

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

(FIRST SITTING OF THE ASSEMBLY IN FREE INDIA)

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M., on
Monday, the 15th September, 1947.

PRESENT:

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the six Hon'ble
Ministers and forty-five Members.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Kanak Talkies, Dhubri

Raja AJIT NARAYAN DEV of Sidli asked :

571. Will Government be pleased to state—

- (a) If it is a fact that the Proprietor of the "Kanak Talkies", Babu Samarendra Krishna Sen Gupta of Dhubri submitted a petition in November, 1946 to the Hon'ble Minister-in-charge of Electricity stating his manifold grievances and pointing out several cases of irregularities of the Electric Supply Company of Dhubri ?
- (b) If so, whether any action has been taken by Government on the matter so far ?
- (c) If the irregularities of supply of electric current to the public have been checked ?
- (d) If not, why not ?

The Hon'ble Srijut RAMNATH DAS replied :

571. (a)—Yes.

(b)—In view of frequent complaints Government gave notice that the license would be cancelled.

(c)—The situation has since considerably improved and if the suppliers fulfil the conditions which were laid down after discussion with all concerned the cancellation will be revoked.

(d)—Does not arise.

**Further *Discussion on the Principles of a Model
Provincial Constitution**

The Hon'ble the SPEAKER: Then we pass on to the next item, — further discussion on the Principles of a Model Provincial Constitution.

On the last date we were taking up Clause 9, item 16 of the list, that was standing in the name of Maulavi Abdul Hai.

Maulavi MAHAMMAD ROUFIQUE: Mr Speaker, Sir, the other day we were having discussions on the special responsibilities of the Governor in regard to injustice done to certain officers.

The Hon'ble the SPEAKER: I think that was withdrawn after discussion.

Maulavi MAHAMMAD ROUFIQUE: While speaking on the Amendment by Maulavi Abdul Hai, Sir, I specifically mentioned that this should also be made a responsibility of the Governor.

The Hon'ble the SPEAKER: I think on the conclusion of the debate on this point the other day, I took the sense of the House and afterwards the hon. Member withdrew it. Am I right? (*Voices—Yes, it was withdrawn.*)

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, it was withdrawn because the hon. Leader of the Opposition himself opposed it and then it was withdrawn.

Maulavi MAHAMMAD ROUFIQUE: I think I have to make my point clear, Sir; what I want is that there should be a right of appeal to the Governor whenever any officer under the Government.....

The Hon'ble the SPEAKER: That was also withdrawn. The trend of the discussion was that now we are under the rule of a Democratic Government in which the Cabinet is responsible to the Legislature and the Governor is only a Constitutional Head. I hope I am clear. Any person has got the right to appeal to the Leader of the Cabinet which is responsible to the Legislature.

Maulavi MAHAMMAD ROUFIQUE: But, Sir, even in the Adaptation Orders this privilege has been retained, that was done in Section 241 of the Government of India Act, sub-section (3) which says "that in the case of a person who before the commencement of Part III of this Act was serving His Majesty in civil capacity....."

The Hon'ble the SPEAKER: But that relates to the existing affairs. We are now discussing a Model Constitution which is going to be.

Maulavi MAHAMMAD ROUFIQUE: My idea, Sir, is to incorporate this in the new Constitution.

The Hon'ble the SPEAKER: That is quite a different matter. I do not think it fits in the new scheme of Government. The hon. Member would be pleased to see that we are now in a Free India, in a Free Assam where the Cabinet will be directly responsible to the Legislature and that executive Governmental machinery is the Cabinet which is responsible to the Legislature. Now, if the Legislature or the Cabinet decides anything and an appeal is provided against that decision the fundamental principle of democracy is lost there.

*For list of Amendments, Motions and suggestions see Appendix G of Assembly debates of 11th September, 1947.

The Hon'ble Srijut GOPINATH BARDOLOI: May I make the position clear a bit, Sir? My hon. Friend over there will find that all that is in the present Act is that the orders come in the name of the Governor but the final disposal is made by the Ministry. It is true that an order is given by the Governor but actually it is done by the Executive Authority which is responsible to the Legislature, I mean the Ministry, which is the real Executive Authority of the Government. So, the question of a Governor looking into a matter like the one referred to by the hon. Member apart from the Ministry is something which is not even in the present Act as modified by the Adaptation Orders. If we maintain that, we would be maintaining a kind of deadlock which is not the intention of this Draft Constitution.

Maulavi MAHAMMAD ROUFIQUE: What I am inclined to feel, Sir, is that a man must be given some opportunity to appeal to the highest Head of the State and to lay before him any grievances that he may have.

The Hon'ble the SPEAKER: In that case a man may say that he can appeal to the Secretary of State again against the action of the Governor. But under the new Scheme of Government the highest authority is the Legislature to whom the Cabinet is responsible. Any hon. Member may raise the question on the matter on the floor of the House as to how such and such things happened; the final arbiter is the Legislature.

Maulavi MAHAMMAD ROUFIQUE: In my opinion, there is even now provision that we can go up to the King in some matters, say, one for mercy, or for consideration of.....

The Hon'ble Srijut GOPINATH BARDOLOI: Not to-day, it is the Governor-General. The Governor-General himself is the Constitutional Head of the Dominion Ministry.

Maulavi MAHAMMAD ROUFIQUE: I mean in other democratic countries, Sir.

The Hon'ble Srijut GOPINATH BARDOLOI: Well, now the appeal is surely addressed to the Governor but the disposal of that is left to the Ministry who, as I have already said, is the Executive Authority of the Province responsible to the Legislature.

The Hon'ble the SPEAKER: Now we take up item No. 17, that is suggestion by Srijut Kameswar Das.

***Srijut KAMESWAR DAS:** I suggest, Sir, that :

“The sub-clause (2) should be as follows:—

“The summoning of the Provincial Legislature and dissolving it except that during the pendency of a charge for his removal he will not dissolve the Legislature”.

This suggestion, Sir, is meant to meet an emergent situation. There may be occasion, of course, when the Governor is an elected Governor he may not exercise his discretion against the popular will, but, if we imagine any charge for his removal, certainly an apprehension about his taking action against the popular will may arise. A Governor, when there is a charge for removal, may dissolve

*Speech not corrected.

the Assembly before that charge is decided upon and subsequent to this he may exercise his control or discretion over the election in such a way that he may have greater support in the succeeding Assembly. That is why I want to suggest that there should be a provision like this to meet this emergent situation.

The Hon'ble the SPEAKER: I think, what the hon. Member means is that if a Governor is impeached and before that impeachment is finally disposed of by the Assembly he may exercise his right to dissolve the Assembly itself.

***Srijut KAMESWAR DAS:** That is what I mean, Sir.

Maulavi MAHAMMAD ROUFIQUE: Sir, I rise to support the suggestion. Under the discretion of the Governor he has the right to dissolve the Legislature and at the same time a provision has been made here that a Governor may be impeached for his misbehaviour. Now, it has not been mentioned here specifically how many times he can convene or summon the Legislature in a year. If there is an unscrupulous Governor, who takes part in party politics and who, after having a charge of impeachment, dissolves the Legislature, such impeachment may not take place at all. Therefore, I think, this provision should be entertained, that is, whenever a charge for his misbehaviour is pending against a Governor he must not take recourse to his special responsibility for dissolving the House before the impeachment is concluded.

Mr. HARENDRA NATH SARMA: Mr. Speaker, Sir, I oppose the suggestion of my hon. Friend, Srijut Kameswar Das with all the vehemence that I have in command. I oppose it not so much because I am opposed to the principle he has enunciated by the addition and deletion of the wordings of the existing clause but I do so mainly for the reason that our Hon'ble Leader the other day characterised all my suggestions as merely improvement on the legal phraseology and said that those were matters for the Drafting Committee to consider and this was supported by my hon. Friend, Mr. Kamini Kumar Sen. Now, Sir, where is the difference between the suggestion of Mr. Das and those of mine? Is he not suggesting a new principle in the same way as I was doing? If the Amendments as suggested by my hon. Friend, Mr. Das is accepted by my Hon'ble Leader then I have no other alternative but to think that, as this Amendment emanates from an hon. Member who is senior to me, this is worthy of consideration (*laughter*).

The Hon'ble Srijut GOPINANH BARDOLOI: All I can say in this respect is that both of these Amendments aim at the same thing. The hon. Member is referring to a deadlock in a case where a Governor is likely to be impeached. I do not know how far his apprehension can be actually expected as likely to happen in the New Constitution. When this democracy is worked out in practice, convention is bound to prevail that in case of impeachment a Governor by his own act will cease to function. But, if there is any apprehension in the minds of the hon. Members I am prepared to agree to this suggestion being forwarded to the Drafting Committee for their consideration. If there is any apprehension in their minds that there may be clashes between the Governor and the Leader of the majority Party, I think, that point can be left to be understood by the Drafting Committee just in the same way as some of the Amendments proposed by my hon. Friend, Mr. Sarmah.

Mr. KAMINI KUMAR SEN: Mr. Speaker, Sir, I think it would be better if we accept the suggestion contained in item No.18, which is the suggestion of Maulavi Nazmal Haque, *viz.*, "That in sub-clause (2) the full discretionary power of the Governor in dissolving the Provincial Legislature be limited. The Governor may dissolve the Legislature on the advice of the Prime Minister". I think, if we accept this suggestion our purpose will be served and that would be a healthy convention which we want to grow. In summoning and dissolving the Legislature it is always the practice of all democratic countries that the Prime Minister is consulted. I think, the deadlock that is apprehended by my hon. Friend, Srijut Kameswar Das will not arise, because there will be the Prime Minister to say whether the Legislature should be dissolved when there is a charge of impeachment against the Governor. So, Sir, this would be a better suggestion.

The Hon'ble the SPEAKER: There is some difference between these two suggestions. Mr. Das's suggestion seeks to prevent the Governor from taking advantage of discretion vested in him to dissolve it. But the other thing—I mean—the other Amendment gives the power to the Prime Minister to advise dissolution. The situation may arise when the Prime Minister, let us assume, for certain reasons ceases to have confidence of the House and he may advise dissolution to avoid a censure.

Srijut KAMESWAR DAS: It may be that the Prime Minister himself may start the charge.

The Hon'ble Srijut GOPINATH BARDOLOI: I was putting the two together.

The Hon'ble the SPEAKER: It has to be recollected that the Prime Minister is first elected from certain constituency and then he is elected again the leader of the party which is in the majority in this Legislature, but, the position of the Governor is altogether different because he is elected by the entire electorate. If the Governor, who may not be re-elected more than once, does certain act which is repugnant to all canons of public morality, then he may be impeached. Only an unscrupulous Governor is likely to be impeached. If you seek to impeach him, being unscrupulous he is capable of dissolving the Assembly itself which impeaches him.

Mr. KAMINI KUMAR SEN: If there is the Prime Minister to give advice in that case he cannot.

The Hon'ble the SPEAKER: The Prime Minister may be sought to be impeached by his party. One may visualise that the Prime Minister and the Governor may collude. That is not the point. The Prime Minister may be censured by his own party or by the Legislature and he may advise the Governor to dissolve the Assembly and let them go to election again. So, the two are completely different things. May I gather the sense of the House as regards Mr. Das's safeguard?

Maulavi SAYIDUR RAHMAN: Sir, in this connection I refer you to clause 20 of the Constitution. There it is said that the provisions for the meeting, prorogation and dissolution of the Provincial Legislature, the relation between the two Houses (where there are two Houses), the mode of voting, the privileges of Members, disqualification for Membership, Parliamentary procedure including procedure in financial matters, etc., shall be on the lines of the corresponding provisions in the Act of 1935.

Now, in the Act of 1935 in section 62 it is said that subject to the provisions of the Act, the Governor may in his discretion, from time to time, summon the Chamber, prorogue or dissolve. So, I think, at present in the existing state of things the Governor is to consult the Ministry when he wants to dissolve the Assembly.

The Hon'ble the SPEAKER: Yes, but the hon. Member will note that under clause 9 there shall be a Council of Ministers to aid and advise the Governor in the exercise of his function except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

For the most part, the Governor will act on advice, but he is required to act in his discretion in the following matters.....

This gives him a free hand under the proposed Model Constitution. There is nothing to prevent him from dissolving.

Maulavi SAYIDUR RAHMAN: He can dissolve only on the advice of the Ministry.

The Hon'ble the SPEAKER: No, in his discretion. 'On the advice' and 'in discretion' are two separate things under the proposed Constitution.

Maulavi SAYIDUR RAHMAN: The word 'discretion' means in consultation with the Ministry.

The Hon'ble Srijut GOPINATH BARDOLOI: As far as I know, Sir, and I speak it from my experience, that even now all these functions are exercised by the Governor on the advice of the Ministry. Srijut Kameswar Das's Motion contemplates a special circumstance when an impeachment is pending. So, we may consider that matter apart from the general procedure according to which—although it is in the discretion of the Governor to summon, prorogue or dissolve the Assembly—it is actually done on the advice of the Ministry. But, when we talk of discretion we have also to visualise a position in which there might be a conflict between the Governor and the Ministry. It is just for the consideration of a case like this, for instance, I refer you to the Motion of hon. Srijut Kameswar Das. The hon. Member's opinion is that it should be specifically laid down that the Governor should not have the power to dissolve a Ministry in such a contingency. This matter may be referred. But I thought that a convention is bound to be established that when a Governor is impeached he will not hold office, and that I feel almost as a certain fact.

The Hon'ble the SPEAKER: How can it be a fact?

The Hon'ble Srijut GOPINATH BARDOLOI: When he is a constitutional Governor he would at least wait to see the result of the procedure of impeachment and during such a period he would not exercise powers of deadlock. This is how I personally feel. As I said we may not have any objection to leave the matter to the Drafting Committee to consider.

The Hon'ble the SPEAKER: The trouble is that we do not always achieve the ideal.

The Hon'ble Srijut GOPINATH BARDOLOI: If it is sometimes wrong.

The Hon'ble the SPEAKER: The suggestion contemplates the emergency.

The Hon'ble Srijut GOPINATH BARDOLOI: That is what I am meaning. We actually do not allow the Governor to suggest the contingency by himself.

Srijut KAMESWAR DAS: When there will be a provision for the removal of the Governor under certain circumstances.

The Hon'ble the SPEAKER: Very well. Then the suggestion is that there should be a provision in the Constitution preventing the Governor from dissolving the Assembly pending his impeachment.

Mr. HARENDRANATH SARMA: Not only pending but threatened impeachment. Supposing the Assembly serves a notice.

The Hon'ble the SPEAKER: That is pending.

Then we take up suggestion No. 18 *. It is redundant.

We pass on to item No. 19, where hon. Mr. Bora suggests "that in sub-clause (4), *delete* the words in the first line beginning with "the appointment of" and the words "Public Service Commission and of" in the second line

Srijut LAKSHMIDHAR BORA: Mr. Speaker, Sir, in suggesting that the appointment of the Chairman and the Members of the Provincial Public Service Commission should be appointed on the advice of the Ministry, I would like to say that it is the Ministry who will be responsible for the laying down of policies but the execution thereof must be left to the officers of the Government. It is therefore necessary that such people should be recruited in the services who will be suitable for the purpose and will loyally, execute the policies laid down by the Ministry. This is why I have suggested that the Chairman and the Members of the Provincial Public Service Commission should be appointed by the Governor on the advice of the Ministry.

The Hon'ble the SPEAKER: I am briefly summarising what Mr. Bora's suggestion implies. I hope the hon. Members will take note of it as it is a very important matter. The provision in the Draft is that in the appointment of the Chairman and the Members of the Provincial Public Service Commission the Governor will act in his discretion. The alternative suggestion by Mr. Bora is that in this matter the Governor should act on the advice of the Ministry, or in other words it is the Ministry who will do it. This, in my opinion, requires deep consideration of the hon. Members. The hon. Members will have to think out what are the safeguards of democracy. It is to be noted that democracy almost invariably means party politics. Is it the party in power which will appoint the Public Service Commission, which will recruit members to the regular services, or is it to be appointed by the Governor in his discretion? To my mind in all democracies, which have been found to be working properly, the purity and the detachment of public services from party politics is essential.....

