The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Saturday, the 5th day of March 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., presiding.

## I

*New Member.*

M.R.Ry. CHINNAKAVANAM NATESA MUDALIYAR Avargal made the prescribed affirmation of allegiance to the Crown.

## II

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.]

*Removal of sand from Cooum river.*

357 *Q.*—Diwan Bahadur C. ARUNACHALA MUDALIYAR : To ask the Hon'ble the Member for Revenue—

(*a*) to state which are the villages in the Chingleput district that have suffered in point of water-supply for irrigation owing to the removal of sand from the Cooum river ;

(*b*) whether the Government have received any petition from the villagers of Tyanambakkam, Vanagaram, Maduravoyal and Nekkundram objecting to the removal of sand ; and

(*c*) to state what steps they have taken or propose to take on these petitions.

*A.*—(*a*) The Government are not aware that any villages are suffering as described.

(*b*) & (*c*) The Government have received no such petitions.

*The issue of Government loan.*

358 *Q.*—RAJA OF RAMNAD : To ask the Hon'ble the Member for Finance whether the Government have under consideration the issue of a loan in the near future ; if so, whether they would kindly give the following particulars among others :—

(i) whether they intend allowing conversion of Government promissory notes by putting new money in certain proportion like what was done when the War Loan was issued ;

(ii) whether they will as a special case allow conversion at least in the case of money belonging to Trust institutions, local boards and municipalities ;

(iii) what is the amount belonging to various local boards and municipalities locked up in Government promissory notes ;

(iv) if conversion is not to be allowed, how the Government propose to save the enormous loss that would result to the Trust, local boards and municipalities, the value of Government promissory notes having fallen by over 50 per cent.

*A.*—The Honourable Member is referred to the answer to question No. 22. The Local Government cannot undertake to make good at the expense of the general tax-payer losses sustained owing to the depreciation of securities.

For the information required in clause (iii) of the question, the Honourable Member is referred to the notification published on pages 166–189 of Part II of the *Fort St. George Gazette*, dated the 25th January 1921.

*Programme of work in Council for one year.*

359 Q.—RAJA OF RAMNAD: To ask the Hon'ble the Law Member to state the programme for the work of the Council for one year or at least six months and what legislative measures are likely to be introduced by the Government in the immediate future.

A.—The Honourable Member's attention is drawn to His Excellency the Governor's speech at the opening of this Session about the programme of legislation.

*Treatment of the Bar by Mr. J. F. Hall, I.C.S., in Tinnevelly as per the "Hindu" report.*

360 Q.—MR. M. D. DEVADAS: To ask the Hon'ble the Law Member—

(*a*) whether his attention has been drawn to the report published on page 6 of the *Hindu*, dated 26th January 1921, of a special meeting of the Tinnevelly Bar Association held on the 20th instant to consider certain allegations regarding the treatment of the Bar by Mr. J. F. Hall, I.C.S., the District and Sessions Judge of Tinnevelly; and

(*b*) whether it is proposed to call for a report from the District and Sessions Judge whether the statements attributed to him were really made by him; and what action is proposed to be taken if it be true that the said District and Sessions Judge made the remarks that "the advocate is the natural enemy of the Judge" and that "I care two pins for Judicial decisions even of the Privy Council that 'Void' means 'Voidable'".

A.—(*a*) Yes.

(*b*) The Government do not propose to call for a report.

MR. M. D. DEVADAS:—"With regard to question No. 360 (*b*), the answer to the first portion is that the Government do not propose to call for a report. With reference to the latter part will the Government be pleased to state what action they propose to take if it is true?"

The Hon'ble MR. K SRINIVASA AYYANGAR:—"I am not prepared to answer the question without notice."

*Pay of village munsifs.*

361 Q.—Rao Sahib S. ELLAPPA CHETTIYAR: To ask the Hon'ble the Revenue Member to state—

(*a*) whether it is a fact that, while village karnams and menials are paid at Rs. 15 and Rs. 8 per mensem, respectively, village munsifs are given only Rs. 6;

(*b*) whether the Government have received telegrams and mahazars from the village officers of the Salem district that their pay be raised to Rs. 30 and that, in case the increase asked for is not given, they (the officers) propose to cease performance of their duties after the 14th February 1921;

(*c*) what action has been taken in the matter; and

(*d*) whether the Government cannot consider favourably the abovementioned petitions and increase the pay of the village munsifs, fixing the same at least on a level with that of the karnams.

5th March 1921]

*A.*—(*a*) The Honourable Member's attention is invited to the detailed account of the budget estimate under the head 3-E. Land Revenue—Allowances to district and village officers.

(*b*) Yes.

(*c*) & (*d*) The Government are not prepared to reconsider the orders already passed.

*Lawley Hospital at Coonoor.*

362 *Q.*—Mr. R. T. KESAVALU PILLAI: To ask the Hon'ble the Minister for Local Self-Government to state whether the Government have undertaken the entire management of the Lawley Hospital at Coonoor after the 31st March 1921.

*A.*—The answer is in the negative.

*Proposed legislative measures in the present session of the Council.*

363 *Q.*—Rao Bahadur A. S. KRISHNA RAO PANTULU: To ask the Hon'ble the Law Member what Bills are likely to be introduced in the present session of the Council and what progress has been achieved in the preparation of each of those Bills.

*A.*—The Honourable Member's attention is drawn to the answer to question No. 359.

*Mopad project in Nellore.*

364 *Q.*—Rao Bahadur A. S. KRISHNA RAO PANTULU: To ask the Hon'ble the Member for Revenue whether apart from the Mopad project (which is a protective work of irrigation), the irrigation sources in the Nellore district have been improved and extended during the last ten years, and if so, what irrigation sources, in what respects and with what results.

*A.*—A statement * of estimates for improvements to the irrigation works in the Nellore district sanctioned during the past ten years is laid on the table. The Government believe that the purposes for which the several works were sanctioned have been fully served as there is no information to the contrary.

*Committee on Hindu-Muhammadan disturbance.*

365 *Q.*—Mr. K. KUNHAMMAD KOYA: To ask the Hon'ble the Law Member to state—

(*a*) whether he has received the report of the Committee of Hindus and Muhammadans appointed last year to recommend the best means of preventing disturbances between Hindus and Mussalmans in connexion with the playing of tom-tom and other music on public roads in front of mosques; and

(*b*) if the reply is in the affirmative, to lay the report on the Council Table.

*A.*—The report has not yet been received.

*Floods in South Arcot.*

366 *Q.*—Mr. A. T. MUTTUKUMARASWAMI CHETTIYAR: To ask the Hon'ble the Member for Revenue—

(*a*) how much damage has been caused to the lands in the South Arcot district by the recent floods;

(*b*) how many acres of lands have been washed away near the railway lines;

* Vide Appendix 1 on page 559 infra.

(*c*) whether it is a fact that Chidambaram town was two or three feet under water; and

(*d*) whether it is a fact that the traffic from the railway station to the town was completely stopped for two days.

*A.*—The Government have so far received only a preliminary report from the Executive Engineer, South Arcot Division, on the floods in the district. In this it is stated that the Lalpet weirs and the irrigation sluices of the Veeranam tank had to be kept fully open to save the tank during the heavy continuous rains in November last and that these conditions resulted in the flooding of Chidambaram town and taluk, the immediate cause of this flooding being a breach in the Khan Sahib's canal just above the railway station at Chidambaram. No information regarding the nature and extent of damage to lands, if any, or the stoppage of traffic is yet available, but will be called for.

*Municipal electoral roll in Dindigul.*

367 Q.—Mr. C. PONNUSWAMI NAYUDU: To ask the Hon'ble the Minister for Local Self-Government to state if a petition was received by the Government from one Dr. S. Devaraj, Dindigul, complaining that his name as well as that of almost all the arts tax-payers of IV ward of the Dindigul municipality have been omitted from the new municipal electoral roll, though their names were found in the Legislative Council electoral roll prepared by the same Registration Officer in the same year.

*A.*—The answer is in the affirmative.

*Question No.* 38 *put on* 28*th September* 1920.

368 Q.—Mr. C. PONNUSWAMI NAYUDU: To ask the Hon'ble the Revenue Member—

(*a*) with reference to the answer given by the Government to question No. 38, put by the Hon'ble Mr. V. Madhava Raja, on the 28th of September 1920, whether the detailed proposals referred to therein have been received from the Board of Revenue, and, if so, whether the Government will place them on the table;

(*b*) whether the opinion of the High Court has been received and whether the Governmet will lay the same on the table.

*A.*—The Board's proposals have not yet been received. The High Court will be consulted after the Board's report has been received and considered.

*Law officers on and above Rs.* 100 *in the High Court.*

369 Q.—Mr. M. C. RAJA: To ask the Hon'ble the Law Member to lay on the table a statement showing the number of persons, including the Law officers employed in the High Court on a salary of Rs. 100 and above, classified according to the various communities.

*A.*—Excluding the gazetted officers, there are 70 posts carrying a *salary* of Rs. 100 and above in the High Court and three such posts under the Law officers. The Government have no information as to the communities to which the incumbents of these 73 posts belong. For a list of the gazetted officers in the High Court, including the Law officers, the Member's attention is invited to pages 311 and 312 of the latest Madras Quarterly Civil List.

5th March 1921]

*Nomination of Mr. K. Srinivasa Ayyar to the Mannārgudi Taluk Board.*

370 Q.—Mr. M. C. RAJA: To ask the Hon'ble the Minister for Local Self-Government whether—

(*a*) with reference to the answer given by Government at the meeting of the Legislative Council on 28th September 1920 to my question No. 102 regarding the nomination of Mr. K. Srinivasa Ayyar to the Mannārgudi Taluk Board, Tanjore district, the Government will be pleased to lay on the table the result of their inquiries; and

(*b*) it is a fact that there is no Adi Dravida member in the said Mannārgudi Taluk Board now.

*A.*—(*a*) A copy * of the report of the President, District Board, Tanjore, on clauses (*c*) to (*g*) of question No. 102 asked at the meeting of the Legislative Council, dated 28th September 1920, is laid on the table.

(*b*) There is no Adi Dravida on the taluk board.

*Treatment of third-class passengers on the South Indian Railway.*

371 Q.—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Home Member—

(*a*) whether the attention of the Government has been drawn to the communications—

(i) which appeared in the *Hindu*, dated the 3rd January 1921, about the 'disgraceful' manner in which the third-class passengers are treated at the Egmore railway station, and

(ii) which appeared in the *New India* of the 6th January 1921 from Mr. B. Gururaja Rao, District Munsif, Dindigul, and another under the heading 'Callousness' of the South Indian Railway;

(*b*) and if so, what action the Government propose to take or have taken to prevent such occurrences in future.

*A.*—(*a*) The attention of Government was not drawn to the communication appearing in the *Hindu* of the 3rd January until the receipt of the Member's question. Their attention had been drawn previously to the letter appearing in the *New India* of the 6th January, and the statement made in that letter formed the subject of correspondence with the Railway Administration. The Agent was also cross-examined in regard to the same incident by the Railway Committee at its sitting on the 25th January.

(*b*) It is not within the power of the Local Government to take preventive action.

Rao Sahib U. RAMA RAO:—"With reference to question No. 371 (*b*), will the Government report the matter to the Government of India?"

The Hon'ble Sir LIONEL DAVIDSON:—"The question has already been brought to the notice of the Railway Committee when it was down here in Madras, and I have not the least doubt that they will take it into consideration, because the President of the Railway Committee, if I remember aright, specially cross-examined the South Indian Railway officer on the matter."

* Vide Appendix II on page 560 infra.

[5th March 1921

*Construction of houses for Government employees in Madras.*

372 *Q.*—Rao Sahib U. Rama Rao : To ask the Hon'ble the Member for Finance to state if any action has been taken in regard to the suggestion of M.R.Ry. Rao Bahadur T. Namberumal Chetti Garu in the Salaries Committee Report urging the construction of houses for Government employees in Madras.

*A.*—While sympathising with the proposal of M.R.Ry. Rao Bahadur T. Namberumal Chetti, the Government were of opinion that the proposal of the majority of the Committee in paragraph 61 (3) of their report was more practical, viz., that Government should encourage the extension of tramways in the suburbs and particularly to Saidapet, which would inevitably result in the erection of houses along the route, and also that Government should liberally support house-building on a co-operative basis by the grant of loans and in exceptional cases by acquiring land under the Land Acquisition Act and making it available for house-building. The Member is doubtless aware that the question of the extension of the tramway to Saidapet has been under examination, that the Government have provided in the budget for 1920-21 a sum of Rs. 2,00,000 for the grant of loans to co-operative house-building societies and that they are acquiring large areas of land of which a considerable portion is adjacent to the road to Saidapet which will be made available in due course by the City and Suburban Town Planning Trust.

*Reorganization of Provincial services.*

373 *Q.*—Mr. A. Ramaswami Mudaliyar : To ask the Hon'ble the Minister for Education to state from what date effect was given to the reorganization schemes of—

(*a*) Provincial Educational Service.
(*b*) Provincial Civil Service (Executive).
(*c*) Provincial Civil Service (Judicial).

*A.*—(*a*) & (*c*) 1st December 1919.

(*b*) Effect has not been given to the scheme pending settlement of certain questions in connexion with the application of the new scale, which are under correspondence with the Government of India.

*Religious endowments by the Zamindar of Mohuri.*

374 *Q.*—Sriman Sasibhushana Rath : To ask the Hon'ble the Minister for Local Self-Government—

(*a*) to state by whom the religious endowments granted by the late Zamindar of Mohuri in the Ganjām district are being now managed ; and

(*b*) if it is a fact that some of these endowments have been sold and alienated to private parties.

*A.*—The Government have no information.

*Union of Oriya tracts under one administration.*

375 *Q.*—Sriman Sasibhushana Rath : To ask the Hon'ble the Member for Revenue—

(*a*) whether the opinion of the Government of Madras has been called for by the Government of India on the subject of the union of the Oriya-speaking tracts under one administration in response to the resolution of the Hon'ble Mr. Sacchidananda Sinha in the Imperial Legislative Council last year ;

5th March 1921]

(*b*) whether any opinion has been formed and forwarded to lay the correspondence on the table ; and

(*c*) if no opinion has been forwarded, to state whether the Government intend investigating into the matter before giving any opinion and whether they intend deputing any officer for such investigation and report.

*A.*—(*a*) Yes.

(*b*) The Government have not yet formed any opinion on the subject.

(*c*) The Government have instructed the Agency Commissioner to examine the question and submit a report.

*Head quarters treasury at Chatrapur.*

376 *Q.*—Sriman SASIBHUSHANA RATH : To ask the Hon'ble the Member for Revenue to state whether—

(*a*) there is any proposal to transfer the headquarters treasury from Chatrapur to Berhampur ;

(*b*) the Ganjām District Collector's office is proposed to be transferred from Chatrapur to Berhampur ; and

(*c*) it is a fact that Chatrapur is growing unhealthy for the people.

*A.*—(*a*) & (*b*) These proposals are under consideration.

(*c*) The Government are not aware that Chatrapur is becoming unhealthy.

*Village accounts.*

377 *Q.*—Sriman SASIBHUSHANA RATH : To ask the Hon'ble the Member for Revenue to state whether the Government intend directing Revenue officers to pass their remarks on village accounts in the vernacular.

*A.*—The Government have no such intention.

*Salaries of village establishment in proprietary estates.*

378 *Q.*—Sriman SASIBHUSHANA RATH : To ask the Hon'ble the Member for Revenue—

(*a*) to state whether the Government have received any representation from the Board of Revenue on the subject of improving the pay and prospects of the village establishment in proprietary estates ; and

(*b*) if so, will the Honourable Member be pleased to state what steps the Government propose to take and when.

*A.*—The Board of Revenue is examining the question of the revision of pay of the village establishments in proprietary estates and its proposals are awaited.

*Court copyists.*

379 *Q.*—Sriman SASIBHUSHANA RATH : To ask the Hon'ble the Members for Law and Revenue—

(*a*) to state whether the Government have completed examination of the case of the copyist establishments in courts with regard to their pay and prospects ;

(*b*) whether detailed proposals have been received from the Board of Revenue and whether the consultation with the High Court has been completed ; and

(*c*) to state when final orders are likely to be passed.

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

(*c*) It is not possible to say when final orders will be passed.

*Out-of-pocket allowance to village headmen.*

380 Q.—Sriman SASIBHUSHANA RATH: To ask the Hon'ble the Member for Revenue to state whether the Government propose to increase the scale of the out-of-pocket allowances now allowed to the village headmen in view of the high cost of living.

A.—The Government have no such proposal under consideration at present.

*Maistris' appointments in Erode.*

381 Q.—Mr. R. K. SHANMUKHAM CHETTIYAR: To ask the Hon'ble the Minister for Local Self-Government to state whether it is a fact that an order has been issued by the Engineer of the Coimbatore District Board not to appoint "low caste men" as maistris in the Erode division; and whether the Government will issue instruction to cancel the order and remove the injustice done to the so-called "low caste men".

A.—The Government have no information.

*Reorganization of the Provincial Medical Department and the Department of the Sub-Registrars.*

382 Q.—Mr. P. SIVA RAO: To ask the Hon'ble the Minister for Local Self-Government to state when the final orders have been passed regarding the reorganization (*a*) of the Provincial Medical Department and (*b*) of the Department of the Sub-Registrars.

A.—(*a*) The pay of officers of the Provincial Medical Service was revised as a temporary measure in G.O. No. 703, Medical, dated the 15th December 1920, which has been placed on the Editors' Table. The final revision depends on the orders of the Secretary of State on the recommendations of the Medical Services Reorganization Committee.

(*b*) 6th January 1921.

*Headquarters of Ramnad.*

383 Q.—Mr. W. P. A. SAUNDARA PANDIA NADAR: To ask the Hon'ble the Revenue Member if it is a fact that Pasumalai which is in the Madura district has been selected for the headquarters of the Collectorate of the Ramnad district.

A.—No.

*District and taluk board presidents who are Members of Legislative Council.*

384 Q.—Mr. W. P. A SAUNDARA PANDIA NADAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) to place on the table a list of district and taluk board presidents and of chairmen of municipalities who have been nominated or elected to this Council; and

(*b*) to state how many of the above members have been nominated.

A.—(*a*) A list is placed on the table.*

(*b*) One.

* Vide Appendix III on page 561 infra.

5th March 1921]

*District Board Presidentship, South Arcot.*

385 Q.—Mr. R. SRINIVASA AYYANGAR : To ask the Hon'ble the Minister for Local Self-Government--

(*a*) if the attention of the Government has been drawn to an article entitled " District Board Presidentship, South Arcot " published in the *Hindu* of the 26th January 1921 ;

(*b*) whether it is a fact—

(i) that till September 1917 the presidents of district boards were District Collectors possessing administrative experience and training ;

(ii) that the persons nominated as non-official district board presidents from and after September 1917 were gentlemen having had experience as vice-presidents of the district boards, presidents of taluk boards, chairmen of municipal councils, retired high revenue officers or members of the Legislative Council ;

(iii) that the presidentship of the district board is the highest post in a district in the field of Local Self-Government carrying with it the status and dignity of a district officer ;

(*c*) whether it is a fact—

(1) that the recently nominated president of the District Board of South Arcot, Mr. K. Sitarama Reddi, is rather young and a vakil of eight years' standing ;

(2) that he had not managed any minor local self-government institutions ;

(3) that in October last he stood as a candidate for election to the presidentship of the Taluk Board, Cuddalore, and was defeated ;

(4) that when his term as a nominated member of the district board expired on the 10th December last, the Rev. Father Verdure was recommended and appointed in his stead ;

(5) that he was the election agent of Diwan Bahadur (now Hon'ble) Subbarayulu Reddi Garu at the council election held in November last ;

(6) that the vice-president of the district board is a non-official senior in age and standing at the bar to the nominated president.

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

(*b*) (1) The answer is in the affirmative.

(2) It is not a fact that all the persons nominated had previous experience of the sort indicated in the question.

