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MADRAS LEGISLATIVE COUNCIL
DEBATES

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OFFICIAL REPORT

SATURDAY, 21st AUGUST 1948

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THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 21st August 1948.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (THE HON. SRI R. B. KAMA-KRISHNA RAJU) in the Chair.

I. QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Requisition of jeep cars.

47 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that jeep motor cars have been seized on the roads in the City of Madras, without any kind of notice being given to the owners thereof of the intention of the Government to requisition these cars;

(b) if so, what steps the Government have taken to avoid inconvenience to the owners;

(c) whether any compensation has been given or is proposed to be given to the owners of these cars;

(d) if so, what is the amount of compensation given or is proposed to be given; and

(e) if the compensation is not already given, when the Government propose to give such compensation?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—“(a) Jeeps were not seized on the roads; but some of them had to be stopped on the roads in order to serve the notice of requisitioning on the owners.

“(b) Does not arise.

“(c) & (d) A compensation not exceeding Rs. 4,000 is paid to the registered owners having regard to the mileage run by the jeep, its general condition and the cost of effecting repairs or replacing defective or missing parts in order to make the jeep conform to the specifications prescribed.

“(e) The necessary rules have been issued recently. They took effect from the date of their publication in the *Fort St. George Gazette* on 13th July 1948. As soon as compensation is determined with reference to these rules, the owners would be paid the amount due to them.”

SRI B. BHIMA RAO:—“May I know the reasons for requisitioning the jeeps, Sir?”

THE HON. DR. T. S. S. RAJAN:—“Emergency of the State.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“May I know, Sir, how many jeeps were requisitioned or seized?”

CONTENTS

I Questions and Answers	353-364
II Message from the Assembly	372-383
III Government Bills—	
(1) The Malabar Irrigation Works (Construction and Levy of Cess) Bill, 1948 (L.A. Bill No. 21 of 1948)	365-366
(2) The Madras Weights and Measures Bill, 1947 (L.C. Bill No. 2 of 1948)	366-377
IV Discussion of Textile Policy	377

[21st August 1948]

THE HON. DR. T. S. S. RAJAN :—“ I am not able to give the number to the hon. Member now. I must have notice.”

SRI MOTHEY NARAYANA RAO :—“ May I know, Sir, if the hon. Member's car has been requisitioned? I mean his jeep, Sir.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ May I know, Sir, if there are any jeeps still with the Government?”

THE HON. DR. T. S. S. RAJAN :—“ Government have got quite a number of them in all their departments.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I am speaking of the jeeps taken or seized from the public, Sir.”

THE HON. DR. T. S. S. RAJAN :—“ I do not know the exact number so far seized and that is why I wanted notice.”

MR. PRESIDENT :—“ What does the hon. Member mean by his question?”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ My point was how many were seized or requisitioned and how many of them were subsequently returned?”

MR. PRESIDENT :—“ The question is how many still remains with the Government.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I understand that certain cars are still with the Government but that some had been returned to their owners and I wish to know how many the Government have retained with them and how many have been returned.”

THE HON. DR. T. S. S. RAJAN :—“ I want notice; it cannot be given offhand.”

DR. V. K. JOHN :—“ When the Hon. Ministers change their cars, will they consider the advisability of taking these jeeps in place of their cars which may get worn out?”

THE HON. DR. T. S. S. RAJAN :—“ That does not arise as a supplementary to this question. (Laughter.) The jeeps have been commandeered for a certain specific purpose and the kindly suggestion that they might be used for the Minister is not at all a sequel to the question under answer.”

SRI B. BHIMARAO :—“ I understand that the hon. Member has been given an exemption in respect of his jeep. He has been given an exemption and he has put the question. May I know the reasons and the grounds on which he was exempted?”

THE HON. DR. T. S. S. RAJAN :—“ The hon. Member may be exempted himself. I have not got it in my possession.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Have the Government fixed different prices for different cars that were commandeered by them from the public, Sir?”

21st August 1948]

MR. PRESIDENT :—“ I think the answer is that maximum is Rs. 4,000 subject to certain conditions.”

THE HON. DR. T. S. S. RAJAN :—“ There is only one type of American jeep involved.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ There are different kinds of jeeps, some are Fords and”

MR. PRESIDENT :—“ And there are different makes also.”

THE HON. DR. T. S. S. RAJAN :—“ But the prices vary according to the mileage that the jeeps have run”

MR. PRESIDENT :—“ According to the mileage and according to the make.”

Promotion of Sri Vivekanandamurthi as Collector.

*48 Q.—SRI S. A. S. RM. RAMANATHAM CHETTIYAR : Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that Sri Vivekanandamurthi, recently confirmed as permanent Tahsildar, has been promoted and appointed as Collector, Ramnad district, overlooking the claims of 18 senior Deputy Collectors;

(b) if so, whether the Government have any proposal to revert Sri Vivekanandamurthi;

(c) whether it is a fact that Sri Vivekanandamurthi got a bag of rice worth Rs. 66 for Rs. 10 from the Civil Supply Officer, Madura; and whether it is also a fact that a peon of his attempted to purchase a bag of rice for his master and was dismissed when his attempt was disclosed;

(d) whether it is a fact that the peon, now dismissed, has been engaged as his driver by the present Collector Sri Vivekanandamurthi for a period of six years;

(e) whether it is a fact that the dismissed peon has preferred an appeal to the Government, and if so, what action has been taken thereon; and

(f) whether it is a fact that the dismissed peon has put up a building at a cost of Rs. 8,000 in Madras?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—“ (a) Mr. Vivekanandamurthi has been appointed to act as Collector and it is a fact that some of his seniors have been passed over. Promotions from the ranks of Deputy Collectors to that of Collectors are not made on grounds of seniority but on merit.