Srijut PURNA CHANDRA SARMA: But the Governor himself may be a party man.

* "That in sub-clause (2) the full discretionary power of the Governor in dissolving the Provincial Legislature be limited. The Governor may dissolve the Legislature on the advice of the Prime Minister".

The Hon'ble the SPEAKER : I am just analysing the position; I am not trying to give my opinion.

Now, what are the essential factors for safeguarding democracy? Freedom of press, freedom of opinion, freedom of criticising public acts, and equally also the importance of keeping the regular services detached from party alignments. When the Heads of Departments, *e. g.*, the Chief Engineer or the Inspector General of Civil Hospitals or the Director of Public Instruction have to look to certain notions from elsewhere as to who will be pleased and give certain proposals in certain ways, it is for the hon. Members to consider whether the administration of the country can be run on right lines. These are the pitfalls. But the other side of it is: who is not a party man? Can a man be metamorphosed overnight from a party man into a non-party angel? The Speaker of the British House of Commons is put up by a party and the theory is that he is metamorphosed overnight into a non-party man. He is not supposed to have any leanings towards any party. But the position of the President in America, France and other places is quite different. Men are after all made of flesh and blood with all the weakness and strength of a man. I am therefore just placing the matter before the hon. Members for consideration. It is a very important matter relating to democracy.

Mr. HARENDRA NATH SARMA : Mr. Speaker, Sir, the object underlying this Amendment has been very clearly explained by you. We thank you very much for the help you have rendered to us in explaining the position. The object underlying Mr. Bora's suggestion is that the party in power should do everything about it and flood the administrative machinery with persons who are nominees of the party in power for the time being. He seems to forget that the Governor will be a far more democratic man than the Ministers themselves because the Ministers will be elected from their individual constituencies which, compared with the Governor's constituency, will be very small ones. Therefore, to leave this matter to the discretion of the Governor will be the right thing. Of course, I could have possibly agreed to Mr. Bora's suggestion if he had also suggested that along with the removal of the Ministry the Members of the Public Service Commission and also those Government servants whom that particular Public Service Commission would select also would resign forthwith. If Mr. Bora's proposal is accepted as it is, then not only the members of the Public Service Commission but also all the members of the administrative body will be the nominees of the party in power for the time being, and that is a thing which we should always try to avoid.

Maulavi MAHAMMAD ROUFIQUE : Mr. Speaker, Sir, I rise to oppose this Amendment. Even taking that both the Prime Minister and the Governor are party men, I think, it would be safer, in the interests of justice, to place this power in the hands of the Governor than in the hands of the Prime Minister, who will be in the thick of party politics, and we know from our experience, Sir, that the Prime Minister in many cases cannot act conscientiously because of the pressure of his party on him. Left to himself he may do something right, but in the midst of party politics his decision may not always be unfettered. My hon. Friends opposite may laugh, but it is a fact. (*A voice:—It is not.*) It is a real fact. Therefore, in order to prevent corruption creeping into the administration this power should not and must not be given to the Prime Minister because after all the Governor, though he is a party man, is supposed to be above party politics. Therefore, if we are to choose between the Prime Minister and the Governor, we will certainly choose the man who is more safer. In that view of the thing, I oppose it, Sir.

Srijut PURNA CHANDRA SARMA: Mr. Speaker, Sir, may I speak a few words?

The Hon'ble the SPEAKER: Yes, if you debate on a broad basis and high level. I, of course, do not anticipate that the hon. Member will not do it.

Srijut PURNA CHANDRA SARMA: My point is that on whom does the responsibility of Government rest? If it is on the Ministry.....

The Hon'ble the SPEAKER: What do you mean by the Government—regular services or the executive machinery?

Srijut PURNA CHANDRA SARMA: Executive authority is the main authority. My point is that there are three different Departments, namely, Judicial, Executive and Legislative. The Judiciary has been practically made independent.....

The Hon'ble the SPEAKER: Are you for making the Judiciary independent?

Srijut PURNA CHANDRA SARMA: Yes, because the Judiciary must not be under the party politics. Therefore, the Judiciary has been rightly made independent. As regards the Public Service Commission, the Government or the Ministry, for instance, will carry out certain policy and will have to carry on the administration on a particular line. At least it must be within the power of the Ministry to suggest what type of people should be selected for the administration. If the Public Service Commission is under the Governor, as the Governor in the proposed Constitution has power to assume extraordinary power independent of the opinion of the Ministry and acts in a different direction, it will be difficult for those who are responsible for the administration of the country to carry on the administration successfully. That point has got to be considered. If the Public Service Commission is kept out of any control of the Ministry, the Ministry, which will have no hand over it, will be directly or indirectly responsible for the actions of that body and the public will criticise the Ministry and Ministry alone and not the Governor. Whether the Ministry should have some control over the policy of selection of candidates that is a point to be considered.

The Hon'ble the SPEAKER: Do you mean the policy on which selection is to be based or the individual selection?

Srijut PURNA CHANDRA SARMA: I mean the type of people who should be selected. That is a question of policy and that should be within the control of the Ministry.

The Hon'ble the SPEAKER: Is not policy formulated by the Cabinet?

The Hon'ble Srijut GOPINATH BARDOLOI: The Governor undoubtedly acts in his discretion, but he never exercises his discretion without consulting the Ministry. As I understand, Mr. Sarma is not speaking on the Amendment. The Amendment proposes to do away with the discretion of the Governor.

The Hon'ble the SPEAKER: I think, there is some amount of confusion. I think, his idea is that the policy should be formulated by Government.

Mr. PRABHUDAYAL HIMATSINGKA : Sir, the policy is always formulated by the Ministry. Whoever be the Members and the Chairman of the Public Service Commission they will select the persons with the qualifications as suggested in the notification by the Ministry. The Ministry may say we want an expert, we want an experienced engineer with such and such qualification, then it will be the function of the Public Service Commission to find out from among the candidates who comes nearest to the qualifications prescribed by the Ministry. Therefore, the Members and the Chairman of the Commission should be such who will be able to select the best man irrespective of his party affiliations and irrespective of the party to which the particular candidate belongs. Therefore, Sir, the Members who will have the right to select the future employees of the Government should be such that they may not be under the influence of the Ministry. The Ministry will be entitled to lay down the qualifications required and the Commission must be left free to find out the person fulfilling the qualifications which the Ministry require. Therefore, as the Hon'ble Prime Minister has said, even when the Governor will appoint Members of the Public Service Commission he will consult the Ministry and the Ministry will always be free to give their advice. In the event of the Governor not agreeing with the advice of the Ministry, his decision should be final. I feel, Sir, if the Governor is given the power of appointing the Chairman and the Members of the Public Service Commission, it will certainly be better in the interest of the Province and in the interest of the better administration of the Province.

The Hon'ble the SPEAKER : If that is so, what is the suggestion of the hon. Member to avoid some sort of discrimination about which we hear a great row at the present moment? It is not for me to mention it.

Mr. PRABHUDAYAL HIMATSINGKA : I could not follow, Sir.

The Hon'ble the SPEAKER : There is considerable row at the present moment, but I do not want to go in to details, that candidates with a certain colour in the past do not get appointment.

Mr. PRABHUDAYAL HIMATSINGKA : That difficulty will arise always whether the Chairman or the Members of the Public Service Commission are appointed by the Ministry or the Governor. But, suppose you want a particular class of people to be appointed, the Ministry can say we want men of a particular kind, they may say so. If they want a man from a particular community, say, Scheduled Caste, Hill Tribe, they can say so.

The Hon'ble the SPEAKER : Should the Cabinet be able to say "please find out the best man from among those groups who really contributed towards the freedom of the country"?

Mr. PRABHUDAYAL HIMATSINGKA : I think, they will have the right to say so.

The Hon'ble the SPEAKER : Then the Public Service Commission's right and duty of selecting the best man will be limited to that extent.

Mr. PRABHUDAYAL HIMATSINGKA : Will not that be going into the details? The Ministry wants that a particular appointment should go to a particular community, say, Scheduled Caste, will not the Ministry have the right to say so? Even at present they have it.

Babu KAMINI KUMAR SEN: I think, Sir, the Ministry will have always the right of appointment. As regards the selection of personnel the Commission will do it but the policy will be dictated by the Ministry.

The Hon'ble the SPEAKER: If the Public Service Commission sends a list of selected candidates, can the Ministry say "look here, send another list"?

Babu KAMINI KUMAR SEN: I think, Sir, the Ministry will always have the right to refuse appointing a person if that person does not fulfil the policy enunciated by the Ministry. The policy formulated by the Ministry must be followed by the Commission. The Public Service Commission will select the best person from among those who appear before them. So, I do not think, Sir, the formulation of policy for selection of candidates will be done by them and as such I do not agree that the appointment of the Members and the Chairman of the Commission should lie with the Ministry. It has been rightly said that it is not sufficient that justice is done but it should also be deemed to be done. So, if the Governor appoints the Chairman and Members of the Public Service Commission, for acts of omission and commission of the Public Service Commission, the Ministry will not be held responsible. If they do any injustice the ultimate responsibility will not go to the Ministry. Again, I think that the Ministry will be consulted in every matter, but it is only on rare occasion that there will be difference between the Governor and the Ministry. So, the final say must rest with the Governor, and that will I hope be safe for the Ministry.

Srijut SIDDHI NATH SARMA: As I said the other day, I am not in favour of this type of constitution.

The Hon'ble the SPEAKER: But the hon. Member has never come up with the suggestion as to what sort of constitution it should be.

Srijut SIDDHI NATH SARMA: I suggested Panchayat Raj. I shall put the suggestion when the composition of Provincial Legislature etc. will come in. The Governor is not responsible to the Legislature; it is the Ministry who is responsible to the Legislature, to the country and the people. So, the Public Service Commission should be appointed on the advice of the Ministry, of course, appointment being made in the name of the Governor. He should be a man of ability and sterling character. What will be the function of the Public Service Commission? Its function will be to recruit persons to public service on grounds of efficiency and qualifications and character and that should be always on merit and merit should be judged alone on examination. So, why the Governor, who is not responsible either to the Legislature or to the people, should have the power of appointment of the Public Service Commission? He should not be vested with that power. It is the Ministry who should appoint the Members of the Public Service Commission. With these words, I support Mr. Bora's suggestion.

Srijut DANDESWAR HAZARIKA: Mr. Speaker, Sir, probably we are missing the vital point of consideration. We should not think that the Governor who will be elected by the people of the Province and on whom the people will have full confidence, will not look to the interests of the people of the Province. Naturally, when appointing the Members of the Public Service Commission, he will surely consider the interests of all the people concerned and accordingly, in my opinion, he will appoint such persons as Members of

the Public Service Commission as also the Chairman who will surely look into the interests of all the people of the Province. Again, as a constitutional Governor we should not think that he will not do justice to all sections of the people of the Province. So, in my opinion, the appointment of the Members of the Public Service Commission and its Chairman should be left to the Governor as he will be above party politics.

Mr. HARENDRA NATH SARMA: On a point of information, Sir. When my Friend, Mr. P. C. Sarma who is incidently my brother-in-law also, sought your permission to express something, you were pleased to remind him to raise the level of the discussion to a higher level.

The Hon'ble the SPEAKER: I was referring to a previous speaker.

Mr. HARENDRA NATH SARMA: I was also a previous speaker.

The Hon'ble the SPEAKER: When Mr. Roufique said that the Premier might do something against his conscience, I did not pull him by asking him not to use that expression.

Mr. HARENDRA NATH SARMA: So I am excluded.

The Hon'ble the SPEAKER: That is what I actually meant. Speaking about a person as acting against his conscience might be taken by somebody as a gross abuse.

Mr. J. S. HARDMAN: Mr. Speaker, Sir, I should like to make a few observations on the very interesting point which has been raised in this debate, partly because I feel that there has been some confusion in the minds of many hon. Members who have spoken and partly because as an *ex-Government* servant, I think, I can express to some extent the point of view.....

The Hon'ble the SPEAKER: May I know why the hon. Member started with the expression that the hon. Members had some confusion?

Mr. J. S. HARDMAN: I think, I am entitled to draw my inferences from the speeches which have been made and in my opinion there is a definite conflict of ideas.

There are two distinct systems of appointment in vogue. First of all we have the "spoils" system of the United States of America. It is an arrangement whereby the Head of the State makes appointments definitely on party grounds and even down to the local officials such persons are required to resign on a change of the political Government. It has been recognised that this has profound disadvantages and I believe that persons who are expert in the criticism of public administration have regarded the American system as suffering from serious defects, although it is compensated to some extent by the characteristic American efficiency. The other system is an entirely different one in which the question of appointments and the question of control of public services, are entirely excluded from the purview of politics. There is a convention that the appointing authority for services in the United Kingdom is entirely outside politics, and from what I have read of this proposed constitution, I believe that it is the intention of the Members of the Constituent Assembly who have been deliberating in Delhi, that the British convention should be adopted, which is that the appointments by the Public Service Commission are made entirely at the Commission's discretion, that they receive an order to appoint and that they receive only general instructions.

It would be most regrettable if under a Labour Government only the members of the Labour Party should be eligible for appointment to a particular post. It is open to Government to specify that certain general qualifications are required for the discharge of particular duties and a Public Service Commission then advertises and interviews the candidates and then a convention should be established that those recommended by the Public Service Commission are appointed. It is not a question of calling for 15 recommendations and leaving the Government to select two or three names. It is not a question of being dissatisfied with the list sent by a Public Service Commission and sending it back for more. The Public Service Commission is also to be utilised on the question of disciplinary matters and also according to convention, Sir, their advice is to be accepted. The question, therefore, which the hon. Members have got to consider is whether the system of appointing by a Ministry the Public Service Commission or whether appointing by the Governor is likely to secure, as you have already rightly said, the independence of the Public Service Commission on the same lines as the independence of the Judiciary. It is just as important as having justice uncontaminated by political considerations to have the appointments to the public services free from day to day political interference by parties. That does not mean that Government servants should not be required to carry out policies laid down by Government. They are under the recognised etiquette of public service required to carry out the orders of whatever Government may be in power. In many countries changes are somewhat kaleidoscopic and public services must be prepared to undo to-day what they did yesterday. I do not wish to express any opinion as to whether appointment by a Governor is better than appointment by a Ministry, but the issue, clearly to my mind, is which is likely to contribute to the essential independence of the Public Service Commission, which is so necessary if a pure and impartial administration is to be established in this country.

The Hon'ble Sriijut GOPINATH BARDOLOI: I may be permitted to add a few remarks to this debate. It is a very important question which has been discussed both from the point of principles as well as from the point of details and I would like to make a few observations about the principles before I come to details. The principles have been, more or less, discussed by my hon. Friend, Mr. Hardman and he has actually pointed out the two systems prevailing in the free countries today—countries which are recognised as the home of democracies.

But, speaking on the Motion itself, I find that while the hon. Mover has thought it necessary to leave out the Provincial Auditor General from the scope of appointment by the Ministry, he thinks that the Members of the Provincial Public Service Commission should be appointed directly by the Ministry and not merely so, he wants that the portion of the clause referring to appointment by Governor's discretion be altogether deleted. The total effect of this comes to this: whether we actually do require a Public Service Commission or not? If we do want to have a Government like the one run by the United States where the entire powers of Government including the services are assumed by the Government of a party after the General Election and are retained by them for a period subject only to a kind of referendum and are retained by extreme cases, we possibly might have agreed to the principle of the people, in which my Friend, the hon. Mover of the Motion makes. In such a case, there may not be necessity for a Public Service Commission at all; we might have assumed that as soon as a party came into power that party would change the whole order of appointments, including even services which in England are held by Public services. Therefore, there is hardly any necessity for a Public Service Commission at all, unless, of course, it is conceived as a board under Government carrying out the wishes of the Government of the day and to satisfy the followers of the part in power.