(3) The answer is in the negative. Chairmen of Municipal Councils are not subordinate to District Board Presidents.

(*c*) (1) The Government do not consider M.R.Ry. K. Sitarama Reddiyar Avargal to be too young for the office of President of the District Board. They have no information as to how long he has been a vakil.

(2) The answer is in the affirmative.

(3) The answer is in the affirmative.

(4) There were three vacancies on the District Board. The Rev. Father Verdure and M.R.Ry K. Sitarama Reddiyar were appointed to two of the vacancies at the same time.

(5) & (6) The Government have no information.

[5th March 1921

*Regulation of land revenue assessment.*

386 Q.—Mr. S. Srinivasa Ayyangar: To ask the Hon'ble the Member for Revenue whether the Government will introduce at an early date legislation for the regulation of land revenue assessment in this province as advised by the Joint Parliamentary Committee on reforms.

A.—The necessary legislation will be introduced as soon as possible.

*Labour unions.*

387 Q.—Mr. S. Srinivasa Ayyangar: To ask the Hon'ble the Law Member if the Government intend to introduce at an early date legislation for the full recognition, protection and regulation of labour unions in this province.

A.—The matter is under the consideration of Government.

*Vacation of Council seat by acceptance of office.*

388 Q.—Mr. S. Srinivasa Ayyangar: To ask the Hon'ble the Law Member—

(*a*) whether the Government had ruled that M.R.Ry. C. P. Ramaswami Ayyar Avargal did not vacate his seat as elected member of the Madras Legislative Council by his acceptance of the office of Advocate-General but only by his subsequent resignation of his office as elected member; and

(*b*) what the reason is for the distinction made by the Government between that case and the case of M.R.Ry. Muttayya Chettiyar Avargal who was declared to have vacated his seat by his acceptance of the office of Sheriff.

A.—(*a*) No.

(*b*) The Government made no such distinction.

*Travelling difficulties in South Indian Railway.*

389 Q.—Mr. A. Tangavelu Nayagar: To ask the Hon'ble the Home Member—

(*a*) whether the attention of the Government has been drawn to an article in a recent issue of the *New India*, dated 6th January 1921, by Messrs. P. Gururaja Rao, District Munsif, and Chidambara Ayyar, High Court Vakil, of Dindigul, concerning the difficulties in travelling on the South Indian Railway; and

(*b*) what action the Government have taken or propose to take to relieve the difficulties.

A.—The Hon'ble Member is referred to the answer to question No. 371.

*Sale of sovereigns at premium.*

390 Q.—Mr. T. C. Tangavelu Pillai: To ask the Hon'ble the Member for Finance whether it is a fact that sovereigns are sold at a much higher rate than its face value; if so, what steps have been taken to check them.

A.—Currency is not a subject with which the local Government are concerned. They would, however, suggest that the question indicates a misapprehension of the purport of the Indian Coinage (Amendment) Act, 1920. If the Honourable Member will read the debate that took place in the Imperial Legislative Council on the occasion of the passing of that Act, he will see that, at the time that legislation was undertaken for the alteration of the sovereign ratio of the rupee from Rs. 15 to Rs. 10, it was contemplated that there would be nothing anomalous in the fact that, when the supply of gold for general purposes was restricted, the Indian price of gold should be above the Rs. 10 rate

and that it was further decided that the check on such increases was a matter to be left to the laws of supply and demand and not to be dealt with by Government action.

*Registration department.*

391 Q.—Rao Bahadur C. VENKATARANGA REDDI Garu : To ask the Hon'ble the Minister for Public Works (Registration)—

(*a*) whether the attention of the Government has been drawn to an article entitled 'District Registrars' published in the *Madras Mail* of October 1920;

(*b*) whether the Government will be pleased to take early steps to render the Registration department as attractive as other departments of public service by improving the pay and prospects of sub-registrars and by placing the district registrars on par with the deputy collectors and district munsifs in the matter of pay, prospects and promotion;

(*c*) if it is a fact that district registrars have recently submitted a memorial to the Government as regards the improvement of their pay and prospects; and

(*d*) what action they have taken or propose to take on this memorial.

*A.*—(*a*) Yes; to the article which appeared in the *Madras Mail* of the 11th October 1920.

(*b*) Orders sanctioning a revised time-scale of pay for sub-registrars were issued in G.O. No. 25, Law (Judicial), dated 6th January 1921, which has been placed on Editors' Table; the Government do not consider that the work of a district registrar can be favourably compared with that of district munsif or a deputy collector.

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

(*d*) Orders for district registrars were issued in G.O. No. 349, Law (Judicial), dated 18th February 1921, placed on Editors' Table.

---

APPENDIX I.

[Vide answer to question No. 364 asked by M.R.Ry. Rao Bahadur A. S. Krishna Rao Pantulu Garu at the meeting of the Legislative Council held on the 5th March 1921, page 551 *supra*.]

*Statement showing the estimates for improvements to the irrigation sources in Nellore district during the ten years commencing* 1910–11.

| Serial number. | Name of estimate. |
|---|---|
| | *Class I Works.* |
| 1. | Improvements to the Duvvur canal, Penner river canals system. |
| 2. | Acquiring land for Thotapalli-Gudur tank supply channel. |
| 3. | Improvements to the Kanigiri reservoir, Penner river canals system. |
| 4. | Constructing a weir in the left bank of the sixth mile drain of the eastern channel from Kanigiri reservoir, Penner river canals system. |
| 5. | Improvements to Thollagunta vagu drain, Penner river canals system. |
| 6. | Providing a supply channel to the Mudivertipalem tank, Penner river canals system. |
| 7. | Excavating field channels from the branch channels of the Uyyalakalva, Nellore tank, Penner river canals system. |
| 8. | Improvements to the Kudithipalem channel, Penner river canals system. |

| Serial number. | Name of estimate. |
|---|---|
| | *Class I Works*—cont. |
| 9. | Constructing a new weir in the Nelathur large tank, Penner river canals system. |
| 10. | Improvements to the Utkur supply channel, Penner river canals system. |
| 11. | Providing surplus arrangements to Thotapalli, Gudur and Varakavipudi tanks. |
| 12. | Improvements to the masonry works of Uyyalâkalva and its branches, Penner river canals system. |
| 13. | Constructing two sluices on the left bank of the southern channel, Penner river canals system. |
| | *Class II Works.* |
| 14. | Excavating minor distributaries from channel, Nos. 1 and 2, Hajipuram tank. |
| 15. | Constructing six sluices to the Yerur tank. |
| 16. | Constructing surplus weir, clearing the supply channel, remodelling channel No. 2 and excavating distributaries therefrom, Ponnalur tank. |
| | *Class III Works.* |
| 17. | Remodelling the head of low level sluice of Anantasagaram tank. |
| 18. | Constructing a dam across the Ubbali vagu at the head of the supply channel to the Brahmanakraka Krakamma tank. |
| 19. | Improvements to the Karedu tank and supply channel. |
| 20. | Constructing a head sluice to the Rattepad channel and excavating a branch channel. |
| 21. | Improvements to the Karedu tank supply channel. |
| 22. | Constructing an outlet in the right bank of Mungamur tank supply channel. |
| 23. | Constructing a dam at the head of the Pulikalva taking off from the Swarnamukhi river. |
| 24. | Raising the bund, improving the weir, constructing a new sluice and excavating a channel therefrom in Timmasamudram tank. |
| 25. | Improvements to the irrigation works in Rapur village, Rapur taluk. |
| 26. | Improvements to the Pokur tank. |
| 27. | Converting the calingula of the Aviyanur Hissa tank into a flush weir. |

---

## APPENDIX II.

[Vide answer to question No. 370 asked by M.R.Ry. M. C. Raja Avargal at the meeting of the Legislative Council held on the 5th March 1921, page 553 supra.]

*From the President of the Tanjore District Board, dated 14th February* 1921, *Camp No.* 3.

* * * * * *

2. Information is furnished under each sub-clause —

(*c*) It is a fact that Mr. K. Srinivasa Ayyar stood for election to the taluk board ; but he was not defeated. He was declared duly elected.

5th March 1921]

(*d*) It is a fact that I nominated Mr. K. Srinivasa Ayyar to the Taluk Board, Mannārgudi. The nomination was made on the day that I took charge. The seat had been vacated by a Muhammadan gentleman. On the occurrence of the vacancy, inquiry was made if a suitable non-Christian Panchama could be found. The Revenue Divisional Officer stated that he could not find one, except one Kulandaivelu Nayanar, whom he proposed to recommend for a seat on the Municipal Council, Mannārgudi. The Revenue Divisional Officer added that the nominee might first be tried on the municipal council. He recommended three Indian Christians, of whom one Ratnaswami Pillai was selected, and his consent was asked for. In the meantime the election of Mr. K. Srinivasa Ayyar was set aside on the objection of the defeated candidate on a technical ground. He is the most influential gentleman in the Tiruturaipundi taluk and was once its vice-president. There was the probability of his not contesting another election and I did not like that the taluk board should lose his services. I therefore nominated him for the existing vacancy, and the Christian gentleman, Mr. M. Ratnaswami Pillai, was informed that he would be nominated at the next vacancy which occurred in two months. He was accordingly nominated and he is now a member of the taluk board.

(*e*) It is a fact that there were six Brahman members—one nominated and five elected—on the date of Mr. K. Srinivasa Ayyar's nomination. The nominated member vacated his seat since, and the Christian gentleman has taken his place.

(*f*) It is a fact that there are no Panchama Christian representatives on the taluk board in spite of my efforts to find one. The Revenue Divisional Officer said that he could find no suitable candidate.

(*g*) The fact is correctly stated. The Christian gentleman recommended by the Revenue Divisional Officer had only to wait two months. He was nominated to the next vacant seat.

---

## APPENDIX III.

[Vide answer to question No. 384 asked by M.R.Ry. W. P. A. Saundara Pandia Nadar Avargal at the meeting of the Legislative Council held on the 5th March 1921, page 556 supra.]

*List of Legislative Council Members who are presidents of district or taluk boards or chairmen of municipal councils.*

M.R.Ry. C. V. S. Narasimha Raju Garu.
„ Diwan Bahadur D. Seshagiri Rao Pantulu Garu.
„ Diwan Bahadur M. Ramachandra Rao Pantulu Garu.
„ Rao Sahib P. C. Yatirajulu Nayudu Garu.
„ Rao Bahadur A. S. Krishna Rao Pantulu Garu.
„ Rai Bahadur T. M. Narasimhacharlu Garu.
„ Rao Bahadur C. Venkata Ranga Reddi Garu.
„ Diwan Bahadur P. Kesava Pillai Avargal.
„ W. Vijayaraghava Mudaliyar Avargal.
„ T. A. Ramalinga Chettiyar Avargal.
„ Diwan Bahadur T. Desika Achariyar Avargal.
The Raja of Ramnad (Bhaskara Raja Rajeswara Setupati alias Muttu-ramalinga Setupati).
M.R.Ry. Rao Bahadur A. P. Patro Garu.

M.R.Ry. M. Suryanarayana Garu.
„ Diwan Bahadur K. Suryanarayanamurti Nayudu Garu.
„ B. P. Devarajulu Nayudu Garu.
„ P. Siva Rao Garu.
„ C. V. Venkataramana Ayyangar Avargal.
„ S. Bisvanath Das Mahasayo.
„ T. Sivasankaram Pillai Avargal.
„ M. Narayanaswami Reddi Garu.
„ Rao Sahib S. Ellappa Chettiyar Avargal.
„ M. R. Seturatnam Ayyar Avargal.
„ C. Ponnuswami Nayudu Avargal.
„ K. Sadasiva Bhat Avargal.
Khan Sahib Saiyid Diwan Abd-ul-razzaq Sahib Bahadur.

## III

*Assent of His Excellency the Governor to the Deputy President's Salary Bill*, 1921.

The Hon'ble the PRESIDENT then informed the Council that the Deputy President's Salary Bill, 1921, which was passed at the meeting of the Council held on the 14th February 1921, received the assent of His Excellency the Governor on the 28th idem.

## IV

*Budget Speech.*

The Hon'ble Mr. C. G. TODHUNTER then presented the budget for 1921–22 and, in doing so, said :—" Mr. President, I beg to introduce the budget for the year 1921–22. If I do so at some little length, I hope that I shall have the indulgence of the members of this Council.

" The first budget of the new Government of Madras must for several reasons be a 'carrying on' budget. The greater part of the Government has only taken charge within the last three months, and the Honourable Ministers and Members have not yet had time to make themselves fully acquainted with the departments committed to their control. At the same time, as Mr. Ramaswami Mudaliyar has announced to us at a recent meeting of this Council, the Ministers have no intention of commencing their term of office by making radical changes and disturbing the continuity of the policy that has hitherto been pursued. To these reasons against anything like violent change has to be added the cogent reason supplied by the high prices of commodities, and especially the high price of rice, which have made themselves felt in every department of Government. This being the case, the function that I can best fulfil in introducing the Financial Statement for the first year of the new Government will perhaps be to explain, for the benefit of those members of the Council who have not studied the matter in the past, the nature of the resources available to the Government and the services which it is proposed during the coming year to carry on with the aid of those resources. I will, however, first try to explain in language as little technical as possible what the resources of the Provincial Government are and in what manner we propose to expend them.

" While, however, there is very little that is new in the matter of the budget, members will observe that there is a great deal that is new in the manner of it. We have not only to reckon with an entire redistribution of the heads of revenue and expenditure between ourselves and the Imperial Government, but we also have to divide these new heads under 'transferred' and 'reserved' and again we

have to divide them into 'voted' and 'non-voted' items. Meanwhile the old financial codes to which we are accustomed have been replaced by new ones, while there are several new duties imposed upon the Finance Department by the Devolution Rules. Meanwhile again the whole of our proposals relating to Local Self-Government, which will be found scattered throughout the budget, have had to be altered with reference to the proposals of the Financial Relations Committee. More important than any of those is the fact that we have recently gone through a revision of the staff in every department of Government. This revision was made after the departmental budgets were prepared, and in order that we might place the details of the revision under the scrutiny of this Council, we have had to recast each departmental budget. These factors, coupled with the necessity for making a most minute scrutiny of every departmental budget in the search for economies, have imposed such an amount of labour upon the Finance Department that it has been with the greatest difficulty that the budget has been got ready in time at all. It is possible that there may be defects and errors in it and I hope that honourable members of this Council will excuse them. I should here mention that, in view of the reasons I have above given, we have not been able this year to present the larger memorandum known as the Chief Secretary's memorandum. I have introduced the budget in a single and much shorter memorandum for this year, and hereafter we shall have the Committee of Public Accounts which will, in the course of the year, acquire familiarity with the accounts, and I propose before introducing another budget to ask them what form it would be most convenient to the Members of the Council to have the budget presented in.

"To come now to the question of our resources and the way in which we propose to spend them, it is hardly necessary for me to remind this Council of the division between the Imperial and Provincial Governments, which gives the former the realizations from customs, income-tax, salt and opium, while the rest goes to the Provincial Government. I propose in the following remarks to adhere, as far as possible, to that division and not to go back to the old system of divided heads, happily now at an end.

"It will be observed that the Government of India's taxes are to a very large extent the rich man's taxes, and they are very properly the taxes that have been increased to cover the cost of the war and of the trade crisis that has followed the war. The import tariff was reintroduced in 1894 on a 5 per cent basis and increased to a $7\frac{1}{2}$ per cent basis in 1916. It has now been increased to an 11 per cent basis, with the addition of heavy taxation on luxuries. The man who is going to pay for the Government of India's necessities in the ensuing year is the man who rides in luxurious motor-cars, smokes fine imported cheroots and drinks champagne. The income-tax was similarly raised from the old 5-pie basis to a 12-pie basis in 1916 and is now raised to a 16-pie basis, in addition to which there is the super-tax. On the other hand, the salt tax, which is a poor man's tax, was reduced from Rs. 2-8-0 to Rs. 2 in 1903, to Rs. 1-8-0 in 1905 and to Re. 1 in 1907, and though it had to be raised on account of the war, it was raised only by 4 annas in 1916. The total yield of these imperial taxes in this Presidency, which amounted to 218 lakhs in 1911-12, is expected to amount to 515 lakhs in 1920-21. Owing to the increase just made in the rates, no estimate of what we have to pay to the Government of India for 1921-22 has yet been arrived at.

"The Provincial resources are derived partly from taxes, partly from return on capital invested and partly from payments for services rendered,

What is remarkable about the Provincial taxes is that, except in the case of Excise, there has been, with the exception of a small increase in the stamp duties on transfer certificates, no increase in the rate of taxation for the last thirty or more years. The land revenue has expanded with the rise of price of agricultural produce and the stamp revenue with the growth of litigation and of business. Receipts from Registration have grown with the increasing popularity of the department, those from Forests with the adoption of a more forward policy of exploitation. In the case of Irrigation we have altogether a sum of 9 crores invested and its yield gives us a general return of 6½ per cent. The one item in which there has been a deliberate, continual and remorseless increase of rate is the Excise, which from 30 per cent of the land revenue thirty years ago is now equal to 90 per cent of it, and has increased from 121 to 556 lakhs. Members of the Council will find in paragraph 3 of the memorandum a table showing what would have been the yield of the sources of revenue now made over to the Provincial Government if the present division of taxation had been in force 30 years ago, 20 years ago and 10 years ago, and what is expected to be the yield in the year to come. It will be seen from this table that the Provincial resources have, as I have said, with no substantial increase in taxation, except in the case of Excise, grown from 671 lakhs to an estimated figure of 1,634 lakhs, and members who remember how even as late as 1901–02 our whole budget for expenditure did not exceed 338 lakhs, will realize what a very large expansion in our resources we owe to the abolition of the Provincial contracts and to the introduction of the Reforms.

"Another feature of the Reforms which has in a way increased the resources of the Local Government is the grant of permission to borrow, subject to the orders of the Government of India. We propose to take advantage of this permission this year, but, owing to the stringency of the money market and to the necessities of the Government of India themselves, it has not been possible to do so to the extent to which we expected. The Government were advised that it would not be possible for them to raise money until July or August and that, if they went to the market then, they would have to do so immediately after the raising of a large Government of India loan; nor were the Government of India prepared to guarantee that they would be allowed to offer so high a rate of interest as was locally thought to be necessary. In these circumstances, we asked the Government of India to assist us by embodying our provincial loan in the Government of India loan. The Government of India have consented to this, subject to a limitation of the amount to be raised on our behalf to 70 lakhs. This amount will be lent at one-half per cent in advance of whatever rate is paid for the Government of India loan and will be repayable by the Local Government in equated payments spread over fifteen years. The charges for interest will not commence to run till the 1st April 1922. Another advantage of our sharing in the Government of India loan is that we shall be able to get the use of the money from April onwards, whereas if we raised our own loan, we could not get it till the latter half of the year.

"In this connexion it may be useful very briefly to refer to the question of the resources of the local bodies. The chief feature of the report of the Committee on the adjustment of Provincial to Local finance is the recommendation that the main basis of grants should be a share of the payment for services rendered The committee have also recommended the establishment of something in the nature of a local loans fund. This is a matter upon which they consider that expert

advice is needed, and they have not been able to work out the details. Meanwhile, however, orders have been issued in regard to the resumption of the balances of grants given for works in respect of which no commitments have been made and these sums will be added to the opening balance, subject to an understanding that in dealing with them preference will be given to demands from the Ministry of Local Self-Government. At the same time it is hoped that, as the Imperial Bank extends its branches to a number of places in the Presidency, the facilities for dealing with the funds of local bodies on a business basis will be increased and that there will arise in a short time out of these facilities means for making available for loans to other local bodies such funds as would under present conditions be invested in Government securities.

