



**Proceedings of the Third Session of the Assam Legislative  
Assembly assembled after the first General Election  
under the Sovereign Democratic Republican  
Constitution of India**

The Assembly met in the Assembly Chamber, Shillong, at  
10 A. M., on Tuesday, the 7th April, 1953.

PRESENT

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, the ten  
Ministers, the two Deputy Ministers, one Parliamentary Secretary  
and seventy-seven Members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given)

**Number of dacoities reported in the Dhubri-Pakistan border**

**Jonab TAMIZUDDIN PRADHANI** asked :

\*192. Will the Minister-in-charge of Home Department be  
pleased to state—

- (a) How many cases of dacoities have been reported  
in the Dhubri-Pakistan border in 1952 and 1953 ?
- (b) How many cases have been detected and how many  
persons have been convicted in this connection ?
- (c) What steps Government have taken to fight these  
measures in the border area ?

**Shri BISHNURAM MEDHI (Chief Minister)** replied :

						Dacoities reported
192. (a)—1952	...	...	...	...	...	3
1953	...	...	...	...	...	3

				Cases detected	Persons convicted
(b)—1952	...	...	...	1 (One)	None.
1953	...	...	...	Nil	Does not arise.

- (c)—*Proper Security measures taken are:—*
- (1) Regular Patrolling by Border Police.
  - (2) Regular Patrolling by River Police.
  - (3) Raising of Village Defence Parties in border  
areas.
  - (4) Lodging protest with Pakistan authorities.

**Maulavi MUHAMMAD UMARUDDIN:** Have Government received any complaint about inaction and negligence on the part of local officers to take prompt action for investigation and detection of cases?

**Shri BISHNURAM MEDHI (Chief Minister):** I have not received any representation.

**Maulavi MUHAMMAD UMARUDDIN:** Are Government aware of the fact that cases involving dacoities etc., are not supervised by superior officers as it is required under the rules?

**Shri BISHNURAM MEDHI (Chief Minister):** Superior officers include Inspectors, Additional Superintendent of Police and Superintendent of Police. Unless, particular case is referred to by the hon. Member, I cannot give him the information whether any case was not supervised by superior officers as alleged by him.

**Maulavi MUHAMMAD UMARUDDIN:** But is it a fact that cases involving dacoities with murders are not regularly supervised by superior officers as required under the rules?

**Shri BISHNURAM MEDHI (Chief Minister):** It is not correct, Sir.

#### **Threat of Sadiya Town by river Dibang**

**Shri HARIHAR CHOUDHURY** asked :

\*193. (a) Are Government aware that river Dibang is causing serious threat to the very existence of Sadiya Town and all protective measures to save the town have failed?

(b) If so, do Government propose to remove the State Government offices and buildings from Sadiya to a safer place?

**Shri SIDDHINATH SARMA (Minister)** replied :

193. (a)—Yes.

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

**Maulavi MUHAMMAD UMARUDDIN :** Is it a fact that the Government of India have decided to remove all the buildings from Sadiya?

**Shri BISHNURAM MEDHI (Chief Minister):** Yes, the Government of India has, irrespective of the fact of flood, considered it desirable to take the headquarters further to the interior of the Hills and in pursuance of that policy the buildings are gradually being removed.

**Maulavi MUHAMMAD UMARUDDIN :** How many buildings of the State Government have been removed from that site?

**Shri BISHNURAM MEDHI (Chief Minister):** Government as a matter of fact do not remove any building unless it is necessary to save it from erosion by flood.

**Maulavi MUHAMMAD UMARUDDIN :** How many buildings of the State Government have been removed from that site already?

**Shri BISHNURAM MEDHI (Chief Minister) :** We want particular notice of this Question. But we will not allow any building to be lost. As soon as there is apprehension that any building is likely to be washed away by floods, we take steps to remove that building.

**Maulavi MUHAMMAD UMARUDDIN :** May I know whether any building has been washed away by floods?

**Shri BISHNURAM MEDHI (Chief Minister) :** I want definite notice of this Question.

**Shri SARVESWAR BORUWA :** What steps were taken by Government to protect the town?

**Shri BISHNURAM MEDHI (Chief Minister) :** The expert opinion is that it may be sheer wastage of money if steps are taken to divert the course of the river. The Government of India have decided to remove the headquarters to Teju.

**Shri JADAV CHANDRA KHAKHLARI :** চাপাঝোড়টোৱে নিয়াৰ কিবা বিবেচনা কৰিছেনে?

**Shri BISHNURAM MEDHI (Chief Minister) :** কলৈ নিব পাৰি, কোন ঠাইলৈ নিলে সুবিধা হ'ব, বাঢ়ী-বাট কোন ফালে কৰিব পাৰি—সেই সম্বন্ধে তদন্ত কৰিবলৈ স্থানীয় অফিচাৰক (Local officer) ভাৰ দিয়া হৈছে।

**Md. Tayab Ali of Sootea Aided High School**

**Shri HARESWAR GOSWAMI** asked :

\*194. Will the Education Minister be pleased to state—

- (a) The reason for dismissing Md. Tayab Ali from the Sootea Aided High School in Tezpur Subdivision?
- (b) Is it a fact that the Managing Committee passed a resolution asking for his reinstatement?
- (c) Is it a fact that Shri Gobinda Chandra Barua, General Secretary, Aided High School Teachers Conference addressed a letter to the Chief Secretary on 4th December, 1952 demanding Tayab Ali's unconditional reinstatement?

**Shri OMEO KUMAR DAS (Minister)** replied :

194. (a)—He resigned and therefore the question of his dismissal does not arise.

(b)—Yes.

(c)—Yes.

**Shri HARESWAR GOSWAMI :** Will the Minister be pleased to state when did he resign?

**Shri OMEO KUMAR DAS (Minister) :** Sir, he was not dismissed. He along with others numbering about 500 persons resorted to Satyagraha and kept himself absent from School and that is why he resigned from the post.

**Shri SARJU PRASAD SINGH:** Whether he was made to resign ?

**Shri OMEO KUMAR DAS (Minister) :** No, that is not a fact.

**Shri HARESWAR GOSWAMI :** What is the date of his resignation ?

**Shri OMEO KUMAR DAS (Minister) :** It was in the second week of February, 1951.

**Shri HARESWAR GOSWAMI :** When this Satyagraha was conducted ?

**Shri OMEO KUMAR DAS (Minister) :** About that time.

#### The Indian Pharmacy Act—Compounders

**Shri RADHIKA RAM DAS** asked :

\*195. (a) Will Government be pleased to state when the Indian Pharmacy Act of 1948 was brought into force in Assam ?

(b) Has the Collegiate training course of Pharmacy been given to the Compounders attached to the Dibrugarh Medical College ?

(c) If not, why ?

(d) If so, when ?

(e) Do Government propose to start refresher course of Pharmacists to the existing registered compounders for training them in the modern advanced course of Pharmacy ?

\*196. Do Government propose to revise the pay scale of the registered compounders in consideration of the fact that they have no better future prospect and that theirs is a technical subject ?

**Shri RUPNATH BRAHMA (Minister)** replied :

195. (a)—On 3rd December, 1948.

(b)—No.

(c) & (d)—The present course of training of Compounders cannot be abolished till a suitable curriculum acceptable to the Pharmacy Council of India is available and till suitable arrangements are made to give effect to it.

(e)—A refresher course for the Compounders under Government employ will be arranged, if and when, considered necessary.

196.—No. Government is not at present in a position to take up the question of revision of existing pay scale of Compounders. The pay scales of all State Government employees were revised only in 1948.

**Shri RADHIKA RAM DAS :** May I know, Sir, whether there is any proposal to take up the training course of Pharmacy ?

**Shri RUPNATH BRAHMA (Minister) :** There is a proposal for improving the training and this is engaging the attention of the Government.

# Revenue paid by the Steamer Companies for use of Ghats in Assam

**Shri HARESWAR GOSWAMI** asked :

\*197. Will Government be pleased to state—

- (a) Whether the R. S. N. and I. G. N. Co., and other Steamer Companies pay any revenue for the use of Ghats in Assam and if so, what revenue do they pay annually for each Ghat ?
- (b) Who settles these Ghats with the Steamer Companies?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** replied :

197.(a)—Yes. A statement showing the revenue paid by Steamer Companies for different Ghats in Assam is given below.

*Statement showing the amount of revenue paid annually by the Steamer Companies for use of different Ghats in Assam as mooring fees*

Name of the ghat			Amount paid per annum	
			Rs.	
1. Karimganj	...	...	...	2,000
2. Goalpara	...	...	...	400
3. Dhubri	...	...	...	1,200
4. Gauhati	...	...	...	1,600
5. Tezpur	...	...	...	1,000

per annum paid by River Steam Navigation and India General Navigation Company, and Rs.2 per diem per vessel by other companies.

(b)—Municipal Boards.

**Shri HARESWAR GOSWAMI** : In the statement I find mention of only five Ghats. Do not the Steamer Companies pay any revenue for other Ghats which are also used by them ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : Government have no information that other Ghats are also used by the Steamer Companies.

**Shri HARESWAR GOSWAMI** : Is it not a fact that the Pandu Ghat is used by the R.S.N. and I.G.N. Co. ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** Pandu Ghat is not within the Municipal Board.

**Shri HARESWAR GOSWAMI :** Is it the contention of the Hon'ble Minister that for using other Ghats, which are not within the jurisdiction of the Municipal Boards, no revenue is to be paid ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** I want notice of this Question, Sir. The Question was with regard to Ghats of Municipal Boards.

**Shri HARESWAR GOSWAMI :** No, Sir. Question 197 (a) states "Whether the R.S.N. and I.G.N. Co., and other Steamer Companies pay any revenue for the use of Ghats in Assam and if so, what revenue do they pay annually for each Ghats"? I did not confine my Question to the Municipal Ghats only.

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** As I have said, Sir, Government have no information.

**Shri HARESWAR GOSWAMI :** Are they allowed to moor their steamers without paying any revenue ?

**Shri BISHNURAM MEDHI (Chief Minister) :** Sir, the position is this: The Local Boards have been instructed that if they want to impose any mooring tax they can come up to the Government for approval. And, Sir, we always give approval to such proposals. The Pandu Ghat is within the Local Board of Gauhati and I do not think we received any proposal from the Gauhati Local Board as yet. I may mention in this connection that a proposal came recently from the Tezpur Local Board which has already been approved by the Government. We have left this matter entirely to the Local Boards.

Secondly, Sir in Pandu some areas have been allotted to the Railway, and I do not know whether any revenue is paid to the Railway for plying the ferry.

**Shri HARESWAR GOSWAMI :** What about the Palashbari Ghat ?

**Shri BISHNURAM MEDHI (Chief Minister):** That is a matter for the Local Board to take up. Sir, we want the local bodies to develop in their own way and as a democratic Government we do not like to interfere with their working.

**Shri HARESWAR GOSWAMI :** Is there any provision in Local Self-Government Act to tax the Steamer Companies for this purpose ?

**Shri BISHNURAM MEDHI (Chief Minister) :** Yes, Sir, the local bodies can levy mooring tax with the approval of the Government.

**Shri HARESWAR GOSWAMI :** I have gone through the Local Self-Government Act, but I did not find any such provision. It is only in the new Act that provision has been made to impose mooring tax.

**Shri BISHNURAM MEDHI (Chief Minister):** I think there is a provision in the old Act also as we have recently given approval to the proposal of the Tezpur Local Board.

**Shri HARESWAR GOSWAMI :** Will Government issue instructions to the Local Boards to tax the Steamer Companies for mooring the steamers in the Local Board Ghats ?

**Shri BISHNURAM MEDHI (Chief Minister) :** We expect that the representatives of the Local Board will exercise their discretion and due vigilance in these matters.

**Shri HARESWAR GOSWAMI :** But will Government also express their opinion on this matter to the Local Boards ?

**Shri BISHNURAM MEDHI (Chief Minister) :** I do not think it is necessary as we have given our approval to the proposals which we received.

**Shri RANENDRA MOHAN DAS :** What happened to the Pandu Ghat all these years ?

**Mr. SPEAKER :** The present Government are not responsible for this.

**Raja AJIT NARAYAN DEB of Sidli :** The Hon'ble Chief Minister said that the Tezpur Local Board recently approached Government with a proposal to levy mooring tax. But from the statement I find that a sum of Rs.1,000 per annum is being paid by the R.S.N. and I.G.N. Co.

**Mr. SPEAKER :** The statement relates to the Municipal Ghats. This time, of course, the Ghat has been shifted outside the Municipality.

### UNSTARRED QUESTIONS

(To which answers were laid on the table)

**Corrugated Iron Sheets supplied to Mangaldai Subdivision during the last three years**

**Shri DANDIRAM DUTTA** asked :

160. Will Government be pleased to state—

(a) The number of bundles of Corrugated Iron Sheets supplied to Mangaldai Subdivision year by year during the last three years, viz., 1950, 1951 and 1952 ?

- (b) Whether it is a fact that one Siba Prasad Sarmah of Mangaldai got a permit for 40 bundles of Corrugated Iron Sheets in the month of November and December, 1952 ?
- (c) How many bundles of Corrugated Iron Sheets were allotted to Messrs. Mangaldai Motor Transport Company up to 1952 since Corrugated Iron Sheets were controlled ?
- (d) Whether it is a fact that the Central Excise Department at Mangaldai has been recently given a quantity of Corrugated Iron Sheets ?
- (e) If so, how much, and what for ?
- (f) Whether the present sanctioned quota of Corrugated Iron Sheets can meet the requirement of the people of Mangaldai ?
- (g) If not, whether Government propose to raise the quota to the level of other Subdivision ?

**Shri BAIDYANATH MOOKERJEE (Minister)** replied :

160.	(a)—1950	...	...	...	...	778	Bundles.
	1951	...	...	...	...	216	"
	1952	...	...	...	...	1,473	"

(b)—Yes. In November 1952.

(c)—19½ Bundles.

(d) & (e)—Yes. A permit for 8 bundles of Corrugated Iron Sheets was issued to Shri A. N. Roy, Superintendent of Central Excise, Mangaldai for his residential quarters.

(f)—No. The periodical allotments received from the Government of India have always been inadequate to meet the demands of the entire State in full not to speak of Mangaldai alone, and this Government have already taken up the matter with the Government of India for increased allotments.

(g)—Mangaldai is getting the due share along with other Subdivisions from the allotments received and as such the question of raising quota does not arise.

**Shri DANDIRAM DUTTA:** এজন মানুহকে ৪০ বান্দিল টিন দিয়াৰ অথ কি ?

**Shri BAIDYANATH MOOKERJEE (Minister):** These 40 bundles of C. I. Sheets were given in the month of November for making Government Officers' quarters and an undertaking was obtained from the permit-holder to that effect.

**Shri DANDIRAM DUTTA:** Government quarter গভার্নমেন্ট কোয়ার্টার ব্যবহার করা হৈছিলনে কি ?

**Shri BAIDYANATH MOOKERJEE (Minister):** They will be used for constructing Government Officers' quarters and on that definite understanding the C. I. Sheets were allotted.

**Shri DANDIRAM DUTTA:** এই ব্যবস্থাত আন কোনো মানুষক দিয়া হৈছিলনে ?

**Shri BAIDYANATH MOOKERJEE (Minister):** I do not know whether any one else approached the Government for a similar purpose. This was a quota meant for the use of Government; as Government could not build houses for the Government Officers and when the applicant gave an offer that he was ready to build houses for the Government Officers provided he got C. I. Sheets, the offer was accepted. Accordingly, on the recommendation of the Subdivisional Officer, Mangaldai, C. I. Sheets were given to the gentleman concerned. I have already said, Sir that he also gave an undertaking to the S. D. O. to that effect.

**Shri RANENDRA MOHAN DAS:** When was that permit given ?

**Shri BAIDYANATH MOOKERJEE (Minister):** I would ask the hon. Member to go through the answer carefully. The reply is there.

**Shri RANENDRA MOHAN DAS:** May I know whether the C. I. Sheets have been utilised for the purpose for which they were given ?

**Shri BAIDYANATH MOOKERJEE (Minister):** That I have already replied to. Hon. Member did not care either to read or to hear.

**Shri DANDIRAM DUTTA:** আন কোনো মানুষে যদি আবেদন কবে তেতিয়া দিয়া হবনে নহয় ?

**Shri BAIDYANATH MOOKERJEE (Minister):** Consider করা হব কিন্তু দিয়া হয়নে নহয় কব নোরাবো ।

(A Voice : Is he a Congressman ?)

**Mr. SPEAKER:** One should not ask such Question.

**Shri BAIDYANATH MOOKERJEE (Minister):** Yes, he is a Congressman. What is the earthly relevancy ?

**Shri DANDIRAM DUTTA:** নির্বাচনত ভোটাবক দিবৰ কাৰণে এই টিন দিয়া হয়নে নহয় ?

**Shri BAIDYANATH MOOKERJEE (Minister):** This is an absolutely false and malicious suggestion.

**Shri DANDIRAM DUTTA:** এই টিন তেওঁৰ ঘৰত আছেনে নাই ?

**Shri BAIDYANATH MOOKERJEE (Minister):** তেখেতে এতিয়া টিনপাত ক'ত ৰাখিছে মই কব নোৱাৰো।

**Shri DANDIRAM DUTTA:** গভৰ্ণমেন্টে এতিয়া তাৰ অনুসন্ধান কৰিবনে ?

**Shri BAIDYANATH MOOKERJEE (Minister):** এতিয়া ক'ব নহব।

**Mr. SPEAKER:** If it is misused ?

**Shri BISHNURAM MEDHI (Chief Minister):** If the hon. Member makes a written allegation that it has been misused, we shall certainly enquire.

