

LOCAL AUTONOMY

VOLUME I

NATESAN
MADRAS
Re. 1

G. F. F. FOULKES
(SALEM)

LOCAL AUTONOMY

VOLUME I

BY

G. F. F. FOULKES

of Salem

Rupee One

G. A. NATESAN & CO.

MADRAS

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ERRATUM :

P. 6 line 12 read 52 instead of 36.

PREFACE

It will be apparent to the reader how much valuable assistance I have received from friends who have been so good as to favour me with their views and criticisms regarding the subjects dealt with in these pages.

Now that the New Ministry have accepted and entered office with an overwhelming majority, it is to be hoped we shall be free, for the time being, of the turmoil connected with the recent elections.

Meantime the Electorate will have leisure to give heed to the various social, economic, and legislative problems which confront it. And this volume has been published in the hope of attracting attention to some of the salient matters which affect the daily life of the people,

It is incumbent on all those electors who have the welfare of their country at heart to make a study of current affairs so that they will find themselves in a position to recognise the best measures to adopt in order to secure the contentment and happiness of the great body of the population.

November, 1937.

G. F. F. FOULKES,

of Salem.

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CHAPTER I

MADRAS BRITISH TERRITORY STATISTICS

N.B.—The population and area figures have been taken from the Census of 1931; but these figures require some modification on account of the formation of the new Province of Orissa.

TABLE—I

POPULATION

In Volume XIV Part II Pages 106-115 of the Census of India, 1931, the population of Madras Province British Territory is divided generally into:—

Total earners	...	17,902,806
„ working dependents	...	8,001,684
„ non-working dependents	...	20,835,617
		<hr/>
Total population	...	46,740,107
		<hr/>

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Next, this population is sub-divided into 195 different kinds of means of livelihood of which the broad divisions are:—

Class A. Production of Raw materials.	Sub-Class I.	
Exploitation of animals and vegetation	...	13,188,526
Class B. Preparation and supply of material substances	...	4,108,818
Class C. Public Administration and liberal Arts.		619,465
Class D. Miscellaneous	...	10,652,467
Total		28,569,276

Then Class A, Sub-Class I is divided as follows in Order I Pasture and Agriculture 13,008,215 made up of:—

(a) Cultivation	...	12,321,912
(b) Cultivation of special crops as tea, etc.	...	137,947
(c) Forestry	...	39,673
(d) Stock-raising	...	506,671
(e) Raising of small animals and insects as bees, silk-worm, etc.	...	2,012
Total		13,008,215

Finally, the 12,321,912 persons engaged in (a) Cultivation are separated into the following categories :—

		Per cent.
Agricultural labourers ...	5,313,311 or	43'2
Tenant cultivators ...	1,518,191 „	12'3
Cultivating owners ...	4,767,516 „	38'7
Non-cultivating tenants ...	204,833 „	1'7
Non-cultivating proprietors taking rent ...	412,589 „	3'3
Shifting cultivation in forests ...	80,572 „	0'6
Other categories ...	24,900 „	0'2
<hr/>		<hr/>
Total ...	12,321,912	100'0
<hr/>		<hr/>

Of the 20,835,617 non-working dependents of earners, 10,000,000 would on a *pro rata* basis belong to the agricultural and pastoral population. Hence, out of a total population of 46,740,107 persons, 23,188,526 derive their livelihood directly from agricultural and other field operations which is equivalent to 50 per cent. of the whole. The figure under this head is usually given as 71 per cent. without details, so it is to be presumed that 21 per cent. of the population are part-time agriculturalists whatever that term may mean.

TABLE—II

LINGUISTICAL

The inhabitants of the Madras Presidency speak six different major languages, each of which has its own written characters and literature. Of these six languages, five are Dravidian and the sixth is Hindustani. In addition, there are several subsidiary languages. Generally speaking, however, 40 per cent. of the inhabitants are familiar with Tamil and 37 per cent. with Telugu.

TABLE—III

TERRITORIAL DIVISIONS

According to Census of India 1931 Volume XIV Madras Part II Provincial Table I 326, the Madras British Territory contains :

26 Districts (of which 1 is Madras Town and 1 is the Nilgiri Hills.)

255 Taluqs (of which 26 Taluqs are Agency Tracts and 2 are in the Amin Divi and the Laccadive Islands).

Firkas.—The number of Firkas is not stated. The average Taluq may be considered to contain 6 Firkas which gives a total of not less than 1,500 Firkas for the Presidency.

With the rising importance of the Agricultural Department, the Co-operative Societies and the Veterinary service, the Firka is likely to become more and more the territorial unit of the Province.

TABLE—IV

AREA

The area of Madras British Territory is 142,277 square miles which is equal to 91,057,280 acres.

This area is distributed into the following main divisions :—

1. FORESTS

(a) Reserved Forests ...	15,625 sq. miles.	} Annual Report Forest Department 31-3-1935 page 31.
(b) Reserved Lands ...	691 „	
(c) Ryots' Forests ...	3,392 „	

Total... 19,708 sq. miles.

2. ZAMINDARY LANDS

Statement II.
Report of
the Settlement of the
Land Revenue

1934-5 ... 29,821 sq. miles = 19,085,910 acres.

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3. RYOTWARI LANDS

Para 7, Report of the Settlement of the Land Revenue 1934-5.

Number of holdings =
5,797,807.

Page 36, Report on Settlement of the Land Revenue 1934-5

... 43,616 sq. miles = 27,914,235 acres.

Total.. 93,145 sq. miles.

4. CULTURABLE

WASTE	27,900 sq. miles. =	} Deduced from
	17,858,617 acres.	

5. UNCULTURABLE

WASTE	21,232 sq. miles. =	} Deduced from
	13,858,763 acres.	

page 80 of
P. W. D. Administration
Report for
1934-35 Part
II. Irrigation.

Total.. 142,277 sq. miles.

TABLE—V

AREA UNDER CULTIVATION

The subjoined figures exhibit the chief agricultural crops grown in the Presidency and (according to various scattered figures available) give roughly the maximum area grown under each crop. It must be remembered, however, that the figure for the total area cultivated and the area under any particular crop in any one year varies from year to year. The column of "average" area is obtained from Crop and Season Report of the Madras Presidency for 1935-36 (Fasli 1345) Appendix VI pp. 12-15.

I. FOOD CROPS

(a) *The Chief Cereal Crops:—*

	MAXIMUM.	AVERAGE.
	Acres.	
Paddy (<i>Oryza sativa</i>)		
Irrigated ...	8,500,000	8,127,700
Unirrigated ...	3,500,000	3,253,960
Cholam (<i>Sorghum vulgare</i>) ...	5,500,000	4,793,770
Cumbu (<i>Pennisetum typhoideum</i>) ...	3,000,000	2,949,660
Ragi (<i>Eleusine coracana</i>) ...	2,500,000	2,195,290
Tenai (<i>Setaria Italica</i>) ...	1,700,000	1,607,200

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		MAXIMUM.	AVERAGE.
		Acres.	
Varagu (<i>Paspalum</i> <i>scrobiculatum</i>)	...	1,200,000	1,098,280
Samai (<i>Panicum</i> <i>miliare</i>)	...	900,000	796,470
Maize (<i>Zea mais</i>)	...	140,000	126,110
Other cereals	...	750,000	624,270
		<hr/>	<hr/>
Total	...	27,690,000	25,572,710

(b) Pulses :—

		Acres.	
Horse Gram (<i>Dolichos</i> <i>biflorus</i>)	...	2,000,000	1,837,570
Green Gram (<i>Phaseo-</i> <i>lus Mungo</i>)	...	550,000	539,100
Red Gram (<i>Cajanus</i> <i>Indicus</i>)	...	300,000	252,430
Black Gram (<i>Phaseo-</i> <i>lus radiatus</i>)	...	250,000	200,770
Bengal Gram (<i>Cicer</i> <i>arietinum</i>)	...	120,000	85,780
Other Pulses	...	250,000	224,800
		<hr/>	<hr/>
Total	...	3,470,000	3,140,450

(c) *Condiments and Spices* :—

		MAXIMUM.	AVERAGE.
		Acres.	
Chillies	...	350,000	294,590
Other spices	...	400,000	367,400
		<hr/>	<hr/>
Total	...	750,000	661,990
		<hr/>	<hr/>

		Acres.	
(d) <i>Sugar-cane</i>	...	130,000	108,740
Other sugars	...	90,000	88,000
		<hr/>	<hr/>
Total	...	220,000	196,740
		<hr/>	<hr/>

(e) *Fruits and Vegetables* :—

		Acres.	
Plantains	...	140,000	138,610
Other kinds	...	600,000	581,780
		<hr/>	<hr/>
Total	...	740,000	720,390
		<hr/>	<hr/>

II. **COMMERCIAL CROPS**(f) *Oils.*

		Acres.	
Ground-nut (<i>Arachis hypogea</i>)	...	3,500,000	3,317,650
Gingelly (<i>Sesamum Indicum</i>)	...	800,000	781,760

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		MAXIMUM. Acres.	AVERAGE.
Castor (<i>Ricinus communis</i>)	...	400,000	311,870
Cocoaunt	...	550,000	551,330
Other Oils	...	170,000	164,250
Total	...	5,420,000	5,126,860

(g) *Fibres.*

		Acres.	
Cotton	...	2,700,000	2,138,380
Other Fibres	...	200,000	164,170
Total	...	2,900,000	2,302,550

(h) *Drugs and Narcotics.*

		Acres.	
Tobacco	...	300,000	248,220
Other kinds	...	270,000	265,210
Total	...	570,000	513,430

III. FODDER CROPS

		Acres.	
(j) Fodder crops	...	500,000	451,410
Grand Total	...	42,260,000	38,684,530

The average of recent years totals :—

		AVERAGE	PER- CENTAGE
		Acres.	
Food crops	...	30,292,280	78
Commercial crops	...	7,940,840	21
Fodder crops	...	451,410	1
<hr/>			
Grand Total	...	38,684,530	
Area sown more than once	...	4,929,600	
<hr/>			
Net area cropped	...	33,754,930	
Average fallow	...	8,505,070	
<hr/>			

Of the land under the cultivation one-seventh bears more than one crop a year.

The area of Sivajame in ryotwari culturable waste which is discovered and brought to record seems to be about 300,000 acres each year. This indicates that the annual increase of new land brought under patta in ryotwari land averages 300,000 acres.

From the above figures it may be deduced that the maximum area of land cultivated in Zamindari tracts is 14,845,765 acres ; *i.e.*, 42,260,000 as given above *minus* 27,914,235 acres included in 5,797,807 ryotwari holdings.

TABLE—VI

AREA IRRIGATED BY AN ASSURED
WATER SUPPLY

It is difficult to ascertain what is the area irrigated by perennial water as different reports give different figures. In 1934-35, the area brought under assured irrigation by Government agency up to that year appears to be a little over 5,000,000 acres. This figure includes the newly opened Cauvery-Mettur Scheme, which supplies 221,000 acres with new perennial water and assures water for another 80,000 acres which have hitherto been under a non-assured haphazard water supply. The Periyar system commands 143,000 acres. All minor works (12,625,488 acres) are excluded because they are for the most part rain fed and therefore the water is not assured. The Tungabhadra Scheme if and when completed will protect about 500,000 acres.

In addition to the foregoing, there is a large area of land classified as "Garden Lands". These are dry lands irrigated from wells which have independent ayyacuts of their own, i.e., they lie outside the ayyacuts of wet lands. In the Administration Report for the year 1934-35 of the Madras Public Works Department Appendix IV p. 91 (based upon Board of Revenue Routine

No. 6123, dated 28th November 1935) the number of these wells is given as 444,595 irrigating 1,160,181 acres, *i.e.*, an average of 2·6 acres per well. Besides these, it is stated there are 29,421 in working order but not used for irrigation, but the reason for this waste of water is not given.

Malabar and South Kanara Districts have no irrigation systems, but the rainfall is normally so abundant and unfailing that they can be classed as protected areas. The area under cultivation amounts to 1,500,000 acres in Malabar and 500,000 in South Canara.

Thus there are (roughly):—

	Acres.
Perennially irrigated lands ...	5,000,000
Garden lands (well irrigated).	1,160,181
Garden lands (irrigable but water not used) ...	76,000
Malabar and South Kanara ...	2,000,000
Protected lands if and when the Tungabadra Scheme is completed ...	500,000
Non-assured irrigation, <i>i.e.</i> , stored up rain-water in tanks ...	12,625,488
Total ...	<hr/> 21,361,669 <hr/>

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In addition to the above, there is an immense but unknown acreage of land in Zamindary areas which lie under rain water stored in Tanks. The Zamindary tracts also contain a large but unknown acreage of Garden lands which receive an unfailing supply of water in most years.

TABLE—VII

VILLAGE DISTRIBUTION

In the Census of India 1931, a village is defined as the revenue administrative unit. The rural population of Madras British Territory is distributed as follows:—

(VOLUME XIV. PART II. TABLE III.)

Villages under

500 popula-			
tion	... 28,306 villages with	4,996,332	
total population.			
500 to 1,000...	9,656	„	6,982,882
1,000 to 2,000...	8,465	„	11,880,290
2,000 to 5,000...	4,582	„	13,366,902
Total	... 51,009		37,226,406

There were 817 towns with over 5,000 inhabitants in each aggregating 9,440,629 persons and an unclassified population of 73,072 people.

This table shows what an enormous number of villages there are in Madras and makes it manifest that the quickest and most thorough, if not the only means, of reaching these villages for propaganda and educative purposes is by the daily use of the Broadcast and Loud Speakers.

TABLE—VIII

LIVESTOCK POPULATION

(Census of January 1935)

Appendix XIII, pp. 28-29 of Season and Crop Report of the Madras Presidency 1935-86 (Fasli 1345).

The numbers of Cattle, Buffaloes, Sheep and Goats reach the prodigious total of 43,308,020 head, or not far short of one animal per head of the human population.

Cattle.—The total number is 17,790,855.

These are divided into males 9,255,334 and females 8,535,521.

The males are further sub-divided into:—

- | | | |
|--|-----|-----------|
| (a) Breeding Bulls, i.e.,
entire males over 3
years old | ... | 169,285 |
| (b) Working Bullocks over
3 years old kept for
work only | ... | 6,177,708 |

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(c) Bulls and Bullocks over 3 years old not kept for breeding or for work	655,170
(d) Young stock.	
(i) under one year old.	966,892
(ii) 1 to 3 years old	1,286,279

The females comprise:—

(a) Breeding Cows, <i>i.e.</i> , over 3 years old kept for breeding or milk production	4,295,273
(b) Cows over 3 years old used for work	1,115,870
(c) Cows over 3 years old not used for breeding or work	573,535
(d) Young females	
(i) under 1 year old	1,231,589
(ii) 1 to 3 years old	1,319,254

Buffaloes.—The total
number is... 6,816,965

Males 2,296,019 are sub-divided into:—

(a) Breeding Bulls	144,200
(b) Working Buffaloes kept for work only	1,116,701

(c) Buffaloes over 3 years old not kept for breeding or for work ...	130,678
--	---------

(d) Young stock	
(i) under one year old...	496,239
(ii) 1 to 3 years old...	408,201

Females 4,520,946 are sub-divided into :—

(a) Breeding she-Buffaloes kept for breeding or milk production ...	2,398,944
(b) She-Buffaloes over 3 years old used for work ...	267,463
(c) She-Buffaloes over 3 years old not used for breed- ing, milking, or work ...	221,399
(d) Young she-Buffaloes	
(i) under one year old ...	854,280
(ii) 1 to 3 years old ...	778,910

Sheep number ... 11,938,324

Goats number ... 6,761,876

Mules number ... 2,797

Donkeys number .. 145,728

Camels number .. 33

Horses and Ponies are sub-divided into :—

(a) Males ...	32,932
(b) Females ...	14,362

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(c) Colts and Fillies

(i) under one year ...	3,391
(ii) 1 to 3 years old ...	2,173

Grand Total ...	52,858
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Ploughs

(a) Wooden ...	4,337,231
(b) Iron ...	46,850

Carts

...	1,193,665
-----	-----------

Sugar Crushers

(a) worked by power ...	1,524
(b) by Bullocks ...	24,325

CHAPTER II

EDUCATION

Education is the acquisition of knowledge and of experience as the result of the development of character and mental powers, and training in settled tendencies and habits. The object of education is the production of a useful and reliable citizen together with the building up of his character without impairing his common sense or his own individuality.

The theory underlying the principles of an educational system is the design to adapt the instinct of the individual to live his own life with due regard to the future demands of the community upon his services as a citizen. And it follows from this that the education of girls is as important as that of boys. Only in this way can there be any real concord between the liberty of the individual and the claims of society in restraint of the individual.

Among normal human beings there may be a person who is illiterate or who is un-lettered ; but there can be no such person as an uneducated man since every normal man must have some knowledge and some experience. No one, for instance, can say that that great personality Hyder Ali of Mysore was an uneducated man

although he is said to have been quite illiterate to the day of his death.

To speak of educating a boy is to give rise to a complete misapprehension of the object and function of education. No teacher can educate a boy; he can only help the boy to educate himself by imparting information and instruction and encouragement and thus enable the boy to do and think things which most boys would be unable to do or think of their own accord.