"Owing to the change of system from divided heads to the new division of revenue it is difficult to present a clear comparison of the figures of 1920–21 and 1921–22. On the old basis, we opened the year 1920–21 with a sum of 206 lakhs in hand: we received a sum of 976 lakhs: we expect to spend a sum of 1,151 lakhs and to have a balance in hand at the end of the year of a sum of 31 lakhs. In 1921–22 we open with this sum of 31 lakhs and expect to receive a gross revenue of 1,634 lakhs, of which a sum of 348 lakhs goes to the Government of India, leaving a sum of 1,317 lakhs, out of which we propose to spend a sum of 1,282 lakhs and to retain in balances a sum of 35 lakhs. These figures do not take into account the loan of 70 lakhs from the Government of India and the expenditure therefrom.

"To come now to the expenditure side of the budget: as I have indicated, up to and, of course, during the war the Government of Madras were inured to parsimony. Our total expenditure under the old heads of revenue and expenditure amounted in 1891–92 to 285 lakhs, in 1901–02 to 338 lakhs and in 1911–12 to 672 lakhs. When it fell to me to open the debate on the budget for 1919–20, the first after the war, with an amount of 961 lakhs set down for our expenditure I was able to say that it was the largest budget on both sides of the account ever presented to this Council. When we faced the budget for 1920–21, we had a hope in front of us of starting the Reforms with 14 crores to spend and a steady expansion of even that sum to follow, and we decided, after careful consideration with the Finance Committee, to bridge the gap between the 961 lakhs of 1919–20 and the much larger figure expected in 1921–22 by adding 150 lakhs out of the balances that had been accumulated during the war to the 974 lakhs revenue of the year. We therefore estimated not only for normal advance in the established services but also for several new developments, most of which had been under consideration for many years past.

"Before touching on these new developments I should like to give the Council a few figures of the increases that have occurred in the established services in the last ten years. The only department which shows an increase of less than 50 per cent is Land Revenue, followed by Forests, Stamps, Registration, Excise and Jails, with increases varying from 65 to 103 per cent. Police shows an advance of 126 per cent, the actual increase in the pay of constables having, as will be seen from the table in paragraph 19 of the printed memorandum, increased by 100 per cent. Under General Administration, which includes the charges for the Reforms and for this Council, there is an increase of 153 per cent. Under Medical, the increase rises to 205 per cent and under Education to 246 per cent. The largest increase of all is in the new departments, in which case it is hardly fair to reckon percentages. The expenditure on Agriculture has advanced in ten years from 6 lakhs to 32 lakhs and that on Industries from 1 lakh to 25 lakhs.

"The new services embarked upon in the year which is coming to a close were very briefly the following:—Under Industries a great step forward was taken by the establishment of a district staff consisting of five officers as well as by the employment of an Industrial Engineer. This will, it is hoped, form the nucleus of a regular organisation on the basis of that recommended by the Industrial Commission. In Co-operation a largely increased staff was employed with the declared intention of enrolling not less than 4,500 new societies within the next few years. Under Forest, exploitation operations were begun in the Chenat Nayar forests. The important changes in Local Self-Government were the passing of the Town Planning Bill, which has been followed by proposals for extensive town-planning operations in Madras and elsewhere, and in the taking over by the Provincial Government of responsibility for trunk roads at a cost of 16 lakhs per annum. Another important factor in the question of communications was the inquiries set going in the matter of harbours. The report of Messrs. Sir John Wolfe Barry, Lyster and Partners on the ports of the Presidency, was received in the year and the services were secured of a harbour engineer, who has since been engaged on detailed working out of schemes for the improvement of the important harbours of Tuticorin and Cochin. Under Administration of Justice we were at last able to render permanent 25 out of the many courts which have so long been on a temporary basis. In the Agency tracts a new policy of development was instituted by dividing them up on a language basis and placing them under the control of a Commissioner of long Agency experience. The Labour Department was largely engaged with industrial disputes, but a good deal of work for the depressed classes was also done. The Publicity Department, which was instituted in 1919, proved its usefulness and established itself in the confidence of its honorary correspondents who become more numerous every week.

"The year had hardly opened, however, before it became obvious that very large reallotments would be necessary owing to the general revision of salaries which was in progress. And here I should like to remind the House, with reference to the remark of the Committee that has just sat, that they deplore our failure to hold up all revisions until that relating to the subordinate services had been dealt with, that by the time the financial year 1920–21 had commenced we were already committed in respect of revisions which had been dealt with for India as a whole by the Secretary of State and had made a provision of 24 lakhs for them in the budget. In regard to the others, we made, in consultation with the Finance Committee, a provision in a lump sum of 54 lakhs, in addition to the allowances already granted, and if we miscalculated, we did so in good company. As soon as we found out our mistake, we began to make revisions which involved a total reappropriation of 87 lakhs, and this has been responsible for the curtailment of several schemes of development which we had in contemplation. I may here illustrate the crippling effect upon our finances as a whole of the enormous increase in the cost of salaries by saying that our total salary bill between 1913–14 and 1921–22 has risen from 373 lakhs to 598 lakhs.

"Nor is that all. With salaries there have had to be raised also the travelling allowances of all classes of officers, as those in force have been found not to meet the actual expenses of travelling, a fact which is apt to react upon the villager, who supplies his carts at a fixed tariff which may be less than what he could secure by hiring them out for other purposes. It is hoped that the increase in the payment to the travelling officers will enable a corresponding increase in the tariff for carts and relieve the pressure which is sometimes complained of upon the village officers who are asked to produce them.

5th March 1921] [The Hon'ble Mr. C. G. Todhunter]

"To turn now to the expenditure proposed for 1921–22: although, as I have said, what we propose in the main is just to carry on, the expenditure will show an increase over the revised estimate for 1920–21 under every head but three. In the case of two of these, namely, Jails and Stationery, the variation is very small, Rs. 20,000 in one case and Rs. 4,000 in the other. The other head is that of Public Health, and the only reason for the decrease in that case is that, in accordance with the recommendations of the Financial Relations Committee, we propose hereafter to pay contributions in arrear instead of in advance. The following are some of the increases provided for as between the revised estimate for 1920–21 and the budget for 1921–22:—

| | Revised estimate 1920–21 in lakhs. | Budget estimate 1921–22 in lakhs. |
|---|---|---|
| Land Revenue | 191 | 200 |
| Excise | 27 | 33 |
| Forest | 47 | 56 |
| General Administration | 24 | 31 |
| Administration of Justice | 122 | 128 |
| Police | 179 | 192 |
| Education | 137 | 158 |
| Medical | 46 | 50 |
| Agriculture | 23 | 32 |
| Industries | 15 | 25 |
| Civil Works | 119 | 143 |
| Famine Relief and Insurance | 1½ | 25 |
| Superannuation and Pension | 40 | 44 |

"In regard to Civil Works I should say that the last year's estimate was 144 lakhs: we had to cut it down to 119 in order to provide for salaries. It should also be noted that a large part of the 143 lakhs provided for 1921–22 is loan money and not revenue.

"The main items of new expenditure will be found detailed in the memorandum and it will perhaps be sufficient here to give a brief catalogue. Under Forests provision is made for the Russellkonda saw mill. The head General Administration includes 3·18 lakhs for a fourth Member of Council and three Ministers and three Council Secretaries, 1·28 for the President of the Council and his Secretary and office and the shorthand writers, and 1·20 for travelling allowances for members. In addition to this, an expenditure of 2 lakhs has been imposed newly upon this Government on account of the pay of the Military Secretary, Aides-de-Camp and the bodyguard of His Excellency the Governor. The institution of the Agency division is an important change, but does not impose any very large increase in expenditure owing to the fact that reductions have been made in the staff of the districts from which the Agency was previously controlled. After prolonged correspondence the Government of India have agreed to hand over the Lawrence Memorial School at Lovedale with an assignment to meet the cost. The Government have accepted the resolution of this Council regarding the remission of the contributions which local bodies agreed to pay for the maintenance of headquarter hospitals when they handed over the hospitals to the Government, which in consequence will bear the full expenditure of 9 lakhs on these hospitals. The important change under the head Civil Works is the transfer of a large part of the expenditure, which is of the nature of permanent improvements, to loan funds, thus increasing the amounts

available for ordinary expenditure. The greatest part of the 70 lakhs which we propose to raise, 25 lakhs, goes to famine relief.

"Perhaps the most serious problem of all those facing the Government and the Council is that of the pay of schoolmasters. This is a matter which was dealt with by the Salaries Committee of 1920, and the Government in passing orders on their report gave a temporary subsidy of Rs. 4 a head to enable local bodies to carry on for the current year. They accompanied this with a very distinct warning that the subsidy would not be repeated, and that it was necessary for local bodies to take steps to deal with the situation themselves. To facilitate this, the Government pushed on with the Elementary Education Bill, which enables these bodies to levy a cess for the purpose and entitles them to claim from the general tax-payer a sum equivalent to the amount levied from the rate-payer in the shape of cess, in addition to securing the passing of other laws which put it within the power of local boards and municipal councils to improve their finances considerably. They had hoped before the time came for the preparation of the budget to have seen some indication of the action local bodies were taking in the matter and of the direction in which they could assist them, if necessary. No such indication has yet been received, however, and the Government regret that they are quite unable to recommend the placing of the whole responsibility of this enormously increased charge upon the shoulders of the general tax-payer. For the present, they have continued provision for grants and subsidies on the usual basis and for a normal increase in the same. They commend the matter, however, to the very early attention of the local bodies, who are primarily concerned.

"To sum up, the resources available to the Government are resources capable of great expansion, as will be seen from their increase by nearly 10 crores of rupees in the last thirty years. The expansion in expenditure is very much greater, since what the old Government had to spend in 1891–92 was not 672 lakhs, which would have been available under the new dispensation, but something less than half that sum.

"Even so it has been found possible, not only to expand all the existing services, but to open up the new departments of Co-operation, Agriculture, Industries and Fisheries without imposing any addition to these taxes except the addition to the Excise. Meanwhile the Imperial Government propose to take from us our share of the taxes which are common to all India and which would on the new basis show an advance from 218 lakhs to 515 lakhs in the last ten years. There is no doubt that the new taxes on income have been burdensome, but they are a small price to pay for the protection received during the war, while the total taxation as compared with the 27 per cent on income that is being taken in England is insignificant. There is no doubt also that the increase in the price of rice has caused much hardship, but, while it is doubtful if this is comparable with the hardship suffered in the countries more directly engaged in the war, we must remember that we have been saved by the Government of India from the full effect of the world increase while we also have a distinct ray of hope in the fact that the price has already fallen by 25 per cent. Another very hopeful feature in the speech of the Hon'ble the Finance Member of the Government of India is his statement that one purpose of the imposition of fresh Imperial taxation is to begin to make an end of the subsidies from the Local Governments.

"While, however, the budget thus presented provides for a total increase of expenditure over that of the current year of 130 lakhs from revenue, in addition to 70 lakhs from loans, the Government are conscious that it will not come up to the expectations of Members of this Council, and that mainly because the spirit of the times demands development under almost every head. This is a spirit to

be encouraged in every possible way, but it is to be feared that there is no escape from the discouraging fact that development has to be paid for. That is a fact which was fully recognized when the Reforms were in embryo and cannot be ignored now that they have come into being.

"It has been urged that retrenchment should go with reform, and on this point the remarks of a newspaper writer on the budget of a sister province are very much to the point. 'Neither this nor any other province', he says, 'could possibly afford to pay adequate wages to their present establishment. In view of the rise in the cost of living, demanding in turn the substantial increase in the cost of personnel, Government must do what every other business concern has done, overhaul its administrative machinery with a view to economizing labour, securing a higher individual output, and thereby finding some compensation for the much higher cost.' He adds further: 'Economy cannot begin and end at the reduction of a few clerks and pattawallahs. It must go right through the machine.' As to this I can only say that the Government have already had special inquiries made regarding the methods available of improving the machinery and have already made several substantial economies. One of these is the provision for a reduction by 15 per cent in the strength of the Police. Other instances might be cited in the reduction in the number of peons (chiefly among personal attendants on officers) and of clerks in the Settlement Department of the Board of Revenue. Again the bifurcation of the Kistna district has been, for the present at any rate, postponed, and inquiries are in progress as to the possibilities of reduction in the numbers of the village staff and the Salt and Excise preventive force. In the ensuing year it is proposed, under the direct personal guidance of His Excellency the Governor, to continue investigations of the same sort right through the machine. To quote the same writer again, the Government fully recognize that 'the most rigid economy will reduce expenditure by comparatively little, but that the beneficial effect of such economy is less in the sums immediately retrenched than in the spirit they produce, which, reacting throughout the administration, effects savings out of all proportion to the actual sums saved under specific heads'. The Madras Administration has had long experience of the practice of parsimony, and if this has been somewhat relaxed in the last two or three years, the Government have no doubt that their officers will respond to the call for economy now as readily as they did in the past.

"While, however, the Government are cordially in favour of retrenchment, they feel that it will be impossible to meet the demands of this Council by that means alone. This is apparent from an examination of the resolutions proposed at the first meeting of the Council. Had all the demands put forward been accepted, the province would be involved in an increased expenditure of something like 7 crores, or at least 50 per cent of the total sum now provided for the expenditure in the whole Presidency. It must be quite clear that no campaign of economy, however drastic, could by any possibility provide for demands on a scale like this, and it is therefore necessary to see also what can be done to increase the resources of the Government.

"And in examining this aspect of the question, it will obviously be best to examine the possibility of using the powers already given by the legislature before fresh legislation is undertaken. The taxes in respect of which it is possible to impose an increase without legislation are the Excise and the taxes levied by local bodies. In the case of Excise, never a year passes but the Government examine carefully what are the possibilities of increasing the income by raising the duty on country spirits, ganja or opium, or by raising the rate of tree-tax. The rates have been in fact pushed up under these heads to such an extent that they have already

led to refusals to bid at the auctions, so that a retardation in the growth of the revenue is anticipated on this and other grounds. There remains the possibility of enhancing the local rates, and in this matter, if we make a comparison with the conditions in England, we find that, wherever local bodies in that country are most democratic, the rates are highest, and that the maxima levied in this Presidency are out of all comparison insignificant beside the rates actually levied in numerous municipal and county boroughs in the United Kingdom. It is the local bodies that need development more than anyone else, and they need it for the benefit of local persons who will see to the application of the money collected to proper uses. It is to be hoped that the first step towards finding ways and means for the Reforms will be by the local bodies, not only imposing the cesses which they are empowered to impose under the Elementary Education Act, but raising the other rates so as to enable them to increase the pay of their staff and to carry out their programme of development.

"To conclude, Sir, we have just succeeded in making revenue cover expenditure for a year in which the Government of India have been faced with substantial additional taxation while some of our sister provinces have had to budget for heavy deficits. But in order to meet the largely increased charges on account of establishments we have had to make a drastic curtailment of the programme of development. This is a state of affairs that cannot continue, and the first task of the year 1921-22 will be a complete overhauling of the administrative machine with a view to economy and an exploration both by local bodies and by the Government of the possibilities of increasing the resources available. This exploration will commence on Tuesday, Wednesday and Thursday next, when the general criticism of the principles embodied in the budget will be made by Members of the Council. There will then be an adjournment for ten days in order to allow time for an exhaustive examination of the figures and for the preparation of resolutions proposing specific reductions. Notice of these has to be given on or before the 14th instant and the discussions will commence on the 21st and will continue, if necessary, with intervals for Good Friday and Easter Sunday, to the end of the month."

## V

### RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

*Levy of fees on certain lands in Kistna district.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Mr. President, Sir: the resolution which stands in my name reads as follows:—

'1. *That this Council recommends to the Government that the notification No.* 151, *dated 9th December* 1920, *published in the "Kistna District Gazette" for levying a fee on lands to be included in the ayacut registers should be cancelled.*'

"Before I read the notification and explain its general contents, it is perhaps necessary to inform this Council that this matter is not merely of local interest, but that it raises very important questions of principle and of administrative expediency. I would invite therefore the attention of the Honourable Members to a few broad facts relating to the administration of the Gōdāvari and Kistna deltas, before I proceed to deal with the objectionable features of this notification. Honourable Members who have been in the old Council are aware that the various questions relating to the improvement of the administration of these deltas came up from time to time, that the Kistna and Godavari deltas were constructed out of borrowed capital and that they are paying at present 20 to 21 per cent on the capital outlay. These systems have been

5th March 1921] [Mr. M. Ramachandra Rao Pantulu]

developed from time to time by inducements offered to the ryots to speedily extend wet cultivation, and at re-settlement what is known as the 'inducement rate' has been introduced with a view to encourage ryots to permanently classify their lands as wet. The earlier policy with regard to these deltas has, therefore, been one of rapid expansion of wet cultivation and the conversion of dry lands into wet encouraged by the Department of Irrigation. The canal system is not a perfect system and various improvements for remodelling the existing channels have been made from time to time at the cost of the State. We arrived at a stage two years ago when the Government thought it necessary to adopt a policy of reducing the areas already under irrigation. These are the broad facts which have to be remembered before I deal with the exact terms of the resolution. Perhaps I may also say in this connexion that the Government have from time to time fixed what is known as the 'irrigable area' under each of these deltas. That is for the purpose of finding out what is the extent of lands which may safely be allowed to be registered as 'wet', consistently with the supply of water available under the canal system. Therefore in regard to the Kistna eastern delta and the Gōdavari western delta which forms the present Kistna district what is known as the irrigable area has thus been fixed and a Special Officer who was appointed in 1917 has been charged with the duty of reduction of the extent actually irrigated so as to accord with the figures of the ultimate ayacut. The Council will note that from time to time irrigation has been extended though this ultimate area has been fixed, and we have now arrived at a stage when it is found necessary to cut down the area actually under irrigation—a circumstance which is greatly resented by the ryots whose lands have already been placed under wet cultivation. The area, so far as the Kistna eastern delta is concerned, is about 350 thousand acres and the ultimate area which has been accepted by the Government with regard to the Kistna western delta is I believe 337 thousand acres. In 1917 Government appointed two special officers for the purpose of settling and localizing what is known as 'wet ayacut' and these two officers proceeded to notify 17,000 acres as the area which should be thrown out of cultivation. Well, Sir, at that time I moved a resolution in this Council, and without wasting the time of the Council I may say that it was then stated that this reduction, as far as possible, would be minimised and that the interests of the owners of lands already under irrigation would be safeguarded. These special officers were asked to go into this question and to examine block by block and see which areas had to be excluded from wet irrigation and which areas had to be included and it is now estimated roughly, that the lands which are now proposed to be included in the wet ayacut of the Kistna eastern delta is about 60,000 acres or so. It is proposed by the terms of this notification that in regard to the lands which have already been under irrigation for 5 years and more a sum of Rs. 25 per acre should be collected for the purpose of registering these lands or putting these lands in the register known as ayacut register of the delta, and with regard to the lands which have been under irrigation for 5 years or less a sum of Rs. 12–8–0 is proposed to be charged. It will be seen therefore that the sum which is now proposed to be realized from the ryots comes to about 10–12 lakhs of rupees and the question arises as to whether this levy is justifiable and whether it is in consonance with the existing practice, or whether there are any reasons as to why this notification should at all have been issued. I submit, Sir, that but for the fact that I read the notification in the District Gazette, I should never have believed that the Government would have issued this notification with the conditions which are to be found in this notification. I will draw your attention to these conditions a little later. Honourable Members are aware that in

each delta area there are water-rates which have been levied under the Water Cess Act, and in the Gōdāvari and Kistna delta the ryots are paying Rs. 5 per acre for the water which they appropriate from the Government source. This new levy is really a kind of premia paid by the ryots for bringing the lands which have already been under irrigation for 10 or 5 years on the ayacut register and they will have to continue to pay their water-rates in the years to come. There is no justification whatever for this levy. I tried my best to find out on what grounds this proposed levy is justified and as usual in these matters the Government declined to place the correspondence between themselves and the Board of Revenue and the Collectors on the table. I trust the Hon'ble Mr. Habib-ul-lah will not again surprise me by reading the correspondence between the Collector and the Board of Revenue. Well, Sir, the only clue, I have is based on the answer to an interpellation at the last meeting of the Council. The reasons as stated are these : 'that this is a change, the object of which' the answer states, 'is to meet the cost of the localization operations which is considerable. The expenditure includes (1) cost of the special staff, (2) the amount of compensation payable to the owners of settlement wet lands which have been excluded from the ayacut, (3) the cost of re-modelling the channels so as to suit the wet ayacut.'

