

Proceedings of the Fourth Session of the Second Assam Legislative Assembly assembled under the provisions of the Government of India Act, 1935

The Assembly met in the Assembly Chamber, Shillong, at 1-30 p.m. on Friday, the 12th March, 1948

P R E S E N T

The Hon'ble Mr. Lakshesvar Borooah, Speaker, in the Chair, seven Hon'ble Ministers and forty-five Members.

Oath of allegiance

The Hon'ble the SPEAKER: Is there any hon. Member who has not taken the new oath of allegiance?

The following hon. Members were then sworn in:—

- (1) Srijut Rajendranath Barua,
- (2) Srijut Manisankar Basumatari,
- (3) Babu Khagendranath Samaddar,
- (4) Srijut Beliram Das,
- (5) Mr. Binode Kumar J. Sarwan,
- (6) Srijut Hareswar Das.

The Hon'ble the SPEAKER: I think, there is no other hon. Member left. We may take up Unstarred Questions.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Transport difficulties between Calcutta and Assam

Maulavi Md. MAKSED ALI asked:

41. (a) Are Government aware that for want of booking facilities, jute cannot at all be timely transported to Calcutta through Lalmonirhat and Parbatipur?
- (b) Are Government aware that for want of this timely booking the price of jute has come down appreciably and that the poor jute growers of Assam are not getting the actual price for the same?
- (c) Are Government aware that cloth, yarn and other articles cannot be quickly transported into Assam from Calcutta because these things are delayed at Lalmonirhat and Parbatipur which fall within East Pakistan?
- (d) Are Government aware that this sort of blocking of things at Parbatipur and Lalmonirhat is causing great hardship to the people of Assam?
- (e) Do Government propose to move the East Pakistan Government to take necessary steps to remove this hardship?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

41. (a)—Yes. This is due to congestion at Parbatipur, Lalmonirhat and other Railway stations in East Pakistan. The present indications are that the position has since improved.

(b)—Yes.

(c) and (d)—Yes.

(e)—This Government referred the whole matter to the Government of India who has taken it up with the Pakistan Government.

Upper class passengers of Bengal-Assam Railway

Maulavi Md. MAKSED ALI asked :

42. (a) Are Government aware that upper class passengers in the Bengal-Assam Railway do not get proper accommodations due to dearth of upper class compartments ?

(b) Do Government propose to move the proper authorities for removal of such difficulties in no time ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

42. (a) and (b)—There is dearth of compartments in general and is not confined to upper class only. Government have taken up the matter with the Railway Authorities.

Issue of petrol and sale of Motor Cars by Messrs. Allenbery & Co. in Dibrugarh

Srijut BHADRA KANTA GOGOI asked :

43. (a) Will Government be pleased to state how many gallons of petrol have been issued to Messrs. Allen Berry and Company, Dibrugarh from 1st January 1946, till 28th February 1947, for transport vehicles which they purchased from the Military ?

(b) Is it a fact that lately about fourteen thousand gallons of petrol were issued to them in about one month for the purpose of transport of their vehicles purchased from the Military ?

(c) If not, what quantity of petrol was issued to them month by month during the period of last 14 months ?

(d) Are Government aware that the said Messrs. Allen Berry and Company are going to sell the vehicles and other stores purchased from surplus military dump to foreign countries ?

(e) Has the attention of Government been drawn to the statement of its Chairman, Mr. Dalmia Jain, delivered in the last Annual General Meeting of the Company, which was published in the Press to the effect that the Company was negotiating with a foreign power for export of the vehicles and stores purchased from the Military in the Assam area ?

(f) Is it a fact that the petrol issued to the said Company has been given out of the quota allotted to the Province of Assam ?

(g) Are Government aware that the Superintendent of Police, Dibrugarh of that time took active partisanship interest in the affairs of the said Company, at Dibrugarh particularly in disputes with third parties ?

(h) Are Government aware that the said Superintendent of Police, Dibrugarh was more devoted to (i) in the affairs of the said Company, and (ii) Poker and Flush (Gambling) than to the duties for which he is paid by the Government ?

(i) Are Government aware that the said Superintendent of Police, Dibrugarh issued petrol coupons to Messrs. Allen Berry and Company, at the expense of other cars and truck owners that is to say by restricting their petrol ration?

(j) Is it a fact that the said Superintendent of Police, Dibrugarh, obtained as many as eleven vehicles from Messrs. Allen Berry and Company, and again sold them to others for profit?

(k) If not, will Government be pleased to state how many vehicles he got and sold during the 14 months, i.e., from January 1946 to February 1947?

(l) Will Government be pleased to give the dates of registration of the name and dates for sale by him of the said vehicles?

(m) Do Government propose to make an enquiry and take necessary steps against this officer?

44. Will Government be pleased to state—

(a) How many gallons of petrol were issued to (i) Prahladroy Bhagabandas, (ii) R. L. Soharia, Hanutram Rampratab or any other firm in his name or in his sons' names and (iii) Messrs. Sohansing Tehelsing of Jorhat from 1st January, 1946 to 28th February 1947?

(b) For what purpose the petrol was issued?

(c) Whether this petrol was issued out of the quota allotted to this province or any special quota was allotted for this purpose?

45. How many Motor Vehicles purchased from Military dumps or other sources have been registered in Assam since 1st January, 1945 to 28th February 1947 and where from petrol ration has been issued for these?

*The Hon'ble Srijut RAMNATH DAS replied:

43. (a)—4,508 gallons.

(b)—No.

(c)—The quantities of petrol issued to Messrs. Allen Berry and Company month by month during the period from January 1946 to February 1947 are as follows:—

January 1946	...	20 gallons.	August 1946	...	186 gallons.
February "	...	118 "	September "	...	266 "
March "	...	20 "	October "	...	50 "
April "	...	64 "	November "	...	1,306 "
May "	...	94 "	December "	...	72 "
June "	...	80 "	January 1947	...	350 "
July "	...	40 "	February "	...	1,842 "

(d)—Government have no information.

(e)—No.

(f)—Yes.

(g) & (h)—Government have had no evidence to support these allegations. The Superintendent of Police to whom they refer was transferred in March 1947 in the ordinary course.

(i)—No.

(j)—No. The then Superintendent bought for his own use one jeep and two cars but subsequently has sold them.

(k)—The then Superintendent bought two jeeps for his own use at various times, but subsequently sold them. He also assembled as a hobby 3 jeeps and sold them when completed. The purchase were not from Messrs. Allen Berry, but from various dumps.

* The Hon'ble Srijut Ramnath Das replied the Questions in the absence of the Hon'ble Srijut Gopinath Bardoloi.

(l)—The date of registration and sale of the vehicles registered in the name of Mr. D. C. Dutt:—

Serial No.	Registration No. of vehicles	Date of Registration	Registered in the name of	Date of sale	Remarks
1	ASL 2471	27th April 1946	D. C. Dutt, Esq., i. p., Superintendent of Police, Lakhimpur.	16th July 1946.	
2	" 2634	15th August 1946	Ditto	11th Nov. 1946.	
3	" 2708	21st September 1946.	Ditto	19th Oct. 1946.	
4	" 2838	13th November 1946.	Ditto	3rd Jan. 1947.	
5	" 2929	16th December 1946.	Ditto	16th Jan. 1947.	
6	" 3054	8th February	Ditto	Not sold.	
7	" 3146	1st March 1947	Ditto	14th March 1947.	
8	" 3211	22nd March 1947.	Ditto	Not sold.	
9	" 3212	Ditto	Ditto	Not sold (trailer).	

(m)—Government have known the facts and see no purpose in an enquiry.

Srijut BHADRA KANTA GOGOI: মাননীয় মন্ত্রী ডাঃবীয়াব উত্তরব পৰা জনাযায় যে সেই সময়ৰ ভিতৰত S. P. এ ৯ খন গাড়ী কিনি এমাহ বা দুমাহৰ পিচত বিক্ৰী কৰিছে। ইয়াৰ পৰা ইয়াকে নজনাই নে যে উক্ত কৰ্মচাৰীজন ডিব্ৰুগড়ত কেৱল কাৰবাৰ কৰিবলৈহে আছিল—কাম কৰিবলৈ নহয়?

The Hon'ble Srijut RAMNATH DAS: It is a matter of opinion, Sir.

Srijut SARAT CHANDRA SINHA: মন্ত্রী ডাঃবীয়াই কৈছে যে এইটো Opinionৰ কথা। S. P. চাহাবে মটৰ গাড়ী কিনিছে আৰু বেচিছে—ইয়াৰ পৰাই তেওঁ কাৰবাৰ কৰিছে বুলি ধৰি লোৱা হৈছে। ইয়াতে opinion অৰু কথা কেনেকৈ আছে?

Srijut BELIRAM DAS: তেওঁ লাভ লৈ বেচিছে নে লাভ নোলোৱাকৈ বেচিছে এই বিষয়ে গবৰ্ণমেণ্টে কিবা enquiry কৰিবনে?

The Hon'ble Srijut RAMNATH DAS: We have no information whether he sold all those cars with or without profit.

Srijut MOTIRAM BORA: এনেকৈ অইন কৰ্মচাৰীকো গবৰ্ণমেণ্টে কাৰবাৰ কৰিবলৈ দিবনে?

The Hon'ble Srijut RAMNATH DAS: He is not allowed to do business, but no officer is debarred from purchasing and selling of car.

Srijut LAKSHMIDHOR BORA: কেনেকৈ permit লৈ কিনা কৰা হৈছে? Next permit দিয়াৰ আগতে enquiry কৰা হৈছিল নে?

The Hon'ble Srijut RAMNATH DAS: No permit is necessary for 2nd hand cars, Sir.

Srijut BHARDA KANTA GOGOI: যিবিলাক গাড়ী তেওঁ নিজে কিনিছিল সেই বিলাক নিজে register কৰিছিল নে অইন কোনো অফিচাবে কৰিছিল?

The Hon'ble Srijut RAMNATH DAS: The Registering Authority there at Dibrugarh.

Srijut BHARDA KANTA GOGOI: এই ৯ খন গাড়ী নিজৰ নামত লৈছিল। তেওঁৰ পৰিবাৰৰ নামত কিমান গাড়ী লৈছিল?

The Hon'ble Srijut RAMNATH DAS: I think, all these cars were in his name because the answers printed here shows them in his name.

The Hon'ble the SPEAKER: The Hon'ble Minister has not replied the Question raised by Mr. Gogoi.

The Hon'ble Srijut RAMNATH DAS: If he was a registering officer he did the registration but if he was not then he did not do it.

Srijut BHARDA KANTA GOGOI: Register S. P. এই কৰে হবলা?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir.

Srijut BHARDA KANTA GOGOI: তেনেহলে নিজৰ গাড়ী নিজৰ নামত নিজেই register কৰি লৈছিল?

The Hon'ble Srijut RAMNATH DAS: There is no bar, Sir.

Srijut SARAT CHANDRA SINHA: ইয়াত hobby ৰ কথা কৈছে। কোন অফিচাৰৰ কি hobby আছে তাৰ হিচাপ গবৰ্ণমেণ্টে ৰাখেনে?

The Hon'ble Srijut RAMNATH DAS: No, Sir, the Government has not gone into this.

Srijut GAURI KANTA TALUKDAR: When there is an allegation that the same gentleman has been purchasing and selling so many cars, will Government be pleased to enquire whether there is any truth in the allegation?

The Hon'ble Srijut RAMNATH DAS: The facts are before Government.

Srijut GAURI KANTA TALUKDAR: Then are the allegations incorrect?

The Hon'ble Srijut RAMNATH DAS: May be so, Sir.

Srijut GAURI KANTA TALUKDAR: When a Government Servant carry on trade like this, should not Government take action to punish him?

The Hon'ble Srijut RAMNATH DAS: There is no such rule in the Manual to debar a Government Servant to buy and sell cars.

Srijut GAURI KANTA TALUKDAR: When a Government Servant systematically carries on such a business, is it not an offence under the Departmental Rules?

The Hon'ble Srijut RAMNATH DAS: I do not think there can be any bar to a Government servant for purchasing and selling of cars.

Srijut MOTIRAM BORA: তেনেহলে Government Servants' Conduct Rule এ এনেকুৱা business কৰিবলৈ allow কৰে?

The Hon'ble Srijut RAMNATH DAS: I cannot admit this, Sir.

Srijut BHADRA KANTA GOGOI: Government Servant এ business কৰা দোষণীৰ কথা নহয় নে?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir.

Srijut GAURI KANTA TALUKDAR: If it were a question of one or two cars that would have been a different matter. But when a Government officer has purchased so many cars and sold them on profit, should he not be debarred from doing so?

The Hon'ble Srijut RAMNATH DAS: Government is not aware of the fact that he sold all these cars and made profit. It may be that he bought some cars and those cars might not have suited him, so he sold them.

***Srijut MOTIRAM BORA:** এজন গবৰ্ণমেণ্ট অফিচাৰক তেনে লাভ কৰিবলৈ allow কৰিলে অইন অফিচাৰেও তাকে কৰিব। Rule এ allow কৰেনে নকৰে সেইটো পৰিষ্কাৰ হব লাগে।

The Hon'ble Srijut RAMNATH DAS: Government is not aware whether he has sold the cars on profit or not.

***Srijut MOTIRAM BORA:** গবৰ্ণমেণ্ট যদি aware নহয়, তেন্তে এইটো enquiry কৰা উচিত নহব নে?

The Hon'ble Srijut RAMNATH DAS: I have already said that.

***Shri SATINDRA MOHAN DEV:** May we know how could he manage to get permit for buying so many cars? মোটৰেৰ permit আছে— সেই permit পায় কেমন কৰে?

The Hon'ble Srijut RAMNATH DAS: There is no permit for second hand cars.

*** Srijut HALADHAR BHUYAN:** Are these all second hand cars?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir.

Srijut SARAT CHANDRA SINHA: উত্তৰত আছে "He also assembled as a hobby 3 jeeps and sold them when completed" তেওঁৰ যে এই তিনিখন "জীপ" একেলগ কৰাৰ এটা hobby আছে, এইটো গৱৰ্ণমেণ্টে কেনেকৈ জানিব পাৰিলে? অইন অফিচাৰবোৰে তেনেকুৱা hobby আছে বুলি গৱৰ্ণমেণ্টৰ কিবা record আছেনে?

The Hon'ble Srijut RAMNATH DAS: No, Sir, we have no record.

Srijut SARAT CHANDRA SINHA: তেনেহলে গৱৰ্ণমেণ্টে কেনেকৈ জানিলে যে তেওঁৰ এই তিনিখন "জীপ" কিনাৰ hobby আছে?

The Hon'ble Srijut RAMNATH DAS: I got possession of these Questions to-day, Sir.

The Hon'ble the SPEAKER: During the course of 14 months he purchased nine vehicles and sold them. This is something extraordinary on the part of a public officer.

