THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 27th September 1937.

The Assembly met in the Assembly Building, Chepauk, at ten of the clock, the Deputy Speaker (MRS. A. RUKMINI LAKSHMIPATHI) in the Chair.

Proceedings commenced with the singing of Vande Mataram by Mrs. Lakshmi Sankara Ayyar.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Non-inclusion in the ayacut of lands under turmeric cultivation in the Guntur district.

* 263 *Q.*—MR. K. CHANDRAMOULI: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) the extent of acreage in the Guntur district which is being cultivated with turmeric and which is not included in the ayacut;

(*b*) for how many years past this has been going on;

(*c*) whether it is a fact that water is being supplied for such lands during the years of cultivation till now; and

(*d*) if the reply to the above questions is in the affirmative, why such lands are not included in the ayacut?

THE HON. MR. YAKUB HASAN:—"(*a*) 1,803 acres.

"(*b*) For over ten years.

"(*c*) Water is being used by the ryots when available without the permission of the Public Works Department officers.

"(*d*) A special staff was appointed in 1931 for the localization of the turmeric area in Guntur district with a view to prevent the wastage in supplying water to lands which lie scattered about and far away from major irrigation channels. Turmeric requires water for more than six months in the year and by including such lands in the ayacut, the Public Works Department will have to continue the water-supply beyond December, even after the water-supply is stopped for permanent wet lands which are harvested early in January. That is the time when the water-level goes down in the Kistna river and water has to be conserved for purposes of navigation, etc. It was, therefore, thought that, if these turmeric areas are developed at the head of major irrigation channels, water-supply can be maintained without the great wastage involved in supplying water to the turmeric lands lying

at the tail-ends of channels or far away from major distributaries. All such turmeric lands have been excluded from the ayacut. The limits up to which supply of water will be maintained after 15th December for turmeric lands or for second crop are mentioned in the schedule appended to Rule 1-A in Appendix I-B (Part I) to the Board's Standing Order No. 4, paragraph 2. The area of 1,803 acres has thus not been included in the ayacut. However, the ryots can still grow turmeric on this extent if there is water available in any year though this cannot be guaranteed."

MR. K. CHANDRAMOULI:—" Madam, seeing that these are money crops, will the Hon. Minister be pleased to see that all these lands that are cultivated with turmeric are supplied with water till February? "

THE HON. MR. YAKUB HASAN:—" No. For the reason given in the answer it cannot be supplied beyond 15th December."

Improvements effected in the methods of fishing as a result of the research work done in the field.

*264 *Q.*—MR. P. MADHAVAN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) how much money the Government have spent for research work since the beginning of the Fisheries Department;

(*b*) in what line the research was conducted; and

(*c*) whether as a result of the researches, any improvement has been effected in the methods of fishing now obtaining among the fishermen of the Presidency?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (*a*) The department has spent Rs. 7,78,873, i.e., about 7·8 lakhs from 1921-22 to 1935–36. Separate figures for earlier years are not available.

" (*b*) Research has been conducted on the following main lines:—

The life histories, habits and food of different kinds of food fishes.
Plankton, hydrographic and meteorological observations.
Pearl oyster culture.
Deep-water fishing exepriments and fishing methods.
Chank marking experiments.
Experiments in diving apparatus.
Research in edible oyster.
Fishery statistics.
The exploration of possible new fishing grounds.
The preparation and storage of fish oil and guano.
The preservation of fish for transport.
The preservation of nets, etc.

" (*c*) No, except in regard to the establishment of marine methods of deep-water fishing in the reservoir at Mopad."

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MR. M. G. NATESA CHETTIYAR:—" May I know from the Hon. Minister whether deep-sea fishing has been taught to fishermen, and if not, whether any steps will be devised to teach them? "

THE HON. MR. V. I. MUNISWAMI PILLAI:—" The answer itself says that there has been success in that line."

Proposal for the improvement of the conditions of the workers employed in the Engineering College Workshops, Guindy.

* 265 *Q.*—MR. P. R. K. SARMA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) whether a workshop is attached to the Engineering College, Guindy;

(*b*) what the nature of the work performed there is;

(*c*) how many workers are employed in the workshop and what their designations and wages are;

(*d*) what the system of wages now prevailing in the workshop is;

(*e*) for how many days and for what periods the workshop is closed in a year; whether the workers are allowed wages for any of those holidays;

(*f*) how many unpaid holidays the workers of this workshop have in a year;

(*g*) how the other employees of the college are treated in this respect; whether they are paid for holidays;

(*h*) whether the workers of this workshop have any paid holidays or any leave with pay;

(*i*) whether there is any system in the workshop now providing for the old age and retirement of the employees, and if so, what it is; and

(*j*) if not, when the Government propose to introduce such provisions?

THE HON. DR. P. SUBBARAYAN:—" (*a*) Yes.

" (*b*) The nature of the work is instructional. The workshop is intended for students undergoing training in workshop practice. Repairs and other works for the other departments of the College are also executed.

" (*c*) A statement [a] is appended.

" (*d*) Daily payment.

" (*e*) & (*f*) The workshop is closed on all College holidays—for about ten days during the Christmas recess and for two months during the summer vacation. No wages are paid during the holidays.

Printed as Appendix I on page 926 infra.

"(*g*) There are a few daily paid men attached to the College power-house and a few monthly paid men working in laboratories. The daily paid men are treated like the workmen in the workshop.

"(*h*) Yes.

"(*i*) There is no provision for old age or for the grant of any payment on retirement.

"(*j*) The Government do not consider that there is a case for such a concession."

MR. P. R. K. SARMA:—"May I ask the Hon. Minister to state for how many hours a day the men in the workshop work, and whether the Government will reduce the hours of work in conformity with the practice in the other workshops?"

THE HON. DR. P. SUBBARAYAN:—"If the hon. Member will put down a separate question on this subject, I will try to give him an answer."

MR. E. KANNAN:—"May I know, Madam, in view of the fact that the Engineering College workshop is not an industrial workshop, whether the Government will be pleased to treat the workmen as Government servants and give them monthly pay so that they may be entitled to pay also during the holidays?"

THE HON. DR. P. SUBBARAYAN:—"No, Madam."

MR. P. R. K. SARMA:—"May I ask the Hon. Minister whether memorials have been submitted by the workers appealing to Government for payment of wages for the long vacation, especially during the summer holidays, and whether Government will consider the matter favourably?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Gentleman must not forget that this workshop is merely run for instructional purposes, and as the Government are running the College and other educational institutions, it is not easy to pay the workers during the vacation."

MR. P. R. K. SARMA:—"May I know whether the other staff of the Engineering College which numbers 100, is paid during the vacation and if so, why this benefit should not be given to the workers also?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member must be aware that they are instructors in the sense that they are teachers highly qualified."

MR. P. R. K. SARMA:—"May I know whether the artizans who give instructions to Engineering students are not to be regarded as skilled workers eligible for proper wages?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member is mistaken if he thinks that these artizans are instructors. They help the instructors in the workshop. That is a different matter."

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MR. P. R. K. SARMA :—" May I ask whether it is possible for the workers to maintain themselves during the long vacation without wages? "

THE HON. DR. P. SUBBARAYAN :—" I know it is difficult; but the Government's finances are also limited."

Government Orders issued prior to 14th July 1937 regarding the teaching of Hindi in schools and colleges under the Local Administration Department.

* 266 *Q.*—MR. E. KANNAN : Will the Hon. the Minister for Education and Legal Departments be pleased to lay on the table all the orders issued by the Government before 14th July 1937 regarding the teaching of Hindi in schools and colleges under the department of Local Administration?

THE HON. DR. P. SUBBARAYAN :—" Copies of the undermentioned orders are placed on the table :—

[a] (1) G.O. No. 840, Education, dated the 15th May 1927.

[a] (2) G.O. No. 4921, L. & M., dated the 29th November 1935.

[a] (3) G.O. No. 2716, L. & M., dated the 25th June 1936.

[a] (4) G.O. No. 2544, Education, dated the 27th November 1936."

MR. E. KANNAN :—" Madam, may I ask the Hon. Minister to say whether all the orders issued by the interim Ministry have been placed on the table? "

THE HON. DR. P. SUBBARAYAN :—" All the orders [a] which the Government think can be placed on the table of the House, have been so placed."

Measures for the re-introduction of the salt concession.

* 267 *Q.*—MR. S. M. LALJAN : Will the Hon. the Prime Minister be pleased to state what steps have been taken by this Government to re-introduce the salt concessions which were granted to the people living on the sea coast as a result of the Gandhi-Irwin Pact, and which were subsequently withdrawn?

THE HON. MR. C. RAJAGOPALACHARIAR :—" Steps were taken by communication with the Government of India on 12th August 1937 and the concessions have been ordered to be restored."

MR. L. SATTANATHA KARAYALAR :—" May I ask whether the villagers have to take permission from the Government before they manufacture salt? "

THE HON. MR. C. RAJAGOPALACHARIAR :—" I am not aware of the exact details as to how the concessions are being worked in order to avoid abuses. But it is very likely that a system of

[a] Printed as Appendix II on pages 927–929 infra.

permits might be working; it will not be used to the prejudice of the poor people who take advantage of the concessions, but it will be used only to prevent their abuse by those who wish to take advantage of the concessions and make a trade of it and endanger the continuance of the concession itself."

MR. L. SATTANATHA KARAYALAR:—"May I know, Madam, whether the Government are aware that the communiqué issued by the Government prescribes a limit to the manufacture, and if so, whether it would not be desirable to restrict the number of people who manufacture in the villages and whether the Government will take this into consideration?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I am not aware, Madam, of any limitation as to quantity."

MR. K. VEERARAGHAVASWAMI:—"May I request the Hon. the Premier to look into this matter when he has got leisure?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is not absence of leisure, Madam; orders have now been issued to frame suitable regulations to prevent abuse and to prevent the stoppage of the concession. As soon as regulations have been framed, they will certainly receive my close examination."

MR. G. RANGAYYA NAYUDU:—"Madam, although the Government issued orders with regard to concessions for the manufacture of salt, may I ask whether it is a fact that the authorities of the Salt department are not at all willing to carry out the orders?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"Not only am I not aware of any such thing, but I think it is not a correct understanding of the mentality of the Salt officials. They are quite loyal to the orders issued by the Government of India in this matter."

* 268. *Q.* [a]

Release of Mappilla prisoners convicted for taking part in the Mappilla Rebellion.

* 269 *Q.*—MR. S. M. LALJAN: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) how many Mappillas who were convicted for taking part in the Mappilla Rebellion are still in jails;

(*b*) whether any steps were recently taken to set them at liberty; and

(*c*) if not, why not?

THE HON. MR. K. RAMAN MENON:—"(*a*) None.

"(*b*) Yes.

"(*c*) Does not arise."

[a] Vide page 888 infra.

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Supply of buttermilk to prisoners in jails.

* 270 *Q.*—MR. S. M. LALJAN: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) what annual expenditure will be incurred to supply buttermilk to prisoners;

(*b*) whether the buttermilk will be prepared within the jails or will be purchased from without; and

(*c*) if purchased, what precautions will be taken to ensure the supply of pure buttermilk?

THE HON. MR. K. RAMAN MENON:—"(*a*) The cost of supplying buttermilk to all prisoners will be about Rs. 80,000 per annum.

"(*b*) & (*c*) The supply of buttermilk to all prisoners was ordered only on 2nd August 1937, and the Government at the same time directed the Inspector-General of Prisons to take steps to give effect to the order at the earliest possible date. They have no information regarding the actual arrangements made by the Inspector-General, but have called for a report on the point."

MR. S. M. LALJAN:—"Is it the intention of Government to supply buttermilk also to those that do not want it?"

THE HON. MR. K. RAMAN MENON:—"In answer to a question previously put, I have already stated that the Government are not in a position to add anything to it."

MR. S. M. LALJAN:—"Will the Government be pleased to consider the question?"

THE HON. MR. K. RAMAN MENON:—"When the Government come to know that there is any difficulty caused to certain prisoners on account of the fact that they are not accustomed to buttermilk the Government will consider the question."

MR. G. RANGAYYA NAYUDU:—"Is it a fact that buttermilk is supplied to prisoners twice a week?"

THE HON. MR. K. RAMAN MENON:—"Not under the Madras Government." (Laughter.)

Removal of the ban on flying of the Congress Flag on the buildings of local bodies.

* 271 *Q.*—MR. S. M. LALJAN: Will the Hon. the Minister for Local-Administration be pleased to state whether the ban on the flying of the Congress Flag on buildings belonging to local bodies has been cancelled and if so, whether a copy of the order will be placed on the table?

THE HON. MR. B. GOPALA REDDI:—"The answer is in the affirmative. A copy [a] of G.O. No. 1520, Public, dated 11th August 1937, on the subject is placed on the table of the House."

[a] Printed as Appendix III on page 930 infra.

MR. S. M. LALJAN:—"May I know in view of the order placed on the table of the House whether the flag used by the Congress is a national flag or the Congress Flag since I am not in a position to understand the difference between the National Flag and the Congress Flag?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I submit that this is not a question which can be answered by the Department of Local Administration. I submit a separate question may be put down for the Premier or the Public Department."

MR. P. BUCHAPPA NAYUDU:—"Will the Hon. the Premier be pleased to state what the attitude of the Government is regarding the flying of national flags over public buildings, in view of the Government's decision, after their careful examination of the position to countenance the flying of national flags over buildings of local bodies?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is not in the public interests to discuss that question now. I am sorry."

Amalgamation of the bifurcated District Boards and proposal for the formation of Divisional Boards.

* 272 *Q.*—MR. S. M. LALJAN: Will the Hon. the Minister for Local Administration be pleased to state whether there is any proposal before the Government to reamalgamate the bifurcated district boards and to introduce legislation to form Divisional Boards?

THE HON. MR. B. GOPALA REDDI:—"Government propose to undertake legislation in respect of amalgamation of bifurcated district boards. There is no proposal to introduce legislation to form divisional boards."

Alleged search by the C.I.D. Police of the house of the organizing Secretary, Kerala Provincial Congress Committee.

* 273 *Q.*—MR. MUHAMMAD ABDUR RAHMAN: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether it is a fact that the house of Mr. E. M. Sankaran Nambudripad, Organizing Secretary, Kerala Provincial Congress Committee, has been searched recently by the C.I.D. Police;

(*b*) if so, under whose orders the search was made and the reason therefor; and

(*c*) what the result of the search was?

THE HON. MR. C. RAJAGOPALACHARIAR:—"(*a*) Two houses of Mr. E. M. Sankaran Namboodripad are reported to have been searched by the police.

"(*b*) The search was made under a warrant issued by a Magistrate under section 172 of the Sea Customs Act. The reason therefor was that there was information that Mr. Namboodripad had in his

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possession a copy of a book which was prohibited entry into British India by the Government of India under section 19 of the Sea Customs Act.

"(*c*) No copy of the book was found."

MR. MUHAMMAD ABDUR RAHMAN:—"Am I to understand that a search has been made under mere suspicion?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"The answer that I gave was that the reason for search was information and not mere suspicion."

MR. MUHAMMAD ABDUR RAHMAN:—"Had the Government previous information and was the search made under the orders of the Government?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"The search was not made under the orders of the Government. The search was made by the police on a warrant issued by the magistrate."

MR. ABDUL HAMEED KHAN:—"May I know which is the agency that was employed by the magistrate for getting his information?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"The police made application to the magistrate for a warrant on information received by them. The magistrate gave the warrant to the police."

MR. ABDUL HAMEED KHAN:—"Are not the local police belonging to the Madras Province?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I presume so."

* 274 *Q.**

Amalgamation of the bifurcated district boards in the Presidency.

* 275 *Q.*—MR. D. RAMALINGA REDDIAR: Will the Hon. the Minister for Local Administration be pleased to state whether the Government have any proposal to amalgamate the bifurcated district boards in the Presidency in the near future?

THE HON. MR. B. GOPALA REDDI:—"The answer has been given to question No. 272 to-day."

MR. K. KOTI REDDI:—"May I know whether there is going to be reamalgamation of all the district boards that have been bifurcated?"

THE HON. MR. B. GOPALA REDDI:—"The question is under consideration."

* Vide page 889 infra.

Protest against the operation of the Dramatic Performances Act of 1876 in the Tinnevelly district.

*276 Q.—SRIMATHI LAKSHMI AMMAL: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether the Dramatic Performances Act of 1876 is in force in Tinnevelly district now;

(*b*) when and under what circumstances it was brought into force there;

(*c*) whether Government are aware that under that Act the Collector of Tinnevelly has recently refused permission to a dramatic-troupe to stage two Tamil plays entitled "Victory of Khadi" and "Desa Bhakthi";

(*d*) whether Government have received any representation from the said troupe or others in this regard;

(*e*) what action Government have taken or propose to take in the matter;

(*f*) how long Government propose to keep the Act in force in that district;

(*g*) whether that Act is in force in any other district; and

(*h*) when Government propose to cancel the operation of the Act in the Tinnevelly district?

THE HON. MR. C. RAJAGOPALACHARIAR:—"(*a*) The provisions of section 10 of the Dramatic Performances Act, 1876, are in force in the Tinnevelly district.

"(*b*) The provisions of section 10 of the Act were brought into force in the district with effect from 16th February 1932 on the recommendation of the District Magistrate, Tinnevelly, to prohibit dramatic performances tending to create disaffection towards Government.

"(*c*), (*d*) & (*e*) The Government have received a representation from the Secretary, District Congress Committee, Tinnevelly, about this and the matter is under the consideration of Government.

"(*f*) & (*h*) The question what action shall be taken in the matter is under the consideration of Government.

"(*g*) Section 10 of the Act has been applied to the districts of Kistna, Guntur, West Godavari and Salem."