We see the result of this misconception of the function of education in the South of India to-day. In this Presidency youths are instructed in a certain standard of literacy for the sole purpose of passing certain restricted types of examinations. No regard is paid to the formation of the character of a boy and no attempt is made to develop his individuality. So far from producing a useful and reliable type of citizen, the schools and the University of Madras have produced numbers of "black-coated unemployed" who are fitted neither by character nor by vocation for any career.

Indians have, of their own accord, ceased to speak of "educated" youths. They call them "literate" which, in truth, is what they are nor does their literacy go very far. The matter has reached such a serious stage that the Government of India and the Provincial Governments

are now being called upon to find a solution for this anti-social state of affairs.

In 1913, the Government of India declared that its policy was to expand Elementary Education by means of Local Board Schools wherever this was financially possible.

With a view to make better provision for the expansion of Elementary Education in the Presidency of Madras, an Act called the Madras Elementary Education Act was passed in 1920. Provision was made in the Act for local bodies to raise additional funds for Elementary Education by the levy of an education tax with the sanction of Government. For every rupee raised locally the Government contributes an equal amount to the local board. All district boards and 45 out of 82 Municipalities (in 1936) levied the tax. The total sum realised by local bodies amounts to 21'89 lakhs and an equivalent sum is allotted by Government.

In addition, grants towards the cost of maintenance of schools opened by local bodies with the approval of Government amount to Rs. 63'65 lakhs per annum.

Besides the grants for the maintenance of schools, the Government give grants towards the

cost of buildings for Elementary schools. These grants usually represent one-half the cost of buildings.

The Elementary Education Act of 1920 provides for the introduction of Compulsory Education.

In 1936, the Government of Madras appointed a sub-Committee of the Provincial Economic Council to draw up recommendations for the improvement of ELEMENTARY EDUCATION. This report showed that there are rather over $6\frac{1}{2}$ million boys and girls of elementary school-going age, and of these 2,773,352 boys and girls attend elementary schools.

The objective in the popularisation of elementary education is two-fold. First, to prevent the waste on educating children who now attend school but leave it without attaining permanent literacy. Second, to encourage children who do not now attend school voluntarily to do so in future.

At present 48 per cent. of the children are in Standard I, and 28 per cent. in Standard II, but only 12 per cent. are in Standard IV, and 5 per cent. in Standard V. These figures indicate how much time, money and energy are being wasted.

The first cause of this wastage is attributed to the bias of the parents. After the age of 6, a child has an economic value to the parent which over-rides the necessity of sending the child to school.

The sub-Committee point out that the cost of education to the parent can be reduced by (a) an increase in the subsidies granted to poor parents towards the cost of school books, (b) by limiting the number of books required, and (c) by prohibiting frequent changes in text-books.

The loss of the economic value of the child to the parent could be reduced if more elasticity is allowed in the arrangement of school hours and holidays according to local conditions. Harvests, market days, and festivals, etc., vary in date. Consequently, attendance should not be calculated on the basis of 200 school days of 4 hours each as at present, but on hours per day with the proviso that not more than six hours on any one day should be reckoned in the total.

It is calculated that the average child must be able to pass out from the fifth Standard in order to attain to permanent literacy and five years schooling are necessary to do this. Hence nothing less than the five-standard course can be regarded as the normal school course.

Further, there must be a teacher for each standard. Since, however, young children cannot

walk far to school, feeder schools consisting of Standard I and II, and even III in exceptional circumstances, may receive recognition provided these schools can show that the pupils will pass on to complete schools.

Great stress is laid on improving the quality of elementary school teachers. The policy of Government in eliminating untrained and lower elementary trained teachers as quickly as possible is approved but the process can and ought to be accelerated by increasing the number of training schools. Indeed, properly trained women teachers will be better than men to handle the two lowest Standards of children.

A large increase in the Inspectorate is necessary as frequent inspection is required to judge the efficiency of teachers. At present a Deputy Inspector of Schools has to inspect in many districts as many as 150 elementary schools in the year.

A more liberal provision for libraries in villages is recommended so that pupils on leaving school shall have an inducement to keep up a practice of reading.

In areas where compulsory education has already been introduced, it is very doubtful whether the outturn of permanent literates has risen at all and, if it has not, we are merely countenancing in these areas a still larger waste of money and energy.

Compulsory education should not be introduced in any area unless there are (a) a sufficient number of school buildings, (b) a sufficient number of schools with the complete structure of five standards, and (c) sufficient staff and equipment to render the proper working of compulsion possible.

Great stress must be laid on the education of girls. In the next generation, the sub-Committee is convinced it will be the mothers rather than the fathers who will play the more important part in that extension of elementary education to which we look forward.

In the meantime a Committee had been appointed by the Government of Madras in 1932 to advise on HIGHER ELEMENTARY SCHOOLS and they reported on the following lines :—

The total number of higher elementary schools (in Madras Presidency) for boys was 1,311; of which 1,151 were rural schools and 160 urban schools. The number of higher elementary schools with Standard VIII was 703, the remainder being incomplete, namely, 230 having Standard VII, and 373 having Standard VI. Twenty-two schools were Government schools, 50 municipal, 712 local board, and 527 aided schools; 60 of the 527 aided schools were night schools.

The great majority of pupils in higher elementary schools complete their education in such schools.

The higher elementary school system should be regarded as an extension and strengthening of elementary education and one of its main objects should be the prolongation of the elementary school course to 6 or 8 classes so as to ensure a greater chance of permanent literacy for the majority of the pupils entering elementary schools.

Government in their Order No. 158 Education dated 28th January 1929 had already stated:— Government agree that higher elementary schools should not be converted into middle schools but should be kept distinct. They consider that attempts should be made to make the course of studies in higher elementary schools really distinct from that in middle schools so that it may be suited to the class of pupils who will attend them.

The higher elementary school system needs to be entirely reorganised.

Government should prohibit the opening of higher elementary schools where secondary schools already exist unless the former have entirely distinct aims and courses and are radically different in character to the secondary schools.

Though we (the Committee) desire to make the higher elementary schools largely vernacular schools, a certain amount of optional English

should be permitted, since we have to take into consideration the needs of the few pupils who proceed from elementary schools to secondary schools. English should not be permitted unless it is taught by secondary grade teachers.

Most of the teaching in elementary schools has remained formal in character and based mainly on text-book work. It is not so much that the subjects of study have been unsuitable as the fact that the method of instruction has been too stereotyped and inelastic.

We (the Committee) are unanimously agreed that no attempt should be made to teach agriculture as such in higher elementary (rural) schools. In rural areas all higher elementary schools should have some kind of garden attached. The value of school gardening as a subject of instruction in the higher standards of elementary schools needs no elaboration; in its utilitarian vocational aspect and in the interest it should inculcate in the pupils in regard to plant life and the farming operations of the locality, it deserves recommendation as a staple subject of the curriculum.

The syllabus for physical training should be redrafted so as to include formal field games.

The standard of vernacular instruction should be raised considerably by (a) an increase in the number of periods devoted to vernacular teaching,

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(b) the appointment of trained pundits, and (c) the use of more suitable text-books. The periods should be increased to at least 8 periods a week. We believe that one of the main reasons for the unsatisfactory state of vernacular teaching is the extremely unsatisfactory character of the text-books used.

The Director of Public Instruction should be given the power to nominate a small Committee of experienced District Educational Officers and Head Masters to deal with the approval of text-books for higher elementary schools.

Fees may be levied in Standard VI to VIII in schools under public management in compulsory areas.

A large amount of literature has in recent years been published which deals with "the project method" of teaching. Actually, properly used, the project method is perfectly simple in application. It requires no study of educational psychology and no high-flown terminology. The method can be taught in training schools in a short time to teachers of very limited capacity and practically no new or costly apparatus is required. The simplest and most straightforward projects such as the local post office, the local shop, the Magistrate's court, and the railway station and the use of the school garden can assist the teaching of almost all the subjects of study in the elementary course. The

proper way is to give instruction in the subjects set for study in such a manner that the young pupil will be able to learn his nature study, geography, mathematics and civics not from text-book alone but from an interest in and an understanding of local industry and trade, the working of local administration, local agricultural operations, local topography and natural conditions, local communication and transport, the work of co-operative societies and allied societies, and the local condition of sanitation and public health.

The teaching of Geography obviously provides great scope for using local conditions and phenomena as the basis for class teaching. We recommend therefore that geography should be confined to the Geography of India in general and of the local area in particular.

Indian History and Civics.—The study of civics should be made not mainly from text-books but from an interest in and understanding of local affairs. The syllabus should be graded so as to enable the teacher gradually to lead his pupils from a knowledge and understanding of local affairs to special and wider problems of general administration. By the use of the project method, the study of civics can easily be made both interesting and entertaining.

In a press *communiqué* dated, Fort St. George, 8-12-1936 issued by the Government of Madras, the following revised **ELEMENTARY EDUCATIONAL POLICY** was enunciated:—

“A large number of elementary schools are uneconomical, ineffective and in many cases superfluous.

Out of a total number of approximately 42,600 lower elementary schools, only 7,160 are complete with five standards and as many as 8,300 have only standards I to III or less. Over 18,600 lower elementary schools are working with only one teacher and nearly 12,000 lower elementary schools have less than 30 pupils on their rolls.

The figures for boys' schools alone for the five years period between 1930-31 and 1934-5 show that out of a total of 1,165,000 pupils on the rolls in Standard I, only 101,000 survived to Standard V and over 700,000 pupils failed to reappear in Standard II after spending one year in Standard I.

These facts and figures demonstrate that there is a great waste of public funds on educating children who never attain permanent literacy.

The policy of Government in future will be to see that as far as possible only complete primary schools with five standards are supported by subsidy or aid, an exception being made in the

case of feeder schools with two or three standards which can be proved to be regularly passing on their pupils to the higher standards of neighbouring complete schools.

The intention of Government is to raise the rates of grants for higher elementary trained teachers by Rs. 2 per mensem, that is, from Rs. 12 to Rs. 14 and to raise the rates of grant for secondary grade trained teachers from Rs. 16-10 per mensem to Rs. 18 per mensem.

At present each of the subordinate inspecting staff have to inspect, visit and supervise a large number of schools, ranging from 90 to 150 and Government consider that this number per subordinate inspecting officer must be considerably reduced if effective supervision is to be maintained.

Government have also come to the conclusion that the superior administrative staff is inadequate and not strong enough to ensure that the very large sums of public money spent in elementary education are spent effectively.

The new rules framed under the Elementary Education Act have been designed to improve the efficient working of aided schools.

The detailed scrutiny of the condition of mass education in the Presidency has revealed the fact that, in certain localities, there is undesirable competition between aided schools and board schools, and while it is Government's intention of eliminating inefficient and unnecessary

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schools irrespective of the agency managing the schools, it is also Government's intention to adhere to its policy of not allowing board schools to be opened in competition with efficiently working and long standing aided schools.

Government have already appointed a Committee which is engaged in revising the syllabuses both for lower elementary and for higher elementary schools. Government have simultaneously taken up for consideration the revision of the courses of training for elementary and secondary grade teachers with a view to making them more professional and practical than they are at present. They have further decided to make provision for the organisation of refresher courses in suitable local centres in order to make the existing trained teachers better equipped for meeting the demands which the new revised syllabuses will make on them."

Although the foregoing recently declared policy of the Government marks an improved phase in the progress of the elementary educational system of the Province, educational reformers will be disappointed that nothing has been laid down regarding TEXT-BOOKS. The trade in approved text-books is a very lucrative one both for the author and the publisher. The formation of

Text-book Selection Committees throughout the Presidency has given rise both to intrigue and corruption. All this could be stopped by accepting the suggestion of the Committee reporting on higher elementary education, namely, that the Director of Public Instruction shall be given the power to nominate a small Committee of professionally experienced persons to deal with the selection and approval of text-books.

Teachers should be enabled to attend many more Refresher courses than is the case now. During his career every teacher influences for good or ill upwards of 1,000 children and in view of this a teacher should be as well equipped as possible.

Although the Government declares that part of its recently-amended educational policy is the revision of the courses of training for teachers, it makes no reference to the introduction of the PROJECT METHOD of instruction. If the project method can do what is claimed for it, it will place all education on a practical footing and every child and adolescent will be able to realise for himself how useful instruction is and will be as a preparation for his grown-up life. And this great gain to the community will be secured without extra cost to the taxpayer. The project method tends to eliminate all cramming and learning by heart because it is specially devised for developing the initiative and the

creative instinct of the child. It encourages the child to think for himself which is the aptitude so lacking in our present methods of teaching.

Probably everybody wishes that instruction in elementary and higher elementary schools should be given in the local **VERNACULAR LANGUAGE**. But it will have to be a real vernacular and not a bastard mixture of Vernacular, Sanskrit, Hindustani, and English. In a chemical and mechanised age, it will be extremely difficult to find vernacular concepts to express the results of Western research. The Hyderabad Government have compiled an up-to-date Hindustani dictionary. The Mysore Government have completed one in Canarese. And the Madras University have just finished one in Tamil. It is a source of wonder why, after all these years and all the talk on the subject, the Telugu and the Malayalee communities have failed to secure similar dictionaries for their own up-to-date equipment.

The sub-Committee of the Provincial Economic Council (1936) report on elementary education is very cautious regarding proposals on **COMPULSORY EDUCATION**. The sub-Committee is of opinion that an immediate overhaul and reform of the existing system of voluntary elementary education should precede any large expansion of compulsory education. Compulsory education is already nominally in force in a number of

localities spread over a wide area, but in no one of these is education really compulsory. The reasons for this failure are not far to seek. In each area the preliminaries to the introduction of compulsion are difficult and have to be systematised ; trained teachers have to be assembled ; appropriate buildings must be provided beforehand ; complete and accurate lists of the children in the compulsion area must be furnished. These main items with their ancillary difficulties occupy three years of preparation at the least. Next, parents must be prosecuted in every case of default. Nowhere has any sustained series of prosecutions been resorted to for the good reason that members of local bodies are afraid to face the outcry which would be raised by an angered population in its dual capacity as parents and as electors. If the voluntary system of elementary education has admittedly resulted in a serious waste of the taxpayers' money, how much a greater waste will ensue as the result of an unreal and pretentious compulsion ?

With respect to the declared intention of Government to increase the numbers of Inspectors, it seems that the inspection of schools is much too formal. Schools do not really require much inspection. What they need is the right kind of sympathetic supervision and constructive suggestions by way of guidance to the teaching staff in fulfilling their functions. The word Supervisor

seems to define the situation better than that of Inspector.

It is the common complaint throughout the Province that boys who attained to literacy at primary school relapse into ILLITERACY when they grow up. The cause of this relapse may be traced to the lack of facilities in keeping up the practice of reading in adult age. As a remedy for the lack of reading material, it has been proposed to establish travelling libraries. There are, however, serious objections to this proposal: the chief of which is the expense entailed. This difficulty may, perhaps, be obviated by following the English practice in rural areas. In that country village libraries have been established as subsidiaries of the country library, and the country librarian can, on requisition, supply almost any book likely to be applied for. In this scheme the small rural county of Kent, for instance, has 350 branches with 100,000 readers. As a commencement, the villagers in Madras would not require a very extensive range of books; the Kural, for example, is a popular book among the Tamils, but it takes a long time to read and a good many copies of this one book alone would be required for the use of Tamil villagers. The books required could be chosen by S. S. L. C, grade of villagers who presumably will know better than a townsman what kind of book the average villager would like to read. In

South India, the small standing village library would be subsidiary to the District library or, as soon as funds permit, to the Taluk library. The rapidly extending motor bus services could be utilised as a cheap and expeditious means of distribution to and return of books from the villages.

SECONDARY EDUCATION

In 1936, the Head Masters' Association submitted a memorandum to the Director of Public Instruction embodying their views on the reform and reorganisation of SECONDARY EDUCATION:— They pointed out (a) that the requirements of the University dominates the secondary school course though only a small percentage of pupils enter the University; (b) that the education given in secondary schools is too literary and should be of a more practical nature; (c) this can be attained by allowing optional subjects to be introduced into the curriculum for Forms V and VI, *e.g.*, agriculture, horticulture, and technology.

The Head Masters' Association was of opinion that the S. S. L. C. is not of use to the student for practical purposes in the eyes of employers in the case of boys who cease their studies at

this stage, and the University authorities regard the certificate as being of too low a standard of proficiency for those boys who wish to proceed to the University. Moreover, the S. S. L. C. standard does not allow for a sufficiently long course of instruction for basic proficiency and it allows pupils to enter College at too early an age.

Meantime, the Government of India, it is said, have invited the Local Governments to furnish them with their views on the subject of the reorganisation of secondary education and it is added that two educational experts have now come out from England to study these reports and then place their own recommendations before the Government of India.

His Exalted Highness the Nizam has in 1936 approved an amended EDUCATIONAL POLICY FOR HIS STATE OF HYDERABAD wherein, during the SECONDARY SCHOOL stage, there shall be courses in agriculture, commerce, and handicrafts side by side with courses in arts and science. There will thus be an agricultural bias in rural schools.

