THE MADRAS LEGISLATIVE ASSEMBLY

Tuesday, the 16th August 1938.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Improvements to minor irrigation works in Royalaseema.

* 28 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the committee set up by Government in or about 1926 and presided over by the late Diwan Bahadur Arogyaswami Mudaliyar made any recommendation in respect of improvements to minor irrigation works in Royalaseema;

(*b*) how many of them were taken up and completed;

(*c*) at what cost; and

(*d*) how many more have to be taken up?

THE HON. MR. T. PRAKASAM:—"(*a*) The Committee recommended that larger maintenance grants should be given for minor irrigation works.

"(*b*) *to* (*d*) Special Tank Restoration Scheme divisions were constituted for the execution and investigation of repairs to tanks and channels in pursuance of the recommendation of the Committee—vide paragraph (*a*) of section 1 of the statement showing the action taken on the recommendations of the Committee which was placed on the Council Table in answer to Legislative Council Question No. 672 on the 1st October 1929. The particulars asked for by the hon. Member will be found in the attached copy [a] of a letter from the Chief Engineer for Irrigation, dated the 6th June 1938."

Protest against the collection of enhanced percentage of land revenue in Cheyyar and Wandiwash taluks, North Arcot district, based on the reclassification of the tanks therein.

* 29 *Q.*—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the number of Public Works Department tanks which were raised from a lower class to a higher one at the time of resettlement in 1914–15 in Cheyyar and Wandiwash taluks, North

[a] Printed as appendix on page 146 infra.

Arcot district, for the purpose of raising the percentage of additional taxation over and above the general enhancement of land revenue in North Arcot district effected in the last settlement;

(*b*) whether the Government will be pleased to place on the table a list of the villages in which the tanks referred to in (*a*) are situated;

(*c*) what the basis was on which such a reclassification of tanks was made; and

(*d*) whether any representation was made to the Government for remitting in each case the amount of enhanced percentage of land revenue collected on the basis of such reclassification of tanks?

THE HON. MR. T. PRAKASAM:—"(*a*) *to* (*c*) At the resettlement of the two taluks in question in 1913–15, all sources of irrigation were reclassified with reference to the nature of the source and the period of normal supply with a view to rectifying defects in the original classification, allowing for those changes in capacity and supply which must have taken place since the previous settlement, removing anomalies in the rates of composition, introducing a fifth class and the one-sixth composition rate and extending composition at favourable rates where irrigation was supplemented by wells. The total number of irrigation sources raised from a lower class to a higher one in the two taluks was 84. The Government have no information as to how many of these sources were in charge of Public Works Department or the villages in which they were situated.

"(*d*) Besides starred question 283 answered in this House on 14th March 1938, the Government received in July 1938 a memorandum signed by the hon. Member and three other Members of the Legislatures requesting that, on the analogy of the orders of the Government granting remission of the percentage enhancements in assessment imposed at resettlements effected after 1914, the enhancements of revenue on the basis of reclassification of tanks in the North Arcot district should be remitted."

Decision of Government in the matter of assigning assessed waste lands in the province to Harijans and other deserving poor people.

* 30 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the extent of assessed waste lands in the province;

(*b*) whether Government have arrived at any decision in respect of giving these lands to Harijans and other deserving poor; and

(*c*) if so, what that decision is?

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THE HON. MR. T. PRAKASAM:—" (*a*) The Government have not the information asked for.

" (*b*) & (*c*) The attention of the hon. Member is invited to the answer given to starred question No. 326 on 17th March 1938. The revision of the policy referred to therein is still under consideration."

Construction of an irrigation channel from the Mulliar.

* 31 *Q.*—MR. A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government have received mahazars from the residents of Vedaraniam and the neighbouring villages requesting the Government to dig an irrigating channel of about ten miles from the Mulliar; and

(*b*) if so, what steps the Government have taken in the matter?

THE HON. MR. YAKUB HASAN:—" (*a*) The answer is in the affirmative.

" (*b*) A report on the proposal has been called for from the Chief Engineer (Irrigation)."

Appointment of programme assistants in the Madras station of the All-India Radio.

* 32 *Q.*—MR. S. M. LALJAN: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that recently seven Brahmans were appointed to the post of programme assistants in the Madras station of the All-India Radio; if so, what the reasons are that prompted the Government to appoint only Brahmans;

(*b*) whether applications were called for for the posts aforesaid; if so, how many were received;

(*c*) whether the Government will be pleased to place on the table the list of applicants specifying the castes they belong to; and

(*d*) what the minimum qualifications required for candidates for the post were?

THE HON. MR. YAKUB HASAN:—" (*a*) *to* (*d*) The station is under the control of the Government of India and the Provincial Government are not concerned with the selection of the staff including programme assistants."

MR. ABDUL HAMEED KHAN:—" May I know, Sir, whether it was the Government of Madras or the Government of India which appointed a committee and which committee made this selection?"

THE HON. MR. YAKUB HASAN:—"The selection was not made by any committee."

MR. MAHBOOB ALI BAIG:—"May I know, Sir, whether this Government cannot recommend to the Government of India that such appointments may be made on communal basis?"

THE HON. MR. YAKUB HASAN:—"As I have stated already, this Government have no control over All-India Radio and as such we cannot make this suggestion."

MR. MAHBOOB ALI BAIG:—"May I know whether Hindustani programme also is conducted in this radio station?"

THE HON. MR. YAKUB HASAN:—"That does not arise out of this question, but still for the information of the hon. Member I may tell him that Government is interested only in rural programme and that is what Madras station is arranging. As for Hindustani, it can be got from Delhi, Bombay and other places."

MR. MAHBOOB ALI BAIG:—"Then, Sir, am I to understand that this station will not give Hindustani or Urdu programme for the sake of those persons who know Hindustani or Urdu?"

THE HON. MR. YAKUB HASAN:—"As I have stated previously, this question is not at all under the control of this Government and so we can make no suggestion whatever."

MR. MAHBOOB ALI BAIG:—"Now that this Government is very keen on the propagation of Hindustani, would it not be necessary on the part of this Government to request the Government of India to arrange for Hindustani programmes also?"

THE HON. MR. YAKUB HASAN:—"I will consider that question."

Investigation into the causes of the recent flooding of the power-house at Mettur.

* 33 *Q.*—MR. R. B. RAMAKRISHNA RAJU: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) what the causes were in detail for the recent flooding of the power-house at Mettur;

(*b*) the extent and nature of the damage, if any, that was caused to the plant;

(*c*) what the cost of the necessary repairs was;

(*d*) where the valve which was said to have given way was situated, whether in the pipes embedded in the dam itself or lower down in or near the power-house;

(*e*) what the cause was which led to the breakdown of the said valve; whether it was any defect in construction or an unavoidable accident;

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(*f*) how many such other valves there are and whether there is any reasonable likelihood of any of them similarly giving way; and

(*g*) whether the Government have taken any steps to prevent such occurrences in future, and if so, what they are?

THE HON. MR. YAKUB HASAN:—"(*a*) On the night of April 9th, the severe storms in the Karur and Erode areas caused the power lines to be tripped out by lightning repeatedly. No. 2 machine at the Mettur Power House was in operation at the time and it is believed that the severe load fluctuations caused violent disturbances in the turbine inlet water pipes which resulted in the fracture of an 18 inches drain valve. The valve and its connecting pipe for an experimental tank were torn away and water under the full pressure behind the dam flooded the power house and the transformer yard.

"(*b*) The plant was submerged and damaged by wetting. It has since been dried out and brought back into use.

"(*c*) A new valve to replace the broken one is expected to cost Rs. 350. The sanctioned cost of reconditioning the power plant is Rs. 12,500.

"(*d*) It projected from the base of the dam immediately behind the power house.

"(*e*) The connecting pipe for an experimental tank attached to the valve was perhaps a source of weakness and it has since been removed.

"(*f*) There are two more valves in use on Nos. 1 and 3 pipes; there is no reason to suppose that they will give way.

"(*g*) The breakdown was due to causes beyond control and a recurrence is considered very remote; but as a result of this experience the following additional measures for the safety of the station are being taken, viz.:—

(i) provision of separate emergency shutters for each pipe to be electrically operated from the switchboard;

(ii) concreting drain sluices;

(iii) strengthening of supports for the hydraulic brake gear;

(iv) provision of an emergency lubricating oil system; and

(v) concreting of auxiliary turbine inlet pipes."

Government aid to the University Training Corps.

* 34 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) whether any encouragement is given by the Government to the University Training Corps; and

(*b*) if so, what the nature of the encouragement is?

THE HON. DR. P. SUBBARAYAN:—"(*a*) & (*b*) The Provincial Government do not make any grant to the University Training Corps."

MR. ABDUL HAMEED KHAN:—"May I know, Sir, whether the Provincial Government has any control or voice in the maintenance of this corps?"

THE HON. DR. P. SUBBARAYAN:—"As I have said in answer to another question, this is a matter for the Army Department of the Government of India."

MR. ABDUL HAMEED KHAN:—"Will the Hon. the Minister in charge of Education be pleased to advise the Government of India that the sooner the academic status of the University Training Corps is removed the better?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member's suggestion will be considered."

Scheme for better physical education to students.

* 35 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) whether the Government have got any scheme for giving better physical education to secondary and college students than at present; and

(*b*) if so, what the same is?

THE HON. DR. P. SUBBARAYAN:—"(*a*) & (*b*) The Government have under consideration the question of improvement of physical education but no definite scheme has emerged as yet."

MR. V. M. RAMASWAMI MUDALIYAR:—"Will the Hon. Minister consider the question of giving a military bias to physical education for students in colleges and schools?"

THE HON. DR. P. SUBBARAYAN:—"I do not quite understand the import of the phrase 'military bias', but, I shall however consider the hon. Member's suggestion."

MR. V. M. RAMASWAMI MUDALIYAR:—"What I mean by 'military bias' . . . ."

MR. SPEAKER:—"The Hon. Minister has stated that the suggestion would be considered."

MR. V. M. RAMASWAMI MUDALIYAR:—"If the Hon. Minister has not understood what is meant . . . ."

MR. SPEAKER:—"I think he has understood it."

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Reasons for the non-introduction of compulsory education in a number of municipalities.

* 36 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state the reasons for Government not inducing quite a number of municipalities to introduce compulsory education?

THE HON. DR. P. SUBBARAYAN:—"It is in rural areas where backward classes reside in large numbers that compulsion is necessary for bringing children to school more than in municipal areas. The Government consider that the initiative in regard to the introduction of compulsion in municipal areas should be taken by the municipalities concerned."

