

Sir, I think, I have explained all the points that were raised by my hon. Friends and in view of what I have said, I think, my hon. Friend Mr. Mookerjee will see his way to withdraw his Motion.

**The Hon'ble the SPEAKER:** The question is:

"That the total provision of Rs. 15,42,600 under Grant No. 33, Major head—64B.—Civil Defence, at page 190 of the Budget, be reduced by Rs. 210, *i.e.*, the amount of the whole grant of Rs. 15,42,600 do stand reduced by Rs. 210."

The question was negatived.

**The Hon'ble the SPEAKER:** I am putting the main question now. The question is:

"That a sum not exceeding Rs. 15,42,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 64B.—Civil Defence"

The question was adopted.

To-morrow we shall take up many Demands for disposal and with regard to one Demand, I wish to say something so that the Hon'ble Premier may have all facts supplied to him for explaining the peculiar nature of that Demand. It is Demand No. 29 regarding Capital outlay on Provincial Schemes connected with war. I find that it is a Demand for Re. 1 and looks like a token demand although it is really an original demand arising out of the financial statement for the next year. Why it has been framed in that way I wish to be enlightened and the House would also, I think, like to be enlightened, on this point. From a reference to the Budget Memorandum, I find that this is for a capital outlay and has been framed to comply with certain instructions from the Government of India. The House would certainly like to know what those instructions are.

### Adjournment

The Assembly was then adjourned till 11 A. M., on Tuesday, the 16th March, 1943.

*Shillong, the 21st April, 1943.*

A. K. BARUA,  
*Secretary, Legislative Assembly, Assam.*



**Proceedings of the Twelfth Session of the First Assam Legislative Assembly assembled under the provisions of the Government of India Act, 1935.**

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 A.M., on Tuesday, the 16th March, 1943.

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and fifty-one Members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(to which oral answers were given)

**Qualifications of Superintendent of a High Madrasa**

**Maulavi MABARAK ALI** asked :

\*23. (a) Will Government be pleased to state the requisite qualifications required for the appointment of a Superintendent of a High Madrasa according to the regulations prescribed by the Board of Intermediate and Secondary Education, Dacca ?

(b) Is it a fact that the medium of instruction in a High Madrasas is Bengali as in High Schools ?

\*24. Will Government be pleased to state—

(a) The name and qualifications of the present Superintendent of the High Madrasa ?

(b) Whether he took Bengali as his Vernacular in any of the Matriculation, I. A. and B. A. Examinations ?

(c) If not, how he manages the supervision of the teaching of vernacular subjects ?

(d) Whether the present incumbent holds the appointment temporarily or permanently ?

(e) Whether the post will be advertised in case he is not holding it permanently ?

(f) Whether there is any qualified experienced teacher in the said Madrasa to hold the post even temporarily ?

(g) The names of teachers serving in the High Madrasa Department of the Sylhet Government Madrasa with their University qualifications and length of service in the said institution ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

23. (a)—M. A. in Islamic studies or an M. A. in Arabic with English as one of the subjects in the B. A.

(b)—Yes.

**Maulavi MUHAMMAD AMJAD ALI:** With regard to Question (a), may I ask the Hon'ble Premier whether in the November 1940 Session he



did not give out that for this post an M. A. in Islamic subjects, of the Dacca University alone was required ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I do not remember to have said that. I simply said that an M. A. in Islamic Studies of the Dacca University ought to get preference over M. As. of other Universities.

**Maulavi MUHAMMAD AMJAD ALI :** Was it simply a question of preference ? Will he refresh his memory ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** If I remember aright, I stated that for the post of the Superintendent of a High Madrasa, an M. A. in Islamic studies of the Dacca University should be preferred.

**Maulavi MUHAMMAD AMJAD ALI :** If individual memory is so short, I am sorry, but would he look into his own answer and inform the House later on if required ?

**The Hon'ble the SPEAKER :** If the hon. Member is in possession of those Questions and answers he may read them out.

**Maulavi MUHAMMAD AMJAD ALI :** All right, Sir, I shall dig out and give to the House later on.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN**

replied :

24 (a)—Maulavi Md. Lutful Haque Chaudhury. He is a Fakhrul Muhaddesin and an M. A. 2nd class in Arabic.

(b)—No.

(c)—It is reported that he knows Bengali well.

(d)—Temporarily.

(e)—No. It is a case of promotion within the same service.

(f)—There may be.

(g)—There is no separate staff for the High Madrasa Section and the work is managed by adjustment

**Maulavi MUHAMMAD AMJAD ALI :** With regard to Questions (d) and (e) may I know whether the post is subsequently going to be advertised as he is holding the post temporarily ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** The reply is all right, Sir. He is holding the post temporarily, and the Question was "whether the post will be advertised in case he is not holding it permanently" ? The reply is "No", i.e., there will be no advertisement in case of a temporary vacancy.

**Maulavi MUHAMMAD AMJAD ALI :** Is that the English construction of "whether the post will be advertised in case he is not holding it permanently" ?

**The Hon'ble the SPEAKER :** The implication of the Question is that when he does not hold the post permanently, if he is removed will be advertised ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** Yes, Sir.

**Maulavi MUHAMMAD AMJAD ALI :** What do the Ministry propose to do with this particular post ? Are they going to advertise it, or to allow the present incumbent to hold it permanently ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** The vacancy is a temporary one. We have not decided whether it will be permanent ; in case it is, the post will be advertised.

**Maulavi MABARAK ALI :** How long will the present incumbent be allowed to continue as a temporary man ?



**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** So long as the temporary vacancy lasts, it is in the chain of another appointment which is being held temporarily now.

**Maulavi MUHAMMAD AMJAD ALI:** Are the Ministry bidding time for any particular candidate?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Certainly not.

### Government Teachers Training College

**Mr. BAIDYANATH MOOKERJEE** asked :

\*25. Will Government be pleased to state what action they have taken on the following resolution passed in the tenth session of the Assam Educational Conference held at Shillong in May 1940 :—

“(A) This conference requests the Government to start at the earliest opportunity a full-fledged Government Teachers Training College to provide better facilities for the training of teachers as well as Inspecting officers of this Province as required under the New Regulations”.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

\*25.—Government did not take any action on that resolution as they consider that the existing arrangement made at the St. Edmund's College is quite satisfactory.

(Starred Question No. 26 was not put and answered as the Questioner concerned was absent).

### Vacancies in Classes I and II of the Assam School Service

**Mr. BAIDYANATH MOOKERJEE** asked :

27. Will Government be pleased to state what action they have taken on the following resolution passed in the tenth session of the Assam Educational Conference held at Shillong in May 1940 :—

“(A) This conference requests the Government to avoid undue delay in filling up vacancies in classes I and II of the Assam School Service whether permanent or temporary to prevent dislocation of work”.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

\*27.—No action was taken on the resolution but Government always take steps to fill up vacancies in classes I and II of the Assam School Service as early as may be possible, due regard being paid to the exigencies of public service.

### UNSTARRED QUESTIONS

(to which answers were laid on the table)

#### Sylhet Deputy Commissioner's Establishment

**Babu BALARAM SIRCAR** asked :

26. Will Government be pleased to state—

(a) How many clerical posts are there in Sylhet Deputy Commissioner's Establishment ?



- (b) How many clerical posts are at present held by the Scheduled caste people in the Sylhet Deputy Commissioner's Establishment and how many more posts are required to be filled by Scheduled caste candidates according to the quota allotted to each community ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** replied :

26. (a)—281 (including 63 temporary).

(b)—The posts held by clerks belonging to the Scheduled caste and their percentage quota are given below :—

Nature of posts	Number held	Percentage quota
Permanent	9	25
Temporary	5	5

## DEMANDS FOR GRANTS

### GRANT No.11

#### 27.—ADMINISTRATION OF JUSTICE

**The Hon'ble Srijut RUPNATH BRAHMA** : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.8,17,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "27.—Administration of Justice".

**The Hon'ble the SPEAKER** : Motion moved is :

"That a sum not exceeding Rs.8,17,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '27.—Administration of Justice'".

There are 4 Cut Motions of which I think Nos. 1 and 4 were discussed yesterday. I allow No.3 to be moved first as it is more comprehensive.

**Mr. BAIDYANATH MOOKERJEE** : Mr. Speaker, Sir, I beg to move that the total provision of Rs.8,17,800 under Grant No.11, Major head—27.—Administration of Justice, at page 76 of the Budget, be reduced by Rs.201, i.e., the amount of the whole grant of Rs.8,17,800 do stand reduced by Rs.201.

Sir, I have tabled this Motion to criticise Government with regard to their policy of administration of justice. As has been pointed out by the Hon'ble Chair, the question was discussed yesterday and there is no necessity of moving Cut Motion No.1. So, I would only remind the House of the statement made by the Hon'ble Premier during the last Session. Though this question was raised we did not get an answer to this. Last time the Hon'ble Premier in reply to my Question ('May I have some idea about the time?') during the debate on a Cut Motion said "It will be taken up next year". I am not going to the other portion of my Question because in the reply it was said that as the Hon'ble Premier had to remain in Calcutta and other places with the Central Government Members, he had no time to take up the matter. But, Sir, this year we expected that there would be some solution of this vexed question. I want a definite answer to this. As regards the other point which was raised last time it was said that there was a scheme for a separate Judicial Service in Assam. With regard to that, I think, the Hon'ble Premier will kindly enlighten us. With these words I commend my Motion to the acceptance of the House.



**The Hon'ble the SPEAKER :** Motion moved :

"That the total provision of Rs.8,17,800 under Grant No.11, Major head—27.—Administration of Justice, at page 76 of the Budget, be reduced by Rs.201, i.e., the amount of the whole grant of Rs.8,17,800 do stand reduced by Rs.201".

**Mr. D. B. H. MOORE :** Mr. Speaker, Sir, the Hon'ble Premier yesterday in course of his reply to the debate, if I heard him correctly, stated that he was afraid it was not possible for him to issue instructions to Magistrates to impose heavier fines for black market and hoarding offences. We appreciate that, but we still feel that these crimes are particularly heinous and as such everything possible should be done to ensure that those responsible should receive punishment fitting to the crime ; and I would like to raise a suggestion that perhaps Government might be able to circularise the department concerned impressing upon Magistrates the seriousness of offences such as hoarding and charging exorbitant prices. There is also a further aspect, I should like to put forward, which is that we have good reason to believe that a considerable number of these crimes are going completely undetected. We noticed in the Budget that there has been considerable increase in the allocation to Criminal Investigation Department head and it is our suggestion that a part, if not the whole, of this additional allocation might be utilised in assisting to detect these crimes.

**The Hon'ble the SPEAKER :** Practically the same matter was discussed yesterday. The hon. Mr. Lewis raised the question in his Cut Motion and the Hon'ble Premier made it clear yesterday that infliction of punishment is at the judicial discretion of the Magistrates and Government cannot issue any orders.

**Mr. A. WHITTAKER :** On a point of order, Sir. Is not detection of offences an entirely new point which can be raised under this Grant ?

**The Hon'ble the SPEAKER :** Detection of offences may be a new point, but the hon. Member was referring to the inadequacy of punishment that was inflicted.

**Mr. A. WHITTAKER :** My submission is that the Hon'ble Premier did not deal with this new point.

**Mr. F. W. BLENNERHASSETT :** Would not the difficulty be overcome if the Hon'ble Premier simply points out to them, apart from any desire to interfere with the judicature, that he had heard complaints voiced from several quarters as to the inadequacy of these fines ?

**Babu KAMINI KUMAR SEN :** Is it not a fact that the Central Government made a promise on the floor of the Central Assembly that hoarders will be given deterrent punishment and the assurance was given only the other day ?

**The Hon'ble the SPEAKER :** The hon. Member could have spoken like this. When the Hon'ble Premier stated that infliction of punishment was at the judicial discretion of the Magistrates and Government could not interfere with that, the hon. Member could have asked the Hon'ble Premier whether he would take this case to the High Court, because it is the High Court which can interfere with the judicial discretion of Magistrates.

**Mr. F. W. BLENNERHASSETT :** May I make an appeal to that effect now ? (*Loud laughter.*)

**Srijut ROHINI KUMAR CHAUDHURI :** Mr. Speaker, Sir, I wish to draw the attention of the Government in this connection to the state of things prevailing in the Mikir Hill Tracts. The Government had in the past, I think, promised to take steps to bring certain area in the Mikir Hill Tracts under the jurisdiction of the Calcutta High Court. I think, the



House will remember that Sarupathar and Barpathar Mauzas were formerly in the Golaghat Subdivision and were under the jurisdiction of the Calcutta High Court. The ordinary laws of Criminal Procedure Code and Civil Procedure Code were enforced in those areas. But by some arrangement—I do not know—these Sarupathar and Barpathar Mauzas were transferred to the Mikir Hill Tracts with the result that the jurisdiction of the ordinary laws and regulations and of the High Court was withdrawn from that area.

Sir, those two Mauzas are not entirely inhabited by Mikirs. Most of the population are ordinary plains people and therefore they have the right to expect that the ordinary laws should be enforced there. The result of that state of things is that recently four persons have been sentenced to death for their alleged abetment of offence of sabotage. Sir, I should not discuss the merits of that case, but, I think, that the public would have greater confidence if the trial had taken place under ordinary laws and in regular courts.

**Mr. A. WHITTAKER :** Is he not discussing the merits of the case ?

**Srijut ROHINI KUMAR CHAUDHURI :** I say that the public would have greater confidence if these persons were tried under ordinary law and procedure. Therefore, my request to the Ministry is to take up the matter in right earnest and to take all possible steps in order to bring those areas under the jurisdiction of the High Court.

Then, Sir, I also join with those in the House who deprecate the idea of issuing instructions to the Magistrates in the matter of trial of cases which are entirely within their jurisdiction. Sir, now we are used to interference with the administration of justice through executive officers. If really it is desired that a heavier sentence should be inflicted, the most easy course would be to approach the Superintendent of Police and the Superintendent of Police will issue private instruction to the Magistrate. That's what happens in political cases and in cases in which Government want heavy sentences to be inflicted.....

