

ADDRESSES IN INDIA

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Assam Legislative Assembly Debates

OFFICIAL REPORT

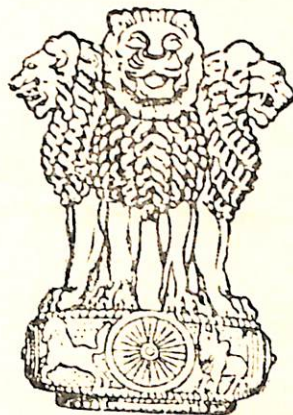
SEVENTH SESSION OF THE ASSAM LEGISLATIVE
ASSEMBLY ASSEMBLED AFTER THE FIRST
GENERAL ELECTION UNDER THE
SOVEREIGN DEMOCRATIC REPUBLICAN
CONSTITUTION OF
INDIA

ADJOURNED BUDGET SESSION

VOLUME I

No. 19

The 21st June, 1955



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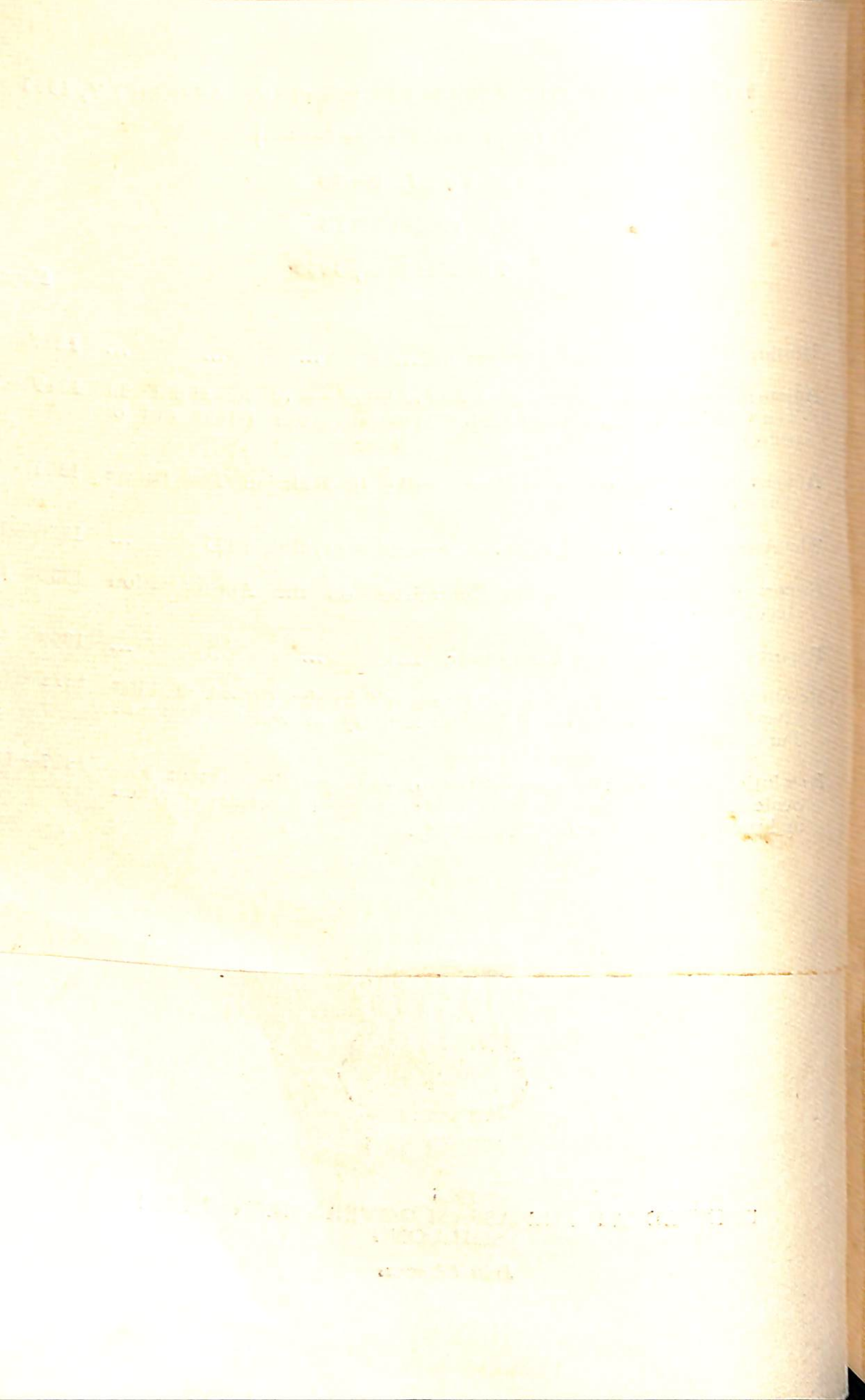
(Adjourned Budget Session)

Vol. I, No.19

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Proceedings of the Seventh Session of the Assam Legislative Assembly assembled after the First General Election under the Sovereign Democratic Republican Constitution of India

The Assembly met in the Assembly Chamber, Shillong, at 10 A.M. on Tuesday, the 21st June, 1955.

P R E S E N T

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, the nine Ministers, the two Deputy Ministers, the two Parliamentary Secretaries and sixty-seven Members.

QUESTIONS AND ANSWERS

STARRED QUESTION

Starred question No.51 standing in the name of Shri Debeswar Rajkhowa was not put and answered as the hon. Questioner was absent.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Re: Trade Testing of the Artisans of the Tea Gardens of Assam

Shri BISWADEV SARMA asked :

141. Will the Labour Minister be pleased to state—

- (a) What steps have been taken by Government for trade testing of the artisans of the tea gardens of Assam ?
- (b) Is it a fact that large number of such cases of artisans are pending since 1952 ?

Shri PURNANANDA CHETIA (Deputy Minister):

141. (a)—On the recommendations of the Committee appointed for the purpose of laying down the qualification of artisans, Government have decided to set up 3 regional committees at Jorhat, Tezpur and Silchar for the purpose of conducting tests of artisans. Names of nominees have been called from the different organisations to sit in the proposed committees but the committees could not be constituted as some of the organisations have not yet nominated any member to the proposed committees.

(b)—A number of cases are pending and these will be taken up by the regional committees when constituted.

Shri BISWADEV SARMA: May I know, Sir, how long the Government propose to wait for the nomination ?

Shri PURNANANDA CHETIA (Deputy Minister): We have not received any reply from the Assam Bengal Tea Planters' Association, Calcutta, on account of which we have not been able to constitute the Committee.

Shri BISWADEV SARMA: My question is how long the Government propose to wait for the nomination ?

Shri PURNANANDA CHETIA (Deputy Minister): The reply is there, Sir. The moment we get the necessary reply from all the organisations, we shall do the needful.

Mr. SPEAKER: Supposing they do not send their replies, what will then happen ?

Shri PURNANANDA CHETIA (Deputy Minister): Then Government will constitute the Committee according to their own way.

Shri HARESWAR GOSWAMI: When did the Government call for the names of nominees from the different organisations ?

Shri PURNANANDA CHETIA (Deputy Minister): Only one organisation has not sent the names of its representatives. It has been called upon by Government to do the needful as many as 4 times. First, it was done on 24th March 1955, then on 11th April 1955, again on 28th April, 1955 and finally on 7th June 1955.

Shri HARESWAR GOSWAMI: What are the organisations who have not up till now nominated their representatives ?

Shri PURNANANDA CHETIA (Deputy Minister): The Assam Bengal Tea Planters' Association, Calcutta, which have gardens on the North Bank. This is the only organisation which has not responded to Government as yet.

Adjournment Motions

Mr. SPEAKER: There are two Adjournment Motions—one tabled by Shri Hareswar Goswami and the other by Shri Sarju Prosad Singh.

Shri BISHNURAM MEDHI (Chief Minister): As regards Mr. Goswami's Motion, it was received by the House after the question hour. It is written here "Notice received at 10-30 A.M. on the 20th June, 1955."

Mr. SPEAKER: Mr. Goswami has repeated it today.

Shri BISHNURAM MEDHI (Chief Minister): But, I have not received notice to that effect. Even if it has been repeated, my submission will be that it is admitted in the statement itself that the strike commenced in the 1st week of June, that is, about 15 days ago. So, the Mover had time enough to table a Short Notice Question to ascertain facts. Further, it is quite clear that the strike is not continuing now, as the matter was enquired into and an agreement was arrived at as a result of which the strike has been called off after consultation with the Government. In view of this, there is hardly any urgency in the matter and so there is no necessity of an Adjournment Motion.

ADJOURNMENT MOTION

Shri HARESWAR GOSWAMI: I beg to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and recent occurrence, namely, the strike of labourers in about 30 tea gardens of Golaghat and Jorhat Subdivisions of the State of Assam consequent to the alteration of plucking rates by the management to the detriment of labour and in violation of the principles and spirit of the Minimum Wages Act.

STATEMENT OF OBJECTS

Recently, *i.e.*, in the last week of this month about 30 tea gardens in Jorhat and Golaghat Subdivisions had to face a strike by labourers. About 12,000 labour was involved and about 1,00,000 man days lost. This not only affected production but has created *bona fide* suspicion in the minds of labour in other tea gardens that their hard won gains in the shape of minimum wages. The strike was a direct result of the alteration of plucking rates by the management without consulting labour representatives and in violation of the spirit and principles of the Minimum Wages Act. There is genuine apprehension that this strike may spread unless lasting agreement is brought about and this is likely to cause great economic loss to the State and unrest amongst people. This is a matter of great importance and of recent occurrence and hence this Adjournment Motion.

Shri HARESWAR GOSWAMI: My first submission is that although the strike has been called off, the matter has not been settled and, therefore, the matter is of urgent public importance and recent occurrence, namely, the strike took place consequent to the alteration of plucking rates and there was great resentment. Yesterday, I was late in coming to the House by about 12 minutes and so I could not submit my Motion before the House met and I have explained to the Secretary of the Assembly today. For that reason I intended to move this Motion today—this being a matter of urgent and public importance. Therefore, Sir, it is my submission that this matter, still being very important although the strike has been called off as it has not been settled finally, should be allowed to be discussed by this House. There is no scope for a Short Notice Question in this respect. Even if a Short Notice Question was put, we would have been favoured with certain informations only, and we could not have discussed the matter; but the matter is one of not getting information but of discussing the question of cutting down the plucking rates which is very important.

Shri OMEO KUMAR DAS (Minister): Sir, may I bring to your notice that the matter to which Mr. Goswami relates is about the reduction of plucking rates and as such this matter is under enquiry? This being so, how this matter can be brought before the House?

Shri HARESWAR GOSWAMI: By whom the matter is being enquired into?

Shri OMEO KUMAR DAS (Minister): By the Government.

Shri HARESWAR GOSWAMI: Enquiry by the Government does not preclude us from discussing this matter on the floor of the House.

Shri BISHNURAM MEDHI (Chief Minister): The Government finally decided to refer the issue to the Minimum Wage Advisory Committee and the said Committee sat at Shillong on the 26th and 28th April, 1955. Eventually the strike was called off on the 13th June on an assurance given by the Government that the relative viewpoints of both Industry and Labour would be properly examined and the effects of the introduction of new rates in the earnings of the pluckers as against those earned by them in 1954 under the old rates

would be properly assessed, and if it is found that a large number of pluckers were not benefited by these new rates, steps would be taken for revision of the rates and the question of loss, if any, sustained by the workers in the meantime as a result of introduction of the new rates of plucking, would be duly investigated and taken up with the employees.

In view of this there is no urgency in the matter.

Mr. SPEAKER: Next Motion.

Shri SARJU PROSAD SINGH : Sir, my Motion relates to the continued strike in the Kakajan Tea Estate involving about 3,000 workers due to the hostile attitude of the Manager of the Tea Estate over the introduction of the new plucking rate. After the strike has begun, the Manager took the help of the police and some workers were actually assaulted.

Shri BISHNURAM MEDHI (Chief Minister): When we first got the information about this strike, the Deputy Commissioner was asked to personally enquire into the matter. He says in his report that he enquired into the matter and explained to the labourers and the matter was settled amicably. The workers had resumed their work. In view of this there is no urgency in the matter.

Shri BAIDYANATH MOOKERJEE (Minister): Sir, may I speak a few words in connection with the point raised by Mr. Goswami ? He has tried to support his contention by saying that this matter is of recent occurrence and he took the first opportunity of bringing this matter before the House yesterday. My reply to that point is if Mr. Goswami had brought this particular Motion in time before the House, *i.e.*, on the first day of the sitting of the House, if he had given notice of the Motion to the Secretary yesterday, in that case it could have been discussed whether the Motion was in order or not. But, Sir, he is late.

ADJOURNMENT MOTION

That this Assembly do now adjourn to discuss a definite matter of public importance and of continued strike in Kakajan Tea Estate involving about 3,000 workers due to the hostile attitude of the Manager of the Tea Estate over the introduction of new plucking rate.

SARJU PROSAD SINGH.

Mr. SPEAKER: As usual (*Laughter*).

Shri BAIDYANATH MOOKERJEE (Minister): It is certain that this matter was brought to the notice of my Friend long before the sitting of the Assembly and he could have therefore come with the notice of the Motion on the very first day.

The same argument applies in the case of my Friend, Shri Sarju Prosad Singh. The fact that these labourers were on strike came to his notice long before and he could have also given notice of the Motion on the first day of the sitting of the House. If he got the information only today or after the sitting of the Assembly yesterday, then his arguments would have carried some weight. But, as he got the information long before and he could not attend the Assembly on the first day, he cannot take advantage of that, because he joined the Assembly only today and therefore he is taking the first opportunity of putting this question before the House. So far as the time is concerned, my contention is that both Shri Goswami and Shri Singh are late in tabling the Motions.

Whether the matter is of recent occurrence and of urgent public importance, it is upto you, Sir, to decide and to say whether the Motions are in order or not.

Then I think both my hon. Friends have not moved the Motions in the proper form. They should have asked for leave of the House to move the Motions, but instead of that they straightway moved the Motions.

Sir, these are the two defects in the Motions as they appear to me and I place them before you for consideration whether in view of these defects the Motions are in order or not.

Maulavi MUHAMMAD UMARUDDIN: Will the Hon'ble Minister refer to the rule under which it is necessary that the Motion is to be moved on the very first day of the Assembly?

Shri BAIDYANATH MOOKERJEE (Minister): Rule 104(ii).

Maulavi MUHAMMAD UMARUDDIN: It is not clear from the rule.

Shri BAIDYANATH MOOKERJEE (Minister): It is for the Chair to see whether the matter is of recent occurrence.

It cannot remain 'recent' throughout the Session. It must be of recent occurrence and a definite matter of urgent public importance and the first opportunity should be taken to bring it before the Assembly. These are the conditions which should be fulfilled to make an Adjournment Motion acceptable to the Chair.

Maulavi MUHAMMAD UMARUDDIN : The rule does not very clearly lay down at what particular time the Motion should be brought, though it is generally understood that the Motion should be brought without least possible delay before any business of the House is taken up. It does not say that it is to be brought on the very first day of the Assembly. Until one is actually in possession of all informations and materials, he cannot bring such a Motion. The Hon'ble Chief Minister has just now said that the strike has been called off and a settlement has been made. So, one must verify that the issue is still live and ripe for a discussion and then only he can move the Motion, and the Motion must be moved generally before the business of the House begins.

Shri HARESWAR GOSWAMI: Two points have been raised by Mr. Mookerjee. I would like to submit that so far as the time of tabling an Adjournment Motion is concerned as to when a Motion should be moved, there is no mention in the rules as to the point of time when it should actually be moved. All that rule 103 says is: "A Motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker". Here, Sir, you are given enough powers and even if you consider, after reviewing the circumstances and the facts of each case, that it could not be brought immediately for certain circumstances, then you have power under rule 105 to place the matter before the House. Rule 106 says: "A member asking for the consent of the Speaker under rule 103, shall—(1) before the commencement of the sitting of the day, leave with the Secretary a copy of the motion together with a written statement of the matter proposed to be discussed". Here the only condition which I am to fulfil is—before the commencement of the sitting of the day, leave with the Secretary a copy of the motion together with a written statement of the matter proposed to be discussed. The only limitation is that the matter must be of urgent public importance and of recent occurrence. The rule does not say that it should be moved on the very first day of the Session. That is only a convention of the House. As such there can be no objection for moving the Motion before the House today.

With regard to an Adjournment Motion, there are two stages. The first is about taking leave and the second is about moving the Motion itself. So far as leave is concerned, it is only a formal matter. If the Motion is found to be in order, although it is not written in the body of the Motion that "I beg leave of the House", even then it cannot be ruled out because it is only a formal matter. If you consider that the Motion is in order, then I would automatically ask leave of the House, because I come under rule 107. If it is maintained that I cannot move the Motion without leave, that will be wrong and on that ground it cannot be ruled out.