MR. B. VENKATA RAO BALIGA:—"May I ask whether the Government propose to amend the Act in the light of the present circumstances as the Act is 60 years old?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"Apart from the reason as to mere old age entitling us to amend the Act, I submit, as I have already said in the answer, that this particular

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grievance is under the consideration of the Government and if the grievance cannot be removed except by an amendment of the Act, we shall undertake it."

MR. G. RANGAYYA NAYUDU:—"May I know whether the Government have received any complaints from the dramatic troupes that the Collectors of districts are giving them trouble in issuing licences to them for the performance of dramas?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have not seen such complaints, but I say it is very likely there are complaints."

Proposal for the cancellation of the Government Order prohibiting the employment of ex-political prisoners in local fund or municipal services.

*277 *Q.*—MR. P. S. KUMARASWAMI RAJA: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether there is any Government Order prohibiting the employment by local bodies of ex-political prisoners in local fund or municipal services, even if otherwise qualified; and

(*b*) if the answer to (*a*) is in the affirmative, whether Government will consider the desirability of cancelling the Government Order?

THE HON. MR. B. GOPALA REDDI:—"(*a*) Government have issued a rule under which no person who is convicted of a political offence shall be employed or retained in service under local boards or municipal councils, except with the special sanction of Government.

"(*b*) Government have recently considered the question and have decided not to change the rule. They are prepared to accord sanction in deserving cases."

MR. P. S. KUMARASWAMI RAJA:—"May I ask whether the Hon. Premier will be pleased to pass such orders regarding other Government servants also?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is difficult for the Premier to give assurance on a question like that. The hon. Member may be asked to give notice of a separate question in the regular manner."

MR. K. VEERARAGHAVASWAMI NAYUDU:—"Seeing most of us here are ex-convicts, will the Hon. Minister be pleased to consider whether concessions cannot be given in all cases without making any distinction as to merits?"

THE HON. MR. B. GOPALA REDDI:—"I have already said that permission will be given in all deserving cases and each case will be considered on its merits."

MR. ABDUL HAMEED KHAN:—" May I know what the Hon. Minister means by ' deserving cases '? "

THE HON. MR. B. GOPALA REDDI:—" On merits, on service and other qualifications."

MR. ABDUL HAMEED KHAN:—" The question refers only to one principle, i.e., the employees having served their incarceration on account of their political offences; why should they not be re-employed? Then may I ask why this question of merit comes in? "

THE HON. MR. B. GOPALA REDDI:—" That is why I have already said in deserving cases Government will consider them liberally."

MR. ABDUL HAMEED KHAN:—" May I ask whether the Hon. Minister will be pleased to answer straight whether orders will not be passed regarding all political prisoners irrespective of the question of merit? "

MR. T. VISWANATHAM:—" On a point of order, Deputy Speaker, Madam. Is it open to the hon. Member to ask whether the Hon. Minister will be pleased to give a straight answer? "

THE DEPUTY SPEAKER:—" I think the Hon. Minister for Local Administration has given a straight answer."

MR. ABDUL HAMEED KHAN:—" My question is whether all persons who have been convicted on account of political persuasion will not be exempted from the order altogether irrespective of the question of merit? "

THE HON. MR. B. GOPALA REDDI:—" The suggestion will be considered."

MR. K. A. NACHIYAPPA GOUNDER:—" May I know whether there are any real difficulties with regard to the consideration of this question on a general basis? "

THE HON. MR. B. GOPALA REDDI:—" The Government is prepared to accord sanction in all deserving cases."

MR. K. A. NACHIYAPPA GOUNDER:—" May I know whether there is any similar ban with regard to prisoners other than political prisoners? "

THE HON. MR. B. GOPALA REDDI:—" Certainly, but that question does not arise here."

* 268 *Q.*—

MR. S. M. LALJAN:—" I do not put the question." (Withdrawn.)

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Proposal for the reconstitution of the old Gajapatinagaram taluk in the Vizagapatam district.

* 274 *Q.*—MR. P. L. NARASIMHA RAJU:—Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether he received any petitions from the villagers of Kumili, Kellivalasa, Rakodu, etc., protesting against the inclusion of their villages in the newly formed Bimlipatam taluk, Vizagapatam district;

(*b*) if so, what action has been or is proposed to be taken thereon;

(*c*) whether in the interests of the villagers in the old Gajapatinagaram taluk, it is proposed to reopen Gajapatinagaram taluk transferring the Stationary Sub-Magistrate and his staff in Vizianagram taluk to the Gajapatinagaram taluk to be formed; and

(*d*) if so, when?

MR. T. VISWANATHAN (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—"(*a*) A notification was published in the *Vizagapatam District Gazette* in February 1937 inviting objections to the proposal to restore the old Bimlipatam taluk and to reconstitute it with the addition of 48 villages from the Vizianagram taluk. Kumili, Kellivalasa and Rakodu were amongst the 48 villagers proposed for inclusion in the new Bimlipatam taluk. In March 1937, the Collector reported that petitions had been received from the ryots of 26 villages of the Vizianagram taluk (including Kumili and Rakodu) objecting to the inclusion of their villages in the new Bimlipatam taluk.

"(*b*) As a result of these representations, 9 out of the 48 villages of the Vizianagram taluk referred to above were retained in the Vizianagram taluk itself. One of these nine villages is Rakodu.

"(*c*) & (*d*) There is no such proposal before the Government."

MR. P. L. NARASIMHA RAJU:—"With reference to the answer to clauses (*a*) and (*b*), may I ask whether there have not been complaints from villages which are close to Vizianagram taluk?"

MR. T. VISWANATHAM:—"If there are complaints from the villagers concerned, the Government will re-examine the question."

Modification of the communiqué regarding the application of the reduced water-rate to the second-crop in the Godavari deltas.

* 278 *Q.*—MR. K. VENKATA RAO:—Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that the Revenue Board issued proceedings in March 1937, modifying the communiqué of October 1936 regarding the application of the reduced water-rate to the second-crop of the last fasli in the Godavari deltas; and

(*b*) if so, why?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—"(*a*) & (*b*) The answer is in the negative. The Government have issued definite orders to the effect that the rate of water-cess leviable for the irrigation of a second crop on ryotwari dry and on inam and zamindari lands not entitled to free irrigation should also be reduced proportionately.

"The hon. Member has presumably in mind the charge for the irrigation of a second-crop on ryotwari single-crop wet lands. The land revenue concessions were intended to apply only to the basic assessment and to the water-rate and not to any miscellaneous extra charge like the second-crop charge on single-crop wet lands."

UNSTARRED QUESTIONS.

Protest against the construction of two irrigation tanks by the Mysore Government in the Kolar district.

141 *Q.*—MR. B. T. SESHADRI ACHARIAR: Will the Hon. the Minister for Public Works be pleased—

(i) to lay on the table the correspondence relating to the grant of permission to the Mysore Government for the construction of the tanks at

(1) Raghimakalahalli; and
(2) Tippaganahalli

in Kolar district last year; and

(ii) to state whether in granting such permission the Government considered the fact that the Kolar district forms the catchment area for the Palar and that the grant of such a permission would injuriously affect the very little supply now available in the Palar?

A.—(i) Government are not prepared to lay the correspondence on the table.

(ii) Yes; but the Ragimakalahalli and Thippaganahalli tanks are across the tributaries of the Southern Penner and Northern Penner respectively. Steps have been taken to safeguard the interests of the British ryots under the Palar as far as possible.

Implementing of the Washington Unemployment Convention in regard to the Madras Presidency.

142 *Q.*—MR. G. KRISHNAMURTI: Will the Hon. the Minister for Industries and Labour be pleased to state what action the Government propose to take in regard to the implementing in regard to Madras Presidency of the Washington Unemployment Convention ratified by the Government of India?

A.—There will shortly be a census of the educated unemployed. The question of extending it to uneducated unemployed and the necessity for setting up public employment agencies will be considered in due course.

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Use of charkhas in the Mental Hospital, Waltair.

143 *Q.*—MR. D. V. RAMASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether it is a fact that spinning on charkhas is one of the occupations of some of the patients in the Mental Hospital, Waltair;

(*b*) whether the charkhas are regularly inspected and kept in proper working order;

(*c*) what the total number of charkhas is: (i) working, and (ii) out of use; and

(*d*) how much yarn has been spun on the charkhas during 1936 and what use has been made of the said yarn?

A.—(*a*) Spinning on charkas is being carried on in the hospital but it is rather in the nature of a diversion than an occupation.

(*b*) Yes.

(*c*) The total number is five.

(i) Three working.

(ii) Two not in use.

(*d*) No yarn was spun in 1936. Patients who are fit, are trained in stages to work on the charkas. During 1936, they only spindled out yarn and helped the weavers.

Facilities for religious worship by the patients in the Mental Hospital, Waltair.

144 *Q.*—MR. D. V. RAMASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether any, and if so, what provision has been made for the spiritual needs of the patients, Hindu, Christian and Mussalman, etc., in the Mental Hospital, Waltair; and

(*b*) whether the Government will consider the desirability of sending by motor bus the Hindu and Muslim patients also to their respective temples, mandirs and mosques on festive and other important days as is being done in the case of Christian patients?

A.—(*a*) Provision has been made for looking after the spiritual needs of patients of all communities. Hindus are frequently sent out to local fairs and festivals and other religious celebrations. Sometimes they are taken out to adjacent places of pilgrimage and to sea-baths as well, on festive occasions. Christian patients are sent out on Sundays and other important days to the churches of their respective denominations, if the preachers intimate their inability to come and minister to their spiritual needs at the hospital. Similarly Mussalman patients are taken out on Fridays and other festive occasions.

(*b*) The motor bus is being used for patients of all communities.

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House-sites acquired by the Labour Department for the scheduled castes and others in the Circars.

145 *Q.*—Mr. D. R. ISAAC: Will the Hon. the Minister for Industries and Labour be pleased to state districtwar for the Circars—

(*a*) in how many villages house-sites have been acquired by the Labour Department for the scheduled caste people and others, and what the cost is to Government for such acquisition;

(*b*) whether they have been asked to pay the cost of land together with the interest thereon;

(*c*) whether they have been asked to pay also for the pathways marked out in the acquired lands;

(*d*) how much those pathways would cost at the rate purchased by the Government;

(*e*) how much interest up to date they have paid on the money advanced by the Government for the lands;

(*f*) whether it is a fact that in many places the cost of the site worked out higher than the market value of the adjacent lands;

(*g*) whether it is a fact that on account of the higher cost of the land many people to whom the lands have been sold on instalment payment system have not been able to pay after some payments;

(*h*) whether the Government have taken away the lands from such defaulters of payment;

(*i*) whether the Government have considered the possibility of reducing the value of the lands consistent with the ability of the poor people; and

(*j*) whether the Government have considered the feasibility of writing off the balance of dues and of restoring the lands to those who made part-payments?

A.—(*a*) *to* (*j*) A statement[a] giving the particulars called for is annexed.

Fisheries Research Laboratory at West Hill, Calicut, and the work done by it.

146 *Q.*—Khan Bahadur P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) when the Fisheries Research Laboratory was started at West Hill, Calicut;

(*b*) what is the annual expenditure incurred by the Government on it; and

[a] Printed as Appendix IV on pages 931-933 infra.

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(*c*) whether the research conducted there has contributed in any manner to the development of the fisheries industry on the West Coast?

A.—(*a*) In 1921.

(*b*) The average annual expenditure is Rs. 5,832.

(*c*) Prior to the appointment of the Assistant Biologist in 1930, the West Hill Station was in charge of two Sub-Assistants who were graduates in Zoology and were to do the preliminary work of gathering the data required for the study of the sardine and the mackerel, the most important shoaling fish of the West Coast. The research activities of the station received proper attention only from 1930 after the Assistant Biologist was appointed and the station properly equipped. The most important results of research on both the oil sardine and mackerel are (1) the discovery of their breeding grounds, and (2) the identification of their eggs. These discoveries open the door for intensive work on the development and life history of these two fishes from egg onwards and the determination of the spawning period and the location of breeding grounds all over the West Coast. In addition to the above work, the continuous collection and examination of plankton and the making and recording of hydrographical and meteorological observations are gradually throwing light on the food of these and other fishes and on the environmental conditions governing their lives; and the collection and compilation of fishery statistics for the whole Presidency, which is also done at West Hill, is throwing valuable light upon the condition of the fishery industry in South India. The work is not yet sufficiently complete for practical application.

Extent of the Nellore district coming under the Tungabhadra Project.

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

(*a*) at what stage the Tungabhadra project is; and

(*b*) whether the scheme will benefit the Nellore district, and if so, what portions of the district and to what extent?

A.—(*a*) Negotiations between this Government and the Governments of Mysore and Hyderabad regarding the sharing of the waters of the river and its tributaries have not yet been concluded. Experiments in regard to the duty of water, soil management, rotation of crops, etc., are being conducted at Siruguppa in the Bellary district.

(*b*) The answer to the first part of the clause is in the negative and consequently the second part does not arise.

Hostel grants to private institutions serving the needs of the depressed classes.

148 *Q.*—Mr. K. ISHWARA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the Government are going to give the hostel grants to the private institutions for depressed classes in the Madras Presidency; and

(*b*) if so;

(i) the total number of institutions;

(ii) the total amount of grants; and

(iii) the total amount proposed to be given to each institution in each district?

A.—(*a*) & (*b*) The Labour department has always been making grants to private associations engaged in maintaining schools, hostels, etc., mainly for the benefit of the depressed classes. A list of the hostels subsidized by Government and the grant paid to each will be found in the Administration report of the Labour department for each year.

Protest against the reduction of the scale of discount admissible to stamp vendors.

149 *Q.*—Mr. K. ISHWARA: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the Government have reduced the rates of discount allowed for the stamp vendors;

(*b*) if so, whether the Government have received any memorial from the stamp vendors of Mangalore in this matter; and

(*c*) what the reply given by the Government was?

A.—(*a*) & (*b*) Yes.

(*c*) The memorialists were informed that their request could not be complied with.

Proposal to shift the Sub-Registry Office, Singampuneri, to Neikkuppai, Ramnad district.

150 *Q.*—Mr. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether there is any proposal under the consideration of the Government to shift the Sub-Registrar's Office from Singampuneri to Neikkuppai, Ramnad district; and

(*b*) if so, when the Government propose to effect the said change?

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A.—(*a*) A proposal to this effect was made last year but was not pursued.

(*b*) Does not arise.

Golden Jubilee of the Government Victoria College, Palghat.

151 *Q.*—MR. R. RAGHAVA MENON: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) whether it is a fact that the Golden Jubilee of the Government Victoria College, Palghat, is to be celebrated this academic year;

(*b*) whether it is a fact that the Principal has nominated Dr. Karamchand, Lecturer in English, to collect funds for the same;

(*c*) whether it is a fact that this Lecturer, Dr. Karamchand, very often dismisses his classes on the plea of Jubilee work;

(*d*) whether it is also a fact that the work for two years was finished at a stretch in about two months' time and that the students had not sufficient time to understand and assimilate;

(*e*) whether collections for the Jubilee Fund are being made from parents of the students, college contractors, staff members, etc.;

(*f*) whether Dr. Karamchand is the Deputy Warden of the Hostel attached to the College and whether he is paid Rs. 30 per mensem being an M.E.S.;

(*g*) whether it is not true that S.E.S. men need be paid only Rs. 15 and pro tanto relief will be gained if an S.E.S. is appointed as Deputy Warden;

(*h*) whether it is a fact that a sum of Re. 1-4-0 per head per month is collected from the students of the Hostel by this Lecturer, the Deputy Warden, towards Jubilee Fund;

(*i*) whether it is a fact that a Punjabi gentleman is now the contractor to supply goods, milk, etc., to the Hostel and whether he is a relation of Dr. Karamchand;

(*j*) whether this Punjabi contractor is financed by the Deputy Warden;

(*k*) whether it is a fact that no tenders were called for this year from people of the locality to supply goods, milk, etc., to the Hostel;

(*l*) whether it is a fact that the previous Manager of the Hostel was dismissed and if so, for what reason;

(*m*) whether a Punjabi substitute was appointed, and if so, whether he is even now in service; and

(*n*) whether the Principal knows of these things; if not, why he does not supervise properly; if he knows, why he keeps quiet?

A.—(*f*) & (*g*) The answer is in the affirmative. Information in respect of the other clauses has been called for.

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

II.—ELECTION OF MEMBERS TO THE COMMITTEE TO ENQUIRE INTO THE CONDITIONS OF ZAMINDARI AND OTHER PROPRIETARY AREAS.

* THE DEPUTY SPEAKER:—" I have to announce to the House that the following candidates have been nominated for election of six members to the committee to enquire into and report on the conditions prevailing in zamindari and other proprietary areas:—

The Hon. Mr. T. Prakasam.

Mr. Mahboob Ali Baig.

The Zamindar of Mirzapuram.

Mr. P. S. Kumaraswami Raja.

Mr. M. Pallam Raju.

Mr. B. Venkatachalam Pillai.

" As the number of candidates nominated is equal to the number to be elected, namely, six, I hereby declare them to have been duly elected to the said committee."

III.—THE MADRAS REGULATION OF THE SALE OF CLOTH BILL, 1937 (L.A. BILL No. 2 OF 1937)—*cont.*

* THE DEPUTY SPEAKER:—" The discussion on the Madras Regulation of the Sale of Cloth Bill will be resumed now."

MR. MAHBOOB ALI BAIG:—" Madam, I beg to move that the Bill be referred to a select committee. My reason for moving this motion is that it is necessary that a Bill of this nature which seeks to tax a certain section of the people must be considered by a select committee. I do not think, Madam, that this Bill is as urgent as the Prohibition Bill and nothing will be lost by its being referred to a select committee.