“ (b) No.

“ (c) to (f) The Government have no information.”

SRI S. A. S. RM. RAMANATHAM CHETTIYAR :—“ அந்த பழுனைக் கேட்டால் தெரியுமே.”

THE HON. DR. T. S. S. RAJAN :—“ யார் கேட்கிறது.”

MR. PRESIDENT :—“ நீங்கள் கேள்வியாகக் கேட்கவேண்டும்.”

[21st August 1948]

SRI B. BHIMA RAO :—“ Since the gentleman concerned is not here, would you permit me to put some questions to the hon. Member himself? Now that he has furnished some information on the question, may I know whether he has got personal knowledge of the case or whether he got it from an informant and whether that person himself has personal knowledge or is it again hearsay?”

MR. PRESIDENT :—“ The hon. Member is an experienced member of the Legislature and he ought to know that he cannot put questions to one of his own colleagues; if any question has to be addressed, it is to the Government that he must put it.”

SRI B. BHIMA RAO :—“ I bow to your ruling, Sir.”

MR. PRESIDENT :—“ It is not a ruling but I want you to help me to fix the procedure. Are questions intended to be put to Members or are questions being put to Government to elicit information?”

SRI R. SURYANARAYANA RAO :—“ May I know the procedure followed in preparing the list of persons fit for promotion as Collectors and on whose recommendation, the list is prepared?”

THE HON. DR. T. S. S. RAJAN :—“ These appointments are selection appointments and Ministers are responsible for the appointment.”

SRI R. SURYANARAYANA RAO :—“ As the cadre of Collectors forms part of the Indian Administrative Service, may I know, Sir, whether the list is approved by the Federal Public Services Commission as is done in the case of candidates appointed to the Indian Administrative Service?”

THE HON. DR. T. S. S. RAJAN :—“ The procedure followed is that prescribed for selection appointments and not on mere seniority. On the question whether this particular appointment came up before the Commission or not, I would request the hon. Member to put a separate question.”

THE HON. SRI KALA VENKATA RAO :—“ May I inform the House, Sir, that in the case of the district listed posts, the Federal Public Services Commission will be consulted when they are confirmed.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ May I know, Sir, what is the special merit which entitled this fortunate Tahsildar to get such a high jump from a Tahsildar to the post of a Collector?”

THE HON. SRI KALA VENKATA RAO :—“ He is a Deputy Collector.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Is he permanent?”

MR. PRESIDENT :—“ You must see the answer.”

21st August 1948]

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ It has been said that the appointment was made on grounds of merit and therefore, I put the question whether there was any special merit which has qualified this gentleman to get such a high jump.”

MR. PRESIDENT :—“ His capacity to jump, I suppose.”

THE HON. SRI KALA VENKATA RAO :—“ There is a particular procedure followed in the matter of selection of Collectors and extraordinary merit which they show in the course of their service stands them in good stead in getting promotions. In the case of this gentleman he was already a Deputy Collector and he has completed his probation and at that stage he was selected as District Collector.”

SRI B. BHIMA RAO :—“ May I know, Sir, if he has not established a very good record? I do not know the gentleman but from reports I hear that he is a person with very great experience, and he has got a good reputation in the district.”

MR. PRESIDENT :—“ The hon. Mr. Bhima Rao gives him a certificate.”

SRI R. SURYANARAYANA RAO :—“ Is it not a fact, Sir, that even probationers to the Indian Administrative Service are selected by the Federal Public Services Commission?”

THE HON. SRI KALA VENKATA RAO :—“ There is a separate procedure followed for that and the hon. Member knows there is competitive examination, a number of rules and the rest.”

SRI S. B. ADITYAN :—“ May I know, Sir, who judges whether a particular officer has merit or not?”

THE HON. SRI KALA VENKATA RAO :—“ Every year, the Board of Revenue reports to the Government the names of persons fit for promotion and from that list a check list is prepared by the Government and people on the check list will be observed by the Government for one or two years whether they are competent to be selected as Collectors; then from that check list the panel is prepared and from this final list people are appointed. It will thus be seen, there is a lot of checks and counter-checks over all these matters.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ May I know, Sir, when he was confirmed as Deputy Collector?”

THE HON. SRI KALA VENKATA RAO :—“ He has completed his probation.”

SRI B. NARAYANASWAMI NAYUDU :—“ May I know the date, Sir?”

THE HON. SRI KALA VENKATA RAO :—“ I am sorry I am not able to give the date. I know that his record as Assistant Secretary in the Civil Supplies Department was very fair and it is only by his extraordinary merit that he became a District Collector.”

[21st August 1948]

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ May I know whether there are any senior permanent Deputy Collectors senior to him awaiting promotion as Collectors?”

THE HON. SRI KALA VENKATA RAO :—“ I think, Sir, there are many of his juniors also who have become District Collectors. After Mr. Vivekanandamurthi was appointed eight other people have been appointed as Collectors and the last gentleman was only posted to-day according to the Gazette notification and they are juniors to him.”

SRI R. SURYANARAYANA RAO :—“ May I know if it is the opinion of the Government that nearly all the 18 senior Deputy Collectors were not competent to be appointed as District Collectors that is not one among the eighteen senior Deputy Collectors according to the Government was competent?”

THE HON. SRI KALA VENKATA RAO :—“ According to the valuation of Government.”

SRI R. SURYANARAYANA RAO :—“ Is it the valuation of the Government or the Board of Revenue, Sir?”

THE HON. SRI KALA VENKATA RAO :—“ The Board of Revenue only recommends and it does not select them.”

SRI N. SANKARA REDDI :—“ May I request the Government to give seniority also consideration when promotions are made hereafter?”

THE HON. SRI KALA VENKATA RAO :—“ Seniority is always considered.”