MR. K. V. R. SWAMI:—"May I know whether the Hon. Minister would induce the municipalities to introduce compulsory elementary education?"

THE HON. DR. P. SUBBARAYAN:—"We are trying to bring to the notice of the municipalities the essential principles of compulsion being introduced."

MR. V. S. RM. VALLIAPPA CHETTIYAR:—"In cases where Government sanction is sought for, may I know whether they will accord sanction?"

THE HON. DR. P. SUBBARAYAN:—"Wherever compulsion has been proposed, the Government have been giving sanction for such introduction."

Stoppage of the notification of temples under Act XII of 1935.

* 37 *Q.*—MR. G. KRISHNA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether it is a fact that he issued an order to the Hindu Religious Endowments Board to stop the notification of temples under Act XII of 1935; and

(*b*) why and under what authority such an order was issued?

THE HON. DR. T. S. S. RAJAN:—"(*a*) The answer is in the negative.

"(*b*) The question does not arise."

MR. G. KRISHNA RAO:—"May I know if there were complaints either to the Minister direct or in the press with regard to the preventing of notification of temples?"

THE HON. DR. T. S. S. RAJAN:—"As far as the Government are aware, there is no such thing at all."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I know, Sir, whether the Government have so far given any instruction to medical officers as regards birth control?"

THE HON. DR. T. S. S. RAJAN:—" I think the hon. Gentleman is asking for an answer to the next question and not for this."

Policy of Government in regard to birth control.

* 38 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether the Government have any policy regarding birth control; and

(*b*) if so, what that policy is?

THE HON. DR. T. S. S. RAJAN:—" (*a*) & (*b*) The answer is in the negative. The Government have, however, instructed the Surgeon-General to make known to all Government medical officers that they should, if they considered it proper in the interests of the health of the patients who consult them, give such advice and instruction in matters relating to birth control as they may consider necessary and desirable."

MR. V. M. RAMASWAMI MUDALIYAR:—" May I know, Sir, whether this could not be extended and birth-control advice given to those who want advice even apart from medical grounds? "

THE HON. DR. T. S. S. RAJAN:—" We can advise only doctors under Government control to give medical advice."

MR. K. V. R. SWAMI:—" Apart from the question of medical advice in suitable cases, I suppose Government cannot encourage birth control."

MR. SPEAKER:—" Is it a question, or is it an expression of your pious wish? "

Agency for the maintenance of the bore-wells in the villages.

* 39 *Q.*—MR. G. KRISHNA RAO: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether the district boards have been asked to maintain the bore-wells in the villages;

(*b*) whether it has been represented to the Government that a district board is under no obligation to maintain them, that owing to paucity of funds the district boards could not maintain such wells and that the Revenue Department should undertake the task; and

(*c*) if so, what effective and permanent arrangement the Government propose to carry out to maintain the bore-wells in the villages?

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THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) A few bore-wells have been constructed with the aid of the Government of India Rural Reconstruction Grant. In these cases the local boards concerned have agreed in advance to look after their maintenance. In the case of bore-wells constructed out of provincial funds earmarked for the improvement of the rural water-supply, their maintenance has been entrusted to the Revenue department.

"(*b*) The answer is in the negative.

"(*c*) The question does not arise."

MR. V. S. RM. VALLIAPPA CHETTIYAR:—"May I ask if the Government is aware that the bore-wells go out of order very often and villagers prefer ordinary wells?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"I do not think, Sir, that arises out of this question."

Provision of a belt area adjoining the Chittoor district in the Mysore State for purposes of prohibition.

*40 *Q.*—MR. R. B. RAMAKRISHNA RAJU: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether the Government have approached the Mysore Government to have a belt area adjoining Chittoor district in the Mysore State for purposes of prohibition; and

(*b*) whether the Mysore Government has been approached for co-operation in the matter of carrying out prohibition work in the Chittoor district and with what result?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) & (*b*) The Government of Mysore have expressed their willingness to co-operate with this Government in the enforcement of prohibition and the actual measures to be taken in the matter are under consideration." 3-15 p.m.

Shares taken by Government in the three large scale industries in the Province.

*41 *Q.*—MR. G. KRISHNA RAO: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) the number and value of shares taken by the Government in the three large scale industries in which the Government of Madras have purchased shares; and

(*b*) what the dividends earned by these shares are?

THE HON. MR. V. V. GIRI:—"(*a*) The Government have agreed to take 1,750 ordinary shares and 350 deferred shares to the aggregate value of Rs. 17,850 in the Kollegal

Silk Filatures, Ltd. Kollegal, and also to take 2,000 ordinary shares to the value of Rs. 20,000 in the East Coast Ceramic Industries, Ltd., Vizagapatam. So far, Rs. 4,375 being the first call in respect of 1,750 ordinary shares and Rs. 9,100 representing the application and allotment money have been paid to the Kollegal concern. The East Coast Ceramic Industries, Ltd., has not yet made any call for share money from Government. The Government had also agreed to take shares to the value of Rs. 10,000 in the Madras Stoneware Pipes, Ltd., Tiruvallur, but as the promoter has since given up the idea of floating a public company, the orders in this case had to be cancelled.

"(*b*) None of the concerns have been long enough in the field to declare a dividend."

MR. G. KRISHNA RAO:—"May I know, Sir, in whatever schemes or enterprises the Government has taken share they have been duly advertised or published in the vernacular so that people may know and invest their monies in pursuance of the Government investment?"

THE HON. MR. V. V. GIRI:—"I think it is the duty of the promoters of the company to do so."

Concessional railway rates for the transport of pine apples from this Province.

* 42 *Q.*—MR. P. MADHAVAN: Will the Hon. the Minister for Industries and Labour be pleased to state whether any request was made by the Marketing Officer, Madras, to the railway despatch of pine apples and if so, what the reply of the railway authorities in the matter of allowing concession rates for the authorities was?

THE HON. MR. V. V. GIRI:—"The answer is in the affirmative. The Railway Administration declined to reduce the rates."

Supply of non-vegetarian diet to prisoners.

* 43 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) whether any non-vegetarian diet is given to prisoners who are accustomed to such diet previously; and

(*b*) if not, why not?

THE HON. MR. K. RAMAN MENON:—"(*a*) & (*b*) The hon. Member is referred to rule 347 of the Jail Manual, Part II."

MR. K. V. R. SWAMI:—"Mr. Speaker, I wish to know whether the Hon. Member will give any suggestion with regard to the question asked."

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THE HON. MR. K. RAMAN MENON:—" The question, as I understand it, is whether non-vegetarian diet could be given to the prisoners. These things are governed by rules in the Jail Manual. The rules provide for these."

MR. K. V. R. SWAMI:—" Mr. Speaker, may I know whether the persons who are used to non-vegetarian food are being given such food as is given to Anglo-Indians, like mutton, fish, coffee, tea and everything? "

THE HON. MR. K. RAMAN MENON:—" Whatever is provided for in rule 347 is being followed absolutely and carefully."

MR. K. V. R. SWAMI:—" May I know, if he is going to amend the rules to suit the convenience of the prisoners? "

THE HON. MR. K. RAMAN MENON:—" The Government are satisfied there is no occasion for amending these rules now."

Release of non-political prisoners before the expiry of the full period of their sentences.

*44 *Q.*—MR. G. KRISHNA RAO: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) what the reason is for the release of non-political prisoners who have been charged and convicted under the several sections of the Indian Penal Code;

(*b*) from how many, and which jails such releases have been effected, and the total number of prisoners so released;

(*c*) what the maximum period of unexpired sentence so far remitted is; and

(*d*) whether there has been any representation made from any quarter of any error of judgment amounting to miscarriage of justice in these releases up till now?

THE HON. MR. K. RAMAN MENON:—" (*a*) The hon. Member is referred to the budget speech of the Hon. the Prime Minister which explains the reasons for the premature release of prisoners convicted for crimes of a non-political character.

" (*b*) The number of prisoners ordered to be released is 2,080. They were confined in the District and Central Jails and Special jails and Special sub-jails.

" (*c*) Taking 20 years as the maximum period of imprisonment the maximum period of unexpired sentence remitted was 14 years 7 months including remissions.

" (*d*) No representations have been received by Government."

MR. G. KRISHNA RAO:—"May I know, Sir, when such a large number of prisoners have been released what the Government is going to do with the vacant jails after the distribution of prisoners? May I know what ideas Government have in this matter?"

THE HON. MR. K. RAMAN MENON:—"Government are considering the question of the abolition of one or more jails."

MR. G. KRISHNA RAO:—"With regard to the establishment what are they going to do?"

THE HON. MR. K. RAMAN MENON:—"As ordinarily happens in such cases whatever is possible will be done."

MR. ABDUL HAMEED KHAN:—"Arising from the answer of the Hon. Minister for Courts and Prisons, in view of the anti-Hindi question I wish to know whether it is advisable to close those jails?"

THE HON. MR. K. RAMAN MENON:—"It has not become such a big trouble as that."

MR. MAHBOOB ALI BAIG:—"May I know, Sir, what is the policy behind the release of non-political prisoners?"

THE HON. MR. K. RAMAN MENON:—"The policy was very clearly enunciated by the Prime Minister in his budget speech."

MR. MAHBOOB ALI BAIG:—"If the prisoners are released in such large batches there is a strain on the police. Can Government say that proper provision has been made against this?"

THE HON. MR. K. RAMAN MENON:—"Proper directions have been given and the police department have been consulted on the matter. There is no apprehension of any extra strain on the police."

MR. MAHBOOB ALI BAIG:—"Will the Hon. Minister for Courts and Prisons be pleased to enunciate the policy behind this although the Prime Minister might on some occasion have given expression to the same?"

THE HON. MR. K. RAMAN MENON:—"I do not think there is any need to repeat it here."

MR. G. KRISHNA RAO:—"I think the House should be satisfied. The Hon. Minister can state what he has in his possession and try to remedy instead of relieving himself of the responsibility."

THE HON. MR. K. RAMAN MENON:—"There is absolutely no secret. What he said was on the floor of the House."