**The Hon'ble the SPEAKER :** Is the hon. Member saying this seriously ?

**Srijut ROHINI KUMAR CHAUDHURI :** I am speaking from my experience. We are seeing the Superintendent of Police sitting along the Magistrate and watching the cases . . . .

**Mr. A. WHITTAKER :** On a point of order, Sir. May we have an instance of that, Sir, that when the trial was started the allegation that the Superintendent of Police of a district will sit on the same bench with the Magistrate trying a case ? I would ask for every careful documentary evidence before such an allegation is made against an officer.

**Srijut ROHINI KUMAR CHAUDHURI :** When I write my autobiography I shall do that, Sir, and that will be a very important document.

I think it is perfectly correct to say that no instruction should be issued by Government and the administration of justice should not be in the least interfered with.

Another thing, Sir, in which I should like to draw the attention of the Government is that no qualified Magistrate, I mean those who have been recruited from the Bar, should be utilised in other executive matters such as taking charge of the food-stuff. I have seen a Magistrate who had long practice in the Bar, in stead of distributing justice, he has been asked to distribute sugar in Gauhati. I mean Mr. Obedulla. He has been given the task of distributing sugar, flour. That is a waste, Sir, he is a Magistrate with some experience in the Bar ; he should not have been given that work. That work could be easily done by a Sub-Deputy Collector or by a new recruit.



**\*Babu DAKSHINA RANJAN GUPTA CHAUDHURI:** Mr. Speaker, Sir, I would only refer to one aspect of the question and would request the Hon'ble Minister-in-charge to give a proper reply to that and take care of that aspect of the question. It is with regard to the hearing of cases which is postponed from day to day and the delay in final disposal of criminal cases specially in this time when the Subdivisional Officer and other Magistrates are over-charged with other works. We generally find that a criminal case is not disposed of earlier than 6 or 7 months. I have experience as a jail visitor. A young man was in *hajrat* for 4 or 5 months and after detention for such a long period he was imprisoned for 15 days. The Ministry should issue instruction to the Magistrates that they should try to dispose of cases earlier. This also leads to overcrowding in jail and the jailor and the department are always writing for more accommodation in the jail. I would, therefore, ask the Ministry for issuing instructions to the Magistrates for speedy disposal of cases.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I will reply to this, Sir, because I have been referred to.

I find that to every matter that has been raised by the earlier speakers, we had had replies given on the floor of the House. First, to take the case which has been referred to by my Friend Mr. Moore, we have adopted the suggestion that you, Sir, have already made. For the information of the House, I can give out the facts that 2 persons were seen by the police at Dibrugarh carrying a parcel for being sent to Rajputana. The behaviour of these two people were suspicious and so the parcel was confiscated and opened and it was found to contain small coins to the extent of Rs. 500. These persons were prosecuted. The Magistrate fined Rs.25 and returned the small coins to them. This is a case which my Friends both Mr. Lewis and Mr. Moore are referring. Before Government could intervene, the Deputy Commissioner thought that the punishment was very inadequate. Therefore, he has himself taken the trouble of referring the case to the High Court and the case is now before the High Court.

Now as regards Mr. Rohini Chaudhuri's request that the Ministry should be very prompt in taking action about transferring Barpathar and Sarupathar to the Subdivision of Golaghat, I remember to have replied, that the matter cannot be settled without the intervention of the Secretary of State and the British Parliament, for, the fact of transferring these two areas to Golaghat will be increasing the area of Golaghat General Electorate which is defined under the schedule of the Government of India Act. Had it been only the question of administration of justice irrespective of other constitutional question, probably action would have already been taken. We think, Sir, that when His Majesty's Government and the British Parliament are in the midst of a life-and-death struggle we should not disturb them for making this change at a time when we all expect that the present Constitution will be changed immediately after the war.

**\*Srijut ROHINI KUMAR CHAUDHURI:** Sir, the question of administration of justice can be taken up separately and it can be done as in the case of Shillong.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** But, Sir, my hon. Friend forgets that Shillong was already included in a constituency but the Mauzas Barpathar and Sarupathar are not included in Golaghat constituency. The recommendation of the Partially Excluded Area Committee was that these two Mauzas should be transferred for

\*Speech not corrected by the hon. Member concerned.



the purpose of general administration to the Golaghat Subdivision and incorporated in the Golaghat constituency.

Then I come, Sir, to the question which has been raised by Mr. Dakshina Ranjan Gupta Chaudhuri. I am obliged to him for making an admission which I had failed so long to get from the Opposition benches, that our officers in the districts and subdivisions are overburdened with work. This results in Magistrates not being able to devote sufficient time for judicial work and cases are being postponed. We have tried to remove that grievance of the public and have recently recruited 10 practising lawyers of 10 years standing about one of whom, my Friend Mr. Rohini Kumar Chaudhuri has complained that this lawyer Magistrate is being used for distribution of foodstuff and not in dispensation of law. We have recently, for other executive work, recruited from the Bar seven younger men with only two years practice. There is already a circular, rather instruction from the Government that Magistrates should not as far as possible postpone cases, for it affects the public and also inconveniences not only the Government but also the tax-payers, because, in police cases, the witnesses both of the defence as well as of the prosecution get diet money. I am perfectly sure, my hon. Friend Mr. Dakshina Ranjan Gupta Chaudhuri will have no complaint on this score in the next Session.

I come lastly to the hon. Mover of this Cut Motion Mr. Baidyanath Mookerjee. He, in a round about way, wants reiteration of the policy of the Government as regards separation of Judiciary from Executive. I pointed out to him when we discussed the subject yesterday but in moving the other Cut Motion (No. 3) my Friend has urged a new point and I thank him for giving me an opportunity to say what we feel. In matters of recruitment, to the Bengal Executive Judicial Service, of Assam candidates, we have not got according to us, a square deal from Bengal. We proposed to them that as Sylhet district is being officered by Munsifs and Subordinate Judges who are borne in the Bengal Judicial Service cadre, we should get two chances—one on merit and the other according to our ratio of population. Government of Bengal have refused to consider our request for appointment on merit alone and they are prepared only to concede one appointment out of 25, if I remember aright, which we in Assam, think is not proportionate to our numbers. Therefore, I am convinced that the case for starting a Judicial Service for Assam has been made stronger and I will see whether the separation of Executive and Judiciary could not be made during the course of the next year. As I have mentioned on another occasion, the difficulty is that according to the report of the special officer we will have to increase the cadre by certain number and that means additional expenditure. Moreover, this is not the normal time and the work of both the Executive and the Judiciary has increased to such an extent that we cannot base our cadre on the present state of affairs. However, we will try our level best to make the separation, if possible, within the course of a year, so that we may be in a position to bring it into effect from the financial year 1944-45, and we may have separate judiciary of our own. I hope I have given sufficient materials to my friends to ponder upon and when the time comes, Government will move in the same way as suggested by my hon. Friend. There is no necessity for a Cut Motion.

**\*Mr. D. B. H. MOORE:** On a point of information, Sir, might I request the Hon'ble Premier to accept my suggestion for utilising

\*Speech not corrected by the hon. Member.



the services of the Criminal Investigation Department in detecting offences for hoarding and of black markets ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Not only the Criminal Investigation Department but our normal police are doing their level best to find out the cases. I also solicit the co-operation of the public in general in tracing the offenders so that they may be brought to book.

\* **Mr. BAIDYANATH MOOKERJEE :** After hearing the Hon'ble Prime Minister, I beg leave of the House to withdraw my Cut Motion.

The Motion was, by leave of the House, withdrawn.

**Maulavi ABDUR RAHMAN :** I beg to move that the provision of Rs.2,97,995 under Grant No. 11, Major head—27.—Administration of Justice, Minor head—I.—Criminal Courts (total), at page 81 of the Budget, be reduced by Rs.100, i. e., the amount of the whole grant of Rs. 8,17,800 do stand reduced by Rs. 100. The object of moving my Cut Motion is to urge upon the Government the long felt grievances of public of Habiganj for a witness shed in front of the Criminal Court.

This is not the first occasion that I am ventilating this grievance. I expected that Government would do something in this respect. The necessity for a witness shed in front of the Habiganj Criminal Court is very great. It is well known to the hon. Members that Habiganj Court is one of the biggest Courts in the Province. As many as 8 Magistrates are working there and there are other offices also, viz., Tahsil and Registration Office etc., 500, 600 or even 1000 people gather there on some days and for want of a shed—even a temporary shed, people undergo great hardship. During the rains people cannot keep their heads in. It is not the question of the litigants alone but even those who come on other business also in other courts do not find any place to keep their heads in. Necessity for such a shed in front of the Criminal Court needs no further argument. I would urge upon the Hon'ble Minister to see that even by spending Rs.1,000 for the construction of a roof, some benefit could be rendered to the people. I would urge upon the Government to make provision of at least Rs.1,000 so that some relief could be rendered to the people. With these words, I would request the Hon'ble Minister to remove this long felt grievance of the public.

**The Hon'ble Srijut RUPNATH BRAHMA :** Mr. Speaker, Sir, it is well known to the hon. Members of this House how the prices of things have gone high, specially the building materials have become so scarce that it is very difficult to have any project of constructing any building. So, in view of this abnormal time it is difficult to get sufficient fund for building materials for accommodating the number of the witnesses which has been given by the hon. Member. I can say this much that when the conditions will improve we shall consider the matter.

**Maulavi ABDUR RAHMAN :** I could not follow the Hon'ble Minister's intention, Sir.

**The Hon'ble Srijut RUPNATH BRAHMA :** As soon as conditions improve, we shall certainly consider the matter.

**Maulavi ABDUR RAHMAN :** I could not follow what is the intention of the Hon'ble Minister.

**The Hon'ble Srijut RUPNATH BRAHMA :** We shall bring it into operation as soon as conditions will improve.

\*Speech not corrected by the hon. Member.



**Maulavi ABDUR RAHMAN:** In view of the assurance given by the Hon'ble Minister that he will certainly consider this, I beg leave of the House, to withdraw my Motion.

**The Hon'ble the SPEAKER:** Has the hon. Member leave of the House to withdraw the motion?

The Motion was, by leave of the House, withdrawn.

**The Hon'ble the SPEAKER:** The Question is:

"That a sum not exceeding Rs.8,17,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "27.—Administration of Justice".

The question was adopted.

#### GRANT No. 3.

##### 8—Provincial Excise.

**The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY:**

On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.3,90,900 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "8.—Provincial Excise".

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.3,90,900 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "8.—Provincial Excise".

There is no Cut Motion.

**The Hon'ble the SPEAKER:** The question is:

"That a sum not exceeding Rs.3,90,900 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "8.—Provincial Excise".

The question was adopted.

#### GRANT No. 4

##### 9—Stamps

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** On the recommendation of His Excellency the Governor of Assam, I beg Sir, to move that a sum not exceeding Rs.41,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "9.—Stamps".

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.41,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "9.—Stamps".

**The Hon'ble the SPEAKER:** There is no Cut Motion.

The question is:

"That a sum not exceeding Rs.41,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "9.—Stamps".

The question was adopted.

#### GRANT No.9.

##### 18B.—Navigation, etc.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 1,32,200 be granted to defray



the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "18B.—Navigation, Embankment and Drainage Works".

**Mr. BAIDYANATH MOOKERJEE:** Sir, I beg to move that the provision of Rs. 30,000 under grant No. 9, Major head—18B.—Navigation, Embankments and Drainage Works, Minor head—A.—Works (total), at page 56 of the Budget, be reduced by Rs. 201, i. e., the amount of the whole grant of Rs. 1,32,200 do stand reduced by Rs. 201.

Sir, I have tabled this Motion to criticise Government for their policy with regard to the Navigation, Embankment and Drainage Works Department. At page 56 we find that the amounts that have been allotted under different heads in lump are under A.—Works, Rs. 30,000, B.—Extension and Improvements, Rs. 3,000. So far as work is concerned there was no provision. Last year Rs. 30,000 was provided. This year the amount for Extension and Improvement remains the same. For maintenance and repairs Rs. 10,000 has been increased. As regards Grants-in-aid, it is just the same, and in the Establishment, we find that about Rs. 41,000 has been increased and some amount has been increased in the case of Tools and Plant also. At the bottom of the same page it has been stated—“Details of the foregoing—see the separate volume containing the Public Works Department Estimate”. Sir, I tried and tried in vain to find out anything in the Assam Public Works Department Budget regarding detailed estimate of revenue and expenditure for the year 1943-44. I hope the Hon'ble Minister who is in-charge of this department at present, the ex-Finance Minister, will kindly enlighten me where I am to find the detailed account of this. Sir, leaving that point aside what do we find with the amount of Rs. 32,000 provided last year? Moreover, Sir, on the floor of this House there was a cry that this is a department which must be dealt with carefully. Sir, when the Government is trying to push the campaign of Grow-More-Food how it can be effective if the cultivators cannot save their crops, if the crops are destroyed due to scarcity of water and at the same time due to flood? If the Government is very sincere about this campaign then it should concentrate its attention to this department. Now, Sir, when I do not find any detailed estimate of the work it is impossible for me to make any comment on that, and after getting some light from the Hon'ble Minister I may raise one or two points which will be of interest to the hon. Members of this House.

With these few words I commend my Motion for the acceptance of the House.

**The Hon'ble the SPEAKER:** The Motion moved:

“That the provision of Rs. 30,000 under Grant No. 9, Major head—18B.—Navigation, Embankments and Drainage Works, Minor head—A.—Works (total), at page 56 of the Budget, be reduced by Rs. 201, i. e., the amount of the whole grant of Rs. 1,32,200 do stand reduced by Rs. 201.