Central grants for provincial post-war schemes.

* 49 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government of India are giving grants for provincial post-war schemes;

(b) whether the grants relate only to schemes approved by them;

(c) if the answer to (b) is in the affirmative, what the Madras schemes are which have already received their approval;

(d) whether the grants are given annually as the schemes make progress or whether they are outright grants;

(e) what the amounts of grants received are till now from the Government of India;

(f) how these grants have been allocated;

(g) whether the amounts allocated have been spent by various departments on their sanctioned schemes; and

(h) whether the Government will be pleased to place a complete statement on the table of the House?

[21st August 1948]

THE HON. SRI B. GOPALA REDDI :—“ (a) to (h) A copy ^a of the answer is placed on the table of the House.”

SRI R. SURYANARAYANA RAO :—“ May I enquire from the Hon. Minister whether the Government of India are giving any grants for productive post-war schemes; for the answer says grants are given only for unproductive post-war schemes approved by the Government of India?”

THE HON. SRI B. GOPALA REDDI :—“ These are block grant schemes.”

SRI R. SURYANARAYANA RAO :—“ May I invite the attention of the Hon. Minister to the answer to clauses (a) and (b), where it is stated that grants are given only for unproductive post-war schemes approved by the Government of India? May I ask whether grants are given for productive post-war schemes?”

THE HON. SRI B. GOPALA REDDI :—“ It is a different matter; I should like to have notice.”

SRI N. SANKARA REDDI :—“ May I know under what category does the Tungabhadra scheme come?”

THE HON. SRI B. GOPALA REDDI :—“ Under unproductive scheme. It does not come under block grant scheme. Big irrigation projects are separately dealt with.”

SRI N. SANKARA REDDI :—“ Cannot Government get for the schemes subsidized from the Government of India even though they are unproductive?”

THE HON. SRI B. GOPALA REDDI :—“ We are recommending several schemes but it is for the Government of India to accept them.”

SRI R. SURYANARAYANA RAO :—“ May I enquire whether the allotment of grant made should be spent during the particular year, or whether the unspent balance can be carried over to the next year?”

THE HON. SRI B. GOPALA REDDI :—“ The rule, as at present stands, is it cannot be carried over to the next year. We are corresponding with the Government of India whether the Provincial Governments could not carry on to the next year the unspent balance of grant of a particular year.”

SRI R. SURYANARAYANA RAO :—“ I see, under Education, for providing for midday meals for children Rs. 40.57 lakhs have been sanctioned. May I enquire whether any expenditure under that in the current year has been incurred till now?”

THE HON. SRI B. GOPALA REDDI :—“ That is for the previous years 1915-16 and 1916-17, and not for the current year.”

SRI S. B. ADITYAN :—“ May I know the difference between productive and unproductive schemes?”

[21st August 1948]

THE HON. SRI B. GOPALA REDDI :—“ There is no financial yard-stick by which we measure whether a scheme is productive or unproductive. We have fixed 3 or 3½ per cent as the return we expect from a scheme. If there is no such return, the scheme is said to be unproductive.”

SRI S. B. ADITYAN :—“ Is it true that some time back the Tungabhadra scheme was transferred from productive to unproductive category? ”

THE HON. SRI B. GOPALA REDDI :—“ Yes, when the cost of labour and materials goes up, necessarily a productive scheme will become unproductive.”

SRI R. SURYANARAYANA RAO :—“ May I know what is the nature of the schemes for 1948-49? Will it be merely continuation of the schemes already started and not finished; or do Government wish to include new schemes also? ”

THE HON. SRI B. GOPALA REDDI :—“ In some cases it will be continuation of the schemes already started; in some cases new schemes may be taken up.”

*50 & 51 Q.—MR. PRESIDENT :—“ May I know from the Hon. Mr. Bakthavatsalam whether he is answering the questions standing in the name of the Hon. Minister for Industries? ”

THE HON. SRI M. BAKTHAVATSALAM :—“ I have not been entrusted with them. I think the Hon. Minister wanted to postpone them.”

MR. PRESIDENT :—“ After the agenda had been circulated it is better they are answered. When once they are in the agenda it is better some of the Hon. Ministers give the answer.”

DR. V. K. JOHN :—“ May I suggest, Sir, Hon. Ministers should be present in the House, or the House should be informed, if any of them is absent, why he is absent. The Hon. Ministers ought to be present here even though there are no questions to be answered. If any of them cannot be present he ought to inform the House why he is absent.”

SRI MOTHEY NARAYANA RAO :—“ To-day is penultimate Saturday; it is a holiday; this House is sitting on a holiday.”

DR. V. K. JOHN :—“ The House is entitled to know why a Minister is absent.”

MR. PRESIDENT :—“ Has the Leader of the House anything to say? ”

THE HON. DR. T. S. S. RAJAN :—“ The Hon. Minister is not here; we will take up the questions on the next day.”

MR. PRESIDENT :—“ That is not the point. When a question is put on the agenda paper it is expected that the Government Member will be present to answer it. If for any unavoidable circumstance he has to be absent it is not right to simply write to the Secretary to put off the question.”

21st August 1948]

THE HON. DR. T. S. S. RAJAN :—“ Sir, he had to leave suddenly the City due to some unavoidable cause. So it is not correct to say that he simply absented himself. The questions may be taken up on the next day.”

SRI R. SURYANARAYANA RAO :—“ May I also add, that Hon. Ministers should as far as possible be present, because if other Ministers are to answer, they always ask for notice for supplementary questions?”

MR. PRESIDENT :—“ Your qualifying clause ‘as far as possible’ takes away the point.”

THE HON. DR. T. S. S. RAJAN :—“ The hon. Member is uncharitable to Ministers; for he said that other Ministers who answered always asked for notice. In fact I have been answering for the Hon. the Premier, and I do not think I have asked for notice at any time.”

