

8397

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

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The Assembly met in the Assembly Chamber, Shillong,  
at 1-30 P.M. on Friday, the 8th November, 1957.

**PRESENT**

Shri Dev Kanta Borooah, B.A., LL.B., Speaker, in the Chair,  
the eight Hon. Ministers, the eight Deputy Ministers and eighty-  
three Members.

**Shri Barbaruah's objection to certain remarks**

**Shri KHOGENDRA NATH BARBARUAH (Amguri):**  
Sir, yesterday the Leader of the House on the floor of this  
House made some remarks on some political parties which he  
could not substantiate at all. As such, I think it desirable to  
expunge such remarks from the proceedings.

**Shri Deka's complaint about non-receipt of replies  
to questions.**

**Shri TARUN SEN DEKA (Nalbari—West):** Sir, today  
we find only three Unstarred Questions with Answers and the  
other day we got only one Unstarred Question with Answer.  
So, within these 4 days of the Session we have got altogether  
only 4 Unstarred Questions with Answers. As far as I know  
more than one hundred Questions—both Starred and Unstar-  
red—were submitted by the hon. Members and I myself  
submitted about a dozen of them. But within these 4 days of  
this Session we have got only 4 Unstarred Questions with  
Answers and when it is so, during the remaining 4 or 5 days of  
this Session how can we expect to get the other Questions  
answered? In the last Session also some Questions were left  
unanswered. Therefore, Sir, I submit that all the Questions

submitted by me and also by other hon. Members may kindly be answered in this Session.

**Mr. SPEAKER :** In respect of Mr. Barbaruah's point the Chief Minister was good enough at my instance not to say anything about the contents of the letter which he wanted to and therefore I consider that this matter be closed.

I am grateful to the hon. Member from Nalbari for having brought this matter to my notice. I am considering this matter. After going into it I shall report to this House regarding my findings. My Secretary will discuss this matter with the Heads of Departments concerned and find out the exact position regarding the Questions and then I will report to this House. I hope to do so on Monday next.

### UNSTARRED QUESTIONS

(To which answers were laid on the table)

#### **Regarding purchase of Land at Nadua Grant Goan in Bogdung Mauza of Dibrugarh Subdivision by cultivators**

**Shri DEVENDRA NATH HAZARIKA (Saikhowa)** asked :

2. Will the Minister-in-charge of Revenue be pleased to state—

- (a) Whether it is a fact that land at Nadua Grant Goan in Bogdung Mouza (Dibrugarh Subdivision) covered by Dag Nos. 105, 136, 48, 202, 2, 46, 48, 198 and 214 were either purchased and occupied or occupied by 6 different cultivators for the last 10 or 12 years ?
- (b) Whether Government are aware that recently a non-cultivator businessman who does not reside in the village tried to evict these cultivators forcibly at the instance of the Local Sub-Deputy Collector ?
- (c) Whether it is a fact that the Local Sub-Deputy Collector tried to persuade some of the cultivators to give the lands under their occupation up to the non-cultivator businessman ?

(d) If so, why the Sub-Deputy Collector associated with the businessman against the interest of cultivators ?

**Shri HARESWAR DAS (Revenue Minister)** replied :

2. (a) & (b)—It is not known if the land in question was purchased by anyone, but some persons were in occupation and one Sri Sachhidananda Prasad Shah got a decree from the High Court and took delivery of possession through the Civil Court. The Local Sub-Deputy Collector had nothing to do in the matter.

(c)—It is not a fact.

(d)—Does not arise.

**Shri DEVENDRA NATH HAZARIKA (Saikhowa):** Regarding (a) and (b), Sir, do the Government know that the mutation was granted to the cultivators in question and they were in possession of periodic patta ?

**Shri HARESWAR DAS (Revenue Minister) :** It may be so, Sir, but there was a High Court decree and accordingly the other man has taken possession through the Civil Court.

**Shri DEVENDRA NATH HAZARIKA :** Whether it is a fact, Sir, that Shri Sachhidananda Prasad Shah, who is a non-cultivator, managed to engage Government officials to violate Land Revenue Manual (classes at page 174) and to evict those cultivators forcibly ?

**Shri HARESWAR DAS :** It is not a fact. The answer is there.

**Shri DEVENDRA NATH HAZARIKA :** May I know, Sir, whether Government propose to call for a fresh report from the Deputy Commissioner.

**Shri HARESWAR DAS :** Not necessary.

**Regarding purchase of Land at Nadua Gohain Gaon  
in Bogdung Mauza of Dibrugarh Subdivision by  
cultivators**

**Shri DEVENDRA NATH HAZARIKA (Saikhowa)** asked :

3. Will the Minister-in-charge of Revenue be pleased to state—

(a) Whether lands at Nadua Gohain Gaon in Bogdung mauza of Dibrugarh Subdivision covered by Dag Nos.394, 505, 506, 508, 561 were purchased by three cultivators from a land owner in 1945 and mutation was sanctioned to them by the Local Sub-Deputy Collector in 1946 ?

(b) Whether it is a fact that these lands were cancelled from the cultivators during the last few years with a view to grant mutation to a non-cultivator businessman who did not reside in the village in spite of opposition from the occupant cultivators ?

(c) If so, what was the reason and whether the mutation has been done as wished by the businessman ?

**Shri HARESWAR DAS (Revenue Minister)** replied :

3. (a)—Yes.

(b)—It is not a fact.

(c)—Does not arise.

**Regarding purchase of land at Hatigadhoi Village  
in Bogdung Mauza of Dibrugarh Subdivision  
by a local man**

**Shri DEVENDRA NATH HAZARIKA (Saikhowa)** asked :

4. Will the Minister-in-charge of Revenue be pleased to state—

(a) Whether lands at Hatigadhoi Village in Bogdung mauza (Dibrugarh Subdivision) covered by Dag No.277 and Patta No.57 measuring about 7

bighas were purchased by a local man there in 1945 from a land owner and mutation was granted by the local Sub-Deputy Collector in 1946 ?

- (b) Whether it is a fact that mutation of these lands has been cancelled by the present Sub-Deputy Collector during the last few years with a view to grant mutation and possession to one non-cultivator businessman in spite of opposition from the occupants ?
- (c) If so, what was the reason and when did this happen?
- (d) Whether any Sub-Deputy Collector is authorised to cancel the orders of his predecessor without the consent of the next higher authority ?

**Shri HARESWAR DAS (Revenue Minister)** replied :

(a)—Yes.

(b)—It is not a fact.

(c)—Does not arise.

(d)—Not so authorised.

### **A Member's complaint about delay in Publication of Proceedings**

**Maulavi JAHANUDDIN AHMED (Bilasipara)** : On a point of information, Sir. I want to draw your attention about the publication of the proceedings of this House. So far we have got the publication of the proceedings for 3 or 4 days of the last Budget session. If I remember aright we have got such proceedings up to the Finance Minister's budget speech and nothing further has been published during these 4 months. It is really a matter of regret that the public at large who are anxious to know what we are doing in this House have not been given the opportunity to read the proceedings of this House. I do not know why such a delay takes place in publication of the Assembly proceedings. I would like therefore that you would be pleased to intervene in the matter and see that the proceedings of the House are published very early, for the benefit of the people at large for whom we are here.

**Mr. SPEAKER** : I am obliged to the hon. Member from Bilasipara for having brought this matter to the notice of this House. I will take up the matter to see if something can be done on the lines suggested by him.

### **The Assam Repealing Bill, 1957.**

**Shri SIDDHINATH SARMA (Minister, Local Self-Government)** : Mr. Speaker, Sir, I beg to introduce the Assam Repealing Bill, 1957.

**Mr. SPEAKER** : The Motion moved is that the Assam Repealing Bill, 1957 be introduced.

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

**Shri SIDDHINATH SARMA (Minister, Local Self-Government)** : Sir, I beg to move that the Bill be taken into consideration.

It is a very simple Bill and the object of this Bill is to repeal the Assam Rural Self-Government Act, 1926. Almost all the Village Authorities established under the Assam Rural Self-Government Act, 1926, except one in the district of Cachar, *viz.*, the Lakhipur Bazar Village Authorities have virtually ceased to function owing to lack of funds and energy. In the circumstances, it is considered no longer necessary to keep the decaying Village Authorities in existence and as throughout the State of Assam, Panchayats or Town Committees have been or are being established under the Assam Rural Panchayat Act, 1948 (Assam Act XXVII of 1948) and the Assam Municipal Act, 1956 (Assam Act XV of 1957) respectively, it is therefore, proposed to divert the funds of the decaying village authorities to the Panchayats or Town Committees, as the case may be. In the changed circumstances it is felt that the purpose of the Village Authorities will be better served by the said Panchayats or Town Committees. So, it is proposed to repeal the Assam Rural Self-Government Act, 1926, as its utility no longer exists. Hence the Repealing Bill.

**Mr. SPEAKER** : The Motion moved is that the Assam Repealing Bill, 1957 be taken into consideration.

The Motion was accepted.

**Shri SIDDHINATH SARMA (Minister) :** I beg to move that this Assembly do approve of an expenditure of Rs.3,000 under the head "18.-B and 68.-B. Navigation, Embankment and Drainage Works" for the items below. The amount involved will be met from the sanctioned grant.

"18.-B and 68.-B.—Navigation, Embankment and Drainage Works".

	General Rs.	Sixth Schedule (Part A) Areas Rs.	Total Rs.
I.—Grant originally voted by the Assembly.	3,83,26,400	55,000	3,83,81,400
II.—Supplementary Grant voted by the Assembly during the year.	...	...	...
III.—Sub-head under which the appropriation will be accounted for—			
18.—B.—Navigation, Embankment and Drainage Works—Financed from Ordinary Revenues—			
(i) A.—Works	...	...	...
68.—B.—Navigation, Embankment and Drainage Works—Financed from Capital Revenues—Development Schemes (2nd Five-Year Plan-Central)—			
(i) Unproductive Works—Flood Control.	3,000	...	3,000
Total	3,000	...	3,000

THE DETAILS ARE EXPLAINED IN THE EXPLANATORY NOTE  
GIVEN BELOW

### EXPLANATORY NOTES

1. 68—B.—Navigation, Embankment and Drainage Works—Financed from Capital Revenue Development Schemes (2nd Five-Year Plan), etc.

(i) For details please *see* Appendix 'A'.

2. Savings are due to the following reason :—

68.—B.—Navigation, Embankment and Drainage Works, etc.—Development Schemes (2nd Five-Year Plan), etc.

(i) There is a lump provision for Survey works under flood Control in the Budget and the required amount will be met from this provision.





**Mr. SPEAKER:** Motion is "that this Assembly do approve of an expenditure of Rs.3,000 under the head "18.- and 68.-B.—Navigation, Embankment and Drainage Works" for the items below. The amount involved will be met from the sanctioned grant".

The motion was put by the Chair as a question before the House and adopted. (The Resolution was passed).

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.1,22,017 under the head "50.—Civil Works—State (excluding establishment and Tools and Plant)" for the items below. The amount involved will be met from the sanctioned grant.

	General Rs.	Sixth Schedule (Part A) Areas Rs.	Total Rs.
I.—Grant originally voted by the Assembly.	3,31,09,400	3,15,29,400	6,46,38,800
II.—Supplementary Grant voted by the Assembly during the year.	..	..	..
III.—Sub-head under which the appropriation will be accounted for—			

NORMAL—

A.—Original Work—

(a) Buildings—

General Administration—

Voted .. .. .	20,017	..	20,017
Administration of Justice..	7,000	..	7,000
Total—(a) Buildings ..	27,017	..	27,017

	General	Sixth Schedule (part A) Areas	Total
	Rs.	Rs.	Rs.
(b) Communications—			
Ordinary Roads .. ..	80,000	..	80,000
Ordinary Roads—Restoration of flood damages.	15,000	..	15,000
Total—(b) Communications ..	95,000	..	95,000
Grand total ..	1,22,017	..	1,22,017

The details are explained in the explanatory note given below.

### EXPLANATORY NOTES

(i) Necessity of each scheme has been explained against each in Appendix 'A'.