A Board of Education for Hyderabad State is to be established. To safeguard the EDUCATION OF GIRLS, one of the Statutory Committees of the Board is to be comprised mainly of women and the Board is not to decide any question relating to the education of girls without first obtaining the opinion of this Committee.

A defect in the secondary school system in Madras is THE LACK OF PERSONAL TOUCH between master and boy, with the result that the masters gradually lose touch with a boy's outlook on life and the boys never get into mental communion with the masters. Master and boy have become the impersonal parts of a vast cramming machine.

If any scheme of reorganisation of secondary education is to be truly successful, it should provide for the all-important aspect of bringing the boys into personal touch with their masters.

In English Public Schools this touch is achieved (a) by means of a small sixth form whose members comprise the head-master's class and are in daily contact with him ; (b) the boys of a school live in boarding houses where the house-master is assisted by the two or three senior boys of the house in maintaining discipline and the good name of the house.

These boys are thus familiarised with responsibility and leadership while they are still at school. Usually twenty-five to thirty boys are boarded in each house; (c) outside classroom work every boy has $1\frac{1}{2}$ to 2 hours a day "home-work" in his own study; in the case of the 5 to 7 lower boys in each house who have no studies, this home work is done in a common or pupil room where the house-master himself sits with the boys and helps them with their preparation work. In this way the youngest boys receive almost individual attention from their house-master who, for his part, is enabled to study the disposition and temperament of each of his pupils. Every house-master is thus in touch with his senior boys at one end of the scale and of his junior boys at the other end of the scale. In addition, the domestic side of the house is supervised by the wife of the house-master or by a matron specially appointed for the purpose, and the boys are under a wholesome and cultured feminine influence throughout their school career.

In South India in the District of Salem, BOARDING HOUSES have been opened in four Secondary Schools and ARE MANAGED ON CO-OPERATIVE LINES. The District Board supplies the necessary minimum of furniture and equipment and pays the monthly rent of the buildings which are hired as hostels. The hostel is run on co-operative lines under the supervision

of the warden (master) in consultation with the senior boys, who thus obtain a practical insight into self-government as contemplated in the project method. The number of boys accommodated in a hostel should not exceed thirty. When the movement was started, it was hoped that every boy who had no relations nor friends of his family living at the school centre, should be able to find accommodation in a hostel. But sufficient numbers of the type of building required for a hostel have not been forthcoming and many boys who would be glad to live in a hostel are debarred from doing so.

In the case of all boys whose parents do not live in the town where the school is situated, if it is found that the parents of boys approve of the hostel system, it is to be hoped that an adequate supply of hostels will be considered to be as much a part of the necessary equipment of a school as are the class-rooms; and it is to be hoped that capital expenditure will be forthcoming to house all pupils whose parents desire that they should come within what ought to be the good influence and happy atmosphere of a hostel. But it is necessary to emphasise that the number of boys in each hostel should not exceed thirty; otherwise the personal touch between house-master and boy will be lost.

There is another point which should not escape attention in any reorganisation scheme of Secondary Education. It has been computed that one-third of the boys who read in the higher division of secondary schools **DERIVE NO BENEFIT FROM SECONDARY EDUCATION** because they are intellectually unfit to absorb what they are taught.

If these boys could be eliminated, the other boys would be able to study in smaller classes and the masters who teach in these higher classes would suffer less distraction by having fewer boys to deal with. One way of eliminating those boys who do not benefit from study in the higher sections of the secondary schools, is to re-impose the old middle-school examination to determine whether a boy is fit to proceed from the 3rd to the 4th Form. At present it devolves on the head-master to decide whether a boy is to be promoted from one form to another and this, quite often, places him in a very invidious and unenviable position. If the "Project Method" of teaching is introduced into all schools, it will be possible to set the questions for the middle school or any other examination in such a way that mere cramming would be of no avail in preparing for it. The examination need not be a Presidency affair. The papers can be set in

each district and valued by changing committees of masters.

There are two very important points which require solution in connection with Secondary Education. These are, one, what is to be done with those boys who are literally unfit to be instructed in general book-learning beyond the third, or Middle school, Form; and, two, how can adolescents be given a technical training which will be of real practical use to themselves and to the community after they leave school.

There appear to be many would-be reformers who would deal with these two problems in one and the same way. They recognise that the boundary is the gulf between the 3rd and 4th Forms and they admit that it is of no use to pass an unliterary boy or girl beyond the 3rd Form.

These reformers would solve the problem by switching all such pupils from literary to vocational instruction. Technology may roughly be divided into the three main branches of Agriculture, the Industrial Crafts, and Commerce.

In rural secondary schools, it would be quite possible to give a strong agricultural and nature-study bias to all teaching in the non-literary

senior classes. But it will be necessary to prepare graded text-books or readers written in pure vernacular from which all bastard language has been expunged. The teachers will be quite unfitted to instruct their pupils beyond the text-books and they will be obliged to adopt the Project Method of taking their pupils into the field to witness and discuss every kind of operation dealt with in the text-books as it occurs. This will involve close co-operation between the Agricultural Demonstrators and their Maistries on the one part and the school teacher on the other part. As only improved methods should be demonstrated, this co-operation should have the effect of quickly improving the agricultural practice of that part of the countryside lying within a short radius of the place where the school is situated.

The proposal to train adolescents in the principles of Commerce and Industry on a large scale in secondary schools is not a practical suggestion. From whence are the teachers to be obtained? Further, those citizens who are already engaged in commerce and industry have more than a sufficient number of aspirants to vacancies which may occur from among their own family circles.

From all past experience in all countries, the best way to train the young in industrial craftsmanship is by means of apprenticeship. In South

India, the chief if not the only exponents of the apprentice system are the Foreign Missionaries. These Missions can be subsidised by the Government in order to extend the scope of their activities, but the subsidy granted to each Mission should not be too large a one or the recipients may be inclined to become complacent and relax their original efforts. Moreover, the subsidy should be contingent upon the invariable rule that no craft instructor in an industrial school shall be other than a former working craftsman brought out to this country for the purpose of the instruction of apprentices. Otherwise the training may become merely theoretical and utterly useless. In any case the number of pupils required for industrial training relative to the number of school-going pupils will be small as there will only be work available for a limited number in the various trades.

PHYSICAL CULTURE

If school children are to be in a position to benefit from whatever learning they may be taught, it is necessary first to secure to them a standard of strength of body and mind to enable them to take an interest in whatever they have to learn. Thus it comes about that the physical

culture of every boy and girl should proceed side by side with the literary or book learning part of their education.

Physical culture means more than an attention to the muscular development and outward improvement of the body. It includes nutrition of the body ; attention to the hygiene of the body ; and the development of the bodily strength of the individual.

Physical culture, then, involves indoor work and outdoor work. Every child, by advancing stages, should become familiarised with the elementary principle and facts of dietetics, hygiene, physiology as part of his school curriculum. Out of doors there should be taught a moderate amount of those kinds of physical exercises which have been specially designed to rectify weak points in one's bodily structure. With this physical equipment the individual is then ready and fit to take his place among his fellows in organised team games where he can learn to work for his side and imbibe a spirit of discipline and courtesy while taking part in whatever game he plays.

The real object of organised games is not merely the winning of this match or that. The winning of a game has its proper importance but much greater importance attaches to the acquisition of the habit of maintaining a courteous demeanour in untoward or disheartening circumstances. Intelligent instruction in games

teaches a boy not to be unduly depressed by defeat and, what is of even more importance, not to become arrogant as the result of success.

Boys should be taught from the outset that the object of games is to give their bodies the exercise necessary to strengthen their muscles and give vigour to their nerves. Exercise is necessary also for aerating and expanding the lungs and oxygenating the blood stream. Games strengthen a boy's mind because they help him to be prepared to meet varying emergencies. By taking a reasonable amount of exercise, a boy or a girl can go to bed to sleep refreshingly all night and wake up next morning fit and ready to face the events of the coming day.

It is a mistake to encourage robust boys and girls to aim at a standard which can only be reached by semi-professionals in any particular game. Match play in some schools is overdone and should be discouraged by all inspecting officers of the Education Department. Tournament play of all kinds is actually pernicious because, sooner or later, it deteriorates the characters of the majority of those who play in tournaments.

One of the chief ways a master can influence his boys is to attend their games. He need not

attend them too often nor need he play himself. His presence encourages the boys and it gives the master opportunities of speaking to his boys about matters of discipline and courtesy which do not ordinarily arise in the class room. If, for instance, the simple rule of never disputing the decision of an umpire was enforced strictly in a school, the whole tone of the school would be raised in a marked degree.

The question of the provision of play-grounds is a matter which cannot indefinitely be postponed. Play-grounds should be regarded as an essential part of the equipment of a school; and it will not be long now before every secondary school has a play-ground attached to it. But it is also necessary to supply primary schools with play-grounds. In urban areas it is presumably the duty of the Municipal Councils to provide their schools with play-grounds. In rural areas there is a good deal of *poramboke* land which still remains available and can be set apart for the use of the children as school *poramboke* and as a village recreation ground. In the case of Government *poramboke*, all that is required is to have the land registered for the purpose and the cost of the ground will be *nil*. In order to allow for future development, in the hope that one day there will be a school in every village, it would be a wise precaution to move the authorities to declare that in every village a plot

of public land of 5 acres (or more) in extent shall be registered as school *poramboke* and village recreation ground. This is a matter which seems to be within the cognizance and competence of the District Economic Councils.

In 1921 and 1926, refresher courses called "special physical training classes" were held in Salem for the benefit of Physical Training Instructors. These classes lasted for 21 days and it was very noticeable what a good effect they had in smartening up and putting new life into those Instructors who had the good fortune to attend the class. There is a proposal now before the Government for an improvement scheme of physical education for the Madras Presidency. Under this improvement scheme, special physical training classes will be provided at regular intervals for each district. In view of the proved benefit which will accrue to the schools, it is earnestly to be desired that the Government will sanction the scheme on the ground that a good standard of physical culture demands a high standard of efficiency on the part of the Instructors.

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Since the foregoing has been written, the Government of Madras in a *communiqué* dated 26th June 1937, published for public information and for constructive criticism and suggestion, a clear statement of the present position in each branch of education and of the objectives which Government believe should be aimed at.

Following the wording of the *Communiqué*, it may be precised as follows :

While there has been an increase of over two million pupils in total enrolment in the first five standards during the last thirty years, the increases in the percentage of literates to the total population have only been fractional.

In technical language "wastage" and "stagnation" have not only continued but increased, and Government have seriously to consider what steps should now be taken to prevent what, from a financial point of view, is in reality an ineffective expenditure of very large sums of public money.

The existence of so many incomplete, understaffed, and improperly equipped schools has resulted not only in high wastage but in stagnation as the result of which pupils even when they are successfully retained in school remain in the lowest standards for a number of years and never secure any education of real value.

What is especially required, is that educated villagers should be trained in rural bias so

as to make the imparting of knowledge a living thing in relation to every-day happenings in village life. In this connection Government believe that the "project method" of teaching in elementary schools is the best suited, particularly in rural schools.

The teacher trained long ago probably in antiquated methods does not receive any further instruction in up-to-date methods throughout his service. Government, therefore, proposes at an early date to institute a wide-spread system of refresher courses in training for elementary school teachers.

Government have sanctioned the appointment of a considerably increased number of Junior Deputy Inspectors with a view to ensuring that all elementary schools are more frequently visited and their work more adequately supervised.

The working of District Educational Councils and the working of local bodies in relation to elementary education needs in Government view greater supervision and control than the Director of Public Instruction and his head office staff can at present exercise. Government have, therefore, sanctioned the appointment of four Divisional Inspectors.

Government feel strongly that the provision of complete, properly staffed and adequately accommodated schools must in every case in future be an essential precursor to the introduction

of compulsion. To start compulsion in any local area without having a sufficient number of school places, without having schools with the complete structure of five standards and without having adequate staff and equipment must necessarily render the proper working of the scheme impossible.

Post-primary elementary schools should have entirely distinctive aims and courses radically different in character from the aims and courses of primary schools.

In order to make the new course in higher elementary schools complete in itself and in order to give a definite objective for students to complete the course, Government propose to establish a uniform Elementary School Final Examination at the end of the VIII Standard the examination being conducted for each district or for groups of districts.

Government have come to the conclusion that with rare exception, District Educational Councils for varying reasons have been unable to carry out a number of their functions and duties and that the Councils have not been altogether successful in the manner of their carrying out the other functions and duties assigned to them.

Government, however, realise that the reconstitution of the District Educational Council involving as it does a legislative enactment cannot be undertaken until the Reformed Councils.

begin to function normally. In the meantime the Government have taken steps by new rules framed under the Elementary Education Act, to tighten the control over existing Educational Councils and to lessen the scope for irregularities in regard to recognition and grant now not infrequently brought to the notice of Government.

Government are in general agreement with the recent resolution of the Central Advisory Board of Education in regard to the length of the middle school course and in regard to the need for a bifurcation at the High School stage. Having fully considered the whole position, Government feel that there are three changes of immediate urgency required in the Secondary School system:—(1) The alteration and improvement of the general education course at the middle school stage. (2) The provision of a variety of courses at the high school stage. (3) A definite restriction of the number of secondary school students preparing for University entrance.

Government have come to the conclusion that it is desirable to institute in this province a post-primary four year middle school course followed on the one hand by a three-year selective pre-University course and on the other hand by bifurcated courses of varying types and length. As a corollary to these proposals, Government contemplated the setting up of a public examination at the end of the IV-Form.

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The setting up of these pre-University classes involves the lengthening of the high school course by one year, and Government consider that this can best be achieved by abolishing the existing intermediate classes in the Universities, adding the junior intermediate class as the final year of the pre-University high school and adding the intermediate class as the first year of a three-years degree course.

Government recommend that the Universities should establish their own Matriculation Examination to select students for University admission at the end of what will become the VII-Form of the high school course. If these proposals are accepted, a secondary school pupil anxious to proceed for higher studies will in practice be faced by a public examination at the end of the IV-Form, a University examination at the end of the VII-Form and a degree examination not earlier than the end of three years study in a University.

Here ends the *communiqué*.

It will be seen that, with one exception, the Government have accepted and incorporated into their proposed education policy all the recommendations made by the Committees and

Conference mentioned above. The one exception is a very important one. Nothing is said on the subject of Text-books which is causing so much dissatisfaction throughout the Presidency. This dissatisfaction is two-fold. First, the text-books are changed too frequently and the public has lost confidence in the manner in which they are selected; second, the unsuitability of the text-books which are recommended and accepted. The solution is that proposed by the 1932 Committee on Higher Elementary Schools, namely:—The Director of Public Instruction should be given the power to nominate a small Committee of experienced District Educational Officers and Head Masters to deal with the approval of text-books.

If a Rural bias is to be given to the proposed bifurcated non-literary branch of the rural high schools, it will be necessary to draw up graded text-books for the boys to study:—

(a) Co-operation and the details of the co-operative movement in the villages so that the boys may become convinced and knowledgeable co-operators when they grow up.

(b) Physiology of a very elementary nature and a minimum of Anatomy to pave the way for the future understanding by the boys of the Health and Welfare movement and of human and animal Nutrition.

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(c) Botany of a very simple nature in so far as it throws light on every-day agriculture.

(d) Simple descriptions and explanations of every agricultural operation which is practised in the Presidency and why it is necessary.

(e) Mensuration of land (by the use of the chain); and of small buildings together with costing and estimating of the same; and very elementary Hydraulics.

The introduction of the Project Method for the purpose of the abolition of cramming and learning by rote and for the purpose of keeping the boys really interested in their studies will render it necessary to prepare Text-books in every subject taught in high school. At least two Missionaries who are already adepts in the educational project method applicable to all conditions in South India, should be selected to be on the Committee entrusted with this work.

CHAPTER III

HEALTH

Prior to the time of the Montagu-Chelmsford Reforms, the medical and health services of each district of Madras Presidency were in the charge of a medical officer called the District Medical and Sanitary Officer. When the Reforms were introduced at the end of the War, the two services were separated and an official called the District Health Officer (D. H. O.) was appointed to be in charge of the sanitary, health and welfare needs of each district. In order to assist the D. H. O. in his duties a Sanitary Inspector was appointed to be in charge of each Taluk. These are all trained men. They are appointed, paid and transferred by the Government and have the status of being members of the Madras Provincial Service. These health officials act as the advisers of the District Boards or Municipal Councils in whichever localities they work; and carry out the policy of these Local Bodies. The official head of the provincial health service is called the Director of Public Health (D. P. H.) who acts directly under the orders of Government and is available at all times to give or offer advice to all local bodies.

The local bodies are responsible for finding and paying vaccinators who have now become

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recognised and accepted members of the social services of the Community. It may be said with truth that this vaccinator staff succeed in vaccinating nearly all the children in the Presidency, but the percentage of re-vaccinations is still unsatisfactory. Local bodies appoint and pay for midwives in a district or Municipality. Such women as are chosen are sent to Madras for a short course in midwifery but, in spite of this, the midwifery service of the Province is most unsatisfactory and can only be regarded as a blot upon the efforts to improve the service of Maternity and Child welfare.

