25 FEB 1939
MADRAS LEGISLATURE

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 25th January 1939.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Measures to relieve agricultural distress in the South Arcot district.

* 666 *Q.*—BASHEER AHMED SAYEED SAHIB BAHADUR: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that on account of the failure of rains, both wet and dry crops in several of the taluks in South Arcot district have failed and conditions of acute distress prevail among the ryots in the villages;

(*b*) whether any detailed reports have been received of late from the District Revenue authorities on the rainfall and the present condition of the crops in the said district;

(*c*) if so, whether the same will be placed on the table of the House; and

(*d*) what steps the Government propose to take to afford relief to the ryots in distress?

THE HON. SRI T. PRAKASAM:—"(*a*) The Government are aware that the season has not been favourable in the district.

"(*b*) A preliminary report has been received from the Collector of South Arcot on the seasonal conditions in that district.

"(*c*) The Government do not consider it necessary to place it on the table of the House.

"(*d*) The Government will consider the question on receipt of further reports from the local officers."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"May I ask, Sir, when the further report is expected?"

THE HON. SRI T. PRAKASAM:—"In the ordinary course."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"May I know, Sir, whether pending the receipt of that further report, any instructions will be issued to the Collector to stop the collection of kist, at least the first instalment, during January?"

THE HON. SRI T. PRAKASAM:—"No such promise can be made on a question put on the floor of the House."

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BASHEER AHMED SAYEED SAHIB BAHADUR:—"May I ask, Sir, what is the kind of relief that the Government propose to afford to these poor ryots who are actually suffering and are not able to pay their tax?"

THE HON. SRI T. PRAKASAM:—"Whatever they would deserve and are entitled to, they would get."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"In view of the fact that the Collector has not so far issued any instructions, will the Government be pleased to direct the Collector to postpone the collection of kist?"

THE HON. SRI T. PRAKASAM:—"No such instructions can be given until the report is received and what the hon. Member is pressing will also be taken into account."

Crop valuation in Dharmapuri Revenue division by a Member of the Board of Revenue.

* 667 *Q.*—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that the Revenue Board Member, Mr. F. W. Stewart, visited Dharmapuri Revenue division in the month of December 1938 for the purpose of valuation of the crops in the fields;

(*b*) whether it is a fact that he valued the crops much more than what the local officers valued; if so, on what data he so valued the crops; and

(*c*) whether the Government will be pleased to place on the table the statement of cultivation account called 1-A, for the period July to the middle or end of December 1938 in respect of the Harur and Dharmapuri taluks?

THE HON. SRI T. PRAKASAM:—"(*a*) It is a fact that the Member of the Board visited the Dharmapuri taluk among others in the month of December for the purpose of ascertaining the general seasonal conditions in the area.

"(*b*) The Government are not aware that the facts are as stated.

"(*c*) These statements are not submitted to the Government and the Government do not consider it practicable to place on the table these statements for each village in this taluk over a period of six months."

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Measures to relieve agricultural distress in Dharmapuri and Harur taluks.

* 668 *Q.*—Sri M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that horsegram, gingelly and groundnut crops have completely failed in Dharmapuri and Harur taluks due to the failure of rains; and

(*b*) what relief the Government propose to grant to alleviate the distress of the agriculturists?

The Hon. Sri T. PRAKASAM:—"(*a*) The Government are aware that the yield of crops in the two taluks has been below the normal.

"(*b*) The Government will consider the question of relief after the receipt of the report called for from the local officers."

Sri G. RANGIAH NAYUDU:—"Is it not a fact that these crops have failed in the several taluks of the other districts also?"

The Hon. Sri T. PRAKASAM:—"And in many other places also they were affected. That is known to the hon. Member as well as to others."

Sri G. RANGIAH NAYUDU:—"May I know, Sir, what relief is proposed to be given by the Government to alleviate the troubles of the ryots?"

The Hon. Sri T. PRAKASAM:—"Whatever relief can be given by the Government will be given."

Appointment of separate individuals for the posts of Public Prosecutor and Government Pleader in North Malabar.

* 669 *Q.*—Khan Bahadur P. M. ATTAKOYA THANGAL SAHIB Bahadur: Will the Hon. the Minister for Law be pleased to state—

(*a*) whether there was any special reason for the bifurcation of the Public Prosecutorship and the Government Pleadership of North Malabar and the appointment of two separate individuals for these posts;

(*b*) whether such bifurcation had ever taken place elsewhere in this Presidency now or before and if so, what those districts are;

(*c*) how long the post had to be left unfilled after the expiry of the term of the last individual who held the appointments, and what the reason for it was;

(*d*) whether the Government had invited the Collector of Malabar or the District Judge of North Malabar to recommend any individual for appointment and whether they had nominated anybody; and

(*e*) whether the appointments were made on the recommendation, if any, of these officers or under other circumstances?

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THE HON. DR. P. SUBBARAYAN:—"(*a*) The bifurcation was in consonance with the general policy of Government. There were no reasons peculiar to North Malabar.

"(*b*) Bifurcation has taken place in the districts of Ramnad, Salem, Chingleput, Trichinopoly, East Tanjore, Tinnevelly, Vizagapatam and Coimbatore.

"(*c*) The interval between the expiry of the term of the then incumbent of the post and the issue of orders bifurcating it and appointing separate persons was only five days.

"(*d*) & (*e*) The Government as usual asked the District Magistrate to forward, in consultation with the District and Sessions Judge, the names of suitable candidates, with their views on the qualifications and merits of each, and the appointments were made after considering the views of these officers."

SRI V. VENKATASUBBAYYA:—"May I know, Sir, what are the daily fees of the Public Prosecutor for conducting a case?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I do not carry that information in my head."

SRI P. BUCHAPPA NAYUDU:—"May I know, Sir, whether there is any proposal under the consideration of the Government to constitute out of each sessions division in two or three separate sessions compact divisions and to appoint separate Assistant Public Prosecutors for each division?"

THE HON. DR. P. SUBBARAYAN:—"I am not aware of any such proposal being under the consideration of the Government at the present moment."

SRI B. ANANTHACHARI:—"May I ask, Sir, whether this bifurcation will extend to the other districts also?"

THE HON. DR. P. SUBBARAYAN:—"If convenience demands it."

SRI V. VENKATASUBBAYYA:—"May I know whether it is a fact that in October and November the Sessions Judge sat only for three days in each of the months?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful to the hon. Member for the information."

SRI V. VENKATASUBBAYYA:—"Is it a fact that in December last there was no sessions case at all in the district?"

THE HON. DR. P. SUBBARAYAN:—"I am equally thankful to the hon. Member for this information also."

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Alleged insult offered by an assistant teacher of the Payyanur Labour school to a member of the Malabar Harijan Advisory Board.

* 670 *Q.*—Sri C. K. GOVINDAN NAYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the Government are aware that Swami Ananda Thirtha, M.L.A., member of the Malabar Harijan Advisory Board and a prominent Harijan worker, was insulted by an assistant teacher of the Payyanur Labour school;

(*b*) whether it is a fact that the Swami had reported the incident to the Malabar Labour Officer; and

(*c*) whether any action has been taken in the matter, and if so, what?

Sri B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—"(*a*) The Government are aware of Swami Ananda Thirtha's complaint against a labour school teacher at Payyanur.

"(*b*) Yes.

"(*c*) The matter was enquired into and it was felt that further action was unnecessary."

Sri E. KANNAN:—"May I ask, Sir, why the Government think that further action is unnecessary?"

Sri B. S. MURTI:—"The Labour Commissioner was specially deputed to go and enquire into the matter and he is of the opinion that no further action need be taken."

Sri G. RANGIAH NAYUDU:—"May I know the reasons for that?"

Sri B. S. MURTI:—"I submit the quarrel between Swami Ananda Thirtha and the labour school teacher concerned was due primarily to personal ill-feeling."

Sri E. KANNAN:—"May I ask, Sir, whether it is a fact that the teacher was actually transferred from Payyanur but it was subsequently cancelled by the Catholic Labour Officer on the intervention of a Catholic missionary who is converting Harijans to Christianity in North Malabar?"

Sri B. S. MURTI:—"The labour school teacher is still in Payyanur."

Sri V. KURMAYYA:—"Will the Government be pleased to inform the House why, how and where Swami Ananda Thirtha was insulted by the said teacher?"

Sri B. S. MURTI:—"The whole matter is due to personal ill-feeling between him and the labour teacher; Ananda Thirtha wanted the abolition of the labour schools in Malabar and the teacher concerned is a teacher employed in the labour school in Payyanur."

SRI V. KURMAYYA:—"May I know why Ananda Thirtha is interested in abolishing that school?"

SRI B. S. MURTI:—"I think such a question should be put to Ananda Thirtha himself."

SRI K. V. NARAYANA RAO:—"May I know, Sir, what the complaint is?"

SRI B. S. MURTI:—"The complaint is that the labour school teacher was insubordinate to Ananda Thirtha."

SRI V. KURMAYYA:—"What is the relationship between Mr. Ananda Thirtha and the said teacher? And where is the necessity for the teacher to be insubordinate towards Mr. Ananda Thirtha?"

SRI B. S. MURTI:—"I do not think this question does arise."

SRI E. KANNAN:—"May I know whether Government are aware of the fact that Swami Ananda Thirtha was not allowed to visit this labour school even when he was appointed a member of the Harijan Advisory Committee for Malabar?"

SRI B. S. MURTI:—"He is on the Advisory Board and as a member of the Harijan Advisory Board he is entitled to visit it, Sir."

SRI G. RANGIAH NAYUDU:—"May I know the cause of the trouble?"

SRI B. S. MURTI:—"It was an alleged cause."

SRI K. V. NARAYANA RAO:—"It was stated that the teacher was insubordinate but we are not able to understand what is the specific nature of the complaint."

MR. SPEAKER:—"That is not a supplementary question."

Number and names of the European, Anglo-Indian and Eurasian Councillors of the Corporation of Madras.

* 671 *Q.*—SRI KALA VENKATA RAO: Will the Hon. the Minister for Local Administration be pleased to state the names and number of Councillors of the Corporation of Madras who are Europeans, Anglo-Indians or Eurasians?

THE HON. SRI B. GOPALA REDDI:—"There are seven European and one Anglo-Indian councillors. The names of the European councillors are—

(1) Mr. C. Mainprice.
(2) Mr. B. W. Batchelor.
(3) Mr. A. Sinclair Rose.
(4) Mr. H. B. Toothill.
(5) Mr. W. W. Ladden.
(6) Mr. G. G. Armstrong.
(7) Major W. S. E. Money.

"The Anglo-Indian councillor is the Rev. D. R. Bazely."

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SRI KALA VENKATA RAO:—"What is the total population of Anglo-Indians and Europeans in the City of Madras, Sir?"

THE HON. SRI B. GOPALA REDDI:—"Anglo-Indians about 10,000 and Europeans about 3,000."

SRI KALA VENKATA RAO:—"Is not this over-representation in view of the total population of Madras?"

THE HON. SRI B. GOPALA REDDI:—"But their representation is not due to population but they represent special interests."

SRI KALA VENKATA RAO:—"What is the reason for giving them overwhelming weightage?"

THE HON. SRI B. GOPALA REDDI:—"Because of the importance of the avocations in which they are engaged."

SRI G. RANGIAH NAYUDU:—"May I know, Sir, what profit my hon. Friend Mr. Venkata Rao derives by asking for this information?" (Laughter.)

MR. SPEAKER:—"That question is disallowed."

SRI KALA VENKATA RAO:—"I wish to submit, Sir, that that casts a reflection . . . . ."

MR. SPEAKER:—"Are you going to put a supplementary question?"

SRI KALA VENKATA RAO:—"Are not the Indian commercial interests as preponderating as the European interests in the City?"

THE HON. SRI B. GOPALA REDDI:—"They too are given five seats in the City Corporation."

SRI KALA VENKATA RAO:—"In proportion to eight for these two communities, I think the Indian commercial community is entitled to get greater representation."

THE HON. SRI B. GOPALA REDDI:—"All the eight members do not represent commerce alone; one represents the Port Trust and the other represents the South Indian Railway and the Madras and Southern Mahratta Railway and so only six represent the commercial interests of Europeans."

SRI P. R. K. SARMA:—"May I know how many labour representatives there are in the City Corporation to represent labour interests?"

THE HON. SRI B. GOPALA REDDI:—"That does not arise out of this question."

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Protection afforded to the Potato industry in the Nilgiri district so far.

* 672 *Q.*—SRI D. RAMALINGA REDDIYAR: "Will the Hon. the Minister for Agriculture and Rural Development be pleased to state the steps so far taken by the Government to protect the potato industry in the Nilgiri district from unhealthy foreign competition in that commodity?

THE HON. SRI V. I. MUNISWAMI PILLAI:—"With a view to safeguard the interests of potato-growers in the Nilgiris against severe competition from foreign imports the Madras Government made representations to the Government of India in May 1938 and recommended the levy of a protective duty at 50 per cent *ad valorem* on foreign potatoes and 40 per cent on Empire produce. Again in November 1938 when the question of revision in a downward direction of the present tariff value of Rs. 5–4–0 per cwt. on potatoes was under examination, this Government entered a strong protest against any reduction in the tariff valuation and reiterated their former recommendation to levy an increased protective duty on imported potatoes. The Central Government in their recent reply have stated that the Government of India have reduced the tariff valuation from Rs. 5–4–0 to Rs. 5–1–0 per cwt. pointing out that the reduction which was effected only after a thorough enquiry based on market prices during the period from October 1937 to September 1938 is both fair and reasonable. The Government of India have further stated that the question of imposing a protective duty on imported potatoes is still under their consideration. Attempts are also being made to secure a permanent market for the Nilgiri potatoes in Bombay in substitution of the foreign potatoes. The Director of Agriculture has been instructed to get into touch with the Chief Marketing Officer of the Central Provinces to find market there also for potatoes raised in this Province."

Admission of certain expelled students of the Osmania University into the Engineering College, Guindy.

* 673 *Q.*—K. ABDUR RAHMAN KHAN SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(*a*) whether any deputation waited on the Hon. the Minister seeking admission into the Engineering College, Guindy, for some of the students expelled from the Osmania University;

(*b*) if the answer to (*a*) be in the affirmative, the number of students for whom and the classes in which admission is sought;

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(*c*) the maximum strength sanctioned for these classes and the number of applications for admission into them that were rejected at the beginning of the academic year;

(*d*) whether the Government have called for a report from the Osmania University or the Nizam's Government regarding the reasons that led to the expulsion of these students from their colleges;

(*e*) whether the Osmania University is a University recognized by the Madras University and whether the students of the former can be admitted into the colleges of the latter University and at this part of the year;

(*f*) whether the governing body of the Madras University has been consulted by the Government regarding the admission of students who have been expelled from a sister University; and

(*g*) what the Government have decided to do in the matter?

THE HON. SRI C. J. VARKEY:—" (*a*) A representation was made by certain students.

" (*b*) Twenty-three students have sought admission to the Engineer classes.

" (*c*) The maximum strength for each of the Engineer classes is 100. The number of students who applied for admission was 336 and the number admitted was 98.

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

" (*e*) *to* (*g*) The proposal before Government is limited to the admission of the students to the Engineering College at Guindy and permitting them to take the college examinations. Instructions to this end are being issued to the Principal of the Engineering College, Guindy. The question of consulting the University will arise only when the students propose to appear for the University examinations."

Recent accident to the Tata Air Plane in the Chittoor district.

* 674 *Q.*—K. ABDUR RAHMAN KHAN SAHIB BAHADUR: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that a Tata Air Plane carrying mails to Madras crashed in Chittoor district; and

(*b*) whether any report has been received regarding the accident?

THE HON. MR. YAKUB HASAN:—" (*a*) & (*b*) The answer is in the affirmative. The gist of the reports received has appeared in the Press."

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

II.—REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

3-15 p.m. * SRI T. T. KRISHNAMACHARIAR:—" Mr. Speaker, I have listened to the speech of the Hon. the Revenue Minister as also that of the hon. the Raja of Mirzapuram with the attention that is due to the great subject and its expositors. I have also carefully listened to the other speeches. Before proceeding further, I should like to make an observation to this House. In a matter like this, whatever might be the result and the action taken by the Government upon this Report, when the interests of a certain section of people are bound to be vitally affected, it is not a pleasant thing for any hon. Member or, for that matter, anybody to express enjoyment at the possible sufferings of any other body of persons. It would be wise under such circumstances not to import acerbity in this discussion. I have to make this remark because it did look as though a few words used by the hon. Member belonging to the European group coming from Calicut were provoking replies indicating this state of mind and I would appeal to all sections of the House that the matter might be considered in cold logic and all sentiment might be avoided as not to offend any particular section.

" Before proceeding further, I have to join in the chorus of congratulations that have been showered upon the Hon. the Revenue Minister and the Committee for the patient industry and the celerity with which the Committee has done its work. In less than a year, during which the Hon. the Revenue Minister was engaged in a series of important legislation besides the administrative duties that devolved on him, the Committee has found it possible to collect an amazing body of evidence which has been arranged, sifted and issued with a promptitude which I think is a record and a challenge to the other Legislatures of the country. The subject of investigation on which they were engaged is itself a serious one beset with great many complications, involving as it does principles of social justice and law—so complicated indeed that legislatures and administrations in the past century have tried to tackkle them but with little success. I am not saying that the Prakasam Committee have by means of this report laid this problem at rest just now. On that, I shall have a few submissions to make to the House presently. But I do say that in the range and grasp of details of this report, we find evidence of great industry and earnestness, qualities which are admirable in public servants and worthy of imitation. I would like also to add a word of praise to the Minute of Dissent of my hon. Friend, the Zamindar of Mirzapuram, which has put forward the case of the zamindars with an admirable force and legal skill.

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" In the first place I wish to invite the attention of the House to the restricted terms of reference to the Committee which have resulted in a set of recommendations being made which bear no relation to the general economic problem of land and tenantry in this Province. I do not think that the fact that this point was not raised at the time the Committee was appointed, can estop me from raising it at this moment. Such revolutionary recommendations as we now have before us, were not in the contemplation of most of us at the time the Committee was appointed. But we naturally thought that an attempt was being made so to amend the provisions of the Estates Land Act as to make it better than what it is at present. But what is the result? We are now being asked to scrap the Act and to substitute another fundamentally different from it. If what was in contemplation was really a general review of land law, I think people of my persuasion would have asked the Committee to deal not only with the zamindari but also zamindari and proprietary lands on the one hand and ryotwari ryotwari land problems at the same time. The distinction between lands on the other is one which, however important from the point of view of historical conditions, is still of little significance from the point of view of agricultural production and those who are engaged in that vital industry in this Province. It is an artificial distinction as conceded in this report—a distinction which is necessitated by the fact that the ruling power was insufficiently organized to meet the administrative necessities of the land revenue system over a hundred and thirty years ago.

" That takes me to the question of the proprietorship of the soil. I do not wish to engage myself in a sterile controversy as to who is the proprietor of the soil in the land, because it has been thrashed out in detail by various hon. Members, not to speak of the Hon. the Revenue Minister. I have just to mention one point that on a study of item No. 34 of the Instructions to the Collectors of the Southern divisions which are appended to this report and clauses 7 and 9 of the Patta Regulation, together with the preamble, I am afraid I have to join issue with the statement of the Hon. the Revenue Minister that the proprietorship of the soil has been definitely conferred on the ryot. To me, Sir, it does not very much matter; but I think that rather an undue stress has been laid on this matter, as I do not think that settlement of this issue really vitally affects the future of this country. Whether the proprietorship is with the zamindar or the ryot, the course of history has sprung from the days of the Permanent Settlement which has created or has acknowledged rights of various kinds in the zamindars as well as in the ryots. Let it be understood that the rights which have been created are not and can never be of such sanctity that the State might never interfere with them. Legal rights are created by the State and the State is ever at liberty to resume those rights or to alter them whenever public weal

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demands it. While on the one hand frequent interference with established rights which the community has come to look upon as worthy of protection and as productive of social weal is to be discouraged, it is equally a well-established canon of political science and justice that rights must be modified, adjusted and even abrogated whenever the supreme needs of a people require it. I am, therefore, unimpressed by the cry of expropriation, for my approach to this problem is entirely from a different angle. I propose to look at it from this point of view, namely, whether the agricultural system of this country is properly established and if it is not so established, what are the measures necessary to correct the evil and the abuses of that system. It is when approaching the problem from this point of view that I find considerable difficulty in reconciling myself to the issue raised and in treating this problem in the truncated way in which the present Committee has had to deal with it, ignoring altogether the vastly important problem of ryotwari agriculture. In my judgment, the two problems should have been tackled together and apart from other things, it is only in that way you could do justice, not to speak of the fact that you could make it appear that justice is being done. Both these problems are closely inter-related and I think it is borne out by the statement made by the Hon. the Revenue Minister. In dealing with the case law on the subject Chockalingam Pillai *versus* Vydyalingam Pandara Sannadhi, there are other cases of a similar nature where the rights of the ryotwari paitadars and the interpretation of the rights have affected the position of the zamindari ryots. It is not, therefore, desirable to deal with the two problems as having no relationship to each other.

