

-29-7-1949

8

**AGENTS FOR THE SALE OF MADRAS GOVERNMENT
PUBLICATIONS**

IN INDIA

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NOTICE.

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[Sri K. Madhava Menon] [24th June 1949]

wood without any sucrose content in it? If some sort of chemical manure is added, the sugarcane grows bamboo-like but there is not actually much sugar-content in it. Therefore, you must fix the price according to the sucrose content in the cane and not according to the weight of the cane. Sir, we have also consulted the Governments of United Provinces and Bihar from where we get eighty per cent of the entire sugar in India. And now we have left it to the Sugarcane Commissioner and the Advisory Committee to fix the price each year according to the circumstances and conditions and also the price then prevailing in other parts of India. But, the industry is not still quite satisfied with the Bill as you will find from the remarks of Messrs. Batchelor and Kothari appended to the report of the Select Committee. Originally as the Bill was introduced and also in the Acts of the United Provinces and Bihar, the licence is for one year. It was represented to us that nobody would be willing to start a factory with the risk of his licence being refused at the end of the year. Therefore, we thought that that it would be much better if the period of licence was fixed as ten years. We have also said that not only the existing factories but also the factories for which machinery has been ordered and capital has been subscribed, they could get a licence automatically without any application. Certain penalties have been provided for non-compliance of the provisions of the Act against which there has not been much objection at all. The objection was only with regard to the question of licensing of factories. But, Sir, I would submit that the very object of the Bill is to licence them so that Government may have some control and impose certain conditions on them. Certain penalties are provided if the conditions of licence are not acted up to. Sir, this is in short the Bill before you and I move that the Bill be taken into consideration."

DEPUTY PRESIDENT:—"The question is—

'That the Madras Sugar Factories Control Bill, 1949 (L.A. Bill No. 9 of 1949), as passed by the Assembly be taken into consideration."

SOME HON. MEMBERS:—"We will take up the consideration of the Bill tomorrow and adjourn now as there are only ten more minutes left."

DEPUTY PRESIDENT:—"If it is the wish of the House that we should adjourn now, I have no objection. The House will now adjourn and meet again tomorrow at 11 o'clock."

The House then adjourned to meet again the next day at 11 o'clock.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *The Madras Entertainments Tax (Amendment) Bill, 1949* (L.A. Bill No. 19 of 1949) as passed by the Assembly and received therefrom in the Council.

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2. *The Madras General Sales Tax (Amendment) Bill, 1949* (L.A. Bill No. 20 of 1949), as passed by the Assembly and received therefrom in the Council.

3. *The Madras Sugar Factories Control Bill, 1949* (L.A. Bill No. 9 of 1949), as passed by the Assembly and received therefrom in the Council.

4. *The Madras Irrigation Tanks (Improvement) Bill, 1949* (L.A. Bill No. 20 of 1949), as passed by the Assembly and received therefrom in the Council.

[24th June 1949]

APPENDIX I.

[Vide answer to clause (a) of starred question No. 3 asked by Abdul Latif Farookhi Sahib Bahadur at the meeting of the Legislative Council held on the 24th June 1949, at page 6 supra.]

Statement showing the number of officers under suspension pending enquiry into alleged cases of corruption.

Serial number and department.	Total number of officers under suspension on 4th January 1949.	Period.
1 Public (Special) ..	1	From 4th August 1948.
2 Civil Supplies Department.	8	1 from 12th October 1948. 2 " 26th November 1948. 1 " May 1948. 1 " 16th May 1948. 1 " 4th October 1948. 1 " 1st January 1949. 1 " 18th December 1948.
3 Police Department ..	59	1 from 18th December 1945. 1 " 20th March 1947. 1 " 6th October 1947. 1 " 16th December 1947. 1 " 15th April 1948. 1 " 1st May 1948. 1 " 17th May 1948. 1 " 20th May 1948. 3 " 9th June 1948. 1 " 12th June 1948. 1 " 13th June 1948. 1 " 14th June 1948. 1 " 20th June 1948. 1 " 26th June 1948. 1 " 6th July 1948. 1 " 15th July 1948. 1 " 21st July 1948. 1 " 26th July 1948. 9 " 10th August 1948. 1 " 18th August 1948. 1 " 23rd August 1948. 1 " 26th August 1948.

