The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Friday, the 11th day of March 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Coonoor Municipal Higher Elementary school.

409 Q.—Mr. R. T. KESAVALU PILLAI : To ask the Hon'ble the Minister for Education to state—

(*a*) whether he has granted any amount for the management of the Coonoor municipal higher elementary school (late C.M.S. higher elementary school) ; and

(*b*) if so, whether any increase of pay was given to the teachers as in that of the Ootacamund municipal high school.

A.—(*a*) The answer is in the affirmative.

(*b*) Only one teacher was granted an increase of pay. The others continue on the rates of pay they drew while in Mission employ. These are themselves in excess of the rates authorized by the Madras Educational Rules.

Non-Brahman widow students at Vizagapatam.

410 Q.—Sriman SASIBHUSHANA RATH MAHASAYO : To ask the Hon'ble the Minister for Education whether—

(*a*) the scholarships of certain non-Brahman widow students of the Queen Mary's High School, Vizagapatam, have been withheld for the last seven months for their refusal to eat from the Brahman hostel on religious grounds ;

(*b*) it is a fact that such non-Brahman widow students were allowed to remain outside the hostel with their guardians for the last five years, if so, why new conditions have now been imposed ; and

(*c*) the Government will grant them the scholarships, now withheld, without imposing the condition that they should eat from the Brahman hostel attached to the school.

A.—(*a*) The answer is in the negative.

(*b*) Government have no information. The hostel attached to the Queen Mary's High School, Vizagapatam, is intended for all classes of Hindus.

(*c*) The scholarships of two non-Brahman widows were withheld this year, as they failed to secure promotion at the annual examination, and a report has also been received that their general progress is most unsatisfactory.

Women teachers in Vizagapatam.

411 Q.—Sriman SASIBHUSHANA RATH MAHASAYO: To ask the Hon'ble the Minister for Education—

(*a*) to state whether women teachers who possess no knowledge of Telugu have been appointed to teach drawing, kindergarten and other subjects in the Queen Mary's High School, Vizagapatam; and

(*b*) if the Government cannot replace them by teachers whose vernacular is Telugu.

A.—The present drawing teacher and the kindergarten mistress, who are trained, are both Indians and their vernacular is Telugu.

Sista karanas in the Presidency.

412 Q.—Sriman SASIBHUSHANA RATH MAHASAYO: To ask the Hon'ble the Minister for Education to state whether—

(*a*) it is a fact that the Sista karanas of this Presidency are treated by the Government as Telugus;

(*b*) the Sista karanas have made representations to the Government against their inclusion in the category of the Telugus;

(*c*) the Oriyas have made representation to the Government that the Sista karanas are Oriyas and should be treated as such; and

(*d*) in view of such representations the Government cannot revoke G.O. No. 215, Home (Education), dated 14th February 1920, and place them on a par with the other Oriyas of this Presidency.

A.—(*a*) Sista karanas who do not speak Oriya are not classed as Oriyas for the purpose of the Madras Educational Rules.

(*b*) Yes.

(*c*) Yes.

(*d*) The matter is under consideration.

Silting up of the Gōdāvari anicut.

413 Q.—Mr. A. SUBBARAYUDU: To ask the Hon'ble the Member for Revenue to state whether it is a fact that the depth of water near the Gōdāvari anicut is steadily decreasing and that the river is getting silted up above the anicut; if so, to state whether any steps are being taken to prevent it.

A.—The Government is not aware that any general silting up of the Gōdāvari bed above the anicut is now going on.

Mr. G. VANDANAM:—"Will the Government be pleased to institute enquiries?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Government have no objection."

II

The Madras Cattle Disease Act Amendment Bill.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU:—"Mr. President, the Bill I have the honour to move to be read in the Council to-day is a very small amendment Bill. The Madras Cattle Disease Act imposes on the hospital pound-keeper an obligatory duty under section 6 requiring the owner of an animal or the

person in charge thereof to place it in the hospital pound, and under section 15 himself to seize and impound an animal wherever it is found to be suffering from a contagious or infectious disease. This has been found to be impracticable. When recently in Madras and certain other places rinderpest broke out in an epidemic form, the animals infected were found to be so many that the hospital pound-keeper found it impossible to perform this duty. For one thing there were too many animals for one man and then there was also the question of finding space and buildings for housing these animals that were infected with this disease. Experience has also shown that in diseases like rinderpest it was better to keep these animals where they were, for, in the act of movement it was found that they were spreading contagion. It is therefore thought possible and reasonable to change the law by converting this obligatory duty into one of discretion.

"Honourable members will find that section 6 says 'if the keeper of the hospital-pound should be of opinion that the animal has any contagious or infectious disease, he shall thereupon require the owner of the animal, or the person in charge thereof to place it in the hospital pound, and if necessary, shall require the owner, or the person in charge, to take such measures as he may direct for disinfecting the shed or other place in which the said animal may have been kept.' The amendment now before the House involved in this Bill is that the word 'shall' may be substituted by the word 'may'.

"Similarly in section 15 which runs as follows:—'In any district or part of a district in which this Act is in force it shall be the duty of all hospital pound-keepers . . . . to seize and impound all animals suffering from contagious or infectious diseases'—it is proposed to remove the words 'it shall be the duty of all hospital pound-keepers' and replace it when it will read 'all hospital pound-keepers *may* seize and impound all animals.' This is the main change that is sought to be made in the Act.

"Honourable members will also find that there is a second clause in section 6 which runs 'if necessary shall require the owner or the person in charge to take such measures as he may direct for disinfecting the shed or other place in which the said animal may have been kept.' That portion is now proposed to be deleted, because there is a provision corresponding to that in section 8 which runs as follows:—'Every keeper of a hospital-pound . . . . shall have power within his range to cause to be cleansed and disinfected in any manner in which he may think proper, any premises in which any animal labouring under any contagious or infectious disease has been or may be and to cause to be disinfected, etc.' So that the power that may be mistaken as having been taken away under section 6 is to be found in section 8. And this change therefore is only a matter of convenience.

"There is only one other change and that is more or less consequential. Certain officers of the Government were invested with the authority of appointing certain persons as hospital pound-keepers. The district magistrate is the officer in the mufassal. The president of the corporation is the officer in the city of Madras; but the duties of the president are now performed by the 'commissioner of the corporation' and so wherever the words 'president and the municipal commissioner' occur in this Act it is proposed to substitute the words 'the commissioner of the corporation.' These are all the changes that are now sought to be made in the Act. It will be noticed by the honourable members that these changes are very minor and do not touch the main principle of the Bill. I therefore submit to the House that this may be read."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I second it."

Diwan Bahadur M. KRISHNAN NAYAR :—"I do not certainly rise to oppose this motion. I have only a slight suggestion to make. In section 15, as it is now drafted, as also in the existing section, it is stated that in any district or part of a district in which this Act remains in force, the hospital pound-keepers or police officers, not below the rank of a head constable, and certain other persons are empowered to impound animals. In 1866 when the existing Act was passed, head constables were, I believe, officers in charge of stations and they were also empowered to investigate cases, so that they were men of some status. Now, apparently the head constables are no longer in charge of station-houses and they are also not entrusted with the investigation of crimes. It is now the sub-inspector that is in charge of a station-house. I hope therefore that the Honourable the mover of the resolution would substitute sub-inspectors in place of head constables in this section. Apparently this point did not suggest itself to his mind."

Mr. C. V. S. NARASIMHA RAJU :—"According to section 6 of the Act which is now proposed to be amended, the pound-keeper shall get the house or place where the animal has been lodged disinfected and according to the provisions of section 8, he shall have power to have the place disinfected. There is a material difference between the two provisions. In the first provision it is compulsory on the part of the pound-keeper to have the place disinfected and according to the provisions of section 8 it is only left to his discretion. Now if the Act is to be amended as proposed, this obligatory nature on the part of the pound-keeper to have the place disinfected will be removed. How far it is desirable and how far experts have advised the Hon'ble the Minister to remove that obligatory duty on the part of the pound keeper is not explained. It must always be the duty of the pound-keeper to have the place disinfected and therefore I think we shall not at all move in the right direction in the matter, if we remove the obligation to disinfect the houses where the animals were living."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I beg to support the statement made by the last speaker that if the proposal in the Bill is merely to empower the pound-keeper to remove the animal at his discretion and to leave the infected premises exactly as they were, the very object of the removal of these animals to a pound will be defeated and therefore I am under the impression that the Act which is now sought to be amended should provide simultaneously for disinfection along with preventive action which has been imposed upon the pound-keeper. That is one matter. Apart from it, Sir, I should like to know whether in a matter of this kind we are quite clear as to what we are doing. The Honourable Member stated that the animals are too many in some cases and it is now proposed to empower the pound-keeper to exercise his discretion to impound only animals to suit the capacity of the pound. This is perfectly true. I come from a district where large numbers of cattle are infected with rinderpest and it has been found that these veterinary sub-assistants who go about the country for inoculation find it difficult to cope with their work. Such being the case it seems to me that merely taking away the compulsory character and empowering the pound-keeper only to impound a few animals cannot do much good. A wider policy is certainly required and while I do not seek to oppose this motion I must bring these facts to the notice of the Honourable Member in charge of the Bill. I should also like to know how many hospital pounds there are in this Presidency. So far as I know there are none in my part of the country."

11th March 1921] [The Hon'ble Mr. K. Venkata Reddi Nayudu]

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"I think there cannot be much objection to the suggestion made by my honourable friend Mr. Krishnan Nayar, but I do not wish to commit myself to any course as I propose that this should go before a Select Committee. The other suggestions made also by my honourable friends for Vizagapatam and Kistna can be considered by the committee that is to be appointed. I only wish to make it clear that in removing this obligatory duty on the part of the hospital pound-keeper we thought we were reducing the rigour of the rules. If, however, honourable members are prepared and this House is prepared to enforce it fully and are also prepared to contribute and vote for the large sums of money that may be necessary both for the staff and housing, I think Government would surely consider their suggestions. I do not know whether after a reconsideration these honourable members would stick to their own opinion. Anyway they would be at liberty to place their views before the Joint Committee on which I hope most of these gentlemen would serve."

The motion to read the Amendment Bill in Council was put and agreed to.

The Secretary then read the title of the Bill.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"Sir, I now propose that this Bill be referred to a Select Committee."

The Hon'ble Mr. K. SRINIVASA AYYANGAR seconded the motion.

The motion that the Bill be referred to a select committee was put and agreed to.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"I do not think, Sir, that a large committee is necessary. I move that the Select Committee should consist of the following members :—

(1) Diwan Bahadur M. Krishnan Nayar,
(2) Rao Bahadur A. P. Patro,
(3) Khan Bahadur Muhammad Usman Sahib Bahadur,
(4) Mr. C. V. S. Narasimha Raju,
(5) Mr. K. Gopalakrishnayya,
(6) Mr. A. Ramaswami Mudaliyar,
(7) The Hon'ble the Advocate-General, and
(8) The Hon'ble Rai Bahadur K. V. Reddi Nayudu (ex-officio)."

Diwan Bahadur P. Kesava Pillai seconded the motion.

The motion was put and agreed to.

III

Amendments to Standing Orders.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—"Mr. President, I desire to present under Standing Orders 41 and 43 the report of the Select Committee appointed to consider certain proposed amendments to the Standing Orders which were put forward by the Hon'ble the Law-Member and by the honourable the member for Nellore. The Select Committee has made its report and as will be observed from it, it is unanimous excepting for a minute of dissent by the honourable member from Nellore in regard to two matters. I believe, I have his authority for saying that on one of these two matters there is not likely to be any controversy, that is with reference to the omission of the word defamatory. The other matter is pressed by the honourable member for Nellore and I do not think that at this stage I shall go into the matter in detail. The report speaks for itself and at the present moment I merely present this report and I trust that further discussion will take place later."

Mr. A. Ramaswami Mudaliyar seconded the motion made by the Hon'ble the Advocate-General.

The motion that the report of the Select Committee be taken into consideration was put and agreed to.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"I now move for the suspension of the rules of business having special reference to Standing Order 44 (i) (1). As the matter has been before the House before and as some of the matters are really of a non-contentious nature I take it that the House will give its assent to the suspension of the Standing Order 44 (i) (1) and proceed with the business."

Mr. A. Ramaswami Mudaliyar seconded the motion.

