17th February 1921] [Mr. R. Srinivasa Ayyangar]

the Act is concerned the Government reserves to itself the right of authorizing district boards to elect their own presidents. I do not propose at this stage to enter into the history of this legislation, but this much I think it necessary to say for the information of this House, viz., that it took years for the Local Government to think of nominating non-officials as presidents of district boards. The first move was made in the year 1911 when for the first time three places in the Presidency were chosen, and I am glad to be able to inform the House that of these three gentlemen who were first nominated as non-official presidents, two of them are present in this House now. The success of that experiment enabled the Local Government to extend the area of its operation, and I am glad to state that because it was a success the privilege has been considerably extended. Later on, if I remember right after some debate that took place in this House in 1916, after some hesitating answer given by the Local Government on that occasion the Government tried the experiment in September 1917 with some misgivings in four district boards. I am glad to tell you that out of the four district boards that were chosen Kistna and South Arcot were two. The two presidents who were then chosen are now in our midst. The success of that experiment enabled the Local Governments to extend that experiment largely with the result that today as many as 16 or 17 boards have this privilege of having nominated presidents. Hereafter it is too late in the day to contend that non-official presidents of district boards are failures. Members of this House may remember that these district boards are located at headquarter stations which, rightly or wrongly, for my part I should say rightly claim for itself the intelligentia of the district—I mean no disparagement to the taluk centres—so far as district headquarters are concerned it contains or it is supposed to contain the intellectual aristocracy of the district. There is absolutely no reason to deny this privilege after this long period of four decades, and thers is no reason why it should not be extended to the district boards themselves. Nor am I in a position to conceive any insuperable difficulty in the way of Local Government selecting suitable, competent and capable persons to fill these onerous offices. The plea of 'not yet' which we have been often accustomed to hear and which was freely trotted out, the days of that plea, I dare say, have gone for ever. If the Government opposes this resolulion it must be due more to a spirit of unwillingness on their part to extend this privilege than to any inherent disqualification or disability on the part of the people or the intelligentia residing in the mufassal. This ministry will, I hope and trust, commemorate its career by conferring on district boards the privilege which they seek and which they are fully competent to exercise. Under ordinary circumstances the power of choosing the president must be inherent in a body chosen for the purpose. There is no meaning in somebody else being thrust on that body. There is absolutely no danger in entrusting the privilege of electing a president to that body which will inevitably contain a very large element of representatives. If there is a likelihood of a large number of persons going wrong I do not think there is less chance of a single individual, however honest, going wrong. So far as this resolution is concerned we want to be perfectly plain. We are disgusted with stagnation, and we are only anxious to move a step forward; and the acceptance of this resolution by the Council will, I have not the slightest doubt, mark a distinct step forward in the field or domain of Local Self-Government. It may perhaps be contended that for some inexplicable reason or other the whole machinery of a district board may sometimes give way and break down. My answer to that, in all humility, is this that we have conferred upon taluk boards, we have conferred upon municipalities, we have conferred upon the panchayats the right of electing their own presidents. So far as these are concerned election is the rule.

"Therefore the time has come when we should no longer allow ourselves to be frightened by these doubts and difficulties. It is high time that we embark on a career which will place these self-governing institutions on the highroad of progress and prosperity. With these remarks, Sir, I request the House to carry this resolution."

The Hon'ble the PRESIDENT:—"Does the Hon'ble Member in charge of Local Self-Government wish to speak now?"

The Hon'ble Mr. P. RAMARAYANINGAR:—"I wish to address the House at a later stage."

Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, I have a very few words to say in commending this resolution for the acceptance of this House. There has been, as all honourable members are aware, a considerable extension of franchise under the Reform Act. I dare say all Honourable Members, at least the elected members among them will readily admit that the franchise has been very wisely used. Therefore I think that the Honourable Members will take it for granted that members of the district board will exercise their franchise equally well and select the very best people to preside over the district boards, and I may say that their choice will not be in any away worse than the choice that is sometimes made by the Government itself."

M. T. A. RAMALINGA CHETTIYAR:—"Mr. President, as a nominated president of a district board, I wish to say a few words on this matter. I agree with the honourable mover of this resolution that the best thing to be done in a country is to allow the rate-payers to elect their own presidents. So far as the elections are concerned, with regard to the election of taluk board presidents and the new district board presidents, I do not think it can be said that the electors have exercised their franchise in any way badly. No doubt the Government may in circumstances be able to rise above the need in some places, but I think, it ought to be left for the members of the district board or taluk board to elect their own presidents to administer their own affairs. As has been stated, a good president is not a substitute for a president who is popularly elected. The tax-payers should be allowed to elect their own presidents and excepting in very exceptional cases where for certain purposes the election will not be good, I think effect should be given to all the boards to elect their own presidents. That is my view and I am sure many of the presidents who have been nominated will share that view with me."

Mr. C. V. S. NARASIMHA RAJU:—"Mr. President, I am one of those that fought for the election of presidents when the bill was in the legislative council. My reasons are stronger now for the election of the president. Simply the question is this. Without going to the side issues, hitherto the nominations were made by bureaucrats. They have always held the scales even and they are expected to do that.

"But now, the whole question is changed. Local Self-Government is hereafter a transferred subject. It lies mostly in the nomination of Ministers and it is not desirable that this should be any longer wielded as a party weapon by the Ministers. That is my honest opinion and I do not think the representatives of the people who now happen to be the winning party and who hold the reins of Government will refuse to satisfy the legitimate demands of the people. If they do not satisfy the people, the Ministers would lose their prestige in the country."

17th February 1921] [Mr. Venkataramana Ayyangar]

Mr. C. V. VENKATARAMANA AYYANGAR :—"I want to offer just a few words in this connexion. Our friend that preceded us has told us more or less in his own individual capacity, but so far as I am concerned, I want to say that the district boards also in some cases have expressed the opinion that they should be given an elected president. So far as Coimbatore is concerned, we have got the first nominated non-official president in Mr. T. A. Ramalingam Chettiyar. Before he was nominated, I believe more than 1½ years ago, the question came when the District Collector was President and then it was unanimously passed as an amendment of the administration report that Coimbatore should have not only a non-official president but an elected non-official president. I simply say this to show that there need be no fear on the part of any one that the district boards or at least some of the district boards will have any hesitation in exercising the right of election. I believe such things must have happened in the case of other district boards also ; but so far as Coimbatore is concerned more than 1½ years ago, it was clearly stated that they wanted an elected and not a nominated president. I believe also that all the other district boards are anxious to have elected non-official presidents and there should be no reason for any hesitation on the part of the Ministers to satisfy the aspirations of the people."

Rao Bahadur C. VENKATA RANGA REDDI :—"Mr. President, I beg to support this resolution for the reason that if Local Self-Government is to be made popular, it must be through election. So I request the Ministers to throw open all district board presidentships for election from this day or at least from the day on which the new Act comes into force."

Mr. A. RAMASWAMI MUDALIYAR :—"Mr. President, I have a very few words to offer on this resolution. Not having been a member of a district board, not knowing much of the secrecy of election of either a district board or a taluk board but as one who has followed through the press the activities of some taluk boards and district boards, I may say that I have come to the conclusion that it is not in the interests of the district board nor of its members to throw open indiscriminately every district board presidentship for election.

"Sir, at the very outset, I must enter a caveat against some of the arguments that have been adduced this afternoon to my very great surprise by the honourable member from Vizagapatam Mr. C. V. S. Narasimha Raju. Sir, we are all at one now-a-days in praising the bureaucrats. It was only the other day that the honourable member from North Arcot had a good word to say of them ; to-day my honourable friend has quite a good word to say about the bureaucrats. I cordially endorse that view. I only trust that Honourable Members would continue to have these kindly feelings towards the bureaucrats and would remember these encomiums at other times and on other occasions. But, is it fair, Sir, that you should decry another department, another part of the Government in your anxiety to praise the bureaucracy. Is it fair, Sir, for you to suggest that the Ministers of the other departments of the Local Government, will be less fair, will be less able to hold the scales even than the bureaucrats in the past ? Is it fair that you should decry any part of the popular Government in your anxiety to praise the bureaucracy ? Is it fair for you to suggest that the Minister in charge of the Local Self-Government will be less fair or will be less able to hold the scales even ? Is it fair to say that the Minister would not have the same considerations as the bureaucrats in the previous days had ? I protest against the unfair insinuation that is sought to be made against the popular Ministers of the House ? Next I wish to oppose this resolution on another ground. It was only the other day that the Government in considering the Local Boards Act came to the conclusion

that it was not proper to throw open all the district board presidentships for election. Is it in consonance with the keeping of the traditions of the Government in all other countries that one Government which has just come in should throw overboard all the previous decisions? If only our Members will remember some periods of the parliamentary life of Mr. Gladstone and some periods of the lives of European statesmen I think they would agreee with me in thinking that it is not desirable to go at once to office with pre-conceived notions and to throw overboard what the previous Governments have done. That would merely imply that no Government would be stable. The popular Ministry has certainly a very onerous and difficult task to perform. A Ministry which has just been ushered in under the reformed scheme which is itself open to several sorts of objection, such a Ministry would be well advised in considering its own position well beforehand and then come to a deliberate conclusion and see whether the recommendations of some of the Members can be taken or not. It is not with any idea that official loaves or loaves of any other sort will be in the gift of the Ministers or Minister of the Local Self-Government that I speak thus. I abhor it as I said before, especially as a member of the community who has suffered from such patronage in the hands of the bureaucrats in the past. At the same time in the interests of the district boards and the members themselves of the newly constituted district boards which are just being brought into existence and in view of the different shades of opinion in the district boards themselves, I daresay it is most inadvisable to throw open all the district boards to election. The Government will, no doubt, exercise the greatest care and discretion in the matter. I am aware that the Ministers will treat the question of election most sympathetically. But I must say that the Minister should have the power in case of extreme necessity, in case where he considers it is not to the advantage of district board administration to vote some elections and to use his discretion. Under the new Act a district board has got a number of privileges attached to it. So the Minister must have the power in his hands to save the district boards. I must therefore say that I oppose this resolution if it wants the Minister to throw open indiscriminately all the district board presidentships to election."

Diwan Bahadur Kesava Pillai moved for the adjournment of the House as it was 5–30 p.m.

The Hon'ble the President adjourned the Council as that was the sense of the House.

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

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Friday, the 18th day of February 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., 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.]

Water-readings in Cauvery and Coleroon anicuts.

144 Q.—Rao Bahadur V. APPASWAMI VANDAYAR : To ask the Hon'ble the Member for Revenue—

(*a*) to publish the water-readings in the front and rear gauges at 7 a.m. and 6 p.m. from 23rd November 1919 to 28th November 1919 (both days inclusive) of the Cauvery and Coleroon at the Upper and Grand Anicuts of the Vennar at Grand Anicut, Vettar and Korayar heads, of the Vettar and Vadavar at the Vettar head and of the Pamani and Korayar at the Korayar head ;

(*b*) what the full supply level is of the above rivers at the abovesaid heads ;

(*c*) to give the maximum height of water at the abovementioned anicuts and head-works up to which the authorities are permitted to regulate the flow of water in the said rivers.

A.—(*a*) Readings are generally taken at 6 a.m. and 6 p.m. and the daily average readings at the Upper Anicut and at the Grand Anicut are alone available and a statement* showing the readings for the 23rd to 28th November 1919 is laid on the table.

The other readings required are not available but will be obtained and furnished.

(*b*) & (*c*) The information required is available in the rules for the regulation of water at the several heads in the Cauvery delta, a copy of which will be furnished to the Member.

Water demand in the Vennar.

145 Q.—Rao Bahadur V. APPASWAMI VANDAYAR : To ask the Hon'ble the Member for Revenue if it is a fact that the Executive Engineer, Vennar division, wired for 6 feet of water in the Vennar when as a matter of fact there was continuous rain from 8th January 1921 onwards and if so it was in conformity with the water regulations in force.

A.—The Government are unable to give any reply to the first portion of the question, which does not specify any date. According to the Rules for Regulation at the Cauvery-Vennar Regulators it is the duty of the subordinate in immediate charge, on noticing or receiving intimation of heavy rain in the Vennar basin, to at once lower the rear gauge of the Vennar Regulator to 6 feet, without waiting for orders.

* Vide Appendix I on page 314 infra.

Repair and refixing of the survey stones.

146 Q.—Rao Bahadur V. APPASWAMI VANDAYAR: To ask the Hon'ble the Member for Revenue if it is a fact that the cost of repairing and refixing the survey stones that are recovered from the ryots is prohibitively larger than its actual cost to the Government.

A.—The answer is in the negative.

Cost of upkeep of the Pandavayar river.

147 Q.—Rao Bahadur V. APPASWAMI VANDAYAR: To ask the Hon'ble the Member for Revenue—

(*a*) for a statement of the amount spent on the repair or upkeep of the Pandavayar river bund where there have been breaches in both the floods during these ten years;

(*b*) what action the Government propose to take on the maintenance of the river bund after the recent experiences of the floods.

A.—(*a*) The information required is not available; but will be called for.

(*b*) The embankments on the Pandavayar are being maintained in reasonably good condition. No special action appears to be necessary in regard to their maintenance.

Madras City Police.

148 Q.—BHASKARA RAJA RAJESWARA SETUPATI alias MUTTURAMALINGA SETUPATI: To ask the Hon'ble the Home Member whether the Madras City Police constables threatened to strike work just before the visit of His Royal Highness the Duke of Connaught unless they were given increase of pay and what the response was to the threat.

A.—The Government are not aware of any such threat.

The RAJA OF RAMNAD:—"May I know if the Hon'ble the Home Member could not give us any further information?"

The Hon'ble Sir LIONEL DAVIDSON:—"I am not in a position to give any further information regarding what took place on or about the 10th January last, but as there have recently been discussions in certain quarters as to the possibility of a strike of the City Police, I should like to take this opportunity with your permission, Sir, of giving the widest publicity to the fact that increases in pay and improvement in the position of the Madras City Police formed one of the subjects which engaged the very careful consideration of Government in December. Definite but provisional decisions were arrived at, the publication of which has merely been delayed by the necessity for the sanction of the Government of India and it is the desire of the Government to allow the Committee of this Council which was appointed yesterday to have an opportunity of scrutinizing the provisional decisions arrived at. I should like to make this announcement in order that those concerned may realize that the question of the improvement of the position of the Madras City Police has not been shelved in any way."

Punitive police at Kamuti.

149 Q.—BHASKARA RAJA RAJESWARA SETUPATI alias MUTTURAMALINGA SETUPATI: To ask the Hon'ble the Home Member to state—

(i) the date of the latest anti-Shanar disturbance at Kamuti and its surroundings;

18th February 1921]

(ii) when the punitive police was quartered there;
(iii) how long it is since the last of the disturbances took place;
(iv) for how long it is proposed to keep the punitive police;
(v) if the condition at Kamuti should require the posting of additional police as a precautionary measure, why not the regular police be strengthened and the punitive police withdrawn; and
(vi) why, among the landholders of the villages from which rioters went, Maravar and Shanar landlords alone are subjected to punitive tax while other caste men are left free.

A.—(i) The latest actual disturbance of which the Government have information occurred in the middle of the year 1919.

(ii) The special police were sanctioned in October 1918 and arrived at Kamuti towards the end of that year.

(iii) The Member is referred to the answer to clause (i).

(iv) The present sanction for the special police expires in October of this year. It is not at present possible to say for how long it will be necessary to retain the force.

(v) Where the number of police is increased in any area because the area is in a disturbed state or because the conduct of the inhabitants or of any class or section of them makes such increase expedient, the law provides that the cost of the additional police force may be imposed upon the inhabitants.

(vi) The disturbance of the 17th September 1918 which led to the employment of additional police was proved to be due to a recrudescence of the Maravar-Shanar antagonism. On the ground that other castes are not directly concerned in the dispute the Government exempted them from liability to bear any portion of the cost, with the result that Maravars and Shanars alone are liable to contribute.

The Raja of Ramnad:—"Clause 6 of my question is, why, among the landholders of the villages from which rioters went, are Maravar and Shanar landlords alone subjected to punitive tax while other caste men are left free? But the answer given relates to the causes, etc., of the riots. I am not concerned with Maravar-Shanar antagonism or with the other castes. But my question relates to the punitive tax. Would the Hon'ble the Home Member be pleased to say what justification there is for levying this tax from the landholders of these particular classes?"

The Hon'ble Sir Lionel Davidson:—"I am afraid, Sir, that I have nothing to add to the answer. The exemption of other classes is made by the Government under sub-section (5) of section 15 of the Police Act of 1861. The original answer states the reason."

Distribution of work among the Judges of the High Court.

150 *Q.*—Bhaskara Raja Rajesvara Setupati alias Mutturamalinga Setupati: To ask the Hon'ble the Law Member whether the Government have or exercise any control over the distribution of work among the Judges of the High Court.

A.—The Government have no control.

Famine-affected districts and relief measures.

151 Q.—BHASKARA RAJA RAJESVARA SETUPATI alias MUTTURAMALINGA SETUPATI: To ask the Hon'ble the Member for Revenue what districts are affected by famine and what is the nature of the relief measures proposed to be adopted.

A.—Famine has not yet been declared in any of the districts in this Presidency, but distress or famine is apprehended in portions of the districts of Ganjām, Bellary, Kurnool and Anantapur.

Seven test works in Bellary and two in Anantapur have been opened. A test work is being opened in each of the districts of Ganjām and Kurnool.

An adequate supply of food-grains in Bellary is being arranged for by importation of dry grains from the Mysore territory. Additional funds have been sanctioned for the grant of loans under the Loans Acts in the affected districts. Special establishments for the disbursement of loans have been sanctioned for Bellary and Anantapur. Suspension of collection of kists has been ordered in Bellary, Kurnool and Anantapur. Arrangements have been made where necessary for the grazing of cattle in forest reserves. The nature of the steps to be taken hereafter will depend on the further reports from Collectors regarding the situation in their districts and the results of the test works already opened.

Appointment of Secretary for Finance.

152 Q.—BHASKARA RAJA RAJESVARA SETUPATI alias MUTTURAMALINGA SETUPATI: To ask the Hon'ble the Member for Finance to state the necessity for appointing a separate Secretary for Finance.

A.—The introduction of the Reforms Scheme has necessitated some increase in the Secretariat establishment, and the much longer sessions of the new legislature, the growth and intensity of political activities and the transfer of a large amount of work to Ministers unfamiliar with Secretariat work will inevitably add to the burden of work in general. At the same time, rule 36 (2) of the Devolution Rules requires that there should be a Finance Secretary to the Government immediately subordinate to the Member of the Executive Council in charge of the Finance Department. It was therefore found the most convenient way of making the necessary increase in the general staff to transfer the financial subjects to a new Secretariat which will be very fully engaged with the new financial arrangements and the revision of the financial codes and rules. At the same time, this department does not deal solely with finance, but also takes all the subjects in which the local Government are agents for the Government of India, such as Salt, Income-tax, Customs, Opium, Marine as well as the subjects which are common to all departments of the Government.

Extension of Mr. T. V. Seshagiri Ayyar's Judgeship.

153 Q.—BHASKARA RAJA RAJESVARA SETUPATI alias MUTTURAMALINGA SETUPATI: To ask the Hon'ble the Home Member whether it is true that the period of the Judgeship of Mr. T. V. Seshagiri Ayyar was extended for some time after he completed the age of 60 in order to enable him to draw the minimum pension.

A.—The answer is in the affirmative; the period in issue was 49 days.

18th February 1921]

Conference regarding headquarters of the Ramnad district.

154 Q.—Bhaskara Raja Rajesvara Setupati alias Mutturamalinga Setupati: To ask the Hon'ble the Member for Revenue to lay on the table the minutes of the proceedings of the conference held at Madura under the presidency of the Hon'ble Mr. C. G. Todhunter regarding the headquarters of the Ramnad district.

A.—The minutes * of the proceedings are laid on the table.

Appointments of sub-registrars.

155 Q.—Bhaskara Raja Rajesvara Setupati alias Mutturamalinga Setupati: To ask the Hon'ble the Minister for Public Works (Registration) whether the Inspector-General of Registration has instructions not to select Brahmans for the post of sub-registrars.

A.—The reply is in the negative.

Enquiry against the manager of the Urkad estate.

156 Q.—Bhaskara Raja Rajesvara Setupati alias Mutturamalinga Setupati: To ask the Hon'ble the Member for Revenue if the Personal Assistant to the Collector of Tinnevelly held an enquiry into the several charges framed against the manager of the Urkad estate and submitted a report to the Collector, and if so, what action the Collector has taken on the report.

A.—The Government have no information on the subject.

The Raja of Ramnad:—"Will the Government call for the information?"

The Hon'ble Sir Lionel Davidson:—"As a matter of fact, Sir, the answer was dealt with by the Hon'ble the Revenue Member. But he prefers, apparently because this is a matter relating to the Court of Wards, that I should give any further answer requisite. All I can say in answer to the supplemental question is that Government will consider the question of calling for information on this matter."

Distress in Ganjam.

157 Q.—Sriman Bisvanath Das: To ask the Hon'ble the Member for Revenue—

(*a*) whether it is a fact that there has been an extensive failure of crops in the following areas in the Ganjām district:—

(1) Shergada estate,
(2) Bodogoda,
(3) Sanakhimidy,
(4) Parts of Dharakota, Kallikota-Atagada estates, Hinjilli firka of the Chatrapur taluk, Surada taluk, Ballypadara and Buguda firkas of the Goomsūr division;

(*b*) to state what measures they propose to take to alleviate the prevailing distress;

(*c*) to lay on the table the reports of the Collector of Ganjām and that of Mr. L. E. Buckley on the condition of the people in the affected areas;

(*d*) whether the Government are aware of the serious difficulties in the supply of drinking water in the affected areas;

(*e*) whether the Government have received any representation from the local bodies for a special grant for a provision of drinking-water supply.

* Vide Appendix II on page 314 infra.

A.—(*a*) The Government are aware that there has been failure of crops in parts of Serogodo, Bodogodo, Chinnakimedi, Peddakimedi and Kallikota-Atagada estates, a tract of eight villages north of Hinjili in the Chatrapur taluk, and a small portion of the Goomsur taluk lying between Ballipodoro and Belligunta.

(*b*) The necessity for relief has not yet been proved, but a test work is being opened in order to decide whether distress requiring relief exists.

(*c*) The Member is referred to G.O. No. 29, Revenue, dated 6th January 1921, and G.O. No. 87, Revenue, dated 14th January 1921, which contain the reports referred to and which are now placed on the Editors' Table.

(*d*) & (*e*) The answer is in the affirmative.

Acquisition of cheri house-sites in the City of Madras.

158 Q.—Mr. M. D. DEVADAS: To ask the Hon'ble the Law Member whether it is intended to acquire the sites on which the houses in cheris in Madras City stand.

A.—The question is engaging the attention of Government. In cases where eviction is contemplated of tenants from the sites of which they have been in occupation for a long period, and in which they have made substantial improvements, the Government intend to acquire the sites to prevent hardship to a large section of the community.

Number of Indian Christians nominated to municipalities, etc., in the Ceded districts.

159 Q.—Mr. M. D. DEVADAS: To ask the Hon'ble the Minister for Local Self-Government to state how many Indian Christians have been nominated to the municipalities, taluk boards and district boards in the Ceded districts.

A.—The information is furnished below:—

Cuddapah Municipal Council	1
Kurnool Taluk Board	1
Nandyal Taluk Board	1
Bellary District Board	1

Suffix 'Gadu' to names of Indian Christians in Ceded districts.

160 Q.—Mr. M. D. DEVADAS: To ask the Hon'ble the Law Member whether the word 'Gadu' is suffixed to the names of Indian Christians in the Ceded districts in all Government notifications, orders and publications and civil and criminal proceedings.

A.—The Government have no information, but have no reason to suppose that names referred to in Government notifications, etc., are given in any form other than that adopted by the persons concerned.

Medical aid in Queen Mary's College, Madras.

161 Q.—Mr. M. D. DEVADAS: To ask the Hon'ble the Minister for Education—

(*a*) if it is a fact

(i) that there have been recently several cases of serious illness in Queen Mary's College, Madras, and

(ii) that there is no special provision in the college for the accommodation of patients; and

(*b*) to state whether any medical man or lady doctor has been asked to visit periodically the Queen Mary's College whether there be illness or not.

18th February 1921]

A.—(*a*) Yes. There were six cases of enteric fever among the members of the Malayali Christian section of the hostel last November. Four of these have completely recovered and two are convalescent. The Health Officer of the Corporation was unable to assign any cause for this outbreak.

A Nayar student developed fever on January 8th, 1921, was removed to her relatives' house in Madras on January the 12th and died there of double pneumonia on January the 23rd.

There is a sick room for cases of illness. Up to the time of the outbreak this was used for ordinary hostel purposes. Subsequent to the outbreak it has been kept vacant in case of illness.

(*b*) The students are examined twice a year by the lady doctors of the Rainy Hospital. The question of providing further facilities for medical attendance will be considered.

Expenditure in the districts under the Agricultural Loans Act.

162 *Q.*—Mr. K. GOPALAKRISHNAYYA: To ask the Hon'ble the Member for Revenue to state what is the average amount allotted and expended every year in each of the districts under the Agricultural Loans Act.

A.—A statement of Provincial Advances and Loans on account of Class I. Loans—Agriculturists Loans Act for the financial years 1915–16 to 1919–20 is laid on the table.*

Health Officer for the Madura municipality.

163 *Q.*—Mr. K. P. GOPALA MENON: To ask the Hon'ble the Minister for Local Self-Government if it is a fact that there is no qualified Health Officer for the Madura municipality for the last eighteen months nearly, that the condition of the town is most insanitary, that bubonic plague is spreading and the death rate is on the increase.

A.—The appointment of Health Officer has been vacant since December 1919. The sanitary condition of the town is not satisfactory.

The answer to the last two questions is in the affirmative.

Criminal Tribes Act in the Madura district.

164 *Q.*—Mr. K. P. GOPALA MENON: To ask the Hon'ble the Law Member if it is a fact that on account of the indiscreet application of the Criminal Tribes Act among the Kallars of the Madura district much harm is being caused to many a respectable Kalla family of status, and that the action of the police officers concerned, in not accepting and working out the village panchayats formed in various villages, has resulted in great discontent, confusion and riots.

A.—The Government do not consider that the Act has been indiscreetly applied and have no reason to suppose that the local officers do not accept and work the village panchayats which are themselves being organized by a police officer.

Damage to crops in Tanjore.

165 *Q.*—Mr. V. HAMID SULTAN MARAKKAYAR SAHIB: To ask the Hon'ble the Member for Revenue—

(*a*) whether damage was done to the growing crops in the deltaic portions of the Tanjore district on account of the recent floods;

(*b*) whether a large number of applications for the remission of land revenue are being presented by the mirasidars in the affected portions; and

* Vide Appendix III on page 318 infra.

(*c*) what action the Government propose to take to avoid similar occurrences in future.

A.—(*a*) The Collector reports that the paddy crop was slightly affected in parts of two taluks in the Tanjore district owing to the recent floods.

(*b*) From the copy sent to Government of a petition addressed to the Collector of Tanjore the Government understand that the inhabitants of the village of Alakkudi in the Tanjore taluk have applied to the Collector for the grant of remission. The Collector is himself competent to dispose of such applications.

(*c*) The question of improving the drainage in the Cauvery delta has been engaging the attention of the Public Works Department for some time past and certain improvements have already been carried out. The details of certain further improvements are now being worked out, but it is practically impossible to provide against such abnormal and untimely floods as those under reference.

Site for the civil hospital in British Cochin.

166 *Q.*—Diwan Bahadur M. KRISHNAN NAYAR: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) whether a new site was selected for the civil hospital in British Cochin about seven years ago;

(*b*) whether the then Collector of Malabar stated that the site selected was the best that could be got, that it was one of the healthiest sites in Cochin and that, though not exactly central, it was readily accessible from all parts of the town;

(*c*) what the area of this site is;

(*d*) what the estimated cost was for the acquisition of the site and the construction of the building;

(*e*) whether the proposed building was according to any standard design, and whether it was passed by the Chief Engineer and approved by the then Surgeon-General;

(*f*) what amount, if any, has been already spent upon the acquisition of the site and the construction of the building;

(*g*) whether the site and building mentioned above have been abandoned;

(*h*) whether it is intended to retain the old site for the hospital;

(*i*) what the area of the old site is;

(*j*) whether the old site has a marsh on one side of it, a cask yard of a firm on another, a building of another firm with high walls on the third and a cooper's workshop on the fourth;

(*k*) whether the present municipal chairman or his predecessor was consulted before the abandonment and, if so, what their opinions were;

(*l*) whether the Government will be pleased to lay on the table the letters of the Collector, the municipal chairmen and the former and the present Surgeons-General on the subject; and

(*m*) whether a majority of the people of Cochin are in favour of the new site.

A.—(*a*) & (*b*) Yes.

(*c*) 7·23 acres.

(*d*) The site which was the property of the Government was alienated to the municipal council free of cost and its estimated market value was Rs. 18,075. The new buildings were estimated to cost Rs. 74,000.

18th February 1921]

(*e*) The designs have been approved by the Sanitary Board of which the Chief Engineer and the Surgeon-General were members.

(*f*) About Rs. 24,000.

(*g*) & (*h*) Such is the intention of the Government.

(*i*) 2·26 acres.

(*j*) The Government understand that the facts are more or less as stated in the question.

(*k*) The municipal council which was consulted in the matter resolved by a majority in favour of the new site.

(*l*) The Government do not consider that any useful purpose will be served by doing so.

(*m*) The Government understand that there has been a change in public opinion in Cochin on the subject and that a majority are now in favour of reconstructing the hospital on its present site. Petitions have been received from the citizens of Cochin which support this view.

Revised pay for deputy collectors.

167 Q.—Diwan Bahadur M. KRISHNAN NAYAR: To ask the Hon'ble the Member for Revenue to state—

(*a*) whether effect has been given to the revised scale of pay recently sanctioned for deputy collectors ; and

(*b*) if the answer be in the negative, when effect will be given to the scale and what the reason of the delay is.

A.—(*a*) No.

(*b*) Certain questions in connexion with the application of the new scale are still under correspondence with the Government of India, and effect cannot be given to the revised scale until these questions are settled.

Recruitment from the Military.

168 Q.—Mr. M. MUHAMMAD ABDUR-RAHMAN SAHIB: To ask the Hon'ble the Home Member—

(*a*) To call for a return from all officers concerned as to—

(i) the number of vacancies that have fallen since the Government Order of April 1919 reserving all vacancies of certain grades for men who have served in war, and

(ii) how many of these vacancies have been filled up by military or non-military men.

(*b*) Whether it is a fact that in several districts such as Guntūr, Kistna, Gōdāvari, Vizagapatam and Ganjām there have been many applications from a large number of qualified military men for such vacancies and how many of them have been successful.

A.—(*a*) The Member is furnished with a copy of a statement * compiled in September last which shows the number of ex-soldiers who have been accorded preferential treatment in the matter of Government employment. The Government do not consider it necessary to call for further information at present.

(*b*) The Government have no information.

The matter of the provision of employment for ex-soldiers is the special care of the District Soldiers' Committees, and the district authorities are co-operating with those committees.

* Vide Appendix IV on page 319 infra.

Muhammadan representation in municipal and local boards in Northern Circars.

169 Q.—Mr. M. Muhammad Abdur-Rahman Sahib: To ask the Hon'ble the Minister for Local Self-Government if Muhammadans are finding adequate representation in the municipal and local boards in the Northern Circars and East Coast districts, i.e., Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore and Chittoor.

A.—Such information as is available is placed on the table.*

Muhammadan representation in municipal and local boards.

170 Q.—Mr. M. Muhammad Abdur-Rahman Sahib: To ask the Hon'ble the Minister for Local Self-Government to state the local boards and municipalities in which Muhammadans are, by nomination, presidents, vice-presidents, members and chairmen.

A.—The Quarterly Civil List corrected up to the 1st January 1921, which is available for sale at the Government Press, gives the information required for district boards and municipal councils.

A statement furnishing such information as is available for taluk boards is placed on the table.†

Elevation of Doodaikulas of the Northern Circars.

171 Q.—Mr. M. Muhammad Abdur-Rahman Sahib: To ask the Hon'ble the Law Member whether—

(*a*) it is a fact that a large body of Muhammadans called Doodaikulas exist in various parts of the Northern Circars and other districts; and

(*b*) it is intended to take early steps towards their uplift by giving them concessions similar to those offered to the various depressed classes, such as the reservation of lands, educational concessions, etc.

A.—(*a*) Yes.

(*b*) The Doodaikulas are in the list of backward classes and as such are eligible for fee concessions in schools under public management. So far as the Government are aware, the Doodaikulas do not suffer from those social and other disabilities which necessitate special action being taken on behalf of the depressed classes.

Appointment of Muhammadan deputy tahsildars.

172 Q.—Mr. M. Muhammad Abdur-Rahman Sahib: To ask the Hon'ble the Member for Revenue—

(*a*) if any Muhammadan in the Vizagapatam and Ganjām districts was promoted to the post of a deputy tahsildar for the last 25 years; and

(*b*) if there are any Muhammadans in the aforesaid districts who are qualified for appointment as deputy tahsildars.

A.—The Government have no information but will enquire.

City tramway strike.

173 Q.—Khan Bahadur Muhammad Usman Sahib: To ask the Hon'ble the Law Member to state what action the Government have taken to see that the tramway service is resumed.

A.—The Government have been endeavouring to effect a compromise between the parties but without success hitherto.

* Vide Appendix V on page 319 infra. † Vide Appendix VI on page 320 infra.

18th February 1921]

Steam-boat service between Tirur and Ponnani.

174 Q.—Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur: To ask the Hon'ble the Member for Revenue—

(*a*) whether the steam-boat service which has been carrying the mails between Tirur and Ponnani has been suspended; if so, to state the circumstances in which it was stopped;

(*b*) whether the suspension of the service is causing a good deal of inconvenience to the travelling public of South Malabar, especially to the Mappilla merchants of Ponnani, Calicut and suburbs;

(*c*) to state how many years since it is that this motor service has been started and whether there was a single occasion on which there was as much as a warning given to the proprietor of the boats for any irregularity.

A.—The Government have no information as to the matters referred to and have received no complaint.

Agricultural farms and veterinary institutions.

175 Q.—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Minister for Development whether the Government propose to start any agricultural farms or veterinary institutions during the current year; if so, in what districts.

A.—The Government do not propose to open any agricultural farm or any more veterinary institutions during the current official year. Six of the latter have already been opened during the year in question.

Distribution of grant of Rs. 20,000 for aiding libraries.

176 Q.—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Minister for Education to state—

(*a*) whether the amount of Rs. 20,000 set apart in the current year for aiding libraries has been already distributed and, if so, the particulars of distribution;

(*b*) if the answer is in the negative, then how the Government propose to allot the amount; and

(*c*) whether the Government received an application from the District Board, Chittoor, for starting and maintaining a public library and free reading-room at Chittoor.

A.—(*a*) No.

(*b*) The distribution is under consideration.

(*c*) Yes.

Closure of toddy and arrack shops in Narayanavanam village, Chittoor district.

177 Q.—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Minister for Excise whether—

(*a*) it is a fact that in Narayanavanam village of Chittoor district toddy and arrack shops were completely boycotted and that there was nobody to bid at the resale held of those shops by the Deputy Tahsildar of Puttur;

(*b*) the Government received any representations from the people of Narayanavanam and from the District Board, Chittoor, and from the official authorities requesting that the shops may be removed completely from the said village; and

(*c*) it is the intention of the Government to issue early orders directing the said shops to be closed permanently.

A.—(*a*) Government understand that a movement to boycott liquors has been started in Narayanavanam and that this has affected the sales in toddy and arrack shops.

(*b*) A representation was received from the chairman of a public meeting reported to have been held at Narayanavanam on 11th October 1920 requesting that the shops may be removed to a less objectionable site. There was no representation from any other person.

(*c*) The Government are calling for a report regarding suitable sites.

Increment in the pay of village officers in zamindari estates.

178 *Q.*—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Member for Revenue—

(*a*) whether the Government received any representations from the village officers or their associations in the zamindari estates in this Presidency requesting that their salaries may be increased as in Government ryotwari villages; and

(*b*) to state what action they propose to take with regard to their grievances.

A.—(*a*) Yes.

(*b*) The Board of Revenue is examining the question of the revision of pay of the village establishments in zamindari estates, and its proposals are awaited.

War allowance to copyists in the Revenue Department.

179 *Q.*—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Member for Revenue whether it is a fact that no war allowance is being granted to the copyists in the Revenue Department and that war allowance has been given to the copyists in the Judicial Department since April 1918.

A.—War allowance has been granted to the permanent copyists both in the Revenue and Judicial Departments. The concession has not been extended to the temporary copyists.

Cattle grazing and cutting of manure leaves in Chittoor district.

180 *Q.*—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Home Member—

(*a*) whether it is a fact that the fees for grazing of cattle and cutting of manure leaves from reserved forests in the Chittoor district were raised in the current year;

(*b*) to lay on the table the rates that prevailed during the last year and the increased rates levied during the current year;

(*c*) whether the Government have received representations from the villages complaining against the raising of the rates; and

(*d*) to state what action they propose to take in the matter.

A.—(*a*) & (*b*) The rate of grazing fees was raised from 3 to 8 annas per cow unit with effect from 1st July 1920. There was no enhancement in the seigniorage on green manure which continued to be charged at Rs. 2 per cart load.

(*c*) The answer is in the affirmative.

(*d*) As at present advised the Government do not propose to reduce the grazing fees. In regard to green manure the decision will depend upon a joint report from the Chief Conservator of Forests and the Director of Agriculture, which the Government expect shortly to receive.

18th February 1921]

(1) *Reserved forests in Chittoor*, (2) *Constitution of village forest panchayats in Chittoor.*

181 Q.—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Home Member to state—

(*a*) the extent of reserved forests in the Chittoor district at the end of the years 1901, 1911 and 1920; and

(*b*) whether any village forest panchayats were constituted in Chittoor; if so, in which villages and when.

A.—(*a*) The present Chittoor district was constituted in 1911. Prior to that it formed part of the old North Arcot district. The figures are as follow:—

	Year ending	Extent of reserved forest.
Old North Arcot district	1901	1,196 sq. miles.
Chittoor district	1911	839 ,,
Chittoor district	1920	825 ,,

(*b*) Eighteen panchayats in all have been constituted in the Chittoor district but it has been found necessary to dissolve fifteen of them. The member will be furnished with an extract* from the latest report of the Chief Conservator on the subject.

Pay of clerks in first-class Bench Courts in Chittoor district.

182 Q.—Mr. B. MUNISWAMI NAYUDU: To ask the Hon'ble the Home Member whether clerks in all first-class Bench Courts in the Chittoor district are given the same pay as clerks in other departments of Government.

A.—The answer is in the negative.

Construction of a bridge on the Pennar river.

183 Q.—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether it is the intention of the Government to construct a bridge on the Pennar river in the Tirukkōyilūr taluk; and

(*b*) for how many days in the rainy season there is no communication across the Pennar river.

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

(*b*) The river is reported to be unfordable for about ten or fifteen days in the year on the average.

Petition by the people of Nattarmangalam.

184 Q.—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: To ask the Hon'ble the Member for Revenue to state—

(*a*) what action has been taken with reference to Memorandum No. 351-E, dated 9th April 1920, of the Chief Engineer (Irrigation) on the petition presented by the people of Nattarmangalam, etc.;

(*b*) how long it will take to commence the works therein prayed for; and

(*c*) if the works are not commenced, whether he will place the petition on the table.

A.—(*a*) Estimates for improvements to the Vadavar and to the Viranam tank referred to in Memorandum No. 351-E, dated 9th April 1920, were approved and forwarded to the Government of India for sanction in June and August 1920 respectively. The Government of India have since returned them and they are being revised by the Superintending Engineer, VII Circle.

* Vide Appendix VII on page 321 infra.

(*b*) The two works referred to in clause (*a*) above will be commenced as soon as the estimates are revised and sanctioned. The works prayed for in the petition will not be necessary, as already stated in Memorandum No. 351-E, dated 9th April 1920.

(*c*) The Government do not consider that any useful purpose will be served by placing the petition on the table.

Increment in stipends of training teachers.

185 Q.—Mr. M. C RAJA: To ask the Hon'ble the Minister for Education if Government intend to raise the stipends of teachers undergoing training in recognized training schools.

A.—The answer is in the negative.

Grant of loans to the Adi Dravida ryots.

186 Q.—Mr. M. C. RAJA: To ask the Hon'ble the Member for Revenue if the Government have given any facility by way of granting loans to the Adi Dravida ryots for whom darkhast lands have been recently assigned for bringing them under cultivation.

A.—The Government have not given any special facilities to Adi Dravida ryots for obtaining State loans for the cultivation of the lands assigned to them on darkhast.

Grant of loans to the Adi Dravida ryots.

187 Q.—Mr. M. C. RAJA: To ask the Hon'ble the Member for Revenue if it is the intention of the Government to help the Adi Dravida ryots to bring the assigned darkhast lands under cultivation by way of granting loans on those lands only for the purchase of bullocks, agricultural implements, seeds, manure and for sinking wells for irrigation to be recovered by easy annual instalments, the first instalment to begin after five years from the grant of such loans.

A.—The Government have no intention of making any special rules under the Loans Acts for the benefit of Adi Dravida ryots.

The purchase by the Government of 'The Brodie Castle' and 'The Grange' in Adyar.

188 Q.—Mr. M. C. RAJA: To ask the Hon'ble the Minister for Public Works—

(*a*) to state the purpose for which 'The Brodie Castle' and 'The Grange' in Adyar have been purchased by the Government; and

(*b*) how much they have paid for the purchase of these two properties and what use they are put to at present, and what income they yield and whether the income is at all commensurate with the investment.

A.—(*a*) 'Brodie Castle' was purchased by Government for use as a residence for Government officials and also with the intention of utilizing the site for the construction of other residences therein. 'The Grange' was originally acquired by Government for the purpose of the Rajkumar College, but the idea of establishing such a college was subsequently abandoned. The house has been let by the Executive Engineer under the provisions of the Public Works Code to the Commissioner of Income-tax. Proposals are being drawn up for the construction of nine or twelve other residences in the compounds of 'Brodie Castle' and 'The Grange'.

18th February 1921]

(*b*) The cost of 'Brodie Castle' and the site was Rs. 1,16,342 and of 'The Grange' and the site Rs. 1,56,235. The house 'Brodie Castle' is at present let to the Commissioner of Salt at a rental of Rs. 225 per mensem and 'The Grange' to the Commissioner of Income-tax at a rent of Rs. 200 per mensem. The Government of India have been addressed to fix the rent of 'The Grange' at Rs. 250. The income is not commensurate with the investment, but it is expected to be more nearly commensurate with the investment when the other residences contemplated to be built in the compounds of these two houses are constructed.

List of civil sub-assistant surgeons recruited for war service.

189 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) the number of civil sub-assistant surgeons of this Presidency who were sent on active service during war;

(*b*) the number of sub-assistant surgeons who have been now released from that duty and the number still on active service;

(*c*) what steps have been taken to recognize the services of these sub-assistant surgeons; and

(*d*) when the recommendation of the Salaries Committee as regards the pay of sub-assistant surgeons will be brought into force.