MR. SPEAKER:—"Evidently the hon. Members are not in recollection of that policy and they want a reiteration of that

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policy from the Hon. Minister. So, the Hon. the Prime Minister himself may enlighten them on the question?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"As you have ordered me, Sir, I have to take the time of the House for it. Necessarily I have to be very brief during question time. The policy is an old policy by which prisoners who have undergone a certain amount of discipline within prison walls are tested whether they can be given conditional liberty; and this is putting into effect this very old policy of giving conditional liberty to people who have been found to be fairly deserving. And in certain cases where extra safeguards have to be provided for, Government takes security and sureties also when they release the prisoners. In certain other cases they are released on probation and they can be brought back if they break the conditions. On these terms to give effect to a very very old policy of giving freedom to criminals, this has been done. There is nothing new about it. It has been admitted by criminologists that no such experiment has been made and we are trying to make it now. So far we have no reason to believe that we have committed any mistake."

MR. MAHBOOB ALI BAIG:—"Is there no rule by which any prisoner who is of good conduct can be let off earlier than the period of sentence?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"That is a very small concession comparatively which is being given so far. But this is a concession which is given first of all to a certain class of criminals and by reason of their conduct."

MR. BASHEER AHMED SAYEED:—"Will the Hon. Minister for Courts and Prisons be pleased to mention the nature of the offence for which these released prisoners were originally convicted and the sentence awarded, for the information of the House?"

MR. SPEAKER:—"That does not arise as a supplementary question."

MR. BASHEER AHMED SAYEED:—"Sir, it arises out of clause (*d*)."

MR. SPEAKER:—"I should think an independent question may be given regarding that."

Application of the provisions of the Criminal Tribes Act to the Yanadis and Woddars of the Nellore and Guntur districts.

* 45 *Q.*—MR. V. VENKATASUBBAYYA: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) whether the Criminal Tribes Act is applied to the Yanadis of Nellore and Guntur districts, although they were not declared as criminal tribes by the Government notification;

(*b*) whether the Criminal Tribes Act is applied to Woddars in those districts, although they were not declared as criminal tribes by the Government notification;

(*c*) whether a memorial signed by more than a hundred influential citizens of Nellore was submitted to the Government, paying for the removal of Yanadis from the operation of the Criminal Tribes Act;

(*d*) whether resolutions to the same effect were passed by the Municipal Councils of Nellore and Ongole and submitted to the Government; and

(*e*) what action has been taken by the Government with regard to the memorial and the resolutions?

THE HON. MR. K. RAMAN MENON:—" (*a*) The Yanadis of the Nellore and Guntur districts have been declared as criminal tribes by the Government for the purposes of the Criminal Tribes Act.

" (*b*) The class of persons known as Donga Woddars which frequents the Nellore and Guntur districts has also been declared as a criminal tribe by Government.

" (*c*) No such memorial has been received by Government.

" (*d*) & (*e*) A resolution passed by the Municipal Council, Nellore, was received. The question of revising the Criminal Tribes Act is under the consideration of the Government."

MR. S. NAGAPPA:—" ఒక జాతిలో కొందరు చెడ్డ పనులు చేయువారు వుండిన, ఆ జాతినంతటినికూడ శిక్షించు జాతి అని పిలుచుట గవర్నమెంటువారికి ధర్మమా? "

THE HON. MR. K. RAMAN MENON:—" Notice, Sir." (Laughter.)

MR. SPEAKER:—" Short notice question 45-A."

THE HON. MR. C. RAJAGOPALACHARIAR:—" There is another short notice question, Sir; perhaps I may answer them together."

MR. SPEAKER:—" Yes. 45-A and 45-B may be answered together."

THE HON. MR. C. RAJAGOPALACHARIAR:—" I want to make a statement. That will be the best thing."

MR. ABDUL HAMEED KHAN:—" May I submit, Sir, if the first question is not answered, there will be no possibility of a supplementary question being put."

MR. SPEAKER:—" The answer will be for both the questions put together. Supplementary questions may be asked."

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Burma disturbances.

* 45-A *Q.*—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Prime Minister be pleased to state—

(*a*) the number of South Indians killed or otherwise affected during the recent riots in Burma;

(*b*) the number of refugees from Burma to Madras;

(*c*) the value of the property lost to them;

(*d*) the measures taken by the Government of Burma to protect the life and property of South Indians; and

(*e*) whether the Government will make representations to the Government of India to set up an impartial committee to inquire into the causes of the disorder?

Burma disturbances.

* 45-B *Q.*—KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD: Will the Hon. the Prime Minister be pleased to make a statement on the situation in Burma and the extent of the loss of life and property caused by the recent riots there?

THE HON. MR. C. RAJAGOPALACHARIAR:—"As soon as we read in the Press, news of the unfortunate happenings in Burma, we put ourselves in touch with the Governments of Burma and of India. Naturally our first step was, apart from getting authoritative information, to tender financial assistance towards relieving acute distress among the victims of the disturbances. In reply to our enquiry, we received a telegram on the 2nd of August from Burma that there was no serious destitution in consequence of the riots and that various communities were already giving assistance as far as required. We received another telegram on the 6th of August repeating the same assurance and stating that no contribution from us towards the relief of distress was necessary and that local charity was meeting the situation. They were not able, they stated, to prepare and send us casualty lists such as we desired.

"The Government have received complaints from Indian Members of the House of Representatives in Burma that a large number of Indian shops and stalls, especially in the suburban areas of the City of Rangoon, were looted and that about 20,000 persons have been left destitute. Whatever may be the number, it is pretty certain that a large number of refugees and destitutes are gathered in Rangoon and are living on the charity of various communities. About 100 persons arrived in Madras on board the S.S. "Ethiopia" on the 8th of August. The Collector of Madras met them on arrival and they were sent to their homes in the province,

some with the help of private charity and others at Government expense. I saw a deputation from among the arrivals and they explained the situation as it stood at the time they left Rangoon. Information has since been received that 225 refugees are arriving by the S.S. " Erinpura." The Commissioner of Police has been asked to send them to their homes as soon as possible after arrival in Madras. We have requested the Burma Government to supply us with a list of names of all Indians killed in the riots. We are in communication with the Government of India in regard to the whole subject—specially for repairing the damage done. So far as we can gather from official sources, the story of the disturbances is as follows:—

> On the afternoon of 26th July a mass meeting of Burman monks and laymen was held at a Pagoda in Rangoon to protest against certain remarks against Buddhists in a book which purported to be a discourse between a Musalman priest and a Yogi. It was a republication of a book written many years ago by a Burmese Musalman. The trouble began with a procession of over a thousand Burmans which included a large number of Buddhist monks. On the way there was a clash with the Police and subsequently disorder prevailed in various parts of the City. Troops as well as additional Police arrived on the scene and by 4 a.m., on the 27th morning the City appeared almost normal. A notification proscribing the book was published on the 27th morning. The Muslim community is reported to have already expressed regret at the publication of the book and dissociated itself from the sentiments contained in it. On the morning of the 28th, as a result of rumours of assaults on Buddhist monks by three Indians, rioting broke out afresh in all quarters of the City.'

" The situation remained disturbed during the night of the 28th and 29th and there was considerable looting and assaults in all areas. Evacuations from dangerous quarters were carried out on 29th. On the 30th of July the situation definitely improved and communal tension ceased. All open looting was ended and further evacuations were vigorously undertaken. A joint appeal for peace and reconciliation was issued by leaders of all communities endorsed by religious associations and younger monks. The situation is now officially reported to be practically normal.

3-30 p.m. " As regards the districts there were reports of isolated cases of looting and assaults on the borders of Rangoon, on the 29th. On the 30th of July, trouble broke out in Mandalay on account of the same book and serious rioting accompanied

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by looting and assaults were reported. But distinct improvement was reported on the 2nd August when trams were running and shops re-opened.

"Disturbances were reported on the 30th July also in about fifteen other districts. The position at present in the districts is reported to be satisfactory though in one or two districts, as reported on the 6th of August, there was still some tension.

"Hon. Members should remember that this Government cannot claim, beyond a certain limit, to interfere or even advise in the administration of Law and Order in other provinces not to speak of a separated government like Burma. We have to deal with the subject through the Government of India, and it is a delicate subject mixed up as it is with the constitutional independence and responsibility of the new governments that have been set up in the provinces as well as in Burma. Recognising these difficulties and limitations we may be sure that the Government of India will do its utmost to see that order and security of life and property are restored and as much reparation as possible is obtained for the victims of the unfortunate happenings. We shall, I have no doubt, be voicing the unanimous and deeply felt feelings of the members of the Legislature belonging to all sections and communities in the representations that we make and steps that we urge on the Government of India."

MR. ABDUL HAMEED KHAN:—"May I know whether it was not possible for the Government of Madras to send some officer of this Government to be on the spot and to find out the conditions under which the Indian population were living during the disturbances, as soon as they knew that such unfortunate happenings were taking place in Rangoon and in the outlying districts?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"What was possible in the directions stated, suggested and described, was done; it was certainly not possible or useful to send an officer of our Government and he could not have commanded co-operation without which nothing useful could have been done; but what we did was to represent to the Government of India that something in this direction must be done; we have not yet had any reply on the subject generally."

MR. ABDUL HAMEED KHAN:—"In view of the seriousness of the situation, may I ask whether it was not advisable that this Government should take very strong steps in the direction of relief being given to the people there and of seeing that the lives and properties of Indians were safeguarded? May I know whether it was not possible for this Government to make the Government of India realize the seriousness of the situation and to take such action as was urgently necessary?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I need hardly say that we cannot begin to act as in a state of war against a sister Government; but courteous representations and pressure could certainly have been made and were made; as regards the sending of an officer, I have already answered it. I do not think the Government of India are sleeping over it; but we ourselves independently could not act in the matters. That much is clear. I have no doubt that a report of the expression of the feelings of hon. Members given vent to just now will have its own effect."

MR. R. M. PALAT:—"Will the Hon. Premier be pleased to state whether we have got an Agent in Burma as in South Africa?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"Recently, Sir, an officer has been appointed, but I believe he has not yet joined."

MR. BASHEER AHMED SAYEED:—"May I ask whether the Government has satisfied itself that the Government of Burma has taken all necessary and possible steps to protect and safeguard the lives and properties of Indians in Burma?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I do not think, Sir, that we can discuss this question any more than we would like the Government of Burma discussing a similar question, about the activities of this Government."

MR. MAHBOOB ALI BAIG:—"May I request the Hon. Premier to answer question (*c*), whether the Government will make representations to the Government of India to set up an impartial committee to enquire into the causes of the disorder?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have already stated that a representation on these very lines has already been made by telegram to the Government of India."

