MADRAS LEGISLATIVE COUNCIL DEBATES

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

24th and 27th to 29th March and 1st and 3rd April 1961.

Volume XLII (Nos. 1 to 6.

TABLE OF CONTENTS.

PAGES

Friday, 24th March 1961.

Monday, 27th March 1961.

Issued—27-6-1961]

2—8 ...

38—15
38—15

MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

FRIDAY, 24TH MARCH 1961

VOLUME XLII—No. 1

CONTENTS

Legislature Council Department
Madras

PRICE, 35 *naye Paise*]

PERSONNEL OF THE GOVERNMENT OF MADRAS

GOVERNOR OF MADRAS.

SHRI BISNURAM MEDHI.

MEMBERS OF THE COUNCIL OF MINISTERS.

1 THE HON. SRI K. KAMARAJ, *Chief Minister in charge of Public, Planning and Community Development (including Local Development Works, Women's Welfare, Community Projects and Rural Welfare).*

2 THE HON. SRI M. BHAKTAVATSALAM, *Minister in charge of Home including Courts and Prisons and Prohibition, Food and Agriculture (including Khadi and Village Industries and Hindu Religious Endowments), Railways, Posts and Telegraphs and Civil Aviation.*

3 THE HON. SRI C. SUBRAMANIAM, *Minister in charge of Finance, Education, Information and Law (including Legislature and Engineering Colleges).*

4 THE HON. SRI M. A. MANICKAVELU, *Minister in charge of Revenue and Public Health.*

5 THE HON. SRI R. VENKATARAMAN, *Minister in charge of Industries, Labour and Co-operation (including Housing, Commercial Taxes and Nationalized Transport) (Leader of the House).*

6 THE HON. SRI P. KAKKAN, *Minister in charge of Public Works (excluding Electricity) and Harijan Welfare.*

7 THE HON. SRI V. RAMAIAH, *Minister in charge of Electricity, Transport (including Registration, Accommodation Control, Stationery and Printing and Government Press).*

8 THE HON. SRIMATHI LOURDHAMMAL SIMON, *Minister in charge of Local Administration and Fisheries.*

THE MADRAS LEGISLATIVE COUNCIL

PRINCIPAL OFFICERS.

Chairman

THE HON. DR. P. V. CHERIAN.

Deputy Chairman.

SRI V. K. PALANISWAMY GOUNDER.

Panel of Vice-Chairmen.

1 SRI B. K. NALLASWAMI.
2 SRI S. NATARAJAN.
3 SRI A. SUBRAMANYAM.
4 SRIMATHI JOTHI VENCATACHELLUM.

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., B.A., B.L. ..	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., B.A., L.T...	State Legislative Assembly.
8 Cherian, Dr. P. V., M.B.B.S., D.L.O., F.R.F.P.S. (Glas.), F.R.C.S. (Edin.), (*Chairman*).	Madras Graduates.
9 Chidambara Mudaliar, A. ..	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli Local Authorities.
10 Chidambaram Pillai, I. A., M.A...	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli-*cum*-Kanyakumari Local Authorities.
11 Chidambaranathan, Dr. A. M.A., Ph. D. ..	Madras Teachers.
12 Clubwala Jadhav, Mary C. ..	NOMINATED.
13 Damodaran, G. R., B.SC. (Elec.), B.SC. (Mech.), (Durham) M.I.E.E. (Lond.). M.I.E.	Madras Teachers.
14 Desikar, K. M.	South Arcot-*cum*-Thanjavur-*cum*-Tiruchirappalli Local Authorities.
15 Devaraja Mudaliar, T. V. ..	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
16 Durairaj, T.	South Arcot-*cum*-Thanjavur-*cum*-Tiruchirappalli Local Authorities.
17 Ethirajalu, M.	State Legislative Assembly.
18 Gajapathy Nayagar, A., B.A., B.L.	Do.
19 Joghee Gowder, T.	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
20 Jothi Vencatachellum	NOMINATED.

Serial number and name of member.	Name and class of constituency.
21 Kamalakkannan, K.	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
22 Karayalar, L. S., B.A., B.L. ..	State Legislative Assembly.
23 Kosalram, K. T.	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli-*cum*-Kanyakumari Local Authorities.
24 Krishnamoorthy, G.	Madras Teachers.
25 Krishnaswamy Vandayar, A.	State Legislative Assembly.
26 Lakshmanaswami Mudaliar, Dr. A., B.A., M.D., LL.D., D.SC., D.C.L. F.R.C.O.G., F.A.C.S.	Madras Graduates.
27 Madurai Pillai, P.	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
28 Manjubhashini, S.	NOMINATED.
29 Mohamed Raza Khan	State Legislative Assembly.
30 Muthukannappan, Vidwan T., B.A.	Do.
31 Nallaswami, B. K.	Do.
32 Nallasenapathi Sarkarai Manradiar, N.	Do.
33 Natarajan, S., B.A., L.T. ..	Madras Teachers.
34 Palaniswamy Gounder, V. K. .. (*Deputy Chairman*).	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
35 Patanjali Sastri, M., B.A., B.L.	NOMINATED.
36 Ponnuswamy Chettiar, S. R. P.	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
37 Rajan, P. T., B.A. (Hons.), Bar.-at-Law. ..	State Legislative Assembly.
38 Ramakrishna Achari, K. ..	Do.
39 Ramalingam Pillai, V.	NOMINATED.
40 Ramaswami, K. R.	State Legislative Assembly.
41 Ramasamy Gounder, K. M. B.A., L.T. ..	Madras Teachers.
42 Ramaswamy, K. V.	State Legislative Assembly.
43 Rajagopal Pillai, M.	Do.
44 Ramaswami Reddiar, O. P. ..	NOMINATED.
45. Rengaswamy, V., B.A.,	Do.
46 Sambandhan, S. K., B.A. ..	Madras Graduates.
47 Sankaranarayana Pillai, T. S., B.A., B.L.	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli. Local Authorities.

Serial number and name of member.	Name and class of constituency.
48 Saraswathy Pandurangam ..	NOMINATED.
49 Seshachariar, M., B.A., B.L. ..	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
50 Sivanandam, Dr. T. V., M.B., B.S.	Madras Graduates.
51 Sivasubramanya Nadar, S. P. B.A., B.L	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli Local Authorities.
52 Somasundara Reddiar, A. ..	South Arcot-*cum*-Tanjavur *cum*-Tiruchirappalli Local Authorities.
53 Sreenivasan, Dr. A., M.R.C.P., (Lond.)	Madras Graduates.
54 Srinivasavaradan, T.P., B.A., L.T.	Madras Teachers.
55 Subbiah Chettiar, M.	South Arcot-*cum*-Thanjavur-*cum*-Tiruchirappalli Local Authorities.
56 Subramanyam, A.	State Legistive Assembly.
57 Sudarsanam Naidu, M. V. ..	South Arcot-*cum*-Thanjavur-*cum*-Tiruchirappall Local Authorities.
58 Sundarambal, K. B.	NOMINATED.
59 Surendra Ram, V.M.	State Legislative Assembly.
60 Thangavel Mudaliar, A. K. ..	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
61 Thiagaraja Reddiar, P. B.K. ..	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
62 Venkataraman, R. (*Minister—Leader of the House*).	State Legislative Assembly.
63 Vijayarangam, G	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.

THE MADRAS LEGISLATIVE COUNCIL

THE NINETEENTH SESSION OF THE LEGISLATIVE "COUNCIL UNDER THE CONSTITUTION OF INRIA.

Friday, the 24th March 1961.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Domestic bulk supply of electricity

a * 156 Q.—DR. A. SREENIVASAN: Will the Hon. the Minister for Electricity be pleased to state—

(a) the tariff for domestic bulk supply of electricity and the conditions on which such bulk supply is made; and

(b) the basis for the classification of *bona fide* domestic consumers?

THE HON. SRI V. RAMAIAH: (a) The tariff for domestic bulk supply is as follows:—

Domestic bulk supply—lighting, fans, refrigerators, cookers and similar domestic appliances on a combined circuit—where the connected and utilised load in electrical equipment (other than lights, radio and fans) is not less than 1,000 watts:

(i) Fixed monthly charge per service Rs. 10 for the first 2 kilo watts of connected load in lights and fans and Rs. 5 for each additional kilo watts or part thereof.

plus

(ii) Energy charge at 10 nP. per unit.

In no case will the overall unit rate be higher than 29 nP. per unit in any one month without prejudice to the fixed monthly charge.

Conditions on which such bulk supply is made.

Domestic bulk supply tariff is applicable only to *bo[illegible]de* residences ,either complete houses or flats, each occupie[illegible] individual family and each wired for separate metering a[illegible]gement and metered separately. It is also necessary that there should be at least 1000 watts of appliances permanently fixed up.

(b) Fulfilment of the conditions mentioned in the answer to clause (a) above, is the basis for the classification of *bona fide* domestic consumers.

---

a Postponed question from the list of questions for the 10th March 1961.

DR. A. SREENIVASAN : Sir, is it a fact that even though the consumers conform to all the conditions imposed by the Electricity Board, a lot of people have been denied the benefit of this special tariff?

THE HON. SRI V. RAMAIAH : At present I do not have the information with me. If the hon. Member puts a sepraate question, I will look into it.

DR. A. SREENIVASAN : Sir, is it a fact that there has been a lot of discrimination between one applicant and another eventhough they have got electrical appliances to the tune of 1,000 watts?

THE HON. SRI V. RAMAIAH : I have no information, Sir.

SRI MOHAMED RAZA KHAN : Sir, may I know, when the Electricity Department authorities refuse to allow this concession, whether there is any right of appeal to the party affected, and, if so, to whom?

THE HON. SRI V. RAMAIAH : I do not have the information now. If the hon. Member puts a separate question, I can answer.

Appointment of High Court Judges.

* 187 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Chief Minister be pleased to state—

(*a*) whether the Government have received any communication from the Ministry of Home Affairs, Government of India, about the formation of an All India Panel of Judicial Officers and Advocates for appointments as High Court Judges; and

(*b*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN : (on behalf of the Hon. the Chief Minister) : (*a*) and (*b*) High Court Juddges are appointed by the President. I regret I am unabel to furnish any information relating to procedure adopted for appointment of High Court Judges.

DR. A. SREENIVASAN : Sir, are the local Government consulted in these matters at all?

THE HON. SRI R. VENKATARAMAN : That is exactly what I refused to disclose.

SRI MOHAMED RAZA KHAN : Sir, I conceed that the procedure adopted for appointment of High Court Judges cannot be disclosed. But may I know how Judges are appointed?

THE HON. SRI R. VENKATARAMAN : The hon. Member may refer to the Constitution

Steel rolling mill

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

(*a*) whether there is any proposal to set up a steel rolling mill in the State;

(*b*) if so, whether it will be in the public or private sector;

(*c*) whether, and, if so, to what extent the Central Government will give assistance; and

(*d*) the location of the mill?

THE HON. SRI R. VENKATARAMAN : (*a*) & (*b*) Two applications received from private firms have been recommended to the Government of India, Ministry of Commerce and Industry, for grant of licences for seeting up of re-rolling mills. Details about these private firms cannot be furnished.

The Government have also a proposal to set up a steel re-rolling mill in this State in the public sector during the Third Five-Year Plan.

(*c*) The expenditure in respect of the scheme for the establishment of a steel rolling mill in the public sector will be met entirely from out of State Funds.

(*d*) The location of the mill has not yet been decided.

VIDWAN T. MUTHUKANNAPPAN : தனியார் துறையில் இயங்க இருக்கும் ஆலைகளுக்கு ராஜ்ய சர்க்கார் அல்லது மத்திய சர்க்கார் பொருள் உதவி செய்வதாக இருக்கிறதா? அப்படியானால் எவ்வளவு?

THE HON. SRI R. VENKATARAMAN : விரும்பி சர்க்காரை அணுகினால் அதற்கு வேண்டிய ஆலோசனைகள் அவர்களுக்குக் கூறப்படும்.

VIDWAN T. MUTHUKANNAPPAN : தொழிற்சாலைகள் எல்லாம் பொதுவாக நகர்ப்புறங்களில் அமைவதால் அங்கு ஜன நெருக்கம் அதிகமாக இருக்கிறது. அவைகளை நாட்டுப்புறங்களில் அமையச் செய்வதற்கு சர்க்கார் தக்க நடவடிக்கை எடுக்குமா?

THE HON. SRI R. VENKATARAMAN : வசதி இருக்கிற இடங்களில்தான் ஆலைகள் அமைக்க முடியும். நாட்டுப்புறங்கள் என்பதற்காக ஆலைகளை அங்கு அமைத்துவிட முடியாது.

State Transport buses

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

(*a*) whether there is any proposal to post two conductors in each of the State Transport buses, Madras; and

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

THE HON. SRI R. VENKATARAMAN : (a) No, Sir.

(b) Does not arise.

SRI MOHAMED RAZA KHAN : Sir, may I know whether the Government examined this issue and came to some decision either in the matter of finance or other thing, or they felt that the issue should not be considered?

THE HON. SRI R. VENKATARAMAN : Sir, I remember to have stated on an earlier occasion that we have decided to try the alternative method of appointing more stand conductors instead of appointing two conductors in one bus.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware, Sir, that one of the leading papers in the City—the Hindu or the Mail—has made an important suggestion that in order to solve many of the problems it is better to have more than one conductor in the bus?

THE HON. SRI R. VENKATARAMAN : We do not agree.

SRI G. KRISHNAMOORTHY : Sir, in how many places are these standing conductors posted, and are they posted only during peak hours?

THE HON. SRI R. VENKATARAMAN : In forty places.

SRI S. K. SAMBANDHAN : Sir, is there a proposal to issue tickets at every stop and also collect the tickets from the passengers when they get down te bus?

THE HON. SRI R. VENKATARAMAN : No, Sir, it is not possible. In fact only if they accept my alternate suggestion to have longer fare stages it would be possible to avoid delay in the issue of tickets. The fare stages are so short that within two minutes one has to issue about 40 or 50 tickets, and there is delay.

SRI MOHAMED RAZA KHAN : Sir, is the Hon. Minister aware that even in a place like Broadway, where there may be a standing conductor, the bus comes, the passengers get in, and it starts off, and the standing conductor is standing all the while?

THE HON. SRI R. VENKATARAMAN : I think he is performing his duty properly if he does not sit. (Laughter).

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that he has no time to issue tickets at the bus stop? The bus comes and starts with a load of passengers and this leads to all difficulties.

THE HON. SRI R. VENKATARAMAN : The hon. Member is not aware of the manner in which these tickets are issued. Long before the bus comes when people start coming, the stand conductor issues the tickets.

SRI G. KRISHNAMOORTHY : Sir, will the Government be pleased to print the tickets in such a way so that a layman can understand wherefrom he is going and to which place he is going?

THE HON. SRI R. VENKATARAMAN : If it is a suggestion, it will be forwarded to the Transport Advisory Committee. If it is asking for information, I say, 'No'.

SRI T. P. SRINIVASAVARADAN : Will the Government post during peak hours two conductors in the bus even though there are stand conductors in certain places and not at all places?

THE HON. SRI R. VENKATARAMAN : I think the hon. Member is a member of the Transport Advisory Committee. He may forward this suggestion to that committee.

SRI MOHAMED RAZA KHAN : May I know, Sir, what the seating capacity of the bus is, and also how many standing passengers are allowed on an average during peak hours?

THE HON. SRI R. VENKATARAMAN : There are different types of buses. Ordinarily there are forty-four seats. The number of people who may be allowed as standing passengers will be 15 to 20.

Provident Fund Scheme

*190 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state whether the peons in Aided Schools are eligible to join the Provident Fund Scheme?

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

SRI T. P. SRINIVASAVARADAN : May I know, Sir, when this was introduced?

THE HON. SRI C. SUBRAMANIAM : This is in existence for a very long time, and I tried to verify whether anybody had joined the Provident Fund Scheme. There are cases where the peons had joined the Provident Fund Scheme.

SRI G. KRISHNAMOORTHY : Sir, will this be extended to permanent watchmen who serve more or less like peons?

THE HON. SRI C. SUBRAMANIAM : No, Sir. The persons, expenditure on whom is taken into account for grant purposes, are allowed to contribute.

SRI T. P. SRINIVASAVARADAN : Sir, is there any proposal, even though the persons had not put in ten years' service, to give them permission to contribute?

THE HON. SRI C. SUBRAMANIAM : Sir, the rules will be followed. I do not think there is any case for relaxing the rules.

[24th March 1961

* 191 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state whether any representation has been received from the teachers of aided secondary schools to permit them to contribute upto 2½ annas in the rupee to the Provident Fund Scheme, and, if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM : A representation has been received to raise the rate of contribution to Teachers, Provident Fund by teachers and it is under examination.

Recruitment of technical personnel

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

3.10 p.m. (a) whether any rules have been framed for recruitment of technical personnel to the State Electricity Board, and if so, to place a copy of the rules on the table of the House;

(b) the method of recruitment; and

(c) whether an adequate knowledge of Tamil is prescribed as a condition for recruitment?

THE HON. SRI V. RAMAIAH : (a) & (b) Service regulations of the Board are being finalised by the Madras State Electricity Board. Privision is being made in the draft regulations in regard to the mode of recruitment to the various posts in the service of the Board.

(c) Pending issue of regulations, the Board has ordered that proficiency in Tamil should be insisted on in the case of recruitment to posts. However candidates who do not possess adequate knowledge of Tamil are also considered, subject to the condition that they acquire such knowledge by passing the necessary test, etc., within the period of probation and subject also to the condition that condidates already possessing adequate knowledge of Tamil should be given preference.

DR. A. SREENIVASAN : Is it a fact that there are more Tamilians than Tamilians in the Electricity Board from the time this Board was created? Can the Hon. Minister give any statistics on that point?

THE HON. SRI R. VENKATARAMAN : More Tamilians than Tamilians?

DR. A. SREENIVASAN : I am sorry. I meant ' more non-Tamilians '?

THE HON. SRI V. RAMAIAH : I have no information.

24th March 1961]

State Government Offices

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

(a) whether there is any proposal to take over the buildings within the Fort St. George to house th eState Government offices; and

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

THE HON. SRI C. SUBRAMANIAM : (a) There is no proposal to take over the buildings within the Fort St. George to house the State Government offices. There is, however, a proposal to acquire about 2½ acres of land on the eastern side of the King's Barracks' (north-western side of the Secretariat Buildings) and the buildings standing thereon for securing additional accommodation for the Secretariat.

(b) The matter is under correspondence with the Military Authorities.

SRI MOHAMED RAZA KHAN : May I know whether the Government will locate the new Legislative Council chamber there when they get these lands?

THE HON. SRI C. SUBRAMANIAM : It is an ' if ' question. Let us get the lands first and we will consider the question.

Anglo-Indian Schools

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

(a) whether the recommendations of the Pay Commission as accepted by the Government will also apply to Anglo-Indian schools in the State; and

(b) if so, whether any orders have been issued in this regard?

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

(b) The matter is under consideration.

Subramanyaswami temple, Tiruchendur

* 195 Q.—SRI K. M. RAMASAMY GOUNDER (on behalf of SRI S. T. ADITYAN) : Will the Hon. the Minister for Home be pleased to state—

(a) whether it is a fact that a gold chain with different kinds of stones has been presented to the Deity of Tiruchendur Subramanyaswami temple, Tiruchendur, on the 8th day festival of Avani, 1960;

(b) whether the authorities concerned have refused or refrained from issuing a receipt for the same;

(c) whether the same has been brought into the accounts of the temple; and

(d) whether the Government have received any complaint in respect of this and, if so, the action taken or proposed to be taken thereon?

THE HON. SRI M. BHAKTAVATSALAM: (a) A gold chain with stone pendant was offered on the 8th day of Avani Festival in the year 1959 and not in Avani 1960.

(b) No, Sir.

(c) Yes, Sir.

(d) No, Sir.

Fire accidents

*196 Q.—SRI T. P. SRINIVASAVARADAN: Will the Hon. the Minister for Home be pleased to state the number of fire accidents caused by the firing of crackers during Deepavali, 1960, in the State?

THE HON. SRI M. BHAKTAVATSALAM:. Fifty-one fire accidents occurred in the districts and in the city due to the firing of crackers on 18th, 19th and 20th October 1960 and were attended to by the Fire Service Department.

SRI T. P. SRINIVASAVARADAN: May I know how many were prosecuted for using the Atom Bomb crackers and how many were awarded punishment?

THE HON. SRI M. BHAKTAVATSALAM: There is no question of prosecution. 'Atom bombs' were banned, and these were accidents caused by the ordinary fireworks.

MR. CHAIRMAN: Questions are over.

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

II.—POINT OF ORDER.

SRI MOHAMED RAZA KHAN: Sir, on a point of order.

MR. CHAIRMAN: I know what the point of order is about. The hon. Member has told me about it. But we are not officially aware of anything that is going on in the other House particularly during the current session. Nothing can be said now with reference to what has happened there.

SRI MOHAMED RAZA KHAN: I shall state what I have to say. Let the Hon. Minister reply at his own convenience.

MR. CHAIRMAN: The hon. Member must know the parliamentary rules of procedure. I happened to read "May's Parliamentary Practice" even this morning.

III.—ANNOUNCEMENTS.

(1) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN: I have received a message from the Deputy Speaker, Madras Legislative Assembly, transmitting a copy of the following Resolution as passed by the Assembly on 22nd March 1961, for the association of three Members of the Council with the Committee on Subordinate Legislation of the Assembly for the financial year 1961-62:—

"That this House recommends to the Legislative Council that they do nominate three Members from the Council to associate with the Committee on Subordinate Legislation of this House for the financial year 1961-62 and communicate to this House the names of the Members so nominated."

(2) DECISION OF THE BUSINESS ADVISORY COMMITTEE.

MR. CHAIRMAN: At a meeting of the Business Advisory Committee, held at 2-30 p.m., today, the following further programme of business has been decidded—

27th March, 1961, 3 p.m.—Discussion on:

(i) Statement of Demands for Grants for Excess Expenditure in 1957-58

(ii) Final Supplementary Statement of Expenditure for 1960-61.

28th March, 1961, 3 p.m.—Consideration of Appropriation Bills.

29th March 1961, 10-30 a.m.—Consideration of:

(1) The Madras Agricultural Income-Tax (Amendment) Bill, 1961 L.A. Bill No. 12 of 1961.

(2) The Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961.)

(3) The Madras (Added Territory) Extension of Laws Bill, 1961 (L.A. Bill No. 16 of 1961.)

(4) The Madras Irrigation Cess (Amendment) Bill, 1961 (L.A. Bill No. 17 of 1961.)

30th March 1961—No meeting.

31st March 1961—Holiday.

1st and 3rd April, 1961—Consideration of other official Bills that may be transmitted by the Assembly.

IV.—GOVERNMENT BUSINESS.

(1) STATEMENT OF DEMANDS FOR GRANTS FOR EXCESS EXPENDITURE IN 1957–58.

THE HON. SRI R. VENKATARAMAN : Sir, I rise to present the statement of Demands for Grants for excess expenditure in the year 1957–58. The appropriations originally provided for in the Budget Estimates cannot in the nature of things be expected to tally entirely with the actuals, and excesses under some grants are inevitable. The total of the excesses of expenditure under voted grants which is now sought to be covered by legislative approval is Rs. 107 lakhs roundly against a total final appropriation of Rs. 16,027 lakhs. The Explanatory note and the annexure appended to the statement of demands give in full the reasons for the excess in each case. The Public Accounts Committee constituted for the year 1959–60 at their meeting held during the course of the year examined the reasons for the excesses and have recommended in their Report published in August 1960 that demands for grants to cover the excess expenditure over the final sanctioned appropriation under each grant might be presented to the Legislative Assembly.

I commend for the acceptance of the House the statement of Demands for Grants for excess expenditure in the year 1957–58.

(2) FINAL SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR 1960–61.

THE HON. SRI R. VENKATARAMAN : Sir, I rise to present the Final Supplementary Estimates for the year 1960–61. The Supplementary demand before the House is for Rs. 24·69 crores out of which Rs. 11·02 crores is on the Revenue Account, Rs. 8·43 crores is on the Capital Account and the balance of Rs. 5·24 crores under " Loans and Advances ".

The Revised Estimates for 1960–61 have been presented to the House along with the Budget for 1961–62. The Final Supplementaries have been drawn up on the basis of the actual requirements for the year under various heads which closely follow the Revised Estimates for 1960–61.

A study of the detailed explanatory statement placed before the House will show that the demands for further expenditure are mainly under development heads.

Revenue Account.

The appropriation of Rs. 1·15 crores under Education reflects larger requirements under Teaching Grants (Rs. 47 lakhs), under the Mid-day Meals Scheme (Rs. 6 lakhs) and for the expansion of N.C.C. (Rs. 12 lakhs).

A sum of Rs. one crore has been asked for under " Harijan Welfare" where ther has been a substantial step up in expenditure in the current year. Out of this Rs. 24 lakhs are required for Houses and House-sites and Rs. 36 lakhs for the Scholarship Programme.

An item of special interest is the demand for an additional sum of Rs. 80 lakhs under Local Development Works in which the outlay in the current year is expected to reach Rs. one crore exclusive of the contribution in kind and labour from the public of Rs. 13 lakhs approximately. As hon. Members are aware, the programme now extends to Rural Water-Supply Works, Road Works, and the construction of Village School Buildings.

Apart from " Suspense " heads, the main item of additional expenditure in " Civil Works " is the additional provision of Rs. 50 lakhs for maintenance and repairs. This includes Rs. 15 lakhs for flood repairs, Rs. 5 lakhs for the Roads in Tiruttani area and Rs. 25 lakhs for the improvement of important bus routes and other rural roads in order that they may be handed over to Panchayat Unions in good condition.

While presenting the last Supplementary Estimates, I had referred to the provisions made for the implementation of the new Panchayat Reform. An important provision in this regard is the demand in the present Supplementaries of Rs. 36 lakhs as grants to Village Panchayats to match the house tax levied by them. Largely on account of this matching provision in the new Panchayats Act, the total house tax levied by Panchayats in the State has nearly doubled from Rs. 20 lakhs to Rs. 36 lakhs in the current year. I am sure that this encouraging trend will be welcomed by all sections of the House.

An additional transfer of Rs. 27 lakhs to Local Bodies has been provided for under " Entertainments Tax " in accordance with the increased receipts under this head.

The other significant provisions made for development expenditure in the Revenue Account are : Rs. 17 lakhs for more intensive exploitation of Forest produce which is reflected in higher receipts under " Forests " of Rs. 54 lakhs, Rs. 49 lakhs under " Medical " mainly under diet, drugs and hospital equipment consequent on increase in bed strength, Rs. 61 lakhs under " Public Health " mainly for the National Malaria Eradication Programme, Rs. 29 lakhs under " Agriculture " for the intensification of plant protection measures, Rs. 23 lakhs under "Co-operation" and Rs. 10 lakhs under " Animal Husbandry ".

Capital Account.

Apart from the gross appropriation under " Suspense " heads which are entirely wiped off by credits, the significant additional provisions in the Capital Account are : Rs. 63 lakhs for the Special 3-20 p.m.

[Sri R. Venkataraman] [24th March 1961

Minor Irrigation Programme, Rs. 32 lakhs for the Rural Water-supply and Rs. 16 lakhs for National Water-Supply Schemes and Rs. 17 lakhs for Road Works in the backward areas of Ramanathapuram District. Under State Trading Schemes, an extra provision of Rs. 86 lakhs has been made for meeting arrears due to the Government of India towards supply of chemical fertilisers.

Loans and Advances.

The main complaint of the demand under "Loans and Advances" is the additional loan of Rs. 259 lakhs to the State Electricity Board. The original loan requirement for the Board was fixed on the basis of a Capital Outlay of Rs. 12 crores in 1960-61 to be met partly by the Board floating an open market loan of Rs. 3·3 crores. The Capital Outlay on Power is now anticipated to reach Rs. 14 crores in the current year and the Board has not been able to go in for open market borrowing. As a result of these factors, an additional sum of Rs. 259 lakhs to the Electricity Board has become necessary. The demand also includes Rs. 11 lakhs more for the Middle Income Housing Scheme, Rs. 10 lakhs more for the Low Income Housing Scheme and Rs. 11 lakhs more for Weavers' Housing and Industrial Housing Schemes. A Ways and Means advance of Rs. 75 lakhs to the State Khadi Board has been provided. This will be recouped at the end of the current year.

Sir, I have very briefly summarised the important provisions in the Final Supplementary Statement for the current year which reflect the increase in the tempo of expenditure on Plan Schemes. Budgetary control over expenditure is only a device to see that moneys are spent on the right priorities approved by the Legislature and in an economical way. The additional appropriations before the House satisfy these cardinal tests and I am sure the House will therefore welcome and approve them.

With these few words, Sir, I commend the Third Supplementary Estimates for the acceptance of the House.

V.—GOVERNMENT BILLS.

(1) THE MADRAS VILLAGE COURTS (AMENDMENT) BILL, 1961 (L.C. BILL NO. 2 OF 1961).

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

'That the Madras Village Courts (Amendment) Bill,[*] 1961 (L.C. Bill No. 2 of 1961) betaken into consideration'.

Sir, according to section 13 of the Madras Village Courts Act, 1888 (Madras Act I of 1889), village courts can entertain suits up to the value of Rs. 50 only but under section 14 of the Act they

[*] Published in the *Fort St. George Gazette* Extraordinary, dated 8th March 1961.

24th March 1961] [Sri M. Bhaktavatsalam]

can entertain suits up to the value of Rs. 200 with the consent of the parties. It has been suggested that the pecuniary jurisdiction of village courts may be enhanced. The Government have examined the above suggestion and they consider that the pecuniary jurisdiction of the village courts in civil suits should be increased from Rs. 50 to Rs. 200 in all cases irrespective of the question of consent of parties. Therefore it is proposed to amend the Act suitably for this purpose.

Consequent on the introduction of the metric system of weights and measures, it is proposed to make consequential amendment in section 40 of the Act.

It is also proposed to extend the Madras Village Courts Act, 1888 (Madras Act I of 1889) to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district with certain consequential amendments and also to repeal the corresponding laws in force in the said territory.

I request the House to accept the motion.

MR. CHAIRMAN: Motion moved—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961) be taken into consideration.'

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, he Madras Village Courts Act was passed in the year 1888. It has een there for such a long time. Originally the jurisdiction of uits before these courts was Rs. 20. In 1919 it was increased to Rs. 50 and then in the year 1951, I think it was increased o Rs. 100. Now the Government propose to increase it to Rs. 200. I would only like to know whether the Government are atisfied with the working of these courts, in the matter of hearing f suits, in keeping a judicial temper and all that. I want to know hether on the whole the working of these courts is satisfactory ccording to the Government, because originally we began only ith Rs. 20 and then said that with written consent of the parties e might increase the jurisdiction to Rs. 200. If both the parties ave confidence in the village court they can do it. This is easily nderstandable. But now this written consent provision is to be placed and the jurisdiction is to be raised to Rs. 200 in all cases. herefore it is very relevant for our purpose to know whether on e whole the Government are satisfied, according to information d the reports received by them, with the working of these village urts, that they are impartial and all that. We all know very well villages there are these factions and there are very many difficul-s and we must have impartial enquiries even in respect small cases. Therefore, if the Government are satisfied and they think that is all right I have no objection to this amend-ent. Once there is a written consent, both the parties are tisfied. It is a matter for them to decide. It may be all right.

[Sri K. Balasubramanya Ayyar] [24th March 1961

But without the written consent now it is to be raised to Rs. 200. Originally it was Rs. 20. In 1919 it was raised to Rs. 50. Again in 1951 it was raised to Rs. 100. (The Hon. Sri M. Bhaktavatsalam: Rs. 150). Now it is raised to Rs. 200 even without the consent of the parties. Therefore I would like to have a general statement from the Hon. the Mover of the Bill about the view of the Government on this particular matter. That is my first point.

Then, the second point is this. The Village Courts Act and the Panchayat Act have been working at cross purposes. The Panchayat Act of 1950 by section 132 abolished all these things. By the Panchayat Act, 1958 we have abolished the panchayat courts and given the jurisdiction to the village courts. The original Village Courts Act in section 8 said that the Collector shall have the power to remove. Therefore if that Act as such is to be extended, the Collector shall have the power of removal on the requisition of the District Judge. Now the Government want to add another section, section 8-A. The original section 8 reads thus:

'The Collector of the District may suspend or remove the Village Munsif or a member of th ePanchayat Court for incapacity, neglect of duty, misconnduct or other just and sufficient cause, and shall do so on a requisition passed by the District Judge for like cause in the judicial proceedings of a village court.

From every order of suspension or removal an appeal may be made within three months to the Board of Revenue if the order was passed by the Collector without orders from the District Judge to the High Court if passed upon such orders. The decision of the Board of Revenue or the High Court as the case may be on all such appeals shall be final.'

Now, by this Amending Bill the Government want to add section 8-A and in this new section it is said that the State Government may suspend. There the Collector has the power. Then the words 'President' and 'Judge' are put in here. In section 8 of the original Act the Collector can suspend or remove the 'village munsif or a member'. The original section 8 is to be extended and shall be in force in the transferred territory. But the new section 8-A reads:

'The State Government may suspend or remove the President or other Judge of a Village Panchayat Court appointed under the Travancore Village Panchayat Courts Act, 1090 (Travancore Act 1 of 1090), and continuing as President or member of the Panchayat Court after the date of the commencement of the Madras Village Courts (Amendment) Act, 1961, for incapability, neglect of duty, misconduct or other just and sufficient cause, and shall do so, on a requisition made by the High Court, for like cause appearing in the judicial proceedings of the Panchayat Court concerned'.

24th March 1961] [Sri K. Balasubramanya Ayyar]

The original section 8 is there so far as the transferred territory is concerned. I do not know how the proposed section 8-A will work. 3-30 p.m. That is the doubt I have. In section 8, the Collector is given the power to remove the Village Munsif or a member of the Panchayat Court. In the proposed section 8-A, the State Government have the powers to remove the President or other Judge of a Village Panchayat Court. The proposed section 8-A says, 'The State Government may suspend or remove the President . . . . . and shall do so, in a requisition made by the High Court, for like cause appearing in the judicial proceedings of the Panchayat Court concerned'. These two things are quite inconsistent. That is the difficulty I felt so far as the proposed section 8 A is concerned.

The Government want to repeal the Travancore Village Panchayat Courts Act, 1090 (Travancore Act 1 of 1090) and the Travancore-Cochin Village Courts Act, 1953 (Travancore-Cochin Act VII of 1954). Both these Acts are now sought to be repealed and the Madras Village Courts Act extended to the Travancore territory. If this is so, section 8 in the Act will also be there. That is the difficulty that I feel. Section 8 says that the Collector of the District may remove a member of the Panchayat Court. Let us forget the Village Munsif now. The removal of a member of the panchayat shall be made on the requisition of the District Judge. A right of appeal against the removal is also provided in section 8. The proposed section 8-A says that the suspension or the removal of a judge of a Village Panchayat Court shall be made by the Government on a requisition made by the High Court. No mention is made about the right of appeal. This is not clear. The other things are all right. The Government want the Madras Act to be extended to the transferred territory. But how this proposed section 8-A comes in, I am not able to see.

*THE HON. SRI M. BHAKTAVATSALAM: Sir, about the proposal to raise the pecuniary jurisdiction of the village courts from Rs. 50 to Rs. 200, for trying cases without the need for consent of parties, the Board has made a study of it, and has made this proposal which has been accepted by the Government. This is generally in the interests of the parties themselves. Further I may tell the House that there has been a proposal to have a study team to go into the question throughout the whole of India of the working of the Village Courts and Panchayat Courts. As has been pointed out by the hon. Member the provision in the Panchayats Act regarding judicial jurisdiction has been removed. Therefore, Sir, this proposal has been brought forward, and it is now brought in as an amendment to the Village Courts Act. As regards the proposed section 8-A, the idea behind it is to amend the Act so that there may be the same pattern of judicial procedure so far as Travancore is concerned. But at the same time we are not taking away all that exists in the Acts to be repealed.

[Sri M. Bhaktavatsalam] [24th March 1961

In view of the existing state of affairs in Travancore, this section 8-A is inserted as a new provision. It will apply to the transferred area and it will be a temporary measure.

SRI K. BALASUBRAMANYA AYYAR : The Government are applying the Village Courts Act to that area.

* THE HON. SRI M. BHAKTAVATSALAM : What will apply is the proposed section 8-A. It will apply to Kanyakumari and Shencottah.

MR. CHAIRMAN : The question is—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961), be taken into consideration'.

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

Clauses 2 to 9 were put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961), be passed'.

MR. CHAIRMAN : The question is—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

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

(2) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 1961 (L.C. BILL NO. 3 OF 1961).

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

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill *, 1961 (L.C. Bill No. 3 of 1961), be taken into consideration'.

Sir, section 9 (2) (*a*) and (*b*) of the Madras Hindu Religious and Charitable Endowments Act, 1959, prescribed the method of recruitment to the post of Commissioner and Deputy Commissioners. This section as it stands does not permit the appointment of Deputy Commissioners to the post of Commissioner by promotion and, likewise, the appointment of Assistant Commissioner to the posts of Deputy Commissioners. In any service, while prescribing methods of appointments, appointment by promotion is also generally provided for and the absence of such a provision in the present Hindu Religious and Charitable Endowments Act has denied the prospects of promotion to the Assistant Commissioners and Deputy Commissioners. This will make them lose their enthusiasm and incentive to work and consequently will affect the interest of the

* Published in the *Fort St. George Gazette* Extraordinary, dated 13th March 1961.

24th March 1961] [Sri M. Bhaktavatsalam]

department. It is therefore considered necessary that the Act should be amended so as to make Deputy Commissioners and Assistant Commissioners eligible to be appointed by promotion as Commissioner and Deputy Commissioners respectively. I may point out, Sir, that in the rules framed under the previous Act there was this provision, but by some mistake or oversight, the present Act has excluded promotion. It is also considered necessary that the field of recruitment to the posts of Commissioner and Deputy Commissioners should be made wider by making members of the Madras State Judicial Service also eligible for appointment to the post of Commissioner and by making appointment to the posts of Deputy Commissioners by agreement or on contract basis. This will enable the Government to select suitable persons to fill the posts of Commissioner and Deputy Commissioners. Clause 2 of the Bill seeks to achieve the objects in view.

Sir, I have briefly indicated the main purposes of this legislation. I commend the motion for the acceptance of the House.

MR. CHAIRMAN : Motion moved—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be taken into consideration'.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, as far as the promotion of a Deputy Commissioner as the Commissioner is concerned, the Government should think twice before having a provision like this. The Hon. the Mover of the Bill will remember that at the select committee stage of the Hindu Religious and Charitable Endowments Bill, it was seriously mentioned by my Hon. Colleague Sri P. T. Rajan that there must be a judicial officer. He even went to the extent of saying that the judicial proceedings should be separate from the administrative proceedings. But we did not accept his suggestion, and the Act has now to be amended. The Hon. the Mover of the Bill then assured us that the Commissioner would be a judicial officer, that he would be entrusted with the hearing of suits, and if there were many suits and many applications and decisions had to be arrived at in many cases, then the Commissioner would have one Deputy Commissioner, a judicial officer. This is what was understood at that time. If there is a Deputy Commissioner, and if he is entrusted with the duty of hearing suits and so on, it is better that we should not have this promotion to be made from the Deputy Commissioner. That will be a wholesome provision. He will not be thinking of any promotion from the post of Deputy Commissioner to the post of Commissioner. It will be good especially when he is a judicial officer. Of course, the Government did not accept our original proposal and it is no use talking about it now. In so far as this person is entrusted with the duty of hearing applications, suits, etc., which is a judicial function, it is better that he does not have any idea of being promoted as Commissioner because that will give him that kind of independence which he will not have otherwise. Of course,

3-40 p.m.

[Sri K. Balasubramanya Ayyar] [24th March 1961

as originally suggested by us, if the Commissioner himself is a judge, that is a different matter. The Hon. Mover explained his difficulty in accepting that suggestion. But this provision of promoting a Deputy Commissioner as Commissioner will not ensure independence of judgment on the part of the Deputy Commissioner.

SRI P. T. RAJAN : An administrative officer may be promoted, not a judicial officer.

SRI K. BALASUBRAMANYA AYYAR : The Deputy Commissioner is a judicial officer.

SRI P. T. RAJAN : Only one of the Deputy Commissioners.

SRI K. BALASUBRAMANYA AYYAR : What I say is, the Government are seeking to amend the existing provision. It need not be done. Even the present provision of having a judicial officer as Deputy Commissioner was decided upon by the Hon. Mover after very carefully considering our suggestions. The only point is, he was not in favour of bifurcation. Let the Government appoint the Deputy Commissioner as Commissioner on a contract basis. Otherwise, he would always be feeling that he is subordinate to the Commissioner. We have heard it said even in the case of High Court and Supreme Court Judges that there should be no chances of promotion for them. Well, that is a general statement we have heard. That is a wholesome principle. About the other matter, the Government can have even direct recruitment. But personally, I would very much favour a man who has got administrative experience either as Assistant Commissioner or otherwise. A direct recruit does not know the working of the schemes, the details of schemes. He may enter upon his duties either with good notions or other notions. But if a man with experience is appointed, it will be very good, because he will have thorough experience of the administrative work involved in Hindu religious endowments and temples.

THE HON. SRI M. BHAKTAVATSALAM : That can be only by promotion.

SRI K. BALASUBRAMANYA AYYAR : I made it clear that it could be so far as the Assistant Commissioner was concerned.

SRI P. T. RAJAN : Why should you deprive the Deputy Commissioner of the benefit?

SRI K. BALASUBRAMANYA AYYAR : He must be an administrative man.

* SRI P. T. RAJAN : Mr. Chairman, with all due respect to my Friend, let me say this. When my Friend suggested that there should be an Additional Commissioner who must be a judicial officer, having nothing to do with administrative work, the Hon. Minister said that he would not accept the suggestion. Now, the proposal of the Hon. Minister is to promote the Deputy Commissioner, whether he be an administrative officer or a judicial officer, to be Commissioner. We should not stand in the way. What I would urge, on the other hand is the appointment of an Additional Commissioner who will be independent of the Commissioner himself, so far as the judicial functions of the Board are concerned.

24th March 1961] [Sri P. T. Rajan]

SRI MOHAMED RAZA KHAN : Sir, after two eminent authorities on the question have spoken, I am in a difficult position to speak. But my line of argument is different. I was very sorry to hear the Hon. Minister's arguments when he moved that the Bill be taken into consideration. It is an unfortunate phenomenon in our State that once a Bill is passed and becomes law, within six months thereof another amending Bill is brought forward without any reason or logic behind. Whatever the arguments of the Hon. Members against such amending Bills, the House must accept the Bills. That is the position in which we find ourselves today. I was listening to the statement of the Hon. Minister and I am not convinced by it. When they drafted the original Bill, the Government had plenty of time to come to a decision as to what should be the procedure for appointments. It is surprising that the anomaly that they talk of now did not occur to them then, i.e., lack of provision for promotion of Deputy Commissioner as Commissioner. How is it that after one year of the passing of the original Act, this necessity has arisen? The Hon. Minister must take the House into confidence in this matter.

SRI P. T. RAJAN : There is a vacancy now.

SRI MOHAMED RAZA KHAN : I am coming to that now. The Hon. Minister stated that the enthusiasm of the Assistant and Deputy Commissioners would be lost if there were no prospects for their promotion. The Hon. Minister could have thought about all this at that time itself and made suitable provision in the parent Act. When we say that appointment should be by direct recruitment, we take that decision for valid reasons. My Friend, Mr. Rajan, has rightly interrupted me by saying that the present Commission i sretiring. I think he is retiring this month or next month. I do not know how many Deputy Commissioners are there. We do not have all these details and yet we are asked to pass the Bill. Obviously there was a lacuna in the parent Act. How is it that the Department when they advised the Government forgot about this?

Then, Sir, there was one other argument. Usually, when a comprehensive Bill is brought forward, it is stated, in defence of certain provisions, that they were in the original Act and that they have been simply copied in the new Bill. It is one of our conventions, if I may say so, to incorporate most of the old provisions in the new Bill. The Government used to defend them saying there is nothing wrong in incorporating the old provisions in the new Act. Here it is stated, this provision was in the old Act and

[Sri Mohamed Raza Khan] [24th March 1961

that by oversight it was not incorporated in the parent Act now in force. I do not know how such an important thing was lost sight of. The Minister says he is now rectifying it.

* THE HON. SRI M. BHAKTAVATSALAM : In my opinion, it was oversight, not because the hon. Member calls it oversight. This question was not specifically discussed at all by the Joint Select Committee. It was neither raised nor discussed. There was nothing before the Committee even to suggest that there was no provision for promotion. This is what I meant when I said it was lost sight of.

SRI MOHAMED RAZA KHAN : I submit, Sir, that the Hon.
3-50 p.m. Minister's intervention has not strengthened his argument. He said in introducing this measure that the matter was left out by oversight. When the Government bring in an important legislation like this, consolidating all the old legislations in the matter they take advantage of it and make all necessary and suitable amendments in the consolidated legislation. In the old Act there was the provision for the promotion of the Deputy Commissioner as Commissioner. And the Hon. Minister says that this was lost sight of. I do not understand how such an important thing as this could be lost sight of. It is only six months since we passed that legislation. When we bring in any amendments we must convince the public and the Hon. Minister should convince us. It is no use saying that this is a small Bill and therefore it can get through. I hope at least in future such things would be avoided particularly when the original legislation had gone through a Joint Select Committee consisting of eminent men. I submit that this question ought to have been thought of then. And for good reasons they might have said such a provision was unnecessary. Now the Government think that such a provision is necessary. Therefore I oppose the Bill, Sir.

* SRI M. SESHACHARIAR : Mr. Chairman, Sir, I would like to say only a word about the amending Bill. The contention appears to be that if there is a mistake in the Bill which is found later on, it should not be rectified. Probably they might not have been vigilant at that time or they might have somehow forgotten it then. The other contention is that promotion should not be made or some such thing. I may point out that the Deputy Commissioner will be promoted only if he is eligible, if he has judicial experience and if he is entitled to such promotion. If he is a judicial officer and deserves to be promoted there should be such a provision as is now sought to be introduced by the amendment. If he has no judicial experience he may not be promoted at all. The idea of the Government appears to be that the Deputy Commissioner who happens to have judicial experience, has no chance of promotion under the existing provision. Therefore they want the provision to be amended. Suppose there is a person with judicial experience appointed as Deputy Commissioner, and he is in the run

24th March 1961] [Sri M. Seshachariar]

for promotion to the post of Commissioner. There is no provision in the existing Act for promoting him as Commissioner. This has therefore got to be rectified.

* DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, I am afraid there is no necessity for such an amendment in view of the provision already existing. The only thing is the existing provision should be intelligently used. The position is that appointment to the post of the Commissioner shall be by transfer from among the members of the Madras State Higher Judicial Service or the Madras State Judicial Service or any other service or direct recruitment. You know there are other agencies, like the University where direct recruitment is the rule whether it be for lecturers or readers or anybody else. All we do is to allow all these people also to apply, and that removes the possibility of patronage in the hands of the person concerned. Therefore there is no reason why the Deputy Commissioner should not be an applicant for direct recruitment. After all the Government are the ultimate authority to make the appointment and we are not going to fetter their hands in the choice. Why should not the Government give them that opportunity?

The real objection, which I can see from Sri K. Balasubramanya Ayyar and Sri Raza Khan, is to this principle of promotion which implies that a certain amount of discretion or patronage may be there. (Interruption). The normal course is by direct recruitment by appointing a small committee. The people in the lower rungs have always the opportunity to apply. Nobody can be promoted. For instance in the University, as you, Sir, are doubtless aware, for such appointments there is a well thought out plan. If therefore the Deputy Commissioner also applies when there is a vacancy in the post of the Commissioner there is nothing to prevent the Government to refer the cases to a small committee and then select the best man they can think of. But if you are going to give a *carte blanche* to the Government to promote any Deputy Commissioner, no reasons may be assigned. I think it is not a very good provision—particularly without having had the experience of the working of the Act—to introduce within so short a time. Sir, I know the great discussion that took place in Ootacamund and I feel that this is not a justifiable step. I can have hardly anything against any person that might be considered fit for appointment. My submission is, let him apply according to the existing provisions of the Act, and he can be considered as a direct recruit. This will be much safer for him.

Sri P. T. Rajan rose.

MR. CHAIRMAN : I am sorry, the hon. Member cannot speak for a second time.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, about amendments to legislations, we are having a number of amendments whenever we feel the need for them. We are not

omnipotent and we sometimes do commit mistakes in spite of all our experience and capacity. Not only the Ministers and the Government but also the Members do commit errors of commission or omission and that is how so many amendments to legislation do come up before the House. The House considers them and accepts many of those amendments. Just a little while ago, I brought forward an amendment to another Act. It is no doubt an old Act, the Village Courts Act. Next week I shall be bringing forward another amendment to the Wakf Act.

SRI MOHAMED RAZA KHAN : I know that.

* THE HON. SRI M. BHAKTAVATSALAM : That Act was passed only recently. That was passed in Parliament also. The members of Parliament bestowed best consideration on that legislation. There was recently a conference, an All India Conference which was attended by many eminent Moulvis. They pointed out a difficulty. Therefore I am bringing forward an amendment to that legislation. We in the Government are not omniscient. We may not foresee all these requirements.

Sir, I am not able to understand the difficulty of the hon. Member Sri K. Balasubramanya Ayyar nor the fear of the hon. the Leader of the Opposition. We had discussed the need for having a judicial officer in the Endowments Board. Originally a suggestion was made before the Joint Select Committee that judicial work may be separated from the administrative work. I said then that it was against the very pattern of administration that had been accepted, and therefore it would not be accepted. Even before the Joint Select Committee accepted the suggestion I myself was seriously thinking about having the Judicial Officer. I was not quite satisfied with the judicial disposal of the cases. Therefore I wanted that there should be one judicial officer. Therefore the Government had asked the High Court to suggest some name and the High Court sent a panel of judicial officers. This was forwarded to the Public Service Commission and finally we had a judicial officer as the Deputy Commissioner. This was long before the Joint Select Committee accepted the suggestion to have a judicial officer.

Now, in the present Act there is this provision. Either the Deputy Commissioner or the Commissioner, at least one of them should be a judicial officer. If the Commissioner happens to be a judicial officer, there is no need that the Deputy Commissioner should be a judicial officer. But there is no bar to the Government having more judicial officers than one. It is obligatory on the part of the Government to have one judicial officer. He may be either the Commissioner or the Deputy Commissioner. If the Deputy Commissioner is a judicial officer, the Commissioner need not be a judicial officer. If the Commissioner is a judicial officer the Deputy Commissioner need not be a judicial officer.

A non-judicial Deputy Commissioner can take the place of the Commissioner, if one of the Deputy Commissioners is a judicial officer. I will come to the question of promotion later on. A non-judicial Deputy Commissioner can take the place of a Commissioner. The principle that there must be one judicial officer is not affected. It may be a Deputy Commissioner or Commissioner. Then again take the case of the Assistant Commissioners. (Interruption). The hon. Member Sri Balasubramanya Ayyar has answered the point raised by him. When we appoint a person as the Commissioner, it is not merely a question of picking out a person. He must have the aptitude, experience and all that. Therefore the hon. Member will realise and admit that it is more advantageous to have one who has had some experience regarding the functions of the Commissioner and the Deputy Commissioner. Now, if there is a Deputy Commissioner who is serving, who is qualified, and who is fit to serve as Commissioner, there is no obligation on our part to have a judicial officer as Commissioner. If there is a Deputy Commissioner who has served well, is qualified for it, and has got all the experience and is fit and suitable to be appointed as Commissioner, what is wrong in appointing him, as the Commissioner, is the question. Before this Act was passed, there was a temporary vacancy in the post of the Deputy Commissioner. One of the Senior Assistant Commissioners was appointed as the Deputy Commissioner. He servied for some months, and he has been reverted and is now working only as Assistant Commissioner. Sometimes we have to fil up the posts temporarily. Suppose the Commissioner takes leave for two months. What should I do? Should I advertise the post? (Dr. A. Lakshmanaswami Mudaliar : One could be put in charge). I thought it could be done. But our Law Department was of the view that under the provisions of the Act, it could not be done, even on a temporary basis. Today if a Deputy Commissioner goes on leave, and he wants to be urgently relieved, I cannot appoint an Assistant Commissioner as Deputy Commissioner even temporarily. That is the advice that I got from the Law Department. Similarly if the Commissioner suddenly takes leave, leave alone the question of filling it up permanently—I cannot appoint a Deputy Commissioner to that post even for a period of one month or two months. The advice given to me was that unless the Act was amended, even for a few days I could not appoint any one as the higher officer. That is the difficulty which we have been feeling. I am really surprised that the hon. the Leader of the Opposition should have taken up this attitude and tendered this advice to the Government about promotions. According to him promotions are totally bad and nobody should have any promotion. For instance, a District Munsif should not be promoted as a Subordinate Judge.