A.—(*a*) Twenty-five

(*b*) Twelve sub-assistant surgeons have reverted to civil duty and thirteen are still on active service.

(*c*) It has been decided that civil sub-assistant surgeons who volunteer for field service should be given advance increments, their actual service with the troops abroad being doubled in calculating the qualifying service for increments. The fact of undertaking liability for field service is also taken into account as conferring a special claim for promotion. Three such officers have till now been promoted to the grade of civil assistant surgeons.

(*d*) The question is still under the consideration of the Government.

Edward VII Memorial Tuberculosis Institute.

190 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) if it is a fact that the Executive Committee of the Edward VII Memorial Tuberculosis Institute, Madras, has resolved to close the institution for want of funds; and

(*b*) if the answer is in the affirmative, to state whether the Government intend opening a new Tuberculosis Institute in Madras.

A.—(*a*) Yes.

(*b*) The matter is under consideration.

Rule of dismissal in the medical schools.

191 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government whether it is a rule observed in medical schools in this Presidency that a student of the L.M.P. class is dismissed if he fails at the same Board Examination three times.

A.—The answer is in the affirmative.

Firing incident in Perambur Barracks.

192 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Home Member—

(*a*) to quote the section and the Act under which the police opened fire on a crowd causing the death of two lads and wounding fifteen on the evening of 9th December 1920 in Perambur Barracks;

(*b*) to state the number of police constables and sergeants who are guarding (1) the Buckingham Mills and (2) Mr. W. E. Bentley's house (i) from the date of lock-out and (ii) from the date of shooting incident;

(*c*) to state the number of police constables and mounted police who were escorting the motor-lorry both in the morning and the evening; and

(*d*) to state—

(i) the contribution, if any, received from Messrs. Binny & Co. for the services of the police so lent to them till the 27th January 1921;

(ii) what portion of the amount was paid to the constable and the sergeants for their extra duty; and

(iii) the rates at which the constables, Indian sub-inspectors and the European sub-inspectors were paid.

A.—(*a*) The order to open fire was in accordance with the instructions given in paragraph 334 of the Manual of the Madras City Police. The Government cannot undertake to expound the law, but they presume that the chief statutory basis of those instructions is to be found in the provisions of Chapter IV of the Indian Penal Code dealing with the right of private defence and in Chapter IX of the Criminal Procedure Code.

(*b*) (1) The number of police constables and sergeants employed on guarding the Buckingham Mills was as follows:—

From	To	European officers.	Head constables.	Constables.
21st October 1920* ..	9th December 1920.†	2	2	20
10th December 1920.	17th December 1920.	20	2	20
18th do.	1st January 1921 ..	12	2	20
2nd January 1921 ..	23rd do. ..	2	2	20
24th do. ..	26th do. ..	6	2	20

* Date of lock-out. † Date of shooting.

(2) A detachment of one head constable and three constables drawn from the above guard was placed on Mr. Bentley's bungalow from 28th November 1920 to 26th January 1921.

(*c*) The strength of the guard varied. On the evening of the 9th December it consisted of one reserve inspector, two head constables, twenty men and five mounted officers.

(*d*) (i), (ii) & (iii) No contribution has been received from Messrs. Binny & Co. for the services of the police in connexion with the Buckingham Mills.

18th February 1921]

Labour Commissioner's settlement of the Buckingham Mill lock-out.

193 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Law Member what part the Labour Commissioner played in bringing about the settlement of the Buckingham Mill lock-out.

A.—The Commissioner of Labour was not concerned with the negotiations which finally led to a settlement of the Buckingham Mill dispute.

Expenditure on the Publicity Bureau.

194 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Finance to state the total monthly expenditure incurred on the Publicity Bureau—

(i) by way of salary to the officer and his establishment, and

(ii) by way of all other expenditure including contingencies, etc.

A.—The average monthly expenditure during the year 1920-21, according to the latest revised estimates, is—

(i) Rupees 3,175.

(ii) Rupees 2,892.

Chairmanship of the Madras City and Suburban Town-Planning Trust.

195 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Local Self-Government to state the special qualifications of Mr. Molony, I.C.S., to be appointed Chairman of the Madras City and Suburban Town-Planning Trust.

A.—Mr. Molony is specially qualified for the post by his knowledge of Madras City.

Mr. Knapp's report on the revision of salaries of Government subordinates.

196 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Finance whether Mr. Knapp has submitted his report regarding the revision of salaries of Government subordinates, and when final orders may be expected to be passed on the report.

A.—The attention of the Member is invited to the answer to question No. 9.

Cost of reorganization of Government services.

197 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Finance to state the time taken and the cost incurred by Mr. Tottenham, Mr. Marjoribanks and his committee and finally Mr. Knapp in regard to the reorganization of Government services.

A.—With regard to Mr. Tottenham and Mr. Knapp it is impossible to give any accurate estimate. The former was placed on special duty mainly to devise improvements in business methods and so to make possible a reduction of staff. The latter's work with regard to the reorganization of the services was in addition to his duties as Reforms Commissioner and other duties which were delegated to him. Mr. Marjoribanks was engaged solely with the Salaries Committee for 3½ months and the expense incurred was approximately Rs. 15,000.

Probationary Deputy Tahsildars.

198 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Member for Revenue to place on the table a statement showing the number of probationary Deputy Tahsildars recruited since 1916 and the number from the various communities.

A.—The following statement gives the required information :—

Year in which recruitment was made.	Brahman.	Non-Brahman Hindu.	Christian.	Muhammadan.	Backward class including non-Brahman Oriyas.	Total number.
First batch, 1918	1	3	1	1	1	7
Second batch, 1918 to 1919.	1 (Oriya.)	5	2	1	..	9
Third batch, 1920	1	2	1	3	1	8
Fourth batch, 1921 ..	1	3	1	2	2	9
Total ..	4	13	5	7	4	33

Appointments since 1914 *on salary of Rs.* 1,000 *and above.*

199 *Q.*—Rao Sahib U. Rama Rao : To ask the Hon'ble the Member for Finance how many appointments carrying a salary of Rs. 1,000 and over have been created since 1914 with total cost of these appointments and how many of these were directly due to the Reforms.

A.—A statement is laid on the table*.

Appointment of an Indian member to the Board of Revenue.

200 *Q.*—Rao Sahib U. Rama Rao : To ask the Hon'ble the Member for Finance whether the Government propose to appoint an Indian member to the Board of Revenue.

A.—No such proposal is at present under consideration.

Expenditure due to Royal visit, provincial elections and annual exodus.

201 *Q.*—Rao Sahib U. Rama Rao : To ask the Hon'ble the Member for Finance to state the expenditure incurred by Government on account of—

(*a*) the Duke's visit,

(*b*) the provincial elections of November 1920, and

(*c*) the annual exodus for the last five years.

A.—(*a*) & (*b*) The figures are being compiled and will be furnished to the Member when ready.

(*c*) The expenditure on account of the exodus during the last five years has been as follows :—

Years.	Expenditure. Rs.
1916	62,233
1917	74,695
1918	80,313
1919	84,901
1920	87,892

List of irrigation and railway projects abandoned since 1900.

202 *Q.*—Rao Sahib U. Rama Rao : To ask the Hon'ble the Member for Revenue and the Hon'ble the Home Member to lay on the table a list of irrigation and railway projects abandoned in this Presidency since 1900 with the reasons for such abandonment.

A.—A statement showing the irrigation and the railway projects in the Presidency that have been abandoned since 1900 is laid on the table. †

* Vide Appendix VIII on page 322 infra. † Vide Appendix IX on page 323 infra.

18th February 1921]

Rule 17 (*a*) *of the rules of the Madras Government under section* 18 (3) *of the Income-tax Act of* 1918.

203 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Member for Finance if the Government have received the memorial of the merchants and bankers, etc., of Gujarati, Marwari, etc. communities, carrying on business in Madras, regarding the hardship caused to them by rule 17 (*a*) of the rules of the Madras Government under section 18 (3) of the Income-tax Act of 1918.

A.—The memorial has just been received.

Increment in the pay of compounders and midwives.

204 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government what action the Government have taken in regard to the recommendations of the Salaries Committee as to the increase in the pay of compounders and midwives in this Presidency.

A.—Proposals for revising the pay of compounders and midwives are under the consideration of the Government.

Pay and prospects of the sub-assistant surgeons.

205 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) if the attention of the Government has been drawn to a communication appearing in the *Justice* of the 29th January under the heading "Pay and prospects of the sub-assistant surgeons"; and

(*b*) to state what step they intend taking in the matter.

A.—(*a*) The Government have perused the article.

(*b*) The question of the revision of the pay and allowances of sub-assistant surgeons is already engaging the attention of the Government.

Increase in expenditure due to revision of subordinate establishments.

206 Q.—Diwan Bahadur M. Ramachandra Rao Pantulu: To ask the Hon'ble the Member for Finance to lay on the table a statement showing the increase in expenditure on account of the revision of the pay and of the grant of increased allowances to all subordinate establishments of the Government whether permanent or temporary in 1919–20 and 1920–21 up to date.

A.—A statement will be prepared.

New appointments created from April 1918.

207 Q.—Diwan Bahadur M. Ramachandra Rao Pantulu: To ask the Hon'ble the Member for Finance to lay on the table a statement showing the number of new appointments whether permanent or temporary created from April 1918 up to date.

A.—A statement will be prepared.

The districts where famine or distress is apprehended.

208 Q.—Diwan Bahadur M. Ramachandra Rao Pantulu: To ask the Hon'ble the Member for Revenue to make a statement as regards the districts in which distress or famine is apprehended and the steps taken so far to afford relief and the steps likely to be taken hereafter.

A.—Distress or famine is apprehended in portions of the districts of Ganjām, Bellary, Kurnool and Anantapur.

Seven test works in Bellary and two in Anantapur have been opened. A test work is being opened in each of the districts of Ganjām and Kurnool.

An adequate supply of food-grains in Bellary is being arranged for by importation of dry grains from the Mysore territory. Additional funds have been sanctioned for the grant of loans under the Loans Acts in the affected districts. Special establishments for the disbursement of loans have been sanctioned for Bellary and Anantapur. Suspension of collection of kists has been ordered in Bellary, Kurnool and Anantapur. Arrangements have been made where necessary for the grazing of cattle in forest reserves. There is scarcity of drinking water supply in Ganjām, and the question of granting a subsidy to local boards to improve the supply is under consideration. The nature of the steps to be taken hereafter will depend on the further reports from Collectors regarding the situation in their districts and the results of the test works already opened.

Construction of drainage channel in Perunkulam and Siruttondanallur in Srivaikuntam taluk.

209 *Q.*—Mr. S. T. Shanmukham Pillai: To ask the Hon'ble the Member for Revenue—

(*a*) whether the Government are aware of the facts that through want of adequate means of drainage a large area of wet lands in the villages of Perunkulam and Siruttondanallūr in the Srivaikuntam taluk of the Tinnevelly district is annually submerged by floods during the rainy season, with the result that rice crops raised thereon are either wholly or partially destroyed to the great loss of the ryots, and that a scheme proposed by the Public Works Department for the construction of a drainage channel at an estimated cost of over Rs. 30,000 and which had long since been sanctioned has not been put into execution, because the ryots concerned have not been able to pay up the contribution demanded of them of a moiety of the cost of the scheme;

(*b*) whether any orders have been issued to prevent a recurrence of the damage and loss referred to above; and

(*c*) to call for a report from the Collector on the subject.

A.—An estimate amounting to Rs. 46,870 for improving the drainage was sanctioned in November 1918 as a part contribution work, the ryots concerned having agreed to pay a moiety of the cost. The work has been in abeyance pending the recovery of the amount due from the ryots, a portion of which has since been collected. At the request of the ryots concerned the Collector has allowed them time till May 1922 for payment of the balance of the contribution amount. The work will be put in hand as soon as the full amount is collected.

Mr. S. T. Shanmukham Pillai:—"Has the Collector since ordered the amount which had been collected from the ryots to be refunded?

"Then again, will Government be pleased to state whether the ryots affected are bound to pay a contribution towards the cost of the construction or repair of irrigation works?"

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur:—"I must ask for notice of that question."

18th February 1921]

Damage to rice-crops in Tanjore deltaic area.

210 *Q.*—Mr. S. T. SHANMUKHAM PILLAI: To ask the Hon'ble the Member for Revenue whether it is a fact that during the recent floods a serious damage has been caused to the standing rice-crops in the deltaic portions of the Tanjore district.

A.—The Collector reports that the paddy crop was slightly affected in parts of two taluks in the Tanjore district owing to the recent floods.

Local and Municipal Conference and the Committee on Financial Relations and Accounts.

211 *Q.*—Mr. P. SIVA RAO: To ask the Hon'ble the Minister for Local Self-Government to state whether final orders have been passed on all the recommendations of the Local and Municipal Conference and also of the Committee on Financial Relations and Accounts.

A.—Final orders have not yet been passed on all the recommendations of the Local and Municipal Conference and of the Financial Relations and Accounts Committees.

Mr. P. SIVA RAO:—"Will the Hon'ble the Minister for Local Self-Government say which of the recommendations of those conference and committees have been passed by the Government?"

The Hon'ble Mr. P. RAMARAYANINGAR:—"Sir, notice is necessary."

Cost of elections, etc.

212 *Q.*—Mr. P. SIVA RAO: To ask the Hon'ble the Member for Finance to state—

(*a*) the total cost of the recent elections held under the Reforms Scheme;

(*b*) the new officers created as the result of the introduction of the Reforms with the salaries attached thereto; and

(*c*) the total additional expenditure under several heads as the result of the introduction of the Reforms in this Presidency.

A.—(*a*) The Member is referred to the answer to question No. 21.

(*b*) Appointments arising strictly out of the Reforms are: one Member of Council, three Ministers, one President of the Legislative Council and one Deputy President and one Secretary to the Council. In addition, provisional appointments have recently been made of a Finance Secretary and Assistant Secretaries in the Finance and Law Departments.

(*c*) The Member is referred to the answer to question No. 133.

Failed Matriculates.

213 *Q.*—Mr. P. SIVA RAO: To ask the Hon'ble the Minister for Education whether it is a fact that 'failed' matriculates who are bona-fide teachers for a certain term of years have been allowed to appear for the School Final Examination as private candidates.

A.—The answer is in the negative. If reference is intended to the special examination for bona-fide teachers, attention is invited to G.O. No. 820, Educational, dated 30th July 1915, which has been placed on the Editors' Table.

Irrigation projects in the Anantapur district.

214 Q.—Mr. T. Sivasankaram Pillai: (*a*) To ask the Hon'ble the Member for Revenue to enumerate in the order of their importance with a short description of each of the several projects, if any, that have been investigated during the past thirty years with a view to improve the irrigation resources in the Anantapur district;

(*b*) whether any of these projects have been carried out and, if so, with what result; and

(*c*) whether any of the schemes have been allowed to lie over on financial grounds, and what are they.

A.—A statement * giving the information as far as it is available is laid on the table.

List of distribution of work among the Members of Government.

215 Q.—Mr. T. Somasundara Mudaliyar: To ask the Hon'ble the Home Member whether the Government will be pleased to lay on the table of the House a copy of the list showing the present distribution of work among the Members of Government and the various Secretaries to Government as, under Standing Order No. 11 (1) of the Madras Legislative Council, questions relating to public affairs or matters of administration are to be addressed to the Members of Government in charge of the particular portfolio.

A.—A copy of the order of His Excellency the Governor distributing the business of the Government among Members and Ministers is laid on the table.†

Periodical inundation of Cuddalore New Town.

216 Q.—(*a*) Mr. R. Srinivasa Ayyangar: To ask the Hon'ble the Member for Revenue whether—

(i) Cuddalore New Town has been subjected to periodical inundations;

(ii) a sum of Rs. 3,000 was once set apart for flood embankment to protect the town from danger; and

(*b*) the said sum without being appropriated for the said purpose was ultimately set free after some years.

A.—(*a*) (i) Yes, when there are heavy floods in the Gadilam and the Penniar rivers.

(*a*) (ii) & (*b*) The Government have no information but will enquire.

Representation of Panchamas on the Taluk Board of Tirukkōyilūr.

217 Q.—Mr. R. Srinivasa Ayyangar: To ask the Hon'ble the Minister for Local Self-Government whether it is a fact—

(*a*) that there is no Panchama member in the Tirukkōyilūr Taluk Board;

(*b*) that recently the President of the said taluk board recommended a Panchama gentleman for a vacant seat;

(*c*) that the President of the District Board called for some particulars touching the proposed nominee; and

(*d*) that before receipt of information the latter nominated Mr. Ramakrishna Reddi for the said place.

* Vide Appendix X on page 326 infra. † Vide Appendix XI on page 328 infra.

18th February 1921]

A.—(*a*) There is no Panchama in the Tirukkōyilūr Taluk Board.

(*b*) The district board president asked the taluk board president to propose a suitable non-Christian Panchama, and the taluk board president recommended a person.

(*c*) The answer is in the affirmative.

(*d*) The district board president waited for two months and the report called for not having been furnished he made personal enquiries and found the nominee to be unsuitable, and as no suitable Panchama was available, he appointed M.R.Ry. Ramakrishna Reddi Garu for the vacant seat. It is understood that the taluk board president has not yet replied.

Pulikutti channel drainage scheme, Cuddalore taluk.

218 *Q.*—Mr. R. Srinivasa Ayyangar: To ask the Hon'ble the Member for Revenue to state—

(1) the amount spent on the Pulikutti channel drainage scheme (Cuddalore taluk) including the cost of acquisition of land and excavation of channels;

(2) whether it is a fact that the channels were found to be unsuited for the purposes intended;

(3) whether in some places even the traces of the excavated channels have disappeared; and

(4) whether it is a fact that a large extent of wet lands under the Perumaleri (Cuddalore taluk) became submerged in the floods of November 1920.

A.—The particulars required are not available but will be called for.

Irregular floods in the Palar river.

219 *Q.*—Mr. A. Tangavelu Nayagar: To ask the Hon'ble the Member for Revenue whether—

(*a*) it is a fact that there have not been sufficient or regular floods in the Palar of recent years; and

(*b*) the Government are aware of any causes for such insufficient and irregular floods.

A.—The Palar is a river in which, owing to natural causes, the flow is very variable.

Opening of toll-gates at Timiri, Ranipet taluk.

220 *Q.*—Mr. A. Tangavelu Nayagar: To ask the Hon'ble the Minister for Local Self-Government whether it is a fact that the toll-gate contractor at Timiri (Ranipet Taluk Board) has opened two gates within a distance of two miles; whether by so doing, people having to travel in carts between the two gates, who will otherwise not be liable to pay toll, are compelled to pay a toll.

A.—With the approval of the Government the North Arcot District Board has opened two toll-gates near Timiri within about two miles of each other. Carts having to travel from or to a place between the two gates will have to pay tolls at the one or the other gate.

Mr. K. Sarabha Reddi:—"Is the opening of any subsidiary toll-gate in any place within a mile's distance from the main toll-gate permissible?"

The Hon'ble Mr. P. Ramarayaningar:—"The Local Government have the power but the power is not delegated to the District Collector. If permission is required, he can apply for sanction and exercise the power."

Mr. K. Sarabha Reddi :—" Is it permissible to have a toll-gate on a road which is not maintained by the taluk board or district board which takes the income of the toll-gate ? "

The Hon'ble Mr. P. Ramarayaningar :—" Notice is required."

The maintenance of cart-tracks in the villages of North Arcot district.

221 Q.—Mr. A. Tangavelu Nayagar : To ask the Hon'ble the Minister for Local Self-Government whether—

(*a*) it is a fact that in many villages in the North Arcot district there are many cart-tracks opened as branch roads connecting with the main roads opened by the exertions of the ryots themselves probably at the instance of the Revenue authorities ; and

(*b*) such cart-tracks are now in a neglected condition.

A.—The Government have no information.

Pay of non-gazetted officers.

222 Q.—Mr. A. Tangavelu Nayagar : To ask the Hon'ble the Member for Finance what action has been taken in the matter of the prayers of the non-gazetted officers for a substantial increase of pay.

A.—The Member is referred to the answer to question No. 9.

Pay of village headmen.

223 Q.—Mr. A. Tangavelu Nayagar : To ask the Hon'ble the Member for Revenue—

(*a*) what action has been taken in the matter of the memorials of the village headmen for an increase of pay ; and

(*b*) whether any orders for such increase have been passed, and if so what increase.

A.—The Member's attention is invited to G.Os. Nos. 499, Financial, dated 1st June 1920, and 1958, Revenue, dated 14th August 1920, which have been placed on Editors' Table.

Pay of karnams in proprietary estates.

224 Q.—Mr. A. Tangavalu Nayagar : To ask the Hon'ble the Member for Revenue whether the pay of the karnams in proprietary estates has been increased as in the case of Government villages.

A.—The pay of the karnams in proprietary estates has not been increased, but the matter is under the consideration of the Board of Revenue.

Prosecutions under the Indian Income-tax Act of 1918.

225 Q.—Mr. O. Tanikachala Chettiyar : To ask the Hon'ble the Member for Finance to state—

(*a*) how many persons were proceeded against for offences under sections 39 or 40, or both, of the Indian Income-tax Act of 1918 before Presidency Magistrates at the instance of the Collector of Madras during the years ending December 1918, December 1919 and December 1920, respectively ;

(*b*) how many persons so proceeded against were convicted during each of these years ;

(*c*) how many of such proceedings were before the Chief Presidency Magistrate, and how many ended in conviction ; and

(*d*) how many of such proceedings were before other Presidency Magistrates and how many ended in conviction.

18th February 1921]

A.—The information is furnished below :—

Magistrates who tried the cases.	Year.	Section of the Income-tax Act under which prosecution was made.	Number of cases.	Number of persons		
				Tried.	Convicted.	Acquitted.
I. Chief Presidency Magistrate.	1918	....	..	..	..	..
	1919	39	2	2	2	..
	1920	39	2	3	3	..
		40	1	2	1	1
II. Other Presidency Magistrates.	1918	....	..	..	..	..
	1919	39	7	7	1	6
	1920	39	* 23	† 40	‡ 36	3
		Total ..	35	54	43	10

* Twenty-two cases ended in conviction.
† One person died before the case was finished.
‡ Conviction and sentence in one case was set aside by the High Court.

The result of Honorary Magistrate system.

226 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR : To ask the Hon'ble the Home Member whether the Government have found the system of appointing Honorary First and Second class Magistrates a success.

A.—If the Member refers to Honorary Magistrates sitting singly and not as members of benches, the answer is that only a few such appointments have been made, the powers conferred being in each instance of the first class, and that this plan has not been attended by any measure of success, so far as regards the outturn of judicial work, for these magistrates disposed of less than 100 cases in the three years ending 1919.

The Tinnevelly-Tiruchendur Railway project.

227 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR : To ask the Hon'ble the Home Member whether—

(*a*) the Tinnevelly District Board has any idea of constructing the Tinnevelly-Tiruchendur Railway in the near future ; and

(*b*) the proposal is only kept in abeyance or it is abandoned.

A.—On the 22nd January the district board passed a resolution allotting a sum of over 5 lakhs for the purchase of railway materials for which indents have to be sent to England. This allotment was communicated to the Agent of the South Indian Railway in a letter dated the 27th idem.

Rises in the price of sovereigns.

228 *Q.*—Rao Bahadur K. S VENKATARAMA AYYAR :—To ask the Hon'ble Member for Finance—

(*a*) if it is a fact that large number of sovereigns were tendered in the Government Currency Office before the date fixed by Government and exchanged at Rs. 15 per sovereign ;

(*b*) what the total number of sovereigns so exchanged within a week before the fixed date was ;

(*c*) whether the price of a sovereign was only Rs. 13 to Rs. 14 in the French Settlements till the prohibition existed ;

(*d*) whether a sovereign was obtainable in British India at that time at Rs. 14-8-0 to Rs. 14-12-0;

(*e*) whether the local treasuries and banks refused to accept sovereigns at Rs. 15 at that time; if people had run up to Madras for exchanging sovereigns; if middlemen went to villages and collected sovereigns at a lower value for exchange at Madras; and

(*f*) what the causes are that led to the rise in value of a sovereign to more than Rs. 17 (below which it has not yet dropped) immediately after the removal of the restrictions and the lowering of the value for purposes of legal tender.

A.—The Government have no information.

Rao Bahadur K. S. VENKATARAMA AYYAR:—"Have Government any idea of getting information and furnishing it later?"

The Hon'ble Mr. C. G. TODHUNTER:—"The subject of currency is a central subject and not a subject under the control of the Local Government. If the Honourable Member wishes for a fuller explanation of the phenomena that are troubling him, I would recommend him to read the speech of the Hon'ble the Finance Member in introducing the Coinage (Amendment) Bill of 1920."

Cotton plants in Coimbatore.

229 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Minister for Development whether—

(*a*) it is a fact that orders have been passed that all cotton plants in most parts of Coimbatore district should be removed from lands before the 1st of August every year;

(*b*) those orders were passed with a view to remove the possibility of worms dangerous to the plants attacking the new plants;

(*c*) it has been found out that even if the plants are removed before the 1st of August, worms do appear and attack the new plants later on; and

(*d*) it is a fact that in several parts of the district, especially in the southern taluks of Pollachi and Udamalpat, cotton plants are generally full of unripe pods at that period of the year and ryots are put to very great loss by the plants being removed before the 1st of August.

A.—(*a*) & (*b*) Yes.

(*c*) The pests may reappear but the danger of their reappearance is much reduced by the removal by the date in question.

(*d*) The Government understand that as a general description of the cotton-growing practice of these two taluks, this statement is not correct.

Nerinjipet-Cauvery reservoir scheme.

230 *Q.*—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Revenue to state at what stage the Nerinjipet-Cauvery reservoir scheme is at present, and if there is any chance of the scheme being taken up in the near future, and, if so, when.

A.—The Nerinjipet-Cauvery reservoir scheme has been superseded by the Cauvery-Metur project. As regards the present stage of the latter the Member is referred to the answer given to question No. 37 by M.R.Ry. T. Somasundara Mudaliyar Avargal.

18th February 1921]

Reservoir scheme in Kollegal taluk.

231 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Revenue to state—

(*a*) if in the taluk of Kollegal in Coimbatore district, there are very few reservoirs of water and much water goes to waste and even several tracts which were nanja lands before have become punja now ;

(*b*) if there are any reports for any reservoir schemes in that taluk, and, if so, to give some details of the same.

A.—(*a*) The Government have no detailed information but will call for it.

(*b*) The proposal to form a reservoir across the Gundala river about 10 miles south-east of Kollegal was given up on engineering and financial grounds. The investigation of the scheme to divert the water of the Honnolai stream, known also as the Swarnavathi, has not yet been taken up pending receipt of certain information asked for from Mysore.

Siruvani river scheme.

232 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Revenue to state how far the Siruvani river scheme has progressed and when it is likely to be taken up for actual working.

A.—The Siruvani Project is mainly a scheme for water-supply to Coimbatore town, an estimate for which has been received and is now under consideration with the Government. The project includes a proposal to utilize the surplus water for irrigation and the Superintending Engineer is investigating the details in consultation with the district collector.

Establishment and travelling charges of European and Indian Government servants.

233 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Finance—

(*a*) to give a tabular statement for the establishment charges and travelling charges in each of the various departments of the Government for the years 1899–1900, 1909–1910 and 1919–1920 giving the same under two headings of European and Indian ;

(*b*) to give in a tabular statement the total income and expenditure in this Presidency under various headings for the years 1899–1900, 1909–1910 and 1919–1920 ; and

(*c*) to state for the years 1899–1900, 1909–1910 and 1919–1920 the number of Government servants (excepting in the menial service) under the separate headings of European and Indian and classified as those receiving a monthly salary of Rs. 100 and under, of Rs. 500 and under, of Rs. 1,000 and under and of over Rs. 1,000 giving figures for each department separately.

A.—(*a*) No separate accounts are kept and most of the older bills have been destroyed. It is not, therefore, possible to give the information desired.

(*b*) The information can be obtained from the Civil Budget Estimates which will be supplied to the Member on application to the Librarian.

(*c*) The information as regards the great majority of the appointments can be obtained from the Quarterly Civil List which will be supplied to the Member on application to the Librarian.

[18th February 1921

Reserved forests in Coimbatore district.

234 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Home Member—

(*a*) to state the extent of the reserved forests in the Coimbatore district at the end of the years 1900 and 1920;

(*b*) whether it has been found that more land than is necessary has been reserved in the Coimbatore district and that some of the forests have been ordered to be sold to the public in small bits.

A.—(*a*) The area finally constituted as reserved forest in 1900 was 1,763 square miles. The corresponding figure for 1920 was 2,464.

(*b*) In accordance with the recommendation of the Forest Committee and for various special reasons, seven small areas of forest reserves have been disafforested and transferred to the Revenue Department.

Espionage of Council Members during Royal Visit.

235 Q.—Mr C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Home Member to state—

(*a*) if several members of this Council were watched by the Police at Madras during the recent Royal Visit and if some mufassal members were watched on their journeys to and from Madras;

(*b*) by whose order such treatment was accorded to members including those who came to Madras on invitation; and

(*c*) what would have been the cost of the whole espionage during the week of the Royal Visit and under what headings these expenses were allotted.

A.—The Government have no information about the matter.

Mr. C. V. VENKATARAMANA AYYANGAR: "Is there any objection to get some information on the matter?"

The Hon'ble Sir LIONEL DAVIDSON:—"If the Honourable Member can give me any specific case in which inconvenience was unjustifiably caused, I shall be happy to cause inquiry to be made into that case. Otherwise, I do not propose on behalf of Government to call for information."

Conservators of Forests.

236 Q.—Mr C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Home Member to state if the Government have applied to the Secretary of State for India to sanction the appointment of two more Conservators of Forests and when the sanction is likely to be received.

A.—The Secretary of State has sanctioned the appointment of two additional Conservators of Forests in this Presidency.

Mahazars from village officers for increment in pay.

237 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: To ask the Hon'ble the Member for Revenue whether—

(*a*) the Government have received numerous mahazars from village officers of this Presidency for increasing their pay;

(*b*) the village munsifs have had no increase whatever;

(*c*) revision of village establishments is taking place in several taluks of the Coimbatore district adding considerably to the number of hands and total charges without adding anything to the pay of the existing staff;

18th February 1921.]

(*d*) in some villages such as Surianallur of the Dharapuram taluk, the charges for the revised establishment are to be double that of the present establishment;

(*e*) the village officers never complained of heavy work and never wanted additional hands but only wanted increase of pay;

(*f*) the Government will be pleased to state what the old charges were and the new charges will be for village establishments for the various revised taluks.

A.—(*a*) & (*b*) The Member's attention is invited to G.Os. No. 499, Financial, dated 1st June 1920, and No. 1598, Revenue, dated 14th August 1920, which have been placed on the Editors' Table.

(*c*) After the resettlement of the Coimbatore district there was a revision of the village establishments. It resulted in an increase of 23 per cent in the number of village officers. The pay was fixed with reference to a standard scale which is based on the beriz and population of each village.

(*d*) The answer is in the negative. The cost of establishment in Surianallur increased by ten rupees per mensem, i.e., from Rs. 37 to Rs. 47.

(*e*) The Government have not received any such representations from Coimbatore district.

(*f*) The following statement gives the required information:—

Names of the taluks in which the revision of village establishments has taken place.	The cost per mensem prior to revision.	The cost per mensem after revision.	Extra cost per mensem.
	Rs.	Rs.	Rs.
Coimbatore	2,383	2,758	375
Avanashi	2,210	2,384	174
Gobichettipalaiyam	3,112	3,720	608
Kollegal	1,226	1,558	332
Palladam	2,891	3,821	930
Udamalpet	1,884	2,337	453
Pollachi	2,256	2,627	371
Dharapuram	2,848	3,736	888
Erode	3,595	4,378	783
Bhavani	1,278	1,811	533

N.B.—For the purpose of the statement the revision of pay sanctioned in G.O. No. 499, Financial, dated 1st June 1920, has not been taken into account.

Mr. C. V. VENKATARAMANA AYYANGAR:—"As regards this question, I do not know if the answer refers to the revision that was going on last year and this year or that went on some years ago. My question relates to the present time, but the answer seems to be about what has taken place one year ago."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I do not think I have anything further to add to what has been stated in the answer."

Construction of fish-ponds close to Mahanandi in the Kurnool district.

238 *Q.*—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development to state—

(*a*) whether it is a fact that the Fisheries department have proposed to construct fish-ponds close to Mahanandi in the Kurnool district, not only without the consent of the temple authorities but in spite of their protest; and

(*b*) whether a number of meetings has been held in the Kurnool district protesting against the said proposal.

A.—The Government have no information but are making the necessary enquiries.

Panchayat courts in the Kurnool district.

239 Q.—Rao Bahadur C. VEKATA RANGA REDDI: To ask the Hon'ble the Law Member to state whether it is a fact that only seven panchayat courts have been established in the Kurnool district.

A.—The answer is in the affirmative.

Rao Bahadur C. VENKATA RANGA REDDI:—"I wish to ask the Hon'ble the Law Member to state whether it is the intention of the Government to establish more panchayat courts in the districts in the immediate future."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"The usefulness and the successful working of these village courts in any particular place is first investigated by the District Magistrate. He reports to the Government and they carefully consider the recommendations and give effect as far as possible. If we receive any further recommendations from the District Magistrates we shall be very glad to consider."

Bantanahal sheep farm.

240 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development to state—

(*a*) (1) when the Bantanahal sheep-farm was opened;
(2) the amount of money that has so far been spent on it; and
(3) whether it has been productive of any satisfactory results;
(*b*) whether the Government still propose to continue the farm.

A.—(*a*) (1) In 1917.
(2) Figures are not available with Government.
(3) The results have not been encouraging.
(*b*) The Government understand that the question of the future of the farm is now under the consideration of the Director of Agriculture.

Acquisition of lands in the Sirvel and Nandyal taluks.

241 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development to state—

(*a*) whether the proposed acquisition of lands at Thellapuri, Mitnala and Gunthanala in the Sirvel and Nandyal taluks of the Kurnool district for the opening of an agricultural farm has been finally settled;
(*b*) whether the ryots of the locality have protested against the acquisition of lands for the opening of such a farm; and
(*c*) if so, what the object of such a farm is.

A.—The Government have abandoned for the present the contemplated acquisition of the lands in the villages referred to.

Kocheruvu tank in the Dhone taluk of the Kurnool district.

242 Q.—Rao Bahadur C. VENKATA RANGA REDDI; To ask the Hon'ble the Member for Revenue to state—

(*a*) when the Kocheruvu tank in the Dhone taluk of the Kurnool district was constructed and at what cost;

18th February 1921]

(*b*) whether the said tank has been receiving any supply of water from the time of its construction;

(*c*) if not, what steps the Government have taken to remedy this state of affairs.

A.—(*a*) The Kocheruvu tank project was completed in March 1919, at a cost of Rs. 1,34,393.

(*b*) & (*c*) Yes.

Opening of agricultural farms in Anantapur and Cuddapah districts.

243 Q.—VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development to state—

(*a*) whether there are any agricultural farms in the Anantapur and Cuddapah districts; and

(*b*) whether they intend to take steps to open one in each district in the near future.

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

(*b*) The Government intend to open a farm in the Anantapur district when funds permit.

Appointment of agricultural officers in Anantapur and Cuddapah districts.

244 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development to state—

(*a*) whether there are any agricultural officers in the Anantapur and Cuddapah districts to carry on agricultural propagandist work; and

(*b*) whether the Government propose to appoint any such officers in the immediate future.

A.—(*a*) There are at present none.

(*b*) The propaganda work will be undertaken as soon as funds and staff become available.

Opening of agricultural school in the Ceded Districts.

245 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development whether the Government propose to establish an agricultural school in any one of the Ceded Districts.

A.—There is no such item on the Government programme at present.

Opening of industrial school in the Ceded Districts.

246 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Development whether the Government propose to establish an industrial school in any one of the Ceded Districts

A.—There is no such item at present on the Government's industrial programme.

Opening of a girls' high school at Kurnool.

247 Q.—Rao Bahadur C. VENKATA RANGA REDDI: To ask the Hon'ble the Minister for Education to state whether—

(*a*) it is the intention of Government to establish a high school for girls at Kurnool, and

(*b*) they propose to establish it in the coming school year.

A.—Proposals for the establishment of a secondary school for girls at Kurnool next year are under consideration.

[18th February 1921

Opening of a medical school in Bellary.

248 Q.—Rao Bahadur C. VENKATA RANGA REDDI : To ask the Hon'ble the Minister for Local Self-Government to state whether—

(*a*) there was a proposal to establish a medical school at Bellary and whether it has since been given up; and

(*b*) the Government intend to reconsider the matter and establish a medical school at Bellary or some other suitable place in the Ceded Districts.

A.—The proposal to establish a medical school at Bellary has not been abandoned but it had to be postponed pending extensions and improvements to the hospital.

APPENDIX I.

[Vide answer to question No. 144 asked by Rao Bahadur V. Appaswami Vandayar Avargal at the meeting of the Legislative Council held on the 18th February 1921, page 283 supra.]

Month, day and hour.	Upper Anicut, South Branch.				Upper Anicut, North Branch.				Vennar.		Grand Anicut.
	Front.		Rear.		Front.		Rear.				
	North end gauge.	South end gauge.	North end gauge.	South end gauge.	North end gauge.	South end gauge.	North end gauge.	South end gauge.	Front.	Rear.	Crest gauge.
1919.											
23rd November. 6 a.m.	4·00	4·20	..	..	3·90	4 00	..	..	5·95*	5·85*	1·2
6 p.m.	3·70	4·00	..	..	3·60	3·80	..	..			
24th November. 6 a.m.	3·60	3·80	..	..	3·50	3·60	..	..	6·05	5·95	1·15
6 p.m.	3·50	3·70	..	..	3·40	3·50	..	..			
25th November. 6 a.m.	3·40	3·50	..	..	3·30	3·40	..	..	5·75	5·65	0·8
6 p.m.	3·30	3·40	..	..	3·20	3·30	..	..			
26th November. 6 a.m.	3·30	3·40	..	..	3·10	3 20	..	..	5·6	5·5	0·6
6 p.m.	3·20	3·30	..	..	3·10	3·20	..	..			
27th November. 6 a.m.	3·10	3·20	..	..	3·00	3·10	..	..	5·3	5·2	0·4
6 p.m.	3·10	3·10	..	..	3·00	3·10	..	..			
28th November. 6 a.m.	3·10	3·10	..	..	3·00	3·10	..	..	5·2	5·1	0·3
6 p.m.	2·60	2·60	..	..	3·30	3·50	..	..			

* The gauges are read at 6 a.m. and 6 p.m. The readings here given are the average daily readings.

APPENDIX II.

[Vide answer to question No. 154 asked by the Raja of Ramnad at the meeting of the Legislative Council held on the 18th February 1921, page 287 supra.]

Minutes of the proceedings of the Conference held at Madura on the 26th October 1920 under the presidency of the Hon'ble Mr. C. G. Todhunter, C.S.I., I.C.S., regarding the headquarters of the Ramnad district.

The Chairman in opening the proceedings regretted that it was not possible for the meeting to be taken by His Excellency, whose keen

18th February 1921]

interest in everything that made for the good of the Presidency and readiness to enter into every possible point of view would have greatly assisted towards a solution of this long-standing problem.

He laid stress on the administrative changes that were taking place in connexion with local fund work, income-tax work, the creation of a Political Secretaryship and the possible transfer of trial of civil suits under the Estates Land Act to civil courts, and also the sundry changes that were likely to follow the Reforms which would introduce many considerations bearing on the question of district boundaries in addition to the considerations of administrative convenience which were for the present being considered.

He suggested that the question should be examined under three heads: First, whether there was reason for thinking that the present arrangements were unworkable, and, if so, what the reasons were; second, whether a change of the headquarters of the Ramnad district would be sufficient, and, if so, what was the most suitable place for the headquarters; and third, if a redistribution of boundaries was necessary, what the rearrangement should be.

2. The first objection taken to the present arrangements was that they had resulted in congestion in the town of Madura which could not be remedied except by a transfer of the headquarters. The fact of the congestion was generally agreed to, but the general opinion of the conference was that it was only attributable in a small degree to the existence of two headquarters in the town of Madura and that it would have to be dealt with as a separate problem whether the Ramnad headquarters remained in Madura or not. The proposition that removal of the headquarters of the Ramnad district was a necessary measure in order to relieve congestion in Madura was put to the vote and was lost, the voting being 9 *for* and 12 *against*.

3. The next objection taken was that it was essential for every district to have a headquarters of its own as a centre of its educational, medical and other activities. This was urged by Mr. Rama Ayyangar and supported by the Hon'ble the Raja of Ramnad, who laid great stress upon the social disabilities of persons belonging to the Ramnad district when attending functions at Madura. Mr. Loveluck, in further support of it, referred to the bad state of the roads leading out of Madura to the borders of the Ramnad district making travelling exceptionally difficult for officers whose jurisdiction lay in Ramnad. On the question whether it was essential as a general proposition that every district should have a headquarters of its own within its boundaries, the voting was 21 *for* and 4 *against*.

4. The question whether a change of headquarters would be sufficient without a change in boundaries being taken into consideration, the conference was unanimous in holding that no change of headquarters would afford by itself a sufficient remedy.

5. Proposals for redistribution were then considered and further alternatives to the following four proposals sent out by the Board of Revenue invited: —

Proposals sent by the Board of Revenue.

Dindigul district.

1. Dindigul (headquarters) Palni, Dindigul, Mēlūr, Sivaganga, Ramnad (Kodaikānal).

2. Dindigul (headquarters) Mēlūr, Sivaganga, Palni, Dindigul, Kodaikānal, Nilakkōttai.

3. Dindigul (headquarters) northern part of Madura taluk excluding Madura town. Mēlūr, Dindigul, Palni, Kodaikānal, Periyakulam, Nilakkōttai.

4. Dindigul (headquarters) Dindigul, Palni, Kodaikānal, Nilakkōttai, Mēlūr, Periyakulam, Tirumangalam.

Madura district.

Madura (headquarters) Madura, Nilakkōttai, Periyakulam, Tirumangalam, Sāttūr, Srīvilliputtūr (Kodaikānal).

Madura (headquarters) Madura, Ramnad, Periyakulam, Tirumangalam, Sāttūr, Srīvilliputtūr.

Madura (headquarters) Madura town and the southern part of Madura taluk, Tirumangalam, Sāttūr, Srīvilliputtūr, Sivaganga, Ramnad.

Madura (headquarters) Madura, Sāttūr, Srīvilliputtūr, Sivaganga, Ramnad.

Mr. Rama Ayyangar added as a fifth alternative the making of the river Vaigai the dividing line with the headquarters of the two districts in Madura, one on each bank of the river. Mr. Knapp suggested a sixth alternative, the transfer of Pasumalai and a few villages from Madura to the Tirumangalam taluk and the location of the headquarters of the Ramnad district at Pasumalai. These six alternatives being put to the vote, Nos. 1, 2 and 4 were rejected unanimously. No. 5 was withdrawn in favour of No. 6. No. 3 was unanimously accepted as the best alternative.

Dindigul district.—Dindigul (headquarters) northern part of Madura taluk, excluding Madura town, Melur, Dindigul, Palni, Kodaikānal, Periyakulam, Nilakkottai.

