

Law (1921) Department.
(Education) ①

Ordinary SERIES.

G.O. No. 982

DATED 30-6-1921 ORDER 17

Order 18

⑧

INDEXED

Order 18

[Despatch Abstract.]

982

Legislative Council.

Meeting March 1921--Question--Que n Mary's College for Women
acquisition of Sir Subrahmanya Ayyar's property--papers recorded

Department.	Date.

CURRENT FILE.

CONTENTS

Current No.	From	Number.	Date.	Pages.
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DEPARTMENT

2

2
982

தமிழ்நாடு ஆவணக்காப்பகம்
பாதுகாப்பு (Pr1) பிரிவு

பணி எண்: 78/51

செப்பனிட்டவரின் பெயர் : ச. ரமணி
ஆவணத்திலுள்ள மொத்த தாட்கள் : 18
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5/19/15
பணி வழங்கிய எழுத்தர்
(Issue Clerk)

--- சரிபார்க்கப்பட்டது ---

பணி சரிபார்த்த எழுத்தர்
(Checking Clerk)

பிரிவுத் தலைவர்

02/14/5/2015

Education
4

Resolution on the Budget

Mr. J. A. Rauskington Chetman

The P.W. dept

The Friars left.

405

That the sum of Rs 3 lakhs
for acquisition of lands for the
Queen Mary's Extension, Madras
(Item No. 61) be deleted.

Resolución N° 187270 relativo a:

Same Subject

4 2/4
982

Resolutions on the Subject Budget

Mr. J. A. Ramalingam Chellian

The G. W. Dept

The Finance Dept.

404

That the sum of Rs 32,000

provided for improvements to the
Madras University ^{Students} Clubs, Madras
(Item N. 60) be deleted.

Being dealt with
separately.

Resolution N. 65 also relates to these

subject

Resolution on the Budget

Mr. S. Sreenivasa Ayyangar

The S. W. Dept

The Finance Dept

201. This Council resolves
that under 41. Post. Civil works
item 187. Rs 32000 be omitted

X Nilgiri Library. (separately
dealt with)

Resolutions Nos. 165, 311, 450, 414

relate to the same Budget

6

6

982

165

Item No 59 in the PWD
Budget

Item 24. Improvement to the site
assigned as a play-ground to
the Kondamandalam Progression
Union & Hindu Theological
Secondary School. Madras

B = 12200

7
7
982

NOTES.

Special

8

Public Works Department.

Resolutions on the Budget for 1921-22.

8
982

Nos 23, 28, 40, 41, 52, 48, 43, 57, 112, 113, 165
155, -159, 198-202, 210, 261, 262, 263-265, 267-270
271-272, 311, 187, 325, 186, 450, 414, 402, 404,
405-407, 217, 284 and 456.

For Secretary.

etc.

If typed copies of
a resolution are
required the depart-
ments concerned will
only obtain them
from Legislative Coun-
cil office. Only one
copy of each resolu-
tion was received in
this department. Legis-
lative should have ~~communicated~~
communicated the reso-
lution to the depart-

1

The above are the resolutions received in
this Department in regard to the Budget for 1921-22.
They have been sorted departmentally; ~~for~~ cases
where more than one member has suggested reduc-
tion in regard to the same item, the Resolution of
only one of the members is put up, the numbers of
the other resolutions being noted on the margin of
the resolution put up.

Orders in regard to the admission of these
resolutions are still awaited.

The reductions proposed relate almost
wholly to New Major Works and also to few works in
progress and also certain items in the establish-
ment portion of the budget. The total reduction
proposed from the grant for New Works as also for
works in progress comes to about Rs 23 lakhs
against the provision of Rs 25.98 lakhs proposed
in the budget and that under 'Establishment' comes
to 6.50 lakhs against the total provision of
Rs 49.93 lakhs (both Direction and Construction)

The Public Works Department is a service
department and is concerned only with the execu-
tion of the works after they have been provided
for in the budget. The New Major works included
in the next year's budget were selected at a con-
ference of the Secretaries of Government and

finally

Certainly
W.H.
18-3-21

W.H.
18-3-21

Yes, I should
think.

W.H.
18-3-21.

Very Urgent.
please.

W.H.
18-3-21.



PWD uo no 67413/21-2

4/3/21.

Es. C. N. 986 B Law (Education) Unit
19.3.21
Lt. Resolution

-2-

9
982
It is finally settled at a meeting of the Cabinet. It is submitted that it is for the administration department concerned to defend the retention of the items brought forward by them with due regard to the administrative necessity and urgency apart from the readiness of those works for execution. The lists put up may, it is submitted, be forwarded at once to the departments concerned for immediate action. It is presumed that, the administrative department will take charge of the resolutions for discussion in the Council even though the Minister in charge of Public Works Department will present the demands under 41 Provincial.

