# THE MADRAS LEGISLATIVE ASSEMBLY.

**Tuesday, the 21st September 1937.**

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

Proceedings began with the singing of the Vande Mataram song.

## STARRED QUESTIONS

### I.—QUESTIONS AND ANSWERS.

*Withdrawal of the order of proscription on certain books.*

* 160 *Q.*—MR. K. V. NARAYANA RAO: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) whether, in view of the change in the political situation, the Government propose to remove the ban on books such as the Telugu Edition of Gorky's 'Mother' which in their original editions are not proscribed;

(*b*) whether the Government are aware that District Educational Officers object to the keeping in libraries of books that are not prescribed either by the Central Government or by the Provincial Governments; and

(*c*) whether the Government are aware of the fact that the 'History of Indian National Congress' by Dr. B. Pattabhi is not allowed to be kept in a public library receiving Government grants in the village Bhatlapenamarru in Kistna district?

THE HON. DR. P. SUBBARAYAN:—"(*a*) In some cases, the ban has already been removed. Government will review the other cases if and when any representations are received from parties concerned.

"(*b*) One of the ordinary conditions on which grants are sanctioned by Government for public libraries is that books of an objectionable character should not be kept in them. Managements of libraries are required to obtain the approval of District Educational Officers, to the purchase of books. These officers have been advised that no objection should be taken to political books unless they are such as to be deemed to be subversive of constituted authority. Other books the purchase of which may be objected to are—

(1) obscene literature,

(2) books of a standard which cannot be appreciated by readers particularly in rural libraries, and

(3) books of such a nature that they will not be useful to any members of the library concerned.

"(*c*) Government are enquiring into this matter."

AN HON. MEMBER:—"Will the Hon. Minister be pleased to repeat the answer to clause (*c*)?"

THE HON. DR. P. SUBBARAYAN:—"I said the Government are enquiring into this matter."

MR. K. VEERARAGHAVASWAMI:—"Are we to presume that all books except those which have been banned will be allowed hereafter?"

THE HON. DR. P. SUBBARAYAN:—"I do not quite appreciate the import of this question."

MR. R. VENKATA RAO BALIGA:—"Have complaints been received from Bezwada Library regarding ban on books?"

THE HON. DR. P. SUBBARAYAN:—"I said the whole matter is under enquiry."

MR. G. KRISHNAMURTI:—"May I ask whether the Government will be pleased to consider the desirability of representing to the Central Government urging upon them to vest all powers of proscription of books and literature in the hands of the Provincial Government?"

THE HON. DR. P. SUBBARAYAN:—"This is a matter to which I cannot give an answer at the present moment."

MR. G. RANGAYYA NAYUDU:—"Is the Hon. Minister aware that some Telugu books other than political books have been proscribed?"

THE HON. DR. P. SUBBARAYAN:—"If they come under the three conditions I have laid down in answer to clause (*b*) of course they will be proscribed."

MR. G. KRISHNAMURTI:—"May I know whether the Government are aware that the Tamil translation of Lenin by the Hon. Minister Mr. Ramanathan is still proscribed, while the English edition of the same is not and whether Government will be pleased to remove the ban immediately on the Tamil translation also?"

THE HON. DR. P. SUBBARAYAN:—"I have read both the books, the Tamil translation as well as the English edition and I shall see that the ban is kept no more on the Tamil edition."

MR. G. KRISHNAMURTI:—"May I ask whether the Government will not consider the desirability of making an early statement laying down the future policy of the Government in the matter of proscription of books?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member must be aware that this is a matter for the Central Government to deal with. The Provincial Government will certainly bring it to the notice of the Central Government if any complaints are made to that effect."

21st September 1937]

*Expenditure on account of travelling allowance paid to the members of the Tirumalai-Tirupati Devasthanams Committee for the years 1933 to 1937.*

* 161 *Q.*—MR. K. VARADACHARIAR: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) at what rates the members of the Tirumalai-Tirupati Devasthanams Committee have been drawing their travelling and daily allowances; and

(*b*) the amounts spent on these items during the years 1933 to 1937?

THE HON. DR. T. S. S. RAJAN:—"(*a*) The members of the Tirumalai-Tirupati Devasthanams Committee are entitled to draw travelling allowance and daily allowance at the following rates:—

(1) One and a half first-class railway fare for journey by rail,

(2) Mileage at the rate of eight annas per mile of journeys performed by road or canal,

(3) daily allowance for halt at Rs. 10 per day, and

(4) actual expenses in lieu of mileage in the case of journeys between Tirupati and the Hill.

"(*b*) The total amount paid towards travelling allowance and daily allowances to the members of the Tirumalai-Tirupati Devasthanams Committee from fasli 1343 was as follows:—

| Fasli. | Rs. | A. | P. |
|---|---|---|---|
| 1343 (1933–34) .. .. .. .. .. | 1,260 | 6 | 0 |
| 1344 (1934–35) .. .. .. .. .. | 2,539 | 0 | 0 |
| 1345 (1935–36) .. .. .. .. .. | 4,302 | 13 | 0 |
| 1346 (1936–37) .. .. .. .. .. | 2,678 | 11 | 0 |
| 1347 (up to August 1937) .. .. .. .. | 675 | 10 | 0 |
| Total .. | 11,456 | 8 | 0" |

MR. M. G. NATESA CHETTIYAR:—"May I ask whether the Government will be pleased to reduce these rates?"

THE HON. DR. T. S. S. RAJAN:—"No, Sir."

MR. K. VARADACHARIAR:—"May I ask whether the Government will be pleased to order an enquiry to find out whether the administration of the Tirumalai-Tirupati Devastanams is now more costly than before?"

THE HON. DR. T. S. S. RAJAN:—"First of all the fact has to be proved, before the Government undertake an enquiry. As it is, the Government do not consider that the administrative cost is very heavy."

MR. G. RANGAYYA NAYUDU:—"Does not the Government think that these rates are abnormal?"

THE HON. DR. T. S. S. RAJAN:—"No, Sir."

MR. K. VEERARAGHAVASWAMI:—"May I know what the total income of the Devastanams is?"

THE HON. DR. T. S. S. RAJAN:—"I want notice of that question."

*Representation against the District Medical Officer, Malabar.*

* 162 *Q.*—MRS. A. V. KUTTIMALU AMMA: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether the Malabar District Medical Association made any representation to the Surgeon-General with the Government of Madras on the 1st July 1937, regarding the conduct of the acting District Medical Officer, Malabar; and

(*b*) if the answer is in the affirmative, what action has been taken in the matter?

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

"(*b*) The Government are making an enquiry into the matter."

MR. M. A. SALAM:—"May I know whether the grievance of the Malabar District Medical Association is against honorary medical men?"

THE HON. DR. T. S. S. RAJAN:—"No. The matter referred to in this question relates to the acting District Medical Officer."

MRS. RUKMINI LAKSHMIPATHI:—"May I know whether honorary medical officers in the General Hospital are subjected to ill-treatment?"

THE HON. DR. T. S. S. RAJAN:—"That question does not arise out of this question."

MR. V. M. RAMASWAMI MUDALIYAR:—"May we know what is the nature of representation made against the acting District Medical Officer?"

THE HON. DR. T. S. S. RAJAN:—"I have already said that Government are making an enquiry into the matter."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I know what is the nature of the enquiry?"

THE HON. DR. T. S. S. RAJAN:—"The nature of the enquiry is on the representation that has been sent to the Government by the Malabar District Medical Association at Calicut."

MRS. RUKMINI LAKSHMIPATHI:—"May I know whether similar instances where complaints have been made about the treatment of honorary medical officers will be enquired into?"

THE HON. DR. T. S. S. RAJAN:—"Yes."

21st September 1937]

MR. K. VEERARAGHAVASWAMI:—" May I know from the Hon. Minister what is the nature of the complaint made in this particular case? "

THE HON. DR. T. S. S. RAJAN:—" The complaint was against the behaviour of the acting District Medical Officer."

AN HON. MEMBER:—" How did he behave? "

(No answer.)

*Treatment meted out to the Honorary Medical men in the Government Hospital, Calicut.*

* 163 *Q.*—MRS. A. V. KUTTIMALU AMMA: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether the attention of the Hon. Minister has been drawn to the fact that there is discontent among the Honorary Medical men in the Calicut Government Hospital that they were not being properly treated in the hospital;

(*b*) whether there has been a complaint from any Honorary Medical men in the hospital that they were not given proper facilities to work up successfully the special departments in their charge;

(*c*) whether there has been a complaint from any Honorary Medical man of the Calicut hospital that there was an altercation between him and the acting District Medical Officer; and

(*d*) if so, what action has been taken in the matter?

THE HON. DR. T. S. S. RAJAN:—" (*a*) No specific case has been reported or brought to the notice of the Surgeon-General or the Government by any of the Honorary Medical Officers at Calicut.

" (*b*) Honorary Medical Officers who have been appointed to the Dental, Ear, Nose and Throat, and Ophthalmic sections of the Headquarters Hospital, Calicut, claimed facilities for treating cases in the Government Hospital for Women and Children, Calicut. This was not allowed.

" (*c*) A complaint has been received by the Surgeon-General from Mr. Vaidyar, Honorary Medical Officer in charge of the Dental and Ear, Nose and Throat sections, regarding an altercation between him and the acting District Medical Officer, Mr. S. Ramdass.

"(*d*) The matter is being referred to the permanent District Medical Officer for enquiry and report."

MR. G. KRISHNAMURTI:—" May I know whether Government have received representation either orally or in writing that the honorary Medical Officers in Government Hospitals are addicted to corruption and bribery? "

THE HON. DR. T. S. S. RAJAN:—" No, Sir."

MR. E. KANNAN:—"May I know whether, in cases of conflict between the honorary medical officers and permanent officers, Government will not invariably transfer these honorary medical officers from one place to another?"

THE HON. DR. T. S. S. RAJAN:—"Not necessarily."

MR. G. RANGAYYA NAYUDU:—"Are honorary medical officers paid by the Government?"

THE HON. DR. T. S. S. RAJAN:—"The hon. Member must understand that the word 'honorary' connotes no payment."

MR. G. RANGAYYA NAYUDU:—"I meant whether any allowance is paid?"

THE HON. DR. T. S. S. RAJAN:—"Nothing, Sir."

*Report of the Royal Commission on Agriculture in India.*

* 164 *Q.*—MR. E. KANNAN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether the Government have considered the Report of the Royal Commission on Agriculture in India; and

(*b*) if so, what are its recommendations which they have given effect to and which they propose to give effect to?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) & (*b*) Yes. The progress made in giving effect to the recommendations of the Royal Commission on Agriculture in India is published by the Government of India. A copy of Part II of the report dealing with the action taken by the Local Governments is available in the Council Library."

*Representation of Adi-Dravidas on excise advisory committees.*

* * 165 *Q.*—MR. E. KANNAN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether it is a fact that Government have issued orders to District Collectors to appoint Adi-Dravidas to excise advisory committees; and

(*b*) if so, what the purpose is for which Adi-Dravidas are given representation on these committees?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) & (*b*) The Government have issued no such specific orders. But the existing rules for the constitution and working of excise advisory committees provide for one member of the committee being elected by recognized labour organizations, from among the labouring or depressed classes residing in the area or nominated by the Collector if no such organizations exist."

21st September 1937]

MR. J. SIVASHANMUGHAM PILLAI:—"May I know whether there are representatives of depressed classes in all the advisory committees?" 10-15 a.m

THE HON. MR. V. I. MUNISWAMI PILLAI:—"No, Sir."

*Proposed reduction of the number of liquor shops in Malabar.*

* 166 *Q.*—MR. E. KANNAN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether it is a fact that the Malabar District Board requested Government in 1933 to reduce the number of liquor shops in Malabar by 50 per cent and, if so, what Government have done in the matter; and

(*b*) what the report of the Collector of Malabar on the subject was?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) & (*b*) In March 1933 the District Board, Malabar, forwarded a copy of the resolution passed by that board to reduce the number of liquor shops situated in the administrative area of the district board by 50 per cent. No action was taken on the resolution. No report from the Collector of Malabar was received."

*Work done by the officers of the Veterinary department in Malabar.*

* 167 *Q.*—MR. E. KANNAN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) the amount of travelling allowance drawn by the officers of the Veterinary department in Malabar during each of the last ten years; and

(*b*) the work done by them in Malabar?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) A statement [a] is laid on the table.

"(*b*) The work done by the touring subordinate staff and the hospital staff during each of the last ten years is furnished in the three statements [b] laid on the table.

"The municipalities of Calicut, Palghat and Cannanore also utilized the services of the Veterinary Assistant Surgeons for meat inspection work.

"During 1927–28 and till 31st July 1929, Malabar was in charge of the District Veterinary Officer, Coimbatore, whose jurisdiction extended over four other districts also, viz., the Nilgiris, Salem, South Kanara and Coimbatore. From 1st August 1929, the District Veterinary Officer, Calicut, has been in charge of Malabar

[a] Printed as Appendix I on page 474 infra.
[b] Printed as Appendix II on pages 475–477 infra.

along with South Kanara district. The District Veterinary Officer, Calicut, inspected the veterinary institutions and touring billets in his jurisdiction twice in a year. He visited the Headquarters Veterinary Hospital (Calicut) frequently during his stay at headquarters and helped the Veterinary Assistant Surgeon in charge in treating difficult cases. He inspected the Government livestock at the Paddy Breeding Station, Pattambi. He attended the cattle fair at Kizhur in almost all the years, attended important outbreaks where rinderpest was prevalent, visited inoculation camps and did propaganda work in respect of preventive inoculations."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I know whether this officer ever visited South Kanara?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"It does not appear like that."

AN HON. MEMBER:—"May I know whether the Government consider that the work done by the Veterinary department is efficient?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Yes, Sir."

*Abolition of the Fisheries Training Institute, Calicut.*

*168 *Q.*—MR. E. KANNAN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether it is a fact that the Fisheries Training Institute, Calicut, has been closed, and, if so, what the reasons are that led to this decision by the Government; and

(*b*) in what manner Government have disposed of those who were employed in the Institute?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) Yes; the institute has been closed as there is no necessity for training any more teachers.

"(*b*) The discharge of the persons holding the posts sanctioned for the institute will be regulated by the Statutory Rules published on pages 2143–2145 of Part I of the *Fort St. George Gazette*, dated 11th December 1934."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I know whether the Government have decided to close down the fisheries schools also as they have closed the fisheries training school?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"The matter is under consideration."

MR. M. G. NATESA CHETTIYAR:—"May I ask whether the Government will consider the desirability of taking over the headmasters and other members of the staff who have put in long service to the Education department?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"It is not possible to do that, Sir."

21st September 1937]

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I ask whether the fisheries schools have not done immense good in educating the fisher-folk who are poor and uneducated?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"It is a matter of opinion."

MR. M. G. NATESA CHETTIYAR:—"May I ask whether the Government will provide for the headmasters at least as far as possible?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"The matter will be considered, Sir."

MR. K. VEERARAGHAVASWAMI:—"May I ask what is the nature of the education that was given in these institutes?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Along with ordinary education, education pertaining to fishing."

MR. K. VEERARAGHAVASWAMI:—"Is it not a fact that there are very many people who do not know the present-day methods of fishing?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"I do not know, Sir."

*Proposal for making pensionable the service of copyists employed in courts.*

* 169 *Q.*—MR. E. KANNAN: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) whether Government have received representations and memorials praying that the service of copyists employed in courts should be made pensionable; if so, whether the matter has been considered by the Government; and

(*b*) whether there is any difference in status and remuneration between the copyists in civil courts and those in the Registration department?

THE HON. MR. K. RAMAN MENON:—"(*a*) & (*b*) The answer is in the affirmative."

AN HON. MEMBER:—"May I ask whether there is any difference in status and remuneration between the copyists of the criminal courts and copyists in other courts?"

THE HON. MR. K. RAMAN MENON:—"No, Sir."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether there is any prospect of the status of the copyists being improved?"

THE HON. MR. K. RAMAN MENON:—"Not in the near future, Sir."

MR. M. G. NATESA CHETTIYAR:—"May I know whether the copyists of the Judicial department can avail themselves of medical leave which is enjoyed by other officers and servants of the department?"

THE HON. MR. K. RAMAN MENON:—"No, Sir."

MR. M. G. NATESA CHETTIYAR:—"May I ask whether there is any other class of Government servants who do not get that privilege?"

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

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I ask, Sir, whether the copyists in the civil courts do not get pensions?"

THE HON. MR. K. RAMAN MENON:—"They do not receive pensions, Sir."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I know whether the copyists in the Revenue department bring an income to the Government which is much more than what is paid to them?"

THE HON. MR. K. RAMAN MENON:—"I am not able to answer the question relating to the Revenue department."

MR. M. G. NATESA CHETTIYAR:—"May I ask whether the Government have received any representations from the copyists?"

THE HON. MR. K. RAMAN MENON:—"There have been several representations."

MR. M. G. NATESA CHETTIYAR:—"May I ask whether this grant of medical leave was one of the requests in the petition?"

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

MR. M. G. NATESA CHETTIYAR:—"May I request the Hon. Minister to consider the request favourably?"

THE HON. MR. K. RAMAN MENON:—"The whole matter is being considered by the Government."

MR. M. G. NATESA CHETTIYAR:—"May I request the Hon. Minister to give it immediate consideration?"

THE HON. MR. K. RAMAN MENON:—"As early as possible, the matter will be considered."

MRS. A. RUKMINI LAKSHMIPATHI:—"May I ask whether the Hon. Minister is aware that the copyists are paid so miserably low—9 pies per page?"

THE HON. MR. K. RAMAN MENON:—"It is 15 pies per 150 words."

MR. M. G. NATESA CHETTIYAR:—"May I ask whether it is not a fact that the work done by the copyists of the Judicial department brings a profit to the Government?"

THE HON. MR. K. RAMAN MENON:—"It is not really profitable, Sir."

MR. A. KARUNAKARA MENON:—"Is not the Government making a profit out of the civil copying department?"

21st September 1937]

THE HON. MR. K. RAMAN MENON:—"There is no profit, Sir, if all the necessary amount of expenditure is taken into account."

MRS. A. RUKMINI LAKSHMIPATHI:—"May I ask whether the Government will consider the desirability of paying the copyists Rs. 30 or Rs. 35 a month?"

THE HON. MR. K. RAMAN MENON:—"The Government will consider the question; I do not think there is an early possibility of doing it."

AN HON. MEMBER:—"May I ask what are the rates paid to copyists in the criminal courts?"

THE HON. MR. K. RAMAN MENON:—"I should think it is the same, Sir."

MR. G. KRISHNAMURTI:—"Can any Government which does not afford protection to any of its servants in their old age be called a civilized Government?"

(No answer.)

*Demanding of bakshees by the peons in the Government offices in the city.*

* 170 *Q.*—MR. E. KANNAN: Will the Hon. the Prime Minister be pleased to state whether Government have received representations to the effect that the peons in the Secretariat and other Government offices in Madras invariably ask for some bakshees from persons going thereto on purposes?