MR. ABDUL HAMEED KHAN:—"Will the Government of Madras apprise the Government of India that they believe that the question is more racial and that that has been more responsible for the disturbance than the publication of the book?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I will not be a party and this Government cannot be a party to this pre-judgment of the issue."

MR. BASHEER AHMED SAYEED:—"May I know whether the Government have any information as to the measures taken and methods adopted by the Burma Government to protect the lives of Indians?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have given all the details as far as it was possible to gather from the reports we have received from that Government and the Government of India."

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MR. BASHEER AHMED SAYEED:—"Will the Hon. Premier be pleased to state whether this Government feels that, in the matter of protection of Indians, adequate steps have been taken by the Government of Burma?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is too early and it would be wrong to express an opinion on that question."

MR. ABDUL HAMEED KHAN:—"May I know whether the Government of Madras are aware that not Mussalmans alone but all Indians have been the target of the attack of the Burmans?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I should like the hon. Member to repeat a very important question he has put."

MR. ABDUL HAMEED KHAN:—"While the Hon. Premier realizes that this is a very important question, he says he has not heard it; I wish to know whether the Government of Madras is prepared to deny that this Burmese attack is not on all Indians but upon Mussalmans alone?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is difficult to extricate the too many negatives in the question."

MR. ABDUL HAMEED KHAN:—"Is the Government of Madras aware that the attack of the Burmans is on the Indians as a whole and not only on Mussalmans?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I respectfully submit that this is an argument and if at all there is anything in the argument, it is an insinuation, which would amount to a pre-judgment of the issue. As the reports stand, I have put forth what is claimed on behalf of the Burma Government, in the statement that I have made; the thing has arisen out of an attack, in some book, on the Buddhist faith."

MR. ABDUL HAMEED KHAN:—"From the statement I think that the Burmans attacked all Indians, including Hindus; is it not a fact that the attack was against all communities from India and not only on Mussalmans?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is difficult to analyse the attack to such nicety; one might get angry for one reason, but he might make many mistakes which may not be quite consistent with the original motive; it is not desirable that we should go on analysing the causes and coming to conclusions just now."

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MR. BASHEER AHMED SAYEED:—"Have the Government of Madras ascertained from the Government of Burma whether adequate and effective steps have been taken to prevent recrudescence of the trouble?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I do not think they have hardly finished getting over the present trouble."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Will the Hon. Premier be good enough to give more detailed information as early as possible, with regard to the actual number of persons killed, injured, etc., and the extent of loss of property? I quite sympathise with the Hon. Premier that he is not in a position to give the information to-day; I make these suggestions so that the Hon. Premier might urge on the Government of India and the Government of Burma to supply this Government with definite information at a very early date to allay public apprehensions in this connexion."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, it was this particular thing that we pressed for; we wanted details and they pleaded that they were not able to give them just now; we have asked them again to give at least the names, so that we might guess; they pleaded they have no classification according to the Provinces of India from which they can give the information; we are trying to get the information and I may assure hon. Members that, as soon as we get important information in that connexion, it will be communicated to hon. Members, if the House is not sitting."

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

GOVERNMENT BILLS.

3-45 p.m.

II.—THE MADRAS FAMINE RELIEF FUND (AMENDMENT) BILL, 1938.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I beg to introduce a Bill [a] to amend the Madras Famine Relief Fund Act, 1936, for certain purposes and move—

'*that the Bill be taken into consideration at once.*'

"Sir, the two objects for which this amending Bill is brought forward by the Government before this House are these: one is to enable the Government to invest the amounts in the Famine Relief Fund in the securities of the Provincial Government. As the present law stands, we can invest them only in the securities

[a] Published in the *Fort St. George Gazette*, dated 9th August 1938.

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of the Central Government. We therefore seek to get by this Bill, power to invest them in the Provincial Government's loans. The other object sought to be gained by this amending Bill is merely a legal position. Under the previous position, the expenditure every year to be incurred in order to make the fund reach the minimum amount of Rs. 60 lakhs was a charge on the revenues. It was not a subject of discussion and voting; but now, as the law at present stands, an explicit provision to that effect has to be put into the Act. Otherwise, it would not be a charge on the revenues. It is in order to make this minimum contribution for making the total reach Rs. 60 lakhs at any moment a charge on the revenues that a section has been included in this Bill.

"Both these provisions are absolutely necessary in order to ensure firstly the proper amount of money remaining to the credit of this fund and secondly to allow this province to get the investment advantage out of it. I hope, Sir, that the House will treat this Bill as non-controversial, and allow it to become law without any further delay."

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

Clause 2 was put and carried.

Clause 3.

Mr. BASHEER AHMED SAYEED:—"With your permission, Sir, I shall say a few words.

"The Hon. the Premier explained that the idea was to make this fund chargeable on the revenues. That means the incidence of its being votable by this House is sought to be taken away. I would like to know why the Hon. the Premier wants that this House should be denied all the right of being able to vote that item, whenever funds are transferred from the Famine Relief Fund. Nothing is mentioned in the Statement of Objects and Reasons as to why this change is sought to be made. I should like to be enlightened, Sir."

* The Hon. Mr. C. RAJAGOPALACHARIAR:—"If the principle is accepted, Sir, that the Famine Relief Fund should be maintained at a particular level, whenever we spend money in any particular year, that expenditure is subject no doubt to the discussion and vote of the House, and the policy and administration and the whole thing can be subjected to the fullest debate in this House. But the replacement of the amount that has been spent off and the bringing of the total amount again to the Rs. 60 lakhs level is not a matter for further consideration. Because, that is the minimum level at which the fund should remain. The only thing that is provided for in this section is

that that need not be subjected to a debate but that it should be a charge on the revenues, just like the salary of any official."

Clause 3 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. MR. C. RAJAGOPALACHARIAR:—"I beg to move, Sir—

'that the Bill be passed into law.' "

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

III.—THE MADRAS REPEALING AND AMENDING BILL, 1938.

* THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, I beg to introduce a Bill [a] to repeal certain enactments and to amend certain other enactments and move—

'that the Bill be taken into consideration at once.'

"In doing so, Sir, I may state that though the number of Acts put down in the schedule for repeal would seem to be large, what is being done is merely a procedural matter. The Madras Code has been out of print for some time, and the Government of India (Adaptation of Indian Laws) Order, 1937, made in pursuance of section 293 of the Government of India Act of 1935 has made some of our legislative enactments obsolete. Some friends are under a doubt whether any existing rights are being taken away. I would like to bring to their notice section 6-A of the General Clauses Act which runs as follows:—

'Where any Act to which this Chapter applies repeals any enactment by which the text of any Act of the Governor-General in Council or Regulation was amended by the express omission, insertion or substitution of any matter, then unless a different intention appears the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.'

"Therefore, all amending Acts which are being repealed by this Act are so done only for the purpose of convenience, because amendments passed to particular Acts are incorporated as part of those Acts and will be printed as such in the new Madras Code. One gentleman raised a difficulty yesterday with regard to the Madras Proprietary Estates' Village Service (Amendment) Act of 1914. If he looked at the appendix, he would find that section 8 of that Act is not being repealed by this Bill, because it is a specific provision and cannot be brought into the original Act. When any specific provision has been made in an enactment, such provision will be retained and printed."

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[a] Published in the *Fort St. George Gazette*, dated 9th August 1938.

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

Clauses 2, 3 and 4, the first schedule, the second schedule, clause 1 and the Preamble were put and carried.

THE HON. DR. P. SUBBARAYAN:—" I now move, Sir—

' that the Bill be passed into law.' "

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

IV.—THE MADRAS PROHIBITION (AMENDMENT) BILL, 1938.

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Mr. Speaker, I beg to introduce a Bill [a] to amend the Madras Prohibition Act, 1937, for a certain purpose and move—

' that the Bill be taken into consideration at once.'

" Sir, the two sections with which this amending Bill deals are section 6 of the Prohibition Act and section 16 of that Act which should both be read together in order to understand the purport. Section 6 as it now stands deals with advertisements. The provision in section 6 of the present Act is that advertisements shall not be permitted except certain kinds of advertisements. Now, the advertisements that are sought to be exempted are, among other things, in respect of what are called wines of medicinal value. Of course, the description in the section is broader and more correct; but I am using popular language, and it is with reference to wines of medicinal value that this exemption is provided, among other things, in section 6, with which the present Bill is concerned. As the section stands, the decision of a Medical Council that a liquor or drug is of medicinal value entitles the advertiser to advertise that product. Now, as things stand, the situation is this: in the dry areas to which the Prohibition Act has been extended, there is total prohibition, and anything in the form of liquor is welcome to those who wish to have it and who wish to deal in it in those areas. There are certain wines and articles placed on the market by proprietary concerns which are claimed to be of some medicinal value, and as not likely to do any harm. They are priced high generally and they are distributed in the open market, because they do not fall under the excise laws. Most of them are not generally dispensed under the prescription of doctors; people act according to laymen's advice or act as their own doctors and judge by the experience and exhilarations felt, whether any such article is good or bad; and such things have been and are being consumed in our country as well as in other countries.

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 10th August 1938.

4 p.m. " It is possible to claim on behalf of some of them that doctors have certified to the effect that they are of some use in certain circumstances and in certain cases. This is recognized in this amending Bill that I am moving. It is recognized that it is possible that some of these tonic wines may be prescribed by doctors and for good purposes. This Bill does not interfere with that; but what it seeks to interfere with is a prescription of it by laymen and the use of it without any medical advice and the sale of it—such a noxious thing as that. It is proposed by this amending Bill that these things should be advertised only in medical journals. It will be argued that knowledge has not come to finality and that anybody may still be able to make some very valuable article for medicinal purposes which will be useful as a tonic—which is quite right. I, therefore, move in this Bill, Sir, that such advertisements and invitations for trial and experiment should be made in medical journals and only such journals as will be used by the medical profession, but the advertisement in the ordinary daily newspapers or weekly newspapers or picture magazines extolling the value of a particular tonic wine or a particular thing according to the proprietor concerned and according to the medicinal value, cannot but be harmful, if we accept the proposition that alcohol should be taken only under doctor's prescription. Therefore, accepting the principle of the Prohibition Act, it is necessary to limit the advertisement of articles of medicinal value to medical literature and to such articles as are recognized by duly constituted authorities and doctors to be of medicinal value. It is to secure these two results that the present amending Bill is proposed. It removes from section 6 as it now stands, the words relating to drugs and liquors ' or specially approved as of medicinal value by the Medical Council established by the Madras Medical Registration Act of 1914 ' and it comes down as one of the provisos which are now (*a*), (*b*) and (*c*) and they will become (*a*), (*b*), (*c*) and (*d*). There it is provided that this section shall not apply to such liquors or drugs as are approved to be of medicinal value by the Medical Council established by the Madras Medical Registration Act, etc.