**Shri BAIDYANATH MOOKERJEE (Minister):** We allowed him a certain period of time by which the houses should be built. If that is not done, even without any allegations received from my Friend, Government will make necessary enquiries. It is the duty of the S. D. O. concerned.

**Shri DANDIRAM DUTTA:** Permit issue ক'ব এতিয়ালৈকে কেই-মাহ হল ?

**Shri BAIDYANATH MOOKERJEE (Minister):** নভেম্বৰ মাহৰ পৰা হিচাব কৰিলে এই questionৰ reply পোৱা যাব।

**Shri DANDIRAM DUTTA:** Regarding question No. 160 (d) তেখেতৰ মন্তব্যদেও নিজৰ মাটি আছেনে কি ?

**Shri BAIDYANATH MOOKERJEE (Minister):** মই কব নোৱাৰো; ইয়াৰ answerৰ কাৰণে মোক নোটিশ লাগে।

**Shri DANDIRAM DUTTA:** তেখেত তাৰ বাসিন্দা হয়নে নহয় ?

**Shri BAIDYANATH MOOKERJEE (Minister):** মই কব নোৱাৰো।

#### Head Assistants and other Assistants of the Civil Surgeons' offices in the districts

**Shri HARESWAR GOSWAMI** asked :

161. Will Government be pleased to state—

(a) What are the scales of pay of the Head Assistants and other office Assistants of the Civil Surgeons' offices in the districts of Assam ?

(b) What are the corresponding scales of pay in the case of Head Assistants and Upper Division and Lower Division Assistants in the case of Deputy Commissioners' offices ?

(c) Are there any Upper Division Assistants in the Civil Surgeons' offices ?

(d) If not, what is the avenue of promotion of the Lower Division Assistants ?

- (e) What is the total number of Head Assistants in Civil Surgeons' offices ?
- (f) Whether Government received any representation from these Assistants through the Inspector General of Civil Hospitals in May, 1951 ?
- (g) If so, what action has been taken on the matter ?

**Shri RUPNATH BRAHMA (Minister)** replied :

161. (a)—Head Assistant—Rs.100—5—150 per mensem.

Lower Division Assistant—Rs.50—3—80—(E.B.)—4—100 per mensem.

(b)—Head Assistant—Rs.175—5—200 per mensem.

Upper Division Assistant—Rs.100—5—150 per mensem.

Lower Division Assistant—Rs.50—3—80—(E.B.)—4—100 per mensem.

(c)—No.

(d)—To Head Assistant.

(e)—12 (twelve).

(f)—Yes.

(g)—After taking into account the old and revised scale of pay Government did not consider any action necessary.

**Shri HARESWAR GOSWAMI:** What is the reason for this disparity in the scales of pay of the Head Assistant of the Civil Surgeon's office and the Head Assistant of the Deputy Commissioner's office ?

**Shri BISHNURAM MEDHI (Chief Minister):** I do not think any question of disparity arises as these pay scales were fixed on the recommendation of the Pay Committee.

**Shri HARESWAR GOSWAMI:** There is a clear disparity because the Head Assistant of the Civil Surgeon's office gets a scale of Rs. 100—5—150 per mensem while the Head Assistant of the Deputy Commissioner's office gets Rs. 175—5—200 per mensem.

**Shri BISHNURAM MEDHI (Chief Minister):** That depends on the nature of duties. Definitely, the Deputy Commissioner's Head Assistant has to discharge greater responsibilities than the Head Assistant of the Civil Surgeon's office.

#### Pay of Compounders

**Shri HARESWAR GOSWAMI** asked :

162. Will the Medical Minister be pleased to state—

(a) What are the present scales of pay of the compounders (Pharmacists) ?

(b) Whether Government have lately received any resolution or representation for the revision of this scales of pay from the All Assam Provincial Compounders Conference ?

- (c) Whether Government proposes to revise this scale of pay ?
- (d) Whether it is a fact that the compounders are asked to take charge of a dispensary whenever a doctor is transferred or goes on short leave ?
- (e) If so, whether the incumbent is given any officiating or any other allowance in such eventuality ?
- (f) If not, why not ?
- (g) Whether Government propose to introduce collegiate training for compounders and if not, what are the reasons for not doing so ?
- (h) Whether Government propose to stop the apprentice system of compounders training and if not, what are the reasons for not doing so ?
- (i) Whether Government propose to redesignate the compounders as Pharmacists according to the Pharmacy Act, 1948 ?

**Shri RUPNATH BRAHMA (Minister)** replied :

162. (a)—Medical Department compounders' pay scales :—  
 Rs.40—2—70 per mensem.  
 Rs.70—3—85 per mensem (selection grade).  
 Public Health Department compounders' pay scales :—  
 Rs.40—2—60—(E.B.)—4—80 per mensem.
- (b)—Yes.
  - (c)—No.
  - (d)—No. When, however, no substitutes are immediately available compounders are allowed to serve stock mixtures only.
  - (e)—Does not arise.
  - (f)—Does not arise.
  - (g)—No, the question of replacing the present course of training will be taken up when a suitable curriculum is accepted by the Pharmacy Council of India and can be given effect to here.
  - (h)—The matter is under consideration.
  - (i)—This is being done.

**Shri HARESWAR GOSWAMI**: Is it not a fact that the Civil Surgeon is also the District Medical Officer ?

**Shri BISHNURAM MEDHI (Chief Minister)**: The responsibility of the District Officer is of different nature. The Head Assistant in the Deputy Commissioner's office has greater responsibility than that of the Head Assistant of the Civil Surgeon's office.

**Mr. SPEAKER**: The Head Assistant of the Deputy Commissioner's Office has to supervise the work of a larger number of Assistants whereas the Head Assistant in the Civil Surgeon's office might require to supervise the work of two or three Assistants only.

**Provincialisation of Local Board and Semi-Government dispensaries****Shri HARESWAR GOSWAMI** asked :

163. Will Government be pleased to state—

- (a) How many Local Board and Semi-Government dispensaries have been provincialised during the last ten years ?
- (b) What is the total number of compounders serving in these dispensaries ?
- (c) Whether any consideration was paid to the services they already rendered before provincialising these dispensaries at the time of fixing their pay scale ?

**Shri RUPNATH BRAHMA (Minister)** replied :

163. (a)—Six temporarily provincialised ; five Local Board Civil Hospitals and the R. P. Chest Hospital, Shillong. Besides these, the Ganesh Das Hospital for Women and Children was permanently provincialised.

(b)—22 (twenty-two).

(c)—Yes, by giving them the last pay drawn by them before provincialisation.

**Excise Commissioner's Office****Shri MAL CHANDRA PEGU** asked :

164. Will the Minister-in-charge of Excise be pleased to state—

- (a) In which year Sri Kunjalal Dewri and Srimati Lakshiprova Das were appointed as Lower Division Assistants in the Excise Commissioner's Office ?
- (b) Whether Shri Kunjalal Dewri is senior to the lady office Assistant, Srimati Lakshiprova Das, and if so, by how many months ?

165. Will Government be pleased to state on what basis and under what circumstances temporary post of the Lower Division Assistants in the Excise Commissioner's office are confirmed ?

**Rev. J. J. M. NICHOLS-ROY (Minister)** replied :

164. (a)—In 1951 against temporary posts.

(b)—Yes, by 20 days.

165. The question of confirmation does not arise in the case of temporary incumbents holding temporary posts.

**Shri MAL CHANDRA PEGU:** Whether the seniority is counted in confirming the temporary posts of Lower Division Assistants ?

**Rev. J. J. M. NICHOLS-ROY (Minister):** There is no question of confirmation in this case, Sir. In the case of temporary officers the question of confirmation does not arise. In the matter of confirmation the seniority is not alone the criterion. In such matter the suitability and the ability of the officer is taken into consideration.

**Shri MAL CHANDRA PEGU:** Is it a fact that Srimati Lakshiprova Das was confirmed in her post though she is much more junior to Sri Kunjalal Dewri ?

**Rev. J. J. M. NICHOLS-ROY (Minister):** She was confirmed in a vacancy—in a permanent post, because she was considered to be the best in question of suitability and ability.

**Proposal for creating Tribal Blocks in Lanka and Hojai of Nowgong District**

**Shri JOYBHADRA HAGJER** asked :

166. Will Government be pleased to state—

- (a) If there are proposals for creating Tribal blocks in Lanka and Hojai Mouzas of Nowgong District ?
- (b) If so, what and where are these blocks ?
- (c) Whether the proposals have since been implemented ; and
- (d) If not, when they will be given effect to ?

**Shri MOTIRAM BORA (Minister)** replied :

166. (a)—Yes.

(b)—The proposed blocks may contain—

1. *Kaki Tribal Block*.—comprising villages Kaki Lalunggaon, Kaki Kacharigaon, Kaki Lalunggaon N. C. and Kaki Kacharigaon N. C. of Lanka mauza.
2. *Kandura Tribal Block*.—Comprising villages Deng Borgaon N. C., Barkandura N. C. and Kandura N. C. of Lanka mauza.
3. *Laskarpathar Tribal Block*.—Comprising villages Laskarpathar N. C., Panchali N. C., Panchali N. C. No.2, and Tentupi N. C. of Lanka mauza.
4. *Khong khong basti Tribal Block*.—Comprising village Khong khong basti of Lanka mauza.

5. *Bardolong-Lankabheta Tribal Block*.—Comprising villages Kharikhana, Kharikhana N. C., Bordolong N. C., Ali Singa, Ali Singa N. C., Natun Ali Singa, Natun Ali Singa N. C., Chamboria N. C., Chamboria, Gariapathar, Gariapathar N. C., Nangalbhang, Nangalbhang N. C., Chingjuri N. C., Lankabheta, Lankabheta N. C., Panchbhandar N. C. and Punjabi basti of mouza Lanka.
6. *Jamuhandal Tribal Block*.—Comprising villages Jamuhandal and Jamuhandal N. C. of mouza Hojai.
7. *Dankigaon Tribal Block*.—Comprising village Dankigaon of mouza Hojai.
8. *Kacharigaon Tribal Block*.—Comprising village Kacharigaon of mouza Hojai.
9. *Kenduguri Tribal Block*.—Comprising villages Balirampathar, Solmari, Hayong basti, Hayonggaon, Wari Gedeng, Nabhang N. C., Tara-dubi N. C., Kenduguri, Kenduguri N. C., Nabhang and Kenduguri beel of Hojai mouza.
10. *Hobaipur Tribal Block*.—Comprising villages Uttar Komorakata N. C., Uttar Komorakata, Dakhin Komorakata N. C., Raikata N. C., Dighal-bali N. C. Hobaipur N. C., Milikbasti N. C., and Dariabasti N. C. of Hojai Mouza.

(c)—The proposals have not yet been finalised and accepted by Government.

d)—The proposals will be given effect to if and when accepted by Government.

### The Assam Criminal Law Amendment Bill, 1953

**Shri RAM NATH DAS (Minister):** Mr. Speaker, Sir, the Motion moved was for consideration of the Assam Criminal Law Amendment Bill, 1953. As you were pleased enough to say the other day that this House has the jurisdiction to pass a Bill which in due course will be applicable to autonomous districts by its own force. The Advocate-General in addition to the question of jurisdiction has also explained about the necessity of the provision that we have made in the Assam Criminal Law Amendment Bill, 1953.

Therefore, Sir, I do not think that I should say anything more except what I have said already.

With these words, I request the House to accept my Motion.

**Mr. SPEAKER:** The question is that the Assam Criminal Law Amendment Bill, 1953 be taken into consideration.

(The motion was adopted).

**Government Resolution for giving a non-recurring Grant of Rs. 2,500 to the newly established Ramkrishna Mission Hospital, Shillong.**

**Shri RUPNATH BRAHMA (Minister):** Mr. Speaker, Sir, on the recommendation of the Governor of Assam, I beg to move the following resolution :

“Whereas it becomes absolutely necessary for giving a non-recurring grant of Rs. 2,500 (Rupees two thousand and five hundred) only to the newly established Ram Krishna Mission Hospital at Laitumkrah, Shillong during the last part of the Financial year 1951-52 for the purchase of medicine and equipment on receipt of a prayer from the authorities of this hospital to the effect that the hospital could not be run if Government help is not forthcoming and whereas no provision was made in the Budget Estimates for 1952-53 for this purpose and as the demand for the grant is unforeseen, it has been decided to give the grant of Rs. 2,500 to the Ram Krishna Mission Hospital, Shillong from the balance amount of the grant of Rs. 3,50,000 earmarked for giving grant-in-aid to Local Board Dispensaries and Hospitals for high prices of medicine provided under the head “38—Medical—B—Hospitals and Dispensaries—(f)—Grants to Hospitals and Dispensaries—Grant for high prices of medicines in the Budget for 1952-53.”

As the approval of this House is necessary for the diversion of the amount, I therefore move that the diversion of the grant be approved by this House

**Mr. SPEAKER:** Resolution moved :

“Whereas it becomes absolutely necessary for giving a non-recurring grant of Rs. 2,500 (Rupees two thousand and five hundred) only to the newly established Ram Krishna Mission Hospital at Laitumkrah, Shillong during the last part of the Financial year 1951-52 for the purchase of medicine and equipment on receipt of a prayer from the authorities of this hospital to the effect that the hospital could not be run if Government help is not forthcoming and whereas no provision was made in the Budget Estimates for 1952-53 for this purpose and as the demand for the grant is unforeseen, it has been decided to give the grant of Rs. 2,500 to the Ram Krishna Mission Hospital, Shillong from the balance amount of the grant of Rs. 3,50,000 earmarked for giving grant-in-aid to Local Board Dispensaries and Hospitals for high prices of medicine provided under the head “38—Medical—B—Hospitals and Dispensaries—(f)—Grants to Hospitals and Dispensaries—Grant for high prices of medicines in the Budget for 1952-1953”.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I want to raise one question. After the Supplementary Grants for 1952-53 have been passed, I want to know the Constitutional

provision or any rules of the State Legislature that provides for bringing forward this Resolution. We find during the last session Supplementary Demands referring to the years 1952-53 were brought before this House. After those were passed, now this has been brought though it should have been brought forward at that time. In my opinion, Sir, it is most irregular, and unless the Hon'ble Minister-in-charge justifies his action by referring to the rules and appropriate Constitutional provisions, I would ask the House not to vote this Grant.

**Shri BISHNURAM MEDHI (Chief Minister):** Sir, I think there is some confusion in the minds of the hon. Member who has raised this objection. In this case, there is no prayer for a fresh demand, it is only a question of diversion of some money from one item to another. The grant in the demand amounted to Rs.3,50,000. Out of that money earmarked for the Local Board Dispensaries, we want to allot a sum of Rs.2,500 to the Ram Krishna Mission Hospital at Laitumkhrach, Shillong. That is only a diversion and we want the approval of the House to this diversion only.

**Maulavi MUHAMMAD UMARUDDIN:** Sir, even then it is an irregularity. Because the year has already elapsed; this has not been shown in the Supplementary Demand and as such no expenditure has been sanctioned. If the Government wants money, they can just meet it from the current Budget.

**Shri BISHNURAM MEDHI (Chief Minister):** Sir, the confusion is this. A certain amount, *i.e.*, Rs.3,50,000 were earmarked last year for giving grant-in-aid to the Local Boards Dispensaries and Hospitals for distribution of medicines. This amount was given from the Savings. So, it shows that the money was already given, this is only a re-appropriation for which the approval of the House is required. This is not a demand. This money has been included in that demand. This is just to divert the amount from one head to another.

**Shri RANENDRA MOHON DAS:** Sir, it has been said by the Chief Minister that it is a re-appropriation of the amount only. So far my information goes, the re-appropriation should be made during the financial year. So, my point is, whether this is a diversion or re-appropriation, it ought to have been made within the financial year. I am not opposing the Motion as a whole, because this is made for a noble cause. As the irregularity involved in the particular question, we are led to enquire about it. Also, we are informed from the outside that this particular grant was given to the Ram Krishna Mission Authority at the time of last General Election. We want a clarification whether it is a fact, and at what time this grant was given, and we want to know whether this grant was given to them at the time of the last General Election.

**Mr. SPEAKER:** Mr. Das, what is your objection ?

**Shri RANENDRA MOHON DAS:** I have no objection, Sir. But my point is this, if it is a re-appropriation or a diversion, this should be brought in the Supplementary Demand within the financial year.

**Shri RUPNATH BRAHMA (Minister):** Mr. Speaker, Sir. We have allotted this Grant from the amount that was earmarked for the Hospitals and Dispensaries under different Local Boards. It is only a diversion from the balance of the grant. For this we now seek the approval of the hon. House. This is not an un-precedented thing. This had been done in the past also. Therefore, Sir, I think, my Friend, Mr. Ranendra Mohon Das, should have no objection to this, as he knows that this Ram Krishna Mission Hospital has been doing humanitarian works to the public.