" Madam, the House could very well understand the urgency for the Prohibition Bill because the Government want to introduce prohibition in Salem on the 1st of October, but in this case, I do not think it is necessary to rush through this legislation. I do not want to go into the merits of the Bill now. I believe, Madam, that persons who are able to pay must pay and persons who are not in a position to pay should not be made to pay. Therefore, I welcome any legislation by which revenue should be collected from persons able to pay and relief is given to the poor. But, Madam, this Bill singles out dealers in a particular article, namely, cloth, for taxation. There is no reason why persons who deal in other articles should be left out. It would have been more logical if persons who deal in all articles are taxed irrespective of the nature of the article. That would have been consistent and reasonable. In that way the loss of revenue caused

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by the introduction of prohibition may be made good. But this distinction is invidious. There is no particular reason assigned in the Statement of Objects and Reasons why these cloth-dealers alone should be singled out for taxation and why dealers in other articles, who either earn a certain amount or whose turnover is Rs. 1,000 or Rs. 1,500 or Rs. 2,000 should not be taxed. I am unable to see the reason or the motive behind this step, unless it be, as some people suspect, that this mill-made cloth is sought to be penalized in order that hand-spun cloth may be encouraged. I do not complain, if hand-spinning is encouraged, because I think it must be encouraged and I have also supported the grant of Rs. 2 lakhs for such encouragement. But the object of this Bill seems to be not only to make some revenue but also to make a distinction between one article and other articles, which I submit is objectionable. There is no principle in it. Unless you want to draw an invidious distinction between dealers in this and dealers in the other articles, on principle, this tax cannot be justified. The suspicion of some people is that the trade in mill-cloth is sought to be penalized. There is no justification for it and it is not right for any Government to single out any article and penalize it. My object in moving this motion is to find out whether dealers in all articles cannot be taxed, if the aim of the Government is to make up the loss caused by the introduction of prohibition. Let us tax all persons who are able to pay. I hope, that this matter will be considered by the select committee, namely, the desirability of taxing persons who deal in any kind of article."

(At this stage Mr. Speaker took the Chair.)

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"Mr. Speaker, Sir, I second the motion that the Bill be referred to a select committee. As it is, all dealers whose monthly turnover is Rs. 5,000 or less should pay a fee of Rs. 2 per annum. This will affect the poor people very much. The Hon. the Leader of the House and all of us here want to give relief to the poor. When such is the case, why should we make a distinction between one class of poor people and another class? These people are the poorest. Of course, in a way it will help the khadi industry. The people who work at khaddar are supposed to work at it for a supplementary income, but the people whom we are taxing by this measure have no other occupation at all; this is their sole means of earning a livelihood. We have to consider their difficulties also. I hope the Government will be pleased to refer this Bill to a select committee. At it is, even dealers whose monthly turnover is Rs. 50 will be affected by this Bill. They earn very little and if they are taxed like this, they will not be able to earn their livelihood. It is very hard on them. Sir, I support the motion."

* MR. J. NUTTALL:—"Mr. Speaker, Sir, it has been proposed by my hon. Friend, Mr. Mahboob Ali Baig, that this Bill should go to a select committee. It is not my intention to support that suggestion; 10-45 a.m.

what I am out to do is to oppose this Bill entirely. In doing so, I should like to explain, as I did when I spoke in this House last week, that the European group are not opposed to the matter of assisting by this subsidy hand-spinning. What they wish to do is to examine and get the Government to say to what extent they intend to subsidize hand-spinning. I am getting a little away from the point, Sir, but I cannot help making a reference to the question of hand-spinning which this Bill is quite definitely out to assist.

"I think, it should have been the aim of the Government to give this House very much more information in the first instance, as to how much they propose to collect by means of these licence fees. Have they taken the trouble to find out how many cloth-dealers there are in this Presidency? When they say that they intend to inflict a licence fee of Rs. 5 on some and Rs. 2 on others, they might have given us an idea as to how much money could be obtained by means of collecting the Rs. 2 licence fee for instance. I, therefore, think that this Bill has been introduced without careful thought and without full consideration. This Bill incidently is the first measure introduced by this Government to provide new taxation. For that reason, it needs very careful consideration; because, behind it, we shall see what Government are aiming at; what they have in their mind in order to provide additional revenue. We know they have to provide additional revenue for many schemes. If this Bill is an indication of what we can look forward to in the future in the matter of obtaining revenue, I think it should be the Government's duty to give more careful consideration to measures of this sort.

"If I may be allowed, Sir, I should like to deal with just a few details of the Bill. In the first instance, the imposition of a fee of Rs. 2 and Rs. 5 will not help very much. It would create any amount of difficulty . . ."

* MR. SPEAKER:—"The details of the Bill should not be discussed on this motion. The details must not be discussed further than is necessary to explain the principle of the Bill. Therefore, the hon. Member may restrict himself to the principle involved, at this stage."

MR. J. NUTTALL:—"If I may submit, Sir, I think I was dealing with the principles of the Bill and I shall content myself with being as brief as I can in matters of detail.

"It has been said in this House that if Rs. 2 and Rs. 5 are not found to be enough, the licence fees would be increased. Was this the intention, and is it the intention with which the House agreed to the Rs. 2 lakhs? If that is not found sufficient, we were told that there was going to be an increase to Rs. 10 lakhs. That means that the licence fees would go up from Rs. 2 to Rs. 20 and Rs. 5 to Rs. 50.

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Therefore, we must see the implications of this Bill and we must also know what the Government's idea is in regard to what should be the period of operation of this Bill; because, if the Government have it in their mind that it should continue for a long period, I have the fear, in my mind, that the licence fees would be very considerably extended. That, I believe, is the policy of the Government and what Government have at the back of their mind.

"My hon. Friend, Mr. Mahboob Ali Baig, dealt very lucidly with the unjust way in which this tax was to be recovered. He pointed out—, and I quite agree with him—that it is unreasonable to single out just one section of the trading community. The Hon. the Prime Minister told us the other day that it was the duty of all those who have been and are being fed by the agriculturist to assist in relieving the agriculturist of taxation. I quite agree with him. Let us see, at the same time, how many in this Presidency have to bear the burden of this relief of taxation which is now being borne by the agriculturist. There are probably no more than 5 or 10 per cent of the people in this Presidency who will come under this category, i.e., those on whom these licence fees and other fees or taxes which this Government may impose, would be enforced. Therefore, this 5 or 10 per cent of the population of this Presidency must be fairly taxed; and no one single class should be singled out more than another. What I feel is this: if I may be excused for saying so, I think that the cloth-dealers have been singled out because years ago they were boycotted and their trade was badly suffering; and a number of them at that time refused to agree to the conditions imposed. Is that at the back of the mind of the present Government in introducing the Bill? Is it an indication, I ask, of that? Government have not said so.

"Sir, I now come to the difficulties of collection of these fees. Of course, Members of this House who know anything of the collection of fees by a municipality will know the tremendous difficulties that the municipality experiences in collecting fees, to the extent of Rs. 2 and even more. They know the percentage of such fees that they collect. Is it a big percentage, I ask? I say it is not. I think it is going to be very expensive for Government, to collect fees in this respect. Have they considered how much it is going to cost them to collect these fees? If they know, they should tell us. That item, Sir, should be explained by the Government. If the imposition of the licence fees is to be fair, as I hope it will be, the collection of it should be very rigorously enforced. Otherwise, only one section of the community will have to pay. It is those people who have a conscience that will pay the licence fee. I hope it will be the Government's intention to take this subject into account if they intend to raise by means of these licence fees a small amount of revenue in this matter.

"There is also the danger, Sir, of dealers in this Province being unfairly taxed; it would be seen that those merchants who are trading

along the borders of this Presidency would be at considerable disadvantage in regard to those living outside, just beyond the border. Is that fair? I submit, Sir, it is not.

"These, Sir, are my main grounds for objecting to this Bill."

MR. H. S. HUSSAIN:—"Mr. Speaker, Sir, I support the motion for referring the Bill to a select committee. In doing so, I shall say only this much; the object of the Bill is no doubt to encourage hand-loom industry and thereby provide means of subsistence to the large rural population. I quite appreciate the motive behind the Bill, but there is some fear in my mind as to whether this Bill will be an interference with freedom of trade. As the Bill differentiates between one kind of cloth and another, it may be construed as an infringement of the liberty of an individual or a firm to deal in a particular kind of cloth which would bring him the largest amount of profit or be of the greatest advantage to him from a business point of view.

"There is another important matter which has to be considered, and it is this: the Bill has to be considered from the practical standpoint also. The question is whether this Bill will encourage hand-loom industry to an appreciable extent and what the effect will be of such an enactment as this. It may not discourage the mill industry, but on the other hand, it may give a fillip to the mill industry and mill-made goods might be dumped on the market even in the remotest villages. Foreign goods may be sold in diverse ways. I am afraid, Sir, that thus the object of the Bill may be frustrated. Big and wholesale cloth dealers might pay off Rs. 5 annually and this levy will be less than a flee-bite to them, and at the same time they may go on increasing their business twofold or even fourfold. But the large mass of small cloth-dealers will be hard hit because they will be compelled to pay Rs. 2 annually, however small their monthly outturn of business may be. For all these reasons, Sir, I say it would have been better if the Bill had been circulated to elicit public opinion; but as that is not possible now, I would strongly urge that a measure of this kind which is a novel one, perhaps unheard of hitherto in this Province, should be referred to a select committee.

"A measure of this kind, however good it might be, should not be rushed through into law."

11 a.m. *MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, I feel I have to oppose the motion for this Bill being referred to a select committee because I do not think any useful purpose will be served by investigating further the provisions of this Bill. The Bill is so wholly indefensible. Sir, I am speaking here on behalf of the Indian Mercantile Community and not in a mere spirit of opposition to the Government in opposing this measure. I speak just to impress on them that my community deserves some consideration. They are, Sir, afraid because this Bill indicates what the Government has in mind with regard to future plans of taxation. They are afraid of what is in

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store for them. The Bill by itself may not cause us much hardship. It might be a trivial thing. But the very principle of it causes uneasiness in the minds of my community. Sir, I shall not refer in detail to what has been said before. I shall not even take into consideration why the Bill has been introduced, whether it is intended to make a provision for hand-spinning or handloom weaving or for anything of that sort. To any person who looks into the Bill the preamble suggests, I am not going into the details, the preamble suggests that it is a Bill for regulation. Regulate what? Regulate the trade in cloth. Trade in cloth! Is it a noxious substance? Is it an explosive? What does it want regulation for? To regulate the trade, to levy a licence fee. A licence fee for what purpose? I have on a previous occasion tried to define licence fee and licence-tax in regard to this contemplated licence for cloth dealers and when the Government brought in a measure of this nature they must give regular definition of these two terms. But I find I am still in the position of being unenlightened in this matter. The Government have not defined into which category this Bill falls.

"It is only true to say that the principal object of the Bill, the object of the statement in the preamble, is not the real object. And I think my friend the hon. Mr. Nuttall has clearly stated what are the objects that are behind this Bill.

"I think I have to emphasize the point, an important and valid point, a really important point raised by him in the course of his speech. Have the Government any idea as to how many people they are going to tax? Have they made any investigations into the scope of a fiscal measure like this of far-reaching consequential importance? Is it not fair for the Government to make an investigation, a properly conducted inquiry and furnish this House with information as to how many would be affected, what the revenue would be and what the administration of this Bill would cost?

"Sir, on a previous occasion I voiced an objection to any possible legislation that the Government might bring in this connexion on the principle of discrimination. Sir, the principle of discrimination is a serious one in the problem of taxation. The Hon. the Premier in his reply to the general budget debate said that I vied with the hon. Member for European Commerce in emphasizing this aspect of the matter but that is no answer to my question. The principle of discrimination is there. It has not been refuted. His justifying it merely on sentimental grounds, grounds that may be of much value to his party, is not a refutation of my charge.

"Sir, the language in which the arguments were couched might have appeared seemingly convincing but if you look really into it, if you scan and analyse the reply given by the Hon. the Premier in this matter you will find that there is nothing in it. Sir, the Bill seeks to eliminate the handloom cloth dealers from paying a licence fee. But is it really, that all of them need protection? Are there not several

dealers in handloom cloths doing business in lakhs of rupees a year? Will they not be able to pay this two or five rupees? Why let them go?

" Sir, there are some other points that I wish to refer to on this matter but I am afraid I might be misunderstood, coming as I do after Mr. Nuttall. But it looks as though the Government want to punish the dealers in cloth. I do not say that they do it in a revengeful spirit, that they do it with a vendetta. But it looks as though they want to harass them. Now, what are Government getting out of this Bill?

" The consequential revenue to the Government is so small that there seems no need for the Bill at all. Sir, another member who spoke before me stressed on the administrative difficulties. I am afraid it is a very potent factor. I do not know if the Government has not taken this aspect into account. The Government has not taken us into their confidence and told us how they are going to collect the fee.

" Then what about hawkers? Surely the Hon. the Leader of the House, as I have no doubt, sympathises with these poor people and does not want to include them in the scope of the Bill. Is the Hon. the Leader of the House familiar with these people engaged in the handloom industry, people who take out the cloth produced by them during the day and try to sell them in the street corners from house to house, perhaps. Often it is a case of small boys bringing out what has been produced by the elders in the house and trying it on the public. Sights like these are not unfamiliar in Conjeeveram and other handloom weaving centres. What about these people? Do they have to take out a licence?

" Sir, at the outset, I mentioned that my community is afraid of the consequences of the introduction of this Bill. The Hon. the Premier's statement in his speech in reply to the budget strengthens their fears. He says that this Bill will provide the means for ascertaining and furnishing experience for imposing more taxes, ostensibly to help the handloom weaver. It is not so much that the dealers have to pay two rupees or five rupees, it is not so much the trouble to obtain a licence, but it is the fear of what is to come. That is what is in the minds of my community. Sir, I am loath to use strong language, but I think, the zeal on the part of the Government to do something to the handloom weaving or hand-spinning industry has been allowed to outrun their discretion. I am afraid that this Bill is against the elementary canons of public finance and public administration and placing the Bill on the Statute Book will not be a credit to this Government. I am really astonished to see that the Government composed of such experienced men should have the effrontery to place before the House a Bill so indefensible in character."

* KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD :—
" Mr. Speaker, if I rise to speak on this occasion, I do so to speak on the principles of the Bill. As for the reference to a Select

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Committee I would only say that as a last resort, I do not want to stand in the way. But I am one of those who think that there has not been any necessity for a measure like this and this House should consider that aspect more than anything else.

" Sir, what is aimed at here? So far as we could read the Statement of Objects and Reasons of the Bill we are not able to know definitely what is the main intention of the Government. Is it to raise a big revenue, or is it to regulate the sale of cloth or is it to encourage the handloom industry or is it anything else? Probably, there may be a mixture of all these things. That is my only guess. Sir, my hon. friend representing the commercial community so well on the floor of this House has more than once explained the view point of the merchants. Though I am myself a merchant I need not put forward again the view of the mercantile community and tire the House. Suffice it to say that I agree with every word of my hon. friend representing the Chamber of Commerce inasmuch as he has rightly voiced the feelings and apprehensions of the mercantile community. As he has said, it is not the two or five rupees that will matter but it is the main principle that matters and therefore there is the apprehension in the minds of the mercantile community as to what is in store for them in the future, what might be done by this Government against them. If this Government is a popular Government, Sir, as is rightly claimed that it is, and as I would also concede, I should say this is a surprising measure to be brought in by a Government constituted as it is to-day. Sir, the explanation given by the Hon. the Premier the other day in reply to the discussion on the general budget has not convinced at least some of us on this side, over this proposed measure. He has convinced us only to this extent that the tax is not a heavy tax. But on the question of principle he has yet to convince us. Sir, the object as stated in the Statement of Objects and Reasons, is to regulate the trade of dealers in cloth within the province. I was wondering whether I could raise a point of order. But unfortunately I have not been able to get any precedent to raise a point of order and ask you to come to the rescue of all of us. The Bill as drafted and placed before us, has nothing to do with the object stated in the Statement of Objects and Reasons. But I am afraid I am not in a position to raise a proper point of order asking the Hon. the Speaker to rule the Bill out of order. Otherwise I would have taken that step, and it would have been very interesting. I should only say that the Bill as drafted now, does not in any way intend to regulate the trade of cloth. If it is a licence-fee and not a regulation-fee, there must be some service done by the Government to the cloth dealers in turn. And I do not see in the Bill any provision to that effect. And as for the total revenue that is expected out of this measure, as has been already agreed by the Hon. the Premier, he does not expect much money out of this tax. Therefore what does it come to? It only comes to this that at the back of this legislation there is an attempt to discriminate between the various dealers in cloth in this Presidency.

It is one thing to give support to a particular industry or to a particular kind of cloth. I can very well understand the anxiety of a party or a Government to give support to a particular industry. But at the same time to show discrimination against others is a thing which the House has to consider very seriously. If the Government will take advantage of the amendment to the Industries Act passed a few days ago and give a subsidy to the handloom industry, that will be a very proper proposition to be put before the House. But to introduce a piece of legislation like this and show some sort of discrimination—sentimental discrimination—makes people feel that the trade in cloth other than handloom woven, is not a respectable trade. I think it is going too far. I have nothing more to say except that I object to the principle of the Bill."