Madura district.—Madura (headquarters) Madura town and the southern part of Madura taluk, Tirumangalam, Sattur, Srīvilliputtūr, Sivaganga, Ramnad.

6. On the question whether, in the event of No. 3 not being accepted by the Government, the remaining alternative No. 6 should be submitted as the second best, opinion was almost equally divided, the voting being 16 *for* and 15 *against*. At the request of the Hon'ble the Raja of Ramnad, a poll was taken with the result shown below.

7. The reason for asking for a second alternative was the difficulty that was expressed in finding a satisfactory water-supply for the town of Dindigul.

18th February 1921]

Proposition.—In the event of alternative No. 3 not being accepted by Government, whether alternative No. 6 should be submitted as the second best.

For—

1. A. R. Knapp, Esq., C.B.E., I.C.S.
2. R. Foulkes, Esq.
3. M.R.Ry. R. Venkatasubba Ayyar.
4. E. B. Loveluck, Esq.
5. M.R.Ry. A. K. Raja Ayyar.
6. ,, Rao Bahadur M. R. Govinda Rao.
7. The Zamindar of Sivaganga.
8. A. Mc. G. K. Tampoe, Esq., I.C.S.
9. H. E. L. D'Sena, Esq.
10. M.R.Ry. P. C. Muthiah Chetti.
11. ,, K. Rama Ayyangar.
12. ,, K. Srinivasa Ayyangar.
13. ,, M. Nilakanta Ayyar.
14. A. G. Leach, Esq., I.C.S.
15. S. W. G. I. MacIver, Esq., I.C.S.
16. Major T. W. Harley, I.M.S.

Against—

1. M.R.Ry. Rao Sahib S. Tirumalai Ayyangar.
2. The Hon'ble Rao Sahib M. C. T. Muthiah Chettiyar.
3. M.R.Ry. S. Subba Nayakar.
4. ,, K. Kuppuswami Ayyar.
5. ,, C. Ponnuswami Nayudu.
6. Khan Bahadur Kasim Muhammad Marakkayar.
7. Dr. R. Sundaram.
8. M.R.Ry. T. C. Srinivasa Ayyangar.
9. The Hon'ble the Raja of Ramnad.
10. M.R.Ry. M. Nagalingam Pillai.
11. ,, M. S. Sesha Ayyangar.
12. ,, G. Visvasa Nadar.
13. ,, Rao Bahadur P. R. Subbaraya Ayyar.
14. ,, V. Srinivasa Achariyar.
15. D. W. P. Shorten, Esq., of the Harvey Mills.

APPENDIX III.

[Vide answer to question No. 162 asked by Mr. K. Gopalakrishnayya Garu at the meeting of the Legislative Council held on the 18th February 1921, page 289 supra.]

Statement of Provincial Advances and Loans on account of Class I. Loans—Agriculturists' Loans Act for the financial years 1915–16 *to* 1919–20.

(Figures in lakhs of rupees.)

District.	1915–16.		1916–17.		1917–18.		1918–19.		1919–20.		Total for five years.		Average of five years.	
	Amount allotted.	Amount expended.	Amount allotted.	Amount expended.	Amount allotted.	Amount expended.	Amount allotted.	Amount expended.	Amount allotted.	Amount expended.	Amount allotted.	Amount expended.	Amount allotted.	Amount expended.
1. Ganjām	0·04	0·04	0·04	0·07	0·02	0·02	0·09	0·65	2·82	2·84	3·01	3·62	0·60	0·72
2. Vizagapatam	0·03	0·02	0·02	0·01	0·01	0·01	0·01	0·01	0·06	0·06	0 13	0·11	0·03	0·02
3. Gōdāvari	..	..	0·01	..	0·01	0·01	0·01	0·03	0·01	..	0·04	0·04	0 01	0·01
4. Kistna	0·07	0·05	0·47	0·10	0·39	0·39	0·07	0·17	0·26	0·26	1·26	0·98	0·25	0·20
5. Guntūr	0·12	0·12	0·06	0·04	0·06	0·06	0·06	0·17	0·20	0·19	0·50	0·58	0·10	0·12
6. Nellore	0·02	0·01	0·02	0·01	0·01	..	0·03	..	0·01	0·01	0·09	0·03	0·02	..
7. Cuddapah	0·12	0·10	0·10	0·07	0·05	0·05	0·11	0·08	0·11	0·11	0·49	0·41	0·10	0·08
8. Anantapur	0·26	0·23	0·19	0·13	0·14	0·13	0·24	0·21	0·24	0·22	1·07	0·97	0·21	0·19
9. Bellary	0·20	0·16	0·23	0·13	0·18	0·18	0·25	0·23	0·42	0·42	1·28	1·12	0·26	0·22
10. Kurnool	0·08	0·07	0·09	0·06	0·08	0·07	0·18	0·07	0·08	0 07	0·51	0·34	0·10	0·07
11. Chingleput	0·65	0·60	0·65	0·35	0·80	0 81	0·75	0·77	0·86	0·85	3·71	3·38	0 74	0·68
12. Chittoor	0·22	0·24	0·19	0·14	0·17	0·16	0·18	0·20	0·63	0·63	1·39	1·37	0·28	0·27
13. North Arcot	0·39	0·34	0·32	0·17	0·25	0·25	0·28	0·27	0·35	0·36	1·59	1·39	0·32	0·28
14. South Arcot	0·06	0·05	0·23	0·08	0·79	0·78	0·23	0·22	0·17	0·16	1·48	1·29	0·30	0·26
15. Tanjore	1·27	1·43	0·79	0·53	1·81	1·81	1·05	1·25	1·75	1·76	6·67	6·78	1·33	1·36
16. Trichinopoly	0·47	0·43	0·27	0·18	0·35	0 34	0·25	0·28	0·48	0·45	1·92	1·68	0·39	0·36
17. Madura	0·92	0·80	0·88	0·52	0·70	0·68	0·54	0·47	0·32	0·35	3·31	2·82	0·66	0·56
18. Ramnad	0·02	0·02	0·04	0·03	0·02	0·02	0·02	..	..	..	0·10	0·07	0·02	0·01
19. Tinnevelly	0·09	0·11	0·14	0·16	0·12	0·12	0·12	0·12	0·14	0 14	0·61	0·65	0·12	0·13
20. Coimbatore	0·10	0·12	0·12	0·20	0·17	0·16	0·12	0·11	0·14	0·14	0·65	0·73	0·13	0·14
21. The Nilgiris	0·07	0·07	0·07	0·05	0·07	0·32	0·22	0·26	0·07	0·07	0·50	0·77	0·10	0·15
22. Salem	0·10	0·10	0·11	0·10	0·32	0·32	0·24	0·22	0·25	0·25	1·02	0·99	0·20	0·20
23. South Kanara	..	..	..	0·01	0·01	0·01	..	0·01	..	..	0·01	0·03	..	..
24. Malabar	..	..	..	..	..	..	0·06	0·06	..	..	0·06	0·06	0·01	0·01

18th February 1921]

APPENDIX IV

[Vide answer to question No. 168 asked by M. Muhammad Abdur-Rahman Sahib Bahadur at the meeting of the Legislative Council held on the 18th February 1921, page 291 supra.]

Nature of appointments.	Number.	Nature of appointments.	Number.
Assistant inspectors of salt ..	2	Process-servers	94
Sub-inspectors of salt	2	Constables and head constables.	339
Clerks	19	Lock superintendents and maistris.	6
Teachers	3	Compounder	1
Vaccinator	1	Recruits to the Nayar Brigade in Travancore.	23
Amins	20		
Firemen	2	Total ..	1,040
Jail wardens	22		
Attendants and muchis	16		
Foresters and forest guards ..	54		
Peons	436		

APPENDIX V.

[Vide answer to question No. 169 asked by M. Muhammad Abdur-Rahman Sahib Bahadur at the meeting of the Legislative Council held on the 18th February 1921, page 292 supra.]

District.	District board.	Municipal councils.	Number of Muhammadan members.	Total strength.
(1)	(2)	(3)	(4)	(5)
Ganjām	Ganjām	....	1	36
		Berhampur	1	18
		Chicacole	1	13
		Parlakimedi	1	11
		....	3	28
Vizagapatam ..	Vizagapatam ..	Anakapalle	2	17
		Bimlipatam	1	13
		Vizagapatam	2	22
		Vizianagram	1	22
		....	3	36
Gōdāvari	Gōdāvari ..	Cocanada	..	24
		Peddapuram	..	12
		Rajahmundry	1	18
		....	1	37
Guntūr	Guntūr	Repalle	1	12
		Tenali	1	16
		Narasaraopet	1	12
		Guntūr	5	24
		Chirala	1	12
		Ongole	1	12
		....	..	31
Kistna	Kistna	Bezwada	3	20
		Ellore	2	21
		Masulipatam	1	22
		Palacole	..	12
		....	2	30
Nellore	Nellore	Nellore	3	21
		....	1	27
Chittoor	Chittoor	Tirupati	1	13
		Chittoor	1	13

[18th February 1921

APPENDIX VI.

[Vide answer to question No. 170 asked by M. Muhammad Abdur-Rahman Sahib Bahadur at the meeting of the Legislative Council held on the 18th February 1921, page 292 supra.]

Presidents (Taluk Boards).	Vice-Presidents (Taluk Boards).	Members (Taluk Boards). Taluks.	Districts.
....	....	Cheyyār	Arcot, North.
		Polur	
		Ranipet	
		Tiruppattur	
		Vellore	
....	....	Tindivanam	Arcot, South.
		Tirukkōyilūr	
		Chidambaram	
Adōni	....	Hospet	Bellary.
....	....	Chingleput	Chingleput.
		Tiruvallur	
....	....	Chandragiri	Chittoor.
		Madanapalle	
....	....	Cuddapah	Cuddapah.
		Rāyachōti	
		Jammalamadugu	
Goomsur ..	....	Goomsur	Ganjām.
		Chatrapur	
....	....	Cocanada	Gōdāvari.
		Peddapur	
		Pittapur	
		Polavaram	
		Rajahmundry	
....	....	Bezwada	Kistna.
		Narasapur	
....	....	Melur	Madura.
Calicut ..	....	Tellicherry	Malabar.
		Calicut	
		Malappuram	
		Palghat	
		Wynad	
....	....	Ramnad	Ramnad.
		Devakottai	
		Sivakasi	
....	....	Hosur	Salem.
		Nāmakkal	
....	....	Kumbakōnam	Tanjore.
		Mannargudi	
		Māyavaram	
		Negapatam	
		Pattukkōttai	

N.B.—(Anantapur, Coimbatore, Koraput, South Kanara and The Nilgiris—no information available).

18th February 1921]

Presidents (Taluk Boards).	Vice-Presidents (Taluk Boards).	Members (Taluk Boards). Taluks.	Districts.
....	....	Trichinopoly	Trichinopoly.
		Ariyalur	
....	....	Vizianagram	Vizagapatam.
		Narasapatam	
		Vizagapatam	
		Parvatipuram	
....	....	Kovilpatti	Tinnevelly.
		Tinnevelly	
....	....	Ongole	Guntūr.
		Narasaraopet	
		Bapatla	
		Gurzala	
		Guntūr	
....	....	Gudur	Nellore.
		Kandukur	
		Kanigiri	
....	....	Kurnool	Kurnool.
		Nandyal	

N.B.—(Anantapur, Coimbatore, Koraput, South Kanara and The Nilgiris—no information available.)

Appendix VII.

[Vide answer to question No. 181 asked by M.R.Ry. B. Muniswami Nayudu Garu at the meeting of the Legislative Council held on the 18th February 1921, page 295 supra.]

Extract from the latest report of the Chief Conservator of Forests, Ref. No. 2341/20–2, dated the 22nd November 1920.

* * * * *

Chittoor (Mr. A. Upendra Pai).—There is a single panchayat at Pichilavandapalle, managing 422 acres of a fifth-class reserve. The assessment payable is Rs. 25. As a punishment for illicit fellings and grazing, the panchayat was fined Rs. 2 with the result that its working improved subsequently. The grazing incidence is 3·6 acres per cow.

On the recommendation of the special panchayat officer Mr. Bles, two new panchayats were formed during the year. The Collector states that the past history of the panchayats in the district is extremely unfavourable. Fifteen out of the 16 panchayats previously in existence had to be dissolved partly owing to mismanagement and partly because the areas handed over were found unsuitable. Attempts are again being made to resuscitate panchayats on cautious lines.

* * * * *

[18th February 1921

APPENDIX VIII.

[Vide answer to question No. 199 asked by M.R.Ry. Rao Sahib U. Rama Rao Avargal at the meeting of the Legislative Council held on the 18th February 1921, page 300 supra.]

Statement showing the appointments carrying a salary of Rs. 1,000 *and over created since* 1914.

Serial number and designation of the appointment.	Number.	Pay of the appointment per mensem.	Whether due to Reforms or not.	Remarks.
1. Member of the Executive Council.	1	Rs. A. P. 5,333 5 4	Arise out of Reforms.	
2. Ministers	3	5,333 5 4		
3. President of the Legislative Council.	1	3,000 0 0		* Pay not fixed.
4. Secretary to the Legislative Council.	1	.. *		† Has since ceased to exist.
5. Reforms Commissioner ..	1	4,000 0 0 †		
6. Deputy Reforms Commissioner.	1	Pay in the regular line plus Rs. 150 duty allowance.		
7. Secretary to Government, Finance Department.	1	.. ‡		‡ Pay not fixed.
8. Secretary to Government, Development Department.	1	Pay as Collector plus duty allowance Rs. 250.	..	
9. Secretary to Government, Law Department.	1			
10. Indian Agricultural Service.	14 (8 vacant)	Rs 350—1,250 plus overseas pay.	..	
11. Civil Veterinary Department.	3 (1 vacant)	Rs. 350—1,250 plus overseas pay.	..	
12. Joint Registrar, Co-operative Societies.	1	Rs. 1,000 to 1,100	..	Temporary.
13. Chief Conservator of Forests.	1	Rs. 2,500 to 2,750	..	
14. Forest Utilization Officer ..	1	Rs. 1,000—$\frac{50}{2}$—1,250	..	
15. Forest Engineer	1	Rs. 800—50—1,250	..	
16. Secretary to the Chief Commissioner of Income-tax.	1	1,500 0 0	..	
17. Special Income-tax Officer ..	1	Rs. 800 plus duty allowance Rs. 300.	..	
18. Director of Fisheries ..	1	Rs. 1,200 to 1,500 §	..	§ In the place of the Honorary Director of Fisheries.
19. High Court Judges	2	4,000 0 0	..	
20. District and Sessions Judges,	3	Pay in the regular line	..	
21. Deputy Inspector-General of Police.	1	Rs. 1,600—100—2,000	..	
22. Indian Educational Service..	24 (6 posts vacant).	Rs. 400—50—1,250	..	
23. Indian Educational Service (Women's Branch.)	1	Rs. 1,000—50—1,050	..	
24. Assistant Consulting Architect.	1	1,350 0 0	..	Appointed on a three years' covenant.
25. Commissioner of Labour ..	1	Pay as Collector plus overseas pay plus duty allowance of Rs. 250.	..	Temporary.
26. Deputy Commissioner of Labour.	1	Pay in the regular line plus Rs. 150 duty allowance.	..	
27. Industrial Engineer	1	1,500 0 0	..	
28. Agency Commissioner ..	1	3,000 0 0	..	
29. Inspector of Municipal Councils	1	1,000 0 0	..	
30. Official Referee	1	1,000 0 0	..	
31. Harbour Engineer	1	Rs. 1,700—50—1,900	..	

18th February 1921]

APPENDIX IX.

[Vide answer to question No. 202 asked by Rao Sahib U. Rama Rao at the meeting of the Legislative Council held on the 18th February 1921, page 300 supra.]

(1)

Statement showing irrigation projects in the Presidency that have been abandoned since 1900.

Serial number and district and name of project.	Amount of estimate.	Reasons for abandonment.
	LAKHS OF RUPEES.	
GANJAM DISTRICT.		
1. Amalakudiya project ..	1·57	Abandoned owing to the badness of the soil.
2. Jogudi project	2·11	It was thought that the execution of one or other of the larger schemes (Poradapalli and Godohollo) to supplement the supply to the Rushikulya system would render this unnecessary.
3. Bilipadra project ..	2·68	Do. do.
4. Gopalapuram tank project.	1·35	Abandoned as an ordinary and as a famine-relief work as the Zamindar of Turla was not prepared to undertake the project.
5. Mahendratanya North and South reservoir projects.	3·30	Abandoned as the Zamindars of Jalantra and Mandasa were unwilling to carry out the project.
6. Korakori nullah project.	10·48	Abandoned as not being a promising one.
7. Tintoly project	5·59	(1) Return of revenue very small. (2) The Zamindar of Kallikota was also unable to find funds for this.
8. Ramsarahallisagaram project.	1·51	Abandoned as the Zamindar of Mandasa was not willing to carry out the work.
9. Padmanabhasagaram project.	1·95	Owing to constant friction between the two estates of Tekkali and Nandigam, it was reported that the owners of the lands to be benefited were unwilling to undertake the work. Accurate information regarding revenue, etc., is also not available ; hence abandoned.
10. Langulya anicut at Dusi.	5·50	Proposal dropped as it was not remunerative.
GODAVARI DISTRICT.		
11. Anumunilanka project ..	9·00	Observations of the discharges of the Yerrakalva showed that the project was not feasible.
GUNTUR DISTRICT.		
12. Gundlakamma project ..	54·82	The project yields a very poor return and is not financially feasible as a productive or protective work.
13. Mellavagu project ..	4·00	The anticipated return is only 1·6 per cent. In the locality in which the project is situated good dry crops are grown and the ryots show no readiness to take water. The project is quite unsuitable for purposes of famine relief.
14. Manchikallu tank scheme.	1·30	The return anticipated is very poor and the project is also unsuitable for purposes of famine-relief.
KURNOOL DISTRICT.		
15. Thokapalli reservoir project.	17·53	Abandoned on account of the prohibitive cost.
16. Sangameswaram project.	890·00	This project which was intended as a second impounding reservoir to supplement the supply from the proposed Tungabhadra project was abandoned as the latter scheme was ordered to be indefinitely postponed.
17. Chagalamari project ..	·14	After inspecting the site the Chief Engineer for Irrigation was not at all impressed with the necessity for this project.

Statement showing irrigation projects in the Presidency that have been abandoned since 1900—*cont.*

Serial number and district and name of project.	Amount of estimate.	Reasons for abandonment.
	LAKHS OF RUPEES.	
CUDDAPAH DISTRICT.		
18. Papaghni reservoir project.	42·08	Return from the project very small and the difficulties of execution considerable. It would interfere with Somes-waram reservoir.
19. Palampet project ..	66·30	Abandoned in favour of other more promising projects in the Penner basin.
20. Lower Sagileru project.	2·35	Cost prohibitive. Unsuitable as a famine-relief work.
21. Chennayyagiripalli reservoir project.	4·30	The supply available is precarious and the scheme does not fulfil the conditions of a productive or protective work.
22. Dorigollu project ..	18·65	Does not satisfy the conditions of a productive or protective work.
ANANTAPUR DISTRICT.		
23. Upper Penner project ..	23·84	The anticipated water-supply was found to be very precarious.
24. Ithodu project	3·60	The scheme fails to be productive. The project unsuitable for famine-relief purposes and is not on a secure basis as regards water-supply.
BELLARY DISTRICT.		
25. Nellikudiri project ..	20·96	The investigation of the project was stopped as the reservoir if formed would submerge six villages containing 1,130 houses, 100 wells and rich cultivated lands to the extent of 5,000 acres.
26. Supply channel to Kothur.	·87	The project is not sufficiently remunerative. It is also unsuitable for execution as a famine-relief work.
27. Royakerra tank project.	·30	No water available for storage.
28. Kanchamallanhalli tank project.	·67	Return is very poor. Soil is of a very bad quality. Not suitable even as a famine-relief work.
29. Benikal tank project ..	·89	Return is very poor. The work is not even fit for famine-relief.
SALEM DISTRICT.		
30. Gudumalai project ..	27·09	The project was abandoned as it was conclusively shown that there was not enough water for this project in addition to the Toladur project.
31. Krishnagiri reservoir project.	67·84	Abandoned as it would prevent expansion of irrigation under the existing works lower down.
COIMBATORE DISTRICT.		
32. Amaravati reservoir project.	25·00	The surplus available in the Amaravati was found to be insufficient.
NELLORE DISTRICT.		
33. Swarnamukhi project ..	11·76	Cost of protection is very high, the return upon capital low and the zamindars concerned recommend its abandonment.
34. Sarvapalli project ..	6·89	In years of short supply little or no water would reach the extension of the ayacut proposed and the project would fail in seven years out of twenty.
35. Boggeru project ..	9·48	The project does not satisfy the conditions of a productive or protective work. In different years the old ayacut alone would benefit by the increased supply.
CHINGLEPUT DISTRICT.		
36. Arni reservoir project (Upper).	28·80	Cost is very prohibitive and return very poor.
37. Do. (Lower).	3·75	Return on the capital outlay is very poor.

18th February 1921]

Statement showing irrigation projects in the Presidency that have been abandoned since 1900—*cont.*

Serial number and district and name of project.	Amount of estimate.	Reasons for abandonment.
CHINGLEPUT DISTRICT—*cont.*	LAKHS OF RUPEES.	
38. Varadayyapalaiyam project.	2·50	The scheme fails to be productive and does not satisfy the conditions of a protective work. The project is also unsuitable for famine-relief purposes.
39. Uttiramerur tank project.	12·82	The project was abandoned as most of the ryots concerned were not prepared to pay the water-rate necessary to make the project productive.
TRICHINOPOLY DISTRICT.		
40. Nandyar reservoir project.	48·24	No prospect of its being a productive work while its protective value would be inconsiderable. Also the aspect of the project would be changed if the Cauvery reservoir project is sanctioned.
41. Pimbalur reservoir project.	·96	To make the project productive a water-rate of Rs. 11-8-0 per acre would have to be levied. As it was reported that the ryots could not be induced to pay this rate, the project was abandoned.
42. Ladapuram project ..	1·11	Return on the capital outlay very poor and the prospect of the project materialising is very remote.
MADURA DISTRICT.		
43. Porandalur project ..	33·90	The return on the capital outlay very poor.
44. Ellampallam reservoir project.	·41	Financial return of the project is very poor.
TINNEVELLY DISTRICT.		
45. Ghiriar project	..	Abandoned as the Travancore Darbar propose to utilize the same for hydro-electric development.
SOUTH ARCOT DISTRICT.		
46. Sevoor, Gidangal and Reddikuppam projects.	..	Abandoned in view of the attitude of the French Government towards these projects.

(2)

List of railway projects abandoned in the Madras Presidency since 1900 *with the reasons for such abandonment.*

1. Marina loop line ..	Abandoned in view of the strong and general expression of public feeling that was manifested against the construction of a railway alongside the Marina.
2. Pakala-Madras railway.	Investigated and found to be impracticable.
3. Kavali-Udayagiri railway.	It was proposed to construct this railway from the Famine Insurance grant. Abandoned as there were no clear grounds of urgency.
4. Cuddalore-Vriddhachalam railway.	Abandoned in view of the change in alignment of the Trichinopoly-Tirukkoyilur scheme—vide item (5) below.
5. Trichinopoly-Tirukkoyilur railway.	Abandoned in favour of the Panruti-Trichinopoly railway.

List of railway projects abandoned in the Madras Presidency since 1900 *with the reasons for such abandonment*—cont.

6. Kalikiri-Rayachoti railway.	It was originally proposed to construct this railway as a famine-protective work. The conditions of the district in regard to its population, the roads and the routes of communication established for cart-traffic were such as to prevent the projected railway from becoming a success. The scheme was therefore abandoned.
7. Nandyal-Atmakur railway.	Abandoned by the District Board of Kurnool in favour of the Nandyal-Koilkuntla line.
8. Devakota-Arantangi railway.	This line was proposed as an alternative to the Karaikudi-Arantangi railway. On a careful consideration of the relative merits of the two projects, the Government came to the conclusion that the balance of advantage lay with the Arantangi-Karaikudi railway.
9. Kumbakonam-Nidamangalam railway.	Was abandoned on account of its competitive nature.
10. Madura-Bodinayakkanur railway.	The alternative line from Kodaikānal road to Periyakulam was preferred as it offered better prospects of local traffic than the Madura-Bodinayakkanur alignment.
11. Padugupad-Atmakur railway.	This scheme is of doubtful utility. The District Board of Nellore has therefore been asked to consider the possibility of constructing a tramway instead of a railway line.
12. Attur-Tirumandurai and Attur-Perambalur railways.	These were proposed as alternatives to the Attur-Chinnasalem line which has been preferred.

APPENDIX X.

[Vide answer to question No. 214 asked by Mr. T. Sivasankaram Pillai at the meeting of the Legislative Council held on the 18th February 1921, page 304 supra.]

Projects in the Anantapur district.

Number and name of project.	Short description.
1. Tungabhadra project.	The proposal was to construct a reservoir across the Tungabhadra three miles above Hospet with a capacity of 120,683 millions cubic feet to irrigate about 961,800 acres of wet crop and protect 1,000,000 acres of dry crop. The object was to give a large measure of protection to the districts of Bellary, Anantapur, Kurnool, Cuddapah and Nellore. The project as finally revised was estimated to cost Rs. 13 crores; but as a return of only 2·59 per cent was expected from the project and as it was considered that the Cauvery and Kistna reservoir projects which were likely to prove more productive should be given precedence, it was decided in 1909 that the project should be indefinitely postponed.

18th February 1921]

Projects in the Anantapur district—cont.

Number and name of project.	Short description.
2. Upper Penner reservoir project.	The project provides for the formation of a reservoir by raising an earthen dam across the Penner and to excavate a supply channel therefrom to irrigate 14,250 acres of wet and dry land. The cost of the scheme was estimated in 1907 at Rs. 23,84,500 and the net revenue at Rs. 38,000 representing a return of 1·59 per cent on the capital outlay. The water-supply from the project was shown to be so precarious that it was found to be not of much use as a famine-protective work. In the above circumstances the project was ordered to be abandoned in 1915.
3. Somayajulapalli tank.	The proposal was to restore the tank at a cost of Rs. 16,430 for the irrigation of 135 acres in Kadiri taluk, from which a net revenue of Rs. 277 was anticipated representing a return of 1·7 per cent on the capital outlay. As it was subsequently reported that the tank, if restored, would intercept the supply to two other tanks, the scheme was abandoned in 1911.
4. Yellanur tank project.	The scheme consisted in restoring the Yellanur tank and excavating a new supply channel from the Chitravati river to irrigate 1,707 acres of wet cultivation. The project was completed at a cost of Rs. 2·67 lakhs on the 31st March 1919. The area irrigated under the project till now is only 430 acres. The question of increasing the area is receiving attention.
5. Rolla Anantapur tank.	The tank which was in ruins was restored in 1916 at a cost of Rs. 23,698 for the irrigation of 300 acres of land. No information is available as to the exact extent now irrigated under the tank.
6. Restoration of Kotha Kalva near Tadpatri.	This consisted in the restoration of the old spring channel named Kotha Kalva, from the Penner near Tadpatri for the irrigation of 271·50 acres. An estimate of Rs. 8,530 was sanctioned in 1901 and the work was completed in 1903. Though the irrigable area under the tank was 271·50 acres, the extent actually irrigated was very small. The Collector of Anantapur recommended in 1916 the excavation of more distributaries, but as the ryots did not evince any interest in the upkeep of the channel and as the channel was entirely filled up with blown sand at the head, it was decided that no money need be spent on the excavation of distributaries till the ryots excavate the spring head of the channel and restore the channel by kudimaramat.
7. Restoring Marutla tank.	An estimate of Rs. 21,000 was prepared in 1901 for restoring the tank. As it was reported that the tank would not irrigate more than 70 acres which came to Rs. 300 per acre, no further action was taken.

Projects in the Anantapur district—cont.

Number and name of project.	Short description.
8. Extending Veerapuram and Vanganur channel.	The original proposal was to excavate a channel from the Penner for the irrigation of 200 acres in Vanganur village. This scheme was abandoned as the supply of the spring water was limited and as it was estimated to cost considerably more than what was originally estimated for (viz.) Rs. 20,000. Another scheme was then considered for the diversion of a vagu to supply the Vanganur tank. This proposal was also dropped as the tank was reported to be receiving a sufficient supply.
9. Restoring the Paliem tank.	The work consisted of the construction of a bund across the Paliem vanka and for the diversion of its supply into the tank by a leading channel. The scheme was estimated to cost Rs. 37,550 and was abandoned in 1908 as the area to be submerged exceeded the irrigable area and as the lands proposed to be irrigated were not considered fit for wet cultivation.
10. Kanauppalapad vanka to divert a supply channel to Pinnapalli tank.	An estimate amounting to Rs. 41,000 was sanctioned in 1901 for restoring and improving the Pinnapalli tank. The work was completed partly as a famine-relief work and partly as an ordinary work.
11. Improvements to Rayalcheruvu tank.	Improvements to the tank were carried out in 1899 at a cost of Rs. 18,125.
12. Ithodu project . .	The proposal which was estimated to cost Rupees 3,60,000 was to construct an anicut across the Vandameru stream, a tributary of the Papaghni and to take off a channel from its left flank to feed the Ithodu and four other tanks. The return anticipated being only 0·64 per cent, the work was unremunerative. It was also considered as unsuitable for famine-relief purposes, nor did it satisfy the conditions of a protective work. The scheme was therefore abandoned in 1917.

APPENDIX XI.

[Vide answer to question No. 215 asked by Mr. T. Somasundaram Mudaliyar at the meeting of the Legislative Council held on the 18th February 1921, page 304 supra.]

S.O.—No. 21, Public, dated 20th January 1921.

The order of His Excellency the Governor annexed to these proceedings is communicated to departments of the Secretariat.

(By order of the Governor in Council)

A. R. KNAPP,
Chief Secretary.

To the departments of the Secretariat.

18th February 1921]

ANNEXURE.

Under sub-section (2) of section 49 of the Government of India Act, His Excellency the Governor directs that the following shall be the distribution of business among the Members of the Executive Council and the Ministers:—

A.—MEMBERS.

I. THE HON'BLE SIR LIONEL DAVIDSON, K.C.S.I.

Home.

Administration report.
Agency and Laccadives.
Air-craft.
Arms and explosives.
Court of Wards and Zamindars.
Criminal Justice including petitions for mercy.
Criminal Tribes Act, 1911, except "settlements and schools" established under sections 16 to 19.
Ecclesiastical.
European education.
Foreigners.
Forests.
Fortnightly report
Magistracy.
Military.
Passports.
Pilgrims to the Hedjaz.
Police.
Political.
Press and Registration of Books.
Railways.
Report on matters of political importance.
Rewards for saving life and property.
State prisoners.

II. THE HON'BLE MR. C. G. TODHUNTER, C.S.I.

Finance.

Central subjects—
Archæology and epigraphy
Cinchona.
Customs (including trade)
Income-tax.
Marine.
Meteorology.
Opium.
Post office.
Salt.
Conduct of business in Council.
Finance.
Government Servants' Conduct Rules.
I.C.S.—Questions other than leave and appointments.
Move of Government to the hills.
Office procedure.
Pensions.
Petition rules—General questions.
Publicity including Editors' tables.
Public Service Commission and Service Questions including examinations and special tests and land returns.
Reforms—not being legislative.
Warrant of precedence.

III. THE HON'BLE KHAN BAHADUR MUHAMMAD HABIB-UL-LAH SAHIB BAHADUR, C.I.E.

Revenue.

Census.
Constitution of districts, divisions and taluks.
Economic condition including prices and wages.
Escheats.
Famine.
Irrigation.
Land Revenue.
Mines.
Pounds and special fund.
Stamps.
Treasure trove.
Wild animals.
Yeomiahs and hereditary pensions.

A.—MEMBERS—*cont.*

IV. THE HON'BLE MR. K. SRINIVASA AYYANGAR.

Law.

Breach of Contract Act.
Civil Justice.
Civil Supplies.
Depressed classes.
Elections.
Emigration.
Jails.
Labour (including Factories).
Landlord and Tenant.
Legislative.
Miscellaneous Judicial heads.
Reformatories.
Settlements and schools established under sections 16 to 19 of the Criminal Tribes Act, 1911.
Translators to Government.

B.—MINISTERS.

MINISTER FOR EDUCATION AND PUBLIC WORKS—THE HON'BLE DIWAN BAHADUR A. SUBBARAYULU REDDIYAR.

Education.
Excise.
Public Works.
Registration.

MINISTER FOR LOCAL SELF-GOVERNMENT—THE HON'BLE MR. P. RAMARAYANINGAR.

Local.
Medical.
Municipal.
Public Health.
Religious and Charitable Endowments.

MINISTER FOR DEVELOPMENT—THE HON'BLE RAI BAHADUR K. VENKATA REDDI NAYUDU.

Agriculture.
Co-operative Societies.
Fisheries.
Industries.
Veterinary.
Weights and measures.

II

REGULATIONS UNDER STANDING ORDER No. 77.

The SECRETARY laid on the table the following regulations made by the Hon'ble the President :—

Regulations under Standing Order No. 77.

In pursuance of Standing Order No. 77 the Hon'ble the President has been pleased to make the following regulations for the holding of elections by means of the single transferable vote for the purposes of the said Standing Order :—

I. In these regulations—

(1) "continuing candidates" means candidates not elected or not excluded from the poll at any given time ;

(2) "Council", "member" and "Secretary" have the meanings respectively assigned to them in the Standing Orders ;

(3) "exhausted papers" means ballot papers on which no further preference is recorded for a continuing candidate : provided that a paper shall also be deemed to be exhausted in any case in which—

(*a*) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference, or

(*b*) the name of the candidate next in order of preference, whether continuing or not, is marked—

(*i*) by a figure not following consecutively after some other figure on the ballot paper, or

(*ii*) by two or more figures ; *

(4) "first preference" means the figure 1 set opposite the name of any candidate ; "second preference" similarly means the figure 2, "third preference" the figure 3, and so on ;

(5) "original votes" in regard to any candidate means the votes derived from ballot papers on which a first preference is recorded for such candidate ;

(6) "Standing Orders" means the Standing Orders of the Madras Legislative Council ;

(7) "surplus" means the number by which the value of the votes of any candidate, original and transferred, exceeds the quota as defined in regulation XI ;

(8) "transferred votes" in regard to any candidate means votes the value or part of the value of which is credited to such candidate and which are derived from ballot papers on which a second or subsequent preference is recorded for such candidate ;

(9) "unexhausted papers" means ballot papers on which a further preference is recorded for a continuing candidate.

Proposal of candidates.

II. (1) When draft amendments to the Standing Orders are referred to a select committee the President will appoint a period within which notice may be given by any member desirous of proposing a member or members for election to the Committee.

(2) The provisions of Standing Order 9 shall apply to such notices, which shall be signed by the member giving notice who must satisfy himself that the members he suggests are willing to serve if elected.

(3) If, on the expiration of the period appointed under clause (1), the number of candidates is less than the number of vacancies to be filled, the President will appoint a further period within which the notice aforesaid may be given, and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled.

(4) If, on the expiration of the period appointed under clause (1) or of any further period appointed under clause (3), the number of candidates is equal to the number of vacancies to be filled, the President shall declare all the candidates to be duly elected.

---

* The fact that a voter has not marked every preference correctly does not invalidate the whole of his preferences. His paper is only treated as exhausted when the wrongly marked preference is reached. The following are examples :—

A 1	A 1
B 2	B 2
(1) C 3	(2) C 3
D 3	D 5
E 4	E 6
	F—

In case (1), the preferences for A and B would be valid. If the third preference were reached the paper would be treated as exhausted, as it would be impossible to say for which candidate the voter really intended to give his third preference. In case (2), the preferences for A, B and C would be valid, but not the later ones, whether D had been elected or excluded or was still a continuing candidate. It is possible that the voter meant to give a fourth preference for some other candidate, *e.g.*, *F*, but omitted to do so. It would not be possible to treat 5 as being meant to be 4.

(5) If, on the expiration of any such period, the number of candidates exceeds the number of vacancies, the President will appoint a date for the holding of an election in the manner hereinafter prescribed, and shall cause notice to be given of the date so appointed and of the names of the candidates.

Voting.

III. (1) All members shall be entitled to vote.

(2) No vote shall be given by proxy.

IV. The Secretary shall act as Returning Officer, and shall, subject to these regulations, do all things necessary for the conduct of the election.

V. (1) The voting shall be by ballot. The Returning Officer shall ascertain that the person desiring to vote is a member who has not already voted, and shall enter his name upon the counterfoil of a ballot paper in a ballot paper book which shall be provided for the purpose of the election, and shall then tear out the ballot paper corresponding to that counterfoil, and, having initialled the ballot paper with his initials on the back thereof, shall hand it to the member. Every ballot paper shall contain the names of all the candidates for election in the form annexed to these regulations.

(2) When a member has received a ballot paper, he shall take the paper to a desk provided for the purpose and signify in the manner hereinafter provided for whom he desires to vote. The member shall then fold the ballot paper so that the Returning Officer's initials thereon may be visible, and having held up the ballot paper in such manner as to enable the Returning Officer to see the initials, shall drop the ballot paper in a ballot box to be placed in front of the Returning Officer.

(3) If a member inadvertently spoils a ballot paper, he may return it to the Returning Officer, who shall, if satisfied of such inadvertence, give him another paper and retain the spoiled paper, and this spoiled paper shall be immediately cancelled, and the fact of such cancellation shall be noted upon the counterfoil.

VI. Each member shall have one vote only. A member in giving his vote—

(*a*) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes;

(*b*) may in addition place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4, and so on, in the squares opposite the names of other candidates in the order of his preference.

VII. A ballot paper shall be invalid—

(*a*) upon which a member signs his name or writes any word, or makes any mark by which it becomes recognizable; or

(*b*) which does not bear the Returning Officer's initials; or

(*c*) on which the figure 1 is not marked; or

(*d*) on which the figure 1 is set opposite the name of more than one candidate; or

(*e*) on which the figure 1 and some other figure is set opposite the name of the same candidate; or

(*f*) which is unmarked or void for uncertainty.

The counting of votes.

VIII. The ballot papers shall be examined and the Returning Officer, after rejecting any invalid ballot papers, shall divide the remaining papers into parcels according to the first preferences recorded for each candidate. He shall then count the number of papers in each parcel.

18th February 1921]

IX. In carrying out the regulations hereinafter contained, the Returning Officer shall—

(*a*) disregard all fractions;

(*b*) ignore all preferences recorded for candidates already elected or excluded from the poll.

X. For the purpose of facilitating the processes prescribed by the regulations hereinafter contained, each valid ballot paper shall be deemed to be of the value of one hundred.

XI. The Returning Officer shall add together the values of the papers in all the parcels and divide the total by a number exceeding by one the number of vacancies to be filled, and the result increased by one shall be the number sufficient to secure the return of a candidate (hereinafter called the quota).

XII. If at any time a number of candidates equal to the number of persons to be elected has obtained the quota, such candidates shall be treated as elected, and no further steps shall be taken.

XIII. (1) Any candidate the value of whose parcel, on the first preferences being counted, is equal to or greater than the quota, shall be declared elected.

(2) If the value of the papers in any such parcel is equal to the quota, the papers shall be set aside as finally dealt with.

(3) If the value of the papers in any such parcel is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot papers as next in the order of the voters' preference, in the manner prescribed in the following regulation.

XIV. (1) If and whenever as the result of any operation prescribed by these regulations a candidate has a surplus, that surplus shall be transferred in accordance with the provisions of this regulation.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude: provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count, and so on.

(3) Where two or more surpluses are equal, the Returning Officer shall decide, as hereinafter provided in Regulation XIX, which shall first be dealt with.

(4) (*a*) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred, and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall also make a separate sub-parcel of the exhausted papers.

(*b*) He shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.

(*c*) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(*d*) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Returning Officer shall re-examine all the papers in the sub-parcel last transferred to the candidate, and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall thereupon deal with the sub-parcels in the same manner as is provided in the case of the sub-parcels referred to in clause (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this regulation shall be set aside as finally dealt with.

XV. (1) If after all surpluses have been transferred, as hereinbefore directed, less than the number of candidates required has been elected, the Returning Officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon. Any exhausted papers shall be set aside as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value of which he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer.

(5) The process directed by this regulation shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until the last vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

XVI. If as the result of a transfer of papers under these regulations the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed, but no further papers shall be transferred to him.

XVII. (1) If after the completion of any transfer under these regulations the value of the votes of any candidate shall be equal to or greater than the quota, he shall be declared elected.

(2) If the value of the votes of any such candidate shall be equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally dealt with.

(3) If the value of the votes of any such candidate shall be greater than the quota, his surplus shall thereupon be distributed in the manner hereinbefore provided, before the exclusion of any other candidate.

XVIII. (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled and the value of the votes of some one continuing candidate exceeds the total value of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When only one vacancy remains unfilled and there are only two continuing candidates, and those two candidates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared excluded under the next succeeding regulation, and the other declared elected.

XIX. If, when there is more than one surplus to distribute, two or more surpluses are equal, or if at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are lowest on the poll, regard shall be had to the original votes of each candidate, and the candidate for whom fewest original votes are recorded shall have his surplus first distributed, or shall be first excluded, as the case may be. If the values of their original votes are equal, the Returning Officer shall decide by lot which candidate shall have his surplus distributed or be excluded.

18th February 1921]

FORM OF BALLOT PAPER.

[See Regulation V].

Form of front of Ballot Paper.

Counterfoil No.	Order of preference	Name of candidates.
Note.—The counterfoil must show the number corresponding to this on the back of the ballot paper.		Ramaswami Mudaliyar. Venkataswami Nayudu. Chidambara Ayyar. Walter Smith. Muhammad Hussain. Sesha Ayyangar. Peter Paul. Shanmukham Chetti. Ramaswami Pillai. Krishna Rao. Gopalayya.

Instructions to Members.

A.—Each member has one vote and one vote only.

B.—The member votes—

(*a*) by placing the figure "1" opposite the name of his first choice.

He is also invited to place—

(*b*) the figure "2" opposite the name of his second choice.

(*c*) the figure "3" opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preferences is not necessarily restricted to the number of vacancies.

N.B.—The vote will be spoilt if the figure "1" is placed opposite the name of more than one candidate.

Form of back of Ballot Paper.

No. .....

Note.—The number on the back of the ballot paper is to correspond with that on the counterfoil.

APPENDIX.

Illustrative Election.

Example of an election conducted on the system of the single transferable vote in accordance with the preceding regulations.

Regulation IX.

Assuming that there are seven members to be elected, sixteen candidates and fifty-four electors.

The valid ballot papers are arranged in separate parcels according to the first preference recorded for each candidate, and the papers in each parcel counted.

Let it be assumed that the result is as follows :—

A	... ...	2	K	... ...	2
B	... ...	9	L	... ...	2
C	... ...	3	M	... ...	2
D	... ...	1	N	... ...	2
E	... ...	11	O	... ...	2
F	... ...	3	P	... ...	2
G	... ...	5			
H	... ...	2		Total ...	54
I	... ...	4			
J	... ...	3			

Each valid ballot paper is deemed to be of the value of one hundred, and the values of the votes obtained by the respective candidates are as shown in the first column of the result sheet.

Regulation X.