" As for advertising Indian wine, a drug of the same nature, provision is made that it should be approved not by the Indian Medical Council, which does not deal with such things, but by such authorities—for instance the Indian School of Medicine in Madras—as are recognized by the Provincial Government. Then there is a liberalization of the provision by giving authority not only to the Madras Medical Council as contained in the present Act, but to the Medical Councils of any other province in British India or an Indian State. These are some of the changes that are sought to be brought about by this amending Bill.

" There may be some doubt among the people who have not given much thought to this subject as to whether it is necessary

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to interfere with the sale of these so-called harmless tonic wines. About 22 years ago, a committee was constituted by the House of Commons, on patent medicines. After a thorough investigation they came to the conclusion which is embodied in their report. I am giving their own language—a British, not an American Committee. A British Committee of the House of Commons, the Committee on Patent Medicines, composed all of medical men, came to this conclusion: 'There can be no doubt that many persons acquire the drink habit by taking these wines and preparations.' And then the Committee exposed seriatim the claims of these preparations which were said to contain nutrition by its finding that alcohol cannot contain meat extract in solution as the medicines claimed, and that any medical man desiring to administer meat extract would do so without mixing it with alcohol. The Committee in its report gives the alcoholic strength of well-known brands of medicated wines and preparations. Some people might be thinking, 'there may be a little bit of alcohol in it; why worry this House with legislation on this subject?' People will be surprised, Sir, to learn, the proportion of alcohol in these tonics—not all these names might be known to all the members of the House, but some are certainly likely to be familiar with the names of some of the tonics. Bovril wine contains 20 per cent of alcohol, not less. Toddy contains only 8 per cent. Wincarnis which is supposed to be certified by 20,000 doctors, if some advertisements are to be believed—their names are not given or even of some of them—contains 19·60 per cent of alcohol, whereas ordinary beer contains only 4 per cent. I am not giving my percentage but the percentages referred to by the Committee on Patent Medicines. Of course, it would be more costly to buy Wincarnis and Bovril wines for drinking. But so long as wines and liquors are manufactured, it is possible that the trade may move on this step. I do not intend to give many other names, but let me take St. Raphael's tonic wine. I think, it is also well-known to some of the Members that it contains 16 per cent of alcohol and not less. Panapeptone which has a wonderfully scientific name contains only 20 per cent of alcohol. Vibrona contains 19 per cent of alcohol—I am sorry to be advertising the thing myself just now, but I am advertising the percentages of alcohol—Hall's wine contains 17·8 per cent of alcohol; but it is not only that, it contains in addition an extract of coca leaf—it has nothing to do with cocoa; this has, in fact, much to do with cocaine—it (Hall's wine) contains an extract of the leaf from which cocaine is made. I need not go further. Some, however, claim that there is some vitamin and medicinal value in these things. People take these things in order to get vitamin, which we can get from malt or yeast and other various food stuffs that we take and that we can take in larger quantities, if people would listen to us. Well, these things we now drink—either these patent wines or any other kind of alcohol—in order to get these vitamins. These are

only proprietary things which give a lot of money to those who make them and which do a lot of harm. A very eminent doctor has said, 'The consensus of medical opinion at the present day is that alcohol in any form is quite unnecessary for health.' He is a medical man. So I quoted him. I need not go into the original argument. We are dealing now only with the subject as to whether we should restrict the advertisement of what are called tonic wines and medicated wines. The only restriction that we seek to put is this. They must be certified by duly constituted Medical Councils to be of medicinal value; secondly that they should be advertised, even then, only in the medical journals and medical literature so that doctors may know where to advertise and what to advertise and so that non-medical people may not be deceived by the lies and false statements and false claims made on their behalf in any advertisement for the sake of sale. I hope, Sir, that the House will accept this as the corollary of the Act that was before accepted and in order to obtain better enforcement of what we wish to enforce. Therefore, I submit that the House do proceed to consider this amending Bill at once."

* MR. G. H. HODGSON:—"Mr. Speaker, Sir, on behalf of the European group, I oppose the consideration of this Bill. One of the objects, if not the chief object, of the Madras Prohibition Act, 1937, was to prevent the people of this Province from drinking liquor which is considered by this Government to be harmful to health.

"As Sir William Wright made abundantly clear last year during the debate on the Bill, the members of my group do not subscribe to that view, but it is at least one which we can understand.

"The amending Bill now under consideration, however, is quite a different story. It is not directed against the consumption of liquor which is thought to be injurious to health, but is specifically directed against the advertising of medicated wines and other drugs which, so far from being injurious to health are positively of medicinal value, and which have been approved as such by the Medical Council of this province or of other provinces or States in this country. This attitude we do not understand. The 'false claims' which the Hon. the Prime Minister referred to will not in our view carry any weight with the Medical Council of this province or of any other.

"It is stated amongst the objects and reasons of this Bill that 'non-professional advice to the public to buy specified medicated wines, etc., contained in advertisements published by the manufacturers or vendors thereof, is not only against the interest of the general public, but also objectionable from the point of view of prohibition'. But if a medicated wine has first been approved by the medical profession how can it be said to be against the

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public interest for a manufacturer or vendor to make that fact known by advertisement? And how can such an advertisement be termed 'non-professional advice?'

"The argument that a medicated wine is only genuinely needed in specific cases under a doctor's care, and need not therefore be advertised is not borne out by the facts.

"The purpose of such wines is to serve as a general tonic either in cases of actual debility or more often still as a preventive to debility. To restrict their use to occasions when they are prescribed by doctors cannot therefore be in the public interest.

"There is yet another aspect of this matter. It will be generally conceded that no newspaper or periodical can exist without its advertisements. It is, in fact, not too much to say that every newspaper that is published would sell at a loss, shorn of its advertising revenue. The provision in the Prohibition Act penalizing the advertising of liquor has already made serious inroads into the advertising revenue of the press of this Province. This further inroad into that income, small though it may be, is therefore to be deprecated.

"It may be said that this is a small matter, but I would remind the House that 'little drops of water, little grains of sand, make the mighty ocean and the great big land.' It is, indeed, the last straw which breaks the camel's back.

"We oppose this Bill, therefore, firstly because under the cloak of an act designed to prohibit the use of liquor supposed to be injurious to health, it seeks to restrict the use of other liquor specifically declared by the medical profession to be beneficial to health. And, secondly, because it makes quite unjustified further inroads into the already depleted advertising revenues of the press of this Province—placing them, incidentally, at a distinct disadvantage with the press of other Provinces."

MR. G. KRISHNA RAO:—"On a point of information, Sir, may I be permitted to put a question to the Hon. the Prime Minister?" 4-15 p.m

* MR. SPEAKER:—"Yes."

* MR. G. KRISHNA RAO:—"On a point of information, Sir, I would like to know from the Hon. the Prime Minister, whether, if he thinks that an amendment of this nature is essential at the present stage, he has got facts and figures to lead him to think that this thing has made inroads into the prohibition area? Has there been any serious or alarming increase of sale of medicated wines since the prohibition scheme was started last year? Has he got any statistics to show that the sale of medicated wines has gone up, so as to lead him to think that liquor or drunkenness would come by the back door?"

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* DIWAN BAHADUR A. APPADURAI PILLAI:—" Mr. Speaker, Sir, I would like to associate myself with the remarks made by the previous speaker, who opposed this Bill on a very important consideration. There is a remark in the Statement of Objects and Reasons, which I take to be an *obiter dictum* that has not been accepted by the public at large. It is stated ' the Government consider that public advertisements of medicated wines and similar preparations are unnecessary and undesirable, and should be prohibited.' ' Unnecessary and undesirable ' may be the opinion of Government, but I do not think that this could be put forward as the opinion of the public.

" Sir, taking first the point ' unnecessary,' I do not think that the public would agree that the publication of such advertisements in question is unnecessary. Advertisements are very necessary to make known to the public the nature and the sort of wares that are placed in the open market. Some of the medicated wines are so essential as pick-me-ups and tonics that they serve as recuperatives to people in run-down health, particularly, without the intervention of doctors. By the amendment before the House the public at large will be deprived of that advantage. To say that such advertisements are ' unnecessary ' is in my humble opinion an *obiter dictum*.

" It is again stated, Sir, the advertisements are ' undesirable.' I take objection to this word. What may be considered desirable by me may not be considered with due respect to you, Sir, to be desirable. Difference of opinion would always exist, particularly in the case of medicinal preparations; what is food to me may be poison to you. So it is not possible to say that advertisements offering medicinal preparations to the public are undesirable.

" Then, Sir, having said that advertisements are unnecessary and undesirable, the conclusion arrived at is that they should be prohibited. Sir, I submit that the public has not been taken into confidence. This Bill was not published for public criticism, or at any rate, it has not been long before the public so as to assess public opinion with reference to the necessity or otherwise of this measure.

" There is another premise here, which also calls for remark. ' Non-professional advice to the public to buy specified medicated wines, etc., contained in advertisements published by the manufacturers or vendors thereof, is not only against the interest of the general public but also objectionable from the point of view of prohibition.' Sir, taking the phrase ' non-professional advice ' I submit it is wrong to presume that these advertisements are made by non-professional people. For most of these medicinal preparations are subject to a careful analysis, and opinion of eminent doctors. We find, if we open any case of medicinal preparation, for example, Wincarnis, Vibrona or St. Raphael's

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wine, the analysis is noted and the opinion of eminent doctors is recorded. That would show that it is not a matter of non-professional advice; but it is on the advice of eminent medical authorities that these popular medicinal preparations are placed on the open market. I would therefore submit that these wrong premises and opinions expressed in the Statement of Objects and Reasons hardly justify a Bill of this kind.