"All those reasons are untenable and are contrary to the present administrative practice—a practice which has been in vogue for several years.

"Now taking the last of those relating to the cost of remodelling of the channels, I would seriously ask the Hon'ble the Revenue Member whether the cost of remodelling of the channels in the deltas should be recovered by a special levy from the ryots concerned. I must perhaps remind the Honourable Members who may not be familiar with this question that this is a very old topic, and it has been brought up in this Council very often. In 1909 instructions have been issued for the remodelling of channels of the Gōdāvari Delta. Extensive remodelling was recommended by a Committee and a Special Executive Engineer was appointed for the purpose of carrying out the remodelling works relating to several channels in the Gōdāvari and Kistna districts. Several channels have been remodelled in this way. Rupees 65,000 has been spent in remodeling the Chinchinada channel and effecting improvements for Razole channel. The cost has been debited to capital either as extensions or improvements. All these remodelling operations have always been debited to the system. Now I ask this House, Sir, what justification there is to lay down this new principle, *i.e.*, that the cost of remodelling of the channels (which may eventually come to 20 to 30 lakhs of rupees) should be recovered by a special levy from the ryots. There is no precedent for this. The practice for the last 15 years is against it and I submit it is altogether unjust to levy the cost from the ryots. I therefore submit with great confidence that in putting forward this ground of justification a serious mistake has been made by the Government and I trust that the Government will quickly retrace their steps.

"The second ground on which the levy is justified is the cost of the special staff employed on these operations. Even in regard to this I submit that those who are familiar with the administration of the deltas like the Periyar or Tanjore will see that special officers have been appointed from time to time not only for remodelling but for other improvements. Is it seriously contended that the ryots of these deltas are paying for the cost of the special staff thus employed? Does the House propose to impose any special levy on the ryots for the purpose of the cost involved in the improvement of the channels? I am really unable to see the justification for this charge on the ground that the cost of a special staff should be paid by the ryot.

5th March 1921] [Mr. M. Ramachandra Rao Pantulu]

"The last ground is that compensation is payable to owners of settlement wet lands which have been excluded from the ayacut. Even on this ground, I do not see the slightest justification for any levy from the ryots. Honourable Members are aware that there are settlement lands in the deltas on which a consolidated rate has been imposed. We have also zamindari lands and inam areas where water-rate is paid for separately to the Government. Now in regard to the settlement wet lands, it was proposed in 1917 to throw out 4,000 acres. Why should the ryots pay for the compensation payable for these lands? These wet lands are being thrown out for the reason that they are not commandable by the delta channels and that they are high level lands situated in such a way that the existing channels cannot serve them. They are thrown out rather in the general interest of the irrigable areas and not on account of any special benefit conferred on the persons from whom this levy is proposed to be made. There is therefore no justification whatever for the course proposed and the grounds mentioned are altogether unsupportable.

"Then the last point to which I would invite the attention of this House is the fact that a fee of Rs. 25 is prescribed on the following basis: (i) 'the expenditure which has already been or will be incurred by the Government, (ii) the rates offered by ryots for transfer to them of the irrigation rights of others and (iii) the rates paid by ryots to a private pumping installation for providing irrigation facilities.' These are the three grounds on which it is stated that the Government have fixed the amount of Rs. 25 per acre.

"Taking the last point first, the rates paid by the ryots are the rates for actual irrigation. I take it for the actual supply of water. Here in this case, in addition to the special levy of Rs. 25, the ryots will continue to pay the water-rate of Rs. 5 per acre. I really do not see why this special levy is proposed for placing these lands in the ayacut register. I am really surprised that this proposition has been put forward. I trust that the Honourable Member will appreciate the force of my remarks and will see that this notification is cancelled. Before I conclude, I wish to state that there are four conditions in this notification which are so one-sided and so unjustifiable to the ryots that I must invite the attention of the Council to them. In addition to the payment of fees the ryot is compelled that the whole extent comprised within the block mentioned above should be brought under wet cultivation and water-tax, cess, etc., should be paid on it from the appointed day whether or not the whole extent has been brought under wet cultivation from the year fixed.

"May I ask, Sir, whether this is just. A man may not be able to bring all lands under cultivation for various reasons. It is no easy thing to alter a dry land into a wet one and yet it is seriously suggested whether he does it or not, whether he takes the water or not the whole inclusion fee should be paid or that they should be penalised. I cannot imagine how any responsible officer could have suggested this one-sided condition in the notification issued by the Collector.

"The Government say that they are not going to refund the fee of Rs. 25, and that they would take steps to transfer it to dry.

"The fourth point is that the level of the block should be raised if necessary by the party consistent with that of the wet cultivated area in the vicinity to ensure safety from submersion, within a stipulated period, on pain of the exclusion of the block from the wet ayacut in the event of failure. In a particular block there may be 400 acres or 500 acres, out of which each man may own 4 acres or 5 acres, and is the whole block to be thrown out because something else has not been done?

"It is stated in the Gazette that necessary *bodis* should be provided by the parties at their own cost, and that the parties concerned should hold themselves responsible for the payment of the conversion or inclusion fee specified in condition No. (1) above and of water-tax, cess, etc., on the entire block. Here, again Sir, I ask the Hon'ble the Revenue Member whether it is right that in a block of 400 acres, a man possessing 4 acres should be asked to make himself jointly responsible for the payment of Rs. 25, for the payment of water-tax, and all the cesses, for the whole block I am very much surprised at this position.

"I trust therefore that Honourable Members will see that the questions raised are of immense importance not only to the Kistna and Gōdāvari deltas, but to every delta and to every irrigation project in which there is irrigation now going on. I am not now fighting for any principles. The Government are bound down by a certain policy in regard to delta administration, and I ask the Honourable Member for Revenue whether it is right that they should deviate from this principle, because they wish to make a sum of a lakh of rupees by levying a fee on lands to be included in the ayacut registers of those lands. I trust, Sir, that the Council will accept this motion and that the Hon'ble the Revenue Member will see the reasonableness of my request."

Rao Bahadur T. Balaji Rao Naydu:—"Mr. President, I beg to second this resolution moved by Diwan Bahadur Ramachandra Rao Pantulu. There is much to be said in support of the resolution, but I shall now deal succinctly with the matter and confine myself to one or two points. When the last settlement was made, the consolidated rate of wet assessment was fixed. In cases where the ryots did not agree to the consolidation, they were charged some amount extra over the water-rate, just to induce them to convert their lands into wet and get the rate consolidated. Moreover, when the Settlement Department originally classed a land as consolidated wet, it must have been done after personal inspection. When this has been once done, I see no reason for the present special officers converting such lands again into dry any similar land elsewhere being given in exchange and so on. I suppose the officers of the Public Works Department are not in a position to take water to places where water cannot flow. It is only lands, which are in a lower level that would enable water to run easily, that can be classed into wet. The only question now is whether there is sufficient water to let out, so as to irrigate 500 or 5,000 acres and so on. That is the only point we have to look to and settle. I do not see why there should be a reclassification and all that kind of business now undertaken. If the ryots of lands which are high and the level of which the owners want to lower, are not given water, and others whose lands are low are given water on their applications to the extent to which the particular channel can supply water that would save all difficulties. This levy of Rs. 25 which is now sought to be made is quite novel under the British Government and is the system in which the Zamindars and Rajas are accustomed to levy from their tenants. Under the Government, there can be no such thing as levying a premium. For the matter of that, we may as well say, raise the water-rate if that is considered reasonable. The original expectation in starting these anicut irrigation projects was that they would pay only 3 per cent interest. But now the Kistna and Gōdāvari anicut system is fetching already about 21 per cent, or seven times more than what the Government wanted. There is thus no justification for levying any premia or raising the water-rate. With these few words, I beg to second this resolution."

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur:—"Mr. President, I think I have listened to the very persuasive arguments of the

5th March 1921] [The Hon'ble Mr. Muhammad Habib-ul-lah Sahib]

honourable mover of this resolution with great interest hoping that he might advance arguments which would convert me to his view. But I must confess that the opinion which I formed after examining the question from various standpoints remains the same. He has no doubt told the House that these localization operations commenced about a couple of years ago and that their sole aim and object was not so much for the purpose of determining what lands should be included but more for the purpose of determining what should be excluded. These operations as a matter of fact began so long ago as in the year 1916. They were first intended to be confined to the Kistna Eastern delta, but it was found necessary to extend them subsequently to the Gōdāvari Western delta as well. As I said, Sir, the object was more a determination of how best the canals and channels comprised within those two deltas could discharge their duty without detriment to the interest of the landholders concerned. The work of exclusion therefore had to be taken up to determine what land should be eliminated from these two deltas. Now that fact having been determined in the year 1919, the localization officers had necessarily to set about an investigation as to whether, after these exclusions had taken place, there was room left for more lands being brought under cultivation through the same canals and channels which comprised the two deltas. Before I go to the legality or the equity of the proposed charge, which the honourable mover mentioned, I may probably state very briefly what the process was for the purpose of carrying out the exclusion proceedings. The exclusion proceedings involved the elimination from the ayacut of various types of lands which before then had been irrigated through the same sources. They involved the exclusion of what we call the 'settlement wet'. They also involved the exclusion of what we call the 'mamul wet.' They also involved the exclusion of lands of a mamul wet description situate in the zamindari areas. Now as soon as a determination was arrived at as to the exact extent of land which had to be excluded, those people whose lands were directly concerned in the elimination process had necessarily to be consulted. Various individuals of course raised objections to the exclusion; some acquiesced for reasons which I shall explain later and some did not even choose to appear to say either aye or nay, so that the localization officer had no opportunity of knowing whether they would agree to the exclusion of their lands and when steps had to be taken for the purpose of depriving individuals, who until then had been enjoying a certain right, it was but fair and equitable that those individuals whose rights were going to be taken away were compensated for. This compensation, for which we have only rough figures at present, amounts to no less than two lakhs. Nor is this all; for we recognize that if we should include within the two ayacuts all the extent of land for which we expect there will be applications, it will be absolutely necessary for us to remodel the existing channels so that they may serve the purposes for which they are intended, without detriment to the interest of those landholders with whom we would in future contract to supply water. Now this again, according to rough figures which I have got in my hands at the present moment, is estimated to cost no less than ten lakhs. But, Sir, the estimate of ten lakhs of to-day may for aught we know rise in value by the time probably we put the work into actual execution, for we are familiar with the fact that estimates have constantly to be revised on account of the varying prices in the market. Well, these two are important factors to be borne in mind."

"Then again, Sir, my honourable friend on the other side took objection to the fact that we have all along been spending State funds for the benefit of the landholders and why this change of policy now. Let me make it sufficiently clear that the stage at which we have now arrived is not the stage of the introduction

of anything like a deltaic scheme to any district, but it is merely a question of the readjustment between lands which might well go out of it and lands which might well claim to come into it. Now, so far as lands which have to go out of it are concerned we have agreed to compensate for them. So far as lands which claim to come into it are concerned, it is perfectly open to the Government to make their own condition. It has to be realized that the lands in respect of which these conditions are proposed to be introduced are lands which are called dry. In no country in the world has the State undertaken the responsibility of supplying *gratis* water to lands which are called 'dry'. Here, in this case, if the dry landholders want to enjoy the benefit, they are merely asked to pay a premium, so that the expenses incidental to the various proceedings which will eventually culminate in their enjoyment of the privileges which they want might be borne. This is in no way an obligatory charge. It is merely an optional charge, for the notification itself would have amply made it clear that it is only those landholders who at the present moment own dry lands and who wish to claim the benefit of these irrigation sources who will have to pay. It is only those who apply for this privilege that have got to pay a premium of Rs. 25 per acre. It is perfectly open to those landholders to refuse to pay the premium and refuse to get the benefit of water.

"Then, Sir, my friend referred to the reply that had been given in answer to an interpellation on this very matter. These were really the reasons which induced the Government to fix the premium at Rs. 25. Of the three reasons, of course, I have already mentioned two, viz., the necessity to pay compensation and the necessity to spend a very large sum of money for the purpose of remodelling the existing channels so as to enable them to get the work expected of them in the future. My friend of course referred to item 2 of the answer in which it was stated that similar payment had been made by other ryots in another installation. I believe my honourable friend must have gleaned from that answer what the installation was to which reference had been made. I think he is already aware of the Atmakur installation. It is that to which reference had been made. What happened there was the ryots paid so much as Rs. 50 per acre as premium and are to-day paying not merely the land-cess but are also paying Rs. 3-12-0 per acre for what they call the 'lift charge' to the company which supplies them water and on the top of it, they pay the Government Rs. 8-8-0 per acre for water. Well, I state these facts simply to convince the House that ryots are very keen on securing water to their dry lands, for it is obvious that on dry lands they could raise no other crop than a dry crop."

Diwan Bahadur M. Ramachandra Rao Pantulu :—"May I explain to the Honourable Member that these lands have been already for 10 or 15 years under wet cultivation and they have been so classified on applications made to the department and accepted by the department? They are not dry lands at all."

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—"I dispute the statement absolutely, for the intention of the notification, Sir, to recover Rs. 25 per acre is wholly confined to lands which yet continue dry. The Rs. 12½ favourable rate, which my honourable friend has already quoted, refers to what we call Eksal lands, which are lands for which the landholders secure annual permit from the authorities concerned to enable them to take a little water from the channel and cultivate them."

Diwan Bahadur M. Ramachandra Rao Pantulu :—"A little water?"

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—'Of course sufficient water for the lands, the grant of licence being, however, entirely optional. In one year it may be granted ; in the next five years it may be

5th March 1921] [The Hon'ble Mr. Muhammad Habib-ul-lah Sahib]

refused if there is no water to give. In the case of that land, Sir, Rs. 12½ rate has been specially granted to those Eksal landholders who have been given similar permits from year to year for the last five years continuously. There is certainly no question whatsoever of all lands in respect of which Rs. 25 is demanded having at any time enjoyed the benefit of this delta or having at any time claimed any benefit or having been refused those benefits. They will be getting these benefits now for the first time. They will raise wet crop over lands which all along had been dry. They are thereby not only raising wet crops, Sir, but raising the value of those dry lands from almost a nominal one to several times the present market value. We have cases to show that in this very delta, when our officers were conducting the investigation for the purpose of determining which land should be excluded, those interested in the matter had made private arrangements with the owners of lands which had to be excluded, by purchasing, as it were, their water right at a rate varying from Rs. 10 to Rs. 50."

"We have often received applications from individuals who possess dry lands requesting that facilities might be created by opening new and additional channels and offering to pay the whole cost and in several cases it has even surprised the Government to find that before any such scheme was sanctioned, the money had been forthcoming. That, I would emphasise, indicates the value which the ryot attaches to water. It will certainly not be a burden under these circumstances to expect them to pay no more than a premium of Rs. 25 per acre. What is happening now? In cases in which the land is not entitled to water the ryot applies, but in some cases it so happens that he is refused the licence and when he is so refused the licence, he is determined to take the water and when he does take the water, he has to pay a penalty of Rs. 20 per acre and in cases in which he did it either without permission or against the permission he is bound to pay Rs. 20 per acre. In future he will be absolutely free from this sword of Damocles hanging over his head. He will be entitled to his share of water and he will pay no more than an annual water-cess which his other brethren who have been claiming the benefit of this ayacut have been paying until now. Is it therefore very reasonable to say, Sir, that this Rs. 25 premium which we ask the ryot to pay, leaving it entirely optional with him to pay or not, should be regarded as an iniquitous levy?

"Well, my friend has tried to show by reference to the past history and by also reading to us certain extracts from documents which presumably he thinks I am unaware of, that the policy all along has been for the Government to make all these improvements. But, Sir, may I at the same time venture to say that in this case the principle involved is absolutely different from the principle involved in the other cases which he refers to. For in this case, as I have already said we have to remember this fact that we are offering certain facilities to holders of *dry* lands. We are in no way bound to supply them water. We will make it possible for them to get the water by incurring the necessary expenditure only if they will reimburse us. This will be only once and not annually, for Rs. 25 is going to be only a premium. The ryot is not going to repeat this as in the case of the Rs. 20 per acre which he has to pay if he takes water without permission or against permission. This aspect of the matter I wish the House will kindly bear in mind.

"These in brief are my reasons for declining to accept this resolution in the present form and I hope the House will agree with me."

Diwan Bahadur M. Krishnan Nayar:—"Sir, I have very great pleasure in supporting the resolution now before the House. I have listened with careful attention to the speeches of the mover and the seconder of this resolution and of

the Hon'ble the Revenue Member. After listening to their arguments, the principle embodied in this notification seems to me absolutely indefensible. I shall refer only to the admitted facts brought out in the discussion and not to the disputed facts. With reference to some of these lands that are under discussion it is admitted both by the Hon'ble the Revenue Member and of course by the mover of this resolution that they have been paying for five years and more an irrigation cess of Rs. 5 per acre per annum. No doubt, they have not been brought under permanent wet lands. The ryots have to apply every year and are allowed to pay an irrigation cess of Rs. 5, and in respect of these lands which have been paying Rs. 5 it is most odd to levy a sum of Rs. 12½ per acre. It has been stated by the seconder of this resolution and it has not been denied . . ."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :— " May I rise, Sir, to make a correction. It is not quite correct to say that in lieu of Rs. 5 per year per acre cess is now sought to be levied at Rs. 12½ per acre. That would mean that the Rs. 12½ is a yearly charge, but I have made it sufficiently clear that it is a premium to be paid once and for all."

Diwan Bahadur M. KRISHNAN NAYAR :—"I beg my honourable friend's pardon. That is exactly what I said. I am very sorry that I was not very clear. What I stated was that for the benefit of getting water every year, a payment of Rs. 5 is being made and that is being repeated year after year. That has been repeated for more than five years in respect of portions of these lands which have been paying for more than five years at the rate of Rs. 5 per acre in order that they may be brought permanently under the wet ayacut, they being only temporarily under wet ayacut in the sense that it is necessary to renew these licences year after year. It is now sought to levy a lump sum of Rs. 12½ per acre in addition to the Rs. 5 irrigation cess which will continue to be paid even after these lands are brought permanently under the ayacut system. That is the way in which I have understood the whole question and that is confirmed by the Honourable Member in charge.

" I wish now to say, Sir, that it has been assented by the seconder of this resolution, and it has not been denied from the Government side, that the Government was deriving a profit of 21 per cent on the capital cost incurred on this delta system. That is a profit with which the most voracious of private persons must be content.

" That is, by levying Rs. 5 per acre the Government have been able to derive this profit of 21 per cent and now simply for the purpose of bringing these lands and other lands in respect of which a higher rate is demanded under a permanent wet ayacut system, a sum of Rs. 12½ is said to be levied. I have heard, Sir, some private landowners claiming such rates : but I have never heard of Government doing so. The ryot should continue to pay an irrigation cess of Rs. 5 every year and so long as he pays that amount, so long as that amount is levied from him, there is so far as I can see no reason why the Government, in addition to that annual tax, should require a lump sum contribution of Rs. 12½, and in the case of certain other lands which have not been irrigated for more than five years, Rs. 25 per acre. It is stated that some money will have to be expended on remodelling the channel. May I ask, Sir, whether this contemplated remodelling is in respect of these lands alone, of these lands which are now paying Rs. 5 per acre and which have not yet been brought permanently on the ayacut system or whether this contemplated remodelling will benefit other lands as well. I hope the Hon'ble the Revenue Member in his final reply will please answer this question of mine. Then it is stated that the cost of a special set of officers who have been appointed

is also to be covered by this lump sum contribution of 12½ per cent and 25 per cent. We hear very often of special officers being appointed in other departments temporarily for special purposes. We never hear of any special contribution from the people concerned for the purpose of paying these special officers. That seems to me to be a novel principle in the revenue system of this Presidency. It seems to me again, Sir, that one provision in this notification is extraordinarily hard, I may say, extremely unjustifiable. A block may consist of many acres. The notification specifically says that it is absolutely necessary in order that these lands may be brought permanently under the wet ayacut system that for all the lands in that block, whether owned by a single individual or by hundreds of individuals, a contribution of 12½ or 25 rupees per acre should be paid in respect of the whole area included in that block. The block may consist of five hundred or a thousand acres, owned by five or by ten persons; it may be that one person is either unwilling or unable to pay the contribution that is sought to be levied from him at the rate of 25 or 12½ rupees per acre, though all others are willing. But it is very hard, extremely unreasonable, that because one or more than one of these owners are either unwilling or unable to pay the contribution in question, all the other owners should suffer . . . . "

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur (*interrupting*) :—"I am sure, Sir, that that was never the intention of the Government."