**Babu KARUNA SINDHU ROY:** Mr. Speaker, Sir, abolition of the Drainage and Embankment Department is a proof to show that Assam Government is not sincere in their declaration about the increase of agricultural produce in the province. Without any useful irrigation works agriculturists cannot grow more food. I shall place before the House one instance how agriculturists are going to lose the crops they have sown in the Halor Haor. Ratla Bund was constructed in the year 1939. But the sluice gate which was recommended by Mr. Varma, the then Executive Engineer of now defunct Embankment and Drainage Department, has not yet been constructed. The landlords have recently cut a deep canal in the middle of the Bund which would suddenly collapse, if early flood



appears as violently as in former years. This year, on the 4th, 5th and 6th March, water began to enter the paddy fields there and the agriculturists had to labour hard to stop the entrance of water. Fortunately the flood subsided very soon. But if the early flood comes with greater force, as in former years, the Bund will collapse bringing disaster and calamity to the affected cultivators. So I suggest to Government to make suitable arrangements for keeping the Bund in tact when the next flood comes.

With these words, Sir, I support the motion.

**Maulavi MUHAMMAD AMIRUDDIN:** In this connection I would like to draw the attention of the Hon'ble Minister in-charge to a particular grievance in the district of Nowgong. In the Lawkhoa mauza in the district of Nowgong, there are the villages of Salsali, Kandalimari and Barpaka, in the midst of which, there are 3 or 4 Beels contiguous to one another, and on the slopes of these Beels, there is an area of about 3,000 bighas of very fertile land producing Ashu, Bao and Jute. With the initiation of the measure under the Embankment and Drainage Act, petitions after petitions and representations after representations both to the District Officers and also to the Government, for the construction of a drain from out of these 3 or 4 Beels, towards the Mora Sonai river, were moved in vain. Mora Sonai river is about three miles apart from the Beels. The areas in question suddenly go under water whenever there is a heavy downpour in that locality in the month of Baisak or Jaistha and all the crops therein are hopelessly destroyed by such untimely inundations. In the interest of the crops and the owners of the lands raising those crops, a drain is urgently needed there so as to let out accumulating waters from the slopes of those Beels. Sir, from the Budget estimates we find that every year adequate provisions are made for the purpose, but nothing practical is done in its physical demonstration in the actual field though we have to move every year for such a measure. This is a long standing grievance there, in view of the fact that on two occasions, if I remember aright, two Deputy Commissioners successively visited the locality adjoining the Beels; but because periodic *patta* lands stand in the way of the drain being cut in the locality, the Deputy Commissioner has little or no power to straightway undertake its construction there. The Embankment and Drainage Act has, I believe, given adequate powers to the Deputy Commissioners for acquiring such periodic *patta* lands from the owners. In pursuance of this Act, in the year 1940 one Ainuddin Mandal of that locality deposited a sum of Rs. 10 as required under the provisions of the Act, in Nowgong Treasury, so as to move the district authorities to undertake the work. Two years have since passed away, but nothing tangible has yet been done with respect to his application. The Government is already out with the Grow-More-Food Campaign and about 16 lakhs of rupees have been already provided for such an important and all absorbing measure and if Government is behind hand to put the Embankment and Drainage system into practical operation, the scheme of the Grow-More-Food Campaign will also fail in similar areas. Therefore in those areas in question, Sir, in spite of the excellent productive capacity of those lands, the villagers have to face starvation almost every year, and moreover, this year particularly starvation is staring them in the face, while prices of food-stuffs and other barest necessities of life have gone up so very high. I therefore urge upon the Government to undertake the work of constructing a drain adjoining the 3 or 4 Beels with the Mora Sonai river, so as to find out an out-let for the sudden accumulation of rain water there and to facilitate the fruitful cultivation of those lands in that locality by the villagers. This is what I want to say.



**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Mr. Speaker, Sir, in course of this debate three points have been raised. First of all, the hon. Mover says that the details are not given. There are some details at page 5 of the Detailed Estimates of Revenue and Expenditure for the year 1943-44. But as regards work no details have been given. The reason is that the work of the Drainage and Embankment Division was suspended for the year 1942 and that the staff was required for Indo-Burma Road and the work has been suspended since. This year money has been provided and we hope to start the work when the staff will be available, and also instruments for the purpose.....

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir, I find no detail at all.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** As I have explained, Sir, there was no work in the Division last year.

With regard to the inadequacy of the Grant, probably hon. Members do not know that in the Grow-More-Food Campaign a sum of about 15 or 16 lakhs is going to be spent next year (Mr. B. Mookerjee—Question). The hon. Member might question, but this is a fact that this Government have already submitted a proposal for spending about 16 lakhs of rupees next year for the Grow-More-Food Campaign. (Mr. B. Mookerjee—I still question, Sir). In that scheme, Rs.3 lakhs have been provided for irrigation purpose for the construction of Dongs and Bunds.

**Maulavi MUHAMMAD AMJAD ALI:** How much has been set apart out of this amount for travelling allowance?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** That I cannot say but a sum of Rs.3 lakhs has been allotted for the purpose of irrigation to help agriculturists.

**Maulavi MUHAMMAD AMJAD ALI:** What would be the nature of the expenditure? In what way will the money be spent?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** We are not discussing the details of that scheme; but pertinent to this question, a sum of Rs.3 lakhs is going to be spent under that scheme to help the cultivators to get more outturn from the land. This sum of 30,000 rupees is provided to carry on the works of survey that remained unfinished last year and it is proposed that the Agriculture Department will act in consultation with this Department in having irrigation works for the purpose. As regards the grievances that have been mentioned by my Friend Maulavi Amiruddin, I hope they will be looked into in due course.

**Mr. BAIDYANATH MOOKERJEE:** On a point of personal explanation, Sir. The Hon'ble Minister-in-charge has referred to my ignorance that I did not know that some money has been provided. If anybody reads the Budget Speech, he will find that it has been written that 'larger works are provided for through the Embankment and Drainage Divisions under the Public Works Department'. From, this Sir, people can naturally expect that for small works 3 lakhs 20 thousands of rupees have been provided and that for larger works, there is a provision under the Public Works Department. We see, Sir, that only Rs.30,000 has been provided and we do not know how it will be spent. It has only been written that the detailed account will be found on such and such page but there also we do not find that account. If he wants to mislead us that is a different matter. We wanted that the Hon'ble Minister would give us some light but he has not done so.



**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** As I have already stated Sir, this Rs.30,000 has been provided for the survey and for carrying out those works which were left unfinished during the last year.

**Mr. BAIDYANATH MOOKERJEE :** Was the Hon'ble Finance Minister entitled to remark like this that larger works are provided for through the Embankment and Drainage Division ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY :** I said it Sir, because the technical staff is necessary for the construction of larger works, therefore we will require the aid of the Public Works Department for the construction of those works.

**The Hon'ble the SPEAKER :** Does the hon. Member press his Motion ?

**Mr. BAIDYANATH MOOKERJEE :** Yes, Sir.

**The Hon'ble the SPEAKER :** The question is :

"That the provision of Rs.30,000 under Grant No.9, Major head—18B.—Navigation, Embankments and Drainage Works, Minor head—A.—Works (total), at page 56 of the Budget, be reduced by Rs.201, i.e., the amount of the whole grant of Rs.1,32,200 do stand reduced by Rs.201."

The question was negatived.

**The Hon'ble the SPEAKER :** The question is :

"That a sum not exceeding Rs.1,32,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "18B.—Navigation, Embankment and Drainage Works".

The question was adopted.

#### GRANT No. 29.

#### Capital outlay on Provincial Schemes connected with War.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :**

On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Re.1 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 'Capital outlay on Provincial schemes connected with war'.

Mr. Speaker, Sir, you were pleased to ask me yesterday to explain the unusual nature of this Demand before the House, and I am glad to have the opportunity of explaining why this has come in the way of a token Demand of Re.1. As explained in the Budget Memorandum at pages 47 and 48, in the current year, the Demand was put under "57 Miscellaneous" but the Central Government ruled that for the operation of food supply there should be a new heading and that the expenditure should be met from capital revenue. Therefore the new heading is styled as "Capital outlay on Provincial schemes connected with the war". This Demand consists of two items—(1) the scheme of food-stuff supply, and (2) the Provincial Motor Transport Organisation scheme. It being Capital expenditure, recoveries must be taken in the reduction of expenditure under their instruction. As explained in the Budget Memorandum, the effects of the operation of these two schemes will be that instead of committing the Government of Assam to any extra expenditure on account of the realisation of the arrears of the current year, of the first scheme, namely



the food supply scheme, we expect that there will be a surplus of about 15 lakhs of rupees over the capital expenditure. This has been shown as a minus entry in the statement at page 47 of the Budget Memorandum. The same state of affairs, we expect from the operation of the Motor Transport Organisation. That too has been explained in the Budget Memorandum at page 48 and we expect that the capital expenditure under this Head will be fully recouped and there will be a small surplus. For the maintenance of the Motor Transport Organisation, a small minus entry has been shown in the statement at page 47. As the House is not expected to vote on a minus entry, we have not placed in the Demand anything for a grant of normal expenditure but we shall have to come to the House, if unfortunately, there is a loss on the final operation. If there be a profit it will be credited to the receipts under extraordinary receipt charges but if there be a loss, we shall have to pay it out of the revenues and then we will have to come for the vote of the House. Now, only to get the sanction of the House for carrying out these two operations, we have come before the House by way of a token Demand. I hope, Sir, I have been able to explain the reasons for this Demand of Re.1 in connection with these two items which involve handling nearly 2 crores of rupees.

**Mr. BAIDYANATH MOOKERJEE :** Is this a token Demand, Sir ?

**The Hon'ble the SPEAKER :** So he says.

**Mr. BAIDYANATH MOOKERJEE :** Sir, it will be found from the Government of India Act that there is no provision for such a token Demand. Sections 78, 79, 80 and 81 are relevant Sections relating to these Demands, Sir. Section 78 says: "(1) the Governor shall in respect of every financial year cause to be laid before the Chamber or Chambers of the Legislature a statement of the estimated receipts and expenditure of the Province for that year, in this part of this Act referred to as the 'annual financial statement'. (2) The estimates of expenditure embodied in the annual financial statement shall show separately—(a) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Province; and (b) the sums required to meet other expenditure proposed to be made from the revenues of the Province, and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged upon the revenues of each Province" I need not read out the remaining portion of the section as it relates to "charged expenditure". Sub-section (4) states "any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Province shall be decided by the Governor in his discretion". That is not the case here.

Then section 79 says: "(1) so much of the estimates of expenditure as relates to expenditure charged upon the revenues of a Province shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall be construed as preventing the discussion in the Legislature of those estimates, other than estimates relating to expenditure referred to in paragraph (a) of sub-section (3) of the last preceding section.

(2) So much of the said estimates as relates to other expenditure shall be submitted, in the form of demands for grants, to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to a demand subject to a reduction of the amount specified therein.



(3) No demand for a grant shall be made except on the recommendation of the Governor."

Section 80 read as follows: "The Governor shall authenticate by his signature a schedule specifying—

- (a) the grants made by the Assembly under the last preceding section:
- (b) the several sums required to meet the expenditure charged on the revenues of the Province but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Chamber or Chambers".

Then Section 81 says: "If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein".

These are the relevant sections. We do not find that there is any provision for such a token Demand. I went through the Budget Manual also, but failed to find any such provision. So, Sir, it is not clear to me why this Demand should come in this form, and whether the Demand is in order. Over and above that, Sir, after I heard the Hon'ble Premier about the Food Purchase Scheme and the Motor Transport Organisation, the receipt shown, at page 26 of the Budget under "Extraordinary Receipts" prevents me to accept his explanation as some amount has been shown there. If that be the case then why this amount has been shown here on the receipt side. The figure has been inflated here if we accept Hon'ble Prime Minister's view. This point is not also clear to me. It would have been better to show on the capital receipt side, the sale proceeds of the food-stuffs and other commodities that will be sold by Government, and on the expenditure side, the money that will be necessary for the purchase and commission of these things.

**The Hon'ble the SPEAKER :** Does the hon. Member raise a point of order ?

**Mr. BAIDYANATH MOOKERJEE :** Yes, Sir, I can't understand how this Demand can be brought in this form.

**\*Babu DAKSHINARANJAN GUPTA CHAUDHURI :** Mr. Speaker, Sir, by way of adding something to what has been said by Mr. Mookerjee, I want to say that the heads of revenue and expenditure cannot be altered or changed at the sweet will of the Provincial or Central Government. The heads of revenue and expenditure have been laid down by the Government of India Act, and as it is a new head my submission is this that it is not in order. I want to draw attention to sub-section (2) of section 79 of the Act, which says "so much of the said estimates as relates to other expenditure shall be submitted". I would request the House to mark the word "shall". So, no provision for submission of a token Demand of one rupee has been made under section 79(2). This is my submission.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Mr. Speaker, Sir, in the matter of the Budget heads, we have got to take the instructions of the Auditor-General of the Central Government, and it is under his orders that this has been shown on capital account, and the same authority has ruled that recoveries should be shown as deduct entries on expenditure side. Therefore, as we expect a surplus and not any

\* Speech not corrected by the hon. Member.



expenditure, we cannot come to the House for vote on a minus entry. But at the same time, these operations which are being done by the Government of Assam should have the approval of the House, and in order to give the House a chance of either giving their approval or rejecting this scheme that we have come with this token Demand of one rupee. My hon. Friends have said that such a procedure is not provided in the Act. All the details, *viz.*, how the accounts should be made, how a Demand should be framed, etc., are not laid down in the Act except in broad general principles. Token Demands have previously come before the House in various ways; the form of the present Demand has been put as such, after a consultation between the Comptroller and the Finance Department.

**The Hon'ble the SPEAKER :** Mr. Mookerjee asked why did not the Government estimate the receipts as income and then show the expenditure.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** So far as the Food Supply Scheme is concerned, it is next to impossible. We do not know what quantity of food-stuff we will be able to bring during the financial year and we do not know what amount we will recover. We have stated in our explanation, that we fear, that 40 lakhs of rupees will not be recovered within the current year although food has been supplied to traders for sale to the public. We expect that the current year's lag will be recovered to some extent, there will be more recovery in the next Budget year, and therefore we hope our realisation will be more than what will be spent during this year. As it is, we want the sanction of the House to our continuing the present system of food supply.