The values of all the papers are added together and the total 5,400 is divided by eight (*i.e.*, the number which exceeds by one the number of vacancies to be filled) and 676 (*i.e.*, the quotient 675, increased by one) is the number sufficient to secure the return of a member and is called the quota. The operation may be shown thus :—

Regulation XI.

$$\text{Quota} = \frac{5,400}{8} + 1 = 675 + 1 = 676.$$

The candidates B and E, the values of whose votes exceed the quota, are declared elected.

Regulation XIII (1).

As the values of the papers in the parcels of B and E exceed the quota, the surplus of each candidate must be transferred. B's surplus is 224 (*i.e.*, 900 less 676) and E's surplus is 424 (*i.e.*, 1,100 less 676).

Regulation XIII (3), transfer of surplus.

The largest surplus, that of E, is dealt with first.

Regulation XIV (2).

The surplus arises from original votes, and therefore the whole of E's papers are divided into sub-parcels according to the next preferences recorded thereon, a separate parcel of the exhausted papers being also made. Let it be assumed that the result is as follows —

Regulation XIV (4) (*a*).

		Papers.
G is marked as next available preference on	... ...	5
H Do.	do.	3
L Do.	do.	2
Total of unexhausted papers	...	10
Number of exhausted papers	... ...	1
Total of papers	...	11

The values of the papers in the sub-parcels are as follows :—

Regulation XIV (4) (*b*).

G	500
H	300
L	200
Total value of unexhausted papers ...	1,000
Value of exhausted papers ...	100
Total value ...	1,100

18th February 1921]

The value of the unexhausted papers is 1,000 and is greater than the surplus. This surplus is, therefore, transferred as follows:—All the papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of unexhausted papers.

Regulation XIV (4) (*d*).

The reduced value of all the papers, when added together, with the addition of any value lost as the result of the neglect of fractions, equals the surplus. In this case the new value of each paper transferred is $\frac{424 \text{ (the surplus)}}{10 \text{ (the number of unexhausted papers)}} = 42$, the residue of the value, 58, being required by E for the purpose of constituting his quota, *i.e.*, one exhausted paper (value 100 *plus* the value (580) of ten unexhausted papers.

The values of the sub-parcels transferred are—

G = 210 (*i.e.*, five papers at the value of 42).
H = 126 (*i.e.*, three papers at the value of 42).
L = 84 (*i.e.*, two papers at the value of 42).

These operations can be shown on a transfer sheet as follows:—

Transfer sheet.

Value of surplus (E's) to be transferred	424
Number of papers in E's parcel	11
Value of each paper in parcel	100
Number of unexhausted papers	10
Value of unexhausted papers	1,000
New value of each paper transferred = $\frac{\text{Surplus}}{\text{number of exhausted papers}}$	
= $\frac{424}{10}$	= 42

Names of candidates marked as the next available preference.	Number of papers to be transferred.	Value of sub-parcel to be transferred.
G	5	210+500
H	3	126+200
L	2	84+200
Total ...	10	420
Number of exhausted papers	1	...
Loss of value owing to neglect of fractions	...	4
Total ...	11	424

The values of the sub-parcels are added to the values of the votes already credited to the candidates G, H and L. This operation is shown on the result sheet.

Regulation XVII (1).

As a result of this operation, G's total is brought above the quota and he is declared elected.

Regulation XIV (2).

The next largest surplus, that of B, viz., 224, is then transferred, the operations being similar to those described in the transfer of E's surplus. Assume that there are no exhausted papers. The new value is therefore $\frac{224}{9}$ or 24. The surplus is distributed according to next preferences, as follows:—

A=(5×24)	=120
C=(4×24)	= 96
Value lost owing to neglect of fractions	8
Total ...	224

Regulation XIV (5).

G's surplus has now to be transferred, only the sub-parcel last transferred being re-examined. The details are as follows:—

Value of G's surplus	34=710—676
Number of papers in sub-parcel	5
Value of each paper therein	42
Number of unexhausted papers	5
Value of unexhausted papers	210
New value of each paper transferred = $\frac{34}{5}$	6

The result of the distribution is shown on the result sheet, three papers of the value of six each being transferred to A and two of the same value to O.

Regulation XV (1).

There being no further surplus, the candidate lowest on the poll has now to be excluded. D and P both have 100.

Regulation XIX.

The Returning Officer casts lots and P is chosen to be excluded.

Regulation XV (2).

Being an original vote, P's paper is transferred at the value of 100 to I whom the elector had marked as second preference. D now being lowest is next excluded and his 100 is similarly transferred to K.

Regulation XIX.

This leaves M and N lowest with 200 each and M is chosen by lot for exclusion first. His papers are transferred at the value of 100 each to A and C, respectively. N is then excluded and his papers are transferred to F and I who each receive 100.

Regulation XV (3).

This leaves O lowest and he is excluded. His 212 consists of 2 original votes and of 2 transferred votes of the value of 6 each. A and C are each next preference on one of the original votes and each receive 100. J is next preference on both the transferred votes and receives 12. L is now lowest with 284 and is excluded. His two original votes are transferred at the value of 100 each to A and F. The remaining 84 represents 2 votes transferred at 42 each and these go at that rate to C and K.

J is now lowest with 312 and is therefore excluded. His 3 original votes are transferred at 100 each to A, C and I. The odd 12 represents 2 votes transferred at the value of 6 and these both go to F who is next preference on each paper.

Regulation XVII (1).

A, C and I now exceed the quota and are declared elected, leaving one vacancy only to be filled.

18th February 1921]

Prior to further exclusions the surpluses of these candidates have to be distributed. A and C both have a surplus of 62, but A having received fewer original votes than C, his surplus is distributed first. The last sub-parcel transferred to A consisted of one paper transferred at the value of 100 which exceeds the surplus, and as F was next preference on this paper, the whole surplus is transferred to him. C's surplus has then to be distributed and is similarly dealt with, the whole going to H. I's surplus is then distributed and goes to K.

Regulations XIV (1) and XV (1).
Regulation XIX.
Regulation XIV (5).

K being now lowest of the 3 continuing candidates, and the conditions of regulation XVIII (2) not being fulfilled, K is excluded.

His 366 consists of 2 original votes, one paper transferred at the value of 100, one transferred at the value of 42 and one at the value of 24. The 2 original votes are transferred first, and then the paper transferred at the value of 100 as this was the first of the transfers. H was next preference on these 3 papers and 300 is therefore transferred to him. He now exceeds the quota and the election is complete, the completion of the transfer of K's votes being rendered unnecessary.

Regulation XV (2) and (3).

Regulations XV (4) and XVI.

Full details are shown in the result sheet.

Result Sheet.

Value of votes 5,400. Quota $\frac{5,400}{8} + 1 = 676$.

Names of candidates. (1)	Value of votes at first count. (2)	Distribution of E's surplus. (3)	Result. (4)	Distribution of B's surplus. (5)	Result. (6)	Distribution of G's surplus. (7)	Result. (8)	Distribution of votes of P and D. (9)	Result. (10)	Distribution of votes of M and N. (11)	Result. (12)
A	200	..	200	+ 120	320	+ 18	338	..	338	+ 100	438
B	900	..	900	— 224	676	..	676	..	676	..	676
C	300	..	300	+ 96	396	..	396	..	396	+ 100	496
D	100	..	100	..	100	..	100	— 100	..	..	..
E	1,100	— 424	676	..	676	..	676	..	676	..	676
F	300	..	300	..	300	..	300	..	300	+ 100	400
G	500	+ 210	710	..	710	— 34	676	..	676	..	676
H	200	+ 126	326	..	326	..	326	..	326	..	326
I	400	..	400	..	400	..	400	+ 100	500	+ 100	600
J	300	..	300	..	300	..	300	..	300	..	300
K	200	..	200	..	200	..	200	+ 100	300	..	300
L	200	+ 84	284	..	284	..	284	..	284	..	284
M	200	..	200	..	200	..	200	..	200	— 200	..
N	200	..	200	..	200	..	200	..	200	— 200	..
O	200	..	200	..	200	+ 12	212	..	212	..	212
P	100	..	100	..	100	..	100	— 100	..	..	..
Loss of value by neglect of fractions.	..	+ 4	4	+ 8	12	+ 4	16	..	16	..	16
Total ..	5,400	..	5,400	..	5,400	..	5,400	..	5,400	..	5,400

Names of candidates.	Distribution of votes of O.	Result.	Distribution of votes of L.	Result.	Distribution of votes of J.	Result.	Distribution of surplus of A, C and I.	Result.	Distribution of K's votes.	Result.	Result of election.
	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)
A	+ 100	538	+ 100	638	+ 100	738	−62	676	..	676	Elected.
B	..	676	..	676	..	676	..	676	..	676	Do.
C	+ 100	596	+ 42	638	+ 100	738	−62	676	..	676	Do.
D	..	..	..	..	..	..	..	..	..	..	Not elected.
E	..	676	..	676	..	676	..	676	..	676	Elected.
F	..	400	+ 100	500	+ 12	512	+62	574	..	574	Not elected.
G	..	676	..	676	..	676	..	676	..	676	Elected.
H	..	326	..	326	..	326	+62	388	+ 300	688	Do.
I	..	600	..	600	+ 100	700	−24	676	..	676	Do.
J	+ 12	312	..	312	− 312	..	..	..	..	..	Not elected.
K	..	300	+ 42	342	..	342	+24	366	− 300	66	Do.
L	..	284	− 284	..	..	..	..	..	..	..	Do.
M	..	..	..	..	..	..	..	..	..	..	Do.
N	..	..	..	..	..	..	..	..	..	..	Do.
O	− 212	..	..	..	..	..	..	..	..	..	Do.
P	..	..	..	..	..	..	..	..	..	..	Do.
Loss of value by neglect of fractions.	..	16	..	16	..	16	..	16	..	16	
Total ..	..	5,400	..	5,400	..	5,400	..	5,400	..	5,400	

P. RAJAGOPALACHARI,
President, Madras Legislative Council.

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

III

Special motion for adjournment of the Council to discuss arrest of Mr. Yaqub Hasan, etc., at Calicut.

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I beg to ask for permission to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, the arrest of Messrs. Yaqub Hasan, Madavan Nayar, Gopala Menon and Mohidin Koya by the District Magistrate of Malabar, in Calicut, the day before yesterday evening. Under rule 44, I am bound to give you, Sir, a statement and I have given a statement."

The Hon'ble the PRESIDENT :—"As this is the first time that this kind of motion has come before the Council, it will probably be to the convenience of honourable members, if I call their attention to the orders on the subject, so that they may know clearly what it is they are voting upon. Standing Order No. 20 says : 'Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon.'

18th February 1921] [The Hon'ble the President]

"Standing Order No. 21 says: 'The member asking leave must hand to the President a written statement of the matter proposed to be discussed.'

"Standing Order No. 22 says; 'If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places, and if twenty or more members rise accordingly, the President shall intimate that the motion will be taken at 4 o'clock. If less than twenty members rise, the President shall inform the member that he has not the leave of the Council.'

"Standing Order No. 23 (1) says: 'The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at 6 o'clock, and thereafter no question can be put.'

"These are the rules in regard to a motion for adjournment of the Council. The Honourable Member has handed to me this statement to call attention to the arrest of Messrs. Yaqub Hasan, Gopala Menon, Madhavan Nayar and Mohidin Koya in Calicut on 16th February 1921 under the orders of the District Magistrate of Malabar. It is now for me, first of all, to accept the motion and then to put it before the Council, but before I do so I should like to know whether this thing is not the subject of judicial proceedings in Calicut. I trust the Honourable Member would himself like to furnish the information. I do not want to go into the merits of the case. But I wish to know if this subject is not now under the adjudication of any court of justice."

Diwan Bahadur M. KRISHNAN NAYAR:—"I am very glad, Sir, that you have asked me this question; because I anticipated that such a question might be put not from the Chair but by some of the Members of the Government side or by some other Member in this House. I submit that it is not a case *sub-judice*. I am not entering into the merits of the case. I am only stating the facts in answer to the question put by you. So long as the District Magistrate was considering the necessity of arresting these persons——"

The Hon'ble the PRESIDENT:—"Order, order. I simply wanted an assurance from the Honourable Member that this thing is not *sub-judice*. Will the Honourable Member give that assurance?"

Diwan Bahadur M. KRISHNAN NAYAR:—"I give you positive and definite assurance to that effect."

The Hon'ble the PRESIDENT:—"The Honourable Member will please resume his seat. I accept the motion so far as I am concerned. It will now be put to the Council, to decide whether they want to discuss the matter or not."

The Hon'ble Sir LIONEL DAVIDSON:—"May I, with your leave, Sir, if there is no objection and before the motion is put to the Council, inquire if the Honourable Member has received information definitely to the effect that this issue is not under judicial adjudication in the Sessions Court of Calicut?"

Diwan Bahadur M. KRISHNAN NAYAR:—"I rise to a point of order. My point of order is this: my friend Sir Lionel Davidson has no right to put this question. I am not bound to furnish the information."

The Hon'ble the PRESIDENT:—"The Honourable Member has passed his word to the Council and he has given a definite and positive assurance that this matter is not before the courts and we have to accept that for the time being."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I give a word of explanation, Sir?"

[The Hon'ble the President] [18th February 1921

The Hon'ble the PRESIDENT :—"No, Sir. I shall now call upon the Council to inform me whether it would allow this to go forward. Does any one object ?"

Mr. T. C. TANGAVELU PILLAI :—"I object."

The Hon'ble the PRESIDENT :—"Very good."

The motion was then put to the Council.

The Hon'ble the PRESIDENT :—"The requisite number of honourable members having assented, I intimate to the Council that this motion will be taken up at 4 o'clock this evening, subject to His Excellency the Governor's right of veto under the rules. That is of course understood."

Mr. T. A. RAMALINGA CHETTIYAR :—"I sent a notice of motion which I wanted to make on Monday and I request you to fix a day for it. I fear——"

The Hon'ble the PRESIDENT :—"The Honourable Member is out of order. The Honourable Member will please resume his seat. He should write to me or to the Secretary to the Council, for any information he may need. I cannot allow the matter to be discussed in the Council just now."

Mr. T. A. RAMALINGA CHETTIYAR :—"I want the information——"

The Hon'ble the PRESIDENT :—"This is not the proper place nor is this the proper time to furnish information upon written communications in answer to . . . . ."

IV

Amendments to Standing Orders.

The Hon'ble the PRESIDENT :—"The Council will now take up the consideration of the amendments to Standing Orders of which notice has been given. The honourable members having been supplied with copies of the regulations passed by me for the election of members of Select Committees on Standing Orders, are now in possession of the procedure to be observed."

The Hon'ble the President then put the following amendment standing in the name of the Hon'ble Sir Lionel Davidson, K.C.S.I. The Council gave the Honourable Member leave to proceed.

"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 the Secretary to the Council as *ex officio* Secretary 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.'"

The following amendment standing in the name of M.R Ry. M. C. Raja Avargal was thrown out, as the necessary leave of the Council was not given him :—

"In Standing Order No. 4, *substitute* 3 p.m. for 11 o'clock."

The following amendments standing in the name of M.R.Ry. Rao Bahadur A. S. Krishna Rao Pantulu Garu were put to the Council one after another and the necessary leave to proceed was granted by the Council in each case :—

"*Add* the following words at the end of Standing Order No. 13 :—

'After giving to the member concerned reasonable opportunity to amend the question.'

18th February 1921] [The Hon'ble the President]

" *Omit* the following words in Standing Order No. 28 (2) (v) : ' or defamatory ' ; and *insert* the word ' or ' before the word ' seditious ' in Standing Order No. 28 (2) (v).

" *Add* the following as Standing Order No. 31-A, inserting it between Standing Orders Nos. 31 and 32 :—

' A motion of which due notice has been given may, in the absence and at the request of the member by whom notice was given, be made by any other member ; but if not so made or if a member announces his intention of withdrawing a motion standing in his name, the motion may be made by any other member ; and if not so made, it shall not be put, unless the Council otherwise orders.'

" *Add* the following words at the end of Standing Order No. 55 ;—

' After giving to the member concerned reasonable opportunity to amend the resolution.'

" *Omit* sub-clause (2) of Order 56 which is to the following effect :—

' If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn ' ; and *renumber* sub-clause (3) of that order as sub-clause (2).

" *Omit* Standing Order No. 60."

The Hon'ble the PRESIDENT :—" As these two Members, the Hon'ble Sir Lionel Davidson and Mr. A. S. Krishna Rao, have with the leave of the Council proposed amendments to the Standing Orders, both sets of draft amendments have to be referred to Select Committees. I assume that the Council is of opinion that a single Select Committee is sufficient. Is that the wish of Honourable Members ? "

The Council assented to the election of a single Select Committee.

The Hon'ble the PRESIDENT :—" A Select Committee will have to be appointed under Standing Order No. 77. The President will be the Chairman of the Select Committee and the Deputy President will be a member and one member from the panel of chairmen will have to be selected by me to serve on the Select Committee. And I select Diwan Bahadur Venkataratnam Nayudu for the purpose. Then seven others will have to be selected by the Council by means of the regulations for election by the single transferable vote which have also been circulated to the members ; and I have to appoint under regulation 2 (1) a period within which notice may be given by any member desirous of proposing a member or members for election to the committee. I have fixed 3 p.m. to-day as the hour for the purpose and notice must be given to the Secretary before 3 p.m. to-day. Honourable Members must satisfy themselves that members nominated by them are willing to serve on the committee, if elected. If it should happen that we have not more than seven candidates put forward, all the candidates nominated will be declared elected. If there are more, a ballot will be necessary, and I propose to direct the Secretary as returning officer to attend to it to-morrow.

" The Council will now resume discussion of matters of general public interest.

V

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST

District Boards to elect their own Presidents.

" 24. ' *That this Council recommends to the Government that under section 12 of the Madras Local Boards Act, 1920, a notification may be issued authorizing the district boards to elect their own presidents.*"

[Mr. T. Desika Achariyar] [18th February 1921

Diwan Bahadur T. DESIKA ACHARIYAR :—" Sir, as a nominated president of the district board, I have some delicacy in joining in the discussion on this resolution. But I think it necessary absolutely for some of us who have been members of the Select Committee on the Local Boards Bill to explain exactly how it was that this section came to be framed in the manner in which it now stands, and what were the reasons which actuated the Select Committee in making a distinction between the election and the appointment of presidents of district boards and taluk boards. I may at once say, Sir, that so far as I am concerned I do not mean to seek either election or appointment when my term is over. I make this statement as I do not want my opposition to this resolution to be misunderstood in any way. Having premised thus, I may at once point out the reasons which actuated the Select Committee in coming to the conclusion embodied in section 12 and stated in paragraph 14 of the Select Committee's report. It reads :—' Under the original Bill the president of the district or taluk board and the chairman of a panchayat may be appointed by the Government or elected by the local board or panchayat if so authorized by the Government. We think it is essential that the president of a local board should be chosen from among its members. We discussed at some length whether the presidents of local boards should not ordinarily be elected. In the case of district boards the interests involved are so large and important that for some time to come we would have the president carefully selected. We have therefore permitted the existing arrangement to continue and the Government will continue the discretion to appoint presidents of district boards or to permit their election.' This report was issued very recently on the 1st September 1920 ; and on the basis of this report and on the recommendations of the Select Committee there were discussions in the Legislative Council and hardly four months ago the Bill was passed into law. I do not see, Sir, what has happened since then to necessitate the taking away of the discretion which has been expressly vested by statute, after great consideration and deliberation, in the Government. If any Honourable Member wants to interfere with the discretion thus vested by statute in His Excellency and his Ministers, it must be done by an amendment of the provision embodied in section 12 and not by a mandate in the form of resolution. What is it that is wanted now ? It is, that a constraint be placed upon the discretion which the Select Committee and the Legislative Council so recently as in September last vested in the Government. There appears to me, Sir, absolutely no cause to introduce an amendment to the section in the guise of a resolution. I may also point out that quite recently a large number of district board presidents have been appointed by the late Government. Thus hardly one year, in some cases hardly six months, might have elapsed since their appointment. The effect of any notification issued under section 12 read with the provisions in the schedule of this Act may be to make all these go out of office at once and seek election. Why should it be done ? Is there any suggestion that the selection was not good, that these presidents who have accepted office quite recently have not discharged their duties properly or in any case there has been necessity to interfere with the discretion exercised by the late Government ? I entirely agree with my colleague Mr. Ramaswami Mudaliyar when he stated that the ministry must be enabled as far as possible to continue the existing arrangements and general policy in such a way as to help them and strengthen their work. In the circumstances I cannot at all understand why this resolution has been put forward. A similar resolution was moved before the Bill was introduced into the Legislative Council. Then a promise was given that the Select Committee would carefully consider the matter. The Select Committee went into the matter carefully and I have read to you, Sir,

and the members of this House the recommendations of the committee. I do not see why any portion of that report should be found wanting at the present moment. I therefore oppose this resolution."

The RAJA OF RAMNAD :—" Sir, I am rather unfortunate in not having been present here last evening when the honourable mover gave his reasons for bringing forward this resolution. But I had the advantage of a consultation with some of the members present here as to what happened here yesterday and I have also had the advantage of reading the newspaper reports. I must first point out to this Council the probable effect of the acceptance of this resolution. My friend Diwan Bahadur Desika Achariyar explained that it would turn out of office all the existing incumbents. That will be entirely against the interests of the district boards. The provisions referred to were enacted so that the existing incumbents might serve out their full term. Myself a nominated president of a district board, I am rather in a difficult position in urging the retention in office of the present presidents. I am sure, I shall not be misunderstood, if I say that no one at present holding office will hesitate to go out of office and seek re-election. But whatever that may be, I hold, Sir, that the acceptance of this resolution will be highly undesirable. The honourable mover has brought forward this resolution for the reason that his amendment to the same effect proposed when the Bill was passed was defeated by a very large majority of the then Council : I think six voted for his amendment and thirty against it. In this morning's newspaper I found that my friend Mr. Narasimha Raju spoke yesterday with great earnestness in support of this resolution. But may I express my surprise at the ready susceptibility of his views to change? I find that he was a member of the Select Committee and signed the report. My friend Diwan Bahadur Desika Achariyar referred to the report of the Select Committee, particularly to paragraph 14 which gives the reasons why they rejected the proposal to concede the election of district board presidents at once. Mr. Narasimha Raju did not advert to this matter in his dissenting minute. It seems to me, therefore, that my Hon'ble friend Mr. Narasimha Raju has changed his opinion rather rapidly. . . . ."

Mr. C. V. S. NARASIMHA RAJU :—" Mr. President, I held the view that the election of district board presidents must be conceded even during the days when the Act was in the stage of a Bill and now there is no occasion for change. I still hold the same view."

The RAJA OF RAMNAD :—" I leave it to the Council to judge whether there has been any change of view on the part of the honourable gentleman. I said he was a party to the Select Committee's report and the House have heard what he said yesterday. With reference to his attack on the Minister that this will be used as a party weapon, I have to say that in almost all the district boards there are nominated non-official presidents except Nellore and Madura which recently elected their presidents. Therefore even if the Honourable Minister were desirous of using such nominations as a party weapon, he would have no opportunity of doing so unless all the existing presidents resigned their office or unless vacancies were created in other ways. Therefore I do not think it fair to say that the Minister may use it as a party weapon. I don't hold a brief for the Minister and I dare say he will take care of himself ; but in fairness to him I must mention to the Council that recently I nominated a Brahman gentleman as a member of the district board and the appointment was approved by him, which did not look as if he made this a party question. There is therefore no reason for apprehending any unfairness in the matter of appointment of district board presidents.

"With your permission, Sir, I will just read your own remarks. It may be interesting to this Council to hear your remarks on this question. When this Council was passing the Local Boards Bill the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar said :—'Your Excellency, I am rather inclined to think with the Hon'ble Mr. Siva Rao that the difference between his point of view and the point of view of the Government and the Select Committee is probably not much. He has referred to the fact, and rightly, that we have been having non-official presidents of district boards in increasing numbers all over the province, that we have now as many as sixteen of them. These gentlemen have been doing their work on the whole remarkably well. Incidentally I may say that it is rather a compliment to the system of nomination that so many as sixteen people should have been nominated and that there should be practical unanimity of opinion in regard to the qualifications of these gentlemen. I feel greatly flattered; the Hon'ble Mr. Venkatapati Raju has rightly pointed out that this is only a transitional stage. We really cannot stop here. Because the Government have been so far successful in choosing the right kind of men, it does not mean that we could put off indefinitely the day when election shall completely take the place of nomination. It is far from my wish that for all time to come district board presidents—alone, of all presidents of local bodies—should continue to depend for appointment either on a Member of the Executive Council or on a Minister, whoever may be the person in charge of this branch of the administration. The issue is much smaller than that. The issue is whether in the present condition of affairs, while fully recognizing what is to come some years hence, it will be wise to commit the legislature to a formal statement that every district board president shall be elected or to commit it to the statement that election shall be the rule and nomination the exception. Now this question was discussed at considerable length in the Select Committee and I must say, to the credit of the several presidents of local boards we had on that Committee, that they completely eliminated the personal equation. They forgot their own case and they took what appeared to them to be the correct view in regard to the position of affairs in this Presidency. That is the view put in paragraph 14 of the Select Committee's report: 'We discussed at some length the question whether presidents of local boards should not ordinarily be elected. In the case of district boards the interests involved are so large and important that for some time to come we should have the presidents carefully selected. We have therefore permitted the existing arrangements to continue and the Government will continue to have the discretion to appoint presidents of district boards or to permit their election. We think that presidents of taluk boards should be elected unless the Government direct otherwise; and that union board presidents should always be elected. The vice-president of a district or a taluk board should, in our opinion, be always elected.' Now the Hon'ble Mr. Siva Rao has taken that to mean that in the opinion of the Select Committee the presidents of district boards would always ordinarily be nominated and that election would be the exception. I submit it means no such thing. What the Select Committee has said is that they are not prepared to advise the legislature definitely that either that or this shall be the rule or that either this or that shall be the exception. They say that in view of the fact that the interests involved in union board administration are comparatively small, there is no harm in accepting the occasional risk of an unsuitable union board president. So they say, let every union board president be elected. They have allowed election to be the rule in the case of taluk boards. It is true that these are much more important than union boards; but they are less important than district boards and they are put in the same position as has been assigned to district municipalities; the

18th February 1921] [The Raja of Ramnad]

legislature lays down that election shall be the rule in regard to taluk boards and nomination quite the exception, so that, unless the Government issue a notification asking that a taluk board president shall be appointed and not elected, the taluk board will exercise its inherent right to elect. In regard to district boards, however, the Select Committee take note of the fact that the substitution of non-official agency for official agency in the headship of district boards has been in vogue for only three years or so. Though we have been moving at a great pace, a great deal of the success has depended on the very careful way in which the men have been selected and, while it would be open to the Government at any time in regard to any district board to direct that the president shall be elected, still the Select Committee came to the conclusion that they would not be justified in the present state of affairs in committing the legislature to the view that election shall immediately become the rule and nomination quite the exception. That is the position taken up by the Select Committee. Let me add that it is in contemplation to allow some district boards to elect their presidents. Correspondence is going on and Honourable Members will probably be agreeably surprised to find that two district boards which till now have had official presidents are going straight on to be permitted to elect their presidents. Careful inquiry is being made, but the change would be done not by a command of the legislature at a stroke of the pen but as a result of careful inquiry. Before we allow a particular district board to elect its president in the present state of affairs we have to make careful inquiry. Much of the success which has so far attended the appointment of non-officials as district board presidents has been due to the careful inquiries that were made, inquiries as to the position of the various men and the public opinion about them before the appointments were made. The Hon'ble Mr. Siva Rao's idea is that these appointments are generally made on the nomination of District Collectors. That is an entirely erroneous idea. On the other hand I have in my mind the instance of more than one non-official who was considered good by the District Collector, but I had to veto the appointment. Now that is the situation and the Minister will be exactly in the same situation. You have also to bear in mind that clause 12 as it stands now does not put nomination on a higher pedestal than election. All that it does is that it puts election and nomination on an equal footing. The legislature refuses to give a definite lead to the executive as to the policy which it should pursue. It simply tells the executive either to appoint the president itself or to allow the local body to elect him. It will be the function of the Minister to decide in each case whether the presidentship is to be by election or nomination.

"As Honourable Members are aware, we have only the other day passed a number of rules for allowing district board presidents to be elected. Would the Government have issued these rules unless they were intended to be acted upon? As I have told you, we are going to act on them very soon. The Hon'ble Mr. Siva Rao will very shortly be in a position to add another bit of congratulation to me for having started the election of district board presidents. But it is one thing for us to take action in individual cases, and it is quite another thing for the legislature to say that all presidents of district boards shall be elected. I think that that is far too large an order, far too large a responsibility for Honourable Members to take in passing this law.

"Several of the Honourable Members who were members of the Select Committee and who happened to be presidents of district boards must have been feeling somewhat uncomfortable at the, I will not say, threat, but the allegation made by the Hon'ble Mr. Siva Rao that nominated presidents are in a privileged position. I think these gentlemen will be unwise if they allow themselves to be

influenced by any such possibility of misunderstanding to vote against their convictions. I stand for this clause as it has been put in by the Select Committee as a result of a great deal of consideration and of full discussion because I feel that this is the form in which the legislature should put it as a guide to the executive. There is absolutely nothing to prevent the Government, the Minister, from throwing open every district board presidentship to election and, as I have told you, you will have within the next month or two at least two district board presidentships thrown open to election straight on. But it is one thing to do that the executive accepting the responsibility in each case and another thing for the legislature to take the responsibility off the shoulders of the executive and to say 'let us stand for the sacred and inherently just principle of election and declare that every board should have an elected president'. That is what Mr. Siva Rao aims at and against this I feel bound to record my protest in the present state of affairs.

"Mr. Ahmad Tambi Marakkayar, who followed the President, said that he objected to presidentships being thrown open to election because the representatives of minorities would be at a considerable disadvantage in seeking election and a discussion ensued and in a part of the speech he said:—'Your Excellency need not think that I want to be nominated as a president. The Hon'ble Mr. Siva Rao may have a grievance that he is not elected as a district board president. Of course I am not referring to all these points. I am only bringing public questions and not personal ones and so my objection is that we have not come to that stage as yet.'

"He referred to the peculiar disadvantages under which Muhammadans, the Christians and other minorities laboured in the matter of securing success in election if election were to be conceded. With your leave, Sir, I will read the concluding remarks of His Excellency which are pertinent to this discussion.

"His Excellency said, 'I think it is perfectly true that it would be rather more satisfactory if Governments had so long ago taken more advantage of the clauses of Lord Ripon's Act and had developed local self-government much more freely than they have done. But I think it may very fairly be stated on behalf of the Government that my honourable colleague has done a great deal in the way of developing local self-government in this Presidency. I hold the view that this is a clause which had been considered very carefully by the honourable members of the Select Committee who have the most expert knowledge on local self-government, and I hold that this is the right clause under the present circumstances. I do not want to go into particulars, but I have no doubt that Honourable Members will agree with me when I say that there are such things as personal jealousies and unfortunate factions connected with our district board administrations at the present time which I hope may disappear in the future. A recognition of these facts makes it extremely difficult for the Government to go as far as some of the non-official members would wish to do at the present moment. One reason—I want to be quite frank with the Honourable Members—why I consider that this is the right form of clause in the Bill is that I look upon it as essential that the Minister's position should not be prejudiced under the rules in the future. I think it would be extraordinarily difficult for him under the existing circumstances with regard to district boards, if he were to accept the position that every local board must have the power and privilege of electing its president, for I am bound to say that in my opinion future factious jealousies would probably arise in certain local boards and it would be extremely unfair on him to have such difficulties to start with, accentuated as they would be by the proposed amendment. I think it is far better to give him full power to say in his position of authority as

18th February 1921] [The Raja of Ramnad]

President of the Local Government board which particular district board should have its president elected and which particular board shall have its president nominated rater than to put him in a position of having to go through the extraordinarily difficult course of taking stringent steps in cases of necessity with regard to the district local boards. This is all that I have to say in this matter, and I hope very much that the Council will accept the clause as it stands and not accept the amendment.'

"This is what His Excellency referred to when the resolution of Mr. Siva Rao was discussed. I do not think circumstances have changed very considerably since the Act was passed, i.e., since October of last year. I think this is only another attempt to defeat the intention of the Legislative Council which passed this Act. I am not going to detain the Council any further. But I would respectfully suggest that it would be undesirable to accept this resolution, not because I feel that I shall go out of office. I am not at all particular about it. It will not cause me much trouble to get in if I want. As a matter of fact, election might have made it much easier for me to get in than nomination. I would therefore again respectfully urge that the Council should carefully consider the matter and reject this resolution."

Diwan Bahadur D. Seshagiri Rao Pantulu :—"Mr. President, I was one of the first batch of nominated presidents for the Gōdāvari district When my term expired there was the question whether I should be renominated, and in view of the Pushkaram that was soon to be held at Rajahmundry, which require the immediate attention of the president of the district board, I believe, I was renominated. In the interests of the nominated presidents themselves, I think that the appointment should now be thrown open to election. Under the present Act which comes into force, I believe, on the 1st April 1921, the Collector ceases to be a member, the Divisional Officers cease to be members, all salaried officers of Government cease to be members, only the president who is nominated by the Government remains in office. The president's position is not a very enviable one. Three-fourths of the members of the district board are now to be elected. If the appointment is thrown open to election, the president whoever he may be will have the satisfaction of being conscious that he is elected by members. If the sense of the majority of the board is in favour of electing the very man who is nominated by Government, so much the better for him; then the position of the president will be very agreeable. Otherwise, I am afraid there will be a hitch in the working of the district board administration if nominations should continue. These are my views."

Rao Bahadur T. Balaji Rao Nayudu :—"Sir, as a member of the select committee, I shall say a few words. As Mr. D. Seshagiri Rao and Mr. M. Ramachandra Rao have already explained, I need not go into details, The district board business is not as easy as that of a taluk board. It is a matter concerning some lakhs. We had hitherto the support of the Collector, of the Divisional Officers and some other officials who were members of the district boards, but now the Act is dispensing with all of them and no official can be on the board. It is all very well to say that election is good. But we have to see whether the presidentships of district boards which are far more responsible than taluk boards are quite free to be thrown open to election throughout the Presidency. There are a few cases I suppose which are thrown open to election, in two districts Madura and Nellore, and we have yet to see how they are going to work. But most of the municipalities have been thrown open to election, and we know how they are working; there the election system is in force. I know at least a few cases where the elected chairman is considered to be an undesirable man and the municipality

is going a-begging for a chairman. I may not be justified in particularising a case or two of that kind, but when all the people and the taxpayer wish to get rid of the bulk of the council members we may expect the chairman to follow suit, but there is the factor of personal sympathy or personal friendship which secures him the vote and gets him back and back again to the council.

"So with non-co-operation on the one hand, with party feelings on the other hand, if the power of election is left entirely to the district boards or the council, bad men may be returned. If the power rests in the hands of the Government, what is it that they are going to do? They will simply see whether there will be competent men fit to be appointed as district board presidents and whether the district board members, as they stand, are persons who may be trusted to use their discretion carefully. I do not think the Government will gain much patronage by the appointment of district board president. After all what is the charm? What is it that the district board president is going to get? Not even an influential position. So there is no patronage to be distributed unless the president wishes to become a Minister or an Executive Councillor; without it there is nothing that can make the presidentship worth aspiring to.

"So the Government under the present rule ordinarily should nominate or throw open for election among non-officials. We all know that the Government will have discretion enough to see whether there are competent men in the district, whether the members of the board are reasonable men to elect proper presidents and so on, and the policy of the Government seems to be that they are throwing open one board after another for election and so I oppose this resolution and state that there is no need for making it a rule."

Mr. B. P. Devarajulu Nayudu:—"I also rise to oppose this resolution. I think, we have just embarked on a new career and in that career most of us have no experience, and it is not at all proper and right therefore to advance with a vengeance. I think the present situation is one which has to be carefully considered before we try to advance further. We have not been very old, and there is still time for us to take these matters into consideration and come to a solution which would be in the interests of the public. It could not be stated that the bureaucrats who have been holding the scales even, according to the remarks made by the Honourable Member, have found us yet fit for the introduction of the elective system at present. We are not, I think, so far advanced as to say that we should have it at once. Further, I think we are also not prepared for this reason. The new district boards which will be formed under the present Act will probably get members into it who may be popular, but they may not be men of much experience. You will have none of the assistance of officials hereafter and as such the new district board may not consist of members who would have the desired experience to elect such presidents as will satisfy the needs of the public. Therefore, I think that we should wait to know what our future district boards will be and what sort of members are likely to come into them and then use this privilege with great care and caution. It is no doubt true as the honourable mover submitted for your consideration that nowadays the air is surcharged with the idea of election everywhere. There is election in the unions, village panchayats, taluk boards, municipalities and so on. But I think that is no ground for urging election in the district board also. The district board presidentship is not an ordinary office. It is not like the office of a taluk board president or that of a vice president, nor even like the offices of a village panchayat president or the union president. I think the jurisdiction of the district board is very large; his duties are very onerous and responsible and very exacting. It may sometimes happen that a good president

may not be a popular president or a popular president may not be a good president. In these circumstances, I think it is better that we give some time for the new district boards to work in the way in which they have been working till now before we advance upon measures which would be more popular and at the same time effective.

"For the reason stated I think there is no present necessity for introducing the elective system at once. The district boards may go on as at present for some time more till they gain more experience and are in a better position to use the privilege in the matter of electing their own presidents. I therefore very strongly oppose the resolution that has been moved by the Honourable Member."

The Rev. E. M. MACPHAIL :—"Sir, I have to vote against the motion. I was a member of the select committee that considered the Bill and I was convinced by the arguments that were brought forward by the Honourable Members both in this Council and in the select committee that in the case of district boards it is desirable that powers should be left to Government to nominate the president if that is necessary. It is perfectly true that we did not give power to every board to nominate its president. Since then, I have heard no arguments put forward to make me change my opinion. I must say that I feel very strongly with Mr. T. Desikachari that these Honourable Members who now want to vote for the resolution should not ask the Ministers to tie their hands or prevent them from doing what they consider best. I cannot help remembering also that in the last Council some of the gentlemen who were very strongly in favour of election in every possible case proposed that it should be possible for local bodies to elect their own presidents from outside. That was considered undemocratic and I find that the very same gentlemen who put forward very strongly the democratic argument are in favour of objecting to Government nominating anyone at all. I would recall, Sir, how often you told us in the Council that members have, some of them young and some of them old, views. With regard to Government, the same thing sometimes happens. You are constantly reminding us that the Ministers are responsible to this House. Now it seems to be extraordinary that, since we have made this change and have got Ministers who are responsible to this House, we should try to tie their hands. I therefore propose to vote against this resolution."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"As an elected president of a board, I feel it my duty not to give a silent vote on the motion before the House. In the first place, I must express my disagreement with the views expressed by my Hon'ble friend Mr. Narasimha Raju when he said that though the bureaucrat was holding the scales evenly in the matter of nominations, he would not be pleased to extend the same privilege to the Ministry. I feel, Sir that we cannot and ought not to make any difference in the matter. The earlier we cease to think over this matter of patronage and appintments, the better it is for the country and we should not mind how the patronage is extended by the officers in the matter of nominations, as these are minor points. We must be prepared to trust the Ministers equally well.

"I wish to make this position clear before I express my views on the motion before the House. If I venture to support the motion before the House, it is not that I have no confidence in the Ministers in the matter of extending the patronage, but because I feel that it will be only according to the spirit of the times that we should extend this principle of election. I feel that the resolution of my friend Mr. Siva Rao has not been correctly understood. If the resolution should suggest an amendment of the Act, this is not the proper form or the proper

time when it can be brought forward. If my friend Mr. Siva Rao means that the Government may be requested to give effect to the provision under section 12 it will be in point according to the interpretation of the rules. In that spirit and from that standpoint I certainly agree with him. But I do not think we can expect the Government in one stroke of the pen to throw open all the district boards for election all at once. I do not think we contemplate such a contingency. So far as I understand him though the resolution is not quite clear it only suggests that instead of taking a long time for giving the privilege of election to district boards, as under the old Act of 1884, the Government may give effect to the principle as early as possible. Though this principle of election was created in the year 1884, it was in 1920, that is after 36 years that the privilege was granted to two district boards in this Presidency. This Act was passed with the hope that we will be able to achieve greater progress in this direction. Again, Sir, I think that, as was pointed out by the Hon'ble Member for Gōdavari, Mr. Seshagiri Rao, it is better in the interests of these local bodies that they should exercise the privilege of election. It will be a question for consideration as to what procedure the Ministers might adopt in deciding when and to what district boards the privilege ought to be extended. The new Act is likely to come into force on 1st April next. Even then the district board will not be fully reconstituted. All the nominated members will vacate their seats on 1st April 1921 and the taluk boards will not be reconstituted until after a further period which may be a year or more. The Local Government has to fix a period not less than one year for reconstituting the taluk boards and then the taluk boards have to elect the members of the district board. It is therefore clear that it will take a year or more for the district boards to be newly reconstituted on the popular basis as contemplated under the new Act. If they are to be reconstituted on a popular basis, if three-fourths of the members of the district board are to be appointed by election can it be rightly contended that such a representative body ought not to have the privilege of election, but that it should merely have a nominated president. One suggestion I would mention which probably the Hon'ble the Minister might find it convenient to accept. In the matter of extending the privilege to the district boards and choosing the time when it is to be done, he will necessarily have the discretion; but in exercising the discretion he will, I think, be well advised in consulting the local bodies concerned. I think it is better to have an elected president and that the wishes of the district board should be respected in this matter, unless there are any strong or grave reasons to the contrary.

"Even if this resolution is accepted it does not suggest a modification of the Act itself or of the discretion given under section 12. The Hon'ble Minister will be well advised to consult the district boards as to whether they would like to have elected presidents. Supposing the district boards come to a decision that they should have elected presidents, I think it is but fair and just that they should be allowed to elect their own presidents. With these remarks I support the resolution."

Qadir Nawaz Khan Sahib Bahadur:—"I oppose the resolution. The principle of election has come to stay and pervades through all branches of the administration, there is no doubt. But I would advise the House to have patience and wait and allow it to show progress step by step, not all at once. The office of the president of a district board is no ordinary one. It is an office requiring very great ability, very great sense of judgment and practically is a small administration by itself. Hitherto it has been conducted by experienced and able men who occupied the situation of a Collector. Now this process is in the state of experiment and I would appeal to the House in their own interests to proceed cautiously

in this matter. The principle is there, the application will come gradually. Now my honourable colleagues referred in their speeches to various difficulties and to a great many other things, which would interfere with the election of a proper man. But for the present and for some time to come, we may tread in the foot steps and judgment of the official, I mean the Collector. He is a man almost always above party spirit. He has got the necessary experience and knowledge of all men. We may also trust to the good sense and judgment of the Ministers who have been appointed and who are of us and who know that the state of things under which people used to regard Government as distinct from the people has gone or is fast going. Now let us trust to the good sense and wisdom of the Ministers and let us expect and believe that they will elect the best man for the present. In course of time they will naturally extend the privilege of electing presidents to particular districts. With these remarks I oppose the amendment."