APPENDIX

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Serial number and department.	Total number of officers under suspension on 4th January 1949.	Period.
3 Police Department— cont.		3 from 1st September 1948. 1 " 10th October 1948. 4 " 11th October 1948. 2 " 18th October 1948. 1 " 6th November 1948. 1 " 10th November 1948. 1 " 11th November 1948. 1 " 14th November 1948. 1 " 18th November 1948. 1 " 22nd November 1948. 1 " 1st December 1948. 2 " 12th December 1948. 1 " 15th December 1948. 1 " 18th December 1948. 1 " 20th December 1948. 1 " 29th December 1948. 1 " 1st January 1949. 3 " 3rd January 1949.
4 Jail Department ..	3	1 from 1st July 1948. 2 " 19th November 1948.
5 Certified Schools ..	2	1 from 26th October 1948. 1 " 6th October 1947.
6 Central Road Traffic Board.	3	1 from 16th August 1948. 1 " 22nd August 1947. 1 " 1st April 1948.
7 Education Department.	1	From 27th December 1947.
8 Government Press ..	3	1 from 17th October 1948. 2 " 16th October 1948

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Serial number and department.	Total number of officers under suspension on 4th January 1949.	Period.
13 Electricity Department.	1	From 29th October 1948.
14 Agricultural Department.	33	1 from 15th October 1948. 1 " 27th October 1948. 1 " 1st December 1948. 1 " 26th June 1948. 1 " 10th June 1948. 2 " 23rd August 1948. 1 " 12th September 1948. 1 " 25th March 1948. 2 " 20th February 1948. 1 " 21st June 1948. 1 " 19th July 1947. 1 " 30th August 1948. 1 " 21st August 1948. 1 " 24th July 1948. 2 " 21st March 1948. 3 " 11th October 1947. 2 " 13th October 1948. 2 " 3rd July 1947. 1 " 4th September 1946. 1 " 14th August 1947. 1 " 2nd April 1948. 1 " 17th July 1948. 1 " 23rd September 1948. 3 " 1st September 1948.
15 Co-operative Department.	4	1 from 11th September 1947. 1 " 22nd September 1948. 1 " 26th November 1947. 1 " 7th December 1948.
16 Forest Department..	3	1 from 3rd October 1948. 1 " 23rd July 1947. 1 " beginning of November 1948.
17 Revenue Department.	27	1 from 13th February 1948. 1 " 18th August 1948. 1 " 9th November 1948. 1 " 11th September 1947. 1 " 9th March 1947. 2 " 21st July 1948. 1 " 28th December 1948. 1 " 26th May 1947.

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Serial number and department.	Total number of officers under suspension on 4th January 1947.	Period.
17 Revenue Department—cont.	27	1 from 4th October 1948. 1 " 21st January 1948. 1 " 18th December 1948. 1 " 16th May 1948. 1 " 1st July 1948. 1 " 7th April 1948. 1 " 8th April 1948. 1 " 16th November 1947. 1 " 13th May 1948. 1 " 10th October 1948. 1 " 2nd June 1948. 1 " June 1946. 3 " 3rd January 1949. 3 " 4th January 1949.
18 Commercial Taxes Department.	2	1 from 28th October 1948. 1 " 16th November 1947.
19 Registration Department.	1	From 10th December 1948.

APPENDIX II.

Vide answer to starred question No. 5 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 24th June 1949, at page 8 supra.]

National Cadet Corps—Senior Division.</

[24th June 1949]

Name of the University.	Name of the N.C.O. Unit.	Colleges to which the Units have been allotted.	of Numbers officers.	of Numbers cadets.	of Numbers trained officers available.	Number to be trained yet.
UNITS RAISED IN 1948— <i>cont.</i>						
Madras University.	2nd Madras Infantry Battalion—Headquarters, Tiruchirappalli.	St. Joseph's College, Tiruchirappalli 1 Coy.	5	156	..	..
		National College, Tiruchirappalli 1 Coy.	5	156	..	..
		Madras Christian College, Tambaram 1 Coy.	5	156	..	..
		Government College, Kumbakonam 1 Coy.	5	156	..	..
			20	624	7	13
	3rd Madras Engineer Centre—Headquarters, Engineering College, Guindy.	Engineering College, Guindy.	2	60	1	1
Total ..			42	1,308	17	25
UNITS PROPOSED TO BE RAISED IN 1949.						
Madras University.	Medical Unit ..	Madras Medical College and Stanley Medical College, Madras.	2	60	2	..
		College of Engineering, Guindy.	2	60	..	2
Annamalai University.	Signals Unit ..	University College, Annamalai Nagar.	2	60	..	2
		Independent Infantry Coy.	5	154	1	4
Total ..			11	334	3	8

National Cadet Corps—Junior Division.