The motion that Standing Order No. 44 (i) (1) be suspended was put and agreed to.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Mr. President I now move under Standing Order No. 48 for permission that the various clauses may be put separately and may be dealt with separately."

Mr. A. Ramaswami Mudaliyar seconded the motion.

The motion that the various clauses be dealt with separately was put and agreed to.

New Standing Order after No. 79.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Mr. President, the report of the Select Committee deals with various amendments which were put forward by the Honourable Members of the House. The first amendment relates to the appointment of a House Committee, notice of the motion for which was given by the Hon'ble Sir Lionel Davidson. The Select Committee having considered the subject came to the conclusion that there ought to be two alterations in the proposition as at first proposed. The first alteration was in regard to the mode of proportional representation. In the motion as originally proposed the method of election according to the principle of proportional representation was left indeterminate. It is well known to the members of this House that the Hon'ble the President has in virtue of the powers vested in him framed certain rules for the exercise of this right of election by proportional representation. The object of the first amendment is to introduce the following words:—

'and in accordance with the regulations framed in this behalf by the President.'

for the purpose of making that matter quite clear. The second alteration made in regard to that clause was:—

'in addition to the above, two members may be nominated to the committee by the President at his discretion.'

"It was considered in the Select Committee that election by the principle of proportional representation though it is designed to bring into the number of those voted for as many divergent interests as possible may yet fall short of the ideal. In order to make good any shortcomings in this respect it was thought necessary and expedient that the President should have the power of nominating two persons if he so chooses. These are the alterations and the altered motion would run as follows:—

1. *After* Standing Order No. 79 *add* the following:—

'80. There shall be appointed at the commencement of each session, a House Committee to consider and advise upon all matters connected with the

comfort and convenience of Members of the Council, which shall consist of the Deputy President as ex-officio chairman and six members to be elected by the Council, on a date to be fixed by the President, according to the principle of proportional representation by means of the single transferable vote, *and in accordance with the Regulations framed in this behalf by the President. In addition to the above, two members may be nominated to the committee by the President at his discretion.* The Secretary to the Council will be ex-officio the Secretary of the Committee."

Mr. A. Ramaswami Mudaliyar seconded the motion.

The motion that the new Standing Order be inserted after No. 79 was put and agreed to.

Standing Order No. 13.

Mr. C. P. Ramaswami Ayyar (*Advocate-General*):—"Sir, the second amendment arises out of the motion by Mr. A. S. Krishna Rao in regard to a reasonable opportunity being given to the members to amend questions. Now it is well known that we are governed by two sets of rules, viz., the Legislative Council Rules framed under section 129-A of the Government of India Act in regard to which the power of alterations is vested not in us but in other bodies and persons and also by the Standing Orders. In so far as the question infringes the rules the President has no option but to disallow; but in so far as it infringes the Standing Orders, provision is made to take advantage of this motion by Mr. Krishna Rao to change the Standing Order in order to enable the President to amend the question in proper and legitimate cases. The amendment to the Standing Order is to *add* the following sentence at the end: 'Where the question is, in the opinion of the President, in contravention of the Standing Orders, he may in his discretion give the member concerned an opportunity of amending it.' I think there will practically be no controversy on a matter of this kind."

Mr. A. Ramaswami Mudaliyar:—"I beg to second the motion."

The amendment to the Standing Order was put and agreed to and the Standing Order will now run thus:

"13. The President shall decide on the admissibility of a question and may disallow any question when in his opinion it is an abuse of the right of questioning or is in contravention of the Standing Orders and shall disallow any question which, in his opinion, contravenes the rules. Where the question is in the opinion of the President in contravention of the Standing Orders he may in his discretion give the member concerned an opportunity of amending it"

Standing Order No. 23 (1).

Mr. C. P. Ramaswami Ayyar (*Advocate-General*):—"Mr. President, Sir, we next come to certain Standing Orders in regard to which notices of amendment were given by the Hon'ble the Law Member. The first of these relates to Standing Order No. 23, and it has reference to a motion for the adjournment of the House. The amendment as proposed by the Hon'ble the Law Member was that instead of the word 'four o'clock', that is the commencement of the discussion on the motion for the adjournment of the House, instead of that commencing at 4 o'clock, ought to commence at 3-30 and that the discussion should go on till 6-30, so that three hours might be devoted to that subject. In the Select Committee by a majority the conclusion was arrived at that it was not possible to extend the time so as to begin the discussion at 3-30, but that the discussion might be taken up at 4 o'clock and might proceed until 6-30; that means two and a

half hours. It is a matter of detail and I don't think it is necessary for me to say anything more on that That may be tried and we may see how it works before any further action is taken."

"The Standing Order as amended runs as follows :—

'23. (1) The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at 6-30 p.m., and thereafter no question can be put'."

Mr. A. Ramaswami Mudaliyar : —"I beg to second the motion."

The Hon'ble Sir Lionel Davidson :—"Sir, I should like to support the motion with special reference to what took place during the debate on the motion for adjournment with reference to the affairs in Calicut the other day. I do not think the members of this House realized at that time so fully as they do now that, if it is desirable to obtain in a complete form an expression of the sense of this House on a motion for adjournment, it is necessary to take effective steps to prevent such a motion from being talked out. I feel very confident myself as to what the result of a vote on that occasion would have been and I blame myself for not having foreseen the possibility of the motion being talked out before this House had an opportunity to record its vote."

Diwan Bahadur M. Ramachandra Rao Pantulu :—"I beg to support the motion, Sir. I would only point out to the Hon'ble Sir Lionel Davidson that sometimes the procedure of talking out motions is adopted not only by the opposition but by the Government itself."

The Hon'ble Sir Lionel Davidson :—"I am quite alive to that fact, Sir. But that was not the case this time. The last speaker was Mr. Govindaraghava Ayyar."

The amendment to the Standing Order No. 23, clause 1, to *substitute* '6-30 p.m.,' *for* 'six o'clock' was put and agreed to.

Standing Order No. 23 (2).

Mr. C. P. Ramaswami Ayyar (*Advocate-General*) :—"Mr. President, Sir, the next amendment relates to the discretion to be vested in the President in regard to the time limit of speeches. As the amendment was originally proposed by the Honourable the Law Member, he desired to vest in the President the discretion of extending the time limit for speeches in regard to all the speeches during a motion for the adjournment of a debate. It was considered in the Select Committee that, whilst it was quite true that the mover of such a motion might require much more than the time limit fixed by these rules inasmuch as he might have to explain himself fully and explain the circumstances under which such an unusual procedure as the adjournment of the House is attempted to be set on foot, and whereas also it was conceived that the Government Member or the Minister, as the case may be, might exceed if he found it absolutely necessary to exceed the time limit in order to explain the policy which was in question under the adjournment motion, it was wise, having regard especially to the 2½ hours which is the sum total of the time allowed for the discussion, and the further fact that there are 127 members in this House, and having regard to many other similar circumstances put together, that the exceeding of the time limit should be possible only in the case of the mover and the Government Member in charge on the other side, but that in other cases the President, in order to save himself the invidiousness which might ensue as the result of the deflection from the rules, might not be given that discretion, the discretion being exercisable only in the cases already indicated by me."

Mr. A. RAMASWAMI MUDALIYAR :—"I second the motion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I should like to suggest to the Honourable the Advocate-General the desirability of limiting the further extension of the time for the mover and the Government Member to a reasonable period, say for ten minutes, over the original fifteen minutes allowed under the rules. As a matter of fact, referring to the debate on the Calicut question, the Hon'ble Sir Lionel Davidson took up 55 minutes on that date. Of course I don't blame him for that."

The Hon'ble Sir LIONEL DAVIDSON :—"I did it, Sir, with the permission of the President and at the desire of the House."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Yes, Sir. I quite recognize it was with the permission of the President. I don't say that he continued to speak without the leave of the House. But I must point out that as he took up 55 minutes the other members of the House had only 45 minutes at their disposal. Therefore looking at the fact that every section of the House should have a reasonable opportunity, I would suggest a slight amendment—I leave the wording to the Hon'ble the Advocate-General—that the extension should not be more than ten minutes in addition to the fifteen minutes which the mover and the Government Member have already got. I am only suggesting this to meet the convenience of all parties concerned."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I do not certainly oppose the amendment proposed by the Advocate-General. I make a suggestion for the consideration of my honourable friend the Advocate-General whether instead of restricting the time limit in any way, we should not leave it entirely to the discretion of the President."

The Hon'ble the PRESIDENT :—"I do not want to participate in the debate, but I do hope that the Council will note this thing. I do not think it is ordinarily necessary for other members to have more than that time, but to leave the whole thing to me puts upon me a burden which it is hardly fair that I should bear. Of course I am prepared to bear any burden which is really necessary, but if it is not necessary I should rather avoid it. It is very kind of the Honourable Member to think that I should be allowed that kind of discretion."

Diwan Bahadur M. KRISHNAN NAYAR :—"Then I don't press it."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—"I greatly regret my inability to accede to the suggestion of Mr. Ramachandra Rao for this reason. Now, it is conceivable that a matter of first rate importance might come up involving practically the entire policy of the Government in regard to a very wide range of subjects. I don't say that the discretion that is exercisable by the President will be unreasonably exercised but at the same time the President will, having regard to the importance of the subject, be in a position to exercise it somewhat differently according to the range and the extent of the importance of the subject and the character of the debate. To guillotine either the mover or the Government Member in the midst of a peroration, for instance, might incapacitate him from achieving the end in view. It is possible that half way through any enunciation of policy the guillotine may come. These are circumstances which are pertinent and must be remembered in the case of the mover and the Government Member. It is possible in the case of every other person who has to compress his remarks and practically to follow the one party or the other who has the conduct of the debate, to say a certain thing definitely and in a crystallized form. But

to explain by facts and figures the whole policy of Government might not be within the range which is contemplated by the Honourable Member for Kistna. It is in regard to that view and in the full confidence that the President will keep in view the circumstance that there are 127 Members and will not allow the Government Member and the Mover to monopolise the whole time, that the matter was left in the position in which it has been left."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I would formally put this matter before the House by moving that the words ' by not more than ten minutes ' be added at the end of that proposed amendment. I think 25 minutes ought to be enough for the most strenuous advocate of Government or for any gentleman who wishes to make a motion of this kind."

Mr. C. V. S. NARASIMHA RAJU seconded the above further amendment.

Diwan Bahadur T. DESIKA ACHARIYAR :—" Mr. President, I oppose the amendment. There is absolutely no use in trying to extend the time given to the Mover or the Government Member by means of a proposition of this kind. It must be left, as pointed out by the Advocate-General, entirely to the discretion of the President to ascertain when exactly the guillotine should drop. There is no use extending the time at all, but we might once for all say ' either don't extend the time or leave it to the President.' In the circumstances, therefore, I am constrained to oppose the amendment."

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—" I heartily support the amendment moved by the Hon'ble Mr. Ramachandra Rao. I think it is indispensable that a time limit should be fixed. Otherwise it might happen that, when all the 127 Members of the House or a major portion of it are inclined to express their views upon the subject, only the Honourable Mover and the Member speaking on behalf of the Government may get a chance and no others. On a subject of public importance, on a subject which justifies all the other business of the House being put off, it is necessary that almost all the Members of the House should be given an opportunity to express their views. Speaking for myself, Sir, I was sorely disappointed the other day when the motion regarding the arrest of Yaqub Hasan and other gentlemen in Malabar was being discussed in this House. I was very anxious to make my observations public on the matter, but I was sorely disappointed that I had not any opportunity given to me."

The Hon'ble the PRESIDENT :—" Did the Honourable Member rise in his seat the other day to speak ? "

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—" No, Sir, I did not rise since other Members were speaking and the time at our disposal was not enough. When such was the case at a time when the mover and the Government Member were not entitled to any concession given, it would be more disastrous if they were given a special concession or allowed to occupy the whole time set apart for the debate. Now, all the disastrous consequences that are apprehended by the Hon'ble the Advocate-General are merely imaginary. Instead of tending to stop a Member speaking on behalf of Government in the midst of his speech, instead of stopping him short of his peroration and spoiling the effect of his speech. . . . . ."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—" I did not refer merely to the Government Member but to the mover also."