MR. PRESIDENT :—“ I learn the practice elsewhere is that once the House is in session Ministers make it a point to be present. That seems to be the accepted procedure. If for any unavoidable cause a Minister has to be absent, the Government must make it a point for questions or Bills to be entrusted to some other Member of the Government so that work may not suffer.”

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MR. PRESIDENT :—“ There has been enough discussion on this point; and I hope the Minister will take note, that such a thing does not occur in future.”

* 50 & 51 Q.—Were postponed.

Denominational institutions.

* 52 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) what steps the Government propose to take to do away with denominational institutions maintained out of public funds;

(b) whether any change is proposed in the names and set up of separate colleges and high schools both for boys and girls of the Muslim community; and

(c) if the answer to (b) is in the affirmative, how the Government propose to effect a change in the denominational character of those separate institutions?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a), (b) & (c) The hon. Member is referred to the answer given to his question No. 8 and the supplementaries following that question on the 22nd July 1948.”

[21st August 1948]

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[21st August 1948]

SRI R. SURYANARAYANA RAO :—“ Sir, in the answer given on that date, to which the Hon. Minister drew attention just now, no inkling of the line that the Government wish to follow to effect a change in the denominational character of the institutions has been given.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ No, Sir. That question was discussed rather elaborately and answers were given. From that it will be seen how the Government propose to do it.”

The post of Principal, Teachers' College, Saidapet.

* 53 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Education be pleased to state—

(a) whether the post of the Principal, Teachers' College, Saidapet, has fallen vacant;

(b) whether such vacancies in the past have been filled up from among the officers of the Education Department possessing the necessary qualifications for the post;

(c) what the qualifications prescribed for the post are;

(d) whether there are no officers now in the department possessing the necessary qualifications;

(e) whether the post has been advertised;

(f) whether the qualifications prescribed in the advertisement are the same as those originally prescribed;

(g) whether it is proposed to fill up the post on contract basis;

(h) what the considerations are which made the Government to change the terms of appointment, if any change has been made;

(i) whether proficiency in the regional language or languages has been prescribed as one of the qualifications; and

(j) whether the posts of Principals of other Training Colleges are still open to officers of the department?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) & (b) Yes.”

“(c) to (h) No special qualifications are prescribed for the post. M.Ed. degree of the Madras University is a preferential qualification. The method of appointment to the post prescribed being ‘promotion’ from lower categories in the Collegiate Section, the officer promoted would of course possess an M.A. or Hons. degree and the B.T. or the B. Ed. degree or equivalent qualifications. In view of the difficulty in finding a suitable official of the department for promotion, the Government have considered it necessary to fill the post

21st August 1948]

by a non-departmental person having good foreign qualifications and large experience in educational sphere on a contract basis. The post has been advertised.

“(i) Yes.

“(j) Yes.”

SRI B. BHIMA RAO :—“ May I know the reason why there is such a paucity of candidates in the subordinate service of the Education Department to fill the post of Principalship of the Teachers' College, Saidapet? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ There may be various reasons. The main reason is we are not having officers having experience in training section.”

SRI B. BHIMA RAO :—“ May I ask, whether it is not due to discouragement for brilliant people to enter the Education Department, because they cannot rise to the top rank for any reason? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ No, Sir. There are many people in the top rank, and the top posts are always available for brilliant people.”

SRI B. BHIMA RAO :—“ Then, may I know what is the reason for good people not being available from the department for the post of Principal? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ Till now the post of Principal of the Training College was open to anybody in the Arts College. Now Government have made special qualification for it. Only men who have had experience in training institutions are qualified for the post. Till now, that was not insisted on. Now we want to reorganize the Training College on a sound basis, and so we have fixed that qualification. That is why a qualified person is not available.”

SRI B. BHIMA RAO :—“ May I know whether the communal Government Order that has been adopted has anything to do with the non-availability of good officers for this post? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ I want to disabuse from my hon. Friend's mind this communal bogey. The fact is this: Till now anybody in the Arts College was considered qualified for the Principalship of the Training College, whether he had previous experience in training sections or not. Now we want to change that and make this Training College an institution where special training could be given. Nobody was available with this qualification. So we advertised for the post.”

SRI B. BHIMA RAO :—“ Why not make the appointment in the usual way? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ No, it is not in the public interest to do so.”

[21st August 1948]

SRI R. SURYANARAYANA RAO :—“ May I know what arrangements are Government making to secure necessary qualified persons for the post of Principalship of the Teachers' College, Saidapet, as well as of other training institutions? Have they taken steps to see that there is no need for such advertisement in future? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ Now we do not find in our cadre qualified people. The personnel of the Inspectorate and the Training College would be made into a single cadre and they would be trained from time to time for the post, and it is hoped in due course they would be able to become good material.”

SRI R. SURYANARAYANA RAO :—“ Have Government deputed any officer to obtain foreign qualification? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ Yes, one has been deputed.”

SRI R. SURYANARAYANA RAO :—“ May I know whether the Government have examined whether there are any other educational institutions in which really qualified people are not in charge, and that they should be replaced by persons with necessary qualifications? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ There are some institutions where professorships are created from the point of view of research. The Government will be constituting an expert committee to go into the matter. The committee would be asked to inquire into the courses of research to be introduced in the Presidency College and make recommendations. If change of professorships is required, it might be necessary for the Government to advertise for the posts.”

II.—MESSAGE FROM THE ASSEMBLY.

3-20 P.M. MR. PRESIDENT :—“ I have to announce to the House the following message, dated the 21st August 1948, received by me from the Hon. the Speaker of the Madras Legislative Assembly :—

“ In accordance with rule 111 (1) of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Buildings (Lease and Rent Control) Amendment Bill, 1948.”