"It is well-known that agriculture being the main industry of nearly three-quarters of the population of this Province who either live by working on land or are dependent on those who work on land, the prosperity of the Province is bound up with the prosperity of its tenantry and this, however trite, is supremely true. And yet it is the system of agricultural production, the character of the rights and interests guaranteed to those who engage in it, that helps to create confidence to induce them to do their best for agriculture. Looked at from this angle, I think that our agricultural system has been a total failure. A system of land tenures meant for a different economy, which I may venture to call a local economy, is being pursued when the whole world has become a single market for most agricultural produce. The worker on land is seldom the owner of it and in any case has such a small bit which is being further fragmented and divided with each generation that he cannot really make a scientific success of his operations on land. In the matter of taxation, there has been a tremendous system of discrimination constituting a terrible burden on the worker with the result that the so-called owner has been drawn to the urban areas leaving the harassed tenant to do his

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best with the land. It is not in most cases voluntary; in many cases it is necessary. They are driven from their lands to the urban areas to eke out their living, leaving the land in the hands of the tenants to do what they can with it. I say that there never was a more striking illustration of a parasite than this absentee landlord, whether of the ryotwari or of the zamindari variety. Addressing a House in which the members are all returned by vast constituencies of the poor workers on land, it is hardly necessary for me to say more about the subject. Tiers and tiers of intermediate interests have been built over the frail shoulders of the tiller of land and it is a wonder that his bones have not yet been completely crushed and that he still bears all his burden with such strength and courage. And yet what has the Prakasam Committee done for this class of actual workers? We are told on page 142 that the Committee have no data and cannot make any recommendations about the under-tenants. Naturally as a person who has more than an academic interest in this matter, it took my breath away when I read that. What good is there in taking the rights off the zamindar and distributing theirs to a body of absentees? What is the gain to agriculture? What is the gain to the State? What is the good distributing such rights to a body of persons who at present form 40 per cent and which may eventually grow to 50 or 60 per cent? This report must be rejected for that one reason.

"From the point of view of the State, whatever historical justification there might have been for dividing land into various categories like zamindari, inams, etc.—my hon. Friend, the Muslim Member for Bezwada, referred in detail to this class of ryotwari landowners, etc.—there can be no reason now why those outworn categories should be kept up. In abolishing them the question of compensation to be provided for the interest dispossessed is, relatively to the colossal and vital issues involved, a matter of quite minor importance. I do not think it is a matter of major importance for an individual like me to discuss it here and it is for the State to decide and not for individuals like me. What is most necessary is that a uniform land system for the whole Province should be introduced to ensure that the tillers of the soil do their best in the land that they are in charge of and that they be not unjustly deprived of the fruits of their labour. Stated in this way, the obvious remedy which will strike one as immediately necessary is the abolition of the various intermediary interests in land and the restitution of land to the actual worker on land. I do not wish that this result should be achieved at one stroke. It may well be that a policy undertaken to-day to achieve this result may bear fruit with the growth of social conscience within the next few decades, but I say that it is here that we must make the beginning. If the State were to entrust land, unfettered, to him who bears all the burden of agricultural work, I say we shall then have created a virile peasantry

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lending strength and stability to the Government and organized institutions. The natural development of this process would be to make agriculture more attractive to the worker and more paying to the State. I am not now discussing the possibilities of land nationalization schemes, and it is possible that the party in power may not be inclined to listen to any such proposal. I know also that you cannot put off land nationalization for any very long time because it is bound to come sooner rather than later."

MR. SPEAKER:—" I suppose nationalization of land does not pertain to the debate now going on. I cannot understand why the time of the House should be wasted on it."

* SRI T. T. KRISHNAMACHARIAR:—" I was saying that land nationalizaion schemes cannot be put off for any very long time."

MR. SPEAKER:—" I think the hon. Member should confine himself to the contents of the Report."

* SRI T. T. KRISHNAMACHARIAR:—" I assure you, Sir, I shall not take up the time of the House unnecessarily. What I say is relevant in this way: we cannot put off this contingency very long if the present conditions in regard to the tenantry are allowed to continue."

MR. SPEAKER:—" The hon. Member will be relevant only if he confines himself to the main motion and the amendments thereto. The terms of reference of the Committee are specific and the speeches have strictly to be relevant to those terms and to the contents of the Report."

* SRI T. T. KRISHNAMACHARIAR:—" I say only that the problem of land will have to be looked at as a whole. I say for the consolation of those who are horrified at the very mention of socialism that the scheme by which intermediate tenures are abolished altogether will have the effect of putting off land nationalization.

" Just as profiteering is forbidden in national utility services, a principle to which nobody can take exception, I assert that agriculture is a supreme national utility concern, and there is the utmost need to observe strict standards of justice in the organization of that enterprise. Speculation in land, land as an investment from which to make unconscionable profits, land as a means of political power and social prestige—these are considerations which no honest legislator can give the slightest importance to. The only true way of dealing with land is to look upon it as a national asset yielding food to the millions and yielding it in plenty and in such a way that the mass of workers are kept contented and progressive."

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MR. SPEAKER:—" All these observations, however sound they may be, are irrelevant to the main motion and the amendments that have been moved."

* SRI T. T. KRISHNAMACHARIAR:—" I am speaking on the original motion, namely, the Report of the Committee that is being considered."

MR. SPEAKER:—" Your criticism is actually a dissertation on agriculture. The hon. Member will now confine himself to the Report."

* SRI T. T. KRISHNAMACHARIAR:—" I have no hesitation in saying that I am disappointed with the present Report. It deals with less than half of a mighty problem and deals with it without courage and in a spirit of ill-informed compromise. It gives property to a class which still is not the class actually engaged in agricultural labour. It provides an invaluable opportunity for speculators to speculate in zamindari land and to oppress the under-tenant who is the actual tiller. It still leaves some property in the hands of a class, which according to it can have no survival-value at this time, and leaves that property in a way which makes it difficult for one to know whether what is left is an asset or a liability. It deprives the State of its just share of land revenue by giving its assent to a principle of Permanent Settlement, as though permanency can have any meaning in this context. If it was open to the State to declare a certain right permanent, it is equally open to the Sovereign to abrogate that permanency. It does not touch the problem of agricultural organization as such but has merely contented itself by tinkering with the rights of persons but relatively remotely connected with actual agricultural worker.

" I have no hesitation in characterizing this legislation as a hopeless class legislation unduly favouring an exploiting class of non-agricultural owners of occupancy rights who are given a free hand to oppress the actual tiller of the soil.

" In the draft Bill which has been appended to the Report—and I must here confess that I have not seen a more unconventional piece of drafting, to say nothing more—an endeavour has been made to set in statutory language the recommendations of this Committee. It is a most disappointing draft, and I wish to ask if the Hon. the Minister for Revenue could not have obtained the assistance of the Advocate-General or the Law Drafting Department of the Government in a vitally important matter like this. I make no excuses to this House to read a typical clause in the draft Bill to illustrate my point. That is clause 16 (3) (*e*). I shall read it for the benefit of those who may not have a copy of it ready at hand:—

'(*e*) in estates in which the rates of assessment that prevailed at the time of the Permanent Settlement cannot be fixed up by adopting

any of the above mentioned methods, the Special Commission that would be appointed by the Legislatures and the Government, to ascertain the rates of assessment of land revenue, as they prevailed at the time of the Permanent Settlement, may endeavour to fix the rates by adopting any other method by which they could fix the rates exactly or even roughly.'

The Madras University has made the mistake of adjudging that my knowledge of the English language was enough to entitle me to be admitted to the ranks of graduates. Either it has been foolish or this is not the English language spoken or written in any part of the world. This is the one and only place where reference to a Special Commission is made, a Commission which is to be appointed by the Legislatures and the Government. In what manner? You were good enough to pronounce an opinion the other day as to who is competent to appoint a Commission. I wish to draw particular attention to that statement. How is the Commission to fix rates exactly without any data, as obviously this clause deals with questions where data are not available. The statement is a contradiction in terms unless the Commission to be appointed is to be endowed with second sight. Why decide roughly; why not suggest decision by the throwing of the dice or tossing a coin? This is indicative of how the Committee expect their recommendations to be implemented. I confess I am surprised that this draft, even if it represents only the recommendations in another form should have been put forward before the country.

" And this legislation has been framed with the evident idea of steering clear of the provisions of the Government of India Act and the Instrument of Instructions, which afford a certain measure of protection to Permanent Settlement, by merely professing to interpret the character of that Settlement instead of altering it. I do not know if the attempt has succeeded. A modern progressive Government should, instead of trying to bring the tenants within the scheme of permanency and creating a special class of favoured landholders, really face the times. The Government must realize that the time is over when the solution of land revenue questions by the creation of permanent tenures was necessary and that the time has now come when we may settle all land upon a uniform basis with substantial justice to the actual tiller. The fact that the Prakasam Committee would rather give permanency to the terms of the tenancy of the occupancy ryot than take away permanency altogether from both the ryot and the zamindar, though this course involves a considerable loss to the public revenue, shows that the Committee is more anxious to destroy the zamindar than to help the worker or to urge the claims of the State. I must be pardoned for putting this point so bluntly. And I want to know what the country has to gain from adding all this strength to the class of absentee occupancy ryots who are

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now free to carry on the merry game of mortgaging, selling and playing with their saleable interest in land which the occupancy right has been declared to be. If the choice is between a sleepy rack-renting zamindar who distributes his occasional cruelties among a large mass of workers, and individual ryots who have to slave-drive the under-tenant and wring him dry to pay for their urban pleasures, I would say that the zamindar is perhaps the lesser of the two evils. But may I ask this House, why tolerate either of these evils at all?

"I will now refer to the speech of the Hon. the Minister for Revenue which has been termed by the Press as a Marathon speech. Undoubtedly he has made a deadly case against the zamindars, more deadly than the Report. The burden of his song was that the Permanent Settlement was alike applicable to the zamindari ryot as to the zamindar. In support of his argument he quoted from Croles, Carmichaels and Forbeses—all of them brilliant and conscientious bureaucrats of the last century. He sought for judicial support from the judgments of the late Justices Muthuswami Ayyar and Subrahmanya Ayyar, who furnished him with ample case law support. It is no mean praise for the Hon. the Revenue Minister to say that he provided an opportunity for an excellent psychological study for any student of human affairs. The two impressions he created were firstly, that of an advocate, which he is, not wishing to depart from the strictly legalistic standpoint in arguing his case and supporting it with precedents and case law—the factors which the layman is often likely to characterize as making a person unable to look beyond his nose. The other was the ease and facility with which he put himself back in an atmosphere 136 years old, as it were, almost effectively reproducing the picture of Irving's Rip Van Winkle. I heard the advocate in him speaking; I heard the ardent admirer of that line of British bureaucrats of the last century speaking, displaying such an admiration for them that I felt that he would even go to the support of my Hon. Friend the Education Minister's idea of celebrating the Madras tercentenary. (Laughter). I was eager to hear the administrator speak, but I was disappointed. But to us, here, to-day, what Croles and Carmichaels felt and said does not matter; how the case law has been built up all these years does not matter; that, apart from the interpretation of the Permanent Settlement Regulation, custom during these 136 years has given its sanction to the existing state of the relationship between the zamindar and the ryot, does not matter either. We are happily placed above all these, notwithstanding the extremely circumscribed powers allotted to us by the author of our existence, the Government of India Act, 1935. The task of the State, whose important function is to get the greatest amount of good done to the largest number of people cannot be hampered by any limitation except that of the Act

governing Legislatures, in its endeavour to achieve that goal. The State's rights are supreme and above all case law, custom, administrative convenience like the Permanent Settlement and the rights of individuals acquired by assignment by the State. I am using the language of the Raja of Mirzapuram here.

3-45 p.m. "It is interesting to note with regard to the Permanent Settlement and its sanctity that the Court of Directors of the East India Company in according their approval to the Permanent Settlement in Bengal in 1792 said: 'On the fullest consideration, we are inclined to think that whatever doubt may exist, with respect to their original character, whether as proprietors of land or collectors of revenue, or with respect to the changes which may in process of time have taken place in their situation, there can at least be little difference of opinion as to the actual condition of the zamindars under the Moghul Government. Custom generally gave them a certain species of hereditary occupancy, but the sovereign appears nowhere to have bound himself by any law or compact not to deprive them of it; and the rents to be paid by them remained always to be fixed by his arbitrary will and pleasure, which were constantly exercised upon this object.' If considered, therefore, as a right of property it was very imperfect and very precarious, having not at all, or but in a very small degree those qualities that confer independence and value upon the landed property in Europe. The Hon. the Minister for Revenue referred to the question of landed property in Europe in his speech. I say this, Sir, in order to show that they had it in view when they made a differentiation between the idea of landed property in India and landed property in Europe and recognized the zamindar. He did not appear to have possessed the absolute right in the soil which landlords in Europe enjoy. Any argument on the question cannot be absolutely free from doubt. There are the intentions of the Court of Directors to indicate that they did not feel that the zamindar had the same right as the landed proprietor in Europe. They further say, 'Though such be our ultimate view of this question, our originating a system of fixed equitable taxation will sufficiently show that our intention has not been to act upon the high claims of Asiatic despotism.' So with reference to this right, they said 'though such be our ultimate view,' that was the view of the Court of Directors.

"Ideas of the rights of the State have, during the last century and a half, progressed in the direction of the supremacy of the State. It is nothing new to say that we have a right to set right economic maladjustments and we have asserted that right even during the short time that this Legislature has been in existence. We have asserted it by the various pieces of legislation, we have

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undertaken, and, I hope, quite successfully too. Sir, on the question with regard to the Permanent Settlement and its sanctity, I am rather perplexed why the Committee should not have made any reference to that paragraph in the report of the Joint Select Committee on the Government of India Bill where power has been given to us, however imperfect, in the Government of India Act to deal with this question. The Joint Select Committee has taken into consideration possibilities like this, possibilities of the Government interfering and in paragraphs 369, 371 and 372 they have dealt with Permanent Settlement. Of course, this has got its relevant section in the Government of India Act. I would like, with your permission, Sir, to read a passage from that report. It says:—

'It is apparent that the position of zamindars under the Permanent settlement is very different from that of the individual holders of grants or privileges of the kind we have just described; for, while the privileges of the latter might, but for a protection such as we suggest, be swept away by a stroke of the pen with little or no injury to any but the holder of the vested interest himself, the alteration of the character of the land revenue settlement in Bengal, for instance, would involve directly or indirectly the interests of vast numbers of the population, in addition to those of the comparatively small number of zamindars proper, and might indeed produce an economic revolution of a most far-reaching character. Consequently, no Ministry or Legislature in Bengal could, in fact, embark upon, or at all events carry to a conclusion, legislative proposals which would have such results, unless they had behind them an overwhelming volume of public support. We do not dispute the fact that the declarations as to the permanence of the settlement, contained in the regulations under which it was enacted, could not have been departed from by the British Government so long as that Government was in effective control of the land revenue. But we could not regard this fact as involving the conclusion that it must be placed beyond the legal competence of an Indian Ministry, responsible to an Indian Legislature, which is to be charged inter alia with the duty of regulating the land revenue system of the Province, to alter the enactments embodying the Permanent Settement, which enactments, despite the promises of permanence which they contain, are legally subject (like any other Indian enactment) to repeal or alteration. Nevertheless, we feel that the Permanent Settlement is not a matter for which, as the result of the introduction of Provincial Autonomy, His Majesty's Government can properly disclaim all responsibility.'

They lay emphasis on the words 'we could not regard this fact as involving the conclusion that it must be placed beyond the legal competence of an Indian Ministry responsible to an Indian Legislature, which is to be charged . . . to repeal or alteration.' They have made it quite clear. In the Government of India Act, they have taken it up in section 299. In that section they have given the Governor direction to reserve this matter for his Majesty's consent on the express view that these matters should be considered in a dispassionate manner and should not be got through in a hurry. They have visualized this contingency, it has been anticipated and it has been provided for. What is the object in our going at present into the morality of the Permanent Settlement or its sanctity? Why then do you jib at facing this problem in a straightforward manner and instead try to take your stand on the legal quibble available in support of your position? Why should we surrender the rights of the State for its due share of the land revenue and acknowledge the Permanent Settlement; why

should we give it popular sanction, the sanction of a Legislature containing 215 popularly elected Members for an act which has been conceived over a century back for administrative convenience? I want the Hon. Minister for Revenue to remember this; what was the origin of the Permanent Settlement? The origin of the Permanent Settlement was, that it was devised by an administration, new to the country which had just then got possession of all the area in the Carnatic and Coromandel Coast in 1799. They were a commercially-minded administration. They were so commercially-minded that they were always looking at the balance-sheet and checking the overhead charges in relation to the income derived. They were getting 40 and odd lakhs by this method. They thought, 'Why should we spend money on the land revenue administration of this area and wait for collecting revenue with all its uncertainties in times like these? Why not take what we could get for certain?' It was difficult at that time to have access to the interior parts. We had no roads, no motor cars, no aeroplanes. Sir, I would like to know, if the Hon. the Revenue Minister by stretching his imagination, could really go back to 1802, and if he had really been the Revenue Member of 1802, would he have spent money on the land revenue administration on these areas instead of accepting what was readily available? Supposing, I suggest to the Hon. the Finance Minister that by spending some 2 crores of rupees we could really make an extra income of 5 crores, he would have merely said, 'I have got this 2 crores on hand and I am content.' Sir, this question has been decided according to the financial ideas that the East India Company had and it has to be borne in mind that they were a commercially-minded foreign administration.

"There is one other factor. Quotations from the views of the civilian administrators in the Hon. the Revenue Minister's speech represent a dislike of the Permanent Settlement and it is possible and natural for administrators who felt that the conditions which existed at that time of the Permanent Settlement in this country were disappearing to feel a dislike for such a method of revenue collection, when they felt that they were fully equipped to handle the revenue administration of the Province. The Revenue Board in its report of 1820 on the condition of the ryots in the Province, grew very eloquent and it laid down that the protection of the interests of the ryots was the primary duty of any Provincial Government, and for the matter of that, of any civil Government. As years progressed, it is easy to see that the views were hardening against Permanent Settlement. Also in 1869 when the Madras Board of Revenue recommended to the Secretary of State to declare the grain valuations imposed by the Settlement department on ryotwari lands to be made permanent, the Secretary of State in his reply stated 'that His Majesty's Government felt themselves precluded from sanctioning the surrender of such a legitimate source of revenue as the Government share of the increased value

which has been conferred on the land by improved administration, construction of public works, irrigation and railways, together with improved prices of produce.'

" If agriculturists had by reason of the all-round progress in the country arising out of good administration obtained better value of their produce, better saleable value for land in 1869 as against 1802, I say that in 1939 when we have progressed further with railways, roads, motor cars, posts and telegraph and all sorts of things, there is no reason now to perpetuate the Permanent Settlement. In 1802, it might have been done, but it is no reason for us to do it now. In 1898 in the Tenancy Bill brought by Mr. Crole the attitude of the administration was in favour of the ryot. They felt that they were responsible for the destiny of the ryots. Then why did they change that in the Madras Estates Land Act of 1908? I am surprised, Sir, why as a politician the Hon. the Minister for Revenue made no mention of it. If there was a change in their attitude, why did they change? The reason I feel was the commencement of the partition agitation in Bengal which in due course spread even to South India. The bureaucrats felt that thereafter their duty lay only to the vested interests as against the masses. And, Sir, in 1939 to feel that the Permanent Settlement, so far as a part of the revenue administration is concerned, is not a necessity and on the other hand, it is an impediment towards progress of the country as a whole is, I think, perfectly right.

" The factor that really has got to be recognized is the rights of the 1,659 zamindars who are involved in this system of administration and the State's attitude towards a continued recognition of these rights. I do not wish to touch on this matter. This is a delicate matter, I do not want to say anything one way or the other about it. It is for the State to decide as to whether they are going to recognize their claims and deal with them on that basis or whether they are going to do away with it without further ado. These are the things which I have no desire to discuss on the floor of this House. Sir, I have referred some time ago to the administrative impossibility of carrying out the recommendations of the Committee to fix a money value of the zamindar's share of the produce on the basis of the 1802 ratio between produce and prices. I have also suggested that the Committee had no clear idea as to how this goal was to be achieved where, as in many cases it appears to be a fact, no data were available. There are several instances in this report to support my view. Take for instance the question of the definition of ' ryot.' I should have liked the Committee to have followed the ' Tenancy Bill's ' definition. Then with regard to the relinquishment of pattas, that starts up a conundrum about the right of relinquishment by the ryot and the zamindar's right of conferring it on somebody else. I am not commenting on it. Then there is the very important

question of prices in 1802. The value of the recommendation depends upon how we are going to arrive at this. That again takes me to another important point, the one about exchange. That was referred to by the hon. Member from the European group from Calicut. I do not see how the chapter on ratio has any relevance to the Committee's report. The Hon. Minister sought to prove that the ratio adversely affected us, I think it affected the ryot, the middleman, it affected the zamindar and the country as a whole as against the Britisher. I am a student of this exchange question in a small way. I do not think I have understood the Hon. Minister. How can it be said the ryot has been badly dealt with to the exclusion of the zamindar and the others? That is one thing. And then, in one breath this chapter of the report speaks about Majumdar's views and the Reserve Bank's duties with regard to ratio which are current matters and in another it goes back to 1865 into what the Bank of Bombay did; I do not think that there is any relevancy in these references to the subject-matter, relevant to the enquiry in regard to anything stated in this report. Anyone who has only seen the title and not read that chapter of the report can be misled, as to the relation between the money ratio and the prices in 1802, but no student of exchange can find any light from it.

"There is one small error in the Report in the matter of statistics. I make a present of it to my hon. Friend who is responsible for it. The Presidency graph is supposed to represent the rise in prices from 1802 to this date. How is that graph compiled? It is compiled from the district graphs given in support of it. What has the district graph to show? Bellary commences in 1801, goes up to 1807 or 1806 and stops for a time and starts later on. Coimbatore begins somewhere in 1803. Madura at 1802 or 1803. I do not know, exactly which year, as my eyes are not very good and I have not been able to measure it. There are the other 23 districts though some districts like Anantapur, West Godavari, East Godavari and Ramnad have to be necessarily left out as they are later creations. So also Chittoor. The other districts commence somewhere in 1809 or 1810, perhaps 1812. The Presidency graph begins from 1801 or 1802, whatever it is. Six years in the case of all districts except three have been bridged very cleverly with only one stroke of the pen. But then, Sir, it does not appear to have mattered that it may be misleading. We owe it in this Province, I think, to Lord Pentland who added the third lie to the category of lies. The white and black lies are the two known lies and the third one, the product of the 20th century, is the statistical lie. Statistics are not always lies. Given a set of statistics, Government can interpret them in one way, economists in another way and laymen, like me, in a third manner. What is essential is that one has to go back to see how the statistics were secured. If the sources of these statistics are reliable, it gives us a chance for a reasonable guess. I know graphs and statistics

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have only a limited sanctity. Here, Sir, there are these 23 districts, out of which three have some bearing on the Presidency graph for the first eight to ten years and the rest have nothing. Still, they have prepared a Presidency graph which begins from 1802. I do not wish to accuse the Committee of a wilful error. Far be it from me to make any such suggestion. But there is a certain amount of bad odour attached to such defective statistics if an officer of Government had to do it, and, when such flagrant errors are pointed out on the floor of the Legislative Assembly, I am sure the Hon. the Finance Minister will ask for a surcharge to be made on that officer for the cost of the production of that document. I commend the suggestion to the House that a surcharge can be made on the Committee Members and the amount collected from them. (Laughter.) 4 p.m.