DR. A. LAKSHMANASWAMI MUDALIAR : Let us confine ourselves to the provisions in the Amending Bill, and let us not go over the entire range between the Himalayas and Cape Comorin.

* THE HON. SRI M. BHAKTAVATSALAM : One department is as good or as bad as another department. We have so many administrative authorities, and people are looking up to promotions. A man who has served well expects to be promoted. Now according to the suggestion given, he must stand in the queue and apply for the post to be filled up by direct recruitment, and a committee should be appointed for the purpose. I do not think that this is accepted anywhere as the correct procedure. Even taking this department, I may assure the hon. the Leader of the Opposition that there is no question of exercising patronage and there is no opportunity for it either. We do not take opportunities or seek opportunities to exercise any patronage. Even where it is not a question of exercising patronage, if the hon. the Leader of the Opposition thinks that we are exercising it, we say that we are not interested in exercising patronage. I just mentioned that the High Court sent a penal. We sent it to the Services Commission. We simply acceptedd them. I was thinking whether we could not have some other person. But the Services Commission indicated the priority. We simply accepted the priority, and we accordingly selected the officer. Event with regard to promotion, I may assure the Leader of the Opposition that we do consult the Services Commission and we are generally guided by them. So far as I am concerned, I am very particular that I always accept the views of the Commission. I do not rule out the recommendations of the Commission. Therefore I do not think that there should be any serious objection to this amendment. There is no question of having anybody in view for filling up the permanent vacancy. If that were so, it could be done even without this Amending Bill. (Sri Mohamed Raza Khan : How?) By transfer. The Government can transfer one from the Engineering Department. An Executive Engineer can be transferred as the Commissioner. The Act enables the Government to do so. The Government may transfer a professor in a college as the Commissioner. A lecturer in the Presidency College can be promoted as Commissioner under the terms of the Act. But that is not the idea. Further I want hon. Members to appreciate that after all officers serving well and faithfully and efficiently should not be debarred from promotions. It is a different question whether we are going to appoint them or not. They should not be made to feel that there is no more prospect of promotion at all. Faithful, honest, and efficient officers should not be made to feel that there is no more prospect at all of promotions for them. They must have this avenue open to them. It is another thing whether we appoint them or not. But the question is, how we do it—by promotion or by direct recruitment. The idea is that there should be provision for all contingencies. Once again I may assure the hon. the Leader of the Opposition and hon. Members that we are not interested in exercising patronage. We are interested in the proper administration of these institutions. Therefore, Sir, I hope that this Amending Bill will be accepted by the House

MR. CHAIRMAN : The question is—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), 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 M. BHAKTAVATSALAM : Sir, I move—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

MR. CHAIRMAN Motion moved—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

SRI K. BALASUBRAMANYA AYYAR : Sir, I do not see eye to eye with what Sri P. T. Rajan said about the judicial officer. A judicial officer, who is a Deputy Commissioner, should not always be thinking of promotion to the position of Commissioner. I think this is a safe principle. So far as promotions from among administrative officers is concerned, it is all right. That is the point.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, I may at once disabuse this idea from the mind of the hon. Member. So far as judicial officers are concerned, there is no need for promotion and there is no question of promotion. If there is a judicial officer, who is a Deputy Commissioner, it will not be by promotion.

MR. CHAIRMAN : The question is—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

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

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Monday, the 27th March 1961.

The House then adjourned.

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

245. *Review on 'Labour in Madras State in 1960–61'.*

246. *Review on the Nationalized Transport in Madras State, 1960–61.*

247. *Notification issued with G.O. Ms. No. 150, Home, dated 4th January 1961, directing the collection of quarterly tax in respect of the luxury coach bearing registration No. MDU 7463 belonging to the Kodaikanal Motor Union (Private), Limited, Madurai, at the rate of Rs. 10 per seat provided in the vehicle.*

[24th March 1961

248. *Notification issued with G.O. Ms. No. 213, Revenue, dated 12th January 1961 appointing 9th February 1961 as the date on which the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), other than sections 1, 2, 4, 5, 7, 8, 58-A, 62, 67 and 68, shall come into force in the Mariyur Ukkadai inam estate in Arantangi taluk, Thanjavur district.*

249. *Notification issued with G.O. Ms. No. 5288, Revenue, dated 23rd December 1960 appointing 19th January 1961 as the date on which the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), other than sections 1, 2, 4, 5, 7, 8, 58-A, 62, 67 and 68, shall come into force in the Vannikkudi inam estate, Sivaganga (Manamadurai Z. A. taluk), Ramanathapuram district.*

Laid on the table of the House on 14th March 1961.

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 27th March 1961.

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.

Manufacture of standard sand

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

(*a*) whether any scheme has been drawn up by the Government for the manufacture of standard sand at Ennore near Madras for testing cement; and

(*b*) if so, the details thereof?

THE HON. SRI R. VENKATARAMAN : (*a*) & (*b*) A paper[a] is placed on the table of the House.

VIDWAN T. MUTHUKANNAPPAN : *இந்தத் திட்டத்திற்கு மத்திய அரசாங்கத்திலிருந்து ஏதாவது பண உதவி கிடைக்கிறதா? அப்படியானால் எவ்வளவு?*

THE HON. SRI R. VENKATARAMAN : *மத்திய அரசாங்க உதவி இல்லை.*

VIDWAN T. MUTHUKANNAPPAN : *எண்ணூர் பகுதியில் இந்த மணல் எவ்வளவு இருக்கலாம்? இத்தனை ஆண்டுகளுக்கு இந்த வேலை நடைபெறவேண்டும் என்ற திட்டம் ஏதாவது இருக்கிறதா?*

THE HON. SRI R. VENKATARAMAN : *அங்கிருந்து வருஷத்திற்கு எவ்வளவு எடுக்கப்பட்டது என்பதற்குக் கணக்கு இருக்கிறது.*

1957-58-ல்	*37.33 டன்கள்*
1958-59-ல்	*42.00 டன்கள்*
1959-60-ல்	*60.00 டன்கள்*
1960-61-ல் டிசம்பர் முடிய	*70.00 டன்கள்*

இருக்கிற ஏக்கர் எவ்வளவு என்பதற்குக் கணக்கு கொடுத்திருக்கிறேன்.

The Government have acquired an extent of 136·01 acres of land in Ernavoor and 14·23 acres in Kathivakkam village.

---

[a] Printed as Appendix on page 58, infra.

SRI MOHAMED RAZA KHAN : What is meant by Standard sand? To what use is it put?

THE HON. SRI R. VENKATARAMAN : Standard sand is used for testing cement and concrete. It is mixed and used for a particular variety of ceramics and so on. It is not really used as sand but it is mixed with something else and used. Hitherto we were importing this sand from England and it is now found that the Ennore sands are of the same quality as the imported sand. The Indian Standard Institute has approved of this sand.

State Transport buses

* 198 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Industries be pleased to state whether there is any proposal to supply the conductors of the State Transport buses in the City with some contrivance to give moisture to the fingers for the issue of tickets?

THE HON. SRI R. VENKATARAMAN : No, Sir. But instructions have been issued to the conductors not to adopt unhygienic methods for issue of tickets.

DR. A. SREENIVASAN : What are the definite instructions issued by the Government to the conductors in the matter of the none-use of their saliva for separating tickets?

THE HON. SRI R. VENKATARAMAN : Those are the instructions given.

DR. A. SREENIVASAN : They want moisture. Have the Government provided them, for instance, with a plastic bowl with a sponge just as the conductors in England have got?

THE HON. SRI R. VENKATARAMAN : It is not necessary. It is easily possible to take out a single ticket. I do not think it is so difficult to take out one ticket from the bundle and I do not think it is necessary to give such assistance to conductors for issuing tickets.

DR. A. SREENIVASAN : Is it not a fact that in banks, the shroffs keep a bowl and a wet sponge is kept near for counting currency notes?

THE HON. SRI R. VENKATARAMAN : It is so.

Allotment of iron and steel

* 199 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Industries be pleased to state the quota of iron and steel allotted to the State during the months of November and December 1960?

THE HON. SRI R. VENKATARAMAN : No separate allotments were made for the months of November and December 1960. Allotments are made for each half-year (i.e., from April to September and from October to March). The receipts of iron and steel under the non-agricultural quota during November and December 1960 are as under :—

	November 1960.	December 1960.
Standard Steel	711 tons.	711 tons.
Surplus allotment	224 ,,	204 ,,
Scrap	163 ,,	503 ,,

SRI MOHAMED RAZA KHAN : Is it a fact that Madras has been allotted a lesser quota and that some of these months, there was poor supply with the result that many of the small industries have to stop production?

THE HON. SRI R. VENKATARAMAN : Compared to our needs, the quota is small. But it is not a question of allotment. It is really a question of receipts. There has been considerable delay in getting all these allotments from Calcutta. There have been a number of excuses like transport difficulties and so on. We have taken up this matter strongly with the Iron and Steel Controller at Calcutta and I am glad to announce that he has arranged to supply 3,000 tons of steel and 1,000 tons of pig iron on a special assignment.

SRI MOHAMED RAZA KHAN : The Hon. Minister referred to difficulties of transport like lack of wagons and all that. Will the Government of Madras have a permanent official stationed either at Calcutta or Delhi to see that these allotments reach us at the earliest?

THE HON. SRI R. VENKATARAMAN : It is a very useful idea, to have some one at Calcutta to look to the despatch of these materials. But I thought that should be done by persons who are engaged in the trade. I suggest for the consideration of the trade, viz., the stockholders, that they have an agent in Calcutta to see that the despatches take place regularly.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that the entire allotments come on Government account and are distributed by the Government to the stockholders? Therefore, will it not be better if Government have an agent than if the private traders have?

THE HON. SRI R. VENKATARAMAN : The hon. Member's assumption is incorrect. Except in the case of black plain sheets, galvanized plain sheets, galvanized corrugated sheets, plates and wires, all items are despatched to the registered stockholders against their own indents. Therefore, it is not correct to say that these are all received and distributed by the Government.

[27th March 1961

SRI K. V. RAMASWAMY: விவசாயிகளுக்கு வேண்டிய விவசாயக் கருவிகள் அவர்களுக்குக் கூடிய சீக்கிரம் கிடைப்பதற்கு சர்க்காரால் ஏதாவது ஏற்பாடு செய்யப்பட்டிருக்கிறதா?

THE HON. SRI R. VENKATARAMAN: That is under the agricultural quota. If the hon. Member wants information, I can furnish it on receipt of notice of a separate question.

Government Girls' High Schools

* 200 Q.—SRI T. P. SRINIVASAVARADAN: Will the Hon. the Minister for Finance be pleased to state the number of Government High schools in the State as on 1st April 1960 and the number of untrained graduates employed in those schools during 1958–59 and 1959–60?

THE HON. SRI C. SUBRAMANIAM: (1) Number of Government High Schools for Girls under the Education Department as on 1st April 1960 is 25.

(2) Number of untrained graduates employed in the above schools during 1958–59 and 1959–60 were 21 and 11 respectively.

SRI T. P. SRINIVASAVARADAN: Is it a fact that trained women teachers are unwilling to apply for Governnment jobs because of the frequent transfers involved and because they are kept in the jobs on a temporary basis for a number of years?

THE HON. SRI C. SUBRAMANIAM: On the other hand, in 1959–60, there were only eleven untrained graduates and others were all trained. So, I do not think there was any hesitancy on their part. Perhaps, the scales of pay did not attract them much. But now they have been made quite attractive.

SRI T. P. SRINIVASAVARADAN: Is it not a fact that the present procedure for appointment of untrained teachers involves lot of time because the District Educational Officer or the Inspector has to be consulted? Is there any proposal to empower the headmistresses to appoint untrained teachers for a period of six months?

THE HON. SRI C. SUBRAMANIAM: When trained teachers are available, why have untrained teachers? Hence these restrictions even in respect of private schools, with regard to employment of untrained teachers. Some control will have to be exercised.

SRI G. KRISHNAMOORTHY: Are these untrained teachers paid on a par with trained teachers? If not, what is their pay?

THE HON. SRI C. SUBRAMANIAM: They have got different scales of pay. I am sorry, I do not have the details with me now.

27th March 1961]

Aided Elementary Schools

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

(a) whether the teachers retrenched from aided elementary schools that opted as fee-levying from 1st June 1959 have been paid their salaries for the period of break in their service caused by such retrenchment; and

(b) if not, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM: (a) & (b) No, Sir. The retrenched teachers were absorbed in the schools under the Local Bodies as quickly as possible. No further relief was considered necessary in their case.

SRI G. KRISHNAMOORTHY: Did the Government take statistics, as to the number of teachers retrenched, as to how long they remained unemployed and as to how much it would cost the Government if they paid their salaries?

THE HON. SRI C. SUBRAMANIAM: As the Government do not propose to give any further relief, I do not think any useful purpose will be served by collecting statistics.

SRI G. KRISHNAMOORTHY: Do not the Government think it is their responsibility to pay for this particular period? After all, it is a matter of Rs. 38,000. Should not the Government come forward to give relief to the teachers?

THE HON. SRI C. SUBRAMANIAM: It is not the Government's responsibility, particularly when they are employed in private institutions. If some changes took place, the Government have gone out of the way to provide them with employment as quickly as possible.

SRI G. KRISHNAMOORTHY: Do Government admit that on account of their policies these teachers had to be without jobs for one to three months?

THE HON. SRI C. SUBRAMANIAM: That policy was adopted for the general good of the community and some people would have to suffer.

SRI G. KRISHNAMOORTHY: Government would have given grants regularly to these schools . . .

THE HON. SRI C. SUBRAMANIAM: There is no use of arguing these cases. I have given out the facts. I do not think arguments will serve any useful purpose particularly during Question Hour.

Fee concession

* 202 Q.—SRI T. P. SRINIVASAVARADAN: Will the Hon. the Minister for Finance be pleased to state whether there is any proposal to extend fee concessions to the children of lecturers of colleges also?

THE HON. SRI C. SUBRAMANIAM: No, Sir.

[27th March 1961

SRI T. P. SRINIVASAVARADAN : The lecturers in Government colleges, if they happen to be non-gazetted officers, get fee concession in respect of their children. But in the case of lecturers getting less than Rs. 300 per month in aided colleges, etc., they do not get such concession. Will the Government see that the lecturers in aided colleges also get this concession in respect of their children if their pay does not exceed Rs. 300 per month?

THE HON. SRI C. SUBRAMANIAM : It is not as if I am not aware of their position. But it is a question of how far this concession should be extended and to what categories. Perhaps in due course, the case of the lecturers also may be considered.

SRI G. KRISHNAMOORTHY : Will the Government consider at least the cases of oriental colleges and treat them on a par with the high schools?

MR. CHAIRMAN : This is not a supplementary question.

VIDWAN T. MUTHUKANNAPPAN : முதல் தர மொழி ஆசிரியர்கள் உயர்நிலைப் பள்ளிகளிலும் கல்லூரிகளிலும் வேலை செய்கிறார்கள். அவர்கள் ஒரே சம்பளம் பெறுகிறார்கள். கல்லூரிகளில் வேலை செய்கின்ற காரணத்தால் இந்தச் சலுகை அவர்களுக்கு மறுக்கப்படுகிறது. அவர்கள் குழந்தைகளுக்கும் இந்தச் சலுகை அளிக்க அரசாங்கம் யோசிக்குமா?

THE HON. SRI C. SUBRAMANIAM : கல்லூரிகளில் இருப்பதில் ஒரு மதிப்பு இருக்கிறது. அதனால் சில அசௌகரியங்களையும் ஏற்றுக்கொள்ளத்தான் வேண்டும். நான் சொல்லியது போல எந்த அளவுக்கு இந்தச் சலுகைகள் கொடுக்க முடியுமென்பதற்கு அவ்வப்போது சர்க்கார் முடிவு எடுக்கவேண்டியிருக்கிறது. இதைப்போன்ற சலுகைகள் தொடர்ந்து மேலும் மேலும் பலருக்குக் கொடுக்கப்படுமென்று நம்புகிறேன்.

Civil Courts

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

(a) whether the Government are aware that there is delay in the disposal of papers on the administrative side of the Civil Courts in the City of Madras; and

(b) if so, the action taken or proposed to be taken to expedite disposal?

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

(b) Does not arise.

DR. A. SREENIVASAN : May I know whether there is any agency in the Courts to check the unusual delays caused by the administration section in these Courts?

THE HON. SRI M. BHAKTAVATSALAM : Sir, if there is such unusual delay in the disposal of matters other than disposal of cases, it is the High Court that looks into the whole question and

27th March 1961]

takes adequate steps now and then. On a reference to the High Court the Government have been told that there has been no such delay and that the High Court's attention has never been drawn to that.

DR. A. SREENIVASAN : Do the Government get the administration reports for their perusal?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. The administration reports are received in due course.

DR. A. SREENIVASAN : On persuing these reports have the Government noticed that there have been long delays in the matter of even numbering of documents?

THE HON. SRI M. BHAKTAVATSALAM : Sir, I have just now said that the High Court is not aware of any such delays in the disposals and the High Court does go into these administration reports and features of administration. Therefore, I could say that the Government are not aware of any such undue delays in these disposals.

DR. A. SREENIVASAN : Is it a fact that the clerks in the administrative sections of these Courts do not raise all the objections that they have in regard to the document at one time, but only one at a time, that is, one every week, with the result that there is lot of delay?

THE HON. SRI C. SUBRAMANIAM : That is the usual feature in all Courts like the Doctors trying to eliminate the causes one by one. (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM That is how the matters are attended to in Courts.

DR. A. SREENIVASAN : May I request the Government to write to the High Court that there is a hue and cry from the public as well as the advocates regarding these delays?

MR. CHAIRMAN : This is not a question.

THE HON. SRI M. BHAKTAVATSALAM : The Government are not aware of such a hue and cry. The High Court would be aware but really the High Court is not aware of any such complaints.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that the scheduled time for the Courts to open is 10-30 or 11-00 a.m. but that on many days the Courts do not open till 11-30 or even later? May I know whether this fact was brought to the notice of the Government?

THE HON. SRI M. BHAKTAVATSALAM : No such thing has been brought to the notice of the Government. If the hon. Member has any specific information about it he can pass it on to me.

[27th March 1961

Pensions

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

(*a*) the number of cases in which pensions drawn by certain teachers have been stopped because of re-employment;

(*b*) whether there is any proposal to apply to the teachers, retired and re-employed, the rules applicable to Government servants, retired and re-employed; and

(*c*) if not, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM: (*a*) 758.

(*b*) Orders have already been issued to the effect that as in the case of Government servants, teachers who are re-employed under the State Government should be allowed to draw their pension in full and in addition such pay and allowances as will bring their total emoluments up to the total emoluments drawn by them on the date of retirement.

(*c*) Does not arise.

SRI G. KRISHNAMOORTHY: What is the difficulty in extending such orders in the case of teachers retired from aided schools and district board schools?

THE HON. SRI C. SUBRAMANIAM: In respect of the aided schools it will become a case of double payment because the Government have to pay grants towards pay of teachers and in addition to that we will be called upon to pay pensions.

SRI G. KRISHNAMOORTHY: Sir, is it not a fact that the demand is only for the extension of the rules now applicable to the Government servants, that is, subject to the limit that their pay should not exceed the salary last drawn?

THE HON. SRI C. SUBRAMANIAM: The point for consideration is this particularly with reference to teachers who were employed in private institutions. We wanted to give them some source of income for their maintenance on their retirement. When there is this source of income, on re-employment I do not think that we would be justified in further putting into their pockets this pension amount also.

SRI G. KRISHNAMOORTHY: Are the Government aware that such re-employed teachers are started on the minimum pay and that their demand is on account of the fact that there is no rule to say that they should not be re-employed on any pay less than what is stipulated in the service register?

THE HON. SRI C. SUBRAMANIAM: That would mean much more than the pension amount. They are better placed when re-employed than when they have to subsist on pension alone. Therefore, I do not think we would be justified in giving the benefit of pension to those who are re-employed in private institutions.

27th March 1961]

* 205 *Q.*—SRI T. P. SRINIVASAVARADAN: Will the Hon. the Minister for Finance be pleased to state –

(*a*) whether any representation has been received in August 1960 to increase the pension of B.T.'s and others of the same category serving in recognized schools; and

(*b*) if so, the action taken or proposed to be taken thereon?

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

(*b*) The matter is under examination.

Provident Fund Accounts

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

(*a*) whether any instances of delay in the encashment of National Savings Certificates of teachers purchased from their Provident Fund accounts have been brought to the notice of the Government; and

(*b*) if so, the steps taken or proposed to be taken to avoid such delay?

THE HON. SRI C. SUBRAMANIAM: (*a*) & (*b*) Two cases of delay in encashment of National Savings Certificate bought from the Teachers' Provident Fund have been brought to the notice. Due to the transfer of records between educational districts, the original records could not be traced and hence the delay.

As such delays are very uncommon, no special steps are considered necessary.

SRI G. KRISHNAMOORTHY: Is it a fact that they lose interest for the period there is delay in encashment?

THE HON. SRI C. SUBRAMANIAM: Yes; once they become mature they will have to be encashed. If they are kept without being encashed after maturity, they might lose some interest.

SRI G. KRISHNAMOORTHY: In view of the fact that Government want to encourage these deposits, should not they just see that the encashment is expedited?

THE HON. SRI C. SUBRAMANIAM: These things happen only in exceptional cases and I am sure with the experience gained so far, even these defects would be removed.

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 received a message from the Deputy Speaker, Madras Legislative Assembly, transmitting a copy of the Madras Agricultural Income-tax (Amendment) Bill, 1961

[Mr. Chairman] [27th March 1961

(L.A. Bill No. 12 of 1961), as passed by the Assembly on the 25th March 1961 for the recommendations of the Council and he has certified that the Bill is a Money Bill within the meaning of Article 199 of the Constitution of India.

III—CALLING ATTENTION TO THE WINDING UP OF THE STATE BROADCASTING BRANCH.

* SRI T. P. SRINIVASAVARADAN : Mr. Chairman, Sir, under rule 41 (1) of the Madras Council Rules, I seek your permission to call the attention of the Hon. Minister for Works to a matter of urgent public importance, namely, the decision of the Government to wind up the State Broadcasting Branch of the Public Works Department with effect from 1st April 1961. The State Broadcasting Branch of the Public Works Department has been in existence for over 20 years and now besides Gazetted Officers there are over 200 employees in this branch. If at this stage, Government wind up this branch without definite proposals for the absorption of all the employees without adversely affecting their emoluments and service conditions, it will cause great hardship to all these employees and may perhaps even result in throwing them out of employment after nearly ten years of service. It is therefore necessary that provision has to be made for the absorption of all the employees without adversely affecting their emoluments and service conditions.

It may also be brought to the notice of the Government that this department was established in the year 1938 to maintain the medium of mass contact with the great masses of the people. It has been doing its work with great success. There are at present 4,200 receivers and in the Third Plan the number will considerably increase in which case the maintenance and establishment charges will be considerably decreased. Therefore this department should be considered as a social welfare department, as this is the only way to educate the illiterate adults.

THE HON. SRI C. SUBRAMANIAM : We are not cutting down that programme.

SRI T. P. SRINIVASAVARADAN : I want that department to continue for that purpose. It is therefore strongly urged that the orders of the Government be kept in abeyance and further enquiry made into the working of the department.

THE HON. SRI P. KAKKAN : Sir, the State Broadcasting Department was constituted in 1938 with a view to disseminate authentic and latest news to the rural folk in the villages. The main function of the department is to install and maintain community radio sets in rural areas.

A Radio Engineer is in-charge of this department under the administrative control of Chief Engineer, P.W.D. (General). Under the Radio Engineer there are four Assistant Radio Engineers in-charge of four Circles with headquarters at Madras,

27th March 1961] [Sri P. Kakkan]

Tiruchirappalli, Coimbatore and Madurai. There are 62 Supervisors, 4 Technical Assistants, 63 Battery Transport peons besides office establishment. On 31st March 1960 there were 51 service stations and about 3,900 community radio sets.

The Estimates Committee of the Madras Legislative Assembly in its Sixth Report, October 1957, stated that the annual maintenance charge levied for a community set installed in a panchayat at concessional rate is Rs. 90. But the actual cost of maintenance to Government of a community set comes to more than Rs. 200. In the case of the loudspeaker equipments in the Legislators' Hostel, the maintenance charges per annum are Rs. 230 per set. The cost of servicing, including the replacement of unserviceable parts by private firms may not exceed Rs. 25 per annum. Under present conditions, it may not also be difficult to get the servicing done by firms in the nearby towns whenever necessary and the owners of the radio sets themselves may have the servicing done directly instead of through department. This will not only avoid the delay involved in making the report and the inspection of the set by the Supervisor before carrying out repairs, but will also reduce the cost of servicing and there will be a saving in expenditure on account of the separate establishment maintained for this purpose. The Committee, therefore, strongly impressed on the Government the desirability of gradually abolishing the servicing stations and leaving the work of maintenance to the owners of radio sets themselves. 3-20 p.m.

While formulating the Third Five-Year Plan the Sub-Group on 'Rural Broadcasting' suggested that the Panchayats and Local Bodies should be made responsible for the maintenance of the new sets to be installed in the Third Five-Year Plan. As regards the existing radio sets, the Sub-group has suggested that the centres may be given the option to maintain them at their own expense through private agencies.

The State Development Committee at its meeting held on 22nd December 1960 observed that the cost of maintenance of a set under the present organization comes to nearly Rs. 200 per year which is almost equal to the cost of a new set. The Committee therefore felt that it would be better to allow the Panchayat and other Local Bodies to get the sets maintained through local repairers in nearby towns. The Committee also suggested that the existing Broadcasting Department may be disbanded and the staff absorbed in suitable positions. After careful examination of the recommendations of the Estimates Committee, the Sub-Group on Rural Broadcasting and the State Development Committee, the Government passed the following orders early in March of this year :—

(1) The maintenance of the Community Radio sets be entrusted to the Panchayats and Local Bodies themselves with effect from 1st April 1961.

(2) The installation of communnity radio sets be entrusted to the local companies after inviting tenders; and

[Sri P. Kakkan] [27th March 1961

(3) The State Broadcasting Branch be wound up with effect from 1st April 1961 and the staff absorbed in suitable posts in Public Works and similar departments of Government.

The Chief Engineer (General) has reported that nucleus staff may be retained to arrange for the installation of public address systems, maintenance of loudspeaker equipment of State Legislature and for the collection of arrears and dues of maintenance charges for radio receiver sets from the Panchayats and that he has addressed various heads of departments for absorbing the surplus staff. He has also requested that time may be granted till 1st July 1961 for implementing the orders of Government for winding up the department. This is separately under the consideration of the Government. It is proposed to give time to the Chief Engineer till 1st July 1961, for winding up the State Broadcasting Branch as requested by him. But he is being asked to submit detailed proposals before 15th April 1961 for the retention of the barest minimum staff to attend to the residuary work and for the absorption of the balance of staff in suitable posts in other departments.

IV.—GOVERNMENT MOTION.

ASSOCIATION OF THREE MEMBERS WITH THE COMMITTEE ON SUBORDINATE LEGISLATION OF THE LEGISLATIVE ASSEMBLY.

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

'That this House nominates the following three members to associate with the Committee on Subordinate Legislation of the Legislative Assembly for the financial year 1961–62:—

Sri V. Rengaswamy,

,, L. S. Karayalar, and

,, Mohamed Raza Khan'.

MR CHAIRMAN: The question is—

'That this House nominates the following three members to associate with the Committee on Subordinate Legislation of the Legislative Assembly for the financial year 1961–62:—

Sri V. Rengaswamy,

,, L. S. Karayalar, and

" Mohamed Raza Khan'.

The motion was put and carried.

V.—GOVERNMENT BUSINESS.

(1) DISCUSSION ON THE STATEMENT OF DEMANDS FOR GRANTS FOR EXCESS EXPENDITURE IN 1957–58.

SRI MOHAMED RAZA KHAN: Sir, I just like to say a few words. After all the excess expenditure is just only about rupees one crore. But I wish to refer to the report of the Public Accounts

27th March 1961] [Sri Mohamed Raza Khan]

Committee on the accounts of 1957–58. The operative part of the report says—

'The Committee wishes to emphasize that efforts should be taken to minimize or avoid excesses by timely action to obtain extra funds from the Legislature. There is no reason to doubt, however, the legitimate nature of the expenditure, and the Committee would therefore recommend the presentation to the Legislature under Article 205 (1) of the Constitution, of Demands for Grants to cover these excesses.'

Sir, in that year we had more than one supplementary statement of expenditure. Some items of expenditure could have been brought forward then and the approval of the Legislature obtained. It is for the Finance Minister to say whether the operative part of the report of the Public Accounts Committee is followed. Curiously in that year also we find that there was a heavy saving. Under 'Voted' it was 29·5 per cent, and under 'Charged' it was 14·1 per cent. The total was 26·1 per cent. But there are some reasons for heavy saving also. There was the transfer of a certain amount to the Electricity Board. Even making allowance for that particular item, the saving was on the border of 10 per cent. In the previous years the saving was ranging between 6 and 7 per cent. But in this year the savings was 10·1 per cent, even after making allowance for the transfer of amounts to the Electricity Board. I do not deny the fact that the Finance Department and the Minister are having control both in the matter of savings and excess. It would be better if it is brought to the notice of the various departments that these things should be avoided as far as possible. Of course, there are certain things which cannot be avoided, and the Legislature is ready to support them with reference to the unavoidable things. Sir, I support the Demands.

THE HON. SRI C. SUBRAMANIAM: Sir, I do not think a reply is called for. We are always taking note of the observations of the Public Accounts Committee, and we are trying to rectify the mistakes as far as possible. It is not only the Finance Department which keeps a watch over savings and excess expenditure. We do now have what is called 'processing' by the State Development Committee. By all these things, we are hoping that it would be possible to minimise these things—savings or extra expenditure. But in spite of our best efforts, I am sure hon. Members would agree that it is not humanly possible to estimate correctly to the pie either this way or that way. So with the best of efforts something of an extra expenditure or caving is likely to take place. But it would be the endeavour of the Finance Department to minimise it as far as possible.

(2) DISCUSSION ON THE FINAL SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR 1960–61.

* SRI G. KRISHNAMOORTHY: Mr. Chairman, Sir, the supplementary estimate is in respect of expenditure on items for which the originally allotted sum was found insufficient and also

[Sri G. Krishnamoorthy] [27th March 1961

in respect of token provision or full provision for new service schemes. Now, the Legislature is entitled to get information as to how these moneys are spent, and hon. Members can just suggest in a constructive way as to how they can be spent in ways other than those in which they have been spent. So my request to the Hon. the Finance Minister is just to take the constructive criticisms that are given from the Opposition side and to take them in the spirit in which they are offered. In that light, I am making some observations on some points mentioned in the supplementary statement of expenditure for 1960–61.

3-30 p.m. THE HON. SRI C. SUBRAMANIAM: He wants to exceed the limit set for the discussion. (Laughter.)

SRI G. KRISHNAMOORTHY: I shall speak only in respect of items mentioned here. On page 29, I find in the last paragraph that all fee-paying students have been asked to remit a sum of one rupee per annum in the case of Arts and Science colleges to the Students' Aid Fund. In the case of professional colleges, the sum payable is Rs. 2. This is a Common Good Fund for students. I am really glad that such a fund is to be started. I am only sorry that my Teachers' Maintenance Fund or the Gurudakshina Fund did not appeal to the Government.

On page 30, we find that a large provision has been made for building hostels for girls. Of course, this comes from the Centre. On page 31, we find a large provision made in respect of buildings for polytechnics. This is from our State funds. I am not against these provisions. But considering our present conditions in life, costly buildings and investment in brick and mortar can wait till men and minds are developed. Thatched sheds, temporary sheds, will do for the present.

Item (ix) on the same page says that consequent on the abolition of shift system in Kanyakumari district and enrolment of additional pupils, more number of additional teachers have been appointed. I am not against the appointment of teachers. But the point is, this House would like to know, as I have already submitted once, the reasons for the abolition of the shift system. I would request the Government to place before the House the exact reasons which led to the abolition of the two-and-half hour or three-hour schooling for children in Kanyakumari district. If the Government have studied its working and found it beneficial, there is a case for extending the system to other areas.

With regard to the allotment of Rs. 30 lakhs in respect of grants to non-Government primary schools, Rs. 5 lakhs for grants to local bodies for primary education and about Rs. 21 lakhs for Basic Education, I am of the opinion that these amounts do provide for payment to teachers of salaries on the revised scales of pay. Still these scales have not been paid to teachers in many aided schools and all panchayat schools. Panchayats have not received orders so far in this regard, not to speak of the old dues to be paid

27th March 1961] [Sri G. Krishnamoorthy]

to teachers still in Thanjavur district. I would like to know what steps have been taken since my speech on the Budget to see that these payments are made before the 31st March 1961. It is true we teachers are numerous and are spread out from urban to rural areas, from Kanyakumari to Madras. But the Government have got a machinery which can tackle the case of any individual in the remotest village. I would like the Hon. Minister to inform the House what steps have been taken by the Government to pay the teachers these revised scales of pay as per G.O. No. 710 and what steps have been taken to clarify the interpretations of some Deputy Inspectors which deny even the minimum-guaranteed five rupees to the teachers.

With regard to the Government Oriental Manuscripts Library I am really glad that a large sum of Rs. 70,000 is to be spent for the publication of Sanskrit and Persian manuscripts, etc. Of course, there is aid from the Centre for this. Now, I ask what steps have been taken to utilise these ancient books to be published? Sanskrit periods have been taken away and the pandits have to go home within a year or two. How are the Government going to utilise the contents of these books which they propose to translate and publish?

These are the various points that I wished to suggest.

SRI T. P. SRINIVASAVARADAN: Mr. Chairman, I just want to raise only a few points. The University Grants Comission has formulated a scheme of Students' Aid Fund in affiliated colleges. It is said that all fee-paying students should remit a sum of one rupee per annum in the case of Arts and Science colleges to the fund. In the case of professional colleges, the sum payable is two rupees. Am I to understand that non-fee-paying students will not remit this amount? They pay special fees, if not the tution fee. Are they to be exempted? Then, am I to understand that teachers' colleges are included in the list of professional colleges? Training colleges are professional colleges and I think it is the intention of the Commission that students of these colleges also should pay two rupees. It is stated that the Government will pay towards the fund a sum equivalent to the amount collected from students subject to a maximum of Rs. 1,000. Is this per institution or for the whole State?

THE HON. SRI C. SUBRAMANIAM: It is per institution.

SRI T. P. SRINIVASAVARADAN: It is not so stated. Then, may I know how this amount is going to be utilised?

I am now coming to page 30. There is mention about payment of a subsidy to the Corporation of Madras for opening of additional sections and employment of additional teachers during 1959–60. I do not know if I am right. I am told that the Madras Corporation which absorbed teachers thrown out of job in June 1959, just before following vacation terminated their services and did not pay them

[Sri T. P. Srinivasavaradan] [27th March 1961

vacation salaries on the ground that it was forced by the Government to take the teachers. It contends that Government must pay them. This position needs to be examined sympathetically by the Government.

About the abolition of the shift system in Kanyakumari district, Sir, there are two kinds of shifts generally. One is that in which the same set of teachers work during both shifts. In the morning they work in lower forms and in the evening they work in the higher forms. Accommodation is the same. This kind of shift solves the problem of accommodation, equipment, etc., but increases the workload of teachers. In the other system, of course, two different sets of teachers operate the two shifts. Because in the former system, the workload increased, teachers began to object. I think in Kanyakumari, in a school having five standards, the first three standards work in the morning and the next two work in the evening. If there are three teachers, the three work in the morning and in the evening, two out of these three work in the fourth and fifth standards. The teachers object to this.

Then, item (xv) refers to grants for the Panchayat Union Councils amounting to Rs. 47 lakhs representing the net expenditure which the Councils may have to incur on the maintenance of elementary schools up to the 31st March 1961. I am a member of the Development Council, Chingleput district. It was represented that teachers working in panchayat schools did not get pay for four months preceding 1st October 1960. I would request the Government to look into this.

Teachers from Tiruttani came to me a few days back and represented that they had not got pay for March 1959. From 1st April 1960, Tiruttani was merged in Madras State. The salaries for the previous year are pending payment with the Andhra Government. I would request this Government to correspond with the Andhra Government in the matter and also see that the increments are also paid to them. Another thing is they have been telling us that the new scales of pay which the Government have
3-40 introduced in the case of teachers serving in the schools in this
p.m. State have not been extended to the teachers working there.

Sir, I will conclude by touching upon only two more points. The first is about the A.C.C. Cadets. More encouragement should be given to them. This morning I got the information from the Officer in charge of the A.C.C. Cadet Corps of the P.S. High School, Mylapore, that they were given shirts, caps and shoes, but not drawers. And if you take the National Cadet Corps the amount that is now given as refreshment allowance is very little. When I started a unit in my school, it was six annas per head. Subsequently it was reduced to four annas and now it is only 19 nP. After an exhausting parade what kind of a refreshment a student can get for this 19 nP.? It will be nothing. Students whose parents can afford to supplement this meagre allowance only can join the corps. Really good and healthy students do

27th March 1961] [Sri T. P. Srinivasavaradan]

not join them and even if they join they leave off after two or three months. Regarding amenities, they were getting Rs. 34 for a unit consisting of 45 cadets. Even that has now been reduced. In their anxiety to expand the Government have reduced all these things. I would request the Government to see that at least the refreshment allowance is restored to its original level.

Sir, in this connection I would say, it would be better if the Government gave up this training for the girls. It is only a big tamasha. Even General Cariappa is not in favour of it.

SRIMATHI S. MANJUBHASHINI : I do not agree.

THE HON. SRI C. SUBRAMANIAM : The women may rebel.

SRI T. P. SRINIVASAVARADAN : Let them rebel. We know what happened in the land of Amazons. In certain fields I accept they may excel men. In other fields they may rebel. They may have supremacy for some time. Afterwards everything becomes waste. I honestly feel that this training is not necessary for women. I have witnessed a number of parades by girls. They are not very impressive. Certainly they cannot be very impressive. After all it is another kind of dance, if you may take it in that light. Give them other facilities. Spend money on their education, education that is fit for them but not in training them to carry the rifles and so on.

Sir, the last point I wish to touch upon is about the additional appropriation required to meet the increased grants to Sangeeth Akademi and other similar institutions for putting up entertainment halls and so on. Before sanctioning the grants I would wish the Government obtain the plans and estimates and see that they are good ones. Otherwise there is no point in giving these grants. Many of these halls are certainly unsuitable to serve as entertainment halls. It is a good move but my only request is that before sanctioning the grants Government should see that they put up good halls.

THE HON. SRI C. SUBRAMANIAM : It is not intended for that purpose. It is not for buildings.

SRI T. P. SRINIVASAVARADAN : That is all I wanted to say, Sir. Thank you.

* VIDWAN T. MUTHUKANNAPPAN : தலைவரவர்களே ! இந்த மேற்கொண்டு செய்ய வேண்டிய செலவு பற்றிய இறுதி அறிக்கையை ஒட்டி ஒருசில வார்த்தைகள், இந்த அறிக்கையின் 28-வது பக்கத்திலே 11-வது பகுதியில் 'Boarding Home' மாணவ மாணவியர் இல்லங்களுக்கும் அநாதை இல்லங்களுக்கும் ஏறத்தாழ 1,78,800 ரூபாய் தேவைப்படுகிறதாகக் குறிக்கப்பட்டிருக்கிறது. வளர்ந்து வரும் பாரதத்திலே இவ்வாறு செலவினங்கள் அதிக

மாகவே செய்யும். ஆனால் இந்தச் செலவு செய்வதில் அரசாங்கம் ஓரளவு விழிப்புணர்ச்சியோடு இருக்க வேண்டுமென்பதை இங்கே சில உதாரணங்கள் மூலம் வற்புறுத்த விரும்புகிறேன். சில ஆண்டுகளுக்கு முன்னே 10, 15 ஆண்டுகளுக்கு முன்னே இருந்தது இப்போது பழங்கதையாகிவிட்டது என்று நினைத்த ஒரு செய்தி இன்னும் இருக்கிறது, புதுப்பிக்கப்பட்டிருக்கிறது என்பதைக் காண வேதனையடைகிறேன். ஒரு குறிப்பிட்ட மதத்தைச் சேர்ந்த மாணவ மாணவியர் இல்லங்களும் அனாதை இல்லங்களும், வேறு மதத்தைச் சேர்ந்த குழந்தைகளை அனுமதித்தால் அவர்கள் தத்தம் மதச் சின்னங்களை அணியக்கூடாது என்ற திட்டம் முன்பெல்லாம் இருந்து வந்தது. அந்நிலை பழங்கதையாய் விட்டது என்று நினைத்திருந்தேன். ஆனால் இன்னமும் அந்நிலை இருந்து கொண்டிருக்கிறது என்பதைச் சமீபத்தில் நான் காண நேர்ந்தது. என் உள்ளத்தை உறுத்துகிறது. உண்மையாகவே எனக்குக் கிறிஸ்தவ மத சங்கத்தார் நடத்துகிற பள்ளிகளைப்பற்றி நல்ல எண்ணம் இருக்கிறது. நான் ஒரு கிறிஸ்தவ பள்ளியில் 5 ஆண்டுகள் படித்தவன். அவர்கள் செய்கிற சேவை உன்னதமான சேவை. அவர்களை எவ்வளவு புகழ்ந்தாலும் தகும். அவர்களைப் பார்த்துத்தான் தனிப்பட்ட பலர் தனி மாணவ, மாணவியர் இல்லங்களையும் அனாதை இல்லங்களையும் பள்ளிகளையும் வைக்க முற்பட்டார்கள். உண்மையில் பார்த்தால் கிறிஸ்தவ சங்கத்தினர் (Christian Missionaries) இந்த நாட்டுக்கு வந்து கல்வி சேவையில் ஈடுபடவில்லை என்றால், இன்றைக்கு நாம் பெற்றிருக்கிற உயர்ந்த கல்வி நிலையைப்பெற இன்னும் இரண்டு, மூன்று நூற்றாண்டுகள் ஆகியிருக்கும். அவ்வளவு சிறந்த முறையில் பணி செய்திருக்கிறார்கள். தமிழ் வளர்ச்சிக்கு அவர்கள் உயர்ந்த சேவை செய்திருக்கிறார்கள். அவர்களுக்கு நாம் நன்றி செலுத்தக் கடமைப்பட்டிருக்கிறோம். அவர்கள் நடத்தும் மாணவ, மாணவியர் இல்லங்களிலும் பள்ளிகளிலும் அனாதை இல்லங்களிலும் மற்ற மதங்களைச் சேர்ந்த குழந்தைகளும் ஓரளவு சேர்ந்திருக்கிறார்கள். அந்த மாணவ மாணவியர் தங்கள் மதச் சின்னமாக நெற்றியில் விபூதி, குங்குமம், சாந்து முதலியன அணியக்கூடாது என்று திட்டம் செய்திருக்கிறார்கள் என்பது பழங்கதையாக இருந்தது. சமீபத்தில் நெய்வேலிக்குப் போய் சுற்றிப்பார்த்து விட்டு வரும்போது, ஒரு பள்ளிக்குச் சென்று இருந்தோம். அரசாங்கம் அதற்கு ஏராளமான பொருள் உதவி செய்கிறது. எத்தனையோ பெண்கள்—300, அல்லது 400 பேர்கள்—அங்கே தங்கிப் படிக்கிறார்கள். (Basic Training Schoo') ஆதாரப் பயிற்சிப் பள்ளியும் இருக்கிறது. ஒரு பெண் நெற்றியிலாவது குங்குமத்தையோ, சாந்து போன்றவற்றையோ பார்க்க முடியவில்லை. அவர்களைக் கேட்டோம். "இங்கே அணிந்துகொள்ளக் கூடாது" என்று சொன்னபோது என் உள்ளம் உருகிற்று. நான் ஒன்று சொல்லிக்கொள்ள விரும்புகிறேன். ஹிந்துக்களும் பல இல்லங்களை நடத்துகிறார்கள். உதாரணமாக நாங்கள் ஆதாரப் பயிற்சிப்பள்ளி, ஔவை ஆசிரமத்தில் நடத்துகிறோம். அங்கு ஜாதி, மத வேறுபாடு இல்லாமல் பெண்கள் படிக்கிறார்கள், அவர்களுக்குரிய மதச் சின்னத்தை அணிந்து கொண்டு படிக்கிறார்கள். அந்தந்த மதப் பிரார்த்தனையும் அனுமதிக்கிறோம். சர்வமத கூட்டுப் பிரார்த்தனை செய்கிறோம்

இந்த நிலைமையை அரசாங்கம் நன்கு உணர்ந்து குழந்தைகள் அந்தந்த மத வழிபாடுகளை அனுசரிக்க ஏற்பாடு செய்யும்படி கனம் அமைச்சரவர்களைக் கேட்டுக்கொள்கிறேன்.

அடுத்தபடியாக, ஆதாரப்பயிற்சிப் பள்ளிக்கு 21,74,500 ரூபாய் குறிக்கப்பட்டிருக்கிறது. விளக்கம் தரவில்லை இந்த அறிக்கையில். (Basic Education) ரூ. 21,74,500 என்று போட்டிருக்கிறது. விளக்கமே குறிப்பிடப்படவில்லை. எனக்கு அது புரியவில்லை. இந்த ஆதாரப் பயிற்சிப் பள்ளியில் பயிலும் மாணவர்களுக்கு, உதவிப் பணம் (stipend) மாதம் 18 ரூபாய் கொடுக்கப்படுகிறது. அன்று கனம் அமைச்சரவர்களும் குறிப்பிட்டார்கள்—1948-ல் 18 ரூபாய் விதம் கொடுக்கப்பட்டது. இப்போது 12, 13 வருஷம் ஆகிவிட்டது. செலவு இனங்கள் உயர்ந்து இருக்கின்றன. இப்போதும் கூட அந்தத் தொகையை உயர்த்தாமல் இருப்பது வருந்தத்தக்கது. அதோடுகூட அந்த (Basic Training) ஆதாரப் பயிற்சிப் பள்ளியில் பயிலுகிற மாணவர்களுக்கு அதிகச் செலவாகிறது. பெண் குழந்தைகள் என்றால் இரட்டிப்புச் செலவு. தக்ளி, இராட்டை, பஞ்சு, பட்டை போடும் கருவிகள் இவற்றை வாங்க வேண்டியிருக்கிறது. குறைந்தது அரை டஜன் புடவைகள் வேண்டியிருக்கிறது. முதலில் சேர்க்கும்போது அக்குழந்தைகளின் பெற்றோர்கள் 300, 400 ரூபாய் செலவழிக்கிறார்கள். அரசாங்கம் ஒன்றுமே உதவித் தொகைக்கு ஈடு கொடுப்பதில்லை. ஹரிஜனக் குழந்தைகளுக்கு மட்டும் கொடுத்து வருகிறார்கள். பிற்பட்ட வகுப்பு குழந்தைகளுக்கும் கொடுக்க வேண்டுமென்று கேட்டுக்கொள்கிறேன். Stipend டிசம்பர், ஜனவரியில்தான் வருகிறது. பெரும்பாலும் 8-ம் வகுப்பு படித்துவிட்டு Junior Basic பயிற்சி பெறுகிறவர்கள் தாழ்த்தப் பட்ட, பிற்பட்ட சமூகத்திலிருந்து வருகிறார்கள். அவர்களின் பெற்றோர்கள் வறுமையில் இருக்கிறார்கள். அந்தக் குழந்தையைச் சேர்க்கவேண்டுமானால் 7 அல்லது 8 மாதங்களுக்கு மாதாமாதம் 18 ரூபாய் விதம் 120—150 ரூபாய் கொடுக்கவேண்டியிருக்கிறது. அதனால் மிகவும் சங்கடப்படுகிறார்கள். உதவி நிதி கொடுப்பதைக் காலகாலத்தில் ஜூலை-ஆகஸ்டில் கொடுத்து விட்டால் பெற்றோர்களுக்குப் பெரிய உதவியாக இருக்கும் என்று நிதியமைச்சர் அவர்களுக்குத் தெரிவித்துக்கொள்ள விரும்புகிறேன்.

இன்னொன்று, N.C.C., A.C.C. -ஐப் பற்றிப் பேசவேண்டுமென்று நினைத்தேன். மதிப்புக்குரிய நண்பர் அவர்கள் பேசி விட்டார்கள்; மேற்கொண்டு பேச வேண்டாம் என்று நினைக்கிறேன். ஒரே ஒரு விஷயத்தைப்பற்றி மட்டும் பேசிவிட்டு முடித்துக் கொள்ள விரும்புகிறேன். இந்த அறிக்கையில் பல துறைகளைப் பற்றிக் குறிக்கப்பட்டிருக்கிறது. ஒரே ஒரு துறைக்கு மட்டும் ஒருவிதமான செலவும் குறிக்கப்படவில்லை. அதுதான் மீன்துறை.

THE HON. SRI C. SUBRAMANIAM: முதலிலேயே நிறைய வாங்கிவிட்டார்கள்.

[27th March 1961

VIDWAN T. MUTHUKANNAPPAN: மீனவ மக்களுக்கு ஒரு எண்ணம் இருந்து வருகிறது. அதாவது தங்கள் விஷயத்தில் நிதியமைச்சர் அவர்கள் கொஞ்சம் தாராளமாக இருப்பதில்லையோ என்று. ஆதலால் நிதியமைச்சர் அவர்களைக் கேட்டுக்கொள்ள விரும்புகிறேன். மீனவர்கள் விஷயமாய் இனிமேல் தயவுசெய்து தாராளமாகப் பணம் ஒதுக்குங்கள். அவர்கள் மிக மிகப் பிற்பட்டவர்கள் என்று தெரிவித்துக்கொண்டு இதோடு முடித்துக் கொள்கிறேன்.

SRI MOHAMED RAZA KHAN: Mr. Chairman, Sir, for the last seven or eight years (An hon. Member: Nine years) for the last nine years to be correct we have had speeches on the supplementary demands. The arguments which we advance from the Opposition Benches are easily anticipated by Members on the Treasury Benches and particularly by the Hon. the Finance Minister and we also anticipate in a way what reply he would give for the points raised by us. Anyhow with your permission, I wish to raise a few points. The Supplementary demand before the House is for Rs. 24.69 crores. Out of this about Rs. 11 crores is on the Revenue Account excluding those demanded under the Capital Account and the Loans and Advances Account. The Hon. the Leader of the House has justified such huge expenditure and coming for supplementary demands on the ground that these are all important items of expenditure, there is necessity for it and what is more, there is demand from the public and therefore the Government cannot wait till the next official year. For argument's sake one might concede there is force in this argument but I would still like to ask the Hon. the Finance Minister whether this arguments would apply to all the items of expenditure now included in the Supplementary demands. Probably 40 or 50 per cent of this may be necessary, urgent and cannot wait till the next financial year. Going through the various items given in the booklet one would find there are a number of items which could have been anticipated by the various departments in time and included in the last year's Budget itself. If they were not urgent or necessary they could have brought it in the ordinary Budget of the next year. In fact there is heavy expenditure on Irrigation and Civil Works. After all these schemes are not taken up suddenly. The schemes are first investigated, plans and estimates are prepared, schemes are sanctioned, and only after these processes, expenditure on the scheme is ordered. While there may be a justification for 40 per cent or 50 per cent of the entire demand for expenditure, we cannot take the totality and say that these items of expenditure are necessary.

Going through some of these demands, I like to say that Sri G. Krishnamoorthy referred to the one-rupee scheme adumbrated by the Central Government. I would very much like the Finance Minister to explain what that scheme is. I do not know what that scheme is. Possibly other hon. Members also may not know it. I request the Finance Minister to tell us what that scheme is.

27th March 1961] [Sri Mohamed Raza Khan]

One way of replying to my esteemed friend Sri Srinivasavaradan is that it is in the fitness of things if the lady Member has participated in the debate. A thing is good or bad according to one's information. When one goes to speak on their behalf, then the lady Members give the reply. Simply because in the press, we see a speech or a statement from a prominent person, it does not mean that he becomes an authority on the subject. Simply because Cariappa says something, it does not mean that everybody should agree with him. That is his personal view. Not that I like to say something pleasing to the lady Members here. I have differed from them. I have seen the ceremonial parades in the City of Madras on the Republic Day or the Independence Day. Sometimes it pained me when I found that, as the soldiers and other auxiliary units were marching, we simply kept quiet without cheering them. We give cheers rarely to our own Police. I have seen Sri Srinivasavaradan there. I have myself seen him clapping when the N.C.C. cadets were marching past. This shows that the young girls like it. These girls, with all their enthusiasm, have to be at the parade ground at 4 O'clock and remain there for three hours. This is particularly bad. However, it looks as if the public approve of this. I leave it here.