As regards the Motor Organisation, I specifically brought before the House the scheme which they approved. We have started work already, it is explained in the Budget Memorandum. During the next Budget year, this scheme will be in full operation and the lorries that were taken over from the military are being reconditioned, those not necessary and spare parts will be sold thereby earning substantial dividends for the public Exchequer.

**The Hon'ble the SPEAKER :** What will be the effect on Grant No. 32 if this Demand is refused ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Then Grant No. 32 cannot be moved.

**The Hon'ble the SPEAKER :** If this Demand is refused, then I am afraid, Grant No. 32 cannot be moved because I find that under Grant No. 32 Rs. 17,88,500 has been sought for Motor Transport Organisation which has been shown as a minor Demand. For both the grants vote of the House will be required. So how does Grant No. 32 stand which is a part of the whole scheme ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** The head "Capital outlay on Motor Transport Organisation" at page 48 of the Budget Memorandum shows the capital expenditure on the Motor Transport Organisation Scheme which was approved by the Legislative Assembly in the November 1942 Session. It is proposed to spend Rs. 6,65,000 during this year and Rs. 19,59,000 during 1943-44 on the scheme. It is remunerative as the expenditure will be more than counter-balanced by sale of reconditioned vehicles and by the proceeds from the earnings of the Transport Organisation. During the current year there will be a net expenditure of Rs. 5,81,000 as only Rs. 84,000 will be recovered against an expenditure of Rs. 6,65,000. In the Budget year however it is anticipated that Rs. 2 lacs will be realised from sale of vehicles and this being a capital receipt is taken in reduction of expenditure in



accordance with ordinary accounting principles. A sum of Rs. 18,90,000 is anticipated as earnings of the organisation and credit for these receipts appear under the revenue receipt head LI—Extraordinary Charges.

**The Hon'ble the SPEAKER:** Yes, the explanation is already there. But my point is this: for both these Grants Nos. 29 and 32 vote of the House has been sought and if the House rejects the main Demand—will not that separate Demand stand rejected?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, if the House rejects the main portion of the Demand then the other Demand will not be moved at all, because that Demand has been shown as a part of the whole Demand.

**Mr. BAIDYANATH MOOKERJEE:** The other part has not been answered. In case of Motor Transport Organisation Scheme the figures have been shown both under receipt and expenditure, but so far as the Food Purchase Scheme is concerned it has not been done in that way. If there be any difficulty with regard to Food Purchase Scheme the same difficulty will be there with regard to Motor Transport Scheme as well, because both have been put together. In the case of Motor Transport, Government have taken up what they actually want but in the other case they have left it to be calculated later on.

**The Hon'ble the SPEAKER:** With regard to motor transport a separate Demand has been made, but with regard to food purchase no separate Demand has been made.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have already explained that no body could estimate what quantity would be available and for what quantity we shall have to pay. All I can say is that in view of the fact that during 1942-43 a sum of Trs. 1,68,43 was spent; it was anticipated that the same amount will be required in the current year as well. This has been mentioned in the Budget Memorandum. But there will be receipts of arrears and receipts from next year's supply will be more than that sum and therefore we are taking the capital receipt in reduction of expenditure in accordance with accounting principles, and showed only a minus entry.

**The Hon'ble the SPEAKER:** As regards food purchase, I think, there is a Supplementary Demand.

**Mr. BAIDYANATH MOOKERJEE:** The Hon'ble Premier said that it was not possible to estimate correctly in such matters. But I will say, only to avoid coming before the House, they have done this. Sir, I think, a Supplementary Demand could solve the problem. Ultimately Government must take the sanction of the House in case there is any loss. So, when they are bound to come for the sanction of the House for any loss, why should they not come annually so that people may know what is happening year to year instead of knowing the position after 3 or 4 years?

**Mr. A. WHITTAKER:** Mr. Speaker, Sir, surely that is not possible in the case of a transaction which is running through from year to year. There is always a large outstanding which will vary from season to season and no inference can be drawn from the size of that outstanding.

As it is a technical question, will it not be consistent with the privileges of the House if the whole subject can be put before the Public Accounts Committee for detailed examination and the Public Accounts Committee report back to this House?

**The Hon'ble the SPEAKER:** But I am to decide the point that has been raised by Mr. Mookerjee as to whether the Demand is in order or not. That is the point raised and I am thinking what I can do in this matter.



Then am I to understand that if this Demand is granted, Government is given authority to spend as much as they like and recover the amount and then carry on with the transaction ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** As I have said, Sir, a proforma account is being kept as regards this transaction and when this scheme ceases operation, accounts will be finally adjusted. If there is any loss we will come before the House for voting the loss or if there is any profit that will be credited towards the public revenues. I am informed by the Finance Department that this proforma account will be included in the Accounts Report and therefore the House will get a chance of knowing what has been done.

**The Hon'ble the SPEAKER:** While examining the Cut Motions tabled by Mr. Mookerjee to this Demand I was struck by the peculiar nature of this Demand and therefore yesterday I asked the Hon'ble Premier to explain to the House why this Demand was framed in this peculiar way. The Hon'ble Premier has explained now to the House in his own way why this Demand has been framed as a Demand for rupee one for the vote of this House and he has explained the reasons why the Government want that this Motion should be voted by the House. Now, as he says, the effect of passing this Demand would be that the Government would get an authority to have at their disposal the necessary supplies to be utilised for the purpose of putting the Food Purchasing Scheme and the Motor Transport Organisation Scheme into execution in the manner detailed in the Budget Statement. It would be like a sort of business that the Government are to carry on with the approval of this House ; but the real point in this case is whether for such a purpose a Demand of this nature can be moved. Mr. Mookerjee has referred to the various sections of the Government of India Act which relate to the presentation of the Annual Financial Statement, the nature of voting to be done by the House and the effect of voting on the various Demands that are placed before the House on the basis of the Annual Financial Statement. The Annual Financial Statement is to be placed before the House showing the receipts and the expenditure and the various items of expenditure are to be distinguished, shown distinctly as to which items of expenditures are to be from the revenues and which are to be from the capital receipts, and then the vote of the House is sought on the Demands for Grants and the House has got a right either to refuse the whole Demand or to reduce it by certain amount or to omit any item from the details of the Demand. Then after the vote of the House the Governor is to prepare an authenticated schedule certifying what are actually the amounts voted by the House. The whole scheme and intention underlying these sections 78 to 81 of the Government of India Act is that the Government will have no authority to spend any amount beyond the amount that is voted by the House and if any amount is necessary to be spent beyond the amount that has been voted by the House, a Supplementary Demand is to be brought forward. That being so, an original Demand arising out of an Annual Financial Statement or a Supplementary Demand under section 81 of the Act must be for the entire estimated amount. There is, therefore, no statutory sanction for seeking a token vote either for an original Demand or for a Supplementary Demand in order to get the authority from the Legislature for spending an estimated amount that is much beyond the sum that is taken as a token sum for the vote of the Assembly. That this is so, is also the opinion of the Government of India, whose Reforms Office examined the whole provisions of sections 78 to 81 of the Government of India Act and communicated to this Government their conclusions by their



D.O. No.F26/36-F., dated the 16th March 1937. This communication also gave certain instructions to the Government as to how the rules of procedure for the conduct of financial business under sections 78 to 81 of the Act were to be framed by the Governor under section 81(3) of the Act before the House framed its rules under section 84(1) of the Act. Previously under the Old Constitution the rules of procedure of the Legislative Council in this respect was that when a supplementary expenditure was required over and above the sum sanctioned by the Council by reappropriation, a token Demand could be brought. That was provided by Rule 32 of the Old Council Rules. It clearly prescribed that when funds to meet proposed expenditure on a new service could be made available by reappropriation, a Demand for the grant of a token sum might be submitted to the vote of the Council and if the Council assented to the Demand, funds might be made available for the expenditure. By this letter Government of India distinctly instructed Government to omit such a rule from the Rules of Procedure under the present constitution as it appeared inconsistent with the provisions of sections 78 to 81 of the Government of India Act.

Now this letter was made available by Government to the Rule Making Committee of this House and the Rule Making Committee, while they submitted their report framing the Rules under section 81(1) of the Act altering and amending the Rules that were framed by His Excellency the Governor under section 81(3), embodied that letter in an Appendix to their Report as a justification for their having not framed any rule like the Rule 32 of the old Council Rules. The hon. Members will see on a comparison of the present Rules of Procedure of this House and the Rules that were framed by His Excellency the Governor under section 81(3) that although in spite of the instructions of the Government of India there was such a rule like that of Rule 32 of the Old Council Rules in the Governors' Rules under section 81(3) this House omitted to frame this Rule prescribing presentation of a token Demand. No doubt, the instructions of the Government of India were with regard to the procedure to be adopted with regard to supplementary expenditure ; but the argument that I have indicated to the House and was given by the Government of India in their letter, which I have just referred to, is applicable rather more strongly to the case of an Original Demand arising out of the Annual Financial Statement. I need not take the time of the House by reading out the whole letter of the Government of India. I would, however, direct the letter to form a part of the proceedings of to-day and to be published as an Appendix,\* but I would quote only two paragraphs. "In the first place it seems clear that under section 80 of the new Act the Governor does not authenticate all the items in the Budget, but only the total amounts of the grants made by the Legislature. This does not at first sight seem to fit in well with the words 'specified in the schedule' in section 80(3) ; but the word 'specified' should be read closely with the word 'specifying' in the second line of section 80(1). If any other view were adopted, reappropriations of any sort would be barred (as even the Governor himself cannot modify an authenticated schedule), which cannot be the intention.

In the second place, section 81 of the new Act, of which there is no counterpart in the existing Act, precludes the submission of a Demand for a grant at a stage subsequent to the initial authentication for the year under section 80, save by the laying of a supplementary statement to which all the obligations imposed by sections 78 to 80 are attached, including in particular section 79(2). In other words, section 81 does not contemplate

\*Appendix D.



the submission of a token Demand". This is the whole position which appears on an analysis of the provisions of sections 78 to 81. But I cannot direct the House not to consider this Demand, which has been placed before the House as recommended by His Excellency the Governor. The House is to vote on the Demand. What will be the ultimate effect of passing this Demand is not for me to see ; but it is for the Audit Department to consider. The Hon'ble Premier has said that it is on the advice of the Comptroller that they have come forward with this Demand. He has also further said that if there be any necessity afterwards he will come again with a Supplementary Demand before this House. Now in the authenticated schedule of course this amount would be shown if passed by the House and the Comptroller is to see whether on the strength of the vote of this House on this Demand the Government can go on spending this amount in the way indicated to the House by the Hon'ble Premier. If I am to hold that this Demand of Re.1 is out of order, I shall be taking into my consideration the ultimate effect of the vote, which I should not do. The observations that I have made are only to indicate the procedure that should be followed in future. I see also that there is a token cut of one anna tabled to this Demand. In view of what has been said by the Hon'ble Premier about the object of this demand, I think, a token cut would be out of question. It may be considered to be meaningless. So the Demand would be placed before the House ; and if the House on a consideration of the whole object of the Demand as explained by the Hon'ble Premier considers that the Government should not be given the authority to be used in the way desired by Government, it will be quite within its rights to refuse it.

The Motion moved :

"That a sum not exceeding Re. 1 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 'Capital outlay on Provincial Schemes connected with war'."

The hon. Members may discuss the Demand now.

**Mr. BAIDYANATH MOOKERJEE :** After hearing the ruling from the Chair, I think, it would be only waste of time to go on with a speech on this subject but so far as the Food Purchase Scheme is concerned, we shall get an opportunity to discuss it fully, as we have been assured by the Hon'ble Premier, on a particular day. I don't like to proceed any further after hearing the Chair on this point. If any other hon. Member wants to discuss he may speak.

**Mr. A. WHITTAKER :** I think the position is this that the Hon'ble Premier will make a statement on the economic and political situation in the Province but there will be no discussion on it ?

**The Hon'ble the SPEAKER :** I think the usual parliamentary procedure would be followed. Such a statement will have to be made on a Motion to the effect that the political and economic situation in the Province be taken into consideration. This is the procedure that is generally followed in Legislatures and even in the House of Commons when the British Premier wants to discuss any situation ; take for instance the War Situation, he makes a Motion and thus let the House to carry on a debate on the Motion. On the last occasion when the Premier made such a statement I allowed a general discussion without any Motion before the House. But that was not strictly parliamentary and I did so for some reasons which I need not state now. So the Premier will have to make a Motion to the effect that the situation in the Province be taken into consideration. The Motion need not be put to the vote ; but if there be any amendments to this Motion they will have to be put to the vote. This was exactly the procedure that was followed,



as the hon. Members know, in the Bengal Legislative Assembly, when the Chief Whip of the Government Party moved a Motion.

**Mr. A. WHITTAKER :** I wish to ask, Sir, for the enlightenment of the House what is the exact position? Is it that the Hon'ble Prime Minister is going to make a statement, whereupon the Hon'ble Speaker will invite Members to make individual statements in discussion and then the Hon'ble Prime Minister will give a reply to such statements in winding up?

**The Hon'ble the SPEAKER :** I think it will be all-right if the Hon'ble Prime Minister first makes a statement on a Motion to the effect that the economic and political situation in the Province be taken into consideration. A debate would follow on the Motion and the Hon'ble Premier will have a right of reply to wind up the debate. Members may table amendments to the Motion suggesting principles or schemes to be adopted by Government to tackle the situation.