THE HON. MR. C. RAJAGOPALACHARIAR:—"The answer is in the negative."

*Supply of information to the Members of the Legislature by district authorities.*

* 171 *Q.*—MR. E. KANNAN: Will the Hon. the Prime Minister be pleased to state whether the Members of the Legislature are at liberty to ask the district authorities and heads of departments for information other than of a confidential nature, which they may require in the exercise of their function as Members of the Legislature?

THE HON. MR. C. RAJAGOPALACHARIAR:—"Heads of departments and district officers are at liberty to furnish Members of the Legislature with information within their cognizance as to statistics or facts relating to local matters of public concern. They are not, however, permitted to divulge the contents of correspondence or to communicate any information that is marked as confidential or is, in the opinion of the officers, of such a nature as in the public interest should be kept confidential, or which involves a statement of general policy for which the Government are responsible."

[21st September 1937

MR. E. KANNAN:—"May I know, Sir, whether it has been brought to the notice of the Government that the Collector of Malabar refused to give certain Members of this House information of the nature described in the answer to the question?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"The Government is not aware, Sir, and would be glad to know."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I request the Government to instruct the Collectors and other heads of district offices to give Members of the House information which is not of the nature described by the Hon. Minister?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"The answer given to this question will no doubt be conveyed to all district Collectors if necessary."

* *Q.* 172 [a]

* *Q.* 173 [a]

* *Q.* 174 [a]

*Proposal to transfer the schools now conducted by the Fisheries Department to the charge of the Labour Department.*

* 175 *Q.*—MR. P. MADHAVAN:—Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether the Government have ever entertained the idea of transferring the schools now conducted by the Fisheries Department to the charge of the Labour Department?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Yes. The question is under consideration."

*Assignment of land abutting the railway lines in the Bellary district.*

* 172 *Q.*—MR. H. SITARAMA REDDI: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that about 30 years ago lands near by and abutting the Madras and Southern Mahratta Railway lines were relinquished by the railway and the same lands were given on temporary patta to the ryots;

(*b*) if so, what the extent of such land in each taluk of the Bellary district is;

(*c*) whether the condition of the land relinquished was poor at the time of relinquishment;

(*d*) what the value was per acre of the land at the time of relinquishment;

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[a] Please see after starred question No. 175.

21st September 1937]

(*e*) whether orders have been passed by the Government evicting the patta-holders;

(*f*) whether the Government are claiming from those patta-holders the present value of the said land to confirm patta in their names permanently;

(*g*) whether it is under the consideration of the Government to fix the value of lands to be confirmed on permanent patta, at the same rate the land was valued at the time of relinquishment and grant permanent patta in the names of the temporary pattadars; and

(*h*) how many pattadars have paid the present market value and got permanent pattas in the Bellary district in respect of the lands relinquished by the railway?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—"(*a*) to (*h*) The Government have no information. But a report has been called for."

MR. H. SITARAMA REDDI:—"May I know how long the Government are likely to take to get the required information?"

MR. T. VISWANATHAM:—"Not very long, Sir; the departments are very active."

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MR. K. ABDUR RAHIMAN KHAN:—"Sir, with your permission, I should like to put the questions standing in the name of Mr. Mahboob Ali Baig."

MR. SPEAKER:—"Yes."

*Recognition of the medical degrees of the Andhra University.*

* 173 *Q.*—MR. K. ABDUR RAHIMAN KHAN for Mr. Mahboob Ali Baig: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether it is a fact that the medical degrees of the Andhra University are not recognized by authorities; if so, what are the reasons therefor;

(*b*) whether it is a fact that 250 students of the Medical College, Vizagapatam, assembled in a meeting a few days ago and resolved not to attend the unrecognized College; and

(*c*) whether any steps are being taken by the Government to secure recognition for the medical degrees of the Andhra University?

THE HON. DR. T. S. S. RAJAN:—"(*a*) This question has already been answered in reply to unstarred question No. 112.

"(*b*) Yes. The students did not attend the college on the 25th and 26th of August. They rejoined on the 27th August.

"(*c*) Yes."

*Rules for communal representation in the services under municipalities.*

* 174 *Q.*—MR. K. ABDUR RAHIMAN KHAN for Mr. Mahboob Ali Baig: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether rules have been issued by the Government under section 73 of the Madras District Municipalities Act, regarding communal representation in the services under municipalities; if not, why not; and

(*b*) when the said rules under the District Municipalities Act are likely to be issued?

THE HON. MR. B. GOPALA REDDI:—"(*a*) The rules for the representation of communities in services under Municipal Councils have not been issued. The whole question will be considered.

"(*b*) It is not possible to forecast a date."

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

II.—BUSINESS BEFORE THE HOUSE.

10-30 a.m. * MR. SPEAKER:—"I have to inform the House that on the 24th instant, Friday, at 5 p.m., all the outstanding demands will, if not finished earlier, be put to the vote of the House. Afterwards, the resolution of the hon. Member Mr. D. Ramalinga Reddiyar on the subject of the Travancore Temple Entry Proclamation, copies of which have already been distributed to the Members, will be taken up for discussion. At the request of Mr. Reddiyar, the hon. the Leader of the House has consented to give that day for the said resolution, and as the arrangement does not interfere with the transaction of financial business by the House, I have consented to it."

III.—DEMANDS FOR GRANTS FOR 1937-38—*cont.*

(10) DEMAND X—DISTRICT ADMINISTRATION AND MISCELLANEOUS—*cont.*

* MR. SPEAKER:—"The discussion on the cut motion moved by Mr. Ari Gowder under Demand X will now continue."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, Sir, the debate was long but also very important. Two matters were referred to, of very great importance, and I thought that though the mover of the demand should reply to the whole debate, it was my duty to intervene and offer a few remarks with reference to the points raised on certain important aspects of the position. One was with reference to the dissatisfaction felt with regard to the attitude that on behalf of the Government I took in a certain answer in regard to the separation

21st September 1937] [Mr. C. Rajagopalachariar]

of the executive and judicial functions, and the debate on the part of many members leaned towards suggesting that such separation should be effected immediately. The other point was with reference to the policy of Government with regard to the reduction of the salaries of the public services.

" Taking the question of the separation of the judicial and executive functions first, I submit, Sir, at the outset, that the policy of the Government as stated was that at present they did not have before them any policy of making a change in regard to the functionaries that were referred to; and, on behalf of the Government, I offered a reason that in the present situation, the specific causes that led to the longstanding and ancient agitation on this subject did not apply. Even now, I do not propose to lay it down on behalf of the Government, Sir, that we have come to the definite conclusion that these functionaries referred to should carry on as before; but I shall not be right if I do not express on the floor of this House my feeling that still I hold the same view, and I wish to induce the Government to hold the same view with regard to this matter. I concede it may be a perfectly correct principle, in any State, to have the judiciary entirely separated from the executive departments; but generally we go wrong, not on principles, but either because we are moved by bad motives or because we apply a good principle to wrong matters. The application goes wrong. Principles are generally very good, but applications are very often wrong. I therefore submit that it is not enough merely to point out that the Congress or any other national organization swore by the principle of separation of executive from judicial functions for so long a time, and therefore it must be taken up now for execution. What is right one day does not become wrong another day. But what is right and applicable one day may become inapplicable another day. That is the position I consider, which applies to the present case. It is true that the national organization that represented the voice of the people for many years, for a long time, did want the separation of the executive and judicial departments in the State. But that was at a time when it was taken for granted that a certain overseership was providential or absolutely irremovable, and then the Indianization of the services and many other similar questions were tacked on to that assumption. And then also it was pointed out that surely at least the judiciary in which the State was not so extremely concerned, should be made completely independent of the executive. But, to-day, Sir, as any student can find out when working a sum in algebraical expression, a minus inside a bracket becomes a plus when the bracket is removed and a plus inside a bracket becomes a minus when the bracket is removed, if it is preceded by a negative sign. We are not enjoying independence now; we are not enjoying Swaraj now; we are enjoying what is called autonomy in the provincial sphere. And if anyone reads with patience the provisions of the Government of India Act with reference to the control over the services—I say, Sir, advisedly with patience, because I have often failed to do that—if anyone reads the provisions of the Government of India

Act with regard to the services, it will be seen that the services are put in a very widely extensive parenthesis. It will be seen that what are called the All-India Services are beyond the control of the Government of the day in the provinces, though they function and function only within the provinces. It will be seen that the High Court, that the civil judiciary, that the criminal judiciary of the districts, the highest courts in the district, are all within this bracket. While I unhesitatingly grant—grant perhaps is not the word, I should say, I unhesitatingly swear by—the independence of the judiciary and I would not do anything on behalf of any Government, if I have the power or the opportunity, to interfere with the independence of the judiciary, be it the smallest magistrate or the biggest judge, I say, Sir, that to adopt the principle that the judiciary in the present state of things should be entirely separated from the executive and should be made independent, not in the correct sense of the word, but independent of all control in every administrative matter, would result in an *imperium in imperio* and that what we gain by provincial autonomy we would, by more than half, lose by this so-called adhesion loyally to an old principle. I say this, Sir, as a politician; I say this as a Member of Government in charge; I say this as one who hopes for independence all round in our country. And I hope I shall not be misunderstood as having become a retrograde or a bureaucrat because I have explained my position in this matter in this form. I do think it would be a danger to take up this question now and carry it out as proposed, a danger, not to the criminals who are tried or to the civil litigants whose case is being enquired into, but a danger to the political advancement of the country. The old idea that the State is an enemy of the individual and that the judiciary is an arbitrator between these two enemies and opponents is an exploded doctrine of social or political organization. I do maintain that the State is one and indivisible, that its social life, its economic life, its political life, its judicial quarrels and arbitrations, as I would call them in common language, are all one and indivisible. That is the reason and the basis on which, Sir, my remarks were made, and I hope I shall not be misunderstood. Far be it from me, on behalf of any Government, or even personally, to suggest that the independence of any judicial officer should be interfered with. That is one thing; but another thing it is to say that every magistrate who has got the peace of the country in his charge and every judge and all these should form a separate State within a State. That cannot be worked in modern times. Policies run through even principles of criminal law, policies have to run even through the exercise of the powers of the criminal law. It would be wrong to mete out the same punishment at all times for the same offence. It would be wrong to mete out the same punishment in the same manner at all times going by a formula. Therefore, I repeat that life is one and indivisible, and the State is one and indivisible. So much for the theory of it.

" I think, Sir, I have rightly analysed the situation when I summarize the position taken up in the debate by some hon. Members as this: that the whole suggestion comes to this, that there should be direct

21st September 1937] [Mr. C. Rajagopalachariar]

recruitment for certain offices. It simply means that direct recruitment should replace promotion to magisterial posts. I am not quite sure that this is right or this is wrong. The Government are not committed to either one or the other view, but it is obvious and easy to see that it would be a very heavy addition to the burden of the tax-payer if we take up such a venture just now. The question was examined previously many times, and what was possible was done; but any further extension, even though it might be desirable, would mean a very great additional burden to the tax-payer. It may be said that instead of one smaller area having a magistrate who does both executive and judicial functions, you may give each officer a larger area and thereby you may not lose much or spend much more. But this is not true in practice. It is found that we are going on departmentalizing, and every department wants its people, its staff, its peons, its menial services, its accounts, its audit and so on, and thus the increase of expenditure goes on. If I should state the mind of those who form the present Government, I think I am right and fair to them when I say that even on a future occasion when they consider this question, they would have to take the responsibility for reducing the needless departmentalization and putting more and more together in a certain area and making it cheap and easier for the tax-payer to bear.

" Sir, it is also a wrong thing to imagine that only the unsocial elements of society demand the attention of justice. I submit, Sir, that the daily life of the citizen is concerned more with the executive than with the judiciary. And we want that the executive should be as judicial and impartial as we want that the judiciary should have all the common sense of daily practice in life. I maintain, Sir, that exchange is beneficial between the two departments, that for instance, a revenue official who finds out what the crop is or what the assessment should be, and the executive officer who has to deal with the daily life of the citizens, should have a judicial and impartial spirit which can only be cultivated by practice, and therefore, Sir, there is a great gain in exchange between the two sets of officers. And the expenses also would be greatly enlarged if we divide them as two separate cadres and group them in water-tight compartments. Much, I think, would also be the deterioration of the intellectual calibre in either department.

" Sir, the departmentalization that is going in is well-known. Everything is done into a separate department. Thus in regard to road-making, one department works on this mile and another department runs at the other mile; check-measurement of stones is done by a Local Fund engineer here and by the Public Works Department Engineer in another place; and travelling allowance runs across the country from all sides cutting one another across. All this is really not relevant perhaps to the present question. But this departmentalization of the executive and judiciary would lead to the same excessive expenditure. 0-45 a.m.

" Direct recruitment is good. There is so much of unemployment and there are so many departments where educated young men can

be employed. Direct recruitment is very attractive, but I must warn hon. Members who touch this subject, that they may overdo it. They must be aware, Sir, that now many eminently qualified young men are going in for subordinate services and people who are capable of filling the highest posts in course of time are going to the subordinate services, because of the pressure of unemployment and the difficulty of securing secure posts with a secure tenure and the like and if we cut off the possibility of these men who have been recruited to the subordinate services getting any real promotion and say that all these things should go by direct recruitment, it will be removing a great ambition which induces these young men to take up for the time being these subordinate posts. All these things must be considered from the practical administrator's point of view.

" Now, Sir, I shall leave this at this point. I assure hon. Members that my opinion is not necessarily the opinion of the Government in this respect. Some hon. Members even went so far as to quote the whole of the Congress against me, and some others proceeded to quote the recent decisions of other provinces. I do hope that some of my friends will quote me in other provinces. (Laughter.) We cannot be quoting like this in every matter of detail, as I said at the outset, in the course of this sitting. I do maintain we have a right and we have a duty to come to independent conclusions in such matters. And, after all, he laughs best who laughs last and therefore I do say that it is possible for hon. Members to find that the policy that I advocate may perhaps be advocated even in the other provinces in course of time, if after a fuller consideration the matter is gone into. Sir, I shall leave it at this.

" I would next crave your indulgence to give me more time for dealing with the question of reduction of salaries. So much space has this question taken up that the Government is faced with a first-class issue and that it has at last received first-class attention. The control of recruitment and the conditions of service and the pay and privileges of certain services called the All-India Services are nothing else but a political impost. It is no argument for answering the suggestion that the salaries should be reduced where they can be reduced. Hon. Members referred to the disparity that would result if we did not touch the All-India services but touched only the provincial and subordinate services. Sir, the disparity is true, but disparity should not become a reason for further injury to the tax-payer or for the maintenance of an unreasonable burden upon him. The disparity is no doubt ugly, or it may be explainable, but under no circumstances can we admit that because of that the tax-payer should suffer between these two. The answer is plain and perhaps hackneyed, but the objection too is hackneyed and we cannot get an answer newer and newer everyday for a hackneyed objection. As regards the difficulties raised of the individual concerned in the matter of commitments, domestic budget, standard of life and the like, may I point out to hon. Members that all reform of any importance in politics or in the social system or in

21st September 1937] [Mr. C. Rajagopalachariar]

the economic organization of the country involves changes in the conditions previously taken or taken as absolutely stable and are bound to affect the expectations and commitments of one or another? If Governments were administered on the basis of excessive solicitude for such people, all reform, I say, would be impossible. We cannot touch, for instance, wages in a factory, because the factory was built, the capital was raised and shareholders were paid their money on the basis of the previous prevalent wages. What right have we to touch the hours of labour; what right have we to touch the wages? All these points would be raised not only with reference to the factories and proprietors, but with reference to their salaries also by those who speak in the interests of those who were drawing those salaries before. Conditions are changing and are changing every day and Governments are not merely employers and the employed, but Governments are in charge of a trust, and the employers and the employed are a partnership together to run and govern this trust, and when the conditions of the trust change, both the employer and the employed will have to change accordingly. It is no use saying whenever a reform is proposed, 'here are our contracts, here are our ambitions and expectations and here are our commitments'. The contractual obligations have in recent times been very much extended in definition. It would be difficult to make any reform if mere ambitions and expectations are to be defined, as contractual obligations. Professional earnings are constantly referred to as very high and the phrase 'market value' of an officer and other things are referred to. I maintain there is no market whatsoever for such as those referred to; there is no market for those whom we take in as Government servants, because we have a monopoly in this service and there is no market. And, as for what goes by the name of the other market, namely, professional earning and the like, let me remind hon. Members of the great difference between two young men, one of whom succeeds in getting a Government job and another who just fails in competition in the *viva voce* examination. How much more lucky is the man who succeeds considered in other peoples' estimation? It shows there is some charm in Government service, some attraction in Government service. It is not true to say that there is an equally good market elsewhere. If salary is reduced by, Rs. 50, Rs. 30 or Rs. 100, there is an illusion created in the mind of the Government servant, that after long service and after drawing his pay for a long time, he can earn that wherever and whenever he goes out. The unemployed middle classes know how false this delusion is; the unemployed middle classes know how much competition there is, and everyone knows how ready the unemployed middle classes are to enter Government service even if the salaries be cut by 50 per cent, even as they are. Therefore, all these arguments, and the market value argument, are no answer to the suggestion made, provided there is a national necessity and need for cutting the salaries down and it is that that I claim on behalf of Government. The eagerness of the people to get jobs is a better test

in regard to the market conditions than any statistics that do not exist and which are really there in the shape of mere impressions of various gentlemen who argued on this matter.