***Srijut BHADRA KANTA GOGOI:** এই কৰ্মচাৰীজনে সন্দেহজনক ভাবে গাড়ী কিনা বেচাৰ কথা গৱৰ্ণমেণ্টে জানি শুনিও Anti-corruption Branch পুলিচৰ দ্বাৰা তদন্ত কৰোৱা আৱশ্যক বুলি বিবেচনা নকৰেনে?

The Hon'ble Srijut RAMNATH DAS: Government will consider this, Sir.

***Srijut BHADRA KANTA GOGOI:** ইয়াত লেখি দিছে যে "Government have had no evidence to support these allegations—".

The Hon'ble Srijut RAMNATH DAS: Apart from the reply, as I have said, we will look into the matter.

***Srijut MOTIRAM BORA:** এই প্ৰশ্নবিলাকৰ উত্তৰ সেইজন অফিচাৰেই supply কৰিছেনে?

The Hon'ble Srijut RAMNATH DAS: No, Sir.

Srijut SARAT CHANDRA SINHA: এই প্ৰশ্নবিলাকৰ উত্তৰ কোনে যোগাইছে?

***Srijut BHADRA KANTA GOGOI:** এই প্ৰশ্নবিলাক ১৯৪৭ চনৰ জানুৱাৰী মাহতে কৰা হৈছিল—কিন্তু উত্তৰ আজিহে পাইছো।

The Hon'ble Srijut RAMNATH DAS: হয় Sir, আজি প্ৰথমতে মই পাইছো।

***Srijut MOTIRAM BORA:** এই প্ৰশ্নবিলাকৰ উত্তৰ দিয়াৰ আগতে তেওঁক সোধা হৈছিল নে?

The Hon'ble Srijut RAMNATH DAS: I. G. P. ক সুধিছিল বোধ হয়।

Srijut SARAT CHANDRA SINHA: তেনেহলে 43 (iii)ত উত্তৰ দিয়া মতে Government have known the facts and see no purpose in an enquiry—এই উত্তৰ তেওঁৰ পৰা পোৱা হৈছে ?

The Hon'ble Srijut RAMNATH DAS: Apart from the reply that is placed here, as I have said that this will be considered by the Government.

***Srijut BHADRA KANTA GOGOI:** এইজন কৰ্মচাৰী ডিব্ৰুগড়ত থকা অৱস্থাত কিমান অমানৱিক হত্যাকাণ্ড, ডকাইতি আদি হৈছিল তাক গৱনমেন্ট জানেনে ?

The Hon'ble Srijut RAMNATH DAS: I have got no information about that. These are absolutely new Questions.

***Srijut BHADRA KANTA GOGOI:** কালি মৰি চাহাবৰ Unstarred Question No. 1. ৰ উত্তৰত পোৱা গৈছে যে তেওঁৰ অৱস্থান কালত ইমান বিলাক murder case, dacoity case ৰ বা নপৰাকৈ আছে। এনেকুৱা এজন অফিচাৰকে আকৌ শিৱসাগৰৰ নিচিনা এখন ডাঙৰ জিলাত ৰখা উচিত বুলি ভাবেনে ?

The Hon'ble Srijut RAMNATH DAS: That is a matter of opinion, Sir.

***Srijut BHADRA KANTA GOGOI:** মই যি উদ্দেশ্য লৈ প্ৰশ্নবিলাক শুনিছিনো মই ডাঙৰীয়াৰ উত্তৰৰ পৰা সেই বিষয়ে মই সন্তুষ্ট হবপৰা নাই। এই বিষয়ে মই আলোচনা কৰিবলৈ বিচাৰো। আশাকৰো সভাপতি ডাঙৰীয়াই Assembly Rule ৰ 80 ধাৰা মতে এই বিষয়ে আলোচনা কৰিবলৈ অলপ সময় দিব।

The Hon'ble the SPEAKER: As I said there is something extraordinary in the whole affair. A public officer purchased so many cars and sold them during the course of fourteen months at Dibrugarh and the hon. Member is perfectly within his rights to demand for a discussion. Therefore I am disposed to allow him a discussion after the close of the business of to-day under rule 40 of the Assembly Rules.

The Hon'ble Srijut RAMNATH DAS replied :

44. (a) (i)—None to any person of this name.

(ii)—10,234 gallons.

(iii)—22,287 gallons.

(b)—The petrol shown against item (ii) was issued, amongst other uses, for tea garden works, clearance of Military dumps, transport of logs and timber, carriage of miscellaneous materials, supervision of contracts and in connection with saw mills.

The petrol shown against item (iii) was issued, amongst other uses, for bus services, Public Works Department contract work, clearance of military dumps, transport of building materials and work on brickfields.

(c)—The district quota was increased from the provincial allotment of petrol in order to meet these needs.

Srijut HALADHAR BHUYA : 44 (a) প্রশ্নৰ উত্তৰত এই যে ২২,২৮৭ গেলন তেল চোহান সিঙক দিছে বুলি কৈছে, আমি জানো যে তেওঁ যোৰহাটৰ মানুহ। যোৰহাটৰ মানুহে ভিক্ৰগড়ত পেট্ৰল কেনেকৈ পালে? চোহান সিঙৰ মটৰ আৰু কি কি কাৰবাৰ আছে? এই পেট্ৰল মাহেকত নে বছৰেকত দিয়া হৈছে এইটো লেখা নাই।

***The Hon'ble Srijut RAMNATH DAS** : এই তিনি ১৪ মাহৰ ভিতৰত দিয়া হৈছে।

The Hon'ble Srijut RAMNATH DAS replied :

45.—2,072 Motor Vehicles (including Sylhet) were purchased from Military dumps and registered in Assam during 1st January 1945 to 28th February 1947. The petrol issued in this connection has been from the provincial quota.

Personal Assistant to the Director of Veterinary Department

Maulavi MAHAMMAD ROUFIQUE asked :

46. Will Government be pleased to state—

(a) If it is a fact that the post of the Personal Assistant to the Director of Veterinary Department fell vacant recently and was filled up by the Director himself without advertisement by a junior clerk who happens to hail from Sylhet?

(b) What is the scale of pay of the Personal Assistant and what was the pay of the clerk at the time of his appointment to the new post?

(c) Whether it is a fact that the Personal Assistant to the Inspector General of Civil Hospitals, Assam, is a technically qualified man?

(d) If so, why the Personal Assistant to the Director of Veterinary Department was not filled up with a technically qualified man?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

46. (a)—No. The post of the Personal Assistant to Director of Veterinary Department, Assam, was sanctioned by Government temporarily for one year only and was filled up by promotion of the Head Assistant of that office.

(b)—The scale of pay of the Personal Assistant is Rs.225—10—275 and the Head Assistant who was promoted was drawing Rs.132-8-0 per mensem at the time of promotion.

(c)—Yes.

(d)—The matter is under consideration of the Government.

Srijut GAURI KANTA TALUKDAR : The post of the Personal Assistant to the Director of Veterinary Department carries a salary of Rs.225 to Rs.275. Will Government be pleased to let us know why the post was filled up by promotion of a person who is not technically qualified?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : It has been stated in the reply that it was temporarily sanctioned for one year and the post was filled up by promotion. It is a matter of policy. If, of course, the hon. Member desires that in future the Personal Assistant should be a man technically qualified then such a man will be appointed.

Srijut GAURI KANTA TALUKDAR: Then may I know, Sir, when the appointment was made ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is in the answer; I think, last year.

Srijut GAURI KANTA TALUKDAR: Then one year is not over ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Yes, it is over.

The Hon'ble the SPEAKER: The hon. Member should address me and not the Hon'ble Minister.

Srijut GAURI KANTA TALUKDAR: It is understood that I am asking the Question through the Chair. The post was meant to be temporary and for one year. May I know whether one year has elapsed ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is a matter of dates and am not in a position to give the hon. Member the exact date. My impression is that it is over.

Srijut GAURI KANTA TALUKDAR: Then why the post is not being advertised and a technically qualified man sought for ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is to be considered whether the post should be retained at all.

Srijut GAURI KANTA TALUKDAR: Do I understand that the gentleman will be allowed to go on holding such an important post indefinitely without any time limit ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Certainly not. When the hon. Member has put this Question certainly I shall be on my guard.

Srijut GAURI KANTA TALUKDAR: The Question No.46(c) asked—Whether it was a fact that the Personal Assistant to the Inspector General of Civil Hospitals is required to be a technically qualified man ? The answer is—Yes. Then the other question No.46(d) asked—If so, why the Personal Assistant to the Director of Veterinary Department was not filled up by a technically qualified man ? The reply is—The matter is under consideration of the Government. What is the significance of this reply, I do not understand ?

The Hon'ble Maul vi ABDUL MATLIB MAZUMDAR: It is not as the hon. Member has said. The question is—Whether the Personal Assistant to the Inspector General of Civil Hospitals is a technically qualified man ? The answer is—Yes.

Srijut GAURI KANTA TALUKDAR: The question was—Why the Personal Assistant to the Director of Veterinary was not filled up with a technically qualified man ? The reply is—The matter is under consideration of Government. What is the significance of this, I do not see ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : It is not like that. The question is: Whether it is a fact that the Personal Assistant to the Inspector General of Civil Hospitals is a technically qualified man? It is a parallel drawn here.

Srijut GAURI KANTA TALUKDAR : The question No.46(d) is: Why the Personal Assistant to the Director of Veterinary Department was not filled up with a technically qualified man? The reply is: The matter is under the consideration of the Government.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The man was appointed because the appointment was temporary.

***Maulavi Saiyid MUHAMMAD SAADULLA :** It appears that the hon. Questioner and the Hon'ble Minister are at cross purposes. The Questioner is asking about (d) whereas the Hon'ble Minister is reading out answer to (c).

Srijut GAURI KANTA TALUKDAR : I mean to say that the Question No.46(d) has not been replied.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The post was temporary and it was filled up by the Head Clerk by promotion. If the post is made permanent it will be decided whether a technically qualified man should be required.

***Maulavi ABDUL HAI :** Was he not a junior clerk?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : It is a matter of policy. I cannot say off-hand whether the post is necessary and whether it will be continued.

Srijut GAURI KANTA TALUKDAR : It is more than a year that the post has been filled up. Why has not Government decided yet whether the post would be made permanent or not?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : It has not yet been decided.

The Hon'ble the SPEAKER : Order, order. We shall now go over to the next Question.

Srijut GAURI KANTA TALUKDAR : It is a very important Question, Sir, because an important post has been filled up by an unqualified person without the help of the Public Service Commission by the Director himself. Should this arrangement be allowed to go on? Government should decide without further delay whether the post should be retained and if it is to be retained, it should be advertised and filled up by a man duly qualified.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The matter will be carefully considered.

*Maulavi MUHAMMAD ABUL KASHEM: Is not one year sufficient for Government to consider the matter?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The matter is being considered. But in certain matters a year is not a very long time.

Re-employment of Babu Jagadish Prosad Das, Veterinary Assistant Surgeon

Maulavi MAHAMMAD ROUFIQUE asked:

47. Will Government be pleased to state—

- (a) If it is a fact that one Jagadish Prosad Das, Veterinary Assistant Surgeon lately in charge of Veterinary Hospital, Gauhati, was continuously holding charge of the Gauhati and Shillong Hospitals for nearly a quarter of a century till his retirement on 13th August, 1947?
- (b) If it is a fact that this Veterinary Assistant Surgeon has been re-employed at Gauhati after his retirement?
- (c) If the answers to Questions (a) and (b) above are in the affirmative, why this privilege was conferred on this particular Doctor depriving other deserving Veterinary Assistant Surgeons of their chance?
- (d) Whether there was no other competent man in the Department to fill up the post at Gauhati?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied:

47. (a)—Yes.

(b)—Yes, for dearth of Veterinary graduates in the Province.

(c) and (d)—The arrangement was found suitable and as no others pressed any claim for the position.

Srijut MOTIRAM BORA: May I know whether the arrangement was suitable to the man or suitable to the Government?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: When the appointment was made the arrangement was found suitable both to the man and to the Government. If it was not suitable for the man he would not have joined and if it was not suitable to the Government, Government would not have appointed him.

Srijut MOTIRAM BORA: আৰু এটা কথা আছে যে “no others pressed any claim for the position.” গবৰ্ণমেণ্টৰ ওচৰত প্ৰয়োজন পাবলৈ দখলত দিব লাগে নে উপযুক্ততা চাই প্ৰয়োজন দিয়া নহয়নে?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The reply is there. The Question is : Whether there was no other competent man in the Department to fill up the post at Gauhati ? Well, Sir, it was open to Government not to appoint this man. There was no complaint and no person volunteered his services. It was not a covetable post.

Srijut NILMANI PHUKAN : Was not there any competent man at that time except this gentleman ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The man appointed was also competent.

Maulavi Saiyid MUHAMMAD SAADULLA : The man was competent, but superannuated. Sir, do we understand that it is the policy of the Hon'ble Minister that officers in his Department should apply to be posted to certain stations and choose suitable places for themselves and whether it is for Government to decide which man should be posted to which place ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Government decided that that man should continue there. It was found necessary that he should be there, and in many cases officers have been made to continue in certain places. Veterinary staff is very short and so in certain cases a man is allowed to continue in the same place for some years. If that caused any dissatisfaction and if it was objectionable to certain quarters, and if it was pointed out, Government would have tried to remedy this.

Srijut NILMANI PHUKAN : How many scholarships are awarded by the Government in the Veterinary College ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Sir, this is a new Question.

Maulavi Saiyid MUHAMMAD SAADULLA : We have no objection to the placing of favourite persons to his favourite place. If this man was found so suitable for Gauhati in spite of his being there for quarter of a century and he is again placed there, but the question is, was there no suitable man from amongst the Veterinary Assistants already in service ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : I beg to point out that he was not a favourite of any Minister. It is not a case like that. As I have already submitted the Veterinary staff is very short and the man continued there and no other man from other places could be taken there because the presence of that man might have been found necessary at that place, and it is not that he was a favourite of certain Ministers. It was not the case with this Government.

Maulavi Saiyid MUHAMMAD SAADULLA : Well, Sir, we have absolutely no quarrel in re-appointing the man who has been superannuated.

I ask in all sincerity the Hon'ble Minister in charge whether he gave a chance to any one by calling for applications by advertisement from outsiders or from his Departmental Veterinary Assistants who are serving in a less favourable place to apply. If he had been clear on these points, all the Supplementary Questions would not have arisen at all. I myself held the charge of Veterinary Department from 1924-29, and if it was in my time that the officer was posted to Gauhati I was a party in putting him there, and I share the responsibility.

Train Service between Niamati and Jorhat

Dr. EMRAN HUSAIN CHAUDHURY asked :

48. (a) Will Government be pleased to state whether they have received any reply from the authorities concerned regarding the opening of the train service between Niamati and Jorhat ?

(b) If so, what is that ?

(c) Do Government propose to put necessary pressure on the Railway Administration to expedite the train service between Jorhat and Niamati ?

***The Hon'ble Srijut RAMNATH DAS** replied :

48. (a)—Yes.