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—" I am glad to be corrected. I believe any one is more apt to be stopped in the midst of his speech when no time limit is fixed than when there is a limit. When the limit is prescribed, any

member who wants to express his views on the matter will adjust himself according to the time allowed him to speak. I believe this will have a more wholesome effect than leaving the matter indefinite."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I also think that it is not necessary to amend this motion in the form in which it was put by Mr. Ramachandra Rao, because I think in cases of this sort we must give sufficient latitude to the President to guide the debate. But I venture to go a step further and suggest that the motion of which notice was given by the Honourable the Law Member is more acceptable. It is not necessary to restrict it to the mover or the Government Member, but the President can be given discretion to extend the time for other members. I would if you have no. . ."

The Hon'ble the PRESIDENT :—"Order, order. We are dealing with one amendment. The Honourable Member should confine himself to that amendment. If he wants to move another amendment it must be done at a later stage. It is Mr. Ramachandra Rao's amendment which has now the field."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I shall do so later."

Mr. T. A. RAMALINGAM CHETTIYAR :—"Sir, I beg to oppose the amendment for this reason. The very object of the motion for adjournment is to draw the attention of the House to an important matter, and there are many important matters in which the mover or rather the Government Member may be able to inform the House of all that has taken place, or it may be necessary to ask the Government for a definition of their policy in regard to that matter. The main object, I take it, is to draw the attention of the House and get a reply from the Government. If in a case like this we are to provide for a full debate, I think we are misconceiving the object for which this motion is intended. We ought to have full information both from the mover and the Government. So they ought to be allowed as much time as is necessary for the purpose. As it is not possible for us to fix the time, I would even go further and say that no time limit need be fixed; but the amendment that is proposed does not go even so far. All that it says is that discretion should be vested in the President. I think it is a very modest proposal and I am sorry that my friend Mr. Ramachandra Rao should have moved it and I say that it goes against the construction of the motion as provided in the rules."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I beg to withdraw my amendment."

The further amendment to add the words 'by not more than ten minutes' was, by leave, withdrawn.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I wish to move that in place of the words 'the Mover and the Government Member', 'any Member' may be substituted. My reasons are these. I think we must give the President sufficient latitude as to the extension of time in the case of any Member without restricting it to the mover and the Government Member. Last time the case was unusual. One Member may have given notice of a motion, but others may have more personal knowledge. The mover may finish his speech in five minutes and state his case as briefly as possible leaving it to some one who has personal knowledge of the subject to give a fuller account of the whole matter. Suppose a case of that sort arises. Why should the President's hands be tied? So may I suggest that, while allowing the mover as much time as he may require to make a statement of the case, the President may have discretion also to allow more time to other Members to make their observations. Otherwise it will be unduly restricting the powers

of the President. And there are cases in which much fuller information upon the particular subject than can be given by the mover might be furnished by other members, of which the House ought not to be deprived. Therefore, I move the proposition in these general terms."

Rao Sahib U. RAMA RAO seconded the motion.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—" I have to oppose this suggestion for this reason. *Ex hypothesi*, all these motions for adjournments are on important subjects. Dealing with an important subject, every Member of this House who is acquainted with the subject, or who has acquainted himself with it, will be full of it, and if he is allowed to have his say without any restriction of time, it is possible that entirely unconsciously, he might not be doing justice to his fellow-members. It is only in relation to a circumstance of this kind and on account of the feeling that it is as well that every one should have as much time as possible for his say that the motion has been brought forward in the present form."

Mr. S. SOMASUNDARAM PILLAI :—" I strongly support the amendment for this reason. Because the President is given full discretion to allow any Member to proceed if he talks good sense, but if he speaks nonsense the President has got every power to ask him to sit down. So it is rather uncharitable to give the President discretion only in regard to the Mover and the Government Member and deny the same right with regard to others. Of course it may be said that it is objectionable. But, when a Member is stopped just in the middle of a sentence and is not allowed to finish it because the minute is reached, it may not have any sense. But if he is allowed to finish it he may exceed his time. So it is better to give full discretion to the President to exercise it in the case of other Members also instead of restricting it to the Mover and the Government Member."

Mr. K. GOPALAKRISHNAYYA :—" Sir, I beg to oppose the amendment. The object of any special motion brought forward for adjourning the business of the House will be defeated if unrestricted time is given to Members. Of course the Honourable the Advocate-General has pointed out that the Honourable Mover of a motion and also the Government may require more time in order to explain their own position and if no time limit is placed upon the speeches of the Members, the full period of 2½ hours now provided under the amending rule will be quite inadequate and the object of the rule will be frustrated, and I fully believe that the time limit would be of much use to the House. Otherwise, the special motion will be only talked out in the House and nothing will be decided. I think that the time limit provided in the present rule should be made adequate and that as proposed by the Hon'ble the Advocate-General no other Member except the Mover and the Opposer should be allowed to exceed that time limit."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I am in general agreement with my Honourable friend the Advocate-General for exactly the reason which has been stated by you just a few minutes ago in answer to my friend Mr. Krishnan Nayar. It is only on a motion of this kind when everybody wishes to say something useful to this Council that it is necessary to have the time reasonably distributed. I believe, Sir, as I have just observed, it is far better to have a rule and it will give greater satisfaction. I think the Hon'ble the Advocate-General has gone as far as he could to have a clear statement placed on both sides by permitting the mover and the Government a longer time than in other cases."

Mr. A. S. Krishna Rao's amendment was put to vote and lost.

11th March 1921] [Mr. C. P. Ramaswami Ayyar]

The President then put to the vote the following amendment to Standing Order No. 23 (*a*) moved by the Advocate-General and declared it carried unanimously :—

Standing Order No. 23 (2) as amended :—

"No speech during the debate shall exceed fifteen minutes in duration, provided that it shall be within the discretion of the President to allow the mover and the Government Member answering him to exceed the said limit of time."

Standing Order No. 55.

Mr. C. P. Ramaswami Ayyar (*Advocate-General*) then moved the following amendment to Standing Order No. 55 :—

Add the following sentence at the end of Standing Order No. 55 :—"Where the resolution is in the opinion of the President in contravention of the Standing Orders, he may in his discretion give the Member concerned an opportunity of amending it."

In doing so, he said :—"Mr. President, Sir, the next amendment is to Standing Order No. 55, that is with reference to the amendment of resolutions. In view of what I have stated regarding the amendment to questions which was unanimously carried by the House, it is needless for me to reiterate the same argument and I put it before the House without any further remarks.

Standing Order No. 55 as amended :—

"55. The President shall decide on the admissibility of a resolution and may disallow any resolution when, in his opinion, it does not comply with the Standing Orders, and shall disallow any resolution which in his opinion contravenes the rules. Where the resolution is in the opinion of the President in contravention of the Standing Orders, he may in his discretion give the Member concerned an opportunity of amending it."

Mr. A. Ramaswami Mudaliyar :—"I second the amendment."

The amendment was put and agreed to.

Standing Order No. 56.

Mr. C. P. Ramaswami Ayyar (*Advocate-General*) then moved the following amendment to Standing Order No. 56 :—

Insert the following as clause (3) in Standing Order No. 56, renumbering the existing clause (3) as clause 4 :—

"It shall be open to the Council to allow a resolution withdrawn under clause (1) (*a*), or deemed to have been withdrawn under clause (2), of this Standing Order, to be moved by any other Member."

In doing so, he said :—"Sir, the next amendment relates to Standing Order No. 56 which runs as follows :—

'56. (1) A Member in whose name a resolution appears on the list of business shall, when called on, either—

(*a*) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect ; or

(*b*) move the resolution.

(2) If the Member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn.'

"Now, the object of this amendment is that, where it is withdrawn by the Member so saying, or is considered to have been withdrawn under that Standing

Order, it should still be open to the Council if it considers that the resolution is such that the discussion of it would be profitable and expedient in the interest of the Council and the country, to permit any other, or other Members, to start the discussion on that resolution, but the discretion of allowing that discussion to be started is vested in the Council. If the general wish of the Council is that notwithstanding that a resolution is withdrawn specifically by the Member who brought it forward but who from considerations which he might or might not desire to lay before the Council wants to withdraw that resolution, or if a resolution is deemed to be withdrawn by the operation of the rule which I have just now read, nevertheless it should be discussed, it should have the power to allow it to be discussed and adopted, and it is in view to compass that end that the amendment is now proposed as follows:—

'It shall be open to the Council to allow a resolution withdrawn under clause (1) (*a*), or deemed to have been withdrawn under clause (2) of this Standing Order to be moved by any other Member'."

Mr. A. RAMASWAMI MUDALIYAR seconded the motion.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, without either opposing or supporting the resolution, I am anxious to bring to the notice of honourable members the practice in Parliament, that except in the case of Ministers, who are a collective body, a unit in themselves, no member of Parliament is entitled to entrust his duties to any other member or to ask him to move a resolution standing in his name, whether on account of his being unable to attend or for any other cause. I would invite attention . . . . ."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*interrupting*):—"I think, Sir, the motion before the House is as regards motions which are either withdrawn or are considered to have been withdrawn and not in the case when one member is absent and has asked another to move it for him."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*):—"Sir, I would invite the attention of the honourable members to page 244 of Sir T. Erskine May's 'Parliamentary Practice' where it is stated that 'except in the case of a motion for a leave of absence, and of a notice standing in the name of member of the Government, which may be moved by a colleague, no notice of motion, or amendment which requires notice, can be moved by a member other than the member in whose name the notice stands'.

"I think, Sir, that this is a very sound rule. Speaking from my experience of motions which have been moved by members during the absence of other gentlemen who had given notice of them, I must say that this practice of moving resolutions on behalf of other members has not much to commend it. In some cases the honourable member who is entrusted with the duty may not be exactly in the same position to give satisfaction to the House as the original member who gave notice of the motion would have been. I need not refer to practical instances of this. As we are now adopting parliamentary procedure or trying to adopt it, I think it is desirable that if the resolution is not moved by the member who gave notice of it, the resolution should drop and the absentee should be left to take the requisite steps again to bring it before the House. The idea underlying the amendment is that if a motion is standing in the notice paper and the member who gave notice of that motion is absent when called on, some other member may move it in the Council. I simply point out these facts and ask whether there is any advantage in having this amendment. It certainly to some extent extends the privilege of members. I am equally aware of the fact that there was such a

provision in the old rules. But the question is whether with the House that we have now it is desirable to have such a practice. I also say this: that it was pointed out by the Hon'ble Sir Lionel Davidson during the last sitting of the Council that some inconvenience was caused to the members of Government by resolutions being tabled which are not proceeded with in the Council. But it is a fact that they have to put up with some amount of inconvenience. With due deference to the Honourable Members of the Government, I think they should not complain that they are overworked in regard to the proceedings of the Council. They are there for this purpose and they must take the work as it comes. On the other hand I see also a duty on the part of the honourable members of this House to give timely notice that a particular resolution is not ready to be proceeded with, so that the honourable members of Government may not examine the question unnecessarily for the purpose of that meeting. Therefore, I suggest that if there is a contingency of the resolution not being proceeded with, the member who sends the resolution should intimate as early as possible this fact to the member in charge of the department with which the resolution is concerned. I am inclined to deprecate the present proposal and if the members think that this is a necessary expansion of their privileges by all means it is open to them to have it. So far as I can see, there is difficulty either way. I think the sound policy is not to have this rule."

Diwan Bahadur M. Krishnan Nayar:—"I support, Sir, the motion that has been placed before the House by the Advocate-General. My friend, Mr. Ramachandra Rao, has stated that in Parliament the practice is otherwise except for Cabinet motions. No doubt we are approximating to the procedure followed in Parliament. But there are many detailed regulations enforced in Parliament which have not been adopted by this Council. And with reference to this particular amendment I believe that all the conditions are in favour of the amendment suggested by the Hon'ble the Advocate-General. There may be occasions on which a member who has given notice of a motion of a very important character may be unavoidably absent from the House when that particular resolution is reached on account of some circumstance over which he has no control, e.g., on account of sudden illness. On the last occasion, that is, in February, when some of the members who had sent in resolutions were absent when they were reached, I was sorry that some other member present in the House could not move them. Some of them were, in my opinion, very important. I believe also that it is not likely that if the amendment now suggested is passed, every resolution which has to be withdrawn or considered to have been withdrawn will be moved immediately by an Honourable Member present. I believe the advantage will greatly be in favour of allowing the amendment to go forward."