"Sir, I think the general opinion throughout the country, among the people and among the electorate who returned this Government, to whom we are responsible, is that these salaries are far too high and far too attractive to meet the needs of the situation and that the emphasis on Government service should be reduced and that should be the basis of the policy of Government. What exactly should be the gradation that is to be given and how it should be, or how slopy it should be, or what should be the maximum or what it should be at the top, these are matters of detail about which we have not made up our minds. I say on behalf of the Government that the whole thing is being examined by the department and examined very carefully and those who examine the question are persons who are not hasty themselves; they are persons who have every consideration leaning towards conservatism. And, if the Government impose its will as a result of that examination, it will be such as would appear in the long run to be fair and proper and just as between the tax-payer and the persons concerned. That of course depends ultimately on the result of the examination and the orders passed thereon. No doubt, Sir, I want this also to be considered by the House, that we are taking great risks in this. It may be thought superficial; it may be thought that we are touching the danger-zone; and that the persons who support the Government and its policy are going to be disappointed if we touch this. But I have greater faith in the intelligentsia of our country, and that is why I do believe that the intelligentsia of our country will judge the matter as I do and as the Government does. If, on the other hand, we are to look to the intelligentsia which care only for their own sectional interests, I maintain humbly and respectfully that their support is not worth wooing, if that is their attitude. I say, Sir, we take a great risk, but it is our duty to take risks. People are crying against this expenditure. But it may be said that this expenditure is after all not likely to be curtailed very much and that we may not make a great saving in order to help us towards our pet schemes, this, that and so on. That is not the point, Sir. We have necessarily to come forward with nation-building programmes and with programmes that will cost; and apart from nation-building, we have necessarily to give water and food to the people so that nobody should starve in our country as they are. All that means money and we must therefore tax some people. In order to tax some people we must have a basis and we must have a moral basis. We cannot successfully govern this country as before, when people merely raised taxes by writing down four lines on a piece of paper and putting them in print in Government gazettes. We have to get the consent of the people for levying taxes, in substance and in every detail. As the House is aware, everything has to be closely examined when the poor man's interests are sought to be guarded by all sections of the House. It is not therefore an easy matter to levy new taxes. We must therefore levy new taxes

21st September 1937] [Mr. C. Rajagopalachariar]

upon those who are able to pay. So, how can we approach these problems unless we have the money ourselves? I say 'ourselves,' because as I said at the outset, the Government and the services are one partnership who are in charge of the trust and therefore this partnership, both the services and the Government are one and they should make sacrifices themselves in order to approach the tax-payer with fresh proposals. If, therefore, we reduce the salaries to a certain reasonable extent, we prepare ourselves morally for approaching without disgrace and without an apology to the tax-payer and asking him to pay more taxes. It is true, we shall get only a few lakhs of rupees by these salary cuts, but if you levy even one rupee more per head of the population of the country we may get four crores extra. Quite true. But, you cannot ask the four-crore population to pay one rupee extra each unless we do what we can do by ourselves, even though the net result may be only a few lakhs of rupees. That is the reason why I say this salary cut is a moral basis and a moral foundation for approaching those classes of the community who are capable of being taxed further to pay more taxes for the benefit of the poor people who cannot pay more taxes; and that is the importance of this proposal with reference to the salary cut and not merely the net amount. It is not as if we set greedy eyes on a few lakhs of rupees extra that these Government servants have been receiving all these days; but it is because we feel a compulsion or a moral necessity that we are making this proposal.

"Then, Sir, it is said that people will become corrupt and that what you gain in one way may be lost in another way. This, I say is a libel; it is an exaggeration. I do not think that a gentleman who draws Rs. 150 this year and who is absolutely honest, when promoted five years hence to Rs. 500 and if reduced to Rs. 450, will become corrupt. Again, if he was honest with Rs. 150 this year, why should he become dishonest when he gets Rs. 350 three years hence? Corruption and honesty are the result of character and the moral tone of the services and the upbringing of the persons who had entered the services. We are being over-prejudiced by certain ancient history. With reference to the Indian Civil Service, during the company times I think, history has prejudiced us. Greed has no limits. Let me confess there is no salary that we can pay, there is no salary however so high, that will keep a man content, that will keep a man pure, if he is not a good man.

"There is no relationship; there is no co-efficient between honesty and the salary that one draws. The cure for corruption is not certainly, at any rate, to ruin the nation by excessive taxation. If corruption must be, let us bear it as a misfortune. But I do not hold that view; and it is not possible to libel our whole nation like that. I think that we can pay our people 10 per cent, 15 per cent, 20 per cent or 2½ per cent less and live in the hope that our people will be as honest and as just as they were hitherto, especially those who have been given the very best education that is possible and which alone qualified them to enter service. 11 a.m.

[Mr. C. Rajagopalachariar] [21st September 1937

"Then it was said—I think that it was my hon. Friend Mr. Palat who said it—'Do the Government propose to retain the European Service? They have not made any proposal or sent any letter or recommendation to the Secretary of State to change the Government of India Act. Has the Congress given up its policy of destruction of the Government of India Act?' Such questions were asked. I really welcome the conversion—this conversion of our opponents to a more extensive prohibition than we are doing, to a more extensive cut than we are proposing to make and a more revolutionary nationalism than that we have put into practice. After all we want the conversion of our opponents and if our friends on the opposite side are not speaking merely for tactics but are really speaking out their minds, it pleases us very much to see such rapid conversion is going on on the other side of the House. (Loud applause.) And if it is not mere tactics of a certain kind to meet a certain situation, they will strengthen us and enable us to proceed with greater speed. Even though our present attempts may be very feeble in every respect, if our friends on the opposite side will continue to demand more and more extreme measures, it will be far easier and we are bound to make every effort in our further progress in this direction. I do not therefore belittle their statements. I do not want to minimize the value of these statements. I want Mr. Palat to be as revolutionary as this. I want every member on the opposite side to ask us to be more revolutionary than we are so as to maintain the same level and of egging us on to a forward step; and then it will be easier for us to proceed. Therefore, I welcome it. I hope, Sir, that all this is not mere tactics but really spells courageous co-operation and support as we are going to proceed step by step. This is all I have to say on these two points and I crave the forgiveness of the House for having taken so much time.

"A slip has been handed to me about certain confidential circulars that were sent to magistrates to decide cases in a particular way. Sir, I may at once state that if there is any strength in us on the side of the Government and as long as the slightest power vests in us to affect the administration, such interference with the independence of the judiciary will not be tolerated. What has been heard by the hon. Member may not be true. I want to tell my hon. Friends who think in these terms that sometimes things are exaggerated; but we need not go into past history. Since my colleagues and I took up office, particularly the Hon. Minister for Courts and Prisons and I who have charge of Public Services and Finance and Police and the policy with regard to these matters, I maintain that I am in closest touch with every circular that would possibly have been sent and this allegation is not true."

* THE HON. MR. T. PRAKASAM:—"Before I reply to the points raised on the cut motions, I would like to make a statement with regard to the restoration of the village officers who had either resigned or were dismissed since 1921 on account of their politics.

21st September 1937] [Mr. T. Prakasam]

" There is one matter about which hon. Members of the House are anxious, whether Government are going to adopt the policy of restitution in regard to village officials who resigned or were dismissed as a result of politics. The same policy will, as far as possible and consistent with good administration, be pursued for the restoration of good atmosphere as in the case of political prisoners.

" The Hon. Premier has dealt at length with the main questions relating to the separation of the executive from the judicial functions and the cut in salaries. I shall leave the two questions for the present and add a few words in the end after dealing with the other points raised in the debate.

" My hon. Friend Mr. Ari Gowder urged that Collectors should go. I have stated already in this connexion the view of the Government and I would now like to add to what I said already that the District and Sub-Collectors and other officers are all persons with whom I have had dealings, both judicial and executive, for over forty years. In the short period after assuming this office, I went round at least twelve or thirteen districts and got into touch with them. I may tell now, Sir, that they are officers of such vast experience that to-day we cannot afford to dispense with their services at this juncture when we want to reconstruct the whole of the administrative system. It is not a wise policy and it is not a reasonable policy either. It has been pointed out already that their position has been statutorily safeguarded under the constitution. One Collector with whom I had a few hours' talk, the moment a suggestion was made to him with regard to our future work in village reconstruction, and one direction was pointed out to him, could see a vista before himself and when I put one matter before him he could point out to me half a dozen ways of developing and completing it. I was so much impressed with what that officer told me and I am sure that that would be the case with almost all the officers. True the officers had been serving under a different system. The system is changing to-day. So far as this province is concerned, it has completely changed and their help and experience are required now.

" Then it was said that it would not be enough if autonomy is established in the villages alone. It must also be established in districts and other places where local boards and municipalities have not been doing as well as they ought to have been. It is a well-known fact how the local board administration has been managed ever since its establishment a long time back. I do agree with him that there has been something wrong with regard to local administration in the past, for which all of us are in a way responsible. Local boards and municipalities have gone in one direction before and they had to maintain a particular position during the last twenty years. Really there has been such a great deterioration that they ceased to be local boards functioning for the benefit of the people. They became sectional and communal. Now is the time for all the members of the House

[Mr. T. Prakasam] [21st September 1937

to co-operate with the Government to remove the defects of the administration of local boards and municipalities. So far as the Government are concerned, I need not say that they have made it a part of their duty to see that everything that is necessary is done. The Minister in charge of Local Administration is strong and energetic and he will do all that is necessary with regard to this matter. And the Government will leave no stone unturned with regard to reforming the local boards and municipal administration. The hon. Member asked how long the suggested village autonomy will take. It is far beyond my power to fix any time. Every one of us here is anxious not to lose any time and to be quick to put forth our schemes as soon as possible.

11-15 a.m. "The Hon. Member Mr. Palat wanted increase of salaries of village officers all round. I do not believe he was very serious when he was talking about it. This Government would not hesitate to increase the salaries of village officers or other officers if we succeed in making this country sufficiently rich removing the poverty. The hon. Member Mr. Raja Rao referred to emigration. That is a subject about which the Hon. Minister for Labour should speak. But I may say although I am not in charge of that department, that there is no country overseas which I had not visited and in which I had not studied the labour conditions. There is no place even in India where I had not visited and studied the problem. If at all it was possible for us to be in office and to see that emigration is stopped and the poor people of this land are not taken away for labour under other places, it will be the first thing our Government would undertake. It is not a pleasure to see in a country like this where there is scope for development of labour and other things that the people should become so poor and should not get wages here that they should be sent away on boat to other areas where they are suffering in so many ways. The hon. Member Mr. Bakthavatsulu Nayudu said that the resolution of the Andhra Provincial Congress Committee with regard to the separation of judicial and executive functions was a censure upon this Government. I could not really understand the hon. Member when he was uttering those words. Where is the censure? The Andhra Provincial Congress Committee met and considered and passed a resolution suggesting that there should be separation of executive and judicial functions. If they make a request it will be a request or a proposal similar to the proposals of this House made by any hon. Member. How can such a proposal become a vote of censure and how the hon. Member put it in that form I was not able to understand. He said the party Government made it all the more necessary. The party Government, my hon. Friend ought to have known at least by this time, proved that there was no necessity for any such thing. Then he referred to the jamabandi and the trouble of the village officers attending the jamabandi. The jamabandi is an annual audit function. It is a very ancient one and it has survived all this period. If there are any defects in it they have to be removed. If there are any improvements to be effected they have to be carried out.

21st September 1937] [Mr. T. Prakasam]

I am not unaware of the defects of the jamabandi system and I am not unconscious of the good that can be done. There will be a re-adjustment of the policy when we begin our work with regard to the establishment of village autonomy. With village autonomy other things will be linked and all these matters will come up and they will receive the best consideration with regard to the various aspects. The hon. Member, Mr. Basheer Ahmed, referred to the magistrates and their qualifications. He said they had no legal training and they were not able to understand questions of law or fact—a very sweeping remark. There was a time when the law colleges did not exist; lawyers had not obtained their degrees and the pleaders did not pass their tests. That was the time before the establishment of the council of legal education in England and the law institutions in India. Certificates or sanads were simply distributed amongst those who did not understand even a word of English. Sometimes we were obliged to refer to the judgments delivered by judges who interpreted laws. It was a matter of the sense of the individuals. After becoming masters of law, are there not people who are not able to practice law successfully in courts? So we cannot say that those who have no legal training will not be competent as judges. Let me tell you there was a good time then. There were civilians, Englishmen, who were able to discharge both judicial and executive duties as perfectly as possible. ('Hear, hear.') I had occasions to know those officials and to deal with them when they sat as judges or magistrates and they did do justice as well as the judges of the High Court of England, I would say. When they were doing executive duties they could detach themselves from the judicial side of it and carry on their business. Everything depends on the way in which men are trained. Here we in this country are all trained under this system. I can say with authority that it is the establishment of the law courts and the establishment of the institutions of lawyers and the infringement of law that dragged the villagers into the courts and thus the economic trouble in the villages started. I do hold to-day after long experience even more than half of the economic troubles in the villages would have been saved if there was not this trouble of their going to courts from morning to evening, finding out money and borrowing money from sowcars or whoever could lend them. They have become wrecks as much because of this as of any other. Although I was holding the view at one time that separation of executive and judicial functions was absolutely necessary I would tell you it does not depend so much upon the separation of judicial from executive functions as it does upon the quality and character of the officials who hold the posts. There has been deterioration on account of the development of particular bureaucratic system in the administration. The hon. Member, Mr. Raja Rao, gave a note to the Premier with regard to some circulars. There have been circulars and nobody could deny that. But what the Hon. the Premier says and what I say in support of it is that there would not be such circulars issued under the present administration. ("Hear, hear.') By this time

opinion would have changed and it has been changing all over the country whether they have been able to do anything substantial or not. The mere fact that they have assumed office has created sufficient atmosphere. So far as the Revenue Department is concerned there has been reference with regard to corruption. Corruption is a difficult thing to prove under the law as it stands to-day. The giver as well as the taker are punishable under the law and so it has not been possible to get at those offenders. I had a talk with Collectors and other officers during a recent tour of mine. Most of them admitted that they had their reports but failed as people were not forthcoming to say where it is and who it is. One officer was good enough to say that Government will have to take the risk of relaxing the rule when offenders would cease to commit offences at least in future. Of course our Government will give best consideration in this matter. It is a matter for gratification that one English Judge, the Chief Justice of Lahore, has taken cudgels against this corruption. It is stated openly and of course so far as my department is concerned there is corruption throughout and it is my duty to root it out and it is the duty of the public to help me. All this has appeared in the press. If there is any such thing as the Hon. the Premier has pointed out, I may say that it will be rooted out without the least hesitancy on the part of the Government. Mr. Abdur Rahiman Khan pointed out that the police are the prosecutors and they are also the conductors of cases. The Hon. Premier has given reply with regard to these matters. In conclusion, Sir, all that I would like to say is only one word. This insistence upon the separation of judical from the executive functions on the part of several friends is due to a wrong understanding of the situation in the country as has been pointed out. I shall not repeat what the Hon. Premier has stated but will add to it by saying that as was stated in the Decentralization Commission Report which I referred to the other day, the disintegration of village autonomy began with the establishment of the civil and criminal courts and the establishment of a revenue policy under the outgoing system. Because we have always been practising in these courts that were established under certain circumstances and felt certain difficulties, we have been urging that the judicial functions should be separated from the executive functions. When we look into the old village autonomy, as has been pointed out by the Hon. the Premier, it would be found that the same officer may be doing executive duties and also judicial duties. Everything depends upon the atmosphere that the people would create and the environment in which they proceed to work and the character which they develop. We have been dwarfed during all these years on account of want of freedom. Now, it is a time when you have got some freedom to move about the province, to make your own laws, to establish your own courts, to levy your own taxes and to reconstitute your own districts and villages. It is now for you to look at these questions, like the separation of the executive and judicial functions, from an altogether different point of view. I urge this upon you

11-30 a.m.

21st September 1937] [Mr. T. Prakasam]

because nobody ever felt this more than myself and I once thought that the necessity for the separation of these functions was imperative. The situation to-day is so different, and everything depends upon the way in which you give your help to the present Government. When the people co-operate with the Government, you will find that everything will be all right. It is only when you have complete independence like Great Britain to do things as you like that you could make a complete change. I move that the demand be granted and appeal that the cut motion be withdrawn."

* MR. SPEAKER:—" Mr. Ari Gowder has sought permission to say a few words by way of personal explanation before withdrawing his motion."

MR. H. B. ARI GOWDER:—" Sir, the replies from the Treasury Bench, as far as major issues are concerned, are most disappointing."

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MR. H. B. ARI GOWDER:—" Thank you very much, Sir. If I withdraw this motion, it is because I am oppressed by a feeling of despondency at the sight of the solid block before me (laughter). If my hon. Friends had only known how their replies would strengthen the arguments against any more transference of powers to Indians. . ."

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opinion would have changed and it has been changing all over the country whether they have been able to do anything substantial or not. The mere fact that they have assumed office has created sufficient atmosphere. So far as the Revenue Department is concerned there has been reference with regard to corruption. Corruption is a difficult thing to prove under the law as it stands to-day. The giver as well as the taker are punishable under the law and so it has not been possible to get at those offenders. I had a talk with Collectors and other officers during a recent tour of mine. Most of them admitted that they had their reports but failed as people were not forthcoming. to say where it is and who it is. One officer was good enough to say that Government will have to take the risk of relaxing the rule when offenders would cease to commit offences at least in future. Of course our Government will give best consideration in this matter. It is a matter for gratification that one English Judge, the Chief Justice of Lahore, has taken cudgels against this corruption. It is stated openly and of course so far as my department is concerned there is corruption throughout and it is my duty to root it out and it is the duty of the public to help me. All this has appeared in the press. If there is any such thing as the Hon. the Premier has pointed out, I may say that it will be rooted out without the least hesitancy on the part of the Government. Mr. Abdur Rahiman Khan pointed out that the police are the prosecutors and they are also the conductors of cases. The Hon. Premier has given reply with regard to these matters. In conclusion, Sir, all that I would like to say is only one word. This insistence upon the separation of judical from the executive functions on the part of several friends is due to a wrong understanding of the situation in the country as has been pointed out. I shall not repeat what the Hon. Premier has stated but will add to it by saying that as was stated in the Decentralization Commission Report which I referred to the other day, the disintegration of village autonomy began with the establishment of the civil and criminal courts and the establishment of a revenue policy under the outgoing system. Because we have always been practising in these courts that were established under certain circumstances and felt certain difficulties, we have been urging that the judicial functions should be separated from the executive functions. When we look into the old village autonomy, as has been pointed out by the Hon. the Premier, it would be found that the same officer may be doing executive duties and also judicial duties. Everything depends upon the atmosphere that the people would create and the environment in which they proceed to work and the character which they develop. We have been dwarfed during all these years on account of want of freedom. Now, it is a time when you have got some freedom to move about the province, to make your own laws, to establish your own courts, to levy your own taxes and to reconstitute your own districts and villages. It is now for you to look at these questions, like the separation of the executive and judicial functions, from an altogether different point of view. I urge this upon you

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not be permitted in this House. What cannot be done directly should not be done indirectly. The hon. Member may speak by way of personal explanation, if any."

MR. H. B. ARI GOWDER:—" I regret, Sir, that I have not got any personal explanation (laughter) except to state my disagreement with the reply given to the House. As I said before, if I withdraw the motion, it is not because I am satisfied . . ."

* MR. SPEAKER:—" If the hon. Member wants to withdraw the motion, he may do so. But he cannot have the liberty of expressing disagreement or disapproval when withdrawing the motion."

MR. H. B. ARI GOWDER:—" I regret to have to withdraw the motion, Sir (laughter)."

The cut motion was by leave withdrawn.

The Demand was put and carried and the Grant was made.

## DEMAND XI—ADMINISTRATION OF JUSTICE.

* THE HON. MR. K. RAMAN MENON:—" Mr. Speaker, Sir, on the recommendation of His Excellency the Governor, I beg to move that the Government be granted a sum not exceeding Rs. 77,67,200 under Demand XI—Administration of Justice.

" The various items in this Demand are given at pages 92 and 93 of the Budget Memorandum and details thereof are at pages 125 to 142 of the detailed Budget estimates. I do not propose to take up the time of the House to say anything now, because the Government may have to give expression to their views after the various cut motions are moved."

* KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—" Sir, I beg to move—

> *' to reduce the allotment of Rs.* 77,67,200 *for Administration of Justice by Rs.* 100.'

" I tabled this motion in order to bring to the notice of the Government the difficulty that the public are undergoing in the matter of getting justice in civil courts. The cost and delay connected with the administration of justice is well-known, and that has been the subject of criticism several times before and there has been no improvement at all. In 1923 or so, the Civil Justice Committee made enquiries and suggested remedies to secure speedy, economical and satisfactory disposal of suits and executions. In spite of their recommendations, no improvement has so far taken place. A man filing a suit for Rs. 500 or a man filing a suit for Rs. 5 lakhs, all the same, has to undergo the same kind of delay and ever so many difficulties. If a man files a suit

even in the original court, say the District Munsif's Court, the time for disposal is generally from two to three years; if there is an appeal, another two years and if it goes to the High Court, four or five years more at least are taken. The average duration of suits in the district courts is about two years and in the High Court it is nearly $2\frac{1}{2}$ years. So, in the majority of cases, it takes nearly ten to fifteen years for a case to be finally disposed of. The long delay is caused by so many causes. A case happens to be adjourned ten or fifteen times by the first court itself before it is disposed of. Every time the plaintiff or the client has to go to the court, he has to spend money for the journey, for vakil fees and for hotel charges which together amounts to Rs. 5 each time. These things together with the initial cost of filing the suit come to nearly half the amount sued for. Of course, it is true that if the court decrees the case, he can recover the expenses along with the suit amount. But when? After execution is successful which takes another three or five years, because we have got an excellent set of process-servers and amins. I am sorry to observe they are very corrupt, and summonses and processes are sometimes never served, and for trivial reasons they stop away even without going to the villages or doing any attempt for serving. It has been asked whether a better means of serving summonses and notices cannot be devised. It was once suggested that it can be better done through the postal department. I do not know whether according to law it will be admissible in evidence. But, if it is not, I hope the Government will see whether any better method cannot be devised for this purpose. This delay in the service of the processes is one of the chief causes of delay in dispensing justice.

"With reference to the difficulty with regard to the serving of notices, I would suggest to the Government to devise or create a separate agency for supervising the services of notices and also the execution of decrees. From my experience I know that not more than 25 per cent of the amounts decreed are realized by the decree-holders. It is really hard that after so many years of trouble and litigation, and after succeeding in all the three courts the money is not realized. The Hon. Revenue Member has drawn for us the picture of autonomous villages which settled all their disputes themselves. 11-45 a.m.

"Some such thing was tried some years ago, at the time of non-co-operation movement by the boycotting of law courts. But that had to be dropped. I hope Government will be good enough to see whether any such thing cannot be done, and the picture drawn by the Hon. the Revenue Member cannot be realized.

"Now difficulty is with regard to getting back the amounts advanced to the ryots. Therefore, those who have got any money at all have discontinued lending to the poor ryots, with the result the ryots are suffering. As these people are depositing their money in the banks, the poor people cannot get any money for buying seeds, etc.

[Mr. Mahmud Schamnad] [21st September 1937

They are suffering as there is no money forthcoming to enable them to carry on the agricultural operations. That is another cause of depression in the country.

"In connexion with the criminal administration of justice I wish to say a few words. I have found that the jury system is not at all satisfactory. I think there is much miscarriage of justice. It is easy for people to influence the jurors who are generally not educated people. In preparing the list of jurors no care is taken to see whether the persons included in the list are men of knowledge, ability and character. These are persons who have to weigh evidence and give their verdicts. So if proper men cannot be got for the discharge of this responsible work, it is better to abolish the jury system altogether and devise some other method in its stead.

"It was suggested, Sir, in this connexion that criminal administration should be handed over to the munsifs. This will make matters worse. Because there is already enormous delay in civil cases in the munsif's court. Under the present system there is some control over the Sub-Magistrates, and so they are afraid of delaying disposal of cases. So I think that for the present the separation of the judiciary and the executive is not at all desirable. I am glad Government have assured us that there would not be any change in this respect."

With these few words, I move my cut motion.

Mr. B. VENKATA RAO BALIGA:—"I rise to speak on this motion only to bring to the notice of Government three points, firstly, the necessity for speedy disposal of suits, secondly the necessity for reduction of court-fee and thirdly the necessity for improving the status of the copyists. The Government is aware that some time ago, as the hon. Member for South Kanara has pointed out, there was a committee appointed to devise ways and means to ensure the speedy disposal of suits. As was shown by him, nothing material has been done. Sir, if litigation is only a vice to be discouraged then it is wrong in principle to give facilities.

"If on the other hand, as I think and I believe many hon. Members hold the same view, it should be the concern of the State to see that private and individual rights are easily determined and vindicated, then it is necessary that the administration of justice should be cheap, quick and satisfactory to the litigant. I wish to press on the Government the necessity for a thorough investigation and to devise ways and means to see that litigation is made cheap and speedy.

"No one has suggested that the delay is due to the inefficiency of the judiciary. I venture to think that the judiciary are given more work than they can cope with. In the statement giving explanation for the variations it is suggested that the fall in litigation is due to debt relief measures. I venture to think that the real cause is the economic depression. On account of the high court-fees and the difficulty of realization of money, people do not find it profitable to go to courts.

21st September 1937] [Mr. B. Venkata Rao Baliga.]

All the same I do not think it has gone to decrease the work of the judicial officers. On account of economic depression and on account of the development of insolvency law, insolvency work has increased, and I think the Government may well consider the desirability and advisability of having insolvency courts for the mufassal. This might give some relief to the ordinary civil courts in the mufassal.

" Coming to court-fees, the court-fee may be left as it is in suits of a small cause nature up to the value of Rs. 1,000 but with regard to appeals from decrees in such suits the court-fee is levied on a high scale. I believe that some relief should be given to the litigant by lowering the scale of court-fees in appeals from such decrees.

" Then, Sir, with regard to the condition of the copyists in the judicial and revenue departments. I should think, Sir, that their lot is a very hard one. They are not entitled to leave except on loss of pay. They are paid only Rs. 20 and for that they have to turn out a certain amount of work, and for extra work done they are paid some remuneration. But having regard to the time and work available this extra remuneration is negligible. I would urge on the Government that their posts also should be made pensionable or that they should be admitted to the provident fund benefits. If the work is not much, the Government may consider whether their number could not be reduced. I think such things require speedy redress."

* Mr. D. ABDUL RAWOOF:—" Mr. Speaker, Sir, the object of my giving notice of a cut motion on this demand is to press on the Government to take up the consideration of the condition of copyists in the Judicial Department. I am glad, Sir, that this question was already discussed not only at the question time, but also by the hon. Member who preceded me. I do not think I need add anything to what he has said except to bring to the notice of Government the fact that the copyists of the Judicial Department suffer and suffer very much on account of the fact that they are not entitled to any leave except on loss of pay. At the risk of repetition I have got to point out that there are a number of copyists who are obliged to do work because if they do not, they cannot earn a living wage (and will have to starve). He is not entitled to any leave, either privilege, casual or medical. This is a matter which I think the Government should immediately take into consideration and see that relief is given. Then, Sir, they are not entitled to any sort of pension, gratuity or anything of the kind at the time of their retirement. I think, Sir, it is very unfair that a man who has given the best part of his life for the service of the State should, in his old age, be sent away to shift for himself when he is not fit for any work. I am aware, Sir, that so far as the judicial copyists are concerned, there is no age-limit fixed for their retirement. I say that does not materially benefit the copyists, because when the question of retrenchment comes up, people who have been long in service are generally sent out. Sir, when a man with long service is sent out in his old age, what is his position? He goes out with only the knowledge

12 noon.

of transcribing documents without anything substantial to fall back upon. The hon. Member who spoke before me referred to the fact that these copyists are given some extra remuneration for work done beyond the minimum fixed. In this respect the copyists of the Judicial department stand on a different footing from the Government servants in other departments. In other departments, the Government servants are given salaries but no minimum of work is fixed for them, whereas the copyists of the Judicial department are expected to do a minimum amount of work. Under this system, during many months when the outturn falls short of the minimum, the extra work that a copyist might do in the succeeding months is adjusted towards the deficiency. This is really very hard. I therefore request that the rules regarding this should be relaxed. I find, Sir, that the clerks in the Registration department, who do more or less the same kind of work as these copyists, stand on a better footing. They get a minimum pay of Rs. 35 and also the increments attached to the cadre. They are entitled to leave and pension. Their work is in a sense easier than that of the copyists, because they only copy documents that have been drawn up neatly by professional document-writers and lawyers, whereas in the case of the copyists of the Judicial department the documents that are presented for copying are very badly written ancient documents and the notes and orders hastily scribbled by Judicial officers. The work of the latter is, therefore very difficult and it is but fair that they should be brought on a par with the Government servants in other departments. Of course I realize the financial implications of the suggestion that I am making. But that cannot be helped. I feel that this is one of the hard cases that need re-consideration and some measure of relief afforded.

"Then there is another point on which I would take this opportunity of drawing the attention of the Government, and that is the salary of the process-servers of the department. I find, Sir, that the process-servers of the Judicial department are paid Rs. 14 a month, while the amins are paid between Rs. 25 and Rs. 30. The work done by the process-servers is, in most cases, more onerous and more difficult than that done by the amins, and yet we find this discrimination against them. Simply because a man is called amin, although his work is less, he is paid a higher salary. In the mufassal in particular, the lot of the process-server is very hard. Talking about my own district—pardon me for bringing my own district every time, as then I can speak from personal experience—in Bellary there is a munsif's court with jurisdiction extending over five taluks. The process-servers attached to this court have sometimes to travel fifty or sixty miles to serve the processes entrusted to them. They are not entitled to any mileage or travelling allowance for these journeys. Out of their meagre pay of Rs. 14 a month, they are expected to maintain their family and meet also the expenses in connexion with these long journeys. This is a thing which should be taken into consideration and the salaries of these people raised at least to the level of that of the amins.

21st September 1937] [Mr. D. Abdul Rawoof]

"My hon. Friend Mr. Schamnad said that sometimes these process-servers never took the trouble of journeying long distances when in the case of the service of some processes it is necessary to do so, but that they simply endorsed on the processes that the addressee is not to be found. He said also there is delay in service. What else can you expect them to do when they are asked to undertake long journeys for serving the processes without being paid for such journeys? It naturally leads to a sort of shirking of duty. This poor paid man without being paid any allowance or mileage cannot be expected to do better. If you expected better work from him, I think it is but right that you should pay him something more. You should give him at least mileage for his journeys whenever he goes out on official work. So far as his salary is concerned, if the Government feel that they cannot at the present moment give him an increase, at least some sort of mileage should be paid to him when he goes out on duty.

"Coming next to the question of cost of litigation in civil courts, Sir, I think this is a matter that has engaged the attention of the previous Governments. I hope the present Government with all its power and popular support behind it will see that litigation is something from which the poor need not run away. It may be made cheaper and easier. Sir, the question of the fall in the work of civil courts is mostly due to the fact that the laws regarding the realization of decrees has been relaxed a bit. A lender is not now willing to advance money. He finds that he has no hope of realizing his dues even if decrees are obtained. I think that the laws that have been recently modified need reconsideration at the hands of Government. Practical difficulties have to be taken into consideration. Government will do well to take into consideration every aspect of the case and not always take the side of the debtor. I think it is but right that the position of the lender is also taken into consideration and given some measure of relief."

* Mr. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, on this cut motion I wish to speak a few words about the High Court. I am aware of the fact that this department of the administration is statutorily protected; I shall therefore confine myself to such points as are open to interference by the Government.

"I wish to draw the attention of the Government to the pendency in the High Court in regard to first appeals, second appeals and so on. There has been no appreciable diminution in the number of these appeals pending, notwithstanding the fact that, owing to the economic depression we are passing through, the number of appeals that are being filed is getting lower and lower. It would be unnecessary for me to mention here the mal-effects and the inconveniences the tax-payer is put to owing to this delay. The delay in the case of first appeals is six years and in second appeals four to five years. Particularly during the depression period, this delay has in many cases made it impossible for the parties to prosecute their cases till the final stage. Often to get a decision in his favour it has taken a party seven years. Parties get

[Mr. T. T. Krishnamachariar] [21st September 1937

little solace from a decision in their favour after such a long waiting. I am saying this to emphasize the necessity for taking some action to expedite the hearing of these appeals.

"In this connexion it will be worthwhile for the Government to ask the High Court what they have done with regard to the recommendations of the Civil Justice Committee of 1925 popularly known as the Law's Delays Committee. I would also like to make two other suggestions to the Government in regard to the clearing up of this heavy pendency. The High Court does not work on Saturdays; the reason often alleged is that the Judges write their judgments on Saturdays. Sir, in these days when stenography has developed to a fine art, if only the Judges take advantage of this facility, there will be no necessity for them to employ a day a week for writing judgments. By working an extra day in the week they can certainly reduce pendency.

"Then there is the question of the vacation. The High Court enjoys a vacation of ten weeks. The Civil Judicial department is the only department that gets this benefit barring the Education department. There may be necessity for giving rest to an officer who works single-handed for short periods after a period of continuous service. But in the High Court which has so many Judges, it should be possible to do away with the vacation altogether and give the Judges relief by rotation, giving each one of the Judges ten weeks holiday in the year. This will ensure continuity of the work and will also be of some sort of help to the junior members of the Madras Bar.

"There is another suggestion I have to make in this connexion. It is not mine. It was a suggestion made by a senior member of the Bar, Mr. S. Ramaswami Ayyar, in an address at an Advocates' gathering. He made some suggestions which to us in this country might appear novel. They are not novel by reason of the fact that they are being adopted as common practice in England. The suggestion made by him was to appoint honorary Judges, or rather to recall retired Judges of the High Court and ask them to work for limited periods in an honorary capacity. This is a practice which is in vogue in England and it may be usefully adopted in this country. It should also be possible for the Government to employ retired District Judges also.

"Sir, there is another method which can very well be adopted for reducing pendency. Senior members of the Bar can be employed on this work as honorary Judges. It is common in England to employ King's Counsel to preside over Circuit Assize Courts when for any unforeseen reason one of the regular Judges is unable to do so. These are the suggestions which I desire to place before the Hon. Minister for his consideration.

"I know there will be some difficulty in regard to making all these changes. But I am sure by negotiation with the Secretary of State this can be arranged. This will help considerably in bringing down pendency to such a state that possibly first appeals can be disposed of within one year of filing and second appeals in a lesser period.

21st September 1937] [Mr. T. T. Krishnamachariar]

" The other matter in connexion with the High Court which I have in my mind is the Original Side which it is supposed is specially intended to protect the interests of commercial men of the city. It is however a luxury of doubtful utility so far as the commercial men are concerned. They have to pay heavily for this special privilege. This system would have been justifiable if the English dual system of Counsel and Attorney continued to exist. I am afraid it has now outlived its usefulness. There are certain functions which have to be administered by the Original Side of the High Court pertaining to certain special enactments and certain rights have been assigned to them by Letters Patent. But I say at the same time the ordinary original civil jurisdiction need not be entrusted to such a costly administration. A District Judge with unlimited civil jurisdiction is quite capable of doing more than 80 per cent of the work now carried on by the Original Side of the High Court. 12-15 p.m.

" There is another advantage to the litigant public by taking this side of the work away from the High Court, because it will save them much of the cost. Now, ordinarily, a petition before the Original Side, if decided against the defendant, costs the petitioner Rs. 35. We can go on multiplying instances like this. The Original Side has therefore become a burden rather than a useful institution.

" In regard to the Original Side there are one or two matters which I want to mention here and which the litigant feels are operating against him. For instance there is the chronological order with regard to trial of cases. Supposing there is a big case and it is taken up for trial earlier than some of the very small cases below it according to chronological order and it goes on for twenty days or so, until it is finished the cases which may take an hour or less will have to wait by reason of the fact that the chronological order is strictly followed. So the Government may draw the attention of the High Court to these matters and ask them, in matters where the interests affected are small, to give speedier relief.

" There is another feature so far as the posting of cases is concerned. A case is posted in the Judge's list for the 120th time or 130th time and the litigants have to come prepared for the case every time. It involves so much cost and trouble to the litigants.

" I think, Sir, that if the methods I have suggested are adopted, it will lead to a considerable amount of saving as there is the possibility of cutting down the number of High Court Judges. There are vacancies likely to arise in the next two or three years owing to retirement of some of the High Court Judges. Surely by leaving these posts unfilled the Government will be able to effect a larger saving than they would by cutting down the salaries of 200 gazetted officers in the Civil Judicial Department.

" Another aspect I would like to stress upon while on this subject is with regard to law reform. Anybody who looks into the law reports

will find two words prominently sticking out, viz., 'Procedure and limitation.' Procedure has become so complicated that it takes precedence over law. This is something like shadow taking precedence over substance. With regard to the law of limitation it is a comparatively simple affair in the English law and even a lay man like myself can understand it as against the 183 articles in the Indian law. I suggest that this is a case for law reform on the lines suggested by me. The Government can best tackle it by appointing a committee. A committee composed of lawyers who are so smugly satisfied with ventilating their own grievances and have hardly time to think of anybody else's interest would not be desirable. It would be worth while considering the inclusion of some of the representatives of the business community in any committee that may be appointed which will only be following a practice already in vogue in England."

MR. D. V. RAMASWAMI:—" I desire to suggest a few points for the consideration of the Hon. Minister in charge of the portfolio. The first thing is with regard to the village panchayat courts. Of course there is criminal jurisdiction vested in these panchayat courts which is not exercised by the munsifs' courts. Those that are acquainted with the constitution, the actual working and the way in which the whole procedure is being observed in these courts which are presided over by very inexperienced persons, mostly either belonging to landholder section, or the village munsifs or the karnams, will understand that the justice attempted to be administered there is practically anything but justice. The villages are full of factions particularly after the advent of village courts. On account of these factions the presiding officers mostly belong to one or other of these factions and these panchayats are really no panchayats representing the people at all. This leads to lot of difficulties especially in execution proceedings. As one who has personal experience in dealing with these panchayats, I may say that sooner these panchayat courts are abolished the better. I am sure that this is the opinion of several friends of mine sitting on the opposite side.

" Secondly, with regard to the costliness and the delay in the administration of justice, I beg to submit another suggestion. There are a number of additional courts that are maintained by the Government for relieving the accumulated work at the headquarters. Instead of that I submit, if economy and service to the poor is our aim, that it would be more advisable to appoint, as my learned Friend Mr. Krishnamachari suggested, either retired Government judicial officers or senior members of the bar for a few months to dispose of the arrears quickly. That is to say, temporary special courts have to be constituted so that justice may be more speedily and effectively meted out to the public. I would also submit that the cases that may be transferred to such courts may not be restricted only to civil cases, but they must be extended to criminal cases, whenever efficient person or persons who are imbued with a desire to serve the cause of the country and help the poor

21st September 1937] [Mr. D. V. Ramaswami]

litigants are available. When such persons offer their services, Government must make use of their services by giving them a small allowance if necessary. I submit these points for the consideration of the Hon. Minister in charge."