**Mr. A. WHITTAKER :** In that case, Sir, a discussion may go on for two or three days.

**The Hon'ble the SPEAKER :** Yes, a discussion may go on for a long time.

**Maulavi ABDUR RAHMAN :** Am I to understand that the Hon'ble Premier will make a statement or make a Motion on the economic condition of the country and that there will be time for us to discuss it? I think when the Hon'ble Premier brings a Motion in that connection, sufficient time will be given to the Members, because many Members have got to suggest something regarding the matter. If the Hon'ble Premier give us an assurance that Government will come forward with such a Motion on the economic situation of the country, there should be sufficient time at our disposal to discuss it.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I have already told that I will make a statement in the House.

**The Hon'ble the SPEAKER :** The question is :

"That a sum not exceeding Re. 1 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 'Capital Outlay on Provincial Schemes connected with war'."

The question was adopted.

#### GRANT No. 7.

##### 12.—CHARGES ON ACCOUNT OF MOTOR VEHICLES TAXATION ACT

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 3,81,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "12.—Charges on account of Motor Vehicles Taxation Act".

**The Hon'ble the SPEAKER :** Motion moved :

"That a sum not exceeding Rs. 3,81,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '12.—Charges on account of Motor Vehicles Taxation Act'."

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** I beg, Sir, to move that the provision of Rs. 57,062 under Grant No. 7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, Minor head—A.—Charges for collection (total), at page 53 of the Budget, be reduced by Rs. 101, i.e., the amount of the whole grant of Rs. 3,81,000 do stand reduced by Rs. 101.



By this Cut Motion, Sir, I want to bring some grievances of the public before this House. During the last Session I moved almost a similar Cut Motion and Mr. Mookerjee lent me a very strong support. The Hon'ble Minister-in-charge when replying said, "I am very grateful to the hon. Member for bringing these grievances before the House and I assure the House that the discussion of this debate will be forwarded to the Company concerned and steps will be taken to see that inconveniences are removed." These were the exact wordings of the Hon'ble Minister. But I am sorry to say, Sir, that the grievances of the public have not yet been removed. If you ever pass by the side of the Sylhet motor station on the other side of the Surma river, you will find, Sir, many passengers have been lying there for days together without having any seat in the buses that ply from Sylhet to Shillong. Whenever they go to purchase tickets they are refused saying that all the seats are occupied by the military people and they have to wait for some days. In this way the passengers are put to much inconveniences and they have to wait in the verandah of the motor station knowing not when to get a seat. I know, Sir, that military people have their own cars—they can well utilise their cars and lorries for their own conveyance—and they should not be a source of public inconvenience. Government may direct the Company to provide more buses for the exclusive use of the military people so that our travelling public do not suffer in any way.

Another grievance against this Motor Company is that they do not carry any luggage in their buses that run in the morning and this puts the passengers to a great difficulty, *viz.*, if a passenger wants to go to Karimganj from Shillong, his luggage will reach Sylhet at 5-30 P.M., whereas before that time he can reach Karimganj. But he has got to wait for his luggage till they arrive Sylhet in the evening. This grievance was ventilated last time, but no improvement is seen.

One more inconvenience of the people is that the Motor Company has got no booking office in the town of Sylhet. Mr. Mookerjee in the last Session spoke on this very eloquently. While going to the motor station outside the town one has got to cross the river at some extra expenses and his luggage cannot be carried over the bridge unless he pays a rupee or so. Though some improvement was sought by Mr. Mookerjee nothing has been done till now. The Hon'ble Minister-in-charge told us that he would send the whole proceedings of the debate to the Company and asked us to wait to see the result but no improvement is seen up till now. There is one point more and I have finished. Passengers who purchase ticket for the Sylhet town cannot stop there with their luggages, because the bus goes direct to the railway station. I think, Sir, that the buses are not meant for the railway passengers only but for other passengers who want to get down in the town also. My suggestion in this respect is that there should be a station in the town for the town passengers and for railway passengers the bus may be allowed to go to the railway station or there should be separate buses for two kinds of passengers. Otherwise the inconveniences of the travelling public will not be removed at all.

#### Adjournment

The Assembly was then adjourned for lunch till 2 P.M.

#### After lunch

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:**  
Mr. Speaker, Sir, with regard to appointments, I hold that the Company do not consider the claims of the children of the Province. They first of all



consider the claims of the candidates that come from Bengal and then they take up the cases of the candidates of this Province. Formerly there was a Committee known as the Public Convenience Committee. The Committee used to look after the interest of the children of the Province as well as the convenience of the passengers in general but now there is no such Committee. The Hon'ble Minister-in-charge of the Public Works Department was also a Member of that Committee and he knows what were the functions of that Committee and how that Committee helped the Company in giving suggestions to remove the inconveniences of the people of this Province. I do not see why that Committee should not be appointed again to look after the interest of the people and the conveniences of the passengers on this road. With these few words, Sir, I commend my Motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** Motion moved:

“That the provision of Rs.57,062 under Grant No.7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, Minor head—A.—Charges for collection (total), at page 53 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.3,81,000 do stand reduced by Rs.101”.

**Mr. E. H. S. LEWIS:** Mr. Speaker, Sir, I should like to endorse most of what the hon. Mover has said by reference to the inconvenience passengers are experiencing on the other side of the Hill, I mean on the Gauhati-Shillong Road. When I came up this time, Sir, there were seven first class passengers left at Pandu because there was no accommodation. An Official of the Carrying Company complained that he did not get all the bookings in advance but in these days, Sir, when telegrams take so long, it means frequently that telegrams reserving bookings do not arrive in time and I would like to suggest to Government that they might approach the Military Authorities to provide their own transport (*hear, hear*) for Military Officers not only on duty but for those that proceed up here on leave. I think, it is highly probable that such Military personnel proceeding here on leave do not advise the Company in advance that they require accommodation and it means frequently therefore, Sir, that the ordinary civilian traffic is crowded out by the military traffic and to the best of my knowledge, I speak subject to correction, the number of cars and transport on the road now is still only that which was originally designed to cater for the civilian traffic. Therefore, Sir, I hope, Government will see their way to approach the Military Authorities in this matter.

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I also rise to endorse all the views which have been expressed by the previous two speakers and further more I want to add with regard to the Sylhet-Shillong Road that under the system which the present Company has introduced here, nobody is allowed to enter the compound unless he purchases a platform ticket. This objection was raised also during the last November Session by Mr. Mookerjee and we thought that by this time, our Hon'ble Ministers would see that something had been done but it is a matter of regret that nothing has been done yet. Even persons of good standing are also not allowed to enter the compound if they do not possess the platform ticket. This, Sir, causes such a serious inconvenience to the general public that whenever one has got to go somewhere and if his relations go there just to make arrangement for his comfortable accommodation in the bus, then he has got to purchase several tickets for his relations just to enter the compound. This system, if removed, I don't see, will inconvenience the Company at all. I do not find any reason why the system of purchasing the platform tickets has been introduced.



Another serious point which has been raised by the Mover is as regards the station being located on the other side of the river at Sylhet. This has inconvenienced the people so seriously that those who travel with luggages have got to undergo great inconveniences because if they want to remain in the town, they have got to take back their luggages to the town at considerable cost, and at serious inconvenience again in the following morning, they have got to bring back their luggages to the station to catch the service for train. Sir, these things can be remedied as has been suggested by the hon. Mover by setting another stoppage within the Municipal area of the town. If the Ministry do not remove these inconveniences of the public, we must say that they are very much cruel to the travelling public. One who travels from Sylhet to this place knows only how serious inconveniences he has to undergo but our Hon'ble Ministers who travel in their own cars, cannot realise the difficulties which our people have got to undergo. If the Hon'ble Minister-in-charge would once travel in the bus of the Company from Shillong to Sylhet, he would not have, I think, hesitated even for a moment to issue an order to remove the grievances of the public. I would request him through these observations to see that the grievances which have been placed before the House are at once removed.

**Mr. BAIDYANATH MOOKERJEE:** I have very little to add to what has been said by the Mover, who, I am glad to find, has practically covered all those points which I brought before the House during the last Budget Session.

Sir, from practical experience I find that instead of doing some good to the travelling public I rather caused them inconvenience. I drew the attention of the Government then to the provision in the Rules that nothing should be carried on the top of passenger vehicles on the hill roads. The Company was not obeying the Rule most probably then un-knowingly and carried luggages on the top for several months. Now, Sir, when this was brought to their notice by the Government they stopped this practice. But another difficulty has arisen, as has already been stated by my hon. Friend, Mr. Maqbul Hussain Chaudhury. By the morning Service no luggage, either in the up service or down service, is carried. The passengers who want to go down by the morning timing are compelled to halt at Sylhet, as they get delivery of their luggages only in the afternoon. Sir, I do not know what is the real difficulty. If no new vehicles are available, and if it is not possible to make arrangements with the present vehicles, in that case, I think, Government can fix some size as well as weight, so that without endangering the lives of the passengers on these dangerous roads, some light luggages may be carried on the roof.

As regards other points, I entirely endorse the views expressed by the hon. Members who have spoken before me.

With these few words, Sir, I support the Motion.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, last time when the inconveniences suffered by the travelling public in the Sylhet-Shillong Road were discussed in this House, I promised to send to the Company all the proceedings, so that they might try to improve their arrangements. I was at once met with a request from the Company to allow them to transfer some of their buses and lorries from the Gauhati-Shillong Road to the Sylhet-Shillong Road in view of the fact that new vehicles were not available. Thinking that it would ease the situation, I allowed them to transfer two of the buses which were running on the Gauhati Section to ply on the Sylhet-Shillong Road. I thought that by this arrangement the inconveniences suffered by the travelling public could



be remedied to some extent. I can quite realise, Sir, that even now the travelling public cannot get sufficient accommodation on account of the enormous military traffic which has since sprung up. I am told that the Military without giving any previous notice require accommodation for a large number of people on cars and buses, and one officer is alleged to have pointed his revolver at one of the poor Managers because he could not find place for this gallant officer. In view of these conditions I will shortly correspond with the Military Authorities here whether they could arrange their own transport for their personnel on both the roads. If that can be done, more seats will be available for the civil population.

As regards the other inconveniences mentioned, I will again draw the attention of the Company to remove them as far as possible. I personally believe that a booking office or a stopping station within the Municipal area at Sylhet is essential. The question about no luggage being carried during the morning timing will also be referred to them, but I doubt whether we can revert to the old system of carrying some luggage on the roof of the buses as suggested by Mr. Mookerjee for we are bound by the Rules which were adopted by this House. It is definitely laid down there that no bus plying on hill roads will be allowed to carry any luggage or goods on the roof. I will suggest to the Company to see whether some other arrangements could not be made. Any way, Sir, I am obliged to my hon. Friend, Maulavi Maqbul Hussain Chaudhury for bringing to light what the public are suffering by the operation of this Service.

Lastly, Sir, he has mentioned that appointments in the Company go to Bengal. We had also heard some rumours to that effect. When we took up the question under one of the clauses of the Agreement, we were supplied figures to show that there were quite a good number of local people, both of the Surma Valley and the Assam Valley. Whether they hold any position of responsibility or they are only menials I have not been able to ascertain.

Now, as regards platform tickets, we referred this matter to the Company. The genesis of starting platform ticket system was the panicky exodus from Shillong in May last year when people thought that Shillong would be bombed by the Japanese and they wanted to send their families away. There was such a great rush that even the Police could not control the crowd at the motor station. Ultimately the Company thought that the introduction of platform ticket system would reduce the crowd to a certain extent. If this system has, however, overstepped the limits of its purpose, I will urge the Company to discontinue the same.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** In view of the statement made by the Hon'ble Premier and the assurances given by him, I beg leave of the House, to withdraw my Motion.

The Motion was, by leave of the House, withdrawn.

**Mr. BAIDYANATH MOOKERJEE:** Mr. Speaker, Sir, I beg to move that the provision of Rs. 1,50,000 under Grant No. 7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, Minor head—E.—Other charges, Sub-head—Motor Vehicles Tax project (total), at page 54 of the Budget, be reduced by Rs. 201, i.e., the amount of the whole grant of Rs. 3,81,000 do stand reduced by Rs. 201.

Sir, I have tabled this Motion to criticise Government for not giving proper attention to Motor Vehicles Tax project. From the reasons I have stated, it is quite clear that in these days when communications are so important, the Government have not paid proper heed to this side of the question. Last time when the Hon'ble Premier came before this House for



his motor transport business scheme he said that it was his desire that the vehicles that would run would go to the villages and that would remove the transport difficulties that are being felt at present. Sir, every year we find the amount is allotted but the entire amount is not spent and the roads that are selected by the Committee for this purpose do not receive proper attention of the Department and we find at the end of the year that nothing has been done. I think, Sir, it is high time that Government pay their attention to the communication side in the villages under the Local Boards and try to improve the situation so that the present difficulties felt by the villagers may be removed. With these words, I commend my Motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** Motion moved :

“That the provision of Rs. 1,50,000 under Grant No. 7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, Minor head—E.—other charges, Sub-head—Motor Vehicles Tax project (total), at page 54 of the Budget, be reduced by Rs. 201, *i.e.*, the amount of the whole grant of Rs. 3,81,000 do stand reduced by Rs. 201.”

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, as has been stated by my learned Friend, the Mover of this Cut Motion, we have given the fullest liberty to the Local Bodies in the matter of roads which should be improved with the surplus money that we are distributing among the Local Bodies. First of all the Local Bodies make their own selection and they are supposed to look to the popular needs for they are the representatives of the people of the locality. The Local Boards select the projects and they are scrutinised by the Public Works Department and are placed before the Communications Board of this Hon'ble House who have got the right to say whether or not they approve the projects selected by the Local Bodies. As soon as they give their approval, those roads are taken up by the Public Works Department for improvement.

Government have taken every possible step to improve the roads but I am sorry that improvement of roads in the rural areas has not kept pace with the demand. In this matter, probably the present war situation is responsible, because on account of military exigency, roads which are of military importance have had to be taken first. But I assure my hon. Friend, Mr. Mookerjee, that I will draw the pointed attention of the Public Works Department to the criticisms made by him.