11-15 a.m. THE HON. MR. C. RAJAGOPALACHARIAR:—" Mr. Speaker, Sir, I proceed at once to say that the opposition to the principle of the Bill has been very ably put forward and in very considerate language, though it could have been put in strong language. But before dealing with it, I would like to mention this, that if a desire is expressed, as has been suggested, that the Bill apart from being opposed in principle should be examined and shaped in a Select Committee, I have advised the Hon. the Mover of the Bill to withdraw his original motion to have the Bill immediately taken into consideration and to substitute a motion that it may be referred to a Select Committee which should report to-morrow.

" But that apart, I am trying to answer the points raised against the whole Bill, which is really the essential matter. It was stated, Sir, last that this is not a Bill to regulate the trade in cloth as stated in the Statement of Objects and Reasons, and that it was indeed a surprise that dealing in cloth should be considered wrong or indecent, to be sought to be regulated. Sir, it should be known by now that the Government's attitude in regard to what is indecent or wrong is that they do not want to *regulate* such trades but to abolish such trades. But the idea that we should regulate, implies that it is a proper trade but only needs regulation. That is why we use the word ' regulate.' If drinking or gambling is wrong, we should not introduce a Bill to regulate such a thing. If they are permitted and considered decent, the Government must regulate them. The position that the Government takes in this matter is this, Sir, that the opposition in dealing with the measure, takes up the taxation aspect and says, there is not much tax in it; it is meaningless; taking the aspect of protection, they say, ' this is not the way to protect, we must protect in some other way.' So, they propose to demolish it in detail, without taking the whole together. I submit, in answer, Sir, that it is necessary to tax for various reasons. It is necessary to raise taxes from all and in a just manner. But that does not mean that we should not proceed step by step, that we should only bring in an earthquake of taxation and that we should not calmly think of it one by one in an orderly manner. It

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is not our case that if we propose to tax to some extent the cloth-dealers this year or to-day, we do not propose to tax other people to-morrow. In fact, the psychology of the tax-payer will have to be tackled, and one will have to be taxed before another can be prejudiced. And that is the best way or procedure in regard to the taxation aspect of the matter.

" Then, Sir, it was said in that connexion, ' what is the amount that you propose to realize, what is the number of dealers, where are they, how much can you raise by the tax? ' Surely Government should have an estimate of that kind before taking a financial measure before the House.' I agree, Sir, there are various kinds of things in the world. It is possible to find out the number of salaried people; it is possible to find out the number of houses in municipalities, but it is not quite so easy to find out the number of hawkers in the market; it is not quite so easy to find the number of shops that are started to-day and not kept up to-morrow. It is in order to get a substantial statistical basis for further taxation, for that among other reasons, that this Bill is introduced for the regulation of the trade in cloth. We will be able to know out of this Bill how many are dealing in the kind of cloth that is brought under this Bill. Not only that, it will aid the collection of information in respect of the protection given to handloom cloth under this measure. Even the handloom cloth will come under this Bill; only it is exempted from the fee altogether. We will know what class of people are trading in cloth, in what measure and in what numbers in each class, and this licensing regulation that we now propose will enable us to get a proper and steady basis for making any estimate for further taxation. But that is not the only object. Let not the hon. Members again make a mistake. What I say is that this object will be achieved very easily and satisfactorily by this Bill. Statistical information will be before the House when we propose a substantial measure of taxation. Most certainly, that will enable us to place before the House more information, if the House permits us to go on with this measure.

" Then, Sir, it was said, ' this is discrimination; if you want to tax, you must tax everybody.' The hon. Member for the European community said, ' yes, I agree with the Premier who said that the people who are fed must be taxed; in order to feed them, you should raise taxes.' It is quite true that everybody should be taxed and taxed justly. That does not mean that this Bill is wrong. I think that everybody should be taxed equitably. But who is being taxed even to the measure that this Bill proposes, namely, Rs. 2 per annum for a small shop and Rs. 5 per annum for bigger shops; now, who are these people? Much use was made of the word ' discrimination.' Surely, I hope that Members will not recommend that we should all lose discrimination in one sense of the word. Discrimination is very good in our view for legislation as well as for business, and discrimination is necessary. Therefore, a particular kind of discrimination is wrong

and not all discrimination. Now, what is the particular kind of discrimination here? I propose to justify that discrimination now. What are the handlooms doing, and what are the mills doing? That is the thing to be examined. Sir, I am quoting not from a politician but from official records when I say, 'there are in our province two lakhs fifty thousand handlooms engaged in the weaving of cotton fabrics,' two lakhs fifty thousand handlooms which support and which afford means of subsistence for 12 lakhs of people, if you count the minimum number as five for each family. Now, 12 lakhs of people and $2\frac{1}{2}$ lakhs of handlooms in our province certainly need attention. It is the next biggest industry to agriculture—I would consider agriculture itself as an industry in our province. Our province is very different in this respect. Among other provinces, our province has the largest number of handlooms to be looked after. Now, why do they need to be looked after? Who is hurting them? There are two or three enemies—if I may use that term in the common sense of that term. Now, handloom is hurt terribly by the cloth that comes from Japan, and secondly, the handloom is hurt also—though not so badly as by the Japanese cloth but to a very large extent, and I am therefore entitled to say terribly here also, though less terribly—by the Swadeshi mills. The hon. Member for the European community referred to a possible motive in my mind. I may assure him that my mind has no room for such motives; I may assure him that I am responsible for this Bill; I may assure him that nobody with a vindictive frame of mind has shaped this Bill. But it is possible for them to say that this may be working in the back of your minds unconsciously. I admit that such distinctions can be made. But I want to say that it is not true, it is not correct, because who are the people whom the Congress was trying to boycott or whom the people under the instigation of the Congress were trying to boycott? The foreign mills. The Swadeshi mills were drawn into the Congress by contracts and agreements, and they supported the Congress. To-day, Sir, if this measure is, if I may say so, aimed against anybody, it is aimed against the Swadeshi mills which signed the contracts during the boycott movement. It is aimed against those mills which signed the contracts, apart from the Japanese and others who did not sign the contracts. I do not keep anything back that is in my mind, and that is the very difficulty of this measure. I do not propose to get along with any measure by making people believe anything. I say openly and clearly here that my friends—those are our friends—the people who own the mills in Bombay and Ahmedabad, are the persons against whom this will react. It is not against any particular mill in Madras; Madras is nothing in this matter. It is they that are coming in and are greatly oppressing the handloom weaver. So, Sir, it is not a replica of the boycott movement. It is on the other hand a piece of ingratitude against those who assisted us in the boycott movement. But I say it is a just piece of ingratitude, because we have to protect the cause of the handloom weaver. The $2\frac{1}{2}$ lakhs of handlooms are crying for help. How shall we help them? It is the handloom against the mills; discrimination again from another point of

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view. What are the mills doing to the handlooms and what has the Government done to the handlooms? The Government has protected the mill industry of India against foreign cloth and against foreign yarn to a great measure. The previous Governments have done it. Now what does that protection mean? Any protection given to the Indian mills is welcome as against the foreign cloth. But what has it done in fact? It has strengthened a giant against a giant, then it has also strengthened the giant against the worm, the handloom. This protection that is offered to the Swadeshi mill industry—whether European or Indian-owned it makes no difference—this protection that has been given to the Indian mills has enabled the mills to sell their cloth cheaper than the rate at which the hard-worked handloom weaver is expected to put his cloth in the market. I say the Indian mills that make the yarn and give the yarn to the handloom weaver give the yarn at such a price that he might work all the hours, day and night, available for work—possibly he can produce a piece of cloth which is better than that the mill can ever produce—and yet he will get very little for his sustenance. The very same mill that sold him the yarn puts into the market cloth at a price less than what the handloom weaver can charge. Therefore his cloth goes back to his home unsold, because the mills have been able to undercut him. Are we to shut our eyes and fold our hands against this operation? And is any help rendered to him by an extended hand to be called discrimination, because one class of dealers comes in as against another class of dealers? This I say is wrong under the dictionary meaning of the word 'discrimination' and not under the Government of India Act meaning of the word. It is a wise and just discrimination as opposed to impolitic and unjust discrimination, or deleterious and penalizing discrimination which is contemplated under the Government of India Act. I have carefully read the Government of India Act, and there is a whole Secretariat carefully reading the Government of India Act, and an additional Secretary for Special Responsibilities reading the Act, apart from the Government of India, the Secretary of State and a host of parliamentary draftsmen who are there in London to see the whole thing. They have not raised the point. But it is in a general and vague manner raised here just to cloud the atmosphere, so to say, with poisonous words like 'discrimination,' 'want of care and caution' and all that. That will not do. Either a thing is permitted to us or it is not permitted to us. Let us understand that this discrimination would not be very much in the way. This is not discrimination; we do not discriminate—let me say this clearly as it was raised the other day and a section of the Act also was quoted—one province as against another; we do not discriminate one country against another, but discriminate in favour of one class of workers who are working on 250,000 handlooms against another operation going on in our country which competes with them. If this discrimination is not permitted under the Act, then it will have to be amended with a view to giving protection to the handloom weaver. Otherwise we shall have to go

11-30 a.m.

out of office and let others take it up. 'Surely you are interfering with a certain class of people' said the hon. Member for Muslims of Madras City, 'you are making it difficult for the poor people to carry on their occupations.' But unfortunately in this world we have to choose between two evils; of course it breaks my heart to make the living of these people impossible; it does hurt me to have to legislate in this manner, but we have to see who is worse hit. I have lived in those villages where live hundreds of weavers weaving day and night; I have heard the tick-tick of their fly-shuttle; but when the next morning the cloth is taken they see another load, the hawkers' load with Japanese cloth and mill cloth, and they have to take back their load unsold. So is it wrong, is it bad to pity the weaver and do something to help him? We do not expel the other man from the country. The point raised by the hon. Member for Muslims in Madras is a very good point and it furnishes the means whereby we can exactly understand the objects of the Bill. As was well pointed out, it will lead to taxation, I admit. But the real meaning of this measure is this. They have big shops; they are not going to change their wares or close their shops because we impose Rs. 2 or Rs. 5 per annum. I daresay they are not going to change their business. But there are small hawkers in villages who on account of the facility with which the foreign cloth and the mill cloth is thrust upon them with special commissions for their sale and the like would prefer that load to the village product; it is they that will have to pay the Rs. 2 and take out a licence. They may say now, 'why should I pay Rs. 2 and take out a licence? Let me take the other cloth (the village product), people are also willing to buy this cloth.' Further, the big mill-owners have got numerous shops with numerous branches, they have got a big organization to carry on the trade and put their wares under our very nose. Yet our country is luckily so large, luckily so wide, that it is still a jungle for these organized industries. There is so much of poverty and unemployment in the country that the mill-owner taking advantage of it says, 'look here, you can earn one anna a day if you carry that load'. The poor handloom weaver is not able to give that one anna to the hawker. That is the miserable organization under which we are suffering, organization of poverty and misery so to say. This Bill—let me again say plainly what I have in my mind—will make the local village hawkers to take the handloom load rather than the mill load and make the money which they are now making; and the persons who buy in the village market will buy this cloth, because they prefer the handloom cloth to the mill cloth, and the hawker will not be deprived of his occupation but there will be a tendency for the handloom cloth going into those capillaries of trade, the arteries and veins where hitherto the mill cloth was going. This is the agency we want to create by this Bill which will give occupation to the poor people and which will direct their energies into the right channels; this fee they have to pay will not be so heavy as to punish them but will really lead them into the path of extending a helping hand to the handloom weaver.

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"Sir, the point raised by Mr. Hameed Khan—I am grateful to him—has furnished me the means wherewith to explain how the points raised by him did not apply and also to show what the real intention of the Bill is. It was said by the Member for the Indian Chamber of Commerce that it is a very bad Bill. He really pitied us for bringing forward this Bill and said: 'the whole world will laugh at you; it shows no financial ability, no financial experience.' I am prepared to accept all those grounds. This is the first time we are in office, this is the first time we are framing a Bill; but we have got the very good quality of confessing when we go wrong. We have shown it more than once; we have launched movements and withdrawn them, not once or twice or thrice but many more times.

"But I have a feeling it is not so bad after all as my friend describes it to be. If it was bad I think the Opposition would have agreed to it; because I think it is good enough, that is why the Opposition is opposing it. (Laughter.) So I will not set much store by that method of reasoning. May be we may be both wrong. Fears and doubts there may be on both sides. They are hard words which were used by the member for the Indian Chamber of Commerce, but luckily hard words break no bones, and we will go on with our measure. I submit, therefore, that the hon. Mover, if the Opposition will assist us in this matter, will move an amendment to refer the Bill to a Select Committee. But of course we will say, we won't give six months of time, but we want the Bill to-morrow. I suggest therefore that the House may allow him to withdraw the motion for immediate consideration, and move an amendment for referring the Bill to a Select Committee. But of course I may again say that it does not mean that the Members who opposed the principles of the Bill are prevented from voting against the Bill. Even the Member who serves on the Select Committee might be allowed by the House to vote against the principle of the Bill as a whole at the third reading if he desires to do so. We do not stand in the way of his recording his vote on the point, and we do not want to stand in the way of a proper examination of the details, if that is necessary."

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Mr. Speaker, Sir, I beg leave to withdraw my motion that the Bill be taken into consideration and move that it be referred to a Select Committee consisting of . . ."

MR. ABDUL HAMEED KHAN:—"On a point of order, Sir. I do not think there can be two motions of the same nature and at the same time for the consideration of the House. We have Mr. Mahboob Ali Baig's motion that the Bill be referred to a Select Committee, and the Hon. Minister wants the same Bill to be referred to a Select Committee. The two motions are of the same kind."

*MR. SPEAKER:—"In view of the statement made by the Hon. Member in charge of the Bill, Mr. Mahboob Ali Baig may withdraw

his motion. That will be in order. In view also of the fact that Mr. Mahboob Ali Baig did not mention the Members of the Select Committee which he wanted, and in view of the fact that the Hon. Minister has made a suggestion for reference to the Select Committee which was accepted, the hon. Member, Mr. Mahboob Ali Baig, may withdraw his motion."

MR. MAHBOOB ALI BAIG:—"I withdraw my motion."

The motion was, by leave, withdrawn.

The Hon. Mr. V. I. Muniswami Pillai's motion that the Bill be taken into consideration at once was also, by leave, withdrawn.

THE HON. MR. V. I. MUNISWAMI PILLAI:—"With the permission of the Chair, I move that the Bill be referred to a Select Committee consisting of—

(1) The Hon. Mr. C. Rajagopalachariar.
(2) ,, V. V. Giri.
(3) Khan Bahadur Mahmud Schamnad Sahib Bahadur.
(4) Mr. J. Nuttall.
(5) ,, M. Bhakthavatsalam.
(6) ,, J. Raja Rao.
(7) ,, T. T. Krishnamachariar.
(8) ,, Abdul Hameed Khan.
(9) ,, H. S. Hussain.
(10) The Hon. Mr. Yakub Hasan.
(11) Mr. N. S. Varadachariar.
(12) ,, B. Bhakthavatsalu Nayudu.
(13) ,, K. R. Karant.
(14) The Mover,

with an instruction that it should submit its report in time for being presented to the Assembly to-morrow for consideration."

The motion was put and carried and the Bill referred to the Select Committee.

11-45 a.m. * MR. SPEAKER:—"The Chairman of this Select Committee shall be the Hon. Mr. C. Rajagopalachariar."

IV.—THE MADRAS PROHIBITION BILL, 1937 (L.C. BILL No. 1 OF 1937).

* MR. SPEAKER:—"The Hon. Mr. C. Rajagopalachariar will present the report of the Select Committee on the Madras Prohibition Bill, 1937."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, I have pleasure to inform the House that the Select Committee has submitted its report [a] which I now present to the House.[a] It is on the Table and with the Hon. the Speaker. I move that the Bill as amended by the Select Committee be taken into consideration.

[a] Printed as Appendix V on pages 934-959 infra.

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" The principal change made is that the prohibition against advertisements, which comes into force immediately, has been modified to this extent that the newspapers that print the advertisements will have time till first January 1938, and it is only thereafter that they are covered by the prohibition. I do not think there is any other important change effected except certain minor verbal alterations, removal of certain overlappings and the like. I do not think, Sir, there is anything else of substantial importance."

* Mr. E. H. M. BOWER:—" Mr. Speaker, as a member of the Select Committee, I wish to make my position clear. As the whole House knows, I spoke against prohibition during the Budget debate and I still hold the views that I then held. But when I was invited by the Government to take a place on this Select Committee I felt that it was my duty, as a citizen, to accept that invitation, to attend the Committee, to do all I could to modify the provisions of the Bill so as to make it more to the taste of those people who have the same ideas as regards prohibition as myself, and, having done all that, to honestly help the Government in introducing a Bill which was technically free from flaws. I made this position clear to the Hon. the Premier and I was given to understand that I was at perfect liberty to say, even on the third reading, what exactly I thought about the Bill. I still feel, Sir, that the assumption of the supporters of the Bill that the psychology of the Indian drinker is different from the psychology of drinkers in other parts of the world where a similar Bill has been found unworkable, is not justifiable. Of course only time can tell. To that extent, I feel that the Bill is based on bad psychology.

" I also still feel that the financial effect of prohibition will be so disastrous to the province that before even ten districts are declared dry, all the hidden reserves of this province will have been tapped and the burden of taxation would have grown so great as to prove a cause of serious discontent. This is a point which can only be ascertained after the Bill has been in operation for a certain period.

" As for the human element that has to be employed in the experiment of prohibition, I feel that here is the greatest danger of all. A department which was under discipline is being sent away from the district. It is true that another department that is also under discipline, the Police department, is to be entrusted with carrying out a great part of the Bill. But in addition there are to be honorary people who are not under discipline; at any rate, they are not people who can be punished by the Government departmentally for wrong conduct. This is embarking on a very dangerous programme. It may lead to a large number of crimes of violence, because it sets the drinkers in a district against the non-drinkers. It may produce a state of mind which may result in crimes of violence such as were never known in Salem before. This is my personal opinion.

