for the purchase and sale of the notified agricultural produce.

(4) The Government shall, as soon as may be, after the establishment of a market by a market committee under sub-section (3), declare, by notification, the area of the market and such area around the market as may be specified in the notification to be a notified market area for the purposes of this Act in respect of any notified agricultural produce:

Provided that the Government shall include in the notification under this sub-section the area in respect of which any co-operative marketing society which has established a market committee under sub-section (2) carries on its business:

Provided further that the Government may subject to such rules as may be made include in the notification under this sub-section the area in respect of which any co-operative marketing society carries on its business.

6. *Trading in agricultural produce in notified area.*—(1) No person shall, within a notified area, set up, establish or use, or continue or allow to be continued, any place for the purchase or sale, storage, weighing, pressing or processing of any notified agricultural produce, except under and in accordance with the conditions of a licence granted to him by the market committee:

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Provided that the market committee may exempt from the provisions of this sub-section any person who carries on the business of purchasing or selling any notified agricultural produce in any quantity not exceeding that prescribed:

Provided further that a producer selling his notified agricultural produce which has been grown, reared or produced by him, or a co-operative marketing society selling notified agricultural produce which has been grown, reared or produced by any of its members, shall be exempt from the provisions of this sub-section, but the Government may withdraw for such period as may be prescribed such exemption in respect of any such producer or co-operative marketing society or all of them or impose such penalty as may be prescribed.

(2) Nothing contained in sub-section (1) shall apply to a person purchasing notified agricultural produce for his own domestic consumption in any quantity not exceeding that prescribed.

(3) A licence under sub-section (1) may be refused to a person—

(i) whose licence was cancelled and three years have not elapsed since the date of the cancellation;

(ii) who has been convicted of an offence, or been guilty of misconduct affecting the said person's integrity as a man of business;

(iii) in regard to whom the market committee is satisfied after such enquiry as it considers adequate, that he is a *benamidar* for, or a partner with, any other person to whom a licence may be refused under clause (i) or (ii); or

(iv) if the market committee finds that the grant of the licence in respect of any place situated within a distance of five miles from the notified market area is likely to affect the levy of cess under section 18 or the transaction of sale or purchase of the notified agricultural produce in the market.

(4) If a market committee is satisfied, either on a reference made to it in this behalf, or otherwise, that—

(a) a licence granted under sub-section (1) has been obtained by misrepresentation or fraud, or

(b) the holder of a licence has contravened, or failed to comply with, any of the provisions of this Act or the rules or by-laws made thereunder or any of the conditions of the licence, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the market committee may, subject to such rules as may be made under this Act, cancel or suspend the licence, after giving the holder of the licence a reasonable opportunity of showing cause against such cancellation or suspension.

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(5) Any person aggrieved by the decision of the market committee refusing to grant or cancelling or suspending a licence may, within such time as may be prescribed, appeal to the Collector and the Collector may make such order in the case as he may think fit.

(6) A licence granted under sub-section (1) shall be valid for a financial year and shall be renewed from financial year to financial year and the provisions of this Act shall, so far as may be, apply in relation to the renewal of a licence as they apply in relation to the grant of a licence.

(7) Every person to whom a licence is granted under sub-section (1) shall comply with the provisions of this Act, the rules and by-laws made thereunder and the conditions specified in the licence.

7. *Power of Government to alter notified area or notified market area.*—The Government may, by notification—

(a) exclude from any notified area or from any notified market area any area comprised therein, or

(b) include in any notified area or in any notified market area any new area:

Provided that the power conferred by this section shall, in relation to any notified area, be subject to the provisions of section 3.

8. *Constitution of market committee by election.*—(1) Every market committee, other than a market committee established by a co-operative marketing society under sub-section (2) of section 5, shall consist of members not exceeding eighteen and shall be constituted in the manner hereinafter specified.

(2) Each of the following electorates shall elect as members, from among the persons comprising it, to the market committee:—

(a) producers of the notified agricultural produce in the notified area;

(b) persons licensed under sub-section (1) of section 6 in the notified area in respect of the notified agricultural produce.

(3) The number of members to be elected under clause (a) of sub-section (2) shall be nine and the number of members to be elected under clause (b) of that sub-section shall be four.

(4) The Government may appoint to every market committee one producer residing in the notified area on the recommendation of the Registrar to represent co-operative interests.

(5) The Government may appoint to every market committee such number of members as they think fit, not exceeding three;

Provided that where a market committee is established for any notified area for the first time—

(i) the Government shall appoint all the members of such committee for a period of one year; and

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(ii) if before the expiry of the period of one year aforesaid the elections of members to the market committee could not be held or if, for any reason the Government consider it desirable that the market committee should consist solely of members appointed by them, they may extend the term of office of all or any of the members appointed under clause (i), or appoint new members in their places for such period or periods not exceeding one year in the aggregate as they think fit.

9. *Constitution of market committee by co-operative marketing society.*—Every market committee established by any co-operative marketing society under sub-section (2) of section 5 shall consist of the following members, namely:—

(i) nine persons appointed by the co-operative marketing society from among the producers of the notified agricultural produce in the notified area and who are members of the said society,

(ii) four persons appointed by the co-operative marketing society from among the licensed under sub-section (1) of section 6 in the notified area in respect of the notified agricultural produce and who are members of the said society:

Provided that where a market committee is established for any notified area for the first time, the co-operative marketing society shall appoint four persons from among the persons engaged in the purchase, sale, storage, weighing, pressing or processing of the notified agricultural produce in the notified area;

(iii) four persons appointed by the Government.

10. *District Agricultural Officer to be ex-officio member.*—The District Agricultural Officer having jurisdiction over the notified area shall *ex-officio* be a member of the market committee established for such area.

Explanation.—Where there are two or more District Agricultural Officers having jurisdiction over different portions of a notified area, the Government shall decide which of such officers shall be the District Agricultural Officer for the purposes of this section.

11. *Term of office of members, etc.*—(1) (a) The term of office of an elected member shall be five years from the date of occurrence of the vacancy to which he was elected or from the date of his election, whichever is later. The term of office of a member appointed under sub-section (5) of section 8, other than a member appointed under the proviso to that sub-section, shall expire on the date on which the term of office of elected members expires:

Provided that a member elected under clause (b) of sub-section (2) of section 8 shall cease to hold his office if he ceases to be a member of the electorate by which he was elected:

(b) The term of office of the members of a market committee established by a co-operative marketing society shall be three

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Provided that a member appointed under clause (ii) of section 9 shall cease to hold his office if he is not granted a licence or ceases to be licensed under sub-section (1) of section 6 in the notified area.

(2) A member of every market committee other than the *ex-officio* member shall cease to hold his office if he absents himself from three consecutive meetings of the market committee, including meetings which for want of quorum could not be held.

(3) When the seat of any member becomes vacant, the vacancy shall be filled up—

(i) in case he was an elected member, by a person co-opted by the market committee from among the members of the electorate by which the member was elected;

(ii) in case he is a member appointed by a co-operative marketing society, by a person appointed by the said society; and

(iii) in any other case by a person appointed by the Government:

Provided that no casual vacancy shall be filled up within three months before the expiry of the term of office of the elected members.

(4) The member co-opted or appointed to fill up a vacancy under sub-section (3) shall hold office only so long as the member in whose place he is co-opted or appointed would have been entitled to hold office if the vacancy did not occur.

(5) For the purposes of sub-section (2) no meeting of the market committee from which a member absents himself shall be counted against him if due notice of that meeting was not given to him.

(6) Where a person ceases to be a member under sub-section (2) the chairman shall at once intimate the fact in writing to such person and report the same to the market committee at its next meeting. If such person applies for restoration *suo motu* to the market committee on or before the date of the next meeting, or within fifteen days of the receipt by him of such intimation, the market committee 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.

(7) Any member of a market committee may at any time be removed from office by the Government for any of the reasons specified in the rules made under this Act.

(8) Vacancies caused by the expiry of the term of office of elected members of any market committee may be filled at elections

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which may be fixed by the Collector to take place on such days not earlier than two months before the date on which the vacancies arise as he thinks fit.

(9) Every market committee shall elect one of the members who is a producer of the notified agricultural produce in the notified area to be its chairman and another member to be its vice-chairman.

12. *Special provision where there is delay in the reconstitution of new market committee.*—Where the term of office of the members of a market committee has expired and if, for any reason, there is delay in the reconstitution of the market committee those members shall, notwithstanding the expiration of their term of office, continue to hold office and function as members of the market committee until the market committee is reconstituted.

13. *Incorporation of market committee.*—Every market committee shall be a body corporate by such name as the Government may specify, shall have perpetual succession and a common seal, may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in, or been acquired by it, and to contract and to do all other things necessary for the purposes for which it is established.

14. *Sub-committee, special committee and delegation of powers.*—The market committee may appoint one or more of its members to be a sub-committee or to be a special committee for the conduct of any work or to report on any matter and may delegate to any one or more of its members such of its own powers or duties as it may think fit.

15. *Meetings.*—(1) The market committee may, at any time, call a general meeting of the market committee and shall call such a meeting within one month after receipt of a requisition in writing from the Director or from such number of members or proportion of the total number of members as may be specified in the by-laws of the market committee.

(2) If a general meeting is not called in accordance with such requisition the Director shall have power to call a general meeting of the market committee himself.

16. *Appointment and salaries of officers and servants of market committee.*—(1) Subject to such rules as may be made under this Act, a market committee may employ such officers and servants as may be necessary for the management of the market, may pay such officers and servants such salaries as it may think fit and shall have power to control and punish them. The market committee may also provide for the payment to its officers and servants of such leave allowances, pensions, gratuities or compassionate allowances, as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

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(2) The market committee shall, in the case of any servant of the Government whom it employs, make such contributions towards his pension and leave allowances as may be required, by the conditions of his service under the Government, to be paid by him or on his behalf.

(3) The chairman, vice-chairman and every officer or servant of a market committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

17. *Execution of contracts.*—(1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee or if the market committee has been superseded, by the person or persons appointed under sub-section (3) of section 24.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

18. *Levy of cess by market committee.*—(1) Notwithstanding anything contained in the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), the market committee shall levy a cess by way of sales tax on any notified agricultural produce bought or sold in the notified market area at a rate not exceeding fifty naye Paise for every hundred rupees of the aggregate amount for which the notified agricultural produce is bought or sold whether for cash or for deferred payment or other valuable consideration.

Explanation I.—For the purposes of this sub-section, all notified agricultural produce taken out or proposed to be taken out of a notified market area shall, unless the contrary is proved, be presumed to be bought or sold within such area.

Explanation II.—In the determination of the amount of the cess payable under this Act, any fraction of ten naye Paise less than five naye Paise shall be disregarded and any fraction of ten naye Paise equal to or exceeding five naye Paise shall be regarded as ten naye Paise.

(2) The cess referred to in sub-section (1) shall be paid by the purchaser of the notified agricultural produce concerned :

Provided that where the purchaser of a notified agricultural produce cannot be identified, the cess shall be paid by the seller.

(3) The cess levied under sub-section (1) shall be subject to the provisions of Article 286 of the Constitution.

(4) (a) At any time, when so required by any officer or servant of the market committee who is empowered by the Government in this behalf, the driver or any other person-in-charge of any vehicle, boat or other conveyance, which is taken or proposed to be taken out of a notified market area, shall stop the vehicle, boat or other conveyance, as the case may be, and keep it stationary

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as long as may reasonably be necessary, and allow the officer or servant empowered as aforesaid to examine the contents in the vehicle, boat or other conveyance and inspect all records relating to the notified agricultural produce carried, which are in the possession of such driver or other person-in-charge, who shall, if so required, give his name and address and the name and address of the owner of the vehicle, boat or other conveyance.

(b) The officer or servant of the market committee empowered as aforesaid shall have power to seize any notified agricultural produce taken, or proposed to be taken, out of a notified market area in any vehicle, boat or other conveyance, if such officer or servant has reason to believe that any cess, fee or other amount due under this Act in respect of such notified agricultural produce has not been paid. Such seizure shall be forthwith reported by the officer or servant aforesaid to a Magistrate having jurisdiction to try an offence under this Act and the provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), shall, so far as may be, apply in relation to the notified agricultural produce seized as aforesaid as they apply in relation to property seized by a police officer.

19. *Levy of subscriptions for market reports, etc.*—The market committee may, subject to such rules as may be made under this Act, levy a subscription for collecting and disseminating among the subscribers, information as to any matter relating to statistics or marketing in respect of the notified agricultural produce.

20. *Market committee fund.*—(1) All moneys received by a market committee shall be paid into a fund to be called the "Market Committee Fund". All expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund; and any surplus remaining after such expenditure has been met shall be invested in such manner as may be prescribed.

(2) (a) Every market committee shall, out of its fund, pay to the Government the cost of any special or additional staff employed by the Government in consultation with the market committee for giving effect to the provisions of this Act in the notified area.

(b) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the market committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

21. *Purposes for which the fund may be expended.*—Subject to the provisions of section 20, the market committee fund shall be expended for the following purposes only:—

- (i) the acquisition of a site or sites for the market;
- (ii) the maintenance and improvement of the market;

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(iii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;

(iv) the provision and maintenance of standard weights and measures;

(v) the pay, pensions, leave allowances, gratuities, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servants employed by the market committee;

(vi) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;

(vii) the collection and dissemination of information regarding all matters relating to statistics and marketing in respect of the notified agricultural produce;

(viii) schemes for the extension or cultural improvement of the notified agricultural produce within the notified area, including the grant, subject to the approval of the Government, of financial aid to schemes for such extension or improvement within such area, undertaken by other bodies or individuals;

(ix) schemes for grading of agricultural produce;

(x) the expenses of and incidental to elections;

(xi) such other purposes as may be authorised by the Director or the Government in this behalf by general or special order.

22. *No trade allowance permissible except as prescribed by rules or by-laws.*—No trade allowance, other than an allowance prescribed by rules or by-laws made under this Act, shall be made or received in a notified area by any person in any transaction in respect of the notified agricultural produce concerned and no Civil Court shall, in any suit or proceeding arising out of any such transaction, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample, when the purchase is made by sample, or of deviation from standard, when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

23. *Power to borrow.*—(1) Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes for which it is established on the security of any property vested in, or belonging to, the market committee and of any fee or cess leviable by the market committee under this Act. The market committee may, for the purpose

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of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government.

(2) The conditions under which such money or loan shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the Government.

24. *Supersession of market committee.*—(1) If, in their opinion, a market committee is not competent to perform, or persistently makes default in performing, the duties imposed on it by or under this Act, or abuses its powers, the Government may, by notification, supersede such market committee for a period not exceeding one year in the first instance and may, by order, extend, for a period not exceeding one year at a time, the period of supersession so however that the total period of supersession in the case of any market committee shall not exceed four years :

Provided that, before issuing a notification under this sub-section, the Government—

(i) shall give a reasonable opportunity to the market committee of showing cause against the proposal and shall consider the explanations and objections, if any, of the market committee; and

(ii) may, at their discretion, consult such authority or officer as they may deem fit.

(2) Upon the publication of a notification under sub-section (1) superseding a market committee, the following consequences shall ensue :—

(a) all the members as well as the chairman and vice-chairman of the market committee shall, as from the date of such publication, be deemed to have vacated their offices; and

(b) all the assets vested in the market committee shall, subject to all its liabilities, vest in the Government.

(3) When a market committee has been superseded—

(a) the Government may, at their discretion, by order appoint a suitable person or persons to carry out the functions of the market committee and transfer to such person or persons the assets and liabilities of the superseded market committee as on the date of such transfer; and

(b) at any time before the expiry of the period of supersession, the Government may,—

(i) establish a new market committee under sub-section (1) of section 5, or

(ii) direct the co-operative marketing society concerned to establish a new market committee under sub-section (2) of section 5,

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and transfer thereto all the assets and liabilities of the superseded market committee as on the date of such transfer.

25. *Penalties.*—Any person who—

(a) fraudulently evades the payment of any fee, cess, or other amount due from him under this Act or the rules or by-laws made thereunder, or

(b) wilfully acts in contravention of any of the provisions of this Act,

shall be liable to fine which may extend to five hundred rupees, and in the case of a continuing evasion or contravention with a further fine which may extend to one hundred rupees for every day during which the evasion or contravention is continued after conviction therefor.

26. *Liability of accused to pay fee, cess, or other amount.*—Every person who is prosecuted for an offence under section 25 or the rules or by-laws made under this Act shall be liable, on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the fee, cess or other amount due from him under this Act or the rules or by-laws made thereunder, to pay to the market committee the amount which may be due from him on account of such fee, cess or other amount.

27. *Composition of offences.*—The market committee may accept from any person who has committed or is reasonably suspected of having committed an offence against this Act or the rules or by-laws made thereunder, by way of composition of such offence—

(a) where the offence consists of the failure to pay or the evasion of any fee, cess or other amount recoverable under this Act or the rules or by-laws made thereunder, in addition to the fee, cess or other amount so recoverable a sum of money not exceeding five hundred rupees or double the amount of the fee, cess or other amount whichever is greater; and

(b) in other cases, a sum of money not exceeding five hundred rupees.

28. *Power of Magistrate to recover summarily fee, cess or other amount.*—Whenever any person is convicted of an offence under this Act or the rules or by-laws made thereunder, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the market committee, the amount of fee, cess, or other amount due from him under this Act or the rules or by-laws made thereunder and may, in his discretion, also recover summarily and pay over to the market committee such amount, if any, as he may fix as the costs of the prosecution.

29. *Rules.*—(1) The Government may, by notification, make, either generally or specially for any notified area or areas, rules for carrying out all or any of the purposes of this Act.

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(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(i) the election, appointment, co-option and removal of members of a market committee, the preparation and revision of lists of electors; and the payment of all expenditure in connexion with or incidental to elections;

(ii) the election of the chairman and vice-chairman of a market committee and their term of office;

(iii) the filling of casual vacancies in the office of the chairman, vice-chairman or member of a market committee,

(iv) the annual fees that may be levied by the market committee in respect of licences granted under section 6 and the recovery of such fees;

(v) the maximum rates of subscriptions which may be levied by the market committee under section 19 and the recovery of such subscriptions;

(vi) the manner of collection of cess;

(vii) the issue by a market committee of licences to brokers, weighmen, measures and surveyors, the form in which and the conditions subject to which, such licences shall be issued or renewed, and the fees to be charged therefor;

(viii) the kind and description of the scales, weights and measures which alone may be used in transactions in the notified agricultural produce concerned in a notified area;

(ix) the periodical inspection, verification and correction of all scales, weights and measures in use in a notified area and the seizure of scales, weights and measures found to be false;

(x) the trade allowances which may be made or received by any person in any transaction in the notified agricultural produce in a notified area;

(xi) the provision of facilities for the settlement of any dispute between a buyer and seller of the notified agricultural produce or their agents including disputes regarding the quality or weight of the article, the allowances for wrappings, dirt or impurities or deductions from any cause;

(xii) the prohibition of brokers from acting in any transaction on behalf of both the buyer and seller of any notified agricultural produce;

(xiii) the provision of accommodation for storing any notified agricultural produce brought into the market;

(xiv) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;

(xv) the procedure to be followed by a market committee in respect of financial matters generally, including the manner in which, and the restrictions and conditions subject to which, expenditure may be incurred by it.

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(xvi) the form in which the accounts of a market committee shall be kept, the audit and publication of such accounts, and the charges, if any, to be made for such audit;

(xvii) the powers of auditors and the Director to disallow and surcharge items and the recovery of sums so disallowed and surcharged;

(xviii) the institution of provident funds;

(xix) the preparation and submission for sanction of an annual budget and the reports and returns to be furnished by a market committee;

(xx) the investment and disposal of the surplus funds of a market committee;

(xxi) the prevention of adulteration of notified agricultural produce;

(xxii) the maintenance of standards of notified agricultural produce;

(xxiii) the provision for affording facilities for settlement of debts charged on notified agricultural produce;

(xxiv) any other matter which has to be, or may be, prescribed.

(3) Any rule made under this section may provide that any contravention thereof or of any of the conditions of any licence issued or renewed thereunder shall be punishable with fine which may extend to two hundred rupees.

(4) All rules made and all notifications issued under this Act shall, as soon as possible after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

30. *By-laws*.—(1) Subject to any rules made by the Government under section 29 and with the previous sanction of the Director, a market committee may, in respect of the notified area for which it was established, make by-laws for the regulation of the business and the conditions of trading therein;

Provided that where a market committee fails to make by-laws under this sub-section within one month from the date of its establishment, the Director may make such by-laws as he thinks fit and the by-laws so made shall be deemed to be by-laws made by the market committee and may be amended or varied by the Director or, with his previous sanction, by the market committee;

(2) Any by-law made under this section may provide that any contravention thereof shall be punishable with fine which may extend to fifty rupees.

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31. *Power to write off irrecoverable fee, cess, etc.*—A market committee may write off any fee, cess, 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 fees, cess, amount or sum is irrecoverable;

Provided that the market committee shall, before writing off any such fee, cess, amount or sum, obtain the sanction of—

(i) the Director, if the fee, cess, amount or sum exceeds one hundred rupees, but does not exceed such amount or sum as may be prescribed by rules made under this Act; and

(ii) the Government, if such amount or sum exceeds the amount or sum so prescribed.

32. *Trial of offences.*—(1) No offence made punishable by this Act or any rule or by-law made thereunder shall be tried by any court inferior to that of a presidency magistrate or a magistrate of the first-class.

(2) Any prosecution under this Act may be instituted by any person duly authorized in writing by the market committee in this behalf.

33. *Recovery of sums due to Government from market committee.*—All sums due from a market committee to the Government may be recovered in the same manner as arrears of land revenue.

34. *Power of Government to call for records and pass orders.*—

(1) The Government may call for and examine the record of any market committee or of the Director or Collector in respect of any proceeding to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and, if, in any case, it appears to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that, before passing any order under this sub-section, the Government—

(i) shall, if such order is likely to be prejudicial to any person, give such person a reasonable opportunity of making his representations; and

(ii) may, at their discretion, consult such authority or officer as they may deem fit.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

35. *Saving.*—Nothing in this Act shall apply to any place set up, established or continued by or on behalf of the Central Government or any State Government for the purchase, sale, storage, weighment, pressing or processing of any notified agricultural produce or to the purchase or sale of any notified agricultural produce by or on behalf of the Central Government or any State Government.

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36. *Registration of document executed on behalf of a market committee.*—(1) Notwithstanding anything contained in the Indian Registration Act, 1908 (Central Act XVI of 1908), it shall not be necessary for the chairman or any member or officer or servant of a market committee or the person referred to in sub-section (1) of section 17 to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity or on his behalf as provided in section 58 of that Act.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to such chairman, member, officer, servant or person for information respecting the same and shall, on being satisfied of the execution thereof, register the instrument.

37. *Liability of the chairman, vice-chairman and members for loss, waste or misapplication of property.*—(1) The chairman, vice-chairman and every member of a market committee shall be liable for the loss, waste or misapplication of any money or other property owned by, or vested in, the market committee, 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 market committee with the previous sanction of the Director.

(2) Every such suit shall be commenced, within three years after the date on which the cause of action arose.

38. *Repeal.*—(1) The Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933) [in sub-section (2) referred to as "the said Act"] is hereby repealed.

(2) Notwithstanding the repeal of the said Act, any area declared to be a notified area under the said Act shall be deemed to be a notified area under this Act, any market committee established for the said notified area under the said Act and holding office immediately before the date of the commencement of this Act shall be deemed to be a market committee established under this Act for the said notified area, all the members of such market committee shall be deemed to be members appointed by the Government or elected under this Act and any market established under the said Act shall be deemed to be a market established under this Act.

THE MADRAS LEGISLATIVE COUNCIL

Friday, the 11th September 1959.

The House met in the Council Chamber, Fort St. George, at three of the clock, the Vice-Chairman (SRI V. K. PALANISWAMI GOUNDER) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Anti-filariasis Scheme.

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

(a) whether any anti-filariasis scheme has been undertaken by the Government in this State; and

(b) if so, what it is and the special measures instituted to eradicate the disease in epidemic centres?

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

(b) A paper * is placed on the table of the House.

SRI T. PURUSHOTHAM: Will the Hon. the Minister tell us whether the Government have assessed the results so far achieved? Has there been any marked decrease in the incidence of the disease in the districts referred to in the statement placed on the table of the House?

THE HON. SRI M. A. MANICKAVELU: It is too soon to gauge the results. But the operation is being conducted and it will take some time for us to know exactly what the results are.

SRI T. PURUSHOTHAM: Apart from the curative side, will the Hon. Minister tell us what preventive measures are adopted to bring down the incidence of the disease?

THE HON. SRI M. A. MANICKAVELU: The method adopted is this. Mass HETRAZAN therapy and measures directed against the vector species of the mosquitoes have been undertaken. The mass HETRAZAN therapy aims at the reduction of the micro-filarial density from the infected person thereby reducing the quantum of filariasis. The measures directed against the vector species of mosquitoes help further to reduce the transmission of filariasis.

SRI T. PURUSHOTHAM: As it is learnt that there is no proper propaganda material like pamphlets, etc., available with regard to this, will the Hon. Minister consider taking up the question with the Director of Public Health and see that necessary propaganda materials is made available to the public and school children?

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THE HON. SRI M. A. MANICKAVELU : I consider that there has been proper propaganda. I remember the Hon. the Minister for Health himself has started it by swallowing two or three of these pills.

DR. A. SREENIVASAN : In regard to the attack on the vector species by spraying D.D.T. and other associated drugs, may I know whether it is a fact that the mosquitoes have learnt to survive the D.D.T. and have become 'obligatory' to the spraying of D.D.T.?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir. At Kumbakonam the result was not as expected. Mosquitoes were killed but the flies rose in such a large number that they became a greater menace.

DR. A. SREENIVASAN : After some time, these mosquitoes become 'obligatory'. They want D.D.T. in order that they may live. Or else, they die. Here I am quoting the opinion of well-known authorities on anti-mosquito drive.

THE HON. SRI M. A. MANICKAVELU : As a layman understands it, they develop a sort of immunity.

(Mr. Chairman in the Chair.)

DR. A. SREENIVASAN : In regard to the waste of money on HETRAZAN treatment as a prophylactic measure, is it a fact that the reduction of micro-filariasis in the circulation of blood is not sufficient cure for filariasis?

MR. CHAIRMAN : He is asking a medical question.

THE HON. SRI R. VENKATARAMAN : It must be in relation to the question on hand.

DR. A. SREENIVASAN : He said something about all this.

SRI MOHAMED RAZA KHAN : He is appearing for M.D.

Building programmes

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

(a) the number of building programmes sanctioned in Budget Estimates for 1958-59 under the heads 'Medical' and 'Public Health';

(b) whether the work has been completed; and

(c) if not, the reasons for the delay, if any?

THE HON. SRI M. A. MANICKAVELU : (a) 191 under "Medical" and 6 under "Public Health".

(b) 39 schemes under "Medical" and 2 under "Public Health" have been completed.

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(c) The main reasons for the slow progress in the implementation of the schemes are the difficulty in selecting suitable sites and the delay in the preparation of plans and estimates. The latter is due to the shortage of technical staff in the Public Works Department.

SRI T. PURUSHOTHAM : Have sites been selected now and the work taken on hand?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir. We have made much progress. Not only sites have been selected in a good number of cases but we have strengthened the personnel of the technical staff. We are doing all that is possible to expedite these works.

SRI T. PURUSHOTHAM : Will the Government ensure that these works are completed at least in 1959-60?

THE HON. SRI M. A. MANICKAVELU : Anyway before the end of the Second Plan period.

Marshy tract in Santhome.

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

(a) whether there is any proposal to reclaim and improve the marshy tract in Santhome (opposite to Hotel 'Oceanic'), Madras;

(b) if so, the stage at which it now stands; and

(c) the purpose for which the land will be put?

THE HON. SRI R. VENKATARAMAN : (a), (b) & (c) A project of the City Improvement Trust for construction of pucca tenements in the area has been sanctioned under the Slum Clearance Scheme of the Government of India, and the tenements are in various stages of construction. The tenements are intended for rehousing slum-dwellers on the foreshore.

SRI T. PURUSHOTHAM : Has any application been received—I shall be glad if the Hon. Minister tells us if there is any application—from the Madras Sea Bathing Club for the allotment of a site in Santhome Beach and if so, will the Government consider the necessity of providing such an amenity since Elliott's Beach is not within the easy reach of all?

THE HON. SRI R. VENKATARAMAN : I am sorry I am unable to oblige. This is a question which he must address to the Minister for Works. I am only in charge of slum clearance and I do not think sea-bathing comes within the purview of slum clearance.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that persons residing in that area have taken objection to these? If so, what are the reasons for it?

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THE HON. SRI R. VENKATARAMAN: There is objection always to anything that we do. I thought that the objection was not valid at all. They said that sea-breeze would be obstructed. But I am afraid they are content to have the trees in front where the slum-dwellers are likely to be rehabilitated when the slum is cleared.

VIDWAN T. MUTHUKANNAPPAN: ஐயா, அதற்குப் பக்கத்தில் இருக்கிற நிலம் இப்போது சதுப்பு நிலமாக இருந்தாலும் மழை பெய்கிற காலத்தில் நீர் வளமும், மீன் வளமும் உள்ளதாக இருக்கிறது. இதனால் மீனவருக்கு 3, 4 மாதம் வரும்படி கிடைக்கிறது. ஆதலால், அதை மேலும் பள்ளமாக்கி நீர் வளம் உள்ளதாக அரசாங்கம் செய்யுமா?

THE HON. SRI R. VENKATARAMAN: This may be addressed to the Minister in charge of Fisheries.

SRI T. PURUSHOTHAM: Will the marshy soil provide good foundation for the construction of houses as proposed?

THE HON. SRI R. VENKATARAMAN: Ministers are not called upon to tender expert advice. We are called upon to answer questions in relation to what we do. If the question is whether the Minister thinks it is wise to do this, then I will say that I have got expert advice to do so.

SRI MOHAMED RAZA KHAN: Is it not a fact that all along we were given expert advice by our Ministers and that they were kind enough to give that advice?

THE HON. SRI R. VENKATARAMAN: I think on comparison it looks like expert advice.

Distribution of handloom cloth.

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

(a) whether it is a fact that the rebate for handloom cloth is not distributed to the Weavers' Co-operative Societies for the last 10 months;

(b) if so, the reasons therefor;

(c) the total amount of rebate due from 1st June 1958 to 30th March 1959; and

(d) the steps taken by the Government to disburse the same?

THE HON. SRI R. VENKATARAMAN: (a) & (b) The rebate claims from June 1958 to November 1958 have been settled during the current financial year. The claims from December 1958 to March 1959 are being admitted. The claims could not be admitted in time due to inadequacy of allotment of grant from the Government of India.

(c) The backlog of rebate claims as on 31st March 1959 amounted to Rs. 112.67 lakhs.

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(d) The arrears up to 31st March 1959 are being settled in part with the allotment of Rs. 81.01 lakhs in the Budget for 1959-60.

SRI A. J. ARUNACHALAM: வடஆற்காட்டைப் பொறுத்த வரையில் ஆகஸ்ட் வரை கிடைத்திருக்கிறது. மேற்கொண்டு இனி கிடைக்கும். கைத்தறி நெசவாளர்களுடன் தொடர்பு உள்ளவனாக இருப்பதனால், ஏங்கனிடம் உள்ள புள்ளி விவரங்களை வைத்துக்கொண்டு கனம் அமைச்சர் அவர்கள் சொல்ல வேண்டுமென்று கேட்டுக்கொள்கிறேன். சமீபத்தில் மொத்த வியாபாரிகள் சம்பந்தப்பட்ட வரையில் 6 நயா பைசாவிலிருந்து 3 நயா பைசாவாக ரிபேட்டைக் குறைத்திருக்கிறார்கள். கூட்டுறவுச் சங்கங்களுக்கு மொத்தமாக வாங்கி வியாபாரம் செய்வ தானாலே சர்க்குத் தேங்குவது கிடையாது. ரிபேட் குறைக்கப்பட்டால், கூட்டு றவுச் சங்கங்களின் வியாபாரம் குறைந்து போய்விடும். இதனால் துணியும் தேங்கியிருக்கிறது. இந்த வகையில், ஐந்தாண்டு முடிகிற வரையில், ரிபேட் தொடர்ந்து இருக்கவேண்டுமென்று சொல்லுகிறேன். இப்பொழுது குறைத்த ரிபேட்டை மேலும் 6 நயா பைசாவாக ஆக்க கனம் தொழில் அமைச்சர் அவர்களை நடவடிக்கை எடுக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

THE HON. SRI R. VENKATARAMAN: கைத்தறிகளுக்குக் கொடுக்கப்படும் ரிபேட்டைக் குறைத்துவிட்டார்கள் என்று கனம் அங்கத்தினர் போன்றவர்கள் தவறான பிரசாரம் செய்வதுதான் இப்பொழுது கைத்தறித் துணிகள் விற்பனையாகாமல் இருப்பதற்குக் காரணம் என்று நினைக்கிறேன். கைத்தறித் துணிகளை வாங்குவதற்கு ரிபேட் கொடுக்கப் படுகிறது. நாம் போகிற கடையில் 10 ரூபாய்க்குத் துணி வாங்கினால், இந்த ரிபேட் கொடுக்கப்படுகிறது. ஆகவே, சில்லரை வியாபாரிகளுக்கும் இன்னும் நேரடியாகப் போய் வாங்கிய மக்களுக்கும் எந்த அளவு ரிபேட் கொடுக்கப் பட்டதோ அது கொடுக்கப்பட்டு வருகிறது. மொத்த வியாபாரிகள் சம்பந்தப்பட்ட வரையில், 6 நயா பைசாவாக இருந்ததை மூன்று நயா பைசாவாகக் குறைத்திருக்கிறோம். இதற்கு முன்னால் மொத்த வியாபாரிகள் 6 நயா பைசா ரிபேட் வாங்கியிருந்தாலும் அதை அவர்கள் அனுபவித்துக்கொண்டிருந்தார்கள். ரிபேட்டில் வாங்குகிறவர்களுக்கும், சாதாரணமாக வாங்குகிற மக்களுக்கும் அவர்கள் இதைக் கொடுக்கவில்லை. இப்பொழுது மூன்று நயா பைசாவாகக் குறைத்திருப்பது மொத்த வியாபாரிகளைப் பாதிக்காமே தவிர, சில்லரை வியாபாரிகளையும், வாங்கி உபயோகப்படுத்துகின்ற மக்களையும் பாதிக்காது. இப்போது ஓரளவிற்குத் தேக்கம் இருக்கிறதென்று விவரம் வந்திருக்கிறது. ஒரு காலத்தில் வியாபாரம் நன்றாக நடைபெறுவதும் இன்னொரு காலத்தில் வியாபாரம் மந்தமாக நடைபெறுவதும் மாறி மாறி வருவது இயற்கை.

SRI S. K. SAMBANDHAN: கனம் அமைச்சர் அவர்கள் சொன்னதிலிருந்து கழிவுத் தொகை உபயோகப்படுத்துகிறவர்களுக்குப் போய்ச் சேருகிறது என்று சொல்லுகிறார்கள். ஆகவே, கூட்டுறவுச் சங்கங்களிலுள்ள நெசவாளர்களுக்கு எந்த விதத்திலாவது போய்ச் சேருகின்றதா என்பதைக் கனம் அமைச்சர் அவர்கள் கூறுவார்களா?

THE HON. SRI R. VENKATARAMAN: முப்பது கோடி ரூபாய் அளவில் கைத்தறித் துணி விற்பனை ஆகிறது. முன்பு 4 கோடி ரூபாய் அளவில்தான் விற்பனையாயிற்று.

SRI S. K. SAMBANDHAN: 1951-52-ம் வருஷத்தில் கிடைத்த கூலியை விட 1958-59-ல் குறைந்த கூலிதான் நெசவாளர்களுக்குக் கிடைக்கிறது என்பது கனம் அமைச்சர் அவர்களுக்குத் தெரியுமா?

THE HON. SRI R. VENKATARAMAN: இந்தப் புள்ளி விவரம் சரியல்ல.

[11th September 1959]

SRI MOHAMED RAZA KHAN: Are there cases of co-operative societies or private merchants submitting false accounts and returns so that they might get higher amounts? Are there such cases?

THE HON. SRI R. VENKATARAMAN: Sir, the hon. Member is not quite correct. They do not show false returns for higher rebates. But they put up certain transactions which did not take place and claim rebate. (Laughter.)

SRI A. J. ARUNACHALAM: கனம் அமைச்சர் அவர்கள் கொடுத்த தகவலிலிருந்து நவம்பர் மாதம் வரையில் தான் சங்கங்களுக்கு ரிபேட் கொடுக்கப்பட்டதாகச் சொல்லப்படுகிறது. ஆனால், வட ஆற்காடு ஜில்லாவில் பல சங்கங்களுக்கு இன்னும் அந்தக் காலம் வரையில்கூட ரிபேட் கொடுக்கப்படவில்லை. பத்து மாதங்களுக்கு மேல் கொடுக்கப்படாமல் இருக்கிறது. சின்ன மூலதனத்தை வைத்துக்கொண்டு ஆரம்பிக்கப்படுகிற சங்கங்களுக்கு இப்படி ரிபேட் பணம் பூராவும் அரசாங்கத்திலேயே நின்றுருப்பதனால்—பல சங்கங்களுக்கும், நெசவாளர்களுக்கும்—சங்கமான நிலைமை உண்டாகியிருக்கிறது. இந்த நிலையைப் போக்குவதற்கு நமது அரசாங்கம் மத்திய பாங்கு மூலமாகவாவது நெசவாளர்களுக்கு ரிபேட் தொகையை உடனடியாகக் கொடுப்பதற்கு முன் வருவார்களா? அப்படி ஏற்பாடு செய்யும்போதும், வட்டி இல்லாமல் கொடுப்பதற்கு ஏற்பாடு செய்ய முடியுமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN: கனம் அங்கத்தினர் சொன்ன விவரம் அத்தனையும் என்னுடைய தகவலைப் பொறுத்த அளவில் சரியல்ல. சென்னை ராஜ்யத்தில் இருக்கிற எல்லாச் சங்கங்களுக்கும் 1958 நவம்பர் முடியக் கொடுத்தாகிவிட்டது. பாக்கியுள்ள ரிபேட் தொகையையும் கொடுப்பதற்குப் பரிசீலனை செய்துகொண்டிருக்கிறார்கள். வட ஆற்காடு ஜில்லாவைப் பொறுத்த அளவில், தேக்கமோ, வெட்டோ ரிபேட் கொடுப்பதுபற்றிச் செய்யவில்லை. சிலவிடங்களில் கொஞ்சம் காலதாமதம் ஆகியது. ஆகவே, இப்போது எந்த விதமான பாங்கியில் இருந்தும் பணம் வாங்கிக் கொடுக்கவேண்டிய நிலைமை இல்லை. இரண்டாவது, மத்திய சர்க்கார் பணம் கொடுத்த பிறகுதான், நாம் ரிபேட் கொடுப்பது என்கிற நிலைமையும் இல்லை. நம் சர்க்காரே முதலில் கொடுத்து விடுகிறது. அந்தப் பணம் வரும்போது இது அட்டைச் செய்து கொள்ளப்படுகிறது. 1959-ம் வருஷத்திற்குக்கூட நம் நிதியிலிருந்து 81 லட்சம் ரூபாய் ரிபேட் கொடுக்க முன் பணமாக வைத்திருக்கிறோம்.

SRI A. J. ARUNACHALAM: சென்ற வருஷம் திபாவளி காலத்தின் போது ராஜ்யக் கைத்தறி நெசவாளர்கள் பிரதம சங்கத்தின் மூலம் துணியை வாங்குவதற்கு அரசாங்கமே பொறுப்பேற்று சங்கத்தின் மூலம் 25 லட்சம் ரூபாய் சரக்கு வாங்க உதவி செய்தார்கள். அதை நாங்கள் போற்றுகிறோம். அதே நிலையிலே இப்போதும் மாகாண கைத்தறி நெசவாளர்கள் பிரதம சங்கம் அரசாங்கத்திற்கு விண்ணப்பித்துக்கொண்டிருக்கிறது. இதன்படி அரசாங்கம் உதவி செய்ய ஏற்பாடு செய்வார்களா?

THE HON. SRI R. VENKATARAMAN: இந்த யோசனை இப்பொழுது பரிசீலனையிலே இருக்கிறது. முயற்சி எடுக்க வேண்டும்.

Development of hill stations.

* 31 Q.—**VIDWAN T. MUTHUKANNAPPAN:** Will the Hon. the Minister for Finance be pleased to state—

(a) whether there is any proposal before the Government to develop any hill stations like Ootacamund as summer resorts;

(b) if so, what they are; and

(c) the stage at which it stands?

[11th September 1959]

THE HON. SRI C. SUBRAMANIAM: (a) Ootacamund and a few other hill stations are already serving as summer resorts.

(b) & (c) Do not arise.

VIDWAN T. MUTHUKANNAPPAN: மலை வாசஸ்தலங்கள், சகவாசஸ்தலங்கள் இவை ஆடம்பர வாழ்க்கை நடத்துகிறவர்களுக்கும் ஸ்ரீமான்களுக்குமே உரியன என்ற தப்பான எண்ணத்தை மாற்றி சாதாரண மக்களும் மகிழ்ச்சியோடும் ஆரோக்கியத்தோடும் வாழ்வதற்கு இவை முக்கியம் என்ற எண்ணத்தை உண்டாக்குவதற்கு அரசாங்கம் ஏதாவது நடவடிக்கை எடுக்குமா?

THE HON. SRI C. SUBRAMANIAM: மலை வாசஸ்தலங்கள் மட்டும் அல்ல, வாழ்க்கையிலே எல்லாச் சகங்களும் பணக்காரர்களுக்கு மட்டும்தான் என்ற நிலைமை மாறி எல்லா மக்களுக்கும் சமமானதாக உருவாக்கிக்கொண்டு வருகிறது.

VIDWAN T. MUTHUKANNAPPAN: சேலத்திலுள்ள ஏர்க்காட்டையும், குற்றாலத்தையும், செங்கல்பட்டிலுள்ள கம்பாக்கத்தையும் நன்றாகச் சேட்பட்டோ, சாதாரண மக்களும் தங்குவதற்கான சகவாசஸ்தலமாகச் செய்வதுபற்றி அரசாங்கம் நடவடிக்கை எடுக்குமா?

THE HON. SRI C. SUBRAMANIAM: கம்பாக்கம் நம்மிடம் இருக்கப்போகிறதா, ஆந்திராவுக்குப் போகிறதா என்று தெரிய வலை. அதுபற்றிப் பேசவேண்டிய அவசியம் இல்லை. குற்றாலம் இப்பொழுது சாதாரண மக்கள் போய்த் தங்குவதற்கு உரிய வாசஸ்தலமாக உதவுகிறது. இன்னும் இங்குள்ள ஏற்பாடுகளை விரிவுபடுத்த வேண்டும் என்பதுபற்றி முடியுமானால், பரிசீலனை செய்வதற்கு முயற்சி எடுக்கப்படும்.

I Grade Tamil Pandits.

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

(a) whether any teachers formerly employed in Pondicherry have been appointed as I Grade Tamil Pandits in the Cuddalore Municipal High School;

(b) if so, whether any extra expenditure has been incurred on that account; and

(c) whether any audit objection thereto has been raised?

THE HON. SRI C. SUBRAMANIAM: (a) Only one teacher from Pondicherry has been appointed as a Tamil Pandit in the Municipal High School, Cuddalore.

(b) & (c) The extra expenditure to the Municipal Council was due to higher start allowed to the Pandit on account of his past service and experience. The audit objection was only with regard to the fixation of pay of the Pandit in the time-scale of pay. The fixation has been found to be correct and the objection has since been dropped by the Audit Department.

Legislative Council Hall.

* 33 Q.—**SRI MOHAMED RAZA KHAN:** Will the Hon. the Minister for Finance be pleased to state with reference to the answer given to Legislative Council Starred Question No. 1 on 9th September 1958, the stage at which the construction of new Legislative Council Hall at Fort St. George stands at present?

[11th September 1959]

THE HON. SRI C. SUBRAMANIAM : The revised design and plans forwarded by the Chief Engineer (General) in consultation with the Government Architect for the proposed Council Chamber was approved at a Conference of the Hon. Chairman, Hon. Minister for Finance, Hon. Leader of the House (Council), Hon. Minister for Works and the Chief Secretary to Government on 18th March 1959. Detailed estimates have since been received from the Chief Engineer (General) and they are now under consideration.

SRI K. BALASUBRAMANYA AYYAR : I hope the building will come up during our existence?

THE HON. SRI C. SUBRAMANIAM : We always live on hope.

SRI V. V. RAMASWAMI : புதிய கட்டிடம் கட்டப்படுமா அல்லது வேண்டியதில்லை என்ற அபிப்பிராயம் கூட இருக்கிறதா என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : என்னுடைய பதிலிலே படித்த பேர்களுக்கெல்லாம் இதைக் கட்டலாம் என்று முடிவு செய்திருக்கிறார்கள். இனி சர்க்கார் இதை முடிவு செய்ய வேண்டும்.

Aided Elementary Schools' Managers' Association.

* 34 Q.—**VIDWAN T. MUTHUKANNAPPAN :** Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have recently received any memorandum from the Madras State Aided Elementary Schools' Managers' Association; and

(b) if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM : (a) Yes, Sir. A memorandum was received from the Madras State Aided Elementary Schools' Managers' Association explaining the difficulties experienced by aided schools in changing over to the non-fee levying basis in accordance with the recent order of Government.

(b) This representation was considered in consultation with the State Education Advisory Committee and it was decided to liberalise teaching and maintenance grants for 1959-60 in respect of fee-levying schools which decided to become non-fee levying. Orders have been issued accordingly.

VIDWAN T. MUTHUKANNAPPAN : பல ஆசிரியர்கள் வேலை மில்லாமல் கஷ்டப்படுகிறார்கள். அவர்களுக்கு வேலை தர அரசாங்கம் ஏற்பாடு செய்யுமா?

THE HON. SRI C. SUBRAMANIAM : அதைப்பற்றி 41-வது விதியின்கீழ் இப்பொழுது விவாதம் வருகிறது என்று நினைக்கிறேன்.

SRI G. KRISHNAMOORTHY : May I know to what extent the State Advisory Committee has liberalised the grant payable to these managements?

THE HON. SRI C. SUBRAMANIAM : They were eligible for 15 per cent grant but it has now been raised to 20 per cent.

[11th September 1959]

SRI G. KRISHNAMOORTHY : Have the Government ensured themselves that these managements especially in urban areas and the metropolis can meet rents and extra salaries of teachers from this 20 per cent grant?

THE HON. SRI C. SUBRAMANIAM : There is no question of extra salaries of teachers because we have undertaken to pay salaries direct to them. It will be actually salary they are receiving or the salary calculated in the Government scale of pay, whichever is less. It is not a question of meeting other charges of managements like providing accommodation and other things. That is why in specific cases where they have incurred extra expenditure, the Director of Public Instruction has been authorized to sanction amount up to 20 per cent.

SRI T. PURUSHOTHAM : Is the liberalisation only for 1959-60? That is the impression I have gained from the answer given by the Hon. Minister.

THE HON. SRI C. SUBRAMANIAM : Yes, for the present we have taken decision only for 1959-60.

SRI T. P. SRINIVASAVARADAN : It is stated in the memorandum that even the schools which continue to levy fees should still get the Government grant.

THE HON. SRI C. SUBRAMANIAM : But we have taken a decision in consultation with the State Education Advisory Committee that primary education should be free and we should implement it.

VIDWAN T. MUTHUKANNAPPAN : சம்பளத்தை அனுப்பும் போது மணியார்டர் கமிஷனைப் பிடித்துக் கொள்வதினால், ஆசிரியர்கள் மிகவும் பாதிக்கப்படுகிறார்கள். இதைச் சரி செய்ய அரசாங்கம் நடவடிக்கை எடுக்குமா?

THE HON. SRI C. SUBRAMANIAM : Representations have been received and the matter is under the consideration of the Government.

SRI G. KRISHNAMOORTHY : In view of the representations of managements that they are not able to run the school, will the Government kindly consider that all the charges met by these managements by way of rent and contingencies and other things are borne by the Government and that the maintenance grant of 15 per cent is paid to them?

THE HON. SRI C. SUBRAMANIAM : Then I do not know what part the management will play. Once we are prepared to meet all the charges, I do not know where they would stand.

[11th September 1959]

Arms Act.

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

(a) whether the Government were consulted by the Central Government about the liberalisation of the licensing provisions of the Arms Act; and

(b) if so, the recommendation made by this Government?

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

(b) This Government generally agreed to the provisions in the Bill as drafted by the Government of India.

Madras Cinemas (Regulation) Act.

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

(a) the number of cases registered under the Madras Cinemas (Regulation) Act for smoking inside the cinema houses in this State during the year 1958; and

(b) the number registered in Madras City?

THE HON. SRI M. BHAKTAVATSALAM: (a) No such case has been registered as there is no provision to penalise smoking either in the Madras Cinemas (Regulation) Act, 1955, or the rules made thereunder.

(b) Does not arise.

SRI MOHAMED RAZA KHAN: How is it that when there is no provision to penalise smoking inside the cinema houses, in the Madras Cinemas Act, the people who are accustomed to heavy smoking are prohibited from smoking? Is it a Government Order or is it their own order?

THE HON. SRI M. BHAKTAVATSALAM: Action is being taken by the Police under section 40-A of the Madras City Police Act. In the mofussil, under section 12-A of the Places of Public Resort Act, smoking can be prohibited.

DR. A. LAKSHMANASWAMI MUDALIAR: May I know whether it is not a fact that legislation was passed in this House some years ago, preventing smoking inside cinema houses?

THE HON. SRI M. BHAKTAVATSALAM: I have no idea about it but now action has been taken under these two Acts.

SRI MOHAMED RAZA KHAN: May I know what punishment is given to those people who deliberately smoke inside the cinema house where smoking is not allowed.

THE HON. SRI M. BHAKTAVATSALAM: Any person who contravenes the provisions of these sections shall be liable to be ejected summarily from that place or building by any police officer and shall also be punishable with a fine which may extend to Rs. 50.

[11th September 1959]

SRI T. PURUSHOTHAM: Will the amount paid for the ticket be refunded to the person who has been ejected?

THE HON. SRI M. BHAKTAVATSALAM: Any person who has been ejected under sub-section (3) shall not be eligible for refund.

SRI MOHAMED RAZA KHAN: In the case of persons violating the rules deliberately, what is the *modus operandi*? Will the show be stopped till they have been ejected from the cinema house?

THE HON. SRI M. BHAKTAVATSALAM: That is for the policeman on the spot to decide.

Housing facilities.

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

(a) whether there is any scheme before the Government to provide housing facilities for the workers of the Government Press, Madras; and

(b) if so, the number of houses proposed to be built and the estimated cost thereof?

THE HON. SRI V. RAMAIAH: (a) & (b) Yes, Sir. The Government have sanctioned a scheme for the construction of 300 quarters to the workers of the Government Press, Madras, at a total estimated cost of about Rs. 20 lakhs spread over a period of three years.

SRI V. V. RAMASWAMI: அரசாங்க அச்சகத்தில் மொத்தம் எத்தனை ஊழியர்கள் இருக்கிறார்கள்? அனைவருக்கும் வீடு கட்டிக் கொடுக்க உத்தேசமா? படிப்படியாக ஒவ்வொரு ஆண்டிலும் வீடுகள் கட்ட உத்தேசமா?

THE HON. SRI V. RAMAIAH: மொத்த ஊழியர்களின் எண்ணிக்கை இப்பொழுது என்னிடம் இல்லை. எல்லா ஊழியர்களுக்கும் உடனடியாக வீடு கட்டிக் கொடுக்க முடியாது. படிப்படியாகத்தான் கட்டிக் கொடுக்க வேண்டும்.

SRI T. PURUSHOTHAM: Will the Government indicate to us the progress in the construction of quarters and when the houses will be ready for occupation by the workers of the Government Press?

THE HON. SRI V. RAMAIAH: The work has already been taken up. The foundation for the construction was laid as early as 14th January and there is progress. When the houses would actually be ready, at present I am not in a position to say.

MR. CHAIRMAN: Questions are over.

[11th September 1959]

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

II.—ANNOUNCEMENTS.

(1) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN : I have to announce to the House that I have received the message, dated 10th September 1959 from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959), as passed by the Legislative Assembly on the 9th September 1959 and signed by him, for the concurrence of the Council.

(2) ELECTION OF ONE MEMBER TO THE HOUSE COMMITTEE.

MR. CHAIRMAN : I have also to announce to the House that Sri S. K. Sambandhan, M.L.C., is the only candidate duly nominated for election to the House Committee in the vacancy caused by the death of Sri John Asirvatham. As the number of candidates nominated is equal to the number of vacancies to be filled, namely, one, I hereby declare him duly elected to the House Committee.

(3) AMENDMENTS TO THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1959.

MR. CHAIRMAN : I have to inform the House that notices of amendments to the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959) should be sent to the Secretary to the Council before 5 p.m. on Saturday, the 12th September 1959.

III.—CALLING ATTENTION TO THE UNEMPLOYMENT OF TWENTY-FIVE ELEMENTARY SCHOOL TEACHERS IN MADRAS CITY.

* SRI T. PURUSHOTHAM : Mr. Chairman, Sir, under rule 41 (1) of the Council Rules, I invite the attention of the Hon. the Minister for Education to a matter of urgent public importance, namely, the unfortunate condition of 25 elementary school teachers who are left without employment in the City of Madras consequent on the change-over of aided elementary schools as non-fee levying schools and closure of former such institutions. The Hon. the Minister for Education assured the Legislature that no teacher would be put out of job as a result of the new educational policy and it is not known why 25 elementary school teachers in the Madras City have not been provided with employment. I learn that there are similar cases in the mofussil and that the Secretary of the South Indian Teachers' Union has forwarded the list of such teachers in the Madras City and outside who are thrown out of jobs. I am bringing this to the notice of the Hon. Minister so that the Government may take note of the condition of the teachers in such sorry predicament and see what should be done to relieve the distress of these teachers.

[1st September 1959]

THE HON. SRI C. SUBRAMANIAM : Mr. Chairman, Sir, in pursuance of the assurance given by me on the floor of the House that no teacher will be without employment and that no child will be denied facilities for elementary education consequent on the implementation, from 1st June 1959, of the new Government policy of aid to elementary schools, instructions were issued to all officers of the Education Department and to local bodies including the Corporation of Madras to—

(i) open schools in places of those closed down consequent on the Government policy;

(ii) open additional sections to absorb the pupils discharged from fee-levying institutions; and

(iii) absorb the teachers thrown out of employment.

The total number of teachers retrenched in the State were 609 out of whom 140 teachers have been absorbed in local body and private schools. In Madras City, 173 teachers were retrenched. Seventy-five out of these have been absorbed by the Corporation and 37 by private schools. The authorities of the Corporation are taking steps in regard to the appointment of the remaining teachers. The Corporation of Madras has been allotted 200 classes under the Second Plan scheme of opening of additional classes for additional enrolment of pupils so that they may open additional classes wherever necessary. The Government are watching the situation and are taking all possible measures to ensure that all teachers retrenched are provided with employment. I have also asked the Director of Public Instruction to submit fortnightly reports so that I may watch the progress.

IV.—GOVERNMENT BUSINESS.

DISCUSSION ON THE FIRST SUPPLEMENTARY ESTIMATES FOR 1959-60.

* SRI G. KRISHNAMOORTHY : Mr. Chairman, Sir, I am glad the Government through their supplementary demand have accepted full financial responsibility with regard to elementary and secondary education now under the local bodies. We find a sum of Rs. 30 lakhs provided for elementary education and another Rs. 30 lakhs as block grants for secondary education. In fact, that is what I have been pleading for in this House all these years and I welcome this step of Government in undertaking the responsibility, especially the financial responsibility, in respect of all schools whatever the agencies may be, whether they be district boards or aided managements.

While doing so, I really regret and feel sorry that no provision was made for implementing the new policy that has been brought into force by the Government from the 1st of June 1959. The Government had made it clear and the Hon. Minister had stated just now that they had time for planning and thinking. They brought the scheme into force from 1st June 1959. Of the 28 teachers without employment four have since been absorbed and the remaining

[Sri G. Krishnamoorthy] [11th September 1959]

24 are starving for the past three months not knowing when they would get payment for the broken period of service. Also there are cases of teachers who have been absorbed in the Corporation but who are placed on a lower scale on a temporary basis. The Government, when they thought of this policy, should have also thought of the implications. These teachers should be placed on the same scale of pay as they were drawing at the time they were thrown out of employment and they should have been assured of the same service conditions, they enjoyed up till then. It is really a paradox that when teachers are clamouring for higher salaries, their salaries should be reduced by the new policy of the Government. These teachers have been promised a salary which, according to Government, will certainly in some cases be lower than what they were getting. If the Government really want to introduce the Government scale of pay, they can as well say that if the salary drawn by the teachers up to May 1959 had been a little higher, the difference in salary in the case of these individual teachers would be treated as personal pay. It is the established convention and an approved fact that when any new rule comes into force, people who entered service prior to the introduction of the new rule should not be affected and that any difference in pay should be treated as personal pay. I would, therefore, request the Government to come out with an assurance that the teachers thrown out of their jobs would be given jobs and that the period of break in their service would be treated as service in the aided school or the school from which they came and they would be paid the same salary. Some five days before, I had occasion to meet two teachers who said they were starving for the last three months and they had no other go but to squat before my house because they thought that I was responsible in not having brought the facts to the notice of the Government in such a way as to attract the sympathy of our revered Education Minister. I know the Government are doing the right thing and trying to pay the teachers direct. I appreciate this but somehow or other, in the implementation of the new scheme, delays occur to a certain extent. We are prepared to put up with delays and accommodate the Government while they make the necessary adjustments during the transition, but what we say is that in respect of these 24 teachers the Government should come forward with a statement that they would be paid their salaries because they have been thrown out of their jobs for no fault of theirs. They are in suspense every minute of their lives whether they would get a job or not. The Hon. Minister has just now reassured the teachers that they would get the job soon. They should be assured that they would get their salary for the period there was a break in their service. It cannot be a great thing for the Government to address the local bodies, including the Corporation to provide jobs for these teachers and pay these teachers the same scale of salaries as they were drawing in May 1959. This is an expanding department and it cannot be difficult for the Government to give this directive. The Government are starting schools for the benefit of the unemployed under the Central Government Scheme.

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I would request the Government to do these things in respect of teachers who have been thrown out of job consequent on the new policy adopted by the Government. They should be provided with jobs. In respect of teachers who have been absorbed, they should be given the same scale of pay and they should be allowed to enjoy the same service conditions. Teachers must be assured the last pay drawn by them. The argument that they must have received a lesser pay while in management schools cannot hold water. The money order commission should be borne by the schools as the district board does in the case of teachers under their employ.

Lastly there is the provision in the Supplementary Demands with regard to provision of houses for lady teachers in rural parts. Of course, it is a Central Government scheme, the Central Government paying 75 per cent and the State Government paying 25 per cent. About six to nine lakhs of rupees are allotted every year and about 126 houses are to be built. I would like to say that with the same amount which has become a recurring feature for which we are making provision in the Supplementary Demands, teachers in the whole of the State could be given house-rent allowance without any discriminatory treatment being meted out as between teachers and teachers. I hope Government will do this. These are the points I wish to bring to the notice of the Hon. the Minister for Education.

I thank you, Mr. Chairman, for the opportunity given to me to put forward these points.

DR. A. LAKSHMANASWAMI MUDALIAR: Mr. Chairman, Sir, I thought the Hon. the Finance Minister was unduly apologetic in introducing the Supplementary Demands. It is true that the total sum is nearly Rs. 4 crores but I for one will not hesitate to give my support to any Supplementary Budget on the following conditions. In the first place, the Supplementary Budget should be such as could not possibly have been anticipated at the time of the presentation of the main Budget. Secondly, these Supplementary Budgets may under abnormal conditions become a necessity even every year as we are fully aware of the circumstances under which they are brought forward and under the present conditions, new services have got to be initiated during the course of the year which might not have been necessary under the previous circumstances. In view of the Government of India's and the Planning Commission's policy, I entirely agree that the State Government have occasionally to take up schemes which could not have been introduced at the time of the presentation of the main Budget. The third thing I want to suggest is when any Supplementary Budget is presented, it should be possible for the Hon. the Finance Minister to make sure, firstly that the Budget allotment of the previous year will be fully spent and secondly that the amount mentioned in the Supplementary Budget is capable of being expended within the time and resources that the Government

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may have at their disposal, whether it be in the form of appliances or in the form of personnel. If these three fundamental considerations are borne in mind and they are satisfactorily placed before the House, I for one would have no objection to vote the Supplementary Grants even though it may be a sum of Rs. 4 crores. After all, Rs. 4 crores for a Budget of Rs. 65 crores for the whole year is not really as much as one at first sight would probably imagine.

Coming to the details of the Demands. I have a few observations to make. Firstly, let me take the Education Demand. In view of the expanding needs of education, it is but natural that the amount demanded under this head must be on the increasing scale. There is here a Supplementary Demand for payment to 40 Deputy Inspectors of Schools. This is justified on the ground that a large number of single-teacher schools under the Unemployment Relief Scheme have been started and that the inspection work of many of the Deputy Inspectors of Schools has become unduly heavy. I am one of those who believe that the Deputy Inspectors of Schools are performing such routine duties that neither by their appointment nor by their qualifications should they be asked to do. I certainly feel that other sources may be tapped so that, for instance, the Revenue Department or such other department may take charge of these single-manager schools or similar institutions. In fact, I have stressed this point in the Report of the Secondary Education Commission. The system of inspection of educational institutions, secondary schools and even primary schools, requires radical changes so that the academic aspects may be considered to a much larger extent than the mere financial and red tape methods. Education bereft of the academic atmosphere will never progress in the manner in which it ought to if we lay too much emphasis on minor points and audit objections. While I, therefore, do not suggest that when money is misappropriated, we should keep quiet, I feel that the system of inspection of schools, the agency for inspection and the methods of inspection require further consideration at the hands of the Education Minister and such committees as we can have for advice.

Then, Sir, I come to 'Medical'. It is my misfortune—I hope it is not my fault, that whenever I have got to refer to 'Medical', the Hon. Minister in charge of Health has got much more important duties to attend to . . .

THE HON. SRI C. SUBRAMANIAM: He did not know that his subject was going to be referred to.

DR. A. LAKSHMANASWAMI MUDALIAR: But he knows that 'Medical' is an important Supplementary Budget that has been presented and I want to make it clear that whenever Ministers have got these Budgets before them to be presented, it should not be the duty of only the Finance Minister to be present here but that every Minister responsible should be here, if not to participate in the debate, at least to advise the Finance Minister, if the Minister

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concerned thinks that there is something to reply to or cares to reply to observations by the Members of the House. However, I am not going to dwell on that point more.

Under the Employees' State Insurance Scheme, proposals have been made to start the scheme in Sivakasi and Perianaickenpalayam. I am glad of it. At present, I will not comment more upon the scheme for the obvious reason that some Members may know that it will be my duty to examine this scheme and report to the Central Government. All that I will content myself with saying is that at present the Government will take note of the fact that the scheme is being examined and that a report is likely to be presented for whatever it is worth. I have had some little opportunity to examine this scheme in other places and I shall be doing so in this State also. But for the present, I shall only sound, if I may say so, a note of caution that may have to be taken into consideration.

Now, Sir, with regard to the leprosy treatment centres in Wallajah taluk, I have already referred to the large prevalence of leprosy in South Arcot, Chingleput and North Arcot districts. I am glad that at least North Arcot is claiming some little attention at present, as it naturally should. Because the Minister comes from North Arcot, he would know more about leprosy in North Arcot than in any other place. (Interruption.) The Leader of the Opposition had the misfortune or the good fortune to come from North Arcot district, but that is not the point at present. I am not the Minister for Health. I am glad that the Minister is paying attention to this question.

One of the important things that have been taken on hand in regard to 'Medical' is the construction of the Medical College Hostel. I should like to express my grateful thanks to the Government and particularly to the Chief Minister for the broad vision he has in selecting a site much against a great deal of opposition which will ultimately be found to be the most suitable and the best for the purposes of a medical school. In this connection, may I refer to two other factors that have been placed here? One is that so far as the Ophthalmic Hospital is concerned, there is a proposal, I see, to extend it to a neighbouring building which was very famous because it was at one time the quarters of the Superintendent of the Ophthalmic Hospital. I welcome the scheme wholeheartedly. The building is called 'Shawfield'. But there is one thing I wish to suggest and that is a suggestion which I would like to make for all hospitals. Having gone and seen many hospitals in various countries, may I say that at present we lack a policy in regard to hospitals and hospital construction? I am sorry to have to say this. In the first place, in every European country, the out-patient department is not in the same compound as the in-patient department. 'Overcrowding, considerable amount of insanitation, no sort of proper safeguards for the patients' is the theme that I have been dwelling upon. I suggested an advisory

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committee but that did not find favour with the Minister for Health. Therefore, it has been stopped, but may I suggest that the out-patient department of the Ophthalmic Hospital should be located in 'Shawfield' so that the number of patients that come there may be comfortably seated? People with defective vision, people suffering from diseases of the eye, require a little more protection than even others, and in these places—polyclinics as they are called—canteen arrangements may be made for the number of patients who are waiting probably from early morning till late in the afternoon. In that connection, I do not know whether the Government have made up their mind. I hope they have. If not, I would appeal to them to see that the Central Jail is removed from Madras and that that splendid compound is given for hospital facilities, I won't say for the General Hospital, but I am here again saying that it ought to be given to the out-patient department or the polyclinic. One of the chief reasons why inefficiency in the treatment of the in-patients occurs is because a large number of cases that do not deserve and do not require in-patient treatment are admitted because the doctors are afraid of the Members of the Legislature both in the Assembly and in the Council that it may be said that discrimination has been made, that proper attention has not been paid and that a very inhuman attitude has been adopted by the doctors. I can say that the truth is far from that. If that Central Jail were to be converted into a big out-patient department with all the necessary facilities for diagnosis and treatment of emergency cases and there they could have, what is called, a centre for the treatment of accident injuries and urgent cases, with an operation theatre and a small block of about 20 beds, this insistent disturbance of the serious vision cases that are operated in the in-patient department of the hospital would not occur. I can tell you that if any one of the Members of the Legislature—I do not wish them to be there—could spend a night there not as in-patients but as visitors, in some of these post-operation wards, I think he will come back with a great amount of enthusiasm for change, particularly my friend Sri Purushotham. Anyway, this is a suggestion that I want to make.

Another suggestion is that no hospital should exceed in bed-strength 750. It is impossible for any medical staff, nursing staff, to cater to the needs of these patients if the strength is more than 750, and the maximum should never exceed thousand. In the General Hospital, there are already 1,250 beds with 1,800 daily attendance of patients and a small staff of doctors that we have, absolutely insufficient for the purpose, are required to treat these cases. When complaints come that they have not been attended to, they are seriously taken into consideration, but nobody thinks of the remedies that ought to be given to these patients.

There is one other point with regard to the Education portfolio. I see that there is going to be an improvement in the Government Press. I am glad that there is going to be a double shift in the Government Press.

THE HON. SRI C. SUBRAMANIAM: It is already there..

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DR. A. LAKSHMANASWAMI MUDALIAR: I had hoped that at least then, we might get our Reports printed within three or four months after the conclusion of the debates. But I am yet to see the Reports of our meeting at Ootacamund. In Parliament within 24 hours the Reports are to be placed before the Members, and it is only then that we will have a proper debate. But what is happening here? The debates in the Assembly are never brought to our notice excepting too very short, attenuated and—some Members may probably think—incorrect reports in the daily Press. Therefore it is that we suffer under a very severe handicap. My hon. Friends Sri Balasubramanya Ayyar and Sri Mohamed Raza Khan will give notice of a series of amendments, not knowing the fate that has overtaken amendments in the other House. They are wasting the time of the House apart from their own labours in trying to convince a Government which has already been convinced beyond conviction.

3-50
p.m.

SRI MOHAMED RAZA KHAN: I very rarely give notice of amendments.

DR. A. LAKSHMANASWAMI MUDALIAR: Therefore, I suggest that opportunity be taken of getting the Legislature proceedings printed and published at as early a stage as possible through this double shift system.

There is one other thing which has been stated by the Government. They have sanctioned a sum not exceeding Rs. 8,50,000 towards purchase of machinery from East Germany for the printing of nationalised text-books at the Government Press. I for one have not been able to understand what this nationalised text-book is. Are they publications of the Soviet Government or similar Governments which have nationalised text-books or are they text-books prepared by Government agencies? I would respectfully submit that in these days at least nationalised text-books may mean quite a different thing to the readers.

There is a statement here which I welcome. I have repeatedly touched upon this subject and that is, air-conditioning of the operation theatres in the Government Stanley Hospital, Madras. The Government have sanctioned an expenditure of Rs. 1,20,730 for the provision of air-conditioning equipment for the B, C and D operation theatres in the Government Stanley Hospital. God may be willing but the Poojari is not prepared. Here is a statement that the Stanley Hospital is going to have three air-conditioned theatres. Three years ago, the Government stated that they were going to air-condition two theatres in the General Hospital. To this day they have not touched the work and my information is that the Department concerned, the Electricity Department, says that it will not be much sooner than the end of the Third Plan period that air-conditioning will be finished.

THE HON. SRI C. SUBRAMANIAM: Electricity Department?

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DR. A. LAKSHMANASWAMI MUDALIAR : Yes; if it is not the Electricity Department, I do not know what it is. Electric connection is required and that is connected with the Electricity scheme of the Government and it is stated that it will take the end of the Third Plan period to get the necessary equipment for air-conditioning. I know it is a fact and I have verified it up to date that no air-conditioning has been started in these two theatres of the General Hospital whereas we find the 14-storeyed J.I.C. building is air-conditioned, the beautiful Kwaliti Restaurant is air-conditioned and many other theatres—not operation theatres but cinema theatres to which my hon. Friend Mr. Raza Khan referred—are air-conditioned. Not the operation theatres where poor patients in our socialistic pattern of society are to be treated by operations extending over three to six hours. I can say that without fear of contradiction. So, while thanking the Hon. the Minister for Health for providing these amenities, I must hope that they will not be mere paper amenities but amenities which would be actually provided and which we may witness in our lifetime. I hope this criticism will not be taken amiss and something will be done towards provision of these amenities.

I am not at present going into the field of medical relief or medical education. That is too wide a subject and I can only touch upon a few subjects covered by the Supplementary Demands.

With regard to the agricultural question, purchase of Nellore rice, State trading, marketing societies, etc., which are all new enterprises which we are learning in our old age, I may offer my remarks when the Food debate is to take place.

With these remarks, I do not hesitate to support the supplementary statement of expenditure in the way in which I have interpreted it.

*** SRI M. ETHIRAJALU :** தலைவர் அவர்களே, நமது நிதி அமைச்சர் அவர்கள் கொண்டு வந்த உபமான்ய கோரிக்கையில் மூன்று கோடியே தொண்ணூற்று மூன்று லட்சம் ரூபாய்க்குச் சபையின் அனுமதியை கோரி இங்கே சமர்ப்பித்திருக்கிறார்கள். சென்ற பட்ஜெட்டிலேயே பலபல திட்டங்களைப் போட்டு அதற்கென்று சபையின் அனுமதியையும் கோரி பணம் செலவிட்டுக்கொண்டு வருகின்ற நேரத்தில் இப்போது அதிகமாக இருக்கிற செலவை எல்லாம் நன்றாகச் சிந்தித்து, எந்த எந்தத் துறையில் எவ்வளவு பணம் மேலும் செலவாகும் என்பதைப் பரிசீலித்து, இப்போது சுமார் 4 கோடி ரூபாய்க்கு உபமான்ய கோரிக்கை சமர்ப்பித்திருப்பது மிகவும் நியாயமான கோரிக்கை என்று நாம் ஒப்புக்கொள்ள வேண்டியிருக்கிறது. இது அதிகமானது என்று சொல்வதற்கில்லை. ஏனென்றால் இந்த உபமான்யக் கோரிக்கையைப் பார்க்கும்போது, சுகாதாரத் திட்டங்களுக்காகவும், போலீஸ் நூற்றாண்டு விழாவுக்காகவும், ஆசிரியைகளுக்கு வீடு கட்டுவதற்காகவும் என்று இந்த மாதிரியான முக்கிய காரியங்களுக்குச் செலவிடுவதற்காகத்தான் இந்தப் பணம் கோரப்படுகிறது. நாட்டின் முன்னேற்றத்திலே, சமுதாய வளர்ச்சியின் அடிப்படையிலே இந்தத் திட்டங்கள் போடப்பட்டிருக்கின்றன. இவற்றை ஏற்கனவே செய்யத் தவறிவிட்டதால், இப்போதாவது செய்யவேண்டும் என்று பணம் கோருகிறார்கள் என்றாலும், இதுவும் செய்ய வேண்டிய கடமைகளில் ஒன்று என்ற நினைவு நமக்கு இருக்கவேண்டும். ஆகவே, இந்த 4 கோடி ரூபாய் இப்போது எதற்கு என்று சொல்லிவிட முடியாது என்று குறிப்பிட ஆசைப்படுகிறேன்.

[11th September 1959] [Sri M. Ethirajalu]

உபமான்யக் கோரிக்கையில் உள்ள ஒவ்வொரு இனத்தையும் நுகர அலசிப்பார்த்தால், மிகச் சிக்கனமாகவே காரியங்கள் செய்யப்படுகின்றன என்பது தெரியும். குறிப்பாக, போலீஸ் நூற்றாண்டு விழாவுக்காக ஒவ்வொரு ஜில்லாவிலும் இரண்டாயிரம் ரூபாய்தான் செலவழித்திருக்கிறார்கள். இன்னும் கொஞ்சம் அதிகமாகவே நாட்டின் முன்னேற்றத்திற்கு, நாட்டின் சுபிட்சத்திற்கு, அமைதி, பாதுகாப்பு ஏற்படுத்துவதற்குப் பணியாற்றி வருகிற அந்த இலாகாவின் கொண்டாட்டத்திற்குச் செலவிட்டிருக்கலாம். இந்த விழாவினால் நாட்டு மக்களுக்குப் போலீஸ்காரர்களைக் கண்டாலே இருந்த பயம் தெளிந்து அவர்கள் நம்முடைய வாழ்வைப் பாதுகாக்க இருக்கிற நண்பர்கள் என்கிற உறுதி நன்கு ஏற்படுத்தப்பட்டது. ஆங்கில அரசாட்சி காலத்தில் அவர்களைக் கண்டு மக்கள் பயந்தது போல, சுதந்திர சர்க்காரில் பயப்பட வேண்டாம் என்பதை நன்கு விழாவில் காட்டினார்கள். அப்படிப்பட்ட விழாவிற்கு நாம் குறைவான தொகையை ஒதுக்கியிருக்கிறோம்.

அடுத்தபடியாக, பாம்பிக்குளத் திட்டத்திற்காக 50 லட்சம் ரூபாய் ஒதுக்கியிருக்கிறார்கள். இதிலே ஒன்று நான் கேட்டுக்கொள்ள ஆசைப்படுகிறேன். தென்னாற்காடு ஜில்லாவில் 1912-ம் வருஷத்திலேயே பெரிய பட்டு என்கிற வாய்க்காலை வெட்டித் திட்டம் ஒன்று வெள்ளையர் காலத்தில் பரிசீலனை செய்யப்பட்டது. அதற்காக இரண்டரை லட்சம் ரூபாய் செலவாகும் என்று வெள்ளைக்காரர்கள் காலத்திலேயே செலவழிக்கத் தீர்மானித்திருக்கிறார்கள். அதை நிறைவேற்றுவதற்கு இப்போதாவது நமது சர்க்கார் நடவடிக்கை எடுக்க வேண்டும் என்று நான் முன்பே பல தடவை கூறியிருக்கிறேன். நாளைய வரையில் அதைப்பற்றி எவ்வித நடவடிக்கையும் எடுத்திருப்பதாகத் தெரியவில்லை என்று நிதி அமைச்சர் அவர்களுக்குச் சொல்ல ஆசைப்படுகிறேன். அவர்களும் அவர்களுடைய பதிலில் இவ்விஷயத்தைப் பூராவும் எழுதி அனுப்பினால் தான் பரிசீலித்து ஆவன செய்வதாக ஒப்புக் கொண்டிருக்கிறார். இம்மாதிரி முக்கியமான 3,400 ஏக்கர் பாசன வசதி பெறக்கூடிய திட்டங்களை அலட்சியப்படுத்தினால், நாம் உணவுப் பற்றாக்குறையை எப்படிச் சமாளிக்க முடியும்? இம்மாதிரி பல திட்டங்கள் எங்கெங்கு மறைந்து கிடக்கின்றன என்று பரிசீலித்து, அவைகளை யெல்லாம் உடனடிக்குடன் எடுத்து முடிப்பதற்கு அரசாங்கம் முன்வர வேண்டும். ஏனென்றால் பாசனத்துறையிலே செலவிடப்படுகின்ற தொகையை இந்த அளவிலே நம் நாட்டுக்கு வேண்டிய உணவுத் தேவையை பூர்த்தி செய்வதற்குத்தான் ஒதுக்குகிறோம். இங்கு துறையிலே மேலும் மேலும் கவனம்செலுத்தி எங்கெங்கே பாசனத் துறையில் அபிவிருத்தி செய்யாமல் விடப்பட்டிருக்கிறதோ அதை எல்லாம் பரிசீலித்து ஜில்லாவாரியாக திட்டங்கள் நிறைவேற்றப்படவேண்டும். அதற்காகப் பல லட்சக்கணக்கான ரூபாய்கள் ஒதுக்கினாலும்கூட நிச்சயமாக இது பற்றி யாரும் குறை கூற முடியாது.

அடுத்தபடியாக, அண்ணாமலைப் பல்கலைக்கழகத்தைச் சேர்ந்த தென்னாற்காட்டில் உள்ள பல பயிற்சித் தொழிற்சாலைக்கும் கன்னியாகுமரியில் உள்ள பல பயிற்சித் தொழிற்சாலைக்கும் பணம் ஒதுக்கவேண்டியிருக்கிறது. இது மிகவும் முக்கியமானது. தமிழகத்திலே 20 பல பயிற்சித் தொழிற்சாலைகள் இருக்கிறதென்று அறிக்கை கூறுகிறது. இப்படி இருக்கும் நேரத்திலே தென்னாற்காடு ஜில்லாவிலே தொழில் பயிற்சி பெறுவதற்கு இண்டஸ்ட்ரியல் ஸ்கூல் ஒன்றுதான் இருக்கிறது. தவிர பாலிடெக்னிக் ஒன்று கூட இல்லை. இதை எல்லாம் பரிசீலித்துப் பார்த்து எந்தெந்த ஜில்லாவில் இல்லையோ அங்கெல்லாம் உடனடி பாலிடெக்னிக் ஏற்படுத்த வேண்டுமென்று தாழ்மையுடன் கேட்டுக்கொள்ளுகிறேன். அங்கு இருக்கும் இண்டஸ்ட்ரியல் ஸ்கூலை யாவது பாலிடெக்னிக்காக மாற்றி அமைக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இங்கே நெய்வேலி பெரிய தொழிற்சாலை இருக்கிறது. அவர்களையாவது இந்த பல பயிற்சித் தொழிற்சாலை ஏற்படுத்துவதற்கு நமது மாநில சர்க்கார் கேட்டுக் கொள்ளவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

4 p.m.

[Sri M. Ethirajalu]

[11th September 1959]

அடுத்தபடியாக, மத்திய தர வகுப்பினருக்கு வீடு கட்டுவதற்கு 21 லட்சம் ரூபாய் ஒதுக்கப்பட்டிருக்கிறது என்று இங்கே குறிப்பிடப்பட்டிருக்கிறது. மத்திய தர வகுப்பினருள்ளே, மிகவும் கீழ் நிலையிலுள்ள நாட்டு மக்களுக்கு நல்ல பணி செய்யும் தொழிலில் ஈடுபட்டுள்ள தொழிலாளர்களுக்குக் குறைந்த அளவிலாவது வீடுகள் கட்டுவதற்கு இதுவரை அரசாங்கம் முன் வராதது மிகவும் விசனிக்க வேண்டிய விஷயமாகும். ஏதோ மத்திய தர வகுப்பினருக்குக் கூட்டுறவுச் சங்கங்கள் மூலம் வீடு கட்டிக் கொடுக்கிறோம் என்று சொல்வதைக் காட்டிலும் இம்மாதிரி அல்லும் பகலும் அயராது உழைக்கும் சலவைத் தொழிலாளர்களுக்கும் வீடுகள் கட்டிக்கொடுக்க வேண்டுமென்று தாழ்மையுடன் கேட்டுக் கொள்கிறேன்.

அடுத்தபடியாக, ஜில்லா போர்டுகளுக்கு 60 லட்சம் ரூபாய் ஒதுக்கி அதில் 40 டெபுடி இன்ஸ்பெக்டர் ஆப் ஸ்கூல்ஸ்-ஐ நியமிக்கப்போகிறார்கள். கிராமங்களில் ஓராசிரியர் பள்ளிகள் நடந்து வருகின்றன. இப்போது பள்ளிகள் சரியாக நடைபெறவில்லை என்று பொது மக்கள் சொல்லுகின்ற இந்த நோத்தில் அவைகளைச் சரியாகக் கண்காணிப்பதற்காக நியமிக்கப்பட்டிருப்பது மிகவும் பொருத்தமாகும். இதனால் பள்ளிகள் இனி சரியாக நடைபெறும் என்று நம்புவதற்கு இடமிருக்கிறது. ஆகவே, இந்த உபமாய்ச் கோரிக்கை இங்கு கோரப்படுவது மிகவும் நியாயமானது, இதை ஆதரிக்கிறேன் என்று சொல்லிக்கொண்டு என் வார்த்தைகளை முடித்துக்கொள்கிறேன்.

(Srimathi Jothi Vencatachellum in the Chair.)

SRI MOHAMED RAZA KHAN: Madam, the expenditure involved in the Supplementary Demands is nearly Rs. 4 crores and the hon. the Leader of the Opposition has rightly raised the point whether it would be in order for the Government to spend such a huge amount in the first Supplementary Budget. As far as this year is concerned, the Hon. the Minister for Finance in his statement the other day said that the Government were forced to incur heavy expenditure because of the tempo of work. He has in his own way explained how certain schemes could not be completed before the main Budget was drawn up and how these schemes were felt to be urgent and necessary so as to be included in the Supplementary Budget. Hon. Members of the House are aware that at Ootacamund we passed the Contingency Fund (Amendment) Bill, raising the amount from Rs. 75 lakhs to Rs. 150 lakhs. We had our doubts then that it would give the Government a fillip to spend as much as possible under the supplementary estimates and draw the amount from the enhanced fund. If the hon. Members would go through most of the items given in the Supplementary Demands, they will find that a lot of money has been drawn out of the fund and spent in anticipation of the sanction of the Legislature. While the Hon. Minister is within his rights to say that he had to spend these amounts, I feel there will be a tendency on the part of the officers, even in respect of important items, to push them through under the Supplementary Demands.

THE HON. SRI C. SUBRAMANIAM: I am wondering whether the hon. Member followed his leader's speech.

SRI MOHAMED RAZA KHAN: For what I have followed I put it in that way.

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Take, for instance, one item of expenditure under the Police Department. It is not as if the department thought of the Centenary Celebrations only at the fag-end of the year or the beginning of this year. If they had known it earlier, why is it included in the Supplementary Demands? They could have thought of it two years in advance and had the scheme included in the main Budget. Surely the Hon. the Finance Minister would have passed that item in the main Budget. It is the same thing with the Parambikulam Project also. It is not as if I object to the heavy expenditure. When they have taken credit for Rs. 45 lakhs in the main Budget, could they not have anticipated that it would not be sufficient for them and asked for more? My point is to impress on the Hon. Minister not to allow the tendency on the part of the officers not to finalise the scheme before the end of the year but to depend on the Supplementary Budget.

Then, there are one or two matters about which I want to say a few words. Under 'District Administration and Miscellaneous', the Government propose to purchase 58.35 acres of land in a village near Lattice Bridge. The idea is good. I think it is intended to put up buildings in that place. I would like to know which will be the agency through which the lands will be allotted, whether the Government themselves will do it or whether it will be entrusted to some other agency. I want the Hon. Minister to throw some light on it.

Then, there is the question of grants to the Annamalai University. I would like to know whether the proposals were not made by the University even last year and whether they were made only at the beginning of this year. If the proposals had been sent to the Government last year itself, they could have been included in the main Budget itself instead of being taken over to the Supplementary Budget. Nothing could be said about the proposals of the University. It is a necessity and the Government were right in passing them. While on this point, I would also like to know whether any proposals for additional hostel accommodation were sent to the Government by the University. I do not know whether it comes within the purview of this Demand. I am told that the very purpose of a residential University is lost as long as so many students reside outside the University precincts. For example, the students of the Engineering College have to make their own arrangements because there is no accommodation for them inside the University campus.

It is a good thing that the Government of Madras are going to participate in the 'World Agriculture Fair' to be held at New Delhi. But the amount demanded for the purpose is Rs. 5 lakhs. I would like to know when such a huge amount is to be spent, whether the results would be commensurate with the amount we are going to spend. My idea is not to belittle the importance of the exhibition. It is a 'World Agriculture Fair'. However, I

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do feel that the sum of Rs. 5 lakhs seems to be heavy unless the Hon. Minister has his own reasons for sanctioning such a huge amount.

With regard to the Capital Outlay on Civil Works, the hon. the Leader of the Opposition pointed out, while appreciating the idea of air-conditioning some of the operation theatres in the Stanley Hospital, the delay in executing the work. While I am glad that some theatres will be air-conditioned in the Stanley Hospital, the Government should also realise the urgent necessity of air-conditioning the various theatres in the General Hospital. Whatever the difficulties, I am sure the Government will see to it that the work is executed at the earliest.

Then, on page 37 of the statement of Supplementary Demands, we find a small item to the extent of Rs. 4,000. It relates to deterioration of dhall confiscated and stored during the pendency of the trial. The officer of the department ought to have been aware that it should be properly stored during the pendency of the trial. However, a sum of Rs. 4,000 had to be paid to the party as the dhall deteriorated. I would like to know whether any action was taken against the person concerned for dereliction of duty and the amount recovered or whether Government feel that it is a routine thing and that no action is called for.

4-10
p.m.

Sir, now I would like to refer to the payment of Rs. 7 lakhs out of the amount which we are getting from the Life Insurance Corporation, to the City Improvement Trust. From what I know, the City Improvement Trust has been doing very well and it has got its own developmental activities. But I would like to know from the Hon. Minister concerned—because I find everyday in the newspapers, tenders being invited for the construction of new houses by the City Improvement Trust—to whom these houses are being allotted. When we talk of scarcity of housing accommodation in the City of Madras, why not these houses which have been built or are being built by the City Improvement Trust be allotted to the Government officials? I would also like to know what is the trouble which the Government of Madras are having over the activities of the City Improvement Trust, particularly when it is an important body and when a lot of money has been spent by that body. I would like to be enlightened on the point, viz., what happens to the buildings which are being constructed by the City Improvement Trust.

Sir, now I come to the last item. A loan of about Rs. 24 lakhs has been given to the Madurantakam Co-operative Sugar Mills. It is a very nice thing and it is in keeping with the policy of both the State and the Central Governments to have as many sugar mills as possible throughout India and particularly in this State which is deficit as far as sugar is concerned, as pointed out by the Hon. the Minister for Agriculture. But I find from a Press report

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that even before the mill got started, one set of Directors stated that it should be located in a particular place, and that so many disputes like that have arisen and that the matter has even gone to the High Court for decision. What are the reasons for their failing to get loan from the Industrial Investment Corporation of India or from some other Central financial agency? When the Government gave a big loan of about Rs. 24 lakhs, were they themselves satisfied that it would be utilised properly and efficiently by the mills? Our past experience is that in the case of some of the co-operative ventures, such loans were given and that later on it was found difficult to get them back. I am sure that in this case the Hon. the Minister for Finance would have been satisfied about it.

THE HON. SRI C. SUBRAMANIAM: It is only a temporary accommodation and I think by this time it would have been returned.

SRI MOHAMED RAZA KHAN: Sir, in conclusion, I may say that some of the loans asked for are really intended for schemes which may be necessary but, however, as I said in the earlier part of my speech, the Government should try as far as possible to include most of the items in the usual Budget instead of bringing them under the Supplementary Demands.

*SRI A. J. ARUNACHALAM: மாடம் வைஸ் சேர்மன், நிதி அமைச்சர் அவர்கள் கொண்டு வந்திருக்கும் கோரிக்கையை நான் மனப்பூர்வமாக ஆதரிக்கிறேன். நிதி அமைச்சர் அவர்கள் எனது சந்தேகத்தை நிவர்த்தி செய்ய வேண்டும் என்பதற்காக நான் பேச முன்வந்திருக்கிறேன். இந்த வருஷம் வட ஆற்காடு ஜில்லாவிலும், கன்னியாகுமரி ஜில்லாவிலும் புதிதாகப் பாலிடெக்னிக் ஆரம்பிக்க ஏற்பாடு செய்திருக்கிறார்கள். இந்தப் பாலிடெக்னிக் மத்திய அரசாங்கத்தின் உதவி மூலம் ஆரம்பிக்கப்படுகிறது. வட ஆற்காடு ஜில்லா மக்களின் சார்பாக நான் இதை மகிழ்ச்சியுடன் வரவேற்கிறேன்.

கடந்த 3, 4 வருஷங்களாக குடியாத்தத்தில் ஒரு செல்வந்தரின் உதவி மூலம் ராஜகோபால் எஜுகேஷனல் டிர்ஸ்ட் சார்பாக ஒரு பாலிடெக்னிக் ஆரம்பிக்க ஒரு திட்டம் இருக்கிறது. அதற்கு அரசாங்கம் கோரும் 3 லட்சம் 75 ஆயிரம் ரூபாய் ஒதுக்கப்பட்டிருக்கிறது. செலவிற்கு இப்பொழுது தேவைப்படும் 50 ஆயிரம் ரூபாயும் கொடுக்க சம்மதித்திருக்கிறது. அங்கு அந்த பாலிடெக்னிக்கை ஏற்படுத்த வேண்டும் என்று அரசாங்கத்திடம் ஏற்கனவே விண்ணப்பித்துக்கொண்டிருக்கிறோம். சென்ற சட்ட சபைக் கூட்டத்தின்போது நிதி அமைச்சரும், தொழில் அமைச்சரும், அதைப்பற்றிப் பிளானிங் போர்டுக்குச் சிபாரிசு செய்து அனுப்பியிருப்பதாகச் சொன்னார்கள். அதைப்பற்றி டிர்ஸ்ட் போர்டுக்கும் தகவல் கொடுத்திருந்தார்கள். இந்த வருஷம் மே மாதம், ஜூன் மாதம் ஆரம்பத்தில் உத்திரவு வரும் என்று ஆர்வத்துடன் எதிர்பார்த்துக்கொண்டிருந்தார்கள். அதைப்பற்றி எத்தகைய தகவலும் தெரியவில்லை. குடியாத்தத்தில் அந்தப் பாலிடெக்னிக் எப்போது ஆரம்பிக்கப்படும் என்பதை நிதி அமைச்சர் அவர்கள் தெரிவிக்கவேண்டும். அது சீக்கிரம் வருவதற்கான வசதிகளைச் செய்து கொடுக்கவேண்டும் என்று கேட்டுக்கொண்டு என்னுடைய பேச்சை முடித்துக்கொள்கிறேன்.

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* **SRI P. S. KRISHNASWAMY AYYANGAR:** தலைவி அம்மையார் அவர்களே, இந்த சப்ளிமெண்டரி பட்ஜெட் சம்பந்தமாக, அடிப்படையான கொள்கைகளைப்பற்றி நான் ஒன்றும் சொல்லப்போவதில்லை. பல அபிவிருத்தித் திட்டங்களை சர்க்கார் எடுத்துக்கொண்டிருப்பதன் காரணமாக, பல வகைகளில் செலவு அதிகரிக்கும் காரணத்தால், இந்தச் சப்ளிமெண்டரி பட்ஜெட் கொண்டுவரப்பட்டிருக்கிறது. பல விஸ்தரிப்புத் திட்டங்கள் இருப்பது நிஜம். இப்படிப் பல அபிவிருத்திகள் இருந்தும் கூட, சில குறைகள் இருக்கின்றன. என்னுடைய கவனத்திற்கு இரண்டு குறைகள் கொண்டுவரப்பட்டிருக்கின்றன. அந்தக் குறைகளை வெளியிட்டு என்னுடைய பேச்சை நிறுத்திக் கொள்கிறேன்.

முதல் முதலாக, இப்போது சர்க்கார் நேரடியாக உணவுப் பொருள் வியாபாரத்தை எடுத்துக்கொண்டிருக்கிறார்கள். அரிசி விலை கட்டுப்படுத்தப் பட்டிருக்கிறது. மானுமதுரையில் இரண்டு சப்ஸிடைஸ் ஹாஸ்டல்கள் இருக்கின்றன. ஒன்று பெண்களுக்கான ஹாஸ்டல், மற்றொன்று ஆண்களுக்கான ஹாஸ்டல். அரிசி விலைக் கட்டுப்பாடு ஏற்படுவதற்கு முன்பு, விலையைப் பொருட்படுத்தாமல் தாராளமாக அரிசி வாங்க முடிந்தது. அரிசியின் விலையைக் கட்டுப்பாடு செய்தவுடன், அவர்களுக்கு அரிசி கிடைப்பதில்லை. அந்த ஊரில் நியாய விலைக் கடை நடத்தும் பொறுப்பைக் கோவாப்பேரேடிவ் ஸ்டோர்ஸுக்குக் கொடுத்திருக்கிறார்கள். அந்தக் கோவாப்பேரேடிவ் ஸ்டோரில் தனித்தனி மனிதர்களுக்கு ஒரு நாளைக்கு 1 படி கொடுக்கப்படுகிறது. ஆகவே, ஹாஸ்டல் போன்ற ஸ்தாபனங்களுக்கு அரிசி கிடைப்பதில்லை. அவர்கள் ரொம்பவும் கஷ்டப்படுகிறார்கள். இதைப் பற்றித் தாசில்தாரிடம் போய்க் கேட்டால் வேறு வியாபாரிகளுக்கு உத்தரவு அனுப்பியிருக்கிறோம் என்று சொல்கிறார்கள். சரியான காலத்தில் உத்தரவு வருவது இல்லை. ஆகவே, ஹாஸ்டலில் அரிசி கிடைப்பது மிகவும் கஷ்டமாக இருக்கிறது. அங்கு இருக்கும் குழந்தைகள் மிகவும் கஷ்டப்படுகிறார்கள். ஆகவே, நியாய விலைக் கடையில் அவர்களுக்குத் தேவையான அரிசி கொடுக்கும்படி சர்க்கார் உத்தரவு போடுமாறு கேட்டுக் கொள்கிறேன்.

அடுத்தபடியாக, மானுமதுரையிலிருந்து மதுரைக்கு பஸ்வரில் ஜன நெருக்கடி அதிகமாக இருக்கிறது. அங்கே பஸ் சர்வீஸ் குறைவாக இருக்கிறது. ராமநாதபுரத்திலிருந்து மதுரைக்கு பஸ் சர்வீஸ் இருக்கிறது. ஆனால் மானுமதுரை ஊடேயிருப்பதால் அங்கு இருக்கும் ஜனங்களுக்கு பஸ்வரில் இடம் கிடைப்பதில்லை. மானுமதுரை வாசிகள் இதைப்பற்றித் தங்கள் கோரிக்கையைக் கொடுத்திருக்கிறார்கள். அது என்னவென்றால், மதுரையிலிருந்து மானுமதுரைக்கு ஷண்டிங் பஸ் சர்வீஸ் விட வேண்டும் என்பது. மதுரையிலிருந்து இரண்டு ஷண்டிங் பஸ்களும், மானுமதுரையிலிருந்து இரண்டு ஷண்டிங் பஸ்களும் இப்பொழுது இருப்பதைவிட உபரியாகத் தினந்தோறும் விடவேண்டும் என்று அவர்கள் கேட்டுக்கொண்டிருக்கிறார்கள். மாலை 6 மணிக்கு மேல் மதுரையிலிருந்து மானுமதுரைக்கு பஸ் சர்வீஸ் கிடையாது. ஆகையால், அவர்கள் ரொம்பக் கஷ்டப்படுகிறார்கள். இரவு பன்னிரண்டு மணிக்குத்தான் ரயில், இரவு 12 மணி வரையில் காத்திருந்து கஷ்டப்படவேண்டியிருக்கிறது. பஸ் சர்வீஸ் இந்தப் பகுதியில் அதிகமாக விடுவதற்கு சர்க்கார் முன்வரவேண்டும் என்பதாக நான் கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.

***DR. A. CHIDAMBARANATHAN:** துணைத் தலைவர் அவர்களே, துணை மதிப்புப் பட்டியலில் சில பகுதிகளைப்பற்றி மாதிரி குறிப்பிட விரும்புகிறேன். சரியான முறையில் அரசாங்கம் தன்னுடைய செலவினத்தை ஆக்கிக்கொள்ள முற்பட்டிருக்கிறது என்றாலும்கூட, தன்னுடைய முதல் வரவு செலவுத் திட்டத்திலேயே நல்ல முறையில் செலவுகளை எல்லாம் எதிர்பார்த்துத் தயாரித்திருக்குமானால், எதிர்பாராத செலவுகள் என்று இப்போது கோர வேண்டிய அவசியம் ஏற்பட்டிருக்காது என்று குறிப்பிட விரும்புகிறேன்.

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எதிரிக் கட்சித் தலைவர் சிலவற்றை எடுத்துச் சொன்னார்கள். ஒன்றிரண்டு நான் எடுத்துக்காட்ட விரும்புகிறேன். உலக வேளாண்மைக் காட்சிக்காக டெல்லியில் நடக்கவிருப்பதில் பங்குகொள்ள நமது அரசாங்கத்தார் இப்போது 5 லட்சம் ரூபாய் கோரியிருக்கிறார்கள். இந்த வேளாண்மைக் காட்சி நடத்துவதுபற்றி அரசாங்கத்திற்குச் சமீபத்தில்தான் செய்தி தெரியும் என்று சொல்ல முடியாது. இதைப்பற்றிய பேச்சுகள் கட்டாயம் முன்பே நடந்திருக்க வேண்டும். அப்படி இருக்கிறபோது, மார்ச் 31-ந்தேதிக்கு முன்பாகவே கொடுக்கப்பட்ட முதல் பட்ஜெட் திட்டத்தில் இதைப் பற்றிக் குறிப்பிட்டு ஐந்து லட்சம் ரூபாய் வேண்டும் என்று என் கோரியிருக்கக்கூடாது என்றுதான் எனக்குத் தெரியவில்லை. அதே போலப் போலீஸ் துறாருண்டு விழா இவ்வாண்டு கட்டாயம் நடைபெறப்போகிறது என்பது போலீஸ் மந்திரிக்காவது அவசியம் தெரிந்திருக்கும். இதற்காகக் கோரப்படும் ஒரு லட்சத்து பதினேழாயிரம் ரூபாய் சொச்சத்தை மார்ச்சு மாதம் கொண்டுவரப்பட்ட பட்ஜெட்டிலேயே சேர்த்துச் சபையின் அங்கீகாரத்தைப் பெற்றிருந்தால், எவ்வளவு நன்றாக இருக்கும் என்று தோன்றுகிறது. இப்படிப்பட்ட செலவினங்களை எல்லாம் எதிர்பார்த்திருக்க முடியாது என்று நினைப்பதற்கில்லை. இவற்றையெல்லாம் முன்கூட்டியே வகைப்படுத்தி முதல் பட்ஜெட்டிலேயே கொண்டு வந்திருப்பார்களேயானால், நல்ல முறையில் தயாரித்தார்கள் என்று பெருமைப்பட்டிருக்க முடியும். ஆனால், அதிகாரிகளால் அப்போது சரியான முறையில் கவனம் செலுத்தப்படவில்லை, நிர்வாக இயந்திரம் சரியான முறையில் இயக்கப் படவில்லை என்று குறிப்பிட விரும்புகிறேன்.

விவசாயிகளுக்கு 175 எண்ணெய் இயந்திரங்களையும், 475 மின்சார மோட்டார்கள்ையும் வாங்கி வழங்குவதற்காக 1958-59-ம் ஆண்டு வரவு செலவுத் திட்டத்தில் பத்து லட்சம் ரூபாய் ஒதுக்கினார்கள். ஏற்குறைய அதே அளவுத் தொகை இந்த ஆண்டும் வாங்கி வழங்குவதற்கு அவசியம் என்பதை அதிகாரிகள் முன்கூட்டி அறியவில்லையா? அல்லது அப்படி வாங்க வேண்டியது இல்லை என்ற முடிவின் பேரில் 1959-60-ம் ஆண்டு வரவு செலவுத் திட்டத்தில் ஒதுக்காமல் விட்டார்களா? சரியான முறையில் அதைப் பரிசீலனை செய்து பணம் ஒதுக்காமல், இப்போது துணை மானிய கோரிக்கையில் சென்ற ஆண்டு வாங்கிய அதே எண்ணிக்கை என்னுடைய களையும், மின்சார மோட்டார்களையும் வாங்கி அளிப்பதற்கு என்று பத்து லட்சத்து என்பதினாயிரம் ரூபாய் கோரியிருக்கிறார்கள். இது கொஞ்சம் கூட சரியே இல்லை. சென்ற ஆண்டு வாங்கிக் கொடுத்தது போல, இந்த ஆண்டும் வாங்கிக் கொடுக்கும்படி வரும் என்று எதிர்பார்த்துப் பட்ஜெட்டில் பணம் ஒதுக்கவில்லை என்றால், நிர்வாக இயந்திரம் சரியான முறையில் எதிர்பார்த்துச் செலவினங்களை வகுக்கவில்லையென்றுதான் தெரிகிறது.

நான் முன்பும் சொல்லியிருக்கிறேன். சில இனங்களில் தேவைக்கு மேல் சட்டசபையில் பணம் கேட்பது, அவசியமான திட்டங்களுக்குப் பணம் கோராமல் விடுவது, இவையெல்லாம் சரியான முறையில் பட்ஜெட் தயாரிப்பதில் நிர்வாக இயந்திரம் செயல்படவில்லை என்பதைத்தான் புலப்படுத்துகின்றன என்று. தனிக்கையாளரின் அறிக்கையை எடுத்துப் பக்கம் பக்கமாகப் புரட்டிப் பார்த்தாலும், இது நன்றாகத் தெரிகிறது. ஒவ்வொரு ஊறையில் பணம் எவ்வாறு வீணாக்கப்படுகிறது என்பது நன்றாகத் தெரிகிறது. தனிக்கையாளரின் அறிக்கையை அரசாங்கம் நன்கு கவனித்துத் தக்க நடவடிக்கை எடுத்துக்கொள்ள வேண்டும் என்பதாகக் கேட்டுக் கொள்கிறேன். அதில் பல செய்திகள் குறிப்பிடப்பட்டிருந்தாலும், நான் இங்கே ஒன்றினைச் சுட்டிக்காட்ட விரும்புகிறேன். தேவைக்கு மேல் அதிகமாகச் சட்ட சபையில் கோருகிறார்கள் என்பதற்கு ஓர் எடுத்துக்காட்டு. நூல் நிலையத்தின் சட்டத்தின்கீழே, நாம் கொடுக்க வேண்டிய பணத்திற்காக ஐந்தே முக்கால் லட்சம் ரூபாய் தேவை என்று கோரினார்கள். உண்மையில் ஐந்தே முக்கால் லட்சத்திற்கு மேலே அந்த ஆண்டில் செலவழிக்கப்படவேயில்லை. அப்படி இருந்தும் கூட, ஒண்ணைகால் லட்சம் ரூபாய் அதனோடு கூட்டித் தரவேண்டும் என்று சென்ற துணைக் கோரிக்கையில் (சப்ளிமெண்டரி டிமாண்டில்) கோரப்பட்டது. ஆக, மொத்தத்தில் அந்த இனத்திற்காக 7 லட்சம் ரூபாய் ஒதுக்கப்பட்டிருந்தும் கூட உண்மையில்

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ஐந்தரை லட்சம் ரூபாய்தான் செலவழிக்கப்பட்டிருக்கிறது என்பதை நமக்குப் புள்ளி விவரம் காட்டுகிறது. இப்படி ஒரு இனத்தில் அதிகப் பணம் ஒதுக்கப்பட்டு செலவழிக்கப்படாமல் இருந்திருப்பதை வேறு ஒரு நல்ல காரியத்திற்காக அது ஒதுக்கிச் செலவிடப்பட்டிருக்கலாமே என்பதைத் தான் காட்டுகிறது.

இன்னொன்று குறிப்பிட விரும்புகிறேன். டெபுடி இன்ஸ்பெக்டர்களை நியமிப்பதுபற்றி அரசாங்கத்தின் கொள்கை என்ன என்பதை அறிய வேண்டும். சட்டமன்றக் கல்வி ஆலோசனைக் குழு செய்திருக்கும் முடிவு என்னவென்றால், அதிகப்படியான டெபுடி இன்ஸ்பெக்டர்களை நியமிக்க முடியாததால், பஞ்சாயத்து போர்டுகளுக்கு இந்த நிர்வாகத்தை விட்டுவிட வேண்டும் என்பதுதான். இப்படி ஒரு பக்கத்தில் ஒரு முடிவு செய் திருக்கவும், இதைப்பற்றித் திட்டவட்டமாக ஒரு கொள்கையை அறிவிக்காது, இப்போது 40 அதிகப்படியான துணைப் பார்வையாளர்களையும், 40 எழுத்தாளர்களையும், 40 உடனான்களையும், 40 கடை நிலை ஊழியர்களையும் நியமிப்பது என்று, அதற்காக ஒரு லட்சத்து எழுபத்திரண்டாயிரம் ரூபாய் கோரியிருப்பது பொருத்தமில்லாதது என்று சட்டிக் காட்ட விரும்புகிறேன்.

இன்னொன்று, வேறெதனுள் அரசாங்கத்துக்குத் திறமையிருந்தாலும் இல்லாவிட்டாலும், கட்டாயம் வியாபாரம் செய்வதில் அரசாங்கத்திற்குச் சாமர்த்தியம் இல்லையென்பதைத் தணிக்கையாளர்களின் அறிக்கையைப் பார்த்துத் தெரிந்துகொள்ளலாம். இப்போது நெல்லூர் அரிசி 2,000 டன் வாங்க வேண்டும் என்பதற்காக 12½ லட்சம் ரூபாய் கோரப்படுகிறது. அதை அனுமதிப்பதற்கு முன் ஒரு செய்தியைச் சபையினர் கவனிக்க வேண்டும். 1956-57-ம் ஆண்டு தணிக்கை அறிக்கையிலிருந்து, நமக்கு அரசாங்கம் அப்போது தானியங்களை வாங்கி விற்பனை செய்ததன் காரணமாக, 2½ லட்சம் ரூபாய் அரசாங்கத்திற்கு நஷ்டம் என்று தெரிகிறது. Ammonium Sulphate வாங்கி விற்பனையில் 2½ லட்சம் ரூபாய் நஷ்டம். அரசாங்கம் தானியங்களை வாங்கி வியாபாரம் செய்வது என்று வருகிறபோது, மனித எலிகளும், விலங்கு எலிகளும் நிறைய அதைத் தின்று நஷ்டத்தை ஏற்படுத்துகின்றன என்பதைப் பார்த்திருக்கிறோம். நாம் கொள்முதல் செய்கிறபோது, குறைவளவுப் படியைக் கொண்டு அளந்து வாங்கினோம். விற்கும்போது பெரிய படி கொண்டு அளந்தோம். இதனால் மொத்தத்தில் பெருங் குறைவு ஏற்பட்டது. வாங்கும்போதே சரியான முறையில் அளந்து பார்த்து வாங்காத காரணத்தினால், மூட்டையில் அரிசி இருக்கிறதா என்பதைக்கூடப் பார்த்து அதிகாரிகள் வாங்க வில்லை என்ற காரணத்தினால், நமக்கு இரண்டு லட்சம், இரண்டரை லட்சம் ரூபாய் என்றுதான் நஷ்டம் வந்திருக்கிறது. ஆகவே, இன்றைக்குத் தானிய வியாபாரத்திற்காக 12½ லட்சம் ரூபாய் வேண்டும் என்று கோரியிருக்கிறபோது கொடுப்பதற்கில்லை என்று மறுக்காவிட்டாலும், சரியான முறையில் அதிகாரிகள் கண்காணித்துக் கொள்முதல் செய்வதற்கு வேண்டிய நடவடிக்கைகளை எடுத்துக்கொள்ள வேண்டும் என்று வற்புறுத்த விரும்புகிறேன். அது மாத்திரம் இல்லை. உணவு அமைச்சர் அவர்கள் நெல்லூர் அரிசி வந்திருக்கிறது, படி ஒரு ரூபாய் 1 அணவுக்கு இனி விற்க முடியும், பர்மா அரிசி வந்திருக்கிறது, சுமாராக நல்ல அரிசி (fairly good rice) என்று சொல்லியிருக்கிறார்கள். இவர்கள் அறிக்கையிலேயே இப்படிச் சொன்னார்கள் என்றால், அது எப்படி இருக்கும்? இதைத் கொஞ்சம் சிந்திக்க வேண்டும். (The Hon. Sri C. Subramaniam: We cannot adopt advertising attitude.) Not a disparaging attitude, I believe? (The Hon. Sri C. Subramaniam: It is a fair statement.) பர்மா அரிசி இவ்வாறு இருக்கிறது என்று அரசாங்கமே சொன்னால், மக்கள் அதை வாங்க மறுப்பார்களேயானால், அது காரணமாகப் பெரிய நஷ்டம் வருமானால், என்ன செய்வது என்று எண்ணிப் பார்க்க வேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்.

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p.m

[Mr. Chairman in the Chair.]

[11th September 1959] [Dr. A. Chidambaranathan]

அதுவுமல்லாமல், அரசாங்கத்தின் அறிக்கைகள் வரும்பொழுது, அச்சுப் பிழை இல்லாமல் இருக்கிறதா என்பதைப் பொருளாதாரத் துறையினர் கவனிக்க வேண்டும் என்று குறிப்பிட விரும்புகிறேன். சென்ற மார்ச் மாதத்தில் அரசாங்கத்தின் வரவு செலவுத் திட்டம் இச்சபையின் முன் வைக்கப்பட்டபொழுது, அதிலே போடப்பட்ட விற்பனை வரிக் கணக்கு தப்பு என்பதை எடுத்துக் காட்டினேன். ஒரே பார்வையிலே பரர்க்கக்கூடிய அறிக்கையிலே (Supplementary demand at a glance) 3-வது பக்கத்தில் எடுத்துப் பார்ப்பாரானால் “check posts for paddy movement in the State” என்ற தலைப்பின்கீழே “அல்டிமேட் காஸ்ட்” மொத்தத்தில் கடைசியாக இருக்கக்கூடிய செலவானது ரூ. 1,57,700 என்று வகுக்கப்பட்டிருக்கிறது. அதே நேரத்தில் “Provision asked for in supplementary estimates” என்ற தலைப்பின்கீழ் 10,66,900 இந்த ஆண்டிலே கேட்கப்படுகிறது. மொத்தத்தில் கடைசியில் “செக் போஸ்ட்ஸ்” ஏற்படுத்துவதற்கு ரூ. 1,57,700 தேவைப்படுமானால், ஏன் 10,66,900 ரூபாய் இந்த ஆண்டிலேயே ஒதுக்க வேண்டுமென்று எனக்கு விளங்கவில்லை. இம்மாதிரிப் புள்ளி விவரம் கொடுக்கும்பொழுது, கவனத்தோடு கொடுக்க வேண்டும். தனிப்பட்டவர்கள் கொடுக்கும் புள்ளிகள் கொஞ்சம் முன்பின்னாக இருந்தாலும், அரசாங்கத்தினால் அச்சிடப்பட்டுத் தரப்படுகின்ற அறிக்கைகள், நன்றாகப் பரிசீலனை செய்து தரப்பட வேண்டுமென்று கேட்டுக்கொண்டு, இதுபோன்ற பிழைகள் இனி வராமல் பார்க்குமாறு விழைந்து நான் முடித்துக்கொள்ளுகிறேன். வணக்கம்.

Sri K. T. KOSALRAM: கனம் தலைவர் அவர்களே, கனம் நிதி அமைச்சர் கொண்டுவந்திருக்கிற இந்த சப்ளிமெண்டரி பட்ஜெட்டைச் சில விஷயங்களில் அங்கத்தினர்கள் எதிர்த்தாலும், எதிர்ப்பதற்கு முக்கியமான விஷயங்கள் அதிகமாக இல்லை. அதை பாக்டர் லக்ஷ்மணசாமி முதலியார் அவர்களே, “நான் ஆதரிக்கிறேன்”, என்று சொல்லி முடித்துவிட்டார்கள்.

முக்கியமாக உணவுப் பிரச்சனைதான் இப்பொழுது அதிகமாக மக்கள் மத்தியிலே இருக்கிற பிரச்சனை. பரம்பிக்குளத் திட்டத்திற்கு 33 லட்ச ரூபாய் ஒதுக்கியிருப்பது தவறு அல்ல. அது மிகவும் முக்கியமான காரியம். அதை அவசியமாகச் செய்யத்தான் வேண்டும். எதற்காக, எங்கெல்லாம் போகிறது, எந்த ஊருக்கெல்லாம் தண்ணீர் பாய்கிறது, ஏன் பணம் ஒதுக்குகிறார்கள் என்று எல்லாம் பேசுவது அவ்வளவு சரியல்ல. பணம் ஒதுக்கத்தான் வேண்டும். அதே நேரத்தில், அரசாங்கம் ஒவ்வொரு இலாகாவிலும் பல லட்ச ரூபாய் பல்வேறு திட்டங்களுக்கு ஒதுக்கியிருக்கிறது. ஜில்லாவாரியாக எடுத்துக்கொண்டால், சிறிய சிறிய நீர்த்தேக்கங்கள் கட்டுவதற்கான சிறிய திட்டங்கள் (Minor irrigation schemes) இருக்கின்றன. உணவு என்று பேசுகிறோம். ஒரு மந்திரி ராஜினாமா செய்த பிறகு, மற்றொரு மந்திரி வருகிறார். திட்டத்தில் மாறுதல் இல்லை என்று அவர் சொல்லுகிறார். ராஜினாமா செய்ததில் எந்தவிதமான வித்தியாசமும் இருப்பதாகப் பொது மக்கள் கருதவில்லை. திட்டத்தில் மாறுதல் வேண்டுமென்றால், உண்மையிலேயே உணவுப் பிரச்சனையைத் தீர்ப்பதற்கு, உணவு உற்பத்தி செய்யும் நிலைமையில் அரசாங்கம் எவ்வளவு அதிகக் கவனம் செலுத்துகிறது என்பதைத்தான் பொது மக்கள் பார்த்துக்கொண்டிருக்கிறார்கள். ஆகவே, அதற்கு இதில் தகுந்த பணம் ஒதுக்கியிருக்க வேண்டும். குறிப்பாக எடுத்துக்கொண்டால், திருநெல்வேலியில் “கடனா” திட்டத்தை லட்ச ரூபாய் செலவு செய்து முடிப்பதாக அமைச்சர் சொல்லியிருக்கிறார். அதற்கு ஒரு “டோகன் கிரான்ட்” கோரி அந்த வேலையை ஆரம்பிப்பதற்கு ஏற்பாடு செய்யலாம். அம்மாதிரி ஒவ்வொரு ஜில்லாவிலும் சிறிய சிறிய திட்டங்கள் நிறைவேற்றலாம். கனம் அங்கத்தினர் பாக்டர் எ. சிதம்பரநாதன் சொன்ன மாதிரி, இங்கிருந்து நாம் பணம் ஒதுக்குகிறோம். ஒதுக்கும் பணம் செலவாகாமல் “லாபஸ்” ஆகிறது. பணத்தைக் கேட்கும்பொழுது, பொது மக்களுக்கு எல்லாக்

[Sri K. T. Kosalram] [11th September 1959]

காரியங்களும் செய்கிறார்கள் என்று சபை அதற்கு அங்கீகாரம் கொடுக்கிறது. கணம் அமைச்சர் அவர்களும் அவருடைய அதிகாரிகளும் அதைச் செல்வனே செய்கிறார்களா என்பது மற்றொரு விஷயம். சரியாகச் செய்யவில்லை என்று ஆடிட்டர் ரிப்போர்ட்டிலிருந்து தெரியவருகிறது என்பதைக் கணம் அங்கத்தினர் டாக்டர் சிதம்பரநாதன் அவர்கள் எடுத்துக் காட்டியிருக்கிறார்கள்.

இந்த 55 லட்ச ரூபாய் பரம்பிக்குளத் திட்டத்திற்குக் கொடுக்க வேண்டியதுதான் என்று கருதுகிறேன். இன்னொரு யோசனை சொல்ல விரும்புகிறேன். அதைக் கணம் அமைச்சர் அவர்கள் கவனத்தில் வைத்துக் கொள்ள வேண்டுமென்று கேட்டுக்கொள்கிறேன். ரூபாய் 5 கோடிக்கு மேலாக உள்ள எந்தத் திட்டமாக இருந்தாலும், அந்தத் திட்டத்தை நிறைவேற்றுவதற்கு ஒரு டெக்னிகல் அட்வைசரி கமிட்டி அமைக்க வேண்டும். நமது ராஜ்யத்தில் உள்ள என்ஜினியர்கள் திறமையான ரிடையர்ஸ் என்று பாராட்டப்படுகிறார்கள். நம்மிடம் பல திறமையான ரிடையர்ஸ் என்ஜினியர்கள் இருக்கிறார்கள், பல அறிவாளிகள் இருக்கிறார்கள், அவர்களைக்கொண்டு ஒரு டெக்னிகல் கமிட்டியைப் போட்டுத் திட்டத்தை நிறைவேற்றுவதில் ஒன்றும் தவறு நேரிடாமல் பார்த்துக்கொள்ள வேண்டும். என் இப்படிச் சொல்லுகிறேன் என்று கேட்டால், எங்கள் ஜில்லாவில் மணிமுத்தாள் திட்டத்தில் முதலில் ஒரு என்ஜினியர் ஒரு திட்டம் போட்டார். அது சரியாக அமையவில்லை என்று அந்த இடத்தை மாற்றினார்கள். இன்னொருவர் இப்படிச் செய்ய வேண்டுமென்று மற்றொரு இடத்திற்கு மாற்றினார்கள். இதில் சுமார் 60, 70 லட்ச ரூபாய் நஷ்டம் ஏற்பட்டது. நான் உண்மையான சமசாரத்தைச் சொல்கிறேன். ஆகவே, ஒரு டெக்னிகல் கமிட்டியைப் போட்டுவிட்டால், இம்மாதிரிக் காரியமெல்லாம் நிகழாது. ஏராளமான பணத்தைச் செலவழிப்பதற்குத் திட்டங்கள் போடுகிறோம். சர்க்கார் நல்ல காரியங்களைச் செய்வதற்காக அந்தப் பணத்தைச் சபை அனுமதிக்கிறது. ஆனால், சில சந்தர்ப்பங்களில் அந்தப் பணம் சரியாகச் செலவு செய்யப்படாமல், விரயமாக்கப்படுகிறது. பணம் அநியாயமாகத் தெருவிலே போகிறது. யாருக்கும் பிரயோசனம் இல்லாமல் போகிறது. ஆகவேதான், இம்மாதிரித் திட்டங்களை நிறைவேற்றுவதற்கு ஒரு டெக்னிகல் கமிட்டியைப் போடவேண்டுமென்று நான் அரசாங்கத்திற்கு யோசனை சொல்லுகிறேன்.

அடுத்தபடியாக, போலீஸ் நூற்றாண்டு விழாவிற்காகப் பணம் ஒதுக்கியது தவறு இல்லை. அதனால் போலீசுக்கும் பொது மக்களுக்கும் உள்ள தொடர்பு பலப்படும். அதே நேரத்தில் அரசாங்கத்திற்கு மற்றொரு யோசனை சொல்ல விரும்புகிறேன். போலீஸ்காரர் மகன் ஒரு நல்ல நிலைமைக்கு வருவதற்கு முடியவில்லை என்று சாதாரணமாகச் சொல்லுவதுண்டு. அதில் எந்த அளவிற்கு உண்மை இருக்கிறதென்பது நமக்கு நிச்சயமாகத் தெரியாது. போலீஸ் நூற்றாண்டு விழாவை ஒட்டிக் கார்ப் பொரேஷன் ஸ்டேடியத்தில் பெரிய “டட்டு” ஏற்பாடு செய்யப்பட்டது. சினிமாப் படங்கள் காட்டப்பட்டன. அந்தப் படத்தில் பல சினிமாக்கலைஞர்கள் நடித்திருக்கிறார்கள். இது போன்ற நல்ல காரியங்கள் செய்யப்பட்டிருக்கின்றன. தமிழ் பேசப்படுகின்ற மலையா, சிங்கப்பூர், பர்மா, இலங்கை ஆகிய வெளி நாடுகளில் இந்த சினிமாப் படத்தை லட்சக் கணக்கான ரூபாய் கொடுத்து வாங்குவதற்குத் தயாராக இருப்பார்கள். இப்பொழுது இந்தப் படம் சினிமாத் தியேட்டரில் காண்பிக்கப் பட்டால்தான், மற்றப் படங்கள் ஓடும் என்ற நிலைமை ஏற்பட்டிருக்கிறது. ஆகவே, இந்த சினிமாப் படத்தை இம்மாதிரி விற்பனை செய்தால், அந்தப் பணத்தைப் போலீஸ்காரர்களின் குழந்தைகளுக்கு நல்ல காரியங்களைச் செய்வதற்கு உபயோகிக்கலாம் என்று நான் ஆலோசனை கூறுகிறேன். இதைக் கணம் நிதி அமைச்சர் நிச்சயம் கவனிப்பார் என்று நினைக்கிறேன். சினிமா உலகத்தில் எவ்வளவு பணம் இம்மாதிரி நடமாடுகிறது, அதன் மூலம் அரசியலிலே எத்தனை விளையாட்டுகள் நடைபெறுகின்றன என்பதைக் கணம் நிதி அமைச்சர் ஒதுக்கொள்வார் என்று நினைக்கிறேன். ஆகவே,

[11th September 1959] [Sri K. T. Kosalram]

இம்மாதிரி சினிமாப் படத்தை விற்று அதிலிருந்து கிடைக்கக்கூடிய பணத்தை நல்ல காரியத்திற்குச் செலவழிப்பதுபற்றி யோசிக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

அடுத்தபடியாக, கூட்டுறவு இலாக்கா அமைச்சர் ஸ்ரீ ஆர். வெங்கடராமன் அர்களுக்குத் தெரியும். எங்கு பார்த்தாலும் கூட்டுறவு இலாக்காவைப் பற்றிப் பேசப்படுகிறது. சாதகமாகப்பேசினாலும் சரி, பாதகமாகப் பேசினாலும் சரி, கணம் நிதி அமைச்சர் அவர்கள் பல கூட்டங்களில் பேசியிருக்கிறார்கள். எல்லோரும் பேசியிருக்கிறோம். பணம் இல்லாமல் ஒன்றும் செய்யமுடியாது. கூட்டுறவு விவசாய முறையில் நம்பிக்கை வைத்து, விவசாயிகள் ஒன்று சேர்ந்து கூட்டுறவுப் பண்ணை அமையுங்கள் என்று சொல்லும்பொழுது, அவர்களுக்குப் பயிர் செய்யவேண்டிய வசதிகளைச் செய்துகொடுக்கிறோம், கிணறு வெட்டிக் கொடுக்கிறோம், பாசன வசதி செய்து கொடுக்கிறோம் என்று சொல்லுகிறோம். இதைப்பற்றி ஊர் ஊராகப் பறை சாற்றுகிறோம். உண்மையாகவே நினைக்கிறோம். இம்மாதிரிக் கூட்டுறவு முறை அநியாயம், அக்கிரமம் என்று சொல்கிறார்கள் சிலர். அதைப்பற்றி நமக்கு அக்கறை இல்லை. காங்கிரஸ்காரர்கள் “இது பலன் அளிக்கும், உணவு உற்பத்தியைப் பெருக்க முடியும்” என்று நினைக்கிறார்கள். இந்த விஷயத்தில் எவ்வளவு ரூபாய் செலவழிக்கப் பட்டிருக்கிறது என்பது தெரியவில்லை. இதற்காகப் பணம் ஒதுக்கியிருக்க வேண்டும். ஒரு டோகன் கிராண்டாவது ஒதுக்கியிருக்கவேண்டும். அப்படி ஒதுக்கிவிட்டுப் பின்னால் லட்சக்கணக்கில் செலவழித்துவிட்டு, அங்கீகாரத்திற்கு வந்தால். . . .

THE HON. SRI C. SUBRAMANIAM : மெயின் பட்ஜெட்டிலேயே இதைப் பற்றிப் போட்டிருக்கிறது.

SRI K. T. KOSALRAM : இருந்தாலும் “நியூ செர்வீஸ் ஸ்கீம்” போட்டிருக்கலாம். அப்படிச் செய்வதில் ஒன்றும் தப்பில்லை என்று நினைக்கிறேன்.

THE HON. SRI R. VENKATARAMAN : அடுத்த சப்ளிமெண்டரி பட்ஜெட்டில் இன்னும் அதிகமாகச் செலவழித்துவிட்டு சாங்கிஷனுக்கு வருகிறோம். (சிரிப்பு.)

SRI K. T. KOSALRAM : பள்ளிக்கூட விஷயத்தில் பஞ்சாயத்துக்கள் இருந்தாலும், டெபுடி இன்ஸ்பெக்டர்கள் “செக்” பண்ணவேண்டியது அவசியம்தான். டிஸ்ட்ரிக்டு போர்டு மெம்பர்கள், பஞ்சாயத்து போர்டு மெம்பர்கள் எல்லாம் ஆன்டரி மெம்பர்கள். அவர்களுக்குப் பல்வேறு வேலைகள் இருக்கின்றன. அப்பொழுது வாத்தியார்கள் பள்ளிக்கு வந்திருக்கிறார்களா என்று பார்ப்பதற்குக்கூட முடிவதில்லை. பல பள்ளிக் கூடங்கள் வாத்தியார் இல்லாமலேயே நடந்துகொண்டிருக்கின்றன.

இரிகிகேஷன் ஸ்கீம்களிலே ஒரு டெக்னிகல் கமிட்டியை ஏற்படுத்த வேண்டும் என்பதை நிச்சயமாகக் கவனிக்கவேண்டும். என்னுடைய அனுபவத்தில் பல லட்சக்கணக்கான ரூபாய்கள் மணிமுத்தாறுத் திட்டத்திலே நஷ்டம் ஆகியிருக்கின்றன என்பது எனக்குத் தெரியும்.

நாம் பணம் செலவழிப்பதற்கு சாங்கிஷன் கொடுக்கிறோம். அந்தத் திட்டங்களை அதிகாரிகள் சரியாக நிறைவேற்றுகிறார்களா என்று பார்க்க வேண்டும். அதிகாரிகள் ஊதாரித்தனமாகப் பணத்தை விரயம் செய்கிறார்கள். பொது மக்களுக்கு விரோதமான காரியங்களைச் செய்கிறார்கள். இதைப்பற்றி அமைச்சர் அவர்களிடத்தில் சொல்வதற்குத் தயாராக இருக்கிறார்கள். பல நண்பர்கள் நேரடியாகவே சொல்லியிருக்கிறார்கள். பொதுமக்களுக்கு நன்மைகள் செய்ய வேண்டும் என்றுதான் நாம் பட்ஜெட்டில் பணம் கேட்கின்றோம். திட்டங்களை நிறைவேற்றும்போது, நேர்மாறாக இருக்கிறது. அரசாங்கம் என்ன நினைக்கிறதோ, அமைச்சர்கள் என்ன நினைக்கிறார்களோ, அங்கத்தினர்கள் என்ன நினைக்கிறார்களோ

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அதற்கு நேர் மாறாகக் காரியங்கள் நடைபெறுகின்றன. இதை அமைச்சர் அவர்களின் கவனத்திற்குக் கொண்டுவந்து என்னுடைய பேச்சை முடித்துக்கொள்ளுகிறேன்.

* SRI T. PURUSHOTHAM: Mr. Chairman, Sir, the hon. the Leader of the Opposition has conceded that Supplementary Estimates are necessary in the present tempo of progress of Plan-schemes. Previously, we used to have supplementary estimates coming up at the close of the financial year, all the items together. But it is a good arrangement now that a supplementary estimate is placed before the Legislature in the first half-year itself, so that we may examine the new schemes taken up in the year and offer our remarks. The Hon. the Minister for Finance should be congratulated on introducing this new procedure. Much has been made of the fact that some of the items included in the supplementary estimate could have been anticipated and provided for in the original Budget itself. But it should be noted that for inclusion in the original Budget, the schemes have to be finalised and if they had been finalised, certainly they would have been included in the original Budget itself and as it was not so, I believe, all these items have been brought up as supplemental items.

Referring to some of the provisions here, Sir, it will be noted that under "37. Education", there is a Supplementary Demand for about Rs. 70 lakhs which works out to 30 per cent of the total of the supplemental expenditure under Revenue Account. Of this, Rs. 30 lakhs would be devoted to block grants to district boards for maintenance of secondary schools, the new formula coming into force with effect from the current year being that Government would give subsidies to the district boards on the basis of the 'net cost' formula for primary and secondary education. Taking advantage of this fact, namely, that the net cost will be met by the Government several secondary schools have been opened by district boards. But I should like to bring to the notice of the Hon. Minister that most of these new secondary schools opened by the district boards are not functioning efficiently. There is no adequate staff in these schools. As I pointed out elsewhere recently, there is only one L.T. teacher in most of these secondary schools. I hope, Sir, the Government would go into this problem. The Government, as the Hon. Minister told us some time back, contemplate the appointment of Special Education Committees for management of secondary schools in the districts. These Education Committees, I feel, should be constituted without delay and steps should be taken to transfer the Board Secondary schools to these Committees as early as possible. We need not even wait for the constitution of the panchayat unions and so on or the complete dissolution of the district boards to take this urgent step with regard to Board High Schools. If the secondary schools in the State now under the management of the district boards are to function efficiently, they should be taken over by the Education department as early as possible. Sir, I should also express, in this connection, that this problem of efficiency of the secondary schools should be gone into thoroughly and that instead of going on opening

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more and more schools, we should look to the efficiency of the existing schools. I would plead with the Hon. Minister that all the allotments under the Third Plan should go to the better administration and efficient functioning of secondary education rather than opening of more schools. In this connection, I recall what the hon. the Leader of the Opposition just now said, that there must not be hospitals with a strength of over 750 patients. I believe that even in high schools such a maximum limit should be fixed and that there should not be any secondary school with more than 750 pupils or at the most one thousand. This is also a proposal which I would submit for the kind consideration of the Hon. Minister.

We find that consequent on the opening of a large number of single-teacher schools under the 'Unemployment Relief Scheme', more Deputy Inspectors of Schools are to be appointed and that there is a provision of Rs. 1,72,600 for this purpose in the supplementary budget. Here again, though the Unemployment Relief Scheme was sanctioned, most of the district boards have not appointed Graduate and secondary grade teachers in rural schools and utilised the grants. Last year too the Government had to take stringent measures at the end of the financial year to see that rural schools were opened and that Graduate and secondary grade teachers were appointed under the scheme. Even now we pointed out how a large number of secondary grade teachers were without employment in the City and elsewhere and I do not know why when a scheme of unemployment relief has been sanctioned, the Special Officers of the District Boards should not see to it that the scheme is implemented and that teachers are appointed to man these schools under the unemployment Relief Scheme. I know that the Director of Public Instruction has been sending very severe reminders to the Special Officers of the district boards and yet they have not appointed these teachers in suitable places. The Government should look into this and see that the teachers are appointed and that the full amounts provided are utilised.

Participation in the 'World Agriculture Fair' is a welcome feature and the Government should be congratulated on organising such activities. Objection was taken to the allotment of a sum of Rs. 5 lakhs for this purpose. But Rs. 5 lakhs is only the outer limit; the whole amount is not to be utilised for the purpose. Moreover, we find that a State Committee for the World Agriculture Fair has been constituted under the chairmanship of the Hon. the Home Minister with the Secretary to Government, Food and Agriculture Department, and the concerned Heads of Departments as members for exercising proper supervision over the expenditure on the participation of this State in the World Agriculture Fair. I am sure the Committee would see that there is no wastage of funds and so, I do not see that there is much point in the objection raised by the hon. Member Sri Mohamed Raza Khan to the allotment of Rs. 5 lakhs for this purpose.

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For distribution of oil engines on hire-purchase system, a sum of Rs. 10.85 lakhs is provided in the supplemental estimate. In this connection, I should like to bring to the notice of the Government that there is frequent complaint that the oil engines and electric motors supplied by some of the firms are not quite satisfactory and that the ryots are put to great difficulties. The suppliers do not replace the defective oil engines when the defects are brought to their notice. I would, therefore, plead that great care should be taken in the selection of the firms, I mean the approved suppliers, for all this machinery required for the ryots and the representations of the ryots after the supply should receive prompt attention and the department should see that defective oil engines supplied to the ryots are replaced as quickly as possible in accordance with the conditions of the agreement for the supply of the same.

We find that for improvements to the Cooum and the Buckingham Canal additional staff has been appointed under P.W.D. and supplementary provision is made here for Rs. 37,200 for this scheme. How far the work has proceeded we do not know. Details of the work done so far have not been furnished. The Hon. the Minister for Works referred to this yesterday and said that a rough estimate had been sent to Delhi. I hope the Government would see to it that this important scheme is not left at the investigation stage and that it is pushed through and that an adequate amount is provided in the Third Plan for carrying out this scheme. (Interruption.) These improvements are quite necessary and I would urge the Government to consider the inclusion of the scheme, provision being made in the Third Five-Year Plan.

We find that at the end of the year 1958-59, consequent on the damages caused to the roads in the City of Madras, a special *ad hoc* grant of Rs. 5 lakhs has been given to the Corporation of Madras. Roads were damaged by rain then. Now roads have been damaged by the removal of the tramway lines. The roads in the City have become so bad. Of course, there is the contract that the firm that purchased the tramway lines should have the road portion set right. But the work done by them is most unsatisfactory. The Corporation do not seem to take any action about it. The Government should do something and see that the Corporation enforce the conditions for the repair of the roads by the purchasers quite satisfactorily. The condition in the agreement should be properly fulfilled and I hope that any further request from the Corporation of Madras for such grants will not be entertained if they are to pursue this policy of not caring for the roads and seeing that they are properly maintained.

The hon. the Leader of the Opposition has referred to the air-conditioning equipment that has been sanctioned for the Government Stanley Hospital, I mean, for the Operation Theatre. This question of similar equipment in Stanley Hospital has been pending for a long time and now that it has been sanctioned, I hope it will not be kept pending as in the case of the Government General

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Hospital and it will be completed. I hope also that similar arrangements will be made for providing air-conditioning equipment for Operation Theatres in all the headquarters hospitals in our State. This should be provided for in the Third Plan. I do not agree with what the hon. the Leader of the Opposition said that the Members of the Assembly or the Members of the Council were interfering in the admission of in-patients in the General and other Hospitals. That is an unfair statement and I am sure he never meant it seriously.

I should also make a brief reference to item (2) under 'Capital Outlay on State Trading Schemes'. We find that a sum of Rs. 4,000 has to be paid as damages in a civil suit because the Assistant Commercial Tax Officer, Chingleput, seized 62 bags of pattani dhall suspecting that it was lac dhall or kesari dhall, when it was found that it was not kesari dhall or lac dhall, he should have immediately handed over those bags. There was no need to pursue the matter and lead to a loss of Rs. 4,000 and more. I hope the Government would examine this case and see what action should be taken against such officers whose acts lead to such wastage of public funds.

I am glad to find that after all, the question about the Parambikulam Scheme has been settled satisfactorily by negotiations with the Kerala State, thanks to the good offices of our Chief Minister and the Minister for Finance. But I feel when such big projects are instituted, special provision should be made for Members of the Legislature to visit and study these projects. Even if it should involve the payment of travelling allowance to the Members, it would only be a small item of expenditure, a flea-bite, if I may say so. When we incur such a large expenditure, a small item which provides for study teams of legislators to visit these places would be welcome. I am not saying this on my own account and I have seen the place a number of times. I am particularly mentioning this because even now there is a feeling among some of the legislators that we have given away some of our rights in the dealings with the Kerala State. To remove such misunderstandings it would be good if study teams of M.L.As. and M.L.Cs. are organized to see such places so that they may satisfy themselves about these schemes.

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

MR. CHAIRMAN: Speeches by Members should be over by 5.10 p.m.

SRI T. P. SRINIVASAVARADAN: Mr. Chairman, I am going to touch upon only a few points. There is an item here relating to a grant of five lakhs of rupees to the Corporation for repair to roads. This has been advanced from the Contingency Fund. The hon. Member Mr. Purushotham has already pointed out that the roads in the City of Madras are very bad. So, this amount, I feel,

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is quite insufficient. I must point out that one should not go with the impression that our roads are good by looking at the Mount Road or the Marina. If you look at the Edward Elliot Road near Barbers' Bridge at Mylapore, you will see how bad it is. There are many roads like this and I have drawn the attention of the Corporation to this fact. It is due to heavy lorry traffic that they become so bad. Therefore, I would request the Government to do something more in this regard.

There is another item here—deepening of drinking water wells in Salem district. I am glad that something is done for Salem. Take the South Arcot district. There are places like Kallakurichi, Gingee and Vridhachalam. Something must be done to deepen the wells in those places. I may tell you, Sir, that people there get water between 10 and 12 of the clock in the night. Only a small quantity of water percolates in the wells and that gets exhausted in a few hours.

The next point is about the bulk land acquisition for housing schemes. The idea is good. I certainly welcome it. But the point is when it is disposed of, it is not disposed of at the price at which it was purchased but at the prices prevailing in the surrounding areas. For instance, if you take Annamalaiapuram, lands are purchased at the rate of Rs. 750 per ground but are sold at higher prices such as Rs. 1,500 per ground. I am afraid, this kind of thing will not help to bring down the price of land. I would request the Government to look into the matter and see that such prices are not fixed for sale.

Then, about the Police Centenary Celebrations, I am one of those who believe that these celebrations should be held. It is a good thing. The expenditure is also not too huge considering the services rendered by the Police. I would very much appreciate if some endowment of, say, a lakh of rupees is made so that the interest accruing from it may be used for giving scholarships to the Policemen's children.

THE HON. SRI C. SUBRAMANIAM : Scholarships have been provided.

SRI T. P. SRINIVASAVARADAN : But it is not here stated. Perhaps it is from donations.

THE HON. SRI C. SUBRAMANIAM : Yes.

SRI T. P. SRINIVASAVARADAN : I am glad about it. I find two sets of clothes have been given to the children of constables.

The next point is this. Since the abolition of district boards, Government have come forward to run district board secondary and elementary schools. I am glad about one thing. Hereafter, there will be no delay in the payment of salaries to teachers. The Government propose to pay subsidies in monthly instalments and so, I hope they will be regularly paid their salaries and there will be no delay.

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Then, Sir, about the building equipment, I would like to point out that many of the district board schools are located in places which are unfit even for putting in sickly people. They must be well ventilated and well lit. I would request that the amount that is provided should be really spent and not allowed to lapse. I would request the Government also to see that cement and iron are supplied for the building work to be completed.

The hon. Member Mr. Purushotham referred to staffing. The Hon. the Minister for Education knows it very well that the B.T. colleges did not get last year the requisite number of students for training. The Teachers' College got 86 out of 150 required. Then, take Kumarapalayam and Vellore. There also it is the same case. We have increased the number of secondary schools and staffing has become very difficult. As regards library and laboratory also, many of the district board schools are not well equipped.

In South Arcot district, many of the district board elementary school teachers have not received increments for the past six or seven years. The teachers in panchayat schools also have not received any increment. This must be looked into.

About the appointment of Deputy Inspectors of Schools, as the hon. the Leader of the Opposition said, there ought to be two sets of Inspectors, one for the academic side and the other for the administrative side. It is absolutely essential that this should be done if we want to raise the tone of education in schools.

Then, Sir, the provision of quarters for women teachers is good. I do not say anything disparaging about the Government when I refer to the district board teachers, who are subject to frequent transfers. They find it very difficult to get on without quarters. We are taking in more and more women teachers and I hope quarters will be provided for all of them.

About establishment of leprosy clinics, I do not know why Ranipet has been chosen. Ranipet is not a good place, though there is a spring of Palar. That water is not healthy. We must find some other place to house these lepers.

One more point and I have done. As regards the subsidy we are giving for sinking of new wells, we must see that these wells are sunk properly and that there is water in them. Unless we specify the depth at which water is available, nothing will be achieved. We must allow the depth that is required to find water. I find in many of these wells sunk so far there is no water at all. What is the good of spending money on such well-sinking work? I hope the Hon. Minister concerned will spend the money properly on this.

* SRI V. V. RAMASWAMI : கனம் தலைவர் அவர்களே, இந்த உபமான்யக் கோரிக்கையில் பேசும்போழுது, பரம்பிக்குளத் திட்டத்திற்கு ஏற்கெனவே 45 லட்சம் ரூபாய் சாங்குன் செய்து விட்டு, இப்பொழுது அதற்கு என்று 55 லட்ச ரூபாய் கொடுக்கப்பட்டிருப்பது

[Sri V. V. Ramaswami] [11th September 1959]

ரொம்பவும் வரவேற்கத்தக்கது. ஏனென்றால் அதன் மூலமாகக் கோர அரசாங்கத்திற்கும் நம் அரசாங்கத்திற்கும் நல்ல உடன்பாடு ஏற்பட்டிருப்பதைப்பற்றி இங்கே விளக்கமாகத் தெரியவருகிறது. அது போன்று 1960-61-ம் ஆண்டுக்கு வரக்கூடிய திட்டத்தில் மதுரை, ராமநாதபுரம், திருநெல்வேலி போன்ற இடங்களில் அப்பர் பெரியார் பம்பையாறு முதலிய திட்டங்களை எடுத்து நடத்துவதற்கு வேண்டிய பணத்தை ஒதுக்குவார்கள் என்று எதிர்பார்க்கின்றேன்.