Shri BISHNURAM MEDHI (Chief Minister): If there is any dilatory tactics, I think, that should be avoided in this House in the matter of an Adjournment Motion. As regards the point of order raised by my Friend, Mr. Mookerjee, I fully agree with him that the first day of the Session is the appropriate day when a matter of urgent public importance may be discussed, otherwise there will always be the impression that a dilatory habit has been acquired by the hon. Members of this House and they come forward with such a Motion very late. On the other hand, the strike has been called off and the labourers' representatives have been satisfied and the matter is now under consideration of the Government. Government after hearing both the parties will come to a decision. There is, therefore, no urgency for discussing this matter.

Mr. SPEAKER: I understand that the District Magistrate of Sibsagar has orderd enquiry into the matter at Kakajan Tea Estate.

Shri BISHNURAM MEDHI (Chief Minister): Yes, Sir, and he has settled the dispute and the strike has been called off. There is, therefore, no point in moving this Motion.

Mr. SPEAKER: I have heard the Mover of the Motion, and also Mr. Mookerjee and the Leader of the House.

Firstly, I find that Mr. Goswami was unfortunately rather a bit late in submitting his Motion. The matter took place as early as the 10th of June, rather earlier than that

and it was possible for him to take other steps also. Then, we have the statement from the Government that the whole matter will be enquired into first by Government and, if necessary, it will be referred to a Committee. Therefore, all necessary steps have been taken.

As regards Mr. Sarju Prasad's Motion, the District Magistrate is enquiring into the two points raised by him and the dispute has already been settled in a way.

As regards other tea gardens, the hon. Leader of the House has given necessary assurance. The urgency of the matter has diminished. Even if I allow the Adjournment Motion to be discussed, it will have the same effect as has been done by Government. I, therefore, do not think I should permit this Adjournment Motion. I will request the hon. Leader of the Opposition that in future not only he should table Adjournment Motions in time, but should also utilise his partymen to do so, so that for technical defect, objections cannot be taken by Mr. Mookerjee. I would, therefore, request them that when an Adjournment Motion is moved, more Members should sign it. As all the necessary steps have been taken by Government in this connection, there is no point in admitting this Adjournment Motion.

Shri HARESWAR GOSWAMI: Without any disrespect to your ruling, Sir, may I know, on a point of order, whether if a matter is under the consideration of Government this House can discuss that matter or not ?

Mr. SPEAKER: But here I do not find any point in discussing this Motion. The effect of an Adjournment Motion is to draw the attention of the House in order to take such steps as are considered necessary. Government have already taken all such steps and so the effect of the Adjournment Motion has already been fulfilled. Therefore, it is unnecessary to move the Motion. Even Mr. Sarju Prasad is satisfied that Government have done all that is possible and I think Mr. Goswami is also satisfied with what Government are doing in this matter. I, therefore, do not find any point in moving this Motion. Therefore, it was disallowed.

The Assam State Road Transport (Amendment) Bill, 1955

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I was speaking on the proposed section 7C of the Assam Road Transport (Amendment) Bill, 1955. I was saying that the word "shall" put an obligation on the Government to purchase the vehicle from a holder whose permit had been cancelled or whose route had been changed, if it is offered by the owner for sale. Now, if the word "shall" is retained, the Government will have no other alternative than to purchase the vehicle.

Shri MOTIRAM BORA (Minister): If the vehicle is usable ?

Shri HARESWAR GOSWAMI: But the wording is very defective. "Upon the cancellation of a permit, the State Government shall, when the owner of the vehicle so desire within a specified period.....". The only limitation is "within a specified period." Except that, if the owner of vehicle places it, there is no other alternative but to purchase it. Whereas the word "may" may mean "shall" the word "shall" cannot mean "may". Therefore, I think the word "shall" should not be there.

Secondly, my submission is that if the word "shall" is retained, it may force Government to purchase vehicles which are really very bad. As we know, in most of these routes the vehicles are very old—not of four years' standing but much more, in some cases even of a generation's standing ! The speedometer, mileometer and things of this sort do not work at all and if the Government are forced to purchase them even at a very nominal price—it will not be less than Rs. 500—we shall be burdened with some useless vehicles. Again, for new vehicles, the rate at which these are proposed to be purchased, no owner will place them at Government's disposal. The rate of depreciation at 25 per cent. per year will stand in the way. As my Friend, Mr. Umaruddin, has stated, the depreciation in the case of private owners cannot be the same as in the case of Government.

Then regarding proposed section 7D, Appeal—"Any person aggrieved by the determination of the compensation under section 7A or the determination of the value of the vehicle accessories, etc., under section 7C may prefer an appeal within the date, in the manner and to the authority to be prescribed and the decision of the appellate authority shall be final".

Sir, I do not know why this should be kept for the rule-making power of Government, because in compensation cases it is the usual practice that as soon as a party is not satisfied with the compensation, the next course for him is to go to the Subordinate Judge.

Mr. SPEAKER: Will it bar the jurisdiction of the High Court ?

Shri HARESWAR GOSWAMI: If the authority is High Court itself, that is a different thing. But if the authority is somebody else, the High Court can come in only under Article 226. The High Court will not ordinarily exercise this jurisdiction, as the decision of the appellate authority shall be final. There will be no appeal to the High Court.

Mr. SPEAKER: But does it take away the revisional jurisdiction of the High Court ?

Shri HARESWAR GOSWAMI: No, it does not, the High Court will have jurisdiction under Articles 226, 227 or even 228. But that is not the point. The point is in compensation matters the usual practice in cent per cent cases is that the appellate authority is the Subordinate Judge.

Why cannot we make up our mind that within 30 days or so the appeal will lie with the Subordinate Judge and his order will be final. It is no use giving it to rule-making power of the Government, as the rule-making power of the the Government is only so far as implementation of the Act is concerned. In this vital matter it is necessary that this should be embodied in the very body of the Act. This, I think, should not be left to the rule-making power and we can clearly say that appeal will lie before the Subordinate Judge.

Then, Sir, regarding proposed section 7A(4), the Leader of the House stated yesterday that these people will not suffer because alternative routes will be given to them. This sub-clause (4), reads as follows:—"Notwithstanding anything contained in sub-section (1), no compensation shall be payable on account of the cancellation of any existing permit or any modification of the terms thereof, when a permit for an alternative route in lieu thereof has been offered and accepted by the holder of the permit". Here, it is stated that alternative routes will be given to the permit holders, but these routes are not economic and not profitable and at times it is a question of offer only.

When a man has got a vehicle and has invested money on it, the offer will have to be accepted, and there is the automatic acceptance.

Shri RAMNATH DAS (Minister): He has the option to refuse.

Shri HARESWAR GOSWAMI: But what next ? He can refuse and starve himself because the benefit that will be given is not sufficient. If he cannot use his vehicles, he will starve. I know of many such cases, where the Transport Authority wanted to give alternative routes and gave alternative routes, but they are very often most unremunerative, highly expensive and most risky and then no benefit is derived. I do not want to cite any particular case but these things are happening and therefore to say that we are giving alternative routes is no consolation at all. Here, the permit holder has no other alternative but to accept the route offered to him and such a route may be unremunerative. My suggestion is this that even in giving alternative routes it should be considered whether the traffic will bear the normal profit and if that is not considered and if a man is given a certain unremunerative route then it will be of no use. Therefore, my appeal to the Minister is that these things should be taken into consideration before the Bill is made into an Act.

Shri SIDDHINATH SARMA (Minister): Mr. Speaker, Sir, at the very start, I want to give a brief background for bringing in this amending Bill. That Assam Act XXX of 1954, that is, the Assam State Road Transport Act, 1954, was passed by the House in 1954 and the assent of the President was received on 5th October, 1954, and the Act was published in the Gazette on 20th October, 1954. This Act could not be brought into force as certain important issues were raised by the Supreme Court in an appeal of Shagjir Ahmed *versus* State of Uttar Pradesh and others. In that case the Supreme Court held that the Uttar Pradesh Road Transport Act, 1951, that is, U. P. Act, II, of 1951, as *ultra-vires* on the ground that it is repugnant to Articles 19 and 31 of the Constitution. Our Act is similar to that of the Uttar Pradesh Act. Although this was passed by this House and assent of the President was received, it could not be brought into force in view of the important discussions made by the Supreme Court of India.

Sir, this discussion not only affected this State Transport of our State but the nationalisation programme of other States of India as well. For this reason the Government of India called a meeting of the Transport Advisory Council and in that Council the State Government of Assam was represented along with the representatives of other States. In that meeting, the issues arising out of the judgment of the Supreme Court relating to the Uttar Pradesh Road Transport Act and the matters affecting the States were discussed. After general discussion, the Council appointed a Committee consisting of representatives of Assam, Bihar, Punjab, Uttar Pradesh, Hyderabad, Madhya Bharat, Mysore, Travancore-Cochin and Bhopal, to examine the issues and to make recommendations as regards the legislations that should be undertaken. It was also agreed that a representative of the Law Ministry of the Government of India should also be a member, as such an Act passed by the States will require the assent of the President, and the Law Ministry has got to scrutinise it before assent is given. This Committee was entrusted with the task of examining the implications of the issues raised by the Supreme Court in their judgment and also other matters relating to the State Transport in different States of India, and the Committee arrived at certain decisions on all important issues and the Government of India prepared a skeleton draft model Bill for use of the State which based on the general discussion arrived at by the Committee. The provisions of the amending Bill are similar to those of the model Bill referred to above.

This is the background of this amending Bill, which is brought before the House. Regarding principles and methods of determining compensation and payment of compensation, etc., *i.e.*, proposed sections 7A and 7B which relate to compensation, etc., the words of the model Bill were incorporated *verbatim* in the amending Bill. As regards compensation as to how to determine the compensation of a displaced vehicle, that was also discussed in a case by the Supreme Court. The new law must either fix the amount of compensation or specify the principle of compensation. It is deducible from the decision of the Supreme Court in Bela Banerjee's Case (17 S. C. J., page 95), that is, the principle of compensation to be laid down must be such as to ensure that what is determined as payable must be just equivalent to what the owner of a particular vehicle has been deprived of. So, Sir, the principle in determining the amount of compensation of a displaced permit holder has been taken into consideration.

Mr. SPEAKER: But their objection is to the language !

Shri SIDDHINATH SARMA (Minister): I think my Friends have not gone through the Bill properly and carefully, because they said that the old Act was not with them and they had to go through the Bill hurriedly as there was very little time at their disposal. However, I shall explain the matter to them. As I have said, Sir, the provision of the model Bill was drafted by the Government of India. The representative of the Government of Assam had got an opportunity to discuss it in the meeting of the Transport Advisory Council. In drafting the Bill, the provision of the model Bill was incorporated in *verbatim* after due examination, as language is clear and easy to understand.

Now, as regards the objection raised by my Friend, Mr. Umaruddin, that the compensation suggested here is not adequate—the compensation is, as I have already said, determined on the principles of the decision of the Bela Banerjee's Case by the Supreme Court of India, and it is considered adequate. The Second Schedule laid down—"Where in exercise of the powers conferred by clause (d) of sub-section (1) of Section 7 any existing permit is cancelled or the terms thereof are modified so as to prevent the holder of the permit from using any vehicle authorised to be used thereunder for the full period for which the permit would otherwise have been effective, the amount of compensation payable to the holder of the permit on account of such cancellation or modification shall be a sum which, if the unexpired period of the permit ;

(a) exceeds 24 months, is equal to a sum of Rs.1,000; —

(b) exceeds 12 months but does not exceed 24 months is equal to the sum of Rs.700 ;

(c) exceeds 6 months but does not exceed 12 months is equal to a sum of Rs.400. ;

(d) does not exceed 6 months, is equal to a sum of Rs.200."

So, this is very clear. There is no difficulty in understanding the language. It provides a flat rate of compensation to the displaced permit holder.

Maulavi MUHAMMAD UMARUDDIN: The language is understood but the amount is not understandable.

Shri SIDDHINATH SARMA (Minister) : I shall come to that. Now, Sir, in the Third Schedule the principle is laid down for determining the amount of compensation. This Schedule reads—“The average net annual profit in relation to a vehicle authorised to be used under a permit in respect of a notified route shall be calculated as follows:—

1. The amount of profits made during a period of two years or during the period for which the permit (including any renewal thereof) was effective, whichever is less, shall be ascertained and the amount of losses sustained during the same period shall also be ascertained”. My Friend, Mr. Umaruddin, questioned what is this profit and loss to be ascertained during the same period. Now, suppose for two years a permit holder plies his vehicles in a certain route and in the first year he earned some profit, but in the second year he sustained some loss, it will have to be found out what is the actual profit that he earned during 2 years period. Or supposing a displaced permit holder runs his vehicles for 6 months in a route and in the first three months he earned a certain profit but in the next three months he sustained certain loss, the profit earned by him for playing his vehicle in a particular route during that period can be determined by deducting the loss from the profit; if the profit is higher than the loss or *vice versa*. So, I say, Sir, this is very clear. The provision in this Schedule says that the amount of profit during a certain period as well as the amount of losses sustained during the same period should be ascertained.

Maulavi MUHAMMAD UMARUDDIN: My point is that the amount of profit and loss for the entire period should be ascertained.

Mr. SPEAKER: How do you want to put it, or what is the alternative you can suggest?

Maulavi MUHAMMAD UMARUDDIN: I suggest that the profit should be omitted, but only damage and loss sustained should be shown.

Mr. SPEAKER: Your idea is also not clear.

Shri SIDDHINATH SARMA (Minister): But, as I have said, the draft is made by Government of India and it was examined by our Legal Remembrancer also, and language of the clause incorporated *verbatim*.

Now, the second principle says—

“If there are no profits or if the amount of the profits does not exceed the amount of the losses, the average net annual profit shall be taken to be nil.

If the amount of the profits exceeds the amount of the losses, the excess shall be the net profits.

From the net profits so found, the amount of profits for one year shall be ascertained by mathematical calculation and such profits shall be taken to be the average net annual profit.”

So, Sir, the method laid down here for calculation of loss and profit is very simple and clear, and I do not think there is any ambiguity in it and any change of language is necessary.

Mr. SPEAKER: What he means to say is that the language is not clear.

Maulavi MUHAMMAD UMARUDDIN: The whole contention is wrong, Sir.

Shri SIDDHINATH SARMA (Minister) : Sir, the real intention is not to withhold compensation or to oust a permit holder from any route. The intention of the Government is to give the ousted permit holder an alternative route as will be clear from sub-clause (4) of clause 7 which reads as follows:

“Notwithstanding anything contained in sub-section (1), no compensation shall be payable on account of the cancellation of any existing permit or any modification of the terms thereof, when a permit for an alternative route in lieu thereof has been offered and accepted by the holder of the permit.”

This shows that we do not want to deprive any permit holder of any route. Nationalisation of road schemes is programmed in such a way so as old permit holders do not suffer. Alternative routes are always provided to ousted permit holders as soon as a route is nationalised. But, in certain cases, I admit, it may be that the route allotted to an ousted permit holder may not be as profitable as the one allotted to him prior to this. In this connection, however, I would like

to say that Public Works Department has been constructing quite a good number of new roads, and as soon as these roads are completed and becomes fit for vehicular traffic, the question of allotting permits to such ousted permit holders is taken into consideration. The State Transport Authority has already issued circulars to all the Regional Transport Authority requesting them to take into sympathetic consideration the question of such ousted permit holders whose permits have not been renewed due to their routes having been taken up by Government for nationalisation of road transport.

Now, my Friend, Mr. Goswami, has referred to the complaints of certain permit holders to the effect that the routes allotted to them are not as economical and profitable as they were before. Sir, Government have taken for nationalisation of road transport only on the National High Way from Dhubri to Saikhowa and the Pandu-Gauhati-Shillong route. Besides this, all the other roads in Assam which are gravelled roads are in the hands of the private permit holders. Conditions of these road I quite agree are not as good as the National High Way which is a surfaced road. I suppose my Friend has referred to the Palasbari-Lohar Ghat Road where there are two permit-holders. If these permit holders are not willing to ply their vehicles on any other road except on the National High Way, it is not possible to oblige them. If they do not like to ply their vehicles on the North Bank or on the road from Lohar-ghat or Bandhu to Palasbari, how can they be helped ?

Shri HARESWAR GOSWAMI: I did not refer to Palasbari-Lohar-ghat road but I referred to Bongaigaon-Chapaguri-Chapar road.

Shri SIDDHINATH SARMA (Minister) : A small portion of that road also was previously under the Local Board, but it has been taken up recently by the Public Works Department. After the road has been taken over by the Public Works Department, work on this road has been started, and I hope the road will be brought to Public Works Department gravelled road standard before very long. The length of the entire road is about 30 or 32 miles, 6 or 7 miles of which will require improvement.

My Friend, Mr. Umaruddin, also stated that there was also no provision for appeal.

Maulavi MUHAMMAD UMARUDDIN: I did not say that, Sir. My next points were regarding taking over of vehicles and the principle of determining assessor.

