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# Assam Legislative Assembly Debates

## OFFICIAL REPORT

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

OCTOBER-NOVEMBER SESSION  
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The Bureau of Indian Affairs (Department of the Interior) has the honor to acknowledge the receipt of the report of the Commissioner of Indian Affairs, dated at Washington, D.C., January 1, 1911, and to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,

Special Agent in Charge

Office of the Commissioner

Indian Affairs

Washington, D.C.

January 1, 1911

Enclosed for the Bureau

are the following reports

of the Commissioner

of Indian Affairs

for the year 1910

and the report of the

Commissioner of the

General Land Office

for the year 1910

and the report of the

Commissioner of the

General Land Office

for the year 1910

and the report of the

Commissioner of the

General Land Office



**Proceedings of the sixth 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 1-30 P. M., on Friday, the 29th October, 1954.

**P R E S E N T**

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, the ten Ministers, the two Deputy Ministers, three Parliamentary Secretaries and Seventy-eight Members.

**THE ASSAM CONTINGENCY FUND (AUGMENTATION OF  
CORPUS) BILL 1954**

**Mr. SPEAKER:** I have a message from the Governor. I will read it.

“Raj Bhavan,  
Shillong, 1st October 1954

I recommend under Article 207(1) of the Constitution of India that the Assam Contingency Fund (Augmentation of Corpus) Bill, 1954, be introduced and moved in the Assam Legislative Assembly.

Jairamdas Doulatram”.

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I beg to introduce the Assam Contingency Fund (Augmentation of Corpus) Bill, 1954. Sir, the necessity of this Amending Bill has been clearly explained in the Statement of Objects and Reasons. I don't think that any speech is necessary.

**Mr. SPEAKER:** The motion moved is that the Assam Contingency Fund (Augmentation of Corpus) Bill, 1954, be introduced.

(After a pause)

(The motion was put as a question before the House and adopted.)

**Shri MOTIRAM BORA (Minister):** Sir, I beg to move that the Assam Contingency Fund (Augmentation of Corpus) Bill, 1954 be taken into consideration.

**Mr. SPEAKER:** The motion moved is that the Assam Contingency Fund (Augmentation of Corpus) Bill, 1954 be taken into consideration.



**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, the Finance Minister has said that the statement of objects and reasons has made the purpose of the Bill very clear and required no further speech thereon. Sir, things have still remained to a certain extent inexplicable to us. We have seen the actual practice since 1950 when the Assam Act IX of 1950 was passed that the Contingency Fund in fact has been used more for other purposes than for earthquake and flood reliefs and such other natural calamities. We have seen that they are taking advantage of this fund and Government made advances to certain expenditure which were not passed by this Legislature, and, therefore, we are apprehensive of this Bill also, because we find that a sum of rupees 20 lakhs is sought to be set apart in addition to what has already been passed for this purpose which will give more hand for the Government to make advances for other purposes without being passed by this House. Without any personal aspersion and bad motive, I may express such an apprehension that this statement of objects and reasons is like the story গলিত নখ দন্ত মার্জার কথা।।

**Mr. SPEAKER:** You are not making any personal aspersion in your speech.

**M. MOINUL HAQUE CHOUDHURY:** Sir, we find that Mr. Bhattacharyya is using too much Sanskrit to the detriment of other Members of the House.

**Shri GAURISANKAR BHATTACHARYYA:** I am not making any personal aspersion; I am speaking of his purse, the financial bag of the Finance Minister.

There is a story in Hitopodesh. Once upon a time there was a cat which became old and as a result of that old age its teeth and nails dissolved and became useless and therefore the cat wanted to pass its days on pilgrimage and approached the mice and said, I did a lot of harm to you all these long years. I am now thinking of becoming a Vaishnava and go to Kashi-dham on a pilgrimage, if you want to follow me, you may follow but I do not make any demand that you should follow me. So the mice followed the cat and when darkness fell, the old cat could not find its food and therefore it began to eat the mice one by one, and in this way almost all the mice were finished. Here also we find that the Government have come in for more fund, they want 20 lakhs more for extraneous purposes and not only for the purpose of giving relief to the flood



and erosion affected people. That is the maxim we got from the story of the old cat, and so we find that this Contingency Fund has been used more for other purposes than for the flood reliefs and other natural calamities. If they would have come with other proposals like the Governor's Earthquake Fund or a Special Fund stipulated for natural calamities that would have been welcomed. When Government come forward with a Contingency Bill like this where they can draw money for many other purposes I would say there would be a lot of suspicions by us, and therefore, we cannot appreciate the way in which the Government have brought in this Bill, and, therefore, we should take an opportunity of opposing the Bill.....

**Mr. SPEAKER :** What are the other purposes ?

**Shri GAURISANKAR BHATTACHARYYA :** So many, Sir. Every year we find that when a car or things of that sort are needed and for many other purposes other than flood reliefs money is advanced from this Contingency Fund. We have seen from the supplementary budgets in various ways such advances are made not merely for the relief purpose but for other purposes also, and therefore, we are apprehensive of this Bill and we want a verification and an assurance from the Government that the Fund will not be used for any other purposes than for the relief purpose.

**Mr. SPEAKER :** In the present Bill there is a lacuna. There was unforeseen expenditure in the original Bill.

**Shri GAURISANKAR BHATTACHARYYA :** Taking advantage of that lacuna they are now coming with this Bill.

**Shri HARESWAR GOSWAMI :** Mr. Speaker, Sir, during our discussions on the Report of Public Accounts Committee, we have very often stated that there should be more check on expenditure and that there should be no expenditure without proper authorisation. Unfortunately, Sir we have seen every year that expenditures are incurred without proper authorisation and at the beginning of a Session or in the midst of a Session the Minister concerned comes to us with a *fait accompli* that, "we have spent so much money and we have spent that money from the Contingency Fund and we want the approval of this House." So it is necessary that there should be strict vigilance on expenditure, very strict checks so that no money may be spent in that manner. When the Assam Contingency Fund was formed in 1950, it was stated



in the Preamble "Whereas it is expedient to establish a Contingency Fund of the State of Assam in the nature of an imprest to be placed at the disposal of Governor to enable advances to be made by him out of this Fund for the purpose of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature by law under Articles 205 and 206 of the Constitution of India." My first objection is whether the creation of a fund in this manner was permissible, whether we could form a fund in this manner under the present Constitution and leave to the Governor to be used for purposes which are not foreseen. There is a question of doubt whether that could be done because under Articles 205 and 206 provisions have been made for meeting expenditures which are made in excess of the demand from the Consolidated Fund. There is no provision made for the creation of a Contingency Fund in Articles 205 and 206 of the Constitution of India.

**Shri BAIDYANATH MOOKERJEE (Minister):** পঢ়িলে পিচত দেখিব তাত কি আছে। নপচাটক কিয় কৈছে।

**Maulavi MUHAMMAD UMARUDDIN:** পৰে আমৱাই দেখব।

**Shri BAIDYANATH MOOKERJEE (Minister):** পৰে আৰাৱ কেন? এখনই দেখুন না? আগে গাছে তুলে দিয়ে পৰে গোড়ায় যা দেওয়া বা মই কেড়ে নেওয়া ভাল নয়। এখনই পড়ে নেওয়া ভাল নয়কি? তুল ভেঙ্গে যাবে।

**Shri HARESWAR GOSWAMI:** However, as we find that in the last Session of the Assembly, 1953 there was also an augmentation of this Fund; from Rs.35 lakhs, it was increased to 55 lakhs and that time we were told that this Fund was necessary to meet the emergencies created by events like earthquake, floods, etc. But very often we find that this money is actually used for other purposes, as will appear from the List of Supplementary Demands in pages 24 and 25 for 1954-55 under the Demand for Agriculture. "Provision in the State Budget under Article 275 during the current year was made before sending the proposals under Article 275 to Government of India. Government of India have sanctioned Rs.12,097. But the provision made in the current year's budget is Rs.11,200. Hence the Supplementary Demand of Rs.897 is necessary. This amount has already been advanced from Contingency Fund." Then again item B.-1. "Government



of India have under Article 275 grants sanctioned Rs.2,75,500. But the provision made in the current year's budget under Article 275 is Rs.2,40,219. Hence the Supplementary Demand of Rs.35,281 is necessary. The amount has already been advanced from Contingency Fund." Then item E-1. "Government of India have under Article 275 grants sanctioned Rs.25,400 (Rs.1,000 for works, Rs.24,400 for staff, etc.) this year. There exists a provision of Rs.12,000 (Rs.1,000 for works, Rs.11,000 for staff, etc.) in the current year's budget. So the Supplementary Demand of Rs.13,400 is necessary. The amount has already been advanced from Contingency Fund." Item F-1 (a) "Agricultural Experiments and Research. Government of India have under Article 275 sanctioned Rs.20,000 for the current year. But there exists a budget provision of Rs.7,465. Hence the Supplementary demand of Rs.12,535 is necessary. The amount has already been advanced from Contingency Fund."