எங்கள் ராமநாதபுரம் மாவட்டத்தில் 33 சாலைகளைச் செப்பனிடவதற்கு மான்யம் கோரப்படுகிறது. அதுவும் மிகவும் வரவேற்கக்கூடியது. அங்குள்ள மாவட்டக் கழகத்திற்குப் போதிய நிதி வசதி இல்லாததால், அரசாங்கம் மேலிட்டு நிதியை வழங்க வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

குறிப்பாக, திருச்சனிக் அருகில் குண்டாற்றில் ஒரு பெரிய பாளம் கட்ட வேண்டியதாக இருக்கிறது. அதற்கு வேண்டிய நிதியையும் ஒதுக்க வேண்டும் என்று கேட்டுக்கொள்கிறேன். அது மட்டுமல்ல. நான் 1934-ம் ஆண்டு அங்கு மாவட்டக் கழக உறுப்பினராக இருந்தபோழுது, பெரிய சாலைகள் கட்ட வேண்டும் என்று திட்டம் போடப்பட்டது. அதாவது கல்குரிச்சி, மல்லாங்கிணர், விருதுநகர், அழகாபுரி முதலியவைகளை இணைக்கக்கூடிய சாலை. அது இன்னும் சரியாகப் போடப்படவில்லை. இந்த ஆண்டிலாவது அதை ஹைவேஸ் டிபார்ட்மெண்டு எடுத்துக்கொண்டு முடிக்கக் கட்டாயம் அதற்கு வேண்டிய நிதியை ஒதுக்கவேண்டும் என்று கேட்டுக்கொள்கிறேன்.

ஒரு தீயணைக்கும் படையை எங்கள் ஊரில் நிறுவ ஒரு திட்டம் இருப்பதாகத் தெரியவருகிறது. விருதுநகரில் இந்த ஆண்டிலேயே அந்தப் படையை நிறுவ வேண்டும் என்று கேட்டுக்கொள்கிறேன்.

அடுத்தபடியாக, வீடு கட்டும் திட்டத்திற்கு என்று மத்திய அதாவது சென்டிஸ் ஹவுஸ் மார்ட்கேஜ் பாங்கு என்ற ஒரு பாங்கு நிறுவப்பட்டிருக்கிறது. அதற்கு ஒவ்வொரு மாவட்டத்திலும் ஒரு பாங்கு வருவதாக இருப்பதால், அதற்கு வேண்டிய பணத்தை ஒதுக்கி வைக்க வேண்டும். எல்.ஐ.சி. மிலிருந்து அதற்கு என்று 27 லட்ச ரூபாய் வாங்கியிருக்கிறார்கள். அது மிகவும் வரவேற்கத்தக்கதாகும். அதிகப்படியான பணத்தை ஒவ்வொரு சொஸைட்டிக்கும் ஒதுக்க ஏற்பாடு செய்ய மேலிடம் எல்.ஐ.சி.யில் வாங்க வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

அடுத்தபடியாக, பாலிடெக்னிக் இப்பொழுது அநேக இடங்களில் அமைக்கப்பட்டு வருகிறது. கட்டிடம் கட்டுவது, மின்னின் வாங்குவது போன்றவைகளுக்கும் அரசாங்கம் மான்யம் கொடுக்கிறது. ஆனால், கட்டிடம் கட்டக் கட்டப் பணம் வாங்குவதற்கு ஒவ்வொரு தவணையிலும் அரசாங்கத்திற்கே வரவேண்டியிருக்கிறது. பதிலாக டயரக்டர் அப் டெக்னிகல் எடுகேசன் அவர்களே கொடுத்துவரும்படி, பொதுவாக அதிகாரம் அளிக்கும் உத்தரவு பிறப்பிக்க வேண்டும். அப்படிச் செய்தால் நான் உடனடியாகக் கட்டிடம் கட்டுவதற்கு உதவியாக இருக்கும்.

இறுதியாக ஒரு இஞ்சினியரிங் காலேஜ் சிவகாசியில் ஏற்படுத்த வேண்டும் என்று முயற்சிகள் எடுத்துக் கொண்டிருக்கிறார்கள். அதற்கு உடனடியாகப் பணத்தை ஒதுக்கிவைத்து, அதை ஏற்படுத்தித் தர வேண்டும் என்று கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, at the outset, I have to express my gratitude to the hon. the Leader of the Opposition for having given his well-informed support to the Supplementary Budget. I say this particularly because there is a misconception in the minds of certain hon. Members that the Supplementary Budget becomes necessary because of defective budgeting when we frame the regular annual budget. I respectfully submit that it is not so. As has already been explained in

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the speech of the Hon. the Leader of the House in introducing the Supplementary Budget, we have to finalise the schemes for inclusion in the annual Budget by about the 31st of December, and if any new schemes become necessary and if these are finalised subsequent to that date, it is difficult to include them in the regular Budget. Therefore, the question arises whether we should postpone the schemes for one year and get them included in the next annual Budget or we should take them up even during the course of the year. Therefore, it is a matter of judgment whether a particular scheme could wait or it should be taken up immediately. It is only schemes which are absolutely necessary for the developing economy of the State that are taken up even during the course of the year.

I am sure hon. Members are aware that we have a quarterly review of the progress achieved in respect of each department. During the discussions if we find that it becomes necessary to spend a little more amount under a particular head, we ask the head of the department to come forward with new proposals and then ask for a supplementary allotment. For example, with reference to engines and pumps for supply under hire-purchase system, it is not a Plan scheme. It could be taken up only if funds are available. But during a quarterly discussion if we come to the conclusion that there is great demand for these pumpsets and engines by supplying which there will be greater agricultural production, then we say, 'If moneys are available, the head of the department can come forward with further proposals for the new scheme'. That is how new schemes are taken up particularly in the agricultural sector, in the food production sector, in the irrigation sector, etc.

The hon. Member Dr. Chidambaranathan went through the list and tried to point out that many schemes could have been included in the original Budget. If he had been aware of the procedure adopted for the purpose of including schemes in the annual Budget, he would not have made that mistake. He referred to the 'World Agriculture Fair' and said that it could not be that suddenly the scheme came to the notice of the Government. It is true that we took the decision to participate in the Fair even during last year. But what the scope of the Fair was and to what extent we should participate were not known to us then. It was only subsequently with reference to participation of the various other World Governments and with reference to the participation of the other State Governments that we had to take a decision about the size of our participation. I may assure the hon. Member Sri Mohamed Raza Khan that the allotment of Rs. 5 lakhs is not quite adequate, to put up a show in a manner which would give an idea of the great development in the agricultural sector which has taken place in our State. We have only limited funds and so, we have limited the allotment to Rs. 5 lakhs. That is why it could not be included in the regular Budget. With reference to the Police Centenary also, though we could have known that it had to be celebrated, we did not know in what way and at what cost it should be celebrated. This was

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decided only five or six months before the event. That is why the actual amount required could not be included in the regular Budget. We have put it in the Supplementary Demand.

Then, Sir, the hon. Member Dr. Chidambaranathan referred to what we would call over-budgeting, that is, asking for more amount than could actually be spent. He referred to the audit report in that connection. It is true that nowadays the tendency is rather to over-estimate rather than under-estimate. That is because of the difficulties caused by the scrutiny by the Public Accounts Committee. Later on if there is any over-spending, the heads of departments are taken to task for that. Therefore, they feel that if there is to be a larger amount available, it could be surrendered on any day before the end of March. But if additional amount is required, it will have to be made known at least by December or January. Otherwise, it could not be included even in the second Supplementary Budget. Therefore, they want to err on the safe side and ask for a bigger amount. I am trying to curb this tendency. But still when the departments are likely to be taken to task for over-spending, it is but natural that they would always try to have a little more money and try to surrender it later on towards the end of the year. That is why we find over-budgeting. Some heads of departments do not know how much to surrender even at the last moment. That is why we find later on, even in spite of some surrenders, that the whole amount is not surrendered. But that is only a very small percentage.

The hon. the Leader of the Opposition made a reference to the Medical Department and found fault with the Hon. the Minister for Health for not being present on this occasion. I may assure the House that the speeches made by hon. Members with reference to the Medical Department would be passed on to the Hon. the Minister for Health and I have no doubt that he would carefully go through the various suggestions made and see what could be done. Particularly one interesting suggestion was made by the hon. the Leader of the Opposition that the Central Jail should be removed to another part of the City as it was not necessary to keep it for the purpose of housing the prisoners in a very important strategic place. As a matter of fact, I may inform the House that this is a suggestion which is taken into consideration year after year. As far as the merit of the suggestion is concerned, it has been accepted that it is better to remove the jail from its present location and have it somewhere else. But the difficulty arises in finding alternative accommodation and with reference to the cost it would involve considering the present high cost of building materials. Still a provisional decision has been taken that the jail should be shifted ere long and the present buildings made available to the hospital for further expansion. That is the decision we have taken and let us hope that it will be accomplished as early as possible. But I cannot give an assurance or fix a target date by which this would be done.

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The hon. the Leader of the Opposition made mention about the Government Press and the working of the double shift system. It has already been introduced. But we have just recruited necessary labour and staff and most of them are not properly trained. They are undergoing training. We are hoping that within a few months the double shift would come into full effect and that printing orders would be executed as early as possible. But even with the introduction of the double shift system, I have to inform the House that it would not be possible to get things done as quickly as we would wish to. That is why we have ordered for new machines so that all the printing orders may be executed as quickly as possible.

The hon. the Leader of the Opposition particularly referred to the printing of the Reports of the proceedings of the House. He mentioned the instance of Parliament where these Reports are printed within 24 hours. I do not know how far it is correct because, first the script of the speech will have to be sent to the hon. Members. They will have to correct it and send it back to the office. Even that would take two or three days.

MR. CHAIRMAN: It is available the next morning in printed form. Members of Parliament get the reports by breakfast the next morning.

THE HON. SRI C. SUBRAMANIAM: I would like to know in what case whether the speeches of the hon. Members are sent for correction and corrected speeches are printed and supplied to them.

MR. CHAIRMAN: They have an opportunity to go through their speeches.

THE HON. SRI C. SUBRAMANIAM: I am not sure. If that happens, it is a marvel. We attempted it in the Lok Sabha and ultimately they came to the conclusion that printed copies could not be supplied. Now they place on the Library table a typed copy of the proceedings of the previous day so that it is available for reference by Members. Such a procedure could be adopted here also if the Chairman could go into the question. Whether the typed book could be placed early next morning or at 10 o'clock, so that it may be available to Members for reference is a matter for consideration. With the printing machinery available and with the printing efficiency here, I do not think we will be able to achieve the target of making available the printed copy of the speeches by the next morning. 5-20 p.m.

With reference to air-conditioning also, the Leader of the Opposition made a reference to the sanction of the scheme for re-conditioning of the Operation Theatre of the General Hospital in 1957 which had not been executed. After verification, I found that Dr. Mudaliar was right in making that complaint. As a matter of fact, it was brought to my notice when I visited the General Hospital. The difficulty is with regard to the procedure which we are adopting, whenever the cost of a particular scheme goes up. The

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Scheme and it took its own course. I found that it was a difficult procedure and that it was an unnecessary duplication of work. Therefore, we have now simplified the procedure so that once a particular scheme has been investigated, sanction can be given without going through the routine procedure of budgeting again. I hope that these mistakes will not occur in future.

Then, a reference was made to the Parambikulam Project. I may inform hon. Members that even the Planning Commission wanted us to speed up the execution of this project so that at least a portion of the water which we would be collecting would be made available during the Second Five-Year Plan period. I do not think it would be possible but we have assured them that at least by the first year of the Third Plan Period, a portion of the scheme would go into operation. We are making very rapid progress and I welcome the suggestion made by my hon. Friend Mr. Purushotham that hon. Members should visit some of these bigger projects.

SRI MOHAMED RAZA KHAN: I saw a film in which the Hon. the Minister for Finance and his colleague were prominent.

THE HON. SRI C. SUBRAMANIAM: I am glad that the hon. Member has seen the film. But I want the Members to see actually the projects and if they see them, I have no doubt they will be greatly impressed by the efficiency and speed with which they have been executed. But hon. Members have asked why one crore of rupees has not been provided in the regular Budget itself? I may tell them that we do not know whether we would be allowed to proceed with the scheme and we would be able to execute some of the works. Therefore, we have provided only Rs. 45 lakhs. Now we are proceeding at a much rapid pace and we are going to provide another Rs. 45 lakhs. As a matter of fact, we have indicated to the Chief Engineer in charge of the project that one crore of rupees is not the limit but that the limit is the capacity to execute the work and that even if it is necessary to incur a little more additional expenditure, we will provide funds. My feeling is that once a scheme is started, we should finish it as quickly as possible because by continuing it for a period longer than necessary, it is only the dead capital that is locked up there without giving a return for it. That is why we hesitate to take up a scheme but once we take up a scheme, we should see that by all possible means it is implemented as quickly and as efficiently as possible. Therefore, when we decided to execute the Parambikulam Scheme, we wanted to see whether we could get returns on our investment as quickly as possible. The Parambikulam Scheme is one of the schemes in which we would be getting returns periodically because when we go on building it up, at every stage we could utilise the water to a greater and greater extent. Therefore, in this scheme particularly we would be well-advised in spending money as quickly as possible and getting return.

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Then, one other defect was pointed out by the hon. Member Dr. Chidambaranathan. Some hon. Members, after making carping criticism about budgeting, are not here to hear the reply. Perhaps they think that they have made a cast-iron point and that there is no reply to it. For example, he mentioned that the ultimate cost shown is less than the immediate cost. In all those cases, it means, there is the item of receipt. If he had known budgeting and how those figures were shown, he might have realized it. Because he did not know it, he stated that it was an absurdity on the face of it and pointed out that it should have been a clerical mistake or printing mistake or some such thing. If only he goes through the detailed estimates, he will find that it provides not only for check posts but also for the cost of procurement officials. It is expected to recover a portion of this amount by way of administrative charges by a levy on the rice procured and it is expected that the ultimate cost to the Government will be only about Rs. 1½ lakhs. That is our expectation and that is why we have put the ultimate cost at a certain figure and the immediate cost at a higher figure. Then, mention was made about the Nellore rice as to whether we would be incurring any loss in respect of it. I may assure the House that we are not incurring any loss because we have passed on the rice to the T.U.C.S. and it has been immediately sold to the public. Therefore, there is no question of the Government incurring any loss.

The hon. Member Sri Kosalram referred to the constitution of a technical committee, particularly for our major irrigation projects. I do not know what he means by 'technical committee'. After all, our engineers are quite competent persons and they formulate schemes and also draw up plans and estimates. It does not stop there. They go to the Planning Commission and the Planning Commission experts including engineers and others go through them again. Then they find out whether there are any defects and finally the schemes are sanctioned. Under the above circumstances, I do not see particularly with reference to the retired engineers how a technical committee could be formed. It may be a source of trouble if there is difference of opinion between the committee and the Chief Engineer in charge of it. I particularly believe in locating responsibility in one particular person. He may be asked to take counsel and to consult other bodies, but finally the decision should be his and he should be responsible for it. Otherwise, ultimately we will find that nobody will be taking any responsibility. That has happened in the case of the Manimuthar Project. There we could not find out who was responsible for the defective planning, defective estimate and all those things. Therefore, now our attempt is always to see that one person is responsible for the entire plan and that he is prepared to take responsibility for that. No doubt, the person selected should be a proper person and he should be an efficient Engineer. But having selected a person, we should trust him and entrust the entire responsibility to him. As far as I am concerned, I feel that is the only way of getting things done instead

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of having various committees, blurring responsibility to that extent and ultimately finding ourselves in difficulty to locate responsibility in a particular person.

Then, Sir, various suggestions were made by the hon. Members Sri Srinivasavaradan and Sri Krishnamoorthy with regard to educational schemes. I shall take note of those suggestions. It has always been my endeavour that all those difficulties should be removed as quickly as possible. I am particularly grateful to the various other hon. Members who have made very useful suggestions. I can assure them that I shall particularly be benefited by the various useful remarks made by them.

I hope that when the Appropriation Bill comes, now that we have had very useful discussion here, it will be accepted unanimously without any further discussion. (The Hon. Sri R. Venkataraman: As usual!).

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

The House then adjourned.

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

* 128. Notification issued with G.O. Ms. No. 1951, Public (Rural Development Projects), dated 9th July 1959, regarding issue of rules made under the Madras Bhoodan Yagna Act, 1958 (Madras Act XV of 1958) (Laid on the table under section 28 (3) of the Act).

† 129. Notification issued with G.O. Ms. No. 1921, Home, dated 4th July 1959, regarding amendment to Form J to the Madras Liquor Permit (Personal Consumption) Rules, 1956.

† 130. Notification issued with G.O. Ms. No. 2347, Home, dated 17th August 1959, regarding amendments to form K to the Madras Liquor Permit (Personal Consumption) Rules, 1956.

* Placed on the table of the House on 9th September 1959.

† Placed on the table of the House on 10th September 1959.

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APPENDIX.

vide answer to starred question No. 27 asked by Sri T. Puru: shoham at the meeting of the Legislative Council held on 11th September 1959, page 201 supra.]

The State Government is participating in the National Filariasis Control Programme sponsored by the Government of India. Four Control Units are functioning in the districts of Tanjore, Chingleput, North Arcot and South Arcot, which are relatively more endemic than other districts. Each of these control units is meant to cover a total population of three lakhs living in the endemic areas of the district, both urban and rural.

2. Besides these, four National Filariasis Control Units, schemes of anti-filariasis measures directed against the vector species of mosquito have been formulated and are in progress in Municipalities and Panchayat Boards with evidence of endemic filariasis. Grant-in-aid from State funds equivalent to one-third of the total expenditure incurred by the concerned Local bodies is provided. An experimental scheme of anti-filariasis measures at an estimated cost of Rs. 2,500 per year in Malaipatti Panchayat Board, Ramathapuram district, is being entirely financed by the State Government.

3. In the four Units functioning under the National Filariasis Control Programme and the anti-filariasis measures instituted are (1) Mass Helminth Therapy (2) Measures directed against the vector species of the mosquitoes. Mass Helminth Therapy carried out under the direction and supervision of Health Officers, aims at the reduction of micro-filarial density from the infected persons, thereby reducing the quantum of transmission of filariasis. The measures directed against vector species of the mosquitoes help further to reduce the transmission of filariasis.

4. In the anti-filariasis schemes carried out by the local bodies with grant-in-aid from State funds, the sheet anchor of control operations is anti-larval measures directed against the breeding places of the vector mosquitoes. These anti-larval measures help to keep down the vector mosquito densities in the scheme areas thereby reducing the quantum of transmission of filariasis.

5. Filariasis does not occur in an epidemic form.

THE MADRAS LEGISLATIVE COUNCIL

Saturday, the 12th September 1959.

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.

Annual quota of iron and steel

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

- (a) the annual quota of iron and steel allotted to this State;
- (b) whether it has been brought to the notice of the Government that the quantity allotted is inadequate;
- (c) if so, the approximate quantity of iron and steel required for this State; and
- (d) the steps taken or proposed to be taken to ensure adequate supply in this State?

THE HON. SRI R. VENKATARAMAN: (a) A total quantity of twenty-two thousand eight hundred and ninety-five (22,895) tons of iron and steel was allotted to this State during the year 1958-59 under various quotas.

(b) The Government are aware that the allotment is inadequate.

(c) The approximate demand during the year 1958-59 was about fifty thousand five hundred (50,500) tons.

(d) Representations were made to the Government of India and they have also recently increased to some extent the allotments under certain categories.

SRI V. V. RAMASWAMI : உருக்குக் கம்பிகள், நாகத் தகடுகள் வேண்டும் என்று வீடுகள் கட்டுகிறவர்கள் கோட்டால், அவர்களுக்கு அவைகளைக் குறித்த காலத்தில் கொடுக்க முடியவில்லை. கொடுக்கும்போதும் குறைந்த அளவில் கொடுக்கிறார்கள். அதனால் கட்டிடங்கள் கட்டுவதில் தடங்கல் ஏற்படுகிறது. மத்திய அரசாங்கத்துக்கு எழுதி குறித்த காலத்தில் வேண்டிய கோட்டாவை வாங்கிக்கொள்வதற்குக் கனம் அமைச்சர் அவர்கள் ஏதாவது முயற்சி செய்வார்களா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : எல்லாமே குறைவாகத்தான் இருக்கிறது. கம்பிகள், தகடுகள் மட்டும் குறைவாக இருக்கின்றன என்பது அல்ல. எல்லாவற்றையுமே அதிகப்படுத்தும்படியாக மத்திய சர்க்காரைக் கேட்டிருக்கிறோம். ஓரளவு கடைசிப் பிரியடிஸ் அதிகரித்துக் கொடுத்திருக்கிறார்கள். நான்-அக்ரிகல்சர் கோட்டா 1,816 டன் நமக்கு வந்தது. இப்பொழுது 6,918 டன் 'அல்லகேஷன்' செய்திருக்கிறார்கள்.

[12th September 1959]

SRI M. ETHIRAJALU : பெரிய பெரிய வீடுகள் கட்டுவதற்கு இரும்பு சுலபமாகக் கிடைக்கிறது. ஆனால், குறைந்த தொகையில் வீடுகள் கட்டுகிறவர்களுக்கு இரும்பு சுலபமாகக் கிடைக்கவில்லை. அவர்களுக்கு ஏதாவது சலுகை காட்டுவதற்கு அரசாங்கம் ஏற்பாடு செய்யுமா?

THE HON. SRI R. VENKATARAMAN : குறைந்த செலவில் வீடுகள் கட்டுகிறவர்கள் கண்டிரோல் விலைக்கு வாங்க வேண்டும் என்று முயற்சிக்குகிறார்கள். அதனால்தான் அவர்களுக்குக் கிடைப்பது கஷ்டமாக இருக்கிறது.

SRI T. P. SRINIVASAVARADAN : Sir, many school building schemes are kept in abeyance because of the non-availability of iron. Will the Government consider this and give priority to college and school building schemes?

THE HON. SRI R. VENKATARAMAN : It is unfortunately true that the allocation is far too small for our demands. Actually it works out to 35 or 45 per cent of our demands. We have taken up the matter with the Government of India very strongly, but they have not been able to supply the required amount of iron and steel for this State. But I do not like to make any distinction between one category of users and another. The limited quantity of iron and steel has been so strictly distributed that we have saved ourselves much of embarrassment as well as comment. But when once we make a change and show preference, I am afraid the whole thing will collapse. So, I would request the hon. Member to bear with me for a little more.

VIDWAN T. MUTHUKANNAPPAN : கூட்டுறவு முறையில் வீடுகள் கட்டுகிறவர்களுக்கு ஏதாவது தனிப்பட்ட சலுகைகள் உண்டா?

THE HON. SRI R. VENKATARAMAN : Nothing. No preference whatsoever for any purpose or for any person.

SRI MOHAMED RAZA KHAN : Sir, if the allotments are made by the Department of Industries, may I know whether the officers have got any control to see that the allotment made is used for the purpose for which it is asked or sought?

THE HON. SRI R. VENKATARAMAN : There is an elaborate inspection machinery, particularly in respect of steel processing industries, small-scale industries and so on. Only when it is allocated to the agricultural quota, that is, building quota, there is no inspection. On all other allocations, there is inspection.

SRI V. V. RAMASWAMI : நமது ராஜ்யத் தேவையில் 'ஐரன் அண்ட் ஸ்டீல்' முழுவதும் ஸ்டீல் கண்டிரோலரிடமிருந்து ஓரளவு கர்டர் களாகக் கிடைப்பதாகத் தெரிகிறது. கர்டர்கள் உடனடியாகச் செலவு ஆகாது என்று அரசாங்கம் சொல்லிவிடுகிறார்களா? அப்படிச் சொன்னால், மத்திய அரசாங்கம் உள்ள கோட்டாவைக் குறைத்துவிடாமல் இருக்க இந்த அரசாங்கம் ஏதாவது நடவடிக்கை எடுத்துக்கொள்ளுமா?

THE HON. SRI R. VENKATARAMAN : எதைக் கொடுத்தாலும் 'ரெப்யூஸ்' பண்ணுவது இல்லை. எல்லாவற்றிற்கும் 'யூஸ்' இருக்கிறது.

[12th September 1959]

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, may I know if there is any policy laid down in regard to the allotment of steel to the different States and, if so, what the policy of the Government of India is?

THE HON. SRI R. VENKATARAMAN : That is based on the demand for iron and steel in each State for industries, agriculture, and other uses. There is a proportionate reduction for each State. Also the consumption in the past years is taken into account, for instance, in 1955, 1956, and all that. On the basis of that, they make allocations.

Dhrangadhra Chemical Works, Ltd.

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

(a) the terms and conditions under which the Government have taken shares in Dhrangadhra Chemical Works, Ltd.; and

(b) whether the factory has commenced production?

THE HON. SRI R. VENKATARAMAN : (a) The Dhrangadhra Chemical Works, Limited, is an existing company owning a soda ash plant in Saurashtra. The company has been licensed to set up a new caustic soda and soda ash factory in the Tiruchendur taluk in Tirunelveli district. To meet the cost of establishing the new factory, the Company issued additional share capital to the extent of Rupees one crore and three lakhs. In this additional issue, this Government took shares to the extent of Rs. 10 lakhs subject to the condition that the Government representative should be taken as a non-rotational Director on the Board of Directors of the Company and that its Articles of Association are amended for this purpose. This has been done.

(b) The factory is in the Tiruchendur taluk and it has commenced production.

SRI M. ETHIRAJALU : சுனம் மந்திரி அவர்களுடைய பதிலில் இருந்து காஸ்டிக் சோடா, சோடா ஆஷ், தாரங்கதாரா தொழிற்சாலையில் தயார் செய்கிறார்கள் என்று தெரிகிறது. தமிழ் நாட்டிலுள்ள மூன்று கோடி மக்கள் தொழிலை ஏற்றுநடத்தும் சலவைத்தொழிலுக்கு வேண்டிய வாஷிங் சோடா கிடைக்க வில்லை. இதை வெளி நாடுகளிலிருந்து வரவழைத்து அதிகப்படியான விலை கொடுத்து வாங்கக் கூடிய நிலையில் இருக்கிறார்கள். இதை அறிந்து சர்க்கார், வாஷிங் சோடாவை நேடியாகச் சலவைத்தொழிலாளர்களுக்குக் கொடுக்க ஏற்பாடும் செய்திருக்கிறது. இப்படி அடுத்து அடுத்து வரும் வாஷிங் சோடா பற்றாக்குறையைத் தீர்ப்பதற்கு நம் ராஜ்யத்திலே தற்பொழுது ஆரம்பிக்கப்பட்டுள்ள தாரங்கதாரா தொழிற்சாலையிலேயே வாஷிங் சோடா உற்பத்தி செய்ய வேண்டும் என்று நம் அரசாங்கம் வற்புறுத்துமா என அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : The Government do not wish to interfere in the attempts at production by private enterprise. The suggestion will be forwarded to them.

SRI MOHAMED RAZA KHAN : Sir, may I know whether the rest of the shares, apart from what the Government have taken, have been purchased by the people in the State or by people outside?

[12th September 1959]

THE HON. SRI R. VENKATARAMAN : This Government will not have information about the distribution of shares of the company.

Teachers' Contributory Provident Fund-Insurance-Pension Rules

* 41 Q.—DR. A. CHIDAMBARANATHAN : Will the Hon. the Minister for Finance be pleased to state, with reference to the answer given to short notice starred question No. 153 answered on 23rd March 1959—

(a) whether the position of the untrained Tamil Pandits and untrained Specialist teachers has since been examined in relation to the amendments to the Madras Teachers' Contributory Provident Fund-Insurance-Pension Rules issued in November 1958; and

(b) if so, the steps taken or proposed to be taken in this regard?

THE HON. SRI C. SUBRAMANIAM : (a) & (b) The Rules have since been amended so that language pandits, specialist teachers and unqualified teachers who have been exempted permanently by the competent authority from the possession of prescribed qualification may become eligible for pension.

DR. A. CHIDAMBARANATHAN : Sir, may I know whether there is any recent rule by which training has been made compulsory in recent times for the recruitment of first grade pandits and second grade pandits?

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

DR. A. CHIDAMBARANATHAN : If so, Sir, may I know whether proper facilities do exist in the State for giving that training?

THE HON. SRI C. SUBRAMANIAM : Yes. Facilities have been made available, and we are further proposing to extend them, if necessary.

DR. A. CHIDAMBARANATHAN : Sir, will the Government be pleased to extend the proposal to provide training facilities in all the training colleges situated in our State?

THE HON. SRI C. SUBRAMANIAM : I thought the hon. Member would stop with one question which did not relate to the main question. But it has become a series of questions unrelated to the question.

Scales of pay for college teachers

* 42 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that the State Government have expressed their inability to agree to the matching grant to implement the new scales of pay for college teachers recommended by the University Grants Commission; and

(b) if so, the reasons therefor?

[12th September 1959]

THE HON. SRI C. SUBRAMANIAM : (a) & (b) The matter is under consideration.

SRI T. P. SRINIVASAVARADAN : May I know, Sir, whether the scales prescribed by the University Grants Commission are higher than the ones given to the Lecturers and Professors in Government colleges?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. They are higher than the Government scales of pay.

SRI MOHAMED RAZA KHAN : In case it is conceded that the Government of Madras are agreeable to give the matching grant, what will be the financial commitment to this Government?

THE HON. SRI C. SUBRAMANIAM : I do not have the information here immediately.

SRI T. P. SRINIVASAVARADAN : Will the Hon. Minister kindly tell us how many aided institutions—colleges—have adopted the scales of the University Grants Commission?

THE HON. SRI C. SUBRAMANIAM : I do not have the information with me.

VIDWAN T. MUTHUKANNAPPAN : யுனிவர்சிட்டி கிராண்டஸ் கமிஷன் சிபாரிசு செய்தபடி சம்பள உயர்வு ஆசிரியர் பயிற்சிக் கல்லூரியில் வேலை செய்கிறவர்களுக்கும் அளிக்கப்படுமா? இல்லையானால், அதிக அனுபவமும், ஆற்றலும் உள்ள அவர்களுக்காவது வழங்க அரசாங்கம் ஏற்பாடு செய்வார்களா?

THE HON. SRI C. SUBRAMANIAM : பயிற்சிக் கல்லூரிகளில் வேலை செய்யக்கூடியவர்களுக்கு இல்லை.

SRI T. P. SRINIVASAVARADAN : Sir, is it finance that stands in the way of adopting the University Grants Commission's scales?

THE HON. SRI C. SUBRAMANIAM : Not finance alone. I have explained the position also. We would be able to come to a decision soon after we know the admission position during the year.

SRI T. P. SRINIVASAVARADAN : May I know, Sir whether the training colleges come under this?

THE HON. SRI C. SUBRAMANIAM : Just now I answered 'No'.

SRI G. KRISHNAMOORTHY : May I know, Sir, whether on account of low salaries, people, who qualify themselves as Professors and so on, prefer to go out of the Madras State and serve elsewhere where they get better salaries?

THE HON. SRI C. SUBRAMANIAM : That is not the case only with reference to the teaching profession. As a matter of fact, we pay much less to our doctors and engineers. So, we have to take into consideration all the services together when we want to revise the scales.

[12th September 1959]

SRI MOHAMED RAZA KHAN : As the Hon. the Minister for Finance and Education is very much noted for his very, very sympathetic attitude towards college teachers and school teachers, may we take it that the Government will come to an early decision accepting the proposals?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir, but that sympathy should extend to all—not only particularly to a very small section.

Scales of pay for high school teachers

3-19 * 43 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the p.m. Minister for Finance be pleased to state—

(a) whether it is a fact that the Cuddalore Municipality has adopted the Government scales of pay in general in respect of the teachers in high schools under its management; and

(b) the number of cases in which the municipality is giving only the local board scale and the reasons therefor?

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

(b) There is only one case. The person concerned opted for the old scale which was more favourable to him.

SRI G. KRISHNAMOORTHY : Is it a fact that the Government have laid down Government scales for untrained B.Com.'s in that school, whereas the institution has been paying only the local board scale?

THE HON. SRI C. SUBRAMANIAM : I do not have information on that point.

Central Jail, Madras

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

(a) whether there is any proposal to construct a Central Jail at Vandalur and shift the Central Jail at Madras there; and

(b) if so, how the present Jail buildings at Madras are proposed to be utilised?

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

(b) The Government have not yet taken a final decision.

SRI T. PURUSHOTHAM : Has any site been proposed at Vandalur for the Central Jail?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir.

SRI T. PURUSHOTHAM : Would the Hon. Minister be able to tell us what the probable cost would be for the construction of the Central Jail at Vandalur on modern lines?

THE HON. SRI M. BHAKTAVATSALAM : The estimated cost is Rs. 15 lakhs.

[12th September 1959]

SRI T. PURUSHOTHAM : With reference to the answer of the Hon. Minister to clause (b) of the question, would the Government bear in mind the suggestion made by the hon. the Leader of the Opposition that the present Central Jail building at Madras may usefully be utilised for treatment of out-patient cases outside the General Hospital?

THE HON. SRI M. BHAKTAVATSALAM : It is the idea that if the Jail building is vacated, it may be used for the expansion of the hospital.

SRI MOHAMED RAZA KHAN : Will the Government make renovations and changes and use the building for General Hospital purposes or will they use it as it is?

THE HON. SRI M. BHAKTAVATSALAM : That is for my esteemed Colleague the Minister for Health to consider.

Wild animals

* 45 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Home be pleased to state—

(a) the species of wild animals that live in our forests;

(b) the nature of protection given to them; and

(c) the steps taken or proposed to be taken to prevent any specie becoming extinct?

THE HON. SRI M. BHAKTAVATSALAM : (a) Indian elephant, bison, tigers, panthers, spotted deer, black bear, leopard, Malabar squirrel, barking deer, mouse-deer, black buck, four-horned antelope besides lungur, monkeys, wild dogs, wild boars, red mongoose and grey mongoose.

(b) When animals are reported to be scarce in any particular locality, such areas are closed for shooting. The number of animals that can be shot under a shooting licence is also limited in the case of certain species.

(c) Complete protection from shooting is given to certain species of animals to prevent them from becoming extinct.

VIDWAN T. MUTHUKANNAPPAN : வேட்டை ஆடுவதே நாகரிகம் என்று நினைக்கிற சில வெறியர்கள் துப்பாக்கியோடு, வன விலங்குகளை சுட்டுத் தள்ளுவதைக் கட்டுப்படுத்தவும், மட்டுப்படுத்தவும், அரசாங்கம் முன்வருமா?

THE HON. SRI M. BHAKTAVATSALAM : அவ்வாறு அடியோடு கட்டுப்பாடு செய்ய அரசாங்கத்திற்கு உத்தேசம் இல்லை.

SRI T. PURUSHOTHAM : Is it proper to call anybody 'veriar'? (Laughter.)

Polytechnics

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

(a) the number of polytechnics in the State, districtwise; and

(b) the number of students in each of these polytechnics?

[12th September 1959]

THE HON. SRI C. SUBRAMANIAM : (a) & (b) A statement^a is placed on the table of the House.

SRI MOHAMED RAZA KHAN : After the coming in of the polytechnics in Kanyakumari and North Arcot districts, can we take it that our requirements are satisfied or should we have a few more polytechnics still?

THE HON. SRI C. SUBRAMANIAM : Many more, I think, and the need will go on increasing as we go on developing.

SRI S. K. SAMBANDHAN : May I know whether the school in the South Arcot district is a polytechnic?

THE HON. SRI C. SUBRAMANIAM : It is a polytechnic attached to the Annamalai University.

SRI G. KRISHNAMOORTHY : Is there any scheme for the absorption of those trained in these polytechnics?

THE HON. SRI C. SUBRAMANIAM : They are all absorbed. As a matter of fact, we are short of such personnel.

SRI S. K. SAMBANDHAN : In view of the growing importance of Neiveli, will the Government consider the question of opening another polytechnic in South Arcot near about Neiveli?

THE HON. SRI C. SUBRAMANIAM : Our target is to open one polytechnic in each of the districts. That has been completed this year. Now, we shall try to find out whether the second round can be taken up.

Tanjore Palace Library

* 47 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Finance be pleased to state the steps taken for the preservation and publication of the Oriental manuscripts in the Tanjore Palace Library and the State aid given for the purpose.

THE HON. SRI C. SUBRAMANIAM : The Government are sanctioning the following grants for the preservation and publication of manuscripts in the Tanjore Maharaja Surfoji's Saraswathi Mahal Library, Tanjore :—

	RS.
(1) Recurring grant for the purchase of reference books	300
(2) Recurring grant for the improvement and publication of the journal of the Library	2,000
(3) Recurring grant towards the maintenance of the Library	27,700
(4) Recurring grant for the publication of manuscripts	20,000
(5) A grant towards the expenditure on the employment of the Special Modi Pandits about	3,000

^a Printed as Appendix I on page 290 infra.

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The Library has so far brought out 81 publications with such aid.

The Library is inspected every year by the Curator, Madras Record Office, who advises the Library on the preservation of the manuscripts contained therein.

SRI T. PURUSHOTHAM : Is the Library under the management of a committee and, if so, what is the constitution of the committee?

THE HON. SRI C. SUBRAMANIAM : It is a nominated committee with the Collector as the Chairman.

SRI T. PURUSHOTHAM : In view of the State grant made to the institution, will the Hon. Minister tell us what is the Government control or supervision over this institution?

THE HON. SRI C. SUBRAMANIAM : The committee is a quite competent and responsible committee with the Collector and responsible non-officials, and as I have already stated, the Curator inspects the Library once a year.

SRI T. PURUSHOTHAM : Have the Government considered the question of taking over the Library and making it a State concern and ensuring systematic publication of manuscripts under State control?

THE HON. SRI C. SUBRAMANIAM : As a matter of fact, I do not think there is any need to replace the committee now because even if the Government take it over, there will be somebody responsible for this purpose and we can only constitute another committee to run it. But, now my own view is that we should have a micro film unit which would be able to micro film all the available manuscripts there. It is for that purpose that we are now on the look-out for a machine for that purpose.

SRI G. KRISHNAMOORTHY : Is any publicity given of the nature of the manuscripts published and, if so, in what form is it given?

THE HON. SRI C. SUBRAMANIAM : There is a journal published by the Library which gives a list of such publications and I think once they advertised in the papers also.

Engineering College at Sivakasi

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

(a) whether any representations have been received from the public of Sivakasi to establish an Engineering College there; and

(b) if so, the action taken or proposed to be taken thereon?

THE HON. SRI C. SUBRAMANIAM : (a) & (b) The Municipal Council, Sivakasi, and the Secretary, Sivakasi Industries Charities, Sivakasi, have sent proposals for starting an engineering college

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at Sivakasi to the Government of India and have sent a copy of that letter to this Government. The sponsors of the move have been informed of the minimum requirements for the starting of an engineering college and the conditions subject to which aid will be given by Government. If concrete proposals are made by the sponsors on the basis of the information given to them, they will be considered.

SRI V. V. RAMASWAMI : குறைந்தது எவ்வளவு பணம் வேண்டும் என்று அறிய விரும்புகிறேன்.

THE HON. SRI C. SUBRAMANIAM : The total cost involved in the establishment of an engineering college is nearly Rs. 31 lakhs non-recurring and Rs. 4.4 lakhs recurring. Out of this non-recurring expenditure, 50 per cent of the expenditure is met by the Central Government and 25 per cent by the State Government and the rest will have to be met by the sponsors. In regard to the recurring expenditure also, a sum of Rs. 1.25 lakhs will have to be met by them. Therefore, anybody coming forward to start an engineering college should be able to provide, apart from the non-recurring expenditure, a sum of about Rs. 1.25 lakhs towards recurring expenditure.

SRI V. V. RAMASWAMI : சிவகாசியிலிருந்து வந்திருக்கிற கோரிக்கைக்கு இத்தனை நாட்களுக்குள் அவர்களது சம்மதத்தைத் தெரிவிக்க வேண்டும் என்று அரசாங்கம் எழுதிக் கேட்டிருக்கிறார்களா என்று அறிய விரும்புகிறேன். இத்தனை நாட்களுக்குள் அவர்களுடைய சம்மதம் வராவிட்டால், ரத்தாகிலும் என்றும் அறிவித்திருக்கிறார்களா?

THE HON. SRI C. SUBRAMANIAM : இல்லை.

SRI G. KRISHNAMOORTHY : Is it not a fact that we are producing more civil engineering graduates than mechanical engineering and electrical engineering graduates and will the Government see that in future the colleges recruit mechanical and electrical engineering students?

THE HON. SRI C. SUBRAMANIAM : The requirements are periodically examined and reviewed and adjustments are made as between the civil engineers and mechanical and electrical engineers.

SRI V. V. RAMASWAMI : அரசாங்கம் குறிப்பிட்டிருக்கிற நிபந்தனைகளை ஒப்புக்கொண்டு வருவதற்கு அந்த இடத்தில் தடங்கல் ஏற்பட்டால், வேறு எந்த மாவட்டத்திலிருந்தாவது அத்தகைய நிபந்தனையை ஒத்துக் கொண்டேயாவது முன்வந்தால், இதை நமது விட்டுவிட்டு அந்த இடத்தில் ஏற்படுத்திவிடுவார்களா?

THE HON. SRI C. SUBRAMANIAM : யார் முதலிலே வருகிறார்களோ அவர்களுக்கு இடம் கொடுக்கப்படும். சிவகாசியில் இடம் வேண்டுமென்றால், உடனடியாக வரவேண்டும். உடனடியாக வருவதானாலேயே இடம் கிடைத்துவிட்டதாகக் கருதிவிடக்கூடாது.

SRI MOHAMED RAZA KHAN : From the statement read by the Hon. the Minister for Finance, it looks that what we require is Rs. 7 lakhs by way of capital expenditure and Rs. 1.25 lakhs by way of recurring expenditure to establish an engineering college.

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As the amounts seem to be not very much, the Government of Madras themselves could establish one or two more colleges to meet the requirements of the State.

THE HON. SRI C. SUBRAMANIAM : If it becomes necessary, the Government should step in. But in our State our happy experience is that many private sponsors have come forward and they are running the colleges very efficiently.

MR. CHAIRMAN : Questions are over.

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

II.—ANNOUNCEMENTS.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received a message from the Governor of Madras recommending to the Madras Legislative Council the consideration of the Madras Appropriation (No. 3) Bill, 1959, in pursuance of Article 207, clause (3), of the Constitution of India.

(2) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN : I have also to announce to the House that I have received a message, dated 12th September 1959 from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the Madras Appropriation (No. 3) Bill, 1959 (L.A. Bill No. 21 of 1959), as passed by the Legislative Assembly on the 12th September 1959 and signed by him; for the recommendations of the Council.

The Hon. Speaker certifies that the Bill is a Money Bill within the meaning of Article 199 of the Constitution of India.

III.—CALLING ATTENTION TO HARDSHIP CAUSED TO TEACHERS IN ELEMENTARY SCHOOLS CONVERTED INTO NON-FEE-LEVYING ONES.

SRI T. P. SRINIVASAVARADAN : Mr. Chairman, under rule 41 (1) of the Council Rules, I wish to draw the attention of the Minister for Finance to a matter of urgent public importance, namely, the hardship caused to teachers serving in elementary schools which opted as non-fee-levying from fee-levying, consequent on the deduction of money order commission from their salaries. Those teachers receive their salaries direct, but the money order commission is deducted from their salaries. The deduction ranges from Rs. 1-10 nP. to Rs. 1-30 nP. To the teachers of elementary schools, this deduction every month causes hardship. Another hardship is the delay in remitting salaries. It is requested that the Government should think of some other methods of paying directly to the concerned teachers. In urban areas, the concerned

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teachers may be paid directly by the Deputy Inspectors in whose range the schools are situated. There are only very few schools in rural areas which have opted from fee-levying to non-fee levying.

Although at present sending salaries by money order is confined only to teachers in such of the schools as have opted as non-fee-levying, the intention of the Government is to extend the system in course of time to all teachers in aided elementary schools. Their number is not less than 50,000. If salaries are to be sent by money order, then the money order commission would come to not less than Rs. 60,000 per month or Rs. 7,20,000 per year. The money order commission goes to the Central Government. Whether this comes from the teachers or from the State, the amount is a big one. If the Government were to decide to bear the money order commission, it is not advisable to do so. Such a big amount, instead of being spent on money order commission, might well be utilized for some other purpose beneficial to the teachers. Further, there will be inevitable delay in sending the salaries by money order to such a large number of teachers and the present establishment in the offices of the District Educational Officers will not be in a position to cope with this additional work. Hence, it is requested that some other method which will enable the teachers to get their salaries in time and without the money order commission being deducted may be thought of.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, the main points made by the hon. Member are (1) deduction of money order commission from the salaries disbursed to aided elementary school teachers and (2) delay in the payment of salaries to teachers.

As regards the deduction of money order commission, the liability to Government would be very large if the commission is not to be deducted from the salaries of the teachers and is to be met by Government and this is admitted by the hon. Member himself. However, Government are considering whether it would be possible to devise an alternative arrangement for the disbursement of salaries to teachers, which will involve no loss to the teachers and no large expenditure to Government.

As the scheme of disbursement of salaries to teachers of aided elementary schools is a new venture, administrative arrangements had to be settled in consultation with the Accountant-General and the Postal authorities and this took some time. I am sorry that on account of this some delay had occurred in the payment of salaries to elementary school teachers. All the arrangements have now been completed and instructions have been issued to the effect that there should be no delay in the disbursement of salaries hereafter and that the salaries should be sent to the teachers as expeditiously as possible every month.

With regard to the suggestion of the hon. Member that we may take up the payment of the salaries of teachers, I may state that it would run to a huge figure and that the task also would be very

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huge. But, I may tell the hon. Member that when we establish the panchayat unions, they would undertake the responsibility of disbursing these grants and salaries of teachers and that would then be a small area and there would be necessary staff available for that purpose. Till then, I suppose we should confine our experiment to the task we have already undertaken. So, there is no question of the Government undertaking the entire expenditure immediately and incurring a large expenditure.

IV.—GOVERNMENT MOTION.

MOTION UNDER RULE 23 (1) OF THE MADRAS COUNCIL RULES
TO TRANSACTION OF GOVERNMENT BUSINESS ON A NON-OFFICIAL DAY.

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

“That rule 23 (1) of the Madras Council Rules be suspended and this House do resolve to transact Government business on Saturday, the 12th September 1959.”

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 12th September 1959.”

The motion was put and carried.

V.—GOVERNMENT RESOLUTION.

INCREASE OF GUARANTEE GIVEN BY GOVERNMENT UNDER SECTION 6 (2)
OF THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS ACT, 1934.

* THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I beg to move the following Resolution which stands in my name:—

“This Council recommends to the State Government that they may, under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, increase the maximum amount of the guarantee given by them in respect of the debentures issued by the Madras Co-operative Central Land Mortgage Bank, Limited, up to a total face value of Rs. 1,000 lakhs exclusive of such debentures as the bank may from time to time redeem, such debentures being issued for periods not exceeding in any case 25 years from the date of issue and bearing interest at a rate not exceeding 5 per cent per annum.”

Sir, I may briefly refer to the genesis of and the policy regarding the Government guarantee of the debentures of the Central Land Mortgage Bank.

In 1925, the Government approved the organization, as an experimental measure, of land mortgage banks on a co-operative basis in four selected localities in this State. These banks were to obtain money chiefly by the issue of debentures among the public.

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In order to encourage the investors to purchase them, the Government undertook to take up debentures to the extent of Rs. 50,000 in each bank provided that the public first purchased the other Rs. 50,000. In spite of this, the banks could not make much headway on account of the difficulty experienced in selling debentures locally. The Madras Co-operative Central Land Mortgage Bank, Limited, was, therefore, registered in December 1929 to centralize the issue of debentures and to finance the primary land mortgage banks affiliated to it from the proceeds of such debentures. In order to induce the general public to purchase the debentures issued by this bank, the Government guaranteed the interest not exceeding 6½ per cent on such debentures. As the debentures were still not popular, the Government of India were addressed to declare them as 'Trustee Securities'. The Government of India then insisted, as a condition precedent, that the guarantee given by this Government should be extended to both the principal of, and the interest on, the debentures. This Government then decided to extend their guarantee accordingly. Under the Indian Trusts Act, as amended in 1934, the debentures were declared as 'Trustee Securities'. Under section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, the Government have been declaring from time to time, after consulting the Legislature, that all debentures up to a certain maximum issued by the Central Land Mortgage Bank are fully and unconditionally guaranteed by the Government as regards principal and interest. The maximum amount of this guarantee which was Rs. 50 lakhs in 1934 was gradually raised to Rs. 700 lakhs in 1951.

The Reserve Bank of India had suggested that it should be possible for the Government to fix at least provisionally a maximum limit for their guarantee round about Rs. 5 crores. The question of the future policy in regard to the guarantee was carefully gone into in 1947. The withdrawal of the guarantee would have the effect of shutting out the investment of trust funds in these debentures and also result in increasing the rate of interest charged to the ultimate borrowers. The Government, therefore, decided that their guarantee of these debentures should be continued for some more time.

The necessity for raising the maximum amount guaranteed from Rs. 700 lakhs to Rs. 1,000 lakhs is set out in the explanatory note circulated to the hon. Members. Under the existing guarantee, the margin available for future issues of debentures by the Central Land Mortgage Bank is about Rs. 72 lakhs, and this is quite insufficient for carrying on its business of supplying long-term finance to agriculturists in the context of progressive increase in agricultural production contemplated in the remaining two years of the Second Five-Year Plan and the Third Five-Year Plan. It is, therefore, proposed to increase the limit of guarantee to Rs. 1,000 lakhs.

The financial position of the bank is very sound. It has a paid-up share capital of Rs. 21.1 lakhs and its reserve fund investments

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and other investments amount to Rs. 26.80 lakhs. The total amount in its sinking fund as on 1st March 1959 was Rs. 1.98 crores invested in Government securities and the bank's own debentures. With a view to conserving the resources of the bank, 40 per cent of its annual profits is allocated to its statutory reserve fund and the dividend on share capital is limited so as not to exceed by more than 1 per cent, the rate of interest on which debentures are floated. The loans outstanding against 80 primary land mortgage banks amounted to Rs. 4.7 crores as on 15th March 1959 and they are well-secured, as the security has been valued at pre-war rates plus 25 per cent. During the thirty years of the bank's working a total amount of nearly Rs. 12.65 crores has been advanced as loans to agriculturists.

The rate of interest charged on loans to the ultimate borrower has varied according to the conditions of the money market and the rate at which the debentures are issued from time to time. The Central Land Mortgage Bank floats debentures at 4½ per cent and lends to primary banks at 5½ per cent. The latter charge interest at 6½ per cent on loans to their members. The Government have also recently liberalized the basis and methods of valuation of the hypotheca mortgaged to land mortgage banks and this will bring in more loan applications.

I commend the Resolution for acceptance by the House.

Mr. CHAIRMAN : The question is—

" This Council recommends to the State Government that they may under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, increase the maximum amount of the guarantee given by them in respect of the debentures issued by the Madras Co-operative Central Land Mortgage Bank, Limited, up to a total face value of Rs. 10,00,00,000 (rupees one thousand lakhs) exclusive of such debentures as the Bank may from time to time redeem, such debentures being issued for periods not exceeding in any case 25 years from the date of issue and bearing interest at a rate not exceeding 5 per cent per annum."

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The Resolution was put and carried.

VI.—GOVERNMENT BILLS.

(1) THE MADRAS APPROPRIATION (NO. 3) BILL, 1959 (L.A. BILL NO. 21 OF 1959).

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

" That the Madras Appropriation (No. 3) Bill^a, 1959 (L.A. Bill No. 21 of 1959), as passed by the Legislative Assembly, be taken into consideration."

SRI MOHAMED RAZA KHAN : We support this also wholeheartedly.

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MR. CHAIRMAN: The question is—

“That the Madras Appropriation (No. 3) Bill, 1959 (L.A. Bill No. 21 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

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

Clause 2 was put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM: I move—

“That the Madras Appropriation (No. 3) Bill, 1959 (L.A. Bill No. 21 of 1959), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN: The question is—

“That the Madras Appropriation (No. 3) Bill, 1959 (L.A. Bill No. 21 of 1959), as passed by the Legislative Assembly, be passed.”

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

(2) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1959 (L.A. BILL NO. 7 OF 1959).

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

“That the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

There was a thorough discussion in this Council when the Bill was first introduced here for the first reading. Various aspects of the legislation were gone into during that discussion. Then the Bill was referred to a Joint Select Committee of both Houses and that Committee subjected the various provisions of the Bill to a very careful scrutiny. There were several lawyer Members on the Committee and they took considerable interest in the legislation. Particularly I must point out that the hon. the Deputy Leader of the Opposition was of considerable help to the Committee. The Bill has been revised and, as further revised by the Assembly, is before this House for consideration. There were several changes made in the Bill during the Select Committee stage.

One of the changes is that the Area Committee should have a non-official Chairman in the place of the Assistant Commissioner who has been Chairman under the existing law. Then, again, the term of office of trustees was originally fixed as three years and now it is changed as five years. Further, a provision has been introduced in the Bill for the provincialisation of the posts of executive officers and for constituting a State Advisory Committee

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to offer advice on matters relating to the administration of religious endowments. I would like to point out that although the posts of executive officers are to be provincialised under the present Bill, the expenditure on their pay, pensions, etc., will have to be met from the Commissioner's Fund. I would like to assure on this occasion hon. Members who may have any doubts that not one naya Paisa will be spent from out of the Consolidated Fund of the State for the purpose of administration of Hindu Religious Endowments. There is a separate Commissioner's Fund. If at all funds are drawn for payment of officers from the Consolidated Fund, they will be drawn as advance and recouped later. Not a naya Paisa will be spent from it. Similarly not one naya Paisa belonging to the endowments will be put into the State Exchequer. Then, clause 36 relating to utilisation of surplus funds was subject to a very careful scrutiny and revised. Hon. Members will notice that certain priorities in the matter of expenditure on various items have been indicated under this. Similarly, clause 86 relates to expenditure on certain items where the funds could not be utilised in pursuance of the objectives of the original donors. That is a detailed provision and that was also carefully examined and revised.

Hon. Members are aware that this is a comprehensive Bill. Experience gained in the course of administration all these years has been taken into account. Further, the decisions of the Courts on certain sections of the existing Act have also been taken into account in drafting this comprehensive Bill. Therefore, in accordance with the decisions of the Courts and in accordance with the requirements of the Constitution in certain aspects, a difference is sought to be made between maths and temples.

I would like humbly to point out that one notices certain obsessions with the critics of this legislation, particularly when one comes across stereotyped criticisms with reference to the comments in the Press. The question is again and again asked why there should be a Department of Government for administering these endowments. Sir, under the 1951 Act, this became a department of Government. Before that, it was an autonomous department. But this question was examined by various committees. Mr. R. V. Krishna Iyer, who was formerly Secretary to the State Legislature, was appointed as Special Officer to go through the provisions of the then existing Act and to make recommendations. For more than a year he was on the job and he was of the view that it was in the interests of the administration that it should be made a Government department. Again, a Committee was appointed with Mr. Venkataramana Rao, a former Judge of the Madras High Court and former Chief Justice of the Mysore High Court, as Chairman. It went into the various aspects of the administration and was of the firm view that nothing short of making this department a Government department would secure the desired ends of the administration. The views of the High Court were also called for and the High Court expressed the same view that it would be

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in the best interests of administration if it was made a department of Government. Still, it is asked again and again why the Government should take up this responsibility to administer particular religious endowments when it is a secular Government. I would like to point out that this is no doubt a secular Government. But a secular Government does not mean that this Government is out to destroy all religions. It is interested in giving necessary protection to the adherents of various religions. If the adherents of a particular religion have a serious grievance that certain endowments are not properly administered and are grossly abused, it is the duty and responsibility of this secular Government to offer a remedy to them who are as much citizens of this State as others are. That is why the Government take interest and have been taking interest all along in these. Even under the aegis of the British Administration, hon. Members would have noticed that for a number of years the temples were under the direct administration of the Government. Therefore, Sir, Government feel a sense of responsibility and duty in taking effective steps to rectify the present state of affairs and afford relief and remedy to those who are aggrieved by the maladministration of these endowments and charitable institutions. Then Sir, even if it is to be a department of the Government, as I have already pointed out, it has been provided that nothing would be taken out of the general funds of the State Government for the purpose of expenditure on the administration of this department.

Sir, it is asked: "It may be that certain people, who have no faith in these institutions, come to be in charge of the administration. Then what will happen to these institutions, if a legislation like this is to be passed?" I assure the hon. Members that nothing would happen which would injure the institutions and that nothing can happen so long as the Constitution is there and so long as we have the safeguards provided in the Constitution. But I would also say to such critics, "If certain people, who have no faith in these institutions, happen to be in charge of the administration and if they bring forward a legislation with the full confidence of the Houses of Legislature, what will happen and how can it be prevented?" These things are there. The only safeguard is the Constitution and so long as the Constitution is there, we need not have any fear that there will be any abuse because of any change in the personnel of the administration. That is all what I would like to say just now. I would certainly look forward to the guidance of the hon. Members and to their reactions. But still I do hope that this Bill will have the unanimous support of this House.

Mr. CHAIRMAN: Motion moved—

'That the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959), as passed by the Legislative Assembly, be taken into consideration'.

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* SRI M. PATANJALI SASTRI: Mr. Chairman, Sir, I am sorry this Bill is not going to have the unanimous support of the House if only because I feel bound to oppose this Bill. Now, I hope the hon. the Mover of the Bill will acquit me of the charge that I am merely repeating the criticisms voiced in the Press. It will be noticed, Sir, even before any criticism was offered in the Press, at the Ootacamund session of the House, I would recall to the House—I expressed my disapproval of the Bill, with the same policy underlying the Bill, that is, the policy of exercising a tight departmental control over the religious institutions and their management. At that time, I expressed the view that, whatever might have been the position before the commencement of the Constitution, after its commencement, the position had radically changed. And why? Because of two factors. The first is the establishment of a secular State. The hon. the Mover of the Bill said, 'Secular State does not mean that the State should take no interest in the proper management of these religious institutions.' I entirely agree with this. But what are the full implications of secularism? Why is the State made secular? Why is free religious life, that is, freedom of religion provided for in Article 26 of our Constitution? The idea, in my humble judgment, is this. The State is no longer to concern itself with the religious life of the various communities in the land. The prime purpose of this is no doubt to protect the religious minorities, religious communities, from the exertion of political power by the majority community by virtue of its strength in numbers. The Constitution-makers, however, have made it clear in Article 26 of the Constitution that the majority community, namely, the Hindu community not less than the minority communities is entitled to have the sanctity of its religious life respected by the State by non-interference with such life.

Sir, the language of the Article runs thus—

'Subject to public order, morality and health, every religious denomination or any section thereof.'

(every religious denomination including the religious denomination designated as Hindus and any section thereof like 'Vaishnavites', 'Saivites', 'Madhvas', 'Thenkalais', 'Vadakalais', and so on)

... shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property;

and

(d) to administer such property in accordance with law.

Thus, the religious denominations are given the right to manage their own affairs in matters of religion. I need hardly say that management of temples and management of maths are essentially and primarily management of matters of religion, matters relating

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so faith and belief. Part of this freedom, this fundamental freedom, is the right to administer such property in accordance with law, that is, the property-owned and acquired by the denomination. The temples and other religious institutions do belong to the Hindu community or to any other religious community. In the present case, they belong to the Hindu community, and the right to administer such property in accordance with law is also conferred as a fundamental freedom upon the Hindu community, that is, the religious denomination relevant in this case.

Therefore, I submit that after the Constitution came into force, whatever might have been the position before—and I am aware that there has been a tradition in this country of the State interfering in the management of religious institutions by way of exercising their control over such management and at an earlier stage it was more or less at the instance of the public opinion that the British Government which was disinclined to interfere in religious matters and wanted to pursue a policy of strict neutrality, was persuaded to pass some enactments, I am aware of all that—the position is different now. The learned Mover of the Bill referred to certain eminent persons having been associated with the enquiries into the management of religious institutions and their having recommended a tight control, departmental control, being exercised over them. That was before 1951 or early in 1951. At that time, most of us including some of the eminent judges had no very clear notions about the full implications of the Constitutional provisions. The Constitution came into force in 1950. In 1950 or 1951 when they were making the investigations referred to by the hon. the Mover of the Bill, it must have been within a short time after the commencement of the Constitution and, therefore, in line with previous tradition, they might have recommended the departmentalisation of these religious institutions. That cannot carry much weight now. I have great respect for both of them, Sri R. Krishna Ayyar and Justice Venkataramana Rao. But I cannot agree that their recommendation that the institutions should be brought under departmental control of the Government is quite inconsonance with the Constitutional provisions. Therefore, my submission is that after the provisions of the Constitution have come into force, it cannot be said that the previous history can be invoked to support a measure which seeks to tighten the control of the Government over these institutions. There are two objections arising out of the Constitution. The first is that a secular State has been established and the implication of the secular State is, as I said earlier, to delink the State from the religious life of the various communities, and it should not interfere with the management by the various religious denominations of the properties of institutions belonging to them. There is, of course, that important qualification, viz., that the freedom of management of their own properties is coupled with the restriction that such management must be in accordance with law and it is here that the right of the State to interfere comes in, according to my respectful submission. The

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general law, which is established by numerous decisions of the highest Courts, imposes on the trustees and managers of religious institutions, as upon the trustees and managers of other people's properties, three-fold obligation. First of all, the trustee is to manage the properties without being guilty of maladministration or malpractice or misfeasance or breach of trust maintaining an inventory of such properties. Secondly, the general law imposes upon these trustees and managers the obligation to maintain correct accounts and to produce them for scrutiny before appropriate authorities. Thirdly, they must also look to the proper upkeep of the institutions and endowments. These are obligations placed by the general law on trustees and they are implied in the significant term used here 'in accordance with law'. Therefore, to the extent to which the administration can be enforced so as to be brought in accordance with law, the State's role in relation to religious trusts would be perfectly legitimate. That is why I suggested—the House might recollect—on a former occasion when the House was sitting at Ootacamund, that the aim of any legislative measure seeking to control the management of religious institutions and endowments should go no further than the enforcement of these obligations imposed by the general law on the trustees, coupled, no doubt with appropriate remedial provisions for due enforcement of these obligations and that, if any measure strayed beyond these well-recognized objectives, to that extent it would be against the spirit, if not the letter of the Constitution of India. That was my submission then.

Now I wish to bring another factor, to the notice of the Hon. the Mover of the Bill, arising out of the new Constitutional set-up, as it is relevant to the discussion of the present Bill, and that is that it introduces a parliamentary system of party Government. Now, this party system of Government is based, as my colleagues here know very well, on adult franchise. The fortunes of political parties may vary and there may be changes and there is no guarantee that the person in charge of religious endowments would be imbued with the same spirit of religious faith or respect for religion as, I readily concede, the Hon. Mover is. Therefore, there is a danger that the tighten the control which the legislative measure imposes upon the managers of these religious institutions, the wider the door which such a measure would open for the intrusion of party politics. And that is a great danger to our religious institutions, and the Government, I respectfully submit, must realise this potentiality for mischief, by taking a long view of what may happen in future. The present Government may not always continue in power and, as is well-known, there are parties in our country which have no respect for religion. One party openly says that all religion is a mere dope intended to exploit the masses. Therefore, if such a party comes into power, I cannot contemplate with equanimity what the position of the religious institutions will be and, to place the whole hierarchy of Government officials in control over these religious institutions in such a

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regime, may be fraught, I respectfully submit, with the greatest danger to these institutions. That is a second factor that any Government which bring forward a measure of this kind, must bear in mind. Now these are my objections on broad fundamental grounds to this measure.

This measure, in my humble submission, imposes drastic control over the various religious institutions. I went through the various provisions of the Bill and I do not think I am exaggerating the position when I say that the position of the trustees, under this measure, would be reduced to no more than that of a clerk. At every turn, the Commissioner is invested with a controlling voice and uncontrolled power over the various trustees. As the hon. the Leader of the Opposition said on a former occasion, the Commissioner is made a super-madathipathi, and as if to reinforce that suggestion, I find a curious provision here whereby the Commissioner is made a Corporation Sole. I do not know what exactly is meant by making a salaried official of the Government a Corporation Sole. For example, the King in England is lay Corporation Sole and a bishop may be an ecclesiastical Corporation Sole. But to make a salaried official of the Government, who has no spiritual function and who does not form part of a spiritual establishment, a Corporation Sole and to invest him with perpetual succession, I submit, only serves to reinforce the description by the hon. the Leader of the Opposition, of the Commissioner as a super-madathipathi. I do not know what purpose it is going to serve to make him a Corporation Sole. If such is the case, why not the Deputy Commissioner also be made a Corporation Sole, as also all the Government officials down the scale? Nothing, to my mind, is gained by making the Commissioner a Corporation Sole, unless it be to invest him with a false halo of autonomy, while in reality at every step the control of the Government is paramount.

4 p.m. This, however, is not to say that the Bill does not contain very salutary provisions. The provisions relating to the maintenance of accounts, auditing of accounts and compelling trustees to submit registers of properties belonging to the various religious institutions, are very, very salutary provisions which must command the approval of any right-thinking person. But I cannot say that this overall control of the Government, which is made very tight, is in consonance with the spirit of the Constitution. The internal economy of the religious institutions is sought to be interfered with, as in budget-making, framing of *thittam*, etc. All the malpractices, maladministration and misappropriation could be checked, because the administration, even according to the Constitution, of these properties must be in accordance with law. Instead of contenting themselves with such provisions, provisions which would tend to secure only the fourfold objective I have indicated, this Bill goes far beyond the constitutionally permissible exercise of control over these institutions. And appeal to the traditional mode

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of dealing with such institutions prior to the Constitution really does not help, for, the Constitution has brought about a vital change in the set-up. Therefore, Sir, the hon. Mover's reference to what was taking place under the British regime, I submit respectfully, is not relevant to the present discussion, nor the reference to the investigation and enquiry conducted by certain eminent men.

Sir, the other objection which I raised at the time of the first reading of this Bill, as the House may recall, relates to the question of application of the *cypres* doctrine. The fundamental principle of that doctrine is that the donor's and founder's wishes in the matter should be respected and, as far as possible, given effect to. Suppose, for instance, I endow a sum of Rs. 10,000 for the performance of the fifth day festival at the Mylapore Kapaleeswarar temple and the income from it is not spent fully upon such festival and suppose it is done without fireworks and such other accompaniments and a surplus is left over. Is it my intention that the surplus should be applied for establishment of orphanages, leprosy homes, etc.? Well, these are very laudable objects in themselves; nobody can deny that. But when any donor endows Rs. 10,000 or Rs. 20,000 for a specific purpose, to say that any surplus left over should be diverted to purposes altogether outside his contemplation, I submit, would be a misapplication of the doctrine. If any surplus is left over, the natural thing would be to increase the scale of expenditure on that on which the income derived from that endowment should be expended. After all, it all depends on the view of a religious-minded person how far a thing is good and how far a thing is bad. Our ideas change. Unfortunately, as I said elsewhere, we have among us educated Indians, persons with rationalistic outlook, who regard many of these things as superstitious. But ninety per cent of the masses, possibly even more, do not think like that. Otherwise, how are such big crowds attracted to the festivals? For many of the people, these are in the nature of holidays besides being days of devotion to God. Their drab existence is relieved by attending such festivals. Why do they flock to the *Arupathu Moovar* festival at Mylapore? Because that is the day off for them from their drudgery and drab daily existence, when they come and enjoy themselves and offer devotion to the deities. Why should not such things be made more attractive? One cannot question, "Why is 'China Box' necessary; cannot we have less number of gaslights and cannot we have less number of torch lights?". One can argue like that. But I submit, Sir, that the donors' wishes and the donors' intentions are paramount in this matter. And the State cannot go about arguing, bringing in newfangled notions and try to cut down the scale of these expenditures and thereby create surpluses. After all, surpluses can be artificially created. One can say: "Why pour ten measures of milk upon a stone idol?". Of course, it might all look like unjustifiable waste of precious food commodity in these days to a person who has no living faith

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in idol worship. But religious-minded persons would actually believe that there is religious efficacy, spiritual efficacy in doing *Abishekams* on that scale. Similarly, in respect of other things also. Things can be cut down; if *dittam* is cut down, a surplus results, and then there will be the temptation to divert it to purposes other than the primary purpose. For purposes of social welfare the State should find moneys from out of its own resources. From out of their own resources, the Government should establish orphanages and leprosy asylums. These are objects which a Welfare State should undertake from out of its own resources, without laying hands on the surplus income of temples and maths.

Therefore, I submit that this Bill offends also against the well-known doctrine of cypres in its application to trust funds and charitable endowments. Therefore, my objection to this Bill is based upon these fundamental grounds. As I said, I concede that this Bill contains also many salutary provisions, but basically it infringes the freedom of religion of the Hindu community. I, therefore, respectfully suggest to the Hon. the Mover of this Bill to withdraw this Bill and introduce another Bill, which will be more in consonance with the spirit of the Constitution.

Sir, the Government of India are contemplating the bringing in of a comprehensive legislation in regard to religious institutions and charitable endowments. Let us see what the pattern set by the Central Government is going to be. If it does not satisfy the Hon. Mover, there will be time enough to think of introducing a measure of our own. No doubt, this is a concurrent subject and the State is perfectly right to come forward with a Bill, provided constitutional objections are not there. I should say that when legislation in regard to religious institutions and endowments is under the active consideration of the Government of India, it would be wiser to await the publication of their Bill and see what the pattern of that legislation is going to be and then, if necessary, we may undertake further and separate legislation. That is my respectful submission. With these few words, Sir, I oppose this Bill.

[Sri T. Purushotham in the Chair]

* SRI N. ANNAMALAI PILLAI : கனம் தலைவர் அவர்களே, இன்று “என்டோமென்டு” மசோதாவின் மீது சில வார்த்தைகள் சொல்ல விரும்புகிறேன். அவைகளில் அதிக முக்கியமான விஷயத்தைச் சொல்லுவது என்னுடைய கடமையாக இருக்கிறது. தேவஸ்தானங்களில் நிலங்களைக் குத்தகைக்கு விடுகிறார்கள். குத்தகைக்கு நிலங்களை விரும்பொழுது சரியான வர்களாகப் பார்த்து அவர்களிடம் ஒப்படைக்க வேண்டும். உதாரணமாக, என்னுடைய ஊராகிய திருவண்ணாமலை தேவஸ்தானத்தில் குத்தகைக் காரர்கள் வாடுத்தைச் சரியாகக் கையாண்டுக் கொடுப்பதில்லை. மூன்று வருஷங்களுக்கு வருலாகாமல் இருந்தால், அதற்குமேல் கோரட்டில் சட்டப்படி செல்லாது என்று குர்மகர்த்தர்கள் சொல்லிப் பைசல் செய்து விடுகிறார்கள். இதை வற்புறுத்தி வாங்குவதற்குச் சட்ட பூர்வமாகவும் ஒரு நடவடிக்கையும் எடுத்துக்கொள்ள முடிவதில்லை. சட்டத்திலேயும் வலூ

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செய்வதற்கான வழியை வைத்துவிடுகிறார்கள். ஆகையால், கோவில் நிர்வாகம் கெட்டுவிடுகிறது. சுவாமிக்கு நடக்க வேண்டிய படித்தரங்கள் சரியானபடி கோவிலில் நடத்த முடிவதில்லை.

கோவிலை நடத்துகிற குருக்கள்மார்களுக்கு எப்பொழுதுமே திரந்தர மாகச் சம்பளம் குறைவு. திருவண்ணாமலைக் கோவிலில் பெரிய குருக்களுக்கும் சின்ன குருக்களுக்கும் மாநம் 7 ரூபாய் சம்பளம். மற்றவர்களுக்கு 2½ ரூபாய், 3 ரூபாய் சம்பளம் கொடுக்கிறார்கள்.

இந்த நிலைமையில் அவர்களும் சாதாரண ஆட்களைப் போன்று வாழ்க்கை நடத்த வேண்டும். அவர்களும் நம்மைப் போன்று அரிசி வாங்க வேண்டும், மற்ற தானியங்கள் எல்லாம் வாங்க வேண்டும். இப்போதும் அவர்கள் ஒன்றாகக் கூப்பாய் கொடுத்துத்தான் அரிசி வாங்கிக்கொண்டிருக்கிறார்கள். சூபாய்க்குப் பத்துப் படி அரிசி (விற்பனை) காலத்தில் போட்ட சம்பளம்தான் இப்போதும் கொடுத்துக்கொண்டிருக்கிறோம். அதோடு அவர்கள் அங்குள்ள எக்ஸ்கியூடிவ் ஆபீஸர்களுக்குப் பயப்பட்டுக்கொண்டு தான் நடக்க வேண்டும். அவர்கள் கொடுக்கின்ற தண்டனைகளை எல்லாம் ஏற்றுக்கொள்ள வேண்டும். அவர்களுடைய உருட்டல் மிரட்டல்கள் எல்லாம் பயங்கரமாக இருந்துகொண்டிருக்கின்றன. இந்த நிலைமையை ஓரளவு கட்டுப்படுத்த வேண்டும். குருக்கள் என்றால், அர்ச்சுனர்கள், அதாவது கடவுளுக்கு அடுத்தபடியாகக் கோவில்களில் இருக்கக் கூடியவர்கள். அவர்களிடம் எல்லோருமே மரியாதையாக நடந்துகொள்ள வேண்டும். அவர்களிடம் இப்போது இருக்கின்ற எக்ஸ்கியூடிவ் ஆபீஸர்கள் மிகவும் கீழ்த்தரமான முறையில் நடந்துகொண்டிருக்கிறார்கள். குருக்கள் மீது அவர்களுடைய அதிகாரங்களை எல்லாம் செலுத்திக்கொண்டிருக்கிறார்கள். இப்போதுள்ள எக்ஸ்கியூடிவ் ஆபீஸர்களுக்குச் சர்வசுதந்திரமும் கொடுக்கப்பட்டிருக்கிறது. அவர்களை ஓரளவு அடக்கவதற்குரிய முறையில், அந்தந்தக் கோவில்களிலுள்ள தர்மகர்த்தாக்களிடம் எக்ஸ்கியூடிவ் ஆபீஸர்களுடைய அதிகாரத்தைக் கொஞ்சம் மட்டுப்படுத்தவேண்டும். அப்போதுள்ள ஓரளவு அவர்களைக் கட்டுப்படுத்தி வைத்திருக்க முடியும். சமீபத்தில் முனிசிபாலிட்டிகளில் உள்ள சேர்மென்ட்ஸ் ஆர்ட்டுக்கட அதிசயத்தைக் கூடுதலாகத் தா வேண்டும் என்று டிரான்சசி செய்ததின் பயனாக, இப்போது ஸ்தல ஸ்தாபன மந்திரி அவர்கள் அவர்களுக்குப் பலனாக, அதிகாரங்களைக் கொடுத்திருப்பதாகத் தெரிகிறது. அதே போல், எக்ஸ்கியூடிவ் ஆபீஸர்களுடைய அதிகாரத்தைக் கொடுக்க வேண்டும் என்று கேட்டுக் கொள்ளுகிறேன். உதாரணமாகச் சொல்லப் போனால், சமீபத்தில் எங்கள் கோவிலிலுள்ள சொத்து ஒன்றை, அதாவது அடையாற்றுப் பக்கத்தில் அருணாசல நகர் என்ற இடத்தின் சில நிலங்களை விற்பனை திருவண்ணாமலையில் கட்டிடம் கட்டுவதற்காக எல்லா ஏற்பாடுகளையும் செய்தார்கள். எக்ஸ்கியூடிவ் ஆபீஸரே எடுத்து, கவர்ன்மென்ட் சாங்க்ஷனும் வாங்கி, அங்கிருந்த தர்மகர்த்தா ஒருவர், எக்ஸ்கியூடிவ் ஆபீஸருக்கு “நீங்கள் எப்படி எங்களைக் கலந்துகொள்ளாமல் விற்பனைசெய்யலாம்?” என்று கேட்டுக் கடிதம் எழுதியிருந்தார். அந்த எக்ஸ்கியூடிவ் ஆபீஸரைப் பின்னால் அதைப் பற்றிக் கேட்டதற்கு, அவர், “உங்கள் கடிதம் கிடைத்தது, நீங்கள் என்ன என்னைக் கேட்பதற்கு அதிகாரம் இருக்கிறது நான் பார்க்க வேண்டிய காரியங்களைப்பற்றி எனக்குத் தெரியும். நீங்கள் சொல்லித் தெரிந்துகொள்ள வேண்டிய அவசியமில்லை. நீங்கள் வந்து என்னைக் கேட்கவேண்டிய அவசியமில்லை. எனக்கு நல்ல படிப்பு இருக்கிறது. ஜாஸ்தியாக ஒன்றும் பேச வேண்டாம்” என்று சொல்லிவிட்டார். இவ்விதமாகத் தர்மகர்த்தாவை மரியாதைக் குறைவாகப் பேசியிருக்கிறார். இதைக் கேட்ட அந்தத் தர்மகர்த்தா ராஜினாமாச் செய்துவிட்டார். இவ்விதமான அசம்பாவிதங்கள் எல்லாம் நடக்கின்றன. அந்தத் தர்மகர்த்தா இதற்கு என்ன செய்தார் என்றால், அரசாங்கத்திற்கு, “எக்ஸ்கியூடிவ் ஆபீஸர் மரியாதைக் குறைவாகப் பேசிவிட்டார், அவரை விசாரணை

[Sri N. Annamalai Pillai] [12th September 1959]

செய்து, அவர் பேரில் நடவடிக்கை எடுக்கவும்” என்று சொல்லிவிட்டு, அந்தக் கடிதத்தையே ராஜிநாமாவாக ஏற்றுக்கொள்ளும்படி சொல்லி அனுப்பிவிட்டார். இப்போது எக்ஸ்சியூட்டிவ் ஆபீசர் ரீது ஏதோ அரசாங்கம் நடவடிக்கை எடுத்திருப்பதாகத் தெரிகிறது. இது மாதிரி நடப்பதற்குச் சட்டத்தில் இடமும் இருக்கிறது. இவ்விதம் எக்ஸ்சியூட்டிவ் ஆபீஸர்கள் மரியாதைக் குறைவாகவும், கண்காணிக் குறைவாகவும் தர்மகர்த்தாக்களிடம் நடந்துகொள்ளுகிறார்கள் என்பதைத் தெரிவித்துக்கொள்ளுகிறேன். இவ் விதமானச் சர்வாதிகாரம் படைத்த நிலைமை இருப்பது நல்லதல்ல, ஜன நாயகத்திற்கும் பொருத்தமானதில்லை. இதை மாற்றி ஜனநாயக ரீதியில் சட்டத்தை அமைக்க வேண்டுமென்று கேட்டுக்கொள்கிறேன்.

மற்றொன்று. கர்ப்பசிக்ருத்தில் எக்ஸ்சியூட்டிவ் ஆபீஸர்கள் திடீரென்று சென்று, எதாவது சத்தெக்ம் இருந்தால் போய்ப் பார்க்கலாம் என்று அவர்களுக்கு அதிகாரம் அளிக்கப்பட்டிருப்பதாகத் தெரிகிறது. இதற்காக இந்தச் சட்டத்தில் வசை செய்யப்பட்டிருக்கிறது. ஆனால், கர்ப்பக் கிருகத்திற்குள் இந்தக் காலத்திலிருந்து இந்தக் காலத்திற்குள் போகலாம் என்று வசையுடுத்து ஒன்றும் சொல்லப்படவில்லை. சிலவாசியை நாம் படுக்கப்போவதாகவும், பரிசியைக் குழப் போவதாகவும், நாம் களைவு கடவுள் இரவு காலங்களில் பெண்பாட்டியொடு பேசிக்கொண்டிருக்கிறோம். இப்போது குங்குலிதர், என்டெல்லாம் நாம் சே நேரங்கள் நிர்ணயப் படுத்தியிருக்கிறோம். இம்மாதிரியாகப் பல விஷயங்களை நாம் நிர்ணயப் படுத்தியிருக்கிறோம். அப்படிப்பட்ட நேரத்தில், எதாவது பள்ளியறைக்குப் போய்க் குப்பதாக நாம் என்னைக்கொண்டிருக்கின்ற நேரத்தில், கோவிலுக்குள் சென்று சோதனை செய்ய வேண்டும் என்று எக்ஸ்சியூட்டிவ் ஆபீஸ் நினைத் தால், போவதற்கு இந்தச் சட்டத்தில் இடம் கொடுக்கப்பட்டிருக்கிறது. இம்மாதிரி எக்ஸ்சியூட்டிவ் அதிகாரங்களுக்குக் கொடுத்திருக்கிற அதிகாரத்தை எடுத்துவிட வேண்டும். அப்போது கோவிலுக்குள் போவதற்கு அர்ச்சகர் சம்மதிக்கவில்லை யென்றால், போலீஸாரர்கள் அழைத்துக்கொண்டு போக லாம் என்று சொல்லப்பட்டிருக்கிறது. இதில் எம்மத்தனைக்காரந்த போலீஸ் காரர்களை அழைத்துக்கொண்டு போக வேண்டும் என்று சொல்லப்படவில்லை. போலீஸ் இன்ஸ்பெக்டர் எல்லா மதத்திற்குள்ளவர்களும் இருக்கலாம். போலீஸ் காரர்களை அழைத்துக்கொண்டு போவதற்கு எங்கும், இந்தப் போலீஸை அழைத்துக்கொண்டு போவதென்றால் அல்லது மசூதியை போலீஸை அழைத்துக்கொண்டு போவதென்றால் அல்லது கிறித்தவப் போலீஸை அழைத்துக்கொண்டு போவதென்றால் அல்லது சொல்லப்படவில்லை. எந்த மதத்தைச் சேர்ந்த போலீஸை இருந்தாலும் சரி, அவர்களைக் கோவிலுக் குள் அழைத்துக்கொண்டு போவதாம் என்ற முறையில் தான் இதில் சொல்லப்பட்டிருக்கிறது. ஆகவே, இதில் இந்தப் போலீஸைத்தான் அழைத் துக் கொண்டு போக வேண்டும் என்று எந்தெந்த வேண்டும் என்று கேட்டுக் கொள்கிறேன்.

தேவன்நாயக்கரைப் பொறுத்த வரையில், கோவில்களின் பக்கத்தில் அல்லது கோவில்களுக்குக் கடைகளை வைத்திருக்கக் கூடாது என்று சொல்லப் பட்டிருக்கிறது. இது பொம்பலும் தவறுதான். ஆனால், அடியோடு எல்லாக் கடைகளையும் எடுத்துவிட்டால், சமாமியைக் குங்குலி வகுக்கின்றவர்களுக்குத் தேவையில்லை. மூலம், சாமியாணி, புலிபம் இவைகள் வாங்க வேண்டுமென்றாலும், வேலியை ஒரு வாத்திற்கு அப்பால் போக வேண்டும் என்ற நிலை இருக்கக்கூடாது. ஆகவே கோவில்களுக்குள்ளேயே வரிசையாக ஒட்டத்தில் மட்டும் தேவையில்லை, மூலம், பொன்ற சாமான் களை வைத்து விற்றதற்கு இடமிருந்தால், தீர்மானமாக இருக்கும். கோவிலுக்குள்ளேயே தேவ மாதிரி கடைகள் இருந்தால், அங்கு வரு வின்ற மக்கள் எவ்வளவு பொருளும் இருப்பார்கள். இவையென்றால் கோவிலுக்கு வந்துவிடுப மீட்டர் இவைகள் என்றும் வாங்க முடியா மல் முறித்துக்கொண்டிருப்பார்கள்.....

12th September 1959]

THE HON. SRI M. BHAKTAVATSALAM : இம்மாதிரிப்பட்ட கடை கள் வைத்துக்கொள்வதற்கு இடம் கொடுக்கப்பட்டிருக்கிறது. ஆனால், சினிமா ஸ்டார்களுடைய படங்கள், மற்றும் அது போன்ற பொருட்களை எல்லாம் வைத்து விற்கக் கூடாது என்பதுதான் இதனுடைய நோக்கம்.

* SRI N. ANNAMALAI PILLAI : அவ்விதமிருந்தால் மிகவும் நல் லது. மேலும், தர்மகர்த்தாக்களைப் பொறுத்த வரையில், தர்மகர்த்தாக் களுக்கு எல்லாம் குறைந்தது ஆறு மாதங்களாவது ட்ரெயினிங் இருந்தால் நல்லதுதான். ஆகவே, தர்மகர்த்தாக்களுக்காக வருகின்றவர்கள் மனிதர்கள் அறிந்திருக்க வேண்டிய ஆகமங்கள் போன்றவைகளை எல்லாம் அறிந்திருக்க வேண்டும் அதை அறிந்தவர்கள்தான் ஊக்கத்தோடு இருக்க முடியும். இதைத்தான்,

“ உடையர் என்பபடுவது ஊக்கம் அக்திலார் இல்லார்
உடையது உடையரோ மற்று ”

என்று நாயனார் சொல்லியிருக்கிறார். அந்த முறையில் கோவில்களை நிர்வகிப்பவர்கள் பல ஆகமங்களை அறிந்திருக்க வேண்டும். வைஷ்ணவக் கோவில்களில் தர்மகர்த்தாக்களாக இருக்கின்றவர்கள் பல பிரபந்தங்களை எல்லாம் அறிந்திருக்க வேண்டும். அதே போன்று சைவக் கோவில்களை நிர்வாகம் செய்கின்றவர்கள் தேவாரம், திருவாசகம் போன்றவைகளை அறிந்து வைத்திருக்க வேண்டும். அப்படியிருந்தால்தான் தர்மகர்த்தாக் கள் ஒழுங்காக நடந்துகொள்வார்கள். இப்போது கலெக்டர் பதவிக்கோ அல்லது தாலிதார் பதவிக்கோ பி.எ. போன்ற படிப்பு வேண்டும் என்று வைத்திருப்பது போல், இவர்களுக்கும் ஒரு க்வாலிபிகேஷன் என்ற முறையில் படிப்பை நிர்ணயிக்க வேண்டும். இந்தத் தகுதியுள்ளவர்களைத் தான் தர்மகர்த்தாக்களாக எடுக்க வேண்டும். அல்லது தர்மகர்த்தாக் களாக நியமிக்கப்பட்ட ஆறு மாத காலத்திற்குள் இந்தத் தகுதி பெற வேண்டும் என்று நிர்ணயிக்க வேண்டும். இதற்குத் தகுந்த முறையில் விதிக்கத் திருத்த வேண்டும். (திரு. கே. டி. கோசல்ராம் அவர்கள் குறுக்கீடு) நீங்கள் என்னைக் குழப்பாதிர்கள், சும்மா இருங்கள். ஸ்ரீ கோசல் ராம் குழப்பம் செய்பவர். அவர் உங்கள் சர்க்கார் என்று அல்லவோ எப்போதும் பேசுகிறார்.

SRI V. V. RAMASWAMI : நம் சர்க்கார் என்று சொல்ல வேண்டும் என்று நான் அவரைக் கேட்டுக்கொள்ளுகிறேன். (சிரிப்பு).

* SRI N. ANNAMALAI PILLAI : தென் ஆற்காட்டிலும், வட ஆற் காட்டிலும், அந்த பார்ட்டில், கோவில் இருக்கும் இடத்தில் இரும்பு திறைய இருப்பதாக அங்கே வந்து ஆராய்ந்து பார்த்து அமெரிக்க உலோக ஆராய்ச்சி நிபுணர்கள் சொல்லியிருக்கிறார்கள். இப்போது அங்கே 80 சத விதம் இரும்பு மெல்ல இருக்கிறது என்றும், பூமிக்குள் பார்த்தால் இன்னும் இரும்பு திறைய இருப்பது தெரியும் என்றும் அவர்கள் சொல்லியிருக்கிறார்கள். அந்த இடங்களில் உள்ளவர்கள் அந்த நிலங்களை விலைக்குக் கொடுப்பார்களா என்று சர்க்கார் பார்க்கிறார்கள் என்று தெரிய வருகிறது. இரும்பு உள்ள இடத்தை விலைக்கு வாங்க வேண்டுமானால், 3,000 எக்கர் நிலங்களை விலைக்கு வாங்க வேண்டும். இதற்குப் பூதமங்க ளம் என்ற ரொமத்தையே அங்குள்ளவர்கள் அடியோடு காலி செய்ய வேண்டும். அவர்கள் அந்த நிலங்களை விலைக்குக் கொடுப்பார்களா என்று விசாரித்தார்கள். அங்கே இரும்பு கிடைப்பது உண்மையானால், அங் குள்ள நிலங்களைக் கொடுக்க அவைகளின் சொந்தக்காரர்கள் தயாரா யிருக்கிறார்கள். அவை கோவில் நிலங்களாக இருந்தாலும் சரி, சொந்த நிலங்களாக இருந்தாலும் சரி, மானியமாகக் கொடுக்கப்பட்ட நிலங்களாக இருந்தாலும் சரி, எப்படி இருந்தாலும் அவைகளை விலைக்குக் கொடுக்க அவர்கள் தயாராயிருக்கிறார்கள். அதனால் தேவஸ்தானத்திற்கு நல்ல வருமானமும் கிடைக்கும்.

[12th September 1959]

SRI V. V. RAMASWAMI : அது கோவில் கிராமமா ?

SRI N. ANNAMALAI PILLAI : கோவில் கிராமமும் அந்த இடத்தில் இருக்கிறது.

SRI K. BALASUBRAMANYA AYYAR : சரி, இங்கே வியாபாரமும் நடந்துகொள்கிறார்கள். (சிரிப்பு).

SRI K. T. KOSALRAM : நீங்கள் கோவில் டிரஸ்டியாக வரப் பார்த்தீர்கள்.

* SRI N. ANNAMALAI PILLAI : அனுப்பப்பற்றிக் கனம் அங்கத்தினர் திரு. கோசல்ராம் கவலைப்பட வேண்டியதில்லை. எனக்கு 72 வயது ஆகி விட்டது. அந்த உத்தியோகத்திற்கான உச்ச வயதிற்கு மேல் எனக்கு வயதாகிவிட்டது.

SRI K. BALASUBRAMANYA AYYAR : 'எக்ஸெம்ஷன்' கொடுக்கலாம்.

* SRI N. ANNAMALAI PILLAI : ஆமாம், 'எக்ஸெம்ஷன்' கொடுக்கலாம்.

மடாதிபதிகளுக்கு இருக்கும் உரிமைகளில் சிலவற்றில் நம்மவர்கள் தலையிடக்கூடாது என்று ஏற்கெனவே வைகாசிப்பட்டித் தீர்ப்புச் சொல்லிவிட்டார்கள். அதை அப்படியே விட்டுவிடுவது நல்லது என்று நான் நினைக்கிறேன். ஏனென்றால், மடாதிபதிகளுக்கும், குருக்களுக்கும், சங்கராச்சாரியாருக்கும், மத்வாச்சாரியாருக்கும் இருக்கும் பெருமைமையையும், கண்ணியத்தையும் குறைக்கும் வகையில் நம் எண்டோமென்ட் இலாகா அமைந்திருக்கிறது. எண்டோமென்ட் போர்டில் பண்டிய காலத்தில் இருந்தவர்களுடைய இப்போதும் இருக்கிறார்கள். இது ஓரளவு கருப்புச்சட்டை வேனில் இருக்கிறது. இதையெல்லாம் மாற்ற வேண்டும். வேறு அடக்கிப் போட வேண்டும். கோவில்களைப் பாதுகாக்க வேண்டுமானால், முதலில் இந்த ஸ்தாபனம் சுத்தமாக இருக்க வேண்டும். இந்த ஸ்தாபனம் சுத்தமாக இல்லாவிட்டால், எண்டோமென்ட்டைக் காப்பாற்ற முடியாது என்று சொல்லிக் கொள்கிறேன். என்னை இல்லாவிட்டால் நேரம் பேச அனுமதித்ததற்கு என் நன்றியை உங்களுக்குத் தெரிவித்துக்கொண்டு என் வார்த்தையை முடித்துக் கொள்கிறேன்.

* SRI K. BALASUBRAMANYA AYYAR : மதிப்பிற்குரிய அவைத் தலைவர் அவர்களே, இந்த மசோதா திருத்தம் சட்டமானது 1951-ம் வருஷம் இயற்றப்பட்ட சட்டம். அந்தச் சட்டத்தைப்பற்றி ஹைக் கோர்ட் தீர்ப்புகளில் குறை கூறப்பட்டிருக்கிறது. இந்தத் தீர்ப்புகளை அனுசரித்தும் அனுபவத்தில் நாம் கொண்ட மனுவர்கள் அனுசரித்தும் திருத்த மசோதா கொண்டுவர வேண்டுமென்று இந்தச் சபையில் பல முக்கியமான அங்கத்தினர்கள் சொன்னார்கள். அவர்களுள் ஸ்ரீ புருஷோத்தம் அவர்களும் ஒருவர். அவர்களுடைய வேண்டுகோள்கள் காரணமாகத்தான், அரசாங்கத்தார் இந்த மசோதாவைக் கொண்டுவந்திருக்கிறார்களே தவிர, அரசாங்கத்தார் தாங்களாகவே இதைக் கொண்டுவரவில்லை என்று நான் நினைக்கிறேன். எப்படியும் மசோதா வந்தது நல்லதுதான். இந்த மசோதாவிலுள்ள எல்லா அம்சங்களையும் செலக் கமிட்டி கவனித்தது. நானும் கவனித்தேன்.

என்னைப் பாராட்டியதற்காக கனம் மத்திரி அவர்களுக்கு என் நன்றியைத் தெரிவித்துக்கொள்கிறேன். அவரையும் நான் பாராட்டக் கடமைப்பட்டிருக்கிறேன். முக்கியமாக நல்ல திருத்தங்களை அவர் ஒப்புக் கொண்டார். அந்த விஷயத்தில் அவர் நடந்துகொண்டது, மிக உயர்ந்த மாதிரியானது என்று கூறவேண்டியதுதான். மேலும், கோவில்கள் விஷயத்திலும், நம் மத விஷயத்திலும் அவர் மிக உயர்ந்த ஊக்கம் கொண்டிருக்கிறார் என்பதை நாம் ஒப்புக்கொள்ள வேண்டும்.

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உண்மை. இப்போது இருக்கும் கமிஷனர் ஸ்ரீ உத்தன்டராம் பிள்ளை உயர்ந்தவர். அதை ஒப்புக்கொள்ள வேண்டும். சட்டத்திலுள்ள சில விஷயங்கள் தீர்க்காலோசனை செய்யப்பட வேண்டியவைதான். இது போதிய அளவு திருத்தப்படவில்லை. இதை ஏற்கெனவே செலக் கமிட்டியில் சொல்லியிருக்கிறேன். பல திருத்தங்கள் செய்திருக்கிறார்கள். அவை நல்ல திருத்தங்கள்தான். அவைகளை ஒப்புக்கொள்ள வேண்டியதுதான். கனம் அங்கத்தினர் ஸ்ரீ அண்ணாமலை பிள்ளை குறிப்பிட்ட குறைகள் எனக்கும் குறைகளாகவே தோன்றின. அவைகளை நீக்க வேண்டுமென்று பல தடவை சொல்லியிருக்கிறேன். தர்மகர்த்தாக்களின் நிலைமை மத்தளம் போன்றது. இரண்டு பக்கங்களிலும் அடி. இதைக் கொஞ்சம் சீர்திருத்த வேண்டும். அவர்களுடைய நிலையை, அந்தஸ்தை, உயர்த்த வேண்டுமென்பது என் முக்கியமான நோக்கம். இப்போதுள்ள மசோதாவில் அவர்களுக்குப் போதிய அந்தஸ்து அளிக்கப்படாதது ஒரு குறைதான். அந்தக் குறையானது, நனாபர் ஸ்ரீ பதஞ்சலி சாஸ்திரி சொன்னதுபோல, அரசியல் சட்டத்தில் 26-வது ஷரத்துக்கு முரணானதாகத்தான் இருக்கும். தர்மகர்த்தாக்கள் ஹிந்து மதத்தைச் சேர்ந்தவர்கள். ஹிந்து மதத்தைச் சேர்ந்தவர்களாகவும், இந்த உத்தியோகத்திற்குத் தகுந்த மனப்பான்மை வாய்ந்தவர்களாகவும் இருப்பவர்களைத்தான் தர்மகர்த்தாக்களாக நியமிக்க வேண்டும். நியமிக்கப்பட்டவர்கள் சரியாக இல்லை என்றால், நியமனமும் சரியாகச் செய்யப்படவில்லை என்றுதான் கருத வேண்டும். தப்புப் பண்ணுவது உலகத்தில் சகஜம். உலகத்தில் எங்கும் தப்பு இருக்கிறது. உலகத்தில் தப்புகளையெல்லாம் நீக்கிவிட்டு, சுத்தமான நிலையில் இருக்க முடியும் என்று சொல்ல முடியாது. தர்மகர்த்தாக்களின் நிலையைக் குறைத்திருக்கிறார்கள். அவர்களை நியமிப்பது, அவர்களை ஸ்லப்பென்ட் பண்ணுவது, மீண்டும் அவர்களை நியமிப்பது ஆகியவைகளைப் பொறுத்த வரையில், அவர்களுடைய நிலையை உயர்த்த வேண்டுமென்று சொன்னோம். அவர்களுக்குப் போதிய அந்தஸ்து அளிக்கப்படவில்லை. தர்மகர்த்தாக்கள் சொல்வதை எக்ஸிக்யூட்டிவ் ஆபீசர் மதிக்க வேண்டும் என்று சொன்னோம். அதற்கேற்ற முறையில் விதிகளை (ரூல்ஸ்) அமைக்கலாம் என்று சொன்னார்கள். டிரஸ்டிகள் கமிஷனரின் உத்திரவிற்குக் கீழ்ப்படிய வேண்டும் என்று விதிக்கப்பட்டிருக்கிறது. அதே மாதிரி எக்ஸிக்யூட்டிவ் ஆபீசர்களும் டிரஸ்டிகளின் உத்திரவுக்குக் கீழ்ப்படிய வேண்டும் என்று விதிக்க வேண்டும் என்று சொல்லியிருக்கிறோம்.

இப்போது எக்ஸிக்யூட்டிவ் ஆபீஸர்களை சர்க்கார் உத்தியோகஸ்தர்களுக்கச் செய்திருக்கிறார்கள். எக்ஸிக்யூட்டிவ் ஆபீஸர்களை கேட்டுக்கொண்டதால் தான், இம்மாதிரிச் செய்திருக்கிறார்கள். அதனால் எங்களாலும் மறுக்க முடியவில்லை. ஏனென்றால் பல எக்ஸிக்யூட்டிவ் ஆபீஸர்கள் "எங்களை வாரன்மென்ட் உத்தியோகஸ்தர்களாகப் போட்டால், பல சலுகைகள் இருக்கின்றன, அப்படியில்லாது போனால் அந்தச் சலுகைகள் குறைந்து விடும்" என்று நினைக்கிறார்கள். அது உண்மைதான். ஆனால், எக்ஸிக்யூட்டிவ் ஆபீஸர்களை சர்க்கார் உத்தியோகஸ்தர்களாகப் போடுவதால், தர்மகர்த்தாக்களுடைய மேன்மை குறைந்துவிடுகிறது. இந்த இரண்டுக்கும் முரண்பாடு இருக்கத்தான் செய்கிறது. தர்மகர்த்தாக்களுடைய நிலையைப் பலப்படுத்தி, தர்மகர்த்தாக்களுடைய உத்திரவுக்குக் கீழ்ப்படிந்து நடக்க வேண்டும் என்று போட்டு, தர்மகர்த்தாக்களுக்குப் போட்டிருக்கக்கூடிய சட்ட திட்டங்களைக் கொஞ்சம் குறைவாக வைத்தால், இன்னும் கொஞ்சம் நன்றாக இருக்கும் என்பது எனது அபிப்பிராயம். இதை நான் இங்கே முன்பேயே தெரிவித்திருக்கிறேன். கமிட்டியிலும் தெரிவித்தேன். இப்போதும் தெரிவிக்கிறேன். இல்லையென்றால், இது நமது அரசியல் சட்டத்தின் 26-வது ஆர்ட்டிக்குக்கு முரண்பாடு கொண்டதாகத்தான் இருக்கும். இதிலே பல தர்மகர்த்தாக்கள் பரம்பரையாக இருக்கிறார்கள். சமுதாயத்தில் உயர்ந்தவர்களாக இருப்பவர்களை நியமிக்கலாம். அதையெல்லாம் செய்வது சமுதாயத்திற்கே நன்றாக இருக்கும். அதை விட்டு சர்க்கார் உத்தியோகஸ்தர்களுக்கு அதிக பலம் கொடுத்தால், அது 26-வது விதிக்கு விரோதமாகத்தான் இருக்கும் என்று இங்கே தெரிவித்துக்கொள்ளவேண்டியது அவசியம். அதைச் சீர்திருத்தினால், நன்றாக இருக்கும் என்று

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நீனைக்கிறேன். இது அனுபவத்தில் எப்படிப் போகிறது என்றால், வேலை யில் இருப்பவர்களுக்குத் தப்பத்தான் சொம்பப் படுகிறது. நமக்கு அது சொம்பத் தெரிவதில்லை. நாம் வெளியில் இருப்பதால், நமக்குத் தெரிய வில்லை. அப்படித்தான் இருக்கிறது, நமது மந்திரியுடைய மனோநிலை. குற்றம் செய்பவர்களைப்பற்றியே கேட்டுக்கொண்டிருப்பதால், அவர்களுக்குக் குற்றங்களே தோன்றுகின்றன. குற்றம் செய்கிறார்களே, அந்தத் தர்ம கர்த்தா சரியில்லையே, இந்தத் தர்மகர்த்தா சரியில்லையே என்ற கவலை ஏற்படுகிறது. தர்மகர்த்தாக்களைக் குற்றம் சொல்வது தவறு. எல்லோரும் குற்றம் செய்கிறார்கள். ஆனால், எதோ சிலர் குற்றம் செய்கிறார்கள் என்பதனால் சட்டம் செய்யும்போது, சட்டங்கள் மாத்திரம் சரியாகச் செய்ய வேண்டியதுதான் தவிர, அதற்காகத் தர்மகர்த்தாக்களுடைய நிலைமை யைக் குறைப்பது சரியல்ல என்று தெரிவித்துக்கொள்கிறேன். மைசூரில் இப்போது ஹைக்கோர்ட்டில் ஒரு ஜட்ஜ்மெண்ட் சொடுத்திருக்கிறார்கள். அதிலே தர்மகர்த்தாக்களை நியமிப்பது, அவர்களை வேலையில்லிருந்து நீக்கு வது என்ற அதிகாரங்களை யெல்லாம் கவர்ன்மென்ட்டுக்குக் கொடுத்தால், அவர்கள் சர்க்கார் வேலைக்காரர்கள் மாற்றி ஆவீட்டதால், அது 26-வது ஆர்ட்டிக்கு முன்பு இருந்தது என்று தீர்ப்பளித்துள்ளார்கள். ஒரு கோவிலைப்பற்றி வந்த வழக்கில் அம்மாதிரித் தீர்மானம் செய்திருக்கிறா் கள். அந்த முழு ஜட்ஜ்மெண்டையும் கேட்டேன். இன்னும் நமக்குக் கிடைக்கவில்லை. இந்தச் சட்டத்திலேயே இது ஒரு சங்கடமான சமாசாரம். எந்த இடத்திலே போனாலும் கை முட்டும். உடனே 'நிட' 'மூவ்' பண்ணிவிடுவார்கள். அதனால் வேலையெல்லாம் தேக்கிப் போகும். இதை சொம்பவும் ஜாக்கிரதையாகச் செய்ய வேண்டும். கோவிலில் இருக்கும் தர்மகர்த்தாக்களை நியமிக்கும் அதிகாரம் இருந்தால், உடனே இது 26-வது ஆர்ட்டிக்கு முன்பு இருந்தது என்று 'நிட' போட்டுவிடுவார்கள். இது சிரமமான விஷயம்தான், அவ்வளவு சுலபமான சட்டம் அல்ல. எங்கே போனாலும்—சொப்பனத்தில் கூட—இந்த 26-வது ஆர்ட்டினை குரூபத்தில் வைத்துக்கொள்ள வேண்டியிருக்கிறது. அதன்படிதான் இந்தச் சட்டத்தை அமைக்க வேண்டும். இதுதான் ஒழுங்கானது என்று அந்தக் காலத்திலேயே செய்த தீர்மானம் இது. மத விஷயத்தில் நமது ராஜ்யத்தையே சம்பந்தப்படுத்தக் கூடாது என்று அவர்கள் செய்த புண் ணியமான காரியம்தான். ஓர்நதுக்களால், இந்தத் தேசத்தில்தான் இம் மாதிரிக் காரியம் செய்ய முடியும். மகம்மதிய தேசத்தில் அம்மாதிரிச் செய்ய முடியாது. இதைப்பற்றி அப்போதே திரு. டேஜா அவர்கள் சொன்னார்கள். இதை குரூபத்தில் வைத்துக்கொள்ள வேண்டும். மற்ற மதக் கோவில்களாக இருந்தால், எப்படிச் செய்வோம் என்பதை மனதில் வைத்துக்கொண்டு, அதற்குத் தகுந்தபடிதான் நம்முடைய கோவில் களுக்கும் செய்யவேண்டும். இல்லை யென்றால், 26-வது ஆர்ட்டினை மாற்ற வேண்டும். இருபத்தாறுவது ஆர்ட்டினை மாற்றுவதற்கு மகம் மதியர்கள் விடமாட்டார்கள்—இதில்தவர்கள் மாற்ற விடமாட்டார்கள். நாம் மாற்ற நினைக்கலாம். ஆனால், மற்றவர்கள் விடமாட்டார்கள். ஆகையால், 26-வது ஆர்ட்டினை ஒரு நிமிஷம் மாற்ற முடியாது. இதை நாம் தீர்மான மாக வைத்துக்கொள்ள வேண்டும். இங்கே முன்பில் ஒரு பாகம் மகம் மதியர்கள் இருக்கிறார்கள். நிச்சயமாக அவர்கள் மாற்ற விடமாட்டார்கள். ஆகையால், இதை ஒன்றும் செய்ய முடியாது. நம்முன் அடித்துக் கொள்ளலாமே தவிர, வேறு ஒன்றும் செய்ய முடியாது. ஆர்ட்டினை 26 இருக்கத்தான் செய்யும். ஆகையால், அதனுடைய வரம்பிற்குள்ள்தான் நாம் சட்டம் செய்ய முடியும். அவன் தப்புப் பண்ணுகிறான், இவன் தப்புப் பண்ணுகிறான் என்றால், அவர்களைச் சட்டப் பிரகாரம்தான் நீக்க வேண்டும். அதனால்தான் அம்மாதிரிப் போட்டிருக்கிறார்கள். அதனால் இந்தச் சட்டத்தில் மாறுதல் செய்யவேண்டிய நமது கடமை. தர்ம கர்த்தாக்களுடைய அதிகாரம் சொம்பக் குறைக்கப்பட்டிருக்கிறது. அவர்கள் எவ்வளவு கேட்டவர்கள் என்று நினைத்தாலும், அவர்களைச் சீர்திருத்த மார்க்கம் இருக்கிறது. இன்றைய தினம் திருவடமருதூர் கோவிலைப் பாருங்கள், மைலாப்பூர் கோவிலைப் பாருங்கள். திருவடமருதூர் கோவி லுக்கு நானே சமீபத்தில் போயிருந்தேன். இந்த இரண்டு கோயில்

12th September 1959] [Sri K. Balasubramanya Ayyar]

களையும் இரண்டு உதாரணங்களாகச் சொல்லுகிறேன். திருவடமருதூர் கோவிலுக்கு அங்குள்ள அக்கிரஷ்டரத்தில் இருக்கிறவர்களே போவதில்லை. அந்தக் கோயிலைச் சுற்றியிருப்பவர்களே போவதில்லை. ஐந்து மணிக்குக் கோயிலுக்குப் போனால், அங்கே ஒருவரும் இருப்பதில்லை. இதை நானே நேரில் பார்த்தேன். அதே சமயத்தில் மைலாப்பூர் கோயிலைப் பாருங்கள். ஆயிரக்கணக்கான மக்கள் கோயிலுக்குப் போகிறார்கள். இரவு நேரத்தில் கூட கோயிலுக்குள் போக முடிவதில்லை. இம்மாதிரி மக்கள் அதிகமாகப் போகும்போது, அங்கேயுள்ள குருக்கள் என்ன பிசு செய்ப முடியும்? தப்புப் பண்ணினால், மக்கள் சும்மா விட்டு விடுவார்களா? திருவட மருதூர் கோயிலுக்கு அங்கேயிருக்கிற மடாதிபதிதான் டிரஸ்டி. சமு தாயத்தினால் ஏற்படுகிற நன்மையைப்பற்றித்தான் நான் இப்போது சொன் னேன். திருவடமருதூர் கோயிலுக்கு டிரஸ்டியாக இருப்பவரை மைலாப் பூர் கோயிலுக்கு டிரஸ்டியாகக் கொண்டுவந்து போட்டால், அவரால் தப்புச் செய்ய முடியாது. காலநிலைவரன் கோயில் இருக்கிறது. அங்கே யாரும் தப்புச் செய்ய முடியாது. அன்றைக்கே ஓனலைப் பாட்டி சொல்லி விட்டுப் போயிருக்கிறார்கள். ஆலயம் தொழுவது சாலயம் நன்று' என்று அன்றைக்கே சொல்லியிருக்கிறார்கள். இதைக் கனம் அங்கத்தினர் ஸ்ரீ ராமசுவாமி அவர்கள் கூட ஒப்புக்கொள்ள வேண்டும். சந்தேஹப்பட வேண்டாம். அதனால்தான் சொல்லுகிறேன். இதை எல்லோரும் ஒப்புக் கொள்ள வேண்டியதுதான். ஆலயம் தொழுவதால் நமது மனது மாறு கிறது. அதனால் நாம் நல்லவர்களாக மாறுகிறோம். ஆகவே, மொத் தத்தில் எனது அபிப்பிராயம் இந்தத் தப்புக்களையெல்லாம் சமுதாயத்தினால் நான் தடுக்க முடியும் தவிர, சட்டத்தினால் முடியாது என்பது. சட்டத்தில் செய்தால் உடனே வக்கீலரன் இருக்கிறார்கள். கொட்டுக்கும் சந்தேகம் வருகிறது. ஜனங்கள் கவனித்துச் செய்தால் சீராக நடக்கும். இந்தச் சட்டத்தில் இருக்கும்படியான முக்கியக் குறைபாடு இதுதான். அதிகாரி களுக்கு அதிக அதிகாரம் கொடுத்துத் தர்மகர்த்தாக்களுக்கு அதிகாரம் குறைக்கப்பட்டிருக்கிறது. எங்களுக்கே அதுதான் தெரிந்தது. இப்போது என்ன ஆகிறது. என்றால், அவர்களால் ஒன்றும் செய்ய முடியாது. அரசியல் சட்டத்தின் 26-வது விதிக்குப் புறம்பாகவும் இருக்கிறது. நாம் சட்டம் செய்வதன் முக்கியமர்ன நோக்கம் கோயில்களை நன்றாக மேற் பார்வை செய்ய வேண்டுமென்பதுதான். சர்க்கார் உத்தியோகஸ்தர்களுக்க இருந்தாலும், எலெக்ட்ரிலிடி போட்டு வைத்திருக்கிறோமே, அது மாதிரி நல்ல ஒரு குழு வைத்து, பெரியவர்களை—கடவுளிடத்தில் ஈடுபட்டவர்களை— அதில் அங்கத்தினர்களாகப் போட்டு, அவர்களுடைய அபிப்பிராயத்தைக் கேட்டு கமிஷனரும் மந்திரியும் நடந்தால், கோயில்களின் நிர்வாகம் நல்ல முறையில் நடக்கும். இம்மாதிரி ஒரு குழு வேண்டுமென்று நாங்கள் பிரேரேபனை கொண்டுவந்தோம். அப்போது அட்வைஸரி கமிட்டி போட லாம் என்று ஒப்புக்கொண்டார்கள். அட்வைஸரி கமிட்டி போடாது. அவர்கள் சொல்வதைக் கேட்க வேண்டும் என்று போட வேண்டும்.

Hon. MEMBERS : “ அட்வைஸரி ” என்றால் என்ன அர்த்தம் ?

*SRI K. BALASUBRAMANYA AYYAR : அதிகாரம் கொடுப்பதில்லை என்று வேண்டுமானால் இருக்கட்டும். ஆனால் அவர்கள் சொல்லுவதைக் கேட்க வேண்டும் என்று இருக்க வேண்டும்.

பயனிக் சர்வீஸ் கமிஷன் சொல்லுகிறபடி நடக்க வேண்டுமென்று போடவில்லை. ஆனாலும் அவர்கள் சொல்லுகிறபடி கேட்க வேண்டுமென்று இருக்கிறது. இந்த முறையிலே வார்த்தையில் தீர்மானம் பண்ணியிருக் கிறார்கள். எனவே; உத்தரவு என்று சொல்லுவது தவறு. சிபாரிசு செய்கிறார்கள். அதன்படி நடக்க வேண்டும். அதைத்தான் நானும் கேட்டுக்கொள்கிறேன். கமிட்டி இருப்பது நல்லது. மந்திரிக்கும் நல்லது; கமிஷனுக்கும் நல்லது.

இப்போது “ புட் அட்வைஸரி கமிட்டி ” போட்டிருக்கிறார்கள். அங்கே போய்ப் பார்த்தால், பல சந்தேகங்கள் தோன்றுகின்றன. அந்தச் சிர மத்தைப் பார்த்தால், மந்திரிதான் என்ன பண்ண முடியும் என்று

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[Sri K. Balasubramanya Ayyar] [12th September 1959]

தோஷமுண்டு. இந்தக் குழுவுக்கு இன்னும் அதிகாரம் கொடுக்க வேண்டுமென்பது என்னுடைய அபிப்பிராயம். அங்கு வேலை செய்பவர்கள் கவர்ன்மென்ட் உத்தியோகஸ்தர்களுக்காக இருப்பதால் தவறில்லை. பொறுப்பு இருக்கிறது அவர்களுக்கு. ஆனால், எல்லாவிதமான தீர்மானமும் பண்ணும் பொறுப்பையும் அவர்களுக்கே கொடுத்துவிட்டால், பிறகு அவர்கள் செய்கிற காரியம் தவறுதலாகப்படுகிறது. பெரிய குழு ஏற்பட்டு, அதற்கு உத்தியோகஸ்தர்களை எல்லாம் பயிற்சி சர்வீஸ் கமிஷன் மூலம் போட வேண்டியது அவசியம். கவர்ன்மென்ட் நியமிப்பது என்றால், வேண்டியவர்களைப் போட்டுக்கொண்டார்கள், காங்கிரஸ்காரர்களாகப் பார்த்துப் போட்டுக்கொண்டார்கள் என்ற குற்றச்சாட்டுகள் வரலாம். இப்படிச் செய்தால், அந்த நிலைமை வராது. இதற்குத் திருத்தம் கொடுத்திருக்கிறேன். இந்தமாதிரிப் பண்ணலாம் என்று அபிப்பிராயம் சொன்னார்கள். சட்டத்தில் போட வேண்டுமென்ற அபிப்பிராயம் இருக்கிறதோ இல்லையோ, தெரியாது. கவர்ன்மென்ட் உத்தியோகஸ்தர்களை வைக்கக் கூடாது என்று சொல்லுகிற நீயிரக் சட்டசபைப்பற்றி நான் சொல்லவில்லை. கவர்ன்மென்ட் உத்தியோகஸ்தர்களை வைத்துக்கொண்டு நடத்தினால், ரொம்ப நன்றாக நடக்கும். அதனால் ஒன்றும் தப்பு இல்லை. அவர்களுக்கு அதிகாரம் கொடுத்து, பொறுப்பை ஏற்றுக்கொண்டு நடப்பது என்று இருந்தால், இது ரொம்ப அழகாக ஒழுங்காக நடக்கும். வழக்கப்படி செய்யவேண்டிய காரியங்களைமேலும் செய்ய வேண்டுமென்பதையும் ஒப்புக்கொண்டிருக்கிறார்கள். அதெல்லாம் சரியாகப் போன பிறகு, சொத்துக்களை நிர்வாகம் பண்ணும் கிரமம் இருக்கிறது. தர்மசந்தாதக்களிடமிருந்து அதிகாரத்தைப் பூரணமாக எடுத்துக்கொள்ளாமல், அவர்களுக்குக் கொஞ்சம் அதிகாரத்தைக் கொடுத்து மேற்பார்வை செய்யச் சொல்ல வேண்டும். ஜவாஹருடைய நடத்தை நன்றாக இருந்தால், மடாதிபதியும் பயத்தலோண்டியும்பான். சங்கராச்சாரியார் அவர்கள் சொல்லுவார்கள், “நீங்கள் எல்லாம் ஒழுங்காக இருந்தால் நாங்களும் ஒழுங்காக இருப்போம்” என்று. அவர்களுடைய ஒழுக்கத்தைப் பொறுத்துத்தான் நம்முடைய ஒழுங்கு இருக்கிறது. நம்முடைய ஒழுக்கத்தைப் பொறுத்துத்தான், அவர்களுடைய ஒழுக்கம் இருக்கிறது.

இந்தத் தமிழ் நாட்டில் முன்னில் ஒரு பங்கு சொத்தைக் கோயில் களுக்குக் கொடுத்த பெரியவர்கள் எல்லாம் இருந்திருக்கிறார்கள். பெரிய நாடாளுமன்றங்கள் எல்லாம் கோயிலுக்குப் போவது ரொம்பப் பெருமைதரக் கூடியது என்று பாடல்கள் எல்லாம் பாடியிருக்கிறார்கள். அநேக தர்ம சந்தாதக்கள் எல்லாம் இருந்து, நல்ல முறையில் கோயில்களை மேற்பார்வை பார்த்து வந்திருக்கிறார்கள். நம்முடைய சமூகம் மிகப் பெரிய அளவில் கோயில்களுக்குக் கொடுத்திருக்கிறது. கவர்ன்மென்ட் நாங்கள்தான் நடத்த முடியும் என்று நினைப்பது தவறு. திருவாரூர் தேரை ஒரு சிலரால் இழுக்க முடியுமா? ஆயிரம் பேர்லீலை வைத்தால் கூட தேர் நகராது. வடபாதிமீசனம் போன்றவர்கள் கூடி இரண்டாயிரம், மூவாயிரம் ஆட்கள் வந்தால்தான், அந்தத் தேர் நகர முடியும். ஆகவே, சமூகத்தினுடைய ஒத்துழைப்பு இல்லாவிட்டால் ஒன்றும் நடக்காது.

சரியாக் கமிட்டி வைத்திருக்கிறார்கள். அதிகாரிகளை நியமிக்கும் அதிகாரத்தைப் பயிற்சி சர்வீஸ் கமிஷனிடம் கொடுத்துவிட்டால், நன்றாக இருக்கும். ஒழுங்கானவர்கள் வாமாட்டார்கள் என்று சொல்லுகிறார்கள். நல்லவர்கள் நிர்வாகமாக வருவார்கள் என்று நான் கூற விரும்புகிறேன். இந்த நாட்டிலுள்ள நல்லவர்கள் அதிகமாக இருப்பதாக நாம் நினைக்க வேண்டியிருக்கிறது. எத்தனையோ பெரியார்கள் இருந்திருக்கிறார்கள். ஆகவே, நல்லவர்கள் வாமாட்டார்கள் என்று நினைக்கவேண்டியதில்லை.

இந்த மசோதாவில் இரண்டு மூன்று திருத்தங்களைப் பண்ணிவிட்டால் இது ரொம்ப நல்ல சட்டமாக இருக்கும் என்ற என்னுடைய அபிப்பிராயத்தை உத்தியோகஸ்தர்கள் கவனித்து, அந்தத் திருத்தங்களைச் செய்ய வேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய பேச்சை முடித்துக்கொள்கிறேன்.

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DR. A. LAKSHMANASWAMI MUDALIAR: Mr. Vice Chairman, Sir, I had a good deal to say about this Bill on a former occasion and I do not wish to repeat any of the arguments that were then adduced against some of the provisions of this Bill. It is unfortunate, Sir, and it is humiliating for me to speak—that while this Government feel that they have the power and the competence to introduce a Bill of this nature restricting it only to Hindus and Jains who may be included in the Hindu section, they dare not and cannot interfere with other religious institutions. (Interruption.) Apart from your allowing them, I know what the consequences will be. Therefore, it is unfortunate that the Hindus only have to submit to this sort of imposition by a Government measure for the conduct of their own religious institutions. I do not deny the fact that probably we have got it on ourselves owing to our mistakes and owing to our past sins of omission and commission which are numerous and I know that it is due to apathy on the part of those who should have had more of sympathy and the unfortunate trends on the part of those who sought these places more for gratification of their own personal ends than for the real performance of duties. That is the truth of the matter. We have not been able, in spite of this Religious Endowments Act having been in operation for over 23 years, to set right our own Hindu temples in the methods in which we should observe the various Hindu rituals and rites. This is a sign of the times and I am sorry to say that we have not gained any experience in spite of all these years of the Act being in force. But I do feel that it is a humiliation for us Hindus to have to pass this Bill and I have no doubt it will be passed because whatever the Hon. Minister may say, it is certainly an official Act and renders the whole of the Hindu religious endowments under the dominant care of a Government whose future no one can prophesy and whose personnel nobody can certainly foresee. I have no doubt whatsoever and I entirely agree with many of the compliments that have been paid to the Hon. Minister in charge that so long as he is in charge of this particular measure, he will try to see, because he has got conscience and faith in Hindu religion, that it is used in the best interests of Hindu religion. But in a democratic Legislature, living on the principles of democracy, as we have so meticulously been anxious to do, I think it is not at all an exaggeration to say that I certainly dread the future of this Bill in the hands of those who may not have the same outlook as the Hon. Minister has and who may not even have the same opportunities to know anything of the requirements of the Hindu religion and belief. There is a feeling that, unfortunately, some of the bad trends have been due to those who have been entrusted with the duties of performing religious rites in these great temples. There are, unfortunately, persons who do not come up to expectations in this sphere as there are, unfortunately, persons who do not come up to expectations in many other spheres of national activity. We cannot, therefore, condemn them altogether. We should reform them and we should have taken steps in that regard and worked them up in a more comprehensive

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way, keeping in view the exalted position in which they were entrusted with the task of preserving our ancient temples.

Having made these remarks, I do feel that in the Bill as it has emerged from the deliberations of the Select Committee, there are not many good provisions on which one could congratulate oneself. A few suggestions have been accepted no doubt. The main theme of my contention was that religious institutions and their administration should not be run as a Government department. Some might take exception to the use of the strong expression by me, viz., that it was nationalisation of the religious tenets of the Hindu faith. Well, I have not seen anything in the Bill to change that opinion.

Sir, I do welcome the composition of the Advisory Committee to which my hon. Friend Sri Balasubramanya Ayyar has referred and I congratulate him on the great faith that he has got in the possibilities of the Advisory Committee. But, may I say this? This Advisory Committee is to have as its Chairman, the Minister incharge of the administration of this Act, besides the Commissioner who is his subordinate and twelve non-officials professing Hindu religion appointed by the Government. The one peculiar feature of the Advisory Committee is that its functions are limited to make recommendations to the Government in respect of such matters as the Minister incharge of the portfolio might think it necessary. See the difference between tweedledum and tweedledee. If, however, the Minister in charge of the administration of the Act does not find it possible to accept the majority decisions or recommendations of the Advisory Committee, human nature being what it is, do you ever expect the Government to overthrow the Minister and agree to the majority recommendations of the Advisory Committee? It is something like asking us to swallow a bitter pill. It is something different if the Advisory Committee is given some very substantial and real powers. I am sure if due credence is not given to the Advisory Committee, it will be as good or as bad as dead. This is what I wish to say about the Advisory Committee and its functions.

Sir, reference has also been made about the Government appointing the Commissioner, etc. I have referred to this matter on a previous occasion also. If these persons who are to be more or less executive officers of the Hindu religious endowments are to be appointed, they have to be appointed by a small body of very experienced persons who would not be connected with the Government, but who may be nominated by the Government. I have no objection if these persons are to be even nominated by the Government. Sir, the Public Service Commission has been referred to by my hon. Friend Sri Balasubramanya Ayyar. Well, I have great faith in the Public Service Commission and I know its powers, its limitations and its knowledge. To entrust anything and everything to the Public Service Commission may not be giving it a proper role to play, especially in the absence of adequate

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knowledge. The Public Service Commission is composed of persons of different faiths and we want it to take up the appointment of Commissioners and other officers below it, who believe in the Hindu religion and who are supposed to be very much interested in the propagation of Hindu faith. I doubt whether the Public Service Commission is the real panacea for all ills. An *ad hoc* committee of three eminent persons, one of whom may be a retired High Court Judge and another may be a person who has played a distinguished role in public life of the country and the third person, if the Government like, may be from one of the Government departments and he may be even one who has occupied the position of Secretary or any other, should make the recommendations and the Government may accept them or refer them back, if necessary. But, what do we find here? This is the provision: 'Appointment to the post of Commissioner shall be by transfer from among the members of the Madras State Higher Judicial Service or of any other service or by direct recruitment.' I am sorry I am not able to understand this. If all these or's are combined, it means that anybody whom they choose might be appointed. He may be a High Court Judge, he may be a Judicial Officer, or the Government may appoint anybody they want. It means there is no meaning in restriction except to the extent that either the Commissioner or the Deputy Commissioner should be a person with judicial experience. To me, Sir, this stipulation virtually means that the Government are free to choose anybody they like. My hon. Friend Sri Patanjali Sastri has also referred to this. It is, therefore, unnecessary for me to dilate upon that subject. It is a fact that even this Government, which have got greater powers than the Government of many other States, are compelled on occasions to distribute their patronage to those who are behind the Treasury Benches. We have witnessed it in the nominations to the Select Committees to select students for admission to colleges and we have witnessed it in many other places. I am not going to raise this question at present. I do feel that it is much better that the Government in their own interests discard this heavy responsibility. It is really a Crown of thorns that they have got to wear. A very eminent politician, who was once the Chief Minister of this State, said on a famous occasion when a No-Confidence Motion was brought against him, "For every one appointment that I have made, I have made 19 enemies and one doubtful friend and even that one person who was appointed as a doubtful friend thought that he got the appointment as he deserved it and not as a favour from the Minister concerned." The hon. Member Sri T. Purushotham is laughing, he was behind the scenes at that stage, and I was listening from the galleries. That was the position then, in regard to these matters.

Sir, a great deal has been said about trustees. Like the hon. Member Sri Annamalai Pillai. I am also disqualified to be appointed trustee. I can therefore, speak with a little more freedom, because I do not aspire for the trusteeship of any temple.

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But, I ask, Sir, who are the persons who should be appointed trustees of temples. Have we thought about it? In this mad rush for democracy, in this unhesitating fervour to say that every man is equal to every other man, whatever may be the limitations in other respects, we are going headlong down from the precipice into the bottom of the pit. Who are the persons competent to be trustees? Who are the persons actually appointed as trustees? What do we find? We find that persons who wield influence with the political party in a particular place will naturally exercise their influence to see that either they or their nominees become trustees of these temples. The whole thing is being reduced to one thing. Unfortunately, people seem to be dashing along, with political motives in religious matters, not motives of efficiency and not motives of religious propagation, etc. Sir, I am not saying anything against the Minister in charge, but I am only mentioning about the trend of the times. We have seen it within these few days' discussions in another place. I wish to say that these few days' discussions must have a salutary lesson for us, if for no other reason than to point to a moral and adorning tale. I do not wish to say much more. But, I must point out that when it comes to the Government prescribing these things and trying to use the adult franchise tactics in religious institutions, lots of inconsistencies are bound to occur. Let me quote one example. On a former occasion, I had referred to the fact that *prasadam*s were to be given to people of all nationalities irrespective of their religious faith according to the then Act. I am glad a change has been made in the present Bill. What does this change signify? It says " . . . there shall be no discrimination in the distribution of any *Prasadam* or *Theertham* in any religious institution on grounds of . . . caste, sex, place of birth or any of them." Among the *Prasadam*s, you have leaves, vibhuthi, Kurkumam, tulsi, vilvam, etc. Is the priest compelled to give kurkumam to all ladies who go to these temples? I do not know the details of these things. But, there are certain well-known regulations and codes of conduct which are known to those who go to these temples and which are known to the priests and to those interested in the religious tenets. I do not propose to argue about it at this stage when we consider a drab legislation like this without heart or soul and when it is freely said that everybody is equal, that there must not be any inequality at all between man, woman and child, and that all are of the same order and descendants of God. Well, the only thing is, the physiology of nature has not yet been conquered by the Government, even by this democratic Government.

[Mr. Chairman in the Chair.]

8 P.m. It seems to me that on the whole there are certain points where certain of the practices now in vogue in the Hindu faith have got to go. But these practices by and large should be cured by the Hindus, though the Hindus, and for the Hindus. This is

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an important point. I am not at all apologising for any of the defects in the Hindu religious faith or practices. But I do feel that the reform must come from within and should not be dictated by the Government elected on the basis of adult franchise by particular sections of the community. I am not versed in law for obvious reasons. But I feel as a layman that the Article which my hon. Friend Mr. Patanjali Sastri mentioned is indeed an Article which cannot be easily got over by even the most polished of legislations. I know that this will become an Act. I hope and pray that divine wisdom will be given to those who have to work this Act and that they will with their own conscience work it in the spirit in which the Hindu faith has been progressing all these centuries.

* SRI T. PURUSHOTHAM: Mr. Chairman, after hearing eminent speakers well-versed in this particular legislation and in law generally, I feel very diffident about the attitude I should take in respect of this Bill. With due respect to my eminent Friend Sri Patanjali Sastri, I should like to state that I differ from him on some of the views expressed by him. I do not wish to go into the constitutional question raised by him because he is an authority on it. But I should think that the need for a legislative measure for checking mismanagement of public funds vested in religious institutions would be admitted on all hands. Even the hon. Member Sri Patanjali Sastri has not argued that there is no need for any control at all.

SRI M. PATANJALI SASTRI: On a point of personal explanation. I conceded that the Bill when confined only to the points which I mentioned would be welcome and should be undertaken by the State.

* SRI T. PURUSHOTHAM: In the case of mismanagement, misappropriation of funds and the like, I am glad, Sir, that interference and State action are considered necessary and that legislation to control the Hindu religious institutions is admitted as absolutely necessary on those grounds.

Speaking on this measure, the hon. Member Mr. Balasubramanya Ayyar has said that a sort of autonomous statutory body should be in charge of the Hindu Religious Endowments. He said that a board of the pattern of the State Electricity Board or the Public Service Commission should be in charge of the management of these institutions. I am afraid that the analogy cannot be applied to the religious institutions. The State Electricity Board is a commercial concern and it has been devised for that purpose. In fact, we had a Board of Hindu Religious Endowments under the Act of 1927, enacted by the late Raja of Panagal. A certain amount of autonomy was given to the Board. But later the

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President and the Members of the Board became too autonomous and if I may use the word expressed by the hon. the Leader of the Opposition the other day, they became super-madathipathis. The position had to be reviewed and the departmental system was then introduced. The departmental system is in vogue even now. The present Bill seeks to continue the departmental system. But to think of constituting an independent statutory authority would be to revert to the old system of Hindu Religious Endowments Board with even greater powers. I do not think we can envisage with equanimity such a state of things. I do not, therefore, agree that it would be proper to set up an autonomous body as has been suggested. An autonomous body independent of all ministerial control is something that I cannot agree to in the democratic system of Government under which we are functioning. Today the Minister is responsible to the Legislature and the Legislature is responsible to the people. In such a state of things, I am opposed to taking away the powers of the Ministry. It seems to be the fashion, Sir, to say that education should be independent of ministerial control and that the Industries Department should be under independent charge devoid of ministerial control and so on. The control and supervision of popular institutions by the people's representatives would be in keeping with democratic principles and so, I am opposed to the setting up of an autonomous independent body for the control of Hindu religious and charitable institutions. I do concede that very large powers are vested in the Commissioner. But as the Head of the Department, some powers are necessary for him. Perhaps it would be better if we have, instead of one Commissioner as head of department, a Board of Commissioners, not as an independent body as under the Act of 1927, but on the pattern and lines of the Board of Revenue which is the head of department as far as State revenue administration is concerned. The Board that I envisage should be subject to the control and supervision of Government even as we have the Board of Revenue for the revenue administration. But now we have proposed a State Advisory Committee on a statutory basis and the powers of the Advisory Committee are to make recommendations to the Government in respect of such matters as may be prescribed and to advise the Government in respect of such matters as may be referred to it by the Government. I should have welcomed if the powers were defined in the Act itself instead of being left to be prescribed by the Government under the rule-making powers. All major questions of general policy should, I believe, be referred to the Advisory Committee. I would appeal to the Hon. Minister to see that the rules for the Advisory Committee are framed in a liberal spirit and that provision is made so that the committee may work as an effective body for ensuring satisfactory administration from all points of view. I believe we can establish good conventions for the working of this committee. It should also be able to keep in view the needs of the religious denominations and ensure their rights and privileges in respect

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of management of these endowments and institutions. With such broadbased conventions, I am sure the committee would be able to function satisfactorily.

Sir, reference was made to the Area Committees. They have come to take the place of temple committees of old. The temple committees were elected bodies. In a democratic system we always feel that the voice of the people should prevail in all matters and much more so in the case of management of religious institutions where they may have their representatives to deliberate and decide all questions with reference to local conditions and needs. I should have preferred Area Committees being constituted on an elective basis but instead, this Bill provides that the Chairman and the Members shall be appointed by the Government.

SRI MOHAMED BAZA KHAN: If they are elected, may I know who will be in charge of law and order in those areas? (Laughter.)

* SRI T. PURUSHOTHAM: It is a sad fact, Sir, as has been made clear by the hon. Member Sri Balasubramanya Ayyar, that there is a sort of apathy on the part of the Hindu community in these matters because we find that the Area Committees that have now been constituted are not functioning satisfactorily. So it is, instead of having elected Area Committees, the Joint Select Committee agreed that power be vested in the Government to appoint proper people to these committees. I hope that Government would see to it that proper people are appointed as Chairman and members of these committees and that they would be manned by people with faith and fervour so that they may function more effectively.

There are many happy features in this Bill. The Bill contains a new chapter on encroachments. It is common knowledge that temple precincts and surroundings are allowed to be encroached upon and that all sorts of ugly structures and shops are allowed to be put up all round. These should be strictly controlled. The temple trustees and the executive officers should devote special attention to this matter and see that encroachments are removed and that the temple surroundings are kept in all serenity and grandeur.

The Bill also contains special provision for the preservation, maintenance, management and improvement of the properties and the buildings of religious institutions including architectural, sculptural and epigraphical features. Rules have to be framed for all these purposes. I should like to point out in this connexion that though we have provided that rules should be framed for this purpose, there is no proper machinery now to work out and achieve these objectives. Our ancient art and culture live only in our ancient religious institutions. I feel, Sir that there should be a special engineering establishment in the Hindu Religious Endowment Department to check and control all building works in these

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religious institutions so as to guide them on well-defined and scientific lines and, more than that, to arrest the rapid destruction of these ancient monuments which are subject to vandalic attacks on the part of ignorant or interested renovators and treasure trove hunters. The Director-General of Archaeology in India has recently remarked that an intelligent appreciation of the architectural, sculptural and epigraphical wealth existing in the ancient temples has not yet spread even among the educated classes and that a vast majority of temple trustees are at present unaware of the aesthetic consideration of historical and cultural points of view which in other countries act as the best safeguards of national monuments. I should like to invite the attention of our Government to these remarks of the Director-General of Archaeology found in the report of the Department. So, I would urge upon the Government the need for the creation of a department to deal with the preservation, maintenance, improvement and inspection of the properties of the religious and charitable institutions and also to regulate and supervise all building works. There was a consulting architect previously attached to the Hindu Religious Endowment Board. The hon. Member Sri P. T. Rajan also referred to it the other day. But, somehow, that post has been taken away and there is no agency to look after matters referred to by me. I feel that there should be a central engineering establishment for dealing with temple building works and that this should be attached to the Hindu Religious Endowment Board. The rules provide that all plans and estimates prepared by the temple authorities should be scrutinized and countersigned by the officers of the Public Works Department and the Highways Department. This will take a long time. Then, the departments concerned will also charge a centage for scrutiny of estimates and plans. I do feel that these departments do not possess special knowledge of temple architecture. The engineering establishment that I propose for the Hindu Religious Endowment Board should be able to scrutinize and approve the plans and estimates submitted by the temple authorities without having recourse to the Public Works or the Highways Department. I would like the Government to examine this aspect of the matter and provide necessary establishment to deal with matters referred to by me.

Lastly, I would like to point out that when any of the ancient temples are brought under the Ancient Monuments Preservation Act, the Archaeology Department should in no way interfere with the conduct of the temple worship in such places. I am obliged to refer to this because on the transfer of ancient monuments to the Central Government under this Act, there has been some objection to the conduct of the rituals and worship. As I said, I am obliged to refer to this because it was stated at least in one instance—I refer to Vellore Fort temple—worship could not be revived or continued in the temple because of the objections of the Archaeology Department. I would earnestly request the Hon. Minister to

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see that no objection is raised by that department to the continuance of the rituals and worship in temples to which the Ancient Monuments Preservation Act has been applied.

THE HON. SRI M. BHAKTAVATSALAM: I may tell the hon. Member that the Archaeology Department will never interfere with the rituals and worship and all that.

* SRI T. PURUSHOTHAM: I am glad to have this assurance and I hope also the question of Vellore Fort temple would be decided ere long.

Thank you, Sir.

* SRI G. KRISHNAMOORTHY: Mr. Chairman, Sir, I oppose 5-20 this Bill with all the vehemence that I can command. It was stated by the Hon. Minister who piloted the Bill that not a naya paisa would be spent out of the Consolidated Fund and that not a naya paisa would be credited to the Consolidated Fund from out of the collections from the endowments. But when such is the statement from the Government, where is the need to call these officers who are in charge of endowments as Government servants, when actually they are to be paid some money and then the whole amount without even a deduction of a naya paisa is to be reimbursed out of these Hindu Religious Endowment Funds?

Now, where is the need for just tightening this control over these religious institutions? As has been ably pointed out by my hon. colleagues who spoke previously to me, it is quite against the spirit of Article 26 of the Constitution which is provided as a safeguard. Not that Hindus look inferior on account of the passing of this legislation but it is against the spirit of the Constitution itself which wanted to provide us certain liberties. That is a sacred Constitution and how far we are correct in just perpetuating things which existed before the introduction of the Constitution, is a matter to be considered now. If the Government really do find fault with all these things, as they find in many spheres of society, they have got recourse to other laws which prevail in the land and if they want to go a step further in order to see that something is done, let them have an autonomous body on a statutory basis, which can do all these things. Let not Government have direct control and let not endowments be placed under a department of the Government. That is the plea of Hindus and that plea comes from my mouth.

Now, in fact, we are not able to renew temples, not to speak of constructing new temples. It is often stated and it is a fact that in olden days tanks were dug and that the mud thrown out of these tanks was used for raising rampart walls around the temple. Now the rampart walls are decaying and the debris is being used for filling up tanks and converting them into parks and gardens. That is what we have been doing now. In fact, we

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have not been able, in spite of circulars, to just take away plants like peepal plants that take root on the thousands of temples in our State. That has been our position under the administration of the Hindu Religious and Charitable Endowments Board for the past twenty years. We have gone to the extent of regulating the quantity of 'dittam' in our temples, with the result that scarcity of food has resulted in our State. As we used to say, water, water everywhere but no water to drink, so also rice, rice everywhere—rice grown in more places—but no rice to purchase and no rice to eat. That is the position. People who have faith, certainly relate the present scarcity to the tendency to reduce the *dittam*. If really these temples were constructed, it was with a view to promote loyalty to the Government and loyalty to the King, to foster the spirit of selflessness and a spirit of brotherhood, to create sympathy for the poor and so on. It is our duty to see that these temples which were raised by a particular denomination of the population are administered by that section of the population. If the Government really feel that it is only on account of these temples that in India from Kashmir to Cape Camorin, we have to-day a spirit of detachment, a spirit of dedication to God and a spirit of calmness in spite of the tempests that may blow around India, then they should not interfere with the affairs of these temples at any stage by any statute.

Now, I want to plead on behalf of maths. It is really a sad state of affairs that the Government, by introducing Chapter IV in this Bill, want to control maths. In spite of our Government being a secular Government and in spite of the existence of Article 25 of the Constitution, they want to interfere with the *dittam* obtaining in a math. The head of a math who is the real incarnation of God and who is revered and revered by people of not only this State but throughout the country and who is there as one, who occupies the place of the great Adisankara, who created so many maths in so many nooks and corners of India, is just to be bound by not even a Commissioner who was called by an hon. Member a super-madathipathi but by one or two persons on the road complaining about the attitude of the madathipathi in respect of even trivial matters. The Commissioner is given powers to take note of this complaint and question the attitude of the madathipathi, and that is the provision made in Chapter IV of this Bill. Not only that. The Commissioner, without getting any letter from anybody, has got powers to take action against the madathipathi for wastage of funds. We do not know what the term 'wastage of funds' would mean and it is very vague. Feeding of a thousand people can be called 'wastage' in the opinion of any Government official. Then, every budget and every '*dittam*' has to be sent to the Board's office. So, the madathipathi is not there to be the spiritual leader of the people but will be there just to see whether things are going on according to '*dittam*' and according to budget. It is not for the Government to say that the madathipathi should

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do this and should not do that. Sir, we have got a culture of our own and we must not yield to this sort of questioning of the madathipathi by the Government official.

There is another clause, according to which, if the madathipathi uses devices to just convert the ordinary income into 'pathakanika', action can be taken in a Court of Law. Sir, 'pathakanika' is a thing offered by people with great reverence and with cent per cent faith that he is the incarnation of God. If Government study their private life, they would think thousand times before including a provision of this kind. Is it right on the part of the Government to attribute motives that the madathipathi might have devices to convert the usual income into 'pathakanika'? Can we think of such a thing in the holy land where Gandhiji was born, where Asoka was born and where Buddha was born? What is religion? Religion is a way of life. If our way of life is praised by all the people in the world, it is on account of our dedication to our religion and our reverence for these leaders. But for these madathipathis, we would not have been in the position in which we are now to-day and we would have been in a worse position, as is the case in so many other countries where bloodshed is going on. Therefore, the Government should think thousand times before enacting a provision of this kind relating to madathipathis. I would implore the Government and the Hon. Minister in charge of the Bill to withdraw Chapter IV from the present Bill. After all, it is only reverence that we attach, that brings back reverence to us. Madathipathis are like mirrors and we are reflected there and it is in that spirit that we must consider whether we should have a clause like that, especially when our Government are a secular Government and when safeguards are provided in Article 26 of the Constitution. Thank you, Mr. Chairman, for having given me this opportunity to speak.

MR. CHAIRMAN: The House will now adjourn and meet again at 3 p.m. on Monday, the 14th September 1959.

The House then adjourned.

VII.—PAPER LAID ON THE TABLE OF THE HOUSE.

Bill passed by the Assembly and received therefrom in the Council.

* The Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959).

* Circulated to the Members in the Chamber on 10th September 1959.

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APPENDIX I.

[Vide answer to starred question No. 46, asked by Sri Mohamed Raza Khan at the meeting of the Legislative Council held on 12th September 1959, page 254 supra.]