Shri SIDDHINATH SARMA (Minister): Then the Leader of the Opposition suggested that there should be a provision for appeal before the Sub-Judge. In this connection, I would like to draw his attention to sub-clause (b) of Clause 7A which reads as follows:

“Where no such agreement can be reached, the State Government shall appoint as arbitrator a person who is, or has been, or qualified for appointment as, a judge of a High Court.”

Sub-clause (a) of Clause 7A also lays down:

“Where the amount of compensation can be fixed by agreement on the scale specified in the Second Schedule it shall be paid in accordance with such agreement.”

Here is the distinct provision, Sir, when no agreement can be reached: “the State Government shall appoint as arbitrator a person who is, or has been, or qualified for appointment as, a judge of a High Court.” Sir, I do not think that on the award given by a person of status of a High Court Judge, an appeal should be allowed to be filed to set the award by a Sub-judge.

Maulavi MUHAMMAD UMARUDDIN: Sir, that point is not clear. Will the arbitration be open to an appeal?

Shri SIDDHINATH SARMA (Minister): Yes, it is subject to an appeal. Clause 7D provides an appeal against the award of the arbitrator.

Clause 7D reads:

“Any person aggrieved by the determination of the compensation under Section 7A or the determination of the value of vehicle, accessories, etc., under Section 7C may prefer an appeal within the date, in the manner and to the authority to be prescribed and the decision of the appellate authority shall be final.” If the person of the status of a High Court Judge is appointed as arbitrator

there should be somebody or some authority superior to him to hear the appeals. This is the reason why power is retained to prescribe the appellate authority by rules.

Shri HARESWAR GOSWAMI: Sir, my point is this— if the interpretation given by the Minister-in-charge is correct then in Section 7(d)—the Appellate Court will have to be changed from time to time, and you will have to appoint an arbitrator.

Shri MOTIRAM BORA (Minister): Not necessarily.

Shri HARESWAR GOSWAMI: Then it is better that the appeal should be in the High Court. Instead of a Subordinate Judge, let the High Court be the Appellate Authority once for all.

Shri SIDDHINATH SARMA (Minister): Sir, the suggestions will be considered and the comprehensive rules will be prescribed to deal with the matter. It is not correct to say that we shall have to appoint an arbitrator every day. We do not take up new route every day. There are certain plans and programme. Routes will be nationalised according to plan and programme.

Shri HARESWAR GOSWAMI: The programme is dynamic.

Shri SIDDHINATH SARMA (Minister): Sir, in the next Five-Year-Plan there are certain proposals of nationalisation of certain routes. We have drawn up a programme for it. So, it will not be an every-day matter. The question of nationalisation of routes and appointing an arbitrator will not be an every-day matter. That argument does not hold good.

Maulavi MUHAMMAD UMARUDDIN: My point with regard to Clause 7C has not been replied.

Shri SIDDHINATH SARMA (Minister): Sir, the word “shall” has been used in the 2nd line of clause 7C. Suppose a man is ousted from a route, we provide an alternative route to him and if he does not agree to take up that alternative route, thinking that it may not be profitable or economical to him, what will he do with his vehicle and spare parts? It is obligatory on the part of the Government to purchase his vehicle and accessories for his interest.

Maulavi MUHAMMAD UMARUDDIN: He will get nothing according to the formula proposed here.

Shri SIDDHINATH SARMA (Minister): It is not so, Sir. The principle is laid down in the amending Bill. Let me read it—"Clause 7C, Sub-clause 2(a). In respect of vehicle, the value will be the cost as at the date of transfer of replacing the vehicle by a new vehicle of a similar type, less depreciation at the rate of 25 per cent. per annum on the declining values from the date of first registration with a margin of Rs.500 either way as an allowance for the condition of the vehicle." So, if the vehicle is kept in good condition, he will get another Rs.500, but if it is not in good condition, it will be less by Rs.500. It is for the interest of the permit holder, this permission is made.

Maulavi MUHAMMAD UMARUDDIN: What about the vehicle after five years ?

Shri SIDDHINATH SARMA (Minister): Sir, the life of the petrol propelled vehicle used as stage carriage is taken as four years in the State Transport Organisation. The private owner, who is really a business man, will also do the same thing. I consider, the compensation is adequate. I think I have replied to all the points raised by my Friend, Maulavi Umaruddin and the Leader of the Opposition, and I, therefore, request them to withdraw their objections. With these words, I commend my Motion for the acceptance of the House.

Mr. SPEAKER: The question is that the Assam State Road Transport (Amendment) Bill, 1955 be taken into consideration.

(The Motion was adopted.)

Report of the Public Accounts Committee on the appropriation Accounts for 1951-52.

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to move that this Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for 1951-52.

Mr. SPEAKER: The Motion moved is that this Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for 1951-52.

Shri GAURISANKAR BHATTACHARYYA : Mr. Speaker, Sir, you can drag a horse to water but cannot make it drink. It appears that our financial administration is worse than a recalcitrant horse, because year after year it ignores the advice of the Audit Report and also of the Public Accounts Committee.

Mr. SPEAKER: Which year ?

Shri GAURISANKAR BHATTACHARYYA: 1951-52.

Mr. SPEAKER: Before you came to this House ?

Shri GAURISANKAR BHATTACHARYYA: Yes. So, Sir, when we are making this *post mortem* examination, we find that the Government does not appear to have appreciated the remarks and suggestions which were made from time to time by the Accountant General and also by the Public Accounts Committee. This Report of the Public Accounts Committee for 1951-52, which was prepared this year itself makes certain very pertinent observations, but, over and above that, I want to draw the attention of the House to a few items of the Appropriation Accounts and the Audit Report. This is a well laid principle that the system of control over expenditure is planned and designed to secure efficiency in the matter of spending money out of the sums granted by the Legislature or otherwise appropriated for expenditure. Now, Sir, this object can only be achieved if the Controlling Officers are always watchful to take necessary instructions from the reports that are made pertaining to them. But as we go through the appropriation accounts placed before us, we find that these instructions are more violated than respected. Sir, I do not propose to go into much detail. I want only to refer to paragraphs 16, 17, 18, 20, 24, 25, 28, 31, and 36 of the Report, and I want to stress only a few points beyond that.

In page 4 of the Audit Report we find the remarks, "It will be seen that supplementary grants were absolutely unnecessary in the case of 12 grants, while in the case of five grants the supplementary grants were in excess of requirements."

My purpose in drawing the first attention of the House to these remarks is to suggest that every time we meet here, we are faced with demands for supplementary grants. If these supplementary grants be really unnecessary then why should we always be confronted with Supplementary Demands? As is seen in the year under review more grants were unnecessary than necessary. In some of the items where the money could not be spent, the Demands were in excess of requirements. Neglect was the cause of lapse and surrender in some really very important items. For example, in item 4 we find that the reason of saving was due to non-initiation of the fire service scheme. Sir, everybody knows that such a scheme is necessary. We remember the devastating fire in Tezpur, Shillong and also in some other towns, but we have no adequate fire fighting machinery at the disposal of the Government. A great deal of wastage is there, but we find here in item 4, money could not be spent. In item 6 the saving was mainly due to non-opening of certain dispensaries for want of qualified doctors. While people are dying without medicine and medical treatment, doctors are not forthcoming or doctors are not brought. There could have been and ought to have been more extensive arrangements in the Medical College and also expansion of the condensed course, as was done in Bengal, but this was not done. The Government could have appreciated the necessity for providing for more doctors by giving more extensive expansion and development of condensed course. In this connection, Sir, let us remember that there are also some doctors who do not like to serve in the Government dispensaries because the remunerations are not very attractive, because the Government do not provide them with the necessary amenities. Sir, there are also cases where doctors have resigned from Government services because of these things.

Then, Sir, we find in item 7 that due to smaller payment of subsidy to cultivators for compost pits and noncompletion of certain construction works within the year, the grant was found to be unnecessary. And again we find in item 11 the instance of non-completion of factory building for want of building materials.

Then in item 25, we find that money had to be surrendered mainly due to smaller advances granted to refugees.

Refugees are clamouring for more loans. Central Government had provided for the money. It was received by the State Government and then surrendered. Sir, this does not show a very good state of financial administration. Then we find, Sir, in page 7 that there has been some improper savings and there has been also some excess over the voted grants. The list of the excesses over the individual grants which require regularisation is shown. There are as many as nine items, I need not go into all the details. Then, Sir, in page 9 we find that an examination of the grants individually will show that the budgeting was fairly close only in 10 out of 42 grants. In 32 out of 42 grants the budgeting was not close, nor even approximate.

So far charged items are concerned, we find that in two cases the variation ranges from 69.5 to 93.2 per cent. This is shown at the bottom of page 9.

In the voted grants we find in 9 cases the variation is from 31 to 60 per cent. In 2 cases the variation is between 68 and 68.9 per cent and in one case the variation exceeds 100 per cent. So, we find that both in the matter of surrender and in the matter of excess the budgeting was far from satisfactory, not to speak of being accurate. Apart from this, we find that there were some unnecessary or excessive Supplementary Grants and their number came to as many as 27. Then there were certain cases of re-appropriation made through the help of resolutions. These re-appropriations also were in certain cases unnecessary or in excess of requirement. For example, in page 13, under Sub-head (2) as many as 5 items of such re-appropriations were ultimately found to be unnecessary or in excess of requirements. In 3 items there were injudicious re-appropriations and surrenders causing excess over allotments. Then in Sub-head (4)—Non-Surrender of Savings, we find as many as 45 items. Savings were made, but they were not surrendered. There is not only a solitary case, but there are as many as 45 cases of non-surrender in one year.

Then there were some uncovered or unremedied excesses. These we find in Sub-head (5), the number of which comes to 17.

Apart from that, there was defect in budgeting in 2 cases. One of these is under the head—Navigation, Embankment

and Drainage Works. Under sub-head—Receipts and Recoveries—defective budgeting amounts to Rs.28,29,346 and under Grant No.30.—Miscellaneous under sub-head—Compensatory grants to Local Bodies in lieu of receipts credited to State Revenues-Charged—it amounts to Rs.86,830. So, we find in short that the accounts for the year reveal that in certain cases both in charged and voted items money which was meant for spending could not be spent. Again, in other cases there was greater expenditure than was proposed to be done. If we analyse the accounts in the voted grants, we find that there was a total saving of Rs. 1,63,29,851 or 11·6 per cent and so far as charged items are concerned, we find that it was Rs.1,02,35,552 or 7·6 per cent of the final modified grant as against the saving of 11·9 per cent in the previous year.

Now, coming to page 20 we find that in the Report itself some very typical irregularities, financial irregularities have been pointed out. Under the head—Revenue Department—we find certain serious cases of alleged misappropriation of Government Revenue to the extent of Rs.1,53,247 by the Mauzadars. This loss was due to the neglect of the local officers. The Report itself in the third paragraph says that the local officers concerned did not inspect the accounts of the Mauzadars regularly as required under the rules. We find in some cases that when the officers go to make some such inspection and if some irregularities are found out and if the Mauzadar is made to pay or proceedings are drawn up then there are some influential, rather very influential persons or persons well-placed in Government who would come and move the authorities not to take steps against the Mauzadar concerned, but to take steps against the officer or Sub-Deputy Collector or Subdivisional Officer who would do the necessary auditing. That is the state of affairs that is going on and the Government in certain cases are amenable to submit to that sort of pressure. My complaint is that various types of pressure are put on the Government to be lenient on the Mauzadars who are responsible for irregularities and to take to task the officers who are strict in discharge of their duties. It will be better if I give the names of concrete instances to the Finance Minister in his Chamber instead of disclosing it here.

(At this stage the Deputy Speaker took the Chair.)

Now, if we come to page 21 we find that one of those who had misappropriated public fund is absconding. He

was a cashier and had misappropriated Rs.16,314 and there is no trace of him so far. This does not speak well of the Police as well as the Finance Administration that the cashier who had misappropriated the money has not been traced out..... (Shri Motiram Bora—He crossed over to Pakistan.) How can such a man misappropriate public fund and safely cross over to Pakistan if there is efficient administration ?

It is said that our Education Department is a very respectable Department. It has been found all the more respectable for its introduction of the new Basic System. What does the Report say about this basic system ? I may refer from the bottom lines of page 21 which says: "The Head of the Basic Education Department who had no technical staff to assist and advise him in the execution of the works at different centres allotted the works to a private constructing agency merely by negotiation without calling for competitive tenders. The status, antecedents and financial stability of the contractor were not taken into consideration and in the absence of any detailed estimates of the works to be done and the analysis of rates offered to them it could not be ascertained whether the arrangement made with the contractor was economical. Large advances amounting to Rs.2,18,786 were granted to the contractor without obtaining any security from them." The contractor, after doing some work, suddenly disappeared from the field and became untraceable. I do not know whether this person also has gone to Pakistan when there is no information with regard to his whereabouts. It is again written here: "All attempts on the part of the Police to trace out the whereabouts of the contractor having failed, the excess payment of Rs.91,404 together with the value of cement and transport supplied by Government which amounted to Rs.13,900 has been written off by the State Government." The contractor has become untraceable and nothing has been done about that honourable head of the Basic Education Department.

Then, so far as the poor tax-payer is concerned, his money is gone ; Government writes off the amount !

Not only that. We find in paragraph 19: "In a certain Government Secondary School for girls the cash in hand of the headmistress was verified during audit and found to be Rs.244 only against the actual closing balance of Rs.2,707 as per cash books maintained by her." But was anything done to her ? No. (Shri Motiram Bora—She is dead.) Government had fixed the responsibility not on that lady, but on two

officiating headmistresses and the Head Clerk of the institution, but the prosecution evidence did not make out a case of criminal misappropriation against them and they were acquitted by the Court with direction to the Police to take up investigation afresh. In other words. “সাই কৰ্মনা ডালত উঠিল, কাঠি চেলেকাৰ মৰণ মিলিল” They had the same trouble. The real culprit escaped and ultimately when new investigation was started the poor lady—or the fortunate lady ! —died. The headmistress was dead and the public money was dead too ! That is what happened in the respectable Department of Education !

We find similar things in other Departments also. In the Public Health Department, there has been grant of concessions in favour of a particular individual not strictly according to rules. I need not go into details. We find drawal of money in advance of requirements. We find in local audit also certain irregularities were detected. We find that no sanction of Government for incurring some special expenditure was obtained ; no competitive tenders for supply of an X-ray plant was invited, the remittance transfer receipts were retained in hand for long without making any entry either in the Cash Book or in a Register of valuables and so on and so forth. These sorts of irregularities were detected but Government did not take any adequate step. “Government while reviewing the irregularities observed that the manner in which Government money was transacted by the Head of the Department revealed utter disregard of rules and elementary procedure”. But what did the Government do ? Government only gave a mild warning that such irregularities should not be allowed to recur ! This sort of mild warning has been given before and is being given always, with what results we all know.

Then we find in the Tribal Areas Department also, there was loss of Government money. We find in the Public Works Department evasion of financial rules. For example, an officiating Superintending Engineer of the Assam Public Works Department managed to get some extra payment by circumventing the natural operation of the rules and the amount of his over-drawal amounted to Rs.7,590. But what explanation did the Government give about it ? It was stated by Government that the officer applied for and went on leave without waiting for formal orders of Government. Had it been done by a subordinate or petty officer he would have been dismissed. But since he was a big officer, he could not wait for orders. He submits his petition and goes away and he gets his pay all right.

Not only these major irregularities, Sir. There are numerous minor irregularities. We find them tabulated in paragraph 29. There are 15 items involving an amount of Rs.2,37,845. In this way, for major and minor irregularities, losses, infructuous expenditure, etc., a big sum of money is involved and I am constrained to say that in spite of efforts made by the Public Accounts Committee every year and in spite of cautions given by the Accountant General, the financial administration of the State has not improved much.

We also find that the Government of Assam has itself been pursuing certain financial policies which are not in conformity with the policy and rules framed by the Government of India. For example, we know that staff cars and other Government vehicles have been in operation from 1945 onwards and several lakhs of rupees have been spent for this purpose. But although as many as eight years have passed, Government have not yet been able to frame rules regulating their use. The report itself says—"this is in contrast with the position obtaining in several other States where the Governments concerned have introduced the necessary rules." There was also the guiding principle supplied by the Government of India. Yet, "although Government have been reminded many times, no rules have yet been framed. To the last half a dozen reminders, there has not been any reply". So, when the Accountant General requests Government to frame rules—which possibly they do not find comfortable—they do not send any reply ! If Government itself takes up such an attitude about financial rules, how can we expect the Heads of Departments and the smaller fries to observe them? We find that there has been a tendency for developing "favouritism" in the administration. This word is not coined by me. We find it in the Report itself. For example in paragraph 32 we find: "Since March, 1951 loans are being sanctioned to private students and Government servants for higher studies, both abroad and within India. In addition to these loans, some private individuals have been granted stipends and *ex-gratia* lump sums. *Ex-gratia* payments from public funds for the benefit of individuals are wrong in principle as they can be a source of favouritism. The total *ex-gratia* payments made so far amounted to Rs.32,750." There are three major items shown by the Report itself. The first is a retired gazetted officer—I under line the word 'gazetted' because a gazetted officer draws not a very bad amount of money

as salary—such an officer “obtained the grant of Rs.2,800 to meet the educational expenses of his son in India. The same person received the grant of Rs.4,000 twice for advanced study in the United Kingdom”. I shall be glad to know from the Finance Minister whether this particular person is not the son-in-law of a gentleman in the Finance Department ?