" Sir, I joined the Select Committee only to try to help the Government to arrive at a Bill which might be a resonable Bill and, even if

the Bill is not a reasonable one in my opinion, to assist the Government to produce a Bill that was technically free from flaws."

* MR. T. T. KRISHNAMACHARIAR:—" Mr. Speaker, I am not going to speak at any length on this matter, because I have already given expression to my views in regard to prohibition on the floor of this House. I am only speaking now in relation to what took place in the Select Committee of which I was a member. I am not going to criticise the Bill here. I think it will be sufficient for me here to state that at the moment the problem is one of enforcement. People of my way of thinking have certain misgivings with regard to this. At the same time, the fact has to be conceded that there is enormous scope and power given to the Government in the body of the Bill which an ordinary citizen may look upon as making inroads into the personal liberty and security of the citizens. It is only with regard to this that I have to make an explanation. The Bill and the provisions of it have been largely adopted from the Abkari Act. It has to be remembered that the Abkari Act is a fiscal legislation intended to be applied to a comparatively small section of the public and the penal provisions therein are necessarily severe. These provisions are now sought to be extended to a much longer range of activities of the citizen. It certainly brings within its ambit a very much larger section of the people and it will be reasonable doubt if people should raise the question whether it is safe to allow the Government to have such large power over a large section of the people. As I said before my problem is the problem of enforcement. I feel, and I have no hesitation in feeling in regard to this matter, that as the Government has definitely launched into this matter, it is the duty of every citizen to give it support. I feel that it should not be said later that merely because any member of the Select Committee raised objections to certain powers conceded to the Government in the Bill and they were agreed to by the Government in the shaping of this Bill, that the question of enforcement could not be properly dealt with. It is only because of it I want to give the Government as much power as they want, and as much co-operation as they want so that they can make this matter of prohibition a success. I believe I have sufficiently explained my position as a member of the Select Committee."

THE HON. MR. C. RAJAGOPALACHARIAR:—" I am glad, Sir, that at this reading, discussion has been so brief. I think everything that has to be said has been said and every one knows exactly the aims and objects of this Bill.

" I may perhaps now draw the attention of this House to an addition which I did not refer to when I spoke last, that in the section that penalizes malicious action under cover of this measure, we have included a sub-clause which brings in for punishment even those, even though they may not be officers, who maliciously and falsely lay information leading to search, seizure, detention or arrest.

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" Sir, the purport of the speeches of those who said anything beyond saying that they did not agree to this interference with personal liberty is that they did not want to curtail the powers of the Government and that they wanted the Government should be given a long rope to hang themselves. In fact, they said that the Government should be given every concession, every privilege and every convenience to prove themselves to be wrong. I welcome that attitude, Sir; but this leaves a subtle influence in national and social psychology. I do hope and pray that gentlemen in the House now will not carry this propaganda of scepticism while the Bill is under operation, but will give us their co-operation also. It is not enough merely to give us clauses in a Bill. It is not enough to withdraw dilatory motions. It is necessary that they should in their drawing rooms, on their pials and in their clubs and in their relaxing moments also not go on disturbing the confidence of the people and the right of the people to go to a state of affairs which will drive the curse of drink outside our country.

" They should not undermine the confidence of people in measures which the State takes for the reform of the people. If it were a taxation measure, I for one would not ask people to stop agitation against taxation. But in a measure of social reform, I think we would be doing the right thing in appealing to the Opposition, if the opposition to this measure is not pro-alcoholic, that the policy of prohibition is not an impossible and impractical thing. If this is the compromise arrived at between us and the Opposition, then I want to be helped not only by members of this House, but also by their friends, their relations and their companions who should all be induced to give us that psychological assistance which is of the greatest value to any measure of social reform. With these words, I hope the Bill will be taken to the next stage." 12 noon.

The motion was put and carried and the Bill as amended by the Select Committee was taken into consideration.

KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD:— ' Mr. Speaker, Sir, I have a representation to make to you. The Bill as reported by the Select Committee has just now been handed over to us and I request you to be good enough to allow amendments to be moved on the floor of the House as and when members like. There is no time to read the report of the Select Committee and move amendments, after giving notice of them. I hope you will consider the special circumstances under which we are asked to consider this Bill. I hope there will not be many amendments from our side. Probably the Government themselves may have to make amendments here and there."

* MR. SPEAKER:—" Notices of amendments will be received as and when they are moved; they may be handed over to me or the Secretary in writing."

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were put and carried.

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Clause 17.

MR. ABDUL HAMEED KHAN:—"I wish to know from the Hon. Premier with regard to sub-clause (*a*) of this clause—the amendment made in the Select Committee is 'for their own personal use'—whether the Government are going to specify the quantity that an individual can carry with him."

THE HON. MR. C. RAJAGOPALACHARIAR:—"As the clause was conceived it was not the intention of Government to interfere with or lay down the quantity, but if it leads to abuse, there is power in the measure to make rules with reference to it."

Clause 17 was put and carried.

Then clauses 18 and 19 were put and carried.

Clause 20.

MR. ABDUL HAMEED KHAN:—"As to sub-clause (*d*) of clause 20, which reads 'licences to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to bona fide passengers travelling by the train,' I want to know from the Hon. Premier whether any restrictions may be made with regard to the question of limiting the sale of liquor to passengers travelling to long distances in general terms or whether the question of distance which a passenger has to travel may also be specified."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Here again, it is a difficult thing to take away the whole sub-clause, or to lay down as to what distance a passenger should travel to entitle him to purchase liquor, or who are bona fide travellers, or whether short distances require more quantity of drink or longer distances require more quantity of drink. The question will have to be taken up in a spirit of trust. We are going to apply this measure only from place to place and not apply it wholesale at once to all the places. So we do not want to interfere with the freedom of passengers on the railway train as it would otherwise be a sort of extra territorial abuse of the powers vested under this Bill. So it is not necessary to lay down rules here so far as we can imagine. But if it leads to abuse suitable rules will be framed under section 54."

Clause 20 was put and carried.

Then clauses 21, 22 and 23 were put and carried.

Clause 24.

KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I just like to speak with reference to the kind of penalty that is sought to be imposed for any breach of the rules. It is mentioned in this clause that six months' imprisonment or a fine of Rs. 1,000 may be imposed. I wish to only ask whether such a heavy punishment is necessary and whether Government do not consider it necessary to lower the maximum punishment."

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THE HON. MR. C. RAJAGOPALACHARIAR:—"Some of the offences of the class referred to here would very well deserve the whole fine, but it is open to the magistrate to fine even one anna and I think even in assault cases if hon. Members will look at the heavy punishments prescribed in the Indian Penal Code, their hair will stand on end. But we have to trust the magistrates."

Clause 24 was put and carried.

Clause 25 was then put and carried.

Clause 26.

* KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I have just given the amendment to omit the whole of this clause. I have very strong grounds when I say that the whole clause should be omitted. There were wild rumours that there may be non-official agencies appointed to supervise the work envisaged in this Bill. I am very glad that the Government in their draft Bill itself did not speak of other agencies. But according to this clause they are likely to form committees, because they say here 'the Collector of the district or such other Prohibition Officer may constitute prohibition committees.' Here again I may say that the success of a measure depends upon the impartial manner in which the various provisions are put into effect.

"Sir, I should not be understood to be decrying non-officials. What are we? We are all non-officials and I am not here trying to decry non-officials. But we must take account of party factions that are still alive in the various villages and in the rural parts. A provision like this will give a handle to certain persons to blackmail their neighbours. I only wish that a legislative measure of this kind should not give a handle to persons to have their own way in the villages. The Bill as it is now before the House contains many harsh provisions. We are not objecting to them because we do not want to stint with regard to the powers which the Government should have for the enforcement of prohibition. We do not want the Government to say later on 'You did not give us the necessary powers and that is the reason why we have failed in the prohibition scheme.' We say we shall give all the powers asked for. We object to the principle of the Bill, but once this Bill is going to be law, we shall give every power to put it into effect so that the Government may not complain afterwards. But in this case, I may say that by this provision you are not helping yourself. You are helping only boot-leggers and such other persons, probably. At present no persons have been appointed as members of committees and therefore I would not be defaming anybody if I said that nobody would be surprised if the members of the committee to be appointed take money. Probably, some of them may have a grievance against me for saying this, but since no committee has been formed as yet I am at liberty to say that these committees will not be above corruption. Therefore, Sir, I submit that it is a very important principle. The Government

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Clause 17.

MR. ABDUL HAMEED KHAN:—"I wish to know from the Hon. Premier with regard to sub-clause (*a*) of this clause—the amendment made in the Select Committee is 'for their own personal use'—whether the Government are going to specify the quantity that an individual can carry with him."

THE HON. MR. C. RAJAGOPALACHARIAR:—"As the clause was conceived it was not the intention of Government to interfere with or lay down the quantity, but if it leads to abuse, there is power in the measure to make rules with reference to it."

Clause 17 was put and carried.

Then clauses 18 and 19 were put and carried.

Clause 20.

MR. ABDUL HAMEED KHAN:—"As to sub-clause (*d*) of clause 20, which reads 'licences to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to bona fide passengers travelling by the train,' I want to know from the Hon. Premier whether any restrictions may be made with regard to the question of limiting the sale of liquor to passengers travelling to long distances in general terms or whether the question of distance which a passenger has to travel may also be specified."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Here again, it is a difficult thing to take away the whole sub-clause, or to lay down as to what distance a passenger should travel to entitle him to purchase liquor, or who are bona fide travellers, or whether short distances require more quantity of drink or longer distances require more quantity of drink. The question will have to be taken up in a spirit of trust. We are going to apply this measure only from place to place and not apply it wholesale at once to all the places. So we do not want to interfere with the freedom of passengers on the railway train as it would otherwise be a sort of extra territorial abuse of the powers vested under this Bill. So it is not necessary to lay down rules here so far as we can imagine. But if it leads to abuse suitable rules will be framed under section 54."

Clause 20 was put and carried.

Then clauses 21, 22 and 23 were put and carried.

Clause 24.

KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I just like to speak with reference to the kind of penalty that is sought to be imposed for any breach of the rules. It is mentioned in this clause that six months' imprisonment or a fine of Rs. 1,000 may be imposed. I wish to only ask whether such a heavy punishment is necessary and whether Government do not consider it necessary to lower the maximum punishment."

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who have an enormous army of officers—the Hon. the Leader of the House said that the cadre of the Revenue officers of this Presidency is an important bulwark of the administration—should make use of them. If the whole cadre from the village munsif and the village karnam to the Collector and the Chief Secretary is not enough, if the ordinary officials are not enough to look to this matter, extra officials may be deputed to this district to do this work. I personally feel that the ordinary officials are quite enough. But if more are necessary they might be appointed and paid. A measure like this must be worked by full-time Government servants who will be responsible to the Government and who will be above party factions. It is in the general interests of the public that I am speaking. I feel that this clause does not give any additional power to the Government to implement the Act; on the other hand it will be a drawback of the Act. It is in this view, Sir, that I propose that the clause may be deleted."

* DIWAN BAHADUR A. APPADURAI PILLAI:—" Mr. Speaker, Sir, I rise to second the motion so ably moved by my Hon. Friend, the Kumararaja of Chettinad, that clause 26 may be deleted. In doing so, Sir, I should like to bring to the notice of the House that it is rather inexpedient, if I may use a mild term, to bring into existence a body of persons outside the official cadre to enforce the very severe and drastic regulations of the Prohibition Act. It is always inexpedient and inadvisable to have a set of people to work any Act who are not directly amenable to official discipline and control. Further, section 25 of this Act already provides for the appointment of paid or honorary officers with such designations, powers and duties as the Provincial Government may think fit. This clause further lays down that the Government may order that all or any of the powers and duties assigned to any person shall be exercised and performed by any existing Government official or any other person. Thus, large powers are taken under the Act to appoint paid or honorary officers so that the Government may see that the provisions of the Act are duly enforced. When that is the case, I fail to see the need for the appointment of Prohibition Committees. Sub-clause (2) of clause 26 states that every member of a Prohibition Committee shall observe the working of this Act in his taluk and report thereon. It is contemplated, therefore, that for every taluk there will be a band of men going about to see how far the provisions of the Prohibition Act are observed and whether there are any breaches of the same. It is extremely undesirable, I should think, to bring into existence a band of men who are not responsible, and who are under no official discipline to enforce the provisions of this Act. The enforcement of this Act is sufficiently safeguarded by the appointment of the Prohibition Officer, by giving powers to the Collector, by having resort to the whole Police force, and by taking power to appoint paid or honorary officers. I think it will be better if the Government stop with these agencies and not proceed to appoint Prohibition Committees."

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KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"Mr. Speaker, Sir, I am not quite sure whether this clause is quite necessary. But I think we can find by the working of this Act whether such a clause is necessary. It may be or it may not be. So, I suggest that the operation of this clause may be suspended for a time and if in the actual working of this Act it is found that such an organization is necessary, then it may be put into force."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I am again compelled to offer my thanks to the hon. Member from South Kanara for the extremely reasonable attitude he always takes in regard to points raised by him. But I am sorry, I shall not have the pleasure of acceding to his wish so entirely but it is really in effect acceding to him if I say, just reversing the position, that if this procedure leads to any abuse or difficulty it will certainly be withdrawn and the whole thing will be as the hon. Member wants it. But, Sir, the proposal that the clause should be omitted has to be answered by me, though briefly. I want the hon. the Leader of the Opposition, who moved the amendment to read the clause with these words added: —'Every member of the Prohibition Committee shall have a salary of Rs. 15.' I think he would then have no objection to this clause."

KUMARARAJA M. A. MUTHIAH CHETTIAR OF CHETTINAD:—"I want permanent Government servants."

THE HON. MR. C. RAJAGOPALACHARIAR:—"He would still have objection? Then it comes to this that the present staff of the Government, the present executive is enough to deal with this matter. I submit, Sir, that a large number of people are apprehensive that the present staff is not enough and that the whole of the public service to-day feel that the burden is too heavy and they must probably need much more help. They do not wish to stand in the way of the new experiment. They will feel their way and then make further proposals in order to assist the members of the Public Service to carry out the new and heavy duties. These provisions have to be worked and the work has to be watched all over the Province—the countryside especially—and each taluk or each village, so to say, should have a reliable Committee which will carry out some of the duties which the public servants will have to carry out, though not exercise the powers which the public servants may exercise. The duties are divided among these committees but not the powers. I also wish to point out to hon. Members who supported the motion for the deletion of this clause that even to-day, without the formation of those committees, any citizen, any villager can go and give false information. Any influential man, whether he is a member of a Prohibition Committee or not, can go and give false information and do all the mischief that has been referred to. Nothing prevents it. This clause says that the Collector shall specify a few gentlemen who have been selected carefully to be members of the Prohibition Committee. They will have the power of giving information and sending reports. That excludes the possibility of everybody putting his finger, so to say, to a

great extent, whereas the removal of this clause will not remove the possibility of persons blackmailing, giving false information and the like which were vividly described. Ordinarily the power is there. They can blackmail, they can give false information and the like. But the only use of this body is that it is a responsible body to whom the officers can look for help and if any one interferes the officer can say. 'Go to that committee first and then come to me before you bring any such information.' I submit a Committee like this is a great help in practical administration in a matter of general social reform like what is intended in this Bill. I may also point out this. Under the present Abkari Act we have the licensing system and illicit distillation, illicit sale and offences against the Abkari Act are to be watched against to-day. The system that prevails is a terrible system—private men giving information and getting money for that information from the officials in secrecy. So blackmail can be carried out even in the working of the present Abkari Act. They have been doing it, but it has not become so bad because, after all our people are not so bad as in some of our fears and suspicious, we take them to be. On the whole our people are good; on the whole our people are just, on the whole the inertia of nature prevents people from manufacturing crime and carrying on organized crime like this. That is the ultimate support on which we rely. So I submit, Sir, that this section will not work havoc or danger as is apprehended. I beg that the House may allow the clause to stand."

The motion that clause 26 be omitted was put and lost.

Clause 26 was put and carried.

Clauses 27, 28 and 29 were put and carried.

12-30 p.m. Clauses 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57 were put and carried.

The schedule was put and carried.

Clauses 1 and 2 were then put and carried.

The Preamble was put and carried.

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I rise to move that the Bill be passed into law.

"I wish to make just one observation, in connexion with this motion. I want to assure on behalf of Government, those hon. Members who have any apprehensions in regard to the matter that it is not the intention of the Government to allow harassment, blackmailing and things of that kind. That of course is obvious, but what might perhaps need an assurance is this: that in the enforcement, while Government desire cent per cent enforcement, it will not permit the greater of the two evils to be committed in connexion with such enforcement. It will not permit social and private life being assaulted, so to say, on suspicion, and things of that kind. And with this assurance, I move, Sir, that the Bill be passed into law."

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MR. BASHEER AHMED SAYEED:—" Sir, it is a settled fact that the Prohibition Bill now becomes law and any talk is only futile. It is with that clear conscience that I rise to place before the House a few of my views on the matter. I do no want to examine the merits of the Bill. The merits of the Bill have, we must presume, been examined by the Select Committee. But what I mainly stress upon this House is just the indecent haste and the hurry with which this legislation is becoming law. The Bill was published on the 17th September. That is what the Select Committee report says, but I am not certain whether that is the correct date; I think there must be some mistake there. Of course I am speaking subject to correction. I do not think it was published so early as the 17th September; anyhow, I take it, it was published on that date, introduced within a week on the floor of the House on the 25th September and referred to a Select Committee on that very day. The Select Committee sat for a few hours that same evening of the 25th and on the next day we have its report before us with a very few alterations. It may be argued, Sir, that because the Select Committee has made very few alterations, there was nothing greatly needed to examine the various clauses of the Bill, Sir, that the was no need for any further scrutiny. But the way this legislation has gone is certainly not desirable, nor can we say that it is good legislation.