* Mr. SPEAKER:—" I would invite once more the attention of hon. Members who have spoken more than half a dozen times to the desirability of giving new Members opportunities of speaking. It is the practice of Parliaments elsewhere—we must take note of parliamentary procedure and practice—that a new Member who has not spoken previously is generally called upon to speak by courtesy in preference to other Members rising at the same time. I therefore once again request hon. Members who have spoken half a dozen times not to be offended if they are not called upon to speak and new Members are called."

Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—" On a point of order, Mr. Speaker. I would like to know whether this rule applies to Members who have given notice of cut motions on the subject under discussion."

Mr. SPEAKER:—" Supposing 100 motions have been given notice of by various Members, all those Members that have not given notice of cut motions are not, as a matter of fact, entitled to speak on the subject. The time allotted for the demand has been limited to four hours. During these four hours it is in the discretion of the Chair to call on any Member to speak and if hon. Members want to speak for all the four hours on any demand, of course, new Members will be given preference when they rise to speak."

* Mr. P. A. VENKATARAMA AYYAR:—

" கனம் தலைவர் அவர்களே இந்த தேசத்தில் விவசாயிகள் ரொம்ப ஜாஸ்தியாக இருக்கிறார்கள். விவசாயப் பொருள்களின் விலை இறங்கிப்போய்விட்டது. சொத்துக்களின் மதிப்புக் குறைந்துவிட்டது. இப்பொழுது வியாஜ்ஜியஞ் செய்ய ஜனங்களிடத்தில் பணமில்லை. சொத்தின் மதிப்பு இறங்கிவிட்டது. விவகாரங்கள் குறைந்துவிட்டன. கோர்ட்டுகளில் முனசீப்களும் சப்-ஜட்ஜ்களும் பனனிரண்டு மணிக்கு வருகிறார்கள். ஒரு மணிக்கோ இரண்டுமணிக்கோ போய்விடுகிறார்கள். காரணம் என்ன ? சிவில் கோர்ட்டுகளில் வேலை இல்லை. கோர்ட்டுகளுக்குப் போனல் சொத்தின் மதிப்பு குறைந்துவிட்டதினல், கொடுத்த பணமும் வட்டியும் வருகிறதோ இல்லையோ என்ற சந்தேகத்தினல் வியாஜ்ஜியங்கள் குறைந்து அநேக இடங்களில் கோர்ட்டுகளில் வேலை இல்லை. நமது தேசத்தில் தற்பொழுது அபிவிர்த்திக்கான காரியங்களில் செலவு செய்ய ஏராளமான தொகை வேண்டியிருக்கிறது. அநேக கோர்ட்டுகளை எடுத்து விடுகிறதினல் பணம் சிக்கனஞ் செய்யலாம். அப்படிச் சிக்கனஞ் செய்த பணத்தை அபிவிர்த்திக்கான காரியத்திற்காக செலவு செய்யலாம். அடுத்தபடியாக கிராமாந்திரங்களில் இருக்கிற ஜனங்கள் கோர்ட்டில் விவகாரத்தைப் பண்ணி ஒரு காரியத்தைச் சித்திக்க ஏராளமான பணம் செலவழிக்க வேண்டியிருக்கிறது. ரொம்பக் காலதாமதமும் ஏற்படுகிறது. கோர்ட்டில் விவகாரத்தை செய்து ஜெயிக்கிறவனுக்கு ஏராளமான பணம் செலவாகிறதினல் ஜெயித்த கக்ஷிக்காரனுக்கும் பண நஷ்டமுண்டாகிறது. தோற்றுப்போன கக்ஷிக்காரன் அடியோடு கெட்டுப்பொய்விடுகிறன். தற்கால சிவில் கோர்ட்டு விவகார முறை எவ்வளவோ கெடுதலாகவும் அதிகப் பணஞ் செலவிடக்கூடியதாகவு மிருக்கிறதினல் வில்லேஜ் (village) கோர்ட்டுகளை ஏற்படுத்தி நியாயங் கிடைக்கும்படியான ஏற்பாட்டைச் செய்து கொடுக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இந்த விஷயத்தில் மந்திரிகளுக்கு பூரண

[Mr. P. A. Venkatarama Ayyar] [21st September 1937

பொறுப்பு இருக்கிறதென்பது தெரிந்திருந்தபோதிலும் இந்த சந்தர்ப்பத்தில் இதை அவர்களுக்கு தெரிவித்துக்கொள்ளுகிறேன்."

* Mr. R. MARUTHAI:—

"கனம் தலைவர் அவர்களே! பஞ்சாயத்து கோர்ட்டு விஷயத்தைப்பற்றி பேசுகிறேன். திருச்சி ஜில்லாவில் பஞ்சாயத்துக் கோர்ட்டுகள் நடக்கின்றன. பஞ்சாயத்துக் கோர்ட்டுகளுக்கு வரக்கூடிய மெம்பர்கள் நாமினேஷனில் வரக்கூடியவர்களல்ல. எலெக்ஷனில் வரக்கூடியவர்கள். எலெக்ஷனில் வரக்கூடியவர்கள் ஒரு சாராராயிருந்தால் அங்கே கேஸ்கள் ஒரு சார்பாய் தீர்ப்பு அளிக்கப்படுகிறது. ஆனால் பல பேர்கள், பல ஜாதியார்கள், ஏழுபேர்கள், எட்டுப் பேர்கள், பல ஜாதியார்களாயிருந்தால் அப்படிப்பட்ட கோர்ட்டில் இன்ன ஜாதி இன்னார் என்ற பாகுபாடில்லாமல் ஒரே சமத்துவமாக நன்மையாக விவகாரங்களில் நடவடிக்கை நடைபெறும். எங்கள் ஊர் புத்தூரில் ஒரு பஞ்சாயத்து கோர்ட்டு நடக்கிறது. அதில் நடக்கும் மாதிரியை பார்த்தால் யாரும் ரொம்ப சந்தோஷப்படுவார்கள். பல கோர்ட்டுகளில், தீர்ப்பு அளிக்க முடியாத விவகாரங்கள் எங்கள் ஊர் கோர்ட்டிற்கு அனுப்பப்பட்டு தீர்ப்பு அளிக்கப்படுகிறது. அவ்வளவு திறமையாக நடக்கிறது. இந்தப் பஞ்சாயத்துக் கோர்ட்டில் (புத்தூர் பஞ்சாயத்துக் கோர்ட்டில்) நான் ஒரு மெம்பராக இருக்கிறேன். இந்தக் கோர்ட்டின் (result) நிசல்டைப் பார்த்தால் தெரிந்துகொள்ளலாம். விசேஷமாக கிராமங்களில் பஞ்சாயத்துக் கோர்ட்டுகளை நியமிக்கும்படியாய்க் கேட்டுக்கொள்ளுகிறேன்."

12-30 p.m. * Mr. P. MADHAVAN:—"Mr. Speaker, Sir, in continuation of the speeches which have just been made with regard to the reform of panchayat courts, I should like to place some points for the consideration of the Hon. Minister in charge of the subject.

"First of all, Sir, the principle of electing the members of the panchayat court should be done away with. It is both impracticable and bad in principle. I would suggest that the members of the panchayat courts should be appointed directly by the Collector or by some judicial authority.

"Secondly, Sir, the panchayat court should have a permanent clerk who should be authorized to receive plaints whether the court is sitting at the time or not, just as it is done in the case of the district munsifs' courts.

"Thirdly, Sir, at present it is not the practice of the panchayat court to receive the signature of the people concerned to the proceedings that have already gone through. I should like to suggest that every proceeding, whether it is the deposition of the witnesses or of the parties concerned, should receive the signatures of the party concerned as soon as the proceeding is over.

"Fourthly, Sir, it is a very mischievous fact that almost all the members of the panchayat courts in several places are very incompetent to deal with certain complex cases. Therefore, I would suggest for the consideration of the Hon. Minister that the nature of the cases to be tried by them should be more clearly specified.

"Fifthly, Sir, the pecuniary jurisdiction of these courts ought to be reduced from Rs. 50 to Rs. 20. This will bring in more revenue to the Government.

"In this connexion I want to bring to the notice of the Hon. Minister another matter though it is a very delicate one. I suggest that

21st September 1937] [Mr. P. Madhavan]

hereafter the members of the bar should be allowed to appear before these courts, because I understand that till now there has been a statutory prohibition against the members of the bar appearing before these courts. The reason why there was this statutory prohibition was that Government themselves realized when they constituted these panchayat courts that the members of the courts had not sufficient status to admit the members of the bar appearing before them. If as I have suggested above the courts are constituted of more dignified members and persons of higher status, I would suggest that the members of the bar might be allowed to appear before them.

"Sir, there is a mischievous section, section 14 in the Act, which must certainly go. That section enables a plaintiff to file a suit in the panchayat court up to the value of Rs. 200 if the other party agrees to it in writing. The other party will be unable to agree to it in writing unless the summons reaches him. What the defendant generally does is not to give his consent to the plaint, but it occasionally happens that during the time of the presentation of the plaint and the non-signification of the consent of the defendant, the plaint gets barred on account of limitation. But if on the very day the plaint is re-presented in the district munsif's court, it will not be barred. But sometimes the defendant colludes with the president of the panchayat court and he is not allowed to withdraw his plaint till about 4 o'clock in the evening. By that time the district munsif's court would have risen and that means that the plaint gets totally barred. As a remedy to this state of affairs I would like to suggest that the parties must be allowed to file their suits either in the district munsif's court or in the panchayat court as they please. These are some of the matters which I wanted to place before the Hon. Minister in charge of Courts for his consideration."

Swami A. S. Sahajanandam rose to speak.

* Mr. SPEAKER:—"The hon. Member Swami Sahajanandam has spoken a dozen times on other questions. I would request him to give an opportunity to new Members and other Members who have not given notice of cut motions to speak on the demand. Every Member who has given notice of a cut motion is not entitled to speak when there are other new Members who have not spoken so far. If it were not so, all the four hours allotted to this demand would be taken up by Members who have given notice of cut motions."

Diwan Bahadur A. APPADURAI PILLAI:—"On a point of order, Mr. Speaker. When a Member has given notice of a cut motion on the budget proposals, I believe he is entitled to be given an opportunity to express his opinion. That is the reason why cut motions are given notice of."

* Mr. SPEAKER:—"As regards that point, I have already ruled, on a point of order raised just now by Mr. Khalif-ul-lah Sahib, that if 100 Members give notice of cut motions, these 100 Members are not entitled to speak. The time is limited to four hours for each demand. If hon. Members want to speak for the full time of four hours I shall

call them one after the other and those who have given notice of cut motions will have their opportunity to speak if other new Members do not rise up. But if new Members who have not spoken even once on the floor of the House rise to speak, they must be given preference, even as a matter of courtesy, by other Members on the left who have had opportunities half a dozen times to speak on the budget and at very great length."

DIWAN BAHADUR A. APPADURAI PILLAI:—" Mr. Speaker, with your permission, if I may reply, I should like to point out that the fact that hon. Members have given notice of cut motions and have already had the privilege of speaking need not operate against them. They have taken the trouble to study the budget and give notice of cut motions in time and these motions have been allowed to get into the agenda. Now to prevent them from speaking would be rather unfair to the Members of the House. It is entirely within your discretion as Speaker not to call them but it is a different thing altogether from denying them the privilege of speaking. It is open to you to give such Members a chance to speak or not, but I do not think it is fair to the Members of the House who have taken considerable trouble to go through the budget and give notice of cut motions to be prevented from expressing their opinion."

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—"I rise to a point of order. I want to know whether the ruling just given by the Chair applies to hon. Members who have given notice of cut motions."

* MR. SPEAKER:—" Yes."

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—" May I say a few words on this point? "

* MR. SPEAKER:—" Yes, any hon. Member who has got to say anything on this point may speak on it."

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—" I wish to add only one point to what Mr. Appadurai Pillai has said on the question now before us. We have only six cut motions and after all only six members can . . ."

* MR. SPEAKER:—" I do not want to shut out any speech on the general point of order we are now discussing. The Chair will give a ruling on the general point whether a Member who has given notice of a cut motion is as a matter of right entitled to speak upon the first motion discussing the general policy."

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—" As I was pointing out just now, Sir, on the question now before the House there are only six cut motions . . ."

* MR. SPEAKER:—" I pointed out to Mr. Khalif-ul-lah Sahib that I am not referring to any particular cut motion. The point of order that has been raised and that will be decided to-day is whether as a

21st September 1937] [Mr. Speaker]

matter of right everybody who gives notice of a cut motion is entitled to speak on the motion which has been moved with the object of discussing the general policy of the Government."

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—"On this point, my humble submission to you, Mr. Speaker, is that Members take the trouble of studying the budget, and on public grounds want to raise some questions. With that object they give notice of cut motions expecting at the hands of the Hon. Speaker some chance of ventilating the grounds on which they are making the motions. So far as the other Members of the House are concerned, we may take it that either they do not consider there are questions of sufficient importance in their opinion to be raised on the floor of the House or they think that it is not in the public interest to raise them here. My humble submission therefore is that Members who have given notice of cut motions must on general principles be given preferential treatment over Members who have not thought it fit or necessary to give notice of cut motions on any subject under the discussion of the House."

* MR. E. H. M. BOWER:—"With all due deference to you, Mr. Speaker, may I suggest that you do not give your final decision in the matter to-day, that you may defer it till to-morrow and in the meanwhile look at what has been done in Delhi? I do feel that the procedure that you are now adumbrating is entirely different from the procedure followed in the Imperial Assembly at Delhi. So far as my experience goes, that Assembly has followed the procedure of the House of Commons. So important a thing should not be decided on the spur of the moment, and I suggest that precedents be looked into."

MRS. A. RUKMINI LAKSHMIPATHI:—"May I know, Sir, whether any discussion can be raised on a point of order?"

* MR. SPEAKER:—"I have allowed this discussion on this point of order. The Chair wants to be enlightened on the point of order."

MRS. A. RUKMINI LAKSHMIPATHI:—"Sir, I should like to draw your attention to rule 65 of the Madras Legislative Assembly Rules which says that the Speaker shall decide all points of order which may arise and his decision will always be final."

* MR. SPEAKER:—"Certainly his decision will always be final, but he has got the right to be enlightened by all sides of the House. Even if all the Members of the House want to speak on the point of order they may do so."

MRS. A. RUKMINI LAKSHMIPATHI:—"I just raise the point of order whether a discussion can take place like this."

* MR. SPEAKER:—"This is no discussion. The hon. Member for Madras should realize that this is no discussion. This question is not going to be put to the vote of the House. This is a very important

matter on which the Chair wants to be enlightened by any Member of the House who has got to say anything on the point."

* KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"I submit, Sir, that no serious difficulty has arisen now with regard to the transaction of the business relating to the moving of cut motions, for you made it clear the other day what procedure you intended to follow with regard to these motions, as a matter of convenience without in any way infringing the ordinary privilege enjoyed by any Member of the House. You were kind enough to lay down a procedure for the quick despatch of business by this House. There was some discussion on the procedure to be followed and ultimately it was agreed that one motion would be moved on the demand and that the discussion would proceed on that motion. If any Party or individual Member desired to move any other cut motion, it was agreed that he might do so after informing the Chair in advance if possible. That being the case, no Member who has given notice of a cut motion is denied the right of moving his motions. If that procedure is adopted it should at the same time not ordinarily infringe the privileges of any Member to speak on the demand.

12-45 p.m. "Now, if that arrangement had not come into force, what will happen is this: the various cut motions under a Demand will have to be moved, provided there is time, one after another; one cut motion will be moved, then speeches thereon will take place; then the Government will reply and a vote will be taken upon it. Then only we will proceed to the next cut motion. In that case, the whole of the cut motions may or may not be moved."

* MR. SPEAKER:—"Suppose on the very first cut motion, all the members desire to speak and the full four hours are taken up. Will not the other cut motions lapse? If the Members think that the few members are taking up an unduly long time thus preventing other members from speaking, will they not be able to continue the discussion for the full four hours by rising in their places, so as to prevent the other cut motions being moved?"

KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"I myself concede that point, that all the motions would not be reached and the time of the House would be wasted if the hon. Members choose to adopt such methods and drive the House to the necessity of passing over several cut motions. It is for that purpose, Sir, that a person presides over this House and regulates the business of the House. But ordinarily, I wish to submit, inasmuch as a person who has given notice of a cut motion has the right to move it provided there is time within the four hours allotted for the demand, you may be pleased to allow him to speak on the cut motion moved first. The practice in the previous House had been for persons who had given notice of cut motions to be given precedence over other members, to speak on the first cut motion if they chose to. Once the members have spoken on the first cut motion, it was taken for granted that they were not going to speak again on the

21st September 1937] [Kumararaja M. A. Muthiah Chettiyar]

other cut motions, unless it be some extraordinary matter on which they wanted to have some information through speaking on those cut motions, of course with the permission of the Chair obtained in advance. Therefore, Sir, I wish to submit that the members who have given notice of cut motions ordinarily expect that they will have a chance to move their cut motions, at any rate, will have a chance to speak on the first cut motion before the House."

* MR. SPEAKER:—" The attention of the Leader of the Opposition is invited to the fact that in this House, on the previous Demands, a large majority of the members who talked on the cut motions were from the left benches. They took up quite a large amount of the time of the House without affording any opportunity for any other member on the right side to join in the discussion. The Chair also permitted it. The Chair showed very great indulgence to the Members of the Opposition on the left side. The Chair drew attention to this repeatedly, twice or thrice, and requested the Members to deliver brief speeches. The Chair was never in favour of placing a time-limit on speeches, and appealed to the Members to be brief; but the Members disregarded that appeal from the Chair to make only short speeches, and even when the bell was rung, it was not heeded. The Chair wanted to give every opportunity to every Member sitting on the Opposition to speak, provided the other Members were also given an opportunity to speak. But when they rise along with the others, it is not obligatory on the Chair to call only the Members of the Opposition who have had full opportunity of speaking on the previous cut motions for a long time. Otherwise, it will be depriving the new Members altogether of any opportunity. I think I have made it clear that every member who has given notice of a cut motion has a right to move it, and has a right to speak on his motion; but he has no right to speak on another's motion unless permitted by the Chair. Once a motion has been moved by him, he has no right to speak again, unless permitted by the Chair. That has been agreed upon. The Chair is always prepared to give full time and full indulgence to every member of the House provided he does not encroach upon the time of the other Members who want to speak. Probably the Hon. the Premier has some suggestions to make."