Mr. K. GOPALAKRISHNAYYA:—"Sir, while I may express my hearty sympathy with the mover of this resolution, I feel bound to oppose it on grounds other than those which have been adduced before the House. The mover of the resolution has not carefully referred to section 12 of the Local Boards Act, and I might at once bring to the notice of this House that it is too precipitate to bring forward a resolution of this kind. For we need not hasten exercise of all rights that are given by this legislation. This Act of course has been passed very recently and it has not been put into force as yet, and we have yet to see the benefits or otherwise of this Act. We have yet to see how the Ministry will administer this Act, whether we are going to taste any benefits as a result of this Act or otherwise. Of course, we have had a history of this resolution from some of the members who were on the committee when this Bill was under consideration, and we have also heard the arguments which were adduced then to retain a discretionary power in the hands of the executive Government. The section reads thus—'The Local Government shall either appoint one of the members of the district boards to be its president, or by notification authorise the members of a district board to elect their presidents from among their own number, provided that the Local Government may by notification withdraw such authority.' It vests the discretion in the member of the Government concerned. It is ridiculous to ask for freedom on the one hand and also to say that fetters may be applied on the other. So I beg to urge on this House just to wait and see how the present Ministry will administer the section, what confidence will be reposed in the various taluk boards and the district boards and how many exercise their functions under the new Act, and how the new Ministry will administer the Act. In the present circumstances, I for one, Sir, am willing to have the election of presidents for district boards for policy's sake. But as has been pointed out by one of the members of this House, it is our purpose to continue the policy of the Government in local board administration and let us wait and see whether the present Ministry is not going to extend its sympathies to some of our districts to elect their presidents. On this ground I oppose this motion."

Mr. G. VANDANAM:—"Some good reasons which have been advanced in support of this resolution have led me to a different conclusion. It has been said that three-fourths of the members of district boards have been elected and they are popular representatives. More often these members are wealthy men rather than educated men. More often these people are carried away by a desire to do certain duties rather than to be fair to all classes, particularly to depressed classes, carried away by a sense of honour rather of a sense of responsibility. I believe it is necessary that restrictions should be placed upon the exercise of power by such

members. Therefore if they are given the power to elect their own representatives, perhaps they would elect a man whom they all like but not one who can do the work much better than the nominated president. Therefore if there is such a contingency, the consequences are not only dangerous, I am afraid, but also disastrous. Another thing, the idea of election is a very good one and is a democratic one. It is the natural desire of every one to have power, but we must understand if power is given to them, they may use or abuse it. Take the case of infants. They ask for dolls. If we give them they may use them or abuse them. More often they abuse them ; therefore it is good for the powers concerned to wait and see how these local boards would exercise their powers and how these local boards would use their privileges and how far they would be helpful to the depressed classes. Therefore, for these reasons, to do more good to the depressed classes and to help those who really cannot understand their own position, it would be better to allow the Ministers to nominate those persons whom they believe in those who have not only the confidence of the people but also can understand the real needs of the people, and could do the work better than elected representatives. For these reason I beg to oppose this resolution."

Rao Bahadur K. S. VENKATARAMA AYYAR :—"I rise to oppose this resolution on this ground. Of course Mr. Desikachariyar referred to the necessity of amending the Act. I submit for the consideration of this Council that it is not necessary, for under section 15, 'subject to the provisions of sub-section (1), section 14, any member of the local board elected or appointed to be president or vice-president shall be deemed to have vacated such office on the expiry of his term as member, or on his otherwise ceasing to be a member or upon the issue of a notification under sub-section (1) of section 12 authorizing the election of the president of a district board or withdrawing such authority or upon the issue or cancellation of a notification under sub-section (2) of section 12.' Therefore it is not necessary to amend the Act. But unfortunately we have got section 14 which says 'the president of a district board shall, save as otherwise expressly provided, hold office for a term of three years from the date of publication of the notification of office, election or appointment and shall, during his tenure of office as president, etc. . . . . '. Section 15 says 'subject to the provision of sub-section (1) of 14. . . . shall be deemed to have vacated such office . . . .'

"Therefore what is the use of issuing a notification when all these presidents were appointed last year and seeing that they are going to hold office for two years more. Therefore this resolution is going to be a pious one which the Minister for Local Government cannot give effect to even if he accepts it. Therefore I do not think any profitable purpose would be served by further discussion of this resolution inasmuch as it cannot be given effect to even if it is passed. The question is as the Government has given power to the President he cannot be shaken for three years from his appointment. We know all of them have been appointed only last year and when the time comes we will din into the ears of the Hon'ble Minister for Local Self-Government and ask him if we should not better the old conditions for the election of the president. Even if the non-official president will not do his work properly, we have got three-fourths of the members of the district board elected and if we worry the president, he must, as a matter of course, resign. Why are we afraid of the non-official president? If the members of a district board are unanimous and find that their non-official president will not do his work properly, he goes out of his own accord within three years. I therefore think it is unnecessary for us to trouble the House with a resolution which, if passed, cannot be given effect to. We will wait and see."

18th February 1921] [Mr. B. Muniswami Nayudu]

Mr. B. MUNISWAMI NAYUDU:—"I am sorry I have to oppose the motion. That the present Act received the assent of the Governor-General in Council was communicated to this Council only the other day. I would draw the attention of the Council to one fact, namely, that it is difficult to secure a president always at the headquarters of a district. It was only the other day that a question was put and the answer elicited that out of a number of presidents about five have had to be nominated from Members who are not residents at the district headquarters but who reside elsewhere and won't stay at headquarters; and many of these district board presidents or some of them or most of them are nominated and when this Act comes into force all of them will have to vacate their seats. If this resolution is given effect to, and if to-day a notification be issued that all district board presidents are hereafter to be elected, the difficulty is we shall not be able to find men who are at headquarters or men who are competent."

"The Act provides under the transitory regulations for the ceasing of the membership of all nominated members and the Act also provides for the reconstitution of the district boards by election if necessary. It is only after these district boards are reconstituted and after the personnel of the district boards are ascertained, that the Minister would be in a position to find out whether the principle of election could at any time be applied to any particular district board or not. Is it reasonable to take away a power from the Minister which is vested in him by the Act? The Minister will be in a position to see the trend of opinion then, whether there are fit and proper persons to take up the responsibility in a particular place or not. To ask that these appointments should be thrown open for election is to take away the power and discretion of the Minister. If it is found that a few members should be nominated nomination may have to be resorted to. In these circumstances, I have to oppose the resolution."

At this point closure was moved and carried.

The original resolution No. 24 was then put to the vote and lost.

Government subvention to local bodies for expansion of elementary education.

Mr. T. SIVASANKARAM PILLAI:—"I beg to move the resolution which stands in my name and which runs as follows:—

'25. *That this Council recommends to the Government that steps may be taken for the enhancement of subsidies paid to the local bodies towards expansion of elementary education so as to enable the said bodies to raise the salaries of the trained elementary school teachers of the higher and lower grades to Rs.* 35 *and Rs.* 30 *respectively with effect from* 1*st April* 1921 *refusing if necessary the allotment under furniture and school buildings to elementary schools.*'

"Mr. President, I hope that every member of this House will agree that the question of elementary education is the most important item in the programme of reconstruction. We will come to know the magnitude of this responsibility when we see from the Act that progress or advance on the road to responsible Government is made to depend, among other things, on education. The joint Committee's report explains what kind of education this is to be. It is mass education. It explains that the education we are expected to give must be such as to go down to the lowest strata of society, meaning the depressed classes and also untouchables. That is only so far as the quantity of education is concerned.

"What is the quality of this education? The quality is that it should make them fit to be free. From this the House will be able to judge what is the degree of responsibility that lies upon us in this matter."

"And now, what is the agency which we employ to carry out this important task? The so-called trained teacher is even, at his best, incompetent. He is ill-equipped. The standard of his education is low. That is the case with respect to the trained teacher, I mean the average trained teacher that we find in the villages. As regards the untrained teachers who form a large part of these teachers' services, they come from a class of people who seem to believe that, if a man is unfit for anything else, he can become a school master.'

"Our first duty is to create inducements to attract a better class of people for this profession. If we want to do that, the first thing is we must improve their prospects and increase their salaries so as to induce a higher class of people to come for these posts of elementary teachers. The average teacher now, including the trained teacher, is paid Rs. 12 plus Rs. 4. The process-server of the civil courts, the railway porter and the police constable are all paid much better than the elementary school teacher, who is in fact, the nation builder of to-day at the base. The teachers are treated much worse than the above-mentioned menials. I need not argue further upon this point. I only invite the attention of this House to the importance of this task. In view of the importance of this subject, I hope that all members will support me in this resolution."

Mr. M. C. Raja:—"Mr. President, I have great pleasure in seconding this resolution. I know the lot of elementary school teachers in this Presidency more than anybody else in this Council. Their lot is very miserable and very pitiable too. They have hardly enough to live upon in this world and they are actually struggling for existence. Unless they are enabled to take care of their bodies it is not possible for them to do good work in the schools. It is said that the body is the temple of the Holy Ghost and therefore the teacher must first of all take care of his body. Moreover, unless he keeps his body in a sound condition, it is not also possible for him to do good work. At present I am very sorry, Sir, that these elementary school masters are treated not as human beings. We were also for some time in the hands of these elementary school teachers and it is they that laid the educational foundation in us and had it not been for the trouble they took to train us and educate us during our early years, it would not have been possible for us to come here and be the representatives of democracy. Now, Sir, as my hon'ble friend Mr. Sivasankaram Pillai has rightly pointed out, the police constable, the porter in the railway station, the post peon and even the scavenger of the Madras municipality get better wages than these poor educated people who are doing immense work to raise the future citizens of this country. Sir, the other day, I received a copy of the administration report and I see therefrom that the Government have been, year after year, opening a number of schools and we have at present many public institutions. I see that there are 33,378 public schools and 3,435 private aided institutions. I ask you, Sir, is it not a waste of public money to start so many schools, if you do not provide these schools with better staff. I therefore think that these elementary school teachers should be better paid so as to attract better qualified men, and then alone the public money spent on these schools will have been properly spent. With these remarks, I heartily second the resolution."

Mr. G. Vandanam:—"Sir, of all the professions in the world, the profession of a teacher is the most noble, although not very well paid. The teacher has this satisfaction, that he is doing some service to the country although he be not well paid. But the elementary school teacher has not even that satisfaction. He has not come up to the level of appreciating his own services to the country in the

same way as the teacher of the higher forms has. Therefore an elementary grade teacher has always this feeling that he has some work to do, but generally he does not find outside work to do. Most of us know the lot of elementary school teachers in villages. In many families they go without decent wages. It is because they have no other way of supplementing their income and they are not properly paid. We cannot expect those teachers to stand before their students as models of virtue and as gentlemen whom the pupils should copy. As students get new ideas and new development, the first objects of criticism that come before their eyes are the teachers, and if the teachers cannot show some sort of dignity and some sort of pleasantness in their faces, the pupils will think poorly of their teachers. It is always necessary that the students should look upon their teachers as something more than ordinary people because it is they that plant the first impressions on the minds of the students."

"Secondly, these teachers, besides educating children in rudimentary principles of education, are doing some political service. Now, the franchise has given power into the hands of a number of people and if you go to the villages, the children imbibe from the village school their first ideas of civic life. Therefore these elementary teachers are educators of political life in villages and therefore, more than anybody else and more than any other profession, the profession of the elementary teachers deserves the good-will of this Council. If the Council cannot help to give increments to the salaries in any other department, surely this Council, in duty bound, ought to do something to make happier the lives of these poor teachers who have been building up not only the minds but the real character and the political ideas of the students and the villagers. Therefore I have very great pleasure not only to support this resolution but to urge, as far as it lies in my power, that the Government may be pleased to accept this resolution and give early and speedy relief to these elementary school teachers."

Mr. B. P. Devarajulu Nayudu :—"Mr. President, I have very great pleasure in supporting this resolution. It is a very important subject and it is not likely that every one would be in a position to understand the importance of this except those as are in daily contact with the elementary teachers. As the chairman of a municipality, I have some experience in the matter. Apart from the question of physical comforts to the teachers concerned, I think the present low pay that is given to them is certainly not sufficient to attract good teachers to the service. As a matter of fact we have teachers ranging from the age of 16. These are said to be trained teachers ; but their appearances are so disappointing that there is not the least chance of their inspiring any sort of confidence either in the persons who send their boys to the schools or in the boys themselves. I think, therefore, that better sort of people are necessary for taking charge of this elementary education. Unless the pay of the teachers is sufficiently enhanced, there is absolutely no chance of getting proper and fit persons as elementary school teachers. In view of this difficulty and the importance and the necessity of the subject, I strongly urge and support that this Council will be pleased to recommend that the salaries of these poor officials be increased to Rs. 35 and 30 as mentioned in the resolution."

The Rev. E. M. Macphail :—"I do not wish to oppose this resolution. I entirely sympathize with the attitude taken by the mover and the seconder. But this does not seem to be really the time to discuss it. We cannot discuss it until we know what is going to be the cost. We should like to ask Mr. Sivasankaram Pillai whether he means by his proposal to give grants also to those schools which are aided schools or merely to the elementary schools under board management.

As regards the elementary school teachers who are under mission and private management, I want to know whether the proposal is to give them anything. As a member of this House, I want to know how much the whole thing is going to cost. Secondly, while I heartily sympathize with the ideas, I think this subject should rather be brought up in connexion with the budget that we will have shortly before us. That is what I feel in the matter."

Mr. M. R. SETURATNAM AYYAR:—"Mr. President, I heartily support this resolution. This is a question of vital importance especially when education is now a transferred subject. The condition of the poor elementary school teacher is aptly described in a Tamil proverb: ஊருக்கு இளைத்தவன் பிள்ளையார் கோவில் ஆண்டி, அவனுக்கும் இளைத்தவன் திண்ணைப்பள்ளிக்கூடத்து வாத்தியார். Their condition is thus very pitiable. After undergoing training for nearly two years, the teacher is appointed on a salary of only Rs. 12 when an ordinary peon gets the same pay and even more. As the president of a taluk board, I am always pestered with memorials and petitions for increase of pay. I often pity their condition but feel helpless in the matter, as there is not enough money at the disposal of the local boards to meet their just claims. Government was pleased to grant a petty allowance of Rs. 4 a month for about a year but that will be stopped from the next month, and the local boards are then asked to adjust themselves, as, under the new Act, they are given increased powers to levy additional taxation. Additional taxation is not always popular and it is not likely that the local bodies will levy additional taxes immediately. The consequence will be that the elementary school teachers will not get any relief they are urgently in need of. In the interests of education, it is imperatively necessary that the school teacher should be above wants. In that case only, it is possible for him to take a real interest in his work. His energies ought not to be directed towards other means of supplementing his poor income to make both ends meet. The teacher should not be made to feel that his profession, though noble, is the sorriest trade. Local boards have numerous demands on their resources. It is not possible to meet the demands from the funds at their command unless supplemented by subsidies from Government. What we want is sound primary education. Money spent on buildings and furniture might be curtailed in favour of getting a body of contented teachers. The old village schools turned out some of our best men. Subsidies from the Government must be enhanced so as to admit local bodies to appoint efficient teachers. Efficient teachers could be secured only when they are paid well. Need I say that the primary duty of the State is to educate its people? In these circumstances, I heartily support the resolution."

Mr. R. G. GRIEVE:—"I just want to answer a question raised by Mr. Macphail as to what these proposals would cost, if we accept this resolution. I understand that the mover desires to limit his resolution to schools under the management of local boards. I am informed that the cost then would be something over forty lakhs. If the resolution was extended to include all classes of elementary schools, the cost would be about a crore and three-quarters. Now I do not think any member of this House would dissent from the proposition that it is very desirable and necessary to raise the pay of elementary school teachers. The difficulty that I am in is that the many proposals that I made for additional budget next year are likely necessarily to be curtailed for financial considerations. In voting on this proposition the House has to take practical considerations into account. The mover of the proposition proposed that the cost of his proposal should be met from the building and furniture grant allotted. In the first place

18th February 1921] [Mr. R. G. Grieve]

the building and furniture grant allotment is a non-recurring allotment. Sometimes the same amount is put in the budget for either both purposes but sometimes no amount is included. It is now proposed to meet a recurring charge from a non-recurring source. In the second place the amount so provided for furniture and buildings is never likely to cover more than a very small proportion of the cost involved in this proposition. It seems to me therefore that, while we are cordially agreed that the pay and prospects of elementary school teachers should be improved, this resolution is not the proper way to do it. Why should we not wait till the budget proposals are before this House? Then this House should see whether anything, and if so, what may be done for them."

Rao Bahadur V. APPASWAMI VANDAYAR :—"Mr. President, I sincerely sympathize with this resolution. Before we settle anything in an off-hand way, we can wait till the budget time. I think that is what I have to say."

Rao Sahib S. ELLAPPA CHETTIYAR :—"Mr. President, I heartily support this resolution. As an active worker in the local boards of Salem, I am personally aware of the great hardships to which these school masters are put to on account of the inadequacy of their salary. At present they are paid not more than Rs. 15 or Rs. 16 per mensem. Nobody will think that this pay will be sufficient for a family in these hard days. So I think the increase asked for in the resolution is quite reasonable and I support the resolution."

SAIYID MUHAMMAD PADSHA SAHIB Bahadur :—"Sir, I have great pleasure in associating myself with all that has been said in support of this resolution. It is a matter of common knowledge that all the elementary schools whether maintained by the local boards or run by private bodies are seriously hampered in the efficient discharge of their work, for want of efficient staff. How is this to be remedied? How is efficiency to be procured unless sufficiency of remuneration is not secured? When we are paying to our teacher much less for his day's work than what we give to a coolie who works for a day's wage in our fields how can we expect in the name of reason any efficient man to take up the work of a teacher in our institutions? The wonder is, Sir, that the present state of things is not much worse than what it was. The wonder is that in spite of the miserable pittance that we have been paying we are still able to pull on and our institutions are not completely depleted of their staff. It is a matter for extreme regret that the avocation of a teacher, though the noblest of all professions, is the sorriest of all trades. The reason is, Sir, that we all are carried away by the glamour of respect and reverence that a teacher commands, and think that of all the human beings who occupy any position in the world, he is the happiest. But, Sir, for mundane existence, it is not mere respect, mere reverence that would serve. A man wants many things on this earth. Physical needs have got to be satisfied.

"As the honourable mover informed us, the pay of the teacher of an elementary school is Rs. 10 with an allowance of Rs. 2 or Rs. 4. We have got to imagine how this miserable pittance will enable the teacher to make both ends meet. A sum of Rs. 12 or Rs. 14 is hardly sufficient to carry the teacher even through less than half the part of the month. What will he have to do for the rest of the month and what is to become of those who may depend upon him? The result is that the teacher in the elementary schools is half starved and is thoroughly disgusted with his miserable lot both in mind and in body. In spite of it all, this is the preceptor who has got to mould the minds of our youngsters; this is the preceptor who has got to lay in the susceptible mind of the child the foundation on which

the superstructure of the character of the child as a responsible citizen, as a worthy member of our Indian nation, has got subsequently to be raised. Therefore, Sir, the teacher, though insignificant in himself, is of vast importance to the nation. Even though we may like to treat with indifference the lot of a teacher on his own account, we should not close our eyes to the fact that the teacher has got a very powerful hand in the building up of our nation. For these reasons, Sir, I believe there is every necessity for us to enhance the pay of the teacher and improve his state even though at the cost of curtailing other expenditure."

Mr. S. Srinivasa Ayyangar:—"Mr. President, I do not like to say very many words on this subject. This is one of the most pressing problems of this Presidency; I have seen a whole number—I think over one thousand—of elementary teachers and I have moved with them, practically lived with them for a couple of days quite recently and I know all their grievances and I am quite convinced from an impartial point of view that their grievances are real and are by no means exaggerated. Their feeling is growing stronger and stronger, that they are not treated as well as they deserve to be treated. In that state of things the only solution suggested by sound statesmanship is to take warning betimes and to grapple with the problem so as to arrive at a satisfactory solution of it. Mr. Grieve, I think, said something about finances. That is a matter of detail. The real question is whether this Council is going to advise the Government indefinitely to put off increased payments of the elementary teachers on a more satisfactory basis than it is at present. If that is the position, let us say so at once. I expect that the Hon'ble the Minister of Education will speak upon the subject and I do hope that he will give his most cordial support to this motion. Of course it is for the Government generally, and for the Ministry of Education in particular, to find funds which are necessary for this purpose. I am perfectly certain that they should try their best to improve the lot of these most hard-working people. There might be various ways suggested of finding funds. Without going into details, one way that might be suggested is a drastic policy of retrenchment. I really cannot see why there is no great scope for retrenchment. But however, it is not necessary for me to go into that because it must be investigated at the proper time. In the second place, I suppose, money can be raised in a variety of other ways. Money can be and must be raised: I am not certain that in lieu of or in addition to taxation which the Minister of Education may have to undertake, that there may not be other ways of finding money. I do not see why the country should not be industrially developed so as to produce more wealth. It may be that it may not give you one immediate solution, but I am perfectly certain that in the course of a few years there will be more wealth in the country if you only set about it in right earnest. It is not by additional taxation that you may find wealth, but you must be able to find funds in other ways. It is, however, as I said, it is for the Government to make the proposals; on behalf of the elementary teachers I must say that they can only ask that the Government should somehow find funds for their most pressing demand. And as from no side of the House have I heard any dissentient voice I take it that the demand is a just demand and it is most urgent, it can well be unanimously conceded; I cannot understand the Government of Madras, assisted as it is, by the Ministry and functioning as it is, under the Reforms Act, will be unable with all their collected ability to find that solution which would produce happiness for the elementary teachers. For these reasons I most cordially support the resolution that has been moved and has found acceptance from so many of my friends in this house."

18th February 1921] [The Hon'ble Mr. C. G. Todhunter]

The Hon'ble Mr. C. G. TODHUNTER:—"Mr. President, the Honourable Member who has just sat down does not see why the Government of Madras cannot find a solution to the financial problem that is now before us. I should like to answer that no Government in the world could stand up to demands such as honourable members have been making for the last two or three days. I am perfectly ready to concede the necessity for dealing with this matter. I fully realize the strain on these teachers and I fully realize the political effects of having a discontented staff of teachers. I fully realize that this is one of the services to be recognized as a semi-national service and one to which the Government should contribute; and I think that it has been dealt with in the very able report of the Financial Relations Committee on that basis. My friend opposite suggests that no trouble need have arisen, if we had taken timely steps to deal with the situation. My reply is that that is just what we asked the local bodies to do. So long ago as August last, we gave them a grant to tide them over and warned them that it would not be repeated and that they must make their own arrangements before April. Has any local body done anything with reference to that warning? I do not for a moment wish to oppose the demand for increased payment to the teachers. But what I do wish to oppose is this constant attempt to draw on the treasury as if its resources were inexhaustible.

"We are now in the dawn of democracy and responsible government in this country, and I am sorry to find that in this new dispensation it falls to the lot of the guardian of the treasury not only to lie awake at nights thinking how he is to meet the lurking and insidious stratagems by which the departments seek to get at his money bags, but also to stand on guard by day against daylight dacoity by respectable gentlemen whom as representatives of the tax-payer he ought to be entitled to regard as his supporters. Only two days ago, the Hon'ble Mr. Siva Rao cut off all the increase in land revenue by securing the passing of a resolution suspending settlement operations. The Hon'ble Mr. Ramachandra Rao is now going to bring in a Bill to cut off Excise at its source."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I should like to rise to a point of order. Not because I resent the statement made by the Hon'ble Mr. Todhunter but I do not wish that anything that he says to-day in advance of my Bill should prejudice my Bill. I therefore rise to a point of order whether the Hon'ble Mr. Todhunter can refer to a Bill which is not properly before the house."

The Hon'ble Mr. C. G. TODHUNTER:—"Since the Honourable Member presses the point, I will pass on from 'Excise' to Mr. Krishna Rao who called upon me yesterday to stand and deliver a small sum of 61 lakhs for local bodies. Beside this, a demand for one lakh for water-supply in Ganjam seems comparatively trifling, but I can't say the same of the present mover's proposal, whether what he wants is only 45 lakhs for local fund schools or 173 lakhs to deal with all classes of schools.

"As I have said, we are in the dawn of democracy. An Honourable Member representing a taluk board has said on this motion that taxation is a very unpopular thing with such bodies. I hope that as democracy develops that view will disappear. If honourable members who are of that way of thinking would study the latest developments of democracy in England, that is, the condition of the taxes, or rather, the rates, in boroughs which are managed by the Labour Party, they would find reason to modify their views in this respect. Take, for instance, the case of the borough of Norwich, where the rates under what is practically Labour Government have risen to 28 shillings in the pound, that is to

say, a man paying a rental of Rs. 200 a year for his house would have to pay rates of Rs. 280 a year on the same house. If honourable gentlemen who think that the rates in India are high would compare this with the present conditions under which 1 anna 6 pies in the rupee is practically the maximum that is to say, the house in question could not be rated above Rs. 18-12-0, they will see what a very long way they have yet to go in the matter of raising the rates in order to catch up the really democratic bodies in England.

"I hope that the time will come before long when we shall see democratic development on these lines in India also, and when local bodies will not be afraid to increase the rates in order to meet the demands on account of semi-national and local services.

"The question here is the old question between the rate-payer and the tax-payer. There are numerous honourable gentlemen in this house whose interest in local bodies tends to make them favour the cause of the former against the latter. I would ask them to remember that they represent the latter also and that the question which is really before the house is whether we are to impose additional taxation of a general nature on the numerous tax-payers or to ask local bodies to use the powers of taxation which they already have in the case of the less numerous but more insistent rate-payers."

Mr. S. T. SHANMUKHAM PILLAI:—"Elementary education is the foundation of all education. I think it is necessary to place elementary education on a proper basis. No proper man would now accept to take up the profession if he is paid less than Rs. 20. I think, Sir, with your permission, I may move an amendment."

The Hon'ble the PRESIDENT:—"Does the Honourable Member move an amendment?"

Mr. S. T. SHANMUKHAM PILLAI:—"Yes."

The Hon'ble the PRESIDENT:—"The Honourable Member has not given notice of the amendment. I cannot accept the amendment at this stage. The Council will proceed with the discussion of the resolution."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I think the only usefulness of a discussion such as this is that it has put the Finance Member on his defence. I think the Honourable member who has given notice of this resolution has really brought it forward more or less with a view to see that proper budget provision is made for elementary education. A great deal has been said to-day about the continuity of policy. The object of this resolution is to secure a certain amount of continuity of policy in regard to the elementary school masters. The Hon'ble the Finance Member has compared some of my colleagues to daylight dacoits. I quite understand the spirit in which the Honourable Member has drawn this comparison. It is very unfortunate that the comparison should be with a class of disreputable men. But I am at one with him that the general effect of accepting this resolution would be a very serious burden on provincial finances. There is no doubt at all about this fact. In dealing with a question such as this, I must inform the Hon'ble the Finance Member and the Hon'ble the Education Member that local bodies are in very serious straits at present in finding funds for elementary schools. A grant of Rs. 4 for each teacher was made, I believe, for eleven months of the current year and it amounted to about 13 lakhs of rupees."

Mr. C. V. S. NARASIMHA RAJU:—"Is it not 23 lakhs?"

18th February 1921] [The Hon'ble the President]

The Hon'ble the PRESIDENT :—" Is the Honourable member rising to a point of order? "

Mr. C. V. S. NARASIMHA RAJU :—" No, I am just asking the Finance Member whether it is 23 lakhs or not."

The Hon'ble the PRESIDENT :—" The Honourable Member is out of order. He has other opportunities of asking the Finance Member for information."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Well, Sir, it does not matter whether it is 9 lakhs, 13 lakhs or 23 lakhs. It is a very considerable sum. Now on this question the Government in making this grant sent round a circular that they would not make this grant for the coming financial year. As soon as I received this order, as President of one of the district boards, I communicated it to all the taluk boards and the result is that I have been flooded with numerous communications from each taluk board that they cannot balance their budgets. It seems to me, therefore, that this grant is, at any rate, covered by the provision of the Elementary Education Act which says that Government would continue the existing grants. The same Act says that any help from Provincial funds would be in addition to existing grants. Therefore I submit to this House that the Honourable Member who has brought forward this resolution wishes to draw in advance of the Budget the attention of the Hon'ble the Education Minister and the Hon'ble the Finance Member as to the necessity of making ample provision for elementary education. Of course we had many kinds of grants for elementary education, for example, the two lakhs grant which has been put in the budget for a number of years. I am not at all inquiring for information; I do not know whether this is the proper opportunity for it. But undoubtedly some provision, ample in its character, though not exactly in the same manner as has been indicated in this resolution, has to be made, and unless this is done, I share the feeling of many of the honourable members here that there should be a very large number of discontented teachers and it would in itself be from a political standpoint a very unfortunate state of things. Therefore I do not think that any useful purpose would be served by dividing this House on this resolution. But at the same time I would impress on the Hon'ble Mr. Todhunter and the Hon'ble Mr. Subbarayulu Reddiyar the necessity of making suitable provision for elementary education. Of course if any statement can be made, it will give us all great satisfaction. But if the Government are not in a position to do so, I suppose it is time enough to make up their minds on the matter. If any statement can be made, it will be quite welcome. If they are not in a position to make any statement on the subject, all that I can say is that every one in this House is anxious that ample provision should be made for elementary education. I do not think, Sir, that it would be right on the part of the Ministry of Education to keep silent in the House without making a statement."

Mr. C. V. S. NARASIMHA RAJU :—" Mr. President, I wish only to add that though the Government gave a warning when giving the grant of 23 lakhs last year that the board schools would not be given further grants, in a subsequent order of the Government under the Elementary Education Act, it was stated that all the grants now being given to local bodies as recurring grants should be continued. As this is a grant of a recurring nature, I hope that the Government will see their way at least to continue the 9 lakhs grant to local bodies. Unless they do this, having once given the grant to local bodies and the local bodies not being in a position to give enhanced salaries from their own resources, there will be greater trouble. Therefore I hope the Government will see their way to give them that much."

[Mr. A. P. Patro.] [18th February 1921

Rao Bahadur A. P. PATRO:—"Sir, I have but one remark to make that we should place our demands before the Finance Member in order to enable us to understand how far it would meet the demands of elementary education in our districts. Mr. Ramachandra Rao, therefore, has rightly asked either that a statement should be made or that some indication should be given of what we may expect in the budget with regard to elementary education. I would only submit to the House that the position of elementary teacher in the rural areas is very important. When he is discontented, it should be understood that the whole rural population will be discontented. He is the interpreter of the ways of the Government to the rural population. The village teacher, the village schoolmaster, reads out the newspapers to them and tells what the Government says or what the Government Member does. He also interprets to them the ideas of social and sanitary principles. When a schoolmaster like that who is the centre of influence in rural areas is discontented, it is a very great matter to consider in the interests of the administration of the district and of the country. Therefore it is urgent that some provision should be made in order that the discontentment may be alleviated. The whole question as has been put to you is where to find funds. In the Elementary Education Act the burden is thrown upon the taluk boards and the local area to find funds for the development of elementary education. It may also be rightly said that the development of elementary education is a charge on the local rates and is not a charge on the provincial taxes. I agree with that contention. It is also pointed out that the Financial Relations Committee have recommended that the elementary education fund should be met out of the rates and that no surcharge should be made or local funds should be supplemented from the subsidies of the Government. Nevertheless, in rural areas our funds are not sufficient to meet the requirements of elementary education. We are also told by the Finance Member that with so much strain on provincial finance it would be impossible to adjust the demands made upon him. But nevertheless it is possible to find as it was found last year to make a grant, a provision for these elementary schools and elementary teachers so that the great demand from these teachers may be satisfied and contentment may prevail and the administration may be properly interpreted to the people. If such a thing is not done, I am sure that what is going on in rural areas will be more intensely developed and the discontent will be so serious that it may not be possible for responsible persons to meet the osition in rural areas. I know personally in some areas that the schoolmasters have been exercising such a sinister influence on account of their discontentment on the rural population, and it is only possible to meet that grave situation by means of an assurance that their desire will be satisfied as far as possible and to a legitimate extent their needs will be supplied. Otherwise I am sure from what little I have seen in two districts it may not be possible to effect any amount of conciliation or any amount of satisfaction among the rural population. Remember that the elementary schoolmaster is the centre of influence in rural areas. It is he that interprets the ideas of Government to the rural people. We do not know always what is happening in the villages. We are not in constant touch with the rural areas. It is the schoolmaster who is in constant touch with them and whatever he says is gospel truth to the ryot, the villager; he does not question him, he does not ask him whether it is true or not, but takes the whole thing as true and accepts the statement. Therefore, whenever the village teacher is discontented, whenever his position is not properly recognized, remember that the schoolmaster has every opportunity of misrepresenting to the people the administration and its aims and thereby propagate the dissatisfaction among the rural population and in

the taluks, if not in the districts. It should be remembered by Government that this is an urgent need and unless this is satisfied discontentment will grow day after day, and it will be difficult to cope with the situation arising in rural areas."

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Sir, this resolution consists of three parts. The first part is the enhancement of subsidies paid to local bodies towards the expansion of elementary education; the second part is the enhancement of the pay of the trained elementary school teachers of the higher and lower grades to Rs. 35 and Rs. 30, respectively, and the third part is to reduce if necessary the allotment under furniture and school buildings to elementary schools.

" So far as the first part is concerned, that is a thing which will meet with the approval of all the members of this Council. There is no question that elementary education is one of the subjects which ought to receive the anxious consideration of this House and something must be done to satisfy the wants of the teachers and the enhancement of subsidies is one of the several ways.

" There can be no doubt with regard to that. As to whether local bodies will make a proper use of the subsidies granted to them, that is a matter for the Government. We can easily find out whether it has been properly used or not. In case it has not been properly used, the Local Government may compel the local body to make a proper use of these subsidies.

" With regard to the second part, that is, the question of raising the pay of the higher and lower grades to Rs. 35 and Rs. 30 respectively, that is a matter on which some more consideration ought to be bestowed. No doubt, the pay of the elementary school teachers is not satisfactory. Of course, whether it is possible to raise the amount to Rs. 35 and Rs. 30 depends upon a consideration of a number of other circumstances. We ought to see what exactly is the state of funds at our disposal and what are the several demands that we have to meet. It is only on a consideration of all these things that we shall be in a position to consider whether Rs. 35 or Rs. 30 will be the proper amount. So far as I am concerned, I think that Rs. 35 and Rs. 30 are rather too much to be thought of at this juncture. About Rs. 25 or Rs. 20 may be a reasonable amount. At the same time I am not able to agree with the Hon'ble Mr. Patro, when he says that because these elementary school teachers use all their influence to spoil the minds of the villagers, their pay should be increased. It is not part of the business of the elementary school teachers to read papers to the villagers or to school boys and if any such teacher misbehaves in this respect, he should rather be dismissed than have his pay raised to Rs. 35 or Rs. 30. In fact, to do otherwise would be to hold out a premium to all elementary teachers to claim more and more. At the same time, this is not the proper time to consider the question to what extent the pay of teachers should be increased and what amount of enhancement should be made. Therefore, these matters can be considered at the time of the budget and after seeing the several amounts that we will have at our disposal. No doubt as matters now stand it may not be possible to give a sufficient amount towards the spread of elementary education from the available funds. We may be obliged to raise an education tax for this purpose. These are all matters to be considered later on, so that, as regards the second part, I am not able to agree and with regard to the third part of the question that the allotment under furniture and school buildings to elementary schools should be reduced, there also I submit I am not able to agree. I think there ought to be proper school buildings, there ought to be proper furniture ; without proper building and without proper furniture no education will be complete. The furniture and school building tend to improve the minds of the

students and not merely of the teacher himself. Therefore in no circumstances should the allotment that we can possibly give under furniture and school buildings be cut short, simply with a view to raise the pay of the teacher.

"Therefore on the whole as the resolution now stands, I am constrained to oppose it, though I may agree with some parts of it. As the resolution now stands without any amendment it is not possible for me to vote for it."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAIDU :—"Mr. President, I simply rise to ask whether, after all this has been said, it would not be possible for my friend to withdraw this resolution at this stage with a view, if necessary, to bring it after the budget is presented."

The Hon'ble Diwan Bahadur A. SUBBARAYULU REDDIYAR :—"I need hardly say that I am in as much sympathy with the elementary teachers and with the mover as I can possibly be, as I can be expected to be. My friend Mr. Ramachandra Rao has asked me for a statement. I must frankly confess that I am not in a position to make a hopeful statement, but I would ask him to wait till the budget stage or till the report is forthcoming from the salaries committee appointed yesterday and then make up my mind to say what could be done for the elementary school teachers."

Mr. T. SIVASANKARAM PILLAI :—"In view of what has been stated by the Minister for Education, I should like to withdraw the resolution with liberty to bring it. . . ."

The Hon'ble the PRESIDENT :—"There is no such thing as a conditional withdrawal provided in the Standing Orders. Therefore the Honourable Member must either withdraw the resolution or let it go to a division and if the Honourable Member wants to withdraw it, it is my duty to take the view of the Council."

Mr. T. SIVASANKARAM PILLAI :—"I will now apply for leave to withdraw."

The Hon'ble the PRESIDENT :—"I will now put it to the Council. Is it the wish of the Council that the Honourable Member should be given leave to withdraw his resolution?"

Leave having been given by the Council, the resolution was withdrawn accordingly.

The Hon'ble the PRESIDENT :—"I would mention to Honourable Members, if I may, that in view of the condition of the work before the Council, I would ask if Honourable Members would support me in the proposal not to adjourn for lunch to-day but to do what we did the day before yesterday: that is, resort to the lunch room and the restaurant by batches. I would only ask them to do me the favour of leaving a sufficient number behind so that we may have a quorum. I hope I am not taxing the Honourable Members unduly. I am doing it in their own best interests."

Half-fees for Muhammadan students in private-aided schools and colleges.

Khan Bhadur MUHAMMAD USMAN SAHIB Bahadur :—"Sir, I beg to move the following resolution :—

'26. *That this Council recommends to the Government to take early steps for enabling Muhammadan pupils and students to study in all private-aided schools and in all colleges on half fee as is the case in all Government schools, the Government undertaking to make good the loss which the management in the case of private-aided schools and colleges would sustain on account of this concession.*'

18th February 1921] [Mr. Muhammad Usman Sahib]

"I wish to be very brief in moving this resolution and I hope this Council will accept it. For a number of years ago, before the University Act of 1904 was introduced, the Muhammadan students and pupils paid half fees in schools and colleges both private and Government. After the introduction of the Universities Act, the expenditure on education has increased and so some of the private-aided schools and colleges began to demand from the Muhammadan students and pupils the same fee as they would get from the other students. Of course, they are perfectly justified in doing so on account of the increased cost. They cannot take Muhammadan students and thus suffer a loss. Sir, several pupils and students left schools and colleges on account of the fact that they were not able to pay this increased fee. Now Sir, what I want is that the Government should make good the loss that private institutions are apt to suffer on account of admitting Muhammadan students and pupils in colleges and schools and then, I think, the Muhammadan students would be much better off. The Muhammadan education at present is not at all satisfactory. Every year only a handful of graduates are produced. I think, after all, it is a question of policy and if the Government is sympathetic and if it can accept this resolution, it will be a great advantage to the Muhammadan students."

Mr. Abbas Ali Khan:—"Mr. President, I have got much pleasure in supporting this resolution, because, rightly or wrongly, just before the advent of non-co-operation movement the withdrawal of the concession of half fee for Muhammadan pupils was brought into force and many people began to think that it was a severe retaliation made by Government over non-co-operation on the part of Muhammadans. Whether it is accidental or deliberate I am not at all in a position to say. But the fact remains that full fees was collected under the University Act of 1904, which came into force very very recently, I believe sometime last November. The result is, that a vast majority of our students who cannot afford to pay the school fees are not having the benefit of collegiate and school education. The result is that the ranks of unemployed people who are roaming about the streets are swelling every day and you find a majority of school-going population employing their time not as useful citizens but spending their time in idleness. I therefore support the resolution most heartily and commend it to the acceptance of the House and hope that they will carry it unanimously and see that the Muhammadan education makes tremendous strides in the Presidency. With these remarks I beg to support the resolution."

The Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar:—"Sir, the Government are prepared to accept this resolution provided the Honourable Member substitutes the word 'institutions' for 'schools'."

Khan Bahadur Muhammad Usman Sahib Bahadur:—"I have no objection."

The Hon'ble the President:—"Does any Honourable Member second it?"

Rao Bahadur A. S. Krishna Rao Pantulu—"I second it."

The Hon'ble the President:—"Proposed and seconded that in the third line of the resolution for the words 'schools' the word 'institutions' be substituted. In that form I will put it to the Council."

The resolution as amended was carried *nem con.*

Rao Bahadur A. S. Krishna Rao Pantulu:—"There is, Sir, another amendment to the resolution on the supplementary agenda-paper."

[The Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar] [18th February 1921.

The Hon'ble Diwan Bahadur A. SUBBARAYALU REDDIYAR :—"I accept the amendment on condition of the mover omitting the words in the second line 'including technical schools and colleges other than elementary schools'."

The Hon'ble the PRESIDENT :—"I must ask Honourable Members to be more alert. I have got the whole agenda before me. When a particular resolution is before me, it is my duty to put it before the Council, and if any amendment has to be moved, it is not open to Honourable Members to move it after the motion has been carried. There is no authority for me to do so. It is out of order to ask the Council to reconsider any matter unless it is a matter of very great importance and consequence. You may allow the resolution, as passed, to stand and bring an amendment at a later stage."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I will bring the amendment now."

The Hon'ble the PRESIDENT :—"I think you cannot. I would however put it to the Council, because it would always be open for the Council to go back upon its decision. What is the wish of the Honourable Members ? Do they permit Honourable Member to move his amendment ?"

Leave having been given by the Council, the Hon'ble the PRESIDENT said :—"If that is the general wish, I have no objection. Will the Honourable Member kindly move his amendment ?"

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I rise to propose the following amendment :—That in line 2 'and backward classes' be inserted instead of the words 'Muhammadan pupils and students' and in line 3 *substitute* 'educational institutions other than elementary schools' *for* 'schools' and in line 4 'institutions' *for* 'schools and colleges.' The amendment was seconded duly.

The Hon'ble the PRESIDENT :—"The amendment has been proposed and seconded. Do Honourable Members agree ?"

Honourable Members :—"Yes."

The Hon'ble Diwan Bahadur A. SUBBARAYULU REDDIYAR :—"I accept it."

The Hon'ble the PRESIDENT put to the vote the resolution as thus further amended and declared it carried.

Mixed committee to advise on economy in public expenditure.

Mr. P. SIVA RAO :—"The resolution which I have the honour to move stands thus :—

'27. *That this Council recommends to the Government that with a view to secure economy in the several departments a mixed committee of officials and non-officials may be appointed to scrutinise public expenditure in this Presidency and to make suitable proposals in connexion therewith.*'

"In connexion with this proposition or resolution, there is a feeling that I should not move it until after the budget is introduced."

The Hon'ble the PRESIDENT :—"I would call the attention of the Honourable Member to Standing Order No. 56 under which two alternatives are open to him, i.e.—'Either to withdraw the resolution, in which case he shall confine himself to a mere statement to that effect' or 'move the resolution,' and I beg of the Honourable Member to exercise his choice."

Mr. P. SIVA RAO :—"Only I mentioned that there was a feeling for the adjournment of this motion amongst the members."