" There has always been an adage that those who act in haste have perforce to repent at leisure. I do not know whether this legislation is going to be of one such kind. All the same, there has been great injustice done to the Members of this House in going through this legislation in such a hurry.

" The Bill not only aims at a very laudable object of achieving prohibition in a selected area in the province, but at the same time, the means and the method suggested are considerably drastic, and they aim at a curtailment of the liberties of several individuals. The liberties which persons have believed in and still hold fast to and may still continue to hold fast to, such liberties are being curtailed. Very well, Sir, the Provincial Government have the right, the Madras Government and particularly a democratic and a representative Government may claim to have the right to curtail the liberties and privileges of persons which have been enjoyed by them hitherto; but even in the curtailment of such liberties there must be some time given, some method in a madness if it could be said so. There must be some time allowed for the very persons who are going to be affected by this legislation to consider how their rights are to be taken away, what is going to happen to them and what exactly will be their action or conduct which would amount to an offence and which would not amount to an offence. Has that time been given? It is the common people who are going to be affected, though it may be in one particular district for the time being. Heavy penalties have been imposed; very serious and drastic powers and privileges have been

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given to prohibition officers and those who are to help them. When you consider the magnitude of the liberties that are taken away on the one side and the penalties and impositions brought into effect by this legislation, it becomes such a serious affair. That such a serious legislation should have gone through the anvil of the Assembly consisting of 215 members in the course of a day or much less probably, is certainly most astonishing. This, therefore, I may respectfully submit is very bad legislation. I therefore urge on the Hon. the Prime Minister that this should not be passed this day. Some time must be given for people to think over all these points; and probably it will be better, in the interests of good legislation, that the third reading should not be passed this very day. There must be some time allowed.

"Another important matter which the Hon. the Prime Minister could have done is this: he might have got the Bill published in the various languages of the province. After all, the primary languages of the province are only three, for the West Coast districts, the Centre in any or [illegible] the northern districts. The Bill was not published in the district in which this prohibition [illegible] introduced, it could have been published at least in that language. It would not have been very difficult. The Bill must have been prepared long ago; even on the 17th September when the English copy was published in a Gazette Extraordinary, simultaneously with that or a day later, Tamil copies could have been made available to the general population who are concerned in this matter.

12-45 p.m. "Is it the people speaking the vernacular who are affected or is it the people knowing English who are affected by this legislation? It is the people in the villages who are affected by this evil habit of drink and it is their concern to know as to what exactly the legislation is which is proposed for their benefit. I, therefore, consider, Sir, that it will not be proper that we should pass through this Bill and make it law even this day. I submit that there has been very little time to examine the Bill in greater detail and there must be time allowed for us and the country at large to examine the Bill as reported by the Select Committee. There has been absolutely no time given for us to consider as to what exactly the Report of the Select Committee in all its aspects is. I do not think that this is fair or just to the Members of this House who have also to discharge their responsibilities. It becomes rather disgusting for us to take any part in a legislation of this kind where no opportunities are given for examining it. In fact as notice of amendments had to be given to-day on the report of the Select Committee there has been no time to examine the report. I received a copy of the report only to-day and there has been no time given to us. That, I think, is not fair or right and in the interests of good legislation it is necessary that it should be a slow matter. I also think that ample and enough opportunities should be given not only to the public at large but also to the Members of this House to examine the report:

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I therefore say, Sir, that this Bill should not be passed into law this day."

* MR. SPEAKER:—"Do I understand that the hon. Member has simply made an appeal to the Premier or does he seriously raise an objection? There are two ways of putting the thing. Am I to take it that the hon. Member, as I understood from his appeal, simply appeals to the Premier?"

MR. BASHEER AHMED SAYEED:—"Sir, I spoke with the full knowledge that the objection will be overruled and the Hon. the Speaker is going to have his own decision on it which we can easily presume. The next alternative seems to be to appeal to him to allow us time."

* MR. SPEAKER:—"The hon. Member, Mr. Basheer Ahmed Sayeed has been very unfair to the Chair. Those remarks ought not to have been made by him. No ruling of the Chair can be presumed by him in advance and certainly a comment ought not to come from his lips."

MR. BASHEER AHMED SAYEED:—"I am sorry, Sir. I did not mean any offence to the Chair. Knowing the mean any offence I only made clear what my feelings. My appeal only is before the House for the Premier to consider."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the hon. Member's appeal was to the mover of the Bill but the Speaker intervened merely for want of time. And so I think there was no offence meant to the Speaker.

"I submit, Sir, that I should have hesitated before rejecting his appeal if I had the slightest feeling in my mind that the people to whom he referred desired that this Bill should be delayed and that the hon. Member really represented the wishes of such people. On the contrary, I feel, Sir, that the country would be dissatisfied and disappointed if the Bill was not passed to-day into law. If I had the slightest suspicion that I was doing any injustice to these poor people to whose interests the hon. Member referred in pathetic language, if I had the slightest suspicion that those people were going to be hurt by the passing of this Bill, I could understand and I would have accepted his suggestion. On the contrary, the only feeling in me is that perhaps we might have omitted a good provision or two that we should have added on account of the hurry of the moment. But we are prepared, Sir, to work the Bill such as it is.

"I submit that with reference to language and all that we are forgetting that the object of the Bill, that the plan of the measure, that the aims and objects of this movement, are not new and people have suffered for it and people have undergone privations for it and not only the literate but especially the illiterate know more to-day about the provisions of this Bill than, I think, even the literate or the Members of this House. There is no difficulty about people understanding the terms of the Bill or the objects of the Bill. And I

submit, Sir, that if there is only a feeling that the terms of the Bill have not been properly understood by the people, I submit, Sir, that every care will be taken, every trouble will be taken to see that everybody understands the terms of the Bilk. In fact possibly we may have too much of agitation over it and not too little, too much of understanding and not too little. In point of fact other Members were apprehensive that the terms of the Bill might be utilized by all and sundry a little too much. I, therefore, believe that there is no object to gain by postponing. I say I am unable to accept the proposal. It is not because there is nothing to be gained by hurry but because there is much to be lost by delay and I, therefore, repeat my appeal, Sir, that the Bill be passed into law."

* KUMARARAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD:— " Sir, the Hon. the Leader of the House replied to the appeal made by Basheer Ahmed Sayeed and still there may be hon. Members who may like to add their good wishes also on a Bill like this. As a matter of fact I was waiting for an opportunity to say a good word, saying how Premier our g[illegible] of this Bill is and how we all assure the Hon. the [illegible] risen to speak. I have said times [illegible] It is only with that object I have for prohibition and if in the earlier stages of the Bill hon. Members of this House have expressed doubts it is because they sincerely felt that this Bill may not achieve its full object. It is that only that made hon. Members suggest that there should be caution in this matter. Sir, earlier in the morning when the Hon. the Prime Minister was speaking on the Cloth Bill, he said that his Party realized as he also realized, that experiments should be undertaken and withdrawn if found to be a failure. When he is moving that the Prohibition Bill be passed into law, I only wish to remind him that he owes it to the House to come to the House and tell the result of the Prohibition scheme in Salem and tell the House of the amount of support and success it has achieved. Then probably he will have done his duty by the House. In view of the fact that the Bill contains very severe penalties, I think it as well that the Government should assure this House and the public that there will be no undue harassment, that there would not be done anything beyond what is necessary. Sir, finally let me wish the endeavour all success."

* THE HON. MR. V. I. MUNISWAMI PILLAI:—" Mr. Speaker, Sir, it fills my heart with joy to-day to be in this House and to know that it has been possible for this Assembly to pass an enactment which goes to remove the economic poverty and the ruin of the many families in our province. Sir, I was greatly surprised when my hon. Friend, Mr. Basheer Ahmed Sayeed, spoke to-day for postponing the enactment. Knowing him as I do for the last eleven years, he has been pleading before the Council in time and out of time for total prohibition, (Hear, hear.) It was no little surprise to me when he said it was not a matter of hurry. We know the nation is starving for prohibition. It is not one community that is starving. Every community in this

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land is starving for prohibition for the last so many years. The hon. Member representing the Opposition has rightly pointed out that his Party stands for prohibition. I know, as a matter of fact, the Justice Party has passed a resolution in unequivocal terms some eight years back that total prohibition must be in our land in twenty years and to-day if there is congratulation to anybody it is to every one of the Members of this House. The decision of to-day will go down to posterity and the future generations will, I am sure, admire the sagacity and wisdom of every one of the Members of this Assembly. My hon. Friend, Mr. Basheer Ahmed Sayeed, has raised again the question of personal liberty. I think on the floor of this House the Hon. the Prime Minister has cleared the ground so many times. Sir, as one who has been in the field of temperance for the last 28 years, I may assure this House, that it will fill with joy the hearts of all those temperance workers, recognized or unrecognized, to see that this National Government has been able to achieve a thing which was not possible for ages. Sir, this Bill has been piloted through by the Premier who has been the editor of a paper known as the 'Vimojanam', and as the Secretary of the Total Prohibition League of India, it has fallen to his lot and it has been possible for him to put this enactment on the Statute Book which will be prized not only in this province, not only in India, but by all people who love civilization, in the whole world."

Mr. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, it gives me much pleasure to congratulate the Hon. the Prime Minister on piloting the Prohibition Bill through this Legislative Assembly successfully and in as short a time as possible. Sir, if the Hon. the Prime Minister was able to get through this Bill within such a short time, I am sure he will agree with me when I say it is on account of the fact that the country is with him, that all the representatives of those people in this province who have been asking for prohibition for such a long time are almost unanimously with him in this legislation. (Hear, hear.) Of course it has been pointed out by speakers, and foremost by the Hon. the Prime Minister himself, that so far as the Muslims are concerned there can be no two opinions in regard to this question. Mr. Speaker, after accepting the principle if there are a certain number of Members on the Opposition who might not have agreed with certain details, they have done well in not pressing their views in order that the Government which has undertaken to see that prohibition succeeds at least in one district of this province, for the present, may succeed without any hindrance from any part of this House.

"I know that in the working of this Bill, when it becomes an Act, 1 p.m
the Government will encounter many difficulties. We realize it fully and I think the Government also realizes equally fully that although they have had practically unanimous support in this House, when once the Act is put into effect, they will encounter many difficulties. There will be a great deal of agitation against it from those who are interested against prohibition being made successful on the one hand and on the other from those who are really and sincerely opposed to

any compulsion being enforced in this matter. Yet, Sir, if the Government succeed to the extent of weaning from this evil the poor labourer whose economic condition has to be improved in every possible respect—and this, in my opinion, is the main aspect in which he could be given relief—I am sure, Sir, that we would have succeeded in a large measure in eradicating poverty from the labourer to a certain extent and also in helping him to be more loyal to the members of his family and to improve his economic condition as a whole.

"I conclude with the wish that this measure will succeed in such a manner as to enable the Government—the Government has every power under this Bill—to extend this measure from district to district. I hope it will not be long before the Government will find it possible to extend this measure from the district of Salem to other districts also, so that the whole province will come under this prohibition law within the shortest possible time.

"Sir, I may make a suggestion to the Hon. the Premier, when he considers the question of extending this measure to other districts, that he might next take the Ceded districts which require his earnest attention, immediately he succeeds in the Salem district which is very near to his heart. Sir, I conclude with a hope and prayer that this measure which is not only from the point of morals but also of religion a very welcome measure, will succeed in a phenomenal way."

MR. MAHABOOB ALI BAIG:—"Mr. Speaker, Sir, let me thank the present Government and its Premier as well as the Hon. Minister in charge of the portfolio from the bottom of my heart for the great good that they do by this Prohibition Bill for the country. I may assure the House, Sir, and the Government that the country will feel doubly grateful to the Government for introducing this Bill. It is very significant that it has become possible for this Government and this Assembly, of all the other provinces, and also it has become possible for this Government and not the past Governments for introducing this Bill and for having succeeded in passing it into law. There are no doubt many difficulties in the working of this enactment, but there is no pleasure in getting things done in which there is no risk. It is only where there is risk there is pleasure, especially when a matter is for the benefit of the country, there is no risk which is not worth taking. It is in that spirit, Sir, that this Act must be worked, and there is no one, I suppose, in the country who will be sorry even if the enactment fails. If in the nature of things it fails, let it fail. But the attempt is there, the motive is there to do good to the country. With these words, I congratulate the Government on passing this measure into law."

The HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I do not think I need add a word to what my Colleague, the Hon. Mr. Muniswami Pillai, has said. He has reminded me by his speech of my connexion with various organizations and activities regarding the exclusion of alcohol from our social and economic life. And that has

served to move me so deeply that I have lost the ability to add anything to what he has said. I shall therefore close immediately and join with the rest of the House in the prayer that if this Bill be passed now the people of Madras may benefit thereby and that the world may see that we have not launched upon a great and good thing in vain, but that we shall be enabled by Providence to show success in the role that we wish to achieve and in the succour that we wish to give to the women and children and the numerous families that are suffering as victims to this great evil."

The motion was put and carried, and the Bill was passed into law. (Cheers and cries of 'Jai.')

* MR. SPEAKER :—" I now adjourn the House to meet again at 10 o'clock to-morrow morning."

The House accordingly adjourned.

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APPENDIX I.

[Vide answer to starred question No. 265 asked by Mr. P. R. K. Sarma at the meeting of the Legislative Assembly held on the 27th September 1937, page 879 supra.]

Statement.

Fifty workmen are employed in the workshop. Their designations and wages are as shown below :—

	RS. A. P.		RS. A. P.	
Carpenter	0 14 0	to	1 7 0	per diem.
Wood turner	..		1 4 0	,,
Fitter	1 1 0	to	1 10 0	,,
Turner	1 2 0	to	1 10 0	,,
Welder	..		1 8 0	,,
Blacksmith	..		1 6 0	,,
Tinker	..		1 7 0	,,
Moulder	..		1 6 0	,,
Hammerman	0 13 0	to	0 15 0	,,
Painter	..		1 9 0	,,
Coolie	0 8 0	to	0 12 0	,,

APPENDIX II.

[Vide answer to starred question No. 266 asked by Mr. E. Kannan at the meeting of the Legislative Assembly held on the 27th September 1937, page 881 supra.]

(1)

G.O. Ms. No. 840, Education, dated 15th May 1927.

Representations have been made to the Government that Hindi may be included in the list of subsidiary languages in which instruction may be given in recognized secondary schools. The Director of Public Instruction, who was consulted, is in favour of the proposal, provided proper provision is made in schools for giving instruction in the language. The Government are pleased to accept the recommendation of the Director of Public Instruction and direct that Hindi be included in the list of optional or 'C' group subjects in the scheme for the award of Secondary School-Leaving Certificates.

2. The following notification will be published in the *Fort St. George Gazette* :—

NOTIFICATION.

In the scheme for the award of Secondary School-Leaving Certificates published on pages 383–386 of Part I-B of the *Fort St. George Gazette*, dated the 27th July 1909, as subsequently amended in the list of subjects under group 'C' in paragraph IV, *add* 'Hindi' after 'Sinhalese' against '(c) Indian vernaculars.'

(By order of the Government, Ministry of Education and Local Self-Government)

T. RAGHAVAYYA,
Secretary to Government.

(2)

G.O. Ms. No. 4921, L. & M., dated 29th November 1935.

The Government decline to approve the proposal of the Municipal Council, Palacole, to introduce ' Hindi ' as a compulsory subject of study in Forms I to III of the Municipal High School.

2. They have, however, no objection to the introduction of ' Hindi ' as a genuinely optional subject, subject to the following conditions :—

(i) that attendance at Hindi classes shall be optional and no compulsion shall be brought to bear on pupils either to join or attend ' Hindi ' classes;

(ii) that the study of ' Hindi ' shall not be introduced in the place of or to the neglect of the vernacular or to the detriment of the other subjects of the curriculum, nor shall it be substituted for the study of Sanskrit where the latter has been already introduced, unless the parents of the pupils concerned express in writing a desire to that effect; and

(iii) that the essential needs of the institution as regards provision of suitable accommodation, satisfactory sanitary condition, adequate equipment and facilities for physical training shall be fully met before funds are spent on the introduction of ' Hindi.'

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

(3)

G.O. Ms. No. 2716, L.S.G., dated 25th June 1936.

A copy of G.O. Ms. No. 4921, L. & M., dated the 29th November 1935, on the subject of 'Hindi' teaching in secondary schools under the control of local bodies is communicated to all presidents of district boards and executive authorities of municipal councils.

(By order of the Government, Ministry of Education and Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

(4)

G.O. Ms. No. 2544, Education, dated 27th November 1936.

Representations have been made to the Government that Hindi may be included in the list of 'A' group subjects in the scheme for the award of Secondary School-Leaving Certificates. The Secondary School-Leaving Certificate Board and the Director of Public Instruction, who were consulted, are in favour of the proposal provided that the choice of the subject is restricted to those pupils whose mother-tongue is not one of the South Indian vernaculars. The Government are pleased to accept the recommendation and direct that Hindi be included in the list of 'A' group subjects in the scheme for the award of Secondary School-Leaving Certificates.

(By order of the Government, Ministry of Education and Public Health)

C. H. MASTERMAN,
Secretary to Government.

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APPENDIX III.

[Vide answer to starred question No. 271 asked by Mr. S. M. Laljan at the meeting of the Legislative Assembly held on the 27th September 1937, page 883 supra.]

G.O. Ms. No. 1520, Public (General), dated 11th August 1937.