“ The motion reads as follows :—

“ That, under rule 111 (2) of the Madras Assembly Rules, the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 21 members to consider the Bill, 14 members from the Assembly and 7 members from the Council.” ”

[21st August 1948]

III.—GOVERNMENT BILLS.

(1) THE MALABAR IRRIGATION WORKS (CONSTRUCTION AND LEVY OF CESS) BILL, 1948 (L.A. BILL NO. 21 OF 1948).

THE HON. SRI KALA VENKATA RAO :—“ Mr. President, Sir, I move—

That the Malabar Irrigation Works (Construction and Levy of Cess) Bill, 1948 (L.A. Bill No. 21 of 1948) as passed by the Legislative Assembly be taken into consideration at once.”

“ Last time when I moved this Bill for the acceptance of this House, the hon. Leader of the Opposition, Dr. V. K. John, said that there was a lacuna in the drafting of the Bill and suggested that the matter may be re-examined. Under section 4 (1) of the Land Acquisition Act, the Government issue a preliminary notification. Under this Bill, the procedure is to proceed under section 6 of the Act so that there may be quicker acquisition of land for the construction of any irrigation work in Malabar. He pointed out that the payment of compensation must be related to some date. Under the Land Acquisition Act, compensation has to be determined with reference to the value of the land on the date on which the preliminary notification is published. Under this Bill, there is no preliminary notification. The Bill adds the following at the end of clause (1) of section 4 of the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947, namely :—

In which case, references in that Act to the date of the publication of the notification under section 4 (1) thereof shall be construed as references to the date of the publication of the declaration under section 6 thereof.

“ This amending Bill has been brought to meet the lacuna which Dr. V. K. John was good enough to point out. I request the House to take it into consideration.”

DR. V. K. JOHN :—“ I am constrained to say that I am flattered that the Government should have accepted the suggestion which I made when the principal Bill was introduced.”

MR. PRESIDENT :—“ I hope the hon. Member is not ‘ constrained ’ but glad.”

DR. V. K. JOHN :—“ I hope the suggestions made by Members on this side of the House will be taken in the spirit in which the suggestion I made last time is taken.”

THE HON. SRI KALA VENKATA RAO :—“ All practical and good suggestions from hon. Members will always be taken into account by the Government and incorporated in the Bills.”

The motion was put and carried.

[21st August 1948]

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

THE HON. SRI KALA VENKATA RAO :—“ I move that the Bill be passed into law.”

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

(2) THE MADRAS WEIGHTS AND MEASURES BILL, 1947
(L.C. BILL NO. 2 OF 1948).

* THE HON. SRI M. BHAKTAVATSALAM :—“ Mr. President, Sir, in the absence of the Hon. Minister for Agriculture, I beg to present the report of the Joint Select Committee on the Madras Weights and Measures Bill, 1947 (L.C. Bill No. 2 of 1948) and move that the Bill as amended by the Joint Select Committee be taken into consideration.

“ Two principal changes have been made by the Joint Select Committee. The provisions in the Bill in regard to the stamping of recognized weights and measures, inspection, etc., have been made applicable to weighing and measuring instruments. Provisions have also been made for the prevention of sale or delivery of unverified and unstamped, false or defective weight, measure, etc., giving of short weight or measure and for action in cases of refusal or neglect to produce them for inspection. Some minor and consequential changes have also been made.”

SRI C. N. MUTHURANGA MUDALIYAR :—“ Mr. President, Sir, I wish to be enlightened on one point in regard to the stamping of measures. At present in Madras City and Malabar, cut measures are in use, and in other parts of the Province, heaped measures are in use. Thus two sets of measures are being stamped one for the Madras City and Malabar, and the other for the rest of the Province. With this difference in measures, unscrupulous merchants selling grains have been playing havoc with the ryots. I also mentioned this to the Hon. Minister in charge of this Bill, Sri K. Madhava Menon. He promised to look into the matter and see that a uniform measure, either the heaped measure or the cut measure, is made applicable throughout the Province, so that there might be no difference between the measure in one part of the Province and the other. I do not know what has been done in the matter and I should like to be enlightened. In other respects, this measure has my full support.”

SRI B. BHIMA RAO :—“ Sir, this is really a very good measure?”

MR. PRESIDENT :—“ You mean the measure that is going to be stamped.” (Laughter.)

SRI B. BHIMA RAO :—“ With regard to the point raised by Mr. C. N. Muthuranga Mudaliyar, I wish to say a few words with regard to the practice in my district. I know of two districts very

21st August 1948] [Sri B. Bhima Rao]

well, namely, Bellary and Anantapur. The measurement that obtains there is conical. A measure of rice means a full measure and something more put in that conical form. Due to the difference in measures, the customers experience much difficulty at the hands of the merchants. In Bellary, one local maund is equivalent to 1,008 tolas. In Adoni in the same district, 960 tolas constitute a local maund. There is so much disparity. The villagers come with their own so-called measures and pass off something less than what the purchasers are legitimately entitled to. Not only the villagers, but also the town merchants and others do it. After this Bill is passed into law, there will be some uniformity at least throughout the Province in weights and measures. If there is proper inspection and the Act is enforced well, the people in general and the housewives in particular will be greatly relieved. So I support the measure.”

* SRI M. NARAYANA MENON :—“ Sir, a point was raised with regard to the cut and the heaped methods of measurements. I think that difficulty will not arise after this Bill becomes an Act, because in Part III of the Schedule to the Bill, the length, breadth, and height of the measure are given, so that in a given measure so many cubic inches or of cubic feet must be contained. The better method of measurement is horizontal cutting along the inner circumference of the measure. The cutting may be done by hand or with a thin unbendable rod so that the measure, when filled up to a particular height, will contain a known quantity of cubic inches. If a thin wire is provided as a diameter to the measure, it is not necessary to have horizontal cutting. But it is easy to cut horizontally. There is some uncertainty about the heap method, because some grain will fall away before the measure is actually emptied.”