Then, “another person received recurring financial assistance of Rs.250 per month for three years and three months for technical training abroad. The total amount of loans sanctioned so far exceeds Rs.1.5 lakhs”. These were done, as the Report says, without proper rules and without sufficient scrutiny.

Then we find that detailed bills in support of disbursement of agricultural loans have not been produced and audited. The result is that a very big amount, which comes to as much as Rs.14,80,999 drawn for the years 1947-48 to 1951-52, is still to be accounted for by the disbursing officers.

The matter was reported to the Finance Department but the action, if any, taken by them has not been intimated in spite of reminders. Sir, this is the state of affairs in vogue.

Shri MOTIRAM BORA (Minister): May I know the page ?

Shri GAURISANKAR BHATTACHARYYA: Page 30 paragraph 33.

Then, in the Public Works Department there are certain gross irregularities and such irregularities are classified in paragraph 34, sub-paragraph (b), and I need not go into details. In short, the observations that I have made will show that the financial administration in our State is not satisfactory, that the recommendation made by the Public Accounts Committee are not always given due consideration by the Heads of Departments concerned or by the Finance Department itself. For example, we find, if we refer to page 6 of the Report of the Public Accounts Committee, it is stated in paragraph 18, “The Committee found that whole transaction was full of serious irregularities,.....”

Then, in the same page, with regard to page 22 of the Appropriation Accounts, the Public Accounts Committee remarks, “The Director of Public Instruction explained that

the police, after the subsequent investigation, had submitted a final report and that meantime, Mrs. Rogers died..... The Minister himself said that the person concerned died; so no action could be taken. Now, the question is whether proceedings could be drawn against the Head Clerk and the other officiating Headmistress (Miss Nutt). Now, this case relates to 1951-52, that is to say, it is 5 years old. The natural result is that many of the witnesses must have forgotten the facts, many important papers must have been lost and therefore the case will not be successful if and when it comes to a Court of Law. So, this is what happens to public money !

Regarding paragraph 32, "Assistance for higher studies", it states, "The Committee carefully considered the cases. It was of the opinion that Government should assist deserving scholars on the merit of each case. But Rules for the grant of such financial assistance should be finalised and laid before the Legislature". So, we expect that the Government will be alert or alerted, that these rules will be laid before the Legislature.

Then, also we find the remark of the Committee with regard to some expenditure in the Excise Department. We do not know actually what valuable work has been done by the Honorary Prohibition Organisation, but we find, however, that there was some drawal of money at the Golaghat Sub-Treasury by the Honorary Prohibition Organisation. It was stated that the Government could not fix the responsibility on the Sub-Treasury Officer and the Committee agreed that the amount should be written off. The amount was written off, but I want to know, if the responsibility could not be fixed on the Sub-Treasury Officer, whether the responsibility lay with the Honorary Prohibition Commissioner or Government, when it is irregular. If it would not have been irregular, it would not have come for audit objection.

Sir, I need not go further into details of the Report. I find that there has been some valuable suggestions made by the Public Accounts Committee. As a matter of fact, such suggestions have always been in the Reports of the Committee. What we expect from the Government is that these matters should not be treated as merely formal matters to be prepared, to be lectured, to be heard and not to be followed. Our desire and request to the Government is that the suggestions

and criticisms offered by the Accountant General or the Public Accounts Committee should be given due weight and efforts should be made to correct the mistakes and to see that in future such mistakes do not occur. We know that even in family budgeting there are mistakes, but we cannot allow such mistakes to occur again and again. When there is criticism for mistakes and irregularities and suggestions for their correction, attempts should be made to rectify them. In future also there may be mistakes and irregularities but let them be less in number and smaller in amount. Let us see sincere efforts for improvement by our Finance Department. Up till now we have not been able to say so. In a State of which the revenue is so big, what the state of affairs was five or ten years ago is still in existence. Therefore, my fervent request to the Government and especially to the Finance Department and the Finance Minister is that there should be greater care and more attention in the matter of finance. These are the few observations I have to make on the Report of the Appropriation Accounts for 1951-52.

Shri RANENDRA MOHAN DAS: Mr. Deputy Speaker, Sir, I want to make a few observations on the report of the Public Accounts Committee, which is presented before the House.

Sir, we have seen from experience that this is the only instrument through which we can check up the working of the financial side of the Government. In the beginning of the year a Budget is presented before us and after critical discussions, we vote for crores of rupees to be spent by the Government. Now, here the Legislature gets the only scope to check up these expenditures through the Reports of the Public Accounts Committee and the Audit Report of the Accountant General, further we get the scope to see whether the Government is working on the suggestions of the Accountant General and that of the Public Accounts Committee.

Sir, we have seen in other States, particularly so far as the Government of India is concerned, how during these years the Government is trying hard to check corruption in the administration. They have realised that unless and until this corruption is rooted out drastically from the administration, there cannot be any efficient administration and there cannot be any toning up of the administration. So, with this end in view, notwithstanding whether this or that particular person

is concerned, whether he is of a high rank, a high position, whether he is a Minister or whether he is a civilian, the Government of India is taking drastic steps to deal with such corrupt persons ; so also the Judiciary. We know in a particular case of one Civilian where the lower court gave some punishment but the higher court almost doubled the punishment when it was referred to them.

If the trend of the country is taken, particularly on the lines as adopted by the Government of India, and also when we are discussing here during these years, we have seen from our experience that unless and until we take drastic steps to punish persons who are responsible for misappropriation of money—and that is a very grave charge—of public funds amounting to thousands and lakhs of rupees, there cannot be any improvement in our administration. So, we must see this Report from two aspects. What are the anomalies, what are the cases of the misappropriation and what are the illegal doings of persons in a particular Department ? And on the other side of the picture, we should see, what are the suggestions of the Public Accounts Committee and what action has been taken by the Government on those recommendations of this Committee or that of the Accountant General in each particular case. Sir, I shall pick up only a few cases, because if I am to deal with all the cases, it will take me the whole day. So, I shall confine myself to only one or two items in the Report.

First, let me take Police. In the Public Accounts Committee Report, page 8, item 13(1)—I mean the last Report—it was explained that the misunderstanding as to the rules for departmental construction has been removed. Sir, unless we read some Reports of the previous year, we shall not be able to understand what is that misunderstanding or what amount is involved and what is the nature of the objection raised by the Accountant General. So, I would like to refer to the Report of the Public Accounts Committee for the year 1950-51, page 19—"Police"—The Inspector General of Police wanted to take a stand on the circular issued in this connection in 1938, but the Deputy Secretary, Finance, said that the said circular never authorises any Department to take up departmental construction without the specification and due sanction of Government. In this individual case the Inspector General of Police had clearly misunderstood the points of the circular. So, we have seen from the previous Report of the Public Accounts Committee that the Inspector General of Police wanted to

take his shelter under the term 'misunderstanding' which was objected to by the Deputy Secretary, Finance Department, because the circular was as clear as anything ; there cannot be any ambiguity on it. But unfortunately this time our Public Accounts Committee is satisfied with the explanation using the term "misunderstanding" which was given by the Inspector General of Police. In the last year this plea was not accepted and some severe remarks have been made by the members of the Committee in the previous Report.

Then, Sir, I would also like to refer to the Audit Report for 1952 where it will be found that this matter involves an amount of Rs.1,09,626. We want to see what happened and what instruction the Accountant General gave in handling of this big amount by the Police Department. So far I have said that the Public Accounts Committee is not taking a serious view which the Accountant General has taken and they want to minimise the gravity of the situation which involves more than a lakh of rupees. Sir, we have seen that explanation of misunderstanding was ruled out by the previous Public Accounts Committee and it was also objected to by the Deputy Secretary, Finance Department, that there cannot be any misunderstanding. Let us, on the other hand, take that, that situation was there because of the 'misunderstanding', but still the objection is there. Now, page 28 of the Audit Report, 1952 at the top—Irregularities in completion of departmental works ; sanction was accorded by the Head of the Department to an expenditure of Rs.1,09,626 for departmental work, this work was taken up at the fag end of the year and invariably shown as completed on 31st March 1949. Here, see the intention of the persons who have undertaken this construction work most illegally and now they want shelter most probably under the guise of 'misunderstanding' and ambiguity of the circular. I want to bring to the attention of the House to see the intention here in regard to this amount. It was pointed out by the Accountant General that the money was drawn at the fag end of the year and it was shown that the work was completed on 31st March 1949, and so the expenditure was incurred. I will also refer to items 4, 5, 6, 7 and 8—these are very serious objections. These cannot be shielded under the term 'misunderstanding', as they are purely intentional. The work was distributed to different contractors without strict specifications. Now, what misunderstanding can protect the Police Department who took up such works under departmental control without any specification ? Let us take

it as the Inspector General of Police said that they can take up such works by the Department themselves without referring the same to the Public Works Department, even in that case there must be some specification. Without specification how can you expect that there can be houses or buildings? Then again work was distributed to different contractors without strict adherence to specifications. Then regarding No.5—no measurement was recorded in the measurement book of the works done by the contractors. How that can be? There was measurement taken for the work done. Then No.6—payments to the contractors had been made fully before works were completed. That is another serious thing. How is it possible that payments are made to the contractors before the work was completed? Then, payments were recorded in the Cash Book and the amount shown as disbursed before payment was actually made. No.8—Funds were drawn from the Treasury before actual requirement in order to avoid lapse of the Budget Grant.

For all these serious irregularities the Accountant General suggested strongest disciplinary action against the person concerned but nothing was done by the Government, where more than a lakh of rupees is involved.

No disciplinary action has been taken against the person for this. Now—my question is that, was this due to any ambiguity or vagueness of the circular? Let us take for granted that the Police Department can take up any departmental work if they can by their own officers. But, can they ignore all these things? Can they make payment without measurement before the work is finished? Can they do any work without specification? Can they draw money from the treasury before the 31st March and show in their register that payment was made to the contractors without the contractors having been actually paid? But unfortunately Government have not taken proper cognisance of all these anomalies, and they now want to shelve the whole matter on the guise of a *bona fide* misunderstanding on the part of the person responsible for all these mess of matters. If that is so, then why the Auditor General is being paid for? What is the necessity of auditing the accounts if no action is taken by the Government? I do not say that Inspector General of Police is responsible or the Deputy Inspector General of Police is responsible. But somebody must be responsible for all these anomalies as the Accountant General has pointed out, and that person should be brought to book. If you ignore such

serious objection and do not take any action against the person at fault only because he is a big officer, or because he is related to him or to me, then can you tone up the administration? Is this the manner by which the Department can be improved? Sir, my submission is that no Government Department can be improved by simply saying 'please do not do so in future' just like sky-touching generosity of the great lord Jesus Christ. Therefore, I leave it to the House to decide whether Government is justified in letting go such grave acts of omissions and commissions on the part of their own officers without scratching even a single hair.

Now, I come to Public Works Department. In this connection I would just like to refer to the middle of page 7 of the Report of the Public Accounts Committee for the year 1951-52. Page 15 of last year's Report—Mamluh-Phalibazar Road.—The Chief Engineer explained that another road to serve almost the same villages has been taken up. It has further been decided that the old alignment can wait for some time.

Now, to comprehend the full implication of this explanation, let us see what happened in the previous year so that we can understand the nature of Accountant General's objection. Please refer to page 38 of the Audit Report, 1952—construction of Mamluh-Phalibazar Road. It involves more than 5 or 6 lakhs of rupees. Sir, from the report of the Accountant General we have seen that there was no proper alignment of the road. It was done most haphazardly. There was no proper estimate. No sanction from higher authority was taken, and the work was pushed through without all these formalities. Mind you, Sir, this is a big project involving more than Rs.5 or 6 lakhs. Only work was done in certain portions. After a year or two some officers of the Government of India visited that place with some of our higher officers and they saw that a sum of about Rs.3 lakhs was spent and after all this money was spent, it was found out that the alignment of the work was impractical and the work was not so important as it did not fulfil the purpose for which it was taken up. Therefore the work was given up after spending more than 3 lakhs of rupees.

Then again there is another serious objection regarding the Shillong-Silchar Road. Sir, we have seen that in the matter of making alignment of hill roads, great caution should be taken, and the Accountant General has rightly pointed out all the defects in the administration.

Shri MOTIRAM BORA (Minister): That is not before us, Sir.

Shri RANENDRA MOHAN DAS: Yes, Sir, but I am only making a reference in connection with the Mawmluh-Phalibazar Road. As a matter of fact I am speaking about this by way of explanation. Sir, we have noticed from our experience that whenever we take up alignment of hill roads we must not do it in a most haphazard way. There is no proper alignment and sanction, no proper estimate, and even no proper account of payment has also been maintained. When serious objection is raised by the Accountant General and ultimately such anomalies come to the notice of the Public Accounts Committee, they want to make a fuss make light of the matter by saying that the road constructed on that side is also going to benefit the public. Sir, is it the proper explanation? Supposing the Government of India has given several crores of rupees to construct a road from Shillong to Delhi and supposing our Government has fixed the alignment through the Himalayas. I do not know who are the foolish people who will use this road. But here, Sir, exactly the same thing happened. In regard to this road also several lakhs of rupees were spent. And now the Government has come forward with the explanation that this road also is used by the public of that area. In this connection I am reminded a small anecdote in Bengal :

একজন বেহায়া আর একজন বেহায়াকে বললে—তোর পিঠে একটি বটগাছ গজেছে। বেহায়া উত্তর দিলে—ভাল, আমায় ছায়া দিবে, তোরতো নেই।

Now, our Government is so shameless like the বেহায়া that it would not agree to its mistake and even support the mistakes done like a বেহায়া।

Now, another matter to which I would like to refer is a Public Works Department ferry over the Brahmaputra at Pandu. But then with regard to this they may say that the money comes from the Government of India. Therefore, we need not bother about the financial implication. But before going further I would like to explain to you what actually happened. Audit Report of 1952—Page 40—wasteful expenditure to the extent of Rs.1,60,000. Now it is not the financial responsibility of the State Government. But it is a fact that expenditure was incurred by the Government of India for purchasing a ferry to ply over the Brahmaputra. Now, I want to explain how our Government is responsible for this.

Shri MOTIRAM BORA (Minister): May I know, to which year's Report the hon. Member is referring to ?

Shri RANENDRA MOHAN DAS : I am referring to this year's Report.

Shri MOTIRAM BORA (Minister): To which page, Sir ?

Shri SIDDHINATH SARMA (Minister): He is, Sir, referring to page 40 of the Report. But the Report of the Public Accounts Committee for the year 1951-52 contains only 33 pages.

Shri RANENDRA MOHAN DAS: I remember to have seen this item being referred to in this year's Report. Any way, it appears our Finance Minister does not like me to bring this matter to the notice of the House. The thing is that rupees one lakh and sixty thousand is involved and our the then Chief Engineer is responsible for the purchase of the Ferry which worked only for 56 days.

Shri MOTIRAM BORA (Minister): That was discussed last year.

Shri RANENDRA MOHAN DAS: Sir, now regarding the Prohibition Organisation, my Friend, Shri Bhattacharyya, has explained that Government even to-day could not fix the responsibility of that loss. Yet we have not known whether the Treasury Officer is responsible or the hon. Prohibition Commissioner is responsible for this loss. Sir, we have seen, and particularly in case of Prohibition Organisation and Home Guard Organisation when some public leaders handle public finances they commit irregularities and Government generally feel shy to take action against these Honorary Officers. Even in case of Speaker and Deputy Speaker, without any aspersion to this exalted post, if they are involved in such irregularities, the Members of the Public Accounts Committee should discuss it thoroughly and they must be very strict and the Government also must be very strict in taking disciplinary actions against these public leaders. Unless this is done and unless you set example in case of person not only outside but also inside the Government by mending their character for loss of public funds people cannot have any faith in the Government. So Government should take the strongest possible action against

those persons who are involved in misappropriation or irregularities so far as the public funds are concerned, because their responsibility so far as I can understand is double than the ordinary employee of the Government.