[Political activities—Flying of Congress flag on buildings belonging to or occupied by municipal councils and local boards, etc.—Ban cancelled.]

Various orders have been issued by the Government from time to time prohibiting the hoisting and flying of the flag used by the Indian National Congress on buildings belonging to or occupied by municipal councils, local boards, etc. After a careful examination of the whole position, the Government have decided not to prohibit the hoisting or flying of the said flag on such buildings. All previous orders on the subject are hereby cancelled.

(By order of His Excellency the Governor)

C. F. BRACKENBURY,
Chief Secretary.

To all Executive Authorities of Municipal Councils
,, all Presidents of District Boards with copies for distribution to ex-union Panchayats and Valparai Panchayat Board
,, the Commissioner, Corporation of Madras, through the Mayor
,, Inspector of Municipal Councils and Local Boards with copies for distribution to Presidents of other Panchayats
,, all Collectors.

} through Local Administration Department.

Copy to the Departments of the Secretariat.
,, Inspector-General of Police.
,, Commissioner of Police.

APPENDIX IV.

[Vide answer to unstarred question No. 145 asked by Mr. D. R. Isaac at the meeting of the Legislative Assembly held on the 27th September 1937, page 892 supra.]

—	West Godavari.	East Godavari.	Kistna.	Guntur.	Vizagapatam.
(a) In how many villages house-sites have been acquired by the Labour Department for the scheduled caste people and others and what the cost is to Government for such acquisition.	Forty-four villages, cost Rs. 54,000.	Two hundred and sixty-nine villages, cost Rs. 6,04,450.	Hundred and fourteen villages, cost Rs 1,42,196.	Hundred and four villages, cost Rs. 2,38,446.	....
(b) Whether they have been asked to pay the cost of land together with the interest thereon.	Yes	Yes	Yes	Yes	....
(c) Whether they have been asked to pay also for the pathways marked out in the acquired land.	No. Government bear the whole cost of the portions set apart for pathways and streets.	Yes. Up to the issue of Labour Commissioner's D. Dis. No. 1762/27, dated 10th October 1927 (copy enclosed). After that date the cost of communal lands is borne by Government.	In sixty cases prior to 1927 the grantees have been asked to pay also for the pathways marked out in acquired lands.	Prior to 1927 the applicants were also asked to bear the cost of the streets formed in seventy-six villages. In the remaining twenty-eight villages Government bore the cost of the pathways.	....
(d) How much these pathways would cost at the rate purchased by the Government.	An amount of Rs. 12,000 was spent on pathways.	Rs. 50,434	The cost of the sixty cases comes to Rs. 9,850.	Total cost of pathways comes to Rs. 48,985 out of which an amount of Rs. 22,094 was borne by Government.	....
(e) How much interest up to date they have paid on the money advanced by the Government for the lands.	Rs. 8,300	Rs. 1,84,333 up to the end of July 1937.	Rs. 27,773	Rs. 56,096	....
(f) Whether it is a fact that in many places the cost of the site worked out higher than the market value of adjacent lands.	No	No	No	No	....

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	West Godavari.	East Godavari.	Kistna.	Guntur.	Vizagapatam.
(g) Whether it is a fact that on account of the higher cost of the land many people to whom the lands have been sold on instalment payment system have not been able to pay after some payments.	Only in two villages of Ellore taluk the amounts could not be collected from some of the individuals. The individuals could not continue to pay the instalment due to poverty. The higher cost of the land is not the reason for failure.	Some people have not been able to pay on account of poverty.	Yes. In some cases. The main reasons are— (1) Economic depression, (2) the exiguous means of livelihood of the grantees, and (3) the higher rates at which the lands were acquired before the present slump.	In a number of cases the parties were not able to continue payments. The failure was due to the economic depression subsequent to acquisition and fall in the rates of villages.	....
(h) Whether the Government have taken away the lands from such defaulters of payment.	Yes	Five hundred and seventy-four sites were resumed.	One thousand and thirty-four sites were resumed.	Yes. Some plots were also abandoned by the grantees.	....
(i) Whether the Government have considered the possibility of reducing the value of the lands consistent with the ability of the poor people.	After considering this question the Government ordered that in deserving cases concession may be shown to depressed classes by waiving the recovery of interest and extending the period of payments.				....
(j) Whether the Government have considered the feasibility of writing off the balance of dues and restoring the lands to those who made part payments.	Yes, in deserving cases.				....

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Circular of the Commissioner of Labour, Madras, D. Dis. No. 1762 *of* 1927, *dated 7th October* 1927.

The practice at present prevailing in the different districts where acquisition of land for house-sites for the depressed classes is conducted appears to be to calculate the value of the entire land acquired and make it payable by the proposed grantees of house-sites. In addition any charges incurred in connexion with subdivision, demarcation, encumbrance certificate, registration, stamp duty, etc., are treated as a liability of the grantees and recovered from them as a part of the loan advanced for the purchase of house-sites.

2. The District Labour Officers are informed that incidental charges such as those referred to above after or before the acquisition cannot in equity be collected from the grantees of house-sites. These charges are for the most part incurred to secure to Government a clear title to the land which continues to vest in Government after acquisition and till the 10, 15, or 20 annual instalments are paid, and should therefore be borne by Government. The Commissioner will be prepared to sanction these charges from his allotment under "Supplies and Services—Miscellaneous" (Grants-in-aid—Miscellaneous—Non-recurring—Old style).

3. As regards the cost of the acquisition proper the Commissioner observes that several District Labour Officers are unaware of the fact that expenditure on pathways and raising the level of house-sites can be sanctioned by him from the same head of Supplies and Services—Miscellaneous. In future therefore when a compact block is acquired for house-sites, subdivision of the necessary pathways in the block should be effected and the proportionate cost of all communal lands covered by pathways or temple or play-ground should be calculated. An application should be made to the Commissioner for sanction of this expenditure under the head of Supplies and Services—Miscellaneous. Only the actual cost of the house-site portion should be treated as a loan, apportioned among the grantees according to the extent of site proposed to be given and collected from them in instalments.

4. Where the original award is enhanced by Civil Courts the explanation of the District Labour Officer concerned who made the original inadequate valuation should be submitted to the Commissioner. If it appears that the District Labour Officer made his original award after the exercise of due diligence and reasonable care, the Commissioner will be prepared to request Government to debit the extra cost involved on the portion covered by house-sites to the head of Supplies and Services—Miscellaneous. The share of the extra cost on the land covered by streets, pathways, etc., will of course be sanctioned by the Commissioner himself from his allotment under that head.

5. These instructions will apply to all pending cases of land acquisition and will not affect agreements or conveyance deeds already executed.

6. The District Labour Officers are reminded that Commissioner's powers of sanction from the allotment of Supplies and Services—Miscellaneous extend only to Rs. 2,500 in each case.

APPENDIX V.

[Vide item IV at page 910 infra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY, MADRAS.

The Select Committee appointed to consider the Madras Prohibition Bill, 1937, has the honour to make the following report.

2. This Bill was published in the *Fort St. George Gazette* Extraordinary in English on the 17th September 1937.

3. The Committee was appointed on the 25th September 1937. An instruction was given to the Committee to make its report in time, so that the report may be available for consideration by the House on the 27th September 1937.

4. The Committee met at 5 p.m. on the 25th September 1937 and at 11 a.m. on the 26th September 1937 in the Assembly Building, Senate House, Chepauk, for considering the Bill.

5. The Committee has subjected the provisions of the Bill to a careful scrutiny, and, as a result thereof, has made the following, among other changes in the Bill.

6. *Clause* 3.—A definition of " Sweet toddy " has been added, as that expression is referred to in clause 19 and needs to be specifically defined.

7. *Clause* 6.—In sub-clause (*b*) of the proviso, exemption from the prohibition of advertisements, is already provided for in the case of newspapers and books printed and published outside the province. The Select Committee considers it desirable to extend the exemption to periodicals also, so published.

The Committee considered the question whether any exemption should be granted to advertisements contained in newspapers printed and published within the province, and resolved that such exemption should be granted only in respect of any advertisement contained in a newspaper printed and published in the province before the first day of January 1938.

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8. *Clause* 8.—This clause provides for the punishment of various kinds of malicious or vexatious acts done by an officer or person exercising powers under this Act. The Committee considers that among such acts should be included the act of maliciously and falsely laying information leading to a search, seizure, detention or arrest, and has inserted a new sub-clause accordingly.

9. *Clause* 16.—This clause empowers the Local Government to notify exemptions from all or any of the provisions of the Act in respect of " any liquor or intoxicating drug or article " on the ground that such liquor, drug or article is required, among other things, " for any purpose other than use as a beverage ". As these words are inapplicable to the case of " an intoxicating drug or article ", the Committee has deleted them and has, in their stead, inserted the words " or such like " before the word " purpose."

Similar amendment has been carried out in clause 18 and also in the Preamble where the words occur.

10. *Clause* 17.—This clause empowers the Local Government, by notification, to exempt liquor in the possession of *bona fide* travellers passing through any local area in which this Act is in force whether by road or by rail. To make it clear that such liquor shall be exempted only where it is intended for the personal use of such travellers and not for the purpose of sale or distribution to other people, the Committee has inserted the words " for their own personal use " in an appropriate place in sub-clause (*a*). It also thinks that the words " whether by road or by rail " at the end of the sub-clause are unnecessary and has caused them to be deleted.

11. *Clause* 28.—This clause refers to the issue of search warrants. Clause 29 refers to powers of entry and search, without warrant. The last words of that clause, however, enable the person effecting such search without a warrant, to detain and search, and if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act. Such power should be given to a person executing a search under a warrant equally

with a person effecting a search without a warrant. The Committee has accordingly inserted similar words at the end of clause 28. The introduction of the power of detention and arrest in this clause has necessitated the insertion in it of a proviso similar to that found in clause 29 for the admission of persons so arrested to bail.

It has also necessitated consequential amendments in clauses 31, 38 and 39 where clause 28 has to be referred to along with clause 29 and other clauses.

12. *Clause* 56.—The Committee considers that the provisions in sub-clauses (2) and (3) of this clause which relate to notice, limitation or costs, are unnecessary, as such matters are governed by the provisions of the general law. Those sub-clauses are accordingly deleted.

13. In regard to the extension of the provisions of the Bill to any other local area under sub-clause (3) (*b*) of clause 1, the Hon. the Prime Minister on behalf of the Government gave an assurance that ample notice would be given of the Government's intention to bring the Act into force in such local area.

14. A copy of the Bill as amended by the Committee is annexed. The changes made by the Committee are not so important as to justify the republication of the Bill.

C. RAJAGOPALACHARIAR,
Chairman.

26*th September* 1937.

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ANNEXURE.

[Note.—The changes made by the Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

(As amended by the Select Committee.)

A Bill to introduce and extend the prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in the Province of Madras.

WHEREAS . . . . . .

. . . . . .

. . . . . it is expedient as early as possible to bring about the prohibition, except for medicinal, scientific, industrial or such like purposes, ... of the production, manufacture, possession, export, import, transport, purchase, sale and consumption of intoxicating liquors and drugs in the . . . Province of Madras;

AND WHEREAS it is desirable to give effect to the abovementioned policy by introducing it in certain selected areas in the said Province and utilizing the experience gained therein for extending it to the other areas thereof;

IT is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Madras Prohibition Act, 1937.

(2) It extends to the whole of the Province of Madras.

(3) (*a*) This section and sections 3 and 6 shall come into force in the whole of the Province of Madras at once.

(*b*) The rest of this Act shall come into force—

(i) in the district of Salem, at once; and

(ii) in any other local area in the Province of Madras on such date as the Provincial Government may, by notification, appoint.

Repeals.

2. From the date on which the provisions of this Act other than sections 1, 3 and 6 come into force in any local area, the enactments mentioned in the Schedule shall cease to be in force in such area to the extent specified in the fourth column thereof :

Provided that the Provincial Government may, by notification, declare that the provisions of this Act other than sections 1, 3 and 6 shall cease to be in force in any local area on such dates as may be specified in the notification and thereupon the enactments mentioned in the Schedule with any subsequent statutory modifications thereof shall revive and come into force in such area with effect on and from such date.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context—

'bottle'

(1) " bottle " means to transfer liquor from a cask or other vessel to a bottle, jar, flask or pot or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling.

'buy' or 'buying'

(2) " buy " or " buying " includes any receipt including gift.

'Collector'

(3) " Collector " means a Collector of land revenue, or any person appointed under clause (*b*) of section 25 to exercise all or any of the powers or to perform all or any of the duties of a Collector under this Act.

'Commissioner'

(4) " Commissioner " means the officer appointed under clause (*a*) of section 25.

'cultivation'

(5) " cultivation " includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed.

'export'

(6) " export " means—

(*a*) to take out of any local area to which this Act applies to any other local area in the Province of Madras to which this Act has not been extended, or

(*b*) to take out of the Province of Madras otherwise than across a customs frontier as defined by the Central Government.

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'import' (7) " import " means—

(*a*) to bring into any local area to which this Act applies from any other local area in the Province of Madras to which this Act has not been extended, or

(*b*) to bring into the Province of Madras, otherwise than across a customs frontier as defined by the Central Government.

'intoxicating drug' (8) " intoxicating drug " means—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa* L.) including all forms known as *bhang*, *siddhi*, or *ganja*;

(ii) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom; and

(iv) any other intoxicating or narcotic substance which the Provincial Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930.

II of 1930.

'liquor' (9) " liquor " includes toddy, spirits of wine, methylated spirits, spirits, wine, beer and all liquid consisting of or containing alcohol;

'local body' (10) " local body " means the Corporation of Madras, any municipality constituted under the Madras District Municipalities Act, 1920, or any local board constituted under the Madras Local Boards Act, 1920;

Madras Act V of 1920. Madras Act XIV of 1920.

'manufacture' (11) " manufacture " includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced, prepared or blended, and also re-distillation and every process for the rectification of liquor;

'place' (12) "place" includes also a house, shed, enclosure, building, shop, tent and vessel;

'police station' (13) "police station" includes any place which the Provincial Government may, by notification, declare to be a police station for the purposes of this Act;

'Prohibition Officer' (14) "Prohibition Officer" means the Commissioner, a Collector, or any officer or other person lawfully appointed or invested with powers under section 25;

'rectification' (15) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;

'sale' or 'selling' (16) "sale" or "selling" includes any transfer including gift;

'spirits' (17) "spirits" means any liquor containing alcohol and obtained by distillation (whether it is denatured or not);

Explanation.—"Denatured" means subjected to a process prescribed by the Provincial Government by notification for the purpose of rendering unfit for human consumption;

'sweet toddy' **(18) "Sweet toddy" means juice drawn into receptacles treated so as to prevent any fermentation;**

'toddy' (19) "toddy" means the fermented or unfermented juice drawn from a coconut, palmyra, date, or any other kind of palm tree; and

'transport' (20) "transport" means to move from one place to another within any local area to which this Act applies.

CHAPTER II.—Prohibitions and Penalties.

Prohibition of the manufacture of, traffic in, and consumption of, liquors and intoxicating drugs.

4. (1) Whoever,

(*a*) imports, exports, transports or possesses liquor or any intoxicating drug; or

(*b*) manufactures liquor or any intoxicating drug; or

(*c*) except in accordance with the rules made by the Provincial Government in that behalf, cultivates the hemp plant (*Cannabis*

sativa), or collects any portion of such plant from which an intoxicating drug can be manufactured; or

(*d*) taps any toddy-producing tree or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession; or

(*e*) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession; or

(*f*) constructs or works any distillery or brewery; or

(*g*) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug; or

(*h*) bottles any liquor for purposes of sale; or

(*i*) sells liquor or any intoxicating drug; or

(*j*) consumes or buys liquor or any intoxicating drug; or

(*k*) allows any of the acts aforesaid upon premises in his immediate possession

shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both:

Provided that nothing contained in this sub-section shall apply to any act done under, and in accordance with, the provisions of this Act or the terms of any rule, notification, order, licence or permit issued thereunder.

(2) It shall be presumed until the contrary is shown—

(*a*) that a person accused of any offence under clauses (*a*) to (*j*) of sub-section (1) has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor

or any intoxicating drug, for the possession of which he is unable to account satisfactorily; and

(*b*) that a person accused of any offence under clause (*k*) of sub-section (1) has committed such offence if an offence is proved to have been committed in premises in his immediate possession in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug.

Punishment for rendering or attempting to render denatured spirits fit for human consumption.

5. Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in British India or not, which has been denatured or has, in his possession, any spirit in respect of which he knows or has reason to believe that any such attempt has been made shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

For the purpose of this section it shall be presumed, until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit.

Prohibition of advertisements.

6. Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter commending, soliciting the use of, or offering any liquor or intoxicating drug other than liquor or drugs exempted under section 16, or specially approved as of medicinal value by the Medical Council established by the Madras Medical Registration Act, 1914, shall be punished with fine which may extend to one thousand rupees : Madras Act IV of 1914.

Provided that this section shall not apply—

(*a*) to plain catalogues and price lists which may be generally or specially approved by the Commissioner; or

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(*b*) to the normal circulation within the Province of newspapers, **periodicals** and books printed and published in accordance with law outside the Province; **or**

(c) to any advertisement contained in a newspaper printed and published in the Province before the first day of January 1938.

Punishment for conspiracy.

7. When two or more persons agree—

(*a*) to commit or cause to be committed any offence under sub-section (1) of section 4 or under section 5, or

(*b*) to evade or nullify the provisions of this Act in any area where it is in force,

each of such persons shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof or that the agreement was made or the operations thereunder took place in an area to which this Act has not been extended, be punished with imprisonment which may extend to three years or with fine which may extend to five thousand rupees or with both.