(b)—The reply was not only in respect of the Jorhat Niamati line but referred to other lines as well which the Government of Assam consider essential to open, but which are considered uneconomic by the Railway Board. In this letter the Railway Board, in order to guard themselves against possible loss, have offered certain alternative schemes to the Assam Government according to which Assam Government is to participate in the capital outlay required for the opening of these new lines and to bear the loss, if any, sustained in their operation. These alternatives are at present under examination by the Assam Government.

(c)—On acceptance by Government of one of the alternatives suggested, the opening of the lines will be expedited.

Dr EMRAN HUSAIN CHAUDHURY : With regard to answer to (b), may we know from Government when they received the reply from the Railway Administration ?

The Hon'ble Srijut RAMNATH DAS : I am not aware of the date now, Sir.

Dr. EMRAN HUSSAIN CHAUDHURY : In view of the hardships suffered by passengers travelling from Jorhat to Niamati and back, when can we expect the opening of the railway line between Jorhat and Niamati ?

The Hon'ble Srijut RAMNATH DAS : Government are moving in the matter.

Srijut NILMANI PHOOKAN : In the reply we find that the Railway Board is speaking about "guarding themselves against possible loss", but if ticketless passengers run from Mariani to Niamati and at the same time bus services are not sufficient for carrying passengers, who are huddled together, then is it logical to say that there is a definite loss to the Railway for which this section had to be closed ?

The Hon'ble Srijut RAMNATH DAS : This is a new Question, Sir. Yesterday the Hon'ble Prime Minister said that on the Niamati road Government granted two more permits.

* The Hon'ble Srijut Ramnath Das replied the Questions in the absence of the Hon'ble Srijut Gopinath Bardoloi.

Dr. EMRAN HUSAIN CHAUDHURY: In spite of the fact that two more permits have been given, passengers still continue to suffer hardships. I myself failed to get accommodation on two occasions.

The Hon'ble Srijut RAMNATH DAS: Does the hon. Member want that more permits should be granted on that road?

Dr. EMRAN HUSAIN CHAUDHURY: We do not want the increase of the numbers of buses; we want the opening of railway line for passenger traffic.

The Hon'ble Srijut RAMNATH DAS: Government are moving in the matter, Sir.

Mr. J. S. HARDMAN: Will Government be pleased to consider, when negotiating with the Railway Board, the question of profit which the Railway Board are making on the economic lines? My point is that the Railway Board are asking the Government of Assam to consider assistance on so-called uneconomic lines. But it is a recognised principle in transport, that every line, a transport organisation operates, cannot make a profit, and the so called losses on uneconomic lines are made up by profits on the main lines. I am asking Government whether they will be pleased to consider this point in their negotiations with the Railway Board?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir.

Hanhsora Road and Dhakinpat Bhakatiduar Road

Srijut HARI NARAYAN BARUA asked :

49. Will Government be pleased to state—

- (a) The position of the Hanhsora Road so far as the work of construction is concerned?
- (b) Whether Government are aware that its survey work was completed a year ago and the work has not been started as yet?
- (c) When they are going to start the work?
- (d) Whether the proposal for constructing Dhakinpat Bhakatiduar Road has been taken up by the Road Communication Board and given the first priority?
- (e) Why the survey work for this road has not been done as yet?
- (f) Whether Government propose to expedite the work of survey and construction of these roads this year?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

49. (a)—The work of construction of the road has not yet been taken up.

(b)—Yes.

(c)—It will take its turn according to priority fixed for it.

(d)—It has been taken up but it has been given a low priority under Jorhat Subdivision.

(e)—Roads are surveyed according to priority fixed for each road.

(f)—Government will make every endeavour to take up these roads as early as possible. Public Works Department is handicapped due to shortage of technical personnel and insufficiency of buildings materials and labour. Moreover available sources are mainly diverted towards construction of strategic roads which are of vital importance to Assam.

Ferry Steamer service over Brahmaputra between Dhubri and Fakirganj

Srijut SANTOSH KUMAR BARUA asked :

50. (a) Are Government aware that the absence of a ferry steamer service over the river Brahmaputra between Dhubri and Fakirganj is causing great hardship and inconvenience to the travelling public as well as to Government servants on duty ?

(b) Are Government aware of the urgency and importance of having this steam or motor ferry service ?

(c) If so, what steps Government have taken or propose to take for early implementation of the same ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

50. (a)—Yes.

(b)—Yes.

(c)—Arrangements have been made to run a steam ferry service with effect from 1st April 1948.

Appointment of M.E.S. personnel in the Public Works Department

Srijut BHADRA KANTA GOGOI asked :

51. Will Government be pleased to state—

(a) How many M.E.S. personnel have been appointed as Overseers in the Public Works Department ?

(b) How many of them have been taken into permanent cadre up till now ?

(c) How many still remain as temporary and why ?

(d) What was the order of the Chief Secretary to the Government of Assam regarding appointment of these M.E.S. personnel ?

(e) How many of such posts were reserved for the M.E.S. personnel ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

51. (a)—Seven.

(b)—Three.

(c)—Four. They did not apply for permanent posts when these were advertised by the Assam Public Service Commission.

(d)—Prior to December 1946, three quarters of the 50 per cent. of the vacancies reserved for war service candidates were reserved for the M.E.S. personnel alone. At present there are no reservations whatsoever.

(e)—Does not arise.

Contribution to the Jorhat Local Board out of the Countess of Dufferin Fund

Srijut HARINARAYON BARUAH asked :

52. (a) Is it a fact that Government have proposed to stop their usual quota of contribution to the Local Board of Jorhat out of the Countess of Dufferin Fund ?

(b) Are Government aware that the said Local Board has appointed three midwives for Titabor, Kakajan and Majuli Dispensaries respectively for this year ?

(c) Whether Government have received any representation from the said Board praying for continuing the usual contribution ?

(d) Whether Government propose to consider the matter ?

The Hon'ble Srijut RAMNATH DAS replied :

52. (a)—The Countess of Dufferin's Fund, Assam Branch, used to give annual contribution to the Jorhat Local Board towards the maintenance of a Lady Doctor and a Female attendant for the Jorhat Civil Hospital. Due to the provincialisation of the Jorhat Civil Hospital with effect from 1st July 1947, the annual contribution to the Hospital from the Countess of Dufferin's Fund for 1947-48 has been reduced proportionately.

(b)—On enquiry it is learnt that such a report was made to the Inspector General of Civil Hospitals by the Board.

(c)—The Board has moved the Inspector General of Civil Hospitals in the matter.

(d)—The Inspector General of Civil Hospitals as Honorary Secretary of the Countess of Dufferin's Fund will have the matter considered by that Body.

***Srijut HARI NARAYAN BARUA** : যোৰহাট লোকেল বোৰ্ডে তিতাবৰ, কাকজান আৰু মাজুলি dispensaryৰ কাৰণে তিনি গৰাকী midwife নিযুক্ত কৰিছে। তাৰবাবে গবৰ্ণমেণ্টে বোৰ্ডক কিবা অৰ্থ সাহায্য দিব নে ?

The Hon'ble Srijut RAMNATH DAS : গবৰ্ণমেণ্টে বোৰ্ডক midwife ৰ বাবে অৰ্থ সাহায্য দিয়াৰ কথা এতিয়ালৈকে ভবা নাই ; কিন্তু বোৰ্ডক গবৰ্ণমেণ্টে যথেষ্টভাবে সহায় কৰিছে আৰু আগলৈকো কৰিব। কিন্তু এই উদ্দেশ্যলৈ যে কৰিব এই কথা মই কব নোৱাৰো ; কাৰণ তেনে কৰিলে সকলো বোৰ্ডৰ কাৰণে কৰিব লাগিব। সেইটো ভাবিব লগা কথা।

Taking of oath of allegiance of office by Government servants

Dr. EMRAN HUSAIN CHAUDHURY asked :

53. (a) Is it a fact that Government servants are required to take an oath in prescribed form for the good administration of the Province ?

(b) If so, will Government be pleased to lay on the table a copy of that oath form ?

†**The Hon'ble Srijut BISHNURAM MEDHI** replied :

53. (a)—An oath (or solemn affirmation) of allegiance of office is required to be taken.

(b)—A form of oath is given below :—

“I do swear that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established and that I will loyally carry out the duties of my office.
So help me God.”

* Speech not corrected.

†The Hon'ble Srijut Bishnuram Medhi replied the questions in the absence of the Hon'ble Srijut Gopinath Bardoloi.

Dr. EMRAN HUSAIN CHAUDHURY: With regard to (b), can we not improve upon the form of oath by saying "I swear by God....." instead of "I do swear that I will be faithful, etc. etc." and later on requisition God's help?

The Hon'ble Srijut BISHNURAM MEDHI: This is only a question of opinion. If an alternative form of oath is given the matter will be considered.

Declaration of assets by Government servants

Dr. EMRAN HUSAIN CHAUDHURY asked:

54. Is it a fact that all Government Servants have been asked to make a declaration of their property?

†**The Hon'ble Srijut BISHNURAM MEDHI** replied:

54.—For the present a declaration of assets is asked for from Gazetted and Non-Gazetted Officers other than ministerial and menial employees.

Dr. EMRAN HUSAIN CHAUDHURY: Are we to understand that certain classes of Government servants are excluded from making a declaration of their property?

The Hon'ble Srijut BISHNURAM MEDHI: The reply is clear, Sir. "For the present a declaration of assets is asked for from Gazetted and Non-Gazetted Officers other than ministerial and menial employees."

Dr. EMRAN HUSAIN CHAUDHURY: Why have the latter been excluded?

The Hon'ble Srijut BISHNURAM MEDHI: The ministerial and menial employees have little opportunities for taking bribes. Moreover, that will be a huge task. We shall first see what results we get after examining the bigger fries; after that we shall decide whether the enquiry should be extended to the ministerial and other employees.

Dr. EMRAN HUSSAIN CHAUDHURY: Will it be extended to the Members of the Legislative Assembly?

The Hon'ble Srijut BISHNURAM MEDHI: We do not consider them as Government servants.

Srijut MOHIRAM BORA: এই যে assets ৰ declaration লোৱাৰ কথা কৈছে—ইয়াত অকলৈ অফিচাৰৰ নিজৰ নামত থকা assets ৰ হে declaration লোৱা হব; নে যৈণীয়েক বা অইন সম্পৰ্কীয় মানুহৰ নামত থকা assets বিলাকৰো declaration লোৱা হব? (*Voices* :—যৈণীয়েক হ'ত্তো Government servant নহয়।)

Mr. J. S. HARDMAN: Will Government consider profit and loss statements on the sale of motor cars by officers?

* The Hon'ble Srijut Bishnuram Medhi replied the questions in the absence of the Hon'ble Srijut Gopinath Bardoloi.

The Hon'ble Srijut BISHNURAM MEDHI: It is difficult to examine solitary instances to determine whether any officer made any profit. But if any officer constantly sells his car and if the insinuation is that he makes profit that way, certainly it will be our duty to make an enquiry.

**** Srijut SARAT CHANDRA SINHA:** ঘৈনীয়েকৰ নামত যদি টকা থাকে, সেইটো ইয়াৰ ভিতৰত পৰিব নে নপৰে? [Voices:—পৰিব।]

The Hon'ble Srijut BISHNURAM MEDHI: মই declaration চাব লাগিব। চাই পেলাইহে কব পাৰিম পৰে নে নপৰে।

Mr. P. M. SARWAN: Will the assets exclude landed property?

The Hon'ble Srijut BISHNURAM MEDHI: Assets include movable and immovable property.

Maternity Hospital at Sapatgram

Srijut SARAT CHANDRA SINHA asked:

55. (a) Are Government aware that various representations have been made to Government for the establishment of Maternity Hospital at Sapatgram?

(b) If so, what steps have been taken in the matter?

The Hon'ble Srijut RAMNATH DAS replied:

55. (a)—No.

(b)—Does not arise.

Scheme for improvement of village roads and tanks

Srijut HARINARAYAN BARUA asked:

56. Will Government be pleased to state—

(a) Whether they have received any scheme from the Jorhat Local Board for improvement of village roads and tanks?

(b) Whether Government have given any attention to the said scheme?

(c) If so, what action has been taken on it?

** Speech not corrected.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

56. (a)—Yes.

(b)—Government have considered the scheme.

(c)—Government consider that it is not possible to finance the scheme from the limited resources of the Province.

Statement of Capital Issues prepared by the Central Government

Mr. C. W. MORLEY asked :

57. (a) Will Government be pleased to refer to the statement of Capital Issues prepared by the Central Government, and state the number and amount of the Capital Issues in 1946 relating to the Province of Assam and also for the quarter ending 31st March, 1947 ?

(b) Will Government be pleased to state the number and amount of Capital Issues in the corresponding periods in the provinces of Bengal, Madras and Bombay ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

						No.	Amount (in crores)
Period							Rs.
57. (a)—1946	...	...	...	...	...	9	2
For the quarter ending 31st March, 1947						...	8 1.8
(b)—1946 Bengal	...	...	...	...	...	218	96
„ Madras	...	...	...	...	...	80	17
„ Bombay	...	...	...	...	...	150	68
For the quarter ending 31st March 1947, Bengal						56	22.65
„ „ „ Madras						16	5.75
„ „ „ Bombay						46	17.85

Mr C. W. MORLEY: Will Government give some indication as to why the amount of Capital Issues in Assam is so low in comparison with the other provinces, e.g., Bengal, Madras and Bombay ?

The Hon'ble Srijut BISHNURAM MEDHI: Capital Issues are made by the Central Government. On receipt of this Question we asked for information from the Central Government but why the Capital Issues in Assam are so low has not been ascertained. If the hon. Member wants, we shall do it, but the proper place for it is the Centre.

Mr. C. W. MORLEY: Please.

**Motion re: election of Representatives to the Gauhati University
Court**

The Hon'ble the SPEAKER: Item No. 10. Who will move this in the absence of the Hon'ble Premier ?

* **Srijut MAHENDRA MOHAN CHAUDHURY:** Sir, I will move it.

Mr. Speaker Sir, I beg to move that this Assembly, under section 9 (1) (XVI) of the Gauhati University Act, 1947 (Assam Act XVI of 1947), do elect five members to the Court of the Gauhati University from among their own numbers.

Sir, this motion is in accordance with section 9 (1) (XVI) of the Gauhati University Act, read with paragraph 2, sub-paragraph 5 of the Schedule wherein it has been provided that in addition to the persons mentioned in sub-section (1) of section 9, five persons will be elected by the Members of the Assam Legislative Assembly from among their own numbers who shall be *ex-officio* Members of the Court. With these words, Sir, I commend the Motion for the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved :

"That this Assembly, under section 9 (1) (XVI) of the Gauhati University Act, 1947 (Assam Act XVI of 1947), do elect five members to the Court of the Gauhati University from among their own numbers."

** **Maulavi Saiyid MUHAMMAD SAADULLA:** Sir, the agenda shows that this item is to be moved by the Hon'ble Premier. The learned Member who moved the Motion should move in these words "In the absence of the Hon'ble Premier." It is only for regularisation.