Now coming to the items of expenditure, on page 19 of the statement there is mention about payment of interest on the Depreciation Fund of the Road Transport Department. The House is aware that there is a Depreciation Fund and there is also the Development Fund. The Finance Minister under 'Debt Charges' is making allowance for certain items of interest. Possibly that money is being utilised by the Madras Government for their own ways and means. Now a certain amount is paid back to the Transport Department. Then, there is also a reference on pages 54–55 of the Statement to the Transport Department. I want to know 'Why is it only so late you are thinking of giving this interest? Why is it all these years you did not make any provision for payment of interest?' The Government perhaps thought it not necessary. It is only this year they are doing it. When the argument is that the Transport Department is run on commercial lines, it would have been in the fitness of things if Government had made provision for payment of interest. Why all along this was not done? I would like to be enlightened by the Finance Minister on what is the amount we are having towards the Depreciation Fund and how this fund will be utilised. I say this because of the announcement that since last year we have got what is known as the Development Fund. Fifty per cent of the net income of the transport undertaking will be earmarked to the Development Fund and out of that fund we will be purchasing buses and other things necessary. I would like the Finance Minister to tell us what is the amount towards the Depreciation Fund and why we are operating two funds—the Depreciation Fund and the Development Fund. I also want to know how ultimately the amount in the Depreciation Fund will be utilised.

[Sri Mohamed Raza Khan] [27th March 1961

Then, Sir, the Finance Minister wants installation of electric boilers in both the old and new Legislator's hostels. Some money is being spent on this item. Sir, speaking on behalf of the fortunate members of the Legislature who remain in the hostel, I should say that they should be all thanks to the Finance Minister for this amenity. There is a lot of complaint by the members staying in the hostel that it is to be called more a hostel for the college or school students than for the members of the legislature. I do not know whether the Hon. Chairman had any occasion to visit the new hostel. There are no separate bath rooms. It is all just like a common pool. Anybody can enter them, and members are put to a lot of inconvenience. Practically there is no convenience for them. So, even for this little thing they have to be thankful to the Finance Minister. Of course I read the statement in the other House. Because this is the fag end of the term, at least the future Government, I hope, will have talks and consultation with the members of the Legislature and the Leader of Parties and do the best for them. Some of us who happened to go to other States saw the amenities provided for the members there. We should consider what are the minimum necessities for the members. Bath room facilities should be provided. In one place the Hon. Minister has said that he was thinking of putting up a hostel for the members of the Legislature. I should say that he must bestow some thought and attention on this matter and provide a good hostel for the members of the Legislature.

On page 20 of the Statement, a token provision of Rs. 100 is provided for payment of grants towards introduction of Three Year Degree Course and revision of salary. I would like to know the grant they will be getting, because only a token amount is provided for. (The Hon. Sri C. Subramaniam : See the explanatory note below.)

On page 33 there is reference to the expenditure consequent on changing the name of the College of Integrated Medicine. Now we are having the Kilpauk Medical College. A certain amount of expenditure is involved. As I said on a previous occasion, I hope the Royapettah Hospital will be upgraded so that it may also become a teaching hospital. (The Hon. Sri C. Subramaniam : You cannot have it in a debate on the Supplementary Estimates). The Hon. Minister, if he cares to reply, may reply. But if he feels he should not, I do not press. The Government have got the idea to bring into being this Integrated College. When it will come, and where it will be located definitely, is not mentioned. It looks as if they are not going to have buildings and places in the days to come.

The Madras Liberalised Scheme of Pension was sanctioned with reference to the recommendations of the Pay Commission. Here again I hope the Finance Minister will not interrupt me

27th March 1961] [Sri Mohamed Raza Khan]

by saying that under the 'Supplementary Grants' I cannot say all this. However, this is for his consideration. In the neighbouring States, they have brought in old-age pensions—that is, pensions will be given to persons over 65 or 70. Madras, which boasts of so many original things, can think of giving pensions to persons who are really destitute and who have nothing to fall back upon. At present there is no such provision. However, this is a matter which deserves the consideration of the Government.

Again in the Police Demand, there is expenditure on the purchase of some jeeps and cars. I would like to know one thing here. Not that I am taking objection to this item of expenditure in the Legislative Council, but fundamental points have been raised by the Members. 4 p.m

One was with regard to the enormous number of lorries and jeeps which the various departments of the Government were having. I do not include the Police Department. On a previous occasion, when reference was made to the heavy expenditure on wear and tear and on replacement of spare parts, the Hon. Minister for Finance conceded that the expenditure was heavy as compared with that incurred by private owners. Then, a one-Member Committee called the Chettur Committee was appointed to go into this question. It has submitted its report. We do not know whether the Government are satisfied, after the report has been submitted, whether every department is having just that number of jeeps and lorries which it requires or more, whether they are put to Government use, or to some other use probably misuse. In the matter of spare parts, the Government are incurring heavy expenditure. There can be a good deal of saving on this account. But I do not blame the officers. There may be officers who are very careful and meticulous about maintenance but there are others who may feel it is all Government money and they can be free with it. The Government must examine this.

One more point, Sir. There is an item of expnediture running to two lakhs of rupees mentioned on page 67. The Government have approved the proposal of the Madras Public Service Commission for the construction of a block at an estimated cost of Rs. 2 lakhs in the space now occupied by the badly cracked kitchen of the A.D.C.'s block in the Government Estate. While on this point, I must say that it is high time that the Government had their own programme of construction of buildings for housing all Government offices in the City. An expenditure of two lakhs of rupees will not solve the main problem. Government are paying lot of money by way of rent for buildings occupied by their offices. The Hon. Minister for Finance himself once said : 'I was not prepared to spend any money on buildings; but having gone to places like Delhi, I am now tempted to spend.' Therefore, improvements to an office here or to an office there will not solve this problem. The Government must have their own buildings in the City of Madras. They must launch on a big programme. They must also build quarters for their officers and other clerical staff.

Then, Sir, my last point is . . .

THE HON. SRI C. SUBRAMANIAM: How many last points?

SRI MOHAMED RAZA KHAN: Previously, I said last but one. Now, Sir, there is a proposal to shift the Central Polytechnic at Guindy to some other place. Why this change? Originally, it was felt that the Guindy Industrial Estate was the suitable place since all facilities were available there. Why is it that it is shifted to another place now? To what use will you put the present building?

* SRIMATHI S. MANJUBHASHINI: Sir, Mr. Srinivasavaradan's comments have provoked me to say a few words. The definition of man includes woman. This is what is generally told us every time we ask why something has not been done for women. But in practical application, man does not mean woman. Mr. Srinivasavaradan said that N.C.C. training for women is absolutely unnecessary and should be abolished forthwith. Sir, the physical well-being of the child—whether boy or girl—is important. So, for the physical well-being of our children, N.C.C. training is as much important for girls as it is for boys. (Interruption by Sri T. P. Srinivasavaradan.) You can answer after I have finished.

SRI MOHAMED RAZA KHAN: The Finance Minister will answer.

SRIMATHI S. MANJUBHASHINI: I have lost the trend.

SRI L. S. KARAYALAR: N.C.C. training is important for girls.

SRIMATHI S. MANJUBHASHINI: In these modern days, when girls go in for all sorts of jobs, women have to take care of themselves. N.C.C. training gives them lot of self-confidence. Girls have distinguished themselves both at the State level and at the Central level in the N.C.C. There are girls from our State who have qualified themselves as the 'best cadets'. The Hon. Minister for Finance must have seen the film depicting the 'Queen's Tour'. Certainly he would have seen that the girls marched better than boys.

SRI MOHAMED RAZA KHAN: Then why withdraw the film?

SRIMATHI S. MANJUBHASHINI: That is not for me to reply. We were going to ask for a larger provision to extend the N.C.C. training to other educational institutions also. But we as women always feel that we should not embarrass the Government by making large demands. But when such remarks are made by

certain members, we have to stand up and protest. Mr. Srinivasavaradan has all his life devoted his time to run a boys' school. I doubt whether he knows anything about girls' institutions. If a person who had run girls' institutions had made such remark then we might answer this point. It is not for persons who have run only boys' institutions to say what should be done or what should not be done in girls' institutions.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, I am thankful to Srimathi Manjubhashini for having answered the points raised by Mr. Srinivasavaradan particularly with reference to N.C.C. training for girls. I do not think anything more is needed from me. I looked upon N.C.C. training not as a mere training for a military career. It is for inculcating a sense of discipline in and building up the character of the trainees apart from building up their physique. So, it is necessary for both boys and girls. Sometimes, it is more necessary for girls than for boys. My own impression is the N.C.C. programme has done a lot of good to our girls and, therefore, however eminent a person might be in the military field, however eminent a person might be in the field of boys' education, I am unable to agree to the proposition that we should give up N.C.C. training in the case of girls. I do agree that certain changes in the method of training of girls are necessary but then that has been done already. I do not see any point in the suggestion that our girls are not fit to take this training or that this training is unnecessary for girls.

With regard to the various items referred to by Mr. Krishnamoorthy, I want to say a word. He referred to the Gurudakshina Fund about which he has always been waxing eloquent. This is a completely different programme which has been formulated by the University Grants Commission for the purpose of helping the poor sections of the student community. No doubt boys belonging to backward communities and pupils belonging to the Scheduled Castes and Tribes do get assistance from the Government. But there are quite a number of poor students belonging to the so-called forward communities who are unable to meet certain items of their expenditure like purchase of books, payment of examination fees and various other things. This fund is intended for the 4-10 p.m.
purpose of helping the poor students and it is good. The students function as a community, contribute something according to their mite and that fund is being utilised according to the needs of each student. It is in that way that the fund has been started and the Government also would be making some contribution. I think there is also the contribution from the University Grants Commission. All these would be used for the benefit of the poor and needy students.

Then, Sir, it was said that we should avoid putting up costly buildings. As a matter of fact we are not putting up costly buildings. But if only we make a calculation regarding the expenditure on the maintenance of the 'kutcha' structures and the cost of putting up 'pucca' structures and maintaining them, then ultimately we will find that it is more economical to put up a strong structure, not a luxury structure, not a costly structure, but a structure which would serve the purpose. It is only on this basis that we embark upon this programme.

Then, Sir, mention was made about the payment to teachers on the basis of the revised scales of pay based on the recommendation of the Pay Commission. I do find that there has been some delay in the payment of the revised scales of pay particularly to teachers belonging to private institutions and perhaps final orders have not yet been passed in some cases. That has been mainly due to the fact that it has not been possible to work out the scale of pay of each individual teacher and how much he would be eligible according to the revised scales. Perhaps the schools themselves, and more than the schools, associations like the South Indian Teachers' Union and various other Teachers' Associations can help the schools or the individuals concerned to work out the proper scale of pay, the correct scale of pay according to the recommendations of the Pay Commission and then pass them on to the Government. Then, certainly we would take into consideration the recommendations made by recognized institutions like these. It would even perhaps be welcome if a proper, well qualified auditor is employed for this purpose by these associations. It is only that which has been standing in the way. In addition to that certain clarifications were necessary in respect of some of the recommendations. Whenever they were brought to the notice of the Government, the Finance Department passed orders giving the necessary clarifications. Still I am not sure whether all the points have been clarified. Now and then some points which were not anticipated might arise and therefore it will be good if associations of teachers would give a helping hand in the matter. We would greatly welcome this assistance from this quarter.

Then, Sir, the hon. Member, Sri G. Krishnamoorthy raised a very pertinent point with regard to the publication of the oriental and ancient manuscripts and asked how we were going to use them. Certainly Government cannot use these publications. It is for the general public and particularly individuals to put them to use. We can only take the horse to the pond and not make it drink or compel it to drink water. I am sure there are enough of people who will take advantage of the literature, the ancient literature being made available to them and make the best use of them.

Mention was made about the vacation salaries of teachers in the case of Corporation and other schools who had been out of employment during the introduction of the non-fee levying system in primary schools. I am not aware of the existence of such a problem. Already a year has elapsed since the introduction of the

scheme and I have not received any complaint about it or the existence of that problem. If there are any genuine cases and if they come to the notice of the Government, certainly it will be looked into.

Some explanation was asked for regarding the abolition of the shift system in the Kanyakumari district. The hon. Member Sri C. Krishnamoorthy represented that we should have gone into the merits of the system before abolishing it. Then he visualised that this should have been extended to the entire State instead of abolishing it. Here the shift system was on the basis of 2½ hours of schooling for the first three classes and there was one shift in the morning and another in the evening with the same teacher attending to two sets of students. If this system was prevalent throughout the State there might have been a deterioration in the standard of instruction. This system persisted only in the Kanyakumari district and we found that the standard which people there attained after three years of schooling was much less than that reached by children in the rest of the State. Now, since Kanyakumari formed part of this State the Government came to the conclusion that we should have a uniform system throughout the State and the best thing we thought would be to abolish it and bring it in consonance with the pattern prevalent in the rest of the State.

Sir, some mention was made about teachers having not got their pay prior to October for two or three months. That also the Government are not aware of. If any particular case is brought to the notice of the Government certainly it will be looked into.

Then, Sir, the hon. Member Sri T. P. Srinivasavaradan made reference to the refreshment allowance given to the N.C.C. Cadets. Now we are not only expanding the N.C.C. programme, but we have also introduced what is called N.C.C. rifles. It is a shortened course and it is not as long as the regular N.C.C. A large number of students have joined the N.C.C. rifles. They are not given any refreshment allowance. And if it is a question of giving this refreshment allowance to the N.C.C. Rifles also the expenditure on that account would amount to a very large figure. I think taking all these into account, at a recent meeting of the Advisory Committee, the decision has been taken that the refreshment allowance should be abolished altogether and the N.C.C. should be put on the same footing as the N.C.C. Rifles.

The hon. Member Vidwan Muthukannappan made reference to Christian institutions not permitting the Hindu students there to put on their caste marks on their foreheads. I do not know how far we can interfere in the internal management of these boarding homes or training institutions. But, certainly when Government pay grants to these institutions we expect them to adopt a secular attitude. Secular attitude does not mean a non-religious or irreligious attitude but an attitude of being neutral as far as the religions are concerned. Therefore that is a matter that has got to be looked into. I am sure that even without the interference of the Government, the various institutions also would scrutinise this aspect of the matter and arrive at the correct decision.

Then, Sir, Vidwan Muthukannappan mentioned that the stipend of Rs. 18 is not sufficient to meet the entire expenditure of the boys or girls undergoing training in the teachers' training schools. I do agree that it may not be sufficient to meet the entire expenditure. But it is not the intention of the Government to meet the entire expenditure. It is only assistance given to the students to meet a portion of their expenditure. In spite of this, I am sure that the hon. Members are aware that the number of applicants coming up for admission into these schools is four times or five times the sanctioned strength of the schools. In some cases it is even ten times. Therefore, I do not think this limit of Rs. 18 is acting as a deterrent in respect of those persons who apply for admission into these schools.

Sri Raza Khan, as usual, had made an attempt to make a thorough study of the supplementary demands. Anyhow he wants us to understand that he has made a thorough study of the supplementary grants (laughter). I found him being briefed by his neighbour just before he started speaking. He made very pertinent points and he put the question whether all the supplementary items were necessary. Sir, it depends upon the ultimate point of view we take. If the hon. Member had taken the trouble of going through the various items and pointed out to me, "There are the items which we consider unnecessary", then perhaps it might have been possible for me to answer. But to make his work easy he put a general question whether all these items were necessary.

SRI MOHAMED RAZA KHAN: Sir, I referred to Irrigation and Civil Works, and said that some of these items could have been thought of and taken up earlier.

THE HON. SRI C. SUBRAMANIAM: If it is a question whether the items could not have been sanctioned earlier, I give this answer. Any scheme which was ready at the time of the main budget is included in the budget provided that scheme is necessary. But the fact is that the schemes are not ready and they get ready in the course of the year. Shall we postpone the schemes or shall we take them up in between? If once we come to the conclusion that the schemes are necessary in an expanding economy, in an economy based upon the development of the country as a whole, I think the proper thing would be to take up the schemes as and when they become ready and as soon as they become eligible for being taken up. Schemes particularly in the plan projects will have to get the sanction of the Planning Commission. Sometimes we have to get the permission of the Central Government, and if we get the permission in the middle

of the year, certainly it will not be advisable to postpone the scheme for another year. Perhaps the Central grant for this particular scheme might even lapse if the scheme is not taken up in that year. Therefore we have to take up the schemes as and when they are ready.

Then, Sir, the hon. Member put the question, 'Why interest is being paid to the Road Transport Department in respect of the funds left in the hands of the Government'. This is rather a knotty problem. Because the Road Transport Department are called upon to pay interest on any sums advanced to them for the purpose of purchasing vehicles, naturally the Minister concerned raised the question, 'If you are charging interest on the moneys advanced to the department for the purpose of purchasing vehicles and all that, what about interest on the money belonging to the department, which is with the Government—particularly the Depreciation Fund and the Development Fund?' I thought, Sir, it was a very relevant point that had been raised, and I yielded saying that on these two funds we would pay interest. It is only in that connection interest is now being paid to the Depreciation Fund and the Development Fund.

SRI K. BALASUBRAMANYA AYYAR: Even banks when they make advances to their branches charge interest. But so far as the money of the branches is with them, they do not pay interest.

THE HON. SRI C. SUBRAMANIAM: I do agree. Ultimately all these funds belong to the Consolidated Fund of the State. But it is a method of accounting. Particularly when criticisms are made that the Transport Department are not making as much money as they should, naturally the department pointed out various things. We thought we might give a certain amount of satisfaction to the department that they were making some profit. I did not want to stand in the way.

Sri Raza Khan raised the question of the utilisation of the Depreciation Fund and the Development Fund. Depreciation Fund is for the purpose of renewing vehicles. The Development Fund is for expanding transport services, purchasing new buses, taking over new routes, and adding to the fleet strength.

Then mention was made about the hostel for the legislators. I do agree that our hostel is not good enough for all our members. Therefore we have been considering whether we should not put up a new hostel for the benefit of the members of the Legislature—members belonging to both Houses. I am sure that there will be no discrimination. Some proposals have come up with regard to the location of the hostel, and I hope a decision will be taken soon. Let us hope that a hostel with all the facilities which are necessary for the legislators would come up soon.

In that connection, he also raised the question of putting up office buildings for locating all the offices belonging to the Government. Sir, we have got a programme for putting up buildings

[Sri C. Subramaniam] [27th March 1961

for housing the various offices which are now located in private rented buildings not only in the City of Madras but also in the headquarters of districts. But we will have to take into account the extra funds available for this purpose. I hope and trust that there will be a phased programme for putting up these buildings. Let us hope that in the years to come it would be possible for us to have our own buildings for housing all our offices.

Then the point was raised with regard to the use of vehicles in the Police Department and the various other departments. Particularly reference was made to the Chettur Committee recommendations. I do agree that generally the Government vehicles are not maintained as well as the vehicles belonging to private individuals. This depends upon the attitude of the community to properties belonging to Government and public institutions. As long as we consider that vehicles belonging to Government or other public institutions are no concern of ours and that they could be used in whatever way one would like, I do not think it will be possible to improve matters. Therefore ultimately it depends upon the social conscience of the community. I am not merely referring to the social conscience of the officials. If the community is aware of these things, I am sure many of the abuses would have been avoided. But unfortunately that amount of social conscience has not developed within the community. I hope and trust that with the education and the other various processes which are coming about within the community, their social conscience would develop and, whether a vehicle belongs to the community or to a stranger, the community would take the same attitude. I hope also that the community will take the same attitude in respect of the other properties belonging to the Government. Therefore, Sir, I hope that it would be possible to make savings in these matters as we go on. But I can assure hon. Members that after the recommendations of the Chettur Committee, Government have taken various steps for improving the situation. The situation is improving, but there is still room for improvement. It will always be the endeavour of the Government to go on making improvements till we reach the ideal.

Sir, I think these are some of the relevant points raised by hon. Members. If any point has been left out, I am sure that if only they would go through the explanations given, they will be able to find the answer. Particularly Mr. Raza Khan made a reference to token provisions of Rs. 100 with reference to certain items. If only he had gone through the explanations given below the demands, he would have found that the intention was to utilise the savings available within those grants. Because they are new services, we have to get the sanction of the Legislature for spending the money on them. That is why they have come before the Legislature as new service items with a token provision of Rs. 100. When the hon. Member makes the speech next time,

27th March 1961] [Sri C. Subramaniam]

I hope he will not only go through the items in a brief manner, but also take care to read the explanations given. Then I am sure many of the points which he tried to make will not be necessary, and he will be saved from making unnecessary points. I also will be saved from making unnecessary answers.

SRI MOHAMED RAZA KHAN : May I make a submission, Sir? It is not that I wanted to pay a compliment to the Finance Minister and get it back. Somehow I have seen that he is in a better form while replying to the debate on the supplementary grants than the main budget, because he gives replies to points one after another. (The Hon. Sri C. Subramaniam : Why this insult?) As regards the charge which he made against me, I may say that I have gone through the explanations given below the demands. But we always want the Hon. Minister to come out with his replies. It is in that spirit I have made my speech. It is not that I have not gone through the explanations given.

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

The House then adjourned.

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

* 250. *Notification issued with G.O. Ms. No. 401, Home, dated 1st February 1961 regarding exemption from payment of the tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), of vehicle MSX 4601, belonging to the United Nations International Children's Emergency Fund and used for BCG Vaccination Campaign in this State.*

* 251. *Annexure to the Madras Irrigation Cess (Amendment) Bill, 1961 (L.A. Bill No. 17 of 1961).*

* 252 *Annexure to the Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961).*

* 253. *Note on Housing in Madras State, 1960-61.*

* 254. *Notification issued with G.O. Ms. No. 5822, Industries, Labour and Co-operation (Labour), dated 19th December 1960, regarding amendment to rule 8 of the Madras Catering Establishments Rules, 1959.*

* 255. *Note circulated by the Education and Public Health Department on Demand XV—Education (English and Tamil).*

---

*Laid on the tables of the House on 24th March 1961.

[28th March 1961

SRI T. P. SRINIVASAVARADAN : Did the Government receive any reports from District Collectors about the rise in prices in the districts?

THE HON. SRI M. BHAKTAVATSALAM : We have not yet had any report. But we have asked them to go into the question, contact hotel-keepers, discuss with them and send us reports.

SRI T. P. SRINIVASAVARADAN : Are the Government aware that in the Railway Refreshment Rooms, the cost of Sambhar Bath has risen from 20 nP. to 30 nP. recently?

THE HON. SRI M. BHAKTAVATSALAM : I am unable to understand this abnormal rise. I have figures here about the City. In small hotels the cost of meal supplied has increased by 5 nP.; in medium hotels, the increase is by 6 nP. and in big hotels it is only by 5 nP. per meal. Only the cost of fruit salad has risen by 10 nP.

SRI T. P. SRINIVASAVARADAN : Are the Government aware that prices in North Madras are higher than those in South Madras?

THE HON. SRI M. BHAKTAVATSALAM : I have got figures for the City as a whole and if the hon. Member has any other information, I will take it and look into it.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that apart from increase in prices, the quantity has decreased and the quality is not the same as it used to be before?

THE HON. SRI M. BHKTAVATSALAM : I am not aware of it. But I would invite the hon. Member to give me particulars about it.

SRI MOHAMED RAZA KHAN : May I submit that particulars are not necessary? Such of those as visit hotels—I am not one of those—complain that the quantity has decreased and the quality is not the same.

THE HON. SRI M. BHAKTAVATSALAM : Because the hon. Member put a supplementary question, I thought he had particular information about these, which the Government do not possess. That is why I wanted the hon. Member to give me information.

Educational concessions

* 207 *Q.*—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether any sections of the Muslim community are treated as backward communities so far as educational concessions are concerned, and, if so, what they are; and

(*b*) whether the Muslims in the Kanyakumari district are also treated as backward community for educational concessions?

28th March 1961]

THE HON. SRI C. SUBRAMANIAM : (*a*) All Musilm pupils are eligible for half-fee remission in all classes subject to the usual income limits. In addition to this, some sections of the community, e.g., Labbai and Mappilla, are treated as backward communities for admission to educational institutions.

(*b*) No, Sir. No section of the Musilm community in the Kanyakumari district is treated as a backward community. But all Muslim girls are eligible for full fee concession while 15 per cent of the Musilm boys are eligible for half-fee remission.

SRI T. P. SRINIVASAVARADAN : Did the Government receive any representation from the Muslim community in Kanyakumari district that they should also be treated as 'Labbais' for purposes of fee concession?

THE HON. SRI C. SUBRAMANIAM : I do not have any information regarding representation from the Kanyakumari district.

SRI MOHAMED RAZA KHAN : While personally I do not believe in backwardness or forwardness, is it a fact that the Muslims in Kanyakumari complain that in the old Kerala State they were enjoying these concessions and that now these are denied to them?

THE HON. SRI C. SUBRAMANIAM : No; whatever concessions were available in the Travancore-Cochin State are being made available even now.

Tamil Encyclopaedia

* 208 *Q.*—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether any financial assistance is given by the Government for the preparation and publication of Tamil Encyclopaedia;

(*b*) if so, the total amount so far given;

(*c*) whether any instance of misappropriation of funds has been brought to the notice of the Government; and

(*d*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI C. SUBRAMANIAM : (*a*) & (*b*) In 1948, the Tamil Valarchi Kazhagam proposed to bring out an Encyclopaedia in Tamil and sought assistance from the Government. A total grant of Rs. 4,31,552 has so far been sanctioned for the purpose. The last instalment was paid in 1957.

(*c*) Yes, Sir.

(*d*) The Kazhagam has taken necessary steps for recovering the amount from the party concerned.

SRI T. P. SRINIVASAVARADAN : May I know how much has been recovered by the Kazhagam?

THE HON. SRI C. SUBRAMANIAM : About one lakh of rupees has been recovered.

[28th March 1961

SRI T. P. SRINIVASAVARADAN : May I know what action has been taken against the person who misappropriated such a large amount?

THE HON. SRI C. SUBRAMANIAM : The first step was to collect the money. That was the first step taken.

SRI T. P. SRINIVASAVARADAN : In the report of the Public Accounts Committee it was stated that the person who misappropriated—the ex-treasurer—was arrested and legal proceedings were taken against him. At what stage does the matter stand?

THE HON. SRI C. SUBRAMANIAM : At a certain stage, it was dropped, because it was not possible criminally to proceed against him.

SRI T. P. SRINIVASAVARADAN : Since the Government gave four lakhs of rupees, why did not the Government take action against the Kazhagam for recovery of the amount?

SRI MOHAMED RAZA KHAN : The Finance Minister is also a member.

THE HON. SRI C. SUBRAMANIAM : After all, the Kazhagam has spent much more than this four lakhs of rupees. If it is a question of utilising the money, it has utilised more than four lakhs.

SRI T. P. SRINIVASAVARADAN : Was this four lakhs granted in one lump or in instalments? If in instalments at each stage, did Government take steps to verify whether the previous instalment was fully and satisfactorily utilised?

THE HON. SRI C. SUBRAMANIAM : The difficulty was with reference to the audit report. The auditor was himself a party to this. That is why the statement was made up by the treasurer and it could not be detected in time. Some proceedings are pending against the auditor also.

SRI MOHAMED RAZA KHAN : How is it that such a large sum of four lakhs of rupees was given without any condition being stipulated for its proper use? At least in future, will the Government take necessary steps to stipulate some such condition when they make grants?

THE HON. SRI C. SUBRAMANIAM : Conditions were stipulated. As a matter of fact, the Kazhagam had to collect a certain amount before they could get a matching grant from the Government. The purpose was specified, i.e., the bringing out of the Tamil Encyclopaedia. Meanwhile, the treasurer misappropriated.

SRI MOHAMED RAZA KHAN : When the Police went into the whole matter and ordered prosecution, what definite factors made the Government withdraw the proceedings?

THE HON. SRI C. SUBRAMANIAM : The Government had nothing to do with the withdrawal of proceedings.

28th March 1961]

Inauguration day of panchayats in Madurai

* 209 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that school children were compelled to attend a procession organised on the inauguration day of panchayats in Madurai; and

(b) if so, the authority who issued such an order to the heads of schools?

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

(b) Does not arise.

SRI T. P. SRINIVASAVARADAN : Did not the Government receive representation from the parents that their children were asked to go there and wait from 8 to 10?

THE HON. SRI C. SUBRAMANIAM : We have not received any information.

VIDWAN T. MUTHUKANNAPPAN : எந்த அரசியல் கட்சியினைச் சேர்ந்த கிராமப் பஞ்சாயத்து விழாக்களிலும் ஊர்வலங்களிலும் அந்த ஊர் மாணவர்கள் கலந்து கொள்வது தவறு என்று அரசாங்கம் கருதுகிறதா?

THE HON. SRI C. SUBRAMANIAM : தவறு என்று கருத 3-10
வில்லை. ஆகையினால்தான் எந்தவிதமான நடவடிக்கையும் எடுக்க p.m.
வில்லை.

Bus accident

* 210 Q.—SRI S. SAMBANDHAN : Will the Hon. the Minister for Home be pleased to state—

(a) whether the Government have received any report about the bus accident occurred recently on a bridge near the 15th mile on the Cuddalore-Vridhachalam Road; and

(b) if so, what it is, and the number of casualties involved?

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

(b) Bus MDF. 2015 which left Cuddalore for Vridhachalam on the morning of 14th November 1960 met with an accident when passing over the culvert. Three lives were lost and 30 passengers were injured.

SRI S. K. SAMBANDHAN : Was any compensation paid to the families of the deceased?

THE HON. SRI M. BHAKTAVATSALAM : I have no information about it, Sir.

Religious and Moral Instruction

* 211 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have received any communication from the Central Government asking for their views on the recommendations of the Committee on Religious and Moral Instruction;

[28th March 1961

(b) whether the Government have communicated their views; and

(c) if so, what they are?

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

(b) & (c) Do not arise.

SRI T. P. SRINIVASAVARADAN : Are the Government aware that there is a large volume of opinion that with religious instruction there would be better discipline and better behaviour among boys in the schools?

THE HON. SRI C. SUBRAMANIAM : The Government are aware of it. As a matter of fact we ourselves constituted a committee to go into that question. Meanwhile a Central Committee was appointed and that is why this committee did not proceed further in the matter. We are awaiting the recommendations of the Central Committee with regard to this matter.

Untrained S.S.L.Cs.

*212 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Special Officer-in-charge of Board Elementary Schools in Chingleput district has requested the Government for permission to employ untrained S.S.LCs.; and

(b) if so, the action taken or proposed to be taken thereon?

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

(b) Does not arise.

SRI T. P. SRINIVASAVARADAN : Sir, we were told that the Special Officers-in-charge applied to the Director of Public Instruction for permission to appoint untrained S.S.L.Cs and the Director of Public Instruction advertised the posts twice and could not get Secondary Grade Trained teachers. May I know whether there is a proposal to empower the Special Officers to appoint untrained people if trained people are not available so that there may not be much delay?

THE HON. SRI C. SUBRAMANIAM : Whenever trained teachers are not available, the Director of Public Instruction can empower the Special Officers to recruit untrained S.S.L.Cs. The Government do not at this stage come into the picture.

SRI G. KRISHNAMOORTHY : Are the Government aware that a large number of young boys aged 17 and 18, raw S.S.L.Cs., have been appointed on Rs. 90 plus Rs. 10 in many district board schools and aided elementary schools also?

THE HON. SRI C. SUBRAMANIAM : I do not think that the trained teachers' scale of pay is applicable to untrained men.

SRI G. KRISHNAMOORTHY : While just giving the information, may I request the Hon. Minister to see that higher grade trained teachers . . .

MR. CHAIRMAN : This is not a question.

28th March 1961]

SRI G. KRISHNAMOORTHY : Did the Government ever consider the question of appointing higher grade trained teachers, who appeared for the T.S.L.C. Secondary Grade and failed, to teach English in elementary schools, instead of the raw S.S.L.Cs.?

THE HON. SRI C. SUBRAMANIAM : The question of appointing raw S.S.L.Cs. does not arise because I think in almost all districts, a sufficient number of secondary grade trained teachers are available. Whenever there is shortage, we increase the number of institutions to meet it.

Teaching of English

*213 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether there is any proposal to teach English from IV Standard from 1961–62; and

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

THE HON. SRI C. SUBRAMANIAM : (a) & (b) No final decision has been taken in the matter yet.

SRI T. P. SRINIVASAVARADAN : Is the Hon. Minister aware of the opinion that English could as well begin from the fourth standard, and, if so, at what stage is that proposal?

THE HON. SRI C. SUBRAMANIAM : Just now we have begun to teach English from the fifth standard. It is not the intention of the Government to start the teaching of the same reader in the fourth standard. My idea is that in the fourth standard some picture books should be supplied to them so that the students may become conversant with the alphabets and familiarise themselves with some of the words commonly used. This will have to be properly considered before the scheme is introduced.

VIDWAN T. MUTHUKANNAPPAN : கல்லூரிகளில் தமிழ் பயிற்சி மொழியாகி வருவதால் ஆங்கிலத்தின் தரம் குறையாமல் இருக்க பழையபடி முதல் வகுப்பிலிருந்து படிப்படியாக ஆங்கிலம் கற்பிக்க வழி செய்வது நல்லதல்லவா ?

THE HON. SRI C. SUBRAMANIAM : முதல் வகுப்பிலிருந்து சொல்லிக்கொடுப்பது கஷ்டமாக இருக்கும். ஆகையால் நான் 4-வது வகுப்பிலிருந்து சொல்லிக் கொடுத்தால் போதும் என்று கருதுகிறோம். 7, 8 வருஷங்களில் பள்ளிக்கூடத்தில் படித்தால் ஆங்கிலம் பயிலமுடியும். அதைவிட முக்கியமானது ஆசிரியர்களுக்கு இந்த ஆங்கிலம் சொல்லிக்கொடுக்கும் முறை நல்ல முறையில் சொல்லிக்கொடுக்கப்பட வேண்டும்.

[28th March 1961

Bus accident

*214 Q.—Sri S. K. SAMBANDHAN: Will the Hon. the Minister for Works be pleased to state—

(a) whether the attention of the Government has been drawn to the recent bus accident near the 14th mile on the Cuddalore-Vridhachalam road due to the collapse of the bridge;

(b) if so, whether any report has been received in regard to the safety margin of the bridge; and

(c) the arrangements made for the periodical inspection and test in regard to the strength and safety of bridges?

THE HON. SRI P. KAKKAN: (a) Yes, Sir. The accident occurred in the early hours of 14th November 1960.

(b) The culvert was inspected by the Officers of the Department on 15th September 1959, 28th October and 13th November 1960 and no defects were noticed. It collapsed due to uncontrollable and unprecedented flood caused by the breach of a tank on the upstream side of the culvert. Nobody could have foreseen an occurrence of the accident.

(c) There are specific rules that the officers of the Department should inspect the bridges, causeways, and culverts in charge of the Department once a year and submit a report to the Superintending Engineer on the condition of the structures inspected by them. During monsoon time, the officers usually inspect the bridges and culverts and take vigilant action then and there for their safety and carry out minor repairs wherever necessary.

SRI S. K. SAMBANDHAN: இந்தமாதிரி பழைய பாலங்கள் மிகவும் கீழான நிலையில் கிரல்கள் முதலியவைகளோடு கடலூர்-விருத்தாசலம் பாதையில் இருப்பதை அரசாங்கம் கவனத்திற்குக் கொண்டுவரப்பட்டதா?

THE HON. SRI P. KAKKAN: சில பாலங்கள் இந்த மாதிரி மோசமான நிலையில் இருக்கின்றன. அரசாங்கம் அதை அறிந்து அதற்காக ஸ்பெஷல் டிவிஷன்களை ஏற்படுத்தி அங்கங்கே கவனிப்பதற்கு ஏற்பாடு செய்துவருகிறது.

SRI M. ETHIRAJALU: 13—11—1960-ல் அதிகாரிகளால் சோதனை இடப்பட்டதென்று சொல்லப்படுகிறது. விபத்து நடந்தது 14—11—1960-ம் தேதி. அதற்கு முன் தினம் பூராவும் மழை பெய்துகொண்டிருந்ததால் யாரும் போயிருக்க முடியாது என்பது நிச்சயம். சோதனை செய்த அதிகாரி ஹைவேஸ் சீப் இஞ்சினியரா அல்லது அவருக்குக் கீழேயுள்ள உத்தியோகஸ்தர்களா?

THE HON. SRI P. KAKKAN: சீப் இஞ்சினியர் போகவில்லை. அவருக்குக் கீழேயுள்ள அதிகாரிகள், ரோடு இன்ஸ்பெக்டர்கள் போன்றவர்கள் பார்த்திருக்கிறார்கள். அதுவரை அந்தப்பாலம் கண்மாய் உடைந்து வெள்ளம் அதிகமாக வந்ததால்தான் இந்த சேதம் ஏற்பட்டதாகத் தெரிகிறது.

28th March 1961]

SRI A. K. THANGAVEL MUDALIAR: குறுகிய பாலங்களையும், வாராவதிகளையும் அகலப்படுத்த சர்க்காருக்கு உத்தேசம் உண்டா? அப்படியானால் எப்போது அதை நிறைவேற்ற முடியும்?

THE HON. SRI P. KAKKAN: இந்த விபத்து நடந்த இடத்தில் புதிதாகப் பாலம் கட்ட திட்டமிடப்பட்டிருக்கிறது. பாலம் கட்டும் வரை, பை-பாஸ் ரோடாக இருக்க ரூ. 11,800 செலவில் ரோடு போட்டிருக்கிறோம். ரூ. 35,000 செலவில் 1961-62-ல் புதிய பாலம் கட்டுவதற்குத் திட்டமிட்டிருக்கிறோம். வேலை துரிதமாக நடக்க வேண்டிய ஏற்பாடுகள் செய்யப்பட்டு வருகிறது.

SRI A. K. THANGAVEL MUDALIAR: குறுகிய ரோடுகள் பூராவையும் இப்போது சீர்திருத்தம் செய்யமுடியுமா?

THE HON. SRI P. KAKKAN: இது பாலங்கள் சம்பந்தப்பட்ட கேள்வி. ரோடுகளைப் பற்றியதல்ல.

SRI M. ETHIRAJALU: நெய்வேலித் தொழிற்சாலை ஏற்பட்டிருக்கிறதால் பெரிய இயந்திரங்கள் அந்த ரோடுகள் வழியாகப் போகமுடியாமல் இருக்கிறது. அதைத் தவிர்க்க வேறு ரோடு போடவேண்டுமென்று சொல்லப்படுகிறது. அது உண்மையா?

THE HON. SRI P. KAKKAN: நெய்வேலித் திட்டம் ஏற்பட்டதன் காரணமாகத்தான் இந்த பாலங்களை நல்ல முறையில் செப்பனிடப்படவேண்டுமென்றும், சாமான்கள் மிஷின்கள் போகும் போது சேதமிருக்கக்கூடாது என்றும் எல்லாப் பாலங்களையும் நன்றாகப் பார்த்து கவனித்துக் கட்டுவதற்கு ஏற்பாடு செய்து வருகிறது.

DR. A. SREENIVASAN: இந்தப் பாலங்கள் சம்பந்தப்பட்ட வரை பிரஷர் டெஸ்ட், லோடு டெஸ்ட் என்று 6 மாதத்திற்கு ஒரு தடவை 12 மாதங்களுக்கு ஒரு தடவை செய்யவேண்டுமென்று இருக்கிறதே, அதை இஞ்சினியரிங் ஸ்டாப் செய்துவருகிறார்களா?

THE HON. SRI P. KAKKAN: இப்போது லோடு டெஸ்ட் வைத்து பரிசீலனை செய்வதற்கு ஏற்பாடு செய்துவருகிறோம்.

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 received messages from the Governor of Madras recommending to the Legislative Council the consideration of the following Bills:

(1) The Madras Appropriation (No. 2) Bill, 1961.

(2) The Madras Appropriation (No. 4) Bill, 1961.

(3) The Madras Appropriation (No. 3) Bill, 1961.

(2) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN: I have also received messages from the Deputy Speaker, Legislative Assembly, transmitting copies of the following Bills, as passed by the Assembly, on the 28th March 1961, for the recommendations of the Council, certifying that the Bills are Money Bills within the meaning of Article 199 of the Constitution of India:

(1) The Madras Appropriation (No. 2) Bill, 1961 (L.A. Bill No. 18 of 1961).

(2) The Madras Appropriation (No. 4) Bill, 1961 (L.A. Bill No. 19 of 1961).

(3) The Madras Appropriation (No. 3) Bill, 1961 (L.A. Bill No. 20 of 1961).

III.—GOVERNMENT BILLS.

(1) THE MADRAS APPROPRIATION (NO. 2) BILL, 1961 (L.A. BILL NO. 18 OF 1961).

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

'That the Madras Appropriation (No. 2) Bill[a], 1961 (L.A. Bill No. 18 of 1961), as passed by the Legislative Assembly, be taken into consideration.'

MR. CHAIRMAN: The question is—

'That the Madras Appropriation (No. 2) Bill, 1961 (L.A. Bill No. 18 of 1961), as passed by the Legislative Assembly, be taken into consideration.'

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

Clauses 2 and 3 were put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras Appropriation (No. 2) Bill, 1961 (L.A. Bill No. 18 of 1961), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN: The question is—

'That the Madras Appropriation (No. 2) Bill, 1961 (L.A. Bill No. 18 of 1961), as passed by the Legislative Assembly, be passed.'

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

[a] Printed as Appendix I on pages 85–86 infra.

(2) THE MADRAS APPROPRIATION (NO. 4) BILL, 1961 (L.A. BILL NO. 19 OF 1961). 3-20 p.m.

THE HON. SRI C. SUBRAMANIAM: Sir I move—

'That the Madras Appropriation (No. 4) Bill,[a] 1961 (L.A. Bill No. 19 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

Sir, this Bill is with reference to the Supplementary Grants.

MR. CHAIRMAN: The question is—

'That the Madras Appropriation (No. 4) Bill[a] 1961 (L.A. Bill No. 19 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

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

Clause 2 was put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM: Sir I move—

'That the Madras Appropriation (No. 4) Bill, 1961 (L.A. Bill No. 19 of 1961), as passed by the Legislative Assembly, be passed'.

MR. CHAIRMAN: The question is—

'That the Madras Appropriation (No. 4) Bill, 1961 (L.A. Bill No. 19 of 1961), as passed by the Legislative Assembly, be passed'.

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

(3) THE MADRAS APPROPRIATION (NO. 3) BILL, 1961 (L.A. BILL NO. 20 OF 1961).

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

'That the Madras Appropriation (No. 3) Bill,[b] 1961 (L.A. Bill No. 20 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

MR. CHAIRMAN: Motion moved—

'That the Madras Appropriation (No. 3) Bill,[b] 1961 (L.A. Bill No. 20 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

SRI MOHAMED RAZA KHAN: Sir, this Appropriation Bill authorises the Finance Minister to incur an expenditure of Rs. 182 crores in the coming year. Before I speak on some of the features of the administration of finance, I would like to say a word or two. One thing is this. It is not always a difficult thing for a member of the Opposition to pay any compliment or encomium to the Treasury Benches in appreciation of the good work done, particularly on the eve of the general elections. Be that as it may. In

[a] Printed as Appendix II on pages 86–88 infra.

[b] Printed as Appendix III on pages 88–91 infra.

[Sri Mohamed Raza Khan] [28th March 1961

spite of my being a member of the Opposition, I do say that we feel proud of the good work and the achievements of the Government of Madras, and particularly of the prestige which this Government are having throughout the whole of India for some of the things done. What has contributed to this was the stability which prevails in the State. Not that I like to sit in judgment, by comparison, over what other States have done. But somehow we find that there are certain good things and peculiar things in this State, particularly at a time when charges and counter-charges have become the order of the day in some of the other States. So, whatever may be the line of our criticism against the Government as a whole or the members of the Treasury Bench individually, the one redeeming feature in the last four and a half years is that not one member could say against the Ministers any charge of nepotism, corruption, bribery, or any other thing. That is a great thing. I am sure the Madras Government will maintain their standards.

With these introductory remarks, I like to say just one or two words. According to the statement of the Government themselves, we are spending a sum of Rs. 28.08 crores on Services. This does not take into account the amount of nearly a crore and odd rupees spent on pensions. If we take the amount which is spent on payment to teachers, according to the Government themselves, the figure came to Rs. 32·31 crores in 1959–60 and it comes to Rs. 41·23 crores in the coming year. The percentage works out to 47 in the previous year and in the coming year it comes to 50.8. Mr. Chairman, it means that out of the revenues of the State of Madras, nearly 50·8 per cent is spent merely on services. I do not know what was the percentage in the previous years. But today the position is that we are spending 50 per cent of our revenues on Services. I would like to draw the attention of the Finance Minister to this. Has any attempt been made to evaluate the work rendered by the Services? Does the amount spent on the Services bear any proportion to the services rendered by them. If the Finance Minister, who is in a better position, knows it, then we in the Opposition, I am sure, can leave it. But if it is not so, he can then try to improve matters. Because it is a question of our spending fifty per cent of the revenues on them. Another aspect which I would like bring before the Hon. Minister is that, hon. Members are aware and you are also aware that in the pre-Independence days when the income of the Government of Madras was hardly Rs. 15 crores or Rs. 16 crores, most of the amounts was spent only on routine work. But after independence, a change has taken place. Apart from spending on the usual things, huge sums have been spent on the First Five-Year Plan and the Second Five-Year Plan. Very heavy amounts have to be disbursed by way of loans and subsidies. My point is that in the case of the usual expenditure, the Accountant-General has got complete control to see whether the amount earmarked has been spent. Of course whether it has been spent properly or not is not the function of the Accountant-General. That is the function of the Finance Minister and the department. Now, Sir, a sum of Rs. 23,30,00,000 is to be spent by the Government of Madras in the budget year by way of loans alone. This is a very huge sum. Of course they might get some loans from the Government of India. But the fact remains that we are spending a sum of Rs. 23·30 crores by way of loans and by way of subsidy we are spending Rs. 96 lakhs. As far as this amount is concerned, the Accountant-General has no control. There are three factors in the matter of giving loans. One is, whether the loan which has been given was necessary, and necessary also to the extent given. This is a fundamental point. The second point for consideration is whether the loan which has been given has been utilised for the purpose for which it was sought. The third point is, after the loans are disbursed, a time might come when the entire loan might not be returned. Just to give an example, I may state that a huge expenditure is incurred in disbursing takkavi loans. A good part of it may not be recovered in spite of the best efforts of either the Revenue Department or the Finance Department. A time may come when the entire loan disbursed to the people in this period may not be returned. If the Minister were to ask me, 'What is the basis of your argument', I may say that we have seen a case of loan, given some time in 1947-48 to the extent of Rs. 10 lakhs to a factory, being written off by this Government, as it could not be recovered. Of course the Finance Minister will say, 'I am not responsible', but still the Government of Madras had to sustain that loss, and the loan had to be written off. Another instance of a loan given which had to be written off is this. A loan of Rs. 4 lakhs was given to a steam ship company to develop steam line in the State of Madras, and the loan had to be returned in ten years. Of course there might have been some error of judgment at that time and proper precautions were not taken to see whether so much loan could be paid and whether that company would be able to return it in time. The amount had to be written off. My submission to the House is that when they have such huge loan expenditure, they should give sufficient guarantee and sufficient assurance to the House that the amounts would be returned. Possibly we may not live or we may not be in this House to see when the loans are returned. There may be a new Finance Minister, a new Chairman, and new Members. They will have to take stock of that item. Their argument will be, 'What can we do?' Incidentally, Sir, I do not want to make any charge against this Government. But this loan programme gives great scope for Government to have a little bit of patronage. Not that I make a charge that there is patronage shown. But the possibility is there. I hope the Hon. the Finance Minister will satisfy himself that in all these matters a proper scrutiny is made before a loan is disbursed. He should see that sufficient care is exercised before a loan is disbursed. No doubt the Leader of the House is bringing in a Bill in regard to co-operative

[Sri Mohamed Raza Khan] [28th March 1961

societies. We know the work of some of the co-operative societies. Today they may be in a good position. But tomorrow
3-30 p.m. they may collapse. I think if my friend, Mr. S. K. Sambandhan was dealing with bleeding Madras' he would have collapsed and would have paid the Government not a pie. I am not blaming him. But that is quite possible. What guarantee is there that the subsidy which the Government give or the help they render is utilised properly? We have no machinery to find that out. This is an all-India question. Bigger heads with wide experience, which unfortunately we do not have, should find a solution. Just now, the Finance Minister was referring to misappropriation by some Kazhagam of Government grant. I was a member of the other House when the grant was given. Mr. Avinashilingam Chettiar was the Minister for Education then. No condition was stipulated then. This is public money and this is an important factor that the Government must bear in mind.

As far as the financial aspect is concerned, I do admit that in the State of Madras. accounts are well kept and the Finance Department has good hold on the finances of the State. Fortunately, the successive Accountants-General have given good reports about Madras. I do not want to embarrass the Ministers but I am told that the handling of finances in Madras is—let me not say 'the best' and embarrass the Government—one of the best.

MR. CHAIRMAN : Say, 'the best'.

SRI MOHAMED RAZA KHAN : It is a question of degree. But there is one thing that is recurring—excessive supplementary grants, injudicious reappropriations and non-surrender. Particularly with reference to non-surrender of savings, there are too many excuses put out. They say that the Collector has not sent the report or that the Board of Revenue is studying the report. I will leave it at that.

I would now refer as briefly as possible to what the Finance Minister himself admitted the other day. The Finance Commission has not done justice to Madras in the previous years. This was perhaps for very good reasons according to the Commission, for our position was very much better then. As was pointed out by the Leader of the Opposition the other day—he is not here now—we will leave it to the Government to deal with the Commission. Naturally we do not expect the Finance Minister to disclose his line of approach to the problem. But two or three pertinent points were raised by the Finance Minister when he replied to the discussion on the Governor's address. One was this. In regard to cloth—textiles—we were levying sales-tax previously. It was a sort of elastic revenue for us. Today we have surrendered that power of levy to the Central Government. According to the statement of the Finance Minister, even though this excise levy has been increased, the share of Madras will not be in the same proportion as it should be. Even in respect of income-tax, the Finance Minister complained the same thing was happening. We

28th March 1961] [Sri Mohamed Raza Khan]

do not know how he will handle these two issues, either by remaining here or by going to the Centre. I do not want to dilate on these further. Then, the Central Government have refused us the grant of 2.4 crores of rupees we were getting previously for meeting the extra expenditure on account of increased emoluments given to our employees. Further, it is understood that they have refused to meet the recurring expenditure on some of the developmental schemes executed under the Second Plan. We would like to know where these matters stand. We also want to know whether there is uniformity in the rates of interest we pay the Central Government. Last year, there was a reference to this matter and it was said there was no uniformity.

Now, Sir, I consider it my unfortunate lot to refer to the working of the Departments in the charge of Mr. Kakkan, endearingly called Kakkanji. We do not grudge any provision for Harijan Uplift. Originally the provision was 50 lakhs and now it is nearly four crores of rupees. Are the Government satisfied with the working of this department? Is it efficiently run? Government may have good plans and schemes. But when they spend huge sums of money, there should be proper scrutiny of the various items of expenditure. The Department needs to be toned up. Moneys earmarked for particular items are not spent properly. The help does not reach the people for whom it is intended. This requires careful consideration at the hands of Kakkanji. Then, Sir, I would like to refer to the other department in his charge, the P.W.D. (Interruption). Now because of the disturbance, another suggestion comes to my mind. A suggestion was made by the Public Accounts Committee itself that a Member, Board of Revenue, should be held directly responsible for the administration of the Harijan Welfare Department. That suggestion is for the consideration of the Minister concerned.

The Minister in charge of Finance last year, in his reply to the Budget debate, said that a close watch was kept on the progress of expenditure and that they were trying to avoid the irregularities by adopting a phased programme. Previously, the tendency was not to spend anything in the earlier part of the year but to rush expenditure at the fag end of the year, to the end of March. Now, there is a sort of check. But I am told—I speak subject to correction again—that this tendency still continues in the Public Works Department. Heavy expenditure is incurred in the last quarter of the year or the last month of the financial year. Mr. Kakkan, partly touring and partly troubled by visitors—I am told that his visitors average 1,000 per day—(laughter), is burdened with two departments. He has no time. Besides, tours and visitors, he has several committees to attend which means the number of days he has for official work is curtailed. Apart from this rush of expenditure, there is waste also. I am told that in one particular place pipes were laid over two years ago and they remain idle for want of some other machinery. Thus, several lapses have happened and I leave them to him to enquire into.

THE HON. SRI C. SUBRAMANIAM: That is not his department. It is the Health Minister's.

SRI MOHAMED RAZA KHAN: I am thankful to the Finance Minister. So, that strengthens my case that there is lack of co-ordination. One Minister says, the other Minister must be asked about a particular matter. Make the responsibility that of a particular Minister and things will be done properly. If there is failure, he can be asked to explain or hauled up, by the Chief Minister or any other Minister. Now, why not the Health Department have their own engineering department? Of course, it is a matter entirely for the Finance Minister to decide.