" There is the question of shists which has been referred to by the Hon. Minister. It does not appear to have been held by anybody that the commutation of the shists should be made on the basis of the prices obtaining on or about the date of the Permanent Settlement. The Special Commissioner who was appointed in connexion with the Permanent Settlement, Mr. Webbe was asked to define specifically the ryots' rights in the note submitted by Messrs. Hodgson and Greenaway. The name of Mr. Hodgson is very often found in this report. What he and Greenaway asked Mr. Webbe was to reiterate that the zamindar's right was confined finally to an extension of the amount and not the rates of the customary rent by an increase of cultivation, secondly to a profit in dealings in grain where rent was rendered in kind and thirdly to a change in the culture of land. Messrs. Hodgson and Greenaway anticipated trouble on this account and wanted to make a specific mention in the Patta Regulation. Mr. Webbe, however, preferred to leave the interpretation of the tenants' rights to a court of law. I want to show that I do not think they had this idea of taking the decision in regard to the money value at any time back to 1802. It was expected to be elastic to this extent that if there was increase in the cultivation, the zamindar was to get the benefit. If there was an improvement of culture and thereby an increase in the produce, the zamindar was also getting the benefit but only to the extent of his share. In the Board's Proceedings of 1864 it was clearly indicated that the zamindars were left all the benefits derivable from extension of cultivation of waste lands and forests and improvements in the culture of the lands, increase in the share of the profits as a result of increased output in the land. Sir, I request the permission of the House to refer to a very interesting book on this subject with the title of ' 40 years of progress in British Administration.' The book was the product of the pen of the late Mr. Srinivasaraghava Ayyangar, who was Inspector-General of Registration and an experienced administrator. It has now attained the status of a source book. Dealing with the problem,

he says, ' The question involved in according legislative protection to ryots is therefore not what shall be taken away from the zamindars and given to the ryots, but how shall the zamindar while being allowed to enjoy to the fullest extent the enhanced value of his share, be prevented from appropriating so far as legislation can do, the enhanced value of the ryot's share.' If there are adventitious aids in raising the value of the share of either the zamindar or the ryot, each one of them gets the benefit of the increase to the extent of his share. It is strange that this report has no reference to Mr. Srinivasaraghava Ayyangar's views possibly because though he was a pro-ryot, he took the administrators' view on the question and they had no use for the views of the administrators.

" Sir, there are other questions like forests. I have condemned the Report from one point of view. We are coming now to the operative portion of the Report. I would ask if it is possible to ask the Government to apply the recommendations regarding forest to the ryotwari pattadars as in the case of the zamindari ryots. I have found that in some cases Government forests demand heavier grazing fees than the zamindars do. It would be one thing for the Government to take over the forests in zamin lands. But how are the zamin ryots to administer the forests if possession is to be handed over to them? That is the conundrum postulated.

" There is another point with regard to irrigation. The zamindar is supposed, according to the proposed legislation, to carry out the irrigation improvements without increasing the rent, as the zamindar will only be doing it out of the ill-gotten exactions from his ryots. The Government are in the same position. They have been collecting land revenue and the excise revenue all of which have been coming from the agriculturists. Your revenue has been derived from the agriculturists. You have now built the Mettur Project. Would you like to give Mettur water free? Why don't you set an example?

" I now come to an important point where I have some difficulty. The point is in regard to the presentation of the Committee's Report by the Hon. the Revenue Minister. I take it that his speech does not claim to represent the Government's view. If I am wrong I expect to be corrected. It is an anomalous position for the person who is at the apex of the land revenue administration of the country to present a report, the recommendations of which in his administrative capacity it may not be possible for him to reconcile. The other day you said, Sir, that you appointed him as the Chairman of the Committee. The error was, however, in accepting the chairmanship, because he is placed in an invidious position. It is not possible for us to know how he would reconcile his position. We are all human and he is as much human as any one of us here. The second thing with regard to the presentation of the report is

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that the Government should have reviewed the Report—an act which ordinarily comprises of a general statement of policy and the expression of the administration's view on it. There are people like me who do not know much about . . ."

MR. SPEAKER :—" Government's review of it? How can Government review a report before its presentation? It is a Parliamentary Committee. There is no such thing as Government reviewing it."

* SRI T. T. KRISHNAMACHARIAR :—" I am open to correction. I think it is customary for a White Paper to be issued."

MR. SPEAKER :—" It cannot go to the Government before it is presented to the Parliament. No report of a Parliamentary Committee can go direct to the Government."

* SRI T. T. KRISHNAMACHARIAR :—" I bow to your opinion. But my recollection was a White Paper was issued immediately after the Simon Commission reported."

MR. SPEAKER :—" This House has got the first right. I do no think there would have been such a breach of the Parliamentary procedure."

* SRI T. T. KRISHNAMACHARIAR :—" I am quoting what I think happened in Parliament."

MR. SPEAKER :—" I give the procedure. No Parliamentary Committee can submit its report to the Government before its presentation to the House."

* SRI T. T. KRISHNAMACHARIAR :—" I am aware, Sir, that you are a precisian and your knowledge of Parliamentary procedure is profound. I am only an infant as compared to you on this subject."

MR. SPEAKER :—" The House is entitled to have the first presentation and the Government cannot claim to condemn the report or to review the report or to criticize it before it is presented to the House and the House considers it. The House that appoints the Committee has got the right to consider and discuss the report."

THE HON. SRI C. RAJAGOPALACHARIAR :—" Mr. Krishnamachariar does not represent the Government to call for a reply from the Speaker."

* SRI T. T. KRISHNAMACHARIAR :—" May I ask the Hon. the Premier to repeat his statement as I was not able to follow it."

MR. SPEAKER :—" It is not quite necessary. I think the hon. Member may go on with his speech."

* SRI T. T. KRISHNAMACHARIAR :—" I am asking this House to listen to me to this aspect of the speech of the Hon. Revenue Minister on the Report. I am telling the House that he has presented it in his capacity as the Chairman of the Committee.

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He has had nothing to do with his official position here as the Minister for Revenue. I also want the House to note the presentation of the report and the manner in which it was done. It was the view of one man as distinct from the view of the Government. I think, Sir, I have generally demonstrated to the satisfaction of everybody that there is no sanctity attached to Permanent Settlement. About the question of going back to the position of the zamindar and ryot in 1802 it has not been proved how the same set of conditions as those prevailing in 1802 could be re-created. The question of fixing rent on the 1802 basis is also administratively impossible. The facts and figures furnished by the report are not really correct and the recommendations are not operative from the actual administrative view point. I do say that I do not belong to or represent the Government. I make no such claim but I do say I have enough administrative sense to say that they are administratively impossible. I want the House clearly to understand that they are not committed in this matter, even as supporters of the Government. They have to efface altogether from the picture that it was the Hon. the Revenue Minister speaking and remember that it was only the Chairman of the Committee, an advocate presenting one side of the case and nothing more. My own feeling is that it has got no more claim in it than that of an advocate's speech. It is for us to judge as a House. I want Members to erase from their minds any possible chances of misconception. Sir, the report has revealed, among other things, the distress of the tillers of soil. It is acknowledged in page 142 that the case of the under-tenant requires very serious enquiry and that the Committee is not competent to handle it. It has also been impliedly recognized that the introduction of ryotwari rates in zamin areas will not meet the situation. I want to read one particular passage to denote the approach to the problem by the Committee which I humbly maintain is a wrong one. At page 257 they say—

'In recording evidence and also in regard to our findings we have taken particular care to see that the Permanent Settlement Scheme is not violated in any single respect. In the evidence recorded by us some of the ryots demanded that the proportion should be fixed at one-sixth while some others demanded some other proportion. There were others who requested that they might be put at least on the level of the neighbouring Government rates. This was said in ignorance of their rights declared and admitted at the time of the Permanent Settlement. Owing to the distance of time, they did not know that the land revenue assessment (rent) had been fixed permanently. On the other hand, they believed that they were liable to pay enhanced rates of assessment. Therefore, the demand for the adoption of the neighbouring Government rates was not made with full consciousness of their rights and liabilities. It was demanded almost in a spirit of despair because they believed that no redress was forthcoming from any quarter in spite of their agitation. We should not therefore take the proposal made by them in the course of their evidence as a considered or a correct one.'

"I do not want to say anything about the manner in which the Committee attempted to deal with the problem. That shows

that most of them went with a prejudged mind, with the idea to back the Permanent Settlement, possibly for different reasons. But there is the indication that they were not prepared to accept the evidence before them which was contrary to their prejudged views. I am sure that indicates that the enquiry was not conducted in the judicial manner in which it should have been done.

" Sir, with regard to any constructive suggestions that could be made, the hon. the Muslim Member from Kistna has made certain proposals. But I do not think that it is really right or proper for a Member like myself sitting on this side of the House to say that those proposals ought to be discussed now and I feel that it would be more fitting if such proposals as have been made by the hon. Member from Kistna be put forward when the operative proposals in the report are being discussed on a different occasion. At the same time, I would point out that we should now take our stand on the report as it is presented to us. Surely, I for one, agree with the remarks of the hon. the Muslim Member from Kistna in so far as they relate to the betterment of the conditions of the ryots, but I am not sure what the hon. Member means exactly by his proposals." 4-15 p.m.

MR. SPEAKER:—" As a transitional arrangement, he wants that pending the elimination of the zamindaris and other proprietary estates, by payment of compensation, the settlement of land revenue in the zamindari and other proprietary estates be made immediately on the basis of ryotwari settlement principles."

* SRI T. T. KRISHNAMACHARIAR:—" I should like to leave the question of interpretation of my speech to the Hon. Minister. Anyway, so far as his suggestion that the ryotwari rates may be introduced, I would submit that even the ryots of the ryotwari areas are not satisfied with the existing rates prevailing there. Therefore, what I would submit is that you should look at the question as a whole. The premises are in the report there. They are not all wrong premises. Therefore the conclusion can be pretty easily drawn, if we merely proceed according to the elementary principles of logic.

" I am coming to the end. Sir, I am asking the Government only this: ' Do not try to introduce a reform in this truncated manner without looking at the land problem as a whole and reforming it as a whole, and do not let us stick to the outworn system of Permanent Settlement brought in years ago for administrative convenience and try to confer those rights on the tenants by dispossessing the zamindars of such rights, rights which were conferred on them for administrative convenience.' Therefore it is my appeal to the Government to tackle this problem in a fitting and proper manner.

" Sir, I am aware that in asking the Congress Government to undertake a more comprehensive reform of land laws, I am setting

them at a work which may take not only some considerable time but cause no little embarrassment. I am aware, composed as we are, that a lot of us are middle class people. We represent the mirasidars; we represent the zamindari tenants who are not the actual cultivators; and we also represent the kanamdars of Malabar. The major portion of the Members of this Assembly may therefore be compendiously termed as representing the "bourgeois" element. We cannot escape from this position. So in making this suggestion to the Congress Government, I am aware I am suggesting a course not a little embarrassing to them. But a general demand of this nature is so insistent that I do not think that we can with safety postpone it. I have no doubt whatsoever that if the Congress Government, backed as it is with the confidence of the masses and having an enormous majority in this House, cannot face this question, no other Government can. I appeal to them in all sincerity not to fritter away this great opportunity, which seldom comes to any party, upon small measures, piecemeal legislation and cheap effects which, while they catch your fancy, do not fill your purse, nor further your progress. On the other hand you will be the poorer for it and the great objective that you have in view of doing good to the people cannot be achieved. I can see no real objection to the framing of a long-range policy instead of hurrying through as the Prakasam Committee has done for tackling the question of land in general, and if within the next two years, the Government have placed on the statute-book a just and scientific land law dealing comprehensively with a great subject, assuring justice to the individual worker and prosperity to the society, the Congress Government would have justified their advent to the Legislature. I may assure them, even, that they will not break the parliamentary constitution forced on India, any the less, by engaging in this great ameliorative work and I would also like to see if it is possible for the British Government to interfere by reason of any provisions in the Government of India Act or Instrument of Instructions in a just attempt to reform our primary industry in this country. Sir, with due deference to the Members of the Committee and with all apologies to its Chairman, I do not think that the Report offers a solution to the land problems that face this country. The material collected is most valuable as a basis for further enquiry but the recommendations of the Committee, based as they have been on an extremely narrow conception of its duty, are hopelessly inadequate; and while they destroy the zamindar, they bring no relief to the worker but benefit a class which has less title to protection than the zamindars themselves."

SRI M. PALLAM RAJU:—"Mr. Speaker, after hearing the speech of the Hon. the Revenue Minister, nobody need speak much for the adoption of the majority recommendations. The other day the hon. Member for the Anglo-Indian Constituency, Mr. Bower, said that the fact that the ryot could not possibly have had the proprietary right, would be obvious when the majority of

members in the Committee recommended that the British Government succeeded not the Hindu but the Muhammadan rule. He also said that under the Muhammadan rule, the Ruler was the proprietor of the soil and that the British Government's policy was shaped out by their predecessors. He further said that history, therefore, did not in any way support the extraordinary conclusion of the Committee that the ryot was the owner of the soil. But under the Muslim Law, Sir, the Sovereign has only a property in the tribute or revenue. He who has a tribute in the land has no property in the land. That the ownership of the soil was not vested in the Sovereign was proved by a variety of arguments. One of these is the fact that the Moghul Emperors purchased land when they were in need of it. Akbar purchased the lands for the forts of Akbarabad and Illahabad. Shahjahan purchased lands for Shajahanabad. Aurangazeb purchased lands in Hundi and Pallam, etc., for the construction of forts. It cannot, therefore, be said that during the Muhammadan rule, the property of the soil was transferred to the Sovereign. According to the Hindu and Muslim Law the ownership of the soil vests in the cultivator. During the Muhammadan rule the Kings collected only the portion of their rajabhagam leaving the right of ownership in the cultivator. During the time of Akbar, when the survey and records-of-rights were made by Todar Mal it was upheld that the cultivator was the owner of the soil and the ruler was entitled to his share only. From time immemorial the right of the soil vested in the tiller until the Permanent Settlement was introduced by the Company's Government when the zamindaris were created.

" I need not say again that these landholders were the creatures of the Company's Government whether they be the descendants of ancient rulers of the land or rent collectors or *sub-izaradars*. The status of the zamindars cannot be put higher than that of the rent collectors during the Permanent Settlement. Endeavours were made to draw distinctions between them whether they were descendants of the ancient rulers or rent collectors of recent origin. The great zamindaris in the Northern Circars pressed for the claim.

" As a matter of fact these ancient rights, if any, were destroyed by the Moghul Rulers and their vassals at Golconda. The Muslim Rulers used to appoint zamindars which means rent collectors, deshmukhas or deshpandhes, to manage a portion of the country on condition of paying full revenue after deducting 10 per cent. But nowhere it appears that they were ever allowed to attain to sovereignty, being always kept under subjection and great restrictions. It is clear that they were only to manage and to collect the revenues due to the Government. These zamindars were

continued or appointed as rent collectors by the East India Company as in the Muhammadan period. Sometimes their role was that of sub-renters under izaradars like Hussain Allikhan.

" Of course, the Muhammadan Rulers used to find it safe and expedient and also advantageous to employ members of ancient families after conquest or annexation—sometimes their relatives who had established themselves in the country, to undertake duties of collections but they never accorded them any rights beyond that. In the whole of the history it is found that there has been a perpetual change, removing old zamindars and creating new ones and again appointing the old ones, both by the Muslim Rulers and under the Company's rule. The engagements under a sovereign state were subject to revision at any stage. The most acceptable and convenient were retained; but not the fittest. Therefore, Sir, the present landholders are only the creatures of the Company's Government. I request the hon. Member, Mr. Bower, not to bring in the semi-independent States and zamins like Ramnad and Kalahasti. If he refers to the gazetteers and manuals of those districts, he can trace their origin.

" Whatever might be the origin of the zamindar, the Permanent Settlement was to have ensured the collection of revenue from the ryots by the zamindars. What induced the Company's Government to introduce various regulations as Permanent Settlement can be known from the speech of the Hon. Minister for Revenue.

" After the breakdown of the central power, the country was under military rule. The rule of Maharattas, Hyder Ali, the Viceroys of Golconda and Hyderabad and other rulers was admittedly of the nature of military occupation and rule. It cannot be expected that established usages and customs of land revenue policy would continue during times of turmoil and unrest. Before the Company's Government established their hold on the country, the country was in a state of confusion and there was no stability for the ryot. The rent collectors used to defraud both the ryots and the Government. It was at that time the Permanent Settlement was introduced by the Company's Government.

" Whatever might be the incidents of the Permanent Settlement it is only an arrangement as between the Company's Government and the rent collectors, auction bidders and a few lineal heirs of the ancient Rajas who survived. The ryots were not the parties to it even though they were the owners of the soil. Even this arrangement was entered into subject to the usage of the country, the customary rights of the ryot in the land and also the other inherent and appurtenant rights of the ryots and villagers.

" Even though Todar Mal during Akbar's rule fixed the land tax at one-third net at the most, and during Hindu rule it was one-fifth net even during the times of famine and war, at the

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time of the Permanent Settlement the land tax was fixed at half net in some cases and half gross in some cases. Out of this the landholder is allowed one-third; that is, his share was fixed at one-sixth net, besides the benefit of the increased revenue derived from the extended cultivation which he might bring about by the assignment of waste lands after 1802.

"According to the Permanent Settlement the peshkash was made unalterable and the tax was also made unalterable. Out of the sum of 82 lakhs fixed as land revenue the landholders were allowed 27 lakhs, besides, of course, extra income derived from the waste lands assigned from time to time subject to the rates of 1802. The tax and the peshkash for every village in each zamindari was ascertained and fixed and posted in the registers. That the zamindars had been adhering to this is seen from the records submitted by them to the Government through the Collectors of districts for a long period. For example, from the records in the Collectorate of East Godavari, Sir, the tax also was shown by the zamindars unaltered till 1898. In East Godavari the Pithapuram Estate has 128 villages and the rent roll was about Rs. 3,92,500. In the year 1890 it was Rs. 3,74,538, in 1896 it was Rs. 3,74,538, in 1898 it was Rs. 3,74,534 but in 1934 it was Rs. 8,79,035. The peshkash was fixed at about Rs. 2,54,000. In the year 1890 it was Rs. 2,48,158, in the year 1893 it was Rs. 2,43,869, in the year 1898 it was Rs. 2,43,748 and in the year 1934 it was Rs. 2,31,810. Of course the decrease in peshkash is due to the acquisition of lands for the canals and roads and a proportionate reduction in peshkash. From the figures I have given it will be seen that the tax was not enhanced or at least was not reported to have been enhanced till the year 1898. There are several estates like this in East Godavari and from all the estates, figures have been reported to the Government. And it can be found from the registers kept in the Collectorate that the tax was not at all enhanced till 1898. 4-30 p.m.

"Some of my hon. Friends are fearing how to trace out the rates of 1802. The income of each village prior to the year 1802 was taken and the average was fixed permanently and unalterably as land-tax and one-third was allowed to the landholder and two-thirds was fixed as peshkash. From *goshparas* kept for six years previous to 1802, can be found the total extent of cultivation of each village, the tax collected, the waste lands and communal lands, the inams and other things. The extension of wet lands, the extension of garden lands and the extension of dry lands and the collection on those lands are available for each year. The inam settlement was made on the strength of these registers. These *goshparas* are regularly kept in the Collectorates as permanent records.

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"The hon. Member representing the Anglo-Indian Constituency has admitted that individual zamindars in the past might have grossly misused their powers. I request the present zamindars, Sir, through their representatives in the House to rectify them at least now after knowing facts fully.

"The hon. Member, Mr. Bower, said that if the Government desired to ameliorate the condition of the ryots and redress their grievances the members on the Opposition would be in entire agreement. I thank him, Sir, for that on behalf of the ryots and request him and other members to support the motion of my hon. Friend, Sri Kala Venkata Rao, requesting the Government to enact early legislation on the basis of the Report.

"I request the hon. Members to make the zamindars consent to take one-third of half net which is their due according to the Permanent Settlement and leave the rest to the Government, to establish a system of uniform tenure which will ultimately tend to readjust and reform the whole system of taxation on modern lines and to ameliorate the condition of the toiling masses of the Province and to devise ways and means for economic, political and cultural advancement.

"Sir, it was a surprise to hear the Zamindar of Mirazapuram say the other day that evidence was taken by the Committee without making a list of the witnesses previously. I am afraid, Sir, that the hon. Member has forgotten the instances when he requested the Chairman of the Committee several times to postpone calling certain witnesses to further dates as he was not ready with the necessary material and as the zamindars or the representatives of the particular estates to which the witnesses belonged were not present to furnish him with material to cross-examine the witnesses. The lists were prepared previously and the witnesses were called in order on agreement among the members.