Location Statement of Units (Madras Province).

Location of Unit Headquarters town.	High Schools in which Unit is distributed.	Location of High School (Town).	Number allotted to High School.		Remarks.
			Officers.	Cadets.	
(1)	(2)	(3)	(4)	(5)	(6)

[24th June 1949]

APPENDIX III.

[Vide item V (1) at page 12 supra.]

(L.A. BILL No. 19 OF 1949.)

(As passed by the Assembly.)

A Bill further to amend the Madras Entertainments Tax Act, 1939.

WHEREAS it is expedient further to amend the Madras Entertainments Tax Act, 1939, for certain purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Entertainments Tax (Amendment) Act, 1949.

(2) This section shall come into force at once; and the rest of this Act shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

(3) This Act shall cease to be in force on the expiry of one year from the date notified under sub-section (2):

Provided that section 8 of the Madras General Clauses Act, 1891, shall apply upon the expiry of this Act as if it had then been repealed by a Madras Act.

2. In the long title of, and the preamble to, the Madras Entertainments Tax Act, 1939 (hereinafter referred to as the said Act), for the words "a tax on amusements," the words "taxes on amusements" shall be substituted.

3. After section 4 of the said Act, the following section shall be inserted, namely:—

"4-A. (1) In the case of cinematograph exhibitions, in addition to the tax under section 4, there shall be levied and paid to the Provincial Government a tax calculated at the following rates, namely:—

- | | <i>Rate of tax.</i> |
|--|--|
| (i) Exhibitions held in the City of Madras. | Two rupees eight annas for every show. |
| (ii) Exhibitions held in municipalities notified in this behalf by the Provincial Government in the <i>Fort St. George Gazette</i> . | Two rupees for every show. |
| (iii) Exhibitions held in other municipalities. | One rupee eight annas for every show. |

Madras Act X of 1939.

Madras Act I of 1891.

Madras Act X of 1939.

[24th June 1949]

Rate of tax.

(iv) Exhibitions held elsewhere, other than those held

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APPENDIX V.

[Vide Item V (3) at page 54 supra.]

(L.A. BILL No. 9 OF 1949.)

(As passed by the Assembly.)

A Bill to provide for the licensing of sugar factories and regulating the supply and the prices of sugarcane used in such factories and for other incidental matters.

Whereas it is expedient to provide for the licensing of sugar factories and regulating the supply and the prices of sugarcane used in such factories and for other incidental matters; It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Madras Sugar Factories Control Act, 1949.

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

(3) This section shall come into force at once, and the Government may, from time to time, by notification, apply all or any of the remaining provisions of this Act to the whole or any portion of the Province of Madras from such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “Advisory Committee” means the Committee constituted under section 3.

(b) “crushing season” means the period beginning on the 1st November in any year and ending on the 30th June next following:

Provided that the Government may, either generally or in respect of any particular factory, by notification, extend the period aforesaid beyond the 30th June;

(c) ‘factory’ means any premises, including the precincts thereof, wherein ten or more workers are working or were working on any day of the preceding twelve months and in any part of which any manufacturing process connected with the production of sugar by means of vacuum pans is being carried on or is ordinarily carried on with the aid of power;

(d) ‘Government’ means the Provincial Government;

(e) ‘Inspector’ means a person appointed to be Inspector under section 5;

(f) ‘notification’ means a notification published in the Fort St. George Gazette;

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(g) “occupier of a factory” includes the managing agent or other person responsible for the management of the factory;

(h) ‘prescribed’ means prescribed by rules made under this Act.

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(4) A licence granted under this section shall be valid for a period of ten years; but may, subject to the provisions of sub-section (5), be renewed by the Government, from time to time, during the last year of its currency for a period of ten years on each occasion.

(5) The Government may, for reasons to be communicated in writing, refuse to renew a licence on the ground that the licensee has been guilty of a breach of any of the conditions of his licence or of contravening any of the provisions of this Act:

Provided that the licensee shall be given an opportunity to show cause against such refusal and the Advisory Committee shall be consulted in regard thereto.

Conditions
of licence.

7. (1) A licence granted or renewed under section 6 shall be subject to such conditions as the Government may, after consulting the Advisory Committee, impose at the time of its grant or renewal or at any time during its currency, in respect of all or any of the following matters:—

(a) the minimum quantity of the sugarcane that shall be crushed during the crushing season in each year;

(b) the manner in which sugar produced in the factory shall be graded, marked, packed or stored for sale;

(c) any other matter which may be prescribed.