**Mr. BAIDYANATH MOOKERJEE:** As I am satisfied with the assurance given by the Hon'ble Premier, I beg leave of the House to withdraw my Motion.

**The Hon'ble the SPEAKER:** Has the hon. Member got leave of the House to withdraw his Motion ?

The Motion was, by leave of the House, withdrawn.

**The Hon'ble the SPEAKER:** The question is :

“That a sum not exceeding Rs. 3,81,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head ‘12.—Charges on account of Motor Vehicles Taxation Act’ ”.

The question was adopted.

#### GRANT No. 1

#### 4.—TAXES ON INCOME OTHER THAN CORPORATION TAX

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to



move that a sum not exceeding Rs.39,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "4.—Taxes on Income other than Corporation Tax".

**The Hon'ble the SPEAKER :** Motion moved :

"That a sum not exceeding Rs.39,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '4.—Taxes on Income other than Corporation Tax'".

**Mr. BAIDYANATH MOOKERJEE :** Sir, I beg to move that the provision of Rs.16,695 under Grant No.1, Major head—4.—Taxes on income other than Corporation Tax, Minor head B.—Provincial Agricultural Income Tax Staff, Sub-head—1.—Pay of Officers (total), at page 28 of the Budget, be reduced by Rs.211, *i.e.*, the amount of the whole grant of Rs.39,500 do stand reduced by Rs.211".

I have tabled this Motion to criticise Government for not having any office of the Agricultural Income Tax Department specially in the districts of Sylhet and Goalpara.

Sir, this is a Department which is bringing about 27 lakhs of rupees to the provincial Exchequer. Up to 1942 the Income-Tax Department of the Government of India used to work on behalf of this Government and the accounts and other papers were used to be checked in the office of the Central Government Income Tax Department. But, Sir, from this year our provincial Government have started their own Department and have appointed officers to do the work of this Department. But only a few days back, I think, it was on the 3rd March when I had the misfortune of going to the Agricultural Income Tax office to show some papers to the Agricultural Income Tax Officer, it took me some time to find out the place where he was sitting. Then I was pointed out a room which cannot be more than 6' x 6' located in the Central Government Income-Tax Office. No body can believe unless one sees that such a room can be used by the Agricultural Income-Tax Officer. It was formerly used by the Chaprasis and those poor people have been removed from that place and the Agricultural Income-Tax Officer is now sitting there. Practically there is no room to keep two chairs, one table and one box for keeping paper. So far as taxes from tea gardens are concerned this Department has got very little to do because 40 per cent. is taxed by the Central Government and the remaining 60 per cent. is taxed by the Provincial Government. But so far as the Zeminary accounts are concerned, in which cases, the papers are larger in number than those of the tea garden cases, specially in the districts of Sylhet and Goalpara, the work cannot be properly done here. So I have specially mentioned the names of these two districts. When Government derive such a large income from this Department it is their duty to give some facility and comfort to the persons who are paying so much to the provincial Exchequer and specially for the prestige of our officers they must provide some place so that an officer of the status of the Assistant Commissioner of Agricultural Income Tax may sit and work with other gentlemen. With these words, I commend my Motion for the acceptance of the House.

**The Hon'ble the SPEAKER :** Motion moved :

"That the provision of Rs.16,695 under Grant No.1, Major head—4.—Taxes on income other than Corporation Tax, Minor head B.—Provincial Agricultural Income Tax Staff, Sub-head—1.—Pay of Officers (total), at page 28 of the Budget, be reduced by Rs.211, *i.e.*, the amount of the whole grant of Rs.39,500 do stand reduced by Rs.121."



**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Sir, the only complaint that Mr. Mookerjee has made is, I think, with regard to accommodation in the office of the Agricultural Income Tax. Since there has been removal of offices from the Secretariat Hill, there has been congestion in almost every office and, I think, under the present circumstances this can hardly be avoided. Sir, he has referred to the case of establishing offices in Sylhet and Goalpara, but, Sir, the amount of work does not justify the establishment of such offices. There are only 563 assesseees all throughout the province. Of these 435 are tea concerns and 128 only are those other than tea concerns. Of these, Sir, in Sylhet district there are 62 tea assesseees and 81 non-tea assesseees and in Goalpara district 9 tea assesseees and 31 non-tea assesseees. Now, Sir, an officer of the Central Income-tax Department can deal with 1,000 cases a year. So the amount of work in the Agricultural Income-tax Department with 563 assesseees does not justify the establishment of an office. Shillong is centrally situated and the office has been located here.

**\*Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir. Does it justify to keep such an establishment and to spend such a huge amount because as I have already stated so far as the cases relating to tea gardens are concerned the work is being done by the Central Government and Provincial Government Officer has got nothing to do? If there is no justification for keeping an office, there is no justification for keeping an officer also.

**The Hon'ble the SPEAKER:** The hon. Member is not to reply.

**\*Mr. BAIDYANATH MOOKERJEE:** But the Hon'ble Minister has not replied to the point I raised, Sir.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Sir, the point that Mr. Mookerjee has raised is that the number of cases does not justify the appointment of any such large staff. I think, Sir, when he made the speech, he himself admitted in the beginning that the income of this Department was 27 lacs of rupees and that this Department was most economically run.

**\*Mr. BAIDYANATH MOOKERJEE:** I never said that.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** That was the implication, Sir.

**The Hon'ble the SPEAKER:** Order, Order. Let me now put the question.

The question is:

"That the provision of Rs.16,695 under Grant No.1, Major head—4.—Taxes on income other than Corporation Tax, Minor head—B.—Provincial Agricultural Income Tax Staff, Sub-head—1.—Pay of Officers (total), at page 28 of the Budget, be reduced by Rs.211, *i.e.*, the amount of the whole grant of Rs.39,500 do stand reduced by Rs.211."

The question was negatived.

**The Hon'ble the SPEAKER:** The question now is:

That a sum not exceeding Rs.39,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "4.—Taxes on Income other than Corporation Tax".

The question was adopted:

#### GRANT No. 8

#### 13.—OTHER TAXES AND DUTIES

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to

\* Speech is not corrected by the hon. Member.



move that a sum not exceeding Rs.1,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "Other taxes and duties".

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.1,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head—Other taxes and duties".

**The Hon'ble the SPEAKER:** There are no Cut Motions. Then I am putting it as a question.

The question is:

"That a sum not exceeding Rs.1,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head—Other taxes and duties".

The question was adopted:

### GRANT No.14

#### 30.—PORTS AND PILOTAGE

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.2,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "30.—Ports and Pilotage".

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.2,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 30.—Ports and Pilotage".

**The Hon'ble the SPEAKER:** As there is no Cut Motion, I am putting it as a question.

The question is:

"That a sum not exceeding Rs.2,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 30.—Ports and Pilotage".

The question was adopted.

### GRANT No.16

#### 37.—EDUCATION—EUROPEAN AND ANGLO-INDIAN

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.77,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "37.—Education (European and Anglo-Indian)."

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.77,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 37.—Education (European and Anglo-Indian)."



**The Hon'ble the SPEAKER:** There is no Cut Motion. I am putting this as a question.

The question is:

"That a sum not exceeding Rs.77,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '37.—Education (European and Anglo-Indian.)'"

The question was adopted.

#### GRANT No.26

#### TOOLS AND PLANT AND ESTABLISHMENT CHARGES OF THE PUBLIC WORKS DEPARTMENT

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.3,22,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the Public Works Department (Establishment and Tools and Plant).

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.3,22,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the Public Works Department (Establishment and Tools and Plant)."

**The Hon'ble the SPEAKER:** The question is:

"That a sum not exceeding Rs.3,22,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the Public Works Department (Establishment and Tools and Plant)."

The question was adopted.

#### GRANT No. 28

#### 55.—SUPERANNUATION ALLOWANCES AND PENSIONS, ETC.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.17,93,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "55.—Superannuation Allowances and Pensions including payment of commuted value of pensions".

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.17,93,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 55.—Superannuation Allowances and Pensions including payment of commuted value of pensions".

**The Hon'ble the SPEAKER:** The question is:

"That a sum not exceeding Rs. 17,93,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head 55.—Superannuation Allowances and Pensions including payment of commuted value of pensions".

The question was adopted.

#### GRANT No. 30

#### 56.—STATIONERY AND PRINTING

**The Hon'ble Srijut RUPNATH BRAHMA:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a



sum not exceeding Rs. 3,77,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "56.—Stationery and Printing".

**The Hon'ble the SPEAKER:** Motion moved :

"That a sum not exceeding Rs.3,77,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '56.—Stationery and Printing'."

**The Hon'ble the SPEAKER:** The question is :

"That a sum not exceeding Rs.3,77,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '56.—Stationery and Printing'."

The question was adopted.

GRANT No.27

54A.—FAMINE RELIEF

**The Hon'ble Maulavi MUNAWWAR ALI:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 50,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "54A.—Famine Relief".

**The Hon'ble the SPEAKER:** Motion moved :

"That a sum not exceeding Rs. 50,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '54A.—Famine Relief'."

**The Hon'ble the SPEAKER:** The question is :

"That a sum not exceeding Rs. 50,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '54A.—Famine Relief'."

The question was adopted.

GRANT No.15

36.—SCIENTIFIC DEPARTMENTS

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.5,900 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "36.—Scientific Departments".

**The Hon'ble the SPEAKER:** Motion moved :

"That a sum not exceeding Rs.5,900 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '36.—Scientific Departments'."

**The Hon'ble the SPEAKER:** The question is :

"That a sum not exceeding Rs.5,900 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '36.—Scientific Departments'."

The question was adopted.

GRANT No.21

41.—VETERINARY

**The Hon'ble Mr. NABA KUMAR DUTTA:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.2,15,400 be granted to defray the charges which will



come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "41.—Veterinary".

**The Hon'ble the SPEAKER:** Motin moved:

"That a sum not exceeding Rs.2,15,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '41.—Veterinary'."

There are three Cut Motions. I think it would be better to move Cut Motion No. 3.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I beg to move that the total provision of Rs.2,15,400 under Grant No.21, Major head—41.—Veterinary, at page 151 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.2,15,400 do stand reduced by Rs.101.

Sir, it is almost a repetition of the grievances against the Veterinary Department. During the last Budget Session we spoke for the expansion of the Department, but we are sorry that Government could not afford to make more provisions for its expansion. In subdivisions there are only two or three dispensaries which cannot be of any avail to the people. Cattle die in hundreds and thousands while a small number of veterinary doctors cannot go to every place and give relief to the people. In order to meet this, Government adopted a new policy of appointing Veterinary Field Assistants and a number of Field Assistants were appointed and placed in different places. During the last November Session many of my Friends in this House spoke about the utility of the Veterinary Field Assistants who were doing very useful work in Mufussil; but we are very sorry, Sir, that their pay and prospects are not up to expectation. Though they are doing very useful work still they are allowed a paltry sum of Rs.5 as travelling allowance and they are asked to travel at least for 10 days in a month. I can speak for my subdivision. During the rainy season nobody can travel for a week even with a travelling allowance of Rs.5 only. They are not given even the status of compounders. In the dispensaries compounders are provided with quarters, but they are not. I got a complaint that in some dispensaries Veterinary Field Assistants were not allowed to sit in chairs. I brought this fact to the notice of the House in November Session and I am really sorry that I have to bring the same fact again before the notice of Government. While replying to my Cut Motion the Hon'ble Premier said in November, "my hon. Friend had urged that an increased allowance should be given to the Veterinary Field Assistants. Pursuant to that desire we in 1942-43 put on the Budget an increased allowance, which is from Rs.5 to Rs.10, but that Budget could not be introduced before the House. There was a bureaucratic or dictatorial administration in between and all that came to nothing. We will remember this when we frame our Budget for 1943-44". Now the Budget for 1943-44 is before the House, and I am sorry to find that the Hon'ble Minister-in-charge did not take this into consideration while making provision for this Department. Some of the Veterinary Field Assistants submitted a petition to the Head of the Department and received a very unsympathetic reply which I may read out. It is dated Gauhati, the 11th January 1943. "Some of the Veterinary Field Assistants recently submitted representations praying for increase in the scales of their pay and the rate of travelling allowance, provision of family quarters, creation of higher appointment for their prospective promotion, etc. The undersigned regrets to have to inform all the Veterinary Field Assistants of



this Department that no action can be taken to consider such grievances *at present*". I hope, Sir, the Hon'ble Minister-in-charge will take everything into consideration. With these few words I commend my Motion for the acceptance of the House.

**The Hon'ble the SPEAKER:** Cut Motion moved :

"That the total provision of Rs.2,15,400 under Grant No.21, Major head 41.—Veterinary, at page 151 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.2,15,400 do stand reduced by Rs.101."

**Maulavi MABARAK ALI:** Mr. Speaker, Sir, I rise to support the Motion that has been moved by my hon. Friend, Maulavi Muhammad Maqbul Hussain Chaudhury. It is an admitted fact that the Veterinary Field Assistants are doing very valuable works in protecting and improving the livestock of the province which constitutes one of the main properties of people and specially of *raiyats*. Their valuable work is realised by Government and therefore their term has been extended for another three years. But the salary and travelling allowance provided for them are not at all adequate. They are allowed a fixed travelling allowance of Rs.5 per month and they are to be out on tour for at least 10 days a month and their jurisdiction of tour extends from one end of a subdivision to the other. So this travelling allowance of Rs.5 does not even cover the actual expenditure that they are to incur. Then again, Sir, they are not even provided with peons and as a result they are to carry with them, vaccination outfits and Castrater, etc., which regularly form a load. With these observations, Sir, I support the Motion and request the Government to make some more provisions either by increasing their salary or their travelling allowance.

**Rev. L. GATPHOH:** Mr. Speaker, Sir, taking advantage of the Cut Motion I would like to bring to the notice of the House and thereby to draw the attention of Government to a particular case from which an inference may be drawn that the Veterinary Department has no clear and definite principle according to which an allotment is made for different parts of the province or various subdivisions for a share in the benefit accrued from the services of Veterinary Assistant Surgeons. To be brief, for want of time, let me just quote the figures from the Budget. For 1943-44, forty-seven Veterinary Assistant Surgeons have been detailed for hospitals. All told the number is 69.