MR. PRESIDENT :—“ It also depends upon the size of the hand.”

SRI M. NARAYANA MENON :—“ And also on the size of the measure, Sir. If it is a broad measure, more can be heaped on it than on a narrow one. It is better that we are definite in regard to these measures, that is to say, how many cubic inches or cubic feet that a certain measure should contain, how it is to be measured, whether the horizontal level at the top or the heap should be deemed as the full measure. These things should be made definite in the rules and that it should not be left to the discretion or generosity of the traders. That is the suggestion I have to make, Sir.”

“ Of course, I must congratulate the Government on having brought forward this measure now at least after so many years. I know that this matter was under the consideration of the previous Government even during 1926-29 and even the district boards have been considering this matter for a long time and it has taken several years for this Government to adopt some fixed policy in regard to weights and measures. Therefore, this legislation has come none too late and I once again congratulate the Government on having brought forward this useful measure.”

[21st August 1918]

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, I have only one suggestion to make for the consideration of the Government. In Part I of the Schedule, the *palam* is given as ‘being the weight of three standard tolas,’ but nowhere has a standard tola been defined. In the case of a standard inch, a standard foot and a standard yard these have been defined in the Measures of Length Act, 1889 to which reference is made in the Schedule. I think, Sir, that it would have been good if some reference had been made to any existing law where the standard tola has been defined and specified in Part I of the Schedule under the heading ‘weights’. That is the only suggestion that I want to make, Sir, because there is a reference to the standard tola in this Bill, but there is no reference to any existing law where the standard tola has been defined, and if it has not been defined in any of the existing Acts, it should be at least defined now in this Bill.”

MRS. MONA HENSMAN :—“ Mr. President, Sir, I have got nothing to say on this Bill except that I should like to know one thing from the hon. Member who had previously spoken, as to where he got the information that in Madras we are using a cut measure for measuring grains, etc., because week after week I am purchasing dhall and rice and they are always measured in a *heaped up* measure and not by means of a conical measure or in a *horizontal* cut fashion which has just been described by him. So, I do not think that the gentleman—and it is always a gentleman who measures out the things—adopts any other method than measuring up in a *heaped up* fashion and if the substance happens to be a liquid such as soup or oil, it must necessarily be measured by means of the cut measure, that is to say the liquid must necessarily be on a horizontal level at the brim of the measure. Sir, it is absolutely necessary that some uniform standard must be prescribed for measuring both solids and liquids, whether it be a *heaped-up* measure or a cut-measure and I think we should congratulate the Government most heartily on having taken up this question in right earnest and on having brought forward this measure at least now.”

MR. PRESIDENT :—“ What is the object of this Bill? Is it the cut measure or a conical measure that is contemplated here? ”

MRS. MONA HENSMAN :—“ We all take it, Sir, that it is only a *heaped-up* measure. Nobody in this House has ever seen a cut measure, because all things that we purchase, are measured *heaped-up*. It is said that the *heaped-up* measure may not be even and that it depends upon the size of the hand and on the size of the measure, but we have been accustomed to it and have got experts in measuring in that way. But if it is suggested that we should have it in the form of a cut measure, is it not better to leave the matter without any description? There was a good deal of talk about some other things, but no talk or complaint about a *heaped-up* measure.”

[21st August 1918]

K. UPPI SAHIB BAHADUR :—“ Mr. President, Sir, it is news to me to hear what my venerable friend on the opposite side said about the practice in Malabar. I believe my hon. friend on the other side, Mr. Narayana Menon, will agree with me that the *para* measure we are using in Malabar is a cut measure. But the ordinary Madras measure is a *heaped-up* measure. There is always *some fraud or other likely to be committed by measuring things* by means of a cut measure. It is only out of experience that people have begun to adopt the *heaped-up* measure. The secret in using a cut measure is this. In the *para* in our parts which is a cut measure, there is a slit as it were at the top and as soon as the grain reaches the brim, by means of a foot-scale or a piece of rod, they cut it horizontally and drive out the extra grain and that is how they measure the grains there. Therefore, by applying a gentle pressure on the top of the foot-scale or the rod, it is possible for a clever measurer to drive away a larger quantity of extra grain, with the result that the actual quantity of grain measured out will be less than the correct measure. That is how fraud is being played on the public and that is why people prefer a *heaped-up* measure to a cut measure. Our ancestors who were very experienced and wise men preferred only *heaped-up* measure, because we cannot heap very much on the top, unless we mentionally catch hold of the brim with both our hands, the extra grain will come out and any fraud that is likely to be committed will be seen by others.”

MR. PRESIDENT :—“ But all the same, they do so when pouring out the grain.”

K. UPPI SAHIB BAHADUR :—“ Perhaps they do so sometimes but it cannot be done always without the knowledge of the other party. If they do so every time, the other party will protest. I would any day prefer a *heaped-up* measure to a cut measure. Recently when rationing was introduced in Malabar, the *para* which is the usual measure that is prevalent in Calghat and other places was fixed as the standard measure throughout Malabar. But in our parts, the *para* measure is, as I said, only a cut measure and so people protested and the Collector of Malabar to whom complaints were made actually checked the measurement and it was, however, found that the difference was not very much. It was only about one-eighth of a seer or so and the Collector therefore allowed the one-eighth seer as the margin for wastage, chaff, etc. Therefore, even the rationing authorities thought that it was better to have a *heaped-up* measure than a cut measure.