The second alternative is the installation of a machinery which will be free from party politics. That system envisages the existence of permanent services in the country, services which will not be dismissed at the pleasure of the Government but which shall have certain security for their continuance, subject, of course, to their allegiance to the Government in power and carrying out their policy. It will be seen that in the latter system the experience of administration by the services are retained.

This last system is what the Constituent Assembly has envisaged at this stage. It has, therefore, been thought necessary that this body, the body which will make the public service appointments, the body which will also look to their security of the services shall be a body which will not be completely influenced by the Government in power. Government can surely lay down certain policies that certain persons of certain political colour need not be barred from the privileges of the service, they need not be discriminately treated in the matter of appointments, that certain classes or communities would get a certain share in public service and so on. But, when we think about the security of services, their continuance in services, we have got to admit that there should be a machinery which should be broadly free from interference by the Government in their day to day administration, for, e. g. in the selection of the candidates in the disciplinary jurisdiction over the public services etc. And that is exactly what is proposed in this Draft.

Now, as regards the details of appointments of the Public Service Commission, it is being done even now according to the advice of the Ministry, but the final power is left with the Governor in his discretion just to see that independent character is maintained. Therefore, Sir, when we agree that we should have an independent Judiciary, and an independent Auditor General, we should as well agree to have a machinery for the appointment of our services in the shape of a body which need not be identical with the party Government in power. Well, as a matter of practice, Government in defining the powers of this body, can retain for itself certain powers of appointments, and there may be appointments at the highest level. These appointments may be taken out of the hands of the Public Service Commission by Government. But, even then I would say that the party in power shall have to depend on some expert advice, and that expert advice can be given by the Commission. It seems, therefore, Sir, a machinery of this kind, while not interfering with the policy and actions of Government may be helpful to the party in power. What is more, it does not leave the fate of a large number of people—the public servants—to the freak of party politics. Therefore, Sir, this provision should stand as it is. The Governor in future will be a person elected on the adult franchise and will be expected to exercise his discretion in favour of the people as a whole.

The Hon'ble the SPEAKER: Mr. Bora, do you want to say anything in this regard, or shall we leave it as it is?

Srijut LAKSHMIDHAR BORA: Yes, Sir, if that is the sense of the House.

The Hon'ble the SPEAKER: Then we come to No.20.* suggestion by Maulavi Nazmal Haque. But is this necessary at all in view of the discussions we had on a similar Amendment? That is No.16 (1) which was withdrawn after some debate. I don't think this is necessary.

* (1) That a sub-clause (5) be added to the effect—safeguarding the interests of the minorities.

(2) That there should be provision for Muslim seat in the cabinet.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, with reference to No.20 2) there is also a similar Amendment standing in the name of Maulavi Abul Majid Ziaosh Shams. I hope, the hon. Member will have an opportunity to move that Amendment.

The Hon'ble the SPEAKER: Certainly the hon. Member will have the opportunity to discuss it, but I am only pointing out to him whether, having heard the discussion on Clause 9 and No.16-1, he would like to raise this matter again. That is the point.

***Maulavi SAYIDUR RAHMAN:** The appropriate clause is No.14. I think, that can be discussed.

The Hon'ble the SPEAKER: Yes. Now in Clause 10, No.21 sought to substitute "Governor" by the "President of the Union".

***Srijut RAJENDRA NATH BARUA:** I don't think I will move this Amendment, Sir. After all these arguments and talks that had taken place, I do not feel inclined to move it.

The Hon'ble the SPEAKER: Then you do not press it ?

***Srijut RAJENDRA NATH BARUA:** Yes, Sir.

The Hon'ble the SPEAKER: No.22 by Maulavi Nazmal Haque—"That if any question arises whether a matter is one for the Governor's discretion or not, the decision of the Chief Justice of the Province shall be final and not the decision of the Governor".

Who is the final authority in the Province, the Chief Justice or the Governor ?

Maulavi NAZMAL HAQUE: In my opinion, I think, the Chief Justice, Sir ; that is why my suggestion is that in any question of doubt as to the Governor's discretion, the matter should be decided by the highest authority—the Chief Justice—especially as regards judicial matters.....

The Hon'ble the SPEAKER: But apart from the case of judicial matters, it is between the Governor and his Ministers to decide. That being the case, I think you would like to withdraw your Amendment.

Maulavi NAZMAL HAQUE: All right, Sir, I withdraw.

The Hon'ble the SPEAKER: No.23, Clause 12—Mr. Harendra Nath Sarma.

Mr. HARENDRA NATH SARMA: Mr. Speaker. Sir, I beg to move my suggestion in respect of Clause 12 which reads thus:—"The Governor's Ministers shall be chosen and summoned by him and shall hold office during

*Speech not corrected.

his pleasure".—Sir, I do not claim myself to be master of the English language, but at the same time whatever knowledge I gathered during my school and college days, I think that this sentence is not free from vagueness. Perhaps my Friend, Mr. Hardman—or possibly Mr. Morley as Mr. Hardman is not here—will be able to assist me or to give an opinion as to whether this sentence, as it stands, is free from vagueness or not. If he says "no", then I will not proceed with my Amendment, but if he says "yes", then I will turn to the Hon'ble Leader of the House and ask him whether, having regard to the vagueness, we will leave the matter to the Drafting Committee, considering the fact that the vagueness, if allowed to remain, will have a far reaching effect. Or, in other words, in that case even the Deputy Governor or any Member of this House or even myself, a humble Member of this House, will be able to summon our Leader, Mr. Bardoloi to form the Ministry and that Ministry will hold office during my pleasure!

Sir, before proceeding further, I would like to have the opinion of Mr. Morley on this point as to whether the sentence is free from vagueness or not. I hope, Mr. Morley who is himself an Englishman can help me in this matter as English is his mother tongue...

Babu KAMINI KUMAR SEN: It is not for Mr. Morley to decide but is for the House to decide it.

Srijut GAURI KANTA TALUKDAR: May I know from the hon. gentleman himself, I mean Mr. Sarma, whether he finds it vague himself or not?

Mr. HARENDRA NATH SARMA: Sir, it requires no comment from me whether I consider the sentence free from vagueness or not. My Amendments provide a complete answer to that. What I want is that my Friend, Mr. Morley would be pleased to say whether the sentence as it stands is free from vagueness.....

The Hon'ble the SPEAKER: I don't think Mr. Morley will take the responsibility to himself—(laughter)...

Mr. C. W. MORLEY: Mr. Speaker, Sir, I feel I am greatly honoured, but I confess I am not given to draw out this kind of thing...(laughter) I think it is for you, Sir, to decide that. I should really like to help Mr. Sarma, but I cannot....(laughter...)

The Hon'ble Srijut GOPINATH BARDOLOI: I think, I can satisfy my hon. Friend. It is true that we Indians do not know the English language so well. But without referring the matter to Mr. Morley, I feel we can quite understand the meaning of clause 12. I think, the Drafting Committee will make the sense more clear if my hon. Friend wants it to be done. This clause, as we understand, means that the Governor's Ministers shall be chosen and summoned by him and shall hold office during his pleasure. Possibly my hon. Friend knows grammar better than I do but the plain meaning is there.

Mr. HARENDRA NATH SARMAH: In that case, Sir, if our Hon'ble Leader is satisfied that the matter about the vagueness will be considered by the Drafting Committee we need not bother very much about it and so I resume my seat.

The Hon'ble the SPEAKER: Now comes item No. 24

Srijut KAMESWAR DAS: I think, Sir, that safeguards intended in this *Amendment will be provided for in the Instruments of Instructions to the Governor and so I do not like to move it

The Hon'ble the SPEAKER: If the proposed addition is made to the clause how does the hon. Member propose to reconcile the whole paragraph?

Srijut KAMESWAR DAS: So I am not going to move. I think such safeguards will be provided for in the Instruments of Instructions to the Governor.

The Hon'ble the SPEAKER: Now let us come to clause 13—Amendment No 25.

Mr. HARENDRA NATH SARMA: Sir, I propose that in the proviso to sub-clause (2) after the word 'office' delete the 'full stop' and add the following—"except those fixed by the Governor". Sir, I suggest this Amendment in respect of clause 13. It is stated in this clause that the salaries of the Ministers shall be fixed by the Governor until such time as these shall not be fixed by the Assembly. In the same breath, however, it is stated that the salaries once fixed for the Ministers are unalterable. If I understand the position all right, Sir, even the salaries fixed by the Governor will be unalterable if the wordings of this clause are allowed to remain as they are and unless we add the following words, namely—"except those fixed by the Governor"; it may lead to a serious difficulty. If the Governor might be fixing the salaries of the Ministers on a low scale we in this Assembly shall not be able to increase them however much we may wish to do so if this proviso is allowed to remain as it is. Or alternatively if the Governor fixes the salaries of his Ministers on a very high scale this Assembly shall not be able to alter them so long as they hold office.

Mr. PRABHUDAYAL HIMATSINGKA: But may I suggest, Sir, that until the Provincial Legislature is allowed to or has the opportunity to fix the salaries of the Ministers, the Governor should fix them and then the Provincial Legislature when it meets will have the right to vary the salaries fixed by the Governor? There is nothing in the provision.

The Hon'ble Srijut GOPINATH BARDOLOI: But I want to say that if the salary is fixed by the Governor it will be rather awkward for the Legislature to vary it.

The Hon'ble the SPEAKER: In the proviso it is said that the salary of a Minister shall not be varied during his term of office. So, if this clause really stands as it is then the Assembly will not be able to fix the salary.

Mr. HARENDRA NATH SARMA: I have just heard a whispering apprehension in the matter as the Governor will be advised by the Ministers to fix the salaries and that he will not do so in his own discretion. Sir, I think my point has not been correctly understood. The Hon'ble Revenue Minister wants to suggest that the matter about fixing the salaries of Ministers should be left to the Governor and he will consult them at what amount the salaries should be fixed. But, Sir, can it be normally expected that the particular Ministry for the time being would not try to have the salaries fixed at a very high level bearing in mind that such salaries are unalterable?

*Add the following towards the close of the clause "but only so long as they have the support of the majority of the Legislature".

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Sarinah has just now referred to me on the point. The whole point is that the Ministry is responsible to the Legislature. The Ministry naturally will propose such salary as it can carry through the Legislature. It will not suggest such scale as will not be accepted by the Legislature. In this respect he will have to introduce a Bill before the Legislature for determining the salary of Ministers. Under such circumstances the Ministry will not advise the Governor to fix the salary very high.

The Hon'ble Srijut GOPINATH BARDOLOI : I am afraid, the whole picture has not been understood. The Governor shall exercise his authority to fix the salaries of Ministers for one or two months before which the Legislature may not sit. Legislature will fix the salary soon after it sits.

The Hon'ble the SPEAKER : When the Cabinet is installed, the Governor fixes the salary. The proviso reads thus: Provided that the salary of a Minister shall not be varied during his term of office.

***The Hon'ble Srijut GOPINATH BARDOLOI :** This proviso applies to an Act of the Legislature. It does not apply to the act of the Governor.

The Hon'ble the SPEAKER : I am sure that is in our mind. We do not find it in the Statute.

***The Hon'ble Srijut GOPINATH BARDOLOI :** The main thing is that the salary of the Ministers shall be such as the Legislature, from time to time, determine, provided that the salary shall not be varied during the term of his office.

The Hon'ble the SPEAKER : All right, this is simple English.

***Srijut PURNA CHANDRA SARMA :** When a Minister's salary is fixed it can subsequently be varied by the Legislature.

The Hon'ble the SPEAKER : All right, Let us finish clause 13.

***Maulavi SAYIDUR RAHMAN :** It is taken *verbatim* from Section 51, Sub-sections 2 and 3 of the Government of India Act.

The Hon'ble the SPEAKER : That was a defect in drafting.

Mr. HARENDRA NATH SARMA : What will be the fate of my suggestion ?

The Hon'ble the SPEAKER : That will be on record. Now we pass on to clause No. 14. It reads like this. "In the appointment of his Ministers and his relations with them, the Governor shall be generally guided by the conventions of responsible Government as set out in the Schedule...but the validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with these conventions. [The Schedule...will take the place of the instrument of instructions now issued to Governor"]]. Now we come to Amendment No. 26.

Mr. HARENDRA NATH SARMA: That stands in my name, Sir.

It reads thus: After the word "question" occurring in the fifth line *add* the words "in any court of law".

When we are going to have a democratic Government, I think the Press and the public should be able to criticise the action of the Governor. Here it is said that the validity of the Governor's action shall not be called into question. Although the action of the Governor may not be questioned in a Court of Law but certainly it must be questionable in public meeting by the people as well as by the Press. Of course the Governor has his own safeguards as the Publicity Department will be at his beck and call and if the actions of the Press according to that Department amount to a breach of journalistic etiquette actions may be taken against the Press as hitherto.

***The Hon'ble Srijut GOPINATH BARDOLOI:** I have no objection to the Amendment and the main thing is that a Governor is a constitutional Governor, so he should not care for any criticisms of the Ministry whose action will be criticised.

The Hon'ble the SPEAKER: There is no right of calling his action into question. It is a civic right, because certain matters will be taken up in the highest tribunal in the interest of democracy. Therefore to my mind this whole thing might be thought over by the Drafting Committee. Again if I say this is a very useful suggestion the hon. Members will say their labour is without any reward. Every one should be more critical; so why should we not?

Mr. HARENDRA NATH SARMA: That is only my satisfaction and consolation.

The Hon'ble the SPEAKER: I suppose, this is a civic right of the citizen to take the matter to the Civil Court or the Highest Forum. When party politics will dominate, the other parties might get it decided in the highest court.

Amendment No. 27 falls through.

Amendment No. 28 stands in the name of Maulavi Mahammad Roufique.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, the Motion which I want to move is that there should be definite provision in the constitution itself for the representation of minorities in the Council of Ministers instead of leaving it to the Governor to be got under the Instruments of Instructions. I confess that it will be a very hard task for me to convince the House of the reasonableness of the proposition which is embodied in my Motion. We have seen in these days that the very words Muslim or minority have become an anathema and passing to the ears of my Friends sitting opposite. The other day in this very House the word provoked our Friend Mr. Hareswar Das whom I do not see here to-day and who may be better known as a funny Member of the House. He delighted the House at the expense of the Muslims. He raised a roar of laughter by ridiculing the Muslims through his fun. Again the other day our Friend Srijut Talukdar also stood up on his legs and delivered a sermon to the Muslims.

The Hon'ble the SPEAKER: Is not humour the spices of life?

Maulavi MAHAMMAD ROUFIQUE: The House will also find the same humour here.

Our attitude has been misunderstood by some of the hon. Members. My hon. Friend Mr. Bhagavati delivered a lecture the other day as to how the Muslims should behave here. Therefore I say that our position has been very much misunderstood. We have accepted the Indian Union as our State and we have pledged our loyalty to that State. We have accepted the flag of the Union as our own flag and pledged ourselves to uphold the dignity of that flag even sacrificing our lives if necessary. We have also accepted the joint electorate and agreed to throw our lot with our brethren of the majority community, so that we can make Assam prosperous and the people of Assam prosperous, irrespective of caste, creed and community. But, Sir, in season and out of season we are warned against talking on communal matters. It is the responsibility of the majority community to create conditions when there will be no cause for communal misunderstanding. We know, Sir, India has been divided, and it is argued that since India has been divided into Hindusthan and Pakisthan there can be no special claims of the Muslims.....

Srijut GAURI KANTA TALUKDAR: India has not been divided into Hindusthan and Pakisthan. The term "Hindusthan" has not been accepted; it is the Union of India.

Maulavi MAHAMMAD ROUFIQUE: You may call it the Union of India, but Hindusthan is a better term. At one time you wanted the whole of India to be called "Hindusthan". Moreover "India" is an English expression of that.

Srijut GAURI KANTA TALUKDAR: It would have been a happy day if you accepted that position.