Diwan Bahadur T. Desika Achariyar:—"Mr. President, Sir, I support the amendment proposed by the Hon'ble the Advocate-General. It is absolutely necessary that in a matter which is of sufficient importance to be the subject matter of a resolution this House must be given the discretion to have the resolution thoroughly discussed in the Council. When members receive notice of the business for a meeting, they take the trouble to examine each resolution and they come here prepared either to support or oppose it. Likewise the Members of Government are put to a considerable amount of trouble in discussing the various bearings of each resolution. It is therefore necessary, once for all, to have such resolutions discussed and decided upon at a meeting, if it is possible to do so. It will also make members stick to the resolutions of which they have given notice instead of absenting themselves or withdrawing them at the psychological moment.

I do think, therefore, that it will be conducive to efficient business being done in the Council to allow any resolution of importance to be taken up at the discretion of the Council by other members, so that a decision may be arrived at once for all."

Diwan Bahadur P. KESAVA PILLAI:—" Mr. President, Sir, my friend, Mr. Ramachandra Rao, began by saying that he would neither support nor oppose the motion. But he ended by opposing it. I think the analogy between the House of Commons and our House counts for very little. They have 640 members and we have only 127 members. We have not got full responsible government yet. I think that the procedure suggested by the Hon'ble the Advocate-General will be welcome to this House. In the old Council when one member was unable to move a resolution, his fellow member would at once undertake the business and carry on the discussion. I think this House should have the same privilege."

Mr. A. T. PALMER:—" I heartily welcome this amendment to the Standing Order No. 56, because I was lately a victim to the existing rule (laughter). I sent in a notice of an important resolution; but owing to circumstances over which I had no control, I could not attend the meeting and as a result the resolution was thrown out, though I am glad to say the resolution has had the desired effect on the authorities even without my moving it."

The Hon'ble the PRESIDENT:—"Order, order. We need not go into the merits or the subsequent history of any past resolution."

Mr. A. T. PALMER:—" I beg your pardon, Sir. There are occasions when Members who have given notice of resolutions are compelled to be absent and yet the resolutions may be of very great importance. That such resolutions should die out just because the members are absent seems to me to be very unjust. I think this House should have the power to discuss such resolutions even though the members may be absent or though they may not be willing to bring them up. I therefore support this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—" I am sorry I cannot agree with my friend Mr. Ramachandra Rao. To oppose it is practically to take away one of the privileges conferred upon this House. It does not confer any particular privilege upon any member of this House. It does not enable a member of this House *ipso facto* to transfer his right to move a resolution to another member. It gives the Council the power to allow any member to move a resolution when it has been withdrawn or deemed to have been withdrawn under Standing Order No. 56. Is the Council not to have the privilege of discussing an important matter simply because the member who has given notice of it is absent? I think the amendment before the House embodies a salutary provision."

Mr. M. D. DEVADOSS:—" I move that the question be now put."

The motion for closure was then put and carried.

The amendment to Standing Order No. 56 was put and carried unanimously.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—" May I know when my amendment will be taken up, Sir?"

The Hon'ble the PRESIDENT:—" The Honourable Member will please wait."

Standing Order No. 77.

The ADVOCATE-GENERAL:—" The next amendment runs as follows: After the words 'Deputy President' in the fourth line *add* 'the Advocate-General (when he is a member of the Legislative Council)' and *substitute* 'six' *for* 'seven' in the fifth line.

11th March 1921] [The Advocate-General]

"This is an addition to Standing Order No. 77. The Standing Order No. 77 relates to the personel of the Select Committee. This amendment is to add to that Committee the Advocate-General when he is a member of the Legislative Council. It hardly becomes me to make any remarks on this and I leave its consideration to the House."

Mr. A. RAMASWAMI MUDALIYAR :—"I beg to second the motion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I beg to support the motion. It is hardly necessary for me to say anything on it. The Advocate-General is indispensable in all committees and it is surprising that he was omitted in the original framing of the rules."

The motion was then put and carried.

Standing Order No. 60.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Mr. President, Sir, I move that Standing Order No. 60 be omitted. Standing Order No. 60 says :—

'(1) If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the amendment to be moved.

'(2) The Secretary shall, if time permits, cause every amendment to be printed, and send a copy for the information of each member.

"To appreciate my position, it is also necessary for me to draw the attention of the Council to the previous Standing Order, Standing Order No. 59, which says : 'When a resolution is under discussion, any member may, subject to all the rules relating to resolutions, move an amendment to such resolution.' Though there is this Standing Order, it also makes it incumbent that the amendment must satisfy all the requirements relating to the resolution and the President has the same power to decide on the admissibility of the amendment as he has to decide on the admissibility of the resolution. If the amendment does not comply with all the requirements, the President has discretion to disallow it, and if it is contrary to the rules, it makes it obligatory upon him to disallow the amendment. When Standing Orders Nos. 55 and 59 are in force, I fail to understand any necessity for the retention of the Standing Order No. 60 which makes it obligatory upon a member to send to the Secretary a copy of the amendment two clear days before the day fixed for the discussion of the resolution. Sir, I wish to point out that no such restriction existed in the previous Legislative Council Rules. The previous Legislative Council Rules provided that while a resolution was under discussion, any member might move an amendment, no doubt subject to the rulings of the President. I cannot understand why, when conferring larger powers upon members there should be this restriction embodied in the Standing Orders. I have another reason to urge on this occasion. We do not find in the Standing Orders any provision requiring the Secretary to circulate a list of business a particular number of days before the sittings of the Council Standing Order No. 6 merely says 'A list of business for the day shall be prepared by the Secretary and circulated to all members.' In the previous rules there was a restriction that it should be circulated two clear days before the Council met. How do we stand now? Members of this Council will kindly remember that it has not been possible for some of the resolutions being in the hands of the members in sufficient time to enable them to give two days' notice. When a resolution was under

discussion on the 5th of this month, it was pointed out that the notice of the resolution had reached the hands of the members only the previous day. It was, therefore, physically impossible for any member to conform to the rules requiring two days' notice. Again, it will be remembered that the agenda for to-day comprising two new resolutions was circulated to us only yesterday. If Standing Order No. 60 is applied and if two days' notice is required, we have to rely entirely upon the descretion of the President for suspension of the operation of the rule. Therefore I think that so long as there is no rule requiring the Secretary to give a definite notice of every resolution and some days before the meeting of the Council, it is not fair that there should be restriction only on members wishing to move amendments. No such provision existed in the previous rules and I think it is not fair to curtail now the privileges of members. I therefore move that Standing Order No. 60 be omitted."

Rao Sahib U. RAMA RAO :—" I beg to second the motion."

Rao Bahadur A. P. PATRO :—" Mr. President, Sir, I beg to support the amendment of Mr. A. S. Krishna Rao. I think the Standing Order curtails the liberties of members in moving amendments. When the agenda paper is put into our hands the previous day, it is not possible for us to give two days' notice of the amendment. It seems to me from a commonsense point of view—and I cannot say anything about the practice before—that is absolutely necessary that this Standing Order should be omitted. In congresses and conferences, what happens is that as soon as a resolution is moved, an amendment may be brought in. Even from the ordinary commonsense point of view, it seems to me very reasonable that a member of the House should have an opportunity of bringing an amendment when a resolution has been moved. To give two days' notice means practically to shut him up, and there is no chance of some amendments being moved, whatever may be their importance. The two days' notice, especially when the agenda paper is not circulated earlier, seems to me to be undesirable."

The ADVOCATE-GENERAL :—" Mr. President, Sir, the Honourable Member from Nellore has furnished excellent reasons why there ought to be an amendment to Standing Order No. 60, i.e., to the effect that the list of business should be in the hands of the members before a stated time and should not be sprung upon the House all at once. But it seems to me that to deal with the question as if the existence of Standing Order No. 6 somehow dispenses with the existence of Standing Order No. 60 is, if the Honourable Member will permit me to put it in that way, somewhat illogical. Moreover the honourable member will notice what Standing Order No. 60 really says. There may be amendments to resolutions which may absolutely improve these resolutions out of all recognition, and they may be of a very far-reaching character. It is necessary that members who have equipped themselves for the discussion of the resolutions should not be, so to say, taken off their balance by any such amendment being sprung upon the House. The object of Standing Order No. 60 is to prevent that contingency. And how does it seek to prevent it ? In the first place, if the copy of the amendment has not been sent to the Secretary two days before the day fixed for the discussion of the resolution, the procedure that is contemplated is that any other member who complains of that amendment having been sprung upon the House may object to that amendment being taken up for consideration. Then that objection is to prevail. I take it that if members think that the amendment is of a formal or trivial character or one not affecting the fundamentals of the resolution, they will not take such objections. But if they do take such objection, the objection shall normally prevail. I take it that the object of these rules is to see that every

member is adequately prepared for the subject. Nevertheless, it is provided that if the President is of opinion that the amendment might with advantage be discussed, then there is the discretion vested in him to allow the amendment. It seems to me that the safeguards underlying this Standing Order are such that it will scarcely lead to abuse. I perfectly well conceive that where the agenda is suddenly sprung upon the House, there will be complaint. Then the Honourable Member from Nellore, Mr. A. S. Krishna Rao, would be perfectly within his right in bringing a proper amendment as to the agenda paper. To take away the rule itself and to curtail the rights conferred upon other members of the House is not to proceed in the right way."

The Hon'ble the PRESIDENT :—" I hope honourable members will excuse me for interrupting. It is in contemplation to alter the procedure in regard to the practice prevailing in the House, so as to remedy the inconvenience which the honourable members have referred to. I do not want in any way to intervene in this particular debate ; but it will probably facilitate the business if I inform them of what is proposed to be done. Till now we have been pursuing the old practice under which the Legislative Department formed a portion of the Secretariat and a great deal of work used to be done by it which should have been done in the Secretariat. So the arrangement was that it was only when the departments concerned were ready that these notices went into the agenda. Arrangements are being made by which, in future, questions and resolutions, as soon as they are admitted by the President will go into the notice paper, which will be communicated to all the Honourable Members, so that they may know what questions and resolutions have been admitted. That will be irrespective of the date when the questions will be answered or the resolutions will be taken up. In regard to the answering of the questions, we have to depend greatly upon the Government. They will have to furnish answers. So in regard to the agenda for a particular day, the questions will appear only when the Government answers are received and as regards resolutions, arrangements will be made by me as to whether they will have to be balloted or not. I think when this is done it will meet the inconvenience which the Hon'ble Mr. Patro has referred to. A member who sees a resolution may at once give notice of his amendment and the amendment will be put along with the resolution on the agenda. I hope I have made myself clear to honourable members. In view of this explanation, Honourable Members may proceed with the discussion on the subject."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Mr. President, Sir, the statement made by you just now has altered the situation very greatly. Considerable inconvenience was felt during the last sitting as well as in the present one on account of the uncertainty as to which resolutions or which questions would come up before the House on a particular day. Unless we have a clear notice of the state of business that is likely to come up before the House on any particular day—I hope I am expressing the general sense of the House—we shall be put to great inconvenience. It seems to me that we may adopt to the extent that it is possible to adopt, the general procedure adopted in the House of Commons of keeping the House informed of all stages of the work proceeding in all the departmental activities. There is also another list there showing the various committees sittting in various parts of the House. They are all put up on the notice board and a copy is sent to all the members, so that they will be in a position to know what is the exact stage of a particular topic or a piece of legislation. As regards resolutions I am glad to know that a different practice is to be adopted of communicating to members, whether residing here or in the

mufassal, a copy of the resolutions as soon as they are admitted, and that a separate agenda of the business tabled for each day will be issued from day to day. Unless some such arrangement is made, I must confess that we shall work under rather difficult circumstances. If this new procedure is adopted, it is reasonable to expect Honourable Members to give timely notice of the amendments they intend to move. As a matter of fact, these amendments to Standing Orders were placed in our hands only last evening and to expect two days' notice being given of any amendments to them is unreasonable."

The Hon'ble the PRESIDENT :—" So far as these amendments are concerned we have considered all the amendments including those of which two days' notice has not been given."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" That is due to your indulgence, Sir. That is quite a different matter. So far as the rules are concerned, I think all these matters have to be considered."

" I wish to mention one other matter with your permission, Sir. That is with regard to the publication of the proceedings of the Council. It is a matter of the utmost importance that the printed proceedings are issued by the Legislative Department as early as possible. The last meeting of the Council was on the 14th February and we have not yet received copies of the proceedings of that meeting. They are frequently required for reference, especially the budget proceedings and the statements made by the Hon'ble the Finance Member, the Ministers and the other Honourable Members of the Government. They are relevant to the discussion on the 21st instant. I, therefore, submit, Sir, that arrangements may be made to place the proceedings in our hands as early as possible after a meeting is over. I also venture to suggest that they may be in the form of Hansard, which is also the form adopted in the Legislative Assembly and the Council of State, and not in the oblong gazette form which is absolutely useless form purposes of reference."