3-40 p.m. Sir, the other day there was a good deal of discussion about the education department. I do admit the Hon. the Finance Minister or whichever Minister it may be, who replies to the entire debate is not expected to reply to all the points raised during the debate by the Members. It would take two days for him to do so and nobody would have the time and patience to do that. But still the fact is there that we brought to the notice of the Government certain points about the administration of the Education department. The expenditure in that department runs to Rs. 20 crores and they have so many schemes such as better pay for the teachers—I take it to the satisfaction of the hon. Friend behind me—the pension scheme, housing schemes, and this wonderful Mid-day Meal Scheme, School Improvement Scheme and so on. The point is whether the machinery that the Government now have could cope with the work that has now fallen on this department. If the Hon. Minister says, he is satisfied, I have no quarrel with him. If he is not satisfied, then there should be a change in the administrative set up. The department should be bifurcated or some such thing. That would be better. Already it had happened in many departments. The medical studies have been separated from the main department, the engineering studies have been separated. In the Agricultural Department also there has been some division of functions. I would like to know if Government could not draw a line somewhere and try to divide the department, the education department into two wings and put them in charge of different officers as the circumstances may require so that the sum of Rs. 20 crores that we are spending in that department may be well spent, and the Hon. the Finance Minister who is also in charge of the Education portfolio could be satisfied.

Sir, in conclusion I would like to say a word or two about our own affairs. I have brought this to the notice of the Hon. the Finance Minister, the inordinate delay in replying to questions

put by the hon. Members of this House. With the best of intentions, Sir, you cannot help in this matter. It is entirely in the hands of the Government. Very important matters are involved in these questions and it would not take even half-an-hour or say one hour for the Government to prepare the reply but generally the question is replied after two or three months. Sir, last year when this matter was brought to the notice of the Hon. the Finance Minister he was kind enough to say: 'I admit there is much delay'. But the result of this admission continues to be the same. After all a member puts a question not for the mere pleasure of raising the matter and getting a few lines in the Press. He may have a particular point to bring to the notice of the Government. The importance of the question and the object of the Member in bringing it to the notice of the Government is lost if the question is replied after a delay of two or three months. I think the Government should do something in this matter. Sir, in the Lok Sabha very important questions are replied within a day or two because there is the will on the part of the Members on the Treasury Benches there to answer the questions. Sir, I might say in this connection that such questions also help the Government and it is not as if when questions are put either from this side or that side, the members alone have the advantage. Fortunately placed as we are, the last word rests with the Government and that is our difficulty also. What I want to say is, by answering the questions in time, it helps the Government also.

With only one more observation. I will conclude my speech, Sir. There is a variation in the replies given in this House and in the other House to the same question put by Members. The two Hon. Ministers who are responsible for this are not just now present in the House. I would therefore bring this to the notice of the Hon. the Finance Minister. When there was a question put in this House regarding the diversion of the Cauveri waters to the City of Madras, the Hon. Minister concerned took it in a humerous way and said: 'I do not know how the same question is put in this House as also in the other House'. It might be a pure chance that the idea which occurred to an hon. Member of the other House could have occurred to an hon. Member of this House, the hon. Member Sri T. P. Srinivasavaradan or the hon. Member Sri G. Krishnamoorthy. There was a variation in the reply given. In the other House an exhaustive reply was given. Then, Sir, when a question was put to the Hon. the Leader of the House as to when the Government came to the decision to change the word 'Chennai' into 'Tamil Nad', he said that it was a confidential matter and the Government would not disclose the details. But unfortunately, Sir, in the other House, we find the Hon. the Home Minister, disclosed when it was decided and how it was decided. He gave all that information to the other House. The point I wish to bring to the notice of this House and the Government is this. What would be the impression left on the public when a member of this Council, for the same question, gets one kind of reply and in the other House a different reply is given,

[Sri Mohamed Raza Khan] [28th March 1961

a correct reply on the subject is given. Whatever might have happened in the past, I would appeal to the Government to avoid such things in the future in their own interest.

Thank you, Sir.

* SRI G. KRISHNAMOORTHY : Mr. Chairman, Sir, I should like to confine my speech to a few minutes. I would also make a departure from my usual way by referring to other items first and then say a few words on education. (Laughter) (An hon. Member : You are only adding to it). With regard to agriculture the hon. Member Sri Patanjali Sastri put forward a very important point the other day about the use of chemical fertilizers which are not necessary so necessary as it is being thought of today for our lands. Really with my experience, little experience of agriculture, I should say that these modern chemical fertilizers say the energy out of the lands. Even now, we do not get much grain but we get only more of straw and hay. We do not know what would be the fate of the future citizens, when practically the fertility of the land would be entirely wiped out. Now, the tendency on the part of the ryot is to try to get as much of these fertilizers as possible, whatever the cost and neglect compost manure, cow dung manure and the green manure. So the Government would do well to impress upon the ryots the need to utilize more of the green manures and they would do well also to concentrate their attention on the distribution of good seeds for raising green manure crops.

Coming next to the question of the use of the insecticides and pesticides, now we are come to the point when even a lay man has begun to question as to how within the last ten years and especially within the last two years, there have been so many deaths on account of the use of these pesticides and insecticides. Sir, in the land of Mahatmaji, the Father of the Nation, in the land of Ahimsa we think it right to kill all the insects for the benefit of man. Various poisonous chemicals, such as folidol and others are imported into our country and there has been no restriction whatsoever in the distribution of these pesticides and insecticides. And again I am afraid of using grains that have been stored in the godowns for a long time because I am told that the Government use insecticides to fumigate them and see that the grains are not eaten away by the insects. Some ten years ago we have not heard of persons dying of food poisoning. Only we heard that when people took the Burmah beans, some of them died. But now, for the past one year we hear that a large number of people die of food poisoning. Only now the Central Government have appointed a committee to go into this question of import of folidol and other insecticides. We would also do well to see that these things are not mixed in the bug killer and so on. We saw a report just the other day that a person took this bug killer and died. As these are easily made available to all persons, innocent persons buy and keep them without knowing the consequences and very often children take them. These insecticides are not required for our country. We can as well solve our problems as we did a century or so ago. We were not using them

28th March 1961] [Sri G. Krishnamoorthy]

before. India fed her millions without these aids, and she can continue to do so without them. Then, with regard to the storing and the preservation of foodgrains, Government should take steps to see that the use of these insecticides does not cause any harm to the consumers.

Then, Sir, with regard to the health programme, we have not been able to solve the problem of providing relief to our people on the basis of providing more hospitals and increased bed strength in them. I would therefore request the Government to go into the question of improving the Ayurvedic system. What have the Government done to examine the literature with regard to herbs which are easily available and can be supplied to the people at cheap rates? It would be good on the part of the Government to make a thorough investigation of this question. They should not content themselves with opening a college. They should make a thorough investigation and make known to the people the easy remedies available under the Ayurvedic method of treatment. Nobody will prevent this and the foreigner is not here to prevent it. Cheap drugs can be produced in our country itself and can be made available to the people without their having to get into crowded hospitals.

Now, coming to education, the Hon. the Education Minister has been here for the last nine years. I have also been here for the last nine years. I am really glad that his mind is also agitated that the children do not get the real benefit of all that is spent on education. The background in which they are getting this education does not enable them to attend to their studies. This is on account of the exhibition of films which ought not to be shown to them. I know he is interested in putting an end to such things but I do not know why the Government are enable to check the thing. The Central Censor Board or the Union Government may have the power to stop such things. Whatever it is, if the huge amount that is set apart for education should bear fruit, we should see that the character of our children is built up. Nobody can deny 8-50
that the only aim of education is character-building. Only character p.m.
can bring our nation first in the comity of nations. It is only character that is required in society. Even yesterday when I was passing by a bus, I was shocked to see with my own eyes the posters in front of the cinema theatre. I do not know whether, the Hon. Ministers see them when they go in their cars. What reaction will they have on the young mind—even children within twelve years? Are we spending usefully these Rs. 20 crores? It is all going to waste. Children go to the schools and colleges to have their character formed. But they are now going with a blassed mind, and this can be prevented. Even after 13 years of Swaraj, we are not able to do this. It lies in our hands. No foreigner can prevent this.. If character formation is the only aim of education, then we should see that the necessary background is provided so that the money spent not only by the States but also by the Centre, and the huge amounts allotted under the Five-Year

[Sri G. Krishnamoorthy] [28th March 1961

Plans and spent, are usefully spent. Unless and until this is done, there can be no discipline in schools and consequently no discipline in society. Our Government who have been taking some original things in respect of education should show the way here. It is not necessary that some agitation in respect of cinema posters should come from States north of our State. Our Government can show the way in this matter.

Then, with regard to the question of the content of education, I would humbly request this Government to appoint a committee to see that all unnecessary matter and all anti-social things are removed from the syllabus. Even to-day we find a mixture of superior coffee seeds with inferior ones in some ratio and proportion. We find questions on adulteration of milk. We speak so much about the formation of character of students and the spending of so many crores of rupees. What need is there for such books to be approved by the Text-Book Committee at great cost and bought by the parents at great cost, and taught by the teachers? What need is there for all this? So I would say that we are not concerned with the number or periods or the details of the subjects. We are concerned with the content of education throughout our land. There is not much concentration on content of education. Schools there may be. Colleges there may be. Teachers there may be. What is really taught in those places? It is the content of education that matters which goes by the name of education. It is not mere passing information. It is the formation of character. So long as there are anti-social sums, which if not properly worked, would bring punishment to the boy, the student should know what amount of water is mixed with milk. He should exactly find out how much water is mixed in milk. Such sums are given in a book approved by the Text-Book Committee. We are putting these wonderful ideas in the minds of young boys even after Swaraj all these 13 years after Swaraj. No parent takes objection to all these things. I thought it my duty to see that the Government must be requested to form a committee to go into the subject matter of mathematics books, history books, etc. In history books we have got ideas of separatism even now between the north and the south and kings and kings. All these things should be read word by word. As the Hon. the Finance Minister put it so ably after his recent tour overseas, there should be a separate committee to go into the content of education and there should be a separate committee to go line by line into every book that is to be printed. There should be a committee to study whether the contents in a book are really in the national interests, whether they would promote unity, or whether they would bring about disharmony, or whether they convey ideas which are in the interests of our country. If these things are thought of and set right, then the amount spent by the Government will be a great asset to us.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, at the outset I should thank the Chief Whip of the Opposition Party for the compliments he paid to the Government as a whole. While

28th March 1961] [Sri C. Subramaniam]

I greatly welcome the sentiments he expressed, we are aware of our own shortcomings also. In spite of the best efforts, we do find defects in the administration. We do find mistakes being committed here and there. It should be our constant endeavour to see that these mistakes are rectified, and the greatest benefit accrues to the community, particularly when we are spending crores of rupees.

Mr. Raza Khan made a reference to the percentage of the amount spent on Services. Let us take Education. It has got to be on the basis of payment to teachers mainly. If we take into account the salaries of teachers and assess the cost, we see that it comes to so much and nothing less. Therefore, in that respect it has got to be a huge amount—a huge percentage—if we take expenditure on Education alone. So also, let us take the medical expenditure. We have got to employ a sufficient number of doctors and we have to pay them. Otherwise, there can be no medical service. In the same way, take the Public Works Department. We have to employ a large number of engineers, and without sufficient engineers, it is not possible to have this building programme or construction programme. Therefore, if we analyse the expenditure with reference to these various activities wherein the employment of personnel is inevitable, I am sure hon. Members will find that expenditure on what we call regular routine service, just like the Secretariat Service for purposes of administration, is greatly reduced. If we analyse even this 15.8 per cent, we would be able to find out what is the actual administrative service and what is the expenditure on it. We always keep an eye on expenditure. We see particularly that the percentage does not increase. I may give this assurance to the hon. Member and to the House that we are trying to evaluate the services rendered at the various points. Not that there is no scope for improvement. But it is fairly satisfactory, taking into account what was being done in other countries and also taking into account the work turned out in the past 20 and 25 years. Perhaps there is scope for a good deal of improvement. It is not the expenditure by way of salary which we have got to take note of. On the other hand we should not mind paying a little more to our employees. But at the same time, it should be expected of them to turn out proper amount of work and also quality work. From this aspect I do agree that we do require a good deal of mending. Earnest efforts are being made and particularly the younger generation is responding to this more and more. I hope and trust that ere long it should be possible for us to get entire satisfaction in this respect.

The one evil in our country is that we require the supervisory cadre at various levels. The upper division clerk and the lower division clerk have to be supervised by the Superintendents and the Superintendents have to be supervised by the Assistant Secretaries who, in their turn, are controlled by the Deputy Secretaries. We should reach a stage where when a job is entrusted to a particular person, it will be done without reference to the control

[Sri C. Subramaniam] [28th March 1961

or supervision involved therein. It is not only in Government service but in other services also this state of affairs exists. I was told that in Germany, particularly during the period when they had to build up their country so that the ravages of war could be compensated, there was no question of any supervision at all even at the lowest level. When any job was entrusted to a person, he did it in the most efficient manner possible, whether there was any one to watch or supervise his work. That attitude we should develop. I am sure, as we go on, that attitude would develop, particularly in the younger generation. Let us hope that it would be possible not only to get the amount of work done but that the standards of work also will be maintained. Taking into account the services which we are getting from our employees, I would only
4 p.m. say that they are fairly satisfactory. References was made to the huge sums of money—crores of rupees—distributed as loans, and doubts were raised whether all the loans could be recovered. After all, we are human beings. We use our judgment and it is only when it is necessary, we disburse the loans to the various persons in the community. With the best of our judgments, errors do creep in. I cannot say that loans will be recovered cent per cent. But we are trying to ensure that our error in judgment is minimised to the extent possible. With the various steps that we are taking not only in the matter of disbursement of loans but also in the matter of recovery, I am hoping that the losses would be greatly reduced. Losses are inevitable in any set-up because it is not possible in any state of affairs to get back all the money advanced. Take, for example, the private banks. They do scrutinise every application and give money and still there are bad debts. We must see that the losses are kept at the minimum possible. Particularly, in regard to takkavi loans, we take care to see that it is properly collected. A few years ago, it was in a complete mess. I do hope that takkavi loans will not only be recovered properly and completely from the ryots but the amount of loan also will reach the ryots in full.

With regard to the interest payable to the Government of India, we pay them 4 per cent interest. But there are certain loans which bear advantageous rates of interest, e.g., loans for the execution of certain projects which do not bear any return.

Reference was made to the working of the Harijan Welfare Department. I can only say that we are trying our best to help this section of the community so that ere long it may not be necessary to have a Harijan Welfare Department at all. They must reach that level of attainment where they would be able to function on an equal footing with the rest of the community. It is from that point of view that special concessions and facilities are given to them. We are glad to find that the efforts are yielding results and I hope that before long it would be possible for us to see that no special facilities and concessions are given even to this section of the community. Apart from Harijans, there are also other backward communities. Even in their case, it should be our

28th March 1961] [Sri C. Subramaniam]

endeavour to see that the need for concessions and facilities disappears soon. I do feel that there is competition in claiming backwardness because certain privileges are allowed. I do hope that this position will be mended soon.

Reference was made to the Public Works Department and to expenditure being rushed at the end of the year. What is more important is the attainment of physical targets. Bills have to be paid only after completion of works. If they are paid at the end of the year, that gives the impression that greater expenditure was incurred only at the end of the year and not earlier. It is only the payment that inflates the expenditure figure. But we have physical targets also for each quarter and we try to see that these targets are reached during each quarter. We are doing our best to see that works are not crowded at the end of the year. But there are hard cases and the work is rushed through. It is rather funny to have this 31st March as it were a magic date. Our policy in the matter of projects is—that is the policy of the Centre also—once a project is taken up for execution, it should be completed even if it goes beyond the 31st March. It must be so and money must be made available even beyond the 31st March. But I agree there are other items which should be attended to in a phased way and spread all over the year.

With reference to the point about lack of co-ordination, I do agree there is a certain amount of lack of co-ordination. Recently a very strange thing came to my notice. I visited the Veterinary College for a function. The Chief Minister performed the opening function. I saw there a brand new building put up at a cost of nine lakhs of rupees, for which I had laid the foundation stone a few years ago. Still the building remained unoccupied. I asked for the reason. They said furniture was not available, the tank was not fitted and so on. This should not have been so. Once a building is completed it must be occupied according to a planned programme. I issued an oral order that no building under any circumstances should be kept unoccupied for more than a month and that every building when completed should be handed over for occupation with everything furnished within one month. Now I understand that that building has been occupied. In the same way, this morning, the Director of Medical Services brought to my notice that some buildings had been put up but that latrines had not been provided for them for the last three or four months, with the result that the buildings remained unoccupied. These are things which are irritating and we know we have to take steps to see that there is proper co-ordination. After all this has to be planned. Planning is not chalking out a list of projects. It would include taking various necessary steps so that there might be proper co-ordination, and works completed at a particular time. There is no use of saying that we have completed 75 per cent of the work and only 25 per cent remains to be completed. So, it will be the endeavour of this Government to see that this lack of co-ordination

[Sri C. Subramaniam] [28th March 1961

is rectified as far as possible not only as between the departments but within the departments themselves. I shall see that these projects executed at huge costs are not kept idle for lack of co-ordination.

Mention also was made about the Education Department. I would say that the tempo of activities is bound to increase during the Third Plan period in every department including the Education Department. The assessment of requirements of each department is being made and we hope to take a decision on this very soon. If necessary, we will even strengthen the staff particularly because the Plan involves heavy spending.

4-10 p.m. Sir, delays in regard to preparation of replies to questions was mentioned. I think matters have improved a little now. But if there is still delay I shall certainly look into it. Whenever we issue a circular, things improve perhaps temporarily. Then again the same old story is repeated. But I shall try to see what can be done in this matter.

Sir, the hon. Member Sri G. Krishnamoorthy has now become an agricultural expert from being an educational expert and he was dealing with the use of fertilizers. May I tell him that our ryots are not so foolish as he seems to imagine them to be? They do know how much of these chemical fertilizers should be used and how much of green manure and other compost and natural manure should be used along with these chemical manures. That is why we find a good deal of green manure crops being grown now and a good deal of compost manure produced. These are also being used along with the chemical manures. The hon. Member said that if the ryots continued to use these chemical fertilizers only, ultimately no seeds would be produced but only stalks would be produced. If that would turn out to be the case, the ryots would cease to use these artificial manures and fertilizers during the very next season. On the other hand we are trying to see that the appropriate and proper mixtures are used with reference to the crop, with reference to the fertility of the soil, with reference to the composition of the soil and the various other things.

Then he made mention about folidol and the various other insecticides and said that deaths had occurred due to the use of these insecticides. I do not know whether there was mention of suicides as accidents. If it is a question of suicide,—I think he was mentioning about suicide also because there was some report in the papers that somebody after committing murder took this poison and committed suicide—whatever steps we may take, suicides cannot be avoided, if the person is determined to take away his life. If folidol is not available he will take in another thing. Therefore that cannot be helped. But I do agree that accidents should be prevented. Steps are being taken to educate the people with regard to the dangerous qualities of these insecticides. The accidents will become less and less.

28th March 1961] [Sri C. Subramaniam]

Sir, the hon. Member also expressed concern about the fumigation of stored material. I am not an expert, but I am quite sure that fumigation does not in any way affected the foodstuff as such, the wheat or rice that is stored and fumigated. There is no question of poison being injected into the fumigated material. They could be used without any danger to life or human health. I know, Sir, you are the best judge in the matter. But that is the assurance given by experts and if there is any chance of the stored material getting affected by the use of materials for fumigation, I am sure those experts would avoid using that material.

Sir, very many matters with regard to education which are unexceptional were mentioned by the hon. Member Sri Krishnamoorthy. The only thing for consideration is how to implement. I am not only interest in the spread of education but also in the improvement and maintenance of standards to the extent possible. I am sure with the co-operation, particularly with the co-operation of the teaching community it should be possible for us not only to spread education but also to improve education as far as possible.

My Hon. Colleague points out that as far as the Harijan Welfare Department is concerned measures are being taken to see that the accounts are properly audited and I may inform the House that two special audit officers, one junior officer and one senior officer have been appointed to keep track of the expenditure so that wasteful expenditure is avoided. The hon. Member suggested that a Board Member should be associated in the administration of the department. He is associated even now as he has to inspect the various district offices of the department and keep an eye on the work carried on in the department.

Sir, on the whole even though we do feel that things are going on fairly well, we always feel that we can do better and therefore it will be our endeavour to strive to do better and better as far as possible.

Thank you, Sir.

MR. CHAIRMAN : The question is—

'That the Madras Appropriation (No. 3) Bill, 1961 (L.A. Bill No. 20 of 1961), 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.

[28th March 1961

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

'That the Madras Appropriation (No. 3) Bill, 1961 (L.A. Bill No. 20 of 1961), as passed by the Legislative Assembly, be passed '.

MR. CHAIRMAN : The question is—

'That the Madras Appropriation (No. 3) Bill, 1961 (L.A. Bill No. 20 of 1961), 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 10-30 a.m. to-morrow.

The House then adjourned.

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

*256. *Notification issued with G.O. Ms. No. 433, Home, dated 2nd February* 1961 *regarding amendment to rule* 427 *of the Madras Motor Vehicles Rules*, 1940.

*257. *Annexure to the Indian Stamp (Madras Amendment) Bill*, 1961.

*258. *Notification issued with G.O. No. 54, Rural Development and Local Administration, dated 6th January* 1961 *appointing a whole-time Executive Officer for the Alwarkurichi and Kilakadayam Panchayats in the Ambasamudram taluk, Tirunelveli district.*

---

* Laid on the table of the House on 27th March 1961.

APPENDIX I.

[*Vide* item III (1) on page 68 supra.]

L.A. BILL No. 18 OF 1961.

(As passed by the Assembly.)

A Bill to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31*st day of March* 1958, *in excess of the amounts authorized or granted for the said services.*

WHEREAS it is necessary to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1958, in excess of the amounts authorized or granted for the said services.

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

1. *Short title.*—This Act may be called the Madras Appropriation (No. 2) Act, 1961.

2. *Issue of Rs.* 1,07,70,113 *out of the Consolidated Fund of the State for the financial year ended on the* 31*st March* 1958.—The sums specified in column (5) of the schedule amounting in the aggregate to the sum of one crore seven lakhs, seventy thousand one hundred and thirteen rupees shall be deemed to have been authorized to be paid and applied from and out of the Consolidated Fund of the State to meet the amounts spent for defraying the charge in respect of the services and purposes specified in column (2) of the schedule during the financial year ended on the 31st day of March 1958, in excess of the amounts authorized or granted for those services and purposes for that year.

3. *Appropriation.*—The sums deemed to have been authorized to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the schedule in relation to the financial year ended on the 31st day of March 1958.

THE SCHEDULE.

(*See* sections 2 and 3.)

Demand number.	*Services and purposes.*	*Sums.* *Voted by the Legislative Assembly.*	*Charged on the Consolidated Fund of the State.*	*Total.*
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
VIII.	Irrigation	1,64,194	*503*	1,64,697
X.	State Legislature	1,42,264	*478*	1,42,742
XXIV.	Civil Works—Works	69,18,898	..	69,18,898

Demand number.	Services and purposes.	Sums. Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
XXIX.	Pensions	1,33,379	74,160	2,07,539
XXXI.	Miscellaneous	..	320	320
XXXIII.	Road Transport Schemes	47,080	..	47,080
XXXVI.	Capital Outlay on Irrigation ..	13,90,428	..	13,90,428
XXXVII.	Capital Outlay on Public Health ..	8,51,485	..	8,51,485
XLII.	Capital Outlay on Road Transport Schemes.	8,45,858	..	8,45,858
XLIII.	Commuted value of pensions ..	2,01,066	..	2,01,066
	Total ..	1,06,94,652	75,461	1,07,70,113

I certify that this is a Money Bill

Fort St. George, Madras-9, Dated 28th March 1961.

B. BHAKTAVATSALU NAIDU,
Deputy Speaker,
Madras Legislative Assembly.

APPENDIX II.

[*Vide* item III (2) on page 69 supra.]

(L.A. BILL No. 19 OF 1961.)

(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 1960.

WHEREAS it is necessary to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the service of the financial year which commenced on the 1st April 1960;

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

1. *Short title.*—This Act may be called the Madras Appropriation (No. 4) Act, 1961.

2. *Supplementary appropriation out of the Consolidated Fund for the financial year which commenced on the 1st April* 1960.—The State Government may appropriate out of the Consolidated Fund of the State, for the financial year which commenced on the 1st April 1960, a further sum not exceeding twenty-five crores, twenty-five lakhs, sixty-one thousand and one hundred rupees, being moneys required to meet—

(*a*) the supplementary grants made by the Madras Legislative Assembly for that period, as set forth in column (3) of the Schedule; and

(*b*) the supplementary expenditure charged on the Consolidated Fund of the State for that period, as set forth in column (4) of the Schedule.

THE SCHEDULE.

Demand number.	Services and purposes.	Sums not exceeding: Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
I	Land Revenue Department.	8,64,300	100	8,64,400
II	Excise Department ..	1,69,000	..	1,69,000
III	Stamps Administration.	3,33,600	..	3,33,600
IV	Forest Department ..	16,68,600	2,500	16,71,100
VI	Motor Vehicles Act—Administration.	2,01,400	..	2,01,400
VII	General Sales Tax and Other Taxes and Duties—Administration.	30,48,500	..	30,48,500
VIII	Irrigation	51,62,500	11,06,100	62,68,600
	Debt Charges	..	39,32,500	39,32,500
IX	Head of State, Ministers and Headquarters Staff.	4,73,600	96,500	5,70,100
X	State Legislature ..	91,000	..	91,000
XII	District Administration and Miscellaneous.	24,13,000	8,800	24,21,800
XIII	Administration of Justice.	2,97,800	..	2,97,800
XIV	Jails	31,85,100	..	31,85,100
XV	Police	35,54,400	..	35,54,400
XVI	Education	1,15,49,500	700	1,15,50,200
XVII	Medical	48,62,800	..	48,62,800
XVIII	Public Health ..	61,01,400	1,300	61,02,700
XIX	Agriculture and Fisheries.	29,09,000	2,700	29,11,700
XX	Animal Husbandry ..	1,02,400	..	1,02,400
XXI	Co-operation ..	22,99,000	100	22,99,100
XXII	Industries and Cinchona.	23,26,700		23,26,700
XXIV	Harijan Uplift ..	1,00,22,200	..	1,00,22,200
XXV	Labour including Factories.	2,33,300		2,33,300
XXVI	Civil Works—Works.	2,63,40,100	7,300	2,63,47,400
XXVII	Civil Works—Establishment and Tools and Plant.	13,26,700	..	13,26,700
XXVIII	Civil Works—Grants-in-aid.	200	..	200
XXX	Pensions	..	41,100	41,100
XXXI	Stationery and Printing.	2,69,100	1,71,100	4,40,200

[28th March 1961]

Demand number.	Services and purposes.	Sums not exceeding: Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
XXXII	Miscellaneous ..	39,18,400	..	39,18,400
XXXIII	Community Development Projects, etc.	1,13,79,800	..	1,13,79,800
XXXIV	Road Transport Schemes.	41,87,900	2,23,600	43,61,500
XXXV	Compensation to Zamindars.	2,90,000	..	2,90,000
XXXVI	Capital Outlay on Forests.	4,37,100	..	4,37,100
XXXVII	Capital Outlay on Irrigation.	3,90,19,400	..	3,90,19,400
XXXVIII	Capital Outlay on Public Health.	1,88,01,700	..	1,88,01,700
XXXIX	Capital Outlay on Agriculture.	1,96,300	..	1,90,300
XLI	Capital Outlay on Civil Works.	99,48,300	37,800	99,86,100
XLIV	Capital Outlay on Schemes of Government Trading.	1,55,73,700	..	1,55,73,700
XLV	Loans and Advances by the State Government.	5,24,99,500	..	5,24,99,500
	Grand total ..	24,69,28,900	56,32,200	25,25,61,100

I certify that this is a Money Bill.

Fort St. George, Madras-9, Dated 28th March 1961.

B. BHAKTAVATSALU NAIDU,
Deputy Speaker,
Madras Legislative Assembly.

APPENDIX III.

[*Vide* item III (3) on page 69 supra.]

(L.A. BILL No. 20 OF 1961.)

(As passed by the Assembly.)

A Bill to provide for the appropriation of moneys out of the Consolidated Fund of the State for the service of the financial year commencing on the 1st *April* 1961.

WHEREAS it is necessary to provide for the appropriation of moneys out of the Consolidated Fund of the State for the service of the financial year commencing on the 1st April 1961;

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

1. *Short title.*—This Act may be called the Madras Appropriation (No. 3) Act, 1961.

28th March 1961]

2. *Appropriation out of the Consolidated Fund for the financial year commencing on the* 1st *April* 1961.—The State Government may appropriate out of the Consolidated Fund of the State for the financial year commencing on the 1st April 1961, a sum not exceeding one hundred and eighty-two crores, fifty-seven lakhs, seventy-three thousand and four hundred rupees, being moneys required to meet—

(*a*) the grants made by the Madras Legislative Assembly for that year, as set forth in column (3) of the Schedule; and

(*b*) the expenditure charged on the Consolidated Fund of the State for that year, as set forth in column (4) of the Schedule.

THE SCHEDULE.

Demand number.	Services and purposes.	Sums not exceeding: Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
I	Land Revenue Department.	1,01,60,200	..	1,01,60,200
II	Stamps Administration.	27,38,300	..	27,38,300
III	Forest Department.	80,15,600	100	80,15,700
IV	Registration Department.	45,69,800	100	45,69,900
V	Motor Vehicles Acts—Administration.	11,85,500	..	11,85,500
VI	General Sales Tax and Other Taxes and Duties—Administration.	62,41,200	5,000	62,46,200
VII	Irrigation ..	1,82,81,200	2,64,42,000	4,47,23,200
	Debt Charges	..	9,49,04,200	9,49,04,200
VIII	Head of State, Ministers and Headquarters Staff.	1,28,19,200	11,91,300	1,40,10,500
IX	State Legislature.	11,85,000	60,000	12,45,000
X	Elections ..	41,67,400	..	41,67,400
XI	District Administration and Miscellaneous.	4,82,62,200	7,000	4,82,69,200
XII	Administration of Justice.	4,29,08,800	17,26,000	4,46,34,800
XIII	Jails ..	1,40,64,900	100	1,40,65,000
XIV	Police ..	6,63,20,700	100	6,63,20,800
XV	Education ..	21,00,87,200	100	21,00,87,300
XVI	Medical	5,51,96,400	100	5,51,96,500
XVII	Public Health ..	2,35,58,300	500	2,35,58,800
XVIII	Agriculture ..	4,35,25,900	10,500	4,35,36,400
XIX	Fisheries ..	41,94,500	..	41,94,500

Demand number.	Services and purposes.	Sums not exceeding — Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
XX	Animal Husbandry.	1,36,15,900	100	1,36,16,000
XXI	Co-operation ..	2,25,62,400	..	2,25,62,400
XXII	Industries and Cinchona.	2,97,45,400	13,10,600	3,10,56,000
XXIII	Khadi	30,00,100	..	30,00,100
XXIV	Labour including Factories.	35,79,800	500	35,80,300
XXV	Harijan Uplift ..	3,05,73,000	500	3,05,73,500
XXVI	Community Development Projects, etc.	5,01,99,900	..	5,01,99,900
XXVII	Civil Works—Works.	8,76,57,200	2,71,000	8,79,28,200
XXVIII	Civil Works—Establishment and Tools and Plant.	1,67,28,600	..	1,67,28,600
XXIX	Civil Works—Grants-in-aid.	2,40,25,100	..	2,40,25,100
XXX	Famine	4,40,200	10,00,000	14,40,200
XXXI	Pensions	1,84,65,800	5,55,300	1,90,21,100
XXXII	Stationery and Printing.	1,41,67,900	1,000	1,41,68,900
XXXIII	Miscellaneous ..	87,12,900	13,50,000	1,00,62,900
XXXIV	Other Miscellaneous Contributions and Assignments.	1,64,50,000	29,27,000	1,93,77,000
XXXV	Road Transport Schemes.	2,58,62,500	21,64,300	2,80,26,800
XXXVI	Compensation to Zamindars.	84,00,000	..	84,00,000
XXXVII	Capital Outlay on Forests.	40,17,300	..	40,17,300
XXXVIII	Capital Outlay on Irrigation.	7,87,76,400	..	7,87,76,400
XXXIX	Capital Outlay on Public Health.	2,75,55,500	..	2,75,55,500
XL	Capital Outlay on Agriculture.	20,60,100	—	20,60,100
XLI	Capital Outlay on Industrial Development.	5,59,44,800	..	5,59,44,800
XLII	Capital Outlay on Civil Works.	5,17,43,600	2,700	5,17,46,300
XLIII	Capital Outlay on Road Transport Schemes.	2,39,64,000	..	2,39,64,000
XLIV	Commuted Value of Pension.	8,00,000	45,300	8,45,300

Demand number.	Services and purposes.	Sums not exceeding — Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
XLV	Capital Outlay on Schemes of Government Trading.	6,38,30,700	..	6,38,30,700
XLVI	Loans and Advances by the State Government.	21,36,53,900	—	21,36,53,900
	Public Debt—Repayment.	—	24,77,87,700	24,77,87,700
	Grand total ..	1,44,40,10,300	38,17,63,100	1,82,57,73,400

Fort St. George, Madras-9,
Dated 28th March 1961.

B. BHAKTAVATSALU NAIDU,
Deputy Speaker,
Madras Legislative Assembly.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 29th March 1961.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Automatic Cone-Winding Machines

* 215 Q.—SRI MOHAMED RAZA KHAN (on behalf of SRI S. K. SAMBANDHAN : Will the Hon. the Minister for Industries be pleased to state—

(a) whether any representation has been received from the women workers in textile mills at Coimbatore about the usage of automatic cone-winding machines; and

(b) if so, the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN : (a) Yes, Sir.

(b) The question of displacement of women workers in textile mills in Coimbatore district due to the introduction of cone-winding machines was discussed at a meeting of the State Labour Advisory Board held on 27th August 1960, and as recommended by the Board, a conference of mill managements and trade unions was convened by the Commissioner of Labour during October 1960, to explore the possibility of arriving at a solution for the problem. At the above conference, it was decided that a committee consisting of both the managements and labour should be formed to examine the question. The Government have authorised the Commissioner of Labour to take further action in the matter and his report is awaited.

In the meantime the Commissioner of Labour has requested the Chairman, Southern Iindia Textile Mill-Owner's Association to advise its member mills to hold in abeyance any proposal for retrenchment of women labour.

SRI G. KRISHNAMOORTHY : Sir, is there any proposal before the Government as to how far we should mechanise and where we should stop in order to avoid displacement of manual labour?

THE HON. SRI R. VENKATARAMAN : We have already settled the principle with regard to that. All rationalisation and mechanisation should be limited to the extent of the absorption of the surplus labour. That is to say, any person, who is rendered surplus on account of mechanisation, should be absorbed either in the same or any of its allied industries. That is called ' rationalisation without tears.'

[29th March 1961

Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Act, 1960

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

(a) whether the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Act, 1960, has been brought into force; and

(b) if so, the number of prosecutions launched till date?

THE HON. SRI R. VENKATARAMAN: (a) Yes.

(b) No prosecution has so far been launched.

SRI MOHAMED RAZA KHAN: Sir, am I to take it that the Government examined the various periodicals published in our State or the periodicals brought into our State for sale by other States or other places, and that they were satisfied that there was no case for prosecution?

THE HON. SRI R. VENKATARAMAN: Not at all, Sir. The Commissioner of Police examines the various periodicals that come into the State. He has recommended one or two cases for prosecution, and they are under examination.

SRI MOHAMED RAZA KHAN: Apart from the Commissioner of Police examining the periodicals, may I know whether the Government *suo motu* or the Ministers, who I am told go through all weeklies, have raised any question that a particular case is fit for launching a prosecution?

THE HON. SRI R. VENKATARAMAN: I do not know whether any Minister does it or has the time to do it. But whenever it is brought to the notice of the Ministers or the Government by the Information and Publicity Department by putting up cuttings and otherwise, then the matter is examined.

SRI MOHAMED RAZA KHAN: May I, with your permission, hand over copies of a weekly to the Hon. Minister and ask him to satisfy himself whether the weekly would come within the scope of the Act? Not only the latest, but also the earlier copies I give.

(Sri Mohamed Raza Khan then handed over copies of " Blitz " to the Hon. the Home Minister.)

SRI K. BALASUBRAMANYA AYYAR: Under the provisions of the Criminal Procedure Code there is also power to seize these pamphlets. Will the Government take any action whenever anything obscene is published?

THE HON. SRI R. VENKATARAMAN: The Government are really very much concerned and disturbed over the increase in this type of publications. But this has got to be examined very carefully, because there may be a suspicion that the Government are trying to stifle freedom of expression and freedom of opinion.

29th March 1961]

Therefore there is a certain amount of reluctance on the part of the Government in taking immediate action without very close examination.

THE HON. SRI M. BHAKTAVATSALAM: Apart from that, Sir, I would submit that we cannot take serious notice of every one of these trash journals. We have to ignore them. We should not give them undue publicity. Unless absolutely necessary, the Government are not advised to take action.

SRI MOHAMED RAZA KHAN: Sir, whenever the Government bring in a Bill and get it passed, we say that it is very easy to pass a Bill and difficult to enforce the provisions thereof. This is an instance. The Government know the difficulties which are there. But they simply got this Act through the legislature. They feel that it is difficult to take any action now.

THE HON. SRI M. BHAKTAVATSALAM: We are getting legislation through this House in order to enable us to take action wherever we feel action is necessary and should be taken.

DR. A. SREENIVASAN: Sir, is it a fact that the vernacular weeklies, especially in our State, are on the border land of vulgarity for the sake of circulation? Will the Government consider the possibility of prosecuting them?

SRI K. BALASUBRAMANYA AYYAR: Why border? They have reached that stage.

THE HON. SRI R. VENKATARAMAN: Sir, I want it to go on record that a class of dailies should not be maligned. To say that vernacular dailies are on the border of vulgarity is too sweeping a statement. Some of them may be so. There are dailies and weeklies in any language—English or Tamil or Telugu or Urdu—which are of this character. When Government do want to take action against them, as the Hon. the Home Minister explained, we cannot take action against every trash and small paper of this kind.

SRI MOHAMED RAZA KHAN: The Hon. the Home Minister is in possession of the photos, which I have handed over. Will he himself see through them and then come to a decision?

MR. CHAIRMAN: The main question is addressed to the Industries Minister. So, the hon. Member cannot put a supplementary question to the Hon. the Home Minister.

SRI MOHAMED RAZA KHAN: Will the Industries Minister jointly with the Home Minister (laughter) examine the photos presented by me and come to a decision whether there is anything objectionable in them and there is a case for launching a prosecution?

THE HON. SRI R. VENKATARAMAN: Frankly the Industries Minister has no time to see any of these pictures but certainly will examine whether any literature, or publication or periodical falls

[29th March 1961

within the purview of the Penal Code. I would also request hon. Members to bring it to the notice of the Government whenever they find that there is violation of the law.

Dr. A. SREENIVASAN : Cannot the Publicity Department give a helping hand to the Ministers in these matters?

The Hon. Sri R. VENKATARAMAN : They do. That is what I said before.

Match factories

* 217 *Q.*—Sri K. M. RAMASAMY GOUNDER (on behalf of Dr. A. CHIDAMBARANATHAN) : Will the Hon. the Minister for Home be pleased to state—

(*a*) the number of match factories started in the Lower Bhavani Pilot Project area during 1959–60; and

(*b*) whether they have been closed and if so, the reasons therefor?

The Hon. Sri M. BHAKTAVATSALAM : (*a*) Nil.

(*b*) Does not arise.

Firewood

10-40 a.m. * 218 *Q.*—Sri T. P. SRINIVASAVARADAN : Will the Hon the Minister for Home be pleased to state—

(*a*) whether any representation has been received from the firewood merchants of Hamilton Bridge in Mylapore, Madras, about the rise in prices of firewood and charcoal; and

(*b*) if so, the action taken or proposed to be taken thereon?

The Hon. Sri M. BHAKTAVATSALAM : (*a*) No, Sir.

(*b*) Does not arise.

Sri T. P. SRINIVASAVARADAN : Sir, are the Government aware that the price of firewood has risen from Rs. 1–14–0 to Rs. 2–8–0 per gundu after the rains in November, and was it brought to the notice of the Government, though not by the firewood merchants but by others, that on account of the inability of the boatmen to ply boats in the Buckingham Canal the price of firewood has risen to such a high figure?

The Hon. Sri M. BHAKTAVATSALAM : The statistics which the Government have with them do confirm what the hon. Member mentions about the rising price of firewood. Certainly merchants from Park Town—not from Hamilton Bridge—made representations. They made the suggestion that the railway authorities should be addressed to provide more wagons and also that the Buckingham Canal should be repaired. All this is being looked into.

29th March 1961]

Sri T. P. SRINIVASAVARADAN : Sir, are the Government aware that the casuarina plantations from Madras to Sadras are in the hands of a few people, and they control the prices?

The Hon. Sri M. BHAKTAVATSALAM : Sir, I would like the hon. Member to make concrete suggestions in this matter. If he would make such suggestions, the Government will have them examined.

Sri MOHAMED RAZA KHAN : Sir, is the Hon. Minister aware of the fact that the tendency of the price is, when once it goes up due to abnormal conditions, not to come down but to remain at that high level only?

The Hon. Sri M. BHAKTAVATSALAM : That is unfortunately so. Often times I have seen that this is due to the middlemen rather than the retail dealers.

Sri T. P. SRINIVASAVARADAN : Are the Government aware that the price of Rs. 2–8–0 per gundu is still higher than the price ruling in November, namely, Rs. 1–14–0? Is there no proposal to bring it down to Rs. 1–14–0?

The Hon. Sri M. BHAKTAVATSALAM : We cannot artificially bring it down to Rs. 1–14–0 unless the Government commandeer the entire firewood stock available and bring in wholesale control and take to the course of rationing. But anyhow the Government have been looking into the matter to see what relief they can give to the consumers.

Sri MOHAMED RAZA KHAN : Sir, we were hearing a lot about casuarina plantations to be raised by the Forest Department. May I know, Sir, whether they also bring supplies to the City and also whether their supply has a bearing on the ruling prices in the City?

The Hon. Sri M. BHAKTAVATSALAM : Yes, Sir. The hon. Member has been hearing a lot about the raising of casuarina plantations. I may tell him that we are planting a lot of casuarina. But still it is hardly adequate to meet the needs of the people. Whenever we take up the question of new plantations, the representatives of the people come to us and say, 'You do not plant here; leave off this place.' That is one handicap which the Government are confronted with.

Sri T. P. SRINIVASAVARADAN : Is there any proposal to deepen the Buckingham Canal so that boats may ply?

The Hon. Sri M. BHAKTAVATSALAM : I want a separate question.

Dr. A. SREENIVASAN : Is it possible to produce substitutes for firewood in this State?

The Hon. Sri M. BHAKTAVATSALAM : Of course, briquettes will be a substitute. But even when the Neiveli project is completed and production of briquettes starts, I am afraid the grow-

[29th March 1961

ing demands for fuel cannot be met. There will still be shortage and, therefore, we have to concentrate on planting more and more of fuel species in our forests. There is a programme which has been taken up just now, i.e., farm forestry in Block areas. That is a new programme under the Third Plan under which in each Block area waste lands will be taken up for cultivation of fuel species.

Palm jaggery

* 219 Q.—VIDWAN T. MUTHUKANNAPPAN (on behalf of DR. A. CHIDAMBARANATHAN) : Will the Hon. the Minister for Home be pleased to state—

(a) the targets of production of palm jaggery by the Jaggery Manufacturing Co-operative Societies for 1959–60; and

(b) the quantity of palm jaggery produced during that period?

THE HON. SRI M. BHAKTAVATSALAM : (a) 24.96 lakhs of maunds.

(b) 24.44 lakhs of maunds.

VIDWAN T. MUTHUKANNAPPAN : இந்தக் குறைவிற்குக் காரணம் என்னவென்று அறியலாமா ?

THE HON. SRI M. BHAKTAVATSALAM : 24·96-லிருந்து 24·44 ஆகியிருக்கிறது. இதில் குறைவெல்லாம் ½ மணங்குதான். இதை ஒரு குறைவாகக் கருதக்கூடாது.

Health cess

* 220 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have received any communication from the Central Government asking for its views on the question of levy of Health cess;

(b) whether the Government have communicated its views; and

(c) if so, what they are?

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

(b) Not yet communicated.

(c) Does not arise.

SRI T. P. SRINIVASAVARADAN : May I know what the view of this Government is with regard to the levy of a health cess?

THE HON. SRI R. VENKATARAMAN : That is what exactly has not been communicated and until it is communicated, we cannot give the view of the Government.

29th March 1961]

SRI T. P. SRINIVASAVARADAN : What is the purpose of this cess?

THE HON. SRI R. VENKATARAMAN : That is to augment the resources of the State for the purpose of expending more on general health schemes. It is in a very early stage of consideration.

SRI G. KRISHNAMOORTHY : Do the Government take into account the quantum of tax that an individual has already got to pay before the introduction of this new cess?

THE HON. SRI R. VENKATARAMAN : That is one of the reasons why we have not yet communicated our view to the Government of India.

M.C. Rajah Hostel

* 221 Q.—SRI K. M. RAMASAMY GOUNDER (on behalf of DR. A. CHIDAMBARANATHAN) : Will the Hon. Minister for Works be pleased to state—

(a) the number of boarders in the Government M.C. Rajah Hostel at Madras as on 1st January 1961;

(b) whether all of them are free boarders; and

(c) whether admission to this hostel is restricted to students studying in colleges in the City?

THE HON. SRI P. KAKKAN : (a) Ninety-three boarders.

(b) Thirty-seven are free boarders and the remaining 56 boarders, who have been granted Government of India Scholarships for the year 1960–61, are treated as paying boarders.

(c) Yes, Sir.

VIDWAN T. MUTHUKANNAPPAN : இதில் ஹரிஜன மாணவர்கள்தான் இருக்கிறார்களா ? ஏனைய மிகவும் பிற்பட்ட, பிற்பட்ட, முற்பட்ட சமூகத்தைச் சேர்ந்தவர்களும் இருக்கிறார்களா ? இருந்தால் எந்த சத விகிதத்தில் இருக்கிறார்கள் ?

THE HON. SRI P. KAKKAN : இப்பொழுது இருக்கிற மாணவர்களில் ஹரிஜன மாணவர்கள் 67 பேர்கள், பின் தங்கியவர்கள் 25 பேர்கள், முன்னேற்றமடைந்த சமூகத்தைச் சேர்ந்தவர் ஒருவர் இருக்கிறார். இந்த மாணவர்களுக்கு எல்லாம் மத்திய அரசாங்கம், ராஜ்ய அரசாங்கம் மூலமாகச் சலுகை அளிக்கப்படுகிறது. சிலருக்கு இனாமாகவே கிடைக்கிறது.

SRI MOHAMED RAZA KHAN : How does the Hon. Minister reconcile this with their policy that students belonging to the Harijan community should not be lodged in separate hostels but with other students in order that they might have a better environment?

THE HON. SRI P. KAKKAN : In some of the institutions, Harijan boys are staying with other boys in hostels. Their percentage may be 16 in other hostels.

[29th March 1961

SRI G. KRISHNAMOORTHY : இலவசச் சாப்பாடு போடுவதற்கும் பணம் வாங்கிக் கொண்டு போடுவதற்கும் எந்த விதிப்படி மாணவர்கள் பிரிக்கப்படுகிறார்கள் ?

THE HON. SRI P. KAKKAN : ஹரிஜன மாணவர்கள் 75 சதவிகிதம் இருக்கவேண்டும். 15 மாணவர்கள் பின் தங்கியவர்களாகவும், 10 பேர் முன்னேற்றம் அடைந்த சமூகத்தைச் சேர்ந்தவர்களாகவும் இருக்கவேண்டும். முன்பு முன்னேற்றமடைந்த சமூகத்தினர் 3-ல் ஒரு பங்கு பணம் கொடுக்கவேண்டுமென்று அரசாங்கம் முடிவு செய்தது. இப்போது அது இல்லாமல் அவர்களும் வந்து ஹரிஜன மாணவர்களோடு இருப்பதற்கு வழி செய்திருக்கிறது.

DR. A. SREENIVASAN : இலவச வசதிகள் பின்தங்கியவர்களுக்கு என்று ஏற்பட்டிருக்கிறதா ? பாக்கி வகுப்பார்களில் சொத்து இல்லாமல் பலர் இருக்கலாம். அவர்களுக்கும் இது உபயோகப்படுமா ?

THE HON. SRI P. KAKKAN : அதற்குத்தான் சொன்னேன். அவர்களுக்கும் 10 சதவிகிதம் கொடுக்கிறோம்.

SRI V. M. SURENDRA RAM : புது எம். சி. ராஜா ஹாஸ்டல் உபயோகத்திற்கு வரும்போது எவ்வளவு பேருக்கு இடம் கிடைக்கும் ?

THE HON. SRI P. KAKKAN : எம். சி. ராஜா ஹாஸ்டலில் 111 மாணவர்களைச் சேர்த்துக் கொள்ளவேண்டுமென்று அரசாங்கம் உத்தரவு இட்டிருக்கிறது. ஹரிஜன மாணவர்கள் 97 பேர். புதிதாகக் கட்டப்படும் விடுதி, சீக்கிரம் முடிந்துவிடும். அடுத்த வருஷ ஆரம்பத்தில் எல்லா மாணவர்களும் போவார்கள். 200 பேர் அதில் இருக்கலாம்.

SRI V. M. SURENDRA RAM : இப்போது புதிதாகக் கட்டப்படும் விடுதி எவ்வளவு பேருக்குத் தங்க வசதியுள்ளதாகத் திட்டம் போடப்பட்டிருக்கிறது ?

THE HON. SRI P. KAKKAN : 200-க்கு என்றுதான் போட்டிருக்கிறார்கள்.

Distribution of clothes

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

(*a*) whether it is a fact that the Harijan Welfare Department have distributed clothes to the Harijan girls in Harijan schools for Pongal, 1961; and

(*b*) if so, the number of girls in the schools, and the number of girls to whom clothes have been distributed?

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

(*b*) Clothings have been distributed to all the 28,907 Harijan girl pupils reading in the Harijan Welfare Schools including those residing in Government Hostels of the Harijan Welfare Department.

29th March 1961]

VIDWAN T. MUTHUKANNAPPAN : இந்த ஹரிஜன நல பள்ளிகளில் ஹரிஜனர் அல்லாத மிகவும் பிற்பட்ட வகுப்பைச் சேர்ந்த குழந்தைகள்கூட படிக்கிறார்கள். அவர்களுக்கும் கூட (தக்கவர்களுக்கு) இத்தகைய உடைகள் கொடுக்க அரசாங்கம் யோசிக்குமா ?

THE HON. SRI P. KAKKAN : ஹரிஜன மாணவிகளுக்கு மட்டும்தான் கொடுக்க அரசாங்கம் முடிவு செய்திருக்கிறது. அங்கத்தினர் சொன்ன ஆலோசனையைப் பரிசீலனை செய்து பார்க்க வேண்டும்.

SRI G. KRISHNAMOORTHY : Were the Harijan boys given clothes and, if not, why not?

THE HON. SRI P. KAKKAN : ஹரிஜன மாணவர்களுக்கு அல்ல அது. மாணவிகளுக்கு மட்டும்தான்.

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 ASSEMBLY.

MR. CHAIRMAN : I have received messages from the Deputy Speaker, Legislative Assembly, transmitting copies of the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961) and the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), as passed and agreed to by the Assembly without any amendments.

I have also received messages from the Deputy Speaker, Legislative Assembly, transmitting copies of the Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961) and the Madras (Added Territory) Extension of Laws Bill, 1961 (L.A. Bill No. 16 of 1961), as passed by the Assembly for the recommendations of the Council, certifying that the Bills are Money Bills within the meaning of Article 199 of the Constitution of India.

I have also received message from the Deputy Speaker, Legislative Assembly, transmitting a copy of the Madras Wakf (Supplementary) Bill, 1961 (L.A. Bill No. 10 of 1961), as passed by the Assembly, for the concurrence of the Council.

(2) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN : I have received message from the Governor of Madras recommending to the Legislative Council the consideration of the Madras Agricultural Income-tax (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 23 of 1961).

(1) MESSAGE FROM THE ASSEMBLY—*cont.*

MR. CHAIRMAN : I have also received message from the Deputy Speaker, Legislative Assembly, transmitting copies of the Madras Agricultural Income-tax (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 23 of 1961) as passed by the Assembly for the recommendations of the Council and certifying that the Bill is a Money Bill within the meaning of Article 199 of the Constitution of India.

III.—GOVERNMENT BILLS.

(1) THE MADRAS WAKF (SUPPLEMENTARY) BILL, 1961 (L.A. BILL NO. 10 OF 1961).