Maulavi MAHAMMAD ROUFIQUE: Yes, that aspiration has yet to be realised. I submit, Sir, that the division of India has solved the conflict arising out of different ideologies between the Congress and the Muslim League, but it has not solved the problem of minorities. This problem, with all its complications, yet remains to be solved by both the Dominions. It cannot be said that because India has been divided, the Hindus in Pakisthan will cease to be Hindus and the Muslims in the Indian Union will cease to be Muslims. Now, Sir, the argument is advanced that since on the agitation of Muslim India has been divided, therefore they should not put forward any further claim in the Indian Union. This is a mistake. The whole blame for the division of India is laid on the Muslims, but I find in the Assam Tribune of September 12th, a speech by Srimati Sarojini Naidu, the Governor of the United Provinces, where she says "We accept division, not because the Muslim League demanded division, but because Bengal Hindus and Punjab Sikhs and Hindus demanded division". It would therefore be wrong to lay the blame for the division of India on the Muslims.....

Srijut GAURI KANTA TALUKDAR: Does not the hon. Member know why the Bengal Hindus and Punjab Sikhs and Hindus had to demand division?

Maulavi MAHAMMAD ROUFIQUE: I am not here to seek reasons, but the fact is that division was demanded by the Hindus and Sikhs of Punjab and the Bengal Hindus.

(A voice:—Read the latter part of the sentence.)

The Hon'ble the SPEAKER: Can we not leave out these as matters of the past?

Maulavi MAHAMMAD ROUFIQUE: Sir, both the Dominions of Pakistan and the Indian Union consist of Hindus and Muslims and I hope the majority community here will show a gesture of goodwill by asking the Muslims and the other minority communities to be associated with the affairs of the administration.

Srijut GAURI KANTA TALUKDAR: Has not the hon. Member seen how magnificently the Hindus have behaved towards Muslims of the Indian Union, both in the Centre as well as in the provinces?

The Hon'ble the SPEAKER: We had never thought in terms of communities in Assam; only we had a bad dream for a short while, let us try to forget it altogether.

Maulavi MAHAMMAD ROUFIQUE: We would like to forget it, Sir, but in season and out of season we are reminded of this simply because we use the word "Muslims", simply because we make any claim as Muslims. I say that is not fair to us. We say we are all citizens of the Indian Union, but on that account we do not cease to be Muslims, neither do the Hindus in Pakistan cease to be Hindus. That fact should be recognised, Sir. The Quid-e-azam said the other day that Hindus and Muslims should cease to think in terms of religious communities in public life; in politics they should cease to think themselves as Hindus and Muslims, but as free citizens of a Common State. This, Sir, we devoutly want to achieve, but the fact remains, Sir, that we have not yet been able to banish religion from politics.....

Srijut GAURI KANTA TALUKDAR: Because we are Hindus or Muslims it does not mean that we should be communally-minded.

Maulavi MAHAMMAD ROUFIQUE: We should all strive hard to banish religious feeling from politics. For that not only the minority community but also the majority community have got to do something; the majority community have also got to contribute towards the disappearance of the angularities of majority and minority and bring about a State where there will be no question of religion and community, where all will be equal citizens with equal rights. Till then, Sir, should we not satisfy the legitimate demands of the minorities? In my Motion I have not said "Muslims", but I have said "minorities" Sir, according to the proposed Constitution this matter of associating the minorities in the Council of Ministers have been left to the Governor's Instrument of Instructions. It has been left to the Governor to see that the minorities are included in the Cabinet. What we want is that this principle should be incorporated in the Constitution itself, so that the Governor may not on any plea deny us representation in the Cabinet. Sir, the Governor is likely to be a party-man, and the exigencies of party politics may forbid him from associating the minorities in the Cabinet, as is the present position here. Even after the 15th August there has been no difference. I know that the majority community have got very good feelings towards the Assamese Muslims; they have got the best will in the world for them. But even then in the present Cabinet there is no Assamese Muslim. There is a Muslim gentleman from Cachar (of course he may call himself an "Assamese" now). For this I do not find fault with the Government, but, Sir, the exigencies of party politics have not allowed them to associate an Assamese Muslim with the administration of the province. Therefore, I say, Sir, it will be a very good gesture on the part of Government if this matter is taken out of Instrument of Instructions and put in

the Constitution itself. This will remove a course of future trouble and misunderstanding and this will pave the way for full understanding between majorities and minorities. That is why I commend this suggestion for the acceptance of the House.

Mr. HARENDRA NATH SARMA : Sir, I rise to oppose the suggestion made by my hon. Friend Mr. Roufique. The consideration which prompted my Friend Mr. Roufique to move this Amendment is pure and simple communal. But Mr. Roufique knows it clearly well what consequences we have derived out of such communal considerations and communal differences. This communal differences have already cut our country vertically and by moving this Amendment in a provincial matter like this I am pretty sure he is attempting to cut the province or for the matter of that the country horizontally. It, however, remains to be seen whether he will by pushing this communal problem in even lower spheres of politics be trying to cut the country transversally hereafter. Sir, Mr. Roufique and many of the Friends opposite found fault with my hon. Friend Mr. Harewar Das, for what reason I do not know, because a certain resolution put forward from that side was characterised as an "attempt at smuggling" by him.

The Hon'ble the SPEAKER : But if the humour of the expression is not liked the hon. Member will avoid it.

Maulavi MAHAMMAD ROUFIQUE : Sir, does he not agree that it was a bad taste to use the word smuggling. If he supports that I will say that his is also a bad taste.

Mr. HARENDRA NATH SARMA : Sir, in that case I would refrain from using that expression here publicly. Perhaps the correct epithet that should apply in such a case will be "an attempt at 'Shianit Shua'." A 'Shianit Shua' is an Assamese epithet and it applies to a man who while travelling with two of his other friends, sleeps together in one bed without claiming an entire bed to himself. He prefers to have only the edges of the two rugs of his friends and sleeps in between them. He will not claim a full rug for himself. He will only claim the edges of the two rugs so that he can, when the friends are asleep, pull both the rugs unto himself and thus deprive his friends of the use of the rugs. Similarly I call the attempts of my friends as an attempt of 'Shianit Shua'.

Dr. EMRAN HUSSAIN CHAUDHURY : Sir, I would like to speak a few words, if you will permit me. My hon. Friend Mr. Sarma has said that Mr. Roufique has brought into or imported communalism into the House. As a matter of fact if he looks to the Amendment which has been brought up by my hon. Friend Mr. Roufique, he will find that what he wants is that there should be definite provision for representation of minorities in the Constitution itself. He referred definitely to minorities and not to Muslims though Muslims happen to be one of the minorities. Mr. Sarma has remarked that communalism has resulted in the division of the country into two—Hindustan and Pakistan. I use the term Hindustan, not India deliberately, as it is an Indian word. Therefore, I would request you, Sir, to see to it that hon. Members henceforward do not import into this august House anything communal. I request my friend, my intimate friend, who is my class friend also, that he should refrain from this kind of attacks in future.

Maulavi SAYIDUR RAHMAN : I am very sorry to find, Sir, that my Friend's Amendment had been characterised as communal from the opposite side. I beg to submit that there is nothing communal about the Amendment. I think the principle of representation of minorities in the Cabinet has been conceded to

by the Minorities Sub-committee of the Constituent Assembly. They have agreed to embody this safeguard in the schedule which was formerly the Instrument of Instructions. My hon. Friend the Mover of the Amendment only wants that that principle which had already been accepted by the Constituent Assembly should be incorporated in the Constitution itself—that is the only difference. So, I don't think there is any ground whatsoever for characterising this as a communal move.

Mr. PRABHUDAYAL HIMATSINGKA: Sir, I beg to oppose this suggestion. I do not agree with my Friends opposite that this is not based on communal considerations and even if they are not based on communal considerations, I am afraid, the wording is such that it will make the position worse. If the Government has to include in the Ministry representatives of the minorities, I do not know whether there will not be a deadlock. Who are the minorities? Who will be representatives of the minorities here? We have here Plains Tribals, Hills Tribals, Muslims, Scheduled Caste and what not. If by minorities we are to understand the different classes of persons who are to-day regarded as minorities, it may not be possible at all for the Governor to include the representatives of all such minorities; and as we are going to have adult suffrage when everybody will have a vote and everybody will be entitled to send a representative representing the number of people in the Province, I do not think anybody should try to put forward any claim on the basis of being called a minority. I think, Sir, you will agree that sooner we forget to put forward special claims for the minorities the better for the country. We have had enough of difficulties in the past introduced by the foreign ruling powers for purposes of their own and the sooner we begin to forget the old position and the advantages that we are being given on the plea of the protection of minorities the better for the country.

Dr. EMRAN HUSSAIN CHAUDHURY: The intention of the Amendment brought forward by my Friend Mr. Roulique is to include in the Ministry the members of political parties other than the Congress Party.

The Hon'ble Srijut GOPINATH BARDOLOI: What possibly most of the people, who are thinking of the future, are thinking in terms, not actually of communities as much as the development of the politics on the basis of the economic reconstruction of the country. We all have seen that forces are coming forward to sweep away considerations of the kind that have been put forward by my hon. Friends over there. My own feeling is that the future Government of the future constitution, which is envisaged in this scheme, is one of party Government and as this Government, as I have already said, is likely to be more on economic basis than on communal representation, I feel that incorporation of a provision of the kind referred to by my hon. Friend in the *Statute* may actually prevent real democratic Government by parties from growing and functioning.

I think, we had discussed this point when we discussed the University Scheme. We also discussed it, I feel, on a previous Amendment by Maulavi Abual Majid Ziaosh Shams. In view of that I thought that it was fully understood by us that consideration of the question like these is not necessary for a compulsory statutory provision. But there is that provision by which members of the minority community can be represented in the Cabinet, without detriment to the functioning of a representative Government.

The Hon'ble the SPEAKER: It is not clear to me who are the minorities in Assam. That point has remained untouched.

The Hon'ble Srijut GOPINATH BARDOLOI: That is a question which I do not want to go into. This is a model constitution and this applies.....

The Hon'ble the SPEAKER: Do you see the practical difficulty? Who are the minorities?

Maulavi SAYIDUR RAHMAN: But there are some minorities.

The Hon'ble the SPEAKER: Namely?

Srijut GAURI KANTA TALUKDAR: Perhaps the best thing for us will be not to think in terms of minorities but in terms of backward communities.

The Hon'ble the SPEAKER: I am talking of Assam. Let us come to face fact—in Assam who are the minorities? Are they Muslims, are they Plains Tribals, are they Hills Tribals, are they the Chutia community, are they the Ahoms, are they the Koches or are they the Kalitas?

Maulavi MAHAMMAD ROUFIQUE: Now election to the Legislative Assembly will be considered on population base and then we will find the minorities. No seats have been allotted to certain Tribals on the basis of population. There is their number. Then there is another class of people, the General which includes caste Hindus.

The Hon'ble the SPEAKER: Probably the hon. Member has not followed me. He has not scrutinised the trend of things under discussion.

The Hon'ble Srijut GOPINATH BARDOLOI: In view of what I have said, I request the hon. Member to withdraw the Amendment. I do not propose to discuss this question of minority as I feel that we all form together a composite people in Assam particularly. I appeal, as I did the other day in connection with the University Scheme, to turn a new leaf and let us see whether we can work it out. It should be plain to the hon. Members that there is provision in the Schedule for minorities not in reference to their representation in the Government, but in reference to services and all that. So in view of all this I do not think it is necessary for the hon. Member to press the Motion.

Maulavi MAHAMMAD ROUFIQUE: In view of what the Hon'ble Premier has said, I beg leave of the House to withdraw the Motion. We have not been afraid of the Hindu majority because there is mutual confidence in both the communities. As a policy I put forward that claim, and that claim does not convey a spirit of communalism.

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

Adjournment

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

After lunch

The Hon'ble the SPEAKER: We take up Clause 15.

Item 29 could not be taken as the hon. Member is absent.

Mr. HARENDRA NATH SARMA: The Amendment I am suggesting in Clause 15 is that in sub-clause (3) after the word 'expiration' add the words "from the date of issue thereof".

Sir, my idea in suggesting this Amendment is in order to avoid any confusion in the matter. The date specified should be as specific as possible. That means, it must have commencement on the date of issue of the notice in the official Gazette.

The Hon'ble the SPEAKER: Then we pass on to Clause 16.

Mr. HARENDRA NATH SARMA: My suggestion is that in sub-clause (1) after the word 'matters' delete the 'full stop' and add the following:—
"and to act for them in such legal matters".

Sir, this I consider to be very important in as much as unless the Advocate General is also empowered under the Constitution to act for the Government, it will be necessary to appoint two Advocates-General, one to give them Chamber advice and another to act in the Courts of Law and other places. In other provinces, even under the present Constitution, we find that the same Advocate-General is given both the powers of advising Government and to appear for them in Court. I think, it is very necessary that he should be given the powers both to act and advise.

The Hon'ble the SPEAKER: We come to 32.

Maulavi MAHAMMAD ROUFIQUE: I beg to move that with regard to sub-clause (2), the provision requiring the Advocate General to retire from office upon the resignation of the Prime Minister should be omitted.

Now, Sir, when a Ministry is dismissed or when it resigns the Ministers have to go out. But it is not understood for what reason the Advocate General, who is not a Minister and who does not hold a portfolio but is a legal expert to advise the administration, should go along with the Ministers. It may be that he is a legal expert and he may not be a party man of the Council of Ministers. Therefore, to ask the Advocate General to go along with the Ministers is not justified. Specially, in our province legal acumen is not too many. Supposing the best man is given the appointment of Advocate General and if he is to go along with the Ministers, on their dismissal or their resignation, then we will have to choose the second best man who may not be upto the standard. Therefore, it is very simple that there is no understandable reason given here in this provision requiring the Advocate General to retire from office with the Ministry.

The Hon'ble Srijut GOPINATH BARDOLOI: The whole idea here, Sir, is that the Advocate General also belongs to the Party in power; therefore, this provision should remain. There should not be any difficulty in working this—that is my idea.

Srijut GAURI KANTA TALUKDAR: Though there has been no suggestion in regard to sub clause 3 of Clause 16, namely, regarding the Advocate General, who should receive such remuneration as the Governor may determine, may not this House discuss whether the remuneration of the Advocate General should be determined by the Governor or by the Legislature?

Mr. HARENDRA NATH SARMA: Mr. Speaker, Sir, Mr. Talukdar's point is necessary for consideration as in the High Court Resolution we have provided a pay of Rs. 1,500 or something like that for the Advocate General, and if under the Constitution it is provided that his pay or remuneration should be fixed by the Governor, what is the meaning of our putting a figure of Rs. 1,500 or whatever it is, in the High Court estimate?

The Hon'ble the SPEAKER: What has Mr. Talukdar got to reply? He always comes up with some thing formidable. We have already passed the Resolution which provides for the pay and salary of the Advocate-General at Rs. 1,500; what is his idea now?

Srijut GAURI KANTA TALUKDAR: I want to have a provision to this effect in the Constitution. If we are to give our suggestions for the consideration of the Drafting Committee, they can consider our suggestions and come to a decision thereto. My idea, Sir, is that the payment of remuneration to the Advocate-General should not be left to the decision of the Legislature.....

The Hon'ble the SPEAKER: We have already an Assam High Court Resolution specifying the salary of the Advocate-General; what has the Model Constitution got to do with it. If you think it necessary you can amend that Resolution.

Srijut GAURI KANTA TALUKDAR: As we are to give our suggestions, I therefore suggest with regard to sub-clause (3) which says—the Advocate-General shall receive such remuneration as the Governor may determine—.....

The Hon'ble the SPEAKER: We have a statutory provision, in the High Court Act.....

Srijut GAURI KANTA TALUKDAR: Of course, in that case there will be no necessity.

The Hon'ble the SPEAKER: Then what do you say about this, whether the Advocate-General should retire with the Ministry or not? Shall we leave it as it is?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, I think that should remain as it is.

Srijut GAURI KANTA TALUKDAR: I would be glad if the Hon'ble Leader of the House would give us some idea as to why the Advocate-General has to retire from office upon resignation of the Prime Minister?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already said, Sir, that he forms part of the Party machinery; therefore if that party goes, he goes also.