Punishment for vexatious search or arrest.

8. Any officer or person exercising powers under this Act, who—

(*a*) without reasonable ground of suspicion, enters or searches or causes to be searched, any closed place; or

(*b*) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act; or

(*c*) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) maliciously and falsely lays information leading to a search, seizure, detention or arrest; or

(e) in any other way maliciously exceeds his lawful powers,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for vexatious delay.

9. Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to a Prohibition Officer or to the officer in charge of the nearest police station as required by section 38, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

Punishment for abetment of escape of persons arrested, etc.

10. Any officer or person exercising powers under this Act who—

(*a*) unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

(*b*) acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, and

any other officer of the Provincial Government or of a local body who abets the commission of any offence against this Act,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for offences not otherwise provided for.

11. Whoever is guilty of any wilful act or intentional omission in contravention of any of the provisions of this Act, or of any rule, notification or order made thereunder and not otherwise provided for in this Act, shall be punished with fine which may extend to two hundred rupees.

Punishment for abetment of offence against Act in area to which Act is not extended.

12. Where any offence against this Act is committed in any area to which it has been extended, whoever commits, or attempts to commit, or abets the commission of, any of the acts making up the offence shall be liable to be punished therefor, whether such commission, attempt or abetment takes place within or outside such area.

Things liable to confiscation.

13. In any case in which an offence has been committed against this Act, the liquor, drug, materials, still, utensil, implement, or apparatus in respect or by means of which the offence has been committed

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shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same.

Confiscation how ordered.

14. (1) When the offender is convicted or when the person charged with an offence against this Act is acquitted, but the Court decides that anything is liable to confiscation, such confiscation may be ordered by the Court.

(2) When an offence against this Act has been committed but the offender is not known, or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Collector or other Prohibition Officer in charge of the district or by any other officer authorized by the Provincial Government in that behalf, who may order such confiscation:

Provided that no such order shall be made until the expiration of fifteen days from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

Offences under Act to be cognizable.

15. All offences under this Act shall be cognizable and the provisions of the Code of Criminal Procedure, V of 1898, with respect to cognizable offences shall apply to them.

CHAPTER III.—Exemptions and Licences.

Power to notify exemptions.

16. (1) The Provincial Government may, by notification and subject to such conditions as they think fit, exempt any specified liquor or intoxicating drug or article containing such liquor or drug from the observance of all or any of the provisions of this Act on the ground that such liquor, drug or article is required for a medicinal, scientific, industrial or such like purpose . . . . . .

(2) When issuing a notification under sub-section (1), the Provincial Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be

punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Exemption of *bona fide* travellers and lawful consignments.

17. Until the Provincial Government by notification otherwise direct, the provisions of this Act shall not be deemed to apply—

(*a*) to liquor in the possession of *bona fide* travellers **for their own personal use while** passing through any local area in which this Act is in force; . . . . . or

(*b*) to lawful consignments of liquor or intoxicating drugs carried by a railway administration through or into any such local area.

Licences for *bona fide* medicinal or other purposes.

18. The Provincial Government or subject to the control of the Provincial Government, the Collector, may issue licences to any person or in respect of any institution whether under the management of Government or not, for the manufacture, export, import, transport, sale or possession of any liquor, intoxicating drug or article containing such liquor or drug, on the ground that such liquor, drug or article is required by such person or in respect of such institution for a *bona fide* medicinal, scientific, industrial **or such like** purpose . . .

Licences for tapping for sweet toddy, etc.

19. Subject to the control of the Provincial Government, the Collector or any officer empowered by him may issue—

(*a*) licences for the tapping of any trees for sweet toddy for consumption thereof without fermentation or for the manufacture of jaggery therefrom, or

(*b*) permits for the possession, transport or sale of such toddy.

Permits and licences.

20. The Provincial Government or any officer empowered by them in this behalf may issue—

(*a*) permits authorizing any person to consume and possess for personal consumption any liquor or intoxicating drug;

(*b*) permits authorizing any person or institution to possess and use any liquor for any religious purpose in accordance with ancient custom;

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(*c*) licences to any institution to possess liquor and issue it to such of its members as hold permits under clause (*a*); and

(*d*) licences to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to *bona fide* passengers travelling by the train.

Form and conditions of licences and permits.

21. Every licence or permit granted under section 18, 19 or 20 shall—

(1) be granted on payment of such fees, if any, for such period, and subject to such restrictions and limitations and on such conditions; and

(2) be in such form and contain such particulars as the Provincial Government may direct either generally or in any particular case.

Counterpart agreement to be executed by licensees.

22. Every person taking out any licence or permit under section 18, 19 or 20 may be required to execute a counterpart agreement in conformity with the tenor of his licence or permit, and to give such security for the performance of his agreement as the Collector may require.

Power to cancel or suspend licences and permits.

23. (1) The Collector may cancel or suspend any such licence or permit—

(*a*) if any fee payable by the holder thereof be not duly paid; or

(*b*) in the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit; or

(*c*) if the holder thereof is convicted of any offence against this Act, or of any cognizable and non-bailable offence; or

(*d*) if the conditions of such licence or permit provide for its cancellation or suspension at will; or

(*e*) if the purpose for which the licence or permit is granted ceases to exist.

(2) The Provincial Government may cancel or suspend any such licence or permit without assigning the aforesaid or any other reasons.

Penalty for breach of the conditions of licences and permits.

24. In the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit, such holder shall, in addition to the cancellation or suspension of the licence or permit granted to him, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both, unless he shall establish that all due and reasonable precautions were exercised by him to prevent any such breach.

Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence or permit, be liable to the same punishment.

CHAPTER IV.—Establishment and Control.

Appointment of officers and withdrawal of powers.

25. The Provincial Government may, from time to time, by notification—

(*a*) appoint an officer to exercise all the powers of a Collector under this Act in all local areas in which it is in force and to have the control of the administration of the provisions of this Act in such areas;

(*b*) appoint any person other than the Collector of land revenue to exercise within a district all or any of the powers and to perform all or any of the duties of a Collector under this Act, either concurrently with or in exclusion of the Collector of land revenue, subject to such control as the Provincial Government may from time to time direct;

(*c*) withdraw from the Commissioner or the Collector of land revenue any or all of the powers conferred on him by this Act;

(*d*) appoint paid or honorary officers with such designations, powers and duties as the Provincial Government may think fit;

(*e*) order that all or any of the powers and duties assigned to any person under clause (*d*) shall be exercised and performed by any existing Government official or any other person; and

(*f*) delegate to any Prohibition Officer all or any of their powers under this Act.

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Prohibition Committees.

26. (1) The Collector or other Prohibition Officer in charge of a district may constitute prohibition committees in every taluk thereof to assist him in carrying out the objects of this Act in the district.

(2) Every member of a prohibition committee shall observe the working of this Act in his taluk and report thereon and on every matter connected therewith at the prescribed intervals and at any other time he thinks fit, to the Collector or other Prohibition Officer aforesaid.

(3) Every member of a prohibition committee shall be entitled to give information at any police station in his taluk regarding the commission or suspected commission of any offence against this Act in such taluk, and the officer in charge of such station shall take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure, 1898.

V of 1898.

Power of Provincial Government to authorize officers to admit persons arrested to bail.

27. The Provincial Government may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 32 throughout the Province or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the offence for which such person has been arrested, and may cancel or vary such notification.

CHAPTER V.—Powers, Duties and Procedure of Officers, etc.

Issue of search warrants.

28. If any Collector, Prohibition Officer or Magistrate upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence under sub-section (1) of section 4 has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed. **Any person who has been entrusted with the execution of such a warrant may detain and search, and if he thinks proper, arrest any**

person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act.

Provided that every person arrested under this section shall be admitted to bail by the person arresting, if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

Before issuing such warrant, the Collector, Prohibition Officer or Magistrate shall examine the informant on oath and the examination shall be reduced into writing in a summary manner and be signed by the informant, and also by the Collector, Prohibition Officer or Magistrate.

Powers of entry and search without warrant.

29. Whenever a Collector, any Prohibition Officer not below such rank as the Provincial Government may determine, any Police Officer not below the rank of sub-inspector, any officer in charge of a police station, or any other paid or honorary officer authorized by the Provincial Government in this behalf has reason to believe that an offence under sub-section (1) of section 4 has been committed and that the delay occasioned by obtaining a search warrant under section 28 will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act:

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

Power to enter and inspect places of manufacture and sale.

30. The Collector, any Prohibition Officer not below such rank as the Provincial Government may determine, or any Police or other paid or honorary officer authorized by the Provincial Government in this behalf, may enter and inspect, at any time by day

or by night, any place in which it is reasonably suspected that any person draws toddy or carries on the manufacture of any other liquor or any intoxicating drug, or stores any liquor or intoxicating drug; and may enter and inspect, at any time, any place in which any liquor or intoxicating drug is reasonably suspected to be kept for sale by any person; and may examine, test, measure or weigh any material, still, utensil, implement, apparatus, liquor or intoxicating drug found in such place.

Power to use force in case of resistance to entry.

31. If any officer empowered to make an entry under section 28, 29 or 30 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

Arrest of offenders and seizure of contraband liquor and articles without warrant.

32. Any Prohibition Officer, any officer of the Police or Land Revenue departments, and any other person authorized in that behalf—

(*a*) may arrest without warrant any person found committing an offence punishable under sub-section (1) of section 4;

(*b*) may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act; and

(*c*) may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom, or in or upon which, he may have reasonable cause to suspect any such liquor, drug or other article to be, or to be concealed :

Provided that if the officer or person making the arrest under this section be not empowered under section 27 to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered, if such an officer is known to be within a distance of five miles from the place where such arrest took place. And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the case.

Arrest of persons refusing to give name or giving false name.

33. Any person, who may be accused or reasonably suspected of committing an offence against this Act, and who on demand made by any Prohibition Officer or any officer of the Police or Land Revenue departments or by any other person authorized in that behalf refuses to give his name and residence or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Searches how to be made.

34. All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898. V of 189

Duty of Officials of all departments and local bodies to assist.

35. Officials of all departments of the Provincial Government and of all local bodies shall be legally bound to assist any Prohibition or Police Officer in carrying out the provisions of this Act.

Offences to be reported, etc.

36. Every official employed by the Provincial Government or by any local body, other than a Police or Prohibition Officer, shall be bound to give immediate information at the nearest police station or to a Prohibition Officer, of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officials shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Landholders and others to give information.

37. All zamindars, proprietors, tenants, undertenants and cultivators who own or hold land or house-property on or in which there shall be any tapping for toddy or manufacture of liquor or intoxicating drugs shall in the absence of reasonable excuse be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to an officer of the Police, or Land Revenue departments immediately the same shall have come to their knowledge.

Persons arrested how to be dealt with.

38. (1) When any person is arrested under the provisions of section **28,** 29, 32 or 33, the person arresting him shall, unless bail shall have been accepted under the provisions of section **28,** 29 or 32, forthwith forward him to the nearest police station or to a Prohibition Officer, with a report of the circumstances under which such arrest was made.

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(2) On any such person being brought to a police station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned, before himself, or before the Prohibition Officer if any, or any Police Officer within the limits of the jurisdiction of which Prohibition or Police Officer, the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer. Procedure of Police station officer

(3) On any such person being brought in custody before a Prohibition or Police Officer as aforesaid or appearing before such officer on bail or when such officer as aforesaid has himself made the arrest such officer shall hold such inquiry as he may think necessary and shall either release such person, or forward him in custody to, or admit him to bail to appear before, the Magistrate having jurisdiction to inquire into or try the case: Procedure of Police or Prohibition Officer empowered to inquire.

Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such officer, he shall, if sufficient bail be tendered for the appearance of the person arrested, admit such person to bail to appear on any subsequent day before himself or any other officer having jurisdiction to inquire into the case.

39. It shall be the duty of any officer arresting any person under the powers conferred by section **28 or** 29 and of any officer in charge of a police station or any Police or Prohibition Officer before whom a person arrested is brought or appears under the provisions of section 38 to release such person on bail if sufficient bail be tendered for his appearance before a **Police or** Prohibition Officer or before a Magistrate as the case may be. Persons arrested to be admitted to bail.

40. (1) Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Police or Prohibition Bond of accused and sureties.

Officer before whom he was bailed to attend, or by the Magistrate, as the case may be :

Provided that the officer admitting any such person to bail may in his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

(2) The Provincial Government shall from time to time determine the form of the bond to be used in any local area.

Procedure in case of default of person admitted to bail to appear before Prohibition Officer.

41. When by reason of default of appearance of a person bailed to appear before a Police or Prohibition Officer, such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to inquire into or try the offence of which the person bailed was accused, and the Magistrate shall proceed to enforce the payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court. V of 1898

Power of Police or Prohibition Officers to summon witnesses.

42. Any Police or Prohibition Officer holding an inquiry in the manner provided in section 38 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control :

Provided that no such officer shall so summon any person to appear before him if the journey to be made for complying with such summons exceeds ten miles by road or fifty miles by rail or such other limits as the Provincial Government may fix.

Terms of summons.

43. Every summons issued under section 42 shall state whether the person summoned is required to give evidence or to produce a document, or both, and shall require him to appear before the said officer at a stated time and place.

Examination of witnesses.

44. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced to writing and shall be signed by such officer.

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When attendance of witnesses to be dispensed with, and procedure in such cases.

45. It shall be lawful for a Police or Prohibition Officer, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry; and such person shall be bound so to answer accordingly, and the provisions of section 44 shall apply to such answers.

Power of Police or Prohibition Officer to summon suspected persons.

46. Any Police or Prohibition Officer may after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Act. On such person appearing before such officer, the procedure prescribed by sections 38 to 45 shall become applicable.

The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 42 to 45 before summoning the person suspected.

Law relating to criminal courts as to summoning of witnesses to apply.

47. The law for the time being in force as to summonses and compelling the attendance of persons summoned in criminal courts shall, so far as the same may be applicable, apply to any summons issued by a Police or Prohibition Officer and to any person summoned by him to appear under the provisions of this Act.

Report of Police or Prohibition Officer to give jurisdiction to competent Magistrate.

48. When a Police or Prohibition Officer forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure, 1898.

V of 1898.

Powers of Police and Prohibition Officers to cause attendance of witnesses before Magistrate.

49. When a Police or Prohibition Officer forwards in custody any person accused of an offence against this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure, 1898, on an officer in charge of a police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case. V of 1898

Accused not to be detained in custody for a longer period than twenty-four hours without special authority.

50. No person accused or suspected of having committed an offence under this Act shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where a Police or Prohibition Officer may be and from thence to the court having jurisdiction to try the case.

Police to take charge of articles seized.

51. All officers in charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer, all articles seized under this Act which may be delivered to them; and shall allow any Prohibition Officer who may accompany such articles to the police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.

Power of District Magistrate to transfer cases.

52. The District Magistrate shall have power to transfer any case under this Act pending inquiry or trial before any Magistrate or Officer in the district to any other Magistrate or Officer therein.

Operation of the Code of Criminal Procedure, 1898.

53. Nothing contained in this Act shall affect the operation of the Code of Criminal Procedure, 1898. V of 1898

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CHAPTER VI.—RULES AND NOTIFICATIONS.

Power to make rules

54. (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Provincial Government may make rules—

(*a*) for the issue of licences and permits and the enforcement of the conditions thereof;

(*b*) prescribing the powers to be exercised and the duties to be performed by paid and honorary Prohibition Officers in furtherance of the objects of the Act;

(*c*) determining the local jurisdiction of Police and Prohibition Officers in regard to inquiries and the exercise of preventive and investigating powers;

(*d*) authorizing any officer or person to exercise any power or perform any duty under this Act;

(*e*) prescribing the powers and duties of prohibition committees and the members thereof and the intervals at which the members of such committees shall make their reports;

(*f*) regulating the delegation by the Commissioner or by Collectors or other district officers of any powers conferred on them by or under this Act;

(*g*) regulating the cultivation of the hemp plant, the collection of those portions of such plant from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom;

(*h*) declaring how denatured spirit shall be manufactured;

(*i*) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Act or under any rule made thereunder, or by what authorities such orders

may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith;

(*j*) for the grant of batta to witnesses, and of compensation for loss of time to persons released under sub-section (3) of section 38 on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted;

(*k*) regulating the power of Police and Prohibition Officers to summon witnesses from a distance under section 42; and

(*l*) for the disposal of articles confiscated and of the proceeds thereof.

Publication of rules and notifications.

55. All rules made and notifications issued under this Act shall be published in the Official Gazette and upon such publication, shall have effect as if enacted in this Act.

CHAPTER VII.—Legal Proceedings.

Actions against the Crown, etc.

56. . . . No action shall lie against the Crown or against any Prohibition, Police or other officer, for damages in any civil court for any act *bona fide* done or ordered to be done in pursuance of this Act.

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57. All courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act. Courts to take judicial notice of appointments.

SCHEDULE.

(*See* section 2.)

Year.	Number.	Short title or subject.	Extent of repeal.
(1)	(2)	(3)	(4)
		Acts of the Governor of Fort St. George in Council.	
1886	I	The Madras Abkari Act, 1886 ..	The whole.
1905	I	The Madras Abkari (Amendment) Act, 1905.	Do.
1913	I	The Madras Abkari (Amendment) Act, 1913.	Do.
1915	I	The Madras Abkari (Amendment) Act, 1915.	Do.
		Act of the Madras Legislature.	
1929	XVIII	The Madras Abkari (Amendment) Act, 1929.	The whole.
		Act of the Indian Legislature.	
1930	II	The Dangerous Drugs Act, 1930 ..	So much of Schedule II as relates to the Madras Abkari Act, 1886.