Diwan Bahadur M. Krishnan Nayar (*continuing*) :—"May I read, Sir? 'It is hereby notified for the information of the public concerned that in the Kistna (Eastern) and Gōdāvari (Western) deltas lands, which are not classed as dry and for which water has not yet been sanctioned permanently and which are recommended by the localization special officers to be included in the wet ayacut will be incorporated into the ultimate wet ayacut, only subject to the following conditions :—(1) a fee of Rs. 25 per acre should be paid into the Government treasury on each block in full before the date appointed for it on pain of the whole block being excluded from the ayacut in the event of failure.' If I have not been able to understand this passage clearly, I should say, it is not entirely my fault; it is the fault of the officer who drew up the notification. In the case of all lands which had been under irrigation for five or more years, the rate of fee payable is to be Rs. 12 per acre. As I understand it—I should be very glad to be corrected—it means that in case the prescribed payment is not made for the whole of the block in question before a particular date, no portion of the block may be benefited by the payment of a part of the contribution. That seems to be an extremely unjustifiable provision. It is not necessary, Sir, for me to refer to the various other aspects of this notification which have been placed before this Council. It seems to me, as I submitted at the beginning, that the principle of the notification cannot be defended at all."

Mr. C. V. S. Narasimha Raju :—"Mr. President, the Hon'ble the Revenue Member stated that he gave his best consideration to the resolution from various standpoints and that he was not able to accept the resolution. I expected him to criticise it from these various standpoints, but throughout, he attacked it only from the commercial or business standpoint. As far as that is concerned, I am not going to dispute. But the case now before the House involves the general principle of irrigation cess; and the question as to how far the Government is justified in deviating from the existing principles of levying water-cess is to be considered by the House by a vote on the resolution. Sir, as far as I understand the system of irrigation in Gōdāvari and Kistna districts, the lands may be classified into

three classes. The first is what is generally known as the bapat wet or dry lands for which irrigation facilities were permanently granted ; or, in other words, the landholders need not put any application for water-supply. Regarding this class of land there is a dispute between the honourable mover and the Honourable Member for Revenue. The honourable mover says that this class is also included in the notification, and if I have heard correctly the Honourable Member for Revenue, he stated that this class of land is not included in the notification. I am inclined to believe that, by a reading of the notification, that class of land is not at all included. Because the notification says lands which are now classed as dry for which water has not been sanctioned permanently and which are recommended for inclusion in the wet ayacut will be incorporated in the ultimate wet ayacut and so on. From this it is clear that this bapat wet lands are not contemplated by the notification and no extra premium will be collected from them. Then, Sir, we have got two more classes of dry lands. First is the Eksal lands or lands for which water-supply has been granted temporarily from year to year on application. Regarding these the notification says that only a premium of 12½ per cent is to be collected from the ryots. Now, from the concession shown it is clear that the Government wanted to put this class of land on a better footing in the matter of demanding premiums. The third class of lands are the dry lands which were hitherto not in the practice of receiving water-supply and which are yet to be brought under irrigation. Now, Sir, it was stated by the Hon'ble the Revenue Member that on account of the compensation that is to be paid to the mamul wet, the settlement wet lands, and on account of the cost of remodelling, the Government have determined to levy this extra charge. Sir, hitherto the practice has been to levy a certain rate of water-cess and not to levy any premiums. If premiums were to be levied in the past, perhaps the cost of the irrigation projects would have been recovered long ago. I do not see therefore any reason why special treatment should be given to individual landowners under the new system of inquiries now going on in Kistna (eastern) and Gōdāvari (western) deltas. In the course of his speech the honourable mover made reference to the extra rate of water-cess that was being collected from irrigation process or lift project—I do not remember the name, Sir,—but this is a new policy which was contemplated some three or four years ago by this Government. They ask the various landowners in various places that the cost of irrigation works would be so much and that the Government could not pay the interest on borrowed capital and hence could not take up the construction of irrigation projects, unless the landholders came forward with a consent that they would bear the extra rate of the irrigation cess to cover the whole increase. In cases where the extra rate of irrigation cess was agreed to by the landholders, the irrigation works are being taken up and pushed through. That is a special case, and it has nothing to do with the irrigation systems already in existence. So far as we know from the figures, the Kistna irrigation system is paying an amount of 16½ per cent and I do not see any reason why the Government should be anxious to collect the extra amount. Besides, supposing that there will be an additional cost of 12 or 15 lakhs in the way of compensation and remodelling, the new lands that get the benefit pay the usual water-rate of five per cent and will it not cover the cost ? If the Honourable Member is to convince us that even if it were to levy the five rupees ordinary rate on the new lands that are to be brought into wet cultivation, it does not cover the interest on the capital outlay, I think the proposition would stand on a different ground. But, Sir, as long as he is not able to convince, I do not think we can view the proposition entirely on a business point and say that because there are so many applications we can draw

5th March 1921] [Mr. C. V. S. Narasimha Raju]

as much money as possible from the individual ryots. Sir, in the course of his speech he was not able to justify the remaining portion of the notification. I do not think that he ever tried to justify it. Then, Sir, as regards the block system: if I had understood the term block system correctly, it means a block consisting of various survey numbers owned by various individuals. If we read the notification carefully, it means that all the landowners, each one of them shall be responsible for the collective liability of all the owners of the block. With these words I strongly support the resolution."

Diwan Bahadur M. Ramachandra Rao Pantulu:—"Sir, in the first place I must refer to the statement made by my honourable friend, the seconder of the resolution, and that is, if it was necessary at all to levy an additional sum, it must be by way of increasing the water-rate. I should not be understood as accepting the position that the Gōdāvari and Kistna deltas are in need of an increase of the water-rates. Both these deltas are now paying about 19½ per cent over the capital outlay and there is absolutely no justification whatever to recover anything more by way of increase of water-rates. I must make that position clear. First, I must clear the ground by saying that neither myself nor he suggested an alternative method of raising funds by levying water-rates. Then, Sir, the Hon'ble the Revenue Member referred to the Atmakur installation. So far as I know of the history of that installation, the premium of Rs. 50 per acre is intended to cover the capital cost of the pumping installation. That stands entirely on a different footing. I do not suppose the Honourable Member will go so far as to suggest that we would recover the cost by a special levy of the Kistna and Gōdāvari delta systems which are already paying, as I have pointed out, about 19½ per cent of the outlay. Therefore the analogy is altogether beside the point. The Honourable Member said that the proposed levy stands on a different principle, different from that adopted in the case of other schemes of remodelling in the deltas. I did my best to understand the difference in principle now suggested. All that I can see is that the Government are very anxious to levy a cess. Lands have been brought under wet cultivation and have been under irrigation for ten or fifteen years. My honourable friend speaks of these lands as dry lands. But that is not so. They have been classed as dry at the time of resettlement but since the resettlement, the ryots have been applying for water for a series of years, they have been wet and converted into wet lands. It is futile to suggest now that it is open to the ryots to accept or reject the offer of the Government. They cannot do anything but grow wet crops on these lands. It is impossible to exclude water from most of these lands. There is such a volume of water coming from the neighbouring lands that these lands must be cultivated with wet crops and therefore my friend was playing with the words 'dry lands' and that it is perfectly open to the ryots to pay or not. They have no other course except to pay the fee. I merely contend whether this principle of levying an inclusion fee is justifiable, whether it is not a thin end of a wedge for the extension of such a system not only for these lands but for all other lands in other deltas as well. I submit my honourable friend has not converted me; I have not seen any new light thrown on the matter."

Sir P. Tyagaraya Chetti:—"Before putting the matter to the vote I would like to have some information on the matter. What is the price of dry lands in those places and of permanent wet lands also? Supposing dry land is converted by registration into wet land, may I know what the price per acre of such land would be? There is a good deal of difference between the two, I believe, and why should it be supposed that the taking of the twenty-five rupees

is unjust if by Government water the land is converted into wet land and its value is thereby increased enormously. Why should the general tax-payer be benefited by a small portion of that profit?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—(Rising to speak).

The Hon'ble the PRESIDENT:—"It is not open to the honourable member to speak again. The Hon'ble the Revenue Member will give the information."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB:—"Mr. President, I was already told by the honourable Mr. Narasimha Raju that I had viewed this question from the standpoint of a business man. I do confess that I did so and I shall show that this aspect must be kept in view by the House as a whole. Sir Tyagaraya Chettiyar as expected has raised a very relevant issue which I thought I would mention in reply to the arguments to which I have listened. I believe he does not want anything like convincing proof of the fact that a dry land is no more than a dry land and that a wet land is more valuable than a dry land. As regards the exact proportion which the respective values of these two classes of land will bear, it will very largely depend upon the surrounding circumstances. Here we have got the deltaic land to think of. From the information that I have got—I am not quoting the exact statistics from documents of sale, registration or anything like that—but from the information that I have got I can venture to state that the value of dry land, after it gets the benefit of water from the deltaic area, will rise to no less than four to five times. At the lowest, we have got cases in which lands which were worth almost nothing are reported now to be offered at one thousand rupees per acre.

"The general question I would ask, repeating Sir Tyagaraya Chetti is,—is it fair that a particular class of lucky people in the deltaic area, bounded by the Kistna (East) and the Godavari (West), that those few lucky people should get the benefit of having their dry lands converted into wet, enjoy the whole of the increment which would result by such conversion, not out of any additional farthing spent out of their own pocket but out of money wrung from the general tax-payer of the provinces. That I repeat is a matter which the whole House must consider and whether they would allow a scheme which benefits a particular tract of country and a particular class of individuals and which enables them to enjoy the excess profits over and above what they would in a normal condition of things be entitled to. It is again for the House to consider whether they would allow the general tax-payer's money to be spent for that purpose, under such circumstances and with this ulterior object. No doubt, some attempt has been made to find out the exact definition of the word 'block.' I confess, Sir, when I said 'block,' I understood the term according to the notification and in consonance with the previous history of the matter. I understand the word as meaning a block as entered in the registers of the localisation officer. In the registers of the localisation officer, a block is certainly entered *individualwar* and if any individual should possess more than one acre he will certainly have to pay as many twenty-five rupees as he has number of acres My learned friend on the other side asks me to imagine a block consisting of four to five hundred acres in which the owner may be willing to take advantage of water only for a few acres and may not be willing to avail himself of a similar advantage in the case of other lands. In such a case is he bound to pay Rs. 25....."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*interrupting*):—"The Honourable Member has misunderstood me. A block consists of a number of

5th March 1921] [Mr. M. Ramachandra Rao Pantulu]

owners, of small individuals owning four and five acres, and the localisation officer proceeds with reference to levels. It is a small area where water can be supplied to the whole block of four or five hundred acres from a particular level. The notification proceeds to say that unless Rs. 25 is paid in respect of the whole block, the land will not be classed as wet."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I think I understood my friend in the sense in which he has explained the term. I was trying to show that I can hardly imagine, nor has my honourable friend on the other side given me anything like concrete instances of cases where there are blocks of four and five hundred acres and where individuals will not be willing to pay for the whole. Even so I would simply suggest that if the owner refused to take water he would have nothing to pay for. It is, as I repeat, merely an optional matter. Those who pay get the benefit and those who do not deny themselves of it. And I have made it sufficiently clear to the House that this sum upon which so much emphasis has been laid will be only a premium to be paid once and for ever and it will not be repeated. It will not be an addition to the cess that they will have to pay every year and the payment of this very small sum of 25 or 12½ rupees, as the case may be, will have the inevitable consequence of raising the value of his land, probably eight to ten times more than what it is at present."

The Hon'ble the PRESIDENT :—" Does the Honourable Member wish to make any personal explanation ? He cannot make a third speech."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I cannot say whether it is a personal explanation or a third speech. I am in that position. If you, Sir, will allow me just a few words—the Hon'ble the Member for Revenue said that I am trying to get it out of the general tax-payer. I have been trying to explain that this delta system has been built out of Capital and the general tax-payer pays nothing ; it is paid for by the water-rates which —".

The Hon'ble Sir LIONEL DAVIDSON (*interrupting*) :—" May I ask whether this is in the nature of a personal explanation ?"

The Hon'ble the PRESIDENT :—" I now put this resolution to vote."

The resolution was accordingly put to the vote and lost.

Diwan Bahadur M. Ramachandra Rao Pantulu demanded a poll.

A poll was taken with the following result :—

*For*

Mr. K. Adinarayana Reddi.
,, T. Balaji Rao Nayudu.
,, B. Munuswami Nayudu.
,, J. Kuppuswami.
,, C. V. S. Narasimha Raju.
,, V. C. Vellingiri Goundar.
,, K. C. Venkatachala Reddiyar.
,, C. Venkataranga Reddi.
,, A. Subbarayudu.
,, P. Venkatasubba Rao.
Diwan Bahadur P. Kesava Pillai.
Diwan Bahadur M. Ramachandra Rao.
,, M. Krishnan Nayar.
,, L. A. Govindaraghava Ayyar.
Rao Bahadur A. S. Krishna Rao.
Rao Sahib U. Rama Rao.
Mr. M. R. Seturatnam Ayyar.
,, C. V. Venkataramana Ayyangar.
,, M. Suryanarayana.
,, K. Prabhakaran Tampan.
Muhammad Abdur-Rahman Sahib.

*Ayes* 21.

*Against*

The Hon'ble Sir Lionel Davidson.
,, Mr. C. G. Todhunter.
,, Khan Bahadur Muhammad Habib-ullah Sahib.
,, Diwan Bahadur A. Subbarayulu Reddiyar.
,, Diwan Bahadur P. Ramarayaningar.
Mr. A. Y. G. Campbell.
,, F. J. Richards.
,, P. Subbarayan.
,, S. Ellappa Chettiyar.
,, A. Ramaswami Mudaliyar.
,, Periyanayagam.
Diwan Bahadur Sir P. Tyagaraya Chetti Garu.
Mr. C. Natesa Mudaliyar.
,, M. Narayanaswami Reddi.
,, R. K. Shanmukam Chettiyar.
,, S. T. Shanmukham Pillai.
,, S. Somasundaram Pillai.
,, T. C. Tangavelu Pillai.
,, O. Tanikachalam Chettiyar.
,, D. Seshagiri Rao.
Mirza Abdul Hussain.
Khan Bahadur Muhammad Usman Sahib.
Mr. J. F. Simpson.
,, A. M. MacDougall.
,, P. Venkatarangayya.
,, T. Richmond.

*Noes 26.*

*Racial distinction among railway passengers.*

Mr. C. V. VENKATARAMANA AYYANGAR :—" I have the honour to move the following resolution :—

'2. *This Council recommends to the Government that immediate steps should be taken to put an end to all racial distinctions among railway passengers as regards accommodation, retiring rooms, etc.*'

" I may begin by saying that from a business point of view, the Government cannot object to this : nor can the Financial Member threaten us with any additional deficits, if this proposition is carried. Probably I may be able to show, before I sit down, that if this proposition is carried and given effect to, the Government may get some more money. Apart from the word 'etc.' the proposition deals with two points, namely, accommodation and retiring rooms. So far as accommodation is concerned, though we have often heard and read about it in newspapers and elsewhere, the matter has not been brought before this Council, I believe ; but so far as the question of retiring rooms are concerned, we had a resolution unanimously passed here, not that there shall be no distinction, as regards persons who should occupy particular rooms, though, in the matter of supply of separate rooms, there should be no such distinction. I suppose nobody on the right side will in any way threaten us for the use of the words 'immediate steps' in the resolution. The words 'at once' and 'immediate steps' are likely to scare people because they think that Government is bound to take action in the matter as soon as the proposition is carried. Supposing the President declares that this resolution is carried at 1-56 p.m., 'immediate steps' does not mean that Government or Member in charge of the Railways should go to his room at 1-57 and despatch an order. We know how the unanimously carried resolution that the Indian passengers should be given retiring rooms as well as the European passengers has practically, so far as the public are concerned, not been given effect to till now. There may be some confidential correspondence going on between the Railway department and His Majesty's Government here, but so far as we know nothing actually has been given effect to. It is only to remind the Government that if once they agree to a resolution they should act up to see that the resolution be given effect to as early as possible, that the words 'immediate steps' are put in. Nothing more. Then to go into the merits themselves, as I said, I may divide the proposition into two classes, viz., accommodation and retiring rooms. So far as the third-class compartments are concerned, labels are put up,

5th March 1921] [Mr. C. V. Venkataramana Ayyangar]

we see everywhere, as European and Eurasian reserved compartments, sometimes one, sometimes two, for a particular favoured community. I suppose we will not hereafter hear of prestige, racial distinctions and all those things. We have just now heard the words of the Hon'ble the Member for Revenue still ringing in our ears. We will then look from a business point of view. Why should this particular compartment, one and at times two, go practically vacant? Of course, it may be said that only one compartment is reserved, but we know cases where two compartments are reserved. Suppose, some guard or engineer or some relations of his have to travel from, say, Mēttupālaiyam to Coimbatore, then two compartments are reserved with prominent boards; that is, from Coimbatore up to Madras these are reserved with the result that they go practically empty from Coimbatore to Madras. You know, Sir, that it is a matter of every-day knowledge, that only one, two or three people are travelling in these compartments, whereas people are crowded in the next compartment by twenties and thirties. We also know in these days how many third-class passengers are left without accommodation in any particular train. Take my own town Coimbatore into consideration. It is the next station from Mēttupālaiyam for the mail train and yet before the train comes, intimation is received as to how many tickets are available for first class, how many for second class and how many for third class, etc. In this calculation, the reserved compartments for Eurasians and Europeans are excluded. So that the third-class tickets available for sale are only taken into consideration after excluding these compartments with the result that more often than otherwise many passengers are refused tickets, because the limited number of tickets already wired for has been given. A number of people who might travel in these compartments are detained behind and probably will never travel afterwards, for they might not be able to attend to the particular business for which they were called. So much from the business point of view. We thus see that this reservation is affecting the finances of the railway company which of course affects the finances of the Government. No doubt we know that racial distinctions are observed in various Acts such as Vagrancy Act and so forth, but they are not so apparent; these are the things which are seen by everybody every day. Therefore in this matter this distinction should at an early date be removed.

"I have heard it said sometimes that these Eurasians will create a row if they are mixed up with ordinary peasants. I may say from the intimate knowledge I have had of my Eurasian friends, that it is an insult to say so. It is an insult to the community. I have shown how this reservation affects the third-class passengers. In another way it also affects the income of the railway company. I have got a European friend of mine who travels by second class. But when we were discussing the ways and means of his travelling once from Coimbatore to Bombay, he said: 'The second classes are more crowded; why should I pay more money; if I only get into a third-class European reserved compartment, I can have an easy journey and at the same time be a gainer.' If this reserved compartment was not there, this gentleman would have got into the second class and the company would have got more money.'