The Hon'ble the PRESIDENT :—" I can only say now that the whole machinery is new and that the Secretary will try to work up and after a time it will become all right. In regard to the particular matter referred to by the Hon'ble Mr. Ramachandra Rao I may say that the proceedings of the Council from the 14th to the 17th February have been sent finally to the press and that they will be issued in the next gazette and subsequent proceedings will be issued shortly. The Honourable Member is an old member and he will remember that in the olden days it used to take three months; so that I think the advance from three months to one month is progress for the time (Laughter). I quite appreciate, at the same time, the inconvenience caused to the Honourable Members by their not having the proceedings in time. While I am willing to put pressure upon the Council Office, I would request Honourable Members, whenever they receive speeches for correction, to return them with sufficient promptitude. I can quite understand the position in which Honourable Members find themselves whenever a speech is put in their hands for approval which, either through the carelessness of the reporter or upon the Honourable Member's further reflection, requires correction. Whatever it may be it is necessary that Honourable Members should treat these references as urgent and I take this opportunity of making this appeal with particular emphasis to the Members of His Excellency's Government who I believe have to make lengthy speeches and from whom therefore the greatest assistance is always expected by the Secretary and I hope that all Honourable Members will co-operate with the office. If they do that, the proceedings can be got out very early.

11th March 1921] [The Hon'ble the President]

"In regard to printing the proceedings in book form, that also has been considered and I understand from the Secretary that the change will be carried out after the recess. The press has started it in a particular form for the present session and it is now therefore impossible to go back upon it. As soon as we re-assemble after the recess, it will be possible to issue proceedings in the form desired by the Honourable Member.

"Does the Hon'ble Mr. Krishna Rao press his amendment in the light of what has taken place?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I do not think it necessary to press my amendment in view of the new arrangement which has been announced."

The amendment was by leave of Council withdrawn.

New Standing Order No. 80 and Standing Orders Nos. 13, 23, 55, 56 and 77, as amended, were on the motion of Mr. C. P. Ramaswami Ayyar (Advocate-General) seconded by Mr. A. Ramaswami Mudaliyar declared passed.

The Hon'ble the PRESIDENT:—"It will now be my duty under section 72 (D) (7) of the Government of India Act to submit these amendments to Standing Orders to His Excellency the Governor for his assent which I hope to communicate at a later sitting of the Council."

III

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

The Hon'ble the PRESIDENT:—"The Council will now proceed to deal with the resolutions on matters of general public interest and preference will have to be given to the resolutions adjourned from a previous meeting of the Council—two resolutions, one by the Hon'ble Member Mr. A. S. Krishna Rao and the other by the Hon'ble Member Mr. P. Siva Rao.

"I may remind the Council that the resolution moved by the Hon'ble Member Mr. A. S. Krishna Rao was:—

Transfer of an eighth share of excise revenue to local bodies—cont.

'15. *That this Council recommends to the Government to transfer to the district boards an eighth share of the excise revenue collected within their respective areas.*'

"That was seconded by the Hon'ble Member Mr. T. M. Narasimhacharlu.

"Then an amendment was put forward by Dr. Gilbert Slater and seconded by Mr. A. P. Patro. This having been accepted and supported by other speakers, the present debate must be considered to be a continuation of the previous debate and the Honourable Members will have to take it that it is so. Those Honourable Members who have already spoken cannot speak again on this resolution. It is a continuation of the previous debate and with this remark, I would ask the Honourable Members to continue the debate."

Mr. K. GOPALAKRISHNAYYA:—"I request that the amended resolution may be read not to the Council."

The Hon'ble the PRESIDENT:—"The amended resolution runs thus:—

'*That this Council recommends to the Government to transfer to the district boards an eighth share of the excise revenue.*'

"This amended resolution has been accepted by the original mover and it is this amended resolution that the Honourable Members have to discuss."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I know, Sir, whether the amendment has been accepted by the Council."

The Hon'ble the PRESIDENT:—"The acceptance of the Council will be known when there is a division upon it. I have already stated that the amended resolution is now before the Council for debate."

The Hon'ble Mr. C. G. TODHUNTER:—"Mr. President, I am afraid the Council have lost all interest in this postponed debate and so shall endeavour not to take up more time than I can possibly help.

"I have already mentioned that I should like to pay a tribute of thanks and admiration to the members of the Financial Relations Committee for their excellent report. I should like to add that I entirely agree with the Honourable Mover in a desire to escape from the old and pernicious system of doles. We have suffered long enough under that in the Provincial Government and now that we have escaped from it ourselves, we are very anxious that local bodies should continue under it no longer than we can help. I should, however, like to point out to the Council that there is this distinction to be drawn between the financial relations between the local Government and the Government of India and the financial relations between the local bodies and the local Government, namely, that the local Government subsidizes the Government of India, while the local bodies do not subsidize the local Government. On the other hand the local Government is looked upon as a common milch cow by both. At the same time, there is a distinction to be drawn between the local self-government department and the other departments under the local Government, namely, that the latter put all their receipts into the common pools and have to carry on with such sums as are allotted to them, while the local self-government department has its own resources from which it pays nothing into the common pool, but draws out of it continually increasing sums.

"While, therefore, as I have said, I highly appreciate the recommendations of the Financial Relations Committee, I do ask the House to agree that we cannot possibly undertake to carry out those proposals as a whole without considering what the total cost of them is going to be, nor again can we commit ourselves to individual items of the programme in advance of an examination of the cost of the whole.

"And here I should like further to lay stress on the fact that the general principle underlying all the proposals of the committee is that we should pay a share of the cost of services rendered, and therefore the most essential thing to be considered is how we are to adjust the relation of the shares to one another if we find that the total cost is more than we can afford to meet. I have been thinking a lot about this matter and the only way I can see so far of giving effect to these proposals of the committee is that we should first of all arrive at what I may call the ideal shares and then moderate them with reference to the proportion borne by the amount available to the total amount required. Thus, if we were to say we would give half the cost of roads and three-quarters of the cost of sanitary officers and so on for other services, and found that we had only half the money necessary to go round, the proportion would work out at one-fourth for roads and three-eighths for sanitary officers and so on.

"To come now to the particular proposal under discussion, I should like to point out in the first place that the proposal that we should give a lump sum of money to assist the general resources of local bodies is one which is directly contrary to the general principle which underlies all the other recommendations of the

committee. The plan proposed is in fact one which is condemned in the most emphatic terms by the Financial Relations Committee itself. They say in paragraphs 168–170 —

"'As a form of subsidy, a share of the excise revenue amounts in effect to a grant-in-aid of general resources—a system which we have condemned except in three specific cases (Chapter II). It will produce greater inequalities than what it ostensibly seeks to obviate.'

"Again they say: 'In the long run, the expenditure basis will be found to be more advantageous to a local body than getting a slice of revenue—albeit a growing one—for it may happen that the growth in the item of revenue may lag behind that in the volume of local expenditure. It is also unsafe to reckon on excise as a growing item. Excise is a transferred subject and the classes that are likely to come into power in the new Provincial Ministry are likely to be against developing the revenue from excise and in favour of decreasing consumption and working towards total prohibition.'

"Later on they say: 'We are therefore decidedly against the substitution of a share of the excise revenue for all or any of the direct grants for services which we have proposed.'

"I should like to say here that there is to my mind very little difference whether the proposal in issue is one to impose a surcharge on the excise revenue or to take a direct share of it. As Honourable Members know, we have already put up the rates of excise duty as high as we possibly can and, as three of the members from the Ceded Districts have pointed out to us yesterday, we have already exceeded the limit of safety in doing this, and we have as a result an uncontrollable amount of illicit distillation. It is clear therefore that, in cases of this sort, it is quite impossible to add any further to the rates of taxation. If we do, the money will simply come out of something that is already being paid by the licensees, in other words, it makes no difference whether we call the contribution a surcharge or a share of the excise revenue. There is only a maximum sum which can be secured by increasing the taxation on intoxicants and if we give local bodies the one or the other we shall take it out of the revenue which would otherwise go to the exchequer.

"Now, this question of giving local bodies a share of the excise revenue was fully discussed by a Committee in England which the Financial Relations Committee have taken as their *guru*. I should like to read one or two extracts from the report of the Departmental Committee on Local Taxation in England and Wales.

"Experience indicates that the system under which the exchequer surrenders potential sources of revenue to local purposes is liable to be overthrown to meet the exigencies of imperial taxation.

"'Nor has the desired separation of local and national finance been attained. The continuance of the revenues under the control of Parliament and the absence in most cases of any strong local character have prevented them from being regarded otherwise than as a part of the national system notwithstanding their payments to local authorities.

"'Again regarding the national share of the cost of semi-national services the system is open to the very serious objection that the amount of the revenue bears no relation to the expenditure on these services either of the country as a whole or of the individual authority to which they are paid.

"'Furthermore except in the case of the police grants and the grants to minor sanitary authorities the distribution of the revenue is free of all control, so that the system gives the Government no control over the administration of the

services towards which it contributes. We consider that effective supervision by the Government of semi-national services should accompany the division of the burden.

"'We recommend therefore that the present system of assigned revenues should be abolished and that Government subventions to local authorities should be in future restricted to semi-national services and be paid direct from the exchequer to the administering authorities.'

"Thus, the very system which the Honourable mover wishes now to introduce in the Madras Presidency is one which has been condemned in the United Kingdom.

"It may perhaps be urged that the analogy on which the proposal is based is not that of the English taxation, but the analogy of the land-cess. If this is what is suggested, I would say that at the time when the land cess was imposed, it was really a surcharge on the land tax, which was then the main revenue of the country, and further that it was imposed upon the cultivator who was the person who secured most of the benefit from the roads to which the cess was applied. There is no comparison between this imposition of a road-cess upon the people who benefit by the roads and the taking of a share of the revenue from intoxicants for the benefit of the people who do not consume the intoxicants. To put the matter in another way, what the proposal amounts to is that the more drink is drunk in a particular town, the more hospitals and schools and other amenities will the locality enjoy. As the Hon'ble Mr. Sivasankaram Pillai pointed out the other day, it involves putting a direct temptation in the way of local bodies to oppose any measures for the reduction of drink. At the same time, it makes their revenue variable and liable to be cut off at any moment by the passing of prohibitive legislation. The problem in concrete shape would be that, if we close the toddy shops, we must close our schools and hospitals.

"I hope Honourable Members will examine this aspect of the question, and especially the report of the English Committee, and will agree that the proper basis of the contribution to local bodies is not the amount of liquor drunk within the area under their jurisdiction, but the services which they render to the people of the same."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"The Hon'ble the Finance Member stated that the recommendation of the Financial Relations Committee is a broad recommendation and cannot be followed by the Government and that it is somewhat inconsistent with the basis of the other recommendations which are based upon the system of semi-national services. Sir, I was a member of that committee and I did recognize at that time that the Hon'ble the Finance Member and perhaps Mr. Graham would convict us of inconsistency. We realized it fully. I think I must inform the House of the exact circumstances in which local bodies are situated at present. For the last ten years the question of developing village organizations has been very much discussed in this Council. At one time it was advocated in this Council that some system of passing on to village panchayats a portion of the kist raised in their respective jurisdiction should be devised. The system of doles for village panchayats was tried for one or two years and thereafter it was definitely put forward that the Government should commit itself to the policy of paying to the newly started village panchayats some equivalent of 3 pies on the kist that was levied in their respective jurisdictions. Well, Sir, we have now the new Village Panchayats Act. I was one of those that suggested that, if the scheme of developing village government is to be successful in this Presidency,

there must be finance at the back of the scheme and to leave these villages to take care of themselves and to spend the resources levied under the Village Panchayats Act is not the best way of promoting village self-government in this Presidency. There must be something found for them in addition to the cess or rates which may be levied under the Village Panchayats Act. I ask the Honourable Members to consider that if the district boards and taluk boards are supposed to be responsible for the extension of the village panchayat system, what is the system of financing these new village panchayats. Under the Village Panchayats Act a village panchayat is empowered to levy a rate within its jurisdiction. I consider, Sir, that if this scheme of developing self-government in villages is to be successful, there must be some system of giving some help either through district boards or direct from Government. I consider that the best way of doing it is to set apart a portion of the excise revenue for the purpose of distribution to these village panchayats. That is the view that I placed before the committee amongst other views.