(ii) Due to better progress of some incomplete works towards the end of the last financial year the entire amount provided for the works in the current year's Budget for expenditure during the year will not be required and hence the savings thus accrued are proposed to be diverted to the works mentioned in Appendix 'A'.

## APPENDIX 'A'

List of new Schemes proposed to be included in the Budget for 1957-58.

Major, Minor and sub-head under which the provision should be made	Nature of scheme	Estimate of ultimate cost			Estimate of expenditure 1957-58		Remarks (Explanatory Notes)	
		Non-recur- ring	Recur- ring	Total	Non- recurring	Recur- ring		Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
“50.—Civil Work—State—A.—Original Works—(a) Buildings—General Administration—General—Voted”.	1. Electrification in the New Circuit House at Barpeta.	Rs. 8,900	Rs. ..	Rs. 8,900	Rs. 8,900	Rs. ..	Rs. 8,900	Items 1 and 2.—Electrification of the Government buildings at Barpeta are necessary for convenience of all concerned.
	2. Electric Installation in the Court Building at Barpeta.	8,290	..	8,290	8,000	..	8,000	As the Electric supply has been recently started in town the works could not be anticipated for provision of fund through Scheduled of new schemes.
	3. Certain addition and alteration to the “Kock side, Bungalow” Shillong (Residence of Chief Minister, Assam).	7,160	..	7,160	3,117	..	3,117	Formerly the work was taken up as a minor work. But ultimately this has been revised as certain additional items of works have cropped up. The estimated cost of the revised estimate is a major work and hence vote of the Legislature are required to regularise expenditure on such major works. The revision of the estimate was not anticipated at the time of preparation of the current year's Budget for provision of fund through Schedule of new schemes.
Total—General Administration ..		..	..	..	20,017	..	20,017	

## APPENDIX 'A'

Major, Minor and Sub-head under which the provision should be made	Nature of Scheme	Estimate of ultimate cost			Estimate of expenditure, 1957-58			Remarks (Explanatory Notes)
		Non-recurring	Recurring	Total	Non-recurring	Recurring	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Administration of Justice.	1. Construction of an additional post-mortem shed at Nowgong.	7,000	..	7,000	7,000	..	7,000	The work is considered very urgent. Due to late receipt of A. A., the work could not be taken up in 1956-57 out of the savings in Public Works Department Budget.
Total—Administration of Justice		7,000	..	7,000	7,000	..	7,000	
“50—Civil Work—State—A.—Original Works—(b)—Communications Ordinary Roads—General—Voted”.		1,82,000	..	1,82,000	80,000	..	80,000	The Government of India have recently sanctioned the project. Half the cost of the project amounting to Rs.91,000 will be borne by the Government of India and debitable to the Central Road Fund (Ordinary Reserve). As there is no budget provision fund will be met from savings.
Total—Ordinary Roads		..	..	..	80,000	..	80,000	

## APPENDIX 'A'

Major, Minor and Sub-head under which the provision should be made	Nature of Scheme	Estimate of ultimate cost			Estimate of expenditure, 1957-58			Remarks (Explanatory Notes)
		Non-recurring	Recurring	Total	Non-recurring	Recurring	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Ordinary Road Restoration of flood damages.	1. Restoration of flood damages to Babupatty Dhaj Ali in Sibsagar Sub-division for 1956-57.	81,000	..	81,000	15,000	..	15,000	During the flood of July, 1956 the level of the flood came upto to the brim of the side berms for which the surface of the road embankment became soft and spongy by absorption of water through see page of the embankment. As a result, the road surface is becoming uneven and many depressions and corrugations are formed due to heavy traffic as this is the only way to Desangmukh Steamergat. As the road totally broke down due to flood the estimate has been framed for restoration of the same as early as possible.
		..	..	..	15,000	..	15,000	
Total—Ordinary Road Restoration of flood damages.		..	..	..	15,000	..	15,000	

**Mr. SPEAKER**: Motion moved is "that this Assembly do approve of an expenditure of Rs.1,22,017 under the head "50.—Civil Works—State (Excluding Establishment and Tools and Plant) for the items below. The amount involved will be met from the sanctioned grant".

The Resolution is passed.

**Shri HARESWAR DAS (Minister)**: Mr. Speaker, Sir, on the recommendation of the Governor of Assam, I beg to move that an additional amount of Rs.3,142, be granted to the Minister-in-charge to defray certain charges which will come in course of payment during the year ending 31st March 1958, for the administration of the head "7.—Land Revenue".

I. Grant originally voted by the Assembly	...	1,50,88,700
II. Additional amount now required	... ..	3,142

III. Sub-head under which the Supplementary Demand will be accounted for—

Minor and Sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
J.—Works—(a) Original Works—District Admi- nistration, etc.	..	..	3,142	Nil	3,142

The details are explained in the explanatory notes.

#### EXPLANATORY NOTES

The amount is required for electrification of the two Sub-Deputy Collectors' quarters at Nalbari.

No provision for the purpose was made in the current year's budget as the proposal was not received before the preparation of the budget.

**Mr. SPEAKER:** Motion moved is that an additional amount of Rs.3,142, be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1958, for the administration of the head "7.—Land Revenue".

**Shri KHOGENDRA NATH BARBARUAH (Amguri):** Mr. Speaker, Sir, I beg to move that the total provision of Rs.3,142 under Supplementary Demand No.1, Major head—"7.—Land Revenue", at page 1 of the List of Supplementary Demands, be reduced by Re.1, *i.e.*, the amount of the whole supplementary demand of Rs.3,142 do stand reduced by Re.1.

Sir, I do not understand why this huge amount is necessary. So far I am aware that the cost of some 7 to 10 points would be only six or seven hundred rupees, but here for electrification of two houses at Nalbari they have come with demand for Rs.3,142. I do not see why such a big amount is necessary. So I want to know from the Minister-in-charge what special arrangement has been made there for incurring such a huge expenditure. What are the number of lights and fans and how many posts are necessary for electrification of these two houses? What will be the distance from the main current line to the houses? I have consulted some of the fitters and others and I am told that such a huge amount is not necessary.

**Shri HARESWAR DAS (Revenue Minister):** Mr. Speaker, Sir, two quarters are to be electrified for which the Public Works Department submitted the estimate and this is the figure they have submitted. But actually when the work is done it is again scrutinised. At present we have taken the figure from the estimate that has been submitted, but I can assure my hon. friend that when actually the work is done, it will be further scrutinised and if the cost comes down, it is well and good.

**Shri RANENDRA MOHAN DAS (Karimganj—North):** What is the estimate so far as light and fan points are concerned?

**Shri DANDESWAR HAZARIKA (Morongi):** The estimate is not here.

**Shri RANENDRA MOHAN DAS:** Why not? Unless and until you can see the estimate, how can you come with a demand?



**Shri HARESWAR DAS (Revenue, Minister):** The estimate is for several items, for fans, light points and wiring.

**Shri RANENDRA MOHAN DAS (Karimganj-North):** How many points, how many fans and what is the rate for that ?

**Mr. SPEAKER:** What the hon. Member from Karimganj has said is indeed relevant and justified, but this is a matter for which the Assembly can hardly afford to give much time and this is a matter which the hon. Member from Karimganj can satisfy himself by discussion with the Hon'ble Minister. The question is that this amount of expenditure has been estimated by the Public Works Department according to schedule rates. Therefore, we can discuss whether the amount is necessary for this purpose. But to give attention to the question of light points and fan points, I think, it will be taking up the time for some purpose but for a very meagre purpose.

**Shri RANENDRA MOHAN DAS:** But the attitude shown by the Minister is not helpful. He should be prepared with all details when he comes forward with a Supplementary demand. Now he is not prepared and he does not like to speak anything.

**Mr. SPEAKER:** He has said that the estimate has been prepared on the basis of schedule rates.

**Shri HARESWAR DAS:** I am not an electric expert. The public Works Department has submitted an estimate for electrification of these quarters that so much money will be necessary and they have given so many fans and light points. The practice is when actually the work is done it is again checked.

**Mr. SPEAKER:** For the benefit of the hon. Members the estimate may be placed on the Table of the House.

**Shri RANENDRA MOHAN DAS:** I want clarification on this point. When a demand is made should we not know the details from the Government ?

**Mr. SPEAKER :** Not all details—details as far as possible.

**Shri RANENDRA MOHAN DAS (Karimganj-Nor)** But the Minister did not move an inch to explain the matter.

**Mr. SPEAKER:** That is a matter of opinion, and I have no opinion on this matter.

(**To Shri BARBARUA**)—Does the hon. Member propose to press his cut motion ?

**Shri KHOGENDRA NATH BARBARUAH (Amguri No, Sir.**

(The motion was, with the leave of the House, withdrawn.)

**Mr. SPEAKER :** The question is that an additional amount of Rs.3,142, be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March 1958, for the administration of the head—"7.—Land Revenue."

The motion was adopted.

## DEMAND No.2

**Shri RUPNATH BRAHMA (Minister) :** Mr. Speaker, on the recommendation of the Governor of Assam, I beg to move that an additional amount of Rs.6,93,489, be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March 1958, for the administration of the head—"10.—Forests."

I.—Grant originally voted by the Assembly	...	74,40,000
II.—Additional amount now required	... ..	6,93,489

III.--Sub-head under which the Supplementary Demand will be accounted for—

Minor and Sub-head  (1)	Grant original voted by the Assembly		Additional amount now required		Total  (6)
	General	Sixth Schedule	General	Sixth Schedule	
	Rs.	Rs.	Rs.	Rs.	
<b>NORMAL</b>					
<b>B.(a) Conservancy and Works—</b>					
1. II.—Timber and other produce removed from forests by consumers and purchasers.	1,15,000	19,000	16,420	..	16,420
2. VI.—Communications and Buildings.	8,00,000	1,33,600	10,000	..	10,000
Naga Hills operations ..	..	..	..	44,975	44,975
3. VII.—Organisation, Improvement and extension of Forests.	4,55,000	1,06,500	2,000	..	2,000
4. VIII.—Miscellaneous ..	1,65,000	21,200	20,150	..	20,150
<b>C.(a) Establishment—</b>					
1.—Pay of Officer .. ..	1,58,000	35,510	5,000	..	5,000
2.—Pay of Establishment ..	9,00,000	1,58,900	90,000	8,500	98,500
3.—Allowances and Honoraria	7,00,000	1,46,300	20,000	20,000	40,000
4.—Contingencies .. ..	1,75,000	31,000	..	200	200
<b>Development Schemes—First Five Year Plan Schemes under Art.275—</b>					
<b>C.1.—Establishment—</b>					
2.—Pay of Establishment ..	..	17,800	..	9,500	9,500
3.—Allowances and Honoraria	..	12,200	..	3,500	3,500
4.—Contingencies .. ..	..	..	..	3,000	3,000

Minor and Sub-head  (1)	Grant originally voted by the Assembly		Additional amount now required		Total  (6)  Rs.
	General	Sixth Schedule	General	Sixth Schedule	
	(2)  Rs.	(3)  Rs.	(4)  Rs.	(5)  Rs.	
Development Schemes—Second Five Year Plan—Schemes under Second Plan—B—6—Conservancy and Works—					
12-VII.—Organisation, Improvement, etc.—					
Road side-tree plantation .. ..	..	..	12,000	..	12,000
Reclamation of Zamindary Forests	1,78,000	..	2,18,244	..	2,18,244
13-VIII.—Miscellaneous—					
Survey of raw materials ..	50,000	..	34,000	..	84,000
Creation of Botanical Garden and Zoo. ..	..	..	1,71,000	..	1,71,000
Improvement of Forest Villages ..	..	..	5,000	..	5,000
<b>Total ..</b>	..	..	<b>6,03,814</b>	<b>89,675</b>	<b>6,93,489</b>

The details are explained in the explanatory notes given below :—

### EXPLANATORY NOTES

1. The amount is required for meeting the expenditure in connection with marking and barking of the trees fallen in the Darrang Forests Division due to the cyclone on 29th April, 1957.