Local bodies are responsible for propaganda work among the people and very considerable progress has been made in this respect. The Health Inspectors are the key men for this work among the population of their Taluk. In many cases they are supplied with magic lanterns to illustrate lectures and make them more interesting to the villagers. Portable cinema projectors have been tried in some districts but, like many another pioneer effort, the results have been disappointing.

An efficient health service is a preventive service. Its main object is to teach the people how to improve their way of living so as to

render them more immune against the debility of body and the diseases from which their forbears have suffered. Much of the disease, ill-health and nervous debility now present in the population is remediable. Some diseases such as plague, typhus, typhoid and cholera are dirt diseases and can be eradicated by a cleaner environment. Other ills such as hook-worm and guinea-worm are states of body rather than of disease. They result from contact with contaminated soil and water. If the cause of contamination is removed, the parasite and the state of ill-health will disappear. Large numbers of the people live constantly below-par, because they are stricken with malarial fever which is prevalent in the places where they live. The majority of the villages in the areas where malaria is always present, could be freed from this fever pest if the people, as a body, would co-operate to render the villages immune from the anopheles mosquito. The mal-nutrition from which so many of the rural population suffer is not caused by lack of food as is so often asserted by irresponsible persons. It is caused by an ill-balanced dietary which lowers the nervous energy of the individual and makes him to be less protected against attack by disease or illness.

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Among the rural population, the improvement of their environment begins with the village site itself and its immediate surroundings.

In the villages, the surface soil in and around the village is contaminated by the practice of indiscriminate defecation and urination wherever convenient to the individual. The remedy for this long standing abuse is the construction of bore-hole latrines or, where the sub-soil is too rocky to admit of this, of trench latrines, with sufficient accommodation for the population of the village or hamlet. In towns and union villages, it is the common practice for the people to defecate along the road margins and ditches and lanes; a stream or river running through or near a town is a favourite resort to answer the calls of nature, especially if the river-bed becomes dry part of the year. Here, again, the remedy is an adequate supply of public latrine accommodation. The failure of the Municipal Councils to do their duty to the public gives rise to grumbling, but nowhere has there been concerted action taken to put an end to this insanitary scandal.

Although all soil-pollution is remediable, it will probably take many years before the necessary steps are taken throughout the province. Meanwhile such preventable pests as hook-worm and cholera will continue to scourge the people for their remissness in attending to their own welfare.

Nevertheless some progress has been made. Wherever there is an outbreak of cholera, special staffs are appointed to check its spread in its early stages, and people come forward now in large numbers to be inoculated against the disease.

The village drinking water supply is usually derived from wells. Considerable progress has been made, since 1920, by some District Boards to dig wells beginning with those required by the depressed classes. But the number of villages in each district is so large and the funds available so small that at least another ten years will be required before every village will receive its well of unfailing water in a dry season. In this matter, the Government has done its best to help the District Boards financially. During the early years after the war, the Government gave a subsidy to each Board equal to the sum spent on digging and deepening drinking water wells by the Boards. Later on, the Government contributions have become less and less.

It will not be sufficient for each village to have its supply of drinking water. It will then become necessary to protect that supply from contamination arising from sub-soil drainage and seepage, and infection of the water through the

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agency of the vessels used for obtaining the water in the case of draw-wells. Draw-wells should be abolished, *i.e.*, the mouth of the well should be sealed and the sides and the ground surface round the well should be steened. It will, unfortunately, require many years to come before this can be effected throughout the Presidency.

Animal hygiene bears an important part in village sanitation. Manure heaps are the great breeding place of flies. The liquid drainage from manure heaps pollutes the soil and may contaminate the water in unprotected wells by seeping into them by sub-soil drainage. It becomes, therefore, an important matter to be careful in the matter of choosing the places where manure pits or heaps are sited and to keep the surface of them covered with a mixture of earth and straw or dried grass to prevent the access to them of flies. Moreover, covering the manure conserves the nitrogen and ammonia which is dissipated by evaporation if the manure is left uncovered. If fly-traps are kept on or by the side of each manure heap, it will be so much the better for the health of village.

It seems to be only common sense to report any outbreak of communicable disease at once

to the local Health Inspector, but it is not done. It is true that present-day Inspectors have to live down the bucolic suspicions of the past and by their own conduct overcome the distrustful nature of the villagers. The improvement in village communications which has already been made and will continue to be made in the future, and the increasing multiplication and extension of the motor transport services, will admit of preventive measures being taken much sooner now and in the future than had been possible prior to the Montagu-Chelmsford reforms. Further, the opening up of communication enables the villager to move about more freely than he has ever been able to do before and to this extent at least it may be anticipated that the villager will become less parochial-minded than he has been up to now.

A good deal of attention has begun to be focussed on the subject of Nutrition and the diet of the population of this province; and, as time goes on, it is to be hoped that interest in the subject of the peoples' food will become more intense and wide-spread among the leaders of the people. It has now been ascertained that it is not, as is and has been so often asserted by irresponsible people, the lack of food in the rural

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parts of South India as the lack of what is called a balanced diet which is the cause of the poor stamina and low vitality of the people: coupled with the prevalence of malarial fever and hook-worm and anaemia. Nevertheless, in a huge area like that of South India, the climate and the local environments differ widely, the caste system with its various habits of life and diet, the different types of soil which dictate what crops may be grown on them, are all factors which preclude the drawing of hasty generalisations regarding what constitutes a balanced diet. Although the Nutrition Institutes of Coonoor and Calcutta have done fine work so far as their range goes, much supplemental and complementary work will be required along lines of investigation as to the methods of preparation and cooking of the food eaten and so on. As yet, it cannot be said that even the theory of Western dietetics is solely applicable to the East nor can theoretical dietarians attempt to speak dogmatically until a thorough food survey of the Presidency has been completed.

There are certain diseases which are called food deficiency diseases because they are now known to be caused by an improperly balanced diet. By the same analogy a well balanced diet

is called a protective diet, because the consumer's body is rendered more immune to sickness and his nervous system is kept in better tune than is the case with those whose diet is improper. This is not a consequence of riches or poverty because rich men and their families may and do suffer from food deficiency diseases. The most important among the "protective" foods is milk, since milk, of all foods, is the most perfect single article of diet. Those of the population who are in most need of milk are pregnant and nursing mothers and children. Mothers because their own health determines that of their babies. Children because their nutrition during childhood determines their power of resistance to disease throughout life; for it is then that the body is being built up and that defects of its structure are likely to arise. During childhood disease and disability which may persist into later life, are liable to make their appearance owing to faulty nutrition.

But there are certain aspects of nutrition and of physiology which are common to all the world. Food is the source from whence all the tissues of the body are built up and renewed. All food contains various substances which have been classed as Organic; Minerals; Accessory substances; and Water. Each of these are necessary for the proper nourishment of the human body and it is the right proportions of

each which constitute a "balanced diet". But it has still to be determined what these proportions are. A more general knowledge is necessary concerning the action of the body with regard to digestion, assimilation, secretion, and excretion, and on those subtle mechanisms whereby the equilibrium of life is maintained.

The Organic part of food consists of three components, *i.e.*, proteins, carbo-hydrates, and fats. Proteins are the principal factor from which all living tissues are made and repaired. Proteins are of two kinds: animal which are called the first class proteins, and vegetable which are called second class proteins because animal proteins are more nourishing to the human body than are vegetable proteins. Of all the vegetables at present obtainable in South India, peas, beans and lentils supply the most protein.

Carbo-hydrates are an essential part of our nourishment, because they are the source from whence the human body is able to maintain its warmth and obtain the energy to live our lives. Carbo-hydrates are contained in the sugars and starches which we eat and absorb into our bodies after they have first been converted into glucose.

Fats used as food may be of animal and vegetable origin. They, like the carbo-hydrates,

act as energisers and, bulk for bulk, provide more than twice the energy provided by carbo-hydrates. Ghee-eaters get all the fat they require but there are vast numbers of people who never eat ghee. Unfortunately milk, ghee, butter, and gingelly oil are grossly adulterated. Most adulterators escape punishment and magistrates give too lenient sentences in cases where adulteration is proved. In this way the whole community suffers.

Mineral salts must be present in the food if the diet is a blanced diet since without salts life is impossible. One of the functions of the mineral salts is to maintain the blood and lymph in a slightly alkaline condition; otherwise the production of acids in the body would become excessive. The major part of the mineral salts are found in the bony skeleton of the body which acts as a store-house to meet any extra demands for the mineral constituents, *e.g.*, by pregnant women and by nursing mothers. The chief minerals so stored up are calcium, phosphorus, and magnesium. In the muscles of the body are found sodium, potassium, magnesium, calcium, and phosphorus. The blood contains sodium, potassium, phosphorus, and iron. The mineral salts are very necessary to the digestion of the food which

is eaten. In addition to faulty digestion, a lack of mineral substances in the body may bring about a poor appetite, a lack of energy and sleeplessness. Milk is rich in calcium and phosphorus and that is one of the reasons why milk is such an important article of diet, especially for children, pregnant women, and mothers who are suckling their babies.

It has been pointed out that the climate of South India tends to reduce the haemoglobin in the blood and it has recently been stated in a *press communiqué* that the amount of this haemoglobin is some 20 per cent. below that in the blood of Europeans. This anaemic state of deficiency can be remedied by a suitable diet. For it has been found that the presence of iron in the haemoglobin, *i.e.*, the colouring matter of the red corpuscles of the blood, permits this substance to be the carrier of the essential oxygen to the tissues. Iron is also present in other parts such as the liver, spleen, bone-marrow, and the muscles. The consumption of fruits and vegetables such as cabbage and spinach, of legumes such as peas and beans, and eggs will supply the necessary iron. Iron is not stored in the body and it is, therefore, essential that constant supplies be eaten to make up for the daily loss of iron from the body.

The group of essential food factors which are necessary to man not merely for maintenance but for growth, are classed as Accessory Substances and are called Vitamins. Vitamins are organic substances whose function is to sustain the body in good condition so as to preserve in a high degree its powers of resistance to attack. They have only been discovered and differentiated within the last 25 years. They are called Vitamins A, B, C, D, and E. A vitamin has been defined as a substance which is essential to the healthy life of the body and in the absence of which from the food, disease conditions will show themselves.

Vitamin A is particularly important to the people of South India, because the majority of them do not eat animal fat; and vegetable fats, *i.e.*, oils such as gingelly oil are deficient in this vitamin. Hence it is so important for the ordinary non-Brahmin to add vegetables such as cabbages, spinach, and carrots to his dietary.

Those persons who regularly eat polished or milled rice will suffer from a lack of vitamin B. This vitamin is soluble in water and those people who cook their milled rice in water and then throw the water away are doubly depriving themselves of vitamin B.

Vitamins C, D, and E can all be added to man's nutriment by eating plenty of fresh vegetables and fruits.

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Vitamins are derived from such sources as milk and vegetables and fruits. They help the assimilation, through the walls of the intestine, into the blood stream of the products of digestion of the food which has been eaten. Vitamins also act as chemical stimuli on the various organs of the body. If these vitamins are not present in their proper proportions, their absence seriously affects the endocrine glands of the human body.

Although organotherapy was practised in very ancient times, endocrinology and glandular therapy is a new comer in the science of organotherapy since intense research work in this branch of knowledge is only some fifty years old. There are two agencies which control our bodily functions. The one agency is the nervous system and the other is the secretions of the glands in the human body. These secretions are of two kinds, *i.e.*, those called the external secretions of glands such as the liver, kidneys, pancreas, etc., and the internal secretions produced by the endocrine glands such as the pituitary, the thyroid, and the adrenals, etc. The internal secretions are absorbed by the blood as it flows through the endocrine glands. Each gland produces its own particular kind of fluid which, in turn, regulates the nutrition of the body. If these glands cease to work death ensues; and any disturbance or inefficiency of their normal

functional activity causes ill-health. Hence it comes about, from the point of view of vitamin and endocrine gland sufficiency, that it is so important for the population of South India to add to and vary their diet with milk products, eggs, fresh vegetables, and fresh fruits.

The charges against the dietary of the South India peoples are: (a) they do not consume enough of protein, (b) they have adopted a dietary which is lacking in fats, (c) they eat an over plus of starchy food, (d) they drink an insufficiency of milk, (e) they ought to increase and vary their diet by eating much more of vegetables and fruit, (f) much of the rice eaten is deprived of its substance and food value by the methods of preparation and cooking adopted, *e.g.*, failure to soak the raw rice before cooking in 3 or 4 changes of cold water in order to wash out some of the super-abundant starch.

As regards protein, a vegetarian people can at best only obtain a second class kind of protein, *i.e.*, a vegetable protein since they are debarred from eating a first class or meat protein. Writers and publicists always seem to assume that there are a great many more caste-ridden vegetarians than there really are among the population. This point can

only be settled on completion of a carefully conducted Food Survey of the province. Howbeit, so far as protein values are concerned, it has been found that Soya bean is the most valuable source among the vegetable kingdom. The sooner this vegetable is introduced into the Presidency, the better. Further, a plant breeding station should be opened without delay in order to ascertain which types of soya bean are the most suitable for this country. By this means an additional and valuable article of food can be introduced for the benefit of the people. Apart from dietary, soya bean is used in many industrial processes. There is thus a two-fold reason for the introduction of the soya bean into India. Every person who wishes to improve the nutrition of the people or who desires to foster the development of industry should join together to insist on the soya bean becoming one of the staple products of South India.

The object of increasing the consumption of milk, fresh vegetables, and fresh fruits is to improve the activities and balance of the vitamins, and the endocrine secretions of the bulk of the population. The increase of the milk supply is linked with the improvement of the milk producing qualities together with a vast increase in numbers of the dairy cows.

The question of an increased and diversified supply of vegetables to the bill of fare of the people in this province should present little difficulty. Every agriculturalist knows already how to grow vegetables and, in fact, there are now an appreciable number of people who specialise in raising them. The 1931 census enumerates a special category of market gardeners, flower and fruit growers amounting to 60,812 persons of whom 33,307 are males and 12,805 are females. Those cultivators who live in out of the way villages, can grow vegetables for their own and (by barter) neighbour's benefit. But there are immense number of others who live near market centres. These people can improve their own diet by growing vegetables and can, also, supplement their cash income by sale of any surplus vegetables which they grow.

Here is a list of vegetables which can be freely grown in the plains. It has been supplied by a former Superintendent of the Central Jail at Salem. It is not a theoretical list of what might grow. It is a list of the usual vegetables cultivated day by day and year after year in the huge garden of the Jail by the prisoners for their daily food supply:—Cabbage; Carrots; Beetroot; Cucumber; Nohl Khol; Lettuce; Onions; Radish; Mint; Tomatoes; Vegetable marrow; Pumpkins; Ash pumpkins; Yams; Dhall greens; Roselle; Ladies fingers; Calabash; Spinach;

Capsicum; Snake gourd and Maize. All of the foregoing grow well. Of other sorts: Jerusalem artichokes grow easily but the yield is small; Cress in boxes in the shade (interesting for children to grow); Parsnips grow fairly well but the yield is small; Parsley in boxes in the shade; Sweet potatoes grow easily but the yield is poor; Chillies grow well but are liable to attack by blight; Brinjals grow well but the leaves may attract insects.

It has been pointed out that the climate of South India tends to produce an anaemic condition of the body by reducing the haemoglobin in the blood. If, in addition to this, vast numbers of people suffer from the presence of malaria and hook-worm in their systems, it is not surprising that the constitutional stamina of the population is seriously undermined leading to listlessness and lack of enterprise. Since fresh vegetables and fresh fruits furnish nourishment for all the various needs of the body, every effort should be made to induce the people to grow and eat them and sell any surplus to townsmen to improve and vary the dietary of the urban population also, besides adding to the cash income of the grower.

Most people do not regard Water as an article of diet. Nevertheless it is very important to drink plenty of water because, among other uses, it is the solvent by which waste products

are removed from the body. Four pints of water, at least, should be drunk every day.

In dealing with the nutrition of the people, it is manifest there must be close co-operation and co-ordination between the Agricultural Department, the Co-operative Societies and the Health Inspectors.

FISHERIES.—There is one great potential source of food which has not been mentioned in the foregoing. There are well over 40 million inhabitants of South India who have no real caste prohibition against eating fish. The fact that these people are not regular fish eaters arises from two causes: first, that they are unable to obtain fish and, second, the present methods of fish curing are so inefficient that cured fish is an article of very evil smelling manure rather than of diet.

The Madras Fisheries Department has been the Cinderella of the Governmental services. The department has been given the barest possible grants and the Government has not hesitated to cut these whenever it has suited them to do so. Nevertheless the department has done wonders. Starved as the department has been, its commercial fishery work shows a

substantial net revenue on each item. In 1934-5, the department showed a deficit of just over one lakh and a quarter of rupees and in 1935-6 of something under half a lakh, because Training Institutes, Fishery Schools, and Research Stations are not self-supporting propositions, though they carry within themselves the seeds of an incalculable and prodigious expansion and financial prosperity for the fishing industry of the province in the years to come.

There are many people who loudly acclaim that the increase of the population is rapidly overtaking the sources of the food supply of the people of South India. If this is true, it can only mean that millions of people must die hereafter when food shortage conditions must overtake the whole country. It behoves all persons who believe in the future insufficiency of the food supply of the Presidency, to use all their influence and that of their friends to place the harvest of the sea and of the inland waters at the disposal of future consumers.