So, Sir, the purpose for which this Contingency Fund has been created and the manner in which money has been spent is not at all desirable. All these amounts should have been taken from the Consolidated Fund. We find that the Contingency Fund is something that comes to the rescue of the Ministers and the main reason for which it was created, *viz.* flood relief, earthquake relief, etc., has not been fulfilled. To-day, therefore, we find there is no money for these purposes. If we have created such a fund for particular purposes of meeting situations created by flood and famine, etc....

**Mr. SPEAKER:** What does the Preamble of 1950 Act say ?

**Shri HARESWAR GOSWAMI:** It does not say anything except for the "unforeseen expenditure."

**Mr. SPEAKER:** But what you have cited are really unforeseen expenditures.

**Shri HARESWAR GOSWAMI:** I think those expenditures were foreseen and foreseeable which should have been met otherwise.

My another suggestion is we always feel that during.....

**Mr. SPEAKER:** Will you look into Article 267 ?



**Shri GAURISANKAR BHATTACHARYYA:** Our objection is not because it is unconstitutional, but that it is improper.

**Mr. SPEAKER:** So nothing illegal has been done.

**Shri HARESWAR GOSWAMI:** Sir, instances I have enumerated are not unforeseen. I do not agree that this expenditure is necessary to meet unforeseen expenditure. If a contingency arise and if you come with a Bill and if we find in the statement of objects and reasons that the fund is in connection with flood, earthquake and other natural calamities, then we will approve such a fund. But to-day why do we want this money? Here we have not said anything about unforeseen circumstances. We want this money for the purposes of meeting expenditure in connection with floods, famine, earthquake and other things. If that is not the only purpose, then the whole Bill should have been for meeting unforeseen expenditure. This is like sugar quoted quinine. Because we have natural sympathies for the victims of flood and erosion, the Minister has taken that plea and concealed the real purpose. This money is not properly used. As my Friend, Mr. Bhattacharyya, has said, this money should be used for flood and other relief works. We should try to create a separate fund altogether and this fund should be exclusively used for that purpose only and also we should try to augment this fund not only from the revenue of the State but also from other sources so that the fund may be a standing fund and we may utilise this money at times of calamity. My second suggestion in this connection is because most frequently we need money not because we are short of money but because the money from the Centre comes very late and we have to incur expenditure for that purpose from the State revenues, we should impress upon the Centre that the money should come in time if we are to carry on this work. Thirdly, at times our money is surrendered because the works cannot be undertaken within October and March as money does not arrive. We cannot finish many works and by the time of the Budget Session the money is given back, the work is not undertaken and by the next Budget Session the money is surrendered. We can at least give more time for the execution of the works. Then the practice of surrendering the money will not occur and we may have time to perform our duties. With these words, I oppose this Bill not for the purpose for which this money is proposed to be spent but because it



is a ruse. If it is to be taken for one purpose, but to be spent for another purpose, I am opposed to such a course.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, of course there is a provision under Article 267(2) of the Constitution to establish a Contingency Fund of the State and I shall read out a portion of that Article. "The Legislature of a State may by law establish a Contingency Fund in the nature of an imprest to be entitled 'the Contingency Fund of the State' into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the Governor or Rajpramukh of the State to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature of the State by law under Article 205 or Article 206."

Sir, we have got a Consolidated Fund out of which we draw money by virtue of our budget. There is an Appropriation Act for authorising drawal of money from the Consolidated Fund. Therefore it is difficult for the State to draw any money in excess of the money sanctioned by the Legislature but unforeseen expenditure may occur and with a view to enable Government to meet such expenditure some arrangement is necessary. The purpose for the establishment of a Contingency Fund is that in such emergency money can be taken from this Fund pending authorisation of such expenditure by the Legislature through an Appropriation Bill covering the unforeseen expenditure. But what is the practice here to-day? When we passed in the general budget a demand to the tune of Rs.16 crores on Revenue alone we have got to pass about 2 crores or so as Supplementary Demand, once in autumn session and again during the budget session and we have seen from the explanations that many items of expenditure were not unforeseen. 'Unforeseen' means which could not have been anticipated in spite of all possible precautions. Now, Sir, most of the items of expenditure as shown in the list of Supplementary Demands were such as could have been easily foreseen. They, in fact involve routine expenditure. What is the use of making a budget unless the budget estimates are sufficiently correct? Without due appreciation of the budget and without any proper judgment as to the necessity of any particular item of expenditure, the demands are passed. Inclusion of new items in the list of Supplementary Demands



not provided for in the Budget, does not admit of a discussion as regards policy. So, we cannot appreciate its significance because we do not have an opportunity to discuss the Supplementary Demands in such detail as we do get in case of the budget discussion involving principle and policy underlying each demand. The difficulty is this that in many cases new items have been introduced. It is necessary that the Fund should be created only to meet any emergency and should not be utilised for purposes of day to day administration in a small State like Assam. We have our Consolidated Fund to the tune of Rs.20 crores or so. The whole issue hinges on what is "unforeseen expenditure". My Friend, Mr. Bhat-tacharyya has suggested and I also agree that a separate fund which may be called the "Flood Relief Fund" to meet all emergent expenditure arising out of floods which have become a regular feature of our State since the Earthquake of 1950 should be created. In that case we can draw money from that Fund so that our ordinary budget is not disturbed. Now, Sir, the whole budget has been disturbed because we have to make re-appropriations to meet unforeseen expenditure given rise to by the floods. I do suggest that this Fund should be created in order to save the people from distress and hardships. There are certain schemes and projects which have not been executed yet and money should be diverted from these schemes to meet the emergent needs. So, Sir, if we get a separate Fund the difficulty is removed and we can also meet the ordinary expenditure which may occur in course of the year from the existing Contingency Fund. We feel it our duty to have a discussion on this matter. I say that some sort of compulsion is brought to bear upon the Members because we have to sanction expenditure which has already been met by advance from the Contingency Fund, and this is a practice which cannot be tolerated. I suggest that Government should have a reasonable amount in the Contingency Fund not exceeding Rs.50 lakhs.

Now, Sir, we must have a separate fund to meet expenditure for floods. Formerly we had floods—once in 4 or 5 years. But since 1950 it has become almost an annual occurrence. In 1948 this Government passed a measure called 'Assam Famine and Flood Relief Fund' or something like that and there is a provision that money should be made available to that Fund from the State exchequer and other sources. Now how that fund was so long administered and whether it was augmented from time to time or not we do not know. Though there was no such necessity to utilize



that fund in 1948 or in 1949, but the fund was there. Now we can revive that particular fund and augment its corpus so that we can utilise that fund for floods relief purposes. But instead, if we augment the Contingency Fund, then it is likely that there will be less control over our expenditure when it is our duty to exercise utmost control over public money. I would therefore request the Minister-in-Charge, Finance to try to manage with the present fund of 50 lakhs provided in the Contingency Fund.

With these words, Sir, I conclude my remarks.