But in the province there are 15 subdivisions and taking Sadre subdivisions the total number is 27. According to these figures Government should be able to send at least one Assistant Veterinary Surgeon to each subdivision. But the subdivision from which I come has not up to the present time been provided with one. Jowai Subdivision is both a pastoral and agricultural country and its importance has been enhanced by the fact that in the last 3 or 4 years, *i.e.*, since the war broke out, the volume of cattle trade has increased to a hundred times more than before. The cattle after week through the Jowai Subdivision. This proves to be a source of grave risk to the cattle of the inhabitants. I therefore request Government to see that the subdivision is also provided with one Veterinary Assistant Surgeon at its headquarters station.

**The Hon'ble Mr. NABA KUMAR DUTTA:** Mr. Speaker, Sir, the hon. Members of this House are aware of the fact that the Veterinary Department in this province works under a system of dual control. The Veterinary dispensaries and the Veterinary Assistant Surgeons are maintained by the combined financial efforts of the Government and the Local



Boards. While some of the Local Boards have been maintaining more than the original idea of maintaining two for each Local Board, some Boards are not in a position to increase the number even when sanctioned by the Government. As for instance, Sir, one extra Veterinary Assistant Surgeon sanctioned for Gauhati Local Board has not yet been filled up by that Board. There are other difficulties also. Qualified men are not available in the province in order to expand the Veterinary Department. To get qualified Surgeons Government has to send students to the Bengal Veterinary College to take training by providing funds but the number of seats allotted to Assam is very limited. This Government has to contribute a sum of nearly Rs.600 for each stipendiary in that college annually, and we are to award Rs.20 per mensem as stipend for each stipendiary. Owing to these facts, Sir, this Veterinary Department is making a slow progress in the matter of expansion. The demand for Veterinary service is going on gradually not for the treatment of cattle in the dispensaries alone but for the prevention of cattle against epidemics of cattle disease. Having regard to this fact, Sir, the last Ministry appointed a set of people known as Veterinary Field Assistants numbering 85. These Field Assistants are not at all trained men. They are trained to this extent only that will enable them to give vaccination, inoculation and to make castration. They are not allowed to prescribe medicines. Their duties are to help the Veterinary Assistant Surgeons. Needless to say, Sir, that in recruitment of men to this kind of service Government did not demand high academical qualification; so the salary offered to these Field Assistants was considered to be suitable at the time of appointment. The Government have realised now that the salary is inadequate at the present moment, and for this reason, it is in my view to consider whether it will be possible to give them the same scale of pay as we are giving to the Agricultural Demonstrators. The services rendered by these Field Assistants are found useful and in appreciation, Government have extended the term of the first batch of the Field Assistants numbering 49 for another three years, and it is expected that the term of office of the other Field Assistants will also be extended.

Regarding cattle mortality, Sir, the chief disease in this province is the rinderpest and the only medicine for the treatment of that disease is the goat tissue vaccine. We are not getting a regular supply of this medicine now on account of transport difficulties. For that reason the activities of the Department with regard to the treatment of cattle with that vaccine has been checked to some extent. In this abnormal circumstances in the matter of finances, the Government have been trying their best to expand the sphere of this Department as far as possible and I can assure the hon. Members that as soon as better times will come Government will see and try to make the services of the Field Assistants permanent and give them a better touring allowance. With these words I would request the hon. Member to withdraw his Motion.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** The reply is perfectly unsatisfactory. I am not going to withdraw the Motion.

**The Hon'ble the SPEAKER:** The question is:

"That the total provision of Rs.2,15,400 under Grant No.21, Major head—41.—Veterinary, at page 151 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.2,15,400 do stand reduced by Rs.101."

The question was negatived.



**The Hon'ble the SPEAKER:** The question now is :

"That a sum not exceeding Rs.2,15,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '41.—Veterinary'."

The question was adopted.

#### GRANT No. 5

#### 10.—FORESTS

**The Hon'ble Maulavi MUNAWWAR ALI:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.12,02,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "10.—Forests".

**The Hon'ble the SPEAKER:** Motion moved :

"That a sum not exceeding Rs.12,02,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '10.—Forests'."

There are four cut motions. Cut motion No.4 standing in the name of Maulavi Abdur Rahman which is for the consideration of a question of policy may be taken up.

Maulavi Abdur Rahman is not in his seat now and Mr. Mookerjee may move his motion.

**Mr. BAIDYANATH MOOKERJEE:** I beg, Sir to move that the provision of Rs.1,28,365 under Grant No.5, Major head 10.—Forests, Minor head A.—Conservancy and Works, Sub-head—VII—Organisation, improvement and extension of forests (total), at page 47 of the Budget, be reduced by Rs.201, *i.e.*, the amount of the whole grant of Rs.12,02,500 do stand reduced by Rs.201.

Sir, I have tabled this Motion to criticise Government for their policy regarding the Forest Department.

Sir, it was stated during the last Budget session and even during the current session that this Department is drawing good revenue to the province. Sir, so far as the organisation, improvement and extension side of this Department is concerned, I think that the Government is not moving in the proper line. More attention should be given to this side. It is quite evident from the revenue that a large number of timber is being extracted from the forest. The money that has been provided for the improvement and extension of forest is very inadequate.

I shall point out another factor which was brought before the House by my Friend Maulavi Muzarraf Ali Laskar. Not only at Hailakandi but in other places also, I heard that settlement of forests was made without any principle whatsoever. Sir, if even half of what my Friend said the other day be true, it is really staggering to hear. Though there was no dispute or any challenge from the Government side, still it is very difficult for us to believe that such a thing occurred in the district of Cachar at the time of settling Lushai Hills Forests or Cachar forests. Sir, I hope, the Hon'ble Minister-in-charge will enlighten the House on that point which was raised the other day. In the Budget Speech we found that the Government were contemplating to increase the number of officers and that they were also thinking whether officers from other places of the Imperial cadre should be engaged or not. It was decided a few years back that Government should recruit men from the province and that they should be, according to experience, promoted to the higher posts and that they will carry on the administration of the



Department. I hope that Government will not go back to over-rule that decision. With these words I commend my Motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** Cut Motion moved :

"That the provision of Rs.1,28,365 under Grant No.5, Major head—10.—Forests, Minor head—A.—Conservancy and Works, Sub-head—VII—Organisation, improvement and extension of forests (total), at page 47 of the Budget, be reduced by Rs 201, i.e., the amount of the whole grant of Rs.12,02,500 do stand reduced by Rs.201."

**Mr. F. W. BLENNERHASSETT:** Mr. Speaker, Sir, there have been many occasions when we from these benches have had to criticise the policy of the Forest Department and I am afraid, Sir, cause for our criticisms still remains. It should be the responsibility of the Department to provide to this Province not only revenue but crops—when I say crops, I mean things of usefulness to the people and from that point of view, we, in the last November Session, urged that any way two major products—I mean charcoal and cinchona should engage the attention of the Forest Department now as never before. With regard to charcoal—I speak open to correction—I do not believe that the Forest Department have yet taken the matter seriously nor considered the production of charcoal in bulk. Imported motor vehicles are now being sent to us for use in the Provincial Motor Transport Organisation. On the one hand, and I speak with authority when I say this, a large number of these provincial motor service vehicles are designed to burn charcoal for producer gas, and on the other hand, I believe that even they are having difficulty in getting charcoal for their producer gas plants. Now, Sir, that position is nothing less than ludicrous, if it were not scandalous, and I do urge upon the Government once again to give us not only a definite assurance that "this subject will be taken up in right earnest," but see to it that it is. Everybody knows that we are faced with two very grave shortages; petrol and transport and unless transport is forthcoming, the province will be in the most serious difficulty. Petrol is unobtainable; producer gas plants are obtainable, yet charcoal is unobtainable from which to make producer gas. My next point, Sir, is the matter of cinchona. In the last Session, we had reason to complain of the inadequate sum budgeted under the heading "Cinchona production". The figure actually was Rs.8,000. We complained about that then and were told by the Hon'ble Minister-in-charge of the subject that for the time being the cinchona plantations in this province had been placed on a care and maintenance basis and for that reason Rs.8,000 only had been allotted. In the Budget before us at this present time, we see a provision made for a sum of Rs.8,750 which is no better. Now, Sir, in this province, there is no dearth of places in which cinchona will grow and thrive. There is no doubt about it. I have recently come back from a tour in the south and I myself saw the Madras Government's cinchona plantations and I can testify that not only do they flourish but they pay. Not only have Madras established cinchona plantation in the usual orthodox manner, but they are now experimenting on the lines of the Russian experiment, to which reference also was made in the last Session, and we were told that similar experiments would be made here. Have they been made? I do not think so, Sir. They should be made because what the Madras Government can do there this Government can do here. There is absolutely no excuse for not doing it, Sir. May we ask then therefore that these two major products shall receive not only the assurance of Government's attention but the actual activities of the Forest Department and that they will really see that these two prime necessities shall be supplied without further delay?



**Dr. C. C. TERRELL:** Mr. Speaker, Sir, I should like to say a few words in support of this Motion that has been brought before the House and in particular to draw the attention of the Government to the great importance for doing something immediately to further the question of cinchona cultivation. Two years ago during the Budget Session, I made a short speech in this House pointing out at that time that there had been a considerable increase in the price of quinine as a result of the fact that the quinine supplies used in the country in the past were imported and I urged upon the Government the importance of embarking immediately on an energetic campaign of cinchona cultivation—that was a year before Japan came into the war and a year before the catastrophe of the fall of Java. Since then the position has become very serious and at the present time we are faced with a very serious shortage in supply of quinine, which is so vital for the treatment of Malaria. It is a great problem in India because it is not available in anything like the quantity that it should be and at a price to make it reasonably available to the poorer classes of the community. You have heard, Sir, from the last speaker of a new method that is being followed in Russia to deal with the emergent situation that has arisen. I do not know a great deal about the method myself but briefly the facts are these. In the ordinary course of events cinchona plants take about seven years to reach maturity when the bark can be dealt with commercially without injuring the plant permanently. To deal with the emergency, a plan has been adopted of growing the plants for a period of 18 months and uprooting the whole plant and using this for extracting the alkaloids which are used in the treatment of Malaria and various cinchona by-products. Mr. Speaker, Sir, I should like to commend this experiment to the Department concerned with a recommendation that there should be no further delay in dealing with this extremely important matter. There are enormous areas of land in this province which are entirely suitable for the growth of this particular plant both in these Hills, in which we are residing at the present time, and all the other Hill tracts throughout Assam including enormous undeveloped areas in the Lushai Hills. I am convinced, Sir, that a great amount of land can be used profitably for cinchona cultivation and I hope it will be possible for Government to further this very important subject and not to take a short-sighted view. It is possibly thought that the war will be over soon and so it does not matter. I think we should take a long sighted view and visualise the possibility of this country having to be entirely dependent on its own supplies within two years from now.

If we do not act now very promptly the situation is going to be extremely serious.

**Babu NIRENDRA NATH DEV:** Mr. Speaker, Sir, I am glad to associate myself with what has been said by Mr. Blennerhassett and Dr. Terrell. They have stated all the facts and the subject has been very well dealt with by the hon. speakers. My suggestion to the Hon'ble Minister-in-charge of this Department is that they should transfer this cinchona plantation from the Forest Department to the hands of the Agriculture Department. I do not think the Officers of the Forest Department are the proper persons to take care of this plantation. The whole amount of money is actually squandered away for, I know, the plantation has not yet improved a bit since it has gone to the hands of the Forest Department and so my suggestion to Government is that they should transfer this plantation to the hands of the Agriculture Department because the Officers of the Agriculture Department can with their scientific knowledge of Botany try to improve the plantation. As regards the chemical side, I think, the Pasteur Institute



Laboratory can be entrusted with this task. Then, Sir, by the Russian method as has been said by the hon. speakers, we can have quinine within a year or two from the plantation that is already there. So with these few words, I will again request the Hon'ble Minister to consider the question if they can transfer this cinchona plantation to the hands of the Agriculture Department and if they can provide more funds for the purpose.

**The Hon'ble Maulavi MUNAWWAR ALI:** Mr. Speaker, Sir, I am thankful to the hon. Mover of this Motion for bringing pointedly to the notice of the House various points which are undoubtedly to be of much importance and to other hon. Members who followed with no less important matters.

Mr. Mookerjee complained of want of planning and organisation, etc.; he thinks that the present organisation is unsatisfactory. I can tell the hon. Member that the Department has been doing all that was possible under the financial limitations from which they have been suffering so long. As regards organisation, there is a plan for increasing the plantation of various trees and forest produce which are to be of immense value in time to the Provincial Exchequer. There is, for example, our *sal* forests, soft wood forests and so on. We have been steadily improving them, and I wish my hon. Friend had taken the trouble at least once to go to the site and see what was there. (Mr. Baidyanath Mookerjee:—Which forest?) I would not refer him to the other valley but confine to his own district. He could go even in his own district of Sylhet near the Raghunandan Hills in the Habiganj Subdivision where we have been planting *sal*, and also within the vicinity of the town of Maulvibazar where there is a steady plan of plantation of *sal* and other valuable trees.

**\*Mr. BAIDYANATH MOOKERJEE:** On a point of information to the Hon'ble Minister. I had been to that place on more occasions than the Hon'ble Minister has gone himself.

**The Hon'ble Maulavi MUNAWWAR ALI:** It was only in the month of January last that accompanied by the Divisional Forest Officer, Sylhet, I visited the locality and satisfied myself that steady progress was being made.

**\*Mr. BAIDYANATH MOOKERJEE:** May I know whether the Hon'ble Minister only heard it from the Forest Officer or that was his personal impression? How many times before that did the Hon'ble Minister go to that place?