Srijut GAURI KANTA TALUKDAR: But he is a permanent legal adviser to the Government who advise them in legal matters, he cannot give partial advice.....

The Hon'ble the SPEAKER: Whether he is this or that, depends on what you want him to be. Ordinarily, the Advocate-General of Assam is appointed for a period of five years; but now the Advocate-General is really a member of the party in power, and according to the wish of that party in power he should remain or retire. Do you want to make him a non-party man?

Srijut GAURI KANTA TALUKDAR: He should be a non-party man, Sir, to enable him to give legal advice impartially to successive Governments.

The Hon'ble the SPEAKER: Would the Hon'ble Prime Minister like to explain?

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I have already said that he is a legal adviser to the Party in power, therefore he should resign with that party in power when it resigns. In fact he forms part

of the administrative machinery in power ; he should retire when that machinery leaves. I suppose that is the general principle which is accepted by the British Parliament also.

Maulavi MAHAMMAD ROUFIQUE : With all respects to the Hon'ble Premier, Sir, this seems to be a new definition of the functions of the Advocate-General. We know the Advocate-General is there to advise the Government in legal matters but not to advise any particular group of people who are carrying out the administration at any one time.....

The Hon'ble the SPEAKER : Perhaps the hon. Member will try to follow what is said ; he seems to be arguing a side issue. An Advocate-General is a lawyer appointed by the Government just as any other individual. If the hon. Member engages a lawyer in a law suit, that lawyer depends upon the hon. Member for his payment or retention. The Advocate-General does not adjudicate but he advises on legal matters. He is a lawyer to give assistance in legal matters to the party in power ; he does not adjudicate but simply gives advice. That is the position which the Hon'ble Prime Minister has explained.

Maulavi MAHAMMAD ROUFIQUE : It seems to be a new definition.....

The Hon'ble the SPEAKER : It is never a new definition. The Hon'ble Prime Minister has made that point clear. Just as if you want to carry on the administration, say, for the Indian Union or Pakistan and it is he who advises Government on the legal side or aspect of all the questions involved to be followed by them. Just as in the case of a litigant who appoints a lawyer for legal advice, that lawyer remains so long his advice is required by that litigant, so also, our Advocate-General retires with the Party in power of whom he forms part. That is the position. Of course, I am only elaborating the Prime Minister's explanation. If the hon. Member wants to put some other suggestions, I shall have them, but now let us discuss the present matter at issue.

Mr. J. S. HARDMAN : Mr. Speaker, Sir, I agree with the Hon'ble Prime Minister that in accordance with the new Constitution, the Advocate-General should be a party-man and should retire on the fall of his party. Though under the present Government of India Act, Section 16 provides that the Advocate-General shall hold office during the pleasure of the Governor-General, I take it that this is due to the fact that under the previous Government of India Act there had not been complete acceptance of the functioning of a Ministry in office. Powers were vested in the Governor-General who was at liberty to act or not on the advice of the Ministry. But now the position of the Advocate-General is changed with the acceptance in the full form of a democratic Constitution in India. I agree, as I said, with the Hon'ble Prime Minister that it is in accordance with the accepted theory that the Advocate-General should be a party-man.

Mr. PRABHUDAYAL HIMATSINGKA : May I inform the hon. Member that in Bihar though the Advocate-General was appointed under the old Government of India Act, he resigned when the Congress Ministry resigned ?

***Mr. J. S. HARDMAN :** On a point of explanation, Sir, may I interrupt for a moment ? As far as my information goes, the person appointed by the Ministry does not vacate his office immediately after the resignation of that Ministry from office.

*Speech not corrected.

The Hon'ble the SPEAKER: I suppose we leave the matter here that
(Voices: Yes, Sir).

Now Clause 17 to be taken up

Mr. HARENDRA NATH SARMA: I beg to move, Sir, that in the word 'Governor' delete the 'full stop' and add the following: "or the Acting Governor, as the case may be". Sir, the existing clause reads as "All executive action of the Government of a Province shall be expressed to be taken in the name of the Governor". Possibly we may have difficulties if we retain this Clause as it is. Because the Deputy Governor on occasions shall have to act as Governor in his absence, illness and so on and the executive business of the Province will have to continue and cannot be at a stand still in the Governor's absence, etc. Sir, it may sometimes happen that the Governor for the time being will go to Vienna for treatment and he might as well die at Vienna. Some time must elapse between the time of his death and the time the news reaches the Government concerned and if any act be deemed to have been done in the name of the Governor during this intervening period, i.e., after his death, I am afraid, the validity of those acts may be very doubtful. In view of all these reasons, I think, it will be proper if the words "or the Acting Governor, as the case may be" are added to the Clause.

The Hon'ble the SPEAKER: I suppose that is all right. We need not go for a discussion.

Now we take up Clause 19, Constitution of Provincial Legislatures.

Mr. HARENDRA NATH SARMA: The Amendment I am suggesting to this Clause is that in sub-clause (2) after the word 'scale' add the words "as nearly as possible".

Section (2) of this Clause provides that the representation of the different territorial constituencies in the Legislative Assembly shall be on the basis of population and shall be on a scale of not more than one representative for every lakh of the population, subject to a minimum of 60 for any province, and a maximum of 300. Sir, my point in suggesting this is that the Clause as it stands now is contradictory in one sense. It is being provided that we must put one representative for every one lakh of people and at the same time it provides that we should make a body of 60 as the minimum. In some places it will be rather difficult if there be one representative for every lakh of people and in that case we would not be able to fill a Legislature with 60 members the minimum number. So, Sir, instead of strictly adhering to the principle of "one representative for every lakh of people" it will be better if there be some elasticity in the matter so that we may have one representative for approximately one lakh of people, say for 75—80 thousand of people wherever the circumstances of a particular constituency will so require.

The Hon'ble Srijut GOPINATH BARDOLOI: I do not know that any point can be raised in this case. The exact number of constituencies in a Province should be determined by a Committee for which the Constituent Assembly provides, and what my Friend has suggested will be considered by that Committee.

The Hon'ble the SPEAKER: Now comes item No. 36. The hon. Member bringing this suggestion is absent. There is no harm, I think, if Srijut Rajendra Nath Barua discusses his suggestion as well as this one when both of these are almost on the same line.

Srijut RAJENDRA NATH BARUA: The whole idea here, as we find, is that for every lakh of population there should be one representative. My suggestion is that there should be one representative for every 75 thousand of the population. My idea is that as our Province is constituted we have various communities such as, Labour, Women, etc., and they have not been provided with any special constituencies. So, if we limit it to 75 thousand there might be chances for these special communities to go into the Legislature. That is why, Sir, I like to make it 75 thousand in place of one lakh or near about so that we may have a body more representative of all communities.

Dr. EMRAN HUSAIN CHAUDHURY: Let us have, Sir, one member for every 75,000 or 85,000 population.

The Hon'ble Srijut GOPINATH BARDOLOI: This point was once raised and discussed in the Constituent Assembly. This limit does not seem to be applicable to all Provincial Constitutions. For Provinces like the United Provinces, Behar, the number of members would greatly swell, and the maximum number of members in the Legislatures might come to about 700 or more. Therefore a Motion was moved in the Constituent Assembly by the Leader of the Opposition of this House to make the minimum number at 50 and the maximum at 300 and the House adopted it. Sir, the basis for one representative for one lakh holds good even to-day. But it was generally accepted that one representative for one lakh was a good one for the smaller Provinces, and the same thing has been accepted for this Province also. I feel that, leaving aside the special representation that has been provided for the European Tea Planting constituencies in this Assembly, on account of which the number of our seats has been slightly increased on population basis, the number that was allotted for the Province was considered to be suitable from various points of view. I should like also to give this information to the House that for the Tribal and Hills people of Assam we submitted before the Constituent Assembly that their cases may be treated separately in view of the fact that the representation proposed by the Advisory Committee was proposed on the basis of population of Tribes. The final decision on that will rest in the Constituent Assembly when the report of the Advisory Committee is taken into consideration. In my opinion the principle is that there should be a representation for one lakh. This is the information which I propose to submit to the House.

I do not think we need find any difficulty in accepting the draft.

Srijut SIDDHI NATH SARMA: May I speak against the whole clause, Sir?

The Hon'ble the SPEAKER: Of course, you are welcome to take part in the debate.

Srijut SIDDHI NATH SARMA: Sir, the future Provincial Legislature, as it appears from the Model Constitution submitted here for discussion, will be an imitation of a Legislature envisaged in the Government of India Act of 1935. The Model Constitution is practically an image of that Act. But, Sir, although British Rule is over, the British Constitution, the British method and British Democracy, it seems, are still hovering over our heads. India is not Great Britain, nor America, nor Russia. The Indians are not Britons nor Americans nor Russians. Our ways, our manner of thinking, our society are quite different from those of Great Britain, America or Russia. So our Constitution ought to have been on a different model and our way of thinking in free India in modern age should have been altogether different. In modern the age democracy is the only type of Government which can serve the interest of individual or the State. It is

not possible to lay down any type of ideal democracy for all times. Almost all the new States have set up the Republican Constitution with democratic franchise and parliamentary machinery. Mahatma Gandhi, the father of Indian nationalism, said "Western democracy as it functions today is diluted socialism or fascism. At last it is merely a cloak to hide Nazi or Fascist tendencies for imperialism." "My opinion" he says, "is that under it, the weakest should have the same opportunity as the strongest. It can never happen through violence. Any democratic constitution if it leads to exploitation is not a real democracy, it will be a capitalist democracy for a capitalist society."

The Hon'ble the SPEAKER: Where from the Hon'ble Member is quoting?

Srijut SIDDHI NATH SARMA: I am quoting from Mahatma Gandhi writing in the Harijan. If necessary I can give you date and pages also.

The Hon'ble the SPEAKER: Very well. Please go on. I am raising this point because without actual reference there is considerable detraction from the quotation.

Srijut SIDDHI NATH SARMA: "What is the technique of non-violent democracy? It is decentralisation; centralisation is hostile to such democracy."

Now the whole model constitution as it appears to me and the way in which future Union Constitution will be framed, seems to me for centralisation. Our ideal, the ideal of Mahatmajee, was a self-sufficient and self-governing village which should be the basic unit of administration. If we accept a village as the basic unit of public administration, a big village or a group of small villages should be the basic unit for our public administration. Such a village or a group of small villages shall elect by the vote of all its adults a Panchayat ordinarily of five to eleven members. The duty and function of such a village panchayat should be the primary or the basic education of the village or group of small villages and to introduce swadeshi sports for the protection of villages, maintain village police or village Sebadal. Village industry should be organised by village Panchayat. It is to organise trade and commerce in the village. The presidents of the village Panchayats shall constitute a thana or circle or a taluk Panchayat. The Taluk or Circle Panchayat will guide, supervise and audit the accounts of these village Panchayats. The presidents of the taluk or circle or thana Panchayats shall constitute the district Panchayat and the Presidents of the district panchayat shall constitute the Provincial Panchayat. The Provincial Panchayat shall be the Provincial Legislature of the Province and the president of the Provincial Panchayat shall be the president of the province. The Provincial Panchayat, which shall be the Legislature of the province, shall be unicameral and should have full power to enact laws within the territories of the province. The power of appointment of Ministers shall vest in this Provincial Panchayat; the Ministers shall be men of ability, talents and of sterling character.

Now, Sir, under this model constitution, the structure is quite different; it is of a type in imitation of the British model. Under the British system the modern electioneering is very defective and expensive and therefore undesirable. In a big constituency the candidate cannot have direct contact with the voters, and the power of money will rule the day. Generally the capitalists and the moneyed men will have a chance in the election. The electioneering system under the constitution will be an imitation of the western countries. The Modern Party System in imitation to western countries leaves scarcely any scope, rather no scope for independent thought or independent opinion. Generally, if a party decides a thing everybody is to follow that; there is no scope for independent opinion. The modern

party system is unreal and it decides a certain thing, the conclusion of an important debate is a foregone one. Also, Sir, if the proposed system is adopted there will be an end to communal bitterness because in the Legislature there will be no communal representation. The villagers on the basis of adult franchise will elect the panchayats. This will be less expensive. The present method cannot bring happiness and peace to the country. What do we see in western countries who are following the present democratic method? We see war, we see all sorts of evil things. If the system suggested by Mahatma Gandhi is followed that will end communal bitterness to a great extent. So, my suggestion is to adopt if it is possible the type of constitution I suggested. (I don't think the House will accept my suggestion). The Members of the Constituent Assembly representing our province may press for such a Constitution if they are not already committed to any other mode of constitution and if they consider my suggestion of any value.

The Hon'ble the SPEAKER : Is it the hon. Member's suggestion that the proposed model constitution is outmoded and that the constitution of India should be built up on the foundation of village panchayat which is more suitable and economical to the poor people of India?

Srijut SIDDHI NATH SARMA : There will be direct election for the village panchayats, but indirect election for circle, district or provincial panchayats.

The Hon'ble the SPEAKER : Does the hon. Member mean that the administration should be decentralised and limited to village panchayats? Is that the idea?

Srijut SIDDHI NATH SARMA : Yes, Sir. Administration should be decentralised and should be on Panchayat basis.

The Hon'ble Srijut GOPINATH BARDOLOI : Sir, the suggestion is only with reference to village matters. The hon. Member's point is that the village panchayats should have the authority of Government within the villages. That is his proposition.

Srijut SIDDHI NATH SARMA : The village panchayat will be in charge of village affairs and so on. It should be extended to Provincial spheres also.

The Hon'ble Srijut GOPINATH BARDOLOI : I have followed the hon. Member. He wants to build up a structure to the top by indirect election.

The Hon'ble the SPEAKER : It is the idea that the whole administration of the country should be decentralised into village panchayats?

Srijut SIDDHI NATH SARMA : Yes, as far as possible up to Provincial spheres. The provincial panchayat would be in charge of things in Provincial spheres like University, High Court, Colleges or Hospitals, etc.

The Hon'ble the SPEAKER : Let us first have the suggestion; let us have a clear conception of what the hon. Member means.

Srijut SIDDHI NATH SARMA : I mean this, Sir, that the basic unit should be a village or a group of small villages. Then Circle or Taluk Panchayat, then district Panchayat, then Provincial Panchayat.

The Hon'ble the SPEAKER: That unit is to be self-sufficient economically and administratively.

Srijut SIDDHI NATH SARMA: That may not be self-sufficient at first. They will administer the village affairs.

The Hon'ble the SPEAKER: What does the hon. Member mean by village affairs? Don't you say that village is to be administered on socialistic basis, and on the foundation of the small unit you build up structure conically as a "pyramid", but the power is decentralised and vested in the village panchayat. Is that the idea?

Srijut SIDDHI NATH SARMA: Yes, Sir.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I think, I have also some acquaintance with Gandhian literature on the subject. Therefore, Sir, you will permit me to make certain remarks on the broad principle the hon. Member has raised though I cannot discuss it on the items that you have been pleased to put on the agenda. Because after all we are discussing the Model Provincial Constitution which is before us and we have got to submit our opinion thereon. All that we are called upon is to give our opinion on the Model Provincial Constitution. We may not say that the whole draft is unnecessary.

The Hon'ble the SPEAKER: Can't we say to-day that if such a Model Constitution is not drafted we withdraw our representatives?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, we can say that. But I do feel that what he is actually meaning will be against the spirit of any Amendment and a negation of the whole draft. Yet I will try to reply. I think, Sir, Russia had some kind of Constitution which was based more or less on a system my hon. Friend has pointed out.....

The Hon'ble the SPEAKER: Till 1936.