**Shri HARESWAR GOSWAMI:** Why was it not possible to bring the Motion before the financial year ?

**Shri BISHNURAM MEDHI (Chief Minister):** Sir, this is not necessary. We have taken the opinion of the Accountant-General regarding this. He says that for the diversion of amount from one head to another, the approval of the House can be taken at any time. The money has already been allotted. This is only a question of ratification by the House.

**Maulavi MUHAMMAD UMARUDDIN:** Is there any limitation ? Or whether it would be open to the House after 5 years.

**Shri BISHNURAM MEDHI (Chief Minister):** There is no limitation. Whenever any such diversion is necessary, Government moves the House for approval.

**Maulavi MUHAMMAD UMARUDDIN:** Is there any rule to that effect ?

**Mr. SPEAKER:** The Accountant-General has asked the Government to regularise the account. The Leader of the House has already pointed out this. I think, we are grateful to the Accountant-General.

The question is: "Whereas it becomes absolutely necessary for giving a non-recurring grant of Rs.2,500 (Rupees two thousand and five hundred) only to the newly established Ram Krishna Mission Hospital at Laitumkhrah, Shillong during the last part of the Financial Year 1951-52 for the purchase of medicine and equipment on receipt of a prayer from the authorities of this hospital to the effect that the hospital could not be run if Government help is

not forthcoming and whereas no provision was made in the Budget Estimates for 1952-53 for this purpose and as the demand for the grant is unforeseen, it has been decided to give the grant of Rs.2,500 to the Ram Krishna Mission Hospital, Shillong from the balance amount of the grant of Rs.3,50,000 earmarked for giving grant-in-aid to Local Board Dispensaries and Hospitals for high prices of medicine provided under the head '38—Medical—B—Hospitals and Dispensaries—(f)—Grants to Hospitals and Dispensaries—Grant for high prices of medicines' in the Budget for 1952-53".

(The Resolution was adopted).

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**Government Resolution for modification of the amendment of Article 81 of the Constitution proposed to be made by the Constitution (Second Amendment) Bill, 1952—as passed by the two Houses of Parliament**

**Shri RAM NATH DAS (Minister):** Mr. Speaker, Sir, I beg to move that this House ratifies the amendment of article 81 of the Constitution proposed to be made by the Constitution (Second Amendment) Bill, 1952 as passed by the two Houses of Parliament.

**Mr. SPEAKER:** Proposed to be made ?

**Shri RAM NATH DAS (Minister):** Yes, Sir.

The Bill reads like this :

“A Bill further to amend the Constitution of India.

Be it enacted by Parliament as follows :—

**1. Short title.**—This Act may be called the Constitution (Second Amendment) Act, 1952.

**2. Amendment of Article 81.**—In Sub-clause (b) of clause (1) of article 81 of the Constitution the words and figures ‘not less than one member for every 750,000 of the population and’ shall be omitted”.

This Bill seeks to amend the Constitution by amending the sub-clause (b) of clause (1) of article 81 of the Constitution which deals with the question of representation of States in the Parliament. The sub-clause as it stands now runs as follows:—

“ For the purpose of sub-clause (a), the States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one member for every 750,000 of the population and not more than one member for every 500,000 of the population.”

Sir, this amendment was passed by Parliament on 15th December, 1952 and by the Council of States on 19th December, 1952. As this amendment relates to representation of States in Parliament, so under the procedure laid down under article 368 of the Constitution the ratification by half of Part ‘A’ and Part ‘B’ States of the 1st Schedule, of the amendment proposed by this Bill, is necessary.

I think Sir, it will be better for me to read article 368—“ An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two thirds of the members of that House present and voting, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill :

Provided that if such amendment seeks to make any change in—

(a) article 54, article 55, article 73, article 162 or article 241, or

(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part IX, or

(c) any of the Lists in the Seventh Schedule, or

(d) the representation of States in Parliament, or

(e) the provisions of this article,

the amendment shall also require to be ratified by the Legislatures of not less than one half of the States specified in Parts A and B of the First Schedule by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent”.

Now, Sir, according to the provision made under article 368, I have brought this Resolution before the House for according approval to the amendment proposed to be made by the Constitution (Second Amendment) Bill, 1952 as the proposed amendment pertains to the representation of States in Parliament and as I have stated the reasons why this Resolution is to be approved by the House, so Sir, I don't think that I should say anything more with regard to this Resolution.

In the circumstances, Sir, I hope, the House will be pleased to approve the Resolution moved by me before the House.

**Mr. SPEAKER:** Resolution moved: “That this House ratifies the amendment of article 81 of the Constitution proposed to be made by the Constitution (Second Amendment) Bill, 1952, as passed by the two Houses of Parliament”.

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, we are to-day confronted with a very serious Resolution, it is a serious resolution because it seeks to amend our Constitution, and therefore in giving our approval or otherwise to it we must take into consideration all other things and consequences that may follow this Resolution. The Resolution seeks to amend article 81 of the Constitution.

Article 81 lays down—“(1) (a) Subject to the provisions of clause (2) and of articles 82 and 331, the House of the People shall consist of not more than 500 members directly elected by the voters in the States.

(b) For the purpose of sub-clause (a), the States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one member for every 750,000 of the population and not more than one member for every 500,000 of the population...”.

Sir, article 331 also lays down—“Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People”.

So, Sir, taking together articles 81 and 331, the House of the People should not have more than 500 members. In this connection, Sir, I shall read what Shri C. C. Biswas said at the time of moving the amendment to article 81 of the Constitution—"...I shall repeat what I said earlier. Bombay will have 3 additional seats. While Madras and Mysore will have two additional seats each, and Utter Pradesh will have two less, while Bihar, Madhya Pradesh, Punjab and West Bengal will have one less each. In nine States the figures will remain unaltered".

Sir, so far this amendment is concerned whether we make it 750,000 or more, we will have the same number of representatives as we are having today. Sir, if we take a parochial view of the subject and if we look at it only from that narrow angle of our interests we may readily give our approval to the amendment. But Sir, this is an amendment to the Constitution which relates to the other States also. It is, therefore, essential to have the interest of other States also in our mind so that we can take the whole country as a whole; and in moving any amendment we should also think of the consequences and other things that may follow from such an amendment. Sir, it was opened to the House of the People—it was opened to the Government to move an amendment either to change the number 500 or to change the number of people in a constituency. But here we find the proposal of the House of the People is not to make any change in that number 500 and seeks to keep it constant, but wants to change only the number of electorate. So, Sir, it is first essential to consider whether in the interest of our country we should keep that number 500 fixed or the number of electorates fixed, and if we consider that the number 500 is adequate and we should keep it constant and that it should not be altered, then, Sir, there is no other way out than to approve the amendment. But, Sir, 500 is not a very big number. In the House of Commons there are 640 members. Considering their population they should not have kept such a big number, but they are having it. So, Sir, we fail to understand why we cannot also change our number from 500 on the basis of our vast population, as well as for the right and interest of our electorates. Sir, if we look at the development of Constitutions in foreign countries we will find that their Constitutions are not amended in short intervals. Sir, our Constitution no doubt is a written Constitution, it is a rigid Constitution, it is not a flexible Constitution. Sir, it is known that the American Constitution has been amended during 100 years only a very few times. And from our experience we have seen that during the last three years we have moved more than four amendments to our Constitution. Sir, I asked whether these amendments should be taken lightly, whether our Constitution should be taken lightly? The Constitution is a

sacred document in a way. It is also in a way a fundamental document. Unless a pressing need is there we should not take the Constitution lightly. My objection is that if we are to make this Constitution adoptable to any changed circumstance every year, it will lose its significance and it will lose its sacred character. And therefore, we should not take up these amendments lightly. Secondly, if we go into the constitutional history in America, we see that in America the House of Representatives began with about 60 members only—I mean the Senate and the House of Representatives. Now it has gone up to about 400. They did not put a limit to the number of people in the House of Representatives. They allow for expansion of the people, and because they allow for expansion of the people, that expansion is also reflected in the House. In England, if we go into the history of the English Constitution, there also we find that they did not fix the limit on the first day. It has been allowed to grow and with the growth of population it has also increased its number. So, there is no fixed relation between the number in the House and the number of electors in the constituency. Did we, in hastiness or in our rush to do things fix the limit as 500? And what was the reason given for not changing this number? The House will be very unwieldy and it is not possible for Parliament House to accommodate all the 500 members. Sir, I have personally seen the House of Commons. It is a dark and gloomy House with only a small number of seats. If all the 640 members go in one day it is not possible in that House to accommodate them. Sir, there is the analogy of a Bank here. As in a Bank all the money deposited is not kept there, but only a fraction of it is kept so as to meet the daily needs, so also in the House of Commons there is that practice. All these seats are not filled up because out of the 640, some members have to go to their constituencies and therefore there is an average number of seats fixed for about 400 only and even if 400 members go to the House in one day perhaps there will be a rush and a fight for seats. That is my personal knowledge of the House of Commons.

Now in our House of the People, there is accommodation for 500 people. And it is said that if we have to increase the number of members it will not be possible to accommodate all of them. That is, I think, a very weak argument, Sir. It is possible to enlarge the House and to increase the number of seats and also it is a fact that all the members do not go there.

Secondly, if we take the population figures of the different countries, in England it is 46 million and in our country it is 350 million. In England with 46 million people there is a House of 640 members and in our country with 350 million people we have fixed the limit as 500 only. We should have allowed the House to reflect the expansion of the people. If at all there is a necessity for moving

amendment, it is to alter the figure 500 and make it variable and keep the electorate constant. As I said, in America, in France also this number is allowed to reflect the increase in the number of people. It has not been done here.

Sir, if we go through this Parliamentary proceedings we find that even to-day within 10 years—in the speech of Dr. Shyama Prasad Mookerjee and in the speech of Shri C. C. Biswas—it is agreed that during these 10 years perhaps it may be possible to adjust the expansion of people without increasing the number of 500 and at the same time to keep the electorate fixed. Even then there is an apprehension that there may be an expansion of the people and therefore to accommodate that expansion of the people, it is necessary to give that limit and have the amendment—this argument to me appears to be faulty and it is also against the principles of democracy.

Then, Sir, if we go to the number of voters in the constituencies in England, Ireland and America, we will find that in England it is 25 thousand—in certain constituencies the maximum is 30 thousand, but in our country for a Parliamentary constituency it is 5 lakhs. Now, according to article 81 not more than one member for every 5 lakhs and not less than one for every 7,50,000 of the existing population are to be selected. So, we find it means increase by many times in comparison with England, Ireland or America.....

**Mr. SPEAKER:** But they have taken out the upper limit.

**Shri HARESWAR GOSWAMI:** Yes, they have taken out the upper limit. As a matter of fact in the original motion they suggested a change in the figures, *i. e.*, instead of 7,50,000 the figure 8,50,000 was suggested and instead of 5,00,000 the figure 6,00,000 was suggested—these are the two limits, but after the Bill went to the Select Committee, the Select Committee have done away with the upper limit altogether. So the purpose is to increase the size of the electorate. In this there is one difficulty. We must also take into account the practical difficulties with which we are confronted. One, if the size of the constituency is very big, we have to spend more money on travelling to contact the voters at the time of elections. As a matter of fact the maximum amount allowed to be spent is fixed at Rs.10,000 for a Parliamentary constituency. Now, according to the increase in the size of the constituency, candidate will be allowed to spend 12,000 rupees at the time of election. That will mean shutting off poor people from Parliamentary life. It becomes very difficult when our money market is so tight, I doubt also how many rich people will be able to spend 12,000 rupees for their election. That is one thing. It will mean more expenditure for canvassing the constituency at the time of election. Secondly in between elections the representatives of the people must

have a direct link with the mass people which is one of the most important things in democracy—for example to go in between sittings of the House to meet and contact the people to know their minds and to have their views. But if the constituency becomes too big then it will not be possible for the representatives to go and contact the people. Even to-day, it is very difficult for a Member of Parliament to tour in his whole constituency. So, the Members of the State Assembly from his constituency are to become his agents and through them indirectly he gets information about his constituency.

Then the third thing is that according to the present law 5 lakhs of electors can send one member to the House of the People. If the limit is increased, as it is going to be increased, it will mean disenfranchisement of some voters to a certain extent and it may so happen that those who have voted in one constituency will have to come again to vote in another constituency and this in a way means that some voters will lose the right to select their own representatives. In that way the constituency becomes big and the electorate also becomes big. So, all these things have to be taken into consideration. What is most important is that, if this Amendment is passed, though it will not affect us to-day, but after 5 years or so when the new census will be taken and we will have to calculate things on that basis then we may also suffer and our number 13 may decrease even.

**Mr. SPEAKER:** You mean to say thereby that periodically this limit will have to be changed.

**Shri HARESWAR GOSWAMI:** That is quite possible. That is why I want to suggest that better arrangement should be to change the limit of the number of Members in that House and keep it flexible. There should not be any upper limit to the number of Members in that House and that number should be kept flexible.

**Mr. SPEAKER:** The number will increase here also.

**Shri HARESWAR GOSWAMI:** Yes, Sir, in our House also even after hundred years the number will be about 500.

**Mr. SPEAKER:** Yes, as the population grow the number of Members in this House will be more and more.

**Shri HARESWAR GOSWAMI:** That should have been amended now. My point is that we should have rather amended article 81(a) instead of article 81(b).

**Mr. SPEAKER :** This limit affects not only Assam but probably other States also ?

**Shri HARESWAR GOSWAMI :** The State of Travancore-Cochin is not affected.

**Mr. SPEAKER :** Bombay will be affected.

**Shri HARESWAR GOSWAMI :** Bombay will have 3 more additional seats, Madras and Mysore 2 additional seats. But Travancore-Cochin will not be affected.....

**Shri RAMNATH DAS (Minister) :** I do not think, Sir, that position is correct. If my Friend goes through the proceedings of Parliament he will find that the Minister-in-charge of law, in this connection, said that there was no certainty whether the necessity for this amendment would arise or not. Therefore, it is always better and safer to make the amendment at present. He said that he could not correctly say in which States the number will be less and in which States the number will be greater. Therefore, Sir, the statement that he has made at the beginning is not correct.

**Mr. SPEAKER :** Mr. Goswami, have you finished ?

**Shri HARESWAR GOSWAMI :** Not yet, Sir. Although immediately we may not be affected or some other States may not be affected we are to look into the matter on its merits and we are to do things for the good of the whole country. If it is the opinion of this House that we should fix the number at 500 then there is no alternative but to amend this. If on the other hand, the view is that the House should reflect the increase in our population and that we should have more than 500 members in Parliament then this amendment is not necessary. My whole contention is that it would have been a better application of democratic principle if we had proposed an amendment to article 81(a) instead of 81(b). We find that in the U. P. State Assembly the number of members is 439 and it may go up to 500, because there is a limit to 500, and as a matter of fact we have put the same limit where a State is concerned. If we go through the lists of business and schedules dealt with in Parliament we find them very very important. In view of that we should have better representation of people in that House, if necessary we should do that by increasing the number.

With these words, Sir, I oppose the proposed Amendment to the Constitution and request the House to move the Centre that it would be better to amend article 81(a) rather than 81(b).

**Mr. A. ALLEY :** Mr. Speaker, Sir, I have heard what Mr. Goswami has said, but I do not agree with him entirely that Assam has not been affected. In my opinion, I think, Assam has been affected and it is in this way. The present strength of Assam is

12. He says it is 13. It is actually 13 if the one seat that is filled up by nomination from a tribal area (Part B) is included. But for all practical purpose, including the representation of the Autonomous Districts in Parliament, the figure is put at 12. During the last election the population of Assam was something like 7 million or more than 7 million and at that time we felt that the minimum representation from the Autonomous Districts should have been one seat more, but as the figure is put at 12 we could not get more than one seat in view of Article 330. Therefore, it is not very correct to say that Assam for legal purposes has got 13 seats. The present population of Assam is a little more than 9 million and under Article 170 our figure has to be changed. Our figure is 108 for the State Legislature. Under Article 170 one member is elected for 75,000 population except for autonomous districts. If we divide this 9 million by 75,000 we will get 120 Members. Unless that Article is changed we will get 120 Members of Legislative Assembly in future. We have today 12 Members of Parliament for 108 Members, *i.e.*, 1 Member of Parliament equal to 9 Members of Legislative Assembly. The proportion is 1 to 9. If the seat is increased to 120 in that case 1 Member of Parliament will be equal to 10 Members of Legislative Assembly. So, Sir, I would submit that if the case of Assam has been properly considered there should be 14 or 15 Members in Parliament especially considering the area of 27,000 sq. miles of the Autonomous Districts. Khasi Hills, North Cachar Hills, Garo Hills and Naga Hills each of them is represented by one Member of Parliament. So, I submit that we should represent to the Government of India, if it has not already been represented, that the case of Assam should be considered specially in view of the Autonomous Districts. I think, it is not necessary at present that the number of Members of the House of the People should be increased from 500. If that necessity arise, our leaders in India will certainly bring in an amendment. The fact that in the House of Commons in the United Kingdom the number of members is 640 should not influence our judgment considering the fact that there are no State Legislatures as we have in India. Thank you, Sir.

So, I support this resolution.

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, this amendment to our Constitution was not an immediate necessity as the Hon'ble Law Minister of the Government of India had himself said that this Bill would in a sense come into operation upon the dissolution of the present Parliament and the new Parliament that would follow. Our Minister, Shri Das, has said that this is something like preparing for the future.