So far, the reduction proposed do not relate to any of the works of the Public Works Department. But the following were proposed for inclusion in the budget by this department --

1. Improvements to the 3 Government Houses.
2. Official residences - for Gazetted officers - Madras.
3. Housing the subordinate staff.
4. Acquisition of site for official residences at Coimbatore.
5. Sanitary improvements, Chepauk.
6. Rest house at Erode.

Action in regard to these and also in regard to certain items under 'works in progress' and in regard to the reductions under 'Establishment' is being taken separately in this department.

After the above lists have been sent to the departments concerned, the file may be circulated to W₁ for perusal.

Yes.

W.H.
18-3-21.

3 10 10
 982
 Jan (15)

Regr.

pp. 1-4 CF

pp. 2 & 3 CF

p. 1 CF

Of the four Resolutions relating to this dept., those relating to the university students club and the Vilgisi library are dealt with separately. The other two are noted on below:-

(i) Allocation of the provision of Rs. 3 lakhs for Queen Mary's college extensions.

The provision is required for the acquisition of the land and buildings belonging to Sir S. Subrahmanya Ayyar and adjoining the Queen Mary's college - vide G. 297 of 1.3.21. It

(N)

need hardly be mentioned that extensions ^{to as well as} ~~and~~ additional accommodation for the college are ~~an~~ immediate necessities, that the lands in question, being in close proximity to the college, are fit for such extensions and additions and that it will be in the interests of the college to acquire ~~it~~ ^{them} so as to prevent them passing

11 4 11/982
passing into other hands. ~~It will~~ It will
not be desirable to allow private vendors to do so. The
permission should therefore be
retained.

CV
19.3.21

P.4 C.F. Improvements to the site
assigned as a playground for the Khondaimaa-
Balaram Progressive Union and Hindu Theolo-
gical Secondary schools - Rs 12,200.

A

On G.O. no 236 to D. 16.2.21 the Govt
sanctioned an expenditure of Rs 12,270 ^{on} ~~for~~
improvements to the site ^{on the Mellore Road, George Town.}. The necessity
for this expenditure is fully explained in the
D.P.D.'s letter disposed of in the G.O. vide
page 2 of flag A. The work is very urgent
and necessary and the provision made for
the purpose cannot be deleted.

The ground was assigned
to the two schools in
question in 1916 as part
of a general scheme which
the Govt. accepted on the
recommendation of a Special com-
mittee appointed for the
purpose of providing
suitable playgrounds for
the schools in the city which
wanted them badly.

2/ For order whether the
resolutions may be approved,
as to who should take charge of
them and whether they should be discussed
at the Cabinet meeting.

19.3.21

19.3.21

Recd, the contract has been concluded
& it is too late to retract.

No. 188

19.3.21

List for remarks to $\frac{1}{982}$
 509/407 $\frac{19}{3/21}$

The Secretariat notes together with ^{the} ~~my~~ letter at ^{p. 28} / ~~the~~ ^{the} A give all the information necessary. The provisions should be retained.

Naq
4/3/21.

Submitted

19.3.21

Resolutions / withdrawn.

अ/प्र/३



P.T.O.

13 13 13
13/982

Extracts from Council proceedings

I

The following motion was deemed to have been withdrawn as the mover was absent :—

Diwan Bahadur D. SESHAGIRI RAO PANTULU—

80. To omit Rs. 12,200, provision for improvement to the site assigned as a play-ground to the Tondamandalam Progressive Union and Hindu Theological School, Madras (Public Works Budget item 59).

II

Mr. M. D. DEVADOSS :—“ Mr. President, Sir, I move —

88. To omit Rs. 3,00,000, provision for acquisition of lands for the Queen Mary's College extensions (Public Works Budget item 61).

“ Sir, my object in moving for the deletion of this sum is not because I do not appreciate the education that is given to our girls in the college, but because we want money for more urgent purposes. Sir, it has not been shown that there is any urgency for acquiring lands for

PTO

31st MARCH 1921.] (Mr. Devadoss; Mr. Patro; Mr. Namberumal Chetti;
Mr. Tanikachala Chettiyar; the Hon'ble the President.)

the extension of the Queen Mary's College. As we are all aware, there are four palatial buildings for the college and there are other smaller buildings as well. The students there, I understand, are only about 120 or 130 in number. Sir, when finances permit, it will be quite right to spend as much money as possible upon this college. But when we feel that we have not got enough money to carry on the affairs of this Presidency, and when we find there are a number of urgent demands now on our purse, I do not think we shall be justified in spending such a large sum as 3 lakhs of rupees on this college in one year. Sir, money is wanted for paying the non-gazetted officers. Money is wanted for finding houses for the Panchamas, for relieving them from the state of things which exists at present in Madras and other places. The owners of the cheris in Madras have given notice to their tenants that they should leave them within a month. Sir, as I mentioned on another occasion, the Civil Courts are granting decrees in favour of the landlords against the tenants and they give only a month's time to pull down their houses. There are houses, as I have already stated, which are worth even Rs. 10,000 and the owners are asked to pull them down and remove the material within a month or so. Again we find that labour which requires to be fostered and encouraged has not been given an adequate grant. These are the main reasons which induced me to come forward with this motion for the deletion of this amount. Sir, when finances permit, when we have got enough of funds, I will be the first person to vote, not merely 3 lakhs of rupees, but more for the improvement of the college, and to see that it is placed on the same footing as "Gerton" or any other Women's college in England. But till that time comes, I ask the Government not to spend such a large amount as Rs. 3 lakhs upon acquiring a site."