"The hon. Member representing the Indian Commerce constituency said just now that hon. Members of this House attach too much sanctity to the Permanent Settlement which was enacted by a body of merchants. It is gratifying to hear that observation from an hon. Member representing a commerce constituency. He has found fault with hon. Members, especially those belonging to the Congress party, for attaching sanctity to 1802. Sir, members of the Congress party attach as much sanctity to the Permanent Settlement of 1802 as to the Act of 1935. But Sir, we have to take the present conditions into consideration and the contract which the Government and the zamindars entered into in the year 1802. According to that contract the zamindars were entitled to one-sixth of the net produce for services rendered to the State and nothing more. To show that the zamindar is entitled to only one-sixth of the net produce or one-third of half net, the Report basis itself on the Permanent Settlement. Besides

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this the zamindar has got no other right. He has no right to enhance the rents nor to appropriate to himself the forest rights which were left to be enjoyed by the community in general. With these remarks, Sir, I resume my seat and leave it to other hon. Members to support the motion of Sri Kala Venkata Rao."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Mr. Speaker, I do not want to traverse the ground that has already been traversed. Let me even at the outset say that my opinion is going to be the opinion of a gentleman of common sense, a matter-of-fact gentleman. I do not want to go into the legalities or illegalities of the several questions. Sir, ungrudging approbation of this House and of the public at large is due to the Hon. Minister for Revenue for having placed before us this monumental and thorough report. The sincerity and earnestness with which the problem has been dealt deserves congratulation from every side of the House. It has been asked: what is the justification or sanction for this great step that has been put forward by the Hon. Minister as the Chairman of the Committee? That there is a dire need and necessity for an examination of the entire land revenue system cannot be denied. Nor could it be disputed that a thorough overhauling of the land revenue system throughout the Presidency is urgent and desirable. Good government of the Province, security, protection, prosperity of the subjects and improvement of their condition make it a paramount necessity that some endeavour should be made in the direction of resettling the relationship of landlord and ryot on a fresh and permanent basis. No government can be prevented from doing what is thus found just and necessary in order to meet the present day circumstances and in the general interests of the community and country. The question that arises is as to why the entire problem of land tenures is not being tackled. The only defence for this partial attempt that I can give is that 'half-a-loaf is better than no loaf.' I should welcome this partial attempt also on the ground that this will lead ultimately to an all round re-examination of the rest of the land tenures in this Province as well. Because it is a partial attempt it cannot detract from its value to any the least extent. The problem is so vast that perhaps a piece-meal disposal is the most expedient course. Besides, the necessity for the development of agriculture, the cultivation of a spirit of independence, the development of commerce and the restoration of peace and contentment among the ryots justifies this attempt in a large measure.

"If reform is needed, Sir, and if it is urgent in the interests of the people, millions of whom are cultivators, why is it that the Permanent Settlement is being sought to be confirmed instead of being altogether abolished? This is another question, Sir, and a very important and pertinent one, when it has been admitted on all hands that the Permanent Settlement was in itself bad and 4-45 p.m.

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wicked, that it has served its time and that it is now a great hindrance and a drag on the steady progress of the people and their agricultural, commercial and political advance. This is a fundamental question of policy which the Hon. the Revenue Minister will have to answer in his turn. I can only say that while there is every justification to assimilate the status of the zamindari ryot with that of his brother in the Government tracts as early as possible and relieve him from the misery, bad feeling and oppression which are found to exist in zamindari tracts, there is no justification to postpone the dealing with at least a part of the problem any longer. The earlier the better. When you are out to reform, why perpetuate the Permanent Settlement which has been condemned as wrong and iniquitous? The report does not furnish any answer to this, though one of the minutes of dissent has raised this point.

" Now coming to the findings and recommendations, it must be conceded even at the outset that every conclusion is a bone of contention between the parties concerned. It is indeed most striking that the landholder has not conceded even a single point in favour of the ryot. There seems to be no common ground at all. This is most unfortunate. Beginning from the question as to who is the owner of the soil and ending with the question as to what is the position of the inams, every point is the subject of controversy. It is curious that both parties to the controversy rely on the same set of regulations, instructions and enactments but arrive at different conclusions, the only difference being that while the zamindar relies too much on the decisions of court and the later enactments of 1865 and 1908, the Committee would entirely depend on the original terms of the regulations and instructions that came into existence in and about the year 1802. It is obvious that the majority would characterize all the later juridical and contractual development of the relationship between the landlord and the tenant as an unwarranted excrescence deserving no notice whatever.

" Still in the maze of this controversy and bitter strife, a few broad facts would emerge and these seem to be almost incontrovertible. I shall confine myself only to those and no more. The first among these appears to be the question of the proprietary right to the soil. It seems to be beyond doubt that whatever might have been the theoretical notion as to ownership of the soil being vested in the State, the broad truth remains that for all real and practical purposes, the ownership of the soil is that of the ryot and not of the landholder or zamindar. A discussion of this question is not only purely academic but seems also to be futile from all points of view. Considered from this aspect, it must be admitted that the landholder is only an assignee of land revenue. In order to place this view beyond dispute, it may be necessary to nullify the effect of existing juridical pronouncements by means of suitable legislation.

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" The crux of the problem of the landholder versus the ryot appears to me to centre round the question as to whether in 1802 the peshkash alone was settled permanently or whether the rent payable by the ryot was also settled. On this issue, facts could be martialled on both sides. While it is quite certain and indisputable that the peshkash has been settled once for all, there is still an air of uncertainty and doubt about the issue as to whether the rent payable to the landlord was also settled in 1802 by means of the Permanent Settlement Regulation. But this much seems to be certain and beyond question, namely, that it was the clear and unequivocal intention of the Government expressed through the various regulations, that the rent payable by the ryot to the landholder should also be simultaneously settled along with the peshkash according to the custom and usage then prevailing. But it is a moot question whether the Government did make any honest attempt or put forth any serious effort at any time to settle the rent also permanently as between the landholder and the ryot. Unfortunately, while expressing the clear intention and the wish that the rent should also be permanently settled, the Government seem to have left the issue to be settled between the landlord and the tenant without itself enforcing any such settlement, as it was in duty bound to do in the interest of the ryot. Things having been left to drift for a long time and the Government having allowed contracts to arise between the parties, their attempts at a later stage to protect the tenant by means of legislation, could not prove of much avail to the ryots who had steadily lost their original rights. The result was that, at the time legislation was undertaken, the Government could not but recognize and stabilize the state of affairs that had then prevailed in the zamindari. Several other factors also seem to have operated against the attempt of the Government to restore the ryot to his original position as it stood prior to 1802. The intentions and pious hopes and expectations of the Government remained only on paper and never materialized and the ryot's position grew from bad to worse under the zamindar.

" If this were the position, then the question naturally arises as to why the ryot whose condition to-day is most miserable and despicable, should not be afforded the relief which he richly deserves and why he should not be restored to his ancient rights. In short, why should not the intentions and expectations of the Government in 1802 be implemented now, if it had not done so already at any previous stage obviously owing to laches on the part of the Government? Why should not a Government with less capitalistic views relieve the ryot from the oppression and tyranny of the ultra-capitalistic landholder? I do not see there can be any objection to this. This seems exactly the aim and that is what the present Government now seeks to do. It has to be noted that the present Government seeks to achieve this only in a

very conservative spirit and on a moderate scale. One cannot say what would have been the prospects if there was a socialistic Government. Granting that the rent was never fixed unalterably and permanently, what is there to-day that prevents the Government from so fixing it now and here? On the other hand, the exigencies of the time and the condition of the people do seem to demand such a course in order to rehabilitate the ryot.

"If it were so, then the question arises as to how best you will determine what rights, duties and privileges the ryots and the landholders became respectively entitled to and liable for under the terms of the Permanent Settlement and as to how far these have been enjoyed and discharged by the ryots and landholders respectively. Any findings that may be given by any committee of laymen or publicists on these points is liable to be questioned by one or other of the parties. The difficulty is all the greater when one realizes that there is not readily available any adequate data or material in the shape of records and deeds which would yield indisputable conclusions at this distance of time, nearly 136 years later. In order to lay such an issue at rest once for all, the only feasible way seems to be to constitute a judicial tribunal and allow the parties to establish their respective claims once for all. This, of course, involves delay and further expenditure, which cannot be helped.

"If this is not to be done and if it is held as a proved fact that the landlord is not entitled to collect anything beyond one and a half times the peshkash then, the question stares you in the face as to why the Government allowed the landholder all these years to collect such enhanced and unauthorized rents in the first instance and in the next place as to how the landlord could be deprived of the benefits of the collections which he has been so far enjoying for the last 136 years with the active connivance of the courts and the Government. Not only this; but the further question also arises as to why the subsequent purchaser of the landholder's estate and interest in the zamin should also be made to suffer. The subsequent purchaser has obviously advanced large sums to the landholder and such payments must have been only on the basis of the then existing rent-roll. Why should a mortgagee be deprived of his rights who has taken the mortgage on the *bona fide* belief that the rent-roll is based on just contracts subsisting between the landholder and the ryots and that such contractual obligations are governed by the law of the land enacted from time to time by established authority for the regulation of the relationship of the landholder and the ryot in almost every conceivable matter in the estate.

"A reversal to the position as it stood in 1802 would brush aside all the just and equitable rights of these *bona fide* alienees and it will therefore amount to a wrongful deprivation of their

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legitimate claims and rights. Justifiably then such a step would be called expropriatory and confiscatory. But is this the only just and equitable method of approach to the problem? I say, 'No.' Do we not contend that the rights of an individual which have become ancient and are founded on a series of judicial decisions and on legislation for over thirty years should not be denied to him altogether without any counter-balancing benefit to him? There is no wrong which could not be righted by the payment of adequate compensation in the material sphere. Therefore if the Government propose to relieve the ryot and if such relief involves inevitably another section of the people in distress and misery, it is but fair and necessary that reasonable compensation should be paid to the party whose rights are affected by the proposed course of action. Considered in this light, the landholders would become entitled to compensation for the loss of their rights which they have hitherto enjoyed on the strength of legislation and decisions of courts of competent jurisdiction. But then the point that arises for consideration is whether it is desirable and wise to pay compensation to the landholders and at the same time retain the Permanent Settlement which has never been approved of in this Province. What is the guarantee that even after this reformed Permanent Settlement, things would go on as desired? What is there to show the landholder and the ignorant and stupid ryot would not conspire once again and allow things to degenerate as of old? What is there to prevent the repetition of history? A change of Government itself might undo everything that is now made and perfected. The intervention of courts of law could not be avoided by any means either, when parties are left to seek remedies and enforce their mutual rights against each other. The lawyers cannot but thrive.

" Therefore in the interest of securing and maintaining the required atmosphere for the well-ordered development of agriculture and commerce, the only feasible way seems to be to liquidate outright the estates of the landholders, on payment of reasonable and just compensation to be determined by a properly constituted Expert Commission. It may be that such a Commission should be given definite instructions as to the principles and 5 p.m
basis on which compensation should be determined. The payment of such compensation can be arranged for by raising a big loan or by the issue of bonds, as the case may be. The Government would not lose anything in such a transaction; nor would the zamindars be at any great disadvantage. If they could be paid compensation at rates ten or fifteen times the average rent roll during the last thirty years, deducting the peshkash and collection charges and other costs of repair and improvements to irrigation works, etc., they should indeed welcome such payment. It would relieve them of a great responsibility and the worry of collecting

and maintaining their estates. They could put the money to any useful and fruitful venture and prove themselves worthy citizens, instead of the spendthrifts and extravagant debtors that they are to-day.

"But if the landholders would not accept such a proposal which they should themselves have offered to the Government of the day, I can only say that they do not keep pace with the moving times or do not know their interests; and you know that those who do not march with the times will have to rue the event. They would be well-advised to turn to the pages of history for a while and visualize to themselves what is in store for them in the dark future.

"From the point of view of Government, I would earnestly urge that considering the several insurmountable difficulties and impracticabilities which their scheme of restoration bristles with, the most feasible and easy course is the one that is suggested in my amendment. This course will put an end to all further complications and make the way easy for the settlement of a policy in regard to land revenue assessment, not only in the estates so liquidated but also in the Government tracts. They can start with a clean slate and ensure a new orientation to the problem of land revenue system in this province. Besides, by effectuating this scheme of liquidation, the Government would not only be able to pay off the compensation, but could also add to the revenues of the State enormously. I dare say the loss of revenue involved in prohibition could be easily made up if this scheme were put into force.

"With these words, Sir, I respectfully beg to commend to the House the amendment which I have moved."

Sri R. M. Palat, Sri Diwan Bahadur A. Appadurai Pillai and Sri G. Krishna Rao rose.

MR. SPEAKER:—"I think the movers of amendments should be given preference. Mr. Krishna Rao may now speak."

* SRI G. KRISHNA RAO:—"Mr. Speaker, Sir, I thank the Hon. the Revenue Minister for his very lengthy and elaborate exposition of the report which he gave us the other day. As a sustained intellectual effort and as a physical effort also, Sir, I think it breaks the record of all speeches made from the Ministerial benches up till now—I think I am right in saying that—and it has been a very able speech. Though I have not been able to see eye to eye with the Hon. Minister in all matters, I cannot help admiring his effort, Sir. Sometimes when passionate advocacy obscured the practical outlook on this matter, I thought the old lawyer in him was holding him under check, the practical

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politician. Whatever it be, it is a fine performance, and I think it is a thing to remember—in the best sense, and not in the worst sense.

" I shall now deal with the report, Sir. The report that has been presented to this House by the Estates Land Act Committee is the result of their strenuous labours. The Committee took upon themselves to examine and report on the working and details of the administration in the zamindari and proprietary areas and suggest such legislation as may be necessary therein. The Hon. the Minister, Sir, said that the contemplated legislation was intended by the Government to promote a better understanding between the landlord and the tenant. He further said that, in regard to the constitution of this Committee, there were certain friends, certain gentlemen—whether in this House or outside the House I do not remember—who did not want a Committee to be appointed at all, who thought that all the materials necessary were there already, that a Committee would only delay matters, and therefore suggested that the Government could go forward straightaway with the legislation and also, the Minister said—I believe—that the Government did not think it right to legislate ordinarily on such matters without having a proper Committee to go into the whole question, to take evidence on both sides, to investigate into the whole problem and produce an impartial report. Sir, the report of the Committee is now before this House and it is for us to say how impartially and how evenly they have carried out their business with regard to the conflicting interests as between the landlord and the tenant. The report itself, as we all know, is a vast bulk of printed matter running into many volumes, covering the whole problem of proprietary estates in all its details, with a bulk of evidence and memoranda submitted to the Committee and various other details including State papers, etc. It is not possible, with the best will in the world, to master all the details contained in the report and to condense everything one has to say in one's speech, unless perhaps one has the stamina and perhaps the opportunity of the Hon. the Revenue Minister to do it and unless one has the necessary time at one's command in this House. So, Sir, I propose to confine myself to one or two important aspects of the report and lightly touch upon others.

" Sir, the first reference in the report is to the juridical relation between the landholder and the tenant. From my point of view, whatever my friend, Mr. Basheer Ahmed, may say, this is a matter which has already been settled. There has been absolutely no antagonism or difference between the landholder and the tenant with regard to their respective rights. We do not see anywhere at the present time any such difference; and whatever differences there were, past legislations have set them at rest; and

especially the Act of 1908 which gave the ryots the right of occupancy has settled the matter more than 90 or 95 per cent. There is no need therefore now to go into this matter. It may be called an academic or a practical point; but whatever it is, I have got to say that so far as I have been able to see, if the Government wanted an ameliorative legislation, they need not go into the juridical relationship between the landholder and the tenant. As a matter of fact, as I have said, there has been no contention of their respective rights to any very great or militant degree; but inasmuch as the Committee has taken up this matter under the purview of its enquiry, I think, Sir, after all the Herculean labours that have been spent on this question, the Committee's findings do not throw any real light on it.

"The Committee has assumed that the Permanent Settlement Regulations of 1802, which vested the zamindar with proprietary rights did not confer upon the zamindar the ownership of the soil. It is obvious, Sir, that in 1802, owing to various State reasons, owing to historical vicissitudes and necessities, the Government had to take this step; and it has been stated very clearly in the Regulations that this right has been specifically vested in the zamindar. That could not be denied by anyone, so long as the Regulations are what they are at present. It has also been well-established by various judgments by impartial and eminent judges and by interpretations or decisions given by them and capable administrators who have gone deeply into this question and given their most considered views on this matter during the last 150 years; and I should say that during this long period, this right of the zamindar as proprietor of all properties which he has been enjoying has not been challenged; at least after the year 1908 there has been no such challenge with regard to his proprietary rights. This Committee now come forward and say that the zamindar has no proprietary right in the soil, that he is only a collector of revenue, that the ryot is the sole owner of soil and that this Committee alone has got the exclusive wisdom to interpret the Permanent Settlement Regulations, that no other body was able to do it before and that all the judges, jurists and administrators who have taken the trouble to look into the matter and judge, according to their best lights, have all gone wrong. Sir, whatever may be the intellectual capacity of this Committee, with due respect and regard to the Committee, I say it is too large a claim to make. It is a well-established principle now that there is a co-existing right as between the landholder and the tenant; it is not as if the ryot has been left in the lurch; it is not as if he has no right at all. He has a right and the zamindar also has got certain rights. That has been acknowledged and that has been clearly acknowledged, so far as legislation goes; the right of occupancy, a very valuable right, a very tangible right, has been given to the ryot, and he has not

been neglected; his rights have been secured to him. It is a transferable and alienable right; he can sell his land; he can convert it into money; he can do whatever he likes with it, provided the rent due to the zamindar is paid. That is how it is. And the zamindar has got certain other rights; he has got rights over minerals, over waste lands, over forests and over water-sources, just as the Government have such rights in Government areas. It cannot be said that the zamindar got those rights all of a sudden when he has been enjoying those rights all along, when lots of money have been sunk by him in their development and in their improvement and in so many other ways; it cannot be said that as if by a stroke of the pen you can brush aside all his claims and say that he has no claims at all. He has been enjoying certain residuary rights, or whatever you may call them, which have been given to him specifically by the Government of the country under the Permanent Settelment Regulations. He has got the right to admit a man to cultivate the land before he gets occupancy right; he has got the right to evict a man if he destroys the cultivable quality of the soil or does any mischief or act of vandalism to destroy the fertility of the soil. That right is his; he has got the ultimate reversionary rights, that is to say, when a man has got occupancy right and he dies intestate and has left no heir, his right of occupancy extinguishes, and the land goes back to the zamindar—just as in Government areas, when a man dies intestate, the land goes to the Crown. In other words, the zamindar has been given or delegated certain rights by the sovereign of the country and he has been enjoying those rights. It is indubitably true that he has got certain superior rights, and so the right view to take will be to accept that he is the administrative partner of the soil as the Government is in ryotwari areas and the ryot the productive partner holding the right of occupancy in the soil. Sir, in contradistinction to the rights enjoyed by the landholder and the rights of the tenants, I would like to read a passage which explains definitely and precisely the situation as it was exactly at the time of the Permanent Settlement.

5-15 p m

" That is stated in paragraph 34 of the Instrument of Instructions of the Government issued to the Board of Revenue on 4th September 1799. After referring to the proprietary rights of the zamindar, it proceeds to state: ' that distinct from these claims are the rights and privileges of the cultivating ryots who though they have no positive or permanent right in the soil, have a right of occupancy as long as they cultivate to the extent of their usual means and give the Sirkar or proprietor whether in money or in kind the accustomed portion of the produce.'

" Here is the definite instruction issued by the Government to the Board of Revenue and it says precisely and in unequivocal terms what the right of the zamindar is and what the right of the tenant is. As long as the tenant pays his kist to the zamindar

his right of occupancy is acknowledged. That was in the old days. That is what I think the Hon. the Revenue Minister also said with reference to Sir Subrahmanya Ayyar and Sir T. Muthuswami Ayyar who accepted this dictum. Afterwards the Estates Land Act improved the matter further; because times were progressing and every attempt was made to place the ryot on a better and proper footing. What was said was, as long as he paid the rent there was no trouble, but only when the ryot failed to pay his rent he could be evicted, and now according to the Estates Land Act, the proprietor can proceed against him only by suing him for rent, but he cannot eject him from the holding for non-payment of rent. That is what the section in the Estates Land Act itself says. That is of course, an improvement which has been brought about. It cannot be said that the ryot's position has become deteriorated in the progress of time. If the idea of the Government is to promote a better understanding between the landholder and the tenant, I should very much like to impress upon this House that it is always better to accept the principle of co-existing rights which have been going on for the last 130 years and which have been recognized by the law of the country and try to bring in legislation in any manner that might be considered fair and equitable by this Government. The Government of this Province cannot say that it has no right in the land, it has no right in the forests, no right in the water-courses and in the waste lands. When these rights have been specifically given and transferred to the zamindar by the Permanent Settlement Regulation, I do not think it is right for the Government now to say that these things should be confiscated and they should be reduced to the position as they were before. I think it was my hon. Friend, Mr. T. T. Krishnamachari, who put it, why not the Government give the waste lands and the forests and water-courses to the ryots? Why don't you do it? Why, in such a case, do you take a different view in regard to these zamindars and try to take these things from them and give them to their tenants? I think that is a pertinent answer to the Government.

"Then, Sir, it is said that the sovereign has no right in the soil. You go back to Manu and go back to the old mystic past. Without being levitous, I would like to say that if you are going to compare the present-day conditions to the circumstances prevailing in the days of Manu, the present may have a resemblance to the past as a cock or hen will have a resemblance to an egg! Since then things have developed and have gone on changing out of all recognition and I do not think there is any relevancy in saying what was there during the days of Manu should be adopted at this time. On the other hand, if you want the historical sense in regard to the matter, I would request this Government to go to some measurable distance of time. That is exactly what has happened in this case. The sovereign rights were enjoyed by the Muhammadan and Moghul Rulers and those rights were exercised

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as sovereign rights; and during the latter part of the 18th century and in the early part of the 19th century, when the British Government took over the administration from the Muhammadan rulers, they found that they were the undisputed owners of the soil according to the theory and practice that prevailed, that the State was the undisputed owner of the soil, and they accordingly transferred those rights to their assignees. So, there is no use going back to the days of Manu, for things have now changed beyond all recognition. Times are now different from what they were during the days of Manu. After all, are we like the people in the days of Manu; and are we Brahmans doing what all that Manu asked us to do? Do you give one-sixth of your earnings to the State? All that kind of thing is no good at present. We have been violating Manu's rule in respect of all matters, but we still want Manu for the Estates Land Act alone! I am very sorry that such comparisons are brought in as arguments in a case where there is no practical realism which can be brought to our assistance from those old scriptures! The dictums that were observed in those old days are not fit and relevant to the present-day conditions.