Now, before us there were two questions. Whether the number exceeding 500 Members of Parliament is unwieldy, or secondly whether the number of the electorate exceeding the present maximum of  $7\frac{1}{2}$  lakhs, is unwieldy? Now, the amendment seeks to prove that the number of Members of Parliament beyond 500 is an unwieldy number. I do not think it is simply because of the question of accommodation that the number cannot be increased that is to say, it is not that if there be more than 500 Members they might probably be not properly accommodated. The supposed reason is that for the matter of discussion and taking part in debates, too big a number is probably unwieldy.

Now, if we look at the precedence of other countries, we see that there are countries with a greater number of legislators. It has already been stated by Mr. Goswami that even England has a much smaller population than ours and yet it has got a bigger number of Members of Parliament and it is also seen that this number does not always remain static. As the number of population increases and as the Governmental sphere in the life of the people expands, the number of legislators necessarily expands. This we see not only in England which has not a written Constitution, but this we see also in the United States of America which has got a written Constitution. The number of representatives in the Congress of the United States of America has gone up from 60 to 435 and no limit has been put even at that number. Therefore, we are to see whether this fixing of ceiling of the number of Members of Parliament is at all warranted at this present moment. In order to see this, we are to see the other side as well and have the answer for many questions. If there be no ceiling or no limit, will the number go to anything? Does the duty of a legislator finish with his getting elected? Is it only the question of his contacting his voters at the time of election and not afterwards? I think, Sir, nobody will say so. But if the electorate be a very big one, much bigger than even  $7\frac{1}{2}$  lakhs, it will be next to impossible for a representative to contact his electorate, to know their grievances, to know their problems and to report to them the proceedings or actions of Parliament. In that way the contact between the people and Parliament will be slenderer. The legislator or the representative is a living link between Parliament and the people and for the success of Parliamentary form of Government this living link must be an effective one and we should so mould our Constitution or prepare our Constitution as to make it a living link—a real living link. And therefore, this amendment is, from the Democratic point of view, improper. Then when we go through the minutes of the Select Committee of Parliament, we find that even the majority of the Members of that Select Committee admitted that theoretically it may be possible to

re-adjust the electorate, but they looked to the practical difficulties. From the theoretical principle, it could have been adjusted and this amendment was not urgently needed. Then they also said that it was possible to fix a ceiling limit of one member for about  $7\frac{1}{2}$  lakhs of population. They have also seen the force in the argument that the number of the electorate for every member should not be too big. Therefore, whether looked from the point of view of theory or principle, or practical point of view, they themselves have seen and have admitted that this further extension of the ceiling or rather removal of the ceiling is not desirable. Even if our State of Assam is not going to be affected as a result of this removal of the ceiling, we cannot take a narrow view of the thing. We cannot remain satisfied if our number is not going to be lessened. We cannot say that it does not matter whether the ceiling is there or removed, as Parliament has decided it by majority. May be, Sir, that immediately, from a very narrow point of view, it does not touch us, it does not lessen our number, but it is likely to touch us from the point of view of principle, because if the living link between the electorate and Parliament be, on principle, compromised, then there is no guarantee that this will not take place even in case of the composition of the State Legislatures. And as a matter of fact, when one hon. Member in Parliament put this question to the Law Minister of the Government of India in course of the debate, the Minister admitted that there would be such consequential result. Sir, at page 5 of the proceedings of Parliament, one hon. Member intervening said, "Will this effect the State Legislatures also?" Shri Biswas, the Law Minister replied, "I have not dealt with that. But this is bound to". So if this principle is once accepted, it will not stop there. It will further extend. The State Legislature will naturally follow the lead given by Parliament and therefore we should not be a party to create such a precedent. Then we should also see what other States have done in this matter. For example, Trivancore-Cochin—another State which is not going to be affected by this amendment—have given opinion against this amendment. Though immediately it is also not going to be affected, yet because it touches important principles, that State Legislature has given its opinion against this amendment. Therefore, we too should not take a narrow view of the thing. We should rather take a wider view of the thing. We should not agree to this amendment, as it will infringe upon the living link of the Parliamentary form of Government, as it will create difficulties for the representatives to be in touch with their constituencies, with their voters. Further, if in spite of the increase in the number of population, there be only a fixed number of representatives, then the House will not be able to properly reflect the composition problems

and aspirations of the people. Looking from all points of view, Sir, I think, we should be unanimous in expressing our opinion that we are not in favour of this amendment.

**Shri NARANARAYAN GOSWAMI:** Mr. Speaker, Sir, I beg to refer to Article 81 (3) of the Constitution of India which reads as follows:—"Upon the completion of each census, the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine". So when it is written in the Constitution to the effect that when the census is over, the amendment under the Bill is perfectly in order. Sir, this Bill has been brought under the proper provision of the Constitution of India and not by this party or that party for the convenience of a party as mentioned by my Friends in Opposition. So my submission is that before we go to criticise it we should go through the proper Article of the Constitution of India. Now with regard to Article 81 (1) I beg to point out why such ceiling has been fixed at 500 Members in the House of the People. There is some meaning in it, and it has been so fixed considering all the facts and circumstances. When we go to re-adjust under Article 81 (3) of the Constitution, we are to consider many things and Parliament has brought this Bill after due consideration. That is why, our Government, is thinking in terms of family planning under the Five-Year Plan to check the unlimited growth of population. So before going to increase the number of Members of Parliament, the Members in the Opposition should think for finding out a solution in the light of discussion held in Parliament by the Government side. The Congress Party is thinking in the line of family planning and if they pay attention to the Five-Year Plan, they will find a provision of Family Planning.

Our Friends in the Opposition often criticise Governmental activities to be uneconomical, but from the economical point of view and also for want of accommodation in the House, the Central Government has brought this Constitution (Second Amendment) Bill by retaining number of members of Parliament at 500.

My friends' arguments are that 500 Members of Parliament will not be able to represent so many electorates. Now what is the difference? Previously it was 750,000, under the Constitution and now it is 850,000 under the Bill and inevidently the figure was 500,000, and now 650,000 has been suggested. Now my submission is that the Members of Parliament who were able to represent the country or the constituencies according to the Constitution will be able to represent the country under the Bill also. So for the

slight variation of the number of population to fix the territorial constituencies I think none will be affected. The people who will come as representatives under the new Bill will also be able to represent their constituencies.

So, my submission is that this Bill which has been brought for the amendment of Article 81 of Constitution for which there was a good deal of discussion in Parliament is a proper Bill, and is brought in a proper line and manner to represent the whole country. Therefore, Sir, this House should ratify the amendment of Article 81 of Constitution proposed to be made by the Constitution (Second Amendment) Bill, 1952 as passed by the two Houses of Parliament.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I am afraid it may be necessary for me to repeat, because the arguments from the House will be more or less the same. But this repetition is necessary with a view to add corroboration to the lines of argument already advanced by the previous speakers from this side of the House. Before I touch upon the essential aspects of the amendment, I should like to say one thing. Mr. Goswami the preceding speaker, here cited Article 81, sub-clause (3). He says that the amendment of Constitution has become necessary by virtue of this provision. This is not so. Article 81(3) contemplates an enactment by the House of the People with a view to take certain measures for the purpose of readjustment of the Territorial Constituencies. Accordingly a Delimitation Commission has been set up by the Government of India. Its duty will be to see to the readjustment of the territorial constituencies of the House of the People. Now, Sir, it is the intention of the Government of India to give effect to this readjustment of the constituencies by amending sub-clause (b) of clause (9) of Article 81.

As a matter of fact, in course of debate in the House of the People, Shri S. P. Mookerjee, observed that it would have been better for the Election Commission to examine all the constituencies and see how many of them are likely to be required to be readjusted due to increase in population. Because under the existing Sub-Clause (b) of clause (1) of Article 82, it is stated that the number of members to be allotted to each such constituency is to be so determined as to ensure that there shall be not less than one member for every 7,50,000 of the population. As a matter of fact this has not been done, but the upper limit done away with by the Select Committee. The lower limit has been retained by the Select Committee at 5,00,000.

It has been argued that the strength of the House of the People which is at present 500 should not be exceeded. I have gone through the proceedings of the House of People very carefully. No cogent and forceful arguments have been advanced in this regard i.e., in

support of keeping the number unchanged. There is nothing sacrosanct about this number and the so-called ground of unwieldiness in the size of the House of the People is also equally unconvincing.

Why the number should not be made say 520 or more? If there it increase in population and unless there is the corresponding enlargement of the House of the People, which should be recognised as one of the fundamental principles of democracy, i.e., progressive representation with the increase in population, we cannot look upon 500 as offering sufficient representation of the increased population for all times to come and this will, in effect, amount to their disenfranchisement.

**Mr. SPEAKER:** What is your conception?

**Maulavi MUHAMMAD UMARUDDIN:** I say, if a constituency is not limited to a certain number of population and of course, population is a variable factor, and not static, it will be impossible for one man to represent a vast number as a result of progressive increase for all times to come.

So in my opinion the maximum number of population in a Constituency should be fixed—so that after each decennial Census—the extra population is given representation through proportionate increase in the number of seats of the House of the People.

Sir, when the Constituent Assembly passed this particular clause, they perhaps thought that the number 500 would hold good for another 10 or 20 years, but these grounds do not appear to have been cited during the debate in Parliament.

The principle of progressive expansion of the number of members in any Parliamentary Institution has been recognised in all democratic countries.

In the American House of Representatives the number has increased from 65 to 435. So, Sir, if we are to be progressive in our conception of the Constitution in that case the number should not be fixed.

**Mr. SPEAKER:** What is your conception?

**Maulavi MUHAMMAD UMARUDDIN:** My conception is that after every census the population will also increase. So, Sir, the maximum population strength for a constituency should be fixed, and therefore, there is no reason why the number 500 should be unchangeable. Sir, the upper limit was there according to sub-clause (b) of clause (1) of Article 81, and under sub-clause (a) the total number of seats was limited to 500. But, Sir, though the upper limit was eliminated and according to the report of the Select Committee a wish was expressed that as far as possible the limit of 7,50,000 of population should not be exceeded, there is also a provision that the ratio between the number of seats and the population should be the same throughout the country. But, Sir, what is our experience in the last election? We

found that considerable amount of influence was used by interested persons and parties in the delimitation of constituencies to serve their interests and gerrymandering was indulged in to an unscrupulous extent. Here, Sir, I shall quote the remarks at page 78 of the Parliamentary Proceedings made by the Law Minister himself.

"...I was not here but the reports show that there was a lot of gerrymandering, and that it was the interests of individual members which influenced the whole thing rather than the general interests".

Sir, the above remarks were made by not less a person than Shri C. C. Biswas, Minister for Law, Government of India.

Sir, there is the danger of not keeping the upper limit fixed and if it is thought desirable to keep that limit, there must be also appropriate provision for giving adequate representation according to the needs and circumstances by a clause in Article 81—providing for law to be made by Parliament to increase the number of seats after every 10 years—in the same way as under sub-clause (b). Perhaps it will be possible to increase the number to 600 during the next 50 or 100 years and this will by no means be an unwieldy number.

Sir, my Friend, Mr. A. Alley said that he did not consider the number sufficient for the whole State; he particularly cited the cases of the people of the autonomous districts saying that they are not adequately represented in the House of the People. Further he said that in this State there is one M. P. for every nine M.L.As. But in the case of the autonomous districts there is one M.P. for as many as 18 M.L.As. So he wanted more representation for the autonomous districts but that cannot be done except at the cost of other States so long as the total number remains unchanged. Perhaps my Friend had in his heart of hearts a desire to increase the total number of the seats of the House of the People but for reasons best known to him he did not express that openly and at the same time supported the Resolution. In my opinion he is quite inconsistent. Sir, though I quite appreciate the feelings of Mr. A. Alley and the aspirations of our tribal brethren that they should get more representation, but so long as the law stands as it is—there is no chance of the fulfilment of that aspiration.

Therefore, Sir, I say that this amendment equally goes against certain fundamental principles of a democratic Government; it goes against the fundamental right of the electorate, and at the same time this amendment gives some scope for malpractice at the time of revision or otherwise in the delimitation of constituencies either in the interest of a party or in the interest of an individual as has occurred in the last election unless the Delimitation Constituency exercises utmost care.

With these few words, Sir, I oppose the Resolution brought by Mr. Das.

**Shri MAHENDRANATH DEKA:** Mr. speaker Sir, I take my stand here to support the resolution for ratification of the amendment. Sir, Article 81 relates to the composition of the House of the people, and we therefore, cannot go beyond the provision of this Article. Now, Sir, under clause (3) of Article 81.....

“.....Upon the completion of each census, the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine.....”

Now, Sir, the report of the census operation in India has been completed; so under this provision Parliament is bound to act according to that provision of clause (3) of Article 81.

The House of the People consists of Members elected from the States of the Union. Now, from the census it appears that there is a change in the population of the States. In some States it is going down and in some it is going up. So there is an anomaly. To remove that anomaly Parliament is compelled to effect an amendment under clause (1)(b) of Article 81. Now, a point arises as raised by my Friend, Mr. Goswami, the Leader of the Opposition, that why clause (a) thereof should not be amended, and why the number of Members of Parliament should be fixed at 500? Now, under the Constitution it is mentioned that for every 750,000 of the population there should be one Member of Parliament and if we multiply it by 500 we get, Sir, a population of some 37 crores. Now what is the population of India? The population of India today, as far as my information goes, is 357,40,000—far below than what the present number of Members of Parliament can represent.

**Mr. SPEAKER:** But there is an apprehension that the number will increase.

**Shri MAHENDRANATH DEKA:** It may be after ten years, but not now. So, Sir, my point is when the number of population is below, the question of raising the number of members in Parliament above 500 does not arise. Again, Mr. Goswami has compared the number with that of England and of America. Now this point raises a question to me: what is the income *per capita* of America as compared with our Union of India? Now, with their enlarged *per capita* income those countries can enlarge the Parliament building, and not only that, they are also in a position to bear the increased cost of travelling allowance and pay of the Members of Parliament even if it goes up to more than 500. This shows, Sir, that in one way he does not want to increase the

income of the State as well as of the Union. My whole contention is that the country must try to enlarge its own exchequer so that it can meet all demands of the people or of the Members of the House.

So, Sir, when Parliament under the provision of the Constitution has found necessary to embody an amendment and when it does not affect our State of Assam—because in Assam we have got a population of 91 lakhs and we have got as many as 12 Members for every 750,000 : if we multiply it by 12 it comes to 90 lakhs. So, Sir, when this amendment does not affect us and when Parliament is bound under the provision of law to amend a certain provision in this connection, I do not see why we should not give our sanction to the amendment.

With these words, Sir, I resumé my seat.

**Shri RAMNATH DAS (Minister):** Mr. Speaker, Sir, I have heard the points raised by the Leader of the Opposition as well as by some Members of his group, in support of the argument that instead of amending sub-clause (b), Parliament or both Houses of Parliament should have amended the sub-clause (a) of clause (1). That is, according to him, the number of seats in Parliament should not have been kept as it is now and that it should have been raised in order to increase the States representation in the House of the People so that the aspiration of the people through their representatives in Parliament can be achieved. Sir, in support of his point he has said that the amendment that is proposed to be done by the Bill which was passed by the both Houses of Parliament will make the constituencies very unwieldy. But, Sir, I submit that, it is not generally the case. What is required to be done under clause (3) of Article 81 is that, upon the completion of each census the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine. From things as they stand now under sub-clauses (a) and (b) of clause (1) of Article 81 it appears that upon completion of the last census in 1951, either amendment to sub-clause (a) or sub-clause (b) has become necessary. But according to Mr. Goswami, Parliament instead of amending sub-clause (b) should have amended sub-clause (a).

Now, it does not necessarily follow that the constituencies that are going to be made on the basis of this Amendment will be unwieldy. In a very small number of cases it may so happen, but in most of the cases the number of population will increase and not the

areas of the constituencies. Therefore, the arguments advanced by Mr. Goswami in support of his suggestion that instead of making any amendment under sub-clause (b) there should have been an amendment under sub-clause (a) does not hold water.

**Mr. SPEAKER :** I think you will take some time more to finish your reply ?

**Shri RAMNATH DAS (Minister) :** Yes, Sir.

**Mr. SPEAKER :** The Hon'ble Minister may speak after lunch hour.

### Adjournment

The Assembly was then adjourned for lunch till 1-30 P.M.

### After lunch

**Shri RAMNATH DAS (Minister) :** Mr. Speaker, Sir, what I was trying to make out before the recess was that Mr. Goswami's argument in support of his suggestion that there should have been an amendment not under sub-clause (b) but under sub-clause (a) of clause (1) of Article 81. What he said in support of it does not hold good in view of the fact that along with the increase of population not necessarily the areas of constituencies will increase.

**Mr. SPEAKER :** That is not within the competence of this House because that amendment was not moved to that effect in the House of the People.