[SUBJECT.—*Total number of Polytechnics in the State.*]

(a) *The total number of Polytechnics in the State district-wise—*

1 Madras	3
2 Chingleput	1
3 Tiruchirappalli	1
4 Coimbatore	3
5 Ramanathapuram	3
6 Madurai	1
7 Tanjore	1
8 Tirunelveli	1
9 Salem	1
10 South Arcot	1
Total ..	16

(b) *The number of students studying in each of the Polytechnics—*

Madras—	
1 Central Polytechnic, Guindy, Madras	895
2 C.N.T. Institute, Vepery	383
3 Ramakrishna Mission Technical Institute	81
Chingleput—	
4 Murugappa Chettiar Memorial Polytechnic, Avadi.	228
Tiruchirappalli—	
5 Seshayee Institute of Technology, Tiruchirappalli.	333
Coimbatore—	
6 Nachimuthu Polytechnic, Pollachi	225
7 P.S.G. Polytechnic, Coimbatore	422
8 Government Polytechnic, Coimbatore	474
Ramanathapuram—	
9 Alagappa Polytechnic, Karaikudi	324
10 Annamalai Polytechnic, Chettinad	278
11 Virudhunagar S. Vellaichami Nadar Polytechnic, Virudhunagar.	116
Madurai—	
12 Tamilnad Polytechnic, Madurai	581
Tanjore—	
13 Valivalam Desigar Polytechnic, Tanjore	115
Tirunelveli—	
14 Sankar Institute of Polytechnic, Talaiyuthu	116
Salem—	
15 Thiagarajar Polytechnic, Salem	118
South Arcot—	
16 Muthian Polytechnic, Annamalaiagar	114
Total ..	4,803

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APPENDIX II.

[Vide item VI (1) on page 261 supra.]

L.A. BILL No. 21 OF 1959.

(As passed by the Assembly)

A Bill to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the service of the financial year which commenced on the 1st April 1959.

WHEREAS it is necessary to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the services of the financial year which commenced on the 1st April 1959;

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

1. *Short title.*—This Act may be called the Madras Appropriation (No. 3) Act, 1959.

2. *Supplementary appropriation out of the Consolidated Fund for the financial year which commenced on the 1st April 1959.*—The State Government may appropriate out of the Consolidated Fund of the State for the financial year which commenced on the 1st April 1959, a further sum not exceeding three crores, ninety-one lakhs, twenty-nine thousand and six hundred rupees, being moneys required to meet—

(a) the supplementary grants made by the Madras Legislative Assembly for that period, as set forth in column (2) of the Schedule; and

(b) the supplementary expenditure charged on the Consolidated Fund of the State for that period, as set forth in column (3) of the Schedule.

SCHEDULE.

Demand number, services and purposes.	Sums not exceeding.		Total.
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	
(1)	(2)	(3)	(4)
	RS.	RS.	RS.
IX Head of State, Ministers and Headquarters Staff.	2,26,700	..	2,26,700
XII District Administration and Miscellaneous.	29,500	..	29,500
XV Police	4,21,000	..	4,21,000
XVI Education	69,32,000	..	69,32,000
XVII Medical	2,25,700	..	2,25,700

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Demand number, services and purposes.	Sums not exceeding.		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)
	RS.	RS.	RS.
XIX Agriculture and Fisheries.	20,50,000	..	20,50,000
XX Animal Husbandry.	100	..	100
XXII Industries and Cinchona.	1,89,300	..	1,89,300
XXIII Harijan Uplift.	1,77,000	..	1,77,000
XXV Civil Works—Works.	1,02,200	..	1,02,200
XXVI Civil Works—Establishment and Tools and Plant.	3,52,600	..	3,52,600
XXVII Civil Works—Grants-in-Aid.	13,00,100	..	13,00,100
XXX Stationery and Printing.	11,04,900	..	11,04,900
XXXI Miscellaneous ..	85,66,900	..	85,66,900
XXXIII Road Transport Schemes.	9,81,000	..	9,81,000
XXXIV Compensation to Zamindars.	20,00,000	..	20,00,000
XXXVI Capital Outlay on Irrigation.	55,00,000	..	55,00,000
XXXVII Capital Outlay on Public Health.	1,50,000	..	1,50,000
XXXIX Capital Outlay on Industrial Development.	10,99,700	..	10,99,700
XL Capital Outlay on Civil Works.	14,57,100	..	14,57,100
XLI Capital Outlay on Road Transport Schemes.	2,13,800	..	2,13,800
XLIII Capital Outlay on Schemes of Government Trading.	12,25,000	4,000	12,29,000
XLIV Loans and Advances by the State Government.	48,21,000	..	48,21,000
Grand total ..	3,91,25,600	4,000	3,91,29,600

I certify that this is a Money Bill.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

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APPENDIX III.

[Vide item VI (2) on page 262 supra.]

L.A. BILL No. 7 OF 1959.

(As passed by the Assembly.)

A Bill to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and Endowments in the State of Madras.

WHEREAS it is expedient to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and Endowments in the State of Madras;
BE it enacted in the Tenth Year of the Republic of India, as follows :—

CHAPTER I—PRELIMINARY.

1. *Short title, extent, application and commencement.*—(1) This Act, may be called the Madras Hindu Religious and Charitable Endowments Act, 1959.

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

(3) It applies to all Hindu Public Religious institutions and endowments except the Incorporated Devaswoms and Unincorporated Devaswoms.

Explanation.—In this sub-section, Hindu public religious institutions and endowments do not include Jain religious institutions and endowments.

(4) (a) The provisions of this Act except the provisions of—

(i) sub-section (4) of section 92 in so far as that sub-section relates to Consultative Committees and sub-committees thereof, and

(ii) clause (xxi) (b) of sub-section (2) of section 116, shall come into force, on such date as the Government may, by notification, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

(b) The provisions of sub-section (4) of section 92 in so far as that sub-section relates to Consultative Committees and sub-committees thereof and of clause (xxi) (b) of sub-section (2) of section 116 shall be deemed to have come into force on the 28th November 1958.

2. *Power to extend Act to Jain Religious Institutions and Endowments.*—(1) The Government may, by notification, extend to Jain public religious institutions and endowments, all or any of the provisions of this Act and of any rules made thereunder and thereupon, the provisions so extended shall apply to such institutions and endowments :

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Provided that before issuing such a notification, the Government shall publish in the *Fort St. George Gazette*, a notice of their intention to do so, fix a period which shall not be less than two months from the date of publication of the notice, for the persons interested in the institutions and endowments concerned to show cause against the issue of the notification, and consider their objections, if any.

(2) In this Act, wherever the word 'Hindu' occurs, it shall, in respect of Jain public religious institutions and endowments to which the provisions of this Act have been extended under sub-section (1), be construed to mean 'Jain', unless the context otherwise requires.

3. *Power to extend Act to Charitable Endowments.*—(1) Where the Government have reason to believe that any Hindu or Jain public charitable endowment is being mismanaged, they may direct the Commissioner to inquire, or to cause an inquiry to be made by any officer authorized by him in this behalf, into the affairs of such charitable endowment and to report to them whether, in the interests of the administration of such charitable endowment, it is necessary to extend thereto all or any of the provisions of this Act and of any rules made thereunder.

(2) The Commissioner or the officer authorized by him under sub-section (1) shall, while making an inquiry under that sub-section, have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of books, accounts, documents, securities, cash and other properties belonging to or in the custody of such charitable endowment and shall follow the procedure applicable under the said Code in regard to recording of evidence and hearing of parties.

(3) If, after considering the report of the Commissioner submitted under sub-section (1), the Government are satisfied that such charitable endowment is being mismanaged and that, in the interests of the administration of such charitable endowment, it is necessary to extend thereto all or any of the provisions of this Act and of any rules made thereunder, they may, by notification, extend to such charitable endowment the said provisions, and thereupon, the provisions so extended shall apply to such charitable endowment as if it were a specific endowment:

Provided that before issuing such a notification, the Government shall publish in the *Fort St. George Gazette*, a notice of their intention to do so, specifying the reasons for the action proposed to be taken by them and fixing a period which shall not be less than two months from the date of publication of the notice, for the persons interested in the endowment concerned to show cause against the issue of the notification and consider their objections, if any.

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(4) Notwithstanding anything contained in the section, the Government may, on application made by the trustee of any Hindu or Jain public charitable endowment, or where there are more trustees than one, then by those trustees or a majority of them and with the concurrence of the trustee or trustees making the application, extend, by notification, to such charitable endowment all or any of the provisions of this Act and of any rules made thereunder, and thereupon, the provisions so extended shall apply to such charitable endowment as if it were a specific endowment.

4. *Exemptions.*—The Government may, by notification, exempt from the operation of any of the provisions of this Act or of any rules made thereunder any religious institution or religious or charitable endowment or vary or cancel any such exemption:

Provided that before such exemption is varied or cancelled, the person affected shall be given a reasonable opportunity of showing cause against such variation or cancellation.

5. *Certain Acts not to apply to Hindu Religious Institutions and Endowments.*—The following enactments shall cease to apply to Hindu religious institutions and endowments, namely:—

(a) The Madras Endowments and Escheats Regulation, 1817 (Madras Regulation VII of 1817);

(b) the Religious Endowments Act, 1863 (Central Act XX of 1863);

(c) the Charitable Endowments Act, 1890 (Central Act VI of 1890);

(d) the Charitable and Religious Trusts Act, 1920 (Central Act XIV of 1920); and

(e) sections 92 and 93 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

6. *Definitions.*—In this Act, unless the context otherwise requires—

(1) "Advisory Committee" means the Committee constituted by the Government under sub-section (1) of section 7;

(2) "Area Committee" means, in relation to any temple or specific endowment, the Area Committee constituted under this Act and exercising powers and discharging duties in respect of such temple or specific endowment:

Provided that in respect of the transferred territory, the powers and duties of the Area Committee shall, until the date of the constitution of the Kanyakumari Devaswom Board under Chapter II of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Travancore-Cochin Act XV of 1950), be exercised and discharged by such authority or officer as may be specified by the Government and after the date of the constitution of such Board, such Board shall be deemed to be the Area Committee.

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(3) "Assistant Commissioner" means an Assistant Commissioner appointed under section 9;

(4) "Board" means the Board constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927);

(5) "charitable endowment" means all property given or endowed for the benefit of, or used as of right by, the Hindu or the Jain community or any section thereof, for the support or maintenance of objects of utility to the said community or section, such as rest-houses, choultries, patasalas, schools and colleges, houses for feeding the poor and institutions for the advancement of education, medical relief and public health or other objects of a like nature; and includes the institution concerned;

(6) "Commissioner" means the Commissioner appointed under section 9;

(7) "Court" means—

(i) in relation to a math or temple situated in the Presidency town, the Madras City Civil Court;

(ii) in relation to a math or temple situated elsewhere, the Subordinate Judge's Court having jurisdiction over the area in which the math or temple is situated, or if there is no such Court, the District Court having such jurisdiction;

(iii) in relation to a specific endowment attached to a math or temple, the Court which would have jurisdiction as aforesaid in relation to the math or temple.

(iv) in relation to a specific endowment attached to two or more maths or temples, any Court which would have jurisdiction as aforesaid in relation to either or any of such maths or temples;

(8) "Deputy Commissioner" means a Deputy Commissioner appointed under section 9;

(9) "executive officer" means a person who is appointed to exercise such powers and discharge such duties appertaining to the administration of a religious institution as are assigned to him by or under this Act or the rules made thereunder or by any scheme settled or deemed to have been settled under this Act;

(10) "Government" means the State Government;

(11) "hereditary trustee" means the trustee of a religious institution, the succession to whose office devolves by hereditary right or is regulated by usage or is specifically provided for by the founder, so long as such scheme of succession is in force;

(12) "Incorporated Devaswoms" means the Devaswoms mentioned in Schedule I to the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Travancore-Cochin Act XV of 1950);

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(13) "math" means a Hindu religious institution with properties attached thereto and presided over by a person, the succession to whose office devolves in accordance with the direction of the founder of the institution or is regulated by usage and—

(i) whose duty it is to engage himself in imparting religious instruction or rendering spiritual service; or

(ii) who exercises or claims to exercise spiritual headship over a body of disciples; and includes places of religious worship or instruction which are appurtenant to the institution;

Explanation.—Where the headquarters of a math are outside the State but the math has properties situated within the State, control shall be exercised over the math in accordance with the provisions of this Act, in so far as the properties of the math situated within the State are concerned;

(14) "non-hereditary trustee" means a trustee who is not a hereditary trustee;

(15) "person having interest" means—

(a) in the case of a math, a disciple of the math or a person of the religious persuasion to which the math belongs;

(b) in the case of a temple, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in the habit of partaking in the benefit of the distribution of gifts thereat;

(c) in the case of a specific endowment a person who is entitled to attend at or is in the habit of attending the performance of the service or charity, or who is entitled to partake or is in the habit of partaking in the benefit of the charity;

(16) "religious charity" means a public charity associated with a Hindu festival or observance of a religious character, whether it be connected with a math or temple or not;

(17) "religious endowment" or "endowment" means all property belonging to or given or endowed for the support of maths or temples, or given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity; and includes the institution concerned and also the premises thereof; but does not include gifts of property made as personal gifts to the archaka, service-holder or other employee of a religious institution;

Explanation (1).—Any inam granted to an archaka, service-holder or other employee of a religious institution for the performance of any service or charity in or connected with a religious institution shall not be deemed to be a personal gift to the archaka, service-holder or employee but shall be deemed to be a religious endowment.

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Explanation (2).—All property which belonged to, or was given or endowed for the support of a religious institution, or which was given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity shall be deemed to be a "religious endowment" or "endowment" within the meaning of this definition, notwithstanding that, before or after the date of the commencement of this Act, the religious institution has ceased to exist or ceased to be used as a place of religious worship or instruction or the service or charity has ceased to be performed:

Provided that this Explanation shall not be deemed to apply in respect of any property which vested in any person before the 30th September 1951, by the operation of the law of limitation.

(18) "religious institution" means a math, temple or specific endowment;

(19) "specific endowment" means any property or money endowed for the performance of any specific service or charity in a math or temple, or for the performance of any other religious charity, but does not include an inam of the nature described in Explanation (1) to clause (17);

Explanation (1).—Two or more endowments of the nature specified in this clause, the administration of which is vested in a common trustee, or which are managed under a common scheme settled or deemed to have been settled under this Act shall be construed as a single specific endowment for the purposes of this Act:

Explanation (2).—Where a specific endowment attached to a math or temple is situated partly within the State and partly outside the State, control shall be exercised in accordance with the provisions of this Act over the part of the specific endowment situated within the State;

(20) "temple" means a place by whatever designation known, used as a place of public religious worship, and dedicated to, or for the benefit of, or used as of right by, the Hindu community or any section thereof, as a place of public religious worship;

Explanation.—Where a temple situated outside the State has properties situated within the State, control shall be exercised over the temple in accordance with the provisions of this Act, in so far as the properties of the temple situated within the State are concerned;

(21) "transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district;

(22) "trustee" means any person or body by whatever designation known in whom or in which the administration of a religious institution is vested, and includes any person or body who or which is liable as if such person or body were a trustee:

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(23) "Unincorporated Devaswoms" means the Devaswoms mentioned in Schedule II to the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Travancore-Cochin Act XV of 1950).

7. Constitution of Advisory Committee.—(1) The Government may constitute for the State of Madras a Committee called the Advisory Committee consisting of—

(i) the Minister in charge of the administration of this Act, who shall be the Chairman, ex-officio;

(ii) the Secretary to the Government in the Department in charge of Hindu Religious Institutions and Endowments, ex-officio;

(iii) the Commissioner, ex-officio; and

(iv) twelve non-officials professing the Hindu religion appointed by the Government.

(2) The Secretary to the Government referred to in clause (ii) of sub-section (1), or such other officer as may be nominated by the Government in this behalf from time to time shall be the Secretary to the Advisory Committee.

(3) The term of office of the members referred to in clause (iv) of sub-section (1) shall be three years or such shorter period as the Government may fix.

(4) The functions of the Advisory Committee shall be—

(a) to make recommendations to the Government in respect of such matters as may be prescribed; and

(b) to advise the Government in respect of such matters as may be referred by the Government to the Committee.

(5) If there is a difference of opinion among the members of the Advisory Committee, the decision of the majority of the members present and voting shall prevail:

Provided that when their opinion is equally divided, the Chairman shall have and exercise a second or casting vote.

(6) (a) A member referred to in clause (iv) of sub-section (1) may, at any time by notice in writing to the Government, resign his office. But he shall continue in office until the appointment of a successor.

(b) A casual vacancy created by the resignation of a member under clause (a) or otherwise shall be filled up by fresh appointment.

CHAPTER II—THE COMMISSIONER AND OTHER CONTROLLING AUTHORITIES.

8. Authorities under Act.—There shall be the following classes of authorities under this Act, namely:—

(a) The Commissioner;

(b) Deputy Commissioners;

(c) Assistant Commissioners; and

(d) Area Committees.

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9. Government to appoint Commissioner, etc.—(1) The Government shall appoint the Commissioner and such number of Deputy and Assistant Commissioners as they think fit.

(2) (a) Appointment to the post of Commissioner shall be by transfer from among the members of the Madras State Higher Judicial Service or of any other service or by direct recruitment.

(b) Appointment to the post of Deputy Commissioner shall be by transfer from among the members of the Madras State Judicial Service or of any other service or by direct recruitment.

(c) Where the post of the Commissioner is not held by a member of the Madras State Higher Judicial Service, at least one of the posts of Deputy Commissioners shall be held by a member of the Madras State Judicial Service.

10. Commissioner, etc., to be Hindus.—The Commissioner, every Deputy or Assistant Commissioner and every other officer or servant appointed to carry out the purposes of this Act, by whomsoever appointed, shall be a person professing the Hindu religion, and shall cease to hold office as such when he ceases to profess that religion.

11. Commissioner to be Corporation Sole.—The Commissioner shall be a Corporation Sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

12. Commissioner, etc., to be servants of Government.—(1) The Commissioner, Deputy Commissioners, Assistant Commissioners and other officers and servants including executive officers of religious institutions employed for the purposes of this Act shall be servants of the Government and their salaries, allowances, pensions and other remuneration shall be paid in the first instance out of the Consolidated Fund of the State. The cost, charges and expenses other than those referred to in section 93 incurred by the Area Committees and the cost of auditing the accounts of religious institutions shall also be paid in the first instance out of the Consolidated Fund of the State.

(2) (a) The Commissioner shall, out of the Madras Hindu Religious and Charitable Endowments Administration Fund, repay to the Government sums paid by the Government under sub-section (1).

(b) The Commissioner shall recover from the religious institution concerned the salaries, allowances, pensions and other remuneration paid to the executive officers of religious institutions and credit the amount so recovered to the fund mentioned in clause (a).

(c) (i) For the purposes of pension or other remuneration payable to any executive officer serving immediately before the date of the commencement of this Act and retiring on or after that date the Government may take into account the service of such officer before that date, subject to such conditions as may be prescribed.

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(ii) The Commissioner may recover from the religious institution concerned also the portion of the pension or other remuneration attributable to the service of such executive officer as is mentioned in sub-clause (i) before the date of the commencement of this Act.

13. Delegation to Deputy Commissioners.—(1) The Commissioner shall, with the previous approval of the Government, specify the area within which each Deputy Commissioner, if there is more than one, shall exercise the powers conferred and discharge the duties imposed by this Act or the rules made thereunder on a Deputy Commissioner as such.

(2) The Commissioner may delegate any of the powers conferred or duties imposed on him by this Act or the rules made thereunder [including the powers and duties of an Assistant Commissioner which may be exercised by the Commissioner under the proviso to sub-section (2) of section 14 but not including the powers and duties of the Commissioner under sections 21, 22, 46, 47, 59, 69, 72 or sub-section (2) of section 92], in respect of any area or of any class or group of institutions in the State or any area therein to a Deputy Commissioner subject to such restrictions and control as the Government may, by general or special order, lay down and subject also to such limitations and conditions, if any, as may be specified in the order of delegation.

14. Territorial jurisdiction and powers and duties of Assistant Commissioners.—(1) The Commissioner shall, with the previous approval of the Government divide the State into divisions, each of which shall be in the charge of an Assistant Commissioner.

(2) An Assistant Commissioner shall exercise the powers conferred and discharge the duties imposed on him by this Act or the rules made thereunder in respect of his division :

Provided that the Commissioner may, by order in writing, declare that the exercise and discharge of all or any of such powers and duties shall be subject to such exceptions, limitations and conditions as may be specified in the order, and may himself exercise or discharge any power or duty so excepted.

(3) The Commissioner may delegate to an Assistant Commissioner any of the powers conferred or duties imposed on the Commissioner by this Act or the rules made thereunder [other than the powers and duties referred to in sections 21, 22, 46, 47, 59, 69, 72 or sub-section (2) of section 92] in respect of the division of the Assistant Commissioner or of any institutions or any class or group of institutions in that division, subject to such restrictions and control as the Government may, by general or special order, lay down and subject also to such limitations and conditions, if any, as may be specified in the order of delegation.

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15. Area Committees.—(1) The Government, by notification,—

(a) shall constitute an Area Committee for all temples situated in an Assistant Commissioner's division or part thereof other than temples included in the list published under section 46,

(b) may vary the strength or jurisdiction of any Area Committee, or

(c) may abolish any Area Committee :

Provided that before the issue of a notification under clause (b) or clause (c), the Government shall communicate to the Commissioner and the Area Committee concerned, the grounds on which they propose to do so, fix a reasonable period for the Commissioner or the Area Committee to show cause against the proposal and consider their suggestions and objections, if any.

(2) An Area Committee shall exercise the powers conferred and discharge the duties imposed on it by this Act or the rules made thereunder in respect of—

(i) the temples for which it is constituted,

(ii) the specific endowments attached to such temples, other than the specific endowments included in the list published under section 46, and

(iii) the charitable endowments to which the provisions of this Act have been extended under section 3 :

Provided that where a specific endowment is attached to two or more temples comprised within the jurisdiction of two or more Area Committees, or where a charitable endowment to which the provisions of this Act have been extended under section 3 consists of properties situated within the jurisdiction of two or more Area Committees, the Commissioner shall decide as to which of the Area Committees shall exercise the powers and discharge the duties in respect of such specific endowment or charitable endowment :

Provided further that where a specific endowment is attached partly to one or more temples included in the list published under section 46 and partly to one or more temples not so included, only the Commissioner shall exercise the powers and discharge the duties in respect of such specific endowment.

16. Strength of Area Committee and term of office and disqualifications of members.—(1) Every Area Committee shall consist of the Chairman and not less than two and not more than four other members. The Chairman and members shall be appointed by the Government.

(2) Save as otherwise expressly provided in this section, a member of an Area Committee shall be entitled to hold office for three years from the date on which his appointment is notified in the *Fort St. George Gazette* :

Provided that any member holding office on the date of the commencement of this Act shall continue to hold office until such date as the Government may specify in that behalf.

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(3) A person shall be disqualified for being appointed as, and for being a member of an Area Committee—

(a) if he does not profess the Hindu religion;

(b) if he is less than twenty-five and more than seventy years of age;

(c) if he is an undischarged insolvent;

(d) if he is of unsound mind or is suffering from mental defect or infirmity which would render him unfit to perform the functions and discharge the duties of a member of an Area Committee or is suffering from leprosy or any other loathsome disease;

(e) if he is a trustee of, or an office-holder or a servant attached to or a person in receipt of any emolument or perquisite from any religious institution or endowment in respect of which the Area Committee exercises powers and discharges duties or belongs to a joint Hindu family a member of which is such a trustee, office-holder or servant or a person in receipt of any such emolument or perquisite;

(f) if he is interested in a subsisting lease of any property of, or contract made with or any work being done for, any religious institution or specific endowment in respect of which the Area Committee exercises powers and discharges duties or is in arrears of any kind due by him to such religious institution or endowment;

(g) if he is employed as a paid legal practitioner on behalf of or against any religious institution or endowment in respect of which the Area Committee exercises powers and discharges duties;

(h) if he has been sentenced by a criminal court for an offence involving moral delinquency, such sentence not having been reversed or the offence pardoned;

(i) if he is already a member of another Area Committee;

(j) if he has acted adverse to the interests of any institution in respect of which the Area Committee exercises powers and discharges duties.

(4) If a member of an Area Committee—

(a) becomes subject to any of the disqualifications mentioned in sub-section (3); or

(b) resigns his seat by writing under his hand addressed to the Government his seat shall thereupon become vacant.

(5) A member of an Area Committee shall cease to hold his office if he absents himself from three consecutive meetings of the Committee within a period of two months :

* Provided that when a person who has ceased to be a member by reason of such absence applies for restoration within one month from the date of the last of the three consecutive meetings, the committee may, at the meeting next after the receipt of such application, restore him to his office of member, but a member shall not be so restored more than once during his term of office.

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Explanation.—A meeting adjourned for want of quorum shall be deemed to be a meeting for the purpose of this sub-section.

(6) If any question arises as to whether a member of an Area Committee has become subject to any of the disqualifications mentioned in sub-section (3), the question shall be referred for the decision of the Deputy Commissioner and his decision shall be final.

17. Secretary of Area Committee.—(1) The Assistant Commissioner of the division for which or for part of which an Area Committee is constituted, shall be its Secretary.

(2) The Secretary to the Area Committee shall have a right to take part in the discussions of the Area Committee, but he shall not have a right to vote at a meeting of that committee.

(3) Every meeting of the Committee shall be presided over by the Chairman and all questions at every meeting shall be decided by a majority of the members present and voting at the meeting and in any case of equality of votes, the Chairman shall have and exercise a second or casting vote.

(4) The Secretary shall forward to the Commissioner through the Deputy Commissioner of the division, a copy of the minutes of the proceedings of every meeting of the Area Committee within a week from the date of the meeting and he shall further bring to the notice of the Commissioner through the Deputy Commissioner, his own views in respect of any item of the proceedings of the Area Committee and suggest such action as he may consider necessary.

18. Power of Government to make rules.—The Government may make rules regarding the convening of meetings of Area Committees, the quorum for, and the conduct of business at such meetings, and all matters relating to the transaction of their business.

19. Act of Area Committee not to be invalidated by informality.—No act of an Area Committee shall be deemed to be invalid by reason only of a defect in its constitution or on the ground that the Chairman or any member thereof was disqualified for, or had ceased to hold, his office, or by reason of such act having been done during the period of any vacancy in the office of the Chairman or any member of such committee.

20. Performance of functions of Area Committee on abolition.—Where an Area Committee has been abolished under clause (c) of sub-section (1) of section 15, a new Area Committee shall be constituted within six months of its abolition and till then its powers and duties shall be exercised and discharged by the Assistant Commissioner concerned.

21. Power of Commissioner to call for records and pass orders.—(1) The Commissioner may call for and examine the record of any Deputy or Assistant Commissioner, of any Area Committee, or of any trustee of a religious institution other than a math or a specific

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endowment attached to a math in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act), to satisfy himself as to the regularity of such proceeding, or the correctness, legality or propriety of any decision or order passed therein.

(2) If any such decision or order has been passed by any Deputy or Assistant Commissioner or by the trustee of any religious institution other than a math or a specific endowment attached to a math and other than one included in the list published under section 46, and it appears to the Commissioner that the decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly.

(3) (a) If any such decision or order has been passed by any Area Committee or by the trustee of any religious institution included in the list published under section 46, the Commissioner may, if he thinks fit, remit the matter together with his observations in regard thereto, to the committee or trustee as the case may be for reconsideration of the decision or order and report to the Commissioner within a time to be specified by him in this behalf.

(b) On receipt of, and after considering, such report, it shall be open to the Commissioner to modify, annul or reverse the decision or order, as revised after such reconsideration, as the case may be.

(c) If the report is not received by the Commissioner within the time specified or such further time as may be granted by him, the Commissioner may modify, annul or reverse the decision or order of the Area Committee or trustee, as the case may be.

(4) (a) The Commissioner may call for and examine the record of any trustee of a math or a specific endowment attached to a math in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act) to satisfy himself as to the legality of any decision or order passed therein.

(b) If any such decision or order has been passed illegally by the trustee of a math or a specific endowment attached to a math and it appears to the Commissioner that the decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly.

(5) The Commissioner shall not pass any order prejudicial to any party under sub-section (2) or clause (b) or clause (c) of sub-section (3), or under clause (b) of sub-section (4), without hearing him or giving him a reasonable opportunity of being heard.

(6) The Commissioner may stay the execution of any decision or order of the nature referred to in sub-section (1) or clause (a) of sub-section (4), pending the exercise of his powers under sub-section (2) or sub-section (3) or under clause (b) of sub-section (4) in respect thereof.

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(7) Every application to the Commissioner for the exercise of his powers under this section shall be preferred within three months from the date on which the order or proceeding to which the application relates was communicated to the applicant.

22. Other powers of Commissioner.—(1) The Commissioner shall have power at any stage—

(a) to transfer any proceeding pending before a Deputy or an Assistant Commissioner to his own file and dispose of it himself, or

(b) to transfer it to another Deputy or Assistant Commissioner for disposal.

(2) If the Commissioner is satisfied that a Deputy or an Assistant Commissioner has failed to exercise any power or discharge any duty which he ought to have exercised or discharged, the Commissioner may himself exercise such power or discharge such duty.

(3) If the Commissioner is satisfied that an Area Committee—

(a) has failed to exercise any power or discharge any duty which it ought to have exercised or discharged, or

(b) is unable for any reason to exercise any power or discharge any duty,

the Commissioner may himself exercise such power or discharge such duty or authorize the Assistant Commissioner to do so :

Provided that in cases falling under clause (a), the Commissioner shall first fix a period for the exercise of the power or the discharge of the duty by the Area Committee and shall exercise the right conferred on him by this sub-section only if the power is not exercised or the duty is not discharged by the Area Committee within the period so fixed :

Provided further that the Commissioner shall, before taking action under clause (b), give to the Area Committee, a reasonable opportunity of showing cause against the action proposed.

(1) Notwithstanding anything contained in this Act, where the office of a Deputy or an Assistant Commissioner is vacant, the Commissioner may, until the vacancy is filled—

(a) himself exercise the powers conferred and discharge the duties imposed by this Act or the rules made thereunder on the Deputy or Assistant Commissioner, or

(b) authorize another Deputy or Assistant Commissioner to exercise the said powers and discharge the said duties.

(5) Any party aggrieved by an order of the Commissioner under sub-section (1) (a), (2), (3) or (4) (a), not being an order against which a suit or an appeal to a Court is provided in this Act, may appeal to the Government within three months from the date of the receipt of the order by him :

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Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

CHAPTER III—RELIGIOUS INSTITUTIONS.

General Provisions.

23. Powers and duties of Commissioner in respect of religious endowments.—Subject to the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner; and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist.

24. Power to enter religious institutions.—(1) The Commissioner, or a Deputy or an Assistant Commissioner or any officer authorized by the Commissioner or the Area Committee in this behalf shall have power to enter the premises of any religious institution or any place of worship for the purpose of exercising any power conferred or discharging any duty imposed by this Act, or the rules made thereunder.

(2) If any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not below the rank of Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.

(3) Before entering the *sanctum sanctorum* or *pooja graha* or any other portion held specially sacred within the premises of a religious institution or place of worship, the person authorized by or under sub-section (1) or the police officer referred to in sub-section (2), shall give reasonable notice to the trustee or head of the institution and shall have due regard to the religious practice or usage of the institution.

(4) Nothing in this section shall be deemed to authorize any person who is not a Hindu to enter the premises or place referred to in this section or any part thereof.

(5) If any question arises whether the religious practice or usage of the institution prohibits entry into the *sanctum sanctorum* or *pooja graha* or any other portion held specially sacred within the premises of a religious institution or place of worship, by the person or police officer mentioned in sub-section (3), the question shall be referred for the decision of the Commissioner. Before giving any decision on any such question, the Commissioner may make such enquiry as he deems fit.

(6) Any person aggrieved by the decision of the Commissioner under sub-section (5), may, within one month from the date of the decision, appeal to the Government :

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Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

25. Commissioner, etc., to observe appropriate forms and ceremonies.—The Commissioner, a Deputy Commissioner, an Assistant Commissioner or a member of an Area Committee and every other person exercising powers of superintendence or control under this Act, shall, so far as may be, observe forms and ceremonies appropriate to the religious institution in respect of which such powers are exercised and in the case of a math, act in conformity with the usages of the math in his dealings with the head of the math.

26. Qualifications of trustees.—(1) A person shall be disqualified for being appointed as, and for being, a trustee of any religious institution—

- (a) if he does not profess the Hindu religion;
- (b) except in the case of a hereditary trustee, if he is less than twenty-five and more than seventy years of age;
- (c) if he is an undischarged insolvent;
- (d) if he is of unsound mind or is suffering from mental defect or infirmity which would render him unfit to perform the functions and discharge the duties of a trustee or is suffering from leprosy or any other loathsome disease;
- (e) if he is interested in a subsisting lease of any property of, or contract made with or any work being done for the religious functions and discharge the duties of a trustee or is suffering from religious institution or endowment;
- (f) if he is employed as a paid legal practitioner on behalf of or against the religious institution;
- (g) if he has been sentenced by a criminal court for an offence involving moral delinquency, such sentence not having been reversed or the offence pardoned;
- (h) if he has acted adverse to the interests of the institution.

(2) If a trustee—

- (a) becomes subject to any of the disqualifications mentioned in sub-section (1); or
- (b) resigns his seat by writing under his hand addressed—
 - (i) in the case of trustees appointed by the Area Committee, to the Assistant Commissioner, and
 - (ii) in any other case to the Commissioner,
 his seat shall thereupon become vacant.

(3) If any question arises as to whether a trustee has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Deputy Commissioner.

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(4) If a hereditary trustee becomes subject to any of the disqualifications mentioned in sub-section (1), the Deputy Commissioner may supersede the trustee.

(5) Any person affected by an order of the Deputy Commissioner under sub-section (3) or sub-section (4) may, within one month from the date of receipt of the order by him, appeal against the order to the Commissioner.

(6) The trustee of a religious institution for which a Board of Trustees has been constituted shall cease to hold office if he absents himself from three consecutive meetings of such Board of Trustees within a period of two months:

Provided that when a person who has ceased to be a trustee by reason of such absence applies for restoration within one month from the date of the last of the three meetings, the Board of Trustees may, at the meeting next after the receipt of such application, restore him to his office of trustee; but a trustee shall not be so restored more than once during his term of office.

Explanation.—A meeting adjourned for want of quorum shall be deemed to be a meeting for the purpose of this sub-section.

27. Trustee bound to obey orders issued under Act.—The trustee of a religious institution shall be bound to obey all lawful orders issued under the provisions of this Act by the Government, the Commissioner, the Deputy Commissioner, the Area Committee or the Assistant Commissioner.

28. Care required of trustee and his powers.—(1) Subject to the provisions of the Madras Temple Entry Authorization Act, 1947 (Madras Act V of 1947), the trustee of every religious institution is bound to administer its affairs and to apply its funds and properties in accordance with the terms of the trust, the usage of the institution and all lawful directions which a competent authority may issue in respect thereof and as carefully as a man of ordinary prudence would deal with such affairs, funds and properties if they were his own.

(2) A trustee shall, subject to the provisions of this Act, be entitled to exercise all powers incidental to the provident and beneficial administration of the religious institution and to do all things necessary for the due performance of the duties imposed on him.

(3) A trustee shall not be entitled to spend the funds of the religious institution for meeting any costs, charges or expenses incurred by him in any suit, appeal or application or other proceeding for, or incidental to, his removal from office or the taking of any disciplinary action against him:

Provided that the trustee may reimburse himself in respect of such costs, charges or expenses if he is specifically permitted to do so by an order passed under section 102.

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29. Preparation of register for all institutions.—(1) For every religious institution, there shall be prepared and maintained a register in such form as the Commissioner may direct showing—

(a) the origin and history of the institution and the names of past and present trustees and particulars as to the custom, if any, regarding succession to the office of trustee;

(b) particulars of the scheme of administration and of the dittam or scale of expenditure;

(c) the names of all offices to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case;

(d) the jewels, gold, silver, precious stones, vessels and utensils and other movables belonging to the institution, with their weights and estimated value;

(e) particulars of all other endowments of the institution and of all title-deeds and other documents;

(f) particulars of the idols and other images in or connected with the institution, whether intended for worship or for being carried in processions;

(g) particulars of ancient or historical records with their contents in brief;

(h) such other particulars as may be required by the Commissioner.

(2) The register shall be prepared, signed and verified by the trustee of the institution concerned or by his authorized agent and submitted by him to the Commissioner, directly in the case of a math, through the Area Committee, in case the institution is one in respect of which the Area Committee exercises powers and discharges duties and through the Assistant Commissioner in other cases, within three months from the date of the commencement of this Act or from the founding of the institution, as the case may be, or within such further period as may be allowed by the Commissioner, the Area Committee or the Assistant Commissioner.

Provided that this sub-section shall not apply where a register so signed and verified has been submitted to—

(i) the Board before the 30th September 1951; and

(ii) the Commissioner after the 30th September 1951 and before the date of the commencement of this Act.

(3) The Area Committee or the Assistant Commissioner, if the register is submitted through it or him, may, after such inquiry as it or he may consider necessary, recommend such alterations, omissions or additions in the register as it or he may think fit.

(4) The Commissioner may, after receiving the register and the recommendations of the Area Committee or of the Assistant Commissioner with respect thereto and making such further

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inquiry as he may consider necessary, direct the trustee to make such alterations, omissions or additions in the register as the Commissioner may deem fit.

(5) The trustee shall carry out the orders of the Commissioner and then submit three copies of the register as corrected to the Commissioner for approval.

(6) One copy of the register as approved by the Commissioner shall be furnished to the trustee and one to the Area Committee or the Assistant Commissioner concerned, if any.

30. Annual verification of the register.—The trustee or his authorized agent shall scrutinize the entries in the register every year and submit to the Commissioner for his approval, directly or through the Area Committee or through the Assistant Commissioner, as the case may require, a verified statement showing the alterations, omissions or additions required in the register; and the provisions of sub-sections (3) to (6) of section 29 shall apply in relation to such statement as they apply in relation to a register.

31. Submission of register once in ten years.—The trustee or his authorized agent shall submit to the Commissioner for his approval directly or through the Area Committee or through the Assistant Commissioner, as the case may require, once in every ten years (commencing from the year in which the register required under section 29 is first submitted), a consolidated register incorporating therein all alterations, omissions and additions made or required to be made in the register submitted under section 29 and the provisions of that section shall apply to such consolidated register as if it were a register submitted under that section.

32. Trustee to furnish accounts, returns, etc.—(1) The trustee of every religious institution shall furnish to the Commissioner such accounts, returns, reports or other information relating to the administration of the institution, its funds, property or income or moneys connected therewith, or the appropriation thereof, as the Commissioner may require and at such time and in such form as he may direct.

(2) Without prejudice to the provisions contained in sub-section (1), the Assistant Commissioner in the case of any religious institution other than a math and the Area Committee in the case of any religious institution in respect of which the Area Committee exercises powers and discharges duties, may require the trustee of such religious institution to furnish to him or in such accounts, returns, reports or other information relating to the administration of the institution, its funds, property or income or moneys connected therewith or the appropriation thereof and at such time and in such form as he or it may direct.

33. Inspection of property and documents.—(1) The Commissioner or any officer or other person deputed by the Commissioner in this behalf, and in the case of institutions in respect of which the Area Committee exercises powers and discharges duties any

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member of the Committee authorized by it in this behalf, may with due regard to the religious practice or usage of the institution, inspect all movable and immovable property belonging to, and all records, correspondence, plans, accounts and other documents relating to any religious institution.

(2) It shall be the duty of the trustee of the institution concerned and all officers and servants working under him, his agent and any person having concern in the administration of the institution, to afford all such assistance and facilities as may be necessary or reasonably required in regard to any inspection made in pursuance of sub-section (1) and also to produce for inspection any movable property or document referred to in sub-section (1) and to furnish such information as may be necessary in connection with such inspection, if so required.

(3) Where in the course of such inspection, it appears that the trustee of the institution concerned, or any of the officers or servants working under him, his agent or any other person having concern in the administration of the institution, past or present, has misappropriated or fraudulently retained any money or other property or incurred irregular, illegal or improper expenditure the Commissioner may, after giving notice to the trustee or person concerned to show cause why an order of surcharge should not be passed against him and after considering his explanation, if any, by order, certify the amount so lost and direct the trustee or such person to pay within a specified time such amount personally and not from the funds of the institution.

The procedure laid down in sub-sections (3) to (7) of section 90 shall apply to the recovery of the amount of surcharge.

34. Alienation of immovable trust property.—(1) Any exchange, sale or mortgage and any lease for a term exceeding five years of any immovable property, belonging to, or given or endowed for the purposes of, any religious institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the institution:

Provided that before such sanction is accorded, the particulars relating to the proposed transaction shall be published in such manner as may be prescribed, inviting objections and suggestions with respect thereto; and all objections and suggestions received from the trustee or other persons having interest shall be duly considered by the Commissioner.

Explanation.—Any lease of the property abovementioned though for a term not exceeding five years shall, if it contains a provision for renewal for a further term (so as to exceed five years in the aggregate), whether subject to any condition or not, be deemed to be a lease for a period exceeding five years.

(2) When according such sanction, the Commissioner may impose such conditions and give such directions as he may deem

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necessary regarding the utilization of the amount raised by the transaction, the investment thereof and in the case of a mortgage, regarding the discharge of the same within a reasonable period.

(3) A copy of the order made by the Commissioner under this section shall be communicated to the Government and to the trustee and shall be published in such manner as may be prescribed.

(4) The trustee may, within three months from the date of his receipt of a copy of the order, and any person having interest may, within three months from the date of the publication of the order, appeal to the Government to modify the order or set it aside.

(5) Nothing contained in this section shall apply to the inams referred to in section 41.

35. Authority of trustee to incur expenditure for securing health, etc., of pilgrims and worshippers and for training of archakas, etc.—(1) The trustee of a religious institution may, out of the funds in his charge, after making adequate provision for the purposes referred to in sub-section (2) of section 86, incur expenditure—

(a) on arrangements for securing the health, safety or convenience of disciples, pilgrims or worshippers resorting to the institution; and

(b) for the training of archakas, adhyapakas, vedaparayanikas and othuvans.

(2) In incurring such expenditure, the trustee of the religious institution other than a math or a specific endowment attached to a math shall be guided by such general or special instructions as may be given by the Commissioner, and in the case of any institution in respect of which an Area Committee exercises powers and discharges duties, also by such Committee.

36. Utilization of surplus funds.—With the previous sanction of the Commissioner, and subject to such conditions and restrictions as may be prescribed, the trustee of a religious institution, may appropriate for any of the purposes specified in sub-section (1) of section 66—

(i) any portion of the accumulated surplus of such institution, and

(ii) if, after making adequate provision for the purposes referred to in sub-section (2) of section 86 and also for the arrangements and the training referred to in sub-section (1) of section 35, there is a surplus in the income of the institution for any year, any portion of such surplus:

Provided that the trustee shall in appropriating the surplus under this section, give preference to the purposes specified in items (a) to (g) of sub-section (1) of section 66:

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Provided further that, before according the sanction under this section, the Commissioner shall publish the particulars relating to the proposal of the trustee in such manner as may be prescribed, invite objections and suggestions with respect thereto and consider all objections and suggestions received from persons having interest :

Provided also that the sanction aforesaid shall be published in such manner as may be prescribed :

Provided also that nothing in this section shall prevent the trustee of a math or of a specific endowment attached to a math from utilizing the surplus referred to in this section in such manner as he deems fit.

37. Appeals.—Any person aggrieved by a decision of the Commissioner under section 36 may, within ninety days from the date of the decision, appeal to the Government.

38. Enforcement of service or charity in certain cases.—(1) Where a specific endowment attached to a math or temple consists merely of a charge on property and there is failure in the due performance of the service or charity, the trustee of the math or temple concerned may require the person in possession of the property on which the endowment is a charge, to pay the expenses incurred or likely to be incurred in causing the service or charity to be performed otherwise. In default of such person making payment as required, the Commissioner in the case of a specific endowment attached to a math, and the Deputy Commissioner in the case of a specific endowment attached to a temple, may, on the application of the trustee and after giving the person in possession, a reasonable opportunity of stating his objections in regard thereto, by order determine the amount payable to the trustee.

(2) Where the person in possession of the property on which the endowment is a charge is not the person responsible in law for the performance of the service or charity and any amount is paid by or recovered from the person in possession, the Commissioner in the case of a specific endowment attached to a math and the Deputy Commissioner in the case of a specific endowment attached to a temple, may, on the application of the person in possession and after giving the person responsible in law a reasonable opportunity of stating his objections in regard thereto, by order, require the person responsible in law to pay to the person in possession the amount so paid or recovered.

(3) Against an order of the Commissioner or the Deputy Commissioner under sub-section (1), or sub-section (2), the trustee or the person affected may, within two months from the date of the receipt of the order by him, appeal to the Government or the Commissioner as the case may be.

An order passed on appeal by the Government or the Commissioner shall be final.

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(4) On application by the trustee to the Collector of the district in which the property referred to in sub-section (1) is situated, or on application by the person in possession to the Collector of the district in which is situated any property of the person responsible in law, as the case may be, the Collector shall recover from the person in possession or the person responsible in law, as the case may be, the amount specified in the order of the Commissioner or the Deputy Commissioner as modified in appeal, if any, and the expenses of such recovery, as if they were arrears of land revenue and pay to the trustee or, as the case may be, to the person in possession, the amount due to him.

39. Power of trustee of math or temple over trustees of specific endowments.—The trustee of a specific endowment made for the performance of any service or charity connected with a math or temple shall perform such service or charity subject to the general superintendence of the trustee of the math or temple and shall obey all lawful orders issued by him.

40. Enfranchisement of lands, etc., held by a devadasi on condition of service in a temple.—(1) (a) (i) Where the remuneration for any service to be performed by a devadasi in temple consists of lands granted or continued in respect of, or annexed to, such service by the Government, the Government shall enfranchise the said lands from the condition of service, by the imposition of quit-rent.

(ii) Where the remuneration for such service consists of an assignment of land revenue so granted or continued, the Government shall enfranchise such assignment of revenue from the condition of service.

Provided that where, at the time when proceedings are taken under this sub-clause the devadasi is herself the owner of the lands in respect of which the assignment of revenue has been made, enfranchisement shall be effected and quit-rent imposed in the manner laid down in sub-clause (i).

(iii) Where the remuneration for such service consists in part of lands and in part of an assignment of land revenue, enfranchisement of the lands shall be effected in the manner laid down in sub-clause (i) and of the assignment of the land revenue in the manner laid down in sub-clause (ii).

Explanation.—For the purposes of this clause, a grant shall be deemed to consist of an assignment of land revenue in all cases in which the devadasi herself is not, at the time specified in the proviso to sub-clause (ii), the owner of the lands in question.

(b) Enfranchisement under clause (a) shall be effected in accordance with such rules as the Government may make in this behalf and shall take effect as and from such date as they may fix.

(2) Where the remuneration for such service consists in whole or in part, of lands or of produce of lands not falling under sub-section (1), the Government shall direct the District Collector to

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determine the amount of rent payable on the lands or the produce in question. The District Collector shall thereupon, after giving notice to the party concerned and holding such inquiry as may be prescribed by the Government, by an order, determine the amount of rent, and in doing so, he shall have due regard to—

(a) the rent payable by the tenant for lands of a similar description and with similar advantages in the same village or neighbouring villages; and

(b) the improvements, if any, effected by the devadasi in respect of the lands.

Such order shall be communicated to the parties concerned and also published in the manner prescribed.

(3) The amount of rent fixed by the District Collector under sub-section (2) may be questioned by the petition presented to the Board of Revenue within three months of the date of the publication of the order under the said sub-section but subject to the result of such petition, the order of the District Collector fixing the amount of rent under sub-section (2) shall be final and shall not be liable to be questioned in any Court of law:

Provided, however, that the Board of Revenue shall have power on sufficient grounds to entertain a petition presented after the expiration of the period of three months:

(4) While determining the rent under sub-section (2), the District Collector shall fix a date from which the order shall take effect and such lands or produce shall be deemed to have been freed from the condition of service on and from the date so fixed.

(5) No obligation to render any service relating to any temple to which any devadasi may be subject by reason of any grant of land or assignment of land revenue or produce derived from land, shall be enforceable when such land, assignment or produce is enfranchised or freed, as the case may be, in the manner hereinbefore provided.

(6) No order passed under sub-section (1), (2) or (3) shall operate as a bar to the trial of any suit or issue relating to the right to enjoy the land, or assignment of land revenue or produce derived from land, as the case may be.

(7) (a) The quit-rent imposed under sub-section (1) shall be payable to the temple concerned.

(b) The assignment of land revenue enfranchised under sub-section (1), or the rent fixed under sub-sections (2) and (3), as the case may be, shall be payable to the devadasi concerned during her lifetime and, after her death, to the temple concerned.

(8) Where any inam is granted for a service which is auxiliary to the service to be performed by a devadasi in a temple, such inam shall be enfranchised or freed from the condition of service, as if it were a devadasi inam; and the provisions of sub-sections (1) to (7) shall apply accordingly.

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(9) For the purpose of this section, "devadasi" shall mean any Hindu unmarried female, who is dedicated for service in a temple.

41. Resumption and re-grant of inam granted for performance of any charity or service.—(1) Any exchange, gift, sale or mortgage and any lease for a term exceeding five years of the whole or any portion of any inam granted for the support or maintenance of a religious institution or for the performance of a charity or service connected therewith or of any other religious charity and, made, confirmed or recognized by the Government shall be null and void:

Provided that any transaction of the nature aforesaid (not being a gift) may be sanctioned by the Government as being necessary or beneficial to the institution.

Explanation.—Nothing contained in this sub-section shall affect or derogate from the rights and obligations of the landholder and tenant in respect of any land which is ryoti land as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908).

(2) (a) The Collector may, on his own motion, or on the application of the trustee of the religious institution or of the Commissioner or of any person having interest in the institution who has obtained the consent of such trustee or the Commissioner, by order, resume the whole or any part of any such inam; on one or more of the following grounds, namely:—

(i) that except in the case referred to in the proviso to sub-section (1), the holder of such inam or part or the trustee of the institution has made an exchange, gift, sale or mortgage of such inam or part or any portion thereof or has granted a lease of the same or any portion thereof for a term exceeding five years, or

(ii) that the religious institution has ceased to exist or the charity or service in question has in any way become impossible of performance, or

(iii) that the holder of such inam or part has failed to perform or make the necessary arrangements for performing, in accordance with the custom or usage of the institution, the charity or service for performing which the inam had been made, confirmed or recognized as aforesaid, or any part of the said charity or service, as the case may be.

When passing an order under this clause, the Collector shall determine whether such inam or the inam comprising such part, as the case may be, is a grant of both the melvaram and the kudivaram or only of the melvaram:

Provided that, in the absence of evidence to the contrary, the Collector shall presume that any minor inam is a grant of both the melvaram and the kudivaram.

(b) Before passing an order under clause (a), the Collector shall give notice to the trustee, to the Commissioner, to the inamdar concerned, to the person in possession of the inam where he is not

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the inamdar and to the alienee, if any, of the inam; the Collector shall also publish a copy of such notice in such manner as may be prescribed and such publication shall be deemed to be sufficient notice to every other person likely to be affected by such order; and the Collector shall hear the objections, if any, of the persons to whom such notice is given or deemed to be given and hold such inquiry as may be prescribed.

Explanation.—Where only a part of the inam is affected, notice shall be given under this clause to the holder of such part as well as to the holder or holders of the other part or parts, to the person in possession of every such part where he is not the holder thereof, and to the alienee, if any, of every such part; and the objections of all such persons shall be heard by the Collector.

(c) A copy of every order passed under clause (a) shall be communicated to each of the persons mentioned in clause (b), and shall also be published in the manner prescribed.

(d) (i) Any party aggrieved by an order of the Collector under clause (a) may appeal to the District Collector within such time as may be prescribed, and on such appeal, the District Collector may, after giving notice to the Commissioner and each of the persons mentioned in clause (b) and after holding such inquiry as may be prescribed, pass an order confirming, modifying or cancelling the order of the Collector.

(ii) The order of the District Collector on such appeal, or the order of the Collector under clause (a) where no appeal is preferred under sub-clause (i) to the District Collector within the time prescribed, shall be final:

Provided that where there has been an appeal under sub-clause (i) and it has been decided by the District Collector or where there has been no appeal to the District Collector and the time for preferring an appeal has expired any party aggrieved by the final order of the District Collector or the Collector, as the case may be, may file a suit in a Civil Court for determining whether the inam comprises both the melvaram and the kudivaram or only the melvaram. Such a suit shall be instituted within six months from the date of the order of the District Collector on appeal where there has been an appeal under sub-clause (i), or from the date of the expiry of the period prescribed under sub-clause (i) for an appeal to the District Collector where there has been no such appeal.

(e) Except as otherwise provided in clause (d), an order of resumption passed under this section shall not be liable to be questioned in any Court of law.

(f) Where any inam or part of any inam is resumed under this section, the Collector or the District Collector, as the case may be, shall by order, re-grant such inam or part—

(i) as an endowment to the religious institution concerned, or

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(ii) in case of resumption on the ground that the religious institution has ceased to exist or that the charity or service in question has in any way become impossible of performance, as an endowment for such religious, educational or charitable institution as the Commissioner may recommend.

(g) The order of re-grant made under clause (f) shall, on application made to the Collector within the time prescribed, be executed by him in the manner prescribed.

(h) Nothing in this section shall affect the operation of section 40.

42. Office-holders and servants of religious institutions not to be in possession of jewels, etc., except under conditions.—Notwithstanding anything contained in any scheme settled or deemed to have been settled under this Act or in any decree or order of a Court or any custom or usage to the contrary, no office-holder or servant of a religious institution or other person shall have the right to be in possession of the jewels or other valuables belonging to the religious institutions except, under such conditions and safeguards as the Commissioner may, by general or special order, direct.

43. Commissioner to sanction compromise of legal proceedings.—No suit, application or appeal pending before a Court to which a religious institution is a party shall be withdrawn or compromised by the trustee of the institution except with the previous sanction of the Commissioner.

RELIGIOUS INSTITUTIONS OTHER THAN MATHS, OR SPECIFIC ENDOWMENTS ATTACHED THERETO.

44. Sections 45 to 58 not to apply to Maths or specific endowments attached to maths.—The provisions of sections 45 to 58 shall not apply to maths or specific endowments attached to maths.

45. Appointment and duties of Executive Officers.—(1) Notwithstanding anything contained in this Act, the Commissioner may appoint, subject to such conditions as may be prescribed, an executive officer for any religious institution other than a math or a specific endowment attached to a math.

(2) The executive officer shall exercise such powers and discharge such duties as may be assigned to him by the Commissioner:

Provided that only such powers and duties as appertain to the administration of the properties of the religious institution referred to in sub-section (1) shall be assigned to the executive officer.

(3) The Commissioner may define the powers and duties which may be exercised and discharged respectively by the executive officer and the trustee, if any, of any religious institution other than a math or a specific endowment attached to a math.

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(4) The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the executive officer.

46. Commissioner to publish list of certain institutions.—The Commissioner shall publish in the prescribed manner a list of the religious institutions whose annual income as calculated for the purposes of the levy of contribution under section 92 is not less than twenty thousand rupees, and may from time to time modify such list in the prescribed manner :

Provided that the Commissioner shall not be bound to remove any institution from such list unless its annual income calculated as aforesaid has fallen below twenty thousand rupees for three consecutive years.

47. Trustees and their number and term of office.—(1) Where a religious institution included in the list published under section 46 or in respect of which no Area Committee exercises powers and discharges duties, has no hereditary trustee, the Commissioner shall constitute a Board of Trustees consisting of not less than three and not more than five persons appointed by him :

Provided that the Commissioner may, pending the constitution of such a Board of Trustees, appoint a fit person to perform the functions of the Board of Trustees.

(2) Where in the case of any institution included in the list published under section 46, having a hereditary trustee or trustees, the Commissioner or he otherwise ceases to be a trustee, such inquiry as he deems adequate, considers for reason to be recorded, that the affairs of the institution are not, and are not likely to be, properly managed by the hereditary trustee or trustees, the Commissioner may, by order, appoint such number of non-hereditary trustees as he thinks necessary.

(3) Every trustee appointed under sub-section (1) and subject to the result of an application, if any, filed under sub-section (4), every non-hereditary trustee appointed under sub-section (2) shall hold office for a term of five years, unless in the meanwhile the trustee is removed or dismissed or his resignation is accepted by the Commissioner or he otherwise ceases to be a trustee.

(4) Where the Commissioner, by order, appoints a non-hereditary trustee or trustees, the hereditary trustee or trustees may, within thirty days of the receipt of the order, file an application to the Court to set aside or modify such order :

— Provided that the Court shall have no power to stay the order of the Commissioner pending the disposal of the application.

(5) Where a vacancy arises in the office of a non hereditary trustee appointed under sub-section (2), the Commissioner shall not fill up such vacancy unless for reasons to be recorded, he considers it necessary to do so. A non-hereditary trustee appointed

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in the vacancy shall be deemed to have been appointed under sub-section (2), and the provisions of sub-sections (3) and (4) shall apply accordingly.

48. Chairman.—(1) In the case of a religious institution for which a Board of Trustees is constituted under sub-section (1) of section 47 the Board of Trustees shall, within such period as may be prescribed, elect one of its members to be its Chairman, and if no Chairman is elected within the period so prescribed the Commissioner shall nominate the Chairman.

(2) In the case of any other religious institution having more than one trustee, the trustees of such institution shall, within such period as may be prescribed, elect one from among themselves to be the Chairman, and if no Chairman is elected within the period so prescribed, the Commissioner shall nominate the Chairman :

Provided that in the case of a religious institution—

(i) having one hereditary trustee, such hereditary trustee alone shall be its Chairman; and

(ii) having more than one hereditary trustee, one of such hereditary trustees alone shall be elected or nominated to be its Chairman.

(3) A Chairman elected or nominated under sub-section (1) or sub-section (2) shall hold office for such period as may be prescribed.

49. Power of Area Committee to appoint trustees.—(1) In the case of any religious institution which is not included in the list published under section 46 and is not a religious institution notified or deemed to have been notified under Chapter VI of this Act, the Area Committee shall have the same power to appoint trustees as is vested in the Commissioner in the case of a religious institution referred to in sub-section (1) of section 47 :

Provided that the Area Committee may, in the case of any institution which has no hereditary trustee, appoint a single trustee.

(2) The provisions of sub-section (3) of section 47 and of section 48 shall apply to the trustee or trustees appointed, or the Board of Trustees constituted, by the Area Committee, as they apply to the trustee or trustees appointed, or the Board of Trustees constituted, by the Commissioner.

50. Power under sections 47 and 49 to be exercisable notwithstanding provision in scheme.—The power to appoint trustees under section 47 or section 49 shall be exercisable notwithstanding that the scheme, if any, settled, or deemed under this Act to have been settled for the institution contains provision to the contrary.

51. Claims of certain persons to be trustees.—In making appointments of trustees under section 47 or section 49, the Commissioner or the Area Committee, as the case may be, shall have

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due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly intended or maintained.

52. Non-hereditary trustees holding office on the date of the commencement of the Act.—Every non-hereditary trustee lawfully holding office on the date of the commencement of this Act, shall be deemed to have been duly appointed as such trustee under this Act for the residue of his term of office on the date of such commencement.

53. Power to suspend, remove or dismiss trustees.—(1) In this section, the expression, "appropriate authority" shall, unless the context otherwise requires, means—

(a) in respect of any trustee of a religious institution included in the list published under section 46, the Commissioner;

(b) in respect of a non-hereditary trustee of any religious institution not included in the list published under section 46, the Area Committee; and

(c) in respect of a hereditary trustee of a religious institution included in the list published under section 46, the Deputy Commissioner.

(2) The appropriate authority may suspend, remove, or dismiss any . . . trustee of a religious institution, if he—

(a) ceases to profess the Hindu religion; or

(b) fails to discharge the duties and perform the functions of a trustee in accordance with the provisions of this Act or the rules made thereunder; or

(c) disobeys the lawful orders issued under the provisions of this Act or the rules made thereunder by the Government, the Commissioner, or Deputy Commissioner or the Area Committee or the Assistant Commissioner; or

(d) continuously neglects his duty or commits any malfeasance, misfeasance or breach of trust, in respect of the trust; or

(e) misappropriates or deals improperly with the properties of the institution; or

(f) is of unsound mind or is suffering from other mental defect or infirmity which would render him unfit to perform the functions and discharge the duties of a trustee or is suffering from leprosy or other loathsome disease; or

(g) is sentenced by a criminal court for an offence involving moral delinquency, such sentence not having been reversed or the offence pardoned; or

(h) is an undischarged insolvent; or

(i) is interested in a subsisting lease of any property of, or contract made with or any work being done for, the religious institution or is in arrears of any kind due by him to the religious institution; or

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(j) acts adversely to the interests of the institution; or

(k) absents himself from three consecutive meetings of the trustees.

Explanation.—A meeting adjourned for want of quorum shall be deemed to be a meeting for the purpose of this clause; or

(l) in the case of a Chairman of the Board of Trustees or a Managing or Executive trustee, refuses or delays to, or does not, hand over charge to his successor.

(3) When it is proposed to take action under sub-section (2), the appropriate authority shall frame charges against the trustee concerned and give him an opportunity of meeting such charges, of testing the evidence adduced against him and of adducing evidence in his favour; and the order of suspension, removal or dismissal shall state the charges framed against the trustee, his explanation and the finding on each charge with the reasons therefor.

(4) Pending the disposal of the charges framed against the trustee, the appropriate authority may place the trustee under suspension and appoint a fit person to discharge the duties and perform the functions of the trustee.

(5) A trustee who is aggrieved by an order passed under sub-section (2), may within one month from the date of the receipt by him of the order of suspension, removal or dismissal, appeal against the order—

(i) where the order has been passed by the Commissioner, to the Government;

(ii) where the order has been passed by the Deputy Commissioner, to the Commissioner; and

(iii) where the order has been passed by the Area Committee, to the Deputy Commissioner.

(6) A hereditary trustee aggrieved by an order passed by the Commissioner or the Government under sub-section (5) may, within ninety days from the date of the receipt of such order by him, institute a suit in the Court against such order.

54. Filling up of vacancies in the office of hereditary trustee.—

(1) When a permanent vacancy occurs in the office of the hereditary trustee of a religious institution, the next in the line of succession shall be entitled to succeed to the office.

(2) When a temporary vacancy occurs in such an office by reason of the suspension of the hereditary trustees under sub-section (2) of section 53, the next in the line of succession shall be entitled to succeed and perform the functions of the trustee until his disability ceases.

(3) When a permanent or temporary vacancy occurs in such an office and there is a dispute respecting the right of succession to the office, or

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when such vacancy cannot be filled up immediately, or when a hereditary trustee is a minor and has no guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or

when a hereditary trustee is by reason of unsoundness of mind or other mental or physical defect or infirmity unfit for performing the functions of the trustee,

the Deputy Commissioner may appoint a fit person to perform the functions of the trustee of the institutions until the disability of the hereditary trustee ceases or another hereditary trustee succeeds to the office or for such shorter term as the Deputy Commissioner may direct.

Explanation.—In making any appointment under this sub-section, the Deputy Commissioner shall have due regard to the claims of members of the family, if any, entitled to the succession.

(4) Any person aggrieved by an order of the Deputy Commissioner under sub-section (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Commissioner.

(5) Nothing in this section shall be deemed to affect anything contained in the Madras Court of Wards Act, 1902 (Madras Act I of 1902).

55. Appointment of office-holders and servants in religious institutions.—(1) Vacancies, whether permanent or temporary, among the office-holders or servants of a religious institution shall be filled up by the trustee in cases where the office or service is not hereditary.

(2) In cases where the office or service is hereditary, the person next in the line of succession shall be entitled to succeed.

(3) Where, however, there is a dispute respecting the right of succession, or

where such vacancy cannot be filled up immediately, or

where the person entitled to succeed is a minor without a guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or

where the hereditary office-holder or servant is on account of incapacity, illness or otherwise unable to perform the functions of the office or perform the service, or is suspended from his office under sub-section (1) of section 56,

the trustee may appoint a fit person to perform the functions of the office or perform the service, until the disability of the office-holder or servant ceases or another person succeeds to the office or service, as the case may be.

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Explanation.—In making any appointment under this sub-section, the trustee shall have due regard to the claims of members of the family, if any, entitled to the succession.

(4) Any person aggrieved by an order of the trustee under sub-section (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner.

56. Punishment of office-holders and servants in religious institutions.—(1) All office-holders and servants attached to a religious institution or in receipt of any emolument or perquisite therefrom shall, whether the office or service is hereditary or not, be controlled by the trustee; and the trustee may, after following the prescribed procedure, if any, fine, suspend, remove or dismiss any of them for breach of trust, incapacity, disobedience of orders, neglect of duty, misconduct or other sufficient cause.

(2) Any office-holder or servant punished by a trustee under sub-section (1) may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner.

(3) A hereditary office-holder or servant may, within one month from the date of the receipt by him of the order of the Deputy Commissioner under sub-section (2), prefer an appeal to the Commissioner against such order.

57. Power to fix fees for services, etc., and to determine their apportionment.—Notwithstanding anything contained in any scheme settled or deemed to have been settled under this Act, or any decree or usage to the contrary, the trustee of a religious institution shall have power, subject to such conditions as the Commissioner may, by general or special order, direct, to fix fees for the performance of any service, ritual or ceremony in such religious institution and to determine what portion, if any, of such fees shall be paid to the archakas or other office-holders of servants of such religious institution.

58. Fixing of standard scales of expenditure.—(1) The trustee of a religious institution shall submit to the Area Committee if the institution is not included in the list published under section 46 and to the Commissioner if the institution is so included, within three months from the date of the commencement of this Act, or the date of the inclusion of the institution in the list aforesaid or within such further time as may be allowed by the Area Committee or the Commissioner, as the case may be, proposals for fixing the *dittam* or scale of expenditure in the institution, and the amounts which should be allotted to the various objects connected with such institution or the proportions in which the income or other property of the institution may be applied to such objects:

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Provided that this sub-section shall not apply to any institution in respect of which proposals have been submitted to the Area Committee or the Commissioner, as the case may be, before the date of the commencement of this Act.

(2) The trustee shall publish such proposals at the premises of the institution and in such other manner as may be required by the Area Committee or the Commissioner, as the case may be, together with a notice stating that, within one month from the date of such publication, any person having interest may submit objections or suggestions to the Area Committee or the Commissioner.

(3) After the expiry of the said period, the Area Committee or the Commissioner shall, after considering any objections and suggestions received, pass such order as it or he may think fit on such proposals, having regard to the established usage of the institution and its financial position; and a copy of the order shall be communicated to the trustee.

The order of the Area Committee or the Commissioner shall be published in the prescribed manner.

(4) Against an order passed by the Area Committee under sub-section (3), the trustee or any person having interest may, within one month from the date of the receipt of the order by the trustee, appeal to the Deputy Commissioner and if the trustee or such person is aggrieved by the order of the Deputy Commissioner, he may, within one month from the date of the receipt of such order, appeal to the Commissioner.

(5) The trustee shall scrutinize the particulars of *dittam* or scale of expenditure every three years and submit to the Area Committee or the Commissioner as the case may be, proposals for altering the *dittam* or scale of expenditure and the provisions of sub-sections (2), (3) and (4) shall apply in relation to the alteration of such *dittam* or scale of expenditure as they apply in relation to the fixing of *dittam* or scale of expenditure:

Provided that the Area Committee or the Commissioner may, at any time on its or his own motion, for reasons to be recorded in writing, direct the trustee to alter the *dittam* or scale of expenditure and the procedure for such alteration shall be the same as laid down in this section.

CHAPTER IV—MATHS.

59. *Suit for removal of trustee of math or specific endowment attached thereto.*—(1) The Commissioner, or any two or more persons having interest and having obtained the consent in writing of the Commissioner, may institute a suit in the Court to obtain a decree for removing the trustee of a math or a specific endowment attached to a math, for any one or more of the following reasons, namely:—

(a) the trustee being of unsound mind;

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(b) his suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee;

(c) his having ceased to profess the Hindu religion or the tenets of the math;

(d) his conviction for any offence involving moral delinquency;

(e) breach by him of any trust created in respect of any of the properties of the religious institution;

(f) waste of the funds or properties of the institution or the wrongful application of such funds or properties for purposes unconnected with the institution;

(g) the adoption of devices to convert the income of the institution or of the funds or properties thereof into "patha-kanika";

(h) leading an immoral life or otherwise leading a life which is likely to bring the office of head of the math into contempt;

(i) persistent and wilful default by him in discharging his duties or performing his functions under this Act or any other law.

(2) Where the Commissioner refuses to give consent under sub-section (1), the party aggrieved may, within three months from the date of the receipt of the order by him, appeal to the Government who may, after making such inquiry as they may consider necessary, confirm the order of the Commissioner or direct the Commissioner to give his consent in writing.

60. *Arrangements when vacancies occur.*—(1) When a vacancy occurs in the office of the trustee of a math or specific endowment attached to a math and there is a dispute respecting the right of succession to such office, or

when such vacancy cannot be filled up immediately, or

when the trustee is a minor and has no guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or

when the trustee is by reason of unsoundness of mind or other mental or physical defect or infirmity unable to perform the functions of the trustee,

the Assistant Commissioner may take such steps and pass such order as he thinks proper for the temporary custody and protection of the endowments of the math or of the specific endowment, as the case may be, and shall report the matter forthwith to the Commissioner.

(2) Upon the receipt of such report, if the Commissioner, after making such inquiry as he deems necessary, is satisfied that an arrangement for the administration of the math and its endowments or of the specific endowment, as the case may be, is

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necessary, he shall make such arrangement as he thinks fit until the disability of the trustee ceases or another trustee succeeds to the office, as the case may be.

(3) In making any such arrangement, the Commissioner shall have due regard to the claims of the disciples of the math, if any.

(4) Nothing in this section shall be deemed to affect anything contained in the Madras Court of Wards Act, 1902 (Madras Act I of 1902).

61. Fixing of standard scales of expenditure.—(1) The trustee of every math or specific endowment attached to a math may, from time to time, submit to the Commissioner proposals for fixing the *dittam* or scale of expenditure in the institution, and the amounts which should be allotted to the various objects connected with the institution or the proportions in which the income or other property of the institution may be applied to such objects.

(2) The trustee shall publish such proposals at the premises of the math and in such other manner as the Commissioner may direct, together with a notice stating that, within one month from the date of such publication, any person having interest may submit suggestions to the Commissioner.

(3) If on a scrutiny of such proposals, and any suggestions made by persons having interest, it appears to the Commissioner that the scale of expenditure or any item in the scale of expenditure is at variance with the established usage of the institution, or is not justified by its financial position, the Commissioner may call for the remarks of the trustee and if, after considering the same, the Commissioner is of opinion that any modification is required in the scale of expenditure or any item in the scale of expenditure he shall submit the case to the Government who shall pass orders thereon, and such orders shall be final.

62. Power to spend Pathakanika.—(1) The trustee of a math shall keep regular accounts of receipts of "pathakanika" that is to say, any gift of property or money made to him as the head of the math and shall be entitled to spend the said "pathakanika" in accordance with the customs and usages of the institution.

(2) Such gifts of property or money as are not spent by the trustee during his tenure of office in accordance with the customs and usage of the institution shall form part of the funds of the math.

CHAPTER V—INQUIRIES.

63 Deputy Commissioner to decide certain disputes and matters.—Subject to the rights of suit or appeal hereinafter provided, the Deputy Commissioner shall have power to inquire into and decide the following disputes and matters:—

(a) whether an institution is a religious institution;

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(b) whether a trustee holds or held office as a hereditary trustee;

(c) whether any property or money is religious endowment;

(d) whether any property or money is a specific endowment;

(e) whether any person is entitled, by custom or otherwise, to any honour, emolument or perquisite in any religious institution; and what the established usage of a religious institution is in regard to any other matter;

(f) whether any institution or endowment is wholly or partly of a religious or secular character; and whether any property or money has been given wholly or partly for religious or secular uses; and

(g) where any property or money has been given for the support of an institution which is partly of a religious and partly of a secular character, or the performance of any service or charity connected with such an institution or the performance of a charity which is partly of a religious and partly of a secular character or where any property or money given is appropriated partly to religious and partly to secular uses, as to what portion of such property or money shall be allocated to religious uses.

64. Power of Deputy Commissioner to settle schemes.—(1) When the Deputy Commissioner has reason to believe that in the interest of the proper administration of an institution, a scheme should be settled for the institution, or when not less than five persons having interest make an application in writing stating that in the interests of the proper administration of an institution of a scheme should be settled for it, the Deputy Commissioner shall consult in the prescribed manner the trustee and the persons having interest and the Area Committee, if any, exercising powers and discharging duties in respect of the institution, and if, after such consultation, he is satisfied that it is necessary or desirable to do so, he shall, by order, settle a scheme of administration for the institution.

Explanation.—For the purposes of this section, "institution" means a temple or a specific endowment attached to a temple.

(2) A scheme settled under sub-section (1) for an institution may contain provision for—

(a) removing any existing trustee, whether hereditary or non-hereditary:

Provided that where provision is made in the scheme for the removal of a hereditary trustee, provision shall also be made therein for the appointment as trustee of the person next in succession who is qualified:

(b) appointing a new trustee or trustees in the place of, or in addition to, any existing trustees or trustees;

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(c) defining the powers and duties of the trustee or trustees :

Provided that in making any provision of the nature specified in clause (b) due regard shall be had to the claims of persons belonging to the religious denomination for whose benefit the institution is chiefly intended or maintained.

(3) The Deputy Commissioner may determine what the properties of the institution are and append to the scheme a schedule containing a list of such properties;

(4) Pending the settlement of a scheme for an institution, the Deputy Commissioner may appoint a fit person to perform all or any of the functions of the trustee thereof and define his powers and duties.

(5) (a) The Deputy Commissioner may, at any time, after consulting the trustee and the persons having interest and the Area Committee, if any, exercising powers and discharging duties in respect of the institution, by order, modify or cancel any scheme in force settled under sub-section (1) or any scheme in force settled or modified by the Board under the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), or deemed to have been settled under that Act, or any scheme in force settled or modified by the Deputy Commissioner or the Commissioner under this Act, or any scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70, or on an appeal under sub-section (2) of that section or any such scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118 :

Provided that such cancellation or modification of a scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70 or on an appeal under sub-section (2) of that section or of a scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118 shall be made only subject to such conditions and restrictions as may be prescribed.

(b) If the Deputy Commissioner is satisfied that any such scheme referred to in clause (a) is inconsistent with this Act and the rules made thereunder, he may, at any time, after consulting the trustee and the persons having interest and the Area Committee, if any, exercising powers and discharging duties in respect of the institution, modify it in such manner as may be necessary to bring it into conformity with the provisions of this Act and the rules made thereunder.

(6) Every order of the Deputy Commissioner settling, modifying or cancelling a scheme under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of sections 69 and 70, be binding on the trustee, the executive officer and all persons having interest.

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65. *Power of Commissioner to settle schemes.*—(1) When the Commissioner has reason to believe that in the interests of the proper administration of a math or a specific endowment attached to a math, a scheme should be settled for the math or the specific endowment attached to a math or when not less than five persons having interest make an application in writing, stating that in the interest of the proper administration of the math or the specific endowment attached to the math a scheme should be settled for it, the Commissioner shall consult in the prescribed manner the trustee and the persons having interest; and if, after such consultation, he is satisfied that it is necessary or desirable to do so, he shall by order, settle a scheme of administration for the math or the specific endowment attached to the math.

(2) A scheme settled under this section for the administration of a math or a specific endowment attached to a math may contain provision for —

(a) constituting a body for the purpose of assisting in the whole or any part of the administration of the endowments of such math or of the specific endowment.

Provided that the members of such body shall be chosen from persons having interest in such math or endowment;

(b) defining the powers and duties of the trustee.

(3) The Commissioner may determine what the properties of the math or of the specific endowment attached to the math are and append to the scheme a schedule containing a list of such properties.

(4) (a) The Commissioner may, at any time after consulting the trustee, by order, modify or cancel any scheme in respect of a math or a specific endowment attached to a math and in force and settled under sub-section (1) or any scheme in force settled or modified by the Board under the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), or deemed to have been settled under that Act or any scheme in force settled or modified by the Commissioner under this Act or any scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70 or on an appeal under sub-section (2) of that section or any such scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118 :

Provided that such cancellation or modification of a scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70 or on an appeal under sub-section (2) of that section or of a scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118 shall be made only subject to such conditions and restrictions as may be prescribed.

(b) If the Commissioner is satisfied that any such scheme referred to in clause (a) is inconsistent with this Act and the rules

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made thereunder he may at any time, modify it in such manner as may be necessary to bring it into conformity with the provisions of this Act and the rules made thereunder.

(5) Every order of the Commissioner settling, modifying or cancelling a scheme under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of sections 69 and 70, be binding on the trustee, the executive officer and all persons having interest.

66. Appropriation of endowments.—(1) The Deputy Commissioner may, on being satisfied that the purpose of a religious institution has from the beginning been, or has subsequently become, impossible of realization, by order, direct that the endowments of the institution be appropriated to all or any of the following purposes, namely:—

(a) the grant of aid to any other religious institution which is poor or in needy circumstances;

(b) the grant of aid to any religious purposes connected with the Hindu religion;

(c) the propagation of the religious tenets of the institution;

(d) the recitation of Divya Prabandham and Thevaram and the like;

(e) the establishment and maintenance of schools for the training of archakas, adyapakas, vedaparayanikas and othuvans and for the study of Divya Prabandhams, Thevarams and the like including the study of Indian languages for that purpose;

(f) the establishment and maintenance of a university or college or other institution in which the main features shall be the provision for the study of Hindu religion, philosophy or sastras, or for imparting instruction in Hindu temple architecture;

(g) the establishment and maintenance of educational institutions where instruction in the Hindu religion is also provided;

(h) promotion of fine arts and architecture;

(i) the establishment and maintenance of orphanages for Hindu Children;

(j) the establishment and maintenance of asylums for persons suffering from leprosy;

(k) the establishment and maintenance of poor homes for destitute, helpless and physically disabled persons; and

(l) the establishment and maintenance of hospitals and dispensaries for the benefit of pilgrims:

Provided that in the case of a religious institution founded and maintained by a religious denomination or any section thereof, the endowments shall, as far as possible, be utilized for the benefit of the denomination or section concerned for the purposes mentioned above.

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(2) The Deputy Commissioner, may, at any time by order, modify or cancel any order passed under sub-section (1).

(3) The order of the Deputy Commissioner under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of section 69, be binding on the trustee, the executive officer and all persons having interest.

67. Determination and application of properties and funds of defunct religious institutions.—(1) The Deputy Commissioner may, on being satisfied that a religious institution has, whether before or after the date of the commencement of this Act, ceased to exist, hold an inquiry in the prescribed manner to ascertain its properties and funds; and after doing so, shall pass an order—

(a) specifying the properties and funds of the institution;

(b) appointing a trustee therefor;

(c) directing the recovery of any such properties or funds from any person who may be in possession thereof; and

(d) laying down that the properties and funds so specified shall be applied or utilised for renovating the institution or if such renovation is not possible, be appropriated to any one or more of the purposes specified in sub-section (1) of section 66.

(2) The Deputy Commissioner may, on being satisfied after holding an enquiry in the prescribed manner, that any building or other place which was being used for religious worship or instruction has, whether before or after the date of the commencement of this Act, ceased to be used for that purpose, pass an order—

(a) directing the recovery of such building or place from any person who may be in possession thereof; and

(b) laying down that it shall be used for religious worship or instruction as before, or if such use is not possible, be utilised for any one or more of the purposes specified in sub-section (1) of section 66.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be deemed to authorize the Deputy Commissioner to pass an order in respect of any property or funds which vested in any person before the 30th September 1951 by the operation of the law of limitation.

(4) Every order of the Deputy Commissioner under sub-section (1) or sub-section (2) shall be published in the prescribed manner.

68. Deputy Commissioner to forward copies.—The Deputy Commissioner shall, within a week from the date of his order made under any of the foregoing sections of this Chapter, forward a copy of such order to the Commissioner.

69. Appeal to the Commissioner.—(1) Any person aggrieved by any order passed by the Deputy Commissioner under any of the foregoing sections of this Chapter may, within sixty days from

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the date of the publication of the order or of the receipt thereof by him, as the case may be, appeal to the Commissioner and the Commissioner may pass such order thereon as he thinks fit.

(2) Any order passed by the Deputy Commissioner in respect of which no appeal has been preferred within the period specified in sub-section (1) may be revised by the Commissioner *suo motu* and the Commissioner may call for and examine the records of the proceedings to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed by the Deputy Commissioner. Any such order passed by the Commissioner in respect of an order passed by the Deputy Commissioner shall be deemed to have been passed by the Commissioner on an appeal preferred to him under sub-section (1).

(3) Any order passed by the Commissioner on such appeal against which no suit lies to the Court under the next succeeding section, or in which no suit has been instituted in the Court within the time specified in sub-section (1) of section 70 may be modified or cancelled by the Commissioner if the order has settled or modified a scheme for the administration of a religious institution or relates to any of the matters specified in section 66.

70. Suits and appeals.—(1) Any party aggrieved by an order passed by the Commissioner—

(i) under sub-section (1) or sub-section (2) of section 69, and relating to any of the matters specified in section 63, section 61 or section 67; or

(ii) under section 63, section 61, or section 67 read with sub-section (1) (a), (2) or (4) (a) of section 22 or under section 65; may, within ninety days from the date of the receipt of such order by him, institute a suit in the Court against such order and the Court may modify or cancel such order, but it shall have no power to stay the order of the Commissioner pending the disposal of the suit.

(2) Any party aggrieved by a decree of the Court under sub-section (1) may, within ninety days from the date of the decree, appeal to the High Court.

CHAPTER VI—NOTIFIED RELIGIOUS INSTITUTIONS.

71. Issue of notice to show cause why institution should not be notified.—(1) Notwithstanding that a religious institution is governed by a scheme settled or deemed to have been settled under this Act, where the Commissioner has reason to believe that such institution is being mismanaged and is satisfied that in the interests of its administration, it is necessary to take proceedings under this Chapter, the Commissioner may, by notice published in the prescribed manner, call upon the trustee and all other persons having interest to show cause why such institution should not be notified to be subject to the provisions of this Chapter.

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(2) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one month from the date of the issue of the notice for showing such cause.

(3) The trustee or any person having interest may thereupon prefer any objection he may wish to make to the issue of a notification as proposed.

(4) Such objection shall be in writing and shall reach the Commissioner before the expiry of the time specified in the notice aforesaid or within such further time as may be granted by the Commissioner.

72. Consideration of objections, if any, and notification of institution.—(1) Where no such objection has been received within the time so specified or granted, the Government may, on receipt of a report from the Commissioner to that effect, by notification, declare the religious institution to be subject to the provisions of this Chapter.

(2) Where any such objections have been received within the time so specified or granted, the Commissioner shall hold an inquiry into the objections in the manner prescribed, and decide whether the institution should be notified to be subject to the provisions of this Chapter or not.

(3) If the Commissioner decides that the institution should be notified as aforesaid, he shall make a report to that effect to the Government who may thereupon, by notification, declare the religious institution to be subject to the provisions of this Chapter.

(4) Any trustee or any person having an interest, who is aggrieved by a notification published under sub-section (1) or sub-section (3), may, within thirty days from the date of its publication, institute a suit in the Court for the cancellation of such notification and the Government shall cancel the notification if the Court so directs:

Provided that the Court shall have no power to suspend the operation of the notification pending the disposal of the suit.

(5) Any party aggrieved by a decree of the Court under sub-section (4), may, within ninety days from the date of the decree, appeal to the High Court.

(6) Notwithstanding anything contained in sub-sections (4) and (5), if the Government are satisfied at any time after the publication of a notification under sub-section (1) or sub-section (3) that the religious institution is no longer being mismanaged, they may cancel the notification.

(7) Any notification published under sub-section (1) or sub-section (3) of section 64 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), before the date of the commencement of this Act shall be as valid as if such notification had been published under this Act:

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Provided that if on the date of the commencement of this Act a period of thirty days has lapsed from the date of publication of a notification under section 64 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), no suit shall be instituted under sub-section (4) of this section :

Provided further that if, on the date of the commencement of this Act, a period of thirty days has not lapsed from the date of publication of the notification under section 64 of the said Act, the date of publication of such notification for the purposes of sub-section (4) of this section shall be the date of publication of that notification under the said Act.

73. Scheme to lapse on notification.—On the publication of the notification, the scheme of administration, if any, settled for the religious institution, whether before or after the date of the commencement of this Act, and all rules, if any, framed under such a scheme shall cease to apply to the institution and shall become inoperative; and such scheme and rules shall not be revived by reason of the cancellation of the notification under sub-section (6) of section 72.

74. Appointment of salaried executive officer.—For every institution notified under this Chapter, the Commissioner shall, as soon as may be, appoint a salaried executive officer, who shall be a person professing the Hindu religion.

75. Section 64 not to apply to notified institutions.—(1) Section 64 shall not apply to, and no Area Committee shall exercise powers and discharge duties in respect of any religious institution notified under this Chapter or under Chapter VI of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), or under Chapter VI-A of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), so long as the notification remains in force.

(2) Nothing in sub-section (1) shall be construed as prohibiting the settlement of a scheme under section 64 during the period when a notification is in force, to take effect immediately on the notification ceasing to be in force.

76. Saving.—Nothing in this Chapter shall apply to maths or other religious institutions having hereditary trustees who have a beneficial interest in the income of the institution.

CHAPTER VII—ENCROACHMENTS.

77. Transfer of lands appurtenant to or adjoining religious institutions prohibited except in special cases.—(1) Notwithstanding anything contained in section 34, no trustee of a religious institution shall lease or mortgage with possession or grant a licence for the occupation of—

(a) any land belonging to the religious institutions which is appurtenant to or adjoins the religious institution, or any sacred

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tank, well, spring or water-course, appurtenant to the religious institution whether situated within or outside the precincts thereof, or

(b) any space within or outside the prakarams, mantapams, courtyards or corridors of the religious institution :

Provided that nothing contained in this sub-section shall apply to the leasing or licensing of any such land or space for the purpose of providing amenities to pilgrims or of vending flowers or other articles used for worship or of holding for specified periods, fairs or exhibitions during festivals connected with the religious institution.

(2) Any lease or mortgage with possession or licence in contravention of the provisions of sub-section (1) shall be null and void.

(3) Notwithstanding anything contained in sub-section (1) or (2), the Commissioner may sanction the lease or mortgage with possession or granting of a licence for the occupation of any such land or space as is mentioned in sub-section (1) and situated outside the precincts of a religious institution for any purpose other than a purpose mentioned in the proviso to sub-section (1).

78. Encroachments by persons on lands or buildings belonging to religious institutions.—(1) Where the Assistant Commissioner having jurisdiction over the area in which the religious institution is situated has reason to believe that any person has encroached upon any land or building belonging to the religious institution which is appurtenant to or adjoins the religious institution, or any sacred tank, well, spring or water-course, appurtenant to the religious institution, whether situated within or outside the precincts thereof, or any space within or outside the prakarams, mantapams, courtyards or corridors of the religious institution (hereinafter in this Act referred to as the encroacher), the Assistant Commissioner shall report the fact together with relevant particulars to the Deputy Commissioner having jurisdiction over the area in which the religious institution is situated.

(2) On being satisfied that there has been an encroachment, the Deputy Commissioner may cause to be served upon the encroacher a notice specifying the particulars of the encroachment and calling on him to show cause before a certain date why an order requiring him to remove the encroachment before a date specified in the notice should not be made. A copy of the notice shall also be sent to the trustee of the religious institution concerned.

(3) The notice referred to in sub-section (2) shall be served in such manner as may be prescribed.

(4) After considering the objections, if any, of the encroacher and the trustee received within the period specified in the notice referred to in sub-section (2), the Deputy Commissioner may, by order, if he decides that there has been an encroachment, require

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the encroacher to remove the encroachment and deliver possession of the land or building encroached upon to the trustee before a date specified in the order.

(5) The order of the Deputy Commissioner shall be in writing and shall contain the grounds on which he has passed the order.

79. Appeals against orders of Deputy Commissioner under section 78.—(1) Any person aggrieved by an order passed by the Deputy Commissioner under section 78 may, within thirty days from the date of the receipt by him of such order, prefer an appeal in writing to the Commissioner.

(2) On such appeal being preferred, the Commissioner may order stay of further proceedings in the matter pending decision on the appeal.

(3) The Commissioner shall call for the records of the case from the Deputy Commissioner and after giving notice in the manner prescribed to the appellant and the trustee of the religious institution, and if necessary, after making such further inquiry as he thinks fit, decide the appeal.

(4) The decision of the Commissioner and subject to such decision, an order of the Deputy Commissioner shall be final and shall be conclusive evidence of the encroachment:

Provided that nothing in this section shall prevent the encroacher from instituting a suit in the Civil Court having jurisdiction that the religious institution has no title to the land or building.

(5) Where no appeal against an order of the Deputy Commissioner has been preferred under sub-section (1) or where an appeal has been preferred and dismissed, the Assistant Commissioner may remove the encroachment and obtain possession of the land or buildings encroached upon. Any Police Officer whose help is required for this purpose shall be bound to render the necessary help to the Assistant Commissioner.

80. Eviction of lessees, licensees or mortgagees with possession in certain cases.—(1) Where the Assistant Commissioner having jurisdiction over the area in which the religious institution is situated is of the view that the lessee, licensee or mortgagee with possession of any land belonging to the religious institution, which is appurtenant to or adjoins the religious institution or any sacred tank, well, spring or water-course, appurtenant to the religious institution, whether situated within or outside the precincts thereof or any space within or outside the prakarams, mantapams, court-yards or corridors of the religious institutions, has taken any action which has marred or is likely to mar the artistic appearance or the religious atmosphere of the religious institution, the Assistant Commissioner shall report the fact together with relevant particulars to the Deputy Commissioner having jurisdiction over the area in which the religious institution is situated.

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(2) The Deputy Commissioner, if satisfied that the artistic appearance or the religious atmosphere of the religious institution has been marred or is likely to be marred by the action of the lessee, licensee, or mortgagee with possession shall cause to be served on the lessee, licensee or mortgagee concerned a notice calling on him to show cause before a certain date why an order terminating the lease or licence or cancelling the mortgage and requiring the lessee, licensee or mortgagee, as the case may be, to deliver possession of the property which is the subject of the lease, licence or mortgage to the trustee before a date specified in the notice should not be made. A copy of the notice shall also be sent to the trustee of the religious institution concerned.

(3) The notice referred to in sub-section (2) shall be served in such manner as may be prescribed.

(4) After considering the objections, if any, of the lessee, licensee or mortgagee, received within the period specified in the notice referred to in sub-section (2), the Deputy Commissioner may, if he decides that the artistic appearance or the religious atmosphere of the religious institution has been marred or is likely to be marred by the action of the lessee, licensee or mortgagee, by order, terminate the lease or licence or cancel the mortgage and require the lessee, licensee or mortgagee to deliver possession of the property which is the subject of the lease, licence or mortgage to the trustee, before a date specified in the order.

(5) The order of the Deputy Commissioner shall be in writing and shall contain the grounds on which he has passed the order.

81. Appeals against orders of Deputy Commissioner under section 80.—(1) Any person aggrieved by an order passed by the Deputy Commissioner under section 80 may, within thirty days from the date of the receipt by him of such order, prefer an appeal in writing to the Commissioner.

(2) On such appeal being preferred, the Commissioner may order stay of further proceedings in the matter pending decision on the appeal.

(3) The Commissioner shall call for the records of the case from the Deputy Commissioner and after giving notice in the manner prescribed to the appellant and the trustee of the religious institution and if necessary after making such further inquiry as he thinks fit, shall decide the appeal.

(4) The decision of the Commissioner and subject to such decision, an order of the Deputy Commissioner shall be final and shall be conclusive evidence that the artistic appearance or the religious atmosphere of the religious institution has been marred or is likely to be marred.

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(5) Where no appeal against an order of the Deputy Commissioner has been preferred under sub-section (1) or where such an appeal has been preferred and dismissed, the Assistant Commissioner may enter into possession of the land after a specified date and the trustee of the religious institution shall forthwith take steps for restoring the artistic appearance or religious atmosphere of the religious institution. Any Police Officer whose help is required by the Assistant Commissioner for obtaining possession of the land shall be bound to render the necessary help.

82. Payment of compensation.—(1) Where, in pursuance of any order passed under the foregoing provisions of this Chapter, any lessee, licensee or mortgagee with possession loses possession of any land, there shall be paid compensation, the amount of which shall be determined by the Tribunal constituted under section 83 in the manner, and in accordance with the principles hereinafter set out, that is to say—

(a) at the commencement of the proceedings before the Tribunal, the trustee of the religious institution and the person to be compensated shall state what in their respective opinion is a fair amount of compensation.

(b) The Tribunal in making its award shall have regard to the nature of the property, the use to which it has been put, the rent, fee or other income payable in accordance with the terms of the lease, licence or mortgage, as the case may be.

(c) The compensation awarded by the Tribunal shall not exceed the amount, if any, payable by the lessee or licensee for the unexpired period of the lease or licence and in the case of a mortgage, the amount secured by the mortgage together with the interest due thereon.

(2) The compensation awarded by the Tribunal shall be payable out of the funds of the religious institution after the trustee obtains the permission of the Deputy Commissioner in accordance with the provisions of this Act.

(3) Save as provided in this section and in any rules made under this Act, nothing contained in any law for the time being in force shall apply to awards under this section.

83. Constitution of Tribunals.—(1) The Government shall constitute as many Tribunals as may be necessary for the purposes of this Chapter.

(2) Each Tribunal shall consist of such number of members not exceeding three as may be determined by the Government, and if the number of such members is more than one, one of them shall be appointed as the Chairman by the Government.

(3) Each Tribunal shall have such jurisdiction and over such area as the Government may, by notification, from time to time determine.

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(4) The qualification to be possessed by persons for appointment as members of a Tribunal and the conditions of service of such members shall be such as may be prescribed.

(5) 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.

(6) If for any reason a vacancy (other than a temporary absence) occurs in the office of the Chairman of any Tribunal or any other member of any Tribunal, then the Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(7) No act or proceeding before any Tribunal shall be called in question in any manner on the ground merely of the existence of any vacancy in or defect in the constitution of, such Tribunal.

84. Suits against award.—Any party aggrieved by an award of the Tribunal under section 82 may, within ninety days from the date of the receipt of the award by him, institute a suit in the Civil Court having jurisdiction over the area in which the religious institution is situated.

85. Protection of action taken under this Chapter.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of the provisions of this Chapter or any order made in pursuance of any of those provisions.

(2) No suit or other legal proceeding shall lie against the Tribunal, Commissioner, Deputy Commissioner or Assistant Commissioner for any damage caused or likely to be caused by anything, in good faith, done or intended to be done in pursuance of the provisions of this Chapter or any order made in pursuance of any of those provisions.

CHAPTER VIII—BUDGETS, ACCOUNTS AND AUDIT.

86. Budgets of religious institutions.—(1) The trustee of every religious institution shall, before the end of March in each year, submit, in such form as may be specified by the Commissioner, a budget showing the probable receipts and disbursements of the institution during the following fasli year :—

(a) to the Commissioner in the case of maths and specific endowments attached to maths;

(b) to the Deputy Commissioner in the case of institutions included in the Kst published under section 46;

(c) to the Area Committee through the Assistant Commissioner in the case of other institutions;

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(2) Every such budget shall make adequate provision for—

(a) the due maintenance of the objects of the institution and the proper performance of the services therein;

(b) the due discharge of liabilities of loans binding on the institution;

(c) the repair and renovation of the buildings connected with the institution, the provision made under this clause not being less than twenty-five per centum of the surplus in the income of the institution for the year;

(d) the contribution to the reserve fund of the institution at such per centum of the income as the Commissioner may fix;

(e) the maintenance of a working balance.

(3) The Commissioner, Deputy Commissioner or Area Committee, as the case may be, may, after giving notice to the trustee in the prescribed manner and after considering his representations, if any, make such alterations, omissions, or additions, in the budget as he or it may deem fit.

(4) Any trustee may, within one month from the date of the receipt by him of the order under sub-section (3), appeal against that order—

(a) where the order has been made by the Area Committee, to the Deputy Commissioner;

(b) where the order has been made by the Deputy Commissioner, to the Commissioner;

(c) where the order has been made by the Commissioner, to the Government.

(5) If, in the course of a fasli year, the trustee finds it necessary to modify the provisions made in the budget in regard to the receipts or to the distribution of the amounts to be expended under the different heads, he may submit to the Commissioner, Deputy Commissioner, or Area Committee, through the Assistant Commissioner, as the case may be, his supplemental or revised budget, provided that no alteration shall be made in the amount allotted for discharge of liabilities and loans or in the working balance, and the Commissioner, Deputy Commissioner, or Area Committee, as the case may be, may make such alterations, omissions or additions as provided in sub-section (3).

(6) The trustee shall, within two months after the close of each fasli year, submit to the Commissioner, Deputy Commissioner or Area Committee, through the Assistant Commissioner, as the case may be, in such form as may be fixed by the Commissioner, a statement of actual receipts and disbursements relating to that fasli year, with particulars of expenditure, if any, incurred without sanction and explaining the necessity therefor or the urgency thereof. The Commissioner, Deputy Commissioner or Area Committee, as the case may be, may, after considering the explanation of the trustee, approve and ratify such expenditure, if such expenditure was beneficial or necessary to the institution.

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87. Accounts and Audit.—(1) The trustee of every religious institution shall keep regular accounts of all receipts and disbursements. Such accounts shall be kept for each fasli year separately and in such form and shall contain such particulars as may be specified by the Commissioner.

(2) The accounts of every religious institution shall be audited by auditors appointed in the prescribed manner and such auditors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(3) The accounts of every religious institution, the annual income of which as calculated for the purposes of section 92 for the fasli year immediately preceding is not less than sixty thousand rupees, shall be subject to concurrent audit, that is to say, the audit shall take place as and when the expenditure is incurred. The accounts of every other religious institution, the annual income of which calculated as aforesaid for the fasli year immediately preceding is not less than one thousand rupees, shall be audited annually, or if the Commissioner so directs in any case or class of cases at shorter intervals.

(4) The accounts of any other religious institution, the annual income of which calculated as aforesaid for the fasli year immediately preceding is less than one thousand rupees shall be audited departmentally and no fee shall be levied therefor

(5) It shall be the duty of the trustee of the institution concerned and all officers and servants working under him, his agent and any person having concern in the administration of the institution, to produce before the auditors, all accounts, records, correspondence, plans and other documents and property and moneys relating to the institution to furnish them with such information as may be required, and to afford them all such assistance and facilities as may be necessary or reasonable and as may be required in regard to the audit of the accounts of the institution.

88. Authority to whom Audit Report is to be submitted.—After completing the audit for any fasli year or shorter period, or for any transaction or series of transactions, as the case may be, the auditor shall send a report—

(a) to the Commissioner in respect of maths and specific endowments attached to maths;

(b) to the Deputy Commissioner in respect of institutions included in the list published under section 46: and

(c) to the Assistant Commissioner in respect of other institutions.

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89. *Contents of Audit Report.*—(1) The auditor shall specify in his report all cases of irregular, illegal or improper expenditure, or of failure to recover moneys due or other property belonging to the religious institution or of loss or of waste of money or other property thereof, caused by neglect or misconduct or misapplication or collusion or fraudulent transactions or breach of trust on the part of the trustee or any other person.

(2) The auditor shall also report on such other matter relating to the accounts as may be prescribed, or on which the Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be, may require him to report.

90. *Rectification of defects disclosed in audit and order of surcharge against trustee, etc.*—(1) The Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be, shall send a copy of every audit report relating to the accounts of a religious institution to the trustee thereof, and it shall be the duty of such trustee to remedy any defects or irregularities pointed out by the auditor and report the same to the Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be.

(2) If, on a consideration of the audit report and the report of the trustee and after such inquiry as may be necessary, the Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be, thinks that the trustee or any other person was guilty of irregular, illegal or improper expenditure, or of loss or waste of money or other property thereof caused by failure to recover moneys due or other property belonging to the religious institution or by neglect or misconduct or misapplication or collusion or fraudulent transactions or breach of trust, the Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be, may after giving notice to the trustee or such person to show cause why an order of surcharge should not be passed against him and after considering his explanation, if any, by order certify the amount so spent, the amount or value of the property so lost or wasted, and direct the trustee or such person to pay within a specified time such amount or value personally:

Provided that if, in respect of any expenditure or dealing with the property of the institution, the trustee or such person had obtained the directions of the Commissioner, Deputy Commissioner, Assistant Commissioner, as the case may be, and had acted in accordance with such directions, he shall not be held liable.

(3) The Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be, shall forward a copy of the order under sub-section (2) with the reasons for the same by registered post to the trustee or person concerned.

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(4) The trustee or other person aggrieved by such order may, within thirty days of the receipt by him of the order, either—

(a) apply to the court to modify or set aside the order, and the court, after taking such evidence as is necessary, may confirm, modify or remit the surcharge with such orders as to costs as it may think appropriate in the circumstances, or

(b) in lieu of such application, may appeal to the Government who shall pass such orders as they think fit.

(5) Neither the court, nor the Government to which or to whom an application or appeal is made under sub-section (4) shall have power to stay the operation of the order pending the disposal of the application or appeal.

(6) An order of surcharge under this section against a trustee shall not bar a suit for accounts against him except in respect of the matter finally dealt with by such order.

(7) The Collector of the district in which is situated any property of the trustee or other person from whom an amount is recoverable by way of surcharge shall, on a requisition made by the Commissioner, recover such amount as if it were an arrear of land revenue and pay the same to the religious institution concerned.

(8) Where the Commissioner is satisfied that the trustee or other person with intent to defeat or delay the execution of any order that may be made under sub-section (2) or sub-section (4)—

(a) is about to dispose of the whole or any part of his property; or

(b) is about to remove the whole or any part of his property from the jurisdiction of the Commissioner, the Commissioner may, unless adequate security is furnished, apply to the court pending the decision of the court or Government for conditional attachment of the said property or such part thereof, as he thinks necessary.

91. *Chapter to apply notwithstanding provision in scheme.*—The provisions of this chapter shall apply to every religious institution, notwithstanding anything to the contrary contained in any scheme settled or deemed to have been settled under this Act.

CHAPTER IX—FINANCE.

92. *Religious institutions to pay an annual contribution to the Government.*—(1) Every religious institution shall, from the income derived by it, pay to the Commissioner annually such contribution not exceeding seven per centum of its income as may be prescribed in respect of the services rendered by the Government and their officers and for defraying the expenses incurred on account of such services.

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(2) Every religious institution, the annual income of which, for the fasli year immediately preceding as calculated for the purposes of the levy of contribution under sub-section (1), is not less than one thousand rupees, shall pay to the Commissioner annually, for meeting the cost of auditing its accounts, such further sum not exceeding one and a half per centum of its income as the Commissioner may determine.

(3) The annual payments referred to in sub-sections (1) and (2) shall be made, notwithstanding anything to the contrary contained in any scheme settled or deemed to have been settled under this Act for the religious institution concerned.

(4) The Government shall pay the expenses incurred for the purposes of this Act, including the—

(i) expenses of Area Committees,

(ii) expenses of Consultative Committees and sub-committees thereof, constituted by the Government or by any officer or authority subordinate to the Government and specially authorized by them in this behalf,

(iii) cost of the publication of journals, books, annuals and descriptive accounts relating to religious institutions.

93. Recovery of costs and expenses incurred on legal proceedings.—Notwithstanding anything contained in sub-section (1) of section 102, all costs, charges and expenses incurred by the Government, the Commissioner, a Deputy Commissioner, an Area Committee, or an Assistant Commissioner as a party to, or in connexion with, any legal proceeding in respect of any religious institution shall be payable out of the funds of such institution, except in cases where a liability to pay the same has been laid on any party or other person personally and the right to reimbursement under this section has been negated in express terms.

94. Assessment and recovery of contributions, costs, charges and expenses.—(1) The contributions, costs, charges and expenses payable under sections 92 and 93 shall be assessed on and notified to the trustee of the religious institution concerned in the prescribed manner:

Provided that if for any reason any portion of the contribution, costs, charges and expenses has escaped assessment, the Commissioner may, within the prescribed period, serve on the trustee a notice assessing him to the portion of the contribution, costs, charges or expenses, as the case may be, due and demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if the assessment was made in the first instance.

(2) (a) Such trustee may, within fifteen days from the date of the receipt of the notice under sub-section (1) or under the proviso thereto or within such further time as may be granted by the Commissioner, prefer his objection thereto, if any, to the Commissioner

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in writing. Such objection may relate either to his liability to pay or to the amount specified in the notice. The Commissioner shall consider such objection and give his decision confirming, withdrawing or modifying his original notice.

(b) Within one month from the date of the receipt of the notice of assessment, or when objection has been preferred, within one month from the date of the decision of the Commissioner, or within such further time as may be granted by him, such trustee shall pay the amount specified in the notice under sub-section (1) or under the proviso thereto or the amount as fixed by the Commissioner on objection.

(3) If the trustee fails to pay the amount aforesaid within the time allowed, the Collector of the district in which any property of the religious institution is situated shall, on requisition made to him in the prescribed manner by the Commissioner and subject to the provisions of this section, recover such amount as if it were an arrear of land revenue.

(4) (a) On receipt of a requisition under sub-section (3), the Collector shall issue a notice to the trustee concerned—

(i) requiring him, within fifteen days from the date of the service thereof, to pay the amount mentioned in the requisition and specified in the notice; and

(ii) stating that on default, such amount will be recovered as if it were an arrear of land revenue.

(b) If, within the period of fifteen days aforesaid, the amount demanded is not paid, the Collector shall proceed to recover the amount specified in the notice (with the charges of collection) as if it were an arrear of land revenue.

(5) The Collector shall, on receipt of a requisition under sub-section (3), withhold the amount mentioned therein out of the tasdik or any other allowance or amount payable by the Government to the religious institution concerned but where the tasdik or other allowance or amount is insufficient for the purpose, the Collector shall withhold the tasdik or other allowance or amount available and recover the balance as if it were an arrear of land revenue.

(6) Places of worship, including temples and tanks and places where utsavams are performed, idols, vahanams, jewels and such vessels and other articles of the religious institution as may be necessary in accordance with the usage of the institution for purposes of worship or processions shall not be liable to be proceeded against in pursuance of sub-sections (3), (4) and (5).

(7) Instead of selling the property after attachment thereof under the provisions of the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864), it shall be open to the Collector at the instance of the Commissioner to appoint a Receiver to take possession of the property or such portion thereof as may be necessary and collect the income thereof until the amount sought to be

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recovered is realized. The remuneration, if any, paid to the Receiver, and the other expenses incurred by him shall be paid out of the income of the institution concerned.

(8) No suit, prosecution or other legal proceeding shall be entertained in any Court of law against the Government or any officer or servant of the Government for anything done or intended to be done in good faith in pursuance of this section.

95. *Contribution not to be levied in certain cases.*—It shall not be competent for the Commissioner to levy any contribution for more than three faslis immediately preceding the fasli in which a notice of assessment is issued under section 94.

CHAPTER X—ENDOWMENTS ADMINISTRATION FUND.

96. *Religious and Charitable Endowments Administration Fund.*—(1) There shall be established a Fund to be called the Madras Hindu Religious and Charitable Endowments Administration Fund. The Fund shall vest in the Commissioner.

(2) The assets which devolved on the Government under section 101 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), the sums which may be transferred to the Commissioner by the Government, the sums due to the Government under the said Act, the contributions payable under sub-section (1) of section 92 and the further sums payable under sub-section (2) of section 92 shall, when realized, be credited to the said Fund. It shall be lawful for the Commissioner to accept to the credit of the said Fund grants or loans from the Government and grants from any private person. The Commissioner shall, out of the said Fund, repay to the Government sums paid by the Government under sub-section (4) of section 92 and loans received from the Government.

97. *Creation of Hindu Religious and Charitable Endowments Common Good Fund.*—(1) It shall be lawful for the Commissioner to create a Fund to be called the Hindu Religious and Charitable Endowments Common Good Fund out of the contributions voluntarily made by the religious institutions from their surplus funds or by any person for the renovation and preservation of needy temples and their buildings and paintings and for the promotion and propagation of tenets common to all or any class of religious institutions.

(2) The said Fund shall be vested in, and administered by, the Commissioner in such manner as may be prescribed.

CHAPTER XI—MISCELLANEOUS.

98. *Public officers to furnish copies of or extracts from certain documents.*—Notwithstanding anything contained in any Act, or rule having the force of law, all public officers having custody of

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any record, register, report or other document relating to a religious institution or any movable or immovable property of such institution, shall furnish such copies of or extracts from the same as may be required by the Commissioner, Deputy Commissioner, Area Committee or Assistant Commissioner.

99. *Power to inspect.*—The Commissioner, a Deputy Commissioner or an Assistant Commissioner shall, subject to such conditions and restrictions as may be prescribed, be entitled at all reasonable times, to inspect in any public office any record, register or other document, relating to a religious institution, or any movable or immovable property of such institution.

100. *Bequest under will for benefit of religious institution.*—(1) Where under any will, a bequest has been made in favour of a religious institution or where such bequest itself creates a religious institution, it shall be the duty of the executor under the will to forward a copy thereof to the Deputy or Assistant Commissioner of the division, where such will may have been or is required to be, registered.

(2) No probate of any such will or letters of administration with such will annexed shall be granted by any Court unless it is satisfied that a copy of such will has been forwarded to the Deputy or Assistant Commissioner as provided by sub-section (1).

101. *Putting Trustee or Executive Officer in possession.*—(1) Where a person has been appointed—

- (a) as trustee or executive officer of a religious institution,
- or
- (b) to discharge the functions of a trustee of a religious institution in accordance with the provisions of this Act, in any scheme framed by the Board before the 30th September 1951, and such person is resisted in, or prevented from, obtaining possession of religious institution or of the records, accounts and properties thereof, by a trustee, office-holder or servant of the religious institution who has been dismissed or suspended from his office or is otherwise not entitled to be in possession or by any person claiming or deriving title from such trustee, office-holder or servant, not being a person claiming in good faith to be in possession on his own account or on account of some person not being such trustee, office-holder or servant, any Presidency Magistrate or any Magistrate of the first class in whose jurisdiction such institution or property is situated shall, on application by the person so appointed, and on the production of the order of appointment, and where the application is for possession of property, of a certificate by the Commissioner in the prescribed form setting forth that the property in question belongs to the religious institution, direct delivery to the person appointed as aforesaid of the possession of such religious institution, or the records, accounts and properties thereof, as the case may be:

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Provided however that before issuing any such certificate in respect of any property the Commissioner shall give notice to the trustee, office-holder or servant of the religious institution, as the case may be, of his intention to issue the certificate and consider the objections, if any, of such trustee, office-holder or servant:

Provided further that for the purpose of proceedings under this sub-section, the certificate aforesaid shall be conclusive evidence that the properties to which it relates belong to the religious institution:

Provided also that nothing contained in this sub-section shall bar the institution of a suit by any person aggrieved by an order under this sub-section for establishing his title to the said property.

Explanation.—A person claiming under an alienation contrary to the provisions of section 34 or 41 shall not be regarded as a person claiming in good faith within the meaning of this sub-section.

(2) The Presidency Magistrate or the Magistrate of the first class referred to in sub-section (1) may, pending disposal of an application for directing delivery to the person appointed of the possession of the properties mentioned in the certificate by the Commissioner, appoint a Receiver to take possession of such properties or such portion thereof as may be necessary. The remuneration, if any, paid to the Receiver and other expenses incurred by him shall be paid out of the income of the religious institution concerned.

102. *Cost of proceedings, etc.*—(1) The costs, charges and expenses of and incidental to any suit, appeal or application to a Court under this Act shall be in the discretion of the Court, which may, subject to the provisions of section 93 direct the whole or any part of such costs, charges and expenses to be met from the property or income of the religious institution or endowment concerned or to be borne and paid in such manner and by such persons as it thinks fit.

(2) The costs, charges and expenses of and incidental to any appeal, application or other proceeding before the Commissioner or a Deputy Commissioner shall be in his discretion and he shall have full power to determine by whom or out of what funds and to what extent such costs, charges and expenses are to be paid; and the order passed in this regard may be transferred for execution to the Court and shall be executed by the Court as if the order had been passed by itself if and in so far as the Court considers the order to be a reasonable one.

103. *Trustee not to lend or borrow moneys without sanction.*—No trustee shall either lend moneys of, or borrow moneys for the purpose of, or on behalf of, the religious institution of which he is the trustee except with the sanction of such authority and subject to such conditions and limitations as may be prescribed.

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Explanation.—For the purposes of this section, trustee includes the executive officer or other person in whom the administration of a religious institution is vested.

104. *Court-fees to be paid as prescribed by schedule.*—Notwithstanding anything contained in the Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955), the proper fees for the documents described in columns (1) and (2) of the schedule shall be the fees indicated in column (3) thereof.

105. *Saving.*—Nothing contained in this Act shall—

(a) save as otherwise expressly provided in this Act or the rules made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise in any religious institution, or its established usage in regard to any other matter; or

(b) authorize any interference with the religious and spiritual functions of the head of a math including those relating to the imparting of religious instruction or the rendering of spiritual service.

106. *Removal of discrimination in the distribution of prasadam or theerthams.*—Notwithstanding anything in this Act or in any text, rule or interpretation of Hindu law, or any custom or usage as part of that law or in any other law or in any decree of Court, there shall be no discrimination in the distribution of any prasadam or theertham in any religious institution on grounds only of caste, sex, place of birth or any of them.

Explanation.—In this section—

(a) “*Prasadam*” means any cooked rice or other eatable, any fruit, flower, leaf, vibuthi, kumkumam, tulsi, vilvam, turmeric, sandaipaste and includes such other thing as the Government may, by notification specify.

(b) “*Theertham*” means sacred water, jaggery water or milk and includes such other liquid as the Government may, by notification specify.

107. *Act not to affect rights under Article 26 of the Constitution.*—Nothing contained in this Act shall, save as otherwise provided in section 106 and in clause (2) of Article 25 of the Constitution, be deemed to confer any power or impose any duty in contravention of the rights conferred on any religious denomination or any section thereof by Article 26 of the Constitution.

108. *Bar of suits in respect of administration or management of religious institutions, etc.*—No suit or other legal proceeding in respect of the administration or management of a religious institution or any other matter or dispute for determining or deciding

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which provision is made in this Act shall be instituted in any Court of Law, except under, and in conformity with, the provisions of this Act.

109. Property of religious institution not to vest under the law of limitation after the 30th September 1951.—Nothing contained in any law of limitation for the time being in force shall be deemed to vest in any person the property or funds of any religious institution which had not vested in such person or his predecessor-in-title before the 30th September 1951.

110. Procedure and powers at inquiries under Chapters V and VI.—(1) Where a Commissioner or a Deputy Commissioner makes an inquiry or hears an appeal under Chapter V or Chapter VI, the inquiry shall be made and the appeal shall be heard, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act V of 1908) to the trial of suits or the hearing of appeals, as the case may be.

(2) The provisions of the Indian Evidence Act, 1872 (Central Act I of 1872), and the Indian Oaths Act, 1873 (Central Act X of 1873), shall apply to such inquiries and appeals.

(3) The Commissioner or a Deputy Commissioner holding such an inquiry or hearing such an appeal shall be deemed to be a person acting judicially within the meaning of the Judicial Officers Protection Act, 1850 (Central Act XVIII of 1850).

111. Notifications, Orders, etc., under Act not to be questioned in Court of Law.—Save as otherwise expressly provided in this Act, no notification or certificate issued, order passed, decision made, proceedings or action taken, scheme settled, or other thing done under the provisions of this Act by the Government, the Commissioner or a Deputy Commissioner, an Area Committee, or an Assistant Commissioner, shall be liable to be questioned in any Court of Law.

112. Audit report, etc., to be submitted to Area Committee through Assistant Commissioner.—Any audit report, accounts, returns, reports or other documents and any information required to be submitted to, or called for by, an Area Committee in respect of an institution in respect of which the Area Committee exercises powers and discharges duties and all communications intended for an Area Committee shall be sent to the Assistant Commissioner concerned and shall be placed by him before the Committee at its next meeting, together with his remarks or recommendations thereon, if any.

113. Power of Assistant Commissioner to act for Area Committee in an emergency.—The Assistant Commissioner may, in cases of emergency or in cases where he is satisfied that the Area Committee has failed or omitted to discharge any of its duties or to perform any of its functions under this Act, do or direct the

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doing of any act, which would ordinarily have to be done by the Area Committee if the immediate doing of such act is, in his opinion, necessary in the interests of a religious institution :

Provided that any action taken or direction issued by the Assistant Commissioner shall not be inconsistent with any of the provisions of this Act :

Provided further that the Assistant Commissioner shall report the action taken or direction issued under this section and the reasons therefor to the Commissioner.

114. Power of Government to call for records and pass orders.—(1) The Government may call for and examine the record of the Commissioner or any Deputy or Assistant Commissioner of any Area Committee or of any trustee in respect of any proceeding, not being a proceeding in respect of which a suit or an appeal or application to a Court or an appeal to the Government is provided by this Act, to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and if, in any case, it appears to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly :

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

(2) The Government may stay the execution of any such decision or order, pending the exercise of their powers under subsection (1) in respect thereof.

(3) No application to the Government for the exercise of their power under this section shall be made in respect of any matter unless an application had already been made in respect of the same matter to the Commissioner under section 21 and had been disposed of by him.

(4) Every application to the Government for the exercise of their power under this section shall be preferred within three months from the date on which the order or proceeding to which the application relates was communicated to the applicant.

115. Limitation.—In computing the period of limitation prescribed under this Act for any proceeding, suit, appeal or application for revision against any order or decree passed under this Act, the time requisite for obtaining a certified copy of such order or decree shall be excluded.

Explanation.—For the purposes of this section, order includes any annexure to such order.

116. Power to make rules.—(1) The Government may, by notification, make rules to carry out the purposes of this Act.

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(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(i) all matters expressly required or allowed by this Act to be prescribed;

(ii) the form and manner in which applications and appeals should be submitted to the Government, the Commissioner, or a Deputy or an Assistant Commissioner;

(iii) the powers of the Government, the Commissioner, a Deputy Commissioner, an Assistant Commissioner or an Area Committee to hold inquiries, to summon and examine witnesses and to compel the production of documents;

(iv) the inspection of documents and the fees to be levied for such inspection;

(v) the fees to be levied for the issue and service of processes and notices;

(vi) the grant of certified copies and the fees to be levied therefor;

(vii) the budgets, reports, accounts, returns or other information to be submitted by trustees;

(viii) the convening of meetings of trustees and the quorum for and the conduct of business at, such meetings;

(ix) the manner in which the opinions of trustees shall be ascertained otherwise than at meetings

(x) the proper collection of the income of, and the incurring of expenditure by, religious institutions;

(xi) the custody of the moneys of religious institutions, their deposit in, and withdrawal from, banks, and the investment of such moneys;

(xii) the custody of jewels and other valuables and documents or religious institutions and the conditions and restrictions subject to which the jewels and other valuables of religious institutions may be disposed of;

(xiii) the manner in which and the period for which leases of properties of religious institutions shall be made;

(xiv) the manner in which the accounts of religious institutions shall be audited and published, the time and place of audit and the form and contents of the auditor's report;

(xv) the method of calculating the income of a religious institution for the purpose of levying contribution and the rate at which it shall be levied;

(xvi) the security, if any, to be furnished by officers and servants employed for the purposes of this Act;

(xvii) the preservation, maintenance, management and improvement of the properties and buildings of religious institutions including architectural, sculptural and epigraphical features;

(xviii) the inspection and supervision of the properties and buildings of religious institutions, the reports to be submitted by persons making such inspection and supervision and the fees leviable for such inspection, supervision and report;

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(xix) the preservation of the images in temples;

(xx) the grant of travelling and halting allowances to the members of the Area Committees or to the trustees;

(xxi) the grant of travelling and halting allowances to the members of—

(a) the Advisory Committee; and

(b) the Consultative Committees or sub-committees thereof constituted under sub-section (4) of section 92;

(xxii) the preparation and sanction of the estimates and acceptance of tenders, in respect of public works and for supplies in religious institutions;

(xxiii) the qualifications to be possessed by the officers and servants for appointment to non-hereditary offices in religious institutions, the qualifications to be possessed by hereditary servants for succession to office and the conditions of service of all such officers and servants;

(xxiv) the manner of proof of the fact that a person professes Hindu religion for the purposes of this Act;

(xxv) the grant of pensions or gratuities to officers and servants of the Board who retired before the 30th September 1951; and

(xxvi) the grant of gratuities to the heirs of deceased officers and servants of the Board including those who had retired before the 30th September 1951.

(3) All rules made and all notifications issued under this Act shall, as soon as possible after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

CHAPTER XII—TRANSITIONAL.

117. Construction of reference to the Board, President or Commissioner.—Any reference to the Board or its President or a Commissioner thereof contained in any enactment in force in the State of Madras or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the State, shall, on and from the 30th September 1951, be construed as a reference to the Commissioner appointed or deemed to have been appointed under this Act.

118. Repeals and savings.—(1) The Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter in this section referred to as the said Act) is hereby repealed.

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(2) Notwithstanding the repeal of the said Act by sub-section

(1)—

(a) all rules made, or deemed to have been made, notifications or certificates issued or deemed to have been issued, orders passed or deemed to have been passed, decisions made or deemed to have been made, proceedings or action taken or deemed to have been taken, schemes settled or deemed to have been settled and things done or deemed to have been done by the Government, the Commissioner, a Deputy Commissioner, an Area Committee or an Assistant Commissioner under the said Act, shall, in so far as they are not inconsistent with this Act, be deemed to have been made, issued, passed, taken, settled or done by the appropriate authority under the corresponding provisions of this Act, and shall have effect accordingly;

(b) (i) if any provision contained in any scheme settled or deemed to have been settled under the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), including a scheme settled under section 92 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and in force immediately before the 30th September 1951 is repugnant to any provision contained in this Act or the rules made thereunder, the latter provision shall prevail, and the former provision shall, to the extent of the repugnancy, be void;

(ii) all powers conferred and all duties imposed by such scheme on any Court or Judge or any other person or body of persons not being a trustee or trustees or an honorary officer or servant of the religious institution or endowment, shall be exercised, and discharged by the Commissioner, Deputy Commissioner, the Area Committee or the Assistant Commissioner, as the case may be, in accordance with the provisions of this Act;

(c) all orders made under section 67 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), shall, notwithstanding that they are inconsistent with this Act, continue in force, but any such order may at any time be modified or cancelled by the Deputy Commissioner if it is an order made under sub-section (1) or sub-section (3) of that section and by the Commissioner if it is an order made under sub-section (4) or sub-section (5) of that section; and any person aggrieved by any modification or cancellation made by the Deputy Commissioner may prefer an appeal to the Commissioner within such time as may be prescribed.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of sections 8 and 18 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), with regard to the effect of repeals.

119. *Conditions of service of certain persons.*—(1) The conditions of service of persons appointed under sub-section (1) of section 104 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) shall be regulated by

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rules made by the Government from time to time as if they had entered the service of the Government on the date of their first entertainment as a member of the Board or as its subordinate, as the case may be.

(2) To those not so appointed, the Government may accord such relief by way of pension, gratuity, provident fund or leave with allowances as they may, in their discretion, deem fit.

(3) No Court shall entertain any suit or application for damages or compensation by any member of the Board or any of its subordinates affected by sub-section (1) of section 104 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), or for the variation of the relief, if any, granted under sub-section (2) of this section.

120. *Commissioner to repay certain sums to the Government.*—Any sum paid by the Government before the publication of this Act in the *Fort St. George Gazette* for the expenses of Consultative Committees or sub-committees thereof shall be repaid to the Government by the Commissioner from out of the Madras Hindu Religious and Charitable Endowments Administration Fund under sub-section (2) of section 96 of this Act, as if sub-section (4) of section 92 of this Act were in force at all relevant times.

121. *Travancore-Cochin Act XV of 1950 to cease to apply to certain institutions.*—(1) The Travancore-Cochin Hindu Religious Institutions Act, 1950 (Travancore-Cochin Act XV of 1950), as in force in the transferred territory immediately before the date of the commencement of this Act shall, on such commencement, cease to apply in relation to Hindu religious institutions and endowments except Incorporated Devaswoms and Unincorporated Devaswoms.

(2) Such cesser shall not affect—

(a) the previous operation of such Act, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against such Act, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Subject to the provisions of sub-section (2), anything done or any action taken under any provision of such Act before the date of the commencement of this Act shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to have effect accordingly unless and until superseded by anything done or any action taken under the corresponding provision of this Act.

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(4) Unless the context otherwise requires, the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply for the interpretation of this Act in its application to the transferred territory.

(5) For the purpose of facilitating the application of this Act in the transferred territory, any Court or other authority may construe such 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.

(6) Any reference in any law which continues to be in force in the transferred territory after the date of the commencement of this Act to any provision ceasing to apply under sub-section (1) shall, in relation to the said territory, be construed as a reference to the corresponding provision in this Act.

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

122. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) All orders passed under sub-section (1) shall be laid before each House of the Legislature as soon as possible after they are made and shall be subject to such modifications whether by way of repeal or amendment as the Legislature may make in the same session or in the next session.

SCHEDULE.

Court-fees payable under the Act.

(See section 104.)

Section.	Description of document.	Proper fee.
(1)	(2)	(3)
		RS.
I. SUITS.		
41 (2) (d) (ii)	Suit for determining whether the inam comprises both the melvaram and kudivaram or only melvaram.	50
53 (5)	Suit against order under section 53 (5)	50
59	Suit for removal of trustee of math or specific endowment attached to math.	50
70	Suit against order of Commissioner	50
71 (4)	Suit for the cancellation of the notification	50
84	Suit against award	50

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Section.	Description of document.	Proper fee.
(1)	(2)	(3)
		RS.
II. APPLICATION TO COURT OR TRIBUNAL.		
47 (4)	Application to Court against order of Commissioner ..	5
82 (1)	Application to the Tribunal	5
90 (4) (a)	Application to Court against order of surcharge ..	5
101	Application for delivery of possession	2
III. APPEALS TO COURT.		
70 (2)	Appeal to High Court	50
72 (5)	Appeal to High Court	50
IV. APPLICATIONS TO GOVERNMENT, COMMISSIONER OR DEPUTY COMMISSIONER.		
37 (4)	Application to Government for extending the provisions of the Act.	25
21	Application to Commissioner for revision	5
38 (1)	Application by trustee for recovery from person in possession of property of specific endowment.	2
38 (2)	Application by person in such possession for recovery from person responsible in law for performance of service or charity.	2
59 (1)	Application to Commissioner for consent to suit for removal of trustee of math or specific endowment attached to math.	5
63	Application for decision of dispute or matter under the section.	5
64 (1)	Application for settlement of scheme by Deputy Commissioner.	50
64 (5) (a)	Application to modify or cancel scheme settled under section 64 (1) or deemed to have been so settled.	25
65 (1)	Application for settlement of scheme by the Commissioner.	50
65 (4) (a)	Application to modify or cancel scheme settled under section 65 (1) or deemed to have been so settled.	25
66 (1)	Application for order under the section	5
66 (2)	Application to modify or cancel order passed under section 66 (1) or deemed to have been so passed.	5
69 (3)	Application to Commissioner to modify or cancel order passed under section 69 (1) or deemed to have been so passed.	5
72 (6)	Application to Government to cancel notification of religious institution under Chapter VI.	5
114	Application to Government for revision	5
118 (2) (e)	Application for modification or cancellation of order under section 67 of the Madras Hindu Religious Endowments Act, 1926.	5

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Section.	Description of document.	Proper fee.
(1)	(2)	(3)
	V. APPEALS TO GOVERNMENT, COMMISSIONER OR DEPUTY COMMISSIONER.	
22 (5)	Appeal to Government against order of Commissioner.	5
26 (5)	Appeal to Commissioner against order of Deputy Commissioner.	5
34 (4)	Appeal to Government against order of Commissioner regarding alienation of property.	5
37	Appeal to Government against order of Commissioner under section 36.	5
38 (3)	Appeal to Government against order of Commissioner under section 38 (1) or (2).	5
38 (3)	Appeal to Commissioner against order of Deputy Commissioner under section 38 (1) or (2).	5
53 (5)	Appeal by trustee against order of punishment ..	5
54 (4)	Appeal to Commissioner against order of Deputy Commissioner appointing temporary successor to hereditary trustee.	5
55 (4)	Appeal to Deputy Commissioner against order of trustee under section 55 (3).	5
56 (2)	Appeal to Deputy Commissioner by office-holder or servant against order of punishment passed by a trustee.	5
56 (3)	Appeal to Commissioner by hereditary office-holder or servant against appellate order of Deputy Commissioner.	5
58 (4)	Appeal to Deputy Commissioner against order of Area Committee regarding diltam.	5
58 (4)	Appeal to Commissioner against appellate order of Deputy Commissioner.	5
59 (2)	Appeal to Government against Commissioner's refusal to give consent.	5
69 (1)	Appeal to Commissioner against order of Deputy Commissioner under Chapter V.	5
79 (1)	Appeal to Commissioner against order of Deputy Commissioner.	5
81 (1)	Appeal to Commissioner against order of Deputy Commissioner.	5
86 (4)	Appeal against order regarding budget— (i) to Deputy Commissioner (ii) to Commissioner (iii) to Government	5 5 5
90 (4) (b)	Appeal to Government against order of surcharge ..	5
118 (2) (e)	Appeal to Commissioner against any modification or cancellation made by Deputy Commissioner.	5

THE MADRAS LEGISLATIVE COUNCIL

Monday, the 14th September 1959:

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.

Aluminium Plant at Salem

* 49 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Industries be pleased to state, with reference to the answer given to Legislative Council Question No. 75, dated 19th February 1959—

(a) whether the report of the Italian Experts on the possibility of starting an aluminium plant at Salem has since been received; and

(b) if so, the action taken thereon?

THE HON. SRI R. VENKATARAMAN: (a) Yes, Sir.

(b) The report is under examination.

SRI V. V. RAMASWAMI: இதற்குப் பின்னால் மற்ற மாநிலங்களில் ஆரம்பிக்கப்பட்ட தொழில் நிலையங்கள் எல்லாம் உருவாகியிருப்பதாகத் தெரியவருகிறது. உதாரணமாக, உ.பி. யில் இருபது ஆயிரம் டன் உள்ள நிலையம் ஏற்பட்டுள்ளது. இங்கு பத்தாயிரம் டன்னுக்கு உள்ள நிலையம் ஏற்படப்போவதாகக் கனம் அமைச்சர் அவர்கள் சொன்னார்கள். ஆகவே, இங்கு தாமதமாவதற்குக் காரணம் என்ன? அதைப்பற்றிச் சீக்கிரம் ஒரு முடிவுக்கு வருவார்களா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN: இதற்கு முன்னால் எடுத்துக் கொண்டது “ரிகாண்ட் பிளான்ட்.” இது பின்னால் எடுத்துக் கொள்ளப்பட்டது. இரண்டாவது, அங்கே தனி முதலாளி ஒருவர் அதற்கு வேண்டிய முதல் பூராவையும் போட முன்வந்துவிட்டார். சென்னை ராஜ்யத்தில் ஏற்படுத்துவதற்குப் பத்துக் கோடி ரூபாய் வேண்டியதாக இருக்கிறது. அந்த மூலதனத்தை எழுப்புவதற்குக் கஷ்டமாக இருக்கிறது. மூன்றாவது, நம்முடைய ராஜ்யத்தில் இருக்கக்கூடிய பாக்கிராடைய தரம் எவ்வளவு என்பதைப்பற்றி ஜியாலாஜிஸ்ட்களிடத்தில் அபிப்பிராய பேதம் இருந்தது. அதைப்பற்றி இடாலிய நிபுணர்கள் பரிசீலனை செய்து வருகிறார்கள். இப்பொழுதுதான் முடிந்திருக்கிறது.

SRI V. V. RAMASWAMI: கனம் அமைச்சர் அவர்கள் பதில் சொல்லும்போது, வடக்கே தனிப்பட்ட ஒருவர் பூராய் பணமும் போட முன்வந்திருப்பதாகவும், அப்படிப்பட்ட தனி நபர்கள் இங்கு இல்லை யென்றும் சொன்னார்கள். அப்படி இருக்கும்போது, அரசாங்கமே ஏதாவது பணம் கொடுக்க முன்வந்து அதனை வைக்க முன்வருவார்களா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN: இப்பொழுது அரசாங்கத்திற்கு அந்த யோசனை இல்லை. ஆனால், எந்த ஒரு தொழிற்சாலையும் உருவாவதற்கு சர்க்கார் வேண்டிய உதவியைச் செய்துகொண்டுதான் வருகிறார்கள்.

[14th September 1959]

SRI T. PURUSHOTHAM : May I know whether there is any list of priorities with regard to the establishment of new industries in our State?

THE HON. SRI R. VENKATARAMAN : Well, every industry stands on a very high priority in this State. We want all industries to come up as quickly as possible, but it not easy.

SRI MOHAMED RAZA KHAN : While the Hon. Minister said that the report of the Italian expert was in the process of examination, may I take it that there are very bright prospects for this industry to come up in our State?

THE HON. SRI R. VENKATARAMAN : It is not a matter for personal opinion. Every effort is being made to see that the plant comes into operation very soon.

Service Co-operatives

*50 Q.—SRI S. P. SIVASUBRAMANYA NADAR (on behalf of Sri B. K. Nallaswami) : Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government have any scheme to start service co-operatives for the farmers; and

(b) if so, the details thereof?

THE HON. SRI R. VENKATARAMAN : (a) Yes, Sir.

(b) According to their by-laws, rural credit societies may undertake ancillary services such as the purchase and distribution of domestic requirements like kerosene, salt, sugar and cloth and of production requisites such as improved seeds, manures, agricultural implements and insecticides and the marketing of members' produce. However, their main line has so far been the supply of credit and the other services have not developed appreciably, chiefly due to lack of local initiative and the absence of paid managerial staff. It is proposed to give a subsidy to about 1,500 select village societies in the current year to help them to employ paid staff and thus organise service activities in addition to the supply of credit.

SRI T. P. SRINIVASAVARADAN : Sir, am I to understand that in the credit co-operative societies, these agriculturists have to take shares and that upon the share capital, moneys would be advanced to them or tools and other things would be supplied to them, to the extent of five or three times their share capital? Are these societies going to work on that basis or any other basis?

THE HON. SRI R. VENKATARAMAN : There are limits to the credit available to each person. It depends upon the share taken and in some cases also on the sort of implements and other requirements of the agriculturists.

[14th September 1959]

SRI V. V. RAMASWAMI : விவசாயத்தில் ஈடுபட்டிருக்கிறவர்கள் தண்ணீர் இறைப்பதற்கு ஆயில் என்ஜின்களையும் எலெக்ட்ரிக் மோட்டார் களையும் உபயோகிக்கிறார்கள். அவைகளுக்குக் கோளாறு ஏற்பட்டால், அவைகளைச் செப்பணிட்டுக் கொடுக்கக்கூடியவர்கள் பக்கத்தில் இல்லை. ஆகவே இம்மாதிரிக் கூட்டுறவிலிருந்து உதவி செய்து கொடுக்க சர்க்கார் ஏதாவது நடவடிக்கை எடுப்பார்களா? இந்த வேலையும் அதில் சம்பந்தப்பட்டிருக்கிறதா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : Now, if there are co-operatives? Is there any difference in the service intended to be well as tractors and other appliances, then it will also make provision for repairs to these implements and instruments.

SRI K. M. RAMASAMY GOUNDER : Are service co-operatives different from the existing multi-purpose co-operative societies? Is 'service co-operatives' another name for multi-purpose co-operatives? Is there any difference in the service intended to be given by these service co-operatives?

THE HON. SRI R. VENKATARAMAN : We want all the services to be given through the service co-operatives.

SRI T. P. SRINIVASAVARADAN : Is any subsidy given to buy tools, etc.?

THE HON. SRI R. VENKATARAMAN : A separate question is required. It depends on the type of co-operation to which the subsidy applies. For instance, in the case of co-operative farming, we have a pattern of assistance and there is an element of subsidy and an element of loan. It depends on the nature of society and the purpose which is sought to be served.

SRI M. SESHACHARIAR : Will the Government see that implements and other materials are supplied to agriculturists through the co-operative societies, as is done in the case of insecticides which are supplied at subsidised rates?

THE HON. SRI R. VENKATARAMAN : At present, we have only multi-purpose societies. If they are converted into service co-operatives, then all the other services will be taken up. At present, co-operative societies are not able to do that work for lack of managerial staff. The idea of the Government is to provide more managerial staff to make progressively the multi-purpose societies real service co-operatives.

SRI M. SESHACHARIAR : Will Government supply them through societies or through agricultural banks which have got the necessary managerial staff?

THE HON. SRI R. VENKATARAMAN : At present, the idea is to do it through service co-operatives and not through agricultural banks.

SRI A. GAJAPATHY NAYAGAR : விவசாயிகளுக்குச் செவை செய்வதற்குக் கூட்டுறவுச் சங்கங்கள் இந்த நாட்டில் எத்தனை இருக்கின்றன என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : I think a separate question must be put.

[14th September 1959]

State Transport, Madras

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

(a) the present fleet strength of the State Transport in Madras City; and

(b) whether there is any proposal to increase the number of buses?

THE HON. SRI R. VENKATARAMAN : (a) 450 (Four hundred and fifty).

(b) No, Sir.

SRI MOHAMED RAZA KHAN : May I know whether the Hon. Minister is satisfied, in the light of the increasing traffic in the City of Madras and the increased population, that the fleet of 450 is sufficient to cope with the heavy traffic?

THE HON. SRI R. VENKATARAMAN : The question is under examination and the I.L.O. Experts' report is expected to be received at the end of the year. We have asked them to report and make recommendations with regard to the fleet strength, taking into account the various routes and the traffic load.

SRI T. P. SRINIVASAVARADAN : How many are condemned every year?

THE HON. SRI R. VENKATARAMAN : It depends on the number of vehicles that become unserviceable.

VIDWAN T. MUTHUKANNAPPAN : மழை பெய்தால், சில பஸ்களில் நேயாமல் உட்கார்ந்துகொண்டோ அல்லது நின்றுகொண்டோ கூடப் போக முடிவதில்லை. இப்பொழுது மழை காலம் வரப்போகிறது. ஆகையால், பிரயாணிகள் நேயாமல் போவதற்கு ஏதாவது வழி செய்யப் படுமா?

THE HON. SRI R. VENKATARAMAN : I wonder whether the hon. Member has travelled in the buses. There is no complaint that during the rainy season, the buses are leaking. There are other complaints, but fortunately, this is not one of the complaints.

VIDWAN T. MUTHUKANNAPPAN : I always travel in buses, Sir.

SRI G. KRISHNAMOORTHY : Sir, is there any reserve fleet for peak-hour traffic?

THE HON. SRI R. VENKATARAMAN : Yes, Sir. We have a number of vehicles to cope with the peak-hour traffic.

SRI T. PURUSHOTHAM : Will the Hon. Minister please enlighten us on the progress made in regard to nationalisation of suburban bus services?

THE HON. SRI R. VENKATARAMAN : I think a separate question must be put. (Laughter.)

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SRI MOHAMED RAZA KHAN : The Hon. Minister said that the fleet strength of the State Transport was 450. May I know whether these 450 buses are actually on the road, or how many of them are on the road?

THE HON. SRI R. VENKATARAMAN : Sir, every vehicle has to undergo a monthly check-up, a six-monthly brake certificate examination and an annual overhaul. Generally, this comes to about one-sixth of the fleet and, therefore, one-sixth of the fleet will be off the road.

SRI T. P. SRINIVASAVARADAN : In view of the fact that a number of houses are cropping up in Madras in far off places, will the Government think of increasing the strength of the fleet of buses, so that facilities of transport may be given to those people?

THE HON. SRI R. VENKATARAMAN : Sir, it has come to my notice that there is steady increase of population in the City and that is why we have asked the expert to give us an idea of the optimum fleet strength that is required for this City.

SRI MOHAMED RAZA KHAN : While appreciating the fact that efforts are being made to improve the service and to put as many buses as possible on the road, may I bring to the notice of the Hon. Minister that all that has not helped the bus passenger in the City of Madras? Particularly, in peak hours it takes more than thirty or forty minutes for one to get into a bus. The Hon. Minister's experience might have been different.

THE HON. SRI R. VENKATARAMAN : Sir, I emphatically repudiate the suggestion. During the peak hours in the morning, people do not have to wait for more than ten minutes. It is true that on the unfrequented and uneconomic routes where there is not much of traffic, in the non-peak hour people have to wait for half an hour or more. That is the case on routes like the one starting from Adyar and going to Aminjikarai through Thousand Lights, Egmore, Poonamallee High Road and so on. These are all routes with very little traffic and there is not much of traffic takings on these routes. There the bus goes once in half an hour.

SRI MOHAMED RAZA KHAN : Will the Hon. Minister give us an assurance that after his return from the U.N.O., he will go round along with one of the Members of the Legislature and satisfy himself as well as his colleagues here that it takes only ten minutes or half an hour for one to get into a bus?

THE HON. SRI R. VENKATARAMAN : Sir, there was a lot of criticism in the Press and, therefore, every time I went round these bus-stops chasing them, I took one newspaper representative and they vouched that the people did not have to wait for more than ten minutes during the peak hour. It is only after one such visit that we introduced the special services for students. Now, if the hon. Member is willing to share all the trouble with the Minister, I shall be delighted to take him round every time I go round the bus-stops.

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SRI T. PURUSHOTHAM : Have separate buses been provided for girl students?

THE HON. SRI R. VENKATARAMAN : No, Sir. I think lady students also can go in the special buses provided. There is no need for separate buses for them.

Indigenous medicinal plants

* 52 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that a special officer from the staff of the College of Integrated Medicine was appointed to report on the scope for cultivation of indigenous medicinal plants and, if so, when;

(b) whether he has submitted any report; and

(c) if so, whether a copy will be placed on the table of the House?

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

(b) Yes.

(c) A copy of the report* is placed on the table of the House.

VIDWAN T. MUTHUKANNAPPAN : தமிழ்நாட்டில் நடந்த காட்டு இலாகா அலுவலர்களின் மாநாட்டில் அகத்துறை அமைச்சர் அவர்கள் பேசியபோது "I do not know where the report is. No one could tell me where it is. Perhaps, those concerned are not able to appreciate the value of the reports." என்று சொல்லியிருக்கிறார்கள். அந்த "ரிப்போர்ட்" இப்போது எங்கிருந்து கிடைத்தது? எப்போது கிடைத்தது?

THE HON. SRI M. A. MANICKAVELU : இது இந்த இலாகா சம்பந்தப்பட்டது. காட்டு இலாகாவிலே மரம், செடி எல்லாம் பற்றித் தெரிந்திருக்கும். இங்கேயும் இப்போது ஒரு பெரிய ஜாபிதா கொடுக்கப் பட்டிருக்கிறது. மருந்துக்காக வேண்டி இதையெல்லாம் பொருக்கி அருகிலேயே இருக்கும்படியான "பார்"த்திலேயே பயிர் செய்ய ஏற்பாடு செய்யப்படுகிறது.