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

'That the Madras Wakf (Supplementary) Bill, 1961 (L.A. Bill No. 10 of 1961), as passed by the Legislative Assembly, be taken into consideration.'

This is a simple measure to amend the Wakf Act. The original Act was a Central Act. It was passed in the Parliament in 1954. This subject is in the Concurrent List. The object of the Act is to control and ensure better administration of the Muslim religious endowments. Under the definition in the original Act, Muslim endowments would mean only those endowed by persons of Mohammedan religious persuasion. But there are cases particularly in this State—in the districts of Thanjavur and Tiruchirappalli—wherein Muslim religious endowments have been endowed partly or wholly by Hindu rulers. There were people of other religious persuasions who have endowed for Muslim religious institutions. Hon. Members are also aware that there are also similar cases of Hindu Religious Endowments endowed by the former Muslim rulers. There are also cases during the British regime, where officers of the British Administration in India endowed for the benefit of the Hindu religious institutions, particularly temples. This only shows that people, particularly in the old days, were quite broadminded and they did respect the religious sentiments of others and they did actually support and aid the religious institutions although they might not themselves be interested in the religious worship.

So far as this Wakf Act is concerned there is a difficulty in the application of the Act in this State. We therefore suggested to the Central Government that they might undertake necessary legislation to rectify the difficulty so as to include in the definition Wakfs endowed by persons other than Muslims. But the Government of India suggested that we might ourselves undertake the legislation so far as our State is concerned. Hence this Bill has been brought forward and I hope that this Bill will be accepted by the House.

* Printed as Appendix I on pages 127-128 infra.

MR. CHAIRMAN : Motion moved—

'That the Madras Wakf (Supplementary) Bill, 1961 (L.A. Bill No. 10 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, the object of the Bill is quite commendable and I have nothing to say against it. The Central Act defines a wakf as a permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by Muslims as pious, religious or charitable. Now this Bill of ours so far as this State is concerned wants to modify that definition by including all property given or endowed by any person professing any religion other than Islam for the support of Muslim institutions. But so far as I can see the Mohammadan law on the subject does not seem to be quite conclusive. In this connection I would like to refer to what Amir Ali has said in his Tagore Law Lectures. There he had come to the conclusion that a Muslim cannot make a dedication in favour of an idol and a non-Muslim place of worship or any other object which is considered unlawful or sinful according to Muslim law, nor can a non-Muslim validly make a dedication for a Muslim place of worship and so on. He is a great authority on Mohammadan law. Afterwards there was a decision in our High Court which is relevant to our Bill. Justice Wallace in his decision said that it was not uncommon for persons like zamindars and mirasdars and others in estates where there were Hindu and Muslim inhabitants to make endowments of property for the Mohammadan institutions and he would hesitate to declare such endowments invalid merely on the presumption that there could be no exception of any kind to the Mohammadan law that any wakf could be endowed by a Mohammadan. Therefore the general law is that a non-Mohammadan cannot endow property for a Muslim institution. But Justice Wallace said he could not take it as an exception to that rule merely on the presumption and therefore he said he would hesitate to hold those properties as invalid. This is rather not a very definite declaration of the law. He says he would hesitate to hold. That matter went up to the Privy Council and the Privy Council declined to decide the question. So the state of the law in the matter is in this fluid condition.

Then, Sir, the main Act was passed by the Central Government and if any amendments have to be made to the original Act, it should be made by the Central Government after proper enquiry, because, elsewhere there is very strong Muslim feeling in the matter rather than in Madras State. It would have been perfectly all right if they had brought in the amendment. But it is rather unfortunate that the Centre should suggest that we should do it here especially when the Muslim Law on the matter is not very clear. The Privy Council refused to give a decision in the matter and I do not know whether they would decide it now. I have not looked into the latest law. The Government have their law officers to advise them. But so far as I am concerned and my inves-

[Sri K. Balasubramanya Ayyar] [29th March 1961

tigation goes Mohammadan law as mentioned by the great authority seems to hold that a non-Mohammadan cannot endow property for Muslim institutions.

Therefore the best thing under the circumstances would have been for the Central Government to take up this matter. In the Uttar Pradesh there is a large volume of Muslim opinion about it. We must try always to be very careful in such matters. With regard to the Hindu endowments we can do anything but not so with the Muslim endowments. They are very sensitive. (Sri Mohamed Raza Khan: Not now.) It is a different matter. The hon. Member is a Hindu-Mohammadan. There is no difficulty so far as we are concerned and I am not dissatisfied with that position. I am really happy so far as Madras is concerned. But we do not know the feelings and the opinions of the Muslims there. A Mohammadan cannot make an endowment for idol worship. It is against Muslim law. Hindus have no objection to accept the endowment but so far as the Muslim law is concerned they will not accept any dedication of property by non-Muslims for Muslim institutions. Wakf means dedication of property, tying of property in the name of God for serving the poor. It is a good idea. I do not quarrel with it. It is a good statement. But the difficulty is as was pointed out by me earlier, Amir Ali, a great authority on Mohammadan law and a Member of a judicial committee, says that just as a Mohammadan cannot dedicate property for the purpose of idol worship, similarly non- Muslims cannot didicate property for Muslim institution. Therefore, so far as the Muslim law is concerned, there will be difficulty if any one wanted to enforce an agreement. It cannot be enforced according to the existing law. I could have given an amendment to the relevant clause but there was some difficutly and want of time also.

SRI T. P. SRINIVASAVARADAN: Did not Muslims endow property to the Hindu institutions?

SRI K. BALASUBRAMANYA AYYAR: I am not concerned with the attitude of particular persons or the merits of individual cases. I heartily accept them. Tippu Sultan gave large grants to Singeri Mutt. To the Chidambaram temple he gave a big emerald which adorns the deity thee. I am happy about all that. But what we are now concerned with is the legal aspect of the matter.

SRI T. P. SRINIVASAVARADAN: Why did he violate the Muslim law?

SRI K. BALASUBRAMANYA AYYAR: The hon. Member should ask Tippu Sultan why he violated the Muslim law. What am I to do for it? The statement in the law is that non-Mohammadans cannot dedicate property for Muslim institutions. I am not stating this law. It has been so stated by Amir Ali. He says just as Muslims will never give and ought not to give—according to Muslim law and not according to our British law or our general law—according to the Muslim law, Muslim institutions cannot

29th March 1961] [Sri K. Balasubramanya Ayyar]

also accept dedication of property by non-Mohammadans. He says that on parity his proposition held good. I would suggest therefore to the Government to add: ' notwithstanding anything contained in the Mohammadan law to the contrary ' to the amendment. Then it would be a very good thing and we may leave it to the Central Government to bring in this amendment because this affects a large Muslim population in Northern India. Because somebody says you should pass the law why should you do it? It is a Central Act and the law says that Wakf is a permanent dedication of property by a person professing Muslim law. As soon as the Government start proceedings on account of the misbehaviour of, or expropriation by, any one, somebody will say that the Muslim law is affected, and that it is against the Constitution. Therefore, Sir, for the purpose of effectively administering the Act, I suggest that the Government write to the Central Government and say, ' The best thing under the circumstances is for you to do it '. The definition given of ' wakf ' in Central Act 29 of 1954 is— 11-00 a.m.

" 'wakf ' means the permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable and includes ".

When this is so, and when this is not altered, it is not for us in Madras to bring in this legislation. There is no use of saying that it is a good thing and that proper control is called for. It is a question of Muslim law we are dealing with. Why should we bring in this legislation here instead of the Centre bringing it before Parliament? I understand that so far as the Madras Government are concerned, there is concurrent jurisdiction and they can bring in this Bill. The Centre also has equal powers and it can legislate for Madras. This is a thing which the Madras Government should remember. If the Central Government take up this matter, and the Muslim opinion supports them, then it is all right. It is a different matter altogether. Otherwise if somebody goes there and an agitation starts saying that Muslims are badly dealt with, we will find the situation difficult later on. It is for this Government, if they are satisfied, to write to the Central Government and say ' This is the point of view of the Madras Muslims; so far as the law is concerned, it is very nebulous; we are bound to bring this to your notice '. There is the judgment of Wallace. Wallace used to say, ' I hesitate to declare '. He is a European Judge. and he may not know the whole law. Sir, this Government should have written to the Central Government ' No; please do it yourself '. That is the best thing that they should have done.

* SRI M. PATANJALI SASTRI: Sir, I do not feel oppressed in the same manner as the Deputy Leader of the Opposition by the rule of the Muslim Law. Sri Balasubramanya Ayyar said that the law seemed to be not very clear on the subject. There is no doubt that the high authority of Amir Ali's Lectures on Muhammadan law is there. But much water has flowed down the Hooghly

[Sri M. Patanjali Sastri] [29th March 1961

since he delivered the Tagore Law Lectures. (Sri K. Balasubramanya Ayyar : Much blood also has flowed). The Privy Council has not given a definite pronouncement. But from my experience of the Supreme Court, I can say that if this matter is brought at this stage, I do not think there will be that hesitation which is indicated by Justice Wallace. The Supreme Court is moving with the times. Certainly it will be more in consonance with the spirit of the times to recognise such dedications as valid dedications. The Madras Legislature is competent to deal with this matter which is in the Concurrent List. When this Legislature says that the term ' wakf ' shall include all property given or endowed by any person professing any religion other than Islam for the support of mosques, etc., no rule of Mohammadan law can possibly come into conflict. The Deputy Leader of the Opposition suggested the insertion of the words ' Nothwithstanding anything contained . . ' That of course is implied here. Whether it is stated so or not, that is the necessary implication. We say, ' . . . shall include all property given or endowed by any person professing any religion other than Islam '. Sir, I do not think that the statement of Amir Ali on Muhammadan law in the Tagore Law Lectures is going to affect very much nor will there be any difficulty about the validity of these dedications.

SRI ABDUL HAMEED KHAN : Sir, I welcome this measure. I am sorry that Sri Balasubramanya Ayyar brought in things which were not germane to the subject before the House. There are certain endowments made by Muslims, and they have to be properly administered. The present Bill seeks to control all endowments by Muslims or non-Muslims. If we do not include the endowments made by non-Muslims in the Act, then there will be no control over them. It is only for the purpose of bringing those endowments under proper administration this Bill is brought forward. To bring in the question of Muslim opinion and Muslim influence is rather unfortunate. The hon. Member thought it fit to speak in the manner that he has done this morning. As pointed out by the hon. Member Sri Patanjali Sastri, I do not think that there is anything which affects the right of this legislature to pass a measure like this. It is only with the consent of the Government of India that this measure is brought in here. In the circumstances, it is very necessary that this measure should be passed by this legislature. I do not think much need be said about this. If I had anything to say, that is because of the speech of the hon. Member Sri Balasubramanya Ayyar. All that he said was beside the point. An able lawyer that he is, he need not have brought in Amir Ali for discussing this measure. (Sri K. Balasubramanya Ayyar : He brought himself in; he wrote not for my purpose.) I have already said that he need not have brought him in. This measure does not need his help. In the circumstances, I request the Government and this House to pass this measure.

SRI MOHAMED RAZA KHAN : Mr. Chairman, Sir, we thought that a measure of this type would be passed within a few minutes. But it has brought out some of the legal talents here.

29th March 1961] [Sri Mohamed Raza Khan]

Before I proceed to discuss the points made by my esteemed friend Sri Balasubramanya Ayyar who wants to see that the legal position is always maintained, I like to say that I do appreciate the steps taken by the Government to bring in this measure. Mr. Abdul Hameed Khan thinks that this subject comes within the concurrent list. Sir, even if we take the Hindu Religious Endowments Act into consideration, we see that it differs from place to place. In fact the Central Government are examining the Madras Act so that it can be copied by other States. No doubt for a long time the Muslims desired and felt the necessity for an Act like this. There were also attempts in regard to this matter, but unfortunately those attempts were based more on political factors than on the 11-10 a.m. realities of the situation. This Act, which comes under the concurrent list, was passed in a hurried way in the year 1952–53, when the Leader of the House Mr. Venkataraman was a member of Parliament. (The Hon. Sri R. Venkataraman : I was not there then.) If he was there, possibly he might have devoted some attention to this legislation. The first thing that I would like to say is this. The Hon. Minister ought to have told this House as to how this particular amending Bill originated. Was it on his own initiative or on the representation made by the Centre or by the Madras Wakf Board that there were certain endowments by Hindu gentlemen and that they should be brought within the operation of the Act? This information also could be given to us as to how many endowments there are and what their income is. Before proceeding to say a word on the points raised by Sri Balasubramanya Ayyar, I think it would be much better particularly for the Home Minister, who is an authority on Hindu Religious Endowments with all his experience of running the Hindu Religious Endowments, to have the entire thing amended to suit local conditions. There are so many defects and lecunae in the Act. It is known that one section is clashing with another, and sometimes even the rights are taken away. Let me stretch my argument further. It is stated that only one member out of ten or eleven on the Board should be a man connected with the trust. I do not see any logic in this provision. Why do you suspect people whose forefathers have endowed all that they had for religious purposes? Why do you exclude them from the Board by saying that they will have only one seat on the Board? I do not understand the logic or the justification for this provision. Again, Sir, I can understand a provision which says that one of the members shall be a member of the legal profession or a man with wide experience or a member of the Legislature and so on. But what is this provision, that there should be a man representing a political party--the Jamiat-Ul-Ulema? They are camp followers of the party in power. I do not think we can bring in a party here. Then, Sir, there is too much power in the hands of the Government. We know how the Government decide, for example, the composition of the Board. Whomsoever they want, they can have on the Board. They may choose X, Y or Z and say, ' this is our list ' and we have to accept it. There is no provision to include men who could help and who possess a representative capacity. Apart from

[Sri Mohamed Raza Khan] [29th March 1961

this, what happens when the political party which is supposed to have one representative on the Board ceases to exist? Suppose a man from a particular sect says that it ceases to exist. What happens? I do strongly feel that the Government, if time permits, should either this year or next year see that the Act is amended suitably. Mr. Balasubramanya Ayyar's point was rightly met by Mr. Patanjali Sastri. I am not a lawyer to pronounce an opinion on the Amir Ali statement. We do not know under what circumstances the opinion was pronounced. We do not know either whether the case came about on account of any Hindu objecting to endowment for Muslims or Muslim objecting to endowments by Hindus. Mr. Sastri rightly said that we need not be bothered about others' opinion and that the will of the Legislature was always there. If there was anything wrong, hundreds of Hindus and hundreds of Muslims would have gone to courts but nobody has done it. We take some pride and it is very much proclaimed in the north, though not very much in the south, that Tippu Sultan endowed so much money for Hindu temples. Whether Mr. Balasubramanya Ayyar agrees or not, we are not expected to encourage idol worship. Various Muslims may say, 'We will give money but we will not say for what purpose'. If they stated the purpose openly, then many people would have gone to courts. The Home Minister refers with immense pride to what Tippu Sultan has done. I do not know whether he referred to him for the sake of arguing his case. But anyway, people may remember the good things which he has done and I support the measure in the hope that the Government would bring in an amending Bill very soon.

SRI ABDUL HAMEED KHAN: With regard to . . .

MR. CHAIRMAN: The hon. Member cannot make a second speech.

SRI ABDUL HAMEED KHAN: I am not making a second speech. I want Mr. Raza Khan to withdraw his remarks about that religious body, Jamiat-Ul-Ulema. They are not camp followers of any party.

SRI MOHAMED RAZA KHAN: They are.

THE HON. SRI R. VENKATARAMAN: There is a difference of opinion. Let both opinions go on record. (Laughter.)

SRI MOHAMED RAZA KHAN: With your permission, may I answer Mr. Hameed Khan? A little while ago it was a case between me and Mr. Balasubramanya Ayyar. Now it has turned to be one between me and Mr. Hameed Khan. It is a body of individuals taking part in politics. Everybody cannot become Moulvi. Whatever Mr. Hameed Khan may say, I am sorry, I have to stand by my statement. I am not going to withdraw my remarks.

29th March 1961]

THE HON. SRI M. BHAKTAVATSALAM: Sir, it has also been my view that the Government of India should have undertaken this piece of legislation. We did suggest that to the Government of India but they suggested back to us that we ourselves might undertake it. That is why I am before the House with this Bill.

While considering this, I would humbly submit that what is the Mohammaden law on the subject is not relevant; nor are what eminent men like Amir Ali have said and the decisions of the High Court or the Privy Council. These are not relevant matters for our purpose. The institutions are already there and the question is whether they should be administered better and whether there should be a machinery for such better administration. I said, there were many institutions in Tanjore and Tiruchirappalli districts. There is the famous Darga in Nagoor and ninety per cent of the worshippers are Hindus. Several people go there and offer worship. I would say it is purely a Muslim institution. It is cent per cent a Muslim institution. Only there is sufferance on the part of Muslims when they allow such worship. Just as Hindus go there, Muslims worship at Palni and they are not prevented. Still, these institutions are cent per cent Muslim institutions even though Hindus worship there. If they are not properly administered, then it is but necessary that Government should arrange for their proper administration. And that cannot be done under the present Wakf Act. There is this big Orphanage on the Mount Road, the Anjuman. It is a big trust and it runs a very good orphanage. The late Sir Mahomed Usman was strongly protesting to me in this House so many times that a completely Muslim Board should not take over the administration of this institution because there were several Hindus who had made contributions to that institution. He considered it illegal and improper to entrust its administration to the Board. He said: 'You cannot touch it'. So, that means that if the interpretation of the Mohammadan law is to be strictly applied to the control of these institutions, you will have to leave them to the charge of those who for the present 11-20
are in charge of the institutions to manage them as they please. a.m.
There can be no remedy even if there is maladministration. That would be the result if we accept that position.

However, Sir, there was a conference, a two days' conference in Delhi three or four months back presided over by the Central Minister in charge of the subject. I also attended the conference. Several Ministers from the other States and representatives attended the conference. Several learned, religious minded, pious Moulvis too attended the conference. In that conference I pointed out this particular difficulty. They did not demur and say that we should not bring them under the Wakf Act. The only thing was, the Government of India said that we might ourselves undertake this amending legislation.

Then, Sir, about the difficulties pointed out by the hon. Member Sri Mohamed Raza Ghan, some of these difficulties were also discussed in that conference and the Government of India Ministry

[Sri M. Bhaktavatsalam] [29th March 1961

concerned did take note of these and said they would consider what amendments should be brought forward in the Lok Sabha. Therefore we should leave those things to the Lok Sabha. We need not take them up here. This particular legislation we took up because the Government of India would not do it. We felt the need for it. They suggested we might ourselves do it. Therefore we took up this amendment. The other things we must leave to the Government of India. We cannot afford to bring in comprehensive amendments to the original Act.

Regarding the administrative machinery that we are to have for the administration of Wakfs, so far as this State is concerned, it will be a Board consisting exclusively of Muslims, no doubt of pious Muslims. No Hindu will be there. Even when we had to appoint a special officer to undertake service, we appointed only a Muslim in consultation with the Wakf Board. Ever since the State Board started functioning I do not remember there was any occasion for the Government to interfere with the administration except that we offered them some help. They could not start their work without any funds. They had no funds to start with. We offered a loan of Rs. 1 lakh and we paid them Rs. 50,000. This was a revelation when I mentioned it at the Delhi Conference. The other States' Muslim representatives said that it was revelation for them that the Government was good enough to offer this aid in order to enable the Wakf Board in Madras State to start functioning effectively. Therefore we are not interested in interfering with the administration. It is for the Wakf Board to administer. If there is maladministration of funds they will take necessary action in the matter. Whenever they seek the aid of the Government, Government would offer aid. Otherwise Government would not interfere with the administration of the Board or the Wakfs. Therefore I do not think there will be any difficulty in this House accepting this amending Bill which is very simple.

MR. CHAIRMAN : The question is—

'That the Madras Wakf (Supplementary) Bill, 1961 (L.A. Bill No. 10 of 1961), 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.

Clause 1 and the Preamble were put and carried.

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

'That the Madras Wakf (Supplementary) Bill, 1961 (L.A. Bill No. 10 of 1961), as passed by the Legislative Assembly, be passed.'

29th March 1961]

MR. CHAIRMAN : The question is—

'That the Madras Wakf (Supplementary) Bill, 1961 (L.A. Bill No. 10 of 1961), as passed by the Legislative Assembly, be passed.'

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

(2) THE MADRAS AGRICULTURAL INCOME-TAX (AMENDMENT) BILL, 1961
(L.A. BILL NO. 12 OF 1961).

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

'That the Madras Agricultural Income-tax (Amendment) Bill, [a]1961 (L.A. Bill No. 12 of 1961), as passed by the Legislative Assembly, be taken into consideration.'

In the Madras Plantations Agricultural Income-tax Amendment Act, 1958, a special provision was made to collect tax for the assessment year 1958–59 applying the composition formula. The above provision was extended for the assessment years 1959–60 and 1960–61 to enable the assessees who would not have maintained proper accounts for the accounting years 1958–59 and 1959–60 to apply for composition. As it is considered that the assessees would not have maintained proper accounts for the accounting year 1960–61 also, it is proposed to extend the benefit of section 34 in respect of the assessment year 1961–62 also by suitably amending that section. The Bill accordingly provides for the application of composition formula to the assessment year 1961–62 also. This is only an extension of the formula for another year, namely, 1961–62. I hope the House will accept it.

MR. CHAIRMAN : Motion moved :

'That the Madras Agricultural Income-tax (Amendment) Bill, 1961 (L.A. Bill No. 12 of 1961), as passed by the Legislative Assembly, be taken into consideration.'

SRI K. BALASUBRAMANYA AYYAR : The Government are extending this provision every year. They extended it for two years and now they want to extend it for another year. They would want to extend it for the next year, that is, 1962–63 and thus go on extending year after year.

THE HON. SRI M. A. MANICKAVELU : Not likely for the reasons that I am going to state just now.

SRI K. BALASUBRAMANYA AYYAR : That is what I wanted to know. Every year it has been extended. I hope it would be better to make it a permanent provision.

THE HON. SRI M. A. MANICKAVELU : It will come along with the Land Ceiling Bill.

SRI K. BALASUBRAMANYA AYYAR : Then there will be no question of agricultural income-tax. That seems to be the idea of the Government. It is all right. I hope this will be the last time that the provision is to be extended for another year.

[a] Printed as Appendix II on page 128 infra.

[29th March 1961

THE HON. SRI M. A. MANICKAVELU : Yes, I think there may not be any necessity to come again before this House for extension of this provision because there may not be necessity for this very Act.

MR. CHAIRMAN : The question is—

'That the Madras Agricultural Income-tax (Amendment) Bill, 1961 (L.A. Bill No. 12 of 1961), 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 M. A. MANICKAVELU : Mr. Chairman, Sir, I move—

'That the Madras Agricultural Income-tax (Amendment) Bill, 1961 (L.A. Bill No. 12 of 1961), as passed by the Legislative Assembly, be passed'.

MR. CHAIRMAN : The question is—

'That the Madras Agricultural Income-tax (Amendment) Bill, 1961 (L.A. Bill No. 12 of 1961), as passed by the Legislative Assembly, be passed'.

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

(3) THE MADRAS GENERAL SALES TAX (SECOND AMENDMENT) BILL, 1961 (L.A. BILL NO. 15 OF 1961).

[a] THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

'That the Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

Sir, this contains the concessions made by the Hon. the Finance Minister with regard to the facility of compounding up to Rs. 50,000 and the occasion has been taken advantage of to bring the various recommendations made by the Committee on Subordinate Legislation into effect. I shall briefly explain the scope of the clauses of the Bill.

The term "Assistant Commercial Tax Officer" occurs in section 54 of the Madras General Sales Tax Act, 1959. The term is defined only in rule 3 (b) of the Madras General Sales Tax Rules, 1959. The Committee on Subordinate Legislation which examined the rules, recommended that the term should be defined in the Act itself. Sub-clause (i) of clause 2 of the Bill gives effect to this recommendation.

[a] Printed as Appendix III on pages 128–133 infra.

29th March 1961] [Sri R. Venkataraman]

The expression "casual trader" as now defined in clause (*e*) of section 2 of the principal Act includes even petty dealers who are residing in the State and who may carry goods in headloads for casual sales in shandies. This has resulted in hardship to such dealers as casual traders have to register themselves under the Act and pay tax irrespective of the quantum of their turnover. The intention of the Government is not to tax such dealers. Casual dealers from the adjoining States bring their goods to the fairs, festivals and exhibitions in this State. Some others bring goods in motor vans, etc., to this State, sell them and go away to their States. They may be standing dealers in other States. But they escape assessment to tax on their sales in this State. To check the evasions of this kind, Dr. P. S. Lokanathan who examined the sales tax system in this State, recommended that such dealers should be registered and taxed without any limit of turnover. The Government accepted the recommendation of Dr. Lokanathan. The intention of the Government was thus to tax only the non-resident dealers who adopt "sell and run" tactics within the State. In the circumstances the Government propose to amend clause (*e*) of section 2 of the Act suitably. Sub-clause (ii) of clause 2 of the Bill contains the provision in this regard.

The concession of compounding sales tax is at present available to dealers having a total turnover between Rs. 10,000 and Rs. 25,000 in a year. The Government have decided to extend this concession to dealers having total turnover between Rs. 25,000 and Rs. 50,000 in a year. Clause 3 of the Bill provides for the amendment of section 7 of the Act to give effect to this decision. The existing slabs of Rs. 5,000 and the rate of tax of Rs. 60 for each slab of Rs. 5,000 in the case of dealers with a turnover not exceeding Rs. 25,000 have been adopted also for dealers with turnover between Rs. 25,000 and Rs. 50,000.

Rule 11 of the Madras General Sales Tax Rules, 1959, enables the assessing authority to make provisional assessment to the best of its judgment if no return is submitted by the dealer or if the return submitted by him is incomplete or incorrect. The Committee on Subordinate Legislation has observed that this rule is *ultra vires* as section 13 (2) of the principal Act provides for the making of provisional assessment based on the preceding year's turnover only. 11-30 a.m.

The provisions for the issue of copies of the registration certificates for exhibition by a dealer at each of his place of business, the issue of duplicate of a registration certificate when the original is lost or accidentally destroyed and the levy of fees for the copies and duplicates of registration certificates are now contained in rule 24 of the Madras General Sales Tax Rules, 1959. The Committee on Subordinate Legislation has pointed out that these are not in order as there is no provision in the principal Act for these matters. It is therefore proposed to incorporate in the principal Act itself the provision of rule 11 and the provisions relating to the

[Sri R. Venkataraman] [29th March 1961

issue of copies and duplicates of registration certificates and the fees to be levied therefor. The opportunity is taken also to rectify an error in sub-section (4) of section 21 of the principal Act. Clauses 4 and 5 of the Bill contain the provisions for these purposes.

There is no provision in the principal Act for the issue of duplicate of a permit when the original is lost or accidentally destroyed. The provisions in this regard are contained in the rules. In view of the observations of the Committee on Subordinate Legislation it is proposed to make necessary provision in the Act itself for the issue of duplicate of a permit when the original is lost or accidentally destroyed. Clause 6 of the Bill contains the necessary provisions in this regard.

Clause 7 of the Bill provides for the addition of the words "having jurisdiction" at the end of the opening paragraph of section 31 of the principal Act so as to indicate clearly the Appellate Assistant Commissioner to whom an appeal should be filed.

Sometimes it is necessary to transfer an appeal filed before an Appellate Assistant Commissioner to a different Appellate Assistant Commissioner. The power for such transfer is now exercised by the Board of Revenue under the provisions of rule 27 (5) of the Madras General Sales Tax Rules, 1959. The Committee on Subordinate Legislation has observed that this rule is *ultra vires* of the Act. As such a power is necessary, provision is proposed to be made in this regard in the principal Act itself. Clause 8 of the Bill accordingly seeks to insert a new section in the principal Act empowering the Board of Revenue to transfer appeals from one Appellate Assistant Commissioner to another, and to stay further proceedings before an Appellate Assistant Commissioner while it is considering the question of such transfer. This clause also provides for the affected party being heard if an order of such transfer would adversely affect him.

Under section 38 (1) of the Madras General Sales Tax Act, 1959, a revision petition can be filed in the High Court only in a case where the total turnover as determined by the Appellate Tribunal is Rs. 50,000 or over. There have been instances where the total turnover as determined by the assessing authority far above Rs. 50,000 was reduced by the Appellate Tribunal far below that amount. Important questions of law may arise even in a case where the total turnover is below Rs. 50,000. In order to enable any aggrieved party including the Government to prefer revision petitions to the High Court against any decision of the Appellate Tribunal, the Government propose to remove the monetary limit of Rs. 50,000. Clauses 9 and 10 of the Bill contain the amendments to the principal Act to give effect to this proposal.

Section 41 (4) of the Principal Act provides for confiscation of goods not accounted for by the dealer in his accounts, registers, records and other documents maintained by him. Section 42 (3) provides for confiscation of goods not covered by bill of sale or

29th March 1961] [Sri R. Venkataraman]

delivery note, log book, trip sheet or goods vehicles record and any other prescribed documents. There is no provision in the Act for the levy of any penal amount and the tax due in lieu of confiscation. Provision in this regard has been made in rule 37 of the Madras General Sales Tax Rules, 1959. The Committee on Subordinate Legislation has observed that rule 37 is *ultra vires* as there is no power in the principal Act for the exercise of such power by the officer adjudging confiscation. It is therefore proposed to incorporate the provisions of rule 37 in the principal Act, by amending sections 41 and 42 of the Act. Clauses 11 and 12 of the Bill contain the provisions in this regard.

The Committee on Subordinate Legislation has recommended for adoption in Bills a model clause relating to the placing of rules on the table of Legislature. Clause 13 of the Bill seeks to incorporate the model clause in section 53 of the principal Act.

Clause 14 provides for the correction of a mistake in item 38 of the First Schedule to the principal Act.

I request that the Bill be taken into consideration.

MR. CHAIRMAN : Motion moved—

'That the Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

SRI K. BALASUBRAMANYA AYYAR : Sir, I welcome some of the important amendments brought before the House, especially the one relating to the raising of the turnover limit to Rs. 50,000 for purposes of composition. I think this was suggested even at the Joint Select Committee stage. We said that the limit for composition could be raised to Rs. 50,000. But then the Minister said that he would wait for some time, have experience, and then if necessary do it. I am glad that he has now come forward after experience to increase the turnover limit from Rs. 25,000 to Rs. 50,000. But the rates of tax could be a little less. So far as the first three slabs are concerned, namely, Rs.. 120, Rs. 180 and Rs. 240, they have already been mentioned. As far as the definition of 'casual trader' is concerned, the object is not to tax the people who are petty dealers within the State. I do not know whether by the addition of the words 'not reside within the State', we will be able to effectively administer the Act. This is the doubt I have. Casual trader is defined as follows :—

"'Casual trader' means a person who has, whether as principal, agent, or in any other capacity, occasional transactions of a business nature involving the buying, selling, supply or distribution of goods in the State, whether for cash, or for deferred payment, or for commission, remuneration or other valuable consideration, and who does not reside or has no fixed place of business within the State."

[Sri K. Balasubramanya Ayyar] [29th March 1961

Suppose a dealer comes and distributes goods to the retail dealers and runs away. What is the position in regard to the collection of the tax? That is the doubt I have. He may escape and the petty dealers may be taxed. We must try to avoid this also. The tax should not be on the retail dealers who, on account of the other man's action, are liable to tax. This question also the Government should take into consideration. It is all right so far as the other man is concerned, because it is only for a casual transaction he comes here.

So far as the rule-making powers are concerned, we said at the Joint Select Committee stage that the High Court might not be unnecessarily bothered by small petitions. But questions of law may arise in even very small matters. Sometimes we have to argue questions of law for two or three days. Therefore questions of law do arise whatever may be the subject-matter. Therefore it is a very wholesome provision to remove the monetary limit. The sooner it is brought in the better it will be for all.

Probably the Subordinate Legislation Committee agreed with the status of the Assistant Comerical Tax Officers. I suppose they are not entitled to go into the nature of the thing. They said that it was not within the rule-making powers of the Government to define the term 'Assistant Commercial Tax Officer'. Now the Government are going to make the relevant rules part of the Act itself.

This is all I have got to say, Sir.

* SRI M. SESHACHARIAR: Sir, as the hon. Member Sri Balasubramanya Ayyar has said, this is of course a salutary piece of legislation so far as the assessees are concerned. Up to the turnover limit of Rs. 25,000 they were in a position to pay the compounded tax. Now the limit is increased to Rs. 50,000. No doubt they did not have any aggrieved person at any time so far in the matter of putting in revision petitions in cases where the turnover amount was less than Rs. 50,000. Now irrespective of the turnover limit, he can file a petition. The turnover limit is removed. The other point is in regard to the suggestion made by the Subordinate Legislation Committee. The Committee has said that the rules relating to the levy of a fee of Rs. 5 for each copy of the registration certificate are *ultra vires*. If a person wants to have his business in four or five places, he has to get copies of the registration certificate and hang them in all those places. We are now providing for this in the Act itself. I do not know whether this is absolutely necessary. But the Subordinate Legislation Committee appears to
1-40 p.m. have said that it is so. They think that there is no provision in the Act and that, therefore, the Government will not have that right. Then, the other thing is, there was a provision in the Act to the effect that if a return was not submitted or if the return submitted was not believed by the authorities concerned, they could base the levy for that year on the tax paid during the previous year. The

29th March 1961] [Sri M. Seshachariar]

Committee on Subordinate Legislation felt that a provision to the effect that the assessment in such cases should be based on 'best of judgment' as mentioned in the rules should be made in the Act itself. Such a provision exists in the Income-tax Act. This is now made in the Act itself and is welcome and useful, because assessment based on previous year's tax would not be correct. 'To assess the dealer to the best of its judgment' is, I think, all right.

* SRI MOHAMED RAZA KHAN: Mr. Chairman, I have got one or two doubts which I think the Hon. Minister in charge of the Bill will try to clarify. The most important provision of the Bill is the raising of the turnover limit to Rs. 50,000 for the purpose of composition. The tax will be compounded to Rs. 540 if a dealer has had a turnover of fifty thousand rupees. I do not want to deal with other matters which are a little legalistic, arising out of the recommendations of the Subordinate Legislation Committee. In this case of composition, a dealer whose turnover is fifty thousand rupees need not pay more than Rs. 540 even though he might have collected more money by way of tax from purchasers. Of course, I welcome this provision which is based on the assurance that the Hon. Minister gave earlier. But I have this doubt. Suppose a man dealing in radios has a turnover of four thousand rupees a month. Radios are subject to a high single-point levy—7 per cent or so. So, that man collects a tax of Rs. 280 from his customers. Is it enough that in spite of his huge collections of tax he pays every year Rs. 540? According to this provision, as I understand it, he can pocket Rs. 240 and hand over Rs. 40 to the Government. Let us suppose that either myself or Mr. Seshachariar deals in such articles. We will certainly collect tax at the rate of six or seven per cent. If we hand over only Rs. 540 to Government at the year end, will that be correct? That is my doubt and the Hon. Minister may clarify it. He is an all-India expert on matters of sales tax. He is so well-versed that every State in India would do well to invite him to advise them on sales tax. They will certainly benefit from his advice. That is a compliment which he deserved. Sir, when there was an agitation some time ago by merchant opposing single-point levy on certain goods and multi-point levy on others, he gave an assurance that after working the Act for some time, he would find out the difficulties and hardships of the merchants and try to remove them. It is in that view that the Government provided for any decision that they might take to be announced first and then to be brought before the Legislature for ratification, subsequently. The other day he made an important pronouncement in the Lower House that having regard to the representation made by various businessmen dealing in bottles he was shifting the tax from single-point to multi-point. In fairness he ought to have announced it in this House also.

SRI K. BALASUBRAMANYA AYYAR: That is not relevant here.

[29th March 1961

SRI MOHAMED RAZA KHAN: Let him say whether it is relevant or not. Why should we say it? It is parliamentary procedure to announce any important decision in the Houses of Legislature when the yare in session. Of course, we followed his announcement in newspapers. In this connection, I wish to point out one thing. He told the merchants: 'Here is single point and here is multi-point; choose anything.' But the margin is no nicely arranged that they could not find out which was more advantageous, and later on they started crying. It must be said to the credit of the Hon. Minister and the Government that on account of increasing tempo of activities, sales tax returns are increasing year by year.

Sir, the casual dealer has now been defined properly. But how are the Government going to find a way of catching him? In the City of Madras many such dealers do business worth lakhs of rupees every day. How is the Board or the sales tax officers going to locate them? There is a widespread feeling that evasion is there. The tendency of people is to evade tax. Human nature being what it is, we cannot avoid it.

Then, Sir, let me refer to one more matter and conclude. I have been repeating it many times here in the hope that there will be some chance of acceptance of the suggestion by the Government if I go on repeating it. About the levy of sales tax on hides and skins, my esteemed Friend, Mr. Patanjali Sastri said on a former occasion that whatever was exported from the City of Madras was an exportable commodity for purposes of earning foreign exchange. The leather industry is something 'exclusive' for Madras. He asked whether such a thing could be brought within the purview of the Sales Tax Act. But nobody has devoted attention to this aspect. The Hon. Minister took pains to point out that if it was so, the parties could go to courts. Sir, there have been many decisions of courts against the Government but they are not worried about those decisions. They are not worried about Acts being set aside by the High Court and the Supreme Court. But the point I want to make is this. For the last ten or fifteen years, on a wrong interpretation of the sales tax rules, certain businessmen thought that they were not bound to pay tax and the departmental officers also thought so. But when they were suddenly told that tax was due from them, they had to face lot of difficulties and many of them had to close down their business. Last time, when another Amendment Bill came before the House, the Hon. Leader of the House said that they had the facility to pay in instalments. Their position is such that they are not able to pay anything, on account of several other factors like labour trouble and so on. I know of an instance where a businessman went to the Secretary of the Board of Revenue and cried: 'I have lost everything; the department demands Rs. 60,000 from me'. Once he was the biggest businessman. Then he had to sell away his house and had only Rs. 100 left in the bank, and that for foreign references. If he had any chance of revival, he could refer his future buyers to that bank.

29th March 1961] [Sri Mohamed Raza Khan]

It was for that purpose he was keeping that one hundred rupees. But the department said: 'We will attach even that under the law'. It is here that great difficulties arise. The Government should consider this aspect of the question. The Hon. the Minister for Industries who is particularly interested in the development of industries should pay some attention to this. 'It does not matter even it some money is lost", said the Hon. Minister the other day, 'but we should liberally help the small industries to come up'. That is the principle on which the Government now proceeds in promoting industries. Therefore before insisting on recovering the arrears, the Government should have considered whether they would be in a position to pay it. If they are in a position to pay, well and good, the Government can proceed to realise the arrears. But if they are not in a position to pay them even in instalments there is no point in persisting to produced against them for recovery. 11-40 a.m.

Sir, though this point is not directly relevant to the Bill under consideration, I submit these are the occasions when we can bring the difficulty of the trade to the notice of the Government.

Thank you, Sir.

* SRI M. PATANJALI SASTRI: Mr. Chairman, Sir some time ago I made a remark about legislation in the two Houses being rather hurried. I now find that this amending Bill brought forward by the Hon. Minister for Industries illustrates my remark and adds point to it. I happened to be a member of the Committee on Subordinate Legislation. The Committee found that many of the rules made by the Government in pursuance of the various provisions of the Act were very good and relevant and should indeed be supported. But we felt that there were no corresponding provisions in the Act authorising the framing of such rules on various matters, to which the rules related. Therefore we were constrained to hold that these rules were *ultra vires*. In fact as the Hon. Minister was reading his notes on the various clauses, we found there were repeated references to the recommendations of the Committee on Subordinate Legislation holding the various rules *ultra vires* because corresponding authorizing provisions were not incorporated in the Act.

In this connection I might clear the doubt of the hon. the Deputy Leader of the Opposition. The Committee on Subordinate Legislation was not concerned with the policy of the Act or with the policy of the rules. We were concerned merely to see whether the rules made were in consonance with the terms of the Act or whether they contravened or did not contravene any of the provisions of the Act. Therefore from that point of view we were constrained to hold certain wholesome rules made under the Act by the Government as *ultra vires*. Later on after they had time to think out the various aspects of the legislation they made they framed very good rules but unfortunately there were no corresponding provisions in the Act and therefore the rules could not be held to be *intra vires*. That illustrates, notwithstanding the fact that much compliment was paid by the hon. Member Sri Raza Khan to the Mover of the Bill that he is an expert in sales tax—that is no fault of his—the fact that he must have the time to scrutinise the various provisions and aspects and come out with a Bill which contains all the appropriate provisions to cover all possible contingencies. If we work at high pressure, no doubt, even experts go wrong. Therefore this amending Bill adds point to my remarks about legislation in the two Houses being rather hurried. That is my general remark.

Then, Sir, about the amending Bill, it appears to me when I read the definition of the Assistant Commercial Tax Officer, that it is not correctly worded. Again I may point out that we said in the Committee on Subordinate Legislation that rules cannot add definitions to the various provisions in definition section of the Act. They should be transported, if at all, to the body of the Act. The Bill says: 'Assistant Commercial Tax Officer' means any person appointed by the Deputy Commissioner by name or by virtue of the office, to exercise the powers of an 'Assistant Commercial Tax Officer'. Perhaps the Hon. Minister will consider the addition of the words 'for the time being' after the words 'Assistant Commercial Tax Officer' in the definition. If once a person is appointed by name or by virtue of his office, he will continue for ever to be the Assistant Commercial Tax Officer. The Government can appoint any officer as Assistant Commercial Tax Officer and they may want to change the person also. But according to the definition now given, Assistant Commercial Tax Officer means any person appointed by the Deputy Commissioner by name or by virtue of the office. Therefore he will continue for ever, till his death. That ought not to be the provision. Then the definition says 'by virtue of office'. Supposing a Tahsildar is appointed as Assistant Commercial Tax Officer he will continue for ever. Supposing the Government want later on to post some other officer as Assistant Comercial Tax Officer, they cannot do it. The Tahsildar would continue as the Assistant Commercial Tax Officer and that would lead to untoward consequences. If the Government want to change it, then an amending Bill may be rendered necessary. Therefore I would suggest for the consideration of the Hon. Minister the addition of th ewords 'for the time being' after words 'any person.'.

Thank you, Sir.

* THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir, with regard to the point raised by the hon. Member Sri Balasubramanya Ayyar about the petty dealers who buy goods from the dealers who come from outside and deal with them, they will be governed by the taxing provisions of the Act, that is to say, if they have transaction over Rs. 10,000 then they will be liable to tax. Otherwise not. Therefore there will be no difficulty caused to them.

Then, Sir, regarding the point raised by the hon, Member Sri Raza Khan, whether a person liable to single point tax can collect tax and pay only the compounded amount, we can take care to see that he cannot do that. Section 7 applies only to those cases in which the multi-point tax is collected. The subsequent section deals with single point tax. Therefore he cannot escape responsibility.

SRI MOHAMED RAZA KHAN: On a point of explanation, Sir. May I therefore take it that business men doing business in articles bearing single point tax will not come under the operation of the particular provision?

THE HON. SRI R. VENKATARAMAN: The very principle of single point taxation is that in respect of single point tax, he must pay the tax separately.

Then, Sir, with regard to the notification about concessions made, I wish to submit to the House that the notification will be issued on 1st April 1961. A copy of the notification will also be placed on the table of the House.

The hon. Member Sri Raza Khan also mentioned one particular case he had in mind. Short of waiving the tax we have done everything in this case. I am sure the hon. Member will have no complaint about it. I do not also want to refer to the person by name.

I may also say that the courts have not set aside any of the provisions of this Act, in the cases that have so far arisen. I think this is one of the Acts which was very carefully planned and prepared and actually this criticism of hurried legislation would not apply to this particular legislation. It was in the stage of preparation for one year and before the Joint Select Committee for another year. We had several sittings of the Joint Select Committee. The point raised was this. At the time when we framed this Act, by virtue of experience in the past of the 1939 Act under which certain rules were framed and they were accepted without question --they were not set aside by the courts on the ground that they were *ultra vires*—they thought that the same rules can continue under the new Act. But since the Committee on Subordinate Legislation recommended that it is better to have it in the main Act, we have accepted that recommendation and we are now putting them in the Act itself. It is not because we had not time for detailed scrunity of the various provisions of the Act, but because we thought since the rules made under the 1939 Act were held valid and not questioned in a court of law, they would continue to be valid even under the present legislation.

SRI M. PATANJALI SASTRI: I am not casting any reflection on anybody. I was only suggesting that if there was more of time, the Act would have been more perfect.

[29th March 1961

THE HON. SRI R. VENKATARAMAN: That is what I am also explaining. Our understanding was based on the previous legislation on the subject and previous legislative experience that these rules might very well go as rules. But since the Committee on Subordinate Legislation recommended, we agreed with many of the points stated therein. For instance, I may refer to transfer of an appeal from one Assistant Commissioner to another. In the rules under the original Act we had similar provisions and nobody questioned it. Still when we examined it from the point of view of propriety of legislation, we had to accept the recommendation
2-00 noon. of the Committee on Subordinate Legislation, and we said that it should be incorpoated in the Act.

Then with regard to the appointment mentioned by Sri Patanjali Sastri, the notification by which a person is appointed by name or by virtue of his office can be cancelled and then he will cease to hold office. That is why we have not stated, 'for the time being'. The moment another officer who is designated as the Assistant Commercial Tax Officer to perform some particular functions ceases to perform those functions or is not required to perform those functions, we will issue a notification cancelling the appointment. There is no question whether the appointment will be valid, because the Act provides that he can be appointed by a notification and once the notification is withdrawn and cancelled, he will cease to be an Assistant Commercial Tax Officer. The power to appoint by notification includes the power to cancel the notification. Therefore, Sir, I request that the Bill be taken into consideration.

MR. CHAIRMAN: The question is:—

'That the Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961), 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 14 were put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN: The question is—

'That the Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961), as passed by the Legislative Assembly, be passed.'

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

29th March 1961]

(4) THE MADRAS (ADDED TERRITORY) EXTENSION OF LAWS BILL (L.A. BILL NO. 16 OF 1961).

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

'That the Madras (Added Territory) Extension of Laws Bill [a], 1961 L.A. Bill No. 16 of 1961), as passed by the Legislative Assembly, be taken into consideration.'

Certain areas have been transferred from the State of Andhra Pradesh to this State with effect from 1st April 1960, by virtue of section 45 of the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959. The laws in force in the State of Andhra Pradesh continue to be in force in the territories transferred from that State to this State. Thus in the State of Madras there are in force two sets of laws for the levy and collection of sales tax, viz., the Andhra Pradesh General Sales Tax Act, 1957, in the transferred territories, and the Madras General Sales Act, 1959, in the rest of this State. This has resulted in certain difficulties in the administration of the two sets of laws. It is considered desirable to have a uniform law on the subject applicable to the whole State. It has accordingly been decided to extend with effect from the 1st April 1961, (so as to coincide with the commencement of the financial year 1960-61), the Madras General Sales Tax Act, 1959, as in force in the rest of this State, to the transferred territories and to repeal the corresponding law in force in these territories. The opportunity is taken to extend to the transferred territories, the Madras Sales of Motor Spirit Taxation Act, 1939 and the Madras Entertainments Tax Act, 1939, also with effect from 1st April, 1961, and to repeal the corresponding laws in force in those territories. The salient features of the Bill are the following:—

With a view to giving relief to stocks of commodities held on 31st March 1961 by dealers in the added territories and which have suffered tax under the Andhra Pradesh General Sales Tax Act, provision has been made in clause 9 of the Bill to the effect that where any goods specified in Schedule I or Schedule II or Schedule III to the Andhra Pradesh General Sales Tax Act, 1957 which are held in stock by a dealer in the added territory on the date of commencement of the Act, has suffered tax under the Andhra Act, such goods shall not be taxed again under Madras General Sales Tax Act, 1959, on its extension. The intention of the clause is that goods which are liable to single point tax or single point tax in addition to general multipoint levy under the Andhra Pradesh Act, if they have suffered tax under that Act, they should not be taxed again under the Madras General Sales Tax Act.

Provision has been made in clause 10 of the Bill requiring registered dealers in the added territories to declare stocks of goods held by them on the date of commencement of the new Act.

[a] Printed as Appendiex IV on pages 133-136 infra.

Failure to furnish particulars regarding stocks of goods held by a dealer is made an offence punishable with fine which may extend to Rs. 500. A time-limit of 7 days has been laid down for declaring the stocks.

Clause 11 of the Bill provides for the levy of tax at the rate specified in section 3 of the Madras Sales of Motor Spirit Taxation Act, 1939 on the stocks of motor spirit held by a retail dealer in the transferred territory at the date of commencement of the new Act because under the Andhra Act tax is levied on retail sales while under the Madras Act tax is levied only on sales by wholesalers and importers.

Clause 4 of the Bill provides for the repeal of the laws corresponding to the Madras Sales of Motor Spirit Taxation Act, 1939, the Madras Entertainment Tax Act, 1939 and the Madras General Sales Tax Act, 1959, in force in the transferred territory. clause 5makes certain saving provisions. According to sub-clause (1) of that clause the repeal of the corresponding laws shall not affect any right, privilege, obligation or liability acquired, accrued, or incurred under the repealed law, and any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability, etc., may be instituted, continued or enforced as if the new legislation had not been passed.

I request that the Bill be taken into consideration.

MR. CHAIRMAN: The question is:

'That the Madras (Added Territory) Extension of Laws Bill, 1961 (L.A. Bill No. 16 of 1961), 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 12 were put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras (Added Territory) Extension of Laws Bill, 1961 (L.A. Bill No. 16 of 1961), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN: The question is:

'That the Madras (Added Territory) Extension of Laws Bill, 1961 (L.A. Bill No. 16 of 1961), as passed by the Legislative Assembly, be passed.'

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

(5) THE MADRAS AGRICULTURAL INCOME-TAX (EXTENSION TO ADDED TERRITORY) BILL, 1961 (L.A. BILL NO. 23 OF 1961).

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

'That the Madras Agricultural Income-tax (Extension to Added Territory) Bill[a] 1961 (L.A. Bill No. 23 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

Sir, the Madras Agricultural Income-tax Act, 1955 (Madras Act V of 1955), provides for the levy of a tax on agricultural income from land and is in force in this State except the Kanyakumari district and the Shencottah taluk of the Tirunelveli district. In the Kanyakumari district and Shencottah taluk of Tirunelveli district, the Travancore-Cochin Agricultural Income-tax Act is in force. In the territories transferred to the Madras State by the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), the Andhra Pradesh Surcharge Act, 1957 is in force. In order that there may be uniformity, it has been decided to extend the Madras Agricultural Income-tax Act, 1955 (Madras Act V of 1955) to the territories transferred to this State by the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), and repeal the Andhra Pradesh Surcharge Act, 1957. The point for consideration is this. Now, new territory from Andhra Pradesh—Tiruttani and other areas—has been added to the Madras State. As it is, the Surcharge Act of the Andhra Pradesh Government is in force there. We have got the Additional Surcharge Act, and that will expire after three or four months. We thought of extending it, but we have dropped that idea now. The proposal here is to repeal the Surcharge Act of Andhra Pradesh Government and in its place bring in this Agricultural Income-tax Act to the extent that it is prevalent all over the Madras State. Because it is a new territory that has been added to this State, this Act is not in force there. We are just extending this Act to that new territory. This is all that the Bill seeks to do. I request the House to accept the motion.

MR. CHAIRMAN: The question is:

'That the Madras Agricultural Income-tax (Extension to Added Territory) Bill, 1961 (L.A. No. 23 of 1961), 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 15 were put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras Agricultural Income-tax (Extension to Added Territory) Bill, 1961 (L.A. No. 23 of 1961) as passed by the Legislative Assembly, be passed.'

---

[a] Printed as Appendix V on pages 137-141 infra.

MR. CHAIRMAN : The question is—

'That the Madras Agricultural Income-tax (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 23 of 1961), as passed by the Legislative Assembly, be passed.'

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

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Saturday, the 1st April 1961.

The House then adjourned.

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

* 259. *Review of the progress made in the Co-operative Development Schemes during 1960-61.*

* 260. *Review of progress made during the Second Plan period and programme for the Third Plan on handloom schemes.*

* 261 *Notification issued by the Collector of North Arcot directing the removal of the President, Ariyur Panchayat. Vellore taluk from the office of the President of the said Panchayat with effect from 30th November 1960.*

* 262 *Notification issued with G.O. No. 271, Revenue, dated 18th January 1961 under the Madras Estates Abolition and Conversion in to Ryotwari Act, 1948.*

† 263. *Notification issued with G.O. Ms. No. 139, Local Administration, dated 18th January 1961, regarding amendment to Rule 4 of the Rules for the payment of travelling allowance to members of District Development Councils and their Standing Committees.*

Bills passed by the Assembly and received there from in the Council :—

‡ 1. *The Madras Agricultural Income-tax (Amendment) Bill,* 1961 (*L.A. Bill No.* 12 *of* 1961).