"Then, Sir, when historical facts are like that and when you say that the sovereign had the power and he exercised full rights over the soil as any of the sanads would show, and when the British Government took over the administration from the Moghuls, according to the policy that was followed, they gave those rights to these permanently settled holders; when these facts are incontrovertible, this Committee wants to take shelter under a phrase—perhaps an undesirable phrase—'proprietor of the soil,' to comment on the wording, and say that it was used in the Indian sense. I would ask this House, what is meant by the term 'Indian sense.' Does it mean that this Indian sense is an untruth or a species of falsehood? I can understand if, as the Hon. the Revenue Minister has stated, the Europeans had no idea of our country and they said that. I am sorry that Mr. Forrest has said that. But I cannot really understand how an Indian Committee consisting of Indians could say such a thing; it is really derogatory to the self-respect and sentiments of our country. Some time ago, Lord Curzon made a statement that Indians lacked the sense of truth. At that time, the whole country was roused with indignation at that statement and the whole Indian nation rose as one man and protested against that. This Committee is doing the same thing now. It is because they want to snub the zamindar and to dispossess him of his rights by saying that it was used in the Indian sense. I want the Hon. the Revenue Minister not to smile and not to laugh over it; I am really in earnest about it in asking, as an Indian Committee how could you say that the language used was made in the Indian sense. He might explain. I do not believe that such a statement would have been expected of an Indian Committee. I am sorry that it is said that the

term ' Proprietor of the soil ' is used in the Indian sense. What is the Indian sense? It is of course excusable in the case of a European, but I cannot excuse that in the case of an Indian Committee.

" Then, Sir, if you go to sections 6 and 7 of the Permanent Settlement Regulation, here also, I am not able to understand how the Committee deduced their inference. There, in section 6 reference is made to seasonal conditions, droughts and other calamities when no remission could be claimed, but the fixed peshkash should be paid anyhow, rain or shine. Section 7 says in default the Government will attach the private property of the landholder first and then his lands, if necessary. But this Committee finds something wonderful and a ludicrous inference has been made which I am not able to understand. Because it is stated that firstly they would attach private property and then land, it clearly shows that the zamindar is not the proprietor of the soil! I cannot understand how their inference was drawn."

MR. SPEAKER:—" In view of the limited time, I hope the hon. Member will finish soon."

* SRI G. KRISHNA RAO:—" Sir, I am not in the habit of reading much, except when it is quite relevant and that too with great reluctance. Now, Sir, section 6 provides for fixed payment and section 7 says that in default personal property should be attached. Now, Sir, if you attach the private property of the zamindar, do you mean to say that you can take away his right in the property? I am not able to understand the logic in it.

" Now, I come to the point of rent. 1802 rent is considered to be a fair and equitable rent. The Committee takes its stand on the Permanent Settlement Regulation and other Regulations passed on the same day and certain State papers. Especially after the publication of this report, I went through all these regulations and as far as my limited intelligence goes, I was not able to see anywhere that there has been any fixity of rent. With reference to peshkash it is stated in the 1802 Regulation that it shall be unalterable and not liable to be increased under any circumstances. But under the Patta Regulation it is impossible to think that such an arrangement could have been made. What the Permanent Settlement Regulation says is that a man should be there to look after the accounts, give data to the judges in case of dispute; he being a Government man, he would be able to give information about the holding, nature of the crop and various other details such as survey numbers and so on. But I cannot understand how when a karnam was appointed it shows that there has been fixity of rent. Patta regulation was intended only to determine the agreement between parties because in those chaotic days everybody was put to trouble and everything was going on in a spirit of *zabardast* because every-

body wanted to trouble everybody else. It was only after the Permanent Settlement Regulation came, everything was regularized. Then it was required of the zamindar also to have some kind of written agreement with regard to land; that is what is meant by determined agreement. But there was nothing to prevent him from enhancing the rent or do anything which was equitable and just or to come to an agreement with his ryot. The Hon. Minister has been emphasizing so much on section 9 of the Patta Regulation. But I am not able to see what esoteric meaning is there in that section. I would like to ask the Hon. Minister to say, when he replies, what is there particularly in that section as the key point. It was a simple direction given to courts in 1802 saying that if there is no such written agreement the judge is asked to be guided by this section. It says if there is a rate in money or rate of division of crop, settle it according to the previous year's rent. But there is nothing to show that there was any fixation of prices. It is impossible to say that that section gives you any idea of how 1802 prices can be taken for the fixation of rent. If the old waram tenure is there in grain, whether the price rises or falls, a certain proportion goes to the ryot and the landholder, in which case both are benefited. Nobody can restrict that advantage to the ryot on any account or to the landholder on any account. No arbitrary price was fixed anywhere. In regard to regulation of prices you say that the 1802 prices have been fixed permanently and in perpetuity under section 9 of the Patta Regulation.

" Whatever it is, Sir, I am not really able to understand how the Hon. the Revenue Minister interpreted these sections as establishing the rents in perpetuity on the basis of the prices of 1801. I am not able to see how he derives that inference from section 9 of the Patta Regulation. On the erroneous conclusion that rent was land revenue, the Committee argues that rents are unalterable. I am not sure whether that position has anywhere been taken up in the past. Has it anywhere been so stated? The Patta Regulation says that the pattas could be renewed every year; they could have then laid down that the sanad also should be renewed every year. They could have as well stated this also. My contention is that the Committee in spite of their Herculean labours has not been able to establish that the rents were fixed in perpetuity as from 1802 as the peshkash was fixed at that time. The Committee have themselves stated: 5-30 p.m.

> 'If only the Government had not given jurisdiction to courts to decide these disputes, but on the other hand declared in unequivocal and unambiguous terms the unalterable character of the rent in the same manner in which the peshkash had been fixed, there would have been no trouble at all.'

It is needless for me to emphasize this matter than quote this passage. This passage is the outcome of the discomfiture of the Committee. In spite of the fact that they want to prove this thing, their position has been rendered untenable by the very

statement that they have made and which I have here quoted. They attempt to prove an unprovable fact. I suppose that all these disprove the theory propounded by the majority finding of the Committee. Section 14 of the Permanent Settlement Regulation further makes it plain that the zamindars or landholders shall enter into engagements with their ryots for a rent either in money or in kind and shall within a reasonable period of time grant to each ryot a patta defining the amounts to be paid by him. When they have explicitly stated amount of rents in such terms they have not said that it is fixed and unalterable as they have said with regard to the peshkash. They could as well have gone a little further, spent a little more ink if they had really wanted to restrict the landholders' rights and put it down. They could have said something about the fixed character of the rent as they had said about the fixed and unalterable nature of the peshkash. The principle of fixing the rent on the basis of 1802 prices is an arbitrary one. I would ask the Committee in all earnestness if the year 1802 is such an open sesame and whether it is the logical consequence of the interpretation of section 9 of the Patta Regulation. If it is a practical proposition, why have not any other provinces taken advantage of it? It is significant that not one single province in this country has struck upon this theory. If it is really a good principle, if it is really a sound financial principle, if it is really a principle that has the basis and backing of law behind it, it would not, I submit, be lost sight of by others in our country. By the very nature of the relationship that is subsisting between the landholders and the tenants in the other provinces, people there are more keen-eyed, and keen-witted than people who are here. (Hon. Members: 'No, no.') I was saying that the relationship between the landholder there and the tenant is such that the tenant is always on the look out for provisions of law that will whittle down the rights of the landholders and such a state of things does not obtain here. People there are more militant and that is why they always search for the provisions of the law which could place them at an advantage over the landlords. People here are not like that. On the contrary no such suggestion has ever been put forward by any of the witnesses that tendered evidence before the Committee. Further I would submit to the Committee that even the Committee has said that the 1802 rents were not standardized. It was in some cases on a feudal basis and yet in some others it was a sort of military tenure. When such is the state of uncertainty about the 1802 principle, I really do not see how the 1802 principle could be acted upon on the assumption that everything was settled then, which they have themselves said it was not. Vast changes have taken place since then up till now and vast interests of the landholders have grown to an enormous extent in the estates. Added to this is the question of the disparity of the value of the rupee in the matter of its purchasing power. There is a substantial difference between what it was in 1802 and

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what it is in the year of grace 1939. I am glad that my hon. friend, Mr. Rangaswami Ayyangar, though a Congressman himself and a member of the Committee has exposed the fallacy of this theory. Properties had been bought; original parties have gone; money had been invested and things are not what they were in 1802. Under such circumstances, is it really practicable to think of going back to the 1802 rates now and trying to settle matters on that basis?

"In the matter of taking evidence and using it, the Committee has not at all used the evidence in a proper manner and that is why I want that a Judicial Committee with a High Court Judge or some Judicial Officer to preside over it should go over the whole affair once more. Evidence has not at all been properly weighed and considered. That is my complaint with regard to the manner of their enquiry. Further, I would very much like to point out that the year 1802 has not been pointed out as a solution either by the ryots or the zamindars. The Committee has fixed upon this year without any definite hint or submission by any of the people that tendered evidence; the Committee wants to force its own and pre-conceived notions and ideas as to what they want to do even in spite of what others may put before them in the course of the enquiry. My question is 'Whoever gave you an idea that the 1802 rate should be the basis for the future?' I do not really understand as to how the Committee has used the evidence before them in this peculiar manner. In some cases the Committee has been over-anxious to treat the evidence of the ryots in detail and even do special pleading for them whereas in the case of the evidence of the landholders, it has not even cared to discuss the evidence given by them, documentary evidence submitted to them. Dealing with the way in which they discussed the evidence before them, I have to refer to the passage in the report which was also referred to by Mr. T. T. Krishnamachariar. When people came to them and said that they want the Government rates obtaining in their neighbourhood, what did the Committee say? The Committee said that they were not made with the full consciousness of their rights and liberties and that it was demanded in a spirit of despair and that the Committee should not take the proposal made by them in the course of this evidence as a considered and correct one. This, Sir, is a case of special pleading done by the Committee for the ryot. We cannot accept the proposal of the Committee. I have never seen any report dealing with evidence in such a way, the Judges themselves saying to the parties 'You do not know what to say.' It is the case of a judge with preconceived ideas saying 'Your rights are these but you are saying in a different way,' when he finds that something inconvenient is put forward by a witness which does not harmonize with his preconceived ideas and notions. I am afraid the assertion by the Government that the people did not know their rights

is unmitigated partisanship. The proposal by the ryots was made by men who know their business and what they require. They thought that the Government rates were equitable and so they made that suggestion. But the Committee say to them 'Do not say so. Government assessment are paid by people who are in despair. Do not join them. We want that you should have 1802 rents.'

"By harping upon this 1802 rate, the Government I fear are cutting the ground under their own feet. If the rate prevailing in 1802 was equitable for the zamindari tenant, could not the same thing apply to the ryotwari land also? If the rent of 1802 was considered fair and followed, there will be repercussions in the ryotwari areas. They will not be slow to claim such advantages for themselves and they will not keep silent over this affair and they will clamour that their rates also should be cut down substantially. The safer course would be for the Government to lay down that rents which had been paid for the last 30 years or so may be continued to be paid; I may say that those rates were neither harsh nor oppressive and any increment that has been made may be cut down.

"With regard to the various other items such as forests, hills, porambokes, water-sources and waste lands, I shall not be taking the time of the House too much for we know the mind of the Committee about them. I really cannot understand how the Committee can with justification say that ownership should be transferred to the ryots. Huge sums of money have been invested and large interests have grown all these 130 years and to come and say now that they do not vest in the zamindar is unfair and it would be clearly a case of expropriation if no compensation is to be paid for the interests affected and extinguished and contrary to the intention and spirit of the Permanent Settlement. I would only like to know from the Committee what judicial decisions and statutory authority they have for assuming this position. Justice and equity demand that they who have developed at huge cost to themselves with the hope of increasing the prosperity of the ryots and incidentally getting something in return should be paid some compensation for what they are asked to give up. Otherwise it will be a clear act of expropriation.

"I have got a few remarks to be made with regard to what fell from the Hon. the Revenue Minister. The contribution by the zamindars to the Exchequer of this Province is 47 lakhs according to the figure of the Budget Memorandum and to this should be added the various cesses that are paid by them which is another 25 lakhs. So it comes to about 70 lakhs. The rent roll of the zamindaris is about 200 lakhs. So, the zamindar's contribution to public fund is about 30 per cent; out of the beriz of 2 crores about 20 per cent remains uncollected from year to year and other charges about 15 per cent of the collections have to be set

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apart for administration, for we have to meet charges in connexion with law expenses, expenses in connexion with the maintenance of the irrigation works in the estates and other things. Further while other income earners pay As. 2–9 income-tax per rupee on higher incomes, the zamindars pay 4 to 5 annas in the rupee. The payment which the zamindars make to the Government is not therefore infinitismal but represents a substantial portion of the receipts of the Government.

"The Hon. the Revenue Minister referred to various grievances of the ryots and said that the grievances required immediate redress. He quoted Mr. Crole at length and read out to the House Mr. Crole's catalogue of those grievances. But where the Hon. Revenue Minister missed the issue was this: was there anything done to redress the grievances of Mr. Crole's catalogue, or are they still left without a remedy? I would ask the Hon. Revenue Minister to turn over the pages of the Estates Land Act; and he will see that ample remedies, have been provided for the grievances referred to by Mr. Crole. Whatever may have been the condition of things when Mr. Crole spoke, none of those abuses exist to-day. I would like to read a few provisions from the Estates Land Act and I daresay the Hon. Minister must have seen them. The first complaint is that the tenant was arbitrarily ejected from his holding. He complained that the tenant had no transferable interests in his holding. But the Estates Land Act gave him a right of occupancy and made that right both heritable and transferable. With regard to the illegal exactions which were levied the Act has provided two sections which not merely prohibit the collection of illegal exactions but impose severe penalties for any attempt to collect them. Then with regard to the landlord preventing timely harvesting of produce by not being present in time, the Act has provided that should the landholders' agents turn up unduly late the ryots could have the appraisements through the Collector. Then with regard to the oppression in collection, the Act has provided with meticulous care the procedure to be adopted for collections and has also provided for damages for excessive steps and penalties for illegal distraints. It has also provided for the grant of receipts for payment of rent. Mr. Crole loudly protested and said that landholders should not arbitrarily enhance their rates; and sections 24 and 29 of the Madras Estates Land Act provide against this. Even when enhancements were allowed to be made as a result of permanent rise in prices, the same is restricted to 2 annas in the rupee and once an enhancement is so made, the landholder cannot claim any further enhancement for another 20 years. It also enacts that wherever a rate of rent is arrived at by settlement between the landholder and the ryot the Settlement Officer has to satisfy himself that the rate is fair and equitable. The Act also provides that no 5-45 p.m.

decree should be passed unless the court is satisfied that it is fair and equitable. No landholder can claim enhancement for any improvement effected by the ryot and the ryot has the preferential right to effect improvements. Thus all onerous contracts between landholders and ryots have been expressly provided.

" The Hon. Revenue Minister complained of the failure to repair irrigation works. An entire chapter in the Estates Land Act deals with this problem. The recent amendments to the Estates Land Act in 1934 have made it very easy for the provisions of the law being set in motion. All the amendments made in 1934 Act were taken from a draft Bill prepared by Mr. Ramdas Pantulu at the time, who cannot be suspected of any leanings towards zamindars. (Laughter.) Under this chapter a landholder cannot increase his ayacut without the previous sanction of the Collector. The Collector can reclassify lands and until repairs are effected can order reduction of rents. The chapters provide for repairs being effected through the machinery of the Government when the zamindars neglect. The Hon. Revenue Minister complains that there are no communal facilities. But the amended sections 20 and 20-A provide for these facilities and even provide for acquisition of fresh land by the Collector for being set apart for communal lands. I have gone through these provisions only to show that the rights of the tenants have not been forgotten.

" The Hon. Revenue Minister spoke for two days in this House. Did he tell a word to the House wherein the Madras Estates Land Act was found wanting and wherefore was the need to further legislation? The Hon. Minister did not refer to a single reason. There is no relevancy in quoting Mr. Crole at length except it be to incite hatred and prejudice against the zamindars and probably to say that whether the landholders can do any injury now or not, their grandfathers must have done something wrong.

" With reference to certain references against the Maharaja of Pithapuram, I have to say this. It was said that the gross income of the Pithapuram estate was four lakhs in 1802 and about eight lakhs now. True. But how did this increase arise? What about the large extents of lands, which were brought under cultivation subsequent to the Permanent Settlement? The evidence adduced by the Maharaja before the Committee shows that while the extent of cutlivation in 1802 was about 75,000 acres, the present cultivation is 130,000 acres. Were these 55,000 acres of fresh land brought under cultivation without any expenditure by the estate? Huge sums must have been spent by the estate before these lands were rendered fit for cultivation and could be taken up by ryots. I am sorry such statements were made with reference to other estates also without trying to understand

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what large sums of money are involved in bringing fresh lands under cultivation. It is well known that for some decades after the Permanent Settlement, the zamindars were unable even to pay the peshkash. Further the zamindars have had to pay the peshkash from 1802 without asking for remission even by a single pie whether they are able to collect rents from their ryots or not. Then again, Sir, law requires that a zamindar is bound to keep existing irrigation works in proper repair. If that is the test, the question is whether the Maharaja or the other zamindars have satisfactorily discharged that obligation. The Maharaja claims that his irrigation works are in as good a condition as the Government's irrigation works. It is for other people to deny it."

MR. SPEAKER:—"You have already taken 52 minutes, Mr. Krishna Rao."

* SRI G. KRISHNA RAO:—"Just a last word, Sir. I wish to tell the House one thing more. The Hon. Revenue Minister said and quoted Mr. Crole and Mr. Forbes as his authority for saying that zamindars were no more than farmers of revenue. It is travesty of history that this very piece of land on which the hon. Members of this House are to-day sitting was the result of a grant from a zamindar to the East India Company just 300 years ago. The East India Company first obtained a grant of land in this country from the Raja of Venkatagiri in Dugarajupatam, where they built Fort Armugam. When they extended their trade they applied in darkhast to the Raja of Kalahasti for the grant of land in the fishing village of Chennakuppam named after the then Raja of Kalahasti, Chennappa Naidu, which is now the city of Madras. And it is to the courtesy of that zamindar whom the Hon. Revenue Minister calls no more than a tax-gatherer (laughter from Opposition Benches) that we owe the British administration and the circumstances under which we are all assembled here to-day. This was 150 years previous to the Permanent Settlement, long before those that contemplated the Permanent Settlement were born. With these words, Sir, I resume my seat."

Several hon. Members rose.

MR. SPEAKER:—"I think hon. Movers should speak first."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I wish to second the last speaker, and so I request I may be allowed to speak first now."

MR. SPEAKER:—"Movers will speak first, and seconders will speak last. (Laughter.)

"Mr. Saptharishi Reddiyar will try to finish his speech within half an hour."

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* SRI K. SAPTHARISHI REDDIYAR:—" Mr. Speaker, Sir, it is most regrettable that the Hon. the Revenue Minister should have expressed himself so deprecatingly about the landholder class. His words are not likely to assuage the strained relations between the landholder and the ryots which this report itself has created. Apart from the legal and proper interpretation of the Regulations and the Acts concerning landholders and tenants, have the landholders exercised any rights which the legislature, constituted from time to time, did not authorize them to do or to which the ryots did not agree explicitly or implicitly? During the course of all these 137 years the Permanent Settlement has been in force, have the tenants been so ignorant of the rights that they did not or could not assert themselves? Are not the series of decisions in this period to which the Committee themselves and the Hon. Minister have referred evidence of the fact that the tenants were alive to their rights and fought for them from time to time? Apart also from question of rates of rent and right of occupancy were there any disputes as to other fundamental rights during this period? Lastly, during this period where legislation was passed or was brought forward bearing on the relations of landlord and tenant was there any attempt either on the part of the executive authorities or judicial courts to go back on the implications of the Permanent Settlement? The Hon. the Revenue Minister has repeatedly admitted that the authors of the Permanent Settlement and the successive executive authorities—British and Indian—were very jealous in safeguarding the interests of the ryots. Did any one in that distinguished line of administrators go back on the acknowledged rights of the landlord in the manner and to the extent now recommended? On the other hand, do not the discussions and observations which the Hon. the Revenue Minister has himself quoted show that both the executive authorities and the Legislatures took care to safeguard the interests of the ryots before they recognized any rights on the part of the landholder? The authors of the Permanent Settlement and their immediate and later successors, did certainly know their minds much better than we imagine. The landholders of Madras did not ask for a Permanent Settlement nor the ryots. It was a creation of the British Government. If as the Minister says, he has gone through all the literature on the subject from the beginning, he would doubtless have seen that the Madras Government was not at all in favour of the introduction of the Permanent Settlement in this Province where they said the ryotwari settlement was well understood and well-established and was also for political and economic reasons the best suited. I mention this for the purpose of showing that the Madras authorities, though they have been consistent opponents of the system, did not go to the length of ignoring the real import and implications of the Permanent Settlement.

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" The Hon. the Revenue Minister started by saying that this report was not revolutionary nor confiscatory, nor exproprietary. Hon. Members would have noticed that towards the conclusion of his speech when he referred to forests, hills, etc., his remarks left no doubt in their mind that the proposals were confiscatory. He said that the forests, hills and tanks did not belong to the proprietor.

" Regulation XXV of 1802 says that the British Government resolved to grant to zamindars and other landholders, their heirs and successors a permanent property in their land for all time to come and to fix for ever a moderate assessment. In consequence of such assessment, the proprietary right to the soil was vested in the landholder—see Section 11. With these solemn assurances, a sanad was granted. It specified the names of the villages granted. There was absolutely no reservation in the matter of hills, forests, tanks, etc. Even Regulation IV of 1822 about the rights of all the parties concerned states that the rights of any class of the subjects were properly determinable by judicial investigation only in the established courts of justice. Was any such right as was mentioned by the member contested in a court of law and established? I shall refer in its proper place to the question of forests, hills, etc., but have mentioned it at the outset just to show that when the Minister said that certain descriptions of land solemnly included in the grant to the proprietor belong to the village community and the Government would manage them, he proposes a thing which is entirely opposed to the spirit and character of the Permanent Settlement Regulation and the sanads granted.