THE HON. MR. C. RAJAGOPALACHARIAR:—" Mr. Speaker, Sir, I think you will permit me to suggest a course out of the present difficulty. It is not right to say that every cut motion stands as a cut motion. When once by agreement and under your advice, one cut motion stands as the cut motion and the other cut motions are reduced to the position of merely important subjects of debate which will be brought up in the course of the debate on the primary cut motion, technically we are reduced to this position: that there is one cut motion and a number of members desire to speak on it. Some of them have, by reason of having given notice of their cut motions, indicated the subject-matter which they would take up with reference to the Demand. Others have not so indicated the subject-matter, and we

[Mr. C. Rajagopalachariar] [21st September 1937

have to wait till they rise and speak. I submit, Sir, and suggest that you, as Speaker, might call those persons who have taken the trouble and the advantage of the procedure, to give notice so to say of the particular subjects which they proposed to speak on. If they are to be given their chances, those Members who have simply indicated in vague language 'to discuss policy' do not come within the description that I am putting forward, i.e., of those who have definitely referred to certain matters and therefore have to be certainly given a certain amount of preference. Other members, by simply saying 'to discuss policy' should not, in my humble opinion, have any preference over those who as Members of the House are here also to discuss policy, although they have not given any notice of cut motions in their own names. From among these persons, Sir, it is your right to choose. I understood, Sir, when you read an extract from May's Parliamentary Practice and gave your opinion also, that you did not lay down a ruling. You suggested a certain convention as to the courtesy of older Members waiving their rights in favour of new Members. And understanding it that way, no question of ruling arises as to preference among speakers; and you will, I imagine, exercise your discretion in choosing the speakers not only with reference to their being new and therefore being preferred to the older Members of the House, not only with reference to general and vague matters being passed over in favour of Members who have particular points to bring forward, but also with a view to making the debate useful, by not choosing entirely from one section of the House in succession. Therefore, when Members rise, as you indicated, Sir, I suggest that you choose Members from either side. I think I am voicing the feelings of those on this side of the House when I say that they do not mind very much if you, Sir, call on Members from the other side and the advantage of the discussion is given more to those who are less in number rather than to those who are more in number and therefore have more voting power. After all, so far as we have seen, the cut motions furnish simply the basis for discussing certain points and no difficulty has so far arisen before this morning. Even now, I think we have been more or less led into it without one side intending to take up the time of the House altogether. I suggest therefore that if a ruling is necessary, as suggested by the hon. Member for the Anglo-Indian community, Mr. Bower, your ruling may be given after the fullest consideration given to all the points referred to. But I submit that no ruling seems to be necessary. If a motion stands on the paper and many members rise to speak on it, you may choose such members as, in your opinion, are entitled to be heard, in such order as you may decide."

Mr. Mahboob Ali Baig rose to speak.

* MR. SPEAKER:—"If the hon. Member wants to speak on the point of order, I think it has been sufficiently discussed."

MR. MAHBOOB ALI BAIG:—"I want to reply . . ."

* MR. SPEAKER:—"No question of reply arises. (The Member was standing in his seat.) I have repeatedly pointed out to Mr. Mahboob

21st September 1937] [Mr. Speaker]

Ali Baig that it is very inconvenient for both the Speaker and the Member to be standing together at the same time and to pass words between each other. It is very unfair on the part of Members to be standing when the Speaker stands in his seat. The rule must be strictly observed hereafter that when the Speaker stands, every Member should sit, although the latter may be speaking.

"The point of order having been discussed sufficiently, I would ask the hon. Member Mr. Khalif-ul-lah whether he wants a ruling to be given."

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—"I may at once submit to the Hon. the Speaker that my point was not to elicit a definite ruling on this question. If it is the general understanding that preferential treatment would be shown to Members who have given notice of cut motions, I am satisfied."

* MR. SPEAKER:—"May I ask the hon. Member to be pleased to state whether such preferential treatment has not been given up to this moment?"

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—"I may again at once state that it has been given in the past. But now that the question was raised that it should not be given, I had to stand up and raise the question. Otherwise, I should have had no necessity to raise this question at all."

* MR. SPEAKER:—"Then the hon. Member has misunderstood the Chair. The same preferential treatment that has been hitherto given will continue to be given. Hitherto, the older members were given the preference, but such preference will not be given hereafter. The older Members as well as the newer Members will be treated alike, and when newer Members get up, they will also be given a chance; new Members also must have some opportunities. That is the understanding come to now, at this stage, when we have only three days more to complete the voting of Demands for Grants. I suppose the Members on the Opposition will welcome the suggestion I have made."

KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"I beg your leave, Sir, to just refer to one important point which the Hon. the Leader of the House has mentioned. He wanted to discount those who have given notice of cut motions for discussing the policy of the Government. I submit, Sir, that it is the ordinary right of every Member to discuss the policy of the Government on a particular Demand; if that is not allowed, then it would be a serious curtailment of the rights of Members. I am sure Government themselves do not want any Member not to raise questions of general policy on any Demand. Very likely, such general discussion will enable the Government to give us detailed and full replies to the points raised. It will be, I think, in the public interests, if such a procedure is adopted. The other points which you referred to the other day

[Kumararaja M. A. Muthiah Chettiyar] [21st September 1937

and even to-day can certainly be adhered to; and I may assure you, on behalf of the Members sitting on this side, that we will co-operate with the Hon. the Leader of the House and you, Sir, in the quick despatch of business. There should not however be any hard-and-fast rule that persons who have given notice of cut motions to discuss general policy, ought not to be allowed to speak, or some such thing."

* MR. SPEAKER:—" There has never been such a thing. I think the Hon. the Premier never meant to say so. We shall now proceed with the business, as I understand that the point of order is not pressed for a ruling. Mr. Khalif-ul-lah has withdrawn it."

DIWAN BAHADUR A. APPADURAI PILLAI:—" Mr. Speaker, Sir, as one who has raised the point of order, it is up to me now to thank the Chair for the very considerate reply that has been given; we, for our part, are entirely prepared to leave the whole matter in your hands."

1 p.m. MR. BARU RAJA RAO:—" Mr. Speaker, Sir, if I rise to speak on this motion, it is because I wish to place before the House one or two grievances from which the people in what are called the Partially Excluded Areas suffer. There is one grievance particularly from which those people suffer most, namely, there is no provision in those parts for what are called small cause suits, but there all causes are considered as original suits. In several matters they have got to pay Rs. 11–4–0 per hundred and this is really working a great hardship on those poor people. It is hardly necessary for me to say that the people of this country are the poorest in the world and even in our country, Sir, the people of these Partially Excluded Areas are the poorest and it is really a great hardship that they should be made to pay such heavy cost on the basis of original suits at the higher rate of Rs. 11–4–0 instead of the Rs. 7–8–0 which is obtaining in the unexcluded areas.

" There is yet another grievance, Sir, and that is in addition to criminal and revenue jurisdiction, the magistrates and revenue officials are allowed to exercise civil jurisdiction in those areas. I am not here speaking about the separation of the judicial and executive functions; on the other hand I am wholeheartedly in support of the policy adumbrated by the Hon. the Leader of the House. But, I here wish to draw the attention of the Hon. the Minister for Courts and Prisons to this grievance from which the people in the Partially Excluded Areas are suffering, namely, allowing the revenue officials to exercise civil jurisdiction in addition to criminal and revenue jurisdiction. I would therefore appeal to the Hon. Minister in charge of this portfolio to remove this civil jurisdiction from the revenue officials, because it works a great hardship on the poor people. Apart from the hardship of the poor people, one or two officers themselves told me when I had occasion to visit those areas recently that it was really impossible for them physically to deal with criminal, revenue and civil matters together which they are asked to do at present. I would therefore invite the

21st September 1937] [Mr. Baru Raja Rao]

attention of the Hon. Minister to these two important matters and suggest that these grievances be redressed at the earliest possible moment."

* MR. B. T. SESHADRI ACHARIYAR:—" Mr. Speaker, Sir, I thank you for having allowed those members who have not been allowed so far, to speak at least to-day. There seems to be a definite grievance amongst the members of the Congress party in respect of this matter of village courts and I think Mr. D. V. Ramaswami wanted the abolition of these courts outright, whereas some other hon. Members wanted to give more powers and certain others on this side wanted the retention of the courts. So, I as a villager and a representative of the rural area wanted to partake in this discussion. Sir, yesterday the Hon. the Minister for Revenue stated that the uplift of the villagers . . ."

* MR. SPEAKER:—" Order, order, the hon. Member must not refer to speeches made by Ministers or others on the previous Demands."

MR. B. T. SESHADRI ACHARIYAR:—" Yes, Sir. Now, with regard to these village courts, my information is that they are not now properly constituted. I think the various interests in the village should be represented in the village courts. Now, what happens is, the revenue authorities conduct elections; and the franchise is not wide enough. At present there are a number of statutory bodies in a village; for example, there is the panchayat court, forest panchayat, co-operative society, panchayat board, so on and so forth. Here I would like to suggest that a single statutory body in the village will do much better work in discharging several functions than a number of such bodies, but the only thing is that it must be properly constituted. Swaraj must really begin at the bottom; otherwise there is no hope of salvation and no justice will really be done. So, the village court must be made to work properly, by sympathetic treatment and by giving them greater powers.

" In regard to compulsory elementary education, I must also point out, Sir, that at present literacy is at a very low ebb, and if by the introduction of compulsory elementary education, many people get educated in the villages, they will be able to take up this work and I am sure there will be no room for complaints.

" With regard to appellate powers, there should be only one appeal from the village court and then even if there is miscarriage of justice, it does not matter, because the matters will settle themselves and then the parties will begin to look after their avocations and will also avoid delay and cost involved in prosecuting litigation which are the causes of economic ruin of many a villager. So, sympathetic attitude towards these village courts should be shown and if they are controlled properly and on right lines, it will lessen a great deal of litigation and will go a long way towards the building up of self-governing institutions in this country."

* MR. KARUNAKARA SUBBA RAO:—" Mr. Speaker, Sir, I wish to draw the attention of the Hon. Minister to the bribery that is going on in the courts. If you want to file a suit, you have to pay some rupees to the clerks; if you want to file a revision application, you have to pay some money to the clerks; and more especially in the Nazir department there is no limit to the bribing that is going on at present. In the courts, even the walls require bribes. I therefore request the Hon. Minister to find out ways and means of putting a stop to this colossal nature of the bribery going on every minute in all courts.

" Another important point to which I wish to draw the attention of the Hon. Minister is this. Sir, the previous Government flouted the opinion of the High Court in the matter of locating sub-courts in various places. For instance, the High Court recommended the location of a sub-court at Vizianagram, but that opinion has been flouted by the Government. The question was again referred to the High Court for reconsideration; again the High Court recommended the location of a sub-court at Vizianagram, but the Government did not pay heed to the recommendation of the High Court and had its own way and located the sub-court in another place, flouting the High Court's opinion. Instances of this nature are not wanting. I therefore request the Hon. Minister to see that such things are not allowed to continue hereafter and see that such wrongs are rectified."

* MR. V. C. PALANISWAMI GOUNDER:—" Mr. Speaker, Sir, I wish to urge on the Government the necessity of constituting the village court in such a manner that it will help the villager to settle his own case in his own way without much cost. The present policy of the Government seems to be to make the village itself a unit of administration and therefore, I think, the present time seems to be a good augury for giving an encouragement in that direction. I therefore beg to request the Government to make the village court as less costly and impartial as it can be.

" Another point that I wish to mention in this connexion is, as has been pointed out by one of the previous speakers, there are more than one body in a village. I would particularly mention only two bodies, namely, the village panchayat board and the village court. Now, Sir, the village court has got criminal and civil jurisdiction and it has also got a right to impose fines, but these fines go to the provincial funds. I do not see any reason why these fines should go to the provincial funds; on the other hand they should be credited to the village fund, i.e., to the village panchayat board. One very important thing we should not forget is that nowadays these village panchayat boards are very short of funds and if these fines are diverted to the funds of this board, they will be in a position to do some public good. Originally, Sir, and even now, in several villages, there are panchayats not recognized by Government and which are run by people themselves. They also exercise both these civil and criminal jurisdiction by themselves; and they have also got every right to fine people and these fines are

21st September 1937] [Mr. V. C. Palaniswami Gounder]

collected and utilized for common good. But in the case of the recognized panchayat boards, these fines are taken away from the village and credited to provincial funds. I therefore request Government to see their way to divert these fines when realized to the resources of the panchayat boards. With these remarks, I resume my seat."

* Swami A. S. SAHAJANANDAM:—"

கனம் தலைவர் அவர்களே ! மற்றையவர்களுக்கு இடங் கொடுக்கவேண்டி நான் பேசாதிருக்கவேண்டுமென்று நினைத்திருந்தேன். ஆனால் இப்பொழுது என்னைப் பேசும்படி சொல்லிவிட்டதினால் இரண்டொரு நிமிஷம் பேசி முடித்து விடுகிறேன். இப்பொழுது கோர்ட்டுகளில் கேஸ்களை சீக்கிரம் பூர்த்தி செய்வ தில்லை. ஒருவன் போட்ட கேஸ் அவன் போன் காலத்தில் கூட முடிகிறதில்லை. அப்படி நடக்கிறது. மலையா முதலான இடங்களில் இரண்டு நாள் மூன்று நாள்களில் பூர்த்திசெய்து விடுகிறார்கள். நமது நாட்டில் அப்படி இல்லை. இப்பொழுது காங்கிரஸ் தவர்னமெண்டில் ஒரு வர்த்திற்கு மேல் ஒருதக் கேஸ் களும் நடக்கக்கூடாதென்று ஒரு உத்திரவு போட்டால் ரொம்பவும் நன்றுயிருக் கும். டிப்டி கலெக்டர், தாசில்தார் முகாம் போகிறார்கள். ஒரு டிப்டி கலெக் ட்டருக்கு இரண்டு தாலுகா மூன்று தாலுகா இருக்கிறது. 90 மைல் 100 மைல் தூரத்தில் முகாம் போடுகிறார்கள். முகாமில் கேஸ் போய்தால் ஸ்கிக்காரர்கள், வக்கீல்கள் மேற்படி கேஸ் விசாரணைக்கு முகாமிற்குப் போனால் சோறுகூட கிடைக்காமலிருக்கிறது. பல வித கஷ்டங்களுண்டாகின்றன. ஆகையினால் மாஜிஸ் ட்ரேட்டுகள் ரெவினியூ அதிகாரிகள் கேஸ் நடத்துகிறது ஆபீஸை ஆபீஸில் நடத்தவேண்டும். முகாம்போகிற இடத்தில் கேஸ் நடத்தக்கூடாது.

" மேலும் நீதியையும் நிர்வாகத்தையும் பிரிக்கும் விஷயமாக பலமான விவா தம் நடந்தது. கிரிமினல் கேஸ்களில் யார் பிராசிகியூஷன் செய்கிறார்களோ அவர்களே நீதிபதியாக இருக்கிறார்கள். ஆகையினால் நீதி சரியாக வழங்கப்படுகிற தில்லை. சர்க்கார் தரப்பில் போலீஸார் கேஸ் போடுகிறார்கள். போலீஸார் கேஸ் கொண்டுவந்திருக்கிறார்களே என்று மாஜிஸ்திரேட்டு ஜனங்களுக்கு பிரதிகூலமாக தீர்ப்புச் செய்கிறார்கள். போலீஸார் கொண்டுவந்திருக்கிற கேஸ் யதார்த்தமா இல்லையா என்று பார்க்கிறதில்லை. ஆகையினால் போலீஸார் கொண்டுவரும் கேஸ்களில் மாஜிஸ்திரேட்டுகள் செய்யும் தீர்ப்புகளை ஆராய்ச்சிசெய்து தவரான ஜட்ஜிமெண்டு கொடுத்திருந்தால் அப்படிப்பட்ட கேஸ்களில் ரிமார்க்ஸ் செய்ய வேண்டுமென்று கேட்டுக்கொள்கிறேன். உதாரணமாக இப்பொழுது சேலம் ஜில் லாவில் மதுவிலக்கு அமலுக்கு வரப்போகிறது. அங்கே போலீஸார் அது விஷயமாய் நடவடிக்கை எடுப்பார்கள். ஒரு கள் குடித்த ஒருவன் வீட்டில் வைத்துவிட்டு கள்குடமிருந்ததாக கேஸ் கொண்டுபோனால் மாஜிஸ்திரேட்டுகள் தண்டிக்கலாம். கள்குட மிருந்ததாக யார் கேஸ் கொண்டுபோகிறார்களோ அவ ர்கள்தான் கள்குடம் இருந்த விஷயத்தை நிரூபிக்கவேண்டும். குற்றவாளியை குற்றவாளி இல்லை என்று நிரூபிக்கும்படியாக கேட்கக்கூடாது. ரெயிலுக்கு போகிறோம் பட்டத்துணி இருந்தால் எங்கே இருந்து கொண்டுவந்தாய் என்று பிடித்துப் பிராசிக்யூஷன் செய்கிறார்கள். பட்டத்துணி வீலைக்கு வாங்கி இருக்க லாம். வவுச்சர் (voucher) தவறிப்போயிருக்கலாம். அதற்காக தண்டிக்க கூடாது. சர்க்கார் யாரைக் குற்றவாளியாக்குகிறார்களோ அதற்கு வேண்டிய ஆதாரத்தை பிராசிகூஷன் செய்யும் அதிகாரிகளே சொல்லவேண்டியது நியா யம். குற்றவாளிமேல் அந்தப்பாரத்தை ஏற்றுவது நியாயமாகாது. சப்-மாஜிஸ் திரேட்டாக இருக்கக்கூடியவர்கள் கலெக்ட்டர் ஆபீலிலிருந்து வருகிறார்கள். அவர்களில் சிலபேர்கள் சட்டம் படித்தவர்களாக இருக்கிறார்கள். சிலபேர்கள் சட்டம் படிக்காமல் வருகிறார்கள். சட்டம் படிக்காமல் வருகிறவர்கள் நிறை கிறார்கள். ஆகையினால் படித்தவர்களே மாஜிஸ்திரேட்டுகளாகப் போடவேண்டி யது நியாயமாகும்.