Srijut MAHENDRA MOHAN CHAUDHURY: I move this Motion in the absence of the Hon'ble Premier and as authorised by him.

The Hon'ble the SPEAKER: The question is :

"That this Assembly, under section 9 (1) (XVI) of the Gauhati University Act, 1947 (Assam Act XVI of 1947), do elect five members to the Court of the Gauhati University from among their own numbers."

The question was adopted.

The Hon'ble the SPEAKER: I hereby fix Monday, the 15th March 1948 as the date for holding the election to the Gauhati University Court. The voting will be held between the hours of 1 p. m. and 3 p. m. in the Committee Room No. 1 or as soon as the business of the day is finished, whichever is earlier.

* Srijut Mohendra Mohan Chaudhury, Parliamentary Secretary, moved the Motion in the absence of the Hon'ble Srijut Gopinath Bardoloi.

** Speech not corrected.

**Motion regarding election of Representatives to the Assam Railway
Advisory Committee.**

The Hon'ble the SPEAKER : Item No. 11. The Hon'ble Srijut Gopinath Bardoloi.

† **The Hon'ble Rev. J. J. M. NICHOLS-ROY :** Sir, in the absence of the Hon'ble Premier and as authorised by him I beg to move that this Assembly do elect in accordance with the instructions contained in the voting paper two Members to the Assam Railway Advisory Committee. Sir, the Assam Railway always call the Government of Assam to elect some Members of the Legislative Assembly for the Advisory Board of the Railway and now we are asked to elect two Members of this Legislature to this Advisory Board.

The Hon'ble the SPEAKER : Motion moved :

“That this Assembly do elect in accordance with the instruction contained in the voting paper two Members to the Assam Railway Advisory Committee”.

Srijut PURNA CHANDRA SARMA : Sir, 15th has been fixed up for the election of the Members to the University Court. I think, on the 15th we are only going to have the morning session because in the afternoon His Excellency the Governor-General is coming and it may not be convenient to have the afternoon session. The election may perhaps be fixed for the 16th as the House may perhaps be adjourned at 1 p. m. on 15th.

The Hon'ble the SPEAKER : We can attend the function after the close of the Assembly.

The Hon'ble the SPEAKER : The question is :

“That this Assembly do elect in accordance with the instructions contained in the voting paper two Members to the Assam Railway Advisory Committee.”
The question was adopted.

The Hon'ble the SPEAKER : I hereby fix Monday, the 15th March 1948 as the date for holding the election to the Assam Railway Advisory Committee simultaneously with the election of Members of the Gauhati University Court. The voting will be held between the hours of 1 p. m. to 3 p. m. in the Committee Room No. 1 or as soon as the business of the day is finished, whichever is earlier.

**Motion regarding Election of Representatives to the Advisory
Board of Development, Assam.**

The Hon'ble the SPEAKER : Item No. 12.

† **The Hon'ble Rev. J. J. M. NICHOLS-ROY :** In the absence of the Hon'ble Premier, Srijut Gopinath Bardoloi and as authorised by him, I beg, Sir, to move that this Assembly do elect three Members to the Industrial Section of the Advisory Board of Development, Assam in place of (i) Srijut Bimalaprosad Chaliha, (ii) Babu Purnendu Kishore Sen Gupta and (iii) Shri Abala Kanta Gupta and one Member to the Co-operative Section of the said Board in place of Maulavi Nurul Hossain Khan.

† The Hon'ble Rev. J. J. M. Nichols-Roy moved the Motion in the absence of the Hon'ble Srijut Gopinath Bardoloi.

Sir; the members, Nos. (ii) and (iii) of the Industrial Section of the Advisory Board, were from Sylhet and Sylhet is now in Pakistan and in place of these two Members we have to elect two Members of the Legislative Assembly on this Board. For the Co-operative Section of the Board, Maulavi Nurul Hossain Khan was a Member from Sylhet and Sylhet is now in Pakistan and so we have to elect a Member in his place.

The Hon'ble the SPEAKER: Motion moved:

"That this Assembly do elect three Members to the Industrial Section of the Advisory Board of Development, Assam in place of (i) Srijut Bimalaprosad Chaliha, (ii) Babu Purnendu Kishore Sen Gupta and (iii) Shri Abala Kanta Gupta and one Member to the Co-operative Section of the said Board in place of Maulavi Nurul Hossain Khan."

(After a pause)

The question is:

"That this Assembly do elect three Members to the Industrial Section of the Advisory Board of Development, Assam in place of (i) Srijut Bimalaprosad Chaliha, (ii) Babu Purnendu Kishore Sen Gupta and (iii) Shri Abala Kanta Gupta and one Member to the Co-operative Section of the said Board in place of Maulavi Nurul Hossain Khan."

The question was adopted.

The Hon'ble the SPEAKER: I hereby fix Tuesday, the 16th March 1948 as the date for holding separately the election to the Industrial and Co-operative Sections of the Advisory Board for Development, Assam. The voting will be held between the hours of 1 p.m. and 3 p.m. in the Committee Room No. 1 or as soon as the business of the day is finished, whichever is earlier.

Election of Members to the Public Accounts Committee

The Hon'ble the SPEAKER: Item No. 13.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to move that this Assambly do elect seven Members to the Public Accounts Committee under rule 102 of the Assembly Rules for the year 1948-49.

The Hon'ble the SPEAKER: Motion moved:

"That this Assembly do elect seven Members to the Public Accounts Committee under rule 102 of the Assembly Rules for the year 1948-49."

(After a pause)

The question is:

"That this Assembly do elect seven Members to the Public Accounts Committee under rule 102 of the Assembly Rules for the year 1948-49."

The question was adopted.

PRESENTATION OF THE REPORT OF THE COMMITTEE TO AMEND THE ASSAM LEGISLATIVE ASSEMBLY RULES

[12TH MAR.]

The Hon'ble the SPEAKER : Under the Rules, I hereby fix Thursday, the 18th March, 1948, and 3 P. M., as the time or as soon as the business of the day is finished, whichever is earlier, for holding the election to the Public Accounts Committee. The voting will be held on the floor of the House.

Maulavi Saiyid MUAHMMAD SAADULLA : Since the voting will be on the ballot papers some mention should have been made about the issue of ballot papers. Probably they will be available from the Secretary on the 18th.

The Hon'ble the SPEAKER : Yes.

Presentation of Notification under Section 296 of the Assam Municipal Act, 1923.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, I beg to present the following * notification under section 296 of the Assam Municipal Act, 1923—Notification No.LMP.75/47/7, dated the 26th January 1948. The copies of it were supplied to all hon. Members.

Presentation of the Report of the Committee to amend the Assam Legislative Assembly Rules.

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I beg to present the † Report of the Committee to amend the Assam Legislative Assembly Rules, and to move that the Amendments as reported by the Committee be taken into consideration.

In moving this Motion, Sir, I may state that the House will remember that the Committee was constituted by this Assembly to amend or modify the Assam Legislative Assembly Rules that was necessary in consequence of the changes of the Provincial Constitution under the Indian Independence Act, 1947, and the Indian Provisional Order, 1947, and the Committee have submitted the Report giving details of the Amendments they considered necessary regarding the Assam Legislative Assembly Rules. So, I move that these Amendments as reported by the Committee be taken into consideration.

The Hon'ble the SPEAKER. Motion moved :

“That the Amendments as reported by the Committee be taken into consideration”.

(After a pause)

The question is :

“That the Amendments as reported by the Committee be taken into consideration”.

The question was adopted.

* Appendix 'B'

† Appendix 'C'

The Hon'ble the SPEAKER: The Amendments will be considered time by time on the 3rd April 1948. Therefore the last date for receipt of Amendments, if any, will be 30th of March 1948, before 3 P. M.

The Assam Finance Bill, 1948

The Hon'ble Srijut BISHNURAM MEDHI: I beg, Sir, to introduce the Assam Finance Bill, 1948 and to move that the Bill be taken into consideration.

This is an old Bill that was introduced in almost in the same form in the year 1939 and the rates have not varied in any way, that is, the rates given are not more than those fixed for the Central Income-tax. In view of this I commend this Motion for the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved :

"That the Assam Finance Bill, 1948, be taken into consideration".

(After a Pause)

The question is :

"That the Assam Finance Bill, 1948, be taken into consideration".

The question was adopted.

The Hon'ble the SPEAKER: This Bill will be considered clause by clause on 18th March 1948. The last date for receiving Amendments, if any, is 13th March 1948, before 3 P. M.

The Assam Local Board Elections (Emergency Provisions) Bill, 1948.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr Speaker, Sir, I beg to introduce the Assam Local Board Elections (Emergency Provisions) Bill, 1948, and to move that the Bill be taken into consideration.

Sir, it will appear from the Statement of Objects and Reasons that on account of the inauguration of Independence it has been necessary to hold the next Local Board election on joint electoral basis. In order to prepare the preliminaries and to divide the constituencies on the new basis some time will be taken, probably about a year. When all the constituencies will be divided the vote will have to be taken on adult franchise basis. So it has been necessary to postpone the election which was due this year. We have made provision for one year in this Bill, but it may be necessary also to postpone it further and in that case, if absolutely necessary, Government may come forward again with this Bill. At present only one year's time is proposed to be taken.

The Hon'ble the SPEAKER: Motion moved :

"That the Assam Local Board Elections (Emergency Provisions) Bill, 1948 be taken into consideration".

(After a pause)

The question is :

"That the Assam Local Board Elections (Emergency Provisions) Bill, 1948, be taken into consideration"

The question was adopted.

The Hon'ble the SPEAKER: I may inform the House that it was as late as on the 8th of March that the Assembly Department was informed that it was

necessary to go through all the stages of the New Motor Cars (Control of Commercial Sales) Bill in good time so that the Act, duly assented to by His Excellency might come into force from 1st April, 1948. Item No. 28 should therefore be taken up today after item No. 17.

The Assam new Motor Cars (Control of Commercial Sales) Bill, 1948

The Hon'ble Srijut RAMNATH DAS: Mr. Speaker, Sir, as the Department relating to this subject has recently been given to me, so I am going to introduce this Bill.

I beg to introduce the Assam New Motor Cars (Control of Commercial Sales) Bill, 1948 and to move that the Bill be taken into consideration.

The Bill is necessary, Sir, in order to meet equitably the demands of people for new cars. If the control is abolished, Sir, the number of cars that are to come to Assam may not come or the price may go up very high and may be sold in the black market. Therefore, in order to control the price and to control distribution of new motor cars that will come to Assam we feel that this Bill is absolutely necessary. With these few words, Sir, I beg to move my Motion.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam New Motor Cars (Control of Commercial Sales) Bill, 1948, be taken into consideration."

Mr. J. S. HARDMAN: We are completely surprised, Sir, that Government should come forward with a measure of this nature without first ascertaining from the motor vehicles trade and also ascertaining from the members of the public whether this Control Bill is necessary. We realise that during the past year Motor Vehicles Control has been in force and has not, I think, on the whole been found without value. But we are in entire agreement with the Central Government that decontrol should be implemented where possible and here we can see no danger of any serious repercussions. The Central and Provincial Governments have taken a very courageous and bold step in decontrolling cloth. This is a measure which might have a very great effect on the economic situation; but we can see no reasons whatsoever for the control of motor cars and we maintain that this is no longer necessary in the interests of the public.

While we are not unappreciative of the services which Government rendered during the past year in maintaining this control, it is necessary to bring before this House the fact that there has been a certain number of inconveniences. These controls have at times operated very ineffectively. There have been delays, possibly due to exceptional causes, but these are of a frequent nature. We had the somewhat sorry spectacle of motor cars lying for more than a month at a time in show-rooms in Assam whilst applicants are waiting to get permits. This has occurred more than once and on one occasion no less than six new motor cars were concerned. Naturally this causes a great deal of inconvenience. Applicants for new motor cars are suffering from a degree of frustration. They feel that there is something wrong with a system of Government which allows a motor car business to put motor cars in a show-room and restricts the dealer from selling them.

We also recognise that this motor vehicles control places a great burden on the man power of the Provincial Government. We realise that if this man power was released for productive work, there would be more improvements. Obviously, Sir, the cases for decontrol rest on the appreciation of the situation. I hesitate to place before the House the situation in part of another dominion which only recently belonged to the Province of Assam. There decontrol has been permitted and as far as I am aware, without any adverse effect. I am speaking in India except Assam retains this motor vehicles control. Certainly in Bengal there is no control nor in Behar. As I said, as far as I am aware, there is no control elsewhere. Also as far as I am aware, the Central Government made no arrangement for allocating cars to Assam. There is no Central control or any arrangement whereby any given number of cars brought into India are allocated to Assam. Consequently the Provincial Government are merely depending on the number the importers decide to send to the Province. It is natural, therefore, that with these difficulties, motor vehicles control in Assam must be difficult to operate. I maintain that I have closely watched the situation—there has been a marked improvement in the number of cars coming into Assam during the past six months. In point of fact the number of small cars has been considerable and we are almost reaching a stage at which all priority demands have been satisfied. If the present trend is continued, I am confident that the small cars will be readily available. The shortage is merely in respect of high power cars and I do not think for a moment that we will be justified in asking the Government to undertake this very heavy burden of control. In the case of big cars leeway is being made up and we hope that the situation will improve. I am confident that the leading car manufacturers and dealers in India will be willing to observe some form of voluntary control, if necessary taking over the Government's priority lists. I am equally certain that they would be prepared to accept and enforce a voluntary price fixation policy. Other provinces, as I said earlier, are getting along fairly well without this control and though I concede that Assam is in this and many other respects geographically disadvantageously situated, I contend that there is no case now for continuing this control.

This present Bill, however, introduces a feature which was completely absent from the previous control Bill. This is the regulation of sale of motor cars which have been acquired under a permit within a period of twelve months. Let me state at this stage that the interest with which I am concerned will not be affected to any extent by this restriction, because those who are buying cars require them for their use and are not likely to resell them within twelve months. It is, however, the kind of regulation which penalises the honest man and puts a premium on dishonesty. My objection is that this will increase to a great extent the work of the Motor Vehicle Department which handles these permits and secondly, that delays in issue of permits will increase. My main objection, however, is that this control can never be effective. Some years ago when I held an official position, I had experience of a similar section which occurred in the then Defence of India Rules. As a result of my official experience, I can readily give at least half a dozen ways in which this control can be evaded. All these are comparatively simple and unquestionably legal. Unless, therefore, there is a great deal to be gained, it is not advisable to impose this control which can be readily circumvented and which besides giving additional work will create a contempt of law. I sincerely hope that in view of all the considerations which I have urged, the Hon'ble Minister will be prepared to reconsider the question of proceeding further with this measure

Maulavi SAIYID MUHAMMAD SAADULLA : Mr. Speaker, Sir, I had no mind to take any part in this discussion. But one word which the Hon'ble Minister in moving this Bill said led me to rise. He says that this control is necessary for "equitable" distribution of the few cars that are available for Assam. I want him to remember the word 'equitable', for during the last year this control was more adversely administered in respect of certain persons who did not belong to the party of which he is a Member. I know personally of two cases of persons, who got permits for two new cars. They are responsible persons and were Members of Legislatures. One gentleman, who comes from the town of Gauhati, was made to take delivery of his car at Shillong after one year. Another gentleman of Jorhat was made to take his car at Silchar after 8 months. This does not show that the administration of this control was very satisfactory, *i. e.*, responsible persons of another Party—Members of Legislatures—were put to this difficulty. One, I know, had to go without a car for 8 months; and they were asked to take delivery of the cars—the Jorhat man from Silchar and the Gauhati man from Shillong. Not merely that, during the same period I know, I make this statement on the solid bed-rock of facts, that some Hon'ble Ministers had two or three permits within one year to buy new cars. I do not know what was wrong with the first cars immediately after taking delivery and so had to be sold but permits were taken for purchase of another new car. I, therefore, sound a note of warning. My Hon'ble Friend, Srijut Ramnath Das has taken charge of this Department only a few days ago and he is pleading ignorance of the intricacies of this organisation, but he must see that if control continues the control should be applied, in his own term, "equitably".