" Again, Sir, in his speech the Hon. Minister for Revenue, stated that the Committee was not asking the House to ignore the rights that have been vested in the landlords between 1802 and now, or divest them of those rights; nor was it making any recommendation that rights that had been forgotten or that had been referred to by anybody else, should be restored now. Well, Sir, have not the Government and the Legislature formally or legally invested the landholder with a right to enhance the rent for some reasons, to grant waste lands on his own terms, and have not the Government and judicial courts recognized his rights in porambokes including forests? It is unnecessary to question whether it was proper or improper, politic or impolitic to give such rights. We are not concerned with it at present. But since the grant of the permanent sanad, the landholders have as a matter of fact, exercised such rights and Government and also the ryots have acquiesced in them. Even if we grant that any of them are not higher than prescriptive rights, it is unfair to take them away after the lapse of a century and more, and the Committee clearly proposes to divest them of such rights. Similarly the Committee recommend the grant of rights, e.g., in

forests, hills, etc., which rights in the words of the Hon. Member should be regarded as having been forgotten. I ask, Sir, is this fair or reasonable? This is not to suggest that the Government should not improve the economic condition of the ryots by giving them such rights as are absolutely necessary whenever they are denied without causing any injury to the landholder.

6 p.m. "The Hon. Minister also stated, Sir, that while the rent roll was over two crores of rupees, the peshkash was only about 44 lakhs. By this comparison he evidently wanted to impress on the hon. Members that landholders were profiting enormously after the Permanent Settlement and also to suggest that this profit was the result of illegal enhancements of rents and other exactions. This picture is entirely misleading. In fairness to the landholders the Hon. Minister should have stated how much out of the two crores is actually realized by them—for it is well-known that with the absence of any control over village officers and with the increased cost of collection owing to the fees payable in respect of attachment and sale of properties, the landholders are, as a matter of fact, realizing far less than the actual demand. The Hon. Minister ought to have also stated how much out of the two crores represented increase due to extension of cultivation and the area brought to account by survey and measurement and other legal enhancements provided under the Act, and how much to illegal exactions. Why he omitted to mention also that over 25 lakhs are paid in addition to the peshkash as cesses which they had not to pay at the time of the Permanent Settlement and have to pay now is not clear. This is a very substantial addition to the peshkash of which part only is theoretically recoverable from the tenants but practically much less is recovered. The hon. Members should not be led to form an incorrect picture of the whole position.

"It is suggested that the landholders were happy in that they had to pay only the stipulated peshkash all these years without the addition of a pie whereas the ryots had to shell out their rent to the last pie. The hon. Members will see from the price chart (Volume III) in how many years the prices went below the 1802 prices. In all those years the landholder had to shell out his peshkash without the diminution of a pie from it. The rents, on the other hand, the bulk of which was in kind should have reduced the income of the landholder in those years. Similarly, in years of distress, deficit rainfall and famine, the share of the produce the landholder got was undoubtedly little though he had to pay the peshkash in full. Let it not be forgotten also that so long as rent continued to be only in the shape of a share of the produce, the landlord is deprived of it in the case of lands left waste deliberately or owing to the ryot's neglect. It is unfair and misleading therefore to compare the rent roll with the peshkash proper as the Hon. Minister did.

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" The Hon. Minister stated that no suit had to be filed against the landholder for recovery of peshkash. He perhaps regrets the absence of such suits and wishes to prepare for such a contingency by putting forward these recommendations. Fortunately or unfortunately, Sir, the authors of the Permanent Settlement did not provide for suits for recovery of peshkash but provided such remedy for recovery of rents. It was the Legislature that provided remedy for the landholder and surely, it is ridiculous to turn round against him because he sought the remedy which the Government compelled him to seek. After all, Sir, what is the total number of tenants and against how many were suits launched? The Hon. Minister mentioned, Sir, that there were millions of ryots thrown into the hands of the landholders? How many were persecuted, I ask, Sir, in a court of law?

" The Hon. Revenue Minister is aware of the fact that in one of the estates, not even a single suit was filed against the ryots for over two decades for the recovery of rents. (Page 195, Part III.)

" The Hon. the Revenue Minister devoted a great portion of his speech in trying to make out that the rents payable by the tenants were also permanently fixed at the time of the Permanent Settlement. That this cannot stand the test of law or reason can be easily shown. The Hon. Minister stated that the rents payable by the tenants were fixed beforehand permanently and that it was only after it was reported to the authorities that such fixation has been made that the Permanent Settlement was effected. There is no authority anywhere for this statement so far as the Madras Presidency is concerned. Section 14 of the Permanent Settlement Regulation, and section 3 of the Patta Regulation refute this theory. The Permanent Settlement Regulation XXV of 1802 was undoubtedly an agreement between the landholder and the Government and the sections about granting of pattas, etc., have been put in, in order to enable the landholder to recover his dues through courts of law.

" The instructions to Collectors printed as Appendix VII-B, page 70 of the Appendices volume, makes this clear. The first 33 rules define the manner of fixing the total peshkash payable by the landholder. Then the rules go on to state the position of the ryots who have only the occupancy right in the land. The direction as to the grant of pattas specifying the amount of the rent payable was to enable the landholder to recover on the authority of the agreement, the specified rent through the court. I request the hon. Members to note the wording both in the rules and regulations. Instead of leaving the rent arbitrary and uncertain, both the parties concerned were directed to enter into engagements—*not for a fixed and permanent sum*, but for a specific amount payable—please mark the words—by law or custom

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—see rule 35, page 76, Appendices volume. The authors of the Permanent Settlement, if according to the Hon. Minister they intended also to fix the rent payable permanently once for all, could have stated that pattas should be issued on the basis of the rates and rents which prevailed in 1801. They did not issue any such direction; on the other hand, they said that the rent payable according to law or custom should be specified in the patta. A perusal of rule 39 makes the intention clear. It was hoped that in due time after the introduction of the Permanent Settlement the landholders and the ryots would find it to their mutual advantage to enter into agreements for a specific sum for a certain quantity of land leaving it to the option of the cultivator to cultivate whatever species of crops he liked. It was also expressed that it would be desirable that zamindars should revise the taxes payable by the tenants with their consent and consolidate the whole into one specific sum. Do these words mean that the rates of rent prevailing in 1801 should be absolutely adopted in the patta?

" The Hon. Minister supported his arguments as to fixation of rent by quoting section 9 of the Patta Regulation. The section disproves the theory that the rents were also fixed at the time of the Permanent Settlement. If as the Hon. Minister tries to make out, the rent prevailing in 1802 has to be absolutely adopted in the pattas, where is the occasion for dispute and why should there be a direction that in case of disputes only, the courts should be guided by the rates prevailing in 1801? The words ' established rates ' according to the section mean only the rates proved to have been paid on similar lands. If it meant the same thing as the rate which prevailed in 1801 the expression was redundant.

" It is meaningless to interpret section 9 which prescribed the procedure to be followed in case of dispute as laying down a right and also as fixing the rent once for all. Sections 4 and 6 of the Patta Regulation regulate the manner in which patta should be drawn up in respect of the several modes of payments of rent. Not a word is mentioned that the rates of 1801 should be absolutely followed. On the other hand, sections 12 and 15 clearly contemplate revision of the terms of engagement.

" Take again the observation of the Board in its Proceedings of 1820, viz., 18 years after the introduction of the Permanent Settlement, and in this place it may be mentioned that the Board was very anxious to protect the ryots against the zamindars. See paragraph 7, page 118 of the appendices volume. The Board has stated that ' custom or special agreement should regulate the demand of the zamindar against the ryot.'

" Take again, Sir Thomas Munro's minute of 1823, twenty-one years after the Permanent Settlement. Paragraph 10 on page 129, is clearly illustrative of a case of enhancement of cash rent albeit the result of improvement. Does this show that the rent had been fixed once for all in 1802?

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" A perusal of the Revenue Board's Proceedings printed as Abstract XIII which is out and out in favour of the ryot, shows that the instructions as to the issue of patta were considered necessary because otherwise it was not possible to detect exactions and because otherwise collections would be arbitrary and indefinite. Throughout the proceedings it would be seen that no mention is made that the rates of 1801 were absolutely binding and would hold good for ever. Paragraph 71 clearly lays down that the demand for rent would be justified in accordance with the original terms of the ryots' tenure or by the conditions of any subsequent mutual agreement. The latter rules out the theory as to fixity of rents.

" Again let us look at the provisions of the Tenancy Bill of 1898. Mr. Crole who introduced this and was responsible for the Bill is said to have understood the implications of the Permanent Settlement. He has not categorically stated that the rates of rent which prevailed in 1801 were fixed and unalterable. On the other hand, the provisions of the Bill clearly show that the rents which were being paid at the time or had been agreed upon between the parties were binding and were fair and equitable rents. It was not the case of Mr. Crole that these provisions were ultra vires.

" It should be mentioned also—and this is an important point—that though the Regulations were passed, as observed by the Hon. Minister, on the same day, the authors made a distinction between the revenue payable by the landholder and the rent payable by the ryot. They always described the former as permanent, the latter they ordered should be specific and definite, definite as to the share of the produce and the like where it was payable in kind and specific as to the nature of the dues and the amounts in cash rents. I wish the hon. Members to note this distinction carefully. Please see the wording of the sections VI and VIII of the Patta Regulation, page 104 of the Appendices volume. Pattas had to be issued for a specific sum of money or quantity of grain after the permanent assessment had been fixed with the landholder.

" There is no analogy between pattas and sanads. The latter were issued for a fixed amount in cash payable in all years good and bad. There was no increase or decrease. Pattas on the other hand could stipulate rents only according to law or custom. It was in some case for cash rents and in others which formed the majority, for payment in kind of a specified share of the produce or its value which would naturally vary with such crops. The rents were liable to variation by mutual agreement. It is open to the tenants to surrender the whole or part of their holdings. There would be no meaning therefore in granting something like a permanent sanad to the ryot. Paragraph 71 of that masterly document, as the Hon. Minister said, viz., the

famous proceedings of the Board of Revenue at page 183 of the Appendices volume definitely contemplates modification of the original agreement. See also paragraph 70. The Hon. Minister would have done well to have read paragraphs 70 and 71 also instead of stopping with paragraph 68.

" In the case of payments of rent in kind, what can be permanent, Sir, except the proportion of the produce to be given? The grain may vary and its value may vary. So far as the fixation in cash for the purpose of permanent assessment with the landholder was concerned, they could very well take the value according to the then prices based on the average receipts. But so long as the custom of payment in kind continued—and that this was the case, is clear from wordings of the Regulations and Rules for the issue of pattas—the variety of the grain and its value would certainly vary according to the nature of the crop cultivated. It was acknowledged even at the time of the Permanent Settlement that increase in rent might arise, among other things, from a profit in dealings in grain where the rent may be rendered in kind and owing to a change from inferior to a superior kind of culture arising out of a mutual understanding of their interests between the cultivator and the proprietor. The conditions of the sale of haveli lands have been quoted in support of the theory that the rents according to the dowle of fasli 1210 were permanent and should not be exceeded. I request the careful attention of the hon. Members to clauses 18 and 20 on page 56 of Volume I. While clause 18 definitely prohibits the landholder from claiming a higher rate of waram or division of produce, there is no such prohibition in the case of cash rents.

" While on this subject I may mention that the Committee's interpretation of the word 'Jumma' that it does not refer to peshkash is wrong. Innumerable references can be given to show that it does refer to peshkash. Some examples may be given. (Rule 19, page 43 of the Report, conditions 9 and 15 on pages 292 and 293 of the Appendices Volume, page 351 of the Appedices, paragraphs 40–41 and 42 on page 77 of the Appendices.)

" It is not my object, Sir, to suggest that all the enhancements made in the rent are economically justifiable. Where they are economically injurious to the ryot the State has power as all authorities have stated to interfere and settle a fair rent. But the proposition that the rates of rent were fixed once for all in 1802 is untenable. The reduction of rates, be it remembered, will be unfair to the purchasers of estates and will unduly benefit the sub-letting ryot. Fixity of tenure is always assured as in ryotwari areas so long as the ryot pays the stipulated rent but there can be no fixity of rent in the sense of permanency.

6-15 p.m. " The Zamindar of Mirzapuram has, in his minute of dissent, not only placed the view-point of the zamindars before the public

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but has put in a strong and most effective plea for justice and fair play to all parties concerned which should actuate any Government or any legislature called upon to adjust the conflicting rights of large and important classes of the community. Other speakers, particularly, the Zamindar of Mirzapuram, have already dealt with the unsatisfactory constitution of the Committee and the irregularity of the procedure that has been followed and I do not propose to cover the same ground over again. The majority report deals elaborately with the question of the proprietorship of the soil in permanently settled estates and they declare that the ryots are the proprietors of the soil not only in their own holdings but that they are collectively proprietors of the hills, forests, and the waste lands in the estates. So far as ryoti lands themselves are concerned, in view of the fact that the ryot cannot be turned out of his holding so long as he continues to pay the rent which is lawfully due in respect of it, and the possibility of the extraction of minerals on a large scale being very remote, it may seem to be purely academic to decide whether the ryot is the proprietor of his holding or whether he holds a right of occupancy which is a subordinate interest. So long as the incidents of the right which the ryots claim in their holdings are sufficiently well defined for all practical purposes, it may seem to be an unnecessary discussion of theory as to whether these rights are to be described in one way or the other. The majority report however makes this the major premises in their arguments in order to lead up to their other conclusion that the ryots are collectively the proprietors of the hills, forests and waste lands. A good deal has been said as regards the proprietorship of the soil in ryoti holdings. The existing decisions and the writings of the eminent jurists and administrators wholly support the zamindar's contention. The authors of the majority report say that these decisions and these writings are wrong. It is for them to make out that they are wrong and the burden is very heavily upon them for making out that these decisions and writings which have stood the test of time for more than a century are wrong. There is no good in their asserting so. The matter should be placed before a Committee of legal experts who alone can decide whether what has been recognized as undoubted law all these years is incorrect as the authors of the Majority Report contend, or whether those gentlemen are themselves suffering under a delusion. The question of proprietorship of hills, forests and waste lands is of the greatest importance in the solution of the problem of landholder and ryot. Very large amounts have been spent by several zamindars on the conservation, preservation and development of their forests and in the rearing of valuable plantations. What is to happen to all these investments? Are all these forests and plantations to be made over to the ryots? Are these zamindars to lose the huge amounts that they had spent

upon those forests and plantations? The necessary consequence of the theory stated by the majority of the members of the Committee that hills, forests and waste lands are the property of the ryots would be that the zamindars would be deprived of the very valuable property in which huge amounts have been sunk by them without compensation, and a present would be made so to say of all these properties to the ryots. This is the most naked form of confiscatory legislation. I am sure there would be sufficient good sense and fair play in the Government and in the legislature not to accept this wholesale transference of property from one class to another.

" In connexion with the question of proprietorship of the land, I invite the careful attention of the hon. Members to Appendix VII-B printed in the Appendices volume. Please see paragraphs 40 to 45 on page 77. These, Sir, are the instructions issued to Collectors regarding the Permanent Settlement of the southern districts. The paragraphs just referred to by me will show that when a proprietor declined to engage for the settlement at the Jumma proposed, the Collector had to report the objections with his opinion on them for revision of the settlement, if necessary. If the proprietor finally declined the Jumma, his estate was managed by the Government and malikhana allowance of 10 per cent on the net amount for which the lands might be rented, was to be given to him *in consideration of his proprietary right.* I want hon. Members to mark these words carefully. Was not the proprietary right of the landholder recognized even when he declined to engage for the Jumma fixed? Then again, Sir, the estates of such proprietors who declined the Jumma were managed and kept intact. They were exempt from sale and transfer on account of any arrear or deficiency in the collection (paragraph 45). The proprietor had the option of taking the estate on the proposed Jumma even later (paragraph 42). Do not these provisions conclusively show that the landholder had proprietary right in the land? If he was a mere rent collector, why should he be paid an allowance even when he declined the Jumma and why should the estate be kept intact, even when there was an arrear? I request the hon. Members to form a dispassionate and impartial opinion on the question.

" I invite attention in this connexion, Sir, to the view of some of the dissenting minutes even of those who wanted to wipe out the zamindari system—particularly to that of Mr. B. Narayanaswami Nayudu. It is absurd, Sir, to treat the rights, if any, in forests on a par with those in occupied and cultivated lands. In the course of his speech the Hon. the Revenue Minister brought the analogy of reservation of forests in Government areas. I am sure members who have actual experience of the procedure of reservation will deal with this. No compensation was given unless

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occupied land was taken up and if such rights, as right of way, were claimed and were proved to be necessary, they were recognized. But beyond that no compensation of any sort was, so far as I have heard, given on any account. It is talking in the air to speak of village communities. These bodies did not exist at the time of the Permanent Settlement. They had disappeared even at the time of the Muhammadan rule. Further, Sir, the zamindars did not forcibly take hold of occupied lands and constitute them into reserved forest nor could they have done so without evoking protest and suits from the tenants. They conserved the forest growth where it existed for the benefit of the ryots and the estate spent money and improved it. Was there any complaint that any rights which existed at the time of reservation were extinguished either then or subsequently?

" The theory about ownership of forests is thus repugnant to the letter and the spirit of the Permanent Settlement and the sanad and injurious to both the landholder and the ryot.

" In the matter of collection of rents and the procedure to be followed by the zamindars in realizing their rents the zamindars expected a good deal from the Committee. The questionnaire was very alluring. It suggested as if the Committee was very particular that the procedure for collection should be made as cheap and effective as possible. The report of the majority of the members of the Committee does state in more than one place that the zamindar is the assignee of the rights of the Government and that he should as far as possible be placed in the same position as the Government, particularly in regard to the process which he may have to pursue for the realization of his rents. When we turn, however, to the draft Bill which has been appended to the report, we meet with total disappointment. The authors of the majority report purport to follow the Madras Tenancy Bill of 1898 but in a most essential particular, they depart from the Madras Tenancy Bill. According to that Bill the zamindar had the power of distraint. In the draft Bill appended to the report, the power of distraint is taken away from the zamindar and his officials and conferred on the Collector or persons authorized by him. It is needless to point out that this is a negation of the right of the zamindar to realize his rent by distraint. It is well known that the zamindars get little or no assistance from the village headman and the village karnam in the collection of their rents and in the maintenance of their revenue records. If the duties of headman and karnam in proprietary estates are just like the duties of headman and karnam in Government ryotwari villages, there is no reason why the headman and karnam in proprietary estates should not perform the identical functions which they are performing in ryotwari areas. While the theory is that they are to perform similar functions, it is notorious that they do not perform those

functions and that the zamindars are put to considerable inconvenience by reason of the lack of co-operation on the part of the village headman and karnam. It was pointed out in memorandum after memorandum submitted by the zamindars to the Committee that without adequate control of the zamindars over the village officers, it would be impossible to improve the revenue administration or to speed up the collection of rents. According to the theory of the majority of the members of the Committee that the zamindars are assignees of the rights of the Government in their respective estates, it would seem logical to follow that the zamindars should have in forests, hills and waste lands just the same rights which the Government has in its ryotwari villages, and that the zamindars should have over the village officers in their estates the same powers of control which the Government has over the village officers in its villages. While that is the necessary and, I may even say, the irresistible conclusion of the theory propounded by the authors of the majority report, it is rather curious that the authors of the majority report do not recommend any change whatever in the matter of the control of zamindars over village officers and that as regards hills, forests, and waste lands, instead of declaring that the zamindars have in them the same rights which the Government has in similar species of property in ryotwari villages, they declare that they are and that they should hereafter be the property of the ryots in zamindari villages. Wherever the analogy between the Government and the zamindars is prejudicial to the interests of the zamindars, the analogy is closely followed. But wherever the analogy is favourable to the zamindars, the authors of the majority report ignore it altogether. I would therefore impress upon the Government, if I may, that if really they are mindful of the interests of the zamindars as they profess they are, they would be helping the zamindars as also the ryots by making the collection work cheap and expeditious, which they can do only if they confer upon the zamindars sufficient control over the village officers by a suitable amendment of the Madras Proprietary Village Services Act. In the matter of hills, forests and waste lands, the proposals of the majority are palpably unjust. There can be no objection to the zamindari ryots enjoying in respect of forests within or near their villages, the rights which are enjoyed by ryotwari pattadars in Government villages similarly situated. The zamindars are prepared to listen to and accept any proposals in that direction, but the zamindars can never accept the theory that hills, forests and waste lands which were clearly declared to be their property at the time of the Permanent Settlement, and which they have been enjoying all these years, and on which they have invested huge sums of money should be snatched away from their hands because this Committee has, ignoring the decisions of the highest judicial authorities, chosen to state that the zamindari ryots are the proprietors of these several kinds of property.

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" As regards the irrigation works, the zamindars certainly recognize their obligation to keep the existing works of irrigation in proper repair. A declaration is, however, sought to be added in the Bill as drafted by the members who have signed the majority report that the zamindars are under an obligation to construct, at their own cost, new works of irrigation without asking for or obtaining any return in respect of such works. This is an impossible situation. No case has been decided and no Judge or administrator has ever stated that a zamindar should go on spending money on constructing new works of irrigation without any expectation of profit. That the zamindars should invest their money in constructing new irrigation works whereby their ryots would be benefited and from which they would not be deriving a suitable return in the shape of an extra charge for water-supply, is something which is un-understandable. The additional charge that is to be levied from the ryot in consequence of the execution of such new works of irrigation would not be a mere matter of contract between the landholder and the ryot. The amount which can be so charged and whether it is a fair and equitable charge or not, are matters which the Collector has to decide in the first instance before the zamindar can levy the same from the ryot. When such is the state of the law under the present Madras Estates Land Act and when the provisions of the present Madras Estates Land Act give the necessary protection to the legitimate interests of the ryots, I am unable to follow how or why zamindars should be made to part with their money in constructing new works of irrigation when they are clearly told that they can have no return whatever for any such expenditure. The proposed declaration in the draft Bill is not only opposed to law but is not calculated to advance the interests either of the zamindars or of the ryots as there would be no inducement whatever for the zamindars to spend their money on the improvement of the existing works of irrigation or in the construction of new works of irrigation to the mutual advantage of themselves and their ryots.