**Shri RAMNATH DAS (Minister) :** Sir, according to Shri Goswami the Houses of Parliament should have moved an Amendment to sub-clause (a) of clause (1) of article 81 and in support of this he says that along with the increase of seats the constituencies will be unwieldy, electionerring will be expensive and the aspirations of the people will not be fulfilled, but I must say that he is not right to think in that line, in view of the fact that along with the increase of population not necessarily the areas of the constituencies will be come unwieldy. Therefore, his argument in support of his suggested Amendment does not hold good. Apart from that, Sir, the figure of 500 was reached by the Constituent Assembly after hard labour ; as the present increase of population has not appreciably altered

the percentage of representation, so, we do not think that at this stage the figure of 500 should be touched at all. By this Amendment or proposed Amendment nobody wants that for all time to come this figure of 500 will not be touched. What is aimed at for the present is that this figure of 500 which is considered to be a reasonable figure by the Members of the Constituent Assembly who arrived at it and by the majority of both the Houses of Parliament who passed this Amendment. They also thought that any increase to this number will be also unwieldy. Therefore, both the Houses of Parliament after due consideration and deliberation thought it desirable not to disturb for the present the figure of 500 *i. e.*, not to make any Amendment under sub-clause (a) but to bring an amendment under sub-clause (b). But this Amendment cannot be given effect to unless half of the Part A and Part B States of the First Schedule pass Resolutions to ratify the amendment proposed. The business of this House is either to ratify the amendment proposed by this Bill by approving the Resolution or to reject it.

Now, Sir, in consideration of what I have said we should ratify it.

Further, my submission is that when the majority of the Members of both the Houses of Parliament wherein we have got our representatives have accepted this Amendment after passing this Bill, it is our duty to support what our representatives have done in both the Houses of Parliament.

**Shri GAURISANKAR BHATTACHARYYA:** Then why this has been sought?

**Shri RAMNANTH DAS (Minister):** I am making an appeal why this House should ratify this amendment. The House should, in my opinion, be pleased to ratify that amendment that has been accepted by the two Houses of Parliament in which we have our own representatives from Assam as, if you reject that amendment it would tantamount to disapproval of that which has been done also by our representatives.

Now, Sir, I would request the hon. Members not to hear what Mr. Goswami has said because both the Houses of Parliament have passed this bill referred to and it is our duty to ratify this Resolution.

With these words, I commend my Resolution again for the acceptance of the House.

**Mr. SPEAKER:** The question is: "That this House ratifies the amendment of article 81 of the Constitution proposed to be made by the Constitution (Second Amendment) Bill, 1952, as passed by the two Houses of Parliament".

(The Resolution was adopted)

**Government Resolution for appropriation of grants from Savings—under the Head “50.—Civil Works—Provincial (Excluding Tools and Plant and Establishment)”**

**Shri SIDDHINATH SARMA (Minister) :** Mr. Speaker Sir, I beg to move that this Assembly do approve of an expenditure of Rs.13,71,980 under the head “50.—Civil Work—Provincial (excluding Tools and Plant and Establishment)” for the items below. The amount involved will be met from the sanctioned grant.

“50.—Civil Works—Provincial (Excluding Tools and Plant and Establishment)”.

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
I.—Grant originally voted by the Assembly	2,61,43,400	53,64,600	3,15,08,000
II.—Additional grant voted by the Assembly in the September 1952 Session of the Assembly.	6,34,000	1,12,000	7,46,000
III.—Sub-heads under which the appropriations will be accounted for—			
(a) Buildings—			
Land Revenue ...	12,000	...	12,000
General Administration ...	78,676	48,220	1,26,896
Development Schemes under Article 275(1) of the Constitution.	...	2,000	2,000
Administration of Justice ...	10,500	...	10,500
Education ...	7,735	...	7,735
Development Schemes under Article 275(1) of the Constitution.	1,000	10,000	11,000
Medical ...	48,489	...	48,489
Other Development Scheme ...	10,966	...	10,966
Agriculture ...	10,000	...	10,000
Civil Works ...	14,000	10,000	24,000
<b>Total(a)—Buildings</b> ...	<b>1,93,366</b>	<b>70,220</b>	<b>2,63,586</b>

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
Communications—			
Ordinary Roads ... ..	22,994	...	22,994
Earthquake ... ..	80,000	...	80,000
Kaki Reclamation Scheme ... ..	3,000	...	3,000
Accommodation for travellers ... ..	...	8,000	8,000
Petrol Tax Project—Ordinary ... ..	9,06,100	16,000	9,22,100
(ii) Projects financed out of the special Reserve in the Central Road Fund.	...	72,300	72,300
Motor Tax Projects—Provincial Roads.	7,12,172	50,000	7,62,172
Deduct—Amount transferred to “12—Charges on Motor Vehicle Taxation Act, etc”.	—7,12,172	—50,000	—7,62,172
Total (b) Communication ... ..	10,12,094	96,300	11,08,394
Grand total ... ..	12,05,460	1,66,520	13,71,980

These works cropped up after the Budget for 1952-53 was passed by the Assembly. The necessity for taking up these works during the financial year of 1952-53 has been fully explained against each work in Appendix VII. Amounts involved in these works met by the appropriation for the sanctioned amount for the year 1952-53.

**Mr. SPEAKER :** Would you explain under what rules you have come for this grant ?

**Shri SIDDHINATH SARMA (Minister) :** I come under the Budget Manual of the Government of Assam, paragraph 99, which reads as follows :—“When it is required at a stage after enactment of the Appropriation Act to incur expenditure on a new form of service, a demand for the full amount of the expenditure will be presented irrespective of the fact that savings may be available in the authorised appropriation from which the new expenditure could be met, such savings being dealt only by surrender to the Finance Department. If, however, the expenditure is to be incurred on an existing or recognised service, the submission of a demand is not compulsory when it can be met from the savings anticipated. If, however, the explicit concurrence of the Legislature to such an item of expenditure is considered necessary on account of its extent, importance or any other reason, it may be obtained through the process of a resolution.”

Sir, this can be brought by a resolution.

**Mr. SPEAKER:** Are you incurring the expenditure from savings ?

**Shri SIDDHINATH SARMA (Minister):** Yes, Sir, and I refer my Friends to the Explanatory Note from pages 4 to 20. The details will disclose why this money is necessary. The main items (I refer to pages 12 to 14) are for road projects selected by the Assam Communications Board in its meeting held in June 1952, which had to be taken up for affording better communication. This Board was elected by the House in March last. The Communications Board sat after the Budget Session of the last Assembly in June last and selected the roads projects mentioned in the list (page 12 to page 14) and money had to be found out to take up these roads. Of the total amount of about Rs.13 lakhs, about a sum of Rs.9 lakhs has been spent for taking up these new roads selected by the Assam Road Communications Board.

Then I refer to the hon. Members to Appendix A at page 4. I refer to remarks column of item 1 at page 4 which reads as follows :—"The Scheme was sanctioned under Revenue by Legislature in the current year's budget. As the building works will be taken over by the Public Works Department the provisions under Revenue is surrendered and provision made under 50—Civil Works".

Then, I refer to General Administration—voted at page 4. Construction of a new additional Members of Legislative Assembly's hostel, etc. The money is needed for construction of a new additional Members of Legislative Assembly's hostel for accommodation of 25 Members at Shillong. The work has been sanctioned by Government to provide accommodation for 25 Members of Legislative Assembly, as the existing accommodation is very insufficient. Hence the work is taken up urgently.

Similarly, Sir, for other items for which money was necessary during the year 1952-53 have been fully explained in the remarks column of the Explanatory Notes attached to item.

**Mr. SPEAKER:** Resolution moved is that this Assembly do approve of an expenditure of Rs.13,71,980 under the head "50—Civil Works—Provincial (excluding Tools and Plant and Establishment)" for the items mentioned in the Resolution.

**Maulavi Md. UMARUDDIN:** Mr. Speaker, Sir, the Hon'ble Minister has quoted certain provisions from the rules in the Budget Manual. But I do not know of any occasion when this House had gone the by provisions of the Budget Manual and not by the rules of pro-

cedure which it itself has passed and adopted. This is one way of bypassing the regular procedure of securing grants, *viz.*, through the regular Budget and supplementary grants, for which there are two specific occasions. Once the Government comes up in the September Session with Supplementary Demands and again the Government comes with the regular Budget demands during the March Session. Sir, it seems that most of these items of expenditure could have easily been foreseen and provided for either in the regular Budget or in the list of Supplementary Demands. This only shows bad financial administration in the Departments concerned. Why could not the Department foresee this particular items of expenditure and approach the Finance Department for incorporating them either in the regular Budget or in the list of Supplementary Demands? What was the sense in passing three to four crores of rupees for the P.W.D. in 1952-53 and another seven or eight lakhs by way of Supplementary Demand if we are now asked to provide more than 13 lakhs of rupees in the form of a resolution? This shows, Sir, that the Government do not make up their mind at the beginning of each year, take up projects according to their own sweet will—may be for purposes which are not known to this House—and then come up to the House with resolutions being conscious of the fact that anything they bring in will be passed by the majority they have in this House. I do not know, Sir, whether previously similar resolutions involving such a huge amount of money was passed in this House. At any rate, this is an attempt to bypass the regular procedure of getting demands passed through the Budget. Therefore, Sir, on principle I object to this resolution being passed by the House.

**Mr. SPEAKER:** But there is one thing, Will you please look to page 12, where it is stated that the projects were selected by the Assam Roads Communication Board in its meeting held in June 1952?

**Maulavi Md. UMARUDDIN:** The September Session was there and the March Session was there. What was the harm in including them either in the regular Budget or in the list of Supplementary Demands? This could be foreseen and necessary provision made. This shows loose working of the Department. By granting this sort of expenditure we will be giving indulgence to bad administration.

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, this House selected the members of the Assam Roads Communication Board in the last Budget Session of the Assembly which was held in March last year. The Roads Communication Board held its meeting in June last and selected certain road

projects. The Board also allotted funds provisionally for construction of these roads. Now, Sir, how could I anticipate in March last year how many roads the Board would select and what fund would they allot for construction of such roads? Not only this, Sir. The Roads Communication Board has insisted that the construction of the roads which they selected should be taken up immediately and in anticipation of sanction of funds allotted by the Board. The Department prepared plans and estimates in accordance to the decision of the Assam Roads Communication Board. The expenditure is met from the savings of the sanctioned grant of the Public Works Department budget. Sir, in the Budget Manual of the Government of Assam, it is provided in the rule already referred to by me that for such expenditure Government may come before the House for its approval by way of a resolution. Regarding this new Assembly Hostel building—probably you are aware, Sir, that there was a shortage of accommodation for the Members of the Assembly and it was decided that a Hostel Building should be constructed as early as practicable. So it was not anticipated at that time of the last Budget Session as to what will be actual expenditure in this connection. The decision might be taken in the last Budget Session. Assuming it to be true, it was not possible to include the demand in the Budget as the actual Budget is prepared long before it was placed before the House.

**Maulavi Md. UMARUDDIN :** The House Committee made recommendations for extra accommodation during the last Budget Session. I want to know whether Government sanctioned the necessary money, and if so, how long will it take to arrive at a decision to provide for the necessary money.

**Shri SIDDHINATH SARMA (Minister) :** It took time, Sir. After the decision of the Committee, the Public Works Department is to prepare site plan, the plan and estimates and to take technical administrative approval and after that, it is necessary to take the approval of the Finance.

**Maulavi Md. UMARUDDIN :** There was plenty of time to include this project in the Supplementary Demand in the last September Session or this Session.

**Shri SIDDHINATH SARMA (Minister) :** Sir, the Supplementary Grant is necessary when the money is not available from the savings. There are three kinds of grants, one is for additional amount for an item provided in the Budget, second for new urgent items of works not included in any heads which cannot be met from the provision of the Budget and the third kind of important and urgent items which can be met from the savings of the sanctioned grants. There is 10 thousand rupees for some repair work,

another ten thousand rupees is required for the work. For that additional ten thousand rupees sanction of the House may be obtained through Supplementary Grants if it cannot be met from the savings out of the sanction grant. In case expenditure can be met for new and urgent project not foreseen before at the time of framing the budget, approval of the House for such grant can be obtained by a resolution. Here the demand should be met from savings. I can meet the amount from the savings from sanctioned grant. So approval for such expenditure may be obtained by a resolution, under paragraph 99 of the Budget Manual, Assam.

**Shri HARESWAR GOSWAMI:** Why not by Supplementary Grant ?

**Mr. SPEAKER:** You are mistaken. Supplementary funds are not available here. When the money is available, the approval of the House is necessary.

**Shri SIDDHINATH SARMA (Minister):** Sir, the amount involved will be met from the sanctioned grant already voted by the House for the Department. The expenditure will be met from the savings. The Budget Manual, paragraph 99, provides that approval of the House may be obtained by a resolution.

**Mr. SPEAKER:** Yes.

**Shri SIDDHINATH SARMA (Minister):** So I commend my motion for the acceptance of the House.

**Mr. SPEAKER:** The question is that this Assembly do approve of an expenditure of Rs.13,71,980 under the head "50—Civil Works—Provincial (excluding Tools and Plant and Establishment)" for the items mentioned in the Resolution.

(The Resolution was adopted).

**Government Resolution for approval of an expenditure of Rs.4,000 under the head "39—Public Health"**

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, beg to move that this Assembly do approve of an expenditure of Rs.4,000 under the head "39.—Public Health" for the item mentioned below. The amount involved will be met from the sanctioned grant.

## "39.—PUBLIC HEALTH"—

Rs.

- |   |     |           |
|---|-----|-----------|
| 1. Grant originally voted by the Assembly                         | ... | 29,58,000 |
| 2. Sub-heads under which the Appropriation will be accounted for— |     |           |

- |   |        |       |
|---|--------|-------|
| (1) F.(a) Works—Post-War Development Schemes—Reconstruction of works destroyed due to enemy action—Original Works by Public Works Department—Sixth Schedule (Part A) Arcas— |        |       |
| Voted   | ... .. | 4,000 |

Total	...	29,62,000
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The details may be seen in Appendix VIII

**Mr. SPEAKER:** Resolution moved is that this Assembly do approve of an expenditure of Rs.4,000 under the head "39.—Public Health" for the item mentioned in the Resolution. The amount involved will be met from the sanctioned grant.

*(after a pause)*

The question is that this Assembly do approve of an expenditure of Rs.4,000 under the head "39.—Public Health" for the item mentioned in the Resolution. The amount involved will be met from sanctioned grant.

(The Resolution was adopted).

**Government resolution for approval of an expenditure of Rs.10,000 for construction of a new workshop building for the Nowgong branch of His Royal Highness the Prince of Wales Technical School, Jorhat.**

**Shri OMEO KUMAR DAS (Minister):** Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.10,000 under the head "37.—Education" for the construction of a new workshop building for the Nowgong branch of His Royal Highness the Prince of Wales Technical School, Jorhat. The amount involved will be met from the sanctioned grant.

## “37.—EDUCATION”

- I. Grant originally voted by the Assembly—Rs.1,84,90,700.  
 II. Sub-heads under which the appropriation will be accounted for—

- IV. Special Education—O—Government Special Schools and College—(b)—Technical Schools.

The details may be seen in the \*Explanatory Notes

## \*Explanatory Notes.

The construction of a new workshop building the total floor area of which is 2,160 s. ft. (60'×36') with C. I. roofing and half walls for proper accommodation of the practical classes of the students of the Nowgong branch of His Royal Highness the Prince of Wales Technical School, Jorhat, at an amount not exceeding Rs.10,000 is indispensably necessary. There is a provision of Rs.10,000 under the head—“Tools and Plants”, and a provision of Rs.10,000 under the head “Purchase of Consumable Store” in the normal Budget of the School for the current year. As purchase of tools and plants and stores for the Nowgong Technical School, without proper accommodation for its students, is not desirable, the savings to the extent of Rs.10,000 under the above heads as per schedule enclosed have been diverted to this purpose.

## SCHEDULE

Major, minor and sub-head under which provision should be made	Nature of Scheme	Estimate of ultimate cost			Estimate of expenditure during 1952-53			Remarks
		Non-Recurring	Recurring	Total	Non-Recurring	Recurring	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		Rs.		Rs.	Rs.		Rs.	
37.—Education —IV—Special —O—Govern- ment Special Schools and Colleges—(d)— Technical Schools.	Construc- tion of a new work- shop build- ing for the Now- gong branch of His Royal Highness the Prince of Wales Technical School, Jorhat.	10,000	..	10,000	10,000	..	10,000	The construction of a new workshop building the total floor area of which is 2,160 s. ft. (60'×36') with C. I. roofing and half walls for proper accommodation of the practical classes of the students of the Nowgong branch of His Royal Highness the Prince of Wales Technical School, Jorhat is considered indispensably necessary.
Total	..	10,000	..	10,000	10,000	..	10,000	

**Mr. SPEAKER :** Resoluion moved is that this Assembly do approve of an expenditure of Rs.10,000 under the head '37—Education' for the construction of a new workshop building for the Nowgong branch of his Royal Highness the Prince of Wales Technical School, Jorhat. The amount involved will be met from the sanctioned grant.

**Maulavi Md. UMARUDDIN :** Sir, it is not mentioned here, in which year it is voted.

**Mr. SPEAKER :** Mr. Umaruddin wants to know the year.

**Shri OMEO KUMAR DAS :** In the current year.

**Mr. SPEAKER :** The question is that this Assembly do approve of an expenditure Rs.10,000 under the head '37.—Education' for the construction of a new workshop building for the Nowgong branch of His Royal Highness the Prince of Wales Technical School, Jorhat. The amount involved will be met from the sanctioned grant.

(The Resolution was adopted).