The Hon'ble Srijut RAMNATH DAS: Mr. Speaker, Sir, the hon. Leader of the Opposition has already said that I am not aware of the intricacies of this control in the past. As it has come to my hand recently, I will look into this in future. As I have already said, this control is necessary for equitable distribution and the control of price. Mr. Hardman has said that at present this control order is not necessary. He said that the things will be improving but he has not said that things have already improved for which this control is not necessary at present. I have got my personal experience in the matter. One Government officer of Shillong has bought one Plymouth car at Rs. 14,000 in Calcutta very recently. If we would withdraw this control order, the dealers will immediately avoid selling these cars at control price in Assam and instead they will be selling these cars at higher price in Calcutta in order to avoid loss as well as to avoid expense for possible damage in transit. Therefore, Sir, in my opinion this control order is absolutely necessary at present. But as Mr. Hardman has said that things will be improving—when things would improve and we see that this control order is not necessary, Government will immediately withdraw this control order. Therefore, Sir, I want to proceed with the Motion and not withdraw it.

The Hon'ble the SPEAKER : The question is :

“That the Assam New Motor Cars (Control of Commercial Sales) Bill, 1948 be taken into consideration”.

The question was adopted.

The Hon'ble the SPEAKER : The Assam Local Board Elections (Emergency Provisions) Bill, 1948 and also the Assam New Motor Cars (Control of Commercial Sales) Bill, 1948, will be taken into consideration clause by clause on the 18th of March, 1948. The last date for receiving Amendments is 13th of March, 1948, before 3 P.M.

The Assam Shops and Establishments Bill, 1947

The Hon'ble Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I beg to move that the Assam Shops and Establishments Bill, 1947, as amended by the Select Committee, be taken into consideration.

I have to remind the hon. House that this Bill was referred to a Select Committee in a previous Session and the Select Committee sat on the 18th of October last and has reported on it. I have to place the Bill before the House for consideration. In this connection I thank the Members who helped me in considering this Bill in the Select Committee and have come to a unanimous decision. Now, I ask the House to take the Bill as amended by the Select Committee into consideration.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Shops and Establishments Bill, 1947, as amended by the Select Committee, be taken into consideration".

It appears no hon. Member is taking part. So I put the question.

The question is:

"That the Assam Shops and Establishments Bill, 1947, as amended by the Select Committee, be taken into consideration".

The question was adopted.

The Assam Opium Prohibition (Amendment) Bill, 1948

The Hon'ble Maulana MAHOMED TAYYEBULLA: Mr. Speaker, Sir, I beg to introduce the Assam Opium Prohibition (Amendment) Bill, 1948 and to move that the Bill be taken into consideration.

It is a formal Amendment. In section 27 there is an omission. The omission to include "section 6", after "section 5", was detected, and now it has been sought to be removed. I hope the House will take this Bill into consideration.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Opium Prohibition (Amendment) Bill, 1948 be taken into consideration".

It appears that no hon. Member is taking part. I put the question.

The question is:

"That the Assam Opium Prohibition (Amendment) Bill, 1948 be taken into consideration".

The question was adopted.

The Hon'ble Maulana MAHOMED TAYYEBULLA: Date for consideration, please?

The Hon'ble the SPEAKER: The consideration clause by clause of these Bills will be on the 3rd, 5th and 6th of April and the last date for receipt of Amendments would be 30th March 1948.

The Assam Ministers' (Salaries and Allowances) Bill, 1948

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Ministers' (Salaries and Allowances) Bill, 1948 and to move that the Bill be taken into consideration.

In making this Motion I need not go into the details, but I want to state only a few facts that under the existing Bill that is in force, which was passed in 1944, the salary of the Hon'ble Premier was fixed at Rs. 2,000. But the Hon'ble Premier so long did not accept Rs. 2,000. He surrendered Rs. 1,000 of his salary per mensem from the date he assumed charge of his office. But in view of the increased responsibility and in view of the circumstances for which he has to move about for a large number of days outside his headquarters and travel long distances from one corner to another and receive large number of guests in connection with the discharge of public duties, it is desirable that his salary instead of Rs. 1,000 should be Rs. 1,500. And although the Bill has been given retrospective effect from 11th February 1946, he is not going to accept this rate from that date of his assumption, but he has agreed to draw his salary at the rate of Rs. 1,500 which is fixed by this Bill from the 15th of August 1947.

As regards the salary of other Ministers, it is the same as was in the last Bill and this has been made clear that to each of the other Ministers a salary of rupees one thousand per mensem will be paid.

Under the existing Bill that was passed in 1944, a house allowance of Rs. 250 was given to every Minister, but instead of that it is the intention of the Government, if possible, to give each of them a house and the Hon'ble Ministers in that case will not get the house allowance.

As regards the conveyance, the Ministers are to travel long distances in the discharge of their duties. So it is considered that it may be necessary that the Ministers, just like in other provinces, should be provided with motor cars. This Bill proposes that every Minister shall be entitled to a conveyance allowance of rupees two hundred and fifty per mensem, with the proviso that when a suitable conveyance is provided for his use, a Minister shall not be entitled to a conveyance allowance but shall be entitled to a car allowance of Rs. 200 per mensem. The sum of Rs. 250, which a Minister used to get under the existing law, has been reduced to Rs. 200 in case a car is provided to a Minister. If necessity arises, the Government under this Bill will provide motor cars to the Hon'ble Ministers for due discharge of their duties. Prices of motor cars have gone up. As a matter of fact, there was a pool of cars and staff cars for the use of the Ministers. But as these cars and staff cars were not in charge of any particular officer, these generally went out of order and the Hon'ble Minister who wanted to go out in the discharge of his duties, was told that the car was unfit for undertaking the journey. In view of these difficulties and in view of the fact that all other provinces supply motor cars to their Ministers, this provision has been made in this Bill to purchase motor cars for the use of the Ministers in our province also. In that case, instead of giving them Rs. 250 per month for the maintenance of the car, they will get Rs. 200. In view of this, I think, hon. Members will accept this Motion.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Ministers' (Salaries and Allowances) Bill, 1948 be taken into consideration."

(After a pause)

The question is:

"That the Assam Ministers' (Salaries and Allowances) Bill, 1948, be taken

into consideration."

The question was adopted.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, if we continue till half past three to-day, there will be nothing left for to-morrow. There will be very little discussion on the remaining Bills. I think if we want to sit to-morrow we should stop here now.

The Hon'ble Srijut BISHNURAM MEDHI: There may be some discussions on the Assam *Adhiars* Protection and Regulation Bill, 1948 and the Assam Local Rates (Amendment) Bill, 1948. So, let us finish the Salary Bills to-day.

The Assam Speaker's (Salary and Allowances) Bill, 1948

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Speaker's (Salary and Allowances) Bill, 1948, and to move that the Bill be taken into consideration.

Sir, the object of bringing this Bill is to bring the Hon'ble Speaker's salary and allowances in line with those of the Ministers. In other provinces also the salary and allowances of the Hon'ble Speaker is in line with those of the Hon'ble Ministers. The existing salary of the Hon'ble Speaker is Rs. 1,250. Besides a house is reserved for him which he occupies when he comes here in the discharge of his duties. We have drafted this Bill on the same line as in other provinces and in deference to the wishes of the Hon'ble Speaker. I hope this will be accepted by the House

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Speaker's (Salary and Allowances) Bill, 1948, be taken into consideration."

(After a pause.)

The question is:

"The Assam Speaker's (Salary and Allowances) Bill, 1948, be taken into consideration."

The question was adopted.

The Assam Deputy Speaker's Salary Bill, 1948

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Deputy Speaker's Salary Bill, 1948, and to move that the Bill be taken into consideration.

Sir, in view of the constitutional changes greater responsibilities have devolved on the Hon'ble Speaker and in order to give relief to him in some of his duties which he may be pleased to delegate to the Deputy Speaker, it is considered that the Deputy Speaker should receive, as in other provinces, a certain amount of salary. In this Bill we have fixed the salary at only Rs. 300, in place of Rs. 150 which the Deputy Speaker now gets as a Member of this House. In view of this, Sir, I hope the hon. Members will accept this Motion.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Deputy Speaker's Salary Bill, 1948, be taken into consideration."

(After a pause)

The question is:

"That the Assam Deputy Speaker's Salary Bill, 1948, be taken into consideration."

The question was adopted.

The Hon'ble the SPEAKER: I may inform the House that all these 10 Bills, in item Nos. 18 to 27 of the agenda, will be considered clause by clause on 3rd or 5th or 6th April. The last date for receipt of Amendments to these Bills, if any, will be 30th March 1948 before 3 P.M.

If the House desire we may stop here, but I have fixed half past three as the time for discussion of Mr. Gogoi's question. I find that he is absent at the moment. Is any hon. Member conversant with the full facts of the question? In that case he can begin the discussion.

Maulavi Saiyid MUHAMMAD SAADULLA: We can sit till half past three, and in the meantime continue with other items in the agenda.

The Assam Adhiars Protection and Regulation Bill, 1948

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Adhiars Protection and Regulation Bill, 1948 and to move that the Bill be taken into consideration.

In moving this Bill, the main idea is to give protection to the tenants. As a matter of fact we have received a large number of complaints and on enquiry we have found that exorbitant rate of rent in kind is realised from the tenants and on refusal they are evicted and great hardship is caused. It has been brought to our notice that the amount of rent in kind is taken to such an extent that very little is left for the actual cultivator for his maintenance. For the purpose of giving protection to the actual tenants we have introduced this Bill. In this Bill the main aim is to protect the interests of the tenants and to reduce the rent in kind. We have fixed a maximum in this Bill. There are places where the maximum amount of rent in kind is less than the maximum prescribed in this Bill. But this can be obviated by the provision in the Bill that the Provincial Government may extend the provision of the Bill from place to place whenever they think it necessary. In any place where we find that the maximum is less than that prescribed in the Bill Government do not propose to extend the operation of this Bill. The price of agricultural produce has gone up very high and the benefit of this instead of being derived by the cultivators is being derived by the landlords. If however the landlords supply the cultivators with plough cattle and other things in that case they can get more. But simply by owning the land if the landlord takes away half of the produce, that is a hardship to the man who toils all day long. On the other hand, the landlords pay very little to Government even in rayatari areas. Government revenue remains the same whereas the landlords are deriving very much more from the tenants. In view of giving some relief to the Adhiars so that they cannot be unreasonably evicted by the landlords at their whim, to give them security of tenancy and also to leave a sufficient quota earned by their labour and capital, I beg to move that this Bill will be accepted by the House.

The Hon'ble the SPEAKER: Motion moved:
"That the Assam Adhiars Protection and Regulation Bill, 1948, be taken into consideration".

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, my hon. Friend, the Finance Minister a few minutes ago was dreading that there will be a large number of speeches specially from his back-benchers on this very controversial Bill but I am afraid the task has descended on the Members of this side and nobody behind him is able to take part in this debate on account of party whip. It is all very well to say that we are bringing this Bill for the protection of the

Adhiars but there are 2 parties to this wretched system of rent in kind, the landlords and the tenants. This Bill is entirely ignoring the interests of the landlords who are in distress during the present time of communist agitation. The position is rather ludicrous. If my hon. Friends of the Treasury Benches could say definitely and distinctly that their policy is that of socialistic tendency or they favour the principle of Communists who have set up vigorous propaganda in the district of Kamrup against tenants delivering their rent in kind, we would have welcomed it. But remaining wedded to the well-known Congress principle they are trying to out Herod Herod.

The very term Adhiar shows that this kind of tenancy contracts for the payment of half the produce by way of rent. This system is not unique for Assam alone. This system is prevalent in the neighbouring province of Bengal—undivided Bengal and also of Bihar and other places. I have seen references in the Press that there was an intense agitation in Bengal during the last few years that in place of half the rent in kind the tenants were aiming to give the landlords one-third and the rest will go to their own maintenance. Our present Bill goes one step further. They want to reduce the landlords' share to 25 per cent. as if the landlords have not got sufficient expenditure to incur to receive their own share from the tenants. Of course, there is one principle here that if the landlords provide the plough cattle, then they can claim one third of the crops. While there are various penalties—I have cursorily gone through the provisions of the Bill—against the landlords, there is no penal clause against the tenants even if the tenants fail to implement the provision of this Bill when passed. Now my hon. Friend, the Finance Minister said that he has received very many complaints from the tenants but I am perfectly sure of his not being unaware of the plight of these landlords in Gauhati subdivision. Deputation after deputation had waited upon the Hon'ble Prime Minister—deputation upon deputation had sought the intervention of the Deputy Commissioner—even I was not spared and the Pandas of the Kamakshya Hills together with Hindu and Muslim pattadars of the Gauhati town took my time during the last 2 days while I was there. Their point is that let there be an equitable and just Bill for the protection of both. In the neighbouring province of Bengal there has been an intense agitation for "tebhaga" system in place of "adhi". So long as the price of agricultural produce continues high the rent in kind may be fixed at one-third but even there I can say that Government is undertaking or rather biting more than what they can chew. In ascertaining the total produce you cannot have same system or same formula applied to all lands. There are certain land which are "dufasli", or double cropper and there are certain lands which are very poor producers. We cannot have the same system or ratio of division of crop about which I need not detail to the Hon'ble Revenue Minister. What I was going to say was about the different gradations of land which he must have noticed. There will be very many difficulties to assess the crop and the quantity to be divided between the landlord and the tenant. The landlord might say "Well, my share will be one-fourth of the estimated amount of crop" and the tenant on the other hand might say "The produce is only this much for the year and far below the estimate". In such a case who is going to decide the issue. I therefore, Sir, request the Hon'ble Revenue Minister to move with the world opinion and at least to take into consideration the rent in the neighbouring province which limits rent in kind to one-third and thereby he will maintain amity and concord between the landlord and the tenant.

