

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

The Assembly met in the Assembly Chamber, Shillong, at 10 a. m., on Tuesday, the 11th November, 1947.

PRESENT:

The Hon'ble Mr. Laksheswar Borooah, Speaker, in the Chair, the Six Hon'ble Ministers and fifty-one Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Re: Assamese as a State Language

Starred Question No.167 was not put and answered as the hon. Questioner Srijut Rajendra Nath Barua was absent.

Amalgamation of Senior and Junior Medical Services

Mr. BINODE KUMAR J. SARWAN asked:

*168. Will Government be pleased to state whether, with the abolition of the Medical School, Government will consider and give immediate effect to amalgamation of the Senior and Junior Medical Services into one cadre?

The Hon'ble Srijut RAMNATH DAS replied:

168.—So long as the licentiates passed out from the Medical School with their present qualifications continue to be in Government service, it will not be possible to amalgamate the Senior and Junior Medical Services into one cadre.

Starred Questions Nos.169-175 were not put and answered as the Questioner Maulavi Sayidur Rahman has since resigned his seat in the Assembly.

Starred Question No.176 was not put and answered as the Questioner Srijut Rajendra Nath Barua was absent.

Train running between Rangapara and Rangiya

Mr. BINODE KUMAR J. SARWAN asked:

*177. Are Government aware that the curtailment of the morning train which leaves Rangapara at 8 A.M. for Rangiya has caused much inconvenience to the passengers for going to Rangiya?

*178. If so, do Government propose to take necessary steps to remove this inconvenience ?

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

177.—Yes.

178.—Government brought the matter to the notice of the Bengal Assam Railway Authorities and the reply received is as follows :—

“The administration is aware of the inconveniences caused to the travelling public due to the cancellation of 302 Dn. but regrets its inability to restore it at the present moment due to the paucity of coaches. Every endeavour will no doubt be made to restore the train as soon as the position improves”.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Number of Assamese Christians in the Province

Srijut BHADRA KANTA GOGOI asked :

640. Will Government be pleased to state—

- (a) The number of population of Assamese Christians in the Province ?
- (b) The average number of literate persons amongst them ?
- (c) Whether it is regarded as a minority and backward Community ?
- (d) If so, what steps are being taken with regard to their education, etc. ?
- (e) Whether separate representation has been reserved for them in Government services ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

640. (a)—The number of Indian Christians excluding tribal Christians and Anglo-Indian Christians would appear to be 27,496.

(No separate figures for Assamese Christians are available.)

(b)—Information about literacy by communities does not appear to have been compiled in the 1941 census.

(c)—It is a minority and is believed to be backward.

(d)—Government believe that the Government and Local Bodies' Schools are open to boys from this community and that the latter receive all the facilities that are accorded to other Assamese boys.

(e)—Under the existing system of communal representation in services Indian Christians are among the communities entitled to separate representation.

Abolition of the Assam Transport

Srijut DALBIR SINGH LOHAR asked :

641. (a) Is it a fact that Government is proposing to abolish the Assam Transport ?

(b) If so, why and whether Government intend to provide the existing members of the Organisation with alternative jobs ?

(c) Is it a fact that the Assam Transport has not yielded loss and that the over-all profit stands at Rs. 98,000 ?

(d) Is it a fact that the rate paid to the contractors for carrying paddy is higher than that of the Assam Transport ?

(e) Why did Government set up such a contractorship and did they not arrange a contract with the Assam Transport for carrying paddy for the Procurement Department ?

(f) Is it a fact that the rate paid by Government to the Procurement Contractors is annas 0-2-6 per maund for a two mile load while the Assam Transport charges annas 0-1-6 pias for such load ?

(g) Is it a fact that Government Departments are not utilising Assam Transport trucks inspite of orders from the Chief Secretary and that certain Executive Engineers were detected engaging private Carrier trucks ?

(h) Do Government propose to nationalise the road transport ?

(i) If so, when ?

(j) Will Government be pleased to state whether they have any plan for nationalising the transport ?

(k) Is it a fact that the Director of Assam Transport submitted a plan for nationalising the transport sometime in November 1946 ?

(l) Will Government be pleased to state whether they have considered the plan ?

(m) If so, what is Government's attitude in regard to such plan ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

641. (a) & (b)—Government have appointed a Committee and await their recommendations on the various points.

(c)—The balance sheet for the period ending 14th August 1947 is not yet ready, but Government doubt the probability of this suggestion.

(d)—No.

(e)—Government did not set up such contractorship.

(f)—No.

(g)—There have been such cases.

(h), (i) & (j)—Government have been considering provincial operation on some routes and operation in conjunction with the Railway and private operators on others, but have not reached final conclusion yet.

(k)—No, not for nationalising all transport or all road transport.

(l) & (m)—Do not arise.

Assamese employees in the Assam Oil Company, Digboi

Srijut RAJENDRANATH BARUA asked :

642. (a) Are Government aware that a good number of Assamese employees was made to leave their jobs during the strike of the Assam Oil Company, Limited at Digboi in 1939 last ?

(b) If so, what steps Government are taking or propose to take for their re-appointment ?

(c) Do Government propose to make necessary steps for their re-employment ?

*The Hon'ble Srijut RAMNATH DAS replied

642. (a)—No. The number of Assamese employed by the Assam Oil Company had risen to 1,038 on the 1st January 1940 as compared with 767 on the 1st January 1939.

(b) & (c)—Do not arise.

Bridge over the Dikhow river at Nazira

Dr. EMRAN HUSSAIN CHAUDHURY asked

643. (a) Are Government aware that for want of a bridge across the Dikhow river at Nazira besides the Railway bridge the public have to suffer much?

(b) Do Government propose to construct a bridge on the Dikhow river at Nazira for the public?

(c) If so, when?

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

643. (a)—Yes. A petition setting forth the grievances of Nazira public has been received.

(b)—The matter is under consideration.

(c)—Does not arise.

Silikhaguri-Narayanpur Road

Srijut HEM CHANDRA HAZARIKA asked:

644. Do Government propose to take up the Silikhaguri-Narayanpur Road from the Local Board and keep it under proper repairs?

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

644.—There is no such proposal.

North Lakhimpur-Kamalabari Road

Srijut HEM CHANDRA HAZARIKA asked:

645. (a) Will Government be pleased to state the date or dates on which the tenders for the North Lakhimpur-Kamalabari Road were accepted, and the date or dates on which different contractors were informed?

(b) Is it a fact that the local contractors could not complete their works as their tenders were accepted long after the dates fixed?

(c) If so, will Government be pleased to state the reason of delay in accepting the tenders?

(d) Is it a fact that one Tea-garden proprietor's tender was also accepted by the Department and the said contractor afterwards gave up the works?

(e) If so, whether he was a *bonafide* contractor?

(f) If not, will Government be pleased to enquire why he was given the contract?

*The Question was replied to by the Hon'ble Srijut Ramnath Das in the absence of the Hon'ble Minister-in-charge.

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

645. (a) to (f)—Information is not readily available and is being collected which when received will be supplied to the hon. Member.

Assam Railway Headquarters at Pandu

Srijut GAURI KANTA TALUKDAR asked :

646. (a) Are Government aware that a vigorous and persistent propaganda is being carried on by a certain section of the leaders and Daily Papers of West Bengal to get the newly established headquarters of the Assam Railway at Pandu shifted to Calcutta ?

(b) If so, do Government propose to take any measures to counteract this propaganda and to move the Central Railway Authorities so that they may not be influenced by it ?

(c) Do Government propose to take all possible steps to see that the Assam Railway headquarters are kept at Pandu as at present for proper defence and economic development of the Province ?

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

646. (a)—Government have no official information.

(b)—Does not arise.

(c)—Yes, Government have already taken necessary steps to see that the Assam Railway headquarters are kept at Pandu.

Construction of irrigation projects in Goalpara District

Raja AJIT NARAYAN DEV of Sidli asked :

647. (a) Are Government aware that several petitions were submitted by the villagers of Bhetagaon under Bijni Police Station in the District of Goalpara for assistance from Government for constructing an irrigational canal from the river Pakhajani since 1937 ?

(b) Will Government be pleased to state if Government propose to take necessary action in this matter ?

(c) If not, why ?

648. (a) Is it a fact that Government proposed to take up irrigation projects for the Ghorabanda and Kujiya rivers in the Sidli Police Station in the District of Goalpara ?

(b) Is it a fact that the necessary survey was made sometime ago and that no action whatsoever has been taken since then ?

(c) Is it a fact that the Government have not taken any action on the repeated appeals for assistance for the project relating to the Ghorabanda river ?

(d) Will Government be pleased to state how many of the projects were taken up or completed by the Agricultural Department and the Embankment and Drainage Department in the Dhubri Subdivision during the last two years ?

(e) Will Government be pleased to state how many of the projects completed by Government proved successful ?

(f) Will Government be pleased to state how much money was expended for the projects in the above Subdivision ?

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

647. (a)—A petition was received through the Director of Agriculture in 1946. Report after preliminary examination by the Executive Engineer, Embankment and Drainage Division has been received. The Superintending Engineer, Embankment and Drainage is examining the lines on which survey would be necessary for enabling a suitable scheme being prepared.

(b)—Does not arise.

(c)—Does not arise.

648. (a)—As regards Chorabandha bund a petition was received in November 1946. A report after preliminary examination by the Executive Engineer, Embankment and Drainage Division has been received. The Superintending Engineer, Embankment and Drainage is examining the lines on which survey would be necessary for enabling a suitable scheme being prepared.

As regards the Kujia scheme it has been completed already.

(b)—Does not arise.

(c)—Does not arise.

(d)—Two schemes by Public Works Embankment and Drainage Division and 44 minor Irrigation schemes by Agriculture Department were taken up during the last two years.

(e)—Out of the two schemes taken by the Public Works Embankment and Drainage Department the project 'Kokrajhar-Balagaon Irrigation scheme' is only partially successful due to unauthorised interference by the villagers of Sidli pargana. The matter is under scrutiny.

The other project Kujia Irrigation scheme has since been completed and is expected to prove successful. All the minor irrigation projects taken up by Agriculture Department proved successful as reported by Agriculture Department.

(f)—The total expenditure for the two Public Works Department Embankment and Drainage projects Rs.86,480 and for 44 Agriculture Department's Minor Irrigation projects Rs.31,985-3-0.

North Trunk Road up to Dibrugarh

Srijut HEM CHANDRA HAZARIKA asked.

649. Will Government be pleased to state —

(a) Whether the Central Government have been moved for taking up the North Trunk Road up to Dibrugarh as a National Highway by the Central Government ?

(b) If so, what is the result thereof ?

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

649. (a) & (b)—Government of India was approached once in the past, but they did not agree. In view of the changed position, they are being moved again in the matter.

Paper distribution in the Province

Srijut GAURI KANTA TALUKDAR asked :

650. Will Government be pleased to state—

- (a) Whether it is a fact that the Deputy Provincial Paper Controller, Assam by his letter No. DS (iii) P. S. 497/46, dated the 8th March 1947 directed Messrs. Datta Barua Brothers of Nalbari to "hold up entire quantity of paper received by them for sale against permits to be issued by him" ?
- (b) Whether it is a fact that there was a Paper Distribution Committee at Nalbari consisting of some responsible gentlemen on whose advice paper used to be distributed at that time ?
- (c) Whether the said order of the Paper Controller has done away with the functions of the said Committee ?
- (d) If so, why ?

651 Will Government be pleased to state—

- (a) Whether it is a fact that at present the public cannot obtain paper to the extent of one ream or above except on the strength of a permit issued by the Deputy Provincial Paper Controller, Assam ?
- (b) If so, what are the reasons for centralisation of paper distribution ?
- (c) Whether Government are aware that this practice of issuing permits from Shillong for even a ream of paper is causing great hardship to the public ?
- (d) Whether the Gauhati Liaison Committee objected to this new system of paper distribution and suggested that distribution of paper should be allowed to be made by the district authorities ?
- (e) If so, whether Government propose to accept the suggestion ?