" Sir, there is one inconsistency in the Bill, which I would like to point out here and now; and that is, the Bill proposes to amend the provision contained in section 6 of the Prohibition Act. In the amending Bill, it is stated in clause 2 (i) in the first paragraph that the words and figures ' or specially approved as of medicinal value by the Medical Council established,' etc., shall be omitted. I would read the previous lines to make myself clear. ' Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter commending, soliciting the use of, or offering any liquor or intoxicating drug other than liquor or drugs exempted under section 16 or specially approved as of medicinal value by the Medical Council established, etc.' That means, Sir, that this prohibition regarding advertisements would not apply to drugs that are exempted by Government under section 16. It applies only to drugs and medicinal preparations exempted or specially approved by the Medical Council. Therefore, there are two categories, or rather I would say, two items of preparations, and they are, one set of medicinal preparations exempted by Government, and another set of medicinal preparations exempted by the Medical Council. Now the medicinal preparations exempted by the Medical Council alone come under the purview of this amending Bill; whereas the medicinal preparations that are exempted by Government under section 16 remain unaltered. Why this sort of distinction without a difference between the two sets of medicinal preparations, and the embargo on the advertisements that is now proposed to be placed only on the medicinal preparations exempted by the Medical Council? This, I submit, introduces a distinction, which I cannot for one moment understand. Section 16 says, ' the Provincial Government may, by notification and subject to such conditions as they think fit, exempt any specified liquor, etc.' From this it is evident that advertisement of medicinal preparations approved by the Medical Council come under the purview of the amending Bill; while those approved by the Government do not come. I submit this would be placing the Medical Council at a disadvantage as compared with Government. The only justification for this step, that I can think of, is that Government accord exemption only when they are fortified by the considered opinion of eminent doctors who would be in a position correctly to advise Government in the matter; whereas the same could not be said with reference to the exemption granted by the Medical

Council. I beg to submit most respectfully that this distinction would hardly hold water, for the simple reason that the Medical Council also consists of eminent doctors who have made a name for their professional skill. This Bill aims at creating a distinction between the two sections, and it looks as if the Bill has been hastily drawn up, and it would require some more time for sifting these objections."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, I shall first deal with the last point raised by Diwan Bahadur Appadurai Pillai. It would seem to suggest that we are going to have two classes of exemptions, namely, one class of exemption by the Provincial Government under section 16, and another class of exemption under the present section 6 or in the amended form; and that it would tend to bring about a disparity of potency between the exemption issued by the professional body of doctors and exemptions based on the authority of the Provincial Government. I may at once say that this is not either the intention or purpose of these two sections. Under section 16, hon. Members will see, that exemption power is reserved with Local Government in respect of the whole body of liquors required for medicinal, scientific, industrial and such like purposes. The idea under section 16 is that the Local Government should have the authority to take certain articles altogether out of the scope of this Act. Methylated spirits, for instance, which are required for industrial purposes, for scientific purposes and other purposes, are used every day in the laboratory; and certain drugs for medicinal purposes, which hon. Members will find in the shelves of any household, and wherein important and active elements of alcohol will be found, are used in the practice of medicine; and certain medicines in order to preserve their potency have to be kept always under alcohol, for example, tinctures, essences and the like; thus though they are not tonics, yet they are things which are necessary for the ordinary, daily prescription of medicine, and consequently they are exempt under section 16. What is contemplated in section 6, either as it stands at present or as amended, is a different set of articles. They are things like Wincarnis, Hall's Wine, Drakshasava, etc.

4-30 p.m. " They are not tinctures and they are not simply drugs preserved in alcohol which cannot be prescribed otherwise, so to say. Certain forms of wine contain various attractive colouring things and the like. Well, these two have to be made distinctly clear. The latter class is brought under the advertisement provision. Nobody need be anxious or feel doubtful about the picture I have drawn. Now there are one or two things that are to be seen in any hospital; they are not patent or tonic wines but they are preserved in alcohol. It is for these that the exemption is provided under section 16. Here under section 6, it is the tonic wine that has to be dealt with and not those articles that come under

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the first category. With reference to this, it was said by the hon. Member Mr. Appadurai Pillai that these advertisements are based upon professional opinion, that is to say, medical opinion, and that it is not non-professional opinion and the opinion of interested proprietary concerns that ask people to buy them, but that they are based upon the opinion of eminent doctors. Well, I submit that the hon. Member himself has proved as an illustration of the type of men who are likely to be misled and about which I have been laying so much stress. He has been deceived and he is imagining that eminent doctors have recommended this tonic and says so now on the floor of this House. It illustrates very well the danger that I am trying to prevent by this amending Bill. Here is an eminent doctor, Dr. Hotkinson, the physician of the London Hospital and I would very much like to read out what he says regarding tonic wines. In the Select Committee, the doctor says, 'The use of these wines can on no account be recommended to any one. Their manufacture and sale ought to be deprecated by the Medical profession.' Nothing can be more clear than this, and the opinion that the hon. Member has expressed just now shows exactly how far the danger can go. The hon. Member has been deceived by what has been stated and is of opinion that eminent doctors have recommended that such wines are not bad. If this is so in the case of our learned friend, it is needless for me to say how much more the danger will be in the case of ordinary men. There is no doubt about it, and whatever may be the safeguards and a fairly good amount of equipment for people in other countries, in our country where disease is rampant, false statements and false claims said to be based on medical opinion and phrases like that, are certainly bound to deceive our people and lead them to danger, if not to danger, at any rate, to great and useless expenditure and to, what has been stated to be, the common cause for the acquisition of the drink habit. I know that many gentlemen begin with only a dose of medicine and end with a daily pick-me-up as it is called and finally end with something worse. I do not think that the hon. Member can ever believe that eminent medical men have advised this. But supposing that medical opinion says it is good, what next? Surely the Medical Council will approve of it. Quite right. If the Medical Council approves of it because it is good, let them prescribe it. They are entitled to do so even now. The amending Bill I am now proposing does not prevent that. What we want is that magazines and journals should not have the liberty for the sake of advertisement revenue, as was stressed by another hon. Member, to recommend the use of the wine. And what are they recommending? They recommend that these sick people should pay money to the newspaper. That is the real meaning of it and that is what the argument of the hon. Member on behalf of the European Group comes to. If I accept the argument that medical men recommend it, it finally

comes to this; that some wines are good no doubt and are of medicinal value according to medical men. The Medical Council cannot say that such and such a thing is not of medicinal value, because what is of medicinal value in certain cases and on certain occasions may not be so in certain other cases and on other occasions. It all depends upon the question as to how it should be administered, how much of it should be used and who ought to use it. What we propose to do by this amending Bill is that only doctors must say all these things, and it is a dangerous policy to entrust newspapers with this obligation of advising and educating people as to what is good and what is not. Newspapers are no doubt interested, and Mr. Hodgson very truly pleaded for them that they are losing a great amount of revenue which would enable them to live and may go to swell their revenue to some extent. Well, we have overcome a much bigger argument. We have lost a considerable portion—and we propose to lose the whole of our revenue that comes under the Excise Head. When we as a State are prepared to lose all our excise revenue, I only appeal to the interests so ably advocated for by Mr. Hodgson—I am appealing to those interests—to share in this general sacrifice and to lose a portion of their advertisement revenue in this plan of ours for the sake of the people. The hon. Member for the European group has said that when once a thing has been proved to be of medicinal value, it cannot be bad for health. How plausible that argument is! But let us examine it a little further. It has been proved that quinine is of medicinal value, and because it is good for me to-day, can I take it in any quantity at any time? Because doctors recommend quinine, because it is good for me to-day, suppose I take 15 grains of quinine, what will be the result? That is the reason why I say that it should be prescribed by a doctor and not left to the newspapers. A layman cannot prescribe what should be taken and when and how much is to be taken of that even if it is originally recommended by doctors. It may be asked 'What we want is a harmless dose of alcohol and not an overdose of it.' If we accept that principle, then of course it is no harm. But since we do not accept that principle, and since we are faced with the only other alternative based upon medicinal value, we must leave the option to doctors and not to the solicitations of newspapers and proprietors of such medicine. Therefore it is not right to argue that because a thing is of medicinal value it is not bad for health. For instance arsenic is of medicinal value, but surely Mr. Hodgson will not say that arsenic is good for health. It is one thing to say that a thing is of medicinal value—it is a scientific statement—and it is another thing to say that it is good for health because it is of medicinal value. That is a very dangerous statement.

" Then it was said that it is not true to say that false claims in the newspaper will deceive ordinary men and that if they are not good, the Medical Council would never have certified them.

Again a very plausible argument indeed! It is one thing to say that a doctor when he examined a patient had prescribed a certain thing to be taken for certain purposes and for certain reasons. But to put in a continuous claim on behalf of twenty thousand doctors that that certain thing is good and that people may take it whenever they are tired, or fatigued, just as for example before and after a cricket match, is likely to deceive people and lead them to harm and danger. The doctor has nothing to do with that claim. The two things cannot come together and so the doctor cannot come and say, 'I said that it was of medicinal value only to these men, but the advertisement is not correct, and an injunction cannot be placed on the newspaper, as the law stands at present.' What is exactly meant by this amending Bill is to correct this. We propose here that such advertisements should appear only in Medical Journals and Medical Literature. Then only will the doctor have a continual check over them. He may learn what is good and what is not, and tell the patients accordingly. Therefore, I submit that what Mr. Hodgson has said confirms the claim made by this amending Bill. He also made a plea that newspapers should be allowed to exist. Far better that the Government of the day gives a subsidy to weak and good newspapers—if they are good and really in need of subsidy—than to ask them to solicit people to buy dangerous drugs and thereby give a portion of that amount to the newspapers. If the hon. Member of the European group brings forward a Bill for subsidy to newspapers that are fit and deserving, then the House will have ample opportunity to consider that." (Cheers.)

Mr. G. KRISHNA RAO:—"My question has not been answered, Sir."

The Hon. Mr. C. RAJAGOPALACHARIAR:—"Of course, it was not a question; it was a speech and I ought to have remembered it, though there is no legal claim that the question should be answered. But, if you permit me to speak, I would like to say this. The hon. Member has asked whether the facts and figures show that there has been a considerable amount of traffic in these wines. There is considerable traffic no doubt, and if it is true that it is bad, it ought to be prevented before it becomes worse. We have already introduced prohibition in one district and two more districts will be added to this, thus making the 'dry' districts three in number. A considerable population there, including a number of those who read newspapers will be without any form of alcohol to which they were previously used. Therefore, there is this precaution taken. Prevention is better than cure, and apart from that, this proposed law regarding advertisement is not a law for a single district. It is a law applicable to the whole of the province. Whether people should have the solicitations in regard to these articles or not, or whether the quantity of these

articles taken into the prohibited area is very small or very great, there is no doubt so far as my experience and the experience of many doctors whose names I have quoted go, that people are taken on to drink from the first use of these wines and therefore it is not justifiable in any circumstance to allow this traffic. Therefore that is the reason for this measure, even though there is no proof regarding the quantity of drink in this respect. As a matter of fact, I may assure hon. Members that this question arose when dealing with prohibition and the various questions that cropped up while enforcing the regulations thereof. Thus it became absolutely necessary to make it precise, and the present Bill has arisen out of that."