"So far as the retiring rooms are concerned, I know that a unanimous resolution was come to in the last Council that retiring rooms should be provided for Indian passengers as well as English passengers. My own opinion is that reservation either for Indian or European is waste of money at the cost of the tax-payer. But in all important stations, like Mēttupālaiyam, Podanur, Erode, etc., retiring rooms have been provided at very great cost for Europeans. I know very often these are not used at all. Of course, we sometimes hear that people of very

suspicious character have recourse to these places and these are things which are well known to many of our people. My point is if the statistics are looked into we can see that many of the retiring rooms are very rarely used after all and no European has any necessity to use any of them, except on very rare occasions when he wants to stop in the railway station at nights. Therefore, none of our retiring rooms which have been already erected at very great cost for the sake of Europeans only have to be there, and if the last year's resolution is given effect to, it means that more retiring rooms will have to be provided for the sake of Indians. But if my resolution is given effect to, there will be a great deal of economy. Many of our friends know that many of these retiring rooms are not at present occupied and the whole establishment is a waste. If they are thrown open to Indian passengers, there will be no difficulty at all in getting some more income by way of payments from these people. Therefore it is a question of business and also of financial income, if the present retiring rooms (and not new retiring rooms) are opened to Indians also.

"To take a concrete matter, I had a motor-driver named Jnanamuttu. I wanted him to arrange for me a retiring room at Erode. He went and asked the stationmaster. He said 'No.' Five minutes after, he again went to him with his hat and gave out his name as John Mathew. The stationmaster said 'Here is a room'. Of course as you know, I had the benefit of the room though it was in my driver's name. Such things do happen and such instances can be multiplied like anything. Therefore to make invidious distinctions does not look well. The question of prestige, racial distinctions, whatever they may be, will be forgotten hereafter when among Honourable Members Europeans are two against five on the right front bench.

"I am afraid I have occupied the time of the House a little longer than I expected. The word 'etcetera' is there. I am sure the Honourable Member in charge of the Railway department will come and say 'etc.' is there, and so drop the whole proposition. So far as 'etc.' is concerned, it may be a small point. But if you go to a railway station, there are boards hanging with the letters 'Indian men' and 'Indian gentlemen'. I have looked into the lexicon of the railway company. I have consulted a number of friends also in the Railway department as to the definition of the word 'gentlemen'. According to the Railway Dictionary, 'European' has got a meaning which is different from the meaning given to it according to the Criminal Procedure Code and some other Codes. The railway authorities are not able to give a definite answer as to the definition of either the word European or the word gentleman. Very often when I go to a railway station, there are two boards called Indian men and Indian gentlemen. I am at times very doubtful whether I am a man or a gentleman; because the distinction is made there as here, as some members being honourable while others are not. Similarly with European gentlemen. There is no class of 'men' among Europeans. Therefore, Sir, so far as these public places where everybody has access are concerned, it is desirable that such apparent, visible, invidious distinctions are removed I may be probably a democrat. I am even against the reservation of compartments for first-class and second-class passengers. Sometimes these compartments are crowded, sometimes they are absolutely vacant. Last time when I came, the first-class compartments were all vacant. From the point of view of a business concern, I say that in the Railway department there should be no racial distinction. It is like Orr & Sons or Wrenn, Bennett, quoting one price for Europeans and one price for the Indians. That a man wearing boot and hat and calling himself John Mathew should be able to travel in a whole compartment by paying a third-class fare and

5th March 1921] [Mr. C. V. Venkataramana Ayyangar]

another man who is not John Mathew but is Jnanamuttu and pays the same third-class fare is to be crowded with 20 others in the next compartment seems to be a little unreasonable. Therefore apart from the words 'immediate effect' I hope that Government will take some steps to remedy these grievances."

SAIYID MUHAMMAD PADSHA SAHIB Bahadur:—"I have great pleasure in seconding this resolution. To me it looks scandalous why the same fare should be collected from two different people and yet preference should be shown to one. It is a system which obtains in no other part of the world, even in parts which are much less civilized than this part of the British Empire. This reservation in favour of one class imposes a great deal of hardship on the other class. As the Honourable Mover was saying, it often happens that while every third-class carriage carries nearly double the number of passengers, that is while the third-class passengers are in the ratio of 2 to 1 to the space capacity, the privileged third-class, that is the third-class carriages reserved for Eurasians and Europeans, very often carry each one passenger or two. Even passengers in third-class compartments are prevented from setting their foot into the compartment which is reserved for the privileged class. It is hardly necessary for me to recount all the hardships that result to the unprivileged class on account of this reservation. It is nothing short of a sin to cause such discomforts to the passengers who have very often to go in overcrowded compartments. Now, Sir, there is yet another and a more important ground on which I object to this reservation. This reservation is a standing insult to the other communities. There is no reason why one community should be given general preference, when it does not care to pay one pie more than any other. It is on these grounds that I object to this reservation and support the resolution."

The Hon'ble Sir LIONEL DAVIDSON:—"Sir, the mover of this resolution concluded his remarks with an appeal to Government to give him some hope that steps would be taken to give effect to what he has at heart. I am afraid, Sir, so far as the Local Government is concerned, I can give him no comfort in that matter, because the attitude which the Local Government is bound to take up in a discussion of this description is the standpoint of being somewhat aloof. Our business in this Council is to deal with matters which are primarily the concern of the Local Government. Now the issue raised in this resolution is not restricted to the conditions of the Presidency of Madras; it is not restricted to the South Indian Railway or to the Madras and Southern Mahratta Railway; it is perfectly general. The administration of the railways of India in general and the administration of the railways in the Madras Presidency are not under the control of the Government of Madras and, strictly speaking, the matter at issue could hardly form the subject of questions addressed to me. I might justly claim, Sir, that the President would be entitled to disallow such questions on the ground that they are not within my special cognizance and on another ground, viz., that they are not a matter of administration for which I am responsible. On some such considerations as these, I asked His Excellency whether he would not prefer to disallow this resolution on the ground that it related to a matter which is not primarily the concern of the Local Government. His Excellency however thought it better, knowing how deeply at heart Members have the subject at issue, not to disallow the resolution. This is a matter entirely within his discretion under rule 22, and the resolution therefore appears on the agenda of the Council to-day. But the fact remains that these issues are not within the control of the Local Government. They are not details within their special cognizance, and it would clearly be unfitting for a Member of Government who is only remotely connected with the issues to take up any definite standpoint with regard to them.

"Nor is it in any way incumbent on me or on the other Members of Government to enter upon a discussion of the merits of the case. With regard to the attitude of the Government, not only towards this particular resolution but also towards resolutions generally which do not primarily concern the Local Government, my conception is that the Government are here to sit by and hear what members have to say on such matters, and thereafter should consider what action to take on each particular matter. In regard to the question now before the House the action which the Local Government intend to take is to furnish the Railway Board and the Government of India, for their information and action, with a complete record of the proceedings in connexion with this matter here to-day. That is the step which the Local Government propose to take on this resolution and indeed it is the only action open to them. I do not think, Sir, that there is anything I can add to that."

Mr. M. C. Raja:—"Sir, I wish to say a few words on this resolution. The Members of my community find it very difficult to get a morsel of food from the Indian refreshment-rooms attached to the railway stations. I must thank the Honourable Mover for bringing this resolution to put an end to all sorts of racial distinctions, and if this resolution is passed I am sure it will put an end to all the differences between the various classes, castes and communities. I therefore heartily support the resolution as it will be of great benefit to my community also."

Mr. S. Somasundaram Pillai:—"Sir, I think it is a very invidious distinction between man and man and it must be removed wherever it is found. In the Indian Railway refreshment rooms I suffered a great deal in getting meals. There are two compartments, one for the holy class and the other for the inferior classes. We should try to remove all these restrictions at least in the railway refreshment rooms. Anthropology and religion have established that all human beings are of one species but in the Indian refreshment rooms and other places we find differentiation is made. So I support strongly this resolution and urge that immediate steps should be taken to remove all these distinctions not only in the railway compartments but at all other places as well."

Rao Bahadur A. S. Krishna Rao Pantulu:—"Sir, we all feel thankful that His Excellency has not accepted the invitation of the Hon'ble Sir Lionel Davidson and disallowed the resolution. He has thus given us an opportunity of expressing what we have to say on this important question. I do not think that on this question there can be any difference of opinion at all, though I find it difficult to follow the reasoning of the Hon'ble the mover of the resolution in its entirety. The resolution is very simple and it merely recommends that steps should be taken to put an end to all racial distinctions among railway passengers. I do not think that either the Government or the Honourable Members of this Council can say anything to the contrary. I am sure that, without any difference of opinion, we may all unanimously pass the resolution."

Mr. T. Sivasankaram Pillai:—"Sir, of late I have been myself a victim of these distinctions. I was travelling from Penukonda and the train arrived at Guntakal junction at six in the evening, not in the night. I wanted a place to sleep in. I had none. Just a week or two previously I had read in the papers that the railway administration had done away with these distinctions. That piece of information I got from the *Madras Mail* and there is one Honourable gentleman of this House who wrote both to the Government and the Railway administration congratulating them on it. It was fresh in my mind then and I went to the stationmaster and asked him 'will you please allow me the use of

5th March 1921] [Mr. T. Sivasankaram Pillai.]

the retiring room? I saw an article in the *Madras Mail* that we are allowed to use such rooms'. The stationmaster replied 'no, I did not see any and I cannot allow'. So I had quietly to go into the waiting hall outside. I wrote to the Agent of the Southern Mahratta Railway the next day asking him as to how it was that I was not allowed the use of the waiting room in spite of the announcement in the *Madras Mail* that these retiring rooms had been thrown open to Indian passengers also. He wrote back to say that he regretted very much the inconveniences that had been caused to me and said distinctly that all retiring rooms were going to be closed; apparently they are to be used neither by the Europeans nor by the Indians. He said that they were going to be converted into quarters. I do not know what it meant."

The Hon'ble Sir LIONEL DAVIDSON:—"May I, with your permission ask, Sir, whether the correspondence referred to alludes specifically to Guntakal or generally to all railway stations?"

Mr. T. SIVASANKARAM PILLAI:—"I am talking about my experience in Guntakal. Then I got the reply that even Guntakal is to be deprived of retiring rooms both for European and Indians. I need not trouble the Council with further details.

"There is another point in connexion with reservation. The question is who has got the power to reserve. Is it the servants and underlings of the Railway Company? I have seen very often in Bangalore junction the railway stationmaster or even a ticket collector cutting a ticket and putting it up to say the compartment is reserved. I do not know what authority these people have for doing so. Even if there is one European or Eurasian in a compartment the whole compartment is reserved in this fashion. This looks something like a farce after all. With these few remarks I support the resolution."

Rai Bahadur T. M. NARASIMHACHARLU:—"Mr. President, I also rise to speak in favour of this resolution, but at the same time as the Government have declared their intention not to speak on the subject, it is also well to consider that in the first place the companies have got a right to dictate their own terms as regards any particular class of passengers. That point has been legally settled though some people yet seem to doubt it. I am not opposing this resolution but I am only bringing to your notice the other aspect of the question also.

"Secondly, it is said that there are differences in the social habits of different classes of persons. For instance there is difference in customs between a Hindu and a Mussalman, a Christian and a European and so forth. The way in which we conduct ourselves in the compartments may not be agreeable to others, and the way in which they conduct themselves may also not be agreeable to us. So if the Railway Companies want to make any distinction if they could make a distinction between different classes of people and provide separate compartments for separate races that will be a very good thing indeed. But the companies cannot do so for all classes of people and they do it only for the most favoured class. On principle the system of reserving compartments to particular races is indefensible. It is annoying and it is also, as the mover put it, not commercially beneficial. So the point to be considered is whether the resolution is also practical. I believe it is practical because, it aims at removing all racial distinctions and every man is left to shift for himself. You must either reserve compartments for all classes or not at all. As you cannot reserve compartments for different races, the best thing will be to abolish all reservations altogether. With these words I beg to support the resolution."

Rao Sahib U. RAMA RAO :—" Mr. President, it is now time that the question be put."

The Hon'ble the PRESIDENT :—" I will take the sense of the Council on the question."

The motion for closure was put to the Council and carried, 48 voting for it and 3 against.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I venture to submit, Sir, that the closure is being applied even before the member for Government has spoken. This has been deprecated in the Indian Legislative Assembly."

The Hon'ble the PRESIDENT :—" I am very sorry that the standing orders give the right to any member to move for a closure. They also give the right to the Council at any stage of the debate to close the discussion. It is left to my discretion to accept a motion for closure, but ordinarily I leave it to the Council. I do not want to sit as an authority in this matter over the Council, but here it so happens that the closure has been carried by 48 votes against 3, at the most. That shows that the House is pretty strongly of opinion that there has been enough of this debate. I will now put the main proposition to the vote."

The resolution was put to the vote and carried, one member voting against it.

The Hon'ble the PRESIDENT :—" The agenda is very heavy and the Honourable Members know that there is a good deal of pressing business before them. A large number of resolutions have to be discussed and my proposal is that the Council should go on with these resolutions and finish them. It should be our effort to finish one current work before the recess begins. Therefore if the House agrees to go on with the work now without adjourning for lunch, leaving Honourable Members to go out for lunch in batches, I am prepared to go on."

The House signified its assent to the proposal and the business was continued.

*Postponement of the bifurcation of Kistna district.*

Mr. C. V. S. NARASIMHA RAJU :—" Mr. President, the resolution which I move runs thus—

'3. *This Council recommends to the Government that, in view of the creation of the new Agency District, the bifurcation of the Kistna district be postponed and the districts of Ganjam, Vizagapatam, Godavari and Kistna be redistributed into four convenient districts.*'

" Sir, regarding the suggested bifurcation of the Kistna district, it has been stated by the Hon'ble the Finance Member that the proposed bifurcation has been postponed for this year. The reasons why the Government were pleased to postpone the bifurcation are not known. It may be on account of financial stringency or for other reasons. The reasons why I propose the postponement of the bifurcation of the Kistna district are firstly, financial, and secondly the new circumstances that have come into existence by the creation of the new Agency division. Sir, we have got large portions of the Agency tracts separated from the districts of Ganjam, Vizagapatam and Godavari and we have classed into a new division. From this it is clear that these three districts have become smaller in size.

" There is another question that is under consideration, viz., that of separating the Oriya speaking population of the Ganjam district and bringing them into one administration under another province. In answer to a certain question put by Mr. Sasibhushana Rath it was stated that this question also is under consideration. If this is to be given effect to, a large portion of the Ganjam district will go into

the Oriya province. Therefore the question of the necessity for the creation of an additional district becomes problematical as also whether it is desirable that we should go on increasing the number of districts and increasing our administrative charges instead of redistributing the existing districts into four more convenient areas. I hope therefore that the Government will see their way to accept this resolution and examine the question whether the existing districts can be redistributed into four more convenient districts without entailing any extra cost. With these words, I commend this resolution for the acceptance of the Council."

Rao Bahadur T. BALAJI RAO NAYUDU :—" Sir, I beg to second the resolution. As Mr. Narasimha Raju has said, portions of the Ganjam, Vizagapatam, Godavari and Kistna districts have been formed into an Agency division, probably at a cost of more than what an ordinary district would cost. Then out of the Kistna district, with which I am more concerned, and which is proposed to be bifurcated, some taluks which belonged to the old Godavari district may be restored to Godavari district. Out of the present Godavari district five taluks have been included in the Agency division. So Godavari has become much less in its extent as well as in administrative work. The present Kistna district has got now five Godavari delta taluks. If, out of the above five taluks, three taluks are retransferred to the Godavari district, the Kistna district will be reduced to the size of a normal district, and both Kistna and Godavari can conveniently be administered by one Collector each. Bifurcation ordinarily means about 20 lakhs of initial expenditure and at least one lakh of recurring annual cost, for putting up a new district and its establishment. A recurring charge of one lakh and initial cost of 20 lakhs is quite unnecessary in view of the fact that Godavari has lost five of its taluks, and three or four taluks of the Kistna district can be very conveniently restored, as it were, to the Godavari district. With these remarks I second his resolution."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB :—" Mr. President, I think, I have very little to say in answer to this resolution. The Honourable Mover has already confessed the fact that my Hon'ble colleague the Finance Member has made reference to the fact, in his opening speech, that the bifurcation of the Kistna district which was decided upon some time last year had been postponed for the present. The Honourable Mover was anxious to know the reason why. Well, all I can assure him at the present moment is that we have postponed it on account of financial considerations and that no budget allotment has been entered in the following year for the bifurcation of the Kistna district.

" As regards the other proposals relating to Ganjam, Vizagapatam and Godavari, the Government are fully aware of the fact that the creation of a separate Agency district, which has certainly been carried out of these three districts, has resulted in making these three districts lighter than they were before and the question as to how they should be dealt with in the future, the question as to whether these districts should be redistributed between themselves in the matter of division charges and other charges only or whether all these three districts should be reduced in number and divided into two are yet being investigated by the Government through the Board of Revenue and we are not yet in possession of the necessary details to come to any decided conclusion as to whether the formation of Ganjām, Vizagapatam and Gōdāvari into two districts and the bifurcation of Kistna into two separate districts will be more profitable or whether Ganjām, Vizagapatam, Gōdāvari and Kistna are to be put into the melting pot and carved out into four districts. At the present moment we

[The Hon'ble Mr. Muhammad Habib-ul-lah Sahib.] [5th March 1921

are not in a position to say anything definitely on the matter. Without prolonging the discussion before the House, if the Honourable Member who moved this resolution will be willing to drop out the word 'four' I am prepared to accept the resolution on behalf of the Government, for there is no significance in retaining the word 'four,' inasmuch as the matter has yet to be investigated. The administrative convenience, the efficiency of administration, geographical limits and all these matters will have to be taken into consideration. I cannot say at this moment whether the future districts should be four, or more, or less. I shall not commit myself to the proposed 'four'. If the word 'four' is dropped, I have no objection to accept the resolution."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Mr. President, I wish to move an amendment at this stage. It is in these terms :—

Omit the words 'in view of the creation of the new Agency district', and

Omit the words 'and the districts of Ganjam, Vizagapatam, Godavari and Kistna be redistributed into four convenient districts.'

"The amended resolution will read thus :—

'*This Council recommends to the Government that the bifurcation of Kistna district be postponed.*'"

The Hon'ble the PRESIDENT :—"Has the Honourable Member given notice of his amendment under the standing orders?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I shall explain."

The Hon'ble the PRESIDENT :—"It is not a question of explanation. Has he given notice according to the standing orders? Two days' notice is required under the standing orders."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I wished to give the notice required; but the agenda was communicated to me only yesterday and it was physically impossible to give notice as required by the standing orders. I therefore request you, Sir, to exercise your discretion in the matter in my favour. The earliest date on which I could give notice is this day, as I received the agenda yesterday at Nellore. So I request the President to permit me to move the amendment now."

The Hon'ble the PRESIDENT :—"The Honourable Member had better speak on his amendment first."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"The first amendment merely suggests that we need not necessarily make as a part of the resolution the fact regarding the formation of the new Agency district. On financial considerations the Government have taken up this question and for the same reasons I would suggest that the bifurcation of the Kistna district be postponed. I need not say anything further so far as the first amendment is concerned because we are not still in possession of full information regarding the circumstances under which the Agency district has been formed. I do not therefore want this House to say anything specifically so far as the formation of the Agency district is concerned. We do not know what proposals may crop up in the course of the discussion of the budget; and therefore, without the House committing itself specifically on that question, the resolution as amended by me may be adopted.

"The second portion of the amendment is this. It is not possible now to state whether the question of the redistribution of these four districts can alone be taken into consideration. Taking into account the circumstances under which the

Guntur district was formed, there was necessarily a readjustment of the Godavari and the Kistna districts. If the Government should think it fit to take up this question of redistribution, I venture to suggest that not merely these four districts but three other districts also should be taken into consideration. I will add Guntur, Nellore and Chingleput also (laughter) to these districts, because when once we begin to examine this question we shall find that possibly other districts . . ."

The Hon'ble Sir LIONEL DAVIDSON :—"May I rise to a point of order, Sir? I rise to inquire whether a discussion of the redistribution of Nellore and Chingleput is relevant to a resolution which merely recommends the postponement of the bifurcation of the Kistna district. I may at the same time remark that it has already been stated on behalf of the Government this morning that the bifurcation of the Kistna district has been postponed."