**The Hon'ble Maulavi MUNAWWAR ALI:** I told him that it was only in January last that I went to the spot myself. (Mr. Baidyanath Mookerjee:—That was probably the first and the last time he did so.) Mr. Mookerjee thinks that the Forest Department is carrying on without any principle behind it. He may say so if he chooses to; I should not quarrel with him. But I wish to tell him that the Forest Department is a scientific department, and a scientific department cannot proceed without specific principles to work under.

If under the exigencies of the situation it has been necessary to increase the number of officers in the Department, in view of the extraordinary situation created by the war and under the pressure of the Government of India for supply of forest produce, I think the hon. Member should have no objection to that. But I can assure him that if officers were available within the province, natives of the soil would certainly get preference.

I am grateful to my hon. Friend Mr. Blennerhassett for bringing to the notice of this House and the Government two very important points, *viz.*,

\* Speech not corrected by the hon. Member,



charcoal and cinchona. I am thankful that he has emphasised cinchona. I do not join issue with my hon. Friend, I gladly welcome his suggestions. I am at one with him when he suggests that cinchona plantation should be taken up in right earnest. For his information I can tell him that the problem has not only had the sympathy of Government, but it has had its actual support in the shape of launching a planned programme of cinchona cultivation in this province where its possibilities are immense. The reason for the provision for that account being so low is this: the Government of India invited the provinces which have possibilities of cinchona cultivation, *viz.*, Madras, Bengal and Assam, etc., to submit estimates for extension of cinchona cultivation. Our officers made a plan and submitted the estimates accordingly, but unfortunately the Government of India have turned down our proposal as being too costly, particularly in Bengal, etc., on account of the fact that the enemy is knocking at our doors which is responsible for an abnormal rise in the price of labour. In spite of that I have asked the Department not to get discouraged; I have asked them to continue as if the proposals that were framed for the Government of India would be taken up in right earnest. They wanted to know whether they should discharge the labourers engaged in anticipation of the approval of the Government of India—now that India has turned down our proposal. I asked them not to do so, but to continue as if the Government of India had accepted our scheme. I am now labouring to find, in consultation with my Hon. Colleagues of the Cabinet, if it would not be worth our while to provide money by supplementary demand later on (*hear, hear*).

As regards the Russian method and the ordinary method, my hon. Friend Mr. Belnerhassett, has told you, Sir, that according to the Russian method a cinchona plant matures within 18 months. I have tried to study as much as possible within the short space of time during which I have been in charge of the Forest Department, and my conclusion is that it takes from 18 to 44 months according to Russian method whereas under the ordinary method it takes not less than 7 years for the plants to mature. I have asked the Department to try both the methods combined. In the ordinary method the wastage is rather huge, whereas in the Russian method it is very little. I have asked the Department to make a plan as if a mixture of Russian method and ordinary method had been planned, so that when the plants will have grown 18 or 44 months old, 75 per cent. of them will be cut down and the rest will remain because according to the Russian method the intensity of plantations is four times more intense than the ordinary method.

**Mr. F. W. BLENNERHASSETT:** On a point of information, Sir. Will the Hon'ble Minister please tell us approximately what acreage is at present under cultivation and whether any extension is proposed?

**The Hon'ble Maulavi MUNAWWAR ALI:** The experiment here in Assam started as long ago as 1867.

**Mr. F. W. BLENNERHASSETT:** That is more than 7 years, Sir (*laughter*).

**The Hon'ble Maulavi MUNAWWAR ALI:** I do not blame my predecessor Governments, Sir, as I should not. I do not know what led them not to take up the problem more seriously than they had done. But I have noticed sometimes with pleasure and sometimes with very great disappointment and depression the vicissitudes that the cinchona question has had to go through during these long years. Up to the last year it was in a mere experimental stage. Nurseries were started here in the Khasi Hills as well as Mikir Hills and in the Tura ridges of the Garo Hills, and



experiments have proved that our cinchona barks were carrying on quinine sulphate and other alkaloids which were not much inferior in quality and quantity to those of Bengal. This year we have undertaken another 25 acres and we expect to increase it to 25 to 50 acres annually as funds would permit.

**Mr. F. W. BLENNERHASSETT:** What is the present acreage?

**The Hon'ble Maulavi MUNAWWAR ALI:** The present acreage is 25 plus 6 acres.

**The Hon'ble the SPEAKER:** I hope the Hon'ble Minister will finish.

**The Hon'ble Maulavi MUNAWWAR ALI:** I assure the hon. Members of the House that I have been tackling this problem with great interest.

**\*Mr. BAIDYANATH MOOKERJEE:** What about the settlement of forest coupes?

**The Hon'ble Maulavi MUNAWWAR ALI:** As regards the settlement of forest coupes in Excluded Areas, I think this is not within the province of this House. His Excellency disposed of the tenders in his discretion. Lushai Hills, as the hon. Members know, is an Excluded Area where His Excellency administers the business in his discretion under the provisions of the Government of India Act.

**\*Maulavi MUZARROF ALI LASKAR:** Subject of course to the approval of His Excellency, may I know whether the Conservator of Forests passed those orders in consultation with the Hon'ble Minister?

**The Hon'ble Maulavi MUNAWWAR ALI:** No, Sir, as a matter of fact I cannot do that. The Conservator of Forests wanted to know whether it would be possible to bring a harmony between the excluded and included areas. He had a general talk with me and nothing more than that.

**The Hon'ble the SPEAKER:** The question is whether the Hon'ble Minister gave any direction to him.

**The Hon'ble Maulavi MUNAWWAR ALI:** I gave no direction whatsoever.

**\*Maulavi MUZARROF ALI LASKAR:** As regards Cachar?

**The Hon'ble Maulavi MUNAWWAR ALI:** So far as included areas are concerned the Conservator is to pursue the policy laid down by Government, but I can have nothing to do with those that are in the Lushai Hills.

As regards charcoal, I shall remember the suggestion of my hon. Friend, Mr. Blennerhassett, and try to do whatever is possible.

**The Hon'ble the SPEAKER:** Does the hon. Member press his Motion?

**\*Mr. BAIDYANATH MOOKERJEE:** Yes, Sir.

**The Hon'ble the SPEAKER:** The question is:

"That the provision of Rs. 1,28,365 under Grant No. 5, Major head—10.—Forest, Minor head—A.—Conservancy and works, Sub-head—VII—Organisation, improvement, and extension of forests (total), at page 47 of the Budget, be reduced by Rs. 201, *i. e.*, the amount of the whole grant of Rs. 12,02,500 do stand reduced by Rs. 201".

The question was negatived.

**The Hon'ble the SPEAKER:** The question is:

"That a sum not exceeding Rs. 12,02,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head—10.—Forests"

The question was adopted.



## GRANT No. 6

## 11.—REGISTRATION

**The Hon'ble Srijut RUPNATH BRAHMA:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 1,62,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "11.—Registration".

**The Hon'ble the SPEAKER:** Motion moved :

"That a sum not exceeding Rs. 1,62,800 be granted to defray the charges which will come in the course of payment during the year ending on 31st March 1944, for the administration of the head '11.—Registration'."

There is only one cut Motion standing in the name of Maulavi Muhammad Maqbul Hussain Chaudhury. Is he going to move ?

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I beg, Sir, to move that the provision of Rs. 71,355 under Grant No. 6, Major head 11.—Registration—Minor head—A.—District Charges, Sub-head—1.—Pay of Officers (total), at page 51 of the Budget, be reduced by Rs. 101, *i. e.*, the amount of the whole grant of Rs. 1,62,800 do stand reduced by Rs. 101.

The object of my Motion is to criticise Government for granting extension to certain officers of the Registration Department.

Sir, it is a well known fact that the Home Department has refused to grant extension to officers subordinate to them, but I understand that the Registration Department is now granting extension to their officers. I do not grudge the extension granted to any particular officer, but as the matter stands now we have many unemployed youngmen in the province and we cannot forget that we should make room for them. Having this view in my mind I have raised this discussion that no extension should be granted to any officer. I do not make any specific charge against anybody. I make a general review and I hope the Hon'ble Minister has understood what I mean and he will not in future grant extension to any officer. With these words I commend my Motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** Cut Motion moved :

"That the provision of Rs. 71,355 under Grant No. 6, Major head—11.—Registration, Minor head—A.—District Charges, Sub-head—1.—Pay of Officers (total), at page 51 of the Budget, be reduced by Rs. 101, *i. e.*, the amount of the whole grant of Rs. 1,62,800 do stand reduced by Rs. 101."

**The Hon'ble Srijut RUPNATH BRAHMA:** Mr. Speaker, Sir, the hon. Mover of this cut Motion has not been able to bring out any specific case and so far as my information goes, I can straightaway tell the hon. Member that there has been no case of such extension in the Registration Department since the assumption of office by the present Ministry. The only case which can be cited in this connection is the case of Babu Sarada Charan Bhattacharya and that was done by His Excellency during the section 93 administration. This is not the policy of the present Ministry to give any extension.

**The Hon'ble the SPEAKER:** Does the hon. Member press his Motion ?

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** No, Sir.

The Motion was, by leave of the House, withdrawn.

**The Hon'ble the SPEAKER:** The question is :

"That a sum not exceeding Rs. 1,62,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '11.—Registration'."

The question was adopted.



## GRANT No. 32

## 63.—EXTRAORDINARY CHARGES

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs 17,88,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head "63.—Extraordinary Charges."

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.17,88,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '63.—Extraordinary Charges'."

There is one cut Motion standing in the name of Mr. Mookerjee. I do not see him in his seat. Any discussion on this demand? (*A voice—No*) Then I am putting this as a question.

The question is:

"That a sum not exceeding Rs.17,88,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1944, for the administration of the head '63.—Extraordinary Charges'."

The question was adopted.

Adjournment.

The Assembly was then adjourned till 11 A.M. on Thursday, the 18th March, 1943.

Shillong,  
The 24th April, 1943.

A. K. BARUA,  
Secretary, Legislative Assembly, Assam.

## APPENDIX D

Demi-official No. F.-26/36F.  
GOVERNMENT OF INDIA,  
REFORMS OFFICE.

New Delhi, the 16th March 1937.

Dear Mr. Dawson,

With our demi-official letter No. F.26/36F., dated the 2nd February 1937 we sent to you a copy of our letter, dated 29th January 1937 and draft Governor's rules forwarded therewith to the Secretary of State for approval, of which rule 16 deals with supplementary demands. In paragraph 2 of the letter to the India Office we have taken the view that it will not be *ultra vires* for the ordinary legislative rules to contain supplementary provisions relating to financial procedure.

2. In this connection we have been examining the suitability of the existing Provincial Legislative Council rule 32 having regard to the provisions of sections 78-81 of the Government of India Act, 1935, with particular reference to the legality of the submission of token demands. The result of our examination may be summed up as follows.

3. In the first place it seems clear that under section 80 of the new Act the Governor does not authenticate all the items in the Budget, but only the total amounts of the grants made by the Legislature. This does not at first sight seem to fit in well with the words "specified in the schedule" in section 80 (3); but the word "specified" should be read closely with the word "specifying" in the second line of section 80(1). If any other view were adopted, reappropriations of any sort would be barred (as even the Governor himself cannot modify an authenticated schedule), which cannot be the intention.

4. In the second place, section 81 of the new Act, of which there is no counterpart in the existing Act, precludes the submission of a demand



for a grant at a stage subsequent to the initial authentication for the year under section 80, save by the laying of a supplementary statement to which all the obligations imposed by sections 78 to 80 are attached, including in particular section 79(2). In other words, section 81 does not contemplate the submission of a token demand.

5. Where, therefore, it is decided to incur votable expenditure outside the scope of any of the grants authenticated under section 80 it is contemplated that a demand for the full amount of the expenditure should be presented irrespectively of the fact that savings may be available in the authenticated grant from which the new expenditure could be met. In such circumstances savings in the authenticated grants could only be dealt with by surrender.

6. Further, section 81 does not contemplate the submission of a demand for a supplementary grant except in the circumstances referred to in that section. If it is desired at a stage after the authentication of a schedule to incur expenditure not on a technically "new service" but on what has been called in the past a new "instrument" of service (a "new" service being *ex-hypothesi* outside the scope of the grant, while a new "instrument" of service might lie within its scope), section 81 does not contemplate that a demand, token or otherwise, shall be submitted for it. If the explicit concurrence of the Legislature is desired to such an item of expenditure, it could be obtained through the process of a resolution.

7. But it is clear that an intention to incur in the course of a year expenditure on a service or item lying outside the scope of the grant itself is an intention to incur expenditure over and above what will have been authorised, either explicitly or implicitly, in the originally authenticated schedule, and will therefore have to be put to the Legislature under the procedure laid down in section 81 of the Act.

8. The remarks made above show that the presentation of a token grant under section 81, either for the purpose of a new service or of a new instrument of service, even if savings are available from the originally authenticated amount is not contemplated by the Act and that any statutory provision such as that contained in the existing Provincial Council rule 32 should disappear.

9. The conclusion has accordingly been arrived at that the substance of rule 32 is either covered by the new Act itself or is strictly speaking inconsistent with it, and that no such rule will be necessary or desirable from the 1st April 1937. If and when it disappears, there will be no statutory reference to "token vote" or to "new service" or to new "instruments of service".

10. On the other hand, there is no doubt that, as at present, reappropriations will be legitimate between an original grant and its supplementary and that a token grant will cause no administrative difficulties. Another most important consideration is that Legislatures would be well advised to acquiesce in the practice of token grants on the ground that they would otherwise be putting in to the hands of the executive admittedly supererogatory supplies with possible consequences. It is suggested therefore that provincial Governments should avoid a statutory anomaly by cancelling the existing rule 32 in the course of the adaptations effected under section 84(3) of the Act; but that in practice they should continue the token grant system as at present until the Legislature objects.

Yours sincerely,  
V. P. MENON.

J. A. DAWSON, Esq., C.I.E., I.C.S.,  
Chief Secretary to the Government of Assam.