SRI T. PURUSHOTHAM : Will the Hon. Minister indicate whether the report has been dealt with by the Government at length and what action has been taken on the recommendations contained in it?

THE HON. SRI M. A. MANICKAVELU : The Government thought that the recommendations need not be implemented. But the Government considered this particular aspect about the plants mentioned in the list and felt that those most useful for the pharmacopoea should be selected and reared in the Arumbakkam Farm.

SRI T. PURUSHOTHAM : What are the plants that have been selected for the purpose?

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THE HON. SRI M. A. MANICKAVELU : There will be quite a large number to be selected from the list, and the list also will be equally large. If the hon. Member is very anxious to know about it, he can contact me and I shall give him the list.

Katpadi Township

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

(a) whether there is any proposal before the Government for alienation of lands in favour of the Katpadi Township; and

(b) if so, the stage at which the matter now stands?

THE HON. SRI M. A. MANICKAVELU : (a) & (b) Yes, Sir. Orders have since been issued placing an extent of acres 12-02 in Kalinjur and Kangayanallur villages at the disposal of the Katpadi Co-operative Township, Ltd., for use as battai, etc., by the residents of the colony and for the proper maintenance of the roads and streets.

SRI V. V. RAMASWAMI : நில வரியையும்—லாண்டு ரெவின்யூ—உப வரியையும்—சர் சார்ஜ்—விட்டுக்கொடுக்கவேண்டுமென்று மனு வந்திருக்கிறதா? அதைப்பற்றி அரசாங்கம் என்ன முடிவு எடுக்கப்போகிறார்கள்?

THE HON. SRI M. A. MANICKAVELU : I have no information, Sir, about land revenue.

Bed-strength in Government Hospitals

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

(a) the bed-strength in (i) General Hospital, (ii) Stanley Hospital and (iii) Kasturba Gosha Hospital, Triplicane, Madras; and

(b) the number of patients admitted in these hospitals during the months of October, November and December 1958?

THE HON. SRI M. A. MANICKAVELU : (a) & (b) A statement* is placed on the table of the House.

SRI T. PURUSHOTHAM : Will the Hon. Minister tell us what action is being taken to provide necessary amenities for floor patients in these hospitals?

THE HON. SRI M. A. MANICKAVELU : The floor patient system is a temporary phase and for the temporary phase we supply mats.

VIDWAN T. MUTHUKANNAPPAN : How many beds are there, Sir, for cancer patients in each of the hospitals?

THE HON. SRI M. A. MANICKAVELU : I cannot exactly tell the number now.

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SRI T. PURUSHOTHAM: Will the Hon. Minister consider increasing the bed-strength adequately in all the State hospitals and making provision therefor at least in the next Plan?

THE HON. SRI M. A. MANICKAVELU: Yes, Sir, we are progressively increasing the number of beds not only in the City hospitals but in the mufassal also.

DR. A. LAKSHMANASWAMI MUDALIAR: Is it a fact that in the General Hospital while the sanctioned strength is supposed to be 1,100 and odd, there are actually 1,750 patients per day?

THE HON. SRI M. A. MANICKAVELU: Yes, about that, Sir.

DR. A. LAKSHMANASWAMI MUDALIAR: Will the Hon. Minister be pleased to find out what is the maximum number that ought to be in a particular hospital and is he aware that in western countries the optimum should not exceed 750 and the maximum 1,000?

THE HON. SRI M. A. MANICKAVELU: All that is true. But the fact is that the doctors think that it is inhuman to turn out patients. Though they may not have all the amenities, still they think that they must somehow give some accommodation to the patients. That is why there is this overcrowding.

DR. A. LAKSHMANASWAMI MUDALIAR: Do the Government think that it is human to allow this sort of congregation of patients on floors under the beds, over the beds and inside the beds? (Laughter.)

THE HON. SRI M. A. MANICKAVELU: The physical possibility is only 'under' and not the other things. (Laughter.) But I am sorry, I must say, West is West and East is East. We are just trying to improve.

DR. A. LAKSHMANASWAMI MUDALIAR: May I suggest for the Hon. Minister's consideration that this question of maximum bed-strength is one about which he may consult an expert body and he may see whether more hospitals can be constructed in the City of Madras for better accommodation of the patients and for their better care?

THE HON. SRI M. A. MANICKAVELU: Sir, it resolves itself to this, viz., that it is a question of finance, whether we should increase the number of beds, or if more beds are to be made available in separate new hospitals. As I said, we are just trying to increase the number of beds progressively and also I may tell the Leader of the House . . .

AN HON. MEMBER: Leader of the Opposition.

THE HON. SRI M. A. MANICKAVELU: Thanks; may I tell the Leader of the Opposition—probably the Leader of the Opposition at one time may become the Leader of the House—that the

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percentage of the total income spent on medical services is low? In Bengal the percentage is about 13 or 14 and here in Madras it is only about 8 or 9. Attempt should be made to increase that percentage when more money will be available.

SRI T. PURUSHOTHAM: In view of the question raised by 3-20 p.m. the hon. the Leader of the Opposition, will the Government consider the desirability of appointing an Expert Committee to examine the whole question and see how best this problem could be solved?

THE HON. SRI M. A. MANICKAVELU: The difficulty is not about having a committee and going into these things. We are not able to implement the recommendations of the other committees which have already reported. That is the difficulty.

SRI T. P. SRINIVASAVARADAN: Are any instructions issued to the hospital authorities that a certain number of beds should be reserved for cases like typhoid, malaria, cancer and so on?

THE HON. SRI M. A. MANICKAVELU: They are accommodated separately in different wards. They are not mixed up.

SRI T. P. SRINIVASAVARADAN: I wish to know whether a stipulated number such as 56 beds for typhoid, 50 beds for malaria and so on has been fixed.

THE HON. SRI M. A. MANICKAVELU: No. We have not exactly so stipulated, but as and when patients suffering from different diseases are admitted, they are accommodated separately.

SRI MOHAMED RAZA KHAN: Because more number of patients are admitted in the hospital over the sanctioned bed-strength, may I know, Sir, whether the Government have also increased the staff proportionately, viz., doctors and nurses?

THE HON. SRI M. A. MANICKAVELU: No. We have increased to some extent, but not proportionately to the increase in the number of patients. They are undermanned. That is also a fact. But we are just trying to increase a little and not in proportion to the increase in the number of beds.

SRI G. KRISHNAMOORTHY: Cannot the Government think of treating well-to-do patients at home through itinerary service instead of admitting them as in-patients?

THE HON. SRI M. A. MANICKAVELU: Patients themselves should cultivate that way of getting treatment. Even well-to-do people refer to get themselves admitted to the hospitals.

SRI K. BALASUBRAMANYA AYYAR: Why not finance be provided in the Third Plan to concentrate on increasing the bed-strength?

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THE HON. SRI M. A. MANICKAVELU : Yes, certainly in the Third Five-Year Plan we will see whether funds can be provided.

SRI MOHAMED RAZA KHAN : The Minister has admitted that there is no increase in the number of doctors and nurses. But what about supply of food, eggs and bread to the patients? Is the same quantity distributed amongst the increased number?

THE HON. SRI M. A. MANICKAVELU : No, food is additional.

Electricity company licensees.

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

(a) the names of Electricity company licensees in the State and the area of operation of each;

(b) the number of villages electrified in each of the electricity licensee areas; and

(c) the steps taken to extend electricity to all villages in the areas under company licensees?

THE HON. SRI V. RAMAIAH : (a) & (b) The attention of the Member is invited to the paper^a laid on the table of the House.

(c) The Government of India have now come forward with a scheme of repayable loans and the licensees have drawn up schemes for rural electrification in their areas and have submitted proposals for obtaining loans from the Government of India for the years 1959-60 and 1960-61. These proposals have since been forwarded to the Government of India for necessary sanction. A direction has also been issued to the State Electricity Board that it should, where necessary, operate in the undeveloped areas in the areas of supply of the licensees with a view to the rational development of electricity in such areas. This is under the consideration of the State Electricity Board.

SRI T. PURUSHOTHAM : With reference to the answer to clause (a), will the Hon. Minister tell us whether the Electricity Undertakings Acquisition Act would be enforced and the State Electricity Board asked to work out a comprehensive plan for taking over the private electricity concerns?

THE HON. SRI V. RAMAIAH : Sir, I have already given my answer that in order to have a rational development of electricity in the rural parts, wherever the licensees find it difficult to go in for rural electrification, the Government have asked the Electricity Board to take up such undeveloped areas if possible.

SRI T. PURUSHOTHAM : With reference to clause (b) and the list furnished here, will the Hon. Minister tell us the number of villages yet to be electrified in those areas?

^a Printed as Appendix III on page 425 infra.

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THE HON. SRI V. RAMAIAH : I have furnished the number villages electrified in each licensee area and as regards the remaining villages, I have not got the figures.

DR. A. SREENIVASAN : Is it a fact that shareholders of certain companies which have been taken over by the Government have not been fully paid?

THE HON. SRI V. RAMAIAH : Shareholders will have to be paid by the companies and I do know that there are a number of shareholders, whose claims have not been fully settled.

DR. A. SREENIVASAN : May I know the reason why the shareholders have not been paid? When the Government take over the concern, do they not also take over the entire assets and liabilities into consideration?

THE HON. SRI V. RAMAIAH : We take over both assets and liabilities. But still there are so many points to be considered and many difficulties to be set right. So, it takes time.

Parambikulam waters.

* 56 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any agreement has been reached between Madras and Kerala States on 11th November, 1958 regarding sharing of Parambikulam waters;

(b) if so, the details of the agreement;

(c) the estimated cost of the above scheme and the extent of acres that are to be benefited thereby; and

(d) the taluks that are to be benefited by the scheme in the Tirumangaloor district?

THE HON. SRIMATHI LOURDHAMMAL SIMON (on behalf of the Hon. the Minister for Works) : (a) A tentative agreement has been reached between the two Governments as a result of the talks held in October-November 1959.

(b) to (d) A paper^a containing the particulars is placed on the table of the House.

SRI MOHAMED RAZA KHAN : May I reserve my supplementary questions for some other occasion?

Palar Anicut.

* 57 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Works be pleased to state, with reference to the answer to Legislative Council Question No. 18, dated 6th November 1957, the stage at which the scheme for the conversion of the Palar anicut in North Arcot district into a barrage stands?

^a Printed as Appendix IV on pages 426-427 infra.

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THE HON. SRI V. RAMAIAH: (on behalf of the Hon. the Minister for Works): The scheme has been finalised and it is proposed to take it up for execution in the Third Five-Year Plan period assigning the highest order of priority with the concurrence of the Planning Commission.

SRI T. PURUSHOTHAM: Will the Hon. Minister enlighten us on the probable cost of the scheme?

THE HON. SRI V. RAMAIAH: The figure furnished here is Rs. 56 lakhs.

New Municipalities

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

(a) whether there is any proposal to form new Municipalities during 1959; and

(b) if so, the stage at which it now stands?

THE HON. SRIMATHI LOURDHAMMAL SIMON: (a) & (b) Three new Municipalities, namely, Arcot, Ranipet and Ramana-
thapuram were constituted in 1959 and no other proposal is pending at present.

SRI T. PURUSHOTHAM: Will the Hon. Minister tell us the general principles governing the formation of these municipalities and whether the Government would apply these principles uniformly in all cases?

THE HON. SRIMATHI LOURDHAMMAL SIMON: The general policy is that Class I Panchayats having a population of about 20,000 and an income of 1 lakh of rupees and above can be formed into municipalities. But in case where there is objection from the villagers, it may be considered and settled after that.

SRI T. PURUSHOTHAM: May I presume that local opinion will also be taken into consideration in deciding these issues?

THE HON. SRIMATHI LOURDHAMMAL SIMON: That is exactly what I said just now.

SRI T. PURUSHOTHAM: Will the Hon. Minister tell us whether there is any proposal to extend the Madras District Municipalities Act to the transferred territories like Kanyakumari and Shencottah?

THE HON. SRIMATHI LOURDHAMMAL SIMON: Certainly. It has already been extended to the transferred territories.

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.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN: I have to announce to the House that I have received a message from the Governor of Madras recommending to the Madras Legislative Council the consideration of the Madras Buildings (Lease and Rent Control) (Amendment) Bill, 1959, in pursuance of Article 207, clause (3), of the Constitution of India.

(2) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN: I have also to announce to the House that I have received messages, dated 12th September 1959 from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the following Bills, as passed by the Legislative Assembly on the 11th September 1959, and signed by him, for the concurrence of the Council:—

(1) The Madras Buildings (Lease and Rent Control) (Amendment) Bill, 1959 (L.A. Bill No. 19 of 1959).

(2) The Madras District Municipalities (Amendment) Bill, 1959 (L.A. Bill No. 23 of 1959).

(3) ELECTION OF ONE MEMBER TO THE STATE LIBRARY COMMITTEE.

MR. CHAIRMAN: I have further to announce to the House that Srimathi S. Manjubhashini, M.L.C., is the only candidate duly nominated for election to the State Library Committee. As the number of candidates nominated is equal to the number of vacancies to be filled, namely, one, I hereby declare her duly elected to the State Library Committee.

III.—NON-OFFICIAL BILL.

THE MADRAS PRESERVATION OF PARKS, PLAY-FIELDS AND OPEN SPACES Bill, 1958, 1FLB J.L.C. BILL NO. 3 OF 1958).

DR. A. LAKSHMANASWAMI MUDALIAR: Sir, I move—
'That the Madras Preservation of Parks, Play-fields and Open Spaces Bill, 1958 (L.C. Bill No. 3 of 1958), as amended by the Select Committee, be taken into consideration.'

Sir, the House is aware that the Madras Preservation of Parks, Play-fields and Open Spaces Bill, 1958, was, with the leave of this House, introduced on the 13th September 1958 and was published in the *Fort St. George Gazette*, dated the 20th September 1958. Later, on the 24th September 1958, when I moved that the

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Bill be taken into consideration, I explained at some length the principles and objects of the Bill, and my Friend Sri Mohamed Raza Khan moved an amendment that the Bill be referred to a Select Committee. The Hon. the Minister for Revenue was good enough to state that there was no difference of opinion as regards the object of the Bill. He also observed, 'Whatever has been done, it is a past thing. At least, we must safeguard against the future encroachments. In that way, this Bill will be useful and it is very good that the Leader of the Opposition thought of this and is trying to safeguard against any further encroachments. But the Bill had a chequered career. It took three years actually to come up here. So, I support the amendment for reference of this Bill to a Select Committee so that we may go into it in detail and see how best to improve it and make it really useful and effective.' In view of the sentiment, the House accepted the amendment to refer the Bill to a Select Committee.

At the first meeting of the Select Committee, I suggested that in view of the importance of the Bill, it was desirable to associate the Leaders of various parties in, and some other Members of, the Assembly with the Select Committee so that their valuable contribution might be made available even at the Select Committee stage. I am glad to say that the Hon. the Minister for Revenue agreed with the suggestion, and the Committee, therefore, decided to invite the Leaders of the various parties in the Assembly and also some of the other Members of the Assembly. The Hon. the Minister for Finance was good enough to accede to my request not only to participate in the deliberations of the Select Committee but also used his good influence to bring in the Leader of the Opposition and the Leaders of other parties in the Assembly. The principles that underlie the Bill and the objects which are sought to be attained have been fully discussed in the Select Committee. With a view to provide for effective implementation of the objects of the Bill, the Select Committee has made some changes and the Report of the Select Committee was presented to the House on the 24th March 1959, almost three years after I had first suggested the idea of introducing such a Bill.

At this stage, I do not want to elaborate on the reasons which prompted me to come before this House to get its approval for referring this Bill to a Select Committee. It is well-known that if the health of the nation is to be preserved, and if reasonable amenities are to be given both to adults and to children for such exercise as is very desirable, the maintenance and preservation of parks, play-fields and open spaces is necessary. I find that in Great Britain the Recreation Grounds Act was passed as early as 1859 and that subsequently several Acts have been passed, the last of which in 1926. Some Members thought that owing to the necessity to have construction of various sorts, namely, houses, factories, etc., many of the open spaces or at least play-fields had been encroached upon. I particularly went into this question during my visits to Continental countries and to Great Britain, and

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I can assure this House that not a single play-field, not a single park, and not a single open space, which had been preserved for the amenities of the population, has ever been encroached upon. In fact, it cannot be built upon without the prior sanction of the Houses of Parliament. When I say this, it shows the amount of interest the people of those places take in the preservation of parks and open spaces.

I shall now briefly state some of the main changes made by the Select Committee in the Bill.

With a view to state succinctly the aims and objects of the Bill, and with reference to the phraseology used in the short title, the long title and the preamble have been abridged as follows:—

"The Madras Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1959."

A sub-clause to clause 1 has been inserted so as to give power to the Government to extend the provisions of this Act stage by stage to any other local area in the State.

As the duty of the implementation of the provisions of this Act has to be cast on the executive authority, a definition of the expression 'executive authority' has also been inserted in clause 2.

It was felt that open spaces in which not more than one-twentieth part was covered by buildings should also be included in the definition of 'open space'. So, the definition of 'open space' has been recast suitably. I may say that this definition has been incorporated from a similar Act in Great Britain.

It was also felt that the definition of 'park' should also include gardens, meadows, lawns, and places commonly resorted to by the public and the definition has been amended accordingly.

Clauses 3, 4, and 5 provide for not only the preparation of lists of parks, play-fields, and open spaces, but also for their publication in the manner prescribed and their approval by the Government and for the variation or revocation of lists by the Government at any time.

Clause 6 deals with the prohibition of the use of parks, play-fields, and open spaces in certain cases. Clauses 7 and 8 provide for the maintenance of parks, play-fields and open spaces in a clean and proper condition and for the prohibition of buildings likely to affect the utility of the park, play-field and open space, except with the sanction of the Government. It is in the hope that such sanction will not be given that this clause has been accepted by the majority of us. I need hardly refer to the way in which what was once People's Park has been desecrated by a number of buildings and the way in which the beautiful play-field by the side of the Madras Medical College has been sacrilegiously used. I had referred to these two instances previously.

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Clause 9 deals with the obligation cast on the owner of parks, play-fields, and open spaces to maintain them in a clean and proper condition, and clause 10 provides for the submission of annual returns to the Government.

It was felt that the summary eviction of unauthorized persons was necessary, and that a provision might be made for prosecution and imposition of penalties. Clause 11 provides for the removal of unauthorized persons entering or remaining in any park, play-field or open space belonging to or vested in the Government or a local authority by any Police Officer or any other person acting on behalf of the Government or the executive authority, and clause 12 prescribes penalties.

Provision has also been made in clause 13 for the action to be taken in case the executive authority fails to enforce the provisions of the Bill effectively, and clause 14 empowers the Government to make rules by notification for the purpose of carrying out the provisions of the Act and to lay rules and approved lists before the Legislature.

Sir, I would like to express my thanks to several Members who have so heartily co-operated with me in bringing forward this Bill for the consideration of the House. I should like, first of all, to thank the Hon. the Minister for Revenue, who is in charge of this subject, and who has always evinced keen interest in this. I must also specially refer to the part played by the Hon. the Minister for Finance not only in requesting the Leader of the Opposition in the other House but also the other Members of the Assembly to participate in the discussions and for the many valuable suggestions that he gave in the course of the discussions of the Select Committee for the improvement of the provisions of the Bill. I venture to think that a new chapter has been opened in the co-operation that is possible between this House and the other House. Although a Joint Select Committee of both the Houses was not constituted, still it was possible for leaders to come and offer hearty co-operation in the discussions on the Bill. I am particularly thankful to the Leader of the Opposition in the other House, Sri V. K. Ramaswamy Mudaliar, to the other two Leaders Sri Annadurai and Sri Kalyanasundaram, and to a couple of other Members of the Assembly, who have given their co-operation.

Sir, a Bill introduced by a non-official Member, I have now realized for the first time after twelve years' experience, has got to cross many hurdles. In fact, I thought I was getting into dark caves and might not be able to get out of them at all. Even now, Sir, I venture to submit that my task is none too easy. But with the co-operation of the Members on the Treasury Bench and with the active co-operation promised by the Leader of the Opposition in the Assembly and other leaders there, I hope this Bill will be passed. I have been assured of the co-operation of the Leader of the Opposition in the Assembly, because this Bill will have to be fathered by one of the leaders of parties or a Member of the Assembly. I hope this Bill will be passed by the other House also.

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It is the first time during my twelve years' experience, after the Constitution was brought into force, that a non-official Member had the temerity to bring forward a Bill of this nature. I hope sympathetic consideration will be given to it. I must frankly admit that I was more than anxious that the Government might take up this Bill and pass it through. But anyhow they thought it better that I should move it. It is not personal vanity on my part that prompted me to place this Bill for the consideration of this House. I hope that the Bill, as amended by the Select Committee, will receive the unanimous approval of the hon. Members of this House.

There are certain amendments given notice of as usual by the hon. Member Sri Purushotham and also the hon. Member Sri Krishnaswamy Ayyangar. I am not a scholar in English. So, whatever amendments are reasonable, I shall accept them. Afterwards, I hope the House will adopt this motion and I trust that it will, within a very short time, not certainly three years after I introduced it, be passed into law. Even within these three years I have seen enough of denudation of open spaces, parks and play-fields and it made me apprehensive whether delay in this respect might not lead to the utter abolition of these amenities, not to the rich people, let me assure you, but to the poor to whom they are far more important. Those who need these amenities most are the children and I trust the Government which have got a children's park and a children's theatre and many other amenities for children including midday meals to children will not be in any way averse to or will not hesitate to have this Bill passed for their sake. I move that the Bill, as amended by the Select Committee, be taken into consideration.

3-40
p.m.

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

MR. CHAIRMAN : Motion moved—

'That the Madras Preservation of Parks, Play-fields and Open Spaces Bill, 1958 (L.C. Bill No. 3 of 1958), as amended by the Select Committee, be taken into consideration.'

* SRI T. PURUSHOTHAM : Mr. Chairman, Sir, I support the motion before the House. There is great need for a measure of this kind and, as has been pointed out by the hon. the Leader of the Opposition, this is long overdue. Legislation is in force in most countries, especially in England, empowering municipal councils and other local bodies to have control over parks, public gardens, etc. Based on these principles, this Bill has been brought forward by the hon. the Leader of the Opposition Dr. A. Lakshmanaswami Mudaliar and he deserves our warmest congratulations on introducing a Bill of this kind. The Bill has been pending for the last three years and during this period a lot of encroachments in the form of buildings have been made on open spaces in urban as well as rural

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areas. It is sad to note that even in the heart of the City of Madras there has been an attempt to put up buildings in a public garden. The committee in charge of that particular organisation proposed the lease of lands for the construction of a modern residential hotel and the like in a public garden. The society in question was formed with the sole object of promotion of agriculture, horticulture, and arboriculture including the introduction and propagation of new and useful plants and for purposes of that kind. But it is a sad thing that the management of the society wanted to lease the land for the unorthodox building purpose, for putting up a residential hotel and the like in the public garden. Fortunately, the official members on the committee, the Director of Public Instruction, the Director of Agriculture, the Chief Conservator of Forests and the Vice-Chancellor of the Madras University expressed their dissatisfaction against this move. The Director of Public Instruction pointed out in his note that the children of the City should have use of such parks and open spaces and that it should not be allowed to be built upon for any purposes whatsoever. In my discussions with the Chief Conservator of Forests on this question, I suggested that we should have children's parks with a corner for pet animals in some of these public gardens on the lines of the deer park in Guindy and he agreed with me and said that he would send up proposals to the Government for consideration. I am glad that the hon. the Leader of the Opposition has brought forward this Bill and if I have referred to any particular case, it is only to point out the urgency of the problem. I once again congratulate the hon. the Leader of the Opposition on behalf of the Members on this side of the House.

* SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, I am also very happy that this Bill has been brought forward. The Government took a very sympathetic attitude and a very helpful attitude, I may honestly say, so far as this Bill is concerned.

THE HON. SRI R. VENKATARAMAN: All this should be said in the third reading.

* SRI K. BALASUBRAMANYA AYYAR: I am also very happy that the Members of the Assembly, the Leaders of various Parties in the Assembly, were also associated with the Select Committee in the consideration of this Bill. An important point was raised by Sri V. K. Ramaswamy Mudaliyar, Leader of the Opposition in the Assembly, on the status of the Assembly Members on account of the fact that the Bill was referred to a Select Committee and not a Joint Select Committee and it was cleared by saying that their status was equal to that of the other Members and that their suggestions would be as valuable as those of the Members of the Select Committee. Therefore, they participated in the consideration of the Bill heartily. Sri Kalyanasundaram and Sri C. N. Annadurai participated in the discussions and they welcomed the provisions of the Bill. In that way, the Bill had the unanimous support

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of the Members of the Select Committee and the Leaders of the Opposition Parties in the Assembly also. I think here also the Bill will be passed unanimously.

The necessity for the Bill has been very well explained by the Mover of the Bill and I need not add anything more. The Bill is necessary for the purpose of not only the preservation of the existing parks but also for the municipalities and the various local bodies taking an interest in maintaining these parks intact without being encroached upon and their condition also being properly looked after. That is a duty which is cast now upon the local authorities. Before now sufficient attention was not paid to the maintenance of parks. There are also other bodies like temples and others which have vacant lands. They are given for the use of schools and other such institutions. Even in such cases there should be a provision that they should keep these parks intact without being encroached upon. So far as the P.S. High School is concerned, we have to deal with the devasthanam. There was a very big open space. They said that that space could be utilised for the purpose of putting up buildings. This question was referred to the Hon. Minister. We went in deputation and told him that the place was necessary for the children and also for the purpose of providing a lung for the people of Mylapore and that if they went on putting up buildings, then the health of the people would be affected. In that way, they persuaded the devasthanam authorities to give up the proposal. (Sri T. P. Srinivasavaradan: They increased the rent for the buildings.) Anyhow, the original proposal was a dangerous one because they wanted to convert the whole space into building sites. If it had been built upon, we would have had no open space at all and the City would have become more congested. For public health reasons also we must have certain open spaces to which there should be free access. In fact, the question arose whether the Marina would be included in the definition of 'open space'. Then, the Hon. the Finance Minister said that the Marina could be included in it. It is an open space and it could be included in the definition. The Leader of the Opposition also raised a question about it and the Minister replied that it could be included in the definition. There too there are encroachments. They could be cleared. But the Hon. Minister knows very well that it is not easy to clear them. Anyhow, we have to take some action.

Then, there is another point. There are very tall buildings springing up. It is not desirable to have very tall buildings preventing the sea breeze from coming into the City.

We must look into all these things. Therefore, it is much better that the Government take steps in the interest of the health of the people and also provide amenities for the children and students of schools and colleges. This is absolutely a necessity of civilisation in our country. We must not only see that there is no congestion in the various parts of the cities and towns by the construction of

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more and more buildings quite frequently in all available open spaces, but also the health of our children is maintained and more and more facilities for sports for our children are provided. Perhaps, that is the reason why the Bill has been given a sporting chance as it were in this House so that play-fields and parks may be utilised by our children in the best manner possible. On the whole, I think this Bill is a salutary Bill and so, I invite agreement from all sides of the House for the passing of this Bill.

* DR. A. CHIDAMBARANATHAN : மன்றத் தலைவர் அவர்களே, இந்த மன்றத்தின் முன்னால் மக்களுக்கு நல்ல பயன் விளைவிக்கக் கூடிய, ஆட்சேபமற்றதாக மசோதா ஒன்றைக் கனம் எதிர்க்கட்சித் தலைவர் அவர்கள் கொண்டுவந்திருப்பதை நான் பாராட்டுகிறேன். இவ்வாறு ஆட்சேபமற்றதாகப் பல மசோதாக்கள் நிறைவேற்றப்படுவதில்லை, அதிலும் தனிப்பட்ட உறுப்பினரால் கொண்டுவரப்பட்டிருக்கும் இம்மசோதா பொதுவாக மன்றத்தில் வரவேற்கப்படுவதைக் கண்டு நான் மகிழ்ச்சியுறுகிறேன். இந்த மசோதாவானது பூங்காக்களையும், நல்ல விளையாட்டு மைதானங்களையும், திடல்களையும் மக்களுக்குப் பயன்படும் வகையில் பாதுகாப்பதற்குள்ள வழிகள் அமைத்துள்ள மசோதாவாக இருக்கிறது. இதனைப் பொதுமக்களும், செல்வர்களும், குழந்தைகளும் உண்மையிலேயே வரவேற்பார்கள் என்பது உறுதியாகும். இந்த மசோதா மக்களுடைய உரிமைகளைப் பறித்துக்கொள்ளாத வகையில், அவர்களுடைய குறைகளைத் தெரிவிப்பதற்கு வேண்டிய இடங்களில் எல்லாம் வழிவகுத்துத் தந்திருப்பது மிகவும் மகிழ்ச்சிக்குரியதாகும். இதில் 4, 5, 9 ஆகிய உட்பிரிவுகளில் சொல்லப்பட்டிருப்பதைப் பார்க்கிறபொழுது, இது புலப்படுகிறது. ஒவ்வொரு பட்டியலைத் தயார் பண்ணுகிறபொழுது யாருக்காவது ஆட்சேபம் இருக்குமானால், அவர்கள் எக்ஸ்ப்ளைய்ட் அதாரிட்டி யிடமோ அல்லது அரசாங்கத்தாரிடமோ சொன்னால், அதைப்பற்றிக் கவனித்த பிறகுதான் அது உறுதி செய்யப்படும் என்று சொல்லப் பட்டிருக்கிறது. இந்த முறையில் மக்களுடைய உரிமைகளோ உடமைகளோ பாதிக்காதவாறு இந்த மசோதா அமைந்திருக்கிறது. இதை நான் முழுமனதுடன் வரவேற்கிறேன். வணக்கம்.

SRI MOHAMED RAZA KHAN : Mr. Chairman, I congratulate the hon. the Leader of the Opposition on the way in which he has pursued the matter and seen to it that the Bill is moved here. Of course, he said that it took three or four years. All the same, all of us are happy that a Member of the Opposition has been allowed this opportunity to move the Bill with all the likelihood of its being passed. Of course, at one stage, I felt that the Minister for Revenue, who is in charge of this subject, would try in his own way to close this Bill once and for all. As a matter of fact, in the beginning, he said that there was ample scope in the present enactments to achieve the objects of the present Bill. But, when it was suggested that the Bill could, after all, be referred to a Select Committee for its opinion, we were glad that he readily agreed in the House to the reference of the Bill to a Select Committee.

I now really feel what dire necessity there is for a measure like this. The hon. the Leader of the Opposition and others have referred to the way and manner in which the few available open spaces in the City are being occupied and also how some of the

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Government lands are used for building purposes. Reference was made by the hon. the Leader of the Opposition to the beautiful play-fields of the Medical College. In the last three or four months, some new buildings have sprung up there. By next year, there may not be any space left there for being used as play-field. Of course, it may be said that the Government have to put into execution their building programme which is also a dire necessity. But, one cannot deny the fact that the place intended to be used as play-field is being occupied by buildings.

I do not know whether the hon. the Leader of the Opposition purposely and intentionally did not insist on the open spaces belonging to the Government of India being brought within the purview of this Bill. I think purposely it was done. However, the Government may look into that matter also. Because, some three or four years back, there was an announcement in the Press that the place, commonly called the Island Ground, would be utilised for the purpose of building the premises of the Reserve Bank or some such thing. Therefore, although there is no particular clause in this Bill to deal with the open spaces belonging to the Government of India, at least in future, we should try to see that they are not made use of for the purpose of constructing buildings. The same is the case with regard to North Madras. It is, as a matter of fact, more congested than the southern part of the City. Still, there is the possibility of the Government of India constructing some buildings in the available limited extent of open space. We must guard against any such attempt on the part of the Government of India and we should see that some portion of the open space available is made over to the Medical College students for the purpose of being utilised as playground.

Sir, the hon. Member Sri Purushotham rightly drew the attention of the House to the criticisms in the Press regarding the proposal to convert the Agri-Horticultural Gardens in Teynampet into a residential area and put up some hotel or some such thing. I think a statement has also been issued. There was also a good deal of criticism. I do not know where the matter stands. It is quite possible that the matter has been kept in abeyance, thanks to the official Members on the Committee. But, I maintain that there is no point in keeping the matter pending like this. It is much better that the Government of Madras take up this matter in right earnest and decide once for all either to maintain it themselves or to hand it over to the Corporation of Madras. After all, it may not cost the Government very much for maintaining it. When we pass through that place, we are able to see how horrible it is. Except some very old trees, we do not see anything else. It is really a misnomer to call it a Park or Garden. It is really a pathetic sight. It is high time that it is maintained properly. If the Government cannot, however, maintain it properly themselves, they might as well hand it over to the Corporation who, I am sure, will be willing to maintain it properly.

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Sir, I do not wish to go into the details of this measure. The entire House has agreed with the salient features of the Bill. There has been a good deal of response from both sides of the House and I am sure that the Bill will be passed. The mere passing of the Bill is not enough. The objects of the Bill should be kept in mind and everybody should co-operate in keeping the few available open spaces in the City.

I wish to refer to another aspect. The Government of Madras have agreed to hand over some parts of the Marina to the Central Government for the purpose of extension of the Madras Harbour. On financial grounds, please note, on financial grounds, the Central Government wanted portions of the Marina for this purpose. If the extension of the Harbour had to proceed towards the northern side, the cost would have been very heavy. There was a good deal of controversy and also criticism in the Press. Even in the Legislative Assembly, between the years 1946 and 1952, strong protests were voiced forth against the handing over of some portions of the Marina to the Central Government. In spite of all these, the Madras Government decided to hand over portions of the Marine to the Government of India for the purpose of extending the Harbour southwards. My object in referring to this is this. At least in future, we must be careful about these matters. If we allow the present building programme of the Harbour and other bodies and if people are allowed to go on extending towards the south, I am sure, we would not have any open space in the Marina up to San Thome. Any extension programme of either the Harbour or other bodies or private people or, for the matter of that, any building programme should not be undertaken at the expense of a few open spaces available in the City which are so much needed for the children of the City. As was rightly said by the hon. the Leader of the Opposition, these open spaces are needed not for the rich only, but for the poor and the rich alike, particularly in the interests of the health of our children.

4-03
p.m.

* SRI V. V. RAMASWAMI : மன்றத் தலைவர் அவர்களே, எங்கள் கட்சியின் மதிப்பிற்குரிய தலைவர் அவர்களால் கொண்டு வரப் பட்டிருக்கும் மசோதாவுக்குப் பெருமிதமான ஆதரவும் வரவேற்பும் இருப்பதைக் கண்டு உண்மையிலேயே நான் பூரிப்பு அடைகிறேன். மேலும், இந்த மசோதாவுக்கு என்னுடைய ஆதரவையும் தெரிவித்துக் கொள்கிறேன். இந்த மாதிரியான தடுப்பு மசோதா இப்போது அமுலில் இல்லாததால், எங்கெங்கு காலி நிலங்கள் இருக்கின்றனவோ, அதாவது அரசாங்கத்திற்குச் சொந்தமாகவோ அல்லது சமுதாயத்திற்குச் சொந்தமாகவோ இருந்து வருகின்றனவோ, அங்கெல்லாம், இப்பொழுது பல காரணங்களினால் விரிவடைந்து வரும் நகரப் போக்கினால் பல கட்டிடங்கள் மேலே எழுப்பப்படுகின்றன. முன்பு அவை காலியாக விடப்பட்டிருந்ததால், அவைகளுக்குப் பக்கத்தில் உள்ள வீடுகளுக்கு நல்ல காற்றோட்டமும் வெளிச்சமும் வந்துகொண்டிருந்தன. வேறுவிதமான கெட்ட நாற்றம் அங்கு வருவதற்குத் தடையாக அவை இருந்தன. ஆனால், நாளடைவில் அவை எந்த இடத்தில் இருந்தாலும், அவைகளைச் சிலர் கட்டிடம் கட்டுவதற்கோ தொழில் நிலையங்கள் கட்டுவதற்கோ வாங்க ஆரம்பித்தார்கள். இம்மாதிரியான இடங்களை அப்படிப்பட்ட உபயோகங்களுக்கு உட்படுத்த வேண்டுமானால், அரசாங்கத்தின் முன் அனுமதியில்லாமல் அவ்வாறு

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செய்யக்கூடாது என்று இந்த மசோதாவில் தடை விதிக்கப்பட்டிருக்கிறது. அரசாங்கத்தார் இந்த அனுமதியைக் கொடுக்கும் விஷயத்தில், எப்போதும் ஜாக்கிரதையாகக் கொடுப்பார்கள் என்றே எதிர்பார்க்கிறேன். இந்த சமயத்தில் இன்னொன்று சொல்ல விரும்புகிறேன். காலி இடம் என்ற பதத்திற்கு விளக்கம் கொடுக்கப்பட்டிருக்கும் இடத்தில், இப்போது முழுவதும் காலியாக விடப்பட்டிருக்கும் இடம் அந்தப் பதத்தால் குறிப்பிடப்படுகிறது என்றும், அவ்வாறு காலியாக விடப்பட்டிருக்கும் இடம், சுற்றிலும் அடைக்கப்பட்டிருந்தாலும் சரி, அடைக்கப்படாமலிருந்தாலும் சரி, அது காலி இடம் என்ற பதத்திற்கு உட்படும் என்றும், அந்த இடத்தில் 1/20-க்கு மேற்படாத பகுதியில் கட்டிடம் இருந்தாலும் அது காலி இடம் என்ற பதத்திற்கு உட்படும் என்றும் சொல்லப்பட்டிருக்கிறது. இப்போது சென்னை மாநகரத்தில் கூட, பல பகுதிகளில் கட்டிடங்கள் அதிகமாகக் கொண்டுதான் இருக்கின்றன. சில இடங்களில் நிலத்தில் ஏற்றத் தாழ்வுகள் இருக்கும் நிலையில், மழை காலத்தில் மழைத் தண்ணீர் ஒரு பக்கத்தில் தேங்கி நிற்கும். அவைகளுக்குப் பக்கத்திலுள்ள கட்டிடங்கள், தொழில் நிலையங்கள் முதலியவற்றின் கழிவு நீரும் அந்த இடங்களில் தேங்கியிருக்கிறது. மேலும், சாதாரணமாகத் தண்ணீர் தேங்கி நிற்கும் சிறு சிறு குளங்கள் இருக்கின்றன. அவைகள் காலியாக இருக்கும் நிலையில் சுற்றியுள்ள இடங்களில் காற்றோட்டமான சூழ்நிலை இருக்கிறது. அவை காலியான புறம்போக்கு நிலங்களாக இருக்கின்றன. மழை காலத்தில் மட்டுமே அந்த இடங்களில் தண்ணீர் தேங்கி நிற்கிறது என்ற காரணத்தால், அவைகளில் கட்டிடம் கட்டலாம் என்ற நோக்கத்துடன் சிலர் அவைகளை வாங்க முயற்சிக்கிறார்கள். இந்தமாதிரியான இடங்களையும் காலியாகவே விட்டுவிட வேண்டுமென்று சொல்லிக்கொள்கிறேன். இப்போது இல்லாவிட்டாலும், பின்னர் அவைகளுக்குப் பக்கத்திலுள்ள தங்கள் பட்டா நிலங்களில் சிலர் வீடுகள் கட்டும்பேர்து, அந்தக் காலி இடங்களையும் வீலைக்கு வாங்கி அவைகளைத் தாங்கள் உபயோகித்துக்கொள்ள முயற்சிப்பார்கள். குளங்கள் இருக்கக்கூடிய இத்தகைய இடங்களை எப்பொழுதும் காலியாக விட்டு வைக்க வேண்டுமென்று சொல்லிக்கொள்கிறேன். இன்னும் சில இடங்களில் இத்தகைய காலி இடங்களில் அவைகளின் சொந்தக்காரர்களோ மற்றவர்களோ, சுண்ணாம்பு, கல், குப்பை முதலியவைகளைக் கொட்டி அவைகளை நிரப்புகிறார்கள். அவைகள் நிரம்பிய பிறகு அங்கே கட்டிடம் கட்ட முன்வருபவர்களுக்குப் பட்டா கொடுக்கப்படுகிறது. இந்தக் காரணத்தால் காற்றோட்டமான இடங்கள் மனைகள் கட்டுவதற்கான இடங்களாக ஆகிவிடுகின்றன. ஆகவே, இத்தகைய நிலங்களுக்குப் பட்டா கொடுக்கு முன்பு, சுற்றியுள்ள இடங்களில் பூங்கா அமைக்கப்படுமா என்பதை ஆராய்ந்து பார்த்தே அதற்கு அனுமதி கொடுக்க வேண்டுமென்று விதிவகுக்க வேண்டியது அவசியம் என்று நினைக்கிறேன். பூங்காக்கள் சரியான நிலையில் இல்லாவிட்டால், அவைகளின் சொந்தக்காரர்களாக இருக்கும் தனிப்பட்டவர்களுக்கோ அல்லது ஸ்தல-ஸ்தாபனங்களுக்குச் சொந்தமாக இருக்கும் பட்சத்தில், அவைகளைப் பராமரிக்கும் பொறுப்புள்ள ஸ்தல-ஸ்தாபன நிர்வாக அதிகாரிகளுக்கோ, அவைகளைச் செப்பனிட வேண்டுமென்று அறிக்கை கொடுக்கலாம் என்று சொல்லப்பட்டிருக்கிறது. அதாவது, 13-வது பிரிவில் "If the Government are satisfied, after giving the executive authority an opportunity of explanation, that the executive authority has failed to enforce effectively the provisions of this Act, which under this Act the executive authority is required to execute, the Government may order the local authority to do all things necessary"

என்று சொல்லப்பட்டிருக்கிறது. அந்த அறிக்கைப்படி ஸ்தலஸ்தாபன நிர்வாக அதிகாரி செய்யாவிட்டால், அவர்களிடமிருந்து விளக்கம் கேட்க வேண்டுமென்றும் அந்த விளக்கத்தைக் கேட்டறிந்த பிறகும் அவர் அந்த அறிக்கைப்படி செய்யத் தவறிவிட்டார் என்ற முடிவிற்கு சர்க்கார் வந்தால், அப்போது சர்க்கார் அந்த வேலையை ஸ்தல-ஸ்தாபனத்திடம் ஒப்படைத்து உத்தரவு பிறப்பிக்கலாம் என்றும் சொல்லப்பட்டிருக்கிறது. இப்போது சென்னை

[Sri V. V. Ramaswami] [14th September 1959]

மா நகரத்தில் எத்தனையோ பூங்காக்கள் இருக்கின்றன. யார் யார் பெயரிலோ உள்ள அந்தப் பூங்காக்களில் அவர்களுடைய பெயர்கள் கூட போர்டுகளில் அழிந்து வருகின்றன. ஆடு மாடுகள் தங்குவதற்கு ஏற்ற இடங்களாக அவை இருக்கின்றன. அவைகளை நிர்வகிப்பது கமிஷனரின் பொறுப்பாக இருந்தாலும், அந்தச் சொத்து கார்பொரேஷனைச் சேர்ந்த தாதலால் கார்பொரேஷனும் கார்பொரேஷன் கவுன்சிலும் சேர்ந்து இதைக் கவனிக்க வேண்டும். அது சிறிய இடம் என்ற காரணத்தால், அந்த இடத்திற்கு லீனாகப் பணம் செலவழிக்க வேண்டாம் என்று கார்பொரேஷன் கவுன்சிலே தீர்மானித்து விட்டால், அப்போது அதைச் செப்பணிவதற்கு அரசாங்கம் யாருக்கு எச்சரிக்கை கொடுக்க வேண்டும் என்பதுபற்றி நாம் யோசிக்க வேண்டும். இதைக் கவனிக்க வேண்டுமென்று அரசாங்கத்தைக் கேட்டுக்கொள்கிறேன். இந்த மசோதாவிற்கு என் ஆதரவையும் வரவேற்பையும் தெரிவித்துக்கொண்டு என் வார்த்தையை முடித்துக் கொள்ளுகிறேன்.

* SRI M. V. SUDARSANAM NAIDU : கனம் தலைவர் அவர்களே, இந்த மசோதாவின் நோக்கம் ரொம்ப வரவேற்கத்தக்கது. ஆனால், ஒரு விஷயத்தை நாம் ஞாபகத்தில் வைத்துக்கொள்ள வேண்டும். எப்போதும் சுகமாக இருப்பவர்கள் சில குறைகளைச் சொல்லக் கூடும், சில சௌகரியங்கள் வேண்டுமென்று சொல்லிக்கொண்டே இருக்கக்கூடும். அந்த முறையில் நாம் சென்றுகொண்டிருக்கிறோம். மர நிழலில் படுத்துக்கொண்டிருப்பவர்களுக்கு எந்தப் பூங்காவை அமைத்துக் கொடுத்திருக்கிறோம் என்று யோசிக்க வேண்டும். அவர்களும் மனிதர்கள் தான். மனிதர்கள் மனிதர்களாக வாழ வேண்டும் என்று நீண்ட நாட்களாக மகாத்மாஜி சொல்லி வந்தார். இந்த மசோதாவை வரவேற்கிறோம். அதேசமயத்தில், முனிசிபாலிட்டியிலோ கார்பொரேஷனிலோ இருக்கும் பொது இடங்களைப்பற்றி நாம் இவ்வாறு சொல்லும்போது, ஒரு விஷயத்தை ஞாபகத்தில் வைத்துக்கொள்ள வேண்டும். அந்த இடங்களிலும் கூட இந்தக் கட்டுப்பாட்டைக் கொண்டுவர வேண்டும் என்று சொன்ன நம் எதிர்க்கட்சித் தலைவர் அவர்கள் இந்தப் பணியை ஏற்று நடத்த வேண்டும் என்று அவரைக் கேட்டுக்கொள்கிறேன். நான் இந்த மசோதாவை எதிர்க்கவில்லை. இந்த நோக்கம் நிறைவேறும் வகையில் யார் பாடுபடுவது? கனம் அங்கத்தினர்கள்தான், நம்மைப் போன்ற பெரியவர்கள் தான் முன் வந்து இந்தப் பணியை ஏற்றுக்கொள்ள வேண்டும். மகாத்மாஜி இதைச் சொன்னார். ஆனால், யாரும் இதைச் செய்யவில்லை. கனம் எதிர்க்கட்சித் தலைவரை, இதைச் செய்ய வேண்டுமென்று கேட்டுக்கொள்கிறேன். இதைச் சொல்வதற்காகத்தான் பேச முற்பட்டேன். இந்த மிகச் சிறந்த கைங்கர்யத்தைச் செய்ய முன்வர வேண்டுமென்று அவரைக் கேட்டுக்கொண்டு என் வார்த்தையை முடித்துக்கொள்கிறேன்.

* SRIMATHI MARY C. CLUBWALA JADHAV : Mr. Chairman, I rise to congratulate the hon. the Leader of the Opposition on the introduction of this Bill which has been so necessary and so long awaited. It is said, "If you do not succeed at once, try, try again." And it has taken twelve years for this Bill to come up here to be passed. It has had the support of the different Parties in this House.

One thing I would like to be included in the Bill is this. Many new colonies and townships are coming up right around the City. In these also, sufficient space must be set apart for playgrounds and parks. The City Improvement Trust and the Corporation are having their own building programmes. But there is no place left except in some of the middle-class housing centres where there is

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space for parks, etc. I would like to urge that the colonies and townships which I have referred to must also be included in the Bill.

MR. CHAIRMAN : The hon. Member Mr. Hameed Khan will now make his maiden speech.

* SRI ABDUL HAMEED KHAN : Mr. Chairman, I am indeed very happy to be here to give my wholehearted support to the Bill which has been piloted by no less a person than Dr. A. Lakshmanaswami Mudaliar who is an eminent doctor himself and a great educationist and who has thought about this very useful measure. It is intended for the welfare of the citizens of Madras and other places and also for the benefit of the population as a whole.

This measure is very welcome particularly in view of the way in which houses are coming up in the City of Madras. Although the City has been extended to a very large extent, yet seeing the buildings which have come up in a very disorderly manner without any Plan, it is no wonder that the hon. the Leader of the Opposition thought it advisable to place a check on the vagaries of construction. As a matter of fact, such of us as have something to do with the work of the Corporation of Madras know that there are certain provisions in the City Municipal Act itself for achieving this very object. Attempts were made in those days to see that these parks and playgrounds were put in proper order and that no encroachment was made upon them. Of course, evidently by the way in which the Act was worked, we were not able to succeed in putting down these vagaries. Now, I am glad that a separate Act has been thought of and when once the Act is worked, I am sure that the objects envisaged by this Bill will be achieved in an ample measure.

I once again express my great satisfaction that no less a gentleman than Dr. A. L. Mudaliar should have thought of this very salutary measure. I am sure it will help the City to become beautiful, more and more beautiful.

* SRI T. V. DEVARAJA MUDALIAR : மன்றத் தலைவர் அவர்களே, இப்பொழுது கொண்டுவந்திருக்கக்கூடிய மசோதாவை நாம் முழு மனதோடு ஆதரிக்கிறேன் என்பதை முதன் முதலில் தெரிவித்துக்கொள்கிறேன்.

"சித்திரமும் கைப்பழக்கம், செந்திரமும் ஈரப்பழக்கம்" என்று சொன்ன மாதிரி, மாணவர்கள் சிறு வயதில் நல்ல வழியில் ஈடுபட்டு, நல்ல சுகாதார வழியில் நடந்து நல்ல விளையாட்டுகளில் ஈடுபட்டால்தான், அந்தக் குழந்தைகள் பிற்காலத்தில் நல்லொழுக்கத்துடன் திடகாத்திரமாக வாழ முடியும். இந்த மசோதாவை இன்று எல்லோரும் ஏகமனதாக ஆதரித்ததைப் பார்க்கும்போது, உதாரணமாக ராமாயணத்தில் ராம லக்ஷ்மணர் எப்படியும் புகழ் பெற்றார்கள், அதைப்போல், ராம லக்ஷ்மணர் இருக்கும் இந்தச் சபையில் நல்ல காரியங்கள்தான் நடைபெறும் என்று தெரிகிறது. இந்தப் பக்கம் தலைவர் டாக்டர் லக்ஷ்மணசாமி முதலியார்

[Sri T. V. Devaraja Mudaliar] [14th September 1959]

அவர்கள் இருக்கிறார்கள். எதிர்ப்பு என் தலைவர் திரு. வெங்கட்
ராமன் இருக்கிறார்கள். தலைவர் என்று சொல்லும் காலத்தில் எல்லோரும்
தலைவர்கள் தான். கட்சியை எடுத்துவைத்து, தலைவர் என்று சொல்ல
வேண்டியதில்லை என்பது என்னுடைய அபிப்பிராயம். அதுபோல்
பொருத்தமாக ராமரும் லக்ஷ்மணரும் இந்தச் சபையிலே இருக்கிறார்கள்.

கிராமங்களிலே உள்ள குட்டைகளால் பல தொல்லைகள் ஏற்படுகின்றன
என்று சொன்னார்கள். அதனால் பல இடைஞ்சல்கள் ஏற்படுகின்றன.
உடனடியாகக் கிராமங்களிலுள்ள குட்டைகளைத் தூர்த்துவிட வேண்டும்.
பல நோய்கள் அந்தக் குட்டைகள் இருப்பதன் காரணமாகப் பரவுகின்றன.
சில குழந்தைகள் தவறிப்போய் அவற்றில் விழுந்து விடுகிறார்கள். அந்த
மாதிரிச் சம்பவங்கள் எல்லாம் நடக்காமல் தடுக்க இந்தக் குட்டைகளை
யெல்லாம் தூர்த்துவிட வேண்டும். இந்த இடங்களில் பூங்காக்கள்
அமைந்தால், நல்ல சுகாதார வசதியுடன் மக்கள் வாழுவார்கள்.

இந்த மசோதா நிறைவேறி நல்லபடி நடைபெற எல்லாம் வல்ல
இறைவன் அருள் புரியவேண்டுமென்று கூறி, எனக்குப் பேச வாய்ப்புக்
கொடுத்ததற்காகத் தலைவர் அவர்களுக்கும் நன்றியைத் தெரிவித்துக்
கொள்கிறேன்.

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir,
I am glad that everybody is happy over this Bill. In fact, every
one who took part in the Select Committee contributed something
or other to improving the Bill. I congratulate the hon. the Leader
of the Opposition on sponsoring this Bill and piloting it in spite of
his multifarious avocations both in our country and elsewhere.

I have a dual part to play in this Bill. Now, as Minister for
Revenue, I regret my right over the land, I have to lose, because
I cannot do with it as I please. But, as Minister for Public
Health, I am glad that open places and parks will be safeguarded
from being encroached upon by buildings; as it was rightly pointed
out, they serve as the lungs of the City. This Bill is very neces-
sary. In fact, we have been rather late in bringing in this Bill.
After it is passed into law, I hope the provisions will be enforced
so as to prevent any encroachment in the way it was made all
these years. I once again congratulate the hon. the Leader of
the Opposition on bringing in this Bill.

DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman,
Sir, I am grateful to the hon. Members of the House for the
support they have given to this measure in such an abundant
degree. Suggestions were made and other things also cropped up.
For instance, the hon. Member Sri Sudarsanam Naidu rightly
brought up the question of the housing of the poor. We are all
aware of it. I am sure this House will always take a sympathetic
attitude and interest whenever any of these open spaces are to be
cleared, and necessary accommodation will be provided before action
is taken regarding the preservation of open spaces. After all, the
Bill is intended for the benefit of every section of the people
including the poorer sections who have not got the means at the
disposal of the richer people, namely, air conditioning, bigger open
spaces, buildings, etc. I repeat again that these amenities are
essential for the poorer sections of the people also and I think I

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may say that nobody appreciates the difficulties of the poor persons
so much as members of my profession because they come into
contact with them every day. We do not treat the rich alone, we
treat the poor people also.

Sir, certain suggestions have been made by the hon. Member
Sri V. V. Ramaswami because he is naturally anxious that the
Bill should be properly enforced. I am sure much will depend upon
the interest taken by the Government in enforcing the measure.
After hearing the Hon. the Revenue Minister, I have no doubt
whatever that the correct conventions would be established in the
enforcement of the various provisions of the Bill. I am grateful
to the hon. Members for the support they have given to this Bill.

Thank you, Sir.

MR. CHAIRMAN : The question is—

'That the Madras Preservation of Parks, Play-fields and
Open Spaces Bill, 1958 (L.C. Bill No. 3 of 1958), as amended by
the Select Committee, be taken into consideration.'

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

Clause 2.

MR. CHAIRMAN : The motion is—

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

* SRI P. S. KRISHNASWAMY AYYANGAR : Mr. Chairman,
Sir, I move the following amendment standing in my name—

"For the existing item (c) to clause 2, substitute the
following—

'(c) "open space" means any land, whether enclosed or
not, belonging to the Government or any local authority, which
bears no buildings on it or bears buildings on not more than one-
twentieth part of it and whose extent not covered by any building
is used or intended to be used by the public or any section thereof
for purposes of recreation, air or light'."

According to the wording in the Bill, a place will be called an
open space which may contain or may not contain buildings. If it
contains buildings, it should not contain buildings on more than
one-twentieth part of it. And then the latter portion of the defini-
tion says, 'the whole of which or the remainder of which'. 'The
whole of which' may also be related to the open space which has
got buildings. 'The whole of which' may mean the whole including
all the buildings thereon, if there are buildings on it. It may be
so interpreted. 'Or the remainder of which' may no doubt be
interpreted as 'remainder excluding the building'. It is capable

[Sri P. S. Krishnaswamy Ayyangar] [14th September 1959]

4-23 P¹⁰⁰ of creating confusion. Therefore, I have suggested this amendment. It is a clear improvement on the wording found in the Bill. Sub-clause (c) of clause 2 says—

“ ‘Open space’ means any land, whether enclosed or not, belonging to the Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is used for purposes of recreation, air or light.”

But, my amendment makes the matter clear and it creates no confusion.

SRI M. ETHIRAJALU : Sir, I second it.

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

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, this clause was discussed at considerable length in the Select Committee and hon. Members could see the underlining of the particular sentences there. It was the opinion of the Select Committee, after considerable discussion, that the clause should stand as it was approved by it. I think, Sir, what the hon. Member has in view has been more than covered by this clause.

* THE HON. SRI M. A. MANICKAVELU : Sir, if the hon. the Mover of the Bill has no objection, I may suggest the following :—

“ Add the words ‘by the public or any section thereof’ after the words ‘or the remainder of which is used’ and before the words ‘for purposes of recreation, air or light’.”

This would make it clear. As modified by my amendment, the sub-clause will read as follows :—

“ ‘Open space’ means any land, whether enclosed or not, belonging to the Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is used by the public or any section thereof for purposes of recreation, air or light.”

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I think that we had better give a little time to consider the point raised by the Minister for Revenue. The question is whether, after the words ‘is used’, the words ‘by the public or section thereof’ should be inserted or not. The inclusion of those words may probably be restrictive because if it is only used by the public or intended to be used by the public, then it would come under the definition of ‘open space’. I find that in the definition as

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it stands now, the words ‘is used for purposes of recreation’ are used. That is wider. But I find that in the Open Space Act of 1906, a similar definition is given. It runs as follows :—

“Any land whether enclosed or not, on which there are no buildings or of which not more than one-twentieth part is covered by buildings and the whole or the remainder of which is laid out or used for purposes of recreation by the public or any section thereof.”

So, we may give time to the House to consider whether we want restriction or not.

* SRI K. BALASUBRAMANYA AYYAR : Sir, this will be restrictive. Suppose the local authority has got open space for its own use; that may also come within the scope of the definition. We are now including it in the definition of ‘open space’ which is owned by the Government or by the local authority and which will be used by the public or by others for the purpose of recreation.

* SRI P. S. KRISHNASWAMY AYYANGAR : On a point of information, Sir. ‘Open space’ is intended for a particular purpose. Open space may be utilised for the purpose of storing gun-powder.

* SRI K. BALASUBRAMANYA AYYAR : Nobody suggests those dangerous things. Unfortunately, if the hon. Member has got that mentality, he must oppose the Bill. It is used for the purpose of recreation and that is not taken away.

* SRI P. S. KRISHNASWAMY AYYANGAR : Is it for the recreation of the staff of the municipality?

THE HON. SRI R. VENKATARAMAN : Sir, the sub-clause may stand as it is.

MR. CHAIRMAN : The question is—

“For the existing item (c) to clause 2, substitute the following :—

“(c) ‘open space’ means any land, whether enclosed or not, belonging to the Government or any local authority, which bears no buildings on it or bears buildings on not more than one-twentieth part of it and whose extent not covered by any building is used or intended to be used by the public or any section thereof for purposes of recreation, air or light.”

The amendment was put and lost.

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

“For existing item (d) of clause 2, substitute the following :—

“(d) ‘park’ means a piece of land bearing no buildings or bearing buildings on not more than one-twentieth part of it whose extent not covered by buildings is laid out as a garden with

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trees, plants or flower beds alone or in any combination thereof or is laid out as a lawn or as a meadow and maintained as a place for the resort of the public for all or any of the purposes of recreation, air or light."

Sir, my amendment relates to the definition of 'park'. There also similar wording is used. When the words 'with trees, plants or flower beds' are used, they are exclusive of one another. A place with trees alone may be called a park. A place with plants alone may be called a park. A place with flower beds alone may be called a park. If there is a combination of these things in one place, that would not come under the definition. Therefore, in my amendment I have used the words 'with trees, plants or flower beds alone or in any combination thereof'. That wording is clearer and so, I request the hon. the Mover of the Bill to accept my amendment.

SRI M. ETHIRAJALU : Sir, I second it.

MR. CHAIRMAN : Now the amendment is before the House for discussion.

* DR. A. CHIDAMBARANATHAN : Sir, I oppose the amendment. It is usual in legal language to use such expression as 'with trees, plants or flower beds or as a lawn or as a meadow'. In such cases, the interpretation that is usually given is 'with trees or plants or flower beds or as a lawn or as a meadow'. Therefore, there is no need for such an amendment.

SRI K. BALASUBRAMANYA AYYAR : That is not the point.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, the definition as it stands now is, in my opinion, quite right. It does not exclude combination of trees or plants or flower beds.

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

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, since the other amendment has fallen through, I do not press this amendment.

The amendment to sub-clause (d) was, by leave, withdrawn.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4.

MR. CHAIRMAN : The motion is—

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

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* SRI P. S. KRISHNASWAMY AYYANGAR : My amendment is not a substantial one. I want only a re-arrangement of the words. If it is acceptable to them, it may be accepted. Otherwise, I will not press it. I should know whether it is acceptable to them.

MR. CHAIRMAN : Is the hon. Member moving it?

* SRI P. S. KRISHNASWAMY AYYANGAR : Yes, I am moving it. It runs as follows:—

"In clause 4, for the existing sub-clause (1), substitute the following:—

(1) Any person interested may, within one month from the date of the publication of the list under sub-section (2) of section 3, submit to the Government his objections or suggestions in writing, in respect of anything contained in or relating to the list referred to in the said publication."

MR. CHAIRMAN : It should be seconded.

SRI M. ETHIRAJALU : I second the amendment, Sir.

* DR. A. CHIDAMBARANATHAN : I oppose it again. It is only for re-arrangement of the words of the sentence in the clause which already reads all right. Therefore, I oppose the amendment.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, there is another point which just struck me and I have also consulted the Mover of the Bill. Now the time allowed is one month for filing objections after the publication. I think one month is too short a time and we may increase it to three months. If the Chairman permits me, I would move the following amendment:—

"In sub-clause (1) of clause 4, for the words 'one month' substitute the words 'three months'."

DR. A. LAKSHMANASWAMI MUDALIAR : I have no objection to accept it, Sir.

The amendment of Sri P. S. Krishnaswamy Ayyangar was, by leave, withdrawn.

MR. CHAIRMAN : The question is—

"In sub-clause (1) of clause 4, for the words 'one month' substitute the words 'three months'."

The amendment was put and carried.

Clause 4, as amended, was put and carried.

Clause 5.

MR. CHAIRMAN : The motion is—

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

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

“ In sub-clause (3) (a), for the words ‘ five years ’, substitute the words ‘ ten years ’.”

The amendment was duly seconded.

* SRI T. PURUSHOTHAM : Sir, I think we can have the period as ten years. Sir, it will take about three or four years to review and draw up a list. There is also provision in clause 10 for submission of annual returns. These returns will be reviewed every year. Therefore, the provision under this clause might be ten years. I feel that would be better.

DR. A. LAKSHMANASWAMI MUDALIAR : I am sorry to oppose the amendment. If it is five years, at least within the term of Members of the Council which is six years, it might happen. I do not think five years is too short a period. Therefore, I am unable to accept the amendment, Sir.

* SRI T. PURUSHOTHAM : In view of the enlightenment thrown by the hon. the Leader of the Opposition, I seek the permission of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

SRI V. V. RAMASWAMI : In clause (b), also, it is one month. Is that enough?

Clause 5 was put and carried.

Clauses 6 and 7 were put and carried.

Clause 8.

MR. CHAIRMAN : The motion is—

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

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

“ In clause 8, omit the words ‘ except with the previous sanction of the Government ’.”

Sir, I think there seems to be no need for such a provision in this clause. On the other hand, there should be absolute prohibition of construction of buildings in public parks, play-fields, etc. This saving clause is not at all necessary.

* SRI K. BALASUBRAMANYA AYYAR : Sir, at the time this was discussed in the Select Committee, the Hon. the Finance Minister suggested that there should be a saving clause. If a particular place is needed for some other purpose, they may give

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some other place, and in such cases sanction of Government is necessary. It must be done by the Government finally and, therefore, this saving clause should be there.

MR. CHAIRMAN : The amendment is not seconded?

SRI T. PURUSHOTHAM : It was seconded by the Lady Member behind me. Lady Members will always support my amendment, Sir.

THE HON. SRI R. VENKATARAMAN : Even she disappointed you!

SRIMATHI JOTHI VENKATACHELLUM : I second it, Sir.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, I am sorry I cannot accept it. This was discussed at considerable length. Although I am generally not in favour of giving Government too much power, this is one of the cases where it is reasonable to give them some latitude. As my hon. Friend Sri Balasubramanya Ayyar said, there may be circumstances where an open space may be required for some purpose by the Government and they may offer some other place. It will be their responsibility to make available a fair extent of land for the purpose for which it is intended. After all is said and done, it is a change of heart that is required on the part of Government. I hope this will satisfy my hon. Friend Mr. Purushotham.

* SRI T. PURUSHOTHAM : If the hon. the Leader of the Opposition himself is for giving discretionary power to Government in such a matter, I have no objection to withdraw the amendment. I seek the permission of the House to withdraw it.

SRI MOHAMED RAZA KHAN : You may please add ‘ as usual ’.

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.”

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

(i) In clause 9, the sub-clauses (4) and (5) shall be renumbered as sub-clauses (5) and (6) respectively and before sub-clause (5) so re-numbered, insert the following as new sub-clause (4) :—

“ (4) If the Executive Authority apprehends that the owner or the occupier of a park or play-field intends to destroy, alter, deface or misuse the park or play-field or building on the site in

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contravention of the lawful directions issued in this behalf, the Executive Authority may make an order prohibiting any such action on the part of the owner or occupier."

(ii) In sub-clause (5) so renumbered, add the following as proviso :—

" Provided that it shall be competent for the Executive Authority to accept offer of transfer of the park or play-field to the local authority by sale or lease on such terms as may be mutually agreed to with the sanction of Government."

SRIMATHI JOTHI VENCATACHELLUM : I second it, Sir.

* SRI T. PURUSHOTHAM : Sir, my amendment seeks to provide that in cases where it is apprehended that the owner or occupier of a park, etc. is about to put up any building or any such construction, there must be power vested in the executive authority to stop such proceeding. In my speech during the first reading I have referred to a particular incident in which the authorities concerned wanted to build a residential hotel in a public garden. Even the Government could not in that case issue an order of stay. I do not want to say what exactly the Government wrote about it. But power to stay construction or proceeding with the same is absolutely necessary when we want to stop any vandalic act on the part of any one who wants to put up any building in contravention of any provisions of this Act. I propose that the executive authority may make an order prohibiting any such action. If it is considered too drastic to prohibit construction altogether, it could be altered suitably to defer action and in that form, if it could be accepted, I have no objection.

MR. CHAIRMAN : There are two amendments standing on the name of the hon. Member.

* SRI T. PURUSHOTHAM : After this part of my amendment is disposed of, we can take up the other part, Sir, and I shall speak on that afterwards.

* SRI K. BALASUBRAMANYA AYYAR : If a person intends to put up a building, for that 'intention', he should not be punished. It looks rather too drastic and too vague also. In these things, final action should be taken by the Government. This was discussed in the Select Committee. The Hon. the Finance Minister and the other Ministers were anxious that we should not ride roughshod over the rights of people. There must be publication and there must be revision. Time must be given for the purpose. Then, compensation will have to be given. Therefore, we must be careful in giving the Executive power in such matters. We cannot give them ample powers, which sometimes might be used without full knowledge of things. That is my difficulty in appreciating the amendment for the purpose of accepting it.

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* SRI T. PURUSHOTHAM : Without putting the hon. the Leader of the Opposition to the necessity of stating his views, I seek the permission of the House to withdraw the first part of my amendment. 4-40 p.m.

The first part of the amendment of Sri T. Purushotham was, by leave, withdrawn.

* SRI T. PURUSHOTHAM : Sir, the second part of my amendment is absolutely necessary. You will kindly find that the executive authority should be competent to accept voluntary offer of transfer of any park or playground. Here it is definitely stated that in all such cases the executive authority may proceed to acquire the land under the Land Acquisition Act of 1894. If a party comes forward voluntarily to sell or lease the land, it will not be possible to accept it without a definite provision of the kind. I have suggested not only sale but also lease. There may be cases in which the lands can be taken on lease for a short period on certain terms of agreement, say, for five years or ten years. A party may have objection to sell the lands outright and in such cases I think there must be some provision for coming into agreement with the parties for leasing the lands for maintenance of public parks and playgrounds by the local authority. I have also suggested that this can be done with the sanction of the Government, as a safeguard for the local authority.

* SRI K. BALASUBRAMANYA AYYAR : This was also discussed and thought of. The difficulty is this. For instance, when the Corporation of Madras wanted to take over any particular piece of land, sometimes there was objection that the Commissioner had not proceeded in the matter properly. There was even suspicion thrown on the conduct of the Commissioner in particular cases. The conduct of the Executive Authority will be open to serious doubts about the effecting of sale or transfer. It is better, on the whole, to give however to Government to acquire the land publicly. That will be the best thing under the present circumstances. Otherwise, there will be quarrel between the parties. They may impute motives. Therefore, it is safer on the whole to acquire the land, even though I agree with the hon. Member that the procedure suggested by him will be a speedier one for the purpose of getting the sale effected.

SRI T. PURUSHOTHAM : There is no provision at all in the Bill for lease.

* SRI K. BALASUBRAMANYA AYYAR : They can always take the land on lease. There is a general provision in the Transfer of Property Act. When there are owners, they can do it. But the difficulty is this. There may be criticism that the executive authority has paid a lot of money unnecessarily. People may say, 'You have paid more than the market rate. You colluded'. That is the most dangerous thing. The executive

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authority will be liable to all these charges. Especially when there is some faction, there will be difficulties. It is always better to resort to acquisition proceedings. That will be best under the circumstances and safest too.

* SRI T. PURUSHOTHAM: As we are anxious to ensure the unanimous passage of this Bill, I seek the permission of the House to withdraw the second part of my amendment also.

The second part of the amendment of Sri T. Purushotham was, by leave, withdrawn.

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

“ In sub-clause (5) of clause 9—

(i) for the words ‘ his rights ’ wherever they occur, substitute the words ‘ his or its rights ’;

(ii) for the words ‘ the owner, person or authority in occupation ’ wherever they occur, substitute the words ‘ he or it ’.

Sir, sub-clause (5) of clause 9 states that any owner or person or authority in occupation of a vacant space or park may like to divert the open space or park for some other purpose than that for which it was intended. In such cases, that owner or person or authority in occupation may offer to sell it away to the executive authority or to the Government. Here, there are three categories of persons mentioned, viz., owner, person or authority. ‘ His rights ’ are the words that are used. Authority is an impersonal body and with reference to it, the word ‘ rights ’ will have to be preceded by the word ‘ its ’, and in the case of a owner or a person, the word ‘ his ’ would be the proper word. When the rights refer to the owner’s rights or to the authority’s rights, the proper expression to be used is ‘ his or its rights ’.

Again, in the latter portion also the expression ‘ the owner, person or authority in occupation ’ is mentioned. This expression is repeated in two places. Instead of that, the word ‘ he ’ meaning the owner or person in occupation and the word ‘ it ’ referring to the authority will do. Where you have got the expression ‘ his rights ’, have it changed as ‘ his or its rights ’. Where you have got the expression ‘ the owner, person or authority in occupation ’, have the expression changed into ‘ he or it ’. That is the amendment which I have proposed.

SRI N. ANNAMALAI PILLAI: I second the amendment.

* SRI K. BALASUBRAMANYA AYYAR: Our remembrance is that according to the General Clauses Act, the word ‘ his ’ includes ‘ its ’. If not, we will accept the amendment. It is only a verbal amendment.

As regards the second point, of course, we can say ‘ he or it ’. But we have repeated the words again.

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* SRI P. S. KRISHNASWAMY AYYANGAR: On a point of clarification. A word of the masculine gender may refer to a word of the feminine gender. But a word of the neuter gender will not refer to a word of masculine or feminine gender. We always say ‘ man embraces woman ’. But nowhere it is stated that woman embraces man, even in the General Clauses Act. (laughter.)

SRI V. V. RAMASWAMI: இந்த வயதிலே இப்படியெல்லாம் சொல்பவர்கள் ?

THE HON. SRI R. VENKATARAMAN: I suggest the discussion on this clause may be taken up a little later.

Mr. CHAIRMAN: The discussion on this amendment will be taken up a little later.

We now proceed to Sri T. Purushotham’s amendment to insert new clause 9-A.

4-50
p.m.

* SRI T. PURUSHOTHAM: Sir, I move the following amendment which stands in my name:—

‘ After clause 9, add the following as new clause 9-A:—

“ 9-A. If any park, play-field or open space in any local area under the jurisdiction of the executive authority is in a neglected state and there is no one claiming the same, the executive authority shall arrange to take over the said park, play-field or open space with the approval of the local authority and the park, play-field or open space shall thereafter vest in the local authority and it shall be competent for the executive authority to arrange for the proper maintenance of the same.”

SRIMATHI JOTHI VENCATACHELLUM: I second the amendment, Sir.

DR. A. LAKSHMANASWAMI MUDALIAR: This will lead to difficulty. All absentee landlords may not be in a position to respond and, if the executive authority takes over, he has got a right for a number of years—I am told for twelve years. So, the whole thing will be infructuous. The authority concerned will also be liable for damages and further action.

The amendment was, by leave, withdrawn.

Clauses 10 to 14 were put and carried.

The Schedule was put and carried.

Clause I.

* SRI P. S. KRISHNASWAMY AYYANGAR: I move the following amendment which stands in my name:—

“ In the heading of clause 1, for the word ‘ extend,’ substitute the word ‘ extent.’ ”

The amendment was duly seconded.

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DR. A. LAKSHMANASWAMI MUDALIAR: This is a printing mistake. I accept the amendment.

MR. CHAIRMAN: The question is—

"In the heading of clause 1, for the word 'extend,' substitute the word 'extent.'"

The amendment was put and carried.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, I move the following amendments which stand in my name:—

"In item (ii) of sub-clause (3), omit the words, 'in the State'."

"In sub-clause (4)—

(i) omit the words, 'from time to time'.

(ii) after the words 'by notification' and before the word 'extend', insert the words, 'issued from time to time'.

(iii) add the following words at the end of sub-clause (4), namely, 'by another notification'."

Now, there is provision for bringing into force certain things by notification and the Government may also cancel it. It says 'cancel'. In what way, has been stated in the clause. Therefore, I say, 'cancel it by another notification'. Unless we say that, the method of cancellation will remain unsettled. In what way should it be cancelled? Is it by an order, by circular, or is it by any notification to be published in the Gazette? I, therefore, suggest the addition of the words 'by another notification'.

The amendments fell through for want of a seconder.

Clause 1, as amended, was put and carried.

The Preamble was put and carried.

Clause 9 (continued).

DR. A. LAKSHMANASWAMI MUDALIAR: Sir, I accept the amendment of the hon. Member Sri P. S. Krishnaswamy Ayyangar.

MR. CHAIRMAN: The question is—

"In sub-clause (5) of clause 9—

(i) for the words 'his rights' wherever they occur substitute the words 'his or its rights'.

(ii) for the words, 'the owner, person or authority in occupation,' wherever they occur substitute the words 'he or it'."

The amendment was put and carried.

Clause 9, as amended, was put and carried.

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DR. A. LAKSHMANASWAMI MUDALIAR: Sir, I move—

"That the Madras Preservation of Parks, Play-fields and Open Spaces Bill, 1958 (L.C. Bill No. 3 of 1958), as amended, be passed."

I am grateful to the hon. Members for the support that they have given to this Bill and I am glad to note that some of the hon. Members have thoroughly gone through every word of it and suggested amendments. If any of those amendments have not been accepted, it is because the matter was fully discussed in the Select Committee. I am glad that the amendments of the hon. Member Sri P. S. Krishnaswamy Ayyangar have been accepted in two or three respects at least. I hope he will not feel that we have not taken his amendments seriously. I thank the House once more for passing this Bill.

MR. CHAIRMAN: Motion moved—

"That the Madras Preservation of Parks, Play-fields and Open Spaces Bill, 1958 (L.C. Bill No. 3 of 1958), as amended, be passed."

SRI L. S. KARAYALAR: Mr. Chairman, I just rise to thank the hon. the Leader of the Opposition, Dr. A. Lakshmanaswami Mudaliar, for having brought in this Bill and passed it through. As he has said on so many occasions, it is so difficult to get a private measure passed either through this House or the other House. It requires all the wisdom of Solomon to draft a Bill, and then to have it passed through, it requires the patience of Job. In these two respects he has exercised this quality in an abundant measure and brought in this Bill. I have got only a request to make to the Government, that is, to make this Bill very effective. Once a measure is put on the statute-book, there is no difference between a private Bill and a Government Bill. If only Government will see that this measure is very effectively carried through, it will do a lot of good not only to the children but to the grown-ups also.

As I was listening to the passing of the second reading of the Bill, Dr. A. Lakshmanaswami Mudaliar began opposing amendment after amendment. He accepted one or two amendments. I think all those people who move Bills, whether they are on the Treasury Benches or on the Opposition, belong to the same class. I have seen Minister after Minister opposing every amendment brought forward in this House except on rare occasions. Even though he is the Leader of the Opposition, Dr. A. Lakshmanaswami Mudaliar also began opposing the amendments of the hon. Member Sri P. S. Krishnaswamy Ayyangar, which were technical or related to punctuation or grammatical mistakes. Some of his amendments have been accepted. I want to make one request to the Leader of the Opposition. It is very rare that a private measure is passed in this House. He should not rest on his oars. Because men of his eminence, men of his integrity

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and character and wide knowledge should bring in more Bills, and by the time he retires from this House—I am sure it will be after another fifteen years or so—the Madras Codes and Laws will have at least a dozen statutes to his credit. Thank you very much, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR: Sir, this is a welcome piece of legislation. It is very desirable and it is welcomed by all. Yet, I have got one doubt with regard to a portion of it, viz., whether park or vacant space will include swimming pools which are also intended for recreation and other things. Some pools are found in the midst of vacant space. Will they also come within the scope of the Bill? There may be swimming pools of a very large extent where people go and swim as a sort of recreation. Will that place be included in the words that have been defined here? This thing I am not able to see. No doubt, when the Bill was discussed in the first reading stage, I wanted to point out this thing. But I could not express my opinion because I was not given a chance. Now I express this opinion of mine. There is this lacuna if it would not include swimming pools and the like.

5 p.m. * THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I rise to congratulate Dr. Mudaliar on the rare privilege and unique honour of having the first non-official Bill put through in this House. In the course of his speech, moving for the consideration of this Bill, Dr. Mudaliar was a little regretful of the time it had taken, and felt that he had to wait for three long years before it could come to this stage. But an eminent legislator that Dr. Mudaliar is, he is familiar with the old expression in Parliament that it is easy to pass a camel through the eye of a needle rather than get a private Bill passed through Parliament. That has been the experience of all the legislators all over the world, and I must say, considering the time taken, Dr. Mudaliar has been fairly successful in piloting it quickly.

This Bill ensures the lungs—the open spaces—for the benefit of the people of Madras. It contains many varied, valuable, and, if I may say so, pious expressions of hope. I would draw the attention of the House to clause 10 of this Bill where the removal of an unauthorised person is permitted. As one who is in charge of slum clearance, I have to share with the House, my feeling, namely, that it is easier to build palaces than remove slums and clear them, and provide the dwellers with alternative accommodation. They are so inured to the conditions under which they live that they think that even a change for the better is not worth having as a change. So, it is not very easy for Government to implement all the provisions of the Bill, though the Government may feel quite anxious to see that the spirit of the provisions of the Act is carried out, and that too, as quickly as possible. In this, I am quite sure, since the Bill has come not from the Treasury

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Benches but from the Opposition, we will have the willing co-operation and support of all the Members of the Opposition particularly in seeing that the Government's efforts to preserve open spaces and parks, which serve as the lungs of the City, are maintained as such for the benefit of the people.

This is an occasion when the House has joined in paying a tribute to Dr. Mudaliar. I may say that it is the practice in other Legislatures that when a private Bill is passed, they use to name the Bill after the Mover. In the United States, they used to say 'Taft-Hartley' Act. This Act has created a lot of controversy in the United States. Even in our own country, the Act which increased the age of girls for marriage, is called the Sarada Act, because it is a lady by name Sarada who brought forward that measure. I am quite sure that Dr. Mudaliar will go down in history for having put down on the statute-book a 'Mudaliar Act' for the benefit of the people.

DR. A. LAKSHMANASWAMI MUDALIAR: Sir, I am grateful to the Leader of the House for the very kind remarks that he has offered and for the valuable support that he has given to this measure as well as his colleagues. I am sure with this support I can envisage a smooth sailing in the other House as well at a very early date. I am sure that I can count on the support of the Treasury Bench. I hope all the Members of the Treasury Benches will give all support possible to the Bill. I must say that it was with great hesitation that I brought forward this Bill, and I am repeating that it was not my anxiety to bring in a private Bill. But I thought the measure deserved support and would get support. I am not disappointed at all. I must thank you, Sir, for all the opportunities you have given. I must thank your Secretary and the staff for the very kind co-operation they have given me at successive stages of the Bill. I thank all hon. Members once more for the support they have given. I am happy that many more Bills of this nature will get the unanimous support of all the Members of the House, because, after all, whether we call ourselves 'Opposition' Members or Members on the Treasury Bench, our one objective is to do something good to the people of the country. Thank you, Sir. (Cheers.)

MR. CHAIRMAN: The question is—

"That the Madras Preservation of Parks, Play-fields and Open Spaces Bill, 1958 (L.C. Bill No. 3 of 1958), as amended, be passed."

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

MR. CHAIRMAN: Now it is my turn to congratulate Dr. Lakshmanaswami Mudaliar on the very efficient and capable way in which he has piloted this Bill. As the Hon. Mr. Venkataraman said, this is the first time that a private Bill has passed through

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OPEN SPACES BILL, 1958 (L.C. BILL NO. 3 OF 1958)

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this House. We have to congratulate Dr. Mudaliar on this. It was a pleasure to see the Bill go through this House. Both the Government side and the Opposition agreed with every clause in the Bill. I also hope, along with other Members, that more private Bills will be brought forward in this House. After all, it is not for the Government alone to bring in Bills. All the Members here represent the whole State, and it is their duty, whenever they find it necessary so to do, to bring in Bills.

I again congratulate Dr. Mudaliar on the wonderful way in which he has piloted this Bill. There is no use of praising him, because everybody knows his capabilities. I myself have the pleasure and honour of working with him in many other spheres. Wherever he goes, he shows great capacity for leadership. He knows how to get things through. I once again congratulate Dr. Mudaliar.

To-morrow we shall meet at 11 a.m. and go on till 1 p.m. and again meet at 2-30 p.m. and go on till 4 p.m.

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

The House then adjourned.

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APPENDIX I.

[Vide answer to clause (c) of starred question No. 52, asked by Vidwan T. Muthukannappan at the meeting of the Legislative Council held on 14th September 1959 page 366 supra.]

REPORT OF BHISHAK K. S. RANGANATHAN, B.SC. (Agri.), DIP. GERM., DIP. FR., AS SPECIAL OFFICER FOR IDENTIFICATION OF MEDICINAL PLANTS IN THE FORESTS OF MADRAS STATE.

In G.O. Ms. No. 1176, Health, dated 31st March 1955, the Government approved the proposal of the Honorary Director of Indigenous Medicine, Madras, for the appointment of the Superintendent, Medicinal Farm of the Government College of Indigenous Medicine as the Special Officer for the identification of medicinal plants in the forests of the Madras State without detriment to his normal duties. Accordingly I entered on my duties as the Special Officer for the identification of medicinal plants on the forenoon of 1st July 1955 and relinquished the same on the afternoon of 31st December 1955 on the expiry of six months period specified in the above Government Order.

For a period of fifteen days in each of the months of July to November 1955 I toured respectively the Forest divisions of Tinnevely, Kollegal, Madurai West, Coimbatore South and South Kanara. In December 1955 I toured for 25 days the forest divisions of Palghat and Wynaad and the six monthly reports were already submitted to the Dean, Hospital and College of Indigenous Medicine, then and there in the month following that of the tour and copies of the same were duly forwarded to the Conservator of Forests, Development Circle, Madras-5, through the Dean.

As required in sub-paragraph (2) of paragraph 1 of the Government Order the specimens in batches were sent to the Chemistry department of the Presidency College. The reports on the identification of some batches were received and those on other batches are awaited. The Professor of Chemistry of the Presidency College has suggested the chemical investigation of some species and the District Forest Officer with jurisdiction over the area where the plants were collected has been requested to collect and despatch the material.

With reference to sub-paragraph (3) of paragraph 1 of the Government Order, some species have been brought down here and are being cultured under my personal supervision.

The implementation of sub-paragraph (4) of paragraph 1 can be effected after the completion of the preliminary work mentioned above.

The number of medicinal plants grown in India has been estimated differently by different authorities. According to Chopra it is over 2,000 (1). Professor Balwant Singh of the College of Ayurveda of the Banaras Hindu University estimates it about 500 (2).

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The earliest mention of the use of plants in the treatment of diseases is made in the Rig-Veda (4500 B.C.) and the later Atharva Veda of which Ayurveda is a part. Many plants are mentioned in Sushruta (1000 B.C.) and by Charaka who is almost contemporaneous with Sushruta. Dioscorides mentions many Indian plants used in medicine particularly the aromatic group of drugs for which India has always been famed. There is historical evidence for the existence of trade in Indian drugs between India and Rome many centuries ago. Pliny complained of the heavy Indian import of costly Indian drugs leading to the drain of Roman gold. Col. Chopra quoting Captain Johnston saint writes, "The *Materia Medica* of Ancient Hindus is a marvel from which both the Greek and Roman freely borrowed."

After the period of the Tantras and Siddhas, Hindu medicine rapidly declined. Original thought was at a discount, probably, due to the lack of State patronage owing to the successive foreign invasions by the Greeks, Scythians and Mohammadans. The greater tragedy however was the loss or mutilation of gems of wisdom and experience-acquired during centuries because of the disordered political situation.

There is evidence to show that even in the early Buddhist period pharmaceutical gardens were established for growing drugs and herbs for supply to the physician (1).

The problem before us is to get together a list of plants which are used in medicine. An admirable and fairly comprehensive list has already been drawn up by Chopra (1), it may only require a small addition of some drugs peculiar to some systems (3).

The next step will be to divide this list into suitable groups, each group consisting of plants which can be grown in certain localities. Attention in this connection is invited to my suggestions for incorporating certain schemes in the Second Five-Year Plan (please vide my letter No. F1/54, dated 1st December 1954) and my memorandum to the Chairman of the Development Council of Pharmaceuticals and Drugs (vide my letter No. F 19/55, dated 21st January 1956).

If the proposals in the first of the above references be accepted the farms that will be established consequently may be in the overall charge of an officer (tentatively the designation of this officer may be Forest Utilisation Officer (Medicinal Plants) in the grade of the Assistant Conservator of Forests. The medicinal farm at present in charge of the Department of Indigenous Medicine may be handed over to the forest department to be in the direct control of the Forest Utilisation Officer (Medicinal Plants) who will utilise it among other things as a field laboratory for conducting experiments, preservation of sheets, storing of raw drugs for supply to the Pharmacy of the Government College of Indigenous Medicine, storing seed materials, etc. There may be one assistant here at his headquarters. The Forest Utilisation Officer (Medicinal Plants) will tour and inspect the regional farms from time to time and forest areas for collecting drugs, etc., when necessary. The Forest

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Utilisation Officer (Medicinal Plant) will be the head of office under the immediate control of the Conservator of Forests, Development Circle, Madras-5. There will be no extra expenditure to Government as it will be only a transfer of existing staff from one department to another. If regional farms are started there might be some extra expense depending on the number of the farms and their area. If this scheme is implemented pharmacies will be assured genuine drugs.

As recommended in the letter R.C. No. 1210/S.O./46, dated 14th December 1946, from the Special Officer for Reorganisation of the Department of Indian Medicine to the Secretary to the Government of Madras in Education and Public Health Department, the pharmacy of the hospital of Indigenous Medicine should be so expanded as to cater to the needs of all hospitals and dispensaries of Indian Medicine in this State as well as to sell the medicine to public. This will increase demand for raw drugs and herbs from the pharmacy for supply from the medicinal farm. This will increase the revenue to the Medicinal Farm (though not actual transaction of money between the pharmacy and the medicinal farm). Besides by proper cultivation and application of scientific methods, the alkaloids and other contents may be increased. It may not be necessary to start all the regional farms at once, if financial considerations are against such a course.

To keep alive the work of proper fixation of the source plant and to undertake chemical analysis, etc., in short to bring to proper fruit the idea behind the G.O. Ms. No. 1176, Health, dated 31st March 1955, by which the Special Officer was appointed, a special standing committee the following may be appointed and the duties of the Committee fixed :—

- 1 Assistant Director of Medical Services (Indigenous Medicine)
—Chairman.
- 2 Dean, Hospital and College of Integrated Medicine, Madras—Member.
- 3 Professor of Chemistry, Presidency College, Madras—Member.
- 4) Three Lecturers in *Materia Medica* of the Government College
- 5) of Indigenous Medicine—one each of Ayurveda, Siddha and
- 6) Unani sections—Members.
- 7 The Chief Conservator of Forests or his nominee—Member.
- 8 The Professor of Pharmacology of one of the Medical Colleges in Madras—Member.
- 9 The Director of Agriculture or his nominee—Member.
- 10 Superintendent, Medicinal Farm, Government College of Indigenous Medicine—Member-Secretary.

In conclusion I beg to be given the opportunity to thank the Government for having given me the scope to play my humble part in this noble work. Further my very grateful thanks are due to the various officers of forest department for their uniform kindness, courtesy and helpful co-operation. I may be pardoned,

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if I mention by name Mr. Basu, the Chief Conservator of Forests, Madras, Mr. V. S. Krishnaswami, the Conservator of Forests, Development Circle, Madras, Mr. Badsha, the Personal Assistant to the Chief Conservator of Forests, Messrs. P. Narayanan Nair, T. Thirumalraj, K. Shanmuganathan, T. Achayya, E. Jacob, K. Venkatakrishnan, M. Thiagarajan, H. M. A. Quraishi, F. Kunders, K. Kariappa, H. M. A. Rahamatulla, D'Souza, T. Thevar and V. Kundos and a host of Range officers, too numerous to mention by name but not on that account less worthy of my gratitude.

Reference—

1. Chopra, R. N.—Indigenous drugs of India.
2. Balwant Singh—Scheme of research work for the identification of herbs and standardization of raw drugs—Appendix XIII-A of the Report of the Ayurveda and Unani Systems Reorganization Committee of the Government of United Provinces, 1948.
3. List of raw drugs, etc., approved in G.O. No. 2411, P.H., dated 4th October 1929.

K. S. RANGANATHAN,

Superintendent, Medicinal Farm.

24th February 1956.

[Enclosure]

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ENCLOSURES.

(1)

Letter from the Superintendent, Medicinal Farm, College of Indigenous Medicine, Madras-10, addressed to the Dean, Hospital and College of Indigenous Medicine, Madras-10, dated 1st December 1954, No. F1/54.

[Planning—Second Five-Year Plan—Formulation of. *Reference.*
—Dean's Memorandum No. 41623/G-3/54, dated 29th November 1954.]

Following is my suggestion regarding the establishment of Herbarium and Medicinal Farms in this State :—

At least five medicinal farms are to be started in this State excluding one now existing which is attached to the College of Indigenous Medicine, Madras.

One herbarium at Madras is necessary for collection and preservation of sheets of plants of medicinal importance.

These five medicinal farms should be in five different regions of the State representing five important ecological conditions, viz., (1) Temperate (Coimbatore), (2) Tropical (Malabar), (3) Hilly (Ootacamund), (4) Xerophytic region (Ramanathapuram) and (5) Deep alluvial region (Tanjore). The medicinal farm at Madras should be expanded and an herbarium be attached to it.

The five medicinal farms in mufassal places should be in administrative control of Forest Department and be established in forest areas excluding one in Tanjore district (non-forest area) and be in technical control of the department of Indigenous Medicine.

The herbarium and six medicinal farms will be under the immediate charge of seven Assistant Superintendents. They will be technically controlled by the Superintendent who will be under the department of Indigenous Medicine. The administrative control of the five Assistant Superintendents who will be in mufassals will be under Forest Department. One Assistant Superintendent for herbarium and one for farm at Madras will be under the department of Indigenous Medicine. Each medicinal farm will be at least 20 acres with good water facilities.

The present medicinal farm at Madras should be well equipped as follows :—

Exploiting sub-soil water if necessary by bore wells.

Two electric motor pump sets to be installed after deepening and percolation test.

Quarters for the staff to be erected.

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Following will be the staff of the Herbarium and Medicinal Farms in the State (including the Staff working at present in the medicinal farm at Madras):—

Executive staff.

One-Superintendent.

Seven Assistant Superintendents (including one now working) (six for farms and one for Herbarium).

Two attenders to collect and preserve the herbarium sheets (at the herbarium).

Six Maistries (one at each medicinal farm to look after the work of the gardeners including one now working).

Eight peons (one each at herbarium and medicinal farm and one to the Superintendent's office).

One hundred and twenty gardeners (20 for each farm including three now working).

Seven watchmen (one for each farm including one working and one for herbarium).

Ministerial staff.

One Accountant (to the office of Superintendent).

Seven lower division clerks and one typist (one lower division clerk and one typist to the office of Superintendent and one clerk for each farm).

Objects of the farm and herbarium.—(1) To collect all the herbs of medicinal importance in the State and to preserve them in Herbarium and to cultivate them in the Medicinal Farms.

(2) The herbs will be supplied to medical institutions, pharmacies, village vaidyas and bona fide public.

The scale of pay of Superintendents will be as follows:—

To the Superintendents Rs. 260—700 (as to the Gazetted Officer of the Forest Department).

To the Assistant Superintendents Rs. 150—25/2—250 (as to Lecturer, Grade II, in Department of Indigenous Medicine).

1. Pay of establishment—

	RS.
One Superintendent of Herbarium and Medicinal Farm Rs. 260—700, $1 \times 260 \times 12 =$	3,120
Seven Assistant Superintendents of Herbarium and Medicinal Farms Rs. 150—25/2—250. $7 \times 150 \times 12 =$	12,600
Two attenders Rs. 25—1—40 $2 \times 25 \times 12 =$	600
Six maistries Rs. 20—1—30 $6 \times 20 \times 12 =$	1,440
Eight peons Rs. 16—1—25 $8 \times 16 \times 12 =$	1,536
120 Gardeners Rs. 16—1—25 $120 \times 16 \times 12 =$	23,040

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	RS.
Seven watchmen, Rs. 16—1—25 $7 \times 16 \times 12 =$	1,344
One accountant, Rs. 80—3—95-5-110 $1 \times 80 \times 12 =$	960
Seven lower division clerks, Rs. 45-3-60-2-90 $7 \times 45 \times 12 =$	3,780
One typist (Rs. 45-3-60-2-90)+10 $1 \times 45 \times 12+10 =$	550
Total ..	48,978

NOTE.—The above expenditure is for one year only.

II. Contingencies, manure, seeds, etc.	50,000
Total ..	98,978
or	1,00,000

NOTE.—(1) The above expenditure is for one year only.

(2) As the forest land under Government control is available for this purpose, the cost of land is not included here.

(2)

Letter from the Superintendent, Medicinal Farm, College of Indigenous Medicine, Madras, addressed to the Chairman, Development Council for Pharmaceutical and Drugs, No. 6, Dr. Thomas Road, Madras-17, through the Dean, Hospital and College of Indigenous Medicine, Madras, dated 21st January 1956, No. F. 19/56.

[Medicinal plants—Cultivation of medicinal plants in India. *Reference.*—Letter from Chairman, Development Council for Pharmaceuticals and Drugs, Government of India, dated 24th November 1955.]

I am furnishing information on the following points:—

I. What plants grow in India at present?

According to the 'Indian Medicinal Plants' by Kirtikar and Basu there are as many as 2,500 species of medicinal plants in India at present. This includes both major and minor importance.

However, I am giving below some selective medicinal plants which may be given due consideration for expansion:—

- 1 Acalypha indica, Linn.
- 2 Aconitum Heterophyllum, Wall (Non-poisonous aconite).
- 3 Aconitum Spicatum, Stapf. (Poisonous) Nepal aconite.
- 4 Adonis Oestivalis.
- 5 Aloes.
- 6 Anamirta Paniculata.
- 7 Anacyclus Pyrethrum.
- 8 Aristolochia Indica.
- 9 Aesculus Hippocastanum.
- 10 Anthemis Gayana.
- 11 Artemisia Absinthium.

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- 12 * *Arachis Hypo* Gaea, Linn (Groundnut).
- 13 *Abroma Augusta*, Linn (Perennial Indian hemp or Devil's cotton).
- 14 *Abrus Precatorius*, Linn (Indian Liquorice).
- 15 *Acorus Calamus*, Linn (Sweet flag).
- 16 *Adhatoda Vasica*, Nees. (Malabar Nut Plant).
- 17 *Aegle Marmelos*, Corr. (Bael fruit).
- 18 *Alangium Salvifolium*, Wang (Sage leaved Alangium).
- 19 * *Allium Sativum*, Linn (Garlic).
- 20 * *Allium Cepa*, Linn (White or red onion).
- 21 *Alpinia Galanga*, Willd (Galangal).
- 22 *Alstonia Scholaris*, R.Br.
- 23 *Andrographis Paniculata*, Nees (The creat).
- 24 *Antiaris Toxicaria*, Iesch. (The upas tree).
- 25 * *Areca Catechu*, Linn. (Betal nut palm).
- 26 *Argemone Mexicana*, Linn (The mixican poppy).
- 27 *Artemisia Maritima*, Linn (Worm wood).
- 28 *Atropa Belladonna*, Linn (Deadly night shade).
- 29 *Balsamodendran Mukul*, Hook (Gum gugul).
- 30 † *Bassia* sp. (The Mahua tree).
- 31 *Herberis* sp. (The berberry).
- 32 *Boerhavia Diffusa*, Linn.
- 33 *Butea Frondosa*, Roxb. (Bengal Kinoo, Butea gum).
- 34 *Blumea Lacera*, DC (Indian Camphor).
- 35 *Buxus Sempervirens*.
- 36 *Brassica Alba*.
- 37 *Betula* Sp.
- 38 *Caesalpinia Bonducella*, Fleming (Physic nut, Bonduc nut).
- 39 † *Cassia Angustifolia*, Vahl. (Senna plant).
- 40 *Cassia Auriculata*, Linn. (Tanner's Cassia).
- 41 * *Carica Papaya*, Linn (The papaya).
- 42 * *Camellia Theifera*, Griff. (Tea plant).
- 43 * *Coffea Arabica*, Linn. (Coffee plant).
- 44 *Cannabis* Sp., Linn. (The hemp plant—Excise restriction).
- 45 † *Carum Carvi*, Linn (The Caraway seed).
- 46 * *Carum Copticum*, Benth (Bishop's weed).
- 47 * *Cuminum Cyminum*, Linn (Cumin).
- 48 * *Caryophyllus Aromaticus*, Linn (Cloves).
- 49 *Cephalandra Indica*, Naud.

* Cultivated.

† Occasionally cultivated.

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- 50 *Chenapodium* Sp. (American worm seed).
- 51 * *Cinchona Cortex* (Cinchona bark).
- 52 † *Cinnamomum Camphora*, Nees. (Camphor Tree).
- 53 *Cinnamomum Zeylanicum*, Breyn.
- 54 *Citrullus Colocynthis*, Schrad (Bitter apple).
- 55 * *Citrus Medica*, Linn. (Lime and Lemon).
- 56 *Colchicum Luteum*, Baker (Substitute in India for true colchicum).
- 57 *Crocus Sativas*, Linn. (Saffron).
- 58 *Croton Tigilium*, Linn.
- 59 * *Cymbopogan*, Sp.
- 60 *Cissampelos Pareira*.
- 61 *Cyclea Peltata*.
- 62 *Coscinium Fenestratum*.
- 63 *Claviceps Purpurea*.
- 64 *Calophyllum Inophyllum*.
- 65 *Cinnamomum Cassia*.
- 66 *Coriandrum Sativum*.
- 67 *Capsicum Minimum*.
- 68 *Cimicifuga Foetida*.
- 69 *Datura* Sp.
- 70 † *Digitalis Purpurea*, Linn (Foxglove).
- 71 *Dalphinium Elatum*.
- 72 * *Elatteria Gardamomum*, Maton (The lesser cardamom).
- 73 *Ephedra* Sp.
- 74 *Euonymus Tingens*, Wall. (Dogwood or Spindle Wood).
- 75 *Eugenia* Sp.
- 76 *Erigeron Canadensis*.
- 77 *Embelia Ribes*.
- 78 † *Erythroxylon Coca*, Linn (Excise restriction?).
- 79 * *Eucalyptus* Sp.
- 80 *Euphorbia Pilulifera*, Linn.
- 81 *Ferula Foetida*, Ragel (Asafoetida).
- 82 † *Foeniculum Vulgare*, Gaertn (The fennel).
- 83 *Fumaria Indica* and *Parviflora*.
- 84 *Gaultheria Fragrantissima*, Wall (Indian winter green).
- 85 *Gentiana Kurroo*, Royle (Gentian).
- 86 *Glycyrrhiza Glabra*, Linn (Liquosice).
- 87 *Gymnema Sylvestre*, Br.
- 88 *Hedyotis Audicularia*, Linn.

* Cultivated.

† Occasionally cultivated.

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- 89 Helicteres Isora, Linn (The East Indian Screw tree).
- 90 Hemidesmus Indicus, R. Br. (Indian Sarasaparilla).
- 91 Herpestis Monniera, H.B.K.
- 92 Holarrhena Antidysenterica, Wall (Tellicherry bark).
- 93 Hyoscyamus Niger, Linn (Henbane).
- 94 Humulus Lupulus.
- 95 Hydnocarpus Wightiana, Blume.
- 96 Ipomea Turpethum, Br. (Indian jalap).
- 97 Juniperus communis, Linn.
- 98 Jatropha Palmata.
- 99 Lobelia Nicotianae Folia.
- 100 Melaleuca Leucadendron.
- 101 Matricaria Chamomilla.
- 102 Mallotus Philippinensis, Muell (Kamala or Rottlera).
- 103 Melia Azadirachta, Linn (Margosa tree).
- 104 Moringa Pterygosperma, Gaertn (Drum stick).
- 105 Mentha Piperata, Linn (Peppermint plant).
- 106 Mentha Arvensis, Linn (The Marsh mint).
- 107 Myristica Fragrans, Hoult (The nut mug).
- 108 Nicotiana Tabacum.
- 109 Papaver Somniferum, Linn (White poppy).
- 110 Peucedanum Graveolens, Benth (The dill).
- 111 Peganum Harmala, Linn (Syrian Rue).
- 112 Picrasma Quassioides, Benn.
- 113 * Piper Betle, Linn (Betel Leaf).
- 114 † Pimpinella Anisum, Linn (The Anise).
- 115 Pinus Longifolia, Roxb. (Chir pine).
- 116 † Piper Cubeba, Linn (Cubeb).
- 117 * Piper Nigrum (Pepper).
- 118 Pistacia Integerrima, Stewart.
- 119 Plumbago Ovata, Forsk. (Ispaghula, Spogel seeds).
- 120 Plumbago Sp.
- 121 Podophyllum Emodi, Wall. (Indian Podophyllum).
- 122 Pongamia Glabra, Vent.
- 123 Psoralea Corylifolia, Linn (Babehi).
- 124 Psychotria Ipecacuanha, Linn.
- 125 Picrorhiza Kurrooa, Benth.
- 126 Punica Granatum.
- 127 Papaver Rhoas.
- 128 Polygala Sp.

* Cultivated.

† Occasionally cultivated.

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- 129 Pimenta Acris.
- 130 Polyporus Officinalis.
- 131 Prunas Amygdalus.
- 132 † Rauwolfia Serpentina, Benth (recently).
- 133 Rheum Embodi, Wall (Indian Rhubarb).
- 134 * Ricinus Communis, Linn (Castor).
- 135 * Rosa Damascena, Mill (The Rose).
- 136 † Ruta Graveolens.
- 137 Rhamnus Dahuricus and other Sp.
- 138 Solanum Dulcamara.
- 139 Scopolia Lurida.
- 140 Sambucus Ebulus.
- 141 Salix Sp.
- 142 Smilax Sp.
- 143 Saponaria Vaccaria.
- 144 Santalum Album, Linn (Sandalwood).
- 145 † Saraca Indica, Linn (The Asoka tree).
- 146 Saussurea Lappa, Clarke (The Costus).
- 147 Semecarpus Anacardium, Linn (The marking nut tree).
- 148 Sida Cordifolia, Linn.
- 149 Strophanthus Sp.
- 150 Strychnos Nux-vomica.
- 151 Swertia Chirata, Ham. (Chiretta).
- 152 Scilla Indica, Baker.
- 153 Symlocos Racemosa, Roxb. (The dodh tree).
- 154 Taraktogenous Kurzii, King (Chaulmoogra).
- 155 Terminalia Arjuna, W. & A. (Arjuna).
- 156 Terminalia Chebula, Retz. (Chebulic Myrabolan).
- 157 Terminalia Belerica, Roxb. (Beleric Myrabolan).
- 158 Thevetia Neriifolia, Juss (Yellow oleander).
- 159 Toddalia Aculeata, Pers.
- 160 Tribulus Terrestris, Linn (Small caltrops).
- 161 Trigonella Foeniculum (Fennel greek).
- 162 Theobroma Cacao.
- 163 Tylophora Asthmatica.
- 164 Thymus Vulgaris.
- 165 Uncaria Gambir.
- 166 Valeriana Wallichii DC. (Indian Valerian).
- 167 Vernonia Anthelmintica, Willd.
- 168 Vitex Peduncularis, Wall.
- 169 * Zingiber Officinale, Rosc (ginger).

* Cultivated.

† Occasionally cultivated.

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II. What plants can be grown in India if organised attempts on scientific lines are undertaken?

Allium Sativum, Linn.
Alpinia Galanga, Willd.
Andrographis Paniculata, Nees.
Artemisia Maritima, Linn.
Atropa Belledonna, Linn.
Carum Carvi, Linn.
Caryophyllus Aromaticus, Linn.
Cassia Angustifolia, Vall.
Chenopodium, Sp.
Citrullus Colocynthis, Schrad.
Citrus Medica, Linn.
Cymbopogon Sp.
Digitalis Purpurea.
Eucalyptus Sp.
Ferula Foetida, Regel.
Foeniculum Vulgare, Gaertn.
Juniperus Communis, Linn.
Hydnocarpus Wightiana, Blume.
Mentha Piperata, Linn.
Myristica Fragrans, Houtt.
Picrasma Quassioides, Benn.
Piper Cubeba, Linn.
Podophyllum Emodi, Wall.
Psychotria Ipecacuanha, Linn.
Rauwolfia Serpentina, Benth.
Rheum Emodi, Wall.
Rosa Damascena, Mill.
Semecarpus Anacardium, Linn.
Sida Cordifolia, Linn.
Strophanthus Sp.
Swertia Chirata, Ham.
Scilla Indica, Baker.
Taraktogenos Kurzii, King.
Terminalia Chebula, Retz.
Urginea Indica, Kunth.
Veleriana Wallichii, DC.
Zingiber Officinale, Rosc.
Acalypha Indica.
Aristolochia Indica.

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Buxus Sempervirens.
Jatropha Palmata.
Cissampelos Pareira.
Anamirta Paniculata.
Colchicum Luteum.
Coscinium Fenestratum.
Solanum Dulcamara.
Claviceps Purpurea.
Fumaria Indica & Parviflora.
Papaver Rhoeas.
Scopolia Lurida.
Delphinium Elatum.
Theobroma Cacao.
Adonis Oestivalis.
Prunus Amygdalus.
Calophyllum Inophyllum.
Sambucus Ebulus.
Rhamnus Sp.
Aesculus Hippocastanum.
Ruta Graveolens.
Salix Sp.
Polygala Sp.
Pimenta Acris.
Melaleuca Leucadendron.
Cinnamomum Cassia.
Anthemis Gayana.
Matricaria Chamomilla.
Eugenia Sp.
Erigeron Canadensis.
Humulus Lupulus.
Abies Sp.
Betula Sp.
Thymus Vulgaris.
Artemisia Absinthium.
Polyporus Officianalis.
Uncaria Gambier.
Cimicifuga Foetida.
Embelia Ribes.

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III. Climatic conditions like altitude, moisture, content of air, rainfall with regard to each individual group of plants—

(a) Himalayan and sub-Himalayan tracts up to 15,000 feet altitude—

Aconitum Heterophyllum, Wall.
Aconitum Spicatum, Stapf.
Artemisia Maritima, Linn.
Atropa Belladonna, Linn.
Bassia Sp.
Berberis Sp.
Chenopodium Sp.
Abies Sp.
Artemisia Absinthium.
Adonis Oestivalis.
Betula Sp.
Delphinium Elatum.
Gentiana Kurroo, Royle.
Picroriza Kurrova, Benth.
Hyoscyamus Niger, Linn.
Mentha Piperata, Linn.
Mentha Arvensis, Linn.
Pimpinella Anisum, Linn.
Buxus Semper Virens.
Jatropha Palmata.
Thymus Vulgaris.
Cimicifuga Foetida.
Colchicum Luteum.
Scopolia Lurida.

(b) Altitudes up to 10,000 feet—

Cinchona cortex.
Cymbopogon Sp.
Claviceps Purpurea (at higher altitude of 7,000 feet).
Papaver Rhoeas.

(c) Plains and Himalayan tracts up to 12,000 feet—

Carum Carui, Linn.
Carum Copticum, Benth.
Solanum Dulcamara.

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(d) Hilly slopes up to altitude of 13,000 feet—

Saussurea Lappa, Clarke.
Sambucus Ebulus.
Rhamnus Sp.
Anthemis Gayana.
Humulus Lupulus.

(e) Hilly places up to 6,000 feet—

Theobroma Cacao (up to 3,000 feet only).
Digitalis Purpurea, Linn.
Mallotus Philippinensis, Muel.

(f) Acid and semi-acid regions both in plains and up to 2,500 feet—

Aloes.
Abrus Precatorius, Linn.
Ricinus Communis, Linn.
Toddalia Aculeata, Pers.
Adathoda Vasica, Nees.
Aegle Narmelos, Corr.
Alangium Salvifolium, Wang.
Argemone Mexicana, Linn.
Balsamodendron Mukul, Hook.
Caesalpinia Bonducella, Fleming.
Cassia Auriculata, Linn.
Cuminum Cyminum, Linn.
Citrullus Colocynthis, Schrad.
Holarrhena Antidysenterica, Wall.
Ipomea Turpenthum, Br.
Melia Azadirachta, Linn.
Moringa Pterygosperma, Gaertn.
Symplocos Racemosa, Roxb.
Urginea Indica, Kunth.

(g) Warmer and moist part up to 5,000 feet—

Acorus Calamus (semi aquatic).
Butea Frondosa, Roxb.
Colchicum Luteum, Baker.
Foeniculum Vulgare, Gaertn (Cold season crop in the plain and summer crop on the hills).
Peganum Harmala, Linn.
Picrasma Quassioides, Benn.
Psychotria Ipecacuanha, Linn.

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Zingiber officinale, Rosc.*Cissampelos Pareira*.*Salix* Sp.*Smilax* Sp.*Eugenia* Sp.

(h) Temperate and tropical regions in plains with moderate rainfall—

Arachis Hypogaea, Linn.*Allium Cepa*, Linn.*Allium Sativum*, Linn.*Andrographis Paniculata*, Nees.*Boerhaavia Diffusa*, Linn.*Cassia Angustifolia*, Vahl.*Carica Papaya*, Linn.*Cannabis*, Sp. Linn (also in sub-himalayan tracts).*Cephalandra Indica*, Naud.*Croton Tiglium*, Linn (also up to 3,000 feet).*Datura* sp. (also in mountainous places).*Papaver somniferum*, Linn (in cold season only).*Peucedanum Graveolens*, Benth (in cold season only).*Pinus Longifolia*, Roxb.*Pongamia Glabra*, Vent.*Psoralea Corylifolia*, Linn.*Terminalia Belerica*, Roxb. (up to 3,000 feet).*Thevitia Nerifolia*, Juss (in plains only).*Venonia Anthelmintica*, Willd.*Vitex Peduncularis*, Wall.*Anamirta Paniculata*.*Fumaria Indica* and *Parviflora*.*Prunus Amygdalus*.*Ruta Graveolens*.

(i) Tropical and sub-tropical regions—

Alpinia Galanga, Willd.*Citrus Medica*, Linn. (also in uplands).*Euonymus Tingens*, Wall (in temperate himalayas also).*Euphorbia Pilulifera*, Linn.*Gymnema Sylvestre* (Plains of tropical conditions only).*Piper cubeba*, Linn.

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(j) Moist regions in forest areas—

Alstonia Scholaris, R.Br.*Antiaris Toxicaria*, Lesch. (on hill slopes also).*Helicteres Isora*, Linn.

(k) Tropical regions—

Piper Betle, Linn (with shade and water).*Semecarpus Anacardium*, Linn (Sub-himalayan tracts).*Sida Cordifolia*, Linn.*Strophanthus* Sp.

(l) Moist temperate regions with heavy rainfall—

Camellia Theifera, Griff.*Coffea Arabica*, Linn.*Caryophyllus Aromaticus*, Linn.*Cinnamomum Camphora*, Nees.*Cinnamomum Zeylanicum*, Breyn.

(m) Hot moist tracts both hills and plains—

Abroma Augusta, Linn.*Areca Catechu*, Linn (up to 2,000 feet altitude).*Hedyotis Auricularia*, Linn (in places of heavy rainfall only).*Hydnocarpus Wightiana*, Blume.*Taraktogenos Kurzii*, King (up to 3,000 feet).*Coccinidium Fenestratum* (Tropical climate only).*Theobroma Cacao* (sub-tropical with humid climate).*Polyporus Officianalis* (do.).

(n) Plains of warm countries—

Glycyrrhiza Glabra, Linn.*Tribulus Terrestris*, Linn.*Matricaria Chamomilla*.*Erigeron Canadensis*.

(o) High level rocky and dry places of hilly tracts—

Gaultheria Fragrantissima, Wall (not necessarily be dry).*Terminalia Chebula*, Retz.

(p) Himalayan and high level plateau from 1,500 to 2,000 feet—

Blumea Lacera DC.*Ephedra* Sp.

(q) On river banks in plains—

Hemidesmus Indicus, R.Br. (only in plain containing loose soils).*Herpestis Monniera*, H.B.X.*Terminalia Arjuna*, W. & A.

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(r) Tropical moist forests and dry forests of temperate regions—

Strychnos Nux-vomica, Linn.

(s) Mountainous regions between 5,000 feet and 7,000 feet—
Crocus Sativus; Linn.

(t) Plains and up to 2,000 feet altitude—

Plantago Ovata, Forsk.

Plumbago, Sp.

Saraca Indica; Linn.

(u) Rich moist hilly forests from 500 feet to 5,000 feet—
Elatteria Cardamomum, Maton.

(v) Hilly slopes from 100 feet to 2,000 feet without much frost—
Erytrovylon cocax, Lam.

(w) Altitudes up to 7,000 feet of stony acid soil—
Ferula foetida; Regel.

(x) Altitude between 5,000 feet and 8,000 feet with rainfall almost daily—
Ipomea Purga.

(y) Hot and moist with annual rainfall of 60 inches to 70 inches—
Myristica Fragrane, Hoult.

(z) Dry slopes and river valleys up to 6,500 feet—
Pistacia Integerrima, Stewart.

(aa) High rich temperate shady forests—
Podophyllum Emodi, Wall.
Rauwolfia Serpentina, Benth.

(bb) River valleys, hilly slopes and temperate regions—
Rosa Damascena, Mill.

(cc) Dry forests with red stony soils and in open situations with grasses and patches of trees—
Santalum Album, Linn.

(dd) Coastal areas—
Calophyllum Inophyllum.
Uncaria Gambir.

(ee) Cosmopolitan—
Embelia Ribes.
Polygala Sp.

(ff) Sporadic cultivation (especially limited to gardens)—
Abesculus Hippocastanum.
Pimenta Acris.
Cinnamomum Cassia.

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IV: Nature of the soil required for each species of the plants—

Soils available at their situations referred to above in the answer to the question III except the following :—

(a) Porus and rock soils—

Aloes.

Argenone Mexicans, Linn.

Cymbopogan, sp.

Ferula Foetida, Regd.

(b) Sandy loams and porus with plenty of lime, free sub-soil drainage and liberal supply of water—

Arachis Hypogaea, Linn.

Andrographis Paniculata, Nees.

Cuminum Cyminum, Linn.

Citrus Medica, Linn.

(c) Rich humus soils of forest areas—

Alangium salvifolium, Wang.

Alstonia Scholaris, R. Br.

Antiaris Toxicaria, Lesch.

Elatteria Cardamomum, Maton.

(d) Moist humus soils—

Areca catechu, Linn.

Caryophyllus Aromaticus, Linn.

Rauwolfia Serpentina, Benth.

(e) Well drained alluvial soil with rich humus and lime contents—

Atropa Belladonna, Linn.

(f) Ordinary soils including alkaline soils—

Butea Frondosa, Roxb.

(g) Sandy loams—

Citrullus Colocynthis, Schrad.

Hemidesmus Indicus, R. Br.

(h) Ordinary soils—

Croton tiglium, Linn.

Datura, Sp.

Euphorbia Pilulifera, Linn.

Gymnema Sylvestre, Br.

Papaver Somniferum, Linn.

(i) Dry forests—

Holarrhena Antidysenterica, Wall.

Melia, *Azadirachta*, Linn.

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(j) Shady wood with deep rich humus soil—

Ipomea Purga.

(k) Heavy moisture and damp soil—

Hydnocarpus Wightiana, Blume.*Taraktogenos Kurzii*, King.

(l) Deep rich loam with good drainage and will not thrive in sandy soils and water stagnated soils—

Myristica Fragrans, Houtt.

(m) Highly rich humus contents in shady forests—

Podocarpum Elaeagnifolium, Wall.

(n) Red stony soil in open situation—

Santalum Album, Linn.

V. Which plants should be imported from outside India?

Following are to be imported :—

*Anagyris Foetida.**Echinocactus Lewinii* and *Williamsi*.*Baptis Tinctoria.**Nectandra Rodioei.**Peumus Boldus.**Cytisus Scoparius.**Physostigma Venenosum.**Jateorhiza Columba.**Calycanthus Floridus.**Croton Eluteria.**Catha Edulis.**Caulophyllum Thalic Troides.**Schoenocaulon Officinale.**Chelidonium Majus.**Celchicum Autumnale.**Conium Maculatum.**Bicuculla Canadensis.**Ramijia Sp.**Strychnos Toxifera.**Strychnos Castelnoei.**Galipea officinalis.**Daboisia Myoporoides.**Fumaria Officinalis.**Gelsemium Sempervirens.*

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*Paullinia Cupans.**Viratrum Sp.**Hydrastis Canadensis.**Pilocarpus Jaborandi.**Cola Vera.**Cytisus Labarnum.**Lobelia Inflata.**Mandragora Officinarum.**Ilex Paraguayensis.**Chondiodendron Tomentosum.**Geissospermum Vellozii.**Aspideosperma Quebracho.**Strychnos Ignati.**Sanguinaria Canadensis.**Erythrophloeum Guineense.**Spigelia Marilandica.**Delphinium Staphisagria.**Corynanthe Johimbe.**Acokanthera Schimperii.**Adonis Vernalis.**Apocynum Cannabinum.**Baptisia Tinctoria.**Arctostaphylos Uva-Ursi.**Baryonia Alba.**Gonolobus Condurango.**Convallaria Majalis.**Rhamnus Frangula.**Helleborus Niger.**Brassica Sinapoides.**Quillaja Saponaria.**Salix Discolor.**Saponaria Officinalis.**Scutellaria Laterifolia.**Prunus Serotina.**Archangelica Officinalis.**Barosma Betulina.**Juniperus Oxycedrus.**Canella Alba.**Anthemis Nobilis.**Eugenia Caryophyllata.**Copaifera Landsdorfii.*

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Melaleuca Viridiflora
Cinnamomum Oliveri.
Carum Petro Selinum.
Mentha Pulegium.
Hedeoma Pulegoides.
Pimenta Officinalis.
Pinus Lamilio.
Abies Sibirica.
Sassafras Sp.
Juniperus Sabina.
Illicium Verum.
Betula Lanta.
Dorema Ammoniacum
Arnica Montana.
Myroxylon Pereiroe.
Myroxylon Tolufiera.
Styrax Benzoin.
Rhamnus Purshianus.
Chimaphila Umbellata.
Cimicifuga Racemosa.
Anamitra Cocculus.
Turnera Diffusa Var. *Aphrodisiacs*.
Ecballium Elaterium.
Ulmus Campestris.
Eriodictylon Californicum.
Evonymus Atropurpurens.
Eupatorium Perfoliatum.
Euphorbia Resinifera.
Ferula Galbaniflua.
Quercus Infectoria.
Garcinia Hanburyi.

Some plants which are cultivated (or occasionally cultivated) are included for the sake of having a complete list.

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APPENDIX II.

[Vide answer to starred question No. 54 asked by Sri Mohamed Raza Khan at the meeting of the Legislative Council held on 14th September 1959, page 367 supra.]

Name of hospital.	Bed-strength.	Number of patients admitted as in-patients during		
		October 1958.	November 1958.	December 1958.
(1)	(2)	(3)	(4)	(5)
1 Government General Hospital, Madras ..	1,125	3,688	3,217	3,479
2 Government Stanley Hospital, Madras ..	724	2,619	2,092	2,434
Government Kasturba Gandhi Hospital for Women and Children, Madras ..	515	2,109	2,023	2,086

APPENDIX III.

[Vide answer to starred question No. 55 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 14th September 1959, page 370 supra.]

(a) —

Name of licensee.	Area of supply.
(1)	(2)
1 Tiruchy-Srirangam Electric Licensee. (managed by South Madras Electric Supply Corporation, Limited.)	Perambalur, Lalgudi, Tiruchirappalli, Musiri and Kulithalai taluks and portions of Udayarpalayam taluk of Tiruchirappalli district and portions of Tanjore taluk of Tanjore district.
2 Mayavaram-Mannargudi-Tiruvarur Electric licensee (managed by South Madras Electric Supply Corporation, Limited).	Sirkali, Mayavaram, Thiruthuraiipoondi, Pattukottai, Arantangi and Mannargudi taluks and portions of Nannilam, Nagapattinam and Tanjore taluks; Tanjore district.
3 Salem-Erode Electricity Distribution Company, Limited.	Portions of Salem and Tiruchengode taluks and small portions of Omalur and Namakkal taluks of Salem district and portion of Erode taluk, Coimbatore district.
4 Tinnevely-Tuticorin Electric Supply Company, Limited.	Portions of Srivaikuntam and Tirunelveli taluks, Tirunelveli district.
5 Kumbakonam Electric Supply Corporation, Limited.	Kumbakonam and Papanasam taluks and portions of Tanjore taluk, Tanjore district.
6 Nagapatam Electric Supply Company, Limited.	Portions of Nagapattinam taluk and fringes in Nannilam taluk, Tanjore district.
7 Vellore Electric Corporation, Limited.	Portions of Vellore, Gudiyatham and Walajapet taluks, North Arcot district.
8 Shencottah Electric Supply Agency.	Shencottah taluk, Tirunelveli district.

(b) —

Serial number.	Name of licensee.	Total number of villages (including towns and hamlets) electrified as on 1st March 1959.
(1)	(2)	(3)
1	Tiruchy-Srirangam Electric Licensee	264
2	Mayavaram-Mannargudi-Tiruvarur Electric Licensee	313
3	Salem-Erode Electricity Distribution Company, Limited	29
4	Tinnevely-Tuticorin Electric Supply Company, Limited	22
5	Kumbakonam Electric Supply Corporation, Limited	147
6	Nagapatam Electric Supply Company, Limited	48
7	Vellore Electric Corporation, Limited	54
8	Shencottah Electric Supply Agency	2

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APPENDIX IV.

[Vide answer to clauses (b), (c) and (d) of starred question No. 56 asked by Sri Mohamed Raza Khan at the meeting of the Legislative Council held on 14th September 1959, page 371 supra.]

Main features of the tentative agreement reached between the Madras and Kerala Governments in regard to division of the waters of Parambikulam and other connected rivers.

The Project on the Madras side aims at harnessing and utilising the flows of the Parambikulam, Aliyar and Nirar rivers and the surplus flows of Sholayar for irrigation in Coimbatore district and Power Development.

The Kerala State has agreed to the diversion of the waters of Parambikulam river and its tributaries by Madras State from dams constructed in Kerala State limits. The Parambikulam Project of Madras consists of two parts:

Under the first part, a large storage will be built on the Parambikulam river by building dams across the river and its tributaries, Tekkady and Thunakkadavu with suitable inter-connections. Flows from Sholayar river which are surplus to the requirements of Sholayar Hydro-Electric Scheme of Kerala State will be diverted by a suitable diversion works into the Parambikulam Reservoir. This surplus will be of the order of 2,500 m.c.ft. in an average year. In addition to this surplus 16,500 m.c.ft. from out of the flows of Parambikulam, Thekkady and Thunakkadavu rivers will be diverted towards east through a tunnel $2\frac{1}{2}$ miles long. At the end of the tunnel there is a drop of 500 feet which will be utilized for Power Development. From the tail race of this Power House at Sirkarpathi a contour canal at the foot of the hill will be taken to Aliyar river which also will be dammed. Two canals will take off from this Aliyar Reservoir to irrigate areas in Pollachi taluk of Coimbatore district.

The other part of the Project consists of diverting the waters of Nirar, a sub-tributary of Periyar river, through a tunnel $6\frac{1}{2}$ miles long into the Aliyar river. All waters in the river subject to the requirements of Irrigation in Periya Valley in Kerala State limited to the natural flows during October to January will be diverted to Madras side. The water so diverted as well as the flows of the Aliyar at that site will be drawn through a short tunnel into the Nallar valley where a reservoir will be formed. From this reservoir, water will be conveyed through another tunnel and dropped over a head of 1,700 feet. Power will be developed at this spot. The water will then be picked up and let into the Palar river where also a small reservoir will be formed. Canals will take off from this reservoir to irrigate areas in Dharampuram, Udamalpet and Palladam taluks.

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The total areas benefited by the scheme will be about 2.50 lakhs of acres which may have mixed crops of paddy, cotton and millets. The total power output will be 1,20,000 K.W. at 0.6 L.F. The cost of the scheme will be about Rs. 35 crores. The return on the project will be about 6 per cent.

The Kerala State has proposed a Hydro-Electric Project on the Sholayar river, a tributary of Parambikulam, as part of the integrated development of the waters of the Chalakudi river basin. The flows of Sholayar can be utilised in Madras State limits also for Power development and Irrigation in Coimbatore district. As a result of the Inter-State talks, the Madras Government has agreed to allow the waters of Sholayar to be utilised for the full designed requirements of the Project in Kerala and divert only the surplus for use by the Madras State. The Sholayar Hydro-Electric Project which will be proceeded with by Kerala will cost about Rs. 4 crores. The capacity of the Reservoir is 4,500 m.c.ft. and the Power draft will be of the order of 380 cusecs and the gross head 982 feet. The installed capacity of the Power House will be 54,000 K.W.

Besides feeding the canals located in Madras State, the Aliyar Reservoir will also enable stabilisation of irrigation on about 20,000 acres of wet lands in the Chittur taluk of Kerala State. At present there are no storage works in this area for stabilising the irrigation of these lands.

The reservoir proposed on the Parambikulam will also help Kerala State in utilising any excess water over and above 16,500 m.c.ft. drawn by Madras. The excess up to 2,500 m.c.ft. will be conveyed through the tunnels and canals and let into the Aliyar river for utilisation by Kerala State in Chittur area. In case the excess is less than 2,500 m.c.ft. it is proposed to be supplemented by diverting flows from Vettiar, another tributary of Parambikulam, by building a dam across that river by the Kerala State.

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 15th September 1959.

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.

Industrial Investment Corporation, Limited

* 59 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Industries be pleased state—

(a) the details regarding the working of the Madras Industrial Investment Corporation, Limited;

(b) the amount invested by the Government; and

(c) whether it is working on profit or loss?

THE HON. SRI R. VENKATARAMAN : (a) The attention of the hon. Member is invited to the Government's review on the working of the Madras Industrial Investment Corporation, Limited, copies of which were placed on the table of the House on 5th February 1959.

(b) Rupees one hundred and two lakhs.

(c) The Corporation is working at a profit.

SRI MOHAMED RAZA KHAN : May I know whether so much of finance available with the Industrial Investment Corporation shows that the parties approach the Government and also the Government sometimes give heavy loans to some of the industrial concerns?

THE HON. SRI R. VENKATARAMAN : I would like to know what the hon. Member means by saying that the Government give heavy loans to industrial concerns. There is the State-Aid to Industries Act and a sum of Rs. 25 lakhs is reserved for financing by way of loans to industries. Apart from that, the Government do not give any heavy loans to industries.

DR. A. SREENIVASAN : What I wish to know is this. When the Government have earmarked Rs. 25 lakhs for the purpose of giving loans to industrialists, why should this Corporation come in?

THE HON. SRI R. VENKATARAMAN : There are medium loans and large loans. The Corporation can give loans over Rs. 50,000. It cannot give loans less than Rs. 50,000. The Madras State-Aid to Industries Act enables grant of loans from Rs. 2,000 onwards. Generally, we give loans over a lakh of rupees. Therefore, these serve two different types of industries.

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SRI MOHAMED RAZA KHAN : May I take it that heavy loans sought above a lakh of rupees are given by the Industrial Investment Corporation and not by the Government of Madras?

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

Industrial Disputes Act

* 60 Q.—**SRI V. V. RAMASWAMI :** Will the Hon. the Minister for Industries be pleased to state whether there is any proposal before the Government to recommend to the Government of India to amend the Industrial Disputes Act so as to empower the State Government to extend the period of operation of an award in respect of a particular industry up to five years?

THE HON. SRI R. VENKATARAMAN : No, Sir.

SRI V. V. RAMASWAMI : சென்ற ஆண்டு ஜூலை 27, 28 தேதிகளில் தில்லியில் இந்தியத் தொழில் மகாநாடு நடந்ததாகத் தெரிகிறது. அதில் நமது அமைச்சர் அவர்கள் கலந்துகொள்ள ஏதாவது அவசியம் ஏற்பட்டதா, அதில் இதைப்பற்றி விவாதிக்க ஏதாவது அவசியம் வந்ததா என்பதைப்பற்றி அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : அந்த மகாநாடு சென்னை யில்தான் நடந்தது. அதனுடைய ஹோஸ்ட் இந்த ஸ்டேட்டாக இருந்தது. அப்பொழுது இது சம்பந்தமாக விவாதிக்கப்பட்டது. இப்பொழுது இருக்கிற சட்டத்திலேயே ஓரளவு நாமே 'அவார்டு' காலத்தை நீடித்துக்கொள்வதற்கு அதிகாரம் இருக்கிறது. சாதாரணமாக செக்ஷன் 19 (3)-படி, ராஜ்ய சர்க்காருக்கு அந்த அதிகாரம் இருக்கிறது. அவார்டை ஒவ்வொரு வருஷமும் மூன்று வருஷங்கள் வரை நீடித்துக்கொள்ளலாம் என்ற அதிகாரம் இருக்கிறது. இந்த சர்க்காரைப் பொறுத்த அளவில், அதற்குத் தனிப்பட்ட ஒரு திருத்தம் தேவையில்லை என்று நினைக்கிறது. ஆனால், மற்ற ராஜ்ய சர்க்கார்கள் சில திருத்தங்கள் கொண்டுவர வேண்டும் என்று சொல்லியிருக்கிறார்கள்.

Chit funds

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

(a) whether there is any proposal to bring in any legislation to control and regulate chit funds; and

(b) if so, the stage at which it now stands?

THE HON. SRI R. VENKATARAMAN : (a) Yes, Sir.

(b) The draft of a Bill was referred to the Government of India for their concurrence. That Government have suggested certain modifications to the Bill. The draft Bill is being finalized in the light of those suggestions.

SRI MOHAMED RAZA KHAN : May I know whether it is an all-India measure or whether the measure is confined to our State and the initiative was taken by the Government of Madras?

THE HON. SRI R. VENKATARAMAN : It is a State measure.

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Agri-Horticultural Society

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

(a) whether the Government have assigned any land to the Agri-Horticultural Society, Madras, and if so, the conditions under which land has been so assigned;

(b) whether and, if so, what annual grant is given by the Government to the Society;

(c) the control, if any, exercised by the Government over the financial affairs of the Society; and

(d) whether it has come to the notice of the Government that the Society proposes to lease portions of the land for construction of residential hotel and the like?

THE HON. SRI M. BHAKTAVATSALAM : (a) The information is not readily available. The matter is under the consideration of the Government in the Revenue Department in consultation with the Collector of Madras.

(b) A grant is being given to the Society every year equal to the amount of subscriptions which the Society itself is able to collect in that year.

(c) Nil.

(d) Yes, Sir.

SRI T. PURUSHOTHAM : In view of the affirmative answer to clause (d) of the question, will the Hon. Minister enlighten us on what further action has been taken?

THE HON. SRI M. BHAKTAVATSALAM : Any specific action can be taken only after examining the origin of the grant. The question of the origin of the grant is being looked into.

SRI T. PURUSHOTHAM : Are the Government aware of the financial difficulties of the Society and in view of the laudable objects for which the Society is functioning, will the Government institute an enquiry to see how best to set the organization on a sound financial condition?

THE HON. SRI M. BHAKTAVATSALAM : The Government are aware of the financial position of the Society. That is why annually the Government are making some grant in order to assist the Society to carry on its work.

SRI T. PURUSHOTHAM : Do the Government propose to take over the public garden and take steps to improve it with a view to running it for research purposes?

THE HON. SRI M. BHAKTAVATSALAM : That would depend upon the results of the survey and examination that is being conducted about the origin of this grant.

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SRI MOHAMED RAZA KHAN : May I know whether it was announced to the Press by the hon. Member Sri T. Purushotham that they were going to alienate a part of the land for the purpose of building and also whether there was a strong editorial in 'The Madras Mail', and may I know whether the Government of Madras have addressed a letter to the Society that they dare not alienate a part of the land without the previous permission of the Government of Madras?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. It is correct that the Government have addressed a communication but not in the same terms as the hon. Member mentioned. (Laughter.) The Government have asked the Society not to proceed with alienating this land, pending examination about it.

SRI MOHAMED RAZA KHAN : Inasmuch as the financial position of the Society does not seem to be all right and also the way in which they maintain the garden itself is a sad reflection on its working, could not the Government of Madras themselves take it over and run it or, in the alternative, entrust its maintenance to the Corporation of Madras?

THE HON. SRI M. BHAKTAVATSALAM : Again, I may repeat that the question of the Government taking it over would depend on the examination of the question of the origin of the grant. Unless we know it definitely, we would not be able to take any specific action.

SRI T. PURUSHOTHAM : Am I right in presuming that in response to the letter of the Government, the Society has suspended further proceedings with regard to the construction of buildings in the garden?

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

Kangayam Cattle Improvement Scheme

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

(a) whether it is a fact that the Kangayam Cattle Improvement Scheme in the Palayakottai Cattle Farm has been given up; and

(b) whether it is a fact that the office of the Cattle Farm Superintendent at Palayakottai has been abolished?

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

(b) Yes, Sir.

SRI V. V. RAMASWAMI : அப்படி காங்கேய மாடுகளில் ஆராய்ச்சிப் பண்ணை வைத்ததன் நோக்கம் என்ன, அந்த ஆராய்ச்சியினுடைய முடிவுகள் எல்லாம் என்ன என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : இந்தக் காங்கேய மாடுகள் நல்ல ரக மாடுகள். அந்தக் காளைகளை விருத்தி செய்வதுடன் நல்ல காங்கேய பசுக்களையும் விருத்தி செய்ய வேண்டும் என்பது நோக்கம்.

[15th September 1959]

இதற்கு முன்னதாகக் காங்கேயப் பசுக்கள் நிறையப் பால் கொடுப்பதாக இல்லை. இதற்குப் பிறகு நிறையப் பால் கொடுக்கின்றன என்று கண்டு பிடிக்கப்பட்டது. ஆகவே, இப்படிப்பட்ட நல்ல ரகப் பசுக்களையும் விருத்தி செய்ய வேண்டும் என்பது நோக்கம். பதினாறாண்டு வகுஷ ஆராய்ச்சியில் ஓரளவு அபிவிருத்தி ஏற்பட்டிருக்கிறது.

SRI K. M. RAMASWAMY GOUNDER : In view of the importance of the scheme and in view of the impending legislation on land ceiling, will the Government take into active consideration the question of forming a co-operative cattle farm and take these lands on long lease basis or acquire them for the purpose?

THE HON. SRI M. BHAKTAVATSALAM : This question does not relate to the cattle farm that is maintained by the Palayakottai Pattagar. This question relates to the research scheme in which the Government of Madras were interested and the Government were aiding. Now, after fourteen years of working it, it is felt by the Government that there is no further need to aid the scheme and we have been getting suggestions from the Indian Council of Agricultural Research.

SRI K. V. RAMASWAMY : ஐயா, இதுவரைக்கும் அதிகப் படியான பால் கொடுக்கும்படியான பசுக்களை அபிவிருத்தி செய்திருப்பது எத்தனை என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : அபிவிருத்தி செய்வது பொதுவாக வளர்ச்சி அடைவதற்குத்தான். எண்ணிக்கையைச் சொல்லுவதற்கு இல்லை.

SRI V. V. RAMASWAMI : காங்கேயப் பசுக்கள் அதிகப்படியான பால் கொடுக்கக் கூடும் என்று ஆராய்ச்சி செய்யப்பட்டதிலிருந்து தெரிய வருகிறது என்று கனம் அமைச்சர் அவர்கள் கூறினார்கள். அப்படியானால், அந்தக் காங்கேய ரகங்களை மற்ற மாவட்டங்களிலும் அபிவிருத்தி செய்ய அரசாங்கம் தக்க நடவடிக்கை எடுத்துக்கொண்டிருக்கிறார்களா என்பதை அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : அந்த அந்தப் பிராந்தியங்களில் காங்கேயம் மாடுகள் வளர்க்கப்படுவதில் கவனம் செலுத்தப்பட்டு வருகிறது. புதுக்கோட்டையில், ராமநாதபுரம் ஜில்லா, செட்டினூர், பள்ளத்தூரில் ஒரு பண்ணை ஆரம்பிக்கப்பட்டிருக்கிறது. அவைகள் எல்லாம் காங்கேயம் ரகத்தை வளர்ப்பதற்குத் தகுதியான இடங்கள் என்று கருதி அங்கேயெல்லாம் கவனம் செலுத்தப்பட்டு வருகிறது.

Tiruvanaikoil Temple

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

(a) whether it is a fact that an accident occurred to the "Golu Mantap" in Tiruvanaikoil temple and, if so, the details thereof;

(b) when the Mantap was last repaired and at what cost and

(c) the arrangement in force for periodical inspection and repair of temple buildings?

THE HON. SRI M. BHAKTAVATSALAM : (a) Yes. The Kolumantapam in the Amman Sannathi of Sri Jambukeswaraswami temple, Thiruvanaikoil, collapsed all of a sudden at about 11 p.m. on 3rd May 1959. There was no damage to any life.

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(b) The Kolumantapain of this temple was last repaired some thirty years ago by the Thiruppani Committee of T.R.S. Charity. The cost of the repairs is not ascertainable as the control of the repair work was then with the Committee of the Charity.

(c) It is the duty of the Executive Officer to make periodical inspection of the temple buildings and attend to such repairs as they stand in need of and to see that due provision for such repairs is made in the annual budget of the temple.

11-10 m. SRI T. PURUSHOTHAM: Will the Hon. Minister enlighten us on the arrangements that have been made to rebuild the Kolumantapam and whether it will be ready before the ensuing Navarathri?

THE HON. SRI M. BHAKTAVATSALAM: Sir, immediate arrangements are being made in consultation with the engineers concerned to revise the estimates which have already been drawn up before this accident. Immediately, without any further delay, it will be taken up, Sir.

DR. A. SREENIVASAN: Is it not a fact, Sir, that the Executive Officer was afraid of the impending disaster, I mean the collapse of the Kolumantapam, because of there being some cracks?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir, he had a fear, but he did not forecast this accident. Because he had a fear, he got an estimate prepared which had to be further examined and sanctioned. Before the estimate could be approved and sanctioned, this accident took place.

SRI G. KRISHNAMOORTHY: Is it not possible to have it reconstructed before the ensuing Navarathri?

THE HON. SRI M. BHAKTAVATSALAM: All expeditious steps are being taken to get it reconstructed as early as possible.

SRI V. V. RAMASWAMI: இந்த நிகழ்ச்சிகளின் விளைவாக மற்ற ஊர்களில் பிரதானமாக இருக்கக்கூடிய கோவில்களும், விமானங்களும் சரியான நிலைமையில் இருக்கின்றனவா என்று பார்த்து, தக்கபடி அவ்வப்போது பழுது பார்க்க விசேஷ என்ஜினியர்களைவது ஏற்படுத்தி வதற்குச் சர்க்கார் முன்வருவார்களா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. BHAKTAVATSALAM: பழைய கட்டிடங்கள் எல்லாம் அவ்வப்போது கவனிக்கப்பட்டு வருகின்றன. இந்த மண்டபத்தைப் பொறுத்தவரையில், ஒழுக்கிறது என்று மேலே மேலே காரையைப் போட்டுக்கொண்டு வந்துவிட்டார்கள். இந்தக் காரையின் பளு தாங்காமலேயே மண்டபம் விழுந்துவிட்டது. இதை நானே நேரில் பார்த்தேன்.

SRI G. KRISHNAMOORTHY: Cannot some engineering staff be appointed just to go about these temples, examine the structures and carry out the necessary repairs once in five years?

THE HON. SRI M. BHAKTAVATSALAM: Sir, I do not think it is either useful or practicable to have the engineering staff in a centralised way. If, however, the temples concerned have large works to be executed, no doubt, they are permitted to engage competent engineers to attend to these works.

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Siddha system of medicine

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

(a) the schemes taken up or proposed to be taken up by this Government for encouraging the Siddha system of medicine; and

(b) the estimated expenditure thereof?

THE HON. SRI M. A. MANICKAVELU: (a) A Research Scheme with thirty beds for Siddha out of a total of fifty beds and a scheme for writing the History of Medicine with a Lecturer, Grade I (Siddha), as Chairman, have been working in the College of Integrated Medicine from July 1958.

Proposals for upgrading the Siddha Section of the College, for the preparation of a rational pharmacopoeia for Siddha and for the collection and publication of manuscripts and other literature relating to Siddha are under consideration.

(b) Rs. 76,100 for the Research Scheme and Rs. 24,000 for the Chair of History of Medicine during 1959-60.

SRI V. V. RAMASWAMI: சித்தர் வைத்திய முறையைப்பற்றி அநேக நூல்களில் சொல்லப்பட்டிருக்கிறது. ராமநாதபுரம் மாவட்டத்தில் உள்ள சதுரகிரி மலையில் நல்ல மூலிகைகள் அநேகம் இருப்பதாக, இந்தக் கல்லூரிக்கு உபயோகப்படக்கூடியவைகள் இருப்பதாகத் தெரிகிறது. இந்தக் கல்லூரி நிபுணர்களைக் கொண்டு அதை ஆராய்ச்சி செய்ய இந்த அரசாங்கம் முன்வருமா?