The Hon'ble the PRESIDENT :—"I would advise the Honourable Member to confine himself to the Kistna district."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Probably the Hon'ble Sir Lionel Davidson has not understood my point. The amendment I move is to the effect that these four districts be omitted. The mover of the resolution has informed the Council that the redistribution should be among those four districts. I must satisfy the Council as to why we should not confine ourselves to those four districts. An examination of the question would necessarily take us to the adjoining districts; when once we find that Kistna district should be bifurcated, we should examine the condition of the Guntur district. This would necessarily lead us to consider the position of the other districts. It is the only reasonable course. At the time of the formation of the Guntur district some portions of the Nellore district such as Ongole and some other places were tacked on to the Guntur district. Even if we look at the map we will find that there is something absurd and anomalous in the position of the Nellore and the Guntur districts."

The Hon'ble the PRESIDENT :—"I can quite understand that some reference to other districts may be necessary to enable the Honourable Member to prove his case. But when once the honourable member begins to give details of other districts, he may be travelling very far indeed."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I will not enter into details. But I must satisfy the Council that if we take the Kistna district we must take the adjoining districts also into consideration. Kistna adjoins Guntūr, Guntūr adjoins Nellore, and Nellore adjoins Chingleput. Therefore if we examine one district it would take us to the other districts also. So instead of committing ourselves to the course suggested, we can take up the principle alone and work it up."

Mr. M. SURYANARAYANA PANTULU :—"I second the amendment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, may I suggest to the Hon'ble the Revenue Member whether he would consent to the appointment of a committee to go into this question? It seems to me that the statement he has made that the question is now occupying the attention of the Board of Revenue and the local authorities, and as has been done in the case of the Ramnad and Madura districts quite recently, I would suggest the formation of a committee on which the local officials and some non-officials also may be co-ordinated and their proposals can then be submitted to Government. With that intention I sent up an amendment as soon as I received the agenda paper. But apparently it has not yet reached the Secretary."

[The Hon'ble the President.] [5th March 1921

The Hon'ble the PRESIDENT:—"The Honourable Member may move it now."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"My amendment is that, after the words 'be postponed' the following words may be added 'and that a committee be appointed to redistribute the districts of Ganjām, Vizagapatam, Gōdāvari and Kistna into more convenient districts,' and that the following words may be omitted from the resolution: 'and the districts of Ganjām, Vizagapatam, Gōdāvari and Kistna be redistributed into four convenient districts.' I omit these words for the reasons suggested by the Hon'ble the Revenue Member."

The Hon'ble the PRESIDENT:—"It will be convenient if the Honourable Member will write down his amendment."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I, with your consent, Sir, say one thing quite unconnected with the resolution?"

The Hon'ble the PRESIDENT:—"Then I think the Honourable Member had better not say it."

Diwan Bahadur M. KRISHNAN NAYAR:—"I will not take more than a minute, Sir."

The Hon'ble the PRESIDENT:—"Not if it is unconnected with the resolution."

Diwan Bahadur M. KRISHNAN NAYAR:—"I wanted to say something about lunch, Sir."

The Hon'ble the PRESIDENT:—"Even lunch is unconnected with the resolution."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I will read the amendment: *add* the following words between 'and' and 'the districts': 'that a committee be appointed to redistribute.' The resolution as amended, and after omitting the words 'be redistributed' and 'four' occurring in the last line, runs as follows:—

*'This Council recommends to the Government that, in view of the creation of the new Agency district, the bifurcation of the Kistna district be postponed and that a committee be appointed to redistribute the districts of Ganjām, Vizagapatam, Gōdāvari and Kistna into convenient districts.'*"

Rao Bahadur T. BALAJI RAO NAYUDU:—"I second the amendment."

The Hon'ble Sir LIONEL DAVIDSON:—"May I, Sir, before the amendment is formally put to the Council, object under Standing Order No. 60 to the moving of the amendment?"

The Hon'ble the PRESIDENT:—"I will read the amendment to the Council."

The amendment was then read.

The Hon'ble Sir LIONEL DAVIDSON:—"I do not want to discuss the merits of the amendment; but I object to it because it is hardly in the nature of a mere amendment."

The Hon'ble the PRESIDENT:—"I can quite understand the inconvenience caused to the Honourable Member. At the same time there is the point raised by the Hon'ble Mr. Krishna Rao that the agenda did not reach Members in time. In this particular case Mr. Ramachandra Rao had sent in his amendment. I allow the amendment to go forward. But we had better have the discussion on the original resolution and the amendments all together."

5th March 1921] [The Hon'ble Mr. Muhammad Habib-ul-lah Sahib.]

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB:—"Mr. President, Sir, so far as the second amendment is concerned, I should refuse to admit it. I should have expected previous notice of the fact that Mr. Ramachandra Rao was going to propose the appointment of a committee. I do not find fault with him, as he probably got the agenda late and therefore he could not send a copy of the amendment earlier. Inasmuch as it raises an issue which, while considering this resolution, we have not at all taken into consideration, I should at this stage not be prepared to accept the proposed amendment. As regards the other amendment, Sir, I think it is merely a repetition of what the Government have already expressed twice in this case. My Hon'ble colleague Mr. Todhunter has said, and I have repeated, that the Government have already decided to postpone the bifurcation of the Kistna district. If that alone is going to be the main resolution, I have no objection to accept the resolution."

Mr. C. V. S. NARASIMHA RAJU:—"Regarding Mr. Krishna Rao's amendment I am not in agreement with it and I oppose it; because it opens a general question. One district is tacked on to another district. If we examine the Nellore district to-day, the next day we shall have to examine the Cuddapah, Kurnool and Bellary districts and so on. Regarding the amendment of Mr. Ramachandra Rao, I do not oppose it. But in view of the fact that my resolution with the omission of the word 'four' is acceptable to Government, I think Mr. Ramachandra Rao will not press his amendment. I consent to drop the word 'four'."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I am prepared to accept it."

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

The Hon'ble the PRESIDENT:—"What does the Hon'ble Mr. Krishna Rao say? Does he press his amendment to a division?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"At this stage I can only suggest that, in view of the announcement made by the Hon'ble the Member for Revenue, the resolution itself need not be pressed to a division."

The Hon'ble the PRESIDENT:—"The Honourable Member has to say whether he wishes to press the amendment to a division."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Yes."

The amendment of Rao Bahadur A. S. Krishna Rao Pantulu was then put to the Council and lost.

The amendment of Diwan Bahadur M. Ramachandra Rao Pantulu was by leave withdrawn.

The Hon'ble the PRESIDENT:—"I understand that the Honourable Member for Government is prepared to accept the resolution if the word 'four' is omitted. I think he had better formally move an amendment to that effect."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I formally move that the word 'four' be omitted."

The Hon'ble Sir LIONEL DAVIDSON:—"I second the motion."

The resolution, as amended by the Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur, was put and carried.

[Mr. C. V. S. Narasimha Raju.] [5th March 1921

*Administration of the Agency Tracts.*

Mr. C. V. S. Narasimha Raju :—" Mr. President, Sir, the resolution I have the honour to move runs as follows :—

'4. *This Council recommends to the Government that effect should be given to the recommendations of the committee appointed for revising the rules for the administration of the Agency tracts.*'

" The question as to what should be the rules of procedure for the administration of civil justice in the Agency tracts is an old one to this Council. In the year 1915 the Hon'ble Mr. B. N. Sarma moved a resolution that such portions of the Civil Procedure Code which were extended by section 192 of the Estates Land Act to the Agency tracts should be generally adopted in regard to the procedure in the Agency courts. During the course of that debate the Member for the Government undertook to examine the inconvenience in practice of the existing rules. Most of the points of inconvenience that were pointed out were in regard to the non-provision as regards appeals against orders and decrees passed in the Agency courts, and regarding the inconvenience of transfer of suits. Subsequently, in the year 1916, a resolution was moved by Mr. Ramachandra Rao that the Agency rules should be modified in order to give effect to some of these points. A committee was appointed in the year 1917 to consider in what manner the Agency rules had to be modified. Of course, it was admitted that on certain points of procedure the existing rules were working a hardship and that they required a modification. I believe the committee then constituted did make certain recommendations and as recommended by the committee it was agreed that the rules should be sent to the Hon'ble the High Court for consideration. Now, after the constitution of the Agency tracts in the month of November, the rules for the Agency tracts were published ; but I am not able to find any change between the two sets of rules. That shows that the report of the committee or the recommendations of the committee were shelved. That is the reason why I bring forward this resolution. As admitted on behalf of the Government in those two previous debates, there are certain inconveniences that are being experienced, and I hope Government will see their way to put into practice the recommendations of the committee in regard to the alterations in the Agency rules. This becomes more necessary as it is under contemplation to appoint a Deputy Judicial Commissioner for the Agency tracts who has got experience of civil administration. With these words I commend this resolution."

Rao Bahadur T. Balaji Rao Nayudu :—" I second it."

The Hon'ble Sir Lionel Davidson :—" Sir, I should like at the outset to disabuse the mover of any idea that it is the intention of the Government to shelve the recommendations of the committee. The facts of the case are these : The report of the committee was received somewhere about August 1918. It was then referred for examination to the Agents of the three districts—Ganjām, Vizagapatam and Gōdāvari. Their remarks were duly received and examined at very great length by the Government of Madras. I have before me forty pages of detailed examination of the various provisions contained in the draft rules drawn up by the committee. But before that consideration was completed, the reforms became a practical issue and the future of the Agency tracts was an uncertain item. The consequence was that while towards the end of 1919 or the beginning of 1920 the Government of Madras—my Hon'ble Colleague Mr. Todhunter—had practically come to a decision on many points of detail, it was thought inexpedient that any attempt should be made to issue revised rules until it was certain what

5th March 1921] [The Hon'ble Sir Lionel Davidson]

the future of the Agency tracts would be and under what provisions of law they would be administered according to the new scheme. The Agency Commissioner, Mr. Harris, was consulted on this point and his opinion was very emphatic in the direction of counselling delay, as the honourable mover will see when I come to read a few lines from his letter. It was only an unofficial communication, but it contains the essential portion of the advice given to us by Mr. Harris with regard to the rules which have actually been published and to which the honourable mover referred. Those rules are a mere repetition of the pre-existing rules with slight differences in form, and very little change in substance. Mr. Harris' advice was that they should be regarded as provisional, without of course suggesting any doubt of their legality.

"His exact words were: 'We should put up proposals for recasting and amending them, where necessary, after we have had some experience of the Agency division as a whole and can command the advice of an officer with judicial training who will have had similar experience—I mean the Judicial Assistant Commissioner. The experience of those who have expressed opinions on the subject hitherto has been either slight or confined to a particular part of the Agency. It is quite possible that, on a consideration of the new conditions and with the wider field that the combined Agency division will offer, it may be found possible to extend further provisions of the Civil Procedure or necessary otherwise to reconsider the rules as they now stand.'

"That was written in October 1920. Again, a little later, Mr. Harris repeated and emphasized this view. I need not trouble you, Sir, or the Council with the whole of his second letter on the subject but I may say it ended with these words:—

'If all that we claim to do now is to put together the existing rules so as to enable the combined Agency staff to function, it will be quite open to us to revise them as soon as we feel sufficiently sure of our ground to do so . . . I think it quite possible that we may be able to go, in some respects, further than the proposed revised rules.'

"The position, therefore, Sir, is that while the Government cannot accept this resolution, the terms of which would commit them to approval of all the recommendations of the committee—a position which I, for one, could not take up for a moment, for I have yet to consider them in detail—they desire the Council to know that the rules, as recently published, are in one sense provisional and that there is every intention of modifying or revising them as soon as the Judicial Assistant Commissioner who has yet to be appointed has gained practical experience and the Agent in consultation with him is able to put up concrete and definite proposals."

Mr. S. Srinivasa Ayyangar:—"Mr. President, Sir, I feel bound to say a few words on this subject. I was the chairman of the committee that was appointed to revise the rules for the administration of the Agency tracts in the year 1918. I cannot say when the report was published. It was an unanimous report. All the rules were carefully gone into. I happened to be the Advocate-General at that time and that was why I suppose I was put in as chairman of the committee. In those circumstances, I should have thought that in a purely judicial matter like this where the question of administration of justice in the Agency tracts was to be considered and a special committee was appointed in compliance with an accepted resolution of the Legislative Council, the Government would give effect to the recommendations of the committee. It was a fairly strong committee. Mr. Macmichael was a member of the committee. Mr. Paddison was also a member of the committee and he also had plenty of experience. Mr. Akella

Suryanarayana Rao was another member of the committee and I think there were others. I think that everything that was required to be considered into was gone into very carefully. Under those circumstances, when an official of the Government was appointed chairman and when two Agency officers were put in as members of the committee and when the chairman of the committee was expected to know something about law, I think it is the plain duty of the Government to accept the suggestions. Recently I heard—and the Hon'ble Mr. Davidson confirms—that the old rules themselves were republished practically as the rules which were quite sufficient for the purpose. I quite accept the Hon'ble Mr. Davidson's statement that there is some intention of revising them at some time. But very little by way of reasoning has been said in justification of the position taken up by Government. It may be that the rules are not acceptable to some of the Agency officers. But that is the very reason why a committee was specially appointed for the purpose wherein there were two officers of considerable experience, viz., Mr. Paddison and Mr. Macmichael. In those circumstances, Mr. President, I should think that the Council owes a duty to itself to pass this resolution without any dissent. Nothing like an adequate reason has been given for rejecting it. My difficulty is that I am not in a position to speak more effectively because really no answer has been given. All that has been said is: 'a committee was appointed; rules were framed and Government are not prepared to give effect to them at present.' The Government ought to take a more practical attitude in this matter. I say it entirely in the interests of the administration of the Agency tracts. I did take some interest in it. That may be a disqualification for me to speak on this matter. But I am not really interested very much in it one way or the other. For my part I should prefer for obvious reasons that it is not accepted by the Government. But what is the use of a committee? What is the use in appointing Advocate-General as chairman? What is the use of the committee's recommendations, if the Government are not going to give effect to them. It is that point of view that I want to impress upon my honourable friend opposite? I take only a middling interest—a detached interest—in the matter. I do not wish to say more than that."

Diwan Bahadur M. Ramachandra Rao Pantulu:—"I wish to know from the Honourable Member how long it will take for the Agency Commissioner to consider the revised rules framed by the committee which was appointed three years ago. If it means that the old rules are to be in force and that the new rules are to be indefinitely postponed, I think it would be a very unsatisfactory position. So far as I can see, the Hon'ble Sir Lionel Davidson said that some portions required revision. What we want to know is how long this will take."

The Hon'ble Sir Lionel Davidson:—"I cannot possibly say how long it will take to deal with this question. But it will be one of the first duties of the Agency Commissioner."

Mr. C. V. S. Narasimha Raju:—"Mr. President, Sir, in the reply of the Hon'ble Sir Lionel Davidson I noted that there is sufficient explanation for the delay. But he does not say when he is going to examine the recommendations and frame rules in accordance with the recommendations. He says that further experience is to be gained by the Commissioner and the Assistant Commissioner yet to be appointed. As has already been pointed by Mr. S. Srinivasa Ayyangar, the committee that made the recommendations consisted of two Collectors with Agency experience and two vakils with experience in Agency litigation. They sat with sufficient materials before them, as the debates in the Council on the two previous occasions were sent to the Collectors of Ganjam, Vizagapatam and

5th March 1921] [Mr C. V. S. Narasimha Raju]

Gōdāvari for their opinions or remarks. When there was so much material and so much experience of the past before the committee and the committee made their recommendations on past experience, I do not see for a moment why the Government should wait for the further experience of the new Commissioner who himself had an opportunity of making sufficient recommendations on the former occasion and also for the experience of the Judicial Commissioner yet to come into existence. For these reasons I press my resolution."

The Hon'ble Sir LIONEL DAVIDSON :—" I am glad, Sir, that the Hon'ble Mr. S. Srinivasa Ayyangar has referred to Mr. Macmichael in this matter, because Mr. Macmichael not only served on the committee with the Hon'ble Mr. Srinivasa Ayyangar, but he has enjoyed the further advantage of becoming acquainted with the scrutiny to which the draft rules prepared by the committee were subsequently subjected under the instructions of my Honourable colleague. As I stated earlier to-day, Sir, the criticisms of the draft rules cover something like 40 pages : they are found to be open in some respects to serious criticism on matters of substance. But I do not propose to recite those criticisms, because it seems to me obvious that the complete change in the local conditions involved by the amalgamation of the Agency tracts of three districts into one combined division subject to a special form of legislative enactment by a special notification under the Government of India Act it seems to me, I say, Sir, obvious that this change of position . . ."

Mr. C. V. S. NARASIMHA RAJU :—" I wish to know whether the new Agency district is formed under the Government of India Act."

The Hon'ble Sir LIONEL DAVIDSON :—" If the Honourable Member will refer to the Government Order published on that subject, No. 2680, dated 6th November 1920, he will find a notification and a Government Order giving full details of the scheme regarding the constitution of the new Agency division. The exact legal position in the matter is not one in regard to which I can give an off-hand answer ; but I am quite certain that a notification under the Government of India Act formed part . . ."

Mr. C. V. S. NARASIMHA RAJU :—" I carefully went through the notification, and I found that it was not one under section 15 of the Government of India Act but it was under an old regulation."

The Hon'ble Sir LIONEL DAVIDSON :—" I am sorry, Sir, I am not in a position to say off-hand exactly what the legal position is. My excuse to the Council is this, that the administration of the Agency tracts was in the hands of my honourable colleague until quite recently and that I have not yet made it my business to study this point. But that has no bearing on the substance of my reply, which is that, whereas before we had separate Agency tracts annexed to separate districts controlled by officers serving in those districts, now we have whole-time officers in charge throughout the combined Agency division, the regulation of whose acts cannot be dealt with on precisely the same lines as the regulation of the acts of their predecessors.

" Sir, all this is, however, a digression from my opening remark, namely, that I was glad Mr. Srinivasa Ayyangar had mentioned Mr. Macmichael's name. I said that because, after seeing the history of what happened to the proposals of that committee since 1918, Mr. Macmichael, himself a member of the committee, has formally recorded, in advising me how to deal with this resolution, his considered opinion that there is a good deal of force in Mr. Harris' contention that some experience of the Agency division as a whole is desirable before amending the rules further. In this matter, Sir, I have been largely guided by the advice of

[The Hon'ble Sir Lionel Davidson] [5th March 1921

Mr. Macmichael, an Agent himself of something like nine years' experience in the northern tracts, a member of the committee which drew up all these rules, and now the Secretary to Government dealing with the question. I relied further on the advice of the officer now responsible for the administration of the Agency, Mr. L. T. Harris, whose experience of those tracts has also been very great.

"Whether or not it would be possible to accept in all their details the recommendations of the committee is a matter which would require a good deal of further examination in connexion with the proposal initiated very wisely by my honourable colleague Mr. Todhunter to bring out a definite Agency Code embodying not only these rules but also a clear statement of the enactments in force in the new Agency division. I do not think Mr. Srinivasa Ayyangar will contradict me when I say that it is no easy task to say precisely what laws are in force in the Agency division of the Northern Circars, and that this question has not been simplified by the recent changes in law. I will only say in conclusion that while there is no intention to shelve the recommendations of this committee, it is quite impossible for the Government to accept a resolution approving those recommendations in their entirety. I do not suppose, Sir, that with the exception of two, or possibly three, members of this House any one here knows what the recommendations of the committee were, but this resolution asks us to accept the recommendations *en bloc*."

The Hon'ble the PRESIDENT :—"As this is a matter of some importance, we had better have a poll."