§ 2. *The Madras Wakf (Supplementary) Bill,* 1961 (*L.A. Bill No.* 10 *of* 1961).

§ 3. *The Madras General Sales Tax (Second Amendment) Bill,* 1961 (*L.A. Bill No.* 15 of 1961)

§ 4. *The Madras (Added Territory) Extension of Laws Bill,* 1961 (*L.A. Bill No.* 16 *of* 1961).

* Laid on the table of the House on 27th March 1961.
† Laid on the table of the House on 28th March 1961.
‡ Sent by Special messengers to all M.L.C's on 25th March 1961.
§ Sent by Special messengers to all M.L.C's on 28th March 1961.

APPENDIX I.

[Vide item III (1) on page 102 supra.]

L.A. BILL No. 10 OF 1961.

(As passed by the Assembly.)

A Bill for extending the operation of the Wakf Act, 1954, to any wakf created by a person professing any religion other than Islam, in the State of Madras.

WHEREAS it is expedient to extend the operation of the Wakf Act, 1954 (Central Act 29 of 1954), to any wakf created by a person professing any religion other than Islam, in the State of Madras;

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

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Wakf (Supplementary) Act, 1961.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. *The term " wakf " in Central Act 29 of 1954 to include endowment.*—The term " wakf " defined in clause (*l*) of section 3 of the Wakf Act, 1954 (Central Act 29 of 1954) (hereinafter referred to as the said Act), shall include all property given or endowed by any person professing any religion other than Islam for the support of—

(i) mosques, idgahs, imambaras, dargahs, khangahs or maqbaras;

(ii) graveyards of persons professing Islam; and

(iii) choultries for, or musafarkhanas for, the benefit of persons professing Islam;

and the term " wakf " defined in the clause aforesaid shall include any person aforesaid.

3. *Application of Central Act 29 of 1954.*—All the provisions of the said Act except section 62 shall apply to the property included by this Act in the definition of the term " wakf " in the said Act as they apply to the wakfs governed by the said Act.

4. *Validation of survey of wakfs.*—(1) Any survey of properties included by this Act in the definition of the term " wakf " in the said Act, made before the date of the commencement of this Act by the Commissioner of Wakfs or Additional or Assistant Commissioner of Wakfs appointed under section 4 of the said Act, shall be deemed to have been made in accordance with the provisions of the said Act as if this Act was in force at the time such survey was made :

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of non-compliance before the date of the commencement of this Act with any order or notice issued in respect of such properties by the Commissioner of Wakfs, Additional or Assistant Commissioner of Wakfs aforesaid or by the Board of Wakfs established under the said Act.

(2) The provisions of section 7 of the said Act shall apply to such survey of properties as is referred to in sub-section (1) as those provisions apply to a survey of properties of wakf made under the said Act.

APPENDIX II.

[Vide item III (2) on page 111 supra.]

L.A. BILL No. 12 OF 1961.

(As passed by the Assembly.)

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

WHEREAS it is expedient further 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 Twelfth 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, 1961.

(2) It shall come into force on the 1st April 1961.

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 years 1957–58, 1958–59 and 1959–60 ", the words and figures " the years 1957–58, 1958–59, 1959–60 and 1960–61 " shall be substituted;

(ii) in sub-section (1), after the words, figures and letters " or on the 31st day of March 1960 ", the words, figures and letters " or on the 31st day of March 1961 " shall be inserted.

APPENDIX III.

[Vide item III (3) on page 112 supra.]

L.A. BILL No. 15 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Madras General Sales Tax Act, 1959.

WHEREAS it is expedient further to amend the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), for the purposes hereinafter appearing;

20th March 1961]

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

1. *Short title and commencement.*—(1) This Act may be call the Madras General Sales Tax (Second Amendment) Act, 1961.

(2) It shall come into force on the 1st April 1961.

2. *Amendment of section* 2, *Madras Act I of* 1959.—In secti 2 of the Madras General Sales Tax Act, 1959 (Madras Act I 1959) (hereinafter referred to as the principal Act),—

(i) after clause (*c*), the following clause shall be inserte namely :—

" (*cc*) ' Assistant Commercial Tax Officer ' means ar person appointed by the Deputy Commissioner by name or l virtue of his office, to exercise the powers of an Assistant Comme cial Tax Officer; ";

(ii) for clause (*e*), the following clause shall be substitute namely :—

" (*e*) ' casual trader ' means a person who has, whether principal, agent, or in any other capacity, occasional transactio of a business nature involving the buying, selling, supply or dist bution of goods in the State, whether for cash, or for deferr payment, or for commission, remuneration or other valuable co sideration, and who does not reside or has no fixed place of busine within the State; ".

3. *Amendment of section* 7, *Madras Act I of* 1959.—In secti 7 of the principal Act—

(i) for sub-section (1), the following sub-section shall l substituted, namely :—

" (1) Notwithstanding anything contained in sub-secti (1) of section 3, every dealer whose total turnover is not less th ten thousand rupees, but not more than fifty thousand rupees, m at his option instead of paying the tax in accordance with tl provisions of that sub-section pay tax at the following rate namely :—

	Rate of tax.
(i) Where the total turnover is not less than ten thousand rupees, but is less than fifteen thousand rupees.	One hundred and twenty rupe per annum.
(ii) Where the total turnover is not less than fifteen thousand rupees, but is less than twenty thousand rupees.	One hundred and eighty rupees p annum.
(iii) Where the total turnover is not less than twenty thousand rupees, but is less than twenty-five thousand rupees.	Two hundred and forty rupees p annum.
(iv) Where the total turnover is not less than twenty five thousand rupees, but is less than thirty thousand rupees.	Three hundred rupees per annu
(v) Where the total turnover is not less than thirty thousand rupees, but is less than thirty-five thousand rupees,	Three hundred and sixty rupe per annum.

[29th March 1961

	Rate of tax.
(vi) Where the total turnover is not less than thirty-five thousand rupees but is less than forty thousand rupees.	Four hundred and twenty rupees per annum.
(vii) Where the total turnover is not less than forty thousand rupees, but is less than forty-five thousand rupees.	Four hundred and eighty rupees per annum.
(viii) Where the total turnover is not less than forty-five thousand rupees, but is not more than fifty thousand rupees.	Five hundred and forty rupees per annum."

(ii) in sub-section (2), for the words "twenty-five thousand rupees," the words "fifty thousand rupees" shall be substituted.

4. *Amendment of section* 13, *Madras Act I of* 1959.—In section 13 of the principal Act, for sub-section (2) and the proviso thereto, the following sub-section and proviso shall be substituted, namely :—

"(2) If no return is submitted by the dealer under sub-section (1) within the prescribed period, or if the return submitted by him appears to the assessing authority to be incomplete or incorrect, the assessing authority may, after making such enquiry as it may consider necessary, assess the dealer to the best of its judgment :

Provided that, before taking action under this sub-section on the ground that the return submitted by the dealer is incomplete or incorrect, the dealer shall be given a reasonable opportunity of proving the correctness or completeness of the return submitted by him.".

5. *Amendment of section* 21, *Madras Act I of* 1959.—In section 21 of the principal Act—

(i) in sub-section (2), the words "specifying all the places of business" shall be added at the end:

(ii) after sub-section (3), the following sub-sections shall be inserted, namely :—

"(3-A) A registered dealer may apply to the prescribed authority for a copy or copies of the registration certificate along with a fee of five rupees for each copy and, if the prescribed authority is satisfied that the application is in order, it shall issue to the registered dealer a copy or copies of the registration certificate.

(3-B) If the prescribed authority is satisfied that a registration certificate or a copy thereof is lost or accidentally destroyed, it shall, on an application by the registered dealer accompanied by a fee of one rupee, issue to him a duplicate of the registration certificate.

29th March 1961]

(3-C) A registered dealer shall exhibit at each place of his business the registration certificate, or a duplicate or a copy thereof.";

(iii) in sub-section (4), for the words, figures and brackets "A dealer registered under sub-section (1) of section 20", the words "A registered dealer" shall be substituted; and

(iv) in sub-section (6), for the words "No application for registration", the words "No application for registration or for a copy or duplicate of the certificate" shall be substituted.

6. *Amendment of section* 21-A, *Madras Act I of* 1959.—In section 21-A of the principal Act—

(i) after sub-section (6), the following sub-section shall be inserted, namely :—

"(6-A) If the prescribed authority is satisfied that the permit issued under sub-section (5) is lost or accidentally destroyed, it shall, on application by the registered dealer accompanied by a fee of one rupee, issue to him a duplicate of the permit.";

(ii) for sub-section (9), the following sub-section shall be substituted, namely :—

"(9) No application for a permit or for a duplicate thereof shall be refused and no permit shall be cancelled under clause (*b*) of sub-section (7) unless the registered dealer has been given a reasonable opportunity of being heard and no permit shall be cancelled under sub-section (8) unless the permit holder has been given a reasonable opportunity of being heard.".

7. *Amendment of section* 31, *Madras Act I of* 1959.—In the opening paragraph of sub-section (1) of section 31 of the principal Act, after the words "Appellate Assistant Commissioner", the words "having jurisdiction" shall be added.

8. *Insertion of section 34-A in Madras Act I of* 1959.—After section 34 of the principal Act, the following section shall be inserted, namely :—

"34-A. *Power to transfer appeals.*—(1) The Board of Revenue may, either *suo motu* or on application, for reasons to be recorded in writing, transfer an appeal pending before an Appellate Assistant Commissioner to another Appellate Assistant Commissioner.

(2) The Board of Revenue may, when exercising the powers under sub-section (1), direct the stay of further proceedings before an Appellate Assistant Commissioner.

(3) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard.".

[29th March 1961

9. *Amendment of section* 36, *Madras Act I of* 1959.—In section 36 of the principal Act, for sub-section (9), the following sub-section shall be substituted, namely :—

" (9) Every order passed by the Appellate Tribunal under sub-section (3) shall, subject to the provisions of sub-section (6) and section 38, be final ".

10. *Amendment of section* 38, *Madras Act I of* 1959.—In section 38 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

" (1) Within sixty days from the date on which a copy of the order under sub-section (3) of section 36 is served in the manner prescribed, any person who objects to such order or the Deputy Commissioner may prefer a petition to the High Court on the ground that the Appellate Tribunal has either decided erroneously or failed to decide any question of law :

Provided that the High Court may admit a petition preferred after the period of sixty days aforesaid if it is satisfied that the petitioner had sufficient cause for not preferring the petition within the said period ".

11. *Amendment of section* 41, *Madras Act I of* 1959.—In section 41 of the principal Act, after the proviso to sub-section (4), the following further proviso shall be inserted, namely :—

" Provided further that the officer ordering the confiscation shall give the person affected option to pay in lieu of confiscation—

(*a*) in cases where the goods are taxable under this Act, in addition to the tax recoverable, a sum of money not exceeding one thousand rupees or double the amount of tax recoverable, whichever is greater; and

(*b*) in other cases, a sum of money not exceeding one thousand rupees ".

12. *Amendment of section* 42, *Madras Act I of* 1959.—In section 42 of the principal Act, after the proviso to sub-section (3), the following further proviso shall be added, namely :—

" Provided further that the officer ordering the confiscation shall give the person affected option to pay in lieu of confiscation—

(*a*) in cases where the goods are taxable under this Act, in addition to the tax recoverable, a sum of money not exceeding one thousand rupees or double the amount of tax recoverable, whichever is greater; and

(*b*) in other cases, a sum of money not exceeding one thousand rupees ".

29th March 1961]

13. *Amendment of section* 53, *Madras Act I of* 1959.—In section 53 of the principal Act, for sub-sections (4) and (5), the following sub-sections shall be substituted, namely :—

" (4) (*a*) All rules made under this Act shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(*b*) All notifications issued under this Act shall unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification ".

14. *Amendment of the First Schedule, Madras Act I of* 1959.—In the First Schedule to the principal Act, in item 38, for the word " tandon ", the word " tandem " shall be substituted.

APPENDIX IV.

[Vide item III (4) on page 123 supra.]

L.A. BILL No. 16 OF 1961.

(As passed by the Assembly.)

A Bill to extend certain laws to the added territory in the State of Madras.

WHEREAS it is expedient to provide that certain laws should be extended to, and by virtue of such extension should be in force in, the added territory in the State of Madras;

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

1. *Short title and commencement.*—(1) This Act may be called the Madras (Added Territory) Extension of Laws Act, 1961.

(2) It shall come into force on the 1st April 1961.

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

(*a*) " added territory " means the territory transferred to the State of Madras by the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959);

(*b*) "existing law" means any law, Ordinance, Proclamation, regulation, order, by-law or rule passed or made before the date of the commencement of this Act by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule;

(*c*) the expression "registered dealer" means a dealer registered or deemed to have been registered under the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), and includes a retail dealer registered or deemed to have been registered under the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939).

3. *Extension of Madras Acts VI of* 1939, *X of* 1939 *and I of* 1959 *to the added territory.*—The Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), and the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), and any rule, by-law, order, notification or other instrument having the force of law made thereunder (hereinafter referred to as the Madras law) and in force on the date of the commencement of this Act in the State of Madras except in the added territory are hereby extended to, and shall be in force in, the added territory.

4. *Repeal of corresponding laws.*—If, immediately before the date of the commencement of this Act, there is in force in the added territory any law corresponding to the Madras law whether such corresponding law is in force by virtue of section 45 of the Andhra Pradesh and Madras (Alteration of Boundaries Act), 1959 (Central Act 56 of 1959), or by virtue of any other legislative power, such corresponding law shall, on the date of the commencement of this Act, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

5. *Savings.*—(1) The repeal by section 4 of any corresponding existing law shall not affect—

(*a*) the previous operation of any such law or anything done or duly suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any such law, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

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

(2) Subject to the provisions of sub-section (1), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected under such corresponding existing law shall be deemed to have been done or taken under the corresponding provision of the Madras law as now extended to, and in force in, the added territory and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said Madras law.

6. *Construction of references to laws not in force in the added territory.*—(1) Any reference in the Madras law to a law which is not in force in the added territory shall, in relation to that territory, be construed as a reference to the corresponding law, if any, in force in that territory.

(2) Any reference in any existing law which continues to be in force in the added territory after the date of the commencement of this Act, to any law repealed by section 4 shall, in relation to that territory, be construed as a reference to the Madras law corresponding to the law so repealed.

7. *Construction of references to authorities where new authorities have been constituted.*—Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the added territory shall, where a corresponding new authority has been constituted by or under any Madras law now extended to the added territory, have effect as if it were a reference to that new authority.

8. *Powers of courts and other authorities for purposes of facilitating application of laws.*—For the purpose of facilitating the application in the added territory of any Madras law, any court or other authority may construe such law 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.

9. *Exemption of goods already taxed under Andhra Pradesh Act VI of* 1957.—(1) Where any goods specified in Schedule I or Schedule II or Schedule III to the Andhra Pradesh General Sales Tax Act, 1957 (Andhra Pradesh Act VI of 1957) which are held in stock by a dealer in the added territory on the date of the commencement of this Act, has been assessed to tax under the said Act, such goods shall not be liable to be taxed again under the Madras General Sales Tax Act, 1959 (Madras Act I of 1959).

(2) The burden of proving that any goods referred to in sub-section (1) has suffered tax under the Andhra Pradesh General Sales Tax Act, 1957 (Andhra Pradesh Act VI of 1957), shall be on the dealer who claims the exemption under sub-section (1).

[29th March 1961

10. *Registered dealers in added territory to declare stocks of goods held by them.*—(1) Every registered dealer in the added territory shall, in respect of any goods or class of goods which the State Government may by notification in this behalf specify, within seven days from the date of such notification, furnish to the assessing authority concerned a return in such form and containing such particulars as may be specified in the said notification, declaring the stocks of such goods or class of goods held by him on the date of the commencement of this Act.

(2) If any registered dealer fails to furnish the return which he is required to furnish under sub-section (1) or wilfully makes any false statement therein, he shall be punishable with fine which may extend to five hundred rupees.

11. *Levy of tax on motor-spirit held by a retail dealer.*—(1) Notwithstanding anything contained in the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), as extended to, and in force in, the added territory, there shall be levied on the stocks of motor-spirit held by a retail dealer in the said territory on the date of the commencement of this Act, a tax at the rate specified in section 3 of the said Act:

Provided that no tax shall be levied under this section on the stocks of motor-spirit held by such dealer on such date if in respect of such stocks tax has already been paid under the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939).

(2) The burden of proving that tax under the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), has already been paid in respect of any stock of motor-spirit held by a retail dealer on the date of the commencement of this Act shall be on such retail dealer.

12. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act or of any Madras law as extended to the added territory by this Act, the State Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

29th March 1961]

APPENDIX V.

[Vide item III (5) on page 125 supra.]

L. A. BILL No. 23 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Madras Agricultural Income-tax Act, 1955 and to extend that Act to the Added territory in the State of Madras.

WHEREAS it is expedient further to amend the Madras Agricultural Income-tax Act, 1955 (Madras Act V of 1955) for the purposes hereinafter appearing and to extend that Act to the added territory in the State of Madras:

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

1. *Short title and commencement.*—(1) This Act may be called the Madras Agricultural Income-tax (Extension to Added Territory) Act, 1961.

(2) It shall come into force on the 1st April 1961.

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

(*a*) "added territory" means the territory transferred to the State of Madras by the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959);

(*b*) "existing law" means any law, Ordinance, Proclamation, regulation, order, by-law or rule passed or made before the 1st April 1961 by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation; regulation order, by-law or rule.

3. *Insertion of new section 2-A in Madras Act V of 1955.*—After section 2 of the Madras Agricultural Income-tax Act, 1955 (Madras Act V of 1955) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"2-A. *Definition of 'Added Territory'.*—In this Act, unless the context otherwise requires, 'added territory' means the territory transferred to the State of Madras by the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959)."

4. *Amendment of section 3, Madras Act V of 1955.*—After the proviso to sub-section (1) of section 3 of the principal Act, the following proviso shall be added, namely:—

"Provided further that the agricultural income or any part of it derived from land in the added territory shall be subject to assessment of agricultural income-tax only from the financial year commencing from the 1st April 1961."

[29th March 1961

5. *Amendment of section 12, Madras Act V of 1955.*—After the second proviso to section 12 of the principal Act, the following proviso shall be added, namely :—

" Provided also that in the case of loss sustained from land in the added territory before the 1st April 1961, this section shall apply only to such loss as was sustained in the previous year immediately before that date."

6. *Extension of Madras Act V of 1955 to the added territory.*—The principal Act, as in force immediately before the 1st April 1961 in the State of Madras except in the Kanyakumari district and Shencottah taluk of Tirunelveli district and as amended by this Act, is hereby extended to, and shall be in force in, the added territory.

7. *Repeal of corresponding laws.*—If immediately before the 1st April 1961 there is in force in the added territory any law corresponding to the principal Act whether such corresponding law is in force by virtue of section 45 of the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), or by virtue of any other legislative power, such corresponding law shall, on the 1st April 1961, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

8. *Savings.*—(1) The repeal by section 7 of any corresponding law shall not affect—

(*a*) the previous operation of any such law or anything done or duly suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any such law, or

(*c*) any penalty, fofeiture or punishment incurred in respect of any offence committed against any such law, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provision of sub-section (1), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected under such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Principal Act as now extended to, and in force in, the added territory and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said principal Act.

29th March 1961]

9. *Construction of references to laws not in force in the added territory.*—(1) Any reference in the principal Act to a law which is not in force in the added territory shall, in relation to that territory, be construed as a reference to the corresponding law, if any, in force in that territory.

(2) Any reference in any existing law which continues to be in force in the added territory after the 1st April 1961 to any law repealed by section 7 shall, in relation to that territory, be construed as a reference to the principal Act.

" 10. *Construction of references to authorities where new authorities have been constituted.*—Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the added territory shall, where a corresponding new authority has been constituted by or under the principal Act now extended to the added territory, have effect as if it were a reference to that new authority.

11. *Powers of courts and other authorities for purposes of facilitating application of the principal Act.*—For the purpose of facilitating the application in the added territory of the principal Act, any court or other authority may construe the said principal Act with such alterations not affecting the substance as may be necessary or proper to adopt it to the matter before the court or other authority.

12. *Repeal of Andhra Pradesh Act XX of 1957.*—The Andhra Pradesh Land Revenue (Surcharge) Act, 1957 (Andhra Pradesh Act XX of 1957), as in force in the added territory, is hereby repealed :

Provided that such repeal shall not affect the previous operation of the said Act or anything already done or suffered or any right, title or obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof.

13. *Adjustment of surcharge under Andhra Pradesh Act XX of 1957.*—Any surcharge on the land revenue collected from any person under the Andhra Pradesh Land Revenue (Surcharge) Act, 1957 (Andhra Pradesh Act XX of 1957), for the fasli year 1960–61 shall be adjusted towards the agricultural income-tax due from such person under the principal Act as extended by this Act for the financial year 1961-62, and if on such adjustment, the surcharge is in excess, such excess, or if no such adjustment be made, such surcharge, shall be refunded to the person concerned.

14. *Composition of tax for the year 1960–61.*—(1) Notwithstanding anything contained in the principal Act as extended by this Act, any person liable to pay agricultural income-tax under that Act in respect of any agricultural income derived from any land in the added territory other than the land used for growing tea, coffee, rubber, cinchona or cardamom, during the period of

[20th March 1961

twelve months ending on the 31st day of March 1961, may apply to the prescribed officer for permission to compound such agricultural income-tax, and to pay in lieu thereof a lump sum at the rate or rates specified below :

Extent.	Rate per standard acre.
(1)	(2)
	RS. NP.
(1) On the first 12½ standard acres	Nil.
(2) On the next 7½ standard acres	4 50
(3) On the next 10 standard acres	7 50
(4) On the next 10 standard acres	10 00
(5) On the next 10 standard acres	15 00
(6) On the next 50 standard acres	17 50
(7) On the next 50 standard acres	20 00
(8) On the balance of standard acres	25 00

Provided that in the case of every company, the lump sum so payable shall be charged at the maximum rate on the whole of the total extent of the land held by that person.

(2) The Government may make rules as to the circumstances under which, and the manner in which, remission may be granted to persons permitted to compound the agricultural income-tax under sub-section (1).

(3) The provisions of sections 35 and 36 of the principal Act extended by this Act shall, so far as may be, apply in relation to the composition of agricultural income-tax under this section, as they apply in relation to the assessment of agricultural income-tax under the said principal Act.

15. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act or of the principal Act as extended to the added territory by this Act, the State Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

20th March 1961]

FINANCIAL MEMORANDUM.

The Madras Agricultural Income-tax Act, 1955, applies to the whole of Madras State except Kanyakumari district and Shencottah taluk of Tirunelveli district, where the Travancore-Cochin Agricultural Income-tax Act is in force. The present Bill seeks to extend with effect from 1st April 1961 the provisions of the Madras Agricultural Income-tax Act, 1955, to the territories transferred from the Andhra Pradesh State. The existing set up of the Agricultural Income-tax Department will be further strengthened to attend to the work involved in administering the Act in the territories transperred from the Andhra Pradesh State. The strengthening of the existing set up of the Agricultural Income-tax Department is expected to involve an extra cost of about Rs. 10,000 per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 14 of the Bill empowers the State Government to prescribe the officer to whom the application for permission to compound the agricultural income-tax and to pay in lieu thereof a lump sum at the specified rates and also to make rules as to the circumstances in which and the manner in which remission may be granted to persons permitted to compound the agricultural income-tax. Clause 15 of the Bill empowers the State Government by order to do anything for the purpose of removing any difficulty which may arise in giving effect to the provisions of the Bill when enacted. The powers delegated are normal and not of an exceptional character.

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 1st April 1961.

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.

Acquisition of land

* 4 *S.N.Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether it is a fact that the Government have prohibited acquisition of land within the City limits; and

(*b*) if so, the reasons therefor?

THE HON. SRI R. VENKATARAMAN : (*a*) Government have ordered that in future land within City municipal limits should not be acquired under Land Acquisition Act for housing.

(*b*) The attention of the hon. Member is invited to the statement made by me on the floor of the House at the conclusion of the discussions regarding the State Housing Board Bill on 6th March 1961.

DR. A. SREENIVASAN : Will this prohibition order affect people who have acquired land with the idea of building small houses even though they purchased the land at the prevailing market rates?

THE HON. SRI R. VENKATARAMAN : I am afraid the hon. Member has not understood the order. No proceedings by way of land acquisition will be started by Government for acquiring lands in future within the City municipal areas for the purpose of housing. That means, private transactions will go on as they like. For slum clearance land will be acquired. For Harijan house-sites, it will be acquired. It will not be acquired for housing colony schemes which are taken up in large areas for the purpose of developing housing colonies because the schemes have a tendency to force prices up.

VIDWAN T. MUTHUKANNAPPAN : இந்த நிலை ஆர்ஜிதத் தடை உத்திரவு பல மாதங்கள் அல்லது சில வருஷங்களுக்கு முன்பு ஏற்கனவே தொடங்கிக் கடிதப் போக்குவரத்தில் (already under correspondence) இருக்கும் நிலங்கள் விஷயத்திலும் அமுல்படுத்தப்படுமா ?

THE HON. SRI R. VENKATARAMAN : That will depend on the facts of each case. In these cases, that is, where proceedings have been started before this order was passed, the order will not apply. But where lands will be allowed to be acquired will depend upon the circumstances of each case.

[1st April 1961

SRI MOHAMED RAZA KHAN : Is it because of the decision of the Housing Board that the Government came to issue this order or is it because large plots of land are not available in the City?

THE HON. SRI R. VENKATARAMAN : The Government decided in 1959 to develop neighbourhoods. Pursuant to that decision this order was made. That is, it is unnecessary to take up lands within municipal limits for development by building houses.

DR. A. SREENIVASAN : Will this order affect private transactions between individuals in the matter of acquisition of lands?

THE HON. SRI R. VENKATARAMAN : The word 'acquisition' has a technical meaning. When I used that word, I meant, 'acquisition under the Land Acquisition Act', not buying and selling. There can be no objection and there will be no impediment whatsoever to private transactions going on.

VIDWAN T. MUTHUKANNAPPAN : இந்தத் தடை உத்திரவு எவ்வளவு காலம் நீடிக்கலாம்?

THE HON. SRI R. VENKATARAMAN : இப்பொழுது சொல்வதற்கில்லை.

Panchayat Boards

* 223 Q.—DR. A. CHIDAMBARANATHAN : Will the Hon. the Chief Minister be pleased to state—

(a) the names of panchayat boards that were superseded (i) during 1959–60 and (ii) from April to November 1960;

(b) the reasons for the supersession; and

(c) the number of panchayats brought into existence between April and November 1960?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (a) Kombai Panchayat in the Periakulam taluk of Madurai district, was superseded for the period from 16th September 1959 to 15th September 1960. Vilathikulam Panchayat in the Koilpatti taluk of Tirunelveli district remained superseded during the period from 23rd July 1958 to 22nd July 1959.

(b) The above panchayats were superseded on account of mal-administration due to faction, etc., among the members of the panchayat.

(c) One thousand seven hundred and eighty-two panchayats were brought into existence from 1st April to 30th November 1960.

DR. A. CHIDAMBARANATHAN : விளாத்திகுளம் பஞ்சாயத்து போர்டையும் கோம்பை பஞ்சாயத்து போர்டையும் இப்போது புதுப்பித்திருக்கும்பொழுது அவை சரியாக நடைபெறும் என்று அரசாங்கம் நினைக்கிறதா? அதற்கு வேண்டிய பாதுகாப்பும் சீர்திருத்தமும் எல்லாம் செய்யப்பட்டுள்ளனவா?

1st April 1961]

THE HON. SRI R. VENKATARAMAN : நம்பிக்கைதான். நல்ல முறையில் நடக்குமென்று எதிர்பார்க்கிறோம். ஏனென்றால் தவறாக நடந்து ஒருமுறை சூப்பர்சீட் ஆனால் மறுபடியும் நல்ல முறையில் நடப்பதற்கு வழி இருக்கவேண்டும். ஆகையால் அதைப் பொருத்து இது சரியாக நடக்குமென்று எதிர்பார்க்கிறோம்.

Transfer of Government Servants

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

(a) whether the Government are aware that Government servants are frequently transferred and transferred in the middle of the year; and

(b) the principles on which the transfers are generally made?

THE HON. SRI R. VENKATARAMAN : (a) & (b) Government have issued instructions that frequent and unnecessary transfers should be avoided in the interest of economy as well as the convenience of the officers. These general instructions are, however, subject to exigencies of public service.

DR. A. SREENIVASAN : Is it a fact that very often, without the least provocation, certain Government servants are transferred to far-off places and that the education of their children is interfered with, since they are not able to run two establishments?

THE HON. SRI R. VENKATARAMAN : That could not be correct because definite instructions have been issued that the officers should not be transferred within a period of three years and that if officers are transferred within a period of three years, they will have to record the special reasons for the transfer and submit the same to their superior officers. I do not think transfer is indiscriminately ordered.

Agricultural co-operatives

* 225 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Industries be pleased to state—

(a) the number of agricultural co-operatives, districtwar in the Madras State as on 1st January 1961;

(b) the nature of the help and guidance given by them to the farmers; and

(c) the subsidy, if any, given by the Government to them?

THE HON. SRI R. VENKATARAMAN : (a) to (c) The answer * is placed on the table of the House.

SRI T. P. SRINIVASAVARADAN : Are the Government aware that the short-term and medium-term loans given to farmers by the agricultural banks are not used for the purpose for which they are intended?

THE HON. SRI R. VENKATARAMAN : Government cannot be aware of that except by way of general criticism. If particular instances are brought to their notice, they will look into them.

---

* Printed as Appendix I on pages 162–163 infra.

SRI T. P. SRINIVASAVARADAN : What is the average membership of a society?

THE HON. SRI R. VENKATARAMAN : It depends upon the type of society. A rural agricultural credit society may have anything between 200 and 300 members and agricultural banks may have 1,000.

SRI T. P. SRINIVASAVARADAN : Have the societies helped to increase agricultural production? Are Government satisfied?

THE HON. SRI R. VENKATARAMAN : Government are satisfied that increased co-operative credit has been given to agriculturists.

SRI T. P. SRINIVASAVARADAN : Have they helped in eliminating the middlemen between tenants and big religious and other institutions?

THE HON. SRI R. VENKATARAMAN : Obviously it is not possible to eliminate middlemen. The co-operative credit given in the State, which I think, is the highest in India, covers only 30 per cent of the credit needs of the agricultural population. The other portion is met from other sources.

DR. A. SREENIVASAN : Have they been able to recover all loans?

THE HON. SRI R. VENKATARAMAN : It is too general a question. Unless particular instances are given, it is not possible to answer.

SRI T. P. SRINIVASAVARADAN : Are overdues more than 20 per cent of borrowings?

THE HON. SRI R. VENKATARAMAN : He may put a separate question.

Coimbatore District Co-operative Central Stores

* 226 Q.—DR. A. SREENIVASAN (on behalf of SRI M. SUBBIAH CHETTIAR) : Will the Hon. the Minister for
3-10 p.m. Industries be pleased to state—

(a) whether any instances of defalcations have been brought to the notice of the Government in regard to the Coimbatore District Co-operative Central Stores; and

(b) if so, the amounts involved and the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN : (a) Yes, Sir.

(b) The matter is under investigation.

Co-operative Spinning Mill

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

(a) whether there is any proposal to open co-operative Spinning Mill at Kancheepuram; and

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

THE HON. SRI R. VENKATARAMAN : (a) Yes, Sir.

(b) The grant of licence from the Government of India is awaited.

SRI S. K. SAMBANDHAN : *மற்ற ஜில்லாக்களிலும் ஏதாகிலும் இந்த, கூட்டுறவு நெசவாலைகள் ஏற்படுத்துவதற்கு அரசாங்கத் திடம் இப்போது திட்டம் இருக்கிறதா என்பதை அமைச்சர் அவர்கள் சொல்வார்களா ?*

THE HON. SRI R. VENKATARAMAN : *சமீபத்தில் ஒரு கூட்டுறவு மில் கொடுக்கப்பட்டது. இதற்கு முன்பு 3 கூட்டுறவு மில்கள் நடந்துகொண்டு இருக்கின்றன. இரண்டு கட்டப்பட்டு வருகின்றன. மூன்றாவது ஐந்தாண்டுத் திட்டத்தில் மேற்கொண்டு இன்னும் மூன்று இடங்களில் கூட்டுறவு மில்கள் கொடுக்கவேண்டு மென்று கேட்டிருக்கிறோம்.*

SRI S. K. SAMBANDHAN : *அந்த மூன்று இடங்கள் எவை யென்பதை அமைச்சர் அவர்கள் சொல்வார்களா ?*

THE HON. SRI R. VENKATARAMAN : *அதை இப்போது சொல்லமுடியாது.*

SRI S. K. SAMBANDHAN : *தென்னாற்காடு மாவட்டம் நெசவுத் தொழிலில் பெயர்போனதாக இருக்கிறது. அங்கு ஒரு கூட்டுறவு மில் ஏற்படுத்துவதற்கு அமைச்சர் அவர்கள் ஏதாவது உறுதி கூறமுடியுமா ?*

THE HON. SRI R. VENKATARAMAN : This is only a request and not an interpellation. (Laughter.)

SRI A. K. THANGAVEL MUDALIAR : *காஞ்சீபுரம் கூட்டுறவு ஸ்பின்னிங் மில் தனிப்பட்டவர்களுக்காகவா ? கூட்டுறவு மூலமாகவா ?*

THE HON. SRI R. VENKATARAMAN : *கூட்டுறவு மூலம் தான்.*

Industrial Training Centre

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

(a) whether any Industrial Training Centre for women is functioning in the State; and (*b*) if so, the number of persons undergoing training in this Centre at present?

THE HON. SRI R. VENKATARAMAN: (*a*) & (*b*) There is one Government Industrial Training Centre and 16 private aided Industrial Schools run exclusively for women in this State. A statement containing the number of persons undergoing training in these institutions, and the trade and the duration of the courses of study is placed on the table of the House.

DR. A. CHIDAMBARANATHAN: ஐயா, அரசாங்க ஆதரவில் நடைபெறுகிற சென்னை சேவா மன்றத்திலேகூட ஒரு (டி.டி.சி. வகுப்பு) ஆசிரியர் பயிற்சி வகுப்பு வைக்கும் எண்ணம் அரசாங்கத்திற்கு உண்டா?

THE HON. SRI R. VENKATARAMAN: இப்போது அந்த விதமான யோசனை இல்லை.

DR. A. CHIDAMBARANATHAN: அதைப்பற்றி அரசாங்கம் கவனிக்குமா என்று அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN: யோசனையை அங்கத்தினர் அவர்கள் எழுதியனுப்பினால் இலாகாவுக்கு அனுப்பப்பட்டு பரிசீலிக்க முடியும்.

Bakery Industry

* 229 Q.—SRI T. P. SRINIVASAVARADAN: Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether any representation has been received from bakery owners in the State to exempt bakery industry from payment of sales tax; and

(*b*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI. R. VENKATARAMAN: (*a*) Yes, Sir.

(*b*) The request was not complied with.

SRI T. P. SRINIVASAVARADAN: May I know the nature of the representation made?

THE HON. SRI R. VENKATARAMAN: They wanted exemption from sales tax.

SRI T. P. SRINIVASAVARADAN: Are not buns and loafs of bread perishable articles?

THE HON. SRI R. VENKATARAMAN: Yes, that is an argument but the Government decision is that it cannot be complied with.

Lignite Project

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

(*a*) whether it is a fact that the Minister for Finance held discussions with the authorities of the Neyveli Lignite Corporation with regard to the progress of Lignite Project; and

(*b*) the stage of the progress made in the project?

THE HON. SRI R. VENKATARAMAN: (*a*) & (*b*) The answer [a] is placed on the table of the House.

VIDWAN T. MUTHUKANNAPPAN: மொத்தம் எவ்வளவு நிலக்கரி புதையல் கிடைக்கும்? எத்தனை நூற்றுண்டுகள் அந்த வேலை நீடிக்கும் என்று தோராயமாகக் கணிக்கப்பட்டிருக்கிறதா?

THE HON. SRI R. VENKATARAMAN: நூறு சதுரமைல்களுக்கு நிலக்கரி இருப்பதாக இப்போது எஸ்டிமேட் போடப்பட்டிருக்கிறது. ஆனால் இப்போது ஒன்றும் பயன்படும்படியான நிலைமை இல்லை.

VIDWAN T. MUTHUKANNAPPAN: நெய்வேலி வேலை பூரணமாக செயல்பட எத்தனை ஆண்டுகள் ஆகும் என்று எதிர்பார்க்கப்படுகிறது?

THE HON. SRI R. VENKATARAMAN: எந்த வேலை என்று குறிப்பிட்டால் சொல்லமுடியும். அங்கு பலதரப்பட்ட வேலைகள் நடக்கப்போகின்றன.

(1) மின்சாரம்
(2) உரத்தயாரிப்பு
(3) நிலக்கரி அச்சுகள் தயாரிப்பு
(4) க்ளே வாஷிங்

இப்படி பல காரியங்கள் அங்கே செய்யப்படுகின்றன. அவையெல்லாம் 1965-66-க்குள் பூர்த்தியாகலாம் என்று நினைக்கிறோம்.

VIDWAN T. MUTHUKANNAPPAN: நெய்வேலி நிலக்கரியையும் சேலம் இரும்பு தாதுப்பொருள்களையும் கொண்டு இரும்பு எஃகு உற்பத்தி இயந்திரம் தமிழ்நாட்டில் நிறுவுவது சாத்தியம் என்ற நம்பிக்கை அரசாங்கத்திற்கு ஏற்பட்டிருக்கிறதா?

THE HON. SRI R. VENKATARAMAN: அது பரிசீலனை செய்யப்பட்டு பூர்வாங்க அறிக்கையில் நம்பிக்கை ஊட்டுவதாக இருக்கிற காரணத்தால் அதற்குப் பணம்கூட ஒதுக்கி இருக்கிறோம். மூன்றாவது ஐந்தாண்டுத் திட்டத்தில் அது சேர்க்கப்பட்டு அதற்கும் பணம் ஒதுக்கப்பட்டிருக்கிறது.

VIDWAN T. MUTHUKANNAPPAN: இந்த ஆலை சேலத்தில் நிறுவப்படுமா அல்லது நெய்வேலியில் நிறுவப்படுமா?

THE HON. SRI R. VENKATARAMAN: அதை இப்போது சொல்வதற்கில்லை.

MR. CHAIRMAN: Questions are over.

---

[a] Printed as Appendix III on page 166 infra.

[*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 received a message from the Governor of Madras recommending to the Legislative Council the consideration of the Land Acquisition (Madras Amendment) Bill, 1961.

(2) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN : I have also received messages from the Deputy Speaker, Legislative Assembly, transmitting copies of the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961) and the Indian Stamp (Madras Amendment) Bill, 1961 (L.A. Bill No. 14 of 1961) as passed by the Assembly for the recommendations of the Council and certifying that the Bills are Money Bills within the meaning of Article 199 of the Constitution of India.

I have also received a message from the Deputy Speaker, Legislative Assembly, transmitting a copy of the Madras Entertainments Tax (Amendment) Bill, 1961 (L.A. Bill No. 13 of 1961) as passed by the Assembly, for the concurrence of the Council.

I have further to announce to the House the following message received from the Deputy Speaker, Legislative Assembly :

' In accordance with sub-rule (1) of Rule 123 of the Madras Legislative Assembly Rules, I have the honour to intimate that the amendments made by the Council in respect of the Madras Chit Funds Bill, 1961 (L.A. Bill No. 5 of 1960) were taken into consideration by the Assembly at its meeting held on the 29th March 1961 and that the Assembly has accepted the amendments.'

I have the honour also to intimate that the following consequential amendment has also been made by the Legislative Assembly :

' In clause 64, as renumbered omit the words ' or as compensation for the composition of any offence under this Act '.

The amendment is sent for the concurrence of the Council.

Annexure

In clause 21, after sub-clause (3) add the following Explanation :—

" *Explanation.*—For the purposes of sub-section (3), ' arrears of subscriptions ' shall mean all the previous instalments realised from the substituted subscriber '.

Delete clause 59.

Renumber clauses 60 to 70 as clauses 59 to 69.

III.—GOVERNMENT MOTION.

(1) MOTION UNDER RULE 23 (1) OF THE MADRAS COUNCIL RULES *re.* TRANSACTION OF GOVERNMENT BUSINESS ON A NON-OFFICIAL DAY.

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

'That rule 23 (1) of the Madras Council Rules be suspended and this House do resolve to transact Government Business on Saturday, the 1st April, 1961 '.

MR. CHAIRMAN : The question is—

' That rule 23 (1) of the Madras Council Rules be suspended and this House do resolve to transact Government Business on Saturday, the 1st April, 1961 '.

The motion was put and carried.

IV.—GOVERNMENT BILLS.

(1) THE LAND ACQUISITION (MADRAS AMENDMENT) BILL, 1961 (L.A. BILL NO. 11 OF 1961).

MR. CHAIRMAN : The Hon. the Minister for Revenue will now move the Bill.

THE HON. SRI R. VENKATARAMAN : Sir, on behalf of the Hon. the Minister for Revenue I move . . .

* DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, may I have a point of submission to make to the Chair? We are accustomed to empty benches opposite us and we have reconciled ourselves so far as Hon. Ministers may find important duties to perform when Bills which do not refer to them are considered by this House. Even in regard to questions we have reconciled ourselves to the position that some other Minister may answer on behalf of the Minister who should properly answer them. But, Sir, I should take very strong objection to the practice that is going on in this House in recent years, and I can speak with some knowledge because I have been here as an oldest member for the last fifteen years, that Ministers who are responsible for moving the Bills do not care to be present to move them. I consider this and I say that deliberately that it is in every way a discourtesy shown to this House. I cannot understand why, when the Council has been duly called and all Members are asked to be present irrespective of inconveniences, at least the Hon. Minister in charge of the Bill should not be present here to move the Bill. By that I do not mean to suggest that the Hon. the Leader of the House is not capable of moving it. In fact I am glad he is moving it. Let me tell him that frankly. But that is not the point. I raise this constitutional issue for your favourable consideration, Sir, that you, as the Chairman of this House, must insist on the Minister who is in charge of the Bill to be present in the House when it is moved so that he may follow the discussion and think about it because he has to frame the rules and he is also responsible for the rules

[Dr. A. Lakshmanaswami Mudaliar] [1st April 1961

framed under the Act. It is not the only fact. I am sure unless the Hon. Minister finds that he is indisposed or physically incapacitated from coming to the House, his first duty should be to the House and not to any function that he might have arranged at a time when he probably did not know whether the House would meet or not. That is my first submission.

The second submission, I shall not raise because you have been pleased to say that it must be discussed further. But I would submit once more that for considering important measures like this, which affect thousands of people, we should be given the necessary notice according to the Statutory rules. We should like to have the statutory provision observed that these Bills should be in the hands of the Members of the Council at least three days before
3-20 p.m. the Bill is taken up for consideration. This Bill, I understand, was passed yesterday in the other House. Some hon. Members of the Council told me that they received copies of the Bill only last night. As a matter of fact, I received the copy of the Bill only this morning. I think it is a serious matter, particularly when this is a Money Bill. It is not as if an emergency has arisen. It is not as if the lands will all be sold away in two days time and we cannot discuss it after two days. While I accept the position that you have asked us to accept without demur, I respectfully submit for your consideration once more that you may be pleased to take our viewpoint into consideration and give the necessary three days' notice for consideration of this Bill.

Yet another point I want to submit, Sir, is that this Bill is called a Bill to amend the Land Acquisition Act. Do this Government expect every one of us to buy a copy of the Land Acquisition Act? I have repeatedly stated that when these small beautiful chits are passed on to us, they carry no meaning whatsoever, unless the original Act is also made available to us. It is no good saying that the original Act is kept in the Library. There are persons who may not find it possible to go to the Library. Sir, on one famous occasion when an Act was not placed on the table during a former ministry's time, we did insist upon the Act being made available. I think, Sir, you are aware of that position, and the House was then adjourned for two days. Copies of that Act were then placed in the hands of the Members of the Legislature, and that created a sensation. Because, they were then able to understand how the Act that was presented was totally and erroneously presented to the House. I respectfully beg to invite the attention of the Members of the House and the Members of the Treasury Bench to these points, and I hope and trust that it will not be my painful duty to refer to this again.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, with regard to the observations by the distinguished Leader of the Opposition, I want to submit that occasions when one Minister deputises for another Minister are very rare except during question-

1st April 1961] [Sri R. Venkataraman]

hour. When Bills are taken up, generally it is the Minister in-charge who pilots. But I cannot say that no occasion will arise on which another Minister will not be called upon to take charge of the Bill and pilot it. Therefore, while I appreciate the points raised by the distinguished Leader of the Opposition, I cannot say that it should be made an inflexible rule that only the Minister in-charge should pilot the Bill.

SRI S. NATARAJAN : At least he should be present when the Bill is taken up.

THE HON. SRI R. VENKATARAMAN : It all depends upon the exigencies of public administration. It is not possible to say that on all occasions he can be compelled to be present when the Bill is taken up for consideration.

With regard to the second point, Sir, I am not in a hurry to get this Bill passed to-day. If the House agrees to sit on the 3rd April or the 4th April, I am quite willing to have it on the 3rd or the 4th. When we put this in the order paper, we thought that the House was anxious to adjourn by the close of this day. If the House is willing to sit on the 3rd, the Government will be perfectly happy. I, for my part, will be prepared to have it on the third if the House so desires. Therefore, Sir, I am quite prepared to leave the matter to you. There are other Bills which can be taken up to-day. I, therefore, agree that the Bill may be taken up on the 3rd April 1961, if the House so desires.

MR. CHAIRMAN : I think the situation is not a very happy one. We do not expect all the Ministers to be in the House everyday, because it is an accepted fact that Ministers have got other business—not the business in the House alone—and particularly they have to be in their constituencies. This is an accepted thing. But I think this is the first time in this House that one Minister has to pilot another Minister's Bill. It may not be very difficult for the Minister in-charge of a Bill to pilot it himself in the Council. Perhaps this is a very exceptional case where the Minister could not possibly be present. But I am sure however that Ministers will take care that this does not recur.

Then, as regards the consideration of this Bill, if it is the opinion of the House that it should be taken up on the 3rd April 1961, I am perfectly agreeable.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, on behalf of the Members on this side of the House, I would plead that the Bill be taken up on the 3rd April 1961.

THE HON. SRI R. VENKATARAMAN : I agree.

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

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, I move—

'That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), as passed by the Legislative Assembly, be taken into consideration on the 3rd April 1961.'

The motion was duly seconded.

MR. CHAIRMAN : The question is—

'That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), as passed by the Legislative Assembly, be taken into consideration on the 3rd April 1961'.

The motion was put and carried.

IV. GOVERNMENT BILLS—*cont.*

(2) THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) BILL, 1961 [a]
(L.A. BILL NO. 13 OF 1961).

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

'That the Madras Entertainments Tax (Amendment) Bill, 1961 (L.A. Bill No. 13 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

Rule 5C (*a*) of the Madras Entertainments Tax Rules, 1939 empowers an officer of the Commercial Taxes Department not below the rank of an Assistant Commercial Tax Officer, to enter and search premises where records, accounts, tickets, etc., are kept, or suspected to be kept by a proprietor in respect of which an offence under the Act is reasonably suspected to have been committed, and to seize all or any of them for the purpose of investigation. The Committee on Subordinate Legislation has recommended the deletion of the rule on the ground that it is beyond the rule-making powers of the Government. The powers vested in the officers of the Commercial Taxes Department under the rule referred to, are necessary to check evasion of payment of entertainments tax by proprietors of entertainments. It is accordingly proposed to incorporate suitable provisions in that behalf in the Madras Entertainments Tax Act, 1939, itself.

It is considered necessary to give the Commercial Tax officials, the powers of a Collector under the Madras Revenue Recovery Act, 1864, and the Madras City Land Revenue Act, 1851, and of the Commissioners under the Madras Rent and Revenue Sales Tax Act, 1839 for purposes of recovery of amounts due, etc., under the Madras Entertainments Tax Act, 1939. For this purpose, it is proposed to incorporate provisions in the Madras Entertainments Tax Act, 1939, on the lines of section 29 of the Madras General Sales Tax Act, 1959 (Madras Act I of 1959). The Bill seeks to achieve the above two objects.

I request the House, Sir, to accept the motion.

MR. CHAIRMAN : Motion moved—

'That the Madras Entertainments Tax (Amendment) Bill, 1961 (L.A. Bill No. 13 of 1961), as passed by the Legislative Assembly be taken into consideration'.

The motion is before the House for discussion.

(After a pause.)

The question is :

a Printed as Appendix IV on pages 167-168 infra.

SRI MOHAMED RAZA KHAN : Sir, I want to speak on the Bill.

MR. CHAIRMAN : The hon. Member must be very quick in rising.

SRI MOHAMED RAZA KHAN : Sir, I support the Government here. I have carefully gone through his speech in the Assembly and I see, except for, if I can so use the term the mistake which he committed in saying that he would order a sudden check in a particular district without mentioning its name, it is all right. Now he has put the people on the alert. He could have used his discretion and avoided making that expression. (The Hon. Sri R. Venkataraman : Nothing wrong). I do not know what purpose is served. With regard to the actual state of affairs, I think the Governmtnt have got some basis as to how this evasion takes place. But although the Madras Government are not directly responsible, it happens in this way. The producers of films have to spend extra money apart from what is mentioned in documents and agreements. Some extra money is paid to the actors and actresses, and then this is passed on to the distributors. When the producers hand only their copies of the film to the distributors, apart from what is obtainable according to the agreement, they demand something extra. These distributors have to resort to the cinema houses either in the city or outside to make up the difference. The Government want to see that there is no evasion of tax. Everybody has to welcome this feature. What provokes me to speak is that I saw from the discussion in the Lower House that evasion was much more in the case of the touring cinemas, without the name of the place being mentioned. I have received a letter—possibly the Minister for Industries also might have received it—wherein it is stated how evasion takes place. If the Hon. Chairman permits, I will hand over this copy to the Hon. Minister.

THE HON. SRI R. VENKATARAMAN : I will be very grateful.

SRI MOHAMED RAZA KHAN : Before I hand it over, let me read one or two sentences from it, without disclosing the name of the talkies that is doing this. It is stated : 3·30 p.m.

"Two kinds of tickets are being sold out daily, one kind bearing some illegible rubber stamp seal presumably of the Office of Dy Commercial Tax-Officer, and the other kind without any seal. It is suspected that the talkies prints simultaneously two books of tickets of same serial number and issues tickets to the public. When such evasion was suspected and enquired by the public the reply by the employee of the Theatre who was selling tickets there is 'it is none of the business of the cinema-goers.' As he was correct in his contention, i.e., 'cannot take daw into their own hand', we are in duty bound to report such things and help the Government in collection of revenue without leakage."

[Sri R. Venkataraman] [1st April 1961

country. It is accordingly desirable that the duty on instruments relating to transfer of debentures and transfer of debenture stocks should also be reduced and fixed at the rate prescribed for transfer of shares.

The quantum of loss of revenue per annum that may result on account of the reduction of stamp duty on transfer of debentures cannot be assessed now. The Bill does not involve expenditure from the Consolidated Fund of the State. The Bill does not also involve delegation of any legislative powers.

I request the House, Sir, to accept the motion.

MR. CHAIRMAN : Motion moved—

"That the Indian Stamp (Madras Amendment) Bill, 1961 (L.A. Bill No. 14 of 1961), as passed by the Legislative Assembly, be taken into consideration."

SRI K. BALASUBRAMANYA AYYAR : Sir, we welcome this very wholesome provision. Probably, in other States this has already been made. Now, we are falling in line with other States. Debentures are marketable securities and they are negotiated in the same manner as shares. The stamp duty on shares has been reduced to 12 annas or 75 naye Paise per hundred and it follows the rate should be the same in the case of debentures. Formerly, they had an *ad valorem* duty on debentures. So, this is a welcome provision and we welcome the Bill.

THE HON. SRI R. VENKATARAMAN : I am grateful to the House for the support it has given. I hope that this piece of legislation will ensure free mobility stocks and shares in our State also.

MR CHAIRMAN : The question is—

"That the Indian Stamp (Madras Amendment) Bill, 1961 (L.A. Bill No. 14 of 1961), 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.

3.40 p.m. THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

"That the Indian Stamp (Madras Amendment) Bill, 1961 (L.A. Bill No. 14 of 1961), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN : Motion moved—

"That the Indian Stamp (Madras Amendment) Bill, 1961 (L.A. Bill No. 14 of 1961), as passed by the Legislative Assembly, be passed."

1st April 1961]

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, I want to suggest one small matter to the Government. In clause 1 (3) it is stated that the Act shall come into force on such date as the State Government may, by notification, appoint. I think this may be given effect to immediately because this is a good thing. Since the Bill has been passed, they need not have a notification provision to bring it into force. They can bring it into force even from the 1st of April, unless they say it is 1st April and it is April Fools day. I do not see any other reason for putting it into force by another notification. The Government can very well do it immediately. That is all my submission, Sir.