THE HON. SRI M. A. MANICKAVELU: இந்த மாவட்டத்தில்தான் மாத்நிரம் இல்லை. இன்னும் குற்றாலம் போன்ற மற்ற இடங்களிலிருந்தும் கூடுமான வரையில், அந்த அந்த மூலிகைகளைக் கொண்டு வந்து நல்ல முறையில் வளர்க்க நடவடிக்கை எடுக்கப்படுகிறது.

SRI V. V. RAMASWAMI: சித்தர் முறையானது, தமிழகத்தில் அநேகமாக எல்லாக் குடும்பங்களிலும் பரம்பரையாகக் கையாளப்பட்டு வருகிறது. ஆகையால், அதற்கென்று தனிக் கல்லூரி ஏற்படுத்தப்படுமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU: இதற்கு ஒரு ஊக்கம் கொடுக்க வேண்டும் என்றுதான் இந்த மாதிரியாக ஆரம்பித்திருக்கிறோம்.

DR. A. SREENIVASAN: Will the Hon. Minister enlighten us on what he means by the 'Siddha' system of medicine? What is the basic principle on which this system is based?

THE HON. SRI M. A. MANICKAVELU: The Siddha system is different from the Allopathic system. (Dr. A. Sreenivasan: That everybody knows.) It is also different from the Ayurvedic system. It is a system of its own where herbs are mostly used; also, they make powder—*Baspam*—from metals.

SRI A. GAJAPATHY NAYAGAR: இதற்கென்றே தனிக் கல்லூரி ஏற்பாடு செய்வதற்கு அரசாங்கத்திற்கு அபிப்பிராயம் இருக்கிறதா?

THE HON. SRI M. A. MANICKAVELU: இப்போது ஒன்றும் அம்மாதிரி இல்லை. சித்த வைத்தியம், ஆயுர்வேதம், யூனனி இவை யெல்லாம் நல்ல முறையில் அபிவிருத்தி செய்ய வேண்டும் என்று தான் நடவடிக்கை எடுக்கப்பட்டிருக்கிறது.

[15th September 1959]

SRI A. GAJAPATHY NAYAGAR : இந்த மூன்றையும் சேர்த்து வைத்திருப்பதனால் சித்த வைத்தியம் வளரவில்லை என்ற குறை ஏற்பட்டிருக்கிறது. ஆகையால், தனியாகச் சித்த வைத்தியத்திற்குக் கென்றே காலேஜ் ஏற்படுத்துவதுதான் நன்மையாக இருக்கும் என்பது அரசாங்கத்திற்குத் தெரியுமா?

THE HON. SRI M. A. MANICKAVELU : அப்படிச் சொல்ல முடியாது. இப்போது அங்கே 50 பெட்கள் இருக்கின்றன என்றால், சித்த வைத்தியத்திற்கு 30 பெட், ஆயுர்வேதத்திற்கு 10, யூனானிக்கு 10 தான்.

SRI K. T. KOSALRAM : அம்பாசமுத்திரத்திற்குப் பக்கத்தில் பௌதிய மலை இருக்கிறது. ராமாயண காலத்திலேயே கூட அந்த மலையின் மூலிகைகளை எடுத்துச் சென்றுதான் அனுமார் பல்லாயிரக்கணக்கான துருப்புகளுக்கு உயிர் மூட்டினான் என்று தெரிகிறது. ஆகையால், ஸ்பெஷலாக அதற்கென்று அதிகாரிகளைப் போட்டு அதைப்பற்றிப் பரிசீலனை செய்வார்களா?

THE HON. SRI M. A. MANICKAVELU : இப்போது காலம் மாறிவிட்டது. அப்போது இருந்த அனுமாருக்கும், இப்போது இருக்கிற அனுமாருக்கும் ரொம்ப வித்தியாசம்.

Local Fund Dispensaries

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

(a) the number of Local Fund Dispensaries in this State that were taken over by the Government; and

(b) whether there is any proposal before the Government to absorb the G.C.I.M. medical officers in these dispensaries as Junior Assistant Surgeons?

THE HON. SRI M. A. MANICKAVELU : (a) 30, since the beginning of the Second Five-Year Plan period.

(b) No, Sir.

SRI M. ETHIRAJALU : இன்னும் சர்க்கார் எடுத்துக்கொள்ளாத ஆஸ்பத்திரிகள் எத்தனை என்று சொல்ல முடியுமா?

THE HON. SRI M. A. MANICKAVELU : தாலுக்காத் தலைநகர ஆஸ்பத்திரி ஒன்று தவிர, மற்றதையெல்லாம் எடுத்துக்கொண்டோம். அவ்வப்போது மற்றவைகளும், அவசரம் ஏற்படும்போது எடுத்துக்கொள்ளப்படும்.

SRI M. ETHIRAJALU : இப்போது எடுத்துக்கொள்ளப்பட்ட ஆஸ்பத்திரிகளில் உள்ள ஜி.ஸி.ஐ.எம். டாக்டர்களை அகற்றிவிட்டார்களா? அல்லது அவர்களை வைத்துக்கொண்டிருக்கிறார்களா?

THE HON. SRI M. A. MANICKAVELU : அவர்களை அப்புறப்படுத்துவது ஒன்றும் இல்லை. பரைமரி ஹெல்த் சென்டரில் மட்டும், மத்திய அரசாங்க உதவி, இண்டர்நேஷனல் உதவி இவற்றின் கண்டிஷன்படி அங்கு வைத்துக்கொள்வதில்லை. அசிஸ்டெண்டு சர்ஜனாகக் கூட அவர்களை நியமித்து வருகிறோம்.

SRI K. T. KOSALRAM : அவர்களுக்கும், இவர்களுக்கும் க்வாலிபி கேஷனில் என்ன வித்தியாசம்?

THE HON. SRI M. A. MANICKAVELU : இவர்களுக்கு யூனிவர்ஸிடி டிகிரி இல்லை. மூன்று பகுதி அலபதியும், ஒரு பகுதி இண்டக்ரேடெட் ஸ்டடியும் இருக்கிறது.

[15th September 1959]

DR. A. SREENIVASAN : எது அதிகமாக இருக்கிறது?

THE HON. SRI M. A. MANICKAVELU : அது மூன்று, இது ஒன்றுதான் என்றாலும், இதில் அநுபவம் வேறு இருக்கிறது. (டாக்டர் எ. சீனுவாசன் : சாக்கிலே கொஞ்சம், பேக்கிலே கொஞ்சமா?)

SRI K. V. RAMASWAMY : ஐயா, மிட்டாய் வைத்தியம் என்று ஹோமியோபதி வைத்தியம் இருக்கிறதே, சிறு சிறு மிட்டாய்களைப் போல தித்திப்பான மாத்திரைகளை உருட்டிச் சின்ன பாட்டிலிலேதான் கொடுக்கிறார்கள். குழந்தைகள் முதற்கொண்டு குசியாகச் சாப்பிடுகின்றன. அந்த வைத்திய முறையும் அநுபவத்தில் நன்றாக இருக்கிறது. இந்த வைத்திய முறையை ஏன் அதிகப்படுத்தக்கூடாது என்று கேட்க விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU : அந்த முறையையும் இப்போது ஒத்துக்கொண்டிருக்கிறோம். அரசாங்கம் அங்கீகரித்திருக்கிறது. ஒழுங்கான முறையில் டாக்டர்கள் நடத்தவேண்டும்.

DR. A. SREENIVASAN : சில நாளைக்கு முன்னால் சில மருந்துகளை அரசாங்கம் சாப்பிட்டதாகச் சொன்னார்களே, இந்த மருந்தையும் அரசாங்கம் சாப்பிட்டிருக்கிறார்களா?

THE HON. SRI R. VENKATARAMAN : சாப்பிட்டால் சாக வேண்டியது தான். (சிரிப்பு.)

THE HON. SRI M. A. MANICKAVELU : அரசாங்கம் மருந்து சாப்பிட முடியுமா?

Leprosorium

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

(a) whether there is any proposal to establish a separate leprosorium on the outskirts of Madras City; and

(b) if so, the stage at which it now stands?

THE HON. SRI M. A. MANICKAVELU : (a) The Government have no proposal. But 'Daya Sadan', Madras, has a proposal to establish a Leprosorium outside the City.

(b) Detailed proposals have not been received by the Government.

SRI T. PURUSHOTHAM : Where, outside the City of Madras?

THE HON. SRI M. A. MANICKAVELU : இப்பொழுது கிருஷ்ணம் பேட்டையில் பிச்சைக்காரர்களுக்கு ஒரு வீடு இருக்கிறது. கார்ப்ப ரேஷன் ஒத்துக்கொண்டால் அங்கு வைக்கலாம் என்று இருந்தோம். ஒத்துக்கொள்ளவில்லையாதலால், சென்னைக்கு வெளியிலே எங்காவது இடம் பார்த்து, இரண்டு மூன்று ஏக்கர் கூட அதற்காக ஏற்பாடு செய்திருக்கிறார்கள்.

SRI T. PURUSHOTHAM : Has there been any objection from the people living in the surrounding villages?

THE HON. SRI M. A. MANICKAVELU : இப்பொழுது ஏற்பாடு எண்ணியிருக்கிற இடங்களுக்குச் சுற்றுப்புறத்தில் இருக்கிறவர்கள் இதற்கு ஆட்சேபனை சொல்கிறார்கள்.

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Buckingham Canal

* 68 Q.—SRI MOHAMED RAZA KHAN: Will the Hon. the Minister for Public Works be pleased to state, with reference to the answer given to Legislative Council Question No. 40, dated 14th February 1959, the stage at which the deepening of Buckingham Canal stands at present?

THE HON. SRI V. RAMAIAH (on behalf of the Hon. the Minister for Public Works): Sir, the position remains unaltered. A copy of the report of the Inland Water Transport Committee and the decision of the Government of India thereon are awaited.

SRI MOHAMED RAZA KHAN: Since the year 1946, we have been hearing of proposals and schemes for the improvement of the Buckingham Canal.

THE HON. SRI M. BHAKTAVATSALAM: Even before that.

SRI MOHAMED RAZA KHAN: I am thankful to the Hon. the Minister for Home. Yes, even before 1946 we were hearing of these. May I know whether the Government have thought of any finality to these, whether to undertake improvement or to give it up?

THE HON. SRI V. RAMAIAH: We have sent up proposals to the Government of India through the Inland Water Transport Committee. As I have stated, we are awaiting their recommendations.

SRI MOHAMED RAZA KHAN: What are the financial implications of the scheme and is that the factor that stands in the way of the scheme being taken up?

THE HON. SRI V. RAMAIAH: I do not think it is that that stands in the way. But it is the Government of India that will have to look into the various priorities and sanction the scheme.

VIDWAN T. MUTHUKANNAPPAN: ஐயா, பக்கிங்காம் கனாலின் தென் பகுதி கடலூர் வரை போகிறது. பஸ், லாரி போக்குவரத்து அதிகமான பிறகு, படகுப் போக்குவரத்து ஸ்தம்பித்திருக்கிறது. கால்வாயைப் பாதுகாக்க அரசாங்கத்திற்கு வீணாகப் பணம் செலவாவதை உத்தேசித்து பக்கிங்காம் கனாலை மூடிவிடுவதுபற்றி அரசாங்கம் பரிசீலனை செய்யுமா?

THE HON. SRI V. RAMAIAH: கனம் அங்கத்தினர் அவர்கள் இதுபோன்ற கேள்வியை முன்பு ஒரு தடவை கேட்டிருக்கிறார். அதற்குப் பதில் அளிக்கப்பட்டிருக்கிறது. அதுபோன்று திடீரென்று செய்வதற்கு அவசியம் இல்லை.

SRI ABDUL HAMEED KHAN: May I know the scheme that the Government of Madras have sent up to the Government of India?

THE HON. SRI V. RAMAIAH: Deepening of the Buckingham Canal up to a depth of six feet to enable vessels of about 100 tons capacity to ply.

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VIDWAN T. MUTHUKANNAPPAN: ஐயா, அடையாற்றிலிருந்து சதுரங்கப்பட்டணம் வரையில் மூன்று பாலங்களே இருக்கின்றன. 50, 60 மைல் தூரம் இருப்பதால், கிழக்கிலிருந்து மேற்கே செல்வதற்கும், மேற்கிலிருந்து கிழக்கே செல்வதற்கும் மிகவும் சங்கடம் ஏற்படுகிறது. ஆகையால் இடையில் இன்னும் 10, 15 சிறு பாலங்களாவது அமைக்க அரசாங்கம் ஏற்பாடு செய்யுமா?

THE HON. SRI V. RAMAIAH: இதெல்லாம் ஸ்கீம் அமுலுக்கு வரும்நேரத்தில் பரிசீலனை செய்யப்படும்.

SRI V. V. RAMASWAMI: மத்திய அரசாங்கத்திடமிருந்து டெக்னிகல் சாங்ஷன் எதிர்பார்க்கின்றீர்களா? அத்துடன் பண உதவியும் எதிர்பார்க்கின்றீர்களா? ஏன் தாமதம் ஏற்படுகிறது?

THE HON. SRI V. RAMAIAH: பண வசதி, டெக்னிகல் சாங்ஷன் எல்லாமே எதிர்பார்க்கிறோம்.

MR. CHAIRMAN: Questions are over.

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

[II.—ANNOUNCEMENT RE MESSAGE FROM THE ASSEMBLY.]

MR. CHAIRMAN: I have to announce to the House that I have received the following message, dated 12th September 1959 from the Hon. Speaker, Madras Legislative Assembly:—

'In accordance with rule 139 (2) of the Madras Legislative Assembly Rules, I transmit a copy of the motion passed on the 12th September 1959 by the Madras Legislative Assembly desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Buildings (Lease and Rent Control) Bill, 1959 (L.A. Bill No. 20 of 1959).

Motion.

"That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 27 Members (18 Members from the Assembly and 9 Members from the Council) to consider the Madras Buildings (Lease and Rent Control) Bill, 1959 (L.A. Bill No. 20 of 1959) and that the following Members of this House be selected to serve on such a Joint Select Committee:—

1. The Hon. Sri V. Ramaiah.
2. The Hon. Sri M. Bhaktavatsalam.
3. The Hon. Sri C. Subramaniam.
4. Sri P. G. Karuthiruman.
5. Sri T. Sampath.
6. Srimathi T. N. Anandanayaki.
7. Sri P. M. Munuswamy Gounder.
8. Sri K. S. G. Haja Sheriff.

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9. Sri S. Sangili.
10. Sri P. Ramachandrar.
11. Sri C. R. Ramaswamy.
12. Sri K. Vinayakam.
13. Sri V. K. Ramaswamy Mudaliyar.
14. Sri M. Jagannathan.
15. Sri S. Pakkiriswamy Pillai.
16. Sri N. K. Palaniswami.
17. Srimathi Satyavanimuthu.
18. Sri D. S. Audhimoolam."

III. GOVERNMENT BUSINESS.

DISCUSSION ON THE STATEMENT *re* FOOD SITUATION IN
MADRAS STATE.

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

"That the statement in regard to the food situation in Madras State be taken into consideration."

I have placed before the House a statement regarding the food situation in the State. I have explained therein the food situation as it is to-day and also its background and furnished statistics which will also explain the situation.

Hon. Members have noticed that the present problem is not non-availability of food. There is no question of scarcity and there is no complaint of non-availability of food anywhere in the State, whether it is in the plains or in the hill areas. Even in the out-of-the way centres in hill stations like Kodaikanal, Yercaud or the Nilgiris, I have not heard of any complaint that rice or any other foodgrains are not available. But the main difficulty is high price. It is that which causes anxiety to the Government as well. We have been trying to tackle that problem and we have been taking steps to check further rise in prices, even if we could not lower down the prices.

The hon. Whip of the Opposition has given notice of an amendment to this motion. He wants to express dissatisfaction at the manner in which the Government have been tackling the food problem. He wants Government to take effective steps to check the rise in prices and to lower down the prices. I have brought forward this motion exactly with the object of seeking the guidance of the hon. Members of this House, particularly, the guidance of the Opposition. I would certainly welcome practical proposals that will enable the Government to deal more effectively with the food situation.

The fundamental thing to be considered is distribution. We have been stepping up production. Three or four years ago, we assessed our requirements and found that there was a deficit of one

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lakh tons of rice so far as this State was concerned. We were getting rice stocks from the Central pool for the purpose of feeding our fair price shops we had then. Now the position is, we have a small surplus over the requirements of this State.

SRI MOHAMED RAZA KHAN: Is the Hon. Minister taking in terms of 1959-60?

* THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. Just a few days ago when I was in Delhi, I told the Union Minister for Food and Agriculture—and I mentioned this fact at the meeting of the National Development Council—that if the Madras State was constituted into a separate Food Zone, we could conserve all the stocks that would be available and that we could supply 1½ lakh tons of rice to Kerala. I said that we could enter into a very firm commitment about it. Therefore, the hon. Member need not worry about the risks that we might run if the composite Southern Food Zone should be split up. Further, there is no complacency in the matter of food production. I may tell the hon. Members of the House that under the Third Plan which is being prepared, we propose to increase the allotment under agricultural production to six times of what it was in the Second Plan.

11-30
a.m.

The question now is what we should do to make the distribution of food that is available in the Southern Zone or in the States and the country, very effective which would result in checking the rise in prices of foodgrains. The fundamental question that is often raised in this connection and that we should consider is whether there should be no control or regulation at all regarding the distribution of food, the sale of food, and the purchase of food. There is a school of thought which has been advocating persistently that there should be free movement of food throughout the country and that there should be no regulation of movement within the country. Of course, I agree that that should be the ultimate ideal. I would also welcome a situation which would enable us to achieve that ideal. But we have to look into the situation as it is to-day. It is no good merely calculating arithmetically the quantity of food that is produced in the various States of the country and assessing the requirements of the country, and pointing out that with so much of imports allowed by the Government and free movement within the country, everything would be all right. Everything cannot be all right. There is some need to regulate. The hon. Members are aware of the old saying that it is no good, for purposes of crossing a river which is in flood, taking the average depth of the river and venturing on such a risky job as crossing it. As it is, there is adequate water available for the purpose of irrigating a hundred acres of land. There is the reservoir. You may take it that there is adequate water available for the purpose of irrigating a hundred acres, say, 120 acres. To irrigate the hundred acres the water has to be allowed to flow from field to field, satisfying the requirements of each holding. The water has to pass through the several holdings and go to the tail end without any difficulty. But if, on the

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other hand, after the channel passes through twenty acres, there is a deep pit five or six feet in depth, what happens? What will not flow to the other lands and all the water would be exhausted, and the remaining lands would not get the water. That is how we have to assess the situation. It is no good making mathematical calculation and finding a solution. Whether we have a Southern Zone or free movement is allowed all over India, we have to see whether it can be effected satisfactorily without any kind of regulation. Of course, as I said, we would like to have a situation where there would be no control at all. Government would be most happy to be in such a situation because they have hundred other responsibilities to attend to and they are not anxious to take up control and regulation of the vital requirement, namely, food. Of course, man likes to be absolutely free from any interference. Man wants to do as he pleases. Time was before civilization set in in the Universe when individuals acted as they liked. They had no concern, no responsibility to society, to others. But now we have to think in terms of the requirements of society. It is no good merely looking at our own wants and our own pleasures. I have seen the report of an interesting case in Rome. The wife claimed freedom of correspondence. She claimed freedom from interference in her correspondence even from her own husband. But the husband contested it and the Judge ruled that the husband had got the right, just as he had the right to have control or check over the movements of his wife, to see and interfere with her correspondence, and look at her letters. (Interruption.) This was the Judge's ruling in Rome.

Now, our comrades of the Communist Party are trying to fish in troubled waters. They are now seeing whether they could not use the food situation and build up a movement. I wish to tell them that in China, in spite of the tall claims of the Communist Government of China about stepping up production of rice and other foodgrains, they are thinking of introducing rationing. There are complaints in China that people are not enjoying the same freedom as they used to enjoy before. The Chinese Government offer their own explanation, namely, that the consumption has gone up. That is the explanation that even the Chinese Government are offering. In spite of their claim of having considerably stepped up food production, they are now thinking of introducing rationing. They are not able to cater to the full needs of the people.

Now, about the Zones, I have suggested, on behalf of the Madras Government, to the National Development Council that the one effective way of solving the problem and meeting the situation is that the State must be constituted into a separate food Zone. The National Development Council agreed that there was no question of allowing free movement now all over India. We pointed out that the fluctuation in prices, the rise in prices was caused by speculative buying by merchants. Merchants buy in Tanjore and move what they purchase to Kerala, not because they are anxious to feed the hungry Kerala, the deficit Kerala, but

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because they want to take advantage of the present situation and make money. That is the primary object of the merchants. Therefore, they offer attractive prices, whether there is need in Palghat or in any other place in Kerala or not. They offer attractive prices and our landholders, producers have, therefore, a grouse against this Government not because the prices that we have fixed are low but—the enterprising landholders told me that the prices fixed were fairly reasonable—because there are others who offer higher prices. Their grouse is why Government should compel them to sell at lower prices when there are others who offer attractive prices. Therefore, there is opposition to our procurement, not only from the merchants but also from the landholders. In spite of this opposition, we have been able to procure 1,17,000 tons.

11-40
a.m.

Hon. Members point out that our procurement was a failure. I would like to say that it is not a failure in spite of the opposition and in spite of the attempt on the part of vested interests at sabotaging our procurement policy. We have procured during Samba harvest 1,17,000 tons and, if we should procure kuruvai, we can easily procure 40 to 50 thousand tons and the target would be more or less reached if we want to. But, Sir, about 'kuruvai', I have stated that we are not very much interested in procuring it. We have not yet taken a decision whether we should procure it or not. Though we are not very much interested in procuring it, we have to procure foodgrains for two reasons. Firstly, we should check the undue drain on the foodgrains sent to Kerala from our areas. Secondly, we must have some stock for feeding our fair price shops. If we have not procured this much, we would not have been able to establish fair price shops and the beneficiaries of these fair price shops would suffer seriously. Now, Sir, as I said, we are not very much interested in stopping the drain on 'kuruvai' sent to Kerala because it is largely consumed by Kerala. Tamil Nad is not very much interested in consuming it, but Kerala is interested in consuming it. When I have stated like that, there are super-critical newspapers—they may be as critical as they want to be and I do not mind it and I do not find fault with their super-criticism—which have resorted to ill-informed criticism. One English newspaper in Madras—I am only mentioning the type of criticism that we are now having—has found fault with me for saying that we are not interested in 'kuruvai', that it goes to Kerala and that, therefore, we may not procure it. That newspaper has asked, "Should we not be interested in our neighbour, Kerala, and should we not be interested in supplying 'kuruvai' at a lower price than leaving it to the merchants to decide?" Yes, we are certainly interested. That is exactly what we have been arguing all along. If our State is formed as a separate food Zone, we will procure and supply 1½ lakh tons to the Kerala Government at controlled price. That is what we have been offering to the Kerala Government but they have not agreed to it. They feel perhaps—not that they have no belief in our offer but, on the other hand, they have got belief in our offer—that they would not be able to get all the requirements if the various

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States comprising the Southern Zone are split up into separate Zones. Therefore, the Central Government are hesitating to take a decision and they have not taken a decision to split up the Zone. So, what is the use of that newspaper finding fault with me? I am pleading for separation. I said at the meeting of the National Development Council that it should be done not merely in the interest of the Madras State but more in the interest of the Kerala State. Therefore, what is the use of finding fault with the Government that they could not procure 'kuruvai'? How can we procure it if this means obstruction, when particularly Madras is not interested in consuming 'kuruvai'? Therefore, if each State is constituted into a separate Zone, Andhra would enter into a firm commitment and Madras would enter into a firm commitment. We will supply foodgrains to Kerala and, over and above that, the Centre could supplement them. In that way, the food problem in the Southern Zone could be solved. That is our contention. But Mysore and Kerala would not agree to the separation. Mysore's requirements are assessed on an exaggerated basis but the Chief Minister of Mysore or the Mysore Government would not agree to it. But they themselves cannot maintain that the figures regarding their requirements have been properly worked out and that they are correct. They have given only approximate figures. We have to take a practical view in order to meet the situation effectively. So, that is the situation. Now, we do hope and expect that before long a definite decision would be taken, whether the State is to be constituted into a separate food Zone or the present composite food Zone is to be continued. But if the composite food Zone is to continue—I have told the Centre and also mentioned it at the meeting of the National Development Council—it will be very difficult for us to continue this procurement. We have to take further decisions after knowing what the ultimate decision about the future of the food Zone is. But, in the meanwhile, we have opened a number of fair price shops. More than 1,780 fair price shops have been opened and we propose to increase them. Wherever there is need for them, we are opening them. When we pointed out to the Government of India that on account of the absence of regulations, there was movement of foodgrains to the Kerala State and that consequently there was drain on our foodgrains, they were good enough to supply us one lakh tons from their food stocks, although our State is surplus in the matter of foodgrains. So, we have been drawing from their stocks also. During the lean months, we will run these fair price shops. We are also thinking of running at least 500 fair price shops throughout the year so as to have stabilising effect on the prices.

Now, Sir, after all, the fair price shops would only touch the fringe of the problem. There are suggestions that there must be fair price shops for a ward consisting of a thousand people. That means full rationing and full control. That is not what we propose to do and that is not what we are doing and that is not what we

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should do. The situation is not so critical as to reintroduce full rationing and full control. The fair price shops are intended to give relief to the people who cannot afford to pay higher prices for foodgrains. Prices in the market are still higher. If we run fair price shops, it does not mean that there can be unfair prices. Price must be fair but it is not fair in the market. The other day I enquired a poor woman who purchased rice from a fair price shop. She told me that the previous day before the shop was opened, they had to pay for a measure of Madras rice 40 naye paise more than the price at which rice was sold in the fair price shop. Even yesterday when I was in Madurai, I learnt that there was easily a difference of three annas between the market price and the price prevailing in the fair price shop. We have opened a large number of fair price shops and we are adding to them. It is also complained by those who run these fair price shops in Madurai that in some of the shops there is a reduced off-take. That means that these shops have an effect on the market price. People do not like standing in the queue and waiting and, therefore, many of them do not go to the fair price shop. So, wherever they are needed, we are opening more fair price shops. We have also authorised the fair price shops to fix a certain limit with regard to their daily sale. Now we have increased the limit. Thus, the steps we have taken have definitely reduced the prices of foodgrains or at least checked the further rise in prices. Prices are also falling down.

There is one other problem. The middle class people here are accustomed to eat Nellore raw rice. A Madras measure of Nellore rice is sold at Rs. 1-4-0. That is really a problem which has been worrying me. We have to take some steps to supply raw rice to the middle class people who are accustomed to raw rice. We have asked the Central Government to supply some Nellore rice from their stocks, but they are not able to give us much. But, fortunately, they have imported Burma rice and they have promised to supply the imported Burma rice to the extent of one lakh tons which they have done. Sir, I am glad to tell hon. Members—hon. Members would have seen the quality—that it is now sold in the T.U.C.S. fair price shops at 74 nP. per Madras measure, whereas Nellore rice is sold at Rs. 1-4-0 per Madras measure. It is cheaper than our boiled rice. The price of our boiled rice is 14 annas. This Burma rice is fairly good. People who have tasted that rice have told me that it is quite good. (Sri T. P. Srinivasavaradan : Not very good!) (Sri V. V. Ramasami : அது பழத்துக்கு நன்றாக இருக்கிறது It may not be very good, but the hon. Member should know that its price is only 74 nP. whereas the price of Nellore rice is Rs. 1-4-0. If the hon. Member wants superior rice, he can take the latter and this Burma rice is particularly for the poorer middle classes. It is tolerably good. I could arrange to supply particularly in Madras City large quantities of this quality of raw rice for the requirements of the middle classes. That is the position, Sir.

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Then, Sir, about the question of procurement. People in their anxiety to escape from procurement demand, say, 'Why not impose a levy'. Then there are our comrades who would suggest that this Government have failed to tackle the food situation effectively, and that they should have procured by undertaking a levy on the bigger producers and tackled the situation. Sir, the bigger producers are fewer in number. We made a calculation. Now, it is the merchants and big landholders that feel that they are affected by this procurement, and in order to escape from this procurement, say, 'Just have a levy'. For my part, I am not prepared to touch holders of five acres and less; it will be like land revenue. I am not prepared to have any levy on them. Then, there will be persons who would suggest, 'Why not we levy on two-acre men and three-acre men? Unless we tackle these small people also, we cannot get the required quantity'. Well, if this State were to be separate from the Zonal system, I would have to honour my commitment of 1.5 lakh tons to Kerala and then I may require two lakh tons for feeding our fair price shops, at least in the lean months. That means, in all I require 3.5 lakh tons. Now I have made a calculation, even if five-acre men are to be touched. I am not prepared to touch holders of five acres and less. Then, there is the slab system in the matter of procurement. With these five-acre men also, I shall be able to get only 70,000 tons from Tanjore and 30,000 tons from other districts, which will not be more than one lakh. That being the case, what is the meaning of saying, 'You have left out the big landholders'? That is the real position today. Any further decision will have to be taken after knowing finally what the future will be about this Zonal arrangement regarding food.

I have just explained the position. I once again repeat that I do look forward to guidance from hon. Members in order to tackle the situation more effectively. Thank you, Sir.

MR. CHAIRMAN: Motion moved—

"That the statement in regard to the food situation in Madras State be taken into consideration".

The motion is before the House for discussion. There is an amendment given notice of by the hon. Member Sri Mohamed Raza Khan. He will please move it formally.

SRI MOHAMED RAZA KHAN: Sir, I move—

"and on such consideration, this House is of opinion that the Government of Madras have failed to control the rise of prices of rice and other commodities in the State of Madras and that adequate steps should be taken to check the rise of prices."

SRI L. S. KARAYALAR: I second the amendment, Sir.

SRI MOHAMED RAZA KHAN: Sir, we are a little bit beholden to the Hon. the Leader of the House and the Hon. the Minister for Food (Sri T. Purushotham: Only a 'little bit'?) for

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having agreed to give us an opportunity to discuss the food situation in the State of Madras. Sir, the Hon. Minister, anticipating some of the criticisms, took pains to reply to the points and suggestions which were likely to be made in the course of the debate. I am in entire agreement with him when he says that the question, as far as the Madras State is concerned, is not one of availability of rice; but that it is a question of increase in prices. Before our saying it, he himself admitted that as far as the price of Nellore rice was concerned, talking about the City of Madras particularly, it was not fair. I do not have a dispute on that with him. The price of Nellore rice is Rs. 1-4-0 or Rs. 1-5-0 a Madras measure. You may be quite aware, Sir, that last time when we had a debate on this question, the price prevailing in the City of Madras for Nellore rice was Rs. 1-1-0 or so. Even then we all raised objections to having to pay such a heavy price. Especially the poor found it difficult to pay such a price, which was far higher than the price which they were paying a year or two before. Within the course of one year—the last debate we had somewhere last year I think—we have today to pay another 25 per cent increase in the prices of foodstuffs. That is the real, basic problem.

In fact, the Hon. Minister himself said in the other House that he took a very serious view of the rise in prices, and I congratulated him on that. He said that it was the responsibility of the Government to control and added, 'I cannot allow prices to go up in this indiscriminate manner'. Now the question is this. What are the methods by which Government want to control prices? Of course, when it suits the State Government, they take shelter by saying that this price factor is not confined to Madras alone and that it is an all-India affair. I do admit that it is an all-India affair. Prices have gone up abnormally throughout India and not in any one particular State alone. But compared to other States, the prices in Madras are not so bad as per the statement of the Hon. the Food Minister. Much has been said that there has been some bungling at the all-India level. Their deficit financing has led to a sort of—not scarcity—artificial boosting of prices of all commodities. But the people are interested more in food articles and that is the staple thing as far as we are concerned. Having said that, I should like to ask, 'What are the suggestions made and remedies suggested by the Government to the Government of India?' Let me admit that the value of the rupee has depreciated every now and then and that prices are soaring. Therefore, I want to know what are the definite suggestions made to the Government of India for effective control of prices. It is unimaginable that in these days while the income of even the middle-class families has remained the same, daily the price of every article is rising and they have to pay a few annas more on every item. It is not an easy thing for them and they alone know the difficulty of it. Therefore, I feel that the Madras Government who are tacked on in almost everything to the Centre should place the issue before the Centre. I feel that the State has lost all initiative so far as food is

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concerned. Their job is to pay periodical visits to Delhi and carry on discussion with them and, when they return here, to say that the Centre is contemplating this thing or that. Incidentally, the Southern Zonal Council has come as a scapegoat. However, I say that if we are really anxious to fix a reasonable price, at least as far as rice is concerned, there should be a definite plan. It should be submitted to the Central Government and they should be told 'Here is our plan as far as our State is concerned' and it should be implemented. I do admit that the policy of the Madras Government in having opened fair price shops will have a salutary effect on prices. Only this morning when I was passing through a highly congested area, I saw some thirty or forty people standing in front of fair price shops or the T.U.C.S. in their anxiety to purchase one or two measures of rice. Whatever it is, it has made a significant change. I am sure that that is a very good policy. Opening of fair price shops and allowing additional quantities of rice and increased quantities is good. It was promised by the Hon. the Minister for Agriculture that if there was need, they would increase the number of shops also. I am sure this also will have a very good effect, but what is being given is only boiled rice. The Hon. Minister said that he was prepared to give some help to the middle class people also and that he would give Burma rice which also was being sold in Madras at As. 12 or 75 nP. As the Minister just now said, we should make a demand on the Central Government for supply of Nellore rice, at least to the people of the City of Madras who are accustomed to Nellore rice alone. Sir, habits are very difficult to change and one cannot change one's habit easily. Naturally, therefore, I know the difficulty of my hon. Friend Sri Srinivasavaradan. He cannot go from Nellore to Burma just for the sake of . . .

MR. CHAIRMAN: It is a long distance. (Laughter.)

SRI MOHAMED RAZA KHAN: Yes, Sir. I do not know whether the Government of India have sufficient stocks of Nellore rice with them. If so, what prevented them from issuing adequate stock as far as the City of Madras is concerned? If they have adequate stock of Nellore rice, they could have obliged the Government of Madras, particularly for the sake of the City of Madras, rather than dumping Burma rice, though it has a good sale here. It is only small mercies shown by the Government of India to the Madras Government.

12 noon Sir, when I was hearing the Hon. the Minister for Agriculture. he made one significant observation. He said, 'As far as we are concerned, we are surplus in the year 1959-60.' It is a very significant statement. In fact, Sir, you may remember that as early as April 1959 and when there was a debate in the Legislative Assembly—I can quote the Hon. Minister's speech, but it is not necessary—he said, 'We are surplus. There is no question of deficit. The only trouble is non-availability of dhall and other things, and I am asking the Government of India to give us some help'. But

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what happened is this. Eight days after the meeting of the Legislative Assembly was over or after ten or twelve days, his Colleague, the Hon. the Minister for Finance, who is not in charge of Food and who may not be expected to have that proper perspective of the food situation as the Minister in charge made another statement. Unless our Ministers feel that they are masters of everything—let them not take it as a compliment or as a criticism—it is very difficult for one Minister, however capable he may be, to talk with authority about another Minister's portfolio.

THE HON. SRI M. BHAKTAVATSALAM: I may tell the hon. Member about this reference that the Hon. the Minister for Finance made that statement when I was away from Madras. What exactly he meant and said, I shall explain when I reply.

SRI MOHAMED RAZA KHAN: Therefore, I will be helping the Minister to clarify that point. Sir, as early as May 7th it was stated in the press—

"Talking to pressmen today, Mr. C. Subramaniam, Minister for Finance, said that this shortage was revealed after the preliminary final estimates of crops that were just coming in."

It is a very, very serious matter. The Hon. the Minister for Finance, not being well aware of the food situation, simply stated in a haphazard way to the Pressmen who surrounded him that there was a deficit of five lakhs tons. The Finance Minister happens to be the Leader of the other House. He knew that his Colleague had made a categorical statement on the floor of the House that there was no shortage, that there was no deficit and that far from it, we were in a surplus state. If the Hon. the Minister for Finance turns again and says that reports are coming just now that there is a deficit, am I to understand that our officials of the Food Department deliberately kept that valuable statement from the Minister in charge that there was going to be shortage because of the monsoon failure in certain parts and gave that statement to his Colleague ten days afterwards? The Leader of the Opposition has, times without number, stated that the Minister who is in charge of the portfolio alone should talk on policy matters. Therefore, it was a serious thing. Apart from the constitutional propriety, apart from the fact that the Minister for Finance is not the Minister for Food, his statement has created a scare in the State of Madras. Even prices started shooting up. All along we were told that conditions were all right as far as food was concerned. We were just told within ten days of the debate on the flood of the Assembly that we were deficit, mind you, Mr. Chairman, to the extent of five lakhs tons. It is a very serious thing. If I do not take the time of the House, I may just read an editorial in the Press—

"What exactly are the facts about the food situation in Madras State? Within less than a fortnight of a reassuring statement by Mr. Bhaktavatsalam during a debate in the Assembly in which he said that there was no deficit in Madras State, we are

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told by the Finance Minister, Mr. Subramaniam, that crop failure in North Arcot and three of the southern districts has created a critical situation for the State. It is now stated that there will be a drop in production by five lakhs tons. When was this alarming discovery of a shortfall of half a million tons made? "

The Minister in charge of Agriculture has just now referred to an editorial in the Madras Press. Whether it is 'The Hindu' or 'The Mail', I do not worry. I am not supporting the Press. I am not holding any brief for them. After all, the Press also may have their own views after two contradictory statements made by two Ministers within a period of a fortnight. I am sure that the Press have got every right to criticise when there is something wrong with the affairs of the Government.

THE HON. SRI M. BHAKTAVATSALAM: Does it mean that the hon. Member justifies the criticism that I referred to in the newspaper?

SRI MOHAMED RAZA KHAN: I am sorry. The Minister is within his right with all the facts at his disposal to criticise the Press statement. The Minister has got as much interest and responsibility to see that the food situation is solved. The Minister for Agriculture would have his views. He has got a desire to do something in the matter. I can categorically say that. As far as the Press criticism is concerned, I am sure when such contradictory statements are made, people are really bewildered as to which of the statements is correct. Unfortunately, there has been too much of tacking on with the Centre and our new Food Minister, Sri S. K. Patil, has taken charge recently. He is noted for his drive and energy and he is a man who will have a bright appraisal of the situation.

Now, with regard to sugar scarcity, I was shocked last night when somebody told me that the price of sugar in South Madras was Rs. 2-2-0 per viss, while the controlled price was Rs. 1.61 or Rs. 1-10-0 or Rs. 1-11-0 per viss. There is thus a 50 per cent increase in the price of sugar. How has it happened? The Minister says, 'I may not be fair in saying "why should people take tea or coffee with sugar?"'

* **THE HON. SRI M. BHAKTAVATSALAM:** Regarding sugar, I may assure the hon. Member that so far as the City is concerned, particularly any one who wants to purchase not more than one viss of sugar daily, can get it from any of the T.U.C.S. fair price shops at Rs. 1.63 nP. per viss. The price may even be reduced by 2 nP. So, there should be no difficulty, unless people want more than one viss per day and unless certain people want to make business out of this. There should thus be no difficulty at all about the availability of sugar.

SRI MOHAMED RAZA KHAN: I am very thankful to the Hon. Minister. Last night the hon. Member Mr. Karayalar along with three or four others came to my house. There was no

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sugar. Naturally, I cannot be going to the T.U.C.S. shop for a difference of about six annas. So, I purchased it from a nearby shop and I had to pay more. I do not mind paying a few annas more. But what about the plight of the poor people? They cannot be going and waiting at the T.U.C.S. fair price shops whenever they need sugar urgently. We are paying Rs. 2-2-0 per viss for sugar. What is happening with regard to sugar? The Government should examine the position. We are deficit in sugar. Our production is not keeping pace with our demand. I do concede that the Madras Government are doing something to start new sugar mills on a co-operative basis. Let me not bother about the names. The Government are doing something in the matter. I am told that the merchants who are getting stocks from northern India to our State are re-exporting them to Bombay as they are getting better prices there.

Sir, our Ministers have made this Southern Zonal Council a scapegoat for everything. I would feel happy if the demand of the Madras Government is conceded by the Central Government and Madras State is made a separate Zone. We have been separated in too many things. What is the advantage in being together only in the matter of food? If Madras State is made a separate Zone, we may be in a better position to get the real information from the Government. The Minister has said that there is not much to worry about, even granting that we are allowing a lakh and fifty thousand tons to Kerala. On a previous occasion, he said that for a particular variety of rice there was no sale here and that that should go to Kerala. (Sri L. S. Karayalar: 'Kuruvai'). So, even according to his own statement, that market has always been there for kuruvai. The Minister says in his statement that in 1954-55 the intake from Andhra is 91,000 tons, whereas the export to Kerala is 158,000 tons. Again in 1958-59 the position has not changed very much because we received 60,000 tons and as against it, we have sent 115,000 tons. Of course, the Minister might say that apart from the traffic through rail, there were exports through buses and lorries. If Madras has to be constituted as a separate Zone, the Minister is entirely agreeable to send 1½ lakhs tons to Kerala, provided some more quantity is made available to Madras by the Centre, in addition to the procurement made locally.

I am prepared to accept one and a half lakhs. If really the Government of India feel that this is going to be the proper thing, I have practically no objection.

THE HON. SRI M. BHAKTAVATSALAM: I would like the hon. Member to tell me what exactly he would suggest in the present situation in the event of the Southern Zone being continued.

SRI MOHAMED RAZA KHAN: I do not have facts and figures with me and I do not have the hierarchy of officials and if I were in that position, my speech would have been different.

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You have taken responsibility to administer. You have taken responsibility to govern. By God's Grace you have got all the experience of years. It is no good simply saying "Prices have gone up and we have to control them." If I see the Government's suggestions are not right, in time I will make my suggestion. However, the whole basic problem is this. As far as the debates are concerned, we may have our own rhetoric. We may have a point at the expense of the Minister or we may talk nicely and we may give an appreciation and the Press may give some publicity. It is all right. But it is a question of the masses. Their difficulties are increasing. Their income stands at the level where it was four or five years ago. But, unfortunately, it is their lot to suffer. It may be the lot of the other States also, but we are not bothered about them. The common man looks to us. He looks to the Government, he looks to the Opposition whether there can be any relief for him. Whether he may be called upon to pay Rs. 1-4-0 for a measure of rice, Rs. 2 for a viss of sugar and Rs. 3 for a viss of tamarind, is the question. For Heaven knows whether the prices will go on increasing or will decrease. I wish the Minister to have a proper perspective and do the right thing and reduce the price to a very reasonable level, neither hitting the producers nor the consumers. If this is done, he would have done a very good job, and we will be proud of him. Thank you, Sir.

SRI M. SUBRAMANIA KARAYALAR : தலைவர் அவர்களே, அமைச்சர் அவர்கள் பேசும்பொழுது, நெல் உணவுப் பொருள்கள் அதிகமான அளவில் கிடைக்காததினால்தான், அதன் விலையைப்பற்றிப் புகார் இருக்கின்றது என்று சொன்னார்கள். அது ஓரளவு உண்மையாக இருக்கலாம். கன்னியாகுமரி, திருநெல்வேலி ஜில்லாவை எடுத்துக் கொண்டால் கன்னியாகுமரி, செங்கோட்டைப் பிராந்தியங்கள் திருவிதாங்கூர் ராஜ்யத்தோடு சேர்ந்திருந்தபொழுது, கன்னியாகுமரி, செங்கோட்டைப் பிராந்தியங்களை நெல் களஞ்சியமாக வைத்திருந்தார்கள். அங்கிருந்து உற்பத்தியாகக்கூடிய உணவுப் பொருள்கள் வெளியிடங்களுக்கும் போகக்கூடிய நிலையில் இருந்தது. அதோடு பர்மா போன்ற வெளியிடங்களிலிருந்தும் நெல் வந்துகொண்டிருந்தது. இவ்விதம் ஒருவிதமான சங்கடமும் இல்லாமல் இருந்துகொண்டிருந்தது. ஆனால், இப்போது, அதாவது இரண்டாவது மகாயுத்த காலத்திற்குப் பின்னால், செங்கோட்டையிலிருந்து நெல் ஏராளமாகப் போய்க்கொண்டிருந்தது. இப்போது சர்க்கார் நேரடியாக நடத்தவில்லையென்றாலும், அவர்களுடைய ஏஜென்ஸி மூலம் கொள்முதல் செய்துகொண்டிருந்தாலும் கூட, அங்கு பற்றாக்குறை இருந்துகொண்டிருக்கிறது. ஏனென்றால் செங்கோட்டைப் பிராந்தியம் கேரள ராஜ்யத்தின் சமீபத்தில் இருப்பதால், இங்கிருந்து அரிசி ஏராளமாகப் போய்க்கொண்டிருக்கிறது. அதிலும் நெல்லைப் பொறுத்த வரையில், இரண்டு ரகங்களாக இங்கு வைத்திருக்கிறார்கள். கோட்டை ஒன்றுக்கு, அதாவது ஒரு கோட்டை என்பது மதராஸ் அளவு 112 கொண்டதாகும், 32 ரூபாய் முதல் 37 ரூபாய் வரையிலும், அதே போல் கூடின ரகத்திற்கு 50 ரூபாய் வரையிலும் விலை வைத்திருக்கின்றார்கள். எனக்குத் தெரிந்த வரையில், நெல் விலையில் இந்தமாதிரி வித்தியாசம் இருந்ததே கிடையாது. கேரள ராஜ்யம் எப்படியிருக்கிறது என்பது உங்கள் எல்லோருக்கும் தெரியும். டாலர் சம்பாதிக்கக்கூடிய எரியாவாக இருந்துகொண்டிருக்கிறது. நல்ல மிளகு, தேயிலை, ரப்பர் முதலியவைகளை ஏராளமாக உற்பத்தி செய்யக்கூடிய இடமாக இருந்து கொண்டிருக்கிறது. அதிலிருந்து கிடைக்கக்கூடிய பணத்தைக்கொண்டு, எந்த விலையாலும் சரி, அதைக் கொடுத்து வாங்கி அவர்களுடைய

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பசியைத் தீர்ப்பதற்கு என்னென்ன வழிகள் உண்டோ, அவைகளை எல்லாம் கையாண்டு வருகிறார்கள். அதற்காக இந்த இடங்களில் வந்து குறைந்த ரகம் என்று சொல்லப்படும் நெல்லை எல்லாம் வாங்கிக்கொண்டு செல்கிறார்கள். இதன் காரணமாகச் செங்கோட்டை, கன்னியாகுமரி போன்ற இடங்களில் பற்றாக்குறை இருந்துகொண்டிருக்கிறது. ஏராளமான நெல் இருந்தும் கூட, அங்கு பற்றாக்குறை இருந்துகொண்டதான் இருக்கிறது. நியாய விலைக் கடைகளும் இருக்கின்றன. இதற்கு சர்க்கார், நேரடியாக நெல் வாங்கவில்லையென்றாலும் கூட, அவர்களுடைய ஏஜென்ஸி மூலம் வாங்கிக்கொண்டிருக்கிறார்கள். அவர்கள் தான்யங்களை வாங்கும்போது நிறுத்து வாங்குகிறார்கள். கடைகளில் நிறுத்துத்தான் விற்க வேண்டும் என்று சொல்லப்பட்டிருக்கிறது. இதில் என்ன செய்கின்றார்கள் என்றால், நிறுத்து வாங்கும்போது நெல்லோடு கல்லும் சேர்த்து நிறுத்து வாங்குகிறார்கள். ஆனால், அளந்து கொடுக்கும்போது, கல்லை எப்படி அளந்து கொடுப்பது? இதன் காரணமாக அவர்களுக்குப் பற்றாக்குறை ஏற்படுகின்றது. இதனால் நஷ்டமும் ஏற்படுகின்றது. இதைப் பற்றி ஏஜென்ஸிகளிடம் கேட்டால், அதற்கு ஒரு யுக்தி சொல்லிக் கொடுத்து, அளக்கும்போது செட்டிக்காரத்தனமாக அளந்து விற்று விடுகிறார்கள். ஒரு படி அளந்து வாங்கினால், அது முக்கால் படிதான் இருக்கும். ஆகவே, அரசாங்கம் என்ன செய்ய வேண்டுமென்றால், கேரள நாட்டுக்கு வேண்டிய அளவு உணவுப் பொருட்கள் கிடைக்க வழி செய்ய வேண்டும். அப்போதுதான் நமது நாட்டில் பற்றாக்குறை இல்லாமல் இருக்கும். கேரள நாட்டில் இருக்கக்கூடிய பற்றாக்குறையை ஒழித்தால் தான், நம்முடைய நாட்டில் உள்ள பற்றாக்குறையை நீக்க முடியும். ஆகவே, இந்த சர்க்கார் மத்திய சர்க்காரிடம் சொல்லி எந்தவிதத்திலாவது கேரள நாட்டுக்குத் தேவையான உணவைக் கொடுப்பதற்கு வழி செய்ய வேண்டும். இந்த நாட்டிலிருந்து கொடுக்க முடியவில்லை என்றாலும், வெளிநாட்டிலிருந்தாவது, கேரள நாட்டுக்கு பிரேஸில் போன்ற இடங்களிலிருந்து, கேரள நாட்டிலுள்ள துறைமுகங்களான, கொல்லம், ஆலப் புழை, கொச்சி போன்ற இடங்களில் கொணர்வது இறக்கினால், அங்கே பற்றாக்குறை தீர்ந்துவிடும். இப்போது கூட அங்கே பற்றாக்குறை இல்லை, செங்கோட்டையில் பற்றாக்குறை இருக்கிறது, பக்கத்திலுள்ள கேரள ராஜ்யத்தில் பற்றாக்குறை இல்லை.

*** THE HON. SRI M. BHAKTAVATSALAM :** கேரள நாட்டில் பற்றாக்குறை இல்லை என்று சொல்ல முடியாது. அங்கு இருந்த அரசாங்கம், அதிகப்படியான அளவில் நியாய விலைக் கடைகளை ஏற்படுத்தியிருந்தது. அவ்விதம் ஏற்படுத்தியிருந்தும் கூட, வாரம் ஒன்றுக்கு 2, 3 படி அரிசிதான் கொடுக்கப்பட்டது. ஆனால் இங்கு சென்னை நகரில் நான் ஒன்றுக்கு நபர் ஒன்றுக்கு இரண்டு படி அரிசியும், வெளியிடங்களில் ஒரு படி அரிசியும் கொடுத்துக்கொண்டிருக்கிறோம் என்பதையும் தெரிவித்துக் கொள்கிறேன்.

SRI M. SUBRAMANIA KARAYALAR : அங்கு எப்படியிருந்தாலும், இப்போதும் 52 ரூபாய் விலையில் கேரள ராஜ்யத்திலிருந்து எங்கள் பகுதிக்கு நெல் விலைக்கு வந்துகொண்டிருக்கிறது. ஆகவே, எந்த விதத்திலும் அவர்களுக்கு மனமுவந்து நாம் உணவுப் பொருட்கள் கிடைப்பதற்கு வழி செய்தால்தான், அவர்களும் மனமுவந்து நமக்கு வேண்டிய தண்ணீரைத் தருவதற்கு முன் வருவார்கள். இன்றுகூட "தினத் தந்தி" பத்திரிகையில் அமைச்சர் அவர்களது படத்தைப் போலீஸ்கார வேஷத்தில் போட்டு, அதில்.....

THE HON. SRI M. BHAKTAVATSALAM : பத்திரிகையில் வருவதற்கும் இதற்கும் சம்பந்தமில்லை. அவர்கள் யாசகம் கேட்டு நாம் கொடுக்கவில்லை, நாம் யாசகம் கேட்டு அவர்களும் கொடுக்கவில்லை. அதிலும் பரம்பிக்குளம் தண்ணீர் சம்பந்தமாக உருவான பலன் ஏற்படக்கூடிய நிலையில், அதற்குக் கேடு வரக்கூடிய வகையில் கனம் அங்கத்தினர்கள் ஒருவரும் பேசக்கூடாது என்று கேட்டுக்கொள்கிறேன்.

[15th September 1959]

SRI M. SUBRAMANIA KARAYALAR : நான் கேடு வரக்கூடிய வகையில் பேசவில்லை. அவர்களும் நாமும் ஒத்து வாழ வேண்டும் என்ற நோக்கத்தோடுதான் சொல்லுகிறேன். அவர்களுக்கு வேண்டிய உணவுப் பொருளைக் கொடுக்க ஏற்பாடு செய்துவிட்டால், நம்முடைய பற்றாக்குறை தீர்ந்துவிடும் என்பதுதான். அதற்கு வேண்டிய நடவடிக்கை எடுக்க வேண்டும் என்பதுதான் எனது வேண்டுகோள் என்பதைத் தெரிவித்துக்கொண்டு எனது பேச்சை முடித்துக்கொள்கிறேன்.

SRIMATHI K. B. SUNDARAMBAL : சபைத் தலைவர் அவர்களே, நாட்டிலே எத்தனையோ விதத்தில் பற்றாக்குறை இருந்தாலும், ஒருவாறு சமாளித்துக்கொள்ளலாம். அன்னமய கோசத்தினால் ஆக்கப்பட்ட இந்தச் சீர்தந்திரக் உணவுப் பொருள்கள் இல்லையென்றால்—அதில் பற்றாக்குறை ஏற்பட்டுவிட்டால்—மனிதர்கள் எப்படி வாழ முடியும்? ஒரு முறையிலே ஏராளமான விளைச்சல் ஏற்பட்டிருக்கிறது—நாமும் வைத்துக்கொண்டு மற்றவர்களுக்கும் இதைக் கொடுக்கலாம்—என்று சர்க்காருடைய ஒரு அறிக்கை வருகிறது. அடுத்தபடியாக, ஒரு அறிக்கையில் பற்றாக்குறை ஏற்பட்டிருக்கிறது, நியாய விலைக் கடைகள் ஏற்படுத்தியிருக்கிறோம், என்று காலப் போக்கு நாளுக்கு நாள் பற்றாக்குறையாகவே மாறிக்கொண்டிருக்கிறதானது மக்களிடத்திலே அதிகமாக நெருங்கிப் பழக்கக்கூடிய என் போன்றவர்களுக்குக் கொஞ்சம் மன வருத்தத்தைத் தருகிறது. அந்த வருத்தத்தை அரசாங்கத்திடத்தில் சொல்லிக்கொள்ளாமல் இருக்க முடியவில்லை. காரணம், பல இடங்களிலே நேர்முகமாகக் காணும் சில விஷயங்களைப்பற்றி அரசாங்கத்திற்கு எடுத்துச் சொல்ல நாம் கடமைப்பட்டிருக்கிறோம்—ஏனென்றால் நமக்குக் கொடுத்திருக்கிற நிலைமைக்கு நாம் இதைச் செய்ய வேண்டியது—ஆகவே நமது கடமையைச் செய்ய வேண்டும் என்ற மனப்பூர்வமான நல்லெண்ணத்தோடு சொல்லிக்கொள்ள ஆசைப்படுகிறேன். இதை அரசாங்கமும் நல்லெண்ணத்துடன் ஏற்றுக் கொள்ள வேண்டும் என்று கேட்டுக்கொள்கிறேன்.

பற்றாக்குறை என்பது உற்பத்தியின்மையால் பற்றாக்குறையா? அல்லது உற்பத்தியான பொருள்களை மறைமுகமாக வைத்துக்கொண்டிருப்பதால் பற்றாக்குறையா? அல்லது புள்ளிவிவரங்களிலே பற்றாக்குறையா? அல்லது நேர்முகமாகக் காணாமல் சிலர் சொல்லக்கூடிய வார்த்தைகளைக் கேட்பதால் பற்றாக்குறையா? இவைகளில் எதனால் பற்றாக்குறை என்று நாம் சீர்தூக்கிப் பார்க்க வேண்டும். நமது நாட்டிலே சேர சோழ பாண்டியர் ஆண்ட காலத்திலிருந்து நேற்று வரையில் பற்றாக்குறை என்பது கிடையாது. ஆனால், இன்றைக்குக் கேட்கக்கூடிய வார்த்தைகள் அத்தனையும் பற்றாக்குறையாகவே இருக்கின்றன. அதற்குக் காரணம் அரசியலில் போதிய அனுபவம் இல்லாததால், நான் சிலர் சொல்லக்கூடிய வார்த்தைகளை கேட்டுச் சொல்லலாம், அல்லது சில அறிக்கைகள் மூலமாகச் சொல்லலாம். ஆனால் உண்மைக் காரணம் என்ன என்று அரசாங்கத்திற்குத் தெரியும், நிபுணர்களுக்குத் தெரியும். நான் ஒன்று மட்டும் சொல்லுகிறேன். இப்போது சர்க்கார் நியாய விலைக் கடைகள் ஏற்படுத்தியிருக்கிறார்கள். இன்றைய தினம் அங்கே கொடுக்கக்கூடிய உணவுப் பொருள்களைப் பார்க்கும்போது, அவைகளைக் கையில் எடுத்து மூக்கில் வைத்து முகர்ந்து பார்க்கக்கூட தகுதியில்லாத உணவுப் பொருள்களாக இருக்கின்றன. இன்றைய தினம் நான் மக்களிடத்தில் எப்படிப் பழகுகிறேன் என்றால், மேற்பார்வையாகப் பழகவில்லை, ஒரு கூலி ஆனைப் போலப் பழகுகிறேன், என்ற உண்மையை இங்கே சொல்லிக்கொள்ள விரும்புகிறேன். அவர்கள் அந்த உணவை எப்படி உண்டு எப்படி வேலை செய்ய முடியும் என்பதைக் கொஞ்சம் யோசிக்க வேண்டும். மனித உணவு எல்லோருக்கும் சமம், எல்லோரும் உண்டு வாழ வேண்டும், எல்லோரும் நல்ல உணவு தேடிக்கொள்ள வேண்டும் என்பது தான் அரசாங்கத்தின் நோக்கம். நியாய விலைக் கடைகள் வைத்து அவைகளிலே சாதாரண மக்களுக்குக் கொடுக்கும் அரிசியைப் பார்த்தால், மிகவும் வேதனைப்படக்கூடிய நிலை இருக்கிறது. இதை நேரடியாகக் காண்பிக்கப் போதிய சான்று இருக்கிறது. எல்லாக் காரியங்களையும் அரசாங்கம் நடத்தவேண்டும்,

[15th September 1959] [Srimathi K. B. Sundarambal]

எல்லாவற்றையும் அரசாங்கம் நேர்முகமாகப் பார்க்க வேண்டும் என்பது நோக்கமல்ல. பொதுவிலை, இந்த நாட்டு மக்கள் அனைவருக்கும் இதயம் இருக்கிறது. நாட்டு மக்களுடைய நலனுக்காகப் பாடுபடக்கூடியவர்கள் இருக்கிறார்கள். ஒருவருக்குக் கெடுதல் வந்தால், அதைத் தங்களுக்கு வந்ததாகவே பாவிக்கக்கூடியவர்கள் எத்தனையோ பேர்கள் இருக்கிறார்கள். வியாபாரத் துறையில் அனுபவம் பெற்றவர்களுக்கு அரசாங்கம் கூடுமான வரையில், சலுகைகளை அளிக்க வேண்டுமென்று கேட்டுக்கொள்கிறேன். எல்லாவற்றையும் அரசாங்கமே எடுத்து நடத்தினால், அரசாங்கத்தினால் எவ்வளவு காரியத்தைச் சாதிக்க முடியும் என்று சற்று யோசித்துப் பார்க்க வேண்டும். வியாபாரத் துறையில் அனுபவம் உள்ளவர்கள், வியாபாரம் சத்தியமாக நடக்க வேண்டும், வியாபாரம் நேர்மையாக நடக்க வேண்டும் என்று எண்ணக்கூடியவர்கள் இருக்கிறார்கள். அவர்களுக்குப் பூர்ண உரிமையைக் கொடுத்து, சத்தியமான நேர்மையான முறையில் மக்களுக்குப் பயன்படும் முறையில் நடக்க வேண்டும் என்று வியாபாரிகளுக்குச் சொன்னால், அவர்கள் நிச்சயமாகக் கட்டுப்பட்டு நடப்பார்கள் என்று நான் உறுதியாகக் கூறுகிறேன். அவர்கள் இந்த நாட்டில் பிறந்திருக்கிறார்கள். மக்கள் படும் துன்பத்தை அவர்களும் பார்த்துக் கொண்டுதான் இருக்கிறார்கள். அவர்களுக்குக் கூடுமானவரையில் நல்ல சலுகைகள் கொடுத்து, நல்ல சட்ட திட்டங்களை அமைத்து, நியாய விலைக் கடைகளில் நல்ல உணவுப் பொருள்கள் கிடைக்க வழி செய்ய வேண்டும். எத்தனையோ கோடிக்கணக்கான ரூபாய்கள் செலவழித்து அனைக்கட்டுகள் கட்டியிருக்கிறோம். எத்தனை செய்தாலும் பற்றாக்குறை, உணவுப் பொருள்கள் பற்றாக்குறை என்று இருந்தால், மக்கள் நல்லாழிவு எப்படி வாழ முடியும் என்று நான் மனவருத்தத்தோடு கேட்கிறேன். அதற்கு ஆவன செய்ய வேண்டுமென்று அரசாங்கத்தைக் கேட்டுக்கொள்கிறேன். இதற்கு எதிர்முகமாக யாரும் பேச மாட்டார்கள். இது எந்தக் கட்சியும் ஒத்துக்கொள்ளக்கூடிய விஷயம். இதையெல்லாம் சீர்தூக்கிப் பார்த்து ஆவன செய்ய வேண்டும். கூடுமான வரையில் வியாபாரிகளுக்குச் சலுகைகள் கொடுத்து, அவர்கள் நேர்மையான வழியில் நடக்க அரசாங்கம் ஒத்தாசை செய்ய வேண்டுமென்று கேட்டுக்கொண்டு,—நான் இப்போது சொன்ன விஷயங்களில் ஏதாவது குற்றங்கள் இருக்கலாம். என்னுடைய எண்ணத்தில் தோன்றியதைச் சொன்னேன்—குற்றங்கள் இருந்தால் அவைகளை மன்னித்து, அரசாங்கம் ஆவன செய்ய வேண்டுமென்று கேட்டுக்கொண்டு எனது உரையை முடித்துக்கொள்கிறேன்.

DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, during the last ten years there was not a single year when a debate was not held either in the Assembly or in this House or in both the places, and yet we seem to be in the same position in which we were when we started discussing this subject ten years ago. There has been, however, a significant change in one or two respects. I would invite the attention of hon. Members to the statement that was made by the present Food Minister at the Centre, Sri S. K. Patil. The truth was, he said, that food deficit 'is man-made and not real deficit'. I think we have to take note of this first and foremost for reasons which I shall presently state. The next thing that he said was something about the State Trading Corporation and collective farming. On these two questions I shall not elaborate except when I come to the particular point. Why is it, Sir, that every year we have got to discuss this question? I ask myself the question often whether there is a Food Minister for the whole of Europe trying to centralise the distribution of food and trying to control the distribution of food to the different States. It may be said that India is in a different position and that it is a composite country with more or less a federal

[Dr. A. Lakshmanaswami Mudaliar] [15th September 1959]

Constitution. But even that federal Constitution does not, either in the State list or in the Central list or at least in the combined list, refer to food distribution and the supply of food. The real truth of it is that those who are responsible for this were really of the opinion that food distribution and food policy should be largely a matter for the States to take full responsibility and assume full responsibility. What has happened to it? There have been so much of directions from the Centre to the States with regard to food production. Agriculture is a thing about which everybody, who becomes a Minister in the Centre, thinks that he can evolve a policy of his own. I can say with reference to all the Food Ministers from the time Mr. Munshi was the Food Minister down to the time when Mr. Deshmukh was Food Minister, that they had their own ideas as to how agriculture could be improved. In fact, the agricultural missions that we have sent to neighbouring countries, particularly to that great country with which we were very friendly till very recently, have said that the Chinese method of cultivation was the one that we should adopt and that by this method, production would increase, by several million tons. Very soon we had to eat the humble pie and get a contradiction for a false statement of the figures in regard to production in China. My object in referring to this is that the eternally changing policies of the Government have been responsible for much of the difficulty in regard to agricultural production. It is all right for the tiller of the soil to be the owner of the soil, but there is the transitional period which one must necessarily take note of before great changes can be accomplished successfully. There is no use of mentioning all these things and saying that we must have a ceiling on land and that we must limit the number of acres that anybody could cultivate without realising its immediate effects. I am not suggesting for a moment that these are not desirable changes in the future when things have more quietly settled in this country.

12-30 p.m. Sir, while we are talking on this and making statements like this, I was glad to note the Chief Minister's statement in regard to co-operative farming that it was a thing that must be proceeded with cautiously and slowly with due deference to all the factors involved. These are not things which can be dictated at any convention of any political party. These are things that go to the root of the matter, to the very life of the people, and therefore, a greater amount of scientific analysis and study is necessary before accepting them. This is not to say that these are not matters which are worth considering.

There is another point that I should like to state. In our anxiety to be a country with noted works, we have constructed huge dams, very good in themselves certainly. Bakhra-Nangal was the chief object of visit by all cultural delegations that came from all over the world. I too went in January when I was in Chandigarh to see that dam. No doubt, we ought to be proud of it. Only it should be completed. That is the important thing as it has been in the case of other dams till some South India engineers

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went there and tried to stabilise the construction of the dams. Let us not, therefore, rush into these things. On the other hand, the construction of these dams—I won't say 'with reference to our State' but 'with regard to other States'—has, to a certain extent, retarded what was the chief method by which agricultural production in small areas was formerly looked after. The desire for minor irrigation works has more or less completely disappeared and it is this fact more than anything else that has been responsible for a certain amount of deficit in the production of the food-grains in certain States.

The other chief point is about the cash crops. Nobody has referred to cash crops and the resulting conversion of large areas which were formerly rice-producing areas, particularly in States like Uttar Pradesh. If you go along from Calcutta right through to Patna, from Patna to Banares and from Banares to Lucknow, you will find large areas which were formerly rice-producing areas converted into cash crop areas. The Gangetic valley was the chief source of food supply for the North and for export purposes. Yet to-day West Bengal is supposed to be deficit. Food riots have taken place. I do not suggest that there have not been other motives for these food riots. I remember eight or nine years ago—the Hon. the Minister in charge of Agriculture was not then in charge of Agriculture, but he may remember this incident—we actually bought foodgrains from Uttar Pradesh and paid one crore and two lakhs of rupees over the price at which it was sold in Uttar Pradesh for the people of Uttar Pradesh. (Interruption.) Whatever it may be, my Friend is a landowner. But how were one crore and two lakhs of rupees paid in excess of the price which we should have paid to the Uttar Pradesh? I raised that question here and stated how nicely we were co-operating with each other in the matter of food supply and food distribution.

I am sorry my hon. Friend Sri Mohamed Raza Khan did not have sugar to entertain his friends. But I ask, 'Why is it that sugar scarcity comes in only at times of festival?' I always find when Deepavali is to come off, there is sugar scarcity. It is a man-made scarcity as foodgrain scarcity is a man-made scarcity. The hon. Lady Member just now referred to the quality of rice supplied and said that she could not even smell it. Why is it so? That rice is stored in godowns to get better price and the people do not disclose the stocks they have got. I do not refer to this State but I know that takes place in many areas. The figures which are given by the State Governments are not figures upon which much reliance can be placed because there is an unfortunate tendency, either to exaggerate the figures or to make it appear that they are always in deficit. Political motives come into the picture. I must say that. The Ministers are forced to make statements that their States are deficit in food. Let us face the facts. For once let me express honestly what is taking place in this unfortunate country. State after State is forced to state that it has a deficit so that the prices may soar up. Why do prices soar up? Because people are

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allowed to sell only a small quantity. If I had hundred tons and I could sell fifty tons at two and a half times the price at which I could sell the hundred tons, I would certainly sell only fifty tons and retain the other fifty tons for myself. That is exactly the position to-day in regard to this price-fixation, and unfortunately, the Government by a certain amount of their policy have added to the inflation. I was always of the opinion that the allowance that was given as dearness allowance should be given in kind and not in cash. At least a proportion of it should be given in kind. The Railway people get it in kind. Why should not everybody who gets dearness allowance get it in kind? Three-fourths of this may be given in kind and one-fourth in cash which may be spent on going to cinemas and the various other things that they should have. Life is not worth living without a certain amount of pleasure. But this deficit is an exaggerated deficit.

The Hon. Minister asked whether there were any suggestions. I wholly welcome his stand for the State being responsible for the distribution of food. He used the word "Zone". But I would not use the word "Zone". The State is the unit for the supply and distribution of food. There is no meaning in this zonal idea. This zonal idea was forced on us. The reorganisation of States against which I formerly protested—and I protest even now—because that has been one of the most disturbing factors in the politics of this country, which will ultimately ruin the prosperity of this country—is responsible for this zonal arrangement. Three eminent persons, no doubt, were responsible, but nobody was prepared to enter into details about the reorganization of States. Before the reorganisation, neither did the Centre enter into the details in regard to food-stuffs as to how the requirements were to be assessed. Did they point out what were the deficit areas and did they consider how the difficulties could be overcome? Nothing of the kind was done. One day Parliament was told, 'We are going to reorganise the States' and there was hallelujah from all those concerned. I am sorry to have to refer to this, but to-day we are facing a very serious situation indeed. Yesterday when I was moving my Bill, the hon. Member Sri Sudarsanam Naidu—who has disappeared just now—said, 'What is all this about parks and play-fields when the poor man has not got huts to live in? Should we not construct huts?' I asked him whether he read in the newspapers what the Minister in charge of Radio was going to do, what he had committed the nation to do. He has decided to introduce television sets. The Hon. the Leader of the House is not here. But the Hon. the Home Minister knows what horrors have been committed in other nations by the introduction of television. To-day the better elements in both America and Great Britain say, 'Abolish television.' Here we are a nation struggling for food, begging, stealing—if one may almost say—food and asking for television to be set up. Verily the accusation may be made that the Neros are fiddling while Rome is burning. Should not the State Government have their own say? Whenever I make this statement that the State Government should

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impose their determined will upon the Central Ministers and make them change their views, it is not a co-operation between the master and the servant that was contemplated in the Constitution. What was contemplated was a partnership of equals. How is a Central Minister any more representative of the people than my Hon. Friend here who represents the same people? I take it, therefore, that every one of us sitting in a representative capacity, whether in a State or the Central Legislature, has as much right to speak about the real condition to-day and suggest what should be done as the Central Minister has.

The Hon. Minister asked for remedies. The first remedy 12-40
I suggest is 'No Central directive in regard to food production and p.m.
distribution.' I am also taking note of the fact that there are certain States where there is a deficit. The Centre can certainly go to the aid of those States directly. What are they doing with three and a half million tons of imported foodgrains? On page 14, the Hon. Minister has given a statement for which I am grateful to him. We find that in the year 1957, 3½ million tons were imported, in the year 1958, 3 million and 173 thousand tons were imported and in the year 1959 about 2 million tons have been imported. What are they doing with these? These should serve as buffer stocks which they must use if the State is really in need of these. After visiting the State and enquiring about how people are conducting their affairs and finding out the real position, and only after that, they must say, 'You do this'. Have we not tightened our belts in the past? Are we not aware that in the recent past, we were given just 8 ounces as ration? At last, one great Food Minister, the only one that came out of the hierarchy of the Centre—Rafi Ahmed Kidwai—came to the State when the Chief Minister was Sri Rajagopalachari and said, 'Remove controls. I shall take the responsibility.' With what result, I am sure the Hon. Minister himself knows. We all felt relieved. The poor felt relieved and not the rich. Therefore, I say that before introducing controls and before taking all these wonderful magic cures, we must go to the root of the matter.

Now, State trading is an important thing. People think that if only they resort to State trading, all these business people will come to their senses. I am glad the hon. Lady Member has emphasised the necessity to keep this business in the hands of those who know the business. I shall just give you an illustration, if you will please permit me two minutes. Some years ago, when we considered the Supplementary Statement of Expenditure, a certain amount of explanation of certain factors came to light in this House. In those days, firewood was very scarce and we could not get enough firewood for even our crematoriums. It was completely rationed. The Government had their State Trading Shops and my Friend, who is now a Minister at the Centre, Sri Gopala Reddi, said that the deficit might be exaggerated. What was the deficit? Fifty per cent of the tonnage of the State Trading Corporation in firewood was not traceable and he said that it was due to dryage. I said, "Yes, there is another 'age' also connected with it, called 'pilferage',

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and that is the result of State Trading Corporations." If you have State trading in foodgrains, I could state, without any fear of contradiction and with no heavy load on my conscience, that it will be the bandicoots—not the zoological specimens, but other specimens—which will consume half the grains that are entrusted to the State Trading Corporations. Let us not think of it just because somebody else says that it will be better to resort to State trading and that it is the panacea for all ills, and let us not simply adopt what others say without further consideration of the matter by ourselves. Why should the State resort to State Trading? I cannot simply understand why the State Government should always be willing to take up everything that is suggested by the Centre? Why can't we wait and see what other States do? As a matter of fact, this is the only State, I can say with a certain amount of confidence, which follows all the dictates of the Centre scrupulously to the minutest details. With what result? We are experiencing that already. When I say this, it does not mean that I do not give my due allegiance to the Centre. But, where there is difference of opinion, I do hold that it is as competent for this State as for anybody else to hold a different opinion. Therefore it is I humbly congratulate the Hon. the Minister in charge of Food on taking up the stand that Madras State should be a unit by itself—and if you like the expression, a separate zone and not mixed with other States. By all means, give 1½ lakhs tons to Kerala. If you want, we could tighten our belts and give them even 2 lakhs tons. Was it not possible for us to come to an agreement with the Kerala State in the matter of the execution of the Parambikulam Project? Was it suggested by the Centre or even by the Zonal Council? Were you not able to get in touch with the then Chief Minister of that State and come to an amicable settlement about the Parambikulam Project and sharing of the waters? Can't we settle this matter also in an atmosphere of friendly relationship? Is it not possible to settle these problems without a third person coming in the way? Are we two specimens quarrelling with each other? I do not think so, Sir. I think there is happier salvation for us if we directly deal with these matters and see that things are taken care of.

Sir, I am only hoping that this Government will stand by what the Hon. the Minister for Home has stated and will not hesitate to tell the Centre where they go wrong. Fortunately for us, we have a Minister at the Centre who, I believe, will take note of these things. There is no use in the Food Ministers at the Centre resigning their office one after the other. We must prop them up with good advice every now and then and see that they are in office for some time at least so that the policies may not be changed frequently. I would respectfully suggest to the State Government to follow an independent policy in regard to Food in this State and make the Centre realise its mistakes.

SRI K. T. KOSALRAM: மிஸ்டர் சேர்மன் ஸார், இந்த ராஜ்யத்தில் உள்ள உணவு நிலைமையைப்பற்றி அமைச்சர் அவர்கள் விஸ்தாரமான ஸ்டேட்மெண்டைக் கொடுத்திருக்கிறார்கள். அங்கத்

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தினர்கள் பலர் பல அபிப்பிராயங்களைச் சொல்லியுள்ளார்கள். நமது எதிர்க்கட்சித் தலைவர் டாக்டர் முதலியார் அவர்கள் சொல்லியபடி, அமைச்சர் அவர்களை ஒரு விஷயத்தில் பாராட்டுகிறோம். இந்த ராஜ்யம் தனியாக இருக்க வேண்டும் என்று இன்றளவு, 6 மாத காலமாகவே அமைச்சர் அவர்கள் சொல்லிக்கொண்டு வருகிறார்கள். அது தவிர, நமக்கு வேறு வழியே கிடையாது என்ற முடிவையும் அவர் உணர்ந்திருக்கிறார். அதை உணர்ந்திருக்கும்போது, தினம் தினம் அறிக்கைகள் வந்துகொண்டேயிருப்பதால், நிலைமை சீர்திருந்தி விடுகிறதா என்பதுதான் நம் முன்னால் இருக்கும் பிரச்சினை.

நண்பர் திரு. ரசா கான் அவர்கள் சொல்லியமாதிரி, அரசாங்கத்தின் பொறுப்பில் உள்ள அமைச்சர்களே இந்த நிலைமைக்குக் காரணமாக இருக்கிறார்கள் என்று சொல்லாமல் இருக்க முடியவில்லை. நமது விவசாயத்துறை அமைச்சர் அவர்கள் நீலகிரியில் பேசும்போது, 18 பர்சண்ட் நமக்கு “சர்ப்ளஸ்” ஆக இருக்கிறதென்று சொன்னார்கள். ஒரே, வாரத்தில் 5 லட்சம் டன் “டெபிசிட்” ஆக இருக்கிறதென்று இன்னொரு அமைச்சர் சொல்லுகிறார். எனக்குக்கூட ஒரு சந்தேகம் வந்தது. அமைச்சருடைய ஆபீசுக்குப் போன் பண்ணி உணவு மந்திரி ஸ்ரீமான் பக்தவத்சலம் அவர்களையும், ஸ்ரீமான் சுப்பிரமணியம் அவர்களையும் கேட்டேன். நிர்ப்பந்தம் ஏற்பட்டதன் காரணமாகத்தான் கேட்டேன். உண்மையிலேயே இதைப் “பப்ளிசிடி” யாகப் பண்ணுகிறார்களா, அல்லது உணவு, நிலைமையைக் குழப்புவதற்காகப் பண்ணுகிறார்களா, அல்லது பொறுப்பற்ற தன்மையில் ஒரு அமைச்சர் “போர்ட்போலியோவில்” இன்னொரு அமைச்சர் தலையிட்டு நாட்டில் இந்த மாதிரி நிலைமையை உருவாக்குகிறார்களா என்பது சிந்திக்க வேண்டிய விஷயம். ஆனால், அமைச்சர் அவர்கள் எடுத்திருக்கும் முடிவை நாங்கள் மீண்டும் பாராட்டுகிறோம்.

இந்த நிலைமையைச் சொல்லிக்கொண்டே வந்தால், இதற்கு முடிவு என்ன? ஒன்று மத்திய அரசாங்கம் நாம் சொல்லுவதைக் கேட்கவேண்டும். நம்முடைய நிலைமை நமக்குத்தான் நிச்சயமாகத் தெரியும். நண்பர் திரு. ஜெயின் அவர்களுக்குத் தெரிந்திருக்க முடியாது. இப்பொழுது இருக்கும் உணவு அமைச்சர் திரு. பட்டில் அவர்களுக்குத் தெரிந்திருக்க முடியாது. இங்கு இருக்கும் திரு. பக்தவத்சலம் அவர்களுக்குத்தான் தெரிந்திருக்க முடியும். நிச்சயமாக இந்த நாடு ஒரே நாடுதான். நாடு முழுமையும் உள்ள நிலைமையைச் சிந்தித்துப் பார்க்கவேண்டுமென்றால், நாம் நம்முடைய நிலைமையையும் பார்த்துத்தான் ஆக வேண்டும். “ஒன்று நாங்கள் சொல்லுவதைக் கேளுங்கள். இல்லாவிட்டால் இந்த ‘பாதரேஷனை’ எங்களால் சமாளிக்க முடியாது. இங்கே இருக்கக் கூடிய குறைகளை நிவர்த்திக்க முடியவில்லை. உணவுப் பொறுப்பை நீங்களே எடுத்துக்கொள்ளுங்கள்” என்று சொல்லிவிடலாம். அவர்கள் நடத்திப் பார்க்கட்டும். இந்த அரசாங்கத்தில் உள்ளவர்கள் உணருவது மாதிரமல்ல; இந்த ராஜ்யத்திலுள்ள மக்கள் அத்தனை பேரும் உணருகிறோம், சென்னை ராஜ்யம் உணவைப் பொறுத்த வரையில் தனியாகத்தான் போக வேண்டுமென்று.

கனம் அங்கத்தினர் திரு. சுப்ரமண்ய கரையாள் அவர்கள், “கேரளாவுக்கு ஏராளமான அரிசி கொடுக்க வேண்டும்” என்று சொன்னார்கள். கேரளாவுக்குக் கொடுக்க ஆட்சேபனை இல்லை. கேரள மக்களும் வாழத்தான் வேண்டும். அவர்களும் சுபிட்சமாக இருக்கத்தான் வேண்டும். ஆனால், நமக்கு இருக்கும் கஷ்டம், கேரளாவின் நிலைமையையே தெரிந்து கொள்ள முடியாமலிருக்கிறது. அவர்களுக்கு ஒன்பது லட்சம் டன் அரிசி இருக்கிறது என்று சொன்னார்கள். ஆந்திர ராஜ்யத்தை எடுத்துக் கொண்டால், கவர்ன்மென்ட் உத்தரவு போடுகிறார்களே தவிர, அந்த ஜி.ஓ.வை அரசாங்க அதிகாரிகள் அமுல் நடத்துவதே கிடையாது என்பதை ஸ்பஷ்டமாகப் பார்த்திருக்கிறோம். மத்திய அரசாங்கம் சொல்வதை அவர்கள் சிறிதுகூட, துளிக்கூடக் கேட்டு நடக்கிறார்களா என்றால், இல்லை என்று நிச்சயமாகச் சொல்லிவிட முடியும். இங்கிருந்து அங்கு செல்லும்

[Sri K. T. Kosalram] [15th September 1959]

பல வியாபாரிகளைக் கேட்கும்போது, ஆந்திர அரசாங்க அதிகாரிகள் சர்க்கார் உத்தரவுகளை எந்த முறையில் பின்பற்றுகிறார்கள் என்பதைப்பற்றித் தெரிகிறது. அவர்கள் நடப்பதற்கும் சர்க்கார் உத்தரவுக்கும் சம்பந்தம் இருக்கிறதா என்பதைப்பற்றிப் பல விஷயங்களை அவர்கள் சொல்லிக் கேட்கும்போது, மிகவும் ப்யங்கரமாக இருக்கிறது. ஆந்திர ராஜ்ய சர்க்கார், ஆந்திர மக்கள் நன்றாக இருக்க வேண்டும் என்பதிலேயே அக்கறையாக இருந்துகொண்டு, மத்திய அரசாங்க அதிகாரிகள் “ப்ரொக்யூர்” பண்ண வேண்டுமென்று சொன்னாலும், ஆந்திர அரசாங்க அதிகாரிகள் அவர்களுடைய ஒத்துழைப்பதில்லை என்பதைப் பல சந்தர்ப்பங்களில் காட்டி விட்டார்கள். தாங்கள் எதைச் சொல்கிறார்களோ, அதைத்தான் நடத்திக் காட்டுவோம் என்று ஆந்திர ராஜ்யத்தவர்கள் ஸ்பஷ்டமாகச் செய்கிறார்கள்.

இந்த நிலைமையில் நம்முடைய ராஜ்யம் இன்றிருக்கும் உணவு மண்டலத்திலிருந்து பரிந்துரையாகத் தனியாக இருக்க வேண்டுமென்று சொல்வதைத் தவிர வேறு வழியே இல்லை. நாம் சொல்கிற இந்த யோசனையை மத்திய அரசாங்கம் ஒத்துக்கொள்ளவில்லையென்று சொன்னால், அவர்களே நடத்தட்டும் என்று சொல்லிவிடுவோம். எப்படியும் இந்தக் கஷ்டம் நிவர்த்திக்கப்பட்டால் போதும் என்று சொல்லிவிட்டலாம். சென்னை ராஜ்யம் பிரிந்து தனி உணவு மண்டலமாகத்தான் இயங்க வேண்டும் என்பதை மத்திய அரசாங்கத்திடம் ஸ்பஷ்டமாகச் சொல்லிவிட வேண்டும் இந்த அரசாங்கம். அப்படிச் சொல்வதில் தவறு இல்லை.

அடுத்தபடியாக “ப்ரொக்யூர்மென்ட்” செய்வதைப்பற்றி அமைச்சர் அவர்கள் சொன்னார்கள். ப்ரொக்யூர்மென்ட், கண்ட்ரோல் என்ற வார்த்தைகளைக் கேட்கும்போதே மக்கள் மிகுந்த பீதி அடைகிறார்கள் என்பதை யாரும் மறுக்க முடியாது. “ப்ரொக்யூர்மென்ட்” என்று வந்துவிட்டாலே, அதிகாரிகளுடைய தொல்லைகளுக்கு ஆளாகவேண்டியிருக்குமே என்று தான் கிராம வாசிகள் நினைக்கின்றார்கள். “ப்ரொக்யூர்மென்ட்” என்றாலும், விவசாயிகளிடத்தில் நேராகப் போவதில்லை, மில்-சொந்தக்காரர்களிடமிருந்துதான் “ப்ரொக்யூர்” செய்கின்றோம். “எங்களுக்கும் விவசாயிகளுக்கும் சம்பந்தம் இல்லை” என்று அமைச்சர் அவர்கள் சொல்கிறார்கள். அரசாங்க அதிகாரிகளும் சொல்கிறார்கள். இது சொல் அளவில்தான் இருக்கிறது. அரசாங்க உத்தரவு அளவில்தான் இருக்கிறது. அங்கிருக்கும் மில் சொந்தக்காரர்கள் “ப்ரொக்யூர்மென்ட்” செய்வதற்காக, லாரியில் தாசில்தாரை வைத்துக் கொண்டு வீடு வீடாகச் சென்று அங்கிருக்கும் மக்களைக் கஷ்டப்படுத்துகிறார்கள். என்பதை இந்த அரசாங்கம் அறியாமல் இருக்க முடியாது. “நாங்கள் விவசாய மக்களிடத்திலே நேரடியாகப் போகவில்லையே, விவசாயிகளைத் தொந்தரவு செய்யவில்லையே” என்று அதிகாரிகள் சொல்லலாம். இருந்தாலும், எத்தனை விவசாயிகளுக்கு அதிகாரிகள் நேரடியாக உத்தரவு கொடுத்திருக்கிறார்கள் என்பதற்கு ஒன்றல்ல இரண்டல்ல எத்தனையோ உதாரணங்கள் கொடுக்கலாம். கலெக்டரிடமிருந்து ரிக்கார்டுகளைக் “கால்பார்” பண்ணினால் தெரியும். நேரடியாக விவசாயிகளை “ஹாஸ்ட்மென்ட்” பண்ணுவது இருக்கத்தான் செய்கிறது. “ப்ரொக்யூர்மென்ட்” என்று சொல்லும்போதே நாட்டில் பயம் இருக்கிறது.

கேரளத்தில் உள்ளவர்கள் குறுவை அரிசி சாப்பிடுகிறார்கள். ஒவ்வொரு வருஷமும் இரண்டரை லட்சம் டன் சாதாரணமாகக் கேரளாவுக்குக் கொடுக்கத்தான் போகிறார்கள். குறுவை தானியத்தைத்தான் கேரளாக்காரர்கள் வாங்குகிறார்கள். அந்த இரண்டரை லட்சம் டன் “ஸர்ப்ளஸ்” ஆக இருக்கத்தான் செய்கிறது. அதுபோக நம் அரசாங்கம் இன்னும் இரண்டு லட்சம் “பாஸிபில் ஸ்டாக்” வேண்டுமென்று சொல்கிறார்கள். ப்ரொக்யூர்மென்டுக்கு அவசியம் இருக்கிறதா என்று கேட்கிறேன். இரண்டரை லட்சம் டன் குறுவை நிச்சயமாக இருக்கிறது. கேட்டாலும் கேட்காவிட்டாலும் தஞ்சை ஜில்லாவிலே ஒரு லட்சம் டன் மிச்சம் இருக்கிறது.

THE HON. SRI M. BHAKTAVATSALAM: தஞ்சை ஜில்லா முழுவதிலும் விளையும் குறுவை 80 ஆயிரத்திலிருந்து 83 ஆயிரம் டன் என்பதைக் கனம் அங்கத்தினருக்குத் தெரிவிக்க விரும்புகிறேன்.

[15th September 1959]

SRI K. T. KOSALRAM: குறுவை 80 ஆயிரம் டனாக இருக்கலாம். எனக்கு வந்த தகவல் தவறாக இருக்கலாம். இருந்தாலும், ப்ரொக்யூர்மென்ட் இல்லாமலேயே அங்கிருந்து தாராளமாக இரண்டரை லட்சம் டன் அனுப்பப்படுகிறது என்பது உண்மை. அதை அமைச்சர் அவர்கள் மறுக்க முடியாது. ஆகையால், இரண்டரை லட்சம் டன் தாராளமாகக் கொடுப்பதற்கு இடம் இருக்கும்போது, இன்னும் ஒரு லட்சம் டன் தான் நமக்கு அதிகமாகத் தேவை. இரண்டு லட்சம் டன் மத்திய அரசாங்கம் கொடுப்பதாகச் சொல்கிறார்கள்.

THE HON. SRI M. BHAKTAVATSALAM: இரண்டு லட்சம் டன் மத்திய அரசாங்கம் கொடுக்கிற பிரச்சனையே இல்லை. இந்த ராஜ்யம் உணவு நிலைமையைப் பொறுத்தவரையில் தனியாகப் பிரிவது என்றால், மத்திய சர்க்காரிடமிருந்து வரவழைப்பதற்கு இடமே இல்லை; ஒன்றும் வராது.

SRI K. T. KOSALRAM: அப்படி வந்துவிட்டால், நிச்சயமாக இரண்டரை லட்சம் அல்ல; சாதாரணமாக ஒரு லட்சம் டன் “லெவி” முறையில் வசூலிக்கலாம். ஐந்து ஏக்கருக்கு மேல் நிலம் வைத்திருப்ப வரிடமிருந்து இப்படி லெவி முறையில் சேகரித்தால் 70 ஆயிரம், 80 ஆயிரம் டன் சாதாரணமாக வாங்க முடியும் என்று சொல்கிறார்கள். “ப்ரொக்யூர்மென்ட்” என்றால், கிராம மக்கள் அதிகாரிகளுடைய தொல்லைக்கு ஆளாகவேண்டுமே என்று பயந்திருக்கிறார்கள். லெவி முறையில், ஒரு கிராமத்தில் 5 ஏக்கருக்கு மேல் நிலம் வைத்திருப்பவர் ஒவ்வொரு வரும் குறிப்பிட்ட அளவு நெல் கொடுத்துவிட வேண்டும் என்றால், எந்த இடத்தில் கொண்டுவந்து கொடுக்க வேண்டுமோ அங்கு கொண்டுவந்து கொடுக்கத் தயாராய் இருக்கிறார்கள். ஆகவே, லெவி முறை என்னும் போது, அரசாங்க அதிகாரிகளின் தலையீட்டுக்கு அவசியமே இருக்க முடியாது. ப்ரொக்யூர்மென்ட்டைவிட லெவி முறையில் அதிகாரிகளின் தலையீட்டுக்கு இடம் இருக்கும் என்று சொல்லலாம். நிச்சயமாக ஒவ்வொரு கிராமத்தில் விவசாயச் சங்கங்கள் என்று பல்வேறு சங்கங்கள் இருக்கின்றன. அந்தச் சங்கங்கள் மூலமாக 5 ஏக்கருக்கு மேல் வைத்திருப்பவர்கள் ஒவ்வொருவரும் ஒரு ஏக்கருக்கு இரண்டு மூட்டை அல்லது ஒரு மூட்டை கொடுக்க வேண்டுமென்று சொல்லிவிட்டால், தொந்தரவு இல்லாமலே கிடைத்துவிடும். 70 ஆயிரம் டன் குறுவையோடு சேர்த்து, இந்த இரண்டரை லட்சம் டன்னையும் சேர்த்தால், 3½ லட்சம் டன் கணக்காகிறது. இன்னொரு 70 ஆயிரத்தையும் சேர்த்தால், 3½ லட்சம் டன் ஆகிறது.

THE HON. SRI M. BHAKTAVATSALAM: கேரளாவுக்கு இரண்டரை லட்சம், மூன்று லட்சம் டன் போவதாயிருந்தால், நாமே ஒன்றரை லட்சம் டன் அனுப்புகிறோம் என்று சொல்லிக்கொண்டிருக்கமாட்டோம்.

SRI K. T. KOSALRAM: இரண்டரை லட்சம் டன் நிச்சயமாக இருக்கிறது என்று சொல்கிறேன். ப்ரொக்யூர்மென்ட்டுக்கு அவசியம் இல்லாமல் ஸர்ப்ளஸாக அந்த ஏரியாவிலிருந்து நிச்சயமாகத் தாராளமாகக் கிடைக்கக்கூடியது இரண்டரை லட்சம் டன். லெவி ஸிஸ்டம் போட்டு வசூல் செய்வனதையும், 70 ஆயிரம் டன்னையும் சேர்த்தால், 3½ லட்சம் டன் ஆகிவிடுகிறது.

இதற்குமேல் தனி மண்டலமாக்கிவிட்டால், மத்திய அரசாங்கத்தைக் கேட்க வேண்டிய அவசியம் இல்லை. மத்திய அரசாங்கத்திடம் நாம் கட்டாயமாகச் சொல்லிவிட வேண்டும் “ஐயா, நான் சொல்வதைச் சொல்லி விட்டேன், உங்களுடத்திலும் சொல்லிவிட்டேன், மக்களிடத்திலும் சொல்லி விட்டேன், எங்களுடைய நிலைமை இதுதான். அரசாங்கமும், எதிர்க்கட்சிக்காரர்களும் எல்லாக்கட்சிக்காரர்களும் பரிபூரணமாக ஒத்துக்கொள்கிறார்கள்; இதில் அபிப்பிராய பேதமே கிடையாது; ஒன்று நீங்கள்

[Sri K. T. Kosalram] [15th September 1959]

எங்களுடைய யோசனையை ஒத்துக்கொள்ள வேண்டும், அல்லது, நீங்களை எடுத்துக்கொள்ளுங்கள்,” என்று சொல்லிவிடவேண்டும். இதைத் தவிர வேறு “ஆல்டர்னேடிவ்” இருப்பதாகத் தெரியவில்லை.

MR. CHAIRMAN : The hon. Member must finish his speech at 1 o' clock.

SRI K. T. KOSALRAM : அடுத்தபடியாக, உணவுப் பற்றாக்குறை மனிதனால் உருவாக்கப்பட்டது என்று சொல்லப்படுகிறது. அது பெரும்பாலும் உண்மை. (ஸ்ரீ எஸ். எஸ். கரையாளர் : மனிதனால், மனிதனுக்காக). இப்பொழுது சர்க்கார் பால் பவுடர் முதலியவற்றை விநியோகிக்கின்ற முறையில் நிச்சயமாகத் தவறு இருக்கிறது. அம்மையார் கனம் அங்கத்தினர் அவர்கள் குறிப்பிட்ட மாதிரி, ஸ்டேட் டிரேடிங் முறையினால் பல லட்சக்கணக்கான ரூபாய் நஷ்டம் ஏற்பட்டிருக்கிறது. கிடங்குகளில் சரக்குகளை வைத்திருந்ததனால் நஷ்டம் ஏற்பட்டிருக்கிறது என்று பப்ளிக் அக்கவுண்ட்ஸ் கமிட்டியார் சொல்லியிருக்கிறார்கள். நம்முடைய மக்களுக்கு இன்னும் “லிவிங் காஷியன்ஸ்” வரவில்லை. அதனால்தான் இம் மாதிரித் தவறுகள் ஏற்படுகின்றன. ஸ்டேட் டிரான்ஸ்போர்ட்டை எடுத்துக் கொண்டாலும், அதிலும் பொறுப்பற்ற தன்மையில் காரியங்கள் நடப்பதைப் பார்க்கிறோம். சோஷலிச சமுதாயம் ஏற்பட வேண்டும், தேசிய மயமாக்கப்பட வேண்டும் என்பதை நானும் ஒத்துக்கொள்கிறேன். ஆனால் இது தகுந்த சமயமா, நம்முடைய மக்கள் பக்குவமாய்விட்டார்களா என்பதுதான் பிரச்சனை. ஆகவே, ஸ்டேட் டிரேடிங்கினால் நன்மை இருக்கப் போவதில்லை. கடையிலிருக்கும் அரிசியை முகர்ந்து பார்த்தாலே நாற்றம் அடிக்கிறது. அமைச்சர் அவர்கள் சொல்லலாம், “பர்மா அரிசி நன்றாக இருக்கிறது, “பேர்லி குட் ரைஸ்” என்று. “பேர்லி குட் ரைஸ்” என்றால், கெட்டதாகவும் இல்லை, நல்லதாகவும் இல்லை. என்று சொல்லலாம். இன்னொரு அரிசி ஒரே நாற்றம் அடிக்கிறது.

THE HON. SRI M. BHAKTAVATSALAM : கனம் அங்கத்தினர் அவர்கள் எங்கே போய் பார்த்தார்? எங்கே நாற்றம் அடித்தது?

SRI K. T. KOSALRAM : ராயப்பேட்டையில் ஒரு கடையிலே நான் அரிசியைப் பார்த்தேன். அது நாற்றம் அடித்தது. நேரடியாகப் பார்த்தேன். அதன் மாதிரியை வேண்டுமானால், மத்தியானம் கொண்டுவந்து அமைச்சர் அவர்களிடம் கொடுப்பதற்குத் தயாராய் இருக்கிறேன். அரிசி நாற்றமெடுத்துப் போவதற்குக் காரணம் அது கிடங்குகளில் வைக்கப்படும் போது செவ்வையாகக் கவனிக்கப்படாததுதான் என்று நான் சொல்ல முடியும். ராயப்பேட்டையில் ஒரு கடையில் நான் பார்த்தேன். அரிசி நாற்றமடிக்கக்கூடியதாக இருக்கிறது. இதை யாரும் மறுக்க முடியாது. மத்தியானமே அமைச்சரவர்களிடம் கொண்டுவந்து கொடுக்கத் தயாராக இருக்கிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : ஆனால், இதைவிடச் சிறந்த அரிசி, இதைவிடத் திடமான அரிசி எங்கே கிடைக்கிறது என்று சொன்னால், அங்கு போய் வாங்குவதற்குச் சௌகரியமாக இருக்கும்.

SRI K. T. KOSALRAM : அரிசி எப்படி கிடங்குகளில் ஸ்டாக் செய்து வைக்கும்போது கெட்டுப் போகிறது, நாற்றம் அடிக்கிறது என்பதை விளக்குவதற்காக நான் இதைச் சொன்னேன் என்பதைக் கனம் அமைச்சர் அவர்கள் புரிந்துகொள்ள வேண்டும். கிடங்குகளில் எவ்வளவு நாளைக்கு வைக்கப்படுகிறது, சரியான முறையில் பக்குவப்படுத்தப்படுகிறதா, பக்குவமாக எடுக்கப்பட்டிருக்கிறதா என்பதைச் சரியாகக் கவனிக்காத காரணத்தால்தான் அரிசி நாற்றம் எடுக்கிறது என்பதை விளக்குவதற்காகத் தான் நான் சொன்னேன். அரசாங்கத்தின் நிர்வாக முறையில் இம் மாதிரியெல்லாம் இருப்பதைப் பரிசீலனை செய்ய வேண்டும் என்பதற்காகத் தான் சொன்னேன். எங்கே போனால் நல்ல அரிசி வாங்க முடியும் என்று அமைச்சர் அவர்கள் என்னைக் கேட்கிறார்கள். “பாரின் எக்ஸ்சேஞ்சு”

[Sri K. T. Kosalram] [15th September 1959]

பெறுவதற்கு ராஜ்ய அமைச்சரவைக்கு அதிகாரம் கிடையாது என்பது எனக்குத் தெரியும். ஆகையால், அந்நிய நாட்டிலிருந்து வரவழைக்க ராஜ்ய அரசாங்கத்தால் முடியாது என்பது எனக்குத் தெரியும்.

THE HON. SRI M. BHAKTAVATSALAM : உன் நாட்டிலேயே எங்கே கிடைக்கிறது என்று கனம் அங்கத்தினர் அவர்கள் சொல்வார்களா?

SRI K. T. KOSALRAM : ஆந்திர நண்பர்கள் நிச்சயமாகத் தர மாட்டார்கள் என்பதைப் புரிந்துகொண்டோம். மத்திய அரசாங்கம் உத்தரவு போட்டாலும் தரமாட்டார்கள். ஜெட்டி அவர்கள், ஒரு நாளைக்கு ஐம்பதாயிரம் டன் பற்றாக்குறை என்கிறார், இன்னொரு நாள் ஒன்றரை லட்சம் டன் பற்றாக்குறை என்று சொல்கிறார். ஒன்றுக்கொன்று முரணாக இருக்கிறது. மற்ற இடங்களில் அமைச்சர்கள் முன்னுக்குப்பின் முரணாகப் பேசுவதைப் பார்த்தால், இங்கிருக்கும் அமைச்சர்கள் அப்படிப் பேசுவது மிகவும் குறைவு என்றே சொல்ல வேண்டும். மற்ற இடங்களில் முன்னுக்குப்பின் முரணாகப் பேசுவது என்பது ஜாஸ்தியாக இருக்கிறது. ஒரு நாளைக்கு 50 ஆயிரம் என்றும், மறு நாள் ஒன்றரை லட்சம் என்றும் சொல்கிறார்கள் மைசூர் ராஜ்யத்தில். ஒரே “டெபிஸிட்” என்று சொல்கிறார்கள். அவர்களாகவே “டெபிஸிட்” க்ரியேட் பண்ணி ஜனங்களுக்கு ஒரு பீதியை உண்டாக்குகிறார்கள் என்று நினைக்கிறேன்.

ஆகவே, இன்னும் அவர்கள் சொல்லிய மாதிரி, இந்த உணவுப் பிரச்சனையில் அதிகப்படியான ஊக்கம் செலுத்த வேண்டும். பல இடங்களில் பல ஸ்கீம்களை எடுத்து நடத்தலாம் என்று சொன்னோம். அவைகள் மூன்றாவது திட்டத்தில் இருப்பதாகச் சொல்லியிருக்கிறார்கள். அவைகளை மூன்றாவது திட்டத்தில் எடுத்துச் செய்வதற்கு முன்னதாகச் சில ஸ்கீம்களை எடுத்துச் செய்யலாம். எவ்வளவோ மைனர் இரிகேஷன் ஸ்கீம்கள் இருக்கின்றன. சமீபத்தில்தான் நாம் சப்ளிமெண்டரி பட்ஜெட்டைப் “பாஸ்” செய்தோம். அப்பொழுதுகூட இதைப்பற்றிச் சொன்னேன். சிறிய சிறிய ஸ்கீம்களை எடுத்துச் செய்வதற்கு ஏதாவது ஒரு சப்ளிமெண்டரி பட்ஜெட் கொண்டுவந்து “பாஸ்” செய்துகொள்ளலாம். சென்ற சப்ளிமெண்டரி பட்ஜெட் விவாதத்தில் பேசியபோது, சில ஸ்கீம்களுக்குப் பணம் ஒதுக்கப்படவில்லை என்றுகூடக் குறிப்பிட்டேன். எவ்வளவோ சிறிய சிறிய ஸ்கீம்கள் நம் நாட்டில் எடுத்துச் செய்ய வேண்டியதாக இருக்கின்றன. ஐந்து அல்லது பத்து லட்சம் ரூபாய் செலவில் சிறிய சிறிய ஸ்கீம்களை எடுத்து மராமத்துச் செய்யலாம். 200 அல்லது 300 அல்லது 500 குளங்களை எடுத்து மராமத்துச் செய்யலாம். அவைகளையெல்லாம் மைனர் இரிகேஷன் ஸ்கீம் எடுத்துச் செப்பனிடலாம். இவைகளையெல்லாம் இப்பொழுது தாசில்தார், ரிவினியூ இன்ஸ்பெக்டர்கள், ஓவர்சியர்கள் தான் செய்கிறார்கள். அவைகளையெல்லாம் இந்த வருஷம் மராமத்துச் செய்தால் அடுத்த வருஷமும் பழையபடிக்கே அவைகள் எல்லாம் மூடிப்போய்விடுகின்றன. மறுபடியும் இங்கே வந்து சொல்ல வேண்டியதாக இருக்கிறது, மறுபடியும் அவைகளை மராமத்துச் செய்கிறார்கள், மறுபடியும் எல்லாம் மூடிப்போய் விடுகின்றன. இப்படியே நாங்கள் சொல்லிக்கொண்டிருப்பதும் அவர்கள் செய்வதுமாகத்தான் இருக்கிறது.

1 p.m.

MR. CHAIRMAN : It is now 1 of the clock and the hon. Member has had fifteen minutes.

SRI K. T. KOSALRAM : Just some more minutes, Sir.

MR. CHAIRMAN : I will give him five minutes more.

SRI K. T. KOSALRAM : இப்படிப் பல மைனர் இரிகேஷன் ஸ்கீம்கள் இருக்கின்றன. அவைகளையெல்லாம் எடுத்துச் செய்வது எப்படி இருக்கிறது என்றால், வெறும் கண் துடைப்பாகத்தான் இருக்கிறது.

[Sri K. T. Kosalram] [15th September 1959]

அதைப்பற்றிப் பல தடவைகளில் இந்த சபையிலும் சட்டசபையிலும் எடுத்துச் சொல்லியிருக்கிறேன். அவைகளை ரிவினியூ அதிகாரிகளை மட்டும் வைத்துக்கொண்டு செய்வதில் பிரயோசனம் இல்லை. இதில் டெக்னிக் இருக்கிறது. இஞ்சினியருடைய உதவியும் தேவையும் வேண்டியதாக இருக்கிறது. இப்பொழுது எந்தக் காரியத்தை எடுத்துக்கொண்டாலும், அது வெல்லாம் பிரதம இஞ்சினியருக்குப் போக் வேண்டியதாக இருக்கிறது. அப்படிப் போக் வேண்டிய அவசியமே இல்லை. அங்கங்கே கலெக்டரைத் தலைவராகக் கொண்டு அங்கங்கே இஞ்சினியர்களைக் கொடுத்து மைனர் இரிகேஷன் வேலைகளையெல்லாம் எடுத்து நடத்தலாம். அப்படி எடுத்துச் செய்வதற்கு இப்பொழுது ஏராளமான ஸ்கீம்கள் இருக்கின்றன. இவற்றையெல்லாம் இஞ்சினியருடைய கண் பார்வையில் நடத்த வேண்டும். ஒவ்வொரு தாலுகாவிலும் சுமார் 350 குளங்களுக்கு மேல் இருக்கலாம். சில இடங்களில் 800 குளங்கள் கூட இருக்கலாம். இப்பொழுது வேலை நடப்பதைப் பார்த்தால், இந்த வருஷம் வேலை செய்தாலும் அடுத்த வருஷம் பார்த்தால் அடுத்த வருஷமும் அதே நிலைமையில்தான் குளங்கள் இருக்கின்றன. இவற்றிற்கு நாம் செலவழித்து வரும் பணமெல்லாம் வெறும் கீரியினல் வேஸ்டாகத்தான், அதாவது வீண் செலவாகத்தான், ஆகிறது. அதனால் இந்த மைனர் இரிகேஷன் இலாகாவை அந்த இலாகாவிலிருந்து எடுத்துவிட வேண்டும். பொறுப்புள்ள இஞ்சினியர்களைப் போட வேண்டும். இலாகாக்கள் ஒன்றாக இருந்தால், அவர்களால் ஒன்றும் செய்ய முடிவதில்லை. ஆகவே, இந்த நிலையில் அதைப் பிரித்து எடுத்து அதற்குத் தனியாக இஞ்சினியரைப் போட்டு வேலை செய்தால், உணவு உற்பத்தியை நிச்சயமாக அதிகமாக்க முடியும். இப்படிச் சிறிய சிறிய திட்டங்களைக் கூட எடுத்து நடத்தாமல் இருக்கிறார்கள் சில மந்திரிகள். அதிலும் ஒரு மந்திரி இருக்கிறார்; ஒரே ஒரு ஊர்தான் இருப்பதாக அவர் நினைக்கிறார். ராஜ்யம் பூராவும் எவ்வளவோ ஊர்கள், ஜில்லாக்கள் இருப்பதாக அவர் நினைக்கவில்லை. அப்படி யாரோ, ஒரு மந்திரி இருக்கிறார். அந்த மந்திரி யார் என்று மற்றவர்களுக்குத் தெரியாது. அந்த மந்திரி யார் என்று அந்த மந்திரிக்குத்தான் தெரியும்.

SRI V. V. RAMASWAMI : விளக்கமாகச் சொல்லுங்களேன் அந்த மந்திரி யார் என்று.

SRI K. T. KOSALRAM : நான் சொல்ல வேண்டியதில்லை. அது யார் என்பது அந்த மந்திரிக்கே நன்றாகத் தெரியும். ஆகவே, இந்த ராஜ்யத்தில் இப்படிப் பெருவாரியான திட்டங்கள் அநேகம் இருக்கின்றன. அந்த மந்திரி தன்னுடைய ஊருக்குச் செய்து கொள்ளட்டும், அதைப் பற்றிக் கவலை இல்லை. அதைப் போலவே பத்து மடங்கு வேண்டுமானாலும் செய்துகொள்ளட்டும். ஆனால், ஒவ்வொரு ஜில்லாவிலும் அப்படிப்பட்ட வேலைகள் இருக்கின்றன. அவைகளையும் எடுத்துச் செய்ய வேண்டும். இப்படி எவ்வளவோ ஸ்கீம்கள் கொண்டுவரலாம். இப்படிப்பட்ட ஸ்கீம்களுக்குப் பிரயாரிட்டி கொடுத்து அவைகளுக்குப் பணம் ஒதுக்கி வேலை செய்ய வேண்டும். இப்படி அரசாங்கம் சிறு சிறு திட்டங்களை எடுத்து வேலை செய்தால், அவர்கள் சொல்லுகிற 18 பர்சென்ட் சர்ப்ளஸ் மட்டுமில்லாமல், இன்னும் ஏராளமான சர்ப்ளஸ் இந்த ராஜ்யத்தில் கொண்டு வர முடியும் என்ற யோசனையைச் சொல்லிக்கொண்டு முடித்துக்கொள்ளுகிறேன்.

MR. CHAIRMAN : The House will now rise for lunch and meet again at 2-30 p.m.

The House then rose.

15th September 1959]

(After lunch—2-30 p.m.)

MR. CHAIRMAN : We will continue the discussion on the statement regarding the Food situation. The hon. Member Mr. Karayalar will now speak. I should have called him earlier, but I am sorry.

SRI L. S. KARAYALAR : Mr. Chairman, I should be brief. I know we are running behind schedule.

MR. CHAIRMAN : Very much

SRI L. S. KARAYALAR : Yes, very much behind schedule. I shall try my best to condense my speech within probably five or six minutes.

SRI MOHAMED RAZA KHAN : Do not commit yourself.

SRI L. S. KARAYALAR : Sir, there is not much to say on this question. I have read very carefully this pamphlet "Food situation in the Madras State." From what I could see, this is a problem which bristles with difficulties. It is difficult for any Minister, however capable and able he might be, whether at the Centre or in the State to handle this portfolio. Food seems to be the most difficult of portfolios as we have been seeing. This seems to be one subject also in which anybody and everybody seems to be competent to express opinions, whether he be a Member of the Cabinet or anybody else. But the facts are very simple. I will give the outline, the mere bones as we call it. What is the state of food production in this State? What about the prices and then the persistent demand from Kerala on this State? What about the supply that we might get from the Centre in case we are in dire necessity of getting it? And then what about the rise in prices? The whole question boils down to this. Have we got sufficient food? The answer is, of course, 'yes'; an effective 'yes'. We have got sufficient food in our State and there is no shadow of doubt about it, even though there might be a different assessment about the actual quantity of foodgrains available which may be a little more or a little less. But the fact remains that we are self-sufficient in food and that we have got a little surplus, and nobody denies it. That being so, why should there be a rise in prices? The Hon. the Minister for Agriculture, initiating the debate this morning gave us a couple of very colourful stories about the average depth of rivers and the embracing of the husband. (Sri T. Purushotham : Husband?) A husband-wife story or something like that. (Dr. A. Sreenivasan : Reciprocal.) Apart from that, in this pamphlet the theme appears to be that if this State is to be a separate Zone, that will be a panacea for all our ills, that is, we can feed ourselves and also we can give something to the Kerala State. But what do we see at page 4 of this pamphlet? It is stated that this State passed through two successive partitions, one in 1953 when we were separated fortunately or unfortunately from our Andhra brothers and the other in 1956

[Sri L. S. Karayalar] [15th September 1959]

when we were separated from our Kerala brothers. By these two successive partitions, it is said our State stood to gain as far as food production is concerned. Let us see the figures relating to movement of rice from Andhra to Madras and from Madras to other States, particularly to Kerala. As far as movement of rice from Andhra to Madras in 1956-57 is concerned, i.e., at the time the Zone was formed, it was about 44,000 tons. In 1957-58 it dropped down to 18,000 tons. In 1958-59, it was 60,000 tons. During the same period, Kerala took from us 232,000 tons, two lakh tons and 115,000 tons respectively. If the movement to Kerala is progressively decreasing, I do not find any reason why we should find fault with Kerala. The movement from Andhra to Madras is, on the other hand, progressively increasing. So, on both sides, at any rate last year, the position was satisfactory. We are getting more rice from Andhra and sending less rice to Kerala. I am not against a separate Zone for Madras and I am not against the demand at all for one. But to say throughout the pamphlet in between the lines and openly that if only a separate Zone is formed, we will be all right, is ununderstandable. Then, as regards procurement and other regulatory measures, we know rice is being procured at Rs. 35 and arbitrarily sold at Rs. 46. We simply get a telegram from Madras saying, 'Fix the price at Rs. 46'. Fix the price as you may, but it must be reasonable. But fixing the measurement of a bag—the number of measures in a bag as 46 and not 48—is going too far on the part of a Senior Member of the Government of Madras. Therefore, the policy of procurement has not been defined at all in this. Then about the rise in prices, it is stated that this might be due to inflation. It is generally stated that throughout India the prices have risen and, therefore, in Madras also there is rise in prices. And then movement of rice to Kerala is also cited as another reason for this. Whatever that may be, this rise has got to be cut down. As regards distribution, it is stated that rice is being issued through shops in Madras at the rate of one measure per adult and that throughout the State, they issue ten bags to each fair price shop. Perhaps in the City of Madras, they issue 20 bags to each shop. But in Kanyakumari, we see only five bags are issued. Do you want half-starvation there or do people there eat less or do you think there is sufficient production there?

THE HON. SRI M. BHAKTAVATSALAM : I do not think only five bags are issued to fair price shops in Kanyakumari.

SRI L. S. KARAYALAR : I will quote the relevant portion of the pamphlet. It is stated that the total quantity to be issued from each shop is being restricted to 10 bags except in the case of Kanyakumari where the total number of bags to be issued is limited to five bags.

THE HON. SRI M. BHAKTAVATSALAM : What I meant was, initially it was limited but even the 10 bags have been raised to 20 bags in other districts. Similarly the limit here also has been raised.

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SRI L. S. KARAYALAR : I am very grateful to the Government for that and I am beholden to the Hon. Minister for raising 16 to 20 bags in Kanyakumari district.

Regarding the policy of State trading, I do not want to talk as the hon. the Leader of the Opposition has dealt with it. It is stated that the National Development Council has decided on State trading. What is it? It is composed of the Chief Ministers of other States and other Ministers and it is nothing much except all the State Governments put together. About the policy governing movement to Kerala, I do not understand what is meant by 'they do not co-operate'. Now, practically, there is no difference between the Government of India and the Kerala Government. Both theoretically and practically, Kerala Government is being handled by the Centre and, therefore, it will not be difficult for our Minister to negotiate with the Government of India and come to a settlement.

Sir, I shall not take much time and I shall finish shortly. The Hon. Minister said, while initiating the debate, that we should not make mathematical calculations and arrive at solutions. That is a very humane approach to the problem. I am glad he said it. Statistics, figures and mathematical calculations do not finally lead us anywhere. When I say this, the State is also bounden to give every citizen his proper food and at the proper price. Then, the final paragraph of this pamphlet says: 'What is the immediate policy of the Government as regards the food problem in the coming months?'. I thought it would also give a reply. But before dealing with that, I shall make one or two small points. When the hon. Member Mr. Raza Khan was speaking, the Hon. Minister said that we could get one viss of sugar from the T.U.C.S. Experience has shown and I know it for a fact that one viss of sugar is not supplied. You get only a very small quantity, about 1/4th lb. or so. A viss is not given to everybody. About the quality of rice that is supplied in the fair price shops there was a lot of complaint. In fact, I saw the rice. It was cooked in my house. I wanted to know what it was like. It does not even cook into 'kanji'. It is worse than 'Koozhu'. That rice is said to be fairly good.

THE HON. SRI M. BHAKTAVATSALAM : In the assessment of the quality of the rice, the rice must be cooked in the manner in which it must be cooked.

MR. CHAIRMAN : Is the hon. Member Sri Karayalar a bachelor?

SRI L. S. KARAYALAR : I am a married man. I can vouchsafe that the rice was very well cooked. I do not claim to be a good cook. But it was cooked very well. Perhaps Government cooking differs from domestic cooking, if the rice could be cooked into good food. I would like to know something about the method adopted by the Government in cooking the rice into good food. Because it seems to be almost a miracle. I do not know how the

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Hon. Minister is able to cook bad rice into good food. I hope he will give a demonstration of it himself some time, evening here as he seems to be an expert cook himself.

SRI K. BALASUBRAMANYA AYYAR : Invite all of us.

SRI L. S. KARAYALAR : One word more, Sir, and I will finish. In this pamphlet supplied to us the last paragraph speaks about : 'What is to be the immediate policy of the Government as regards the food problem in the coming months?' I would like to underline the words 'immediate policy'. I thought, before we went to the end of the statement, we would be told what exactly would be the Government policy and what they were going to do about it. But nothing of the sort. The pamphlet goes on repeating that the State should be constituted into a separate Zone and all that. This only seems to be the immediate policy of the Government in the coming months, namely, 'that this Government have renewed the request and feel that a stable food administration would be possible when the Government's request for constituting this State as a separate Zone is conceded'. That seems to be the be-all and end-all of their policy. They also state, 'Any scheme of procurement adopted by the State will also have to be a scheme that will be not only administratively efficient but will cause the least hardship and annoyance to the public, the producers and the merchants'. The statement ends with this pious platitude and the question about the immediate policy for the coming months has not been answered at all. How delightfully vague the pamphlet is! The Government should have been more responsible in announcing the immediate policy about procurement and other matters.

Thank you, Sir.

SRI T. P. SRINIVASAVARADAN : Mr. Chairman, Sir, the problem of food has been becoming more and more acute since the days of Independence. To-day we are in the same position as we were six or seven years back so far as prices of foodstuffs are concerned. The price of rice is not only increasing, but during some part of the year it is becoming scarce also. The price of pulses has increased. Tamarind which was sold at Re. 0.75 per viss last year is now sold at Rs. 1.75. About sugar, mention has been made about high prices and the scarcity of the commodity. As regards firewood, we used to get some seven or eight years back, firewood at Re. 0.8-0 or Re. 0.9-0 per gundu. To-day it is selling at Rs. 1-12-0 per gundu. Sometimes this also becomes scarce.

Sir, during the last seven or eight years we have been given hopes that the prices would go down. But in reality the prices have been steadily increasing. I should like to point out one thing in this connection. Our population is distributed in the ratio of 65 to 35, that is, in the rural areas and in the urban areas. So far as the people in the rural areas are concerned, they eat the food they produce.

THE HON. SRI M. BHAKTAVATSALAM : Not all of them.

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SRI T. P. SRINIVASAVARADAN : So, they also sell something. But the crux of the problem is that of the people in urban areas. To them it is one of prices and that is the major problem. From the figures furnished in the pamphlet on page 18, you will find that the total production in 1958-59 is 71 million tons. The population to-day is 390 million; on this the per capita availability of rice is 15.5 ounces, that is, a little less than a pound. This is more than sufficient and a little more than what an adult requires. But why have not the prices come down? That is the problem that we have to tackle now. We have enough to go round but the prices have not come down. During wartime, we had ration and we did not get so much. So, there must be something radically wrong. Either we are not having so much production or if we have, the other conclusion is that there has not been intelligent distribution. It is quite clear that there is not intelligent distribution. This is because we have been tied up with the Central Government. The Hon. the Minister for Home pointed out that this Government insisted on the Southern Zone system being abolished. Perhaps, if that is done, there may be proper and intelligent distribution and the prices may come down. But, Sir, my own doubt is whether the figures furnished by the Government in the pamphlet give us the correct picture of the position as it is to-day. On page 18 of the pamphlet production figures are given but the area under cultivation is not given. It has always been my contention that the yield per acre has gone down. Why? There are various reasons and factors for that and Government have contributed to them and no one else. For instance, in 1953-54 the production of cereals was of the order of 58 million tons and in 1958-59, it was only 61 million tons. There has been an increase of only 3 million tons in four years though it has been widely publicised that more acres have been brought under cultivation and that improved methods of cultivation have been adopted. If these had been so, the production should have been higher, much higher. If we have to keep pace with the increase in population, our total production should be 76 million tons on the basis of 1 lb. per adult per day. But we have not been keeping up that pace.

Sir, if the prices have not gone down, what is said is that the traders have not been honest. As a remedy for this, they thought of State trading. About this State trading we have no exact picture. Procurement came in then. Unless there is compulsory procurement, prices cannot be brought down. It is doubtful, even if the Government take to compulsory procurement, whether prices could be brought down. For this they must have an army of officers. That means the establishment charges would go up, apart from encouraging people to hoard, penal provisions of the Act being applied and all the other things. If the Government resort to compulsory procurement, they will be faced with many difficulties. My submission is that the policy of procurement to bring down prices has not succeeded. (The Chairman sounded the gong.) I will finish in two minutes, Sir. The food problem has got two aspects, that is, increasing production and also selling at reasonable

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prices. Unless the production is increased, we cannot get food-stuffs at reasonable prices. The present rate of production is not, I am afraid, sufficient to meet our needs. If the yield per acre has gone down, it is all because of the policy of the Government about State trading, co-operative farming, service co-operatives and so on. Now there is absolutely no incentive for the landlord to invest his money in the rural areas in production.

THE HON. SRI M. BHAKTAVATSALAM: Does the hon. Member mean that on account of the services offered by the service co-operatives, the landlords get discouraged and that, therefore, production is less? Is that what he exactly means?

SRI T. P. SRINIVASAVARADAN: I beg to submit that when I put a specific question to the Hon. the Leader of the House the other day, he could not give a clear picture of the co-operative societies.

THE HON. SRI M. BHAKTAVATSALAM: The landlord have got it.

SRI T. P. SRINIVASAVARADAN: The Government have created more fear than confidence in the people to attain greater production. Then, there is the question of land ceiling also. These have frightened the people and brought about the present state of affairs.

2.50 p.m. The yield has gone down and people are not taking to cultivation with as much zeal as they were doing before. Therefore, the first thing that the Government should do is to see that more lands are cultivated and that there is more production. Then the Government can bring down the prices. Then slowly they can bring all these Utopian reforms. I use the words 'Utopian reforms' deliberately because so far as the present condition of the people is concerned, they are Utopian reforms. First produce more and then reduce the prices. Thank you, Sir.

* THE HON. SRI M. BHAKTAVATSALAM: The hon. Member wound up his speech by asking more to reduce the prices. I would like the hon. Member to tell me if the prices could be reduced without the Government interfering in some way or the other and without having recourse to some kind of partial State trading?

SRI T. P. SRINIVASAVARADAN: Sir, my humble suggestion is, 'leave it to private trading, and then the Government will find that the prices stabilise themselves.' When rationing of food-grains was removed, people thought that there would be enough food going round, and actually there was enough food going round. Therefore, I am quite sure that if all these controls are removed and if the whole thing is left to private trade—do not think that all private traders are dishonest people—the prices will stabilise themselves.

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Mr. CHAIRMAN: I have to inform the House that there are still nine more hon. Members to speak. They must all finish their speeches by half-past three. Therefore, I request each hon. Member to finish his speech within five minutes. If they speak beyond five minutes, some of them will not be called to speak again and I will not be responsible for that.

* SRI N. ANNAMALAI PILLAI: கனம் தலைவர் அவர்களே, இன்றைய தினம் கனம் அமைச்சர் அவர்களால் கொண்டுவரப்பட்டிருக்கும் இந்த உணவுச் சீர்திருத்த மசோதாவை ஆதரித்துச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன்.

Mr. CHAIRMAN: இது 'பில்' இல்லை.

* SRI N. ANNAMALAI PILLAI: உணவுப் பிரச்சினைபற்றிச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். வட ஆற்காடு ஜில்லாவிலே பஞ்சம் தலைவிரித்தாடுகிறது என்று சொன்னால் மிகையாகாது. தண்ணீர் இல்லாமல் ஜனங்கள் தவிக்கிறார்கள். அந்த ஜில்லாவிலே சுமார் 2 மாத காலமாகத் தண்ணீர் கிடைக்காமல், திருவண்ணாமலை நகரைப் பொறுத்த வரையில் முனிசிபாலிட்டி லாரிகளில் தண்ணீர் கொண்டுவந்து சப்ளை செய்கிறது. மற்ற கிராமங்களில் இரப்பவர்கள் ஒரு மைல் இரண்டு மைல் சென்று தண்ணீர்க் குடத்தை எடுத்துச் சென்று நீர் கொண்டுவருகிறார்கள். மூன்று நாட்கள், நான்கு நாட்களுக்கு ஒருதாம் தான் குடிக்கிறார்கள். இந்தக் கஷ்டமான நிலையில் ஜனங்கள் இருந்து கொண்டிருக்கிறார்கள். ஆனால், சர்க்கார் கணக்குப்படி இந்த ஜில்லாவில் சர்ப்பளஸ் இருக்கிறது. இப்போது திடீரென்று நமது நிதி அமைச்சர் அவர்கள் ராஜ்யத்திலேயே உணவு நிலைமை கங்கடமாக இருக்கிறது, குறைவு ஏற்பட்டிருக்கிறது, என்று சொன்னார்கள். கனம் மந்திரி திரு. பக்தவத்சலம் அவர்கள் ரொம்ப சாமர்த்தியமாகத் தன்னுடைய உணவுப் பிரச்சினையைப்பற்றி (மீட்டர் டி. புரூஷோத்தம்: அவர் பிரச்சினை அல்ல. நம் எல்லோருடைய பிரச்சினைதான்). தேசத்தின் உணவுப் பிரச்சினையைப்பற்றி இப்போது சொன்னார்கள். இங்கே பேசிய அங்கத்தினர்கள் இதைப் பார்த்து ஒரு மந்திரி ஒரு விதமாகவும், இன்னொரு மந்திரி இன்னொரு விதமாகவும் சொல்வது அசம்பாவிதமாக இருக்கிறதே என்று வருத்தப்பட்டார்கள். இப்போது நாம் ஒன்றை யோசிக்க வேண்டும். உணவுப் பிரச்சினை, ஒவ்வொரு மாநிலத்திலும், ஒவ்வொரு வாரத்திலும் நம் சர்க்காரால் சரியான முறையில் கவனிக்கப்பட்டு வருகிறது. இன்றைக்கு சர்ப்பளஸ், நாளைக்கு டெபிசிட், மறுநாள் சர்ப்பளஸ் என்பதாக அதன் தன்மையும், விலையும், ஏறுவதும், இறங்குவதுமாக இருந்துகொண்டிருக்கிறது. இந்த நிலையில் நிதி மந்திரி எப்போது சொன்னார், உணவு மந்திரி எப்போது சொல்கிறார் என்று யோசித்துப் பார்க்காது, இவை இரண்டுக்கும் ஒன்றுக்கொன்று அசம்பாவிதமாக இருக்கிறதே என்று சொல்வது அவ்வளவு பொருத்தம் அல்ல என்று சொல்லிக்கொள்ள விரும்புகிறேன்.

அது எப்படி இருந்தாலும் இந்த ராஜ்யத்தில் இப்போது எல்லாவிடங்களிலும் பஞ்ச நிலைமை ஏற்பட்டிருக்கிறது. மழை பெய்கிற ஊர்களில் வெள்ளக்காடு. மழை இல்லாத ஊர்களில் பஞ்சத்தின் கோரம். இதன் காரணமாக வெள்ளம் பொங்குகிற கோதாவரி பிரதேசத்திலும் உணவு விலை ஒன்றாகத்தான் இருக்கிறது, பஞ்சப் பிரதேசத்திலும் ஒரு விலையாகத்தான் இருக்கிறது. இதைச் சர்க்கார் நன்றாகப் பரிசீலிக்க வேண்டும். எந்த இடத்தில் இந்தக் குறை ஏற்படுகிறது என்பதைப் பரிசீலிக்க வேண்டும். எங்கே பார்த்தாலும் சர்க்கரை ஆலை, சர்க்கரை ஆலை என்று ஏற்படுத்திக்கொண்டு வருகிறோம். ஆனால் இரண்டு ரூபாய்க்கு ஒரு வீசை கிடைக்கமாட்டேன் என்கிறது. சர்க்காரானால் ஒரு ரூபாய் பத்தணு என்று கண்டிரோல் பண்ணியிருக்கிறோம் என்கிறார்கள். ஆனால், ஜனங்களுக்குக் கிடைக்காதபடி, அவர்களைத் தவிக்கவிடுகிறவர்கள் யார் என்று சர்க்கார் கவனித்துத் தக்க நடவடிக்கை எடுத்துக்கொண்டு ஜனங்களை

[Sri N. Annamalai Pillai] [15th September 1959]

இந்தச் சமயத்தில் காப்பாற்ற வேண்டும். இன்றையதினம் இருக்கிற நிலைமையில் இன்னும் 20 நாட்கள் போனால், எங்கு பார்த்தாலும் பிணங்களைப் பார்க்கும்படியான நிலைமை ஏற்படும் என்று சொல்ல விரும்புகிறேன். இந்த நிலைநிடித்தால், அத்தகைய அலாதிநம் வந்தே தீரும் என்று நினைக்கிறேன். இந்தப் பிரச்சினையை உடனடியாகக் கவனித்தே தீர வேண்டும். மற்றொரு நண்பர் சொன்னார். மலபாருக்குக் கொடுக்க வேண்டியதைக் கொடுத்தால் அதற்கு ஈடு செய்துவிட்டால் மிஞ்சிவிடும் என்று சொன்னார். எனக்கு அது விளங்கவேயில்லை. கொடுப்பது என்றால் கொடுத்துக்கொண்டே இருக்கலாம். கொடுக்கிறவனுக்குச் சளைப்பு ஏற்படுமே தவிர, வாங்கிக்கொள்பவர்களுக்குத் திருப்தி ஏற்படாது.

ஆசைக்கோர் அளவில்லை அகில மெலாம் கட்டி யானினும் என்று தாயுமானவர் சொன்னார். அந்தப் பாட்டில்

கடல் மீது ஆணை செல்வே.

கடலை எல்லாம் கட்டி ஆள வேண்டும் என்றாலும் கூட ஆசை நிறைவேறாது. ஆகவே, ஒவ்வொருவரையும் திருப்திப்படுத்துவது என்பது முடியாத காரியம். எப்படி இந்தப் பிரச்சினையைத் தீர்ப்பது? (ஒரு குரல் : இப்போது என்ன செய்ய வேண்டும்?) (டாக்டர் சீனுவாசன் : கடவுளைக் கேளுங்கள்) ஒரு மூட்டை 24 ரூபாய் லை செய்து என்று வைத்திருக்கிறோம். கூட்டுறவு சொசைட்டியில் 32 ரூபாய்க்கு விற்கிறார்கள். 8 ரூபாய் லாபம் இவர்களுக்கு வேண்டுமா? அதுவும் ஜனங்களுக்குச் சௌகரியம் செய்து கொடுப்பதற்காக என்று ஏற்படுத்தப்பட்ட சொசைட்டி 8 ரூபாய் லாபம் வைப்பது என்றால், இது ரொம்ப அக்கிரமம், ஒரு வியாபாரி ஒரு ரூபாய் லாபம் வைத்து விற்பனை செய்கிறான். ஆனால் இவர்கள் எட்டு ரூபாய் வைக்கிறார்கள். வேலூரில் நடந்த பிளானிங் கமிட்டி கூட்டத்தில் இதை அவர்களிடம் நானே கேட்டேன். அவர்கள் சரியான பதில் சொல்லவில்லை. பொறுப்புள்ளவர்கள், “வேண்டுமானால் நீ இந்த ஸொசைட்டியை விட்டுவிட்டுப்போ” என்கிறார்கள். இதுவா பதில்? சர்க்கார் இதை நன்றாகக் கவனித்து, உண்மையிலேயே ஜனங்களுக்குச் சௌகரியம் செய்வதற்குத் தக்க நடவடிக்கை எடுத்துக்கொள்ளவேண்டும். அப்போதுதான் ஜனங்களுடைய கஷ்டம் நிவர்த்தியாகும் என்று சொல்லிக்கொண்டு நான் முடித்துக்கொள்கிறேன்.

2 p.m.

* SRI V. V. RAMASWAMI : கனம் தலைவர் அவர்களே, இப்பொழுது உணவுப் பிரச்சினையப்பற்றிச் சில வார்த்தைகள் சொல்லலாமென்று நினைக்கிறேன். இது வரையில் நடந்த விவாதத்திலே பேசிய நண்பர்களுடைய விவாபாரிகள் மீது கருணைகொண்டு அவர்கள் மேல் லீன் பழி சுமத்தக்கூடாதென்றும், அவர்கள் மீது நம்பிக்கை வைக்கவேண்டுமென்றும் சொன்னார்கள். இந்த உணவுப்பொருள் விநியோகத்தில் வியாபாரிகள் மீது நம்பிக்கை வைத்திருக்கவேண்டுமென்று சொன்ன கருத்தைக் கேட்டு நான் மிகவும் மகிழ்ச்சி அடைகிறேன். ஆகவே, நமது அரசியலார் நிச்சயமாக மனதில் கொள்ளவேண்டியது என்னவென்றால், இந்த வியாபாரிகள் மீது இனிமேலாவது நம்பிக்கைக் குறைவு வேண்டாமென்றும், அவர்களைக் குறைவாகச் சொல்லவேண்டாமென்றும் கேட்டுக் கொள்கிறேன். ஒருவரைக் குறை சொன்னால், மற்றொருவரைக் குறை சொல்வதற்கு ரொம்ப தூரம் இல்லை. ஆகவே, நாம் கூடியவரை பரஸ்பர நம்பிக்கை வைக்க வேண்டுமென்ற கருத்தை நான் சொல்ல வேண்டுமென்று விரும்புகிறேன். உணவுப் பொருள் சம்பந்தப்பட்ட மட்டிலும், இந்தியா பூராவும் எந்தவிதமான மண்டலமும் இருக்கக்கூடாது.

THE HON. SRI M. BHAKTAVATSALAM : இதுவும் வியாபாரிகளுக்குத்தான் நல்லது.

* SRI V. V. RAMASWAMI : நான் என்னுடைய கருத்தைச் சொல்ல விரும்புகிறேன். மத்தியப் பிரதேசத்திலும், ஒரிஸ்ஸாவிலும், விளைகின்ற உபரி நெல்லை ஆந்திராக்காரர்கள் குறைந்த விலைக்கு வாங்கிப் பிறகு

[Sri V. V. Ramaswami] 15th September 1959]

நமக்கு அதிக விலைக்கு விற்கிறார்கள். இந்த மாதிரி விற்பனை செய்வதை நமது அரசியலார் அறிந்திருப்பார்கள் என்று நினைக்கிறேன். இந்த மாதிரி மத்தியப் பிரதேசத்திலிருந்தும் ஒரிஸ்ஸா ராஜ்யத்திலிருந்தும் நெல்லை யோ, அரிசியையோ வாங்கிக்கொண்டு வந்து இங்கு விற்பதற்குப் பதிலாக நாமே நெல்லையோ, அரிசியையோ அங்கிருந்து கொண்டுவரும்படி செய்யலாம். அதற்கு ரெயில்வே செலவிற்கு அரசாங்கம் சப்ஸிடி கொடுத்தால், இங்குள்ள வியாபாரிகளும் அங்கிருந்து அரிசி கொண்டுவந்து குறைந்த விலையில் விற்க முடியும். ஆனால், இந்த விஷயத்தில் அரசாங்கம் இதுகாறும் கவனம் செலுத்தவில்லை. ஆகவே, இப்போதாவது நமது அரசாங்கம் இந்த விஷயத்தில் முயற்சி எடுப்பார்கள் என்று நினைக்கிறேன். நமது அரசாங்கம் நமது ராஜ்யத்தைப் பொறுத்த வரையில் தனித்தியங்க வேண்டுமென்று சொல்லிக்கொண்டு வருகிறார்கள். இது வரையில் மத்திய அரசாங்கம் அதற்கு ஒத்துக்கொள்ளவில்லை. அவர்களுடைய அனுமதியை எதிர்பார்த்துக்கொண்டிருக்கிறோம் என்று கனம் அமைச்சர் அவர்கள் சொன்னார்கள். அப்படி அவர்கள் ஏற்றுக்கொண்டால் சரி. அப்படி அவர்கள் ஏற்றுக்கொண்டு அரசியலார் கொள்முதல் செய்கின்ற காலத்தில் விவசாயிகளிடமிருந்து நல்ல விலை கொடுத்து நெல்லை விலைக்கு வாங்கி அதைத் தேக்கி வைத்து அதைப் பிறகு விலை கூடினால், அல்லது எங்காவது தட்டுதல் ஏற்பட்டால், அங்கு விற்க முயல் வேண்டும். ஒரு மாவட்டத்திலிருந்து மற்றொரு மாவட்டத்திற்கு அரிசியோ நெல்லோ போவதற்கு ஒன்றும் தடை இருக்கக்கூடாது. தவிர, நமது ராஜ்யம் தனியாகப் பிரிந்துவிட்டால் 1½ லட்சம் டன் தானியம் கேரளாவிற்குக் கொடுப்பதாகக் கனம் அமைச்சர் அவர்கள் சொன்னார்கள். அப்படிக் கேரளாவிற்குக் கொடுப்பதையாகும் மறுக்க மாட்டார்கள். குருவை இன்னும் மற்ற பல தானியங்கள் கேரளாவிற்குப் போய்க்கொண்டிருக்க வேண்டும், அதை நிறுத்தக்கூடாது. அப்படி நிறுத்தினால், அது நமது விவசாயிகளுக்குத்தான் தற்கொலையாக முடியும். சென்னை ராஜ்யத்தைத் தனி மண்டலமாகப் பிரித்துவிட்டால், கேரளாவிற்கும், மைசூருக்கும் கள்ளத்தனமாக இப்பொழுது போகக்கூடிய அரிசி எப்படித் தடுக்கப்படும் என்று கேட்கிறேன். ஆனால், சென்னைக்குத் தேவையான நெல்லுர் அரிசி சென்னைக்கு வருவதற்கு வழி உண்டா?

நம் ராஜ்யத்தில் தானிய விலை நிர்ணயம் செய்வதுபற்றிக் ‘கன்குமர்’ நலன்களைக் கருதி விலையை நிர்ணயிக்கிறார்கள். ஆனால், ஆந்திராவில் உணவு உற்பத்தி செய்கிறவர்கள் நலனைக் கருதி விலையை நிர்ணயிக்கிறார்கள். நான் சொல்வது என்னவென்றால் விவசாயிகளிடமிருந்து அரசியலார் தானியத்தை நியாயமான விலைக்கு வாங்கி, விநியோகிப்பதற்கு ஏற்பாடு செய்ய வேண்டும். பல பல நீர்ப்பாசனத் திட்டங்களை “நிறைவேற்றுவதில் உணவுப் பொருள் விளைச்சல் உயர்ந்திருக்கிறதென்று கூறப்பட்டது. அப்படியானால், எங்கு விளைச்சல் அதிகமாக விளைந்திருக்கிறது? எத்தனை ஏக்கர் நிலம் அதிகமாக விளைந்திருக்கிறது? ஒரு ஏக்கருக்கு எவ்வளவு எவ்வளவு விளைச்சல் ஏற்பட்டது? இதுபற்றிய கணக்குத் தெரிய வேண்டும். இதைப் போலவே, நெல் ஏக்கனவே விளைந்த நிலத்தில் இப்போது எவ்வளவு ஏக்கர் நிலத்தில் பணப் பயிர்கள் விளைகின்றன என்ற புள்ளி விவரத்தை அரசியலார் கொடுக்க வேண்டுமென்று கேட்டுக் கொள்கிறேன். தவிர, மில்லட் சாப்பிட்டவர்கள் இப்போது எத்தனை பேர் அரிசியைப் பயன்படுத்தி வருகிறார்கள்! இதனால்தான் உணவுப் பற்றாக்குறை ஏற்பட்டது உண்மையா? இதற்கெல்லாம் புள்ளி விவரம் வேண்டும். இம்மாதிரிப் புள்ளி விவரங்கள் தெரிந்தால்தான், உண்மையாக உணவுப் பொருள் விஷயத்தில் நமது ராஜ்யம் உபரியாக இருக்கிறதா என்று தெரிய வரும். அப்படி ஒன்றும் தெரியாமல் நமது ராஜ்யம் உணவுப்பொருள் விஷயத்தில் சரிக்கட்டுகிற நிலைமை அடைந்து விட்டது என்று சொல்ல முடியாது. தவிர, இங்கு நெல்லுர் அரிசி கிடைக்காமல், பர்மா அரிசியை உபயோகப்படுத்தக்கூடிய நிலைமை இப்போது ஏற்பட்டிருக்கிறது. இந்தமாதிரி ஒரு நிலைமையை நாம் எப்படிச் சமாளிக்கப் போகிறோம் என்பதை அரசியலார் தெரிவிக்க வேண்டுமென்று கேட்டுக்கொள்கிறேன்.