(f) If not, why not ?

652. (a) Are Government aware that there are no approved retailers of paper in the vast area of Nalbari, Rangia and Tihoo circles and that even for a quire of paper people from great distances have to come to Nalbari ?

(b) If so, do Government propose to appoint some co-operative societies as retailers of paper in suitable areas of Nalbari to obviate the existing difficulties ?

(c) Are Government aware that under the present practice 15 reams of foolscap paper are allotted to each High English School irrespective of the number of students and that this practice is quite inequitable and is causing great hardship to schools with large number of pupils ?

(d) If the reply to the Question No. (c) above be in the affirmative, do Government propose to modify the present practice and allot large quotas of paper to educational institutions having larger number of students ?

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

650. (a)—Yes.

(b)—No.

*The Questions were replied to by the Hon'ble Rev. J. J. M. Nichols-Roy in the absence of the Hon'ble Minister-in-charge.

(c)—Does not arise.

(d)—Does not arise.

651. (a)—No. No permit for purchase of paper up to one ream was necessary till recently. The supply of paper at present being very limited Deputy Commissioners and Subdivisional Officers have been asked to issue permit for even quantities less than one ream.

(b)—Please refer to (a) above

(c)—Permits are not issued from Shillong for quantities not exceeding one ream.

(d)—No.

(e)—Does not arise.

(f)—Does not arise.

Srijut GAURI KANTA TALUKDAR Do not Government consider that the present arrangement of securing permits from the Deputy Commissioners and Subdivisional Officers even for quantities less than one ream causes great hardship to the people?

The Hon'ble Rev. J. J. M. NICHOLS-ROY Government consider that on account of the scarcity of paper permit for even less than one ream is necessary for the present; otherwise some people may buy all the papers and others may not get a share at all.

Srijut GAURI KANTA TALUKDAR: Does not this present arrangement cause hardship to the people living in the interior?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Government do realise the hardship but this is due to the paucity of papers.

Srijut GAURI KANTA TALUKDAR: Do not Government consider it desirable to make an arrangement by which permits may be obtained from the Sub-Deputy Collectors instead of coming to the Deputy Commissioners or Subdivisional Officers?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: So far as the present arrangement is concerned, permits are to be received from the Deputy Commissioners or Subdivisional Officers. Do I understand that the hon. Member suggests that the permits should also be given by the Sub-Deputy Collectors?

Srijut GAURI KANTA TALUKDAR: Yes.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It will be considered whether that would be possible.

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

652. (a)—It is not a fact that there is no approved retailers of paper at Nalbari, Rangia and Tihoo Circles. Messrs. Dutta Baruah Bros. and Company of Nalbari are one of the Sub-dealers of paper who have got one approved retailer at Rangia, 2 at Tihoo and 2 at Nalbari.

(b)—Government do not appoint dealers. Appointment of dealers is made by the Paper Mills themselves.

(c)—There is no hard and fast rule for issue of permits in favour of schools. Permits are being issued according to requirements of the schools and stock of paper with the dealers at respective areas.

(d)—Does not arise.

Srijut GAURI KANTA TALUKDAR: Do I understand that Government has nothing to do with the appointment of dealers?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, that is the reply; Government do not appoint dealers. The appointment is made by the paper mills themselves.

Srijut GAURI KANTA TALUKDAR: Then are we to approach the paper mills for such permits?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, that is the present arrangement.

Srijut GAURI KANTA TALUKDAR: Is it not difficult for the dealers in rural areas and those dealers who deal in small quantities of papers to approach the paper mills and secure their appointments?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The paper mills deal only with the firms which have been dealing with them for a very long time. That is why that arrangement has been allowed to continue, because it is more convenient for the paper mills themselves.

Srijut GAURI KANTA TALUKDAR: Instead of leaving the question of appointment to the paper mills themselves, will it not be convenient if Government themselves take up the question of appointing dealers at their own discretion?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That question did not arise before and that may be examined.

Re. Staff of the Medical Department

Mr. BINODE KUMAR J. SARWAN asked:

653. (a) Is it a fact that a Sub-Assistant Surgeon has been placed in Medical Charge of College and school boardings at Gauhati?

(b) If so, do Government propose to put Sub-Assistant Surgeons in medical charge of Government schools and hostels in other districts as well?

654. (a) Is it a fact that medical officers both Senior and Junior have got to attend Government servants when they are ill or reported sick?

(b) If so, do Government pay any conveyance allowances to these officers for such attendance?

(c) If not, do Government propose to consider the question of giving a fixed travelling allowance to the subordinate medical officers who are to attend a large number of Government servants reporting sick?

655. (a) Is it a fact that medical officers both senior and junior have got to attend the Government servants and other urgent calls at day and night over and above their normal duties of attending hospitals and dispensaries?

(b) Is it a fact that these Officers can hardly enjoy Public or Gazetted Holidays owing to the peculiar nature of their duties?

(c) If so, do Government propose to reduce the working hours from six to five throughout the whole year in all the districts like Shillong?

656. Do Government propose to take up the question of transferring the Compounders of the Government Hospitals who are more than 5 to 6 years in one place in the interest of Public Services?

The Hon'ble Srijut RAMNATH DAS replied:

653. (a)—Yes.

(b)—The question of providing a wholetime medical officer will be considered if in any station the total number of boarders exceed 200.

654. (a)—Yes.

(b)—Yes, if admissible under the rules.

(c)—Does not arise.

655. (a)—Yes.

(b)—Yes.

(c)—No. The working hours are six everywhere and Government see no reason to reduce them.

656. Appointments and transfers of Compounders in Government hospitals and dispensaries are made by Civil Surgeons on a district basis. They are transferred by Civil Surgeons as and when necessary, in the interest of Public Service.

Excise Inspectors and Sub-Inspectors

Mr. BINODE KUMAR J. SARWAN asked:

657. (a) Is it a fact that Excise Inspectors draw the same Inter-class fare as travelling allowance as the Excise Sub-Inspectors and the Excise Jamadars?

(b) Is it a fact that the Police Inspectors and Supply Inspectors draw 2nd class travelling allowance?

(c) Do Government propose to raise the status of the Excise Inspectors to 2nd grade officers?

(d) If so, when?

(e) Are Government aware that the Excise Inspectors in Bengal are 2nd grade officers?

(f) Is it a fact that the Special Excise Staff draw a house allowance whereas the district Excise staff do not get any such allowance?

(g) Do Government propose to grant such house allowance for the district Excise Staff also?

(h) If so, when?

658. (a) Will Government be pleased to state the scale of pay of the Excise Inspectors and Excise Sub-Inspectors ?

(b) How many years generally does a Sub-Inspector of Excise require to attain the maximum of pay of the Inspector of Excise ?

(c) Do Government propose to revise the scale of pay of the Excise Inspectors and the Excise Sub-Inspectors ?

The Hon'ble Srijut RAMNATH DAS replied :

657. (a)—As 3rd grade officers, the Excise Inspectors used to draw travelling allowance and dearness allowance at the same rates as Sub-Inspectors and Jamedars. The position has changed with effect from 15th September 1947, since when the Inspectors have been classed as 2nd grade officers for purposes of travelling allowance and dearness allowance.

(b)—Yes.

(c) & (d)—The hon. Member's attention is drawn to the reply to (a) above.

(e)—It is understood to be so.

(f)—A local allowance is given to officers and men of the Special Branch and those for Prohibition Work because of the arduous nature of their duties and the out-of-the-way places they have to work at without the usual amenities of life. This allowance is not admissible to officers and men of the District Branch who normally work in the district and subdivisional headquarters.

(g)—There is no such contemplation.

(h)—Does not arise.

658. (a)—Inspectors of Excise Rs. 100—5—150—5—200—10—250 per month (old).

New scale :—

1st grade	...	...	175—10/2—225	per month.
2nd grade	...	...	150—5/2—175	“ ”
3rd grade	...	...	100—5/2—125	“ ”
Sub-Inspectors	...	...	75—5/2—100	“ ”

(b)—A Sub-Inspector in order to be able to draw the maximum pay of an Inspector has to secure Grade to Grade promotions. As there are three Grades of Inspectors and promotion from one Grade to another depends on the number of vacancies therein, it is difficult to estimate accurately the number of years at the end of which a Sub-Inspector reaches the maximum of the Inspector's scale. It is expected that a Sub-Inspector will ordinarily reach the first Grade in about 25 years.

(c)—Revision of the scales of pay of these officers as well as of other Government officers is under the consideration of the Pay Committee. The recommendations of the Pay Committee will come up in due course for consideration by the Government.

Accommodation for refugees in Assam

Maulavi MD. MAKSED ALI asked :

659. Will Government be pleased to state—

(a) Whether they have brought refugees from outside ?

- (b) Whether they are contemplating to bring and accommodate refugees from outside Assam on any directive from the Centre ?
- (c) If so, what is the understanding between the Central Government and the Assam Government ?
- (d) Whether they are aware that the influx of population from outside will affect the food problem of Assam ?
- (e) If so, how Government propose to solve the food problem when these refugees are to be fed with the limited supply of Atta, flour, sugar, etc., allotted for Assam ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

659 (a)—No.

(b)&(c)—The Central Government which is overwhelmed by the Refugee problem has to consider the question of relief and rehabilitation of the refugees. That Government has consulted the Provincial Governments and the States on the problem and on the help which the latter can render. The Government of Assam have replied pointing out the difficulties involved. The Central Government have appreciated the Assam Government's difficulties and have intimated that for the time being no action is needed in Assam.

(d)&(e)—The Government of Assam are fully conscious of the difficulties and brought them to the notice of the Central Government. At present, the influx has been more from East Bengal and Government are considering how best to discourage it.

Improvement in the Educational Economic and Social conditions of Backward Communities

Srijut HALADHAR BHUYAN asked:

660. (a) Will Government be pleased to state what steps have been taken to improve the Educational economic and social conditions of the backward communities like Chutias, Suts, etc., of the Province.

(b) Are Government aware that there are still many unemployed graduates from these backward communities ?

(c) Is it a fact that in spite of repeated request from the Sammilans of such communities Government have not yet favourably considered the cases of these communities especially with regard to scholarships, appointment, etc. ?

(d) If so, do Government propose to take up the matter in hand immediately and issue circulars to all departments to give preferential considerations to candidates of these backward communities regarding appointment, scholarship and reservation of seats in Schools and Colleges ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

660. (a)—Government have not been able to take any more special interest for the economic and social uplift of these communities, beyond what they have been able to do for all backward people.

(b)—Government have no definite information.

(c)—In the matter of education, scholarships are available for them in the Cotton College. But the greater demand of these communities has been for services, and whenever properly qualified candidates are and will be available, Government will try to employ them.

(d)—Does not arise. Government however feel that while backwardness must be removed, the treatment of the question from the view point of separate communal claims, do not conduce to the creation of a healthy society.

Scarcity of Cement in the Province

Mr. PRABHUDAYAL HIMATSINGKA asked :

661. (a) Is Government aware that there is a very great dearth of cement and that the same is practically not available in any of the local markets in Assam ?

(b) Will Government be pleased to state whether Assam has got any fixed quota of cement ?

(c) If so, what is the quantity that has been allotted to Assam ?

(d) Will Government be pleased to state whether the quota of cement allotted to Assam is sufficient for the needs ?

(e) If not, do Government propose to take urgent steps for increasing the supply thereof ?

(f) Do Government propose to take urgent steps for making cement available in different markets in Assam ?

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

661. (a)—There is no statutory Control of Cement either Central or Provincial. The supply of cement is however now controlled by Government of India through the Honorary Cement Adviser, Government of India and his Regional Honorary Cement Adviser. Due to shortage of cement this voluntary arrangement was made between the Cement Companies and Government of India.

(b)—No.

(c)—Does not arise.

(d)—Does not arise.