The Hon'ble Srijut GOPINATH BARDOLOI: They had a kind of village or Salosoviet. They had higher units of administration which was based on election not directly by people but by indirect election. That I think went on up till they reached the highest authority of the State. My Friend's proposition is more or less based on a system of that kind. Gandhiji has undoubtedly wanted the Raj for the man in the street and man in the village but the question arises whether if the basic idea behind Mahatma Gandhi's ideal would be there behind the system proposed by my Friend. Gandhiji's main idea is that man lives not for himself but for the society as a whole and that therefore the people who will be presented through indirect election will be men living not for themselves but for the entire people. I hope time will come when that ideology will be a common thing among the people and I am sure that system will then work. But in the case of Soviet Society as also in the case of Gandhian ideal State they assume an ideology to be followed by the people. The ideology would inspire the people and make every man act according to the ideal. That is the fundamental principle, which I hope was accepted by the hon. Member in putting before the country a constitution of that kind. But we can well see what happens if we accept that proposition to-day. Look at the Municipalities, Local Boards and the few village panchayats and the reply would be there. To-day the Members of the Legislature are to be elected directly by the vote of the people—in other words, the man in the street and the man in the village have a right to elect them. Then also the Governor must be elected on the basis of adult suffrage and he naturally is expected to represent a man in the village and a man in the street.

The Hon'ble the SPEAKER: What is the value of votes in modern democracy? Even in the House of Commons Members, most of them in the back benches, cannot have any substantial share in the governance. Not more than two dozen people probably run the whole show of the British Government and wield all real Power. That is known to everybody.

The Hon'ble Srijut GOPINATH BARDOLOI: In any case, if it is said that it is the intelligent, the vigilant people who will guide the country, they will do so even with indirect election. In any constitution it is only those who feel for the country, who think that they have a duty towards the country act, and all the rest go with them. But what we have to consider is, in which system the evils are likely to be worse. While the indirect election may be of great advantage with selfless electorate it will have a tendency of running into clique and juntas with lovers of powers. Again, if the organisation is not worked by single leadership as it was in Germany and Russia, it will bring about disruption and complete weakness in administration. In order, therefore, that indirect election and Government built thereon may be a success, it would require regimentation of some kind. That regimentation may be based on Gandhian ideal, if you may have it. But it may degenerate into clique and juntas. My Friend argued that money may spoil democracy. But the chances, in indirect election, where the number of electorates at the top will be lesser, for corruption will be greater. So, I feel, Sir, that indirect election can be supported only in circumstances when it is unavoidable; but in circumstances when direct election is possible it should always be encouraged. Much has been said against the democratic institution of the West as a whole. I think, to a great extent the criticism is correct because the democracy was wielded in many States in such a way as to convert it into autocracy. That happened in Germany, that happened in Italy; but there are also other institutions, which acted quite in a different way. I cite the instance of the British Parliament, where you will see very noble things, and the last election was an instance in point. You saw how with the change of public opinion, a wartime regimented Government changed into a Socialist Government, without any bloodshed or even the feeling of a great change. How can you think of a greater marvel than the change we found in Britain?

Srijut SIDDHI NATH SARMA: That is due to modern party politics.

The Hon'ble Srijut GOPINATH BARDOLOI: The whole country became socialist in a day and that Government was immediately established which went for the good of the people of the low stratum. Therefore we must not lightly criticise all the constitutions. It may be that there is something in the nature of the British people to be able to adopt themselves to such constitutional changes; but one cannot but admire a constitution where flexibility as well as conservatism are both combined in a balanced manner. If the framers of our constitution in the Constituent Assembly have thought of their future in that light and have tried to make an experiment, I feel they have not been wrong.

Then in regard to the bringing in of a village panchayat which will have power conterminous with that of the Provincial Government, it is made possible, as I said the other day, under Clause 7 of the Bill. Clause 7 gives powers to the representatives of the people to frame laws by which the powers that should be exercised according to the hon. Member by the village panchayat can be made exercisable and we can have all the village panchayats we may consider necessary, possible under that clause. There is that clause and I have read it. If you want to establish village panchayats tomorrow giving them powers equal to that of the Legislature, there is no bar to that. What

I have suggested to you is that if we are really inspired with the ideals of Gandhiji, then bring up the panchayat system. But in the meantime let us not wait, let us carry on the experiment which makes the village panchayat system possible. So I think that the framers of the draft Constitution have not done anything wrong in accepting this principle in the draft Constitution.

Srijut BIJOY CHANDRA BHAGABATI: মাননীয় সভাপতি ডাঃবীয়া, মাননীয় শর্মা ডাঃবীয়াৰ প্ৰস্তাৱ আলোচনা প্ৰসঙ্গত তেখেতৰ বক্তৃতাত কোৱা কথাৰ পৰা তেখেতে কেইটামান মৌলিক প্ৰশ্নৰ অবতারণা কৰিছে যেন মোৰ ধাৰণা হৈছে।

প্ৰথমতে, এখন সমাজৰ ভেঁটি পৰিবৰ্তন কৰা আৰু এখন ৰাষ্ট্ৰ গঠনৰ আঁচনি তৈয়াৰ কৰা দুটা বেলেগ কথা বুলি আমি বুজিব লাগে। এখন সমাজৰ মূল ভেঁটি কি হ'ব সেই প্ৰশ্নটোৰ লগত এখন ৰাষ্ট্ৰ পৰিচালনাৰ আইনৰ কথা একেলগে বিবেচনা কৰিলে বোধ হয় ভুল হ'ব। আজি পৃথিবীৰ বহুত ঠাইত গণতান্ত্ৰিক ৰাষ্ট্ৰ আছে। সেই গণতন্ত্ৰ পুঁজিবাদী সমাজতো চলি আছে। তাত সমাজৰ মূল ভেঁটি হ'ল পুঁজিবাদ; কাজেই সেই ঠাইত গণতন্ত্ৰই পুঁজিবাদৰ সংৰক্ষণ কাৰণে কাম কৰিছে। সমাজৰ মূল ভেঁটিত যদি পৰিবৰ্তন আনিব খোজা হয় তেন্তেহলে নিশ্চয় এটা দল বাট আছে। গণতান্ত্ৰিক উপায়ে আইন পৰিবৰ্তন কৰি সমাজত প্ৰতিষ্ঠাৰ কথা বিচিন্তা কৰিব। অৱশ্যে বহুতো দল আছে যি সকলে ভাবে যে আইন পৰিবৰ্তনৰ দ্বাৰা—ৰাষ্ট্ৰীয় আইনৰ আঁচনিৰ সালসলনিৰ দ্বাৰা সমাজ ব্যৱস্থা পৰিবৰ্তন কৰা সম্ভৱপৰ নহয়। সমাজ ব্যৱস্থাৰ পৰিবৰ্তন ঘটাবলৈ তেওঁলোকে একোটা বিপ্লৱৰ প্ৰয়োজন বুলি ভাবে। ই যি কি নহওক, আজি আমি যেতিয়া নতুনকৈ এখন শাসন আইন ৰচনা কৰিব খুজিছো, তেতিয়া আমাৰ সমাজৰ মূল ভেঁটি কি হ'ব সেই প্ৰশ্নটো বিবেচনা কৰা নিতান্ত যুগুত। আমাৰ দেশত পুঁজিবাদ যদিও বিশেষ শক্তিশালী নহয়, তথাপি ইয়াতো যে পুঁজিবাদে শিপাইছে তাত সন্দেহ নাই। আজি যেতিয়া আমি নতুনকৈ আমাৰ আইন প্ৰণয়ন কৰিব খুজিছো তেতিয়া এই কথা ভবা নিশ্চয় প্ৰয়োজন যে আমি ইয়াত পুঁজিবাদ ৰক্ষা কৰিবলৈ পুঁজিবাদৰ পৰিবৰ্তে আন কোনো সমাজ ব্যৱস্থা প্ৰবৰ্তন কৰিম। মোৰ বোধেৰে গান্ধীবাদ আৰু সমাজতন্ত্ৰবাদ বা সমত্ববাদ এই কেইটাই হৈছে পুঁজিবাদৰ পৰিবৰ্তে সমাজ ব্যৱস্থা পৰিবৰ্তন কৰাৰ আঁচনি। আজি মানৱ জাতিৰ আগত এইটো প্ৰশ্ন উঠিছে যে পুঁজিবাদ পৰিবৰ্তন কৰি—সমাজৰ পুঁজিবাদী ভেঁটি ভাঙি দি তাৰ ঠাইত সমাজ ব্যৱস্থাৰ কি আঁচনি তেওঁলোকে গ্ৰহণ কৰিব। যদি মহাত্মা গান্ধীৰ মতবাদ মতে সমাজ ব্যৱস্থা প্ৰবৰ্তন কৰা হয় তেতিয়া হলে নিশ্চয় তাৰ কাৰণে আমি এখন বেলেগ ধৰণৰ আইন প্ৰণয়ন কৰিব লাগে। যদি আমি সমাজতন্ত্ৰবাদ বা সমত্ববাদৰ ভেঁটিত আমাৰ সমাজখন গঢ়ি তুলিব খোজো তেতিয়া হলেও তাৰ নিমিত্তে নিশ্চয় বেলেগ ধৰণৰ আইন প্ৰণয়নৰ প্ৰয়োজন আছে। শৰ্মা ডাঃবীয়াই মহাত্মা গান্ধীৰ মতবাদ মতে আইন প্ৰণয়নৰ কথা কৈছে। এইখিনিতে আমাৰ মনত ৰখা প্ৰয়োজন যে গান্ধীবাদৰ আঁচনি আৰু সমাজতন্ত্ৰবাদ বা সমত্ববাদৰ আঁচনিৰ মাজত মৌলিক পাৰ্থক্য আছে। অল্প আগতে মই কোৱা শুনিছো যে বাছিয়াতো ঠিক মহাত্মা গান্ধীৰ পৰিকল্পিত পঞ্চায়তৰ দৰে এটা ব্যৱস্থা আছিল। মোৰ বোধেৰে সেইটো ভুল। বাছিয়াত আইনৰ যি ব্যৱস্থা আছে তাৰ ভেঁটি গান্ধীবাদ নহয়। সমাজতন্ত্ৰবাদ বা সমত্ববাদে মহাত্মা গান্ধীৰ বিকেন্দ্ৰীকৰণ নীতি সমখন নকৰে। তেওঁলোকে ভাবে যে কেন্দ্ৰীভূত শিল্পৰ প্ৰয়োজন আছে। কেন্দ্ৰীভূত শিল্পৰ মালিকানস্বত্ব কাৰ হাতত থাকিব সেই প্ৰশ্নলৈয়েই পুঁজিবাদ আৰু সমাজতন্ত্ৰৰ মাজত পাৰ্থক্য। সমাজতন্ত্ৰবাদে ভাবে যে সমাজেই সম্বীয়া ভাবে দেশৰ সকলো শিল্প আৰু সকলো সম্পদৰ অধিকাৰী হওক আৰু সমাজেই সেইভাবে সেইবিলাক নিয়ন্ত্ৰণ কৰক। পুঁজিবাদী সমাজত কেন্দ্ৰীভূত শিল্পৰ মালিকানস্বত্ব থাকে ব্যক্তিৰ হাতত। (*Voices*—আমি নহয় বুলি ভাবিছো) আনপক্ষে মহাত্মা গান্ধীৰ মতবাদ হৈছে যে কেন্দ্ৰীভূত শিল্পৰ অৰ্থ ডাঙৰ শিল্পই হৈছে শোষণ আৰু অসাম্যৰ কাৰণ। গতিকে গান্ধীবাদে বিচাৰে যে বিকেন্দ্ৰীকৰণ নীতি মতে সকলো শিল্প-সম্পদ বিক্ষিপ্তভাবে গঢ়ি তোলা হওক। কাজেই গান্ধীবাদ আৰু সমাজতন্ত্ৰবাদৰ মাজত এটা মূল পাৰ্থক্য আছে।

আজি আমি ভাৰতবৰ্ষত প্ৰকৃতপক্ষে গান্ধীবাদৰ ভেঁটিত সমাজ আৰু ৰাষ্ট্ৰ গঠন কৰিব খোজা হৈছে বুলি মই ভাবিব পৰা নাই। অৱশ্যে গান্ধীবাদৰ প্ৰতি যে আমাৰ এটা আকৰ্ষণ আছে সেইটো কোনেও অস্বীকাৰ কৰিব নোৱাৰে। তথাপি নিখুঁতভাৱে মহাত্মা গান্ধীৰ অহিংসা বা

বিকেন্দ্ৰীকৰণ নীতিৰ ওপৰত ভেটি কৰি ভাৰতবৰ্ষত আজি ৰাষ্ট্ৰ গঠনৰ চেষ্টা কৰা হৈছে বুলি কব নোৱাৰিব। অধুনিক যুগ শিল্প বা যুদ্ধ বিদ্যায় কাৰণে যি বিলাক সম্পদৰ প্ৰয়োজন সেই বিলাক আহৰণ কৰাৰ কথা আজি আমি ভাবিছো। আজিৰ জগতত ভাৰতবৰ্ষ যাতে এখন শক্তিশালী ৰাষ্ট্ৰ হ'ব আৰু যাতে সকলো দেশৰ লগত সমানে সকলো বিষয়তে পুৰ্ণতায়োগীতা কৰিব পাৰে তেনে চকু ৰাখিহে আমাৰ ৰাষ্ট্ৰ গঠনৰ বাবে আনন্দ কৰিব খোজা হৈছে। আমি যিমান দূৰ যাবলৈ আমাৰ মানসিকতাত ভাৰতবৰ্ষত তেনেকুৱা এখন ৰাষ্ট্ৰ স্থাপন কৰাৰ কথাকেই ভাবিছো। অৱশ্যে এই শাসন আইনৰ ভিতৰতও সমাজতন্ত্ৰবাদ পুৰ্ণতাৰে যো ৰাস্তা নাই এনে নহয়। যদি আমাৰ মানসিকতাত ভাৰতবৰ্ষত শাসন প্ৰণালীৰ ভিতৰেদি সমাজ ব্যৱস্থা পৰিবৰ্ত্তন কৰাৰ কথা ভাবো তেনেহলে এই আইনৰ ভিতৰতও অদূৰ ভবিষ্যতত হয়তো সমাজতন্ত্ৰবাদ পুৰ্ণতাৰে হ'ব পাৰে। শাসন পৰিষদক সকলো মনোভাৱ অনুমোদী এখন আইন তাৰ তাগব সক্ষমতাৰ ভিতৰত নিজীৱ হৈ ৰাখিব পাৰে বা বিপুলী কৰণ হৈ মানবস্থ হৈ পৰিব পাৰে। সমাজতন্ত্ৰবাদ পুৰ্ণতা কৰাত আইনে বাধা দিব পাৰে বুলি মই নাজানো। অৱশ্যে, প্ৰথমতেই আইনৰ বিধানৰ দ্বাৰা সংৰক্ষিত হ'ব আৰু শাসন প্ৰণালীত ব্যৱহাৰ কৰাৰ পুখা নাইকিয়া কৰাৰ কথা ভাবিব লাগিব। যদি ভবিষ্যতত ভাৰতীয় সকলৰ কাৰণে আত্মত্যাগ কৰ্মতা আৰু সংৰক্ষিত স্বত্ব নাইকিয়া কৰি পেলোৱা হয় তেন্তেই হ'লে এই আইনৰ ভিতৰেদিও ভাৰতবৰ্ষত সমাজতন্ত্ৰবাদ পুৰ্ণতা কৰিব পাৰিব আৰু তেন্তেই হ'লে প্ৰকৃততে ভাৰতবৰ্ষত গণতন্ত্ৰ পুৰ্ণতা হ'ব। মোৰ বিশ্বাস গণপৰিষদত ভাৰতীয় ৰাইজে তেওঁলোকৰ প্ৰতিনিধিৰ জৰিয়তে যি এখন শাসন আইন ৰচনা কৰিছে, ইচ্ছা কৰিলে তেওঁলোকে এই আইনখনক এনেভাবে কামত লগাব পাৰে যাৰ দ্বাৰা তেওঁলোকে ভাৰতবৰ্ষত প্ৰকৃত অৰ্থত গণতান্ত্ৰিক সমাজ পুৰ্ণতা কৰিব পাৰিব। অৱশ্যে এই শাসন আইনৰ আচনিও এনে কিছুমান প্ৰস্তাৱৰ অভাৱ দেখিছো যাৰ কাৰণে প্ৰকৃতপক্ষে ইয়াত সমাজতন্ত্ৰবাদ বা গাৰ্ছীবাদ স্থাপন কৰা কিমানদূৰ সম্ভৱপৰ হ'ব সেই সম্পৰ্কে সন্দেহ কৰিবৰ স্থল থাকিব পাৰে। সমাজতন্ত্ৰবাদ বা গাৰ্ছীবাদৰ বিৰুদ্ধে সমাজত যি বিলাক সৰ্ত্ত আছে তাক দূৰ কৰিবৰ ব্যৱস্থা এই আইনত নাথিৰ পৰা পলহেতেন। উদাহৰণ স্বৰূপে সংৰক্ষিত স্বত্ব অৱসানৰ বিধান আৰু বিকেন্দ্ৰীকৰণ নীতি মতে পঞ্চায়ত গঠনৰ বিধানো এই শাসন আইনৰ ভিতৰতে ৰাখিব পৰা হ'লহেতেন। এই শাসন আইনে পঞ্চায়ত গঠন কৰিবলৈ প্ৰাদেশিক আইন সভাক অধিকাৰ দিছে সচী। কিন্তু শাসনতন্ত্ৰৰ ভেটি হিচাপে পঞ্চায়ত ব্যৱস্থা থহন কৰা নাই। আমি আলোচনা কৰা প্ৰাদেশিক শাসন আইনতে পঞ্চায়তৰ কথা থকা হলে আমি আৰু বেচি শক্তি পালো হেতেন। এই শাসন আইনৰ ভিতৰতে পঞ্চায়ত গঠনৰ প্ৰস্তাব থকা হেতেন প্ৰাদেশিক আইন সভাৰ হাতত সেই ক্ষমতা অৰি দি নিশ্চিত থকাতকৈ বেচি ভাল হ'লহেতেন।