Then again every year we find some old items are coming before the House and these are found to be pending from before the post-war time. One is Standard Cloth, one is Home Guard and the other is Surma Valley Food Grain Syndicate and the like. Sir, so far as the Home Guard is concerned, when we first discussed the matter we saw that a sum of Rs.27 lakhs was involved and at that time we were given an assurance by the Leader of the House as well as the Finance Minister that Government were taking steps to reconstruct the accounts. I do not know how the accounts can be reconstructed, if there is no accounts at all. Or it might be that there are materials from which the accounts could be reconstructed. But we wonder how many years it can take to reconstruct the accounts of the Home Guard ! It is , I think, nearing a decade, at least 6 or 7 years. Either Government should boldly state before the House that there are no accounts or if there be such accounts they should have placed the same before the House without any hesitation. It appears that Government is trying to drag the matter so that it may not come before the House during the life of this Assembly. This is the policy so far as the Home Guard affair is concerned, because they fear if one pulls the rope many big fries including some leaders of the public like Deputy Speaker and big Government Officials may be found out to be involved in such misappropriations. So Government does not like that it should come before the House. So far as the Surma Valley Food Grain Syndicate is concerned, I want to speak a few words. At page 30 of the Public Accounts Committee's Report—many of my Friends here probably do not know what is that. I have gathered certain information. I had to gather it because it was a Syndicate constituted by some notorious persons of the Cachar District. It was a Syndicate which was constituted during the regime of Muslim League Ministry with persons who supported the Muslim League now overnight became Congress leaders. Lakhs of rupees are involved in this Syndicate affair. Sometime back Government appointed a Committee named as "Shome Committee" which examined all these affairs of this Syndicate and submitted a very lengthy report to the Government, so that Government might take action, but unfortunately several years have

passed, Government have not taken action nor have they taken steps to publish the report of the "Shome Committee" for information of this House. So we had to gather our information from outside. At that time when the Syndicate was constituted, Government fixed the price of rice and paddy so that the farmers must not be deprived of their legitimate prices of rice and paddy they would sell to the Syndicate. That was the idea behind fixing the price, of rice and paddy. But we knew that rice and paddy was purchased at very lower price from the peasants depriving them of the legitimate price fixed by the Government and thereby they have earned lakhs of rupees. This is profiteering of the worst type and the two partners of the Syndicate who come from the District of Cachar earned lakhs of rupees illegally at the cost of the poor peasants. They have also cheated the Government by way of short weight, wastage and other means. Even to-day we know that Government assessed income-tax and super-tax to the extent of Rs.6 or 7 lakhs which has not yet been paid by these partners. One of these two partners is a Muslim of Karimganj.

So far our information goes, most of the valuable moveables have been removed to Pakistan, only buildings and lands are there. The other fellow comes from Hailakandi. He is also a so called respectable man. Probably because these two men are in the Congress, therefore, Government dared not take any action against the men. If these things are to continue how can you tone up the administration, how can you expect the public or the people who have paid the money into your hands to hope that their money can be saved? So, Sir, I request Government to take action as early as possible, and the next time we may see that all these long standing affairs may be settled once for all.

Now, Sir, I would like to refer to pages 20 and 21 of Audit Report, 1953. My Friend, Shri Bhattacharyya, has said that big amounts are involved as defalcation on account of loss of revenue due to the Mouzadars and Tahsildars and so on and so forth. These things did not happen only in a particular place or locality but it is rather like an epidemic form prevailing everywhere. The only solution which has been suggested by the Accountant General is that the authorities, like the Deputy Commissioners and the Sub-divisional Officers should check periodically the Tahsils, Treasuries and other offices involving and incurring expenditure, as was done during

the time of the British regime, then and then only these cases can be minimised. But, Sir, we have seen till now after several years of Independence, the Government do not take any action against the Deputy Commissioners and Subdivisional Officers for lack in supervising the Tahsil offices, Treasuries, etc. Only till now, some accountants and clerks have been punished here and there. What I want to suggest is that according to financial rules and revenue rules, it is the duty of the Deputy Commissioners and the Subdivisional Officers to inspect regularly at regular intervals all these offices, and if they faithfully work according to the rules which have been prepared and passed by this Legislature and also by the Government from time to time, the public funds amounting to several lakhs of rupees would not have been involved, and the loss, therefore, could be avoided. So I want to see that Government is taking action against the Deputy Commissioners and Subdivisional Officers in order that these irregularities may be stopped once and for all. Until you punish the big fries at the top, the policy of punishing the clerks and accountants cannot improve the Department.

Next, Sir, I come to Public Health Department. There is a glaring case of favouritism. My Friend, Shri Bhattacharyya, has referred to all these things, but I do not like to refer in details. Sir, this is not loss, this is sheer favouritism. There are innumerable cases. The Government is shamelessly doing these things. If somebody is related to some officer, he will surely get all facilities and everything, this is shameless and the Government will not care what the people or the Party will say. So, Sir, I say that these things should be avoided.

Sir, this is another matter—a serious matter. With this I shall close my observations. I refer to page 29 of the Audit Report—paragraph 32—Grant of study loans, Stipends and *Ex-gratia* payments. That involves up to date an amount of 1.5 lakhs.

Sir, the Accountant General pointed out that there must be some rules in giving these allowances, stipends and loans to persons for higher studies, etc. Without formulating rules how can a Government offer loans, etc., to these persons? Sir, so far our information goes, I can tell you if all the names can be given, can show by each name that every person who has got loans or stipends, etc. is related to the persons who hold the reins of administration, either Minister or high official. We have also information that these

loans, stipends, etc., were sanctioned to persons just to make clear the way of Congress candidates to win the election. Supposing Sreeman Goswami or anybody else is a candidate for election, some one is contesting. It was found that the opponent was given loans up to Rs.5,000 or Rs.10,000 for study in London or in any other places, who, on receipt of which, had withdrawn his candidature in election so that the Congress candidate could return easily. Sir, we have got some specific cases, we do not like to give the name here to put our Friends in difficulty. So what I say, without going further into the matter is that:—

You have done enough favouritism after Independence since 1947 to 1955. It is natural for a man who has never got power before and who has never seen Rs.1,000 at a time to be perplexed and puzzled or there might be some of form of insanity when he is put before crores of rupees and inordinate power. So I say that you have done enough, but now you should come down to sense and formulate some rules, some policies and some principles for administration of Government. I would now request the Government to adopt the rules which have been suggested by the Accountant General for guidance in giving these loans, stipends, etc.

With these observations, I hope the Government will see their way to accept my suggestions, so that improvement can be made in the administration.

Adjournment

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

(After lunch)

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, before replying to various points raised by my Friend, Mr. Bhattacharyya, who initiated the debate, I should like to take up the points raised by my Friend, Shri Ranendra Mohan Das. I am sorry, Sir, that my Friend, Shri Ranendra Mohan Das, has developed a peculiar temper, an unrestrained temper, I find, and often he is found without much control over himself. He has used the word "shameless" against the Government. He has not only not spared the Government in casting aspersion but he has dragged some of the important

members of the public including the Deputy Speaker, the Honorary Prohibition Commissioner and my Friend, Sriman Prafulla Goswami. The remarks that have been passed against them are really very unfair and unwarranted. Sometimes in exuberance of spirit, he forgets himself and often he goes beyond limit. He has stated that Government has shielded the offenders and by illustration he cited the case of Home Guard and the case of misappropriation that happened in Golaghat in the office of the Prohibition Commissioner and so on. Now, Sir, so far as the Home Guard is concerned the matter is clear. It was stated before the House that some accounts were lost and such accounts were reconstructed and in the Report of the Public Accounts Committee it is stated clearly that the accounts are nearing completion. When the accounts are completed, as I have stated already, those very accounts will be placed for scrutiny by the Audit Department again. (Shri Ranendra Mohan Das: If the accounts were lost how can they be reconstructed?) It will then be seen how they are reconstructed and explanation will be there. It is not the time to answer how the accounts will be reconstructed.....

Shri RANENDRA MOHAN DAS: My complaint is that several years have been taken by the Government for reconstructing the accounts. Now how long more it wants to take ?

Shri MOTIRAM BORA (Minister) : For that inordinate delay should he cast aspersion against the Government? For that, he should not have dragged the Deputy Speaker to the scene, as he has nothing to do with the reconstruction of the accounts. After all, the lost accounts have to be reconstructed from various sources. Supposing the accounts in Barpeta had been lost, such accounts will have to be reconstructed from various sources, that is, from all over Assam and for that, we will have to make correspondence with all the concerning sources of Assam. Again for instance, if an officer concerning with the accounts was at Barpeta and he has since been transferred to Tinsukia then his services will have to be obtained in connection with the reconstruction of such accounts, and similarly services from different persons will have to be obtained at different places and that naturally takes a long time. That is the explanation. It has already been stated that the reconstruction of the accounts is nearing completion and when they will be complete they will be scrutinised by the Audit Department and then they will be placed

before the House for observation. Therefore, it was not at all warranted to drag the Deputy Speaker in this matter of delay. Similar is the case with the Honorary Prohibition Commissioner. An amount of Rs.10,000 or something like that was misappropriated by a person who was his Head Clerk at the time and when it was detected he died, either by committing suicide or otherwise, I do not exactly remember it now. But the fact is that he died and for that reason no action could be taken against him. Government did not find any other official at fault. Of course proceedings were drawn up against the Sub-Treasurer of Golaghat, but eventually he was not found guilty in any way and so he was exonerated. For that reason the Honorary Prohibition Commissioner should not have been dragged into the picture. But my Friend, Mr. Das, has done so taking advantage of his position as a Member of the House, but I feel, it does not befit him or any person holding responsible position as an M. L.A., because that particular gentleman is no longer here to give a fitting reply. Yet my Friend, Mr. Das, has cast aspersion against the Government for that reason using the word "shameless". I am very much sorry for hearing such a remark by a person having some amount of education and culture. [Shri Ranendra Mohan Das: যে চুরী করল—সে কি চুরী নয় ?]

This remark in such a language, only shows the man in him. My Friend Sriman Prafulla Goswami has also been dragged to the picture for nothing. But I do not find anything in the papers. (Shri Ranendra Mohan Das: I did not make any specific reference in this regard.) No, he made a specific reference. [Shri Ranendra Mohan Das: মানে কথাটা হল—এমনি টিল নেইছিলাম—লেগে গেল।]

Mr. SPEAKER: আপনি বসে যান।

Shri MOTIRAM BORA (Minister): Sir, my remark that he is a person who cannot control himself is proved by himself.

I do not find in the papers wherefrom he found those materials against Sriman Goswami. The Audit Report and the Report of the Public Accounts Committee do not disclose anything of that nature. Not only that, he has gone a step further. He has found fault with the members of the Public Accounts

Committee, who are his colleagues and Members of this Assembly. Sir, as many as 9 Members were elected by this House to go into the accounts and those hon'ble gentlemen took utmost pain in their labours in the matter of going through the accounts for several days together. And for taking such pains and doing such a drudgery work in going into the accounts for days together, they merited a remark from my Friend that this Committee had sought to white-wash certain things ! He has made this remark as if the members of the Committee had some motives behind and that is why they concealed certain things. This is absolutely unwarranted and unmerited, and far from truth. I wonder how he can be capable of making such remarks against a Committee that has been chosen by this House to go through the Accounts. As I have already stated when he wants to speak something, oftentime he forgets himself and in the exuberation of his spirit sometimes he goes beyond his limit and beyond decency. If he wanted the Government not to shield officers, to be strict on them and to punish the wrong-doers, Government would have surely appreciated such advice. Government always want to be very strict in matters pertaining to public fund. My Friend, Mr. Das, should also agree that Government should adopt a uniform policy in regard to that, but, Sir, that is not so. In this connection, let me for instance cite the case of a particular Chairman of the Municipal Board which is known to me and to many of my Friends in this House including my hon. Friend. One particular Chairman of a particular Municipality, of a particular place, on a particular pretext (*Loud laughter*) obtained a very large amount from the Government and misused the entire amount by diverting it to some other heads. (Shri Ranendra Mohan Das: I take objection to the word "misuse"—it is a distortion of fact). I am not telling that it was my Friend (*again laughter*). Why my Friend is so impatient ? I do not understand that. (Shri Ranendra Mohan Das: The Minister knows well that it was not a misuse, it might be an irregular thing.) Sir, there is a saying in Assamese: গোসাই ধৰত কোন ? মই কল খোঁৱা নাই । I am not making any mention of my Friend, I am only speaking about a particular Chairman of a particular place. But why should my Friend be so impatient and why he comes to say that he has not misused the public fund? When that Chairman found himself in difficulty he pestered the Ministers including myself to save him from the difficulty. Now I ask my Friend what advice he would give me in respect of dealing

with that particular gentleman ? There is a wise saying that before looking into the faults of others one should examine himself to see whether he is himself free from those faults. (Shri Ranendra Mohan Das: I would like to give a personal explanation). I know how much that particular gentleman pestered me and the Deputy Secretary, Finance, to save him from the difficulty. That is why I ask him to be just and fair and not to indulge in abusing the Deputy Speaker and the Honorary Prohibition Commissioner for nothing. My Friend, Sriman Goswami, has done nothing to be accused like that. Instead of finding fault with others such a person should take care of himself.

Now let me come to some specific points of his complaint. Certain specific points were mentioned by my Friend, Mr. Ranendra Mohan Das, in support of his contention that the Public Accounts Committee of that particular year was not doing their duty properly. He stated that they were trying to white-wash the doings of certain officers. In illustrating his point he cited the case of a particular officer of a particular place. I would like to place before the House the following fact. An amount of over a lakh of rupees was spent by the Superintendent of Police, Tezpur in a particular year in constructing some houses for the Police College at Saloni for giving training to the police constables. That officer was given permission to construct the houses departmentally as were very necessary at that time and Public Works Department could not undertake this construction. That officer is now the seniormost Deputy Inspector General of Police of Assam and his name is Shri D. G. Datta. He was asked to appear before this Committee and he came. When he was examined by the Committee it was found that the explanation he gave before the Committee was perfectly satisfactory. The Committee was satisfied that there was no misappropriation. It was departmental construction of some houses in which for the very nature of things Public Works Department specification could not be followed. The Accountant-General does not state any allegation of misappropriation against him. All he said is that without proper specification the construction was made by the Superintendent of Police. As it was a departmental construction, the Superintendent of Police thought he was allowed under rules to do so. In starting the houses he did not have such specification as is obtainable in the Public Works Department. He had his specification, but it was not the specification of the

type prevalent under the Public Works Department. But it must not be forgotten that it was a departmental construction under difficult circumstances. This is one thing. The other thing is that for fear of money being lapsed and in order to save the trouble of future correspondence and obtaining supplementary demand, he drew the money and kept it not in his own pocket, but in his personal ledger account. There is nothing very irregular in it. While the construction was going on he made payments to the contractor. Here the charge is that he made payment before completion of the work. But he did not pay the entire amount. This system of payment on running bills is prevalent in Public Works Department and the officer made running payment upto a certain extent of the money spent by the contractor. There is nothing irregular about that also. The explanation that he tendered before the Committee, when the Committee examined him, was found to be satisfactory. There was no misappropriation ; only there was some misconception and non-compliance of the rules, which also he could not fully understand. He gave one interpretation, which was not upheld by Finance. But there was some room for misunderstanding and the Committee, after examining him, was satisfied and recorded a remark like that. There is nothing wrong in it. As many as nine members of the Committee found him to be above blame. But my Friend says that we are white-washing the officer. I do not understand how such a remark can be made. Why should nine members of the Committee, who were elected by this House, try to white-wash an officer like that ?

Then, Sir, he mentioned about the Mawmluh-Phalibazar Road. Nobody denies, Sir, that the original alignment was found to be faulty. After some work was done, it was realised that the alignment made originally was not correct. When that was found out, the only right thing to do was to abandon the alignment. This was a *bonafide* and honest mistake. When the alignment was found to be wrong, why should we not abandon the alignment ? Of course, about 3 lakhs of rupees were spent and after that it was realised that the alignment was faulty. That is not denied by anybody. So, how the Committee is liable to be blamed for white-washing officers ? Then, Sir, the few miles of road, on which work was done, will be of some use to the public. It cannot be said that the money has been an absolute waste because the road, which was ultimately abandoned, will be of some use to some people living in the neighbourhood. This was the explanation given to the

Committee and the Committee was satisfied. I am sorry my Friend is making such unfounded charges against the Committee without any reason whatsoever.

Sir, so far as the Honorary Prohibition Commissioner's case is concerned, I have already stated that responsibility had been fixed. But the man is dead. Whether he committed suicide or it was a natural death just after detention, I cannot say now. But the fact remains that responsibility had been fixed and the man died. It is wrong to say that responsibility was not fixed.

Now, Sir, about the Home Guards, I have already stated the position and I do not like to say anything more on this point.

My Friends, Messrs. Bhattacharyya and Das, had referred to some cases of misappropriation by Mauzadars. I agree, Sir, that there have been several cases of misappropriation not only in that particular area but also in other places. Of course, there were as many as six cases of misappropriation in one subdivision, *viz.*, Barpeta. Sir, there are very many reasons for these misappropriations and Government are not sitting idle over them. For instance, in Barpeta, where six Mauzadars had done misappropriation, we have straightaway ordered prosecution of these people. Some are undergoing prosecution, some have fled from this country and gone to Pakistan. What can be done? Of course, the prosecution is pending against them. While others are undergoing trial. Not only that. All the property pledged by the Mauzadars has been seized. There have been two recent cases in Sibsagar where two Mauzadars, both brothers, misappropriated money. Not only have they been put under trial but all their property has been attached and put to sale. Therefore, to say that Government are not doing anything is not true. We are also trying to find fault with the officers for whose negligence such things could happen. In Barpeta I tried to fix some responsibility on the person of the Subdivisional Officer. After taking explanation from him, it was found that there were frequent transfers of Subdivisional Officers in Barpeta. The explanation was that on account of frequent transfers it was not possible for the Subdivisional Officers to do the work of checking of accounts; but I have argued that supposing Subdivisional Officers were not at fault, what about the Sub-Deputy Collectors, whose primary duty was to go through the accounts often?