Rao Bahadur A. P. PATRO:—"Sir, I move—

89. To omit Rs. 3,00,000, provision for acquisition of lands for the Queen Mary's College extensions (Public Works Budget, item 61).

"I only move this in order to elicit information whether the Government have entered into any contract for the purchase of these buildings and whether the contract is complete."

Rao Bahadur T. NAMBERUMAL CHETTI in moving—

90. To reduce by Rs. 2.50 lakhs, provision of Rs. 3-lakhs for acquisition of lands for extension of Queen Mary's College (Public Works Budget, item 61)

said:—"Sir, while I consider that the extension of the Queen Mary's College is desirable, I think that the amount provided is too much. I therefore suggest that only a sum of Rs. 50,000 be provided for the same in the budget year, utilizing the balance for other urgent purposes. I am only asking for a reduction and not for complete omission."

Mr. O. TANIKACHALA CHETTIYAR:—"Mr. President, Sir, as the motion is tabled in my name I request that I may be granted 10 minutes' time more to speak on the same."

The Hon'ble the PRESIDENT:—"Yes."

Mr. O. TANIKACHALA CHETTIYAR made the following motion:—

91. That under 41. Provincial Civil Works—Acquisition of lands for the Queen Mary's College Extension, Madras, Rs. 3,00,000 be omitted (Public Works Budget, item 61).

In doing so, he said:—"Mr. President, Sir, I am constrained to oppose this grant of Rs. 3 lakhs for the following reasons. I have pointed out on a previous occasion, that the number of girls receiving education in this college is only 132, and that they have substantial buildings put up and the grounds around them measure 11 cawnies. The grounds now proposed to be acquired measure about 2 cawnies and it is proposed to pay 3 lakhs of rupees for the land as well as the buildings. I consider it, Sir, a woeful waste of money and extravagance to pay 3 lakhs of rupees for two cawnies of land together with the buildings. It may be convenient that I should give this House a few facts and figures relating to the premises which now form the Queen Mary's College buildings together with facts and figures relating to the neighbouring land and buildings which are sought to be acquired at a cost of three lakhs of rupees. In the year 1913 the Queen Mary's College and buildings formed the premises known as the Sea View or Capper House Hotel and consisted of 12 cawnies of land. It was owned by three brothers who quarrelled with each other like the cats in Aesop's Fables over a piece of cheese. The neighbour found his opportunity and became the owner of an undivided one-third share while litigation between the brothers was pending in Court. He obtained a firm grip on the litigation that was going on. He would not let go the grip until he was able to annex an acre of land to his own property at a cost of Rs. 2,800 per acre or Rs. 155 a ground. In the year 1914 the late Mr. Middlemast, Deputy Director of Public Instruction, negotiated with me as the lawyer acting for the owners of the property, for a lease for one year of the property known now as the Queen Mary's College, at Rs. 350 a month, which consisted of a very substantial building (now used as part of the College buildings) together with extensive outhouses; and after that acre of land was given away to the neighbour it consisted of 11 cawnies and one ground. Four or five months after leasing the property, the Government became so enamoured of the same that they decided to acquire it. Acquisition proceedings in the usual course through the Deputy

(Mr. Tanikachala Chettiyar; Mr. Ramachandra Rao; [31st MARCH 1921.
Mr. Ramalinga Chettiyar.)

Collector were taken and the buildings were valued at Rs. 45,500 roughly and the land 11 cawnies—three-fifths of it at Rs. 110 per ground and two-fifths at Rs. 70 per ground, so that Government paid for 11 cawnies Rs. 24,000 which works out at Rs. 98 per ground, while the neighbour paid Rs. 2,800 per acre for 18 grounds, now the adjacent owner, who has added one acre of land to his building and land which was $1\frac{1}{2}$ acres has now $2\frac{1}{2}$ acres or two cawnies. After a period of only five years, it is proposed to pay him Rs. 3 lakhs for two cawnies or 48 grounds, together with buildings thereon whereas you paid only Rs. 24,000 for 11 cawnies. I am aware that the owner has constructed a small bungalow which is worth Rs. 20,000 on the acre of land annexed by him. From my own knowledge and from what has been mentioned to me by Mr. Namburumal Chettiyar, than whom there is no one more competent in this House to judge in these matters, the building on the land already owned by him with the outhouses is worth Rs. 30,000. All the buildings on the site are worth in all to-day Rs. 50,000. Therefore the additional Rs. 2,50,000 divided by 48 grounds (2 cawnies) gives a price of about Rs. 5,208 per ground. Is this House going to sanction Rs. 3,00,000 for the purchase of a land which is 52 times the price, Rs. 98 per ground which the Government paid at acquisition of lands, or 83½ times, Rs. 155, which the owner paid five years ago. I am aware that land has been going up in value but that is only 10 per cent over the cost price, or say even 20, 30, or 40 per cent at the highest. In one or two cases the price has risen over the cost price 100 per cent but here the price which the Government is now proposing to pay is 3,350 per cent over the price which the owner paid in those days or 5,200 per cent over Government acquisition price. I can only just speculate as to what could be the reason for this enormous payment. I ask this House to consider in purchasing this site whether it would be well advised. It may be here mentioned that the property proposed to be purchased is the residence of the author of the famous letter to President Wilson of the United States of America written at a time when the Empire and its Allies were at breaking point and when the authorities were getting disappointed about the rate at which recruitment was proceeding?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I should like to know, Sir, whether the Honourable Member is in order in referring to the authorship of a letter addressed to President Wilson to be taken as a circumstance in justification or otherwise of the purchase of the site."