(2) Where the Government are satisfied in respect of any licence granted or renewed under section 6 that there has been a breach of any of the conditions to which the licence was subject, they may, without prejudice to any penalty which may be imposed on the occupier of the factory in respect of such breach under section 13, suspend or cancel the licence for reasons to be recorded in writing:

Provided that the licensee shall be given an opportunity to show cause against such suspension or cancellation and the Advisory Committee shall be consulted in regard thereto.

(3) Where a licence is suspended or cancelled under sub-section (2), no person shall be entitled to any compensation from the Government on the ground of any loss or damage arising from such suspension or cancellation or to the refund of any fee paid to the Government in respect of such licence.

Estimate of
the quantity
of
sugarcane
required by
factories.

8. The occupier of every factory shall submit to the Sugarcane Commissioner on or before a date specified by him in this behalf, an estimate, in the prescribed form and manner, of the quantity of sugarcane which would be required by that factory during the crushing season immediately following.

Declaration
of reserved
areas.

9. (1) The Sugarcane Commissioner may, after taking into consideration the estimate, if any, submitted to him in accordance with section 8 and any other circumstance which

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he may consider material, by notification, declare any area to be a reserved area for such factory and during such crushing season or seasons, as may be specified in the notification.

(2) The Sugarcane Commissioner may,

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Certain transactions prohibited in a reserved area.

11. (1) So long as the notification as issued under sub-section (1) of section 9, or as modified under sub-section (2) of that section, remains in force, except with the previous permission in writing of the Inspector—

(a) no one shall sell any sugarcane grown in any area declared by such notification to be a reserved area, to any person other than the occupier of the factory specified in it unless such occupier has refused to buy the sugarcane under the proviso to sub-section (2) of section 10, such refusal not having been set aside on appeal under sub-section (3) of that section;

(b) the occupier of the factory shall not refuse to purchase any sugarcane offered to him under sub-section (1) of section 10, except in the case referred to in the proviso to sub-section (2) of the section;

(c) no one shall export any sugarcane out of the reserved area except where the sale of the sugarcane to a person other than the occupier of the factory is permissible under clause (a);

(d) no one shall import any sugarcane into the reserved area except in cases where export of the sugarcane from some other reserved area is permissible under clause (c) as applied to such other area.

(2) Against any order of the Inspector refusing the permission referred to in sub-section (1), an appeal shall lie within the prescribed time to the Sugarcane Commissioner who may pass such order as he deems fit on such appeal.

(3) The Government may, either *suo motu* or on application, call for and examine the record of any order passed by, or any proceeding recorded by, the Sugarcane Commissioner under sub-section (2) for the purpose of satisfying themselves as to the legality or the propriety of such order, or as to the regularity of such proceeding and may pass such order in reference thereto as they think fit.

Power of Government to fix prices.

12. (1) The Government may at any time before the commencement of a crushing season, after consulting the Advisory Committee, by notification, specify either generally or in respect of any factory, either the price which the occupier of a factory shall be bound to pay for any sugarcane purchased by him during the season or the method of calculating such price:

Provided that the Government may specify different prices or different methods of calculating the prices of different varieties of sugarcane.

(2) The Government may at any time, after consulting the Advisory Committee, by notification, vary any price or method of calculation specified under sub-section (1):

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Provided that no such notification shall apply to any sugarcane purchased by the occupier of a factory before the publication of such notification.

(3) The Government may, after consulting the Advisory Committee, by notification, permit the occupier of a factory to pay the price payable by him under this section in such number of instalments as may be specified in such notification.

(4) The occupier of a factory shall not make any deductions from the price payable

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(4) The Government may, after consulting the Advisory Committee, make rules specifying the authorities by which, the persons from whom, and the manner in which, the cess levied under this section shall be collected.

(5) Any sum payable under this section may be recovered as if it were an arrear of land revenue.

.

Offences by corporations. 15. Where a person committing any offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, the manager, secretary, agent or other principal officer managing the affairs of such company, association or body, shall be deemed to be guilty of such offence.

Protection of action taken under the Act. 16. (1) No suit, prosecution or other legal proceeding shall lie against the Government or against any authority, officer or person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

(2) No decision of the Government or the Sugarcane Commissioner or any Inspector in the exercise of any discretion or authority conferred by or under this Act shall be liable to be questioned in any Court of Law.