" கிராமப் பஞ்சாயத்து கோர்ட்டுகளை நியமித்தால் மற்றுமிருக்கிற கோர்ட்டு களுக்கு வேலை குறைந்துவிடுமென்று சர்க்கார் நினைத்தார்கள். கிராமப் பஞ்சா

யத்துக் கோர்ட்டுகளில் யார் வாதியாக இருக்கிறார்களோ அவர்களே ஜட்ஜிகளாக இருக்கிறார்கள். ஆதித்திராவிடர்கள் கலியாணத்திற்காக பணம் கடனுக வாங்கு இருக்கிறார்கள். அந்தப்பணத்தைத் திருப்பி கொடுத்துவிடுகிறார்கள். அதற்கு ரசீது வாங்குகிறதில்லே. பிறகு அவர்கள் வேலைக்குப் போகவில்லே என்றல் மறுபடி யும் கொடுத்த பணத்தை கொடுக்கவில்லே என்று பஞ்சாயத்துக் கோர்ட்டில் பிராது போடுகிறார்கள். அது எவ்வளவு அநியாயம் என்பதைப் பாருங்கள். அப்படி இருந்தும் பணங் கொடுக்கவேண்டுமென்று தீர்ப்பாகிவிடுகிறது. ஆகையி னுலே இந்தப் பஞ்சாயத்துக் கோர்ட்டுகளினுல் ஹரி ஜனங்கள் எவ்வளவோ கஷ்டப்படுகிறார்கள். அவர்களே நசுக்குவதற்கு இந்தப் பஞ்சாயத்துக் கோர்ட்டுகள் இப்பொழுது இருக்கின்ற நிலேமையில் இருக்கிறது. ஆகையினுலே இந்தக் கிராமப் பஞ்சாயத்துக் கோர்ட்டுகளே அபாலிஷ் (abolish) செய்யவேண்டுமென்று ஒரு (cut motion) கொடுத்திருக்கிறேன். அப்படி (abolish) செய்யாமல்போனுல் ஒவ் வொரு பஞ்சாயத்துக் கோர்ட்டுக்கும் இரண்டு ஹரிஜன மெம்பர்கள் இருந்து தீரவேண்டும். இப்படிபட்ட முடிவை சர்க்கார் செய்யும்படியாகக் கேட்டுக்கொள் கிறேன். சமீபத்தில் ஒரு பஞ்சாயத்துக் கோர்ட்டு எலெக்ஷன் வந்தது. காங் கிரஸ் வாதிகளே நிறுத்தினர்கள். மற்றவர்களேயும் நிறுத்தினர்கள். காங்கிரஸ் காரர்களாயிருந்தாலும் யாராயிருந்தாலும் யோக்கியதை யுடையவர்களே நிறுத்த வேண்டும். சாதாரணமாக ஒன்றுந் தெரியாதவர்களே நிறுத்தினுல் அது ஜனங்க ளுக்கு பெருத்த நஷ்டத்தை உண்டாக்கும். மேலும் நியாய இலாக்காவிலும் மற்றும் இலாக்காக்களிலும் ஹரிஜனங்களுக்கு பியூன (peon) வேலே கொடுக்க வேண்டும். கிராம அதிகாரிகளாகவும் ஹரிஜன வகுப்பைச் சேர்ந்தவர்களே நிய மிக்கலாம். ஹரிஜனங்களுக்கு சர்க்கார் இலாக்காக்களில் வேலே கொடுத்தால் தான் தீண்டாமை ஒழியும். சர்க்கார் இலாக்காக்கள் எந்தெந்த இலாக்காக்கள் இருக்கின்றனவோ அவைகளில் எவ்வளவுதாரம் ஹரிஜனங்களுக்கு வசதி செய்து கொடுக்கமுடியுமோ அவ்வளவு வசதி செய்து கொடுக்கும்படியாகக கேட்டுக்கொள்கிறேன்."

1–15 p.m. * MR. K. VARADACHARIAR:—"Mr. Speaker, I wish to touch upon a few small matters with regard to the administration of justice. The first thing I wish to deal with is the disposal of civil suits in both munsifs' courts and sub-courts. One of the reasons for the piling up of arrears in our sub-courts has been that our Civilian District Judges and our Provincial Service District Judges do not do much of any original civil work. They have not much work in any of the district centres. They have not much work to do except for a few days beyond sessions days. Civil work as such has been very small for them and I suggest that it will be better if the Local Government through the High Court could issue instructions to them to do some original work also. Then much of the piling up of arrears in the sub-courts will go down. Another important matter is that periodical statistics of pending cases in different courts in the district are not taken into consideration for purposes of clearing arrears pending in any court. If the District Judges transfer some cases from the heavy courts to the lighter worked courts from time to time, the difficulty of delays will be obviated to a large extent.

"During the last several years, it has been our experience that public prosecutors once appointed continue for a number of terms by hook or by crook. The practice of renewing these appointments must be definitely given up hereafter. I would suggest the appointment of public prosecutors from the bar each year, so that the common feature of unemployment in the bar in this Presidency may to a certain extent

21st September 1957] [Mr. K. Varadachariar]

be minimized. It is not a personal request and I am merely voicing the general feeling in the Presidency. Unemployment in the bar has gone up so much that it would be a wise policy if members of the bar are put on session work year after year by rotation. The second thing that I want to suggest is that the term of office of Government pleaders may be three years. As a matter of definite policy the post of Government pleader should be given to persons with the requisite legal acumen and civil experience and they may do civil work. As regard public prosecutors in the sessions courts, that work may be done by people of ten or more years' standing at the bar. I submit this for the consideration of the Government. Another thing I want the Government to consider is that the fee of Government pleaders and public prosecutors must be reduced. In the olden days they were drawing Rs. 20 or Rs. 25 and it has now been increased to Rs. 35. It is unnecessary to keep the figure so high. It may be reduced to the original figure of Rs. 25 per day or a consolidated salary may be given to them which should not be higher than the average that they receive at the rate of Rs. 20 or Rs. 25 per day.

"I have a suggestion with regard to judicial work both in the rural areas and in the headquarters. There are a number of able-bodied people retired from service who are willing to do judicial work either in the rural areas or in the regular courts. There are several such men who feel that they are going to die a premature death for want of work. I know several instances where honest and able men have died premature deaths for want of something to do. On retirement from judicial service, they may be asked whether they wish to do any work honorarily without any burden to the Government. By such means the pensioners may be made to settle in the village parts instead of crowding in cities like Bangalore and Madras. I will go further and say that it may be made a condition for receiving their pension that they settle in the village parts. Not only would judicial work be done with ease but also several kinds of work which would really be beneficial to the rural population."

* MR. SPEAKER:—"We have taken two hours for the discussion of this Demand. Does any Member of the Opposition want to speak? If hon. Members want to take the full four hours, I have no objection, but it will mean that the other Demands will not be reached, and there will not be a discussion upon them."

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, hon. Members who have preceded me have spoken enough about law's delays. I do not wish to repeat it. If I have risen to speak, it is because I want to bring to the notice of the Government and particularly the Minister in charge of this portfolio, the inadequacy of representation of the Muslim community in the Judicial department. I am sorry that certain Members of the Government hold the view that it is not necessary to give compartmental representation to minorities in each particular service. I am afraid, Sir, that it is by holding these opinions that

they have been responsible for creating cleavage between the majority and minority communities. I wish they had a different outlook on this question. I wish their outlook is more sympathetic so that they could give a preferential treatment to different communities. It is argued that it is wrong on the part of minorities to ask for representation in the services on the ground that services are to be regarded as an untouchable commodity. I know that there is a good deal to be said for that view. All the same membership of a service carries with it not only a salary but many more things which go to give the community concerned an importance which it ought to hold among other communities in the country. I do not know whether it is with this object in view that the majority wants to keep out minority communities from the service. I do not think that they hold that opinion. I am sure they are desirous, as we are, that they should give a legitimate share to the members of other communities also. Speaking upon a question like this, the Government tried to bring about an artificial conflict between minorities on the one hand and the majority communities on the other. The claims of the majority are put forward whenever and wherever the claims of the minority are put forward. I am not asking that the claims of the majority communities for a share in the service ought to be ignored. I am only asking for a legitimate representation of the minorities in the service. I do not think it is communalism, nor is it nationalism to keep out any particular community from what is its just due; this would be communalism. Of course, it may not appear to be the avowed or deliberate policy of the Government to keep out a particular community as a whole. That they will never do. But subtle and clever methods are adopted resulting in keeping particular communities altogether out. If there is any department of Government wherefrom the Muslim community has been kept out generally and where representation is inadequate, it is the Judicial department.

1-30 p.m. " Whenever the question of appointment of minorities like Muslim or depressed classes community comes up then the question of efficiency comes up. Sir, that bogey of efficiency has been blown off long ago. Efficiency is not the monopoly of any community. It has been shown that given the opportunity, any community can rise equal to the occasion. I do not know, Sir, whether any such arguments will continue to be advanced. Here is a specific case which I want to refer to. Take the High Court. The Hon. Minister in charge says that he is not directly in charge. I am sure the Hon. Minister in charge of the portfolio can bring to the notice of the High Court the fact of the inadequacy of representation. There is hardly any Muslim in any clerical or in any of the many numerous posts in the High Court. Now we know of the power having been transferred to the people of the country. In those days we were certainly far better. There is no member on the High Court bench. It is due to our having democracy or due to power having been transferred to the people. Gradually posts have been taken away from Muslims and we are not able to move the Government to

21st September 1937] [Mr. Abdul Hameed Khan]

say that adequate representation should be given to the Muslims. There are many appointments where members of the legal profession are not given an opportunity. There was a time when the post of the public prosecutor and some of the posts in the High Court were occupied by members of the Muslim community. When we consider the number of district judges the number is very limited. So also is the case with the number of sub-judges. With regard to the Muslim munsifs I know the policy is one of keeping out the Muslim community. For the last very many years not a single munsif has been appointed. Are there not qualified and competent people to occupy the district munsifs' posts? Are there not members of the legal profession in the Madras High Court and the mufassal qualified to occupy these posts? I do not know what exactly is the justification for not selecting a single Muslim. I am glad, Sir, that the appointment of munsifs has now been taken away from the High Court and hereafter it will have to be made by the Public Services Commission under the Government Order so that two at least out of twelve appointments made will go to the members of the Muslim community under the communal rotation. Sir, even that is not adequate. Sir, all these years we have been kept out of these and to make up for that unless the number now to be given is sufficiently increased justice will not be done to the community. Even when the number is so small and even when the Muslim occupying the post is the seniormost when the appointment in the High Court is made, he is kept out. The principal reason is he may not be up to the mark. Some argument therefore is advanced to keep down the members of the community although by reason of the right of seniority in the department they have got a right to become the High Court Judge. Of course the argument will be advanced, 'is that not communalism?' It may be also said because there is already one Muslim, another should not be appointed even though he has the right to become the High Court Judge by virtue of his seniority. Why is he kept down? This is rank communalism. Therefore I hope the Hon. Member who is in charge of the portfolio, I know he has got very liberal views on these matters, will not look upon this question with a narrow outlook as heretofore."

* KHAN BAHADUR P. KHALIF-UL-LA SAHIB BAHADUR:—" Mr. Speaker, Sir, let me associate myself with the previous speaker in emphasizing before the House the paucity of representation of members belonging to my community in the judicial service. It was as long ago, Sir, as 1926 that I moved a cut motion to the effect that Muslims should find representation in the High Court of Madras. I may also submit for the information of this House that it was the only cut motion carried without a division out of the 1,000 and odd cut motions and it took the Government of Madras nearly a dozen years before it could see fit to appoint one individual Muslim to the High Court of Madras. So also, Sir, in the other spheres of the judicial service the paucity is really very keenly felt. In the district judgeship, in the subordinate judgeship and in the munsifship also the representation is too meagre to be

[Khan Bahadur P. Khalif-ul-lah Sahib Bahadur] [21st September 1937

called just or fair to the community to which I have the honour to belong. Of course, I expect the answer that the present Government will not think in terms of communalism in matters of appointment. I may also be permitted to state that however much Congress might have fought shy of it, it has come to stay even under the Congress regime not only in this Province but in other provinces also where the Congress has come to power. Even in Bombay they made Herculean efforts to see that a Muslim representative was given a place in the Ministry. Here too, Sir, my Hon. Friend, Mr. Yakub Hasan Sait, and my Hon. Friend, Mr. Muniswami Pillai, find a place in the Cabinet because they are expected to make effective representation of the different communities to which they have the honour to belong. With particular references to our province the communal Government Order is still in active force and I may therefore say without being questioned that communal considerations have come to stay in this province even in the Congress regime. That is why I have made bold to appeal to the Minister in charge of the Courts of Justice to see eye to eye with us and see that redress is made. One of the standing answers that we had in the past was that there was not qualified men belonging to the community so that effective representation might be given to communities like mine. Now, Sir, that argument will not find a place in the hands of the present Ministry because I may boldly assert that there are very many representatives of my community who are eminently qualified to occupy any of those positions of sub-judge, district judge or district munsif. The objection is already too old to be repeated with any reason or as my friend put it with any grace. With these words I would submit to the consideration of the Hon. Minister in charge of this portfolio that he may bear in mind the utter paucity of representation of our community in the judicial service and redress our standing grievances.

"The next question that I would like to touch upon is this, the question of the pay of the copyists and of the process-servers. So far as the process-servers and the copyists are concerned I think the Hon. Minister will agree that they are not getting even a living wage in these hard days. I feel sure so far as this point is concerned we will get the strongest support of the Congress Government to meet the reasonable demands of this ill-paid servants of Government. So far as the copyists department is concerned it is high time that they should be made into a regular cadre of Government servants with the full privileges of Government service regarding leave and other matters. With regard to the process-servers I may say that I shall be voicing forth the feelings of this House and of the people outside if I point out that the most serious charge is levelled against them is the charge of corruption. That charge is not without good reasons, Sir. If this charge is to be removed the remedy is to be sought far more in the hands of the Government than in the hands of the process-servers themselves. As I had occasion to point out on another occasion the remedy lies in improving the scales of pay and in making their scale of

pay meet the demands easily without compelling them to the necessity of earning bad money. It is only that way their status can be improved and corruption can be removed from that service. I only hope that the Hon. Minister in charge would lose no time in taking up the question and rectifying that service which is a blot on the administration of justice in this province.

"The next point that I would touch upon is the question of the panchayat courts. Of course several representations have been made in this House and if I may briefly put it I may say it is a disgrace to the administration of justice in this province. Let me at once state that I am not one of those who are against the institution of panchayats as suggested but it is only against the constitution of these boards that the mistake lies. People appointed to these boards must be such as can be reasonably expected to render justice to those that stand in need of justice. But as a matter of fact, Sir, to-day as we find these courts working we come across very very curious instances of absolutely ignorant men placed in charge of these courts and presiding over them. The poor panchayat court judge as he may be called knows nothing absolutely as to what a statement means, how he has to deal with it, what a judgment is, whether he has to obey the dictates of one party or to the other and what his duties really are. I would therefore suggest to the consideration of the Hon. Minister in charge that this matter deserves his most serious and urgent consideration. Because I am one of those who believe in really dealing justice at the very doors of the litigants. Because our country is poor we cannot afford to spend moneys for the purchase of stamps or for going from place to place for getting justice done. I stress that these panchayat courts should be continued but they should be reformed altogether. It is only persons who can be expected to understand what law and justice mean and stand for that must be made members of these panchayat courts, and people who are absolutely ignorant and innocent of things connected with the administration of justice should at all costs not find a place in these panchayat courts." 1-45 p.m.

* THE HON. MR. YAKUB HASAN:—"Mr. Speaker, Sir, after the assurance that the Hon. the Prime Minister had given, one would have thought that the fears, if fears were entertained by my Muslim friends about the Government policy in respect of the demands of the various minorities for fair representation in the services, would have been removed altogether, and I thought that after that assurance the representatives of the minority communities would feel reassured on this point. But I find from the speech of my hon. Friend, Mr. Hameed Khan, the Leader of the Muslim League party that the speech of the Hon. the Prime Minister has only provoked him at least to make remarks on the floor of the House, which, I may be excused if I say, do not show that sense of responsibility which is expected from the people who claim to speak on behalf of the Muslim community. Sir,

he said that Muslims are kept out of certain services. I can understand if he had said that Mussalmans have not received that proportion of representation in certain departments that he thinks was due to them. I can understand that, and I may also agree with him that that proportion has not been secured by the Muslim community. But to say that the Mussalmans are kept out of certain services is making a remark which cannot be justified by facts. Sir, he must remember that when he speaks about the policy of Government of keeping out any community or of not having employed sufficient number of persons from a certain community, he is speaking only about the past Government. As to what the present Government is going to do, he can only express hopes, or he may even express fears. But to condemn us and to speak in such a way as if he was condemning this Government and saying all that he has said about nationalism and communalism, is deplorable, and I can only say that he is very much confused in his ideas. It is recognized by the Congress as well as by everybody that minorities should be properly represented in the services. There is no need of any new declaration of any new policy on that point. In the last Government, for the last so many years, it was not a question of minorities being represented in the services but of the majority, the Non-Brahman community, receiving representation in the services. The communal Government Order was the result of that demand. The communal Government Order was not created in order to satisfy any minority, but it was created to satisfy the majority community of the Madras Presidency, viz., the Non-Brahmans, as against Brahmans. I will say that that Government Order has done great harm to the Muslim community because, before that, the Muslim community was the only minority community that demanded a fair share of the services but after the communal Government Order was introduced more attention was paid to the Non-Brahmans, and Muslim interests were neglected to a large extent. Sir, when the Prime Minister said that the claims of the majority community also must be recognized, he certainly meant the Non-Brahmans; he did not mean the minority, the Brahmans. So, if any share comes to Mussalmans in excess of what is due to them, it has to come from the Non-Brahmans. It is the Non-Brahmans who were responsible for the communal Government Order. There was a fear expressed that the communal Government Order would be taken away, and the minorities might suffer. If so, the majority also will suffer thereby, because it will be to the detriment of the majority, the Non-Brahmans, if that is taken away. Though the Prime Minister has expressed his personal opinion that this kind of representation in service should not be encouraged on principle, yet he has given the assurance that no departure will be made from what was the practice in the past, and that no minority will have any reason to feel that they will be placed in a worse condition under the Congress Government than it was in before. I think the best manner of doing away with this agitation among the communities for shares in the Government service, which is at the root of much bad feeling between communities, is that these

21st September 1937] [Mr. Yakub Hasan]

communities should have full share in the services, so that they may cease to agitate on this point. Time may come when representatives of a minority community may instead of asking for more try to hide their proportion in the services for fear that it might be reduced, as it was being reduced in the case of the Brahman community, and the Brahman community is a minority community.

" As regards efficiency, the Muslim community has always said that efficiency must come first, and they have always said that no Muslim should be appointed simply because he is a Muslim, but that he should be appointed if he is qualified for the post. Mussalmans claim that they have produced a sufficient number of qualified people who can fill all the appointments due to the community. The communal Government Order continues to remain in force and is being worked properly and Mussalmans must take their turn according to that Government Order and they need not be afraid that their proportion would be removed. As regards their share in the judicial service, I have been working for several years to secure it and I have been inviting the attention of His Excellency the Governor to the paucity of Muslims in the judicial service. And as regards the High Court Judgeship, three years ago I raised this question, and in the year 1936, in the month of April when His Excellency was leaving for the Hills, he sent for me and said that he had been trying to find a Mussalman for a High Court Judgeship. He said that in the Chief Justice's opinion there was no Mussalman who could fill this post, and that he tried in many provinces but he could not get a suitable person. I said to His Excellency that his efforts should not stop there and that he must try again. And I was glad that before the year was out the appointment of Sir Abdur Rahman was made. Sir, this is the policy with which I have been working for the Muslim share in all branches of services. Then we had to go and beg the Governors for favours. Now that the Congress Government has come into power, it is not necessary to turn to the Governor or other high officials for justice. This Congress Government will as far as possible try to meet the legitimate demands of the communities including the Muslim community; and as regards the demonstration on the floor of the House, show of want of confidence in the Government, I can only say, this is not the way by which the best interests of any community can be promoted."