This can be done by giving support and encouragement to the Fisheries department, and according it a much greater public recognition than it has received in the past. By this means an entirely new and nutritious source of diet will be made available to the bulk of the population of our province. Fish can be used instead of meat as the source of protein for the body and,

with the exception of iron and sodium, fish is a richer source of mineral salts than is meat.

Thanks to its research work, the department has discovered in 1935 "a simple inexpensive process", requiring no chemical besides salt for pickling fish for long storage. As a consequence of this, advantage can now be taken of good catches of fish. The fish can be pickled and held over for distribution and consumption during the non-fishing season and can be used to smooth out periods of poor catches. The pickling process has become so improved that the fish are now fit for human consumption and it is open to inland folk to add fish to their food regimen and obtain a supply of that much needed protein for themselves and their growing children who have hitherto not obtained their fully balanced requirements.

Economically, an immense and entirely new trade with its many ramifications can be thrown open to the black-coated unemployed in the province. Up-to-date pickling stations must be provided all round the coast-line of the Presidency with inland marketing agencies to dispose of the fish as fast as it can be placed upon the market.

Thanks to the possibilities of honestly managed Co-operative Societies, the middle-man will not be able to create fish monopolies because the various types of societies will be

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able to handle the fish output and all the servicing connected with it. Indeed, it will be possible to form co-operative societies to catch the fish, both deep-sea and off-shore by the improved methods which ought to be applied in the sea-fish zone of South India.

Besides the sea fisheries, there are the inland or fresh water fisheries and the fish breeding operations to keep these stocked and replenished. There are several categories of inland fisheries, *e.g.*, (a) large river fish as are found in the Godavari, Krishna, Cauvery, etc., (b) stream fish in the smaller rivers which run for only a relatively short length of distance such as those of the West Coast and tributary feeders elsewhere, (c) deep tank fish, (d) ordinary tank fish, (e) well fish, and (f) inland lakes such as those formed by the newly opened Mettur Scheme and the Periyar Lake.

The new Mettur Lake on the Cauvery river has already become well stocked with fish and steps have been taken for safeguarding the fishery there by the establishment of the fish farm. This lake has an area of 59 square miles and the future value of the fishing leases in it has been variously computed to bring in a revenue to the State of three to fourteen lakhs of rupees a year later on. One can form some idea from this computation of the enormous numbers of fish which will become available

to supplement and vary the existing food supply ; and of the enormous industry which will arise from this one fishing area. The fish can be gutted and salted on the spot and distributed daily whether by train or road to consumers in the adjacent districts.

On page 91 of the P. W. D. Administration Report for the year 1934-5 Part II, Irrigation, is given a table showing the number of wells used in irrigation. It shows that there are 191,888 wells in wet ayyacut lands and 444,595 wells situated in independent ayyacuts of their own giving a total of 636,483 wells. Besides these wells which are in actual use, there are 34,802 wells in working order but not in use for irrigation in wet ayyacut and 29,421 wells elsewhere giving a total of 64,223 wells. The whole of these 700,000 wells could be used for the maintenance of edible fish. Some of the wells are very large and are fully capable of containing 50 fish each if the fish were given a little feed every day. To this immense number of wells must be added the large numbers of wells in Zamindary lands which are equally capable of being made to take their share in adding to the food supply of the people.

Another large source of fish supply is comprised in the 36,000 tanks classed in "Minor Works". The tanks run dry every year and a special technique is necessary for keeping these

tanks in good trim for supplying fish. Nevertheless the possibilities of these tanks are very great, especially when it is remembered that there are also large numbers of similar tanks in Zamindary tracts.

In conclusion, there is one aspect of the evils resulting from malnutrition and ill-health which deserves far more attention than it has hitherto received, namely, the effect of nutrition and health on the morale of the people.

In this connection an important broadcast has recently been issued in England* under the caption "Health that might be ours". The broadcaster was the Physician in Psychological Medicine to Queen Mary's Hospital for the East End, London. He said, in part:—

"Impaired physical health tends to weaken fortitude and resolution and to blunt initiative. It tends to produce lethargy and to undermine self-control and it accounts for much of that demoralising despondency which is commonly attributed to circumstance.

And there is nothing more true than this one fact that a sense of physical well-being

* Reported in the *Listener* of 7th July 1937.

favours the establishment of self-regard and self-assertion whereas impaired physical health favours a feeling of inferiority and submission.

Here then we have one single fact which gives physical health a position of importance second to none and this applies both to an individual and to a people.

This positive degree of health can be established in this country (*i.e.*, England) as readily as it can be established in others. The food man needs is known and can be provided. The fault does not lie in destiny or in the difficulties of civilisation. It lies in individual indifference and in mismanagement."

CHAPTER IV

THE CO-OPERATIVE MOVEMENT

The co-operative movement which was initiated some thirty years ago cannot be said to have had a uniformly successful career. At its inception the wrong type of men came forward to form local societies. In order to organise the movement, the Government of Madras seconded officials of various grades to nurse the newly constituted societies. But some of the subordinate officials had no experience of co-operative undertakings nor of the pitfalls inseparable from them, and in some cases their hearts were not in their work. By degrees, however, whole time men who have received special training in the various aspects of co-operation, have been recruited into the Madras Co-operative Service. Some of these officials have proved themselves to be very capable men, and with cumulative experience, have reached a status when they are able to correct former mistakes and reorganise the whole movement on a very promising basis.

Any hope of placing the co-operative movement on a self-governing footing must be abandoned, and it will be many years before Government

supervision and nursing can be withdrawn. Nevertheless, the development of co-operation on worthy and honest lines will prove a valuable training ground in social welfare work for these unofficial members of the community who have part time leisure and are willing to spend it for the benefit of their fellow-citizens. By degrees many of this type of citizen will find the work interesting to the point of fascination. And such men will have the satisfaction of seeing their own creative efforts crowned with complete success.

Among a predominantly agricultural population, there is no movement which offers such far-reaching and quick acting scope for improving the welfare and happiness of the people than that of agricultural co-operative societies. It is possible, and will be by no means improbable, that in fifteen years' time the co-operative movement may be the means of transforming the lives and the outlook on life of the major portion of the community.

The whole social structure of South India seems, from the earliest times, to have been based on the village as the unit; and life in rural areas seems never to have evolved beyond this stage. Now that men's minds are concentrating upon a thorough reorganisation of the country-side, the line of policy to follow will have to aim at building up happy and contented

village communities and, for co-operative purposes, link up units of one or more villages into Co-operative Societies. Except in the case of large villages, a village by itself is not usually a sufficiently large area for efficient co-operation but, on the other hand, if an attempt is made at the outset to link up too many villages together, personal touch will be lost and failure will result.

As in other industries, Agriculture—the greatest and prime industry of all—requires cheap and quick facilities for obtaining credit in return for good security. In a country of myriads of small holdings comprised in 51,000 villages, banking facilities are too cumbrous and distant to suit the needs of the peasantry. The only alternative is co-operation in the use of capital among the peasantry themselves. This means that a sufficient number of leading ryots in each locality must be forthcoming to act as office-bearers and assessors to carry on the management of each Co-operative Society as soon as each society has been formed. Government can assist and has been assisting agriculturalists by financial help and appointing trained men everywhere to advise and guide the office-bearers of each society. But this can only be effective with the goodwill of the ryots and on willingness on their parts to take the trouble to master the objectives and the principles underlying

co-operative efforts. If and as soon as the interest of the more intelligent and virile ryots has been awakened to the economic benefits accruing to them from co-operative effort, the way will be paved for an understanding of the importance of local self-Government: and the disgrace of a spoon-fed population of forty-seven million people will rapidly become a thing of the past.

The co-operative movement is an economic one and politics should not be allowed to play any part in its development. Nor should hasty-minded nor self-advertising people be permitted to hurry the progress of the movement unduly. In Salem District, for instance, the rich Rasipuram area has made highly gratifying and real progress which has now been followed up by Tiruchengode and Salem Taluks. These, again, should be thoroughly consolidated before reaching out into the less responsive taluks of the district beginning with Hosur and then Krishnagiri Taluks.

Progress in the co-operative movement will not be entirely satisfactory unless the rural population really understands the principles underlying

co-operation. It will not be enough to educate the members of co-operative societies in the meaning and details of co-operation. It will be necessary to include the explanation and teaching of co-operation as part of the rural school curriculum from the elementary stage upwards. Every child of seven years of age can understand Æsop's fable of the bundle of sticks; and progressive teaching can be carried on to suit the child's growing understanding throughout his adolescent life. By the time the child has grown up, he will be not only in a position to join the co-operative movement but he will be able to understand all its implications and realise the benefit accruing from it to himself and his country. This reform will take some years to effect. In the meantime propaganda can be carried on in the villages to explain to the villagers how they will benefit by well-managed co-operative societies. It will be necessary to expound the meaning of the Co-operative Societies Act, the Rules framed thereunder, and the By-Laws of all types of societies so that any member can understand the manner in which his society works. The Broadcast (when it comes) will be an invaluable adjunct to the co-operative movement.

Co-operative Societies are permitted to settle their disputes by arbitration instead of resorting to civil courts for the purpose.

A special staff is provided for the execution of decrees or awards of arbitrators, instead of having to resort to Civil Courts for settling disputes: thereby avoiding the expense and long delay of the Civil Judiciary.

Co-operative societies are exempt from (a) Income-tax in respect of profits earned or dividends received by members, (b) payment of stamp duties with which instruments executed on behalf of societies are chargeable, (c) half the registration fees payable in respect of such instruments.

Co-operative societies are authorised to send remittances through Government Treasuries by means of remittance transfer receipts.

As soon as it was realised that the people of the country were not competent to run co-operative societies of their own accord, the Government decided to strengthen the co-operative department with specially trained men so as to secure efficient supervision. It has taken time to build up the department and make the necessary arrangements to train the new men recruited. This Government supervisory staff is additional to and quite separate from the supervisors enlisted by the co-operative societies,

but the Government have taken steps to train these supervisors also and to hold peripatetic classes for the instruction of office-bearers and members of the societies.

The credit and co-operative activities of any rural community can be systematised under the following heads:—

Short Term Loans, i.e., one year or less.

Intermediate Loans ... From 3 to 5 years.

Long Term Loans ... Up to 20 years or more.

Loan and Sale Societies ... For marketing produce.

Short term loans can be made by rural Credit Societies. This kind of loan must not, on any account, be made for a period of more than one year. The produce of the borrower's crop must always be hypothecated as security for the repayment of the loan. Besides being subject to the rule of repayment within one year and hypothecation of the crop, short term loans should never be made except for stated and approved purposes which are recorded as being the cause of the loan. Whenever possible the loan should be given in kind and not in money. There is, for instance, no necessity to advance money for the purchase of improved seed when the seed itself can be procured

and handed over to the borrower. And the same principle holds good in the case of purchase of improved implements or manure. By this means the borrower is saved from the temptation to spend any money he borrows for some purpose other than that for which he obtained the loan. Even so, it is the duty of the supervisors to make sure, by personal inspection, that the loan has been used for the purpose for which it was granted.

When a cultivator wishes to obtain a short term loan, it has happened too often in the past that he is kept waiting before his requirement is fulfilled, in a transaction where quick attention is most important. This serious disadvantage gives a credit society a bad name and deters people from becoming a member of it. It is essential that the staff of a short term loan co-operative society should make a forecast of the requirements of its members in ample time beforehand and there is no excuse when this obvious rule of conduct is not observed. The secretary of the society can then obtain the money in good time from the central bank of the district and each member's loan, whether in money or in kind, can be advanced to him exactly when he wants to use it. In fact, the co-operative service has recognised this defect. In Salem District, the Central Bank allots lump sums of varying amounts to rural societies for cultivation loans. The Presidents of these

Societies are allowed to draw cheques against these sums as and when members require them; subject to a maximum of Rs. 12 an acre in the case of cotton and ground-nuts.

It is the opinion of an experienced Deputy Registrar of the Co-operative Service of the Madras Government that a short term loan society may safely advance a loan up to 30 per cent. of the value of the estimated crop; and that no short term loan should exceed the sum of Rs. 250 for any one individual.

Intermediate Term Loans are suitable loans for advancement by rural Credit Societies. These loans are of such a nature as to preclude their being paid off within one year, since it may require two to five years before the borrower can reasonably repay the advance made to him. Intermediate term loans are suitable for such agricultural operations as the purchase of cattle, the deepening of wells, or the purchase of some agricultural equipment as a sugar-cane crusher. This kind of loan can be managed by a short term Credit Society provided that all such loans are kept in a separate category in the books of the society from that of the annually repayable loans.

Long Term Loans are outside the scope of short term loan credit societies. They fall within the sphere of the Co-operative Land Mortgage Banks who may grant loans up to Rs. 5,000 at 6 per cent. per annum. The loans may be given up to 50 per cent. of the value of the lands pledged. The Government employ a staff at the cost of the taxpayer to supervise the work of inspection and appraisement of the mortgages offered by persons wishing to borrow a long term loan. Long term loans may be obtained up to 20 years for the purpose of paying off existing prior debts, to buy land, to improve a holding by digging a well, purchase of machinery for pumping water, etc. The co-operative land mortgage banks are financed by the Central Land Mortgage Bank in Madras. Any person may buy debentures issued by this bank. The principal and interest in these debentures are guaranteed by Government. These debentures are classed as Trustee securities.

Loan and Sale Societies are the natural outcome of short term loan societies where the members hypothecate their crop as security for their loans. When a cultivator has grown his crop, it is desirable that he should have the best

opportunity of obtaining the best price available for his produce. At present he is far too often obliged to sell his crop immediately he has harvested it. In order to enable a ryot to escape from this handicap on his means of livelihood, the loan and sale society can step in and aid the borrower to sell his produce. The society can take charge of the produce and store it for sale until such time as prices are favourable. In the meantime the society can make an advance on the stored produce up to 70 per cent. of its estimated value in anticipation of the price obtainable when sold in the open market by auction or otherwise. The ryot is thus enabled to pay off immediately any short term loan he may have obtained earlier in the year by the hypothecation of his crop.

Manifestly the office-bearers of a sale or marketing society must have at hand a trained staff of permanent and expert assistants to work the business of a selling agency, whose function it is to manage all details from the construction of suitable warehouses and godowns, the sale of their contents together with the maintenance and closing of the accounts of the members in addition to keeping the accounts of the society, calculating the profits, and distributing the dividends among the members.

It is unwise to open storage and sale centres indiscriminately, but there should be at least one

such centre for each taluk beginning with those taluks where the transactions will be largest. The opening of storage and sale centres in taluks where the bulk of the people are engaged in raising food and fodder crops for their own requirements can be deferred until those taluks where the people grow money crops such as cotton, ground-nuts, tobacco, etc., have become well served with storage and sale centres. It may be expected that it will require a period of ten years before sale centres can be efficiently opened for every taluk in the province because it will be necessary, in nearly all localities, for Government to furnish financial assistance in the way of loans or subsidies for building store-houses and render help in other ways. After that, the richer areas will have gained the experience and the means for looking after themselves and will be able to finance their own expansion developments.

For instance, in Salem District the three Sale Societies of Tiruchengode, Rasipuram, and Salem in a period of 9 months have disposed of over 5 lakhs of rupees of cotton and ground-nuts. The ryots have derived an increase to their income of 19 to 15 per cent. amounting to 50,000 rupees by means of these sales. This benefit has been shared among some 1,500 ryots who have gained an average of about Rs. 30 for each member.

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It is to be remembered that the above transactions are only the result of one season's work among a relatively few members of the locality. If the rate of progress can be extended to the whole district, the gain to the ryots will be enormous. Computed on a Presidency scale, the provincial gain to the actual producing agriculturist may amount to a sum varying between 1 to 3 crores of rupees and even more per year from this one branch of Co-operative item.

CO-ORDINATION OF SOCIETIES

One of the reasons why the co-operative movement has been disappointing lies in the fact that there have been scores of small societies formed in each district working in complete isolation and independence of each other. Apart from corruption, maladministration, and faulty supervision, many of the societies have been too small to function satisfactorily. All existing and future societies should be linked together and brought into one comprehensive unitary scheme for any given area, say, a taluk as a commencement. All separate societies embraced in the co-operative movement in a taluk would then represent different departments or types of the various activities, *e.g.*, short term

loan societies, long term loan societies, etc., co-ordinated at the headquarters of the unit by a Supervising Union. There were, in fact, 301 of these supervising unions on 30th June 1935.

SUPERVISION

Besides the necessity for co-ordinating into the unit all the co-operative societies in any given locality, it is evident that the office-bearers must have trained assistance for the carrying on of their various duties at all stages between the first negotiation for a loan until the final repayment and closure of the transaction. In the early days of co-operation, an expert staff was either non-existent or inefficient through lack of training and experience. Thanks to Government subsidies for co-operative training, this is ceasing to be the case and will soon be a thing of the past.