I am, now, falling upon the Sub-Deputy Collectors. So, it will be seen, Sir, that Government are doing their best to apportion blame and fix the responsibility. It sometimes happens that after responsibility is fixed the man goes out of our reach as in the case of the Golaghat Head Clerk, as in the case of Mr. Small, who retired long ago and went to England and is out of our reach now. Then, sometimes in spite of our best efforts it becomes difficult to apportion blame for lack of adequate materials and direct evidence. But to say that Government are not doing anything is not doing justice to Government. After all, Government can do what is laid down by the rules. Then, Sir, Government have become alert from these cases of misappropriation and we are taking precautions that such things are not repeated. We have issued peremptory orders to Deputy Commissioners, Subdivisional Officers and Sub-Deputy Collectors to make periodical checks of accounts. Not only that, now, we are taking steps to give training in accounts to the Sub-Deputy Collectors, as at present there is no provision of such training for Sub-Deputy Collectors. When they get training in accounts it will be easy for them to check up accounts methodically. In this way, Government are taking measures to stop such irregularities in future.

Maulavi MUHAMMAD UMARUDDIN: What about inspection by the Commissioner ?

Shri MOTIRAM BORA (Minister): One of the main reasons of reinstating the post of Commissioner is that, Sir. I am glad that my Friend, Mr. Umaruddin, has reminded me of that.

Now, my Friend, Mr. Bhattacharyya, has at the outset said that the financial administration in the State has gone from bad to worse. I am sorry that on this point, I cannot agree with my friend. The picture that he has drawn is really not a correct one, on the contrary, my own impression is that the financial administration in our State has improved to a considerable extent. There is no doubt that there were some amount of irregularities during the war or immediately after that mainly due to partition of the country. Relaxation was necessary during that period of war. But now as time passes on, we have been able to strengthen the financial administration of the State and my view is that instead of financial administration deteriorating, the reverse is the case, it has improved to a considerable extent and in fact, the Committee

has to admit it and in their Report it has stated : "The overall financial position of the State and the details in respect of Public Debt were examined by the Committee. The Committee felt that the financial position of the State, the management of the Public Debt, the Ways and Means position, etc., were on the whole satisfactory". Therefore, I should like to state that the picture is not as it has been given by Mr. Bhattacharyya.

Now, Sir, Mr. Bhattacharyya said that so far as control of expenditure is concerned by respective heads of departments there has been some amount of inefficiency and slackness. I agree with him that in some of the departments slackness in the matter of control over expenditure have been detected. This is mainly due to relaxation that had to be allowed at the time of War, but now we have tightened the machinery, and control on financial administration, has become more efficient and better than what it was before.

My Friend then gave instance of surrenders of money in support of his contention that this Government could not spend money in time and had to surrender. The money in question, *i.e.*, Rs. 4 lakhs was given for relief and rehabilitation of refugees but this had to be surrendered because the same came at the fag end of the year when it was not possible to spend it and there was no alternative but to surrender it.

Then, he said that there is a lot of money sanctioned for establishment of dispensaries and money for some of them had to be surrendered for want of doctors. He has given the explanation himself, that for want of doctors this course had to be taken. Government in their eagerness to help the masses provided money for establishment of dispensaries but when they could not get doctors for them there was no other alternative but to surrender the money for the dispensaries which could not be started for this reason. So far as production of medical men is concerned we cannot produce more than the number we are producing from the Assam Medical College. He also said about Condensed M. B. B. S. course. As a matter of fact, we have got Condensed M. B. B. S. course, but there are certain limitations. It is not unknown to this House that the Assam Medical College is new in India and we are short of staff and therefore we cannot expand the scope of Condensed Course. We cannot have more M. B. B. S. doctors for this and some other similar reasons.

He said that the unattractive remuneration is responsible for not having more doctors. We have revised the remuneration of M. B. B. S. doctors to some extent.

He said about certain surrender of money by the Home Department, for failure to start the fire-fighting organisation in the State. It is known to the hon. Members that there is no fire-fighting organisation in the State and for having one we sanctioned some money but it could not be started for want of technical personnel and necessary machinery. This explanation was given in the Public Accounts Committee and they were satisfied.

Mr. SPEAKER: Why do not you have condensed M. B. B. S. course ?

Shri MOTIRAM BORA (Minister): We are having Condensed Course in the Medical College but we cannot have as many doctors as we want out of this course. It is mainly for want of teaching staff. In this connection, I want to cite an example. We are not having a Professor of Electricity for the Jorhat Technical Institution for months together. We cannot have as many teachers in our Medical School as we would require. The Indian Medical Council is very strict in this matter, Sir. They do not want that anybody or everybody should be allowed to teach in our Medical College. So we cannot expand this course even if we want to do it simply for want of qualified personnel. Besides that, this expansion will involve many other things such as construction of new houses, lecture rooms and things of that sort. These are our difficulties, Sir. But even then, within the limitation of our means we are taking steps and we have been running this course and we will continue it so long we feel it necessary.

Now, my Friend, Mr. Bhattacharyya, was saying that budgeting was also not accurate.

Mr. SPEAKER: I think he refers to past Budgets.

Shri MOTIRAM BORA (Minister) : I am obliged to you, Sir, for being helpful to me in pointing out this point that he refers to past Budgets of 4 or 5 years ago. As we all know, Sir, those Budgets were prepared at the time when we had just started with our development works. At the time when we were making preparation for our First Plan

and at the time when we were undertaking new ventures, we did not know fully what help from Government of India will come to our assistance or what amount of assistance and in what steps we will be getting it, or what kind of work will be allowed to be undertaken. At such a time, Sir, naturally you cannot expect us to be very accurate in our Budgets. So, Sir, for these reasons our past Budgets have not been very accurate. Then again, my Friend, Mr. Bhattacharyya mentions about a misappropriation by a Mauzadar ; he also refers to a case in Sidli Circle which was under a Tahsildar of this Government. This Tahsildar is, as a matter of fact, not only a Tahsildar but he is a Sub-Deputy Collector, a collecting agent of this Government. So far as Sidli circle is concerned, Sir, a misappropriation of some 10 to 15 thousands of rupees took place and we have been falling upon the person who was entrusted with the money. But this man has since left for Pakistan and we have not been able to trace him there although we have been trying our best to locate him, but he is not traceable. In the meantime we have been falling upon the Sub-Deputy Collectors concerned and explanation has been called from them as to why recovery should not be made from them. In any case, we are proceeding against them in this matter, Sir.

Now, so far as the incident connected with Basic Education is concerned, it is true, Sir, that was an unhappy episode. The man was given contract without knowing anything about his whereabouts, wherefrom he comes, and without going into his antecedents, with the result that the man has left the State after misappropriating about a lakh of money approximately. I agree that was an unhappy episode and a very bad thing. We are very much uneasy for that because after all an amount of approximately a lakh was misappropriated but nothing could be done against the culprit, because the man has left his service and left the State. That is why, Sir, we feel that this departmental work is always bad. It should not have been done in that way and for this reason the members of the Public Accounts Committee have been pleased to direct that in future work worth more than 10 thousand rupees should not be done departmentally without explicit permission from the Finance Department. That direction was given and Government accepted it. That was the position in regard to this matter and we are sorry for it. Departments have been directed to see that such things do not happen again in future.

So far as the Headmistress is concerned, that is also an unhappy episode. Government ordered trial of three persons but after the trial, all the three persons were acquitted. At that time it was found out that proceedings should have been started against another person afresh but in the meantime that person also died and nothing could be done there also.

Now, so far as the incident in regard to Rajmohan Nath is concerned, Sir, that has been reported not to be proper by the Accountant General and the Public Accounts Committee also accepted that it was not a proper thing to be done.

About study leave and granting of scholarships to our students for going abroad to study, this Government have come forward to help our poor meritorious boys to go abroad to get training and after such training to become assets of our society. I think that is not a bad thing and nobody should blame Government for that. As soon as this Government came to power, it was felt by us that we are suffering from very many reasons and one of the main reasons for our backwardness is dearth of trained personnel in various spheres in our State. Our people are poor and cannot afford to take advantage of the benefit of education outside India, they cannot qualify themselves for responsible posts in the States and in the Union on account of their poverty though they are meritorious. So as soon as this Government came to power we devised ways and means by which to help our boys to go abroad and qualify themselves for eventual service to their motherland. In pursuance of this policy a large number of our scholars had been sent abroad and the Public Accounts Committee which had gone into that question have also endorsed this view of Government. For this Government and the Public Accounts Committee feel that there should be a set of rules to guide and control in such matters. We have in pursuance of that direction, formulated a set of rules under which these scholarships will have to be given and that set of rules are now being forwarded by the Education Department to the Accountant General for his concurrence.

Similarly in the case of staff cars, as you know, Sir, now-a-days work in all sides has increased to such an extent that you cannot expect to get as much work from our officers as you want unless you give them some facilities for communication. Therefore, as work has increased, Government have been compelled to give staff cars to certain officers to enable them to

do their work expeditiously and efficiently. Sir, by this concession—rather it is not a concession, but a necessity—given to our officers we are getting better and speedier work. The Committee observed that in the matter of staff cars there should be a set of rules, and accordingly a set of rules were prepared by the Government in the year 1954. In pursuance of the direction of the Committee nothing remains to be done in this matter.

Now, my Friend, Shri Ranendra Mohan Das, has stated that if he could have got a copy of the list of scholarships granted by Government to different students, he would have been able to show that some of the scholarships have been secured by students having relationship with, or in some way or other connected to Ministers. Sir, this is a most uncharitable and unwarranted remark not at all based on fact.

Shri RANENDRA MOHAN DAS: Not a single scholarship has gone to Cachar.

Shri MOTIRAM BORA (Minister): My Friend has stated, "If he could have got the list". This shows he is prone to criticise Government without knowing the names of the persons securing the scholarships. He criticises without knowing facts.

Shri RANENDRA MOHAN DAS: It is a known fact.

Shri MOTIRAM BORA (Minister): It seems, Sir, my Friend does not know what he speaks. He himself said that he had not seen the list and yet criticises Government. Under the circumstances I cannot but pity him.

I do not for a moment hold any brief for any department, and far less, for the Finance Department. Finance Department has nothing to do with the expenditure side of the things. It is the administrative departments which are responsible for spending of money. Responsibility of the Finance is always to tighten the belt, strengthen the financial control. Therefore, the duty of the Finance department is to see that control over expenditure is tightened up so that there may not be any wasteful or avoidable expenditure. But then there are certain limitations also. For instance this Government is dealing

with crores and crores of rupees. Even our own revenue has gone up to Rs. 20 crores. Who knows it will not go up to Rs. 25 crores in course of two or three years' time? Our works are expanding in all directions. Money is coming from the Government of India for various development works. In a situation like this, involving expenditure of crores and crores of rupees, it is not unlikely that there can be one or two cases of misappropriation here and there. All the amounts thus misappropriated or alleged to have been misappropriated taken together will not, perhaps, exceed two or three lakhs of rupees, and as against this we should also take into account the amount of money we are spending in Assam which comes to over Rs.50 crores, both capital and revenue expenditure taken together. In a situation like this involving such a huge expenditure, there may be, here and there, some small misappropriation although I do not intend thereby to justify any laxity or slackness in financial control. With these observations of mine, and again thanking the hon. Members who had taken part in the discussions and offered us various valuable suggestions as to what we should do in future to bring about far more effective control over expenditure, I resume my seat.

Report of the Privileges Committee

Shri RAJENDRA NATH BARUA: Mr. Speaker, Sir, I beg to move under Rule 143 of the Assembly Rules that the Report of the Privileges Committee of the Assam Legislative Assembly held on the 12th February and 18th March, 1955 be taken into consideration forthwith.

As the hon. Members are aware, Shri Mohi Kanta Das, Chief whip of the Congress Party, brought out a matter of breach of privileges in this august House on a statement made by our Friend, Shri Hareswar Goswami, the Leader of the Opposition, which amounted to a breach of privilege of the House for making certain remarks imputing partiality on the conduct of the Chair and for publication of the same statement in certain newspapers. And you, Sir, in pursuance of a Motion carried in the Assembly on the 4th November, 1954 referred both the matters to be discussed in a Privileges Committee. Accordingly the Committee discussed both these matters in two of its sittings held on 12th of February and 18th of March 1955 and came to certain decisions. The reports of the Committee were placed on the tables of the hon. Members, but as I do not know whether they have gone through it or not,

I propose to read out the relevant portions of the decisions arrived at by the Committee. The Committee decided that, "in view of the regret expressed by Shri Goswami in two stages, *i.e.*, once for making the remarks on the floor of the House and secondly for making the statement before the Press, we are unanimous in our opinion that no further action need be taken on the matter and that it may be closed." This decision was arrived at in the sitting of the Committee held on 12th February, 1955.

The Committee also considered in another sitting held on 18th of March, on a reference made by you. Sir, whether newspapers were justified in publishing the statement and a general proposition may be laid for future guidance of the Press. The Committee came to the decision that the Press may generally criticise the conduct of the Chair without casting or suggesting any reflection on his impartiality and a publication in a newspaper reflecting partiality on the conduct of the Chair is not justified.

These are the two Reports that the Committees have submitted. In coming to these decisions the Committee has consulted various decisions and procedures obtaining in the House of Commons, Parliament of India (Lok Sabha) as well as some other State Assemblies. Now, Sir, it is for you whether to accept the apology tendered by Shri Hareswar Goswami or the House may direct any other suitable step to be taken on the matter.

Mr. SPEAKER : The Motion moved is that under Rule 143 of the Assembly Rules, the Report of the Privileges Committee of the Assam Legislative Assembly held on the 12th February and 18th March, 1955 be taken into consideration forthwith.

Shri BAIDYANATH MOOKERJEE (Minister) : Mr. Speaker, Sir, in this connection I beg to make a submission. I do not propose to discuss the merits or demerits of the decision taken by the Privileges Committee. But I find from Rule 141 of the Assam Legislative Assembly Rules that "the complaining member or member complained against, if he be a member of the Committee shall not sit on the Committee so long as the matter complained by or against him, as the case may be, is under consideration before the Committee. But it seems that in this case the provision of this rule was not observed.

I have also another suggestion to make which is this that in future when our Friends put in any signature, there should be some date. One of the Reports here does not bear any date whatsoever. The Report, should not have been printed without a date.

Shri RAJENDRA NATH BARUA: I should like to clear one point. Perhaps the Hon'ble Minister thinks that Mr. Goswami was present during the deliberations of the Privileges Committee. As the matter under discussion of the Committee related to Mr. Goswami personally, he kept out of the discussions and the signature was put in afterwards.

Shri BAIDYANATH MOOKERJEE (Minister): That is more undesirable. If the hon. Member was not present during the deliberations his signature should not have been there. That makes the position still worse. Therefore, my submission is that the signature should not be there. How can a member put his signature on the findings of a discussion in which he did not take part? It is absurd.

Mr. SPEAKER: Alright, that will be expunged.

The reference to the Privileges Committee arose out of the leave to introduce the Freedom of Movement Bill moved by Shri Hareswar Goswami, Member of Legislative Assembly which was objected to by Shri Hareswar Das, the Deputy Minister of Revenue who raised a point of order on the ground that it transgressed beyond the reasonable limit of exercising rights over private property and referred to Article 19(1)(f) as the relevant section of the Constitution.

Two other Members took part in the discussion and the points they raised did not carry further and was strictly not very relevant to the points raised by Shri H. Das and it did not carry any force against the introduction of the Bill. Shri Goswami then replied in detail, though according to Rule 59(1) of the Assembly Rules he should have been permitted to reply briefly. After he had finished, Shri H. Das, Deputy Minister of Revenue wanted to reply as a matter of right. Rule 59 (1) of the Assembly Rules reads as follows :—“If a motion for leave to introduce a Bill is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who opposes the motion, may, without further debate, put the question thereon.”

Shri Hareswar Goswami, the mover of the motion for the introduction of the Bill, held that Shri Hareswar Das, who opposed the motion, has no right of reply, but the Rule just quoted above, will clearly show that he (Shri Goswami) misapprehended the meaning of the words which runs as follows,—“the Speaker after permitting if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who opposes the motion, may.....”

This will clearly show that the right given to Shri Hareswar Das to reply was his right according to Rules of the Assembly. In spite of this, Shri Hareswar Goswami left the House with an unfortunate remark that was reported by the Press but was not taken down by the Official Reporters.