**Shri RANENDRA MOHAN DAS:** Mr. Speaker, Sir, I want to add only a few words to what has been said by my Friend over here.

Regarding the creation of the Contingency Fund we have no objection. But the difference of opinion is how this fund will be utilised or for what purpose money will be drawn from this fund. It has been said that to meet unforeseen expenditure, this fund has been created. The expenditures for which money has been spent from this Contingency Fund by the Government are according to us not unforeseen. It is clearly stated in the Statement of Objects and Reasons by the Finance Minister which runs as "It is felt that the sum of Rs. 52 lakhs in the fund is insufficient to meet emergent expenditure in connection with flood, earthquake and other natural calamities ..." So, Sir, it has been clarified by the Finance Minister himself what are the unforeseen expenditures. He says that unforeseen expenditures are flood, earthquake, and other calamities. If the Government is of the opinion that all the expenditures incurred by the Government from this fund during these years are unforeseen, let them say so boldly and we shall have no objection. Let them be clear and draw the money according to rules. But if they say that flood, earthquake, famine, etc. are unforeseen, then I ask the Government not to draw any money from this particular fund for any other purposes, but to meet that expenditure from some other fund. A clear statement from the Finance Minister is necessary. We want truth from the Government. The Government say that this Contingency Fund of Rs. 55 lakhs is not sufficient to meet any emergency, but I say that it is more than enough and I will prove it with facts and figures. This year we have had such floods, erosion and damages in such a way as we never heard of such damages caused by flood, erosion during long long years. Up till now what Government has spent for this reason?



They have spent about 31 lakhs and 19 lakhs, that is, in all 50 lakhs is found from the statement of the Finance Minister. If the last flood and erosion of the State are considered by the Government as the greatest of its kind in Assam then the fund which is already there, that is, 55 lakhs is more than enough to meet the emergent expenditure.

**Shri BAIDYANATH MOOKERJEE (Minister):** কিছু বোঝা নী।

(A Voice জবাব জবাব, যে কিছু নহী সম্বন্ধে)

**Shri RANENDRA MOHAN DAS:** ও বাংলাতে বলব নাকি? তাহলে শোন বলছিলাম কি যে Contingency Fund এ ৫৫ লক্ষ টাকা ছিল কিন্তু এত বড় flood হওয়া সত্ত্বেও সরকার ৫০ লক্ষ বেশী টাকা খরচ করতে পারলেন না। তখন contingency fund বাড়ানোর কি প্রয়োজন হতে পারে।

**Mr. SPEAKER:** দ্বৈভাষিক (Bilingual) হবার আবশ্যক নেই। Go on please.

**Shri RANENDRA MOHAN DAS:** Till now the Government could not spend the remaining 5 lakhs from this Fund. So, Sir, I think there is no necessity to augment this Fund by another Rs.20 lakhs. Government should be clear in their point whether for any other expenditure they want to take advantage of this Contingency Fund. So I want a clear statement from the Government as to whether Contingency Fund is meant for all expenditures.

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, at first I thought that this Bill which I have presented before the House is a very simple and innocent measure and therefore I did not make any speech. Now I find that my Friends in the opposite have made the matter complicated. Probably they have not cared to go through the Bill carefully. Sir, this is a second amending Bill that has been presented by me to augment the corpus of the Contingency Fund. Originally the fund was 35 lakhs and some time after it was found that this fund was not sufficient for the purpose for which it was created, and then I came before the House with an amendment to augment this fund by 20 lakhs. I was then under the impression that creation of a fund of Rs.55 lakhs would serve the purpose of the Government for running the administration by meeting difficulties but from actual experience we have now found that even



55 lakhs of this fund is not sufficient and therefore we have thought that unless the corpus of the measure is raised to 75 lakhs, it is not possible for the Government to meet the difficulties of the administration and that is why, Sir, I have come before this House with this second Amendment.

Now, my Friend, Mr. Goswami, has taken the plea that according to the Constitution it is not legal. But I do not like to go to that aspect just now and it is not necessary also. Mr. Bhattacharyya has raised a point that if the fund is raised to 75 lakhs then it is likely to be abused by the Government. But unfortunately he has not been able to show any instance where Government has ever abused by drawal of money from this Fund for which any objection can be raised. Now, Sir, if the provisions of the Constitution are gone into, it will be seen that this Contingency Fund had to be created just to meet unforeseen difficulties and then we come to the House for authorisation. Therefore, it will be seen that if I make any expenditure which is considered to be bad expenditure, the House will not authorise it. My Friend, Mr. Goswami, said that I was coming with so many supplementary demands. Yes, if the House consider any of these demands to be unjustified they will not authorise it. So long as I incur expenditure from the Contingency Fund and subsequently come to the House with supplementary demands and the House agree to them, this becomes perfectly legal. Therefore, Sir, no question arises of Government abusing any Fund because whatever expenditure is made by Government is always required to be authorised subsequently by the House. In the course of the last few months I had to incur some expenditure which was unforeseen and I am coming to the House to-day to get it authorised. Unless such a Fund exists, wherefrom I am to get money to run the administration because the Assembly does not sit continuously throughout the year? The Contingency Fund was created to meet this kind of expenditure, which is to be subsequently authorised by the House.

**Shri HARESWAR GOSWAMI:** It must be unforeseen.

**Shri MOTIRAM BORA (Minister):** Yes. In my statement day before yesterday, I had clearly stated that this House authorised an expenditure of Rs. 7 lakhs on account of agricultural loan and Rs. one lakh for gratuitous relief. Should I sit tight and do nothing because the money provided in the Budget on account of agricultural loan was only Rs. 7 lakhs though the flood-affected people needed much more than that?



I am, therefore, coming to the House with this Amendment Bill just to state that the provision of Rs. 55 lakhs in the Contingency Fund to meet unforeseen expenditure, though considered sufficient at that normal time, was quite inadequate in abnormal time like this due to unforeseen change of circumstances. As a matter of fact, I had to incur unauthorised expenditure of Rs.24 lakhs from the Contingency Fund on account of agricultural loan and I had to draw Rs.8 lakhs more for gratuitous relief. In this way, I had to spend a lot of money from the Contingency Fund. Actually, Sir, after all the money in the Contingency Fund, viz., Rs.55 lakhs, was spent I found out a few lakhs more by appropriation and re-appropriation under different heads and then a time came when I could find out no more money and had to sit tight. That is why I have come before the House to augment the corpus of the Contingency Fund. If you do not do it, I may not be able to give rehabilitation loans. I did not provide for it in the Budget because nobody expected that such a terrible flood would occur. The Government of India will give some rehabilitation loan, but that will come later. In the meantime, should we simply wait and not do anything? (*A Voice* :—But all expenditure from the Contingency Fund should be unforeseen). Yes, these are all unforeseen expenditure. We provided Rs.7 lakhs in the Budget for agricultural loan, that proved insufficient. We provided Rs.1 lakh for gratuitous relief, that proved insufficient due to unforeseen circumstances. Similarly, under other heads for which we are coming with supplementary demands the excess expenditure could not be foreseen. The House will see that we are demanding additional funds only for those heads of expenditure under which it has already been authorised by the House. The additional amounts now asked for due to unforeseen circumstances had to be spent. If there is no money in the Contingency Fund, things would come to a standstill.

**Shri GAURISANKAR BHATTACHARYA:** Will it not be better and more advantageous if the entire Consolidated Fund is made the Contingency Fund? (*laughter*).

**Shri MOTIRAM BORA (Minister):** My Friend must have seen the provisions in the Constitution regarding the Consolidated Fund and the Contingency Fund. The framers of the Constitution foresaw these difficulties and provided for both these Funds. I cannot draw any money from the Consolidated Fund unless it is provided for in the Budget. The framers of the Constitution thought that the administration might face great difficulties if such a tight position is created. They, therefore, made



provision for constitution of a Contingency Fund from where Government could incur unauthorised expenditure due to unforeseen circumstances and then have it subsequently authorised by the Legislature. That is the position. Of course, Mr. Umaruddin has raised another point, which is strictly not pertinent to this discussion. He said that if supplementary demands involving so much money are to be taken, the Budget becomes altogether meaningless. Sir, no Budget anywhere in the world can be made air-tight. The Budget is after all possible guess-work. Say for instance, I was expecting so much from "Land Revenue", so much from duty on carriage of jute and tea, and so on. But due to this catastrophe of flood, my entire calculation will be upset. The Budget is then mainly based on guess work. That is why the framers of the Constitution made provision for Contingency Fund and supplementary demands. You cannot foresee all things. Contingency Fund has become still more great now on account of development works also. I am not concealing anything. It is expected that amount of Rs.55 lakhs will be sufficient for development works. Of late things are changing and the Government of India has been giving us money for different development works including money for the First Five-Year Plan. They are giving us money in various ways and we must take advantage of them and if you are to take advantage of them you have got to make provision to start the works and for such works we have to draw the money from the Contingency Fund at the start and in my opinion this sum of Rs.55 lakhs is quite sufficient for that purpose. Such expenditures cannot be foreseen and it has been found that the Government of India is going to give us more money in the 4th and 5th years of the First Five-Year Plan and if you are to take advantage of this money you will have to take recourse to the Contingency Fund very often and afterwards regularise the same. Unless you allow this manner of expenditure you cannot expect to take advantage of the funds provided by India for new development works. This procedure is not illegal, irregular or anything in the nature of concealment of facts from the House. Any supplementary demand which is met from the money drawn from the Contingency Fund will be brought before the House; so there is no hide and seek in this matter. Therefore, I submit that there is no apprehension whatsoever on this score. If you do not increase the corpus of Contingency Fund we cannot take advantage of money which will come, say, for Dibrugarh and Palasbari revetment works and other development works in connection with floods, etc. And for this



purpose it is necessary to make the corpus of the Fund elastic so that we can meet such exigencies timely.

As for Mr. Umaruddin's contention regarding supplementary demands as to why budget has not been made air-tight, I have already replied and the Hon. Speaker has already stated that we have got an Estimates Committee and all these things will go there and that Committee can scrutinise about all these expenditures and that Committee consists of representatives of this House.

Therefore, I hope, my Friend, Mr. Bhattacharyya will withdraw his objection.

**Mr. SPEAKER:** Mr. Bhattacharyya you are objecting to the statement of objects and reasons.

**Shri GAURISANKAR BHATTACHARYYA:** Sir, we have now got the truth.

(After a pause)

**Mr. SPEAKER:** Natural calamity is out of proportion. Now, you have understood the whole thing.

The question is that the Assam Contingency Fund (Augmentation of Corpus) Bill, 1954, be taken into consideration

(The Motion was adopted.)

**The Assam Taxation (on Goods carried by Roads or Inland Water-ways) (Amendment) Bill, 1954**

**Mr. SPEAKER:** I have got a message from the Governor of Assam Shri Jairam Das Doulatram dated the 1st October, 1955. The message reads as follows:—

"I recommend that under Article 207(1) of the Constitution of India that the Assam Taxation (on Goods carried by Roads or Inland Water-ways) (Amendment) Bill, 1954, be introduced and moved in the Assam Legislative Assembly".

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir I beg to introduce the Assam Taxation (on Goods carried by Roads or Inland Water-Ways) (Amendment) Bill, 1954 and move that the Bill be taken into consideration.



Sir, the object of the Bill is this. This House was pleased to pass a legislation in the last Budget Session of the House enabling Government to impose a small tax on tea and jute, carried by road, water-ways, etc. In that legislation, we did not provide the definition of the word jute. The word jute is known to all; so we did not expect that complications would arise for not giving the definition of the word. Now, some of the unscrupulous dealers are trying to take advantage of this. Jute is known by various names, such as, Pat, Morapat, Costa, Posta, Mesta, etc. in Assamese. Mesta is also called in Assamese as Tengamara, its leaves gives a bit sour taste. For want of definition of this word, unscrupulous dealers are now trying to exploit the situation and they say that this word, jute, does not cover Mesta, as this is a different variety of plant and it is not jute. Not only they are contending like that, but they are despatching jute in the name of Mesta with the object of avoiding the tax.

**Maulavi MUHAMMAD UMARUDDIN:** One variety of jute is known as Torcha.

**Shri MOTIRAM BORA (Minister):** In order to avoid these troubles, therefore, it has been decided to give a definition of the word 'jute' by bringing an amending Bill. That is the purpose of this Bill. Definition that is proposed to be given here will be a comprehensive one, and all the names, such as 'Posta', 'Costa', 'Mesta', "Torcha" and similar other names will be brought under this definition. I hope the House will accept my Motion.

**Mr. SPEAKER:** The Motion moved is that the Assam Taxation (on Goods carried by roads or Inland Water-Ways) (Amendment) Bill, 1954 be taken into consideration.

(The Motion was then put and adopted).

**The Assam State Acquisition of Zamindaris (Amendment) Bill, 1954.**

**Mr. SPEAKER:** Item No. 4 Mr. Bora.



**Shri MOTIRAM BORA (Minister)** : My Friend, Mr. Hareswar Das will move this Motion.

**Mr. SPEAKER** : I have received a Message from the Governor of Assam, dated the 21st October, 1954 which I am reading out to the House: "I recommend under Art.207(3) of the Constitution of India that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1954 be taken into consideration by the Assam Legislative Assembly."

**Shri HARESWAR DAS (Deputy Minister)** : I beg, Sir, to introduce the Assam State Acquisition of Zamindaris (Amendment) Bill, 1954.

**Mr. SPEAKER** : The Motion moved is that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1954 be introduced.

(The Motion was put as a question before the House and adopted).

**Shri HARESWAR DAS (Deputy Minister)** : Mr. Speaker, Sir, I beg to move that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1954 be taken into consideration.

Sir, this is a very small measure. There are only 3 clauses. The first clause amends a definition, the definition of permanently settled estates. The original Act gives the definition of permanently-settled estates like this: " 'permanently-settled estates' means any estate in the districts of Cachar, Garo Hills and Goalpara included in the decennial settlement of the Lower Provinces of Bengal and etc.". Now it appears there are some estates, at least it is doubtful whether some estates are at all included in the decennial settlement of the Lower Provinces of Bengal. So the purpose of this Bill is to cover the cases of these estates. We want to be comprehensive in our definition so that it may cover all the estates. It is with this purpose that this definition is sought to be amended.

The next amendment is to add a proviso to sub-section (2) of Section 13. Now Section 13 deals with calculation and payment of compensation. According to the present provision each estate has to be treated as a separate unit for the purpose of calculation of compensation. Now, there are cases where a proprietor holds more than one estates; there are proprietors who hold more than half a dozen estates. In these cases, if these estates is treated as a separate units, compensation will be much higher, and the total compensation will exceed the maximum provided in the Act. Addition of this proviso will mean that where a proprietor holds more than one estate all these estates will be treated as one unit for the purpose of calculation of compensation.



The 3rd clause is an insertion of a new section as Section 13-A. The significance of insertion of this new section is this: when an estate vests in Government the arrear revenue and other dues together with interest, if any, which were payable to the proprietor may be taken over by Government by agreement. In the main Act the provision with regard to this clause was like this: "On the vesting of an estate the arrear revenue, etc., also vested in Government and the proprietor was to get 50 per cent. of these arrears". This was declared *ultra vires*. So in our first Amendment this clause was deleted. Under this new Section Government may, by agreement, take over these arrears, for that no legislation is necessary. Because anything can be done by agreement. But if there is an agreement and Government takes over the arrears, it will realise them as arrears of land revenue. For that legislation is necessary.

These are the only provisions in this Amendment.

**Mr. SPEAKER:** The Motion moved is that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1954 be taken into consideration.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, my Friend, Mr. Das has offered certain explanation about the object of this amending Bill that he has brought before the House. Sir, in my opinion there are certain points in this Bill which call for clarification. I want to refer to these in order to explain my own points of view.

Sir, by substitution of certain wordings in the Bill it is desired to amend the definition of 'permanently-settled estates.' 'Permanently-settled estates' means, as provided in the principal Act "any estate in the districts of Cachar, Garo Hills and Goalpara included in the decennial settlement of the Lower Provinces of Bengal or permanently-settled at any subsequent date under any law for the time being in force." Now by clause No. 2 of the amending Bill this provision is sought to be taken away, and in its place it is intended to place the words "or treated as such at any time." Now, Sir, clause(s) of the principal Act says, "permanent settlement" means the permanent settlement of Bengal and portions of Assam made in or about the year 1793 and upto and including the year 1869." Therefore this basic definition means permanent settlement of Bengal and portions of Assam made in or about the year 1793 and upto and including the year 1869. If we accept this definition, then in that case the words "or treated as such" become inconsistent.



If we accept that position as such, in that case, the word "or treated as such at any time" becomes entirely wide and vague. Because, what is the meaning of the term "permanent settlement"? It must have a legal basis. No estate can be given the status of a permanently-settled estate unless it has a legal basis. Neither Government can treat any estate as a permanent settlement unless it can show the legal validity of such action. I do not know, whether there is any such estate which has been treated as such without any legal basis. In that case, we have got to go to the origin of such estates. If we do that, many people will come forward and say, "this estate is a permanently-settled estate". Then how Government is going to distinguish this? Therefore, Sir, in my opinion, the former definition was much better than the definition now inserted in the Amending Bill, *viz.* :—

" 'Permanently-settled estates' means any estate in the districts of Cachar, Garo Hills and Goalpara included in the decennial settlement of the Lower Provinces of Bengal or permanently-settled at any subsequent date under any law for the time being in force"

Now we see, Sir, there is a time limit. This is consistent with the definition of the word "permanent settlement". "Permanent settlement" means the permanent settlement of Bengal and portions of Assam made in or about the year 1793 and upto and including the year 1869. Therefore, Sir, we must go by that basic word "permanent settlement," which puts a time limit. Here in the amending Bill, we are not putting the time limit. I do not believe that by mere recognition or by convention any estate can be given the status of permanently-settled estate which can only be granted by regulation and by law. Therefore, Sir, I should like to request the Deputy Minister-in-charge of Revenue, who is also a sound lawyer, to examine the matter carefully. I am really very serious because, by this amending section there will be a conflict because the estates which are permanently-settled are entered in the register of the Deputy Commissioner. That means, all estates which are permanently settled are entered in the register of the Deputy Commissioner. Therefore, there may be difficulty in the application of the new definition by Government in the matter of defining the character of permanently-settled estates if the definition is made so vague and wide. This is a difficult question. The words "treated as such at any time" raises the question by whom treated—by the owner or by Government? So, this creates a very ambiguous definition and it comes in conflict



with the definition of the word "permanent settlement". Therefore, Sir, I should like to request the Deputy Minister-in-charge of Revenue to examine this matter carefully and to enlighten the House about the background.

Sir, I am now coming to the next Amendment, *i. e.* Amendment of Section 13 of Assam Act XVIII of 1951. Here again, Mr. Das wants to add this particular proviso, *viz.*, "After sub-section (2) of Section 13 of the Principal Act" the following proviso shall be added.

'Provided that when the same proprietors or tenure holders jointly hold more than one estate or tenure all such estates and tenures shall be treated as one unit for the purpose of the preparation, determination and payment of compensation'.

In my opinion, this does not fit in here.

The sub-section (2) of Section 13 of the Principal Act says, "An amount equal to 50 per centum of the arrears of rents, royalties, cesses, fees and interest referred to in sub-section (3) of Section 4 shall be added in each case to the amount determined according to the foregoing table".

**Shri HARESWAR DAS (Deputy Minister):** Sub-section (2) means amending sub-section (2). Former sub-section (2) has been finished.

**Maulavi MUHAMMAD UMARUDDIN:** In that case, it is all right.

**Shri HARESWAR DAS (Deputy Minister):** On a point of fact, Sir, we have already published a consolidated Act. When a consolidated Act is published, the amendment is vanished, and everything vanished.

**Maulavi MUHAMMAD UMARUDDIN:** All right, Sir. Now, Sir, I am coming to another point. Mr. Das has explained that if the same proprietor holds more than one estate or tenure all such estate; and tenures shall be treated as one unit for the purpose of the preparation, determination and payment of compensation. But, in my opinion, the principle should be, the lower the income, the rate of compensation should also be higher. There should be a basis. Then there is another factor, as for example, sub-section 12 lays down the cost of management. The cost of management varies along with the



gross income. The more there is the income, the lesser is the cost of management and *vice versa*.

Section 12 of the Principal Act lays down thus.—

“The net income of a proprietor or a tenure holder shall be computed by deducting from the gross income of such proprietor or tenure holder, as the case may be.”

“Provided that the deduction for cost of management and cost of beneficial works referred to in clause (vi)....”

Supposing in a particular estate, where the gross income exceeds Rs.20,000, the rate of compensation should be 15 per centum of such gross income. Where the gross income exceeds Rs.10,000 but does not exceed Rs.20,000, the rate should be 12½ per centum of such gross income.

Then again, there is another difficulty. The word has been used “same proprietors or tenure holders”—it does not say the same set of proprietor or tenure holders. As for example A, B, C, may hold one estate, B and C hold another estate and C may hold another estate. What shall we do now? Can we say that the estates are held by the same proprietors or tenure holders? We should not treat them as identical proprietors, because the interests of A, B, C are different. So, to set at rest that ambiguity, if the words “same set of” are used, they will give a better definition. Another point is this. It is not clear about the territorial limit of the Act as this has not been indicated at all. These proprietors may live in different places or in different districts, they may hold properties in the district of Goalpara or the district of Cachar, etc., and this will bring in difficulty, unless the territorial limit is set forth. At least some territorial jurisdiction should have been indicated. Sir, if the proprietors hold properties in the same district, in that case this principle may be applicable, but if they hold properties in different districts or States, it will be difficult. So this will give rise to certain complications. Because, while one district may make good progress in the matter of acquisition proceedings, the other may not and assessment of compensation will be delayed. So, I say this should be made clear. Secondly, Sir, so far the tenure holders are concerned they are small people, they may hold property in more than one district or subdivision, and, therefore, in their case, jurisdiction should be indicated; otherwise it will be difficult for Government to ascertain the tenure of these tenure holders. Since the properties may be held in different districts, it will give rise to some complications. Therefore, Sir, in this case also there should be some amount of clarification, and I hope Mr. Das will go through the whole thing



and see whether the difficulties indicated can be removed by making necessary amendments in this particular case. Sir, this is all I have got to say in regard to this Bill. I hope, Sir, my suggestions will be given due consideration.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I quite appreciate the sentiment of Mr. Umaruddin, but he is utterly mistaken when he raised the objection to amending the words "Permanently settled estates" and wanted amendment of the term "Parmanent settlements."

The impression that all the permanently settled estates were created by the Permanent Settlements Regulation is not correct. The Permanent Settlement Regulation in Assam did not create all the estates and there is no other Act with statutory force which created any of these estates. Some of these estates were treated as permanently settled estates and they were there before the Permanent Settlements Regulation came into force..... (Interruptions from the opposition).

**Mr SPEAKER:** They said lead kindly light one step more.

**Shri HARESWAR DAS (Deputy Minister):** Because the original papers are not available here I cannot supply all the information. Sir, decennial settlements arrangement came into effect in 1791, though actually approved in 1793 and the 1793 Permanent Settlement Regulation came into force. The estates which were entered in the decennial settlements were made permanent but some of the estates in Goalpara were not included in the decennial settlement arrangement, but they were treated as permanently settled estates, and they are so treated till to-day. Sir, I will with your permission read a portion from the Assam District Gazetteers, Volume III, Goalpara.

A very light assessment was imposed upon these Zamindars. They were lords of the marches, and from people of that class it has never been the practice in any age to require heavy contributions towards the exchequer of the Central Government. The assessment on the Bijni estate was originally fixed at Rs.5,998, 68 elephants. The Zamindars of Karajibari, Kalumalupara (now Rongpur), and Ghurla similarly paid their dues in contribution. When the British acquired the dewani of the district, this as land revenue. No settlement in detail was ever made, and it is doubtful whether Goalpara was included in the great decennial settlement which was made permanent in 1793. Government has not, however, thought fit to dispute the title of the Zamindars".



At the present moment there are altogether 19 permanently-settled estates covering an area 2,384 miles, which are distributed among 6 families of landlords. By far the largest area is held by the Bijni family, and when the district is more densely people this estate will become extremely valuable. At the present moment the Gauripur Raja has a larger rent-roll. The total land revenue demand on these estates is Rs.11,411. Till now Goalpara estates pay Rs.11,411 as revenue to Government. Then "The Bijni Estate consists of the two parganas of Habraghat and Khuntaghat which cover an area of 943 square miles and are permanently-settled for the peppercorn revenue of Rs.2,355. They still pay this amount to Government. It has already been explained that the revenue was originally fixed at Rs.5,998 and that it was subsequently commuted to a contribution of 68 elephants. Great difficulty was however experienced in realising the total number of elephants due. These elephants had to be delivered at Dacca. They died on way. In one year out of 68 elephants only 2 reached at Dacca. The East India Company did not therefore like the revenue in kind, they commuted into cash money. In 1788, this payment in kind was commuted to a small cash revenue. I want my Friend, Mr. Umaruddin to listen to me. This revenue which Bijni is now paying was fixed in 1788, long before the Permanent Settlement. At least from 1788 Bijni is paying this revenue. There is no subsequent legislation creating this estate and Bijni and same other estates of Goalpara were not included in the decennial settlement. But they are now treated as permanently-settled estates. I read another portion of the Gazetter—

"No settlement in detail was ever made, and it is doubtful whether Goalpara was included in great decennial Settlement which was made permanent in 1793. Government has not however, thought fit to dispute the title of the Zamindars". So the definition of "permanently-settled estate" as it stands, does not cover these estates. We therefore, amend it. The definition of permanent-settlement cannot be amended and it is not necessary to amend it. About the other objection raised by my friend with regard to the assessment of compensation when several estates, are taken as one unit, it is true the management cost in such a case will be a bit higher, but the lower compensation slab will apply, with the result that the total compensation payable will be far less than if the estates were treated separately. About the use of the words proprietors and tenure-holders that will not make much difficulty because the General Clauses Act is there. As regards the point raised by my Friend that a proprietor may have property in different districts there will be



no difficulty. Our Act is applicable in the districts of Goalpara, Garo Hills and Karimganj and from experience we know,—I have just told that there are 19 permanently settled estates in Goalpara owned by six families that a proprietor of Goalpara has no property in Karimganj and *vice versa*. As regards Garo Hills there are only 426 acres of land under permanent settlement belonging to only Karaibari estate. Therefore the question of a proprietor holding estates in different districts, does not arise.

**Maulavi MUHAMMAD UMARUDDIN:** What about tenure-holders ?

**Shri HARESWAR DAS (Deputy Minister):** In their case the provision applies, we want to prevent them from enjoying higher slabs of compensation.

**Maulavi MUHAMMAD UMARUDDIN:** I am grateful to Mr. Das who has come forward with the explanation who has got them already ready. I believe, Sir “it should be recognised by Government” rather than “treated as such” to be substituted. The clause as it is does not convey the intention, Sir. Therefore the word ‘recognised’ is better than the word ‘treated.’

**Mr. SPEAKER:** The question is that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1954 be taken into consideration.

(The Motion was adopted.)

### The Assam Deputy Speaker's Salary (Amendment) Bill, 1954.

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I beg to introduce the Assam Deputy Speaker's Salary (Amendment) Bill, 1954.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I contend that as the principal Bill, that is, the Speaker's or the Deputy Speaker's Salary Bill, involving charged expenditure is a Money Bill, the Amending Bill put before the House is also a Money Bill within the meaning of Article 199 of the Constitution. There is a provision under this Article which runs as “the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure”. This expenditure for the salary of the Speaker and the Deputy Speaker is charged expenditure and so the Bill cannot be introduced without the recommendation of the Governor, as it is clear under Article 207 of the Constitution. Under Article 199, this Amending Bill



should be deemed to be a Money Bill. Article 207 runs as "A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of Clause (I) of Article 199 shall not be introduced or moved except on the recommendation of the Governor.....". So, Sir, we cannot introduce this Amending Bill without the recommendation of the Governor, and this is my contention. With these words I oppose the introduction of the Bill.

**Shri HARESWAR GOSWAMI:** Sir, I should like to add a few words to what has been stated by my Friend Mr. Umaruddin. This is an amendment to the parent Act, that is, the Assam Deputy Speaker's Salary Act. The parent Act was itself a Money Bill and, therefore, the Governor's assent had to be taken. Any measure relating to Money Bill, Governor's recommendation must be taken before it is introduced in the House. Although by this amending Bill the Deputy Speaker will not get anything tangible, but by allowing him to do certain profession he will be enabled to do something by which he will have some monetary gain, that is to say, it will bring him some extra benefit which will add to his salary. Therefore, Sir, when the parent Act itself was a Money Bill and the Governor's recommendation had to be taken for that reason, then for this Amending Bill also the Governor's recommendation is necessary which is not here.

**Mr. SPEAKER:** Under what Article you call it a Money Bill?

**Shri HARESWAR GOSWAMI:** Under Article 207 which runs as "a Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of Clause (I) of Article 199 shall not be introduced or moved except on the recommendation of the Governor.....".

**Mr. SPEAKER:** But does this fall within sub-clauses (a) to (f) of Article 199 (1)?

**Shri HARESWAR GOSWAMI:** Yes, Sir, I may read them out—

"(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State,



- (c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of moneys from any such Fund ;
- (d) the appropriation of moneys out of the Consolidated Fund of the State ;
- (e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure ;”

Now, Sir, the Deputy Speaker's salary is a charged expenditure and, therefore, any amendment to that Bill must receive the recommendation of the Governor.

**Shri MOTIRAM BORA (Minister):** I am sorry, Sir, that my Friends over there have mis-understood the whole position. It is not a Money Bill and it has nothing to do with the Consolidated Fund of Assam as well. This Bill has also nothing to do with the clause enumerated by my Friends, that is, Article 199(1) and the sub-clauses (a) to (f) thereunder. By this measure we want to remove a certain bar only. Therefore, Sir, it cannot be said to be a Money Bill.

**Mr. SPEAKER :** I have heard Mr. Umaruddin, Mr. Goswami and Mr. Bora. After carefully reading the Bill I find that it is not covered by the provision of Article 199. Let me examine each of the sub-clauses one by one to see whether this Bill is covered by them—

“(a) the imposition, abolition, remission, alteration or regulation of any tax ;”

It does not fall under this.

“(b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State ;”

It does not fall under this.

“(c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of moneys from any such Fund ;”

Your objection does not cover that also.



"(d) the appropriation of moneys out of the Consolidated Fund of the State".

It does not cover.

"(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure".

Your objection does not cover this also.

"(f) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money".

It is also not covered by your objection.

So, none of the provisions from (a) to (f) are attracted by your objection. I, therefore, disallow the objection and allow Mr. Bora, to move the Bill.

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Deputy Speaker's Salary (Amendment) Bill, 1954, be taken into consideration.

I beg to submit in this connection that the Deputy Speaker of the Assam Legislative Assembly is given a very meagre pay of Rs.300 per mensem, and he is not allowed on account of holding this post to make any other income by pursuing any profession. In these days to ask a man not to engage in any profession and remain satisfied with a meagre pay of Rs.300 seems to be not at all justified. We, therefore, consulted the other States of India about the position of the Deputy Speaker in this respect and we learnt that there was no such bar like the one in Assam. We, therefore, thought when there was no bar in the other States to the Deputy Speaker following some profession why should such a bar be imposed in Assam? This is why I have brought forward this Bill. Of course, there is no compulsion for the Deputy Speaker to pursue any profession, but there should be no bar to his doing so simply because he holds the position of Deputy Speaker. If the Deputy Speaker is a member of the Bar or if he is a doctor he should not be debarred from pursuing his profession simply because he is given a meagre pay. Otherwise it is very hard on him in these difficult days. We are not giving any money to him from the Consolidated Fund of the State by this Amending Bill. What we intend is that he should be free to augment his income by pursuing his profession. This is a very innocent measure and I hope the House will accept it.

**Mr. SPEAKER:** Motion moved is that the Assam Deputy Speaker's Salary (Amendment) Bill, 1954, be taken into consideration.



**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, it is a little embarrassing to discuss such a matter because, as the Finance Minister has just now said, our present Deputy Speaker gets rather a small pittance, a sum of Rs.300 only per month. I quite agree with the Finance Minister that for a gentleman of his standing, this sum of Rs.300 is rather small. But then the suggestion, which has been made by the Finance Minister that he might as well augment his income by pursuing some profession, for example, a lawyer's profession is, I think, fraught with danger.

**Mr. SPEAKER:** The Deputy Speakers of all other States do it.

**Shri GAURISANKAR BHATTACHARYYA:** I am coming to that. I do not know which States the Finance Minister consulted.

**Mr. SPEAKER:** Why ? Bombay and other States.

**Shri MOTIRAM BORA (Minister):** Madhya Pradesh.

**Shri GAURISANKAR BHATTACHARYYA:** But I do not know whether he has compared the position of the Deputy Speaker of those States with regard to the Committees of the Legislature. In so far as our Legislature is concerned, by the rules we have adopted we have made the Deputy Speaker *ex-officio* Chairman of many Committees, which carry a lot of dignity and that dignity is not his individual dignity but the dignity of the entire House. As a matter of fact, he is in the position of the Speaker because in the absence of the Speaker, he presides over all the Committees of the House. If this principle is once adopted, then this analogy will be carried to the Speaker, the Parliamentary Secretaries, the Deputy Ministers and the Ministers also. For instance, if our Chief Minister had been practising in the Gauhati Bar I am sure he would have earned Rs.3,000 per month as he was the leading lawyer in the criminal side. When he came here he had to do so at the sacrifice of some of his personal earning. Similarly, the Finance Minister, I know, was the leading lawyer in the Nowgong Bar and he also made some sacrifice when he came here ; he expressed to us on many occasions that he was financially loser by becoming a Minister. This is exactly so. When we look at these things we do not look from the Shylock's point of view. We look at these things from the point of view



of dignity, public interest and good Government. I can quite understand that if, for example, a man belonging to one arm of the State machinery and well-placed in Government comes with an excise appeal he will earn a good amount. I may not come but there are others amongst us who appear as lawyers in such matters also.

**Mr. SPEAKER:** You are casting aspersions on the Judiciary. I cannot allow this.

**Shri GAURISANKAR BHATTACHARYYA:** I mean in extra-judicial matters. There are certain quasi-judicial things like allotment of motor vehicle permits and so on, where we have seen lawyers, especially legislator-lawyers, getting very big fees in a large number of cases. This looks very ugly in the eyes of the public and this also brings down the prestige of the House. So, in the interest of prestige and dignity of the Government as well as of this House, it is not proper for such a high dignitary like the Deputy Speaker to be allowed to practise like this. Rather if Government comes forward with a proposal to give a salary of Rs.500 to the Deputy Speaker or to raise his pay to the level of the Deputy Minister, I for one make this public declaration that I will support that measure. I have no objection if his salary is raised according to his dignity. That will be a welcome proposal. It looks odd that we cannot pay a few hundred rupees from our Exchequer but leave the Deputy Speaker to go and graze. This is not the proper approach for the Government. In these things we should not be very miserly and should not leave things adrift like a drifting wood. So, my suggestion to the Government would be to withdraw this Bill and come forward with another Bill whereby the salary of the Deputy Speaker would be augmented and I give this solemn declaration that I would support that move and I think, it will be more appropriate under the circumstances.

**Shri GIRINDRA NATH GOGOI:** Sir, because the present Deputy Speaker is a lawyer this Bill has been brought before the House in order to allow him to go to Court and practice, but if the Deputy Speaker is not a lawyer what will be the case then?

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, although this Bill at the first appearance may appear to be somewhat innocuous, an important principle is involved in it and we are more concerned with the principle than



with the person concerned. For the moment let us forget who is the Deputy Speaker, but let us look to the office of the Deputy Speaker. The Deputy Speaker, although we have one we have also a panel of Chairman, nominated for every term. Although these hon. Members are to function as Chairman when the Speaker and the Deputy Speaker are absent yet their cases are on a quite different footing. The Deputy Speaker's is a permanent office and he is elected at least for the whole term of the Legislature if he is not removed by a vote of no-confidence or he offers resignation of the office. Not only that, it is a permanent office but he has to perform several onerous duties. He is next to the Speaker. In the House the Speaker has to maintain an impartial view of everything and he is to maintain the dignity and prestige of the House. Similarly, the Deputy Speaker, because it is taken for granted that the Speaker may be absent at moments and during his absence the Deputy Speaker must perform all the duties of the Speaker and if he is to perform all his duties he must also maintain an impartial view and dignity of the Speaker, he is given a salary. Therefore, in Parliament we have seen very often that the Deputy Speaker presides over Parliament, the House of the People; not only that, he is the Chairman of various Committees of the House. Here also in our rules of the Speaker will be the Chairman of many Committees and for all these reasons we have not kept his salary at Rs.150 per month which an ordinary Member is entitled to and we have increased his allowance because we are conscious of his duty, because we feel that his position is different from other Members and, therefore, he has been given extra remuneration.

Today, if it is the contention that this is necessary to maintain him in his proper standard and to maintain his dignity, the best course would be to increase the amount of his salary so as to enable him to maintain his family and to maintain his dignity.

We can also say that as the State flag can be used by you, Sir, similarly the Deputy Speaker is entitled to use the State flag, thus wherever he moves he carries the dignity with him and we shall not be able to forget his personality and project a different personality as occasion demands. Therefore, that assumption of office gives him an influence and



prestige. He maintains not only his dignity, but also dignity of this House with which we are very much concerned. Therefore, we would suggest that if the money that is given to him is not sufficient, let me assure the House that from our side we will not oppose such a move to enhance his salary in order to maintain the impartiality of character and impartiality of the office. We have no objection to raise his salary when we have spent money for many other purposes we can spend for this purpose also. If we allow him to practise and to engage in other trades that may also injure the dignity of the office and the dignity of the House. As my hon. Friend, Mr. Gogoi, has just now rightly said that supposing a man who has no trade or profession becomes a Deputy Speaker what becomes of him? Thereby we are not going to find out new avenues of income for him. It is not our concern. As my Friend, Mr. Bhattacharyya, has said just now that many of the Cabinet Ministers, the Chief Minister and Finance Minister, there may be some more Ministers, who were earning a lot in practice but by assuming office, perhaps, they have lost a lot. When this is also a permanent office, I think, if it is not possible for the present incumbent to continue in office without practice, either it is best for him to give up this office or it is for us to increase the remuneration so that he can stay. If we do that we will be able to maintain the dignity of the office. Therefore, I think, for the sake of dignity of this House, for the sake of a healthy principle, when we have made the Deputy Speaker the custodian of the privileges and rights of this House, he must not allow him to engage in any trade or profession and if that is done, dignity of the House will be maintained and if that is done this office will remain impartial and thereby will do justice to the decorum of this House.

With these words, I oppose the Bill and I would request that a fresh Bill is brought before the House for increasing the emolument of the Deputy Speaker.