18th February 1921] [Mr. C. V. Venkataramana Ayyangar]

Mr. C. V. VENKATARAMANA AYYANGAR :—"I formally second it."

Mr. R. SRINIVASA AYYANGAR :—"I formally move that this be adjourned for the reason already given. The Honourable Member has told us that none of us seems to have a clear idea as to what the budget is likely to be. It may be a bogey budget or a prosperous budget. There is time enough to fight this matter out with success. Therefore I formally move that the consideration of the subject-matter be postponed till after the presentation of the budget."

The Hon'ble Mr. C. G. TODHUNTER :—"Mr. President, before this motion for adjournment is accepted I have got a word to say. I do not want to oppose this committee or an examination of this question. But I do think that the House, before they appoint a general committee to go into the question of economy, should study what has been the result of the appointment of similar committees in other countries. I would ask the honourable members to reconsider the form of their resolution after studying the results of similar enquires in England and other places and propose a committee based upon the most successful of these. In other words I would ask them to withdraw the resolution and move a fresh one."

The resolution was deferred accordingly.

Mixed committee to report on reduction of establishment charges.

M. C. V. VENKATARAMANA AYYANGAR :—"In view of the other proposition I withdraw my resolution—

" '28. *That this Council recommends to the Government that a committee consisting of officials and non-officials be formed to enquire and report as to the best way of reducing the establishment charges in all departments* (1) *by reducing establishments both in lower and higher grades* ; (2) *by reducing the pay of officials drawing over Rs.* 1,000 *a month* ; (3) *by reducing the work now required to be turned out* ; (4) *by substituting Indian for European officers* ; *and* (5) *by such other means as may appear reasonable* ' ."

The resolution was by leave withdrawn.

Revision of salaries.

Mr. K. GOPALAKRISHNAYYA :—"I beg to move—

' 29. *That this Council recommends to the Government the reconsideration and revision of salaries with a view to their reduction, especially those of officers now drawing more than Rs.* 200 *per mensem, and with a view to increase those under Rs.* 100.'

" In doing so, I will adduce a few more grounds. This resolution relates to retrenchment and overhauling of salaries that have been granted to gazetted officers entirely and it is admittedly moved in the interests of the non-gazetted officers. The other day the Council was pleased to appoint a committee to go into the question of the salaries of non-gazetted officers. But it is only a temporary measure. Whether the current budget would admit of any such proposals remains to be seen at the time of budget. But this resolution covers a wider ground. It recommends that the salaries of officers who have been drawing Rs. 200 and above may be reduced and the salaries of officers drawing Rs. 100 and below increased. In this connexion I shall submit to the House that the establishment has been made top-heavy. Unmindful of the weakness of the foundations, Government

have constructed a superstructure which is very heavy and now that there is a great need to strengthen the foundations, the Government are unable to find resources for the same. My point is that brick and mortar may be chipped off from the superstructure and be applied towards the construction of bulwarks and towards the patching up of cracks which have been created in the arches and walls which are to support that superstructure. We were made to understand the other day by the Finance Member that the Government are not in a position to meet our excessive demands, but my point is that some committees, of course not of the same sort as that of whose recommendations I complain, might set even after the passing of the budget to consider and take action with regard to this matter. I therefore commend this resolution for the acceptance of this House."

Rao Bahadur T. Balaji Rao Nayudu :—" I beg to second this resolution. But I am afraid the resolution has not been carefully worded because in one stroke it says that the salaries of all officers drawing Rs. 200 must be reduced and those below Rs. 100 must be raised. This is not possible. There is no doubt that the country is feeling that there is a lot of increase in the salaries and the country is not susceptible of further taxation; so everybody is looking forward to a reduction of salaries of establishments. If you compare the last budget figures, you will see that the land revenue expenditure in 1918-19 was 129·89 lakhs against 201·57 lakhs in the current year. In forest there was an increase of 11·49 lakhs, in general administration 6·51 lakhs, in courts an increase of 13·71 lakhs, in police an increase of 25·74 lakhs, in medical 17·63 lakhs—in all amounting to a total of 146·79 lakhs. Taking the six departments referred to, the increase seems to be due to various reasons which are intended of course for the benefit of the country and the administration. The increase was started in the Civil Service and the Imperial Services. Evidently the Secretary of State wanted to make the increase for the benefit of the country, just to make the higher officers take more kindly to the Reform Scheme. When that was done, there was a difference between the European officer and the Indian officer and in consequence the question of increasing the Provincial officers' pay was raised. That is how a layman understood the whole thing. The effect was to set the non-gazetted officers working how to increase their salaries. But for this I suppose there would not have been so much cry among the non-gazetted officers for the increase of their salaries. Whatever that may be, the increase once given cannot be taken away. They must continue even if the Provincial Government does not agree to. It is only in the matter of few recruitments that they could say what pay would be reasonable and how expenditure could be remodelled, but in the case of those who were granted increased salaries they must continue till their retirement. That being so, there is nothing that can be done at once to curtail the salaries of the existing officers. So I propose that a committee consisting, if the President will kindly permit me . . ."

Rai Bahadur T. M. Narasimhacharlu :—" I rise to a point of order. Having seconded the proposition, is the Honourable Member in order in opposing it and also proposing an amendment?"

The Hon'ble the President :—" It is open to the Honourable Member to second a resolution and deliver a speech. But it is not open to him to amend it in the same breath. Some other Honourable Member must do it."

Rao Bahadur T. Balaji Rao Nayudu :—" I second the resolution."

Rao Bahadur A. S. Krishna Rao :—" I rise to propose an amendment to this resolution, suggesting the deletion of the words " With a view to their reduction,

18th February 1921] [Mr. A. S. Krishna Rao].

especially those of the officers now drawing more than Rs. 200 per mensem and '. The resolution as amended would read thus: —

'This Council recommends to the Government the reconsideration and revision of salaries with a view to increase those under Rs. 100.'

"I propose this amendment because I do not wish it to be suggested that after having passed a resolution yesterday for providing better pay for non-gazetted officers and after having appointed a committee for that purpose, we are now proposing the reduction of salaries above Rs. 200. The spirit of the resolution is that in the case of those who draw less than Rs. 100 special steps should be taken to improve their lot. The resolution suggests that persons drawing less than Rs. 100 should be joined in one group and it is necessary, in order to give them adequate increase, that we must reduce the pay of officers drawing more than Rs. 200. I do not think that the honourable mover of this resolution will lay special stress on the limit of Rs. 200 in view of the resolutions passed in this House that something should be done to improve the lot of non-gazetted officers to which he also appears to have subscribed. When an inquiry is made, it will be open to the persons conducting the inquiry to suggest in what way a reduction can be effected so as to afford relief to these people. With these remarks, I propose to move my amendment."

Mr. A. RANGANATHA MUDALIYAR :—"I wish to second the amendment proposed by the Hon'ble Mr. A. S. Krishna Rao. We want a general investigation in order that justice may be done to those drawing very low salaries."

The Hon'ble the PRESIDENT :—"Proposed and seconded that the words 'with a view to their reduction . . . than Rs. 200 per mensem and' be omitted from the resolution. That is the amendment now before the House."

Mr. K. GOPALAKRISHNAYYA :—"I do not accept the amendment, Sir."

Mr. C. V. S. NARASIMHA RAJU :—"With regard to the amendment, is it in order to speak now?"

The Hon'ble the PRESIDENT :—"The Honourable Member can propose his own amendment, if any, but I think it will be more to the convenience of the House if he would allow the amendment already before it to be disposed of first."

Mr. S. SOMASUNDARAM PILLAI :—"Sir, I strongly support the amendment. Of course, it is very necessary to increase the pay of the people who receive lower salaries, but I cannot understand the meaning of reducing the salaries of those who are already receiving higher pay on account of their capacity and ability. If a man wants to give additional strength to his house, it is not necessary for him to destroy the upper portions of the house. If necessary, we may reduce the departments and instead of a large number of officers we may have fewer officers, but to reduce the pay of the officers who are already receiving higher salaries is a rather curious kind of improvement. In this view I strongly support the amendment."

Rao Bahadur K. S. VENKATARAMA AYYAR :—"I support the amendment in this view that recently still higher officers have been demanding higher pay and the non-gazetted officers and other people are recommended higher pay on the ground that the superior gazetted officers have been given higher pay. Now we are in a position to admit the reasonableness of the claims of these non-gazetted Government officers and one reason assigned for giving lower pay to them is that they can look up to higher appointments to which they may work their way up by merit, and if higher pay is fixed for the superior posts, the subordinates can get

promotion to such posts when they are found fit. It was only last year that the Government raised the salaries of deputy collectors, district munsifs, etc. It is a different matter to say that so many officers are not necessary but to reduce their pay is going too far. As to other matters we may all wait and see how the financial proposals would affect the coming budget. I therefore support the amendment and I think that in this matter there need be no hesitation whatever in accepting the amendment."

The Hon'ble the PRESIDENT :—"Honourable Members will understand that acceptance of the amendment does not mean acceptance of the resolution. If the amendment is passed, the amended resolution will be before the Council."

Diwan Bahadur Sir P. TYAGARAYA CHETTI :—"How would the resolution read if amended ?"

The Hon'ble the PRESIDENT :—"It would read thus :—

'*That this Council recommends to the Government the reconsideration and revision of salaries with a view to increase those under Rs.* 100.'

"I trust Honourable Members understand me when I say that I am only putting the amendment to the Council. The mover has not accepted the amendment and I am bound to put it to the Council. If the Council accepts the amendment, it means that discussion should proceed on the resolution as amended."

The amendment was put to the vote and lost.

The Hon'ble the PRESIDENT :—"Therefore the discussion will now proceed on the original resolution."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"May I ask the mover of this resolution if he has any objection to withdraw the resolution ?"

Mr. K. GOPALAKRISHNAYYA :—"I shall say definitely at a later stage."

Mr. C. V. S. NARASIMHA RAJU :—"Mr. President, with your permission, I wish to move an amendment. If amended as I propose, the resolution would run thus :—

'*That this Council recommends to the Government that with a view to secure economy without affecting the efficiency of administration, a mixed committee consisting of officials and non-officials of this House may be appointed to scrutinize the expenditure on the provincial and subordinate services in all departments and submit exhaustive proposals for being considered with the budget proposals of* 1922-23'."

The Hon'ble the PRESIDENT :—"I am sorry I cannot accept the amendment. It is out of order. I assume that the Council wants no further discussion. I will now put the original resolution to the vote."

Mr. K. GOPALAKRISHNAYYA :—"At this stage I am constrained to withdraw the resolution."

The Hon'ble the PRESIDENT :—"Has the Honourable Member the leave of the Council to withdraw his resolution ?"

The resolution was by leave withdrawn.

Separation of judicial and executive functions.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I beg to move the following resolution :—

'30. *That this Council recommends to the Government that steps should at once be taken to separate executive and judicial functions completely in this Presidency and that all judicial officers should be placed directly under the control of the District and Sessions Judges and of the High Court,*'

18th February 1921] [Mr. C. V. Venkataramana Ayyangar]

"I would submit, Sir, that this is not a new proposition. We have heard the principles of this proposition discussed in several places and several times before and I therefore do not think it necessary to spend the time of this Council in giving any elaborate reasons for carrying out this resolution. Lawyers as a rule and parties know the difficulties and inconveniences that they are put to by the combination of judicial and executive functions in one and the same person. Fortunately for us now we have got experienced lawyers both as Members as well as Ministers and they must know the inconveniences to which parties are put owing to this combination of functions. First of all, I may give a few instances of inconveniences that are caused very often. Owing to the fact of an officer having combined in himself both revenue and judicial functions as at present, the Magistrates have to go long distances, and witnesses and parties are also dragged to those places of camping. We know that Revenue Divisional officers are also first-class Magistrates and have generally got appellate powers in criminal cases against the decisions of second-class and third-class Magistrates. They have jurisdictions over two or three taluks and they generally camp in different places. Consequently the cases are posted in various corners of taluks and parties from one taluk are very often dragged to the corners of another taluk. This has been the result of the combination. However much many officers may not like to inconvenience the people, we know as a matter of fact in some cases that Magistrates are not anxious to release people on bail after conviction. They just pass sentence on a man and at once get into the camp and go from place to place so that even a copy application cannot be given in time. There have been some cases of this kind and I do not think it will be necessary to go into details. One great objection, apart from inconvenience, is the great hardship and sometimes injustice caused to parties. Revenue officials generally have various avocations and various departments to look after and they come in contact with a number of people of various shades of character and occupations, with the result that they very often form prejudices towards or against particular parties, and when such people go before the officers as parties either for the prosecution or defence or as witnesses on the one side or the other, their prejudices naturally have an influence over them and they decide cases according to the predilections or prejudices which they have already got. At least in some cases it must be so.

"Now, so far as the second and third class Magistrates are concerned, it is the Stationary Magistrates who dispose of these cases. But we know that Stationary Sub-Magistrates are generally presumed to be Deputy Tahsildars and are subordinate practically to the Tahsildars and in fact subordinate to the Deputy Collector. Therefore, if a Tahsildar prosecutes a man for any revenue offence, it is a well-known fact that the Deputy Tahsildar very rarely cares to acquit the man after the evidence given by the Tahsildar and very often by the Deputy Collector.

"Therefore, it is extremely necessary to see that justice is done to the parties, that criminal administration should be absolutely separated from the revenue administration. We know, Sir, some objections are raised, and one of them is the well-known objection of prestige. When Stationary Magistrates were appointed, we know how the objection of prestige was raised and we were told that when once the Tahsildars were deprived of their magisterial powers, they would lose all their prestige in the villages and the Government would suffer because on account of his having been deprived of magisterial powers, the Tahsildar would have no control over the people, and no kist would be collected because the Tahsildar would be considered to have been shorn of his sting and therefore no man would pay the kist regularly. But the experiment of having Stationary Sub-Magistrates has

shown that the one function has nothing to do with the other, and the payment of kist is going on as regularly, and probably, more regularly than before, because Tahsildars have now more time to devote themselves to the collection of revenue work instead of spending their time in criminal work. One other objection, that I might anticipate—probably it may be raised by the Ministers and Members in charge of the Government—may be the question of cost. It may be said that the separation of the judicial from the executive functions may in some cases add to the expenses already incurred. And, of course, the Finance Member will say, 'This is another attack on me, because already I have had a number of attacks before.' I will submit that with experienced civilian officers in charge of the various offices of Government and various Indian officers with plenty of experience in worldly affairs, there should be absolutely no difficulty in framing such a scheme, separating the executive from the judicial functions, without adding to the cost. It has been suggested in some other place—and I think it can be easily suggested here—that if necessary a committee may be appointed to see if that is not possible. We have some of us tried to get figures to see if this could be done, and I do not think it will be difficult at all to frame a scheme under which the executive and the judicial functions can be separated without any additional charges. It may be suggested that to have a complete separation of the judicial from the executive functions may require some change in the existing law. On a careful study of the existing law as it is, I do not think that for the achievement of this purpose of the separation of executive from judicial functions there is any necessity for a change in law. It may be that later on some changes may be found necessary, but if necessary they may be made easily. But so far as we can see, I do not think any change of law is necessary to give effect to the separation at present. Therefore, if no change of law is necessary, if there is no likelihood of any additional financial burden and, as I say, if there is no chance of any loss of prestige, I think it will not be difficult for the honourable members and for the Government to accept this without any difficulty and show that they appreciate the difficulties of the people, because I do not think it will for one moment be contended that there is no difficulty at all in the present method of administration. With these few words, Sir, I beg to move this resolution."

Mr. P. Siva Rao:—"I have great pleasure, Sir, in seconding this resolution. It asks for a complete separation of executive from judicial functions. This piece of reform, I might say, we have been asking for, for more than 25 or 30 years. This is a reform which is long overdue. The Government of India and the local Governments have already recognised the necessity for some such reform. They have already initiated it to some extent. For instance, I may draw the attention of this House to the appointment of Stationary Sub-Magistrates in the mufassal. Also, so far as the District and Sessions Judges are concerned, they are immediately subordinate to the High Court. In the higher ranks they have already brought a separation of judicial from the executive functions. But so far as the subordinate magistracy is concerned, they continue to be subordinate to the District Magistrates. This is an unsatisfactory state of things, which the Honourable Mover of this resolution is seeking to remove. I had occasion to move a resolution some time ago to achieve the same object. For instance, I moved that some special stipendiary magistrates of the first class might be appointed with powers to try criminal cases solely, and also I moved that the present Deputy Collectors should be deprived of their magisterial functions and they should be asked to look after revenue duties only. That resolution was accepted by the Government and we knew from an interpellation the other day that the scheme was already set on foot

18th February 1921] [Mr. P. Siva Rao]

and the Government proposed to initiate it first in the districts of Madura and Ramnad and in some other localities. Now, what the resolution wants is this—and this is the gist of the whole matter. At present the District Magistrate continues to be the head of the district criminal administration. There is a foremost objection to this—and this question is well thrashed out, and I need not repeat in detail all the arguments that are advanced against the system. The chief evil that is complained about is the centering or vesting of the powers in the District Magistrate. The resolution asks that the Sub-Magistrates and the Magistrates of the first class should be made directly subordinate to the District and Sessions Judges instead of their being subordinate to the District Magistrates, and the District Magistrate should have nothing to do with the criminal administration of the district, and all the present powers which he enjoys now should be vested in the District and Sessions Judge. Thus the chief and the foremost objection that is urged against the present system is that one and the same person should not be the prosecutor as well as the judge. This objection is taken because in various revenue, forest and abkāri cases, a subordinate of the District Magistrate, who is also the Collector, initiates the prosecution, and when it comes in appeal the District Magistrate who is the superior of the department hears the appeals also. I need not dilate further upon that unsatisfactory state of things. It is very difficult to get justice from Sub-Magistrates who are amenable to the influence of the District Magistrate in the abkāri, revenue and forest cases. As I stated, the foremost objection seems to be that the prosecutor and the judge should not be one and the same person. This question has two aspects. It comprises also a separate recruitment of the judicial service. So far as the resolution is concerned, it does not deal with separate recruitment. It wants withdrawal of magisterial powers from the Collector and Deputy Collectors of every district. This matter was considered in full and the *pros* and *cons* were gone into by the Public Services Commission. It is unfortunate that they deliberately omitted to record a finding and the whole discussion appears on pages 195 and 196. I have already stated that they do not express any opinion in the matter. I may refer in the same connexion to the minute of dissent of our esteemed late Judge, Sir Justice Abdur Rahim, who is now a Member of the Council in Bengal. He wrote a separate dissenting minute. He recorded his most emphatic opinion in these terms: his conclusion appears on page 452 of the Public Services Commission report 'My recommendation is that there should be a complete separation of the judicial and executive functions. This already exists in the presidency towns and the arrangements which obtain there could easily be adjusted to the district conditions. The Collector should have no control over the magistracy, and should have no magisterial powers greater than those possessed, for instance, by the Commissioners of Police in the Presidency towns."

The Hon'ble Sir LIONEL DAVIDSON :—" May I ask the Honourable Member to repeat the page ? "

Mr. P. SIVA RAO :—" *Page* 452. This already exists in the presidency towns. In the presidency towns we find the Presidency Magistrates are directly subordinate to the High Court, and the arrangements which obtain there can be easily adjusted to the district conditions. The Collector should have no control over the magistracy, and should have no magisterial power greater than that possessed by Commissioners of Police in presidency towns. The magistrates should be a separate class of officers, and for the purpose of administrative arrangement of business one of the magistrates at the headquarters should have the same powers as the Chief Presidency Magistrates possess in Calcutta and other places and so on

and so forth. It contains also a reference to the speech of Sir Harvey Adamson made in 1908 in the Indian Legislative Council. He said 'The inevitable result of the present system is that criminal trials affecting the general peace of the district are not always conducted in the atmosphere of cool impartiality which should pervade a court of justice. It lies not so much in what is done, as in what may be suspected to be done; for, it is not enough that the administration of justice should be pure; it can never be the bed-rock of our rule unless it is above suspicion' (page 444).

"He further says, 'the exercise of control over the subordinate magistrates by whom the great bulk of criminal cases are tried is the point where the present system is defective'. The other inconvenience of the present system is that the present magistracy will always be touring and the professional people and parties are all put to a lot of hardship. Then the last question is: what would be the financial aspect of the scheme if carried into effect. I do not think it is the intention of the Honourable Mover that this scheme should be put into operation in all districts and in all towns in the presidency. The Government may try this as an experimental measure in some districts. If it works well, it may be adopted for the benefit of the whole of the presidency. With these words, Sir, I have great pleasure in seconding this resolution. This a very necessary thing if we want criminal justice."

Mr. A. Ranganatha Mudaliyar:—"Mr. President, Sir, I have great pleasure in supporting the resolution. As one who knows a little of the results of the system of combining the executive and judicial functions in the same person, I think I have very good reasons to support this proposal. I object to the present system for three reasons. The first thing is, it is extremely unfair to place all powers in one's hands and allow it to be used for purposes for which it is not meant to be used. The question of separation, if analysed, will be found to consist in the reluctance of executive officers to divest themselves of this power because they are afraid that it may not help them in administering other departments. For example, if they are not Magistrates and Tahsildars all in one, they will not be able to collect revenue as easily as they are at present doing. This, I say, is not the correct position to take. A Magistrate is intended to administer law and justice in one form or another and not to misuse the powers given to him in the discharge of duties unconnected with his legitimate function. There is again another reason which occurs to me. There is, admittedly, considerable inconvenience to the parties when officials combine in themselves both executive and judicial functions. The executive work means constant circuit and the officers are in a position to cause any amount of inconvenience to parties whom they may not like or whom they want to compel to come to a compromise. There is another objection, and I think it is a strong objection. The present system makes the magistracy very weak. The sub-magistrates are in the hands of the District Magistrate and the Collector and they depend for promotion at every stage on their superior officer. From the moment he enters as a clerk, he has to please somebody or other before he is appointed as a sub-magistrate. In the same manner he has to please his superiors to be appointed as a tahsildar. His struggle is not yet over. He has to be extremely careful and satisfy his administrative head to be recommended for a Deputy Collector's place. Even when he is appointed as a Deputy Collector, he is placed on probation and has to act for many years before he has any claim of confirmation. I think that when an officer depends at every stage for the advancement of his prospects in this way on his immediate superior who is interested in revenue matters, in forest matters and in the police and abkari

18th February 1921] [Mr. A. Ranganatha Mudaliyar]

affairs, I do not think it is reasonable to expect the subordinate magistracy to bring to bear upon the numerous cases that come before them an independent mind. If the separation is given effect to I am sure that most of the cases, the forest and the police cases which are now more or less invariably ending in conviction, will not hereafter end in that result. In the interests of the poor people, therefore, I am strongly of opinion that this separation should be given effect to as early as possible. And I think it is imperative on this House to strongly recommend to the Government to take the necessary steps for separating these two functions. With these words, Sir, I beg to support this resolution."

Rai Bahadur T. M. NARASIMHACHARULU :—" Mr. President, although on principle the resolution is very good, we as members of this Council ought also to see that what we suggest is practical. We may urge outside this Council ideal things; but when we enter this Council, we ought to see that what we urge is really practical and feasible. This resolution, as I already submitted, is no doubt very good in principle. But we have started with a system in which the judicial and the executive functions were both combined in order to procure efficient administration during the earlier part of the last century. We have repeatedly urged to the Government that this system did not work well in the mufassal and consequently the Government were pleased to separate the judiciary from the executive partially. The Stationary Sub-Magistrates have been sanctioned and I have no doubt that you will endorse my opinion when I say that the Stationary Sub-Magistrates have given satisfaction. There are yet some Tahsildars who are both Tahsildars as well as Magistrates. There are yet Sarishtadars who are also Magistrates. There are no doubt the Deputy Collectors who are also Magistrates. The suggestion if carried out will not only involve a change of a system, will not only involve a considerable amount of expenditure, but will also involve a considerable amount of inconvenience to the public and also to the Government. I would therefore suggest—and I have no doubt the Government also be pleased to accept my suggestion—that if we will confine our request to the demand that the system which they have begun may be extended, namely, that all the tahsildars may be simply tahsildars, that is, in cases where these two functions are now joined, those persons will be simply revenue officials and that magisterial functions be discharged by a separate person like the Stationary Magistrate. First, if that is conceded, we shall then urge upon the Government to separate the judicial from the executive side in the case of the Deputy Collectors also. The Government we all know are responsible for not only the administration of justice, but also for maintaining peace and order in all the districts and I know from my experience in my district that it is good to have both the functions combined in one officer. So until we shall have advanced to that height when we can live without the two functions being united in one officer, I think it is too much at present to demand of the Government a complete separation of one function from the other. It may not only be inconvenient to the public, but it will also involve a large amount of expenditure. Where is money for it? We want money in several other directions. Is this an urgent thing? Therefore, let us wait. Let us request the Government to extend the system of separation and then we shall see whether we cannot ask for more. Mr. President, I am sorry I have to oppose the resolution on these grounds."

Mr. S. T. SHANMUKHAM PILLAI :—" I oppose this resolution for more reasons than one. First, the interests of the administration will suffer. After the withdrawal of magisterial functions from tahsildars, their places as Magistrates were taken by men not acquainted with the local conditions, manners, and customs of

the people. The cases of rioting that have since taken place are generally attributed to this withdrawal of magisterial functions from tahsildars. The tahsildar who was a touring officer could easily trace the causes of crime and ascertain the truth, whereas inexperienced sub-magistrates can easily be cheated and deceived into believing whatever evidence may be put before them. A tahsildar would always take care that in the interests of the administration and of the welfare of the people truth was found out and justice done. Whenever he had the slightest doubt he would proceed to the spot and make local enquiries and find out the truth. The present-day magistrates are not at all interested in the discovery of truth. They analyse the evidence and if it is discrepant they throw out the case. So crime is always on the increase. The withdrawal of magisterial functions from the Revenue Divisional officers and Collectors would aggravate the situation. The interests of the administration would certainly suffer. In a country like England ninety per cent of the people would come forward to speak the truth. The case might be said to be the reverse here in India. It is very difficult in most cases to find out the truth. The Divisional Magistrates as well as the District Magistrates must continue to hold their powers. The Stationary Magistrates are like so many Sessions Judges. They do not know what is going on behind their back. Hence in many cases justice fails. The principle of the criminal law is that though in 99 out of 100 cases the guilty person may be let off, not one innocent man should be brought to conviction. Innocent men most unjustly brought to conviction have to resort to the highest court of the province for justice. A recent instance of this kind has taken place in the case of Sirakulam Pannyar, Tinnevelly district. If the tahsildar was the magistrate, that would not have been the case. He could have easily found out the truth and let off the accused. I cannot for a moment accept the resolution. When I say so I only voice the opinion of the masses."

Mr. R. Srinivasa Ayyangar :—"Mr. President, with your leave I beg to move an amendment. It is not of a very radical character, but it is in the nature of a compromise. I should like to have the following words inserted, in which case the resolution, as amended, would run as follows :—'That this Council recommends to the Government that steps should at once be taken to separate executive and judicial functions completely in some parts of the Presidency', or, in other words, I am very anxious that this experiment should be tried in the first instance, and that instead of asking for a complete separation throughout the Presidency, it is much better that this experiment is tried in some portion of the districts."

The Hon'ble the President :—"Has the Honourable Member given notice of this amendment ?"

Mr. R. Srinivasa Ayyangar :—"No, Sir."

The Hon'ble the President :—"I do not think I can admit such an amendment at this stage. This is practically a different resolution, and it is fundamentally different from the original one. I regret in the circumstances I cannot allow the amendment, but the Honourable Member can speak on the main resolution."

The Rev E. M. Macphail :—"I rise to a point of order. Under Standing Order No. 60, is it not for the House to decide whether the amendment is to be accepted or not ?"

The Hon'ble the President :—"Any member may object to the moving of an amendment, and I am a member, and as President I have the last word."

18th February 1921] [Mr. R. Srinivasa Ayyangar]

Mr. R. SRINIVASA AYYANGAR :—"The case has gone against me, and I bow to the ruling of the Chair. It struck me at the very outset that the resolution, as it was framed, was somewhat radical in its character. Anyhow, this is the position. I have to intervene in this debate on account of certain remarks which fell from the lips of the Member for Tinnevelly. He trotted out the familiar bogey of prestige and bitterly complained of the way in which justice was being administered by some magistrates. Probably he would be glad if we were sent back to the old primitive period when justice was administered in a rough sort of fashion, unfettered by the rules, convention or statutory regulations. He found fault with the magistrates for basing their conclusions upon a careful analysis of the evidence, for taking their stand upon all the probabilities and for giving undue weight to discrepancies in the evidence. I suppose we have certain codes, certain laws and certain definite statutes to guide us, and it is too late in the day to give up all these standards and notions of justice and go back to the old primitive periods. Every case has to be decided upon evidence. There are certain rules to govern and guide us and the cry has been raised by the Tinnevelly Member when it is rather late in the day. Another objection that he raised is that prestige would suffer. Suppose I give the Members of the House this choice, which would they prefer, that prestige should suffer or that justice should suffer ? I have not the slightest hesitation that the answer will be in my favour and that it will undoubtedly be against the view propounded for the first time in this House by the Tinnevelly Member. A great deal has been said before now on this question; it has been discussed threadbare on many a public platform, it has been discussed by public bodies, it has been the subject of discussion in the columns of the public press, and eminent Judges and equally eminent barristers and lawyers have condemned. . . . ."

Mr. S. T. SHANMUKHAM PILLAI :—"Sir, it is a pity that the Honourable Member has misunderstood me. I meant what I said in the interests of administration, in the interests of reform as well as in the interests of character. When I was speaking of magistrates I did not question the honesty and straightforwardness of officers holding magisterial powers."

Mr. R. SRINIVASA AYYANGAR :—"I am always in favour of honesty, and I take it that all officers are honest as a rule. Public opinion has gathered round itself a great deal of literature bearing upon this vital question which is of importance for the administration of justice. So early as the year 1899 a memorial was sent to His Majesty's Secretary of State, signed by eminent retired Chief Judges and other Judges condemning the system as an unmixed evil. We meet to-day, Mr. President, under different conditions and in a freer atmosphere. This resolution, I have not the slightest doubt, appeals not only to the members of the legal profession to which I have the honour to belong, but will also unmistakably appeal to other members whose business brings them into courts. I do not want to tire the patience of this House by taking it through the various reasons that have been urged from time to time. This has been the battle cry all along, and the time has come for us to concentrate on this matter and to carry out legislation as quickly as possible."

Mr. O. TANIKACHALA CHETTIYAR :—"Sir, I rise to oppose this resolution, but I may preface it by saying that I do not oppose it on the plea put forward by the Member for Tinnevelly that the presiding Judge ought to combine in himself the duties of a magistrate, investigating officer and prosecuting inspector. I do not believe that the officers of Government contend that the executive and the judicial functions should be combined in one if it can be helped. It is only as a matter of

finance that it is not separated already. I see from the recommendations of the Public Services Commission and from the note of dissent written by that esteemed Judge, Sir Abdur Rahim, that while the majority considered to give effect to such a proposition, over 40 lakhs of rupees would be the excess expenditure, that learned Judge considered that 10 lakhs of rupees would be sufficient. That was in the year 1916. The question now will be how far that amount of ten lakhs to which other members of that Committee did not agree, would have to be increased in the year of grace 1921, and I do believe that this practice of separating the judicial from the executive functions is being tried in few places, and if I am not mistaken, in the district of Ramnad. So it is only a question of finance, and I do not believe that it will be opposed except on that ground.

"This proposition or resolution consists of two parts. 'This Council recommends to the Government that steps should at once be taken to separate the executive and judicial functions completely in this Presidency,' that is part one; 'that all judicial officers should be placed directly under the control of the District and Sessions Judges and of the High Court', this is the second part. So far as the second part of the proposition is concerned, I have been carefully listening to the speech of the mover Mr. Venkataramana Ayyangar and have heard nothing in support thereof. I have heard something from the seconder, Mr. Siva Rao, as to the necessity of removing the judicial officers, sub-magistrates, from the jurisdiction of the District Collector or District Magistrate, and placing them under the District and Sessions Judge. I have not until now heard anything said by any speaker of the necessity for placing any of them under the orders of the High Court. I do not really quite understand what the mover and the seconder mean by placing the judicial officers under the control of the District and Sessions Judge and High Court, respectively. Under the Criminal Procedure Code they are subject, both as to appellate and revisional jurisdiction, to the orders of the District Judge and of the High Court respectively—whether they are to be in matters of judicial administration under the orders of the High Court or whether it is purely in matters of appointments, promotions, transfers and submitting of returns that they should be under the orders of the High Court is not clear. Where is the necessity for placing a mufassal sub-magistrate under the orders of the High Court? On the other hand, while I am not objecting to the sub-magistrate or the divisional magistrate being under the orders of the District and Sessions Judge as opposed to the orders of the District Magistrate, I certainly do object to a lot of administrative work being thrown into the hands of the Judges of the High Court. I believe that judicial officers like District and Sessions Judges and the High Court Judges ought not to be embarrassed and troubled by having to do much administrative work. Their work must be confined only to the trial of cases that come before them either on the original side or in their appellate jurisdiction. It is a great mistake to entrust the appointment or the transfer or the promotion of officers to them, and if one goes back one finds that so far as the administrative affairs consisting of the appointment, promotion or transfer of various officers which have been delegated to the High Court are concerned, it has not been satisfactory. I am afraid one cannot give credit to the High Court in the matter of distribution of patronages, in regard to the appointment of Munsifs for that evenhanded justice which is claimed and rightly claimed for the High Court in regard to the dispensation of justice. For I have before me certain figures which it is not my purpose to mention here in support of this resolution but on a later occasion in support of another resolution which I propose to bring forward. They show that in spite of the recommendations of the Public Services Commission that in the matter of appointments the two tests that should guide

them ought to be efficiency and communal representation, and while in the Presidency of Madras the non-Brahman Hindus are about 37 millions and the Brahman inhabitants are only 1½ millions, the proportion of the non-Brahmans . . . . . ."

Mr. C. V. VENKATARAMANA AYYANGAR :—" So far as my resolution goes, it has nothing to do with appointments and therefore I don't think the Honourable Member can go into the question of how the appointments are to be made."

Mr. O. TANIKACHALA CHETTIYAR :—" The words of the resolution are 'under the control of the High Court'. The matter of appointment and transfers, these are matters under the control of the High Court and I do submit that if one takes the statistics one does not find that the High Court has paid attention to that portion of the recommendations of the Public Services Commission, which is conceded on all hands to be the right recommendation, that there should be proper communal representation. What do we find ? Between the years, 1st October 1914 and 1st January 1916, out of 26 appointments to the office of District Munsifs made by the High Court, 24 were Brahmans and only two non-Brahmans. Sir, I do not believe that in this late time of the day anybody would contend that there are not amongst the non-Brahmans more than two efficient men to be selected to fill up vacancies in the offices of District Munsifs. Nor have things improved in later years. For, between the 1st October 1917 and 1st of October 1919, out of twenty-five appointments made by the High Court, twenty were Brahmans and five only were non-Brahmans. So, judging the High Court in the matter of the distribution of patronage by its past record, I do not believe that it is a safe place for entrusting the fate of aspirants to judicial offices in their hands. My reason again for keeping them in the hands of the Government is this. Government is at least sensitive to public opinion and adjusts itself to the requirements of the day, but the High Court is a strong citadel surrounded by a ring of fire, and anybody who attempts to make an assault on the High Court will find himself charged with contempt of Court. The High Court goes on for ever in the matter of distributing patronage unaffected by public criticism. Therefore it is, Mr. President, that I suggest that this power ought not to be transferred. As it is, the High Court has not the power of appointing Sub-Judges. However much we might complain against the bureaucratic nature of the Government, be it said to its credit that as against eighteen Brahman Sub-Judges in the service, there are thirteen non-Brahman gentlemen. The proportion is very much higher while it is in the hands of the Government, whereas the proportion of District Munsifs (the appointments whereof are controlled by the High Court) is 147 Brahman gentlemen to 46 non-Brahman gentlemen. The proportion is nearly one third, whereas in the sub-judges cadre it is as much as nearly 65 to 70 per cent.

" For these reasons I oppose the proposition in so far as it suggests or recommends that the control of the judicial officers in the mufassal might be placed in the hands of the High Court and in so far as the first proposition is concerned, as I said previously, it is accepted on all hands, and how far effect is to be given to it is a matter of finance, and not a matter of principle on which any two members of the House are opposed to each other."

Mr. M. D. DEVADAS :—" Sir, I wish to move an amendment to the proposition. I wish to have the words 'at once' deleted. Then it will read thus :—'That this Council recommends to the Government that steps should be taken to separate executive and judicial functions completely in this Presidency and that all judicial officers should be placed directly under the control of the District and Sessions Judges and of the High Court.

"I think, Sir, that would be more acceptable to the House. If it is 'at once' that might embarrass the Government. If the amendment is permitted, Sir, I shall speak."

The Hon'ble the PRESIDENT :—"The Honourable Member wishes to omit the words 'at once' and then to leave the other words there."

Mr. K. S. VENKATARAMA AYYAR :—"I second it."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I have no objection to accept that."

The Hon'ble the PRESIDENT :—"What is the wish of the Council? Would they accept the amendment and take up the resolution? Proposed and seconded that the words 'at once' be omitted in the first line of resolution No. 30 on the agenda paper."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I think, Sir, as I have agreed to a portion of the proposition being amended, I do not think so far as I am concerned. . . ."

The Hon'ble the PRESIDENT :—"When once the resolution is moved, it is the property of the Council and the honourable mover has no special right of property in it. That amendment must now be discussed. I have no idea as to what the wishes of the Government are."

Mr. K. S VENKATARAMA AYYAR :—"I seconded it and I want to say a few words. We need not go into other questions. That these two functions should be separated is a fact which is admitted and recommended by the Public Services Commission and so the only question will be when it can be given effect to. The Hon'ble the Law Member has been a Judge of the High Court and I am quite sure that, in consultation with the Finance Member, he will certainly do whatever is necessary and give effect to it gradually, so that the Government will not be in a position of embarrassment, if the words 'at once' are not there.

"Now we simply recommend to the Government that steps should be taken. That steps should be taken means, they may be taken at any time when the Hon'ble the Law Member and the Finance Member both agree with regard to the cost. Therefore, I think so far as this is concerned, there will be no difficulty whatever in Government accepting and this House accepting this resolution; and effect may be given to it whenever it is proper and we can rely upon the Law Member bringing his vast experience to bear upon the subject and arranging it in such a way as not to affect the finances of the Revenue Department as is feared by the Hon'ble Mr Shanmukham Pillai. I therefore strongly commend this amended resolution for the acceptance of this House."

The Hon'ble Sir LIONEL DAVIDSON :—"My objection to the amendment that has been put forward is for the most part on general grounds. Standing Orders of this Council embody a general rule that copies of amendments should be sent to the Secretary two clear days before the day fixed for the discussion of the resolution. They provide that any Member may object to the moving of the amendment and they provide further that the objection shall prevail, unless the President in the exercise of his power suspends the order and allows the amendment to be moved. You, Sir, I beg to say, who have the discretion, have exercised your discretion by allowing this amendment which has been moved. I wish to point out to the Council and to you, Sir, that the acceptance of this amendment by the mover is due to the fact that owing to his own carelessness, he has found that he has drifted

into an impossible position. The course of the debate has shown to you that the terms of the original resolution could not have been put more forcibly than my Hon'ble friend Mr. Narasimhacharlu put it.

"I think, Sir, that this Council will do well to mark its sense of the honourable mover's conduct and indiscretion by refusing to allow him at this stage to dispense with what is an essential part of his original resolution. I do not therefore propose to deal with the main issue until the point before the Council, whether or not the words 'at once,' should be deleted, is decided."

Rao Bahadur A. S. Krishna Rao Pantulu :—"Sir, I take strong exception to the remarks of the Hon'ble Sir Lionel Davidson in opposing this amendment. The only ground, upon which he says he opposes this simple amendment, which says that the words 'at once' should be struck out, is that he wants this Council to give expression of its sense of disapproval of the manner in which the resolution was framed. Is it after all a mistake for any one to come into this Council with a suggestion that the separation of the judicial and executive which has long been before the country and the principle of which has been long recognized should be brought into force at once? Is there anything wrong in his asking Government to give effect to the intention at once? If for financial considerations and if, after listening to the arguments of the other Members of the Council, he thinks it necessary to meet their wishes, to pause and wait a little longer, is that anything unnatural or unreasonable? After all what are we here for? We are here to exchange our views according to the rules of the debate and, after hearing the views of the other Honourable Members, we are bound even to modify our resolutions and to adjust ourselves as circumstances require. That is what the honourable mover has done and if he wanted to stick to his resolution he would be doing something unreasonable and unnatural. After listening to the debate and understanding the views expressed by others and comparing them with his own views, he modifies these and brings before the Council a proper resolution in a proper form. This Council must therefore give its support in unequivocal terms to the amendment which has been put forward.

"I thought there were other serious objections to be put forward by the Hon'ble the Home Member; but his objections are after all such as cannot be countenanced by this Council. I can understand objection being taken if the Members of Council were surprised in the course of the debate by a proposed amendment. Notice or want of notice can be taken only when amendment proposes a change to be put into operation at once. All that the Member suggests is let the words 'at once' go out, and let the members of Government give effect to it as early as practicable. I state that the amendment is a reasonable one."

The Hon'ble Rai Bahadur K. Venkata Reddi Nayudu :—"I wish to say one word. The Honourable Member has misunderstood the Hon'ble Sir Lionel Davidson. All that the Hon'ble the Home Member wanted to say was this: that the right to demand notice which this Council enjoys is a most important one and it ought not to be taken by surprise, as it has been to-day, by some amendment or other at every turn; that every speaker who is on his legs should come forward and move an amendment—it is, if not surprising, at least embarrassing the Council."

Mr. S. Srinivasa Ayyangar :—"I rise to a point of order. The President has allowed the amendment after suspending the Standing Order. I cannot therefore see how any Member of this House can go on arguing about the want of notice."

The Hon'ble the President :—"I understand the Hon'ble Mr. K. V. Reddi Nayudu to argue against the acceptance of this amendment. The Honourable

Member cannot possibly question the ruling of the President to dispense with notice, but it is open to him to say that this amendment should not be accepted by the Council as an amendment. My ruling was that it should go forward for discussion by the Council. He could not say that the Standing Orders require two days' notice and, as two days' notice was not given, therefore the Council is taken by surprise. If any Honourable Member should state that he would really be going behind the ruling of the chair."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" My position has been correctly stated by the President. My point is that this Council has got the right to receive notice, and that when it is not actually given, certainly, in considering a certain amendment, though allowed by the President, in considering whether it should be accepted or not, this fact must be taken into consideration."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am really surprised at this debate on the amendments. Mr. C. V. Venkataramana Ayyangar, after having heard the speeches of his colleagues, found it unreasonable to put forward a proposal that the separation of the executive and judicial functions should be carried out at once. He wishes to make it a reasonable proposition by accepting the amendment for the deletion of the words 'at once'. The Hon'ble Sir Lionel Davidson seriously objects to the omission of the words 'at once' as if he was prepared to give effect at once to the scheme if adopted by the Council. A commentary on his speech has been given to us by my friend Mr. K. V. Reddi Nayudu who also says that he is taken by surprise by the present amendment for the omission of the words 'at once'. I am really unable to understand both these honourable gentlemen. Both of them say that if these two words 'at once' are omitted, they are taken by surprise."