" Sir, I may just make a passing mention that so far as communal porambokes are concerned, no landholder denies the position that such porambokes are for the use and benefit of the community. The correct construction of the Permanent Settlement and the sanad is that when such lands cease to be required for the purpose for which they were set apart, they revert to the proprietor. In fact there were distinct instructions to the Collector not to assert the prerogative of the Government in such lands. It may not be out of place to mention, here, that far from appropriating communal porambokes, proprietors have in several instances set apart land, either their own or waste, for communal purposes.

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"The Hon. the Revenue Minister made mention of the Mining Manual. He will note that it distinctly says that the State has no claim to minerals in permanently-settled estates. This position was stated in all the Revenue Orders from the earliest times and incorporated in its Standing Orders from the earliest edition by the Board of Revenue who are credited with a correct appreciation of the position as regards ownership of the soil and the rights of the proprietor.

"Sir, I have touched on the several recommendations of the Committee and commented on them. It cannot be denied that the Committee meant well by the ryots and were sincerely anxious to improve their condition but they have approached the subject, Sir, with pre-conceived notions and have come to conclusions which their own reasons do not support and which are repugnant to the repeated pronouncements of the authorities, executive as well as judicial. As I have stated at the beginning, the landholders have not exercised rights or claimed privileges which were not conferred on them by Acts of the Legislature or approved and authorized by the authorities. There is no question also about the age and period of exercise of such rights and privileges. It is nothing short of confiscatory to deprive them of these. It is understandable that there may be a case calling for the interference of Government in certain areas. After all, Sir, the real grievances can be in the matter of rents and other minor rights to grazing, etc. Do the Government think that they are unable to give redress where they find that the rents are oppressive and economically injurious to the ryot, or to recognize by statute such rights as to grazing as they think should be given as in the case of ryotwari holders? Where the rates have been in force for 40 or 50 years, is it unreasonable to hold that they are fair and equitable and to approve them instead of taking the trouble of setting up a commission to wade through insufficient, incomplete, and possibly irreconcilable data and trying to restore the state of things which the Committee imagines existed about 150 years ago? The task of settling the rents will not be so easy as the Committee imagine. While ways and means are open to the Government to weigh the scales evenly, to grant rights to and to protect the tenants without causing needless hardship and injury to the landholder and at the same time without repugnance to the regulations of the former Governments and the Acts passed by the succeeding Governments, it is matter for extreme regret that the Committee should have chosen to take action on the lines proposed by them. I may also call attention, Sir, to the Regulations XXV of 1802 and IV of 1822 which gave the landholders the protection of the courts of judicature for adjudication of disputes in the matter of the assessments and rents. Action, Sir, much to our hardship, is proposed to be taken on

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the pronouncements of some officers ignoring all Acts of Legislature and judicial decisions. By this action we are even deprived of the protection which Regulation IV of 1822 provided. We want justice and fair play. If the Government straightforwardly comes out with a proposition that the zamindari tenure was wrong in inception and has been economically injurious to the country they may honestly say so and take steps to scrap it. It will then be a question of finding the cost for the obsequies. But to profess to adhere to the Permanent Settlement and at the same time emasculate it, thus running one class of people, is unjust. I fervently hope that wise statesmanship will still prevail and the needed reform will be effected with the minimum hardship to all concerned. I also suggest, Sir, even at this stage, that the Government will actually calculate the rents in the manner suggested by them in typical estates in different parts of the Province and see how the results work out in practice.

"Sir, the report is one-sided and full of fallacious and misleading arguments. Sir, the recommendations contained in the report are expropriatory as rights given, accrued and enjoyed without dispute for a century and more are taken away. They are confiscatory as the ownership of the landholder over forests, tanks, fishery, minerals, hills, etc., is taken away. They are illegal as they go back on the settled legislation and solemn contracts, sanctioned by the Government and approved and authorized by executive and judicial officers alike. They are revolutionary not reformatory. They will tend to create friction and misunderstanding, perpetual loss and discontent. I fervently appeal to the hon. Members to set aside prejudices, political or social, and to deal fairly by both the parties affected by these recommendations. I also appeal to them to bring their ripe wisdom and practical commonsense to bear on the problem the acuteness of which, if I have followed the speeches correctly, is felt only in particular areas and deal justice to all concerned. The Hon. the Revenue Minister asked for justice for one class. I ask for justice to all, so that it may not be one-sided."

Sri Diwan Bahadur A. Appadurai Pillai rose.

MR. SPEAKER:—"If Mr. Appadurai Pillai can finish his speech in half an hour, the speeches of all other Members can be finished to-day, so that the whole of to-morrow can be taken up by the Leader of the Opposition, the Muslim Member, and then the Government Members."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I am glad, Sir, that I have been able to catch your eye. In the first place, I have to express my hearty congratulations to the Hon. the Revenue Minister on his scholarly exposition of the law and procedure relating to landholders and ryots. He kept the House spell-bound for over seven hours, exhibiting mastery, rarely 6-30 p.m.

rivalled, in a subject to which until recently he was practically unaccustomed. The able manner in which he marshalled his facts, and the fervent appeal he has made to take a dispassionate view of things, have evoked commendation from all sides of the House. Our thanks are due to him. I shall be wanting in my duty, Sir, if I do not, at the same time, express my commendation of the work of his charming Parliamentary Secretary who has seconded his efforts so ably and spared no pains whatsoever in collating a great deal of matter relating to tenancy law and legislation and placing them within easy access of both this House and the outside public. It is a great monument to his name and it would last a lifetime, whether he is in this House as Parliamentary Secretary or later on as a Minister.

" It will be remembered, Sir, that the Hon. Minister dealt exhaustively with the two main points in connexion with the tenancy law. One is the ownership of the soil and the other is fixity of tenure with unalterable rent. Sir, with reference to the ownership of the soil, the previous speakers have dealt with the subject in detail and, my time being short, I do not wish to take the House through all the documents and the documentary evidence that has been collected on this subject. Sir, it will be quite sufficient for my purpose to refer you to the inimitable proceedings of the Board of Revenue (No. 7743) to which the Hon. Minister often referred in his speech. The remarks in paragraph 20 of page 165 of the Appendices Volume are as follows:—

'Grant shows how, as the central authority of the Mahomedan Government grew weak, the position of the provincial lieutenants or amildars was subverted, and how the Hindu official zamindars attained an ascendancy over them, "lords became vassals, renters were called proprietors," and the revenue farmer's remittances of collections made on behalf of Government were dignified with the term of TRIBUTE.'

'He insists strongly on the principle that "the proprietary right of the soil is CONSTITUTIONAL (meaning an element in the governmental system of the country), "and is solely vested in the sovereign ruler," and that the Government is "the sole legal known territorial proprietor." '

" With reference to this the Board observed:—

'Grant's information was so full and from so unquestionable an authority, his experience so wide and varied, and his freedom from bias in the question now at issue between zamindar and ryot under a system which did not exist when he wrote is so indubitable, that the Board deem it unnecessary to adduce further evidence on this point.'

" I would stop with this reference, and repeat that historically the position taken up by the Hon. Minister is untenable.

" The legal position taken up by the Hon. Minister is also untenable. The Permanent Settlement Regulation of 1802 is our starting point. If the Permanent Settlement Regulation is not to be scrapped and is to be honoured inviolate as is done now by the majority report, it does not stand to reason how proprietorship

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to the soil could be divested from the zamindar. After the passing of that Regulation and the connected Regulations, the landlord began to be termed in all the subsequent legal enactments as 'proprietor' meaning thereby that he had a proprietary right in the soil. Government undertook to maintain that right without any violation and that is clear from the Instructions issued to Collectors to gather materials for the Permanent Settlement. I refer to paragraph 6 of the Instructions, and it reads as follows:—

'When the possession of land no longer subjects the proprietor to the disgrace he is at present liable to, and when the tenure is known to be secured as long as the fixed public dues are regularly discharged, and that whilst they conform to the laws, to be administered by the courts, there is no power in the country that can infringe their rights, or property or oppress them with impunity, there can be little doubt but land will be everywhere coveted, and that a considerable portion of the wealth possessed by the inhabitants which now lies dead, or is employed in other channels, will be applied to the improvement of it.'

"Sir, I lay special emphasis on the words 'there is no power in the country that can infringe their rights or property or oppress them with impunity.' May I be allowed to remark that the majority report seeks to transgress the border that has been so forcibly laid down in the Instructions to the Collectors? This piece of instruction was in the year 1799. In the year 1793, Sir John Shore who subsequently succeeded Lord Cornwallis as Viceroy and Governor-General of India conceded this position in his inimitable minute, dated 18th June 1879: 'I consider the zamindars as the proprietors of the soil, to the property to which they succeed by right of inheritance.' In the face of these pronouncements, it is needless for me to labour this point further than to say that the right of ownership to the soil that vested in the Government previously was transferred in these unmistakable terms to the landholders in perpetuity.

"Sir, in forming the Permanent Settlement, the powers that be at the time exhibited a great deal of anxiety in putting the proprietors in possession of the estates that were granted or confirmed in their favour. History shows us that in several cases that came up before the court from time to time this proprietorship of the soil has been consistently conceded. It has been very ably put forward in the judgment of Sir Sankaran Nayar—I.L.R., 37 Madras 322. He showed that these proprietors consisted of three classes. The first class consisted of persons who were ruling princes or chieftains. The second class consisted of chief revenue officers or military commanders who on account of meritorious services rendered to the Government were included in this category of owners of estates. The third class consisted of purchasers of haveli lands and Crown lands which were made over to the proprietors on permanent tenure. Knowing that the landholders consisted of these three classes of proprietors, is it fair and reasonable for us to say that they are mere tax-gatherers? If they were mere tax-gatherers the Government of the day would not have shown

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that enormous solicitude in getting them to execute the kabuliyats in exchange for the sanads which were granted to them. In the Instrument of Instructions there are clauses to the effect that in case the proprietors were not willing to execute kabuliyats and take up the estates, some time should be allowed to them and that in the meanwhile they should be granted some pension called malikhana. In the case of persons who are disqualified on account of natural causes, such as minors, idiots and persons who are incapable of managing their own estates, the Government provided that such estates should be managed on their behalf and that 10 per cent of the net revenue derived from such estates should be made over to them in the shape of pension. And then they have taken care to provide that in case a proprietor declines to take up a sanad and give a kabuliyat in exchange he ought not to be shut out entirely and that a further chance should be given him, and that if he executed a kabuliyat the estate should be handed over to him. What does all this solicitude indicate? In common language this shows that the Government of the day thought that this class of proprietors should come into existence in order to take up the responsibility of managing certain portions of the territory on behalf of the Crown. Mr. Baden Powell has shown—I do not wish to read the portion as my time is limited—that about 380 estates were surrendered to the Government because the proprietors were not able or willing to manage them at the time. This shows not only the solicitude with which the Government introduced the proprietorship but also the difficulty experienced by some of the proprietors in shouldering the responsibility. Lord Cornwallis who is the author of the Permanent Settlement was anxious to execute the orders of the Court of Directors and see that somehow or other Permanent Settlement was introduced in order to establish a stable form of administration in the newly acquired tracts. It was only in 1799 that the new tracts were acquired one after the other. Guntur, Rajahmundry, Godavari and the southern districts of Coimbatore and Madura came one after another in rapid succession into the hands of the Government, and they were anxious to devise proper means of establishing a stable form of government. That was the reason why they hastened to introduce this proprietary arrangement. Baden-Powell remarks very pertinently about the haste with which this Settlement was effected and the rapidity with which these estates came back into the hands of the Government because the proprietors were unable to shoulder the responsibility that was laid on them. The country was very unsettled at the time. It is well known to many of us who have read history that it was only in 1792 that the famous treaty of Seringapatam was concluded. And that was not the last word in the Mysore Wars as wars were repeated soon after. Not only here, but in North India there was trouble also in the British forces in Calcutta. There was what was called

the mutinous combination of officers just at that period. There was also trouble in England on account of the Napoleonic wars. On account of all these circumstances the Government of the day were not in a position to manage the estates themselves, and therefore they had to find an intermediary to shoulder the responsibility; and the proper intermediary was the zamindar who was already in possession of considerable portions of the country. Sir, as Sir Thomas Munro was the father of the ryotwari system, Lord Cornwallis was the father of the Permanent Settlement. These two people were poles apart in their views of land settlement. Sir Thomas Munro believed that Permanent Settlement was *not* suitable for this country, while Lord Cornwallis was insistent upon introducing Permanent Settlement as the only way for introducing a stable government and administration. Sir Thomas Munro even tried to disobey the orders in this respect. After some time the Northern Circars came under Permanent Settlement. These were under direct Mogul influence for some time. These districts therefore took very readily to Permanent Settlement but the southern districts fought shy of Permanent Settlement. That was why Permanent Settlement came to a stop all of a sudden here, afer having been given effect to to a great extent in the northern districts and to a small extent in the southern districts. Having regard to this history, and the solicitude with which the Government themselves invited the proprietors to take hold of the estates on a permanent tenure, it does not seem reasonable to assume that these were mere tax-gatherers who came running in readily to take over the responsibility of collecting the money and to give away two-thirds to the ruling power and appropriate one-third to themselves. If at that time the zamindars had been told that out of every Rs. 100 they collected they should give away Rs. 65 or Rs. 70 and take only Rs. 30 and that that Rs. 30 was fixed for all time interminably, do you mean to say, Sir—you must face facts—that any zamindar worth his salt would have taken up that responsibility? Some of them were ruling chieftains issuing their own coins, having their own armies, and sometimes assigning lands on their own authority to the East India Company. Would these people with folded hands have said, 'We will be satisfied with 30 per cent of the collections for all time to come? That would be denying history altogether, Sir.

" Sir, in connexion with this question of the ownership of the soil we find that it is rather hard to reconcile the position that is made out in the majority report with the facts that obtain in actual practice. The landholders are expected to pay the land-cess. Very nearly 25 per cent of the income comes in the shape of land-cess. They have to pay As. 1–10½ in advance and collect a moiety from the tenants later on at their leisure. Holding them responsible for the payment of land-cess in the first instance, shows that they have greater stake in the estate than the ryots

themselves. Then let us take mineral rights. Mineral rights in proprietary estates are not at all the concern of the Government. The Government have definitely excluded the zamindars from the scope of Board's Standing Order No. 25 which deals with mining and minerals. What about escheats, Sir? All the escheats revert to the zamindar. Where a man dies intestate the land goes to the zamindar and *ipso facto* becomes his property. In the matter of sale for arrears of rent, the land reverts to the zamindar. The zamindar has reversionary interests in all these cases. This shows that he possesses more than a mere right to collect rent. I do not think it is necessary for me to labour the point further. The statement seems to me, Sir, to be open to question—to say the least of it—that in spite of these facts the zamindars possess only the right to collect the revenue. I submit, Sir, that it was not the position to which the zamindars, having regard to previous history, submitted themselves.

"I shall take the next point, fixity of tenure. Fixity of tenure with unalterable assessment—that is the contention of the majority report. The Hon. the Revenue Minister has very ably dealt with this point. In doing so he has based his conclusions mostly on three documents. One document on which he has absolutely relied is the Patta Regulation. I have one remark to make with regard to this Patta Regulation XXX of 1802. Not only this Patta Regulation but a number of other Regulations were passed. as the Hon. Minister himself as repeatedly pointed out, on the same day, the 13th July 1802. You and I know, Sir, that the 13th is an unfortunate day and that is the misfortune that has led us 140 years afterwards to reopen this question of the Permanent Settlement Regulations. If they had been passed on the 12th or the 14th July, matters would perhaps have been different."

MR. SPEAKER:—"Does the hon. Member really believe it?"

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"These Regulations were passed on the 13th. The Patta Regulation was intended to prescribe the procedure to be followed in the matter of issuing pattas and taking muchilikas. Beyond that the Patta Regulation did not go, because a similar Regulation was framed with reference to the exchange of sanads and kabuliyats between the Government and the proprietors. The Patta Regulation was not intended to make any declaration or pronouncement with reference to the title of any party. That is my point, Sir.

7 p.m. "There is one clause in the Patta Regulation on which the Hon. the Revenue Minister laid special emphasis and that is clause 9. Clause 9 says:—

'Where disputes may arise respecting rates of assessment in money or of division in kind, the rates shall be determined according to the rates prevailing in the cultivated lands in the year preceding the assessment

of the permanent jummah on such lands; or, where those rates may not be ascertainable, according to the rates established for lands of the same description and quality, as those respecting which the dispute may arise.'

In this way the proprietors have been tied down to the rates prevailing in the year preceding the Permanent Settlement. The Hon. the Revenue Minister comes to the conclusion that the rent assessment is therefore fixed unalterably. Clause 15 of the Patta Regulation says that the assessment that should be entered should be mutually agreed upon. If the Hon. the Revenue Minister relies upon clause 9 and says that the rent has been fixed once for all, I wish to point out that there are numerous other clauses to show that it was not so fixed. I would refer the House to a very fine explanation given by the Board of Revenue in paragraph 49 of its proceedings already quoted, where it deals with this very same question of *rate* referred to in clause 9. What that clause refers to is, after all, *rate* and not the amount. The question of finding out the rate arises, only when there is a dispute. The Government of the day explained in this clause how the rent should be settled in the case of a dispute; they did not give any definite instructions that only the assessment fixed in the year preceding the Permanent Settlement should be adhered to in settling this rate. In explaining its position clearly, the Board has made a very good analysis of the provisions of Regulation XXX of 1802; it states here in a small paragraph which I would crave your indulgence to read:

'In Campbell's Code of Regulations is printed as a Note to this Regulation a "Memorandum" by Mr. Webbe, who as Chief Secretary to the Government of this Presidency, had been appointed a Member of the Special Commission for the introduction of the Permanent Settlement. . . And he argued . . . "that the first principle of the permanent system was to confirm and secure these rights," as proved by "the discussions between Lord Cornwallis and Mr. Shore, the Bengal Regulations and the Proceedings of the Board at Madras;" and that "the proprietary right of the zamindar is no more than the right to collect from the cultivators that rent which custom has established as the right of the Government; and the benefit arising from this right is confined, first, to an extension of the *amount*, not of the *rate*, of the customary rent, by an increase of cultivation; secondly, to a profit in dealings in grain where the rent may be rendered in kind; thirdly, to a change from an inferior to a superior kind of culture, arising out of a mutual understanding of their interest, between the cultivator and the proprietor."'

"What was intended to be fixed in clause 9 of the Patta Regulation was therefore the rate at which the rent in kind should be settled. I do not think it is up to us to go beyond that interpretation. The assessment prevailing in the year preceding the year of Permanent Settlement was referred to in this clause because in case of dispute arising at the time, namely, 1802, the assessment of the previous year alone would be available for reference. It did not mean that we should cling to this previous year's assessment for all time to come.

"Sir, if I may be permitted to digress a little, I would submit that in respect of patta used in ryotwari tracts it has been declared

by the Board of Revenue in very clear language, that ryotwari pattas are mere notes of the amount of revenue payable on the lands held by the registered holder, and are not title-deeds. That is the dignity and characteristic of a patta. I do not see any particular necessity to place the pattas in zamindari tracts in a more dignified position by making them equivalent to sanads. A sanad is one granted to the zamindar as evidence of ownership and proprietorship of the soil. A patta conveys no such title and I do not think that it is justifiable on our part to raise the patta to such a dignified position.

" The Board of Revenue explains the position as regards rents clearly in paragraph 71 as follows in its Proceedings of 1864 :—

' The course which in the Board's opinion ought to have followed in this case was, to ascertain by full inquiry in each case the terms of the ryot's tenure at the Permanent Settlement, or if that were not ascertainable, then the terms on which similar adjacent land was held. Then, to enquire how, if at all, those terms had been subsequently modified, and how far the zamindar's present demand was justified either by the original terms of the ryot's tenure, or by the conditions of any subsequent mutual agreement, whether expressed or fairly inferable from long proved practice, and to have admitted or rejected the zamindar's claim according as it was found to be within or beyond the terms either of the original tenure, or of the subsequent mutual agreement expressed or implied.'

My contention is that the Board contemplates in this paragraph mutual agreement with regard to the fixation of rents. This remark was made by the Board while commenting upon the famous Collett's judgment, where Mr. Collett sought to limit the application of clause 9 to the *first* occasion of issuing a patta after the Permanent Settlement of an estate which interpretation the Board questioned. I have no time to go further into that question . . ."

Mr. SPEAKER :—" The hon. Member may deal with other points, instead of reading extracts. It is better to confine the speech to the points and finish them straightaway."

K. ABDUR RAHMAN KHAN SAHIB Bahadur :—" May I know when we will adjourn to-day? "

Mr. SPEAKER :—" As early as possible."

* Sri Diwan Bahadur A. APPADURAI PILLAI :—" The next document relied upon by the Hon. Minister is the Instrument of Instructions calling upon Collectors to prepare materials for effecting a Permanent Settlement. I would refer to paragraph 35 at page 76 of the Circular Instructions. There is no provision here for fixed assessment or rates. What is insisted upon is specific written agreement with reference to the rents paid by whatever rule or custom to the zamindar. It is also clearly expressed in paragraph 34 thus :—

' Distinct from these claims are the rights and privileges of the cultivating ryots, who, though they have no positive property in the soil, have a right of occupancy so long as they cultivate to the extent of their usual means and give the Circar or proprietor, whether in money or kind the accustomed portion of the produce.'

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" The language used consistently by the Board of Revenue in all these instructions and circulars, goes to prove that only permanent occupancy right was intended to be conveyed and not fixity of rent. In other words, only fixity of tenure was what was intended in the shape of fixity of occupancy, and not fixity of rent.