“ Sir, so far as this legislation is concerned, it is a measure which is overdue in this Province because merchants have been experiencing very great difficulties for want of a common measure and a common weight. People in Malabar find it very difficult to do business with the Madras merchants, because the weights and measures in Malabar are quite different from those used here in Madras. There, in Malabar, the weights are based on English weights such as lb., cwt., etc. We do not know how much a

[Dr. V. K. John] [21st August 1918]

Governments to introduce Bills in accordance with the intention of the Government of India Act and I am glad that this Government have at least now felt the necessity for introducing a Bill to carry out the intentions of the Government of India Act.

"Now I might correct my hon. Friend or give information to my hon. Friend Mr. Suryanarayana Rao who stated that no reference is made in the Bill to any standard tola. Now section 3 of the Standards of Weights Act, 1939, provides that there shall be the following standard, namely:—

'(a) A standard tola being a weight of 180 standard grains, etc.'

And what is a standard grain? It is described in section 2. And that is attracted by this Bill in clause 3. I do not think, Sir, that there is anything wrong in this Bill, except that there is very bad drafting in portions. After all the Legislature is responsible for the passing of this Act and we should like to have these Bills drafted in a manner which will stand any criticism either in a court of law or outside. This Bill appears to have been drafted in great hurry without any regard to existing provisions of law in other Acts.

"Now clause 7 of the Bill provides for the appointment of Inspectors. I am wondering whether the Hon. Minister in charge of the Bill or the Draftsmen of this Bill or many hon. Members in the House know the provision of section 153 of the Criminal Procedure Code which provides for any officer in charge of a police station to enter without warrant any place within the limits of such station for the purpose of satisfying himself that the weights and measures are correct. He can also search. Now we have Inspectors actually appointed. If they discharge their duties under section 153, Criminal Procedure Code, satisfactorily, I do not think some other provision is required.

"But, Sir, this Bill when passed into law will enable the Government to exercise their patronage in appointing a large number of persons as Inspectors. I do not envy them. Public money may be wasted in the appointment of Inspectors when we have police stations all over the Province and when section 153 of the Criminal Procedure Code a Central Act enables every person in charge of a police station to inspect and search. They need not even be Sub-Inspectors in charge of police stations to do the work of inspecting. But clauses 7 and 8 of the Bill provide for the appointment of Inspectors.

"Now, Sir, I shall come to penalties and procedure. Penalties are provided by clauses 9 to 17 of this Bill but when I read them I find there is duplication. Section 264 of the Indian Penal Code provides for penalty for fraudulent use of false instruments for weighing. One year's imprisonment is the penalty. Section 265 of the Indian Penal Code provides penalty for fraudulent use of false weight or measure. One year is the penalty. Section 266

21st August 1918] [Dr. V. K. John]

provides for penalty for possession of a false weight or measure and the punishment is one year's imprisonment. Section 267 of the Indian Penal Code provides for punishment for making and selling false weights and measures. Again one year is the term of imprisonment. Let us look at the clauses of this Bill. Clause 9 provides for penalty for using or possessing unstamped or incorrect weights, measures and instruments. This is provided for in the Penal Code. Clause 10 provides for penalty on authorized person who stamps weights, measures, etc. incorrectly. Again that is what is provided for in the Penal Code. Clause 11 provides for penalty on unauthorized person who stamps weights, measures, etc. Again that is what is provided for in the Penal Code. With such a large majority on the other side, Sir, this Bill will be passed into law without any amendment and we have not given notice of any amendment because no amendment will pass through and it will be a waste of time.

"Now, Sir, co-ordination of existing law which we are bound to obey is very important. It is co-ordination and correlation which a draftsman should first attempt. I suggest to the Government that whenever they draft a Bill they had better send that draft to the Legal Advisers of Government and the Advocate-General or the Government Pleader or some practising Member of the profession so that they may go through it and find out whether there is overlapping or there is any inconsistency or want of correlation or co-ordination. I know that the gentleman who is responsible for the drafting of this Bill was aware that there were some existing provisions relating to weights and measures. Therefore he said in clause 22 that the provisions of this Act, shall be in addition to, and not in derogation of, any other law for the time being in force relating to weights, measures and weighing and measuring instruments. It says: 'it shall be in addition and not in derogation of'. They have provided for a term of imprisonment of one year except in one case where they have provided for a term of three years. If it is inconsistent and suppose a man is prosecuted under the Act, he can also be prosecuted under the Indian Penal Code. Therefore it is not merely adding to. This is not a measure which is in addition to and not in derogation of other measures. In some places there is inconsistency. Therefore I suggest to the Government to examine this Bill again thoroughly and see whether it is correlated and brought into relation with the existing law. I am quite sure this Bill was drafted in a hurry and the draftsman has not paid much attention to the existing law.

"Then, Sir, being a lawyer myself I am very jealous of this House passing Bills into Acts which are badly worded. Look at clause 11. It says: 'If any person not duly authorized by rules under this Act to stamp recognized weights, or weighing and measuring instruments, knowingly stamps or causes to be stamped'. It is very difficult to know, Sir, how a man who stamps or causes to stamp an instrument, does not do it knowingly. Still the word 'knowingly' is there.