2. The amount of Rs.10,000, is required for repairing some of the Forest buildings in the Darrang Division that have been damaged by the cyclone on 29th April 1957.

The amount of Rs.44,975, is required to meet the expenditure in connection with the reconstruction, repair and improvement of certain roads in the Naga Hills District, which are necessary for the Military Operation against Naga Hills Hostiles. The works have been undertaken in accordance with the decision arrived at the conference of the Civil and Military officials on 16th March 1957, and 28th March 1957. Of the amount a sum of Rs.29,625 has been advanced from the Contingency Fund.

3. The amount is required for meeting the cost in connection with the clearance of plantation in the Darrang Forest Division that has been damaged by the cyclone on 29th April 1957.

4. The amount is required to meet the expenditure in connection with meeting of the standing Committee of the Central Board of Forestry to be held in Assam in December next.

5. to 7. The amounts are required for payment of arrear pay and allowances to the officers subordinates and office establishment due to the revision of pay scales and also for payment of operational allowances to the officers and staff stationed in the Naga Hills District.

8. The amount is required for clearance of 7 acres of Reserved Forests at Daldeli in the Mikir Hills District for the Military operation against the Naga hostiles. The work has been undertaken as per decision arrived at the conference of the Civil and Military officials on 16th March 1957 and 28th March 1957. The amount has been advanced from the Contingency Fund.

9 to 11. The amounts are required to meet the maintenance expenditure on the Basgaon and Kulai dispensaries in the Goalpara and the Kamrup District respectively. The dispensaries were established by the Forest Department under their Art.275 programme during the First Five Year Plan. No provision has been made in the current year's budget for the maintenance of the dispensaries as it was originally contemplated to make over the dispensaries to the Public Health Department after the same are established. The Public Health Department is not in a position to take over the dispensaries this year. Hence the demand.

12 and 13. The amounts are required for implementing developmental schemes and are in addition to the ceiling of expenditure earmarked in the Annual Plan for Forest Development Schemes under the Second Five Year Plan. It has been decided to meet this additional expenditure out of the over-all savings in the Annual Plan for 1957-58.

**Mr. SPEAKER :** Motion moved is that an additional amount of Rs.6,93,489, be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1958, for the administration of the head—"10.—Forest".

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):**

Mr. Speaker, Sir, I beg to move:

That the provision of Rs.44,975 under Supplementary Demand No.2, Major head—10.—Forests, Minor head—B(a)—Conservancy and Works, Sub-head 2.—VI—Naga Hills Operations, at page 2 of the List of Supplementary Demands, be reduced by Re.1., i.e., the amount of the whole supplementary demand of Rs.6,93,489 do stand reduced by Re.1.

Sir, the Minister concerned was pleased to say that the reasons for this demand have been explained in the printed explanatory notes and so he need not give any further explanation as to why this demand has been made. I wish I could understand the nature of the demand from the notes he has supplied to us. But I am afraid, Sir, this note is too cryptic and it does not serve the purpose which is to be served according to the provisions of the Constitution of India, the rules framed for the conduct of business of this House and also the Budget Manual according to which budget provisions, both general and supplementary, are made. If you permit me, I may refer the Minister to Article 205 of the Constitution of India, which makes provision about supplementary, additional or excess grants. Article 205(1) states: "The Governor shall, if the amount authorised by any law made in accordance with the provisions of Article 204 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year,.....cause to be laid before the House or the Houses of the Legislature of the State another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the State a demand for such excess, as the case may be".

Here the Constitution categorically says that only under two circumstances this sort of supplementary demand can be made. The first is if in the general budget, there was a provision but in actual practice it was found that that provision was not sufficient, and, secondly, if there arises an occasion which was quite unforeseen and unforeseeable at the time of the preparation of the Budget, for that new venture also there can be a supplementary demand. There is no other provision contemplated by the Constitution.

Now, the rules which are here for the guidance of the House and which are also expected to be followed by the Ministers and not violated, those rules also provide like this: Rule 125 of the existing Assembly Rules says: "The Governor may from time to time allot a day for the presentation of a statement for supplementary or additional expenditure if:—

(i) the amount authorised by the Appropriation Act, in respect of a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year"... (and so on). This rule also follows what is there in the Constitution.

Now, our Budget Manual also makes elaborate provision as to how supplementary demands are to be prepared. I refer to Rule 92 of the Budget Manual where it is stated:—

"When fresh, but not technically new, items of expenditure arise in the course of the year, disbursing or controlling officers should not admit their inevitability too readily, and the existence of likely or actual savings in the Budget should never be seized upon as an opportunity to introduce fresh items of expenditure which ought to wait till next year".....

I am reading only the relevant portions.

Rule 93 says: "When such expenditure is inevitable, it should be considered whether some other items of expenditure can be dropped to make room for the new items. Supplementary grants are sometimes unwarranted by the eventual actuals, and demands for such grants are occasionally put forward for objects (not being classed as new services) the provision for which ought to have awaited the next regular budget. Serious efforts should be made to avoid the necessity of asking for supplementary grants in such cases".

Then Rule 94 says :

"The powers of appropriation and re-appropriation of the Government and other authorities are set out in the next chapter. An appropriation or re-appropriation within the grants of a year can be authorised at any time before, but not after, the expiry of the year".....

I need not read the other portion.

So, all these rules say that there should be utmost caution at the time of preparation and placing of supplementary demands, because we know these are extraordinary demands and only extraordinary circumstances should warrant such demands.

Now if we look to the item about which I have brought this cut motion, what do we find? We find that a sum of Rs.44,975 has been demanded by the Minister-in-charge of Forests for Naga Hills Operations. So, for Naga Hills Operations the Forest Minister, and not the Police Minister, wants a sum of Rs. 44,975. Now, we should be satisfied whether this is required for the development of the forests or for killing people by clearing the forests. If it is for the latter purpose, the proper steps would have been for the man who is in charge of killing people by clearing forests to come specifically for such a purpose. Now we find under the head—'Grant originally voted by the Assembly'—there was nothing. So this is entirely a new demand. If there would have been some demand for grant, or something that should be provided for exigency like guerilla warfare which is going on we do not know what would be required out of the actual amount. So there should have been a token grant of at least one rupee. But when the Legislature was discussing the possibility of the problems of the year to come this exigency was not considered. There was apparently no such contingency. The last Budget was passed in the month of June. I do not know what extraordinary situation has arisen since then that the Department has come now to the House for such an expenditure.

**Shri DEBESWAR SARMAH (Finance Minister):**  
Is the hon. Member raising a point of order for this Demand? As it is, what he has raised is beyond the rules of procedure.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):**  
I have brought this cut motion with a view to censure the Government for bringing this Demand. Firstly, the Government is not following the Constitution of India.



**Shri DEBESWAR SARMAH (Finance Minister):** Sir, if it is violation of the Constitution of India, perhaps the Hon'ble Speaker cannot decide anything here.

**Mr. SPEAKER:** Unless I hear both sides I cannot decide anything whether the honourable Member has raised a point of order. The purpose of this cut motion is to criticise the Government. Whether this particular question is out of order will have to be decided. Whether it would be on jurisdictional claim it would be for me to decide. It is for the proper understanding and appraisal of the honourable Members whether the honourable Member has raised a point of order; whether it is not in consonance with the Constitution of India, Budget Manual and the Rules of Procedure.

In so far as the cut motion is concerned, that is a different thing, because a point of order eliminates censuring of Government. A point of order may be raised. A point of order may be rejected and sustained. So in either case if the point of order is upheld, the Government is bound to bow down to the ruling. If it mixes the elements of censuring the Government then it becomes out of order. Therefore, what the Hon'ble Finance Minister has pointed out has a lot of points in it. The honourable Member for Gauhati should, therefore, point out whether he is raising a point of order or whether it is a discussion on the cut motion that he has raised.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** Sir, I am very grateful to the Finance Minister for pointing this out. But I submit that I have taken my stand not on a point of order. If I raised a point of order I would have sought your help. My mind is quite clear on this point. To me there is no point of order. It is very clear. The Constitution is clear, the rules are clear. My objection is not on a point of order.

(At this stage many members wanted to speak on the point). *Voices*—ইয়াত সৰহ সংখ্যক সভাই অংশ লবলৈ পালে ভাল হয় চাব।

**Mr. SPEAKER:** Order, order.  
The point is whether the honourable Member has raised a point of order or not.

So far as the cut motion is concerned, it is for me to give any decision. It is the decision of the majority and it is a jurisdictional decision, because the Speaker is the custodian of the

rights and privileges of the House. If it is not a point of order then I have no locus standi. If it is a point of order then I will give the decision according to the laws which are within my jurisdiction. Therefore, if it is a question only of point of order, then I will give the decision. If it is not a point of order, it will have to be decided by the House.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** I will, of course, bow down to your ruling, Sir. But I may submit that so far as I am concerned, my mind is very clear, and from what I understand according to my humble knowledge on this point is also very clear.

**Shri DEBESWAR SARMAH (Finance Minister):** All that I want to share with the honourable Member is the clarity in this matter.

**Mr. SPEAKER:** All the Members of this Assembly are very clear on this point, whether this item is in order or not. If all the Members are clear, then a final decision in this behalf will be given by the Speaker who occupies the Chair. If the honourable Members do not want a decision from the Chair then this cut motion is to be decided by the Members of this House unanimously that it is not a point of order.

**Shri GAURISANKAR BHATTACHARYYA:** As I have already stated that I shall bow down to your ruling, Sir, I have no objection to have a final decision on this matter as it is a Parliamentary issue. But so far as my cut motion is concerned, I have not finished my observations. As a matter of fact, my observations would be two-fold. At the beginning I raised the Constitutional issue. I think the House will be benefited by this. So I am actually very thankful to the Hon'ble Finance Minister for this. I shall only be too glad to have your decision.

**\*Shri DEBESWAR SARMAH (Finance Minister):** Sir, I am thankful to the hon. Member for having raised this issue. I would certainly be at one with those who want to abide themselves by the Constitution, and not through back-door method. If this demand is not in order or not in consonance with the Constitution of India or statutory rules, there is no need for me to say anything. But I submit, Sir, that Article 205 of the Constitution of India is clear to me and if I remember aright this point was raised and debated upon perhaps more than once on the floor of the Lok Sabha when you, Sir, held the high position of Deputy Whip. It reads like this.

205. “ (a) if the amount authorised by any law made in accordance with the provision of Article 204 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year”.

Sir, the question that was debated and the interpretation given to this point times without number makes it clear that this demand is quite in order. But ‘expenditure upon some new service not contemplated in the annual financial statement for that year’ it is altogether a different matter and the hon. Member can censure the Government if he can establish the point that Government could have put this amount in the estimate but did not. I submit Sir, that the interpretation that is sought to be given by my friend on this point is narrow and unacceptable.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati) :** But Sir, I have not yet given any interpretation as I have not yet spoken on my point of order. I find that before I finish my observations a reply has been given.....(laughter from the Opposition side).

**Mr. SPEAKER :** Order, order. As this is an important point, I hope it will be worth while for the House to discuss it at some length so that we can come to a clear decision.

**Shri GAURISANKAR BHATTACHARYYA :** Sir, with your permission I shall now speak only on the point of order, that is, I do not want to go into the merit of this amount or the figure involved. I shall confine myself only to the point whether the demand in its present form is in accordance with the provision of the Constitution of India and the Rules for the guidance of this House and the procedure for financial arrangement as laid down in the Budget Manual.

**Mr. SPEAKER :** Will the hon. Member also enlighten me and the House regarding the point raised by the Finance Minister about new service ?

**Shri GAURISANKAR BHATTACHARYYA :** Of course, Sir, my observation will be in regard to this service whether it is a new service, or if a new service, whether it is permissible according to constitutional rules and procedure and so on. I shall be only too glad to be given a correct understanding if my own understanding is not correct. As you will find Sir, this Article 205 has been read twice over once by me and again by the Finance Minister, so I think I need not repeat

it again by reading the entire article. But here the second part states clearly ".....or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year". Now, the Finance Minister asked me to underline myself the words "new service etc.," I shall also ask him to underline himself the words "need has arisen". So what we all seek is whether after the Budget was discussed in June last, the need has arisen or some new factor, some new circumstances have come, or that the need was not there in the horizon but has arisen newly. If it be that this Naga operation was not in the horizon in June last, then it is quite correct that the Government is authorised under this article of the Constitution to come up for a demand by a Supplementary Demand. But if the Naga operation was not only there in the horizon but was over our head like a burning sun sapping all our money through Forests, through Excise, through Roads, through Buildings, etc., then we cannot say that the "need has arisen". So my submission to the House will be that there was no new need arisen, it was already there. So it does not come as a new factor, as a new thing and it is not warranted to be considered a newly arisen need. That is my submission.

Further, we do not find anything, as I have already submitted, I need not repeat but I think there is no explanation why it was not thought necessary that in spite of the Naga operation remaining there and continuing, it was not thought necessary by this House to make any provision in June last for this. And therefore, this is like meeting the budget by the back door. When sometimes we say that two lakhs or even three lakhs were spent as baksis some say as presents and so on, we are accused of exaggerating the matter. But Sir, we also expect from the Government.

**The SPEAKER:** Is the hon. member relevant?

**Shri GAURISANKAR BHATTACHARYA (Gauhati):** Yes Sir, so far as this new need or new factor is concerned, my point is that this is meeting the budget through the back door, because if the whole amount was shown that would have been spent for the Naga operations it would have amounted to crores and the eyes of the people would have opened. That is why it is pushed through the back door. Sir, with all humility I say that not a new need has arisen, but a new ingenuity of the Government has arisen, an ingenuity for spending money for the Naga operations in jungles, forests and such things. So this demand is out of order.

If you need money for killing people, then say so. Why do you say that for 'Forest' this money is needed? So I beg to submit that this money is not at all warranted by the circumstances.

**Shri DEBESWAR SARMAH (Finance Minister):** Sir, with you permission I beg to submit one point. If the Constitution allows such a Demand, no conventional procedure or the Budget Manual or rules can over-ride the Constitution.

**Shri DANDESWAR HAZARIKA (Morongi):** Mr. Speaker, Sir, I have very carefully heard the arguments or the contention of my friend, Shri Bhattacharyya. What he tries to put forth before the House appears to me at least to be paradoxical. It has been clearly stated in the Constitution as well as in the Budget Manual that a Supplementary Demand can be brought before the House when it is not included in the original Budget and when it is unforeseen for circumstances beyond one's control.

**Mr. SPEAKER:** It does not say 'unforeseen' it is said 'it could not be contemplated'. That is the difference. I am afraid, we must go by the provision of the Constitution which says "upon some new services not contemplated in the Annual Financial Statement." Now the point at issue is whether it was contemplated or not. I want the guidance of the hon. Members only on this point.

**Shri DANDESWAR HAZARIKA:** It has been explained here in the Explanatory Note that the amount of Rs.44,975 is required to meet the expenditure in connection with the reconstruction, repairs and improvement of certain roads in the Naga Hills district. Because, Sir probably these roads were not destroyed or these houses were not destroyed at the time when the original Budget was placed before the House.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** Or, perhaps! (*laughter*).

**Shri DANDESWAR HAZARIKA (Morongi):** There is nothing to laugh, Sir.

(আপুনি কৈ যাওক—ভালকৈ, জানকৈ কিয় কাণ দিছে—*voices*). आप हंसा ही तो रहे हैं !

And so it is clear, Sir, it is altogether a new demand. Probably these roads were found necessary afterwards, and these houses were destroyed probably after the original Budget was put before the House. So what I personally feel is that this Demand which has been placed as Supplementary Demand, is quite in order and absolutely necessary for incurring the expenditure required in connection with the Naga Hills Operation.

With this submission, Sir, I oppose the Cut Motion.

**Shri RUPNATH BRAHMA (Forest Minister):** Sir, I quite agree with my colleague, the Finance Minister, about the point raised by our friend, Shri Bhattacharyya. It appears under Article 205, when it is not contemplated in the original Budget, we can go in for Supplementary Demand when any need for such an amount arises. So far as the need is concerned (*Voices—সেইটো—Finance Minister এ কৈছেই।*)

**Mr. SPEAKER:** What I wanted to know from the hon'ble. Forest Minister is whether he supports the contention of the hon. Finance Minister that this is a new service not contemplated in the original Budget and that therefore it is admissible.

**Shri RUPNATH BRAHMA:** Yes, Sir, I support the contention of the hon. Finance Minister.

**Shri DEBESWAR SARMAH (Finance Minister):** If you would please permit me Sir, to make a submission, I would explain that this new service may arise in two ways. For instance, in the present case, let us consider that these officers both Civil and Military sat together in a conference and decided that certain roads had to be opened and for the purpose so much money, say, Rs.10,000 would be required. Later on it was found that amount was not sufficient for the purpose as the road had to be further extended. Now even it was contemplated, it was a new service in the sense that some more work on the road not previously contemplated, and something that was contemplated had to be done as some new need arose.

**Mr. SPEAKER:** I am grateful to the hon. Member from Gauhati who has been pleased to raise the question as to whether this item regarding the Military operation in the Naga Hills is admissible under Article 205(2) of the Constitution of India. I would not read the entire Article as it is not necessary. All that I want to say is that it authorises additional expenditure upon some

new service not contemplated in the annual financial statement. Now, the question is not what is a new service but who is to decide what is a new service. In this case it is the Government, as the author of the Supplementary Budget, which decides what is a new service. And it is for the House either to accept or reject the demand. Now it is stated that it is admissible because it is a new service. It is for the House to decide whether it is willing to accept that interpretation.

So far as this item is concerned, I do not find it in the original Budget. Therefore, it is not contemplated in the Budget. It is a new service and it is this Government which decides what is a new service. It is a new service which is obvious because it is not in the Budget. Therefore, it is admissible, and it is for the House to decide whether to accept this item of expenditure or to reject it. But this is not the whole thing. We are also governed by the Budget Manual of the Government of Assam, Rule 92, which is quite a long one. I am reading out only the relevant portion :

That fresh expenditure is unavoidable or imperatively necessary or that it will produce consequential economies or that it is essential for preserving the revenue or the public safety are reasonable justification for introducing fresh expenditure during the course of the year, but even in such circumstances it must be shown that the requirement could not have been foreseen and that is why it could not be provided for in the Budget. The process of reappropriation is not designed merely to rectify omissions of foresight.

It is quite admissible. In term of Article 205(a) there is no doubt about it. But I must say that the explanation submitted by Government in the Explanatory Note as well as in the observations of the Hon'ble Minister for Forests when he placed it before the House is not only insufficient but, if I may be permitted to use a stronger word, is really wholly insufficient, because there is no mention of it in the Budget. It is a new item and, therefore, the House is entitled to hear from the Hon'ble Minister for Forests as well as to know from the Supplementary Demands, what is the reason for this amount now and this has been the practice followed in this House for a very long time past, therefore, the amount that is short-coming has to be rectified.

Secondly, as far as the Explanatory Notes are concerned, Explanatory Note No. 1 says "The amount is required for meeting the expenditure in connection with marking and barking of the trees fallen in the Darrang Forests Division due to the cyclone on 29th April, 1957". The same thing applies to Explanatory Note No. 2 also.

Now you will have noticed that this cyclone took place in the 29th April, 1957, the Budget was placed before the House on 12th June, 1957 and was passed on 27th June, 1957,

Now the House is entitled to know what are the circumstances that stood against the Government for not placing this particular item before the House in the original Budget because this cyclone took place two months before the House passed the Budget in June. Therefore, the House both in terms of Budget Memorandum as well as the usual parliamentary practice is entitled to know why this new service was needed. It was for Government to decide what new service they want to include in the Budget. Neither the Speaker or the hon. Members of the House will say anything about it, but the House is entitled to know why this particular item was needed. Unfortunately, the Minister for Forests did not think it worthwhile to give the necessary detailed explanations. Secondly, in the Explanatory Note No. 2 it is not made clear as to why this item could not be included in the original Budget because the incidence took place before the Budget was placed before the House whereas the work has been undertaken as per decision arrived at the conference of the Civil and Military officials on 16th March, 1957 and 28th March, 1957. Therefore, all these explanations could have been given properly and perhaps that would have satisfied the hon. Members of the House to a great extent and the time of the House would not have been taken away to discuss these things.

**\*Shri RUPNATH BRAHMA (Minister, Forests):** Mr. Speaker, Sir, so far as that point is concerned, the Explanatory Notes could have been more exhaustive and more details should have been there. In future, I will try my best to see that these things are placed more properly. Now Sir, regarding the particular item No. 2.....

**Mr. SPEAKER:** The Hon. Minister has already made the observations. Now it is for the hon. Member of the House to move the cut motion, after that there will be a debate and the Hon'ble. Minister will get a chance to explain the position,



**Shri GAURISANKAR BHATTACHARYYA (Gauhati):**

Mr. Speaker, Sir, now that it has been held that the Demand has been made according to the procedure and according to the powers given to the Government by the Constitution of India; let us see whether Government has used that power properly. Sir, the Constitution has given the powers to the Government, but the people expect and as a representative of the people I expect and this House also expects from the Government to use that power with care, diligence and honesty. Now Sir, if I am taken amiss, I shall be excused, if I refer to page 4 of the List of Supplementary Demands which reads "The amount of Rs. 44,974 is required to meet the expenditure in connection with the reconstruction, repair and improvement of certain roads in the Naga Hills District which are necessary for the Military Operation against Naga hostiles. The works have been undertaken in accordance with the decision arrived at the conference of the Civil and Military officials on 16th March, 1957 and 28th March, 1957. Of the amount a sum of Rs.29,625 has been advanced from the Contingency Fund".

So Sir, from the Explanatory Notes, it is seen that it is a Military expenditure. In that case, is the Minister for Forests responsible for Military Operation? If for the Military something is given or some money is spent, whether it will be realised from the Ministry of Defence, Government of India—because it is said in the Explanatory Notes that it was a Military necessity and was done also according to the orders and instructions of the Military. Secondly, Sir, I should like to place another point. It is said that there was a conference between the Civil and Military officials as early as 16th March, 1957 and also on 28th March, 1957, and the annual Budget was presented to us in this House on 12th June, 1957. Now the months of April and May are there. The decision was taken on 28th March, 1957. Government was quite aware about this particular necessity, Government was aware that there was the necessity of a new scheme involving an expenditure and, therefore, Government ought to be prepared for the demand at the time of presenting the annual Demand. In this connection, Sir, I refer to Rule 117 and sub-rule (4) of the Assam Legislative Assembly Rules which reads "When a demand or any part of it relates to any new scheme or revision of scales of pay or allowances or creation of a new appointment, all material details of such scheme or revision or appointment shall as far as practicable be supplied to all members at least three clear days before the demand is made".

Now Sir, though the formal demand for more money has been made to-day we find from the Explanatory Notes that a sum of Rs.29,625 has been advanced from the Contingency Fund. This demand was known and this requirement was known to the Government as early as the 28th March, 1957. So why was the House kept in the dark in the month of June and why were we not taken into confidence in this matter? That is my objection and I think that Government was in this respect very careless because they knew that whenever they were pleased to come up with any demand they would be able to carry it through by virtue of their absolute majority—I shall not use the harsh words—‘brute majority’. Or it may be that the Government machinery has become so very rusty that the machine does not move properly and swiftly. So although the decision was taken by the military on the 28th March that did not reach the Minister-in-charge even in June. It moves at a snail’s space through files and red tape. In this way things are going on. In December we passed an interim budget. Then in June we were presented the annual Budget and again in November they have come up with a supplementary demand to the tune of rupees three crores and odd, and these are also going to be passed. My friend Shri Ranendra Mohan Das used to say ‘It is ‘গৌরীসেনের টকা’ So what do we care? After all it is the public—‘গৌরীসেন’ who is to foot the Bill. So the Government did not think it necessary to consult the representatives of the public. That has become the usual practice with our Government here and so we find so many Supplementary Demands. (A voice in Assamese—কেবলোতকৈ গুটি দীঘল হৈ গৈছে)। Yes, the seed becomes longer than the fruit itself. I think the power—the extraordinary power which has been provided by the Constitution should be used very carefully and only in exceptional circumstances such power should be used. I admit that there may be exceptional circumstances when under Article 205 of the Constitution Government might make a demand. But we find in this State that this exception has been made the rule, and there I object. It is nobody’s paternal property. It is the poor tax-payers who are paying for these things. So when such amounts are going to be spent the people’s representatives should be taken into confidence.

With these few words, Sir, I commend my cut Motion to the acceptance of the House.

**Mr. SPEAKER:** The cut motion is moved.

**Maulvi JAHAN UDDIN AHMED (Bilasipara):** May we know whether this expenditure is being made for the military operation, Sir?

**Shri RUP NATH BRAHMA (Minister, Forests):** Mr. Speaker, Sir, before I reply to the points raised by my friend Shri Bhattacharyya I shall give reply to items 1 and 2 of the Explanatory Note. Sir, the occurrence took place on the 29th April 1957 and the question has been raised why it could not be included in the budget. For the information of the Hon. Member I can tell him that the cyclone took place on the 29th April and the Forests Department naturally sent the Officers in the interior of the Forest areas to ascertain—to assess the extent of damage caused. Then an estimate was prepared and submitted to the Government through the Department. It is known to the Hon. Members that before 15 days of the meeting of the Session the Budget figures are to reach the Hon. Members and that at least one month is taken in printing the Budget.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** Correction slip could be given.

**Shri RUPNATH BRAHMA :** Then the whole figures would have to be changed and so it would take longer time. Now, Sir, it is not correct to say that we are lacking in foresight and that we do not submit the Demand in proper time. We always try our level best to submit in proper time. But there may be some causes, I mean to say, unavoidable causes. Take for instance Lungleh. It takes about 15 days to reach a letter there.....

**Mr. SPEAKER:** The Hon. Minister is explaining the delay in respect of Darrang district only and so that will be relevant; the delay in respect of cyclone that took place on the 29th April.

**Shri RUPNATH BRAHMA :** So it was not possible within that time to include it in the original budget. Regarding the points raised by my friend Sri Bhattacharyya that this amount could have been spent by the military Sir, so far as this amount of Rs. 44,975 is concerned I may tell the Hon. Member that this amount was required for having the roads. You know the condition of roads in that area is unsatisfactory. For the quick movement of the Police and the army personnel there it was necessary to improve the roads. If you have no motorable roads in those areas it would not be possible to carry out these operations successfully. So we have to make these new roads in the forest areas. It is known to the Hon. Members that these operations were carried out in

the forest areas in the Naga Hills. The hostiles used to come through these reserve forests and created disturbances in the plains districts. So for the quick movement of the police and the military we had to make some forest roads and improve the existing roads. We made roads in two places, viz, Dimapur-Rangapara-Lumding road and Bokajan road. Further for the extraction of the timber in these inaccessible areas we require roads.

**Mr. SPEAKER:** It is only for future guidance. What is wanted is that even in such circumstances it must be shown that the requirement could not be foreseen.

Mr. Bhattacharyya raised this point that the hostilities were already there and there was a conference which came to the final decision on the 20th of March. Why then could it not be included in the original budget?

**Shri RUP NATH BRAHMA (Minister, Forests):** The decision in the conference is to be intimated to the Government through the Forest Department and it takes time, and when it reached the Government it was to see whether such an expenditure would be justifiable. So, necessarily it took us about a month or two to come to a decision. Estimates have got to be prepared in regard to improvement of roads and construction of new roads in the interior forest reserves. Naturally that also takes time. Therefore, Sir, it was not possible to include this demand in the original budget.

I think I have answered the points raised by my friend Mr. Bhattacharyya and after hearing me I hope he will withdraw his Motion.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** I want to know whether the money will be realised from the Defence Ministry?

**Shri RUPNATH BRAHMA (Minister):** That will have to be adjusted.

**Shri DEBESWAR SARMAH (Finance Minister):** There was correspondence between us and the Ministry of Home Affairs and it has been given to understand that if not the whole, at least a major portion of the expenditure for the military operation there will be re-imbursed under an agreed formula.

**Mr. SPEAKER:** Does the hon. Member want to withdraw his Motion?

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** No, Sir.

**Mr. SPEAKER:** Then the question is that the provision of Rs.40,000 under Supplementary Demand No. 2, Major head 10.—Forests, Minor head—C.(a)—Establishment, Sub-head—7-3.—Allowances and Honoraria, at page 2 of the List of Supplementary Demands, be reduced by Re.1, i.e., the amount of the whole supplementary demand of Rs.6,93,489, do stand reduced by Re.1.

The Cut Motion was lost.

**Mr. SPEAKER:** Next item.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):**

I do not propose to move it.

**Mr. SPEAKER:** Mr. Goswami is absent to move the next Motion.

**Shri KHOGENDRA NATH BARBARUAH (Amguri):**

I do not propose to move my Motion, but I would only like to speak a few words.

Sir, Naga Hills is going away from Assam under a separate Hill administration from the 1st December next. So, it is very regrettable that a huge amount has been spent for this year. So far there is no information as to what will be the basis of sharing the Capital and other properties between the Central Government and Assam Government.....

**Mr. SPEAKER:** The point hardly arises here. This is not relevant. We are discussing only Supplementary Demands.

**Shri KHOGENDRA NATH BARBARUAH:** The money in question has been spent in the Naga Hills operation.

**Mr. SPEAKER:** This is a separate thing. The point about sharing the capital by Government of India and Assam has already been explained. So, this point hardly arises here. I am afraid I have ruled the hon. Member out of order.

Now I put the original Demand.

The question is that an additional amount of Rs.6 93,489 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1958, for the administration of the head "10.—Forests".

The Demand was passed.

**Shri SIDDHINATH SARMA (P.W.D. Minister):** Mr. Speaker, Sir, on the recommendation of the Governor of Assam, I beg to move that an additional amount of Rs.31,630 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1958, for the administration of the head "12.—Taxes on Vehicles".

I.—Grant originally voted by the Assembly ...

II.—Additional amount now required ...

31,630

Minor and Sub-head	Grant Originally voted by the Assembly		Additional grant voted by the Assembly during the year		Additional amount now required		Total
	General	Sixth Schedule	General	Sixth Schedule	General	Sixth Schedule	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
A.—Charges for collection under Motor Vehicles Act—							
Pay of Officer ..	56,000	..	..	..	4,000	..	4,000
Pay of Establishment.	1,20,000	22,135	..	..	18,000	3,000	21,000
Allowance and Honoraria.	93,000	19,608	..	..	5,000	1,020	6,020
B.—Inspection of Motor Vehicles—							
Pay of Establishment.	3,400	..	..	..	..	460	460
Allowance and Honoraria.	1,650	..	..	..	..	150	150
Total ..	..	..	..	..	27,000	4,630	31,630

## EXPLANATORY NOTES

The additional amount is required for drawal of revised pay as sanctioned by the Government with effect from October, 1956.

**Mr. SPEAKER:** There is no Cut Motion.

The question is that an additional amount of Rs.31,630 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1958, for the administration of the head "12.—Taxes on Vehicles".

The Grant was passed.  
**Demand No.4.**

**Shri BISHNURAM MEDHI (Chief Minister):** Mr. Speaker, Sir, on the recommendation of the Governor of Assam, I beg to move that an additional amount of Rs.12,85,075 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March, 1958 for administration of the head "25.—General Administration."

	Rs.
I.—Grant originally voted by the Assembly...	1,30,19,500
II.—Supplementary grant voted by the Assembly during the year.	.. ..
Additional amount now required	12,85,075
III.—Sub-head under which the Supplementary Demand will be accounted for:—	

Minor and sub-head (1)	Grant originally voted by the Assembly		Supplementary grant voted by the Assembly during the year		Additional amount now required		Total (8)
	General	Sixth Schedule	General	Sixth Schedule	General	Sixth Schedule	
	(2)	(3)	(4)	(5)	(6)	(7)	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
A-7.—Chief Minister and Secretariat staff of Chief Minister—							
(a) Allowances and Honoraria.	38,100	..	..	..	4,000	..	4,000
(b) Contingencies ..	17,800	..	..	..	3,500	..	3,500
A-8.—Minister—	4,82,600	..	..	..	2,22,800	..	2,22,800
B.—State Legislature—							
B-I.—Legislative Assembly—							
1. Allowances and Honoraria.	95,000	..	..	..	70,000	..	70,000
2. Contingencies ..	3,000	..	..	..	9,749	..	9,749
B-2.—State Legislature Secretariat—							
1. Allowances and Honoraria.	33,900	..	..	..	1,500	..	1,500
2. Contingencies ..	46,100	..	..	..	2,573	..	2,573

Minor and Sub-head	Grant originally voted by the Assembly		Supplementary Grant voted by the Assembly during the year		Additional amount now required		Total
	General	Sixth Schedule	General	Sixth Schedule	General	Sixth Schedule	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<b>C—ELECTION—</b>							
<b>C-I.—other Election, Charges—</b>							
<b>I—Preparation and Printing of Electoral Rolls—</b>							
1. Pay officer ..	66,800	5,750	..	..	2,000	200	2,200
2. Pay of Establishment.	1,22,700	37,830	..	..	6,000	3,000	9,000
3. Allowance and Honoraria	1,19,000	39,800	..	..	5,500	4,900	10,400
4. Contingency ..	1,80,000	18,000	..	..	..	4,000	4,000
<b>C-II—Expenditure on Election to the House of People and State Legislative Assembly—</b>							
2. Pay of Establishment.	26,500	8,200	..	..	..	500	500
3. Allowance and Honoraria.	1,72,300	41,000	..	..	2,00,500	55,000	2,55,500
4. Contingencies ..	1,50,000	90,000	..	..	1,20,000	..	1,20,000
<b>D. Secretariat and Head-quarter Establishment.</b>							
<b>1. (a) Civil Secretariat—</b>							
1. Pay of Officer	6,54,600	..	..	..	32,000	..	32,000
2. Pay of Establishment.	11,04,100	..	..	..	1,50,000	..	1,50,000
3. Allowances and Honoraria,	6,26,000	..	..	..	1,43,000	..	1,43,000



Minor and Sub-heads	Grant originally voted by the Assembly		Supplementary grant voted by the Assembly during the year		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	General	Sixth Schedule	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Rs.	Rs.	Rs.	Rs.	Rs.		Rs.
4. Contingencies	3,09,200	..	..	..	1,50,500	..	1,50,500
8. Passport and visa.	65,040	..	..	..	10,000	..	10,000
<b>D-4 Local Fund Audit Establishment.—</b>							
1. Pay of Officers	10,300	..	..	..	4,925	..	4,925
2. Pay of Establishment.	1,26,700	..	..	..	9,211	..	9,211
3. Allowances and Honoraria.	96,052	..	..	..	16,387	..	16,387
<b>F.—District Administration.</b>							
5. Post War Reconstruction.	2,20,100	..	..	..	33,330	..	33,330
<b>G.—Works—Expenditure in connection with Naga Hills Operation.</b>							
	..	1,12,661	..	..	..	20,000	20,000
<b>Total</b>	..	..	..	..	11,97,475	87,600	12,85,075
Deduct Recovery from Government of India.	..	..	..	..	(—)19,998	..	(—)19,998
Do on account of Election to House of the People and State Legislative Assembly.	..	..	..	..	(—)2,00,800	..	(—)2,00,800
<b>Total</b>	..	..	..	..	(—)2,20,798	..	(—)2,20,798

The details are explained in the explanatory notes given below :—

### EXPLANATORY NOTES

A-7—Chief Minister and Secretariat Staff of Chief Minister.—The additional amount of Rs.4,000, is required to meet the increased expenditure on tour by the Private Secretaries to Chief Minister. The additional amount of Rs.3,500, is required to meet the increased expenditure on postages.

*A.-8.—Minister.*—1. An amount of Rs.26,200 is required to meet of the increased number of Deputy Ministers during the current (Rs.21,620) and appointment of one Parliamentary Secretary (Rs. partly counter balanced by savings of Rs.9,600 due to voluntary cut of Ministers and Deputy Ministers at Rs.100 and Rs.50 per mensem respectively from 1st July 1957.

An amount of Rs.12,700 is required to meet the increased expenditure due to grant of special pay of Rs.50 per mensem to each Private Secretary in lieu of compensatory allowance of Rs.50 and due to grant of higher in the newly revised scales of pay.

An amount of Rs.8,500 is required to meet the pay of increased newly appointed for the new Deputy Ministers and Parliamentary Secretary and due to revision of the scales.

An amount of Rs.73,000 is required to meet the expenses of Major Industries for his journey to U.S.A. and Europe in connection Assam Oil Refinery matters and also to meet increased expenditure due to the increase in staff and also under the following items:—

(1) Travelling Allowance of Ministers	...	...	...	...
(2) Travelling Allowance of Officers	...	..	...	...
(3) Travelling Allowance of Establishment...	...	...	...	...
(4) House rent and Conveyance allowance...	...	...	...	...
(5) Dearness Allowance, Winter Allowance and Cash Allowance in lieu of Rice and Free Ration	...	...	...	...

An amount of Rs.1,02,400 is required to meet the following items:

(1) Rs.60,400 for cost of 3 new State cars for Ministers as the cars were found old and unreliable for undertaking long tours.

(2) Rs.30,000 under other non-contract contingencies for payment of private buildings hired for the residences of Ministers, Deputy Ministers and Parliamentary Secretary and also for furnishing and these buildings suitably.

(3) Rs.8,000 under "Telephone Charges" due to installation of telephone connections and increase in the expenditure on account of phone Trunk Call Bills.

(4) Rs.4,000 under "Casual Employees" due to appointment of Messengers and Sweepers for the newly hired residences of the Ministers, etc.

### *B. State Legislature*

*B. I. Legislative Assembly* :—1. The excess expenditure is due to:—

(a) The Budget Session of Assembly for 1957-58 was held in June and thereby the expenditure on travelling allowance along with halting allowances of members fell short during the financial year. Payment of halting allowance to the Members at an increased rate also added to increased requirement.

(b) Payment of travelling allowance to members of the Estimates Committee for their journey to various places in Assam to make on—the—study of the works done by the Agriculture Department.

(2) The excess expenditure is due to the purchase of a Hindustan Land Master Car for the present Speaker and for payment of some bills for repair and other miscellaneous charges of the State car of the Ex-Speaker.

(1) *B.-2.—State Legislature Secretariat.*—The excess expenditure is due to payment of Travelling Allowance to the Assistants for accompanying the Members of the Estimates Committee to various places in Assam to study the activities of the Agriculture Department whose estimates are under examination.

(2) The excess expenditure is due to the purchase of an Electric Gestetner duplicator machine to cope with the increased work.

*C.I.—Other Election Charges.*

### I. PREPARATION AND PRINTING OF ELECTORAL ROLLS

1. *Pay of officer.*—The additional grant of Rs.2,200 is required to meet the leave salary of C.E.O., Assam and also the revised pay of Election Officers.

2. *Pay of Establishment.*—The additional grant of Rs.9,000 is required to meet the revised pay of Assistants and Typists, etc., and also pay of certain enumerators, etc., engaged for revision of electoral rolls in the State during 1957-58. The exact number of the enumerators to be appointed could not be forecast earlier.

3. *Allowance and Honoraria*—The additional grant of Rs.10,400 is required to meet the allowances of the C.E.O. and the enumerators mentioned above. No grant under operational allowance was originally obtained in the absence of demand from District Officers under that head which have been taken into account now.

4. *Contingency.*—The additional grant of Rs.4,000 is required in connection with the revision of electoral rolls.

### C. II.—EXPENDITURE ON ELECTIONS TO THE HOUSE OF THE PEOPLE AND THE STATE LEGISLATIVE ASSEMBLY

2. *Pay of Establishment.*—The additional grant of Rs.500 is required to meet the revised pay of temporary Assistants and Typists.

3. *Allowance and Honoraria.*—The additional grant of Rs.2,55,500 is required to meet the Travelling Allowance expenditure of the Second General Elections as the grant originally sanctioned was found to be inadequate.

4. *Contingency.*—The additional grant of Rs.1,20,000 is required to meet the pending contingent bills, i.e., bills relating to hire charges of vehicles, construction of Polling booths, etc., relating to the Second General Elections as the grant originally sanctioned was found to be inadequate.

*D. Civil Secretariat.*—1. The amount is required to meet the pay of newly appointed Officers in the Secretariat, *i. e.*, (1) Officer on Special Duty Inland Water Transport, (2) Officer on Special Duty for the Commission Session of the All-India Congress at Gauhati, (3) Deputy Legal Remembrancer, (4) Accounts Officer, S. A. Department, (5) Editor of Debts, (6) Special Officer (Development), Tribal Areas Department.

2. The amount is required to meet the pay of the increased staff and higher pay in the newly revised scales of pay.

3. The following amounts are required under this item.—(1) Rs.50,000 under 'Travelling Allowance of Officers' due to increase in the number of official tours and to meet expenditure for the party to tour abroad to study oil refinery matters with a view to setting up an Oil Refinery in the State.

(2) Dearness Allowances—Rs.40,000 ; Winter Allowance Rs.8,000 ; Cost of Living Allowance Rs.10,000 ; Cash Allowance in lieu of Ration Concession and Free Ration Rs.35,000 due to the reason mentioned in 2 above.

4. The following amounts are required mainly due to increase in the strength of the staff and increased activities of Government, etc.

(1) For "Purchase of Books, Maps, etc.," Rs.4,000.

(2) Rs.96,500 under "other non-Contract Contingencies" for payment of rent of buildings hired for office accommodation ; payment of fees for the Foreign Oil Refinery Expert and other Miscellaneous payments in connection with establishment of an Oil Refinery in the State and payment of fees for Law charges.

(3) Rs.10,000 for "Telephone charges" due to installation of new connections for the newly appointed officers and increase in the number of Trunk Call Bills.

(4) Rs.10,000 under "Contingency Menials" to meet the pay and allowances of newly appointed Menials and due to grant of higher scales of pay.

(5) Rs.30,000 under "Other Contract Contingencies" to meet increased expenditure due to expansion in the strength of the casual employee staff and increase in the activities of the Government.

8. The amount is required under the following items:—

(1) "Pay of Officers" Rs.4,000 due to the appointment of one Superintendent.

(2) "Pay of Establishment" Rs.4,000 due to the appointment of further staff and grant of higher scales of pay.

(3) "Allowances and Honoraria" Rs.2,000 due to the reason as at (2) above.

*D-4. Local Fund Audit Establishment.—Rs.4925 for Pay of Officers:—* The extra grant is required for making provision for the post of Additional Deputy Examiner, Local Accounts, created for the Department and appointed with effect from 1st October, 1956.

*Rupees 9,211 for Pay of Establishment.—*The extra grant is required for giving effect to the revised scales of pay introduced by Government with effect from 1st October, 1956. The budget estimate for the Department for 1957-58 was prepared in accordance with the old scales of pay of the Establishment. Actually an amount of Rs.15,299 is required for allowing the new scale of pay with effect from 1st October, 1956 but after making allowance for the anticipated savings that will accrue under this head the amount is worked out at the above amount.

*F.—District Administration—Post-war reconstructions:—*

(1) *A-2 Employment Exchange.*—Provision of Rs.330 is necessary in order to meet the claim of arrear pay and allowances of an ex-employee of the Employment Exchange, Shillong, whose initial pay at a higher stage has been fixed by the Accountant General, Assam, in May last under instructions of Government of India. As the fixation was done by Accountant General after the finalisation of budget no provision could be made.

(2) Rs.30,500, is required for the following:—

(a) Rs.28,500 for replacement of the existing unserviceable and uneconomic vehicles attached to the Employment Exchange at Shillong and Jorhat by Eylls Jeep at a cost of Rs.14,245 each. No Budget provision could be made in the current year owing to belated concurrence of the Government of India whom the matter was referred to as they bear 60 per cent of the total expenditure. Hence the demand.

Rupees 2,000 for purchase of electric ceiling fans for the Employment Exchange offices at Jorhat and Dibrugarh which are accommodated in hired houses. Prior to taking over of the administration by the State Government it was the practice to hire fans for these offices during summer. This has been found to be very uneconomic and the audit suggested for the purchase of fans.

No provision could be made as the concurrence of Government of India to the purchase was received after the finalisation of the budget.

2. The amount was required to be placed at the disposal of the Deputy Commissioners of Naga Hills and United District of Mikir and N. C. Hills to enable them to incur expenditure in anticipation of Government sanction, on any particular item of unforeseen expenditure in connection with Naga Hills Operation. The amount was provided by taking an advance from Contingency Fund. Hence the demand.

A provision of Rs.2,500 was proposed in the budget estimates for the year 1957-58 for the purpose of the publicity Hoarding issue of press publication and preparation of cinema slides. But the same was not included in the final estimates. This is necessary for meeting the expenditure on above items.

**Mr. SPEAKER:** The motion moved is that an additional amount of Rs.12,85,075 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1958 for administration of the head "25.—General Administration."

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):**  
Mr. Speaker, Sir, I beg to move:

That the provision of Rs 2,22,800 under Supplementary Demand No.4, Major head—25.—General Administration, Minor head—A-8.—Minister, at page 6 of the List of Supplementary Demands, be reduced by Re.1, *i.e.*, the amount of the whole supplementary demand of Rs.12,85,075, do stand reduced by Re.1.

I hope the hon. Members of this House remember that during the discussion on the budget in June last I raised a point that we found before us in this House as many as 9 Ministers and 7 Deputy Ministers. But in the budget, provision was for a less number, that is, only for 4 Deputy Ministers. So, I then asked a question to the Government where from the expenditure for the remaining Deputy Ministers would come or whether they would serve honorary like our Prohibition Commissioner and so on or whether they would be provided from some other fund. If they were not going to be paid then what those poor persons would do. That was the point I raised at that time.

I also at that time asked whether it was the intention of Government to dismiss three Deputy Ministers or ask them to resign as soon as the Session was over; was it just for a temporary period when the pressure was so heavy that some honorary service was needed! At that time the Government did not care to reply. We find that these Deputy Ministers were sworn in on the 22nd April 1957 and this was published in a Gazette Extraordinary—not that it had to come in a bullock cart from the Naga Hills! Government knew very well on the 22nd April 1957 that here were some people who had to be sworn in and provided for. The Budget was presented to us after about two months. So, why could this entry not be made or even a correction slip issued? This sort of thing can be done and should be done under Rule 117(4) of the Assembly Rules.

**Mr. SPEAKER:** The hon. Member ought to be grateful to Government for the omission, which provides him another opportunity to discuss the matter.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati) :**

In that way I am grateful to the Chief Minister, Sir, for giving me this opportunity to say a few words. He was also our Finance Minister at one time and naturally he knows the financial rules very well. I need not therefore refer him to the financial rules or the Budget Manual. Naturally, I expected at least from the Chief Minister that he would issue some correction slip to the effect that some new people have been provided. But no explanation has come so far. At that time I said that I would not be surprised if these things come through the back-door. I have for several years past been saying that the Government are using the supplementary demands as a back-door. I have always been saying that the front door is rather narrow and the back-door is wide enough—wide enough for Government to bring anything and narrow enough for us to discuss. As soon as it comes as a supplementary demand, we are told “Give your opinion about particular items; do not discuss the principle or policy because the principle and policy can be discussed only at the time of presentation of the general budget. Here you must confine yourself to the printed items only”. We said “It is very inconvenient for us indeed.” Sir, I have no spite against any Deputy Minister.....

**Mr. SPEAKER:** There is no difficulty here, because it is stated that “an amount of Rs.26,200 is required to meet the pay of the increased number of Deputy Ministers during the current year and appointment of one Parliamentary Secretary”. Originally there was provision for four. So, the hon. Member can discuss this matter.

**Shri GAURISANKAR BHATTACHARYYA:** I am much obliged to you, Sir. My difficulty was that previously there were four Deputy Ministers, *viz.*, Shri Hareswar Das, Shri Purnananda Chetia, Shri Mahi Kanta Das and Shri Joybhadra Hagjer. One gentleman has been unwanted by the electorate, one has been promoted and two remain. Now in the new list, while two remain in their old service some new gentlemen and a lady have been brought in. Now, my difficulty is how can I confine myself to the increased number only. Of the old list of four only two remain.

**Mr. SPEAKER:** The hon. Member is to discuss the principle and the number and not the personality.

**Shri GAURISANKAR BHATTACHARYYA:** Yes, Sir, the principle and also about portfolios. My difficulty is this: if at that time I had got the opportunity to discuss, I would have made certain concrete suggestions. I would have proposed that for the good governance of the country, can the Government not consider whether at least one Deputy Minister

could be taken from each hill district. Let each hill district be provided with a Deputy Minister so that in administering the affairs of a particular hill district the Government may be better posted with facts and suggestions. At that time I could have made that suggestion. At present I feel myself very much circumscribed ; that is my first inconvenience. Secondly, as I have already stated, *when the Government was in a position to take the House into confidence about the number of Deputy Ministers—because they were functioning in this House and there was a Gazette notification appointing them—why did the Government not provide money for them in the Budget if it was not for the purpose of intentionally showing a lesser amount in the Budget ?* When we used to criticise the Budget and the allocation of funds and said “you have provided so much for General Administration—for Ministers, Heads of Departments, and so on”—and compared this allocation with those for Medical, Public Health, Education, etc., and by such comparison showed the administration to be top-heavy for a State like Assam, we got the answer that the administration was not top-heavy but top-light. But, Sir, for a State like Assam, 9 Ministers, 8 Deputy Ministers and one Parliamentary Secretary are quite unnecessary. I also don't understand why one solitary gentleman has been made Parliamentary Secretary when all have been provided for as Ministers and Deputy Ministers ! Now, Sir, since we used to criticise in that way, I am not sure whether a lesser amount was shown in the Budget only to put us into some inconvenience with regard to percentage of expenditure on General Administration—in order to show that percentage on General Administration was not much !

Now, my point is, Sir, that the condition laid down in Rule 92 of the Budget Manual has not been fulfilled. This expenditure was not unforeseen. It was a stark reality and this stark reality was not placed before the House. Nor was there any difficulty about the amount needed. I can appreciate that our Forest Minister was in some difficulty. He had to take the Public Works Department estimates for the money he would require for the road. But so far as the Chief Minister was concerned, Public Works Department estimates were not necessary. The persons were there and the Chief Minister knew that they would be appointed as Deputy Ministers. He also knew the amount that would be necessary for them. That was not an unforeseen contingency. So, I want to ask why the financial rules of procedure, which are meant to be observed were flouted in this case.



Now, Sir, in the Government if a person no other than the Chief Minister himself being in-charge of this Department shows this sort of respect to the laws and procedure then why should you accuse your subordinates for violation of the rules and making administrative chaos? You have shown the path in placing to the public representatives of the people *fait accompli*. If a Superintendent or a clerk makes the delay we should not grudge. In this way there is delay in the administration, because example is better than precept. So I think it is not a light matter. This is a very important matter. My objection is not so much for the grant itself. After all it is going to benefit some ladies and gentlemen. I have no objection to that. I would not have objected at all provided there was marked improvement in the administration after appointment of so many Deputy Ministers. Can the Chief Minister tell us that there has been marked improvement in the administration after the appointment of all these Deputy Ministers, and that improvement is to the desired effect? We know that unnecessary intermediaries have been created. Can the Chief Minister say that the people are satisfied with the improvement in the administration after the appointment of so many Deputy Ministers? If all the 108 members of this Assembly are made Deputy Ministers the people will not mind provided that good Government is assured thereby. What they want is marked improvement in the administration. So my contention is that the present Demand is not only unnecessary but also improper. Instead of helping the administration it will only bring the administration to sharp criticism, if not ridicule of the public, because in spite of our help we shall not find any marked improvement in the administration. Last but not the least, this is a demand by the back-door. As a matter of fact, this defeats the real purpose of the Legislature. What is the strength of the Legislative Body? There is a cut at the bottom. It is as sharp as that of a pick-pocket's knife. Of the three powerful branches of the Government, *viz.*, executive, legislative and judicial, the legislative is relegated to the third position, and executive has occupied the first position and has taken the supreme authority in all matters. My objection to this sort of demand through supplementary grant is for the very fact that this sort of thing indicates the supremacy of the executive over the legislature, and not the supremacy of the legislature over the executive. The legislature is the only guarantee for the people and only check on the administration. So I hope that my hon. friends even from the Government side would consider this point, because this is very vital, whether we shall

allow the legislature to be subordinated by the executive like this or not. This is a matter for consideration of the hon. Members of this House. If the legislature loses its legislative functions, then democracy loses its control. However we say democracy, really it is totalitarianism of the executive of our much vaunted democracy itself.

**Shri HARESWAR GOSWAMI (Rampur):** My cut motion No.3 is identical with the cut motion just now moved by my friend Bhattacharyya. That deals with all the cut motions that I wanted to move.

**\*Shri BISNURAM MEDHI (Chief Minister):** If all the cut motions are taken together by my hon. friend Shri Goswami, it would be convenient for me to reply.

**Mr. SPEAKER:** I also thought that would be convenient for the Chief Minister to reply.

**\*Shri BISNURAM MEDHI:** Then particularly with regard to one Demand, he should move all the cut motions.

**Mr. SPEAKER:** Then the entire Demand will have to be split up.

**\*Shri GAURISHANKAR BHATTACHARYYA (Gauhati):** Sir, may I be permitted to submit one procedure. Now we have other cut motions on other minor heads. We may move all the cut motions at a time and speak thereon. In this way when we shall cover all minor heads, and when all the cut motions will be covered, the Minister concerned can give a comprehensive reply in order to save time.

**\*Shri BISNURAM MEDHI:** It would be inconvenient for me to reply.

**Mr. SPEAKER:** It will continue for the whole day. So there would not be any inconvenience on this score, and that the main demand may be moved and spoken about. Then the Chief Minister will give reply to all the points that have been raised in the cut motions. There would be a series of replies. I would like the Chief Minister to consider this advantage.

**\*Shri BISNURAM MEDHI (Chief Minister):** I would have preferred to reply to the small items.

**Mr. SPEAKER:** It is difficult to speak on every item. Let the hon. Members speak on their Cut Motions, and then after that the Hon. Chief Minister would give his reply. We have also followed that practice during the last Budget Session.

**\*Shri HARESWAR GOSWAMI (Rampur):** Sir, as I have four Cut Motions on this particular demand, I may read all my Cut Motions at a time instead of rising four times to move them and speak on the different aspects of the same demand and the Chief Minister may be pleased to reply to all these things at a time.

**Mr. SPEAKER:** Yes, you can do that.

**\*Shri HARESWAR GOSWAMI:** Sir, my Cut Motion No. 3 is identical with the one just moved by my friend Mr. Bhattacharyya. I shall not move it but I shall only speak on it. My Cut Motion No. 2 is identical with No. 6 of Mr. Barbaruah. My Cut Motion Nos. 8 and 9 deal with separate subjects and I will move them and I will speak on all these at the same time. (Speaker agreed).

Now Sir, I beg to move that—

“The provision of Rs.2,22,800 under Supplementary Demand No. 4 Major head—25—General Administration, Minor head—A-8—Minister at page 6 of the list of Supplementary Demands be reduced by Re. 1, *i.e.*, the amount of the whole Supplementary Demand of Rs. 12, 85, 075 do stand reduced by Re. 1”.

Then, my cut motion Nos. 8. and 9.

Sir, under this demand the amount moved under different heads is Rs.12,85,075. Only a few months back we passed a demand for 1 crore 13 lakhs 19 thousand and 5 hundred under this head. Sir, the general principle for including certain demands in supplementary budget is that they must either be of an urgent nature that could not be foreseen and therefore, they are included, or that an emergency has taken place and therefore they should be included, otherwise the whole principle of budgetting is that the Government should be able to foresee

these expenditures and bring them under different heads at the time of presenting the budget so that the representatives of the people might be able to discuss the policy of the Government involving huge financial commitments and they can express their verdict on them. Sir, looking this matter from that angle, I find most of the demands, especially in some minor heads, the demand is not of an urgent nature or that any emergency has taken place that it should have been included in the supplementary budget, nor is it that the amount could not be calculated and therefore, could not be taken in the general budget and therefore, it has been taken in the supplementary budget.

Sir, all these items involve the policy of the Government but we are restricted very much that we cannot discuss this policy in the proper perspective, we are limited by narrow limitations and we cannot freely express our opinion. Take for instance the question of the number of Ministers, Deputy Ministers and Parliamentary Secretaries. It is an important policy as to how many Ministers, Deputy Ministers and Parliamentary Secretaries, this State of Assam should have and in deciding this if the Government cannot decide it at the time of formation of the Ministry as to the number of Ministers, Deputy Ministers, Parliamentary Secretaries, it is really astonishing that they can to-day decide upon it. What are the reasons for this, what is the justification for doing this? What justification is there in having so many Ministers, Deputy Ministers and Parliamentary Secretaries in a State like Assam. Sir, such a broad policy regarding the personnel of the Ministry could have been very adequately discussed at the time of presenting the general Budget. To-day we have been rather confronted with a *fait accompli*. I do not mean to suggest dismissal of any person, as a Trade Unionist, I believe in keeping people in their jobs and therefore, it is very difficult for me to say that these people should be discharged from their jobs. What will that mean? They will remain unemployed and that will be a problem to us. So, before employing these people the employer should have been consulted by the Manager and the employer in this case is the House, the Government is the Manager. Unfortunately, the Manager did not consult the employer and therefore, we are in a very difficult position.

I hope, my friends who are Ministers, Deputy Ministers and Parliamentary Secretary will not take this personally, I am speaking on an impersonal level. I feel that in a State like Assam where although it is a problem State, it is not necessary to have such a big number of Ministers, Deputy Ministers and Parliamentary Secretaries. Sir, if I am right, in other States even in bigger States proportionally this number of Ministers, Deputy Ministers and Parliamentary Secretaries does not exist. Even in this House before we do not find so many Deputy Ministers. To-day the whole situation seems to have been changed and I don't know what is the reason for doing so. Is it because of keeping various factions satisfied inside the Party in power or is it to serve the interest of the State? If it is for satisfying various factions within the Party in power then there are other avenues, not this avenue.

Sir, though the amount of money is not a huge one, but it is being watched by the whole State, it has become the focus of the entire State and on this the attention of the whole State is concentrated. Therefore, unless we can show that there is a justification, there is no necessity of having so many Ministers and Deputy Ministers.

**Mr. SPEAKER:** I am sorry to interrupt the hon. Leader of the Opposition. But may I ask the hon. Member whether it will not be in conformity with the rules if he refers only to the Deputy Ministers and not to Ministers?

\* **Shri HARESWAR GOSWAMI:** Sir, that comes in train only, what I am referring actually is only to Deputy Ministers and not to Ministers, that comes in train only. But this, any way, brings into contrast the position of Ministers *vis-a-vis* the Deputy Ministers. In no other States do we find so many Deputy Ministers and so many Ministers. But here I would have quite understood if from the various Tribal areas with a view to look to their development, to their necessities, Deputy Ministers were appointed. Sir, my whole submission now is—I do not know what our Chief Minister would have said even if he were convinced of the force of our point, perhaps, he will not be willing to discharge any Ministers—that this matter should be seen from that aspect.

Now I want to refer to their tours. As I have stated, I am talking on all the items together. Now regarding their tours, I had tabled a question. Unfortunately that question

has not been replied to. I would like to know how many tours have been undertaken by the Ministers, Deputy Ministers and the Parliamentary Secretaries within the period from May till to-day, and what is the number of tours in the corresponding period in 1955-56. Then it would be seen that there have been more tours, more expenditure on tours during this period. I know personally, where a Minister had gone, immediately a Deputy Minister has visited the same place. I do not know what purpose it serves. I know of cases when a Minister is accompanied by the Deputy Minister, his Secretary not to speak of his personal staff.

**Mr. SPEAKER:** Will the hon. Leader of the Opposition point out the reason for referring to Ministers in general? The item under consideration is regarding travelling allowances of the Major Industries Minister's journey abroad. The amount is about cars for Ministers, the second is about payment of rent of private buildings hired for the residences of Ministers, etc., the third is about payment of telephone trunk call Bills and the fourth is about appointment of malies and sweepers, etc., etc.

So I do not think only the question of travelling allowances of Ministers in general is admissible.

\* **Shri HARESWAR GOSWAMI (Rampur):** My submission is that even that would be relevant because there are more Ministers.

**Mr. SPEAKER:** I am sorry, I have made a mistake. Please carry on.

**Shri HARESWAR GOSWAMI:** So I was saying that not only to-day even before, on certain other occasions in this House that there should be some amount of co-ordination in respect of these tours. I found one Minister was going from Gauhati to Dhubri one day, and on the next day he went to Margherita. When one Minister goes to a certain place, the Deputy Minister follows him next day, and on the day following, the Parliamentary Secretary. I put the question to this House, I would like to know how many Ministers and Deputy Ministers stay at Shillong during these days. It is very difficult to get a Minister in Shillong after the session is over. They roam about. I know, they are very popular Ministers, and they want to keep a living connection with the public.

\* Speech not corrected.

(A voice—There is nothing wrong)

There is nothing wrong, of course, but the point is that the State is paying this money, we want to get the dividend from this money. People have begun to ask as to what they do during their so frequent tours. Well, mostly they go to collect bundles of applications submitted to them. That is the only service rendered to the people during these tours. No decision is taken on the spot. Sir, I am very serious when our Plan is in the melting pot, when we have no finance to implement the Plan, even the small farthing has its own value. Therefore, it is essential that not a farthing is spent unnecessarily. Who is to look to it? It is at the top level that we should try to tighten our purse, to exercise the utmost economy on all matters. If these tours are properly co-ordinated, I am sure, one tour undertaken by the Minister-in-charge of Agriculture can perform the function of a tour which may be necessary for the Revenue Minister to do. It is not at all necessary for the Minister, in that case, to come all the way to collect only a bundle of petitions. I do not mean to say that our ministers have spent their time on tours only in collection of application, but what I want to say is that tours properly co-ordinated and done in methodical manner will go a long way in bringing about economy of the expenditures incurred in the various tours by different Ministers. It is more necessary at a time when we are going a begging round the world for money for implementing the Plan. Sir, I do not minimise the importance of the tours, nor do I attempt to minimise the sacrifices that have been done by our Ministers. But I find travelling allowance bill has gone on increasing year after year. Our Minister's tour to Delhi has also very much increased. Even the various Heads of the Departments are found going very frequently to Delhi. Therefore, always we find in Directorate of Health Services a sum of Rs.40,000 and in another place a sum of Rs.90,000 have been spent for the purpose of tours. I say that there is lack of proper supervision. This matter has got to be tackled, otherwise the wealth of the country will have to be spent for the tours round the State and the world.

Now Sir, I will come to another point and that is about the Major Industry Minister going abroad. Sir, I am conscious that our Government is taking every possible step in preparing a Project Report of its own to submit to the central

Government to justify our demand to have the Oil Refinery located in our State. The Project Report was taken only a few months back and we expected the Project Report will be out but now the Major Industry Minister has been sent abroad to do the needful, to see how it can be pumped out through various projected lines and to see how it can be economised. Sir, I am not an expert in this matter but I have some amount of common sense and I am man of belief. Shri Tripathy was a Professor of English. He was never a science student and he is not an Engineer. Now Sir, within a month he will go round the world to see things and all the technical details, how this can be done, I am really at a loss to understand this. Sir this could have been done by a recognised Engineer or a technical personnel; even if Shri Tripathy has gone abroad and he may come out with the best possible report with authoritative opinion on it, yet it is doubtful whether the Central Government will accept the report since Central Government is not bound to accept whatever Shri Tripathy says. So, sir, I say we will not agree to this expenditure and why money should be spent in this way. Sir, I have not yet been able to understand why two persons have been sent abroad in spite of the fact that there is a protest in this regard from the Central Government, if it is correctly reported in the newspapers as such, but in spite of such protest from the Centre we have sent them. If really there was such a necessity; desire or unwillingness to send them all this could be discussed at the time when the decision of the Enquiry Committee was taken regarding the location of the Oil Refinery in Assam, in that case we could have sent the best of experts from among the Engineers to study these things and come with detailed findings and report; but unfortunately, here we have sent them and spent so much money on them and I do not know what the mission will bring, however, I wish them good speed. If of course, we can have the Oil Refinery in Assam, I will be satisfied, but what I have said before is that I am a man with doubts and hopes. I find that these doubts are more than hopes. These doubts are more chronic than my hopes; and, therefore, I am really at a loss to give our approval to this demand.

Then Sir, I come to another item. Demand No.D—Civil Secretariat. In page 11 of the List of Supplementary Demands, we find "Officer on special duty for the coming session of the All India Congress at Gauhati". We also find in this budget many items in connection with the ensuing session of the Congress. Sir, Congress is a very big organisation and



that is the organisation of the Party in power. I can quite see that they have a weakness in the organisation as I have for mine; but at the sametime we have a duty to build up democratic traditions in our country. Sir, I know a little of England which is considered to be the cradle of democracy. There I have seen the parties were holding meetings, the labour, the conservative parties and others and the meetings were held on the parties' own strength, there the Government have nothing to do with such meetings. But Sir, to-day we find that Government machinery is being used clandestinely and there will be a big crowd, a huge crowd and Government does not like to see that the crowd should suffer, but yet we know also that in the past such sessions were held publicly without such restrictions and formalities and in other words, Congress is the symbol of sufferings and some of the Congress sessions were held in many places in India and even one at Pandu. I was a small boy at that time and I had the privilege of seeing the Congress Session that was held at Pandu, but there I did not see Government machinery was being used.....

(Voices :

Please see the things according to the march of time)

**\*Shri HARESWAR GOSWAMI (Rampur) :** I will reply to all these things in detail.....

**Mr. SPEAKER :** The Leader of the Opposition has no business to reply to all the points.

**\*Shri HARESWAR GOSWAMI :** Because some gentlemen become impatient when I take the name of Congress.

Sir, at the Pandu session of the Congress no help was taken from the Government. I know, Shri Phukan, Shri Bordoloi and others and how they suffered for the success of the session. These gentlemen had to sell their properties for the Congress, yet the co-operation from the public was very popular, the public voluntarily offered their services for the Congress and every-thing was found to be very popular. But to-day the whole picture has changed and the Congress is poor so they want to utilise the Government machinery even for the activities of the party in power. Sir, we have a duty to keep the distinction

between the Government and the party. Yet we have to brand that distinction not only to show the example to our country but to others also abroad, to show that here is a party who is free from any Governmental machinery and thereby, the very fundamental principles of democracy can be kept in tact. But now Sir, we find for the purpose of the Congress Session a Special Officer has been appointed, money has been spent for construction of the road. Sir, I am always passing by that road, I have never seen such activities as are going on at present. Day and night work is going on for building an over-bridge and how much money is being spent there ! Sir, when I went from Sibsagar to Dibrugarh, I found the road from Sibsagar to Dimow not passable, this is a National Highway and no body cares to repair that road, but here at Pandu work is going on day and night to serve a certain purpose. In this connection, Sir, I can cite instances that the present Government is often found to be more and more with their party organisation and spending money for the benefit of the party. That should not be done and we cannot approve of it. Sir, we wanted a particular hall for no political purpose at all, but we were told that we could not have it and therefore, we could not have any school building. But to-day openly and in large number the University buildings have been requisitioned. (Question from Treasury Benches) (*interruptions*) Well, you will say that you made a request and the request was kept. You may explain in that way.

**\*Shri MOTIRAM BORA (Minister, Education):**

These buildings are the property of the University and the Government has nothing to do with it.

**\*Shri HARESWAR GOSWAMI (Rampur):** Now we find a Special Officer of the rank of a Deputy Commissioner has been appointed. For what purpose ? To keep a liasion between the Congress and the Government ! Could they not find out a Congress man—an efficient Congress man to keep the liasion ? That would have been more appropriate—more fitting. Sir, I admit in certain cases and in certain matters it might be necessary for the Government to help when there is a big gathering, so far as the question of sanitation, water supply or law and order is concerned. But is it necessary for the Government to go out to help to the extent of making roads ? There may be bad roads in other places. Will the Government go to improve them ? (*interruptions*) Sir, this road is there for years in this condition, Now with the approach of the Congress Session you are spending money and doing the work day and night (*interruptions*).

The Speaker : Order, order.

*\*Speech not corrected.*

**\*M. MOINUL HAQUE CHAUDHURY (Minister, Agriculture):** It seems the hon. Member is excited.

**\*Shri HARESWAR GOSWAMI (Rampur):** Sir, when we find the money of the country is being used for such purposes it is natural for one to be excited.

Sir, I have spoken about the Special Officer. Now I shall come to the demand regarding the Editor of Debates and his function in the Secretariat. I find this demand has been put under the Civil Secretariat. I do not know if there is any debates in the Civil Secretariat and if the Editor of Debates is required to take down the proceedings there. If that be so, then this post should not have come under the expenditure of the Assembly. I do not know for what purposes this has been done. My submission is that the Assembly matters should not be mixed up with the executive matters. It is necessary that these two things should be kept apart. For that purpose this Editor of Debates' post should come under the State Legislature. But it has come to a different place altogether. Therefore my submission is that the executive should not be brought here. The Editor of Debates should be one who should keep an eye on the proceedings of the Assembly, remain in the Assembly Secretariat and look to these things.

Lastly, I want to say that my words may not be very sweet to many people. I would request them to ponder over these things. Sir, I feel we have a special duty in this matter because our democracy is younger in age and therefore whether it is in the case of the Ministers or in the case of Officers or in the case of Congress Session we have to see that the fundamental principles of Democracy are not missed, so that we can prove to the world that the people of India have something to contribute to the thought of the democratic development of the world.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** On a point of clarification, Sir, shall we be able to speak on the other cut motions that we have before us or whether they will be taken up later ?

**The SPEAKER:** I find Mr. Tazuddin and Mr. Goswami's cut motions are identical. So No. 4 need not be moved. Same thing is about No. 5. So that need not be moved. That means Mr. Bhattacharyya has two cut motions: One is No. 7 and the other is No. 10. Now so far as No. 7 is concerned, it is identical with Mr. Goswami's No. 8. So it should not be moved. That leaves out only one cut motion—No. 10 of Mr. Bhattacharyya.

**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** At the time of moving my Cut Motion No. 10 shall I be permitted to speak on the cut motion moved by Mr. Goswami, for which I have also a cut motion, as I have some points which had not been touched by Mr. Goswami? I may be allowed to speak on those cut motions also.

**Mr. SPEAKER:** If you move No. 10, you will have to confine yourself to the cut motion.

**Shri GAURISANKAR BHATTACHARYYA :** I would rather like to speak on the original motion. I am not going to move any of these cut motions either No. 7 or 10. I would like to make a few general observations on the original demand itself.

**Mr. SPEAKER:** You may do so. Now the time is up. The House stands adjourned till 10 A. M. to-morrow,

*Adjournment*

The Assembly was then adjourned till 10 A. M. on Saturday, the 9th November 1957.

Shillong:

The 2nd August 1958.

R. N. BARUA,

Secretary,  
Legislative Assembly, Assam.

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