" The Hon. the Revenue Minister next referred to the Rent Recovery Act VIII of 1865 as disturbing the right that was conferred on the ryot under Patta Regulation XXX of 1802. Sir, I have gone through the Revenue Recovery Bill—page 197 of the Appendices. The Hon. the Minister thought that the provision in clause X of the Revenue Recovery Bill was in direct violation of the direction contained in clause 9 of the Patta Regulation, because the reference to assessment that prevailed prior to the Permanent Settlement of 1802 found in the latter has been omitted from this clause. My contention is that this omission is perfectly justified. There is a paraphrase of that clause in the Revenue Recovery Bill and not an omission. Where disputes may arise respecting the rates of assessment, whether in money or in kind, such rates shall be determined according to those permanently assessed upon the lands in dispute. What is intended by clause 9 of the Patta Regulation is thus very clearly reproduced. Reference to the Permanent Settlement of 1802 has not been made here, but the meaning has been brought out clearly. When the Patta Regulation XXX of 1802 was passed, there was no time to look into the nicety of language. That was the reason why when the Board after some time found in the year 1820 that in actual working of these Regulations XXV and XXX of 1802 very many inequalities and difficulties came to light, they hastened to set right these inequalities by promulgating Act IV of 1822, saying that established rights were what was meant by the instructions issued earlier and that they should in no way be infringed. In dealing with these legislative enactments, my humble submission to the House is that a section in a particular Regulation of 1802 ought not to be taken out of its context and commented upon independently. This Regulation is only a piece of legislation in a series of legislation—Regulation XXV of 1802, XXVIII of 1802, XXIX of 1802 and XXX of 1802. All these Regulations should be construed with reference to the intentions of the Government running through the whole course of the legislation. It will then be clear, Sir, that what was intended in clause 9 of the Patta Regulation XXX of 1802 was not to fix the assessment once for all with reference to the ryot, but to allow established rates mutually agreed upon between the ryot and the proprietor. 7-15 p.m.

" I am very thankful to you, Sir, for having given me so much time. There are some general remarks which I wish to make; but since there is not much time now, I shall reserve them for a

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future occasion. I shall now make one more remark in addition to what I have already made. After all, nothing would have prevented the Government from stating definitely either in the Permanent Settlement Regulations of 1802 or in any other later enactment, if it was really their intention, that rent was fixed once for all, and from declaring that it was unalterable. It was never the intention of the Government, and that is reflected in the legislation relating to ryotwari tracts. When Act VIII of 1865 was passed with reference to proprietary estates, Act II of 1864 was passed at about the same time with reference to collection of land revenue in ryotwari tracts. If we compare Act VIII of 1865 with Act II of 1864, we find that they were only processual laws and not measures conveying any rights whatsoever with regard to the parties concerned. That being so, it would have been very easy for the Government to have stated at the time that the rent leviable from the ryots should be fixed and unalterable, even as they had made land revenue due to the Government from the proprietors unalterable. The very fact that the Government did not choose to commit themselves to any such declaration shows that it was not their intention to do so. It was their intention on the other hand to leave the rate to mutual agreement and circumstances.

"If it is now considered necessary to fix the rate once for all, it is open to the Government to do so; instead of having recourse to a thorough scrapping of the whole tenancy law, they could introduce legislation to say that the rent is to be fixed, or that it is revisable in a period of three years or five years as the case may be, with reference to considerations of fertility of the soil, ruling prices and things like that. To import meaning into clauses, taking those clauses independently out of their context and without taking all the regulations or enactments collectively, seems to me to be a wrong procedure. It is like a piece of mosaic work: if glass pieces are separately thrown about, we can see nothing in them; but when the pieces are set in their position and we survey the work from a distance, we see a beautiful picture thrown on the window. That is the condition here. If we wish to know the intentions of the Government, all the enactments should be taken together and viewed as a whole. After all, Sir, if it is the case that the proprietors are taking away money from the ryots, if the ryots have therefore become impoverished, it becomes an economic question; and an economic question should be approached in a proper manner.

"The enquiry is all on one side; in fact, it will be seen from page 142 of Part I of the Report that there are several estates in which the under-tenure holders are making huge profits, holding as they do land from the main proprietors. That shows, if anything, that the rates are not very heavy and they leave a margin on

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which the ryots could subsist. But if, it is found that the ryot is rack-rented, that his economic position is very bad, that he has been reduced to a position of destitution and poverty, then the best thing is to provide for legislation for improving the Estates Land Act, cutting out altogether the provisions relating to the fixing of assessment and introducing provisions which would make assessments revisable at stated intervals. Instead of doing that, to introduce an altogether new piece of legislation, not repealing even the provisions of the Tenancy Law of 1898 which was introduced by Mr. Crole—a very sympathetic officer—such as the one included in the Report, is not fair.

"Just one word, Sir, with reference to Mr. Crole's Bill. Even in that Bill I find that 'rent' is defined in clause 15 thus:

'The rent for the time being payable by an occupancy ryot shall be presumed to be fair and equitable until the contrary is proved.'

There can be no better definition of a 'fair and equitable rent.' Later on in clause 39 it is stated:

'In the decision of suits between landlords and their tenants involving disputes regarding rates of rent, all contracts to pay rent, not inconsistent with the provisions of this Act, shall be enforced.'

And again, clause 40 states:

'If a question arises as to the amount of a tenant's rent or the conditions under which he holds in any revenue year, he shall be presumed, until the contrary is shown, to hold at the same rent and under the same conditions as in the last preceding revenue year.'

That was the extent to which Mr. Crole was prepared to go. He was not prepared, in spite of his admitted sympathies with the ryot population, to go any further; with reference to fixing of the rent, he did not say, 'Let us go back to 1802.' That is sequestration of property, which is not justifiable.

"With these remarks, Sir, I have very great pleasure in seconding the amendment that has been so ably moved by my hon. Friend Sri G. Krishna Rao, who has now spoken on it."

MR. SPEAKER:—"I suppose hon. Members will finish their speeches in five minutes since the House has been treated to long and exhaustive speeches hitherto. We shall have concise and direct speeches hereafter, very brief speeches."

* M. AHMED BATCHA SAHIB BAHADUR:—"Mr. Speaker, I shall try to be as brief as possible; I shall not tire the patience of this House, as much of the ground that I thought I should traverse has already been covered, and there would be no use in repeating the same arguments over and over again. I am not claiming to speak anything from first-hand information; but what I speak, I speak as the result of a brief and a very hasty study of the voluminous Report that has been placed before the members of this House. I do not say that other members could not have

read it thoroughly; but for my part, I should say that I have been able to go through it only cursorily; and if I were to show anything that might be true, that might be appreciated by the House, the credit must go to those that have unearthed material covering several hundreds of years and placed it before this House; and if there be found anything defective, Sir, I should certainly put it to the nature of the subject itself and much more to the ignorance of a novice like myself, particularly as I have nothing to do with a subject relating to agriculture.

" In dealing with this subject, Sir, I would like to summarize the substance of the material that has been placed before the House under four heads. These arguments have been arrived at by me after very careful consideration of the points. The first and foremost point that has been decided by the Parliamentary Committee appointed by this House, namely, that the tenant is the owner of the soil, seems to be the most fundamental principle that has been established. Sir, some have been laughing at the idea that we should have gone on even to the beginnings of history, even to the dawn of time, in order to arrive at this conclusion. There was nothing to laugh at, Sir. In an enquiry of this kind, we proceed not with any idea of an antiquarian spirit, but with the idea of unearthing a maxim or principle that might underlie all social order, administration and government. Therefore, Sir, although this point has been laughed at in many circles, I could not sympathise with them; for I believe that the enquiry has been set out very earnestly, with a view to bring out a fundamental principle lying at the very foundations of society In considering the Report, the first point that strikes me is what I would call the argument of priority. Sir, in considering this point, I might refer to a homely illustration in Tamil: we used to say, ' Which is the earlier, the egg or the hen? ' The question is not so intricate in dealing with a problem of this kind; because, Sir, it must be admitted that at the very beginnings of early history, mankind has been possessed of wealth in the shape of cattle; man has been roaming about from country to country for fodder and a stage was reached when he had to settle down; and in that connexion, I am asking the House, which was earlier—whether kingship was earlier, or property was earlier. Kingship was certainly a later institution that had developed after society had settled itself on farms, and had formed itself into an administration, and administration had been developed into a village and the village created a headman. Sir, it is therefore clear that, whatever property has been settled on human kind, it must have been on the community as a whole; and whatever that community is which has come to be established in a particular village, it must have owned it much earlier than the idea of kingship could have ever dawned. Therefore, Sir, I hold that from the point of view

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of priority, the idea of ownership of the soil as belonging to the people that had settled therein, must have precedence over any other idea, or theory, of property or economics.

" Sir, the second argument that presents itself before me is the question of the relationship of the ruler and the ruled. I find that in the materials that have been placed before the House a serious misconception has been lying at the bottom. That misconception seems to be that the relationship between the ruler and the ruled was born out of a peculiar contractual relationship. I hold that this is wrong fundamentally, because the peculiar relationship that arises between a ruler and his subjects arises out of status. There is no question of contractual obligation that arises out of the obligation of the ruled or the subject to contribute towards the governance of the State. Therefore, the position of a ruler is one peculiarly that of status and not of contract. Any such idea introduced would be foreign to a political settlement, to a settlement of economic relationship. Well, Sir, out of this point arises one other point as a corollary, namely, that whatever might have been established as a result of the peculiar relationship between the subject and the king, leads to the establishment of an idea based not upon any contract but upon usage and custom.

" That is the corollary that arises out of the peculiar relationship of the king, that whatever he settles with the people is not by the ordinary will of the king or anything that they might agree to, but it is prescribed by what we might call ' usage and custom.' Sir, in searching some of the books on ancient history and also in studying some of the ancient laws on the subject, though I do not claim to be a student of the law of Manu, I have been searching over some of the pages of law as codified by Manu; and though I find no direct legislation of this kind or any direct statement as to who is the owner of the soil, it is clearly pointed out what proportion it is that a ruler is entitled to in the income of his subjects. Sir, in laying down what the king can collect from the subject, the Code of Manu clearly says that he shall collect one-fiftieth of the income in gold and cattle. Then again he says one-sixth shall be collected or one-eighth or one-twelfth from out of the crop of the subject. This is laid down clearly and as to the method of collecting it, Manu goes further and says he shall collect like a leech that draws blood from the body, like a bee that draws honey, like a calf that draws milk from the cow, that is in small quantities and little by little, without pain to the subjects, he should draw it and fill his own treasury. Apart from what is laid down in Manu, and apart from what it would lead to, as to usage and custom that should prevail in determining the proportion that the king is entitled to out of the crop of the subject, it helps me to draw 7-30 p.m.

another argument in favour of the principle that has been enunciated, viz., that the subject is the owner of the soil, on the theory of analogy. In laying down what is due to the king, mention is made of all kinds of property that were known in those days and of all the kinds of property that were known in the days of Manu; we have mention of gold, cattle and land. In determining what is due to the king, Manu says, 'Thou shalt take a portion of the gold, thou shalt take a portion of the cattle, thou shalt take such and such portion of the crop.' Such being the case, I am arguing whether on an analogical basis we can say that simply because a king collects the tax he can claim the property also. He can never do so. In the same manner as he can never claim the gold on the increase of which he assesses the tax, just as he can never claim on the increment of cattle, so also can he never claim the land itself, although he can claim a certain portion of the crop. Therefore, by an argument based on analogy, I say that merely because the king collects the tax on land, I cannot understand how the owner of the soil can be penalized by saying that he has no proprietary right or ownership in the soil; whereas a trader or a merchant or any other person dealing with cattle or dealing with any other kind of wealth in those days can claim proprietary right in the cattle and give to the king only a certain proportion out of his income. That is a most unjust thing and some have asked me and most wonderfully too, what is there to prove that the property is that of the ryot? Was there any legislation to prove that? I am simply amazed at that idea. I ask, was there a House of Legislature like this in those days and were the people governed by rules and regulations and systems of the kind as at present? Laws were codified in books and in holy scriptures, and I go even to the extent of saying that in those days there was no necessity for any such legislation. An examination of the facts would reveal this conclusion that this was taken up as an axiomatic truth, as the thing that was established once for all and taken for granted and no one would have questioned it. Hence I say there was no necessity for legislation in regard to this matter. So, it went without saying that the land was that of the ryot and I would go even to the length of saying that the land was never that of the king (Hear, hear from the Ministerial benches). *Ipso facto* it follows that the right that the king has over the land is that due to the peculiar status that he occupies, and only so long as he occupies that status, is he entitled to any contribution and not afterwards.

"Now, Sir, some members have referred to the custom in the days of the Muhammadan rule in India. Of course, I do not claim to be an authority on the history of Muhammadan rule in India (Abdul Hameed Khan Sahib Bahadur: 'Not Muhammadan, but Muslim.') I beg your pardon, Sir. For the satisfaction of my Muslim brethren I would refer them to what

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the first Muslim in the world has said on this question and that must make them bow down. Of course I do not care if the king had done anything to the contrary, which I do not believe; I do not care what individuals might have believed and might have followed, but if it can be pointed out clearly what the Holy Prophet Muhammad himself has laid down, there should be no argument for a Muslim to say anything against it. Sir, in the course of my investigation into the subject, I had recourse to the holy book containing the sayings of Muhammad, as recorded in the book known as 'Bokhari.' In discussing the same subject of the relationship between the landlord and the tenant, the Prophet says that while the conquest was made of a particular city, because the soldiers were entitled to the spoils of war always, he would also have taken up the land and distributed it amongst the victorious soldiers, but for the fact that it was against the general good of the people. Now, Sir, here was a victorious army led by the great Prophet and it was a land conquered by him, but when it came to a question of distributing it, he says that the spoils of war are different from the land and because of the general good of the people he said that he should desist from distributing it and handing it over to the soldiery, though he would hand over to them the spoils of war, for they were entitled to it. It may be asked, how did the Prophet himself come to be in possession of power? Not that he conquered any territory, but he became the elected chief of the State and as such the property was vested in the people . . . . ."

Mr. SPEAKER:—"Is it not possible for the hon. Member to be brief and speak on the Report of the Estates Land Act Committee?"

* M. AHMED BATCHA SAHIB Bahadur:—"I am speaking on the Report and am establishing the fundamental principle of the proprietary right of the soil."

Mr. SPEAKER:—"It is no doubt a good speech, but such historic development from ancient records might be referred to in brief."

* M. AHMED BATCHA SAHIB Bahadur:—"Because I have to base my arguments on history for establishing this principle."

Mr. SPEAKER:—"Then you will take two or three hours."

* M. AHMED BATCHA SAHIB Bahadur:—"Then I will sit down, Sir."

Mr. SPEAKER:—"On this question, we cannot be treated to Qoran and other religious books."

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* M. AHMED BATCHA SAHIB BAHADUR:—" I cannot see why I should not quote or comment on such things when others have done so."

MR. SPEAKER:—" It takes too much time."

* M. AHMED BATCHA SAHIB BAHADUR:—" But the point is. . ."

MR. SPEAKER:—" If the hon. Member can briefly put it and finish his speech, then the House may give him the indulgence of time, but if he elaborates on the point, I think, he may publish it in the form of a long article in the Press."

* M. AHMED BATCHA SAHIB BAHADUR:—" I am not very fond of this publicity, Sir."

MR. SPEAKER:—" The discussion is now upon the Estates Land Act Committee Report and the speech should be directly relevant to it."

* M. AHMED BATCHA SAHIB BAHADUR:—" Sir, I have been elaborating on this point, because I felt that it must have been the fundamental basis on which the Report has been made. I find that although I have submitted that it was axiomatically taken as truth in days gone by, by an unfortunate evolution of circumstances a contrary idea had developed which had not been given full expression to in the various pieces of legislation which have been referred to in this House. Sir, that has necessitated my stating it, because what I am going to suggest depends upon the finding that the 1802 settlement was a thing that had been born out of the most inauspicious circumstances. The finding of the Committee has been that the tenant is the owner of the soil and it has been established that legislation on the subject has not been unambiguous.

" Then, Sir, the circumstances under which the Regulation of 1802 came into being were the confused state of affairs which followed the disruption of the Moghul empire and disturbed the condition of the country before the advent of the new rule into India. A chaotic condition might have existed prior to the legislation of 1802, but it does not follow that what has been laid down in 1802 could have been the final word on the subject. It is not possible to discover anywhere during the Muslim or Hindu rule that there was anything like half gross or half net proportion of settlement. The highest that we have heard of under the Muslim rule appears to be one-third and we have very often heard of the Mahratta rule in India where it has been the ' Chauth ' which means one-fourth. The sudden development of half must have come in as an ameliorative measure, considering the conditions then prevailing. So, now especially when the finding of the Committee is that the tenant is the owner of the

soil, it cannot be consistently said that the 1802 rate which was probably based on a sub-conscious feeling that the zamindar was the owner of the soil, should be adhered to. It is inconsistent to say that the tenant is the owner of the soil and at the same time perpetuate what obtained in 1802, though not for other purposes at least for purposes of rent. It seems to me a novel idea to condemn the Permanent Settlement as having come under very inauspicious circumstances and in the same breath uphold it to be the basis of further legislation. 7-45 p.m.

"Sir, it has been asked in certain quarters whether there was any tripartite contract. I feel certain that when the Regulation of 1802 was passed the Patta Regulation was also passed simultaneously. The simultaneous legislation of the Patta Regulation gives support to the view that the settlement of 1802 could not have been made but for the fact that the relationship between the tenant and the landholder was also sought to be regulated. It was a simultaneous piece of legislation intended to settle and set at rest the questions that should otherwise be agitating the minds of the landlord and the tenant. As my hon. Friend Mr. Appadurai Pillai said, there is no use in taking up one section of it and looking at its wording and import, in isolation from its context. It is to be seen as a whole and as one piece of legislation; but this accusation might also be made against the other side. If the Committee is guilty of taking up one section and viewing it in that way, is not the other side guilty of taking up some other section and doing the same thing? I submit, Sir, that the whole thing should be read in its proper context and not as the Committee and others have done, all the while saying that the particular section relied upon was isolated from its moorings. The whole thing should be read bearing in mind the purpose and the principle running through it. If it was superfluous legislation—it is not so—I do not understand why people of those days were so simple minded as to have thought of following it up on the same day, i.e., 13th July 1802, by the Patta Regulation. The fact of the matter is that these things were done with a purpose. It is supplementary and complementary. The relationship between the ryot and the landholder was defined and regulated. It was laid down clearly what exactly the tenant can expect of the zamindar and what his rights and obligations were; what he was obliged to pay him and what in return he could expect from the zamindar. The whole thing could not have been incorporated in one Regulation for it was not a tripartite agreement. The agreement come to between the zamindar and the Crown is on one footing and the agreement concluded between the tenant and the landlord is on a different footing; and consequently these two could not be put together and brought under one piece legislation fixing the amounts to be paid by the zamindar to the Crown on the one hand and by

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the tenant to the zamindar on the other. So it was necessary that the Patta Regulation should have been promulgated at the same time as this legislation."

MR. SPEAKER:—"I think the hon. Member would wind up his speech."

* M. AHMED BATCHA SAHIB BAHADUR:—"The other point is whether there were not agents of collection in the days of Hindu and the Muslim rule in India. There are indications in favour of this suggestion. I shall be very brief because I know the time is very short."

MR. SPEAKER:—"There are other members anxious to speak. The hon. Member is treating the House to very minute details of the question but the unfortunate thing is that other members are equally anxious to participate in the debate and who are also anxious to be more precise and direct to the point."

* M. AHMED BATCHA SAHIB BAHADUR:—"I do not know if I have not been precise."

MR. SPEAKER:—"The hon. Member has not been. There is no doubt about that. How much time does the hon. Member require?"

* M. AHMED BATCHA SAHIB BAHADUR:—"I will close after finishing the points I want to deal with. I have not finished them and I will not take more time than is necessary."

MR. SPEAKER:—"Two or three minutes?"

* M. AHMED BATCHA SAHIB BAHADUR:—"No, Sir, two or three points. The question of there being agents for collection was raised during our friendly discussion in our party. There were agents but they were removable after a fixed period at the will of the Crown or according to an understanding come to between the Crown and the agent. There were also agents in the Muslim rule who were allowed to collect revenue in return for military services rendered. But even in such cases it was dispensed with very easily whenever the king thought the services were unnecessary. There was no perpetuity at all and so there could be no ground for thinking that the proprietary right in the land vested in anybody. If it could not vest in the king, it could not vest in any body else. It is by virtue of his status that he has a right to contribution, which right he could not transfer to somebody else. It is a right attaching to him by reason of his status. The rights of such agents were distinct and different from those that were contemplated in later days.

"It has been said that eminent judges since 1802 have held in favour of the zamindars."

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MR. SPEAKER :—" I think that point has been thrashed out. It has been too often repeated and repetition of arguments must be avoided."

* M. AHMED BATCHA SAHIB BAHADUR :—" I thought I should have spoken something on the exchange question. But since I am not given time, I would like to close."

MR. SPEAKER :—" Time may be taken, but needless repetition cannot be allowed. That is a parliamentary limitation upon debate."

* M. AHMED BATCHA SAHIB BAHADUR :—" I have not been reading from a manuscript."

MR. SPEAKER :—" But manuscripts were so carefully prepared as to avoid these."

* M. AHMED BATCHA SAHIB BAHADUR :—" But so far as I am concerned, I have been only proceeding from point to point and I should think . . ."

MR. SPEAKER :—" But hon. Members must observe the rules of the debate that irrelevancy and needless repetition are the two limitations imposed upon parliamentary debate and hon. Members cannot at this stage be allowed to repeat arguments."

* M. AHMED BATCHA SAHIB BAHADUR :—" If the Hon. Speaker thinks that I have been repeating and I have been indulging in irrelevancies, I would stop, Sir."

MR. SPEAKER :—" Points may be stated. If he has got any, he will be allowed time."

* M. AHMED BATCHA SAHIB BAHADUR :—" I am not going to speak."

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


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