"The second main consideration which has induced me to suggest this assignment, in addition to the system of paying for certain services, is the fact that under the new Taluk Boards Act the responsibilities of taluk boards have been considerably increased. The whole responsibility for medical relief has been placed under the new Act on the taluk boards. The result has been that this distribution of functions between the district and taluk boards has made it so extremely difficult for taluk boards to make both ends meet, and to make up and balance their budget properly. During the last three months—I am certain that every member of the district board in this Council will bear me out—one great difficulty which we have experienced has been to induce taluk boards to re-examine their financial position and to readjust their liabilities with reference to their new responsibilities under the Local Boards Act. The budgets of these taluk boards will reveal the fact that they are hard put to make both ends meet. I therefore think that some help from the district boards will always be necessary to these taluk boards apart from the difficulties of the district boards themselves. Therefore if the whole system of self-government in regard to village panchayats and taluk boards should be a success, the district boards should be in a position to finance some of these bodies. That is one main consideration which I placed before the Honourable Members.

"As regards the general question as to the condemnation of the system of assigning revenues, which finds expression in the report of the Local Taxation Committee to which reference has been made, I admit that the Committee did condemn the system; but they have not found it possible to give up the system. It was introduced in the year 1888. It is extremely elastic, and I am sure the county councils and other local bodies in England liked it very much because they are not subject to any central control. The conditions are entirely different in the United Kingdom. These local bodies are more or less absolutely independent self-governing institutions. It was the object of the Central Government to develop their control by the system of paying for certain services, and that is how the central control came to be developed much later in the United Kingdom, whereas it has already been established in this country. I trust the Hon'ble the Finance Member will see the point of my remarks. The Central Government have certainly control enough and if these revenues are passed, they can certainly take away any additional amount remaining. But the main point which I wish to urge upon him is the poverty of the taluk boards and the absolute impossibility of working the scheme of village panchayats into a success. However, I should not be understood as overlooking the fact that the district boards themselves are in a position of

great embarrassment. Apart from paying for certain definite services, their present financial position is such that some amount of relief is necessary by way of contribution generally to their funds. There is nothing at all unusual in this. We have 114 lakhs granted to the general resources of the local bodies. The Honourable Member himself admitted that it is on the analogy of the land cess. Therefore, I do not see how my honourable friend can object to giving us a little more funds for making both ends meet. It is quite a different matter as to how you are to find them. But on the broad grounds of policy, I think a combined system of paying for services with a system of contributing something towards general resources is absolutely sound. It has been put forward for years in this province and most of the local bodies have been asking for this contribution and it is perfectly consonant with past practice. Continuity of practice is fast becoming the policy of the present Government, and I trust that they will keep it up by passing something towards the general resources."

Diwan Bahadur T. DESIKA ACHARIYAR:—"I wish to know whether I am permitted to speak."

The Hon'ble the PRESIDENT:—"The Honourable Member has already spoken on the original resolution and I do not think I can permit him to speak again. The honourable members who took part in the debate on the last occasion are —

Rao Bahadur A. S. Krishna Rao (mover).
Rai Bahadur T. M. Narasimhacharlu (seconder).
Dr. Gilbert Slater (mover of an amendment).
Rao Bahadur A. P. Patro (seconder of the amendment).
Rao Bahadur T. Balaji Rao Naydu.
Rao Bahadur K. S. Venkatarama Ayyar.
Diwan Bahadur T. Desika Achariyar.
Mr. G. Vandanam.
Mr. T. Sivasankaram Pillai.
Mr. M. D. Devadas.
Mr. T. A. Ramalingam Chetti.
Sriman Biswanath Das.

"At that stage an adjournment was moved by the Hon'ble Member, Mr. M. Ramachandra Rao, and supported by the Hon'ble the Finance Member. I do not think that honourable members who have already spoken can be allowed to speak again."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Mr. President, if I intervene at this stage, I do so merely by reason of the fact that I had the honour to have been the president of the Financial Relations Committee, whose report is now being discussed, and, as I then held certain views on this matter which I still hold, I wish to make my position sufficiently clear before ever the stage for voting arises. For, I do not wish to be understood that I have given my adverse vote on this occasion as I am now on the side of the bureaucracy, or that my angle of vision has since changed, or that I have come into this Council with anything like fresh ideas different from those which pervaded my mind at that time. This was one of the questions, Sir, which was debated somewhat at great length and in which it was difficult to arrive at anything like a unanimous expression of opinion. The report of the Committee has also made it sufficiently clear that unanimity of opinion was impossible. For, the Committee found that it was face to face with certain views which, if accepted, would contradict the main and general recommendations which it had made in regard to the basic principles

which should in future guide the financial relations of the Government on the one hand and of those of the local boards on the other. I am not quite sure, Sir, if my hon'ble colleague, Mr. Todhunter, has already quoted the significant passages from the report of the Committee. Even if he has done so, I think, Sir, I can crave the indulgence of the House for a minute and wish to read them again for the purpose of convincing the House that some of those expressions which find a place here were more or less in consonance with my own views on the matter. In paragraph 170 of the report dealing with the Abkari revenue we find this very significant statement: 'We are therefore decidedly against the substitution of a share of the excise revenue for all or any of the direct grants for services which we have proposed.' There is one other portion here, Sir, which would also make our position quite clear. We were at that time, though not fully but partially, aware of the fact that the provincial finances during the year 1921–22 will not be so flourishing as to permit the Local Government to willingly surrender a big portion of the slice from out of its own revenue, and we therefore stated that: 'The revenues of this province are not yet likely to be overflowing during the next seven years, and it is doubtful if the Government can both make the grants which we have proposed on the basis of the cost of the semi-national services, and also make a free gift of any substantial share of the excise revenue to local bodies.' Then, again, we continued examining the question, and in making our final recommendation we have made our position sufficiently clear in one of these sentences: 'We have not been able to arrive at any unanimity of opinion. Some of us would have preferred to gain experience of the working of the new Acts and of our proposed arrangements for subventions. Others seemed convinced of the necessity of providing an additional source of revenue at once for local bodies who might need it. After much discussion, and with considerable hesitation, the majority of us came to the conclusion that, instead of a share of the excise revenue of Government being made over, local bodies should be empowered to levy a surcharge on it at a rate not exceeding one anna in the rupee of all items of abkāri revenue.' I have read these extracts merely to show that this question of the grant to local bodies of one anna in the excise was not a recommendation which met with universal or unanimous acceptance of the whole Committee, but that after it was fully discussed one portion of the Committee came to that conclusion. All the same, it is evident there was a difference of opinion, and I think from my position as the chairman of that Committee I laid certain figures before the Committee to show as to what the normal revenue of each local board and municipality had been and what its own share of the excise revenue will be if the Government accepted this recommendation, and I think I also made it sufficiently clear to them that this share of the excise revenue in some cases will be even more than the total revenue of particular local bodies; and I asked the question whether it was possible for any local board or municipality, if suddenly put in possession of that large money, to find opportunities for spending the same unless it was spent on hasty schemes. However, I think eventually the idea of the majority of the Committee was that some financial assistance was necessary and that, apart from the various systems evolved out of this Committee's report, some further opportunities might be given to the local bodies for the purpose of improving their own finances and a share in the Abkāri revenue, which was being constantly urged by the heads of local bodies from the time the District Municipalities Act came to be revised, might be taken into consideration and a sort of recommendation made to the Government. Even this recommendation does not indicate, at any rate, the unanimous view of the whole Committee. It was my opinion then that it was not a fair recommendation to make, not that at that time I knew that I was going to be a

part of the Government, nor did I at that time know what the real financial position of the province would be, but even then I was not quite keen on this recommendation."

Mr. F. J. RICHARDS :—" Sir, may I, in reply to my honourable friend Mr. Ramachandra Rao, say a few words on the subject of financing village panchayats? The 'dole habit' has become inveterate among certain local bodies. I have recently had occasion to study with some minuteness the administration reports of local boards for the year 1919–20. First as regards unions, the normal union is solvent. In some cases, very large balances have accumulated, balances amounting to from 40 to nearly 50 per cent of the revenues received. In other words, these unions are so lacking in initiative that they cannot spend the money which they actually receive in the form of revenue. But in spite of this in a good many district boards the dole habit is so inveterate that contributions of several thousands of rupees have been made by the local boards to these union panchayats in spite of their overflowing surpluses.

" Turning next to informal panchayats, the House no doubt is aware that a few years back a considerable sum of money was placed at the disposal of district boards for the purpose of financing informal panchayats. The usual procedure was to distribute this amount among the informal panchayats in lump sum grants. The money is given to the panchayats and they are told to spend. The panchayats, I may say, had not formulated in such cases specific proposals for spending. The result is what exactly might be expected. Informal panchayats are unprepared for the expenditure of this money, and hitherto they have utterly failed to spend it. The result is that a great deal of money is lying idle of which the local boards and the district boards might make very good use, and I must submit for the consideration of this House that this practice of placing funds at the disposal of these small infant bodies, without any guarantee as to what it is going to be spent on, is wasteful and against the public interest."

Mr. B. MUNISWAMI NAYUDU :—" Mr. President, Sir, the resolution is that the Provincial Government should be requested to give in aid of the resources of the local boards a fraction of the revenue now collected from excise. It has been said that local bodies have not availed themselves of their resources to the fullest extent, and that if they bestir themselves to do that, there will surely be any amount of money available for them. If we examine this, we shall find that their expectations are not at all correct. As I said yesterday, the only further item of taxation that has been given to local boards is the taxation under the Local Boards Act of 25 per cent in addition to what they have been hitherto levying. With regard to the district board, it is entitled to levy a taxation of one quarter of an anna for its purposes. Taking that as it is, so far as the services now under the control of the district boards are concerned, we have to meet a heavy deficit because we have to provide for a larger mileage of roads which have now come under second-class roads, and the Financial Relations Committee recommended that a large number of roads might be taken over from taluk boards and maintained. Secondly, we have to provide for the increased expenditure due to the revision which the local boards have also to share along with other departments of the Government. Taking all these matters into consideration and also the increase in the wages of labour, it is hardly possible to make both ends meet even if this tax is added to.

" The next thing is with regard to elementary education. We have been talking on the platform and in the press and everywhere that elementary education must be given compulsorily to all boys and girls, and that as soon as possible

we must see that elementary education is spread and spread compulsorily. With that view, the District Elementary Education Act was passed and even there all that has been provided is a tax of 25 per cent on the income now raised. Taking that at its highest, that would not give more than about 11 lakhs, because land revenue is 728 lakhs as provided for in the present budget, and we are raising at the rate of one anna, and putting the additional tax at 25 per cent it would come to 1/64th of 728 lakhs which will be 11 lakhs. I pointed out yesterday that the capitation allowances paid to elementary school teachers came up to Rs. 8,79,000 at the rate of Rs. 4 per head. If we have also to revise the salaries of these elementary school teachers in accordance with the recommendations of the Salaries Committee of this House, it will not merely be 8 lakhs but double that amount that will be required and supposing, therefore, we raise 11 lakhs which under the District Elementary Education Act we can raise and another 11 lakhs is provided by the Provincial Government, we shall have 22 lakhs, out of which 16 lakhs would go for schools that we are already maintaining, and the balance of 6 lakhs will also be swallowed up by a further increase by the time we actually grant it. Because it has been my sad experience that when an increase is demanded we are not able to give it, and by the time we are able to give it, it is inadequate, because by that time wages increase again. In these circumstances, taking it that all the taluk boards and district boards come to the rescue, it will not be possible at all to get on with the schools now being maintained nor can the services be adequately paid. Now, I may point out that it has not been possible at all to increase the grant for medical institutions. The grants for sanitary purposes have been practically cut off from the present budget. In these circumstances, it is absolutely necessary that the resources of local bodies must be enhanced. A question has been raised as to the difference in attitude between tax-payer and ratepayer. The question has been exhaustively discussed by the Financial Relations Committee itself and that Committee was appointed for the purpose of deciding how far local boards and district boards have to aid themselves, and if the income was not sufficient and to what extent the Government should come to their aid. The Committee has considered all these things and has advised that the local boards may in aid of their resources be authorized to levy a surcharge on the excise revenue and, before legislation to that effect is carried out, as a sort of transitory provision they said that one anna in the rupee on the excise revenue may be handed over to them and the Committee headed by the Hon'ble the Revenue Member fully came to that conclusion—it may be not unanimous, but yet they agreed with this view. The case has become harder and more pressing now. It was said yesterday with regard to various objections raised on the budget that there was every necessity for the provisions made in the budget under the various heads. One of the heads that was taken objection to was the increase in establishments made from time to time. It has been talked on the platform and elsewhere that we want more of co-operation and more of inspectors, and it has been said further that more of inspectors have been provided for because we wanted more of co-operation. Yes, Sir, we did want more of co-operation, and we also did ask for more of elementary education and more of roads. And if we now under the new regime that has just dawned want to begin in right earnest I would only request Members of the Government to bear in mind that, while in respect of various schemes which require development the Government propose that they should not be commenced till the Council finds new resources, we have come to tell the House and the Government that what the ryot really needs is providing elementary schools in his own village and making it possible for him to have village roads. The time may come when we may have

more funds to have experiment made on industries, agriculture, etc. But in respect of such demands made on either side, I only hope that the honourable members of the Government will concede the wishes of this Council and of the members representing the grievances of the poor ryots. I have not heard anything at all yesterday that our claims on behalf of the ryots are unreasonable. All that was said was that the claims of the members were not unreasonable. I only wish that, while they concede that our demands are reasonable, we may be given preference in the matter of allotments under the budget. I submit, therefore, that we would rather have loans, co-operation, co-operative inspectors and other things later on, and that as we are very badly in need of elementary education, if every pie that could be spared were allotted for the purpose of expanding elementary education, it would be worth spending. In the circumstances, I commend this resolution to the acceptance of this House."