[15th September 1959]

* SRI M. ETHIRAJALU : கனம் தலைவர் அவர்களே, இந்த உணவுப் பிரச்சனையைப்பற்றிச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். நமது தமிழ் நாட்டிலே உணவுப் பற்றாக்குறை எப்போது ஆரம்பித்தது என்பதை யோசித்துப் பார்க்கப்போமானால், நமது ராஜ்யத்திலிருந்து அரிசியை இங்குள்ள வியாபாரிகள் வாங்கிக் கேரளாவிற்கு அனுப்பி அவர்கள் மேலும் லாபம் சம்பாதிப்பதினால்தான் இந்த உணவுப் பற்றாக்குறை காட்டுத் தீ போல் பரவியது. ஆனால், நிச்சயமாக உணவுப் பற்றாக்குறை நமது ராஜ்யத்தில் ஏற்படவில்லை. உண்மையில் பார்க்கப்போனால், மக்களின் நம்பிக்கைக் குறைவுதான் ஏற்பட்டிருக்கிறது, என்று நிச்சயமாகச் சொல்ல முடியும். மற்ற ராஜ்யங்களில் விளைகின்ற நெல்லெல்லாம் கட்டுக்கடங்காமல் வெளியே சென்றுகொண்டிருக்கிறது. ஆனால், அதே சமயத்தில் நம் ராஜ்யத்திலே உணவு இலாகா திறம்பட வேலை செய்வதனாலும், கனம் உணவு அமைச்சர் திறமையாக இந்த உணவுப் பிரச்சனையைக் கட்டுப்படுத்த வேண்டுமென்று நோக்கத்தோடு உடனடியாக நடவடிக்கை எடுத்துக்கொண்டிருக்கிறார். மேலும், நமது ராஜ்ய உணவுப் பிரச்சனை தீர ஆந்திராவிலிருந்து 4,000 டன் பச்சரிசியையும், பர்மாவிலிருந்து 11 ஆயிரம் டன் புழுங்கல் அரிசியையும் நம் ராஜ்யத்திற்குக் கொண்டு வந்து ஏறக்குறைய 1,700 நியாய விலைக் கடைகள் ஏற்படுத்தி நிவாரணம் அளித்திருக்கிறார்கள் என்பது எல்லோருக்கும் தெரியும். என்னுடைய ஜில்லாவிலிருக்கும் நிவாரணக் கடைகளுக்கு நான் நேராகச் சென்று பார்த்தேன். அங்கு இருக்கும் உத்தியோகஸ்தர்களையும், வியாபாரிகளையும் சந்தித்து இந்த உணவு விஷயத்தைப் பற்றி விவாதித்தேன். தென் ஆற்காடு மாவட்டத்திற்கு எவ்வளவு அரிசி வந்திருக்கிறது என்று கேட்டேன். ஆந்திர ராஜ்ய அரிசி 100 டன்னும் பர்மா ராஜ்யத்திலிருந்து 100 டன் பச்சரிசியும் வந்து விநியோகிக்கப்படுவதாக அவர்கள் சொன்னார்கள்.

இன்றைக்கும் விவசாயிகளிடத்திலும், மிராசதாரர்களிடத்திலும் உணவுப் பொருள்கள் இருந்துகொண்டே இருக்கிறது. அவைகளின் விலை சரியாக நிர்ணயம் செய்யாத காரணத்தால் அவர்கள் அவைகளை வெளியே கொண்டு வரத் தயங்குகிறார்கள். இப்பொழுது அரிசி கேரளாவுக்குச் போகும் நிலைமை இருக்கிறது. அதனால் அதிக லாபம் கிடைக்கும் சந்தர்ப்பத்தை அவர்கள் எதிர்பார்க்கக்கூடிய நிலைமை இன்று வரை இருந்து வருகிறது. சட்ட சபை அங்கத்தினர்கள், வியாபாரிகள், மற்றும் பலரையும் அழைத்து ஒரு கூட்டம் போட்டு நியாயமாக உணவுப் பொருள்களை வழங்க வேண்டிய அவசியத்தை எடுத்துச் சொன்னால், நிச்சயமாக உணவுப் பற்றாக்குறை இங்கேயே தீர்க்கப்படும் என்று நான் சொல்லிக்கொள்ள ஆசைப் படுகிறேன். சட்ட சபை அங்கத்தினர்களும் கிராமம் கிராமமாகச் சென்று இதைப்பற்றிப் பொது மக்களுக்கும், வியாபாரிகளுக்கும் எடுத்துச் சொல்ல வேண்டியது மிகவும் அவசியம்.

DR. A. SRINIVASAN : உணவுப் பொருள்களை விவசாயிகள் கட்டிவைத்திருக்கிறார்கள் என்று அங்கத்தினர் அவர்கள் சொல்கிறார்கள். இதைப்பற்றி மந்திரி அவர்களிடத்தில் சொல்லி ஏன் அவர்களை சின்னடம் பிடித்துக் கொடுக்கக் கூடாது என்று நான் கேட்க விரும்புகிறேன்.

* SRI M. ETHIRAJALU : பொது மக்களின் குறைகளை, நாம் சட்ட மன்றத்தில் எடுத்துப் பரப்புவதற்காகத்தான் நாம் சட்ட மன்றத்திற்கு வந்திருக்கிறோம். அவர்களுடைய குறைகளைத் தீர்த்து வைக்கிறோம் என்று சொல்லத்தான் நாம் ஒட்டுக் கேட்டுத் தேர்ந்தெடுக்கப்பட்டிருக்கிறோம். ஆனால், எல்லாக் குறைகளையும் மந்திரி அவர்களிடத்தில் சொல்வது என்றால், அதற்கு முடிவே இருக்காது. நம்மால் கூடுமான வரை மக்கள் குறைகளைத் தீர்க்க முயற்சி செய்யப் பாடுபடவேண்டும். நம்மால் முடியாவிட்டால், அமைச்சர்களை அணுகுவதுதான் நல்லது. எடுத்த திறக்கெல்லாம் அரசாங்கத்தையே நாடுவது அவ்வளவு உசிதமல்ல. அதே போல் உணவுப் பிரச்சனையில் பெரும் விவசாயிகள், மிராசதாரர்கள் உணவுப் பொருள்களை பதுக்கி வைத்துக்கொண்டு கொள்ளை லாபம் பெறுவதற்காக சரியாகக் கொடுப்பதில்லை என்று நான் சொல்ல வேண்டியத்தான் இருக்கிறது. உணவுப்பொருள்கள் இங்கே இருக்கின்றன. ஆனால், அதிக வருவாய் வரவேண்டும் என்ற காரணத்தினால், அவைகள் முடக்கி வைக்கப் படுகின்றன.

15th September 1959] [Sri M. Ethirajalu]

1939-ம் ஆண்டில் நமக்கு உணவுப்பற்றாக்குறை ஏற்பட்டது. 1944-ம் வருஷத்தில் ரேஷன் வந்தது. அதற்குக் காரணம் 1939-ம் வருஷம் இருந்த ஜனத்தொகையை விட 1944-ல் மக்களின் ஜனத்தொகை அதிகமாகிவிட்டது. ஜனப் பெருக்கத்திற்குத் தகுந்த அளவு உணவு உற்பத்தி இல்லாதபடியால், ரேஷன் காலத்தில் 16 அவுன்ஸ் அரிசி கொடுக்கப் பட வேண்டிய நிலைமை ஏற்பட்டது. அப்போது இருந்த நிலைமை இப்போது கிடையாது.

இப்பொழுது இருக்கும் நிலையில் மக்களுக்குத் திருப்தியான வகையில் உணவு இருந்தும் நாம் இந்த உணவுப் பிரச்சனையை நல்ல பக்கமுலம் தீர்க்க வேண்டும் என்று நான் கேட்டுக்கொள்கிறேன். இப்பொழுது ஒன்றும் குடி முழுக்கிப் போய்விட்ட நிலை. அங்கே அங்கே இருக்கும் வியாபாரிகளையும், உணவு உற்பத்தி செய்கிறவர்களையும் நாம் நியாயமாக நடக்க வேண்டும் என்று சட்டசபை அங்கத்தினர்கள் கேட்டுக்கொண்டால், இந்தப் பிரச்சனையில் உள்ள கஷ்டங்கள் எவ்வளவோ குறைந்துவிடும் என்பதில் சந்தேகம் இல்லை.

இப்பொழுது சர்க்கரைக்கு ரொம்பவும் கஷ்டம் ஏற்பட்டிருக்கிறது. வியாபாரிகள் சர்க்கரையை வைத்துக்கொண்டு நியாயமான விலைக்கு விற்க வில்லை. ஒரு வீசைக்கு 2½ ரூபாய் கொடுத்தால் கொடுப்பதாகச் சொல்பவர்கள். இதை நான் நிதர்சனமாகவே கண்டேன். சர்க்கார் குறிப்பிட்ட விலைக்கு வியாபாரிகள் விற்க மறுத்தால், நாங்கள் ஏற்படுத்தியிருக்கும் கமிட்டி மூலம் அவர்கள் கடைகள் முன் சத்தியாகிரகம் நடத்தப்படும் என்று நாங்கள் அவர்களிடம் சொல்லியிருக்கிறோம். இதனால் ஓரளவு நிலைமை சீர்ப்பட்டது.

இப்பொழுது நாட்டில் இருக்கும் சர்க்கரை பொது மக்களுக்கு நேர் மையாகக் கிடைக்க வழி செய்ய வேண்டும் என்று நான் அமைச்சர் அவர்களைக் கேட்டுக்கொள்கிறேன்.

இப்பொழுது குறுவை சாகுபடி நடக்கப்போவதாகவும், அதில் 50,000 டன் வாசுமடியும் என்ற நம்பிக்கை இருக்கிறது. இந்த மாத இறுதியில் தென் உணவு மண்டலத்தைப்பற்றித் தீர்மானம் செய்யப்படும் என்று அமைச்சர் அவர்கள் இன்று சொன்னார்கள். தென் உணவு மண்டலத்திலிருந்து நமது ராஜ்யத்தைத் தனியாகப் பிரிக்க வேண்டும் என்று கேட்டுக்கொள்கிறேன். அப்போதுதான் பற்றாக்குறையை வருஷ காலத்திலாவது தீர்க்கமுடியும். ஒவ்வொரு ஜில்லாவிலும் பல கடைகள் திறக்கப்பட வேண்டும். அப்பொழுதுதான் அதிக உணவுப் பொருள்களைச் சேமித்து வைக்க முடியும்.

உணவுப் பற்றாக்குறையைத் தீர்க்கும் விஷயத்தில், அந்தந்தத் தொகுதியைச் சேர்ந்த அங்கத்தினர்கள் வியாபாரிகளையும், உத்தியோகஸ்தர்களையும் சந்தித்து இதைத் தீர்ப்பதற்கு முயற்சி செய்தால், இந்தப் பிரச்சனை சீக்கிரமே ஒழிந்துபோய்விடும் என்று சொல்லிக்கொண்டு என்னுடைய பேச்சை முடித்துக்கொள்கிறேன்.

SRI A. GAJAPATHY NAYAGAR : மன்றத் தலைவர் அவர்களே, நம் தமிழ் நாட்டில் நெல் விளைச்சல் குறைவாக இல்லை. நன்றாகத்தான் பயிர் விளைந்திருக்கிறது. நமது நாட்டில் 2½ சத விதம் உணவு உற்பத்தி அதிகமாயிருக்கிறது. அப்படியிருந்தும் பற்றாக்குறை இருக்கிறது. இதற்குக் காரணம் என்ன என்பதை நாம் ஆராய்ந்து பார்க்க வேண்டும். அரசாங்கம் உணவு உற்பத்தியைப் பெருக்குவது போல், உணவுப் பொருள்களை நேரடியாக விநியோகம் செய்யும் பொறுப்பையும் ஏற்றுக்கொள்ள வேண்டும். இதற்காகத்தான் சென்னையில் வாணிபக் கழகம் ஏற்பட்டிருக்கிறது.

“அரங்கின்றி வட்டாடி யற்றே நிரம்பிய
நூலின்றிக் கோட்டி கொள்”

என்று குறளில் சொல்லப்பட்டிருக்கிறது.

[Sri A. Gajapathy Nayagar] [15th September 1959]

எதற்கும் சூழ்நிலை நன்றாக இருக்க வேண்டும். பின்னணி நன்றாக இருக்க வேண்டும். முன்னெற்பாடுகள் காரியங்களைச் செய்ய வேண்டும். அரசாங்கம் தக்க ஏற்பாடுகள் செய்து கொள்ளாததினால்தான் சில குறைபாடுகள் ஏற்பட்டிருக்கின்றன. அதனால் இப்போது பற்றாக்குறை ஏற்பட்டிருக்கிறது. இப்பொழுது தென் உணவு மண்டலத்தில் கோளா, ஆந்திரா, சென்னை, மைசூர் முதலிய ராஜ்யங்கள் இருக்கின்றன. நம் நாட்டில் விளைச்சல் நன்றாக இருந்தும், கோளாவுக்கு உணவு கொடுக்கவேண்டியிருப்பதனால், இங்கு கஷ்டம் ஏற்பட்டிருக்கிறது. உணவு விநியோகிக்கும் விஷயத்தில் பல சேவா சங்கங்கள் ஏற்படுத்த வேண்டும். நமக்கு வேண்டிய நெல்லை வாங்கி, சேமித்து வைத்து, சேவா சங்கம் முதலியவைகளை ஏற்படுத்தி விநியோகம் செய்தால், வாணிபம் நன்றாக நடக்கும். விநியோகிக்கும் விஷயத்தில் அரசாங்கம் பொறுப்பு ஏற்றுக்கொள்ள வேண்டும் என்று நான் வற்புறுத்திச் சொல்லுகிறேன். ஆகவே, பல சேவா சங்கங்களை (சர்வீஸ் கோவாப்ரெடிஷன்) ஏற்படுத்த வேண்டும்.

DR. A. SREENIVASAN : ஹாரிங்டன் ரோடினுள்ள “சேவா சதனத்தை” சொல்கிறீர் என்று நான் நினைத்துக்கொண்டேன்.

SRI A. GAJAPATHY NAYAGAR : நான் சொல்வதைச் சரியாகப் புரிந்துகொள்ளும்படி கேட்டுக்கொள்கிறேன். அவரவர்கள் யோசனைக்குத் தகுந்தபடி வைத்துக்கொள்ளக்கூடாது.

சில வியாபாரிகள் ஊரை எமாற்றியே பிழைக்கிறார்கள். இப்பொழுது இருக்கும் உணவுப் பற்றாக்குறைக்கு யார்போறுப்பு? டாக்டர் ஸ்ரீனிவாசன் அவர்களும் பொறுப்பாளிதான். சேர்மன் அவர்களுக்கும் இதில் பொறுப்பு இருக்கிறது. ஒவ்வொருவருக்கும் இதில் பொறுப்பு உண்டு. எல்லோருக்கும் நேரடியான பொறுப்பு இருக்கிறது. இப்பொழுது நாட்டில் வாணிபம் நன்றாக நடக்க வேண்டும். சேவா சங்கங்களின் மூலம் இந்த உணவுப்பொருள்களைச் சேகரித்து விநியோகம் செய்ய வேண்டும். கறுப்பு மார்க்கெட்டை நாம் உடனே தடுக்க ஏற்பாடு செய்ய வேண்டும். நமது நாட்டைத் தென் உணவு மண்டலத்திலிருந்து தனியாகப் பிரித்துக் கொள்ள வேண்டும். இந்த உணவு தானிய விநியோகத்தைச் சேவா சங்கங்களின் மூலமாக நன்றாகச் செய்யலாம் என்று சொல்லிக்கொண்டு என்னுடைய உரையை முடித்துக்கொள்கிறேன்.

SRI V. V. RAMASWAMI : கனம் அங்கத்தினர் பேசும்பொழுது சேர்மன் அவர்களுக்கும் பொறுப்பு இருப்பதாகச் சொன்னார்கள். அதை புரோசிடம்ஸ்லிருந்து எடுத்துவட வேண்டும் என்று கேட்டுக்கொள்கிறேன்.

SRI A. GAJAPATHY NAYAGAR : இந்த நாட்டில் உள்ள ஒவ்வொருவருக்கும், ஆண், பெண், குழந்தை, எல்லோருக்கும் பொறுப்பு இருக்கிறது என்று சொன்னேன். யாரையும் பழிப்பதற்காக நான் சொல்லவில்லை.

3-20 p.m. SRI K. V. RAMASWAMY : கனம் அவைத் தலைவர் அவர்களே, இன்றையதினம் இந்த சபையில் எடுத்துக்கொண்டிருக்கும் பிரச்சினையுபற்றிப் பல பெரியோர்கள் பல விஷயங்களை எடுத்துக் கூறினார்கள். அதே சமயத்தில் உணவுப் பற்றாக்குறை ஏன் ஏற்படுகிறது? மக்கள் உணவுக்காக ஏன் கஷ்டப்படுகிறார்கள் என்பதைப்பற்றியும், எனக்குத் தெரிந்த வரையில், சில வார்த்தைகள் கூற ஆசைப்படுகிறேன்.

இதற்கு முன்னால் பேசின பலரும் அரிசி ஒன்றையே பிரதர்னமாக எடுத்துப் பேசினார்கள். நம் நாட்டிலுள்ள அத்தனை பேரும் அரிசியை மட்டும்தான் உபயோகிக்கிறார்கள் என்பது அல்ல. மற்ற தானியங்களை யெல்லாம் உபயோகித்து வருகின்றவர்களும் நம் நாட்டில் இருக்கின்றார்கள். அந்தத் தானியங்கள் எல்லாம் அதிகமாக உற்பத்தியாகாமல் இருப்பதற்குக் காரணம் என்னவென்று யோசித்துப் பார்ப்போமானால், உழவன் என்கின்ற விவசாயத் தொழிலாளியினுடைய நிலைமையை நாம்

[15th September 1959] [Sri K. V. Ramaswamy]

நன்றாகக் கவனிக்காமல் இருப்பதுதான். நாம் எவ்வளவோ நல்ல சட்டங்கள் எல்லாம் இயற்றுகிறோம். அவர்கள் நல்ல ஆயுளோடும் மகிழ்ச்சியாகவும் இருக்க வேண்டும் என்பதை நாம் எப்போதும் மனதில் வைத்திருக்கவேண்டும். அவர்கள் உற்சாகத்தோடும் உணர்ச்சியோடும் இருக்கும்படியாக சர்க்கார் பார்த்துக்கொள்ள வேண்டும் என்பதுதான் என்னுடைய முக்கியமான கருத்து. இன்றைக்குச் சாதாரணமாக நெல் பயிரிடுவதைத் தவிர பருத்தி, வெங்காயம் முதலியவைகளைப் பயிரிட்டால், நெல் சாகுபடியைவிட இரண்டு மூன்று பங்கு கிடைக்கிறது. அதே போல்தான் கரும்போ, வாழையோ போடாலும் அதிகப்படியாக வருமானம் கிடைக்கிறது. ஆனால், நெல் பயிர் செய்கின்ற விவசாயிகளுக்கு அடிக்கடி நஷ்டம் ஏற்படுகின்றது. இதன் காரணமாக விவசாயிகள் மனமுடைந்துவிடுகிறார்கள். இதனால் உற்பத்தியும் குறைந்துவிடுகிறது என்பது என் அபிப்பிராயம். விவசாயி இன்றைய நிலைமையில் 80 அடி, 100 அடி கீழே தோண்டித்தான் கிணறு வெட்ட வேண்டும். இவ்வளவு கஷ்டப்பட்டுப் பயிர் செய்தாலும், அவன் நஷ்டமடைகிறபொழுது அவன் யாரிடத்திலிருந்தும் எந்தவிதமான அனுதாபத்தையோ ஆதரவையோ எதிர்பார்ப்பதில்லை. இம்மாதிரிச் சமயங்களில் சர்க்கார், போனது போகட்டும், நாங்கள் உதவி செய்கின்றோம் என்று ஆதரவு கொடுக்க வேண்டும் என்பதுதான் என்னுடைய தாழ்மையான அபிப்பிராயம். அது மட்டுமல்ல. விவசாயிகள் வாங்கக்கூடிய பொருட்கள் எல்லாம் என்ன விலையில் இருக்கிறது என்பதையும் நாம் சிந்தனை செய்து பார்க்க வேண்டும். என்ன கூலி கொடுக்கிறான், கூலிக்குப் போகிறவன் எத்தனை மணி நேரம் வேலை செய்கின்றான் என்பதையும் நாம் சிந்தனை செய்து பார்க்க வேண்டும். ஆகவே, பல விதமாகக் கஷ்டப்பட்டுக்கொண்டிருக்கும் விவசாயிகளுக்குப் போதிய ஆதரவு கொடுக்க வேண்டும். அதோடு பயிர் இன்ஷூரன்ஸ் கொண்டுவர வேண்டும் என்றும் கேட்டுக்கொள்கிறேன். ஏனென்றால் மிளகுப் பயிர் மூலம் அதிக லாபம் கிடைக்கும் என்று பலர் நினைத்துக்கொண்டிருக்கலாம். நான் ஒன்றை எக்கர் மிளகுப் பயிர் செய்திருந்தேன். அதற்கு எவ்வளவோ செலவு செய்யவேண்டியிருந்தது. அந்தக் கணக்குகளை எல்லாம் இப்போது சொல்லுவதற்கு - நேரமில்லை. அதிலிருந்து இப்போது வாரத்திற்கு அரை மூட்டை மிளகாய் கூட கிடைப்பதில்லை. அவ்வளவு தூரம் நோய் பிடித்திருக்கிறது. இவைகளில் எல்லாம் நோய் இல்லாமல் இருந்தால், விலை எல்லாம் குறையும் என்பதைப் பணிவுடன் தெரிவித்துக்கொள்கிறேன். ஆகவே, உணவுப் பொருளை அதிகமாக உற்பத்தி செய்வதற்கு வேண்டிய அளவில் விவசாயிக்கு எல்லாவிதமான உதவிகளையும் செய்து கொடுக்க வேண்டும் என்று கேட்டுக்கொண்டு, நேரமில்லாததினால் மேலும் பல விஷயங்களைத் தெரிவிக்க முடியாமல் இருந்தாலும், இத்தனையும் கூறுவதற்கு இடம் தந்த தலைவர் அவர்களுக்கு நன்றியைத் தெரிவித்துக்கொண்டு முடித்துக் கொள்கிறேன்.

* SRI K. M. RAMASAMY GOUNDER : மன்றத் தலைவர் அவர்களே, உணவுப் பிரச்சனை விஷயத்தில் பேசுவதற்கு எனக்கும் பங்கு கிடைத்தது பற்றி நன்றி தெரிவித்துக்கொள்கிறேன். பொதுவாக உணவுப்பொருட்களின் விலைவாசியை எப்படிக் குறைப்பது என்பதுதான் இப்போதுள்ள பிரச்சனை. விலைவாசி உயர்வு என்பது நெல்லுக்கும், அரிசிக்கும் மட்டுமல்ல, எல்லாப் பொருட்களுக்கும் விலைவாசி விஷம் போல ஏறிக் கொண்டிருக்கிறது. ஆனால், கட்டுப்பாடு இப்போது அரிசிக்குக் கொண்டு வந்திருக்கிறோம். பிறகு ஒவ்வொன்றுக்கும்—சர்க்கரை, பருப்பு, உப்பு, புளி ஒவ்வொன்றுக்கும்—வரலாம். இவ்விதம் எல்லாப் பொருள்களுக்கும் கட்டுப்பாடு வந்தால், சிக்கல் அதிகமாகிக்கொண்டே போகும். இதற்கெல்லாம் காரணம் சாதாரணமாகச் சொல்லப்படும் “ஸப்ளை அண்ட் டிமாண்ட்” (supply and demand) என்ற பொருளாதாரக் கொள்கை தான். அதாவது ஒரு பொருளுக்கு டிமாண்ட் அதிகம் ஆக ஆக, அதன் விலை ஏறிக்கொண்டே போகும். அந்த முறையில் டிமாண்டுக்கு ஏற்றவாறு பொருளை அதிகம் உற்பத்தி செய்யவேண்டும். ஆனால், நம்முடைய நாட்டைப் பொறுத்தவரையில், வேண்டிய அளவு உற்பத்தி

[Sri K. M. Ramasamy Gounder] [15th September 1959]

இருப்பதாகச் சொல்லுகிறார்கள். அப்படியானால் ஏன் பற்றாக்குறை ஏற்படுகிறது? “டெபிசிடி ஃபைனான்சிங்” (deficit financing) காரணமாக இருக்கலாம்; அல்லது “இன்பிளேட்டட் கரன்ஸி” (inflated currency) காரணமாக இருக்கலாம்.

இந்த உயர்ந்த பட்ச விலைவாசியிலும் உணவுப்பொருட்களை உற்பத்தி செய்கின்றவர்களுக்குப் போதிய அளவு லாபம் கிடைப்பதில்லை. உற்பத்திச் செலவு ஒன்றுக்குப் பத்தாக்கிவிட்டது. ஆதலின் “Something is wrong in the State of Denmark” என்று சொல்லுவது மிகை ஆகாது. உணவுப்பொருள்களுக்கு மட்டும் கட்டுப்பாடு, மற்றவைப் பொருள்களுக்கு ஒன்றுமில்லை என்று இருப்பதைவிடக் கட்டுப்பாடு என்பது அடியோடு போய்விட வேண்டும். “Control should go, lock, stock and barrel” கண்ட்ரோல்களை எல்லாம் அகற்றி “ப்ரீ டிரேட்” (Free trade) இருப்பதுதான் நல்லது.

“Water finds its level” என்ற இயற்கை நியதி உள்ளவாறு “Prices find their level” நாளாவட்டத்தில். நாட்டின் செல்வ நிலைக்கேற்ப எல்லாப் பொருள்களின் விலைவாசியும் நாளாவட்டத்தில் தானாகவே தன்னிலை அடைந்துவிடும். தற்காலிகமாக, இரண்டொரு பொருள்களின் விலை ஏறினாலும் உடனடியாக அந்தப் பெருக்கம் உண்டாகி பொருள்களின் உற்பத்திப் பெருக்கம் உண்டாகி அதிகமாகி விலை இறங்குமுகம் காட்டும். இதற்கிடையில் “பப்பர் ஸ்டாக்” (buffer stock) வேண்டிய அளவுக்குத் தானியங்கள் “ஸ்டாக்” வைத்துக் கொள்ளுவதுதான் முறை. வேண்டுமானால் நியாய விலைக் கடைகளும் வைத்துக்கொள்ளலாம். “பண்டங்களை விற்பவன் செட்டி; பிறர் பட்டி தீர்ப்பவன் செட்டி.” சேவா மனப்பான்மை கொண்டு பணியாற்ற “சேல்ஸ் கோவாப்பரேட்டிவ்ஸ்” (sales co-operatives) வைத்து மற்ற வணிகர்களுக்கும் வழி காட்டலாம். வேண்டிய அளவு பொருள்களை அரசினர் வெளி உலகிலிருந்து வாங்கி வேண்டியவர்களுக்குத் துணை உதவி (subsidy)-யும் கொடுத்து வழங்கலாம். அதோடு அரசினர் நிற்பதுதான் முறை. அதற்கு மேல் விலைக் கட்டுப்பாடு, கட்டாயக் கொள்முதல், லெலி முறை போன்ற காரியங்களில் இறங்கி மக்கள் வாழ்க்கை மிலே பெரும் குழப்பத்தை உண்டாக்க வேண்டாம் என்று கேட்டுக்கொள்ளுகிறேன்.

3-30 p.m. * SRI T. PURUSHOTHAM: Mr. Chairman, Sir, strong feelings have been expressed in the House about the food situation. But through it all it is evident that all sections in this House are agreed about the effective manner in which the Hon. the Minister for Food has been able to manage the situation in this State. Expressions have been made congratulating the Hon. Minister and also agreeing with the State food policy. Even the hon. Member Sri Raza Khan who moved an amendment did so only to emphasize the feelings of the Members of the Legislature in this matter.

References have been made to the intervention of the Centre in the State food policy. The Central Government, however autonomous the States may like to function, cannot completely give up their responsibility for instituting the proper food policy of the entire country. But, at the same time, when the State have represented that they would be able to manage the situation and have put forward a definite plan and a workable formula, the Centre ought to have accepted it. All sections of the House are behind the Hon. Minister in the stand that he has taken that the food problem would be solved by forming a separate food Zone for the Madras State. I would propose that the Hon. Minister should

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consider the desirability of not only his further meetings with the Central Minister on this question but also of arranging a delegation of the Legislature meeting the Central Minister to express our strong views in the matter. A delegation of all sections of the House including the Leader of the Opposition and Members of both the Houses should be arranged.

MR. CHAIRMAN: Chairman also?

* SRI T. PURUSHOTHAM: No objection if the Chairman would also come, Sir.

THE HON. SRI M. BHAKTAVATSALAM: The Chairman also eats. (Laughter.)

SRI T. P. SRINIVASAVARADAN: Food is common to all.

* SRI T. PURUSHOTHAM: It is not as if I am making a novel suggestion. I know in the previous Government there had been an occasion when such joint delegation of both Houses had to go to the Centre and represent certain matters. Perhaps, the hon. Member Sri V. V. Ramaswami will remember that. I make this suggestion so that the strong feelings of the State Legislature may be made to be felt at the Centre and so, a delegation of the kind, I think, should be welcome. With these words, I support the food policy of the State Government.

* THE HON. SRI M. BHAKTAVATSALAM: கனம் தலைவர் அவர்களே, இந்த விவாதத்திலே கலந்துகொண்ட கனம் அங்கத்தினர்களின் எண்ணிக்கை 13. அந்த எண்ணிக்கை கூடாது என்று கடைசியாகப் பேசிய கனம் அங்கத்தினர் அவர்கள் கலந்துகொண்டார்கள் என்று நினைக்கிறேன். ஆனால், அவர்கள் ஒரு புது யோசனையை இப்போது தெரிவித்தார்கள். நான் மத்திய அரசாங்கத்தோடு கலந்து பேசி முடிவு காண்பது போதாது, அதில் சிரமம் இருக்கலாம், ஆகையால் இந்த மன்றத்தின் பிரதிநிதிகள் ஒரு தூது கோஷ்டியாகச் சென்று மத்திய அரசாங்கத்திடம் நம்முடைய கோரிக்கையை வற்புறுத்தவேண்டும் என்று கனம் அங்கத்தினர் அவர்கள் பேசினார்கள். நான் இப்போதே சொல்லிக் கொள்ள விரும்புகிறேன். இந்த விஷயத்திலே மத்திய அரசாங்கத்திற்கும் ராஜ்ய அரசாங்கத்திற்கும் தகராறு. நாம் ஒரு லட்சியம் கொண்டிருக்கிறோம். அவர்கள் ஒரு லட்சியம் கொண்டிருக்கிறார்கள். நாம் ஒன்று கூறுகிறோம், ஆனால் அவர்கள் அதற்கு மாறாக இருக்கிறார்கள். இன்னும் அவர்களோடு பேசி, அவர்களுடைய மனதை உருக் வைத்து, அவர்களை இணங்கச் செய்யவேண்டுமென்ற பிரச்சனையே இல்லை. இதிலே எல்லோருக்கும் ஒரே லட்சியம்தான். நான்கூட மத்திய சர்க்காரிடம் புதிதாகப் பேச வேண்டியதில்லை. இந்தப் பிரச்சனை மத்திய சர்க்காருக்கும் நமது ராஜ்ய சர்க்காருக்கும் மட்டுமல்ல. இந்த நாட்டில் உணவுப் பிரச்சனையை எப்படித் தீர்ப்பது என்பதுதான் இப்போதுள்ள பிரச்சனை. இதை நாம் பார்த்துக்கொள்வோம், இதிலே நமக்குச் சரவ அதிகாரமும் இருக்கிறது, இதில் மத்திய சர்க்கார் ஏன் தலையிட வேண்டும். அவர்கள் தலையிட வதற்கு நாம் ஏன் இணங்க வேண்டும், இந்த அரசாங்கம் எப்போதும் இணங்கிக்கொண்டு போகிறது என்று சொன்னார்கள். உணவுப் பிரச்சனையைப் பொறுத்த மட்டில் மற்றவைகளைப்பற்றிப் பேச இப்போது அவகாசம் இல்லை. உணவு உற்பத்தி செய்வது உணவு விநியோகம் செய்வது போன்ற விஷயங்களில் பொறுப்பு மத்திய அரசாங்கத்தினுடையது. உணவு அளித்துப் பசியைத் தீர்ப்பது தமிழ் நாட்டின் உயர்ந்த பண்பு என்பதை நான் இங்கே குறிப்பிட விரும்புகிறேன். நாம் பார்த்துக்கொள்வோம்,

15th September 1959] [Sri M. Bhaktavatsalam]

மற்றவர்கள் எக்கேடு கெட்டால் என்ன என்பது நம்முடைய பண்பாடு இல்லை. நம்முடைய பண்பு உயர்ந்த பண்பு. வீட்டிலே கூழ் குடிப்பதாக இருந்தாலும்—அறைவயிற்றுப் பட்டினியாக இருந்தாலும்—வீட்டுக்கு வெளியில் ஒருவன் பட்டினியாகப் படுத்திருக்கிறான் என்றால் அவன் அன்னியனை இருக்கிறான் என்றாலும் சாப்பிடுகிற கூழைப் பகிர்ந்து கொடுக்கும் பண்பு தமிழ் நாட்டின் பண்பு. ஹிமாலயம் முதல் கன்னியாகுமரி வரையிலுள்ள நாடு பூராவும் பாரத நாடு என்பதை நாம் உணருகிறோம். இதுதான் வள்ளுவர் வகுத்துச் சொன்ன நாடு என்று ஒப்புக்கொள்ளுகிறோம். எவ்வாறு இந்த உணவுப் பிரச்சினையைத் தீர்ப்பது என்பதில் எல்லோருக்கும் அக்கறை இருக்க வேண்டும். அதுவும் நமது பக்கத்தில் இருப்பது கேரளா. அதற்காகப் போவது போகட்டும் என்றும் சொல்ல முடியாது. எல்லோரும் கலந்து செய்ய வேண்டும். அப்படிப் பார்க்கும்போதுதான் இந்த சென்னை ராஜ்யம் தனி மண்டலமாக இருந்தால்தான் நல்லது என்று நான் சொல்லுகிறேன். அதையே பல அங்கத்தினர்கள் குறிப்பிட்டார்கள், வற்புறுத்தினார்கள். அவ்வாறு இருந்தால் இருப்பதைச் சரி பார்த்து, இதை நாம் கொடுக்கிறோம், இவ்வளவு கொடுக்க முடியும் என்று புலப்படுகிறது. இதைக் கொடுக்கிறோம், அப்படிக் கொடுக்கும்போது குறிப்பிட்ட விலைக்குக் கொடுக்கிறோம், கண்ட்ரோல் செய்யப்பட்ட விலைக்குக் கொடுக்கிறோம் என்று சொல்லுகிறோம். அதே போல் ஆந்திராவும் கொடுக்கும். ஆந்திரா, தமிழ் நாடு எல்லாம் கொடுக்கின்றன. இன்னும் மத்திய சர்க்காரிடமிருந்து எவ்வளவு கிடைக்கிறது? இதையெல்லாம் சேர்த்தால் கேரளத்தின் தேவை பூர்த்தி ஆகிறதா? பூர்த்தி ஆகும். ஆந்திராவும், தமிழ் நாடும் சேர்ந்து 5½ லட்சம் டன் கொடுப்பதாக ஒப்புக்கொண்டோம். ஆறு லட்சம் டன் வரையில் கொடுக்கலாம் என்று எனக்குத் தோன்றுகிறது. மேலே 1 லட்சம் டன் வேண்டியிருக்கிறது. கேரளாவின் பற்றாக்குறை 7 லட்சம் டன் என்று சொல்லுகிறார்கள். அவர்கள் கணக்குப் போடுவது 12 அவுன்ஸ் வீதம்தான். இந்த அளவின் பிரகாரம் அவர்களுக்கு 7 லட்சம் டன் வேண்டியிருக்கிறது. ஆந்திராவும் தமிழ் நாடும் கொடுக்கும் 6 லட்சம் டன் தவிர இன்னும் 1 லட்சம் டன் மத்திய அரசாங்கம் கொடுக்கும். இப்போது இந்த உணவு மண்டலத்திலிருந்து சென்னை, ஆந்திரா எல்லா வற்றையும் தனியாகப் பிரித்து அவரவர்கள் இஷ்டம் என்று சொன்னால், அப்போது நாம் எதிர்பார்க்கின்றபடி, கேரளாவிற்குத் தானியம் போய்ச் சேரவில்லை என்றால் என்ன ஆவது? இதுதான் மத்திய அரசாங்கத்தின் கவலை யெல்லாம். இம்போர்ட்டில் கொடுப்பது என்றால், பாரத நாட்டுக்கு எவ்வளவு இம்போர்ட் தேவையோ அவ்வளவுதான் இம்போர்ட் செய்யலாம். அதற்கே அன்னியச் செலாவணிக் கஷ்டம் இருக்கிறது. அப்படிக் கொடுக்கும்போது தமிழ் நாட்டிலிருந்தும் ஆந்திராவிலிருந்தும் கிடைப்பதைத் தவிர, 1 லட்சம் அல்லது 2 லட்சம் தேவைப்பட்டது என்றால் கொடுக்கலாம். அப்படியில்லாது 4 லட்சம் அல்லது 5 லட்சம் தேவைப்பட்டது என்றால், எங்கிருந்து கொடுப்பது? மத்திய சர்க்கார்தான் எப்படிக் கொடுக்கும்? இதுதான் மத்திய அரசாங்கத்தின் கவலை. நாம் வற்புறுத்தித் தனியாகப் பிரிந்தால், கேரளாவிற்கு நல்லது என்று நாம் சொல்லுகிறோம். அதைத் தான் இப்போது செய்யலாமா என்று யோசிக்கிறார்கள். அதற்குள் அவரவர்கள் தேவையை அதிகமாகச் சொல்லுகிறார்கள். நான் அதைப்பற்றிச் சொல்வது சரியல்ல—அவரவர்களுடைய தேவை அவரவர்களுக்குத் தெரியும். மைசூர் ராஜ்யம் திடீரென்று 2½ லட்சம் டன் அதிகமாகச் சொல்கிறது. இதையெல்லாம் பார்த்து மத்திய அரசாங்கம் 9½ லட்சம் டன் வேண்டுமே என்று பிரயோசிக்கிறது. அதுதான் இப்போதுள்ள தயக்கம். இதிலே அபிப்பிராய பேதம் ஒன்றும் இல்லை. டெபுடேஷனுக்கு அவசியமில்லை. இதிலே முறையிட்டுக்கொள்ள வேண்டிய அவசியம் இல்லை என்று முதன் முதலில் சொல்லிக்கொள்கிறேன்.

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p.m.

நம்முடைய பிரச்சினையெல்லாம், பல அங்கத்தினர்கள் சொன்னதுபோல், விலையைக் குறைப்பதுதான். யாருக்காக விலையைக் குறைக்கிறோம்? வாங்கிச் சாப்பிடுகிறவர்களுக்கு. உற்பத்தி செய்கிறவர்களுக்கும் கட்டுப்படியான விலை இருக்க வேண்டும். இன்னும் அதிகமாக இருந்தாலும் நல்லதுதான். உழைத்துப் பயிரிட்டு உற்பத்தி செய்கிறவர்கள்தான்,

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எல்லோருக்கும் சாப்பாடு போடுகிறவர்கள். அதிக லாபம் அவர்களுக்கு வந்தாலும் பொருட்படுத்தக்கூடாது. வாங்குகிறவர்களுக்கு விலை குறைவாக இருக்க வேண்டும். உற்பத்தி செய்கிறவர்களுக்கும் கட்டுப்படியாக வேண்டும். நடுவில் யாராவது அதிகமாகக் கொண்டு போய்விட்டால், அவர்களுக்கும் லாபம் குறைந்து போகிறது. வாங்கிச் சாப்பிடுகிறவர்களுக்கும் விலை ஏறிவிடுகிறது. இதிலே வியாபாரிகளும் இருக்கிறார்கள். கனம் அங்கத்தினர் திரு. ராமசாய் அவர்கள் சொன்னார்கள், “இன்மேலாவது வியாபாரிகளைப் பற்றித் தவறுதலாக நினைக்காதீர்கள் என்று. இன்மேலாவது என்பதை நான் ஒத்துக்கொள்ள முடியாது. வியாபாரிகளைப் பற்றி எப்பொழுதும் ஒரே கருத்துத்தான். வியாபாரம் மக்களுக்குச் சேவை செய்யக்கூடிய ஒரு சிறந்த தொழில். வியாபாரம் வேண்டியதுதான். யாருக்காக வியாபாரம்? மக்களுக்காக வியாபாரம். மக்கள் இல்லை யென்றால் வியாபாரம் எது? இங்கிருந்து வாங்கி அங்கே கொடுப்பதில் பெருந்த லாபம் சம்பாதிப்பதா? மக்களைப்பற்றிக் கவலை எதும் இல்லாமல் வியாபாரிகள்தான் மக்கள் என்றால் அதை ஏற்றுக்கொள்ள முடியாது. அதுதான் அங்கத்தினர் அவர்களுக்கும் எனக்கும் உள்ள வித்தியாசம். வியாபாரிகளுக்காக மக்கள் இருக்கவேண்டுமென்று சொன்னால், நான் அதை ஏற்றுக்கொள்ள முடியாது. அதுதான் இப்பொழுது நான் குறிப்பிட்ட விரும்புவதாகும்.

இங்கு கூட்டுறவுச் சங்கம்பற்றிச் சொன்னார்கள். சரியாகக் கூட்டுறவுச் சங்கங்கள் நடப்பதில்லை என்று சொன்னார்கள். தவறு என்று சொல்ல வில்லை. ஆனால், ஏதோ ஒரு திட்டத்தில் சரியாக நடக்காதிருந்தால், எல்லா இடங்களுமே அப்படித்தான் என்று சொல்லுவது சரியல்ல. சும்முகோணத்தில் ஒரு கூட்டுறவுச் சங்கம் இருக்கிறது. “கன்னியமர்ஸ் கோவாப்பேரேஷ் ஸ்டோர்ஸ்” அது. அவர்களுக்கு நாம் வாங்கிக் கொடுப்பதில்லை. அவர்களாகவே வாங்கி விற்கிறார்கள். சில்லறையில் விற்கிறார்கள். நான் போய்ப் பார்த்தேன். அரிசியைப் பார்த்தேன். புழுங்கல் அரிசி, பச்சரிசி இரண்டும் விற்கிறார்கள். நல்ல அரிசியாக இருக்கிறது. நாம் கண்ட்ரோல் செய்து எந்த விலைக்கு விற்கிறோமோ அந்த விலைக்கு விற்கிறார்கள். அவர்கள் மார்க்கெட்டிலிருந்துதான் வாங்கி விற்கிறார்கள். “பேர் ப்ரைஸ் ஷாப்” ஏற்பாட்டில் வரவில்லை. ஆனால் விலை நியாயமாக இருக்கிறது. ஆகவே, கூட்டுறவு என்றாலே, ஒரே தாக்குதலாகத் தாக்குவது சரியல்ல. ஏதோ ஒன்றிரண்டு கூட்டுறவுச் சங்கங்கள் சர்க்கா நடக்காமல் இருக்கலாம். அதை வைத்துக்கொண்டு கூட்டுறவுச் சங்கங்களை ஊழல் நிறைந்தது என்று சொல்லுவது சரியல்ல. கூட்டுறவின் மூலமே உச்ச வரம்பு வரும் என்று சிலருக்குப் பயம். கூட்டுறவு சேவையைப்பற்றிக் கனம் அங்கத்தினர் தவறாக நினைத்துக் கொள்ளக்கூடாது. அவர் ஆசிரியப் பிரதிநிதி. அவருக்கு உணவுப்பொருளை ரூபி பார்த்ததான் தெரியுமே தவிர அது எவ்வாறு உற்பத்தியாகிறது என்பது தெரியாது. சும்மா வீட்டு விடுங்கள் என்று சொன்னால் என்ன ஆவது? விலையைக் குறைக்கவேண்டுமென்று சொன்னால், கடவுளா குறைப்பார்? மனித முயற்சி இல்லாமல் ஒன்றும் நடக்காது. கடவுளிடத்தில் நம்பிக்கையுள்ளவர்கள் இதை உணருவார்கள். அந்தக் கூட்டுறவுச் சங்கத்தில் குறைந்த விலைக்கு விற்கிறார்கள். அவர்கள் நஷ்டத்திற்கா விற்கிறார்கள்? அப்படி ஒரு கூட்டுறவுச் சங்கம் செய்யும்போது, ஏன் அதேமாதிரி வியாபாரிகள் செய்யக்கூடாது? நாய்கள் “பேர் ப்ரைஸ் ஷாப்” வைத்த பிறகு, விலை குறைகிறது. குறைந்த பிறகு “ஆப் டேக்” “பேர் ப்ரைஸ் ஷாப்பில்” இல்லை. “ஆப் டேக்” இல்லாததால், சிப்பந்திகளுக்குச் சம்பளம் கொடுக்க முடியாத நிலை ஏற்படுகிறது. ஏன் இந்த வியாபாரிகள் சும்மே விலையைக் குறைக்க வில்லை? கொஞ்சமாவது கொள்கிற இருக்கிறதென்பதைக் கனம் அங்கத்தினர்கள் ஏற்றுக்கொள்ளாமல் இருக்க முடியாது.

கண்ட்ரோல் தேவையில்லைதான். அரசாங்கத்துக்கு எவ்வளவோ வேலைகள் இருக்கின்றன. சென்ற வருடம் பார்த்தோம். அறுவடை வருகிறது; விலை குறையும் என்று எதிர்பார்த்த காரணத்தால், அரசாங்கம் ஒன்றும் செய்யவில்லை. அதனால் என்ன ஆயிற்று? குறுவை

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அறுவடை காலத்திலேயே விலை ஏறிவிட்டது. ஆகவேதான், அரசாங்கம் ஓராஷு தலையிட வேண்டியிருக்கிறது. “ஸ்டேட் டிரேடிங்” என்னால் அதிலே ஒரு குழப்பம். “ப்ரொக்யூர்மெண்ட்” என்று சொன்னால் குழப்பம் வராது, அதுவும் ஒரு வகை ஸ்டேட் டிரேடிங்தான். “பேர் பரைஸ் ஷாப்” என்று சொன்னாலும், அதுவும் ஒரு வகை ஸ்டேட் டிரேடிங்தான். ஆகவே, இந்த வார்த்தைகளால் குழப்பம் அடையக்கூடாது. “ஸ்டேட் டிரேடிங்” ஒரு பூதம் என்று சொல்லுகிறார்கள். இப்பொழுது இருக்கும் நிலைமையை எப்படிச் சமாளிப்பது என்பதிலே நாம் கவனம் செலுத்த வேண்டியிருக்கிறது.

கனம் அங்கத்தினர் திரு. ரசா கான் அவர்கள் சொன்னார்கள். ஒரு மந்திரி ஒரு புள்ளி விவரம் கொடுத்தார், இன்னொரு மந்திரி இன்னொரு புள்ளி விவரம் கொடுத்தார் என்று சொன்னார். 5 லட்சம் டன் “டெபிசிட்” என்று பிரமாதமாகச் சொன்னார். மதிப்பிற்குரிய சகா நிதி அமைச்சர் அவர்கள் குறிப்பிட்ட சமயம் என்ன நிலைமை இருந்தது என்றால், அப்பொழுது ஒரு “ரப் போர்காஸ்ட்” வந்தது. முதலில் “ரப் போர் காஸ்ட்” வரும், பின்னர் முடிவான மதிப்பீடு வரும். 36 லட்சம் நெல் தானியம், 15 லட்சம் மில்லெட்ஸ். அதற்கு “பைனல் போர்காஸ்ட்” வர வேண்டியதாக இருந்தது. அது மாத்திரமல்ல. அப்பொழுது நாங்கள் மதிப்பிட்டு வட ஆற்காடு, ராமநாதபுரம், திருநெல்வேலி ஆகிய இடங்களில் பருவ மழை ரொம்பக் குறைந்து விட்டது. தஞ்சையிலும் சில இடங்களில் பூச்சியினால் பயிர் அழிந்துவிட்டது. மேலும் இரண்டு லட்சம் குறைவு என்று எதிர்பார்த்தோம். எதிர்பார்த்த அளவு வரவில்லை என்பது ஒன்று. கேரளாவுக்கு ஒரு லட்சம். மதிப்பீட்டில் சுமாராக இரண்டு லட்சம். எல்லாவற்றையும் சேர்த்தால் 5 லட்சம் வருகிறது. நிதி அமைச்சர் தவறாதலாக ஒன்றும் சொல்லிவிடவில்லை. உற்பத்தி குறைந்தது இன்னும் இரண்டு லட்சம் வேண்டியிருந்தது. அதோடு கூட கேரளாவுக்கு அதிகமாகப் போய்விடவே

SRI L. S. KARAYALAR : The Hon. Minister said that as far as possible, he would not resort to procurement. But, in spite of it, the district officers have been alerted and notices sent to village officers that they should not allow harvest without the permission of the Tahsildars or Deputy Tahsildars. Will he take care of the situation?

THE HON. SRI M. BHAKTAVATSALAM: As it is, procurement is going on. We have not taken any decision. We have not issued orders regarding procurement of kuruvai in Tanjore. Otherwise, procurement is going on, pending decision.. That is the position.

SRI K. BALASUBRAMANYA AYYAR : உங்களைக் கேட்டுச் சொல்லி யிருக்கலாம்.

* **THE HON. SRI M. BHAKTAVATSALAM :** கேட்டாலும் மறுத்திருக்க மாட்டேன். சொன்னதில் தவறுதல் இல்லையென்று சொல்லிக்கொள்ள விரும்புகிறேன்.

3-50 நாம் அகில இந்திய ரீதியிலே ஓரளவு இதை எடுத்துக்கொண்டு தீர்க்க
p.m. வேண்டியிருக்கிறது. பக்கத்திலேயிருக்கும் ராஜ்யங்களின் நிலைமையையும்
கணக்கில் எடுத்துக்கொண்டு எப்படி நிலைமையைச் சமாளிக்கலாம் என்று
பார்க்க வேண்டியிருக்கிறது. தமிழ் நாட்டுக்கு எவ்வளவு அதிலே அக்கறை
உண்டோ அதே வகையிலே கேரளாவுக்கும் இருக்கவேண்டியது நல்லது
என்றுதான் நான் சொல்கிறேன். கேரளா உணர வேண்டும். அவர்கள்
உணரவில்லை. கேரளாவைப்பற்றிக் குறிப்பிடும்போது, முன் அரசாங்கம்,
பின் அரசாங்கம் என்று ஒன்றும் இல்லை. கேரளாவுக்கு இது போதுமா,

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நல்லதா என்று அவர்கள் பார்க்கவேண்டும். நான்கு பேர்கள் பார்த்துத் தான் சொல்ல வேண்டும். மத்திய அரசாங்கமும் சென்னை அரசாங்கமும் மட்டும் பார்த்துச் செய்யக்கூடிய விஷயம் அல்ல.

“அரசாங்கத் தலையிடு இருக்கிறது” என்று சொல்வது தவறு. அகில இந்திய ரீதியிலேதான் கவனம் செலுத்தி இந்தப் பிரச்சனையை நாம் தீர்த்துக்கொள்ள வேண்டியிருக்கிறது.

இப்பொழுதிருக்கும் நிலையிலே நியாய விலைக் கடைகள் வைப்பது என்று ஏற்பட்டிருக்கிறது. நியாய விலைக் கடைகள் என்னும்போது ஒரளவுதான் வைக்கலாம். ரேஷன் காலம் மாதிரி வைக்கமுடியாது. நியாய விலைக் கடைகள் வைத்ததிலே, விலை சற்றுக் குறைந்திருக்கிறது. விலை ஏறாமல் இருக்கிறது. தைத்யல்லாம் மறுக்க முடியாது. இந்த அளவுக்கு நாம் செய்ய முடிகிறது. உருப்படியாக அரசாங்கம் செய்து வருவது இதான். இதற்கு “ப்ரொக்யூர்மென்ட்” வேண்டியிருக்கிறது. “ப்ரொக்யூர்மென்ட்” செய்யாவிட்டால், நியாய விலைக் கடைகள் வைக்க முடியாது. அந்த அளவு ஸ்டேட் டிபோஷித் இருக்கத்தான் இருக்கிறது. “கடவுள் விட்ட வழி” என்று இருந்து விடலாம் என்று பல கனம் அங்கத்தினர்கள் யோசனை சொல்லலாம். ஆனால், அதை அரசாங்கம் செய்ய முடியாது. என்னென்றால், அரசாங்கத் திற்கு ஒரு பொறுப்பு இருக்கிறது. கடவுள் விட்ட வழி என்று விட்டுவிட முடியாது.

“ப்ரொக்யூர்மெண்ட்” என்றால் கஷ்டம்தான். ப்ரொக்யூர்மெண்டை விட்டு லேவி முறை வைத்துவிடலாம் என்று சொல்லப்படுகிறது. ப்ரொக்யூர்மெண்டிலிருந்து தப்பித்துக்கொள்வதற்காக லேவி முறை வேண்டுமென்று சொல்லுகிறார்கள். எப்படியிருந்தாலும் உற்பத்தி செய்கின்றவர்களிடமிருந்து வாங்குவதென்பது ரொம்பக் கஷ்டம். கிஸ்தி வாங்குவது போல அல்லவளவு கஷ்டம். ஐந்து எக்கருக்குக் குறைவாக நிலம் வைத்திருப்பவர்களுடமிருந்தும் வாங்க வேண்டுமென்று சொல்கிறார்கள். அது பொறுப்புள்ளவர்கள் சொல்லக்கூடியதல்ல. அவர்களிடமிருந்தும் ஒரு வரையறையோடுதான் வாங்க வேண்டும். ஓரளவு தான் வாங்கலாம்.

கனம் அங்கத்தினர் திரு. கோசல்ராம் அவர்கள் “இரண்டரை லட்சம் டன் கோளாவுக்குப் போய்க்கொண்டிருக்கும்” என்று சொன்னார்கள். தனி லோனாக வந்தவிட்டால் அது எப்படிப் போகும் என்று நான் கேட்கிறேன். மற்றும் சில அங்கத்தினர்கள்கூட “தனி லோனாகப் போய் விட்டால் வியாபாரம் என்ன ஆவது” என்று சொன்னார்கள். கனம் அங்கத்தினர் திரு. ராமசாமி அவர்கள் பல கேள்விகள் கேட்டார்கள். தனி மண்டலமாக நாம் பிரித்துவிட்டால், மைசூருக்கோ கோளாவுக்கோ வேறு எங்கோ இந்த அரசாங்கத்தின் அனுமதி இல்லாமல் போக முடியாது.

SRI V. V. RAMASWAMI : கள்ளத்தனமாகப் போனால் தடுக்க என்ன நடவடிக்கை எடுப்பீர்கள் என்று கேட்டேன்.

*THE HON. SRI M. BHAKTAVATSALAM : சாதாரணமாக எடுத்துக் கொள்ளுகிற நடவடிக்கையைவிட, கள்ளத்தனமாகப் போகும்போது இன்னும் கொஞ்சம் கடுமையான நடவடிக்கை எடுத்துக்கொள்வோம்.

வியாபாரிகள் சார்பில் பேசும்போது, கனம் அங்கத்தினர் அப்படிச் சொல்லக்கூடாது என்று நினைக்கிறேன். கள்ளத்தனமாகப் போகுமென்று சொன்னால், அதை யார் செய்வது? வியாபாரிகள் தானே அதைச் செய்ய வேண்டும். நம்முடைய வியாபாரிகள் அவ்வளவு தூரம் போகமாட்டார்கள் என்று நான் நம்புகிறேன். கனம் அங்கத்தினர் அவர்களைவிட வியாபாரிக ளிடத்திலே எனக்கு நம்பிக்கை இருக்கிறது.

SRI V. V. RAMASWAMI : எப்பொழுதும் தொன்று தொட்டு வியாபாரம் செய்கிறவர்கள் கன்னத்தனமாக நடந்தகொள்ள மாட்டார்கள். அரசாங்கச் சலுகை பெற்றவர்கள்தான் இம்மாதிரிச் செய்கிறார்கள் என்று குறிப்பிட்டேன்.

[15th September 1959]

* THE HON. SRI M. BHAKTAVATSALAM : கூட்டுறவுச் சங்கங்களைப் பற்றி ஒரு கனம் அங்கத்தினர் சொன்னார். கூட்டுறவுச் சங்கங்கள் மூலமாக வாங்கி விநியோகம் நடைபெறுகிறது. வாங்கும்போது நான்கு, ஐந்து மாதங்களுக்கு முன் வாங்குகிறார்கள். அதை வைத்துக்கொண்டு எப்பொழுது விற்கவேண்டுமோ அப்பொழுதுதான் விற்கவேண்டும். வாங்குகிற விலைக்குமேல் டிரான்ஸ்போர்ட் சார்ஜ், ப்யூமிக்கேஷன், ஷரிங்கேஜ் முதலியவைகளுக்கு ஒரு மார்ஜின் வைக்கவேண்டியிருக்கிறது. கடன் ரிசர்வ் பாங்க் கொடுக்கிறார்கள். அதற்குக் காரணம் தான் நாம் கொடுக்கிறோம். அதற்குமேல் நாம் ஒன்றும் செய்வது இல்லை. அப்படியிருக்க, எட்டு ரூபாய், ஒன்பது ரூபாய் லாபம் இருக்கிறது என்று பிரசாரம் செய்வது சரியல்ல. வியாபாரிகளிடையே இந்தப் பிரசாரம் இருந்து வருகிறது. நான் உறுதியாகச் சொல்கிறேன். எட்டு ரூபாய், 9 ரூபாய் என்று பேசுவதில் பயன் இல்லை. கொள்முதல் இவ்வளவு என்று கணக்குப் போடுகிறோம். அதற்குமேல் ஹாண்ட்லிங் அண்டு கார்ட் ஹார், மனாங்கு ஒன்றுக்கு 19 நயே பைசே; கோடென்ஸ் ரெண்ட் 25 நயே பைசே; ஷரிங்கேஜ் அலவன்ஸ் 15 நயே பைசே; ப்யூமிக்கேஷன் சார்ஜ் 3 நயே பைசே; இண்டரஸ்ட் ஆன் கார்ட்டில் பாரோடு 50 நயே பைசே; கிரான்ட் ப்ராபிட் 75 நயே பைசே; ஆக, 1.87 நயே பைசே என்று போட்டிருக்கிறோம். 75 நயே பைசே க்ரான்ட் ப்ராபிட் என்று போட்டிலே இன்சூரன்ஸ் சார்ஜஸ் 8 நயே பைசே; டிரான்ஸ்போர்ட் சார்ஜஸ் 19 நயே பைசே; ஹாண்ட்லிங் சார்ஜஸ் 19 நயே பைசே; கான்ட் ஆப் ஸ்டாப் 17 நயே பைசே; நெட் ப்ராபிட் 12 நயே பைசே என்று கணக்குப் போட்டுக் கொடுத்திருக்கிறோம். இதிலே கொஞ்சம் ஜாஸ்தி இருக்கும் என்று சொல்லுகிறார்கள். கூட்டுறவுச் சங்கம் மூலமாக “ப்ரொக்யூர்மென்ட்” நடக்கிறது என்றால் இந்த அளவு ஏற்படுகிறது. மீண்டும் கணக்குப் போட்டு இன்னும் குறைக்க முடியுமா என்று பார்ப்போம். இரண்டு நயே பைசே அதிகமாக இருந்தால், கூட்டுறவுச் சங்கத்திற்குத்தான் போகிறது. 8 ரூபாய், 9 ரூபாய் லாபம் என்று சொல்லுவதில் பிரயோஜனம் இல்லை.

SRI N. ANNAMALAI PILLAI : ரூ. 1.75 தானே ஆகிறது.

* THE HON. SRI M. BHAKTAVATSALAM : எட்டு ரூபாய் என்று சொன்னதினால்தான் நான் இந்தக் கணக்கையெல்லாம் தருகிறேன்.

பச்சரிசியைப்பற்றிச் சொன்னார்கள். கனம் அங்கத்தினர் ஒருவர் ரொம்ப அக்கறையோடு சொன்னார்கள். புலாவ் அரிசியைப்பற்றிக் கூடச் சொன்னார்கள்.

SRI MOHAMED RAZA KHAN : அதெல்லாம் இப்பொழுது எங்கே அகப்படப்போகிறது?

* THE HON. SRI M. BHAKTAVATSALAM : நெல்லூர் அரிசிக்கு என்ன செய்வது என்று ஒரு கனம் அங்கத்தினர் கேட்டார். ஒவ்வொரு ராஜ்யத்திற்கும் சுயாட்சி இருக்க வேண்டும். அவர்கள் இஷ்டம் போல் கொடுக்கலாம். கொடுக்காமல் இருக்கலாம். நெல்லூர் அரிசியை அவர்கள் நமக்குக் கொடுக்கக் கடமைப்பட்டவரா என்ன? விலை அதிகமாகக் கேட்கிறார்கள். விலை அதிகமாக இருந்தாலும், அதுதான் எங்களுக்கு வேண்டும் என்றால் என்ன செய்வது? நல்ல கிச்சிலிச் சம்பா நம் ராஜ்யத்தில் விளைகிறது. முதல் தரமான பச்சை அரிசி கிடைக்கிறது. அதை யெல்லாம் விட்டுவிட்டு, நெல்லூர் அரிசிதான் சாப்பிடுகிற பழக்கம்; நெல்லூரிலேயிருந்து வாங்கிக் கொடுங்கள் என்றால், அதைப்பற்றி என்ன சொல்வது? கூழுக்கு உப்பு இல்லை என்பவர்களும், பாலுக்குச் சர்க்கரை இல்லை என்பவர்களும் ஒன்றாய்விட முடியுமா? “எனக்கு நெல்லூர் அரிசி தான் வேண்டும்; இதுதான் சாப்பிடுகிற பழக்கம்; குறைந்த விலைக்கு வாங்கிக் கொடுங்கள்” என்றால், ஆந்திரம் நமக்கு அடிமைப்பட்டதா என்ன? பச்சரிசி வேண்டுமென்றால், இங்குள்ள வகைகளை உண்பதற்கு நாம் பழக்கம் பண்ணிக்கொள்ள வேண்டும். நம்மிடம் நல்ல பச்சரிசி

[15th September 1959] [Sri M. Bhaktavatsalam]

இருக்கிறது. அதை உபயோகப்படுத்திக்கொண்டுவந்தால், பழக்கமாய் விடுகிறது. நம்முடைய வகைகளை நாம் உபயோகப்படுத்திக்கொண்டு வந்தால், நெல்லூர் அரிசியை அவர்கள் அங்கேயே வைத்துக்கொண்டு என்ன செய்யப்போகிறார்கள்? வாய்க்குவோம் இல்லையென்றால், அவர்களாக விற்பது தானே ஆகவேண்டும். அப்படிச் செய்யாமல், நெல்லூர் அரிசிதான் சாப்பிடுகிற பழக்கம், அது தான் வேண்டுமென்று சொல்வது? எத்தனையோ பழக்கத்தை விட்டுக்கொண்டு வரவில்லையா நாம்? சட்டபூர்வமாகச் சில பழக்கங்களை விட்டு வருகிறோம், சாதாரணமாகவும் விட்டு வருகிறோம். நெல்லூர் அரிசிதான் வேண்டும் என்று சொல்லாமல் இருந்தால், எல்லாம் சரியாய் விடும்.

தனி மண்டலமாகப் பிரிக்கவில்லையென்றால், என்ன ஆவது என்று கடைசியாக ஒரு பிரச்சனை வருகிறது. தனி மண்டலமாகப் பிரிக்கவில்லை யென்றால், எங்களுக்கு இப்பொழுது இருக்கும் அனுபவத்திலே, ப்ரொக்யூர் மென்ட் பண்ணலாம். இருந்தாலும் ப்ரொக்யூர்மென்ட் பண்ணுவதில் கஷ்டம் இருக்கிறது என்று மத்திய சர்க்காரிடம் சொல்லிப்பிடுக்கிறோம். தனி மண்டலமாகப் போவதை வியாபாரிகள் விரும்பவில்லை. இப்பொழுது இருக்கிறபடியே இருப்பதைத் தான் வியாபாரிகள் விரும்புகிறார்கள். இவ்வளவுதான் கவலைப்படுவதெல்லாம் தங்களுடைய வியாபாரத்தைப்பற்றித் தான். அவர்களுடைய வியாபாரம் கெடக்கூடாது. அவ்வளவுதான் அவர்களுக்கு வேண்டியது. ப்ரொக்யூர்மென்ட் வேண்டாமென்று நினைத் தால், குறைந்த விலைக்கு நியாய விலைக் கடைகளுக்குக் கொடுப்பது எப்படி?

ஆல்-இந்தியா ஸோன் இருக்கட்டும் என்று கனம் அங்கத்தினர் திரு. டி. பி. ஸ்ரீனிவாச வரதன் அவர்கள் சொன்னார்கள். இன்றைக்கு மூன்று நாளுக்கு ரூபாய் அதிகமாகலாம். தெரிந்தவர்கள் யாரும் சொல்லமாட்டார்கள். சென்னையிலே உள்ளவர்கள் யாராவது சொல்லலாம்; பத்திரிகையில் எழுதுகிறவர்கள் சொல்லலாம். ஆல்-இந்தியா ரீதியில் ப்ரொக்யூர் மென்ட் செய்வது கஷ்டமாக இருக்கிறது என்று சொல்லப்படுகிறது. எதிர் காலத்தில் என்ன பாலிஸி என்று திருத்தம் பிரேரேபித்த கனம் அங்கத் தினர் அவர்கள் கேட்டார்கள். இப்பொழுது இருக்கும் நியாய விலைக் கடைகளுக்கு நாம் ப்ரொக்யூர் செய்து கொடுத்துத்தான் வருகிறோம். உற்பத்தி பெருக்கிக்கொண்டுதான் இருக்கிறது. உற்பத்தி குறைந்தபொய் விட்டது என்று சொல்ல முடியாது. பெருகுவதைத் தான் பார்க்கிறோம். ஆந்திராவில் ஐந்து லட்சம் உபரியாக விளைகிறது. இருந்தாலும் இங்குள்ள விலையைவிட அதிக விலைதான் அங்கும் இருக்கிறது. ஆக, நம்முடைய ராஜ்யத்தில் உணவு தானியங்கள் உற்பத்தி குறைந்துகொண்டு போகவில்லை. பருவ மழை தவறினாலும்கூட, இங்கு விளைச்சல் அதிகமாகத்தான் இருக்கிறது. “ரப் போர்க்ரான்ட்” விட அதிகமாக விளைந்திருக்கிறது. மேற்கொண்டும் விளைச்சலை அதிகப்படுத்திக்கொண்டு வருகிறோம். தென் மண்டல ஸோனைத் தொடர்ந்து நடத்துவதாயிருந்தால், ப்ரொக்யூர் மென்ட் பண்ணாமல், இப்பொழுது ஒரு லட்சம் டன் மத்திய அரசாங்கத் திடம் வாங்க வேண்டும் என்பது என்னுடைய யோசனை. சாதாரணமாகக் கேட்டால், கொடுக்கமாட்டார்கள். ரெகுலேஷன் இல்லாமல் இங்கிருந்து கேரளாவுக்குப் போகிறது; அத்துடன் அவர்களுக்குக் கொடுத்தால் மேலும் கஷ்டமாகும். தென் மண்டலம் இப்படியே தொடர்ந்து நடப்பதாயிருத் தால், என்னுடைய எண்ணம் பின்னால்தான் முடிவாகும். ப்ரொக்யூர் மென்ட், லெவி ஒன்றும் இல்லாமல் விட்டு விடுவோம் என்பது. ஆனால், நியாய விலைக் கடைகளை நடத்தவேண்டும். அவைகளை நடத்துவதாயிருந் தால், அவர்களிடமிருந்து இரண்டு லட்சம் டன் வாங்கலாம். வாங்கி, அதை நியாய விலைக் கடைகளுக்கு என்று வைக்கலாம் என்பது என் யோசனை. இரண்டு லட்சம் டன் பச்சரிசியா, புழுக்கல் அரிசியா என்பதைப் பற்றிப் பார்த்துக்கொண்டிருக்க வேண்டாம். எந்த அரிசியாக இருந்தாலும் சரிதான். பழக்கத்தை மாற்றிக்கொள்ள வேண்டும். சென்னை ராஜ்யம் தனி ஸோனாக வேண்டுமென்றால், ஒன்றரை லட்சம் டன் கேரளாவுக்கும் சேர்த்து நாம் மூன்றரை லட்சம் டன் ப்ரொக்யூர்மென்ட் பண்ணியாக வேண்டும். எனக்கு அதிலே அச்சம் இல்லை. என்னென்றால், வியாபாரிகள்

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“ஸ்பெகுலேடிவ் மைண்டு” உள்ளவர்கள். தனி மண்டலமாவதை வியாபாரிகள் வேண்டாமென்று சொல்கிறார்கள். தனி மண்டலமாவது வியாபாரிகளுக்கு இஷ்டம் இல்லை. வியாபாரம் என்ன ஆவது என்பதுதான் அவர்கள் கவலை. வியாபாரம்தான் அவர்களுக்குப் பெரிது. ராஜ்ய நிலைமைக்குத் தக்கபடி, என்ன செய்யவேண்டும் என்பதில் அவர்களுக்குக் கவலை இல்லை. சென்னை ராஜ்யம் தனி ராஜ்யமாகப் பிரிந்தால், மூன்றரை லட்சம் டன் நமக்கு வேண்டும். ஒன்றரை லட்சம் டன் கேரளாவுக்காகவும், இரண்டு லட்சம் டன் நம்முடைய நியாய விலைக் கடைகளுக்காகவும், ஆக மொத்தம் மூன்றரை லட்சம் டன் ப்ரொக்யூர்மென்ட் செய்யவேண்டும். அப்பொழுது மத்திய அரசாங்கத்தை நாம் கேட்க முடியாது. மூன்றரை லட்சம் டன் பெறலாம் என்ற நம்பிக்கை எனக்கு இருக்கிறது. கேரளா வும் அதிக விலை கொடுத்து எடுத்துக்கொண்டு போக முடியாது. அதைப் பற்றிக் கவலையில்லை. உணவு நிலைமையைச் சமாளிப்பதுபற்றி யாரும் கவலைப்பட வேண்டாம் என்று சொல்லி என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகிறேன். திருத்தம் கொடுத்த கனம் அங்கத்தினர் அவர்கள் தம்முடைய திருத்தத்தை வற்புறுத்தவேண்டாமென்று கேட்டுக் கொள்கிறேன்.

*SRI N. ANNAMALAI PILLAI: கனம் அமைச்சர் அவர்கள் ஒரு 4 p.m. ரூபாய் பன்னிரண்டு அணு, ஐந்து நயா பைசா என்று சொல்லியிருக்கிறார். அந்த வித்தியாசத்திற்குக் காரணம் என்ன? என்ன விலைக்கு வாங்குகிறார்கள்? என்ன விலைக்கு விற்றிருக்கிறார்கள் என்பதை அறிவிக்க முடியுமா?

*THE HON. SRI M. BHAKTAVATSALAM: வாங்குகிற விலையுடன் இதரச் செலவுகளையும் சேர்த்து விற்கப்படுகிறது. இதரச் செலவுகளையும் சேர்த்து எந்த அளவு விற்க வேண்டுமோ அந்த அளவில்தான் விற்கப்படுகிறது.

*SRI S. K. SAMBANDHAN: மணங்கு ஒன்று 16 முதல் 17 ரூபாய் வரையில் வாங்கப்படுகிறது. அதன்படி மூட்டை ஒன்றுக்கு இரண்டு மணங்குக்கு 17+17 ஆக 34 ரூபாய் ஆகிறது. அப்படி 34 ரூபாய்க்கு வாங்கிக் கூட்டுறவுச் சங்கங்கள் மூலமாக ரூபாய் 40.93 க்கு விற்கப்படுகிறது. ஆகவே, இதில் வித்தியாசம் அதிகம் இருக்கிறது. இந்த வித்தியாசத்திற்குக் காரணம் என்ன? இது சரியான புள்ளி விவரமா?

*THE HON. SRI M. BHAKTAVATSALAM: கொள்முதல் செய்த பிறகு, விலை நிர்ணயிக்கப்படுகிறது. கொள்முதல் விலையுடன் ஒரு குறிப்பிட்ட மார்ஜின் வைத்து அதையும் சேர்த்து விற்கப்படுகிறது. கொள்முதல் விலை, ஒரு அளவு மார்ஜின் இது இரண்டையும் சேர்த்துத் தான் சில்லரை விலைக்கு விற்கப்படுகிறது.

SRI MOHAMED RAZA KHAN: May I also put a question, Sir? The Government of Madras have made out a very strong case for separating Madras from the Southern Zone. Apart from this, they have undertaken to supply 1½ lakhs to 2 lakhs tons to the Kerala Government. What are the difficulties of the Central Government in conceding this request?

*THE HON. SRI M. BHAKTAVATSALAM: I just explained in Tamil the position. Perhaps the hon. Member, though he is a very old resident of Madras, was not able to understand Tamil. The trouble is this. As it is, the Southern States are more or less self-sufficient, perhaps with a supply of 1 lakh tons from the Central pool. Kerala is deficit by seven lakhs. I accept that. But Mysore claims that it is deficit by 2½ lakh tons. 7 plus 2½ lakhs

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comes to 9½ lakhs tons. Andhra and Madras would agree to supply 5½ lakhs tons. Then, the commitment to the Centre will be 4 lakhs tons. As it is, with one lakh from the Centre, it is being managed. It is the fear of the Centre that their commitment would be high. After all, what they import is limited, and, therefore, they will be in trouble. More than their being in trouble—we do not mind it—Kerala may be in trouble. That is the only anxiety of not only the Centre but of others also.

SRI K. BALASUBRAMANYA AYYAR: Sir, the Hon. Minister has said that if Madras becomes a separate Zone, then some procurement is necessary. Suppose they do not agree to separate Madras from the Zone and Madras continues to be in the Zone, and the Government of Madras drop ‘kuruva’ paddy; will they take to procurement afterwards?

*THE HON. SRI M. BHAKTAVATSALAM: About all this, we have to take decisions. If I can get a definite supply of 2 lakhs, I might not take to any procurement at all. Even if procurement is necessary, I may leave ‘Kuruva’. We have yet to take decisions. No decision has been taken yet. As it is, I do not propose to procure ‘Kuruva’. But ‘Samba’ I can procure and get whatever is required for fair price shops.

(Sri P. S. Krishnaswamy Ayyangar rose.)

MR. CHAIRMAN: Order, order. Is the hon. Member Sri Mohamed Raza Khan withdrawing his amendment?

SRI MOHAMED RAZA KHAN: Sir, I cannot concede that the reply of the Hon. Minister is completely satisfactory. But I am convinced of his anxiety to solve the problem satisfactorily in the light of his statement. நான் எனது திருத்தத்தை வாபஸ் வாங்கிக்கொள்ளுகிறேன்.

The amendment of Sri Mohamed Raza Khan was, by leave, withdrawn.

MR. CHAIRMAN: The question is—

‘That the statement in regard to the food situation in Madras State be taken into consideration.’

The motion was put and carried.

MR. CHAIRMAN: On the 17th, we shall meet at 11 a.m. and go on till 1 p.m. and again meet at 3 p.m. and go on till 8 p.m.

The House will now adjourn and meet again at 11 a.m. on Thursday, the 17th September 1959.

The House then adjourned.

THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 17th September 1959.

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.

Scarcity of sugar

* 69 (*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 there is scarcity of sugar in the City of Madras and the prices have gone up considerably; and

(b) if so, the steps taken by the Government for the proper supply of sugar at reasonable price?

THE HON. SRI M. BHAKTAVATSALAM : (a) There is no scarcity of sugar in Madras City. The prices have increased slightly in retail shops other than fair price shops.

(b) The South Indian Sugar Mills Association have opened 891 fair price shops in Madras City and suburbs with a view to making sugar available to the public in the City at the fixed price of Rs. 1.63 nP. per viss. The Government have also arranged for a proper distribution of sugar coming into this State from the factories in Andhra Pradesh.

SRI MOHAMED RAZA KHAN : Granting that sugar is available and that there is no scarcity, how is it that sugar is available only at a high price of Rs. 2.12 per viss?

THE HON. SRI M. BHAKTAVATSALAM : As I stated the other day, there are 891 fair price shops in the City. The T.U.C.S. is running most of the shops, if not all, and sugar is available at these shops at Rs. 1.63 per viss, but they supply only one viss per consumer per day. If the people require more than one viss, they will have necessarily to get it elsewhere.

SRI MOHAMED RAZA KHAN : While I am glad that the Minister for Agriculture has said that the T.U.C.S. is selling sugar at the control price of Rs. 1.63 per viss, may I know whether he is aware that the T.U.C.S. sells sugar mostly to its own members and that it says invariably to outsiders that there are no stocks?

THE HON. SRI M. BHAKTAVATSALAM : That has not been brought to my notice so far. But the T.U.C.S. is expected to cater not only to the members of the society but also to others.

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SRI T. PURUSHOTHAM : Have the Government received any complaints that stocks of sugar are not available in the branches of the T.U.C.S. at Purasawalkam, etc.?

THE HON. SRI M. BHAKTAVATSALAM : I have not received such complaints. If a complaint is received, the Government would go into it.

SRI MOHAMED RAZA KHAN : What are the factors which have boosted up the price of sugar? Is it because we do not get sufficient supply of sugar from other States on whom we were depending all along for supply?

THE HON. SRI M. BHAKTAVATSALAM : I am afraid that the formation of the Southern Zone is, to a certain extent, responsible. Formerly, there was no zone. We were getting sugar from Bombay. Sugar from Andhra Pradesh also was being imported here. Then, there is now a shortfall of 10,000 tons of production of sugar in Andhra. Our consumption also is gone up.

SRI T. PURUSHOTHAM : Can sugar be arranged to be supplied through rice fair price shops?

THE HON. SRI M. BHAKTAVATSALAM : So far as the City is concerned, it is the T.U.C.S. that runs many of the fair price shops in rice and it is the T.U.C.S. that runs the fair price shops in sugar.

DR. A. SREENIVASAN : Is it a fact that the consumption of sugar has gone up very high because the people who used to take jaggery and brown sugar have taken to white sugar?

THE HON. SRI M. BHAKTAVATSALAM : That is so for two reasons. One is, the standard of living of the people is going up, and they would naturally prefer white sugar. Apart from that, the price of jaggery also has gone up. Therefore, there is more consumption of white sugar.

SRI T. PURUSHOTHAM : Will the Hon. Minister tell us why the sale of sugar should not be entrusted to all the fair price shops including private fair price shops and not only the T.U.C.S.?

THE HON. SRI M. BHAKTAVATSALAM : Sugar is not in the same position as rice. Rice is required by everybody, and we cannot put it on the same footing as sugar.

SRI G. KRISHNAMOORTHY : What exactly is the reason for the sudden rise in price in the retail shops?

THE HON. SRI M. BHAKTAVATSALAM : The reason is that there is more demand and that there is shortage of sugar. Last year, sugar was available for export and some sugar was allowed to be exported. But now we require sugar more than what we produce in this country and particularly in this State there is shortage. We had been urging on the Government of India that

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they should permit a few more sugar factories to be started. But the Government of India were not willing to issue licences for starting of new factories. They said the existing factories were efficient. But now, the Government of India are willing to issue licences to a few more sugar factories in this State.

SRI MOHAMED RAZA KHAN : May I know whether it was brought to the notice of the Minister for Agriculture that some wholesale merchants are not clearing their stocks purposely so that they may sell them when the price goes up and that some of the merchants are trying to re-export the sugar which comes to Madras from other States where they are getting a better price?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member where there are wholesale dealers in Andhra, there is no wholesale dealer in Madras. In Madras sugar is sold only through retail shops.

SRI T. PURUSHOTHAM : Is there any proposal to introduce a scheme for coffee and tea-drinking without sugar in tea parties, coffee hotels and the like? (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM : That is for the consumers to decide. (Laughter.)

DR. A. SREENIVASAN : Does the prosperity of our community depend upon the amount of white sugar that is consumed?

THE HON. SRI M. BHAKTAVATSALAM : I said that it was an indication.

SRI T. P. SRINIVASAVARADAN : Is the price of sugar fixed by the Central Government?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir.

SRI T. P. SRINIVASAVARADAN : May I know whether that price is fixed to restrict the import of sugar from other countries?

THE HON. SRI M. BHAKTAVATSALAM : There is no question of import of sugar. The price is fixed with reference to the price of sugarcane and the cost of manufacturing sugar.

SRI T. P. SRINIVASAVARADAN : Was any quantity of sugar exported from this country?

THE HON. SRI M. BHAKTAVATSALAM : I may mention to the hon. Member that there was export of sugar from this country but that there is no question of import.

SRI S. K. SAMBANDHAN : Is there scarcity in the mufassal?

THE HON. SRI M. BHAKTAVATSALAM : As the hon. the Leader of the Opposition remarked the other day, scarcity is sometimes man-made scarcity.

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SRI MOHAMED RAZA KHAN: Is the Hon. Minister aware that during the recent debate in the Lok Sabha it was said by many a Member that an artificial scarcity and demand were created by mill-owners and others so that the prices might be boosted up?

THE HON. SRI M. BHAKTAVATSALAM: I am not aware of what was said in the Lok Sabha.

SRI M. ETHIRAJALU: சென்னை நகரத்தைத் தவிர மற்ற ஜில்லாக்களில் எவ்வளவு கடைகள் திறக்கப்பட்டிருக்கின்றன?

THE HON. SRI M. BHAKTAVATSALAM: சென்னையிலே 891 கடைகள் இருக்கின்றன. நமது ராஜ்யம் முழுக்கவும் 1,100 கடைகள் இருக்கின்றன. அதிலே 891 போனால் பாக்கிக் கடைகள் கிராமப்புறங்களில் திறக்கப்பட்டிருக்கின்றன.

Model orchards

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

(a) whether there is any proposal to establish model orchards in the State;

(b) if so, the number of orchards proposed to be started during the Second Five-Year Plan; and

(c) whether there is any proposal to establish a model orchard-cum-nursery in each district?

THE HON. SRI M. BHAKTAVATSALAM: (a), (b) & (c) Three model orchard-cum-nurseries have been in existence for sometime in this State at the following places:—

Periekulam—Madurai district.

Thimmapuram—Salem district.

Coonoor—The Nilgiris district.

As part of the Second Five-Year Plan Programme, four more model orchard-cum-nurseries have recently been sanctioned to be established at the following centres to cover the various districts noted against them:—

Centre.	District to be covered.
1 Courtallam	Kanyakumari, Tirunelveli, and Ramanathapuram.
2 Kodaikanal	Madurai.
3 At a suitable centre to be selected in the region.	Tiruchirappalli and Tanjore.
4 At a suitable centre to be selected in the region.	South Arcot and Chingleput.

SRI T. PURUSHOTHAM: Will the Hon. Minister tell us what progress has been made in the working of these schemes that he has just now referred to with reference to clauses (b) and (c) of the question?

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THE HON. SRI M. BHAKTAVATSALAM: I cannot give an exact assessment of the results. Nurseries have just been opened and necessary steps are being taken to promote the development of these nurseries.

Import of rice

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

(a) whether it is a fact that arrangements have been made through the Centre for the import of rice from the Andhra State to this State; and

(b) if so, the details thereof?

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

(b) The Government of India were requested to supply 10,000 tons of Nellore raw rice from the Andhra Pradesh in exchange for an equal quantity from the stocks procured by this Government. They supplied 2,000 tons of raw rice. Later, the Government of India agreed to supply up to one lakh tons of rice from their Central Reserve to compensate for the heavy movements from this State to Kerala. They have so far allotted 15,000 tons including 4,000 tons of Andhra rice.

SRI MOHAMED RAZA KHAN: Can the Hon. Minister give us an idea as to the requirements of the City of Madras at least of the Andhra rice?

THE HON. SRI M. BHAKTAVATSALAM: Sir, I cannot give an exact assessment of the requirements of Andhra rice in the Madras City. Of course, we have figures about the requirements of the City. As for the quantity of Andhra rice or any other variety, it all depends upon the taste of the consumers. I should like to add that there should be a change in people's preferences and tastes in this matter.

SRI T. PURUSHOTHAM: What arrangements will be made for the supply of good quality raw rice?

THE HON. SRI M. BHAKTAVATSALAM: Sir, good quality. I mean first-class quality raw rice could be produced within this State itself and supplied to the people. If, however, people want only Nellore rice, they should depend upon the merchants only.

SRI MOHAMED RAZA KHAN: Sometime before, the Government of Madras had demanded from the Central Government one lakh tons of Nellore raw rice. From the Minister's reply, we find that only ten to fifteen thousand tons have been supplied so far. Are we expecting the balance from the Central Government or does the matter stop there?

THE HON. SRI M. BHAKTAVATSALAM: Sir, in the first place, I may tell the hon. Member that there was no demand as such. We had requested the Central Government to give us, I mean, to

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replenish our stocks with one lakh tons in view of the heavy movement from this State to Kerala. They have so far supplied us, 15,000 tons, out of which 4,000 tons is Nellore rice and the balance of 11,000 tons is Burma rice. We will have the balance, but it will mostly be Burma rice.

SRI K. V. RAMASWAMY : நெல்லாகவே மக்களுக்கு விநியோகம் செய்யும்படியாக ஏற்பாடு செய்தால் நலமாக இருக்கும் என்று சர்க்காருக்குத் தெரியுமா?

THE HON. SRI M. BHAKTAVATSALAM : அதை அப்படியே சாப்பிடுகிற பழக்கம் இன்னும் ஏற்படவில்லை. யாராவது குத்திக்கொடுத்தால் தான் சாப்பிடலாம். கொடுக்கிறவர்களுக்கும் கஷ்டம், வாங்குகிறவர்களுக்கும் கஷ்டம்.

SRI K. V. RAMASWAMY : அரிசியாகக் கொடுக்கிறபோது சரியான முறையில் பக்குவம் செய்யாது கெட்டுப் போன நிலையில் கொடுப்பதால், அதற்குப் பதிலாக நெல்லாகவே கொடுத்துவிட்டால் அவரவர்கள் இஷ்டப்படி நல்ல முறையில் அதைப் புழுக்கிப் பக்குவம் செய்துகொள்ள வசதி ஏற்படாதா என்று கேட்கிறேன்.

THE HON. SRI M. BHAKTAVATSALAM : வாங்குகிற பொது மக்கள் அந்த மாதிரியாகக் கருத்துத் தெரிவிப்பார்கள் என்றால், அந்த மாதிரிச் செய்யலாம்.

SRI T. P. SRINIVASAVARADAN : Does the Hon. Minister know that the variety Chidambaram Sirumani rice that was previously available in the City is not at all available now?

THE HON. SRI M. BHAKTAVATSALAM : Perhaps it is so. I do not know exactly. It may be because of the fact that people in the Madras City only want Nellore rice and that they do not care for any other rice.

SRI MOHAMED RAZA KHAN : Just now, the Hon. Minister advised the people in the City of Madras to change their food habits and to give up Nellore rice and take to some other rice. May I know from him what other varieties he could suggest and where they are available?

THE HON. SRI M. BHAKTAVATSALAM : Sir, there is one variety, for instance—G.E.B. 24, which is called Kichili Samba in Tamil. I prefer it to any other rice. Perhaps the hon. Member has not tasted it. That rice will be available in any quantity.

Tamil repatriates

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

(a) whether there is any proposal before the Government to assign to the Tamil repatriates from Ceylon the waste lands between Gudalur and Ootacamund; and

(b) if so, the facilities proposed to be given to them for cultivating the lands?

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

(b) The question does not arise.

SRI V. V. RAMASWAMI : இது விஷயமாக எம்.எல்.ஏ. கடிதம் எழுதியிருப்பதாகவும், பிரதம மந்திரி கூட உதகமண்டலத்திற்கு வரும் போது அதைப்பற்றிக் கவனிப்பதாகவும், அந்தக் கடிதத்தை சென்னை சர்க்காருக்கு அனுப்பி வைப்பதாகவும் எழுதினார் என்று தெரிகிறது.

THE HON. SRI M. BHAKTAVATSALAM : கடிதம் வந்திருப்பது உண்மை. அது பரிசீலனை செய்யப்படுகிறது. கூடலூர் பக்கத்தில் காப்பி, 12 பயிரிடுவதற்கு அகதிகளுக்கு நிலம் கொடுக்க வேண்டும் என்பதுதான் யோசனை. அது எவ்வளவு தூரம் சாத்தியம் என்பது பரிசீலனை செய்யப்படுகிறது. தேயிலை, காப்பி பயிரிடுவதற்கு அந்த நிலங்கள் அவ்வளவு உகந்தது இல்லை என்கிற அபிப்பிராயமும் சொல்லப்பட்டிருக்கிறது. இதுவும் பரிசீலனை செய்யப்படுகிறது.

SRI M. ETHIRAJALU : சிலோனிவ்ருந்து வருகிற அகதிகளுக்கு தியாய விலைக் கடைகளையாவது ஏற்படுத்திக் கொடுப்பார்களா?

THE HON. SRI M. BHAKTAVATSALAM : இந்தக் கேள்வி தியாய விலைக் கடைகளைப்பற்றி அல்ல.

Pre-Professional course leading to the M.B.B.S.

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

(a) the date on which the Committee for selection of candidates for admission to Pre-Professional course leading to the M.B.B.S. was appointed this year;

(b) the date on which the Committee commenced interviewing of the candidates;

(c) the total number of candidates interviewed; and

(d) the dates on which the interview was concluded and selection announced?

THE HON. SRI M. A. MANICKAVELU : (a) 22nd June 1959.

(b) 1st July 1959; (c) 986; (d) 20th July 1959 and 24th July 1959, respectively.

SRI MOHAMED RAZA KHAN : May I know why there was so much delay in constituting this Selection Committee when the results of the Pre-University examinations had been announced sufficiently early?

THE HON. SRI M. A. MANICKAVELU : Sir, there was not much delay. Of course, there was a little delay in constituting this Selection Committee.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware of the fact that as a result of the great delay in selecting candidates for admission to the medical colleges, those who were selected after this delay, had already joined the various Arts Colleges in the B.Sc. courses and had already paid their tuition fees and purchased books, etc., which are of no use for them in the M.B.B.S. course?

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THE HON. SRI M. A. MANICKAVELU : Yes, it will be better if this could be done a little earlier and Government will try to do it earlier.

DR. A. SREENIVASAN : Is the Hon. Minister aware that the standard of the students selected for admission to the medical colleges has gone down during the last few years and may I know whether politics is one of the main reasons for this deterioration which has taken place?

THE HON. SRI M. A. MANICKAVELU : I do not think I can accept what the hon. Member says. The number of candidates selected has gone up. As for the standard, I think they are fairly keeping it up.

DR. A. SREENIVASAN : Is it a fact that the number of students who get through the prescribed M.B.B.S. course within the five years when compared with the figure that obtained some years ago, is very low at present?

THE HON. SRI M. A. MANICKAVELU : I have not examined that aspect, Sir. But, this much I can say. Generally, the students are not so studious now as they were before. They have got other avocations nowadays.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware of the fact that a similar Selection Committee for the selection of candidates for admission to the engineering colleges announced the results much in advance although they had interviewed a large number of candidates? If so, why should the Selection Committee appointed for the selection of candidates for admission to the medical colleges alone have taken so much time to announce the results, which has resulted, as I have already stated, in the students being put to a good deal of disadvantage and expenses?

THE HON. SRI M. A. MANICKAVELU : I think it is a fact that the results of the selection for engineering colleges were announced earlier. As I said before, there was some delay in the case of the Medical Colleges Selection Committee. Steps will be taken to see that the results are announced as early as possible.

DR. A. SREENIVASAN : Knowing as we do that Medicine is a zealous mistress, may I know whether too much of these extra-curricular activities has contributed to the lowering of the standard of the students to a certain extent?

MR. CHAIRMAN : The question is not about lowering of standards.

SRI L. S. KARAYALAR : Sir, apart from the Hon. Minister defending this Selection Committee and apart from the resignation of the Chairman of this Selection Committee, may I ask whether the Government did make any change in the list that was submitted by the Committee?

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THE HON. SRI M. A. MANICKAVELU : Not at all, Sir.

SRI L. S. KARAYALAR : Was no change made at all?

THE HON. SRI M. A. MANICKAVELU : No, Sir.

DR. A. LAKSHMANASWAMI MUDALIAR : May I know whether the Hon. Minister is aware that as early as 17th June strong representations were made about the delay in constituting the Committee and the delay in selection of students? Whereas the results were announced on the 3rd June for all pre-Professional courses, what is the reason for the Hon. Minister not being able to appoint the Selection Committee even before the publication of the results?

THE HON. SRI M. A. MANICKAVELU : I have already said that there was some delay this year in the constitution of the Committee and the selection of the candidates and it could have been done a little earlier. Only that much I can say, Sir.

DR. A. LAKSHMANASWAMI MUDALIAR : Is the Hon. Minister aware that the University has six medical colleges to look to? While the private medical colleges and the Government of India-sponsored medical college were able to admit the students on the 1st of July and commence their courses, the students that were admitted to the Government medical colleges could not join even by the 15th August and thus they were not in a position to put in the 180 days' attendance which is insisted upon.

THE HON. SRI M. A. MANICKAVELU : I have already said that the results were published on 24th July 1959. I admit there was some delay. I can only say that such delay will be avoided in future.

SRI T. PURUSHOTHAM : Has there been any shortage in attendance consequent upon this delay and, if so, may I know whether the University authorities have condoned this shortage?

THE HON. SRI M. A. MANICKAVELU : I am not aware of it, Sir.

SRI K. BALASUBRAMANYA AYYAR : Why did the Chairman resign?

THE HON. SRI M. A. MANICKAVELU : On record I see, on account of ill-health, he resigned.

SRI MOHAMED RAZA KHAN : According to the terms of reference of the Committee, we find that there should be a Chairman and two members. Now, the Chairman resigned and the other two Members alone looked after the selection work. May I know whether it is legally proper for the remaining two Members without another Member being brought as Chairman, to select the candidates as it went against the terms of reference of the Committee? Because, specifically, it says that there should be a Committee consisting of

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a Chairman and two Members. Will not the selection of candidates by the two Members only without the Chairman be something like the Cabinet functioning without the Chief Minister?

THE HON. SRI M. A. MANICKAVELU : No, it will not be like that, Sir. There was no difficulty about that. Legally also, two Members of the Committee could do that. But, I may tell the hon. Member that we were pressed for time. If, after the resignation of the Chairman, we went out for a third Member, we would have to be hunting for another person, which would mean more delay. That is one of the reasons, Sir.

11-30 a.m. DR. A. LAKSHMANASWAMI MUDALIAR : In view of the important duties that Members of the Legislature have to perform, will the Government be pleased not to embarrass them in future with such positions and leave it to the Principals of the Colleges to select the students properly, and review the selections thereafter?

THE HON. SRI M. A. MANICKAVELU : It is a question of changing the policy of the Government in the matter of selection of candidates. I cannot offhand give any definite information about it. But I will bear in mind what the hon. the Leader of the Opposition says.

DR. A. LAKSHMANASWAMI MUDALIAR : Is it a fact that in selecting candidates the Committee is bound to take note of district-war claims and, if so, has it resulted in candidates with inferior qualifications being selected and better candidates from other districts not being selected?

THE HON. SRI M. A. MANICKAVELU : May be, selection is made district-war and on the basis of population. We had recourse to this method because there was a complaint that most of the candidates selected were from the metropolis. But even after this kind of selection, any vacant seats from the districts go to the City pool.

SRI MOHAMED RAZA KHAN : Am I to take it from the reply of the Hon. Minister that as soon as the Chairman fell sick and could no longer function as Chairman, the Government passed an order that only two should function and finalize the lists and that one should function as Chairman and the other as Member?

THE HON. SRI M. A. MANICKAVELU : That is right. There must be a Chairman. Of the two of them, one was made Chairman.

SRI MOHAMED RAZA KHAN : Was any reference sent to the Committee that one of the two should be Chairman and the other Member and that they could finalize the lists or did the Government simply say, 'You two function and do as you please'?

THE HON. SRI M. A. MANICKAVELU : A definite order was passed that one of the two should be Chairman.

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SRI K. BALASUBRAMANIA AYYAR : If the original terms were that there should be three Members and that one of them should be Chairman, then is it legal to make the number two?

THE HON. SRI M. A. MANICKAVELU : There is no question of legality here. It is quite legal.

SRI K. BALASUBRAMANIA AYYAR : In the Sales Tax Tribunal, when three should attend, one was not there; it was declared illegal.

THE HON. SRI M. A. MANICKAVELU : That is a statutory body. This is an advisory body and there is nothing illegal here.

Leprosy Clinic

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

(a) whether there is any proposal to start a leprosy clinic in the Special Home at Krishnampet;

(b) if so, the stage at which it now stands; and

(c) whether any representation has been received from the people of the locality against the establishment of such a leprosy clinic, and if so, the action taken thereon?

THE HON. SRI M. A. MANICKAVELU : (a) There is no proposal with the Government.

(b) Does not arise.

(c) No, Sir.

SRI T. PURUSHOTHAM : In settling the location of these leprosy clinics or the Central Leprosorium as was stated the other day, will the Government consider local objections also and decide the question?

THE HON. SRI M. A. MANICKAVELU : The proposal to have the Leprosorium at Krishnampet has been dropped and now the proposal is to have it somewhere near the village called Nekkundram. We have asked the Corporation how far they would help to meet the expenditure of the institution along with the Daya Sadan. Here at Krishnampet, the proposal is to convert it into a Beggar Home for Women only.

SRI T. PURUSHOTHAM : My point is this. If there are local objections whether at Nekkundram or elsewhere, will the Government consider them in a matter of this kind and see that the Leprosorium is located in a place which would be far away from the villages?

THE HON. SRI M. A. MANICKAVELU : The place chosen is far away. If there is objection even there, we will think of going still farther away. (Laughter.)

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SRI MOHAMED RAZA KHAN: Is it undertaken by the Corporation of Madras? Are the Government going to give any subsidy to the Corporation? What are the financial arrangements made in this connection?

THE HON. SRI M. A. MANICKAVELU: Now the Corporation is expected to subsidise the expenditure by granting Rs. 50,000. The Corporation has been asked how far it will be able to meet the financial commitment. Its reply is awaited.

SRI T. PURUSHOTHAM: Are the leprosy patients kept side by side with others in the Daya Sadan? Has the Hon. Minister visited this place and what arrangement is made for separate accommodation of these leprosy patients?

THE HON. SRI M. A. MANICKAVELU: I have not visited Daya Sadan. But my impression is that it is entirely for the leprosy patients. But at Krishnampet, leper beggars and other beggars are kept.

DR. A. SREENIVASAN: In view of the fact that prevention of leprosy is as important as treatment, segregation is one of the important points that will have to be considered; in starting an institution for the treatment of such patients, is it not better on the part of the Government to locate it at a place far away from the villages?

THE HON. SRI M. BHAKTAVATSALAM: Only forests.

DR. A. SREENIVASAN: There are ever so many places suitable for an institution of this type. We can transport the patients there.

THE HON. SRI M. A. MANICKAVELU: 'Far away from the villages' means only forests; but there are animals. (Laughter.)

DR. A. SREENIVASAN: There are a number of waste lands.

THE HON. SRI M. A. MANICKAVELU: There are certain facilities that are required. Doctors must go and work. Government will try as far as possible to see how farther away it could be located.

SRI T. PURUSHOTHAM: What steps will be taken to remove the beggars suffering from leprosy from the Beggar Home at Krishnampet?

THE HON. SRI M. A. MANICKAVELU: When this proposal comes to fruition, all the patients can be shifted to the new place.

Railway line from Arkonam to Madras.

* 75.—**SRI MOHAMED RAZA KHAN:** Will the Hon. the Minister for Home be pleased to state whether the Government have recommended to Government of India the inclusion of the electrification of the railway line from Arkonam to Madras and, if so, the result thereof?

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THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir. This scheme has been recommended to the Government of India for inclusion in the Third Five-Year Plan.

SRI MOHAMED RAZA KHAN: May I enquire whether it was brought to the notice of the Government of India that between Madras and Arkonam several industries are developing and that even from the point of view of revenue, this would be a good proposition?

THE HON. SRI M. BHAKTAVATSALAM: I am quite well aware of it and the Railways are also aware of it, that it will be a very good scheme. Only finances have to be found. We have given it high priority in our recommendations.

SRI V. V. RAMASWAMI: தாம்பரத்திற்கும் விழுப்புறத்திற்கும் ஏற்படுத்தப்போகும் மின்சார ரயில் பாதை எந்த நிலையில் இருக்கிறது என்று கனம் அமைச்சர் அவர்கள் சொல்லுவார்களா?

THE HON. SRI M. BHAKTAVATSALAM: வேலை எடுத்துக்கொள்ளப் பட்டு நிறைவேறி வருகிறது.

Overbridge.

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

(a) the stage at which the construction of an overbridge at the railway level crossing on the Beach Road near the Madras High Court now stands; and

(b) the financial arrangement proposed to meet the cost of the scheme?

THE HON. SRI M. BHAKTAVATSALAM: (a) Certain lands in the High Court compound and Public Works Department lands required by the Corporation of Madras for forming approaches to the proposed overbridge have been placed at the disposal of the Commissioner, Corporation of Madras. The designs and estimates for these approaches prepared by the Corporation are being scrutinised by the Chief Engineer (Highways). Plans and estimates for the overbridge proper are under preparation by the Railway authorities.

(b) The cost of the approaches will be borne equally by the State Government and the Corporation of Madras.

The cost of the overbridge proper will be borne by the Railway Administration.

SRI T. PURUSHOTHAM: In view of the answer of the Hon. Minister that a portion of the High Court compound would be cut out by the scheme, have the High Court been consulted and have they agreed to the scheme?

THE HON. SRI M. BHAKTAVATSALAM: I may assure the hon. Member that I will not touch any land belonging to the High Court without consulting them.

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SRI V. V. RAMASWAMI : நகரத்திலே வேறு எந்த இடத்திலே அரசாங்கம் மேற்பாலம் போடுவதற்கு ஏற்பாடு செய்திருக்கிறது? வண்ணாப்பேட்டை சாலையிலும், மணியகார் சத்திரத்தின் சாலையிலும் உள்ள ரெயில் கேட்டுகளை எடுத்துவிட்டு மேற்பாலம் போடுவதற்கு ஏதாவது திட்டம் உண்டா?

THE HON. SRI M. BHAKTAVATSALAM : முதலில் திருவொற்றியூரில் கட்டுவதற்குத்தான் ஏற்பாடு செய்யப்பட்டது. ஆனால் லைட் ஹவுஸ் பிரிட்ஜுக்குத்தான் பிரையாரிடி கொடுத்து அது முடிந்த பிறகுதான் திருவொற்றியூரில் எடுத்துக்கொள்ளப்படும். இன்னும் கனம் அங்கத்தினருக்கு மிகவும் அக்கறையுள்ளதாக இருக்கும், மதுரை யிலுள்ள திருப்பரங்குன்றத்தில் பாலம் கட்டுவதற்கு பிரையாரிடி கொடுக்கப் பட்டிருக்கிறது.

SRI K. BALASUBRAMANIA AYYAR : Will it be expedited in view of the Reserve Bank buildings that are being put up there?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. That is taken up.

SRI G. KRISHNAMOORTHY : Have the Government thought of subways instead of overbridges and if not, why not?

THE HON. SRI M. BHAKTAVATSALAM : It is not a question of not thinking of subways. There have been some subways also.

SRI V. V. RAMASWAMI : கனம் அமைச்சர் அவர்கள் பதில் சொல்லும்போது திருப்பரங்குன்றத்தில் பாலம் கட்டப்பட்டு வருவதாகச் சொன்னார்கள். ஆனால், எங்கள் ஊரில் (விருதுநகரில்) மேற்பாலம் கட்டுவது எந்த நிலையில் இருக்கிறது என்பதையும் கனம் அமைச்சர் அவர்கள் சொல்லுவார்களா?

THE HON. SRI M. BHAKTAVATSALAM : சாவித்திரி வரம் கேட்டதுபோல், கனம் அங்கத்தினர் கேட்கவேண்டியதில்லை. இது ஒன்று தான் இப்பொழுது எடுத்துக்கொள்ளப்பட்டது.

Special Armed Police

* 77 Q.—**SRI MOHAMED RAZA KHAN :** Will the Hon. the Minister for Home be pleased to state the present strength of (i) the Special Armed Police in the State, and (ii) the Malabar Special Police retained in the State?

THE HON. SRI M. BHAKTAVATSALAM : (i) & (ii) The hon. Member is referred to the answer furnished on the floor of this House to clause (a) of question No. 25 (starred) on 27th September 1958.

SRI MOHAMED RAZA KHAN : How to refer to it and how to go through it, Sir? It is much easier for the Government to reply properly than asking us to refer to something. Will this be taken up some time later?

THE HON. SRI M. BHAKTAVATSALAM : It is not as if I cannot repeat the answer which was given on a previous occasion. But I am anxious that I should not take the time of the House unnecessarily.

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SRI L. S. KARAYALAR : The question need not have been answered in this House at all. The Member could have been informed by a letter from the Chairman that he might refer to the answer to a previous question.

SRI T. PURUSHOTHAM : Is there any proposal to amalgamate the Special Armed Police and the Malabar Special Police with the regular Police? 11-30 a.m.

THE HON. SRI M. BHAKTAVATSALAM : There is no such proposal, Sir.

SRI T. PURUSHOTHAM : Is there any difference in the scale of pay of the Special Armed Police and the Malabar Special Police as compared with the other Police force?

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

SRI MOHAMED RAZA KHAN : If the Hon. Minister's point is that he cannot give the exact number for reasons of policy, I feel he might be justified. On a previous occasion he said that there were so many battalions, divisions and so on. He has not given the exact information. If it is a matter of policy, I agree. (The Hon. Sri M. Bhaktavatsalam : That is what I said.) The Hon. Minister could have said this earlier.

SRI T. PURUSHOTHAM : Will the Hon. Minister tell us the special duties of the Special Armed Police?

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

Palm Leaf Industrial Unit

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

(a) whether there is any proposal to establish a Palm Leaf Industrial Unit at Pulicat in Chingleput district;

(b) if so, the stage at which it now stands; and

(c) whether there is any proposal to start a Training Centre at that place and, if so, when it is proposed to be started?

THE HON. SRI M. BHAKTAVATSALAM : (a) & (b) An industrial co-operative society for manufacture of palm leaf products has been registered at Pulicat on 24th August 1959. The society will start functioning soon.

(c) No, Sir.

VIDWAN T. MUTHUKANNAPPAN : In Kovalam in Chingleput district, there are about 300 Muslim families engaged in this palm leaf work. Will the Government consider starting similar units there also, Sir?

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THE HON. SRI M. BHAKTAVATSALAM: This is a specific question about Pulicat in Chingleput district. If the hon. Member wants further information about other centres, he may put a separate question.

SRI T. PURUSHOTHAM: Will the Hon. Minister give details of the scheme and state how it is to be worked?

THE HON. SRI M. BHAKTAVATSALAM: This is essentially a training scheme. Twenty candidates would be trained for a period of one year and each candidate will be paid a stipend of Rs. 25 a month. On completion of the training, the centre would be converted into a co-operative society of the trainees. The total cost is Rs. 600 non-recurring and Rs. 3,900 recurring.

MR. CHAIRMAN: Questions are over.

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

II.—ANNOUNCEMENT *RE* MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN: I have to announce to the House that I have received the following message, dated 14th September 1959, from the Hon. Speaker, Madras Legislative Assembly:—

'In accordance with rule 115 of the Madras Legislative Assembly Rules, I transmit a copy of the Madras Land Improvement Schemes Bill 1959 (L.A. Bill No. 8 of 1959), as passed by the Legislative Assembly on the 12th September 1959, and signed by me, for the concurrence of the Council.'

III.—GOVERNMENT BILLS.

(1) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1959 (L.A. BILL NO. 7 OF 1959)—*cont.*

* SRI P. T. RAJAN: Mr. Chairman, Sir, I remember, the Hindu Religious and Charitable Endowments Bill was a very controversial one at the time it was originally introduced. It was put through in the teeth of opposition and against great odds by the late Raja Saheb of Panagal. Seeing that my party and incidentally myself were responsible for this Act, I must necessarily welcome this measure.

I am glad to say, Sir, the Hon. the Minister in charge of the Bill had an easy passage with it both in the Joint Select Committee and in the other House.

THE HON. SRI M. BHAKTAVATSALAM: Not at all.

* SRI P. T. RAJAN: Anyhow, he got what all he wanted in spite of the fact that we protested, begged and did all sorts of

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things to get one or two points or views accepted by the Government. All our efforts were of no avail. (An hon. Member: Several amendments were accepted.) They were amendments of no great significance.

Sir, there are two points to which I would like to refer in the course of my speech. One is the nomination of members of the temple committees. It was suggested to the Hon. Minister that these nominations might be made by the Courts of Law. I remember, Sir, in connection with the nominations to the local boards in those days, the Raja Saheb of Panagal who was in charge of Local Self-Government had to face a good deal of trouble and on one occasion he is supposed to have said that for every nomination made, he made one doubtful friend and 99 enemies. Therefore, in the interest of the Government and in the interest of the Minister himself, I would like to say that this policy of nominating members to the temple committees may be given up. There is no objection to the Government having this patronage in their hands, provided right sort of men are selected and nominated to these committees. When a political party is in power, naturally, influence will be brought to bear upon the Minister for this nomination and that. It may not be possible to withhold such requests and entreaties. If the Government are not willing to allow these nominations to be made by Courts of Law and if only Government are to nominate them, I would submit to the Government and to the Hon. Minister that only those who are really interested in the welfare of the temple should be nominated. Some of them want to further their own interests, further their own importance without in any way caring to contribute to the institution by way of money or by way of service. Recently I had a bitter experience about it. I even told the Hon. Minister about this. Now I would like to say it publicly and openly that in nominating members to the committee the Minister should select only such men as would really be of use to the temples.

The second point I would like to make is this. In the constitution of the Board, there are to be one Commissioner and two Deputy Commissioners. All of them are to do executive and administrative work. During the course of their work, a number of questions come up before them for decision. There are many questions which are of a judicial character. In dealing with those cases, the Commissioner or the Deputy Commissioners are not in a position to do real justice. I quite agree, Sir, that there is a feeling that the judiciary is not altogether necessary and that the work could be done by these administrative and executive officers. In cases involving legal questions, I feel that the services of judges might be utilized leaving other work to the Commissioner and his deputies. When I say Judicial Commissioner, he should be independent of the Commissioner and he should have nothing to do with administration of temples. There is also a school of thought which is not in favour of the judiciary. I must confess, of late my faith in the judiciary has received certain shocks, rude shocks, and if these shocks are forerunners of many more to come, I would

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a.m. even go to the extent of saying 'Abolish the judiciary'. (Inter-
ruption). We do not want the judiciary. Our own officers can
do the work. After all, every Government servant, whether he is
a judicial officer or an executive officer or an administrative officer,
is supposed to do justice. Only in so far as the complicated
matters are concerned, we must have men with the necessary legal
training and equipment. Otherwise, all officers of Government are
supposed to do justice. So, I would request the Government to
have a Judicial Commissioner solely for the purpose of dealing
with matters connected with temples which are of judicial character
or semi-judicial character. I do not want to minimise the im-
portance of the Commissioner. Let him continue there. I do
not want to deprive the Government of any control that they
might have over the Commissioner or the Deputy Commissioners.
Let them have it. I appeal to the Government to consider these
two alternatives favourably. That is, they should appoint a
Judicial Commissioner for only dealing with matters of judicial
or semi-judicial nature. Secondly, if they do not see their way to
leave these nominations to the various temple committees, as was
originally done before the Act came into force, it may be left to the
Courts of Law which may be pleased to take good care to see that
only those who are willing to contribute or willing to serve the
temples in the real sense are nominated. These are all my obser-
vations. I hope the Hon. Minister will please take them into his
consideration.

SRI T. PURUSHOTHAM: Does the hon. Member mean the
appointment of temple committees or the appointment of trustees?

* SRI P. T. RAJAN: The work is done mostly by executive
officers but in the case of trustees who have been appointed by the
Courts of Law or by a scheme by the Court, they have got execu-
tive powers. But normally members of the temple committee have
no executive power. No doubt, there is a certain amount of con-
trol. More often than not, there is a tug of war between the
executive officer and the members of the committee. If the
executive officer is sufficiently smart, he overcomes all these diffi-
culties and the work is done smoothly. If he is not a capable
person, then there is trouble and incidentally either the Commis-
sioner will have to intervene or the Government will have to
intervene. These are the practical difficulties which I place before
the Hon. Minister for such action as he may consider fit and
necessary.

MR. CHAIRMAN: I have to inform the House that there
are a large number of hon. Members who want to speak on this
Bill. So, I would request each hon. Member to finish his speech
within five or six minutes. Otherwise, we would not be able to
get through the discussion on the Bill by 1 o'clock.

* SRI M. SESHACHARIAR: Mr. Chairman, Sir, while sup-
porting the Bill, I wish to say a few words, and I request you to
give three or four minutes more since I want to refer to some legal

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points. Article 26 of the Constitution has been emphasised by
more than one hon. Member. The point raised by the former
Chief Justice of India, Mr. Patanjali Sastri, is that according to
Article 26 of the Constitution, a religious denomination has
absolute powers in regard to matters of religion, acquisition of
property and the right to administer it, that the Government can-
not in any manner restrict the right of such a community, and
that it would be illegal for them to pass a legislation restricting
that right. But we must understand one or two things before we
think that it is illegal. Article 26 applies only to denominational
temples and we must also understand what a denomination is. As
per the dictionary and even according to the interpretation given
by the Court, it only means a certain set of people belonging to a
community or section thereof.

SRI K. BALASUBRAMANYA AYYAR: Are not Hindus a
denomination?

*SRI M. SESHACHARIAR: So, the meaning is clear.
Even in the Punjab Gurudwara Act 'denomination' has been
defined. This Article 26 has been discussed on several occasions
in the Supreme Court and what they have stated is that it applies
only to denominations or a group of people or section thereof.
There are four clauses in this Article. Clauses (b) and (d) are
important. In clause (b) the right to manage their own affairs in
matters of religion is given. They can manage their own religious
affairs and that right cannot be restricted by the Government.
In clause (d) the right to administer the property acquired by them
in accordance with law is given. There is a difference in the
wording used in both the clauses. Clause (b) does not say that a
denomination should manage its own affairs in matters of religion
in accordance with law. So, according to me, they have got to
manage their affairs not in accordance with the natural law as the
hon. Member Mr. Patanjali Sastri was trying to suggest but in
accordance with the positive law. A positive law means a law
which has been made for the purpose of determining the duties of
persons who, in this case, are managing the temples. That is
what the courts have stated and, therefore, there is no need to
doubt it at this stage. Even under the Constitution, a law means
only a positive law and this is also what Mr. Patanjali Sastri said
when he was the Chief Justice of the Supreme Court in the
'A. K. Gopalan Case'. So, there is no difficulty about it, and
it only means the law that is enacted by the Legislature for the
purpose of administering religious institutions. The Supreme
Court has stated so more than half a dozen times and there is no
doubt about it.

Sir, it has also been stated very often that in regard to
temples, certain sections have been declared *ultra vires* of the
Constitution by the Supreme Court and that, therefore, there is
no use of our legislating in regard to those matters. In 1954 only
three or four sections were declared *ultra vires* of the Constitution

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by the Supreme Court. One section relates to entry into temples. In the Bombay case it was held legal. The Supreme Court has stated that since a greater right has been given, it is not legal. Then, with regard to authority to spend, it must be guided by instructions given by the Commissioner. But with regard to maths, that has been declared illegal and that section has been removed. Maths are not bound by law and no instructions can be given by the Commissioner. The other section that has been declared illegal is section 35 relating to the utilisation of surplus funds. In regard to surplus funds, they stated that the Commissioner had no right to interfere with the use of the surplus fund. That also has been removed. The Madathipathi should spend it in the manner the custom of the community to which the institution belongs enjoins on him.

11.50
a.m.

As regards the other question in regard to pathakanikka, the Government have no power over that. In regard to notification, it does not apply to maths. The only thing left out is contribution. It is now agreed and all the courts have held it right that a contribution can be levied and that will be a *quid pro quo* for the work done by the Government. Therefore, contribution is sought to be levied. Therefore, whatever was found *ultra vires* has been omitted in the present Bill.

The only question is in regard to entry into temples. That was section 21 and it is clause 24 now. It is said that the Commissioner or any officer authorized by the Area Committee or a Deputy Commissioner may enter the temple. It was also in the prior 1951 Act. Subsequently, they said that it did not provide for reasonable notice. What it said was that if practicable, notice might be given to the trustees. All those things have been corrected now. What is sought to be done now is that reasonable notice should be given to the trustee so that he can make arrangements in the *garbagraha*, etc. The question is whether policemen could enter the *garbagraha* and whether such a policeman should belong to the Hindu community. All those things have now been provided for in clause 24. Now, in regard to maths, it has been said that nobody can enter certain places where the Madathipathi does certain poojas, etc. This is a matter which the Government should carefully consider. This is a matter which has been seriously disputed by very many, especially in regard to entry into *garbagraha* and the sacred place of the Madathipathi. I think that in regard to that alone some provision could be made.

There are only one or two matters to which I wish to refer. Sir, some kind of apprehension is felt that this legislation, if passed, will be a tool in the hands of those who may not be religious-minded when they come to power. It is better that we have such a legislation and it is on account of that fear that this legislation is all the more necessary. If there is a fear that others might come to power and misuse it, it is not so very correct as they can then make a legislation of their own. Therefore, nobody need fear that this legislation will be a handle to them. Further this

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is not an Act imposed on us by somebody else; it was not imposed on the Raja of Panagal. It was necessary for us, the Hindu community, and it was necessary to protect our institutions. The necessity was felt by us and, therefore, we have done this. This legislation is not thrown on us. It is said that Christians and Muslims have no legislation of the kind. If they are not going to be vigilant and if they are not going to take care of their religious institutions, it is not our fault. We have done this for our benefit.

Therefore, whatever criticisms were levelled against this legislation, those have been fully set right and so, I heartily support this measure.

* SRI P. T. RAJAN : Sir, I would like to make a correction. During the course of my speech, the hon. Member Sri Purushotham asked whether I referred to trustees or members of the temple committees or the members of the Area Committees. There are two institutions, the Area Committee for the whole district and committees for each temple. My reference was to members of the temple committee. I am told by the Hon. Minister that nominations to these temple committees, that is, the Board of Trustees, are made by the Commissioner himself and not by the Government. Whether the nominations are made by the Government or by the Commissioner, I would like that these nominations be made by an independent body like a Court of Law.

SRI MOHAMED RAZA KHAN : One submission, Sir. The hon. Member Sri Seshachariar in his over enthusiasm in supporting the Bill said that if Muslims were not intelligent . . . (Sri M. Seshachariar : No, no.) If they are intelligent, it does not mean that they should surrender all their rights and powers to the Government, knowledge for certain that the Government machinery is not always perfect. I say this because what he said will go on record and it will not be fair.

SRI M. SESHACHARIAR : I am very sorry the hon. Member has misunderstood me. I only said 'vigilant' and not 'intelligent'. I said they must be very vigilant . . .

SRI MOHAMED RAZA KHAN : No. I heard the hon. Member say 'intelligent' . . .

SRI M. SESHACHARIAR : Perhaps that is more appropriate, but I did not say that.

MR. CHAIRMAN : He said 'Vigilant'.

* SRI V. V. RAMASWAMI : கனம் தலைவர் அவர்களே, இப்பொழுது விவாதத்திலிருக்கும் இந்த—அற நிலைய மசோதாபற்றி என் கருத்துக்கள் சிலவற்றைக் கூற விரும்புகிறேன். மசோதாவின் அடிப்படைக் கருத்துக்களை வரவேற்கிறேன். நாட்டில் உள்ள கோவில்களையும் அற வழிகளுக்காக ஏற்படுத்தப்பட்ட சாதனங்களையும் நல்ல வழியில் நிர்வகிக்கவும், மேலும் குறிப்

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பிட்ட சில நல்ல இனங்களுக்காகக் கோவில் நிதியைப் பயன்படுத்தவும் வழி செய்யவும் இம்மசோதா கொண்டுவரப்பட்டிருக்கிறது. ஏற்கனவே எங்கள் ஜஸ்டிஸ் ஆட்சியில் பனகல் அரசரால் நிறைவேற்றப்பட்ட சட்டத்தை அடிப்படையாக வைத்துக்கொண்டு அநேக திருத்தங்களும் பிற்காலத்தில் செய்யப்பட்டன.

THE HON. SRI M. BHAKTAVATSALAM : இப்பொழுது நீங்கள் ஜஸ்டிஸ் கட்சியா ?

SRI V. V. RAMASWAMI : இல்லை. நான் பழைய வரலாற்றைத் தான் படிக்கிறேன். திரு. ராஜன் அவர்கள் இப்போது அதில் இல்லை. சுதந்திராக் கட்சியில் சேர்ந்துவிட்டார்கள்.

SRI P. T. RAJAN : My learned friend said that I left my party and joined some other party. It is not correct.

*** SRI V. V. RAMASWAMI :** நான் “left” என்று சொல்லவில்லை. அவர்களைக் கொஞ்சம் பொறுத்துக்கொண்டிருக்குமாறு கேட்டுக்கொள்கிறேன்.

ஆனால், சட்டங்களில் கண்ட சில சரத்துக்கள் நீதி மன்றங்களால் மறுக்கப்படவே, எல்லாக் குறைபாடுகளையும் நீக்கி விரிவானதோர் சட்டம் கொண்டுவரவேண்டியதாயிற்று. “அந்தமாதிரியே இச்சட்டத்தின் முன் விளக்கத்திலும் கூறப்பட்டிருக்கிறது.

மக்களிடையே பொதுவாக “பக்தி” யை வளர்த்து வருவது கோவில்களும், மடாலயங்களும் என்று சொல்லப்படுகிறது. ஆலயங்கள் நிர்மாணிக்கப்பட்டிருப்பதைக் கவனித்தால், எல்லாக் கலைகளுக்கும் உறை விடமாகவும், அவைகளை வளர்க்கும் மன்றங்களாகவும் கருத ஏதுவாயிருக்கிறது. ஆனால் பழங்காலத்தில் எந்நோக்கங்கொண்டு நிறுவப்பட்டனவோ, எக்காரியங்களுக்காகப் பயன்பட்டனவோ, அவைகள் இப்பொழுது சரிவரக் கவனிக்கப்படவில்லை. நாளடைவில் தேய்ந்து மாய்ந்துவிடுமோ என்ற நிலையையும் காண்கிறோம். ஆதலால், மீண்டும் நல்லபடி செயல்பட வேண்டுமென்ற நோக்கங்கள் ஈடுதர வழி செய்யும் இம்மசோதாவுக்கு எதிர்ப்பு இருப்பது நியாயமில்லை என்றே சொல்லலாம். “பக்தர்கள்” என்று சொல்லிக்கொள்பவர்கள்தான் இதை முன்னின்று வரவேற்க வேண்டும்.

இந்த மசோதாவின்படி நிர்வாகம் மேலேயிருந்து அடிவரையும் அரசாங்க ஆட்சி அங்கமாகவே விளங்குகிறது. மக்களாட்சி முறை நிலவும் இக்காலத்தில் நிர்வாக அதிகாரிகளுக்கு யோசனை சொல்லக்கூடிய “எரியா” கமிட்டி உறுப்பினர்களும் ஆளும் கட்சியினரால் நியமிக்கப்படவேண்டுமா ? வெள்ளையர் காலத்தில் ஜஸ்டிஸ் அமைச்சர்கள் ஆட்சி நடத்தியபோது ஒவ்வொரு நியமனச் செய்கையையும் வன்மையாகக் கண்டித்த திருவாளர் சத்தியமூர்த்தியார் வழிவந்த காங்கிரசார் எல்லா நியமனங்களையும், தங்கள் கைவசப்படுத்திக் கொள்வது நேர்மையாகுமா, மக்களாட்சிக் கொள்கைக்கு உகந்தது ஆகுமா என்று சிந்தித்துப் பார்க்க வேண்டும். ஒவ்வொரு நிர்வாகமும் அரசாங்க ஊழியர் கையில் ஒப்படைக்கும்போது யோசனை கூறக் கூடியவர்கள் தேர்தல் மூலமாகத் தேர்ந்தெடுக்கப்பட்டாலென்ன ? அதற்கு வழி செய்யா விட்டால், இலாகா முழுவதும் ஒரே கட்சி ஆட்சியைமொகப் போய்விடும் என்று எச்சரிக்க விரும்புகிறேன்.

12 noon. கோவில்களும் மடங்களும் பிற அற நிலையங்களும் நல்ல நிலையில் நிறுத்தப்பட்டு மீதப்படும் பணங்கள் நிர்வாக நிதியாகவும் பொது நல நிதியாகவும் சேமித்து வைக்கப்படும், இப்படிச் சேரும் பெரியதோர் நிதியாகத் திரட்டி வைப்பார்கள். மசோதாவில் குறிப்பிடப்பட்ட காரியங்களுக்காகச் செலவழிக்க ஒவ்வொரு தடவையும் அனுமதி தரப்படும். நான் முன்பு மசோதா கொண்டுவரப்பட்ட போதும் பேசியிருக்கிறேன். அரசாங்கம் விதிக்கும் வரிகளை மக்கள் கசப்போடு தான் செலுத்தி வருகிறார்கள். அதுவும் தாமதப்படுத்தியோ, குறைத்தோ தொல்லைக்கு பயந்தோ

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கொடுக்கிறார்கள். ஆனால், கோவில்களுக்கும் மடங்களுக்கும் செலுத்தப்படும் காணிக்கைகளோ வலியச் சென்று, தன் ஆற்றலுக்கு மீறியதாகவும் மிக்க திருப்பதியுடனும் கொடுக்கப்படுகின்றன. பெரிய மனிதர்களுக்கும் அதிகாரிகளுக்கும் செல்வாக்கு உள்ளவர்களுக்கும் சாமி தரிசனம் இலகுவாகவும், சொற்பச் செலவிலும் ஆடம்பரமாகவும் வலியக் கிடைக்கிறது. ஆனால் ஏழை எளியவர்களுக்கோ தங்கனிமிருக்கிற பெரும் பகுதியை சங்கடங்களையும் பொறுத்துக்கொண்டு எவ்வளவு காலமானாலும் காத்திருந்து சாமியை ஒரு தடவை, ஒரு வினாடி பார்க்கக் கிட்டினாலும் போதும் என்று கேட்கிறார்கள். மனிதனுக்குத் தன் பயமும் தன்னலமும் இயற்கையாகவே இருக்கும் வரை, கோவில்களுக்கு வரும்படி குறையாது என்றே எண்ணுகிறேன். ஆதலால், இப்பெர்ப்பட்ட மக்களால் வாரி இறைக்கப்பட்ட பணத்தை அவர்களுக்கே நல்லாழ்வு வாழத் தரும்பட உபயோகிக்கவேண்டியது முதற் கடமையாகக் கொள்ளல் வேண்டும். ஏதோ தன் விருப்பம் நிறைவேற வேண்டுமென காணிக் கையைக் கொடுக்கிறான் பக்தன். ஆனால், பொது வாழ்க்கையிலே மனிதன் நலிவுற்று உழலுகின்றான். ஆகையால், மக்கள் வாழ்க்கையை வசதியாகவும், இன்பகரமாகவும் இருக்கும்படி செய்யும் பணியே தெய்வத் திருப்பணியாக இருக்கும். ஆகவே கோவில் வருமானத் திலிருந்து என்ன உருப்படியான காரியங்களைப் படிப்படியாகச் செய்ய வேண்டுமென்பதற்கு ஒரு ஐந்தாண்டுத் திட்டம் வகுக்கப்பட வேண்டும். மாநிலம் பூராவும் இந்தத் திட்டத்தில் அடங்க வேண்டும். அதில்லாமல் அதிகாரிகள் நோக்கம் போல், தர்மகர்த்தர்கள் விருப்பம்போல், ஏதோ ஒரு ஆடம்பரமான காரியத்தை ஆண்டு தோறும் நடத்திவிடுவது நம்பிக்கைத் துரோகமான செயலாகும்.

மதுரை, காஞ்சிபுரம் முதலிய பெரிய ஊர்களில் நடக்கும் விழாக் களுக்கு மக்கள் வெள்ளம்போல் திரண்டு வருகிறார்கள். இத்தனை பேருக்கும் சுகாதார இருப்பிடமும், உணவும் கிடைப்பதற்கு அந்தந்த ஊராட்சி மன்றங்களால் முடியுமா ? அவைகள் செய்ய வேண்டும்—முடியும்—என்று எதிர்பார்ப்பது நியாயமாகுமா ? இல்லை. எனவே, திருவிழாக் காண வரும் மக்களுக்கு நிரந்தரமாக வசதிகள் செய்து கொடுக்கப்பட வேண்டும். அதை விட்டு “திருவிழாவுக்குப் போகிற வர்களே, எச்சரிக்கை, காலரா தடுப்பு ஊசி போட்டுக்கொள்ளுங்கள்” என்று சொல்வது அறச் செயலில் ஈடுபட்டது ஆகாது. எப்போதோ வரும் பிரயாணிகளுக்கு அழகான டிரீஸ்ட் பங்களாக்களை நாம்தானே அமைத்திருக்கிறோம். என், நம் பொது மக்களுக்கு வேண்டியதை அவர்கள் கொடுக்கும் பணத்திலிருந்து செய்ய வேண்டாமா ?

கோவில் கட்டங்களைப் பழுது பார்த்தல், சிற்பங்களையும் ஓவியங்களையும் காப்பாற்றுதல், நல்லொழுக்கம் புகட்டும் அறிவுக் கூடங்களை அமைத்தல், மருத்துவமனை கட்டுதல், அனாதைகளை ஆதரித்தல் முதலிய நற்காரியங்களில் முதலில் கவனம் செலுத்தப்பட வேண்டும். இந்தத் திருப்பணியில் ஈடுபடுகிறவர்கள் நல்ல கல்வி அறிவுள்ளவர்களாகவும், தூய்மை உள்ளம் படைத்தவர்களாகவும், சிறந்த ஒழுக்க சீலர்களாகவும் இருத்தல் இன்றியமையாதது.

இந்தச் சட்டம் நிறைவேற்றப்படுவதால், காங்கிரசு தவிர மாற்றுக் கட்சியார் அதிகாரத்துக்கு வந்துவிட்டால், அற நிலையங்களெல்லாம் என்ன கதியாகுமோ என்ற அச்சமும், ஐயப்பாடும் தெரிவிக்கப்பட்டது. தேர்தலில் பெரும்பான்மை பெறும் எந்தக் கட்சியையும் அதிகாரத்துக்கு வரவிடாமல் தடுக்க முடியாது—ஒரு வேளை வந்த பிறகு கவிழ்த்துவிடலாம். ஆகையால், இப்பொழுது, பின்னால் நிகழக்கூடியதை எண்ணிக் கண் கலங்கவேண்டாம். ஆனால், குறைகூறுவதற்கு இடமில்லாமல் குற்றங்களைக் களைந்தெறிந்துவிட்டால், பயப்படுவதற்கு ஏதுமில்லாமல் போய்விடுமல்லவா ?

இந்த அற நிலையங்களின் நிலையைச் சீர்படுத்த வேண்டுமென்று முதன் முதல் திட்டம் போட்டவர்கள் என் தலைவர் திரு. பி. டி. ராஜனைப் போன்ற ஆஸ்திகத்தில் பழுத்த ஜஸ்டிஸ் கட்சித் தலைவர்கள்

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தான் என்பதை மறந்துவிடக் கூடாது. அவர்களுக்கே அந்த எண்ணமும் திடமும் ஏற்படுவதாக இருந்தால், எவ்வளவு கீழான நிலைமையில் இருந்திருக்க வேண்டும்.

இந்து மதத்தைக் காப்பாற்றவும், மதக் கோட்பாடுகளைப் பரப்பவும் அதி காரமும், சொத்தும், சுதந்திரமும் படைத்த மடாதிபதிகளின் கேளிக்கை களினால் தானே இழிவு ஏற்பட்டது ; சந்திரகாந்தா நாவலும் எழுதப் பட்டது—நாடகமாக நடித்துக்காட்டவும் பட்டது. தமிழகத்தில் முதன் முறையாகச் சுற்றுப்பிரயாணம் செய்த காந்தியடிகள் கோயில்களைப்பற்றி மனம் வருந்தி கடுமையான சொற்களை உபயோகித்தாரே ; காரணமென்ன ? சென்ற முப்பது ஆண்டுகளுக்கு மேலாகவே திராவிட இயக்கத் தந்தை பெரியார் அவர்களும், இந்து மதத்தைப்பற்றியும், கோயில், மடங்களைப் பற்றியும் கடுமையாகப் பேசி வருகின்றார். இப்பெரியவர்களெல்லாம் சாட்டும் தீதான நடவடிக்கைகளை நீக்கவே இந்தப் புதிய சட்டம் கொண்டு வரப்பட்டிருக்கிறதென்று யான் கருதுகிறேன்.

எனது உயரிய நண்பர் திரு. பாலசுப்பிரமணிய அய்யர் அவர்கள் கோயிலுக்குப் போவதைப்பற்றி என்னை நோக்கிக் குறிப்பிட்டார்கள். நமது பெருமைக்குரிய நாமக்கல் கவிஞர் அவர்கள் ஒரு இடத்தில் கூறியிருக்கிறபடி—

“ இல்லையென்றால் தொல்லையில்லை,
இருக்கிறதென்றால் கவலையில்லை.”

என்றிருப்பவர்களுக்கும் இவ்வுலகத்தில் இடமுண்டு. ஆயினும், தான் செய்த தவறுதல்களை—பாபங்களை—நினைத்து மனம் உடைந்து ஆண்டவனைப் பார்த்து மன்னித்தருளவேண்டுமென்று கேட்டுக்கொண்டால், மன அமைதி ஏற்படும். என்று நினைக்கிறான் மனிதன். அது சமயம் “ ஆலயந் தொழுவது சாலவும் நன்று ” என்று ஓளவைப் பிராட்டி கூறியிருப்பதைக் கனம் அங்கத்தினர் திரு. பாலசுப்பிரமணிய அய்யர் அவர்கள் நினைவுபடுத்துகிறார்கள். “ சரி ” என்று கோயிலை நோக்கிச் செல்கிறான். ஏகக் கூட்டமாக இருக்கிறது. ஏன், இப்படித் தட்டுத் தட்டாக நிற்கிறார்கள் என்று யோசிக்கிறான். காணிக்கையை நாம் கொடுக்கிறோம், ஆயினும் பின்னால் நிற்கிறோம். ஆனால் கொடாதவரோ, பெற்றுக்கொள்வவரோ, சந்திதானத்தருகில் நிற்கிறாரே, என்ன விந்தை ? “ சாதி இரண்டொழிய வேறில்லை ” “ இட்டார் மேலோர், இடாதார் கீழோர் ” என்று முதபெருங்கிழவி ஓளவை சொல்லியிருக்கிறாள் என்று சிந்திக்க ஆரம்பிக்கிறான். அது சமயம் பல மணிகள் ஒலிக்க ஆரம்பிக்கின்றன. மேளங்கள் கொட்டப்படுகின்றன. தொலைவில் ஒரு சிறு வெளிச்சம் தெரிகிறது. அது சமயம் யாரோ ஒருவர் எதையோ முணுமுணுக்கிறார். பொருள் விளங்கவில்லை. ஆண்டவன் முன்னிலையில் தேமதூரத் தமிழோசை கேட்கவில்லையே என்று நிம்மதி பெருகு வெளிக்கிளம்பிவிடுகிறான்.

சற்று நேரம் கழித்து ஆரவாரம் ஒலிக்கக் கூட்டம் கலைந்துவிடுகிறது. ஏகாந்தத்தை நாடி, அமைதியை விரும்பி ஒரு தடவையாவது செம் பொருளைப் பார்த்து மனத்தெளிவு பெறவேண்டுமே என்று மீண்டும் கோவிலுக்குள் விரைகிறான். ஆனால், அவன் முன்னால் என்ன பார்க்கிறான் ? காந்தியடிகள் குருவேன்று போற்றப்பெற்ற அகில உலக கவி தாசுர் அவர்களின் பிரார்த்தனை கீதம் ஒலிக்கிறது.

“ Leave this chanting and singing and telling of beads.
Whom dost thou worship in this lonely dark corner of a temple
with doors all shut? Open thine eyes and see thy God is not before thee !

HE is there where the tiller is tilling the hard ground and
where the pathmaker is breaking stones.”

[17th September 1959] [Sri V. V. Ramaswami]

அதற்கு மேல் யார் என்ன சொல்லுவது என்று கோவில் மந்திரிக்கும் விவசாயத் துறை அமைச்சருக்கும் தெரிவித்துக்கொண்டு, முடித்துக் கொள்ளுகிறேன். வணக்கம்.

THE HON. SRI M. BHAKTAVATSALAM : கோவில்கள் வேண்டுமா வேண்டாமா என்பதை ஒரே வார்த்தையில் சொல்லிவிட்டால் நல்லது.

SRI T. P. SRINIVASAVARADAN : Mr. Chairman, Sir, my approach to this question is of an ordinary citizen and worshipper. Temples are not built for the sake of the trustees or the Government. They are not built even today for the sake of a few interested persons. It is quite clear that the temples were built and are being built for the sake of the good of the people and for the good of the Government. In spite of many political parties and in spite of much propaganda being carried on against and for, the temples are still exercising a very great influence. If we accept that, the next thing is : If they are properly administered, where is the necessity for a Bill? That will be the next question. We do admit that in the case of certain temples, they are not properly administered. One thing is certain. Many will readily grant—I include my Friend Sri Mohamed Raza Khan also . . .

THE HON. SRI M. BHAKTAVATSALAM : Include Sri V. V. Ramaswami also.

SRI T.P. SRINIVASAVARADAN : Yes. Many will readily grant that the temples exercise a very great influence. Today if we, people in the South, are peace-loving people, it is because of the existence of the temples. We look to temples for our culture. If we have produced first-class classics, it is because of the existence of temples. Supposing temples were not in existence, can you think of such great classics? They have exercised a very great influence. If Government take any action, we certainly approve of it. But there is also a legitimate fear. It is not now so simple as it was once, and it is a complicated one. That is the legitimate fear. Personally I have no objection if Government interfere and see that things are set right. We always welcome that. Our reason for legitimate fear is this. During the last twenty or twenty-five years it has been our experience that some of the Assistant Commissioners did not act in the interests of the temples. I have known certain instances, and I shall give one instance. In my village there is a temple. The Assistant Commissioner came one day at about 1 o'clock. The priest said, 'We close between 11 and 12 and would not open'. -Sir, those were rationing days. Then, the Assistant Commissioner said, 12-10 p.m.
'You must have one measure of rice in your house and you cook that rice and offer it to God and take it back.' You know, Sir, that this rice is given as part of the remuneration. If this is the way in which things should go on, certainly people will have a legitimate fear that things would not go on properly.

Then, Sir, about these trustees I do admit that there are certain trustees who are very selfish and who do not administer the property properly. But we cannot by one stroke of the pen say that

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all trustees are bad. There are good trustees as well as bad trustees. I request the Government to see that the rules are so framed that only the bad trustees are affected and the good trustees left out. When the rules are framed, Government should see that good trustees are not affected and that they are given as much freedom as possible to administer.

As regards the removal of trustees, I should like to say one thing. The removal of trustees should be made only after proper enquiry of a judicial nature. I have been saying again and again that it should not be left in the hands of a few individuals to do as they please.

As regards the utilization of surplus funds, the Government have put down a number of items. I agree with everything there. As the hon. Member Sri M. Patanjali Sastri pointed out, there is this danger. This year suppose we start an orphanage because there is surplus. But to rise in prices and so on, if there is no surplus in the next year, we will not be able to run the orphanage. Then the tendency will be to cut down certain items of expenditure in the temples. We must see that it is not done.

DR. A. SREENIVASAN : How is it possible?

SRI T. P. SRINIVASAVARADAN : Even when the prices go up, a certain percentage of the surplus should be set apart for this purpose. That is the only way we could do it. If we have got a surplus and if we start an orphanage, educational institution, hospitals for pilgrims, and so on, we could divert these funds to these objects. But once we create this, then we should every year set apart only a certain percentage of the surplus, or we can create a capital fund out of the surplus to meet the emergencies. That also can be done.

As regards maths, I must really thank the Hon. the Minister for Home for the liberal attitude he took in this matter. He himself had said that so far as maths were concerned, we should leave them. I should like to say that if to-day people are peace-loving, it is because of the existence of the temples and Madathipathis. They exercise more moral influence than others. Therefore, I certainly welcome the provision in the Bill. There is now less interference with the Madathipathis. Then, I feel it all depends upon the executive officers the Government appoint. They should give them clear instructions.

One more point I would like to make is about the executive officers they appoint for the temples. They have stipulated that the trustee should be removed and so on. What about the executive officers, who act adversely to the interests of the temples? I do not see any provision here in this Bill. But what about the Assistant Commissioner, even the Commissioner or even the executive officers whenever they act adversely to the interests of the institutions? Who is to take action against them? I hope in the rules a provision will be made. If the departmental man acts

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adversely, who is to complain and who is to enquire into the complaint? I do not find anything here. On the whole, I should say that if the rules are properly framed and if you appoint executive officers who have full faith in the Hindu religion, everything will be all right. With very great advantage we have introduced a provision that officers should be Hindus alone. At first there was aversion. In the beginning the Hon. Minister was not also inclined to accept. But later on he agreed that officers of Hindu religious persuasion should be appointed. Mere provision won't do. In actual practice they should be Hindus. They must be Hindus first and last. They must have faith in the method of worship that we have been following. If such people are not appointed, no object will be achieved by this Bill.

* DR. A. SREENIVASAN : Sir, I just want to say a few words in opposing this Bill. The Hon. Minister, when he opened the debate, passed certain remarks about the newspapers which had expressed their views adversely to his. The Hon. Minister himself was running a paper till very recently. I do not know whether he held the same opinion then, as he does to-day. In the pre-Independence days also, all the presses in the country were belonging to the party to which he belonged. I wonder whether he held the same opinion when he introduced this Bill, viz., that he did not very much care for the opinion . . .

* THE HON. SRI M. BHAKTAVATSALAM : Sir, I must interrupt at this stage. I never said that I did not care for the opinion. Nor did I take objection to the criticism of the newspapers. What I mentioned was that these criticisms were stereotyped. Criticism was made by the newspapers. Then I answered the point. Stereotyped criticism, based upon the same old reasons, is made as if there is no answer and explanation. That is the thing that I mentioned, Sir.

* DR. A. SREENIVASAN : Sir, I beg to submit that truth can only be one and indivisible. When the editor of a paper expressed an opinion, it was his opinion, and he thought it was the truth. The truth can always be one and it cannot be in multiples. And that is the reason why most of the papers, I suppose, have opposed this Bill.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I might humbly submit that the hon. Member's argument might be quite all right for administering medicine but not for arguments like this

* DR. A. SREENIVASAN : No, no. Administering medicine is also science just like political science. We are all wedded to the same truth in some way or other. But, coming to the Bill, the real provocation for bringing in this Bill is that certain trustees misbehaved. Supposing, for argument's sake, certain Ministers of the Madras Government are misbehaving, are you going to remove them and allow the Secretaries to run the Government or the Governor to run it? Therefore, just as Nature gets rid of

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unwanted tissues, you must get rid of unwanted trustees. You cannot run the whole organization with the substituted authority, which can do no good in the matter of administration of temples. People laid very great stress about the late Raja of Panagol introducing the original Bill. I was a student in those days. I remember articles written by various people in various papers including those in North India about it. If I remember aright, it was called a political move. That was the rumour spread in those days. To affect a particular section and in order to hold the strings of the administration of these temples which had lakhs and lakhs of dependents, it was said to have been done with political motives. The successive parties have simply maintained that position. There are certain trustees, who are good; there are certain other trustees, who are bad. For that, what have the Government done in order to put down these trustees who had transgressed their limitations as trustees? Here and there I know there are a number of instances where favouritism has been deliberately used to continue eternally certain trustees in certain temples even though they are well-known for their misbehaviour in the area they serve.