Mr. O. TANIKACHALA CHETTIYAR:—"I do not know what mystery surrounds the transaction where the Government proposes to pay a cost which is 50 times what they paid five years ago and 35 times what the owner himself paid? It may be that the Government thinks that in paying this high price they are purchasing peace with the General of the Army of 10 million Indian soldiers who were ready to take the field at the wink of an eye from this President of the Home Rule League, or could it be that the property of a gentleman who held the highest position which was open to an Indian in those days and who after he retired began negotiations with the ruler of a foreign Government is worth purchasing at any cost and preserving as a monument under the Ancient Monuments Preservation Act, or could it be that the Government thinks that the girls in the Queen Mary's College are to be the mothers of the warriors of the 10 million Indian soldiers and that they should be trained in this hallowed site, or could it be that the bureaucracy is anxious to set itself right with its accuser who charged them with paying themselves fat salaries and fatter allowances and emasculating the country and its resources by paying this sum as hush money to their accuser? I am not able to find out what is at the bottom of this enormous valuation and why the advisers of Government propose to pay at Rs. 5,208 per ground while they acquired the neighbouring site at Rs. 98 per ground on the average. Rs. 98 was not arbitrarily arrived at by the Deputy Collector. He had precedents to go upon. He had made acquisitions for laying the Lloyd's Road for the Corporation of Madras out of this very property and it was at about Rs. 100 per ground. Later on from the same ground the Deputy Collector acquired another portion for laying drains for municipal works, and for widening the Beach Road for a footpath, and in all these acquisitions Government paid the owners at Rs. 100 per ground. The Deputy Collector refused to pay to the owners of the property acquired even Rs. 2,800 per acre. He held that Rs. 2,800 per acre did not represent a fair market price and that that price was the result of a compromise of disputes between neighbours and could not be relied upon as of any evidentiary value for the price of land and the Chief Judge of the Small Cause Court was of the same opinion. The owners were not paid even on the basis of Rs. 155 per ground which had been paid by the neighbours. Therefore I move that this item of Rs. 3,00,000 be omitted."

Mr. T. A. RAMALINGA CHETTIYAR:—"Sir I beg to make a similar motion—

92. That the sum of Rs. 3,00,000 for acquisition of lands for the Queen Mary's College Extensions, Madras, be deleted.

"Mr. Tanikachala Chettiyar said that we are going to pay an enormous price for this building, but my view is that the Women's College is a new institution, and we have to spend large sums of money on laboratory and other accessories very soon. It seems to me that so large a sum of money as Rs. 3 lakhs need not be spent on the acquisition of a site which is not at present necessary. After coming here I am told that another site on the other side of the college is also necessary for accommodating the college staff, for laboratory, hostel and other purposes. So it seems to me that the spending of a large sum of three lakhs at present is quite unnecessary. We are told that there is a small building there which can be utilized for the

31st MARCH 1921.]

(Mr. Ramalinga Chettiyar; Mr. Natesa Mudaliyar;
the Hon'ble Sir Lionel Davidson; the Raja of Ramnad.)

Principal or a professor. Unless it be that there is ample money available for spending on buildings, I would be chary of sanctioning such a large sum of money for a single building of that description. I think other arrangements can be made provided the large amount of 3 lakhs is placed at our disposal. It is for these reasons that I came forward with this motion."

Mr. C. NATESA MUDALIYAR:—"Sir, my motion reads thus:—

93. That under 41. Provincial Civil Works—Acquisition of lands for the Queen Mary's College Extensions, Madras, Rs. 3,00,000 be omitted.

"In making it I want to know the reasons why so large a sum of money should be spent on the acquisition of this site."

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, it is fitting that the initial responsibility for making a statement on this motion should devolve upon me, since the liability in this case is a liability inherited by the Ministry; and the Government have no desire whatsoever to place upon the Minister the responsibility of defending their previous acts.