The Hon'ble Mr. P. RAMARAYANINGAR :—"Sir, much as I may like to have as much of provincial revenue assigned to the local bodies I must say that I am not in favour of Mr. Krishna Rao's resolution. Of course I do not agree with my hon'ble colleague Mr. Todhunter, when he says that the Local Self-Government is a department, which while it produces nothing takes away all the money from other departments. Sir, it is a department which supports other departments . . ."

The Hon'ble Mr. C. G. TODHUNTER *(interrupting)* :—"May I correct the statement, Sir? What I was endeavouring to say was that Local Self-Government department keeps its own resources while the other departments put all their resources into one common pool."

The Hon'ble Mr. P. RAMARAYANINGAR *(continuing)* :—"We are putting our resources into the common pool. The local bodies offer facilities to the other departments in the way of communications, etc.; without roads I do not think the Forest department will be able to give us any revenue; without education, Sir, without primary or secondary education, I do not think the departments of industries or agriculture will improve. Without light all have to grope in the dark. Without health all have to suffer from disease. For these reasons, I say, Sir, I do not agree with my hon'ble colleague, Mr. Todhunter.

"Sir, I oppose Mr. Krishna Rao's resolution for the following among other reasons. Mr. Krishna Rao asks for an assignment from a particular source of revenue. I think this assignment will be practically as bad and uncertain as the old dole system. Mr. Krishna Rao asks for this assignment on the ground that the grants which are available to the local boards are not adequate. Well, if the grants are not adequate, he can go in for grants for services rendered. The resolution as it stands cuts at the very root of the principles involved in some of the recommendations of the Financial Relations Committee. Those recommendations required grants only for services rendered, whereas this assignment is an indefinite assignment without any services being insisted on. Thirdly, the assignment will not be a definite source of revenue. Nobody can be sure of what revenue these local bodies will have, to go on with the administration. This year the local bodies' revenue may be X amount, next year who can be sure whether they will again have that X amount? For these reasons, Sir, I am afraid I cannot support Mr. Krishna Rao's resolution."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I must congratulate the Hon'ble Minister for Local Self-Government on his trying to maintain the prestige of his department against the onslaught of his colleague the Hon'ble the Finance Member. He has entered a strong plea for the utility of the various services

rendered by the Local Self-Government department and I join with him in stating that they are carrying on some of the most useful objects for which they require further funds and further consideration at the hands of the Hon'ble the Finance Member.

"Sir, much has been said as to the principle underlying this resolution and it has been urged that it is a reversion to the old system of contributing doles. The recommendation of the Financial Relations Committee in this respect was attacked both by the Hon'ble the Finance Member and also by the Minister for Local Self-Government and it was pointed out that it is at variance with their other recommendations to the effect that they can only claim money for services rendered. I need not say much on this question because the Hon'ble Member, Mr. Ramachandra Rao, anticipated me and justified the position taken up by the Finance Relations Committee with due regard to local conditions. Under existing conditions it is not possible to arrive at a satisfactory method of devising means of paying for services, nor is it possible to do away with the method of taking a portion of a specific item of the revenue. If the position taken to-day by the Hon'ble the Minister for Local Self-Government that we ought not to make an assignment of a fixed share of revenue is correct, I think it would probably be better for him to consider the propriety of the provisions made in the Local Boards Act of 1920. It was only last year, Sir, that the whole question was examined at considerable length by this Council and provisions were incorporated in the Act indicating that the Government may give a specific share of the excise revenue to local bodies and also continue to give grants to them. I only request the Members of this Council to consider whether, since these provisions were incorporated in that new Local Boards Act which is to be brought into force with the blessings of the Hon'ble the Minister on the 1st of April, circumstances have changed so far that we must not think of enforcing those provisions but find other means of improving the resources of local bodies. I would suggest that in view of the new provisions incorporated in the Act, we should continue to give effect to them till matters are fairly . . ."

The Hon'ble Mr. P. RAMARAYANINGAR (*interrupting*):—"The provisions referred to by the honourable mover are only enabling provisions."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I quite realise it, Sir. I used the words 'new provisions' in my remarks. But even though they are enabling provisions, they clearly indicate the policy of the Government in suggesting a means of improving the resources of local bodies. I only followed up the position taken up by the Council last year and suggested that effect might be given to these provisions; and now even before any effect has been given to them, I am informed that we should think of other means. That does not at any rate indicate a continuity of the policy about which much has been said in this Council during the last few days.

"Coming to the merits of the proposals I would submit that, whatever form the aid might take, it may fairly be conceded that local bodies have no adequate resources even with the additional ways and means provided by the Local Boards Act. My honourable friend, Mr. Muniswami Nayudu, pointed out that even if the local boards availed themselves of the provisions of the Act and imposed additional land-cess, it would not be possible for them to make both ends meet, and if we take the trouble of examining the various budgets of district boards and of taluk boards it will be found even after applying also the pruning knife here and there, that one taluk board having provided for the full additional three pies cess, and having also

asked for permission to levy a profession tax, found itself with a minus balance and asked that some useful dispensary might be abolished. What do you think, Sir, of that state of things? Is that a state of things which will commend itself to us? Here are local boards which having also made provision for additional loans, are landed in a deficit of nearly three-fourths of their ordinary income and are compelled to ask for grants. How is it possible for any local board to help this state of things? Again, Sir, the Honourable Member for Government frankly confessed that there had been a definite reduction in the grants made to local bodies. Attention has already been drawn to the omission of the provision of 8·79 lakhs which had been given for the purpose of increasing the pay of elementary school teachers by Rs. 4 per head. Grants were hitherto made for roads and bridges which have been practically taken away except to a small extent in 1921–22. It will again be found that there were specific provisions made in the budget allotment for minor sanitary grants year after year, but now in the revised estimate that amount has not been allotted notwithstanding that several applications have been pending from various local bodies. A provision of Rs. 20,000 was made for roads in the revised estimate for 1920–21 but for 1921–22 no such provision is made. Take medical buildings, it is the same. I am not talking of quarters for sub-assistant surgeons. Even there the grants which were hitherto made have been taken away. To add to these things, all the unspent balances, though the amount Rs. 4,25,000 is small, have been taken away. If we realize that the ordinary grants hitherto made to local bodies have been practically taken away, notwithstanding the increased demands on their purse, if we realize that it will not be possible for them even to maintain themselves in the present condition unless there is further augmentation of their resources, and if we realize that there is far greater scope for their doing more useful work if sufficient help is rendered, is it not, Sir, a reasonable request to make in this Council that some definite step should be taken to increase the resources of the local bodies in 1921–22 and place that increase in the budget? If the Hon'ble the Minister for Local Self-Government will give this Council the assurance that, after examining the budget further after the votes for grants have been passed after ascertaining what retrenchments are likely to be made and finding out what further resources can be found, he will be in a position to supplement the resources, I shall not quarrel with him; otherwise I would press my resolution to a division.

"If the Hon'ble the Minister for Education in his anxiety for elementary education can give an assurance to this House that he will take immediate steps, after the final stage of the budget is passed through, to find funds to give to the teachers of elementary schools their minimum wages I am not anxious to press this resolution. But we are in a stage where we have not even got an assurance that further funds will be found at the earliest possible opportunity."

The Hon'ble Diwan Bahadur A. SUBBARAYALU REDDIYAR:—"I cannot give any assurance to my friend of the kind that he wants. All that I can say is that I will consider the matter after the discussion on demands is over. That I have told him already."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"It is true, Sir, that my honourable friend the Minister for Education has stated that he will consider the matter. I think we have long been accustomed to these considerations. We have grown gray in these pious hopes of considerations. I can appreciate the difficulties of the Honourable the Minister. It is impossible to say now how much funds they can allot for a particular purpose. But is it too much to ask that they

must make themselves bold to assure this House that they will do their best to improve the finances of the local bodies. If even this assurance they are not able to give, I must say that I am not satisfied and cannot rest content with the mere promise. I know that the Government are always considering our proposals. I do not want anybody to tell us that they are considering the demands from year to year and from month to month. If they cannot proceed an inch further than that I think there is no use. Therefore I submit that so long as I think that it is imperatively necessary for the sources of local bodies to be improved, so long as we feel that the means is that suggested by the local boards and also by the Financial Relations Committee, I have no other alternative in the absence of any assurance from the honourable member except to press this resolution."

The Hon'ble Mr. C. G. TODHUNTER:—"Mr. President, I really don't think that the fact that the Government have passed an enabling provision of the law makes very much difference one way or the other. Government have always been prepared to help local bodies either by a share of the cost of services rendered or by giving them grants. Hitherto they have adopted the policy of doles, but they have now referred the question to a body of expert doctors who have advised, as Mr. Richards has pointed out, that doles are having as stupifying an effect upon the financial conscience as dope, and they have therefore decided to abandon the practice. Mr. Ramachandra Rao points out to us that the practice is still continuing in England. I venture to correct him there. I am sure honourable members connected with the medical profession will bear me out when I say that, when a patient has contracted the habit of an intoxicating drug, it is not possible to cut off the supply all at once and it is not unusual to prescribe a limited and fixed dose for some time. This, I take it, is what has happened in England since the contributions from assigned revenues have been stereotyped at a fixed amount.

"It is said that I made an onslaught upon the Local Self-Government department. I wish to assure the House that I had no idea of making any such onslaught, or in any way of depriving that department of its fair share of the resources of the local Government. Again, it is complained that we have refused to give a definite undertaking regarding the payments to it. My answer to it is that we cannot at the present time give any definite assurance with reference to money not now in our hands. On the other hand, I am sorry to inform the House that I have three times since we began to discuss the budget had communications from the Accountant-General to the effect that he is being compelled to reduce our estimates of receipts. I am sorry to say that it is not open to us to amend the estimates of receipts at our will and pleasure as was suggested in the budget debate; while, on the other hand, we shall have to make the reductions which the Accountant-General intimates, which means that, even if we are able to reduce our expenditure, we shall require all the money that is taken away to make up the loss in the receipts so as to secure that we do not reduce the closing balance which we have reported to the Government of India. If the honourable member will be satisfied with an assurance that we will do our best, I shall be glad to give him that assurance on behalf of the Government as a whole.

"It seems to me, however, that the question really is not how much should be paid, but whether what is paid should be paid in one way or the other. We can pay in the shape of a share of services rendered or by a share of the revenue. If we increase the share of the services rendered, we set free the general funds of the local bodies which they are now spending on them and enable them to spend them on something else. If we adopt the opposite course and allot a lump grant,

then the effect of that must be to reduce the payments we make towards services rendered. There are some honourable members who seem to think that they can have it both ways. I beg to assure them that it is quite impossible for us to find another 70 lakhs over and above everything else.