As I have said, Sir, the influence of the communist and socialist is holding ground and there has been an intensive agitation among the tenants at Gauhati subdivision. The landlords have been deprived of their usual rent in kind. It is a misnomer to call those people "landlords". People affected are only pattadars.

I know a certain poor clerk of Gauhati holding about 30 bighas of land which he, being unable to cultivate himself, had been giving it out on *adhi*—system which had been the ratio of division from time immemorial. But now all at once this has been stopped and in consequence his family is almost starving and I know of cases, where individual tenants come to their landlords to say that they were ready to pay his share in kind but they have now been dissuaded by their own leaders. I know of a recent case which has perhaps come to the notice of the Hon'ble Revenue Minister as well, where a cart load of paddy to be milled at Gauhati was looted by the villagers themselves under the direction of some agitators. I cannot say to which party these agitators belonged. But such kind of lawlessness is going on at Gauhati. The Deputy Commissioner promised times without number to help, but he is helpless and so far as I can find, the Ministry themselves become helpless to tide over the difficulties of the landlords up till now. The passing of this Bill will only mean that they are sowing a seed of discord and henceforward they will find that there would be constant litigation between the landlords and the tenants. The landlords can go to the civil court and get decree and eject their tenants. There was such a state of affairs in 1929 when I was an Executive Councillor in those days of the Assam Government. Maulavi Aii Haider Khan, a familiar name to my Friends in the Opposite, was a sufferer in consequence when decree or orders of ejection passed by the civil court at the time were frustrated by the tenants—the male folks would retire to the hills when their houses by way of ejection were destroyed, but in the night those tenants would come down from the hills and raised another sheds and ultimately there arose a state of affair which become parlous to law and order—I had to send 50 Gurkha soldiers of Assam Rifles to keep peace in that locality. If you go on without looking into the interests of the landlords, the landlords will be forced to go to the civil courts and through their claim will get back their lands and try to cultivate them through their own tenants or by hiring labourers and poor people who may be quite willing to work on wages. People who have been living at certain spots generation after generation might be reluctant to go away to seek lands elsewhere if their landlords want them to leave. I therefore appeal to the Congress Party to rise above their party discipline and give out their own opinion which has been expressed to me in private by many and advise their Ministry to make equitable settlement between the landlords and the tenants.

Srijut NILMANI PHOOKAN: Sir, the Leader of the Opposition has expressed certain things which I myself do not believe that somebody has spoken to him in private against this Bill. At any rate in his opinion this Bill is likely to sow the seed of discord amongst the landlords and the tenants. But I think this Bill will assist in uprooting the poisonous tree that is taking all the substance from the soil. I can say this much in the way of illustration from the practical effect of one landlord who has given land to the tenants only in terms of *Puras*. For 55 *Puras* of land more than 2,200 *Puras* of *guti dhan* he realises from his tenants. But according to the maximum rate of Rs. 6 in the way of Government land revenue the total amount comes to Rs. 330 for this 55 *Puras* of land. Is it possible to say that these tenants are really happy with the situation? If the rent is realised at this rate it will only create discord amongst the tenants and landlords which may be offensive to the landlords who are already blind to the interests of so many people. But are we not to protect the landless people who are at the mercy of one landlord who extracts from them 2,200 *Puras* of paddy as rent for 55 *Puras* of land for which he only pays Rs 330 as Government land revenue? This one fact is enough to demolish the argument of my Friend in the Opposition that it will bring in

discord. Discord is already there and therefore Government in a manner has been forced to bring in this Bill so that the discord may not spread like wild fire, from one end of the country to the other. We are to look to the interests of 96 per cent. of the cultivators of land and not to the 4 per cent. of the landlords or capitalists or big people who are holding lands for generations depriving these cultivators for generations as their dupes. So any Government, far less the Congress Government, cannot but bring in such a Bill if they are to justify their position as Government. The Congress has already enunciated this as the greatest of the ideals and I should say they will be the protector of the mass people, the teeming millions of the soil who have been deprived of their things for so long by the landlords.

There should be no landlords any more and this Bill is only an intermediary step to uproot the whole landlordism from the country. I am not satisfied if this Bill is called a permanent one. There can be no permanent tenant in a free country. The country belongs to all. We are not going to create another landlord. The biggest landlord—the British power—has been uprooted from the soil: we do not want that there should be another landlord in the midst of our people. I strongly oppose the hon. Leader of the Opposition when he says that it will create a discord, rather if he does not want more discord, it should be wise for him while reading the signs of the times, to accept this Bill and support it wholeheartedly. (Applause).

***Maulavi SAIYID MUHAMMAD SAADULLA:** May I just ask one question, Sir, of my old Friend there? He was saying that out of 55 *puras* the landlord was taking 2,200 *puras* of paddy. Would he express it in terms of proportion to the produce? I mention "Adhi", *i. e.* half and half and "tribaghi" and "choubaghi", *i. e.* one-third and one-fourth which will provide 25 per cent. Would he please just tell me the ratio of the produce?

Srijut NILMANI PHOOKAN: Yes, the land I am speaking of is the land from the yield of which he takes half the produce of the soil and for this reason there was a great discord between that particular landlord and the tenant; the landlord himself has now come down to say that he will be satisfied with even one-third of the produce. He says he will be satisfied, but this is not a gospel truth which the House will accept.

Debate on Question under Assembly Rule 40

The Hon'ble the SPEAKER: Now I would request Srijut Bhadra Kanta Gogoi to initiate the discussion of the question put by him to-day under Rule 40.

Srijut BHADRA KANTA GOGOI: মাননীয় সভাপতি মহোদয় আজিৰ সভাত মন্ত্ৰী মহোদয়ে মোৰ প্ৰশ্নৰ যিবিলাক উত্তৰ দিছিল সেই উত্তৰত সন্তুষ্ট নহৈ মই এই বিষয়ে আলোচনা কৰিবলৈ ইচ্ছা কৰাত আপুনি এই সময় দিছে। তেখেত সকলক মই ডিব্ৰুগড়ৰ Superintendent of Police এ Poker, Flush আদি gambling খেলা সৰ্ব্বকৈ জানেনে নাজানে বুলি শোঁধাত তেখেতসকলে কোনো evidence নাই বুলি কৈছে। কিন্তু এইটো ডিব্ৰুগড়ৰ সকলোৰে জনাজাত কথা। কেৱল gambling, Flush, Poker ৰ কথাই নহয় ডিব্ৰুগড় টাউনত সেই সময়ত তাতকৈও নানা ঘৃণনীয় কাম তেওঁ কৰি আহিছে যিবিলাক কথা মই এই সভাৰ আগত কবলৈ লাজ পাত্ত। আজি তেনে বিলাক কথা জনা সত্বেও 43(m)

প্রশ্নৰ উত্তৰত গৱৰ্ণমেন্টে এই বিলাক সচা বুলি স্বীকাৰ কৰিও এই বিষয়ে enquiry কৰিবলৈ ইচ্ছা প্ৰকাশ কৰা নাই। সেই জন অফিচাৰে নানাধৰণৰ মটৰ কিনি—এমাহ দুমাহ ৰাখি কিছুমান মটৰ মাত্ৰ ১৪ দিন ৰাখি বিক্ৰি কৰে আৰু এইবিলাক মটৰ কাক বিক্ৰি কৰিছে তাক গৱৰ্ণমেন্টে নিশ্চয় জানে। বোধ হয় Allen Berry মটৰ কোম্পানীৰ পৰাই সস্তা দামত সেইবোৰ মটৰ কিনিছে; যাক হাজাৰ ডেৰ-হাজাৰ গেলনকৈ পেট্ৰল দিছে; সেই “পেট্ৰল কুপন” দি তেওঁ এইবোৰ “জীপ” গাড়ী ধুচ ৰাইছে বুলি কব পাৰি। অৰ্থাৎ গৱৰ্ণমেন্টে জানে বুলি স্বীকাৰ কৰিও তেনেকুৱা অফিচাৰক শাস্তি নিদি শিৱসাগৰৰ নিচিনা এখন ডাঙৰ district ত নিযুক্ত কৰি ৰাখি থৈছে। আজি গৱৰ্ণমেন্টে Anti-corruption Branch খুলি এনেবিলাক দুৰ্নীতি নিৰাধৰণৰ কাৰণে চেষ্টা কৰিছে। এই বিলাক S. P. এই একোখন district চহালি থাকিব লাগে। তেনেকুৱা এজন কৰ্মচাৰীয়ে এনেবিলাক কাম কৰাত বৰ দুখেৰে কব লগীয়া হৈছে যে গৱৰ্ণমেন্টে এইবিলাক বিষয়ে একো চকু দিয়া নাই। এনে বিলাক ওপৰৱৰ্তী পুলিচ কৰ্মচাৰীৰ দুৰ্নীতিৰ কাৰণেই তলৰ বাকী বিলাক পুলিচ কৰ্মচাৰীৰ দুৰ্নীতি পৰায়েন হৈ আছে। কালি মলি চাহাবৰ প্রশ্নৰ উত্তৰত তেওঁৰ দিনত লক্ষীমপুৰ জিলাত murder case কিমান হৈছিল, ডকাইতি case কিমান হৈছিল, চুৰি case কিমান হৈছিল আৰু কিমান ধৰা পৰিছে সেইবিলাক সকলোৱে দেখিছে। এই বিলাক কিয় হৈছিল? তেওঁ কেৱল “জীপ” মটৰ কিনা বেচাতেই ব্যস্ত আছিল আৰু তলতীয়া কৰ্মচাৰীৰ ওপৰত বিশেষ চকু দিয়া নাছিল; গতিকে murder, চুৰি, ডকাইতি case বিলাক তলতীয়া কৰ্মচাৰী সকলে অৱজ্ঞা কৰাৰ ফলতেই ডিফ্ৰগডৰ এনে অৱস্থা হৈছিল। সেই কাৰণে মই গৱৰ্ণমেন্টক টানি অনুৰোধ কৰো যে এনেবিলাক অফিচাৰৰ ওপৰত সোনকালে শাস্তিমূলক ব্যৱস্থা লোৱা উচিত যাতে দেশৰ পৰা এনেবিলাক দুৰ্নীতি আঁতৰ হয়।

The Hon'ble the SPEAKER: আপুনি ডিফ্ৰগডৰ পৰা অহিছে। আপুনি কৈছে যে তাৰ S. P. এ Poker, Flush আদি খেলি থাকে আৰু গৱৰ্ণমেন্টৰ যিবিলাক কাম কৰিব লগা আছে সেই বিলাক কাম নকৰে আৰু যি ৯ খন মটৰ গাড়ী কিনি লৈছিল তাক বেচিছে। আপোনালোকে এই বিলাকৰ সম্বন্ধে অনুসন্ধান কৰিছিলনে?

Srijut BHADRA KANTA GOGOI: এই বিলাকৰ সম্বন্ধে অনুসন্ধান কৰা হৈছিল আৰু বহুত কথা দেখিবলৈকে পোৱা গৈছে আৰু বহুত সময়ত তেওঁক Poker, Flush আদি খেলাত পোৱা গৈছে।

The Hon'ble the SPEAKER: ৪ বজাত চৰকাৰী কাম শেষ কৰিও Poker, Flush আদি খেলিব পাৰে।

Srijut BHADRA KANTA GOGOI: তেখেতে প্ৰায় সেই কামতেই আবদ্ধ থাকে। একোটা মানুহকে ২২,০০০ গেলনকৈ coupon দিছে। গৱৰ্ণমেন্টৰ উত্তৰতেই প্ৰকাশ পাইছে যে যি সময়ত মানুহে পেট্ৰলৰ coupon ৰ কাৰণে হাৰা শাস্তি খাব লগীয়াত পৰিছিল সেই সময়ত তেওঁ তেওঁৰ সহ কাৰবাৰী লোকক ২০।২২ হাজাৰ গেলন কৈ পেট্ৰল কুপন দিছিল। সভাপতি মহোদয়েও ভালকৈ জানে সেই সময়ত পেট্ৰল কুপন পোৱাত তেখেতেই কিমান কষ্ট ভোগ কৰিব লগা হৈছিল। আমি নিজে মানুহ পঠিয়াই ২ টকাকৈ গেলনৰ coupon কিনাই আনিছিলো। এই বিলাক পেট্ৰল বেচি তেওঁলোকে ডবল লাভ কৰিছে। আমি নিজে মানুহ পঠিয়াই সেইবিলাক প্ৰমাণ কৰি চাইছো।

Srijut DANDESWAR HAZARIKA: ২ টকাত coupon পোৱা যায় নে?

Srijut BHADRA KANTA GOGOI: হয়। কাজেই এই বিলাক অফিচাৰৰ যাতে শাস্তি হয় তাৰ নিমিত্তে গৱৰ্ণমেন্টক অনুৰোধ কৰিলো।

The Hon'ble the SPEAKER : Is any other hon. Member taking part ?

Srijut CHANOO KHERIA: মই গগৈ ডাঙৰীয়াৰ কথা সমৰ্থন কৰো আৰু মোৰ মনেৰে enquiry কৰি এনেকুৱা বেয়া অফিচাৰক কামৰ পৰা বৰখাস্ত কৰিব লাগে।

Srijut SARAT CHANDRA SINGHA: সভাপতি ডাঙৰীয়া, ময়ো শ্ৰীযুক্ত গগৈদেৱৰ কথা সমৰ্থন কৰো। গবৰ্ণমেণ্টে উত্তৰত ইয়াত কৈছে যে Government have known the facts. কিন্তু এনেকৈ জানি শুনিও গবৰ্ণমেণ্টে কেনেকৈ কব পাৰে যে Government see no purpose in an enquiry : আজি যেতিয়া এজন কৰ্মচাৰীয়ে এনেকৈ ব্যৱসায় চলাই বাইজৰ নানা ভাবে ক্ষতি কৰিব পাৰিছে আৰু নানাভাৱে পেট্ৰল issue কৰি টকা লব পাৰিছে, তেনে অৱস্থাত গবৰ্ণমেণ্টে কেনেকৈ কব পাৰে যে Government see no purpose in an enquiry ? আশা কৰো গবৰ্ণমেণ্টে এই বিষয়ে enquiry কৰিব।

মই 43 (k) প্ৰশ্নৰ উত্তৰৰ প্ৰতি আপোনাৰ দৃষ্টি আকৰ্ষণ কৰো। তাত লিখা আছে যে তেওঁ hobby হিচাপে তিনিখন গাড়ী লৈছিল। Hobby হিচাপে তেওঁ তিনিখন "জীপ" গাড়ী-লৈ বেচিছে—এইটো hobby বুলি গবৰ্ণমেণ্টে কেনেকৈ জানিলে ? এই কথাটো এইজন অফিচাৰৰ পৰাই জানিছে নে অইন ক'ৰবাৰ পৰা জানিছে ? এনেকুৱা কিবা গবৰ্ণমেণ্টৰ বেজিষ্টাৰ আছেনে য'ত অইন অইন অফিচাৰৰ hobby ৰ সম্বন্ধে ও লিখা থাকে ?