Power to make rules. 17. (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the constitution of the Advisory Committee, the term of office of its members, the manner in which casual vacancies among them shall be filled, and the procedure for the conduct of its business,

(b) the form of application for the grant or renewal of a licence under section 6 and the fee which should accompany each such application,

(c) the time within which appeals under section 9 (3) or section 11 (2) may be filed,

(d) the correct weighment of sugarcane, the provision of facilities for weighment and for checking weighments and timings of weighments,

(e) the method of determining the percentage of recovery of sugar from sugarcane,

(f) the form of the records to be kept and of the returns to be made, and the information to be furnished, by persons liable to pay the cess under section 14,

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(g) the inspection or search of any place or vehicle used or suspected to be used for the storage or carriage of sugarcane, and

(h) any other matter expressly required or allowed by this Act to be prescribed.

(3) In making any rule under sub-section (1) or (2) the Government may provide that a breach thereof shall be punishable with fine which may extend to two thousand rupees.

Central Act XV of 1934. 18. The Sugarcane Act, 1934, in so far as it applies to Repeal. the Province of Madras, is hereby repealed.

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123679

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 25th June 1949.

The House met in the Council Chamber; Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. PRESIDENT :—“ There is only one question on the agenda and I do not find the hon. Member putting the question in his seat.”

DR. V. K. JOHN :—“ I shall put the question on behalf of Mr. Farookhi Sahib.”

Non-official committee appointed to enquire into the allegations made by Dr. Kumarappa.

* 8 Q.—DR. V. K. JOHN (on behalf of Abdul Latif Farookhi Sahib Bahadur) : Will the Hon. the Premier be pleased to state—

(a) the amount of expenditure incurred in respect of the non-official committee constituted by the Government to enquire into the allegations made by Dr. Kumarappa, Chairman of the Agrarian Reforms Committee, in connexion with the Kolayur incidents, against the authorities including the Collector and the police of Tanjore district as well as against the mirasdars of certain villages in Mayuram taluk stating that the latter employed goondas to frighten the ryots when they came to give evidence before the committee; and

(b) in view of the findings of the committee that every one of the allegations made by Dr. Kumarappa was false and the Government accepting the said findings, what action the Government have taken or propose to take against Dr. Kumarappa for having made such false allegations against responsible Government officials and others?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier) :—“ (a) An expenditure of Rs. 1,455 was incurred.

“ (b) A copy of the findings has been forwarded to Dr. J. C. Kumarappa for his information. The Government do not propose to take any further action in the matter.”

DR. V. K. JOHN :—“ The question is addressed to the Hon. the Premier and when he is himself present in the House, may I ask whether it is in order for another Hon. Minister to answer the question? ”

THE HON. DR. T. S. S. RAJAN :—“ I am in charge of the question, Sir. The Hon. the Premier was not expected to be present here now.”

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MR. PRESIDENT :—" Difference in terminology."

SRI R. SURYANARAYANA RAO :—" Are they incorrect facts or false allegations, Sir, as alleged in the question? "

THE HON. DR. T. S. S. RAJAN :—" There is no such thing as false allegations, Sir."

DR. V. K. JOHN :—" Were the facts alleged incorrect or were the conclusions arrived at incorrect, Sir? "

THE HON. DR. T. S. S. RAJAN :—" What is assumed in the question is incorrect."

SRI B. BHIMA RAO :—" That is what is wanted, Sir."

DR. V. K. JOHN :—" Were the facts alleged correct and were they admitted by the Government to be correct? Did the Government merely not accept the conclusions drawn from those facts? "

THE HON. DR. T. S. S. RAJAN :—" The finding of the committee was that Dr. Kumarappa's statement is misapprehension of the facts. That is all I have got to say, Sir."

SRI R. SURYANARAYANA RAO :—" Misconstruction of facts? "

THE HON. DR. T. S. S. RAJAN :—" Misapprehension of facts, Sir."

DR. V. K. JOHN :—" May I take it that the facts were not correctly stated? "

MR. PRESIDENT :—" We cannot go into all these things. We must take the answer from the Government."

UNSTARRED QUESTIONS.

List of persons convicted for offences connected with black-marketing.

1 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR : Will the Hon. the Minister for Food be pleased to lay on the table of the House a districtwar list of persons convicted and sentenced to various terms of imprisonment and fined to pay various amounts of money in the different law courts of the Province since the year 1942, with their names, designations and sentences of conviction marked against their names, for offences connected with black-marketing?

A.—The time and labour involved in the collection of this information will not be commensurate with the results and so the Government regret that they are unable to furnish the information.

[25th June 1949]

Disposal of the pre-January textile yarn bales.

2 Q.—SRI M. K. SUNDARAMA AYYAR : Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that textile mills of this