The supervision required is of two kinds. There is the supervision by Government over the co-operative societies by means of the Registrar of Co-operative Societies, Deputy Registrars for each District, Sub-Deputy Registrars, and Inspectors. The Inspector is the key-grade in the co-operative service. He has to audit the accounts of village societies, of urban banks, of non-credit societies and of Central

Banks. On him falls the work of organising and starting village societies.

The supervision of the various phases of work within each co-operative society is carried out by Supervisors, who will in future have a nine months' training course and will have to pass the necessary tests before being appointed. It has been found by experience that about 12 societies or more can be formed into one supervisor's unit. These units are embraced in a supervisory union which may cover the area of a taluk. A union will thus require one, two, or three supervisors according to the number of societies in the union area. The unions are financed by the affiliated societies in the union, and this includes the pay of the supervisors. The average income of a union thus financed is about Rs. 1,000. The Central Bank also assists the unions and allows each of them about Rs. 1,500 a year. This supervision fund is calculated as half a rupee on every hundred rupees lent in each society and the Central Bank fund is also calculated as half a rupee on every hundred rupees lent to each society by the bank.

The pay of supervisors begins on Rs. 25 (rising to a maximum of Rs. 60) *plus* Rs. 10 fixed travelling allowance.

The best type of recruit for supervisors' posts are village-bred boys from rural High Schools with S. S. L. C. qualification as a minimum.

In addition, there should be one Central Bank Inspector for each union area. He should be under the supervision and discipline of the District Central Bank Secretary.

It has been found by experience that the Secretary of the District Central Bank ought to be, at least, a Sub-Deputy Registrar grade man from the Government Co-operative Service. The banks can thus be supplied with trained Secretaries who are independent of pressure by the bank committee and have a freedom of control over the union inspectors.

TRAINING OF THE SUPERVISORY STAFF

The Government of Madras in their Order No. 1409 Development, dated 19th August 1936, have laid down a five-year policy for the training of the officials of the Madras Co-operative Service, and of the Supervisory staff recruited by the co-operative societies.

Further, the Government have taken steps to impart a knowledge among members of the co-operative societies of the elementary principles of co-operation and of the Co-operative Societies Act, the rules framed thereunder, and the bye-laws of all types of societies.

Training classes for Panchayatdars will also be held at rural centres every year. If central

banks decide to hold training classes, the Government will give them a subsidy for the purpose subject to a maximum of Rs. 9,600 a year provided the banks contribute a similar sum, i.e., one-half the cost.

Thus, at the end of the period of five years commencing from 1937, the co-operative movement of the whole Province will have come under the supervision of a trained personnel on behalf of Government, i.e., the taxpayer (to make sure that no more money is wasted), and on behalf of the members of co-operative societies (to minimise inefficiency and corruption on the part of office-bearers). Some of the trained personnel have already proved themselves to be men of brilliant abilities and intensely keen on their work.

From the Report on the Administration of the Madras Presidency for the year 1935-36, it is seen that the framework of the Co-operative Societies is in a most healthy position. The Madras Provincial Co-operative Bank is the mother bank of the short term loan societies. This bank earns a net divisible profit of 2 lakhs of rupees a year and it is building up an increasing Reserve Fund annually.

Affiliated to this bank are 32 Central Banks. These with one exception are earning net divisible profits after setting aside Reserve Funds, which are increasing steadily every year at the rate of about 1'2 lakhs of rupees a year.

Next come the short term loan Agricultural Credit Societies of which in 1936 there were 10,989 with a membership of 526,062. Owing to past conditions (which have now passed away), many of these societies are in a doubtful financial position and it is possible as many as 1,000 of them may have to be wound up and disbanded. These doubtful propositions have been inherited by the Madras Co-operative Service as now constituted. Apparently one-half of the remainder still show a deficit of $23\frac{1}{2}$ lakhs of rupees on their past working. They require very careful nursing in order to "Rectify" their former inefficiency and set them on their feet as really solvent propositions. In fact it is this nursing which is taking up so much of the time of the Co-operative Service. This demand on the energies of the service is the result of the bad old days, and the Deputy Registrars and their assistants are facing the situation in such a plucky and capable manner that there is hope that all these societies will become solvent.

These 10,989 societies are under the supervision of the Central Banks who are assisted

by 281 Supervisory Unions employing 452 Supervisors in 1936.

There were, also, 64 Loan and Sale Societies in 1934-35 and, ideally, this class of Society requires to be annually expanded at the rate of 23 per year, *i.e.*, one per District. These societies will presumably be in very close touch with the newly appointed provincial marketing officer.

The Accounts of all societies except one, were audited and audit certificates for 1934-35 have been issued.

Beyond Annual Reports, Government *Communiques*, and lectures of officers of the Co-operative Service, it is extremely difficult to ascertain how Co-operation is working. The average townsmen of good status know nothing whatever of what is happening and of what progress is being made and is not in the least interested in this national movement. This, in itself, is good reason for eliminating all townsmen from being given a share in the details of the working of the movement. That good and staunch friend of the Co-operative movement, Mr. T. Adinarayana Chettiar of Salem, is the exception which proves the rule. The only person who should be recruited into the Agricultural part of the co-operative movement ought to be confined to persons living in rural areas. Plenty of such persons are available if rightly selected.

They have thorough local experience. They have ample brain power. And they are thoroughly honest. But they must be selected and then initiated into taking a leading part in their village welfare.

Co-operation can be made the means of saving the future of the Province. It should be made one of the subjects taught to the young in the Higher Elementary Schools, the Middle Schools, and the High Schools. This can be done in a graduated manner by means of the "Project method" by which the interest of the young can be roused and held until they grow old enough to become ardent and convinced co-operators when they grow up.

CHAPTER V

CIVIL JUSTICE

In their Circular No. F—159—1922 Judicial, dated Simla 25-28 June 1923, the Government of India addressed all Local Governments on the subject—"Delay in the disposal of suits and appeals."

The circular is too long to quote but the motive for its issue is contained in the sentence: "They (*i.e.*, the Government of India) nevertheless suggest that the course of litigation is still, in spite of all efforts made to expedite it, subject to such delays as tend to cause some lack of confidence in our administration of justice, and must inevitably create an obstacle to the commercial and industrial development of India. This latter consideration, indeed, is one which adds great importance to the matter."

The Government of India in the same circular also said: " the Government of India do not intend thereby to cast any slur or even suggest any criticism on the Judicial officers engaged in the administration of civil justice or in the High Courts under whose control they discharge their duties."

After correspondence on the subject, the Government of India by their Resolution No. F.—159—22 Judicial, dated 24th January 1924, constituted a very strong Committee of Judges and lawyers to report:—"Whether any and what changes and improvements should be made so as to provide for the more speedy, economical and satisfactory despatch of the business transacted in the courts and for the more speedy, economical and satisfactory execution of the processes issued by the courts."

On 25th January 1925, the Committee issued its report which ran to 646 closely printed pages and an Introductory of XXXV pages.

A precis of this report is appended, but, since legal procedure is a technical subject and liable to misapprehension by a layman, the small print in the following paragraphs gives the actual wording used by the Committee.

REPORT OF CIVIL JUSTICE COMMITTEE, 1924-25.

CHAPTER 1

CAUSES OF DELAY IN DISPOSAL OF UNCONTESTED SUITS

The first object to be attained in respect of all suits is to bring the parties before the Court as soon as possible or to give them an opportunity so to appear. When the parties have been given a full opportunity of appearing before the Court, uncontested suits should—and in most cases can—be decided forthwith without a single adjournment The delay in deciding uncontested suits is very remarkable in some courts.—(P. 2, Para. 2).

In all Provinces the process-server is inclined to dawdle over his duty and does not return the process as expeditiously as he might. The next cause of delay is more serious. Frequently the party on whom the summons is to be served makes every attempt to evade service. Further, it is not unknown even when the process-server has come face to face with the Recipient for the Recipient to persuade him to accept a gratification and report non-service It is not unknown for presiding officers to refuse to accept such service (*i.e.*, affixation of a summons). and their failure to take action causes considerable delay in the disposal of all cases and particularly of uncontested cases.—(Pp. 4, 5, Para. 8).

Underpaid and uneducated process-servers will never do really satisfactory work. Further, there will always be need for methodical distribution of work, intelligent fixing of dates, and efficient supervision. Improvements in the recruitment of the process-servers, their discipline and supervision over them are needed all over India.—(Pp. 6, 7, Para. 16).

CHAPTER 2

CONTESTED SUITS

SOME GENERAL CAUSES OF DELAY

We have arrived at the conclusion that parties are not likely to obtain a decision in a contested suit of value involving a reasonable amount of difficulty. In Madras, the period would be about two years.—(P. 21, Para. 13).

Office work has increased and takes up more of the time of District Judges, Subordinate Judges and Munsifs than it did in the past. There are many Districts in which the District Judge has to devote nearly two hours a day to his office work (including account work) and the Subordinate Judges and Munsifs have to devote at least an hour or more.—(P. 23, Para. 24).

When the separation of Judicial and Executive functions is accomplished, the District Judge will be as much an administrator as a Judge. The effect of this upon his civil work will be so serious as to involve a reconsideration of the whole question of his civil powers.—(P. 24, Para. 25).

CHAPTER 3

HEARING OF CONTESTED SUITS

FIXING OF DATES

The peculiar manner in which the dates of hearing of suits is fixed over the greater part of India is one of the major factors in producing delay. The practice is almost everywhere to fix considerably more work than can possibly be got through in the day allotted for its disposal. The object to be attained should be the completion of the work fixed for a certain day on that day. It is even worse when these litigants have brought witnesses with them and the witnesses are kept in attendance for the greater part of the day and then sent back to their homes unheard. . . . It is obviously not easy to maintain a satisfactory cause list and not to disappoint the litigants (But) the difficulties of preparation are greatly exaggerated everywhere.

We are forced to the conclusion that the practice has grown up owing to apathy, presiding officers. have allowed their clerks to fix dates. The clerks fix dates without any attempt at method and arrange four times the amount of work that can be got through in the day.—(Pp. 26, 27, 28, 29, Paras. 2 to 5).

FILING OF WRITTEN STATEMENTS

It is extraordinary in how many instances the defendant is not ready with his written statement on the date fixed for its production. Every sort of excuse is put forward to cover the omission. The courts at present are inclined to condone these laxities and to grant as a matter of course further adjournments for the production of the written statement. The law as it stands makes a defendant liable to a severe penalty if he does not obey a court's order in this respect. These penal provisions of the code are, however, practically never enforced by the courts Even if the contempt of

the court's order be punished only by the award of costs against the offender, much good would be done, at present nothing is done usually.—(Pp. 29, 30, 31, Para. 7 to 10).

PLEADINGS

The principal rules as to pleadings are given in Order VI. They are summarised (under 8 headings) as follows in Mulla's commentary ;

Very few pleadings in the suits examined comply with these rules. In a majority of cases no attempt is made to comply with them.

If it be possible to introduce the Registrar system, one of the duties of the Registrar could be to correct the pleadings and reduce them to those which are really essential, eliminating everything else.

We suggest that a rule should be added (*i.e.*, to Order VI). By which the name of the draftsman should appear on the pleadings and by which the pleader in charge should be obliged to add a certificate that he has accepted the pleading and takes full responsibility for it. —(Pp. 33, 34, Para. 12).

DISCOVERY

The next period during which delay occurs is the period when the law requires documentary evidence to be filed. Great delay occurs here. This is accentuated by the manner in which the documentary evidence is handled by the courts.—(Pp. 35. Para. 13).

The spectacle of a Judge or other judicial officer going through a mass of documents before the hearing in order to find out the relevancy of each and to set aside these that cannot conceivably be relevant is indeed melancholy. —(P. 40. Para 21).

ISSUES

There is too often great delay before the issues are framed. The method of framing issues produces frequently further delay We have found instances in which the framing of issues was postponed from date to date during the period of several months, and where the issues were finally framed by the pleaders without the presiding officer applying his mind to the subject

The procedure so followed is illegal. It is further intensely unsatisfactory.

Further if the Court leaves the framing of the issues to the parties and does not read the pleadings, the presiding officer is ignorant of the nature of the case and does not know when a witness is called, what bearing that witness's evidence has upon the contest. When the preliminary work has been done carefully and intelligently, there will be a very great saving of time in the later stages. Three hours spent upon the examination of parties, the studying of the pleadings and careful scrutiny of the documentary evidence may mean five or six days saved during the subsequent hearings.—(Pp. 41, 42, Para. 24.)

CHAPTER 4

HEARING OF CONTESTED SUITS

ARGUMENTS

When evidence has been heard, there is frequently much avoidable waste of time in larger cases over the hearing of arguments. The Counsel in District Courts do not usually take the trouble to have their arguments ready, as the last witness leaves the box. and request the Court to adjourn the case.

Some courts do not even hear the arguments from day to day It is difficult to understand how a presiding officer who has thus heard arguments piece-meal can be expected to appreciate them.—(P. 51, Para. 12).

ADJOURNMENTS

The Code clearly lays down that the granting of an adjournment is not a light matter It is, however, a perversion of the words (*i.e.*, "sufficient cause") and a clear transgression of the law, when the courts in so many instances order an adjournment to suit their own convenience or on the flimsiest pretext to suit the convenience of one party or the other.

Lawyers who take up more work than they can handle must be shown that the court will not delay decision to suit their convenience.—(P. 52, 53, Para. 13).

CHAPTER 4

HEARING OF CONTESTED SUITS

RECORD OF EVIDENCE

A considerable amount of time and much valuable energy are expended in the actual recording of evidence in Courts other than the High Courts."—(P. 46, Para. 6).

We, therefore, suggest that an officer when first entrusted with judicial powers should record evidence on the double record system and should make a full memorandum of the evidence so recorded or where the single record is employed should continue as at present. When his superior authorities are satisfied that he is capable of making a satisfactory memorandum, he should be allowed to make it and that memorandum alone should be accepted as record of the evidence.—(Pp. 49, 50, Para. 9).

HEARING FROM DAY TO DAY

Under Order XVII Rule 1, it is laid down that when the hearing of evidence has once begun, the hearing of the suit should be continued from day to day. The rule is plain. High Courts have laid down special instructions that the rule should be followed. It is only in certain provinces that the rule is followed

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unfortunately those provinces are exceptions. In other places the practice is to hear two or three witnesses on a certain date. Then there is an adjournment sometimes an adjournment for a month and the same process is repeated.

The result is lamentable. Neglect to follow the procedure laid down by law enable evidence to be fabricated and improves the opportunities for those dishonest litigants who.—(Pp. 50, 51, Para. 11).

OPENING THE CASE

When the parties have their oral evidence ready, the law directs (Order XVIII, Rule 2) that the party having the right to begin should state his case and produce his evidence The other party has then to state his case and produce his evidence, if any, and may then address the Court generally on the whole case, the party beginning being permitted to reply generally. The law is clear on the subject. Nevertheless it is seldom followed outside the High Courts we wish to draw attention to the absolute necessity of opening the case to save time. The result of departing from this salutary rule of procedure tends to increase delay for the following reasons.—(P. 43, Para. 1).

LISTS OF WITNESSES

If a rule is made, whereby at a certain date the parties may be required in a certain class of suits to file lists of witnesses whom they propose to produce and are not allowed to increase that number without a very special reason, there will be enormous saving of time effected. something should be said for the honest litigants who. But even so, the objection can be met in a very simple manner. If so desired, these lists need not be made public; they can be kept in sealed envelopes and opened only on the day when evidence is first led.—(Pp. 45, 46, Para. 4).

CHAPTER 15

HIGH COURTS (ORIGINAL SIDE)

There are two matters with respect to which we have noticed complaint, which seem to have some degree of justification. The first is that too many cases are frequently posted before a single Judge for hearing on a given day. Experience shows that cases which are very low down in a long list are seldom ready if the list collapses. It is unfair to legal practitioners to expect them to provide against the possibility of cases requiring their attendance at the same time in different Courts. Applications for adjournments on all kinds of suspicious pretexts are inevitable when long lists of cases are posted. The rule ought always to be that no case should be liable to be called on unless it is probable it will be called on.—(P. 259, 260, Para. 18).

It is difficult in India to prevent Courts becoming crowded with people who do not understand the language of the Court and who are apt to talk and keep a buzz of confused noise. Having regard to the crowding of the Courts and the large number of public passages round them, it is specially difficult in this (Madras) High Court to preserve the necessary silence in the Courts themselves.—(P. 260, Para. 19).

We have no hesitation in saying that if the issue court, as it is called, were abolished altogether, much waste of time and effort would be saved. However ignorant or uninstructed or badly instructed the legal profession in a presidency town may be supposed to be, it cannot be necessary to occupy the time of High Court Judge in the work of finding out the points on which the parties are at issue.—(P. 257, Para. 7).

In 1922, there were 2,379 cases on the original side for disposal, of which 1,073 were disposed of and 1,306 were pending at the end of the year.—(P. 256, Para. 6, Tabular statement).

CHAPTER 19

APPEALS

In 1922, the total number of *first appeals to the High Court* against decrees of subordinate courts in original suits was 1,507, of which 372 were decided and 1,135 had been undecided at the end of the year.—(P. 311, Para. 1, Tabular statement).