* THE HON. SRI R. VENKATARAMAN : The notification provision is there because it was thought it would not be possible to pass the measure before the 31st of March 1961. If we were hopeful of getting the Bill through before that date, we would have put it as the 1st April 1961. So this is only to give the Government time to notify after the Bill is passed.

MR. CHAIRMAN : The question is—

"That the Indian Stamp (Madras Amendment) Bill, 1961 (L.A. Bill No. 14 of 1961), as passed by the Legislative Assembly be passed."

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

(4) THE MADRAS CHIT FUNDS BILL, 1961 (L.A. BILL NO. 5 OF 1961)

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

"That the following further amendment made by the Legislative Assembly in respect of the Madras Chit Funds Bill, 1961 (L.A. Bill No. 5 of 1960), as passed by the Legislative Council, be taken into consideration :—

Clause 64.

In clause 64, as renumbered, *omit* the words 'or as compensation for the composition of any offence under this Act."

Sir, you will remember that this House deleted clause 59 relating to composition of offences. But in clause 64 provision has been made for composition of offences. That has not been removed when we discussed the clause here. Therefore the further amendment made by the Assembly may be accepted.

MR. CHAIRMAN : Motion moved—

"That the following further amendment made by the Legislative Assembly in respect of the Madras Chit Funds Bill, 1961

[Mr. Chairman] [1st April 1961

(L.A. Bill No. 5 of 1960), as passed by the Legislative Council, be taken into consideration :—

Clause 64.

In clause 64, as renumbered, *omit* the words ' or as compensation for the composition of any offence under this Act."

SRI K. BALASUBRAMANYA AYYAR : I would only like to know whether this has again to go to the Assembly. That is all.

THE HON. SRI R. VENKATARAMAN : No, this is only an amendment which was carried in the Assembly. It has come before the House for concurrence.

MR. CHAIRMAN : They have accepted the amendment made by this House and made a consequential amendment. That has come here for concurrence.

THE HON. SRI R. VENKATARAMAN : Yes.

MR. CHAIRMAN : The question is—

" That the following further amendment made by the Legislative Assembly in respect of the Madras Chit Funds Bill, 1961 (L.A. Bill No. 5 of 1960) as passed by the Legislative Council, be taken into consideration :—

Clause 64.

In clause 64, as renumbered, *omit* the words ' or as compensation for the composition of any offence under this Act."

The motion was put and carried.

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

" In clause 64, as renumbered, *omit* the words " or as compensation for the composition of any offence under this Act."

The amendment was put and carried.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Monday, the 3rd April 1961.

The House then adjourned.

VI. PAPERS LAID ON THE TABLE OF THE HOUSE.

264. *Twelfth Report of the Committee on Subordinate Legislation of the Legislative Assembly (Second Assembly).*

265. *Notification issued with G.O. Ms. No.* 3322, *Home, dated* 21*st October* 1960 *regarding amendment to the Madras Motor Vehicles Rules*, 1940.

1st April 1961]

266. *Review of Second Five-Year Plan of Madras State (Tamil version).*

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

(1) *The Land Acquisition (Madras Amendment) Bill,* 1961 (*L.A. Bill No.* 11 *of* 1961).

(2) *The Madras Entertainments Tax (Amendment) Bill,* 1961 (*L.A. Bill No.* 13 *of* 1961).

(3) *The Indian Stamp (Madras Amendment) Bill,* 1961 (*L.A. Bill No.* 14 *of* 1961).

* Sent by special messengers to all M. L. Cs. on 30th March 1961.

[1st April 1961

APPENDIX I.

[Vide answer to starred question No. 225 asked by Sri T. P. Srinivasavaradan at the meeting of the Legislative Council held on 1st April 1961, page 145 supra.]

A.—(*a*) The particulars regarding the agricultural co-operatives of various types functioning in the various districts as on 1st January 1961 are given below:—

Serial number and name of the district.	*Number of agricultural credit societies.*	*Number of agricultural banks.*	*Number of rural banks.*	*Number of credit unions.*	*Number of multi-purpose co-operative societies formed as adjuncts to credit unions.*
(1)	(2)	(3)	(4)	(5)	(6)
1 Chingleput	757	33	3	18	58
2 Coimbatore	859	31	3	7	16
3 Kanyakumari	152	13	..	2	8
4 Madurai	961	42	1	9	33
5 Nilgiris	144	21	2	..	..
6 Ramanathapuram ..	830	20	2	38	152
7 Salem	660	37	2	..	..
8 Thanjavur	1,233	30	2	21	51
9 Tiruchirappalli ..	785	30	2	10	33
10 Tirunelveli	759	19	1	12	33
11 North Arcot	1,032	31	2	20	76
12 South Arcot	1,196	22	2	13	47
Total ..	9,368	329	22	150	507

(*b*) The agricultural co-operatives provide the farmers with short and medium-term loans for agricultural purposes, such as cultivation operations, purchase of seeds, fertilizers, agricultural implements, sinking or deepening of wells, installation of pump sets, etc. They charge 6¼ per cent per annum as interest on short-term loans and 7·2 per cent per annum as interest on medium-term loans. These rates are low when compared to the rate of interest levied by private money lenders. These societies also attend to certain service functions such as supply of agricultural requisites, arranging for the sale of the members' produce, advancement of loans to members on the pledge of their produce to enable them to hold their produce for a better market, provision of godown facilities, etc.

1st April 1961]

(*c*) Government are extending financial assistance to the agricultural co-operatives for the following purposes:—

(i) Subsidies are being allowed for the employment of paid managerial staff by the village societies newly organized and the societies taken up for development under the revitalization programme at the rate of Rs. 900 per society spread over a period of five years. In the case of agricultural banks and credit unions, such subsidies are allowed at the rate of Rs. 2,400 per bank or union spread over a period of three years and five years, respectively.

(ii) Financial assistance by way of loan up to Rs. 7,500 and subsidy up to Rs. 2,500 is being allowed to each agricultural or rural bank for the construction of office buildings with strong rooms for the safe custody of jewels and other valuables pledged with them by their members.

(iii) For the construction of godowns, rural credit societies are given assistance up to Rs. 10,000 per godown (Rs. 5,000 as loan and Rs. 5,000 as subsidy) and agricultural and rural banks up to Rs. 15,000 per godown (Rs. 10,000 as loan and Rs. 5,000 as subsidy).

(iv) The District Co-operative Central Banks are given subsidies for a period of three years on a tapering scale to enable them to employ necessary additional supervisory staff to supervise the agricultural co-operatives affiliated to them and help them in the matter of sanction and recovery of loans, writing up of accounts, etc.

[1st April 1961

APPENDIX II.

[Vide answer to starred question No. 228 asked by Dr. A. Chidambaranathan at the meeting of the Legislative Council held on 1st April 1961, page 148 supra.]

Industrial Training Centre for Women.

Serial number and name of institution. (1)	*Trade taught and duration of the course of study.* (2)		*Number on rolls.* (3)
(a) GOVERNMENT INSTITUTIONS.			
1 Industrial Training Centre attached to Stree Seva Mandir, Madras.	1 Book binding	One year.	12
	2 Bleaching, dyeing and printing.	Do.	9
	3 Cutting and tailoring	Do.	33
	4 Embroidery and needle work..	Do.	14
	5 Hand-weaving	Do.	18
	6 Knitting with hand and machine.	Do.	10
(b) PRIVATE AIDED INSTITUTIONS.			
2 Seton School of Embroidery and Needle Work, Madras.	1 Needle Work, Dress Making and Embroidery.	Two years.	51
	2 T.T.C. in Dress Making ..	One year.	13
3 St. Joseph's Industrial School, Mylapore, Madras.	1 Needle Work, Dress Making and Embroidery.	Two years.	22
4 St. Joseph's Industrial School, Georgetown, Madras.	1 Do.	Do.	26
5 St. Anne's Industrial School, Royapuram, Madras.	1 Do.	Do.	31
	2 Weaving	Do.	8
6 Madras Seva Sadan Industrial School, Chetput, Madras.	1 Needle Work, Dress Making and Embroidery.	Do.	47
	2 T.T.C. in Dress Making, Needle Work and Embroidery.	One year.	11
7 Rani Rajyalakshmi Industrial School, Mylapore, Madras.	1 Needle Work, Dress Making and Embriodery.	Two years.	34
8 Madras Hindu Sevak Sangh Industrial School, Madras.	1 Do.	Do.	25
9 Church of South India Industrial School, Ikkadu, Chingleput.	1 Do.	Do.	2[illegible]
10 St. Cecily's Industrial School, Kumbakonam.	1 Needle Work, Dress Making and Embroidery.	Do.	47
	2 Weaving	Do.	40
11 Holy Cross Industrial School, Golden Rock, Tiruchirappalli.	1 Needle Work, Dress Making and Embroidery.	Do.	40
	2 T.T.C. in Dress Making, Needle Work and Embroidery.	One year.	15
12 St. John De Britto Industrial School, Tiruchirappalli.	1 Do.	Do.	4
	2 Needle Work, Dress Making and Embroidery.	Two years.	21
	3 Weaving	Do.	24

1st April 1961]

Industrial Training Centre for Women—cont.

Serial number and name of institution. (1)	*Trade taught and duration of the course of study.* (2)		*Number on rolls.* (3)
(b) PRIVATE AIDED INSTITUTIONS—*cont.*			
13 Sacred Heart Technical School, Cuddalore.	1 Needle Work, Dress Making and Embroidery.	Two years.	21
14 Holy Family Industrial School, Gnanaolivupuram, Madurai district.	1 Do.	Do.	37
15 R.C. Lace Industrial School, Vadakangulam, Tirunelveli district.	1 Do.	Do.	25
16 Kasturibai Gandhi Harijan Women's, Tailoring and Embroidery Training Centre, Salem.	Cutting and Tailoring	One year.	25
17 Hindu Girls' Lace Industrial Lace Making School, Kudankulam, Tirunelveli district.	Lace Making	Do.	27

[1st April 1961

APPENDIX III.

[Vide answer to starred question No. 230 asked by Vidwan T. Muthukannappan at the meeting of the Legislative Council held on 1st April 1961, page 149 supra.]

A.—(*a*) Yes, Sir.

(*b*) Out of the total quantity of 27 million cubic yards of overburden to be removed from the first mine cut area to mine 3½ million tons of lignite, and about 20 million cubic yards to be removed to win smaller initial quantities needed for the Power Station, a quantity of 15·65 million cubic yards was removed up to the end of December 1960. Further work is in progress.

Supply of working drawings for most of the items for the Thermal Power Station were received. Civil works were taken up. Work on Administrative Buildings, Canteen, Time Office, Lake Pump House, Service House, Compressor Building, etc., was completed. Work in Main Power House Stacks, Cooling Tower, Coal Receiving Bunker, Crusher House, Turbo Generator, Gallaries, 110 KV and 33 KV Yard, etc., is in different stages of progress. The Russian Engineers had arrived at site for the works. They are rendering technical assistance. The component parts for Boiler Unit I and Turbo Generator Unit I have begun to arrive at site.

Contracts were concluded with Messers. Ansaldo, Italy, and P.B.L., West Germany for the supply of various groups of plant, machinery and equipment required for the Fertilizer Scheme. Final design drawings were received for a number of items coming under different groups of the Unit. Preparation of final design drawings is in progress for some items while basic drawings and designs are under preparation for the remaining items. Civil works for the installation of the plant are in progress. The first shipment of plant and machinery is expected to be received shortly and erection work will commence, after the equipment is transported to site.

The tenders received for the supply and erection of the Briquetting and Carbonization Plant are under consideration.

The tenders received for the supply and errection of the Clay Washing Plant were finalized and the contract was signed on 13th September 1960. The preliminary layout d[illegible] the Plant were received and they were under study. for civil works have been received and the work or building, main factory building, etc., has commenced.

1st April 1961]

APPENDIX IV.

[*Vide* item IV (2) on page 154 supra.]

L.A. BILL No. 13 OF 1961.

(As passed by the Assembly)

A Bill further to amend the Madras Entertainments Tax Act, 1939.

WHEREAS it is expedient further to amend the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), for the purposes hereinafter appearing;

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

1. *Short title.*—This Act may be called the Madras Entertainments Tax (Amendment) Act, 1961.

2. *Insertion of new section* 10-*A in Madras Act X of* 1939.—After section 10 of the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939) (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

" 10-*A*, *Special powers of prescribed authority under Revenue Recovery Act.*—(1) The authority prescribed under sub-section (1) of section 7-A shall have the powers of a Collector under the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864), and the Madras City Land Revenue Act, 1851 (Central Act XII of 1851), as amended by the Madras City Land Revenue (Amendment) Act, 1867 (Madras Act VI of 1867), for the purposes of recovery of any tax due under this Act.

(2) Subject to the provisions of sub-section (3), the said authority shall, for the purposes of recovery of any tax due under this Act, have the powers of the Commissioners under the Madras Rent and Revenue Sales Act, 1839 (Central Act VII of 1839), for the sale of property distrained for any tax due under this Act.

(3) Notwithstanding anything contained in the Madras Rent and Revenue Sales Act, 1839 (Central Act VII of 1839), the said authority in the exercise of the powers conferred by sub-section (2) shall be subject to the control and superintendence of his superior authorities."

3. *Insertion of new section* 12-*A in Madras Act* X *of* 1939.—After section 12 of the principal Act the following section shall be inserted, namely :—

" 12-A. *Powers of entry, search and seizure.*—(1) If any officer authorized by the State Government in this behalf has reasonable ground to suspect that a contravention of the provisions of this Act or the rules made thereunder has been committed, he may enter and search at all reasonable times any premises where books, records, accounts, registers, tickets, used and unused, and portions thereof, or any other article connected therewith are kept or suspected to be kept by proprietor of an entertainment, and, may,

[1st April 1961

for reasons to be recorded in writing, seize such books, records, accounts, registers, tickets, used and unused, and portions thereof, or any other article connected therewith as he may consider necessary, and shall give the proprietor or the person in charge of the premises a receipt for the same. The books, records, accounts, registers, tickets and portions thereof, or any other article so seized shall be retained by such officer only for so long as may be necessary for the purpose of investigation.

(2) If any person prevents or obstructs entry, search or seizure by any such officer, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be punished with fine which may extend to five hundred rupees."

APPENDIX V.

[Vide item IV (3) on page 157 supra.]

L.A. BILL No. 14 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Indian Stamp Act, 1899, in its application to the State of Madras.

WHEREAS it is expedient further to amend the Indian Stamp Act, 1899 (Central Act II of 1899), in its application to the State of Madras, for the purpose hereinafter appearing;

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

1. *Short title, extent and commencement.*—(1) This Act may be called the Indian Stamp (Madras Amendment) Act, 1961.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of Schedule I to Central Act II of* 1899.—In Schedule I to the Indian Stamp Act, 1899 (Central Act II of 1899), as amended by the Indian Stamp (Madras Amendment) Act 1958 (Madras Act XIV of 1958), in entry 60, for clause (*b*), the following clause shall be substituted, namely :—

"(*b*) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for the section 8;	Seventy-five naye Paise for every hundred rupees or part thereof for a consideration equal to the face amount of the debenture".

THE MADRAS LEGISLATIVE COUNCIL

Monday, the 3rd April 1961.

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.

MR. CHAIRMAN : Question No. 231.

As the hon. Member Sri T. P. Srinivasavaradan is not in his seat the question and the answer thereto will be printed in the Official Report of the proceedings.

Tiruvallur Municipality

* 231 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Revenue be pleased to state whether any representation has been received from Tiruvallur Municipality in August, 1960 about the inadequate supply of water and if so, the action taken or proposed to be taken thereon?

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

The Municipal Council addressed the Government for according sanction for diversion of Rs. 15,000 from General Fund Account capital, to Water-Supply and Drainage Account, for immediate execution of certain water-supply works, due to very acute water-supply position. The Commissioner has been informed that sanction of Government is necessary only for diversion of earmarked funds and that the additional allotment may be made by reappropriation from the General Account and the fact reported to the auditors.

Government land

* 232 Q.—SRI MOHAMMED RAZA KHAN : Will the Hon. the Minister for Revenue be pleased to state :—

(*a*) whether the Government have leased or sold any land to the Reserve Bank of India, the Madras Port Trust and the All-India Radio, Madras; and

(*b*) if so, the terms and conditions under which they have been leased or sold?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Minister for Revenue) : (*a*) Yes.

(*b*) A statement[a] is placed on the table of the House.

Guineaworm

* 23. Q.—SRI S. NATARAJAN (on behalf of SRI T. P. SRINIVASAVARADAN) : Will the Hon. the Minister for Revenue be pleased to state whether any report has been received from the

[a] Printed as Appendix I on pages 203-204 infra.

[3rd April 1961

health authorities in the Chingleput district that guineaworm are present in ponds and if so, the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Minister for Revenue): A survey report has been received from the Director of Public Health which shows that certain places in the District were infected. Water sources in the infected places where breeding of cyclops was noticed will be taken up for treatment with chemicals.

VIDWAN T. MUTHUKANNAPPAN: செங்கற்பட்டு ஜில்லாவில் எந்தெந்த இடங்களிலே இந்த நோய் இருப்பதாகக் கண்டு பிடிக்கப்பட்டிருக்கிறது? அதை நிவர்த்திக்க என்ன பரிகாரம் எடுத்துக்கொள்ளப்பட்டது?

THE HON. SRI R. VENKATARAMAN: மதுராந்தகம் தாலுக்காவில் ஓரத்தி கிராமத்திலும், செங்கற்பட்டு தாலுகாவில் சிங்கப்பெருமாள் கோவிலும் இருப்பதாக முதலில் கண்டுபிடிக்கப்பட்டது.

MR. CHAIRMAN: Questions are over.

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

II.—GOVERNMENT BILL.

THE LAND ACQUISITION (MADRAS AMENDMENT) BILL, 1961.
(L.A. BILL NO. 11 OF 1961).

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

'That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961),[a] as passed by the Legislative Assembly, be taken into consideration'.

Under the Land Acquisition Act, 1894, compensation for the lands acquired is payable as laid down in Section 23 of the Act. Section 24 of the Act lays down the conditions which shall be ignored while arriving at the valuation of the lands. The market value as on the date of publication of the Draft 4 (1) notification compensation for damages, other reasonable charges for any shift of residence or place of business and in addition a solatium of 15 per cent of the total market value have to be awarded as compensation for the land acquired. In recent times there have been large increases in the market value of lands in urban areas, including rise in values due to speculative transactions. The consequence has been payment of heavy amounts as compensation to private landholders by Government for acquisition of lands for the very necessary and essential schemes of housing. Naturally, such large payments from the public exchequer to private individuals has limited the quantum of housing schemes that could be taken up by Government. The theory as to property rights has undergone a radical change in all countries making the

[a] Printed as Appendix II on pages 204-205 infra.

3rd April 1961] [Sri R. Venkataraman]

payment of an extra sum of 15 per centum hardly justifiable. In England the payment of this solatium has been given up from 1919. In our own country the Bombay Government have amended the Land Acquisition Act in 1948 to dispense with the payment of solatium in respect of housing schemes. Therefore, it has become necessary for this Government to modify and lay down suitable principles for payment of reasonable compensation for lands acquired for housing schemes.

The Government of India raised the question of freezing the value of lands acquired for housing schemes first in 1957. The Housing Ministers' Conference held in 1957 recommended that the State Government should pass enabling legislation for acquisition of lands at reasonable prices. The Fourth Housing Ministers' Conference at Hyderabad in 1959 reiterated this and recommended that suitable legislation should be passed within 6 months. In pursuance of this it is now proposed to amend the Land Acquisition Act, 1894, to lay down the principles on which compensation is to be awarded for the lands acquired for housing schemes.

It is proposed that the amount of compensation should be the market value of the land on the date of publication of the notification under Section 4 (1) of the Land Acquisition Act, 1894, or its average market value during the five years immediately preceding the date of publication of the draft notification, whichever is less. It is also proposed that the amount of compensation to be awarded should be determined on the basis of the actual use to which land was put on the date of publication of the notification under Section 4 (1) of the Land Acquisition Act, 1894, and not on the basis of the suitability or adaptability of the land for any other use. The rate of payment of solatium has been proposed to be reduced from 15 per cent to 5 per cent.

The Bill provides for the above objects.

I request the House, Sir, to accept the motion.

MR. CHAIRMAN: Motion moved— 3-10 p.m.

'That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), as passed by the Legislative Assembly, be taken into consideration'.

Sri Raza Khan has given notice of an amendment. He will move his amendment now.

SRI MOHAMED RAZA KHAN: Sir, I move—

'That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), as passed by the Assembly, be referred to a Select Committee'.

I shall give the names of members later.

SRI S. NATARAJAN: I second the amendment, Sir.

[3rd April 1961

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

SRI MOHAMED RAZA KHAN : Sir, I have got my sympathy for the Minister for Industries and the Leader of the House and also admiration for him that, sitting alone on the Treasury Benches, and in the absence of the Minister concerned, he is piloting this Bill.

THE HON. SRI R. VENKATARAMAN : I may inform the hon. Member that this is my Bill, because is relates to housing. Only technically the Minister for Revenue is in charge, because he is in charge of land acquisition.

SRI MOHAMED RAZA KHAN : In that case the mistake ought to have been corrected much earlier, and the Bill should have been put in the name of the Minister for Industries.

THE HON. SRI R. VENKATARAMAN : No, it is not correct.

SRI MOHAMED RAZA KHAN : In that case the mistake ought to have been corrected much earlier, and the Bill should have been put in the name of the Minister for Industries.

THE HON. SRI R. VENKATARAMAN : No, it is not correct.

SRI MOHAMED RAZA KHAN : Then why was it given in the name of the Revenue Minister?

THE HON. SRI R. VENKATARAMAN : The purpose for which acquisition of land is made under this Bill is for housing. Land revenue as such, including land acquisition, is within the purview of the Minister for Revenue. Therefore the purpose is mine. The hon. Member need not have any difficulty. I will be able to answer all his criticisms.

SRI MOHAMED RAZA KHAN : I have absolutely no quarrel with the Leader of the House that the Bill is his. However, this matter should have been settled day before yesterday instead of to-day. However, I leave it here.

THE HON. SRI R. VENKATARAMAN : I thought it would be forgotten. Because the hon. Member is raising it again and again, I have to reply.

SRI MOHAMED RAZA KHAN : Sir, just a few words I will say before I speak on my amendment. It is a wholesome principle that during the budget session, important Bills are avoided as far as possible except of course a few Bills which are quite necessary. Bills which replace expiring Acts have to be brought before the House. Sir, I may say that right from the 30th January 1961 until to-day about 24 Bills have been moved and passed in both the Houses. Two important Bills have been referred to Select Committees in the other House. This shows that within a short period of one month or so, we have been asked to deal with about 26 Bills. If I could digress a little bit here,

3rd April 1961] [Sri Mohamed Raza Khan]

I can say that from the 25th February, about 18 Bills have been brought in here and got through. My submission is this. 3-30 p.m. The Hon. Leader of the House is a stickler for rules and regulations so much that we ourselves have many times given up our non-official day for transacting Government business. I do not think it is fair on the part of the Government to bring in important Bills of this kind during the budget session. We are expected to bestow thought and attention on the Budget proposals--on the financial policies of the Government—rather than on Bills and other things. However, it is now too late to suggest anything for this session. At least in future, if the Hon. Leader of the House were to continue here, let him take cognizance of what I have said and avoid such Bills during the budget session.

With regard to my amendment, may I submit that this is a very important Bill which cuts at the root of our fundamental rights? Such an important measure should not have been brought in and pushed through like this. The Hon. Leader of the House himself is in charge of Housing and he has said through the Press, and in the Legislature that as far as the City of Madras is concerned, purchase of house sites for construction of houses has been stopped. He has given a categorical assurance that such schemes will not be undertaken in the City. Therefore, I do not see any reason why this Bill has been brought in. This point requires clarification. I do not think conditions outside Madras City are as difficult either from the financial point of view or otherwise as the Government think. This Bill infringes upon the rights of the people. It is left to the Government to decide whether compensation should be given or not. 'Compensation' is a right which the people have been enjoying all along. Now, the Government cannot suddenly bring in a radical change like this. Unless ample opportunity is given to the public to place their point of view before the Government, this Bill should not be allowed to be passed. And the people cannot place their views before the Government unless the Bill is referred to a Select Committee. The Government cannot get their views either on the legal side or on the factual side of the case. In case my amendment is not accepted, I will reserve my opinion on the provisions of the Bill to be expressed when the Bill is taken up for consideration clause by clause. So, Sir, this is a question of fundamental rights. Government, however powerful or strong, and whatever majority they can command, cannot change the law one fine morning in an arbitrary way. They cannot in one sweep make such radical changes. All along it has been a question of market value. It is not so now, but the average of the last five years or the market rate on the date of notification whichever is less. Another change is the new phraseology, viz., the use to which the land is put. All along, it was not so. With regard to solatium, it is now brought down to five per cent from 15 per cent. The Government have referred to what happened in England and in Bombay. Such an important measure should go before a committee so that the Minister in charge along with the

[Sri Mohamed Raza Khan] [3rd April 1961

members of the Committee could have a detailed discussion and come to an understanding. People who will be affected by this measure should have the right to be heard. I know the Hon. Minister will take shelter under Article 31 of the Constitution but let us remember what Pandit Nehru himself said when the amendment to the Constitution was carried out. He said : 'While we have the power, we will not bring in anything arbitrary and force it upon the people'. Is this Bill not an arbitrary one? The Hon. Minister might also say that Committee means time and labour. But I ask : Where is the urgency for this measure? On the Minister's own statement, as far as the City of Madras is concerned, the Housing Board or the Corporation or the City Improvement Trust cannot undertake any big housing scheme. So, Sir, if this Bill gets through—apart from the snags I have pointed out—it will give only a handle to the Government to think that such measures can be got passed at any time. They will quote this Bill as a precedent in future. At least to prevent such a thing, I say and maintain that this Bill should be referred to a Select Committee.

SRI K. BALASUBRAMANYA AYYAR : Sir, I am not on the question whether we have passed 19 or 20 Bills. Let us not be deflected from our duty to oppose the Bill because it is an important Bill. Whether it is brought in now or at some other time, it has to be opposed, because it seeks to introduce new principles in the matter of compensation. The Land Acquisition Act of 1894 has been there on the Statute Book all these years and now, for the first time, whatever may be the purpose behind it, and every purpose of Government is an important purpose, a new principle is introduced. Whether the principle is good or bad, let us not be deflected from the consideration of its importance. The question is whether a man can be deprived of his property and whether compensation should not be given to him under Article 31 of the Constitution. I mean real compensation, full compensation under the Land Acquisition Act. Sir, this solatium has been prescribed in the Act for the specific reason that the land is acquired compulsorily, and not because acquisition will make any difference from case to case. For the very reason that compulsion is used, solatium has been given. On what ground can that be reduced now? It is compulsory acquisition, whether it is for housing or for anything else. So long as it is compulsory on what principle can the 15 per cent be reduced to five? Is there any urgency for acquisition of land? Is it for the defence of the country? Have the Government got no money? What is this 15 per cent worth today? It is equal to $1\frac{1}{2}$ per cent now. It cannot be reduced to nothing. About the reasons for this reduction, nothing is stated in the statement of objects and reasons.

My second point is, the principles of compensation have been altered. The High Court itself said that if there was a boom in
3-20 p.m. land value in 1920 in Bombay, the advantage thereof could be

3rd April 1961] [Sri K. Balasubramanya Ayyar]

taken by the sellers. The Judges said : 'Can'. The question is : 'Market value on the date of publication'. That has not been changed. What is the market value? It is the value which the seller would get for the property sold in the open market. Therefore what are the conditions that govern the open market, those he can take advantage of? Always it has been accepted that the seller would get the amount if he had sold the property in the open market.

Often it is said that these are speculative transactions. What is the meaning in referring to them as speculative transactions. If a man has purchased a piece of land in 1884 and he continues to possess it till 1960 and wants to sell it in 1960 and by selling it gets some more money is it speculation? There is no question of speculation in that. Speculation is buying and selling for the sake of profit. Sir, words have been used without reference to particular transactions. What is speculation? Have the Government appointed any committee to enquire into cases of speculation? Some speculation there might have been as there has been a spurt in prices of other articles and commodities. Even if there is a spurt in prices, the principle under the Land Acquisition Act all these years has been that the seller can take advantage of that spurt in prices.

Sir, the Government pass some land legislation laws. All people are selling away their lands and coming to the City. They have 20 or 30 crores of rupees with them and they want to buy property. For all these things who is responsible? Nobody is responsible. There are 17 lakhs of people now in the City and they want houses. All these are various considerations. And the seller can always get the price based on the conditions regulating the market. That is all the principle. Now the Government want to go back on that and say " average of five years' price when there was no spurt except some general rise in prices." But now there is a spurt in prices and the towns have become more and more important and people are crowding in towns. Therefore the general economic law regulates these prices and the seller can certainly take advantage of it. The principle so long has been that the seller will get the market value. But still if the Government want to regulate it, let us consider the question deeply in a Select Committee. It is not for the reasons that 19 or so many other Bills have been brought in that we want the Bill to be considered by a Select Committee. Let us go into the whole question and see what are the conditions that make it necessary to make a thorough change in the principles so far followed, the principles which have stood since 1894 to 1860.

So far as the Constitution is concerned it does not say anything except adequacy of compensation. No law can be questioned on the question of adequacy. But this is not a question of adequacy. It is a question of principle. It was argued that every property had an intrinsic value. It was negatived in the High Court. There is no question of any intrinsic value. Value is the one which the seller will get in the open market. That is the only test of value. There is no question of any intrinsic value. The 1894 value will be one thing and the 1960 value will be quite another thing. We are progressing as the Government say. We are in a developing economy when everything develops. When asked about the rise in prices the Government say we are in a developing economy and therefore prices are bound to go up in a developing economy. But when there is this rise in the value of land the Government do not want it.

Sir, this a fundamental principle so far as the Land Acquisition Act is concerned. When property is acquired compensation, full compensation should be given and that is the principle of Article 31 of the Constitution. But the question of adequacy is there but on that account you cannot question any law. But here the Government want to change the principle itself. The compensation will be the average of the past five years and not the market value. Why should he got only the average and not the market value? Market value is there and the Government have not changed it. It is a definition which has been accepted everywhere. Market value is the value which the seller will get in the open market. Therefore this is a question of principle and therefore let us sit together and consider what the great factors are which induced the Government to change this very principle of the law. Let us enquire and let us calmly discuss and find out the reason for changing this principle. That is the only amendment the hon. Member has brought before the House. There is no hurry about the matter. You can have the advantage of the cool climate of Kodaikanal and discuss it in a Select Committee there and come to a conclusion. With the permission of the Chair we can meet at Kodaikanal and come to a decision on the matter. That is all what the hon. Member wants.

* * * *

So far as the motion is concerned, even if we have no Bill during the Budget session and if it involves a question of principle, it should go before a Select Committee, because many transactions dealing with property are involved and many people in the whole of the State in towns like Madurai, Tiruchirappalli, Tinnevelly will be affected. Therefore, I would like the Bill being considered by a Select Committee.

SRI M. SESHACHARIAR: Mr. Chairman, Sir, the objection that was sought to be raised against the Bill is that it affected fundamental rights and therefore it should be referred to a Select Committee. The Statement of Objects and Reasons says that there has been an abnormal increase in the market value of lands in recent times in and around the City of Madras and also in other towns. That nobody can deny. In the last four or five years there has been a rise in prices. This Bill does not fix a date line as in the Bombay Act, which you cannot alter once the

* Expunged as ordered by the Chair.

date is fixed. In this legislation the average of five years prior to the date of notification will be taken into consideration. This important difference we have got to keep in mind with regard to the Bombay Act and this legislation. For the Bombay Act, 1946 is the relevant date. The Courts have held that it would not matter even if an anterior date is fixed in cases where there has been some abnormal rise in prices. That was so in most cases. The Supreme Court also held that anterior date could be fixed and there can be no objection to it. Only it should be relevant. It should be a date when the prices began to rise. That is the only consideration that has to be kept in mind. It is not as if the Courts have said at any time that the prices should never be related to an anterior date. As a matter of fact when the notification under 4 (1) is made it is only some time after that date that the property is taken over. It takes two or three years to acquire the property. (Sri K. Balasubramanya Ayyar: They have to pay for damages. Yes, for damages alone and not for rise in prices. Damage to crop or other things under section 48 alone will be paid and not for other things. If there is a rise in price—it may be two or three years even before the land is taken possession of—there is no question of damage. Therefore the fixing of an average price for five years prior to the date of notification is not illegal. There is no anterior date fixed as in Bombay. As a matter of fact people have been saying everywhere that what was selling for Rs. 1,500 and 2,000 per ground is now selling at Rs. 6,000 to Rs. 7,000. That is what everybody has been complaining. If a poor man or an institution wants to purchase sites, it becomes very difficult.

SRI K. BALASUBRAMANYA AYYAR: Suppose a poor man has a site?

SRI M. SESHACHARIAR: It is impossible. The hon. Member is thinking of the rich men who have cornered a number of sites.

SRI K. BALASUBRAMANYA AYYAR: Sir, I object to the statement of the hon. Member. There may be poor men who may be denied the benefit. Sir, in this House I speak and the other hon. Members speak on behalf of the common people. That is what we assume. But let not the hon. Member say that we are speaking on behalf of the rich men.

SRI M. SESHACHARIAR: A single site or even two or three sites do not matter. I am not referring to them. They are not going to be acquired by the Government. It is large pieces of land that the Government want for housing scheme. Therefore it is a question of people having large property and trying to sell at high prices, creating fictitious documents. We know number of documents have been created during the last two or three years. In a case of this kind, we have seriously to consider what to do. Regarding solatium, I can say this much. It is only an addition to the compensation that is paid. Section 23 (1) 3-30 p.m.

[Sri M. Seshachariar] [3rd April 1961

relates to the compensation, that is, price and section 23 (2) relates to solatium. Solatium is practically a gift, as the Courts say. In the City Improvement Trust Act, no solatium is provided for. Formerly, when land was acquired for slum clearance, solatium was neglected. But now in all cases, no solatium is provided for under the City Improvement Trust Act. Other States also have passed similar legislations. Therefore, Sir, it is not necessary to refer this Bill to a Select Committee.

* DR. A. SREENIVASAN : Sir, I support the amendment so ably moved by my friend Sri Raza Khan. I wish to tell you with all the emphasis at my command that this Bill has got a political background. That is my fear. They are going to take away the land from owners thereof and parcel them out to their favourites. That is the idea. The Government may contradict me and the party men may contradict me. After the lands are acquired, we will know at our cost to whom these lands are going to be given. They will go to certain people who are the favourities of the party in power. Already there is the talk in the town—I do not know about other places—that there will be a sort of rush for the lands that will be acquired by the Government. The Government have not told us and they have not taken us into their confidence as to what they propose to do with the lands to be acquired. What is the *modus operandi* of giving away the land to other people? Are they going to sell the land by public auction or are they going to do it by private negotiations, or are they going to do it by any method that they like in the circumstances or in the exigencies of a political nature? There are, to my knowledge, hundreds of people owning small pieces of land purchased at market value. If those pieces of land are going to be taken away by the Government, will they not be losers? The party in power is talking in season and out of season, about the sufferings of the small man. It is the small man that is going to be hit hard on account of this Acquisition Bill. People talk about the spurt in prices. Why is it so? It is due to the devaluation of the rupee. It is only three annas in value. It has not the full sixteen annas value as it had some time ago. Naturally food prices have gone up, and the prices of other commodities also have gone up. There have been speculations in the field of trade and commerce. Why should this Government come with this Bill at the tail end of their term? The general elections are coming soon. Therefore I put two and two together and come to the conclusion that it has got a strong political motive. (Laughter). People may laugh at me. But they will wring their hands one day when these lands will be given to political favourites. Why is this indecent haste to come forward with this Bill? In 1955 the Central Government passed the Land Acquisition Amendment Bill, and wanted to give any amount of money to the State Governments to acquire lands in order to prevent the soaring of prices. Why did this Government sleep all these days and come forward with a Bill at the tail end of the session and ask us to pass it with cast-iron urgency?

3rd April 1961] [Dr. A. Sreenivasan]

This is nothing to be hurried about. As my friend has ably stated it is a matter that affects the fundamental rights of people. Of course, after this Government came into power, so many fundamental rights have been taken away. This is not going to be the last thing in the matter of losing fundamental rights by the common man.

There is another point also. Why were they between 1959 and now idle? Why did they not make use of the offer made by the Union Government in the matter of acquiring lands and other things in order to prevent rising prices? I may again say that it has got a political motive. At the time when the amendment to Article 31 of the Constitution was passed, what did the Prime Minister say, who is quoted in season and out of season by the party in power in their support whenever it suits them? This is a point which will not suit their purpose. He said that there would be fairness and no discrimination. But there is going to be unfairness and discrimination. All these things will come. Sir, a lot of people have purchased land and invested money on it. Thousands of rupees have been invested on small bits of land purchased at market value. If Government are to take away those pieces of land and give them to Harijans, to pamper them now and then for political purposes, will they be doing the just thing? They have got something up their sleeves which I think it is very difficult for an ordinary man to understand.

SRI M. V. SUDARSANAM NAIDU : தலைவர் அவர்களே, இந்த பில்லை ரொம்ப போற்றக்கூடிய முறையில் கொண்டுவந்து இருப்பதுக்கு நான் நன்றி தெரிவிக்கிறேன். ஏனென்றால் இப்போது ஏழைகளுக்கு வழங்கவேண்டுமென்று சொல்கிறோம். ஒரு பக்கம் ஏழைகளுக்கு நிலம் கொஞ்சம்தான் இருக்கும். பணக்காரர்களுக்குத்தான் நிலம் நிறைய இருந்துகொண்டு இருக்கிறது. அப்படிப்பட்ட நிலங்கள் பல இடங்களில் பல சந்தர்ப்பங்களிலே எங்கேயும் இருக்கும். சில இடங்கள் வீடு கட்டிக்கொள்ளவும், இன்னும் மற்றவைகளுக்கு உபயோகப் படுத்திக்கொள்ளவும் இப்படிப்பட்ட பல சௌகரியங்களுக்கு வசதியாக இருக்கிறது. ஒன்றுக்கு 5 மடங்கு கொடுத்து வாங்கும்போது அரசாங்கமாக இருந்தாலும் சரி, தனிப்பட்ட முதலாளிகளுக்கும் சரி சில சிரமங்கள் உண்டாகின்றன. அம்மாதிரி சமயங்களில் அரசாங்கம் இந்த 5 வருஷத்திலே அதை ஈடாகப் பண்ணி ஒரு வரையறை செய்தால் கொள்முதல் சுலபமாக இருக்குமென்று சொல்லிக்கொள்ள விரும்புகிறேன். ஏனென்று கேட்டால் இப்போது ஒரு காரியம் செய்ய ஆரம்பித்தால் நம் தேசத்திலே மூலதனம் முடக்கப்பட்டு இருக்கிறது என்று சொல்கிறார்கள். ஆனால் சொல்லிக்கொண்டே இருக்கிறோம். ஒரு பக்கம் மூலதனத்துக்கு ஆக்கம் கொடுக்கிற முறையிலே நாம் அதிகமாகப் பணத்தைச் செலவழித்துக்கொண்டு இருக்கிறோம். ஒன்றுக்கு ஒன்று மாறுபாடாக பொருத்தம் இல்லாமல் இருக்கிறது. உண்மையிலேயே நாம் ஏழைகளுக்கு தொழில் விருத்திக்கு

[Sri M. V. Sudarsanam Naidu]   [3rd April 1961

அல்லாது மற்றவைகளுக்கு உதவி பண்ணவேண்டுமென்றால் மூலதனத்தை அதிகமாகச் செலவு பண்ணாமல் சிக்கனமாக வழங்கவேண்டும். அதனாலே நிலச் சொந்தக்காரர்களுக்குக் கெடுதல் இருக்கிறதா என்றால் இல்லை. ஏதோ அநேகமாக பல இடங்களில் பல ஜில்லாக்களில் பார்க்கும்போது மதிப்பு இல்லாத இடங்களும் இருக்கின்றன, மதிப்பு உள்ள இடங்களும் இருக்கின்றன. ஒரு இடத்தில் அதிக விலை உடைய நிலங்களை நாம் எடுத்துக்கொள்ள வேண்டி வருகிறது. அந்தமாதிரி சமயங்களில் நாம் தொழில் விருத்தி மற்ற விருத்திகளுக்காக ஏழைகளுக்குக் கொஞ்சம் சிக்கனமாக நிலத்தை வாங்கி அவர்களுக்குப் பிரதி பிரயோசனத்துக்கு கொடுக்கும்படி செய்வதில் எந்தவிதமான ஆட்சேபணையும் கிடையாது. நமது அரசாங்கம் இந்தத் திட்டத்தைச் கொண்டுவந்ததற்கு நான் நன்றி செலுத்தி இதை நான் ஆமோதிக்கிறேன்.

3-0 p.m. SRI ABDUL HAMEED KHAN : Sir, I support the principle of the Bill for it will be too late in the day to suggest that we should follow a different policy from what we have been following in recent times. Our policy has been defined very clearly and this Bill is framed in pursuance of that policy. The measure seeks to help the poor people undoubtedly. It has been suggested that this Bill will affect the rich much. But it must also be remembered at the same time that this measure is not a measure which is going to affect people who are not really interested in speculation. It is true that in the carrying out of the objects of this Bill, some persons will be affected adversely. It will have to be seen that particularly such persons as widows and ladies who possess only one piece of land for the whole family are not affected. There are people who are really not rich but yet may own some land. That land may be the only property belonging to those people. I trust that in working the Act, people who are poor, those who have just a piece of land for the benefit of a whole family, will not suffer.

SRI S. NATARAJAN : Sri, I think there can be a sort of general acceptance of the principle behind the Bill inasmuch as it tries to restrict the rise in prices of house-sites. We are all anxious that there should be more housing facilities, that more houses should be built, and that the prices of house-sites should be controlled. But the manner in which this Bill is rushed through makes me wonder whether this hurry is warranted. I am not going into the legality of certain of the provisions. My Friend, Mr. Seshachariar said that they were perfectly legal. But I have great doubt whether they are just and whether they will not affect adversely the interests particularly of poor people owning small pieces of land. I do not know in these days when prices are rising if the average price that we would be giving to the man whose land we are compulsorily acquiring is fair price. It requires careful consideration on what basis the average should be computed. In

3rd April 1961]   [Sri S. Natarajan]

fixing the average price, certain considerations should be taken into account and one of the considerations is the use to which the plot is put. I am thinking of persons who are poor but who own just a small piece of land and keep it vacant for want of means to put up a building or do something else, and of a piece of land owned by a person who has got the means of utilising it and who actually puts it to some use. In this case, i.e., in the case of the latter, the land will fetch a higher price because of the consideration of the use to which it has been put whereas the person who is poor will get less. It is more or less on the principle that God gives to those who have something and from those that have not much. He taketh even the little that they have. I do not want the Government to follow that principle. This matter requires careful consideration and, therefore, the Government should agree to the Bill being referred to a Select Committee which might examine all these and see that justice is done to the people whose property we are compulsorily acquiring and that the purpose for which this measure is brought in is also served. I do not know if any great loss would result if the Bill is not passed to-day. If it is referred to a Select Committee I am sure the Committee can give some thought to these problems and make suitable amendments to the Bill, so that it might come up before the House at the next session in an acceptable form and be passed. Then it will help everybody. I would therefore very strongly support the motion that this Bill be referred to a Select Committee.

* VIDWAN T. MUTHUKANNAPPAN : தலைவர் அவர்களே, இந்த மசோதாவை நான் மனமார வரவேற்கிறேன். நீதி ஸ்தலங்களிலே உள்ள வழக்கறிஞர்களின் அறிவுத் திருவிளையாடல்களால் எழுந்த விளைவுதான் இது. அவர்களுக்கு நான் நன்றி செலுத்தக் கடமைப்பட்டிருக்கிறேன். இந்தத் திருத்தமானது சமயசஞ்சீவியாக வந்திருக்கிறது. ஆனால் இந்தத் திருத்தங்களோடு இந்த மசோதா சிறந்த முறையிலே ஒழுங்காகப் பூரணமாக அமைக்கிறது என்றே சொல்லலாம். இதற்குக்கூட இப்படிப்பட்ட கடுமையான எதிர்ப்பு இருக்கிறதே என்பதைக் கண்டு என்னால் ஆச்சரியப்படாமல் இருக்க முடியவில்லை. எதிர்க்கட்சி அங்கத்தினர்களெல்லாம் எதிர்க்கும் கட்சி அங்கத்தினர்களாகவே பேசினார்கள், மிக காரசாரத்தோடு. இதை எண்ணும்போது ஆடு நனைகிறதென்று ஓநாய் அழுதது என்பார்களே அந்தச் சம்பவம்தான் என் கண்முன் வருகிறது! . . .

DR. A. SREENIVASAN : புலிகூட ஆட்டுத் தோலைப் போட்டுக்கொண்டு ஆடமுடியும்.

VIDWAN T. MUTHUKANNAPPAN : மதிப்புக்குரிய டாக்டர் 3-50 p.m.
சீனிவாசன் அவர்கள் இதிலே ஏதோ அரசியல் காரணம் இருப்பதாகக் கூறினார்கள். இது அவர்கள் நினைப்பு. காமாலைக் கண்ணனுக்கு கண்டதெல்லாம் மஞ்சள் என்பதுபோல இருக்கிறது.

DR. A. SREENIVASAN : வைத்திய முறையிலே அது தப்பு. வைத்தியப் பிரகாரம் அதுமாதிரி நினைப்பது தப்பு.

VIDWAN T. MUTHUKANNAPPAN : அவர் டாக்டர், வைத்தியர். அவருக்கு அப்படித் தோன்றாதிருக்கலாம். ஆனால் சாதாரண மனிதர்களுக்கு அப்படித்தான் தோன்றும். இது சகஜமான பழமொழி.

DR. A. SREENIVASAN : அப்போ அதைப்பற்றிப் பேசக் கூடாது.

VIDWAN T. MUTHUKANNAPPAN : இந்த விவாதங்களைக் கவனிக்கும்போது, சுதந்திரா கட்சியின் சங்கநாதம் முதல் முதலாக இந்த சபையில் ஒலிக்க ஆரம்பித்து இருக்கிறதோ என்று தான் சந்தேகம் ஏற்படுகிறது. இதோடு நிறுத்திக்கொள்கிறேன்.

இந்த மசோதாவை நுணுகிப் பார்க்கும்போது இது வளர்ந்து வருகின்ற சோஷலிச பாணி சமதர்ம அரசாங்கமாகையால் இதற்கு மிக ஏற்றதாக இருக்கின்றது. அதற்கு மிக இன்றியமையாத திருத்தம் இந்த மசோதா. இதனாலே ஏழைகளுக்கும், நடுத்தர வகுப்பினருக்கும் நன்மையே ஏற்படும். அவர்களுக்கு விமோசனம் வந்துவிட்டது. நடக்க முடியாமல் முடங்கிக் கிடந்த ஏழை எழுந்து நிற்பான். அடிபெயர்ந்து நடக்கமுடியாமல் நின்றவன் தலை நிமிர்ந்து பீடு நடை போட்டு நடப்பான். ஆனால் தலைகால் தெரியாமல் விண்ணையெட்டும்படிக் கண்ணை மூடிக்கொண்டு பறந்தவன் தட்டி அடக்கப்பட்டுச் சமநிலைக்கு வருவான். ஏராளமான நிலங்களை வைத்துக்கொண்டு விற்று கொள்ளை லாபம் அடித்துகொண்டு இருப்பவர்கள்தான் இதை ஒப்புக்கொள்ளாமல் இருப்பார்கள். மிட்டாதார்கள், மிராசுதாரர்கள், ஜமீன்தாரர்கள், தங்களுடைய ஏராளமான செல்வத்தைக்கொண்டு நூற்றுக்கணக்கான ஏக்கர் நிலங்களை வாங்கி 100, 200-க்கு ஒரு மனை என்று வாங்கிப் போட்டுவிட்டார்கள். அது இப்போது ரூ. 3,000, 4,000-க்கு விற்கப்படுகின்றன. தமிழ் நாட்டிலுள்ள மிகப்பெரிய வீடுகட்டும் கூட்டுறவு சங்கத்தோடு பல ஆண்டுகள் சம்பந்தமுடையவன் என்ற முறையில் சில புள்ளி விபரங்களைச் சொல்லிக்கொள்ள விரும்புகின்றேன்.

ஐந்து ஆண்டுகளுக்கு முன்னே 300 ரூபாய்க்கு விற்ற நிலம் எனக்குத் தெரியும். அடையாற்றிலே பக்தவத்சல நகரிலே 300 ரூ. விற்றது. அதற்கு அடுத்த வருஷத்தில் 500. பிறகு ரூ. 1,000. 1,500, இன்று 3,000 ரூ. இப்படி ஆயிருக்கிறது.

SRI K. BALASUBRAMANYA AYYAR : அப்போ ரூபாய்க்கு என்ன மதிப்பு, இப்போ என்ன மதிப்பு?

VIDWAN T. MUTHUKANNAPPAN : இருந்தாலும் இது பகற்கொள்ளைதான். இங்கே மூன்று இடங்களிலே திருத்தங்கள் இருக்கின்றன. இது அமுலுக்கு வரும் நாளிலிருந்து 5 ஆண்டுகளுக்கு முன்னிருந்த விலையெல்லாம் கூட்டிச் சராசரியாகும் மார்க்கட் விலையைக் கொடுக்க உத்தேசித்து இருக்கிறார்கள். இந்த நிர்ணயம் அதிகமாகத்தான் இருக்கிறது என்று சொல்லிக்கொள்ள விரும்புகிறேன். கணக்கு எடுத்துப் பாருங்கள். ஐந்து ஆண்டுகளுக்கு முன்னே ரூ. 300. நான்கு ஆண்டுகளுக்கு முன்னே ரூ. 500. மூன்று ஆண்டுகளுக்கு முன்னே ரூ. 700. இரண்டு ஆண்டுகளுக்கு முன்னே ரூ. 1,000, சென்ற ஆண்டு ரூ. 1,500 என்று கணக்கு எடுத்தால் ரூ. 4,000 வருகிறது. அதை 5-ஆல் வகுத்தால் ரூ. 800 வருகிறது அதாவது சராசரி ரூபாய் 800. இதுகூட அதிகம் என்று நான் நினைக்கிறேன். ஐந்து ஆண்டுகளுக்குமுன் ரூ. 300-ஆக இருந்த நிலங்களுக்கு இப்போது அரசாங்கமே ரூ. 800 கொடுக்கிறதே. ஆகையினால் இந்த விதத்தில் பார்த்தாலும் சிறந்த மசோதா இது.

அது மட்டுமல்ல. இன்னொன்று. இந்த சொலேஷியம் அதாவது தயவுப் பணம் கொசுறு என்று சொல்வார்களே விலை கொடுத்து ஒரு பொருள் வாங்கினால் கொசுறு கொடுப்பார்கள். அது 15 பர்சன்டாக இருந்தது. ஏற்கனவே 5 சதவிகிதம் குறைக்கப்பட்டு இருக்கிறது. ஆனால் அங்கே கூட அரசாங்கம் கொஞ்சம் அதிகம் கொடுத்து இருக்கிறார்கள் என்று நினைக்கத் தோன்றுகிறது. இதன்படிக் கணக்குப் போட்டுப் பார்ப்போம். ஆறு ஆண்டுகளுக்கு முன் ஒரு நிலத்தின் விலை ரூ. 250, அதற்குத் தயவுப் பணம் 15 சதவீதம் ரூ. 37½ ஆகிறது. இப்போது அதன் விலைப்படி (ரூ. 800) அரசாங்கம் 5 சதவீதப்படி கொடுத்தால் ரூ. 40 (5×8) அல்லவா ஆகிறது. எனவே அந்த வகையிலும் ஒன்றும் பாதிக்கப்படுவதாகத்தோன்றவில்லை. ஆகையால் எந்த வகையிலும் இது சிறந்த மசோதா என்று வற்புறுத்தி அழுத்தம் திருத்தமாகச் சொல்லிக் கொள்ள விரும்புகிறேன். இப்படித் தருவதில் இந்த நிலங்கள் எல்லாம் எதற்குப் பயன்படுத்தப்பட்டு வருகின்றனவோ அவற்றை உத்தேசித்து விலை போடப்படவேண்டும். வருங்காலத்தை உத்தேசித்து விலை போடமுடியாது என்ற முறையில் கவனித்துத் தான் செய்யப்பட்டிருக்கிறது. எந்தக் காரணத்திற்காகப் பயன் படுகிறதோ அதன்படிதான் இந்த நஷ்டஈடு விலை கொடுக்க அரசாங்கம் முன்வந்திருக்கிறது.