The Hon'ble Sir LIONEL DAVIDSON :—" May I rise to say that I never said so ? "

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Then, my Hon'ble friend Sir Lionel Davidson is not taken by surprise. But I shall be taken by surprise if the Hon'ble Mr. K. V. Reddi Nayudu is taken by surprise. Therefore there is no question that this amendment really goes to make this proposition a little more reasonable, a little more acceptable to the House. If the Honourable Members are willing to throw out amendments, amendments which are intended to make the original resolutions more reasonable, I should really be sorry to see such attempts made. The proceedings of the last three days have shown us that of resolutions that have been brought forward four or five have been grouped together and adopted by this House. Then again, various other matters which have taken place during the past three days have shown that Members of the House were in a perfectly reasonable mood to be accommodating to, and to understand, each other's point of view.

" I am really surprised that on these two words ' at once ' we shall be really spending about 15 minutes of our time in passing it. I support the amendment. "

MR. C. V. VENKATARAMANA AYYANGAR :—" I am surprised to see that speeches have been made around my personality. I thought it is a well-known rule in debate that when amendments are brought, to save further discussion of points not generally accepted or if the original proposition is not reasonable, and if the amended proposition is more reasonable, the mover is at liberty to accept an amendment. I am surprised to see that one of the leading members of Government has objected to my doing so. As has been very well said by Mr Krishna Rao a few minutes ago, it cannot be so very wrong that amendments—even amendments of a serious nature—should be brought without notice. If it is a question—."

18th February 1921] [The Hon'ble Sir Lionel Davidson]

The Hon'ble Sir LIONEL DAVIDSON :—" May I rise to a personal explanation? I do not think I used the word 'wrong' which was put into my mouth by Mr. Krishna Rao. I do not wish to accuse any one of moral turpitude. I only referred to the necessity of careful expression in framing resolutions to avoid the risk of having to discuss an abstract proposition and not a practical one."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I never thought that any moral wrong was meant. If it is wrong for the mover of a proposition to accept an amendment in a minor matter, is it not much more wrong to trim an important proposition—."

The Hon'ble the PRESIDENT :—" Order, order. The Honourable Member will please resume his seat. I must ask the Honourable Member to abstain from referring to other amendments and to other resolutions. I am sure I am carrying the Council with me when I ask the Honourable Member to confine himself to the particular proposition 'that these particular words be omitted'. I rule out any attempt to go beyond that."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I bow to the ruling. So far, we have been fighting for a question of principle in this resolution. We have been pressing it for decades and even centuries and therefore I thought it would not matter very much if the House accepted the principle, if an hour's delay or even a few months' delay took place. Therefore as a question of compromise, and in order not to prolong the discussion unnecessarily, I move that the proposition as amended be carried. It does not go against the principle."

The Hon'ble Mr. C. G. TODHUNTER :—" May I explain for a moment why I object to this amendment? I do so simply for this reason that the House has spent a considerable time discussing the financial position. It is now proposed that we should begin all over again and spend another considerable time in discussing a pious hope."

The Hon'ble the PRESIDENT :—" The question now before the House is that the two words 'at once' be omitted from the proposition."

A poll was taken with the following result :—

Ayes.

M.R.Ry. K. Adinarayana Reddi Garu
" B. P. Devarajulu Nayudu Garu.
" Rao Sahib S. Ellappa Chettiyar Avargal.
" K. Gopalakrishnayya Garu.
" C. V. S. Narasimha Raju Garu.
" Rao Bahadur A. Parasurama Patro Garu.
" A. Ramayya Punja Garu.
" A. Ranganatha Mudaliyar Avargal.
" P. Sivasankaram Pillai Avargal.
" N. A. V. Somasundaram Pillai Avargal.
" Diwan Bahadur K. Suryanarayanamurti Nayudu Garu.
" Rao Bahadur C. Venkata Ranga Reddi Garu.
" Diwan Bahadur P. Kesava Pillai Avargal
" Diwan Bahadur M. Ramachandra Rao Pantulu Garu.
" S. Srinivasa Ayyangar Avargal.
" S. Bisvanath Das Garu.
" Diwan Bahadur T. Desika Achariyar Avargal.
M.R.Ry. Rao Bahadur A. S. Krishna Rao Pantulu Garu.
" K. V. Ramachari Avargal.
" Rao Bahadur C. B. Rama Rao Avargal.
" Rao Sahib U. Rama Rao Avargal.
" Diwan Bahadur D. Seshagiri Rao Pantulu Garu.
" M. R. Seturatnam Ayyar Avargal.
" P. Siva Rao Garu.
" R. Srinivasa Ayyangar Avargal.
" T. C. Srinivasa Ayyangar Avargal.
" Rao Bahadur K. S. Venkatarama Ayyar Avargal.
" C. V. Venkataramana Ayyangar Avargal
Mr. M. D. Devadas.
M.R.Ry. K. Prabhakaran Tampan Avargal.
Abbas Ali Khan Sahib Bahadur.
Saiyid Diwan Abd ul-razzaq Sahib Bahadur.
Ahmad Miran Sahib Bahadur.
Saiyid Muhammad Padsha Sahib Bahadur.

Noes.

The Hon'ble Sir Lionel Davidson.
" Mr. C. G. Todhunter.
" Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
" Mr. K. Srinivasa Ayyangar.
" Diwan Bahadur A. Subbarayulu Reddiyar Avargal.
" Diwan Bahadur P. Ramarayaningar.
" Rai Bahadur K. Venkata Reddi Nayudu Garu.
M.R.Ry. A. Ramaswami Mudaliyar Avargal.
Mr. E. Periyanayagam.
M.R.Ry. S. R. Y. Ankinedu Passed Bahadur Garu.
" R. Appaswami Nayudu Garu.
" V. Appaswami Vandayar Avargal.
" Diwan Bahadur C. Arunachala Mudaliyar Avargal.
" J. Kuppuswami Garu.
" B. Muniswami Garu.
" A. T. Muttukumaraswami Chettiyar Avargal.
" Diwan Bahadur Sir. P. Tyagaraya Chetti Garu.
" M. Narayanaswami Reddi Garu.
" W. P. A. Somasundara Nadar Avargal.
" S. T. Shanmukhara Pillai Avargal.
" S. Somasundaram Pillai Avargal.
" T. Somasundara Mudaliyar Avargal.
" A. Subbarayudu Garu.
M.R.Ry. A. Tangavelu Nayagar Avargal.
" T. C. Tangavelu Pillai Avargal.
" O. Tanikachala Chettiyar Avargal.
" Diwan Bahadur R. Venkataratnam Nayudu Garu.
" W. Vijayaraghava Mudaliyar Avargal.
" M. C. Raja Avargal.
" L. C. Guruswami Avargal.
" R. T. Kesavulu Pillai Avargal.
" M. C. Madurai Pillai Avargal.
" G. Vandanam Avargal.
" Rai Bahadur P. M. Narasimhacharlu Garu.
Mr. A. Y. G. Campbell.
Khan Sahib Muhammad Abdur-Rahman Sahib Bahadur.
Munshi Muhammad Abdur-Rahman Sahib Bahadur.
Qadir Nawaz Khan Sahib Bahadur.
A. P. I. Saiyid Muhammad Padsha Sahib Bahadur.
A. P. I. Saiyid Ibrahim Rawuttar.
Khan Bahadur Muhammad Usman Sahib Bahadur.
Mr. J. F. Simpson.
Mr. A. M. MacDougall.
M.R.Ry. Rao Sahib P. Venkatarangayya Garu.
Rev. E. M. Macphail.
Dr. Gilbert Slater.

Thirty-four Honourable Members *for* the amendment, 46 *against*

The amendment was declared lost.

The Hon'ble the PRESIDENT *(continuing)* :—" That being so, the discussion will have now to proceed upon the main resolution."

Mr. P. SUBBARAYAN :—" I move that the question be now put."

The motion for closure was then put to the vote and carried.

The main resolution was then put to the vote and lost.

Mr. C. V. VENKATARAMANA AYYANGAR :—" I demand a poll."

The Hon'ble the PRESIDENT :—" Certainly if the Honourable Member wishes it, I have no objection. It is a right which every Honourable Member in the Council has to demand a poll. But there is a clear majority and I do not think it would make any difference. But it is entirely for the Honourable Member to say if he insists on a poll."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I do not press for it."

Select Committee on amendments to standing orders of the Legislative Council.

The Hon'ble the PRESIDENT :—" Before we proceed to the next item in the agenda I would like to mention to Honourable Members that nominations for the select committee referred to this morning to report on the Standing Orders have come in, and the names of eleven Honourable Members have been proposed. Therefore, it is necessary that a ballot as prescribed by the regulations should be held. I have appointed the Secretary as Returning Officer and he will start the ballot at 10 a.m. to-morrow and it will go on from 10 a.m. onwards. It would require some time to tabulate the votes, etc. Honourable Members who wish to

18th February 1921] [The Hon'ble the President]

take part in the election should be present here in time. If it is the wish of Honourable Members I shall read out the names of the members proposed. The names are Sir P. Tyagaraya Chettiyar, Diwan Bahadur M. Ramachandra Rao Pantulu, the Rev. E. M. Macphail, Rao Bahadur A. S. Krishna Rao Pantulu, O. Tanikachala Chettiyar, Prabhakaran Tampan, Muhammad Usman Sahib, C. P. Ramaswami Ayyar, A. Ramaswami Mudaliyar, Rao Bahadur A. P. Patro and M. C. Raja."

Diwan Bahadur Sir P. TYAGARAYA CHETTI :—"I beg to be excused, Sir."

The Rev. E. M. MACPHAIL :—"I am not willing to serve."

The Hon'ble the PRESIDENT :—"Did not the member who proposed the Honourable Member's name obtain his consent ?"

The Rev. E. M. MACPHAIL :—"No."

Rao Bahadur A. P. PATRO :—"I beg to withdraw."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I wish to withdraw."

The Hon'ble the PRESIDENT :—"I may say this is very satisfactory. I am obliged to the Honourable Members who have allowed this business to go forward without an election. So, four members having withdrawn, seven remain. Under the regulations I now declare the seven candidates elected. I am very much obliged to the Honourable Members who have saved us the trouble."

The following candidates stand nominated for election to the Select Committee on amendments of Standing Orders :—

M.R.Ry. Rao Bahadur A. S. Krishna Rao Pantulu.	M.R.Ry. C. P. Ramaswami Ayyar.
M.R.Ry. O. Tanikachala Chettiyar.	,, A. Ramaswami Mudaliyar.
,, K. Prabhakaran Tampan.	,, M. C. Raja.
Khan Bahadur Muhammad Usman Sahib.	

As the number of nominations made is equal to the number of vacancies, these candidates are declared duly elected.

Drainage and irrigation in the Tanjore district.

Rao Bahadur K. S. VENKATARAMA AYYAR then moved the following resolution :—

'31. *That this Council recommends to the Government that a committee consisting of an Engineer, a Revenue officer having experience of Tanjore district and three non-official landholders including the mover, or composed in such manner as may seem best to the Council, be appointed to report on the following points:—*

(a) Has there been a general rise in the bed-level of the rivers in the district of Tanjore ?

(b) What has been the rise every ten years during the last fifty years ?

(c) What have been the chief causes that have contributed to the gradual silting up and the consequent rise the bed-level ?

(d) Has the rise in the bed-level been one of the chief causes of the frequent and larger number of breaches during the recent years ?

(e) What have been the chief causes of the too frequent breaches in the Tanjore district ?

(f) Is the drainage of the delta more defective than what it was ?

(g) Are any improvements necessary than what have been already decided on or in contemplation by the Engineering Department ?

(*h*) *What have been the advantages of the nanal plantation and what has been the effect of the discontinuance of the same in some places on the silting up of the rivers* ?

(*i*) *What has been the expenditure on the conservancy of the rivers in the Tanjore delta and is the expenditure sufficient* ?

(*j*) *Is it a fact that the Coleroon is also silted up and is not able to draw off the surplus water as before* ?

(*k*) *What recommendations would the Committee offer for the general improvement of the delta in the matter of the irrigation and drainage* ?'

The Honourable Member said :—" Mr. President, I do not propose to waste the time of this Council by reading all the clauses and I hope the members will not misunderstand me. I submit this resolution to the Council in the interests of irrigation in the Tanjore district. I am not going to take up all the 30 minutes and I hope Honourable Members will patiently hear me as I am going to be very short and I am not going to ask this Council for any money immediately. I do not ask for a big committee to the inconvenience of members serving thereon. I do not say that one machinery of the department should go out and another substituted for it. My grievance is that irrigation and drainage in the Tanjore district have not been as well looked after as they should have been and the result is that some of these rivers are considerably silted and in other places rivers are covered up. It is a fact admitted by the Engineering Department in answer to a communication that I submitted to that department last year. We have seen that within the last few years the Engineering Department had to raise the silt levels of the several channels that take off from the main rivers and the ground put forward by them was that the bed-levels of the rivers had risen and that therefore the silt levels of the channels had also to be raised. If the river bed-level had been going on raising, then is the Engineering Department raising the banks of those rivers so that they may contain the water held up at the Grand Anicut or the Upper Anicut ? That has not been done. I am not an expert, and I am speaking only subject to correction, but this much I may say that there are several points which require investigation by a committee of experts and also by officers with revenue experience. I put forward the ground that some landholders should also be taken into confidence on the ground that the landholders know their lands and the irrigable levels of the lands, whereas the Engineering experts who are being transferred very often do not stay sufficiently long in one place to find out exactly where the defects lie. We know as a matter of fact that some proposals were put forward by one Engineer to construct a regulator in one place, but that proposal has been abandoned for some years. Meanwhile several officers are transferred and the proposal takes some shape or other and the lower lascar does not know what is going on. Some one puts in a petition and it is investigated and all at once the work is begun. All other landholders wire to the Collector and the Engineer but they find they are too late.

" One other point which I wish to submit for the consideration of this House is that proposals are put forward for the construction of regulators or for improving the drainage on the application of some party or another. I do not know whether any proposals have emanated from the department itself, or whether all points either favourable or unfavourable have ever been considered by any proper authority.

" I will put forward one other positive consideration to show that the bed-levels have risen. I know that in several places there are gauges by the side of the bridges and also of these regulators. These gauges are imbedded in the earth

18th February 1921] [Mr. K. S. Venkatrama Ayyar]

to the extent of full 2 or 2½ feet, so that when only 1½ feet of water goes in the channels, the reading is noted as 4 feet. If the river shows 6 feet the reading shows 8 feet, and that is taken to be sufficient water for purposes of irrigation. We also know that when with reference to that reading water is let in from the anicut at 6 feet, although water is up to the flood bank, the result is only 4 feet of water flowing into the channel, but the reading gives 6 feet.

"I would submit to the consideration of this Council one other point. In one river which irrigates my lands, the syphon sluice which was constructed years ago and through which another village took its water was found to be 1 foot higher than the original channel which takes off from the main river. That was found out only after 20 years because they constructed a regulator at the original channel. But this has not been remedied as yet. It came to light because one Subdivisional officer stayed for a sufficiently decent period. With regard to the expenditure on this Cauvery irrigation in the delta of the whole area, we find from the administration report that the cost incurred by the Engineering department for the maintenance and conservancy of these rivers is not more than 2 annas per acre, whereas for the Godavari and Kistna irrigation systems, we find that they spend as much as 8 annas and even more per acre though the channels constructed in the Kistna and Godavari deltas are most of them earthenware channels. I may refer to answer to question No. 62 in this connexion, where I asked whether it was a fact that the flood banks of the river Vettar had not been maintained for several years past. The answer is 'No: the flood banks of the Vettar (*wherever they exist*) are being maintained in reasonably good condition.' I do not now whether an answer can be more vague than this. It means that there are no flood banks in so many places of the river. I submit, if no flood banks exist, will not the water spill over? In the recent floods of the Vettar river for at least 4 to 5 miles on either side crops which were ready for harvest were submerged. Now, I can assure the House that in the whole of the Tanjore district the total area under cultivation is about 10 lakhs of acres, out of which crops standing on one lakh of acres were submerged. What would be the total yield? It will be 20 lakhs of kalams and the cost will be Rs. 60 lakhs. Rupees 60 lakhs worth of crops were spoiled because the levels had not been maintained in proper condition. From the scheme report submitted by the Special Settlement Officer I see that since the last settlement the Engineering department has spent 4·28 lakhs of rupees towards the conservancy of the river and towards the improvement of the regulators. I ask whether less than one lakh of rupees per annum is sufficient expenditure for a district which contributes nearly 59 lakhs of revenue to the Government and the revenue of which is proposed to be raised by more than 30 lakhs of rupees in the resettlement. I do not say whether any proportion should be struck unless it is necessary. What I say is that when we find that so much less has been caused, when we have not made a stitch in time which could have saved nine, when we find that the rivers have not been properly conserved and the drainage and irrigation arrangements have to be remodelled, I only say that there are sufficient materials, sufficient data, for going into, for investigation by a committee. That is my purpose. If the committee finds that there are not materials and that the premises that have been raised are not correct or that the Government and the Engineering department have been taking proper steps to conserve and have been improving the sources of irrigation and the means of drainage for carrying off rain water the mirasidars in Tanjore will be quite satisfied. We had better take some of the leading landlords into our confidence. Though I say in the original resolution that I may be one of the committee, I am not very anxious to be put on the committee; but I have no objection to be one. I shall

place all materials before the committee if I am not on it. I am not very anxious to be on it and I would rather appear as a witness before the committee and place all the facts before the committee and also take many landlords to the committee to help in inspection. I do not ask that any Member of the Government should go to that place; but I only say that an Engineer who has some experience of the district and who is thoroughly competent to go into the irrigation schemes may be selected. The selection I leave entirely in the hands of the Government. Some of the leading landlords like Mr. Somasundaram Pillai and Mr. Vandayar may be taken into confidence. They will be able to give much information and materials collected from other residents of the place. I will also state another circumstance. Several people have been complaining to me that the Government have been giving up *nanal* plantation by the side of the rivers. I know that some time ago Government were planting a lot of *nanal* to preserve the sides of the rivers. One reason that an old landlord gave me was that if there were *nanal* plantations on the sides of river padugai, that is, the higher level, they will not be washed away and that *nanal* will not only prevent the side being washed into the river but cover the level properly and prevent the raising of the bed level of the rivers. We find that during the last few years the *nanal* plantation has not been maintained and one of the engineers whom I asked said that it was given up because it was very difficult to prevent the cattle from damaging the *nanal* plantations. But I say that we are suffering from depletion of cattle. We are not able to get a sufficient number of cattle nowadays. Have the present day cattle become more voracious or more rapacious in eating this *nanal* plantation than the old-day cattle? We know as a matter of fact that in the district of Tanjore persons who are in charge of the river banks are called nanal kavalgars, i.e., persons who are responsible for seeing that this nanal is properly maintained. Once the nanal is planted very well, cattle will not go near it, because when nanal grows, we do not know to what depth it goes and if cattle go there, they will go down. One other circumstance which has been also brought to my notice is that several of these river banks used to have private paths enabling the higher officers of the Engineering department to go on horseback along the river banks to find out if the river banks were being maintained properly. But nowadays several river banks are overgrown with prickly-pear. I can say that even now there are some river banks over which no engineer could ever have gone. Motoring has become the fashion and fortunately or unfortunately the Tanjore district has not got many roads over which motor cars can go, and is unfortunately an impediment to us who are in the deltaic district. The statement of expenditure which has been given as an answer to question No. 64 will show that whereas in 1908–09 the expenditure of this Vettar bank was as much as Rs. 11,000 or 12,000, in 1918–19 it has come down to Rs. 2,699. I believe I am right in saying that this amount is just the pay of the kavalgars or the pay of the superintendents who are in charge of the banks. I say without fear of contradiction that the length of this Vettar bank is at least 40 miles if not more. If you take Rs 2,500 for 40 miles, it comes to not even 60 or 70 rupees per mile. Sixty or 70 rupees is not sufficient even for half a furlong or one furlong. I do not say that much should be spent.

"Let the committee, which I propose to constitute, investigate the matter and say that all these flood banks are maintained in proper condition. For example in one place in Butangudi village near Nagur the Road No. 46 on the northern bank was maintained by the Public Works Department. The Nagur bridge which is just between Karakkudi and Nagur is a very old bridge. This road was washed away by flood and could not be maintained even by the Public Works Department for some years. Now the level has become very high. When I pointed out that

18th February 1921] [Mr. K. S. Venkatarama Ayyar]

some means should be found out to carry on this extra surplus water, when I was discussing the matter with some experienced engineer he seemed to agree with me. But he said he was new to the place and the matter did not suggest itself to him. I say that throughout the district there must be a committee which must spend some time. It must relieve the distress, the inconvenience and the hardship of the landholders of the district once for all. And if the Government is not able to allot as much expenditure as may be necessary in accordance with the recommendations of the committee, the expenditure could be spread over a number of years. I am not going to embarrass the Government with any proposal of mine. Therefore, I would submit for the consideration of this Council this, my humble proposition. I have no objection to Government or any member modifying the constitution of the committee in any manner that they may like and I would therefore commend this resolution for the acceptance of this House. Even recently there were abnormal floods this year and last year in Vennar and Cauvery. In the matter of settlement you take only 20 normal years out of thirty years. You do not take into consideration the years in which we have lost all crops. Therefore, I say it is quite necessary that we should be protected from damages and sufficient safeguard should be given with even-handed justice to all landholders concerned. I therefore commend this resolution to this House."

Rao Bahadur V. Appaswami Vandayar :—" Mr. President, the honourable mover was kind enough to deal with this subject at length. So I need not trouble the Council again with the same facts. He simply urges a committee to go through it. I think the House will not grudge to grant it. Because, it is only after seeing and satisfying that the committee would recommend an expenditure on that score and the House has got the sweet pleasure to give or discard. The honourable mover thought that the Public Works Department was not doing as it ought to do and so he wanted to include non-officials. So I request the House to see and accept this resolution."

Diwan Bahadur M. Ramachandra Rao Pantulu :—" I will suggest to the honourable mover that the words ' or composed in such manner as may seem best to the Council ' be omitted. Otherwise it would not be a practical proposition."

Mr. S. Srinivasa Ayyangar :—" I second it."

Rao Bahadur K. S. Venkatarama Ayyar :—" I accept the amendment if the Council has no objection."

The amendment was put and carried.

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—" Mr. President, I think I will begin by assuring the honourable mover of this resolution that Government always have had and will continue to have the fullest sympathy for the landholdres in the Tanjore district and that they will never hesitate to do anything that they ought to do for the improvement and the development of drainage facilities in that district. Doubtless the Honourable Member who moved this resolution is aware that Government have from time to time conducted various investigations on identically the same matters which have now been incorporated in the resolution now before us. I shall not certainly take the Council through the whole history of the investigations which Government have conducted in the past. Suffice it for me I think to start from that memorable report which we have accustomed ourselves to call Col. Smashe's Report of 1903 in regard to the Cauvery delta. Even subsequent to that, the Government have from time to time deputed various officers for the purpose of investigating the possibilities of the various

[The Hon'ble Mr. Muhammad Habib-ul-lah Sahib] [18th February 1921

details of the scheme prepared by that eminent engineer in the year 1903. The Government are at the present moment in full possession of the information which my honourable friend on the other side wishes to elicit . . ."

The Hon'ble the PRESIDENT :—" Order, order : I am sorry to interrupt the Honourable Member. But under the standing orders, the other motion has to be taken up at 4 p.m. I hope the Honourable Member will continue his speech on this particular subject at 11 o'clock to-morrow."

VII

Discussion Regarding the arrest of Mr. Yaqub Hasan, etc., at Calicut.

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, you were kind enough to give me leave this morning to make a motion for adjournment of the business of this Council for the purpose of discussing a definite matter of urgent public importance, namely, the action of the District Magistrate of Malabar in issuing orders under section 144 of the Criminal Procedure Code prohibiting public meetings and his subsequent arrest and commitment to jail of Messrs. Yaqub Hasan, Gopal Menon, Madhavan Nayar and Mohideen Koya. I am also thankful to His Excellency for not having disallowed the resolution, which certainly was in His Excellency's power.

" I may say at the outset that I move this adjournment not in a spirit of hostility either to the District Magistrate who, I believe, is my friend and whom I really regard as my friend, nor in a spirit of hostility to the Government. But I make this motion in disapproval of the action taken by the District Magistrate.

" I shall first state the facts which have led to this motion. Some time ago—I am not in a position to state the exact date—probably about a fortnight or three weeks ago, the District Magistrate issued an order under which he prohibited meetings to be held in a particular taluk of the district, namely, Ernad taluk—I remember that clearly—and probably, I am not certain, in some parts of another taluk, namely, Walavanad. He also prohibited by that order the two persons mentioned above, namely, Gopal Menon and Madhavan Nayar, and a Mappilla—I am not sure whether he is Mohideen Koya, or some other person, I do not know him personally or otherwise—from addressing any meeting in the places mentioned in that order. He went on further to say in that order that these two gentlemen, viz., Gopal Menon and Madhavan Nayar, who are vakils and who have suspended their practice for the purpose of preaching the doctrine of non-co-operation which, I honestly believe, is detrimental to the interests of the country, these two gentlemen, I do not know the other, have been trying everything in their power to spread this movement of non-co-operation—and in my own humble way I have tried everything in my power to prevent the spread of that movement—gave up their practice for the purpose of eking out their livelihood. I think that that statement is inaccurate. It is understood that Madhavan Nayar paid during the last official year an income-tax of about Rs. 250 I think that Gopal Menon also paid an income-tax, I do not know the exact figure. Madhavan Nayar, particularly, has a reputation in the district of having a very decent practice at the bar. Well, nothing took place for some days subsequently, so far as I am aware. Two or three days ago, Mr. Yaqub Hasan whom I do not know personally but of whom I have heard through newspaper reports, it seems, went to Calicut apparently for the purpose of addressing some khilafat and non-co-operation meetings. It appears that the District Magistrate served an order under the provisions of the Criminal Procedure Code upon him and upon the other gentlemen mentioned, prohibiting them from holding and addressing meetings. They were not willing

to obey that order. Then they were asked to show cause why they should not give security to Government for keeping the peace, and failing which, why they should not be imprisoned for six months. They refused to show cause. Immediately, the District Magistrate passed an order sending them to prison for six months.

"These are the facts. I submit, Sir, that I deem it extremely unfortunate and extremely deplorable that at this time when the Reforms are coming into operation, when the Government of India are considering the desirability of repealing all or some of the repressive laws, the District Magistrate of Malabar should have thought it fit to exercise these provisions of the Criminal Procedure Code and, as I shall be able to show presently, bring trouble not only to himself but to the others also inclusive of the Government. I can very well understand, Sir, the District Magistate's anxieties for preserving peace; I can also understand that with good reasons he might have prohibited the holding of any particular meeting in the taluk which I mentioned, namely, Ernad. But I cannot understand, Sir, why the District Magistrate should have issued such an order under section 144 of the Criminal Procedure Code, prohibiting meetings and prohibiting these gentlemen to address meetings in the town of Calicut. I have not heard of any disturbance in Calicut except casual petty quarrels. I have not heard of any disturbance in Calicut like those disturbances that sometimes occur in the Ernad taluk and in some parts of Walavanad. If instead of having issued this order he had allowed the meeting to proceed as was done at the time when Mr. Gandhi visited Calicut some months ago,—I myself was not present in Calicut then; I was told about thirty thousand persons were present to hear him preaching non-co-operation—absolutely no harm would have taken place. As a matter of fact, people listen to these speeches and go away and they forget them the next day. They look upon these things more or less as a fun. At any rate in this part of India, in the Southern Presidency, in Malabar particularly of which I know more than other districts, no harm has taken place in consequence of the preaching of non-co-operation or the khilafat. So that, the effect of what the District Magistrate has done is this. In consequence of this order, there has been a large crowd in Calicut. The vakils have struck work; I do not know whether the strike still continues; I have no information. In fact, I may say at once, Sir, that I have not received any communication from the persons concerned. My information is from other sources. The vakils have struck work, jatkawallahs have ceased plying their jatkas and there is very great sensation. It is reported that schools and colleges have become empty and the order has created a great sensation and, as I said, quite unnecessarily. It may be said—I can very well understand it—how can the District Magistrate be blamed when the gentlemen on whom these orders were served by him, do not obey the order? Is there any course left to him but to imprison these persons? Legally I grant that that position under the Criminal Procedure Code is correct. But the District Magistrate who is the representative of the Government in the district should take a more comprehensive and broader view than this and, instead of creating, as I submit, trouble for others and for himself he should prevent the occurrence of trouble; and I sincerely and honestly believe that his action in having issued this order will bring plenty of trouble. It will excite the people and it will create the very trouble which it is intended to avoid. The trouble may spread even to the dangerous zone, the Ernad taluk. I do not know Mr. Yaqub Hasan personally. I am told that he is held in high esteem in some quarters and in very great respect in others. This action of the District Magistrate is likely to excite and rouse the Mappillas. . . ."

The Hon'ble the PRESIDENT :—" Will the Honourable member please resume his seat ? Standing Order No. 23 states that no speech during the debate should exceed fifteen minutes. No discretion is allowed to the President as in other cases as to extending the period ; nor is any distinction made between the mover and the seconder. I am sure the Council will however permit the Honourable Member to proceed with and close his speech."

Diwan Bahadur M. KRISHNAN NAYAR :—" Very many thanks for this kind concession, Sir. If it be the pleasure of the Council that I may continue for five more minutes, I shall finish certainly within that time. I suppose I have the consent of the House. My point is this. He ought not to have, especially at this time, passed such an order."

" Of course, it may be said that I am not in a position, nor is the Council in a position, to know all the facts, but I dare say that Sir Lionel Davidson is in a position to give us further information, and we all look forward for any statement that he may have to make on the subject. Now, as I said Sir, the result of this Act is to put it very mildly, extremely unwise, and it has, as I said, created unnecessary excitement and feeling, and probably will lead to danger. Certainly, this order is the most dangerous and powerful weapon that can be placed in the hands of any person for the spread of the doctrine of non-co-operation, of which, I have already submitted, I entirely disapprove, and I am very sorry that the District Magistrate by this ill-considered order is giving a strong impetus to the movement, to the spread of this doctrine of non-co-operation.

" I ought not to take any advantage of the kindness that has been shown to me by the Council to speak beyond the 15 minutes' limit. But my point is that, in the interests of the administration itself and of the people of Calicut, the District Magistrate ought not to have prohibited this meeting in the town of Calicut. He ought not to have done that, but he ought to have allowed the meeting to proceed ; he ought to have allowed the people to have their say, and, according to the well-known phrase, he ought not to have sat on the safety valve and created all this trouble. We do not know what will come out of it. Both in the interests of the Magistrate and in the interests of the people of Malabar, it is extremely deplorable that this should have taken place. The motion I make in connexion with the adjournment of the business of this House is this ;—' This Council disapproves of the action of the District Magistrate of Malabar in issuing orders under section 144, Criminal Procedure Code, prohibiting public meetings '."

The Hon'ble Sir LIONEL DAVIDSON :—" A copy of the motion which was given to me this morning and which I am prepared to discuss runs in the following terms ; ' to call attention to the arrest and commitment to jail of Messrs. Yaqub Hasan, Madhavan Nayar, Mohideen Koya and Gopal Menon at Calicut on the 16th February 1921 under the orders of the District Magistrate, Malabar.' If I am not mistaken, Mr. Krishnan Nayar is expanding his resolution by prefatory words."

Diwan Bahadur M. KRISHNAN NAYAR :—" May I say one word ? What I submitted this morning was a statement which I was bound to submit and it is not that statement that I am moving now. It is a motion for the adjournment of the House that I am now making, and the motion that I am now making is this. I will read the motion itself as I drafted it. I make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, ' the disapproval of the Council of the action of

the District Magistrate of Malabar in issuing orders under section 144 of the Criminal Procedure Code prohibiting meetings and of the subsequent arrest and commitment to jail of Messrs. Yaqub Hasan, Madhavan Nayar, Mohideen Koya and Gopal Menon.' I have done, Sir."

The Hon'ble the PRESIDENT :—" I may mention to the Honourable Member that he cannot now make a motion formally committing the Council to a disapproval of the action taken by the District Magistrate. This discussion is allowed to enable the Honourable Member to call attention to the state of affairs, and if the Council passes his motion, that means that the Council accepts the Honourable Member's view that there has been mismanagement in the matter. All that is necessary is to make the motion, already given notice of by the Honourable Member, namely, to call attention to the arrest of the individuals and move the adjournment of the House. That will meet the Honourable Member's wishes and will be in compliance with the rules."

Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir, I am quite content."

The Hon'ble the PRESIDENT :—" The motion is 'to call attention to the arrest and commitment to jail of Messrs. Yaqub Hasan, Madhavan Nayar, Mohideen Koya and Gopal Menon at Calicut on the 16th February 1921 under the orders of the District Magistrate, Malabar, and to move the adjournment of the House.' That is the motion before the Council."

Mr. K. PRABHAKARAN TAMPAN :—" I beg to second that motion."

The Hon'ble Mr. C. G. TODHUNTER :—" May I rise to a point of order. The Standing Orders relate to a motion for adjournment for the purpose of debate. The motion for adjournment has been passed, and we are now debating a definite matter of public importance. There is no provision in the Standing Orders for a motion to be moved in that debate."

The Hon'ble the PRESIDENT :—" I know that. The only motion that the Honourable Member can make is that the House do adjourn."

The Hon'ble Mr. C. G. TODHUNTER :—" The House did adjourn this morning, and we are now conducting debate."

The Hon'ble the PRESIDENT :—" I have looked into the matter with some care. It is alright."

The Hon'ble Sir LIONEL DAVIDSON :—" Mr. President, I should like in the first instance to thank Mr. Krishnan Nayar for having given me this regular opportunity of making a statement on a matter undoubtedly of urgent public importance which I could not otherwise have brought very clearly within the procedure of this House. I may say that, before I was aware of his intention to move an adjournment of the House for this purpose, I had already considered whether it would not be possible for me to make some statement. I was particularly anxious to reassure the House, especially after the telegrams appearing in the press of last night, as to the state of Calicut, and it was my intention in the first instance to read out the two latest telegrams that had passed between the District Magistrate of Malabar and the Government of Madras in reply. But, now that this definite motion has been moved, it will be more appropriate if I leave those two telegrams to a later stage.

" The Government of Madras share the Honourable Member's regret that it should have been necessary at this time to take prohibitory action under the Criminal Procedure Code, but they cannot agree with him that the action was unnecessary. Perhaps the best method of illustrating the position will be for me to place

before the House the substance of the communications which we have received during the past few days from the District Magistrate of Malabar. These I now propose to read—if you will permit me, Sir,—for the current of the narrative will gain force if they are read out instead of being paraphrased.

"We had been aware for some time past from the confidential reports of the District Magistrate of Malabar that the position was getting more and more serious in respect of the Khilafat movement and the active manifestations of it. There is at least one question on that topic before this Council, which will, I hope, be answered to-morrow. Matters came definitely to a head on or about the 12th February when the District Magistrate found it necessary to issue orders prohibiting political meetings in Ernad and parts of Walavanad, that is to say, the Mappilla area. The District Magistrate's telegram informing us of this ran as follows:—

'Intimidation prevails throughout district. Further action imperative. Yaqub Hasan and Rajagopalachari expected to-day to tour district. Consider essential [to] prohibit meetings throughout the district and stop Yaqub Hasan forthwith.'

"Our reply to that telegram was—

'Regret general prohibition you propose is impossible, but Government have no desire to limit your discretion under section 144 in preventing specified meetings or restraining Yaqub Hasan or others from speaking on particular occasions.'

"The reason, Sir, why that reply was sent to the District Magistrate was that we felt, as we feel now, that the senior Magistrate on the spot must be trusted to exercise discretionary power in regard to matters of a changing nature of which we, four hundred miles away, can have no precise idea.

"Simultaneously with his telegram of the 12th the District Magistrate wrote a letter in demi-official form of some length which I shall now read (I hope this will not make me exceed my time)."

The Hon'ble the PRESIDENT:—"I am sure the Council will give the same indulgence to the Honourable Member as was shown to Mr. Krishnan Nayar so that Honourable Members can have the advantage of having a full statement of the case."

The Hon'ble Sir LIONEL DAVIDSON:—"I should like the House to recollect that what I am now reading is not a considered formal official report of the District Magistrate but is taken from a demi-official letter written in circumstances of great stress, on the exact wording of which it would be unfair to lay too much stress. This is what Mr. Thomas wrote—

'This letter is in continuation of yesterday's telegram. I sent that as there was reliable information that Yaqub Hasan was due to arrive. I now learn that he is not coming till the 15th. The situation is really serious. I have prohibited the holding of meetings in Ernad and Smith—the Subdivisional Magistrate—with my approval, has extended the prohibition to some amsams of Walavanad. My order was only just in time if indeed it is not too late. I have a letter from Smith describing the intimidation that has been practised in Manjeri and Tirurangadi to prevent Mappillas from bidding at the ferry and toll auctions which mostly are bought by Mappillas. They have been cut off from receiving service from the barber and dhobi, prevented from drawing water from public wells and so on. As an example of how far some are prepared to go, a man who complained in open court to Smith was assaulted outside the Court and threatened for doing so. It comes to this that the well-disposed can be protected only so long as they are near an official. Alone they are helpless, and it is not surprising that Smith was practically told that the law was failing to protect the law-abiding. Things are just as bad elsewhere in the district.'

"Mr. Thomas then refers to the treatment which had been meted out to one of our own colleagues, Mr. Bavotti; he had previously reported it to Government in greater detail—

'I have told you how Mr. Bavotti had to make a solemn promise in the mosque that he would resign from the Council in order to get permission to celebrate the marriage in his house and of the practice of intimidation in Ponnani.'

18th February 1921] [The Hon'ble Sir Lionel Davidson]

" What, Sir, can this House think of a campaign of intimidation which has gone to such lengths as that ? Mr. Thomas then anticipates the reception which another gentleman of our number, Mr. Kunhi Ahmad Koya, will probably meet—which he would probably have met, I should rather say,—on his return to Malabar. I trust that no such reception will meet him now that preventive action has been taken by the District Magistrate to enforce and maintain the law. Mr. Thomas continues—

'Mr. Kunhi Ahmad Koya, the Calicut Member, rich as he is, will have a rough time when he returns home. With this state of things it is not to be expected that any Mappilla will stand up for Government though many are far from approving the Khilafat agitation They have everything to gain and nothing apparently to lose by going with the tide, and I expect that very soon there will be very few bold enough to take our side openly.'

" Mr. Thomas then refers to a union chairman who commands great respect in the taluk of Ponnani—

'I have just seen the junior Jarattingal Pangal of Ponnani; both he and his senior, the union chairman, are genuinely attached to Government and, as you will remember, command great respect in Ponnani. He tells me that he cannot go to the Jamath and that he is put to great difficulty to get meat and fish while his brother has had to go to Alleppey in Travancore. They are daily insulted by the Khilafat partisans. *Ex uno disce omnes.* If this is the treatment meted out to such men it is easy to imagine what less important people have to bear. He asked me to issue a prohibitory order applicable to Ponnani taluk.

'Now the worst of all this is that these things are done in the name of religion, and if no check is applied, a dangerous spirit will be invoked, and the more convinced the ordinary Mappilla gets of the powerlessness of Government, the more outrageous will his general conduct become. We are allowing a lot of normally harmless material to become very inflammable and, it may be, preparing the way for something far more serious than the isolated expression of fanaticism that the ordinary Ernad outbreak represents.

'I feel strongly that it is now time to make our effort to prevent the movement from developing further and I believe that firmness now will scotch the movement outright. If Government approve my proposal to prohibit meetings throughout the district whether addressed by local or by imported firebrands the loyal will take heart and the potentially disloyal will come to the conclusion that it is better all round, and not the least against religion, to give the go-by to Khilafat. If nothing is to be done, I do not care to forecast the probable results.

'I do not wish to be thought to be funking the issue when I ask Government for orders. It seems to me that, while it is certain that the orders that I have tried to justify will provoke much criticism—.'

" (Mr. Thomas was thus quite alive to the criticism that his orders have to-day received from Mr. Krishnan Nayar.)

'—I as Collector have no right to commit Government to a course of action which they will have to justify, even though the measures advocated may, for all I know, not be necessary for other districts.

'I have spoken plainly and tried to put before you the situation of Malabar. Till now I have taken an optimist's view of the development of political agitation here. Mr. Hitchcock whose knowledge of the district and the people is almost unique was also an optimist till recently; but he now agrees with me that organized intimidation, as it is now being practised, can only be met by the measures I ask the Government to authorize. I ask for orders as soon as possible, more particularly in view of the fact that Yaqub Hasan, whose views are as extreme as his expression of them is violent, is expected to arrive on Tuesday next.'

" The Government have in their possession plenty of evidence to bear out that characterization of Mr. Yaqub Hasan's views and his methods of expressing them.—That, Sir, is the fuller statement which gives the reasons why Mr. Thomas on the same date telegraphed asking for leave to prohibit meetings throughout the district. We refused that general leave, because we felt that it would be tantamount to adopting an irregular expedient for applying the Seditious Meetings Act to the district of Malabar without the sanction of the Government of India and because we felt that it could not be maintained. On the other hand we were bound to say, having regard to the responsibility of the District Magistrate for the maintenance of peace, that we could in no way place any restriction upon his discretion if in

respect of particular meetings or with regard to particular persons he thought it necessary to take the action that he is empowered as a District Magistrate to take under the Criminal Procedure Code. That, Sir, is what took place on the 12th.

"On the 14th the District Magistrate issued a prohibitory order addressed to Mr. Yaqub Hasan, Mr. C. Rajagopala Achari, who I believe did not go to Malabar, and three local leaders and also to the public of Calicut and Tanur where meetings were already arranged. This order, which is practically the same as the version appearing in the *Hindu*, was telegraphed to us as follows, omitting prepositions and articles for brevity and arrived on the 14th or 15th, I am not quite certain which—

'Whereas it has been made to appear to me that as result of several political meetings professedly on Khilafat and non-co-operation held in various places in district (seven places named) and of speeches made at such meetings, persons lawfully employed have been intimidated and annoyed many ways, obstructed their lawful pursuits and threatened annoyance and obstruction and feelings more ignorant inhabitants (Mappillas) have been or are likely be inflammed against Government, and whereas in my opinion continuance holding such meetings will have immediate effect disturbing public tranquillity and may very likely lead riot affray, and whereas in my opinion speedy prevention such meetings in circumstances desirable, and whereas am informed political meeting to be held Calicut Tanur 15th, I hereby prohibit, etc.'

"Then follows a further order addressed to the public of Malabar as well. No, this was Mr. Thomas' proposed general prohibitory order in regard to meetings, which the Government did not permit. Our telegram in reply was issued on the 15th. It ran—

'Government concur in order already issued: advised that the proposed general order is illegal. Letter follows.'

"We consulted our legal adviser, the Hon'ble the Advocate-General, and we gave Mr. Thomas demi-official instructions, the general purport of which was that we concurred in the District Magistrate's use of section 144 of the Criminal Procedure Code to prevent specific meetings which were likely to have a disturbing effect and to prohibit Mr. Yaqub Hasan and others from speaking at specified meetings. As I have said already, the Seditious Meetings Act could not be applied without the previous sanction of the Government of India, and we were aware that the Government of India would be most unwilling to grant such a permission. It follows therefore that, under the orders which he received from the Government, it was incumbent on the District Magistrate to deal with particular persons and with particular places by special orders in each case.