(e)—The Cement Adviser has been pressed to increase supplies to Assam.

(f)—*Vide* reply to 661(c).

Public Analyst, Assam and Bio-chemist, Pasteur Institute

Srijut DANDESWAR HAZARIKA asked :

662. Will Government be pleased to state—

(a) Whether it is a fact that since January 1945, the posts of Public Analyst, Assam and Bio-chemist, Pasteur Institute, are being held by the one and the same Government servant ?

(b) If so, whether that arrangement was made for the benefit of a particular Government servant or for any other reasons ?

(c) Whether it is a fact that to assist that officer in his capacity as Bio-chemist another temporary post of Assistant Bio-chemist was created ?

*The Hon'ble Rev. J. J. M. Nichols-Roy replied the question in absence of the Minister-in-charge.

- (d) If so, whether it was on fixed pay or in a time scale of pay ?
- (e) If on a fixed pay, why a time scale of pay has not yet been sanctioned for the post ?
- (f) Whether it is a fact that the arrangement is continuing over two years ?
- (g) Whether it is a fact that the Assistant Biochemist for all practical purposes performed the duties of the Bio-chemist ?
- (h) If so, whether he has been given the pay of the Biochemist for the entire period during which he performed such duties ?
- (i) If not, why not ?
- (j) Whether it is a fact that the said Assistant Biochemist having not received pay of the post for performing the duties of that post, represented to Government for sympathetic consideration in the matter of granting him a time scale of pay and also the pay of the post of Bio-chemist as early as May 1946 ?
- (k) If so, whether Government have considered his case and passed final orders ?
- (l) If so, to what effect ?
- (m) Whether it is a fact that the said Assistant Biochemist had to remind Government after one year for a sympathetic consideration of his petition of May 1946 ?
- (n) Whether final orders have been passed in his case and if so, to what effect and whether the aggrieved person has been informed of the Government orders ?

The Hon'ble Srijut RAMNATH DAS replied :

662. (a)—Yes.

(b)—For administrative reasons.

(c)—Yes.

(d)—Fixed pay.

(e)—Time scale has since been sanctioned.

(f)—Yes.

(g)—The Assistant Chemist was to help the Biochemist.

(h)—He has been given Biochemist's pay from 1st August 1946.

(i)—Does not arise.

(j)—Yes.

(k)—Yes.

(l)—Reply is given against (h) above.

(m)—No reminder seems to have been received. Government did not wait for reminders to take up consideration of the case.

(n)—Yes. The Director of Public Health and the Comptroller have been informed about the revised pay of Rs. 150 in the scale of Rs. 150-10-300 sanctioned to Mr. J. N. Borbora.

Srijut DANDESWAR HAZARIKA : May I know from Government why the pay scale of the Assistant Bio-Chemist was not given from May 1946 ? Government only say that he has been given pay scale from 1st August 1946.

The Hon'ble Srijut RAMNATH DAS : I have already said that he was appointed on a fixed pay.

Srijut DANDESWAR HAZARIKA : Is it a fact that he was subsequently given the pay scale ?

The Hon'ble Srijut RAMNATH DAS: Yes. At first the arrangement was temporary but subsequently it had to be made on a permanent basis. Therefore, the scale of pay has been fixed later.

Appointments made in the Assam Engineering Service

Srijut BELIRAM DAS asked:

663. Will Government be pleased to state—
- The names and date of appointment of each of the Bengali Temporary Engineers brought to Assam as experts on higher scale of pay and who have been employed on highly specialised work in Assam?
 - Whether it is a fact that one Mr. H. Banerjee, C. E. (Glas.), A.M.I.E. (Lond.), has been put in charge of the Gauhati-Shillong Road Subdivision succeeding an Subordinate Engineering Service Officer?
 - What is the present age of the said Mr. Banerjee and whether he held any permanent post anywhere in India or abroad?
 - What scale of pay has been allowed to this Mr. Banerjee and what highly specialised work he has to do on the Gauhati-Shillong Road?
 - Whether the said Gauhati-Shillong Road was all throughout placed in charge of members of the Assam Engineering Service or senior members of the Subordinate Engineering Service?
 - If so, what was the necessity or urgency for placing this highly qualified gentleman in charge of the said road?
 - Whether it is a fact that no other work could be found for Mr. Banerjee at Shillong or near about, the salubrious climate of which he is unwilling to part with?
664. Will Government be pleased to state—
- How many persons from Bengal have been appointed during the current year as Temporary Engineers on an initial pay of Rs.200 each in a scale higher than that allowed to members of the Assam Engineering Service, Class II?
 - What are their qualifications?
 - What are the reasons for allowing them a higher scale of pay?
 - Whether they have been given any specialised work which Assistant Engineers of the Province are unable to do?
665. Will Government be pleased to state—
- Whether they propose to relieve those non-Assamese temporary Engineers who were engaged by them on the scale of Rs.175—500?
 - How many of these Engineers are natives of Bengal and how many of Sylhet District?
666. (a) Do Government propose to relieve all Bengali temporary Engineers brought to Assam as experts before it is too late?
 (b) If so, when?
 (c) If not, why not?
667. (a) Is it a fact that one Mr. K. B. Ray has been appointed as an officer for river controlling in Assam?
 (b) If so, when?

668. (a) Is it a fact that Mr. K. B. Ray is a retired Railway Engineer ?
 (b) If so, has he got any qualification for training and damming rivers ?
 (c) If not, why he has been appointed ?

669. Will Government be pleased to lay on the table a statement showing the works done by Mr. Ray since his appointment ?

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

663. (a)—Name	Date of appointment
1. Mr. H. Banerjee	27th Nov. 1946
2. Mr. R. K. Dutta	2nd Jan. 1947
3. Mr. A. B. Ghosh	19th May 1947

They have not been brought as experts nor have they been employed on highly specialised work.

(b)—Yes Succeeding a temporary Engineer

(c)—45 years.

He did not hold any permanent post anywhere in India or abroad

(d)—Rs. 600—50—1,000. There is no highly specialised work which he has to do on the Gauhati-Shillong Road.

(e)—Yes.

(f)—This is considered necessary to impart preliminary training before an officer new to Department can be appointed to a more responsible charge.

(g)—No change is considered necessary at present.

664. (a)—None in the current year on Rs.250 but one on Rs.550 and another on Rs.600 in the scale of Rs.375—800.

(b)—The qualifications of one is B.E. (Sibpore) and that of the other is B.E. (Sibpore) C. E. A. M. I. E.

(c)—Because of their past experience.

(d)—Not as yet.

665. (a)—They will be relieved as soon as their services are not required in the Department.

(b)—Ten including one re-employed Assistant Engineer and one promoted from Subordinate Engineering Service are natives of Bengal and one promoted from Subordinate Engineering Service is a native of Sylhet.

666. (a)—None of the temporary Engineers has been brought as experts.

(b) & (c) —Does not arise.

667. (a)—Yes. Mr. K. B. Ray has been appointed as a Special Officer for river control work in Assam.

(b)—On 9th May 1947.

668. (a)—Yes.

(b)—Mr. Ray during course of his duties on the Railways had charge of some important River Training works including Protection works of the Hardinge Bridge.

He has not been connected with any scheme for damming of rivers.

(c)—Does not arise.

669.—A statement is placed below.

The following schemes and reports have been prepared by the Special Officer (Rivers), Assam :—

A. Scheme prepared—

1. Scheme for experimental work for the training of 5 miles length of the river Jia Bhareli in Darrang District (scheme under check in Chief Engineer's office).
2. Scheme for experimental work in connection with protection to the river bank in Dibrugarh town by 'Grid Rolls'.

B. Notes and comments on Flood Protection Schemes—

1. A report on the problems of river training and flood control in Assam.
2. An experimental report on river training works in Assam.
3. A report relating to flood in Kopili and Kullong river in Nowgong District.

Assamese Employees of Assam Railway

Dr. EMRAN HUSAIN CHAUDHURY asked :

670. (a) Are Government aware of the public agitation about safeguarding the interests of *bona-fide* Assamese employees of the Assam Railway ?

(b) Will Government be pleased to state the number of *bona-fide* Assamese employees on the Assam Railway in different categories who have elected to serve in rest of India ?

(c) Will Government be pleased to state the number of Assamese employees mentioned in (b) above who have not yet been transferred to Assam Railway ?

(d) Do Government propose to move the appropriate authorities to have their services transferred immediately ?

(e) Are Government aware that hundreds of Muslim employees who have elected Pakistan have not yet been transferred ?

(f) If so, why ?

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

670. (a)—Yes, Railway is however a Central subject over which the Provincial Government have no control.

(b), (c) & (d)—Government brought the matter to the notice of the Assam Railway authorities the reply to which is as follows :—

“The information is not readily available and to collect the information will involve considerable time and labour. Arrangements have however been made to collect this information and will be furnished to you when ready”.

(e) & (f)—The Railway's reply is as follows :—

“So far as this Railway is concerned, all Pakistan-opting-staff have already been released”.

Goods Train running between Jorhat and Nimati

Dr. EMRAN HUSAIN CHAUDHURY asked :

671. (a) Are Government aware that a goods train runs between Jorhat and Nimati ?

(b) Do Government propose to move the Railway authorities to attach a coach to that goods train for the benefit of passengers ?

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

671. (a)—Yes.

(b)—Government have already moved the Railway authorities for extending the passenger train service to Nimati. But the question of retention of this Railway line is still under consideration of the Railway authorities on which it depends.

Damages to North Trunk Road by Hati Long Streamlet

Srijut HEM CHANDRA HAZARIKA asked :

672. (a) Will Government be pleased to state the amounts annually spent in making attempts to save the North Trunk Road being damaged by Hati Long Streamlet since the year 1939 to 1947-48, year by year ?

(b) Do Government propose to engage the drainage and embankment experts with a view to examining the question of cutting a wide Canal through the silted portions of the stream Hati Long, and also a Canal through the field on the east of Hati Long so that there may not be annual breaches on this road ?

673. Will Government be pleased to state —

(a) The exact date from when the works of the protection of the Badati Road from breaches were started in 1946-47 ?

(b) Who were the Contractors engaged for the purpose ?

(c) Whether it is a fact that the boulder works as suggested by the present Superintending Engineer during his visits in May last could not be completed for failure of the contractor to supply boulders ?

(d) If so, whether any action has been taken against the contractors ?

(e) Will Government be pleased to enquire the amounts spent annually for taking up protective measures against these breaches of this road since 1945-46, 1946-47, 1947-48 to date ?

(f) Whether Government propose to draw the attention of the Engineering experts for finding out a plan of diverting the course of the stream by cutting a Canal to the old course, so that this annual expenditure may be saved ?

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

672. (a)—Information has been called for, which when received will be supplied to the hon. Member.

(b)—Yes, to examine any necessary action when staff can be spared.

673. (a) to (e)—Information has been called for.

(f)—Yes, the suggestion will be considered by the Engineering

Complaint *Re*: Non-receipt of replies to certain Questions

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, I submitted a set of Questions with a view to draw the attention of Government to the fact that Johnes' disease, pluro-pneumonia and bovine T. B. have made their appearance in almost all the Government Cattle Breeding Farms, but no reply is going to be given to them. The outbreak of these diseases in Government Cattle Breeding Farms is of serious consequences. May I be permitted to draw the attention of the Hon'ble Minister in charge to the matter?

The Hon'ble the SPEAKER: When did the hon. Member send the Questions?

Srijut GAURI KANTA TALUKDAR: I sent them about 10 days before the commencement of the Session. The Questions were admitted long ago.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, the Questions could not be replied because information had to be collected from the Director of Veterinary Department at Gauhati and the Questions have not yet been printed.

Srijut GAURI KANTA TALUKDAR: At any rate, will the Hon'ble Minister be pleased to let the House know whether those cattle diseases have in fact made their appearance in the Government Cattle Breeding Farms?