"I will deal, Sir, in serial order with the criticisms made by the previous speakers. Mr. Devadoss commented that no urgency has been shown for the purchase of the land. To answer that criticism I will refer to a statement which the Principal of the College has given under date the 23rd March. In regard to the question of urgency, it was within my personal knowledge that the council of the college and the Principal had for a long time past been pressing for additional accommodation for students. But I will not trouble the House with past history in that respect. I will merely state the position as it stands this week or rather as it stood last week. Miss de la Hey first takes exception to the existence of neighbouring houses overlooking residential institutions for Indian girls like Queen Mary's College. She says:

"The present occupiers (of the adjacent houses) have been most considerate to us, but if the houses are sold any kind of persons may come to them."

Now it had been for some time within our knowledge that the property in question was not unlikely to be sold, and that Mr. Subrahmanya Ayyar had received offers up to 2½ lakhs for the property. Miss de la Hey continues:

"The houses are absolutely necessary to us for hostel purposes. The present buildings, including the new central block, provide for seven members of the staff, 121 students and four kitchens. We need accommodation next July for at least eight members of the staff, 200 students and seven kitchens. The overcrowding this year has been most painful. Had I not been promised the extra accommodation of the houses in question, I would never have admitted so many students. It is to guard against the recurrence of such discomfort that I am so very anxious to have possession of next door houses."

"That, Sir, is a brief statement of reasons as to why the acquisition of this property is a matter of urgency. I do not think there is really any question about it. Queen Mary's College has been doing admirable work and should certainly not be denied the accommodation necessary to continue it.

"Mr. Patro has asked whether Government are bound by any completed contract in this matter. I am grateful to him for putting that very pertinent question in a concrete form.

"As I am not a lawyer, I hesitate to commit myself without reservation to the exact legal effect of a series of documents, but as a plain man I am bound to say that I think these documents do constitute an honourable undertaking in the matter. I understand that my Honourable colleague, the Minister for Education, will in all probability promise further examination of the legal point.

"But I should like at this stage to draw the attention of you, Sir, and of this Council to the fact that these transactions are not, as Mr. Tanikachala Chettiyar says, 'shrouded in mystery.' When the arrangements for the acquisition were in progress and about to be completed, the facts were duly brought to the notice of the late Legislative Council. If Honourable Members will refer to the record of the proceedings of the meeting of that Council on 13th July 1920, they will find at page 22 the categorical statement in an appendix to the answer to question No. 23 that 'the Government have also undertaken to incur expenditure in 1921-22 on the following schemes (the first of these being entitled: 'acquisition of two bungalows to the south of the Queen Mary's College, Madras, for the purposes of the college Rs. 3,00,000.)' Now, Sir, it is no part of my duty to blame this Council for the lapses of its predecessor, but I venture to suggest that, if this transaction was liable to the exception which is taken to it to-day, then some one in the late Legislative Council failed in his duty in not drawing the attention of the Government to the matter at a time when it would have been infinitely easier to withdraw from obligations which may now amount to a legal contract or an engagement morally binding upon Government now.

"I do not propose to follow Mr. O. Tanikachala Chettiyar into his detailed analysis of the land valuation. I merely content myself by saying that at the time when the figure of 3 lakhs was fixed, the Government were aware that a specific offer of 2½ lakhs had been made for the same property and that the owner was not willing to accept it."

The RAJA OF RAMNAD:—"Whose offer?"

The Hon'ble Sir LIONEL DAVIDSON:—"I am sorry I cannot give the name. I am referring to a specific statement made by the owner's grandson. The Government had also before them the valuation of the land by the Collector of Madras and of the building by the Public Works Department. The valuation in respect of buildings is substantially the same as that given

(The Hon'ble Sir Lionel Davidson;
Mr. Arupudaswami Udaiyar.)

[31st MARCH 1921.]

by Mr. Tanikachala Chettiyar. I think it was Rs. 51,000 instead of Rs. 50,000. In the case of the land, which covers some 49 grounds, the valuation was 2.16 lakhs. Now, 15 per cent added to that total (2.16 + .51) does not fall far short of 3 lakhs. It is true that there was an unfortunate misconception at the initial stage of the negotiations which were conducted between the owner of the property or his representatives and the permanent Director of Public Instruction (Mr. Littlehales) as to whether these negotiations covered three pieces of land or only two. I do not think there is any harm in stating that at the initial stage. The Government were certainly under the impression that all the three items were included and that the valuation given covered them all. The third item, about which there was some doubt whether it was included or not, was valued by the revenue officers at Rs. 58,000. Subsequently, when the negotiations proceeded further and the owner of the property, or his representative, pointed out that they had all along been under the impression that only two items of the property and not three were included, negotiations were commenced—at the instance of my Honourable colleague, Mr. Todhunter—to see whether, in lieu of paying compensation in cash for the third item, an alternative site at the disposal of the Government could not be given in exchange. The object of the owner was to retain a small portion of land on which to build residence for himself. He was willing to give up the small portion of land lying to the west of the main block if other convenient accommodation could be given to him elsewhere in Madras, and an alternative piece of land has in fact been selected near the 'Grange' where the two roads from Mylapore and Adyar meet. It is next to the police station and can be made available for Sir Subrahmanya Ayyar and his relatives who, I understand, are prepared to accept it in lieu of cash compensation. This site is of no particular use to Government, though it forms part of the area which, but for the resolution of yesterday, it was intended to use for buildings to provide housing accommodation for Government officers.