MR. ABDUL HAMEED KHAN:—" On a point of personal explanation, Sir. When I referred to the Government, I did so without reference to time."

* THE HON. MR. K. RAMAN MENON:—" Mr. Speaker, Sir, the matter over which there has been some sort of feeling in discussing the cut motion is as regards the communal representation of Muslims in the Judicial department. I may be permitted to give certain figures from which it will be quite clear to the House that the Muslim community has not only not been kept out of any appointment in this department but that they, viewed from the standpoint of the population basis, are

2 p.m. getting all they are entitled to. I am not meaning thereby that the Muslims ought not to have anything more. I am for giving them as many appointments as possible. Of course, they will also agree that efficiency is one of the matters that will have to be taken into consideration. I may be permitted to say that one out of fourteen High Court Judges is a Muslim; that works up to a figure of 7 per cent. On a population basis the Mussalmans get 7-1/5 per cent."

MR. BASHEER AHMED SAYEED:—"On a point of personal explanation, Sir. Is it not a fact that the Government has already given the go-by to population basis and has fixed certain proportion as 2 to 12? What is the fun of arguing about it now?"

* MR. SPEAKER:—"The hon. Member is not entitled to make that remark."

THE HON. MR. K. RAMAN MENON:—"If that statement has been meant for me I must request the hon. Member to repeat what he has said, so that . . . ."

* MR. SPEAKER:—"The Hon. Member may go on with his speech."

THE HON. MR. K. RAMAN MENON:—"In Sessions Judges' cadre there are 3 out of 25 and it works out at 12 per cent. It is much more than what is the legitimate share of Mussalmans if they view these matters purely on the proportion of population in the country. Out of three Small Cause Court Judges one is a Muslim; and that works out at 33⅓ per cent. It is true that there is no Muslim in the City Civil Court. Unfortunately there is only one Judge there. The Hon. the Prime Minister has reminded them that in the matter of these appointments you cannot cut an individual so as to give communal representation. Among the Presidency Magistrates, one out of four is a Mussalman. That works up to 25 per cent. The least among the officers in the Judicial department are munsifs. It is true that there the Mussalmans do not get as much share as they are entitled to on the proportion according to population; they only get 8 out of 152, and Mr. Hameed Khan has given the explanation that the appointments have been made till now by the High Court Judges who coming into contact with all the advocates have probably been giving preference to efficiency rather than communal representation. I am not here to answer what has been done by the learned Judges of the High Court; it is not within my province. Any way it has to be seen that if you work out all these figures the Mussalmans get 7 per cent of the judicial appointments that are available and that is just the proportion they are entitled to on the population basis. (Mr. Abdul Hameed Khan: 'Quesion.') There is no suggestion made that they are entitled to more. (A voice: 'The communal Government Order.') But the communal Government Order, I may remind my hon. Friend, is not applicable to any one of the appointments I have mentioned. (A voice: 'The communal Government Order must be made applicable.') If

21st September 1937] [Mr. K. Raman Menon]

the Mussalmans are getting as much share as they are entitled to, I do not think they should care for the communal Government Order to be made applicable to these appointments.

" My hon. Friend Mr. Hameed Khan has adduced various arguments and said that when Mussalmans are concerned efficiency is trotted out as an argument to keep them out. I must answer by saying that so far as this Government is concerned, we are not going to use this as an argument to keep out Mussalmans, because all qualified Mussalmans are efficient. On the general question of communal representation, the Hon. the Prime Minister has, when replying to Demand VIII, stated the position this Government is pleased to take. It is true that the Congress party as such, on account of its antecedents, principles and policies, is against any communal representation. But having accepted office and seeing that in this Presidency there is the feeling of communalism, there are communities which feel that they ought to be given a proportionate share in the public services, he has allowed the communal Government Order to stand. But we do hope that the minority communities will come round sooner or later, sooner than later and say ' we don't want this communal representation.' We do hope that the Congress Ministry will arouse so much of confidence in them that the communally minded will say soon, ' we will not assert our rights on communal ground but will be satisfied with efficient service.' (Mr. Basheer Ahmed Sayeed: ' That is what I want.') There was no reason for any apprehension. The Prime Minister had given almost an undertaking that the communal Government Order would stand and not be tampered with, even though we may have reason to tamper with it. This communal question was before the electorate at the time of the elections. In spite of the fact that the Congress fought communalism and got into this Assembly with a great majority, all the same, to satisfy the minority communities, we have allowed this communal Government Order to stand inasmuch as it is seen necessary just at present to get on with the administration of the country. It is not in keeping with the tide of nationalism that is sweeping the country.

" One other matter on which there has been some argument is the constitution and functions of panchayat courts. On that matter the Hon. the Revenue Member has given an indication as to what the Government will do. The panchayat bodies were once the nucleus of a big organization and they were flourishing well in olden days. But for various reasons these panchayats have been given the go-by and they were relegated to the rank of mere courts with little or no administrative powers. The Government has got a scheme for resuscitating these panchayats and in doing that they will increase the powers of these panchayats in civil as well as criminal matters. Of course, at present, these panchayat courts are not being run properly; there is faction in various panchayats. With all that various attempts are made by the Collectors to see that the factious spirit does not prevail in the administration of justice; and the reports we are getting from various authorities are to the effect that these panchayat courts are working

[Mr. K. Raman Menon] [21st September 1937

properly, even though in certain places the panchayat courts were not working properly and have to be disestablished. When these panchayat courts are reconstituted, with greater powers given to them they would again be the centre wherefrom the whole affairs of the village would begin to be administered. Various suggestions have been made by various non-official members regarding minor details, and I have submitted that Government have in view the reorganization of the panchayat courts so as to make them a live organization.

"As regards process servers and copyists, they have come in for a good deal of sympathy at the hands of members. I will only say that the Congress party long before it came into this Assembly had committed itself to the view that the minimum pay for any Government service should be Rs. 30, and they stand by it. But under the Government of India Act, we have no right to cut the higher salaries, and so far as our finances go we cannot raise the pay so as to give a living wage to every person. So I think it would not be quite easy for us to give Rs. 30 or Rs. 35 to the copyists and process servers just now. But that is the idea with which the Government would be working; and as and when money is available the claims of these people would be considered. It has been stated that there is no provision for them for pension or provident fund. So far as pension is concerned, this matter has been before Government for a long time and it was considered almost impracticable. If their qualifications or terms of service, etc., are considered they certainly have no claim. The nature of their service is different; they are piece-workers. That is one matter. To say that like clerks in the regular service they may also be given Rs. 35 is a claim which cannot be held valid, considering the nature of their recruitment and qualifications. As for providing a provident fund, the Government is considering the matter. Whenever there is a possibility of finding some little money to give them, we would gladly do justice to them.

"Various suggestions have also been made by my hon. Friend, Mr. T. T. Krishnamachari. As regards the High Court, he himself said that the various suggestions are meant for the purpose of communication to the Secretary of State for consideration. Though the matter of law's delay is as old as Shakespeare's Hamlet yet this Government have certain ideas which for want of time they could not get examined by the various departments concerned. But we do hope that we will be able to do something in the matter of reducing the law's delays. Only such an undertaking could be given now.

"Then Mr. Schamnad complained against the jury system. This system is not bad; it is perhaps the persons who are in the jury that are bad. It is our fault if we have not been able to educate the public. I hope Mr. Schamnad will try to educate the people for the purpose of getting good jurymen and good people for the panchayat courts also.

"Then about insolvency courts, referred to by Mr. Baliga, I may say that a committee consisting of a High Court Judge, a District

21st September 1937] [Mr. K. Raman Menon]

Judge and one Member of the Government has gone into the question and suggested certain reforms. Their report is not yet ready for publication.

" Then the hon. Member, Mr. Karunakara Subba Rao, complained about bribery and corruption. A complaint of that sort can easily be made if only we avoid the names of persons. Unless we know something more definite, it is not possible for Government to do anything by way of executive action. He was also referring to the location of the Sub-Court at Chicacole instead of at Vizianagram, the place recommended by the High Court, and said that Government have flouted the opinion of the High Court; and he wants this Government to flout the decision of its predecessor. I submit it is a matter which cannot be discussed on the floor of this House.

" There has been some complaint that the Court-fees are high. It is true it is so, but the financial condition of the country does not permit of any reduction; but there are certain anomalies in the Court Fees Act, which will be examined by this Government through an expert and all that is possible will be done to remove them. The reduction of court fee for certain classes of suits and increase of court fee in certain classes may possibly be brought about as early as possible.

" With these words, I commend the Demand for the acceptance of the House and I am sure the hon. Member who has moved the cut motion will gladly withdraw it." 2-15 p.m.

The cut motion was by leave withdrawn.

The Demand was then put and carried and the Grant was made.

* Mr. SPEAKER:—" There is a certain section, a large section I should say, of the House who desire to have additional hours for the discussion of the grants in the evenings. I shall consult the Leader of the House on the subject and if a working arrangement can be arrived at, I shall announce it tomorrow.

" The House will now adjourn and meet again at 10 a.m. to-morrow."

The House then adjourned.

## APPENDIX I.

[Vide answer to clause (*a*) of starred question No. 167 asked by Mr. E. Kannan at the meeting of the Legislative Assembly held on the 21st September 1937, page 419 **supra**.]

*Statement of travelling allowance drawn by the officers of the Veterinary Department in Malabar during each of the last ten years, i.e.*, 1927-28 *to* 1936-37.

| Year. | Circle officers. | | | Touring staff. | | | Hospital staff. | | |
|---|---|---|---|---|---|---|---|---|---|
| | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. |
| 1927-28 .. .. | 1,873 | 1 | 0 | 2,884 | 15 | 0 | 111 | 11 | 0 |
| 1928-29 .. .. | 2,909 | 1 | 0 | 3,711 | 6 | 0 | 77 | 5 | 0 |
| 1929-30 .. .. | 2,265 | 0 | 0 | 3,524 | 1 | 0 | 114 | 12 | 0 |
| 1930-31 .. .. | 1,488 | 8 | 0 | 3,904 | 1 | 0 | 343 | 12 | 0 |
| 1931-32 .. .. | 2,073 | 11 | 0 | 2,812 | 15 | 0 | 206 | 9 | 0 |
| 1932-33 .. .. | 1,018 | 12 | 0 | 1,845 | 8 | 0 | 148 | 12 | 0 |
| 1933-34 .. .. | 1,167 | 4 | 0 | 2,194 | 4 | 0 | 16 | 14 | 0 |
| 1934-35 .. .. | 1,431 | 11 | 0 | 1,994 | 15 | 0 | 192 | 8 | 0 |
| 1935-36 .. .. | 1,721 | 7 | 0 | 2,565 | 3 | 0 | 105 | 9 | 0 |
| 1936-37 .. .. | 1,834 | 4 | 0 | 2,673 | 5 | 0 | 90 | 4 | 0 |
| Total .. | 17,782 | 11 | 0 | 28,110 | 9 | 0 | 1,408 | 0 | 0 |

*Note.*—(1) The figures under Circle officers for each year include tour and transfer travelling allowance of the Circle Officer and his office establishment, and they represent the expenditure for the whole circle comprising of the districts of Salem, Coimbatore, Nilgiris, Malabar and South Kanara till 31st July 1929 and the districts of Malabar and South Kanara from 1st August 1929 onwards. Separate figures for Malabar district alone cannot be worked out.

(2) The figures under the Touring staff include the expenditure both under tour and transfer travelling allowance in each year.

(3) The figures under the Hospital staff include the expenditure of transfer travelling allownace and tour travelling allowance of only such of those as have got touring work.

## APPENDIX II.

[Vide answer to clause (*b*) of starred question No. 167 asked by Mr. E. Kannan at the meeting of the Legislative Assembly held on the 21st September 1937, page 419 supra.]

*Statement I—Work done by the touring staff.*

### Malabar district.

| Year. | Veterinary Assistant Surgeons employed. | Number of villages visited. | Castrations performed. | | | | Treated for contagious diseases. | | | | Treated for non-contagious diseases. | | | | Total number of castrations performed or cases treated. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Equines. | Bovines. | Others. | Total. | Equines. | Bovines. | Others. | Total. | Equines. | Bovines. | Others. | Total. | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) |
| 1927-28 .. | 4 | 710 | 1 | 118 | 1 | 120 | .. | 1,315 | .. | 1,315 | 4 | 338 | 29 | 371 | 1,806 |
| 1928-29 .. | 4 | 694 | 1 | 83 | .. | 84 | .. | 1,673 | .. | 1,673 | 8 | 550 | 47 | 605 | 2,362 |
| 1929-30 .. | 6 | 879 | .. | 163 | 1 | 164 | .. | 1,860 | 2 | 1,862 | .. | 775 | 38 | 813 | 2,839 |
| 1930-31 .. | 5 | 939 | .. | 259 | 3 | 262 | .. | 1,101 | 4 | 1,105 | .. | 1,254 | 81 | 1,335 | 2,702 |
| 1931-32 .. | 5 | 821 | 1 | 1,692 | 22 | 1,715 | .. | 584 | .. | 584 | 3 | 2,808 | 97 | 2,908 | 5,207 |
| 1932-33 .. | 5 | 821 | .. | 2,369 | 49 | 2,418 | 3 | 1,430 | 53 | 1,486 | 10 | 3,361 | 233 | 3,604 | 7,508 |
| 1933-34 .. | 5 | 906 | .. | 2,764 | 83 | 2,847 | .. | 1,061 | 28 | 1,089 | 4 | 4,007 | 233 | 4,244 | 8,180 |
| 1934-35 .. | 5 | 658 | .. | 1,915 | 91 | 2,006 | .. | 423 | 54 | 477 | 4 | 2,510 | 205 | 2,719 | 5,202 |
| 1935-36 .. | 6 | 612 | .. | 2,339 | 105 | 2,444 | .. | 281 | 9 | 290 | 2 | 2,538 | 236 | 2,776 | 5,510 |
| 1936-37 .. | 6 | 566 | .. | 2,032 | 75 | 2,107 | 1 | 1,858 | 41 | 1,900 | 6 | 2,022 | 271 | 2,299 | 6,306 |

*Statement II.—Work done by the hospital staff.*

## Malabar district.

| Year. | Number of veterinary institutions. | Number of in-patients treated during the year. | | | | Number of out-patients treated during the year. | | | | Grand total of in and out-patients treated during the year. | Castrations performed. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Equines. | Bovines. | Others. | Total. | Equines. | Bovines. | Others. | Total. | | Equines. | Bovines. | Others. | Total. |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) |
| 1927–28 .. .. | 4 | 13 | 117 | 91 | 221 | 201 | 2,646 | 2,391 | 5,238 | 5,459 | .. | 110 | 33 | 143 |
| 1928–29 .. .. | 4 | 19 | 188 | 98 | 305 | 225 | 3,170 | 2,960 | 6,355 | 6,660 | 1 | 105 | 31 | 137 |
| 1929–30 .. .. | 4 | 32 | 177 | 117 | 326 | 175 | 2,670 | 3,190 | 6,035 | 6,361 | 2 | 108 | 30 | 140 |
| 1930–31 .. .. | 4 | 18 | 171 | 117 | 306 | 168 | 2,748 | 3,829 | 6,745 | 7,051 | 1 | 90 | 39 | 130 |
| 1931–32 .. .. | 4 | 24 | 213 | 91 | 328 | 191 | 2,853 | 4,516 | 7,560 | 7,888 | 2 | 206 | 37 | 245 |
| 1932–33 .. .. | 4 | 25 | 214 | 79 | 318 | 187 | 3,353 | 5,429 | 8,969 | 9,287 | .. | 354 | 55 | 409 |
| 1933–34 .. .. | 4 | 29 | 271 | 77 | 377 | 219 | 3,531 | 5,764 | 9,514 | 9,891 | 5 | 535 | 59 | 599 |
| 1934–35 .. .. | 4 | 23 | 221 | 53 | 297 | 213 | 3,828 | 6,669 | 10,710 | 11,007 | 1 | 577 | 51 | 629 |
| 1935–36 .. .. | 4 | 27 | 195 | 63 | 285 | 187 | 4,265 | 6,566 | 11,018 | 11,303 | 3 | 547 | 53 | 603 |
| 1936–37 .. .. | 4 | 18 | 204 | 73 | 295 | 182 | 4,483 | 6,958 | 11,623 | 11,918 | 1 | 633 | 85 | 719 |

TRUTH ALONE TRIUMPHS

*Statement III.—Number of inoculations performed by the Veterinary Officers in Malabar district.*

| Year. | Against rinderpest. | | | | | | Against hæmorrhagic septicæmia. | | | Against anthrax. | | | Against black-quarter. | | | Against fowl cholera. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Serum alone method. | | | Serum simultaneous method. | | | Serum alone method. | | | Serum alone method. | | | Serum alone method. | | | |
| | Equines. | Bovines. | Others. | Equines. | Bovines. | Others. | Equines. | Bovines. | Others. | Equines. | Bovines. | Others. | Equines. | Bovines. | Others. | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) |
| 1927–28 .. .. | 14,314 | .. | .. | 351 | .. | .. | 126 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 1928–29 .. .. | 6,142 | .. | .. | 6,555 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 1929–30 .. .. | 1,622 | .. | .. | 3,337 | .. | .. | 210 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 1930–31 .. .. | 90 | .. | .. | 6,428 | .. | .. | 71 | .. | .. | .. | .. | .. | .. | 53 | .. | .. |
| 1931–32 .. .. | 55 | .. | .. | 3,830 | .. | .. | 388 | .. | .. | .. | .. | .. | .. | 208 | .. | .. |
| 1932–33 .. .. | 3 | .. | .. | 60 | .. | .. | 160 | .. | .. | 23 | .. | .. | .. | .. | .. | 49 |
| 1933–34 .. .. | 3 | .. | .. | 141 | .. | .. | 1,155 | .. | .. | 230 | .. | .. | .. | 744 | .. | .. |
| 1934–35 .. .. | 51 | .. | .. | 2,649 | .. | .. | 3,840 | .. | .. | 61 | .. | .. | .. | 1,602 | .. | .. |
| | | | | 593 (Goat virus) | | | | | | | | | | | | |
| 1935–36 .. .. | .. | .. | .. | 2,693 | .. | .. | 6,599 | .. | .. | 239 | .. | .. | .. | 886 | .. | .. |
| | | | | 286 (Goat virus) | | | | | | | | | | | | |
| 1936–37 .. .. | 3 | . | .. | 4,162 | .. | .. | 5,038 | .. | .. | 3,834 | .. | .. | .. | 96 | .. | 68 |
| | | | | 680 (Goat virus) | | | | | | | | | | | | |