I come to the question of utilization of surplus funds for running some welfare institutions. I say it is not correct. In reply to a supplementary question I put to the Hon. Minister last year, he said, 'The hon. Member is quite welcome to endow as much as he likes, and his wishes will be faithfully carried out.' I have got my own reasons whether I should do it at all. If I want to do an abishekam for Rs. 100 and if the executive officer thinks in order to run that institution he should cut down the amount by Rs. 50, he can do so. It is open to the executive officer to do that.

SRI T. P. SRINIVASAVARADAN : Can he do that?

* DR. A. SREENIVASAN : I have had much experience. I had been dabbling in this for a long time and I know the whole thing in detail. I do submit that certain temples deliberately cut down.

THE HON. SRI M. BHAKTAVATSALAM : As pious as the hon. Member is.

* DR. A. SREENIVASAN : I am not at all pious. First of all, I am not a bhakta. Secondly, I have no faith. I do things because I do feel like doing. I do not say that I have got a right to call myself a bhakta.

12.29 p.m. THE HON. SRI M. BHAKTAVATSALAM : I personally know, Sir, that the hon. Member is a very pious man, and that he is doing so many charities to several temples.

* DR. A. SREENIVASAN : The cap does not fit me and, therefore, I do not propose to wear it.

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Then, I come to another point. I honestly feel that it is not fair to spend the surplus money on institutions which it is the bounden duty of the Government to run. Ours is called a Welfare State. Why should we ask the temples to sacrifice their funds for running institutions which the Government themselves should run, calling ourselves a Welfare State? As the Leader of the Opposition said, it is an indirect method of nationalization. I wonder why the Hon. Minister refuses to publish the letter which he received from the Prime Minister of India regarding nationalization. He does not proclaim much faith. Knowing Panditji as we do—and he has openly said it—I wonder whether it is not fair that we take a leaf out of his book in the matter. People who have faith will have to come out and give advice. When they have no faith.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I would submit that the Prime Minister need not be dragged into this affair, and it has no relevancy either. We have not framed this Bill on any opinion that has been ever expressed by the Prime Minister.

* DR. A. SREENIVASAN : In the Ootacamund session the Hon. Minister said that there was a letter from him regarding this, and he said that it was of a confidential nature and, therefore, should not be published.

MR. CHAIRMAN : Anyway, leave that out.

* DR. A. SREENIVASAN : I leave it. There is another provocation by the Minister. When Marshal Tito visited South India, they were very much amazed at the foolishness of our Government in not nationalizing the jewels of Sri Meenakshi temple and Sri Ranganatha temple. I read this news item in the 'Indian Express', and I have got with me a copy of the paper also.

MR. CHAIRMAN : The hon. Member must not say 'foolishness' of the Government. Let him use some other word.

* DR. A. SREENIVASAN : What shall I say? I say 'want of knowledge'. There is another thing. I do not call it superstition. I think it is something very great. A catastrophe is to befall us. Others may call it superstition. But I do not call it superstition, because Nature always gives warning before the man is put down. The Vimana of Venkateswara was under repair, and a fire took place. Sri Ranganatha allowed himself to be burnt. These are all bad omens, and I know something very bad is going to befall us soon. This nationalization of temples will be the last straw in that matter. We have been trying to nationalize so many things. Now we are trying to nationalize God Himself. He will take care of Himself in the way in which He should. He knows better. I really feel that it will not be very wise on the part of the Government to introduce this Bill, whatever may be their opinion, even assuming it to be of a political nature.

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SRI K. BALASUBRAMANYA AYYAR: What about the 1951 Act?

* DR. A. SREENIVASAN: I did not agree. I object to the Bill even as introduced by the Raja of Panagal himself. The reason why the Hindus are not rising as one man is that unlike the Christians and Mussalmans, they are not united. The Hindus are a heterogeneous lot, and every time an upstart started something, they absorbed it into Hinduism. Even Buddha was called an *Avataram* of Sri Vishnu.

THE HON. SRI M. BHAKTAVATSALAM: Sir, we should protest also against this kind of indirect insinuation against Lord Buddha.

* DR. A. SREENIVASAN: I am not making any insinuation. When Buddha had his puritan method of dealing with Hinduism, Hindus claimed him to be an *Avataram* of Sri Vishnu. The Leader of the Dravida Kazhagam says all sorts of things about Hinduism. Perhaps they are trying to accommodate him by introducing this Bill. Just as Hindus are a heterogeneous lot, the Congress Party is also a heterogeneous Party. That is why the Congress Party has absorbed all and everything in order to perpetuate itself in power.

SRI S. K. SAMBANDHAN: கனம் தலைவர் அவர்களே, இந்த அற நிலைய மசோதாவை ஆதரித்தே நான் ஒரு சில வார்த்தைகள் சொல்ல விரும்புகிறேன். எல்லோரும் சில விஷயங்கள் சொல்லியிருந்தாலும், நானும் ஒரு சில விஷயங்கள் சொல்ல விரும்புகிறேன். முக்கியமாகக் கோயில்களைச் சீர்திருத்துவதற்காகவும், அதிலும் முக்கியமாகத் தமிழகத்தில் அதிகமாக உள்ள இந்துக் கோயில்களைச் சீர்திருத்துவதற்காகவும், அங்கே போகும் பக்தர்களுக்கும் மற்றப் பொதுமக்களுக்கும் நன்மைகள் செய்வதற்காகவும் கொண்டுவரப்பட்டுள்ள இந்த மசோதா எல்லோராலும் வரவேற்கத்தக்கது. இந்த மசோதா எப்படி வந்தது, எதற்காக வந்தது என்றெல்லாம் முன்பு பேசியவர்கள் கூறினார்கள். அதெல்லாம் எப்படி இருந்தபோதிலும், இந்த மசோதா நன்மை அளிக்கக் கூடிய ஒரு மசோதாவாக இருப்பதால், இது வரவேற்கத்தக்கதுதான் என்று நான் மீண்டும் சொல்ல விரும்புகிறேன்.

ஆனால், இந்த மசோதாவின் ஒரு சில பகுதிகளில், கோவில் அல்லது மதம் குறித்த எல்லா நடவடிக்கைகள் சம்பந்தமாகவும், அரசாங்கத்தால் நியமிக்கப்படும் கமிஷனருக்கோ டெபுடி கமிஷனருக்கோ நிர்வாக அதிகாரிகளுக்கோ அதிகமான அதிகாரம் கொடுக்கப்பட்டிருப்பதுதான் மிக மிக வருந்தத்தக்கது. மதிப்பிற்குரிய சில அங்கத்தினர்கள் சொன்னது போல, பக்தர்கள் பய பக்தியோடு கோவில்களுக்குச் சென்று அங்கே ஆண்டவனைப் பூஜிக்கிறார்கள். அங்கே அதிகமான கட்டுப்பாடுகள் இருந்தால், அதிலும் அரசாங்கத்தால் அமர்த்தப்பட்ட அதிகாரிகளால் அவை இருந்தால், அவை அந்தப் பக்திக்கே பங்கத்தை உண்டுபண்ணும் என்று நான் அஞ்சுகிறேன். எனவே, அலுவலர்களுக்குக் கொடுக்கப்படும் அதிகாரம் அவ்வளவு பாதகம் ஏற்படுத்த முடியாத வகையில், விதிகளையும் முறைகளையும் (ரூல்ஸ் அன்ட் ரெகுலேஷன்ஸ்) வகுக்க வேண்டும் என்று கனம் அமைச்சரை இந்தத் தருணத்தில் கேட்டுக்கொள்ளுகிறேன். அதிலும், முக்கியமாக, எல்லோரும் சொல்லியபடி, அறக் காப்பாளர்களை (டிரஸ்டிகளை) நியமிக்கும் விஷயத்தில் மிக மிகக் கவனம் செலுத்தி, தகுந்த விதிகளையும், முறைகளையும் வகுக்கும்படி கனம் அமைச்சரைக் கேட்டுக்கொள்ளுகிறேன். முன் காலத்தில் அறக் காப்பாளர்கள் சிறந்த

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முறையில் நியமிக்கப்பட்டு வந்தார்கள். சில கோயில்களில் அவர்கள் ஊராராலேயே தேர்ந்தெடுக்கப்பட்டிருக்கின்றனர். அவ்வாறு தேர்ந்தெடுக்கும்போது, சிறந்தவர்களைத்தான் தேர்ந்தெடுப்பது வழக்கம். அதிலும் முக்கியமாக முநியவர்களைத்தான் நியமிப்பது வழக்கம். அந்தப் பழக்க வழக்கங்களை ஒட்டியே பல கோயில்களில் முநியவர்களை அறக் காப்பாளர்களாக நியமித்து வந்திருக்கிறார்கள். அறக் காப்பாளர்களை நியமிப்பது பற்றிய விதிகளையும் முறைகளையும் அந்தப் பழக்க வழக்கங்களை அனுசரித்த முறையிலேயே வகுக்க வேண்டுமென்று கனம் அமைச்சர் அவர்களைக் கேட்டுக்கொள்ளுகிறேன்.

அடுத்தபடியாக, இந்த மசோதாவில் பிரசாதம், தீர்த்தம் முதலியவைகளை வழங்கும் விஷயத்தில் எந்த விதமான வித்தியாசமும் காட்டக் கூடாது என்று குறிப்பிடப்பட்டிருக்கிறது. இது பலருக்கும் பக்தியுள்ள ஒரு சிலருக்கும் குறையாக இருக்கும். கோவிலில், அதுவும் கடவுள் முன்னிலையில் மனிதருக்கு மனிதர் எந்த விதமான வித்தியாசமும் காட்டக் கூடாது என்றாலும், கோவில்களின் பேரிலோ, அல்லது குறிப்பிட்ட கடவுளின் பேரிலோ அதிகமாக பக்திகொண்டு கோவில்களில் பல்விதமான சௌகரியங்கள் ஏற்படுத்துபவர்களைப்போல இந்த மாதிரி அதிகமான கட்டுப்பாடு இருந்தால், அவர்களுடைய மனம் புண்படும். கோவில்களுக்கு அதிகமாகச் செலவுரிப்பவர்களின் மனம் புண்படக் கூடும். அவர்களுடைய மனம் புண்படாத வண்ணம் விதி முறைகளை வகுக்க வேண்டும் என்று கனம் அமைச்சர் அவர்களைக் கேட்டுக்கொண்டு என வார்த்தையை முடித்துக் கொள்கிறேன்.

* DR. A. CHIDAMBARANATHAN: Mr. Chairman, Sir, I 12-30
welcome this Bill for this reason, namely, that this is going to p.m.
promote the welfare of the Hindu temples and put Hindu religious institutions in order. If we do not have this Bill passed by this House, I hope there will be utter chaotic condition prevailing in our country.

The hon. Member, Sri Patanjali Sastri, I believe, did not go into the implications when he made the suggestion that the Hon. Minister must withdraw this Bill. He pointed out that this Bill should not be passed by this House or by the State Legislature, for the reason that it must be left to Parliament to legislate on this matter. For that matter, he cited Article 26 (b) of the Constitution. Of course, temples must be administered according to law as provided for in Article 26 (b). The hon. Member Sri Seshachariar has pointed out brilliantly how, 'according to law' would mean 'according to law both passed by Parliament and passed by the State Legislature such as this.' Article 245 (1) of the Constitution says how laws can be passed. Parliament may make laws for the whole of India and the Legislature of a State may make laws for the whole or any part of the State. Therefore, it is not *ultra vires* of this Legislature to pass a law regulating how the properties of temples should be managed. In fact, whenever such reforms are sought to be made in our country, usually the cry is made that religion is in danger. Whenever a Bill in regard to religious practice which is affecting the rights of the general public is brought on the anvil of the Legislature, hues have been raised and cries have been raised on the score that religion is in danger. In fact, State interference is not anything new in regard to religious institutions, especially Hindu religious institutions. When a

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similar Bill was under discussion before the Legislature in 1922, Sir M. Krishnan Nair—then Dewan Bahadur, I think—drew attention to the fact that the Indian National Congress, as it was constituted in those times, made significant appeals to the British Government to bring in legislation in this manner to guide and promote the welfare of the temples. I find that the hon. Member Dr. Mahomed Usman who was then in that Legislature is sitting here in this House to give his valuable support to this Bill. State interference has been as old as Bombay Regulation 17 of 1827 and Act XX of 1863. All of a sudden if we take away the State intervention to which we have contributed, I hope there will be great peril in the country. If we withdraw this Bill, actually there will be utter chaos in the State. In fact, in order that the *status quo* might be kept in the temples, in order that there might be greater and better improvement in the management of our temples, and in order that there might be better care in the maintenance of the temples, the Bill has been brought before us and it is within the power of this State Legislature to pass a measure of this kind. Actually there is the Concurrent List, as the Hon. the Chairman and the other Members know, governed by Article 246 (2) and this is a matter coming under item No. 28 of the Concurrent List. In fact, this will not become inoperative unless and until Parliament enacts another law for the whole of the country. In fact, Parliament has not legislated on this matter and in the absence of any such legislation on this matter by Parliament, this is not overlapping or is not inconsistent. Therefore, we are within our rights when we legislate on this matter.

I am glad at least for the reason that clause 106 of the present Bill throws open the temple to all classes of people provided they are professing Hindu religion. All men are equal before the eyes of God. This has been made by clause 106. In the Preamble of our Constitution it has been said that we must take every step to secure fraternity among our people by recognising the individual merit of every citizen. Clause 106 of the present Bill naturally is a right step in that direction. Only I would have been more glad if the Hon. Minister had made it possible for the form of Tamil worship to be made in all these temples. In fact, untouchability is and has become a crime. Untouchability in any sphere, in any manner, ought to be discouraged and has been made a crime according to the Constitution. Now, this Bill throws open the temples to all the so-called untouchable people, to all masses of the people. It is not rendered open only to a few classes of people. When we throw open the temples to all masses of the people, it must be devised in such a way that worship could be made in a language which will be familiar to the masses of the people and which can be understood by them. If there is some atheism in our part of the country, probably it is attributable to the reason that worship is made in so many temples in an unfamiliar language on the ground that that language is God-given or God-born or God-known. In fact, this is against the well-known notion of God Himself. If God is omnipotent and omniscient, He ought to know and will know and does

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know every language on earth. Therefore, I put in a strong plea that in order to democratise this properly and in order to make this Bill much more effective, legislation should be made so that worship may be offered in temples in the Tamil language also in this State. I am not saying at this stage that Tamil language alone should be the language of worship in temples. I am here for co-existence. In fact, in the seventh or eighth century in our Tamil land, you would have noticed, Sir, that there was co-existence of these two languages in temples. When Manikkavachakar said, “Rikkodu Tottiram Iyampinar Orupal”, what he probably meant by ‘Rig’ was the Sanskrit form of worship and by ‘Tottiram’ was the Tamil form of worship, so that we could infer that the Sanskrit form of worship and the Tamil form of worship had been in existence in the medieval centuries in the Tamil land. Therefore, I am for co-existence. Let there be co-existence. Let us not commit ourselves to anything by which Tamil will be precluded from the operation of temple worship. In fact, in this connection, I should make one reference and there I shall stop.

In a case which was examined between the Board of Education and the Ballard Estate in the United States in 1943, the term ‘religion’ was defined in that judgment. “Religion” has reference to one’s attitude and relationship to the Creator and the obligations it imposes of reverence for his being, etc. In fact, the United States Congress passed a legislation whereby various religious forms of worship were recognised. There, it has been said that it should be open to everyone to exhibit his sentiments in such form of worship as he may think proper, not injurious to the equal rights of others. So, let Tamil also co-exist in temples with Sanskrit. That would be my plea. If there is any judgment to the contrary—I suppose there is none—that cannot be taken as the last word on the subject, because I hold, as Dr. B. R. Ambedkar held on a former occasion when he was Law Minister of the Government of India, that the judgments of the Supreme Court are not the last word on our Constitution. Our Constitution, as we know, is still quite young. It is likely also, with due deference, I must say, that the judgments of the Supreme Court are sometimes, if not always, influenced by the predilections and pre-possessions of the persons giving the judgments. In fact, Dr. Ambedkar said such judgments were not the last word on any constitutional matter. Any judgment of the Supreme Court should not be regarded as the last word on the subject. In fact, Supreme Court opinion has to be stabilised in course of time and the Supreme Court may take opportunities to revise their views in relation to the Constitution in times to come. In that hope, I urge that some way must be devised either as an amendment to the Bill or by means of supplementary rules that might be issued to the executive officers of the temples, that there should be no bar in regard to Tamil being adopted as a form of worship in our country.

Thank you very much, Sir.

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VIDWAN T. MUTHUKANNAPPAN : பெருமை மிக்க தலைவர் அவர்களே, இந்த அறிநிலையப் பாதுகாப்புத் திருத்த மசோதாவை நினைக்கும் போது, சிதைந்து—பாழ்பட்டு—கிடக்கிற பண்டையக் கோயிலைச் சீர்திருத்தி சிறந்த முறையிலே அமைத்து—பழுதடைந்த உருவங்களுக்கெல்லாம் உயர்ந்த முறையிலே வண்ணம் தீட்டி, அழகான திருக் கோயிலாக அமைத்திருப்பது போன்ற எண்ணம்தான் எனக்கு வருகிறது. ஆகவே, இது உண்மையிலேயே பாராட்டத்தக்க ஒரு மசோதா. இதிலே உள்ள சட்ட நுணுக்கங்களைப்பற்றிச் சட்டம் அறிந்த அங்கத்தினர்கள் பலர் பலவாறு பேசினார்கள். சட்ட சம்பந்தமான விவாதத்திலே இறங்குவது எனது எண்ணமல்ல. ஆனாலும் ஒரு சில கருத்துக்களை மாத்திரம் சொல்லிக் கொள்ள விரும்புகிறேன்.

கோயில் நிர்வாக அதிகாரிகள் அரசாங்க அலுவலர்களாக ஆக்கப்பட்டது குறித்துப் பெரு மகிழ்ச்சி அடைகிறேன். கோயில் நிர்வாக அதிகாரிகளெல்லாம் புதியவர்கள் எடுத்தது போல, உண்மையில் மகிழ்கிறார்கள். எனவே, இது வரவேற்கத் தக்கதுதான். ஆனால், அதே சமயத்திலே கோயில் வேலையையே நம்பி வாழுகின்ற ஒதுவார்கள், அர்ச்சகர்கள், குருக்கள் முதலியவர்களுக்குக் கூட இத்தகைய நிலை ஏற்பட வேண்டுமென்பது எனது எண்ணம். மோன்காரர்கள், நாத்தசரம் வாசிக் கிறவர்கள் எல்லாம் பெரிய கோயில்களில் முழு நேர ஊழியர்களாக இருக்கிறார்கள். அவர்களைக்கூட அரசாங்க அலுவலர்களாக ஆக்கிக்கொண்டால், மிக மிகச் சிறந்ததாக இருக்கும் என்று கூறுகிறேன். அதனால் அவர்களுடைய குழந்தைகளுக்குப் பல சலுகைகள் ஏற்படும். பள்ளிக்கூட வசதிகள், வைத்தியச் சலுகைகள் முதலியன அவர்களுக்கும் கிடைக்கும். அவர்கள் உண்மையிலேயே நல்ல தொண்டர்களாக, சிறந்த முறையில் கோயில் திருப்பணியாற்ற ஏதுவாகும்.

இந்த மசோதாவின் 66-வது பிரிவில் உபரி நிதியைப் பயன்படுத்துவதுபற்றி இருக்கிறது. சென்ற உதகைக் கூட்டத்தில் நான் பேசிய போது, இதைப் பற்றிக் குறிப்பிட்டிருக்கிறேன். இந்த உபரி நிதியைப் பயன்படுத்தும்போது, திருவிழாக்கள் நடக்காத கோயில்களிலெல்லாம் கூட திருவிழாக்கள் நடத்த இந்நிதி பயன்பட வேண்டும் என்று சொன்னேன். இங்கே நான் மகிழ்ச்சியோடு தெரிவித்துக்கொள்ளுகிறேன் ஏற்கனவே 10 அல்லது 12-ஆவதாக இருந்த இவ்வுப விதி இப்போது திருத்தி அமைக்கப்பட்டு முதலிடம் பெற்றிருக்கிறது. இது உண்மையிலேயே பாராட்டத் தக்கது. ஏழ்மை நிலையில் உள்ள கோயில்களுக்குத் தேவைப் படும் பொருள் உதவி செய்யலாம் என்று இங்கே முதலிடம் கொடுத்திருப்பது பாராட்டத் தக்கது.

நம்முடைய ஹிந்து மதத்தைப் பற்றி நினைக்கும்போது, ஹிந்துக்கள் என்று தங்களைச் சொல்லிக் கொள்ளுபவர்கள் ஹிந்துக்கள் என்றால் என்ன, வழிபாடு என்றால் என்ன, என்று கூடப் புரிந்துகொள்ளாமல் இருக்கிறார்கள். மற்ற மதத்தினர்களுக்கெல்லாம் நன்றாகத் தெரியும். கிறிஸ்தவர்களுக்கு “கிறிஸ்தியானிடி” என்றால் என்ன என்று தெரியும். முகம்மதியர்களுக்கு அவர்களுடைய மதத்தின் கொள்கை என்ன என்று தெரியும். பெரும்பாலான ஹிந்துக்களுக்கு பல விதிகளை அனுஷ்டிக்கும் காரணம் என்ன என்று தெரியாது. எடுத்துக் காட்டாக, நாமம் போட்டுக்கொள்வது எதற்காக, விபூதி பூசிக் கொள்ளும் முறை என்ன, கற்பூரம் கொளுத்தும் முறை என்ன, தேங்காய் உடைப்பதன் தத்துவம் என்ன என்று படித்தவர்களுக்குக் கூடத் தெரியாது. ஆகவே, ஹிந்து மதத்தைப் பற்றிய பிரசாரம் வீதிதோறும்—வீதிதோறும்—முழங்க வேண்டும் என்பது எனது அபிப்பிராயம். அதற்கான வழிவகைகளைச் செய்ய வேண்டும் இந்த மசோதாவில். இதிலே குறிப்பு இருக்கிறது. இருந்தாலும் ஒவ்வொரு கோயிலுக்கும் ஒரு மதப் பிரசாரகரை நியமிக்க வேண்டியது அவசியம். அதோடு பள்ளிகளில் படிக்கும் சின்னஞ்சிறு குழந்தைகள்—ஹிந்துக் குழந்தைகள்—ஹிந்து மத அறிவே இல்லாமல் இருக்கின்றன. அதனால் பலர் வளர்ந்த பிறகு நாத்திகத்தில் ஈடுபட ஏதுவாகிறது. ஆதலால், ஒவ்வொரு பள்ளியிலும்—ஹிந்துக்கள் பெரும்பாலாக இருக்கும் பள்ளிகளில்—ஹிந்து மதப் பிரசாரகரை நியமித்து ஹிந்து

[17th September 1959] [Vidwan T. Muthukannappan]

மதத்தைப் பாப்ப ஏற்பாடு செய்ய வேண்டும். கிறிஸ்தவர்கள் நடத்தக் கூடிய பள்ளிகளில் “கேடீசம்” “மார்ல் ஸயன்ஸ்” என்ற பெயரில் மத சம்பந்தமான போதனை நடக்கிறது. பள்ளிகளில் மதப் பிரசாரம் செய்யக் கோயில் நிதியிலிருந்து மதப்பிரசாரகர் ஒருவரை நியமிக்கலாம். இது அவசியம் செய்யப்பட வேண்டுமென்பது எனது கருத்து.

பிறகு உபரி நிதியிலிருந்து செய்யக்கூடிய எத்தனையோ நல்ல காரியங்களைப்பற்றிக் குறிப்பிடப்பட்டிருக்கின்றது. அதிலே ஒரு முக்கிய காரியம் விடப்பட்டிருக்கிறது என்று நான் நினைக்கிறேன். ஆனால், தெரிந்து விடப்பட்டதாகத் தெரியவில்லை. நமது நாட்டிலே மாடுகள் இன்றியமையாத தேவை. மாடுகள் நம்முடைய நாட்டுச் செல்வங்கள். பசுவினைக் காமதெனு என்று பேசுகிறோம். எருதனை வெபெருமானாக் குரியது என்று வழிபடுகிறோம். மாடுகள் வாழ்நாளெல்லாம்—வாழ்க்கை முழுதும்—உழைத்து உழைத்து உருக்குலைந்து போன்றன. இப்படி வாழ்க்கை முழுவதும் உழைத்த மாடுகள், வயது வந்த காலத்தில், கொலைக்காததுக்குக் கசாப்புக் கடைக்கு அழைத்துச் செல்லப்பட்டு ஈவு இறக்கமில்லாமல் வெட்டித் தள்ளப்படுகின்றன. அந்த நிலை மாறி கோயில் நிதியிலிருந்து கிழ மாடுகளை—வயதான மாடுகளை—வவத்து வளர்க்க—பாது காக்க—நிலையங்கள் அமைப்பது அவசியம் என்று நினைக்கிறேன்.

கருணாமூர்த்தி என்று சொல்லுகிறோம் ஆண்டவனை. பறவைகளைப் பிடித்து உடுத்து—அதுவும் கொடுக்க—சிறு கூட்டிலே அடைத்து விடுகிறார்கள். இம்மாதிரி மதுரை மீனாட்சி கோயிலில் இருக்கிறது. கூடு போன் கூடாக இருக்கலாம். தங்கக் கூடாக இருக்கலாம். பாலும் பழமும் ஆகாரமாக இருக்கலாம்; ஆனாலும் கூடு கூடுதான். பிரார்த்தனைக்காக இம்மாதிரிப் பறவை இனங்களை அடைத்து வைப்பது நல்லதல்ல. பிரார்த்தனைப் பறவைகளைக் கோயிலில் சுதந்திரமாக விட்டுவிடலாம்.

MR. CHAIRMAN : We have no time. The hon. Member may resume his seat. Now, the hon. Member, Sri Ethirajalu, may speak. The hon. Member will have to finish his speech by 1 o'clock.

*** SRI M. ETHIRAJALU :** Yes, Sir. தலைவர் அவர்களே, இந்த அறிநிலையப் பாதுகாப்பு மசோதாவின் மீது சில வார்த்தைகளைச் சொல்ல விரும்புகிறேன். இந்த மசோதா ஏற்கனவே இருந்த அறிநிலையப் பாதுகாப்புச் சட்டத்தில் சில ஷரத்துக்கள் செல்லாது என்று நிதிமன்றம் தீர்ப்பளித்ததின் பேரில்தான் இந்தக் கூட்டத்திலே இங்கே கொண்டுவரப்படுகிறது. நாட்டிலே யுள்ள இனம் சிறார்கள் மத்தியில்—பள்ளிக்கூடத்தில் படிக்கக் கூடிய சிறுவர்கள் மத்தியில்—கடவுள் இல்லை என்று சொல்லி எங்கு பார்த்தாலும் அவர்களுடைய மனம் மாறுபடுகிற நேரத்திலே—தான் இந்த மசோதா இங்கே வருகிறது என்பதைப்பற்றி நான் பாராட்டுகிறேன். இந்த மசோதாவிலே அரசாங்கத்தின் தலையீடு அதிகமாக இருக்கிறது என்பதைப்பற்றிப் பலர் பேசினார்கள். அரசாங்கத்தின் தலையீடு மடாதிபதிகள் தங்களுக்கு இருக்கக்கூடிய அதிகாரத்தைத் துஷ்பிரயோகம் செய்வதையும், அவர்களைக் கண்டிக்கவும்தான் இந்த மசோதா கொண்டுவரப்படுகிறது என்று என்னைப் பொறுத்தவரையில் சொல்ல ஆசைப்படுகிறேன். அது மட்டுமல்ல. இந்த மசோதா விவசாயிகளுக்கு நல்ல நிலையிலே உதவி செய்கிறது. கோவில் நிலங்களை எல்லாம் குத்தகைக்கு விரும்போது, மத்தியில் இருப்பவர்கள் குத்தகைக்கு எடுத்து விவசாயிகளுக்குக் கீழ் குத்தகை விடுவதை இந்த மசோதா தடை செய்து நோடியாகக் கொடுக்க வேண்டும் என்று சொல்வதை நான் மிகவும் பாராட்டுகிறேன். மற்றொன்று, இதிலே வாக் கூடிய உபரி வருமானம் போதுமான வருவாயில்லாத கோயில்களுக்குச் செலவுழிக்கப்பட வேண்டுமென்றும், மதப்பிரசாரத்திற்காகச் செலவுழிக்க படவேண்டும் என்றும் குறிப்பிடப்படுவதோடு, அதிக வருமானத்தைக் பல இன்ஸ்டிடியூஷன்கள் நடத்தப்பட வேண்டும் என்றும் சொல்லப்படுகிறது. அமைச்சர் அவர்களை நான் ஒன்று கேட்டுக்கொள்வேன்.

[Sri M. Ethirajalu] [17th September 1959]

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இப்போது நமது நாட்டிலே கல்வி மிகவும் குறைவாக இருக்கிறது. கல்வி வளர்ச்சிக்காக எவ்வளவோ நமது சர்க்கார் கடந்த 10 ஆண்டுகளாகச் செய்து வந்திருக்கிறது. ஏழை மக்கள் படித்து முன்வர வேண்டுமென்ற நல்ல எண்ணத்துடன் சாப்பாடு முதல் போட்டு ஹரிஜன மக்களையும், பின்தங்கிய மக்களையும் நல்ல நிலைக்குக் கொண்டுவர வேண்டுமென்று பாடுபட்டுக் கொண்டிருக்கிறது. அப்படி வரக்கூடிய உபரி வருவாயை, அந்தந்தப் பகுதிகளில் உள்ள கோயில்களின் உபரி சொத்துக்களை, ஏராளமாக நிலங்களிலிருந்து வரும் தானியங்களை மிகவும் பின்தங்கிய ஏழை ஹரிஜனக் குழந்தைகளுக்கும் சாப்பாடு போட்டு பள்ளிக்கு அனுப்புகின்ற முறையிலே செலவு செய்தால் மிகவும் நன்றாக இருக்கும். அந்த இளம் சிறுர்களுக்கு இப்பொழுதுள்ள கடவுள் இல்லை என்ற மனநிலை பெருமல் இருக்க அவர்களுக்கு மதத்தைப்பற்றி எடுத்துச் சொல்லி கடவுள் நம்பிக்கை பெறச் செய்ய வேண்டும். இந்த நிலைமையை அந்தந்த ஜில்லாக்களில் ஏற்படுத்த வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இப்படி ஹரிஜனங்களுக்குப் பயன்பட்டால் கடவுள் சோறு போட்டார் என்ற அளவுக்கு அவர்கள் மனதில் எண்ணம் ஏற்படும் என்று சொல்லிக்கொள்ள விரும்புகிறேன். மற்றப்படி வேறுபல இன்ன டிட்டியூஷன்கள் ஏற்படுத்துவது சர்க்காருடைய கடமையிலே இருக்கிறது. அதைத் தவிர்த்து இது மாதிரி ஏழைக் குழந்தைகளுக்கு சாப்பாடு போட்டு, பள்ளிக்கு அனுப்பி, மதத்திலே நம்பிக்கை கொள்ளச் செய்வது நல்லது என்று சொல்லிக்கொள்ள ஆசைப்படுகிறேன்.

இப்பொழுது தர்மகர்த்தாக்களை நியமிக்கிறார்கள். பல பெரிய கோயில்களில்தான் ஹரிஜன தர்மகர்த்தாக்களை நியமித்தால் ஹரிஜனங்கள் துணிந்து வந்து அந்தப் பதவியை ஏற்றுக்கொள்கிறார்கள். ஆனால், கிராமப்புறங்களிலே இருக்கக்கூடிய கோயில்களிலே ஹரிஜனங்களைத் தர்மகர்த்தாக்களாக நியமித்தால், அந்த ஹரிஜனங்கள் அங்குள்ள பெரியவர்களுக்காகப் பயந்துகொண்டு அந்தப் பொறுப்பை ஏற்றுக்கொள்ள வருவதில்லை. ஆகவே, அந்த மாதிரி இடங்களில் ஹரிஜனங்கள் பொறுப்பேற்றுக் கொள்ள முடியாத நிலைமையில் இருக்கிறார்கள். அம்மாதிரி நேரத்திலே அங்கிருக்கக்கூடிய எக்ஸ்ப்யூடிவ் ஆபீசர்கள் அங்கு சென்று அந்தக் கிராமப் பெரியவர்களைப் பார்த்து அவர்கள் மூலமாகவே பேசி ஹரிஜன தர்மகர்த்தாக்களை நியமிக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

இந்த மசோதாவிலே 40-வது பிரிவிலே தேவதாசிகளுக்குக் கொடுக்கக் கூடிய நிலம் சம்பந்தமாக ஏதேனும் தகராறு ஏற்பட்டால் ரெவின்யூ போர்டு வரை அப்பீல் செய்துகொள்ளலாம் என்று குறிப்பிட்டிருக்கிறது. 41-வது பிரிவிலே தொழிலாளர்கள் சம்பந்தமாக எழக் கூடிய நிலத் தகராறுகளில் கலெக்டர் சொல்லுவதுதான் கடைசி உத்தரவு என்று குறிப்பிட்டிருக்கிறது. இதில் மட்டும் ஏன் ரெவின்யூ போர்டுக்கு அப்பீல் செய்ய சட்டத்தில் குறிப்பிடவில்லை? இவர்களும் அப்பீல் செய்வது ரெவின்யூ போர்டுக்குப் போகலாம் என்று திருத்தம் செய்ய வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

இந்த ஸ்தாபனத்தின் கமிஷனருக்கு அதிக அதிகாரம் கொடுக்கப் பட்டிருக்கிறது. எல்லாவிதமான விசாரணைகளும் அவரே நடத்த வேண்டுமென்றிருக்கிறது. தொழிலாளர்களுக்குத் தொழில் கோர்ட்டு இருப்பதுபோல் அறநிலையச் சட்டத்தில் ஏற்படும் தகராறுகளை இந்த இடங்களிலுக்குச் சம்பந்த மில்லாத எதேச்சாதிகாரமாக இருக்கக்கூடிய இலாகாவுக்கு அனுப்பினால் தீர்ப்புக் கூற நலமாக இருக்குமென்று சொல்லிக்கொண்டு, நல்ல நேரத்தில் அமைச்சர் அவர்கள் இந்தச் சட்டத்தைக் கொண்டுவந்ததற்காக அவரை நான் பாராட்டி என்னுடைய பேச்சை முடித்துக்கொள்ளுகிறேன்.

MR. CHAIRMAN: The hon. Member Sri Kosalram may now speak. The hon Member will have to finish his speech by 1 o'clock.

SRI K. T. KOSALRAM: Sir, this is a very important Bill. Therefore, I may be allowed at least ten minutes.

MR. CHAIRMAN: Yes. Not more than that.

17th September 1959]

SRI K. T. KOSALRAM: இந்த மசோதா மிக முக்கியமான மசோதாக்களில் ஒன்று என்று சேர்மன் அவர்களிடத்தில் சொன்னேன். 1947-ம் வருஷம் டாக்டர் ராஜன் அவர்கள் இந்த இலாகா அமைச்சராக இருந்தபோது, மடங்களில் நடக்கின்ற நிர்வாக ஊழல்களை, அங்கு நடக்கின்ற அவல நிலை முதலியவைகளை எல்லாம் நேரடியாகப் பார்த்து, இந்த மடங்களை எல்லாம் கட்டுப்படுத்த வேண்டும் என்ற நோக்கத்துடன் இந்தச் சட்டம் கொண்டு வரப்பட்டது. இந்த சட்டத்தை தடுப்பதற்காகப் பாராளுமன்றத்தில் கூட ஒரு சட்டத்தைக் கொண்டு வரவேண்டுமென்று, பாராளுமன்ற அங்கத்தினர்கள் கையெழுத்தெல்லாம் வாங்கி இந்த மசோதாவை வரவிடாமல் செய்தார்கள் என்பது அமைச்சர் அவர்களுக்குத் தெரியும். மடாதிபதிகளின் செல்வாக்கு அந்த அளவு உச்ச நிலையில் அப்பொழுது இருந்தது. அதன் பின்னால் இந்தச் சட்டமே செல்லாது என்று சப்ரீம் கோர்ட் வரை சென்று வெற்றி பெற்றார்கள். மடாதிபதியைக் கட்டுப்படுத்தக் கூடாது என்று ஜீவாதார உரிமையைக் காட்டியோ, “கான்ஸ்டிடியூஷனை”க் காட்டியோ சப்ரீம் கோர்ட்டுக்குப் போய் வெற்றி பெற்றார்கள். சப்ரீம் கோர்ட் நீதிபதியாக இருந்த அங்கத்தினர் அவர்கள் பேசினார்கள். அவர்களுக்கு நிச்சயமாகத் தெரியும். அந்த நிலைமையில் அது செல்லாது என்று ஆக்கவிட்டார்கள். அதன் பிறகு, “கான்ஸ்டிடியூஷனை”த் திருத்தி அதைக் கட்டுப்படுத்தும்படியான ஒரு மசோதாவைக் கொண்டுவர வேண்டியது அவசியந்தான் என்று அமைச்சர் அவர்கள் சொல்லியிருக்கிறார்கள். ஆனால், அந்தத் தீர்ப்புக்கு வசமாகி, அந்த ஜட்ஜ்மென்ட் எப்படியிருக்கிறதோ—அதாவது செருப்புக்குத் தகுந்த காலாக, காலுக்குத் தகுந்த செருப்புல்ல—அந்த முறையில், அந்த மடங்களைக் கட்டுப்படுத்த முடியாது என்று சப்ரீம் கோர்ட் உத்தரவுக்குத் தகுந்தவாறு, ஒரு மசோதாவைத் தயாரித்திருக்கிறார்களே என்று மிக மிக வருத்தப்படுகிறேன். ஒரு சில மடங்கள் நல்ல இந்து மதச் சின்னங்களாகத் தோன்றலாம். அவைகளிலே நடக்கும் அக்கிரமங்களைக் கண்டிக்க அரசாங்கத்துக்கு அதிகாரம் வேண்டுமென்று சொல்லுகிறோமே தவிர, மத விரோதமான எண்ணத்தில் சொல்லவில்லை. மதத் தலைவர் என்ற பெயரால் மதத்தை எவ்வளவு கெடுத்திருக்கிறார்கள்? இந்தச் சட்டமன்றத்திலும், பொதுக் கூட்டங்களிலும், அதுபற்றிப் பேசப்பட்டிருக்கிறது. இந்த மதத் தலைவர்களுடைய தவறான வழியினால் இந்து மதத்திற்கே ஹானி ஏற்பட்டிருக்கிறது என்பதை உதாரணங்களோடு சொல்ல முடியும். அவர்களே தவறு செய்தால், பொது மக்கள் “மதத் தலைவர்களே தவறு செய்கிறார்களே” என்ற எண்ணத்தில் அவர்கள் மதத்தை மதிப்பதில்லை. ஆகவே, மத விரோதமான நிலைமை நாட்டில் நிலவுகிறது. ஆகவே, சர்க்கார் ஏற்றுக்கொண்டால் தவறு வராது. அதற்குக் “கான்ஸ்டிடியூஷனை”த் திருத்த வேண்டியதற்குத் தகுந்த நடவடிக்கை எடுத்துக்கொள்ள வில்லை என்பதை வருத்தத்தோடு சுட்டிக்காட்டவிரும்புகிறேன்.

பொதுவாக, நமது அரசாங்கம் இந்த மசோதாவின் மூலம் அதிகாரப் பற்றற்றவர்களுக்கு அதிகமான அதிகாரம் கொடுப்பதில் நம்பிக்கை இல்லாத மாதிரித் தோன்றுகிறது. குறிப்பாக இந்த மசோதாவை எடுத்துக் கொண்டால், அவ்விஸ்டென்ட் கமிஷனர்தான் சேர்மனாக இருக்க வேண்டுமென்று இருப்பது சரியல்ல.

THE HON. SRI M. BHAKTAVATSALAM: பழைய சட்டத்தில் இருந்தது. இப்பொழுது மாற்றப்பட்டுவிட்டது.

SRI K. T. KOSALRAM: குறிப்பாக அதிகாரப் பற்றற்றவர்களுக்கு அதிகமான அதிகாரம் வேண்டுமென்பது மிக முக்கியமான விஷயம். ட்ரஸ்டிகளைக் கண்ட்ரோல் பண்ணக் கூடிய அதிகாரம் அமைச்சரிடம் இருக்கலாம். அமைச்சர் வைத்துக்கொள்ளுவதில் தவறில்லை. அரசாங்கம் வைத்துக்கொள்வதில் தவறில்லை. யாரோ ஒரு அதிகாரி உத்தியோகப் பற்று அற்றவர்களைக் கட்டுப்படுத்துவது என்பது சரியல்ல. தலைவர் திரு.

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ENDOWMENTS BILL, 1959 (L.A. BILL NO. 7 OF 1959)

[Sri K. T. Kosalram] [17th September 1959]

சத்தியமூர்த்தி அவர்கள் சொன்னது போல், இந்தக் கூட்டுறவு இலாகாவும், இந்து மத பரிபாலன போர்டும் மாப்பின்னே, மச்சான்களுக்கு உத்தியோகம் கொடுக்க ஏற்படுத்தப்பட்ட ஸ்தாபனங்கள் என்ற நிலைமையில்தான் இருந்துகொண்டிருக்கின்றன. இந்த நிலைமை மாற வேண்டுமென்பதை அமைச்சர் அவர்கள் ஒத்துக்கொண்டார்கள். போக்க வேண்டுமென்பதில் அபிப்பிராய பேதம் இருக்க முடியாது. அந்த மாதிரி நிலைமை இன்னும் இந்த இலாகாவில் இருக்கிறது. அவர் கடவுள் மீது நம்பிக்கை அற்றவராக இருந்தாலும், யாராக இருந்தாலும், எந்த ஒரு குறிப்பிட்ட மார்ச்சுக்கத்தைச் சேர்ந்தவராக இருந்தாலும், அந்த அதிகாரி கட்டுப்பாடு செய்வது என்ற முறையை நான் குற்றச்சாட்டாகக் கூறுகிறேன். அந்த அதிகாரம் அமைச்சரிடம் இருக்கலாம். அமைச்சர் சட்டசபைக்குக் கட்டுப்பட்டவர். பொதுக் கூட்டத்திலே பேசவேண்டியவர். வோட்டுக் கேட்கப் போக வேண்டியவர். அமைச்சரிடம் அதிகாரம் இருப்பதில் தவறில்லை. ஒரு அதிகாரியிடத்திலே, ஒரு நிதிபதியிடத்திலே அந்த அதிகாரத்தைக் கொடுத்துவிட்டால், அவர்களைக் “கான்ஸ்டிபுஷன்” “பிரொடக்ட்” பணனை வந்துவிடுகிறது. 1 p.m. அவர்களைப்பற்றிப் பேச முடியாது; அவர்கள் பயப்பட்டுவெண்டிய அவசியம் இல்லை. ஆகவே, இது எந்த ஒரு ஜாதிக் குழு எந்த ஒரு இலாகாவுக்கும் சொந்தமே அல்ல. நாட்டில் மாறுதல் வேண்டும் என்று சொல்கிறோம். மாறுதல் வேண்டும் என்று சொல்லும்போது, யாரோ குறிப்பிட்ட வகுப்பினர், குறிப்பிட்ட கூட்டத்தினர், எனக்குத்தான் சொந்தம் என்ற பாவனையில் இன்று இலாகா நடக்குமானால், அது மிக மிகத் துர்ப்பாக்கியமான நிலைமை என்றுதான் சொல்ல வேண்டும். டிராஸ்டி அப்பாயின்ட்மெண்டிலே கூட இம்மாதிரிப் போட்டால், இப்படி மானிபுலேட் செய்தால், இன்றை வந்துவிட முடியும் என்ற வகையிலேதான் பார்க்கின்றார்களே தவிர, உண்மையாக மதத்திலே நம்பிக்கை கொண்டவர் யார், நிர்வாகத்தை உண்மையாகப் பார்ப்பது யார் என்ற முறை இல்லை என்பது சில விஷயங்களிலிருந்து எனக்குத் தெரியும். ஆகையால் அப்பாயின்ட்மெண்ட் விஷயத்தில் கமிஷனருக்கோ அல்லது ஒரு குறிப்பிட்ட அதிகாரிக்கோ அந்த அதிகாரம் நிச்சயமாக இருக்கக் கூடாது. ஒரு குறிப்பிட்ட கமிட்டியைப் போடுங்கள்; இல்லாவிட்டால் அமைச்சரே அந்த அப்பாயின்ட்மெண்ட் டைட் செய்வதற்கான ஏற்பாட்டைச் செய்யுங்கள். அமைச்சர் தவறு செய்து விட்டால், அவருடைய அறையில் வந்து கேட்க முடியும்; இம்மாதிரித் தவறு செய்தார் என்று எடுத்துச் சொல்வதற்கு முடியும். ஆனால், அதிகாரிகளிடத்தில் போக முடியவில்லை. அவர்கள் நினைத்ததைத்தான் செய்கிறார்கள். வரிசையாக எடுத்துப் பார்த்தால் கடவுள் நம்பிக்கையற்ற கட்சியில் அங்கத்தினர்களாக இருந்தவர்கள் எத்தனையோ பேர்கள் நியமிக்கப்பட்டிருக்கிறார்கள் என்று தெரியும். குறிப்பிட்ட ஜாதியிலே பிறந்தவர் என்ற ஒரே காரணத்திற்காக நியமிக்கப்படுகிறார்கள். இம்மாதிரித் தன்மை இருக்கிறது. அமைச்சர் செய்ய வேண்டுமென்று நினைத்தாலும், அது முடியாத நிலைமை இருந்துகொண்டு வருகிறது என்பதை நான் மீண்டும் அவர்களிடத்திலே சொல்கிறேன்.

அடுத்தபடியாக, மிகவும் பாராட்டத் தகுந்த ஒரு விஷயம், நெல்லையப் பர் கோயில் நிதியிலிருந்து ஒரு உயர்நிலைப் பள்ளி வைப்பதற்கு அனுமதி அளித்தது. அமைச்சர் அவர்கள் மிகவும் தைரியமாக அதைச் செய்தார். அதிலும் கூடச் சொல்லுகிறேன், சட்டசபை அங்கத்தினராக உள்ள திருமதி ராஜாத்தி குஞ்சிதபாதம் அவர்கள் போடப்படவில்லை; அந்த அம்மையாரை அதில் போடக் கூடாதா? அந்த அம்மையார் வீட்டை விட்டு வெளியிலே வரமாட்டார் என்று யாரோ சொன்னதற்காக, அவர்கள் பேச்சைக் கேட்டுக்கொண்டு அவரைப் போடவில்லையாம். இப்படியாக ஏதோ காரணங்களைச் சொல்லிக்கொண்டு யார் யாரையோ போடுகிறார்கள். ஒரு பெண் அங்கத்தினர்; சட்டசபை அங்கத்தினர்; இந்து மதத்தில் பிறந்தவர்; பி. ஏ. படித்தவர்; அவரைப் போடுவதற்குக்கூட மனம் வரவில்லை இந்த இலாகாவில் உள்ளவர்களுக்கு. உத்தியோகத்தில் மட்டும் அப்படி நடப்பதாக நான் சொல்லவில்லை. எல்லா விதத்திலும் சொல்கிறேன், எல்லா “கவாலிபிகேஷன்”களும் உள்ள ஒரு சட்டசபை அங்கத்தினர். பி. ஏ. படித்த பெண் அங்கத்தினர், இந்து மதத்திலே. பிறந்தவரைப் போடாமல், வேறு

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யாரையோ போட்டிருக்கிறார்கள். அதற்கு ஏதோ காரணம் சொல்கிறார்கள். நான் சொன்ன ஒரே காரணத்திற்காகத்தான். இம்மாதிரி விஷயங்களில் கவனத்தோடு இருக்க வேண்டும் என்று தெரிவித்துக்கொள்கிறேன்.

கல்விச் சாலைகள் நடத்துவதை எடுத்துக்கொள்வோம். கிறிஸ்தவ மதம் அந்த ஊரில் பரவுகிறது என்று சொல்கிறார்கள். கிறிஸ்தவ மதம் பரவுவதற்கு இந்து மதத்தில் இன்றிருக்கும் மடாதிபதிகள் செயல், இந்து மதத்திய அன்றைய அமைப்பு இவைதான் முக்கியமான காரணங்கள் என்று சொல்ல முடியும். கிறிஸ்தவ மதத்தினர் ஊர் ஊராகப் பள்ளிக் கூடம் வைத்தார்கள். அதே போல் இப்பொழுது குன்றக்குடி அடிகளார் ஐந்தாறு பள்ளிக்கூடங்கள் வைத்திருக்கிறார்கள். அந்தச் செயலை மிக மிகப் பாராட்டுகின்றோம். கடவுள் பேரால் ஊர்ப் பிள்ளைகளுக்கு கல்வி வசதி செய்து கொடுக்க வேண்டும் என்பதுதான் நம் போன்றவர்களுடைய ஆசை. கல்வி வசதியைப் பெரிதும் மக்கள் விரும்புகிறார்கள். கிறிஸ்தவ மதத்தினர் கல்வி வசதி செய்து கொடுத்ததினால், கிறிஸ்தவ மதத்தின் பேரிலே மக்களுக்கு ஒரு அபிமானம் ஏற்பட்டது. எது இருந்தாலும் இல்லா விட்டாலும், மக்களுக்கு வேண்டியதெல்லாம் கல்வி அறிவு. கல்வி அறிவைக் கொடுக்கும்போது, எந்த மதஸ்தராக இருந்தாலும், அந்த மதத்திலே போய்ச் சேர்ந்தார்கள். அத்தகைய நிலைமை இந்து மதத்திலும் இன்று ஏற்பட வேண்டும். இந்து மடாதிபதிகளை இப்பொழுது நாம் கட்டுப்படுத்த முடியவில்லை. ஏதோ நெல்லையப் பர் கோயில் தேவஸ்தானத்தின் மூலமாக ஒரு உயர்நிலைப்பள்ளி ஆரம்பிப்பது போல், ஊர் ஊராகப் பல பள்ளிக்கூடங்கள் கோயில் பேரால் திறக்கப்பட வேண்டியது அவசியம். சாதாரண உயர்நிலைப் பள்ளிகள் மட்டுமல்ல; இன்டஸ்ட்ரியல் ஸ்கூல் அமைக்கலாம்; இன்னும் இது போன்ற பல கல்விச் சாலைகளைத் துவக்கலாம். ஆண்டவன் பேரால் நடைபெறும் பள்ளிகளில் படிக்கும் பிள்ளைகள் நாவ்திகத் தன்மை அற்ற ஒரு சூழ்நிலையிலே கல்வி கற்க முடியும். ஆண்டவன் சன்னிதானத்தின் பேரால் நடக்கும் பள்ளிகளில் காலையிலிருந்து மாலை வரை படிக்கும்போது நாவ்திகத் தன்மை இருக்காது. ஆண்டவன் ஏழை பங்காளன்; ஏழைகளுக்காகப் பள்ளிக்கூடம் வைத்து நடத்தினால் பிள்ளைகளுக்கு ஆண்டவன் நினைவு இருந்துகொண்டே இருக்கும். ஆகையால், அந்த நிலைமை வருவதற்கு ஆங்காங்கு கல்விச் சாலைகள் ஆண்டவன் பேரால் வைக்க வேண்டும். மடாதிபதிகளை நான் கேட்டுக் கொள்கிறேன்—குன்றக்குடி மடாதிபதிகள் நடத்துகிற மாதிரி இன்னும் பல ஊர்களில் ட்ரெயினிங் ஸ்கூல்கள், இன்டஸ்ட்ரியல் ஸ்கூல்கள், உயர்நிலைப் பள்ளிகள், அமைத்து நடத்தினால், இந்த நாட்டுக்கு, இந்து மதத்திற்கு அவர்கள் செய்கின்ற சேவையாகும். அதை அவர்கள் செய்ய வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். இந்த மச்சேத்தாவை இப்பொழுது நிறைவேற்றுவோம். மதத்தினுடைய நிர்வாகத்தைக் கட்டுப்படுத்துவதற்கு இன்று கான்ஸ்டிபுஷனில் இடமில்லையென்றால், கான்ஸ்டிபுஷனை மாற்றி, மடாதிபதிகளைக் கட்டுப்படுத்துவதற்கு உரிய சரியான மச்சேத்தாவை அமைச்சர் அவர்கள் கொண்டுவர வேண்டுமென்று கேட்டுக் கொண்டு என் உரையை முடித்துக்கொள்ளுகிறேன்.

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, while three hon. Members who participated in this discussion have totally opposed the legislation, relating to the administration of Hindu religious endowments, it is a matter for gratification to me that several hon. Members, who participated in this debate, have generally welcomed the provisions of the Bill and have generally expressed their appreciation about the need for this legislation and the steps that are to be taken for proper administration of the Hindu religious endowments. Of course, they have referred to certain instances, certain stray instances, which they have come across and have made certain suggestions, and they have taken exception to certain machinery that has been set up in the interests of proper administration of the endowments.

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Sir, the learned jurist that he is, Sri M. Patanjali Sastri, raised a fundamental objection to this Bill. He pointed out that this Bill was against Article 26 of the Constitution and, therefore, he advised me to withdraw this Bill. But, he was good enough to suggest that I might await Central legislation in the matter. He is not here now. Anyway, I would like to tell him that if there is any need for Central legislation, so far as this State is concerned, there is no need at all for any Central legislation in regard to this matter. If, however, he wishes to look forward to Central legislation in the matter, he should be prepared for a more drastic piece of legislation than what we have before this House to-day. Sir, I am obliged to my hon. Friend Sri M. Seshachariar for elucidating the points about law relating to Article 26 of the Constitution. The hon. Member Sri Balasubramanya Ayyar also is not here just now. But, he did not raise any vehement opposition following Sri M. Patanjali Sastri. He had been on the Joint Select Committee and he had been of considerable help. He knows exactly what the position is. Of course, he raised certain points relating to the powers of trustees and the powers of executive officers, the Commissioner and so on.

Sir, let us now see what this Article 26 says. Even to begin with, it reads thus—'Subject to public order, morality and health, every religious denomination or any section thereof shall have the right . . . Hindu religion is not a religious denomination. These are temples in which the Hindus as such are interested and not merely particular denominations. It is not as if they are religious denominations for which we have come forward to legislate. These are not denominational temples. The Article specifically refers to religious denominations or any section thereof. What is a denomination? Denomination is a sect as has been pointed out by my hon. Friend Sri Seshachariar. He also referred to certain Court decisions regarding the meaning of the word 'denomination'. The Oxford Dictionary gives the meaning of the word 'denomination' as 'a religious sect'. Hindus cannot be called religious sects. Sir, reference was made to certain judgments of the Mysore High Court which were reported in the Press, by the hon. Member Sri Balasubramanya Ayyar. I have shown copies of these judgments to the hon. the Deputy Leader of the Opposition. I have myself gone through them. They relate to certain temples which will come under denominational temples. They are temples which are exclusively managed by one particular sect of Hindus, namely, the Gowda Saraswath community. They are the trustees of these temples and not all Hindus as such. The judgment relates to them only. Even there, I find there are two judgments of the Mysore High Court which I have got with me. They relate to the *ultra vires* character of several sections of the old Act. All these have been already taken note of by the drafting department and we have suitably amended these sections and at the Joint Select Committee stage, these sections have been further revised so as not to come within the mischief of the objection that has been raised under Article 26 of the Constitution.

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Then, Sir, the hon. Member Sri Patanjali Sastri has conceded that there are certain obligations cast on us. Although he said we could not touch the trustees of the temples and these institutions because, according to him, all these institutions came under Article 26 of the Constitution and, therefore, there should be no legislation and we should let them do as they please, he conceded that there were certain obligations relating to management of property, etc., maintenance of accounts, prevention of misapplication or misappropriation of funds, etc., to be carried out. What is it that this Article says? It says, all these require sanction of the law. That is all. Even as the hon. Member Sri Patanjali Sastri pointed out, these must be done in accordance with law, the law of the land. He was good enough to point out these obligations. But what is the machinery to enforce those things? He asked, 'Why do you go into details?' I would like to ask, 'How to enforce the obligations which the hon. Member himself concedes?'. There must be a machinery to enforce these on the trustees and that is the machinery that we seek to set up. We have effectively to enforce the obligations on the managers of these institutions. This legislation refers to religious institutions. There may be a temple here or there which may come under the category of denominational temple or institution. Then that will come—as in the case of the South Kanara temples about which the Mysore High Court has given a ruling and in which a particular sect of Hindus who have got their own head is interested—under the category of denominational temple. Even in respect of such temples we have to enforce these obligations. Generally, Hindu temples and institutions cannot come under this category of denominational temples. Even in Madras State there may be a handful of such temples. Therefore, legislation cannot be barred on account of Article 26 of the Constitution. The drafting department took care of the various decisions of the Supreme Court and the High Court and have accordingly revised the various sections. The hon. Member who spoke last said that it should not be set at rest there and that I should immediately take up the question of amending the Constitution. That is not such an easy thing. One State alone cannot amend the Constitution of the country. There are so many factors that have to be taken into account. We cannot amend the Constitution as we please. But I do admit that the judgments of Courts are not always the last word on questions relating to the law of the land. It is the supreme Legislature that has got the ultimate authority to legislate. It does legislate taking into account the decisions of the Courts. Parliament has got the right to amend its own Constitution, of course. But still we cannot be amending the Constitution as we please. Unless it is absolutely necessary and is in the interests of the people of the country, the Government will not come forward to amend the Constitution. They do come forward on occasions to amend it and where they feel it is absolutely necessary to amend it. But I would like to assure the hon. Member that even as we drafted the Bill, we took into account the various decisions of the Supreme Court and the High Court on the

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various sections of the Act. I may also assure the hon. Member Mr. Mosairam that even about maths there is adequate provision effectively to control them and to prevent abuse of funds, etc. I would like to point out that all the decisions of the Courts relating to the *ultra vires* character of particular sections were made after 1951, and the Hon. Judges of the High Court as well as the Supreme Court should have been quite well aware of the provisions of the Constitution, particularly of Article 26. They did not raise any fundamental objection, as the hon. Member Mr. Patanjali Sastri raised. They took objection only to certain sections of the Act and we have taken due note of the same and revised the concerned sections accordingly.

The hon. Member Mr. Patanjali Sastri raised another fundamental objection to the application of the law of Cypres. Hon. Members would have gone through the various clauses of the Bill, particularly clauses 66 and 36. Clause 36 relates to application of funds which are surplus after the objectives of the original endowment have been completely fulfilled. Clause 66, on the other hand, relates to cases wherein the objective of the original donor could not be carried out. As to how to utilise the funds, they have laid down a list and indicated the relative priorities. The hon. Member Mr. Patanjali Sastri went to the extent of suggesting that if a particular donor had endowed something for the performance of a particular thing—say, a festival—and if after the festival, there was still a surplus left, that surplus also must be spent on the same festival. (Sri T. Purushotham: Mr. V. V. Rameswami does not want even festivals and fireworks.) Perhaps, according to the hon. Member, if there is a crowd of 5,000 people attending a festival and there is a *dittam* for that festival, it will be wrong on the part of the trustee, if there is a balance of Rs. 1,000 left out of the *dittam*, if he takes it into his head to arrange to feed them at dead of night. Even that is objectionable, according to him. If there is a balance left after fulfilling the objectives of the trust, how else could you spend it? Is not feeding in absolute conformity with a religious objective? After all, what is religious feeling? Take medical relief to the needy. Is it not religious? Our great Alvars and Nayanmars led the way. It is said of Sundarar, one of the four Tamil Saints, that once he saw an area affected by famine and people were famishing and starving. He prayed at once to God for food to feed them. He was anxious to feed them, because they were dying of starvation. He suddenly found some heaps of raddy and utilised it. God came to his rescue and he thus gave relief to the starving millions. That is the anecdote that we hear. If people are really religious and pious, I am unable to understand how they think that this is not the objective of the donor and that the funds should not be utilised.

Then, Sir, the hon. Member Dr. A. Sreenivasan made many sweeping remarks and some other Members also joined him. He said that Government were there to conduct schools and all that. Yes. What is the temple for? Temples are there for the benefit of the people, not for the benefit of God. God does not need our

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help, our donation or our charity. They are for the people and for ennobling people's lives. Therefore, if there is a surplus, what is wrong in utilizing it to make the people even more religious and to carry out the objectives of the temples more effectively? Now, people are not properly trained in the recitation of Nalayaraprabhandam, Thevaram and Thiruvacakam. The hon. Member Dr. Chidambaramathan referred to Tamil worship. There can be nothing like Tamil worship. The large number of worshippers are interested in having dharsan when Thevaram or Thiruvacakam is recited. I want more of this recitation. Sir, the other day I was in Kal Azhagar Koil and I suggested to the trustees, and the trustees and the Commissioner also agreed, that there should be a school started for recitation of Thiruvacakam, Thiruvoimozhi and Nalayaraprabhandam. The temple can afford to start the school. In this connection, I am thinking of utilising the services of the great musician Sri Ariyakudi Ramanuja Ayyangar. He has offered his assistance. With his help I am thinking of having an institution where this Nalayaraprabhandam could be learnt and understood and sung in the traditional Carnatic style and in an orthodox manner. What is wrong with such a project? Is it sacrilegious?

Sir, the hon. Member Sri Krishnamoorthy was most vehement. He shuddered to think of legislation about maths. There are a few maths to which I bow my head. But with all respect I should say that there are also a few others, and when I think of them, I should hang down my head in shame. Should we not rectify matters in such institutions? Does it redound to the credit of any math or a Hindu that there should be such gross mismanagement? The disciples of the math feel wounded. They have a serious grievance. They have no remedy. Are not those disciples subjects of this Government? Is it not the bounden duty and responsibility of this Government to rectify defects and set matters right so that the objectives of the math could be properly carried out and, at any rate, to see that there is no mismanagement?

Sir, the hon. Member Vidwan Muthukannappan talked about propaganda. It is for the maths to do that propaganda. It is not temples that should do propaganda. Temples have other objectives. They may do it perhaps where there is a surplus and in conformity with the objectives of the temples. But it is the primary duty and responsibility of the maths to do religious propaganda. But they do not do so. There are, of course, honourable exceptions among them. I am not unaware of that. But still generally it is not done. Therefore, this causes considerable dissatisfaction among the worshipping public and also to the large number of disciples.

The hon. Member Sri Krishnamoorthy said—these are pious people and they shed tears when they think of legislation for maths and temples—that we should have no legislation in respect of these institutions. But I am afraid such people do not know what is happening and what progress has been made. He said that all the temples were famishing and that nobody attended to them. If he

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had gone around Tamil Nāḍ, he would have seen how much renovation work has been done, of course, with the enthusiastic support of people who contributed liberally to it. Of course, all that was possible because of the guidance given by the Endowment Board, the active assistance given by the department. Sir, the other day I was in Madurai. The hon. Member Sri P. T. Rajan took considerable interest in the work and he was the president of the Renovation Committee. That is the birth-place of Manickavachakar, the great poet. The temple there was very old and it was renovated at a cost of Rs. 1 lakh. The Kumbabishekam of that temple was performed and large crowds attended the Kumbabishekam. About 5,000 people attended and they were all made to sit on the floor and they were all fed. That was done in Madurai the other day. Such things are being done elsewhere also.

Sir, about the appointment of the trustees, it was said by some hon. Members that we should have nothing to do with it. That was the fundamental advice given by some hon. Members. In the case of only a few temples, we have these hereditary trustees. There are a large number of temples where there are no hereditary trustees. What happens is, they fight with each other and measure their strength and establish themselves. But who is to take care of the temple? Somebody must appoint trustees if a hereditary trustee misbehaves. And Government have taken power for that. I have with me cases of gross misbehaviour of hereditary trustees. They do not look to the interest of the temples. They look to their own interest. I do not say every one of them is misbehaving. A large number of them do well with care, devotion and efficiency. But there are a few who do not behave well. After all, any punitive law is intended for a small number of bad people and not for the large number of good people.

The hon. the Deputy Leader of the Opposition said: "Why do you do all that? Leave it to the 'Samookam'." The word 'Samookam' is quite all right. But I should remind him that the legislation is for the benefit of the 'samookam', the community. When we bring in such a legislation, it is not intended for the benefit of the Government: it is for the benefit of the pious people, people who believe in temples. Unlike the hon. Member Sri V. V. Ramaswami, we believe in temples, we have faith in temples individually, but as Government, we have no personal interest. As a Government, we do it on behalf of the worshipping public and community, in order to do our duty and in order to discharge our responsibility as a Government to the worshipping people. They are subjects of the State and it is only on their behalf, even as a secular State that we undertake legislation of this sort.

Then, Sir, the hon. the Deputy Leader of the Opposition said that the powers of the trustees had been reduced and the powers of the executive officers increased. It is not so. So far as this Bill is concerned, I do not think there are any new provisions introduced which reduce the powers of the trustees which were enjoyed under the 1951 Act. But, Sir, if trustees do misbehave, there must be adequate provision to check that. I know there is a very

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important temple adored by all the four Tamil sains, Saivaite saints. The trustee of that temple was interested only in knocking away the 'hundi', and also in taking away the gold portion of the kalasams. When it was found he was doing all that, it was difficult to take action against him. But the question is asked "Why interfere with the 'dittam' and the internal autonomy of the temples?" I know a case where the renovation work was done at a cost of thirty to forty thousand rupees. The trustee of the temple who happened to be a fadathipathi and also the hereditary trustee of a temple wanted Rs. 50,000 for Kumbabishekam. He wanted that he should be allowed to do it without check. When only Rs. 30 to 40 thousands were spent on the renovation work, is it not the duty of the Commissioner to ask why the trustee should require Rs. 50,000 to perform the Kumbabishekam? The trustee wants Rs. 50,000 because there is some personal interest. If he had that much his adherents would have some adequate presents. Are these not matters for the Commissioner to look into? Otherwise, they may change the 'dittam' as they please. As I said the other day, there are cases where trustees in fixing up the 'dittam' allowed Rs. 5,000 for a festival and invited a cinema star and spent Rs. 3,000 for that. Should we allow such expenditure? Are these not things which should be checked in the interest of the temples and in the interest of the large number of the pious worshipping public?

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Sir, the hon. Member from Tiruvannamalai, who is not here now and who is absolutely misinformed, referred to his own temple, Annamalai temple, and said that there was a scuffle between the executive officer and the trustee because the executive officer without consulting the trustee arranged to sell a land belonging to the temple. He also said that the trustee asked the executive officer, 'How did you do it without consulting me?' and that the executive officer replied, 'Who are you to ask me and I have got power', and that, therefore, the trustee resigned. It is not true. The land in question had not yielded anything and only people had encroached upon it and begun to enjoy. Therefore, the Board of Trustees passed a unanimous resolution to sell the land belonging to the temple in the Madras City. That was approved by the Commissioner. Then, in order to implement it, some registration had to be done. Therefore, the Commissioner asked the executive officer to go over to Madras and sign the relevant document. So, the executive officer went to Madras and came back. The trustee asked him, 'How did you go?'. The executive officer said: 'You have passed the resolution and I have to carry it out and the Commissioner also asked me to go over to Madras and I went. If you want me to apologise, I would apologise'. The trustee said, 'No, no, it is wrong, and then resigned. Then, who is responsible? The trustee thinks too much of himself.

Sir, regarding the relationship between trustees and executive officers, that is a matter to be settled. There are bad trustees and bad executive officers. But I cannot agree that officers who have no faith in temples and temple worship are appointed. Due care is taken in appointing these officers.

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Then, with regard to the appointment of officers for the administration of religious institutions, the hon. Member Sri P. T. Kajan referred to the need for having a separate Judicial Commissioner. Sir, the set-up of the Act has to be understood. Under the set-up, instead of taking it to Courts, the Commissioner decides the judicial question. He is also in charge of administration. But, Sir, care is taken to appoint even Assistant Commissioners from the judicial ranks. In the case of the Deputy Commissioner, it is definitely so. There may be a relaxation of rules for valid reasons. We want to see that the Deputy Commissioner is drafted from the judicial ranks—a Sub-Judge. So, the Commissioner or the Deputy Commissioner must be a judicial officer. Sir, it is my view that ultimately it would be best if the Commissioner himself happens to be one drafted from the judicial ranks—District Judge. If the Commissioner does not come from the judicial ranks, at least one of the Deputy Commissioners should be a judicial officer and that is what is provided in this Bill. Then, Sir, about these appointments, there is no question of patronage, to which reference has been made by hon. Members. Whether they are Assistant Commissioners or Deputy Commissioner or Commissioner, they are appointed on the recommendation of the Public Service Commission. In the case of a judicial officer appointed recently as one of the Deputy Commissioners, we first asked the High Court to suggest a panel of names and that panel of names was sent to the Service Commission. The name of the person who was marked first by the Public Service Commission was selected although he was only from the judicial ranks.

Then, Sir, about the appointment of committees, there is no question of patronage. We would like to avoid even this kind of nomination by the Government but it cannot be done by election. We have to take persons who are not only genuinely interested in the temple but who also know something about these temples. The best way to do that is by nomination. So far as trustees are concerned, the Government have nothing to do with them. They are appointed by the Commissioner or the Deputy Commissioner or the Area Committee. The Area Committee members are nominated by the Government. I can give this assurance to hon. Members that they do not take into account the party politics of the person concerned, but they do take into account whether they are genuinely interested in temples and whether they would be effective members of the Area Committee or the Board of Trustees.

Then, Sir, the hon. Member Sri Krishnamoorthy said that we should not touch maths. I have already pointed out that there are cases of gross abuses by maths and I could assure hon. Members that there are adequate provisions even under the revised Bill to effectively check such abuses and take such other action as would be felt necessary.

Then, Sir, the hon. the Leader of the Opposition said that it was a matter of humiliation to him that we should have undertaken this legislation for the Hindu religious endowments. I am unable

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to understand his sense of humiliation. We undertake legislation for the Hindu religious endowments because we are interested very much in the proper administration of these endowments. Then, how is it a matter of humiliation? He also asked me whether I could dare undertake legislation in the case of Muslims or Christians. The Muslim Wakf Act has already been passed by Parliament and that is being administered in the State. Sir, it must be a matter for pride, so far as Hindus are concerned, that we have taken adequate steps to undertake this legislation in order that these institutions may be properly and effectively managed in accordance with the noble objectives of the original founders of these institutions.

Then, Sir, some hon. Members suggested that we might do this or that when we framed rules. This Bill has been subjected to very careful scrutiny in the Joint Select Committee and several changes have been made and, of course, rules will be framed in accordance with the provisions of this Bill.

Sir, I once again express my sense of appreciation and gratitude for the general support that hon. Members gave to this Bill.

MR. CHAIRMAN : The question is—

‘That the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

The motion was put and carried.

MR. CHAIRMAN : The House will now rise for lunch and meet again in the afternoon at 3 o'clock.

The House then rose.

(After lunch—3 p.m.)

MR. CHAIRMAN : We will now take the Hindu Religious and Charitable Endowments Bill, clause by clause. There are no amendments to clauses 2 and 3.

Clauses 2 and 3 were put and carried.

Clause 4.

MR. CHAIRMAN : The motion is—

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

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

“In the proviso to clause 4, for the words ‘the person affected’, substitute the following words ‘the person likely to be affected.’”

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Sir, clause 4 deals with exemptions to be granted to certain religious institutions from certain provisions of the Act. Before sanctioning such an exemption, the provision says that notice should be given to the persons 'affected'. At this stage nobody is affected; in the pre-enactment stage nobody is said to be affected. It is only in the post-enactment stage or after the legislation has been passed and it has become law that we can say that certain persons are 'affected by the Act'. In the pre-enactment stage, persons are only 'likely to be affected'. Here it is said that notice has to be given to the persons affected; that is the expression used. On the other hand, the proper expression to be used is that notice should be given to persons 'likely to be affected' by the exemption. Hence it is that I have moved my amendment.

SRI T. PURUSHOTHAM: Sir, I second the amendment.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, person affected means person likely to be affected. This is not an essay. This is a statute and the draft should be brief and precise. Therefore, there is no need to change the wording and so, the amendment is not necessary.

The amendment was, by leave, withdrawn

Clause 4 was put and carried.

Clause 5 was put and carried.

Clause 6.

MR. CHAIRMAN: The motion is—

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

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

"In item (2) to clause 6, for the words 'constituted under this Act and exercising powers and discharging duties', substitute the following words, 'constituted under this Act to exercise powers and discharge duties'."

Here, it says that a committee shall be called an Area Committee, only when it has been exercising powers and discharging duties. A committee is constituted to function in a particular way and there may be some time intervening between its constitution and its beginning to function. The wording in the Bill seems as though the name 'Area Committee' could be given to that committee only after it begins to function. It is something like what seems to have been said in the Manu Smruthi which says that a boy born of a Brahmin will not be called a Brahmin, till he is initiated into the Vedas by the ceremony of Upanayanam. The wording in the Bill suggests something like that. Judging from the wording in the Bill, when the committee is constituted, it will

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not have the name 'Area Committee', but only when it is functioning, it will be called an Area Committee. The expression used here is that the Area Committee is one which has been constituted duly and is discharging certain duties and exercising certain powers provided under this Act. On the other hand, the committee is called an Area Committee even from the moment when it is constituted to exercise certain powers and discharge certain duties. I think that to give it the name 'Area Committee' only when it begins to discharge duties and exercise powers is not the intention of the Government and hence to bring out their intention correctly, I have moved the amendment.

For instance, there is the appointment of the executive officer. The executive officer is appointed under a particular section to perform certain duties. There it is worded all right. We cannot say that an executive officer will be eligible to be called an executive officer only when he begins to function as an executive officer. When once he has been designated to a particular office to perform certain functions mentioned in the Bill, he begins to be called by that designation. In the same way, the Area Committee begins to assume that name the moment it is constituted, even though sometime may elapse between its constitution and its functioning.

SRI T. PURUSHOTHAM: I second the amendment, Sir.

SRI V. V. RAMASWAMI: Sir, may I know from the hon. Member whether I can be initiated into the Vedas and thus made a Brahmin?

* SRI P. S. KRISHNASWAMY AYYANGAR: I am not conversant with that portion of law. What is happening I referred to.

THE HON. SRI M. BHAKTAVATSALAM: The definition of 'Area Committee' in the previous Act is amplified in this Bill. The definition as it is, is quite all right and there is no need for any change.

The amendment was, by leave, withdrawn.

Clause 6 was put and carried.

Clause 7.

MR. CHAIRMAN: The motion is—

"That clause 7 do stand part of the Bill."

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

"After sub-clause (6) to clause 7, add the following as new sub-clause (7):—

'(7) The Government shall be guided by the recommendation made by the Committee'."

Sir, the Hon. Minister has kindly agreed to the suggestion that an Advisory Committee may be appointed and he has also stated that the matters referred to it might be discussed by the committee,

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and that it may also be prescribed that other matters may also be referred to the committee. When such is the case, if there are decisions arrived at by the committee, it is fair that the Government should be guided by them. I am not saying that Government shall be directed, but I only say that the Government shall be guided by the recommendations of the committee. The Hon. Minister is the Chairman of the committee. Supposing as Government, he refers a matter to the Advisory Committee and it goes into the whole matter and then gives its advice, it is better that he (Minister) is guided by it. It is therefore that I have made bold to move this amendment, though I know very well that it is very difficult for them to return the Bill to the Assembly. (The Hon. Sri M. Bhaktavatsalam : No, no. Still, I feel that the Government shall be guided.) (Sri P. T. Rajan : Is it mandatory?) (Sri V. V. Ramaswami : மனதில் வைத்துக்கொள்ளவேண்டும் என்பது ம திரி அர்த்தம்.) In this case, he himself refers the matter to the committee and he is the Chairman of it. Therefore, when the committee gives an advice, I say, he shall be guided by that. That is the proper thing to do. That will give the Advisory Committee a status and the Hon. Minister also will get a great deal of support in the administration of these things. There are twelve members appointed by them for the purpose of taking interest in these matters and most of them may be experts. That being the case, no harm will occur to any Government by giving that kind of status to the Advisory Committee. Otherwise, it will be very, very (Sri P. T. Rajan : innocuous!) no, I will not say innocuous, a very very, neuter gender Advisory Committee.

SRI T. PURUSHOTHAM : I second the amendment, Sir.

8-10
p.m.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, even without a corresponding provision in the existing Act, the hon. the Deputy Leader of the Opposition is aware personally that there is an Advisory Committee that has been constituted and that it is functioning. The hon. Member is a member of that Committee and he will agree with me that there has been no occasion to feel that Government do not care for the advice that may be tendered by this committee.

SRI K. BALASUBRAMANYA AYYAR : I am happy to say that I have had no occasion to feel like that, Sir.

* THE HON. SRI M. BHAKTAVATSALAM : After all, even without any obligation on the part of the Government just like a statutory provision that is proposed in the Bill, Government had constituted a committee. Government put hon. Members like the Deputy Leader of the Opposition to guide us in the matter of the administration of the endowments. If we ourselves voluntarily constitute a committee, seek the guidance of non-officials like hon. Members, it is not with a view to discard all advice. Therefore, if there is a consultative committee, Government should normally be expected to take advantage of its advice. But sometimes it may happen that it will not be practicable to accept a

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particular or specific advice. Therefore, the hon. the Deputy Leader of the Opposition would only say 'shall be guided generally'. What is the meaning of 'guidance'? It may have to be decided only by a Court as to what extent provided in the Statute, Government have accepted the guidance or have not accepted it. There is no use of putting in a Statute such vague terms as 'normally be guided' and 'generally be guided', etc. Government will certainly be guided to the extent to which it is possible. If there is any decision that cannot be practically undertaken, I would tell the hon. Member in such cases the matter will again be placed before the committee. Government are quite anxious to take the advice of the members of the committee and take their guidance in the matter of administration. Therefore, I would suggest to the hon. Member not to press his amendment.

The amendment of Sri K. Balasubramanya Ayyar was, by leave, withdrawn.

Clause 7 was put and carried.

Clause 8.

MR. CHAIRMAN : The motion is—

"That clause 8 do stand part of the Bill."

* SRI P. T. RAJAN : Sir, I move the following amendment :—
"In clause 8, items (b), (c) and (d) shall be relettered as items (c), (d) and (e) respectively and before item (c) so relettered, insert the following as new item (b), "(b) the Judicial Commissioner".

Sir, there is no need for me to explain my amendment in view of the fact that I have made my position clear, viz., that complicated matters involving questions of a judicial or semi-judicial character be dealt with by the Judicial Commissioner.

SRI K. BALASUBRAMANYA AYYAR : While seconding the amendment, I want to say a few words, Sir. The Hon. Minister was prepared to accept that one of the Deputy Commissioners might be a judicial officer. It may happen that the Commissioner himself is a judicial officer. There are provisions to that effect in the Bill. But the amendment of the hon. Member Sri P. T. Rajan is that there must be a person called a Judicial Commissioner and that there must be a separation of the functions of the Executive Commissioner and the Judicial Commissioner, as we have it in other departments. Otherwise, there is this difficulty. In some cases the matter becomes quasi-judicial and the Commissioner has to judge and decide matters upon which he has himself passed previously certain preliminary orders. On most occasions it may be all right. But there are occasions when he may have to prejudge. It is a general principle of law that a person who is himself a prosecutor or a party should not judge that particular matter. It is on a question of principle that the hon. Member

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has moved his amendment. Otherwise, there is also a provision in the Bill and the Minister has accepted it. The Commissioner may be a judicial officer and one of the Deputy Commissioners may also be a judicial officer who will try cases. I think that there is some good reason behind the amendment of the hon. Member, and he wants to enunciate a general principle of law.

* THE HON. SRI M. BHAKTAVATSALAM: I referred to this point when I replied to the debate this morning. But the hon. Member who moved the amendment was not present. So, I would like to repeat what I said. His suggestion goes against the very spirit or rather the very pattern of administration that is provided for in this Bill and in the old Act of 1951. Rather than having a separate Judicial Commissioner and separating the administrative functions as such from the functions of the Judicial Commissioner, we can leave it to the Courts. The Courts can deal with the framing of the schemes and so many other things, as it is. There need not be any Endowments Board to decide these questions. That is not the pattern that is provided for in this Act.

Further, there is an advantage in a Commissioner who is attending to the administrative affairs deciding also judicial questions that arise out of them. The decisions by an independent Judicial Commissioner who has no background of administrative circumstances would have no relationship to the requirements of the administration. Therefore, it is provided that the Commissioner or the Deputy Commissioner would attend to both the administrative work and the judicial work. Sir, I mentioned this morning that not only Commissioners and Deputy Commissioners, but also Assistant Commissioners were normally required to be legally qualified persons. There may be relaxation of rules for certain valid reasons. While appointing even Assistant Commissioners, generally persons with legal qualifications are employed. Now, it is provided in this Bill that either the Commissioner or the Deputy Commissioner should be a judicial officer. To-day there is a Deputy Commissioner who has been taken from the judicial ranks. But it is my own preference that the Commissioner himself may be a judicial officer of the rank of a District Judge, and in that case it is not necessary that one of the Deputy Commissioners should be a judicial officer. That is why it has been provided like that in the Bill that either the Commissioner or the Deputy Commissioner should be a judicial officer. Sir, the suggestion of having an independent Judicial Commissioner goes against the very spirit of these provisions and, therefore, I am sorry I am unable to accept the amendment of the hon. Member Sri P. T. Rajan.

* SRI P. T. RAJAN: I am not pressing my amendment, Sir. After all, the set-up of any institution or any Board will be to deal with day-to-day administration. Problems which are of a complicated character can be dealt with only by a man who has got judicial training and experience. Not that by my amendment I

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want the Hon. Minister to go against the set-up of the present Board. There are certain complicated matters which can only be dealt with by a trained judicial officer and so, the appointment of a Judicial Commissioner would certainly be an advantage to deal with such matters of a complicated nature. But if the Hon. Minister is not going to accept my amendment, I am not going to press the matter. I want to express what I feel in the matter and leave it to the Hon. Minister to do what he likes.

The amendment of Sri P. T. Rajan 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.”

3-20
p.m.

SRI P. T. RAJAN: Sir, my amendments are consequential amendments. When a Judicial Commissioner is not appointed, all these things are of no use. Therefore, I am not moving my amendments.

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

“After item (c) of sub-cause (2) to clause 9, add the following as new item (d):—

‘(d) The State Public Service Commission shall be consulted by the Government before the officers mentioned in sub-clause (2) (a), (b) and (c) and section 45 are appointed by the Government.’”

SRI L. S. KARAYALAR: I second the amendment.

* THE HON. SRI M. BHAKTAVATSALAM: There are many Acts under which officers are appointed. It is not provided that appointments of officers shall be made with the previous consultation or approval of the Public Service Commission. Still, Sir, the Public Service Commission have given their opinion with reference to so many appointments made by the Government. Then, Sir, about this, I mentioned this morning (the hon. the Deputy Leader of the opposition was not here then) that not only the Commissioner and the Deputy Commissioner but also the Assistant Commissioners were appointed only after previous consultation with the Public Service Commission. The Public Service Commission are asked to give their approval. We generally accept all their suggestions.

Then, Sir, the position to-day about the Deputy Commissioner is this. He is taken from the judicial ranks. A Sub-Judge or District Magistrate is also appointed. Even about them I will explain the procedure followed. The Government tell the High Court that they would like to have a panel of judicial men. The High Court sends a panel. This is sent to the Public Service

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Commission. The Public Service Commission give approval to the list and they indicate the order of priority as 1, 2, 3 and so on. The Government take the person that is marked 1 by the Public Service Commission from out of the penal that was submitted by the High Court.

Even the appointments to the Endowments Board are made in consultation with the Public Service Commission. Therefore, there is no need for the amendment.

The hon. the Deputy Leader of the Opposition also referred to the appointment of executive officers. The executive officers are not appointed by the Government. They are appointed by the Commissioner or the Deputy Commissioner. Even there they prepare a list of qualified persons. They give training. They make selection. It is not practicable to have the appointments of the executive officers of temples made by the Government. They are paid from the temple funds. It is done by the Commissioner and not by the Government. It is not practicable to agree to the suggestion that the appointment of executive officers also should be made in consultation with the Public Service Commission.

* SRI T. PURUSHOTHAM: On a point of clarification, Sir. The fact that the executive officers are to be Government Officers according to the new Bill will itself show that they should come under the purview of the Public Service Commission, unless this particular item is excluded from the purview of the Public Service Commission. So, I believe naturally the appointments of executive officers will come under the purview of the Public Service Commission.

THE HON. SRI M. BHAKTAVATSALAM: My objection is to provide for it statutorily.

* SRI P. T. RAJAN: On a point of information, Sir. The Hon. Minister explained the procedure about the appointment of Deputy Commissioner. May I ask why a list should be called for from the High Court? It is only a question of transfer from one department to another department. There is no need to consult the Public Service Commission. It is meaningless.

THE HON. SRI M. BHAKTAVATSALAM: Even in such cases of transfer, we consult the Public Service Commission. Therefore, in the matter of direct recruitment, certainly we are guided by the Public Service Commission.

MR. CHAIRMAN: The question is—

“After item (c) of sub-clause (2) to clause 9, add the following as new item (d):—

“(d) The State Public Service Commission shall be consulted by the Government before the officers mentioned in sub-clause (2) (a), (b) and (c) and section 45 are appointed by the Government.”

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The amendment was put and lost.

Clause 9 was put and carried.

Clauses 10 to 12 were put and carried.

Clause 13.

MR. CHAIRMAN: The motion is—

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

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

“In sub-clause (1) to clause 13, for the words ‘each Deputy Commissioner if there is more than one,’ substitute the words, ‘a Deputy Commissioner.’”

This clause deals with the delegation of powers to the Deputy Commissioner. It is the Government that appoint the Deputy Commissioner. The Government may appoint one Deputy Commissioner or a number of Deputy Commissioners. The provision in the Bill as it is says that when more than one Deputy Commissioner is appointed, the Commissioner will have the authority to specify the area of jurisdiction of each Deputy Commissioner. On the other hand, when only one Deputy Commissioner is appointed, the Commissioner may very well say that he will have jurisdiction over the entire State area. Therefore, whether one Deputy Commissioner is appointed, or more than one Deputy Commissioner is appointed, it is the Commissioner that has got to fix the area of jurisdiction. Therefore, instead of saying that the Commissioner will have authority to fix the area of jurisdiction, only when more than one Deputy Commissioner is appointed, I say that it should be that the Commissioner will have authority to fix the area of jurisdiction of any Deputy Commissioner appointed to function as Deputy Commissioner. He should have the authority to fix the area of jurisdiction of the Deputy Commissioner whether he is the sole Deputy Commissioner for the whole State or whether he is one of two or more Deputy Commissioners appointed in the State. Therefore, I suggest the amendment that in the place of ‘each Deputy Commissioner if there is more than one,’ the words ‘a Deputy Commissioner’ be substituted.

SRI T. PURUSHOTHAM: I second the amendment.

THE HON. SRI M. BHAKTAVATSALAM: Sir, the expression in the clause, as it is, is all right. I would submit it conveys the meaning very clearly. Therefore, I submit that there is no need for the amendment.

The amendment was, by leave, withdrawn.

Clause 13 was put and carried.

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Clause 14.

MR. CHAIRMAN : The motion is—

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

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

“ Add the following at the end of the proviso to sub-clause (2) to clause 14 :—

‘ or direct the Deputy Commissioner concerned to exercise such power or discharge such duty.’ ”

The amendment was duly seconded.

3-30 p.m. * SRI P. S. KRISHNASWAMY AYYANGAR : The clause in the Bill says that the Commissioner can withdraw some of the functions from the Assistant Commissioner and discharge those functions himself. We know that there is a Commissioner and also a Deputy Commissioner. Powers have been given to the Commissioner to delegate some of his functions to the Deputy Commissioner. It is proper to relieve the Commissioner of a portion of the burden that he has to bear. The authority to direct the Deputy Commissioner under him to discharge some of the functions withdrawn from the Assistant Commissioner should also be given to him. The clause says that when the functions are taken away or withdrawn from the Assistant Commissioner, the Commissioner will discharge them himself. But he may have one or two Deputies to give him some relief. He should have powers to delegate some of the functions withdrawn from an Assistant Commissioner to a Deputy Commissioner who functions between the Assistant Commissioner and the Commissioner. Therefore, it is that I say that he may withdraw some of the functions from the Assistant Commissioner and discharge them himself or he may direct the Deputy Commissioner to discharge such functions. It is to this effect that I have moved my amendment.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, in sub-clause (2) of clause 13, there is provision for delegation of powers by the Commissioner to the Deputy Commissioner or any other officer. Sub-clause (1) states that whenever a Commissioner feels like that, he can exercise the powers of his Assistants. If powers are to be delegated, there is provision for that in sub-clause (2). Therefore, there is no need for this amendment.

The amendment of Sri P. S. Krishnaswamy Ayyangar was, by leave, withdrawn.

Clause 14 was put and carried.

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Clause 15.

MR. CHAIRMAN : The motion is—

“ That clause 15 do stand part of the Bill.”

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

“ In the proviso to sub-clause (1) of clause 15, after the words ‘ shall communicate to the Commissioner’ and before the words ‘ and the Area Committee concerned, insert the following words, ‘ the concerned Deputy Commissioner and Assistant Commissioner.’ ”

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, the Government may sometimes think of abolishing an Area Committee or may think of altering the strength of the Area Committee. In that case, the provision in the Bill says that previous notice will be given to the Commissioner and the Area Committee. But between the Commissioner and the Area Committee, there are two more functionaries—two officials—the Deputy Commissioner and the Assistant Commissioner. They are also interested in the working of the Area Committees. So, when an Area Committee is sought to be abolished, they should also have notice of the intention of the Government. Therefore, I say that instead of giving notice only to the Commissioner and the Area Committee concerned, notice should be given also to the Deputy Commissioner and the Assistant Commissioner concerned, and that the opinion of all of them should be ascertained. After hearing the objections of these officials, if a decision is arrived at, that will be a broad-based measure, and there will be greater opportunities of proper justice being rendered under such circumstances. Instead of this, the provision in the Bill says that the Government may proceed on the opinion of the Commissioner alone or the Area Committee alone. There are two more officers in between they should also be consulted. It is to this effect that I move my amendment.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, the Deputy Commissioner and the Assistant Commissioner are not officers exercising functions independent of the Commissioner. They are subordinates of the Commissioner. If notice is issued to the Commissioner, and he finds it necessary, he will consult the Deputy Commissioner and the Assistant Commissioner. The Commissioner is going to communicate to his Deputy and Assistant Commissioners and such other subordinates as they may have. Therefore, I do not accept this amendment.

The amendment was, by leave, withdrawn.

Clause 15 was put and carried.

Clauses 16 to 23 were put and carried.

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Clause 24.

MR. CHAIRMAN : The motion is—
‘That clause 24 do stand part of the Bill.’

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

‘After sub-clause (6) to clause 24, add the following as new sub-clause (7) :—

“(7) Nothing in this section shall apply to a Mutt or to a specific endowment attached to a Mutt”.

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

SRI K. BALASUBRAMANYA AYYAR : Sir, this clause is a very difficult clause. It has got a long history behind it. I do not know whether Members will be inclined to think over the matter.

SRI T. PURUSHOTHAM : The hon. Member Sri Mohamed Raza Khan is seconding the amendment of Sri K. Balasubramanya Ayyar, Sir.

SRI MOHAMED RAZA KHAN : Why not? Every Member has got the right to second an amendment. The fact that I am a Muslim does not mean that I have no right to second the amendment.

MR. CHAIRMAN : The hon. Member has got every right to second the amendment of Sri K. Balasubramanya Ayyar.

SRI K. BALASUBRAMANYA AYYAR : Sir, this clause deals with the power of entry into temples and maths. So far as this is concerned, of course, there is the general provision that no one except a Hindu can enter, even if he is a police officer, into a Hindu temple. Then, there is the other provision which says whether they could enter particular portions of temples, and whether they could enter at any time. These are all the various matters contained in section 21 of the 1951 Act. Without any limitations, they generally said that the power of entry was given. I believe there was misapprehension also. Slowly there was some serious thing taking place in the use of the power of entry. We must remember that it is dealing with a civil right. If it is a criminal matter, certainly we complain to the police and the police take cognizance of it. The Criminal Procedure Code will govern the procedure. If the officer has a suspicion that something wrong is taking place or that the accounts are fudged or fabricated, he may enter and inspect the accounts. The question is whether he has got the right to enter, considering the various rights given to other persons. It is a question of conflict of rights. It is not a question of rights against each other. Therefore, the original section 21 went up to the Supreme Court. They said that without any limitation of the time and also the place, the men cannot have

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that power in the case of maths. This is the decision given by the Supreme Court in the case of a math. There was the amendment then. They introduced notice to be practically guided by the usage and the custom of the temple. This again went up to the High Court, and in the judgment of 1956 (Madras Law Journal 1956), the High Court went into the question. They said that even in a case where reasonable notice was provided, in the case of a math, it was quite a different thing. In the case of a temple, it might be all right. But in the case of the math, it was different, and the math was a denominational institution, and the whole math belonged to the madathipathi. Any person who went there could not as of right get into the math unless permitted by the madathipathi himself. That is the decision of the High Court. Therefore, he has no right to enter. When this is the case even in regard to the question of notice, the question of determining the places and all that does not arise. Therefore it is that so far as our maths are concerned, this section 21 has not to be applied. It is purely a question of right decision by Courts. Therefore it is I am placing this matter before this House. It is not raised here. The Government might say, ‘No, no; it does not affect the rights of parties here’. I made an appeal at the Select Committee stage and the Hon. Minister said that he would look into the matter. This also will be found in the report. This can be looked into, and when rules are framed, the Government may kindly bear this in mind.

SRI M. SESHACHALARIAR : Why give up the rights of temples?

SRI K. BALASUBRAMANYA AYYAR : I am not giving up the rights of temples. But so far as the decisions of the Court are concerned, we have to give them effect. Otherwise, there will be litigation, and it will cause unnecessary trouble. This does not affect the rights of parties, so far as the fundamental rights are concerned. I am merely stating that while framing the rules, the Government might make the position clear. For the present, I shall be satisfied so far as this legislation is concerned. If it had been done at the Select Committee stage, it might have been all right. But having proceeded so far, I do not want that we should on this particular question vote and go back. I would rest content if the Minister would look into it and see whether any particular rules can be framed so that the question of litigation arising on this particular matter is not there.

* SRI G. KRISHNAMOORTHY : Sir, I strongly support the amendment. Unless a provision by way of an amendment like this is made, maths will be treated on a par with temples. So far as entry into the sacred precincts is concerned, the very fact of not providing any exemption for maths goes to show that the Government are bent upon treating maths on a par with temples. The section is really not in consonance with the reverence with which the heads of maths are held. So, I would humbly implore the

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Hon. Minister to just see that the reverence with which they are treated is maintained and that a provision, especially like the one suggested in the amendment of the hon. Member Sri Balasubramanya Ayyar, is included.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, I have to tell the hon. Member that he was not present in the morning. I do have reverence and I bow my head to certain maths. But I have to hang down my head in shame with reference to certain other maths. I am unable to have the same reverence with reference to any math. That is my difficulty. Perhaps the hon. Member is not aware of the various types of maths we are having.

This was fully discussed in the Joint Select Committee. After the hon. the Deputy Leader of the Opposition raised the question at the last meeting of the Joint Select Committee and after he had given notice of this amendment, this was again gone into. There is a decision about the Shirur math by the Supreme Court. That refers to a math and not a temple and we have taken into account all the decisions, the decisions of the Supreme Court, and then drafted the clause accordingly.

Then, Sir, there are the words "shall have due regard to the religious practice or usage of the institution", and the provision about giving notice is quite clear. Therefore, I am sorry I am unable to accept this amendment and I submit that this amendment is not necessary.

The amendment of Sri Balasubramanya Ayyar was, by leave, withdrawn.

Clause 24 was put and carried.

Clause 25.

MR. CHAIRMAN: The motion is—

"That clause 25 do stand part of the Bill."

* SRI V. V. RAMASWAMI: In clause 25 at the end the expression "in the case of a math, act in conformity with the usage of the math in his dealing with the head of the math" occurs. I do not know what the expression 'usages of the math' means. I hear that even High Court Judges or even Ministers, if they enter the maths, have to prostrate before the head of the math. I want to know whether this is included in the 'usages', and whether anybody who enters the math has to prostrate before the head of the math.

* THE HON. SRI M. BHAKTAVATSALAM: I may tell the hon. Member that I have had occasions to visit maths and heads of maths without prostrating. The word "usages" refers to the practices that are prevailing within the math.

Clause 25 was put and carried.

Clauses 26 to 28 were put and carried.

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Clause 29.

MR. CHAIRMAN: The motion is—

"That clause 29 do stand part of the Bill."

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

"In sub-clause (2)—

(i) in line 3, after the words 'a math' and before the words 'through the Area Committee', insert the words 'and'.

(ii) in line 4, for the words 'in case the institution is one in respect of which', substitute the words 'in the case of an institution in respect of which'."

Sir, this is warranted because of the need to make the clause happier. Clause 29, sub-clause (2), has rather an uncouth sentence because the co-ordinating conjunction does not actually unite co-ordinate things. There it occurs like this: "in the case of a math through the Area Committee", "in case the institution is one in respect of which the Area Committee exercises powers and discharges duties", and "through the Assistant Commissioner in other cases". I want that the co-ordinating conjunction should unite only co-ordinate things. Therefore, I have moved this amendment so as to bring the sentence in the shape of "in the case of", "in the case of", etc.

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

* THE HON. SRI M. BHAKTAVATSALAM: I would like to submit that this sub-clause (2) contemplates three cases. In the case of maths, the register will have to be submitted to the Commissioner directly. In the case of institutions subject to the jurisdiction of an Area Committee, the register will have to be submitted through the Area Committee concerned. In other cases, the register will have to be submitted to the Commissioner through the Assistant Commissioner. Therefore hon. Members will see that the sub-clause, as it is, is quite all right and there is no doubt or ambiguity about it.

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

DR. A. CHIDAMBARANATHAN: I am pressing it, Sir.

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

"In sub-clause (2)—

(i) in line 3, after the words "a math" and before the words "through the Area Committee", insert the word "and".

(ii) in line 4, for the words "in case the institution is one in respect of which", substitute the words "in the case of an institution in respect of which".

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The amendment was put and lost.

Clause 29 was put and carried.

Clauses 30 to 46 were put and carried.

Clause 47.

MR. CHAIRMAN : The motion is—

‘ That clause 47 do stand part of the Bill.’

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

“ In clause 47—

(i) for the word “ Commissioner ” wherever it occurs, substitute the following words ‘ Court having jurisdiction over the area in which the religious institution is situated ’; and

(ii) omit the proviso to sub-clause (4).”

Sir, as I observed this morning, nominations to these temples were made by the Courts in those days in accordance with the schemes settled by the Courts themselves. Subsequent to the Act coming into force, these nominations had to be made by appropriate authorities. I was under the impression that these nominations were made by the Government. I see that I made a mistake. I see that these nominations are made by the Commissioner. I consider these nominations as a matter of patronage in the hands of the Minister. I shall be glad to accept that. The heads of departments should not be given patronage of this kind because they will get into trouble. The Minister can get into trouble. He can defend himself. He can do many things. But it is not necessary to drag the head of the department into any controversy. As I said, there is a school of thought which has no faith in the judiciary. There is a school of thought which wants to eschew Courts as far as possible. Though belonging to the old school, I have complete faith in the judiciary and the rule of law. If the Hon. Minister is not willing to allow the Courts to deal with these nominations, I would very much prefer the Minister himself takes it in his hands and makes these appointments. As I said, in making these nominations there is a good deal of controversy. It is in the interest of the administration itself that the head of the department should not be dragged in. The case of the Minister is different. His actions are open to criticism in the Legislature. I suggest that for the word “ Commissioner ”, the words “ Court having jurisdiction over the area in which the religious institution is situated ” be substituted. Naturally that is accepted. The proviso to sub-clause (4) also ceases to exist. The Hon. Minister would say that he is not going to accept it. He need not accept my amendment, namely, that the Court should make the nominations. Let the Government make the nominations in the alternative.

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

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* SRI T. PURUSHOTHAM : Sir, I oppose this amendment. The amendment as it stands says that the powers should be given to the Courts for appointment of trustees of the temples. But I am one with my respected Friend Sri P. T. Rajan that the Government should have the power rather than the head of the department. I have proposed that in another place. I should have welcomed if the Government had the power themselves, I mean the appointment of trustees. Then, the criticism of Friends opposite would be that the Government are taking up all this power for the sake of patronage and for the sake of helping Party people. To avoid all that, it is better that we have the provision as it is and it is in that spirit that I oppose the proposal of my hon. Friend.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, if this amendment is accepted, it will go against the very pattern of administration that has been provided in this Bill. Sir, the Commissioner takes the place of the Courts regarding framing of schemes, appointment of trustees and all that. It is a comprehensive pattern of administration of the endowments. With all my respect for the Judiciary, I would not like to burden the Judiciary with these kinds of appointments of trustees for the various temples. For this purpose, the Courts should have to set apart a day, advertise the posts, call for applications, and get lawyers to argue about the relative merits of the various candidates who have applied—all these may be good for the lawyers, with due deference to whom I say this—and then the Courts will have to give their judgment as to who, in their opinion, are the fittest persons to be appointed as trustees for the particular temples. Sir, in my opinion, the Courts should not be burdened with this kind of work. Hon. Members are perhaps quite well aware that all this would mean very considerable delay in the appointment of trustees. After all, the Commissioner is the corporation sole, he is the institution. It is the Commissioner that is to see to the aptitude of the persons who applying for trusteeship and select the best person, the most suitable among those who have applied for appointment as trustee. I would not like the Government to exercise this. Sir, the appointment of trustees should not at all be viewed in a sense of exercising patronage. I am quite clear that there should not be any patronage in the matter of appointment of trustees. People who are competent to be trustees, who have an interest in religious matters, who are efficient and who can manage these institutions will have to be selected for appointment as trustees. Therefore it is I say that the Commissioner should exercise this right. For this reason, I have to oppose this amendment, Sir.

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

SRI P. T. RAJAN : Yes, Sir, I am withdrawing my amendment.

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SRI V. V. RAMASWAMI: The hon. Member has Mr. Kosalram's support.

SRI P. T. RAJAN: I don't need his support.

SRI K. T. KOSALRAM: He knows me.

MR. CHAIRMAN: We all know the hon. Member.

The amendment moved by the hon. Member Sri P. T. Rajan was, by leave, withdrawn.

Clause 47 was put and carried.

Clauses 48 to 65 were put and carried.

Clause 66.

MR. CHAIRMAN: The motion is—

“That clause 66 do stand part of the Bill.”

*VIDWAN T. MUTHUKANNAPPAN: Sir, before moving my amendments, I just wish to point out certain typographical mistakes in the amendments circulated. In the two amendments that I have given notice of to items (d) and (e) of sub-clause (1), I want the substitution of the word ‘Thirumurais’ which has wrongly been typed as ‘Thirumurai’. Again, in the amendment proposed to item (k) of the same sub-clause, I want the insertion of the words ‘who profess Hinduism’ and this has wrongly been typed as ‘who profess Hindu’.

THE HON. SRI M. BHAKTAVATSALAM: The hon. Member may move his first two amendments.

VIDWAN T. MUTHUKANNAPPAN: Sir, I move the following amendments:—

“In item (d) of sub-clause (1), for the words ‘and Thevaram’ substitute the word ‘Thirumurais’.”

“In item (e) of sub-clause (1), for the word ‘Thevaram’, substitute the word ‘Thirumurais’.”

*DR. A. CHIDAMBARANATHAN: I second the amendments, Sir.

*VIDWAN T. MUTHUKANNAPPAN: Sir, the collection of Vaishnavite works is generally known as Divya Prabhandam and the collection of Saivite works is generally known as Thirumurais. In item (d), it is only stated . . . ‘the recitation of Divya Prabhandam and Thevaram and the like.’ Thevaram is only a part of these Thirumurais. Thevarams form only a part of it—about half of it. If we say Thirumurais, it will be full. Even if it was said ‘Thevaram and Thiruvachakam’, that would have been better. Now, if we exclude ‘Thiruvachakam’ and merely say ‘Thevaram’, it has no meaning. So, it is I say that it should be Thirumurais.

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It should read, ‘Divya Prabhandam and Thirumurais and the like. . . . There is Pillai Perumal Iyengar's Ashta Prabhandham for Vaishnavites and Thiruppugazh by Arunagiri Nāthar and Thiruvartuppa by Ramalingaswamigal for Saivites. They can come under ‘the like’. If we say Thirumurais, it includes everything, that is, all the twelve works of the Nayanmars—the Saivite saints. Only for the purpose of including all the twelve works of the Nayanmars I have moved this amendment, Sir.

*THE HON. SRI M. BHAKTAVATSALAM: Sir, the words ‘and the like’ include so many other works. Of course, Thevaram is well-known and so, it is mentioned. Otherwise, i.e., if we had not mentioned Thevaram and had simply mentioned Divya Prabhandam, it was likely that the Saivites might feel that they were ignored. Therefore it is we have stated Divya Prabhandam and Thevaram and the like. Thevaram is typical of Saivite works just as Divya Prabhandam is typical of Vaishnavite works. So, there is no need for any amendment.

MR. CHAIRMAN: Is the hon. Member Vidwan Muthukannappan withdrawing his amendment?

VIDWAN T. MUTHUKANNAPPAN: I do not press my amendments, Sir.

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

VIDWAN T. MUTHUKANNAPPAN: Yes, I am withdrawing my amendments, Sir.

The amendments moved by the hon. Member Vidwan Muthukannappan were, by leave, withdrawn.

*VIDWAN T. MUTHUKANNAPPAN: Sir, I move the following amendments standing in my name:—

“In item (j) of sub-clause (1), for the words ‘asylum for persons suffering from leprosy’, substitute the words ‘asylum for Hindus suffering from leprosy, tuberculosis and cancer’.”

“In item (k) of sub-clause (1), after the word ‘persons’ and before the word ‘and’, insert the words ‘who profess Hinduism’.”

“In item (l) of sub-clause (1), after the words, ‘for the benefit of’ and before the word ‘pilgrims’, insert the word ‘Hindu’.”

DR. A. CHIDAMBARANATHAN: I second the amendments, Sir.

*VIDWAN T. MUTHUKANNAPPAN: Sir, my object in moving these amendments is this. These endowments are endowed by the Hindus for the benefit of the Hindus. So, we must make it clear that the benefits that we want to confer under items (j), (k) and (l) should be made available to the Hindus and those who profess Hinduism and those who are Hindu pilgrims.

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*THE HON. SRI M. BAKTAVATSALAM: Sir, this matter was fully discussed in the Joint Select Committee. These religious endowments are no doubt for the benefit of Hindus. There is no question about it. But, when it comes to the question of helping destitutes and those suffering from leprosy and such other diseases and those who are disabled, we have to view it from another angle. It is a question of one suffering from some disease or some other disability. Before admitting such people for treatment, are we to find out whether they are professing Hinduism, whether they are Hindus, or whether they are having belief in Hinduism and all those things and then only allow them into the institution? It is not right, it is not fair to do so. God himself will not be pleased if we take such a narrow view about these things. I am sure even our own God or the Hindu God, if he could be so described, would not be pleased with us. On the other hand, he would have a very poor view of us if we take such a narrow view of these things. Therefore, I am unable to accept this amendment, Sir.

As for the other amendment to include the word 'Hindu' before the word 'pilgrims' in item (l), I think it is not necessary. Because, only Hindu pilgrims will be attending the Hindu temples and so, there is no need to say 'Hindu pilgrims'.

MR. CHAIRMAN: I shall now put the amendments moved by Vidwan Muthukannappan to vote. The question is—

"In item (j) of sub-clause (1) for the words 'asylum for persons suffering from leprosy', substitute the words, 'asylum for Hindus suffering from leprosy, tuberculosis and cancer'."

"In item (k) of sub-clause (1), after the word 'persons' and before the word 'and', insert the words, 'who profess Hinduism'."

"In item (l) of sub-clause (1), after the words, 'for the benefit of' and before the word 'pilgrims' insert the word, 'Hindu'."

The amendments were put and lost.

Clause 66 was put and carried.

Clauses 67 to 105 were put and carried.

Clause 106.

MR. CHAIRMAN: The motion is—

"That clause 106 do stand part of the Bill."

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

"In clause 106, add the following as proviso:—

'Provided that any priority given to any person or group of persons in the matter of distribution of Thirtham or Prasadam for considerations other than caste, sex, place of birth shall not be

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construed as a discrimination within the meaning of the section."

Sir, this clause deals with the distribution of *Prasadams* and *Theertham* to the various worshippers who attend the temples. The clause says—'Notwithstanding anything in this Act or in any text, rule or interpretation of Hindu law, or any custom or usage as part of that law or in any other law or in any decree of Court, there shall be no discrimination in the distribution of any *Prasadam* or *Theertham* in any religious institution on grounds only of caste, sex, place of birth or any of them . . .'. There are two principles connoted by the word 'distribution'. If you do not give it to any individual, that is one discrimination. In giving if you give it first to one individual and then to another individual, it is another discrimination. So, there are these two discriminations. We can argue both are discriminations. People feel about it whether we agree with them or not. So far as the Hindu worshippers are concerned, it says that there shall be no discrimination. I am not here to object to it at all, because we have put an end to untouchability by law and have made untouchability a crime. So, there could be no legal objection to it and anything cannot help anybody whatever his opinion on this particular thing may be. So, I am not on that point. But, so far as the determination of priority in the matter of distribution is concerned, very many difficulties may arise. There may be cases where you have to begin somewhere. Apart from it, there are various other difficulties which will have to be faced. For instance, as pointed out by my hon. Leader Dr. Mudaliar, all people may not want *Kumkumam* and it cannot be distributed to all people.

There are various other considerations also. As a matter of fact, you have to begin somewhere. For example, there is a person who has done a great deal for the temple and has endowed everything he had for it. Natural gratitude may impel . . .

THE HON. SRI M. BHAKTAVATSALAM: Not in public.

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SRI K. BALASUBRAMANYA AYYAR: He wants only public acclamation. Private expression of gratitude like shaking hands, etc., will not do. Even then, the person concerned may not feel but the persons who have received his help might like to honour him.

THE HON. SRI M. BHAKTAVATSALAM: He may be garlanded.

SRI K. BALASUBRAMANYA AYYAR: That is a common thing. Even at condolence meetings sometimes people are garlanded. I am not on garlands.

SRI K. T. KOSALRAM: Garlanding at condolence meetings?

SRI K. BALASUBRAMANYA AYYAR: You are presiding and everybody knows you are presiding. And you must be garlanded.

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That is all. (Laughter) If you have given some money to the temple and if you have constructed some mantapam, naturally the temple authorities feel that you must be honoured when you go there as a worshipper. The other day, at a great Kumbabhishhekam the officers were preferred for honours. Suppose some recalcitrant fellow immediately puts in a petition and says that there has been discrimination; what will happen? There will be unnecessary litigation. I fear only that. Otherwise, this is a very innocuous provision. The Constitution has made us all equal. I am also for it and can eloquently speak on it. But there we are dealing with a practical thing, a thing of daily occurrence in all religious institutions. The Hon. Minister very often appeals for practicality. Somebody may not like all this and the litigation will start. In villages, the Sarada Act is a source of faction. Therefore, the smooth working of a temple may unnecessarily be disturbed by this kind of provision. Suppose somebody is asked to go out of the temple. It is wrong. But, here there are other considerations and there is no question of caste or group or anything of that sort. It is, therefore, better to state that we do not include in this provision various other ordinary considerations. I go to the Air-port when V.I.P.'s come. All are equal under the Constitution and all should be treated alike. Nobody shakes hands with me and I am only the last person to be recognized. Sometimes, I am not even admitted into the Air-port. In the eye of law, all are equal. But, for various reasons like services rendered by them, certain persons have to be preferred for honours even in respect of *prasadam*s. After all, it is a public institution depending on patronage, charity and generosity of so many persons. For 'Rao Bahadur' and 'Diwan Bahadur' people used to spend Rs. 10,000 and Rs. 20,000 (Sri T. Purushotham: In those days.) Why even now it is so for 'Padma Bhushan' and 'Padma Shri'. People go about asking for these. It is all done in private and we do not know all these things. Let us not talk about things which are done privately. I do not want to defame anybody unnecessarily. But this anxiety for honour is there. We cannot abolish by Statute or legislation all these things. Suppose some 'chakkaraipongal' is given to him beforehand; he will be happy.

Suppose the poojari in his gratitude feels: 'That man is unfortunately there; we will give him *prasadam* first.' Then it will become the subject-matter of a petition to a Court of Law. Any principle that we enunciate must be for the purpose of helping the institution and not for any other purpose. Therefore, I am not against the provision being there but I want to make it clear that other considerations must also be given due weight. These should not be ruled out and they can never be ruled out. I was told by somebody who was very captious in these matters that in a particular case they preferred big people coming there. But somebody who is recalcitrant and who has got some kind of feeling may go to a Court of Law and put in a petition stating that so and so has infringed this section. It will disturb the harmony and the smooth working of the temple.

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*SRI G. KRISHNAMOORTHY: Sir, I second the amendment and strongly support it. I do not know the object for which such impractical things are brought into the Statute-book. These will give rise to a lot of litigation as was ably pointed out by the hon. Member Sri K. Balasubramanya Ayyar. Now we want equality and we all wish to be treated equally in the distribution of *prasadam* even in the presence of God. But it is impractical. (Sri K. Balasubramanya Ayyar: Before man also, why God?) I can just give an instance. Suppose there is a limited quantity of *prasadam*. What will happen if it gets exhausted soon and some persons are denied *prasadam*? The persons who are behind and who are denied *prasadam* will charge the archaka with discrimination and anybody for that matter can say, just to find fault with him, that he has discriminated. (Sri T. Purushotham: This is only to avoid those things.) Suppose there is a large crowd, and the archaka does not find sufficient quantity of *prasadam* to distribute to all, whether it is tulasi or viboothi or kumkum. On that basis, anybody can say that he has been discriminated against. This is a mere matter of detail which ought not to find a place in the Statute-book. This will naturally lead to litigation as the hon. Member Mr. Balasubramanya Ayyar ably pointed out, at a time when communal feelings or differences exist in particular localities. I would, therefore, strongly urge that this amendment be accepted.

* THE HON. SRI M. BHAKTAVATSALAM: I would like hon. Members to read the words in this clause. 'There shall be no discrimination on grounds only of caste, sex, place of birth (which means whether one is a local man or not) or any of them' is the sentence used here. There is a congregation in a temple where *prasadam*s are distributed. The distributor comes, looks at me and gives me *prasadam*, then passes several others, goes to the fifth or the tenth man or anyone in between them and gives him *prasadam*. He would leave the women alone and go to them only at the end. Hon. Members who go to temples know there is something like 4-10 p.m. 'Goshti'. When a man passes ten or twenty persons and gives *prasadam* to the twenty-first man, does it not cause heart-burning to others? Naturally criticisms are offered and litigations arise. Women also are there. They are more devoted than men and they are served only after men are served. That is what is happening. If they are in the background, they will wait. But if they are in the front row, they must be given. There should be no differentiation. This clause is intended to avoid the heart-burning and criticism that is caused by such discrimination.

SRI T. PURUSHOTHAM: The women Members of this House oppose the amendment strongly.

* THE HON. SRI M. BHAKTAVATSALAM: I may say, Sir, the non. women Members in this House do not represent the worshipping women public. (Laughter).

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MR. CHAIRMAN : The question is—

In clause 106, add the following as proviso :—

‘ Provided that any priority given to any person or group of persons in the matter of distribution of Tirtham or Prasadam for considerations other than caste, sex, place of birth shall not be construed as a discrimination within the meaning of the section.’

The amendment was put and lost.

Clause 106 was put and carried.

New clause 106-A.

MR. CHAIRMAN : We will now take up new clause 106-A.

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

“ After clause 106, add the following as new clause 106-A :—

‘ 106-A. Notwithstanding anything in any text, rule or interpretation of Hindu Law, or any custom or usage as part of that law or in any other law or in any decree of Court, facilities may be afforded for worship in Tamil in the temples of the State ’.”

The amendment was duly seconded.

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

* DR. A. CHIDAMBARANATHAN : Mr. Chairman, Sir, not many words are required to commend the amendment for the unanimous acceptance of the House. But my doubts have been aroused by what the Hon. Minister said this morning with reference to the remarks of mine. He stated that there was no such thing as ‘ Tamil worship ’ or ‘ Sanskrit worship ’ or any language worship in temples. I do not know how far it is true. The word “ worship ” means two things. ‘ Service ’ is one and ‘ adoration ’ is another. These are the two things constituting worship. Adoration actually means paying praise to the Lord Almighty. You cannot praise the Lord without language. And wherever language is employed in the temples, why should it not be also Tamil? I only plead for the co-existence of both the languages in temples. All that my amendment says is that facilities may be afforded for worship in Tamil in the temples of the State. The Hon. Minister stated this morning that worship meant only burning incense and things such as ‘ Doopam ’, ‘ Deepam ’ and all that.

* DR. HON. SRI M. BHAKTAVATSALAM : I said ‘ Dharsanam ’.

* DR. A. CHIDAMBARANATHAN : I think it is only one part of worship and there is another part of worship, namely, adoration for which language terms are required and this has been in usage in our country. Therefore, I have moved the amendment and I commend it for the acceptance of the House.

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* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I repeat once again that there is nothing like ‘ Tamil worship ’ or ‘ Telugu worship ’ or ‘ Sanskrit worship ’ in temples. If they want facility, it is only the hon. Member that should take interest and organize these classes, these recitations, if they are so much interested in Tamil. I have seen in so many temples—the hon. the Deputy Leader of Opposition knows it—in the Mylapore temple, for example, people come and sing with all devotion several Tamil songs. They are not prevented from doing that. But so far as the ceremonials are concerned within the precincts of the sanctum sanctorum, we cannot interfere with the usage, we cannot do as we want or as anyone wants. The usage is there and it should be respected. Otherwise, there will be no end to that. But, anyhow, the worshippers have facilities to offer their prayers in their own way. Therefore, I am sorry I am unable to accept the amendment of the hon. Member.

MR. CHAIRMAN : The question is—

“ After clause 106, add the following as new clause 106-A :—

‘ 106-A. Notwithstanding anything in any text, rule or interpretation of Hindu Law, or any custom or usage as part of that law or in any other law or in any decree of Court, facilities may be afforded for worship in Tamil in the temples of the State.’”

The amendment was put and lost.

Clauses 107 to 122 were put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

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

‘ That the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959), as passed by the Legislative Assembly, be passed ’.

Sir, I must once again express my sense of appreciation and gratitude to the hon. Member of the Joint Select Committee and also the Members of this House who have helped me considerably in drafting this legislation. I have no doubt that this legislation, when it is put into force, will go a long way to have a salutary effect on checking the maladministration of these institutions and also the abuses and will enable the really pious Hindus to take the fullest advantage of these great institutions which were founded by our leaders with the noblest of objectives.

MR. CHAIRMAN : The motion is—

‘ That the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959), as passed by the Legislative Assembly, be passed ’.

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SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, after all the things we have said and done, on the whole, I should congratulate the Hon. Minister on having brought a very comprehensive Bill for the purpose of administering our religious institutions in Tamil Nad. As we all know, the religious institutions in Tamil Nad occupy a very important place in the religious life of our whole country and the large mass of our countrymen here. Therefore, the proper administration of such important institutions is a great necessity and the Government, recognizing that necessity, brought in this comprehensive Bill.

Sir, as was already pointed out, there are one or two features in the Bill which are not so desirable according to me, even though there are many good things that have been done in this Bill. I would request the Hon. Minister to do one thing, that is, the rules that are to be framed should also be placed before us for consideration. I know they will be placed on the table of both the Houses. But ordinarily the rules are not looked into by us and they are passed over. I would request the Hon. Minister to give us some time—I would also request the Hon. Chairman to allot some time—when the rules are published for the purpose of discussing important rules—not all rules—which may go beyond the provisions of the Act or are inconsistent with the principle contained in the sections or exceed the powers given under the various sections of the Act. With this request, I would also join with the Hon. Minister in the belief that these institutions will be governed very well so that when the Government of India take upon themselves the responsibility of passing a law for the administration of such institutions in the whole of the country, we will not be troubled with any other Bill but this Act will be there.

Thank you, Sir.

* SRI T. PURUSHOTHAM: Mr. Chairman, Sir, I gladly join with the hon. the Deputy Leader of the Opposition in the compliments he has paid and congratulate the Hon. Minister on this notable achievement. I know how this legislation relating to the Hindu Religious Endowments has had a chequered career from the days of the Rajá of Panagal. I happened to be with him when the Bill was first mooted and he received thousands of telegrams from various people objecting to the measure. To-day we have been able to put on the Statute-book a measure which would place these temples under proper administration. I am glad that all sections of this House join in congratulating the Hon. Minister on this notable achievement.

* THE HON. SRI M. BHAKTAVATSALAM: Sir, I am grateful to the hon. Members for this warm support they have given to this measure. I must particularly express my thanks to the hon. the Deputy Leader of the Opposition for he had been of considerable help to me in the deliberations of the Joint Select Committee.

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Now, about the framing of rules, there should be no difficulty at all. If the House wants to discuss them, that can be done. But, apart from that, I should tell the hon. Member, he is a member of the consultative committee. I will circulate the rules to him as I always welcome his suggestions and guidance in the matter.

MR. CHAIRMAN: The question is—

'That the Madras Hindu Religious and Charitable Endowments Bill, 1959 (L.A. Bill No. 7 of 1959), as passed by the Legislative Assembly, be passed'.

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

(2) THE MADRAS LAND IMPROVEMENT SCHEMES BILL, 1959
(L.A. BILL NO. 8 OF 1959).

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

'That the Madras Land Improvement Schemes Bill ^a, 1959 (L.A. Bill No. 8 of 1959), as passed by the Legislative Assembly, be taken into consideration.' 4-20 p.m

Sir, I may be permitted to mention in this connection that this Bill, which was initiated in pursuance of a Model Soil Conservation Bill formulated by the Government of India, was finalised taking into consideration the several aspects of the question as obtaining in this State and also to suit local conditions. The finalised draft Bill was introduced in this Council at its meeting held on 5th May 1959 at Ootacamund and it was then referred to a Joint Select Committee of both the Houses.

Sir, the Joint Select Committee carefully scrutinised the various provisions of the Bill and also visited areas where soil conservation works were being carried out like Kodaikanal, the Nilgiris and Coimbatore. They have seen the works carried out both in the hilly regions and in plains and after discussion with the ryots there, found how the ryots welcomed soil conservation measures. In the light of that, the Bill has been revised and there are particularly two aspects relating to soil conservation. There is a provision for conserving soil and preventing soil erosion. Then, Sir, one other important provision has been included in this Bill and that is the preservation of the river valley catchment areas. We construct big reservoirs costing several crores of rupees. For instance, the Kundah Reservoir has been constructed but if we do not take steps to see that the catchment area is not affected and it is not filled up with silt, whatever money we spend will go to waste. Therefore, one important provision that has been introduced in this Bill is that relating to the protection of the catchment areas of the river valley.

It is needless for me now to emphasise that soil conservation methods are absolutely necessary in a State like ours where vast tracts of land lie uncultivated and soil erosion is rampant. Consequent on the institution of several Reservoir Projects, the irrigation

^a Printed as Appendix on pages 568-590 infra.

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potentialities have increased but the catchment areas of these reservoirs have necessarily to be protected from silting in order to ensure full life for the reservoirs and undoubtedly soil conservation is the only method of attaining this object. Sir, you must have seen the Katteri Reservoir and some hon. Members of the Select Committee saw with their own eyes how the Katteri Reservoir which was originally intended for the Aravankadu Factory was almost silted up and there was no tank at all.

Therefore, the main changes that have now been adopted in the Bill are these—

The number of non-officials on the Land Improvement Board, the Soil Conservation Board and the District Committees have been increased and their duration of membership has been specified. Now, there are to be three organisations. One is the Land Improvement Board which will attend to soil conservation work and that is the State Board. Then, there is the District Committee. Then there is the River Valley Catchment Area Protection Board which is also called the Soil Conservation Board.

Then, there is one other change that has been made by the Joint Select Committee. The penal clause has been softened and the punishment of imprisonment for offences committed under the Bill has been omitted. There will be only fine.

Then, the scope of the Bill has been widened to include sediment control, farm drainage, farm irrigation, etc.

Then, the scope of the Bill has been widened to include sediment control, farm drainage, farm irrigation, etc.

Stress has also been laid on taking up follow-up agronomic practices on lands in which soil conservation work has been taken up. We are now doing soil conservation work and we are not following it up by having agronomic practices. Therefore, a specific provision has been added by the Joint Select Committee to provide for such follow-up agronomic practices.

Sir, I do hope that this Bill will have an easy passage in this House.

MR. CHAIRMAN : Motion moved—

‘That the Madras Land Improvement Schemes Bill, 1959 (L.A. Bill No. 8 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, this is an important Bill and, I think the principle of the Bill has to be welcomed. Soil erosion takes place in many places and for preventing it, measures have to be taken and as they can be taken only at the Government level, the Government are taking power under the various provisions of this Bill to check soil erosion, protect against floods and reclaim waste lands. But there is one important thing and I do not know whether it is added to these things or it is separately dealt with. It relates to a land improved

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for increased production and it is not affected by soil erosion or floods or any such thing. I do not know whether it will come under this Bill. If it does not come, then it is all right.

There is also another important matter that I wish to refer to. Suppose in a particular portion of a land, soil erosion takes place and that particular strip of land is only three or four acres and the other portions of the land are fifteen acres. If the owner of that particular strip of land is asked to carry out the work and bear the expenditure, he will now be naturally benefited to the extent to which the other people may be benefited. There must be some arrangement for the purpose of all the people in that particular area co-operating among themselves and helping that particular person. Therefore, the Joint Select Committee made some alteration in the original Bill and I hope that will be accepted.

There is one other matter that I wish to refer to. Soil erosion takes place not on account of the fault of anybody. It takes place on account of various factors like geographical and climatic conditions. If we say that the ryots should bear all the expenditure, it would work a great hardship. Therefore, I would request the Government to come to the help of such ryots instead of asking them to bear all the expenditure. I know that the answer that will be given by the Government is that they will be benefited. For that purpose, if they want to impose a betterment levy, they can do it as they are doing it in Bhavani. Therefore, that is not the answer which can be given. When we are saying that agriculture is an industry which has to be helped, we cannot ask ryots to pay for the damage done by soil erosion. Therefore, the ryots should be helped by giving subsidy instead of small loans, particularly in cases where the ryots affected possess only three or four acres. Of course, they do not propose to increase the assessment. This is all I want to say so far as this Bill is concerned.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, of course, ryots know from their own experience in various areas that they stand considerably benefited on account of the soil conservation work that is done. Therefore, they will not mind bearing this expenditure. But, Sir, I would like to tell the hon. the Deputy Leader of the Opposition that we do grant subsidy with the help of the Government of India. Then, the loan that is advanced is to be recovered in twenty easy instalments. Sometimes in plains it comes to one or two rupees. But production is definitely increased particularly in the hilly regions where potato is grown. So, there is considerable increase in production after the soil conservation work is done, although they have to lose a part of their lands on account of bunding and other things. They are more than compensated by the increased production. But still loans are given; to be repaid in easy instalments. There is also the subsidy. Such facilities are given in order to attract ryots to come in and offer

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their co-operation. But a provision is introduced in this Bill to make the ryots who are still recalcitrant and do not come in and give assistance to undertake such soil conservation work. Otherwise, those who are to be benefited will not really be benefited if certain lands are left out. That would affect the other lands where soil conservation work is done.

Sir, I am very happy that there is such a unanimous support for this important measure in this House. I am proud and happy to say and hon. Members also will be happy to see that it is a record that for a Bill of this magnitude, there is not a single amendment given notice of by any hon. Member. Therefore, it does not need any more words from me by way of support to this Bill. I once again thank the hon. Members for this warm support that they have given to this very important piece of legislation.

MR. CHAIRMAN : The question is—

4-30 p.m. “ That the Madras Land Improvement Schemes Bill, 1959 (L.A. Bill No. 8 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

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

MR. CHAIRMAN : I shall put clauses 2 to 50 to vote as there are no amendments.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, in clause 4 (d), referring to cutting of trees, etc., it is said ‘ otherwise than as described in clause (c) ’. Clause (c) refers to quarrying of stone, etc.

MR. CHAIRMAN : On which clause does the hon. Member want to speak?

* SRI P. S. KRISHNASWAMY AYYANGAR : Clause 4, Sir.

MR. CHAIRMAN : He has not given notice of any amendment? All right. I shall put clauses 2 and 3 to vote and then he can speak on clause 4.

Clauses 2 and 3 were put and carried.

Clause 4.

* SRI P. S. KRISHNASWAMY AYYANGAR : I just wanted to invite the attention of the Hon. Minister to a mistake in sub-clause (d). It is said in the sub-clause that ‘ otherwise than as provided in clause (c) ’, but clause (c) refers to quarrying of stones, etc. I feel it is perhaps a mistake for (e) (Sri K. Balasubramanya Ayyar : It goes with ‘ process ’, that is, the manufacturing process and not cutting of trees, etc. The hon. Member is making a mistake.) If it is all right, I have no objection.

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Clauses 4 to 50 were put and carried.

Clause 1 and the Preamble were put and carried.

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

“ That the Madras Land Improvement Schemes Bill, 1959, (L.A. Bill No. 8 of 1959), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : The question is—

“ That the Madras Land Improvement Schemes Bill, 1959 (L.A. Bill No. 8 of 1959), 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 2-30 p.m. tomorrow.

The House then adjourned.

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APPENDIX.

[Vide item III (2) on page 563 supra.]

L.A. BILL No. 8 OF 1959.

(As passed by the Assembly.)

A Bill to provide for the preparation and execution of land improvement schemes including schemes for the conservation and improvement of soil and water resources, the prevention or mitigation of soil erosion, the protection of land against damage by floods or drought, protection of reservoirs against sedimentation and the reclamation of waste land in the State of Madras.

WHEREAS it is expedient to provide for the preparation and execution of land improvement schemes including schemes for the conservation and improvement of soil and water resources, the prevention or mitigation of soil erosion, the protection of land against damage by floods or drought, the protection of reservoirs against sedimentation and the reclamation of waste land in the State of Madras;

BE it enacted in the Tenth 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 Land Improvement Schemes Act, 1959.

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

(3) It shall come into force in any area on such date as the Government may, by notification, specify, and the Government may cancel or modify any such notification

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

(a) 'Collector' means the Collector of the District;

(b) 'District Committee' means the District Land Improvement Committee constituted under section 11;

(c) 'drought' means lack of adequate moisture in the land required for cultivation;

(d) 'erosion' means the removal or displacement of earth, stones by the action of wind or water;

(e) 'Execution Officer' means an officer appointed under section 21 to execute a scheme;

(f) 'Government' means the State Government;

(g) 'Inquiry Officer' means an officer appointed by the Land Improvement Board under sub-section (5) of section 15;

(h) 'Land Improvement Board' means the Madras Land Improvement Board constituted under section 8;

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(i) 'notified area' means any area declared to be a notified area under section 3;

(j) 'owner'—

(a) means—

(i) any person holding land in severalty or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government, or

(ii) a landholder as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908), or a ryot as defined in that Act, or

(iii) an inamdar not being a landholder defined as aforesaid, or

(iv) a landlord as defined in the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), or a tenant as defined in that Act, or

(v) the Central Government in respect of the land vested in any department under the Central Government, and

(b) includes—

(i) the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person, the rent or profit derivable from land, or

(ii) a mortgagee with possession, or

(iii) a lessee or sub-lessee;

(k) 'reclamation' includes cultivation, afforestation or any other improvement of land;

(l) 'Scheme' means a scheme prepared under this Act;

(m) 'soil conservation' means proper land utilization according to its potentialities and includes prevention of soil erosion, conservation of moisture, irrigation wherever possible and necessary, drainage, rotational cropping, improved tillage and other agronomic practices necessary to achieve maximum production;

(n) 'Soil Conservation Board' means the River Valley Soil Conservation Board constituted under section 13;

(o) 'waste land' means any land which for a period of not less than three consecutive years has been lying waste on account of water-logging, salinity, accumulation of sand, growth of weeds, soil erosion or any other cause, or which for the period aforesaid has been lying uncultivated;

(p) 'work' means any work constructed, erected or carried out under a scheme and includes a pasture or forest provided or raised under a scheme; and

(q) the expressions 'cattle', 'forest produce', 'timber' and 'tree' have the meanings respectively assigned to them in the Madras Forest Act, 1882 (Madras Act V of 1882).

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CHAPTER II.

NOTIFICATION OF AREAS AND CONTROL OVER THEM.

3. *Notification of areas.*—Whenever it appears to the Government that in any area not constituted as a reserved forest under the Madras Forest Act, 1882 (Madras Act V of 1882); it is desirable to provide for the preparation and execution of any land improvement scheme or a scheme for the conservation or improvement of sub-soil water or moisture or other soil or water resources or for the prevention or mitigation of soil erosion or the protection of land against damage by floods or drought, or the protection of reservoirs against sedimentation or the reclamation of any waste land, the Government may, by notification, declare the area to be a notified area for the purposes of this Act.

4. *Power to regulate, restrict or prohibit certain matters within notified areas.*—In the case of any notified area or part thereof not included in any area in respect of which rules have been made under section 26 of the Madras Forest Act, 1882 (Madras Act V of 1882), or a notification has been issued under section 29 of that Act, the Government may, by notification, regulate, restrict or prohibit—

- (a) the clearing or breaking up of land for cultivation;
- (b) the continuous cultivation of any land, with any crop which is likely to cause soil erosion and deterioration of land;
- (c) the quarrying of stone, or removing of clay for the manufacture of bricks or the burning of lime;
- (d) the cutting of trees or timber or the collection, removal or subjection to any manufacturing process, otherwise than as described in clause (c), of any forest-produce for any purpose;
- (e) the setting on fire of trees, timber or forest-produce;
- (f) the admission, herding, pasturing or retention of cattle or any class or description of cattle; and
- (g) the grant of permits to the inhabitants of the areas specified in the notification or of the areas in the vicinity of the areas so specified—

- (i) to take any tree, timber or forest-produce for their own use; or
- (ii) to pasture cattle; or
- (iii) to erect buildings in such areas; and the production and return of such permits.

5. *Proclamation of order under section 4 and admission of claims for compensation.*—(1) Upon the issue of a notification under section 4, the Collector shall cause to be published in every village or town in which any part of the area specified in such notification is situated, a proclamation in the language of the locality as provided in sub-section (2).

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(2) The proclamation referred to in sub-section (1) shall contain the terms of the notification under section 4 and shall also require every person claiming any compensation in respect of any right, the exercise of which is prohibited or restricted by the notification, to prefer his claim to the Collector with such particulars and within such period as may be prescribed.

(3) Any claim not preferred within the prescribed period shall be rejected:

Provided that the Collector may admit a claim after such period if he is satisfied that the claimant had sufficient cause for not preferring the claim within such period.

6. *Inquiries into claims and award of compensation.*—(1) The Collector shall proceed to inquire in the prescribed manner into every claim admitted under section 5.

(2) For the purposes of such enquiry, the Collector may exercise all or any of the powers of a civil court for the trial of suits under the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3) The Collector shall, after such inquiry, make an award in writing with respect to each such claim, setting out therein the following particulars, namely:—

- (i) the person making the claim;
- (ii) the nature and extent of the right claimed;
- (iii) the extent to which the claim is upheld;
- (iv) the amount of compensation awarded and the persons to whom it is payable.

(4) The Collector shall give notice in the prescribed manner of his award to the claimants or their representatives and to the persons to whom compensation is payable.

7. *Method of awarding compensation.*—(1) In determining the amount of compensation, the Collector shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894 (Central Act I of 1894), and as regards matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

(2) If in any case, the exercise of any right is prohibited or restricted for a time only, the compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited or restricted.

CHAPTER III.

CONSTITUTION OF THE LAND IMPROVEMENT BOARD
DISTRICT COMMITTEES AND SOIL CONSERVATION BOARDS.

8. *Constitution of the Land Improvement Board.*—(1) The Government may, for the purpose of carrying out the provisions of this Act, constitute for the State of Madras a Board called the Madras Land Improvement Board.

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(2) The Land Improvement Board shall consist of—

(a) the Minister in charge of Agriculture who shall be the Chairman, *ex-officio*;

(b) the Member, Board of Revenue, in charge of Land Revenue, *ex-officio*;

(c) the Director of Agriculture, *ex-officio*;

(d) the Chief Conservator of Forests, *ex-officio*;

(e) the Chief Engineer (Irrigation), *ex-officio*;

(f) three members of the Legislative Assembly, elected by it and one member of the Legislative Council elected by it; and

(g) a member who is an active and progressive agriculturist directly concerned with the cultivation of land, nominated by the Government.

(3) The Secretary to the Government in the Department of Food and Agriculture, or such other officer as may be nominated by the Government in this behalf, from time to time, shall be the Secretary to the Land Improvement Board.

(4) (a) The Government may, from time to time, on the recommendation of the Land Improvement Board, appoint any person whose assistance or advice the Land Improvement Board may desire in carrying out any of the provisions of this Act to associate himself with the Land Improvement Board in such manner, for such purposes and for such period as the Government may, by order, specify.

(b) A person associated with the Land Improvement Board under clause (a) for any purpose shall have a right to take part in the discussions but shall not have a right to vote at a meeting of the Land Improvement Board, and shall not be a member for any other purpose.

(5) (a) The term of office of a member referred to in clause (f) or in clause (g) of sub-section (2) shall be three years or such shorter period, as the Government may fix:

Provided that any such member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Land Improvement Board, from three consecutive ordinary meetings of the Land Improvement Board.

(b) A member referred to in clause (f) of sub-section (2) shall be deemed to have vacated his seat if he ceases to be a member of the Legislative Assembly or of the Legislative Council, as the case may be.

(6) A member referred to in clause (f) or in clause (g) of sub-section (2) may, at any time, by notice in writing to the Chairman, resign his office, but he shall continue in office until the election of nomination of his successor.

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(7) (a) A casual vacancy in the office of a member referred to in clause (f) or in clause (g) of sub-section (2) shall be filled by fresh election or nomination, as the case may be.

(b) The person elected or nominated to fill a casual vacancy under clause (a) shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

(8) If there is a difference of opinion among the members of the Land Improvement Board, the decision of the majority of the members present shall prevail:

Provided that when their opinion is equally divided the Chairman shall have and exercise a casting vote.

(9) All communications and orders of the Land Improvement Board shall be issued by the Secretary or by such officer subordinate to him as may be authorized by the Land Improvement Board in this behalf.

9. *Power of Government to require the Land Improvement Board to prepare scheme.*—The Government may, by order, direct the Land Improvement Board to prepare plans and estimates for a scheme in respect of any notified area or part thereof:

Provided that nothing contained in this selection shall apply to any river valley catchment area specified in the notification under sub-section (1) of section 13.

10. *Functions of the Land Improvement Board.*—The functions of the Land Improvement Board shall be—

(a) to make recommendations to the Government as to the areas, except a river valley catchment area specified in the notification under sub-section (1) of section 13, in each district for which schemes may be prepared;

(b) to direct, either at its own instance or on the direction of the Government under section 9, the preparation of schemes under sub-section (3) of section 15;

(c) to consider and approve the schemes so prepared;

(d) to devise ways and means for the execution of the schemes approved by it; and

(e) to perform such other functions as may be prescribed.

11. *Constitution of District Committees.*—(1) As soon as may be, after the issue of a direction under section 9, the Land Improvement Board may constitute for the district in which the whole or part of the notified area is situated a committee called the District Land Improvement Committee consisting of—

(i) the Collector who shall be the Chairman, *ex-officio*;

(ii) the District Forest Officer, *ex-officio*;

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(iii) the District Agricultural Officer, *ex-officio*;(iv) the Agricultural Assistant Engineer who shall be the Land Improvement Officer, *ex-officio*;

(v) not more than four members of the State Legislature and the Parliament from the district, nominated by the Collector; and

(vi) a member who is an active and progressive agriculturist directly concerned with the cultivation of land, nominated by the Collector.

(2) The Collector shall preside over the meetings of the District Committee.

(3) The Land Improvement Officer shall be the *ex-officio* Secretary to the District Committee.**12. Functions of the District Committee.**—(1) The functions of the District Committee shall be—

(a) to make recommendations to the Land Improvement Board as to the areas, except a river valley catchment area specified in the notification under sub-section (1) of section 13, in the district for which schemes may be prepared;

(b) to perform such other functions for the purpose of carrying out the provisions of this Act as may be prescribed; and

(c) to carry out instructions issued by the Land Improvement Board from time to time.

(2) If there is a difference of opinion among the members of the District Committee, the decision of the majority of the members present shall prevail:

Provided that when their opinion is equally divided, the Collector shall have and exercise a casting vote.

(3) (a) the term of office of a member referred to in clause (v) or in clause (vi) of sub-section (1) of section 11 shall be three years or such shorter period as the Collector may fix:

Provided that any such member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the District Committee, from three consecutive ordinary meetings of the District Committee.

(b) A member referred to in clause (v) of sub-section (1) of section 11, shall be deemed to have vacated his seat if he ceases to be a member of the State Legislature, or of the Parliament, as the case may be.

(4) A member referred to in clause (v) or in clause (vi) of sub-section (1) of section 11, may, at any time, by notice in writing to the Collector, resign his office, but he shall continue in office until the nomination of his successor.

(5) (a) A casual vacancy in the office of a member referred to in clause (v) or in clause (vi) of sub-section (1) of section 11 shall be filled by fresh nomination;

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(b) The person nominated to fill a casual vacancy under clause (a) shall hold office only for the remainder of the term for which the member whose place he takes was nominated.

(6) All communications and orders of the District Committee shall be issued by the Secretary or by such officer subordinate to him as may be authorized by the District Committee in this behalf.

13. Constitution of the River Valley Soil Conservation Board.—(1) Notwithstanding anything contained in this Act, the Government may, by notification, constitute for such river valley catchment area as may be specified in the notification, a River Valley Soil Conservation Board which shall be called by such name as may be specified in the notification.

(2) The Soil Conservation Board shall consist of—

(a) the Member, Board of Revenue, in charge of Land Revenue, who shall be the Chairman, *ex-officio*;(b) the Director of Agriculture, *ex-officio*;(c) the Director of Fisheries, *ex-officio*;(d) the Chief Conservator of Forests, *ex-officio*;(e) the Chief Engineer (Irrigation), *ex-officio*;(f) the Chief Engineer (Electricity), *ex-officio*;(g) the Executive Engineer having experience in soil conservation work and jurisdiction over the area specified in the notification under sub-section (1), *ex-officio*;(h) the Collector of the district concerned, *ex-officio*, or if the area specified in the notification under sub-section (1) is situated in two or more districts, the Collector of one of the districts designated by the Government in that behalf; and

(i) not more than two members of the State Legislature representing the constituencies which consist of, or comprise, or which relate to, the area specified in the notification under sub-section (1) nominated by the Government.