"That broadly is the position in regard to this transaction. In respect of the general issue of land valuations I may say that there is hardly any question which gives the Government more embarrassment than the tendency of the Courts to enhance the valuations made by revenue officers in cases where it is decided to apply the Land Acquisition Act. It is our experience that, when a reference is made by an unsatisfied party to the District Court, doubtful points are as a rule given against the Government. The usual experience is that the valuation is substantially enhanced if the claimant chooses to pursue his claim up to the District Court; and if the matter goes further to the High Court the claimant is likely to get even more. I have known cases in which the initial amount has been multiplied many times over before the final award is given. This is particularly serious if the Government have taken possession of the land during the course of the acquisition proceedings, for they cannot then withdraw: and it is often necessary so to take possession because of the urgency of the work in issue.

"I do not think, Sir, that I need seriously notice Mr. Tanikachala Chettiyar's suggestion that this money is being paid as hush money or as a means of negotiating peace with Sir Subrahmanya Ayyar's Home Rule Army of 10 million Indians who act on a nod from him. That suggestion, Sir, is far from any idea of Government. They were not induced by any fears, but they had decided views how they should deal with this property. They felt strongly that it was the only site which could reasonably be asked for the expansion of Queen Mary's College, and they recognized that property in this exceptional position commanded a special value. If it was a matter of negotiation between private parties the owner would not be likely to give up the site without liberal compensation. That is an aspect of the matter which it is well to bear in mind. There is another aspect. Before purchase by private negotiation can be put through, it is necessary to satisfy ourselves whether the existing owner's title is free from defects. I am not quite aware what decision my Honourable colleague has arrived at, or will arrive at, but I fancy the case is moving in a direction which may make it necessary to apply the Land Acquisition Act because the validity of the title is not beyond question. There was, I believe, previously an idea that if the owner gave an indemnity against all proceedings by third parties, we might pay him the amount which he had agreed to receive. That is a common expedient in land acquisition proceedings and the effect of it is that as the claimant does not pursue his proceedings beyond the lower court, the Government is safeguarded against embarrassing enhancement consequent on the light-hearted way in which the Courts of Justice are apt to give the benefit of the doubt against the defendant in civil proceedings relating to land acquisition.

"Remarks have been made by Mr. Ramalinga Chettiyar regarding the great expense of this transaction and he has suggested that there is ample space to the north in which hostels might be built. I understand that part of that space will be required for science laboratories and that there must be some reservation for a play-ground. Finally may I remind the House that while the construction of Queen Mary's College is mainly met from Government funds, there are also substantial endowments? The Maharaja of Jeypore for instance gave a lakh towards the central block.

"If any Honourable Member wishes to have any further detailed information at my disposal, I shall be ready to give it."

MR. S. ARPUDASWAMI UDAIYAR:—"Mr. President, Sir, I beg leave to oppose this resolution. From the speeches made in the House, I gather, Sir, that my friends do not object to the acquisition of land, but they take objection to the price paid for it for they think the price paid is far in excess of its actual value. Sir, the maxim *mens sana in corpore sano* which is often quoted

31st MARCH 1921.]

(Mr. Arupudaswami Udaiyar; Rev. Mr. Macphail;
Mr. Desika Achariyar; Mr. Venkataratnam Nayudu.)

in support of measures for the physical welfare or physical culture of our young boys applies with greater force in the case of our girls. I am speaking from experience, Sir, as one who for some time had to manage three girls' schools. When I say that if Indian girls are successfully to go through their course of studies without breaking down in health or without suffering the loss of physical energy which results from prolonged mental strain, we cannot be too careful about their health or be too solicitous for their physical welfare. Attention was drawn to the fact that there were two or three cases of enteric fever in the Queen Mary's College. Wherever enteric fever finds an entrance we may take it for granted, and I think some Doctor members of the House will bear me out on this point that sanitary arrangements are far from satisfactory, and in order to prevent a recurrence of such disease it would be necessary for the Principal to avoid overcrowding, to see that there are enough rooms to which patients could be removed, to see that there is plenty of air and that there are extensive play-grounds and that kitchen arrangements are properly made and are up-to-date. I will not strain this point further, for I think objection was taken not so much to the expansion or extension as to the fact that the price which has been paid and which is really very high. Here, Sir, I will ask my friend not to lose sight of the fact that the Government have acted with the very best of intentions, that they have acted on the advice of their officers who are men on the spot and that probably they have done what they have done when they knew that the landlord was not willing to sell his property for any sum less than what was demanded by him and what was ultimately decided upon.

"The Hon'ble the Home Member has given us a clear categorical statement and Government if they have not entered into a specific contract—at least they have given their word—it cannot certainly be now violated. Therefore I would ask my friends to remember the fact that by insisting upon Government violating their pledges we should certainly be not only calling in question the *bona fide* transaction of Government but also place the Government in a very embarrassing situation.

"Again, Sir, it is our duty to stand by our Ministers—the people's Ministers. I know that all our Indian ladies, educated Indian ladies, are very keen on this point and do not like to be disappointed. They do not want that we should deprive them of the benefit that this extension will surely confer upon their children."

THE REV. E. M. MACPHEIL:—"Sir, I do not think it is necessary to discuss this much longer after the remarks that have been made by the Hon'ble Sir Lionel Davidson. I think it is perfectly clear that we are bound to carry this through. It is unfortunate that the value of house property has very much increased just at the time when this purchase was busy carried through. It is well known that there has been a great boom in house property in Madras and that houses have been sold for three or four times their former price. There is no doubt that it is desirable that Queen Mary's College should have these houses; only I should like to say that things that are regarded by other people as luxuries are regarded by Government as necessities. We who are not Government people have to cut our coat according to cloth. I have no doubt that Queen Mary's College needs more accommodation. I have no wish to say anything to injure Queen Mary's College, but I should like to say, while Government pours out money with both hands on this college, when any money is wanted for the Women's Christian College the Government often say that no funds are available. In view of the very large sums expended on Queen Mary's College, I hope the Government will see its way to contribute liberally to the Women's Christian College as well which is also needing expansion and new buildings."

DIWAN BAHADUR T. DESIKA ACHARIYAR:—"I oppose strongly the reduction of the amount for the extension of the Queen Mary's College buildings. The purchase of the property has been contracted for, and the buildings and site have been taken possession of. (voices of no, no). I may have been misinformed; but some of my friends here say that the buildings and site have been taken possession of. Anyway after a contract of this kind the Government are bound to act on it. It is not for this reason alone that I oppose the reduction. We have been for a long time past expecting improvements in the college, and in this connexion I will read out a passage from the Report on Public Instruction: 'To cope with the continued increase in strength both the Madras Women's Colleges have had to extend their buildings and strengthen their staffs. The number of women students reading in men's college also slightly increased from 20 to 29, of whom 14 attended the Presidency College to study either for the Honours Degree course in English and History or for the Pass Degree in Mathematics and Science, since no provision has yet been made for these courses in the Women's College.' Apparently it is absolutely necessary that the extension should be made. It would be a retrograde measure to move here at this period of the day for the reduction of a provision made for the advancement of female education. With regard to the price, after the assurance given by the Hon'ble the Home Member, I do not think it is a matter for further deliberation or discussion."

DIWAN BAHADUR R. VENKATARATNAM NAYUDU:—"Mr. President, I thank you, Sir, for the opportunity given me to submit for the consideration of the House a few remarks of mine. Ordinarily I should have felt it a piece of temerity on my part to speak in favour of this grant after the strong adverse speeches by other Honourable Members. But in view of the lead given by two teachers I venture to follow suit. I confess, Sir, that at first I, too, was one of those who felt strongly that this grant was superfluous. But second thoughts induced a modification of that view; and the proverb is that second thoughts are the best. I hope it is so in this case. At any rate, Sir, I should submit my views on the subject.

(Mr. Venkataratnam Nayudu; Mr. Tanikachala Chettiyar; [31st MARCH 1921.
the Hon'ble Sir Lionel Davidson.]

"So far as I am able to gather, the objection seems to be three-fold—first as regards the procedure adopted, second as regards the price to be paid and third as regards the purpose intended to be served. With reference to the procedure adopted, Sir, I should have no hesitation now, on this last day of the present official year, to say that it appeared to be extraordinary. Sir, whether I should have been able to make a similar pronouncement at the time when these negotiations were reduced to a legal contract, I am not quite sure. In other words, Sir, I think we ought to settle this question with reference to what could be and what was possible and not with reference to what should be and what—as I hope—will be done thereafter. therefore, inclined, Sir, to bury the past with anticipations for the future.

"The second point is the price to be paid. Here, again, Sir, from my humble position in life, I should think the price to be rather extraordinarily high. But I am reminded of two facts that tend to change my view. The first is that this is a Government transaction; and we have all been habituated to what are called Public Works Department rates or otherwise Circular prices. Then, this is a transaction relating to house property in Madras. Coming from the mufassal, I have been taught that with regard to house property in Madras a fancy price is the rule. Here also, Sir, we have to accept this price by way of bowing to the inevitable.

"The third point, Sir, is the necessity and the purpose served. It has been said that the institution badly needed accommodation. But there is one other point I would like to draw the attention of this Council to. I have given myself an opportunity to have a near view of the locality; and, in my humble opinion, I am satisfied as to the necessity for the acquisition of the two houses in the immediate neighbourhood of that college—both of them storied buildings. Not only in the interests of convenience and comfort but also for the decency and privacy of the young ladies, such an action is necessary; as till now they must have been put to a great trial. I for my part, Sir, think that in a matter wherein not only the comfort but also the security of our female children is concerned, consideration of funds should not be allowed to prevail. Money ought to weigh as dust in the balance. I, therefore, trust that the House would be prepared to accept this view of the question and vote for the grant."

Mr. O. TANIKACHALA CHETTIYAR:—"I am thankful to the Hon'ble Sir Lionel Davidson for the statement he has made. I am not quite sure whether the circumstances that I mentioned as to the low prices of purchase in previous years was borne in mind; but it must have been in the mind's eye of the Government or its advisers as to valuation and estimate when it was mentioned to them that an offer of 2½ lakhs of rupees for that property had been made. Those who have experience or knowledge of purchase and sale of land or who have appeared in land acquisition proceedings before Deputy Collectors and the Small Cause Court are aware of the trick which vendors occasionally play of producing firm offers in writing. I should not be misunderstood when I use a rather strong expression that Government has been bamboozled to believe this firm offer to be true and I am not without foundation in making such a statement before the House. Judges of the High Court, at least the Hon'ble the Chief Justice, Sir John Wallis, was baffled by a firm offer in writing proceeding from this very House the 'Beach House' offering to pay a good price for one of the three properties belonging to the P. Venkatachellam estate, either the 'Grange' or the 'Somford' or the 'Brodie Castle' (I remember which) when Government was intending to buy one of these properties were offered for sale by Messrs. Parry & Co. Offers in writing came from various people. High Court had to adjourn the sale on more than one occasion for the sale being concluded. price offered in that firm offer letter from the Beach House. Several adjournments were made in the hope that the sale would be concluded on the basis of that offer, but nothing came out of it ultimately. And my friend Mr. Devadoss will bear me out in this because I believe he was Counsel appearing in this case. That an offer of 2½ lakhs was reported to have been made does not necessarily mean that it was a genuine offer. If they have entered into a contract I ask why then add 15 per cent in addition? "Why not proceed under Land Acquisition Act? Why not have it completely and properly valued by officers who can give information till the very last moment of the land acquisition proceedings? If you enter into a contract, why should you add 15 per cent? I am prepared to concede that this acquisition is necessary. I do not want to embarrass the Government if they have entered into a contract, and if the Government would consent to review the whole of the evidence before them and will also consider whether they cannot repudiate the transaction and proceed under the Land Acquisition Act paying a fair compensation, I have no objection to withdraw the resolution. May I have a statement?"

The Hon'ble Sir LIONEL DAVIDSON:—"I want to have the specific question repeated."

Mr. O. TANIKACHALA CHETTIYAR:—"I want to know whether it is the intention of the Government to review this transaction to arrive at a price, and if necessary to have recourse to land acquisition proceedings. I am satisfied that this property might be required. I am not satisfied that such a large amount should be paid."

The Hon'ble Sir LIONEL DAVIDSON:—"I understand it is my Colleague's intention, and in regard to it he will be backed by the whole Cabinet, to examine the question whether a legally binding contract for the transfer of this property has been completed. Secondly he will consider whether, supposing that the contract is not binding in law, there is equitable obligation to give effect to the transaction. As for the application of the Land Acquisition Act it will have to be done in any case as there is some doubt as to the title to the property."

12 noon.

31st MARCH 1921.] (Mr. Tanikachala Chettiyar; the Hon'ble Sir Lionel Davidson.)

Mr. O. TANIKACHALA CHETTIYAR:—"If it is a question of legal obligation I am willing to withdraw the resolution. But if it is only on the ground of moral obligation I fear I shall have to press it. I do not want moral obligation to stand in the way of Government doing their duty to the tax-payer. Moral obligation shall not be given effect to when there is no fairplay on the other side."

The Hon'ble Sir LIONEL DAVIDSON:—"I cannot bind the Government of which I am a Member to disregard moral obligations. The question whether there is a moral obligation will be investigated. This House will agree with me that it is not befitting the Government of Madras to take advantage of a technical point, unless it is amply proved that there has been fraud on the part of the vendor."

Mr. M. D. Devadoss did not press his motion No. 88, and the motion was, by leave, withdrawn.

Similar motions Nos. 89, 91, 92 and 93 were, by leave, withdrawn.

Rao Bahadur T. Namburumal Chetti pressed his motion No. 90 to a division.

It was put to the vote and declared lost.

*The opinion of the Advocate-General
has since been obtained on the question whether
the contract is legally binding. It has been
decided that the contract is both legally and
morally binding. necessary orders have issued
and the Govt. has laid out
in G.O. No. 9308, 20-6-21, no further action is
now necessary. The papers may be*

(G.O. No. 9308)



*Q. No. 982 Recorded
mi: 30/6/21*

*ad.
24-6-21
Lh
24.6.21*

27/6/21

18