In 1922, the number of *first appeals to District Courts* against decrees in original suits was 22,998 of which 10,943 appeals were decided during the year and 12,055 were left undecided at the end of the year.—(P. 316, Para. 8, Tabular statement).

In 1922, the number of *second appeals to the High Court* against appellate decrees (other than appellate decrees of Judges of the High Court) in the High Court was 3,517, of which 1,066 were decided during the year and 2,451 were left undecided at the end of the year).—P. 317, Para. 9, Tabular statement).

CHAPTER 11

RECRUITMENT AND TRAINING OF
JUDICIAL OFFICERS

Witnesses of eminence who speak with authority have in emphatic terms expressed their opinion before us that delay in the proceedings of Civil Courts in India is to a considerable extent due to want of any proper system in training the Judges.—(P. 181, Para. 1).

2. We desire to cast no reflection on the vast mass of judicial officers presiding over the courts throughout India; on the contrary, we wish to place on record our appreciation of the magnitude of their labours, their integrity and the conscientiousness with which they discharge their duties.—(P. 181, Para. 2).

4. Beginning with the lowest grade of judicial officers, the Munsifs or corresponding officers are directly recruited in practically all the provinces from among graduates in law. Selection is usually made by a selection committee which consists of all the Judges of the High Court as in Madras. — (P. 181, Para. 4).

Accordingly we would suggest that an examination should be held to test the candidate's practical acquaintance with law and procedure with special reference to his ability to draft pleadings, appreciate evidence and write judgements. A simple method would be to give the candidate records of some decided cases. He should then be required to draft the issues and write the judgement, discussing the law including the case-law applicable to the facts. This in our opinion would be a most excellent test. It has not been applied in any of the British Provinces so far, but we understand that in the State of Mysore it is in force and has led to most satisfactory results

The kind of competition which we have recommended is not a mere test of theoretical or book knowledge but a practical test in qualities which make for a good judicial officer. It is not unlike the competition prescribed for aspirants to judicial office in France and other Continental countries whereas in India the judiciary is mainly official

We make this recommendation with the less hesitation as persistent complaints were made to us that recent nominations in several provinces have not been made from the best material available. It seems to us that if competition in some form is introduced, criticism of this kind will be disarmed. — (P. 183, Paras. 8, 9, 10).

But we are emphatically of opinion that they (*i.e.*, selected probationer Munsifs) should be given [a course of training and practical experience of the administrative

work of a civil judicial office. It seems to us that it is most undesirable that a young Munsif should have to learn this branch of his work from his Munsarim or Reader from whose domination he generally finds it difficult to shake himself free. We would, therefore, recommend that a training course should be held for a period of, say, three months. Such instruction was actually given with good results by a officer in the Punjab Provincial Judicial Service.—(P. 187, Para. 19).

Next we turn to subordinate judges. At present they are almost invariably recruited by selection from among the senior munsifs It was pointed out to us that at present in practically all the provinces promotion to subordinate judgeships from the most senior among the munsifs follows as a matter of routine. It was said that crossing the efficiency bar has become a mere formality, hardly one officer out of fifty being passed over. The result, it was alleged, was a steadily growing deterioration in the personnel of subordinate judges leading to disorganisation in the work of the subordinate courts. We are not in a position to say what truth there is in this allegation. If there is any truth in it, we would advocate that a selection committee should be formed for promoting munsifs to be subordinate judges. The Committee should examine, say, ten judgements in important cases written during the two previous years, ascertain the quantity of contested works in which judgements were written, apply the test of appeals, and then decide whether a particular officer is fit for promotion to a subordinate judgeship.

Subordinate judges promoted from the Munsifs' grade require no special training whether in their administrative or their judicial duties.—(Pp. 187, 188, Paras. 22, 23).

In all the other provinces (*i.e.*, except Burma, Bombay, and Central Provinces) the (I. C. S.) Civilian Officer undergoes no preliminary course of judicial training and from a

Joint Magistrate or a Sub-Collector he is at once posted as District and Sessions Judge. The defects of this system are obvious. No amount of ability or industry can compensate for the absence of training in Civil Law and Procedure or qualify the civilian officer at one step to be the Principal Court of Original Civil Jurisdiction and the Principal Court of Appeal in the district.—(P. 191, Para. 30).

CHAPTER 16

HIGH COURTS APPELLATE SIDE

It appears that in some of the High Courts by a little manipulation Counsel and Vakils are able to choose the Judge before whom, one of the objects being to get them before a Judge who is known. It appears to us necessary that the procedure of the High Courts should be such as to make this choice at will In Madras, all preliminary matters in respect of all applications to go before a Judge who changes from time to time and who is called the Admission Judge. This arrangement seems to be open to a similar objection.—(P. 280, Para. 2).

In some courts it seemed to us that an unnecessarily large number of judgements are reserved The practice of constantly reserving judgement is not only disadvantageous; it is feeble. It gives an impression that the Court cannot grasp facts or does not know its law or cannot state it in a reasonably clear form when it knows. —(P. 281, Para. 5).

CHAPTER 29

EXECUTION OF DECREES

In the same year (1921) the mufussil courts in Madras except village courts obtained satisfaction in full in only 16.56 per cent. of the applications for execution, and satisfaction in part in 7.19 per cent. while the number of totally infructuous applications was 239,421.—(P. 376, Para. 1).

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CHAPTER 34

ADMINISTRATIVE CONTROL

In all provinces the importance of inspection is recognised by the rules, and District Judges are directed to inspect personally the work of the Courts under them.—(P. 439, Para. 29).

With the accumulation of work in the principal High Courts, it has become increasingly difficult for the High Court Judge to make such inspections.—(P. 441, Para. 32).

It is due to the absence of the personal touch that the graver defects have come into being. The rules and circular orders are good. The flaw has been that they are not observed, and that supervision has not been sufficiently effective to compel observance. High Court Rules lay down in the clearest language the necessity of never fixing more work for one day than can be done in the day. Nevertheless cause lists are overloaded. All High Courts impress upon the Courts subordinate to them the provisions of the code of civil procedure to the effect that once the hearing commences the evidence should be heard from day to day. Yet in many provinces the hearing of evidence proceeds too frequently piece-meal at intervals of as much as a month.—(P. 441, Para. 33).

CHAPTER 50

MADRAS

The heavy pendency in Subordinate Courts and the falling off of work turned out by District Judges have in recent years attracted no little attention in Madras. The Civil Arrears Committee (1922) and the Judicial Retrenchment Committee (1923) went into the question of speeding up work in Civil Courts and quite recently (October 1924) Mr. G. H. P. Jackson, I.C.S., was placed on special duty to report on the relief required to the Civil Courts in the Presidency.—(P. 553, Para. 1).

In 1922, the state of congestion of work for original suits was:—District Munsif Courts 52,559 pending, of which 11,990 were pending over one year. Subordinate Judge Courts 4,159, of which 2,046 were pending over one year. District Courts 625 pending, of which 208 were pending over one year.—(P. 553, Tabular statement).

These one year old suits have doubled themselves during the past five years. The District Courts show no better record.—(P. 558, Para. 7).

The arrears in the Appellate work of District and Subordinate Judges Courts in Madras also show an increase, the actual number of appeals pending in the former being 9,108 and in the latter 2,918.—(P. 553, Para. 1).

The Civil Arrears Committee (1922) was of opinion that the provisions of the Civil Procedure Code and the rules framed by the High Court for the efficient and quicker disposal of judicial business could be enforced only by closer supervision by District Judges over Munsifs and by the High Court over District and Subordinate Courts.—(P. 560, Para. 11).

It was represented to us in Madras that inspection as now made is inadequate. District Judges are supposed to inspect all or the greater number of the Courts in their jurisdiction each year. . . . Copies of the Inspection Reports are sent to the High Court and laid before the Judge in charge. District Judges also submit quarterly reviews of the work turned out by Subordinate Judges and District Munsifs. We understand that there is some prospect that one Judge of the High Court may shortly be deputed to inspect Subordinate Courts.

The number of District Munsifs and Subordinate Judges' Courts inspected during the year 1922 was 169 courts out of 233 courts in the districts.—(P. 560, Para. 11).

The Civil Arrears Committee (1922) among their recommendations said:—

9. The recommendations as to more efficient and quicker disposal are already embodied either in the civil procedure code or by the rules framed by the High Court. In order to enforce their obedience, closer supervision by District Judges over Munsifs Courts and by the High Court over District Courts and Sub-Courts is necessary.—(P. 555, Para. 2).

The arrears in the High Court both on the Original and Appellate side are very heavy. On the original side as soon as a case is ripe for hearing, it comes into the general list. After it comes into the general list, it takes from 18 to 24 months before it comes into the daily list and we understand that no part of the delay can be attributed to the parties. On the Appellate side things are even worse. From a statement prepared by the Registrar of the High Court, it appears that on 31st July 1924, there were pending 1,244 first appeals from districts, 138 original side appeals, 167 city civil court appeals and 3,554 second appeals besides miscellaneous appeals and revision petitions. A large percentage of them were ready for hearing and more of them were capable of being made ready by expediting the printing. Those which are ready for hearing do not come up for hearing, because earlier suits have to be disposed of. Printing, no doubt, takes a much larger time than one would like. But there is no object in expediting when hundreds of appeals in which printing has been completed are still remaining unheard. We are told that first appeals now pending represent work for five or six benches for one year, second appeals work for three judges for one year and the miscellaneous work six months work for a bench and one and a half months for a single Judge.

In addition to this, there were 1,331 suits and 1,516 insolvency petitions pending on the Original side. The suits represent work for about a year and a half and insolvency considerably more. Two Additional Judges were recently appointed and we hope the arrears in the High Court in

the Presidency will soon show a visible decrease.—(Pp. 562, 563, Para. 15).

District Munsifs are transferred every three years and Subordinate Judges every five. The transfers are generally made either during the summer vacation or during the Christmas Holidays; work in such cases is thus not much interfered with. Work, however, does suffer by the promotion of Subordinate Judges to act as District Judges and of District Munsifs to act as Subordinate Judges and by vacancies caused by short period of leave.

These difficulties will be avoided if the rule is strictly observed that for a particular class of courts, determined by the standard fixed after examination of the work of each court, officers with increased small cause powers and experience of judicial work be posted and if the presiding officers are appointed, according to their training and capacity, to light, middling or heavy courts.—(P. 559, Para. 9).

On transfers of senior Munsifs promoted to acting vacancies in Subordinate Judge's Courts, it is advisable to post them on their return (till they go out again) as Additional Munsifs in order that there be as little dislocation as possible in the normal work of the district munsif court. Likewise in the case of subordinate judges who revert temporarily after acting as district judges, they may be asked to do Appellate work as additional judges so that there could be no possibility of heavy suits being adjourned or transfers happening in the midst of a trial of a part-heard suit.—(P. 559, Para. 9).

In posting officers to courts either during periodical transfers or on promotion, care should be taken to see that only officers having a colloquial knowledge of the vernacular of the area should as far as possible be chosen. It is not conducive to speedy and satisfactory administration of justice that a Tamil or Telugu in Malabar, a man from Kanara in the Andhra country or an Andhra in the Tamil country should grope his way in

following the oral evidence or construing the documentary evidence.—(P. 559, Para. 9).

The Judicial Retrenchment Committee in 1923 “considers that the location of a large number of courts in one and the same station is not desirable as it gives rise to concentration of work in the hands of a few leading pleaders and to frequent adjournments in consequence. Courts should wherever practicable be located in the area from which the litigation which they have to deal with comes and not from any considerable distance from that area.—(P. 555, Para. 3).

In the following places, there were in 1924-5 more than three Courts working :

<i>Madura</i>	9	courts	<i>Trichinopoly</i>	8	courts
<i>Coimbatore</i>	6	„	<i>Guntur</i>	5	„
<i>Tinnevely</i>	5	„	<i>Masulipatam</i>	5	„
<i>Cocanada</i>	4	„	<i>Kumbakonam</i>	4	„
<i>Bezwada</i>	4	„	<i>Tanjore</i>	4	„
<i>Calicut</i>	4	„			

—(P. 560, Para. 10, Tabular statement).

APPENDIX

Sir Tej Bahadur Sapru (a Member of the Committee) had occasion to prepare a note on the causes of delay in civil courts just prior to the determination of the Government of India to appoint a committee. This able and experienced lawyer said:—"I have been assured by men who know that the provincial judicial service in Bengal, Assam, Bihar and Madras is absolutely clean.—(P. XXVII Probity of Provincial Judicial Service).

From the foregoing it becomes manifest that "the law's delays" are in a large measure the result of the conduct of the Judges themselves. Such being the case, it is possible for the judiciary to expedite current business without imposing any additional financial burden on the taxpayer.

The Code of Civil Procedure has been most unfortunately named. In a bureaucratically governed country, people are apt to look upon this Code as a mere departmental code as in the case of other departmental codes. In fact, it is part of the statute law of the land. Correctly named the C. P. C. is "Act. No. X of 1877 as named by Act No. XII of 1879" which received the assent of the Governor-General on 30th March 1877 and 29th July 1879, and applies to the whole of British India. It is an Act to consolidate and amend the Laws

relating to the Procedure of the Court of Civil Judicature. This Act has assumed its present form as Act V of 1908.

It is not a matter of discretion or convenience, it is illegal for a judge to depart from explicit enactments of the Act.

The arrears which have accumulated (1936) in all the Courts of the Presidency have reached a stage where it has become incumbent for the Legislature to lose no further time in dealing with the matter and calling upon the taxpayer to furnish the funds necessary to clear the arrears. These arrears can only be dealt with by taking into temporary service a sufficiency of retired judges of munsif's grades to ensure the clearance of arrears within the period of one year. There should be no difficulty in enlisting the services of recently retired Munsifs who will be glad to receive the extra emoluments for one year and will be glad to help in restoring the confidence of the people in the ability of the Judiciary to cope with the despatch of business. There were, for instance, 10,912 cases at end of 1935 of over one year old Original suits pending in the Civil Munsiffs' Courts of the Presidency: 1 of which has pended for 16 years and 12 cases for 14 years. At the rate of 200 cases each per year, these will involve the recall of

50 retired Civil Munsifs. As, however, many of the pendencies are difficult cases, it is probable that not less than 60 retired Munsifs will be required to deal with the arrears. At a cost of Rs. 300 (*i.e.*, difference between full pay and pension) for each Munsif, an allotment of Rs. 2,16,000 will be required which, together with incidentals, will call for a sum of not less than Rs. 5,00,000. The chief difficulty will be a lack of available accommodation to house these temporary courts. It is probable, however, that the people will gladly put up with any discomfort and inconvenience provided they can be assured that the arrears will be disposed of. Otherwise, the situation is becoming intolerable and the surmise in the circular of the Government of India that "litigation is still subject to such delays as tend to cause some lack of confidence in our administration of justice", has long since become fulfilled.

An avoidable cause of the Law Delays is the *excessive number of holidays* in every year. Now that the Munsifs' Courts and Subordinate Judges' Courts have become completely Indianised, why is it necessary for these courts to be closed for 10 days at Christmas (1936-37) in the case of Hindu or Muslim judges or for more than 3 days in the case of Indian Christian

Judges? In 1936 there were no less than 96 days of Gazetted Holidays.

As the Indian cadre of Judges have the same amenities for taking leave as all the other branches of the public service, why is it necessary for the Munsifs and Sub-Judge Courts to be closed for an annual "Recess" of 6 weeks and 8 weeks respectively every year? In addition to their personal holidays of Casual leave of 15 days a year and privilege leave of one month every year, Civil Munsifs have the 96 days of Gazetted holidays and 6 weeks of Recess, i.e., 136 days in the year. It has to be added, however, that Munsifs get their one month Casual Leave on half pay instead of on full pay as in the case of departments of the Civil Service.

The Civil Justice Committee of 1924-25 wondered why, in Madras, Tamil Judges were sent to preside over Telugu courts and *vice versa*. Everybody knows this is unnecessary. When vacancies occur in a Telugu area, only Telugu speaking judges should be recruited for that area no matter whether 50 Tamils are applying for vacancies at that time. Both the Telugu (Andhra-Desha) and the Tamil (Tamil-Nad) areas are sufficiently large to reserve them solely and without exception for Telugu and Tamil speaking judges and confine them to their own vernacular sub-province.

Although *Hearings* in Munsifs Courts are now held in the Vernacular, the saving of time

gained is vitiated by the Judge being required to translate and write down in English the depositions as they are spoken. The train of thought of the Judge is broken by having to translate and serious error may creep into the record. Moreover, this procedure is unnecessary as a Judge can write in running vernacular as fast as he can write in English and the possible error in translation never arises. In Appeals, the record will have to be translated. Here the record is translated at leisure and comparison with the actual deposition can always be challenged. Nor can the necessity for translation be permitted to outweigh the advantage of complete vernacular proceedings in the Court of origin.

The Civil Justice Committee of 1924-25 have drawn attention to the necessity for a regular and thorough annual *Inspection* of the work of each court. Since such inspections as are held now produce no improved results, it is manifest that they are a waste of time and a waste of the taxpayers' money. If inspections are to produce an improvement in the "law's delays", they must be thorough and will have to be entrusted to a special staff. Such inspections are essential in the case of Munsifs' Courts in view of the importance of compelling Munsifs to conform to the mandatory sections of the C. P. C. Moreover, not a few Munsifs will welcome a thorough

inspection of their courts. Many are afraid of some of the Vakils who appear before them; and for this reason they grant adjournments which they would otherwise refuse. The same reason partly accounts for the failure by the Munsifs to conduct day to day hearings.