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

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I beg to move—

'*that the Bill be passed into law.*'"

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

V.—THE MADRAS MINOR PORTS FUND BILL, 1938.

The Hon. Mr. Yakub Hasan rose to introduce the Bill.[a]

* MR. SPEAKER:—"Before it is introduced, I should like to know from the Hon. Minister whether there was sufficient publication of this Bill?"

4-45 p.m. THE HON. MR. YAKUB HASAN:—"The Bill was published on the 12th, and I understand you have given permission . . ."

* MR. SPEAKER:—"I do not think that the discretion of the Speaker should be exercised in favour of taking up this Bill now, because it is a very important Bill dealing with the diversion of Rs. 55,00,000 from the use of the minor ports. There is an accumulation of sixty lakhs and Government want to keep only five lakhs in the Minor Ports Fund and take away the fifty-five lakhs. The opinion of the ports and other interested bodies should be obtained beforehand. So it can be moved in the next session."

THE HON. MR. YAKUB HASAN:—"I shall move it on the 18th."

* MR. SPEAKER:—"Next session will be better. I suggest that sufficient publication be given because it is a very important Bill affecting a large sum."

THE HON. MR. YAKUB HASAN:—"I understand according to the rules only six days' notice of publication is necessary."

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 12th August 1938.

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* MR. SPEAKER :—" Whereas for a resolution fifteen days are required under the rules, only six days are required for a Bill, and I propose to ask the House that this rule regarding six days' notice may be amended. At any rate this is a Bill for which the public have got a right to claim some time to enable them to examine it. So it is better that sufficient publicity is given by Government instead of hurrying it up."

THE HON. MR. YAKUB HASAN :—" As to-day it is brought here all the members of the Legislature have become acquainted with it. So six days' notice may suffice in this case."

* MR. SPEAKER :—" I may suggest to the Hon. Minister that it is not a question confined merely to the members of this House. Is not the public affected, are not the members of the ports affected, if that fifty-five lakhs to be used for the improvement of the ports is being diverted to the general revenues? And so it is better that opportunity is given to the public in those ports and to the minor ports committees concerned to study the matter. I think the Hon. Minister may consider the suggestion. It is very desirable that the Government do not stick to the six days' minimum notice."

THE HON. MR. YAKUB HASAN :—" In matters of this kind, what do you think, Sir, will be sufficient notice? "

* MR. SPEAKER :—" I think the Premier may be consulted in the matter."

MR. ABDUL HAMEED KHAN :—" It is a question of finance."

* MR. SPEAKER :—" Yes. Government are dealing with a large amount of revenue and as such they may move it in the next session."

* THE HON. MR. C. RAJAGOPALACHARIAR :—" I beg to submit to you, Sir, and through you to the House that there is a point in the request of the Hon. Minister to have it on the 18th. If on the 18th after the sufficient minimum notice, hon. members of the House feel that it should be considered further a Select Committee will be appointed and the Bill can be taken into consideration after the report of the Select Committee, at the next sitting. But if on the 18th it is found that the nature of the Bill is such that the House does not see any objection to it, but on the other hand, as I expect they may do, it welcomes it, then on the 18th it is open to the House without any controversy to pass it."

* MR. SPEAKER :—" It is for you to move for a Select Committee."

* MR. T. T. KRISHNAMACHARIAR :—" May I make a submission, Sir. I have received a communication from the South Indian Chamber of Commerce stating that they had no time to

consider this important matter. The acceptance of a reference to a Select Committee involves acceptance of the principle of the Bill. We have to seriously examine the question and consult the business interests in the minor ports and what is really called for, is a circulation of the Bill. But if the Bill is to come on the 18th, the only purpose for which anybody in the Opposition representing commercial interests can agree to this course is for the circulation of the Bill for public opinion."

THE HON. MR. C. RAJAGOPALACHARIAR:—" I am sorry that we are getting rather irregular. The present debate is practically forestalling the discussion on the Bill which may be done on the 18th. As to whether the Bill should be sent to the Select Committee or circulated, that is really a matter on which much may be said on either side; and I shall be able to explain that in the interests of the province we should expedite the Bill. But to-day it is open to the Government with the aid of you, Sir, to decide the procedure. On behalf of the Government I submit that we may be permitted in the usual course to bring it on the 18th, and then if we find from the House that the Bill is to be circulated or sent to the Select Committee, in either case if the House wants time it will not be pushed through at that sitting, but it will go over to another sitting. At the present moment the position may be this, that we bring it on the 18th."

* MR. SPEAKER:—" After all, the money is intact; Government does not lose a pie; why should the House be pressed to take it up on the 18th?"

THE HON. MR. C. RAJAGOPALACHARIAR:—" On that question I submit that this Bill is intended to use the money which has been absolutely locked up. For the first time this money has been seen and found to be ours and lying idle somewhere else. Any delay in using this money is a serious loss to the province and hence this Bill has been brought forward. There will be no haste, no hustling, because the Select Committee will then be able to get the opinion of interested parties. After all this is not a Bill on which literary societies and reading rooms have to give opinion, but only the commercial bodies have to consider it, and commercial bodies will be able to come to a decision then. I do not wish to go further than this in this matter. If your view is that we should give more time we shall do so. But I suggest there is a great advantage in putting it at an intermediate stage, on the 18th, when the House will have time to examine the Bill and say actually whether they should take more time on it."

* MR. J. NUTTALL:—" Mr. Speaker, I submit that this House can definitely say it has not had sufficient time to consider so important a matter. Some reference was made to six days' notice. We have not had ' six days' notice '. This Bill came

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into my hands late on Sunday night, the 14th and I consider that a matter of rupees sixty lakhs is no small concern; the interests connected with these sixty lakhs are not in Madras, but they are scattered all over the Presidency, and I would press, therefore, that the Bill should not be brought up on the 18th, but only at the next Session."

* MR. T. T. KRISHNAMACHARIAR:—"I am sorry I was not quite clear when I made my statement. I am not suggesting, Sir, that it should be on the 18th or on any particular date. What we, on this side, want is that the Bill should come at the next Session, so that the opinion of the entire commercial body may be mobilized and their views ascertained. I am not going into a discussion of the nature and merits of the Bill, but I want to make it clear that we are clearly for the postponement of the Bill to a later date and not the 18th."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I beg to submit that we are agreed that it is not to be moved to-day. As to whether it should be moved on the 18th or not it is a matter for Government to consider. I beg to submit that . . ."

MR. J. NUTTALL:—"Is it not a matter of sufficient notice being given to move the Bill?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Nuttall is making a mistake and I do not think it necessary to correct it. We do not say that six days' notice has been given now, but on the 18th it will be six days, that is, the minimum. But that is not the point; it is for the Government to consider whether they will move it on the 18th or not, and the Hon. the Speaker will certainly give his ruling at that time. We need not discuss now the whole process of administrative justification."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I shall confine myself to the last point mentioned by the Speaker, i.e., whether it is possible to state on behalf of the Government that they would have given six days' notice by the 18th, in view of the statement of Mr. Nuttall."

* MR. SPEAKER:—"I do not think that a point should be made about Mr. Nuttall's statement."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"But what I thought was, the Prime Minister wanted to suggest a compromise through a Select Committee. As a representative of the commercial interests, I may point out it is not a thing to which we will easily agree, for, not only the commercial bodies but the public also, should be consulted, as they are also concerned. It is a very large question and we would very much like the Government to consult public opinion before they go on with this Bill. The money is there and they can decide what

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to do with it before the financial year closes and also utilize the money in spite of opposition. That being so, there is nothing to justify this matter being hurried through."

* MR. SPEAKER:—"The Hon. Minister will see that this matter is not a small one. The Bill was published on the 12th and now the matter is sought to be discussed here; it may be ordered to be republished and then six days' notice given afresh. Instead of going into these technicalities, I would suggest to the Hon. Prime Minister to introduce the Bill at the next Session."

THE HON. MR. C. RAJAGOPALACHARIAR:—"The suggestion will be given every consideration, Sir."

VI.—THE MADRAS BORSTAL SCHOOLS (AMENDMENT) BILL, 1938.

THE HON. MR. K. RAMAN MENON:—"I beg to introduce a Bill [a] further to amend the Madras Borstal Schools Act, 1925, for certain purposes and move—

'*that the Bill be taken into consideration at once.*'

"Sir, the statement of objects and reasons gives a clear idea as to how it has become necessary to amend this Act. I do not think there is any need to make a speech on this particular matter now."

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

Clauses 2 and 3 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. MR. K. RAMAN MENON:—"I move, Sir—

"*that the Bill be passed into law.*' "

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

5 p.m.

VII.—THE MADRAS LOCAL BOARDS (AMENDMENT) BILL, 1938.

* THE HON. MR. B. GOPALA REDDI:—"Sir, I beg to introduce a Bill [a] further to amend the Madras Local Boards Act, 1920, and the Madras Local Boards (Amendment) Act, 1935, for certain purposes and move—

'*that the Bill be taken into consideration at once.*'

"Sir, though there is no proper notice for this Bill, I would request you to give me permission to move for its being taken into consideration at once. This will enable the Government to order elections to eight district boards to take place this October. Under the present Act, I cannot order the elections to take place simultaneously for all the eight boards in October this year."

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 12th August 1938.

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* MR. SPEAKER :—" What is the harm if elections are conducted at different times? "

THE HON. MR. B. GOPALA REDDI :—" I am just coming to that. In 1935, four district boards were reconstituted on the 1st of December and four other boards were reconstituted on the 1st of January. The Guntur District Board was reconstituted on 15th February 1936, though all these boards belong to the same group. I now want that in all these eight district boards, there should be elections in the month of October, so that they can all be reconstituted in the month of November. Under the Municipal Act, all the new members will take their seats on 1st November. So as to enable me to reconstitute all the eight boards on 1st November, I want also that the Local Boards Act should be amended.

" Sir, there are three groups of eight districts each. Malabar had elections in March 1937 and on 1st April it was reconstituted. If the present rule were to stand, the Malabar Board can be reconstituted only on 1st April 1940. I want power under this Bill to reconstitute the Malabar Board also along with the Ramnad, Coimbatore, Salem, East Godavari, Kistna and Nellore District Boards on the 1st November 1938. There is no harm done to these boards by this amending Bill. In the circumstances I hope the Bill will be passed into law at once."