**Government Resolution for approval of an expenditure of Rs.22,332 for the Scheme 'grant of subsidy in regard to the seeds and Manure utilised at the Shellatang Farm'.**

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):** Mr. Speaker, Sir, on the recommendation of the Governor of Assam, I beg to move that the Assembly do hereby approve the expenditure of Rs.22,332 (Rupees-twenty two thousand three hundred and thirty-two) only for the Scheme 'Grant of Subsidy in regard to the Seeds and Manure utilised at the Shellatang Farm' during the year ending 31st March, 1953.

The † Explanatory Note will explain the necessity of the grant,

#### \*EXPLANATORY NOTES

This Scheme was drawn up at the instance of the Government of India at a total subsidy cost of Rs.22,332 (Rupees twenty-two thousands, three hundred and thirty-two) only and it has subsequently been sanctioned by both the Governments on usual terms of Grow-More-Food-Schemes. The Government of India will bear  $\frac{2}{3}$  of the expenditure and State Government share thereof is  $\frac{1}{3}$ . This expenditure was not contemplated prior to the framing of Budget and thus the expenditure for the current year will be met from the savings under the Service head—"40.—Agriculture—D—Agricultural Experiments and Research—(ii)—Intensive Cultivation (G. M. F.) Schemes—(h) Manure Manufacture and Distribution Scheme (General) by reappropriation. The approval of the Assembly is however, necessary as it is of the nature of the new service not contemplated in the Budget passed by the Assembly.

#### *Details of expenditure*

Contingency	...	...	...	...	...	Rs. 22,332
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**Mr. SPEAKER :** Resolution moved is that the Assembly do hereby approve the expenditure of Rs.22,332 (Rupees twenty-two thousand, three hundred and thirty-two) only for the Scheme—'Grant of Subsidy in regard to the Seeds and Manure utilised at the Shellatang Farm' during the year ending 31st March, 1953.

*(after a pause)*

The question is that the Assembly do hereby approve the expenditure of Rs.22,332 (Rupees twenty-two thousand, three hundred and thirty-two) only for the Scheme 'Grant of Subsidy in regard to the Seeds and Manure utilised at the Shellatang Farm, during the year ending 31st March, 1953.

(The Resolution was adopted).

**Government Resolution for approval of an expenditure of Rs.6,000 in connection with the construction of barracks of 6 Mahuts and 6 grass cutters at Kohera.**

**Shri RAMNATH DAS.(Minister):**—Mr. Speaker, Sir, I beg to move that the Assembly do hereby approve an expenditure of Rs.6,000 (Rupees six thousand) only in connection with the construction of barracks of 6 Mahuts and 6 grass cutters at Kohera. The expenditure will be met from the saving under the head 10—Forests—AV(a)—Purchase, Feed and upkeep of one elephant for the Kaziranga Wild Life Sanctuary in the Budget for 1952-53.

I. Grant originally voted by the Assembly.....Rs.43,78,300.

II. Sub-head under which the proposed expenditure will be accounted for AVI(b).....Rs.6,000."

The \*Explanatory Notes will explain the necessity of the grant

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#### \*EXPLANATORY NOTES

An amount of Rs.23,000 was provided in the Budget for 1952-53 through a schedule for construction of certain buildings at Kohera in the interest of improving the Kaziranga Wild Life Sanctuary. Along with this sum of Rs.6,000 was also provided for the purpose of purchase and upkeep of an elephant. It has now been found that the amount of Rs.23,000 sanctioned for the purpose of construction of certain buildings at Kohera will not be adequate to construct all the buildings as planned and an additional sum of Rs.6,000 is necessary for construction of barracks for 6 grass cutters and 6 Mahuts. It is proposed to meet this additional expenditure from savings effected under head AV(a) due to non-purchase of the elephant which the department now considers to be not necessary, and the Assembly's approval to this is sought under paragraph 99 of the Budget Manual.

**Mr. SPEAKER:** Resolution moved is that the Assembly do hereby approve an expenditure of Rs.6,000 (Rupees six thousand) only in connection with the construction of barracks for 6 Mahuts and 6 grass cutters at Kohera. The expenditure will be met from the saving under the head 10—Forests—AVI(a)—Purchase, Feed and upkeep of one elephant for the Kaziranga Wild Life Sanctuary in the Budget for 1952-53.

*(After a pause)*

The question is that the Assembly do hereby approve an expenditure of Rs.6,000 (Rupees six thousand) only in connection with the construction of barracks for 6 Mahuts and 6 grass cutters at Kohera. The expenditure will be met from the saving under the head 10—Forests—AVI (a)—Purchase, Feed and upkeep of one elephant for the Kaziranga Wild Life Sanctuary in the Budget for 1952-53.

(Resolution was adopted).

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

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):**

Mr. Speaker, Sir, I beg to present the following Notification under Section 296 of the Assam Municipal Act, 1923:—

†Notification No.LML.12/52/67-A, dated the 6th October, 1952.

**Mr. SPEAKER:** The copy of notification,\* I think is laid on the table.

The 6th October 1952

†No. LML.12/52/67-A.—In exercise of the powers conferred by Section 296(2) (i) of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendment in the rules for the election of members of Municipal Boards in Assam, published with Notification No.656-L.S.-G., dated the 13th February 1937, as subsequently amended:—

#### **Amendment**

For rule 1(a) (3) of the rules for the election of members of Municipal Boards in Assam, the following shall be substituted:—

“Corrupt practice” shall be deemed to mean and include any act which may be declared to be a corrupt practice in the Acts, Orders and Rules relating to elections to the State Legislature.

I. MAJID,  
Secy. to the Govt of Assam,  
Edn., L.S.G-and Medl. Deptt.

### **Amendments to the Assam Motor Vehicles Rules, 1940**

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, I beg to move that the Amendments to the Assam Motor Vehicles Rules, 1940 be taken into consideration, item by item.

**Mr. SPEAKER:** As there is no amendment, you can move the second Motion.

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, I beg to move that the Amendments to the Assam Motor Vehicles Rules, 1940 be adopted.

**Mr. SPEAKER:** The Motion moved is that the Amendments to the Assam Motor Vehicles Rules, 1940 be adopted.

*(After a pause)*

The question is that the Amendments to the Assam Motor Vehicles Rules, 1940 be adopted.

(The Motion was adopted.)

### **Consideration of the Report of the Public Accounts Committee on the Appropriation Accounts for the year 1949-50**

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I beg to move that this Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for the year 1949-50.

**Mr. SPEAKER:** The Motion moved is that this Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for the year 1949-50.

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker Sir, it is not an easy matter for a lay man like me to use the words of E. Hilton Young, "to press an inquiry home against a phalanx of experts."

Yet, even as a lay man, I want to make a few observations on the Report of Public Accounts' Committee on the Appropriation Accounts of the Government of Assam for the year 1949-50. As Dr. Gyan Chand says in his Book "Financial System of India, "the Financial experts are chary of public criticism as it is generally unenlightened and based upon imperfect appreciation of the intricacy of the financial questions. But when it is realised that the demands of the public are an expression of something more vital, the need for finding out the means by which these underlying force may be made effective will become the concern of the financial experts themselves, who knowing the mechanism in its details, are in a better position to put it to near uses."

This report is a clear indication of how our public funds are being utilised ! We have been seeing year after year that there have appeared sharp comments in the audit reports, and there have also been sharp observations on the part of the Public Accounts Committee with regard to the handling of our public funds, and yet even this Report does not show any remarkable improvement in the matter of handlings of our public funds.

Here in the short report, in paragraph 3, it has been stated, like this. "The Examination of the Appropriation Accounts for the year 1949-50 and Audit Report, 1951 was conducted in accordance with Rule 103 of the Assam Legislative Assembly Rules. In all important expenditure heads, the Controlling officers were examined to explain matters which were not clearly explained in the Appropriation Accounts and in cases of serious deviations from the prescribed rules."

Now, in this Audit Report, in the remarks we find quite lot of things which are not happy for our State. I do not propose to go into all the heads. I shall confine myself only to a few of the Items.

At first, I am taking the State Transport. Here the Audit Report, remarks—"Till the 31st March, 1950 a total sum of Rs.56,13,796 was advanced by Government for the operation of these routes against which receipts and recoveries credited into the treasury amounted to Rs.57,34,206. According to the Balance Sheets printed on pages, 283,285,287 and 289, the organisation had capital assets worth Rs.26,79,398 on the 31st March, 1950. This does not, however, include the full marketable value of the assets taken over from the Assam Transport Organisation. The profits earned during the year are shown in the Profit and Loss Accounts on pages 284,286,288 and 290. The correctness of these accounts has yet not been tested in audit for the reasons explained in paragraph 8 of the Audit Officer's remarks on page 277."

Then Sir, on page 277, paragraph 8 states—"The profit and loss accounts and the Balance Sheets of different sections as presented to audit were prepared mainly from loose abstracts of receipts and expenditure relating to various earning stations. As no journals and ledgers were maintained, the correctness of the balances could not be tested. Book adjustments advised by the Accounts Office and internal adjustments between various sections were made in the abstract compilation sheets by *plus* and *minus* entires without any explanatory details and without indicating the head of the account to which the *contra entires* were made. The audit of the accounts also revealed the following defects:—

"(1) Debits for many of the bills rendered by the Assam Transport to the State Transport Organisation for stores supplied to the latter were not traceable in the financial accounts of the concern.

(2) Difference in figures in respect of the value of stores shown in the Balance Sheets of the previous year and of the year under review.

(3) Balance Sheets of Sections 2 and 3 were prepared without carrying forward the balances appearing in the Balance Sheets as on 31st March, 1949.

(4) Ledgers were not maintained in respect of sundry debtors. An independent compilation from various subsidiary registers disclosed that the figures booked therein did not agree with those shown in the Balance Sheets. Similar differences were also noticed in respect of sundry creditors.

(5) Financial adjustments in respect of the stores and stock acquired by (i) transfer from one section to another, (ii) manufacture in workshop, (iii) cannibalisation from vehicles and (iv) conversion of one kind of store to another, were not made.

In view of the defects noticed above it was necessary to recast the Profit and loss Accounts and the Balance Sheets after carrying out adjustments through the prescribed books."

**Mr. SPEAKER :** You can't go on reading like that. It will not help at all.

**Shri SIDDHINATH SARMA (Minister) :** It is not State Transport. It is Assam Transport. It is a question of 1949.

**Shri GAURISANKAR BHATTACHARYYA :** I am reading about State Transport.

**Mr. SPEAKER :** If you go on reading like that it will not help, you can simply say something. It is Assam Transport, the Minister has stated that it is Assam Transport.

**Shri GAURISANKAR BHATTACHARYYA :** It is written "State Transport Organisation." If you will look at page 277 you will find it. I don't know whether it is a printing mistake. Sir, as far as item (1) is concerned, some accounts of the Assam Transport which were not accounted for came to the State Transport Organisation as Assam Transport was subsequently taken over by the State Transport Organisation.

**Shri SIDDHINATH SARMA (Minister) :** State Transport Organisation is not responsible for the actions of the Assam Transport.

**Shri GAURISANKAR BHATTACHARYYA :** With regard to items (2) and (3) the Balance Sheets were prepared without carrying forward the balances appearing in the Balance Sheets as on 31st March, 1949.

Then, Sir, with regard to purchase of Bedford buses, we find that—"Nine Bedford buses were purchased from the French Motor Car Company Limited, without ensuring that the Company would provide ready facilities for supply of spare parts. Five of these

buses came to the workshop for repairs, but for want of spare parts the engines had to be replaced by Chevrolet engines involving unnecessary extra cost of Rs.11,581, and locking up of capital to the extent of Rs.10,485."

**Mr. SPEAKER :** What is your objection ? You cannot go on reading like this. That will not help us.

**Shri GAURISANKAR BHATTACHARYA :** I am only pointing out certain instances. Sir, my point is that so far as the State Transport is concerned, the account is being mismanaged inspite of audit objections, the usual irregularities have not been corrected, and there have been no improvement at all. In support of this contention, first of all I want to refer for the information of the House to paragraphs 10, 11, 12 and 13 of the Audit Report at page 278.

These paragraphs clearly show how badly the accounts of the State Transport organisation have been prepared and what indiscretion has been shown in management of public money. For example, when some French motor cars were purchased no arrangement was made for purchase of spare parts with the result that a pretty big sum was practically wasted. Then with regard to purchase of these French motor cars which were replaced by Chevys, there was another unnecessary expenditure. In this regard I refer to paragraph 9 in page 278. Then there were excessive repair charges—that is shown in paragraph 10. Then there was purchase of trucks in excess of requirements—that is shown in paragraph 11. Then in the matter of stores accounts the accounts were not properly maintained—that is shown in paragraph 12. Then with regard to capital assets there was also irregularity—that is shown in paragraph 13, and so on. If we go on reading paragraph after paragraph of the Audit Report, we will find that the whole management has been full of irregularity and discrepancies. This is said by no less a person than the Accountant-General himself. Now, so far as this State Transport business is concerned, which is the biggest organisation under the control of this State from the financial point of view, it is full of irregularity, discrepancies and mismanagement. All these we find in this Report of the Public Accounts Committee itself.

Then, let us go to the Textile Trading Scheme. Here if we look to page 292 (Appendix) Section II—Remarks by the Audit Officer—there we find that in this matter also quite a big sum has been misspent and there has been no proper account. In the item 'Value of closing stock as on 31st March, 1950' that also was not properly shown—I refer to page 293, Sir. Then with regard to demurrage charges a sum of Rs.1,74,662 was paid to Messrs. Shaw Wallace & Co. And if we go to the last paragraph on this page, we will see that a big amount could not be realised from the

handling agents and so it had to be borne by the State. Sir, this State Exchequer had to pay the demurrage for the fault not of the State but of somebody else ; but what step has been taken against that body? Then, if we go to page 294 at the very first paragraph we find that the test audit of the accounts of certain areas, for example, those of Gauhati and Haflong which shows that quite a number of bales of cloth were missing. These bales remained untraced and the money spent there was wasted. Not only that, if we look to some of the remarks on this page we will come to the conclusion that there was some secret hand behind this handling agent's business.

Sir, there is an Assamese proverb : “অৰে এবিলেও কৰ্পটিয়ে নেৰে”। Standard cloth scandal reminds us of that proverb. We find that this standard cloth business—I refer to page 299 where we find that in spite of the fact that this standard cloth scheme had long ceased to exist, we have not been able to clear the accounts, and we have to spend some money on that account even now. That is what the saying says—the ‘Jar’ is gone but still the ‘korpoti’ is lingering.

Then with regard to Grain Storage Scheme, if I may be permitted to read out.....

**Mr. SPEAKER :** No, I cannot allow you to read out papers again. You should have notes on the points.

**Shri GAURISANKAR BHATTACHARYYA :** All right, Sir, but I hope the hon. Members will please read page 302, paragraph 2 and 3. From there they will find.

**Mr. SPEAKER :** Mr. Bhattacharyya, have you got no notes on these things ?

**Shri GAURISANKAR BHATTACHARYYA :** No, Sir, but I have mental notes. My point is that if the hon. Members will go through these paragraphs 2 and 3 at page 392 of this Report, they will see, Sir, that in the matter of Supply Department, in the matter of Grain Storage Scheme where a sum of Rs.31,54,756 was concerned, account was not properly kept owing to discrepancy and mismanagement, in the matter of sale, storage, credit, etc., that is, everywhere, and on all counts. In addition to the stock in transit, in all possible items, in all spheres there had been irregularities, discrepancies and mismanagement—a cursory reading of these paragraphs alone will clarify that.

**Mr. SPEAKER :** With regard to (a) they have already regularised that amount.

**Shri GAURISANKAR BHATTACHARYYA :** Any way Sir ; but I am pointing out all these things where a big sum of public money is involved. I am saying that in all aspects there is irregularity—in the matter of procurement, in the matter of purchase—I refer to (b), in the matter of sale—I refer to (c), in the matter

of milling—I refer to (d), in the matter of receipts and disposal—I refer to (e), in the matter of stock in transit—I refer to (f)—on all these counts there has cropped up discrepancy and irregularity. That is what I was saying. Not only that, but when the Public Accounts Committee examined the different heads, they found irregularities and discrepancies in accounts on this or that head. Who are responsible for all this? Since I was not allowed to read out, I am only referring to paragraphs 6, 8, 11, 12, 13 and 14—all these paragraphs will show that. All that we get is only an assurance from the Chief Secretary that things will not be so in future. But from previous reports also we have had that same assurance regarding the previous years also, but we find now that these assurances have not been fulfilled. Sir, in this connection if you refer to page 9 which again refers to page 5 of the last report with regard to this celebrated head 'Home-Guard'—here what do we find? There we find that a sum of not less than 13 lakhs had been "reconstructed". I need not explain the implication of this word 'reconstructed' because I think, the entire House understand its implication.

Furthermore, Government are only investigating the possibilities of bringing a criminal case against the person concerned in respect of the amount which has not been accounted for. This is an amount not of last year, but of 1948-49. Even now Government is only investigating the possibilities of bringing some criminal cases. It shows that there is no application of the Maintenance of Public Order Act, no application of the Indian Penal Code against such a person and it is said that these things will come in future only when Government investigations and exploration of the possibilities of starting a case are over. Within these 4 years possibilities have not been found out.

Then again what this Committee itself remarks? It makes a general observation that "In general the Committee observes with dissatisfaction that effective control over expenditure was not being exercised by the Departments and desires that the controls should be tightened up."