On a reference to Shri Goswami he admitted to have made the remarks in the House and corrected the official copy in my Chamber, and at the same time he expressed his sorrow and withdrew the remarks he made in it.

Subsequently on a motion moved by the Chief Whip of the Government Party, the matter was thought fit to be referred to the Privileges Committee.

Another chance came to Shri Hareswar Goswami when an informal reference was made by Shri Sarveswar Barua, Member of Legislative Assembly and the Chair wanted to know from Shri Goswami whether he wanted to withdraw the statement made to the Press, but the hon. Member (Shri Goswami) preferred to explain when it would come before the Privileges Committee. The statement was published by various papers both in and outside the State except the Democratic Review and the Statesman.

It is satisfactory to note now that Shri Goswami had withdrawn the statements made by him to the Press before the Privileges Committee and this is as it should be.

The next point, which deserves consideration, is the publication by the Press of the statement made by the Member outside the House, and whether the Press has a responsibility in doing so.

In the year 1926 the Central Assembly had a similar case before it in which the newspaper commented insinuating that the Chair was partial. When the Home Member drew the

attention of the Chair to the said publication, the President welcoming the Statement of the hon. Home Member remarked as follows:—

“..... There is no doubt that the statement contains an insinuation of partiality directed against the Chair and the publication of such an insinuation, in the opinion of the Chair, is a grave breach of privilege of this House deserving the severest condemnation The Press must know that no suggestion of partiality, however, remote, directed against the Chair will be tolerated. At the same time the Press is fully entitled to criticise the conduct of the Chair as much as it pleases without casting or suggesting on its partiality. The Speaker must guard and maintain his reputation for impartiality of all things at any cost, and he cannot do so if he allows such suggestions or insinuations to pass unnoticed.”

The Privilege Committee of this House has also held the same view and I hope that the decisions of the Privilege Committee will create proper atmosphere for the Press.

It is vital that the proceedings of the Legislature are presented to the people through the Press, because it is only through the Press that the reaction of the people can as it were be transmitted back to the Legislature.

The Speaker is concerned primarily with that the Press fully reports the proceedings and at the same time to uphold the dignity of the Legislature and its authority.

The breach of privilege in this case, I believe, was not deliberate, as it did not know the exact scope of the privilege. It is hoped that in future no scope will be given by the Press for comment.

In minor cases no notice would have been taken, but it was very patent for the very publication. The question, however, is not how far they can go in criticising, but of developing suitable conventions and I trust, that convention will grow amongst our correspondents some of whom are new and have not the same comprehension as others have, but these remarks do not mean that they amounted to any way to restriction of the liberty of Press or its liberty of criticism. It is necessary not to use languages which, Legislature may say, bring the Authority of that Body into contempt. That privilege, neither it is possible to define, nor it is desirable to define precisely, for very good reasons.

I am seriously thinking whether like Uttar Pradesh Legislature we should not have a Press Gallery Committee for purposes of consultation between the Press and the Speaker. That will obviate many minor differences. It is felt that the Press is to be treated as a projection or extension of Legislature.

With these remarks I ask the House to accept the report of the Privileges Committee.

(After a pause)

The question is that the Report of the Privileges Committee of the Assam Legislative Assembly held on the 12th February and 18th March, 1955 be taken into consideration forthwith.

(The motion was adopted.)

Private Members' Resolutions

Mr. SPEAKER: Resolution No.31. Mr. Goswami. It appears it was moved partially before. Anyway, Shri Goswami is absent and the Resolution is therefore deemed to have been withdrawn.

Mr. Dalbir Singh Lohar. He is also absent.

Mr. Basumatari ?

Shri DHARANIDHAR BASUMATARI: I am not moving, Sir.

Mr. SPEAKER: Mr. Sangma.

Resolution re: Provision of Grant within the period of First Five-Year Plan to remove the acute scarcity of Water Supply at Tura.

Shri EMONSING SANGMA: Mr. Speaker, Sir, I beg to move that in view of the fact that there is acute scarcity of water supply at Tura, the district Headquarters of Garo Hills, this Assembly is of opinion that within the period of this First Five-Year Plan an adequate provision of grant be made to implement this urgent requirement for this town.

Sir, although the town of Tura may be considered small in the matter of population, it is not so very small in area and the water supply for the town is very urgently needed. The water supply in the town is very inadequate to meet the requirement of the town people. In Ward Nos. 1 and 2 people are getting water throughout the year but mostly in the Ward Nos. 3 and 4 the supply is not sufficient.

In Ward Nos. 3 and 4 where 50 per cent. of the people live in town do not get water from the water works supply, so the people in the town who do not get water from this source shall have to go for about half a mile even to get water, in this connection, I like to mention some places—Upper Chandmari, Lower Chandmari, Wadanang, Cherangiri and Chitoktak, where people do not get water. Some people go to the other side where there is a tap water, but there is no water there sufficient enough for all the people. As such they are subjected to suffer much from scarcity of water every year.

Mr. SPEAKER: Have you got Municipality there ?

Shri EMONSING SANGMA: No, Sir, we have got a Town Committee.

Mr. SPEAKER: Why do you come here ?

Shri EMONSINGH SANGMA: For water supply in Tura Town, although there is the Town Committee, the Government of India will have to finance because it is under the State Public Works Department. So, I request this House that adequate provision should be made to this effect immediately so that sufficient water supply will be available for the Tura town....

Mr. SPEAKER: How much do you want ?

Shri EMONSINGH SANGMA: Over two lakhs.

With these few words, I commend my motion to the acceptance of the House.

Mr. SPEAKER: Resolution moved is that in view of the fact that there is acute scarcity of water supply at Tura, the district Headquarters of Garo Hills, this Assembly is of opinion that within the period of this First Five-Year Plan an adequate provision of grant be made to implement this urgent requirement for this town.

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, we really see the need of improving the water supply in Tura. The town is expanding, and the present water supply from a small stream is quite inadequate, not only for the people inhabiting there, but also for other officers who have been posted there since after the War.

Sir, recently a new source, namely—Rongkong stream has been pointed out by the Chief Executive Member and survey has been ordered and amount has been sanctioned for survey. As soon as the plan and estimates are ready, we propose to send it to the Government of India, either under Article 275 or in connection with the National Water-Supply Scheme, that is sponsored by the Health Ministry of the Government of India. But, Sir, the survey has not been completed, and the plan and estimates have not been prepared. In view of this, I think my Friend will withdraw his Motion, and in the meantime, he will move the Town Committee whether they would like to do the work by themselves or entrust the same to the Public Works Department for implementation of the Scheme.

Sir, it is not possible to include the Scheme in the First Five-Year Plan as the First Five-Year Plan is going to be over. But as soon as the plan and estimates are ready, we shall try to find out money under Article 275 or send the scheme to the Ministry of Health, Government of India, for approval.

Sir, with this assurance, I hope the hon. Member will see his way to withdraw his Motion.

Mr. SPEAKER: Will you withdraw it ?

Shri EMONSINGH SANGMA: On the assurance given by the Chief Minister, I beg to withdraw my Resolution.

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

Resolution to appoint a Committee to examine the present Pay Scales of Government servants so as to suggest necessary revision and modification thereof.

Sriman PRAFULLA GOSWAMI: Mr. Speaker, Sir, I beg to move that this Assembly is of opinion that the Government of Assam do appoint a Committee to examine the present pay scales of Government servants so as to suggest necessary revised pay scales and modifications for consideration of the Government.

Mr. SPEAKER: Of all the Government servants? Your wording is there. You mean revision of the pay scales from the highest down to the lowest paid Government servants?

Sriman PRAFULLA GOSWAMI: Let me speak, then I shall make myself clear, Sir. This resolution is very important because only in 1948 our Government appointed a Pay Committee and the pay scales were revised at that time. But now, it is 1955, the situation has much changed since then. In Avadi Session—our Congress have also adopted a resolution by which it declared its object to establish our society on socialistic pattern, so it is more imperative to revise the pay scales. I do not say that all the Government Officers will get increase in their salaries. It is the Committee which will revise the scales of pay. It may be so that somebody will get some increase, and somebody may not get it, or it may so happen that if the Committee desires, the Committee may suggest decrease of pay scale also in the case of some. It is for the Committee to decide. I have not given any suggestion about the pay scale because that will be the function of the Pay Committee. The Pay Committee itself will study and examine with open mind and suggest revision of pay scales. But this resolution has come as a voice mainly from the necessity and demand of our low paid employees, who are getting their salary below a living standard, and we cannot justify the existing vast difference of pay scale between the highest and the lowest paid Government employees.

Sir, we know that there are clerks, constables, compounders, primary school Teachers and other Teachers, peons and other low paid employees really need some increase in their salaries. I do not like to say that the other officers not mentioned by me will not get any increase, I do not like to comment

anything just now. But it must be made clear that high salaried officers in our country do not deserve increase of their salaries when we find the wide gulf between the low paid employees and high paid officers. It is imperative that the low paid employees should get some increase in their salaries so that the disparity between the highest and the lowest paid Government servants may be removed to a reasonable extent. In our country at present the difference between the highest and the lowest paid Government servants is too high. This wide gulf of difference must be removed down to a reasonable extent. In 1948 the Pay Committee made some progress in removing the injustice done to some low paid employees by increasing their pay scale and fixing the maximum salary of our State-employees to Rs.1,500. That was a bold step no doubt. But now even we cannot justify the wide difference of pay scale between the lowest paid and the highest paid servants.

So now the situation demands that a committee should be appointed soon to examine this matter. The Committee should also take into account of the privileges and amenities granted to the Government servants. Along with the suggestion of revision of pay scales it should suggest necessary amenities and privileges. At present high paid Government servants get more privileges and amenities than the low paid employees who really need more amenities. For instance, superior facilities of medical treatment is given to the high salaried officers, whereas the low paid employees do not get proper facilities. The high salaried officers like I.C.S., I.A.S., I.P.S., get not only Rs. 1,500 or more per month, he not only gets free medical treatment for himself but for his wife and in some cases for children but this privilege is denied to the low paid employees. This is unjust. Then there are many anomalies of pay scale of different categories of officers in one department. It so happened that in some cases when one officer was promoted, he does not like to accept the promotion on the ground that even though he will be promoted, he will not be financially benefited by it at that time. For example, when a Lecturer in Cotton College is put in charge of a department he gets a charge allowance of Rs.50 per mensem, but when he is promoted to professorship and becomes head of the department he is deprived of from the charge allowance and gets less than the amount which he used to get while he was a lecturer. These are such anomalies; so this should be also examined.

I hope this is one of the important resolutions. I was trying to bring up this resolution for the last three years or so.

When I am moving this resolution, my intention is not to confine the term of reference only to the Government officers, I am deeply concerned with the semi-Government employees also. In 1948 when the Pay Committee was appointed, at that time also the Committee suggested the pay scale of some employees under Local Bodies like Teachers of Lower Primary Schools and Teachers of Government Aided High Schools. This time also, when Government will fix the terms of reference, I hope, the Government will refer the cases of school teachers, specially teachers of Lower Primary Schools and Basic Schools under School Boards and of teachers of Government Aided High Schools and employees under Local Bodies. I have not mentioned any terms of reference in the resolution, these are to be fixed by Government. This cannot be laid down in a resolution, these details of functioning of the Committee and terms of reference should be laid down by the Government at the time of appointing the Committee. I am concerned with the appointment of a Pay Committee to revise the pay scales and when I speak of the Pay Committee it must be also made clear that I have moved this resolution because I found that a large number of our employees are very low paid, and their pay must be increased first to remove the intolerable inequalities existing in the present conditions. These officers require special consideration.

I am aware that there are dearth of technical personnel and expert scientist at a maximum pay of Rs. 1,500 fixed by the previous Pay Committee in 1948, but in such few cases we may appoint such personnels on contract service. When we want to bring foreign experts then we will have to appoint them in much more higher salary than the present scale, but in such cases service should be for a contract period and these services should be outside the general services.

We will have to fix a maximum and a minimum of pay scale and the present vast gulf that exists between the lowest paid and highest paid must be removed.

India Government should be also moved to revise the pay scales of their employees so that some sort of uniformity can be obtained between the services of same position and same nature of two Governments. As far as I know, India Government is also considering these facts and our Congress Organisation is also seriously thinking of removing the vast inequalities between the lowest paid and the highest paid employees. But we cannot wait for that, we must begin first.

I hope, this resolution will be accepted by the House.

Mr. SPEAKER : Resolution moved is that this Assembly is of opinion that the Government of Assam do appoint a Committee to examine the present pay scales of Government servants so as to suggest necessary revised pay scales and modifications for consideration of the Government.

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, I rise to support the resolution moved by my Friend, Sriman Prafulla Goswami. He has very rightly said that if the Government wants to prove true to the spirit of the Avadi Resolution then it is imperative that there should be reconsideration of the position of pay scales of Government servants, because though it is a fact that Socialism cannot be built by a stroke of the pen, Socialism cannot be attained merely by passing resolutions. We must take all necessary steps for achieving the objective.

Now, what is the situation ? We find that there are Government employees whose basic pay is somewhere between Rs. 20 and Rs. 30 per month. Again, there are Government servants in the Provincial cadre itself whose scale of pay goes much higher than Rs. 1,000 per month. I think, Sir, that under the existing circumstances nobody in the Government service should get an overall amount of less than Rs.100 per month and no Government servant should get an overall amount of more than Rs. 1,000 per month. I do not mean thereby that it should be limited for all times to come. But under the existing circumstances admitting that there will be some difference and admitting that all the necessities cannot be fulfilled, there should at least be less disparity than is prevalent and for that end in view not only it will be necessary to raise the pay scale of the low income group but it will be necessary to cut down the pay scales of those who are getting more than Rs.1,000 per month.

It might be said, however, that a few years back a Pay Committee was appointed by the Government of Assam and we might wait still some time more. It might also be said that the Central Government appointed a Pay Commission in 1946 and our State Government had to follow suit and this time also let the Central Government take the initiative in the matter and the State Government will follow suit. But I think that it will not be a proper course because as a matter of fact

we visualise building up a society of a Socialistic structure not by imposition from above but by building it up ourselves. If that be so, it is the State Governments which should move first in that direction and after the different State Governments take the move and gain experience, let there be an All-India move enriched by all these experiences. Sriman Prafulla Goswami has suggested that there should be some more amenities for the low paid Government employees. I am in full agreement with him. But so far as the scope of the Resolutions is concerned, it is only with regard to the pay scales. Of course, at the time of deciding the revised pay scales the question of providing more amenities to the Government employees will necessarily come into consideration and I hope that the Committee will more fully and elaborately think over the matter. But it is perhaps admitted by all and appreciated by all that it is high time that the move is taken in this direction and I hope that Government will be pleased to accept the Resolution and agree to the appointment of a Pay Committee.

So far as the Resolution goes, it only seeks to suggest to the Government as to what should be done. The recommendations will be only advisory and Government will have an opportunity of weighing the recommendations and then will give due consideration and if the Government thinks necessary then they will be in a position to place the recommendations with their opinion thereon on the floor of the House and the hon. Members also will have an opportunity to discuss them and will give further suggestions, if there be any. Therefore, on the face of it, this Resolution is quite innocuous and quite welcome. I hope that the Government will also accept the Resolution and that this House will be unanimous in adopting this Resolution.

With these words, Sir, I support the Resolution moved by Sriman Prafulla Goswami .

Shri BIMALA KANTA BORAH: Mr. Speaker, Sir, I rise to support this Resolution and beg to add a few words only to deal with another aspect of this matter.

This Resolution refers to the revision of pay scales. But what I want to add is this. Under the present rules some categories of our officers like the Sub-Deputy Collectors and Extra Assistant Commissioners are required to pass the departmental examinations and so long they cannot or do not pass these departmental examinations they are not confirmed and without confirmation they are not entitled to get promotion. This

is understandable. But it is said that they do not get annual increment also if they cannot pass. This is a matter which causes great hardship to those officers. The initial pay of an Extra Assistant Commissioner is Rs. 250 and as long as he cannot pass the departmental examinations he will have to work on the starting pay. If he cannot pass such examinations, for, say 10 years then for that period of 10 years he will not get any increment and that is most unfortunate, and if he passes such examinations after ten years he will not get back the increment for those 10 years, *i.e.*, the back increment. It is really very hard. Let me explain myself by giving a concrete instance. If an Extra Assistant Commissioner who was appointed in 1940 does not pass the departmental examinations till 1950 he will not be confirmed and he will not get promotion and for that period of 10 years he will not get annual increment. Even if he passes the examinations at the end of 10 years after some endeavours he will not get the increment for those 10 years. For not passing the examinations if his promotion is stopped, that is all right, but to stop his increment for that period is something which really causes great hardship to the officer.

I do not mind if his confirmation, promotion are stopped, but why should he not get the back increments when he passes the examinations?

Mr. SPEAKER: What about the long delay in passing?