A poll was then taken with the following result :—

*Ayes.*

1. Rao Bahadur T. Balaji Rao Nayudu.
2. Rao Sahib S. Ellappa Chettiyar
3. Mr. J. Kuppuswami.
4. Mr. B. Munuswami Nayudu.
5. Mr. C. V. S. Narasimha Raju.
6. Mr. M. Narayanaswami Reddi.
7. Mr. R. K. Shanmukham Chettiyar.
8. Mr. T. Sivasankaran Pillai.
9. Mr. P. Venkatasubba Rao.
10. Diwan Bahadur P. Kesava Pillai.
11. Diwan Bahadur M. Ramachandra Rao Pantulu.
12. M. S. Srinivasa Ayyangar.
13. Diwan Bahadur M. Krishnan Nayar.
14. Rao Bahadur A. S. Krishna Rao Pantulu.
15. Mr. S. Muttumanikkachari.
16. Mr. K. V. Ramachari.
17. Rao Sahib U. Rama Rao.
18. Mr. M. R. Seturatnam Ayyar.
19. Mr. M. Suryanarayana.
20. Mr. C. V. Venkataramana Ayyangar.
21. Sri Meka V. Apparao Bahadur.
22. Mr. K. Prabhakaran Tamban.
23. Munshi Muhammad Abdur Rahman Sahib Bahadur.

*Noes.*

1. The Hon'ble Sir Lionel Davidson.
2. ,, Mr. C. G. Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. The Hon'ble Diwan Bahadur A. Subbarayalu Reddiyar.
5. The Hon'ble Mr. P. Ramarayaningar.
6. The Hon'ble Rai Bahadur K. Venkata Reddi Nayudu.
7. Mr. A. Y. G. Campbell.
8. Mr. A. Ramaswami Mudaliyar.
9. Sir P. Tyagaraya Chettiyar.
10. Mr. C. Natesa Mudaliyar.
11. Mr. S. Somasundaram Pillai.
12. Mr. O. Tanikachala Chettiyar.
13. Diwan Bahadur D. Seshagiri Rao Pantulu.
14. Khan Bahadur Muhammad Usman Sahib Bahadur.
15. Rao Sahib P. Venkatarangayya.

Twenty-three having voted *for* the resolution and 15 *against*, the resolution was declared carried.

*Acquisition of land for building Currency office.*

Mr. O. TANIKACHALA CHETTIYAR :—"Sir, my resolution reads as follows :—

'5. *This Council recommends to Government that the Land Acquisition proceedings now pending before the Deputy Collector of Madras in respect of lands and*

5th March 1921] [O. Tanikachala Chettiyar]

*buildings in Revu Bazaar, North Beach Road, Madras City, known as "Bank Shalls", for the purpose of erecting Currency office buildings, may be abandoned and that a less objectionable site may be selected for the purpose and, if necessary, recommendations to this effect may be made to the Government of India.'*

"As the resolution indicates, the Madras Government is only, to use an expression familiar in the courts of law, acting as agent or auxiliary to the Government of India. The subject of this resolution formed the subject of an interpellation in the Imperial Assembly the other day and I am glad to say that it showed the right spirit of what order is going to be passed on this agitation. The Hon'ble Mr. Hailey replying said: 'The Local Government have been asked to acquire a site, and it is understood that acquisition proceedings have been instituted. The Government of India have received a protest from the Madras Chamber of Commerce against acquiring the proposed site for the Currency office. The Government of India are at present in correspondence with the Local Government and will be largely guided by their advice.' That was the answer given about the 24th of February and I am glad to say that it is not necessary for me to press this resolution for, the Hon'ble the Finance Member told me about half an hour ago that he had received instructions from the Government of India to abandon the acquisition proceedings. That being so, it is not necessary for me to move the resolution, if, as I said, the Hon'ble Member for Government would state the same to the House."

The Hon'ble the PRESIDENT:—"Does the Honourable Member move the resolution or does he not move it?"

Mr. O. TANIKACHALA CHETTIYAR:—"I do not propose to move the resolution. I accept what was stated."

The Hon'ble the PRESIDENT:—"If the Honourable Member did not intend to move the resolution, he should not have made a speech."

Mr. O. TANIKACHALA CHETTIYAR:—"It was necessary for me to state to the House under what circumstances I was not moving my resolution."

The resolution was deemed to have been withdrawn.

*Election of the Ootacamund Municipal Chairman.*

Mr. R. K. SHANMUKHAM CHETTIYAR:—"Mr. President, the resolution that I have to move for the consideration of this House is that—

'6. *This Council recommends to His Excellency the Governor in Council to set aside their decision to reserve to themselves the power of appointing Chairman of the Ootacamund Municipality and requests the Government to allow the municipal council to exercise the privilege of electing its own chairman.*"

"Sir, the municipality of Ootacamund as constituted under the old Act was composed of a large number of members nominated by the Government and a few elected members. According to the District Municipalities Act of 1920 which has now come into force, the municipality of Ootacamund will in future consist of 12 elected representatives and 4 nominated by Government. This municipality for a number of years, like other municipalities in the Presidency, has been enjoying the privilege of electing its own chairman, and now when the new democratic Council is going to be constituted, Government made a suggestion and sent it to the existing municipal council. The suggestion of Government was as follows:—'The Government consider that in view of the importance of Ootacamund as a sanitarium and of the expenditure in which the municipality is involved by the

fact of its being the summer headquarters of the Government, the chairman should be an officer of good engineering and other qualification and that the Government should pay the whole of his salary and allowances. The Government, therefore, propose to exercise the discretion vested in them by section 12 (1) of the Madras District Municipalities Act, 1920 and to appoint themselves the chairman of Ootacamund hereafter. They desire to know within two weeks if the council has any ground to urge against the proposal. The Government propose to sanction for the present a remuneration of Rs. 1,000 per mensem which Mr. Handcock is now drawing.' The order of Government purports to be passed under section 12 (1) of the Madras District Municipalities Act. That section runs as follows :— ' Unless the Governor in Council has directed by notification that the chairman shall be appointed by him, every Council shall at its first meeting after the first day of November in each year elect one of its members to be its Chairman.'

" Sir, though I do not know much of law, I question the legality of Government's order according to this section. This section no doubt empowers Government to appoint a chairman of their own, but the Act nowhere empowers Government to pay that chairman from its own provincial funds. Municipalities, even if the chairman has been nominated by the Government, have been paying the salary of that chairman ; but now Government proposes even to pay the chairman out of its own funds. I do not know what can be the object of Government in making this resolution. In the order, no doubt, they say that this is because the municipality of Ootacamund is involved in vast expenditure on account of its being the summer headquarters of Government. But, Sir, the municipality of Ootacamund has not all on a sudden become the summer headquarters of Government. It has been so for the last so many years, and all these years the municipality has been paying the pay of its own chairman. But if this proposal, this alluring proposal of Government, is meant to be a bargain, I have to say that is not a bargain creditable to either of the contracting parties. Sir, this order of Government has been referred for the opinion of the council as it now exists. Perhaps Government might say that it is the proper procedure, but I say justice requires that this order of Government, that this proposal must be referred to the council that comes into existence under the new Act. It may be that the council as it now exists is a *de facto* and a *de jure* council, but, Sir, in many instances law and justice are entirely two different things. It may be quite legal for Government to act according to the opinion of the Council as it exists at present, but in justice, since it affects the destinies of the council that is to come into being, it requires that the Government must take the opinion of the council after it is constituted under the new Act. If Government in support of their proposal is going to say that it is the summer headquarters of Government, then why all this talk ? Take the municipality of Ootacamund away from the operations of the District Municipalities Act. Issue an order saying that Ootacamund also is something like a Presidency town and have a special City Municipal Act for the Ootacamund municipality as we have got for Madras. But so long as it is going to be under the operation of the District Municipalities Act, there is no use for Government saying that because it is the summer headquarters of Government it has to be treated in a way different from the other district municipalities. Well, Sir, though the chairman nominated by Government may be entirely under the control of the municipal council, experience has shown what has been the position of a nominated chairman. As soon as a chairman is nominated by Government and he takes his seat, he and the council are mutual enemies. Each considers the other as its legitimate enemy. A chairman nominated by Government is an evil enough, but a chairman nominated and paid by the Government is an evil which

5th March 1921] [Mr. R. K. Shanmukham Chettiyar]

I cannot think of. Apart from the reason that I have already adduced, it cannot be denied that this is an entirely reactionary measure. It proclaims in unmistakable terms that Government has no confidence in the electorate and its representatives. If the elected representatives of a municipal body cannot be credited with the discretion of choosing a chairman capable of discharging the special requirements of a sanitarium and the summer headquarters of Government, then I think it will be far better for the dignity of that poor sanitarium to do without such a municipal council. Sir, it has become almost a commonplace in Indian politics to say that the efficacy of representative institutions in this country must be tested in the sphere of local and municipal institutions, and at a time when Provincial Councils are placed on a democratic basis, instead of granting greater autonomy to local and municipal bodies, to go about snatching away from them the rudimentary powers that they already possess seems to be something like a mockery. Sir, whatever may be the views of Government on this matter, I have absolutely no doubt as to the attitude of this Council on this question. For, apart from its local interest, I say this matter involves the question of a broader policy. It is a test of our faith in representative institutions and this House by disapproving the action of Government will only justify its faith in itself as the representative of the people and the custodian of their interests."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I have great pleasure in seconding this proposition. The Honourable Member for Nilgiris, though belonging to Coimbatore, has very clearly stated the reason as to why this appointment should not be made by nomination. If we only carefully analyse it, it comes to this. The Government when nomination was the rule under the Act, gave elective power to this municipality. Now, when under the new Act, election is the rule, they want to reverse it and have nomination for this municipality. It means this, that they have confidence only in their nominated councillors but no confidence in their elected councillors. They have allowed election till now because they knew that the nominated members who were their creatures would act according to their wishes and elect their own man as their chairman. Now they have no confidence in the newly-elected members because they know that they will weigh merits properly and will not elect a man simply because he is a Government man. One thing seems to be very peculiar in this order, viz., that the Government are anxious more to have a particular officer there to continue as chairman rather than anybody else. If only they had said that they have got the right of appointing somebody on the recommendation of the municipal council, it would have been something. My friend of course very clearly stated as to why this sum of Rupees 1,000 has been offered; of course he did not say it was a bribe but only it was an inducement. They have some doubt now because they suspect that even the present nominated council may not agree to their proposal. Our friend of course referred that the municipality of Ootacamund might be taken away from the Municipal Act. I would suggest that if it ceases to be a municipality and the house-owners are not asked to pay the rates, the Government can do anything. The best thing would be to take away the Ootacamund municipality from being a municipality at all and go on spending any amount of money from the Government. Government seem to be very careful about their money. They say that because they spend some money on this municipality, so they must have the right to nominate their own chairman. They seem to forget that in Ootacamund itself several Indians and Europeans have invested money in much larger proportion than the Government themselves have invested. This is certainly an insult not only to the ratepayers of Ootacamund, but also to the councillors of Ootacamund, and I submit also to the people that reside there. It is too much to suppose that

there is only one person who can do the business of the municipal chairman of Ootacamund.

"Comparison is made between Ootacamund and Madras. Ootacamund is a place which, according to the new rules, the Governor and a few of his subordinates are going to use for three months in the year. Madras is a place which will be used for nine months. If Ootacamund is a place where thousands of rupees have been invested by Government, Madras is a place where more thousands and even lakhs have been invested. If Madras can be managed by an elected President why not Ootacamund also either by an Indian or an European, only on this condition, viz., that he is elected. Of course one thing may be said that there are not leisured people there who will take up this honorary appointment. The resolution does not say that the appointment should be elected as well as honorary. It may be paid also. Nobody will have any objection to Government paying if the chairman is elected though paid. The taxpayers of the whole Presidency have to pay Rs. 1,000 a month to oblige the ratepayers of Ootacamund. Therefore I think that is a point well worth noting. The Ootacamund municipality should not be maintained by spending large sums of money out of the taxpayer's money of the Presidency. For all these reasons, I think the Government are making a very dangerous precedent now. What is for Ootacamund to-day may be for Coonoor to-morrow; what is for Coonoor to-morrow may be for Trichinopoly the next day, because there is a cantonment there or for any other place. It is a thin end of the wedge. I say this matter is of immense importance, and I hope the Council will agree with me and pass the resolution."

The Hon'ble Mr. P. RAMARAYANINGAR:—"Sir, in view of the fact that Ootacamund is a sanitarium and that the expenditure of the municipality was very great, the Government thought that they might have a paid chairman appointed under section 12 of the District Municipalities Act of 1920. They accordingly proposed to the council whether they had any objection to that course being taken. The council in reply stated that they would have no objection to have the chairman appointed for one year. So, a paid chairman was appointed for the year and now it is quite open to the new council, when it is formed, to ask for an elected chairman and when that request comes before the Government, they are prepared to give favourable consideration to the matter. In these circumstances, I expect the honourable mover to withdraw the resolution. The resolution, as it stands, asks for the reversion of the decision which the Government came to in consultation with the council. That is an impossible request. Nothing has been done contrary to the provisions of the District Municipalities Act and I do not think the resolution as it is can be accepted. In these circumstances and with the assurance I have given, I hope the honourable mover will withdraw the resolution."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, the Hon'ble the Minister for Local Self-Government stated that the Government have taken certain steps and they are unable to retrace them. Sir, I will first draw the attention of the Council to the papers which have been placed on the table in answer to one of my interpellations at the meeting of the 14th February 1921. Those papers show the correspondence between the Government and the municipality of Ootacamund. When I noticed in the press that the Ootacamund municipality was deprived of the right of electing its own chairman, I thought it was an extraordinary step and wanted to find out the circumstances under which this thing had happened. The first paper, that is, G.O. No. 833, dated 3rd December 1920, is the memorandum issued to the council. It is quite clear that the initiative in this matte

5th March 1921] [Mr. M. Ramachandra Rao Pantulu]

came from the Government not the Municipal Council. The council was never financially embarrassed, it never wanted a thousand rupees to be paid to the chairman, nor was it anxious to deprive itself of the right of electing its own chairman.

"In the first place, it is stated here that the Government consider that in view of the importance of Ootacamund as a sanitarium and of the expenditure in which the municipality is involved by the fact of its being the summer headquarters of the Government its chairman should be an officer of good engineering and other qualifications and that the Government should pay the whole of his salary and allowances. As has been pointed out by the honourable mover, Ootacamund has been the summer headquarters of Government for nearly 35 years and it has enjoyed this privilege of electing its own chairman and the fact that it is the summer headquarters cannot by itself be a reason for depriving the Council of the right of electing its own chairman. If that reason is to be accepted, Madras, which is the headquarters of Government for the other parts of the year should be deprived also of the right of electing its own chairman; and the municipality will have to be placed under a nominated president because it is the headquarters of Government.

"Then, Sir, the second point is, if as a matter of fact an officer of good engineering experience is required, there are provisions in the Municipalities Act for the appointment of an Engineer and the appointment so made will be subject to confirmation by Government. I do not see why if an officer of engineering experience was required, it was necessary to deprive the council of the right of electing its own chairman. They might have called upon the council to elect an engineer and prescribe the qualifications and confirmed that appointment because it is subject to their confirmation under section 72 of the Act. Therefore, the reason that an officer of good engineering experience is required is not sufficient for depriving the council of having an elected chairman. These are the two reasons which are urged in the Government Order. It is natural that the municipality should make a bargain and get some Rs. 12,000 out of the general taxpayer and it certainly will not deny itself the opportunity of receiving these funds. But we on behalf of the taxpayers have a right to object to this payment. If it is necessary to deprive the municipality of the right of electing its chairman I do not see why it should be presented with Rs. 12,000 per annum for this purpose.

"I know some municipalities in this Presidency which have been deprived of the right of electing their own chairman, but that was for mismanagement. Kumbakonam, for instance. I do not think section 12 was intended to give Government the power to deprive any municipality at its own sweet will and pleasure of the right of electing its own chairman or to do so for reasons other than proved misconduct. The section is wide enough and to construct it in that manner is certainly against the whole spirit. Therefore, I submit that this is quite an ill-advised step and constitutes a grave departure from existing practice. Of course a great deal has been said about continuity of practice. May I know whether this particular instance is an evidence of the continuity of practice in the Ministry of Local Self-Government? I submit that it constitutes a grave danger to all municipalities and it is a departure which ought not to be permitted in this Council. If it was necessary to have a man of good engineering experience, it was open to Government to indicate that fact to the Ootacamund municipality and get an engineer appointed subject to their confirmation.

"Therefore, in this matter it is really a losing bargain between the Madras Government and the municipality that the latter should deprive itself of the right of electing its chairman and receive in turn Rs. 12,000 from the taxpayer. On

behalf of the taxpayers of this Presidency I expect the Hon'ble Mr. Todhunter to object to this course. If he does not do so, I certainly will oppose it at the time of voting for grants."

Mr. R. K. SHANMUKHAM CHETTIYAR:—"Mr. President, of course, when I moved the resolution, I never intended that the Government should reverse its decision and send away Mr. Haudcook at once. In view of the assurance given by the Hon'ble the Minister for Local Self-Government that this order is to exist for this one year only and that if a requisition comes to Government from the new municipality that they must be given back the privilege of electing their chairman, such a representation will be considered favourably by the Minister I withdraw the resolution."

The Hon'ble the PRESIDENT:—"I take it, then, that the Council gives leave to the Honourable Member to withdraw his resolution."

The resolution was by leave of the Council withdrawn.

*Location of a tuberculosis hospital in Royapetta.*

"7. *That this Council is of opinion that the proposed location of the Tuberculosis Hospital in 'Temple Gardens,' Royapetta, is calculated to expose the residents of that locality to infection and recommends to the Government to give up the proposal so far as that locality is concerned.*"

Mr. M. C. RAJA, who had given notice of the above resolution, said:—"I am not moving now the resolution standing in my name."

The resolution was deemed to have been withdrawn.

*Residential girls' high schools.*

The following resolution, which stood in the name of Rao Bahadur K. S. Venkatarama Ayyar, was deemed to have been withdrawn owing to the absence of the Honourable Member:—

"8. *That this Council recommends to the Government—*

*that a residential girls' high school on the model of the Women's College at Madras be opened at some suitable place in the district of Tanjore in the year* 1921-22; *and*

*that four more such schools be opened in such districts as the Council may determine in the said year* 1921-22."

*Amendment of darkhast rules in the interests of the poor.*

Mr. S. T. SHANMUKHAM PILLAI:—"I now find that the rules regarding darkhast have been amended. After perusing the amendments I will draw up fresh amendments if necessary. I therefore propose to withdraw this resolution."

"9. *This Council recommends to the Government that in the interests of ameliorating the condition of the poor among the landless and depressed classes, the Government may be pleased to give them a much better, if not the very best, chance of obtaining land for cultivation, by adding to the existing darkhast rules of preference Nos.* 1, 2 *and* 3 (*Board's Standing Order No.* 15, *paragraph* 8) *a proviso to the effect that the rules do not apply to cases in which the land exceeds one acre, if wet, and two acres, if dry.*"

The Hon'ble the PRESIDENT:—"Resolution No. 9 is not moved and therefore it will be deemed to have been withdrawn."

5th March 1921] [The Hon'ble the President]

*Custody of secondary school-leaving certificate question papers.*

The Hon'ble the PRESIDENT :—" Resolution No. 10 stands in the name of Mr. A. T. Palmer."

Mr. G. VANDANAM :—" In his absence, Sir, may I not move it ? "

The Hon'ble the PRESIDENT :—" I am afraid you cannot. The standing orders at present do not provide for it, though we have made provision for it in the revised standing orders."

The following resolution which stood in the name of Mr. A. T. Palmer was, therefore, deemed to have been withdrawn :—

" 10. *This Council recommends to the Government that the Chief Superintendents of the Secondary School-Leaving Certificate Examination should also be the custodians of the question papers.*"

*Day and night schools in municipal towns.*

" 11. *This Council recommends to the Government the opening of a sufficient number of day and night schools in every municipal town for the use of the labouring and agricultural classes.*"

Rao Sahib P. C. ETHIRAJULU NAYUDU, who had given notice of the above resolution, said :—" Mr. President, I am advised to bring this proposition at a later stage. I do not mean moving this resolution at present."

The Hon'ble the PRESIDENT :—" Resolution No. 11 is not moved and therefore it will be deemed to have been withdrawn."

The Council then adjourned to 11 a.m. on Tuesday, the 8th March 1921.

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

TRUTH ALONE TRIUMPHS


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS