

**Proceedings of the First 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 11 a. m. on
Tuesday, the 26th March, 1946

PRESENT

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the seven
Hon'ble Ministers and eighty-seven Members.

OATH OF ALLEGIANCE

The following Members were sworn in:—

- (1) Srijut Rupnath Brahma, and
- (2) Maulavi Abdul Kuddus Khan.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Process-servers

Srijut GAURI KANTA TALUKDAR asked :

- *16. Will Government be pleased to state—
- (a) Whether it is a fact that the process-servers are not entitled to enjoy the benefits of the General Provident Fund ?
 - (b) Whether it is a fact that the copyists working on contract system get the advantage of the General Provident Fund ?
 - (c) Whether it is a fact that the process-servers are repeatedly demanding the benefits of the Provident Fund ?
 - (d) If so, whether Government propose to concede to their demand ?
 - (e) Whether it is a fact that process-servers are entitled to pension on half-average pay on completion of 40 years' service or on attainment of 60 years of age ?
 - (f) Whether it is a fact that the process-servers are not entitled to enjoy pension on half-average pay on completion of 25 years service ?
 - (g) If so, whether Government propose to give them the privilege of enjoying pension on similar terms and conditions as are applicable to other Government servants ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

16. (a)—It is a fact that they are not entitled.

(b)—No. There is a separate Provident Fund for copyists and typists, viz., "The Typists and Copyists Provident Fund."

(c)—There is no material in the Department concerned for supposing that this has been an insistent demand.

(d)—Does not arise.

(e)—No.

(f)—Yes.

(g)—Process-servers already enjoy equal pensionary privileges with other Government servants of inferior status: the question of raising their status is under consideration.

Srijut GAURI KANTA TALUKDAR: With regard to answer to question No. 16 (d), do Government propose to give them the same privilege of enjoying the benefits of the General Provident Fund as the other Government servants?

The Hon'ble Mr. BASANTA KUMAR DAS: The matter is still under consideration. It will be examined how far it would be possible to give them this privilege.

Maulavi ABDUL HAI: With regard to question No. 16 (e), the reply is "No." May I know whether they are at all entitled to any pension?

The Hon'ble Mr. BASANTA KUMAR DAS: Yes, they are, but not on the terms laid down in the question.

Maulavi ABDUL HAI: Am I to understand that with regard to pension, the same rules apply to them as to other Government servants?

The Hon'ble Mr. BASANTA KUMAR DAS: Yes, Sir, as to other Government servants of their status.

Maulavi ABDUL BARI CHAUDHURY: With regard to question No. 16 (c), the reply is "There is no material in the Department concerned for supposing that this has been an insistent demand". If there is any demand will Government consider the desirability of giving the benefits of Provident Fund to them?

The Hon'ble Mr. BASANTA KUMAR DAS: This is a hypothetical question, Sir. Let the demand be made, and then Government will examine the question.

Srijut GAURI KANTA TALUKDAR: Have not the Government received copies of resolutions passed by the Assam Provincial Process Servers Conferences from time to time urging that they should be given the advantage of Provident Fund?

The Hon'ble Mr. BASANTA KUMAR DAS: The answer is that no such representation has been received.

Srijut GAURI KANTA TALUKDAR: Is it not a fact that for years together they have been sending copies of resolutions making this demand? Will Government be pleased to enquire and see whether there has been any such demand?

The Hon'ble Mr. BASANTA KUMAR DAS: We have got representations on various other matters, and Government are considering them, but in regard to this particular matter there is no representation.

Srijut GAURI KANTA TALUKDAR: My information is that they have sent several resolutions from time to time on this very subject. Will the Hon'ble Minister-in-charge be pleased to enquire and consider the matter sympathetically and give them the privileges of the General Provident Fund?

The Hon'ble Mr. BASANTA KUMAR DAS: Yes, Sir, I shall look into this question.

Damage to crops and fruit trees by elephants in the Lakhimpur District

Mr. R. A. PALMER asked:

*17. (a) Are Government aware that for the past 7 years extensive damage has been done every year to standing crops, fruit trees and property by a herd of wild elephants in Rungagora-Guijan-Limboguri area of the Lakhimpur District?

(b) If so, what action, if any, has been taken during the past few years to prevent this depredation?

(c) What further action Government proposes to take this year to prevent a recurrence of the trouble?

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

17. (a)—Government are aware of complaints regarding unusual damage only in 1943 and 1945. There is some reason to think that disturbance of game caused by the operations of war may have been partly responsible.

(b)—Hunting has been done each year except in 1944-45. Elephant control licenses have also been freely issued.

(c)—Government will, as usual, frame their hunting programme in the light of the up-to-date position, including the reports of the Deputy Commissioners regarding damage done by elephant.

Mr. R. A. PALMER: Will Government consider the question of giving compensation to the people who suffered the damage?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is a question of policy. If there is any complaint from any particular person or from a particular area or any demand for compensation, Government will consider what policy they should adopt.

Maulavi ABDUL HAI: May I know if there is any policy in respect of this matter?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I want notice of this question, Sir.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Do Government propose to open khedda operations in those areas?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already stated that as usual there will be a programme for khedda operation in the areas that are affected.

Mr. A. WHITTAKER: If the sufferers file civil suits for compensation against Government, will Government in the Forest Department defend them?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is a hypothetical question, Sir.

Srijut HEM CHANDRA HAZARIKA: May I know from the Hon'ble Minister whether the rogue elephants that destroy the crops of the villagers are allowed to be killed by private persons?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I think that is allowed if they are killed at the spot of destruction.

Srijut HEM CHANDRA HAZARIKA: May I know whether the Government have also suffered some loss owing to the depredation by wild elephants?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I want notice of that question, Sir.

Srijut OMEO KUMAR DAS: May I know from the Hon'ble Minister whether the Government is prepared to supply with fire arms to the people of the localities where there are frequent depredations by wild elephants?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I suppose that is very desirable to supply people with fire arms to protect from the depredation by wild elephants. Government will consider the question.

Srijut HEM CHANDRA HAZARIKA: Are Government aware of the fact that when some persons in the Lakhimpur District wanted permission to kill, or if possible to capture, some of the wild elephants which were causing damage to the crops, the Deputy Commissioner, Lakhimpur did not allow it?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Government have no information. But if a complaint is made to this effect Government is prepared to enquire about it.

Firewood in Sylhet District

Mr. W. D. RUTHERFURD asked:

*18. (a) Are Government aware of the acute shortage of firewood in certain parts of Sylhet District and in particular around Karimganj?

(b) If so, have Government taken any steps to encourage villagers to grow more trees as a fuel reserve?

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

18. (a)—Government have not received any complaints but they are aware that there is fuel shortage in all the towns of the District.

(b)—This is a regular feature of Departmental propaganda.

Mr. W. D. RUTHERFURD: Sir, is it possible for Government to arrange for a supply of good firewood to be brought into the towns where there is scarcity of firewood, to be sold at controlled rate and thus try to combat the profiteering that is going on?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That question will be examined if any application is made for that purpose.

Babu RABINDRA NATH ADITYA: Are Government aware that the dearth of firewood has been aggravated by the use of firewood for boilers because of the shortage of coal?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I shall take the information as a fact.

Babu RABINDRA NATH ADITYA: Do Government propose to take any serious step to remove the firewood shortage?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I will look into it and see what can be done.

Mr. W. D. RUTHERFURD: In view of the admitted scarcity of firewood do Government propose to plant quick growing trees in all suitable vacant areas and also on the road sides for the purpose of supplying firewood?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That suggestion will be taken into consideration.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Clinics for venereal diseases

Dr. C. G. TERRELL asked :

74. Will Government be pleased to state—

(a) To what extent, the population has been enlightened through the
Publicity Department concerning the dangers of concealment of
venereal diseases ?(b) What steps have been taken by the Medical Department to establish
clinics and additional facilities for treatment of increased venereal
disease ?

The Hon'ble Srijut RAMNATH DAS replied :

74. (a)—No such publicity has been made.

(b)—No steps have so far been taken to start any clinic in the Province.

Dr. C. G. TERRELL : Sir, will the Hon'ble Minister accept it as a fact
that there certainly has been a considerable increase in venereal disease ?The Hon'ble Srijut RAMNATH DAS : I am not definite about that, Sir,
so I cannot give a definite answer.Babu RABINDRA NATH ADITYA : Will Government be pleased to take
any serious notice about the recrudescence of this disease ?The Hon'ble Srijut RAMNATH DAS : That is the intention of the
Government, Sir.Babu RABINDRA NATH ADITYA : Have not Government made any
provision for combating this disease in their Post-War Reconstruction Scheme ?

The Hon'ble Srijut RAMNATH DAS : No, Sir.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Have
Government the necessary machinery to combat this disease ?The Hon'ble Srijut RAMNATH DAS : I think it is best known to the hon.
Questioner as he was the Hon'ble Minister-in-charge of Medical portfolio for some-
time, Sir.Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Govern-
ment have no such staff and that is why I have asked how the Hon'ble Minister
can take it up immediately.Maulavi ABDUL HAMID : I know, Sir, that some other Provinces have
special measures for treatment of venereal diseases.

The Hon'ble Srijut RAMNATH DAS : I am not aware of it, Sir.

Maulavi ABDUL HAMID : Will Government take it from me that in
Bengal Government have got arrangements for free treatment of venereal disease ?

The Hon'ble Srijut RAMNATH DAS : I will enquire about it, Sir.

Maulavi ABDUL HAMID : Will the Hon'ble Minister try to have
arrangements made for free treatment of venereal disease in Assam ?The Hon'ble Srijut RAMNATH DAS : The suggestion of the hon. Member
will be taken into consideration Sir.Dr. C. G. TERRELL : Sir, will Government take steps for increased
publicity through the Publicity Department in this important matter ?The Hon'ble Srijut RAMNATH DAS : Unless, Sir, arrangements are
made for treatment of the disease Government do not think that the publicity
in this respect will help the public.Maulavi ABDUL BARI CHAUDHURY : Is it not a fact that Government
gave an assurance on the floor of this House that sufficient arrangements will be
made for treatment of this disease ?

The Hon'ble Srijut RAMNATH DAS : I am not aware of that, Sir.

Dr. C. G. TERRELL : May I ask the Hon'ble Minister if he has seen the proceedings of the last session of the Assembly in which an assurance was given by the Hon'ble Minister-in-charge of Medical in answer to a supplementary question where she said : "Later if it is found necessary Government will surely consider establishing such clinics." Will Government therefore take steps to establish greater facilities for the treatment of this disease in a special department of all Civill hospitals in Assam ?

The Hon'ble Srijut RAMNATH DAS : The matter will be considered, Sir.

Shillong-Jowai Road and Jowai-Dawki Road

Mr. LARSINGH KHYRIEM asked :

75. (a) Are Government aware of the need of the people of the Jowai Sub-division for a motor road from Shillong to Jowai ?

(b) If so, do Government propose to widen the present road from Shillong to Jowai and make it motorable within this year ?

76. (a) Are Government aware that for want of a motorable road from Jowai to Dawki the villagers in the Jowai Subdivision carry their agricultural produces on their backs to the Dawki market ?

(b) Do Government propose to construct a motorable road from Jowai to Dawki ?

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

75. (a)—Yes.

(b)—The work is likely to be started in 1946-47. The date of completion depends on availability of machinery, labour and staff and subject to the approval of the Government of India ?

76. (a)—Yes.

(b)—Yes, subject to the approval of the Government of India.

* Mr. LARSINGH KHYRIEM : Will the Hon'ble Minister of Public Works Department be pleased to state whether Government propose to widen the present road from Jowai to Dawki ?

* The Hon'ble Rev. J. J. M. NICHOLS-ROY : That project is in the Road Board Scheme under Post-War Reconstruction and the scheme has been sent to the Government of India for sanction.

* Maulavi ABDUL HAMID : May I know what will be the total expenditure on this road, Sir ?

* The Hon'ble Rev. J. J. M. NICHOLS-ROY : I think, it is about 6 lakhs in the Road Board programme for the first 2 years, as far as I can remember.

* Maulavi Saiyid Sir MUHAMMAD SAADULLA : Does the estimate for the motorable road from Shillong to Jowai also include the portion of road from Jowai to Dawki ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : The portion of road from Jowai to Dawki will be considered by Government later on. The estimate does not include the portion of the road from Jowai to Dawki.

* Maulavi ABDUL HAI : What is the length of the road, Sir ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : 33 miles.

Maulavi ABDUL BARI CHAUDHURY : Is there any bridge on the road, Sir ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I think there are some small bridges.

* Maulavi M. IDRIS ALI : How many bridges, Sir ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Not as many as in Sylhet-Sunamganj Road (*Laughter*).

Reconstruction of Kamalabari Road in North Lakhimpur Subdivision

Srijut HEM CHANDRA HAZARIKA asked :

77. (a) Are Government aware of the long-standing demand of the people of the North Lakhimpur Subdivision for the reconstruction of the Kamalabari Road connecting the said Subdivision with Jorhat and other neighbouring Districts on the Southern Bank of the river Brahmaputra ?

(b) If so, do Government propose to depute a Special Officer during the rains to observe the places and the currents and cross currents of water which cause breaches on that road ?

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

77. (a)—Yes.

(b)—It will not be necessary as the question of providing an alternative road connection for the area is under consideration of the Government.

Srijut HEM CHANDRA HAZARIKA : Do Government propose to depute the Special Officer to ascertain whether the proposed road, as in the answer, will be more suitable than the existing road for the public, and whether the breaches caused in the present road will be less costly than the bridges required to be constructed in the proposed road ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Sir, I have received information from the Chief Engineer to the effect that it will be almost impossible to make the road on account of the current of the river, and so, it has been proposed to provide an alternative road for the area which is under consideration of Government now.

* Khan Bahadur Maulavi SAYIDUR RAHMAN : Can the Hon'ble Minister tell us what is the alternative road proposed ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I am sorry, Sir, I have not got that information here.

* Khan Bahadur Maulavi SAYIDUR RAHMAN : Will the Hon'ble Minister please say whether the Government will give up maintenance of the present Kamalabari Road ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I want notice of that question. I cannot reply to the question just now.

Latu-Hingazia Road

Maulavi M. IDRIS ALI asked :

78. Will Government be pleased to state—

(a) Whether Government propose to take up the Latu-Hingazia Road under Post-War Reconstruction Scheme ?

(b) Whether Government propose to connect the proposed Latu-Hingazia Road with Juri-Kulaura Road with a view to make it the shortest and easiest route between Karimganj and South Sylhet ?

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

78. (a)—There is such a proposal.

(b)—There is such a proposal.

*Maulavi M. IDRIS ALI: Will the Hon'ble Minister please state whether the Latu-Hingazia Road will be included in the Post-War Reconstruction Scheme ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: There is such a proposal and I have already replied.

* Maulavi ABDUL HAMID: Is the proposal under consideration of Government ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, it is.

Mr. W. D. RUTHERFURD: From the numerous questions from all Parties in this House regarding the importance of this highway, do Government now realise that this road should be re-opened for the public as soon as possible ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Well, Sir, that statement will be taken into consideration.

Drainage and Embankment works in Barpeta Subdivision

Srijut KAMESWAR DAS asked :

79. Will Government be pleased to state—

(a) If any schemes for drainage and embankment works are ready for immediate execution in the Barpeta Subdivision ?

(b) If so, what are they ?

(c) If not, whether any such schemes are in contemplation for execution there in near future ?

(d) If so, what are they ?

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

79. (a)—One scheme is already in operation. Work was commenced in 1943-44 and will be completed this year. Some 4 square miles will be benefited.

(b)—The scheme covers the Drainage and Reclamation of the low-lying area west of Amoni and Tapa Chamata in the Tihu Circle.

(c)—One scheme is under investigation. The investigation is expected to be completed by the end of March.

(d)—The scheme is in connection with the construction of a weir across the Gerua river in Chapaguri Mauza for distribution of water to irrigate the fields near villages Bakee, Dubagaon and others.

Srijut MAHENDRAMOHAN CHOUDHURY: Is there any other scheme for drainage and embankment in the Barpeta Subdivision under contemplation of Government ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Reply is there, Sir, as in (c) and (d) above.

Maulavi Syed ABDUR ROUF: In the questions and answers under 79 (a) and (b) it is seen that the schemes refer to drainage and embankment works in the Tihu Circle of the Barpeta Subdivision. Is it not known to Government that the Tihu Circle does not fall in the Barpeta Subdivision ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is a question I have not noticed. The information was supplied to me by the Department. (Laughter.)

But the fact is that the Public Works Department Circle is different from the Civil Circle. (*Laughter*).

Maulavi ABDUL HAMID: Wherefrom has the Hon'ble Minister got this piece of information?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have got it from the Department, Sir. (*Laughter*).

Maulavi Syed ABDUR ROUF: What will be the cost of the project?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I want notice of that question.

*Raja AJIT NARAYAN DEV OF SIDLI: May I know, Sir, how many schemes have been selected?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Schemes have been prepared by the Department, and how many have been done I cannot say off hand.

Maulavi ABDUL HAMID: May I know whether the Hon'ble Minister-in-charge of the Department is responsible for the answers given?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Does that question arise, Sir? I have given the replies that have been supplied to Government by the Department.

Maulavi Syed ABDUR ROUF: What area will be benefited by the Gerua project?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I want notice of that question, Sir.

Amendments to the Assam Motor Vehicles Rules, 1940

The Hon'ble the SPEAKER: Order, Order, I come to the next item of the agenda, *viz.*, consideration of the Amendments † to the Assam Motor Vehicles Rules, 1940, item by item. There are no further amendments to the amendments. Therefore, the Hon'ble Minister may move the Motion.

Mr. A. WHITTAKER: May I raise a point of order on this particular subject? Like many others I am completely at a loss to understand why this particular Motion should be introduced at all. If you, Sir, refer to the Act, you will find that under section 133 the rules only need to be laid before the Legislature as soon as possible after they are *made*. The significant and the operative word is "*made*". Therefore, these rules having already been published and having been laid on the table, the House has only got to see whether a Member proposes any amendment. The only interest we have got in these rules is to see if any amendment is brought forward by individuals in this Assembly. The rules have been made and they have been made under the rule-making power conferred by section 68. There is nothing which this House can take cognisance of in the rules already made; the only interest and the only power we have got concerns amendments which individuals wish to make. I therefore submit, Sir, that the Motion for adoption is quite unnecessary and out of order.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, I think it is in order, because.....

The Hon'ble the SPEAKER: Does Mr. Whittaker refer to rule 133?

Mr. A. WHITTAKER: I refer to section 133 of Act IV of 1939.

The Hon'ble the SPEAKER: Sub-section (2) of section 133 reads like this:—

“All rules made under this Act shall be published in the official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication”.

Mr. A. WHITTAKER: They have all been published, Sir, and they are already in operation.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, the position is this: that when amendments to the rules are made they are published in the Gazette and a certain date is fixed for criticisms or objections. Now, according to the Rule these rules should be placed before the Legislatures and the Members of the Legislatures should be given an opportunity of tabling amendments and there is another obligatory section that these rules should be placed before this House and should be passed in the same session of the Legislature and at least fourteen days' time should be given. Now, Sir, my point is this that on the very first day these amendments to the rules were placed before the House and the Members were expected, in case they had any objection, to table amendments. But as there is no amendment tabled, I think, the Motion for formal adoption should be made.

According to Mr. Whittaker this Motion for adoption is not necessary, but I think, Sir, as the hon. Members did not table any amendments to these amending rules I do not see any reason why the Motion for adoption should not be moved.

The Hon'ble the SPEAKER: Will the Hon'ble Minister-in-charge of Legislative Department please say anything on this matter?

The Hon'ble Mr. BASANTA KUMAR DAS: Mr. Speaker, Sir, the rules as originally framed were placed before both the Houses of the Legislature and Government obtained their concurrence to these rules. Now, if Government incorporate some amendments in the rules which were approved by the House then the rules as altered on account of the amendments become rules framed by Government. Therefore, these amendments are to be placed before both the Houses for their approval. Mere placing of the amendments before the Legislature will not do. There should be direct vote of the Houses that the amendments are approved and accepted for being incorporated into the rules. In other words, Sir, the principle underlying is that no rules under the Motor Vehicles Act framed by Government should be in operation without the concurrence of the Legislature secured thereto.

The Hon'ble the SPEAKER: There is one difficulty, and, I think, it needs clarification. Section 68 of the Motor Vehicles Act, 1939 reads thus:—

“A Provincial Government may make rules for the purpose of carrying into effect the provisions of this chapter”. Under this section the rule-making power of the Government comes. Now, section 133 reads as follows:—

“Every power to make rules given by this Act is subject to the condition of the rules being made after previous publication”.

One condition is that it should be previously published and the second condition is that:—

“All rules made under this Act shall be published in the official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication”. Now we find under this section that unless some later date is fixed it comes into force from the date of its publication.

Now, sub-section (3) of section 133 reads as follows:—

“All rules made under this Act by the Central Government or by any

Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid". So, I find that sub section (2) says that it will come into force from the date of its publication unless some later date is fixed but sub-section (3) says that it shall be laid for not less than fourteen days before the Central or the Provincial Legislature. But when it is laid before the Legislature it is the inherent power of the Legislature to amend or alter it if it wants to and as it thinks fit.

The Hon'ble Mr. BASANTA KUMAR DAS: The latter portion of the provision of sub-section (3) of section 133 is significant. "Rules made under this Act by the Central or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid."

The whole intention is this that the Government published those rules in the Gazette and some time may elapse before the House gets an opportunity of making amendments and alterations. The rules must be in operation and the work of Government must go on, but when rules are placed before the Legislature then the rules are certainly to be considered by the Legislature and will come into operation from the date on which the Legislature gives its approval. The House has got right of amendment.....

The Hon'ble the SPEAKER: The point of order raised is whether there is any necessity for a Motion for adoption?

The Hon'ble Mr. BASANTA KUMAR DAS: If that is not done, how can the House table any amendment? There must be something before the House in the shape of a Motion.

Babu KAMINI KUMAR SEN: The rules placed before the House are valid from the date they are published. Formal adoption does not make them valid from to-day but from the date on which they are published. So, if there is no amendment no formal approval is necessary. There is no amendment before us and as such I submit, Sir, there is no necessity for a Motion for formal approval of the rules to which no amendment has been tabled.

Maulavi ABDUL HAMID: I submit, Sir, that this House gave the Government the rule-making power and it is not necessary that every rule should be considered by the House. This House can alter any rule but it is not necessary to formally ask for consideration of the rules item by item. This has not been the practice of this House.

The Hon'ble Mr. BASANTA KUMAR DAS: Yes, it has been the practice.

Maulavi ABDUL HAMID: Mere placing of the rules is enough. It is not necessary to adopt the Motion. The Government has full right to make rules and the House has got right to suggest amendment, if necessary.

The Hon'ble Mr. BASANTA KUMAR DAS: These are not like the rules which are framed under the Local Bodies Acts, as for instance, Municipal Act and Local Self-Government Act. These rules are laid on the table and the House has got power to amend them. These rules are framed under the Indian Motor Vehicles Act and are required to be approved by the House which is stated in sub-section (3) of section 133 of that Act.

The Hon'ble the SPEAKER: There is no question of approval by this House.

The Hon'ble Mr. BASANTA KUMAR DAS: Amendments are to be made by both the Houses.

The Hon'ble the SPEAKER: If no amendments are proposed to be made?

The Hon'ble Mr. BASANTA KUMAR DAS: If no amendments are made it follows that the House acquiesce in the rules. If the amendments are made to be accepted there should be a Motion before the House.

Babu RABINDRA NATH ADITYA : Why does the hon. Member want to take away the right of the House ? It is the right of the House to say 'yes' or 'no' to the rules. Sir, you stated on the first day of your taking the Chair that you would be here to enhance the rights and privileges of the House. I think, you should interpret the rule in a way that would enhance the privilege, of the House.

Babu KAMINI KUMAR SEN : There is no question of taking away the rights of the House. The House has always the right of amending these rules that are placed before it.

Maulavi ABDUL HAMID : Sir, if item by item the rules are passed by this House then they will become part of an Act of this House and they will cease to be rules.

The Hon'ble the SPEAKER : But we have a further complication here. Were these Rules to the Motor Vehicles Act originally adopted on the floor of this House ? If so, can those adopted rules be now passed as good rules after these are amended by Government and then not formally adopted by this House ?

Mr. A. WHITTAKER : Mr. Speaker, Sir, I am afraid my mind moves very simply in this matter. When the Act shows quite clearly that the rules laid before the House are already made, my only interpretation is that the House has the one right to table amendments to such rules. If we remain silent for 14 days over these rules we lose the right to make amendments and, therefore, no Motion for adoption is necessary. The only Motion which need be moved in this House is an amendment sponsored by the individual Members of this House. Secondly, as a matter of practical convenience Government would find it extremely embarrassing if every time they make a rule they have to adopt their present clumsy procedure of bringing them forward before the House in a series of Motions. I think, the sound procedure is to place the Rules on the table and if the Houses table no amendment the matter is finished.

The Hon'ble the SPEAKER : I have here before me only one volume of the Assam Legislative Assembly's debate. Herein I find that the amendment to the Assam Motor Vehicles Rules for 1940 was put in this House and the question was adopted.

On a previous occasion, *i.e.*, on the 23rd March 1945, the amendments to the Assam Motor Vehicles Rules, 1940 was approved by the House by its vote. Was that the position originally, I mean were the Assam Motor Vehicles Rules adopted by the House ? I want to clear the position. The Hon'ble Minister may please throw some light on the point whether the rules were moved before the House and adopted by the House originally.

I will make it further clear. If these rules were really passed by the House, whether that was necessary or unnecessary that is a different matter, but if these rules were once adopted by us in this House, whether amendments now made by the Government to these rules, once voted and passed by the House, would just have the force of law without being now adopted by this House formally.

*Babu KAMINI KUMAR SEN : Suppose, Sir, under the Rules, the House makes an amendment to it. Will not Government be entitled to amend that very rule with the sanction of the House ?

The Hon'ble the SPEAKER : That is a different matter. This House may if it so please throw out that Government amendment. My point is : rightly or wrongly this House exercised certain prerogative, *viz.*, it adopted these rules. These rules then became good law and came into operation. Necessarily or unnecessarily, after the vote of this House, the House having exercised that prerogative, these rules existed after a vote of this House. Can these rules be amended or altered by the Government without further approval of this House.

This aspect of the matter involves the rights and privileges of this House from one view point.

Hon Mr. Whittaker wanted to say something. What has he got to say ?

Mr. A. WHITTAKER: I can help only a little. I think the Leader of the Opposition will remember that when these Rules were framed, they were so difficult to interpret that the Government of Sir Muhammad Saadulla adopted a Motion that there should be a sub-committee of both the Houses to consider the suitability of the Rules. That sub-committee of both Houses met and submitted a report recommending adoption of certain Rules and suggesting amendments to others. That report was adopted unanimously by both the Houses. That was the position, Sir.

The Hon'ble the SPEAKER: What happened after the Committee had reported ?

Mr. A. WHITTAKER: This report was laid before the House and the Hon'ble Prime Minister who sponsored the Motion brought this report to the House for consideration of the amendments advocated. Speaking from memory, both the Houses accepted the report of the Committee unanimously. There was no further trouble about that. They were merely a piece of technical machinery to assist the House. For the Rules we appointed a sub-committee of both Houses to assist the House in determining the suitability of the Rules.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: May I make a submission, Sir, on the point of order raised by Mr. Whittaker ? His suggestion was relating to the first set of rules. If I remember aright, the Government at that time did not agree to place the Rules before the House. So I moved an Adjournment Motion on the ground that the rights and privileges of this Hon'ble House were not taken into consideration. The then Hon'ble Prime Minister admitted that the rules ought to have been placed before the House. On that occasion only this procedure was adopted. But so far as subsequent amendments were concerned this was not done. It will be quite clear even from last year's proceedings.

The Hon'ble the SPEAKER: I want to know whether the Rules were originally adopted and passed by the House or only the amendments sponsored by the Joint Committee were adopted.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Because I did move an Adjournment Motion.....

Babu KAMINI KUMAR SEN: May I submit, Sir, that even supposing that the Rules were originally approved by the House, these Rules can be amended by the Government. For the simple reason that the House approved the original rules, can it be said that the Government has no authority to amend these Rules ? And can it be asserted that these Rules were not operative from the day they were published.

The Hon'ble the SPEAKER: That is beside the point. Government acquiesced in this House exercising a certain prerogative, namely, Motion on and adoption of the Rules. Whether it will be proper to forego this right of the House which it once exercised. The point is: if and when the original rules were allowed to be adopted and passed before, should we not continue to exercise the same privilege ? This is the point at issue before us.

Babu KAMINI KUMAR SEN: The Provincial Government has been empowered to amend these Rules.

*Mr. PRABHUDAYAL HIMATSINGKA: If the Act authorises the Government to frame the Rules, whether the Rules should be placed before the

House for approval will depend on the Act itself. If the Act has authorised Government to frame certain Rules, I think that is the final authority.

The Hon'ble Mr. BASANTA KUMAR DAS: When the original Rules were framed, they were placed before the House. There were numerous amendments tabled. To consider these amendments there was a Joint Conference of both the Houses and these amendments were considered and accepted. After the acceptance of these amendments, it should be seen whether there was any Motion to the effect that the whole body of the Rules as amended to be accepted by the House. I think, originally there was no such Motion; only amendments were accepted and those rules only which were amended were made the subject matter of a Motion.

The Hon'ble the SPEAKER: I read from page 1108 of the Assembly Proceedings of 1941. On that occasion Mr. Whittaker spoke as follows:

"Mr. WHITTAKER: May I suggest the 1st of April 1942.....In so far as the change-over as required by the rules, the Licensing Authority now being the Deputy Commissioner, all administrative questions arising out of that change-over can take effect from the 1st April 1942.

The Hon'ble the SPEAKER: Then it will be necessary to have a separate resolution. If we are to achieve the object of Mr. Whittaker then it will be necessary to have a separate resolution fixing the date for the change-over.

The idea of the Hon'ble Premier so far as the change-over is concerned is that he wants time. But as regards the other amendments that have been passed no time is required. He wants time so far as the Licensing and Registering Authorities are concerned.

Let me then dispose of this Motion.

The question is:

"That this Assembly is of opinion that Government do take steps to incorporate the amendments passed by the House into the body of the Rules in the light of discussion held on them with such renumbering and relettering wherever necessary both in regard to the rules amended and not amended by the House."

The question was adopted."

So only these amendments were adopted and there was no Motion for adoption of the original Rules.

The Hon'ble Mr. BASANTA KUMAR DAS: Only the amendment of the Rules was adopted. With regard to other Rules there was no Motion. I now see, Sir, that there is force in the contention of Mr. Whittaker and there is no necessity for a Motion as was done in the last Assembly when the original Rules were considered.

The Hon'ble the SPEAKER: The matter has been very well thrashed out on the floor of this House. I have heard the various arguments for and against the point of order raised.

Sub-section (1) of section 133 of the Act, lays down:

"Every power to make rules given by this Act is subject to the condition of the rules being made after previous publication."

Sub-section (2)—"All rules made under this Act shall be published in the official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication."

Sub-section (3)—"All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid."

Now, from this it is clear that this Legislature has every power to add to, alter or amend the rules laid before it by Government and if no amendments are forthcoming on the rules laid before the Legislature it is to be presumed that the rules are accepted as such without any modification by this House. So the necessity of a Motion for adoption of these rules is not indicated. This House lose no right if such a Motion is not brought forward because the right of this House to modify, that is to say, to amend the rules is not taken away or detracted in any way merely because no Motion is moved or rules are not formally adopted. Therefore, I hold that a Motion for adoption of these rules is unnecessary when there is no amendment.

Consideration of the Report of the Public Accounts Committee on the Appropriation Accounts for 1943-44 and approval of the expenditure as recommended by the Public Accounts Committee on the accounts for 1943-44

The Hon'ble Srijit BISHNU RAM MEDHI: Mr. Speaker, Sir, I beg to move that the Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for 1943-44 and that the Assembly do approve the expenditure of Rs. 57,81,049 as recommended by the Public Accounts Committee on the accounts for 1943-44.

In this connection, Sir, I should like to draw the attention of the hon. Members of this House to page 3, paragraph 7 of the Audit Report for 1945. There are 12 items in which there has been excess expenditure over the grants voted by this Assembly and so formal sanction for this total of Rs. 57,81,049 is now necessary. The reasons have been given in detail at pages 3 to 4. As a sample, I will read one or two items. As regard's Land Revenue there is an excess of Rs. 20,720—due to payment of larger commission owing to better collection of land revenue. Second item is Provincial Excise. There is an excess of Rs. 2,957—due to increased outlay on travelling and dearness allowances and rewards to outsiders. Item No. 3.—Stamps.—There is an excess of Rs. 4,452—due to adjustment after the close of the year of the cost of non-judicial stamps on the basis of discount statements received too late from the treasuries. Item No.—4. Forests.—*That is a big amount of Rs. 6,69,784*—due to extra expenditure on payments made to contractors for increased supply of timber, etc., to the Defence Department. Item No. 5.—General Administration. There is an excess of Rs. 2,727—Mainly due to (i) inadequate provision made for the pay of an officer in the Civil Secretariat under a misapprehension and (ii) adjustment of telephone rent bills of certain districts after the close of the year, partly, counterbalanced by savings under the Publicity Department owing to non-receipt of batteries, aerials, etc. Item No. 6.—Administration of Justice Rs. 6,856.—Mainly due to inaccurate estimation by certain District Officers under Criminal Courts—Contingencies. Item No. 7.—Police.—There is an excess of Rs. 10,38,722—Most probably to put down the political offenders. Due to the fact that the share of the cost of Rail Force could not be adjusted in the absence of orders of the Central Government. Item No. 8.—Scientific Departments.—There is an excess of only Rs. 25. Item No. 9.—Education (Other than European). Rs. 39,146—Due to the grant of dearness allowance to Primary School teachers under Local Bodies, because in the beginning this could not be anticipated. Item No. 10.—Co-operation—Rs. 1,324.—Due to inaccurate estimates of travelling allowance furnished by subordinate officers. Item No. 11.—Capital Outlay on Provincial Schemes connected with the War—Rs. 32,61,885—Due to extensive purchase of both indigenous and

imported commodities to meet the needs of the Province and to the expansion of the activities of the Motor Transport Organisation. Item No. 12.—Civil Defence—Rs. 7,32,451.—Mainly due to delay in the submission to Government of the proposals for additional funds for expenditure on Air Raid Precautions.

Then other excesses over charged appropriation are enumerated at page 4—items 1 to 6. I need not take the valuable time of the Hon. House by reading these items.

Sanction of this House for the excess of Rs. 57,81,049 is necessary and I hope the House will be pleased to pass this.

The Hon'ble the SPEAKER : Motion moved :

“That the Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for 1943-44 and that the Assembly do approve the expenditure of Rs. 57,81,049 as recommended by the Public Accounts Committee on the accounts for 1943-44.”

Mr. W. D. RUTHERFORD : Mr. Speaker, Sir, in the first place our thanks are due to the Committee for the time and trouble expended by its Members in going through the accounts so very thoroughly and in bringing to light some startling facts in connection with Government accounting during the period under review.

We all fully realise that the Report covers a time when conditions were entirely abnormal and when the enemy were practically within the Province and when trained personnel was so short that entirely untrained staff had to be engaged. This has been mentioned by many Heads of Departments as can be seen from the Report which is full of such remarks as “the staff was utterly insufficient and inexperienced”—“the accounting staff was short or defective”—“due to inaccurate forecasts from his subordinates such cases arose every year”—“the Director replied that it was a mistake on the part of his staff”—“because they had no accounting staff they neither observed the commercial system nor did they follow the Government system of accounts”. These extracts are more than sufficient to show what a chaotic state of affairs existed.

We realise that vagaries in prices of materials and the necessity for getting some work done at all costs in a hurry was responsible for many of the estimates being so far out and in this the Supply Department was particularly affected. We welcome the proposal that a Financial Adviser from the Indian Audit and Accounts Service is soon to be sent for the Supply Department and this should bring about a long overdue improvement. In his Budget speech our respected and Hon'ble Leader of the Opposition in his remarks about the Supply Department quoted from the Audit Report 1945 on page 159 and I would also like to refer you to this page on which you will find the following:—“No proper stock accounts were maintained from which other losses occurring at different stages of trading could be computed”. It is the same old story. The Hon'ble Leader of the Opposition also referred to protests against the payment of cess on foodstuffs received through the Supply Department and I would here and now like to make it perfectly clear that this cess, so far as the Indian Tea Association is concerned, was paid cheerfully and without any objection and we will continue to do so; but we would like to see it shown in the accounting in future and to know that it is being put to good use.

As regards the Assam Transport, they were badly taken in by the poor quality of the Lease-Land vehicles which had only a comparatively short life and very small mileage.

Such excuses however are not applicable to the Education Department as no such urgently required War services were demanded from them. The Director of Public Instruction should have been able to find out the number of teachers involved when estimates were being made and in view of the probable expansion

of this Department in the near future these mistakes should not be repeated. It is hoped that the Education Department which is responsible for the teaching of the youth of the country can at least keep its own house in order.

It is now the duty of Government to see that irregularities in the accounting system of all its Departments are put right as soon as possible. We should be able to look to all Government Departments to show a lead in doing all things so efficiently and well that anything undertaken by Government will be an example to the ordinary citizen and will command our full confidence. We trust that the unbusinesslike methods which have been indulged in will now be a thing of the past and it is to be hoped that the criticisms and recommendations of the Committee will be thoroughly studied by the Departments concerned and that it will be realised that there is a sacred trust involved in dealing with Public Funds which must be scrupulously observed.

Full allowance must be made for the abnormal conditions through which we have passed, but now that there is not the same uncertainty regarding costs and prices, much better budgeting can surely be expected. The recruitment of an adequate and well-trained staff is essential for the maintenance of accurate and complete accounts.

In conclusion, we may consider that in view of the great shortage of staff and the difficulty of the situation, the regular Departments of Government, particularly the Public Works Department and Forest, did wonders but that the new Departments, such as the Supply, had to buy their experience often at a great cost which we hope will eventually not prove to be too great.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I would like to say a few words on the Report of the Public Accounts Committee that has been presented before the House

Sir, first of all I am mindful of the thinness of the Report this time. The reason is that my hon. Friend, Mr. Mookerjee, who has always been an outstanding light in the Public Accounts Committee meetings, has been raised to the *gaddi* of a Minister and had no occasion to put so many questions to the Controlling Officers. Sir, during the last few years, we have always found that his searching questions were a source of uneasiness to our Heads of Departments.

Sir, from the Report we find that the budgetary system and the method of accounting in the year under review was not satisfactory. The year 1943-44 had been a worse year in this respect and all audit and appropriation rules were violated in a great number of cases. The Comptroller rightly remarked that "the excess in the voted section was the largest recorded in the quinquennium ending 1943-44". Sir, as a matter of fact the excess over voted grants and charged appropriations of Forests, Police, Supply and Civil Defence appear to be the worst offenders in this respect. The explanations offered by the Heads of Departments could not satisfy the members of the Public Accounts Committee. Of course, as the hon. Member preceding me said, sufficient allowances should be given to the strain under which they were compelled to work, but this alone is not sufficient to condone the defects that were found by the Committee.

The expenditure incurred disclose that the budgeting was not as close as it was in the previous years. In five cases it was found that the variation was as high as from thirty to fifty per cent, while in two cases it even exceeded eighty per cent. The Comptroller as well as the members of the Public Accounts Committee were unanimous that control over expenditure was not as efficient as it should have been; it was almost in all cases slack and indifferent.

Sir, from the Audit Report we find that in many cases unnecessary or excessive Supplementary Grants were taken and ultimately big sums were saved. Then, again, reappropriations were made to meet unforeseen expenditure; but

ultimately big savings were effected. My submission is that in future this kind of injudicious reappropriation and surrender should be avoided. Another factor that strikes an occasional reader is that big sums of money remained in the hands of Department and they did not find it necessary to "surrender in time. Sir, as regards the Forest Department we find that at the close of the year a sum of Rs 82,71,454 remained in their hands, but this big sum was not surrendered. Under Capital Outlay another sum of Rs.36,95,437 remained in hand, but this also could not be surrendered in time.

Sir, the Report discloses some startling facts regarding capital outlay on provincial account. Sir, these schemes have evoked so much interest on the floor of this House that hon. Members will really be interested to know all these facts.

Sir, as regards the Motor Transport Department, the Comptroller says: "As a result, it has not been possible to conduct the audit of the establishment charges properly. The local audit of the accounts of the Organisation revealed that—

- (i) no proper accounts of materials collected from dismantled vehicles were maintained ;
- (ii) no verification of stock was done by any technical and competent agency ;
- (iii) for some time at least the same authority was entrusted with the responsibility for the custody of stores and maintenance of their accounts ; and
- (iv) the accounts were not kept on proper commercial lines, nor were they maintained systematically."

The hon. Members are aware that a very large sum was involved in this Department and it is only desirable that the accounting should have been done in the proper line.

In regard to Grain Storage Scheme, the Comptroller says: "(i) The accounts were not maintained on proper commercial lines and the system of accounting introduced was defective and inadequate.

- (ii) No proper accounts were maintained in respect of—
 - (a) Supply of wheat and wheat products ;
 - (b) Stock and sales transactions, and
 - (c) Advances drawn by the District Officers for the purchase of paddy and rice.
- (iii) Stock of standard cloth and indigenous commodities was not properly verified and valued.
- (iv) Paddy and rice were at times purchased at rates much higher than ruling prices." He further remarks:—

"Stock accounts not properly kept. Verification of stock not conducted at periodical intervals as required by rules. Purchases effected without proper sanction and in certain cases without calling for tenders."

Sir, after hearing all these remarks, there is no wonder that so much money has been lost in this direction.

As regards the Standard Cloth Scheme, we find also that no proper accounting has been maintained. In this respect the Comptroller remarks that "A cess is levied and included in the sale-price of all food-stuffs to cover losses in transit, sales in a falling market, risks of trading and the cost of additional staff. The total cess collected during the year was included in the sale-proceeds of food-stuffs and is not susceptible of separate exhibition." So here we find that this cess and the amount that was collected under it were amalgamated in the main transaction and as such it is not possible for us to say what amount was collected under this particular head. But, Sir, my impression is that this ingenious method was devised only to bring down the loss incurred in this Department.

The Public Accounts Committee remarked that "In respect of the Supply Department the Committee suggest *firstly* that Government should seriously and immediately consider the advisability of having an officer with the standing of a Financial Adviser to be able to control more effectively the expenditure of the Department". Sir, my humble submission is that if the Government is to maintain this Department such an Adviser, who has got no connection with the Government of Assam, should be appointed immediately. The Committee's *second* suggestion was that the accounting system should be brought up to date. But we find that this suggestion has not been followed. The *third* suggestion was that the profit and loss account should be maintained in such a way that it should be possible to ascertain easily the profit or loss. I am a lay-man and I do not feel ashamed to admit that from the manner in which the profit and loss account has been incorporated in this Report, it is not possible for an ordinary observer like me to find out whether there was loss or profit in the transaction.

In respect of the Assam Transport Organisation the Committee remarks with a hope that "in future the Balance sheet would show a more realistic assessment of depreciation and a less conjectural statement of operating results". I endorse every word that has been said by the Committee. From the evidence of Mr. Haidar Hussain, who was the Director of Motor Transport, we find that the stock position was unbalanced. This officer further remarked that there were certain things which were not used by the Department and there were some items which would take 5 to 10 years to consume. Evidently all the stock in trade were taken into account in submitting the balance sheet under this Department. Sir, from the Report of the Public Accounts Committee we find that our accounting under some heads has not been made up to the mark. I do hope that in future this state of things will improve.

Mr. A. WHITTAKER: Mr. Speaker, Sir, I rise to speak on only one point. That is to record the view that the decision of the late Prime Minister to impose a cess was one of the wisest decisions that was ever taken by the Supply Department. The cess was fully justified, as can be seen from the fact that price of rice dropped from Rs. 35 to Rs. 12 per maund. I would like to ask Mr. Abdul Bari how he imagines a trading concern or a private concern or public company or a department of the Government of Assam could take part in transactions involving thousands of tons of purchases on a falling market, if there was not such fund as cess to cover those losses. I myself supported from the very beginning the idea of a cess and I should like to pay this tribute to the late Prime Minister for having adopted the proposal of a cess. My criticism on the score of cess is the manner in which it has been accounted for. It is quite wrong to merge the cess in the purchase price, for cess is really a separate provision made for meeting trading losses. It is quite wrong to lose sight of the whole cess in the jumbled accounts maintained by the Supply Department. With these remarks, Sir, I would like to join issue with Mr. Abdul Bari Chaudhury and also reinforce what my Friend, Mr. Rutherford, says. The decision to impose the cess was and remains a wise one and all the consumers will pay it cheerfully. I now ask that the cess is accounted for separately by the Government of Assam.

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, if the threat of the Japanese failed to shatter our line of defence, it succeeded in shattering completely our system of accounting, particularly in the three departments of Civil Supply, Motor Transport and the Civil Defence. We saw the pathetic scene before the Public Accounts Committee of one officer trying to lay the blame on another or on other departments. It is particularly amazing to notice that the

Finance Department which is the watch-dog of the funds of Government is also trying to throw the responsibility on other's shoulder. We notice, Sir, that the Secretary of the Finance Department said before the Public Accounts Committee in the matter of Air Raid Precaution, ever since the war began the Finance Department had to accept the opinion of those Departments whenever they said that such and such an expenditure was absolutely necessary and as they were demands from emergent Departments he could not criticise them because they were required for the defence of the country or for supply purposes, as the case might be. So, under the abnormal situation these pleas stood for the defence of the Civil Defence Department or more appropriately for the criminal defence of the Civil Defence Department.

Then again, the Secretary of the Finance Department says in another connection "Owing to the emergent situation the money required by the Civil Defence Department had to be sanctioned at once without waiting to ascertain how the money was going to be spent actually. In some cases the Finance Department had to agree to write off some money on account of damaged equipment as was done in some cases for the Supply and Motor Transport Departments." He added that he was not aware until he was told so by Major Ball that the Fire Service was operated by the Police Department while the Civil Defence Department had to ask for sanction of expenditure on that account and it was complete news to him. This shows the state of things as obtained in the year 1943-44 and the Departments concerned took shelter for their defence under the plea of the abnormal situation of the Province, inadequate staff and emergent condition prevailing throughout the Province. I do not blame anyone much for inaccurate Budgeting or for the long gap between the actuals and estimates of the Budget, but I must put the question to the Finance Secretary whether he was not responsible for the safeguard of public money and proper checking. It seems to me, Sir, that in the case of some departments—particularly the Civil Defence and Civil Supply—Government issued blank cheques without putting any limit to their power to overdraw. The Finance Secretary had to agree to any demand that was put forward by any department. The state of things in the Civil Defence and Civil Supply Departments has been well criticised by some hon. Members who took part in this debate earlier. They rightly observed that there was no account kept for stock, no balance sheet was prepared as is done in commercial organisations and it is also surprising to find, Sir, that the Government will also be required to write off some pretty large sum as bad debts. In the commercial firms there may be an item of expenditure "Bad debt", but why should there be scope for accrual of bad debt at all in the case of the Government and why should Government require to write-off any money as bad debt? This shows that Government did not care to keep proper security before entering into commercial transactions. The Comptroller remarked that after the issue of the circular he sent one of his staff to inspect one or two A. R. P. stores but he found that the stock book was not maintained and where maintained it was incompletely kept and so he was of opinion that the position did not improve. He further said that of the articles sent by the Government of India no accounts were kept, so that whenever the Government of India informed that they would debit a certain amount against the Assam Government, the Assam Government had to accept that statement without having any opportunity to ascertain whether the amount was really spent on behalf of the Assam Government or whether the stores, etc. for which a debit was made were actually received by them, because they had no stock book. So, Sir, all these show a very lamentable state of affairs in the Accounts Department and also in some of the Emergency Departments. I hope, Sir, the Departments concerned will take note of what have been said by the hon. Members on the floor of this House regarding their expenditure. The Finance

Department should also try to administer more strict and proper check on the expenditure of those Departments and accounting should be done fairly and squarely and in a way that it may be intelligible to ordinary Members of this Legislature, because many of us have not got the technical knowledge of accounts. These are a few comments, Sir, which I like to add on the Report of the Public Accounts Committee,

Maulavi ABDUL HAI: Mr. Speaker, Sir, in discussing Appropriation Accounts and the Audit Report 1945 I fully support my hon. Friend, Maulavi Abdul Bari Chaudhury. I want to mention only about one item, that is regarding Public Health. Sir, the people have been crying hearsé for more money to be provided in the Budget for the Public Health Department, but unfortunately we find there is a saving of 10·2 per cent. of the provision made and the explanation is that (i) it was due to non-receipt of certain debits from Bengal and Bombay in respect of the quinine supplied and (ii) failure of the District Officers to spend the grants for Public Health purposes in full. Sir, I think that Government should keep a strict eye on the Department so that the money voted by this Assembly is timely spent. The notes in the Audit Report show that the negligence of the officers is partly responsible for such savings, but for their negligence they would have got ample opportunity to spend fully the money. I therefore hope Government would ask explanation from those officers as to why such amount could not be spent. The Audit Report has been elaborately discussed by my hon. Friend Maulavi Abdul Bari Chaudhury and I do not like to take up the time of the House in repeating the discussion.

With these words, Sir I resume my seat.

The Hon'ble Srijut BISHNU RAM MEDHI: Mr. Speaker, Sir, I have heard the criticisms from the hon Members and in some places their criticisms are correct. Government will take note of all these criticisms and suggestions made by the hon. Members and will try to control over the Department and see that in future accounts are kept in proper order. I also agree with Mr. Whittaker when he says that cess imposed on sales should not be mixed up and if possible, it should be shown separately. Sir, that suggestion will be given due consideration. Sir, I do not like to speak at length; we have passed through an abnormal time but still in matters of public expenditure everyone expects a better accounting to create confidence in the minds of the people that every farthing of the public money is actually spent in a proper way.

With these words, Sir, I would request the hon. Members to accept the Motion before the House.

The Hon'ble the SPEAKER: The question is:

“That the Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for 1943-44 and that the Assembly do approve the expenditure of Rs.57,81,049 as recommended by the Public Accounts Committee on accounts for 1943-44.”

The question was adopted.

Privileges Committee

The Hon'ble Srijut GOPINATH BARDOLOI: I beg, Sir, to move: “That this Assembly is of opinion that pending any legislative action to be undertaken by this House in respect of the protection of its rights and privileges, the Speaker be authorised to constitute a Committee of Privileges, with himself as the Chairman, after such consultation with the Leaders of the various parties as he may consider necessary, to consider and adjudge the breaches of the rights and privileges of Members of the Assembly, both individually and collectively and to advise with regard to the course of action that should be taken by it to protect and enforce such rights and privileges.”

Sir, I need not take much time of the House by *dilating* on the rights and privileges of the House. It is, I am sure, well-known to you that there is a provision under section 71, sub-section (2) of the Government of India Act, 1935, by which rights and privileges of the Members of the Legislature could be defined by an Act of the Legislature. The provision runs as follows: "In other respects the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by Act of the Provincial Legislature, and, until so defined, shall be such as were immediately before the commencement of this Part of this Act enjoyed by members of the Legislative Council of the Province."

Now, Sir, when it has been for our good or for our ill, I do not know. During the last 9 years that we have been functioning under this Act we have not had any Act of the Legislature to define these rights and privileges. It has, therefore, become necessary to ask the Hon'ble the Speaker to constitute, by virtue of his office as the custodian of the rights and privileges of this House, a Committee which will look into this question and will consider and adjudge the breaches of the rights and privileges and also to devise means in order to protect and enforce such rights and privileges. It is not a new thing to this House. The last Assembly had also a Committee of this kind, and, as far as I know, the Committee did some useful work. I now propose, Sir, that this Assembly also do authorise the Hon'ble the Speaker to constitute such a Committee with the powers which I have already referred to.

With these words, Sir, I beg to present this Motion before the House.

The Hon'ble the SPEAKER: Motion moved:

"That this Assembly is of opinion that pending any legislative action to be undertaken by this House in respect of the protection of its rights and privileges, the Speaker be authorised to constitute a Committee of Privileges, with himself as the Chairman, after such consultation with the Leaders of the various parties as he may consider necessary, to consider and adjudge the breaches of the rights and privileges of Members of the Assembly, both individually and collectively and to advise with regard to the course of action that should be taken by it to protect and enforce such rights and privileges."

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, I do not quite follow the Hon'ble Premier's proposal to constitute a new Committee of Privileges, because, I think, the hon. Members who were Members of the old Assembly, will remember that a similar Committee with exactly the similar terms of references was constituted sometime in 1939 and that Committee sat and submitted report containing a set of rules and in which they attached 3 or 4 Schedules. In the third Schedule they prepared a list of items of privileges which could be claimed without legislation and in the fourth Schedule they prepared a list of items of privileges that could be claimed only on legislation. The Report of that Committee containing these rules that were made by them was adopted by this House and as such these rules still stand. So, I do not think there is any necessity of constituting another committee for the same purpose. In my opinion what is necessary is only to take up legislation with regard to items of privileges that cannot be claimed without legislation. Sir, I refer to the Assembly proceedings of the 21st March 1940. On that date the Report of the Privileges Committee was placed before the House and that Report was adopted on a Motion moved by the Government. The Report is rather a long one and I do not propose to take up the time of the House by reading out whole Report just now, but I will read out some portion of this Report from page 1165, Appendix.

The Report runs as follows.

"On being invited by the Hon'ble Prime Minister, the Hon'ble Speaker agreed to preside over the deliberations of the Committee and the Committee met again, as directed by the Chairman, on the 14th August, 1939.

On the suggestion of the Chairman, who furnished the Committee with all information about the steps taken in Bengal on the subject of privileges of the House, we are of opinion that so far as the Assam Legislature is concerned, it will not be advisable to undertake any legislation in the matter till the Bengal Assembly Powers and Privileges Bill has taken a practical shape. In the meantime we considered the following items :

(1) What interim Rules are to be followed by the Committee till a legislation on the subject is undertaken ?

(2) Whether the Committee should undertake any legislation both in regard to the existing privileges of the House and also to the other privileges which, according to the Committee's decision, the House should possess, and if so, on what lines ?

In discussing these points, we considered the procedure followed in the House of Commons and also the 'intermediate procedure' (Schedule I) suggested by the Speaker of the Bengal Legislative Assembly.

In our opinion, the procedure laid down by the Speaker of the Bengal Legislative Assembly is a feasible one as an intermediate procedure to be followed till any legislation is placed on the Statute Book.

We then considered the terms of reference made to us by the House on the 3rd April, 1939 which were (1) to report on the present position of the rights and privileges of members of the Assembly both individually and collectively, (2) to recommend such other rights and privileges or modifications of the existing rights and privileges as may be deemed necessary for the due discharge of the functions of members, (3) to consider and adjudge the breaches of the rights and privileges and (4) to advise with regard to the course of action that should be taken by it to protect and enforce such rights and privileges.

In our opinion there are certain privileges which cannot be claimed in the absence of legislative sanction behind them, but that there are some privileges which the House can claim without any legislation.

With a view to making the necessary Rules and to scrutinizing the privileges indicated above, we met again on the 15th August, 1939. We consider it necessary that there must be some well-defined Rules laying down the procedure to be followed in dealing with cases of breach of privilege of the House and have accordingly formulated a set of Rules as in Schedule II.

In our opinion the existing privileges which can be claimed and vindicated to some extent even without legislation are those in Schedule III and the new privileges which cannot be claimed and vindicated without legislation should be those enumerated in Schedule IV to this Report".

So, Sir, the privileges which can be claimed without legislation are already there. For those rules I do not think there is any necessity for constituting a new Committee. What I think is more necessary is to take up legislation for the items that have been enumerated in Schedule IV. Even if there is any delay in taking up such legislation I would refer, Sir, to item No. 14 of Schedule IV and particularly urge upon the Government to bring forward a Bill without delay at least for the purpose of compelling witnesses' attendance and production of documents before a Committee appointed by this House or by the Government. Without such authority such a Committee or Tribunal that was appointed in the past had to undergo from time to time a lot of difficulties. I may mention, Sir, that the necessity for such a legislation was keenly felt when the Digboi Enquiry Committee and the Rice Procurement Enquiry Committee were formed. The other day I had discussion with the learned Advocate General on that subject and he also agreed that such a legislation was very necessary because without it none can be compelled to appear or give evidence before a Committee or Tribunal. If there is any delay on the lines suggested by the Committee of

Privilege, I would suggest that legislation on the line suggested in item No. 14, Schedule IV should at once be taken up.

My further suggestion is that the Motion may be amended only for the constitution of a Privileges Committee for the purpose of considering breach of privileges that are being brought before the House.

The Hon'ble Mr. BASANTA KUMAR DAS: For prescribing the procedure also.

Babu KAMINI KUMAR SEN: The procedure has already been adopted by the previous House.

The Hon'ble Mr. BASANTA KUMAR DAS: That procedure was adopted by the old House and cannot be accepted now.

*The Hon'ble Srijut GOPINATH BARDOLOI: I feel, Sir, even for the opposition which my hon. Friend, Mr. Sen.....

Babu KAMINI KUMAR SEN: No, Sir, I did not oppose.

*The Hon'ble Srijut GOPINATH BARDOLOI: A Committee which is the subject-matter of the Motion is necessary. The Committee might not merely consider the breaches of rights and privileges of the Members, it can also give specific advice on the lines in which the legislation that was proposed by the last Committee would be undertaken.

Secondly, Sir, it is already wanted that the Motion should be modified to limit its functions only to a certain phase. I see no harm, Sir, in amending the present scope of the Committee as it is. The effect that they would be asking for is a limited object which should not, in my opinion, make the Committee less useful—than it has been proposed to be made under the Motion that I have placed before the House. We have heard, Sir, and we agree also about the necessity for an early legislation. That fact has been borne in mind, but as I say that the proper authority to give more advice on this matter will be such a Committee.

In view of the facts, Sir, I wish my hon. Friend, Mr. Sen will not oppose the Motion.

Babu KAMINI KUMAR SEN: I did not exactly oppose. The rules made are already there and they are still in force and as such I submit, Sir, there is no necessity for constituting a Committee for framing exactly the same set of rules. My point is that Government should take up legislation on the lines of suggestions that has been given by the previous Committee.

The Hon'ble the SPEAKER: The question is:

"That this Assembly is of opinion that pending any legislative action to be undertaken by this House in respect of the protection of its rights and privileges, the Speaker be authorised to constitute a Committee of Privileges, with himself as the Chairman, after such consultation with the Leaders of the various parties as he may consider necessary, to consider and adjudge the breaches of the rights and privileges of Members of the Assembly, both individually and collectively and to advise with regard to the course of action that should be taken by it to protect and enforce such rights and privileges".

The question was adopted.

The Hon'ble the SPEAKER: On a Motion made by the Hon'ble Mr. Bardoloi, as the then Premier, in April, 1939, a Privileges Committee for the last Assembly was constituted by the then Speaker, the Hon'ble Mr. Das. That Committee has ceased to exist with the dissolution of the last Assembly. The House fixed that the number of Members of that Committee, excluding its Chairman, should be seven, four from the Government Party led by the Hon'ble Mr. Bardoloi and three from the then Opposition, including the European Members led by Sir Muhammad Saadulla. The personnel of that Committee was nominated by the Speaker after consulting the Leaders of Parties. The

fixation of quorum was left to the Committee and the latter in a meeting decided that five Members should form a quorum in any meeting of the Committee.

In my opinion, a Committee like this should not be run on Party lines but as the responsibility of its constitution has fallen upon me, I have to follow some principle. I think the number of Members from each Party should be proportionate to the strength of each party. It is for the Hon. House now to advise me on what principle the number of Members of the Committee should be fixed and how many Members should be taken in from each Party. After this question is decided, I shall consult Party Leaders to suggest names of Members to form the Committee.

Is it the sense of the House that the same number, *viz.*, seven should be on the Committee. (*Voices—Yes.*)

As regards names, I shall consult the Leaders and declare later on.

Adjournment

The Assembly was then adjourned for lunch till 2 p. m.

After lunch.

Government Motion *re* re-constitution of the Assam Communications Board.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I beg to move: "That this Assembly recommends that the Assam Communications Board which was constituted for the life time of the last Assembly be reconstituted to be called the 'Assam Road Communication Board' with the following as members:—

1. The Hon'ble Minister, Public Works Department.....*Chairman.*
2. The Hon'ble Minister, Transport.
3. Chief Engineer and Secretary, Public Works Department
4. Chief Engineer (Additional).
5. Secretary to the Government of Assam, Finance Department.
- (6, 7, 8). Superintending Engineers—*Ex-officio* Joint Secretaries.
9. The Leader of the European Planters and Commerce and Industry or of the European Group in the Assembly, or any one nominated by that Group.
10. Mr. H. N. Sarma, M. L. A., representative of the Indian Planters.

11 to 21—11 Members of the Assembly to be elected by the Assembly by a majority vote.

22, 23—Two Members of the Legislative Council to be elected by the Council by a majority vote

24, 25—Two Members from among the Chairman of Local Boards—one from each Valley to be nominated by the Government, Public Works Department.

26-29—Four gentlemen to be co-opted by Government to advise Government on all important schemes relating to the development of communications generally in the Province of Assam and that this Assembly do elect in accordance with the instructions contained in the voting paper eleven Members of this Assembly to the said Board".

The date and time will be fixed by the Hon'ble Speaker.

The Hon'ble the SPEAKER: Motion moved:

"That this Assembly recommends that the Assam Communications Board which was constituted for the life time of the last Assembly be reconstituted to be called the 'Assam Road Communication Board' with the following as members:—

1. The Hon'ble Minister, Public Works Department.....*Chairman.*
2. The Hon'ble Minister, Transport.
3. Chief Engineer and Secretary, Public Works Department.
4. Chief Engineer (Additional).
5. Secretary to the Government of Assam, Finance Department.
- (6, 7, 8). Superintending Engineers—*Ex-officio* Joint Secretaries.

9. The Leader of the European Planters and Commerce and Industry or of the European Group in the Assembly, or any one nominated by that Group.

10. Mr. H. N. Sarma, M. L. A., representative of Indian Planters.

11 to 21—11 Members of the Assembly to be elected by the Assembly by a majority vote.

22, 23—Two members of the Legislative Council to be elected by the Council by a majority vote.

24, 25—Two members from among the Chairman of Local Boards—one from each Valley to be nominated by the Government, Public Works Department.

26-29—Four gentlemen to be co-opted by Government to advise Government on all important schemes relating to the development of communications generally in the Province of Assam and that this Assembly do elect in accordance with the instructions contained in the voting paper eleven Members of this Assembly to the said Board."

There are two amendments. I should like to call upon Babu Rabindra Nath Aditya to move his amendment.

Babu RABINDRA NATH ADITYA: Sir, I beg to move that after the word "reconstituted" the words "for three years commencing from April, 1946" shall be added.

Sir, the life of the last Communication Board was as long as the life of the last Assembly. So it practically functioned for 9 years. Now we think it meet and proper that this Board should terminate after 3 years so that the next batch of Members of the Assembly may have a chance to get elected in the Communication Board and put forward the grievances of the areas which are not represented by the Members who will be elected today. So, I commend my Amendment for the consideration of the House and request the Hon'ble Minister to accept the suggestion.

The Hon'ble the SPEAKER: Amendment moved:

"That after the word 'reconstituted' the words 'for three years commencing from April 1946' shall be added."

The Hon'ble Rev J. J. M. NICHOLS-ROY: Sir, I accept the Amendment.

The Hon'ble the SPEAKER: The question is:

That after the word 'reconstituted' the words 'for three years commencing from April, 1946' shall be added."

The question was adopted.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move that for the figure and words "11 Members of the Assembly to be elected by the Assembly by a majority vote" the figure and words "11 members of the Assembly to be elected by the Assembly by single transferable vote" shall be substituted.

Sir, my intention in moving this Amendment is that the election to this Board should be by the system of single transferable vote. Sir, the hon. Members will agree with me that the Communication Board that is going to be constituted will be a very important body which will be in charge of advising the Government regarding schemes for improving and developing the communication system of the Province. As such, Sir, I think that all sections of the House should be represented in this Board. The Party alignment, as it is at present in the Assembly, will not ensure sufficient number of seats or any seat at all to the smaller groups. Sir, during our discussion on the Privileges Committee you have rightly pointed out that in an important committee like that all sections of the House should be equitably represented. Sir, my intention is exactly the same. As regards the method of single transferable voting, my submission is that this system of voting has been adopted also in the House of Commons in constituting important committees. Sir, this system has been found to be the only means for ensuring representation of the minority parties in all elections. In India also this system has been adopted with regard to election to the Committee on Public Accounts

and other committees for the amendment of the standing orders. Therefore, Sir, I submit that if the Party in power wants that all sections of the House should be represented in such committees they should find no difficulty in accepting my Amendment.

The other day, the Hon'ble Finance Minister has extended his hand of co-operation and fellowship to all sections of the House. Sir, if it is really his sincere desire that all sections of the House should co-operate I think my modest Amendment should be accepted.

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

The Hon'ble the SPEAKER : Amendment moved :

"That for the figure and words '11 Members of the Assembly to be elected by the Assembly by a majority vote' the figure and words '11 Members of the Assembly to be elected by the Assembly by single transferable vote' shall be substituted."

Babu RABINDRA NATH ADITYA : Mr Speaker, Sir, I am sorry I cannot lend my support to the Amendment moved by my hon. Friend, Maulavi Abdul Bari Chaudhury.

Sir, the convention of this House with regard to election to the Communication Board was that the Members were elected by majority voting system. The single transferable voting system obtains only in respect of Public Accounts Committee. That is the custom prevalent in this House. I quite see the point that my hon. Friend has raised, *i. e.*, there should be scope for representation of the minority parties. But, Sir, minority representation can be effected in other ways also; for instance, under the cumulative system of voting there is scope for minority representation. But in this House the principle that was followed previously was the system of majority voting and the Hon'ble Minister only followed that precedent in suggesting the majority voting system. Any way, Sir, we agree that when there be clear-cut party alignments there should be some facilities for the minority parties to get representation. Accordingly our party have agreed to set up only eight candidates, out of eleven, leaving three seats for the other parties. Of course the European Group have got special representation which has been provided for in the Resolution itself. I think that will be a fair distribution of seats and the misapprehension under which my hon. Friend is labouring will be removed. On other occasions also, Sir, I think we can distribute the seats by mutual discussion instead of resorting to the system of single transferable vote, which is not quite understandable to many hon. Members and the results of which are sometimes very uncertain.

Maulavi MUNAWWAR ALI : Mr. Speaker, Sir, I lend my support to the Amendment moved by my hon. Friend, Maulavi Abdul Bari Chaudhury.

It seems that the Government Party, who are in a majority, having extended their hand of co-operation to the minority parties in this House, are now unwilling to ensure representation from those parties. What the hon. Chief Whip of the Government Party has stated just now is nothing more than this : "we will make a gift to you and you shall accept it". But he would not allow the minority parties to stand on their rights and on certainties. What the hon. Chief Whip has stated is this : "we will exercise our discretion and shall give no guarantee to the minority parties; our settlement shall have its way". Sir, it does not lie in the mouth of the protagonists of good-will and co-operation to say so now, having vaunted all these days that minority interests are safe in their hands.

Then Sir, the hon. Member has made a reflection on the capability of the hon. Members of this House. He says that single transferable voting system is a complicated thing and not understandable to the Members of

this House. This is a reflection on the genius of the Members against which I protest. Only on the 29th of this month there will be election of members to the Public Accounts Committee under that very system. Well, Sir, having such an occasion in front of us, there should not have been an insinuation of this kind. The single transferable voting system can be explained to the junior Members within five minutes. Its formula may be unintelligible but the process of voting is not as complicated. The result is bound to ensure proportional representation to the Members of each group.

Sri ABALA KANTA GUPTA: May I ask the hon. Member to explain the formula so that we can understand it in five minutes?

Maulavi MUNAWWAR ALI: If the hon. Member will take care to see me at leisure time I shall explain it to him in three minutes.

Sir, it is all moonshine, it is all camouflage to masquerade as being champions of minority parties. Let minority groups of this House open their eyes from today. They are not going to concede this very simple thing where the minorities can feel sure that definitely somewhere they do not depend upon the sweet will of the majority. I will request the Government to ponder over this question. This little consideration is being denied to the minority parties and denied deliberately for domination and for all that it connotes. I therefore cannot but protest their attitude. Let me whole-heartedly support this Motion requesting all the minorities to wake up and if the amendment is put to the vote, to vote for it.

Khan Bahadur Maulavi MUHAMMAD ROUFIQUE: Sir, I want to support the Amendment with a few words. Now it is not difficult to understand the intention of Government, *i.e.*, by majority votes they want that all the Members should be elected from the Congress party. They are now in absolute majority and therefore it is in their power to defeat this Amendment and get the original Motion adopted as it is. But we from our side urge upon them to desist from that course and to accept the Amendment in good grace and thus give the minority parties a chance to be represented in the Committee which will be in charge of very important work, *viz.* the Road Communication in the Province of Assam. The single transferable vote was designed to give the minority group a chance to secure representation. It is no use maligning the system now when Government have already adopted it as a measure for representation of minority group to an important committee, *viz.*, the Public Accounts Committee. Therefore I urge upon Government to accept the Amendment in good grace and live up to their profession that they are a democratic body.

Mr. A. WHITTAKER: Mr. Speaker, Sir, I mark this occasion, the first time in my short experience of the Assembly in which the Government of the day have publicly conceded the right of minorities to representation by saying that although they have the power of a majority to secure all the 11 places they will, by a deliberate act of abstention, put up candidates for only 8 of those places. That, Sir, seems to me a gesture deserving of great praise and I wish to acknowledge it. It is perhaps ungracious of any minority group, my own group included, to cavil at that gesture and ask for the additional safeguard of an election by a single transferable vote. At the same time if the largest minority in this Assembly does feel, Bench, is not worth consideration, I think the depth of that minority's feelings concession to the minorities it is the minorities that insist on supplementing this gesture with other kinds of safeguards such as the single transferable vote. But we all need to realise that feelings do run high on this particular subject and that if

the response to this gesture from the Government Bench is a demand for a supplementary gesture by way of conceding the single transferable vote I must reluctantly ask Government to give this request their fullest consideration. At the same time I would ask consideration for an alternative—I would like to ask the Members of the Opposition how many seats in this Board of 11 members they expect to get. It seems to me there are two different arguments. One argument is that the Opposition want the single transferable vote or nothing at all. The second argument is that the Government Bench comes forward with an offer of three seats out of 11 and that these are not sufficient. I think it is up to the Members of minority groups to support the demand for the single transferable vote. Speaking for myself, I consider the single transferable vote is not entirely a fool-proof and that it can produce quite fantastic results. I would like to know from the Opposition how many places out of 11 they would expect to get if voting runs in their favour?

*Babu SURESH CHANDRA BISWAS: Mr. Speaker, Sir, some hon. Members from the Opposition have said that the Congress Party being the majority in this House, want to secure all the seats, by means of majority votes. By saying so they forget that three seats are left for the minorities and it is not only for this Committee alone, so far as I know, but for some other Boards also for which 4 Members are going to be elected. Sir, for these Boards some seats are kept reserved for minorities and the Majority Party is not going to deprive the minorities from being represented in those Boards.

Sir, hon. Maulavi Munawwar Ali said that it was not very difficult to understand what the single transferable vote was, but he did not explain it. I do not understand what this single transferable vote is and how many seats out of 11 can be secured by the Opposition Party. Is it not a good gesture of the majority party that three seats have been allotted for the minority party when all the eleven seats might have been captured by them? It is with a view to get representation from all sections of the minority communities—Muslim League or the European group, as has been stated by the Hon'ble Minister-in-charge, that some seats have been allotted to them.

*Maulavi MUNAWWAR ALI: Is not the Public Accounts Committee constituted on the single transferable vote system?

*Babu SURESH CHANDRA BISWAS: That is a different thing. It will be done when it is necessary. So, it cannot be said that the majority group is trying to secure all the seats. It is a good gesture from the Government side and should be accepted not only in this Board but in other Boards as well.

*Maulavi ABDUL BARI CHAUDHURY: On a personal explanation, Sir. We want to establish the principle. By the single transferable vote system we must secure four seats, is not the question.

Srijut SARAT CHANDRA SINHA: What was the procedure adopted last time, Sir?

Maulavi ABDUL HAMID: I should say, Sir, that Members elected on the Committee should fairly represent the opinions of the House. In the Public Accounts Committee, considering it to be a very important Committee, the right of election by single transferable vote has been conceded by the House. In the Road Board, Members were elected by the majority vote last year; but this year the situation is changed because a very large amount of money has been given to it for the purpose of Post-War Reconstruction schemes, and so, it has assumed importance which it had not in the past. Therefore, Sir, considering the importance of the Committee this time and considering the fact that all shades of opinions should be represented on the Committee, and considering further that the majority party have agreed to give three seats to satisfy the demands of the minority groups, I do not see any reason why they should not go a little further

and concede to the right of single transferable vote. Sir, it is quite possible, as Mr. Whittaker said, the minority group might not get even three seats. But I am sure that if the minority group marshal their votes properly, they will get at least three seats and might get four. Therefore, Sir, I think this right of single transferable vote should be followed in the election of members to the Road Board.

The Hon'ble the SPEAKER: The Hon'ble Minister may reply.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I reply to my hon. Friend Mr. Whittaker?

The Hon'ble the SPEAKER: Yes, please.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, like my hon. Friend, the Leader of the European group, I feel that it will be ungrateful on our part—the minority group—in this House, if we do not appreciate the gesture which the majority party, I mean the Congress *cum* Jamiat-Ul-Ulema party, have shown to us in this matter. They have been pleased to state with great pride and legitimate pride that although by the process of majority vote they could capture eleven seats on this Communication Board, they have been pleased to set up only for eight seats leaving three seats for the minority group. On behalf of the group which I have the privilege to lead, I thank whole-heartedly my hon. Friends on the opposite, but at the same time I would like to request them to be a little more magnanimous and a little more noble hearted to appease the apprehension that the minority group have that in future the same gesture may be wanting from the opposite camp. In order to perpetuate the gesture which has been displayed on this occasion we propose that the seats be competed by means of single transferable vote. If we judge analytically or look through the resolution critically, we find that the gesture is minimised or the effect of the gesture will be very much less. But as I want to plead with my hon. Friends, I would prove that the gesture loses all its effectiveness in consideration of the total number of seats given to the different groups of the Legislative Assembly by this resolution. My hon. Friends opposite propose to contest eight of those seats, but they have not, I hope, forgotten that they get three more seats from the *ex-officio* members. One of the *ex-officio* members is the Hon'ble Minister in-charge of the Public Works Department. I need not tell the House that my hon. Friend and *ex-colleague* who has grown "white" with the Gandhi cap, has been returned on the Congress ticket. Similarly, my Hon'ble Friend, the Minister-in-charge of Transport Department has also been returned on Congress ticket. Then my hon. Friend, the representative of the Indian Planters—Srijut Harendra Nath Sarma, has also been returned on the Congress ticket. So, if we take these three Members who have been returned to the Assembly on the Congress Ticket *plus* the eight, the total is eleven. That is, the Government party has already captured the full Assembly quota. My hon. Friend the Leader of the European Group has been privileged to secure one representation for his Party and he has been made an *ex-officio* member of this Board. I do not know the reason why this singular privilege has been bestowed on the European Group. But, probably, for the reason, that the Indian Tea Association or rather the Tea Industry of Assam submitted themselves voluntarily to a cess, funds from which will go to improving roads in garden areas. So, Sir, if out of the 11 seats all are being taken by the Members of the Congress Party, I find very little magnanimity has been shown to the Opposition, the Muslim League Party and the Independent Group. Let us examine the proposal from another angle. The numerical strength of the Muslim League Party is just half of the Congress Party, *i.e.* Muslim League Party consists of 31 Members, whereas the Congress—*cum*—Jamiat-Ul-Ulema comprises 62. Out of these 62, Sir, you have been elevated to the Chair unanimously and therefore there is only 61 on the floor of the House from one side and 31 on the other side. On this basis, whatever the Congress Party takes, the Muslim League Party is

entitled to half. Now I have proved definitely that the Congress Party is getting 11 seats and therefore the Muslim League Party should get 5 or 6.

Then, Sir, there is other way about. The learned Leader of the European Group on the very first day was pleased to make it perfectly clear that they are not attached to any party; they will judge each matter on its merit and cast their votes and that means, although they do not side with the present Official Opposition, *viz.*, the Muslim League Party, they also are not followers of the Government Benches. However, counting them and other hon. Members who have returned independently, the number of this side would be 46. Now, if 61 can get 11 seats, it is a simple question of mathematics to find out how many seats the 46 is entitled to. The Opposition ought to get at least 8 seats. So, Sir, from whatever point of view the matter is considered the gesture, if measured by mathematics, will dwindle into nothing. We, therefore, Sir, by this amendment want to secure by way of right, the requisite number of seats which the Opposition is entitled to on their strength.

My hon. Friend Mr. Whittaker will probably remember the old adage that 'half a loaf is better than no loaf.' He had counselled the Muslim League Group to be satisfied with the 3 seats that has been provided for them by the Government Benches. Here arises the pertinent question: how many seats the Opposition can expect to get by the single transferable vote? As has been mentioned by one of my hon. Friends of this side that if the 46 votes are properly marshalled 46 will very well get as many as 5 seats. But my hon. Friend Mr. Whittaker has well remarked that a little deviation from the priority list of the votes of any party will cause a tremendous difference in securing seats. We are prepared to take that risk. I would simply request Government to be good enough to concede the number of seats that they are proposing by way of favour to be granted by way of right through the process of the single transferable vote. I know fully well that they can defeat this amendment of ours by virtue of their absolute majority in the House. When once having started on the path of generosity, and once having taken a magnanimous attitude, I would request them to go a step further and accept this amendment and allay for ever the lurking suspicion from the minds of the minority.

Sir, one of their great leaders, who is no more, once said that "consistency in politics is an asinine virtue." Some day they may wake up and my hon. Friends on the opposite may follow the precepts of that leader. Hence our apprehension and the amendment.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I have heard the speeches of the hon. Members from the European Group as well as from the Muslim League Group. I am really surprised to hear from the mouth of my hon. Friend, Maulavi Munawwar Ali, that this resolution shows the deliberate intention of the Government to deny the right and shows no consideration for the minority groups.

If we had intended to do so we could have said that the Members of this Communication Board should be elected by majority votes without any concession to be made at all; but as the Chief Whip, Mr. Aditya, has said we in our party have decided that we should contest only 8 seats. It is not a very good gesture from that minority Group to accuse our good motive and impute a wrong motive of that kind. As far as the question of members is concerned, Sir, I have followed the principles that were adopted by the previous Governments. I have only increased the number of the elected members by this House. In all the members of the previous boards were elected by a majority vote. It did not dawn upon me that the hon. Members of the Opposite Party would accuse the Government of cherishing any desire not to get their co-operation and their suggestions in this Road Board Programme. If that had been our intention we could have said it should be elected by a majority vote and we could have carried the whole

thing ourselves. Therefore, Sir, I feel a little bit awkward when I find my hon. Friend imputing wrong motive on the Government, when we want actually to do what we consider to be a concession or a gesture which should create friendliness and co-operation. I hope the hon. Member will change his mind. According to our calculation, Sir, by the single transferable voting all the minorities placed together may get only three seats. (*Voice—That is wrong calculation*). I may be wrong, Sir, but that is the calculation. Anyway it is to be considered whether the convention which we have had all these years in this House, from the beginning of the Legislature, should not be followed? We have followed that with honesty without any other motive behind, and that is the reason why we have not stated that this election will be by a single transferable vote. There was no question about this in the past at all and nobody ever raised such a question.

*Maulavi MUNAWWAR ALI: There was only one occasion when it happened.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: For all the other Boards elected by this House with the exception of the Committee of Standing Orders and also for the Public Accounts Committee, the election was held on by a majority vote.

Khan Bahadur Maulavi MD. ROUFIQUE: May I know, Sir, whether this was during One Party Government or a Coalition Government?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It does not matter, Sir, whether it was One Party Government or Government of Parties coalesced.

Now, Sir, though we have done quite a good thing by deciding in our Group that we shall not contest for the three seats and we have also allowed one seat to the European Group, still we have four seats to be filled up when we find that a certain minority or quarter is not represented.

Now, regarding the statement as regards right of a minority, one of the hon. Members said: "We want to have our right and not any favour from the Government Benches". If that is the thing he wanted then supposing the majority party follow his example and say: "We want to have the right of our being a majority party", what will be the consequence then? We shall carry all the seats by majority. That is what we did not want to do. Though we are the majority party and can carry all the seats with the majority vote, yet we want to co-operate with the Members of the Opposition by having some of them in the Board to get their advice and suggestions.

Now, Sir, in view of all this I do not know why the hon. Member should press his Motion. Take it from me that we did not mean at all to cast them aside, but we want them also and we give them the chance to give their advice and suggestions to the Government. That is our good motive and if the hon. Members opposite question our good motive, I do not know how we can make them realise what good we want to do them.

Now, Sir, I have already stated that we have provided some seats to be co-opted from quarters which may not be represented in the Board. In view of this, Sir, I would request the hon. Member not to create this ill feeling, also communal feeling (*laughter*). After all there are Members from this side of the House also who come from the same place wherefrom some of the Members from opposite Group come and the roads are the same roads—whether Maulavi Munawwar Ali be on the Board or Mr. Bhadra be on the Board from Sunamganj, it matters very little for they will walk on the same road (*laughter*). So, what is this question about this road or that road of the Minority Group or Congress Group?

If one is represented from that locality, say from Sunamganj, either a man from the Congress party or a member from the Muslim League, both will fight for the same road. Each one of them will want the same road. So how does the

*Speech not corrected.

question of minority problem come here? So, Sir, in view of this I would request the hon. Mover to withdraw his Motion and to accept the gesture which this majority party has given them. We shall contest eight seats only and leave three seats for the Minority Groups. I think the European Group will not contest any seat; we have given them one. So let us work harmoniously. So what is the use of having single transferable voting which many of the Members do not understand. So I would again request the hon. Member who has moved this amendment to withdraw it, so that we can move harmoniously and work together. Otherwise I shall be compelled to say that we shall have to oppose this amendment. I think it will be much better if the hon. Member will accept our gesture and they will get three seats. So we can work harmoniously without very much difficulty.

Babu RABINDRA NATH ADITYA: I would just want to know.....

The Hon'ble the SPEAKER: Does the hon. Member want to deliver a new speech? I cannot encourage the practice of having a post-mortem discussion. But I would like to accommodate the hon. Member if he has any point of order.

(after a pause)

The question is:

"That for the figure and words '11 Members of the Assembly to be elected by the Assembly by a majority vote' the figure and words '11 Members of the Assembly to be elected by the Assembly by single transferable vote' shall be substituted."

Assembly divided.

AYES—39.

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|---|---|
| 1. Maulavi Md. Abdullah. | 21. Maulavi Nasir-ud-Din Ahmed. |
| 2. Maulavi Muhammad Abul Kashem. | 22. Maulavi Md. Nazmal Haque. |
| 3. Maulavi Abdul Bari Chaudhury. | 23. Khan Sahib Maulavi Nurul Hos-sain Khan. |
| 4. Maulavi Dewan Abdul Basith. | 24. Khan Bahadur Maulavi Md. Roufique. |
| 5. Maulavi Abdul Hai. | 25. Maulavi Saiyid Sir Muhammad Saadulla. |
| 6. Maulavi Abdul Hamid. | 26. Khan Bahadur Maulavi Sayidur Rahman. |
| 7. Maulavi Abdul Khaleque Ahmed. | 27. Maulavi Dewan Taimur Raza Choudhury. |
| 8. Maulavi Abdul Kuddus Khan. | 28. Mr. J. C. Horwood. |
| 9. Maulavi Md. Abdul Latif. | 29. Mr. E. S. Kaye. |
| 10. Maulavi Dewan Abdur Rob Choudhury. | 30. Mr. G. Kydd. |
| 11. Maulavi Syed Abdur Rouf. | 31. Mr. R. A. Palmer. |
| 12. Maulavi Md. Ali Haidar Khan. | 32. Mr. W. D. Rutherford. |
| 13. Dr. Emran Hussain Chaudhury. | 33. Dr. C. G. Terrell. |
| 14. Maulavi Md. Idris Ali. | 34. Mr. A. Whittaker. |
| 15. Maulavi Md. Mafiz Chowdhury. | 35. Mr. Binode Kumar J. Sarwan. |
| 16. Maulavi Mayeenud-Din Ahmed Chowdry. | 36. Mr. Mody Marak. |
| 17. Maulavi Md. Moksed Ali Shaikh. | 37. Mr. Maniram Marak. |
| 18. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 38. Mr. P. M. Sarwan. |
| 19. Mumtazul Muhadoisin Maulana Md. Mufazzal Hussain. | 39. Srijut Rupnath Brahma. |
| 20. Maulavi Munawwar Ali. | |

NOES—51.

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|---|---------------------------------------|
| 1. The Hon'ble Srijut Gopinath Bar-doloi. | 25. Babu Kamini Kumar Sen. |
| 2. The Hon'ble Mr. Baidyanath Mookerjee. | 26. Babu Khagendra Nath Samaddar. |
| 3. The Hon'ble Mr. Basanta Kumar Das. | 27. Srijut Lakshesvar Borooah. |
| 4. The Hon'ble Srijut Bishuu Ram Medhi. | 28. Srijut Lakshmidhar Borah. |
| 5. The Hon'ble Srijut Ramnath Das. | 29. Srijut Mahendramohan Chou-dhury. |
| 6. The Hon'ble Maulavi Abdul Matlib Mazumdar. | 30. Srijut Manisankar Basumatari. |
| 7. The Hon'ble Rev. J.J.M. Nichols-Roy. | 31. Professor Nibaran Chandra Laskar. |
| 8. Sri Abala Kanta Gupta. | 32. Babu Nirendra Nath Dev. |
| 9. Raja Ajit Narayan Dev of Sidli. | 33. Srijut Omeo Kumar Das. |
| 10. Babu Akshay Kumar Das. | 34. Mr. Prabhudayal Himatsingha. |
| 11. Srijut Bepin Chandra Medhi. | 35. Srijut Purandar Sarma. |
| 12. Srijut Bhadra Kanta Gogoi. | 36. Srijut Purna Chandra Sarma. |
| 13. Babu Bidyapati Singha. | 37. Srijut Purnananda Chetia. |
| 14. Srijut Bijoy Chandra Bhagavati. | 38. Babu Purnendu Kishore Sen Gupta. |
| 15. Srijut Bejoy Chandra Saikia. | 39. Babu Rabindra Nath Aditya. |
| 16. Srijut Bimalaprosad Chaliha. | 40. Srijut Rajendra Nath Barua. |
| 17. Srijut Dandeswar Hazarika. | 41. Srijut Santosh Kumar Barua. |
| 18. Srijut Gouri Kanta Talukdar. | 42. Srijut Sarat Chandra Sinha. |
| 19. Srijut Haladhar Bhuyan. | 43. Srijut Siddhi Nath Sarma. |
| 20. Srijut Hareswar Das. | 44. Babu Suresh Chandra Biswas. |
| 21. Srijut Harinarayan Baruah. | 45. Maulavi Abdur Rasheed. |
| 22. Srijut Hem Chandra Hazarika. | 46. Maulana Ibrahim Ali. |
| 23. Babu Jagat Bandhu Sircar. | 47. Mrs. Bonily Khongmen. |
| 24. Babu Jatindranath Bhadra. | 48. Srijut Chanoo Kheria. |
| | 49. Srijut Dharanidhar Basumatari. |
| | 50. Srijut Jiban Santal. |
| | 51. Mr. Larsingh Khyriem. |

The question was lost.

The Hon'ble the SPEAKER: Now I am putting the main Motion before the House. The question is:

"That this Assembly recommends that the Assam Communications Board which was constituted for the life-time of the last Assembly be reconstituted for 3 years to be called the 'Assam Road Communication Board' with the following as members:—

- (1) Hon'ble Minister, Public Works Department—*Chairman*.
- (2) Hon'ble Minister, Transport.
- (3) Chief Engineer and Secretary, Public Works Department.
- (4) Chief Engineer (Additional).
- (5) Secretary to the Government of Assam, Finance Department.
- (6, 7, 8) Superintending Engineers—*Ex-officio* Joint Secretaries.

- (9) The Leader of the European Planters and Commerce and Industry or of the European Group in the Assembly, or any one nominated by that Group.
- (10) Mr. H. N. Sarma, M.L.A., Representative of Indian Planters.
- (11 to 21) Eleven Members of the Assembly to be elected by the Assembly by a majority vote.
- (22, 23) Two Members of the Legislative Council to be elected by the Council by a majority vote.
- (24, 25) Two members from among the Chairman of Local Boards—one from each Valley to be nominated by the Government, Public Works Department.
- (26 to 29) Four gentlemen to be co-opted by Government—to advise Government on all important schemes relating to the development of communications generally in the Province of Assam and that this Assembly do elect in accordance with the instructions contained in the voting paper eleven Members of this Assembly to the said Board."

The question was adopted.

The Hon'ble the SPEAKER: Hereby I fix Saturday, the 30th March 1946 as the date for holding election of Members to the Assam Communications Board. The voting will be held between the hours of 2 P.M. to 4 P.M. or as soon as the business of the day is finished, whichever is earlier in Committee Room No. 1.

Announcement of the result of election to the Joint Steamer Company's Advisory (Provincial) Committee

The Hon'ble the SPEAKER: I shall now announce the result of election to the Joint Steamer Company's Advisory (Provincial) Committee held on the 25th March, 1946. The following hon. Members are declared elected:—

1. Srijut Hareswar Das from the Assam Valley and 2. Babu Akshay Kumar Das from the Surma Valley.

Mr. Whittaker may now make his statement.

Statement *Re*: visit to Delhi by Hon'ble Prime Minister and Leader of the Opposition

Mr. A. WHITTAKER: Mr. Speaker, Sir, with your permission I should like to refer to a matter of general interest and considerable importance. I understand the Hon'ble Premier and the *ex*-Premier are about to make a journey to Delhi to interview the British Cabinet Delegation. I hope all the hon. Members of this Assembly will wish these two distinguished citizens a very successful outcome for their journey. We are living on the margins of history and I cannot imagine two better ambassadors from Assam than the present Premier and the *ex*-Premier to state their own case, and I hope, Sir, the case of Assam, before this Cabinet Delegation. I should like you to assure them that they go with the good wishes of all Members of this Assembly (*Applause*).

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I thank the hon. Mr. Whittaker for having given me his good wishes; the blessings of the House he wishes, I should carry for the successful meeting of the Mission. I hope this is the desire of all the hon. Members of this House.

You very well know, Sir, the ideals that we stand for and you know also the hardship and difficulties which our people had to undergo for the attainment of our goal of independence. To us nothing is dearer to our heart than the attainment of independence and we believe that when the august Mission is coming to India with the object of solving the problem of India, they have surely in their mind what we, the people of this country are after. I, representing the important organisation to which I belong, Sir, consistent with the ideals that we

stand for, shall try to put the case of Assam as far as I shall be allowed to do and have the competence to do. I am indeed very glad that the learned Leader of the Opposition also goes in connection with the same mission. I am certain that his ideals are not very different from mine. He of course stands for some other organisation, which has also a similar outlook and a similar aim (*Voices: Hear, hear*). I believe it will require a lot of mutual good will on the part of both the organisations to which we respectively belong in order that the common object of gaining independence for India is achieved by the efforts of both the organisations.

I also want to speak here a few words about the other minorities. I would like to tell them from the bottom of my heart that their aspirations will never be lost sight of and I shall do my best to help them for the realisation of their ideals also.

I thank the hon. Leader of the European Group for having said that we are really in the midst of a history. I hope the fulfilment of the aspirations of the Indians by the present Mission will succeed in creating a new history for India. I thank him for the very kind words that he has spoken about me.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, today it seems we are in the midst of "gestures". We had a full debate about a "gesture" from the Ministry, a few minutes ago. Now I am overwhelmed by this other gesture, the gesture of good will initiated by my Friend the Leader of the European Group which has been very ably seconded by the Leader of the House. The British Cabinet Mission whom we are going to meet very shortly, itself is a "gesture". We on our part ought to meet this "gesture" by another gesture of good will.

My Friend the Hon'ble Prime Minister has already told the House that we the two ambassadors from Assam to His Majesty's Cabinet Ministers belong to two different schools of thought, belong to two mighty organisations of the two nations of India. So far as I can read, so far as I have been able to observe, and so far as I have felt for the past many years in the provincial sphere of politics, the ideals of both these two organisations are the same. Therefore, speaking on behalf of Assam, probably we will have the same outlook, we will have the same recommendation to the Cabinet Mission. It is in the higher sphere of All-India politics that there may be some difference, difference in outlook which, if well handled, may come to a very fruitful and happy solution. (*Voices: Hear, hear*). The question is one of adjustment. Speaking broadly, our ambition to meet the British Cabinet Ministers will be a question of adjustment of our relation, relation between the Indians and the Britishers and adjustment between the Hindus and the Muslims.

Therefore, the gesture has come with very good grace from a Britisher—I mean my hon. Friend Mr. Whittaker, who wished us godspeed and to reach a happy solution of our difficult task. I say the task is not merely difficult but very difficult, but the difficulties are open to solution. I wanted to start as late as possible. A request has come to me from my hon. Friend, the Hon'ble Premier, that he would like to discuss with me after he had met their leader, the Rastrapati Maulana Abul Kalam Azad, on the representation that he would make to His Majesty's Ministers. I have heartily acceded to his request and am going one day earlier in order to be available for discussion with our Premier. If we could adjust our outlook and ideology, which are practically the same, we may be able to press the case of Assam in the best way possible. So far as I am concerned, I will endeavour to improve our condition in the next political arrangement that is coming to India. (*Hear hear*).

Adjournment

The Assembly was adjourned till 11 A.M. on Thursday, the 28th March 1946.

SHILLONG :

The 16th May 1946.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

APPENDIX E

The Hon'ble Mr Baidyanath Mookerjee to move:—

Sir, I beg to lay the following amendments to the Assam Motor Vehicles Rules, 1940, on the table:—

(1) *Insert* the following as 'Note' below sub-rule (b) of Rule 100:—

"The Licensing Authority shall have discretion to relax this rule in regard to the requirement of photographs and may accept thumb impressions in lieu thereof, until the termination of the present hostilities."

[Home Department notification No. HMV.219/44/8, dated the 23rd March 1945.]

(2) *Insert* the following as sub-rule (G) to Rule 22:—

Learners' licenses lost or destroyed—procedure—

(G) If at any time a learner's license is lost or destroyed, the holder shall intimate the fact within 10 days to the licensing authority by whom the license was granted. On receipt of the intimation the licensing authority shall proceed as if the learner's license were a driving license. The fee for a duplicate license shall be rupee one.

[Home Department notification No. HMV.85/44/11, dated the 24th March 1945.]

(3) *Insert* the following as sub-rules (c) and (d) after sub-rule (b) of Rule 75:—

"(c) Annual permit fees for Motor Vehicles other than private carriers shall be paid in one instalment, within 15 days of the commencement of the permit year, failing which composition fees for late payment shall be imposed at the rates prescribed below:—

(i) First 15 days—No penalty.

(ii) After 15 days—penalty at Rs. 5 upto one month.

(iii) After 30 days—Rs. 10 upto two months after which action shall be taken under sub-rule (b) and the permit shall be liable to suspension or cancellation.

(d) The Secretary, Provincial Transport Authority, or Regional Transport Authority as the case may be, may write off the composition fee in special circumstances."

[Home Department notification No. HMV.131/44/12, dated the 9th April 1945.]

(4) After rule 173 of the said Rules, the following heading and rules shall be inserted, namely:—

"SPECIAL RULES APPLICABLE TO TRANSPORT VEHICLES OTHER THAN MOTOR CABS, AND FITTED WITH PRODUCER GAS PLANTS

173-A. *Definition.*—(1) In these rules, unless otherwise expressly stated "Producer" has the meaning assigned to "Producer Gas Plant" in clause (j) of section 2 of the Assam Motor Vehicles Taxation Act, 1936 (Assam Act IX of 1936 as amended by Assam Act VI of 1944).

(2) In regard to vehicles already in operation on the road, and which have been fitted with a Producer approved by a competent authority prior to the date of issue of these rules, the provisions in these rules, save as regards any subsequent modifications under rule 173-D (3), shall not apply, so long as the producer, its method of attachment and its maintenance satisfy the Provincial Motor Transport Controller.

173-B. *Use of producer.*—(1) On or after 1st May 1945 no producer shall be fitted to a motor vehicle unless the producer—

(a) has been made by a manufacturer approved in this behalf by the Registering Authority,

(b) is of a type or model approved by, and in accordance with specifications approved by, that authority for use on the type of vehicle concerned,

(c) has affixed to the generator in such a manner as to be clearly visible, a metal plate having legibly displayed upon it the name of the manufacturer the description, name, mark or number assigned to it by the Registering Authority under sub-rule (1) of rule 173-D and the manufacturer's serial number.

(2) Any producer approved by a competent authority elsewhere in British India as specified in Schedule I and any modification thereof approved by the original authority shall be deemed to be approved for the purposes of sub-rule (1) of this rule provided that a gas filtering certificate has been granted either within the original province or elsewhere.

173-C. *Approval of model.*—(1) Any person seeking the approval of the Registering Authority under rule 173-B shall make application in writing to the said authority accompanied by duplicate copies of the specifications of clear drawings or prints of the producer and of the instructions for working it, and shall state the type or model of the motor vehicle, and the horse power of the engine for which the producer is intended.

(2) The instructions for the working and maintenance of the producer shall be subject to the approval of the Registering Authority, who shall cause to be endorsed thereon a statement of the materials and parts declared by the applicant not to be calculated to withstand two years' fair wear and tear. A copy of the above instructions, so approved and endorsed, and bearing upon it the particulars specified in clause (c) of sub-rule (1) of rule 173-B, shall be attached to, or tendered with, every producer offered for sale. The instructions referred to in sub-rules (1) and (2) shall include the manufacturers' recommendations as to lubrication generally, and in particular upper cylinder lubrication.

(3) If so required by the said authority, a person who has made an application under sub-rule (1) of this rule shall—

(a) submit the producer to such test and in such laboratory or workshop and by such person as the authority may specify, and

(b) furnish at his own expense a vehicle fitted with the producer for test on a reasonably level road (including a road journey solely on producer gas of not less than 50 miles continuous).

173-D. *Intimation of approval.*—(1) When the Registering Authority approves of any type or model of producer, he shall inform the applicant in writing accordingly, and shall intimate the description, name, mark or number under which it may be offered for sale.

(2) No person shall sell or offer for sale any producer which does not conform in every material respect to the specification approved by the Registering Authority in relation to the name, mark or number displayed on the generator in accordance with clause (c) of rule 173-B (1).

(3) A manufacturer who proposes to modify or alter in any way the design or specification of an approved type or model of producer shall, before offering the modified type or model for sale, make application to the Registering Authority with particulars of the modification or changes proposed, and shall obtain the approval of the Registering Authority thereto.

(4) Upon receipt of an application under sub-rule (3), the Registering Authority may if he thinks fit, require the modified type or model to be subjected to the test specified in sub-rule (3) of rule 173-C.

173-E. *Specifications.*—(1) Before according approval to any type or design of producer, the Registering Authority shall satisfy himself that the design and construction proposed are in accordance with the provisions of these rules and the general specification at Schedule II, provided that in the case of Transport Companies which manufacture gas plants exclusively for their own use and do not offer them for sale, minor deviations may be accepted if the Registering Authority is satisfied that these deviations do not affect public safety.

(2) *New or unusual designs and new methods of construction.*—If any person wishes to manufacture a producer, the design of which contemplates departure from ordinary practice, the employment of any new or unusual methods of construction, or the use of

methods of construction and processes not in conformity with these rules and specification, he shall apply to the Registering Authority stating in what respects the design departs from ordinary practice, and the modification or relaxation of the rules and specification, which he desires to be made, with the reasons therefor.

173-F. *Installation and maintenance.*—(1) Every producer shall be installed and maintained in accordance with the specifications and with all reasonable care necessary to prevent danger from fire, gas poisoning and burns, and, in particular, all pipes, joints, valves, and all covers to hoppers, generators, coolers, filters and any other accessories shall be free from gas or air leaks, and all exposed hot surfaces shall be effectively screened from accidental contact.