The *Overloading* of cause lists can be avoided by means of a little standardisation. A Munsif by using his discretion from a perusal of the pleadings and by consultation with the Vakils involved is able to decide whether he can post 4 cases a day in simple cases or 2 cases a day in more involved cases. At least 2 cases a day must be posted because genuine unavoidable reasons may intervene to prevent a case from being taken up for hearing.

The next point to avoid is the *Summoning of Parties* and their witnesses and sending them away without hearing with the possible added vexation of being kept hanging about the court for the whole or major part of the day. This can and has been avoided by discussion on every Monday morning between the Judge and the Vakils concerned as to the actual date when a case can be heard. Until this date is fixed, the parties need not be summoned. This procedure can be standardised throughout the Presidency. It will have the further advantage that applications made later for *Adjournments* can be decisively rejected except for reasons contemplated by the C. P. C.

The Civil Justice Committee of 1924-25 complained:—"It is due to the absence of the personal touch that the graver defects have come into being. The rules and circular orders are good. The flaw has been that they are not observed, and that supervision has not been sufficiently effective to compel observance. High Court rules lay down in the clearest language the necessity of never fixing more work for one day than can be done in the day. Nevertheless cause lists are overloaded. All High Courts impress upon the Courts subordinate to them the provisions of the Code of Civil Procedure to the effect that once the hearing commences the evidence should be heard from day to day. Yet in many provinces the hearing of evidence proceeds too frequently piece-meal at intervals of as much as a month."—(P. 441, Para. 33.)

The Civil Justice Committee of 1924-25 were of opinion that Civil Munsifs were not recruited and selected in the best manner possible. They reinforced their opinion by formulating a practical method of selecting candidates for the office of Munsif instead of nominating aspirants in the hit and miss manner at present adopted. If the suggestion of the Civil Justice Committee was carried out, the country would secure a higher average type of Munsif, and the taxpayer would not be put to any additional expense by doing so.

It has long been manifest that if a real reform is to have a lasting success it must proceed from the bottom upwards, *i.e.*, the congestion in the Munsifs Courts must first of all be cleared at all costs.

The following particulars require to be resolutely grappled. They can be divided into two categories, namely, (A) those for which the taxpayer must be asked to furnish funds, (B) those which entail obedience on the part of the Munsif to the mandate of the C. P. C. and will involve no extra cost.

A. *i.* *Arrears.*—Clear all arrears at source, *i.e.*, free the Munsifs Courts from all arrear cases. This can be done as proposed above at a cost of 5 lakhs of rupees but meantime in dealing with the arrears, another six months' arrears may have arisen which will cost another 2 lakhs to clear.

A. *ii.* Every Munsif's Court must be thoroughly inspected annually. This will require a special staff of Inspectors, for which the taxpayer must be asked to pay,

A. *iii.* The diaries and returns of the Munsifs must be punctually and properly scrutinised every week and month. Such a scrutiny will involve the employment of one or more Assistant Registrars of the High Court of

Sub-Judge grade. It will be necessary to ask the taxpayer to pay for this indispensable scrutiny.

The following reforms will save time and add no expense to the administration of Civil Justice.

B. i. Vernacular Proceedings.—All cases in Munsifs' Courts to be heard and recorded in the vernacular language of the district in which the court is situated. All Munsifs in the Tamil Nad must be Tamils and in the Andhra-Desha must be Telugus; and there may be no interchange thereafter.

B. ii. Heavy Cases.—All cases should be heard in the order in which they arise.

B. iii. Overloading.—To obviate overloading, the hearing list should be drawn up by the Munsif himself after perusing the pleadings and consulting the Vakils concerned.

B. iv. Hearing.—If a case begins to be heard, it should be heard day by day as ordered by law. The Munsif should set apart every week particular days for trial of contested Original suits and he must not post any other miscellaneous or Small Cause suits or Execution matters to these days.

B. v. Adjournments.—Adjournments are only to be allowed as contemplated by the C. P. C.

A special record is to be made, and scrutinised, of adjournments granted with the reason therefor.

B. vi. Small Cause.—Miscellaneous and Small Cause suits and Execution matters should be heard on special days set apart for them. They shall not be heard or part heard on the same day as that posted for a Civil Suit.

B. vii. Receiverships.—Receivership shall be allotted in rotation to leaders of the Bar instead of being given to one or two members at present.

B. viii. Appointment.—New Munsifs to be appointed in accordance with the manner stated by the Civil Justice Committee, to be on probation for one year with their office inspected at intervals of four months.

EXECUTION OF DECREES

The execution of decrees, etc., is the duty of the Process Establishment and is entrusted to a body of men called Amins and Process servers. They are controlled and managed by the central Nazir of the District Court in the district headquarters and by Deputy Nazirs in Taluk headquarters wherever there is a Munsif's Court.

It is these officers (Nazirs and Deputy Nazirs) who get the processes (warrants and summonses) executed and attachment of properties and delivery of possession and arrests of Judgment

debtors carried out by means of the Amins and Process servers.

In each locality, the Department is supposed to be supervised by the Judge of the District Court. In practice, however, the Judges are in arrears with their own Court cases and have no time to spare adequately to supervise the work of those men. And this is the more to be deplored, because the routine work of a Process server gives him daily opportunities for misfeasance and bribery. So much is this the case that the general public have lost all confidence in the bonafides of Process servers in the discharge of their duties.

At their hands the Decrees even of the High Court become waste paper. Owing to the "law's delays", the people are kept waiting seven years and even more than ten years to obtain a hearing and a judgment in the High Court and at the end of it they find that the Decree given is of no account and cannot be enforced. The most deplorable and dangerous aspect of this state of affairs is that it seems to be nobody's business to deal with the matter.

The facts and the details of the enormities committed under the guise of Process work are known throughout the Presidency. Nothing but a thorough enquiry into the working of the Process Department and a drastic reconstruction of its working can effect any lasting improvement.

Suggested remedies are:—

1. Appoint men of higher status than the existing Nazirs and Deputy Nazirs. Such as young Graduates at law with the prospect of becoming a Munsif in the future through the intervening offices of Head Clerk and Sheristadar of the District Court.

2. The Nazir to have no discretion at all in handing out processes. Each Process server must be on a fixed roster and all processes must be issued to each man in the order of the roster.

3. As with Bill Collectors and Vaccinators, each Process server must successfully serve a given number of services per month.

4. Any Process server failing to do this for 3 months running must have his services automatically dispensed with and he must understand this before he is appointed.

5. Services can be carried out in various different ways to make sure that absconders can be circumvented if the Process server is honest in his service. If the present various methods of service really require to be reinforced, this must be done without delay.

6. Warrants must be allowed to last for a longer time than at present so as to give a server no excuse for non-performance.

7. The fact that the Process Department is a pensionable, one must not be allowed to

prevent the immediate elimination of dishonest or incompetent members. The department has been set up in the public interest. It has abused the public interest and this must be the only criterion in eliminating a man for dishonest or inefficient work.

8. The pay of the Amins and Process servers can be doubled because, if the process work is done honestly, only half the existing staff will be required.

9. *Service of Summons and Notices by Registered Acknowledgment Due post* should be insisted on in all cases at the cost of the parties.

10. Under the existing rules, the Amins and Process servers are subordinate only to the Judge of the District Court. In future, they should be made subordinate to the Judges of the Court which issues the process subject to a one and final appeal to the District Judge. Process servers, therefore, must not be pooled (as at present) among Headquarter Courts, but each Court must have its own Process Establishment.

11. As part of the reform of the Process Department, a central Appellate authority of high status such as the Law Minister himself should be designated to whom complaint can be made in case of any untoward delay. To save expense, complaints should be made by memorandum setting out sufficient facts to enable an immediate local explanation to be called for through the High Court.

CHAPTER VI

RURAL RECONSTRUCTION

The question of Rural Reconstruction has been much discussed not only in the Madras Presidency but throughout the whole of India. The term "uplift" has been used but this word, generally speaking, has been dropped in favour of "Reconstruction" as more nearly expressing the true meaning of the desires of the country-folk; and of those people who realise that the well-being and contentment of the rural population is the foundation for the happiness of the country in general.

The reason why Reconstruction is substituted in men's minds for "uplift" is because the mass of the people of India and of Madras in particular wish to get back to the principles of village self-government; and thereby "reconstruct" those principles on which the immemorial village system withstood the shocks and changes of the outer world.

Since the War, the Madras Government has devised a policy designed to forward the self-government of the country and has supported this policy by forming Provincial Services and allotting subsidies. This framework has been so ably and successfully created that Madras is

admittedly in advance of the other Provinces of the Indian Peninsula. This admission has not been advanced by Madras but by the leaders of other Provinces who have taken the trouble to make a study of present conditions in India generally besides the conditions in their own Province.

Having furnished the framework, the Government has failed to carry the policy of the promotion of self-government to its logical and only practical conclusion, namely, it has not provided for the self-government of the village which is the only lasting foundation for the self-government of the country. It is the only true foundation because centuries of experience has demonstrated that the self-government of the village is exactly suited to the genius of the people. In present-day circumstances where the world has become so much smaller in terms of time and space, it will be easy to construct the political and social constitution of the country from the village upwards as the foundation. But any attempt to build from the top downwards is doomed to failure. The Government which has the historical knowledge and the psychic inspiration to recognise this aspect of the genius of the people will receive the unswerving and the unstinted support of the whole rural population.

In the period which has elapsed since the War, the Government has supplied the organisation

for the framework of Rural Reconstruction by creating and provincialising the staffs of the various rural services but have disappointed the hopes of the people by not giving the Village Panchayat Boards the functions and powers of local self-government.

A Village Panchayat Board Act has been placed on the Statute-Book and a number of Village Boards have been formed. But the Village Panchayat Board Act does not adequately cover the ground and the Boards which have been established exist as mere paper agencies without the means of fulfilling their purpose or carrying out their duties. It is agreed on all sides that the duty of a properly constituted Village Panchayat Board is village self-government but, so far, this has been rendered impossible in the absence of the allotment of funds by which the Panchayats can function and in the absence of a comprehensive Act to regularise their duties.

Further research work is necessary to fill in some of the details but, broadly speaking, there is enough of information available to reconstruct the composition of the old village government system of South India; and (with the addition of the present-day co-operative services) to fit this old system to suit modern ideas in a modern system of government; and the more so because, thanks to the recently created rural

provincial services, the Panchayat Boards can be sure of obtaining skilled help and advice in every branch of their activities whenever they require it.

The old Village Council of Elders corresponds to-day to a Village Panchayat Board. The parallel functions of the old village government can be set out as follows :—

(a) Control of the Primary Education School (assisted by the advice of the Inspectorate of the Education Department).

(b) Control of the Hygiene, Health, Child and Maternity Welfare (with the advice of the staff of the Public Health Department).

(c) Control of the methods for Agricultural Improvement (with the advice of the Agricultural Demonstrator).

(d) Formation and encouragement of the various departments of the Village Co-operation Society (with the financial assistance of the local Central Bank and the staff of the Madras Co-operative Service).

(e) Control of the Village Forest and Grazing land (with the advice of the Forest Department).

(f) The repair and maintenance of village communications (assisted by Local Fund Engineer staff of the District).

(g) Upkeep of Minor Irrigation Works (with the advice of the Minor Irrigation branch of the Public Works Department).

(h) Panchayat Courts to deal with:—

(i) petty crime in the village.

(ii) Civil disputes (up to the value of Rs. 100 or more).

(i) Control of the Village Library (which is necessary to prevent relapse to illiteracy and to edify the leisure of the villagers).

(j) Finance Committee for the management of the funds set aside by Statute as the income which is necessary to enable the Panchayat Board to carry out its duties and for the management of the expenditure side of the village accounts.

The District Boards of each District will thus be relieved of much attention to detail in connection with the foregoing activities, though they should continue to have a general oversight of the Panchayat Boards and receive reports from the heads of the Provincial Services in the District on their work. The District Boards will then be in a much better position than they are now to concentrate on the secondary education, the medical services, the roads and bridges, the regulation of the fairs and festivals, etc., of their districts.

In order to emphasise the fact that every Panchayat Board is, politically and legislatively, a

self-governing body, the present distinction in name between Major Panchayat Boards and Minor Panchayat Boards should be abolished. From a political and a legislative point of view, a so-called Minor Board is as important to the conscience of the community as a Major Board or for that matter a Municipality; and they must be treated with the same respect as the larger Boards.

Further, the number of members of a Panchayat Board should not be based on 1 in a 100 of the population and be artificially confined within the minimum of 8 members to a maximum of 16 members. The only test for the number of members of a Panchayat Board should be governed by the nature of the work the Board has to do. And the nature of the work will be the same for all Boards, though it will vary in degree according to the size of the population to be administered.

As seen from a foregoing paragraph, the activities of the Boards may conveniently be divided into 8 branches of work, which can in the first instance be dealt with by as many Committees, and these will be required whatever may be the population of the self-governing area. The trial of Civil and Criminal cases should not be by Committee but by Roster of all the members of the Board sitting three at a time.

The income of each Board must be a Statutory income and be handed over direct to the credit

of each Board. The villagers will then be convinced that Home Rule is a reality and they may be trusted to set to work seriously to play their part in the body politic. It is the same money whether it is given by Statute direct to the Panchayats or whether it is doled out as subsidies by the Government, because it has to be paid by the people and does not issue out of any magic process by the Government. In the first case, the Panchayats will realise they have their own money provided and guarded by law; in the second case, they regard the subsidy as depending on the favour and whim of the Government and to be intrigued for accordingly in the hope that one Board may be favoured more than others. So long as they have this feeling, the Panchayats will not make any serious attempt to govern themselves.

Some income has been earmarked statutorily under the existing Act. There are other sources which are not at present in the statutory list, such as grazing fees within the village communal lands.

The usufruct of communal trees planted in the village limits (except that of Avenue trees along 1st and 2nd class roads).

The usufruct of the lease of the grazing or grass cutting in the tank-beds.

The sale of babul trees grown in the tank-beds.

The sale of the fishing in the tanks.

The sale of minor forest produce in the communal waste lands.

The sale of street sweepings and compost, cattle droppings and green manure in *porambokes* vested in the Panchayat Boards.

The sale of the usufruct of the forest on an agreed commission, of the permits to graze village cattle in reserved forests. This would save the Forest Department an immense amount of labour.

The fire protection, on an agreed scale of payment, of an adjoining reserved forest, if any.

And there is no doubt the villagers themselves would very soon suggest other sources of revenue, provided they felt certain that the money would come to them.

Rural Reconstruction cannot be built up in a day nor can every village come under its own self-government within a year. But every one of the villages with a population of 1,000 inhabitants and over can be equipped with Home Rule within the next 3 years when the next group, namely, those villages containing 500 to 1,000 inhabitants can be taken in hand.

It has been averred that the Council of Elders in the old village system was divided into Committees for the better performance of its duties. However that may be, it has been found by present-day experience, in all countries, that local bodies function best when they divide

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themselves into Committees for consideration of the various matters which come before them. After investigation, the Committees report and make their recommendation to the full body for its final decision.

The use of Committees has the advantage that those members of the general local body who take a special interest in, or have a special knowledge of, any particular branch of work, can be appointed to the Committee dealing with that branch. Further, if a man is elected to serve on a local body, he ought to take a personal interest in the work of that body; and it has been found by experience that he is more likely to do this if he is selected to serve on some one committee or another.

In order to maintain continuity, the Committees should be Standing Statutory Committees. The existence of these Committees does not affect the freedom of the local body to appoint an *ad hoc* Committee for any special purpose whenever it desires to do so.

Since it is scarcely practical for a Committee to consist of less than 3 members, it seems to be advisable that a Village Panchayat Board should be composed of not less than 24 members to furnish the 8 Committees which will be required to carry out the functions of the Board.

In connection with the foregoing there is one aspect of the case which is of great importance.

In the list of activities which fall within the duties of a panchayat board, the parallel provincial departments have been named in a foregoing paragraph. Very careful arrangements should be made to provide for the subordinate officials of each department to keep in close touch with the Presidents of the Panchayat Boards, on the one hand, to advise and suggest to them what improvements are desirable and, on the other hand, to keep the head of their department in the district informed every week which presidents they have visited and with what result. It should then be the duty of the district head of each department to report to the Registrar of Panchayat Boards which panchayat boards are not functioning properly so that the Registrar can then take steps to help the Presidents of those Boards. The office of the Registrar of Panchayat Boards will have to be revived and he must be supplied with an establishment in each district adequate to render timely help to the Presidents of backward Panchayat Boards in their difficulties. Nor should it be forgotten that it does much harm to send a Telugu man to a Tamil district and *vice versa*.

In short, the work of the provincial officials should not, as a rule, be done direct but it should be done through the agency and with the goodwill and co-operation of the Village Panchayat Boards.

PRINTED BY G. A. NATESAN & CO., GEORGE TOWN, MADRAS.