This is not a new pious wish. This wish has always been expressed by the previous Committees also. But we are concerned with the result only. Have we seen any substantial improvement? If we compare this Report with previous Report, have we found that irregularities, bunglings, mismanagement and discrepancies have substantially decreased? We do not find any such decrease. That is very objectionable.

**Shri RAMNATH DAS (Minister):** Can any one say that there is no decrease?

**Shri GAURISANKAR BHATTACHARYYA:** I hope the Minister will remember that I said, "substantially decreased". There might be an insignificant decrease. I have mentioned only a few heads of accounts. If we go through this Report we find that in almost every head there is some discrepancy. Not only that, Sir, even when I refer to paragraph 6 of the first page I find the remark made by the Committee that some officers did not pass accounts test. Far from rectifying things, far from improving things, those who had not even passed a test were given promotion. What is the answer we get for it? The Chief Secretary, gave that hackneyed assurance that every effort will be made in future to strictly enforce passing of the accounts test by officers before they are confirmed and given increments. So far as improvement of things is concerned, we find that there has been rather a sliding down a precipice.

**Shri RAMNATH DAS (Minister):** This may be a new thing.

**Shri GAURISANKAR BHATTACHARYYA:** Is not the Government itself carrying the country down the precipice with it? And that is a new thing! (*laughter*): Public money is a sacred trust and responsibility for proper utilisation by the Government. It is not our personal money with which we are concerned. It is the public money and so every pie should be carefully handled in the matter of expenditure, in the matter of keeping proper accounts, in the matter of checking accounts and in the matter of seeing that not only the amounts which are voted are spent and not left over but that they are not misspent. It is said that we follow the procedure of British Parliament in the matter of Public Accounts Committees as we follow other democratic traditions of Great Britain. Let us see how far they function like the British Parliament in this matters. If you allow me, Sir, I will just read a little from Dr. Gyan Chand's book, "It is the convention constituted after the model of the Public Accounts Committee of the House of Commons" and in another place he says, "This Public Accounts Committee exercises their function in respect of receipts, expenditure and store transaction". So, there should be proper accounting and checking and they should be above suspicion. The accused himself should not sit to judge over his accounts. It is the practice in British Parliament that one Member of the Opposition is made the Chairman of the Public Accounts Committee. Why? Because as a matter of fact, the Minister-in-charge of Finance comes as the man on the dock to explain things—whether things have been done properly or not. Therefore, it has been the standing convention in the British House of Commons that a Member of the Opposition becomes the Chairman of the Public Accounts Committee. Now, what we find here? Unfortunately we find that the Finance Minister himself is

the *ex-officio* Chairman of the Committee and the Finance Secretary or Deputy Secretary is the *ex-officio* Secretary of the Committee. Those who are to be examined, become themselves the Chairman and Secretary of the Committee. Therefore, Sir, so far as we in this House are concerned, we must have some latitude to go into the things, although it is sometimes tiresome to read some paragraphs or to make long quotations from the Report. We have to do it because here we have not yet built up a tradition where the Finance Minister will not be the *ex-officio* Chairman and the Finance Secretary or the Deputy Secretary, the Secretary of the Committee. As a matter of fact, all the authorities, for example, Dr. Gyan Chand have suggested that here in our country also we should establish a tradition whereby the Chairman of the Public Accounts Committee will be somebody not from the Government side, but from the Opposition so that checking of accounts will be more effective.

**Shri RAMNATH DAS (Minister):** No more quotations please.

**Shri GAURISANKAR BHATTACHARYYA:** Well, the whole book I may quote ; but instead of going through that let me hope that the Minister will try to read it. I want to make the last observation which is that if and when we go through these reports they always remind us of the failure of the Government to manage the public funds properly. In future we should be careful that the money which is voted for a particular grant, is spent because in these reports we have seen that in some cases the voted money had been returned as it could not be spent. When the Legislature passes a grant, it means to spend it and not to return in ; but we have seen that some of the Heads of Departments could not spend it throughout the whole year and just at the last moment they made a last moment effort to draw that money, *e. g.*, in paragraph 5, it has been said, "The Committee viewed with concern the practice of drawal of money by some officers in advance of requirements to avoid lapse of budget grants and observed that effective measures should be taken against the officers responsible." Here, at the last moment they find that the amount is going to be lapsed because 31st of March is coming and it is then that they draw the money and naturally they cannot spend the money and if they spend it, they spend it haphazardly. Then regarding overspending, we have found in the Report that against the wishes of the Legislature that a certain expenditure should be confined to a limited grant, there is often an extra expenditure, as a result of which we have to face supplementary budgets. Now, this supplementary budget should be only in extraordinary circumstances. But we have seen that this supplementary budget has become a regular feature with the Government because Government and its Heads of Departments do not care about the amount the Legislature has voted. They often

spend beyond the sanctioned amount and by their brute majority they can have the amount passed in a Supplementary Budget. Naturally the question arises, “আমি তেনেহলে ইয়াত ভেৰণ বজাবলৈ বহোঁ নেকি ?” (*Laughter*). The Legislature is here to discuss the desirability or non-desirability of a particular grant. When we make a particular grant, the target we fix is meant to be spent approximately to the tune of the sanctioned amount. That amount is voted to be spent and not to be kept apart as reserve, nor to be made a fraction of the whole expenditure. But what this Report shows is that in some cases there have been over-expenditure and in other cases under-spending which means a bad budgeting and a worse financial administration.

In preparing our Budget, we have to learn to be approximately accurate and if we can be approximately accurate, then these things ought not to have occurred. This is a sharp pointer to us. What is the use of a Budget ? I make this fervent appeal to the Government that at the time of making expenditure they should see that these voted grants are followed as approximately as possible. There might be a little discrepancy here and there. That is understandable when crores and crores of rupees are involved. There may be a loophole here or there ; but if in every scheme or project there is some loophole and in this boat of financial administration if we have leakages from all sides and if we are to board this boat having leakages on all sides, then we are sure to sink along with the boat. Let us in future not board in a leaking boat. If we board such a boat, not only Government will sink, but the whole country will suffer a great deal, because Government is the custodian of public finances. Instead of opposing the humble suggestions given by us there should be a thorough heart-searching by the Government ; for example, the Forest Minister who is interrupting me will see that in his Department itself although the grant is comparatively small, there are discrepancies to the tune of Rs.70,000. If the Minister goes through the evidence of Mr. Jacob referred to at page 21 of the Report, he will be convinced of my contention. What about the over-drawing officer who has left for England ? Why these things should happen ? Let us all see that the money which the public give in our hands, is honestly spent, honestly protected and scrupulously utilised for the good of the country and not to be misappropriated by this Head or that Head, by this Officer or that Officer, by this favourite or that favourite of the Ruling Clique.

Sir, I hope, to this appeal of mine, Government will give a response and will give us an assurance that in future we will see better financial administration and accounting in our State.

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, where ignorance is bliss it appears reading is dangerous and yet we have been reading.....

**Mr. SPEAKER:** I object to it. It is an insinuation which should not be made. Will you please withdraw it?

**Shri HARESWAR GOSWAMI:** Yes, Sir, but I did not mean anybody. There is a saying that ignorance is bliss, etc.

Sir, We are given a big book about audit and appropriation of accounts and when we go through that book and also the Report of the Public Accounts Committee we find a dismal state of affairs. At present it has become a matter of routine for the House to discuss this matter because if we go through the Reports of previous years of the Public Accounts Committee, i.e., for the year 1948-49 and also for the year 1949-50, we will find in the first two pages similar things have been repeated about drawal of money for meeting requirements which are done actually just to avoid lapses. This very thing also appears in the last year's Report and we find the same thing in this year's Report also. Not only that. When we go to page 22, I am not reading...

**Shri GAURI SANKAR BHATTACHARYYA:** Is reading of relevant portions is banned in the Assembly?

**Mr. SPEAKER:** Reading out copiously from Reports are not allowed, you are out of order also.

**Shri HARESWAR GOSWAMI:** Pages 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of the Report—all these pages cite instances of lack of control over expenditure. I do not like to read out the items because if I do so, the whole time will be taken. Pages 11 to 21 of the Report gives certain instances.....

**Mr. SPEAKER:** What is the amount involved?

**Shri HARESWAR GOSWAMI:** Perhaps more than two crores of rupees, Sir.

**Mr. SPEAKER:** Have you calculated?

**Shri HARESWAR GOSWAMI:** I have not calculated, Sir. But from a rough calculation it appears the amount will be near about that.

In page 22 of the Appropriation Accounts and Audit Report, it has stated, "Important cases of defective control have been brought to notice in paragraph 12." Now, it appears only the important cases have been brought to the notice. We do not know how many unimportant cases are there? If they are calculated, the amount involved will be a very big one. Sir, when we go through the Report of the Public Accounts Committee, then we find in spite of reminders that money should not be drawn when it is not required, just to avoid lapses, it is still being continued. If we look to page 34 of the Report, we find, under head—"Withdrawals from treasury in advance of requirement"—it is stated "\*\*\*The unspent balance of Rs.7,34,457 was thus drawn irregularly far in advance of requirement simply to avoid lapse of Budget grant". In that

way, when we come to the Police Department, we find there is laxity of control in that Department. At page 24 it was stated." \*\* The defalcation was rendered possible due to laxity of control over accounts and disregard of financial rules and procedure". The sum may not be a big one, Sir, but it shows how even from the Police Office itself the Cash Box was stolen.

Now when we go to the Education Department and the Local Self-Government Department, we find that these two Departments have dealt with the public money in a manner which is really without any standard.

Sir, a poor State like ours, when we are faced with such a huge deficit we should not have allowed this kind of reckless wastage of money. If we go to the cases of these overdrawals or even to the cases where money has been spent without sanction or money misappropriated, we find that the sum involved will not be less than fifty lakhs of rupees.

**Shri MOTIRAM BORA (Minister):** Sir, where did my Friend get that rupees fifty lakhs have been misappropriated?

**Shri HARESWAR GOSWAMI:** I have calculated that out, because in the Home Guard Organisation alone a sum of Rs. 13 lakhs still remains unaccounted for. Then the spindle affair where about eight lakhs of rupees are still blocked. Similarly in the Textile Department.....

**Shri MOTIRAM BORA (Minister):** Is it a case of misappropriation?

**Shri HARESWAR GOSWAMI:** Sir, I am using the language of the Report.

Then, Sir, in the Education Department, pages 24 & 25 of the Report—I shall read the head line—Loss due to theft and irregularities in departmental construction of buildings.....

**Shri MOTIRAM BORA (Minister):** What is the amount involved?

**Shri HARESWAR GOSWAMI:** Rupees 1,250. Then there is loss by theft and other irregularities involving a sum of Rs. 2,286. Then again loss resulting from irregular execution of work and purchase of furniture. Then again the misappropriation of Rs. 1,337 by a Librarian of a Government School.

Sir, I agree with the Finance Minister that the amount is small, but let us not forget that we have got a deficit Budget. Moreover we have only a budget of Rs. 13 or 14 crores and within this amount if there are cases of so many irregularities and misappropriation, then it is a very serious thing. Sir, every time we are to go to the Centre with a begging bowl for financial assistance. But if we could stop such leakages, we could have improved our financial conditions to some extent

at least. But we find these things are multiplying every year. If in this way our administration is conducted, there is no hope for our State. Rightly my Friend, Mr. Bhattacharyya, has stated that this kind of administration will lead to the liquidation of our State itself.

Then if we come to the Agriculture Department—page 27, we find there is a loss of Rs.9,343 due to injudicious purchase of cattle without test. 496 cattle were purchased from the Army without test, to give us better milk and better breed, of which 25 were discarded and sold within a few months as they were declared to be below the standard. Not only loss, it did spread contagious diseases in the farms where they were kept.

Then if we go to the Forests Department at page 22, we find case of over-payment due to false measurement. It is stated against a sanctioned estimate of Rs.9,482 for the construction of a forest road a sum of Rs.23,007 was paid to a contractor for earthwork alone by recording false measurements and wrong classification of soil. Then again loss of revenue due to late Settlement of Cane Mahals. It is reported the Mahaldar suffered loss and just to give him reward, he was given settlement of another Mahal (*laughter*).

When we come to the Transport Department—page 30, we find that there is unprofitable expenditure. This is a very interesting case. Government hired some buses from private owners at Rs.35 per vehicle per day. One of such buses ran with a running repair from the very day of its hire and after a week, a new generator had to be fitted. But even then it remained shut down in the workshop for major repairs. Out of the period of hire of 178 days, it remained shut down and idle for 90 days, I hope the Minister-in-charge will give the name of the owner of the bus (*laughter*). As a result of hiring the defective bus, Government sustained a total loss, including the cost of repairs and the pay of the driver engaged for this bus, to the tune of Rs.4,142.

Then, Sir, if we come to the Textile Department, at page 29, we find, "Two hundred and fifteen bales of standard cloth drenched by rain were received by certain consignees in Assam during 1944. The damage was communicated to the Government by their agents in Calcutta and the consignees were advised by Government to open the bales and dispose of the cloth at the best available price. The bales, however, were left unopened for several months resulting in the deterioration of the stuff to such an extent that these had to be sold at a very low price causing a total loss of of Rs.59,571 to Government."

**Mr. SPEAKER:** There is no need to read the Report.

**Shri HARESWAR GOSWAMI:** Sir, it is a Report only. These should not appear in the Report,

**Mr. SPEAKER:** It is a lengthy Report.

**Shri HARESWAR GOSWAMI:** Yes, I agree.

When we come to see the Report of the Public Accounts Committee on the Appropriation Accounts, at page 6, regarding Consumer's Goods Schemes, we find, "A legal notice has been issued against the Imperial Bank of India for credit of the value of the forged cheque. Preparing of draft for filing the civil suit has been receiving consideration of the Government."

Sir, we have our Legal Remembrancer, and also the Advocate General. But even these matters do not move very quick.

In this way, I can go on enumerating these things.

Again in the matter of administration of Jails, at page 109, of the Appropriation Accounts and the Audit Report I should like to point out something. Whenever I spoke about pilfering in the Jails, my Friend, Mr. Roy, resents. But there is a report, to which I am citing. "In course of local inspection of a district jail it came to notice that deficiencies in various commodities amounting to Rs.1,815 were detected at the time of verification of stores in December, 1947, the previous verification having been made in February, 1946. The stock book was maintained in a most perfunctory manner and written long after the transaction actually took place."

**Shri BIMALA KANTA BORA:** These occurred in old jails.

**Shri HARESWAR GOSWAMI:** Yes. But these things are happening today even. When we say that such sort of things are going in the jails, the Minister-in-Charge of Jails resents. There is a saying in Assamese—চণ্ডালৰ মুখত বেদবাক্য শুনিব নাপায়।

Because as we are outcastes, we cannot hear such thing.

Secondly I want to mention about the audit business. It is not my intention just to pin down some Ministers for certain things. This is not a general thing. We get these from the Audit Report. When our State is suffering from deficit, we should try our best to stop these leakages or stop these recurrences. I should not say that all these are due to the Ministers. There might be some. But we must try to reduce them to the minimum so that these leakages can go and our finances are improved. Then we shall be able to go to the people and face them. Supposing the people are hearing the speech of our Finance Minister and at the same time read the Audit Report, what idea they will form? They will at once say that here is maladministration. Why should they pay for extravagance?

Another important thing is that we have been getting only the old reports, *i. e.*, Audit Report. These are not up to time. These reports should have been published long ago regularly. These Audit Reports refer to back dates only. Because these audits are not properly done, these things will surely crop up. But when we get the old things, we have to criticise our Ministers. That is an irony of fate. So these Audit Reports should be made as up-to-date as possible.

These discussions should be very practical and real. Let them not take our criticisms otherwise, but take them as coming from the people of the country. Let our administration be geared by perfection so that the people can have a hope that our Ministers are trying to better the lot of the people.

**Maulavi MUHAMMAD UMARUDDIN :** Mr. Speaker Sir, we have got the Report of the Public Accounts' Committee for the year 1949-50 for consideration by the House. Most of the matters referred in the Audit Report of the year 1949-50 may not be of current interest. But they are a pointer to certain important conclusions. It shows which way we are going, and it also shows which way Government is being run. Mr. Goswami has pointed out that the Audit Report that has been placed before us relates to the year 1949-50, *i.e.*, 4 or 5 years back. Sir, there is a rule under which the Public Accounts Committee is formed.

**Shri MOTIRAM BORA (Minister) :** Will it be conventional Sir ? As the hon. Member is himself a Member of the Public Accounts' Committee, he again wants to speak on this matter.

**Mr. SPEAKER :** Will the hon. Member take his seat? I think this is not a good convention.

**Maulavi MUHAMMAD UMARUDDIN :** Sir, I would like to give some suggestions for the improvement of the state of affairs.

**Shri MOTIRAM BORA (Minister) :** That could have been placed in the general discussions of the Budget.

**Maulavi MUHAMMAD UMARUDDIN :** Sir, if I give some suggestion regarding the ways and means for the improvement of the administration of the finances of our State, I think, there will be no objection.