মই বিশ্বাস কৰো যে একমাত্ৰ বিকেন্দ্ৰীকৰণ নীতিৰে শক্তিশালী ৰাষ্ট্ৰ গঠন আৰু পৰিচালনা কৰা সম্ভৱ নহয়। বিক্ষিপ্ত ভাৱে ডাঙৰ আৰু মূল যুগ শিল্পৰ কৃতকাৰ্য্যতা সম্ভৱপৰ হ'ব নহয় সন্দেহ আছে। যুগ সভ্যতাৰ মূগত আজিৰ পৃথিবীত কোনো দেশেই ডাঙৰ যুগ শিল্প বাদ দিব নোৱাৰে। আন হাতেদি শাসন, শিল্প আৰু বাবসায়ৰ সকলো ক্ষেত্ৰতে কেন্দ্ৰীভূত ব্যৱস্থা প্ৰবৰ্ত্তন কৰিলে, দুৰ দুৰান্তৰত থকা সাধাৰণ ৰাইজৰ কাৰণে গণতন্ত্ৰ হয় নিৰখক। এনে অৱস্থা এফালে কেন্দ্ৰীভূত আৰু আনফালে বিকেন্দ্ৰীকৰণ শাসন ব্যৱস্থা এই দুটাৰ সামঞ্জস্য সাধন কৰিব পাৰিলেই সকলো প্ৰকাৰে মঙ্গল হয়। এই দুটাৰ সামঞ্জস্য সাধন কৰি ৰাছিয়াত ৰাষ্ট্ৰ পৰিচালনা কৰিবলৈ চেষ্টা কৰা হৈছে আৰু আমি দেখিছো সেই ৰকমে ৰাষ্ট্ৰ পৰিচালনা কৰাত তেওঁলোকৰ কৃতকাৰ্য্যও হৈছে। আমি যদি এফালে কেন্দ্ৰীভূত নীতিৰ দ্বাৰা শক্তি প্ৰয়োগ কৰো আৰু শাসনৰ সকলো কথা নিয়ন্ত্ৰণ কৰাৰ ব্যৱস্থা ৰাখো আৰু আন হাতে ৰাইজক নিজৰ ঠাইত নিজে কাম কৰিবলৈ সুবিধা দিব পাৰোঁ, মোৰ বোধেৰে সেইটোৱেই আটাইতকৈ ভাল ব্যৱস্থা হ'ব। এফালে কেন্দ্ৰীকৰণ আৰু আনফালে বিকেন্দ্ৰীকৰণ এই দুটাৰ সামঞ্জস্য সাধন কৰিব পাৰিলে নিশ্চয় এটা ডাঙৰ সমস্যা সমাধান হয়। মই আশা কৰো গণপৰিষদে এই ফাললৈ চাই এটা ব্যৱস্থা কৰিব আৰু তেতিয়া হলে আমি এখন লেখত ল'ব লগীয়া ৰাষ্ট্ৰৰ কাৰ্য্যকৰী আচনি পাম।

The Hon'ble the SPEAKER: Any other hon. Member taking part on this important item ?

(After a pause).

Then what is the idea ? Should we have a suggestion that we should leave it as such ?

The Hon'ble Srijut GOPINATH BARDOLOI: I think, we should leave it as such.

The Hon'ble the SPEAKER: In Britain there are local institutions which really support the democracy, but here we have not got those local institutions of intelligent groups to support these exotic growths.

The Hon'ble Srijut GOPINATH BARDOLOI: That is why we shall have to be experienced in all this art, and in order to bring them into existence provision has been already made in clause 7, so that people learn to run these local administration in a similar way with those in Britain.

The Hon'ble the SPEAKER: Is it the idea that we should leave it as such, or what ?

Mr. HARENDRA NATH SARMA: It may go to records only.

The Hon'ble Srijut GOPINATH BARDOLOI: I think, Sir, it may be recorded in this way: that Mr. Sarma's view is that according to the present constitution the Gandhian ideal of Panchayat Raj is not possible.

The Hon'ble the SPEAKER: Not possible ?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not say that it is not possible. I think, it may be possible after some length of time.

Srijut SIDDHI NATH SARMA: Mr. Bhagabati suggested, it should be in the constitution.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Bhagabati said, if I remember aright, that it should be possible even under the present constitution.

Srijut SIDDHI NATH SARMA: But why should we leave it to the Province ?

The Hon'ble Srijut GOPINATH BARDOLOI: Provincial matters are to be dealt with by the Province.

The Hon'ble the SPEAKER: Should there be a provision in the Model Constitution Act by which the Province will have power ?

Srijut SIDDHI NATH SARMA: Our constitution will be drafted and passed in the Constituent Assembly, so this may be included there.

The Hon'ble Srijut GOPINATH BARDOLOI: If the hon. Members sitting here now desire, they may do something today by legislation in this Legislature, and it is the intention of the Government to do something regarding this in the next Session.

Srijut SIDDHI NATH SARMA: It may be done. But there will be a different constitution for the Province of Assam in which this can be inserted or included.

The Hon'ble the SPEAKER: We have not got any contribution from the other Hon'ble Ministers. I am sure, they are not indifferent to the Model Constitution? Have they got any suggestion to make?

Mr. PRABHUDAYAL HIMATSINGKA: I feel, Sir, the constitution as framed keeps room for any kind of improvement that is desired to be introduced for the villages in the Province; the constitution as framed, gives power to the people. If it is the intention of the Provincial Legislature that power should be given to any group of villages or Panchayats or to any other institutions down below there is no bar in the constitution

The Hon'ble the SPEAKER: What power?

Mr. PRABHUDAYAL HIMATSINGKA: Power given for improving the living conditions in the villages, for good roads, for good drinking water, so that the villagers can devise means how to get plenty to eat and plenty to put on and so on. The Constitution does not provide for that, or what is needed. All people in the villages should be made to feel as to how they should utilise the power that is being given to them by the constitution. Even today there is no bar to village Panchayats being established and running and disposing of all the business that crops up in the villages. Supposing they establish Panchayat in the village which will settle disputes in villages, there is no bar to it. But what is happening is that the villages have been neglected by us all. Though we speak of villages, we do not devote any time for framing a Constitution which would work for the villages. Even at the present moment you see the Municipalities are there which if properly utilised can do a lot of good. They are self governing, but what do we find; Municipalities have to be taken over for certain defalcations or something like that. What is happening is that the power of the people is not properly utilised. In the constitution as suggested by the Constituent Assembly, the Legislature will have full power

I feel, Sir, Mr. Sarma's suggestion, if I have been able to follow him, is that a group of villages should elect their own head by direct election and that head or president would elect a Panchayat; these village Panchayats will vote for the district Panchayats and the district Panchayats will vote for the Provincial Panchayat. That, Sir, I think is the method of indirect election in place of the direct election that has been suggested in this Model Constitution. Mr. Sarma claims that his method will prevent moneyed men from coming in as they would in the direct election method. As far as I can see it, Sir, people can get in easier in this way; indeed, it will be easier for people to influence a smaller group of persons than when all the voters have to be taken together personally. In this direct election, a man must be in a position to influence every voter in order to be able to get in, but in the case of indirect election he has just to get in touch with or if I may say so, win over the head of the Panchayat which has been elected by direct voting in the villages. I do not think that this indirect election is any improvement on the method suggested here. If a person goes to any village, if he is rendering some service to the villagers, I don't think that it will be difficult for him to get in.....

The Hon'ble the SPEAKER: Then why do you want a Constitution?

Mr. PRABHUDAYAL HIMATSINGKA: A Constitution is required, Sir, because it gives powers to the Legislature. The Legislature can, according to clause 7 delegate its functions to be exercised in the villages by village Panchayats. There is no bar there. The only thing is that there are no Panchayats which are functioning. If we really have Panchayats that be functioning properly there is no bar for them being provided with power under the present draft constitution. Clause 7 says.—“The Executive authority of the Province shall be exercised by the Governor either directly or through officers subordinate to him, but this shall not prevent the Federal Parliament or the Provincial Legislature from conferring functions upon subordinate authorities, nor shall it be deemed to transfer to the Governor any functions conferred by any existing Indian Law on any court, judge or officer or local or other authority”—Now, supposing the Legislature says that certain affairs concerning a group of villages shall be done by the head of the Panchayat who is elected as such by that group of villages, there is no bar to that. Similarly, it can be provided that certain functions will be done by the village Panchayat, for example as regards quarrels, arbitration etc ; that can be allowed, provided the people agree to have their quarrels settled by the Panchayat—there is no bar to such thing being done under the present Constitution.

So, Sir, I feel that the suggestion that there should be indirect election, should not be made. There is nothing that cannot be done by the present Constitution.

So, I feel, Sir, that the Model Constitution of the Constituent Assembly, so far as Assam is concerned, should be accepted as there is nothing in this which prevents our suggestions being carried out if there are people who are willing to work and who can properly carry out the suggestions.

Srijut SIDDHI NATH SARMA: This question may be left to the Provincial Legislature to do it.

The Hon'ble Srijut GOPINATH BARDOLOI: But in every Province conditions change, and we must exercise only those powers that have been given to the Provincial Legislature.

Srijut SIDDHI NATH SARMA: In that case we will be moving along the beaten tract again, as adopted under the original Act—that would not be adding to the beauty of the Constitution.....

The Hon'ble Srijut GOPINATH BARDOLOI: But there is no Panchayat today. Supposing you provide certain functions to be exercised by the Panchayats, where are the Panchayats? Why this point is not understood before anything else is said?

The Hon'ble the SPEAKER: Next item No. 39 Clause No. 19—suggestion by Dr. Emran Husain Chaudhury.

Dr. EMRAN HUSAIN CHAUDHURY: Mr. Speaker, Sir, I am speaking on a very important, or should I say, vital matter concerning a very large section, an influential section of the population of every country of the world.

I hope the suggestions I am now going to present to the House will be accepted by the House and recommended for acceptance by the Constituent Assembly at the Centre.

It is known, Sir, that a new Constitution will soon be imposed upon us just as the Government of India Act, 1935, was thrust upon us—upon unwilling Indians. There is however a good deal of difference between the methods of granting the two Constitutions to the Country. In the framing of the Government of India Act, 1935, representative India had not a large share and in fact almost all the politicians and statesmen vehemently opposed the establishment of Federal Constitution in the Country. The new proposed Constitution will be the result of Indian brain and Indian skill. The Provincial Constitutions are a part of the Union Constitution now being hammered at Delhi in the midst of alarming news from certain parts of the Country. Unfortunately the Model Constitution now before us does not give us enough powers. It makes no provision for labour, universities and for women. I take up labour first.

Labour, as we all know, is a factor of production. In the production of a commodity labour has a very large and important share, according to Marxists, the whole share, with whom I do not agree, but when the question for the disbursement of dividends and profits is considered, labour is often forgotten or neglected. Sir, as all my hon. Friends know, labourers and workers form a very large section of the population of any country and as such some appreciable share must be given to labour in every Constitution. Unfortunately there is no special provision for labour in the Model Constitution now before us for consideration.

Sir, since the publication in 1931 of the Report of the Royal Commission on Labour much water has flowed down the Brahmaputra, but so many recommendations respecting the position of the labourers and workers have not been given effect to. In so many important matters the condition of the workers has not improved, for instance, in matters of housing, sanitation, wages, sickness benefits, anti-malarial measures, recreation, education, drinking water, employment of women and children, and in many such things, the condition of the workers have not been improved ever since the publication of the valued recommendations of the Whitley Commission. Sir, I do not wish to use extreme language when I condemn the activities of certain people who are concerned with the betterment and improvement of the conditions of the employees in the different industries in the country.

Here Sir, I propose, with your permission to read out for the information of this hon. House remarks made by certain experts on the labour condition on certain industries. In his Report on labour conditions in the Iron Ore Industry Mr. Adarkar says at page 23 :

“ Some of the quarters may be described as living dens unfit for human habitation. The employers stated that they had big programme of housing but that they were held up by the war. All the big Companies have their dispensaries and hospitals and treatment there is free....In particular, employment of children under 15, and of adolescents (between 15 and 17) without doctor's certificate, in contravention of the law is frequent ; no shelters are provided for miners ; adequate supply of fresh drinking water is not available ; and no abstract of the Mines Act are exhibited in vernacular languages in prominent places. Inspection of the mines leaves much to be desired. As regards the Workmen's Compensation Act, although the Companies observe the provisions, the same cannot be said of the contractors.....”

This much is so far as only one industry is concerned. Here is another remark by Mr. Adarkar in his Report on Labour Conditions in the Mica Mining and Mica Manufacturing Industry at page 67. This expert on Labour says: "The principle evils from the labour point of view which prevail in the mining and manufacturing sections of the industry may now be stated. In the case of mines, these arise mainly from insufficient enforcement of the Indian Mines Act, on the one hand, and the extremely inadequate attention which is paid to labour matters in the framing of the Act itself, on the other. Inspection of the mica mines is extremely inadequate probably due to the inadequacy of the inspecting staff itself. In the first place, the Inspector of Mines can ordinarily visit certain important areas only once in a year and he stays on for inspection for a few weeks. He has to notify mine-owners about his intention to visit. Some of the mines with which the Mining Inspectorate is concerned, naturally it cannot be expected to treat mica mining with any special degree of attention. Mica mining is extremely hazardous from the viewpoint of labour. Owing to the speculative nature of the industry, owners are not inclined to invest a sufficient amount of capital in widening shafts, providing lifts, etc. as is done in coal mines. Mica mines are usually extremely unhealthy, dingy, damp, ill-ventilated and insufficiently lighted..." I do not wish to take the valuable time of the hon. Members by prolonging my speech but I should like to request the hon. Members also to refer to the Report submitted by Mr. Rege, I.C.S., in connection with his enquiry into conditions of Labour in Dockyards in India. He says in his Report at page 74 regarding housing: "Most of the chawls are deplorable and there is considerable congestion..." Sir, I am myself connected with the employees of the Railway Industry, but in this respect I do not want to say anything as there is not much time at my disposal. Yet I may mention that they too have many grievances.