The Hon'ble the SPEAKER: The information has not yet been collected and so no reply can be given by the Hon'ble Minister.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The information has been collected, Sir, but the replies have not yet been printed. I dealt with the file yesterday.

Srijut GAURI KANTA TALUKDAR: Whether the Questions and replies are printed or not, it is not a serious matter. But the cattle diseases, such as, Johnes' disease, pluro-pneumonia and bovine T. B., prevalent in the Government Cattle Breeding Farms are serious, because milk and bulls are being supplied from these farms to outside public. In the interest of the public should not Government make a statement as to what steps they have taken to check the diseases?

***The Hon'ble Srijut RAMNATH DAS:** How can these supplementary Questions come when the original Questions have not been placed before the House?

The Hon'ble the SPEAKER: Perhaps the Hon'ble Minister in charge is prepared to give the replies.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Yes, Sir, Johnes' disease is prevalent in the Khanapara Cattle Farm and this has been investigated. Regarding pluro-pneumonia investigation was carried out by experts and steps have been taken. Government are aware of the spread of the disease called Johnes' disease, but there are only very few cases. Pluro-pneumonia cases are not very many. This disease is under control.

Srijut GAURI KANTA TALUKDAR : What about Bovine T. B.?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The cases of Bovine T. B. are not very many. When such cases arise, they are segregated and treatment given.

Srijut GAURI KANTA TALUKDAR : May I know whether there is any cases of Bovine T. B. in the Khanapara farm?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : I remember to have seen report on Bovine T. B. cases but I don't know whether they are in the Khanapara Farm or in any other farm.

Maulavi Md. MAKSED ALI : Mr. Speaker, Sir, I sent some Questions but there are no replies to them.

The Hon'ble the SPEAKER : What department do they concern?

Maulavi Md. MAKSED ALI : One is regarding the Assam Transport and the other regarding kerosene oil.

The Hon'ble the SPEAKER : Did the Hon'ble Minister get any Questions regarding the Assam Transport?

The Hon'ble Srijut GOPINATH BARDOLOI : I do not exactly know the Question that the hon. Member was referring.

Maulavi Md. MAKSED ALI : I read out the Questions:—

Will Government be pleased to state:—

1. (a) Whether it is a fact that Government formerly decided to abolish the Assam Transport because it was a losing concern?
- (b) Whether it is a fact that subsequently Government again decided to retain the same?
- (c) If so, on what ground?
2. (a) Are Government aware that kerosene oil is not sufficiently available in the Province?
- (b) If so, do Government propose to lift the control on kerosene oil?

The Hon'ble Srijut BISHNURAM MEDHI : It is very difficult to answer Questions before they are printed.

The Hon'ble Srijut GOPINATH BARDOLOI : Were these Questions sent?

Maulavi Md. MAKSED ALI : Yes, they were sent and admitted.

The Hon'ble the SPEAKER: When were they admitted ?

Maulavi Md. MAKSED ALI: They were admitted on the 31st October 1947.

The Hon'ble Srijut GOPINATH BARDOLOI: If the reply that the hon. Member wants is a matter of details, then it will not be possible to reply, because we shall have to obtain information from officers concerned.

Maulavi Md. MAKSED ALI: May I have reply to my Questions (a) and (b) regarding kerosene oil ?

The Hon'ble the SPEAKER: It is very difficult to reply because the Hon'ble Minister has not got the copy of the Questions.

Srijut BHADRA KANTA GOGOI: মাননীয় সভাপতি ডাঙৰীয়া, মোৰ কিছুমান প্ৰশ্ন মোৰা জানুৱাৰী মাহতে কৰা হৈছিল। কালি প্ৰধান মন্ত্ৰী ডাঙৰীয়াৰ উত্তৰৰ পৰা জানিব পাৰিছিলো যে আগষ্ট মাহত কিছুমান অফিচাৰ অদল বদল হোৱাৰ কাৰণে প্ৰশ্নবিলাকৰ উত্তৰ দিয়াত দেৰি হল। মোৰ প্ৰশ্নবিলাক জানুৱাৰী মাহতে দিয়া হৈছিল আৰু সেই বিলাক মাৰ্চ চ্ছেছনত admit কৰা হৈছিল। আজি ৯ মাহ হল তথাপি উত্তৰ পোৱা নহল। এই প্ৰশ্ন বিলাকৰ উত্তৰ পোৱাৰ নিমিত্তে গৱৰ্ণমেণ্টে কিবা সুবিধা কৰি দিবনে ? মেডিকেল ডিপাৰ্টমেণ্টৰ বিষয়েও এটা প্ৰশ্ন আছিল। সেই কেইটা প্ৰশ্নও জুন মাহতে দিয়া হৈছিল আৰু admit ও কৰা হৈছিল, কিন্তু এতিয়ালৈকে উত্তৰ দিয়া হোৱা নাই।

The Hon'ble Srijut GOPINATH BARDOLOI: প্ৰশ্নবিলাক সঠিক কৈ নকলে কি কাৰণে দেৰি হৈছে মই কব নোৱাৰিম। যদিহে মেম্বৰ ডাঙৰীয়াই এই বিলাক প্ৰশ্নৰ উত্তৰ বিচাৰে তেনেহলে তেখেতে অহা অধিবেশনৰ কাৰণে এই বিলাক প্ৰশ্ন আকৌ উত্থাপন কৰিব পাৰে আৰু তেতিয়াহলে উত্তৰ দিব পৰা যাব। মোৰ বিশ্বাস কিছুমান প্ৰশ্নৰ উত্তৰ পঠিয়াই দিয়া হৈছে। এছেম্বলি অফিচলৈ ৭ তাৰিখৰ আগতে উত্তৰ বিলাক নাছিলে ছপাই দিব নোৱাৰে, সেই কাৰণে কিছুমান প্ৰশ্ন বন্ধ হৈ আছে। আজি বাতিপুৱাও মই কিছুমান প্ৰশ্নৰ উত্তৰ দিছো ; কিন্তু সেই বিলাক এতিয়াও আহিব পৰা নাই, কাৰণ ইমান চুটী চ্ছেছনত সেইবোৰ ছপাই অনা সম্ভৱপৰ নহয়। এছেম্বলি ডিপাৰ্টমেণ্টৰ পৰা আমাৰ তালৈ হুকুম গৈছে যে ৭ তাৰিখৰ পিচত কোনো প্ৰশ্নৰ উত্তৰ পঠিয়ালে তেওঁলোকে ছপাই দিব নোৱাৰিব, সেই কাৰণে পঠিয়াব নালাগে।

Srijut BHADRA KANTA GOGOI: চ্ছেছন চুটী হয় সচাঁ, কিন্তু প্ৰশ্নবিলাক ৯ মাহৰ আগতে কৰা হৈছিল।

The Hon'ble Srijut GOPINATH BARDOLOI: সেইটো মই জানো।

The Hon'ble the SPEAKER: I may inform the House that since March to September 1947 the following Questions remained unreplied:—

Short notice	...	...	...	1
Starred	...	...	...	60
Unstarred	...	...	...	278

Number of Questions replied during November sittings:—

Short notice	...	...	...	ml
Starred	...	...	...	29
Unstarred	...	...	...	89

Number of Questions remained unreplied:—

Short notice	...	...	...	1
Starred	...	...	...	31
Unstarred	...	...	...	189

I hope Government will kindly see that the unreplied Questions are replied duly and then sent to my Department. As the replies to these admitted Questions were not sent to the Assembly Department from Government, they could not be printed and published.

The Assam Sales Tax Bill, 1947

The Hon'ble the SPEAKER: We were yesterday dealing with Clause 29 of the Assam Sales Tax Bill, 1947. Mr. Hardman moved an Amendment for deletion of Clause 29, but it was lost. In the circumstances what does hon. Mr. Hardman propose to do with regard to the Amendment?

Mr. J. S. HARDMAN: I propose to move, Sir, the second part of this Amendment which will now be consequentially numbered as Clause 30. The original Clause 29 not having been deleted, it will be necessary to include this as a new Clause 30.

The Hon'ble Srijut BISHNURAM MEDHI: I think Mr. Hardman wants the items Nos. (2) and (3) of his Amendment to be inserted in a separate Section.

Mr. J. S. HARDMAN: That is not my intention, Sir. The one that I have numbered here as Clause 29 should now be numbered as item (1), (2) and (3) of the new Clause.

The Hon'ble Srijut BISHNURAM MEDHI: I do not think Mr. Hardman can do so, because his Amendment was that Clause 29 of the Bill should be deleted. If he was successful in getting the Amendment passed in that case alone he could do so.

Mr. J. S. HARDMAN: I maintain, Sir, that I made that point very clear. At this stage I would like to move it separately. I asked for permission from the Hon'ble Finance Minister to do so, and I understand that this permission was accorded. Consequently I want to speak on the second part of this Amendment. But the other point which I want to urge is that numbering is not an important matter as far as this House is concerned. It can be done actually by draftsman after the Bill has been passed. I have not been given any opportunity of moving the second part of the Amendment and I trust that this will be granted.

The Hon'ble Srijut BISHNURAM MEDHI: I think he can be allowed to have his say.

The Hon'ble the SPEAKER: Yes, Mr. Hardman can speak on this.

Mr. J. S. HARDMAN: I had moved my Motion originally and now I do not need to move it again.

Mr. Speaker, Sir, my Amendment was that the following should be added as a new Clause 30:—

"Sub clause (1) A dealer may recover from a purchaser of goods an amount equivalent to the amount of sales tax payable on such goods.

(2) A dealer shall on demand supply to a purchaser a receipt in writing showing separately the amount of the sale price and the amount recovered under sub-section (1).

(3) No dealer shall recover under the provisions of sub-section (1) any sum which is greater than the sales tax payable under the Act:

Provided that when the amount of sales tax is a fraction of a pice the Provincial Government may prescribe the amount which may be recovered."

This new Clause, which is being introduced, is designed to protect the general public. Here again we contend that it is not a question of any particular interest being involved, but welfare of the general public,—the man who pays the tax. In fact this Section deals exclusively with the right of the purchaser. No reply was given by my Friend the Hon'ble Finance Minister at the earlier stage of the debate on this point. And since it is by no means an insignificant point I should be entitled to assume that Government have no objection to raise. Very adequate and very reasonable provision has been made in the Sales Tax Bill to protect the rights of the tax collectors,—the registered dealers. I invite attention to Clause 30 as originally numbered in which any registered dealer who has been assessed incorrectly has a right of appeal. Clause 31 gives a right of revision and Clause 32 gives a right of reference first of all to the Assam Board of Sales Tax and secondly on a point of law to the High Court. Anyone not conversant with sales tax would be entitled to assume that the dealer has to pay the sales tax, and that this Act was designed to protect him against illegal exaction. In the case of income-tax, agricultural income-tax, land-revenue and the whole catalogue of taxation Statutes provision is made for the protection of the tax-payers. In many cases the arrangements necessary to secure these rights are extremely complicated but here there is no necessity to set out any complicated arrangement and I have proposed a very simple provision, which in part utilises an arrangement which Government themselves have included in the statutory rules originally framed under the Sales Tax Act, 1947. This was published in the *Assam Gazette* of the 3rd September and by rule 63 a provision was made that a cash memo should be provided on demand by a customer. In the present case it is proposed to specify first of all the amount which can be charged by the dealer on account of sales tax and secondly to give the purchaser the same rights as was given by the rules, that is the right of the purchaser to demand a cash memo; but we propose to go much further and press for inclusion in the cash memo of particulars, which are necessary for the protection of the purchaser—that is, that the amount of the article should be shown together with its price, and the tax should be separately shown. The third clause of the Amendment makes it an offence to recover an excess amount except in such cases, when there is a small fraction to be paid on account of sales tax which cannot be paid by the existing currency in common use. It is difficult for me to visualise what rational objection Government can have against accepting this very simple measure. However, judging by the previous statement made by the Hon'ble Finance Minister, I can expect that he will point out that no provision of this kind exists in present legislation in India. I concede that no provision has been made in the Bengal Sales Tax, the Bihar Sales Tax and the other Sales Tax measures in force in other provinces. Here again, I would

repeat the argument that I have had occasion to employ in connection with other Amendments, that failure to make satisfactory provision in other Sales Tax legislation is no excuse for Legislators here to sleep. We have a responsibility, a responsibility shared by all, to see that the interest of the public is secured and it is our duty to see, when taxation measures are being introduced, that the person who actually pays the tax is not going to be subjected to illegal exactions. At the present moment the position will be that, if I am charged an extra amount on account of the sales tax I can refuse to buy, but in the present condition of the market I may be compelled to buy, and Government themselves recognise the right of the purchaser to buy at reasonable prices in their price control measures. The need of price control is recognised to the present circumstances and since dealers may demand a higher price for articles of low value, there is a danger of a dealer charging a higher tax than is justified. It is pointless to state that it is the obligation of the purchaser to take care. The legal maxim "Caveat Emptor" can have no application under present conditions. This is a very elementary proposition and the fact that legislation has not provided for this in the past is no excuse for the Assam Government to neglect this provision. The Hon'ble Finance Minister may however be aware that in other countries outside India, provision has been made for protection of the consumer; he is given rights to demand a receipt for the price of the article as well as the tax from the registered dealer. All we ask is that this should be recognised. In England for example there is a sales tax, which is called a purchase tax,—probably a very much better name since it makes it clear that persons who purchase pay the tax. We are in India perhaps observing this by calling it sales tax, and needlessly denying the protection of the purchaser.

I expect my Hon'ble Friend will point out that this provision was accepted by the original Select Committee on the Assam Sales Tax Bill, 1947. In the first place, I would urge that when a new Bill is introduced, what happened at a Select Committee on a previous Bill has little or no relevance. Government themselves have recognised that the Bill which they had originally introduced, and which was passed into an Act, is no longer valid in important particulars and have found it necessary to come up with a fresh measure. Secondly it is wrong to hold that the parties which participated in the original Select Committee are legally estopped from putting forward fresh arguments. However, that is not my main point. My main point is that there in the Select Committee the representative of this Group urged the very points which to-day we are urging; that there was no resiling from the grounds which we are taking to-day. When the question of signing the Report of the Select Committee came up there was some discussion as to whether we should put in a dissenting minute, but it was pointed out that these were the decisions of the Select Committee—the majority decision, and we could not dispute that point. And we were given a very definite assurance by one of the responsible members of the Select Committee that we would be given full liberty—full right—to put in Amendments on the lines which we had originally pressed.

I am endeavouring to be as brief as possible, and I request hon. Members to give their full support to this very important Amendment. It provides for safeguarding the person who is required to pay the tax.

The Hon'ble the SPEAKER: The hon. Member may read out his present Amendment.

Mr. J. S. HARDMAN: That after clause 29, the following shall be added as clause 30:—

"30. (1) A dealer may recover from a purchaser of goods an amount equivalent to the amount of sales tax payable on such goods.

(2) A dealer shall on demand supply to a purchaser a receipt in writing showing separately the amount of the sale price and the amount recovered under sub-section (1).

(3) No dealer shall recover under the provisions of sub-section (1) any sum which is greater than the sales tax payable under the Act:

Provided that when the amount of sales tax is a fraction of a pice the Provincial Government may prescribe the amount which may be recovered.

The Hon'ble the SPEAKER: Amendment moved:

"That after clause 29 the following shall be inserted as clause 30:—

'30.(1) A dealer may recover from a purchaser of goods an amount equivalent to the amount of sales tax payable on such goods.

(2) A dealer shall on demand supply to a purchaser a receipt in writing showing separately the amount of the sale price and the amount recovered under sub-section (1).

(3) No dealer shall recover under the provisions of sub-section (1) any sum which is greater than the sales tax payable under the Act:

Provided that when the amount of sales tax is a fraction of a pice the Provincial Government may prescribe the amount which may be recovered.'"

* **The Hon'ble Srijut BISHNURAM MEDHI:** Mr. Speaker Sir, I assure the hon. Member, Mr. Hardman, that he need not reiterate that he is representing a general interest of the purchasers. Even if he represents his own interest, even then, if his grounds are considered reasonable, Government will always consider them irrespective of the interest he represents. He need not have any apprehension, as we stand on Congress principles, that there will be any discriminatory treatment. That should not, I think, be in the mind of my hon. Friend, because we feel that the minorities' interest should always be protected, provided it is fair and reasonable, provided it does not want to exploit the majority or other interest. That is the crux of the whole case.

His example of England imposing a purchase tax is not applicable as far as this Province is concerned. He may remember that taxing power in England is unlimited; whereas in provinces as constituted under the present Constitution, the taxing power is limited. He must have known that there are several lists in the Government of India Act. There is the Concurrent List, the Federal List and the Provincial List. I draw his attention to item No.48 in the Provincial Legislative List. There it is stated 'Taxes on the sale of goods and on advertisements'. Provinces can only tax on the sales. They cannot tax on purchases. That will be *ultra vires* even under this provision of the Government of India Act. That is the reason why there has not been any provision of the kind as suggested by Mr. Hardman. Madras introduced this Act in 1939, about 10 years ago, and the rest came in subsequently, and it is going on for several years—at least it is going on for 7 years, and there is no hardship on this ground. It may be urged that it is *ultra vires* of the Provincial Government to shift the burden to the purchasers and tax the purchasers. In that case the taxing Bill will go out of the purview of the List that is given in the Government of India Act. That is why there is no such provision in any Province. There is not a single province which makes that

*Speech not corrected.

provision to shift the burden to the consumer. There is no difficulty for want of any provision of this kind. Government have no right to shift the burden on the purchaser. So in view of this there need not be any provision in the Act. We want to see its working. If there is any difficulty, there will be no difficulty in bringing a Motion to amend the Act, and the amending Bill will give relief to the purchaser.

Then as regards the item 'dealer', we have framed a rule to that effect. Of course, in the rule it is not stated to amend the Sales Tax. I give assurance that the rule will be modified in such a way that if a seller realises any sales tax it will be shown in the receipt issued to him. I give an assurance that the rule will be made in accordance with that.

As regards the necessity of the Amendment I suppose that there need not be any statutory provision here. If we find any difficulty that difficulty will be solved. The business practice is our safeguard and I am quite sure that when other provinces are not finding any difficulty there is absolutely no reason why we should find any. In view of this I would request my hon. Friend to withdraw all these Amendments.

***Mr. C. W. MORLEY:** On a point of information, Sir. Does the Hon'ble Minister admit that this Amendment is designed to protect the purchaser?

***The Hon'ble Srijut BISHNURAM MEDHI:** I have already stated that the business practice will be a sufficient check in the way of a particular dealer realising more from the purchaser, as in that case he will ruin his own business. The whole idea is that the business practice should develop in such a manner that this will in itself be a check. If however we find any difficulties after working of the Sales Tax we shall bring in some such Amendments afterwards.

***Mr. J. S. HARDMAN:** I can assure the Hon'ble Finance Minister that there have been constant complaints received in provinces where this Act is in force that sums which are not due have been realised on account of sales tax. I am not inventing this, and I think the Hon'ble Finance Minister will realise that it is a very necessary provision, and after a period he will himself be compelled to come to this House with an Amendment. In view of the partial assurance which has been given in regard to the receipts I do not wish to press my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

The Amendment was, by leave of the House, withdrawn.

The Hon'ble the SPEAKER: The question is:

"That clauses 29 to 37 both inclusive of the Bill, stand part of the Bill".

The question was adopted.

***Mr. J. S. HARDMAN:** I do not wish to move the Amendment under clause 38 standing in my name in view of a previous decision in respect to clause 29.

The Hon'ble the SPEAKER : The question is :

"That clause 38 stands part of the Bill".

The question was adopted.

* **Mr. J. S. HARDMAN :** I do not wish to move the Amendments standing in my name to clause 39 to clause 52.

The Hon'ble the SPEAKER : The question is :

"That clauses 39 to 53 both inclusive stand part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That Schedules I, II and III of the Bill stand part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That the Title and Preamble of the Bill stand part of the Bill".

The question was adopted.

* **The Hon'ble Srijut BISHNURAM MEDHI :** Mr. Speaker, Sir, I beg to move that the Assam Sales Tax Bill, 1947, as amended be passed. I do not want to take the time of the hon. Members as many of them are anxious to finish the Bill and leave Shillong. On behalf of the Government I thank the hon. Members for expediting matters, and I hope they will pass this Bill without any dissent.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Sales Tax Bill, 1947, as amended be passed.

***Mr. PRABHUDA YAL HIMATSINGKA :** May I enquire of the Hon'ble Finance Minister if the rules that are intended to be framed under this Act, when passed, are ready and if he will give sufficient time for the merchants to become familiar with them? Will he also arrange to have copies of this Act and the rules printed before the Act is brought into force?

The Hon'ble the SPEAKER : It will be published in the Gazette.

***Mr. PRABHUDAYAL HIMATSINGKA :** Gazette is not widely circulated and it is difficult to obtain copies.

***The Hon'ble Srijut BISHNURAM MEDHI :** I shall see that this is done. The whole trouble is that the rules framed under the old Act will have to be republished. After the Bill is passed, the Act with the rules will be available in a book form, copies of which may be obtained from the Gazette.

***Mr. PRABHUDAYAL HIMATSINGKA :** I myself could not get a single copy of the Gazette. I made an attempt.

***The Hon'ble Srijut BISHNURAM MEDHI** : Copies of Gazette may be made available. We shall take steps to publish the rules and the Act in one volume which will be available for purchase by public in general. I shall pass an order to this effect. The whole idea is that if we publish it now the rules may be changed and we have to republish it again.

***Mr. PRABHUDAYAL HIMATSINGKA** : My point was that it should be made available before the Act comes into force so that no man may be in difficulty regarding the rules.

***Maulavi ABUAL MAJID ZIAOSH-SHAMS** : May I with your permission refer to one matter, Sir? There are many Questions which remain unanswered.

The Hon'ble the SPEAKER : That point was raised and discussed.

Mr. J. S. HARDMAN : May I also make a request, Sir, in regard to the administration of this Act. There are many complicated issues involved in connection with the goods which a dealer is entitled to purchase free of the sales tax and I believe the trading community generally would appreciate it if these questions could be discussed fully and settled before the Bill comes into operation. I am referring to section 15(1) (a) and (b).

The Hon'ble Srijut BISHNURAM MEDHI : Sir, I am always prepared to discuss the matter and I hope my hon Friend will send in suggestions to my office. I will never stand in the way of removing any difficulty that is feasible. As a matter of fact, the businessmen will be our tax collectors. We must also look to the interest of the public. We will surely discuss and if there is any difficulty I will try to remove them. Even if I am not here, the letter might be sent to Mr. Saleh.

Mr. J. S. HARDMAN : Thank you, Sir.

The Hon'ble the SPEAKER : The question is:

"That the Assam Sales Tax Bill, 1947 as amended be passed."

The question was adopted.

The Assam Local Self-Government (Amendment) Bill, 1947

The Hon'ble the SPEAKER : Item No. 4 of the agenda. As there is no Amendment, the Hon'ble Minister may straightway move for passing the Bill.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, I beg to move that the Assam Local Self-Government (Amendment) Bill, 1947, be passed.

The Hon'ble the SPEAKER : Motion moved:

"That the Assam Local Self-Government (Amendment) Bill, 1947, be passed."

(After a pause)

The question is:

"That the Assam Local Self-Government (Amendment) Bill, 1947 be passed."

The question was adopted.

*Speech not corrected.

The Assam Municipal (Amendment) Bill, 1947

The Hon'ble the SPEAKER : Item No.5. As there is no Amendment, the Hon'ble Minister may straightway move for passing the Bill.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, I beg to move that the Assam Municipal (Amendment) Bill, 1947, be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Municipal (Amendment) Bill, 1947, be passed."

Maulavi MAHAMMAD ROUFIQUE : May I point out one fact in regard to this, Sir. This question of taking new oath of allegiance was before the House after the 15th of August when the House sat for the first time and even after that some Members took the oath of allegiance in the old form. Some Members pointed out the necessity of taking the oath of allegiance in the new form but the Government took a different view. Now where is the consistency. So far as the Members of this House are concerned, it appears that Government held the view that new form of oath need not be taken but in this Bill they prescribe that the members of the Municipal Boards should take oath in the new form.

The Hon'ble the SPEAKER : Henceforward the new members of the Municipal Boards will take oath in the new form.

Maulavi MAHAMMAD ROUFIQUE : By this amending Bill all members of the Municipal Boards will be required to take oath of allegiance in new form. But when it was pointed out by some Members of the Treasury Bench in this House regarding the Members of this House it was thought that it was not necessary for all the Members to take oath in the new form.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, the question of taking oath by the Members of the Municipal Boards is regulated by the Assam Municipal Act. So it may be that the question was raised here in this House during the last session and no action was taken as my hon. Friend says. But that does not stand in the way of my amending the Municipal Act and doing the needful. It has been found that on account of the new constitutional set up the oath should be changed in accordance with the new constitution. So it has been proposed to be done by this amending Bill. The Bill has been brought forward with a view to amend the section of the Municipal Act. It has nothing to do with whether the Members of this House were asked to take oath in old or new form.

Mr. PRABHUDAYAL HIMATSINGKA : I think the real point has been missed. The question is whereas no new oath was asked to be taken by the Members of this House why the members of the Municipal Boards should be asked to take oath in the new form. But the point is the new oath will apply in the case of new members and not in the case of the existing members.

Maulavi MAHAMMAD ROUFIQUE : No, they will also be asked to take oath in the new form.

Mr. PRABHUDAYAL HIMATSINGKA : Then of course the question is different. But there is nothing in the proposed Amendment to make it applicable to present members.

Mr. C. W. MORLEY: Sir, I took the oath in the new form.

Maulavi MAHAMMAD ROUFIQUE: If that be the case, Sir, that Mr. Morley took oath of allegiance in the new form all Members of the House should take oath of allegiance in the new form.

The Hon'ble the SPEAKER: That point was raised by Mr. Singha during the September Session of the Assembly.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The question was raised, Sir, but so far as I remember the Hon'ble Speaker ruled that the new Members should take oath of allegiance in the new form. But in regard to Municipal Boards there is nothing to prevent the proposed action.

The Hon'ble the SPEAKER: May I ask the Advocate General if he was consulted by the Government in this matter?

Mr. FAKHRUDDIN ALI AHMED (Advocate General): In this matter, Sir, when consulted by Government, I took into consideration the provisions of the Municipal Act. As you, Sir, are perhaps aware the Municipal Act prescribes the form of an oath to be taken by the members of the Municipal Boards. Therefore unless and until the existing form of oath is changed through legislation the members will continue to take oath in the old form. I consider for this reason that the Amendment which is now placed before the House is necessary. But so far as the form of oath to be taken by Members of the Assembly is concerned, I am not quite sure. The form of oath taken by the hon. Members is perhaps prescribed in the Assembly Rules. If the form of oath is in fact prescribed in the Assembly Rules, my suggestion is that steps for changing the form of oath should be taken. Unless the provision is changed you cannot ask the Members to take oath in the present form. So far as the rules of the Municipal Boards are concerned, they contain the form of oath.....

The Hon'ble the SPEAKER: What about the Members of this House?

Mr. FAKHRUDDIN ALI AHMED (Advocate General): If the Secretary of the Assembly helps me by pointing out whether the oath is prescribed in the Assembly Rules and in the Government of India Act.....

Mr. PRABHUDAYAL HIMATSINGKA: I think, it is in the Government of India Act.

Mr. FAKHRUDDIN ALI AHMED (Advocate General): If it is provided in the Government of India Act, I believe the form has been changed in the adaptation recently made to the Constitution Act. The position will have to be examined whether the hon. Members should take the new oath. I think in some other provinces the new oath was taken by the hon. Members.

Babu KAMINI KUMAR SEN: I think the provision was in the Act itself.

Srijut SARAT CHANDRA SINHA: I think new oath was taken in the United Provinces.

The Hon'ble the SPEAKER: However, legal opinion on this matter will be taken.

Now I put the question.

The question is :

“That the Assam Municipal (Amendment) Bill, 1947 be passed.”

The question was adopted.

The Assam Court Fees (Amendment) Bill, 1947

The Hon'ble the SPEAKER: Next we come to item No.6—Consideration of the Assam Court Fees (Amendment) Bill, 1947 clause by clause. There is only one Amendment standing in the name of Maulavi Abual Mazid Ziaosh Shams.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Mr. Speaker, Sir, I beg to move the Amendment which stands in my name:—That after the proposed Section 7D, a new section 7E with the following provisions thereunder shall be added—

“7E. Notwithstanding anything contained in the provisions 7A to 7D where objection is taken in the written statement that a suit is not properly valued or proper Court fees have not been paid the Court instead of deputing, or issuing a commission to, a person shall generally examine witnesses if produced in Court”.

This is a very moderate Amendment. My view-point is this that in ex-parte cases the Court will, as far as practicable, stick to the provisions of the new Amendment whenever the Court finds it necessary in the interest of Government finance. But where a suit is contested, and very often the defendant raises objection on this score of valuation and on the fact that proper court fees have not been paid, in these cases it is up to the defendant to produce witness in Court. So in those circumstances if the Court issues a commission that will be a very costly affair. Therefore in most of the cases which are generally filed in the Court which are decreed ex-parte the Court will take the help of the new provisions of the Amendment. But in the contested cases simply I want that Court will generally examine witnesses. Therein also I have not tied the hands of the Court very much strictly. The Court will generally examine witnesses if produced in Court. It may be that the defendant may not produce witnesses in Court at all. In that case the Court can issue a commission. But a commission as I said before is a very costly affair. A suit in which the valuation may be Rs. 200 may cost one Rs. 50 or even more if a commission is issued. If the poor plaintiff is saddled with this that will be a hardship to him. So I have given in my Amendment some discretion to the Court that whenever witnesses are produced the Court will examine those witnesses. If the Court thinks that there shall be a commission the Court may do it. So, Sir, the Amendment is given in such a way that it may be accepted.

The Hon'ble the SPEAKER: Amendment moved :

“That after the proposed Section 7D, a new section 7E, with the following provisions thereunder shall be added—

“7E. Notwithstanding anything contained in the provisions 7A to 7D where objection is taken in the written statement that a suit is not properly valued or proper court fees have not been paid the Court instead of deputing or issuing a commission to, a person shall generally examine witnesses if produced in Court”.

Mr. PRABHUDAYAL HIMATSINGKA: I think this Amendment is absolutely unnecessary and redundant. 7A says “If the Court is of opinion that the subject-matter of any suit has been wrongly valued, it may revise the valuation

and determine the correct valuation, and may hold such inquiry as it thinks fit for such purpose." This inquiry includes inquiry of witnesses that has not been ruled out.

What the subsequent clause intends is to give the Court additional power to issue a commission. Other provisions do not restrict the right of the Court to examine witnesses and, I think, if this 7E as moved by way of Amendment is accepted, it would fetter the discretion of the Court. Then again the language does not seem to be very happy. "The Court shall generally examine witnesses". If you want to have the word 'shall' the word 'generally' should be deleted. I oppose this Amendment because this is absolutely unnecessary.

The Hon'ble Srijut BISHNURAM MEDHI : I quite agree with my hon. Friend Mr. Himatsingka that this Amendment is absolutely unnecessary. From the Amendment it appears that my hon. Friend who has practised for a large number of years in the Court has got no confidence in the Court. Instead of bringing an Amendment my hon. Friend's advocacy may be placed before the Munsiff for consideration to enable the Court to exercise discretion properly.

Maulavi ABUAL MAZID ZIAOSH SHAMS : On a point of explanation, My hon. Friend has perhaps longer experience than myself, and it is well-known to him that very few Courts take the trouble.

The Hon'ble Srijut BISHNURAM MEDHI : "For the purpose of an inquiry under section 7A the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry." Instead of going to the locality, if the Court can decide the matter by examining witnesses, the Court will in such case not send a commission. The hon. Member may use his advocacy at the time the Court considers the desirability or otherwise of deputing commission under the Bill. I think, let us have confidence in the Court, let us leave entire discretion to the Court in which cases it should examine witnesses and in which cases it should issue commission to ascertain the matter. In view of this I hope my hon. Friend will withdraw his Amendment.

Maulavi ABUAL MAZID ZIAOSH SHAMS : Yes, Sir, I beg to withdraw my Amendment.

The Hon'ble the SPEAKER : Has the hon. Member leave of the House to withdraw his Amendment?

The Amendment was, by leave of the House, withdrawn.

The Hon'ble the SPEAKER : The question is:
"That clauses 1 and 2 of the Bill stand part of the Bill."
The question was adopted.

The Hon'ble the SPEAKER : The question is:
"That the Title and Preamble of the Bill stand part of the Bill."
The question was adopted.

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I beg to move that the Assam Court Fees (Amendment) Bill, 1947, be passed.

There is no other Amendment except the one which has been withdrawn. In view of this I hope the hon. Members of the House will accept the Motion and pass the Bill.

The Hon'ble the SPEAKER : Motion moved :
" That the Assam Court Fees (Amendment) Bill, 1947, be passed."

(After a pause.)

The Hon'ble the SPEAKER : The question is :
" That the Assam Court Fees (Amendment) Bill, 1947, be passed ".
The question was adopted.

The Assam Home Guards Bill, 1947

The Hon'ble the SPEAKER : Now, we take up consideration of the Assam Home Guards Bill, 1947. There are two Amendments. One of them stands in the name of Mrs. Bonily Khongmen who may move.

Mrs. BONILY KHONGMEN : Mr Speaker, Sir, I beg to move that after clause 2(b), add sub-clause (c) as follows:—

"(c) 'Men' means women also."

To guard the hearth, home and country is a duty of every one both man and woman. It is not only a duty but also a right and privilege. There is no reason why women should not be allowed to share the duty equally with men. I hope and believe that none of my hon. men Friends in this House would be so selfish as to desire to confine the right and duty of guarding one's home to men only. Our woman-hood do not lack in patriotism and many of them would come forward in future to serve as Home Guards. Rani Guidillo, the Rani of Janshi and hosts of others are only examples. I am thankful to the Hon'ble Premier for giving an assurance the other day that the case of women would be considered. But in order to prevent any mischievous interpretation of the term "men" in the proposed Assam Home Guards Bill, 1947, I proposed the Amendment to the Bill so that the term "men" may be clearly understood to include women as well, and I hope the House will give full support to my humble view.

The Hon'ble the SPEAKER : Amendment moved :
"That after clause 2(b), add a sub-clause (c) as follows:—
'(c) 'Men' means women also.'"

Srijut SARAT CHANDRA SINHA : মাননীয় সভাপতি ডাঙৰীয়া, শ্ৰীযুক্ত বনেনি খংমেনৰ কথাটো যে বৰ সুন্দৰ হৈছে তাত অকনো সন্দেহ নাই—বিশেষকৈ এই নাৰী জাগৰণৰ সময়ত তেওঁলোকো আগবাঢ়ি আহিব লাগে। কিন্তু General Clauses Actৰ section 13, sub-section (1) ত লিখা আছে—"words importing the masculine gender shall be taken to include females;" সেই কাৰণে ইয়াত যি ঠাইত man শব্দ দিয়া হৈছে তাত সেই শব্দই woman কো বুজাব। গতিকে এই সংশোধনী প্ৰস্তাৱ অপ্ৰয়োজনীয়।

The Hon'ble Srijut GOPINATH BARDOLOI : I have very little to add after the legal interpretation which has been put on the word "men" by my hon. Friend over there, and I am sure that the hon. Mover of this Motion will consider that the Amendment which has been put forward by her is redundant.

It is indeed very well of her to have brought to the notice of this House the desire of the women of the country to defend their hearths and homes in the manner they are capable of doing. It is the intention of the Government to utilise their services for carrying out the purposes of this Bill as far as possible. Therefore, I do not consider it necessary that hon. Mrs. Bonily Khongmen will be pressing this Amendment to a division. It would look odd that having known the provision of the General Clauses Act, we should have an explanation of the word man.

Mr. PRABHUDAYAL HIMATSINGKA: On a point of information, Sir. Are not all women guards in their homes already?

Mrs. BONILY KHONGMEN: In view of what has been said by the Hon'ble Premier, I beg leave of the House, Sir, to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw her Amendment?

The Amendment was, by leave of the House, withdrawn.

The question is:

"That clauses 1 to 5 both inclusive of the Bill, stand part of the Bill."

The question was adopted.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Mr. Speaker, Sir, I beg to move that after sub-clause (2) of clause 6, the following proviso be added:—

"Provided that peoples organisations, such as, District Congress Committees, District Muslim League Committees shall be consulted and shall be asked to send nominations of the personnel from whom Home Guards shall be appointed so that all classes of persons may be sufficiently and properly represented in the Home Guards."

I really, Sir, congratulate the House and the Hon'ble Premier for having given the real interpretation of the term 'men' as indicating that it includes women also and the Hon'ble Premier has also stated that we would have no objection to raise a force of Women Home Guards. So that is a liberal spirit that is really moving with the times. Now, Sir, it is my pleasant duty to bring it to the notice of this House that the same liberal spirit which the Government have now shown should also be shown by accepting my Amendment. My Amendment is a thing which should go into the very Act itself. The object of this Home Guards Bill is surely a laudable one. It states that it will supplement police force generally in connection with matters arising out of food Control Orders, as the regular Police is really insufficient to cope with the situation. But, Sir, there is an other objective, and it is that it intends to prepare our youths to meet any emergency in the Province. Now, Sir, it is quite in the fitness of things that after we have got independence our youths should be given opportunity to serve and defend their own country. We cannot suppose or like that the Gurkhas, Punjabis or people from other provinces should come to defend our country. We are proud to say that already we have good many people in Assam who are really fit enough as Military personnel, and as a matter of fact our people are already in a Regiment called the Assam Rifles.....

Srijut SARAT CHANDRA SINHA: On a point of information, Sir, is not a large number of Gurkhas inhabitants of this Province?

Maulavi ABUAL MAJID ZIAOSH SHAMS: If the Gurkhas are inhabitants of this Province then they must be called people of Assam.

Now, Sir, this measure will really infuse in the minds of our youths spirit of patriotism, a spirit to fight with enemies of country in order to defend their own country and fight lawlessness. But, then, Sir, this is a country which is inhabited by various races and classes of people like Muslims, Hindus, Tribals, Christians and so on. All persons living in Assam, who regard Assam as their own province should be given the opportunity to serve and protect the province by giving them equal rights and privileges regardless of caste or creed, against any lawlessness or against any inroads from outside. It will be no new matter Sir, if I say that at present there is bitterness of feeling and communal and racial hatred passing from one end of India to another. But so far as Assam is concerned, Sir, I must say with a great emphasis and pride that it is almost immune from such a feeling. If that be so I would like to ask the Government that they should throw open this Volunteer Corps for all persons for enlistment and I think, every youth should consider it his duty, not only duty as the Deputy Speaker said a few minutes ago, but a sacred and a coveted duty to help the country and for that this privilege should be entrusted to all classes of persons.

Now, Sir, Muslims, Christians, Tribal persons, all have taken this country as their own and have been living here for centuries; there should be no question as to their sincerity of purpose and regarding the fact that they will leave Assam or have been contemplating moving away from Assam. They have been living here for centuries after centuries...

Srijut SARAT CHANDRA SINHA: Is there any bar in this Bill of their being recruited?

Maulavi ABUAL MAJID ZIAOSH SHAMS: There is no bar. I am simply giving the method of recruitment.

So, Sir, there can be no question of their loyalty. The other day at the preliminary stage, at the first reading of this Bill some of my Friends sitting here were stating something and one gentleman of the other side interrupted and said, "well give up your two nation theory"—that is really a peculiar way of thinking now. A Muslim living in Assam may call himself a Muslim but that does not show that he has not taken Assam as his own country. Similarly a Christian living in Assam cannot be called a non-Assamese. That is the test and the qualification.

Srijut SARAT CHANDRA SINHA: On a point of information Sir. Previously the creed of the Muslim League included two nation theory; now what is the creed of the League in Assam?

Maulavi ABUAL MAJID ZIAOSH SHAMS: The same question I would put to my Friend; what is the creed of a non-Muslim living in Pakistan? Has he given up Congress creed? Muslims have not given up Muslim League creed in India as the non-Muslims have not given up Congress creed in Pakistan. But because a Muslim is a Leaguer that does not disprove the fact that he is an Assamese; it does not and that does stand on his way and it should not be thought that he should not enjoy equal rights. Opportunities should be given to him in whatever country he lives and he has got a right to serve the country. Of late country have been expressed by some important nationalists whose names are well known throughout the length and breadth of the country about the future of the Muslims in India and then one Muslim gentleman of Bengal, a renowned man stated, "Well, should the Muslims grovel in order to show their loyalty". One gentleman stated, "Are Muslims ready to shed their blood for Hindusthan

if there is a war with Pakistan?" The same question may be put to non-Muslims in Pakistan, "Are the non-Muslims in Pakistan ready to shed their blood for Pakistan if there is a war with Hindustan?" These questions are really futile. The main point is that when Muslims can serve in India in the capacity of Magistrates, responsible police officials, etc. and when Muslims in this country have proved their loyalty by serving meritoriously and most satisfactorily in all grades of service and when Muslims are serving this Government in all the departments in different capacities and when their loyalty cannot be disproved, I do not see any reason why they should not be recruited in this Volunteer Corps also.

So, I would urge upon the Government that in the matter of recruitment no differentiation should be made and there may not be any discrimination of races, creed and communities. I have asked that the people's organisations should be consulted in this important matter, because this will give a scope to our youths to serve the country in the military line which gives an opportunity to youngmen to show their prowess, to show their courage and to show their grit. So all classes of communities living in Assam should be given equal opportunities. For these reasons and when the atmosphere of the country is saturated with suspicion, I would ask that the District Congress and District Muslim League, I have not exhausted the list of organisations, should be asked to send their nominations and out of those nominations personnel for Home Guard shall be appointed. In my humble opinion all classes of persons should be given sufficient scope and opportunities in the matter of earning livelihood and in the matter of service for the welfare of the country; I see the picture not distantly when the Muslims, non-Muslims, Christians, Tribals and all will in the common spirit of service and in one common fellowship and brotherhood will be serving their mother country Assam. (*Here, Here*). But since now the atmosphere is quite different, I would ask the Government that all these peoples' organisations should be consulted and should be asked to send their nominations. I think, there is nothing sinister, nothing bad in my Amendment, so, I would commend my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That after sub-clause (2) of clause 6, the following Proviso be added:—

"Provided that peoples organisations, such as District Congress Committees, District Muslim League Committees shall be consulted and shall be asked to send nominations of the personnel from whom Home Guards shall be appointed so that all classes of persons may be sufficiently and properly represented in the Home Guards'."

Maulavi Md. MAKSED ALI: Mr. Speaker, Sir, I fully support the Amendment Motion which has been moved by my Deputy Leader, Maulavi Abual Majid Ziaosh Shams.

Sir, if we are living in Assam and as a matter of fact surely living here and have made Assam our home, then we should be given as much right and opportunities as any other community in Assam to fight the common evils, namely, to fight lawlessness against food-stuff, etc.

A Hindu, a Muslim, a Tribal man, a Christian—everybody is equally interested in the matter of food-stuff and there should be no misgivings in the minds of the Government that we cannot be loyally and competently fight the common social evils.

With these words, Sir, I resume my seat.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, the Hon'ble Prime Minister will of course give his reply to the speeches of my hon. Friends opposite, but I beg to submit a few words. In considering the recruitment to the Home Guards it will first of all be necessary to have some idea of the political ideology of the person who will be recruited. Any Muslim can be recruited, but those Muslims having the label of back-dated Muslim Leaguers stand on a different footing. Those who held the two-nation theory, how can they be taken in the National Force? If he still believes in the same ideology which obtain: with Mr. Jinnah and other Muslim Leaguers in Pakistan, how can he be absorbed in the National Force? This will be a contradiction in terms. Our ideology should always be that of one nation to maintain our solidarity, and those who believe in the two-nation theory cannot be useful for the purpose of protecting the Dominion of India. I have of course no objection to any Muslim Leaguer being taken, but he should be taken not as a Muslim Leaguer but as a Muslim. Our ideology is to eliminate the distinction of caste, creed and religion from politics. A national of our Dominion should not owe allegiance to another Dominion. There will, and should, be differences in our religion but those difference should not come to the forefront. It has already been made clear by the Government of the Dominion that nothing will stand in the way of anybody observing his religion, but when that comes into conflict with the national outlook that should not be fostered and find a place in the economy of nation-building. So, I say, anybody may be taken in the Home Guards but he should not bear the label of this or that community and thus come into conflict with the nation-building that we have before us.

Maulavi ABDUL HAI: Mr. Speaker, Sir, I had no mind to speak on this Motion as the hon. Mover has said everything in details; but hearing the Hon'ble Minister in charge of Local Self-Government I want to make some observations. I fully agree with him that when the Muslims will come to join the Home Guards they will not come only because they are Muslim Leaguers but they will come as inhabitants of this Province. He has said that the Muslims should be taken as Muslims but as Muslim Leaguers they should not be allowed to join. Sir, the intention of the hon. Mover of the Amendment is not to introduce Muslim Leaguers as a separate section in the Home Guards, but the trend of his discussion was this: it was proved in the last General Election that the majority of the Muslims belonged to the Muslim League when they fought for the independence of the country in their own way. Now, Sir, that fight is over and we have achieved our goal though it is inadequate in many respects from the point of view of different organisations. But, Sir, our point is that once one happened to be a Muslim Leaguer he should not be debarred from joining the Home Guards. My hon. Friend should know that the political policy of all the different organisations has already changed—the Congress is not fighting any more for the independence of the country and the Muslim League is not fighting for Pakistan. That fight is now over and the political policy has already changed. Now, Sir, our desire is that since we are also inhabitants of this Province and citizens of this country we should be given equal opportunities to serve our country and the people. The fact that once a man happened to be a Muslim Leaguer or a Congressman having another policy should not be the criterion at this juncture to judge his loyalty to the country. We now want to join the Home Guards for the defence of the country and betterment of the people. That is our intention. My Friend asks whether we have changed our policy. I have already said that, Sir. As regards nationhood, it is a difficult question. Can anybody tell me now what is exactly the definition of a nation? If all Indians are one nation there cannot be any

provincialism. I am putting this question on the floor of the House. If, Sir, the definition of nation is that all Indians comprise one nation can there be any provincialism that is in evidence in the different provinces? All the Provinces are working for their own benefit. If religion is the criterion of a nation, then certainly India consists of more than one nation. If we say language is the criterion, then India is a land of many nations. Again the present Prime Minister of the Indian Dominion wants to say that the whole of Asia belongs to one nation, viz., the Asiatic Nation. If language is the criterion of nationhood then we are nothing except the Awamere nation. We have already said that we are prepared to serve our country with all goodwill and sincerity and that is why we desire that in making appointments to the Home Guards no distinction should be made, and you should not take into consideration whether a man at the time of fighting for independence belonged to this or that organisation. With these few words I conclude and hope Government will consider whether Muslims and other minority communities should not be given equal rights and privilege to join the Home Guard Force.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I should like to make a suggestion. We can very well sit for another half an hour or so and finish the business of the day. As a matter of fact to the last Bill, which is in charge of Hon'ble Mr. Medhi, there is only one Amendment and the Amendment is a verbal one. The Amendment is a verbal one and would be moved by the Hon'ble Minister himself, and therefore, there would not be any controversy over it. Therefore, I would suggest, Sir, that we sit for another 15 or 20 minutes.