(3) The Executive Engineer referred to in clause (g) of sub-section (2) shall be the Secretary to the Soil Conservation Board.

(4) If there is a difference of opinion among the members of the Soil Conservation Board, the decision of the majority of the members present shall prevail:

Provided that when their opinion is equally divided, the Chairman shall have and exercise a casting vote.

(5) The term of office of a member referred to in clause (1) of sub-section (2) shall be three years or such shorter period, as the Government may fix:

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Provided that any such member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Soil Conservation Board, from three consecutive ordinary meetings of the Soil Conservation Board, or if he ceases to be a member of the State Legislature.

(6) A member referred to in clause (i) of sub-section (2) may, at any time, by notice in writing to the Chairman, resign his office, but he shall continue in office until the nomination of his successor.

(7) (a) A casual vacancy in the office of a member referred to in clause (i) of sub-section (2) shall be filled by fresh nomination;

(b) The person nominated to fill a casual vacancy under clause (a) shall hold office only for the remainder of the term for which the Member whose place he takes was nominated.

(8) All communications and orders of the Soil Conservation Board shall be issued by the Secretary or by such officer subordinate to him as may be authorized by the Soil Conservation Board in this behalf.

CHAPTER IV.

PREPARATION OF SCHEMES.

14. *Matters which a scheme may provide.*—A scheme may provide for all or any of the following matters, namely:—

- (i) improvement of land;
- (ii) conservation or improvement of sub-soil water or moisture or other soil or water resources;
- (iii) prevention or mitigation of soil erosion;
- (iv) protection of land against damage by floods or drought;
- (v) reclamation of waste land;
- (vi) improvement in the methods of cultivation and extension of cultivation;
- (vii) construction of earth works and masonry works in fields, gullies and ravines, including construction of catch-water drains and contour bunding, wherever necessary;
- (viii) control of the strips of land abutting the road serving as road margin;
- (ix) training of streams;
- (x) prohibition or control of grazing or reservation of land for pasture;
- (xi) planting and preservation of trees, shrubs and grass for afforestation of uncultivable land or providing shelter belts or for any other purpose;
- (xii) regulation or prohibition of firing of vegetation;
- (xiii) improvement of water-supply;
- (xiv) sediment control;

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(xv) farm drainage;

(xvi) farm irrigation;

(xvii) control of the strips of land forming swamps and spring sources; and

(xviii) any other matter which may be prescribed.

15. *Power to direct preparation of schemes.*—(1) On receipt of an order of the Government under section 9, the Land Improvement Board shall direct the preparation of a scheme for the areas specified in the order.

(2) The Land Improvement Board may, if satisfied that it is necessary so to do, direct the preparation of a scheme in respect of any area in a district other than—

(a) the area specified in the order of the Government under section 9; and

(b) a river valley catchment area specified in the notification under sub-section (1) of section 13.

(3) On the issue of a direction under sub-section (1) or sub-section (2), the Land Improvement Board shall appoint an officer to prepare, in accordance with such instruction as the Land Improvement Board may issue, a draft scheme setting out—

- (a) the objects of the scheme;
- (b) the boundaries and approximate area of the lands to be included in the scheme;
- (c) the persons, including the Government, who will be affected by the scheme;
- (d) the works, if any, to be carried out under the scheme;
- (e) the agency or agencies through which any such work shall be carried out;
- (f) the benefits expected directly to the lands in which the scheme shall be executed and indirectly off-site to other lands as well as reduction in sedimentation to reservoirs and reduction of flood damage, prevention of road-slips, land-slides and reclamation of lands; and
- (g) such other particulars as may be prescribed.

(4) The draft scheme so prepared shall be submitted to the Land Improvement Board which may approve it either with or without modifications or may reject it and prepare, or cause to be prepared, another draft scheme.

(5) Whenever the Land Improvement Board prepares or approves any draft scheme, it shall appoint an officer called the Inquiry Officer for the purposes hereinafter specified.

16. *Publication of draft schemes.*—(1) The draft scheme prepared or approved by the Land Improvement Board under sub-section (4) of section 15 together with the connected maps and

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plans, if any, shall be forwarded to the Collector who shall publish it in the District Gazette and also in the prescribed manner in every village and at the headquarters of the taluk, in which the lands included in the scheme are situated.

(2) The Collector shall simultaneously with the publication of the scheme in the District Gazette under sub-section (1) require all persons affected by the scheme who wish to make any objection to the scheme or part thereof, to submit their objections in writing to the Inquiry Officer or to appear before him and state their objections within thirty days of the date of the publication of the draft scheme in the village.

17. Inquiry Officer to consider objections and submit report to the Land Improvement Board.—The Inquiry Officer shall inquire into the objections received or recorded by him and submit them to the Land Improvement Board together with his report thereon and his recommendations, if any, for the modification of the draft scheme.

18. Power of the Land Improvement Board to sanction or reject draft scheme.—(1) After considering the objections and the report and the recommendations of the Inquiry Officer and any further report which the Land Improvement Board may require from him, the Land Improvement Board may—

(a) sanction the scheme with or without modification :

Provided that a scheme prepared in pursuance of a direction under sub-section (2) of section 15 shall not be sanctioned by the Land Improvement Board but shall be submitted to the Government for their sanction; or

(b) reject the scheme, and direct that, in lieu thereof, a fresh scheme be prepared and submitted for its sanction.

(2) Where a draft scheme is submitted to the Government under the proviso to clause (a) of sub-section (1), they may sanction the draft scheme with or without modification or may reject it and direct that a fresh scheme be prepared and submitted for their sanction.

19. Power of the Soil Conservation Board to prepare a scheme.—Notwithstanding anything contained in this Act, the Soil Conservation Board may, of its own motion and subject to such conditions as may be prescribed, prepare any scheme for any river valley catchment area specified in the notification under sub-section (1) of section 13 providing for all or any of the matters specified in section 14.

20. Publication of the scheme.—(1) The scheme prepared by the Soil Conservation Board under section 19 or the scheme as sanctioned by the Land Improvement Board or by the Government, as the case may be, shall be published in the District Gazette and copies thereof shall be made available in every village and at

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the headquarters of the taluk, in which the lands included in the scheme are situated, at such places and in such manner as the Collector may direct.

(2) On and from the date of the publication of the scheme in the District Gazette under sub-section (1), the scheme shall come into force and shall have effect.

(3) The Land Improvement Board in respect of a scheme sanctioned by it or by the Government and the Soil Conservation Board in respect of a scheme prepared by it may, for the purpose of carrying out the objects of the scheme, make regulations requiring any person or persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matter supplementary or incidental to the scheme.

CHAPTER V.

EXECUTION OF SCHEMES.

21. Appointment of Executing Officer.—The Land Improvement Board in respect of a scheme sanctioned by it or by the Government and the Soil Conservation Board in respect of a scheme prepared by it shall, when the scheme comes into force, appoint an officer called the Executing Officer to execute the scheme.

22. Power to enforce scheme.—(1) (a) The Land Improvement Board in respect of such works under a scheme sanctioned by it or by the Government as the Land Improvement Board may, by general or special order, specify, and the District Committee in respect of other works under such scheme and the Soil Conservation Board in respect of works under a scheme prepared by it, shall, by notice given in the prescribed form, inform the owner of any land in which such works have to be carried out, the details of such works and the date before which the owner of the land shall carry them out :

Provided that the Land Improvement Board, the Soil Conservation Board or the District Committee as the case may be, may wherever necessary, direct that any work to be carried out by the owner of the land shall be carried out by the Executing Officer himself and that the cost or part of the cost of such work shall be recovered from the owner of the land.

(b) A copy of the notice referred to in clause (a) shall be served in the prescribed manner on such other person or persons as may, in the opinion of the Land Improvement Board or the District Committee or the Soil Conservation Board, as the case may be, be benefited in consequence of any work to be carried out and thereby become liable to pay such amount as may be determined under sub-section (1) of section 23.

(2) If any work is not carried out to the satisfaction of the Executing Officer before the date fixed in that behalf if the owner intimates to the Executing Officer in writing that he is unable to

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carry out any work before that date, the Executing Officer may cause the work to be carried out and recover the cost of the work from the owner.

(3) Any amount payable under the proviso to clause (a) of sub-section (1) or under sub-section (2) shall, at the option of the person liable to pay it, be paid either in a lump sum or with interest at such rate as may be prescribed, in equated annual instalments not exceeding twenty in number:

Provided that where a person who elects to pay in instalments, commits default in the payment of any instalment, the entire unpaid balance shall become immediately payable.

(4) In any land owned by the Government, all works shall be carried out by, or under the authority of, the department having the control or management of the land, unless the Soil Conservation Board or the Land Improvement Board, as the case may be, directs the Executing Officer to carry out the works himself.

23. Liability of persons whose lands are not included.—(1) If, in consequence of any work carried out under the scheme, any person (including the Government) other than the owner of the land in which the work is done, is likely to be benefited, such person shall pay to the owner of the land if the work is carried out by him or to the Government if the work is carried out by or under the authority of any department of the Government or by the Executing Officer, such amount and within such time as the Board of Revenue may determine:

Provided that, before any person is required to pay any such amount, he shall be given a reasonable opportunity of making his representations, if any, in regard to the matter:

Provided further that the payment of any such amount may be waived by the Government in whole or in part in respect of any work carried out in land owned by them:

Provided also that the Board of Revenue may, in its discretion, permit any such amount to be paid with interest at such rate as it may determine in equated annual instalments not exceeding twenty in number.

(2) Any amount paid to the Government under sub-section (1) shall be credited towards the amount, if any, due to the Government under the proviso to clause (a) of sub-section (1) or under sub-section (2) of section 22.

(3) If default is made in the payment of any amount under sub-section (1) or of any instalment thereof, as the case may be, within the time determined in that behalf in pursuance of that sub-section, the amount or where payment is made in instalments the entire unpaid balance (which shall be deemed to have become immediately payable on the occurrence of the default) shall be recovered by the Board of Revenue and paid to the owner or, as the case may be, the Government.

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24. Power of Government to carry out works under a scheme.—

(1) Notwithstanding anything contained in this Act, the Government may, in the case of any scheme which has come into force under sub-section (2) of section 20, direct, by notification, that any work under the scheme to be carried out by the owners of the lands shall be carried out by the Government and that the cost of such work shall be recovered in whole or in part from the owners of the lands included in the scheme in such proportion as the Government may fix having regard to the area or assessment, or both, of the lands included in the scheme;

(2) The cost directed to be recovered under sub-section (1) together with interest at such rate as the Government may determine shall be recoverable from the owners concerned in such number of equated annual instalments payable on the date appointed for the payment of the first instalment of land revenue, as may be prescribed:

Provided that where a person commits default in the payment of any instalment, the entire unpaid balance shall become immediately payable.

CHAPTER VI.

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME.

25. Preparation of statement.—(1) The Executing Officer shall, on completion of the work in any specified area or part thereof prepare a statement for any such area or part giving the following particulars:—

- (a) (i) the work done;
- (ii) the cost thereof;
- (iii) the total amount to be recovered from the owners;
- (iv) the names of the owners of the lands included in the scheme;
- (v) the general rate per acre or per rupee of assessment per annum at which such cost is to be recovered from the owners;
- (vi) the period within which such cost is to be recovered;
- (vii) the work which in his opinion shall be maintained or repaired individually or jointly and the name of every such person;
- (viii) the follow up of soil conservation practices that are to be undertaken in the field by the owners or any of them;
- (ix) the rights, if any, of the owners or any of them in regard to the use of such work;
- (b) in the case of any survey number or subdivision of any survey number—

((i) if the owner is not liable to maintain or repair the works therein, a list of such survey numbers or subdivisions;

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(ii) if the cost is to be recovered from an owner at a rate other than the general rate referred to in item (v) of clause (a), a list of such survey numbers or subdivisions and the rate at which the cost is to be recovered from the owner or owners of such survey numbers or subdivisions;

(c) a map and plan, if any, showing the situation, extent and nature of all works;

(d) such other matters as may be prescribed.

(2) When a statement is prepared under this section, any rights and liabilities shown therein shall be entered in the record of rights or where there is no record of rights, in such village record and in such manner as may be prescribed and shall thereupon form part of such record of rights or such village record.

26. *Obligation of persons to maintain and repair works.*—

(1) Every person shown in the statement prepared under section 25 as liable to maintain or repair any work shall to the satisfaction of the Collector and within such time as the Collector may fix, maintain or repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement and shall undertake such follow up soil conservation practices as may be prescribed.

(2) If any person fails to maintain or repair the work within the time fixed by the Collector under sub-section (1), the Collector shall himself arrange for the maintenance or repair of the work and recover the cost thereof from such person.

(3) Any dispute as to the amount to be recovered under sub-section (2) shall be decided by the Collector.

27. *Land not to lie fallow.*—No person shall leave any land to lie fallow continuously for more than two years if in respect of such land any work under a scheme has been carried out.

CHAPTER VII.

RECLAMATION OF WASTE LANDS.

28. *Order for taking possession of waste lands.*—(1) If the Land Improvement Board in respect of any scheme sanctioned by it or by the Government or the Soil Conservation Board in respect of any scheme prepared by it is satisfied that for the purpose of executing such scheme it is necessary that temporary possession of any waste land should be taken, the Land Improvement Board or the Soil Conservation Board, as the case may be, may, by order in writing, direct the Collector to take temporary possession of the land on behalf of the Government on such date as may be specified in that order.

(2) The order shall be made in such form and brought to the notice of the owner as well as any other person who may be in possession of the land in such manner, as may be prescribed.

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(3) On the date specified in the order, the Collector or any other officer authorised by him in this behalf shall enter upon and take possession of the land on behalf of the Government.

29. *Arrangement for reclamation.*—When the land has been taken possession of, the officer appointed by the Soil Conservation Board or the Land Improvement Board, as the case may be, for the purpose, may arrange for its reclamation—

(a) by retaining it under his management for such period as he thinks fit; or

(b) by settling the period and such terms as may be fixed by the Soil Conservation Board or the Land Improvement Board, as the case may be, with the person who on the date of taking possession under sub-section (3) of section 28 was in lawful possession of the land or was entitled to such possession or, if any such person is dead, with his successor in interest; or

(c) by a combination of the methods aforesaid:

Provided that the total period for which the land is retained under this section shall not exceed five years from the date of taking possession.

30. *Claim for arrears of rent not to be enforced against Government, etc.*—No claim of any person to any arrear of rent accrued or due in respect of the land for the period prior to the date of taking possession shall thereafter be enforced by any Court, whether in execution of a decree or otherwise, against the Government or against any person holding the land under the Government or against the land during the period such land is in the possession of the Government under sub-section (3) of section 28:

Provided that in computing the period of limitation for a suit, or an application for the execution of decree, the time during which the enforcement of such claim is barred under this section, shall be excluded.

31. *Termination of possession on completion of reclamation.*—

(1) When the reclamation of the land is in the opinion of the Collector complete and in any case before the expiry of the period of five years from the date of taking possession, the Collector shall after making an inquiry in the prescribed manner, by order in writing—

(a) specify the date on which and the person to whom possession of the land shall be given:

Provided that an order under this clause specifying any person other than the person from whom possession of the land was taken under sub-section (3) of section 28 shall not be passed

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unless notice has been given to the owner, or if he is dead, to his heirs or legal representatives and his or their representations, if any, have been considered;

(b) where the person to whom possession of the land is given is a tenant, determine in the manner prescribed the rent payable by him to the owner.

(c) where the land or any part thereof has been afforested, regulate the cutting of the trees on such land according to a working plan.

(2) On the date specified in the said order, possession of the land shall be deemed to have been given by the Government under sub-section (1).

(3) The delivery of possession of the land under sub-section (1) shall be a full discharge of the Government from all liability in respect of such land, but shall not prejudice any right in respect of the land which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the land is given.

32. Compensation for period of possession.—(1) As soon as may be after the date of taking possession of the land, the Collector shall make an inquiry in the prescribed manner and determine—

(a) in respect of any land which on the said date was in the occupation of a tenant—

(i) the annual rent payable by him; and

(ii) the average net annual income, if any, after deducting the annual rent payable by him, derived by him during the three years immediately preceding the said date; and

(b) in respect of any other land, the average net annual income, if any, without deducting any land revenue payable, derived by the owner during the three years immediately preceding the said date.

(2) There shall be payable by the Government as compensation on the completion of every twelve months from the date of taking possession until the date referred to in sub-section (2) of section 31—

(a) in respect of such land as is referred to in clause (a) of sub-section (1), the amount determined under sub-clause (1) of that clause to the owner and the amount determined under sub-clause (ii) thereof to the tenant; and

(b) in respect of any other land, the amount determined under clause (b) of sub-section (1) to the owner.

33. Accounts.—The Collector shall maintain in such form and in such manner as may be prescribed, an account of all receipts and payments by the Government in respect of the land, and the owner of the land or any other person having an interest therein may, on payment of a fee of fifty naye Paise inspect the account.

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34. Recovery of net expenditure incurred by Government.—(1) The net expenditure incurred by the Government on the reclamation of the land under the provisions of this Chapter or such part of that expenditure as the Soil Conservation Board or the Land Improvement Board, as the case may be, by general or special order, direct, together with interest calculated at the prescribed rate and in the prescribed manner, shall be recovered from the person to whom possession of the land is given by the Government under sub-section (2) of section 31.

(2) The amount to be recovered under sub-section (1) from any person shall be decided by the Soil Conservation Board or the Land Improvement Board, as the case may be.

CHAPTER VIII.

MISCELLANEOUS.

35. Appeals.—(1) Any person aggrieved by an order awarding compensation under section 6 or by an order under sub-section (3) of section 26 may appeal to the Board of Revenue within such period and in such manner as may be prescribed.

(2) Any person aggrieved by an order under section 28, section 31, section 32 or sub-section (2) of section 34 may appeal to the Government within such period and in such manner as may be prescribed.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Revenue or the Government, as the case may be, may admit an appeal preferred after the period specified therein, if the Board of Revenue is or the Government are satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(4) The order of the Board of Revenue or the Government, as the case may be, on such appeal and where no appeal is preferred, the order which has not been appealed against shall be final and shall not be called in question in any Court of Law.

36. Penalties.—If any person—

(i) contravenes any of the provisions of a scheme which has come into force under sub-section (2) of section 20, or

(ii) contravenes any of the provisions of this Act or of any rule or regulation made under this Act or any order or direction made or given under this Act or such rule or regulation, or

(iii) does any act which causes damage to any of the works carried out under the scheme, or

(iv) fails to fulfill any liability imposed upon him under section 22, or

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(v) resists or obstructs any officers in the exercise of any power conferred on, or in the discharge of any duty imposed upon, or in the performance of any function entrusted to, such officer by or under this Act or any such rule or regulation, he shall be punishable with fine which may extend to five hundred rupees.

37. Amounts to be recovered as arrears of land revenue.—All amounts payable to, or recoverable by, the Government, the Board of Revenue, the Soil Conservation Board or the Land Improvement Board or any officer of the Government under this Act may be recovered as if they were arrears of land revenue.

38. Procedure and power at enquiries.—Any authority having power to make an enquiry under this Act shall make the enquiry in the manner provided in the Madras Revenue Enquiries Act, 1893 (Madras Act V of 1893), and shall have all the powers which are or may be vested in the Revenue Officers by that Act and by the Madras Revenue Summons Act, 1869 (Madras Act III of 1869).

39. Power to enter, survey, etc.—(1) Any person authorised in writing in this behalf by the Soil Conservation Board, the Land Improvement Board, the Board of Revenue or the Collector may, for the purpose of exercising any power conferred on, or discharging any duty imposed upon, or performing any function entrusted to him by or under this Act, and after giving such notice as may be prescribed to the owner, occupier or any person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

(2) In particular he may—

(a) take levels.

(b) dig or bore into the sub-soil.

(c) place, erect or make on any land any peg or mark including trenches or boundaries which he deems to be necessary.

(d) do all other acts necessary to ascertain whether the land is adapted for such purposes, and

(e) where necessary, cut down and clear away any part of the standing crop, fence or jungle:

Provided that if any standing crop or tree is cut down, such crop or tree shall be handed over to the person entitled to such crop or tree.

(3) Where any damage or injury is caused to the land in carrying out any operation under this section, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

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(b) where no such agreement can be reached, the Collector shall determine the amount of compensation in accordance with the provisions of the Land Acquisition Act, 1894 (Central Act I of 1894).

(4) Every person who is appointed or authorised to exercise any power, discharge any duty or perform any function by or under this Act shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or regulations made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860), and every person who is required to submit any opinion or particular shall be deemed to be legally bound to do so within the meaning of the said Code.

40. Continuance of liability for land revenue, rates and cesses.—The taking and retaining possession of any land on behalf of the Government under this Act shall not affect the liability of any person to pay land revenue, rate or cess in respect of such land for any period, whether before or after the date of taking possession.

41. Registration of document or map not required.—(1) Nothing in the Indian Registration Act, 1908 (Central Act XVI of 1903), shall be deemed to require the registration of any record, document, plan or map, prepared, made or sanctioned in connection with a scheme which has come into force and any such record, document, plan or map shall, for the purposes of sections 48, 49 and 50 of that Act, be deemed to have duly registered in accordance with the provisions of that Act.

(2) Subject to such rules and to the previous payment of such fees as may be prescribed—

(a) all such records, documents, plans and maps shall be open to the inspection of any person applying for such inspection; and

(b) copies of such records, documents, plans and maps and accounts maintained under section 33 shall be given to any person applying for such copies.

42. Delegation of powers.—(1) The Soil Conservation Board or the Land Improvement Board may, by general or special order, delegate to the Secretary to the Soil Conservation Board or the Land Improvement Board, as the case may be, and the District Committee may, by general or special order, delegate to the Land Improvement Officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary for the efficient running of the day-to-day administration of the Soil Conservation Board or the Land Improvement Board or the District Committee, as the case may be.

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(2) Subject to such rules as may be prescribed, the Government, the Board of Revenue or the Collector may delegate any of the powers conferred on, duties imposed upon, or functions entrusted to them, it or him by or under this Act to any officer or authority subordinate to them, it or him, as the case may be.

43. Government to direct preparation of schemes in cases of emergency.—Notwithstanding anything contained in this Act, the Government may, in the case of any flood, cyclone, famine or scarcity, or other emergency, direct the preparation and execution of a scheme in such a manner, by such authority or officer and providing for such matters as may be prescribed.

44. 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 particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) all matters allowed or required by this Act to be prescribed;

(b) the manner in which the rights or liabilities shown in the statement prepared under section 25 shall be entered in the record of rights or village record;

(c) the time within which any amount recoverable under sub-section (3) of section 22 or sub-section (2) of section 26 or sub-section (1) of section 34 shall be payable and the time within which and the authority or officer to whom any option exercised in pursuance of sub-section (3) of section 22 shall be intimated;

(d) the manner of giving notices under this Act;

(e) the procedure to be adopted for the assessment of the cost;

(f) the conditions subject to which the pruning and felling of shade trees in coffee and tea estates may be permitted;

(g) the manner of furnishing a copy of the scheme to the panchayat concerned and the manner or giving publicity to such scheme;

(h) the procedure to be adopted for carrying out the purposes of section 43.

(3) All rules made and all notifications issued under this Act shall, as soon as possible, after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

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45. Power to make, grant or advance loan.—The Collector or any officer authorized by the Collector in this behalf may make a grant or advance a loan to any person for carrying out any work under any scheme on such terms and conditions as may be prescribed.

46. Bar of certain suits, prosecutions, etc.—(1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government or any public servant for any act done or purporting to be done under this Act or any rule or regulation made thereunder, without the previous sanction of the Government.

(3) No officer or servant of the Government, and no public servant shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith and in the course of the exercise of the powers conferred, the discharge of the duties imposed or the performance of the functions entrusted, by or under this Act or the rules or regulations made thereunder.

47. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

(2) All orders made under sub-section (1) 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 Legislature may make either in the same session or in the next session.

48. Saving of other laws.—Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating any of the matters dealt with in this Act.

49. Repeals and savings.—(1) The Madras Land Improvement Schemes (Contour Bunding and Contour Trenching) Act, 1949 (Madras Act XXII of 1949), and the Travancore-Cochin Land Development Act, 1950 (Travancore-Cochin Act XXXVI of 1950), in so far as the latter Act applies to, and is in force in, the transferred territory, are hereby repealed.

(2) Notwithstanding such repeal, any appointment, rule, order, notification or scheme made, issued or sanctioned under either of the Acts mentioned in sub-section (1) and in force on the date on which this Act comes into force, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued or sanctioned under the provisions of this Act, unless and until it is superseded by any appointment, rule, order, notification or scheme made, issued or sanctioned under this Act.

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(3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in sections 8 and 18 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), which shall also apply to the repeal of the Travancore-Cochin Land Development Act, 1950 (Travancore-Cochin Act XXXVI of 1950), as if the latter Act had been a Madras Act.

(4) 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.

(5) Any reference in any law which continues to be in force in the transferred territory after the commencement of this Act to the Travancore-Cochin Land Development Act, 1950 (Travancore-Cochin Act XXXVI of 1950), shall, in relation to that territory, be construed as a reference to this Act.

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

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

50. Certain schemes, etc., deemed to have been prepared under this Act.—(1) Any scheme prepared, any proceeding or action taken anything done in pursuance of any agreement executed by any owner relating to soil conservation before the commencement of this Act, shall, notwithstanding anything to the contrary in such agreement, be deemed to have been prepared, taken or done under this Act, by the Soil Conservation Board, if such agreement relates to any river valley catchment area specified in the notification under sub-section (1) of section 13 and by the Land Improvement Board if such agreement relates to any other area, and shall have effect accordingly, notwithstanding that it is inconsistent with this Act.

(2) Notwithstanding anything contained in this Act, if, after the 14th March 1956 and before the commencement of this Act, any work has been carried out or taken in hand but not completed by the Government or any officer subordinate to them, in any land included in any scheme relating to soil conservation, whether or not such work was so carried out or taken in hand in pursuance of any agreement executed by the owner of such land, section 24 and the other provisions of this Act shall, so far as may be, apply to such work, as if a direction had been issued by the Government under sub-section (1) of section 24 in respect of that work.

Fort St. George, Madras,
12th September 1959.

T. HANMANTHAPPA,
Secretary, Legislature Department.

THE MADRAS LEGISLATIVE COUNCIL

Friday, the 18th September 1959.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

THE HON. SRI M. BHAKTAVATSALAM: Short Notice Question No. 79 may be taken up a little later, Sir.

MR. CHAIRMAN: Yes.

Electricity connections

* 80 (Short Notice) Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Electricity be pleased to state—

(a) whether the Government have issued any directive to the State Electricity Board to withhold granting of fresh electricity connections in the areas in Tiruvallur taluk which are proposed for transfer to Andhra State and, if so, the instructions issued in the matter; and

(b) whether, in view of the postponement of the consideration of the legislation in the Parliament in regard to transfer of territory, the Government propose to revise the orders referred to in clause (a)?

THE HON. SRI V. RAMAIAH: (a) No, Sir.

(b) Does not arise.

SRI T. PURUSHOTHAM: In view of the postponement of the transfer proposal, will the Government convey their views in this connection to the State Electricity Board that in deserving cases special consideration may be shown, especially to the agriculturists?

THE HON. SRI V. RAMAIAH: I have stated in reply to the question that we have not issued any directions. I do not know how this supplementary question arises.

THE HON. SRI M. A. MANICKAVELU: I am sorry, Sir, I am late.

City Hospitals

* 79 (Short Notice) Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Revenue be pleased to state, with reference to the answers given to Legislative Council Question No. 70 on 14th September 1959—

(a) whether the attention of the Government has been drawn to the editorial in “The Hindu”, dated 16th September 1959, on the subject; and

[18th September 1959]

(b) the steps taken or proposed to be taken to relieve the alleged abnormal conditions in the City Hospitals?

THE HON. SRI M. A. MANICKAVELU : (a) Yes, Sir. Not only "The Hindu", dated 18th September 1959, but one or two other dailies have written similar editorials.

(b) There are no abnormal conditions in the City Hospitals as alleged by the "Hindu" and other newspapers. These newspapers have not correctly understood the figures placed on the table of the House the other day. The figures in columns (3) to (5) of the statement laid on the table of the House represent only the gross admissions made in the month concerned and not the daily average number of in-patients under treatment.

A statement^a explaining the position in greater detail is placed on the table of the House.

DR. A. CHIDAMBARANATHAN : Is the Hon. Minister aware that a correction has now been issued by the concerned newspaper?

THE HON. SRI M. A. MANICKAVELU : Not a satisfactory correction, I should say.

SRI MOHAMED RAZA KHAN : In the General Hospital while the bed-strength is 1,125, in October the gross number of in patients admitted is 3,688. That is what has been stated in the statement placed on the table of the House. But could the Hon. Minister say on a particular day what was the actual bed-strength and how many in excess were taken in? Could he give that idea at least?

THE HON. SRI M. A. MANICKAVELU : Previously the hon. Member asked for the bed-strength. Then, he asked what was the admission in a particular month. So, the gross number of admission for that month was given. In the case of the General Hospital, the sanctioned bed-strength is 1,125 and the daily average number of in-patients treated during the months of October, November and December 1958 was respectively 1,566, 1,525 and 1,591. So, the excess over the sanctioned strength was 441, 400 and 466 respectively. The overcrowding is only in the order of 400. In the case of Kasturba Gandhi Hospital, the sanctioned bed-strength is 515. In the month of October 1958, as a matter of fact, the daily average number of in-patients treated was 511, i.e., 4 less than the sanctioned bed-strength. In the next month the average number was only 496 and 19 more patients could have been admitted. In the next month the average number was 492 and when compared with the sanctioned bed-strength, there were still 23 vacancies.

DR. A. SREENIVASAN : May I know whether the Hon. Minister is aware of the fact that the overcrowding in these hospitals is entirely due to the non-observance of the Standing

^a Printed as Appendix I on page 636 infra.

[18th September 1959]

Orders of the respective hospitals? I have also served in the Hospital for sixteen years. There are definite rules laid down for admission of patients in each and every hospital, what are called the Standing Orders of the Hospital. Is the Hon. Minister aware that the non-observance of the Standing Orders of the Hospital is entirely responsible for the overcrowding?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir, the Minister is aware of the strict rules. But am I to understand that the hon. Member wants the authorities to turn out the patients who come there? That is not the idea. We want to give the patients some treatment. After all, the overcrowding is a little more. We have to give the patients some treatment without turning them out.

DR. A. SREENIVASAN : The Hon. Minister has not understood the force of my argument. If only Medical Officers stick to the Standing Orders of the Hospital, there will not be any misery caused to any patient. The rules have been very wisely framed. The only thing is, doctors for the sake of popularity with the public, begin to admit even undeserving cases and it has been with-in my knowledge. I have also worked in the hospital for sixteen years.

THE HON. SRI M. A. MANICKAVELU : Sir, as I understand the force of the hon. Member's argument, if the rules are strictly adhered to, the number of patients who, I said, are more, must have been in their own houses or in the streets or elsewhere, and not in the hospitals.

SRI MOHAMED RAZA KHAN : Even according to the Minister's statement, if we take the General Hospital as an instance in point, there is 40 per cent excess. While appreciating the difficulties of the Government in not sending away these people and also the lack of accommodation in the hospitals, at least in the future could the Government see that the strength of staff is increased as far as doctors and others are concerned, so that proper attention and time may be bestowed on these in-patients?

THE HON. SRI M. A. MANICKAVELU : Though the increase in the staff does not take place in the arithmetical proportion, we are now and then increasing the staff, both the doctors and the nurses. As regards the 40 per cent, I have not looked into it.

DR. A. SREENIVASAN : On account of the overcrowding, the standard of treatment has considerably gone down. The treatment seems to be worse than the disease.

MR. CHAIRMAN : That is only a statement.

Lignite excavation at Neyveli

* 81 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Industries be pleased to state the stage of progress of lignite excavation at Neyveli Project?

[18th September 1959]

THE HON. SRI M. BHAKTAVATSALAM : A statement^a is placed on the table of the House.

SRI MOHAMED RAZA KHAN : I want to make a submission, Sir. I may be permitted to put supplementaries in the next Session.

THE HON. SRI M. BHAKTAVATSALAM : I would suggest to the hon. Member that he may put a separate question after going through the statement placed on the table of the House.

Import of small cars

* 82 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Industries be pleased to state whether the Government have made any recommendations to the Union Government for the relaxation of restrictions on the import of small cars from the United Kingdom and the Continent?

THE HON. SRI M. BHAKTAVATSALAM : No, Sir.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware of the fact that because of the non-availability of small cars, the prices have gone up, although the Government have adopted certain measures? May I know whether there is any possibility of more small cars coming, so that the prices may be maintained at a particular level?

THE HON. SRI M. BHAKTAVATSALAM : The Government of India, before announcing their import policy for the half year, do consult the Import Advisory Committee and, after consultations with them, they take decisions. About the current half-year, the decision has been that no import of motor-cars including taxi cars will be allowed.

SRI T. PURUSHOTHAM : With regard to the allotment of imported cars, is there any Government quota reserved for special allotments and, if so, by and to whom are such permits issued?

THE HON. SRI M. BHAKTAVATSALAM : That question does not arise out of this. This is a general permit for import of certain number of cars and according to the policy decided for this half-year, no import of motor-cars including taxi cars will be allowed.

SRI MOHAMED RAZA KHAN : May I know whether the Madras Government have any control over the distribution of cars available?

THE HON. SRI M. BHAKTAVATSALAM : A separate question may be put.

[18th September 1959]

Higher grade trained teachers

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

(a) whether it is a fact that higher grade trained teachers in aided elementary schools who passed the T.S.L.C. secondary grade examination in a particular year were being given the secondary grade grant from the date next to that of writing the T.S.L.C. secondary grade examination;

(b) whether this system of granting such secondary grade grant was stopped in the year 1958-59; and

(c) if so, the reasons therefor?

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

(c) From 1st April 1958, only secondary grade teachers who are appointed in sanctioned secondary grade posts in lower elementary schools under private agencies are eligible for pay in the secondary grade scale. Higher grade teachers who pass the secondary grade training examination will not be given the secondary grade scale unless they are employed in sanctioned secondary grade posts.

SRI G. KRISHNAMOORTHY : Is it a fact, Sir, that these teachers have passed the examination before the date of this order?

THE HON. SRI C. SUBRAMANIAM : Some of them might have.

SRI G. KRISHNAMOORTHY : Were these teachers given the benefit of the secondary grade scale? Will the Government kindly consider postponing the enforcement of this order at least to the next year, so that these teachers who, with an idea of improving their prospects passed the examination, may not get disappointed?

THE HON. SRI C. SUBRAMANIAM : But they can get appointed to secondary grade posts.

SRI G. KRISHNAMOORTHY : Are the Government aware that most of these teachers are kept only in the higher grade posts and according to the sanctioned post formula, many secondary grade teachers are working in the higher grade posts?

THE HON. SRI C. SUBRAMANIAM : Not many. Some of them are working in higher grade posts. But the difficulty is about meeting the increased expenditure, if we allow secondary grade teachers to occupy higher grade posts.

SRI G. KRISHNAMOORTHY : What was the need to introduce this system which was in local board schools in aided schools, especially from 1st August 1959?

[18th September 1959]

THE HON. SRI C. SUBRAMANIAM: Formerly any person engaged in the primary schools was paid only the higher grade pay. Then we said even secondary grade teachers employed in primary schools would be paid secondary grade scale. But we found indiscriminate addition of secondary grade teachers to the primary schools which pushed up the cost. Therefore, we have to make a regulation with regard to that and we said that secondary grade teachers should be appointed only to sanctioned posts.

SRI G. KRISHNAMOORTHY: Cannot at least in this Plan period the Government consider the advisability of employing secondary grade teachers even in lower classes and giving them the benefit of the scale?

THE HON. SRI C. SUBRAMANIAM: I wish it were possible. Our education plan budget has already burst. Therefore, I do not think it will be possible.

Engineering colleges

* 84 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Finance be pleased to state whether there is any proposal to start more engineering colleges in the State and, if so, the places where they are proposed to be started?

THE HON. SRI C. SUBRAMANIAM: No, Sir, not this year.

Aided secondary schools

2-40
p.m.

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

(a) whether it is a fact that some aided secondary schools in the State have raised the tuition fees during the year 1957-58; and

(b) if so, the number of such schools?

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

(b) 146 schools.

SRI G. KRISHNAMOORTHY: Sir, is it a fact that the Government issued an order asking the managements not to raise the fees and that the managements did raise the fees in spite of the Government order?

THE HON. SRI C. SUBRAMANIAM: I do not think, Sir, any communication was issued by the Government. I do not have the information here.

SRI T. PURUSHOTHAM: Sir, are there not maximum rates of fees laid down in the Madras Educational Rules? If not, will the Government consider taking steps to standardise the school fees?

[13th September 1959]

THE HON. SRI C. SUBRAMANIAM: At one time, it was considered necessary to fix the maximum rate of fee that the managements might levy. But the proposal was dropped, as it was considered that Government interference might lead to the lowering of teaching standards.

SRI G. KRISHNAMOORTHY: Sir, how did the Government allow only 100 odd schools to raise the school fee while the other 800 schools had not raised the fee?

THE HON. SRI C. SUBRAMANIAM: That is because only those schools wanted to raise the fee. We cannot force the others to raise the fee.

SRI T. PURUSHOTHAM: Sir, is Government sanction necessary for increasing the tuition fee?

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

SRI G. KRISHNAMOORTHY: Sir, as the benefit of the increase in the fee does not go to the parent or the teacher or the Government, will the Government look into the matter and see that all the surplus, even if it be a pie, is taken by the Government or given to the teacher?

THE HON. SRI C. SUBRAMANIAM: There are rules governing the expenditure of the funds collected by each school. They cannot spend them according to their own wishes. Therefore, it is not correct to say that the funds are taken away by somebody else. As a matter of fact, we take into account the actual fee collected by the management while paying grants to the institution.

Reserve Police Pool

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

(a) when the decision to form a Reserve Police Pool for the States in the Southern Zone will be given effect to;

(b) the advantages envisaged by the Government by such formation on the administration side; and

(c) its advantages on the economic side?

THE HON. SRI M. BHAKTAVATSALAM: (a) The matter is still in the stage of consideration by the Inspectors-General of Police of the States of Mysore, Andhra Pradesh and Madras.

(b) & (c) In cases of emergencies in any State, the entire personnel of the Common Armed Police Reserve will become available for use in that State and it will ease the burden of each State in respect of keeping an armed reserve in sufficient strength to meet an emergency.

[18th September 1959]

SRI MOHAMED RAZA KHAN : Sir, it appeared in the Press that in the last conference of the Inspectors-General of Police of the four States in the South, they came to a general agreement on this issue except the Kerala Government. Is this true?

THE HON. SRI M. BHAKTAVATSALAM : That is not quite correct. The Kerala Government were not willing to get into this central pool. But the other States were agreeable to get into this pool. The details have yet to be worked out.

SRI MOHAMED RAZA KHAN : May I know, Sir, who will exercise control over the State Police Force, particularly when it is to be employed in the various States during emergencies?

THE HON. SRI M. BHAKTAVATSALAM : I can give that information only when the proposal takes final shape.

SRI K. BALASUBRAMANYA AYYAR : Sir, may I know why there should be a Southern Zone for the Police Force when there is no need for a Southern Rice Zone?

THE HON. SRI M. BHAKTAVATSALAM : Whereas it is felt not to be advantageous to have a Southern Food Zone so far as this State is concerned, it is felt by the States concerned that it will certainly be advantageous to have a Southern Zone for the Police Force. It is not a Southern Zone. It is a pool. It is a composite pool. The so-called Force will be available for the States concerned in times of emergencies, though the States concerned have an obligation to meet a portion of the expenditure on the Force.

SRI MOHAMED RAZA KHAN : As far as the cadre is concerned, may I know whether the number of constables and the officers will be on the basis of the population in each State?

THE HON. SRI M. BHAKTAVATSALAM : I have already said that details have yet to be worked out.

SRI V. V. RAMASWAMI : இம்மாதிரித் தென்மண்டலப் போலீஸ் படை தேவை என்கின்ற பிச்சை எந்தக் காரணங்களைக் கொண்டு எழுந்தது?

THE HON. SRI M. BHAKTAVATSALAM : சில சந்தர்ப்பங்களில் வேறு ராஜ்யங்களிலிருந்து போலீஸ் படையை வரவழைக்க வேண்டியிருக்கிறது. தனித்தனியாகப் போலீஸ் படை இருக்கென்று வைத்துக்கொள்வது என்றால் அனாவசியமான செலவாகும். அதனால் பொதுவாக ஒரு போலீஸ் படை ஏற்படுத்துவது நல்லது என்று கருதப்படுகிறது.

Subway at Mount Road

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

(a) whether there is any proposal to construct a subway for the crossing of pedestrians at Mount Road (near Round Tana) and opposite to the Central Station; and

(b) if so, when the work will be taken up?

[18th September 1959]

THE HON. SRI V. RAMAIAH : (a) The traffic situation at Round Tana has become very acute. To relieve the congestion here, Government have considered certain proposals. Finally, at a Conference held in June 1959 with the Ministers and the Officers concerned, it has been decided that an arcade at Round Tana should be constructed. The execution of the work will be in different stages. The first phase in the programme of construction is the linking of all the subways radiating from three points at Round Tana.

There is no proposal to construct a subway opposite to the Central Station.

(b) In pursuance of the above decision, the Chief Engineer (Highways), the Chief Engineer (Buildings) and the Commissioner, Corporation, have been asked to send a scheme for the construction of the subways at Round Tana. On receipt of the scheme, a decision will be taken by the Government. The work can be taken up only after that.

SRI MOHAMED RAZA KHAN : Sir, is it going to be purely a Government affair—Government financing the whole thing—or will the Corporation share the cost?

THE HON. SRI V. RAMAIAH : Sir, we are still waiting for the scheme to come up.

SRI V. V. RAMASWAMI : ரொண்டானா என்கின்ற இடத்தில் காலையில் மாலை எவ்வளவு நேரம் நெருக்கடி இருக்கிறது? அதைப் போலிசு வைத்துச் சமாளிக்க முடியாதா என்பது ஆராயப்பட்டிருக்கிறதா? இம்மாதிரியான இடத்தில் பாதாளப் பாதை அவசியமா என்பதைக் கேட்க விரும்புகிறேன்.

THE HON. SRI V. RAMAIAH : கனம் அங்கத்தினர் அவர்கள் மாலை சுமார் ஐந்து மணிக்கு ரொண்டானா பக்கம் போய் நின்று பார்த்தால், நான் சொல்வதைக் கண்டிப்பாக ஒப்புக்கொள்வார்கள் என்று நினைக்கிறேன்.

Pearl banks at Tuticorin

* 88 Q.—**SRI V. V. RAMASWAMI :** Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that Dr. F. B. Salvadori, the Biologist Expert, under the Food and Agricultural Organization, has conducted a survey of pearl banks at Tuticorin; and

(b) if so, his findings and the action taken thereon?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) An Italian Expert, Dr. Baschieri Salvadori was assigned to this State for a period of six months from November 1958 to May 1959 for conducting under-water exploration and survey of pearl and chank beds off the coast of Tuticorin. The official report of the Expert has not yet been received.

(b) Does not arise.

[18th September 1959]

SRI V. V. RAMASWAMI : இந்த நிபுணர் சொல்லியவண்ணம் இப்போது முத்துக்குளிப்புப் பயிற்சியில் நம் நாட்டு மக்களைப் பழக்கம் செய்வதற்கு ஏதாவது திட்டமிடுக்கிறதா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : இத்த நிபுணரின் ரிப்போர்ட் இன்னும் கிடைக்கவில்லை. தற்பொழுது இந்த முறையில் இன்னு நபர்கள் பயிற்சியடைந்திருக்கிறார்கள்.

VIDWAN T. MUTHUKANNAPPAN : முத்துச் சிப்பிகள் நமது ராஜ்யக் கடலில் எங்கெங்கே கிடைக்கலாம் என்று ஏதாவது ஆராய்ச்சி செய்யப்பட்டிருக்கிறதா? இல்லையானால், ஆராய்ச்சி செய்ய நடவடிக்கை இனி எடுக்கப்படுமா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : தற்போது தூத்துக்குடியில் மட்டும்தான் இது நடந்து வருகிறது. வேறு இடத்தில் முத்துக் கிடைப்பதாக இப்போது தகவல் இல்லை.

SRI V. V. RAMASWAMI : அடுத்து முத்துக்குளிப்பு எப்போது இருக்கும் என்பதை அமைச்சர் அவர்கள் தெரிவிப்பார்களா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : எல்லா வருடமும் முத்துக் கிடைப்பது என்பது சாத்தியமல்ல. ஆனால், கழிந்த இரண்டு மூன்று வருடங்களாக முத்து கிடைப்பதால், இந்த வேலை நடந்துகொண்டிருக்கிறது. சாதாரணமாக வருட ஆரம்பத்தில்தான் ஆரம்பமாகும்.

SRI K. BALASUBRAMANYA AYYAR : இந்த நிபுணர் எந்த ஊர்க்காரர்?

THE HON. SRIMATHI LOURDHAMMAL SIMON : இத்தாலியக்காரர்.

MR. CHAIRMAN : Questions are over.

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) BILL, 1959
(L.A. BILL NO. 23 OF 1959).

* THE HON. SRIMATHI LOURDHAMMAL SIMON : Sir,
I move—

‘That the Madras District Municipalities (Amendment) Bill, 1959 (L.A. Bill No. 23 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

2-50 p.m. Sir, one of the provisional conclusions of the Government regarding municipalities in the “White Paper on the Reform of Local Administration in the Madras State” is that provision should be made for the constitution of townships for municipal areas, where townships are considered necessary. It is proposed to take power for the declaration to be a township, of any municipality or any specified area therein, if it is an industrial, labour or institutional colony or a health resort and for the constitution of a township committee for such area declared as township. The provision made in the Bill will obviate the need for undertaking special legislation every time it is proposed to constitute township

* Printed as Appendix III on pages 641-642 infra.

[18th September 1959] [Srimathi Lourdhammal Simon]

committee of a pattern different from the ordinary pattern of municipal organization. In order, however, to ensure that the Legislature retains an opportunity of satisfying itself about the suitability of the special arrangements for the civic administration for such areas, it has been provided that the Government should declare any municipality or any specified area therein to be a township only if a specific motion is passed to that effect by both Houses of the Legislature; it is further provided that for each such excluded area a separate township committee shall be constituted on the basis of suitable adaptation of the relevant provisions of the Madras District Municipalities Act, 1920, so as to suit the special circumstances which necessitate the declaration of the area to be a township.

Hon. Members may remember that the Madras Village Panchayats Act, 1950, was amended in 1957, to make provision for the exclusion from a village of any specified area which is an industrial, labour or institutional colony or a health resort and to constitute a township committee for each excluded area. The Bill now before the House seeks to achieve the said object in respect of municipal areas and is on the lines of the provision made in the Madras Village Panchayats Act, 1950.

I, therefore, move that the Madras District Municipalities (Amendment) Bill, 1959, be taken into consideration.

MR. CHAIRMAN : Motion moved—

“That the Madras District Municipalities (Amendment) Bill, 1959 (L.A. Bill No. 23 of 1959), as passed by the Legislative Assembly, be taken into consideration.”

The motion is before the House for discussion.

* **SRI T. PURUSHOTHAM :** Sir, this Bill seeks to amend the Madras District Municipalities Act for the purpose of constituting township committees in selected areas. This is in accordance with the provisional conclusions of the Government regarding municipalities in the White Paper on the Reform of Local Administration. Hon. Members would remember that the White Paper made various other recommendations seeking to provide more powers to the Municipal Chairmen and for other purposes. A Bill, providing to give effect to all the recommendations of the Legislature Committee which went into the question, should have been welcome. I should like the Hon. Minister to tell us about the other recommendations and what further action has been or will be taken to give effect to those other recommendations contained in the White Paper on the Reform of Local Administration with regard to municipalities.

Hon. Members will note that the Amending Bill provides that if any specific motion is passed by both Houses of the Legislature, any area may be declared to be a township if it is an industrial, labour area, institutional colony or a health resort. It is seen that power is given to Government to fix the total number of members of the township committee, the term of office, and also the functions

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of the township committee and all other matters. This is a sort of delegation Bill. It would be better if the Government were to introduce a Madras Township Act providing for all these items, defining the maximum number of members and defining the powers of township committees, etc., so that the Government may straightaway apply the Act in all areas which are to be declared as townships in pursuance of the resolution of both Houses of the Legislature. We have the District Municipalities Act for the purpose of the administration of municipal areas and the Madras City Municipal Act for the administration of the civic affairs of the City of Madras. Similarly, I say that we should have a Township Act for the administration of townships. We have a Townships Act in England and in America. Instead of this sort of delegated legislation, I should feel that we should have a Madras Township Act on the statute-book, and the Act should be applied whenever we declare any area to be constituted as a township in accordance with the amendment now proposed in this Bill. Of course, an Act of delegation like this would show the absolute confidence of the Legislature in the Executive, and thus far it is all right. But what I feel is that the Legislature should also have its control and not give up its responsibility in framing legislation of all kinds and an Act similar to the Madras District Municipalities Act and the City Municipal Act, a Township Act to govern the administration of townships would, I feel, be better, I would request the Hon. Minister to have this proposal examined.

* SRI K. BALASUBRAMANYA AYYAR : Sir, I also feel like the hon. Member Sri T. Purushotham to say a few words. Suppose an industrial colony is part of a municipality. We say that by a notification all the functions now vested in the municipal council shall be transferred to or performed by the township committee. Then what will happen to the relations between the two of these? All this we leave to the rule-making powers. Nothing is stated here. Even the question whether it is a part of municipality, is not contemplated in the Bill as it is. It is merely stated that a notification issued by the State Government may direct that any functions vested in a municipal council by or under this Act shall be transferred to and performed by the township committee concerned. If it is a portion of the municipality, it must be a separate entity, I think. We must have all these provisions in the Bill. Therefore, I feel that a Township Act will be much better. We also do not know whether elections will take place. Mostly it will be by nomination. The whole thing may be done by nomination. Nothing can stay the hands of Government. The Government merely say who shall be members of the committee and how they are to be nominated or elected. How shall they become members, whether by nomination or by election? We may forego all the privileges which a municipality has. But it may affect the rights of citizens. It is all delegated legislation, giving power to the Government to deal with the rights of citizens. It is better to frame all the rules even for a township. Even

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in a township people have got rights. Therefore, all these things instead of being left to the State Government for decision later on, may be included in a Township Act. Though this is a delegated legislation, this is a delegated legislation with a vengeance wherein we are taking power to do everything, viz., fixing the number of members, the powers they should exercise, the nomination, election of the chairman, etc. Even in the working of the Panchayat Act we had a lot of trouble. Whether the secretary should be appointed or the commissioner should be appointed are all questions that will arise. Of course, they will all be decided by the Government. But it is better that we have another Township Act. The Government may include all the provisions, which they want, in that Bill. In the beginning there may be nomination. Afterwards, there may be election. Then the Government will know how the labour members react to these things. It is better to have a Township Act and then only labour members will come in. Instead of saying that the rules shall set out the total number of members, the persons who shall be members of the township committee and the person who shall be the chairman of the township committee or the manner in which he shall be elected or appointed, it is better that the whole thing is put in a statute. They should not be done by issue of notifications. That is the feeling I have about this Bill. We can pass the Bill now. The Government may make a trial. Let them try and see how an industrial and labour colony reacts to the township committee. Without doing this, if we pass this Bill, it will be for ever on the statute-book unless we change it. That is what I feel about it.

THE HON. SRI C. SUBRAMANIAM : Mr. Chairman, Sir, 3 p.m.
with the permission of the Minister in charge of the Bill, I would like to say a few words. Hon. Members will see that the township is intended to be constituted not for one particular category of areas. Hon. Members would find in clause 4-A that townships are to be constituted for "industrial, labour, institutional colony or health resort". So, what is applicable to a labour colony may not be applicable to a health resort. What is applicable to a health resort may not be applicable to an institutional colony. For example, take Kodaikanal. No doubt, there are permanent residents. But the floating population which comes to Kodaikanal during the season, April to June or September-October has also to be taken into consideration. The comforts of that population also have to be taken into consideration. So also there are many other health resorts. Take Courtallam. In addition to permanent residents, a large number of people go to that area. Labour colony is completely different from a health resort. Therefore, we may not have a uniform set of rules or laws for the purpose of constituting a township. That is why we are taking general power. I may assure hon. Members, on behalf of the Government, that when we come before the Legislature for the purpose of getting a specific motion, we place before the Legislature the scheme of the township also so that it may also be considered by

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the Legislature. I think that will be a satisfactory arrangement. I am sure the Government would be guided by the various suggestions that may be made by hon. Members with reference to the scheme of the township itself. Therefore, I would rather prefer to have a general Act like this rather than an Act which would bind the Government to particular terms and conditions. This is a matter in which we have to take decisions with reference to each area, taking into consideration the various circumstances involved.

* THE HON. SRIMATHI LOURDHAMMAL SIMON: Sir, the House must understand that the townships are different from the municipalities. In regard to townships we are not able to follow the ordinary rules applicable to municipalities. In our State at present we have got three townships—Mettur, Bhavanisagar and Courtallam. In these places three different sets of rules have to be followed, because we cannot have the same set of rules for all the townships. It is in that context that we are bringing in this Bill. If we have the same set of rules for all the municipalities or townships, we will have to adhere to them strictly and we may not be able to realise the objectives. Moreover, if any new township is to be formed, the notification will be issued under the new section which will contain all the particulars required for the constitution of that township. That will be placed before the Legislature for approval and then it will be issued. So, a uniform set of rules will not be adhered to in respect of all the townships.

The hon. Member Sri T. Purushotham referred to the recommendations of the Legislature Committee on the White Paper on Local Administration with regard to the municipalities. They are yet to be considered by the Committee. A Bill will be introduced as soon as the Legislature Committee arrives at a conclusion.

I do not think there can be any objection to the passing of this Bill. In respect of panchayats, we have already passed a Bill. With regard to municipalities, we have a Bill. With regard to health resorts, the Government will have to provide more money than for ordinary municipalities. That has also to be considered and it will be considered later. This Bill was brought forward only for the purpose of forming this township. I request that the Bill be taken into consideration.

MR. CHAIRMAN: The question is—

‘That the Madras District Municipalities (Amendment) Bill, 1959 (L.A. Bill No. 23 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

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

Clause 2.

MR. CHAIRMAN: The hon. Member Sri P. S. Krishnaswamy Ayyangar has given notice of three amendments to this clause. He may move them one by one.

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SRI P. S. KRISHNASWAMY AYYANGAR: I do not move any of the amendments given notice of.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRIMATHI LOURDHAMMAL SIMON: Sir, I move—

‘That the Madras District Municipalities (Amendment) Bill, 1959 (L.A. Bill No. 23 of 1959), as passed by the Legislative Assembly, be passed.’

MR. CHAIRMAN: The question is—

‘That the Madras District Municipalities (Amendment) Bill, 1959 (L.A. Bill No. 23 of 1959), as passed by the Legislative Assembly, be passed.’

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

(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT
BILL, 1959 (L.A. BILL NO. 19 OF 1959).

THE HON. SRI V. RAMAIAH: Sir, I move—

‘That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1959 (L.A. Bill No. 19 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

Sir, at the outset, I must apologise for coming up again with a Bill for extending the life of the Act. This has been necessitated because for the formulation of the consolidated Bill, a great deal of case law had to be gone through and also the Acts in force in other States had to be studied, with a view to incorporate such provisions as would give maximum relief to both landlords and tenants. The consolidated Bill is proposed to be referred to the Joint Select Committee. Since the finalisation of that Bill is likely to take some more time and the present Act is due to expire on 30th September 1959, it is proposed to extend the life of the existing Act for a further period of six months. In the circumstances stated, I trust that the House will accept the Bill.

MR. CHAIRMAN: Motion moved—

‘That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1959 (L.A. Bill No. 19 of 1959), as passed by the Legislative Assembly, be taken into consideration.’

* SRI K. BALASUBRAMANYA AYYAR: Sir, this Rent Control Bill is one of the war measures that were introduced, and it is continued even after the war has ended just like the surcharge on electricity. A Control Order was passed in 1941 by the then Government and it has been continued. Finally in 1946 an Ordinance was promulgated which went up to the Federal Court. They said

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that the order could not be extended by notification. Why I say that is this. They did not want a permanent Act. Then, whether the order could be extended by notification was the issue before the Federal Court. They said that it could not be done. Then, finally taking courage in both hands, they passed the Act in the year 1949. Then, they extended it up to 1955 and then up to 1959. Now, they want another extension for six months. Now, all are fed up with this control. Both the house-owners and the tenants are fed up with it. There is very little harmony existing now among the citizens in our State. Of course, though there may be necessity for controlling rack-renting, there is no need for accommodation control. In respect of a new house, the rent is always higher than for an old house, because the liberty is given to the owner of a new house to charge any rent. Sometimes they stipulate a higher rent and when the tenant does not know the law, he occupies the house. Sometimes, there are very clever tenants. They agree in the first instance to pay a certain rent and afterwards file a petition for fixation of fair rent. Usually, the officer concerned takes a very brusque view of the evidence and just reduces the rent, and this becomes fair rent. This is what happens. There must be an end to this thing. Otherwise, there would not be any incentive for people to construct houses. There is difference between old house-owner and new house-builders. The State has no doubt a right to see that there is no rack-renting. In England, they have the Rent Restriction Act, the Act of 1915, just like the Usurious Loans Act. We must see that nobody stipulates an unfair rent. This is what they do in England. It is equity jurisdiction. The Courts have always exercised this right. But, this scramble for accommodation and the tenants sticking on to the houses even if the house-owners want the houses for their own occupation are all things which are not proper. I can quote one instance. I know of a person who was for some time in the Travancore State and who owned a house in Mylapore. After three or four years' stay there, he returned to Madras and wanted to occupy his own house. A very respectable person sitting in that house would not move out of it with the result that the owner of the house had to go without his house for a long time. It is in this way the Act is working. I do not say that the Government intended this. But, that is the way in which the economy of the country works and the various psychologies that are operating in people's mind work. The sum and substance of the whole thing is that there is no harmony. Life has become more and more unhappy. The house-owner is unhappy and the tenant is unhappy. Both of them are unhappy. The house-owner is nagging at the tenant and the tenant is giving trouble to the house-owner. The house-owner is not able to get his own house for occupation when he wants. It is much better to have a general law like the Rent Restriction Act of England for the purpose of preventing the house-owners charging heavy, unfair rents. After doing this, they must give a *carte blanche*. I am not opposing this particular measure. We have suffered for the last so many years. We could suffer till 1960

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March. That does not matter very much. There is no difficulty about that. But, we must decide once and for all whether to have a permanent measure or not. Why think of only five years? Why cannot they think of a permanent measure? Let them plainly say that our people are only fit to be controlled by legislation in all matters. Let them write in blazing letters in their statute-book that as our people are only fit to be controlled by Acts and Regulations and they will never behave properly otherwise, the particular measure has been enacted for the purpose of controlling rent and accommodation. Take that view, viz., that everything must be controlled. Otherwise, let them leave it to the good sense of the people as they did in the case of control on rice. The Hon. the Minister for Home had said that in the matter of food-grains, the Government were still thinking not to interfere with the rights of people. I appreciate this stand of his. If it is absolutely necessary, they can think of control. Otherwise, they must not try to impose control on everything. They must drop controls. That must be the ordinary attitude which they should take so far as legislative measures are concerned. That is the attitude taken in England where they have the Rent Restriction Act. I agree that nobody should be allowed to take advantage of the situation and put up the rents unnecessarily and even resort to unjust evictions. Such things should no doubt be prevented. I agree. But, let the Government leave the rest undoubtedly to the ordinary relationships between the parties concerned. That is my submission, Sir.

* SRI T. PURUSHOTHAM : Mr. Chairman, the Hon. Minister should have brought forward the consolidated Bill on the subject much earlier, but he has explained the circumstances under which it could not be done earlier. Now that a consolidated Bill on the subject is also to come up before the House, I think there should be no objection to agreeing to the extension of the present Act by six months as proposed in the Bill.

SRI K. T. KOSALRAM : கனம் தலைவர் அவர்களே, கனம் அங்கத்தினர் ஸ்ரீ பாலசுப்ரமணிய அய்யர் கண்டோலே இல்லாமலிருப்பதுதான் நலம் என்று சொன்னார். உண்மையிலேயே கண்டோல் என்றால், எல்லோருக்கும் பயமாகத்தான் இருக்கிறது. அதை அட்சேயிப்பதற்கில்லை. இந்தக் கண்டோலின் மூலம் எத்தகையவர்களுக்கும் நாம் நன்மை சொ்கிறோம் என்பதைப் பொறுப்புள்ள அரசாங்கம் சிந்தித்துப் பார்க்கவேண்டும். இப்போது நாம் நன்றாகப் பார்க்கிறோம். நமது மனச்சாட்சி தெளிவாக இருக்கிறது. என். ஜி. ஓ. க்களுக்கு இந்த வீடுகள் கிடைக்க வேண்டும். பணக்கார வாங்குபவர்களுக்குத் தான் இதை வீடுகளைக் கொடுக்கவேண்டும். பணக்காரர்களுக்கு, 'லக்ஸூரியஸ் லைப்' 'எஞ்ஜாய்' பண்ணுபவர்களுக்கு வீட்டு வாடகை கையப்பற்றிக் கவலை இல்லை.

SRI K. BALASUBRAMANYA AYYAR : லக்ஸூரியஸ் லைப் ? பிராணன் பேசுகிறது. (சிரிப்பு)

SRI K. T. KOSALRAM : எனக்கும் கனம் அங்கத்தினருக்கும் இந்த வீடுகள் தேவையில்லை. லக்ஸூரியஸாக வாழ்பவர்கள் வீட்டு வாடகை எவ்வளவு வேண்டுமானாலும் கொடுக்கக்கூடும். இந்தக் கண்டோலின் மூலம் யாருக்கு வீடுகள் கொடுக்கிறோம் என்று பார்க்கவேண்டும். கெஜப்

[Sri K. T. Kosalram] [18th September 1959]

பதிவில்லாத உத்யோகஸ்தர்களுக்கு மிக மிகக் குறைந்த சம்பளம் கொடுக்கிறோம். அவர்களுக்கு அதிகச் சம்பளம் கொடுக்கவேண்டும் என்று நாம் சொல்கிறோம். அவர்களுக்கு அதிகச் சம்பளம் கொடுக்க வேண்டியது அவசியம் என்பது உண்மை. அவர்களுக்குச் சம்பள உயர்வு அளிக்கப்பட்டிருந்தாலும், அந்தச் சம்பள உயர்வு 5 அல்லது 10 ரூபாய் அளவிற்குத்தான் அளிக்கப்பட்டிருக்கிறது. வீட்டுக் கண்ட்ரோல் இல்லையானால், அவர்கள் 5 ரூபாய் வாடகை கொடுக்கத் தக்க வீட்டிற்கு 75 ரூபாய் கொடுக்க முன்வந்தாலும், இந்த நகரத்தில் அவர்களுக்கு வீடுகள் கிடைக்கும் என்று நாம் நிச்சயமாகச் சொல்ல முடியாது. இந்தக் கண்ட்ரோலின் மூலம் பணக்காரர்களுக்கு வீடுகள் கொடுக்க வேண்டும் என்பது அசாங்கத்தின் நோக்கமாக இருந்தால், அது கண்டித்த தக்கதுதான். எத்தனையவர்களுக்கு இந்தச் சலுகையை அளிக்கிறோம் என்பதுதான் இப்போது நாம் கவனிக்க வேண்டிய பிரச்சனை. இம்மசோதா பொறுக்குக் கமிட்டிக்குப் போகிறது. (ஒரு கனம் அங்கத்தினர்: இந்த மசோதா பொறுக்குக் கமிட்டிக்குப் போகவில்லை.) அந்த சமர்ப்பிக்கப்படலுக்கும் மசோதா பொறுக்குக் கமிட்டிக்கு அனுப்பப்பட்டுப் போகிறது. இந்தக் கட்டுப்பாட்டிலிருந்து எக்ஸெம்ஷன் பெறுவதற்கு வகை செய்யப்பட்டிருக்கிறது. உதாரணமாக, கனம் நண்பர் ஸ்ரீ பாலசுப்ரமணிய ஐயர் ஒருவரிடம் சென்று கேட்டிருக்கிறார் என்றால் . . .

SRI K. BALASUBRAMANYA AYYAR: நான் செல்லவில்லை.

SRI K. T. KOSALRAM: நானும் போகவில்லை, நீங்களும் போகவில்லை. உதாரணத்திற்காகச் சொல்கிறேன். 100 ரூபாய் வாடகைக்குரிய வீட்டுக்கு '300 ரூபாய் வாடகை கொடுக்கிறாயா' என்று வீட்டுக்காரர்கள் கேட்பதை நான் பார்த்திருக்கிறேன்.

கனம் நண்பர் ஸ்ரீ ரஸா கான் அவர்களுக்கு என் மீது கோபம் வரலாம். இந்தக் கண்ட்ரோல் வேண்டாம் என்று நனைப்பவர்களில் அவரும் ஒருவர். இந்தக் கண்ட்ரோல் இலாகா எனக்கும் ஸ்ரீ ரஸா கான் அவர்களுக்கும், ஸ்ரீ பாலசுப்ரமணிய ஐயர் அவர்களுக்கும் வீடு வாங்கிக் கொடுக்கவேண்டாம். குறைந்த சம்பளம் வாங்கும் அரசாங்க அதிகாரிகளுக்கு இந்தக் கண்ட்ரோல் இலாகாவின் மூலம் வீடுகள் கொடுப்பது அவசியம். பெரிய அதிகாரிகளைப் பற்றி நாம் கவலைப்பட வேண்டியதில்லை. எனவே, இந்தச் சட்டத்தின் ஆயுட்காலத்தை நீடிக்க வேண்டியது அவசியம்தான் என்று கூறி என் வார்த்தையை முடித்துக்கொள்கிறேன்.

THE HON. SRI V. RAMAIAH: Mr. Chairman, the hon. the Deputy Leader of the Opposition has referred to the general nature of the Bill and has discussed the very stand whether this control should exist or not. Two years ago, when I came before this House, I assured this House that I would look into this carefully before I thought of a consolidated Bill or further extension of the Act. I can assure the House that as far as rent control and accommodation control are concerned, I have paid my best of attention. I started with the view that this accommodation control should not be there. I spent a lot of time and I did study the problem as such and the number of instances which had been brought to my notice. As far as the allotment of houses is concerned, actually, I do not go into the details and I have left the whole thing to my Officers and there is not much of a difficulty with regard to it. I also at one time thought that we could abolish this measure. But the more we considered, the more we thought of this measure and the reactions, its abolition would have, and we decided to bring in a comprehensive measure.

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The hon. the Deputy Leader of the Opposition mentioned just now that he knew of a well-to-do gentleman who wanted to live in his own house but could not get it because of this Act. Well, I do realise the difficulty. But he must also sympathise with the others and me when house-owners who own not one or two houses but dozens of houses under some plea or other want to get release of the houses from control. If we were to make a comparative study of the position of the house-owner and the tenants, hardships caused in genuine cases, as referred to by the hon. the Deputy Leader of the Opposition, will be much less than the others who suffer because of the house-owners getting release of their houses. I do find that this control is giving a lot of heart-burning and difficulty and some influential people, at the same time, are trying to get away with the houses without any difficulty at all. It is only the people belonging to the poorer class and the middle class that suffer, as is often mentioned by the hon. Member Sri Raza Khan. I do not want to refer to it now. I shall come to it when I take up the other comprehensive Bill. In such cases we are thinking of giving some relief. When I introduce the next Bill that is to be referred to the Joint Select Committee, I feel earnestly that we have to give deeper consideration and thought to these matters. That is why I don't want to rush through that Bill. I want to refer it to a Joint Select Committee so that hon. Members may appreciate my viewpoint and the Government may appreciate the viewpoints of hon. Members more fully. The Joint Select Committee on the comprehensive Bill may go into all these details.

Now, I request the House to pass this small Amending Bill.

MR. CHAIRMAN: The question is—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1959 (L.A. Bill No. 19 of 1959), as passed by the Legislative Assembly, be taken into consideration'.

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

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1959 (L.A. Bill No. 19 of 1959), as passed by the Legislative Assembly, be passed'.

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

(3) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) BILL, 1959
(L.A. BILL NO. 20 OF 1959).

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

'That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 27 Members (18 Members of the Assembly and 9 Members of the

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Council) to consider the Madras Buildings (Lease and Rent Control) Bill, 1959 (L.A. Bill No. 20 of 1959) and that the following Members of this House be selected to serve on such a Joint Select Committee.

I will read out the names of Members later, Sir.

In making this motion, I would recall to the House the assurance given by me some time back that I will bring in a comprehensive Bill to replace the existing Act. I am really sorry that I have again to come up to the House for extending the life of the present Act for six months till the consolidated Bill is passed into an Act. I have also explained the circumstances while moving the Amending Bill. We have examined the entire position thoroughly and the Bill which is now being moved will satisfy the larger interests of the community as a whole.

I will now give, in brief, the salient features of the Bill.

We have introduced an important feature into the comprehensive Bill which is designed to give an incentive to private investors. It is proposed to exempt all buildings, the construction of which is completed after the commencement of the Act, from Accommodation Control. This provision will act as a stimulus to the expansion of the House Building Industry.

We have examined the question of the abolition of accommodation control also and we have given it deep thought and serious consideration. But we have come to the conclusion that the outright abolition of accommodation control will work serious hardship to a large number of persons. We have also considered the question of broadening the scope of accommodation control by extending it to quasi-Government servants and others. We find that such a step would lead to numerous difficulties and complications in the working of the Act. We have, therefore, decided that the *status quo* may continue.

Under the present Act, the Accommodation Controller cannot take up a building on a particular rent. The absence of such a provision has enabled certain landlords to notify buildings specifying high rents. This discourages prospective applicants from applying for such houses, and these houses get released. The comprehensive Bill seeks to remove this difficulty by empowering the Accommodation Controller to take over buildings on a 'reasonable rent' to be determined by him. The landlords would, however, be still free to go to the Rent Controller and have a fair rent fixed in case they are not satisfied with the 'reasonable rent' fixed by the Accommodation Controller. The insertion of this provision will check the tendency to shoot up rents. Under the existing Act, a building cannot be released to a landlord for carrying out repairs, renovation or reconstruction. This puts the landlords in a very difficult situation at times. The comprehensive Bill seeks to remove this difficulty by providing for release of such buildings to landlords to

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enable them to attend to extensive repairs, structural alterations, renovation or reconstruction. At the same time, the rights of the existing tenants would also be safeguarded and they would have the option to reoccupy the repaired or reconstructed houses subject to certain conditions. We have thus tried to formulate provisions which would give substantial relief to both landlords and tenants.

Under the existing Act, buildings are exempted from the provisions of the Act in certain cases where the normal remedy of evicting the tenants through the Court is not open to the landlords. However, the Act does not provide for laying down conditions to be observed by the landlords whose houses are exempted. This has been taken advantage of by certain landlords who do not ultimately carry out the purposes for which the Government granted exemption. The comprehensive Bill seeks to plug this loophole by empowering the Government to lay down certain conditions in the order of exemption. This will ensure that the purposes for which the exemption was intended are carried out. We have also included a number of other amendments which are calculated to make the working of the Act very smooth and efficient. In the circumstance, I trust that the House will accept the motion for referring the Bill to a Joint Select Committee consisting of:

- (1) Sri Abdul Hameed Khan,
- (2) Sri V. M. Surendram,
- (3) Sri K. T. Kosalam,
- (4) Sri M. Seshachariar,
- (5) Dr. A. Lakshmanaswami Mudaliar,
- (6) Sri K. Balasubramanya Ayyar,
- (7) Sri Mohamed Raza Khan,
- (8) Sri L. S. Karayalar, and
- (9) Sri M. Ethirajalu.

MR. CHAIRMAN : Motion moved—

That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 27 Members (18 Members of the Assembly and 9 Members of the Council) to consider the Madras Buildings (Lease and Rent Control) Bill, 1959 (L.A. Bill No. 20 of 1959) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

1. Sri Abdul Hameed Khan.
2. „ V. M. Surendram.
3. „ K. T. Kosalam.
4. „ M. Seshachariar.
5. Dr. A. Lakshmanaswami Mudaliar.
6. Sri K. Balasubramanya Ayyar.

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7. Sri Mohamed Raza Khan.
8. „ L. S. Karayalar.
9. „ M. Ethirajalu.

3-30
p.m.

SRI L. S. KARAYALAR: Mr. Chairman, Sir, the hon. Member Sri K. Balasubramanya Ayyar, while speaking on the earlier Bill, doubted whether this control on accommodation should continue at all and said that he was against accommodation and rent control. But things being as they are and human nature being what it is, I do not think we can dispense with the control for some time to come, because we have got to be very practical. In this connection, Sir, I shall offer only a few remarks because the Bill is to go before a Joint Select Committee and the various provisions in the Bill will be thoroughly examined there.

In offering my remarks, I will start from the last rung in the ladder of this control, namely, the sub-tenants. Under the present Act, when the tenant goes out, the sub-tenant also should go out along with the tenant. In the Bill that is presented to the House, the sub-tenant is also to be included as a party in the petition presented to the Accommodation Controller. Unless there is a written consent by the landlord, sub-tenancy could not be given. I do not know why there should be a written consent from the landlord. What harm is there in allowing sub-tenancy even if the tenants make some money? There is nothing wrong in that. Recently, Sir, hon. Members might be aware, in Bombay, a large number of sub-tenants had gone into the houses, several hundreds and thousands of them, illegally because there was a bar against sub-tenancy in the Bombay Act. Therefore, the Governor thought it wise, because it was so urgent and important, to issue an Ordinance under Article 213 of the Constitution of India to prevent the sub-tenants being evicted by the landlords. I would very much wish that such a provision were included in the present Bill, if possible. (The Hon. Minister was seen shaking his hands.) There is no use of shaking hands. Let us think about it and consider it in the Joint Select Committee. (Interruption).

Then, as far as eviction is concerned, as usual the landlord does not give a reasonable opportunity to the tenants. What I would like is that he should send a registered notice giving some time, ten days' time at least to tender the rent by money order so that he may have an opportunity to pay the rent. What now happens is, all of a sudden the eviction petition is presented to the Rent Controller and then the tenant has to face it. Half the number of petitions that are now presented would not be there if this is insisted upon. In almost every case, the landlords refuse to receive the rent. The tenant sends it by money order. The landlord refuses to receive it. Next month also the tenant sends it by money order and the landlord refuses to receive it. This is repeated for the third fourth and fifth months and still the landlord refuses. It goes on like that in the sixth and the seventh months

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also and in the eighth month the landlord goes to the Rent Controller and presents an eviction petition and presses for the rent for seven or eight months to be paid in one instalment. Under section 7-A of the present Act, the entire rent has to be deposited in the court before the tenant can open his mouth. It is really a great hardship to the tenant. What I would suggest is, if the rent sent by money order is not accepted by the landlord, provision may be made to deposit the money in the court or something like that so that the tenants may not fall in arrears for such a long period. It is very difficult for the tenants to pay rent for seven or eight months in a lump sum. As a matter of fact, I know tricky lawyers advising the landlords not to accept rent for six or seven months even though sent by money order by the tenant continuously and then go to court and ask the tenants to pay in a lump sum. This the tenants are not able to do. As regards deposit of rent under section 6-A. I would like to point out that when there is a dispute about the ownership of the house, the tenant goes to the Rent Controller and pays the rent month after month. I submit it should be a civil suit and should go before a civil court and not before the Rent Controller as it is the civil court that finally decides who is the owner.

Then, Sir, I wish to say a word about fixing the fair rent. I think the average of twelve months' rent prior to 1940 is taken into consideration, and the fair rent is fixed. This is too low. The average of twelve months' rent in 1948 or 1949 or some period about that time should be taken into consideration and the fair rent should be raised a little. That, I think, would be reasonable. In the present Act I remember the Accommodation Controller is given the power to fix the fair rent. Suppose a landlord demands a rent of Rs. 150 for a premises which may not really fetch that much of rent. The Accommodation Controller is given power to arbitrarily fix the rent. This is giving too much power. After the fair rent is fixed by the Accommodation Controller, the matter goes before the Rent Controller and regularised later. This seems to be a little arbitrary in my view.

With these few remarks, I finish my speech as the Bill is to go before a Joint Select Committee—and I happen to be a Member of that Committee and there will be ample opportunities to discuss the various provisions of the Bill.

SRI MOHAMED RAZA KHAN: Mr. Chairman, Sir, I just recall to my mind the fact that when the Bill was taken on hand in 1946 in the then Legislative Assembly and referred to a Select Committee, the Hon. the Home Minister who was then the Minister in charge of Public Works Department had a sitting of the House till 10 o'clock in the night and was good enough to give us a lift as in those days we did not have cars. The Hon. Minister visualised then that at best the measure would be in operation for a period of four or five years or six or seven years. He could never have imagined that a comprehensive Bill for the same purpose would

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be brought forward in his very presence by another Hon. Minister in the year 1959 and that too when he is acting as the Leader of the House. We have just passed the measure giving extension to the existing Act and we are now considering the comprehensive Bill to be referred to a Joint Select Committee. I should really congratulate the Hon. Minister Sri Ramalingam on having brought this comprehensive Bill with so many clauses covering a number of pages. But if one were to look for any important changes in the Bill, I for one do not find any in this Bill.

THE HON. SRI M. BHAKTAVATSALAM : 'Comprehensive' does not mean changes.

SRI MOHAMED RAZA KHAN : I think with the little knowledge I possess of English, 'comprehensive' means changes made after taking into consideration the various criticisms made in support of the Bill and against the Bill, and all the difficulties of the landlords and the tenants. The Government constituted as it is cannot take sides. I think that is what is meant by a comprehensive measure. Going through the various clauses of the measure, I cannot say that this is a comprehensive measure except for one fact. The Hon. Minister knows for a fact that there are people who in order to escape from the accommodation control, the moment the house is released boost up the rent. Suppose the control rent was Rs. 40. When the house is vacated, they put it up to Rs. 100. When the Government servant inspects the premises, he finds it is not worth more than Rs. 50. He can ask for fixation of fair rent and the Accommodation Controller can do it. That is all the amendment provided in the Bill.

It is too late for us to discuss the pros and cons of this accommodation and rent control business. I have said times without number that this is not necessary. That has been of no avail. Even in England there is no such thing as accommodation control. Many buildings were demolished as a result of bombing during the war. There the problem is the same as ours, if not worse. There is an Act called the Rent Restriction Act to see that landlords do not rack-rent. With regard to accommodation control, I was provoked by what was said by the hon. Member Sri K. T. Kosalram. I believe he has two personalities. One day he supports the Government and on another day he opposes the Government. Today he is with the Government. Yesterday he was with us. That is by the way. The point is this. The argument of the Government is that they have to find accommodation for their servants, the poor Non-Gazetted Officers. I ask whose responsibility it is. During all these 14 years the control has been there, they have failed to discharge their responsibilities. They ask the landlords to oblige them and find accommodation for their servants. What were the Government doing all this time? The L.I.C. is liberal in giving the necessary finance. The Government can take a loan and put up a number of houses to accommodate the Government servants. I

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do not like to use the phraseology though it may be parliamentary that it is their funeral, it is their responsibility and their affair. (Interruption.) I have used that in the other House more than half a dozen times and it has been held to be parliamentary. It is the Government's affair. They have to provide accommodation. For the sake of a few Government servants, it does not mean they should keep this Act on the statute-book for decades. Already one decade has passed and we are in the middle of another.

In all fairness to the House, the Hon. Minister ought to have given us an idea as to how many houses are released every month, how many are occupied, what are the rents paid and so on. No such information is furnished. I hope, if it is possible, he would supply the information when the Bill is considered by the Joint Select Committee. He could express difficulties by saying that so many houses are required every month for accommodating Government servants. Many houses may be required. I do not dispute that. But I should be told how many are needed, how many are actually occupied and at what rents.

Then, Sir, with regard to fixation of rent, this is a very important matter. Of course, among the landlords there may be some unscrupulous people. But human nature being what it is, when there is great demand for accommodation and the supply is not equal to the demand, the rents shoot up. During the past five or six days, we know what has happened in the case of sugar supply. What have we done? Nothing. The prices have gone up. One of the Ministers at the Centre suggests that we should have our coffee or tea without sugar and that we must show how to adjust ourselves to prevailing conditions. Here also it is only a question of accommodation and adjustment. In regard to fixation of rent, there must be a rational basis. There is nothing sacrosanct with the year 1940 or 1941. Perhaps in the year 1941 there was an order passed by the Government and naturally they want to stick to that order. I have said on a previous occasion and I repeat it now—even if we repeat once or twice, it is not having effect on our Hon. Ministers and it is only we who repeat it that get exhausted and not they—that in the year 1942, taking Madras City as an instance in point, most of the houses were evacuated by the people in the City out of fear of the Japanese invasion and they left Madras city and went outside with the result that there were not tenants available to occupy those houses. After some time, when conditions improved, people started coming in. But before that in 1942, the landlords let their houses which could fetch a rent of Rs. 100, for Rs. 60. Therefore, the Government cannot fix the fair rent by taking the conditions obtaining in 1942 into consideration. They can have a rational basis for fixing fair rent. Take, for instance, the question of the sale of a land. One ground of land in an important area like Nungambakkam or Adyar, where Ministers are staying, may have a big value, whereas the same ground of land in another area

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may have a value of only Rs. 3,000. Therefore, the value of the land varies from locality to locality. The Government officials are capable people who can draw up a scheme by which they can determine whether a particular house with so much accommodation like so many living rooms and so many dining rooms, has been newly built or not and on that basis they can fix the fair rent. There is no such basis now. They should have a rational basis and only on that basis they can solve the problem. There is no use of saying that they will take only the year 1941 into consideration for the purpose of fixing the fair rent. Therefore, if the Government have got the intention and will to do justice to the landlords and the tenants, they could say: 'Here is our formula. A particular house in a particular locality with so much accommodation will be let for so much rent'. If they say so, they would be stopping rack-renting and it would go a long way in creating harmony between the landlords and the tenants. As my hon. Friend Mr. Balasubramanya Ayyar has pointed out, there is no harmony now. The Hon. Minister in a very humorous way may say, 'Mr. Raza Khan pleads for the poor people'. Everybody pleads for the poor people. Does not he plead for the poor people at the time of elections? If my hon. Friend Mr. Balasubramanya Ayyar is having eight or ten houses—I do not know whether he is having such a large number of houses and that is a matter for argument—and if he is getting a reduced rent nobody will bother about it. But supposing my hon. Friend Mr. Kosalram is having only two or three houses and he is living on the rent from them . . .

SRI T. PURUSHOTHAM: Is he poor?

SRI MOHAMED RAZA KHAN: Sir, I am only giving an illustration. Whereas his income has remained the same, the expenditure on everything has gone up five or six times. Take, for instance, education and commodities and, for that matter, any aspect of life. One has to pay five or six times for everything. That is an important aspect of the matter which the Hon. Minister should take into consideration. As far as repairs are concerned, they have to spend three times the amount they were spending in the old days. Formerly they used to allot two months' rent for the Corporation tax and one month's rent for repairs. If only the Hon. Minister has some idea of carrying out repairs this year, he will know that it will cost three or four times the amount spent in the previous years. The Hon. Lady Minister knows how the Corporation taxes and other taxes are going on increasing. If the Corporation want money, they increase the tax by 10 or 15 per cent. But the landlord has to content himself with the original rent prevailing in 1940. Mr. Chairman, Sir, I do not like to take much time of the House. My hon. Friend Mr. Purushotham is smiling at me and he is opposing me. He himself presided over a conference . . .

SRI T. PURUSHOTHAM: At which rent control was insisted upon.

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SRI MOHAMED RAZA KHAN: He himself presided and my esteemed Friend Mr. Balasubramanya Ayyar inaugurated it. I do not know how both of them agreed with each other but that is a matter for both of them to consider.

My point is that the Government should draw a mean between the two. I want to make it clear that I speak on behalf of the public of Madras City and all of us are opposed to any rack-renting by landlords. I know there is a greater anxiety on the part of the landlords to exploit the situation. Might I also say on this occasion—and the Hon. Minister also will agree—that there is equally some anxiety on the part of certain tenants also to exploit the situation? I know cases where tenants, after taking possession of a building for rent, have sub-let it and earned Rs. 40 or 60. Therefore, the Government should try to go through all these cases. I am confident that the Hon. Minister in charge of this Bill will have an open mind and will take all aspects into consideration and try to bring in a Bill which will satisfy both the parties—we need not take sides with either the landlords or the tenants—and remove all the difficulties as far as possible.

So far as the Financial Memorandum is concerned, the Hon. Minister himself contemplates the appointment of Additional Controllers and others because he himself knows that it takes more than two years to decide a case and people get tired of adjournment after adjournment. I am sure all these difficulties will be overcome by bringing in a Bill which will satisfy both the landlords and the tenants.

Sir, in the City, population is increasing by leaps and bounds and the Government can no longer depend on the small landowners to give accommodation to a large number of people. It is their responsibility and they must find the necessary financial resources to build more houses. If they build more houses, their officers would be thankful to them. So far as we, the Members of the Opposition, are concerned, we shall be very reasonable when the Bill is considered by the Joint Select Committee and it will be our endeavour to see that this Bill, when it comes out of the Joint Select Committee, gives the maximum satisfaction.

* SRI V. V. RAMASWAMI: மன்றத் தலைவர் அவர்களே, நான் சுருக்கமாகச் சில வார்த்தைகளை மட்டும் சொல்ல விரும்புகிறேன். இப்போது சென்னை நகரத்திலும் மற்ற நகரங்களிலும் இக்கிற வீட்டுத் தட்டுப்பாட்டையும், வீடுகளுக்கு வசது விலக்கு அதிகரிக்கப்படுகிற வாடகையையும் பற்றி, ஒரு ஒழுங்கான முறை செய்வது காக அதிகாரம் இருக்கிற சட்டங்களினால் ஏற்பட்ட சங்கடங்களை நீக்கவதற்காக இந்த விரிவான சட்டம் இப்போது கொண்டுவரப்பட்டு வருகிறது. இப்போது இருக்கின்ற நிலைமை என்னவென்றால், எவ்வளவு வாடகை கொடுக்கத் தயாராக இருந்தோரிலும், ததியான வீடுகள் கிடைக்கவில்லை என்று சொல்லுகிற பதார் ஒரு பக்கம். காரியாக இரண்டாம் வீடுகளாக இருந்தோரிலும், எத்தனையோ வீடுகள் வாடகைக் அமர்த்தி கொள்ள முன்வந்தாலும் கொடுக்க மனம் இல்லாமல் ஏதாவது காரணம் காட்டும் நிலைமை ஒரு பக்கம். சரியான வாடகைக்கு விடாமல், அதிகமான வாடகை தீர்ப்பாக்கு ஏதாவது சர்க்காரோடு சொல்லும் நிலைமை மற்றொரு பக்கம். இம்மாதிரியான நிலைமைகள் இருக்கின்றன. ஆகையால், குடி இருக்க வசதி

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யான வீடுகள் தேவை என்பது ஒரு பக்கம் இருக்கிறது. இருக்கிற வீடுகளை, வைத்திருப்பவர்கள் அதன் மூலமாகக் கிடைப்பதைக்கொண்டுதான் ஜீவனம் செலவு செய்தால், தங்கள் நினைக்கும் அளவுக்கு வாடகை கிடைத்தால் வசதியாக இருக்கும் என்று அவர்கள் எண்ணக்கூடிய நிலைமையும் மற்றொரு பக்கத்தில் இருக்கிறது.

அகவே, கனம் அங்கத்தினர் திரு. பாலசுப்பிரமணிய அய்யர் அவர்கள் கேட்டுக்கொண்டபடி வீடு வைத்து கொண்டிருக்கிறவர்களுக்கும், உபயோகிக் கின்றவர்களுக்கும் மனத்தாங்கல் இல்லாமல் செலவுஜன்யமாக நடக்கக்கூடிய நிலைமையில் சட்டம் அமைக்கப்படவேண்டியது அவசியம்.

இப்பொழுது பல துறைகளில் பதிது பதிதாக வீடுகள் கட்டப்பட்டு வரு கின்றன. தனியார் துறையிலும் சொந்தத்திலும் தாராளமாக வீடு கட்டப் பறும்; அந்த வீடுகளின் வாடகையைக் கட்டுப்படுத்த இந்தச் சட்டம் வருகிறது என்று அமைச்சர் அவர்கள் சொன்னார்கள். மேலும், குடியிருப்புக்கென்றே பல இடங்களில் வீடுகள் கட்டப்படுகின்றன. இந்தக் குடியிருப்புப் பிராந்தியங்களில் வீடுகள் கட்டப்படும் முன்பு அவைகள் இன்ன அமைப்பில் இருக்க வேண்டும், இன்ன வாடகைதான் வசூலிக்க வேண்டுமென்று நர்ணயிக்க முடியுமா என்பதை நாம் ஆராய வேண்டும். அப்படிச் செய்து விட்டால், அந்தப் பதிவிலே வாழ விரும்புகிறவர்களுக்கு அங்கிருக்கும் வீடு களுக்கு என்ன வாடகை என்பது முன்கூட்டியே தெரிந்துவிடும். அப் பொழுது இப்பொழுது ஏர்படக்கூடிய சங்கடங்கள் இல்லாமல் போய்விடும். தெழி துறை மானியம் பெற்றுக் கட்டப்படும் வீடுகள் எல்லாம் இன்ன அமைப்பில் இருக்க வேண்டுமென்ற முறையில் கட்டப்படுகின்றன. அவை களுக்கு முன்கூட்டி இன்ன வாடகை என்று அரசாங்கத்தார் சொல்லி வீடுகிறார்கள். அப்போது பதிதாகக் கட்டப்படும் வீடுகள் எல்லாம், இந்தமாதிரி அமைப்பில் இருக்கவேண்டும், அவைகளுக்கு இன்ன வாடகை தான் என்று நிர்ணயம் பண்ண முடியுமா என்று யோசிக்க வேண்டும்.

அரிதசபாயாக, பழைய நகரப் பகுதிகளில் முன்பே கட்டப்பட்டிருக்கிற அடேச வீடுகள் இப்போதுகொண்டுக்கொள்ள. அவைகளுக்கு, இன்னின்ன பதிவில் இருக்கக்கூடிய வீடுகளுக்கு இன்னின்ன வாடகைதான் என்று ஒரு அதிகாரியைக் கொண்டு நிர்ணயித்துவிட வேண்டும். "நகரத்தவாடகைக் கட்டிப் படுக்கிற பெருக்காரர்கள் வாடகையைக் கூட்ட வேண்டுமென்று விரும்புகிறார்கள். இந்தத் தொந்தரவு இல்லாமல் இருக்க, அவ்வப்போது, அசாவது ஐந்து ஆண்டுகளுக்கு ஒரு முறை பொருளாதார நிலைமையைப் பார்த்து, வாடகைகளைக் கொல்லப் புள்ளியைப் பார்த்து ஒரு வாடகை நிர்ணயித்து விட்டால், பிறகு, அதை மாற்றக்கூடாது. அப்போது, ஐந்து ஆண்டுகளுக்கு ஒரு முறை என்ன முறையில் வாடகையை நிர்ணயிப்பது என்பதுபற்றிச் சீர்தரக்கப் பார்த்து கூட்டியோ முன்கூட்டி வைக்கலாமா என்று பரக்க வேண்டும். முனிசிபாலிட்டி வரி விதிக்க ஐந்து ஆண்டுகளுக்கு ஒரு முறை பரிசீலிப்பது போன்று அரசாங்கமும் ஐந்து ஆண்டுகளுக்கு ஒரு முறை வாட்கைப் புள்ளி விவரத்தைப் பார்த்து வாடகையை நிர்ணயிக்க முடியுமா என்பதை ஆராய்ந்து பார்க்க வேண்டியது அவசியம். அரித்தார்போல் இரண்டு பேருக்கும் மனத்தாங்கல் ஏற்படாமலிருக்க ஒரு வாடகை நிர்ணயித்த பிறகு ஐந்து ஆண்டு என்று வைத்தால் அதற்கு முன் யாரும் பேச முடியாத நிலைமை இருக்க வேண்டும். இதை மனதில் வைத்து இந்தப் பொறுக்கக் குழு ஆலோசித்து வேண்டிய பிரகாரம் இந்தச் சட்டத்தை உருவாக்கவார்கள் என்று எதிர்பார்த்து என்னுடைய வார்த்தைகளை முடித்துக்கொள்ளுகிறேன்.

* SRI T. PURUSHOTHAM: Mr. Chairman, Sir, I join with the hon. Member Sri Mohamed Raza Khan in congratulating the Hon. Minister Sri Ramaiah on having brought forward this consolidated Bill. (Sri V. V. Ramaswami: So far only). Sir, the Hon. Minister has devoted a great deal of attention to meeting the several difficulties that have arisen in the working of this Act and he has

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tried to bring forward a Bill which would satisfy all interests. The Bill, as the Preamble shows, is intended to regulate 'letting and control of rents and prevention of unreasonable eviction of tenants'. Sir, so far as the control of rents and prevention of unreasonable eviction is concerned, I certainly agree with the main provisions made in the Bill.

(Srimathi Jothi Vencatachellum in the Chair.)

With regard to accommodation control, I have made my position always clear. It is to remove the practical difficulties in the working of the present Act, the Hon. Minister has said, that this Bill has been brought forward. What are the present difficulties with regard to accommodation in the City and elsewhere and whether any committee went into this or the actual working of the Act, it has not been made clear. Nor has the Hon. Minister given any statistics to justify the continuance of this accommodation control. The accommodation control was introduced as a war measure and with the separation of Andhra, Kerala and South Kanara, we expected that there would be no need for any sort of accommodation control. How far has the position with regard to houses in Madras City improved and what is the need for continuance of accommodation control? The Hon. Minister has not made all that clear, nor has he given statistics to show how many houses are available and whether there is difficulty at all experienced by Government servants. I emphatically state, Madam, that this provision with regard to accommodation control as provided in clause 3 of this measure is unnecessary. During an emergency period, we provided for accommodation control for the sake of our Government servants and thus it was that provision for requisitioning of houses came in. But the war was over long ago and unless the Hon. Minister makes out a case by giving full figures, I feel, there is no justification for continuance of the accommodation control. The Government, I feel, should have two separate Bills, if they consider accommodation control is necessary. This Bill for control of rents and prevention of unreasonable eviction of tenants should not include a provision for accommodation control also, as that would be outside the purview of the objects and reasons and the Preamble contained in this Bill. I do not know whether, strictly speaking, requisitioning of houses will come under this Bill when it is stated in the Preamble that this one relates to 'letting' of residential and non-residential buildings.

Madam, I have got a communication here to show how the Bombay Land Requisition Act which governs the requisitioning of buildings in that State has already been given up. (Interruption) Well, that is the information I have got. Here is a letter received from the Controller of Accommodation, Bombay, in which it is stated that the Government have decided, as a matter of policy, not to requisition any premises after June 1958. I would request the Hon. Minister to make a reference to the Bombay Government

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and also to the West Bengal Government on the subject of requisitioning of houses. If in Bombay there is no need for a provision of that kind, I do not know why there should be such a provision in our State.

I agree with the hon. Member Sri Mohamed Raza Khan that the Government should pursue their schemes of building houses through the City Improvement Trust and other co-operative ventures for improving the housing accommodation rather than requisitioning the private houses for the sake of the Government servants. I am behind none in my anxiety to see that Government servants get all the amenities. The hon. Member Sri Kosalram referred to Non-Gazetted Officers, but I do not think this Bill will help them a great deal. If they should be helped, I do not mind any accommodation control for houses fetching rent below Rs. 100, but I do not see any reason why any control at all should be there for houses the rent of which exceeds Rs. 100, as Government servants who could afford to pay that rent could get accommodation conveniently and no special provision would be needed in their case. The other day I have suggested in this House, as an alternative measure, that the Government should consider, to relieve the congestion in the City, the question of transferring some of the Government offices to places outside the City of Madras, and the Government servants too could find convenient accommodation elsewhere rather than contribute to the overcrowding in the Madras City. Such schemes the Government should explore rather than bringing in this measure of accommodation control. This Act is going to remain in force for a period of five years. I do not know, Madam, whether the Government have formulated any schemes by which they will be able to relieve this housing shortage in the Madras City and elsewhere within this period of five years, and if so, we should be told what schemes they have formulated. If they have got a reasonable plan that within this period of five years they would be able to improve the housing accommodation and say that this is only a temporary measure for five years, we may perhaps agree with the Government, and finding that they have taken necessary steps in the matter, we can agree to a measure of this kind. But when no alternative proposals have been undertaken to meet the housing shortage, I do not see any reason for this five-year Bill for accommodation control.

Further, Madam, the Government should also take into consideration the housing needs of the general public, non-officials and others. The previous Ministers, I know, gave an assurance on the floor of the Legislature that when houses were requisitioned, a percentage of the houses requisitioned 59 per cent or so—I believe it was stated as one-third—would be reserved for non-officials. The Bill now purports that all the houses requisitioned will go to Government officers. The Minister said that on account of practical difficulties, he could not consider the allotment of houses to non-officials and others. What the practical difficulties are, he has not stated. I would request the Hon. Minister to make the point clear. Some-time back during the discussion on this question in Ootacamund he

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stated that he would examine this aspect of the matter more thoroughly. Why this has been dropped, what are the practical difficulties, should also be made clear to the House.

Madam, I do not deny that the Bill contains very many salutary provisions. Particularly, I find that houses the construction of which will be completed after the commencement of the Act will not fall within the scope of these requisitioning orders. It has been very clearly stated that with a view to encourage construction of private houses, buildings constructed after the commencement of the new Act will not come under clause 3 in which requisition of buildings is provided for. We find other salutary provisions also. Specific provision has been made for the landlord not to interfere with amenities enjoyed by the tenants. But, with regard to fair rent referred to by my hon. Friend Sri Mohamed Raza Khan, we find that the old provision is there as it is. There is the slab system as at present. Instead of this slab system, I would have been glad if there was provision made for a percentage increase, considering the present cost of buildings. There should be a scientific approach to this problem.

SRI MOHAMED RAZA KHAN : The hon. Member is very good to-day, especially good!

*SRI T. PURUSHOTHAM : There must be a rational approach and instead of having this slab system, there must be a more satisfactory arrangement. The old section has been repeated here and I would appeal to the Hon. Minister that this may be reconsidered to see how best this fair rent question may be dealt with.

The Hon. Minister is aware that the Madras House-owners Association held a conference recently and that they have forwarded their resolutions to Government. I would request the Hon. Minister to have them all examined. One of the resolutions is that a new section may be provided as a ground for eviction if the owner wants to carry out repairs, reconstruction, etc. We find a provision has been made in the new Bill to this effect. There are several other resolutions. I do not wish to go through them at length. I would request the Hon. Minister to give an opportunity to the representative bodies like the House-owners Association to make their representations before the Joint Select Committee. If this is done, I am sure the Bill could be improved to satisfy all points of view. I am sure the Bill when it emerges from the Joint Select Committee on which we have Members like Sri K. Balasubramanya Ayyar, Sri Mohamed Raza Khan and Sri L. S. Karayalar, will be improved very much. The Members of the Joint Select Committee will see to it that all points of view are fully thrashed out and I am sure the Government also will give sympathetic consideration to all representations and see that a satisfactory measure is evolved. I would still press the Hon. Minister to consider how far it would be justifiable to continue the accommodation control and whether it would not be possible to do what other States like Bombay and

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West Bengal have done in the matter, and see that a Bill is got through for rent control and other matters, taking away provision for requisitioning of houses.

4-10 p.m. * SRI K. BALASUBRAMANYA AYYAR: Madam, I do not want to take much time of the House. There are one or two important matters, which should be taken into consideration by the Joint Select Committee when they consider this Bill and also the Hon. Minister in charge of the Bill. Of course, it is a matter for the Joint Select Committee to decide. But most probably the Minister in charge will be the Chairman of the Committee. Therefore, I would request that facilities may be given to the house-owners and tenants to meet the Members of the Joint Select Committee to represent their grievances and difficulties. There are many difficulties. Unless we perceive the whole thing, we may not be fair to the house-owners or to the tenants. Let us be fair to both of them. I am not pleading for either the house-owner or the tenant. Let us see that they both work together in harmony and live peacefully in the house built by the one and tenanted by the other. That is the proper approach to this particular Bill. I know very well that the Minister has got proper approach. I am confident and I believe in him. Therefore, I am saying, 'Let us have a full-dress investigation'. The position is exactly the same in Madras and in other places. There is congestion in Madras. The population has increased from 15, 16, 17 to 18 lakhs. This congestion is also due to the policy pursued by our Government. All the offices are here. Even retired people come and live here, because amenities are much less in the villages and probably this is one of the reasons for the overcrowding in the Madras City. Even industrial estates are very near Madras. That is our policy and it is going on. Three lakhs of rupees are spent by the Government for the purpose of building houses for the Government servants. Therefore, it is absolutely necessary that we should stop this congestion and, at any rate, we should see that some offices are situated outside Madras, viz., agricultural offices. They can very well remain in the mufussal. It is better that some congestion is relieved here. There has been a suggestion that some of the Andhra offices should be brought under the purview of the Accommodation Controller. I think that that should not be. By this time the Andhra Government must have made arrangements to keep out of Madras and have their own offices elsewhere. (Dr. A. Sreenivasan: You are very generous to them!) Therefore, that is a point for discussion. I wanted to know whether accommodation control was still continued in the various cities like Bombay and Calcutta. I understand as a policy the Government have decided not to build houses. Why should we not do that? What the other State Government do, we must investigate and find out. Let the Government investigate and see whether they can continue the accommodation control. I am not recommending control. I shall be very happy, if it is done away with once and for all. Even for the Minister it is a great head-ache. I know very great pressure was brought upon the

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previous Ministers. But so far as the present Minister is concerned, he does not allow himself to be influenced by anyone. I am bound to say this. Previously there was very great difficulty and all this should be avoided. If the Bill is not there and the congestion is to be removed from Madras, the Government should see that people do not crowd in the Madras City and add to the increasing population. This arbitrary 1940 business should also go. In 1941 they passed a control order. Therefore, they put 1940. That was reasonable in 1941 but not in 1959. What is that crucial year 1940? Because the Act was passed in 1941, they mentioned 1940, the previous year. What is the use of labouring 1940 from year to year? Conditions have changed wholly between 1940 and 1959. It is a period of increasing rent. Let us also take the question of repairs. For a carpenter we pay Rs. 4-0-0 daily now, while we were paying Rs. 1-0-0 or Rs. 1-4-0 in 1940. I have lived in 1940 and also am living in 1959. For a mason we pay Rs. 4-25. That way the cost of repairs is going on increasing. I have known a time in 1905 or 1906 when we paid Re. 0-2-0 for a mason. But I don't want to go to that heavenly period. We were not free then. Now we are an Independent Nation. Let us pay also to the Government and to our people. We shall take into consideration all the difficulties of the landowners. There are poor people among the house-owners and tenants also. There are very many house-owners and also widows depending entirely upon the income of their houses. Only one house may be given to her as residence. There are thousands of people like that as against a few rich people. Therefore, we cannot penalise all these people who come in that category. That is very wrong. We must never do that kind of thing.

Sir, as regards sub-tenants, I know there are houses consisting of 20 to 40 families. I am not exaggerating. There is only one room for Rs. 25 and one kitchen for three people. This is a common feature in Mylapore, Triplicane and Georgetown. Therefore, sub-tenancy should not be recognized. As far as possible, it should be decried. A salutary provision in the Act says that the sanction of the house-owner is necessary for sub-letting. Otherwise, for the tenant sub-letting without the consent of the owner, his tenancy is lost. Because we should not encourage sub-tenancy business. It is injurious to the health of the people, very miserable. I have seen some houses. I do not appreciate the justification of the tenant having so many sub-tenants. He should be decried. Probably in Kanyakumari it may be all right. They have got provision that without the sanction of the landlord they should not sub-let. But no sanction is ever taken by any tenant. I know myself a tenant, who has taken a sub-tenant. But I have not proceeded against him. They do not ask for permission. When we stipulate the rent, they immediately agree to pay. For a society we had a house in which there were 16 tenants. The person, who was a tenant in name made collection from all the sub-tenants and he himself paid Rs. 5 and made

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money out of the sub-tenants. I will be glad if the Minister has caught the point. Sub-tenancy should be completely stopped. I would even go to the extent of asking for fixing the number of tenants, say, two or three and no more. The Corporation must control the number of tenants in a house and say the tenants must not be more than two or three in number. I am agreeable even to this provision. For the life of people will be, otherwise, ruined. Having one common kitchen and a room for ten inmates is a miserable sight. (Sri Abdul Hameed Khan: Otherwise, they will have to live in the streets.) Therefore, the sub-tenancy business is a horrible thing. I would even say that the Corporation should have powers to see that the number of sub-tenants in a house does not exceed a specified number.

SRI L. S. KARAYALAR: Madam, Vice-Chairman, on a point of personal explanation. When I mentioned sub-tenancy, what I wanted to say was that the written consent of the landlord should not be necessary for having a sub-tenant and that the sub-tenant should not be evicted if the main tenant is evicted.

4-20 p.m. SRI K. BALASUBRAMANYA AYYAR: There is one advantage under the Rent Control Act. The house-owner gets his rent regularly. That is a great advantage. I should not omit to say that. Therefore, we are interested in so far as that portion is concerned in having controls. Before that, we had to go to the Small Cause Court for the recovery of the accumulated rent for a period of many months. The decree will be passed, say, for Rs. 250. It will take a period of twenty years before we get this arrear of Rs. 250. But, there is no such thing now. The house-owner gets his rent quite regularly, because default in payment of rent will result in the eviction of the tenant. He does not want to go away from the house. Of course, he pays the previous month's rent by the end of the second month. He sends the rent by money order. That is the great difficulty. In this arrangement, the harmony between the landlord and the tenant is gone. I must honestly say that the tenants do not want to leave the houses but want to stick on to them. I know of tenants who even though they prosper and have built houses, refuse to go out of the rented houses. I can give you many instances like this. There are landlords who make mistakes. I am not saying that they are all heavenly people. There are tenants also who are bad. I know of a tenant who has built his house and has accommodated his people there. He will have his brother-in-law there and insist upon himself remaining in the rented house. If he is asked to vacate, he will say 'No'. If the house-owner wants the house, he will have to go to the Rent Court. 'Court' means great delay. Most of the Judges there have not got adequate judicial training. That is one difficulty. The general impression about the Rent Controller is that he is in favour of tenants. I am not accusing him. He must see that the tenants are accommodated. That is the difficulty so far as he is concerned. These are all

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personal matters, and the Government have no responsibility for it. I am not accusing the Government either. They can only appoint officers. I would rather give some of these things to judicial tribunals, who will sit in one place and dispose of cases and again go to another place for disposal of cases. A set of competent officers will form a kind of committee and go from place to place and dispose of cases. Otherwise, there will be delay in the disposal of cases. There will be adjournment after adjournment and the tenant will continue to occupy the house. Suppose I put in a petition for eviction of a tenant: it will take one year before the petition is decided. The tenant takes advantage of the situation. That is what is happening. To find a remedy for this state of affairs, there must be constructive thinking. I have not thought about it. I must plead guilty to it. All these things must be discussed in the Joint Select Committee. I cannot say that this is a comprehensive Bill. This is a Bill only for five years. This Bill is the result of the experience of about 15 years but the Government should not make fresh mistakes and allow room for gaining experience. Let us profit by the experience of the last so many years.

DR. A. SREENIVASAN: You can come with amendments later on.

* SRI K. BALASUBRAMANYA AYYAR: We may have some general principles. If all of us are agreed and if we believe that there is need for an Act like this, let us have a permanent Act. That is the best thing under the circumstances. This five-year business gives rise to hope. People may think, 'We shall conserve our money. After this five-year period is gone, we shall build houses'. Our people are very clever in these matters. They have got great foresight. They will think that they will be quite free if they should build houses after five years. Therefore, this provision about 'five years' should go. The Government must seriously think about the matter and if they are anxious to have a Bill, let them have it once and for all. If they do not want to have a Bill, let them continue the present legislation.

* DR. A. SREENIVASAN: Madam, Vice-Chairman, nobody will be surprised at the Government having brought forward this Bill to control rents, because the very policy of the party in power is to control everything under the sun. Therefore, one need not be surprised at the rent control at all. They have controlled ever so many activities of ours after we attained freedom. Now, this is another pinprick that we are having. The basic question is, 'Why is there overcrowding in the City of Madras?' This has not been completely analysed. If a remedy can be found for this overcrowding in the City of Madras, then there will be no necessity for the introduction of this Bill. My analysis is this. Life in the villages has become very bad. People think it is unsafe to live in villages especially when they have a few rupees with them. I know a number of instances where people have

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purchased properties in Madras, simply because they think it unsafe to have any money with them in the villages. I do not know who is responsible for the unsettled state of life in villages. Another thing is that the Government go on increasing their departments and naturally at the end of five years, I am afraid there will be another army of officers under the Government. Therefore, there will again be the necessity to extend this Act further. One method of stopping this overcrowding in the City of Madras is for the Government to have a definite policy for building houses for their own servants—especially non-gazetted officers. So far as the gazetted officers are concerned, they “apply the grease at the creaking points” and get houses. It is the poor lot of people consisting of the non-gazetted officers that really suffer for want of decent houses and accommodation. Now, the Life Insurance Corporation has come out with the promise of giving some crores of rupees for house building. I think the Government will do well to construct some hundreds of houses for accommodating their own non-gazetted employees.

One other point is that we should shift some of the offices outside the City of Madras. If the Government are willing to do it, they will always find the means to do it. But, if they are not willing, it is not possible to do it. Provided that they think it is better to remove some of the offices outside Madras, it will be quite alright.

As regards difficulties of house-owners, I do not think the Government will be sympathetic towards house-owners for the one simple reason that the tenants are in a majority and the house-owners in a minority. Ours is a democratic Government. Therefore, one should know which side of the bread is buttered. There is also a political motive in bringing in this Bill in order to pamper tenants. Just as they pamper labourers, they pamper tenants, who are the voters, and who are the masters in a democratic form of Government.

With these few words, Sir, I resume my seat.

* SRI G. KRISHNAMOORTHY: Madam, I think the Government are bringing in this comprehensive Bill just to continue this legislation for at least another five years. As has been 4-30
p.m. ably expressed by some speakers who preceded me, there is no need for either accommodation control or rent control. Suddenly, we, on the side of the Government, have begun to think that everything has to be done only through law. After Independence, and more so in very recent years after Independence, we have come to think that the ordinary man is helpless without the medium of law.

(Mr. Chairman in the Chair.)

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There were, of course, heydays, prosperous days, when people used to say that in their lifetime there was no need for them to go to a Court or even to a Government office. Life was so peaceful. There was no need to keep accounts. There was no need to write a petition. There was no need to go to a Court of Law except in the case of persons who were turbulent. Such were those days. Life was peaceful and the man who never saw a Court was considered the best man in the village or the taluk concerned. But, now, for everything we want a petition to be written. Even an illiterate person has to do some writing work. He has to go to some person who knows reading and writing. He has to get a petition written up. He has to stand before an officer. He has to maintain accounts. He is taught through certain Bills like this that he can have relief if he dares to go to a Court of Law. Thus, seeking relief through modern legislation which we are just bringing in has somehow or other become a tendency on the part of the people on account of the various items on which we legislate. It is a recognized fact that we should govern the least. If we govern the least, then naturally people will begin to feel life peaceful. We got Independence as a country. But the individual has lost his independence. He has no independence in any sphere. He cannot own a house without having the need to report it to the Rent Controller. He cannot own a land without having an agreement between him and the tenant or without understanding the law. Life has become so complex and somehow or other the Government have begun to think that if a man owns something by way of immovable property, whether it be land or house, he is a sinner. The whole of this legislation, such a voluminous legislation, proceeds on the basis that the culprit is the landlord and not the tenant. Almost all the clauses are like that. The landlord is taken to be the man who is likely to commit fault and provisions are like that. The provisions go even to the extent of saying that there must be misunderstanding between the landlord and the tenant and that the landlord should receive a money order from the tenant who lives in the same house or next door. When legislation is like that, it develops a tendency among the people to do certain things because they have been promised certain things through that legislation. Can we not leave all these things to the people themselves? The other day, the hon. Lady Member Srimathi K. B. Sundarambal said that there were sympathetic people. All of us are like that. We have got our culture. We know how to treat a tenant or how to act as a landlord. Why should the Government suspect a man who has got some immovable property? Why should there be this legislation? Is there any increase in population? What is there to prove the increase in population? We cannot depend on statistics. It is not an increase in population. There is only an influx of population into towns. How is it that after we attained Swaraj, during these eight or twelve years, the population has suddenly increased? When we have birth control, when we claim to have operated 3,000 women to stop pregnancy, and when we have done other

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things, we say that our population has increased. Certainly, it can never increase and these statistics are not at all dependable. The Government say that they want to provide more houses. There have been so many City Improvement Trust schemes. Buildings are springing up up to Panavaram or to distant places, to ten or fifteen miles around Madras. In spite of it, we want to retain accommodation control and we want to have the fair rent fixation. Is it fair rent, I ask? To just take the rent that prevailed in 1940 as the basis and add to it $5\frac{1}{2}$ or 50 per cent and call it fair rent is nowhere near 'fair'. Many have taken up that point and said that the cost of living has risen by four times. The cost of living index stands at about 425. What basis is there for fixing the rent of a house at the rate which prevailed in 1940, with an increase of $37\frac{1}{2}$ or $7\frac{1}{2}$ to 10 per cent in some cases? It has been ably pointed out that the cost of repairs is there, that the cost of maintenance is there and that some widows have to live on the income from a particular house. When that has been the case, should there not be a reasonable basis for fixing the fair rent? What is provided as fair rent in this Bill is nowhere near the word 'fair'. So, we must see that the whole thing is taken into account and as the hon. Member Sri Mohamed Raza Khan pointed out, the area and the locality can be taken and the rent prevailing there can be taken.

Lastly, I wish to stress this point, namely, that the Government have come forward to give exemption in the case of those who are going to build houses after the enforcement of this Act. What is the need for that? That seems to show that the Government have got their own doubts whether people would feel it profitable to invest in houses after the enforcement of this Act. So, if they think that it would not be a profitable investment for the would-be constructors, is it not equally applicable to those who have recently constructed houses after the prices have risen to 400 per cent in the last few years? Should not such a provision embrace them also and give them also relief? So, I would humbly point out that that provision must embrace all those who had come forward to build houses and help the Government in that way during the last seven or eight years.

* DR. MAHOMED USMAN: Mr. Chairman, Sir, I think the Hon. Minister has made out a good case for continuing this rent control. My own impression is that if today control is to be abolished, we must remember that 70 or 75 per cent of the people in Madras are tenants. What will happen is that the landlords will try to take advantage of it and let their houses on better rent and they may also ask a number of tenants to vacate the houses. There will be a regular trouble in the City. That will be the result if control is abolished today. Therefore, from that point of view, I welcome this Bill because this Bill is going to protect the tenants. We must take a broad view in this respect. The

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tenants are three times more than the landlords in number. If this Act is repealed, it will lead to nothing but trouble everywhere. Therefore, from that point of view, I strongly support this Bill.

What I want to point out is this. As this Bill is intended to ease the situation as regards the scarcity of houses, why not the Joint Select Committee think of making the Act very stringent so that any residential house may not be converted at least for a period of five years into a non-residential house? Because many people want now to convert their residential houses into non-residential houses because they will get more rent and there is a great demand from the business people for accommodation. Therefore, I think, if you want to protect the residential houses, there should be a strict law saying that no residential house should be converted into a non-residential house without the permission of the Government. Unless that is done, I think a number of residential houses will in about five or six years become non-residential houses. Therefore, the Joint Select Committee may take into consideration the question of non-residential houses. If a non-residential house fetches, say, more than Rs. 100 or Rs. 200 rent, I do not know why it should not be exempt from this Act as we are now going to exempt the new buildings. The merchants are making a lot of money and are able to pay more rent to the landlord and if the landlord gets more rent, the Corporation gets greater revenue and the income-tax is more. Many landlords will pay higher wealth tax. So, from this point of view, the Joint Select Committee may consider the question whether they should not exempt commercial houses fetching a very big rent, say, Rs. 100 or Rs. 200 per month, so that it may be left to the sweet will of the landlord and the tenant. If the tenant is willing to pay more rent, why should the Government stand in the way because, knowing as we do, the Corporation, the municipality, the Government, everybody stands to gain by the increased rent received by the landlord? Therefore, I think the Joint Select Committee may consider this question and also the question of taking the rent prevailing in 1940 as the basis. In 1940 I think the conditions were different from what they are to-day. I think the reason why they fixed the rent prevailing in 1940 as the basis was this. At that time the war was just beginning and the rents were not very high in those days. As soon as the war ended, the rents went up. Since 1940, much water has flowed under the bridge. Therefore, I think it is very essential that the Government should consider the question whether they should take 1940 or some other year as the basic year. I think that will be very fair both to the landlords and to the tenants because, as has been ably pointed out by more than one speaker, the prices of various articles have gone up and the cost of repairs is too much. Formerly, the landlord had to pay two months' rent to the Corporation and spend about one month's rent on repairs. Now, I think, he has to pay three months' rent to the Corporation and have to spend three months' rent for repairs. Therefore, landlords do not get much interest p

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in property nowadays. I request the Hon. Minister to take these things into consideration. I hope the Joint Select Committee will also take these points into account. With these words, I support this Bill, because this is absolutely necessary at the present moment.

THE HON. SRI V. RAMAIAH: Mr. Chairman, we had an interesting hour's discussion. Many hon. Members who participated in this discussion did point out many of the difficulties that existed. I am sure that these will be looked into by the Joint Select Committee. I can assure the House that the Joint Select Committee which will be constituted will examine the Bill in detail and that the Members of the Committee will do their best to bring out a best Bill acceptable to all sections. I also assure the House that I have an open mind. (Clear, hear.) It is because I have an open mind that I have taken two years to bring forward this Bill which may not be taken as a comprehensive Bill by some. Still, I may tell the hon. Members that we have travelled enough to say that this Bill is much better than the present Act. I am sure the Members of the Joint Select Committee will bear in mind the many suggestions which the hon. Members have put forward today. Sir, I think I need not go into such details which will require a touch-up here or there and which will have to be thrashed out more elaborately in the Joint Select Committee. But, I would like to mention one or two points which may be of general interest. However, thinking others from one view to another view. Take, for instance, the hon. Member Sri Karayalar's views. He made a big speech all right, with big ideas, let me add. Well, all on a sudden, he started to plead that we must recognize sub-tenants. Well, I cannot imagine it. I cannot imagine the hon. Member Mr. Karayalar being allowed to take a whole house and use a part of it for himself and being left free to let out the rest of the house and make money out of it. (Sri L. S. Karayalar: Not making money.) Such people will only be making money. I know them. They are not taking out such big houses and letting them to others generously. It is not happening like that. I know it. He referred to the passing of some Ordinance by some Governor in this connexion; I think in Bombay or some other place. Well, as far as my knowledge about this business of sub-tenancy goes, I know only too well that the poor are exploited. I am sure nobody will appreciate the idea which the hon. Member Mr. Karayalar has put forward. I am sure even the Joint Select Committee will not go deep into that aspect and even Mr. Karayalar as a Member of the Joint Select Committee will not be insisting on it, because it is a thing which we can never imagine and we should never imagine.

SRI L. S. KARAYALAR: What is wrong in the Bombay arrangement?

THE HON. SRI V. RAMAIAH: Well, I do not know what is happening in Bombay. But, so far as this State is concerned,

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I am sure nobody will ever think of it, knowing the conditions obtaining here. I would ask my friend to visit some of the buildings in some congested areas. Then, he will know the position.

Sir, there is a provision in this Bill which says that this will not cover any building the rent of which is below Rs. 25. Let us see what is happening in Madras City today. Somebody catches hold of a big building and he does take as many tenants as he can and he does not care about the convenience or welfare of the tenants or their needs. He takes Rs. 20, Rs. 25 or Rs. 30 from these tenants. He just pays a sum of Rs. 200 to Rs. 300 for the building and by letting out to the sub-tenants, he gets a lot of money. He just fleeces out of these poor tenants as much as he can and, at the same time, does not give them sufficient accommodation for the money that he receives from them and does not give them proper amenities and facilities. This should be borne in mind by those who advocate recognition of sub-tenancy.

Sir, another big point which has been stressed is this. They ask, 'Why should there be this accommodation control or why should there be this rent control? Where is the need for this Bill? The Bill was enacted as a war-time measure at the end of the war. At that time, the Government machinery thought that this measure was necessary to help certain people. But, where is the necessity for the continuance of this measure now? Especially after the separation of the Andhra State and the going away of Malabar and South Kanara districts to Kerala and Mysore States and when this State has become much smaller in size, where is the need for this accommodation control or rent control? Why should the Government at all think of continuing this measure in the present circumstances?' Well, that is the argument put forward by some hon. Members like Sri K. Balasubramanya Ayyar. The hon. Member and those who are connected with industries will agree, I am sure, that the City of Madras is important to-day not because of the fact that it is the State capital. There are many State capitals in this country and they need not have accommodation or rent control at all. Here in the City of Madras, we are not catering to the needs of Government servants as such. Today, if this State is important, and if we feel that accommodation control is essential and rent control is essential, it is not because we want to provide houses to our Government servants. The importance of this City and the need to have accommodation control is much more due to the industrial development of this City. Conditions which existed in England in 1915 forced them to bring in stringent rent control measures as pointed out by the hon. Member Sri Balasubramanya Ayyar himself. Such conditions do exist at the present time in our City. We cannot deny that. We will have to meet the situation. So, it is not correct to say or suggest that if we shift one or two Government offices to a place away from the City, it will solve the accommodation problem. I am sure that it is not the Government servants as such who pose a problem to us. The population of the City has

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increased very much because of the industrial development of the City and not because of our Government servants. This has to be appreciated properly. The Government servants are not at all a problem to us. We must turn round and just look at the industries that have sprung up and are springing up in this City of Madras. If only the hon. Members just watch at about 5 o'clock in the evening the workers that come out from the Industrial Estate, Guindy, and also the employees that come out from our Secretariat Building, they will easily know that the number of workers that come from one Industrial Estate is much more than the number of employees that come out of the Secretariat Buildings. So, it is not on the Government departments alone that people in the City of Madras depend. There are many industries here. Because of them, the magnitude of the problem has increased. We have to meet it any way.

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p.m

Sir, the hon. Member Sri Krishnamoorthy and the hon. the Deputy Leader of the Opposition also called a particular period—say, 10 or 20 or 25 years—a 'Golden period' when they said the labour cost labour for 2 annas. They called that the golden period. All right. They may call it so. But does the country agree that that was a golden period? Why was labour so cheap then? How did we get labour at such cheap rates? We must consider all that. Do we tell the hon. Member Mr. Balasubramanya Ayyar to pay more for labour or for his medicines? We must think about all this. They may consider it the golden period because people like them had to pay just a little. But today everybody wants better living conditions. More industries have come up. On the electricity side itself, my engineers tell me, 'When we started Pykara, we paid only 2½ annas but now we have to pay four to five rupees.' People then died of famine; or they went away to places like Ceylon. If they call that a golden period, we need not have a Government at all now. We must bear that fact in mind. This urge for better living conditions has started in every country. It is for providing better standards of living that we wanted independence. The hon. Member Mr. Krishnamoorthy, in his speech, said they were good days when nobody went to anybody for anything being done, and there was very little governmental interference. Sitting on the Treasury Bench, I wish I had lived in that period. We must look at the thirst of the people to get many things. Everybody wants so many things to be done. Even the hon. Member Mr. Krishnamoorthy himself puts so many questions to better the lot of the teachers. Can we ignore the villagers? Can we shut our eyes to their needs and think God will take care of them? If the hon. Member Mr. Krishnamoorthy and others advise us to go back to those days, we will but we cannot solve the country's problems. Every poor man enjoys as much rights as a big man. To-day's structure of society has raised such fundamental considerations.

Even though rent control was introduced as early as 1941 or so for a particular purpose, there has been a continuous change in the provisions for one reason or another, and we have had to continue

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the Act. If there is any period when we should require this Act most, it is the present period. When so much development is going on and every aspect of our economy is growing and when we are not very rich in resources and the ordinary man wants all his needs to be met, we must have controls particularly in regard to our basic requirements. We do not like exploitation of one section of the community by another, as my hon. Friend Dr. Usman put it. We cannot leave the poor families to the mercy of a few landlords. If the landlords are so good, as our Friend Mr. Raza Khan says they are, and if everyone of them is very good as he imagines, I need not bother with this type of legislation at all. But it is not the case. Nor do I say the tenants are all good. The hon. Member Mr. Karayalar pointed out how tenants behaved and suggested that we should recognize sub-tenancy also. So, there are wicked tenants. They earn money by being chief tenants when they have no claim or right to do so. It is those people that we must try to check. Hon. Members must bear in mind the extremes of both sides. I am sure the Joint Select Committee will also bear in mind this fact. Let us take a definite stand and see that we solve the problem at least of widows owning small houses, as the hon. Member Mr. Raza Khan used to put it very often. (Sri Mohamed Raza Khan: Today, I did not mention it.) To such class of landlords or landladies, we must pay definite attention. At the same time, we must bear in mind the plight of the middle-class tenants who are not still able to get houses at fair rents. Hon. Members would also see that in this Bill, we have introduced a small provision that buildings which come up after the passing of this Act will be exempt from accommodation control. This will, I am sure, enable prospective house-builders to invest as much money as possible on house building.

In the course of his speech, the hon. Member Mr. Purushotham said that there was no accommodation control either in Bombay or in Calcutta. I have also examined the position there. I wanted to find out whether we could also take such a stand. Well, as I said in the beginning, I still apprehend some difficulty. But there is no difficulty in withdrawing the control if the situation improves. It was asked: Why have this accommodation control for Government servants alone? Why not take in other categories of employees also who deserve help like newspaper employees, doctors and so on? (Sri Mohamed Raza Khan: Members of the Legislature.) I do not want them to live in Madras. If we are to provide others also with accommodation, it means more complications, more stringent measures, more work and more difficulty for landlords. It is only after considering all that that we felt that the accommodation control might continue in the same form. I the Joint Select Committee is able to convince the Government if, as Mr. Purushotham said, the representatives whom he would like me to meet, convince me and the Committee and the Government otherwise, we will certainly do what we are advised to do. If the Joint Select Committee is convinced that the accommodation

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control need not continue, we will discontinue it. But as I have stated already, it must continue for some more time to come.

The hon. Member Mr. Purushotham wanted me particularly to look into the Bombay Act and made several valuable suggestions. I assure him that I did look into that Act. I know the position in Bombay. But as matters stand, I cannot abolish accommodation control now. I am, of course, open to be convinced otherwise. I wish they were able to convince me.

The hon. Member Dr. Sreenivasan, in his usual way, said that the word 'control' itself frightened him. Rent control must be affecting him because he has one or two houses. He has got a strange reason for people flocking to the City. He says life has become unsafe in the villages. If anybody should accept that theory, he is wrong. I may tell him when his parents left the village, they had no other way. They had no other chance. They had to go to the City and settle there. There is, however, definite improvement in the standard of life in the countryside. The hon. Member Mr. Raza Khan, as a member of the Electricity Board Consultative Committee, knows it. The Electricity Board is doing a great deal to see that the villages are electrified, not just to see that they are lit up; but for economic reasons also. The programme will intensify in course of time. So, instead of thinking of concentrating the industries in the Madras City, people have to think of taking them to the neighbouring places like Chingleput or Kancheepuram. This will really help us a great deal in solving the housing problem. Shifting of Government departments from the City will not at all solve this problem. If industries are located in the outskirts of the City, that will be a greater service to the people.

As I have already assured the House, I shall look into the various points raised by hon. Members. The Committee will bear in mind all the suggestions made here and in the other House and help in bringing out a Bill that will be welcome to all sections of the people and not creating heart-burning in anybody. I am sure we will do our best in the Joint Select Committee.

MR. CHAIRMAN: The question is—

“That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 27 members (18 Members of the Assembly and 9 Members of the Council) to consider the Madras Buildings (Lease and Rent Control) Bill, 1959 (L.A. Bill No. 20 of 1959), and that the following Members of this House be selected to serve on such a Joint Select Committee:—

1. Sri Abdul Hameed Khan.
2. Sri V. M. Surendram.

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3. Sri K. T. Kosalram.
4. Sri M. Seshachariar.
5. Dr. A. Lakshmanaswami Mudaliar.
6. Sri K. Balasubramanya Ayyar.
7. Sri Mohamed Raza Khan.
8. Sri L. S. Karayalar.
9. Sri M. Ethirajalu.”

The motion was put and carried.

MR. CHAIRMAN: The House will now adjourn *sine die*.
The House then adjourned *sine die*.

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APPENDIX I.

[Vide answer to short notice question No. 79 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 18th September 1959, page 592 supra.]

Name of the hospital.	bed sanctioned.	Gross number of in-patients admitted during the month of			Daily average number of in-patients treated during the month of		
		October 1958.	November 1958.	December 1958.	October 1958.	November 1958.	December 1958.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 Government General Hospital, Madras.	1,125	3,088	3,217	3,479	1,566	1,525	1,591
2 Government Stanley Hospital, Madras.	724	2,619	2,092	2,454	1,072	989	1,004
3 Government Kasturba Gandhi Hospital for Women and Children, Madras.	515	2,109	2,023	2,036	511	496	292

Both in the *Hindu* and the *Mail* an inference has been drawn from the figures furnished under the heading "Number of in-patients admitted" during the months of October, November and December 1958, that the number of admissions has exceeded several times the sanctioned bed strength of the hospitals and that this has resulted in considerable overcrowding. This is incorrect. The total number of admissions during a month represents only the arithmetical total of all the cases that have been admitted without taking into account the number of cases that have been discharged. What is more relevant for purposes of comparison with the bed strength of the hospital is the daily average number of in-patients under treatment in each hospital, and it will be seen from the table furnished above that the excess over the sanctioned strength was not so abnormal as had been made out in the *Hindu* and the *Mail*, but was only about 400 in the case of the General Hospital, 300 in respect of Stanley Hospital, while in the case of Kasturba Gandhi Hospital the number was slightly below the sanctioned strength.

The Government are fully aware of the overcrowding in the City hospitals and are taking all possible steps to ensure that facilities for in-patient treatment in the hospitals are increased with due regard to the financial resources of the State.

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APPENDIX II.

[Vide answer to starred question No. 81 asked by Sri Mohamed Raza Khan at the meeting of the Legislative Council held on 18th September 1959, page 594 supra.]

THE INTEGRATED LIGNITE PROJECT.

The Mining Scheme.—The detailed investigation and the preparation of a detailed Project Report having been completed, the Mining Scheme, which is the parent scheme in the Integrated Project, was sanctioned towards the close of 1956 for execution and is now in good progress. The scheme is for exploiting first an area of $5\frac{1}{2}$ square miles containing about 200 million tons of comparatively more easily mineable lignite the intention being that with the experience gained in working this area, the remaining deposits could be easily won in the future. At the designed annual output, it would take about 57 years to work the first area. The method followed is open cast mining, as practised, in Germany, utilising continuous bucket wheel excavators for excavation, belt conveyor systems for the transport of the spoil as well as lignite, the slower spreaders for throwing back the spoil into the areas already worked; any other method would be difficult and uneconomic. As these items of specialized mining equipment would take time to manufacture and deliver, and in order to push the Project through, conventional items of earth-moving equipment like scraper loaders, bottom dumpers, etc., were obtained and are now in action, excavating part of the spoil and preparing benches for the specialized mining equipment to work from, in the first mine cut which measured 6,100 feet in length, with a width of 950 per cent at the top. The development phase of the scheme consists of removal of overburden amounting 27 million cubic yards from this first mine cut and the preparation of three benches leading down to the lignite. At the end of this development phase, which will be in about December 1960 or early in January 1961, parts of the lignite seam will be exposed, facilitating winning of the mineral beginning with modest quantities and working up to the targeted output of $3\frac{1}{2}$ million tons per annum in about the first quarter of 1962. The specialized items would be put into commission, one by one, after erection, and by the time the entire specialized equipment goes into commission, the conventional items, which would also be working, would have finished their useful lives.

As against the total depth of about 180 feet to be excavated, the excavations in the first mine cut have reached a depth of 70 feet over a fifth of the width of the cut and from the bench so prepared, the first small bucket wheel excavator, the erection of which has been completed, will go into regular operation shortly after the operating personnel have been trained, in the meantime, in the operation of the machine. Excavations have reached a depth of 30 feet in another three-fifths of the cut, and 5 feet in the remaining one-fifth

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of the cut, part of these portions being dealt with by the conventional items (and the rest will be dealt with by the bucket wheel excavators). The excavations in practically four-fifths of the cut are now in hard strata of the Cuddalore sandstone and the soil has to be loosened using explosives or softened by spraying water. The total quantity of overburden removed up to the end of June 1959 is 8.6 million cubic yards.

A definite scheme for the artesian ground water control is ready, and on the basis of various pumping tests, the specifications of the drills, pumps and casing pipes required have been drawn up and action initiated for procurement. The final set of tests are to be conducted shortly, pumping from some of the regular pump wells to be put down as part of the ground water control scheme, and on the results of these tests, the screens required for the pump wells, i.e., to allow the ingress of water into the wells to facilitate pumping and lowering of the pressure surface of the artesian water, will be finalized and action taken for procurement. Regular pumping under the scheme for ground water control will be called for only after the excavations have reached a depth well beyond 100 feet below the ground level. During the later stages of the development phase, and during the production phase of the mining scheme, pumping for ground water control would be a continuous process, round the clock. Stand-by pump wells fitted with pumps and stand-by diesel generating sets are being provided, to ensure continuity of pumping, in the event of the failure of the main power-supply. The diesel generating sets are capable of automatic starting when the main power supply fails. No great difficulty is anticipated in controlling the artesian water.

The first small spreader is being erected according to schedule, and the major part of the conveyor belt system has been erected, also according to schedule.

In short, the mining scheme is making very good and economic progress and the progress made slightly ahead of schedule.

The Thermal Power-Generation Scheme.—A project report for the thermal power generation scheme was prepared by the planning cell of the Central Water and Power Commission in 1957. Arrangements were made for obtaining the foreign exchange required from out of the 500 million rouble credit offered by the U.S.S.R. After an agreement had been concluded by the Government of India with the Government of U.S.S.R. for the provision of the 500 million rouble credit, a separate contract was entered into in December 1957 by the Neyveli Lignite Corporation with Techno-export, Moscow, for the preparation, by Techno-export, of a detailed Project Report in such a manner as to facilitate the speedy placing of orders for the machinery and equipment required, after the acceptance of the report. A team of Indian specialists of the Central Water and Power Commission Planning Cell was also deputed to Moscow, to participate actively in the preparation of the detailed report. Techno-export submitted their detailed Project report in the latter half of October 1958 and the proposals therein were generally accepted, within the couple of months stipulated in the contract.

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A contract with Messrs. Technoexport, Moscow, was concluded on 6th May 1959 for the supply of plant, machinery and equipment for the Thermal Power Station. According to the terms of this contract, the equipment costing Rs. 12 crores, C.I.F., Madras, should be supplied by Messrs. Techno-export, commencing six months after the signing of the contract and ending with last quarter of 1961.

For the procurement of construction equipment excluding items available in India, required for the construction of the Thermal Power Station, three agreements were concluded with Messrs. Machino-export, Stankoinport and Techmachimport, Moscow. These items of equipment are to be supplied by the above firms during the period of September 1959 to June 1960.

The power station that will be put up will have five units, each of 50 MW of 50,000 KW, so that a continuous supply of 200 MW would be assured, as planned. The first unit of the power station is expected to be commissioned in the second quarter of 1961, by which time the mining scheme as carefully planned, would be definitely in a position to supply the lignite required. The entire power station is expected to be completed before the middle of 1962.

The Fertilizer Scheme.—Taking into account the requirements and the production contemplated in the various regions in the country, it has been decided that the Neyveli Fertilizer Scheme for the production of nitrogenous fertilizers with a fixed nitrogen content of 70,000 tons per annum, should be for the production of urea only. The Project Report for the production of 152,000 tons of urea per annum, equivalent to 70,000 tons of nitrogen per annum was prepared and approved and the scheme was sanctioned by the Government of India towards the end of December 1957, subject to credit facilities being available in respect of the foreign exchange requirements for the procurement and erection of plant and machinery. The specifications for the plant and machinery were drawn up and global tenders for the supply and erection of the plant and machinery were published in May 1958. There was a good response and the tenders received for the supply and erection of plant and machinery for the Fertilizer Plant have been scrutinized and firm orders will be placed on receipt of the approval of the Government of India. The commercial production of urea is expected to commence by about the middle of 1962, at the latest. The factory will probably be the largest urea factory in the world, producing the fertilizer by the total recycle process.

The Briquetting and Carbonising Scheme.—Apart from the detailed analyses and tests conducted in the field laboratory at Neyveli and in the Fuel Research Institute, Jealgora, bulk samples of lignite were sent abroad and analysed and tested and small quantities of raw briquettes were made and carbonized, in Germany as well as in the United States. Expert opinion in those countries indicated that experiments on a pilot scale in the climatic and other

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conditions prevailing at Neyveli itself would be desirable, before deciding on the moisture and other conditions at which the raw lignite should be briquetted and the temperature and other conditions at which those briquettes should be carbonized and generally to facilitate the drawing up of specifications for the machinery and equipment required for the scheme. Arrangements were accordingly made for the installation of a pilot Briquetting and Carbonising Plant at Neyveli, under T.C.M. Aid. Arrivals of equipment for the pilot plant were completed only early in 1958 and the erection of the pilot was completed in record time in May 1958. Pilot experiments were completed towards the end of the year and the results fully confirmed the results of the laboratory tests previously done in India as well as the tests and analyses on bulk samples conducted abroad. The Project Report and specifications for plant and equipment for the establishment of a Briquetting and Carbonising Plant were drawn up and approved by the Board. The approval of the Government of India for the issue of global tender notice through India Supply Mission, Washington, has also been obtained. The last date suggested to the Mission for the receipt of tenders is 25th September 1959. After the receipt and scrutiny of the tenders, Government of India's approval for the capital expenditure and foreign exchange component will be obtained and firm orders placed before the end of 1959.

The Clay Washing Scheme.—China and ball clay of excellent quality occur in the overburden strata immediately above the lignite. Plastic fire clay also occurs in large quantities. All these clays will be removed as part of the overburden. Analyses and tests conducted at Neyveli and elsewhere indicate that the china clay when washed would be of excellent quality, eminently suitable for the manufacture of ceramics, particularly high and low-tension insulators, sanitaryware, crockery, etc., and for use in the textile, rubber, paper and chemical industries, which import good quality china clay from abroad. It is therefore proposed to undertake a modest clay washing scheme and to set up a small clay washing plant at Neyveli, at a cost of not more than about Rs. 15 lakhs.

The Project Report and specifications for the establishment of a Clay Washing Plant have been prepared and considered by the Board. The approval of the Government of India for the issue of tender notice had been obtained and tenders have been invited fixing 1st October 1959 as the last date for the receipt of tenders. After the receipt of tenders and scrutinizing them, the Government of India will be addressed for approval, and firm orders for the supply of plant and equipment will be placed thereafter.

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APPENDIX III.

[Vide item II (1) on page 600 supra.]

L.A. BILL No. 23 OF 1959.

(As passed by the Assembly.)

A Bill further to amend the Madras District Municipalities Act, 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920 (Madras Act V of 1920), for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the Madras District Municipalities (Amendment) Act, 1959.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Insertion of new section 4-A in Madras Act V of 1920.*—In the Madras District Municipalities Act, 1920 (Madras Act V of 1920), after section 4, the following section shall be inserted, namely:—

"4-A. *Townships.*—(1) The State Government may, if a specific motion is passed to that effect by both Houses of the Legislature, declare any municipality or any specified area therein to be a township if it is an industrial, labour or institutional colony or a health resort.

(2) In regard to any municipality or any area declared to be a township under sub-section (1), the State Government shall, by notification, constitute a township committee.

(3) A notification issued by the State Government may direct that any functions vested in a municipal council 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;

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- (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 State Government may, by notification, direct that any of the provisions of this Act 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 municipality or specified area therein referred to in sub-section (1) shall apply to that municipality or area to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

(5) (a) If any difficulty arises in giving effect to the provisions of this section, the State Government may, as occasion may arise, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(b) All orders issued under clause (a) 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 Legislature may make either in the same session or in the next session.

Explanation.—In this section, the term 'industrial, labour or institutional colony' means any area wherein the majority of the inhabitants are engaged in any industry or are labourers, or are connected with any institution in the area in any manner whatsoever."

Memorandum regarding delegated legislation.

1. New sub-section (4) of section 4-A as introduced by clause 2 of the Bill empowers the Government to extend, by notification, the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made thereunder, or of any other enactment for the time being in force elsewhere in the State of Madras, but not in the municipality or specified area therein referred to in sub-section (1) of section 4-A with such modifications, additions and restrictions as may be specified in the notification. The powers delegated are essential for carrying out the purpose of the measure and are normal in character.

2. Clause (a) of sub-section (5) of new section 4-A as introduced by clause 2 of the Bill empowers the State Government to remove by order any difficulty arising in giving effect to the provisions of the Bill when enacted. This delegation of power is also of a normal and not of an exceptional character.

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APPENDIX IV.

[Vide item II (2) on page 605 supra.]

L.A. BILL No. 19 OF 1959.

(As passed by the Assembly.)

A Bill further to amend the Madras Buildings (Lease and Rent Control) Act, 1949.

WHEREAS it is expedient further to amend the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949), for the purpose hereinafter appearing;
Be it enacted in the Tenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Buildings (Lease and Rent Control) Amendment Act, 1959.

(2) It shall come into force on the 1st October 1959.

2. *Amendment of section 1, Madras Act XXV of 1949.*—In section 1, sub-section (3), of the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949), for the expression " 30th September 1959 ", the expression " 31st March 1960 " shall be substituted.

Financial Memorandum.

The proposed legislation will necessitate the retention of the entire staff now employed for the administration of the Madras Buildings (Lease and Rent Control) Act, 1949, both in the City of Madras and in mufassal places, and thus will involve considerable expenditure. But it is not possible to foresee, even approximately, the expenditure that may have to be incurred as it is not possible to assess the quantum of revenue that is brought in by the levy of court-fees and process fees on applications and appeals presented under the Act.

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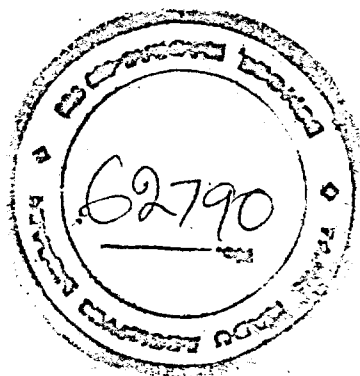
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