মাননীয় গগৈদেৱে পেট্ৰলৰ কথা কৈছে। এইটো কেৱল ডিব্ৰুগড়তেই নহয়—অন্যান্য জিলাতো পেট্ৰল issue কৰাৰ সময়ত প্ৰত্যেক coupon ত ২ টকা বা তেনেকুৱা কিবা দিলে যিমান coupon লাগে সিমান পাব। টকা নিদিলে coupon নাই বুলি কয় ; আমি জনাত Public Carrier বিলাকে Private Carrier অতকৈ বেছি পেট্ৰল পায়। কিন্তু এতিয়া দেখিছো Public আৰু Private Carrier অৰ কোনো পাৰ্থক্য নাই ; পইছা দিলেই কুপন পোৱা যায়। এনেস্থলত যদি গবৰ্ণমেণ্টে কয় যে Government see no purpose in an enquiry তেনেহলে তাৰ পৰা এই অফিচাৰ বিলাকে আৰু বেচি লাইহে পাব। আশা কৰো কোনো অফিচাৰৰ বিৰুদ্ধে known fact থাকিলে তেনেকুৱা অফিচাৰক শাস্তি দিবলৈ গবৰ্ণমেণ্টে যথোপযুক্ত ব্যৱস্থা কৰিব।

Srijut DANDESWAR HAZARIKA : মাননীয় সভাপতি ডাঙৰীয়া, উপৰোক্ত নভ্ৰাসকলক সমৰ্থন কৰি মই কওঁ যে এই বিষয়ে গবৰ্ণমেণ্টে ভালকৈ তদন্ত কৰা উচিত। দুখৰ বিষয় যে যিবিলাক Bus-owner আছে তেওঁ বিলাক গলে পেট্ৰল শ, শ, গেলনে পায়, কিন্তু বাকী অন্যান্য বিলাকে এক গেলনো নেপায়। এইবিষয়ে বোধকৰো গবৰ্ণমেণ্টে ভালকৈ বিচাৰ কৰা নাই সেই কাৰণেই এনেকুৱা evasive reply দিছে।

মাননীয় গৰ্গৈ ডাঙৰীয়াই শুধিছিল—“Are the Government aware that the said Messrs. Allen Berry and Company are going to sell the vehicles and other stores purchased from surplus military dump to foreign countries” and the reply is “Government have no information”. I am of opinion that this is a very evasive reply. ইয়াৰ আগতে গবৰ্ণমেণ্টে ভালকৈ তদন্ত কৰিব লাগিছিল যে সেই বিলাক গাড়ী কাৰ গুৰিত বেচিবলৈ বন্দৰস্ত কৰিছিল বা কিমান গাড়ী বেচিব খুজিছে ; কিন্তু তাৰ বিষয়ে একো তদন্ত নকৰি উত্তৰ দিছে যে Government have no information. তাৰ পিচত যিটো প্ৰশ্ন কৰিছে তাৰ উত্তৰত কেৱল “No” বুলি কৈ দিছে। ইয়াত যিবোৰ উত্তৰ দিছে সি সন্তোষজনক নহয় ; সেই কাৰণে তদন্ত কৰিবলৈ গবৰ্ণমেণ্টক অনুৰোধ কৰো আৰু তদন্ত কৰি তাৰ যথা বিহিত বিধান কৰিব বুলি আশা কৰো।

যি জন S. P. ৰ কথা লৈ তেখেত সকলে অভিযোগ আনিছে, তেওঁৰ বিষয়ে মই কওঁ যে সিদিনা মোক চৰকাৰে অনাবৰী পুৰিবিছন কমিশ্যনাৰ কৰাত মই ডিব্ৰুগড় আৰু অন্যান্য ঠাইত ফুৰিব লাগে বুলি ৫০ গেলন তেলৰ নিমিত্তে দৰ্খাস্ত কৰিছিলোঁ, কিন্তু তেওঁ মোৰ সেই দৰ্খাস্তত মোক ৩০ গেলন তেল হে দিছে। এই ৩০ গেলন তেলেৰে মই কেনেকৈ কাম কৰিম ? এই ৩০ গেলন তেলেৰে মই কেনেকৈ ডিব্ৰুগড়, শিৱসাগৰ, চিলং আদি ঠাইলৈ যাব পাৰিম ? সেই কাৰণে মই গবৰ্ণমেণ্টক অনুৰোধ কৰিছোঁ যে এই বিষয়ে ভালকৈ বিচাৰ বিবেচনা কৰিব লাগে। উপৰোক্ত বক্তাসকলক সমৰ্থন কৰি ইমানতে মোৰ বক্তব্য শেষ কৰিলোঁ।

Srijut MOTIRAM BORA : মাননীয় সভাপতি ডাঙৰীয়া, মই দুইচাৰি আঘাৰ কথা কৈয়ে শেষ কৰিম। - গবৰ্ণমেণ্টে প্ৰশ্ন বিলাকৰ যেনেকৈ উত্তৰ দিবলৈ চেষ্টা কৰিছে তাৰ পৰা ইয়াকে বুজিব পাৰি যে গবৰ্ণমেণ্টৰ যি দায়িত্ব আছে তাক যেন তেখেত সকলে evade কৰিবলৈ চেষ্টা কৰিছে। আচল কথা কি হৈছে আমি তাকেহে জানিবলৈ বিচাৰো। কিন্তু প্ৰশ্ন বিলাকৰ উত্তৰ গবৰ্ণমেণ্টে যেনেকৈ দিবলৈ চেষ্টা কৰিছে তাৰপৰা কেনেকৈ আচল উত্তৰ দিয়াৰ পৰা কেনেকৈ বাচিব তেনেকুৱা চেষ্টা কৰা যেন হে আমি দেখিছো। গবৰ্ণমেণ্টে নিজে জানে যে এইজন অফিচাৰে ১১ খন গাড়ী বেচিছে, Government servants' conduct rule মতে এনেকুৱা বেচাকিনা allow নকৰে—Government servant এ গবৰ্ণমেণ্টৰ permission নোহোৱাকৈ বেপাৰ কৰিব নোৱাৰে ; এই বিলাক কথা জানিশুনিও তাৰ কোনো প্ৰতিকাৰ নকৰি গবৰ্ণমেণ্টে কোনো বকমে যেনেতেনে কৰি উত্তৰ দি কাম সাৰিব পাৰিলেই হয়, এনেভাবে ফুটি ওলাইছে। আমি বিচাৰিলো আচলতে কি কথাটো হৈছে—বেপাৰৰ নিমিত্তে কিনাবেচা কৰিছিল নে hobby ৰ নিমিত্তে কৰিছিল। কিন্তু যাৰ বিৰুদ্ধে আপত্তি কৰা হৈছিল তেওঁক শুধিয়েই হে উত্তৰ বিলাক দিয়া হৈছে। এনেকুৱা অৱস্থা হোৱা ঠিক নহয় ; আমাক লাগে সচা কথা বাস্তবিকতে কথাটো কি হৈছিল। কিন্তু যি উত্তৰ পাইছে তাত দেখা যায় যে গবৰ্ণমেণ্টে যেন কথাটো ধাৰাচাপা দিব খুজিছে ; ইয়াত আমি ভাল পোৱা নাই। এজন responsible officer এ একো একোজন মানুহক হাজাৰ হাজাৰ গেলন পেট্ৰল দিছে যি সময়ত পেট্ৰল পাবলৈ বৰ টান আছিল। এজনক brick-field, Saw mills আদিৰ কাৰবাৰ কৰিবৰ কাৰণে ২২ হাজাৰ গেলন পেট্ৰলো দিছে এই পেট্ৰল শিলঙৰ পৰা extra quota নি দিব লগা হৈছিল।

এইকেইজনক হাজাৰ হাজাৰ গেলন পেট্রল দিবলৈ শিলঙলৈকে move কৰিব লগীয়া হৈছিল। এই বিলাক জানিও গৱৰ্ণমেণ্টে কয় যে Government see no purpose in an enquiry. এজন মানুহে এই ১০ হাজাৰ গেলন কিয় নিয়ে? কিমান দিনত ইমান পেট্রল নিয়ে?

The Hon'ble Srijut BISHNURAM MEDHI: 'এমাহত এহেজাৰ গেলন'।

Srijut MATIRAM BORA: এজন মানুহে যে কি কাৰণে ২২ হাজাৰ গেলন কৈ পেট্রল পায়-সেই কাৰণটো নিশ্চয় enquiry কৰিবৰ কথা। পেট্রল পাবলৈ কিমান টান আমি সকলোৱেই জানো। এই পেট্রলৰ permit কি বকমে পাইছিল সেইটো enquiry কৰা ভাল। কিন্তু গৱৰ্ণমেণ্টে কৈছে যে "Government see no purpose in an enquiry"। যদি হে এই বিষয়ে enquiry নকৰে তেনেহলে অইন অফিচাৰকো লাই দিয়াহে হব। গৱৰ্ণমেণ্টে এই বিষয়ে জানি শুনিও একো step লোৱা নাই। তাত আৰু এটা কথা লিখা আছে যে এই অফিচাৰ জনক বদলি কৰা হৈছে in the ordinary course। ইয়াৰ পৰাই বুজা যায় যে গৱৰ্ণমেণ্টে যেন ধামা চাপা দি এই অফিচাৰ জনক বচাবলৈ চেষ্টা কৰিছে। এই উত্তৰত আমি সন্তুষ্ট হোৱা নাই। মই আশা কৰো গৱৰ্ণমেণ্টে এই বিষয়ে আকৌ তদন্ত কৰিব।

Dr. EMRAN HUSAIN CHAUDHURY: মাননীয় সভাপতি ডাঙৰীয়া, অলপ আগতে মাননীয় ছাদুল্লা চাহাবে আখিয়াৰ বিল সম্বন্ধে কথা প্ৰসঙ্গত কৈছিল যে গৱৰ্ণমেণ্টে পাৰ্টিৰ কেইজনমান মেম্বৰৰ আখিয়াৰ বিল সম্বন্ধে কথা কবৰ ইচ্ছা আছিল, কিন্তু যি হেতু তেখেত সকল গৱৰ্ণমেণ্টে পাৰ্টিৰ মেম্বৰ, তেখেত সকলে কোনো কথা কব নোৱাৰিলে। এতিয়া যি প্ৰশ্ন মাননীয় ভদুকান্ত গগৈয়ে তুলিছে আৰু ভালেমান গৱৰ্ণমেণ্টৰ পক্ষৰ মেম্বৰে কৈছে যে গৱৰ্ণমেণ্টে প্ৰশ্নবিলাকৰ ঠিক ঠিক উত্তৰ নিদিয়ে। এই বিলাক কথা দেখুৱাই দিয়াৰ কাৰণে তেখেত সকলক মই আন্তৰীক ধন্যবাদ দিছো। ভৱিষ্যতেও যদি গৱৰ্ণমেণ্টে তেনে কোনো অন্যায় কাম কৰে আশা কৰোঁ। তেখেত সকলে ভয় নকৰি যেন উচিত কথা কয়। গৱৰ্ণমেণ্টে যদি সঁচাকৈয়ে কোনো প্ৰশ্ন evade কৰে, আমি তাৰ বাবে তেওঁলোকক দোষাৰোপ কৰোঁ।

The Hon'ble Srijut RAMNATH DAS: মাননীয় সভাপতি ডাঙৰীয়া, যিবিলাক কাৰণে আজি এই আলোচনা ইয়াত হৈছে তাৰ ভিতৰত এটা ডাঙৰ অভিযোগ হৈছে যে এই S. P. জনে Allen Berry Company ক অন্যায় ভাবে বহুত পেট্রল কুপন দি গাড়ী ঘূচ খাই লৈছে। এই কথাটো গৱৰ্ণমেণ্টে এতিয়ালৈকে জনা নাই, সেই কাৰণেহে গৱৰ্ণমেণ্টে কৈছে যে যদিও তেওঁ গাড়ী কিনিছে আৰু বিক্ৰি কৰিছে তথাপি তেওঁ যে কিছুমান অন্যায় ভাবে বেছি পেট্রল দি ঘূচ খাই এইবোৰ গাড়ী কিনিছে এই কথা গৱৰ্ণমেণ্টে নাজানে। সেই কাৰণে গৱৰ্ণমেণ্টে কৈছে যে পেট্রল দিছে তাৰ কাৰণে enquiry কৰিবৰ কাৰণে গৱৰ্ণমেণ্টে অমত। গৱৰ্ণমেণ্টে কেতিয়াও কোৱা নাই যে পেট্রল দিয়াৰ পৰিবৰ্ত্তে তেওঁ গাড়ী লৈছে। সেই বাবেহে গৱৰ্ণমেণ্টে enquiry কৰিম বুলি প্ৰতিশ্ৰুতি দিয়া নাছিল। আজি মাননীয় গগৈ ডাঙৰীয়াই যেতিয়া বিশেষ ভাবে অভিযোগ আনিছে যে Allen Berry company ৰ পৰা পেট্রল দি কেইখনমান গাড়ী তেওঁ লৈছে তেতিয়া গৱৰ্ণমেণ্টে এই অভিযোগৰ বিচাৰ কৰিম বুলি প্ৰতিশ্ৰুতি দিছে। সেই বিচাৰত যদি কিবা দোষ সাব্যস্ত কৰিব পৰা যায় তাৰ কাৰণে যি বিধান লব লাগে আৰু পৰা যায় তেনে বিধান লবলৈ আমি গাত লৈছো।

আজি বহুতে কৈছে যে এই অফিচাৰ জনে গাড়ী কিনা বেচা কৰি বাবসায় কৰিছে । অৱশ্যে মানুহে গাড়ী কিনে আৰু কিনি ভাল নাপালে তাক বিক্ৰি কৰে । সেই চিচাপে অকটলৈ যে এইজন গৱৰ্ণমেণ্ট অফিচাৰেইহে কিনিছে বা বেচিছে এনে নহয় ; আজি এই অফিচাৰ জনৰ সন্মুখে প্ৰশ্ন হৈছে বুলিহে এই কথা ওলাইছে কিম্বা হয়তো বহুত গৱৰ্ণমেণ্ট অফিচাৰে এই দৰে গাড়ী কিনি বিক্ৰি কৰি আছে । এখন গাড়ী কিনি লোৱাৰ পিচত বেচি দামত বিক্ৰি কৰিলেই যে লাভ নিতাস্ত হয় বুলি বহুতে ভাবে, সেই কথাও সুল ।

The Hon'ble the SPEAKER : কন দামত লৈ বেছি দামত বেচিলে লাভ নহননে ?