The Hon'ble the SPEAKER: How many hon. Members are taking part?

(A voice:—No more, Sir.)

*Maulavi ABUAL MAZID ZIAOSH SHAMS. It is better to sit upto 1 p.m.?

The Hon'ble Srijut GOPINATH BARDOLOI: Is it necessary to come back, Sir?

*Shri SATINDRA MOHAN DEV: There are only 4 Members there of whom 3 have already taken part.

The Hon'ble the SPEAKER: Any one from the European Group going to take part?

*Mr. C. W. MORLEY: Just I want to make a reference in the third reading, Sir.

Adjournment

The Assembly was then adjourned for lunch till 1 p.m.

(After Lunch)

* Speech not corrected.

The Hon'ble Srijut GOPINATH BARDOLOI: If there are none to take part, Sir, I will reply.

Sir, I oppose the Amendment on the ground that it is redundant and does not fit in with the structure of the Bill that has been before the House. It will be seen, Sir, there is no bar for anybody to be enlisted as Home Guard. That will be very clear from the wordings of the Bill. I will read out the portion:—

“ Subject to the provisions of this Act and to the rules made thereunder any person willing to serve as a Home Guard and possessing such qualifications as may be prescribed may be appointed a Home Guard. .

The appointment of Home Guards shall be made in such manner and by such authority as may be prescribed.”

This would clearly indicate that there is no bar for anybody applying for appointment as Home Guard. That being so, Sir, I consider it entirely unnecessary to bring for discussion any question regarding representation of the Muslim League or of the Congress in the organisation that has been proposed in the Amendment. The perspective which the Government has put in regard to all questions has been one of province when it is a provincial matter and one of India when it is a question of India. And in order that the object of this Bill may be fulfilled it is surely to be seen that the persons who can be relied upon for defending their hearth and home should alone be included in the number of Home Guards that will be organised. There are certain facts which the hon. Members of the House ought to know. In spite of the fact that we have become two nations and the two nation theory of Mr. Jinnah has found fulfilment in a peculiar way, and in spite of my hon. Friend in the opposite assuring us that the old picture of light and conflict have passed away, the minds of men in reference to Muslim League are not yet free from suspicion and fear. That is a fact—which cannot be denied in spite of all that may be said, in the present perspective of things. Therefore, some caution on the part of the recruiting authority will be necessary in order that we have only people who would be prepared to defend their hearth and home in time of emergency and will also act as true citizens of the State in reference to the objects of this Bill. Beyond that it is expected that all people from all communities will find representation in the Home Guards. But as I said and I will repeat, that it is the people who could be relied upon for carrying out the objects which this Home Guards aim at should be appointed. I think, there will be no difficulty for the House to agree to this. The question of Muslim League need not be prominently brought forward here. For the purpose of recruitment we should rely upon the officer, the Commandant General and the District Commandant to do their duty and see that those who are imbued with the best spirit of defending their hearth and home will be enlisted in the force that is going to be.

***Mr. PRABHUDAYAL HIMATSINGKA:** They need not be fifth-columnists.

The Hon'ble Srijut GOPINATH BARDOLOI: Of course. Therefore, on these few words of assurance I hope the hon. Members opposite will be satisfied that it is not necessary to press this Motion for a division and that what has been sought for by the hon. Members, namely, representation in the Home Guards of people who can be expected to be doing their duty, will be met. I hope, the hon. Member will withdraw his Amendment.

The Hon'ble the SPEAKER: What does the hon. Member propose to do?

*Speech not corrected.

*Maulavi ABUAL MAJID ZIAOSH SHAMS: No, Sir, I do not propose to withdraw because the words of the Hon'ble Prime Minister has not given us much hope.

The Hon'ble the SPEAKER: The question is:

"That after sub-clause (2) of clause 6, the following proviso be added:—

'Provided that peoples organizations, such as District Congress Committees, District Muslim League Committees shall be consulted and shall be asked to send nominations of the personnel from whom Home Guards shall be appointed so that all classes of persons may be sufficiently and properly represented in the Home Guards' "

The question was lost.

The Hon'ble the SPEAKER: The question is:

"That clauses 6 to 15 both inclusive of the Bill stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That the Title and Preamble of the Bill stand part of the Bill"

The question was adopted.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I beg to move that the Assam Home Guards Bill, 1947 be passed.

I do not think I need take any time of the House by a speech. All that I want to point out is that the time is come when Government should give every facility to all or at least our young men to do their duty towards the country. In a free country both men and women have got their parts to play and this Bill gives an opportunity to every people of every community to play their part. As a matter of fact the meaning of applications for service for Home Guards should be considered to be a call for work for the country. I do hope the country will accept the spirit in which this legislation is proposed and my prayer and hope are that every community and every people will come forward to play their part.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Home Guards Bill, 1947, be passed".

Maulavi ABUAL MAJID ZIAOSH SHAMS: Mr. Speaker, Sir, objection has been raised here without perhaps appreciating or realising the full significance of it that a Muslim Leaguer may not be taken in. But as soon as a person accepts a job it must be remembered that he gives his allegiance to the country he lives, he gives his allegiance to the Indian Union in which he is to live and under which he is to serve. He ceases to be a Muslim Leaguer, he ceases to be a Muslim in the communal sense except for his religious purposes and religious practices and outlook. He has got to forget his political alignment. So whatever may be said against a Muslim Leaguer it must be understood that when a Muslim Leaguer accepts a job he breaks his connection with his past political alignment and now he has got to serve his master, he has got to serve his country.

* Speech not corrected.

Some of the Muslim Leaguers' sons are still Government servants and they are second to none in loyalty to their masters and to their country and they are being promoted from one rank to a higher rank and some to the highest possible rank under the Government. So, although we have not succeeded in the Amendment actually, in the matter of recruitment which will be governed by rules and will be made later there shall be no discrimination made between Muslims and non-Muslims. Muslims who are now working under the Government will be second to none in their loyalty and sense of duty. So when a Muslim will be taken as a Home Guard Government has got to forget that he has got a religion and that his religion is a bar and that he belongs to a particular community. Government has to forget all these in the matter of recruitment. At the same time the Muslim employee also has got to forget that he is a Muslim in the communal narrow sense and he has got to merge himself in the service of the country feeling for a noble purpose. So, as Hindus and Muslims have been living for generations and generations together and they will be continuing to do so till perhaps this earthly globe comes to an end—I do not know when there will be such a catastrophe—there should be no discrimination between a Hindu and a Muslim. Under these circumstances this Assam Government which is almost free from communalism to a great extent and is now gradually rising above this bitterness, there will be no discrimination between a Muslim and a non-Muslim.

***Maulavi ABDUL HAI:** My hon. Friend has said that Assam is free from communalism to some extent. I should say that Assam is completely free from communalism and that Assam is leading in that respect. Assam's example may be emulated by other parts of India.

***Mr. C. W. MORLEY:** Mr. Speaker, Sir, I should like to record our support to this Bill. We have always, and shall always support any measure for the preservation of the law and order. But I would direct Government's attention to clause 9 of the Bill which runs thus: "Officers and men of the Home Guards shall wear such uniform as may be prescribed". On this particular clause I had in my mind to bring an Amendment, but I do not wish to delay the passage of the Bill in any way. I would point out that no provision is made as to when uniform should be worn. I would suggest for consideration of Government that uniform should be worn only when training or drilling or when called out in aid to a civil power and uniform should not be allowed to be worn on any other occasion, and I hope Government will provide for this under the rule-making powers of the Act.

The Hon'ble Srijut GOPINATH BARDOLOI: I thank the hon. Members of the House for supporting this Bill. The points that have been put forward by my hon. Friend Mr. Ziaosh Shams generally as well as the particular point that has been mentioned by hon. Mr. Morley will be taken into consideration.

Maulavi ABUAL MAZID ZIAOSH SHAMS: Thank you.

The Hon'ble the SPEAKER: The question is:

"That the Assam Home Guards Bill, 1947 be passed".
The question was adopted.

*Speech not corrected.

The Assam Revenue Tribunal (Transfer of Powers) Bill, 1947

The Hon'ble the SPEAKER: Then we come to item No 8, consideration of the Assam Revenue Tribunal (Transfer of Powers) Bill, 1947, clause by clause. There is one Amendment.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to move that the Amendment to clause 7 which is merely of a formal nature

The Hon'ble the SPEAKER: You are to move the Amendment first.

The Hon'ble Srijut BISHNURAM MEDHI: I think even without moving the Amendment it can be done. I am moving the Amendment just now. I want to show that in line 4 of sub-clause (2) of clause 7, the word 'to' is redundant. That seems to have been done as a clerical mistake and it could have been deleted even without an Amendment. But to be on the safe side an Amendment has been put. After the words 'the Assam High Court or' and before the words 'the authority referred' in line 4 of sub-clause (2), the word 'to' should be deleted". Sub-clause (2) of clause 7 reads thus: "The appeals and applications for revision pending before the said Tribunal on the date on which this Act comes into force shall be deemed to have been instituted before the Assam High Court or to the authority referred to ." This 'to' is to be deleted because it is redundant and not necessary. This is the only Amendment I want to move in order to delete the word 'to' and I hope the House will accept it.

The Hon'ble the SPEAKER: Amendment moved:

"That the word 'to' after the words 'the Assam High Court or' and before the words 'the authority referred' in line 4 of sub-clause (2) of clause 7, shall be deleted".

After a pause

The question is:

"That the word 'to' after the words 'the Assam High Court or' and before the words 'the authority referred' in line 4 of sub-clause (2) of clause 7, shall be deleted".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 7 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: As there is no Amendment to clauses 8 to 10 I am putting them as a question:

The question is:

"That clauses 8 to 10 both inclusive of the Bill stand part of the Bill".

The question was adopted.

The question is:

"That clauses 1 to 6 both inclusive of the Bill stand part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That Schedules A and B of the Bill stand part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That the Title and Preamble of the Bill stand part of the Bill."
The question was adopted.

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I beg to move that the Assam Revenue Tribunal (Transfer of Powers) Bill, 1947, as amended, be passed.

I do not want to waste the valuable time of the hon. Members. I express my thanks to the hon. Members that no amendment has been submitted to delay the passage of the Bill and the House is unanimously passing the Bill. I hope the House will now pass the entire Bill without any Amendment.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Revenue Tribunal (Transfer of Powers) Bill, 1947, as amended, be passed".

After a pause

The Hon'ble the SPEAKER : The question is :

"That the Assam Revenue Tribunal (Transfer of Powers) Bill, 1947, as amended be passed".

The question was adopted.

PRESENTATION OF NOTIFICATION UNDER SECTION 296 OF THE ASSAM MUNICIPAL ACT, 1923

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, I beg to present the following *notification under section 296 of the Assam Municipal Act, 1923 :—

Notification No.LML.120/47/31, dated 18th October 1947.

Prorogation

The Hon'ble the SPEAKER : The business of the House is closed. With thanks to hon. Members I announce the Prorogation Order of His Excellency the Governor :—

"In exercise of the power conferred by clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I, Muhammad Saleh Akbar Hydari, hereby prorogue the Assam Legislative Assembly at the conclusion of its sitting on the 11th November, 1947.

SHILLONG,
The 10th November, 1947.

A. HYDARI,
Governor of Assam."

The Assembly was then prorogued.

SHILLONG,
The 16th January, 1948.

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

*See Appendix 'H'

R 114D