"Finally, I should like to say that it seems to me from this debate that there are several members of this House who would appear to combine in themselves the characters of the kindly Doctor Jekyll, who is always ready to consider the interests of the taxpayer, and the brutal Mr. Hyde, who loots him whenever he sees him. In the Financial Relations Committee, the two personalities were very evenly balanced and the result was a conflicting set of recommendations. In the budget debate which has just closed, Dr. Jekyll was very much in evidence in support of the taxpayer, and I hope that in voting on this motion he will again be in evidence and vote against the Mr. Hydes who are the enemies of the taxpayers."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"In view of the statement made by the Hon'ble Mr. Todhunter that he will do his best to improve the resources of the local bodies, I do not wish to divide the House and I withdraw my resolution."

The resolution was by leave withdrawn.

The following resolution standing in the name of Mr. P. Siva Rao Pantulu was deemed to have been withdrawn under Standing Order No. 56 as the Member was absent.

"16. *That this Council recommends to the Government that the following recommendation of the Financial Relations Committee may be forthwith adopted*:—

"*That, until such legislation is passed sanctioning the surcharge on the abkari revenue, the Government should make over, to such local bodies as may require such help, a sum not exceeding one anna in the rupee of abkari revenue raised in their respective jurisdictions.*"

Provincial Forest Service.

Rai Sahib E. C. M. MASCARENHAS:—"Mr. President, Sir, the resolution standing against my name runs as follows:—

'12. *This Council recommends to the Government that the two posts of Conservators of Forests recently sanctioned by the Secretary of State for India may be reserved for officers of the Provincial Forest Service.*'

"I must explain some details about the constitution of and recruitment to the Service. The Forest Service is divided into three parts, viz, the Indian or the Imperial Forest Service, the Provincial or the Madras Forest Service and the Subordinate Forest Service. The Indian Forest Service consists of Conservators, Deputy Conservators and Assistant Conservators. These are recruited in England. The Provincial or the Madras Forest Service consists of Deputy and Extra Assistant Conservators. The Subordinate Forest Service consists of Rangers, Foresters and Forest Guards. The men for the Provincial Forest Service are recruited both directly and also from the Subordinate Forest Service. Some years ago the Public Services Commission enquired into the grievances of the Provincial Forest officers and before that Commission the Provincial Forest Service officers adduced the following evidence:—

'At the outset we must state that this division of the service into Imperial Forest Service and Provincial or Madras Forest Service is impolitic. Officers who discharge the same duties under similar conditions with identical responsibilities

should in the public interest be treated alike. To treat one section of this service as inferior all along the line must inevitably tend to demoralization. The present system deliberately excludes a whole class of officers from rising to the highest posts in the department and it is not too much to say that such a method is sure to depress and deteriorate the submerged lot, and it is most undesirable that this state of affairs should be prolonged a moment longer and be allowed to create a natural feeling of intense discontent among the officers. In the course of transfers of officers from one place to another a charge held to-day by an Imperial Forest Service officer comes under the control of a Provincial or Madras Forest Service officer. The inferior status of the latter is not lost sight of by not only the members of the other services in the locality but also by the men in the Subordinate Forest Service. In actual practical working this difference in status is a handicap for the Provincial or Madras Forest Service office. But we prefer to rest our position on the higher ground of common fairness and justice that men who discharge the same duties should, as far as possible, be put on the same level.'

"This was their grievance and after enquiry and subsequent representation made by the Provincial Forest officers it has been proposed to transfer the Extra Deputy Conservators into the Imperial Forest Service, and the pay of the Provincial Forest Service officers has also been raised. It is on behalf of these Provincial Forest officers who are shortly to be transferred to the Imperial Forest Service that I am making this motion that the two posts of Conservators recently sanctioned by the Secretary of State may be reserved for them. There were already four posts and the two that are now added make only one-third of the number."

Mr. M. D. DEVADAS:—"Mr. President, Sir, I have much pleasure in seconding this resolution. It is but fair, Sir, that the members of the Provincial Service should be allowed to get into the Indian Forest Service and ultimately rise to the position of Conservator of Forests. The two new posts that have been sanctioned have been sanctioned with a view to the efficiency of the department and if that is so, I think it is but fair that the Indian members of the Service should be given an opportunity of being appointed as Conservators of Forests. The resolution goes a little further than that and says that these two new posts should be reserved for Indians. Sir, it is a well-known fact that in other departments certain posts are listed and a certain portion is reserved for Indians. I think that in the case of the Forest Service also these two new posts that have been created should be reserved for the members of the Provincial Service who are mostly Indians—if not Indians, at least natives of this country. Therefore, Sir, I have much pleasure in seconding this resolution."

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, I am really at a loss to understand why this resolution was brought before this Council. Because, as it seems to me, if I am not mistaken, the objects in view have already been fully secured by the decisions of the Government of India. I have before me a letter which was received many months ago containing the orders passed by the Secretary of State and the Government of India on the recommendations of the Public Services Commission with regard to the Imperial and the Provincial branches of the Forest Service. These orders take effect from May 1920, and they provide definitely for the inclusion in the Imperial Forest Service of selected members of the Provincial Forest Service. I believe I am right in saying that quite recently no less than seven officers from the Provincial Service were transferred to and incorporated in the Imperial Forest Service as members of that Service. I think the whole class of Extra Deputy Conservators has been moved over. In other words, the object which Mr. Devadas has particularly in view, viz., that members of the Provincial

Service should have an opportunity of admission into the Indian Forest Service, has already been achieved and nothing more remains to be done. Mr. Devadas says that ultimately they should be given an opportunity of becoming Conservators. The decisions of the Government of India and the Secretary of State have reserved that opportunity. I will read the relevant portion. 'Officers promoted from the Provincial to the Imperial Service * * * will be eligible for promotion to administrative rank equally with directly recruited members of Imperial Service.' This being so, Sir, I fail to see what conceivable grievance there can be on the part of members of the Provincial Forest Service. There is no question of reserving particular appointments for officers of a particular race. I should like to emphasize that, once in the Imperial Forest Service, promotion to the administrative rank depends and must always depend upon ability and not upon race. I have just stated that all the Extra Deputy Conservators on the list have already been transferred to the Imperial Service. What then would be the effect of reserving for members of the Provincial Forest Service these two posts of Conservator, which, I may say in passing, have already been filled up by selection? The result would be that the Government would have either to keep those two posts vacant or to appoint to them officers who have been definitely refused any further promotion for incompetence or officers of less than nine years' service, quite junior and quite unfit to hold the post of Conservator. That is a *reductio ad absurdum*. In the light of my remarks I hope the honourable member will not press the resolution."

Rai Sahib E. C. M. MASCARENHAS :—"I have the latest list of Forest Officers here and I do not see the transfer of the Extra Deputy Conservators as mentioned. They still remain in a separate part of the list."

The Hon'ble Sir LIONEL DAVIDSON :—"Whether their names appear in a separate part of the list or not it is a fact that they have come into the Imperial Forest Service."

The Hon'ble the PRESIDENT :—"Does the honourable member wish to press his resolution?"

Rai Sahib E. C. M. MASCARENHAS :—"In view of what the Hon'ble the Home Member has said I withdraw my resolution."

The resolution was by leave withdrawn.

Flood ventways near Chidambaram.

Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR :—'Mr. President, Sir, I beg to move the following resolution :—

'13. *That this Council recommends to the Government that the South Indian Railway Company be moved to construct two or three flood ventways near Chidambaram and Varkalpet railway stations in order to protect them against floods.*'

"Sir, I move this resolution with the object of removing the great hardships felt, in the rainy season, by the people who travel by train and also by those who possess lands in the western side of the railway lines. I take Chidambaram. There is a channel called Palaman. It is between the town and the station. In the rainy season the water in the channel overflows on the road on both sides of the railway bridge, so that traffic between the station and the town ceases for more than 12 hours or for 15 hours during the time of the floods. Last year there was no traffic for more than 36 hours. As an instance I may say that I myself suffered during the last flood. I went to Chidambaram one morning and found that there was no traffic from the station to the town and that some of

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the passengers were wading to the town with the help of others. Water was knee-deep in the station compound. I also went along with the people and stayed in the town for nearly three hours. By that time some one told me that water was rising in the Palaman channel. So I returned at once and found that the water was 3 or 4 feet above the level of the road. I reached the station with the help of three persons. In the station there were many passengers waiting to go into the town. There was no train for any one to go to any place. As there were no flood ventways on the southern and northern sides of the railway line, there were some breaches. There were so many people at the station starving and I myself starved for 24 hours. I returned to my place only the next morning. Because there is only one channel, the water cannot go away in other directions. Water stagnates in the streets and it is 2 or 3 feet above the level of the road. I think this is dangerous to the houses. Water stagnating in the fields damages the crops. The condition near Varkalpet is also the same. There is the Gadilam river near this station. The water overflows on the railway lines, because there is not a sufficient number of flood ventways there, and the lines are 2 or 3 feet under water. This year all the trains had to stop at Varkalpet railway station for more than 10 hours and I had also to suffer in this connexion. I saw passengers suffering from want of water to drink. I think that in some places 500 or 600 acres of land have had their crops washed away. I therefore appeal to this House to pass the resolution unanimously."

Mr. V. APPASWAMI VANDAYAR :—" Mr. President, Sir, I beg to second the resolution. The recent floods have caused great havoc. A big breach near Tiruvalandur and Sholavandam stopped the Boat Mail for several hours. On account of that a great hardship and a great loss was caused on all sides. Not only the southern portion of the railway line has been damaged, but a good lot of dry crops have been washed away. I therefore think that waterways are necessary and hope that Government will have no objection to accept this resolution."

The Hon'ble Sir LIONEL DAVIDSON :—" I am afraid, Sir, I have no knowledge of this resolution whatsoever except what has been told us by the two gentlemen who have just been speaking. Owing to some error in Secretariat procedure or the procedure of the Legislative Council Office, I was not aware that this resolution had been tabled. I have not received any papers at all. But the general issue is fairly simple, Sir. The attitude which the Government must take up towards such a resolution is that, if a specific complaint, backed up by specific evidence of real loss and damage at particular places, is brought forward, they will either themselves examine that complaint or bring it to the notice of the South Indian Railway administration. Being entirely unprepared, I am not able to give chapter and verse. But I think if the honourable mover will refer to the Indian Railways Act, he will observe that in the case of railways which have been in existence for a long time, there is a special reservation which prevents the railway authorities from being under legal obligation to find additional waterways in respect of parts of the line which have been in existence for more than ten years. I forget exactly which section it is. The general procedure in regard to the construction of new railways is that the Government Inspector, who is not a servant of the Local Government, inspects and certifies to the sufficiency of the waterways provided. That gives some opportunity of ensuring that reaonable provision is made at the outset. I do not say that the provision is always adequate. Floods of unprecedented extent sometimes occur and I believe, Sir, that I am right in saying that the floods which caused damage in January last were almost without precedent. If the waterways are not sufficient and if the vents have been in existence for more than

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ten years, however, there is no obligation on the part of the railway. What I would ask of the honourable mover and the seconder, therefore, Sir, is to furnish me separately with a precise statement of the locality which they consider to be the scene of special damage with some indication, as precise as they can make it, of the steps necessary to prevent the recurrence of such trouble. I shall then be happy either to investigate it with the help of the officers of Government or to bring it to the notice of the South Indian Railway administration."

Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR :—"In view of the assurance of the Hon'ble the Home Member I withdraw the resolution."

The resolution was by leave withdrawn.

The following resolution standing in the name of M.R.Ry. O. Tanikachala Chettiyar was deemed to have been withdrawn under Standing Order No. 56 as the member was not present :—

Translation of assessees' accounts into Vernacular.

"14. *This Council recommends to the Government the immediate withdrawal of rule* 17 (*a*) *added to the rules published in the Financial* (*Separate Revenue*) *Department Notification No.* 23, *dated* 28*th May* 1918, *and published as a notification, dated* 25*th March* 1920, *requiring the production by assessees to income-tax of a true translation of their accounts, if they are not maintained either in English or in one of the vernaculars of the Presidency such as Tamil, Telugu, Malayalam, Kanarese and Oriya.*"

The Hon'ble the PRESIDENT :—"The Council will now adjourn and meet at 11 a.m. on the 21st instant."

The Council then adjourned until 11 a.m. on Monday the 21st instant.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

TRUTH ALONE TRIUMPHS