Shri BIMALA KANTA BORAH: Not all officers fail. There are a number of officers who for various reasons cannot pass. I have seen some Extra Assistant Commissioners who are passing their days in great hardship with the initial pay. Their families have grown, they have got children to educate and the initial pay is absolutely insufficient to maintain them. In such circumstances to hold back their increments, which are due to them, even when they pass the examination is a great injustice to these officers. This is a matter which requires serious consideration of Government. But, Sir, I find that there are cases in which this rule is relaxed. Some officers, who have not passed departmental examination not only been given increments but also confirmation and promotion and they get all the benefits. There are again officers who not only not get increments but promotion and confirmation as well even if they have failed to pass the examination. Why this discrimination between officers and officers? I think this is a great injustice done to them. I, therefore, draw the attention of Government to this aspect of the matter and

request them to give these officers what is due to them. I hope this aspect of the matter also will not escape the attention of the proposed Pay Committee.

Shri RADHIKA RAM DAS: Mr. Speaker, Sir, I rise to support the Resolution moved by my Friend, Mr. Goswami, and I am glad to do so. In my Budget Speech I appealed to Government for appointment of a Pay Committee. Not only I, but many other Members also appealed to the Government for the appointment of a Pay Committee as it is rather impossible for the low-paid officers drawing salaries of Rs. 30, Rs.35 or Rs.40 to maintain their families. It is high time that Government should appoint a Pay Committee for revising all the pay scales and at the same time to increase the salary of the low-paid officers. Sir, two-thirds of our revenue goes for payment of salaries of Government officers and for their amenities, but still we find there is dissatisfaction.....

Mr. SPEAKER: Not two-thirds. I think 16 per cent.

Shri RADHIKA RAM DAS: Sixty-seven per cent.

Mr. SPEAKER: I don't think it is 67 per cent, but any way, let the hon. Member proceed.

Shri RADHIKA RAM DAS: Sir, so much of our revenues is paid for payment of salaries and yet there is so much dissatisfaction amongst them. This is because one person gets a salary of Rs. 30, while another gets Rs. 3,000 or Rs. 2,500. There is such a huge disparity in salaries of the low-paid and the highly-paid officers ! Sir, we are moving towards a Socialistic pattern of society and in a Socialistic pattern of society this kind of disparity should be removed by all means. There should not be such a big gulf as between Rs. 30 and Rs. 3,000. So, I think, Sir, it is high time that Government should appoint a Committee for revising the pay scales and increasing the pay of low-paid officers to at least Rs. 100 and decreasing the pay of the highly-paid officers to Rs. 1,000. This should be done in the interest of the low-paid officers, so that they can also maintain their families. Sir, now-a-days we find that some highly-qualified officers are getting Rs. 150 or Rs. 175 while there are some, who are less qualified, getting a salary of Rs.250 or Rs.300. I do not like to go into these details. If a Pay Committee is appointed, they will go through all the scales of pay and other amenities enjoyed by highly-paid Government servants and revise them so that all the officers get the same benefit from the Government. With these few words, I support the Resolution moved by Mr. Goswami.

Shri NILMANI PHOOKAN: Mr. Speaker, Sir, I want to say a few words in support of this Resolution. While supporting this Resolution I beg to remind the House of one thing. I do not support the Resolution on the ground of bringing in a socialistic pattern of society or any pattern of society, but remembering that all human beings have the same kind of stomach.....

Mr. SPEAKER: This is a socialistic conception (*laughter*).

Shri NILMANI PHOOKAN: The first demand of stomach must be satisfied and the stomach of a Chaprashi and the stomach of a Chief Minister are the same (*A Voice:—No*).

(*A Voice in Hindi—नही नही कुछ छोटा बड़ा है*)

Of course, the Chaprashi being a laborious man may need more to fill his stomach than the Chief Minister. Therefore, the minimum salary, as my Friend Mr. Bhattacharyya has said, should be, at the present economic state of the society, Rs.100 and the highest salary cannot be more than Rs.1,000, or for some special officers upto Rs. 1,500 for technical knowledge and other things. Between these, there should not be so many grades, sub-grades and supper-grades of services. The services also must be simplified. There should be two or three grades of services. In this connection, I should like to say that additional and deputies should go. They are simply tails tagged to higher officers to avoid their strenuous work on the desk. As regards Mr. Bimala Bora's suggestion, I do not believe in judging the merits of an officer on the results of departmental examinations only. When a man gets into service, he knows his job gradually and the only criterion by which I should judge whether an officer is efficient or not is whether his desk is overloaded with files or not. "Clear the desk and get promotion" that should be the motto.

Mr. SPEAKER: But he has to pass the examination in course of two years. This was the condition when he entered service.

Shri NILMANI PHOOKAN: But my standard of judging him would be different. If an officer disposes of his work every day he is an efficient officer. So, I do not want to enter into details, but I do believe that at present our society, when we talk of socialistic pattern of society, democratic pattern, classless society, all these sweet phrases we are using but we must prove that all these things are translated into action.

I whole-heartedly support this Resolution and we must fix maximum and minimum ratio of salary and we should simplify the machinery already in existence because the present machinery was set up by an alien Government, for various reasons it is a complex thing. But because we want it now for our own Government, for our own administration, we should make it as simple as possible.

Shri RANENDRA MOHAN DAS: Mr. Speaker, Sir, I rise to congratulate Sriman Prafulla Goswami for bringing this Resolution before the House and we are glad that he is also thinking in the light we are thinking for raising the pay of the ill-paid employees. For that purpose there should be a Committee for the general revision of the pay scales of different sections of the employees of the Government.

Sir, we have seen that every year our expenditure in the budget is increasing. From Rs. 10 crores, it is now 13 to 17 crores. The Finance Minister said that with the inclusion of the first and second Five-Year Plans, we are spending probably about Rs. 50 crores or so in a year. Therefore, when we want that all these things are to be done and done properly, we are to see that persons meant for the implementation of the schemes and for execution of these projects, should be properly paid. We have seen that these employees right from Chaprashi to the highest official of the State are responsible for execution and implementation of these projects. Therefore, there is the urgent necessity for giving them adequate pay scale, in order to avoid dissatisfaction among these sections of the employees. I believe, the Five-Year Plans will be frustrated if pay scale is not revised, and employees are not satisfied.

Sir, I also endorse the view of Mr. Bhattacharyya that the lowest pay should be at least Rs. 100 per month and the highest Rs. 1,000. In the light of the discussion, I think, Government will consider whether it is necessary to appoint a Committee for the purpose.

Secondly, I have said that if there is dissatisfaction among employees there cannot be efficient administration and there will be lack of enthusiasm and the purpose and aim of the Government will be frustrated.

Thirdly, we have noticed that half an hour before, it was stated that due to dearth of medical personnel our dispensaries could not be started or have to be closed down. We know that the Government of India, even our State Government, are

spending huge sums of money for betterment for poor people in rural areas, but due to non-availability of doctors our dispensaries are, being closed and new ones could not be started. Really, there are enough of doctors in the State and if the pay and conditions of the services are not improved, how can we expect to have more doctors to run our dispensaries? So, until and unless, you give better pay, prospect and service conditions to all your employees, you will not get proper person for proper place.

Sir, we have also noticed, particularly, in the Community Projects and other services of the Government of India, that pay scale is much better. Even a lower grade employee, say, a Village Level Worker gets attractive scale of pay higher than an employee of similar grade in the State Government service.

Mr. SPEAKER: What is the pay scale to an employee in the Central Government?

Shri RANENDRA MOHAN DAS: An ordinary Village Level Worker gets more than Rs. 100 per month, so, naturally there is a feeling of jealousy among the present employees of the State Government.

Lastly, when Congress Government is committed to create Socialistic pattern of society, it is the urgent and imperative duty of this Government to see that everybody's belly is filled up properly. Of course, I am not going to compare the stomach of the Chief Minister with that of a Chaprashi as my respected Friend referred to just now. But this is a trial of the Government, they should show by their action now. If they accept this Resolution, we shall congratulate the Government that they are going to do something in the light of converting the society into a Socialistic pattern of society in the State.

Shri BISWADEV SARMA: Mr. Speaker, Sir, I could not resist the temptation of speaking a few words on this resolution, as I find that this resolution has brought in considerable interest in the House. Although, I want to support the resolution, but I find that the resolution presupposes that the present bureaucratic machinery will be there.

Mr. SPEAKER: Terms and references are not there.

Shri BISWADEV SARMA: As a matter of fact, we hated bureaucratic pattern of set up and whether the Committee will consider this aspect of the matter or not.

Shri MOHENDRA MOHAN CHAUDHURY: Is he opposing the resolution ?

Mr. SPEAKER: He is giving suggestions.

Shri BISWADEV SARMA: I want to have it clarified.

Mr. SPEAKER: You have a suspicion that it may be bureaucratic.

Shri BISWADEV SARMA: One important point missing from this resolution is that there is question of amenities to Government employees. I know in some States, such as Madras, there are amenities such as educational facilities for the children of the employees and medical facilities to their family members are guaranteed.

I think, these things should be taken into consideration. With these words, I commend the Motion for the acceptance of the House.

Shri JADAV CHANDRA KHAKHLARI: মাননীয় অধ্যক্ষ মহোদয়, আমার গোস্বামী ডাঙৰীয়াই যিটো প্ৰস্তাৱ আনিছে তাক মই সমৰ্থন কৰি দু-আঘাৰ মান কব খোজো। চৰকাৰী চাকৰীয়াসকলৰ দৰমহাৰ বিষয়ে যেতিয়া কমিটি বহিব তেতিয়া আমি চাব লাগিব যাতে প্ৰথমে তলতীয়া চাকৰীয়াসকলৰ দৰমহা বঢ়োৱা হয়। যেনে Lower Division Assistant আৰু চাপ্ৰাচী সকলৰ দৰমহা নিতান্ত কম। তেওঁলোকৰ বিষয়ে আমি পোনতে বিবেচনা কৰা উচিত। চাপ্ৰাচী সকলৰ পৰা মই বহুতো অভিযোগ পাইছো। কোনো কোনো অফিচাৰে চাপৰাচীক বাতি দুপৰলৈকে খটুৱাই অথচ তাৰ বাবে কোনো allowance আদি দিয়া নহয়। গতিকে Pay Committee বহিলে এইবোৰ কথাও বিবেচনা কৰিব লাগিব।

আৰু এটা কথা হৈছে যে যি সকল অফিচাৰে বৰ্তমানে সৰহ দৰমহা পাই আছে, তেওঁলোকৰ দৰমহাও কমাই দিয়া উচিত নহব। কৰাণ তেওঁলোকে সৰহ দৰমহা পাই যি ধৰণেৰে চলি আহিছে, দৰমহা কমাই দিলে সেই ধৰণে চলিব নোৱাৰা হব। গতিকে তেনে অৱস্থাত আন উপাই নাপাই তেওঁলোকে দুৰ্নীতি কৰিবলৈ বাধ্য হব।

তাৰ পাচত আৰু চাব লাগিব যে, ডিগবই তেল কোম্পানী, বা আন আন কোম্পানীত কাম কৰা তলতীয়া চাকৰীয়াসকলৰ দৰমহাৰ বিষয়ে বিবেচনা কৰি চোৱা উচিত হব। মেডিকেল কলেজৰ পৰা যিবোৰ ল'ৰা ডাক্তৰ হৈ ওলাই আহিছে, তেওঁলোকেও চাফ্-চাকুণকৈ থাকিবলৈ শিক্ষা পাই আহিছে। গতিকে ভালদৰে চাফ্চিকুণকৈ থাকিবলৈ

সবহ টকাৰ দৰকাৰ। সেই কাৰণে ডাক্তৰ বোৰৰ বৰ্ত্তমান যিটো ১৭৫ টকা দৰমহা হাব সেইটো নিতান্ত কম। গতিকে মোৰ অনুৰোধ কমিটিয়ে এইবোৰ সকলো ফালৰ পৰা বিবেচনা কৰি এই আটাইবোৰ কথা ভাবি চাইহে কাম কৰিব।

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, I rise to support the Resolution moved by my Friend, Sri-man Prafulla Goswami. He suggests that a Committee should be appointed to examine the present pay scales of Government servants so as to suggest necessary revised pay scales and modifications for consideration of the Government. Now, Sir, our Government has got various categories of Government servants. To begin with, we have Government servants who are under the control of the Central Government. So far as their pay and emoluments are concerned, naturally we have got to exclude this class of Government servants from the function of this Committee. The question is whether this Committee is a necessity and the time is opportune for examination of the scales of pay of the Government servants who are under the control of the State Government ?

Sir, we are practically following the same scales of pay which are introduced many years ago, that is, before the last war. But since then conditions have tremendously changed. After the war the cost of living soared up and during the years following the war, the cost of living have gone up by 300 or 400 per cent. It was expected that after the cessation of war living conditions could improve, prices, of things would come down and that Government would be able to meet the difficulties caused by inflation and rising costs by giving some temporary relief to their servants in the shape of dearness allowance, rice concession, etc. But now about ten years have elapsed since the last war and yet we see no sign in the cost of living dropping. Rather the cost of living has come to stay. We have to face these facts and actually we are getting complaints from poor clerks that they are finding it very difficult to make both ends meet with their present emoluments. So, also is the case with other categories of Government servants. When we are giving inadequate salary to our Government servants how can we expect to have efficient service from them ? Therefore, Sir, I feel that we have got to examine the present pay scales in the light of existing conditions.

Then again, we are launching upon big schemes for speedy economic development of this country under the Second

Five-Year Plan. The object of the Plan is this : to increase production of the country, to improve the standard of living of the people. The fact is that if people produce more, they will consume more and naturally will earn more. Production must be balanced with consumption. In other more prosperous countries we see the people earn more and spend more. So if we want to improve the standard of living of the people in general, should the Government servants be left behind ? It will be an injustice to do so. We cannot do such things. Better standard of living should be co-ordinated with improvement of economic condition, of all sections of our people. Just now my Friend who spoke last was saying that the tea garden managements are offering higher pay to their employees with equivalent qualifications, and that Government servants having the same qualifications are getting almost half of what they are getting. We know it for a fact, Sir, that an Assistant Manager in a tea garden gets 500 rupees or more *plus* other amenities like a free house to live in and a number of servants, whereas a Government servant of the same qualification does not get even half that pay not to speak of a house to live in or any other amenities which they rightly deserve. Of course we know that we cannot expect them to put forth their best in view of the financial difficulties and privation they have to face. I do not know whether they are lacking in the spirit of patriotism or they do not realise that they have a part to play for the improvement of the country. But that is a different matter. Notwithstanding that Government is responsible to give a decent scale of pay due to their servants of certain qualifications having regard to the nature of duties they have got to perform. Therefore, I feel that this Committee should consist of such persons who have got knowledge not only of economics of employment but also other relevant factors. Of course, we may not be able to keep pace with private concerns or private agencies in this regard who can give better pay because they do not give the same security of service to their employees as the Government do. A Government servant cannot be driven out without drawing up proper proceedings against him and giving him full opportunity to explain his conduct. The private commercial concerns adopt generally a more summary method as they have to maintain greater discipline and efficiency. So, Sir, we must have people in the Committee having experiences of various services in the State and can give really valuable suggestions. This will of course require prolonged enquiry ; because we have got to examine the work-load, *i.e.*, the amount of work each person can do efficiently and determine the basis of emoluments.

Adjournment

The Assembly was then adjourned till 10 A.M. on Wednesday, the 22nd June, 1955.

SHILLONG:

The 20th April 1956.

R. N. BARUA,

*Secretary, Legislative Assembly,
Assam.*

AGENTS IN INDIA

1. Messrs. Thacker Spink & Co., Calcutta.
 2. Messrs. W. Newman & Co., Calcutta.
 3. Messrs. S. K. Lahiri & Co., Calcutta.
 4. Messrs. R. Cambray & Co., 6 and 8/2, Hastings Street, Calcutta.
 5. Messrs. D. B. Taraporevala Sons and Co., 103, Meadow Street, Fort, Post Box No.187, Bombay.
 6. The Indian School Supply Depot, 309, Bow Bazar Street, Calcutta.
 7. The City Book Company, Post Box No.283, Madras.
 8. The Director, The Book Company, Limited, Book Sellers and Stationers, 4/4A, College Square, Calcutta.
 9. The Manager, The Imperial Publishing Co., 99, Ry. Road, Lahore.
 10. Messrs. Chapala Book Stall, Shillong.
 11. Messrs. Sirbhumi Publishing Co., Calcutta.
 12. The Proprietor, 'Graduates Union,' Gauhati.
 13. Mr. Banwarilal Jain (Book Seller), 1719/2002, Mati Katra, Agra (India).
 14. Messrs. Low Book Society, 65/3, Harrison Road, Calcutta.
 15. The Director, Benares Corporation, University Road, P.O. Lanka.
 16. Messrs. Law Book Society, 4A, Wellington Square, Calcutta.
 17. Messrs. Bodh Raj Marwah. Booksellers, Shop No:63, Pusa Colony Market, Delhi-Karol Bagh. New Delhi.
 18. The Oxford Book and Stationery Co., Scindia House, New Delhi/17, Park Street, Calcutta-16.
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