**Shri MOTIRAM BORA (Minister)** : Mr. Speaker, Sir, just like the first Bill that was introduced by me to-day, with respect to this Bill also I did not accept any opposition. I did not think that this innocent and simple measure will evoke so much protest and criticism from the hon. Members. We propose to remove, by bringing in this innocent Bill, a certain bar so that we may be in a position



to proceed in line with other sister States of India. Nothing new is sought to be done. This measure is already in vogue in almost all other advanced States in India, such as Madhya Pradesh, Bombay, Madras, Bihar, Uttar Pradesh and Bengal. What is the remunerations of the Deputy Speaker there? The salaries given to the Deputy Speaker in Madras is Rs.300 per month, in Madhya Pradesh and Madras Rs.300, in Bombay Rs.200 *plus* the salary of a Member, in Bihar Rs.500, in Orissa Rs.350, in Uttar Pradesh Rs.600 and in the Punjab Rs.500. Therefore it cannot be said that the salary of the Deputy Speaker in these advanced and progressive States are higher than that drawn by our Deputy Speaker. By bringing in this piece of legislation, we are only trying to fall in line with other sister States of the Indian Union and want to remove the restriction imposed on the practice of any profession by the Deputy Speaker so that he can continue to practise his profession unhampered even after being elected as the Deputy Speaker of the House. This does not mean that as soon as this Bill passes into a law, the Deputy Speaker should run to the Court and try to increase his remuneration. Again an impossible position is sought to be created by my Friends when they say that if the Deputy Speaker is allowed to practise law, prestige and dignity of the House will suffer. I for myself, Sir, cannot subscribe to a point of view like that. After all, profession of law is one of the most honourable professions. If it is so, how can the prestige and dignity of the House suffer, if the Deputy Speaker is enabled by this piece of legislation to practise his profession? The Leader of the Opposition who is himself an eminent lawyer and a Member of the English Bar often goes out practising in law Courts. This does not in any way affect the dignity of the House. I do not think that by his practice in court of law, he is lowering the prestige of the House.

(A voice from Opposition—He does not draw any salary).

I am ready to accommodate him if only he is so disposed as to bring in a Bill to this effect. Once I tried to raise his daily allowance with others but he did not avail of it. Therefore, I am afraid if I myself volunteer acceptable to him. If, however, he now undertakes to bring in such a Bill, I assure him my whole hearted support.



Now the Leader of the Opposition occupies a very eminent position in this House as also in the outside. His position is, I am sure, not at all affected by his becoming a lawyer. Therefore, Sir, I cannot understand how the removal of the existing restriction on the practice of his profession by the Deputy Speaker will affect the dignity and prestige of the House.

My Friend, Shri Girin Gogoi, has raised a pertinent question when he asks what will happen if the Deputy Speaker is not a lawyer? Such a contingency has not now arisen. But if such a contingency arises at any time, then my reply will be—then we will consider the case according to the procedure that we will set up now.

**Shri GAURISANKAR BHATTACHARYYA :** He will then be given an excise shop ! (*Laughter*).

**Shri MOTIRAM BORA (Minister) :** If some day the House will elect an excise lessee as the Deputy Speaker, that may indeed be a bad day for the country. Of course, if there be any vacancy and, if some one from that side is placed in that position, that may be considered. At present such a contingency does not arise.

Now, Sir, with these observations I beg to conclude my remarks, and I hope the Opposition will be pleased to withdraw their objections so that we may also fall in line with other sister States of the Indian Union.

**Mr. SPEAKER :** The question is that the Assam Deputy Speaker's Salary (Amendment) Bill, 1954 be taken into consideration.

The Assembly divided.

AYES—71

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|-----------------------------------|----------------------------------|
| 1. Mr. A. Alley.                  | 4. Maulana Abdul Jalil.          |
| 2. Mr. Aaran Sangma.              | 5. Shri Akshoy Kumar Das.        |
| 3. Maulavi Abdul Matlib Mazumdar, | 6. Shri Ananda Chandra Bezbarua. |



7. Shri Baidyanath Mookerjee.
8. Shri Baikuntha Nath Das.
9. Shri Baliram Das.
10. Shri Bimala Kanta Borah.
11. Shri Bishnuram Medhi.
12. Pu Ch. Saprawnga.
13. Shri Chanoo Kheria.
14. Shri Dalbir Singh Lohar.
15. Shri Davidson Bhobora.
16. Shri Debeswar Rajkhowa.
17. Shri Dharanidhar Basumatari.
18. Mr. Emonsing Sangma.
19. Mr. Emerson Momin.
20. Maulavi Faiznur Ali.
21. Shri Gahan Chandra Goswami.
22. Shri Gauri Shankar Roy.
23. Shri Girindranath Gogoi.
24. Shri Hakim Chandra Rabha.
25. Shri Hareswar Das.
26. Shri Harihar Choudhury.
27. Shri Harinarayan Baruah.
28. Shri Harrison Momin.
29. Shri Hemchandra Hazarika.
30. Shri Jadab Chandra Khamhlari.
31. Shri Jadunath Bhuyan.
32. Shri Jatindra Narayan Das.
33. Shri Joybhadra Hagjer.
34. Rev. J. J. M. Nichols-Roy.
35. Shri Jogakanta Baruah.
36. Shri Karka Chandra Doley.
37. Shri Khorsing Terang.
38. Maulavi Kobad Hussain Ahmed.
39. Swami Krishnananda Brahmachari.
40. Shri Lila Kanta Barah.
41. Shri Mahadev Das.
42. Maulavi Md. Idris.
43. Shri Mahendra Mohan Choudhury.
44. Shri Mahendra Hazarika.
45. Shri Mal Chandra Pegu.
46. Shri Manik Chandra Das.
47. Shri Mohendra Nath Deka.
48. Shri Mohi Kanta Das.
49. M. Moinul Haque Choudhury.
50. Shri Motiram Bora.
51. Shri Narnarayan Goswami.
52. Shri Nihang Rongpher.
53. Shri Nilmani Phookan.
54. Maulavi Nurul Islam.
55. Shri Omco Kumar Das.
56. Shri Prabhat Chandra Goswami.
57. Shri Purandar Sarma.



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| 58. Shri Purnananda Chetia.               | 65. Shri Ramnath Das.       |
| 59. Shri Robin Kakoti.                    | 66. Shri Ramprasad Chaubey. |
| 60. Shri Radhika Ram Das.                 | 67. Shri Rupnath Brahma.    |
| 61. Shri Raghunandan Dhubi.               | 68. Shri Sarveswar Baruwa.  |
| 62. Shri Raichand Nath.                   | 69. Shri Sashadhar Ghosh.   |
| 63. Shri Ramesh Chandra Das<br>Chawdhury. | 70. Shri Siddhinath Sarma.  |
| 64. Shri Ramesh Chandra<br>Borooah.       | 71. Mrs. Usha Barthakur.    |

### NOES—13

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|---------------------------------------|--|
| 1. Shri Ranendra Mohan Das.           | 8. Maulavi Tajuddin Ahmed.               |
| 2. Maulavi Mehrab Ali Laskar.         | 9. Shri Radha Charan Chau-<br>dhury.     |
| 3. Maulavi Sahadat Ali Mandal.        | 10. Shri Hareswar Goswami.               |
| 4. Shri Tamijuddin Prodhani.          | 11. Shri Gaurisankar Bhattachar-<br>yya. |
| 5. Raja Ajit Narayan Deb of<br>Sidli. | 12. Shri Sarju Prosad Singh.             |
| 6. Maulavi Md. Umaruddin.             | 13. Shri Ghana Kanta Gogoi.              |
| 7. Maulavi Md. Pahar Khan.            |  |

(The Motion was adopted).

### Adjournment

The Assembly was then adjourned till 10 A. M., on  
Saturday, the 30th October, 1954.

SHILLONG :

THE 27TH MAY, 1955. }

R. N. BARUA,  
Secretary,

Legislative Assembly, Assam.



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