"The following day, the 16th, we received a telegram from the District Magistrate stating that he had received information through a press communiqué tendered at the telegraph office at Calicut by the Secretary of the Congress Committee that Mr. Yaqub Hasan had resolved to address a prohibited meeting in spite of the notice served on him. The particulars of this communiqué appeared in the *Hindu* last night. I do not know exactly when it came into Mr. Thomas' hands, but the facts do not seem to be disputed. Mr. Thomas had also received from other sources information that Mr. Yaqub Hasan was alleged to be intending to disobey the orders of Government or the District Magistrate. Considering that the public safety would be prejudiced by such disobedience, he directed the arrest of Mr. Yaqub Hasan and certain other local extremists under section 144 of the Criminal Procedure Code in order to provide against possible disturbance. This action was reported to Government in the telegram sent on the 16th, which closed with the intimation that up till 6-15 p.m. there had been no disturbance. On the following day (17th) we received another telegram stating that considerable excitement was prevailing, the shop-keepers had been forced to close their shops and crowds were roaming about shouting Mahatma-ki Jai, etc., and describing the

18th February 1921] [The Hon'ble Sir Lionel Davidson]

police arrangements made in view of the gravity of the situation. Subsequent information makes it clear that the orders passed and proceedings taken on the 16th gave rise to no disturbance on the 16th and that it was not until late on the afternoon of the 17th that real trouble began. We received at 8 o'clock a telegram sent off a little after 5 p.m. from which I take the following :—

'Town now quiet—16 hours (i.e., at 4 p.m.). Yaqub Hasan and other counterpetitioners removed without trouble to Cannanore Jail. Vakils observed strike. Partial strike only in bazaars. Crowd now good humoured. Do not expect attempt to hold meeting defiance orders. Hold worst is over so far as Calicut is concerned. . . . Have seen press message containing somewhat misleading report of yesterday's proceedings.'

"The telegram then urges strongly the advisability of issuing a press communiqué, which we have every intention of doing.

"The last in the series of telegrams, sent off late last night and received early this morning, runs thus—

'To-night (*i.e.*, 17*th*) about 17 hours procession started with religious cries and soon included ten to fifteen thousand. Not all demonstrators. Object presumably to overawe authorities. Procession and crowd on beach about 20,000 massed near Club. Decided towards nightfall to disperse crowd, and police did so. Some stones thrown, no casualties, no shooting; situation in hand.'

"I think this House will agree with me that the dispersal of that meeting with such a measure of success is no small testimony to the efficiency of the magistracy and the police of Calicut. This morning a reply telegram was sent to Mr. Thomas in these terms :—

'Government are glad to learn that you are handling a very difficult position with success and that you have the situation well in hand. They note with approval that you are fully alive to expediency of restricting use of fire-arms to cases where absolutely necessary for protection of life and property.'

"The last sentence refers to a passage in an earlier telegram which I did not read out; it showed that the Magistrate was fully alive to the situation.

"The District Magistrate's final report was received this afternoon in continuation of the telegram which I have just read out. This is the report—

'Government have been informed of the text of my orders under section 144, Criminal Procedure Code, addressed to the public of Calicut and Tanur and to Yaqub Hasan and the local Khilafat leaders prohibiting meetings at those places. The meeting at Tanur was not held though arrangements had been made on a considerable scale for it. The meeting at Calicut was arranged for the 16th at 6-30 p.m. On the morning of the 16th Mr. Hitchcock, the District Superintendent of Police, informed me that his information was that the persons mentioned in my notice were determined to hold the meeting and that Yaqub Hasan would speak at it, and he asked me what steps I proposed to take if his information was correct. In my opinion, with which he agreed, it would have been necessary to disperse the meeting by force if it was held. He left me to gather further information and report later in the day.'

"Then Mr. Thomas refers to the press message sent by Mr. K. Madhavan Nayar, Secretary to the Congress Committee, Calicut. In this message it was stated—

'In order to allay the alarm and resentment' (I quote from memory as I am writing this to catch the mail) 'caused by my orders and by a notice issued to U. Gopal Menon under section 108, Criminal Procedure Code, Yaqub Hasan has resolved to address the public meeting notwithstanding the District Magistrate's prohibition order.' The message made it clear that this decision was come to after a meeting of the Khilafat Committee. This information seemed to make my duty clear. Yaqub Hasan had made up his mind to disregard an order lawfully issued by a competent authority and still in force, that is to say, he issued a challenge that I could not pretend not to notice without abdicating my authority as District Magistrate in favour of the Khilafat Committee. That is the view I took and now hold. And in my view it now became necessary to take such action as would prevent the public meeting from being held. Government had approved my orders and I assume expected me to enforce them.'

"It would have been impossible, in the opinion of the Government, to have allowed such an order to be defied with impunity. The report continues—

'Three courses were open to me—

(1) to let the meeting commence and then call upon it to disperse and to use force to break it up as an unlawful assembly, or

(2) I could let them have and hold their meeting and prosecute the principals afterwards for disobeying the order of a public servant.

'That would have meant I shirked the issue.'

"If I may with your leave, Sir, address a personal question to the mover of this resolution, I should like to ask if with his long experience as an executive officer he would willingly have shirked the issue if he had been in Mr. Thomas' place."

Diwan Bahadur M. KRISHNAN NAYAR:—'My answer certainly is that if I had issued such an order I would have enforced it at any cost. But I would think not only once or twice, but ten times over before issuing such a prohibitory order."

The Hon'ble Sir LIONEL DAVIDSON:—"I have received the answer which I expected. Mr. Krishnan Nayar admits that if a definite order had been issued it was imperatively necessary that it should be enforced. Mr. Thomas mentioned three ways of dealing with it. He comes next to the third method, namely, action under sections 107 and 114, Criminal Procedure Code. I do not think I need weary the House with details of the actual orders issued under those sections. But I may say that I have had the advantage of examining them with the Hon'ble the Advocate-General and so far have discovered no technical flaw. If there be any technial flaw, those affected have a right of redress by application to the High Court for revision—

'The arrest of the four men,' continues Mr. Thomas, 'was effected without any fuss by the police at about 2-30 p.m. and they were brought to my office at once and the inquiry under section 107 commenced. I made it perfectly clear at the outset, and later on when the inquiry was concluded and before I passed orders, that my action was purely preventive, and that if the counter-petitioners or any of them would give me an undertaking that they would not do anything that might disturb the public tranquillity, I would stay proceedings. But they preferred not to offer any such undertaking and I therefore had no alternative but to call on them to furnish security, and as they would not do even that, to commit them to jail where they now are. Yaqub Hasan explained his point of view to me. He held that my orders were ill advised and provocative of disorder and that the best or the only way to achieve the object we had in common—the preservation of peace—was for him to disregard my order and tell the public that they really must observe strictly the creed of non-violence, thus setting up his right of private judgment in a matter on which as a stranger to the district he had no data to form an opinion. I do not suppose that Government will hold that I should have done well to let him test his theory.'

"Mr. Thomas' supposition, Sir, is correct. He was quite right in not allowing Mr. Yaqub Hasan to test his theory. The report continues—

'Till 8 a.m. to-day there has been no disturbance. The reserve police were called out and kept in readiness to deal with any disturbance and kept order round my court. They were of course armed. On the principle that prevention is safer than cure, I asked the Officer Commanding the West Hill Detachment to provide two patrols on motor lorries and I gladly acknowledge the promptness with which he complied with my request. Each lorry was accompanied by a magistrate of the first class and patrolled the Mappilla quarter till dusk. There was little or no excitement displayed anywhere; a large crowd assembled near my office and took some interest in what was going on, till a hockey match on the maidan in front of the office began and occupied their attention and interest'."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"That is the test—whether they had come there merely for amusement or for committing violence."

The Hon'ble Sir LIONEL DAVIDSON:—"The point is that there were no disturbances until the evening of the 17th when the agitators had been round counselling defiance of the law. That is the usual history of Khilafat disturbances: left alone, the people are quiet enough. The report continues—

'It was only after the four men were taken to the sub-jail that there was any liveliness The District Superintendent of Police reported to me verbally that a crowd of about 2,000 was marching about the town shouting "God is great". Many of these were youngsters "—*mark this next words*—' but there were about two or three hundred Mappillas from outside the town who had come by train from parts of Ernad and Ponnani.'

18th February 1921] [The Hon'ble Sir Lionel Davidson]

"These words show that Mr. Yaqub Hasan's visit was in fact a cause of mischief not only in the town of Calicut but also in the surrounding parts of this district. The report continues—

'I visited the town at about 11 p.m. and all was then quiet. The District Superintendent of Police anticipates that an attempt will be made to hold a meeting to-day to express resentment and that a hartal will be forced.'

"Mr. Hitchcock's knowledge of the people of Malabar is proved by what followed—

'No doubt efforts will be made to demonstrate that the only possible way of preserving peace is now, and would have been, to give Yaqub Hasan and the others a free hand. . . . The behaviour of the police and the troops has been admirable and I hope to keep the situation well in hand.

'I regret that I have had to take this drastic action; it was forced on me by the recalcitrant attitude of Yaqub Hasan and the local men. I fear that Government may not be overpleased that my action has provided a martyr or so to the Khilafat cause, but I feel confident that Government will realize that no other course was left open that I could follow without betraying my duty.'

"Sir, Mr. Thomas' confidence has not been misplaced. The Government are fully satisfied that he did his duty.

"I have in my possession copies of various orders passed, but it is only necessary to read the final order so as to show exactly what attitude Yaqub Hasan and the other defendants took up. This is the final order under section 107, Criminal Procedure Code:—

'The four counter-petitioners have been summoned to show cause why they should not be bound over to keep the peace for a period of twelve months as provided in section 107, Criminal Procedure Code. For reasons recorded in the notice served upon them action was taken to arrest them in accordance with the provisions of section 114, paragraph 2, Criminal Procedure Code.'

"For the information of gentlemen who are not familiar with section 114 I may say that, since an act complained of might be done if preventive steps were not taken, this section provides that the person concerned may be arrested and called upon to furnish security against doing the act—

'The first counter-petitioner had been invited to Calicut to speak at public meetings in the district on Khilafat and Non-co-operation. Counter-petitioners 2 to 4 are members of the Khilafat Committee or Congress Committee and, I learn from the evidence of P.W.-3, the Inspector of Police, have taken a prominent part in addressing meetings on this topic. For reasons embodied in an order under section 144, Criminal Procedure Code, which I caused to be served on the four counter-petitioners immediately after the arrival in Calicut of the first counter-petitioner, I issued an order prohibiting the holding of meetings, directed to the public of Calicut and also directed personally to the four counter-petitioners strictly enjoining them not to take any part in such meetings. The evidence of P.W.-2 (Personal Assistant to the Superintendent of Telegraphs), who produced a telegraphic message (Exhibit B) signed by second counter-petitioner handed in on the morning of to-day, shows that there was a largely attended meeting of the Khilafat Committee last night and that first counter-petitioner in the words of the second counter-petitioner "has therefore resolved to address the people of Calicut notwithstanding prohibition order of the District Magistrate."

'The only inference from this is that first counter-petitioner abetted by the local Khilafat leaders calmly determined to break the law, and disregarded a magisterial order duly promulgated. A meeting thus held and addressed if it consisted of more than four persons would be an unlawful assembly which the police would be bound to disperse and in so doing the danger to the public peace and tranquillity would be manifest.

'I consider therefore that it is necessary to call upon the counter-petitioners to execute a bond in Rs. 1,000 with one surety each for a like amount to keep the peace for a term of six months, and call upon them to do so; failing the execution of such a bond here and now they will be committed to prison until a satisfactory bond is executed.'

"To the foregoing order is attached a postscript in the following terms:—

'As the proceedings are preventive in nature I was willing to stay further proceedings if the counter-petitioners or any of them would give a satisfactory undertaking to refrain from public speaking. They have refused to do so.'

"We have also received from the District Magistrate a later letter, dated the 17th and evidently written after the one which I have just read out. This runs as follows:—

'I beg to report that hartal has been started and attempts are being made to stop people from proceeding in carriages. An attempt was made by the people to stop the carriage of my magisterial clerk on his way to my bungalow and there is some shout of Mahatma Gandhiki Jai, etc., and they are

also shouting out to people to close their shops. I have prohibited meetings in Calicut during the next two months and I am prepared to enforce my order at all costs. I have received reports from Ponnani and Tirur and Kalpakancheri that they are getting out of hand and at the two last mentioned places are gathering people who have outbreaking traditions and whose character is bad. And I submit that my forecast of what would be the development of the Khilafat agitation in this district in my demi-official letter a few days back is amply justified by the development of to-day and yesterday. A firm hand will be necessary if this district is to be maintained in a state of tranquillity.'

"We telegraphed asking Mr. Thomas exactly what measure of force he had found it necessary to use in order to disperse the large meeting on the 17th. This was what he telegraphed in reply :—

'Ninety-two reserve and special force constables with five European subordinates, three British officers, 30 other ranks and district officials pushed crowd back and dispersed gradually upside streets. Two lorries carrying Lewis guns followed. Men carrying rifles had bayonets fixed, advanced at "port arms".'

"Those of us who have done drill with the Indian Defence Force will recollect, if my memory is not at fault, that 'port arms' means that the rifle is held laterally in front of the body with the bayonet pointing to one side, and not to the front as would be the case if the order given were to charge. The manner of advance was therefore a most humane method of dispersing the crowd.

"Sir, I need not further prolong my already long drawn out speech; my object has been to show that the District Magistrate did not act in haste, that he considered the situation with great care, that among his advisers was a police officer (Mr. Hitchcock) whose practical experience and knowledge of Malabar, its people and its conditions are almost unrivalled amongst Europeans, that he consulted the Government and that the Government in their turn consulted their legal advisers as to the legality of the possible courses and took action to prevent the District Magistrate from adopting the expedient of a general prohibition against meetings, which was probably contrary to law and was in any case politically inexpedient.

"I do not know, Sir, if there is any other point with regard to which any Honourable Member of this House would like to have information, but so far as it is in my possession, I shall be ready to give it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, the Hon'ble Mr. Krishnan Nayar is doing a public service in bringing forward the motion before this House. I am at one with the Hon'ble Sir Lionel Davidson that it is far more satisfactory to elicit information by a motion such as this, so that we in this House and those who are outside this House may be in a position to judge of the situation. I am glad to hear the statement made by the Hon'ble Sir Lionel Davidson and we have before us all the facts that are at present in his possession.

"It seems to me, Sir, that it is altogether unnecessary at the present stage to examine the legality of this question or to go into the nature of the powers exercised by the District Magistrate. We are here more or less to raise the question of policy in the present political situation of the country. Honourable Members have been perusing, I take it for the last three or four days, the discussions in the Indian Legislative Assembly and in the Council of State. It looks as if the Government of India have after all relented in matters which have occupied public attention and which have raised acute controversy throughout the country. Resolutions in regard to the repeal of the various repressive laws and in regard to the situation in the Punjab have been discussed and statements have been made on behalf of the Central Government the effect of which will have to be seen throughout the country. I am referring to these important events for the purpose of showing that while steps are being taken by the Central Government to assuage public feeling, to make amends and generally, as has been put, to initiate a policy of forget and forgive, whether it is right on the part of this Government to initiate

what I may call a repressive policy in Malabar. The Hon'ble Mr. Krishnan Nayar comes from that part of the country, and he is an experienced administrator, and with regard to this motion we are entirely in his hands. He assures me and he has assured the House that, so far as the action of the District Magistrate is concerned, it was ill-advised, it was, in the words of Mr. Yaqub Hasan, provocative and it was likely to lead to a great deal of trouble. I am therefore anxious to impress on the Government the great necessity for caution in initiating proceedings which would contribute again to rouse public feeling and generally to give more opportunities for the ventilation and the practice of the principles of non-co-operation. Honourable Members are probably aware that I am not a non-co-operator nor am I a member of the Khilafat Committee. My views on these subjects are fairly well-known and when I bring forward this motion and several Honourable Members are anxious to impress upon the Government the necessity of caution and the necessity of meeting these ebullitions of public feeling in a spirit of conciliation, we are doing it entirely from the best of motives, and I trust that the Hon'ble Sir Lionel Davidson and those who are in authority would take my assurance that if we differ in the policy, it is entirely from a different angle of vision. The Hon'ble Sir Lionel Davidson is probably aware also of another district where the non-co-operation movement has reached an acute stage and that is the district from which I come."

The Hon'ble Sir LIONEL DAVIDSON :—" Where there are no Mappillas."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I admit that there are no Mappillas. We are all aware of the fact that the Mappillas are a peculiarly excitable people and that they are amenable to influences based on religion much more than other classes of people. But, Sir, I would ask you seriously to consider whether another policy in the present situation is not possible. Mr. Yaqub Hasan, according to the statements made by Sir Lionel Davidson, arrived in the district and on his arrival he was asked not to deliver speeches. I did not hear a word about the character or conduct of any of the other gentlemen who have been sent to prison in connexion with this matter. And so far as I know, from an assurance based on the statements of the Hon'ble mover, they are very respectable gentlemen who believe in what they are doing. My Honourable friend says that he does not know personally anything about Mohideen Koya, but as regards the two others he is convinced of their sincerity. Their desire to promote the public weal on principles which we do not approve of in this House. But there the fact remains. It seems to me that, without depriving the local Magistrates of their powers, it is for the Government to consider seriously whether at this juncture in the political situation of the country and without any further evidence that there would be lawlessness in consequence of these meetings, the Government is well advised in arresting these gentlemen.

" The Honourable Member referred to a certain amount of what is called social boycott and he also referred to the way in which two members of this House have been treated, but I consider that it is absolutely irrelevent to the present issue. The question is whether in the district of Malabar public meetings should be prohibited or that the district authority should have this power. There may be several Honourable Members in this House who may not read the " Hindu ". But I have here another paper " Madras Mail " which is read by other Honourable gentlemen. This journal says—I am reading the prohibition order in general terms—" He is informed that a political meeting is to be held in Calicut on or about the 15th or 16th instant ; the District Magistrate prohibits holding of any such meetings."

The Hon'ble Sir LIONEL DAVIDSON :—" May I rise to a point of order, Sir ? Does the Honourable Member make himself responsible for the statement in the " Madras Mail ". I actually read from the communication which I received from the District Magistrate himself."

The Hon'ble the PRESIDENT :—" Order, order. The Honourable Member for Government has read a copy of the order itself. It is a matter for consideration whether that may not be accepted. It is likely to be more accurate than the " Madras Mail's " version of it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" The only other point to which I should invite your attention is the fact that certain amount of liveliness which the Honourable Member referred to in one of the communications after the 16th or 17th, seems to be entirely due to the arrest of these gentlemen. There was not this liveliness in Calicut before that date. Apparently and we on this side of the House consider that, as has been stated by the Honourable mover, there is likely to be more trouble by these arrests than by the fact that the gentlemen are going about the country and letting off steam. Therefore, Sir, in view of what is going on in the district of Kistna, where I am glad to say the District Magistrate has been very considerate in dealing with the situation—."

The Hon'ble the PRESIDENT :—" At present the Council is engaged in the question of the arrest and commitment to jail of Mr. Yaqub Hasan, Mr. Gopala Menon, Mr. Madhavan Nayar and Mohideen Koya at Calicut on the 17th of February 1921 under the orders of the District Magistrate of Malabar, and I must rule out any reference to the district of Kistna."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I say, Sir, that if in referring to the terms of the order, in a discussion of this character the policy adopted in other districts is irrelevant, I am entirely in the hands of the President. Well, Sir, I am bringing my remarks to a close. The way to promote peace in Calicut is not by sending out lorries with policemen with fixed bayonets. I sincerely hope that the Government would not have more trouble than they would otherwise have if this order has not been passed."

Mr. S. SRINIVASA AYYANGAR :—" Mr. President, I should like to express my deep dissatisfaction with the statement that was read and the justification that was attempted by Sir Lionel Davidson. I entirely agree with the view which was put forward by Mr. Krishnan Nayar, who has intimate knowledge of the district and of the conditions of political feeling in that district and of the two persons concerned in the order. I want to make my position perfectly clear to the House. The House is considering now not the legality of this question, not the question as to whether if there was a practical certainty of breach of the peace the Magistrate would be justified ; but the House is considering the political and constitutional aspects of this question, and it is not considering the question of the treatment which was meted out to the four individuals. It is dealing with wider issues. Now, it is perfectly clear from the Hon'ble Sir Lionel Davidson's statement—first the idea of Government and of the Magistrate was in order to counteract this movement or in order to counteract any kind of feeling that might spread in the Malabar area by the spread of this non-co-operation movement, that political meetings and Khilafat meetings should be prohibited throughout the district. That was the original idea. That idea could not be given effect to because—as very frankly stated by the Honourable Member—the Seditious Meetings Act could not be indirectly applied. He also frankly stated that if he had applied for sanction to do so the Government of India would have refused the

sanction. Therefore it is quite obvious that which was at the back of the mind of the District Magistrate when he made the original proposal to the Government—the general proposal and the alternative proposal—was the desire that political meetings of this character should be prevented. That was the general idea—that propaganda work of this description should not be allowed to go on, that political meetings of this description should be prohibited by such legal or other powers which the magistracy may possess. Now when we come to the latter correspondence we see that it has not been made out that there were any actual breaches of the peace before the 16th. What was said was that not in Calicut but in some other part of the district, there was some intimidation but not in Calicut, that one man who went outside a Court in some other place was assaulted and that some people were prevented from taking water from a well in some village. What bearing those facts have got upon the atmosphere of Calicut, it is absolutely impossible for me to imagine. They have in fact absolutely no bearing whatever. The Magistrate was concerned with the preservation of the peace of the headquarters of the district, Calicut, where I take it there is a very large section of the community and the Muhammadan population is not, I believe, in the majority. It is the non-Muhammadan population that is in the majority in the Calicut town itself. Owing to the variety of offices and the variety of influences which a headquarter city like that would possess, it will be absolutely impossible to repeat on a large scale anything like the very sporadic occurrences which were referred to by the District Magistrate in his correspondence. He does not make any clear statement that there was a connected or organized attempt on the part of the Khilafat workers throughout the district to intimidate or annoy or to cause any inconvenience. There was no such organized compaign. In that state of things each particular case had to be dealt with on its own merits. You cannot generalize from an individual case that the feeling will be so throughout. We know perfectly well that right throughout the country, non-co-operation has divided the country. Opinion on it is divided in the same town, in the same village, in the same family, in the same school. We know that people are divided over it and that very fact that they are divided over it is the strongest possible protection and the only protection which the Government could have. There need be no other protection. In that state of things, I submit it was wholly irrelevant for the Magistrate to have referred to other circumstances. I cannot understand how the Hon'ble Sir Lionel Davidson was influenced by reports of the description that he read. He referred to the distance of 400 miles from Madras to Calicut. I accept that argument. That is all the more reason why powers like this should not be allowed to District Magistrates to interfere with the political currents of the day. Any interference ought always to be done only by the central authorities. Neither the District Superintendent of Police nor the District Magistrate ought to have anything to do with political movements and ought not to be given any free hand. We know the man-on-the-spot theory and the time has come to put an end to it. I thought that with the change, with the Reform Act and with this new Council, there would have been end of it. I never imagined that a resort would so soon be had to it. I am perfectly certain that Sir Lionel Davidson if he had gone to Calicut as he might have done would have viewed things differently—I do not understand why it is not possible for a Member of the Government if there is really an acute or critical condition——."

The Hon'ble Sir LIONEL DAVIDSON :—" May I rise to a point of order by way of personal explanation. The Council suggests that I ought to have gone to Calicut. I wish to elicit, so far, as it is possible, an expression of opinion whether the House wishes—."

The Hon'ble the PRESIDENT :—" Order, order."

Mr. S. SRINIVASA AYYANGAR :—" A member speaking in this House gives his own reasons for the vote he proposes to give on this matter. It is not that the House interferes or supports or rejects every reason which a member urges for his particular proposal or for his particular vote. Mr. President, I submit that it was wholly unnecessary for the Government to have taken the step which was taken in this case. Then the Hon'ble Sir Lionel Davidson referred to the efficiency of the magistracy and of the Police at Calicut. I rely upon that to show that if there was any likelihood of the breach of the peace, it is the duty of the Police and the Magistrate and even it may be of troops to give protection to persons who desire to hold public meetings and exercise their constitutional rights. You cannot take the summary and easy method of issuing an order prohibiting public meetings and striking at the fundamental and elementary rights and privileges of ordinary citizens. I therefore consider that this is entirely an unconstitutional procedure for the Magistrate and Government to have adopted. It is not made out that there was any breach of peace immediately before or immediately after or so connected with this particular meeting, which it was desired to prohibit, as to justify the Magistrate in issuing the orders or the Government in sanctioning the action of the Magistrate. Reference was made to the Government legal adviser. I think the legal adviser merely gives his legal opinion. It is not suggested that it had anything to do with the question of the merits, or the political expediency or the constitutional aspects which we have got to do in this case. There was another meeting which was prohibited at Tanur. That meeting was not held. Nevertheless why should the Magistrate imagine that this meeting would be held at Calicut? Undoubtedly the meeting could have been dispersed if after it was held it tended to result in disorder. That was what had to be done. He was not to anticipate trouble when there was no serious likelihood of trouble and use the provisions of sections 144 and 107 for the purpose of preventing political meetings and of preventing political speakers or Khilafat workers from addressing meetings and educating their countrymen and speaking from what they considered their point of view. I myself do not agree with the view taken up by a section of my countrymen, but I do not consider that the way in which this matter is looked at by the Government is the proper way and it fills me with serious misgivings as to the future. I hope my views would not fall on deaf years and I hope that there will be many in this Council who will share the same views as I do hold—, that this is a repressive measure undertaken ' for the purpose of putting down political activities and that it is wholly unjustifiable—'."

Mr. S. SOMASUNDARAM PILLAI :—' Mr. President, what is meant by non-co-operation? It means not to co-operate with the Government in any way. Of course, I know Mr. Yaqub Hasan personally. The other three I do not know. Mr. Yaqub Hasan is a believer in passive resistance—in will-force. He can overcome everything by his will. I do not think that if my Hon'ble friend Mr. Krishnan Nayar had consulted them, they would have themselves agreed to this motion being brought forward, because they strongly believe in will-force. Possibly they may be very honest in their intentions, and may not mean anything wrong. But we do not know what ignorant people will do. This reminds me of a certain story of a man who was playing with fire near cotton bales; when he was asked not to play he replied that the cotton bales were wet and would not take fire. In the same way is it an excuse that Calicut is a sober place and mischief is not to be expected there? One Mappilla is enough to set the whole town in commotion. We know what the Mappillas are. We know how one Civil Servant was cut to pieces some years ago."

18th February 1921] [Mr. M. Krishnan Nayar]

Diwan Bahadur M. KRISHNAN NAYAR :—" Mr. President, is the Honourable Member in order in referring to the Conolly murders of about one hundred years ago ? "

Mr. S. SOMASUNDARAM PILLAI :—" I speak of the nature of the Mappilla ; the material of which he is made. I have seen these meetings. I have also heard of these meetings. Many people attend ; many of them are way-farers, who only go there for jollity. There are many young people, ignorant and illiterate people who do not know what is said at these meetings. We know very well of the Satyagraha meetings at Madras, when all the shops were asked to be closed. I saw Sir, in the streets a man going to a cake selling woman and asking her ' How much will you earn to-day ?' She replied that she might expect to sell for a rupee. He offered her two Rupees and asked her to close the shop. At times these non-co-operators go and say. . . . "

The Hon'ble the PRESIDENT :—" Order, order. I trust the member will confine himself to Calicut."

Mr. S. SOMASUNDARAM PILLAI :—" I confine myself to Calicut and non-co-operation, Sir. What the non-co-operators say and do in other places they could as well do in Calicut. They say on account of this Punjab affair all crows have become white. There are people who believe it, even in Calicut. Are these people to be tolerated ? Are you not to expect that the minds of the people will be agitated ? What will be the effect of these meetings on the minds of the people who do not care for their morrow ? If those minds are tampered with, what will be the consequence ? Justly and rightly I think, the District Magistrate of Malabar has understood the forewarning symptoms. I think he is right. If there is any soul who repents, who resents this action of the Magistrate, then I do not think he is a real patriot. Of course patriotism may differ with different people. Non-co-operation and patriotism are quite different. And as the co-operators say, we shall progress. The non-co-operators want to impress upon the minds of these people—Sir, I confine myself to Calicut—these Calicut people that the English are a nation of traders. These traders have become masters and so we must become masters. That is non-co-operation. These traders, Sir, who made us what we are, who brought the north and south together, these traders who united the whole of India . . . "

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I know if all these references to the history of traders and why they came here are in order ? "

The Hon'ble the PRESIDENT :—" Does the Honourable Member refer to Calicut ? "

Mr. S. SOMASUNDARAM PILLAI :—" Yes. These non-co-operators, Mr. President, would have told all this in Calicut. This was foreseen and put a stop to by the wise Magistrate of Calicut. It is these non-co-operators that say they are the benefactors of the country. Sir, man is not perfect ; but there may be . . . . "

The Hon'ble the PRESIDENT :—" I think the member is travelling far beyond the subject."

Mr. S. SOMASUNDARAM PILLAI :—" It is a very vast question, Sir, like the flood in the Cauvery which causes so many breaches. So, it is that that makes me travel far ; I shall however confine myself to Calicut. These gentlemen against whom the orders are now passed were asked not to address meetings. They refused and they were then asked to furnish security to keep the peace of the

locality. They again disobeyed. If the order was disobeyed, what was the result to be expected? The Magistrate must exercise his rights. He must at once commit them to prison for they have disobeyed him without furnishing security. If they had furnished the security demanded, they would not have been sent to jail. What is the use of now finding fault with the Magistrate whose order they have disobeyed? The order may be right or wrong. As it has been issued the Magistrate must be obeyed. There are appellate courts for them to appeal to. I therefore protest against rather oppose this motion."

The ADVOCATE-GENERAL:—"Mr. President, Sir, as the House will easily perceive, I stand before this House in a very difficult position indeed. Because I count myself, now as the rules provide it, a non-official free to speak and vote as I choose. Moreover, as the Honourable Member who spoke last expressed himself, and I mention it solely and merely because my name has been referred to by the Honourable Member who spoke, Sir Lionel Davidson, it is undoubtedly true that my opinion and advice were sought for merely from the legal standpoint. Undoubtedly I held the opinion and still hold that general orders on this matter ought not to be promulgated. But the position is this. About the expediency or the inexpediency, from the wider political point of view I do not propose for the moment to speak. The position thirdly is this. The District Magistrate of Calicut was persuaded, or had persuaded himself, that there was an impending breach of the peace if a particular meeting was going to be held. He judged of the imminence or likelihood of a breach of the peace from certain indications which had appeared to him from certain reports which he had got. It is quite open to the House, and I do not gainsay it for a moment, to judge of the rightness or wrongness of the course he had adopted on the materials before him. It would be quite open to the other tribunals and other authorities finally to pronounce judgment upon whether the District Magistrate on these materials rightly apprehended a breach of the peace. But it must not be forgotten that on a particular day a number of Mappillas from outside had come into the area. It was felt that these Mappillas were fanatical in their nature and were likely to commit breaches of the peace. On these materials the District Magistrate came to the conclusion that, unless the particular meeting was prevented, a breach would occur. On that certain measures had to be taken and this House will for the moment confine itself only to the consideration of that question. The wider question undoubtedly exists, and I for one yield to none in thinking that this is a particularly unpropitious moment, it is a particularly unfitting occasion. . . . . ."

Diwan Bahadur M. KRISHNAN NAYAR:—"I question the statement of fact. I have listened carefully to Sir Lionel Davidson and he did not say that Mappillas outside Calicut were brought into Calicut before the date of this order. I may be mistaken."

The ADVOCATE-GENERAL:—"I yield to none in thinking that this is a particularly unpropitious and inopportune moment in the history of the political progress of our country that the slightest attempt should be made or the slightest apprehensions felt that legitimate political activities and expressions of political views should be handicapped in any manner. And if I for one did not think that in this particular matter I acted merely as a legal adviser, if I for one thought that this was a thin end of the wedge for the beginning of a series of repressive enactments or measures tending towards the curtailment of political liberty or political privileges, I should have probably transcended my official capacity and spoken about the expediency of the matter as well. But I desire this House to wait for the present until we know more about the matter and until

matters develop to consider merely the question whether there was a likelihood of a breach of the peace credibly believed in by the magistrate on which state of facts, he had to act in a particular manner."

Mr. Abbas Ali Khan :—" Mr. President, I have to speak first as Member of this House and secondly as a Muhammadan coming from Madura and thirdly as a lawyer practising in Madura. As a Member of this House I am thoroughly convinced with all the reasonable persuasion made before this House so eloquently and so lucidly by the Hon'ble Sir Lionel Davidson. But as a Mussalman I regret the course of events that have taken place in Calicut. I was myself a non-co-operator. I thought I should be doing something for my country as a non-co-operator. But when I saw the course or march of events, when I found students withdrawing from schools, from a non-co-operator I became a co-operator and to-day I find myself in this House. There is a large body of moderates who want to assist this progress. This unfortunate move on the part of the Government is calculated to dismember and disarm that powerful army of moderate people who want to carry on with the Government in this country under the most trying circumstances. The words of His Royal Highness the Duke of Connaught are still ringing in our ears. Our hearts are still hot, the embers are still there. We have got the policy of repression installed in Malabar. Further as I said, whatever may be the necessity for embarking upon this measure, I can only sound this note of warning. I shall be failing in my duty as a representative of the Muhammadans of Madura if I do not say that there is a large number of Muhammadans in Madura who are really loyal to the core and who will never embarrass the Government to adopt any course that will stifle the progress of the reform. And these Madura co-operators are now thrown into the arms of the non-co-operators. As regards the legal aspect of it, section 144 of the Criminal Procedure Code is not a measure to be availed of for a future contingency. It is an emergent measure to prevent a breach of peace expected to occur immediately. Even if these meetings had been allowed Mr. Yaqub Hasan would have made some speech and there would have been some cries of Allah-ho-Akbar and cries of Gandhi-ki-jai. He would no doubt have said in those meetings 'never do anything against conscience, do not resort to voilence'.

" Well, the House has heard the Advocate-General and the Hon'ble Sir Lionel Davidson. They have not adduced a single argument to show that there has been a breach of the peace or that there is likely to be a breach. Mr. Thomas was so obsessed by his imaginary trouble that he pursued a most undesirable course. If he had allowed Yaqub Hasan to pursue his course, nothing would have taken place. The Hon'ble Sir Lionel Davidson has stated that the Collector reported that the matter was serious and that after the arrest the whole thing was quiet. I do not know what will happen a few days hence, I don't wish it, perhaps it may be something worse. I don't hold a brief for Yaqub Hasan as he has chosen to break the law of his own accord ; I don't hold a brief for those misguided politicians who have deliberately chosen to break the law, but I protest, I raise a voice of protest, that the authorities have pursued a wrong course in arresting Yaqub Hasan, for I fear the arrest will give rise to a good deal of agitation in the country and this artificial agitation will be kept up for a long period and people who are determined to checkmate the evils of non-co-operation will be thwarted in their attempts. I will even now implore the Hon'ble Sir Lionel Davidson, if it is not too late, to do something to alleviate the feelings of the Mussalman community which are very much exercised over this matter. Whatever deplorable action Mr. Yaqub Hasan has done, it is too early to take such drastic action."

[Sir P. Tyagaraya Chetti] [18th February 1921

Diwan Bahadur Sir P. TYAGARAYA CHETTI:—"Mr President, I have been listening very carefully to the speech of the mover Mr. Krishnan Nayar and of Mr. M. Ramachandra Rao and Mr. S. Srinivasa Ayyangar, and I have heard carefully the history of the whole thing from the Hon'ble Sir Lionel Davidson and this makes me say that the policy adopted by the Collector of Malabar is a most justifiable one. The letter and the telegrams received by Government from the Collector show clearly that all the incidents in Malabar have resulted in a very serious position. It is the man on the spot that knows the position, Mr. Hitchcock, who is the Superintendent of Police. I know a little of Mr. Hitchcock when he was here. He is a man that will not easily make a fuss of anything He is a sober and level-headed man. The information that he had and the information the Collector had show clearly that there was every probability of disturbances in the area. I know my friend Mr. Yaqub Hasan. I know him too well. I should say that if he is there at Calicut with a number of Mappillas there, around him, a very combustible material, and if this Yaqub Hasan, who seemed to be a match box scartches his match and the fire goes to the combustible material, I must say the result is not possible to imagine. I say, Sir, that Mr. Thomas has acted very sensibly, very ably too, and I am only sorry that the Government of Madras has not been very anxious to see him act as he has proposed to do. No doubt, after what he has done, the Government of Madras seem to have said 'All right, you have done that well'. But I say the Government should have given a little more support to him in the matter".

"Here it is said by my friends that there is no chance of any disturbance. The fire is there, the dynamite is there and no body can deny that. Well the only question is who will set fire to it? There is Yaqub Hasan. Can any body doubt that there will not be combustion? My friend Mr. S. Srinivasa Ayyangar thinks that unless there is a disturbance, we cannot say there is a possibility. But I say, Sir, a wise man will not say that. A wise man will say 'Take care, be careful, don't allow things to go to such extremes, try to avoid as far as possible and be careful to avoid such things," and that is the prudence that every man with any experience will show. I say, Sir, what the circumstances will be in a district if a gentleman like Mr. S. Srinivasa Ayyangar is placed at the helm of affairs."

"Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"I rise to a point of order. Are personal references permissible in this case?"

Diwan Bahadur Sir P. TYAGARAYA CHETTI:—"Mr. S. Srinivasa Ayyangar has told us clearly in so many words that there is nothing there, whereas we all know too well that there is a good deal of fire there. I say, Sir, if that kind of men are placed at the head of a district, I don't know what the world will come to. I am very sorry that I am forced to say that. Sir, I need not go further but simply say that my friends here all round will see that Mr. Thomas has done a very wise thing in putting a stop to this in time and that that action has stopped the further progress of disturbance which would have resulted as shown clearly from the telegram from the Collector read to us by Sir Lionel Davidson. If Mr. Thomas has not taken the steps for putting it down and has not taken the steps to restrain Mr. Yaqub Hasan, I should say there would have been disturbance and the Punjab tragedy will have been perpetrated in Malabar. I say, Sir, that wise men sitting here will not find fault with the man who has done the right thing, but will say that he has done the right thing and nothing but right thing."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"Mr. President, the time at my disposal is short. But before you stop me, if I happen to exceed 6 o' clock,

I would remind you of one fact, that the rule which restricts each member to 15 minutes is as positive as the rule which requires that the question shall be considered to be concluded at 6 o'clock and if one can be a little departed from, the other can be equally departed from.

"In this case, Sir, grave questions of constitutional importance have arisen. My remarks shall be very few indeed. We are thankful to the Hon'ble Sir Lionel Davidson for taking us into his confidence and for giving us the information that he has done as to the arrest of Mr. Yaqub Hasan. I have only a few words to say by way of criticism of the information that has been given to us. In the first place, Sir, I deprecate any attempt on the part of the Government to bring into strong relief the opinion that they might have had from their legal advisers with respect to any particular course of action that they might pursue. The matter is one between them and their legal advisers and this House has nothing to do with it. We shall be satisfied if the law is considered to have been obeyed, and, as Sir Lionel Davidson has curtly reminded us, if there are any technical flaws or very serious technical errors, there are the courts to redress them. If, therefore, we address this Council, it is not so much for any error of law that might have been perpetrated by the Government, but it is more with reference to the question of policy that underlies the action of Government, and the question is if that policy was a proper one in the circumstances of the case. Speakers who happen to be of the same line of thinking as myself have already referred to the fact that the present atmosphere is one ill-suited for action such as that taken. I do not want at all for one moment to disguise the fact that if there has been any imperative necessity made out, it will be absolutely necessary for Government, however unwilling it might be, to pursue the particular course of conduct, referred to-day. The question is has that necessity been made out? While the Hon'ble Sir Lionel Davidson has been very full in the information that he has given as to what has been done after Mr. Thomas has asked for instructions as to what he should do with reference to the order that he has issued under section 144, we have not been taken into so much details with respect to the preceding portions of the case. All that we were told was that . . . ."

The Hon'ble Sir LIONEL DAVIDSON:—"I rise to invite the attention of the House to the long letter I read from the District Magistrate written on the 12th February."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"I am perfectly aware of all that, Sir, and being alive to that, I venture to make my remarks. I may be right or wrong, but there is no question of a point of order in this. What I submit for the consideration of the House is this. We have been told that it was brought to the notice of the Government that certain persons were prevented from pursuing their occupations, that the barbers were asked not to go to particular person to do their services to him. We were told that two persons, possibly members of this House, or outside it, very respectable citizens of Calicut, were prevented from pursuing their usual avocation. But, Sir, where is the connexion made out between the kind of activity that it was suspected that these four persons have been pursuing and the course of conduct pursued with respect to the citizens of Calicut. On the other hand, Sir, the course that appears best to be followed is this, not to prevent public speaking, the ventilation of public views, so that these forces which are now being feared may not burrow inside, so that there may not be any undercurrent of discontent leading to action of a most violent character, which you will be unable to spot the source of, but which on that account is by no means less reprehensible, or more desirable to be weeded out. On the other hand, I venture to think that it is permitting persons, who happen to have views which are not

accepted by others giving them full opportunities of expressing their views so long as they remain within the limits of the law, it is that, Sir, that is calculated to bring about public good and public tranquillity and public peace. It is because I think that in this particular case that aspect of the question has not been given its full weight and consideration, I rise to support the motion now before the House.

"There is one other point I wish to state. The Government, we were told, acting upon legal advice, has informed the Collector that a general order under section 144 is one either illegal or of doubtful legality. Now I would have expected, Sir, the Government to have also added there they would deprecate any action on the part of the Collector which is intended to curb the proper and constitutional expression of opinion by every citizen of His Majesty's Empire, the ventilation by him of views that are held by him on any question, whether of religion, or of politics, or of sociology. Far from that, we find this, that there is a suggestion thrown out that there is one method of the Collector making his action legal if he chooses to indulge in it, that is by restricting his order to a particular section, or to particular persons. I rather think, Sir, that the Government has, to some extent, shown its sympathy with what underlies the thing, viz., that it is sought, for what is considered public tranquillity, it might have been a fancied sense of public tranquillity, to take away what is due to a man as a citizen, a citizen who works in times which are, as everybody in this House will recognize, full of peril and full of potency of either beneficial or maleficent consequences for the future. Now, Sir, I was agreeably surprised when I heard Sir P. Tyagaraya Chettiyar not merely warning. . . . . ."

Mr. A. RAMASWAMI MUDALIYAR :—"It is 6 o'clock and the motion has been going on. The House must adjourn under the Standing Order."

The Hon'ble the PRESIDENT :—"The House will now adjourn."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"May I point out, Sir, that that section equally points out that no speech during the debate shall exceed 15 minutes."

The Hon'ble the PRESIDENT :—"Is it the wish of the House to continue the debate ? (Cries of no, no.) I take it that it is the sense of the House to adjourn."

The House rose at 6 o'clock.

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