Coming nearer home let me invite your attention to the Tea Industry. The Indian Tea Industry, as you know, Sir, supplies about 40 per cent. of the world's demand for tea. India is probably the largest tea producer in the world. Of the Indian tea Assam produces 60 per cent. Till recently, Rege says, there were as many as 1,128 tea gardens in Assam, and there were nearly over 1 million workers on the tea gardens, excluding some 7 or 8 lakhs workers on the *bustees*. Now excluding that part of Sylhet which has been united with Eastern Pakistan, *bhais* are nearly 1 million workers on tea gardens and about 6 lakhs are coolie *bhais* on the *bustees*. Here also I should like to refer to Mr. Rege's remarks on the conditions in which the coolies are living on the tea gardens which.....

The Hon'ble the SPEAKER: For the information of the hon. Member I want to say one thing. In the last Assembly Session we established a convention that we must not use the term "coolie".

Dr. EMRAN HUSAIN CHAUDHURY: I am thankful, to you, Sir, for reminding me of it and I may call them 'Mazdoors' instead. Here this expert says: "But there has been virtually no improvement in such important matters as cash wages, real freedom of movement and association, education and organisation of labour. Even in some of the matters mentioned above as showing improvement, there has been a deterioration during the war, e.g., in medical facilities, anti-malarial measures, housing, etc...." This is the position, Sir, of the Mazdoors. Let us now see how comfortably the owners and proprietors of tea gardens are placed. At page 12 of Mr. Rege's Report into conditions of Labour in Plantations in India we find: "The average pay of a manager is about Rs.800 to Rs. 1,000 per month, but he gets a substantial amount by way of commission which is usually 5 per cent. of the net profits. One Superintendent

of a big Company is said to have received £10,000 by way of commission alone in one of the pre-slump years....." That is the condition of the Mazdoor, and it is because of this that I have been compelled to bring all this to the notice of the hon. Members, and I trust they would accept the suggestions which I place before them that special provision should be made for labour in the next Constitution.

Sir, it is known that because of this indifferent attitude of the owners and capitalists that troubles arise in every country very frequently. This leads to bloody revolutions and *coup-de-etat* and industrial paralysis and unless some provision is made for labour in the next Constitution I can safely warn the different Provincial Governments in India and specially the Provincial Government of Assam that they will be faced with terrible trouble very shortly. I know how communists are organising the labour and I think they are justified in rousing the Mazdoors against their proprietors. I hope and trust Government will take this into consideration.

Now I turn to the question of the representation of the Universities. Before I speak on the representation of Universities may I be permitted hereby to congratulate Government for bringing up a Bill (and getting it passed into an Act) for the establishment of a University? Universities have certain special features not easily understandable to outsiders. University people appreciate University things better than non-University people. Therefore special provision for the representation of Universities is necessary all the more so as the English Constitution which has been so much imitated in the drafting of the present Constitution for India provides for separate representation of Universities. The practice dates from 1603 when, in response to prolonged demand, Oxford and Cambridge were given the privilege of returning 2 members each on the ground that they were affected by so many parliamentary enactments that they had a right to make themselves heard. At the same time Dublin was given a representative in the Irish House of Commons. This representative was later transferred to Westminster in 1801 when the Act of Union went into operation. Another representative was added in 1832. The Reform Act of 1867 gave more seats to Universities. One seat was given to London University, one to Glasgow and Aberdeen, one to Edinburgh and St. Andrews.

In 1918 there were 15 seats for Universities but after the setting up (1922) of the Irish Free State 3 seats were abolished. The present number of University representatives is 12.

It involves double representation on plural voting but in view of special features of Universities this has been conceded in the United Kingdom.

Why should not India do likewise?

As for women, they form half the population of any country in the world. They pay taxes as you or I do. They have contributed and still contributing in so many ways so much to the development and progress of a country. Special provision is necessary for women who understand their affairs better than we do. It may be true that in their unwisdom the women representatives in the Consenbly have surrendered their right but might have been themselves influenced to give up their sacred rights for which they had been clamouring so long. I am advocating the cause of the women in their own interests. I hope and trust women will appreciate the suggestion I have so earnestly made.

I know, Sir, the Hon'ble Premier will come out with some points to oppose my suggestion. I am prepared to defend my position and stick to the suggestion I have made.

Mrs. BONILY KHONGMEN: I rise to support the suggestion given by the hon. Dr. Emran Husain Chaudhury. I will give my reasons. My point is this that women in comparison with men are very backward here in India and specially in a Province like Assam. Of course, I do not say that there is dearth of

women of extraordinary type in respect of their ability and intelligence, but such ladies are very few and fewer still here in Assam. When competing with men women might have no chance of returning in the election and so they might be altogether excluded from the Legislature. In that case the position of women in free India will be worse than what it is now. So I would press that there ought to be special provision for special representation of women at least for some more years.

Mr. BINODE KUMAR J. SARWAN : I whole-heartedly support Dr. Husain in what he says regarding the representation of the Labour in the tea gardens. He has rightly said that there should be somebody to represent their cases in the Assembly, but here under Indian Constitution they are left out altogether. There should be special representation for Labour, University and Women. There should be some people in the Assembly from among them, from University, Labour and Women. Others will not be so competent to bring their cases in the Legislature; for instance women can only say correctly regarding the case of women and their requirements and Labour can represent labour for their requirements and for what they suffered in so many ways.

The Hon'ble the SPEAKER : The principle involved in our present discussion is whether in the case of adult suffrage we should have special Constituencies.

Mr. BINODE KUMAR J. SARWAN : I am afraid, there will be no reservation of seats in this Legislature and in the election a University representative or a Labour or a woman may not be elected.

The Hon'ble the SPEAKER : Why should there be reservation and why should there be special Constituency ?

Mr. BINODE KUMAR J. SARWAN : I think there should be some representation for women as well as Labour and University as in other parts of the civilised country. In the Gauhati University Bill there is a provision that the Chancellor can nominate some members from among University, women, etc.

The Hon'ble the SPEAKER : Why the University 'should have such representation' ?

Mr. BINODE KUMAR J. SARWAN : Because they will be competent to represent their cases adequately.

The Hon'ble the SPEAKER : Because they are competent they should get representation, and because labour is backward they should get representation ! Then, the reason for special representation for Universities, Labour and women according to this hon. Member is that Universities are forward, Labour backward and women fair (*laughter*).

Mr. HARENDRA NATH SARMA : Mr. Speaker, Sir, perhaps I was misunderstood by hon. Dr. Chaudhury when I interrupted him saying that the labour question is such that everyone of us in this House, the Government, the public outside and for the matter of that the world as a whole do understand the importance of labour at the present juncture, and he need not have taken 25 minutes to make us understand the utility and importance of labour. He delivered an oral thesis. At that time I am sorry I forgot for the time being that Dr. Chaudhury is a Doctor of Literature and I felt as if we were sitting in Class III

of a school (he is my class-friend). But now when I feel that he is a Doctor of Literature I fully realise that he cannot give up the habit of explaining matters except by a thesis (*laughter*).

Mr. J. S. HARDMAN: Mr. Speaker, Sir, I wish to make it quite clear that I take no offence at the remarks which have been made by Dr. Chaudhury and I recognise that he has been actuated by real sincerity. At the same time, Sir, I feel that there has been unfair comment that the Tea Industry is an inhumane employer of labour. He has referred, and very rightly referred, to certain remarks made in the Rege Committee's Report. Now, it is very easy to select certain passages from any publication and pick or pin-point certain phrases which are critical. I would request the hon. Members when considering the remarks made by Dr. Chaudhury, to take them first of all in their proper perspective, and the other reservation I would ask the hon. Members to make is that Mr. Rege held his enquiry at a time which was somewhat inopportune; inopportune for this reason that Assam was severely influenced by the impact of world events. A serious struggle for civilization was going on a few miles beyond the borders of this Province and mal-nutrition affected not merely the labourers employed in the tea gardens but also other inhabitants of this Province. We have every reason to believe that Mr. Rege visited the Province at a time when mal-nutrition had reached perhaps its lowest ebb.....

The Hon'ble the SPEAKER: Excuse me for intervening. Dr. Chaudhury was trying to establish his point for special constituencies for labour in this way: labour is backward and therefore special provision should be made for their adequate representation in the Legislative Assembly. In reply to that point, any discussion whether the condition of labour is good or bad is perhaps outside the scope.

Dr. EMRAN HUSAIN CHAUDHURY: On a point of personal explanation, Sir. I never used the term "inhumane employer" with reference to tea planters in Assam.

The Hon'ble the SPEAKER: Is it the contention of the hon. Member that the labourers are well-fed and well-looked after and therefore they should not have any special representation?

Mr. J. S. HARDMAN: Mr. Speaker, Sir, if you kindly allow me a minute or two I can elucidate my standpoint.

One of the contentions of Dr. Chaudhury's able speech was that the Tea Industry was not treating its employees at all fairly; the inference was also made that Government were unable to protect them and therefore they needed special representation. Sir, with that aspect of the case I am not concerned, but I contend that since certain allegations have been made against the Tea Industry, I am entitled to make certain remarks of a rebutting nature. As I was saying, the Rege Committee.....

The Hon'ble the SPEAKER: I am sorry, I shall not allow the hon. Member to discuss that; he is not entitled to do that. Now we are not within our scope to discuss whether the condition of labour is good or bad. If Mr. Hardman disputes the point made out by Dr. Chaudhury that the condition of labour is bad he will have ample opportunity to do so in future. What I want to stress is this: Dr. Chaudhury said that the condition of labour was bad, the labour was backward and therefore they should have special constituencies even if we have adult franchise. I can appreciate and allow discussion if it is the

hon. Member's point that notwithstanding the bad condition of labour they should not have any special representation, or in the alternative, the condition of labour is good and so they should not have it. That is the trend of discussion I shall allow. But as to whether the condition of labour is good or bad, that discussion by itself will be outside the scope of our present issue. The discussion centres round whether in the face of adult franchise we should have special constituencies for women, labour and Universities, and all the hon. Members enjoyed the speech of hon. Mr. Sarwan who said succinctly that they should have special constituency because labour was backward, Universities forward and women fair.

Mr. J. S. HARDMAN: I do not wish to pursue my argument in view of what you have said.

Mr. HARENDRA NATH SARMA: Mr. Speaker, Sir, with due respect I should say that under the Criminal Procedure Code also, although we cannot adduce any evidence as to the bad character of a man we can always do so as to his good character. Dr. Chaudhury has made certain allegations and hinted that the employers were responsible for the unsatisfactory conditions of labour and it should certainly be open for the employers to say what they have got to say.....

The Hon'ble the SPEAKER: I am sorry that even a lawyer of Mr. Sarma's standing has misunderstood me. Our discussion has to proceed in a relevant way. Now, we are discussing clause 19. In the note it is stated that there is no provision made for the special representation of labour, Universities and women. The point at issue is whether there should be special constituencies for them when there is universal adult franchise. Dr. Chaudhury said that labour should have it because they are backward and poor.

Mr. HARENDRA NATH SARMA: Mr. Hardman was simply developing his point when he was interrupted.

The Hon'ble the SPEAKER: Because I found that he was going outside the scope of the discussion.

The Hon'ble Srijut GOPINATH BARDOLOI: This is after all a question of reservation, Sir, about which we have discussed in connection with other reservations. So far as I am concerned in reference to these recommendations I could tell the hon. House that I was not a Member of the Minorities Committee who adopted these recommendation for the Advisory Committee who in turn have submitted them already to the Constituent Assembly for consideration. The surprise of all surprises that came to me in the Advisory Committee was that ladies themselves about whom the hon. Member is moving this Motion, was most vehement in not having any kind of reservation not only for themselves but for any special constituencies.

The Hon'ble the SPEAKER: But what about our poor Assamese women?

The Hon'ble Srijut GOPINATH BARDOLOI: I am personally disposed to think that they will hold their own. But there are surely certain arguments on account of which this attitude was adopted by the ladies. There are adequate reasons for not wanting any reservation. Let us assume that there are reservations and that reservation for the labourers, who as my hon. Friend on

the Opposite has said from a large proportion of the population, should be according to their population. It would only mean that in a House of 80 Members only 6 or 7 people will be represented. What is the effect of that, unless these 6 or 7 people work together with others to create a majority in their favour and for their benefit? That representation does not help them at all. On the other hand, let us take the instance of Labour Government of England. I think there are no seats reserved for labour at all in the British Constitution, but at the same time, we find that it is the Labour Government who are ruling to-day. The main point that is to be considered is that whether in a democratic rule it is possible to achieve any desirable object unless the social mind itself develops in such a way by which the good that we want to achieve are felt by the social mind. Therefore however much these reservations may be there these objects will not be achieved. On the other hand, you complicate the whole problem. We bring about a reaction in the minds of people, a kind of isolation in terms of communities. This cannot allow the development of the entire social mind in the channel of good for all. If labour is a big problem as I believe it is, it is expected that all healthy parties in the body politic, will have welfare of labour as an important item in their election manifesto and party programme, so that when the party comes to power they would act according to manifesto. Therefore, it is not by reservation that the object that has been sought to be achieved by my hon. Friends will be achieved. On the other hand, when you specially take into consideration an important fact which has been pointed by the Hon'ble Speaker, *viz.*, that we shall have the adult suffrage, I feel that the women, at any rate, have nothing to fear. They are actually the half of the electorates and if they want to think in terms of sex only, they could actually have half of the seats. But I hope nobody is thinking in that line.

The Hon'ble the SPEAKER: You say only half but they are better halves.

The Hon'ble Srijut GOPINATH BARDOLOI: I quite agree, Sir. All that I say is that the future state will be run under certain political and sociological principles and whoever can catch the imagination of the electors with the principle and also with the sincerity of purpose that they will be able to work out that programme, will actually have the power to govern. It is, I suppose, from this point of view that the ladies, at any rate, of the Constituent Assembly felt and should I say influenced the whole number of Members. That is by way of information. I have personally felt that these few reservation will do no good.

The Hon'ble the SPEAKER: The other point raised was about University.

The Hon'ble Srijut GOPINATH BARDOLOI: The University in other places have been treated differently; possibly the idea was by functional representation the Upper House might have some Members from the University but as Assam will have only one House, I think, we will not have the benefit of that kind of representation. Still as I said it is for the House to point it out to the Drafting Committee.

The Hon'ble the SPEAKER: It is conceivable for women and labour but not so with regard to University which will also have to approach other members just to ventilate its difficulties and grievances. Would it not be better if the University has a member?

The Hon'ble Srijut GOPINATH BARDOLOI: It would mean nothing else than to honour the University. After all, if the social mind is not out for improving the University it cannot do anything by getting a membership. Certain institutions are honoured by giving membership and nothing else.

Dr. EMRAN HUSAIN CHAUDHURY: Mr. Speaker, Sir

The Hon'ble the SPEAKER: It is 7 minutes past four and you took the bulk of the time.

Dr. EMRAN HUSAIN CHAUDHURY: I will take only five minutes, Sir

The Hon'ble the SPEAKER: Will it stand over for another occasion?

(Voices: Let us finish)

The Hon'ble the SPEAKER: What is the point you want to say?

Dr. EMRAN HUSAIN CHAUDHURY: Sir, the Hon'ble Prime Minister said when adult franchise has been established there is no point in giving special consideration to labour and also to University. In England, Oxford, Cambridge and other Universities which are affected by the Acts of Parliament, they wanted to be heard through their representatives and consequently some seats were granted to the Universities. England is far more advanced in so many respects than India and yet England enjoys this double representation.

The Hon'ble the SPEAKER: Suppose, we have members like, say, Dr. Emran Husain Chaudhury in the Legislature, in that case why should the University have any special representation?

Dr. EMRAN HUSAIN CHAUDHURY: You have just supposed, Sir, I may not be returned next time. Muslims are only 4.5 per cent. of the total population of the Sibzagar District.

The Hon'ble the SPEAKER: Is it the sense of the House that the clauses remain as they are. *(Voices: Yes.)*

Adjournment

The Assembly was then adjourned till 11 A.M., on Wednesday, the 17th September, 1947.

SHILLONG:
The 8th December, 1947.

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