ஆகவே எல்லா விதத்திலும் மசோதா ஏழை மக்களுக்கு நடுத்தர மக்களுக்கு நல்வாழ்வு அளிக்கவே செய்யப்பட்டிருக்கிறது. சுதந்திரக் குடியரசு நாட்டிலே முக்கியமானவை உணவு, இடம். இந்த உணவையும் இடத்தையும் போதுமான அளவு அரசாங்கம் கவனித்துக் கொடுக்கவேண்டியது கடமை என்று உணர்ந்து, இந்தத் திருத்தத்தைச் செய்திருக்கிறார்கள். எல்லா வகையிலும் ஒப்புக்கொள்ளக்கூடிய நேர்மையான சிறந்த திருத்தம் என்று சொல்லிக்கொண்டு நான் முடித்துக்கொள்ளுகிறேன்.

* Dx. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, I am not going to make a speech but I would be grateful if the Hon. the Leader of the House would throw some light on the following paragraph that appears in a paper placed on the table of the House to-day. It says :

[Dr. A. Lakshmanaswami Mudaliar] [3rd April 1961

'In 1951 an extent of 86 acres of land in the unsurveyed foreshore to the east of Fort St. George was transferred to the Port Trust on payment of compensation of Rs. 30 lakhs. In 1959 a further extent of about 427 grounds was placed at the disposal of the Port Trust subject to the payment of cost at Rs. 3,000 per ground.'

This is in answer to a question by the hon. Member Sri Raza Khan. My point in referring to the paper is that the Government themselves have demanded this amount from the Port Trust authorities and this will be very relevant to the consideration of the legislation now before the House. I therefore want the House to note the figures.

'In 1959 a further extent of about 427 grounds was placed at the disposal of the Port Trust subject to the payment of cost at Rs. 3,000 per ground.'

That is the area just opposite the Fort St. George.

'In 1960 further extents measuring 733 grounds at Rs. 3,000 per ground and 97 grounds at Rs. 2,000 per ground and 116.5 grounds at Rs. 1,500 per ground have been placed at the disposal of the Port Trust.'

No doubt the Hon. the Leader of the House may say that it is within the Corporation limits. But I am not sure whether the principle, 'for what purpose the foreshore was used' was taken into consideration in fixing the price. So, far as I am aware, it is used for one purpose because the Health authorities are not able to prevent it.

SRI M. PATANJALI SASTRI: With your leave, Mr. Chairman, I want to make an observation on this proposal. It is this. I have some doubt and if the Hon. the Leader of the House would clear that doubt of course my objections would fall to the ground. I have some doubt about the public purpose underlying the measure. In this Bill 'housing scheme' has been defined thus:

"In this Act, unless the context otherwise requires 'housing scheme' means any State Government scheme the purpose of which is increasing house accommodation and includes any scheme by a local authority, company or body corporate for such purpose undertaken with the previous sanction of the State Government."

The language used is so wide that it seems to me that it may cover even purposes which are non-public and strictly not public. Therefore if the Bill is referred to a Select Committee the point could be thrashed out with reference to decided cases and a suitable formula of the definition may be evolved. It is on that ground that I support the motion for referring the Bill to a Select Committee. Now it has been definitely decided by various decisions

3rd April 1961] [Sri M. Patanjali Sastri]

of the Courts in the land that unless there is a public purpose, deprivation of private property will be unconstitutional and void. According to the definition given here, merely because the Government contemplate a housing scheme, does it necessarily mean that it is for a public purpose? For instance under the Land Acquisition Act, the same provisions contemplate the company moving the machinery of the Act for the purposes of acquiring property on behalf of the company. I suppose all those provisions are left intact, and no amendment is sought to be introduced in respect of them. That Act was passed at a time when nobody thought of the fundamental rights and the public purpose as defined by the Constitution. Therefore it seems to me that so long as these provisions subsist in the Act, that is to say, so long as the company can make use of the machinery of the Land Acquisition Act to help them to acquire compulsorily private property, such use or purposes may not be necessarily public purposes. A company may have, for instance, housing schemes for the purpose of providing increased accommodation for its employees. That cannot be a public purpose. If such purposes are contemplated under the definition contained in this Bill of Housing Schemes, then I am afraid it will be open to Constitutional objection. I would in this connection draw the attention of the Hon. Minister to the decision of the Supreme Court, so that he may be forewarned as to what may happen. In this case the Act of the Madras Legislature was set aside. I may briefly mention the purport of the decision of the Supreme Court. It said that if the language used in the enactment is wide enough to cover purposes for which constitutionally permissible legislation is undertaken and also purposes which are outside such constitutionally permissible legislation, then the Act would be void. It cannot be contended as it was contended in that case that at least the Act could be left alone in so far as it may be sought to be applied to constitutionally permissible purposes, taking care to avoid constitutionally non-permissible use or application. But the Supreme Court said that in such cases the language used cannot be severable because the same language is used both for one set of purposes and for quite another set of purposes. Therefore the whole thing was held void. I am sorry I have not got at the decision to quote (After a pause). It is here and I will quote it. The Supreme Court held void the Madras Act XXIII of 1949. 4 p.m.
Section 9 (10) (a) of that Act was the offending section. It was argued that this section "could not be considered wholly void, as, under article 13 (1) an existing law inconsistent with a fundamental right is void only to the extent of the inconsistency and no more. In so far as the securing of the public safety or the maintenance of public order would include the security of the State . . ." As regards Security of the State, restriction would be permissible, constitutionally permissible, such as restriction of freedom of speech and so on. Now to continue the quotation . . . the impugned provision as applied to the latter purpose, was covered by clause (2) of article 19 and must, it was said, be held to be valid. We are unable to accede to this contention. Where a law purports to

[Sri M. Patanjali Sastri] [3rd April 1961

authorize the imposition of restrictions on a fundamental right in language wide enough to cover restrictions both within and without the limits of constitutionally permissible legislative action affecting such right, it is not possible to uphold it even so far as it may be applied within the constitutional limits as it is not severable. So long as the possibility of its being applied for purposes not sanctioned by the Constitution cannot be ruled out, it must be held to be wholly unconstitutional and void. In other words, clause (2) of article 19 having allowed the imposition of restriction on the freedom of speech and expression only in cases where danger to the State is involved, an enactment, which is capable of being applied to cases where no such danger could arise, cannot be held to be constitutional and valid to any extent.'

Therefore, taking this definition, as it had been framed, I am afraid that it is capable of being construed as covering non-public purposes, because even though a housing scheme launched by the State Government may in most cases be for a public purpose, it is conceivable, especially when they are going to move the land acquisition machinery in favour of a company, that the definition may cover purposes which are strictly not public but which are non-public. Therefore, this matter also the Government will have to consider along with the members of the Select Committee. So, I support the amendment of Sri Mohamed Raza Khan.

SRI M. ETHIRAJALU: சார், இந்த நில மசோதாவை நான் வரவேற்று இரண்டொரு வார்த்தைகள் சொல்லிக்கொள்ள விரும்புகிறேன். நில ஆர்ஜித மசோதாவை எல்லோரும் இப்போது முழு மனதுடன் வரவேற்றாலும்கூட இந்த மசோதாவை சர்க்கார் இப்போது கொண்டு வருவதற்குப் பதிலாக இன்னும் 5 வருஷங்களுக்கு, 7 வருஷங்களுக்கு முன்னதாகவே கொண்டுவந்திருந்தால் ஓரளவுக்கு எல்லோருக்கும் நன்மையாக இருந்திருக்கும். சி.ஐ.டி. யினால்தான் நகரத்தில் நிலத்தின் விலை ஏறிவிட்டது. மக்கள் இதைக்கண்டு குறைகூறிய பிறகு அதிக விலை விற்கும்படியான நிலையில் இருந்து கொண்டிருக்கும்போது ஒரு கட்டுப்பாடு மசோதா கொண்டு வந்திருப்பது யார் நிலத்தை வைத்திருந்தாலும் பாதிக்கப்போவதில்லை என்பதுதான் என் கருத்து. இப்போது மசோதாவில் ஒன்று சொல்லப்பட்டிருக்கிறது. ஆனால் மார்க்கெட் விலை வேண்டும் என்கிறார்கள். நகரத்தில் இப்போது ஒரு கிரவுண்டு 4,000 ரூபாய்க்குக் குறைந்த விலைக்கு யாராலும் வாங்க முடியவில்லை. மார்க்கெட் விலை என்று சொல்வது எப்படிப் பொருந்தும்? ஐந்து வருஷ சராசரியில் இருக்கக்கூடிய விலை என்று சொல்கிறார்கள். ஐந்து வருஷங்களுக்கு முன்னிருந்ததைவிட இப்போது விலை ஏறிவிட்டது. ஆகையால் இந்த மசோதாவினால் யாரும் பாதிக்கப்படவில்லை. இப்போது இருப்பதைவிட இன்னும் அதிக விலை கொடுக்கவேண்டுமென்று வியாச்சியம் நடத்தி அதிகப்பணம் கேட்டுக்கொண்டிருக்கும் நேரத்தில் அதைத் தவிர்க்கத்தான் இந்த மசோதா இப்போது வருகிறது. ஆகையால் இதில் யாருக்கும்

3rd April 1961] [Sri M. Ethirajalu]

கஷ்டம் இல்லை. மற்றொரு விஷயம். இந்த மசோதா நகரத்திற்கு மட்டுமா அல்லது நகரத்திற்கு அப்பால் இருக்கும் கிராமத்தில்கூட இந்த விலை நிர்ணயம் உண்டா, அதைச் செய்வது யார், என்று சரியாகத் தெரியவில்லை. சென்னை நகரத்தைப் பொருத்தவரையில் வீட்டுக்கோ அல்லது மற்றக் காரியங்களுக்கோ நகரத்தில் நிலம் வாங்கப்போவதில்லை என்று சொல்லியிருக்கிறார்கள். நண்பர் முத்துக்கண்ணப்பன் அவர்கள் கூறியதுபோல அதிசப்படியான நிலத்தை 100 ஏக்கர் 200 ஏக்கர் என்று வைத்துக்கொண்டு தொழில் அபிவிருத்தி பரவலாக வரும் நேரத்தில் அந்த நிலங்களை அதிக விலைக்கு விற்று கொள்ளை லாபம் அடிக்க நினைக்கிறவர்களை இது ஓரளவு பாதிக்கும். ஐந்து வருஷ சராசரி என்பதை எடுத்து விட்டு ஐந்து வருஷத்திற்கு முன்னால் வாங்கியதில் ஏதாவது கூட்டிக் கொடுத்துவிட்டால் யாரையும் புண்படுத்தாமல் இருக்கும். மார்க்கெட் விலை வைத்து விலை நிர்ணயம் செய்வதும் சராசரி வைத்துச் செய்வதும் ஏழைகளுக்கு பின் தங்கியவர்களுக்கு பொருந்தாது என்பது என்னுடைய கருத்து. அதோடு 15% சொலேஷியம் பீஸ் கொடுக்கவேண்டுமென்று சொல்கிறார்கள். விற்கிற விலையைக் கொடுக்கிறபோது இவ்வளவு அதிக பட்சமானதான 15% கொடுக்கவேண்டுமா என்று கேட்கிறேன். நான், 15%, என்றும் 5% கூட கொடுக்கவேண்டாமென்று சர்க்காரைக் கேட்டுக் கொள்ளுகிறேன். அப்போதுதான் நாம் ஓரளவுக்கு நன்மை செய்ததாக இருக்கும். இதையும் அரசாங்கம் கட்டுப்படுத்த வேண்டும். 15% என்ற முறையில் கூட்டிப் பார்க்கும்போது இப்போது மார்க்கெட் விலையைவிட அதிகமாகத்தான் அது இருக்க முடியும். வேறுவிதமான அரசியல் காரணமாக இதைச் செய்வதாகச் சொல்லப்படுகிறது. அரசியல் காரணமாக இதைக் கொண்டிருந்தால் மார்க்கெட் விலைப்படி என்று சட்டம் செய்திருக்க வேண்டியதில்லை. அதனால் எப்போது மார்க்கெட் விலைப்படி என்று சொல்லிவிட்டார்களோ அதிலிருந்தே இதில் அரசியல் காரணத்திற்கு இடமில்லை என்று தெரிகிறது என்பதைச் சொல்லிக் கொள்ளுகிறேன். யாரோ ஏதோ சொன்னால் அதை நாம் கேட்கக் கூடாது. அவசரப்பட்டு எதையும் சொல்லிவிடக்கூடாது. செலக்ட் கமிட்டிக்குப் போகவேண்டுமென்றார்கள். இது செலக்ட் கமிட்டிக்குப் போனால் நிச்சயமாக 15% சொலேஷியம் கொடுக்கப்பட வேண்டுமென்பது அடிபடும். ஐந்து வருஷ சராசரி என்பதும் குறைக்கப்படும் என்பதைத் தெரிவித்துக்கொள்ளுகிறேன். அப்படி அனுப்பப்போவதில்லை. பொதுமக்களும் நிலம் வாங்குபவரும் விற்பவரும்கூட பாதிக்கப்படக்கூடாது என்ற முறையிலே இந்தச் சட்டம் கொண்டுவருவது வரவேற்கத் தக்கது என்று சொல்லி முடித்துக்கொள்ளுகிறேன்.

* **SRI A. K. THANGAVEL MUDALIAR** நில ஆர்ஜித சட்டத்தைக் கொண்டுவருவதில் உடனடியாக ஒரு முடிவுக்கு வருவது அவ்வளவு நன்றாக இருக்காது என்று நான் அபிப்பிராயப்படுகிறேன். ஏனென்றால் ரொம்பச் சிக்கல் இருக்கிறது. எந்தச் சட்டத்தைக் கொண்டுவந்தாலும் கொஞ்சம் பொறுமையாகச் 4-10 p.m.

செய்யவேண்டும். தங்களுக்கு ரொம்ப செல்வாக்கு இருக்கிறது, நாம் எதைக் கொண்டுவந்தாலும் நமக்கு ஓட் கொடுக்க ஆட்கள் நம் கட்சியில் இருக்கிறார்கள் என்ற நம்பிக்கையை வைத்துக் கொண்டு எதையும் அவசரமாகச் செய்யக்கூடாது. சட்டம் என்றால் நிதானம் என்று அர்த்தம். நிதானம்தான் முக்கியம். அறிவாளிகள் பக்கம்தான் உலகம் இருக்கிறது. அறிவாளிகளாக இருக்கிறவர்கள் இரண்டு மூன்று பேர்கள் இதைப்பற்றி அவசரம் வேண்டாம் என்று கூறியிருக்கிறார்கள் . கான்ஸ்டிட்யூஷனைப்பற்றி மிகவும் தெரிந்தவர்கள் பேசியிருக்கிறார்கள். சட்டம் தெரிந்தவர்கள் சொல்லுகிறார்கள். நான் ஒன்றும் சட்டம் படித்தவனல்ல. அவர்கள் சொல்வதனால் நான் சொல்லுகிறேன். நீங்கள் அவசரமாகச் சட்டம் கொண்டுவருவதால் பின்னால் ஒவ்வொருவரும் கோர்ட்டுக்குப் போகப்போகிறார்கள். செலக்ட் கமிட்டிக்கு அனுப்பி நன்றாக யோசித்து அடுத்த வருஷத்திலே இதை முடித்துக்கொள்ளுங்களேன். இப்போது என்ன அவசரம்? கல்யாணப்பெண் தவறிப் போய்விடுமா? அல்லது வேறு யாராவது பெண்ணை இழுத்துக் கொண்டு போகப்போகிறார்களா? நானும் 1921-லிருந்து இது போன்ற சட்டங்கள் வருவதைப் பார்த்திருக்கிறேன். மாண்டேகு செம்ஸ்போர்டு காலத்திலிருந்து நான் அரசியலில் இருக்கிறேன். அப்போது எல்லாம் பொறுமையாக எதையும் செய்வார்கள். இப்போது இந்தச் சட்டத்தைக் கொண்டுவருபவர்கூட இங்கு இருப்பதில்லை. பொதுவாக எதற்கும் இவரைப்போட்டு இழுத்து அவருக்குத் தொந்திரவு கொடுக்கிறோம். அந்தந்தக் காரியங்களை அவரவர்கள் செய்யவேண்டுமென்பது இப்போது மறைந்து போய் விட்டது. ஆகையால் இந்தமாதிரி நிலையில் பொறுமையாக இருந்து செலக்ட் கமிட்டிக்கு அனுப்பி அடுத்த செஷனுக்குக் கொண்டுவந்து முடிவு செய்யலாம். ஏழைகளுக்குக் கொடுக்கிறார்கள் என்று முத்துக்கண்ணப்பன் அவர்கள் சொன்னார்கள். ஏழைகளுக்கு எப்போதும் கொடுக்கலாம். சர்க்காரே பணம் போட்டு வாங்கி ஏழைகளைக் காப்பாற்றலாம். நாங்களும் வெளியே போய் பேசுவோம். நீங்கள் இப்படி அவசரமாகச் செய்தால் இந்தச் சட்டத்தைக் கொண்டுவந்தது அநாகரிகமானது என்று வெளியே போய் பேசுவோம். எலக்ஷன் வரப்போகிறது. ஆகையால் பொறுமையாக இதை ஒத்தி வைத்து நிதானித்துச் செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, I shall endeavour to keep to the narrow path of relevance in this debate. The debate has gone on covering a very wide field, but in my humble view, the points for consideration before the House are only there. One is, is this legislation constitutionally valid and correct? The second is, is this legislation necessary? Thirdly, is the compensation fixed just and equitable? I shall confine my address to the House to these three points. Hon. Members are aware that when the amendment to the Indian Constitution was made, it was specifically provided under the amended article that any compensation that was fixed by the legislature shall not be

called in question. I may briefly refer to the particular article. Article 31 (1) says, No person shall be deprived of his property, save by authority of law '. Then sub-clause (2) says—I shall omit the earlier portions and refer only to the relevant part ' . . . and no such law shall be called in question in any Court on the ground that the compensation provided by that law is not adequate.' Therefore my submission is that when the legislature in its wisdom fixes the compensation that is provided for in the amendment to the Land Acquisition Act, it is well within the four corners of the Constitution and therefore perfectly valid. I may in this connection refer to the speech of the Prime Minister who piloted this Bill in the Lok Sabha. Dealing with this question of conferring the authority on the legislature to fix the quantum of compensation, the Prime Minister said—

' ' . . . But it is true that the quantum of compensation will be determined by the legislature. I cannot say off-hand what in a particular case the legislature might do. But, by and large, if you have to govern this country democratically, you have to trust the legislature not only in this but in a hundred other matters of far greater moment. This legislature might decide on some ' far-reaching change affecting, well, the question of war and peace —a tremendous thing. Surely the Supreme Court will not decide that. It may decide technical questions in other ways which directly or indirectly will even affect property, planning, and all kinds of things may be done which will have a powerful effect on our social structure and economic structure and everything. But it is the legislature's will in such matters that is bound to prevail. There is no way out of it. To single out this question of the compensation to be given to property and to take it out of the purview of the legislature in the sense of somebody else revising the legislature's decision seems to me a basically wrong approach, unless of course you think that property is something semi-divine and that the protection of private property is to the largest good of the nation which obviously hardly any one to-day can say '.

Therefore, it is on this basis, Parliament enacted the amendment to the Constitution giving the power to the legislatures to fix the principles of compensation as well as even in some cases the quantum of compensation.

SRI M. PATANJALI SASTRI : Quantum alone is not questionable. Principles are open to objection in a court of law.

THE HON. SRI R. VENKATARAMAN : I submit, the legislature is competent to lay down the principles and they cannot be questioned in a court of law.

SRI M. PATANJALI SASTRI : Constitution does not say so.

THE HON. SRI R. VENKATARAMAN : We are not in a court of law There is no point in arguing.

[3rd April 1961

SRI M. PATANJALI SASTRI : The Government have got the majority here.

THE HON. SRI R. VENKATARAMAN : If we have got the majority here, there are Courts outside. So this sort of. . .

Sri M. Patanjali Sastri rose.

THE HON. SRI R. VENKATARAMAN : I am not yielding, Mr. Chairman. Therefore, I venture to submit, Mr. Chairman, that the point is that this particular legislation is within the four corners of the Constitution, and, therefore, it is a valid and perfectly legal constitutional piece of legislation.

The second point which was raised by the hon. Member Sri Patanjali Sastri is that acquisition of land for a private company may not be a public purpose. We have the opinion of the Advocate-General on this matter, and we are advised that acquisition of land for a company for the purpose of housing would be a public purpose. It may be right or it may be wrong. But Government are advised by competent legal advisers in this behalf. Therefore I may put aside the question whether this particular law which we propose to enact now is valid or not.

Then the second point raised is, 'Is it now necessary to have this law?' Sir, it was in 1958 that the State Government conceived the idea of trying to create townships and neighbourhoods of the type that we have had in places like Gandhinagar and Thyagarayanagar, and when the Union Minister for Housing visited Madras in August 1959, the Minister in charge of Housing took him around and showed the various programmes which they had executed under the plan, and then mentioned to him that the
4-20 p.m. Government of Madras had got a scheme for acquisition of lands of this kind for the purpose of developing townships. Then it was suggested to the Government that the prices of land in those places might be frozen. Government examined this suggestion. But we were not quite clear about the legality of freezing the prices on a particular date. The reference to the Bombay legislation is not appropriate here because the Bombay Act was passed before the Constitution came into force and is protected by article 31 itself. Clause 5 of article 31 says :

"Nothing in clause (2) shall affect the provisions of any existing law other than a law to which the provisions of clause (6) apply, . . ."

And clause (6) deals with certification by the President of any law of any State enacted not more than eighteen months before the commencement of the Constitution. Therefore, the Bombay legislation will not be a good precedent for Madras. It was felt, Sir, that some other method of valuing property would have to be resorted to if large housing schemes had to be undertaken in this State. Large housing schemes are not obviously capable of being undertaken if we have to pay compensation on the basis of the

3rd April 1961] [Sri R. Venkataraman]

possible use of the land. Particularly, after a notification saying that a particular land is going to be acquired for housing is issued, that land is obviously fit for housing and, therefore, if it is valued on the basis that it is a land which can be developed for housing, the value of the land will shoot very high. No housing scheme would be possible at that rate nor would it be within the reach of the middle-class, not to speak of the poorer class of people. In order to do good to the largest number of people in society the Government thought that the only way in which they could regulate the value of those lands which at present are not put to any definite use, but which could be put to a different use, was to take the actual use to which the land is put into consideration. Not the potential use. If potential use should determine the value of the land, it will increase the cost of the land to the ultimate buyer apart from increasing the cost of the scheme itself. Therefore, the Government have decided that it is necessary to bring in this legislation. I saw some criticism that the Government should have frozen the land values in 1959 itself or that the Government did not take advantage of the Central Government offer. Those people do not know that the Government of India themselves did not have any schemes but that the State Governments contemplated those schemes, even before the Government of India's suggestion came. It is because we felt some doubt in regard to freezing of land values we thought of having a different way of calculating the compensation. I now ask : Is the Bombay method superior to or better than the one we have contemplated? I submit, not. The Bombay Act pegged land values in 1946. In Madras, it is not so. If we take up a housing scheme in 1965, then we will take the average land value from 1960 onwards. If we took up any scheme in 1960, then the average land value from 1955 would be taken. In the present trend of rising prices, I humbly ask which is more reasonable, to have the five years' average, thereby giving the advantage to the owner to have the benefit of consequent social changes or to have pegging, thereby preventing the increased price accruing to the owner. I am quite sure that if any person considers the relative advantage of the schemes, he would have no hesitation in accepting the Government's scheme. Then, what is the amount of compensation that we want to give? It is not that the Government of Madras have become suddenly wise. Countries which are very progressive and countries which have been the champion of both *laissez faire* and private rights have adopted this particular method of valuation in their own countries for the purpose of housing and for town-planning. In England, a legislation was passed in 1919 and according to that law, the market value of the property shall be fixed only on the basis of the actual use to which the land is put and not of potential use. The solatium of 15 per cent also has been taken away. I wish to refer to that particular piece of legislation. It says :—

"No allowance shall be made on account of the acquisition being compulsory;

[Sri R. Venkataraman] [3rd April 1961

The special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers or for which there is no market, apart from the special needs of a particular purchaser or the requirements of any Government department or any local or public authority; provided that any *bona fide* offer for the purchase of the land made before the passing of this Act, which may be brought to the notice of the arbitrator shall be taken into consideration."

So, they have said that the purpose to which it was put shall be the basis. I do not think we are going to be much wiser in the preservation of private property than the British people themselves.

4-30 p.m.

I therefore, venture to submit that the compensation proposed to be fixed is both fair and equitable and taking into account the large development that is taking place in cities and suburbs and also the urgent need for providing housing accommodation to the people, we will be guilty of having left the people to fend for themselves, if the Government do not take up the responsibility for providing housing and setting up house sites and housing colonies in the neighbourhood of the cities and in other places where there is need.

Lastly, I will say a word about the amendment seeking to refer the Bill to a Select Committee. Under normal procedures, both in the Lok Sabha and even here, a Bill which has been passed by one House when it comes to the other House is not referred to a Select Committee. (Interruption.) Yes, normally it is not referred to a Select Committee at that stage. There are no rules prohibiting it. But there are also no rules providing for it. I want to make this clear. While there is a rule in respect of a Bill originating in the Assembly or the Council being referred to a Select Committee, there is no rule at all for referring a Bill which has originated in the other House to a Select Committee. Therefore, Sir, I submit that technically it would not be proper to refer this Bill to a Select Committee. In any event, in view of the explanation I have given, I venture to submit that it is in the larger interest of the community as a whole that this Bill should be accepted by the House.

SRI MOHAMED RAZA KHAN : Sir, I will confine my remarks only to the point made by the Hon. the Leader of the House. The whole question is this. Whatever might be the reasons adduced by the Hon. the Leader of the House, this is an important measure, and it would be in the interest of the Government themselves to refer it to a Select Committee. The decision of the Government will ultimately prevail. However, if this is referred to a Committee, we can get the evidence of interested people and the members on the Select Committee would have ample opportunity to place their point of view before the Government. The Hon. the Leader of the House referred to the rules of procedure of the Lok Sabha. But I have known—I speak subject to correction because I do not have

3rd April 1961] [Sri Mohamed Raza Khan]

references readily at hand to quote—at least one Bill of this kind was referred to a Select Committee. The whole work by the Select Committee was finished within a day.

THE HON. SRI R. VENKATARAMAN : No, there has been no such case.

MR. CHAIRMAN : There is a definite rule in the Lok Sabha that the Bill cannot at this stage be referred to a Select Committee.

SRI MOHAMED RAZA KHAN : Are we following it here, Sir? My submission is that nothing will be lost by referring the Bill to a Select Committee. The Committee can go into the Bill in as short a time as possible and submit its report to the House. We would have given a further opportunity to the public also to place their viewpoint before the Select Committee. It is not after all a question of our saying that we are doing justice to the public. The public should be satisfied that justice is being done. For some reason or other the Bill was not referred to a Select Committee by the other House. It does not mean that we should also do it. Therefore, I feel in spite of the arguments of the Hon. the Leader of the House, that the Bill should be referred to a Select Committee.

MR. CHAIRMAN : The question is—

'That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), as passed by the Legislative Assembly, be referred to a Select Committee.'

The amendment was put and lost.

MR. CHAIRMAN : The question is—

'That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), as passed by the Legislative Assembly, be taken into consideration.'

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

Clause 2 was put and carried.

Clause 3.

MR. CHAIRMAN : The motion is—

'That clause 3 do stand part of the Bill.'

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

(1) 'In item (i) to sub-clause (1) (a), *for* the words "five years" *substitute* the words "three years".'

(2) 'In sub-clause (1) (a), *omit* item (iv).'

The amendment was duly seconded.

[Sri K. Balasubramanya Ayyar] [3rd April 1961

SRI MOHAMED RAZA KHAN : Mr. Chairman, Sir, I move--

In item (i) to sub-clause (1) (*d*), *for* the words, " five years " *substitute* the words " htree years ".'

' In sub-clause (1) (*a*), *omit* item (iv).'

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR : Sir, after what the Hon. the Leader of the House said, I do not feel there is much point in stressing anything. So far as my amendment is concerned, I want to submit that this market value is different for different areas and it goes on changing. In our city for example, in Tondiarpet, Royapuram and places in North Madras, the land values are decreasing. As we go this side, that is, south of Madras the values are increasing. Of course so far as Madras City is concerned, for housing purposes you may not acquire and therefore it may not be a practical point. But what I am trying to illustrate is that land values are changing differently in different areas. So far as legislation is concerned we must proceed on definite information. We cannot proceed on general impressions. There has been a general rise in prices of land. It has been so for several years. It was not confined to the last five years. The increase is going on over a period of several years. I have been in the city for a long time and I know lands worth Rs. 50 have gone up in value. The value has slowly increased not on account of other considerations, but the City is growing in importance because of trade and so on. There has been an increase in prices all these years, and that general increase you should take into account. But the Statement of Objects and Reasons mentions that there is a spurt in prices due to speculative transactions. This is a general statement not supported by specific instances to show that there has been a spurt in price of land. So far as I can say publicly and honestly there might have been some sudden increase in prices during the last three or two years other than the general increase that has been there for the last fifty years. The general increase in prices the Government should not take into consideration for this purpose. That is why I said the average should be for the past three years. And again in actual working if we are to take the average of the last three years, in areas like Tondiarpet and Royapuram, the price will be higher than the market value. In places where land values are decreasing, it will give higher prices to the landowner. In places where the land prices are increasing it will give a lower price to the landowner. Therefore the clause will work differently in different places according as there has been a rise or fall in land prices. The change in land values depends on the way in which the city is moving and improving. The city is moving south now. This is the condition so far as the city is concerned. There may be similar cases in respect of other big towns in this State. I do not know definitely what are the conditions that obtain there. Therefore I confine my remarks to the city itself. If as has been stated

3rd April 1961] [Sri K. Balasubramanya Ayyar]

there has been a spurt in prices, it can be only within the last three years and, therefore, for the purposes of this clause, three years' period would be much better than five years.

SRI MOHAMED RAZA KHAN : Sir, in further support of my amendment to which my esteemed friend Sri Balasubramanya Ayyar referred, I would like to ask the Hon. Minister concerned why they have come to this period of five years, and what is the rationale behind it. After all, as was stated by hon. Members, it would not be possible for people to get all the statistics. The onus of proving the market price for five years will be on the people, who will be deprived of their lands. It is not as though the Government will have all the particulars and say, ' We want to be fair to you; market value is fluctuating; hence we take the average.' The responsibility will be shoved on the people to give the market value for the five years. To give particulars for five years will be very difficult. Therefore three years will be reasonable to me and to my friends here. It will be logical also. Recently we passed the City Tenants Protection Bill. In the original clause therein it was said that the average market value for the last seven years should be taken into consideration. But the Government for some reasons—I take it for very good reasons—said that it should be three years. In that Bill, wherein it was a question of transaction between private parties and parties, the Government insisted on three years. I do not know the logic here when they say ' five years '. I hope the Hon. Minister will tell us the rationale behind this ' five year ' period. 4-40 p.m.

Let me say that the Minister argued very nicely, but to me it was not completely convincing. He quoted England and Bombay in support. The Central Government have given directions to the Madras Government. They said, ' Here you are going on with plans and schemes; people are taking advantage of them, and there is a spurt in prices.' But in other States, they have adopted different measures. Whenever they wanted a plot, they had taken as wide a plot as possible and not confined themselves to the smaller plot.

MR. CHAIRMAN : The hon. Member should confine himself to the amendment under discussion.

SRI MOHAMED RAZA KHAN : On the very argument of the Leader of the House, it is pertinent to the point. The amendment is in regard to the price. The Hon. Minister himself said that when they purchased a big piece of land and made improvements thereon, the prices of the neighbouring lands went up. The Government ought to have had the sagacity to take as extensive an area as possible instead of taking lands piecemeal. It is not only the poor people who will be suffering. Human nature being what it is, every one will like to get the market value for his land. The hon. Member opposite Sri Seshachariar argued vehemently and ably without point or purpose. Suppose one has purchased his

[Sri Mohamed Raza Khan] [3rd April 1961

land at Rs. 500. Will he be pleased to take the average of the five years as the price for his land? Will anybody do it? It is impossible in the very nature of things. In reply to a question to-day, the Leader of the House on behalf of the Hon. the Minister for Revenue said that a paper was laid on the table of the House, and I could not therefore put supplementaries immediately. Very recently, Sir, we passed the Appropriation Bill for supplementary grants. There, we saw an item of expenditure of Rs. 5 lakhs for constructing the 'Madras House' in Delhi. The Government did not tell us how much they paid for the land and how much they paid for construction. But I am given to understand that they paid very heavily for the land. Let the Hon. Minister refer to the department and tell the House how much money was paid for the land in Delhi. If the Union Government themselves are taking exorbitant price from the State Government, what is wrong if private people take a higher price here for their lands which are acquired by Government? Am I to understand that the Central Government have given to the Madras Government that plot of land for Rs. 3,000 per ground? They have given it for a much higher sum. I do not know the facts fully. But let the Minister disprove if what I say is not correct.

If we take all these into consideration, the three-year limit will be reasonable. There is one thing to which we are not paying our attention. According to the statement of the Minister himself, all big housing schemes either by themselves or by private bodies like mills or by the City Improvement Trust or the Housing Board or the Corporation as far as the City of Madras is concerned, will come to an end. The whole activity will be beyond the City of Madras. It will also be in Poonamallee. I am sure the hon. Member opposite Sri Seshachariar will try to convince the people in Poonamalle about this five-year period. He will have to face the music at that time. It looks as if while we allow big people in Madras to have their price at the market value, we are trying to put a sort of check on the price in the outskirts of the City of Madras. With all these, we feel honestly that three years will be very reasonable. It will be more workable. If, as I see the mood of the Leader of the House, he is not inclined to accept the amendment, I leave it to his judgment.

* THE HON. SRI R. VENKATARAMAN: Sir, in order to arrive at the average value of the land, some yardstick has to be taken, and Government thought that five-years would be a resonable yardstick to take note of two kinds of possibilities. One is where the land value was higher and had come down, and the other one is where the land value was lower and went up. If we have to find the mean, then it is necessary for us to take a period, and the period of five years appears reasonable. Therefore, I submit that I am unable to accept the amendment.

MR. CHAIRMAN: The question is—

"(i) In item (i) to sub-clause (1) *(a)*, *for* the words 'five years', *substitute* the words 'three years'.

3rd April 1961] [Mr. Chairman]

(ii) In sub-clause (1) *(a)*, *omit* item (iv)."

The amendment was put and lost.

SRI K. BALASUBRAMANYA AYYAR: Sir, I move—

'*Omit* sub-clause (1) *(b)*.'

Sir, I find that even in the Bombay Act they are not in favour of taking away the solatium. I do not agree with the hon. Member Sri Seshachariar here. They are not in favour of taking away that solatium. Solatium has been interpreted as a kind of gift. Solatium is not a kind of gift. Nobody wants any gift. That is meant as compensation for compulsory acquisition. That is all it means. This was before 1955. This principle has not been negatived. Paragraph 53 of the Law Commission Report (Tenth Report) says—

'We are also not in favour of omitting section 23 (2) so as to exclude the solatium of 15 per cent for the compulsory nature of the acquisition. It is not enough for a person to get the market value of the land as compensation in order to place himself in a position similar to that which he would have occupied, had there been no acquisition; he may have to spend a considerable further amount for putting himself in the same position as before. If, for example, the only property a person possessed was three acres of arable land and he was deprived of this under the compulsory power of acquisition, he would no doubt get the market value of his property; but he would not be in a position to provide himself with a vocation to which he had been all along accustomed. He must find suitable land in or about the locality where he resides which may not be easily available and he may have to wait and spend more than the amount of compensation he has obtained. As pointed out by Fitzgerald, the community has no right to enrich itself by deliberately taking away the property of any of its members in such circumstances, without providing adequate compensation for it.'

This is a principle which was generally accepted in all these cases. We cannot enrich the community by taking away the property of the people. This general principle is laid down as a policy. The community has no right at all to enrich itself at the expense of people owning property. We should have thought of this long before, i.e., in 1950, when we talked about the fundamental rights. Having done this, and having deliberately put these fundamental rights in the Constitution, we should try to reconcile both these things. We should not dub those people who talk of property rights as unsocial. We are as much social as any of those people who say that they are working for a socialistic pattern of society. We repudiate the suggestion that we are unsocial. We are working under a Constitution which began by recognising our fundamental rights. Those rights still remain. I submit and stick to the argument—I do not want to use the word 'argument'—that the principles of this Bill go against those of the Constitution, so far as compensation is concerned. I repeat 4.50 p.m.

[Sri K. Balasubramanya Ayyar] [3rd April 1961

'the community has no right to enrich itself by deliberately taking away the property of any of its members without compensation'. This solatium is not a free gift. That is also compensation, provided for the compulsory nature of the acquisition. The Legislature cannot make any gifts. Compensation is provided in two ways; one is general and the other special, i.e., the solatium. The Legislature took the whole thing into consideration and said that 15 per cent solatium would do ample justice and nobody has interfered with it all these years in spite of the 1919 Act of England. Therefore it is that I want this amendment. This five per cent will gradually become three, then two, then one and finally nothing. We must stop it at 15 per cent.

The amendment was duly seconded.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, ideas with regard to property and compensation undergo change. Undoubtedly in the nineteenth century, it was considered that 15 per cent solatium should be given and that that was equitable and fair. Even in England, in 1919, they thought that solatium was unnecessary and removed it. The Law Commission might say that the British enactment is not equitable and just. But the British do not think so and they are supposed to set standards for many socialistic legislations, though they cannot be called socialists or their country and their Government socialist. I do not agree that the Legislature is not competent in the twentieth century to change the basis of compensation. The Bombay legislation changed it much earlier. In the City Improvement Trust Act, there is no provision. Perhaps the Government should have done away with solatium completely. That would be in consonance with modern ideas. (Sri K. Balasubramanya Ayyar: I understand.) That would be the proper thing. But, however, because we want to move slowly and cautiously, we have provided for five per cent solatium. I cannot say ten years or fifteen years, hence people will not do away with this. Therefore, I cannot accept this amendment.

MR. CHAIRMAN: The question is:

"*Omit* sub-clause (1) (*b*)."

The amendment was put and lost.

SRI MOHAMED RAZA KHAN: Sir, I move.

"In sub-clause (1) (*b*), *for* the words 'five per centum' *substitute* the words 'ten per centum'."

The amendment was duly seconded.

SRI MOHAMED RAZA KHAN: The Hon. Leader of the House was quoting extensively from the Bombay and the English Acts. For that very reason, we wanted this Bill to go before a Select Committee so that we too could have the benefit of those Acts. Now we do not know anything about the provisions of those Acts and the circumstances under which they were enacted. Now

3rd April 1961] [Sri Mohamed Raza Khan]

the Hon. Minister has given us some idea of those Acts and perhaps two or three days' study might give us an idea of those enactments. Now, Sir, the Government are going to pay some money to these land-owners but that sum is too small to enable them to use it since the cost of everything has gone up. Very many people might think that it would be better to preserve their properties because whatever they may get by way of sale value will have no money value at all. It is only for this reason that 15 per cent solatium used to be given and the Government now say it should be only five per cent. It is not a question of argument. There should be logic and reasonableness. The Hon. Leader of the House says, 'even this five per cent, we ought to have given up, but we are very generous in giving it'. If that is the attitude of the Hon. Minister and the Government let them do anything. After all the public know what they have to do and at what time.

THE HON. SRI R. VENKATARAMAN: I have nothing to add to what I have stated. I oppose the amendment.

MR. CHAIRMAN: The question is:

"In sub-clause (1) (*b*), *for* the words 'five per centum' *substitute* the words 'ten per centum'."

The amendment was put and lost.

SRI M. PATANJALI SASTRI: Sir, I move:

"In item (iv) to sub-clause (1) (*a*), *after* the words and figures 'section (4), sub-section (1)', at the end, *add* the following:—

'and any other use to which it may be put by reason of its suitability or adaptability and which the person interested had in view before such date'."

The amendment was duly seconded.

SRI M. PATANJALI SASTRI: I wish to explain at the very outset the purpose of my amendment. The Hon. Minister pointed out that in England potential value or the possibility of increased value has been given up. I do not quarrel with that principle. My amendment is purely limited in scope. Section 24 is made to apply here with certain prohibitions, one being that nothing except the use to which the land was put at the date of the publication of the notification under section 4, sub-section (1) shall be taken into consideration. Therefore, the Collector or the court, as the case may be, when it comes to determine the compensation shall not give any effect to the possibility of increase in value. My other amendment is 'unless the person interested had such other use in view before such date'. You are aware, Sir, that very often it happens that a person, in view of his impending retirement buys one or two acres of land with a view to putting up a building in the centre and have a hobby in architecture or something like that around his building in the compound. He may be waiting for his accumulated money, provident fund or gratuity, for putting up the

building. But meanwhile, he cultivates the land. He puts up a kitchen garden or a mango garden. At that time, the bombshell of a notice under section 4 (1) is thrown. What is to happen? He purchases the land only for putting up a building or a bungalow surrounded by trees. As it is, the value to be taken might be the value of the kitchen garden. But is the fact to be ignored that he bought the land for putting up a bungalow? Is it to be valued as a kitchen garden or a plantain garden? My amendment is directed to that limited class of people where the person concerned is able to prove to the satisfaction of the compensating authority
5-00 p.m. that even before the date of notification, it was his view to put up a building and claims an increased value for the land. It must be open to him to prove his intention in order justly to decide the question of compensation. I do not quarrel with the principle adopted in England in the recent legislation. Let it be so. It may be part of recent principles of legislation in England which the Hon. Minister wants to follow here. I have no quarrel on that. But if a person purchased the land very recently before the notice came to be issued under section 4 (1) announcing the intention of the Government to acquire the land,—he purchases for a very definite purpose—why should he be deprived of the value of the land on which he had intended to put up a house? I submit this concerns fairness and justice and therefore my amendment should be accepted. I have no quarrel as I said with the general principles which the Hon. Minister had stated and I do not wish to go into a further consideration of the policy here. But surely this is a special case where a few people might have in consideration of various matters invested in property. Their idea might be to build a house of their own. That is why I have said in my amendment ' any other use to which it may be put by reason of its suitability or adaptability and which the person interested had in view before such date.' If the Hon. Minister thinks that the expression ' before such date ' is rather vague, we might put in ' three months before such date ' or ' six months before such date '. It may be people may get the wind of the idea of the Government to launch a building scheme and immediately they may say they had intended to do such and such a thing, to circumvent the legislation. Therefore the Government might say ' three months before such date ' or ' six months before such date '. The point is a person who had this view in mind, the construction of a building in view at some definite period before such date must be excluded from the rather drastic provision of this potential use. That is all my amendment.

* THE HON. SRI R. VENKATARAMAN : The point raised by the hon. Member Sri Patanjali Sastri refers to the old question of the potential use, the use to which the person intended it to be put should be taken into consideration. That is the gist of the hon. Member's amendment. In the first place it is difficult to find the intention of any owner of property as to what use he wanted to put that property to. This will give rise to an interminable series of enquiries and great deal of difficulties in the administration of

the law. Secondly we feel that the actual existing use should be the basis of compensation and merely because he intended to put it to some other use or purchased it for the purpose of putting it to use should not be taken into account in the matter of fixing compensation. There may be hard cases but these hard cases will have to be decided by the authority, namely, the authority under the Land Acquisition Act and the authority above it. (An hon. Member : He is prohibited.) That is what I submit, namely, that if there are hard cases in the valuation they take into account a number of factors but certainly not the intention. Therefore, I am unable to accept the amendment.

MR. CHAIRMAN : The question is :

" In item (iv) to sub-clause (1) (*a*), *after* the words and figures section (4), sub-section (1) ', at the end, *add* the following :—

' and any other use to which it may be put by reason of its suitability or adaptability and which the person interested had in view before such date '."

The amendment was put and lost.

Clause 3 was put and carried.

Clauses 4 and 5 were put and carried.

Clause 1 and the Preamble were put and carried.

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

' That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), as passed by the Legislative Assembly, be passed '.

MR. CHAIRMAN : Motion moved :

' That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), as passed by the Legislative Assembly, be passed '.

SRI MOHAMED RAZA KHAN : Mr. Chairman, Sir, it is not as if the Members of the Legislature alone are concerned about this. There is also indication of how the public feels about it. There was an editorial in a leading paper about this measure. I do not want to quote in extenso what the ' Hindu ' has editorially commented on this measure. It has said : ' Madras may be raising a host of problems that will need patient and sympathetic sorting out and adjustments and modifications in the new measure '. Apart from the editorial comment which only reflects public opinion, we in the opposition tried our very best to see whether some modifications, some changes could be made in the measure based on reason, logic and equity. We have done our best and we do not feel sorry that our suggestions have not been accepted. We are happy we have done our best and played our part.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, printed ignorance passes for wisdom. I have nothing more to add.

MR. CHAIRMAN : The question is :

'That the Land Acquisition (Madras Amendment) Bill, 1961 (L.A. Bill No. 11 of 1961), 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 *sine die.*

The House then adjourned *sine die.*

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

267. *Notifications issued with G.O. No. 5232, Revenue, dated 20th December 1960, regarding exemption from the tax payable under section 3 (1) of the Madras General Sales Tax Act, 1959 (Madras Act I of 1959 of the manufacture and sale of compost manures to agriculturists and agricultural co-operative societies.*

268. *Order issued with G.O. Ms. No. 2506, Revenue, dated 7th June 1960, regarding exemption from liability to entertainments tax of certain film shows exhibited at the Children's Theatre, Madras, by the Information and Publicity Department of the Government of Madras and by the Films Division of the Government of India.*

269. *Notifications issued with G.O. No. 5274, Revenue, dated 22nd December 1960, regarding exemption from sales tax of all sales of vegetables, fresh fruits, betel and plantain leaves, flowers, eggs, meat and fish (other than canned meat and fish) and the purchases of potatoes.*

270 and 271. *Notifications issued with G.O. Ms. No. 329, Revenue, dated 21st January 1961 and G.O. Ms. No. 214, Revenue, dated 12th January 1961, appointing 16th and 9th February 1961 as the dates on which the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) other than sections 1, 2, 4, 5, 7, 8, 58-A, 62, 67 and 68 which have already come into force shall come into force in the Alagiyanakipuram Inam Estate in Pattukottai taluk and Nemmellikkudi Padugai Inam Estate in the Papanasam taluk, Thanjavur district respectively.*

272. *Notification issued with G.O. No. 300, Revenue, dated 19th January 1961, regarding exemption of certain classes of dealers from the operation of the Madras General Sales Tax Act, 1959 (Madras Act I of 1959).*

273. *Notification issued with G.O. Ms. No. 129, Local Administration, dated 17th January 1961, regarding inclusion of certain villages in the Tiruvallur Panchayat Union, Chingleput Development district.*

* 274. *Annexure to the Land Acquisition (Madras Amendment Bill 1961 (L.A. Bill No. 11 of 1961).*

* Sent by Specil Messengers on 1st April 1961.

APPENDIX I.

[Vide answer to starred question No. 232 asked by Sri Mohamed Raza Khan at the meeting of the Legislative Council held on 3rd April 1961, page 169 supra.]

Transfer and lease of State Government lands to the Reserve Bank, Port Trust and to the All-India Radio—Terms and conditions—Answer to Starred Legislative Council question No. 232 of 1961.

RESERVE BANK OF INDIA :

In 1952 an extent of ten grounds and 292 square feet in T.S. No. 11715 (Part) of Georgetown has been granted to the Reserve Bank of India on payment of market value at Rs. 7,000 per ground on a freehold tenure, i.e., free of all payments of annual ground rent. The collection of 25 times the ground-rent was also waived.

MADRAS PORT TRUST :

In 1951 an extent of 86 acres of land in the unsurveyed foreshore to the east of Fort St. George was transferred to the Port Trust on payment of compensation of Rs. 30 lakhs. In 1959 a further extent of about 427 grounds was placed at the disposal of the Port Trust subject to the payment of cost at Rs. 3,000 per ground.

In 1960 further extents measuring 733 grounds at Rs. 3,000 per ground and 97 grounds at Rs. 2,000 per ground and 116.5 grounds at Rs. 1,500 per ground have been placed at the disposal of the Port Trust.

These transfers are subject to the following conditions :—

(i) that only diesel locos should be used in the Marshalling Yard to avoid coal dust;

(ii) that the Madras Port Trust should obtain the previous permission of this Government for putting up any building opposite to the Secretariat Buildings to a width of 250 feet on either site of the Flagmast and for buildings over 60 feet height elsewhere;

(iii) that the buildings facing the main road to be put up by the Port Trust should harmonise with the surroundings;

(iv) that this Government will have the right of use over $7\frac{1}{2}$ acres of land along the North Bank of the Cooum that may be required by the High Power Technical Committee for Cooum Improvement till 1966 or till the necessity ceases, whichever is earlier; and

(v) that the right of the Government to withdraw the permission granted in 1959 and 1960 is reserved.

[3rd April 1961

ALL-INDIA RADIO :

In 1953 an extent of land measuring 72 grounds and 88 square feet in R.S. Nos. 990/1 and 2344/1 of Mylapore, Madras has been leased to the All-India Radio for a period of 30 years from 1950 subject to the usual conditions governing such leases which include the right of resumption of the land.

APPENDIX II.

[Vide item II on page 170 supra.]

L.A. BILL NO. 11 OF 1961.

(As passed by the Assembly)

A Bill further to amend the Land Acquisition Act, 1894, in its application to the State of Madras.

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894 (Central Act I of 1894), in its application to the State of Madras;

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

1. *Short title, extent and commencement.*—(1) This Act may be called the Land Acquisition (Madras Amendment) Act, 1961.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the State Government may, by notification, appoint; and different dates may be appointed for different areas.

2. *Definition.*—In this Act, unless the context otherwise requires, "housing scheme" means any State Government scheme the purpose of which is increasing house accommodation and includes any scheme by a local authority, company or body corporate for such purpose undertaken with the previous sanction of the State Government.

3. *Sections 23 and 24 of Central Act I of 1894 to apply with certain modifications in respect of acquisition of lands for housing schemes.*—Where any land is acquired for the execution of any housing scheme, the Land Acquisition Act, 1894 (Central Act I of 1894), as in force in the State of Madras, shall apply subject to the following modifications, namely :—

(1) In section 23 of the said Act,—

(*a*) in sub-section (1),

(i) for clause *first*, the following clause shall be substituted, namely :—

"*first*, the market value of the land at the date of the publication of the notification under section 4, sub-section (1), or an amount equal to the average market value of the land during the five years immediately preceding such date, whichever is less;"

3rd April 1961]

(ii) in clause *fifthly*, the word "and" occurring at the end shall be omitted;

(iii) in clause *sixthly*, the word "and" shall be added at the end; and

(iv) after clause *sixthly*, the following clause shall be added, namely :—

"*seventhly*, the use to which the land was put at the date of the publication of the notification under section 4, sub-section (1)."

(*b*) in sub-section (2), for the words "fifteen per centum", the words "five per centum" shall be substituted.

(2) In section 24 of the said Act,—

(i) in clause *sixthly*, the word "or" occurring at the end shall be omitted;

(ii) in clause *seventhly*, the word "or" shall be added at the end; and

(iii) after clause *seventhly*, the following clause shall be added, namely :—

"*eighthly*, any increase to the value of the land acquired by reason of its suitability or adaptability for any use other than the use to which the land was put at the date of the publication of the notification under section 4, sub-section (1)."

4. *Application of the Act to pending cases of acquisition.*—The provisions of section 3 shall apply also to every case in which proceedings have been started before the commencement of this Act for the acquisition of any land for the execution of any housing schemes, provided that no award has been made by the Collector under section 11 of the Land Acquisition Act, 1894 (Central Act I of 1894), before such commencement.

5. *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.

FINANCIAL MEMORANDUM.

The Bill seeks to amend the Land Acquisition Act in regard to the principles on which compensation is to be awarded for the lands acquired for housing schemes.

The expenditure on the acquisition of lands required for housing schemes depends upon the extent of lands required for the various housing schemes, for which, ordinarily provision is made in the State Budget under the respective head of account. It is, however, not possible to forecast at this stage with any precision the expenditure that will be incidental to the administration of the proposed legislation.

INDEX TO MADRAS LEGISLATIVE COUNCIL DEBATES

NINETEENTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA

24th and 27th to 29th March and 1st and 3rd April 1961.

Volume XLII (Nos. 1 to 6).

PAGES

B—*cont*.

C

PAGES

C—*cont*.

PAGES

D

E

PAGES

F

G

H

I

PAGES

I—*cont.*

J

K

L

PAGES

L—*cont.*

M

PAGES

M—*cont.*

N

P

PAGES

P—*cont.*

PAGES

P—*cont.*

Q

PAGES

Q—*cont.*

PAGES

S—*cont.*

T

PAGES

T—*cont.*

V

PAGES

V—cont.