The Hon'ble Srijut RAMNATH DAS : লাভ নহব ও পাৰে । তেখেতে কৈছে যে তেখেতে কিছু মান ভগা গাড়ী কিনিছে আৰু repair কৰিছে । বহুতে ভগা গাড়ী কিনি ইমান হাৰা শাস্তি পায় যে তেওঁলোকৰ বেচিবলৈ তত নাই কিয়া হয় । ভাল কৰোতেই বহুত টকা খৰচ হয় । বেয়া গাড়ী ভাল কৰোতে কিমান টকা যায় সেই কথা বহুতৰে নজনা নহয় । গাড়ী কিছুমান তেখেতে কিনিছিল আৰু বেচি দৰত বেচি ছিল—সেই কাৰণে বহুতে ভাবে যে তেওঁ বহুত টকা লাভ কৰিছে । এই অফিচাৰ জনে লাভ কৰিবও পাৰে, নকৰিবও পাৰে, এই কথা গৱৰ্ণমেণ্টে জনা নাই । সেই কাৰণে যিবিলাক অভিযোগ অনা হৈছে সেই বিলাক যদি সঁচা হয় তাক প্ৰমাণ কৰিবৰ কাৰণে আমি enquiry কৰিম আৰু বিবেচনা কৰি যদি কিবা শাস্তি দিব লগা হয় সেই শাস্তি দিবলৈকো গাত লৈছো । এই কথা কই মই গগৈ ডাঙৰীয়াক এই discussion ইয়াতে শেষ কৰিবলৈ অনুৰোধ কৰিলো ।

The Hon'ble the SPEAKER : আপোনালোকে Anti Corruption Branch ৰ হতুৱাই এই enquiry কৰিবনে নকৰে ?

The Hon'ble Srijut RAMNATH DAS : এই enquiry কি বকমে কৰিব লগীয়া হব মই এতিয়া কব নোৱাৰো । Anti Corruption Branch ৰ দ্বাৰাই কৰোৱা হব নে departmentally কৰোৱা হব সেই কথা আমি বিবেচনা কৰি চাব লাগিব ।

The Hon'ble the SPEAKER : I think, the matter has been sufficiently discussed and the hon. Member has received an assurance from the Hon'ble Minister. I hope he will be satisfied.

The Hon'ble Srijut RAMNATH DAS : I have assured the House on the definite allegations made by Mr. Gogoi that the officer got these cars in lieu of the petrol coupons given to the Company.

Adjournment

The Assembly was then adjourned till 10 A. M. on Saturday, the 13th March 1948.

SHILLONG :
The 16th April, 1948

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

APPENDIX B

The 26th January 1948

No. LML.75/47/7.—In exercise of the powers conferred by clause (x) of sub-section (2) of section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to prescribe, in modification of the orders prescribing the maximum fee leviable on carts by the Tezpur Municipal Board in this Department Notification No. 3276-L.S.-G., dated the 13th June 1938, the following fee, with effect from the 1st April 1947, as the maximum which may be levied by the Tezpur Municipal Board on carts under clause (i) of sub-section (1) of section 59 of the said Act.

For every cart Rs. 12 per annum.

S. L. MEHTA,

Secy. to the Govt. of Assam, Edn., L.S.-G. & Medl. Departments.

APPENDIX C

REPORT OF THE COMMITTEE CONSTITUTED BY THE ASSAM LEGISLATIVE ASSEMBLY TO AMEND OR MODIFY THE ASSAM LEGISLATIVE ASSEMBLY RULES CONSEQUENT ON THE CHANGE OF THE PROVINCIAL CONSTITUTION UNDER THE INDIAN INDEPENDENCE ACT, 1947 AND THE INDIA (PROVISIONAL CONSTITUTION) ORDER, 1947.

We, the undersigned Members of the Committee constituted to amend or modify the Assam Legislative Assembly Rules consequent on the change of the Provincial Constitution under the Indian Independence Act, 1947 and the India (Provisional Constitution) Order, 1947 met on the 2nd day of December, 1947 and have the honour to submit this our Report together with a list of amendments and modifications proposed by us for the consideration of the Assam Legislative Assembly.

In taking over the task of amending or modifying the rules, where necessary, it was borne in mind that the rules so amended or modified are required merely to serve our purpose for the interim period and that further revision or modification would be necessary after the inauguration of the new Constitution. Our main task therefore was only to omit, amend or modify those rules which were found to be repugnant or unnecessary consequent on the change of the Provincial Constitution under the Indian Independence Act, 1947 and the modifications of the Constitution Act of 1935 by the India (Provisional Constitution) Order, 1947.

Some small amendments have also been made here and there to fit in with the changed circumstances.

For facility of reference short explanatory notes showing the reasons for omitting, amending or modifying the rules have been given where necessary and practicable.

SHILLONG :
The 2nd December, 1947.

LAKSHESVAR BOROAH,
KAMINI KUMAR SEN,
ABDUL HAI,
HARESWAR DAS,
MOTIRAM BORA.

N.B.—Mr. J. S. Hardman could not attend the meeting of the Committee and therefore did not sign the Report.

LIST OF AMENDMENTS, ETC., TO THE ASSAM LEGISLATIVE ASSEMBLY RULES

(Pages refer to pages of the Assam Legislative Assembly Manual)

Preamble (Page 1).—

1. The words "and His Excellency the Governor of Assam" be omitted and the words "as adapted," be inserted after the figures "1935,".
2. The "Note" be omitted.

CHAPTER I

PRELIMINARY

1. The heading "Title" be omitted.
2. Governor's rule 1 be omitted.

Definitions.—

3. The square brackets and words "[Chamber's Rule 1 and Governor's Rule 2]" be omitted.

4. For the definition of "Chamber" the following be substituted:—

"Chamber" means the Chamber of the Assam Legislative Assembly.

5. The definition of "Council" be omitted.

6. After the definition of "Chamber" the following be inserted:—

"Dominion" means the Dominion of India.

7. In the definition of "Governor" the words "or the Governor acting in his discretion.....individual judgment" be omitted.

[*Explanatory Note.—*Cf. Article 3(2) of the India (Provisional Constitution) Order, 1947.]

8. The words "Minister means a member of the Council of Ministers" (in italics) be omitted and the definition of "Finance Minister" be printed in ordinary type.

9. The definition of "Speaker" be printed in ordinary type.

Rule 3 (page 2).—

This rule be substituted as follows:—

"3(1) The Assembly shall ordinarily sit from 10 a.m. to 12 noon and from 1 p.m. to 3 p.m. on all week-days except Wednesday, and on Friday it shall sit from 1-30 p.m. to 3-30 p.m."

(*Explanatory Note.—*This was considered necessary in view of the standard time being followed in all Government institutions and offices. Hours of sittings for Friday were changed for the convenience of Muslim Members.)

CHAPTER II

MEETINGS OF THE ASSEMBLY

The following be inserted as a new rule, the succeeding rules being re-numbered:—

"*Quorum*".—

"8. The presence of at least 12 members shall be necessary to constitute the quorum for a meeting of the Assembly."

(*Explanatory Note*—*Cf.* Section 66(3) of the 1935 Act. For a House of 108 members the quorum was 18.. The present House consists of 71 members.)

Rule 9 (page 5).—

1. For the word "English" the word "Assamese" be substituted.
2. In the Explanation to the rule, for the word "Assamese" the word "English" be substituted.

(*Explanatory Note.*—Section 85 of the 1935 Act has been omitted.)

Rule 12(2)(i).—

The following be substituted for this clause :—

"reflect upon the conduct of His Majesty the King and the Governor-General or Representatives of the Dominion of India for the exercise of his functions of the Dominion in its relations with States or any Governor (as distinct from the Governments of which they are respectively the heads) or any Court of Law in the exercise of its judicial functions ;"

Rule 12(2)(iii).—

For the word "Indian" the word "Dominion" be substituted.

Rule 17 (page 6).—

For the words "Chief Minister" the word "Premier" be substituted.

Governor's rule 4 (page 6).—

This rule be omitted.

[*Explanatory Note.*—Proviso to Section 84(1) of the 1935 Act has been omitted. Also see Article 3(2) of the India (Provisional Constitution) Order, 1947.]

Rule 19(3) (page 7).—

1. Clauses (b) and (c) be omitted and in clauses (d)-(i) the words "introduced in the Assembly" and the words "Joint or" wherever they occur, be omitted.
2. In clause (i), also the word "and" after the word "Assembly" be omitted.
3. In clause (j) the words "in the Assembly" be omitted.

(*Explanatory Note.*—These are unnecessary as there is no Council now.)

CHAPTER III

QUESTIONS

Rule 30(1)(i) (page 10).—

1. For the words "His Majesty's Dominion" the words "Dominion of India" be substituted.

2. In sub-rule (2) for the word "Governor" the word "Speaker" be substituted.

Rule 32 (page 11).—

The words "Governor-General in Council or the Secretary of State" be omitted and the words "Dominion Government" be inserted after the words "between the".

Governor's rule 5 (page 11).—

This rule be omitted.

[*Explanatory Note.*—Proviso to Section 84(1) of 1935 Act has been omitted.]

Rule 40 (page 12).—

In the proviso "4 p.m." be substituted by "3 p.m., or after 3-30 p.m. on Fridays,".

CHAPTER IV

MOTIONS

Governor's rule 7 (page 13).—

This rule, including the foot-note reproducing Governor's rule 6, be omitted.
 [Explanatory Note.—Proviso to Section 84(1) of the 1935 Act has been omitted.]

CHAPTER V

LEGISLATION

Governor's rule 8 (page 16).—

This rule be retained as a rule made by the Assembly and printed in ordinary type, omitting the square brackets and the words "Governor's Rule 8".

Governor's rule 9 (page 17).—

This rule be omitted.
 [Explanatory Note.—Sub-section (2) of Section 86 of 1935 Act has been omitted.]

Rule 59 (page 18).—

This rule be omitted.
 (Explanatory Note.—Section 90 of the 1935 Act has been omitted.)

Rule 63 (page 19).—

For sub-rule (1) the following be substituted:—
 "(1) The Secretary of the Assembly, on receipt of a complete Report (including Minutes of Dissent, if any) of a Select Committee duly signed by all the members of the Committee, with the Bill as amended, from the Secretary of the Select Committee, shall cause the Report and the amended Bill to be printed and a copy of the Report with the amended Bill shall be made available for the use of each member of the Assembly. The Report, with the amended Bill, shall be published in the Gazette."

Rule 71 (page 21).—

1. This rule be numbered as sub-rule (1) and the following new rule be inserted as sub-rule (2):—
 "(2) After a Bill has been so authenticated by the Speaker, the Secretary shall send the authenticated copy to the Legal Remembrancer for submission to the Governor for his assent."
 2. In the heading to rule 71 after the word "authentication" the words "and to Governor for assent" be added.

Rule 72 (page 21).—

This rule be omitted.

Governor's rule 10 (page 21).—

This rule be retained as a rule made by the Assembly and printed in ordinary type and renumbered, the brackets and the words "Governor's Rule 10" being omitted.
 (Explanatory Note.—Proviso to Section 75 of the 1935 Act has been retained.)

Governor's rule 11 (page 21).—

This rule be omitted.

(Explanatory Note.—Section 90 of the 1935 Act has been omitted.)

Governor's rule 12 (page 21).—

This rule be retained as a rule made by the Assembly, omitting the words "and if such a resolution.....for its concurrence", and printed in ordinary type and renumbered. The brackets and the words "Governor's Rule 12" be omitted.

(Explanatory Note.—Section 88 of the 1935 Act has been retained in amended form.)

CHAPTER VI

RESOLUTIONS

Rule 76(1) (page 22).—

1. In clause (i) for the words "His Majesty's Dominions" the words "the Dominion of India" be substituted.

2. In sub-rule (2) for the word "Governor" the word "Speaker" be substituted.

Governor's rule 6 (pages 22-23).—

This rule be omitted.

[*Explanatory Note.*—Proviso to Section 84(1) of 1935 Act has been omitted.]

Rule 85 (page 24).—

In sub-rule (2) for the word "Governor" the word "Speaker" be substituted.

CHAPTER VII

MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE

Governor's rule 7 (page 25).—

This rule, including the foot-note reproducing Governor's rule 6, be omitted.

[*Explanatory Note.*—Proviso to Section 84(1) of the 1935 Act has been omitted].

Rule 90 (page 26).—

1. For the figures "20" wherever they occur the figures "14" be substituted.

2. "3 P. M." be substituted by "2 P. M., or 2.30 P. M. on Fridays".

(*Explanatory Note.*—The reduction of the number of members from 20 to 14 is necessary owing to reduction in the number of members of the Assembly from 108 to 71.)

CHAPTER VIII

THE MINISTRY

Rule 93 (page 27).—

In sub-rules (2) and (3) for the figures "35" the figures "24" be substituted.

(*Explanatory Note.*—The reduction is necessary in order to make it proportionate with the reduced number of members of the existing House.)

CHAPTER X

REMOVAL OF SPEAKER

Rule 96 (page 29).—

For the figures "35" wherever they occur the figures "24" be substituted.

(*Explanatory Note.*—Reason as above.)

CHAPTER XI

ANNUAL FINANCIAL STATEMENT

Governor's rules 13-19 (pages 30-32).—

All these rules be retained as rules of the Assembly subject to the following amendments and modifications:—

(i) The words "exercising his individual judgment" be omitted wherever they occur.

(ii) In Governor's rule 16(3) and 16(4) "4 p.m." be substituted by "3 p.m., or 3-30 p.m. on Fridays"

(iii) In Governor's rule 18(3), "4 p.m." be substituted by "3 p.m." and after the words "on the day" the words "or at 3-30 p.m. if it is a Friday," be inserted.

(iv) The rules be printed in ordinary type, removing the brackets and be renumbered.

(v) Other consequential changes be made.

Rule 99 (page 31).—

In sub-rule (3) the words "subject to the only exception.....of the said section" be omitted.

[*Explanatory Note.*—These words are unnecessary in view of omission of the proviso to Section 80(1) of the 1935 Act. The words "exercising his individual judgment" are unnecessary in view of Article 3(2) of the India (Provisional Constitution) Order, 1947.]

Rule 102 (page 32).—

In sub-rule (2) the word "eight" be substituted by the word "seven".

[*Explanatory Note.*—This is necessary in view of a smaller House now.)

Rule 103(1) (page 33).—

In clause (c) the words "acting in his discretion" be omitted.

[*Explanatory Note.*—*Cf.* Article 3(2) of the India (Provisional Constitution) Order, 1947.]

CHAPTER XII

PROCEDURE FOR MAKING RULES

Rule 105 (page 34).—

The figures "35" be substituted by the figures "24".

[*Explanatory Note.*—The reduction is necessary in view of a smaller House now.)

CHAPTER XIV

MISCELLANEOUS

Rule 119 (page 37).—

In sub-rule (1) for the figures and words "11 and 3 O'clock" the figures and words "10 and 2 O'clock" be substituted.

CHAPTER XV

PROCEDURE REGARDING LEGISLATION IN BOTH CHAMBERS

Rules 127-141 (pages 38-40).—

These rules are unnecessary and may be omitted.

CHAPTER XVI

INTERPRETATION OF RULES

Governor's rule 3 (page 41).—

This rule be omitted.

We also recommend that as the Assam Legislature has now become unicameral, the Joint Sittings Rules and the Rules regarding communications between the two Chambers at pages 74-77 of the Assam Legislative Assembly Manual have become unnecessary.