* MR. SPEAKER :—" I am considering the question as to whether there is need for dispensing with notice. I must be satisfied that there is necessity for the Bill being taken into consideration at once."

THE HON. MR. B. GOPALA REDDI :—" There is administrative convenience in having the elections conducted in October. The Revenue authorities always complain that a good deal of difficulty is caused to them by having the elections fixed at a time when their staff are engaged in tax collection. If we conduct the elections in October, the Revenue authorities will be free for this work and on 1st November the eight boards can be reconstituted."

* MR. SPEAKER :—" So in order to facilitate the elections to be conducted in October this year, this Bill should be passed in this session? "

THE HON. MR. B. GOPALA REDDI :—" Yes, Sir."

* MR. SPEAKER :—" I dispense with notice. The Bill may be moved."

THE HON. MR. B. GOPALA REDDI :—" I beg to introduce the Bill and move—

' that it be taken into consideration at once.' "

MR. ABDUL HAMEED KHAN:—" Mr. Speaker, if it is for administrative convenience that the Hon. Minister is seeking the consent of this House for passing this Bill into law, we have no objection. We do not want to put any obstacle in his way. But, at the same time, I wish to know from him whether it is the policy of the Government in the meantime to re-allocate the areas or the wards in the district boards before the elections in October. If he is going to attempt any such thing, I would submit that it is not advisable to do any such thing now. I know that if a party comes into office it is natural for the party in power to so arrange the areas as to secure majority for it on the boards. If he has any such idea, I think he ought to give consideration to the convenience of the electors as well as to the minority communities that are called upon to elect their representatives to these boards. That is the information that I want from the Hon. Minister. I may in this connexion suggest that it will certainly be not proper, if, during this short period, re-allocations were to take place in a hurry without consulting the convenience of the voters of the locality."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—" Mr. Speaker, I wish to say in this connexion that in several cases it will be an advantage to advance the date of elections to October in that it will be a convenient time for the Revenue authorities. Further, we could have better elections by having more time for preparing correct electoral rolls. But if the work of preparing the electoral rolls is entrusted to the Revenue authorities, it will never be done correctly or well. They are a very much overworked people and they have no time to do anything else. Now there is hardly a fortnight given for preparing the rolls for their publication in time. I say that there should be a separate authority for this work. But if the Government do not want to create a new authority for this work, they can entrust this to the panchayat officers who might be given for this purpose one or two extra clerks. The Revenue authorities also are getting the help of extra clerks for this work. In the present rolls there are so many names of persons who are dead and gone long ago and in some cases names have been curiously put in there. For instance, an entry like Rama, son of Muhammad, is found there (laughter) and also Abdullah, son of Kristna." (Renewed laughter.)

* MR. SPEAKER:—" Is it inconsistent? "

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—" They are not correct."

* MR. SPEAKER:—" They may be perfectly correct." (Laughter.)

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—" But there are no such names at all."

* MR. SPEAKER:—" You have no authority to say that."

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KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—" True. As it is printed in the roll like that nobody can question it. If you want to avoid mistakes like that you will have to entrust this work to a separate authority. Some time back I remember there was a proposal to have separate election officers, staff, etc. Whether that is going to be done or not, I think it is necessary that this work should be taken out of the hands of the Revenue people. They are very much overworked. Whatever you do, you should give sufficient time to the authority concerned to prepare the rolls properly and proper directions as to how the rolls should be prepared. Then only the rolls would be correct. I hope the Hon. Minister will consider these suggestions."

* MR. T. N. RAMAKRISHNA REDDI:—" Mr. Speaker, my hon. Friend who represents the city of Madras just now said that some re-allocation of district board circles have been ordered by the Government to suit the convenience of the party members. It is not correct. There was nothing of the sort. The previous Government made re-allocations to suit the convenience of some of their party members, but the present Government have done no such thing. They have ordered re-allocation of the district board circles according to certain definite principles which were enunciated even during the time of the previous Government but were broken here and there. In one case I know that the previous Government in re-allocating the areas, to suit the convenience of a member belonging to their party who was standing for a certain circle, tore off some villages in one firka from a particular circle and added them on to another circle. But what is happening now is different. The Inspector of Local Boards has just now sent a circular to the district boards to re-allocate the seats only if there are any such inconsistencies and form circles on certain definite principles. All the district boards are now following these principles. Except in certain cases there is no need for the district boards to re-allocate the areas. There is plenty of time to re-allocate the circles before the 15th of the next month and hold the elections in time. I heartily support the motion."

MR. BASHEER AHMED SAYEED:—" Sir, the fear given expression to by the hon. Member for the Muslim constituency of the city of Madras was with reference to the allocation or reservation of certain seats for certain minority communities. His fear was that if uniform principles are followed in these matters, the interests of the minorities will suffer. The *status quo* need not in all cases be maintained. The object of any re-allocation should be in the interests of public convenience and of the minority communities of the locality. I emphasise the words ' minority communities ' for this reason that most of the reservations have been only 25 per cent of the strength of the board. Any re-allocation is therefore likely to affect the interests of the minorities. Is it therefore too much to ask the Hon. Minister to take the

representatives of the minority communities in this House into confidence and find out which is the most convenient form of re-allocation or alteration of the existing arrangement? I hope the Hon. Minister will not feel it in any way inconvenient to get the opinion of those who are interested in this matter before ordering alterations finally."

5-15 p.m. * THE HON. MR. B. GOPALA REDDI:—"My hon. Friend, Mr. Schamnad, has raised the question of the preparation of the electoral rolls. I beg to submit, Sir, that that question is not pertinent to this Bill. This Bill seeks power to order elections in October. It has nothing to do with the preparation of electoral rolls. I may also say that the Local Administration Department has nothing to do with the preparation of electoral rolls, which is being dealt with in the Public Department, and he may address the Prime Minister if he chooses to do so. As regards the preparation of electoral rolls, whether Rama is the son of Allah, and whether Allah is the son of Jesus, that does not arise here. As regards the allocation of seats . . . ."

MR. ABDUL HAMEED KHAN:—"The Hon. Minister for Local Administration mentioned the name of Allah. Evidently he meant something else. He may correct it . . . ."

* MR. SPEAKER:—"Because an hon. Member said that Rama was the son of Abdullah, it was only by way of repartee, I think, that the Hon. Minister made that remark. Nothing more serious than that was meant."

MR. MAHBOOB ALI BAIG:—"The Hon. Minister knows very well that he has not come across any Muhammadan name as Allah."

DIWAN BAHADUR A. APPADURAI PILLAI:—"May I also add my humble protest, Sir, at the name of our Lord Jesus being so lightly mentioned?" (Laughter.)

* MR. SPEAKER:—"Such things might be avoided in future."

THE HON. MR. B. GOPALA REDDI:—"I withdraw. I expected the hon. Member would not take it as an offence. I never meant it as an offence.

"As regards the allocation of seats, I may point out to the hon. Member for the City of Madras, Muslims, that we have amalgamated the boards in four districts. For instance, in Guntur, after the amalgamation, the strength of the board has become 64. Under the Act, the maximum strength is 52. I must necessarily reduce the strength of 64 constituencies to 52. And necessarily I will have to re-allocate seats, including the reserved seats also. At present in Guntur, there are two Muslim seats and I want to give them three seats. Does the hon. Member deny

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me the power to give them one more seat, because they are under-represented? Likewise, in West Godavari, I propose to give one more seat to the Muslims. Is he going to deny me the power? So, I beg the hon. Members, of minority communities especially, to allow me to examine the reserved seats according to the importance of the communities. They are at liberty to represent to me, if I have in any district done anything wrong. It is in the interest of the district as a whole and not in the interests of any party that this re-allocation is going to be made. It is not going to be done in the interests of the Congress Party. One may examine the re-allocation fully and see whether I have done anything to which they may take any objection. It is open to them to raise it at any stage. I would surely consider all these re-allocations on their merits. As regards other things, the district boards themselves are moving in the matter. Chittoor has now 48 seats. They want 52. Should this district board have no power to increase it by four? So, all these considerations are there, and in such a re-allocation of seats, I say it is open to the hon. Members to say that this particular reservation or re-allocation is bad and it would certainly be considered by the Government. But the present Bill has nothing to do with the re-allocation of seats or with the preparation of electoral rolls. It is for a uniform time-table for the elections that are due this year and also in the month of October 1939. As I already said, Sir, perhaps for various administrative reasons boards were reconstituted, some on the 1st of December, and some on the 1st January and some on the 15th February and the case of Malabar is peculiar—it was postponed till after the general elections in 1937, till after 31st March; the elections were due in October 1936. Perhaps all that was due to administrative convenience. I have no objection to that. I only want all these boards in the second and third groups to have elections in October, so that they may be able to function from the 1st November."

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

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. MR. B. GOPALA REDDI:—" I now move, Sir—

'that the Bill be passed into law.' "

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

The House then adjourned to meet again at 3 p.m. the next day.

APPENDIX.

[Vide answer to starred question No. 28 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 16th August 1938, page 1 supra.]

Letter from the Chief Engineer for Irrigation, No. 1728/38-C-1, dated the 6th June 1938.

There are 50 minor basins in the five revenue districts of Chittoor, Cuddapah, Anantapur, Bellary and Kurnool, which are generally called the Ceded districts. The details of progress on Tank Restoration Scheme operations in these minor basins are given below:—

	Number of minor basins.
(*a*) Minor basins which have been investigated, executed and memoirs printed	35
(*b*) Minor basin (No. 28, minor drainages) which has been investigated but for which memoirs were not printed for want of significant irrigation works	1
(*c*) Minor basin not yet taken up for investigation.	1
(*d*) Minor basins for which memoirs have been printed but in which some stray works still require investigation and execution	3
(*e*) Minor basins for which investigation and execution have been completed but for which memoirs have not been printed	2
(*f*) Minor basins under investigation and execution	8
	50

2. In the 13 minor basins [items (*d*) plus (*e*) plus (*f*) mentioned in paragraph 1 above] there were 729 irrigation works to be attended to on 1st April 1928 (both Public Works Department and Revenue). Of these, 113 Public Works Department and 251 Revenue works were sanctioned for execution till 30th September 1937. Out of the 251 Revenue works, 238 were completed with an expenditure of Rs. 1,67,615. Of the remaining 365 works, (729—113—251), 119 have not yet been taken up for investigation and the rest are under various stages of investigation.