**Mr. SPEAKER :** Yes, you are allowed.

**Maulavi MUHAMMAD UMARUDDIN :** My point is this. I want to point out that there is nothing in the rules governing the appointment of the Public Accounts Committee indicating the particular year of which the accounts should be examined. Now we are going to discuss the Report on the accounts of the year 1949-50. We are discussing and after how many years ? That is during the year 1952-53, we are going to discuss the Report of the year 1949-50. There is a time lag of current or practical interest, which is about 4 or 5 years and many of the irregularities referred to are not of current or practical interest. So every effort should be made to publish more up-to-date Audit Reports which will be of real interest. Otherwise, it is no good having a *post mortem* examination after a lapse of a number of years. Therefore, still I maintain that the Audit Report should be compiled for the two years. Which are in arrear, *viz.*, for 1950-51 and 1951-52, should be placed before the next Public Accounts Committee.

**Mr. SPEAKER :** The Auditor-General cannot submit his Report in time. That is the difficulty. I do not find so much blame upon the Government. The Auditor-General fails to report. Hence the delay.

**Maulavi MUHAMMAD UMARUDDIN :** The Government may impress upon the necessity of expediting matters.

**Mr. SPEAKER :** The Auditor-General is not under the State Government.

**Maulavi MUHAMMAD UMARUDDIN :** The Auditor-General may be requested to expedite matters formally, there should be a time limit of at least one year for checking and auditing all these things, but now we have got a difference of three or four years in examining all these accounts. My request to Government, Sir, is to take steps to bring all these reports up-to-date. Then, Sir, with the expansion of Government activities there has been increase in expenditure, but due to maladministration or mistakes many things had not been completed or work had not been properly done and the money had not been spent within the scheduled time, and thereby the money had lapsed. So, Sir, from what we find in the Reports, we should try to control and adjust our affairs in such a way so that there should be no room for irregularities which had taken place previously and as such we should see that all our accounts are properly audited and placed before the House in time and thereby the time of this House as well as the hon. Members of the House can be properly utilized in their discussion. Secondly, Sir, we should have also corresponding reorganisation of all our Accounts Departments, otherwise with the expansion of Governmental activities and

also with the expansion of the departments, irregularities are bound to crop up ; so, Sir, in my opinion there should be corresponding reorganisation and separation of the Accounts Branches. We have seen, Sir, that there has been no effective control in the Treasury as well as in the Accounts Branch, so Government should try to strengthen and change the whole structure of the departments so that they can cope with increased volume of work and increased expenditure. Nextly, Sir, I suggest that there should be more time allotted to the Public Accounts Committee ; in my opinion the time allotted to the Committee is very short, and, it is therefore, very difficult for the Members of the Committee to find out and detect all the irregularities and go into the details of all such things.....

**Mr. SPEAKER :** When did you get the Report ?

**Maulavi MUHAMMAD UMARUDDIN :** 10 days ago.

**Shri MOTIRAM BORA (Minister) :** There is no fixation of time.

**Maulavi MUHAMMAD UMARUDDIN :** I am only pointing that the Committee should be given more time, since the individual Members find it impossible to examine the items carefully and find out the irregularities ; therefore, Sir, it is desirable to give more time to the individual Members so that they can have sufficient time to study and scrutinise the Audit Reports and make their observations and suggestions to improve matters and Government can take action according to the suggestions and recommendations of the Committee.

**Shri MOTIRAM BORA (Minister) :** Mr. Speaker, Sir, my Friend, Mr. Bhattacharyya, says that they are in leaky boat and hence there is a chance of their being drowned. Mr. Bhattacharyya is very much afraid of being drowned along with us. But I say, Sir, there is no chance of the boat being drowned, and therefore, he should not have any misapprehension about that. Our boat is both leak proof and fool proof.

Sir, I am used to regard Mr. Bhattacharyya with respect. He is an intelligent and educated man with wide experience in public affairs also, he has come here to this Chamber to help the people and the Government by giving advice and suggestions. But one thing that has come uppermost in my mind, and which I like to tell here is that he has developed such a trait and such a trend of mind, that he does not see any good thing done by the Government. If he goes on like this, a time will come when people will cease to give importance to Mr. Bhattacharyya. They will not take him seriously and will regard him as man who does not seem to see anything good in others and proceeding thus he will cease to have respect from others.

**Shri GAURISANKAR BHATTACHARYYA :** They said so on the 15th of March last.

**Shri MOTIRAM BORA (Minister) :** Sir, what is the good of going on criticising and criticising, in season and out of season ; this will not go to help any one. That is the thing that has come uppermost in my mind, Sir, and as a Friend and a Colleague to him, I should like to say that he should rectify himself so that he can serve the people and the country better by useful advice and guidance.

**Shri GAURISANKAR BHATTACHARYYA :** Am I the State—and the Government is the Country ?

**Shri MOTIRAM BORA (Minister) :** Sir, a lot of things has been raised by Mr. Bhattacharyya, but before discussing those points, I should like to answer the points raised by my Friend, Mr. Goswami. Mr. Goswami a clever lawyer that he is curiously enough took much care to avoid things that go against him, but saying something which in his opinion go against the Government. He has pointed certain things, such as forest pilferage, misappropriations of money in the Education Department by certain persons and so on and so forth. But at the same time he would not see other portions of the Report whereby, it has been shown that Government have taken stringent action against all such people. Who denies, Sir, that in an administration of a State like this consisting of 12 Districts with such diverse population and with so many complicated problems, there may not be some corruption in some sections of the vast service ? It is only natural, Sir, that such things do happen in such a vast administration. But as I said just now, Mr. Goswami—like the clever lawyer that he is—he has sifted the ground and cited only those cases where there is misappropriation, pilferage, theft, etc., but not the portion of the Report which shows what action Government have taken against those people. If he had only asked me directly what action Government have taken in such cases, I could have enlightened the House. But he has not done that. He only pointed out a few small, and stray cases of theft or pilferage here and there like a man trying to pick up holes in others, to suit his own purpose.

Now, Sir, he has referred about the alleged misappropriation of some money by a Forest Ranger. In this connection I may inform the House that at the instance of the Conservator of Forests, this was detected and necessary action taken against the Forest Ranger who committed this mischief and money is being

realised from him. Then let us take the case of the Librarian who was found to have misappropriated some amount of money belonging to a High School. In this case also prompt action was taken and the Librarian concerned was punished. Then as regards the Headmaster of a High School at Gauhati, Government have taken necessary action and the pension of this Headmaster has been reduced.

**Shri HARESWAR GOSWAMI:** I refer to page 21 of the Report in the first chapter—what happened to that amount?

**Shri MOTIRAM BORA (Minister):** I am coming to that. That relates to outstanding audit objections and it is not a case of misappropriation. These audit objections pertain to an over-payment due to wrong measurement. In this matter as I have just mentioned, the Conservator of Forests has taken action. So Sir, from all these things it will be seen that Government is ever vigilant and in every case of corruption that comes to the notice of Government, necessary action is taken to punish the culprit. If the hon. Members will only see that Government have taken action, in all such cases, does it not itself justify the position of Government.?

Now, Sir, as regards the School at Kohima where there is an allegation of some misappropriation of money by the Head-Master and some Assistant Mistress, there also we have taken action by drawing proceedings against them and reducing the pay of the teachers concerned. So in all these cases he has referred, I have given the explanation that adequate action in each case has been taken. This, Sir, shows that Government are not sitting idle, but they are careful and vigilant where public money is concerned and also very scrupulous. All these actions taken by Government will prove their scrupulousness about such matters.

Then as regards the Home Guard question, I again re-iterate that there is nothing to worry about that because an Accounts Officer has already been appointed by Government to go into the whole matter. That Accounts Officer has already engaged himself in the work of reconstructing the account. Now, Mr. Bhattacharyya wants to find fault with this word 'reconstruction of accounts' and perhaps he was labouring under some kind of a complex and insinuating on that Government is trying to white-wash the whole matter. That is not a fact, Sir. Sir, this reconstruction of accounts is a technical term where finance is concerned. It means re-writing the accounts properly from primary records like bills, vouchers, receipts, etc., and it has no hidden meaning whatsoever. My Friend wants to give it a hidden meaning and thereby imputes certain motive against the Government. That is far from the truth, Sir. As I have already stated, a responsible Accounts Officer has been appointed by Government and I think

he has almost completed the work of reconstructing the accounts by now. So there is no need for my Friend to be impatient in this matter. Let us wait till the report of that officer comes out. Why do you anticipate what his findings will be, whether he will be able to reconstruct the accounts or not. Let us have patience. In this connection I may as well remind the hon. Members of the House that in the previous session also I gave an assurance on the floor of the House that if, after the reconstruction of the accounts by that Accounts Officer, it does not give full satisfaction to the House or to the Government, then certainly suitable action will be taken in the matter. So there is no need to be impatient when the matter is already under examination and scrutiny by an expert officer appointed by Government.

Then, Sir, Mr. Goswami said something about textile spindles, etc., and alleged that there is loss of public money here also. That is not a fact, Sir. There is no loss of money at all in this regard. Government have only made an advance for these textile machineries and there is a clear understanding that, that advance money will be paid back to Government if we do not take these machineries.

**Shri HARESWAR GOSWAMI:** Any way, the money is blocked.

**Shri RANENDRA MOHAN DAS :** Therefore it is a loss.

**Shri MOTIRAM BORA (Minister):** But it is not a loss at any rate; as I have said, Government only made an advance of some money. Sir, we wanted to establish a textile machinery in Assam, if possible and for that purpose some money had to be advanced. But as I said, Government will get back this money. If we do not take these machineries.....

**Shri GOURI SANKAR BHATTACHARYYA:** You said the same thing last time also.

**Shri MOTIRAM BORA (Minister):** Yes because these things take time. You cannot start a textile machinery at once. It is very difficult even to get one spindle. Therefore my Friend need have no grievance on that score.

**Mr. SPEAKER:** There is an allegation from Mr. Goswami about page 21 of the Report where an amount of some lakhs was involved, that there is no proper control over expenditure which resulted in misappropriation.

**Shri MOTIRAM BORA (Minister) :** That is why I jumped up to protest when Mr. Goswami referred to it. My Friend seems to have developed a habit of exaggerating things and made this unfounded allegation without knowing the facts. Generally, I do not like to disturb my Friends when they are on their legs but when I found that my Friend made a wrong statement I wanted

to correct him that this is far from the truth; there is no misappropriation at all to that extent. As a matter of fact, how much money was involved in such cases of misappropriation? It is not more than 5 or 6 thousands in the entire State of Assam. That, on the contrary shows, Sir, that the system of maintaining of accounts by the Government has greatly improved in the meantime.

Now, Sir, Mr. Bhattacharyya while opening the debate, used this sentence first of all. I took note of this sentence. It is this. That there is no remarkable improvement in handling of public funds. Please mark this word "remarkable". That shows that there is some improvement at any rate (*laughter*). That, Sir, is corroborated by other considerations also which I am presenting to the House. It is the third time that I had the privilege or opportunity of presiding over the Public Accounts Committee. Three Reports have emanated to this House from the Committee under my Chairmanship, and if all the three Reports are compared, hon. Members of this House will be satisfied to find that the Report under discussion is much better than the Reports of the previous years. That shows, Sir, that there has been some improvement. In this Committee, last time 7 intelligent Members of this House sat for seven days and scrutinised all the accounts and only the other day the Report has been published and it is now under discussion. In that Report what do they say? There is nothing that speaks disparaging things against Government so much. In some places they say that there is slackness in the control of the expenditure by the Heads of Departments. Such slackness, Sir, is inevitable specially in a country like Assam wherefrom almost all the experienced officers had to leave after independence and we were to manage with such officers who had very little experience of accounts and who had not the advantage of learning them thoroughly from those experienced officers who had left our country. With such officers our administration is being run now. So, Sir, it is only natural that in some cases there is slackness in control of expenditure. But that is not misappropriation. A certain officer drew some money which he should not have drawn. But when he drew the money where he kept it? He kept it in the treasury and not in his hands. It was done out of his zeal or enthusiasm. He drew the money so that it might not lapse. Of course, from accounts point of view that cannot be encouraged. But if you look at the other side of the matter you will find that the officer had done it with a bonafide intention. It is certainly not a case of misappropriation of money. We cannot treat such a case as a bad case. In that way, Sir, if we look into the Report you will be pleased to find that in spite of slackness, there is appreciable improvement now.

My Friend Mr. Goswami, has found fault with the assurance given by our Chief Secretary. When the Committee asked the Chief Secretary as to why he allowed promotion in the case of some officers who had not passed the accounts test, he explained that those officers could not get the chance of being placed in charge of the district treasury to learn accounts and that was why they could not appear for the test. It is unfortunate that the Government could not place some officers in charge of the district treasury and for that those officers could not get the advantage of appearing for the test, otherwise they would have been able to appear for that test and could probably pass. As for example, if an officer is placed at Mangaldai or North Lakhimpur, he cannot have the advantage of being in charge of a district treasury, there being no such treasury there. So, Sir, he cannot sit for such a test. It is by no means his fault for not being able to appear for such test and therefore his promotion cannot be withheld when it comes, while he has already passed other subjects like law, local language, etc. So, the Chief Secretary assured the Committee that in future he would see that anyhow such officers were given chance to learn things in the district treasury to enable them to appear for the test in time. Is there anything wrong in it, Sir ?

To run our administration, on several occasions, recruitment had to be made by us from the Bar. We were confronted with such a situation at times that our Chief Secretary could not place some of them in charge of the district treasury and for that he cannot be blamed. Sir, it is not such a serious thing for which the Government can be found fault with. Therefore, Sir, I say that the Report of the Public Accounts Committee that has been placed before the House is a sort of document of which any Government will be proud of and I am very proud of the achievements of our Government, in this matter. I request the hon. Members of this House to compare our Report with that of other States and they will be satisfied with the progress made in our State as far as the control of our administration and our accounts are concerned. My Friend, Mr. Bhattacharyya, has said that it is not a good thing for the Finance Minister to preside over the Public Accounts Committee. The Member sitting just behind him knows very well what amount of labour and what amount of trouble is necessary to conduct this Committee by the Chairman and what amount of labour was necessary to find out facts. If my Friend had the privilege of being in that Committee, he would himself have been satisfied with the work done by the Chairman and the members of the Committee. Personally, being an over-worked man, I do not covet an honour like that.

My Friend, Mr. Bhattacharyya, made another remark that this Government has the habit of coming forward with supplementary demands. This is not peculiar to Assam. In every country where there is democratic form of Government, this practice is inevitable.

As a matter of fact none can avoid supplementary demands. About a week back a direction has come from the Government of India that the Government of India is prepared to improve our Engineering School and for that purpose they would give us a grant of one and half lakhs of rupees and we are required to contribute an equal amount. But for that purpose no provision was made in our Budget before, and after that communication from the Government of India if we have to make a provision and if for which a supplementary demand is necessary, we cannot avoid it. Now, are we to be blamed for that? That could not be foreseen and so no provision could be made in our Budget. We cannot foresee the natural calamities in our State. I could not anticipate that there will be such a big hailstorm in Assam which would cause such damage to our State.

Nobody could foresee that there would be such damage caused to our State and therefore no money could be provided for giving relief to the affected people. Should I, therefore, feel shy of coming forward with a supplementary demand for giving succour to the distressed people? Sir, we do not come forward with supplementary demands unless they are inevitably necessary in the interest of the State.

I have almost finished, Sir. My Friend, Mr. Bhattacharyya, waxed eloquent about the State Transport Organisation. He said that this was a Department which was full of bungling, irregularities and mismanagement. But, Sir, the fact remains that in spite of those alleged bungling, irregularities and mismanagement, the Department had earned a net profit of 15 lakhs of rupees last year. This year also, leaving aside eight lakhs of rupees in the depreciation fund we are going to make a profit of seven lakhs of rupees. Of course, there may be a certain amount of irregularity and mismanagement in the beginning. The hon. Members will remember that we started nationalisation of road transport in the year 1948 and the accounts under discussion relate to the year 1949. One cannot, therefore, expect that everything would be in a tip-top condition from the very beginning. The Government was inexperienced in business matters, and they had taken to trade and business with no experience in this line of activity. It is therefore natural that there was some amount of mismanagement in the initial stage. I admit that. Unlike my hon. Friends I am not afraid of admitting what is truth. My hon. Friend referred to the purchase of Bedford buses and he had tried to exploit this fact to discredit the Organisation. But it should be remembered that those were days of

control, which we so much decry now. On account of the control we could not always get the type of vehicles that we wanted, *viz.*, Chevrolet, Ford or other such vehicles. We had therefore no option but to purchase those Bedford buses. The same argument applies to spare parts also. We had started nationalisation of road transport and we had to run the services with whatever vehicles that were available. I hope, the hon. Members will try to realise what amount of difficulties and troubles we had to face during those days.

Therefore, Sir, if all things are taken into consideration and if a dispassionate view of things is taken, it will be evident that we, after all, did not do so bad as was sought to be made out. I would only request my Friends opposite to judge things dispassionately. Let them keep their eyes open and criticise where criticism is necessary. I am not afraid of criticisms, Sir. But let them also give appreciation where appreciation is due.

With these observations, Sir, I close my speech.

**Mr. SPEAKER:** The House stands adjourned till 10 A. M. on Thursday, the 9th April, 1953.

### Adjournment

The Assembly was then adjourned till 10 A. M. on Thursday, the 9th April, 1953.

Shillong,  
The 28th November, 1953.

R. N. BARUA,  
Secretary,  
Legislative Assembly, Assam.