(2) If an escape funnel be fitted to any generator, for use during the blowing of air through the generator, the mouth of the funnel shall be above the roof level of the vehicle measured externally. A suitable valve or flame trap shall be fitted to the air inlet of all types of generator, to prevent danger from blowback.

(3) The fitting of a producer plant to any motor vehicle shall be reported to the Registering Authority as an alteration as required by section 32 of the Act, and the vehicle shall thereupon be produced for inspection by such authority and at such time and place as the Registering Authority may specify.

173-G. *Location of the producer.*—(1) No part of any producer shall be placed so as to reduce the field of vision of the driver by means of the mirror prescribed in rule 120 of Assam Motor Vehicles Rules, 1940, or otherwise, or so as to impede the driver in the control of his vehicle.

(2) In a public service vehicle—

(a) no part of the producer shall be placed within the passengers' compartment ; and

(b) the generator shall be placed in rear of the passengers' compartment either completely outside it or recessed into the rear panel, and shall be insulated and have the clearance prescribed in rule 173-H;

(c) in the case of any generator fitted in the rear of a vehicle and to one side of the vehicle, suitable means shall be taken to compensate for the additional weight by inserting one or more leaves in the rear springs of the vehicle at that side:

Provided that notwithstanding the provisions of rule 111 (a) of Assam Motor Vehicles Rules, 1940, the generator and a reserve of fuel not exceeding one hundred and fifty pounds in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle towing a producer shall have any opening or door in the rear end of, and facing to the rear of, the vehicle.

(4) In a transport vehicle other than a public service vehicle, the generator shall not be placed forward of the rear of the driver's cab, and shall be insulated and have the clearance prescribed in rule 173-H:

Provided that in the case of any special purpose vehicle, the Registering Authority may, subject to the provision of adequate means of egress for the driver (such as a hinged canvas tilt, or overhead flap opening), specify that the generator may be placed level with the driver's seat.

173-H. *Insulation and clearances.*—(1) On any motor vehicle if any part of the generator is so placed as to be within a distance of six inches in a horizontal plane from any part of the vehicle, the vehicle shall be insulated from the generator by a sheet of asbestos one-quarter of an inch thick, or by such other insulating material, and of such thickness as the Registering Authority may by general or special order in writing specify in this behalf, not less in height than the height of the generator including the hopper and of such a width as:—

(a) where the generator is recessed, completely to line the recess;

(b) where the generator is not recessed, to project for a distance of not less than six inches on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material prescribed in sub-rule (1) of less than two inches.

- (3) The joints in any insulating material as aforesaid shall be either—
- (a) overlapped by not less than 3 inches, or
 - (b) butted with a covering butt-strap of the same material and thickness not less than 5 inches wide, and over-lapping the butt joint equally by not less than $2\frac{1}{2}$ inches.
- (4) The clearance between the ground and the lowest part of any producer plant shall not be less than 12 inches.

173-I. *Location of fuel tank.*—(1) No generator, and no pipe between the generator and the gas filters shall be so placed that any part of the generator or such pipe is within a distance of less than—

- (a) two feet from any part of the petrol tank,
- (b) four feet from the filling point or orifice of the petrol tank :

Provided that in the case of a transport vehicle other than a public service vehicle, the generator may be at a distance of less than 2 feet from any part of the petrol tank, but shall be as far removed therefrom as possible, and in no case, shall there be a distance of less than 8 inches between any part of the generator or of any pipe connecting the generator or the gas filter and any part of the petrol tank :

Provided further that when any part of the generator or pipe as aforesaid is at a distance of less than 2 feet from any part of the petrol tank, that part of the generator and pipe shall be insulated from that part of the petrol tank by the interposition of the insulating material and the clearance specified in rule 173-H.

(2) The filler cap and any other opening in the main petrol tank shall, where the generator is mounted on the side of the vehicle, be located on the opposite side of the vehicle to the generator, and shall be not less than 4 feet away from the generator and from any pipe leading from the generator to the gas filters.

(3) Any auxiliary petrol tank with gravity feed shall be located in front, as far from the generator as practicable.

173-J. *Installation of filters and gas coolers.*—On any transport vehicle the filters and gas coolers shall be so placed as to be readily accessible for cleaning at any time.

173-K. *Fixing of producer and maintenance of pipes, valves, etc.*—Every part of the producer shall be firmly and securely fixed in place, and all pipes, valves, joints and hopper lids or covers shall at all times be maintained in a gas-tight condition.

173-L. *Instructions for driver or other person in charge.*—No driver or other person in-charge of a motor vehicle to which a producer is fitted shall—

- (a) at any time when there is fire in the generator, cause or allow the vehicle to stop or remain stationary at a distance of less than 20 yards from any petrol pump or place where petrol is supplied in tins;
- (b) at any time when there is fire in the generator, pour petrol or cause or allow petrol to be poured into the petrol tank ;
- (c) carry, or cause or allow to be carried in the vehicle (save in the regular petrol tank thereof), any petrol or other inflammable or explosive substance ;
- (d) at any time when there is fire in the generator, clean or rake out the generator at any appointed bus stand or stopping place, or within a distance of less than 20 yards from any other motor vehicle, or on any road surface, or cause or allow the same to be done by any person ;
- (e) where a park, bus stand, or halting place or a part of a park, bus stand, or halting place is set apart for vehicles fitted with producers, allow the vehicle to stop or remain stationary in any other park, bus stand, or halting place or other part thereof, as the case may be ;
- (f) where a park, bus stand or halting place or a part of a park, a bus stand or halting place is set apart for vehicles fitted with producers, allow any such vehicle to stop or remain stationary in such a way as to bring the generator of one vehicle within 4' of the filling point or orifice of the Petrol tank of another vehicle ;
- (g) place the vehicle or cause or allow it to be placed in any garage or shed unless the garage or shed is provided with a permanent opening or openings for sufficient ventilation other than doors or windows that may be closed.

173-M. *Compliance with Motor Vehicles Rules.*—(1) The projection of any part of a producer beyond the rear of the vehicle shall be deemed not to be a part of the vehicle for the purposes of rules 132 and 134 of the Assam Motor Vehicles Rules, 1940.

(2) No producer shall be fitted to any motor vehicle in such a way that the vehicle thereby contravenes the provisions of rule 131 or rule 133 of the Assam Motor Vehicles Rules, 1940.

SCHEDULE I

LIST OF COMPETENT AUTHORITIES IN BRITISH INDIA WHOSE APPROVAL IS ACCEPTED FOR THE PURPOSES OF RULE 173-B(2)

Authorities empowered under Producer Gas Plant Rules to approve Gas Plants in their respective Provinces.

Bombay.—The Director of Industries, Bombay.

Madras.—The Central Road Traffic Board.

Bengal.—The Provincial Transport Authority, Bengal.

Punjab.—The Punjab Producer Licensing Board

Central Provinces and Berar.—The Secretary, Provincial Transport Authority.

Orissa.—The Regional Transport Authority.

Bihar.—The Provincial Transport Authority.

Assam.—The Provincial Motor Transport Controller.

Sind.—The Regional Authority, *i.e.*, Superintendent of Police, Karachi and Tatta Districts.

North-West Frontier Province.—The Provincial Transport Authority.

Delhi.—The Board constituted for the purpose of approving persons to serve as manufacturers of charcoal gas plants.

Coorg.—The Coorg Provincial Transport Authority.

Ajmer-Merwara.—The Registering Authority, *i.e.*, the Superintendent of Police, Ajmer-Merwara.

United Provinces.—The Secretary to Government, Industries Department.

SCHEDULE II

PRODUCER GAS PLANTS FOR MECHANICALLY PROPELLED VEHICLES

General specification (referred to in Rule 173-E.)

1. *Design.*—The General design shall be reasonably simple, and suitable to the type of vehicle for which it is intended. It shall be such that it can be fitted to the vehicle in such a way that the driver's vision and control of his vehicle are not impeded; that the convenience and safety of the passengers is not endangered; and that the Coolers, Filters, Pipes, and any other parts requiring frequent cleaning and attention can be installed in readily accessible places.

2. *Performance.*—The Producer shall be capable of providing gas sufficient to propel the vehicle under gas alone along the level road with its full lawful loading at a sustained speed of not less than—

(a) in the case of a goods vehicle not being a heavy transport vehicle, 20 miles per hour;

(b) in the case of a goods vehicle being a heavy transport vehicle, 15 miles per hour;

(c) in any other case, 25 miles per hour.

3. *Fuel capacity.*—The effective fuel capacity of the generator and hopper shall be sufficient to provide fuel to propel the vehicle under producer gas for a distance of not less than 50 miles along a level road, without recharging.

4. *Filtering system capacity.*—This shall be such as to ensure that in normal circumstances the system shall not require cleaning at intervals of less than 50 miles.

5. *Construction.*—The Plant shall be constructed, put together and installed, in a sound and workman like manner. The materials and method of construction specified by the manufacturer applicant shall, save as otherwise declared by him, be calculated to withstand fair wear and tear for a period of not less than two years under the normal

conditions of working and maintenance of the type of vehicle for which the plant is intended. The plant shall not form an inflexible or rigid unit, but shall be connected with flexible couplings at appropriate points to relieve any stresses within itself or due to travel on the road. No rubber hose shall ordinarily be used as a flexible connection between the generator and the cooler.

6. *Generators.*—Generators are divided into three main types, *viz.*, updraft, down-draft and cross-draft. The materials for the construction of the generators including the hoppers, and outer shells if any, shall be of mild steel sheet, not less than the following gauge thicknesses—

All outer shells where fitted, not thinner than 16 B. W. G. (0.065 inches thick.)

Updraft generators.—The lower end of shell from the bottom to a point 12 inches above the grate, or to the top of the gas outlet whichever is the less not thinner than No. 11 B. W. G. (0.120 inches thick) remainder of shell not thinner than No. 16 B. W. G. (0.065 inches thick)

Downdraft generators.—The lower end of shell from the bottom to a point 12 inches above the fire grate, not thinner than No. 14 B. W. G. (0.083 inches thick) remainder of shell not thinner than No. 16 B. W. G. (0.065 inches thick.)

Cross-draft generators.—The lower end of shell from the bottom to a point 12 inches above the centre line of the tuyere, not thinner than No. 14 B. W. G. (0.083 inches thick) remainder of shell not thinner than No. 16 B. W. G. (0.065 inches thick.)

All generator cover and generator flange joints shall be made of heat-resisting material. If an escape funnel be fitted to any generator, for use during the blowing of air through such generator, the mouth of the funnel shall above the roof level of the vehicle measured externally. A suitable valve or suitable flame trap shall be fitted to the air inlet of all types of generator to prevent danger from blowback

7. *Coolers.*—The material from which coolers are made shall be mild steel, copper, or brass sheet, not less than No. 18 B. W. G. (0.049 inches thick.) All coolers must be made so that they can be readily cleaned.

8. *Filtering.*—The gas filtering system shall be in not less than three stages, of which the security or last stage shall be felt or other approved fabric, provided that the Provincial Government may by notification approve any filtering system. The test mentioned at paragraph 3 (3) (a) of the foregoing additional rules may include a gas filtering test with the object of determining the purity of the gas in this respect. The materials from which filter casings and all gas piping up to the mixing chamber or carburettor are made shall not be less than No. 18 B. W. G. (0.049 inches thick).

9. *Flanges and flange joints.*—Flanges fitted to piping shall be made of material not less than $\frac{1}{4}$ inch thick.

10. *Use of water.*—Where water is used either for injection or for cooling tuyeres, it shall be provided from a source other than the engine cooling system and shall not be in circuit therewith.

11. *Water tanks.*—These shall be made of mild steel sheet or copper sheet material of a thickness not thinner than No. 20 B. W. G. (0.035 inches thick) and shall be provided with strainers for inlets and outlets and a suitable arrangement for determining the water level."

[Home Department notification No. HMV.6/44/122, dated the 24th April 1945.]

(5) Add the following as sub-rule (n) to rule 62:—

"The Provincial or the Regional Transport Authority may delegate any of the powers and functions of its Secretary to any other gazetted officer of the Police Department subordinate to the Secretary, provided that such delegation shall not extend to the grant of permits or to any matters of policy".

[Notification No. HMV.29/45/4, dated the 7th May 1945.]

(6) *Add* the following after sub-rule (a) to rule 88 :—

“A fee of Rs. 10 (Rupees ten) shall be charged for a duplicate of the certified copy of the order if lost or destroyed.”

Substitute the following for the existing “note” below Rule 88 :—

“*Note.*—The application for a certified copy of the order against which the appeal is preferred, shall be made within 30 days of the receipt of the order appealed against but the time required for obtaining the certified copy of the order (*i.e.*, the time from the date of application to the date of supply) shall be excluded from the limit of 30 days referred to in sub-rule (a). One copy of such order shall be granted free.”

Add the following after sub-rule (a) to Rule 89 :—

“A fee of Rs. 10 (Rupees ten) shall be charged for a duplicate of the certified copy of the order if lost or destroyed.”

Substitute the following for the existing “note” below Rule 89 :—

“*Note.*—The application for a certified copy of the order against which the appeal is preferred, shall be made within 30 days of the receipt of the order appealed against but the time required for obtaining the certified copy of the order (*i.e.*, the time from the date of application to the date of supply) shall be excluded from the limit of 30 days referred to in sub-rule (a). One copy of such order shall be granted free.”

[Notification No. HMV.76/45/8, dated the 30th July 1945.]

(7) I. *Add* the following as a new rule after rule 28 :—

“28A. Notwithstanding anything contained in these Rules, no refund of the tax or part of the tax paid in respect of any quarter shall be made in respect of a motor vehicle (other than a transport vehicle as defined in the Motor Vehicles Act, 1939), which is transferred, whether permanently or temporarily, from the Province of Assam during that quarter to any other Province (including a Chief Commissioner’s Province) in British India.”

II. *Add* the following as a new rule after rule 36 :—

“36A. Notwithstanding anything contained in these Rules, any motor vehicle (other than a transport vehicle as defined in the Motor Vehicles Act, 1939), registered and normally kept in any other Province in British India (including a Chief Commissioner’s Province) for which the proper tax has already been paid in respect of a particular quarter in that Province and which is transferred, either permanently or temporarily, into the Province of Assam during that quarter shall be exempt from payment of the tax payable under the Act for the same quarter.”

III. In the last line of sub-rule (1) of rule 35 *insert* “or rule 36A” between the figures “36” and the word “Pay”.

[Notification No. HMV.102/44/32, dated the 17th August 1945.]