[21st August 1948]

[21st August 1948]

Brief description of the schemes.	Amount of grant adjusted to the end of 1947-8.
(1)	(2)
RS.	LAKHS.
MEDICAL—cont.	
<i>(b) Schemes approved in 1947-8.</i>	
Medical College, Vizagapatnam, extension to Pathology	37
Wynaad Colonization Scheme	61
Araku Valley Colonization	66
Training of midwifery pupils with stipends	36
Medical College, Guntur	388
T.B. Sanatorium, Tambaram—Increase of accommodation	83
PUBLIC HEALTH.	
<i>(a) Schemes approved during 1945-6 and 1946-7.</i>	
Malaria—Establishment of a bureau and expansion of the centres	19.66
Nutritional Research	89
Public Health Propaganda and Publicity	61
Rural water-supply and drainage scheme	69.99
Water-supply and drainage scheme	602
<i>(b) Schemes approved in 1947-8.</i>	
Development of King Institute, Guindy	62
II. SCHEMES RELATING TO DEVELOPMENT DEPARTMENT.	
FORESTS.	
<i>(a) Schemes approved during 1945-6 and 1946-7.</i>	
Re-opening of Madras Forest College	478
Development of forest roads	480
Working plan circle	121
<i>(b) Schemes approved in 1947-8—Nil.</i>	
AGRICULTURE.	
<i>(a) Schemes approved in 1945-6 and 1946-7.</i>	
Establishment of a second Agricultural College at Bapatla	1250
Production of more agricultural graduates	74
Agricultural College, Coimbatore	30
Running of more agricultural stations	29
Development of research institutes	20
Expansion of staff at headquarters	50
Expansion of staff at districts	11
Combined laboratory, seeds store room and thrashing floor for the Paddy Station, Mangalore	28
Acquisition of site and construction of permanent building for the staff of Rice Research Station at Tirukupam	356
<i>(b) Schemes approved in 1947-8.</i>	
FISHERIES.	
<i>(a) Schemes approved during 1945-6 and 1946-7.</i>	
Development of Fisheries in Poriyar system	64
Appointment of a Public Health Fish-Farming Assistant (Public Health Fish Unit)	12
Inland Fisheries—Rural Fishery Demonstration Unit	66
Development of Fish Manure Industry	8
Investigation of Hilsa Fisheries	11
Appointment of Fisheries Engineer	66
Appointment of Fishery Propaganda Unit	34
VETERINARY.	
<i>(a) Schemes approved in 1945-6 and 1946-7.</i>	
Appointment of District Veterinary Officer for each district	184
Appointment of Joint Director of Veterinary Services	
Extension of Cattle Farm at Lam	
Buildings for the opening of a sheep and cattle farm at Karigappai	137

Brief description of the schemes.	(2)
(1)	(2)
RS.	LAKHS.
VETERINARY—cont.	
<i>(b) Schemes approved in 1947-8.</i>	
Opening of veterinary institutions at Pithapuram and Arkonam	67
Grant for the purchase of male breeding stock	59
Opening of livestock farm for each district	62
CO-OPERATION.	
<i>(a) Scheme approved in 1945-6 and 1946-7.</i>	
Vocational training for serving soldiers in co-operation	12
<i>(b) Scheme approved in 1947-8.</i>	
Co-operative Work-shop Scheme for Ex-Servicemen	38
COLONIZATION.	
<i>(a) Schemes approved in 1945-6 and 1946-7.</i>	
Wynaad Colonization Scheme	114
Araku Valley Colonization	61
<i>(b) Schemes approved in 1947-8—Nil.</i>	
INDUSTRIES.	
<i>(a) Schemes approved in 1945-6 and 1946-7.</i>	
Industrial Education	3
Opening of Polytechnic	5
Development of Ceramic Industry as a small scale industry	1
Expansion of Leather Trade Institute	1
III. SCHEMES RELATING TO PUBLIC WORKS DEPARTMENT.	
IRRIGATION.	
<i>(a) Schemes approved in 1945-6 and 1946-7.</i>	
Cauvery Delta—Drainage Improvement	1
Kistna Delta—Improvements to Ramporu Drain	15
Kistna Delta—Improvements to Peddakanka Drain	2
Santalope Ancient System, Perennial Tank—Provision of additional surplusing arrangements	9
Sillai Pillayar Puthur Channel Diversion	0
Kolinjivadi Channel—Construction of head sluice	0
Construction of flood bank on Vasista Godavari	1
<i>(b) Schemes approved in 1947-8—Nil.</i>	
ROADS.	
<i>(a) Scheme approved in 1945-6 and 1946-7.</i>	
Road works—Major bridges	3
<i>(b) Schemes approved in 1947-8.</i>	
War Arrow Renewals	2
Capital Works	1
Roads in charge of district boards	1
IV. SCHEMES RELATING TO FIRKA DEVELOPMENT DEPARTMENT.	
RURAL RECONSTRUCTION.	
<i>(a) Schemes approved in 1945-6 and 1946-7—Nil.</i>	
<i>(b) Schemes approved in 1947-8.</i>	
Development of Cottage Industry	62
Intensive Khadi Scheme	578
V. GROW MORE FOOD SCHEMES—MAINLY IRRIGATION SCHEMES	
	4941

[21st August 1948]

382

APPENDIX II.

[Vide item III (1) page 365 supra.]

A Bill to amend the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947.

(As passed by the Assembly)

WHEREAS it is expedient to amend the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Malabar Irrigation Works (Construction and Levy of Cess) (Amendment) Act, 1948. Madras VII of 1

2. (1) In section 4 of the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (hereinafter referred to as the said Act), at the end of clause (1), the following shall be added, namely:—

“in which case, references in that Act to the date of the publication of the notification under section 4 (1) thereof shall be construed as references to the date of the publication of the declaration under section 6 thereof”.

(2) The amendment made by sub-section (1) shall be deemed to have been made in the said Act immediately before the passing thereof.

தமிழ்நாடு ஆவணக்காப்பக நூலகம்,
எழுந்தூர், சென்னை-600 008.

தவணைத்தாள்.

சே. எண் :

பி. எண் :

வழங்கிய நாள். (1)	திருப்பிய நாள். (2)	வழங்கிய நாள். (1)	திருப்பிய நாள். (2)
12-7-48	13-7-48		
16-6-47	7		

S.F. 259A-6 1,00,000-30-1-24

